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Luis Lopez (OPF)

STATE OF NEW MEXICO
BEFORE THE SECRETARY OF THE ENVIRONMENT

IN THE MATTER OF:
THE APPLICATION **AQB 26-57(P)**
OF YUCCA GROWTH INFRASTRUCTURE, LLC
FOR AN AIR QUALITY PERMIT
NO. 10883

APPLICANT YUCCA GROWTH INFRASTRUCTURE, LLC'S RESPONSE IN OPPOSITION TO NEW ENERGY ECONOMY'S RENEWED MOTION TO DISMISS APPLICATION WITHOUT PREJUDICE AS A MATTER OF LAW AND REQUEST FOR EXPEDITED RULING AND CENTER FOR BIOLOGICAL DIVERSITY'S MOTION TO DISMISS AND RESPONSE IN OPPOSITION TO MOTION TO VACATE

Yucca Growth Infrastructure, LLC ("YGI") opposes New Energy Economy's ("NEE") Renewed Motion to Dismiss Application Without Prejudice as a Matter of Law, filed November 4, 2026 [Dkt. No. 153] (the "Renewed Motion"). YGI also opposes the Center for Biological Diversity's ("CBD") Motion to Dismiss and Response in Opposition to Motion to Vacate, filed November 5, 2026 [Dkt. No. not yet assigned], and incorporates by reference its arguments opposing NEE's Renewed Motion as grounds for denying CBD's motion.

The Hearing Officer has already denied the request to dismiss this proceeding. NEE's "renewed" Motion and CBD's motion are merely a restatement of arguments the previous Hearing Officer and the current Hearing Officer have already rejected. There is no newly discovered information to cast doubt on the dismissal rulings. The Hearing Officer should deny the Renewed Motion and CBD's Motion and allow the application to ultimately proceed to a hearing on the merits where all parties will have an opportunity to present technical testimony and evidence.

I. INTRODUCTION

NEE's theory that the New Mexico Environment Department can dismiss YGI's permit application as not ripe for adjudication has already been considered and rejected by two NMED-appointed hearing officers. The Sua Sponte Order, issued August 10, 2026, rejected NEE's first Motion to Dismiss YGI's Permit (sic) Application As Not Ripe for Adjudication (filed August 4, 2026). Hearing Officer Shepherd reasoned that facts necessary to evaluate the issue "should be developed through testimony presented under oath...and is therefore, more appropriately adjudicated at the hearing." [Dkt. No. 63]. That ruling was then confirmed in the Order (issued August 12, 2026) denying NEE's Motion to Reconsider the Sua Sponte Order. [Dkt. No. 77]. Undeterred by the prior rulings, on October 14, 2026, NEE again moved to dismiss YGI's application without prejudice as incomplete and not ready for hearing [Dkt. No. 107] (the "October 14 Motion"). After considering full briefing and oral argument, this Hearing Officer independently denied NEE's Motion to Dismiss at the October 26, 2026 hearing. The Renewed Motion is a fourth attempt at the same relief, on the same theory, under the same rule.

Like its predecessor, the Renewed Motion treats supplemental and updated information as grounds for dismissal. The governing regulations, however, expressly contemplate that an applicant will supplement and correct its application after submission. 20.2.72.203(E) NMAC (entitled "Changing, Supplementing, or Correcting Application"). YGI did exactly that. In response to Bureau requests and public comments, it timely provided additional information and refined dispersion modeling, including refinements that reduce allowable emissions. Those submissions are part of the regulatory process and the prior agency proceedings discussed below. They are not a reason to deny the application.

NEE relies on three recent developments:

1. The October 29 statement by the New Mexico Environment Department ("NMED") Air Quality Bureau ("Bureau") that it could not yet post a revised draft permit;

2. The November 3 Joint Motion; and

3. YGI's November 2 discovery responses.

None of these supplies a legal basis for dismissal. The Renewed Motion identifies no ground for denial under NMSA 1978, Section 74-2-7(C), or 20.2.72.208 NMAC. It seeks dispositive relief that Part 4 does not authorize. And it would end this proceeding without the hearing that 20.2.72.206(C) NMAC requires.

NEE's position suffers from the same three fundamental defects as its prior motions:

- **First**, the application cannot be denied before an evidentiary hearing on the merits, and the Deputy Secretary must make the final decision on the resulting record.

- **Second**, NEE's characterization of YGI's November 2 discovery responses raises disputed factual issues. Those must be resolved at an evidentiary hearing, not on a motion to dismiss.

- **Third**, YGI contends that the Bureau is not legally required to complete its technical review or issue a revised draft permit before the Notice of Hearing issues. YGI further acknowledges that under the joint motion (if granted) the parties have stipulated that the Hearing Officer should not reschedule the hearing until the Air Quality Bureau places into the Administrative Record its revised recommendation, which, if the recommendation is for issuance, must include an amended Draft Permit, Statement of Basis and Modeling Report.

YGI does not ask the Hearing Officer to rule that its permit must be granted. It asks only that the application be decided through the process the governing rules require. Neither the need for further technical review nor NEE's disputed assertions about YGI's evidence justify bypassing that process.

YGI respectfully requests that the Hearing Officer deny the Renewed Motion and CBD's Motion and confirm that only the Deputy Secretary may issue the final decision, that the decision

must be based on the record after hearing, and any denial must rest on an applicable statutory or regulatory ground.

II. BACKGROUND

YGI filed Application No. 10883 on April 27, 2026, to build a microgrid powered by Bloom Energy solid oxide fuel cells, which the application describes as having lower emissions and water use than fossil-fuel combustion technologies. AR NSR 10833_000139, 000141, 000145. The Department determined that the application was administratively complete on May 27, 2026, and published notice of it under 20.2.72.206(A) NMAC on or around July 16, 2026. On July 1, 2026, the Secretary found significant public interest and ordered a hearing. [Dkt. No. 1]. On July 17, 2026, the Bureau published the original hearing notice. [AR 10833_002115 to 002118]. Twelve days later, on July 29, the Bureau issued its draft permit and proposed Statement of Basis. On August 12, the Department issued an amended hearing notice, to update the hearing date to September 14, that told the public where to review the application, its revisions, the draft permit, and the Statement of Basis. [Dkt. No. 75]. The matter was reset for a December 7, 2026 hearing. [Dkt. Nos. 109 and 110]. YGI and the Department submitted a joint motion to vacate the December 7, 2026 hearing date on November 3, 2026. [Dkt. No. 150]. On November 4, 2026, NEE filed its Renewed Motion.

The record reflects substantial public participation. Individuals, community organizations, labor unions, state agencies, and environmental organizations have entered appearances and filed motions and technical submissions. Statewide and regional media have reported on the hearing schedule and the revisions.[1]

[1] Media outlets have reported on the hearing and the changes to its schedule. *See, e.g.*, *New Mexico Environment Department to hold hearing for Project Jupiter data center air quality permit*, Source N.M. (July 7, 2026), https://sourcenm.com/2026/07/07/new-mexico-environment-department-to-hold-hearing-for-project-jupiter-data-

That participation has shaped the application. On October 14 and 16, 2026, YGI submitted an updated design and modeling that addresses concerns raised by project opponents and questions from the Department (the "October 14 revisions"). AR NSR 10833_011979–011985; 012130–012135. The revisions propose an enforceable 1,600-megawatt output cap that reduces requested allowable criteria-pollutant emissions by approximately thirty-five percent. YGI has continued to respond promptly to the Bureau's follow-up questions. *See, e.g.*, AR NSR 10833_012544.[2]

On the same day YGI submitted its revisions, NEE filed its *Motion to Dismiss Application Without Prejudice as Incomplete and Not Ready for Hearing* (the "October 14 Motion"). [Dkt. No. 107]. YGI opposed it. *See YGI Response in Opposition to New Energy Economy's Motion to Dismiss Application Without Prejudice as Incomplete and Not Ready for Hearing* at 3–8 (Oct. 19, 2026) [Dkt. No. 115] (detailed background). Three days later, the Bureau itself acknowledged that "[a] properly noticed hearing is a necessary foundation for the Deputy Secretary's ultimate disposition." *Air Quality Bureau's Motion for Correction of the Hearing Record* at 20 (Oct. 22, 2026) [Dkt. No. 124].

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center-air-quality-permit/; *NM Environment Department schedules October hearing for Project Jupiter air quality permit*, Source N.M. (July 16, 2026), https://sourcenm.com/2026/07/16/nm-environment-department-schedules-october-hearing-for-project-jupiter-air-quality-permit/; *Hearing for Project Jupiter data center's air quality permit application rescheduled to September*, Source N.M. (July 31, 2026), https://sourcenm.com/2026/07/31/hearing-for-project-jupiter-data-centers-air-quality-permit-application-rescheduled-to-september/; Julia Gentin, *Project Jupiter hearing officer reverses course on air quality permit application*, Searchlight N.M. (Aug. 12, 2026), https://searchlightnm.org/project-jupiter-hearing-officer-reverses-course-on-air-quality-permit-application/; *Environmental group asks NM Supreme Court to pause Project Jupiter's air quality permit hearing*, Source N.M. (Aug. 19, 2026), https://sourcenm.com/2026/08/19/environmental-group-asks-nm-supreme-court-to-pause-project-jupiters-air-quality-permit-hearing/; *Contested New Mexico hearing officer for Project Jupiter air quality permit hearing recuses himself*, Source N.M. (Aug. 24, 2026), https://sourcenm.com/2026/08/24/contested-new-mexico-hearing-officer-for-project-jupiter-air-quality-permit-hearing-recuses-himself/; Algernon D'Ammassa, *Retired federal judge named hearing examiner for Project Jupiter permit*, Albuquerque J. (Oct. 2, 2026), https://www.abqjournal.com/news/retired-federal-judge-named-hearing-examiner-for-project-jupiter-permit/3133925; Joshua Bowling, *Data center Project Jupiter air quality permit hearing set for early December*, Source N.M. (Oct. 19, 2026), https://sourcenm.com/2026/10/19/data-center-project-jupiter-air-quality-permit-hearing-set-for-early-december/.

The Hearing Officer heard the October 14 Motion on October 26, 2026, and denied it. At that hearing, YGI stated on the record that it was willing to toll the decision deadline through December 31, 2026. Department counsel, however, argued that YGI must waive the statutory decision deadline for the case to move forward. Three days later, at the October 29 discovery hearing, Department counsel stated that the Bureau could not release a revised draft permit in time for the December 7 hearing but did not provide any date or even general timeframe for when it could complete its review. YGI complied with the discovery orders the Hearing Officer issued at that hearing. The Department asked for additional modeling information on October 30, 2026, and YGI promptly responded on November 2. *See* AR NSR 10883_012548–012556.

Contrary to NEE's allegations that YGI has somehow interjected undue delay into this proceeding by filing its October 14 and 16 refinements, YGI has acted in good faith throughout this process. Following the October 29, 2026 discovery hearing, the Department's position hardened regarding waiver of the deadline. NMED informed YGI that the Bureau needed additional review time and maintained that its review had to be complete before issuance of the hearing notice, and that it would have to seek denial on November 3 if it could not get relief from the deadline. NMED then demanded that YGI waive the statutory decision deadline, relinquish the December 7 hearing date, and forego requesting a new date until NMED deemed itself ready. While YGI did not agree with the Department's legal premises on any front, YGI could not accept the business implications of the long-term delay that a denial and resubmission would create, and so agreed to the joint motion to address the Department's at NMED's insistence. On November 2, the Department acknowledged to YGI that it had not yet completed the verification modeling needed to evaluate the application and reaffirmed that it needed more time to complete its review. AR NSR 10833_012544.

To keep its application properly pending, on November 3, YGI and NMED submitted a joint motion whereby YGI would agree to waive the November 23, 2026 decision deadline under NMSA 1978, Section 74-2-7(B), and the Department would agree not to seek dismissal or denial of the application on any basis other than under Section 74-2-7(C) and 20.2.72.208 NMAC. [Dkt. No. 150]. NEE filed its Renewed Motion the next day, November 4. CBD filed its motion on November 5.

To be clear, and despite NEE's assertions to the contrary, the joint motion does not reflect that YGI is seeking additional changes to its application. It is purely the result of NMED's asserted need for an extension of time to complete its modeling and other pre-hearing work. YGI's experts maintain that modeling shows that the proposed facility will comply with air quality standards and that this site qualifies for a minor source air permit under the applicable statutes, rules and regulations.

III. ARGUMENT

A. DISMISSAL IS UNAUTHORIZED AND WOULD BE ARBITRARY AND CAPRICIOUS.

NEE's Renewed Motion repeats the arguments the Hearing Officer rejected at the October 26 motion hearing. NEE again contends that YGI's continuing obligation to correct and supplement its application under 20.2.72.203(E) NMAC undermines the Department's completeness determination. It again argues that the regulation permits supplementation but not substantive revisions to the proposed facility. *See* Renewed Motion at 4.

Repeating these arguments does not cure their central defect: neither one gives the Hearing Officer authority to dismiss the application. YGI explained why in its October 19, 2026 Response to NEE's original motion, and incorporates pages 8–22 of that Response here. [Dkt. No. 115]. The

Hearing Officer lacks authority to dismiss the application. NEE identifies no jurisdictional defect under 20.1.4.600(B)(1)(a) NMAC, and Part 72 does not authorize dismissal. New Mexico courts disfavor dismissal, no precedent supports it, and it would be arbitrary and capricious here. *Id.* at 8–19. If the Bureau needs more information, the remedy is supplementation, not dismissal. *Id.* at 21–22.

B. NO PERSON MAY BYPASS THE REQUIRED EVIDENTIARY HEARING TO DENY OR DISMISS A PERMIT APPLICATION.

NEE's dismissal request exceeds the Hearing Officer's delegated authority by seeking to bypass the hearing required before any final permit decision. Section 20.2.72.206(C) is mandatory and specific. Once the Secretary determines that significant public interest exists, the Department "shall hold a public hearing," "shall give notice" to the applicant and public, and must give all interested persons a reasonable chance to submit data, views, or arguments and examine witnesses. 20.2.72.206(C) NMAC. That obligation does not depend on the Bureau's continued support for the permit or its view of administrative convenience. Nor does the rule contain an exception that authorizes either the Hearing Officer or the Department to avoid a hearing that the Secretary ordered by electing to deny the application instead.

The Court of Appeals has rejected precisely this kind of bypass. In *In re Petition for a Hearing on the Merits Regarding Air Quality Permit No. 3135*, the Albuquerque–Bernalillo County Air Quality Control Board determined that a permit petition would substantially affect the public interest, then granted summary judgment and vacated the scheduled hearing. 2017-NMCA-011, ¶¶ 6, 15, 388 P.3d 287. The Court vacated the Board's decision, holding that "the Board may not decide a petition without giving the public notice and an opportunity to weigh in on the petition." *Id.* ¶¶ 17, 25. The Legislature "recognized the intrinsic value of public input separate

from its technical relevance," *id.* ¶ 23, and the Court declined to excuse the error on the theory that the outcome would have been the same, *id.* ¶ 21. That case arose under the local air board rules, but the structure here is the same: a public-interest determination, followed by an attempt to dispose of the matter before the hearing occurs.

Section 20.2.72.207(D) supplies the corresponding rule on permitting decisions. The Department must grant, condition, or deny the permit "based on information contained in the department's administrative record." The administrative record includes the application, evidence, and comments from the applicant and interested persons, other evidence considered by the Department, and, "if a public hearing is held, the evidence submitted at the hearing." *Id*. (emphasis added). Read together, Sections 206(C) and 207(D) require the hearing mandated here to inform the final decision on the permit application. The conditional phrase in Section 207(D) covers applications for which no hearing is required; it does not nullify Section 206(C) once a hearing determination has been made. Once the Secretary orders a hearing, the Department cannot decide the permit unilaterally. The hearing must be held first.

The Department's own permitting procedures in Part 4 reinforce that sequence. Its objectives include ensuring due process and participation by both the applicant and persons who desire to take part. 20.1.4.6 NMAC. The hearing procedures provide for testimony, examination of witnesses, and admission of evidence. 20.1.4.400(A)–(B) NMAC. The post-hearing procedures provide for proposed findings and conclusions, a Hearing Officer's report, and the Deputy Secretary's final order. 20.1.4.500(B)–(D) NMAC. Issuing a final merits denial or dismissal before the evidentiary hearing would replace that process with a decision on a record from which the required hearing evidence is necessarily absent. The Renewed Motion seeks exactly that.

1. Only the Deputy Secretary may issue a final decision, based solely on the record.

The Secretary has assigned all of the final decision-making authority in this proceeding to a single official. On July 1, 2026, the Cabinet Secretary, "pursuant to 20.1.4.200(B) NMAC," "order[ed] a hearing" and, "pursuant to NMSA 1978 Section 9-7A-6(B)(2)," "delegate[d] authority to make all final and dispositive decisions in this matter to Deputy Cabinet Secretary John Rhoderick." Notice of Docketing, Appointment of Hearing Officer, and Delegation of Final Decision Authority (filed July 2, 2026) [Dkt. No. 2]. When he appointed the current Hearing Officer, the Cabinet Secretary confirmed that "the delegated authority to make all final and dispositive decisions in this matter remains with Deputy Cabinet Secretary, John Rhoderick." Notice of Substitution of Hearing Officer (Oct. 2, 2026) [Dkt. No. 99]. The Department of Environment Act requires the Secretary to delegate authority "clearly delineating that delegated authority and the limitations thereto." NMSA 1978, § 9-7A-6(B)(2). The delegation here is clear: final and dispositive decisions in AQB 26-57 belong to the Deputy Secretary.

A dismissal or denial of YGI's application is a final and dispositive decision. Part 4 defines a "Final Order" as "the order issued by the Secretary that is dispositive of the matter," 20.1.4.7(A)(10) NMAC, and defines "Secretary" to also be "the Secretary's designee," 20.1.4.7(A)(21) NMAC. The Bureau's role as part of the Environmental Protection Division ("Division"), by contrast, is to prepare a "Draft Permit"—"a document prepared by the Division indicating the Division's proposed decision to issue, deny, or modify a permit." 20.1.4.7(A)(9) NMAC. Whatever general authority the Bureau may exercise in matters where no hearing has been ordered, the Secretary has specifically placed final and dispositive authority in this matter with the Deputy Secretary. Under that delegation, neither the Bureau nor any other Department official other than the Deputy Secretary may issue a final denial or dismissal in this matter. An

administrative body "can act only as to those matters which are within the scope of the authority delegated to [it]," *Alto Coal. for Env't Pres. v. Roper Constr., Inc.*, 2025-NMCA-018, ¶ 12, 572 P.3d 268 (internal quotation marks and citation omitted), and agency action taken in disregard of the agency's own rules may be set aside. *See N.M. State Racing Comm'n v. Yoakum*, 1991-NMCA-153, ¶ 17, 113 N.M. 561, 829 P.2d 7 (holding a suspension void where the Commission's "own Rule . . . was not followed").

Notably, the Deputy Secretary must **also** decide the matter on the record, and the merits may reach him only through that record. Part 4 provides: "At no time shall any person discuss the merits of the proceeding ex parte with the [Deputy] Secretary or the Hearing Officer." 20.1.4.100(G) NMAC. "Ex parte" means "any written or oral communication relating to the merits of the proceedings, between the [Deputy] Secretary or Hearing Officer and any person, including communications between Department staff directly involved in the proceeding and the [Deputy] Secretary or Hearing Officer." *Id.* The prohibition began "on the date the [Deputy] Secretary or Division ma[de] a completeness or hearing determination" and continues until "the date of the final order." *Id.* Because the Deputy Secretary is the Secretary's designee, 20.1.4.7(A)(21) NMAC, the prohibition applies to him. And it applies equally to every party—including the Bureau and the Department staff directly involved in this proceeding.

Together, these rules foreclose a prehearing denial or dismissal. The only lawful path to a final decision runs through the proceeding itself: the evidentiary hearing, the Hearing Officer's report, and a final order by the Deputy Secretary based on the administrative record, including the evidence submitted at the hearing. 20.2.72.206(C), 20.2.72.207(D); 20.1.4.500(B)–(D) NMAC. That structure protects the neutrality of the decision-maker, a basic component of a fair adjudication. *See Mills v. N.M. State Bd. of Psychologist Exam'rs*, 1997-NMSC-028, ¶ 14, 123

N.M. 421, 941 P.2d 502 (identifying "a neutral decision maker" among the components of procedural due process). The Hearing Officer, who must "conduct a fair and impartial proceeding," 20.1.4.100(E)(2) NMAC, may confirm these requirements as a procedural matter without reaching the merits.

2. Even if the Bureau recommends denial, its recommendation may not substitute for the required hearing.

Part 4 expressly contemplates that the Bureau may oppose the application at the hearing. The Bureau's Statement of Intent to Present Technical Testimony must identify whether it recommends approval, denial, or approval with conditions. 20.1.4.300(B)(1)(a)(ii) NMAC. A "Draft Permit" likewise means a document indicating the Department's proposed decision to issue, deny, or modify a permit. 20.1.4.7(A)(9) NMAC. These provisions distinguish the Bureau's proposed position from the Deputy Secretary's dispositive final order. *See* 20.1.4.7(A)(10) NMAC (defining a "final order" as "the order issued by the Secretary that is dispositive of the matter") (emphasis added); *see also* 20.1.4.500(D) NMAC (section entitled "Final Order By Secretary"). The Department has followed exactly this sequence under these same regulations. In *Alto*, after NMED held a public hearing because of "robust public opposition," "the hearing officer issued his report recommending that Permit 9295 be denied," and "[t]he NMED Deputy Secretary adopted the Hearing Officer's Report and entered a final order denying Permit 9295." *Alto Coal. for Env't Pres. v. Roper Constr., Inc.*, 2025-NMCA-018, ¶ 4, 572 P.3d 268.

By its own acknowledgment, NMED has not completed verification modeling. AR NSR 10833_012544. Insufficient time to complete review is not a ground for denial. NMED may recommend denial only after completing its review and determining that the application fails to comply with an applicable requirement. NMSA 1978, § 74-2-7(C)(1); 20.2.72.208 NMAC. The

Department itself confirmed in writing on November 3, 2026 that NMED will "not seek denial or dismissal of the Application absent a finding under NMSA 1978, Section 74-2-7(C) and 20.2.72.208 NMAC." [Dkt. No. 150]. No such finding has been made.

In short, if the Bureau cannot support the permit once it completes its analysis, the place to say so is the hearing. A Bureau determination that it cannot support issuance is a position to be disclosed and tested through the hearing process; it is not authority to end that process and the rules likewise do not prevent applicants from going to hearing if the Bureau opposes their application. Instead, the Bureau may identify its asserted denial grounds and present supporting testimony; YGI may present its evidence and examine opposing witnesses. 20.2.72.206(C); 20.1.4.400(A)–(B) NMAC. YGI retains its burden to demonstrate that the permit should be approved. 20.2.72.207(D); 20.1.4.400(A)(1) NMAC. Requiring the hearing does not shift that burden or predetermine the result. It preserves YGI's opportunity to meet it and allows for public participation throughout that process.

3. Deadlines and Bureau technical review concerns do not create an independent basis for prehearing denial.

In support of its Renewed Motion, NEE notes that NMED "has now conceded that the December 7 hearing cannot lawfully proceed." Renewed Motion at 6. First, that is not what is stated in the Joint Motion by YGI or NMED. Second, that is not a lawful basis for a prehearing denial, and it fails however it is characterized.

If the basis is procedural—e.g., that the Bureau cannot release a revised draft permit prior to a specified time before the hearing or that a hearing notice cannot issue before the decision deadline—then it is not a ground for denial at all. The Act and Part 72 identify substantive grounds for denial, and administrative timing is not among them. NMSA 1978, § 74-2-7(C)(1); 20.2.72.208

NMAC. Procedural matters are committed to the Hearing Officer, who conducts the proceeding, rules on motions and procedural requests, and issues the orders necessary to manage it, other than the final order. 20.1.4.100(E)(2) NMAC. The remedy for a procedural problem is a procedural order, not a final disposition on the merits. Using the Deputy Secretary's dispositive authority to resolve a scheduling difficulty would substitute a final order for the procedural management that Part 4 assigns to the Hearing Officer. The Court of Appeals has reversed a dismissal resting on procedural grounds as too extreme a sanction where no wrongful or willful conduct was shown. *Gila Res. Info. Project v. N.M. Water Quality Control Comm'n*, 2005-NMCA-139, ¶¶ 40–41, 138 N.M. 625, 124 P.3d 1164.

If instead the basis is substantive—that the record does not yet demonstrate compliance, so that it "appears" the source will not meet an applicable requirement, 20.2.72.208 NMAC—then it is a merits decision. That decision belongs only to the Deputy Secretary, by final order, and it must rest on the administrative record, including "the evidence submitted at the hearing." 20.2.72.207(D) NMAC. The modeling questions the Bureau has raised are disputed technical questions of exactly the kind that must be resolved on evidence (to the extent that such questions even remain disputed after the Bureau's full review). *See Alto*, 2025-NMCA-018, ¶ 15 (decision-maker must be able to resolve "conflicting emissions estimates based on disputed calculations or factual assumptions"); *id*. ¶ 24 (decision-maker considers "the evidence presented by both parties").

Either way, the result is the same: there is no lawful basis for a final denial before the hearing. Where the reason actually driving a decision is procedural but the decision is presented as a merits finding, the decision is vulnerable on review. *Cf. Dep't of Com. v. New York*, 588 U.S.

752, 755 (2019) (setting aside agency action where there was a "significant mismatch between the decision the Secretary made and the rationale he provided").

YGI does not contend that supplemental information is immune from substantive review. If the Bureau believes the record fails to establish compliance, it may identify the applicable requirement and present that position at the hearing. The Deputy Secretary may then evaluate the evidence under the governing denial criteria, with YGI retaining its burden of proof. 20.2.72.207(D), 20.2.72.208 NMAC. That is the prescribed process. A prehearing denial based on unfinished review is not.

C. NEE'S TECHNICAL ASSERTIONS ABOUT YGI'S DISCOVERY RESPONSES ARE DISPUTED FACTS THAT REQUIRE AN EVIDENTIARY HEARING, NOT DISMISSAL.

NEE's Renewed Motion asks the Hearing Officer to resolve contested technical issues through dismissal rather than the evidentiary process established by Part 4. NEE contends that YGI's November 2 discovery responses fail to identify comparable operating installations, full-scale testing, or independent engineering validation supporting the refined configuration. It further questions the modeling assumptions and whether an enforceable 1,600 MW operating limit adequately addresses the facility's approximately 2,462 MW nameplate capacity. *See* Renewed Motion at 10–12. Those contentions concern the weight and sufficiency of the technical evidence, not a threshold basis for dismissal.

YGI disputes NEE's characterization of its discovery responses and the conclusions NEE draws from them. Whether the modeling adequately represents the proposed operations, whether the proposed restrictions are technically feasible and enforceable, and what validation is necessary are matters for technical testimony, exhibits, and cross-examination. NEE's assertions do not become established facts merely because NEE presents them in a motion to dismiss. Nor do the

discovery responses (which all parties agreed could be supplemented by technical and expert testimony at the hearing), considered in isolation, substitute for the complete evidentiary record.

Part 4 provides the process for developing and testing that record through prefiled technical testimony, exhibits, witness examination, and post-hearing briefing, informed by the application, the Department's technical analysis and draft permit, and public comment. NEE instead seeks dispositive factual findings before that process occurs, notwithstanding the Hearing Officer's decision not to resolve such issues at the October 26 hearing on the motions to dismiss. Recasting disputed technical objections in a renewed motion does not justify a different result.

YGI does not ask the Hearing Officer to prejudge the technical merits in its favor. It asks that those merits be decided on a complete record through the required hearing. NEE may challenge YGI's evidence and proposed permit conditions in that proceeding, but it cannot substitute successive motions and abbreviated factual disputes for the procedural protections Part 4 provides.

A decision issued before the hearing would also, by definition, "entirely omit[] consideration of important aspects or relevant factors of the issue at hand"—the evidence the hearing exists to produce. *N.M. Mining Ass'n v. N.M. Water Quality Control Comm'n*, 2007-NMCA-010, ¶ 22, 141 N.M. 41, 150 P.3d 991. The Department must "provide reasoned bases for its conclusions," and a reviewing court will not "supply a reasoned basis for the agency's action that the agency itself has not given." *Gila Res. Info. Project*, 2005-NMCA-139, ¶ 38 (reversing a dismissal resting on findings with "no evidentiary support in the record," *id.* ¶ 35); *see City of Roswell v. N.M. Water Quality Control Comm'n*, 1972-NMCA-160, ¶ 16, 84 N.M. 561, 505 P.2d 1237 ("[T]he record must indicate the reasoning of the Commission and the basis on which it adopted the regulations."). Nor could a premature dismissal be shored up later with analysis

completed after the fact. “An agency must defend its actions based on the reasons it gave when it acted.” *Dep’t of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 24 (2020); *see Olenhouse v. Commodity Credit Corp.*, 42 F.3d 1560, 1575 (10th Cir. 1994) (“After-the-fact rationalization by counsel in briefs or argument will not cure noncompliance by the agency . . . .”).

YGI also contests NEE's characterization of the discovery responses submitted November 2, 2026. At the hearing on discovery on October 29, 2026, the parties agreed that YGI could submit a letter – in lieu of formal discovery responses – that would point the parties to publicly available information related to the requests, including in information in the application and Administrative Record as well as information in the public domain. YGI submitted that letter to all parties on November 2, 2026. Admin. Record Bates 012559. **Importantly, all parties (including NEE) expressly agreed that YGI could supplement its responses through the hearing process, including most importantly through technical testimony and evidence from its experts.** *Id.* NEE cannot credibly argue that the evidentiary record supporting the application is closed as a result of YGI's discovery responses submitted weeks before the deadline to file statements of intent to provide technical testimony or the hearing itself, or that YGI cannot continue to build the record through the hearing process. The hearing – not an incomplete and informal discovery process – is where facts related to NEE's Motion will be "fully elicited." 20.1.4.100(E)(2) NMAC.

D. A NOTICE OF HEARING IS NOT CONDITIONED ON A COMPLETED TECHNICAL REVIEW OR REVISED DRAFT PERMIT.

NEE attempts to convert a scheduling concern into a regulatory barrier that neither Part 72 nor Part 4 imposes. Relying on NMED’s October 29 statements and the November 3 Joint Motion, NEE characterizes the Department’s inability to complete its review and related steps before the December 7 hearing as evidence of fundamental information gaps. *See* Renewed Motion at 6–8.

But neither a completed technical review nor a revised draft permit is legally a prerequisite to issuing a Notice of Hearing. Part 72 requires notice of the application, public access to the Department's analysis at least thirty days before permit issuance, and notice of the hearing. 20.2.72.206(A)–(C) NMAC. Those requirements have been satisfied. Part 4's hearing-notice criteria impose no additional requirement that the Bureau first complete its review or release a revised draft permit, and neither Part requires renewed notice or a new comment period whenever an application or draft permit changes. The Bureau's prior practice confirms this reading: in the proceedings discussed below, it revised draft permits after noticing the hearing and proceeded without restarting a thirty-day prehearing period or republishing the hearing notice. NEE's contrary position adds procedural requirements the rules do not contain.

1. The Hearing Notice does not require an articulation of the Department's position in the case.

NEE suggests that the Department cannot file notice of the hearing until it is prepared to articulate its position on the application (*i.e*. whether to recommend issuance or denial). But this requirement is not supported by law or past practice—including in this very case.

Section 20.1.4.200 NMAC lists what a Notice of Hearing must contain: "[t]he Department shall promptly prepare and file with the Hearing Clerk a Notice of Hearing setting forth: (i) the date, time and location of the hearing; (ii) a brief description of the nature and location of the action to be considered in the Draft Permit, Application or Petition, including the name and address of the Applicant or Petitioner; (iii) the name, address and telephone number of a person from whom further information, including a copy of the Draft Permit, Application or Petition, may be obtained; (iv) the requirements for an Entry of Appearance, a Statement of Intent to Present Technical Testimony, and a general written or oral statement; (v) a statement that Part 4 shall apply at the

hearing; and (vi) any other requirement set forth in the Act or applicable regulation." Part 72 neither imposes additional requirements nor identifies other specific considerations.

Of note, Part 4 requires "the name, address and telephone number of a person from whom further information" can be obtained regarding either the Draft Permit *or* Application. Importantly, the Department appears to read out of that provision the term "Application" and appears to focus solely on the Draft Permit. However, Part 4 clearly contemplates that a Notice of Hearing may be sent at a time when only the Application, and not the Draft Permit, is available. Any other intent would render the term "Application" meaningless—because all Draft Permits have an Application associated with them and if the regulations had intended to only authorize notice once a Draft Permit was available, then it would render the inclusion of the term Application meaningless.

NEE's reading is inconsistent with the Department's initial notice in this case. Specifically, the Department has issued two Notices of Hearing in this matter. The first notice of hearing issued in this case on July 17, 2026 went out twelve days before the Department issued its draft permit. Due to the fact that no draft permit had been issued at that time, the July 17, 2026 Notice of Hearing stated the applicant's contact information (exactly what the rule required: which is the name, address and telephone number of a person a copy of the Draft Permit, Application or Petition, could be obtained). 20.1.4.200(C)(2)(a)(iii) NMAC. Thus, the Department's own practice here demonstrates that a draft permit (and therefore the Bureau's position on the application) is not required prior to issuance of the Notice of Hearing.

Additionally, the Department issued an amended notice of hearing on August 12, 2026. At that time, the draft permit had been issued, and therefore, the notice of hearing provided contact information for a member of the permitting staff. For this second amended notice, the Department can reference contact information for either the existing draft permit or the updated application,

either of which can be obtained from the permitting staff at the Bureau. To the extent that the Department does not feel comfortable providing contact information for a draft permit (which YGI explains below would deviate from its historic practice), the Department may simply once again (as with its initial Notice of Hearing) reference the application and provide contact information either for its own permitting staff or a YGI representative related to the Application.

The Department also noticed a hearing before any draft permit was public in other cases. In *Associated Asphalt*, NMED's web page from September 4 through 22, 2020 announced an October 15, 2020 hearing and listed the application, the public notice, and the Department's analysis, but no draft permit. AQB 20-12(P), Admin. Record, Bates NMED 002579–002586. Statements of intent were due October 1, 2020. *Id.* at NMED 002579. The first public draft permit was posted October 8. *Id.* at AR Index No. 508, NMED 001347. The Department re-noticed the hearing twice, posted revised drafts in between, and issued the permit. *Id.* at NMED 002579, 002533, 001148-001204 (hearing notices), 002587-002588 (draft permit revision), NMED Final Order (July 30, 2021).

2. The public has had meaningful notice and opportunity to participate.

NEE argues that the public cannot meaningfully evaluate permit conditions and modeling that NMED has not finished developing and that the revised proposal requires adequate notice and an opportunity for review. Renewed Motion at 8–10. That argument conflates meaningful participation with a requirement that the Department finalize its technical position before the hearing process proceeds. The public has access to the application, draft permit, and supplemental submissions through the Administrative Record, and the hearing provides the opportunity to test the modeling, challenge proposed conditions, and present competing evidence. Continued

technical review does not negate those opportunities; it is part of the process through which the Department evaluates the application and develops enforceable permit conditions.

Notice is adequate when it fairly informs the average citizen of the hearing's general purpose. It fails when it is "ambiguous, misleading or unintelligible." *Air Quality Permit No. 3135*, 2017-NMCA-011, ¶ 17. Permit procedures are construed "to facilitate meaningful participation by members of the public," so that "the community be given a voice." *Colonias Dev. Council v. Rhino Env't Servs., Inc.*, 2005-NMSC-024, ¶¶ 42–43, 138 N.M. 133, 117 P.3d 939.[2]

The record reflects each notice the rules require. The Department gave notice of the application. The draft permit and Statement of Basis have been public since July 29, 2026. The August 12 notice contains every element Part 4 requires: when and where the hearing will be held; a description of the action and the applicant; a contact for obtaining the application and draft permit; the requirements for appearances and technical testimony; and a statement that Part 4 applies. 20.1.4.200(C)(2)(a) NMAC; [Dkt. No. 75]. Unlike the petitioner's situation in *Air Quality Permit No. 3135*, YGI does not seek a decision before the noticed hearing; it seeks to hold that hearing. 2017-NMCA-011.

The public continues to receive information as the review proceeds. Part 4 requires that the Administrative Record remain open to the public throughout the proceeding. 20.1.4.200(A)(2) NMAC. Since the Hearing Officer ordered its release on October 2, 2026, the Department has updated it each week with YGI's submissions, the Bureau's questions, YGI's answers, and YGI's

[2] The notice question raises no constitutional due process issue. The public's right to participate comes from the Air Quality Control Act, Part 72, and Part 4, and those provisions have been satisfied. Procedural due process applies only when a person is deprived of a protected liberty or property interest. *Bd. of Educ. of Carlsbad Mun. Schs. v. Harrell*, 1994-NMSC-096, 118 N.M. 470, 477, 882 P.2d 511; *Bd. of Regents of State Colls. v. Roth*, 408 U.S. 564, 569–70 (1972). Neighbors and other interested members of the public have no such interest in a hearing on another person's permit application, even when state law gives them a right to participate. *Moore v. City of Parkville*, 156 S.W.3d 384, 391 & n.3 (Mo. Ct. App. 2005); *Sandy Beach Def. Fund v. City Council of Honolulu*, 70 Haw. 361, 377 (1989); *In re Freshwater Wetlands Statewide Gen. Permits*, 185 N.J. 452, 468–70 (2006). YGI made the same point earlier in this proceeding. [Cite YGI's July 31 and Aug. 7, 2026 filings].

modeling files. The hearing will then reserve its first day, and time on each day after, for public comment.[3]

3. The July 29 draft permit remains part of this proceeding, and the revisions narrow it.

If the August 12 notice was proper because it pointed the public to the July 29 draft permit, that draft remains part of this proceeding at this time. Part 4 treats a draft permit as a proposal, 20.1.4.7(A)(9) NMAC, and the Administrative Record keeps every version, 20.1.4.7(A)(2) NMAC. After the hearing, the Secretary may "adopt, modify, or set aside" the recommended decision. 20.1.4.500(D)(2) NMAC. If each change to a draft permit voided the notice that referred to it, that authority could not be exercised without restarting the proceeding.

Nor does the notice depend on the draft staying the same. It must describe "the nature and location of the action to be considered in the Draft Permit, Application or Petition" and identify a person from whom "a copy of the Draft Permit, Application or Petition, may be obtained." 20.1.4.200(C)(2)(a)(ii)–(iii) NMAC. The action has not changed, and a revised draft can be obtained from the same person within the Department.

Unchanged since the July 29, 2026 draft permit	**Changed by the October 14 revisions**
Application No. 10883, at the same site	Enforceable 1,600 MW output limit
Applicant YGI; operator Bloom Energy	Requested allowable emissions of every criteria pollutant reduced by approximately 35%
Bloom solid oxide fuel cells fired on natural gas	Updated modeling for the revised operating case
2,462 MW nameplate capacity	Stack height raised from 30 to 45 feet
Same emission factors and 15% safety factor for criteria pollutants	
52.25 ft² outlet area per stack	

[3] Media outlets have reported on materials in the updated record. *See, e.g.*, Nicholas Gilmore & Julia Gentin, *Environment Department emails raise questions about Project Jupiter emissions*, Santa Fe New Mexican (Oct. 14, 2026) (reporting on agency emails and updated modeling released in the administrative record). On public comment at the hearing, see Joshua Bowling, *Data center Project Jupiter air quality permit hearing set for early December*, Source N.M. (Oct. 19, 2026).

Unchanged since the July 29, 2026 draft permit	Changed by the October 14 revisions
One SOFC emission unit	
PSD minor source; same single-source determination	
May 19, 2026 SSM emission estimate; no backup generators	
No new buildings; more than 100 meters to the fenceline	

4. A revised draft permit does not restart the thirty-day review period.

a. The rules require one thirty-day review period of the department's analysis.

Section 206 does not use the term "draft permit." It requires the Department to make available "the permit application and the department's preliminary determination," 20.2.72.206(A)(2) NMAC, and to "[n]ot issue the permit until at least thirty (30) days after the Department's Analysis is available for review." 20.2.72.206(B) NMAC. That thirty-day period does not restart simply because the analysis is revised. However, even if it did, the 30-day period runs to *issuance*, not to the hearing.

Part 4 contemplates that the draft permit will change. The Division states its recommendation on "the Draft Permit" in its Statement of Intent, 20.1.4.300(B)(1)(a)(ii) NMAC, and the hearing produces testimony, findings, and a final order that may modify that recommendation, 20.1.4.400, 20.1.4.500(B)–(D) NMAC. Part 72 likewise gives every applicant "a duty to promptly supplement and correct information submitted in the application." 20.2.72.203(E)(1) NMAC. That process is exactly what has happened here. NEE asks the Hearing Officer to replace the remedy the regulations prescribe with one they do not authorize.

b. The Department's practice is consistent with this reading.

The Department has revised draft permits **substantially**, often after the hearing was noticed, without a new thirty-day review period. In *In re Application of Associated Asphalt & Materials, LLC for Air Quality Permit No. 8585*, No. AQB 20-12(P) (N.M. Env't Dep't), the Department published its first hearing notice on September 8, 2020, for an October 15, 2020 hearing date. AQB 20-12(P), Admin. Record, Bates NMED 002604–002610 (Affidavits of Publication); *see also* NMED Statement of Intent to Present Technical Testimony, Ex. 1 at 15:1-5. The changes made to that draft permit throughout the course of the case were major. Exhibit A provides an illustrative redline highlighting the substantive changes between the draft permits. In that case, the Department published its first public draft permit on October 8, 2020. Draft Permit No. 8585 (2020.10.08 version). The applicant updated its application several times in August through November 2020. Admin. Record Index Nos. 78, 90, 104, 113, *reproduced in* NMED Notice of Compliance, EIB 21-48 (Sept. 24, 2021); *see also* Hearing Officer's Report at 11, FoF 34. The Department then issued two different revised draft permits on January 22 and February 4, 2021. Draft Permit No. 8585 (2021.02.04 version); Hearing Tr. Vol. 2 (Mar. 23, 2021) at 426:20 – 427:5 (Amended Draft Permit, Ex. 12). The record reflects that no new thirty-day period was provided on these revisions. *See* Hearing Officer's Report, AQB 20-12(P) (June 28, 2021), FoF 91. The hearing was held March 22–24, 2021, and the permit was issued with a finding that the public had a meaningful opportunity to participate. Final Order, AQB 20-12(P) (July 30, 2021), finding (g).

In *In re Application of Willow Lake Gas Plant*, No. AQB 21-38, the Department made its draft permit and analysis available May 28, 2021. AQB 21-38(P) NMED Ex. 21 at 3:14-18. On September 14, 2021, the applicant revised its application to add a vapor recovery unit, increase

tank and truck-loading throughput, revise flare routing, and add four electric pumps. Hearing Officer's Report and Recommended Final Order, AQB 21-38 (Dec. 27, 2021) at 2–3, FoF 25. The Department issued a revised draft permit reflecting those changes on September 21, 2021, Revised Draft Permit No. 5142-M8, Part A (Sept. 21, 2021), and published the hearing notice September 24–28, 2021, Joint Notice of Public Hearing (Oct. 25, 2021 hearing). It issued a further revised draft on the day of the hearing, October 25, 2021, with smaller changes. NMED Ex. 49, AQB 21-38 (Draft Permit dated Oct. 25, 2021). The record reflects no new thirty-day period. The Hearing Officer found notice proper, and the permit was issued. Hearing Officer's Report, AQB 21-38, Concl. 15, 17; Final Order, AQB 21-38 (Feb. 10, 2022).

In *In re Application of XTO Energy Inc. for Air Quality Permit No. 7877-M1 (Cowboy CDP)*, No. AQB 21-34 (N.M. Env't Dep't) (consolidated with AQB 21-31 et al.), the applicant revised its application and modeling on February 18, 2021, and the Department then issued a draft permit on February 23, 2021. Hearing Officer's Report and Recommended Final Order, AQB 21-31 et al. (Dec. 27, 2021), FoF 143–150. The Department issued a revised draft permit and Statement of Basis on September 16, 2021. *Id.* FoF 152–153. The agency published the hearing notice September 21–24, 2021, and did not re-publish notice for the revisions. *Id.* FoF 8–10, 40–41; Joint Notice of Public Hearing (Oct. 25, 2021 hearing). The hearing was held October 25–26, 2021, and the Hearing Officer concluded that "NMED met all public notice requirements." Hearing Officer's Report, AQB 21-31 et al., Concl. 4, 6.

The revisions in the above-described proceedings included changes similar as to those that will be required here. Attached as Exhibits A through C, YGI has included redline mark-ups of several revised draft permits presented shortly before hearing in four sample cases. The revised draft permits in these proceedings were not limited to updated dates, titles, and headings. In *In re*

Application of Associated Asphalt & Materials, LLC for Air Quality Permit No. 8585, No. AQB 20-12(P) (N.M. Env't Dep't), the February 4, 2021 draft made substantive changes to the October 8, 2020 draft, in addition to changes to dates, titles, headings, and numbering. *See* Exhibit A (Redline of October 2020 and February 2021 draft permits). And in *In re Applications of Chevron U.S.A. Inc. for Air Quality Permit Nos. 6109-M8 (Salado Draw 19) and 6832-M8 (Salado Draw 23)*, Nos. AQB 22-26 and 22-27 (N.M. Env't Dep't), the August 2022 drafts made substantive changes to the Salado Draw 19 and the Salado Draw 23 draft permits, adding malfunction emission limits with related monitoring and recordkeeping requirements. *See* Exhibits B and C (Redlines of draft permits). In every one of these proceedings, the hearing went forward on the revised draft permit.

The Chevron Salado Draw matters are factually similar to this case. There, the Bureau issued the original draft permits with its first set of draft permits and analysis in February and March 2022. AQB 22-26 and 22-27, Hearing Officer's Report (Dec. 8, 2022), FoF 13, 25. The Bureau notified individuals who had expressed interest in the application after it was deemed complete of the 30-day time period to comment on the draft permit. *Id.* at FoF 32, 37. Chevron then made changes to its applications. That caused the Bureau to replace the draft permits and analysis on August 3 and 4, 2022. *Id.* at FoF 26, 14. The hearing was noticed about 2 weeks later. Notice of Hearing, (Aug. 17, 2022). As stated above, the revised draft permits contained several substantive changes. Bureau witnesses have described draft permits in the same terms. In *Associated Asphalt*, the permit writer testified that "[u]pdates to the original application are often required" and that draft permits "routinely undergo continuous revisions up until they are issued." AQB 20-12(P), NMED Statement of Intent Ex. 1, (Primm) at 1:1-3, 21:4-6. The Bureau also

described a draft permit as "a dynamic working document subject to updates throughout the review process." *Id*. at 25:8-9.

5. A new thirty-day review period for each revision is not required by the rules.

Generally speaking, the Legislature has created tight deadlines for air permit hearings. A new thirty-day period for every revision, including revisions made at the hearing itself, would extend the process beyond that limit without a defined end.[4] Further, if a new thirty-day review period resulted from every revision, then any public comments that result in a draft permit revision would create a never-ending loop of review.

The Department is bound by its rules as written. "[A]dministrative agencies are bound by their own regulations." *Law v. N.M. Hum. Servs. Dep't*, 2019-NMCA-066, ¶ 23, 451 P.3d 91. Failure to follow them can be fatal to the resulting action. *N.M. State Racing Comm'n v. Yoakum*, 1991-NMCA-153, ¶ 17, 113 N.M. 561, 829 P.2d 7. The Department "can act only as to those matters which are within the scope of the authority delegated to [it]." *Alto Coal. for Env't Pres. v. Roper Constr., Inc.*, 2025-NMCA-018, ¶ 12, 572 P.3d 268 (internal quotation marks and citation omitted). A requirement found nowhere in the Act, Part 72, or Part 4 would have the Department "claim[] the authority to modify this existing law or to create new law on its own." *Tri-State Generation & Transmission Ass'n v. D'Antonio*, 2012-NMSC-039, ¶ 13, 289 P.3d 1232 (citation omitted).

[4] The Department granted that extension on July 1, 2026. [Request for Public Hearing Determination for Air Quality Permit Application, Dkt. No. 1]. No further unilateral extension is available, so additional time can come only from the applicant's agreement. YGI's conditional waiver does not change what the rules require.

IV. CONCLUSION

The Secretary ordered a hearing, and the permit application decision cannot be made prior to the conclusion of that hearing. NEE's Renewed Motion seeks to reverse that required sequence by treating disputed technical assertions and ongoing agency review as grounds to terminate the proceeding. Neither supplies authority to dispense with the hearing. The Bureau may recommend denial and present supporting evidence, but its recommendation cannot replace the evidentiary process or the Deputy Secretary's final decision on the resulting record.

YGI has promptly supplemented its application, supported its submissions with expert analysis, and proposed an enforceable 1,600 MW operating cap that reduces requested allowable emissions by approximately thirty-five percent. Those submissions must be evaluated and tested through the prescribed process, not treated as a reason to foreclose it. Notice has been given, the Department's analysis has been public since Jul 29, and the Administrative Record is supplemented weekly. Neither Part 72 nor Part 4 conditions hearing notice on completion of the Bureau's technical review or issuance of a revised draft permit, and subsequent refinements do not automatically restart the notice and review process.

The Hearing Officer has authority to ensure that the facts are fully elicited and to issue the procedural orders necessary to preserve that process. 20.1.4.100(E)(2)(b)–(c) NMAC. YGI seeks no assurance of permit approval. It seeks the hearing already ordered and a decision based on the evidence presented there. Accordingly, YGI respectfully requests that the Hearing Officer deny NEE's Renewed Motion—and CBD's motion, which relies on the same grounds—and confirm that no Department official may deny or dismiss the application before the required evidentiary hearing concludes, after which the Deputy Secretary must render the final decision on the record.

Respectfully submitted this 5th day of November, 2026.

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CERTIFICATE OF SERVICE

I certify that on November 5, 2026, I served the foregoing on all parties and counsel of record on the service list for AQB 26-57(P) by electronic mail.

Hon. James O. Browning
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AQB 26-57(P): Yucca Growth Infrastructure, LLC
Exhibits to Motion Regarding Adequacy of Notice and Hearing Date

Exhibit A. Associated Asphalt and Materials, AQB 20-12(P): Draft Permit 8585, Feb. 4, 2021 draft marked against Oct. 8, 2020 public draft — page 2

Exhibit B. Chevron Salado Draw 19, AQB 22-26: Draft Permit 6109-M8, Aug. 4, 2022 draft marked against Mar. 3, 2022 draft — page 44

Exhibit C. Chevron Salado Draw 23, AQB 22-27: Draft Permit 6832-M8, Aug. 3, 2022 draft marked against Feb. 24, 2022 draft — page 78

Exhibits A through C are the Department's own revised draft permits, marked to show changes from the earlier draft. Yellow highlighting with red underline marks substantive changes; green marks dates, titles, headings, and numbering. Deleted text appears in the right margin, struck through. Each exhibit's cover page links to its source documents. Click an entry above to go to that exhibit.

EXHIBIT A

Draft Permit No. 8585 - Associated Asphalt and Materials, LLC (AQB 20-12), Part A

February 4, 2021 Draft, with changes from the October 8, 2020 public draft marked

Why these two drafts: the October 8, 2020 draft is the first draft permit the Department posted for public review in AQB 20-12. (An earlier September 4, 2020 draft was emailed to the applicant only.) The February 4, 2021 draft is the last draft the Department issued before the public hearing held March 22-24, 2021; an Amended Draft Permit (NMED Ex. 12) was introduced at the hearing itself. The Department's web-page snapshots listing each posted draft are at AR Bates NMED 002577-002600.

This is the Department's February 4, 2021 Draft Permit 8585 (Part A) in its original formatting, marked to show every change from the October 8, 2020 public draft, sorted into two categories. Inserted or changed text is highlighted on the page. Deleted text appears in the right-hand margin, struck through and numbered D1, D2, ..., with a mark in the body showing where it was. Long deletions continue in the Deletions Index at the end, which links back to each page.

	Substantive changes to permit text (yellow highlight, red underline; red deletions)	**225 changes**
	Dates, titles, headings, page and section numbering, cross-reference labels, drafting notes, typographical (green highlight and underline; green deletions)	**130 changes**

The green count is 84 changes in the body of the permit, 13 table-of-contents entries, and the page header on 33 pages.

How changes were sorted: a change is green only if it is confined to a heading line, or every word changed is a date, a page or section number, a list marker, or a cross-reference label (such as "Section" or "Condition"), or it changes only spacing, capitalization, or punctuation. Everything else is yellow/red, including every changed number (limits, rates, times, heights). A run of consecutive changed words counts as one change. Verify any quoted language against the source documents.

Source documents (click to open)

February 4, 2021 Draft Permit 8585 ("2021.02.04 version"), as posted - the marked document; also AR Bates NMED 001654-001710
https://www.env.nm.gov/air-quality/wp-content/uploads/sites/2/2021/02/AQBP-2021.02.04-version-DRAFT-Permit-8585.pdf

October 8, 2020 Draft Permit 8585 ("2020.10.08 version"), as posted - the comparison draft; posted Oct. 8 and Nov. 23, 2020 (AR Nos. 508, 510)
https://www.env.nm.gov/air-quality/wp-content/uploads/sites/2/2020/11/AQBP-DRAFT-Permit-8585.pdf

Notice of Hearing for Dec. 2, 2020
https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2021/11/2020.-12.02-AQBP-ENGLISH-NOTICE-OF-12.02.20-PUBLIC-HEARING-8585.pdf

Notice of Hearing for Mar. 22, 2021 (English)
https://www.env.nm.gov/air-quality/wp-content/uploads/sites/2/2021/02/AQBP-ENGLISH-NOTICE-OF-03.22.21-PUBLIC-HEARING-8585.pdf

NMED Statement of Intent (Mar. 1, 2021) - Primm testimony at 20-23
https://www.env.nm.gov/air-quality/wp-content/uploads/sites/2/2021/03/AQBP-2021-03-01-AQB-20-12-NMED-Statement-of-Intent.pdf

Day 2 Hearing Transcript (Mar. 23, 2021) - Tr. 434:13-23; 443:24-444:5; 462:4-5
https://www.env.nm.gov/air-quality/wp-content/uploads/sites/2/2021/04/AQBP-Associated_Asphalt_and_Materials-FullSize-Day2.pdf

Day 3 Hearing Transcript (Mar. 24, 2021) - Tr. 518:22-519:12; 560:11-18; 562:11-563:6
https://www.env.nm.gov/air-quality/wp-content/uploads/sites/2/2021/04/AQBP-Associated_Asphalt_and_Materials-FullSize-Day3.pdf

Hearing Officer's Report (June 28, 2021) - FoF 91, 193, 234-237, 264-268
https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2021/11/2021-06-28-AQB-20-12-OPF-Associated-Asphalt-Hearing-Officers-Report-for-Comments-.pdf

Final Order (July 30, 2021)
https://www.env.nm.gov/air-quality/wp-content/uploads/sites/2/2016/10/2021-07-30-AQB-20-12-P-Final-Order.pdf

AQB 20-12 Administrative Record (Bates NMED 000001-002704) - pages reproduced here are Bates NMED 001655-001688; web-page snapshots listing each posted draft at 002577-002600. No public link located; copy in file.

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AIR QUALITY BUREAU
NEW SOURCE REVIEW PERMIT
Issued under 20.2.72 NMAC

Certified Mail No: xxxx xxxx xxxx xxxx
Return Receipt Requested

NSR Permit No:	8585
Facility Name:	Santa Fe Facility
Facility Owner/Operator:	Associated Asphalt and Materials, LLC
Mailing Address:	3810 Oliver Rd. Santa Fe, NM 87505
TEMPO/IDEA ID No:	39276-PRN20190001
AIRS No:	35-049-0073
Permitting Action:	Regular - New
Source Classification:	Synthetic Minor > 80
Facility Location:	403,000 m E by 3,944,800 m N, Zone 13; Datum NAD83
County:	Santa Fe County
Air Quality Bureau Contact	Kathy Primm
Main AQB Phone No.	(505) 476-4300

Liz Bisbey-Kuehn
Bureau Chief
Air Quality Bureau

Date

D1 ~~Note to Applicant for Draft Permit Reviews: The AQB permit specialist provides this draft permit to the applicant as a courtesy to assist AQB with developing practically enforceable permit terms & conditions and correcting any technical errors. Please note that the draft permit may change following completion of the Department's internal reviews. If AQB makes additional changes, and as time allows, the applicant may be provided an opportunity for additional review before the permit~~
[continued - see Deletions Index, D1]

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PART B GENERAL CONDITIONS (Attached)

PART C MISCELLANEOUS: Supporting On-Line Documents; Definitions; Acronyms (Attached)

Deleted text (struck through):
red = substantive; green = date/title/heading/numbering

D2 ~~A33~~

D3 ~~[Delete all below at time final permit submitted for signature.] File Name: NSR_Permit_Parta_Master Save Date: 6/18/2019 Print Date: 0/0/0000 0:00:00 AM~~

D4 ~~A4~~

D5 ~~A4~~

D6 ~~A4~~

D7 ~~A4~~

D8 ~~A5~~

D9 ~~A6~~

D10 ~~A10~~

D11 ~~A13~~

D12 ~~A14~~

D13 ~~Table of contents entry: A302 Allowable Operations for the Crushing/Screening and Scalping Screen Plants A19~~

D14 ~~Screens, and Conveyors~~

Deleted text (struck through):
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D15 ~~A33~~

PART A FACILITY SPECIFIC REQUIREMENTS

A100 Introduction

A. This is a new permit. Associated Asphalt and Materials, LLC will commence operation under this permit after the facility is constructed and Associated Asphalt and Materials, LLC has notified the Department of the initial startup. HMA #2 shall not commence commercial operations at this location prior to this initial startup notification. This permit, NSR 8585, supersedes all portions of Air Quality Permit 0803R1, issued June 25, 1997, and Air Quality Permit 0052M1R1, issued January 16, 2008, except portions requiring compliance tests. Compliance test conditions from previous permits, if not completed, are still in effect, in addition to compliance test requirements contained in this permit.

D16 ~~is a new permit.~~

D17 ~~Permit 0803R1, issued June 25, 1997, and Air Quality Permit 0052M1R1, issued~~

A101 Permit Duration (expiration)

A. The term of this permit is permanent unless withdrawn or cancelled by the Department.

A102 Facility: Description

A. The facility will consist of a 200 ton per hour (TPH) aggregate crushing and screening plant, a 50 TPH aggregate scalping screen, a 150 TPH hot mix asphalt plant, and a 300 TPH hot mix asphalt plant.

B. This facility is located at 86 Paseo de River, Santa Fe, NM 87507 in Santa Fe County.

C. Plant #5 Hot Mix Asphalt Plant (HMA #5) is presently operating at 86 Paseo de River, Santa Fe, NM 87507, and the crushing and screening plant is operating just west of this site. With this action, Associated Asphalt and Materials, LLC (AAM) is moving equipment operating at other sites in Santa Fe, including Plant #2 Hot Mix Asphalt Plant (HMA #2) and the scalping screen plant, to operate at 86 Paseo de River. Hours of operation and throughputs are also modified with this action.

D18 ~~Santa Fe, NM 87507, and the crushing and screening plant is operating just west of this site. With this action,~~

D19 ~~Associated Asphalt and Materials, LLC (AAM) is moving equipment operating at other sites in Santa Fe, including~~

D. Tables 102.A and Table 102.B show the total potential emission rates (PER) from this facility for information only. This is not an enforceable condition and excludes emissions from Minor NSR exempt activities per 20.2.72.202 NMAC.

Table 102.A: Total Potential Emission Rate (PER) from Entire Facility

Pollutant	Emissions (tons per year)
Nitrogen Oxides (NOx)	21.7
Carbon Monoxide (CO)	95.6
Volatile Organic Compounds (VOC)	20.9

Table 102.A: Total Potential Emission Rate (PER) from Entire Facility

Pollutant	Emissions (tons per year)
Sulfur Dioxide (SO_2)	1.7
Particulate Matter 10 microns or less (PM_{10})	19.4
Particulate Matter 2.5 microns or less ($PM_{2.5}$)	13.2
Lead	< 1.0

Table 102.B: Total Potential Emissions Rate (PER) for *Hazardous Air Pollutants (HAPs) and Toxic Air Pollutants (TAPs) that exceed 1.0 ton per year

Pollutant	Emissions (tons per year)
Asphalt Fumes (TAP)	5.0
Calcium Hydroxide (TAP)	< 1.0
Formaldehyde (HAP)	1.2
Total HAPs**	2.8

* HAP and TAP emissions are already included in the VOC emission total.

** The total HAP emissions may not agree with the sum of individual HAPs because only individual HAPs greater than 1.0 tons per year are listed here.

A103 Facility: Applicable Regulations

A. The permittee shall comply with all applicable sections of the requirements listed in Table 103.A.

Table 103.A: Applicable Requirements

Applicable Requirements	Federally Enforceable	Unit No.
20.2.1 NMAC General Provisions	X	Entire Facility
20.2.3 NMAC Ambient Air Quality Standards	X	Entire Facility
20.2.7 NMAC Excess Emissions	X	Entire Facility
20.2.11 NMAC Asphalt Process Equipment	X	P2HMAFIL, P2HMASTK, P5HMAFIL, P5HMASTK
20.2.61 NMAC Smoke and Visible Emissions	X	P2HMAHT, P5HMAHT, CH_E, SS_E
20.2.72 NMAC Construction Permit	X	Entire Facility
20.2.73 NMAC Notice of Intent and Emissions Inventory Requirements	X	Entire Facility
20.2.75 NMAC Construction Permit Fees	X	Entire Facility
20.2.77 NMAC New Source Performance Standards	X	Units subject to 40 CFR 60
20.2.80 NMAC Stack Heights	X	P2HMASTK, P2HMAHT, P5HMASTK, P5HMAHT, CH_E, SS_E
20.2.82 NMAC Maximum Achievable Control Technology Standards for Source Categories of HAPs	X	Units subject to 40 CFR 63

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D20 ~~A33~~

D21 ~~Sulfur Dioxide (SO) 1.7 2 Particulate Matter 10 microns or less (PM) 19.4~~

D22 ~~6.2~~

Table 103.A: Applicable Requirements

Applicable Requirements	Federally Enforceable	Unit No.
40 CFR 50 National Ambient Air Quality Standards	X	Entire Facility
40 CFR 60, Subpart A, General Provisions	X	Units subject to 40 CFR 60
40 CFR 60, Subpart I	X	P2HMASTK, P2HMAFIL, P5HMASTK, P5HMAFIL
40 CFR 60, Subpart OOO	X	CH, CH_C1, CH_S, CH_SC1, CH_RC, CH_C2, CH_C3, CH_SC2, CH_STK
40 CFR 60, Subpart IIII	X	CH_E
40 CFR 63, Subpart A, General Provisions	X	Units subject to 40 CFR 63
40 CFR 63, Subpart ZZZZ	X	CH_E, SS_E

A104 Facility: Regulated Sources

A. Table 104.A lists the emission units authorized for this facility. Emission units identified as exempt activities (as defined in 20.2.72.202 NMAC) and/or equipment not regulated pursuant to the Act are not included.

Table 104.A: Regulated Sources List

Unit No.	Source Description	Make	Model	Serial No.	Construction/ Reconstruction Date	Manufacture Date	Manufacturer Rated Capacity /Permitted Capacity
Plant #2 Hot Mix Asphalt Plant (HMA #2)							
P2HMAP	Cold Aggregate Storage Pile	NA	NA	NA	TBD	NA	139.1 TPH
P2HMABIN	Feed Bin	Peerless	S-140	Unknown	TBD	1962	139.1 TPH
P2HMATP1	Feed Bin Conveyor	Peerless	S-140	Unknown	TBD	1962	139.1 TPH
P2HMATP2	Transfer Conveyor	Peerless	S-140	Unknown	TBD	1962	141.3 TPH
P2HMATP3	Sling Conveyor	Peerless	24” x 60’	Unknown	TBD	1962	141.3 TPH
P2HMAFIL	Mineral Filler Silo	McNeilus	40 ton / 900 cf/ 225 bbl	Unknown	TBD	1962	25 TPH; 2850 TPY
P2HMASTK	Drum Dryer	Stansteel	830	72-6010	TBD	1962	141.3 TPH
	Drum Bucket Elevator	Stansteel	R-M50	942	TBD	1962	141.3 TPH
	Hot Screens	Stansteel	48” x 14’	F27-323H	TBD	1962	141.3 TPH
	Weigh Hoppers (3)	Stansteel	R-M50	942	TBD	1962	141.3 TPH
	Asphalt Mixer (Pugmill)	Stansteel	RMF 5000	942	TBD	1962	150 TPH
P2BATCHUL	Asphalt Mixer Unloading	Stansteel	R-M50	942	TBD	1962	150 TPH
P2HMAHT	Asphalt Heater	CEI	C1000	H-563	TBD	Unknown	8.46 MMBtu/hr

Table 104.A: Regulated Sources List

Unit No.	Source Description	Make	Model	Serial No.	Construction/ Reconstruction Date	Manufacture Date	Manufacturer Rated Capacity /Permitted Capacity
P2HMAS (two tanks)	Asphalt Cement Storage Tanks (2)	CEI – Chattanooga / Shop built	AT-106-OB / Unknown	02573-201 / Unknown	TBD	1973 / Unknown	25,000 gallons each
P2TRCK	Haul Road Traffic	NA	NA	NA	TBD	NA	161 trucks/day
P2YARD	Yard	NA	NA	NA	TBD	NA	150 TPH
Plant #5 Hot Mix Asphalt Plant (HMA #5)							
P5HMAP	Cold Aggregate Storage Pile	NA	NA	NA	6/25/1997	NA	278.1 TPH
P5HMABIN	Feed Bin	CMI	PAB432	138	6/25/1997	1989	278.1 TPH
	Auxiliary Feed Bin	CEI	RABPSS1	C12-006	6/25/1997	1989	278.1 TPH
P5HMATP1	Feed Bin Conveyor	CMI	PAB432	138	6/25/1997	1989	278.1 TPH
	Auxiliary Feed Bin Conveyor	CEI	RABPSS1	C12-006	6/25/1997	1989	278.1 TPH
P5HMASCR	Scalping Screen	SMICO	4 x 8 Gyrette Singledeck	159	6/25/1997	1989	278.1 TPH
P5HMATP2	Scalping Screen Conveyor	CMI	TPC-SE3047	159	6/25/1997	1989	278.1 TPH
P5HMAPUG	Pug Mill	Kolberg	1748-4	215-1745-4-85	6/25/1997	1989	282.6 TPH
P5HMATP3	Pug Mill Conveyor	CMI	Transfer Conveyor	106	6/25/1997	1989	282.6 TPH
P5HMATP4	Conveyor Transfer to Slinger Conveyor	CMI	weigh belt	106	6/25/1997	1989	282.6 TPH
P5HMAFIL	Mineral Filler Silo	Free Flow	SE 550	104	6/25/1997	1989	25 TPH, 11250 TPY
P5HMASTK	Drum Dryer/Mixer	CMI / CMI	PVM 10X / APM900	106 / 128	6/25/1997	1989	300 TPH
P5DRUMUL	Drum Unload to Incline Conveyor	CMI	SE184	105	6/25/1997	1989	300 TPH
P5SILOUL a, b, c	Asphalt Silos (3)	CMI	SE185	105	6/25/1997	Unknown	300 TPH
P5HMAHT	Asphalt Heater	CEI	CE 1500A	H80187	6/25/1997	NA	1.41 MMBtu/hr
P5HMAS (2 tanks)	Asphalt Cement Storage Tanks (2)	CMI / Childers	CT25P / Unknown	106 / Unknown	6/25/1997	NA	25,000 gallons each
P5TRCK	Haul Road Traffic	NA	NA	NA	6/25/1997	NA	323 trucks/day
P5YARD	Yard	NA	NA	NA	6/25/1997	NA	300 TPH
Crushing/Screening and Scalping Screen Plants (CSS Plants)							
CH_RAW	Crusher/Screen Plant Raw Material	NA	NA	NA	TBD	NA	200 TPH
CH_F	Crusher/Screen Plant Feeder	Simplicity	44” x 17’	4518-0F95F5467	TBD	2001	200 TPH
CH	Crusher/Screen Plant Crusher	Cedarapids	4340 HIS Crusher	H4340-9	TBD	2001	200 TPH
CH_C1	Crusher/Screen Plant Conveyor	Excel	40’ x 42”	J0801589D	TBD	2001	200 TPH

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D24 ~~A33~~

D25 ~~CEI - 02573-201 / Chattanooga / Asphalt Cement AT-106-OB 1973 / P2HMAS Unknown TBD 25,000 gallons each Shop built Storage Tanks (2) / Unknown Unknown~~

D26 ~~TBD~~

D27 ~~TBD~~

D28 ~~TBD~~

D29 ~~TBD~~

D30 ~~TBD~~

D31 ~~TBD~~

D32 ~~TBD~~

D33 ~~TBD~~

D34 ~~TBD~~

D35 ~~TBD~~

D36 ~~TBD~~

D37 ~~Dryer~~

D38 ~~TBD~~

D39 ~~TBD~~

D40 ~~Silo~~

D41 ~~TBD~~

D42 ~~TBD~~

D43 ~~TBD~~

D44 ~~TBD~~

D45 ~~TBD~~

Table 104.A: Regulated Sources List

Unit No.	Source Description	Make	Model	Serial No.	Construction/ Reconstruction Date	Manufacture Date	Manufacturer Rated Capacity /Permitted Capacity
CH_S	Crusher/Screen Plant Screen	Svedala	5' x 16' 2-deck	26A632	TBD	2001	200 TPH
CH_SC1	Crusher/Screen Plant Screen Conveyor	Excel	24" x 24'	J0801589D	TBD	2001	200 TPH
CH_RC	Crusher/Screen Plant Return Conveyor	Excel	24" x 25'	J0801589D	TBD	2001	200 TPH
CH_SC2	Crusher/Screen Plant Screen Conveyor	Excel	36" x 30'	J0801589D	TBD	2001	200 TPH
CH_C2	Crusher/Screen Plant Conveyor	shopbuilt	36" x 60'	NA	TBD	Unknown	200 TPH
CH_C3	Crusher/Screen Plant Conveyor	shopbuilt	36" x 60'	NA	TBD	Unknown	200 TPH
CH_STK	Crusher/Screen Plant Stacker Conveyor Drop to Pile	shopbuilt	36" x 60'	NA	TBD	Unknown	200 TPH
CH_FP	Crusher/Screen Finish Product Storage Pile	NA	NA	NA	TBD	Unknown	200 TPH
CH_E	Crusher/Screen Plant Generator	Caterpillar	3406B/580 MDL1166	LM-362146-0601	TBD	2011	360 HP
SS_RAW	Scalping Screen Plant Raw Material	NA	NA	NA	TBD	NA	50 TPH
SS_F	Scalping Screen Plant Feeder	CEC	Screen-It 710 Boxer	6344	TBD	NA	50 TPH
SS	Scalping Screen Plant Screen	CEC	Screen-It 710 Boxer	6344	TBD	2006	50 TPH
SS_C	Scalping Screen Plant Conveyor	CEC	Screen-It 710 Boxer	6344	TBD	2006	50 TPH
SS_STK	Scalping Screen Conveyor Drop to Pile	shopbuilt	36" x 60'	NA	TBD	2006	50 TPH
SS_FP	Scalping Screen Finish Product Storage Pile	NA	NA	NA	TBD	NA	50 TPH
SS_E	Scalping Screen Plant Engine	Duetz	F31913	8738237	TBD	2003	55 HP
CSHTRCK	Paved Haul Road Traffic - Crushing	NA	NA	NA	TBD	NA	111 trucks/day

1. All TBD (to be determined) units and like-kind engine replacements must be evaluated for applicability to NSPS and MACT requirements.

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D47 ~~A33~~

A105 Facility: Control Equipment

D48 ~~all~~

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

Table 105.A: Control Equipment List:

Control Equipment Unit No.	Control Description	Pollutant being controlled	Control for Unit Number(s)[1]
C1	Conveyor Transfer Points – Wet Dust Suppression System	PM_{10} and $PM_{2.5}$	P2HMATP1, P2HMATP2, P2HMATP3, P5HMATP1, P5HMATP2, P5HMAPUG, P5HMATP3, P5HMATP4, CH_C1, CH_SC1, CH_RC, CH_SC2, CH_C2, CH_C3, SS_C
C2	Crushers – Wet Dust Suppression System	PM_{10} and $PM_{2.5}$	CH
C3	Screen – Wet Dust Suppression System	PM_{10} and $PM_{2.5}$	CH_S, SS, P5HMASCR
C4	Conveyor Transfer to Storage Piles – Soil Moisture Content	PM_{10} and $PM_{2.5}$	CH_STK, SS_STK
C5	Unpaved Roads – Asphalt Millings, Surfactant, and Water	PM_{10} and $PM_{2.5}$	Aggregate, Mineral Filler, Asphalt Cement to HMA - P2TRCK, P5TRCK
C6	Paved Roads – Swept or Water Washing	PM_{10} and $PM_{2.5}$	Main Access Road - P2TRCK, P5TRCK, CSHTRCK
C7	Silo Baghouse	PM_{10} and $PM_{2.5}$	P2HMAFIL, P5HMAFIL
C8	Asphalt Mixer Baghouse	PM_{10} and $PM_{2.5}$	P2HMASTK

D49 ~~Storage~~

D50 ~~Batch Plant~~

Table 105.A: Control Equipment List:

Control Equipment Unit No.	Control Description	Pollutant being controlled	Control for Unit Number(s)[1]
C9	Drum Dryer/Mixer Baghouse	PM_{10} and $PM_{2.5}$	P5HMASTK

1. Control for unit number refers to a unit number from the Regulated Equipment List

A106 Facility: Allowable Emissions

A. The following Section lists the emission units and their allowable emission limits. (40 CFR 50; 40 CFR 60, Subparts A, I, OOO, and IIII; 40 CFR 63 Subparts A and ZZZZ; 20.2.72.210.A and B.1 NMAC).

Table 106.A: Allowable Emissions

Unit No.	NO_x[1] pph	NO_x[1] tpy	CO pph	CO tpy	VOC pph	VOC tpy	SO_2 pph	SO_2 tpy	PM_{10} pph	PM_{10} tpy	$PM_{2.5}$ pph	$PM_{2.5}$ tpy
Plant #2 Hot Mix Asphalt Plant (HMA #2)												
P2HMAP	-	-	-	-	-	-	-	-	<	0.2	<	0.03
P2HMABIN	-	-	-	-	-	-	-	-	<	0.2	<	0.03
P2HMATP1	-	-	-	-	-	-	-	-	0.006	0.004	0.002	0.001
P2HMATP2	-	-	-	-	-	-	-	-	0.007	0.004	0.002	0.001
P2HMATP3	-	-	-	-	-	-	-	-	0.007	0.004	0.002	0.001
P2HMAFIL	-	-	-	-	-	-	-	-	0.1	0.007	0.03	0.002
P2HMASTK	3.8	2.4	60.0	38.0	1.2	0.8	0.7	0.4	4.1	2.6	3.8	2.4
P2BATCHUL	-	-	<	0.1	<	0.4	-	-	<	0.05	<	0.05
P2HMAHT	<	3.2	<	2.7	<	0.2	<	0.2	<	0.2	<	0.2
P2HMAS (total 2 tanks)	-	-	-	-	0.02	0.1	-	-	-	-	-	-
P2TRCK	-	-	-	-	-	-	-	-	0.6	0.3	0.1	0.06
P2YARD	-	-	<	0.03	<	0.1	-	-	-	-	-	-
Plant #5 Hot Mix Asphalt Plant (HMA #5)												
P5HMAP	-	-	-	-	-	-	-	-	<	0.9	<	0.1
P5HMABIN	-	-	-	-	-	-	-	-	<	0.9	<	0.1
P5HMATP1	-	-	-	-	-	-	-	-	0.01	0.02	0.004	0.005

Unit No.	NO_x[1] pph	NO_x[1] tpy	CO pph	CO tpy	VOC pph	VOC tpy	SO_2 pph	SO_2 tpy	PM_{10} pph	PM_{10} tpy	$PM_{2.5}$ pph	$PM_{2.5}$ tpy
P5HMASCR	-	-	-	-	-	-	-	-	0.2	0.3	0.01	0.02
P5HMATP2	-	-	-	-	-	-	-	-	0.01	0.02	0.004	0.005
P5HMAPUG	-	-	-	-	-	-	-	-	0.01	0.02	0.004	0.005
P5HMATP3	-	-	-	-	-	-	-	-	0.01	0.02	0.004	0.005
P5HMATP4	-	-	-	-	-	-	-	-	0.01	0.02	0.004	0.005
P5HMAFIL	-	-	-	-	-	-	-	-	0.1	0.03	0.03	0.007
P5HMASTK	7.8	9.8	39.0	48.8	9.6	12.0	1.0	1.3	6.9	8.6	6.9	8.6
P5DRUMUL	-	-	<	0.4	3.7	4.6	-	-	<	0.2	<	0.2
P5SILOUL a, b, c (total 3 silos)	-	-	<	0.5	1.3	1.6	-	-	<	0.2	<	0.2
P5HMAHT	<	0.5	<	0.5	<	0.03	<	0.003	<	0.04	<	0.04
P5HMAS (total 2 tanks)	-	-	-	-	0.03	0.1	-	-	-	-	-	-
P5TRCK	-	-	-	-	-	-	-	-	1.2	1.3	0.2	0.2
P5YARD	-	-	<	0.1	<	0.4	-	-	-	-	-	-
Crushing/Screening and Scalping Screen Plants (CSS Plants)												
CH_RAW	-	-	-	-	-	-	-	-	<	0.5	<	0.08
CH_F	-	-	-	-	-	-	-	-	<	0.5	<	0.08
CH	-	-	-	-	-	-	-	-	0.1	0.1	0.02	0.02
CH_C1	-	-	-	-	-	-	-	-	0.009	0.009	0.003	0.003
CH_S	-	-	-	-	-	-	-	-	0.2	0.2	0.01	0.01
CH_SC1	-	-	-	-	-	-	-	-	0.009	0.009	0.003	0.003
CH_RC	-	-	-	-	-	-	-	-	0.009	0.009	0.003	0.003
CH_SC2	-	-	-	-	-	-	-	-	0.009	0.009	0.003	0.003
CH_C2	-	-	-	-	-	-	-	-	0.009	0.009	0.003	0.003
CH_C3	-	-	-	-	-	-	-	-	0.009	0.009	0.003	0.003
CH_STK	-	-	-	-	-	-	-	-	0.4	0.3	0.06	0.05

Unit No.	NO_x[1] pph	NO_x[1] tpy	CO pph	CO tpy	VOC pph	VOC tpy	SO_2 pph	SO_2 tpy	PM_{10} pph	PM_{10} tpy	$PM_{2.5}$ pph	$PM_{2.5}$ tpy
CH_FP	-	-	-	-	-	-	-	-	<	0.5	<	0.08
CH_E	2.4	4.3	2.1	3.8	<	0.4	<	0.007	<	0.02	<	0.02
SS_RAW	-	-	-	-	-	-	-	-	<	0.1	<	0.02
SS_F	-	-	-	-	-	-	-	-	<	0.1	<	0.02
SS	-	-	-	-	-	-	-	-	0.04	0.04	0.003	0.003
SS_C	-	-	-	-	-	-	-	-	0.002	0.002	0.0007	0.0007
SS_STK	-	-	-	-	-	-	-	-	0.09	0.08	0.01	0.01
SS_FP	-	-	-	-	-	-	-	-	<	0.1	<	0.02
SS_E	<	1.5	<	0.7	<	0.3	<	0.001	<	0.2	<	0.2
CSHTRCK	-	-	-	-	-	-	-	-	<	0.3	<	0.06

1 Nitrogen dioxide emissions include all oxides of nitrogen expressed as NO_2
2 "-" indicates the application represented emissions of this pollutant are not expected.
3 "<" indicates that the application represented the uncontrolled mass emission rates are less than 1.0 pph or 1.0 tpy for this emissions unit and this air pollutant. The Department determined that allowable mass emission limits were not required for this unit and this pollutant.
4 To report excess emissions for sources with no pound per hour and/or ton per year emission limits, see condition B110F.

B. State Toxics Limits - Asphalt Fumes (Units P2HMASTK, P2BATCHUL, P2HMAS, P2YARD, P5HMASTK, P5DRUMUL, P5SILOULa, b, c, P5HMAS, P5YARD)

Requirement: The state toxic pollutant, Asphalt Fumes (AF), shall be limited to 5.0 tpy. Compliance with Asphalt Fume emission limits is demonstrated by compliance with the requirements in Specific Conditions A401.A, B, C, & D, and A402.A & B.

The stack height for Unit P2HMASTK shall be at least 30 feet. The stack height for Unit P5HMASTK shall be at least 40 feet, as specified in the permit application and modeled to demonstrate compliance with air quality air quality standards.

Monitoring: Monitor per the Monitoring requirements in Specific Conditions A401.A, B, C, & D, and A402.A & B.

Recordkeeping: The permittee shall maintain records in accordance with Specific Conditions A401.A, B, C, & D, and A402.A & B, and General Condition B109.

Reporting: The permittee shall report in accordance with Specific Conditions A401.A, B, C, & D, and A402.A & B, and General Condition B110.

C. State Toxics Limits - Calcium Hydroxide (Units P2HMAFIL and P5HMAFIL)

Requirement: The state toxic pollutant, Calcium Hydroxide, shall be limited to a total of 0.36

D53 ~~A33~~

D54 ~~6.3 pph and~~

D55 ~~6.2 tpy. These emission limits are based on the throughput limits in Condition A401.B. Compliance with the throughput limits in Condition A401.B demonstrates compliance with the State Toxic pollutant, AF emissions limits.~~

D56 ~~Follow~~

D57 ~~Section B109.~~

pph, based on both mineral filler silos being loaded in a single hour, and 0.051 tpy, based on the throughput of both asphalt plants. Compliance with Calcium Hydroxide emission limits is demonstrated by compliance with Specific Conditions A401.A & B and A403.A, B, & C. The stack height for the silo baghouse exhaust (Unit C7) from Units P2HMAFIL and P5HMAFIL shall be at least 45 feet, as specified in the permit application and modeled to demonstrate compliance with air quality standards.
Monitoring: Per the Monitoring requirements in Specific Conditions A401.A & B and A403.A, B, & C.
Recordkeeping: The permittee shall maintain records in accordance with Specific Conditions A401.A & B and A403.A, B, & C and General Condition B109.
Reporting: The permittee shall report in accordance with Specific Conditions Specific Conditions A401.A & B and A403.A, B, & C, and General Condition B110.

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

A. Separate allowable SSM emission limits are not required for this facility since the SSM emissions are predicted to be less than the limits established in Table 106.A. The permittee shall maintain records in accordance with Condition B109.C.

A108 Facility: Allowable Operations

A. If the facility ceases operations for any reason for longer than 30 days, the owner or operator shall notify the Permit Program Manager within 45 days of ceasing operations, the reason for ceasing operations, and provide a restart date if the cessation is temporary.

B. The Asphalt Cement Storage Tanks (Units P2HMAS and P5HMAS) are authorized to operate continuously.

C. For crushing operations, IC engine, or asphalt plant (HMA #2 or HMA #5), Startup Mode is defined as the period from commencement of production operations to fifteen (15) minutes after commencement of production operations.

D. Upon startup of HMA #2 at this location, the permittee shall submit an administrative revision requesting to cancel Air Quality Permit 0803R1 and Air Quality Permit 0052M1R1.

A109 Facility: Reporting Schedules

A. The permittee shall report according to the Specific Conditions and General Conditions of this permit.

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D58 ~~A33~~

D59 ~~Section B110.~~

D60 ~~SSM~~

D61 ~~emissions are predicted to be less than the limits established in Table 106.A.~~

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D62 ~~A33~~

A110 Facility: Fuel and Fuel Sulfur Requirements

A. Fuel and Fuel Sulfur Requirements – Generator and Engine (Units CH_E and SS_E)

Requirement: All combustion emissions units shall combust only Diesel Fuel or No. 2 Fuel Oil. The sulfur content of the fuel shall not exceed 0.0015% sulfur by weight.

Monitoring: No monitoring is required. Compliance is demonstrated through records.

Recordkeeping:

(1) The permittee shall demonstrate compliance with the natural gas or fuel oil limit on total sulfur content by maintaining records, of a current, valid purchase contract, tariff sheet or transportation contract for the gaseous or liquid fuel, or fuel gas analysis, specifying the allowable limit or less.

(2) Alternatively, compliance shall be demonstrated by keeping a receipt or invoice from a commercial fuel supplier, with each fuel delivery, which shall include the delivery date, the fuel type delivered, the amount of fuel delivered, and the maximum sulfur content of the fuel.

D63 ~~(2) If fuel gas analysis is used, the analysis shall not be older than one year. (3)~~

Reporting: The permittee shall report in accordance with General Condition B110.

D64 ~~Section~~

B. Fuel and Fuel Sulfur Requirements – Drum Dryers and Asphalt Heaters (Units P2HMASTK, P2HMAHT, P5HMASTK, and P5HMAHT)

Requirement: Compliance with the SO2 limits in Table 106.A shall be demonstrated by all drum dryer and asphalt heaters combusting only commercial pipeline natural gas fuel and by compliance with Specific Condition A401.B.

D65 ~~Requirement: These units shall combust only natural gas containing no more than 0.2 grains of total sulfur per 100 dry standard cubic feet.~~

Monitoring: No monitoring is required. Compliance is demonstrated through records.

Recordkeeping: The permittee shall demonstrate compliance with the natural gas sulfur content by maintaining records, receipt, or invoice from a commercial fuel supplier that demonstrate the facility combusts only commercial pipeline natural gas.

D66 ~~Recordkeeping: (1) The permittee shall demonstrate compliance with the natural gas or fuel oil limit on total sulfur content by maintaining records of a current, valid purchase contract, tariff sheet or transportation contract for the gaseous or liquid fuel, or fuel gas analysis, specifying the allowable limit or less. (2) If fuel gas analysis is used, the analysis shall not be older than one year. (3) Alternatively, compliance shall be demonstrated by keeping a receipt or invoice from a commercial~~
[continued - see Deletions Index, D66]

Reporting: The permittee shall report in accordance with Section B110.

A111 Facility: 20.2.61 NMAC Opacity

A. 20.2.61 NMAC Opacity Limit –Asphalt Heaters (Units, P2HMAHT and P5HMAHT)

D67 ~~- Drum Dryers and~~

Requirement: Visible emissions from all stationary combustion emission stacks shall not equal or exceed an opacity of 20 percent in accordance with the requirements at 20.2.61.109 NMAC.

Monitoring:

(1) Use of natural gas fuel constitutes compliance with 20.2.61 NMAC unless opacity equals or exceeds 20% averaged over a 10-minute period. When any visible emissions are observed during operation other than during a 15-minute startup mode, opacity shall be measured over a 10-minute period, in accordance with the procedures at 40 CFR 60, Appendix A, Reference

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D68 ~~A33~~

Method 9 (EPA Method 9) as required by 20.2.61.114 NMAC.

(2) In lieu of performing these Method 9 procedures the operator may optionally shut down the equipment to perform maintenance/repair to eliminate the visible emissions. Following completion of equipment maintenance/repair, the operator shall conduct visible emission observations following startup in accordance with the following procedures:

D69 ~~or the operator will be allowed to shut down the equipment to perform maintenance/repair to eliminate the visible emissions. Following completion of equipment maintenance/repair, the operator shall conduct visible emission observations following startup in accordance with the following procedures:~~

(a) Prior to starting up the operator shall record the date, time, the maintenance/repair performed, and the name of the maintenance person and person performing the following opacity test(s).

D70 ~~(a)~~

(b) Visible emissions observations shall be conducted over a 6-minute observation period during operation after completion of startup mode in accordance with the procedures at 40 CFR 60, Appendix A, Reference Method 22 (EPA Method 22). Visible emissions will be considered present if they are detected for more than 30 seconds of the 6-minute observation period. If no visible emissions are observed during the 6-minute period, no further monitoring is required.

D71 ~~40~~

D72 ~~for more than 2 minutes in~~

D73 ~~action~~

(c) If any visible emissions are observed during completion of the EPA Method 22 observation, subsequent opacity observations shall be conducted over a 10-minute period, in accordance with the procedures at Method 9 as required by 20.2.61.114 NMAC. If a Method 9 opacity greater than 20 percent is observed, the operator shall shut down the equipment to perform maintenance and repairs per the Monitoring requirements of this condition.

D74 ~~EPA~~

For the purposes of this condition, *Startup mode* is defined as the startup period that is described in the facility's startup plan, but not to exceed 15 minutes.

Recordkeeping:

(1) If any visible emissions observations were conducted, the permittee shall keep records in accordance with the requirements of Section B109 and as follows:

(a) For any visible emissions observations conducted in accordance with EPA Method 22, record the information on the form referenced in EPA Method 22, Section 11.2.

(b) For any opacity observations conducted in accordance with the requirements of Method 9, record the information on the form referenced in EPA Method 9, Sections 2.2 and 2.4.

D75 ~~EPA~~

Reporting: The permittee shall report in accordance with Section B110.

B. 20.2.61 NMAC Opacity Limit – Generators (Units CH_E and SS_E)

Requirement: Visible emissions from all emission stacks of all **compression ignition** engines shall not equal or exceed an opacity of 20 percent (20%) in accordance with the requirements at 20.2.61.109 NMAC.

Monitoring:

(1) For compression ignition engines that are used to generate facility power and/or used for facility processing and **are not** emergency, black start, or limited use engines as defined at

40 CFR 63, Subpart ZZZZ, the permittee shall, at least once every 90 days of operation, measure opacity on each Unit for a minimum of 10 minutes in accordance with the procedures of 40 CFR 60, Appendix A, Method 9. The permittee shall also measure opacity on a Unit's emissions stack when any visible emissions are observed during steady state operation.

(2) For emergency, standby, or limited use compression ignition engines that operate on a limited basis, the permittee shall, at least once during any year that the unit is operated and no less frequently than once every 5 years regardless of unit operation, measure opacity during steady state operation on each Unit for a minimum of 10 minutes in accordance with the procedures of 40 CFR 60, Appendix A, Method 9. The permittee shall also measure opacity on a Unit's emissions stack anytime when visible emissions are observed during steady state operation.

(3) Alternatively, for any compression ignition engine, if visible emissions are observed during steady state operation, within 1 hour of seeing visible emissions, the permittee shall shut down the engine and perform maintenance and/or repair to eliminate the visible emissions. Following completion of equipment maintenance and/or repair, the permittee shall conduct visible emission observations following startup in accordance with the following procedures:

(a) Visible emissions observations shall be conducted over a 6-minute period during operation after completion of startup mode in accordance with the procedures at 40 CFR 60, Appendix A, Reference Method 22 (EPA Method 22). Visible emissions will be considered present if they are detected for more than 30 seconds of the 6-minute observation period. If no visible emissions are observed during in the 6-minute observation period, no further action is required.

(b) If any visible emissions are observed during completion of the EPA Method 22 observation, subsequent opacity observations shall be conducted over a 10-minute period, in accordance with the procedures at EPA Method 9 as required by 20.2.61.114 NMAC.

For the purposes of this condition, *Startup mode* is defined as the startup period that is described in the facility's startup plan, but not to exceed 15 minutes.

Recordkeeping:

(1) If any visible emissions observations were conducted, the permittee shall keep records in accordance with the requirements of Section B109 and as follows:

(a) For any visible emissions observations conducted in accordance with EPA Method 22, record the information on the form referenced in EPA Method 22, Section 11.2.

(b) For any opacity observations conducted in accordance with the requirements of EPA Method 9, record the information on the form referenced in EPA Method 9, Sections 2.2 and 2.4.

(c) For each emergency, black start, and limited use compression ignition engine, the permittee shall also record the number of operating hours per year of each Unit and the

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D76 ~~A33~~

D77 ~~in excess of two minutes~~

D78 ~~are observed,~~

D79 ~~(b) If visible emissions in excess of 2 minutes in the 10-minute observation period are observed during completion of the EPA Method 22~~

D80 ~~NMAC.~~

reason for operating the unit.
Reporting: The permittee shall report in accordance with Section B110.

A112 Facility: Haul Roads

A. Truck Traffic Limitation on Trips – Units P2TRCK, P5TRCK, CSHTRCK

Requirement: Compliance with the particulate matter emission limits in Table 106.A for facility wide haul roads shall be demonstrated by limiting the number of round-trip paved road trips to 595 trucks/day. The round-trip truck/day limits on the paved road were specified in the permit application and are the basis for the Department's modeling analysis to determine compliance with the applicable ambient air quality standards.
Monitoring: Daily, the permittee shall monitor the total number of haul road round trips for each truck that enters and leaves the facility.
Recordkeeping: Daily, the permittee shall keep records of the total number of haul road trips for each truck that enters and leaves the facility.
Reporting: The permittee shall report in accordance with Section B110.

B. Paved Haul Road Control – P2TRCK, P5TRCK, and CSHTRCK

Requirement: Compliance with the allowable emission limits for the paved roads portions of Units P2TRCK, P5TRCK, and CSHTRCK in Table 106.A shall be demonstrated by: The haul road going in and out of the plant site shall be paved up to the nearest public road. All paved roads shall be paved **and** cleaned (swept or watered) to control particulate emissions. This condition demonstrates compliance with the AP-42, Section 13.2.1 (ver. 01/11) "Paved Roads" emission equation used in the permit application and modeling. This control measure shall be used on paved roads.
Monitoring: The permittee shall monitor the frequency, quantity, and location(s) of the water application, or equivalent control measures.
Recordkeeping: The permittee shall keep daily records of the date, time, type of control used (sweeping or watering), and the name of the driver.
Reporting: The permittee shall report in accordance with Section B110.

C. Unpaved Haul Road Control – P2TRCK and P5TRCK

Requirement: Compliance with the allowable emission limits for the unpaved portions of Units P2TRCK and P5TRCK in Table 106.A shall be demonstrated by: 1) Truck traffic areas and the unpaved loop road shall be treated with asphalt millings or surfactant and shall be watered to control particulate emissions. Compliance with this requirement demonstrates compliance with the 90% control efficiency used in the permit application to quantify particulate emissions, which were used in modeling.

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D81 ~~A33~~

D82 ~~Requirement: Compliance with the allowable emission limits for~~

D83 ~~The haul road going in and out of the plant site shall be paved and cleaned to control particulate emissions.~~

D84 ~~as far as the nearest public road.~~

2) Compliance with Conditions A302.A and A302.B. Truck traffic area emissions are limited by the throughputs specified in the permit application and specified in Conditions A302.A and A302.B. These emissions were used in the Department's modeling analysis to determine compliance with the applicable ambient air quality standards.

Monitoring: The permittee shall monitor the frequency, quantity, and location(s) of the water application, or equivalent control measures.

Recordkeeping: The permittee shall keep daily records of the frequency, quantity, and location(s) of the water application, or equivalent control measures.

Reporting: The permittee shall report in accordance with Section B110.

D. Nighttime Truck Traffic

Requirement: Nighttime operation of haul trucks and material handling equipment is authorized providing the following requirements are met for the trafficked roads and off-road surfaces used by this equipment.

(1) On each evening, prior to nighttime operations, clean (sweep or water) paved roads and apply water to unpaved roads within four hours prior to sunset.

(2) During nighttime operations, additional watering shall be performed whenever dust is observed to be higher than the headlights or taillights of a standard haul truck as it travels on the surface.

(3) At a minimum, nighttime unpaved roads shall be watered at intervals equal to the minimum watering interval applications during the previous day.

Monitoring:

(1) For each pre-sunset and for each nighttime water application, the permittee shall monitor:

(a) the date, time, and water truck odometer/hour meter reading at the commencement of watering activities;

(b) the date, time, and water truck odometer/hour meter reading at the completion of watering activities;

(c) the quantity of water applied;

(d) the date and time of commencement and completion of nighttime traffic operations.

(2) For each hour of nighttime operation in which the traffic areas were not watered, the permittee shall monitor the road and off-road surfaces to see if dust is rising higher than the headlights or taillights of a standard haul truck.

Recordkeeping:

(1) For each control measure required prior to nighttime operation, maintain the date, time, and records of the cleaning (sweep or water) paved roads and for unpaved roads, the date, time, and the amount of water applied to unpaved roads.

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D85 ~~A33~~

D86 ~~in Table 106.A shall be demonstrated by: Truck traffic areas and the unpaved loop road shall be watered and treated with asphalt millings and surfactant to control particulate emissions. This condition demonstrates compliance with the 90% control efficiency used in the permit application and modeling. This control measure shall be used on roads as far as the nearest public road. Recordkeeping: The permittee shall keep daily records of the frequency, quantity, and location(s)~~ [continued - see Deletions Index, D86]

D87 ~~Night Time~~

D88 ~~Night time~~

D89 ~~Unpaved road surfaces: (1) Water immediately prior to beginning night time traffic operations.~~

D90 ~~done~~

D91 ~~night time~~

D92 ~~established~~

D93 ~~Paved road surfaces: (4) The permittee shall clean the paved roads per Condition A112.B prior to sunset prior to nighttime operations.~~

D94 ~~night~~

D95 ~~night~~

(2) Each record of nighttime traffic on unpaved roads and surfaces shall include: (a) the datetime, and odometer/hour meter reading at the commencement of watering; (b) the date, time, and odometer/hour meter reading at the completion of watering; (c) the quantity of water applied; (d) the time and date of commencement and completion of nighttime operations; (e) the name of the person making the observations. (3) The permittee shall make a record of each hourly dust monitoring activity to see if additional watering is necessary. At a minimum the record shall include the date, the time of the observation, the roads and surfaces observed, the results of the observation, and the name of the person making the observation.
Reporting: Records shall be made available according to reporting requirements of this permit, if the Department requests them.

A113 Facility: Co-Location Requirements

A. This facility shall not co-locate with another facility without submitting air dispersion modeling and revising the permit.

A114 Facility: Relocation Requirements

A. This facility may not be relocated.

EQUIPMENT SPECIFIC REQUIREMENTS

OIL AND GAS INDUSTRY

A200 Oil and Gas Industry – Not Required

CONSTRUCTION INDUSTRY - AGGREGATE

A300 Construction Industry - Aggregate

A. This section has common equipment related to most Crusher/Screening Operations.

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D96 ~~A33~~
D97 ~~(1)~~
D98 ~~night~~
D99 ~~date, time,~~
D100 ~~(2)~~

D101 ~~A33~~

A301 Equipment Substitutions

A. Substitution of aggregate handling 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 and emission limit requirements in this permit.

B. The Department shall be notified within fifteen (15) days of equipment substitutions using the Equipment Substitution Form provided by the Department and available online.

A302 Allowable Operations for the Crushing/Screening Plant and the Scalping Screen Plant (CSS Plants)

A. Allowable Hours of Operation – Crushing/Screening Plant and Scalping Screen Plants

Requirement: Compliance with the emission limits for the Crushing/Screening and Scalping Screen Plants in Table 106.A shall be demonstrated by restricting these plants, including all permitted equipment and related activities such as truck traffic involving movement of product, to operate no more than the hours described below. Additionally, the plants may only operate between the daylight hours of sunrise and sunset. See the daylight definition in Section C101.
Allowable hours of operation are 7:00 AM – 5:00 PM daily.
Monitoring: Daily, the permittee shall monitor the date, startup time, shutdown time, and the total hours of operation of the Crushing/Screening and Scalping Screen Plants.
Recordkeeping: Daily, the permittee shall record the date, startup time, shutdown time, and the total hours of operation of the Crushing/Screening and Scalping Screen Plants. The permittee shall maintain records in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

D102 ~~areas follows:~~

B. Production Limits – Crushing/Screening and Scalping Screen Plants

Requirement: Compliance with the particulate emission limits in Table 106.A shall be demonstrated by limiting the production rates to: 1. For the Crushing and Screening Plant: (200 tph) The aggregate production shall not exceed 200 tons per hour and 2,000 tons per day. 2. For the Scalping Screen Plant: (50 tph) The aggregate production shall not exceed 50 tons per hour and 500 tons per day. These production rates were specified in the permit application and are the basis for the Department's modeling analysis to determine compliance with the applicable ambient air

quality standards.

For each front-end loader, the permittee shall separately count the number of front-end loads such that the total weight of the material introduced into the system and prior to classification can be calculated for the Crushing and Screening Plant and the Scalping Screen Plant. Within the first hour of each day of production, the front-end bucket load of each front-end loader(s) used that day shall be weighed on the scales to determine the tons per bucket load for that loader. This weight shall be used to calculate that day's production rate.

Monitoring: Daily, the permittee shall monitor the following:

1. the daily bucket load weight and daily bucket counts for each front-end loader operating at the Crushing and Screening Plant and the Scalping Screen Plant.
2. the production rate for the Crushing and Screening Plant and Scalping Screen Plant.
3. the total daily production rate (tons/day) of the Crushing and Screening Plant and Scalping Screen Plant.

Compliance with the ton per hour process rate shall be demonstrated by dividing the total daily production in tons per day by the total hours of operation for that day.

Recordkeeping: Daily, the permittee shall keep records of the following:

1. the daily front-end bucket load weight of each front-end loading event of that day,
2. the total daily production rate (tons/day) separately for the Crushing and Screening Plant and the Scalping Screen Plant,
3. throughput shall be recorded in both total weight (tons/day) and front-end loads, and
4. the results of the calculated average hourly and daily total production rate.

Reporting: The permittee shall report in accordance with Section B110.

A303 Process Equipment – Crushers, Screens, Conveyors, Pugmills

A. Wet Dust Suppression System (Conveyor Transfer Point Units P2HMATP1, P2HMATP2, P2HMATP3, P5HMATP1, P5HMATP2, P5HMATP3, P5HMATP4, CH_C1, CH_SC1, CH_RC, CH_SC2, CH_C2, CH_C3, SS_C; Pug Mill Unit P5HMAPUG; Crusher Unit CH; and Screen Units CH_S, SS, and P5HMASCR)

Requirement: Compliance with allowable particulate emission limits in Table 106.A shall be demonstrated by:

(1) Conveyor Transfer Point Units P2HMATP1, P2HMATP2, P2HMATP3, P5HMATP1, P5HMATP2, P5HMATP3, P5HMATP4, P5HMASCR, CH_C1, CH_SC1, CH_RC, CH_SC2, CH_C2, CH_C3; Pug Mill Unit P5HMAPUG; Crusher Unit CH; and Screen Unit CH_S shall have a Wet Dust Suppression System installed to minimize fugitive emissions to the atmosphere from emission points and to meet the emission limitations contained in this permit.

(2) At any time, if visible emissions at material transfer points are observed, additional water sprays shall be added or if already installed, turned on, to minimize the visible emissions.

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D103 ~~A33~~

D104 ~~The permittee shall install and operate a weigh-belt(s) and data logger in a location(s) such that material introduced into the system and prior to classification is weighed at the Crushing and Screening Plant and Scalping Screen Plant. If the weigh belt malfunctions, the permittee shall count the number of front-end loads such that material introduced into the system and prior to classification is recorded until repair of the weigh belt is completed. The permittee shall calibrate the~~ *[continued - see Deletions Index, D104]*

D105 ~~1.~~

D106 ~~Weigh belt data shall be collected at least once every six (6) minutes. 2.~~

D107 ~~1.~~

D108 ~~2.~~

D109 ~~For each belt, the permittee shall also keep records of the methods used to calibrate the weigh belt(s) and the date of each calibration.~~

D110 ~~Units CH_S and SS~~

D111 ~~After daily startup, if excessive visible emissions at material transfer points are observed, additional water sprays shall be added or if already installed, turned on, to minimize the visible emissions.~~

(3) To minimize visible emissions from Units SS_C and SS, water shall be added to the scalping screen raw material storage pile prior to input into the scalping screen. (4) Each Wet Dust Suppression System shall be turned on and properly functioning at all times the facility is operating, unless rain or snow precipitation achieves an equivalent level of dust control. Any problems with the control devices shall be corrected before commencement of operation.
Monitoring: On each day of operation at the commencement of operation of the Wet Dust Suppression System, the permittee shall inspect the Wet Dust Suppression System. At a minimum, the visual inspection shall include checks for malfunctions and deficiencies in dust control effectiveness, such as breaches in the physical barriers controlling dust emissions; spray nozzle clogs; misdirected sprays; insufficient water pressure; and/or any other dust control equipment deficiencies or malfunctions.
Recordkeeping: A daily record shall be made of the Wet Dust Suppression System inspection and any maintenance activity that resulted from the inspection. The permittee shall record in accordance with Section B109 of this permit and shall also include a description of any malfunction and any corrective actions taken. The record shall be formatted with a description of what shall be inspected to ensure the inspector understands the inspection responsibilities. If the Wet Dust Suppression System is turned off due to rain or snow precipitation that achieve the equivalent level control as the Water Spray Units, it shall be so noted in the daily record.
Reporting: The permittee shall report in accordance with Section B110.

B. Fugitive Dust Control Plan (FDCP)

Requirement: The permittee shall develop a Fugitive Dust Control Plan (FDCP) for minimizing emissions from areas such as aggregate feeders, conveyors, bins, bin scales, storage piles, overburden removal, disturbed earth, buildings, truck loading/unloading, or active pits. Sites of overburden removal and active pit areas shall be watered, dependent on existing wind speeds and soil moisture content, as necessary to minimize dust emissions. Stockpiles must be kept adequately moist to control dust during storage and handling or covered at all times to minimize emissions.
Monitoring: Once each calendar month, the permittee shall inspect each area to ensure that fugitive dust is being minimized and determine if the FDCP plan needs updating. Any observations of visible dust emissions from the above areas shall be considered an indication of the need to update the FDCP.
Recordkeeping: Monthly, the permittee shall make a record of each monthly inspection of each area and revise the plan to address past shortcomings as well as future activities. If no changes are needed, then the permittee shall make a record that the plan needs no changes. The permittee shall make a record of any action taken to minimize emissions as a result of the FDCP or monthly inspections. The permittee shall maintain records in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

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D112 ~~A33~~
D113 ~~weather conditions exist that achieve~~
D114 ~~such as rain or snow.~~
D115 ~~Monitoring: On each day of operation, during operation of the Wet Dust~~
D116 ~~and of the Facility,~~
D117 ~~weather conditions~~
D118 ~~Stock piles shall be maintained with standard industry practices and procedures to minimize fugitive emissions to the atmosphere.~~

A304 Combustion Equipment – Generator, Engine

A. Maintenance and Repair Monitoring (Units CH_E and SS_E)

Requirement: Compliance with the allowable emission limits in Table 106.A shall be demonstrated by properly maintaining and repairing the units.
Monitoring: Maintenance and repair shall meet the minimum manufacturer's or permittee's recommended maintenance schedule. Activities that involve maintenance, adjustment, replacement, or repair of functional components with the potential to affect the operation of an emission unit shall be documented as they occur for the following events: (1) Routine maintenance that takes a unit out of service for more than two hours during any twenty-four-hour period. (2) Unscheduled repairs that require a unit to be taken out of service for more than two hours in any twenty-four-hour period.
Recordkeeping: The permittee shall maintain records in accordance with Section B109, including records of maintenance and repairs activities and a copy of the manufacturer's or permittee's recommended maintenance schedule.
Reporting: The permittee shall report in accordance with Section B110.

B. Limit on Generator/Engine Hours of Operation (Units CH_E and SS_E)

Requirement: Compliance with allowable combustion emission limits in Table 106.A shall be demonstrated by limiting the total hours of operation for each generator/engine to 3,650 hours/year. Units CH_E and SS_E shall be equipped with non-resettable, recordable, cumulative hour meters to measure and record the daily hours of operation. These hours of operation were specified in the permit application and are the basis for the Department's modeling analysis to determine compliance with the applicable ambient air quality standards.
Monitoring: Daily, the permittee shall monitor the total hours of operation for each generator/engine.
Recordkeeping: Daily, the permittee shall keep records of the following: 1. The total hours of operation for each generator/engine per day. 2. Monthly, during the first twelve months of monitoring, the permittee shall record the cumulative total hours of operation per generator/engine. 3. After the first twelve months of monitoring, the permittee shall calculate and record the monthly rolling 12-month total hours of operation per generator/engine. The permittee shall meet the recordkeeping requirements in Section B109.
Reporting: The permittee shall report in accordance with Section B110.

C. Initial Compliance Test (Unit CH_E)

D120 ~~A33~~

Requirement: Compliance with the allowable emission limits in Table 106.A shall be demonstrated by performing an initial compliance test.
Monitoring: The permittee shall perform an initial compliance test in accordance with the General Testing Requirements of Section B111. Emission testing is required for NOx and CO. Test results that demonstrate compliance with the CO emission limits shall also be considered to demonstrate compliance with the VOC emission limits. The monitoring exemptions of Section B108 do not apply to this requirement. For units with g/hp-hr emission limits, the engine load shall be calculated by using the following equation: Load(Hp) = Fuel consumption (scfh) x Measured fuel heating value (LHV btu/scf) / Manufacturer's rated BSFC (btu/bhp-hr) at 100% load or best efficiency
Recordkeeping: The permittee shall maintain records in accordance with the applicable requirements in Sections B109, B110, and B111.
Reporting: The permittee shall report in accordance with the applicable requirements in Sections B109, B110, and B111.

D121 ~~Sections~~

D122 ~~in~~

D. 40 CFR 60, Subpart IIII (Unit CH_E)

Requirement: The unit is subject to 40 CFR 60, Subparts A and IIII and shall comply with the notification requirements in Subpart A and the specific requirements of Subpart IIII.
Monitoring: The permittee shall comply with all applicable monitoring requirements in 40 CFR 60, Subpart A and Subpart IIII, including but not limited to 60.4211.
Recordkeeping: The permittee shall comply with all applicable recordkeeping requirements in 40 CFR 60, Subpart A and Subpart IIII, including but not limited to 60.4214.
Reporting: The permittee shall comply with all applicable reporting requirements in 40 CFR 60, Subpart A and Subpart IIII, including but not limited to 60.4214.

E. 40 CFR 63, Subpart ZZZZ (Units CH_E and SS_E)

Requirement: The units are subject to 40 CFR 63, Subpart ZZZZ and the permittee shall comply with all applicable requirements of Subpart A and Subpart ZZZZ.
Monitoring: The permittee shall comply with all applicable monitoring requirements of 40 CFR 63, Subpart A and Subpart ZZZZ.
Recordkeeping: The permittee shall comply with all applicable recordkeeping requirements of 40 CFR 63, Subpart A and Subpart ZZZZ, including but not limited to 63.6655 and 63.10.
Reporting: The permittee shall comply with all applicable reporting requirements of 40 CFR 63, Subpart A and ZZZZ, including but not limited to 63.6645, 63.6650, 63.9, and 63.10.

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D123 ~~A33~~

A305 40 CFR 60, Subpart OOO

A. Units CH, CH_C1, CH_S, CH_SC1, CH_RC, CH_C2, CH_C3, CH_SC2, and CH_STK

Requirement:

1) 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 NSPS, 40 CFR 60, Subpart A and Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants, and the permittee shall comply with both the notification requirements in Subpart A and the specific requirements in Subpart OOO.

2) Particulate emissions from NSPS affected transfer points, belt conveyors, screens or other affected facilities, as defined by Subpart OOO, shall not exhibit greater than **7**% opacity. Particulate emissions from NSPS affected crushers shall not exhibit greater than **12**% opacity.

3) 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.

Monitoring:

1) Initial Compliance Test: Initial compliance tests for particulate matter shall be conducted in accordance with the procedures for opacity in Subpart A of 40 CFR 60 and EPA test Methods 9 and 22 (if applicable), 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.

D124 ~~(1) Initial compliance tests for particulate matter shall be conducted in accordance with the procedures for opacity in Subpart A of 40 CFR 60 and EPA test~~

D125 ~~Department. Compliance tests shall determine the opacity at each crusher, screen, hopper, and conveyor transfer point, including transfers to stockpiles.~~

2) Periodic Compliance Tests: The permittee shall perform a six-minute opacity reading 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 60.11 and Reference Method 9 in 40 CFR 60, Appendix A.

3) Additionally, if requested by the Department in writing, the permittee shall perform a six-minute opacity reading 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 60.11 and Reference Method 9 in 40 CFR 60, Appendix A.

D126 ~~40~~

4) 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

D127 ~~5 %~~

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 60.11 and Reference Method 9 in 40 CFR 60 Appendix A.
Recordkeeping:
The permittee shall maintain records in accordance with Subpart OOO and Section B109.
Reporting: The permittee shall report in accordance with Section B110.

CONSTRUCTION INDUSTRY – ASPHALT

A400 Construction Industry – Asphalt

A. This section has common equipment related to most Asphalt Operations.

A401 Allowable Operations for the Hot Mix Asphalt Plants (HMA #2 and HMA #5)

A. Allowable Hours of Operation – Hot Mix Asphalt Plants (HMA #2 and HMA #5)

Requirement: Compliance with the emission limits for Plant #2 Hot Mix Asphalt Plant (HMA #2) and Plant #5 Hot Mix Asphalt Plant (HMA #5) in Table 106.A and Specific Conditions A106.B and A106.C shall be demonstrated by restricting each plant's hours of operation, including all permitted equipment and related activities such as truck traffic involving movement of product, to operate no more than the hours described below. Allowable hours of operation are as follows: 1. Continuous (24 hours/day) operation during the months of March through November 2. 6:00 AM – 6:00 PM daily during the months of December through February 3. Nighttime operations of either HMA #2 and HMA #5 are not authorized unless all their respective controls have shown to be operational prior to sunset and are continuously operational during nighttime operations.
Monitoring: Daily for each plant, from December through February, the permittee shall monitor the date, startup time, shutdown time, and the total hours of operation of HMA #2 and HMA #5.
Recordkeeping: Daily, for each plant, from December through February, the permittee shall record the date, startup time, shutdown time, and the total hours of operation of HMA #2 and HMA #5. The permittee shall maintain records in accordance with Section B109.

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D128 ~~A33~~

D129 ~~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~~
[continued - see Deletions Index, D129]

D130 ~~Recordkeeping:~~

D131 ~~Plant #2 and Plant #5~~

D132 ~~and~~

D133 ~~these~~

D134 ~~and any time of the day during the months of March through November.~~

D135 ~~Plant~~

D136 ~~Hot Mix Asphalt Plant~~

D137 ~~Plant~~

D138 ~~Hot Mix Asphalt Plant.~~

D139 ~~Plant~~

D140 ~~Hot Mix Asphalt Plant~~

D141 ~~Plant #5 Hot Mix Asphalt Plant. The permittee shall maintain records in accordance with Section B109.~~

Reporting: The permittee shall report in accordance with Section B110.

B. Production Limits - Hot Mix Asphalt Plants (HMA #2 and HMA #5)

Requirement: Compliance with the limits in Table A106.A and Specific Conditions A106.B and A106.C shall be demonstrated by:

1. For Plant #2 Hot Mix Asphalt Plant: (150 tph)
The asphalt processing rate shall not exceed 150 tons per hour; 1,800 tons per day; and 190,000 tons per year.
2. For Plant #5 Hot Mix Asphalt Plant: (300 tph)
The asphalt processing rate shall not exceed 300 tons per hour; 3,600 tons per day; and 750,000 tons per year.

These production rates were specified in the permit application and are the basis for the Department's modeling analysis to determine compliance with the applicable ambient air quality standards.

Monitoring: For each plant, HMA #2 and HMA #5, the permittee shall monitor the hourly and daily total production, and, each calendar month, the monthly rolling 12-month total production.

Recordkeeping: For each plant, HMA #2 and HMA #5, the permittee shall:

1. Each day, record the date, start time, and end time of any production activity.
2. Each hour, during production, record the date, hour, and hourly production total.
3. Daily, record the daily production total by summing the hourly production totals for that day.
4. Each calendar month, calculate and record the total monthly production and the monthly rolling 12-month total production, and
5. Maintain on site all records necessary for the calculation of the required hourly, daily, and monthly rolling 12-month production totals.

Reporting: The permittee shall report in accordance with Section B110.

C. Maximum Operating Temperature for the Asphalt Silos and the Asphalt Cement Storage Tanks (Units P2HMAS, P5SILOULa, b, c, and P5HMAS)

Requirement: Compliance with the limits in Specific Conditions 106.A and 106.B shall be demonstrated by ensuring that the Asphalt Silos (Units P5SILOULa, b, c) are limited to a maximum temperature of 325 degrees Fahrenheit and the Asphalt Cement Storage Tanks (Units P2HMAS and P5HMAS) are limited to a maximum temperature of 350 degrees Fahrenheit.

The permittee shall install, calibrate, and maintain a temperature measurement device and datalogger to continuously monitor and record the temperature of the asphalt mix in each Asphalt Silo (Units P5SILOULa, b, c) and the asphalt cement in each Asphalt Cement Storage Tank (Units P2HMAS and P5HMAS).

These maximum temperature limits were specified in the permit application to limit emissions and are the basis for the Departments analysis to determine compliance with the applicable ambient air quality standards and the state toxic, asphalt fume, limit in Specific Condition A106.B.

Monitoring: During operations of each emissions unit, the permittee shall continuously monitor

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D142 ~~A33~~
D143 ~~Plant #2 and Plant #5~~
D144 ~~Requirement: Compliance with the limits in Table A106.A~~
D145 ~~Condition 106.B~~
D146 ~~rates.~~
D147 ~~rate.~~
D148 ~~Determine or calculate~~
D149 ~~rate~~
D150 ~~multiplying~~
D151 ~~rate by the hours of operation~~
D152 ~~total~~
D153 ~~rates.~~
D154 ~~of~~
D155 ~~Silo~~
D156 ~~Condition~~
D157 ~~P2HMAS and~~
D158 ~~or similar device~~
D159 ~~the~~

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D160 ~~A33~~

the temperature of the asphalt in each of the Asphalt Silos (Units P5SILOULa, b, c) and the asphalt cement in each of the Asphalt Cement Storage Tanks (Units P2HMAS and P5HMAS).
Recordkeeping: The permittee shall: 1. Hourly, record the temperature of each asphalt silo and each storage tank, maintaining the original data logger electronic record. 2. Record the date and time the temperature measurement device or datalogger is calibrated or maintained and a description of any maintenance performed. Determine the daily production rate as follows: 1. Maintain all records that are necessary to support the maximum temperature of the Asphalt Silos (Units P5SILOULa, b, c) and the Asphalt Cement Storage Tanks (Units P2HMAS and P5HMAS) is not exceeded. 2. The maximum temperature (degrees F) 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.
Reporting: The permittee shall report in accordance with Section B110.

D161 ~~4. Determine or calculate the total annual production rate as a monthly rolling 12-month total, and P5HMAS) are limited to a maximum temperature of 325 degrees Fahrenheit. The maximum temperature limit was specified in the permit application and is the basis for the Departments analysis to determine compliance with the applicable ambient air quality standards.~~

D162 ~~any~~

D163 ~~Screens, and Conveyors~~

A402 Process Equipment – Drum Mixers/Dryers, Hot Screen

A. Drum Mixers/Dryers (Units P2HMASTK and P5HMASTK) and Drum Mixer/Dryer Baghouses (Units C8 and C9) – Operating Requirements

Requirement: Compliance with the allowable emission limits in Table 106.A shall be demonstrated by:

1. Emissions from the Asphalt Mixer, Unit P2HMASTK, shall at all times be routed to and controlled by the Asphalt Mixer Baghouse, Unit C8.
2. Emissions from the Drum Mixer/Dryer, Unit P5HMASTK, shall at all times be routed to and controlled by the Drum Mixer/Dryer Baghouse, Unit C9.
3. The Drum Mixer/Dryer Baghouses (Units C8 and C9) shall each be equipped with a magnehelic gauge or equivalent differential pressure gauge.
4. Each differential pressure gauge shall be equipped with an electronic recording device (data logger) capable of continuously recording each gauge's differential pressure and an automatic audible alarm alerting the operator if the differential pressure is not within the manufacturer's specified normal differential pressure range or within 15% of the operating pressure recorded in the C8 and C9 baghouse initial compliance test.
5. Each gauge and data logger shall be maintained, replaced, and calibrated as required so that it consistently provides correct and accurate readings.
6. Each Drum Mixer/Dryer Baghouse's (Units C8 and C9) fines shall be returned back to the associated Drum Dryer/Mixer (Units P2HMASTK and P5HMASTK) via a closed-loop system.

D164 ~~Stack~~

D165 ~~Drum Mixer/Dryer~~

D166 ~~with Drum Mixer/Dryer~~

D167 ~~Stack~~

D168 ~~with~~

D169 ~~magnahelic~~

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D170 ~~A33~~

Monitoring:

1. Monthly, the permittee shall monitor and inspect the Drum Mixer/Dryer (Units P2HMASTK and P5HMASTK), exhaust stacks, and Baghouses (Units C8 and C9) to ensure all emissions are captured and ducted through stacks that are securely connected to the Drum Mixer/Dryer Baghouses (Units C8 and C9).
2. The permittee shall monitor any time any gauge and data logger are maintained, replaced, and/or calibrated as required so each gauge and data logger consistently provide correct and accurate readings.
3. During nighttime operation, for each hour of nighttime operations, the permittee shall monitor and record the differential pressure across the Drum Dryer/Mixer Baghouses (Units C8 and C9) by the use of a differential pressure gauge with a data recording system to ensure it is within the manufacturer's normal differential pressure range or within 15% of the operating pressure recorded in the C8 and C9 baghouse initial compliance test.

D171 ~~3. When the facility is operating, the permittee shall manually check and record the differential pressure of each gauge at a minimum of twice daily, the first of which shall be completed within an hour of commencing operations. 4.~~

D172 ~~continuously~~

D173 ~~specified~~

Recordkeeping:

1. The permittee shall maintain records of each inspection of each exhaust stack and ducting of the Drum Mixers/Dryers (Units P2HMASTK and P5HMASTK), and Drum Mixer/Dryer Baghouses (Units C8 and C9).
2. The permittee shall maintain records of operational inspections, maintenance conducted and gauge calibrations.
3. The permittee shall maintain records of each baghouse's differential pressure and electronic or hard copy data logger records.
4. The permittee shall maintain records of each visual opacity check(s), the corresponding differential pressures, to include with the date(s), times, and name of inspector making observations.
5. During nighttime operation, the permittee shall record, by the use of a data logger, a continuous record of the differential pressure across the Drum Dryer/Mixer Baghouses (Units C8 and C9).

D174 ~~manual~~

D175 ~~pressure checks~~

Reporting: The permittee shall report in accordance with Section B110.

B. Drum Dryers/Mixers (Units P2HMASTK and P5HMASTK) – Initial Compliance Test

Requirement: Compliance with $PM_{2.5}$, PM_{10}, NO_X, and CO emission limits in Table 106.A for units P2HMASTK and P5HMASTK shall be demonstrated by the permittee conducting an initial compliance test for PM_{10}, $PM_{2.5}$, Filterable and Condensable PM, NO_X, and CO, on the P2HMASTK Batch Plant Baghouse stack (C8) and on the P5HMASTK Drum Dryer/Mixer baghouse stack (C9).

D176 ~~Filterable and Condensable PM, NO , and CO, on each drum dryer/mixer stack (Units X~~

Monitoring: During the initial compliance test for Units P2HMASTK and P5HMASTK the permittee shall monitor the baghouse pressure drop, and the associated hot mix asphalt plant's hourly production rate for each baghouse (Units C8 and C9).

Recordkeeping: The results shall be included with the test reports that are required to be furnished to the Department and shall be listed in tabular form or as part of the summary page of the test reports. The permittee shall maintain records in accordance with Section B109.

Reporting: The permittee shall report in accordance with the Department's *Universal Test Notification, Protocol and Report Form and Instructions*.

C. Drum Dryers/Mixers (Units P2HMASTK and P5HMASTK) – NSPS Subpart I

Requirement:

1. This facility is subject to NSPS 40 CFR 60, Subpart A and Subpart I - Standards of Performance for Hot Mix Asphalt Facilities. The permittee shall comply with both the notification requirements in Subpart A and with all the specific requirements of Subpart I.
2. At all times, stack emissions from Drum Dryers/Mixers (Units P2HMASTK and P5HMASTK) shall be routed to the corresponding Baghouse (Units C8 and C9) to comply with 40 CFR 60, Subpart I.

3) Particulate emissions to the atmosphere from Drum Mixers/Dryers (Units P2HMASTK and P5HMASTK) and Drum Dryer/Mixer Baghouses (Units C8 and C9) shall not exceed 0.04 grains/dry standard cubic foot of particulate matter and shall not exhibit 20% opacity from the stack outlet.

Monitoring:

1) While the facility is operating, the following monitoring shall be conducted to confirm proper operation of the Drum Mixers/Dryers (Units P2HMASTK and P5HMASTK) and Drum Dryer/Mixer Baghouses (Units C8 and C9): EPA Method 9 opacity tests shall be conducted according to the requirements of 40 CFR 60, Subpart I and Appendix A.

2) The permittee shall continuously monitor differential pressure of each Drum Dryer/Mixer Baghouse (Units C8 and C9).

3) Operations shall cease immediately if the pressure drop is not within the manufacturer's specified normal operating range or the range correlating with opacity tests demonstrating compliance with the NSPS I opacity limits. Operations shall not commence until the cause of the deviation is determined and rectified.

Recordkeeping: The permittee shall record the following information:

1) EPA Method 9 opacity observations and associated differential pressure readings.

2) The manufacturer's specified normal differential pressure range for each Drum Dryer/Mixer Baghouse (Units C8 and C9). The permittee shall have this record available at all times of operation.

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D177 ~~A33~~
D178 ~~each baghouse~~
D179 ~~the baghouse inlet and exit temperatures, the fuel sulfur content,~~
D180 ~~keep~~

3) At least hourly, during operation, the differential pressure readings for each Drum Dryer/Mixer Baghouse (Units C8 and C9). 4) Any deviation in Drum Dryer/Mixer Baghouse (Units C8 and C9) differential pressure, the cause of the deviation, the time operations ceased for repairs, the time operations commenced after repairs, and the corrective actions taken.
Reporting: The permittee shall comply with the reporting requirements of 40 CFR 60, Subpart A and Subpart I.

D. Compliance with fugitive emissions from all aggregate handling equipment (including but not limited to RAP screening, RAP and cold aggregate belt conveyor transfers, and loadouts) associated with HMA #2 and HMA #5 shall be demonstrated by compliance with the requirements of Specific Conditions A303.A and A303.B.

E. Prior to nighttime operations of either HMA #2 or HMA #5, the permittee shall operate the plant with all fugitive dust controls and volume settings in place during the most recent daytime inspection that demonstrated compliance per the requirements of Specific Condition A303.A.

A403 Mineral Filler Silos and Associated Control Devices

A. Mineral Filler Silos (Units P2HMAFIL and P5HMAFIL) and Mineral Filler Silo Baghouse (Unit C7) – Operating Requirements

Requirement: Compliance with the allowable particulate emissions in Table 106.A shall be demonstrated by: 1. ensuring the emissions from each Mineral Filler Silo (Units P2HMAFIL and P5HMAFIL) shall at all times be routed to and controlled by the Mineral Filler Silo Baghouse (Unit C7), 2. the Mineral Filler Silo Baghouse (Unit C7) shall be equipped with a differential pressure gauge, 3. the gauge shall be maintained, replaced, and calibrated per manufacturer's specifications so that it consistently provides correct and accurate readings, and 4. during each Mineral Filler Silo loading, compliance with the NSPS Subpart I 20% opacity limits is demonstrated by ensuring the pressure drop indicated on the differential pressure gauge is within the manufacturer's specified normal differential pressure range or within 15% of the operating pressure recorded in the C7 baghouse initial compliance test or the pressure drop of a subsequent successful monthly Method 9 compliance test. Nighttime filling of the Mineral Filler Silos is authorized by this permit.
Monitoring: 1. Once, during each loading event, compliance with Table 106.A limits shall be demonstrated by ensuring the Mineral Filler Silo Baghouse (Unit C7) differential pressure meets the differential pressure requirement of this condition. If a deviation(s)

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D181 ~~A33~~

D182 ~~D. Screens - Fugitive Emissions - See Condition A303.A E. Conveyors - Fugitive Emissions - See Condition A303.A F. Pug Mill - Fugitive Emissions - See Condition A303.A G. Prior to sunset before night time operations and during night time operations, the permittee shall ensure fugitive dust control systems are functioning correctly for Units~~

D183 ~~- Hydrated Lime Limits~~

D184 ~~emission limits~~

D185 ~~limiting the hydrated lime constituent of the mineral filler mix to 1.5%.~~

D186 ~~that~~

D187 ~~manufacturer's specified normal~~

D188 ~~range.~~

D189 ~~N/A Recordkeeping: The permittee shall maintain records of the amount of mineral filler used (in tons and as % of asphalt produced). In instances when production ceases such that the last hour is a partial hour, the records will also record the corresponding prorated mineral filler used in tons, percent mineral filler, and asphalt produced for the partial hour.~~

from this requirement is noted, the permittee shall document actions taken to rectify the problem(s) and whether the repairs were successful.

Recordkeeping:

1. During each loading of a Mineral Filler Silo (Unit P2HMAFIL or P5HMAFIL), the monitored differential pressure shall be recorded for each loading operation.
2. The permittee shall maintain records of operational inspections, maintenance performed, and each gauge calibrations and in accordance with Section B109.

Reporting: The permittee shall report in accordance with Section B110.

B. Mineral Filler Silos (Units P2HMAFIL and P5HMAFIL) and Mineral Filler Silo Baghouse (Unit C7) – Initial Compliance Test

Requirement: Compliance with the allowable emission limits in Table 106.A shall be demonstrated by performing an initial compliance test for opacity on each Mineral Filler Silo (Units P2HMAFIL and P5HMAFIL) and the Mineral Filler Baghouse (Unit C7) using EPA Method 9 according to the requirements of 40 CFR 60, Subpart I, Section 60.93 and Appendix A. The duration of the test shall be equal to the duration of the silo loading event.

The permittee shall ensure the pressure drop recorded during the Method 9 test is within either the manufacture's specified operating range or the facility's specified normal operating range.

Monitoring: During the initial compliance test, the Mineral Filler Baghouse (Unit C7) differential pressure and the silo fill rate shall be monitored. This information shall be included with each test report and shall be listed in tabular form or as part of the summary page of these test reports.

Recordkeeping: The permittee shall record the Unit C7 pressure drop and meet the recordkeeping requirements in 40 CFR 60, Subparts A and I, and in Condition B111.D(3).

Reporting: The permittee shall meet the reporting requirements in 40 CFR 60, Subpart I, and Conditions B110.C and B111.D(3).

C. Mineral Filler Silos (Units P2HMAFIL and P5HMAFIL) and Mineral Filler Silo Baghouse (Unit C7) – NSPS Subpart I

Requirement:

1. This facility is subject to NSPS, 40 CFR 60, Subpart A & Subpart I - Standards of Performance for Hot Mix Asphalt Facilities. The permittee shall comply with the notification requirements in Subpart A and all the specific requirements in Subpart I.
2. At all times, stack emissions from each Mineral Filler Silo (Units P2HMAFIL and P5HMAFIL) shall be routed to the Mineral Filler Silo Baghouse (Unit C7).
3. At least once each calendar month, the permittee shall conduct a 15-minute EPA Method 9 opacity test on the Mineral Filler Silo Baghouse (Unit C7) during the silo batch loading, and
4. During each Mineral Filler Silo loading, compliance with the NSPS Subpart I 20% opacity limits is demonstrated by ensuring the pressure drop indicated on the differential pressure gauge is within the manufacturer's specified normal differential pressure range or within

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D190 ~~A33~~

D191 ~~Requirement: Compliance with the allowable particulate emissions in Table 106.A shall be demonstrated by: 2. ensuring the pressure drop of the differential pressure gauge is within the manufacturer's specified normal operating range or the within the range correlation with the opacity tests demonstrating compliance with the NSPS I opacity limits. 3. Night time filling of the Mineral Filler Silos is not authorized by this permit. Monitoring: 1. The gauge shall be maintained,~~
[continued - see Deletions Index, D191]

D192 ~~Monitoring: During each initial compliance test, the baghouse~~

D193 ~~drop~~

D194 ~~D.~~

D195 ~~Performance for Hot Mix Asphalt Facilities and therefore the permittee shall comply with the notification requirements in Subpart A and all the specific requirements in Subpart I.~~

D196 ~~3. Particulate emissions to the atmosphere from the Mineral Filler Silo Baghouse (Units~~

15% of the operating pressure recorded in the C7 baghouse initial compliance test or the pressure drop of a subsequent successful monthly Method 9 compliance test.

Monitoring: Each month the facility is operating and a baghouse loading event occurs, the following monitoring shall be conducted to confirm proper operation of the Mineral Filler Silo Baghouse (Unit C7):

1. At least once each calendar month, the permittee shall, during daylight hours, conduct a 15-minute EPA Method 9 test on the Mineral Filler Silo Baghouse (Unit C7) during the silo batch loading. During this EPA Method 9 opacity monitoring, the differential pressure of the Mineral Filler Silo Baghouse (Unit C7) shall be monitored to ensure it is within the manufacturer's specified normal differential pressure range or within 15% of the operating pressure recorded in the Unit C7 baghouse initial compliance test. If the Unit C7 Method 9 test passes, the baghouse pressure drop reading can be added to the list of acceptable pressure drops for future Monitoring requirement (#2 below) compliance demonstrations.
2. During each subsequent Mineral Filler Silo loading other than the monthly Method 9 test during a loading event, compliance with the NSPS Subpart I 20% opacity limits is demonstrated by ensuring the pressure drop indicated on the differential pressure gauge is within the manufacturer's specified normal differential pressure range, within 15% of the operating pressure recorded in the Unit C7 baghouse initial compliance test, or within 15% of the pressure drop of a subsequent successful monthly Method 9 compliance test.

Recordkeeping: The permittee shall record the following information:

1. During opacity monitoring, the start and stop times of each silo loading, EPA Method 9 opacity observations, and the associated differential pressure readings;
2. For each Mineral Filler Silo loading event, the Mineral Filler Silo Baghouse (Unit C7) differential pressure reading to ensure it is with the manufacturer's specified normal differential pressure range, within 15% of the operating pressure recorded in the C7 baghouse initial compliance test, or within 15% of the pressure drop of a subsequent successful monthly Method 9 compliance test;
3. Any deviation in Mineral Filler Silo Baghouse (Unit C7) differential pressure outside the normal operating differential pressure, the cause of the deviation, the corrective actions taken, and whether the repairs were successful prior to resumption of operations.
4. The permittee shall maintain records in accordance with Section B109.

Reporting: The permittee shall report in accordance with Section B110.

A404 Asphalt Cement Storage Tanks

A. Asphalt Cement Storage Tanks Throughput (Units P2HMAS and P5HMAS)

Requirement: Compliance with the allowable emission limits for Units P2HMAS and P5HMAS in Table 106.A and Specific Condition A106.B shall be demonstrated by limiting the monthly rolling 12-month total asphalt cement throughput:

Deleted text (struck through):
red = substantive; green = date/title/heading/numbering

D197 ~~A33~~
D198 ~~During all times when~~
D199 ~~an EPA Method 9 Opacity test on the Mineral Filler Silo Baghouse (Unit C7) for the duration of the silo batch loading.~~
D200 ~~2.~~
D201 ~~for the entire duration of silo loading,~~
D202 ~~deviations from~~
D203 ~~Requirements 2 or 3 are noted, document corrective actions taken to rectify the problem(s) and whether the repairs were successful.~~
D204 ~~3.~~
D205 ~~differential pressure reading.~~
D206 ~~4.~~
D207 ~~and~~
D208 ~~5. In addition,~~

1. For Plant #2 Hot Mix Asphalt Plant to 4,718,000 gallons per year for the two (P2HMAS) tanks, combined.
2. For Plant #5 Hot Mix Asphalt Plant to 9,436,000 gallons per year for the two (P5HMAS) tanks, combined.

Monitoring: Each calendar month, the permittee shall monitor the total throughput of each asphalt cement storage tank for each loading event for each tank and the monthly total combined throughput for all cement storage tanks.

Recordkeeping: The permittee shall record:

(1) for each tank, the throughput of the asphalt cement in gallons for each loading event, and
(2) each month the permittee shall calculate and record:
  (a) during the first 12 months of monitoring, the cumulative total liquid throughput of all cement storage tanks, and
  (b) after the first 12 months of monitoring, the monthly rolling 12-month total liquid throughput for all cement storage tanks, and

Records shall be maintained in accordance with Section B109.

Reporting: The permittee shall report in accordance with Section B110.

A405 20.2.11 NMAC – Asphalt Process Equipment

A. Asphalt Process Equipment (Units P2HMAFIL, P2HMASTK, P5HMAFIL, P5HMASTK, C7, C8, and C9)

Requirement: Compliance with the allowable emission limits in Table 106.A shall be demonstrated by:

1. The permittee shall not operate asphalt process equipment without a fugitive dust control system. The fugitive dust control system shall be operated and maintained so that all particulate emissions are limited to the stack outlet.
2. Fugitive particulate emissions from other operations in support of the asphalt plant (such as storage piles, front-end loaders, and materials handling around the asphalt process equipment) are not subject to Section 109 of 20.2.11 NMAC.
3. For each change in asphalt mix constituents, the permittee shall limit the percentage of calcium hydroxide, to 1.5% by weight, used in the mix.

Monitoring

1. The permittee shall maintain records of daily visual emission inspections of the asphalt processing equipment, including the date, time, name of inspector making observations, and a description of any malfunction and any corrective actions taken.
2. The permittee shall perform a daily visual emission inspection on the asphalt processing equipment.
3. For each change in asphalt mix constituents, the permittee shall monitor the percentage of calcium hydroxide, to 1.5% by weight, used in the mix.

Deleted text (struck through):
red = substantive; green = date/title/heading/numbering

D209 ~~A33~~
D210 ~~tanks~~
D211 ~~tanks~~
D212 ~~combined.~~
D213 ~~to each tank once per month.~~
D214 ~~monthly total~~
D215 ~~(2) each month the permittee shall use these values to calculate and record:~~
D216 ~~(3) Annually, the permittee shall calculate the total of the tank breathing and working emissions and the asphalt cement heater emissions. The emissions were calculated using Tanks 4.09d. Emission rates computed using the same parameters, but with a different Department approved algorithm that exceed these values will not be deemed non- compliance with this permit.~~
D217 ~~1. The permittee shall not operate asphalt processing equipment (such as aggregate and lime processing equipment, the dryer, and control equipment) without a fugitive dust control system. 2. The fugitive dust control system shall be operated and maintained so that uncontrolled dust exhibits no more than 5 minutes of visible emissions during any 2 consecutive hours from the asphalt process equipment.~~
D218 ~~3.~~
D219 ~~Monitoring~~

Recordkeeping: For each change in asphalt mix constituents, the permittee shall record the percentage of calcium hydroxide, to 1.5% by weight, used in the mix. The permittee shall maintain records in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

PART B GENERAL CONDITIONS (Attached)

PART C MISCELLANEOUS: Supporting On-Line Documents; Definitions; Acronyms (Attached)

Deleted text (struck through):
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D220 ~~A2~~
D221 ~~A33~~
D222 ~~Recordkeeping:~~

Deletions Index - text in the October 8, 2020 public draft that is not in the February 4, 2021 Draft Permit 8585 (Part A)

Red = substantive text. Green = dates, titles, headings, numbering, page headers, table of contents, typographical.

D1	exhibit p. 2	~~Note to Applicant for Draft Permit Reviews: The AQB permit specialist provides this draft permit to the applicant as a courtesy to assist AQB with developing practically enforceable permit terms & conditions and correcting any technical errors. Please note that the draft permit may change following completion of the Department's internal reviews. If AQB makes additional changes, and as time allows, the applicant may be provided an opportunity for additional review before the permit is issued.~~
D2	exhibit p. 3	~~A33~~
D3	exhibit p. 3	~~[Delete all below at time final permit submitted for signature.] File Name: NSR_Permit_Parta_Master Save Date: 6/18/2019 Print Date: 0/0/0000 0:00:00 AM~~
D4	exhibit p. 3	~~A4~~
D5	exhibit p. 3	~~A4~~
D6	exhibit p. 3	~~A4~~
D7	exhibit p. 3	~~A4~~
D8	exhibit p. 3	~~A5~~
D9	exhibit p. 3	~~A6~~
D10	exhibit p. 3	~~A10~~
D11	exhibit p. 3	~~A13~~
D12	exhibit p. 3	~~A14~~
D13	exhibit p. 3	~~Table of contents entry: A302 Allowable Operations for the Crushing/Screening and Scalping Screen Plants A19~~
D14	exhibit p. 3	~~Screens, and Conveyors~~
D15	exhibit p. 4	~~A33~~
D16	exhibit p. 4	~~is a new permit.~~
D17	exhibit p. 4	~~Permit 0803R1, issued June 25, 1997, and Air Quality Permit 0052M1R1, issued~~
D18	exhibit p. 4	~~Santa Fe, NM 87507, and the crushing and screening plant is operating just west of this site. With this action,~~
D19	exhibit p. 4	~~Associated Asphalt and Materials, LLC (AAM) is moving equipment operating at other sites in Santa Fe, including~~
D20	exhibit p. 5	~~A33~~
D21	exhibit p. 5	~~Sulfur Dioxide (SO) 1.7 2 Particulate Matter 10 microns or less (PM) 19.4~~
D22	exhibit p. 5	~~6.2~~
D23	exhibit p. 6	~~A33~~
D24	exhibit p. 7	~~A33~~
D25	exhibit p. 7	~~CEI - 02573-201 / Chattanooga / Asphalt Cement AT-106-OB 1973 / P2HMAS Unknown TBD 25,000 gallons each Shop built Storage Tanks (2) / Unknown Unknown~~
D26	exhibit p. 7	~~TBD~~
D27	exhibit p. 7	~~TBD~~
D28	exhibit p. 7	~~TBD~~
D29	exhibit p. 7	~~TBD~~
D30	exhibit p. 7	~~TBD~~
D31	exhibit p. 7	~~TBD~~
D32	exhibit p. 7	~~TBD~~
D33	exhibit p. 7	~~TBD~~
D34	exhibit p. 7	~~TBD~~
D35	exhibit p. 7	~~TBD~~
D36	exhibit p. 7	~~TBD~~

Deletions Index - text in the October 8, 2020 public draft that is not in the February 4, 2021 Draft Permit 8585 (Part A)

Red = substantive text. Green = dates, titles, headings, numbering, page headers, table of contents, typographical.

D37	exhibit p. 7	~~Dryer~~
D38	exhibit p. 7	~~TBD~~
D39	exhibit p. 7	~~TBD~~
D40	exhibit p. 7	~~Silo~~
D41	exhibit p. 7	~~TBD~~
D42	exhibit p. 7	~~TBD~~
D43	exhibit p. 7	~~TBD~~
D44	exhibit p. 7	~~TBD~~
D45	exhibit p. 7	~~TBD~~
D46	exhibit p. 8	~~A33~~
D47	exhibit p. 9	~~A33~~
D48	exhibit p. 9	~~all~~
D49	exhibit p. 9	~~Storage~~
D50	exhibit p. 9	~~Batch Plant~~
D51	exhibit p. 10	~~A33~~
D52	exhibit p. 11	~~A33~~
D53	exhibit p. 12	~~A33~~
D54	exhibit p. 12	~~6.3 pph and~~
D55	exhibit p. 12	~~6.2 tpy. These emission limits are based on the throughput limits in Condition A401.B. Compliance with the throughput limits in Condition A401.B demonstrates compliance with the State Toxic pollutant, AF emissions limits.~~
D56	exhibit p. 12	~~Follow~~
D57	exhibit p. 12	~~Section B109.~~
D58	exhibit p. 13	~~A33~~
D59	exhibit p. 13	~~Section B110.~~
D60	exhibit p. 13	~~SSM~~
D61	exhibit p. 13	~~emissions are predicted to be less than the limits established in Table 106.A.~~
D62	exhibit p. 14	~~A33~~
D63	exhibit p. 14	~~(2) If fuel gas analysis is used, the analysis shall not be older than one year. (3)~~
D64	exhibit p. 14	~~Section~~
D65	exhibit p. 14	~~Requirement: These units shall combust only natural gas containing no more than 0.2 grains of total sulfur per 100 dry standard cubic feet.~~
D66	exhibit p. 14	~~Recordkeeping: (1) The permittee shall demonstrate compliance with the natural gas or fuel oil limit on total sulfur content by maintaining records of a current, valid purchase contract, tariff sheet or transportation contract for the gaseous or liquid fuel, or fuel gas analysis, specifying the allowable limit or less. (2) If fuel gas analysis is used, the analysis shall not be older than one year. (3) Alternatively, compliance shall be demonstrated by keeping a receipt or invoice from a commercial fuel supplier, with each fuel delivery, which shall include the delivery date, the fuel type delivered, the amount of fuel delivered, and the maximum sulfur content of the fuel.~~
D67	exhibit p. 14	~~- Drum Dryers and~~
D68	exhibit p. 15	~~A33~~
D69	exhibit p. 15	~~or the operator will be allowed to shut down the equipment to perform maintenance/repair to eliminate the visible emissions. Following completion of equipment maintenance/repair, the operator shall conduct visible emission observations following startup in accordance with the following procedures:~~
D70	exhibit p. 15	~~(a)~~
D71	exhibit p. 15	~~40~~

Deletions Index - text in the October 8, 2020 public draft that is not in the February 4, 2021 Draft Permit 8585 (Part A)

Red = substantive text. Green = dates, titles, headings, numbering, page headers, table of contents, typographical.

D72	exhibit p. 15	~~for more than 2 minutes in~~
D73	exhibit p. 15	~~action~~
D74	exhibit p. 15	~~EPA~~
D75	exhibit p. 15	~~EPA~~
D76	exhibit p. 16	~~A33~~
D77	exhibit p. 16	~~in excess of two minutes~~
D78	exhibit p. 16	~~are observed,~~
D79	exhibit p. 16	~~(b) If visible emissions in excess of 2 minutes in the 10-minute observation period are observed during completion of the EPA Method 22~~
D80	exhibit p. 16	~~NMAC.~~
D81	exhibit p. 17	~~A33~~
D82	exhibit p. 17	~~Requirement: Compliance with the allowable emission limits for~~
D83	exhibit p. 17	~~The haul road going in and out of the plant site shall be paved and cleaned to control particulate emissions.~~
D84	exhibit p. 17	~~as far as the nearest public road.~~
D85	exhibit p. 18	~~A33~~
D86	exhibit p. 18	~~in Table 106.A shall be demonstrated by: Truck traffic areas and the unpaved loop road shall be watered and treated with asphalt millings and surfactant to control particulate emissions. This condition demonstrates compliance with the 90% control efficiency used in the permit application and modeling. This control measure shall be used on roads as far as the nearest public road. Recordkeeping: The permittee shall keep daily records of the frequency, quantity, and location(s) of the water application, or equivalent control measures.~~
D87	exhibit p. 18	~~Night Time~~
D88	exhibit p. 18	~~Night time~~
D89	exhibit p. 18	~~Unpaved road surfaces: (1) Water immediately prior to beginning night time traffic operations.~~
D90	exhibit p. 18	~~done~~
D91	exhibit p. 18	~~night time~~
D92	exhibit p. 18	~~established~~
D93	exhibit p. 18	~~Paved road surfaces: (4) The permittee shall clean the paved roads per Condition A112.B prior to sunset prior to nighttime operations.~~
D94	exhibit p. 18	~~night~~
D95	exhibit p. 18	~~night~~
D96	exhibit p. 19	~~A33~~
D97	exhibit p. 19	~~(1)~~
D98	exhibit p. 19	~~night~~
D99	exhibit p. 19	~~date, time,~~
D100	exhibit p. 19	~~(2)~~
D101	exhibit p. 20	~~A33~~
D102	exhibit p. 20	~~areas follows:~~
D103	exhibit p. 21	~~A33~~
D104	exhibit p. 21	~~The permittee shall install and operate a weigh-belt(s) and data logger in a location(s) such that material introduced into the system and prior to classification is weighed at the Crushing and Screening Plant and Scalping Screen Plant. If the weigh belt malfunctions, the permittee shall count the number of front-end loads such that material introduced into the system and prior to classification is recorded until repair of the weigh belt is completed. The permittee shall calibrate the weigh belt(s) as per the manufacturer's specifications, but at a minimum of once per month.~~
D105	exhibit p. 21	~~1.~~
D106	exhibit p. 21	~~Weigh belt data shall be collected at least once every six (6) minutes. 2.~~

Deletions Index - text in the October 8, 2020 public draft that is not in the February 4, 2021 Draft Permit 8585 (Part A)

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D107	exhibit p. 21	~~1.~~
D108	exhibit p. 21	~~2.~~
D109	exhibit p. 21	~~For each belt, the permittee shall also keep records of the methods used to calibrate the weigh belt(s) and the date of each calibration.~~
D110	exhibit p. 21	~~Units CH_S and SS~~
D111	exhibit p. 21	~~After daily startup, if excessive visible emissions at material transfer points are observed, additional water sprays shall be added or if already installed, turned on, to minimize the visible emissions.~~
D112	exhibit p. 22	~~A33~~
D113	exhibit p. 22	~~weather conditions exist that achieve~~
D114	exhibit p. 22	~~such as rain or snow.~~
D115	exhibit p. 22	~~Monitoring: On each day of operation, during operation of the Wet Dust~~
D116	exhibit p. 22	~~and of the Facility,~~
D117	exhibit p. 22	~~weather conditions~~
D118	exhibit p. 22	~~Stock piles shall be maintained with standard industry practices and procedures to minimize fugitive emissions to the atmosphere.~~
D119	exhibit p. 23	~~A33~~
D120	exhibit p. 24	~~A33~~
D121	exhibit p. 24	~~Sections~~
D122	exhibit p. 24	~~in~~
D123	exhibit p. 25	~~A33~~
D124	exhibit p. 25	~~(1) Initial compliance tests for particulate matter shall be conducted in accordance with the procedures for opacity in Subpart A of 40 CFR 60 and EPA test~~
D125	exhibit p. 25	~~Department. Compliance tests shall determine the opacity at each crusher, screen, hopper, and conveyor transfer point, including transfers to stockpiles.~~
D126	exhibit p. 25	~~40~~
D127	exhibit p. 25	~~5 %~~
D128	exhibit p. 26	~~A33~~
D129	exhibit p. 26	~~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 60.11 and Reference Method 9 in 40 CFR 60 Appendix A.~~
D130	exhibit p. 26	~~Recordkeeping:~~
D131	exhibit p. 26	~~Plant #2 and Plant #5~~
D132	exhibit p. 26	~~and~~
D133	exhibit p. 26	~~these~~
D134	exhibit p. 26	~~and any time of the day during the months of March through November.~~
D135	exhibit p. 26	~~Plant~~
D136	exhibit p. 26	~~Hot Mix Asphalt Plant~~
D137	exhibit p. 26	~~Plant~~
D138	exhibit p. 26	~~Hot Mix Asphalt Plant.~~
D139	exhibit p. 26	~~Plant~~
D140	exhibit p. 26	~~Hot Mix Asphalt Plant~~
D141	exhibit p. 26	~~Plant #5 Hot Mix Asphalt Plant. The permittee shall maintain records in accordance with Section B109.~~
D142	exhibit p. 27	~~A33~~

Deletions Index - text in the October 8, 2020 public draft that is not in the February 4, 2021 Draft Permit 8585 (Part A)

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D143 exhibit p. 27 ~~Plant #2 and Plant #5~~

D144 exhibit p. 27 ~~Requirement: Compliance with the limits in Table A106.A~~

D145 exhibit p. 27 ~~Condition 106.B~~

D146 exhibit p. 27 ~~rates.~~

D147 exhibit p. 27 ~~rate.~~

D148 exhibit p. 27 ~~Determine or calculate~~

D149 exhibit p. 27 ~~rate~~

D150 exhibit p. 27 ~~multiplying~~

D151 exhibit p. 27 ~~rate by the hours of operation~~

D152 exhibit p. 27 ~~total~~

D153 exhibit p. 27 ~~rates.~~

D154 exhibit p. 27 ~~of~~

D155 exhibit p. 27 ~~Silo~~

D156 exhibit p. 27 ~~Condition~~

D157 exhibit p. 27 ~~P2HMAS and~~

D158 exhibit p. 27 ~~or similar device~~

D159 exhibit p. 27 ~~the~~

D160 exhibit p. 28 ~~A33~~

D161 exhibit p. 28 ~~4. Determine or calculate the total annual production rate as a monthly rolling 12-month total, and P5HMAS) are limited to a maximum temperature of 325 degrees Fahrenheit. The maximum temperature limit was specified in the permit application and is the basis for the Departments analysis to determine compliance with the applicable ambient air quality standards.~~

D162 exhibit p. 28 ~~any~~

D163 exhibit p. 28 ~~Screens, and Conveyors~~

D164 exhibit p. 28 ~~Stack~~

D165 exhibit p. 28 ~~Drum Mixer/Dryer~~

D166 exhibit p. 28 ~~with Drum Mixer/Dryer~~

D167 exhibit p. 28 ~~Stack~~

D168 exhibit p. 28 ~~with~~

D169 exhibit p. 28 ~~magnahelic~~

D170 exhibit p. 29 ~~A33~~

D171 exhibit p. 29 ~~3. When the facility is operating, the permittee shall manually check and record the differential pressure of each gauge at a minimum of twice daily, the first of which shall be completed within an hour of commencing operations. 4.~~

D172 exhibit p. 29 ~~continuously~~

D173 exhibit p. 29 ~~specified~~

D174 exhibit p. 29 ~~manual~~

D175 exhibit p. 29 ~~pressure checks~~

D176 exhibit p. 29 ~~Filterable and Condensable PM, NO , and CO, on each drum dryer/mixer stack (Units X~~

D177 exhibit p. 30 ~~A33~~

D178 exhibit p. 30 ~~each baghouse~~

D179 exhibit p. 30 ~~the baghouse inlet and exit temperatures, the fuel sulfur content,~~

Deletions Index - text in the October 8, 2020 public draft that is not in the February 4, 2021 Draft Permit 8585 (Part A)

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D180 exhibit p. 30 ~~keep~~

D181 exhibit p. 31 ~~A33~~

D182 exhibit p. 31 ~~D. Screens - Fugitive Emissions - See Condition A303.A E. Conveyors - Fugitive Emissions - See Condition A303.A F. Pug Mill - Fugitive Emissions - See Condition A303.A G. Prior to sunset before night time operations and during night time operations, the permittee shall ensure fugitive dust control systems are functioning correctly for Units~~

D183 exhibit p. 31 ~~- Hydrated Lime Limits~~

D184 exhibit p. 31 ~~emission limits~~

D185 exhibit p. 31 ~~limiting the hydrated lime constituent of the mineral filler mix to 1.5%.~~

D186 exhibit p. 31 ~~that~~

D187 exhibit p. 31 ~~manufacturer's specified normal~~

D188 exhibit p. 31 ~~range.~~

D189 exhibit p. 31 ~~N/A Recordkeeping: The permittee shall maintain records of the amount of mineral filler used (in tons and as % of asphalt produced). In instances when production ceases such that the last hour is a partial hour, the records will also record the corresponding prorated mineral filler used in tons, percent mineral filler, and asphalt produced for the partial hour.~~

D190 exhibit p. 32 ~~A33~~

D191 exhibit p. 32 ~~Requirement: Compliance with the allowable particulate emissions in Table 106.A shall be demonstrated by: 2. ensuring the pressure drop of the differential pressure gauge is within the manufacturer's specified normal operating range or the within the range correlation with the opacity tests demonstrating compliance with the NSPS I opacity limits. 3. Night time filling of the Mineral Filler Silos is not authorized by this permit. Monitoring: 1. The gauge shall be maintained, replaced, and calibrated per manufacturer's specifications so that it consistently provides correct and accurate readings. 2. The Mineral Filler Silo Baghouse (Unit C7) differential pressure shall be continuously monitored during loading events to ensure compliance with Table 106.A limits. If deviations from Requirement 2 are noted, document actions taken to rectify the problem(s) and whether the repairs were successful. 3. Each calendar month, unless no loading event occurs, the permittee shall monitor and inspect the exhaust stack for each Mineral Filler Silo (Units P2HMAFIL and Recordkeeping : The permittee shall maintain records of operational inspections, maintenance conducted and gauge calibrations and in accordance with Section B109.~~

D192 exhibit p. 32 ~~Monitoring: During each initial compliance test, the baghouse~~

D193 exhibit p. 32 ~~drop~~

D194 exhibit p. 32 ~~D.~~

D195 exhibit p. 32 ~~Performance for Hot Mix Asphalt Facilities and therefore the permittee shall comply with the notification requirements in Subpart A and all the specific requirements in Subpart I.~~

D196 exhibit p. 32 ~~3. Particulate emissions to the atmosphere from the Mineral Filler Silo Baghouse (Units~~

D197 exhibit p. 33 ~~A33~~

D198 exhibit p. 33 ~~During all times when~~

D199 exhibit p. 33 ~~an EPA Method 9 Opacity test on the Mineral Filler Silo Baghouse (Unit C7) for the duration of the silo batch loading.~~

D200 exhibit p. 33 ~~2.~~

D201 exhibit p. 33 ~~for the entire duration of silo loading,~~

D202 exhibit p. 33 ~~deviations from~~

D203 exhibit p. 33 ~~Requirements 2 or 3 are noted, document corrective actions taken to rectify the problem(s) and whether the repairs were successful.~~

D204 exhibit p. 33 ~~3.~~

D205 exhibit p. 33 ~~differential pressure reading.~~

D206 exhibit p. 33 ~~4.~~

D207 exhibit p. 33 ~~and~~

D208 exhibit p. 33 ~~5. In addition,~~

D209 exhibit p. 34 ~~A33~~

D210 exhibit p. 34 ~~tanks~~

Deletions Index - text in the October 8, 2020 public draft that is not in the February 4, 2021 Draft Permit 8585 (Part A)

Red = substantive text. Green = dates, titles, headings, numbering, page headers, table of contents, typographical.

D211	exhibit p. 34	~~tanks~~
D212	exhibit p. 34	~~combined.~~
D213	exhibit p. 34	~~to each tank once per month.~~
D214	exhibit p. 34	~~monthly total~~
D215	exhibit p. 34	~~(2) each month the permittee shall use these values to calculate and record:~~
D216	exhibit p. 34	~~(3) Annually, the permittee shall calculate the total of the tank breathing and working emissions and the asphalt cement heater emissions. The emissions were calculated using Tanks 4.09d. Emission rates computed using the same parameters, but with a different Department approved algorithm that exceed these values will not be deemed non- compliance with this permit.~~
D217	exhibit p. 34	~~1. The permittee shall not operate asphalt processing equipment (such as aggregate and lime processing equipment, the dryer, and control equipment) without a fugitive dust control system. 2. The fugitive dust control system shall be operated and maintained so that uncontrolled dust exhibits no more than 5 minutes of visible emissions during any 2 consecutive hours from the asphalt process equipment.~~
D218	exhibit p. 34	~~3.~~
D219	exhibit p. 34	~~Monitoring~~
D220	exhibit p. 35	~~A2~~
D221	exhibit p. 35	~~A33~~
D222	exhibit p. 35	~~Recordkeeping:~~

EXHIBIT B

Draft Permit No. 6109-M8 - Chevron U.S.A. Inc., Salado Draw 19 (AQB 22-26)

August 4, 2022 Draft, with changes from the March 3, 2022 Draft marked

This is the Department's August 4, 2022 Draft Permit 6109-M8 in its original formatting, marked to show every change from the March 3, 2022 Draft, sorted into two categories. Inserted or changed text is highlighted on the page. Deleted text appears in the right-hand margin, struck through and numbered D1, D2, ..., with a mark in the body showing where it was. Long deletions continue in the Deletions Index at the end, which links back to each page.

	Substantive changes to permit text (yellow highlight, red underline; red deletions)	**48 changes**
	Dates, titles, headings, page and section numbering, cross-reference labels, drafting notes, typographical (green highlight and underline; green deletions)	**61 changes**

The green count is 10 changes in the body of the permit, 22 table-of-contents entries, and the page header on 29 pages.

How changes were sorted: a change is green only if it is confined to a heading line, or every word changed is a date, a page or section number, a list marker, or a cross-reference label (such as "Section" or "Condition"), or it changes only spacing, capitalization, or punctuation. Everything else is yellow/red, including every changed number (limits, rates, times, heights). A run of consecutive changed words counts as one change. Verify any quoted language against the source documents.

Source documents (click to open)

AQB 22-26 Administrative Record, Part 2 (Bates 1069-1586) - contains both drafts: the August 4, 2022 draft reproduced here (PDF pp. 448-477) and the March 3, 2022 draft (Bates 1465-1515)
https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2022/10/2022-09-07-AQB-22-26-Chevron-19-Administrative-Record_Part2.pdf

Corrected Administrative Record Index, AQB 22-26
https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2022/09/2022-0926-Chevron-19-Notice-of-Filing-Corr-AR-Index.pdf

Notice of Filing Public Hearing Determination (June 30, 2022)
https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2022/07/2022-06-30-AQB-22-26-Notice-of-Filing-Public-Hrg-Determination-pj.pdf

Notice of Hearing - English (Aug. 17, 2022)
https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2022/08/EPD-AQB-English-Notice-of-Hearing.pdf

AQB Statement of Intent (Aug. 29, 2022)
https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2022/09/2022-08-29-AQB-Bureau-Final-Direct-Stmt-of-Intent.pdf

Amended Hearing Transcript (Oct. 2022) - Tr. 15:8-13, 29:4-20, 71:7-14
https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2022/10/Amended-Transcripts-ABQ_22-25_22-26___22-27-FullSize.pdf

Hearing Officer's Report and Recommended Decision (Dec. 8, 2022) - FoF 14, 26, 32-33, 37-38, 42-53
https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2022/12/2022-12-08-AQB-22-26-27-Chevron-Hearing-Officers-Report-and-Recommended-Decision.pdf

Final Order (Dec. 16, 2022)
https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2022/12/2022-12-16-AQB-22-26-and-AQB-22-27-Chevron-Final-Order.pdf

MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

AIR QUALITY BUREAU
NEW SOURCE REVIEW PERMIT

Certified Mail No:
Return Receipt Requested

DRAFT as of August 04, 2022

D1 ~~March 03,~~

NSR Permit No:	6109M8
Facility Name:	Salado Draw 19 CTB and CS
Facility Owner/Operator:	Chevron U.S.A. Inc.
Mailing Address:	6301 Deauville Blvd N3203 Midland, TX 79706
TEMPO/IDEA ID No:	35139-PRN20210001
AIRS No:	35-025-0750
Permitting Action:	Significant Permit Revision
Source Classification:	Synthetic Minor > 80
Facility Location:	630,641m E by 3,545,143m N, Zone 13 Datum NAD 83
County:	Lea County
Air Quality Bureau Contact	Todd Sherrill
Main AQB Phone No.	(505) 629-3125

Liz Bisbey-Kuehn
Bureau Chief
Air Quality Bureau

Date

Template version: 06/30/2021

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D3 ~~[Delete all below at time final permit submitted for signature.] File Name: NSR_Permit_Parta_Master Save Date: 6/18/2019 Print Date: 0/0/0000 0:00:00 AM~~

D4 ~~A8~~

D5 ~~A13~~

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D7 ~~A13~~

D8 ~~A13~~

D9 ~~A14~~

D10 ~~Table of contents entry: A107 Facility: Allowable Startup, Shutdown, & Maintenance (SSM) A10~~

D11 ~~A14~~

D12 ~~A15~~

D13 ~~A15~~

D14 ~~A15~~

D15 ~~A15~~

D16 ~~A17~~

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D18 ~~A23~~

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D22 ~~A27~~

D23 ~~A28~~

D24 ~~A28~~

PART A FACILITY SPECIFIC REQUIREMENTS

A100 Introduction

A. This permit, NSR 6109M8, supersedes all portions of Air Quality Permit 6109M7, issued February 13, 2020, except portions requiring compliance tests. Compliance test conditions from previous permits, if not completed, are still in effect, in addition to compliance test requirements contained in this permit.

A101 Permit Duration (expiration)

A. The term of this permit is permanent unless withdrawn or cancelled by the Department.

A102 Facility: Description

A. The function of the facility is to remove water and hydrocarbon liquids from natural gas produced in the surrounding area, and to compress the gas into a pipeline for delivery to a processing plant.

B. This facility is located approximately 25.3 miles southwest of Jal, New Mexico in Lea County.

C. This modification consists of an updated gas analysis, updated tank emissions, and updated glycol dehydrator emissions. The description of this modification is for informational purposes only and is not enforceable.

D. Tables 102.A and Table 102.B show the total potential emission rates (PER) from this facility for information only. This is not an enforceable condition and excludes emissions from Minor NSR exempt activities per 20.2.72.202 NMAC.

Table 102.A: Total Potential Emission Rate (PER) from Entire Facility

Pollutant	Emissions (tons per year)
Nitrogen Oxides (NOx)	64.1
Carbon Monoxide (CO)	40.5
Volatile Organic Compounds (VOC) [1]	110.4
Sulfur Dioxide (SO_2)	20.4
Particulate Matter 10 microns or less (PM_{10})	3.5
Particulate Matter 2.5 microns or less ($PM_{2.5}$)	3.5
Hydrogen Sulfide (H_2S)	0.005

1. VOC total includes emissions from Fugitives, and SSM.

Table 102.B: Total Potential Emissions Rate (PER) for *Hazardous Air Pollutants (HAPs) that exceed 1.0 ton per year

Pollutant	Emissions (tons per year)
Formaldehyde	7.4
n-hexane	1.5
Total HAPs**	9.9

* HAP emissions are already included in the VOC emission total.

** The total HAP emissions may not agree with the sum of individual HAPs because only individual HAPs greater than 1.0 tons per year are listed here.

A103 Facility: Applicable Regulations

A. The permittee shall comply with all applicable sections of the requirements listed in Table 103.A.

Table 103.A: Applicable Requirements

Applicable Requirements	Federally Enforceable	Unit No.
20.2.1 NMAC General Provisions	X	Facility
20.2.3 NMAC Ambient Air Quality Standards	X	Facility
20.2.7 NMAC Excess Emissions	X	Facility
20.2.38 NMAC New Tank Battery	X	TK-1, TK-2, TK-3, TK-4
20.2.61 NMAC Smoke and Visible Emissions	X	ENG-1, ENG-2, ENG-3, ENG-4, ENG-5, ENG-6, HTR-1, HTR-2, HTR-3, SEP-1, SEP-2, SEP-3, REB-1, FLARE
20.2.72 NMAC Construction Permit	X	Facility
20.2.73 NMAC Notice of Intent and Emissions Inventory Requirements	X	Facility
20.2.75 NMAC Construction Permit Fees	X	Facility
20.2.77 NMAC New Source Performance Standards	X	ENG-1, ENG-2, ENG-3, ENG-4, ENG-5, ENG-6, FUG, VRU1, VRU2, VRU3, VRU4, VRU5, and VRU6
20.2.82 NMAC Maximum Achievable Control Technology Standards for Source Categories of HAPs	X	ENG-1, ENG-2, ENG-3, ENG-4, ENG-5, ENG-6, DHY-1
40 CFR 50 National Ambient Air Quality Standards	X	Facility

Table 103.A: Applicable Requirements

Applicable Requirements	Federally Enforceable	Unit No.
40 CFR 60, Subpart A, General Provisions	X	ENG-1, ENG-2, ENG-3, ENG-4, ENG-5, ENG-6; Compressors associated with: ENG-1, ENG-2, ENG-3, ENG-4, ENG-5, ENG-6, FUG
40 CFR 60, Subpart JJJJ	X	ENG-1, ENG-2, ENG-3, ENG-4, ENG-5, ENG-6
40 CFR 60, Subpart OOOOa	X	Compressors associated with: ENG-1, ENG-2, ENG-3, ENG-4, ENG-5, ENG-6, FUG, VRU1, VRU2, VRU3, VRU4, VRU5, and VRU6
40 CFR 63, Subpart A, General Provisions	X	ENG-1, ENG-2, ENG-3, ENG-4, ENG-5, ENG-6, DHY-1
40 CFR 63, Subpart HH	X	DHY-1
40 CFR 63, Subpart ZZZZ	X	ENG-1, ENG-2, ENG-3, ENG-4, ENG-5, ENG-6

A104 Facility: Regulated Sources

A. Table 104.A lists the emission units authorized for this facility. Emission units identified as exempt activities (as defined in 20.2.72.202 NMAC) and/or equipment not regulated pursuant to the Act are not included.

Table 104.A: Regulated Sources List

Unit No.	Source Description	Make	Model	Serial No.	Construction/ Reconstruction Date	Manufacture Date	Manufacturer Rated Capacity /Permitted Capacity
ENG-1	Compressor Engine	Caterpillar	G3516B LE	JEF02893	07/26/2014	07/26/2014	1380 hp
ENG-2	Compressor Engine	Caterpillar	G3516B LE	N6E00108	01/12/2015	01/12/2015	1380 hp
ENG-3	Compressor Engine	Caterpillar	G3516B LE	JEF02832	06/12/2014	06/12/2014	1380 hp

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D27 ~~A29~~

D28 ~~Reconstructi~~

D29 ~~Engine~~

Table 104.A: Regulated Sources List

Unit No.	Source Description	Make	Model	Serial No.	Construction/ Reconstruction Date	Manufacture Date	Manufacturer Rated Capacity /Permitted Capacity
ENG-4	Compressor Engine	Caterpillar	G3516B LE	N6W00213j	05/31/2017	05/31/2017	1380 hp
ENG-5	Compressor Engine	Caterpillar	G3516B LE	N6W00249	07/05/2017	07/05/2017	1380 hp
ENG-6	Compressor Engine	Caterpillar	G3516B LE	N6W00753	08/16/2018	08/16/2018	1380 hp
HTR-1	Heater Treater	Unknown	Unknown	Unknown	N/A	N/A	4 MMBtu/hr
HTR-2	Heater Treater	Unknown	Unknown	Unknown	N/A	N/A	4 MMBtu/hr
HTR-3	Heater Treater	Unknown	Unknown	Unknown	N/A	N/A	4 MMBtu/hr
SEP-1	Heated Production Separator	Unknown	Unknown	Unknown	N/A	N/A	4 MMBtu/hr
SEP-2	Heated Production Separator	Unknown	Unknown	Unknown	N/A	N/A	4 MMBtu/hr
SEP-3	Heated Production Separator	Unknown	Unknown	Unknown	N/A	N/A	4 MMBtu/hr
REB-1	TEG Reboiler	Unknown	Unknown	Unknown	N/A	N/A	1 MMBtu/hr
DHY-1	TEG Dehydrator	Unknown	Unknown	Unknown	N/A	N/A	35 Mscf/day
LOAD	Truck Loading	Unknown	Unknown	Unknown	N/A	N/A	N/A
TK-1	Condensate Storage	Unknown	Unknown	Unknown	2015	N/A	750 bbl
TK-2	Condensate Storage	Unknown	Unknown	Unknown	2015	N/A	750 bbl
TK-3	Condensate Storage	Unknown	Unknown	Unknown	2015	N/A	750 bbl
TK-4	Condensate Storage	Unknown	Unknown	Unknown	2020	N/A	750 bbl
PW-1	Water Storage	Unknown	Unknown	Unknown	2015	N/A	750 bbl
PW-2	Water Storage	Unknown	Unknown	Unknown	2015	N/A	750 bbl
PW-3	Water Storage	Unknown	Unknown	Unknown	2015	N/A	750 bbl
PW-4	Water Storage	Unknown	Unknown	Unknown	2015	N/A	750 bbl
PW-5	Water Storage	Unknown	Unknown	Unknown	2015	N/A	750 bbl
TK-S1	Slop Tank	Unknown	Unknown	Unknown	2015	N/A	750 bbl
VRU1	Vapor Recovery Unit	Flogistix	HG17222VIE	Unknown	NA	NA	NA

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D30 ~~A29~~

D31 ~~Compressor Caterpillar G3516B LE~~

D32 ~~Capacity~~

Table 104.A: Regulated Sources List

Unit No.	Source Description	Make	Model	Serial No.	Construction/ Reconstruction Date	Manufacture Date	Manufacturer Rated Capacity /Permitted Capacity
VRU2	Vapor Recovery Unit	Flogistix	HG12258H5IE	Unknown	NA	NA	NA
VRU3	Vapor Recovery Unit	Flogistix	HG12228H5FE	Unknown	NA	NA	NA
VRU4	Vapor Recovery Unit	Flogistix	HGF10000H1	Unknown	NA	NA	NA
VRU5	Vapor Recovery Unit	Flogistix	HGF10000H1	Unknown	NA	NA	NA
VRU6	Vapor Recovery Unit	Flogistix	HG17222VIE	Unknown	NA	NA	NA
FLARE	Flare Pilot, Purge, Predictable SSM	Zeeco	Unknown	Unknown	2015	25 MMSCFD	25 MMSCFD
SITE-SSM	SSM Activities	N/A	N/A	N/A	N/A	Unknown	N/A
FUG	Fugitives	Unknown	Unknown	Unknown	09/18/2015	N/A	N/A
MALF	Malfunction Activities	N/A	N/A	N/A	N/A	N/A	N/A
FGC-1	Flash Gas Compressor	LeROI	HG20262	Unknown	2015	TBD	1315 MSCFD

1. All TBD (to be determined) units and like-kind engine replacements must be evaluated for applicability to NSPS and MACT requirements.
2. This FGC-1 unit does not have emissions associated with normal operations, but SSM emissions are reflected in Table 107.A under SITE-SSM.

A105 Facility: Control Equipment

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

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D33 ~~A29~~

D34 ~~Vapor Recovery Flogistix HG12258H5I~~

D35 ~~Capacity SSM-SSM Activities N/A N/A N/A N/A Unknown N/A~~

Table 105: Control Equipment List:

Control Equipment Unit No.	Control Description	Pollutant being controlled	Control for Unit Number(s)[1]
CAT-1	DCL – Oxidation – A Coat Catalyst (2 elements) C3F1-01-4A3W-31	CO, VOC, HCHO	ENG-1
CAT-2	DCL – Oxidation – A Coat Catalyst (2 elements) C3F1-01-4A3W-31	CO, VOC, HCHO	ENG-2
CAT-3	DCL – Oxidation – A Coat Catalyst (2 elements) C3F1-01-4A3W-31	CO, VOC, HCHO	ENG-3
CAT-4	DCL – Oxidation – A Coat Catalyst (2 elements) C3F1-01-4A3W-31	CO, VOC, HCHO	ENG-4
CAT-5	DCL – Oxidation – A Coat Catalyst (2 elements) C3F1-01-4A3W-31	CO, VOC, HCHO	ENG-5
CAT-6	DCL – Oxidation – A Coat Catalyst (2 elements) C3F1-01-4A3W-31	CO, VOC, HCHO	ENG-6
VRU1	Flogistix, Model #HG17222VIE	VOC	TK-1, TK-2, TK-3, TK-4, PW-1, PW-2, PW-3, PW-4, PW-5
VRU2	Flogistix, Model #HG12258H5IE	VOC	TK-1, TK-2, TK-3, TK-4, PW-1, PW-2, PW-3, PW-4, PW-5
VRU3	Flogistix, Model #HG12228H5FE	VOC	TK-S1
VRU4	Flogistix, Model #HGF10000H1	VOC	TK-1, TK-2, TK-3, TK-4, PW-1, PW-2, PW-3, PW-4, PW-5
VRU5	Flogistix, Model #HGF10000H1	VOC	TK-1, TK-2, TK-3, TK-4, PW-1, PW-2, PW-3, PW-4, PW-5
VRU6	Flogistix, Model #HG17222VIE	VOC	TK-1, TK-2, TK-3, TK-4, PW-1, PW-2, PW-3,

D37 ~~A29~~

Table 105: Control Equipment List:

Control Equipment Unit No.	Control Description	Pollutant being controlled	Control for Unit Number(s)[1]
			PW-4, PW-5
Flare	Zeeco	VOC	Various (emergency, MSS)
COND	Condenser	VOC	DHY-1
REB	Reboiler Glowplug for when reboiler cycles off	VOC	DHY-1

1. Control for unit number refers to a unit number from the Regulated Equipment List

A106 Facility: Allowable Emissions

A. The following Section lists the emission units and their allowable emission limits. (40 CFR 50, 40 CFR 60, Subparts A, OOOOa, and JJJJ, 40 CFR 63, Subparts A, HH and ZZZZ, 20.2.72.210.A and B.1 NMAC).

Table 106.A: Allowable Emissions

Unit No.	NO_x[1] pph	NO_x[1] tpy	CO pph	CO tpy	VOC pph	VOC tpy	SO_2 pph	SO_2 tpy	PM_{10} pph	PM_{10} tpy	$PM_{2.5}$ pph	$PM_{2.5}$ tpy	H_2S pph	H_2S tpy
ENG-1	1.9	8.3	0.8	3.5	2.2	9.6	<[3]	2.2	<	<	<	<	-	-
ENG-2	1.9	8.3	0.8	3.5	2.2	9.6	<	2.2	<	<	<	<	-	-
ENG-3	1.9	8.3	0.8	3.5	2.2	9.6	<	2.2	<	<	<	<	-	-
ENG-4	1.9	8.3	0.8	3.5	2.2	9.6	<	2.2	<	<	<	<	-	-
ENG-5	1.9	8.3	0.8	3.5	2.2	9.6	<	2.2	<	<	<	<	-	-
ENG-6	1.9	8.3	0.8	3.5	2.2	9.6	<	2.2	<	<	<	<	-	-
HTR-1	<	1.9	<	1.6	<	<	<	<	<	<	<	<	-	-
HTR-2	<	1.9	<	1.6	<	<	<	<	<	<	<	<	-	-
HTR-3	<	1.9	<	1.6	<	<	<	<	<	<	<	<	-	-
SEP-1	<	1.9	<	1.6	<	<	<	<	<	<	<	<	-	-
SEP-2	<	1.9	<	1.6	<	<	<	<	<	<	<	<	-	-
SEP-3	<	1.9	<	1.6	<	<	<	<	<	<	<	<	-	-

D38 ~~3~~

Unit No.	NO_x[1] pph	NO_x[1] tpy	CO pph	CO tpy	VOC pph	VOC tpy	SO_2 pph	SO_2 tpy	PM_{10} pph	PM_{10} tpy	$PM_{2.5}$ pph	$PM_{2.5}$ tpy	H_2S pph	H_2S tpy
DHY-1	-[3]	-	-	-	0.1	0.6	-	-	-	-	-	-	-	-
LOAD	-	-	-	-	*	4.1	-	-	-	-	-	-	<	<
TK-1	-	-	-	-	0	0	-	-	-	-	-	-	<	<
TK-2	-	-	-	-	0	0	-	-	-	-	-	-	<	<
TK-3	-	-	-	-	0	0	-	-	-	-	-	-	<	<
TK-4	-	-	-	-	0	0	-	-	-	-	-	-	<	<
PW-1	-	-	-	-	0	0	-	-	-	-	-	-	<	<
PW-2	-	-	-	-	0	0	-	-	-	-	-	-	<	<
PW-3	-	-	-	-	0	0	-	-	-	-	-	-	<	<
PW-4	-	-	-	-	0	0	-	-	-	-	-	-	<	<
PW-5	-	-	-	-	0	0	-	-	-	-	-	-	<	<
TK-S1	-	-	-	-	0.3	1.3	-	-	-	-	-	-	<	<
FLARE (pilot)	0.1	0.4	0.4	1.6	0.4	1.7	0.001	0.003	-	-	-	-	0.000072	0.000032
FUG	-	-	-	-	5.3	23.3	-	-	-	-	-	-	<	<
FGC-1	-	-	-	-	0	0	-	-	-	-	-	-	-	-

1 Nitrogen dioxide emissions include all oxides of nitrogen expressed as NO_2
2 SSM flaring is permitted in Table 107A. Steady-state/pilot-purge is noted in above table.
3 To report excess emissions for sources with no pound per hour and/or ton per year emission limits, see condition B110F.
"-" indicates the application represented emissions of this pollutant are not expected.
"<" indicates that the application represented the uncontrolled mass emission rates are less than 1.0 pph or 1.0 tpy for this emissions unit and this air pollutant.
"*" indicates hourly emission limits are not appropriate for this operating situation.

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

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D39 ~~A29~~
D40 ~~0 0~~
D41 ~~0 0~~
D42 ~~0 0~~
D43 ~~0 0~~
D44 ~~0 0~~
D45 ~~0 0~~
D46 ~~0 0~~
D47 ~~0 0~~
D48 ~~0 0~~
D49 ~~0 0~~
D50 ~~pph tpy 0.00 0.00~~
D51 ~~0.00 0.00~~
D52 ~~02 07~~

Emissions

A. The maximum allowable SSM and Malfunction emission limits for this facility are listed in Table 107.A and were relied upon by the Department to determine compliance with applicable regulations.

Table 107.A: Allowable SSM and Malfunction Units, Activities, and Emission Limits

Unit No.	Description	NOx (pph)	NOx (tpy)	CO (pph)	CO (tpy)	VOC (pph)	VOC (tpy)	SOx (pph)	SOx (tpy)	H_2S (pph)	H_2S (tpy)
SITE-SSM from Blowdowns (Units SSMs from, DHY-1, VRU1, VRU2, VRU3, VRU4, VRU5, VRU6, ENG-1, ENG-2, ENG-3, ENG-4, ENG-5, ENG-6)	[1]Compressor & Associated Piping Blowdowns during Routine and Predictable Startup, Shutdown, and/or Maintenance (SSM)					*	3.0			<	<
MALF	[1]Venting of Gas Due to Malfunction						10				
SSM Flaring	SSM Flare	45.3	2.0	180.6	8.1	185.9	8.4	0.4	1.6	0.004	0.0002

1. This authorization does not include VOC combustion emissions.
   "<" indicates the application represented that uncontrolled venting, blowdown, or pigging emissions of H2S are less than 0.1 pph or 0.44 tpy. Allowable limits, monitoring, and recordkeeping are not required on this level of H2S venting, blowdown, or pigging emissions.
   "*" indicates hourly emission limits are not appropriate for this operating situation.
2. To report excess emissions for sources with no pound per hour and/or ton per year emission limits, see condition B110F.

B. The authorization of emission limits for startup, shutdown, maintenance, and malfunction does not supersede the requirements to minimize emissions according to General Conditions B101.F and B107.A.

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D53 ~~A29~~
D54 ~~H2 S~~
D55 ~~Routine and 259.9 3.0 0.01 0.00014~~
D56 ~~Shutdown,~~
D57 ~~Startup, SSM * Shutdown and Maintenance~~

C. SSM VOC Emissions (Unit SITE-SSM)

Requirement: The permittee shall perform a facility inlet gas analysis once every year based on a calendar year, and complete the following recordkeeping to demonstrate compliance with routine and predictable startup, shutdown, and maintenance (SSM) emission limits in Table 107.A.
Monitoring: The permittee shall monitor the permitted routine and predictable startups and shutdowns and scheduled maintenance events.
Recordkeeping: (1) To demonstrate compliance, each month records shall be kept of the cumulative total of VOC emissions during the first 12 months due to SSM events and, thereafter of the monthly rolling 12-month total VOC emissions. (2) Records shall also be kept of the inlet gas analysis, the percent VOC of the gas based on the most recent gas analysis, and of the volume of total gas vented in MMscf used to calculate the VOC emissions due to SSM events. (3) The permittee shall record the demonstrated compliance in accordance with Condition B109, except the requirement in B109.C to record the start and end times of SSM events shall not apply to the venting of known quantities of VOC.
Reporting: The permittee shall report in accordance with Section B110.

D. SSM Flaring Emissions (Flare SSM)

Requirement: Compliance with routine or predictable startup, shutdown, and maintenance (SSM) emission limits in Table 107.A shall be demonstrated by operating the flare in accordance with the requirements of Condition A206.A, A206.B, A206.C and A206.D of this permit and completing monitoring and recordkeeping as specified below. **Emissions Due to Preventable Events** Emissions that are due entirely or in part to poor maintenance, careless operation, or any other preventable equipment breakdown shall not be included under SSM emissions limits. These emissions shall be reported as excess emissions in accordance with 20.2.7.110 NMAC.
Monitoring: The permittee shall monitor the date, time, cause and duration of routine or predictable startup, shutdown, and scheduled maintenance events.
Recordkeeping: The permittee shall maintain records of all calculations and parameters used to determine emission rates in spreadsheet format and in accordance with Condition B109. **(1) Hourly Emissions Calculations:** The permittee shall calculate the pph NOx, CO, VOC, SO_2, and H_2S emission rates for each hour of each SSM event using these parameters: (a) the calculated average hourly flow rate of all gas combusted by the flare, including pilot, purge, and assist gas, if applicable, from Condition A205.B; (b) H_2S content, total sulfur content, VOC content, and heating value (BTU/scf) of the gas from Condition A205.B;

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(c) the emission factors represented in the permit application and approved by the Department, for NOx and CO emission rates; and

(d) VOC and H_2S emission rates calculated using the destruction efficiency represented in the permit application and approved by the Department.

(2) Annual Emissions Calculations: The permittee shall calculate the total tpy SSM emission rates as a monthly rolling 12-month total, using the pph emission rates for each hour of the month as follows:

(a) During the first 12 months of this condition taking effect, the permittee shall record the monthly total tons of NOx, CO, VOC, SO_2, and H_2S emissions.

(b) After the first 12 months of this condition taking affect, the permittee shall record the monthly rolling 12-month total tpy NOx, CO, VOC, SO_2, and H_2S emissions.

(3) SSM Events: The permittee shall retain monitoring records, including the date, time, and duration of each SSM event, as well as a description of the event including maintenance performed.

Reporting: The permittee shall report in accordance with Condition B110.

E. Malfunction Emissions (MALF)

Requirement: The permittee shall perform a facility inlet gas analysis once every year based on a calendar year and complete the following recordkeeping to demonstrate compliance with malfunction (MALF) emission limits in Table 107.A.

Monitoring: The permittee shall monitor all malfunction events that result in VOC emissions including identification of the equipment or activity that is the source of emissions.

Recordkeeping:

(1) To demonstrate compliance, each month records shall be kept of the cumulative total of VOC emissions due to malfunction events during the first 12 months and, thereafter of the monthly rolling 12-month total VOC emissions due to malfunction events.

(2) Records shall also be kept of the inlet gas analysis, the percent VOC of the gas based on the most recent gas analysis, of the volume of total gas vented in MMscf used to calculate the VOC emissions, and whether the emissions resulting from the event will be used toward the permitted malfunction emission limit or whether the event is reported as excess emissions of the pound per hour limits in Table 106.A (or the pound per hour limits in condition B110F, if applicable), under 20.2.7 NMAC.

(3) The permittee shall record the demonstrated compliance in accordance with Condition B109, except the requirement in B109.C to record the start and end times of malfunction events shall not apply to the venting of known quantities of VOC.

Reporting: The permittee shall report in accordance with Section B110.

A108 Facility: Allowable Operations

A. This facility is authorized for continuous operation. Monitoring, recordkeeping, and reporting are not required to demonstrate compliance with continuous hours of operation.

A109 Facility: Reporting Schedules

A. The permittee shall report according to the Specific Conditions and General Conditions of this permit.

A110 Facility: Fuel and Fuel Sulfur Requirements

A. Fuel and Fuel Sulfur Requirements

Requirement: All combustion emission units shall combust only natural gas containing no more than 29 grains of total sulfur per 100 dry standard cubic feet.
Monitoring: No monitoring is required. Compliance is demonstrated through records.
Recordkeeping: (1) The permittee shall demonstrate compliance with the natural gas or fuel oil limit on total sulfur content by maintaining records of a current, valid purchase contract, tariff sheet or transportation contract for the gaseous or liquid fuel, or fuel gas analysis, specifying the allowable limit or less. (2) If fuel gas analysis is used, the analysis shall not be older than one year. (3) Alternatively, compliance shall be demonstrated by keeping a receipt or invoice from a commercial fuel supplier, with each fuel delivery, which shall include the delivery date, the fuel type delivered, the amount of fuel delivered, and the maximum sulfur content of the fuel.
Reporting: The permittee shall report in accordance with Section B110.

A111 Facility: 20.2.61 NMAC Opacity

A. 20.2.61 NMAC Opacity Limit (Units ENG-1, ENG-2, ENG-3, ENG-4, ENG-5, ENG-6, HTR-1, HTR-2, HTR-3, SEP-1, SEP-2, SEP-3, REB-1, FLARE)

Requirement: Visible emissions from all stationary combustion emission stacks shall not equal or exceed an opacity of 20 percent in accordance with the requirements at 20.2.61.109 NMAC.
Monitoring: (1) Use of natural gas fuel constitutes compliance with 20.2.61 NMAC unless opacity equals or exceeds 20% averaged over a 10-minute period. When any visible emissions are observed during operation other than during startup mode, opacity shall be measured over

a 10-minute period, in accordance with the procedures at 40 CFR 60, Appendix A, Reference Method 9 (EPA Method 9) as required by 20.2.61.114 NMAC, or the operator will be allowed to shut down the equipment to perform maintenance/repair to eliminate the visible emissions. Following completion of equipment maintenance/repair, the operator shall conduct visible emission observations following startup in accordance with the following procedures:

(a) Visible emissions observations shall be conducted over a 10-minute period during operation after completion of startup mode in accordance with the procedures at 40 CFR 60, Appendix A, Reference Method 22 (EPA Method 22). If no visible emissions are observed, no further action is required.

(b) If any visible emissions are observed during completion of the EPA Method 22 observation, subsequent opacity observations shall be conducted over a 10-minute period, in accordance with the procedures at EPA Method 9 as required by 20.2.61.114 NMAC.

For the purposes of this condition, *Startup mode* is defined as the startup period that is described in the facility's startup plan.

Recordkeeping:

(1) If any visible emissions observations were conducted, the permittee shall keep records in accordance with the requirements of Section B109 and as follows:

(a) For any visible emissions observations conducted in accordance with EPA Method 22, record the information on the form referenced in EPA Method 22, Section 11.2.

(b) For any opacity observations conducted in accordance with the requirements of EPA Method 9, record the information on the form referenced in EPA Method 9, Sections 2.2 and 2.4.

Reporting: The permittee shall report in accordance with Section B110.

A112 Facility: Haul Roads – Not Required

A113 Facility: Initial Location Requirements – Not Required

A114 Facility: Relocation Requirements

A. This facility may not be relocated.

EQUIPMENT SPECIFIC REQUIREMENTS

OIL AND GAS INDUSTRY

A200 Oil and Gas Industry

A. This section has common equipment related to most Oil and Gas Operations.

A201 Engines

A. Periodic Emissions Testing (Units ENG-1, ENG-2, ENG-3, ENG-4, ENG-5, ENG-6)

Requirement: Compliance with the allowable emission limits in Table 106.A shall be demonstrated by completing periodic emission tests during the monitoring period.

Monitoring: The permittee shall test using a portable analyzer or EPA Reference Methods subject to the requirements and limitations of Section B108, General Monitoring Requirements. Emission testing is required for NOx and CO and shall be carried out as described below.

Test results that demonstrate compliance with the CO emission limits shall also be considered to demonstrate compliance with the VOC emission limits.

For units with g/hp-hr emission limits, in addition to the requirements stated in Section B108, the engine load shall be calculated by using the following equation:

$$\text{Load(Hp)} = \frac{\text{Fuel consumption (scfh) x Measured fuel heating value (LHV btu/scf)}}{\text{Manufacturer's rated BSFC (btu/bhp-hr) at 100\% load or best efficiency}}$$

(1) The testing shall be conducted as follows:
  (a) Testing frequency shall be once per quarter.
  (b) The monitoring period is defined as a calendar quarter.

(2) The first test shall occur within the first monitoring period occurring after permit issuance.

(3) All subsequent monitoring shall occur in each succeeding monitoring period. No two monitoring events shall occur closer together in time than 25% of a monitoring period.

(4) The permittee shall follow the General Testing Procedures of Section B111.

(5) Performance testing required by 40 CFR 60, Subpart JJJJ or 40 CFR 63, Subpart ZZZZ may be used to satisfy these periodic testing requirements if they meet the requirements of this condition and are completed during the specified monitoring period.

Recordkeeping: The permittee shall maintain records in accordance with Section B109, B110, and B111.

Reporting: The permittee shall report in accordance with Section B109, B110, and B111.

B. Initial Compliance Test (Units ENG-5, and ENG-6)

Requirement: Compliance with the allowable emission limits in Table 106.A shall be demonstrated by performing an initial compliance test.
Monitoring: The permittee shall perform an initial compliance test in accordance with the General Testing Requirements of Section B111. Emission testing is required for NOx and CO. Test results that demonstrate compliance with the CO emission limits shall also be considered to demonstrate compliance with the VOC emission limits. The monitoring exemptions of Section B108 do not apply to this requirement. For units with g/hp-hr emission limits, the engine load shall be calculated by using the following equation: Load (Hp) = Fuel consumption (scfh) x Measured fuel heating value (LHV btu/scf) / Manufacturer's rated BSFC (btu/bhp-hr) at 100% load or best efficiency
Recordkeeping: The permittee shall maintain records in accordance with the applicable Sections in B109, B110, and B111.
Reporting: The permittee shall report in accordance with the applicable Sections in B109, B110, and B111.

C. Catalytic Converter Operation (Units ENG-1, ENG-2, ENG-3, ENG-4, ENG-5, ENG-6)

Requirement: Compliance with the allowable emission limits in Table 106.A shall be demonstrated by: (1) The units shall be equipped and operated with an oxidation catalytic converter to control CO, VOC, and HAP emissions. The permittee shall maintain the units according to manufacturer's or supplier's recommended maintenance, including replacement of oxygen sensor as necessary for oxygen-based controllers.
Monitoring: The unit(s) shall be operated with the catalytic converter, which includes 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.
Recordkeeping: The permittee shall maintain records in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

D. 40 CFR 60, Subpart JJJJ (Units ENG-1, ENG-2, ENG-3, ENG-4, ENG-5, ENG-6)

Requirement: The units are subject to 40 CFR 60, Subparts A and JJJJ and shall comply with the notification requirements in Subpart A and the specific requirements of Subpart JJJJ.
Monitoring: The permittee shall comply with all applicable monitoring requirements in 40 CFR 60, Subpart A and Subpart JJJJ, including but not limited to 60.4243.

Recordkeeping: The permittee shall comply with all applicable recordkeeping requirements in 40 CFR 60, Subpart A and Subpart JJJJ, including but not limited to 60.4245.
Reporting: The permittee shall comply with all applicable reporting requirements in 40 CFR 60, Subpart A and Subpart JJJJ, including but not limited to 60.4245.

E. 40 CFR 63, Subpart ZZZZ (Units ENG-1, ENG-2, ENG-3, ENG-4, ENG-5, ENG-6)

Requirement: The units are subject to 40 CFR 63, Subpart ZZZZ and the permittee shall comply with all applicable requirements of Subpart A and Subpart ZZZZ.
Monitoring: The permittee shall comply with all applicable monitoring requirements of 40 CFR 63, Subpart A and Subpart ZZZZ.
Recordkeeping: The permittee shall comply with all applicable recordkeeping requirements of 40 CFR 63, Subpart A and Subpart ZZZZ, including but not limited to 63.6655 and 63.10.
Reporting: The permittee shall comply with all applicable reporting requirements of 40 CFR 63, Subpart A and ZZZZ, including but not limited to 63.6645, 63.6650, 63.9, and 63.10.

A202 Glycol Dehydrators

A. Extended Gas Analysis and GRI-GLYCalc Calculation (Unit DHY-1)

Requirement: Compliance with the allowable VOC emission limits in Table 106.A shall be demonstrated by conducting an extended gas analysis on the dehydrator inlet gas annually and by calculating emissions using GRI-GLYCalc.
Monitoring: The permittee shall conduct an annual GRI-GlyCalc analysis using the most recent extended gas analysis, and verify the input data. The permittee may use a method of calculating dehydrator emissions other than the most current version of GRI-GlyCalc if approved by the Department. Changes in the calculated emissions due solely to a change in the calculation methodology shall not be deemed an exceedance of an emission limit.
Recordkeeping: The permittee shall identify in a summary table all parameters that were used as inputs in the GRI-GLYcalc model. The permittee shall keep a record of the results, noting the VOC and HAP emission rates for the dehydrator obtained from estimates using GRI-GLYcalc.
Reporting: The permittee shall report in accordance with Section B110.

B. Glycol Pump Circulation Rate (Unit DHY-1)

Requirement: Compliance with the allowable VOC emission limits in Table 106.A shall be demonstrated by monitoring the glycol pump circulation rate for the dehydration unit shall not exceed 180 gallons per hour (3.0 gallons per minute).
Monitoring: The permittee shall monitor the circulation rate quarterly, based on a calendar quarter (January 1st through March 31st, April 1 through June 30th, July 1st through September 30th, and October 1st through December 31st). Monitoring shall include a visual inspection of pump rate setting.

Recordkeeping: The permittee shall maintain records that include a description of the monitoring and are in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

C. Control Device Inspection (Unit DHY-1, REB-1)

Requirement: To demonstrate compliance with the allowable VOC emission limits in Table 106.A: (1) The still vent emissions (Unit: DHY-1) shall be routed at all times to the associated condenser. (2) The flash tank vent shall be routed at all times to a process point that allows the off-gas to be recycled and recompressed, and not vented to the atmosphere. (3) All the non-condensed hydrocarbon vapors from the condenser associated with the DHY-1 shall be routed directly to the firebox of the reboiler and/or glowplug (Unit REB-1) and destroyed. (4) The condenser associated with (Unit: DEHY-1), the reboiler (Unit: REB-1), and the glowplug shall be operational at all times the facility is in operation and shall be installed, operated, and maintained according to manufacturers' specifications.
Monitoring: The permittee shall inspect the glycol dehydrator and the control equipment semi-annually to ensure it is operating in accordance with the manufacturer's recommended procedures.
Recordkeeping: The permittee shall record the inspection and the results of all equipment and control device inspections chronologically, noting any maintenance or repairs needed to bring the dehydrator into compliance.
Reporting: The permittee shall report in accordance with Section B110.

D. 40 CFR 63, Subpart HH (Unit DHY-1)

Requirement: The unit is subject to 40 CFR 63, Subpart HH and the permittee shall comply with all applicable requirements.
Monitoring: The permittee shall monitor as required by 40 CFR 63.772(b)(2) to demonstrate facility is exempt from general standards.
Recordkeeping: The permittee shall generate and maintain the records required by 40 CFR 63.774(d)(1)(ii) to demonstrate compliance with the general standard exemptions found in 40 CFR 63.764(e).
Reporting: The permittee shall meet all applicable reporting in 40 CFR 63, Subparts A and HH and in Section B110.

A203 Tanks and VRUs

A. Condensate Tank Throughput (Units TK-1, TK-2, TK-3, TK-4)

Requirement: Compliance with the allowable VOC emission limits in Table 106.A shall be

demonstrated by limiting the monthly rolling 12-month total condensate throughput for units TK-1, TK-2, TK-3, and TK-4 to 344,925,000 gallons per year (8,212,500 barrels/year).
Monitoring: The permittee shall monitor the monthly total throughput and the upstream separator pressure once per month.
Recordkeeping: The permittee shall record: (1) the monthly total throughput of liquids and, (2) Each month the permittee shall use these values to calculate and record: (a) during the first 12 months of monitoring, the cumulative total liquid throughput and after the first 12 months of monitoring, the monthly rolling 12-month total liquid throughput and, (b) during the first 12 months of monitoring, the average separator pressure, and after the first 12 months of monitoring, the monthly rolling 12-month average separator pressure. (3) Annually, the permittee shall calculate pre-control tank breathing, working and flashing emissions that were calculated using EPA's AP-42 Section 7.1 and the gas-oil-ratio (GOR). Emission rates computed using the same parameters, but with a different Department approved algorithm that exceed these values will not be deemed non-compliance with this permit. Records shall be maintained in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

B. Water Tank Throughput (Units PW-1, PW-2, PW-3, PW-4, PW-5)

Requirement: Compliance with the allowable VOC emission limits in Table 106.A shall be demonstrated by limiting the monthly rolling 12-month total produced water throughput for units PW-1, PW-2, PW-3, PW-4 and PW-5 to 927,465,000 gallons per year (22,082,500 barrels/year).
Monitoring: The permittee shall monitor the monthly total throughput and the upstream separator pressure once per month.
Recordkeeping: The permittee shall record: (1) the monthly total throughput of liquids and, (2) Each month the permittee shall use these values to calculate and record: (a) during the first 12 months of monitoring, the cumulative total liquid throughput and after the first 12 months of monitoring, the monthly rolling 12-month total liquid throughput and, (b) during the first 12 months of monitoring, the average separator pressure, and after the first 12 months of monitoring, the monthly rolling 12-month average separator pressure. (3) Annually, the permittee shall calculate pre-control tank breathing, working and flashing emissions that were calculated using EPA's AP-42 Section 7.1 and the gas-oil-ratio (GOR). Emission rates computed using the same parameters, but with a different Department approved algorithm that exceed these values will not be deemed non-compliance with this permit. Records shall be maintained in accordance with Section B109.

Reporting: The permittee shall report in accordance with Section B110.

C. Slop Water Tank Throughput (Unit TK-S1)

Requirement: Compliance with the allowable VOC emission limits in Table 106.A shall be demonstrated by limiting the monthly rolling 12-month total slop water throughput for unit TK-S1 to 1,533,000 gallons per year (36,500 barrels/year) and limiting the monthly rolling 12 month average separator pressure to less than 125 psia.
Monitoring: The permittee shall monitor the monthly total throughput and the upstream separator pressure once per month.
Recordkeeping: The permittee shall record: (1) the monthly total throughput of liquids and, (2) Each month the permittee shall use these values to calculate and record: (a) during the first 12 months of monitoring, the cumulative total liquid throughput and after the first 12 months of monitoring, the monthly rolling 12-month total liquid throughput and, (b) during the first 12 months of monitoring, the average separator pressure, and after the first 12 months of monitoring, the monthly rolling 12-month average separator pressure. (3) Annually, the permittee shall calculate pre-control tank breathing, working and flashing emissions that were calculated using EPA's AP-42 Section 7.1 and the gas-oil-ratio (GOR). Emission rates computed using the same parameters, but with a different Department approved algorithm that exceed these values will not be deemed non-compliance with this permit. Records shall be maintained in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

D. Redundant Vapor Recovery Units, Condensate Oil Tank, Produced Water Tanks (Units VRU-1, VRU-2, VRU-4, VRU-5, VRU-6, TK-1, TK-2, TK-3, TK-4, PW-1, PW-2, PW-3, PW-4, PW-5)

Requirement: Compliance with the allowable VOC emissions in Table 106.A shall be demonstrated by the following: Redundant vapor recovery units (VRU-1, VRU-2, VRU-4, VRU-5, AND VRU-6) shall capture all emissions from TK-1, TK-2, TK-3, TK-4, PW-1, PW-2, PW-3, PW-4, PW-5, and route all gas to sales. Emissions that are not captured by the VRU-1 shall be routed to VRU-2, VRU-4, VRU-5, or VRU-6 and shall not be vented to the atmosphere.
Monitoring: At least once per month, the permittee shall inspect units VRU-1, VRU-2, VRU-4, VRU-5, VRU-6, TK-1, TK-2, TK-3, TK-4, PW-1, PW-2, PW-3, PW-4, PW-5 and associated piping for defects that could result in air emissions. Defects include, but are not limited to, visible cracks, holes, or gaps; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices. In the

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event that a leak or defect is detected, the permittee shall repair the leak or defect as soon as practicable and in a manner that minimizes VOC and HAPs emissions to the atmosphere.

The permittee shall monitor all VRU (VRU-1, VRU-2, VRU-4, VRU-5, VRU-6) downtime.

Recordkeeping: The permittee shall record the name of the person conducting the inspections for defects and the results of the inspection chronologically, noting any maintenance or repairs that are required and when any required repairs are completed.

The permittee shall record the date, start time and end time of any downtime and or maintenance of the VRUs (VRU-1, VRU-2, VRU-4, VRU-5, VRU-6). Any emissions resulting from VRU downtimes, that are not flared under SSM emissions limits, shall be reported under 20.2.7 NMAC.

Reporting: The permittee shall report in accordance with Section B110.

E. Slop Water Tank (TK-S1), Vapor Recovery Unit (VRU-3)

Requirement: Compliance with the allowable VOC emissions in Table 106.A shall be demonstrated by the following:

The Vapor Recovery Unit (VRU-3) shall capture all emissions from TK-S1 and route all gas to sales.

During VRU downtime, emissions from TK-S1 that are not captured by the unit VRU-3 that are vented to the atmosphere from TK-S1 shall not exceed the emissions established in table 106.A.

Monitoring: At least once per month, the permittee shall inspect units VRU-3, and TK-S1 and associated piping for defects that could result in air emissions. Defects include, but are not limited to, visible cracks, holes, or gaps; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices. In the event that a leak or defect is detected, the permittee shall repair the leak or defect as soon as practicable and in a manner that minimizes VOC and HAPs emissions to the atmosphere.

The permittee shall monitor all VRU (VRU-3) downtime.

Recordkeeping: The permittee shall record the name of the person conducting the inspections for defects and the results of the inspection chronologically, noting any maintenance or repairs that are required and when any required repairs are completed.

The permittee shall record the date, start time and end time of any downtime and or maintenance of the VRU (VRU-3). Any emissions resulting from VRU downtime, that are not flared under SSM emissions limits, shall be reported under 20.2.7 NMAC.

Reporting: The permittee shall report in accordance with Section B110.

F. Truck Loading – Slop Water Loadout (Unit LOAD)

Requirement: Compliance with the allowable emission limits in Table 106.A shall be demonstrated by limiting the total annual slop water loadout volume to 1,533,000 gallons per

year. (36,500 barrels/year).
Monitoring: The permittee shall monitor the slop water truck loadout volume on a monthly basis.
Recordkeeping: The permittee shall record the monthly condensate truck loadout volume. Each month during the first 12 months of monitoring the permittee shall record the cumulative slop water loadout volume and after the first 12 months of monitoring, the permittee shall calculate and record a monthly rolling 12-month total loadout volume. Records shall also be maintained in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

G. 20.2.38 NMAC, Hydrocarbon Storage Facilities (Units TK-1, TK-2, TK-3, TK-4)

Requirement: The permittee shall comply with 20.2.38.109 and 20.2.38.112 NMAC. The permittee shall install vapor recovery units to minimize hydrocarbon and hydrogen sulfide loss to the atmosphere and shall not operate the tank without the control device.
Monitoring: The permittee shall monitor the tanks operation.
Recordkeeping: The permittee shall record in accordance with Section B109
Reporting: The permittee shall report in accordance with Section B110.

A204 Heaters/Boilers

A. Operational Inspections of Boilers and/or Heaters (Units HT-1, HT-2, HT-3, SEP-1, SEP-2, SEP-3)

Requirement: (1) Compliance with the allowable emission limits in Table 106.A shall be demonstrated by performing annual inspections to ensure proper operation of the Heaters (HT-1, HT-2, HT-3). (2) At a minimum, the operational inspections shall meet those recommended by the manufacturer, or shall meet the facility specific procedure submitted to the Department. (3) If the permittee is using a facility specific procedure it shall submit an electronic version of the procedure to the Department's Permit Section Manager within 90 days of implementing the procedure. If the plan cannot be submitted within 90 days, the permittee shall obtain written approval to extend the deadline from the Department's Permit Section, either by regular or electronic mail. The permittee shall provide additional information or make changes to the plan as requested by the Department. (4) The permittee shall make changes or improvements to the inspection procedure based on experience with the unit and/or new information provided by the manufacturer. This updated procedure shall be made available to the Department upon request
Monitoring: (1) Inspections shall be completed at least once per year or at the frequency recommended by the manufacturer.

(2) At a minimum, inspections shall include the following:
  (a) checking indicators to verify that the optimal amount of excess combustion air is introduced into the boiler combustion process such as a blue colored, steady flame;
  (b) inspections of the unit(s) components and housing for cracks or worn parts.

Recordkeeping:

(1) The permittee shall maintain records of operational inspections, including the indicators used to verify optimal excess combustion air, a description of the indicators, the unit component and housing inspections, and any adjustments needed to ensure optimal operation of the unit.
(2) The permittee shall also keep records of the manufacturer's recommended or the permittee's facility specific operational inspection procedure and shall keep records of the percent of excess combustion air required for optimal performance.
(3) The permittee shall maintain records in accordance with Section B109.

Reporting: The permittee shall report in accordance with Section B110.

A205 Turbines – Not Required

A206 Flares

A. Flare Flame & Visible Emissions (20.2.61 NMAC) (Unit FLARE)

Requirement: Compliance with the allowable emission limits in Table 106.A shall be demonstrated by the flare(s) being equipped with a system to ensure that it is operated with a flame present at all times and operated with no visible emissions.

The flare is subject to the 20% opacity standards in 20.2.61 NMAC and complying with the no visible emissions requirements demonstrates compliance with 20.2.61 NMAC opacity limit.

Monitoring:

(1) Flare Pilot Flame: The permittee shall continuously monitor the presence of a flare pilot flame using a thermocouple or any equivalent device approved by the Department and shall be equipped with a continuous recorder and alarm or equivalent, to detect the presence of a flame.

(2) Visible Emissions: Annually, the permittee shall conduct a visible emissions observation in accordance with the requirements at 40 CFR 60, Appendix A, Reference Method 22 to certify compliance with the no visible emission requirement on the process flare. The observation period is at least 2 consecutive hours where visible emissions are not to exceed a total of 5 minutes during any 2 consecutive hours.

At least once per year during a blow down event, the permittee shall conduct a visible emissions observation in accordance with the requirements at 40 CFR 60, Appendix A, Reference Method 22 to certify compliance with the no visible emission requirements. Each Method 22 test shall occur for the duration of the blow down event or for 30 minutes, whichever is less. Visible emissions shall not occur for more than 5 minutes during any consecutive 30-minute period.

For blowdown events that occur for less than 30 minutes, visible emissions shall not occur for more the 15% during the duration of the blow down event.

If the flare is located at an unmanned site, used only for emergencies, and where there are no scheduled blowdown-maintenance events to observe flare combustion, the permittee shall at a minimum conduct the visible emissions observation in accordance with the requirements of EPA Method 22 on the pilot flame.

Recordkeeping:

(1) Flare Pilot Flame: The permittee shall record all instances of alarm activation, including the date and cause of alarm activation, actions taken to bring the flare into normal operating conditions, and maintenance activities.

(2) Visible Emissions: For any visible emissions observations conducted in accordance with EPA Method 22, the permittee shall record the information on the form referenced in EPA Method 22, Section 11.2.

For any visible emissions observations conducted in accordance with EPA Method 22, record the information on the form referenced in EPA Method 22, Section 11.2. If the visible emissions observation was conducted only on the pilot flame, the record shall also include the reasons that the test could not be conducted during a blowdown event.

Reporting: The permittee shall report in accordance with Section B110.

B. Flare Operating Requirement (Unit FLARE)

Requirement: Compliance with the allowable emission limits in Table 106.A shall be demonstrated by installing, operating, and maintaining the flare in accordance with the manufacturer's specifications. Compliance with the operating practices according to the manufacturer's specifications demonstrates compliance with the opacity limits required by 20.2.61 NMAC.

Monitoring: The permittee shall inspect the flare monthly to ensure they are operating in accordance with the manufacturer's specifications.

Recordkeeping:

(1) Record, chronologically, the name of the person conducting the inspection, the results of all equipment inspections, and any maintenance or repairs needed for the flare(s) to be compliant.

(2) Maintain a copy of the manufacturer's maintenance recommendations.

Reporting: The permittee shall report in accordance with the requirements of Section B110.

C. Flare Gas Flow Monitoring and Gas Analysis (Unit FLARE)

Requirement: Requirement: Compliance with the flare allowable emission limits in Table 106.A shall be demonstrated by completing the monitoring, recordkeeping, and reporting required by this condition and Condition A205.D. All flow meters and inline monitors shall meet the minimum data capture and quality assurance requirements of Condition B108.H.

Monitoring:

(1) Gas Flow Monitoring:

(a) One or more gas flowmeters equipped with a chart recorder or data logger (electronic storage) shall be installed to continuously monitor the flow (scf) of gas sent to the flare.

(b) Pilot, purge, and assist gas, if applicable, shall be monitored using a gas flowmeter under (a) or determined using manufacturer's specifications or engineering estimates.

(2) Gas Analysis:

(a) Once per calendar year, the permittee shall perform a gas analysis, including measurement of the H2S content, total sulfur content, VOC content, and heating value (BTU/scf) of gas sent to the flare for combustion. Gas analyses shall be separated by a minimum of six (6) months.

(b) Alternatively, for H2S only, in lieu of an annual analysis, H2S may be measured quarterly using a stain tube(s) of the appropriate size range or with an inline chemical composition analyzer.

(3) Calibration: Flow meters and inline monitors shall be operated, calibrated, and maintained as specified by Condition B108.H and, if applicable, the site-specific operations and maintenance plan.

Recordkeeping: The following records shall be maintained in accordance with Condition B109.

(1) Gas Flow:

(a) Records of continuous flowmeter measurements and the hourly flow rate in scf/hr calculated by averaging a minimum of four (4) equally spaced readings for each hour.

(b) Manufacturer's specifications or engineering estimates used for pilot, purge, and assist (if applicable) gas flow rates.

(2) Gas Analysis: All sample documentation received from the laboratory or testing service company, including H2S content, the total sulfur content, the VOC content, and the heating value (BTU/scf), analysis method utilized, and sample chain of custody. If stain tubes are used for measuring H2S content, records of the results, including size range of stain tubes used, the date of the test, and the name of the person conducting the test.

(3) Calibration: Records of all flowmeter and inline monitor certifications, calibrations, data capture calculations and documentation as specified by Condition B108.H, as well as any breakdowns, reasons for the breakdown, and corrective actions. The permittee shall also maintain a copy of the manufacturer specifications for operation and calibration or the site-specific operations and maintenance plan for flowmeters and inline monitors.

Reporting: The permittee shall report in accordance with Section B110.

D. Flare Parametric Monitoring (Unit FLARE)

Requirement: The permittee shall operate the flare in accordance with the requirements specified in recordkeeping below.

Monitoring: The permittee shall monitor the flare in accordance with Conditions A.205.A - D.

Recordkeeping:

(1) The permittee shall use the information recorded in Condition A.205.C to calculate the flow rate to determine if the facility meets the velocity requirements of this Condition.

(2) The maximum tip velocity of the flare, (Vmax), shall be determined annually, and records kept demonstrating that the actual flare tip velocity does not exceed the allowable Vmax.

The maximum permitted velocity (i.e., the greater of either calculated Vmax, 60 ft/sec or 400 ft/sec, based on method (a), (b), or (c) below) shall be recorded as feet/second and the corresponding total flow rate to the flare in MMscf/hour shall be used to compare to the actual volumetric flow rate (at STP) to demonstrate compliance with the maximum velocity permitted.

Compliance shall be determined utilizing either method (a), (b), or (c) below:

(a) Actual tip velocity less than 60 feet per second (ft/sec) for gases having a lower heating value less than 1000 Btu/ft3 will be in compliance with this requirement.

(b) Actual tip velocity less than 400 ft/sec for gases having a lower heating value greater than 1000 Btu/ft3 will be in compliance with this requirement.

(c) Actual tip velocity less than the calculated maximum velocity (Vmax) using the following equations will be in compliance with this requirement. The calculated Vmax shall be based on the weighted mean heating value of the inlet gas plus supplemental fuel gas.

Vmax of the flare shall be calculated annually and determined using the following equation:

$$\text{Log10 (Vmax)}=(\text{HT} + 28.8)/31.7$$

Vmax=Maximum permitted velocity, M/sec

28.8=Constant

31.7=Constant

HT=The net heating value is determined using the following equation:

$$H_T = K\left[\sum_{i=1}^{n} C_i H_i\right]$$

where:

HT=Net heating value of the sample, MJ/scm; where the net enthalpy per mole of off-gas is based on combustion at 25 °C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20 °C;

$$K = \text{Constant}, \quad 1.740 \times 10^{-7} \quad \left(\frac{1}{ppm}\right)\left(\frac{g\ mole}{scm}\right)\left(\frac{MJ}{kcal}\right)$$

where the standard temperature for $\left(\frac{g\ mole}{scm}\right)$ is 20°C;

Ci=Concentration of sample component “i” in ppm on a wet basis, as measured for organics by

Reference Method 18 and measured for hydrogen and carbon monoxide by ASTM D1946-77 or 90 (Reapproved 1994); and Hi=Net heat of combustion of sample component i, kcal/g mole at 25 °C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382-76 or 88 or D4809-95 The maximum permitted velocity, Vmax, for air-assisted flares shall be determined by the following equation: Vmax=8.706 + 0.7084 (HT) Vmax=Maximum permitted velocity, m/sec 8.706=Constant 0.7084=Constant HT=The net heating value as determined above. 3) The permittee shall maintain records in accordance with Section B109
Reporting: The permittee shall report in accordance with Section B110.

A207 Sulfur Recovery Unit – Not Required

A208 Amine Unit – Not Required

A209 Fugitives

A. 40 CFR 60, Subpart OOOOa (Unit FUG)

Requirement: The collection of fugitive emissions components (as defined in 40 CFR §60.5430a) at this facility are subject to the fugitive emissions GHG and VOC leak standards at 40 CFR §60.5397a of 40 CFR 60, Subpart OOOOa. The permittee shall comply with all applicable requirements in Subparts A and OOOOa.
Monitoring: The permittee shall implement a leak detection and repair program and shall comply with the standards as specified at 40 CFR §60.5397a. Alternative means of emissions limitations at §60.5398a can only be approved by the US EPA.
Recordkeeping: The permittee shall comply with the applicable recordkeeping requirements specified at 40 CFR §60.5420a(c), including §60.5420a(c)(15)
Reporting: The permittee shall comply with the applicable reporting requirements specified at 40 CFR §60.5420a(b), including §60.5420a(b)(7).

B. 40 CFR60, Subpart OOOOa (Units Reciprocating compressors associated with ENG-1, ENG-2, ENG-3, ENG-4, ENG-5, and ENG-6)

Requirement: The permittee shall comply with 40 CFR 60, Subparts A and OOOOa if a source is constructed, modified, or reconstructed after the applicability date in 40 CFR 60.5365a; and the permittee shall comply with the notification requirements in Subpart A and the specific

requirements of Subpart OOOOa, including standards in 60.5385a.
Monitoring: The permittee shall comply with all applicable monitoring requirements in 40 CFR 60, Subpart A and Subpart OOOOa, including but not limited to 60.5410a, 60.5415a(c), and 60.5415a(h).
Recordkeeping: The permittee shall comply with all applicable recordkeeping requirements in 40 CFR 60, Subpart A and Subpart OOOOa, including but not limited to 60.5415a(c), 60.5415a(h), and 60.5420a.
Reporting: The permittee shall comply with all applicable reporting requirements in 40 CFR 60, Subpart A and Subpart OOOOa, including but not limited to 60.5420a, and Section B110.

C. 40 CFR 60, Subpart OOOOa – Fugitives (Units VRU-1, VRU-2, VRU-3, VRU-4, VRU-5, and VRU-6)

Requirement: The units are subject to 40 CFR 60, Subparts A and OOOOa if the affected facility is constructed, modified, or reconstructed after the applicability date in 40 CFR 60.5365a and meets the applicability criteria specified at §60.5365a(j). The permittee shall comply with the notification requirements in Subpart A and the specific requirements of Subpart OOOOa, including standards in §60.5397a.
Monitoring: The permittee shall comply with all applicable monitoring requirements in 40 CFR 60, Subpart A and Subpart OOOOa, including but not limited to §60.5397a (or §60.5398a as approved by the US EPA), §60.5410a, and §60.5415a.
Recordkeeping: The permittee shall comply with all applicable recordkeeping requirements in 40 CFR 60, Subpart A and Subpart OOOOa, including but not limited to §60.5420a.
Reporting: The permittee shall comply with all applicable reporting requirements in 40 CFR 60, Subpart A and Subpart OOOOa, including but not limited to §60.5420a, and in Section B110.

A210 Acid Gas Injection – Not Required

A211 Miscellaneous

A. Flash Gas Compressor (FGC-1)

Requirement: Compliance with the allowable emission limits in Tables 106.A and 107.A shall be demonstrated by operating the FGC-1 at all times by routing process gas from the heater treaters to the scrubber. FGC-1 shall not vent to the atmosphere, except during allowable blowdowns under SITE-SSM.
Monitoring: At least once per month, the permittee shall inspect the FGC-1 for defects that could result in air emissions. In the event that a leak or defect is detected, the permittee shall repair the leak or defect as soon as practicable and in a manner that minimizes VOC emissions to the atmosphere.
Recordkeeping: The permittee shall record the results of monthly inspections chronologically, noting any maintenance or repairs that are required.

D78 ~~A2~~
D79 ~~A29~~

Reporting: The permittee shall report in accordance with Section B110.

PART B GENERAL CONDITIONS (Attached)

PART C MISCELLANEOUS: Supporting On-Line Documents; Definitions; Acronyms (Attached)

Deletions Index - text in the March 3, 2022 Draft that is not in the August 4, 2022 Draft Permit 6109-M8

Red = substantive text. Green = dates, titles, headings, numbering, page headers, table of contents, typographical.

D1	exhibit p. 2	~~March 03,~~
D2	exhibit p. 3	~~A29~~
D3	exhibit p. 3	~~[Delete all below at time final permit submitted for signature.] File Name: NSR_Permit_Parta_Master Save Date: 6/18/2019 Print Date: 0/0/0000 0:00:00 AM~~
D4	exhibit p. 3	~~A8~~
D5	exhibit p. 3	~~A13~~
D6	exhibit p. 3	~~A13~~
D7	exhibit p. 3	~~A13~~
D8	exhibit p. 3	~~A13~~
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D10	exhibit p. 3	~~Table of contents entry: A107 Facility: Allowable Startup, Shutdown, & Maintenance (SSM) A10~~
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D33	exhibit p. 8	~~A29~~
D34	exhibit p. 8	~~Vapor Recovery Flogistix HG12258H5I~~
D35	exhibit p. 8	~~Capacity SSM SSM Activities N/A N/A N/A N/A Unknown N/A~~
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D38	exhibit p. 10	~~3~~
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D57	exhibit p. 12	~~Startup, SSM * Shutdown and Maintenance~~
D58	exhibit p. 13	~~A29~~
D59	exhibit p. 13	~~(Units~~
D60	exhibit p. 13	~~and SSM)~~
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D79 exhibit p. 31 ~~A29~~

EXHIBIT C

Draft Permit No. 6832-M8 - Chevron U.S.A. Inc., Salado Draw 23 (AQB 22-27)

August 3, 2022 Draft, with changes from the February 24, 2022 Draft marked

This is the Department's August 3, 2022 Draft Permit 6832-M8 in its original formatting, marked to show every change from the February 24, 2022 Draft, sorted into two categories. Inserted or changed text is highlighted on the page. Deleted text appears in the right-hand margin, struck through and numbered D1, D2, ..., with a mark in the body showing where it was. Long deletions continue in the Deletions Index at the end, which links back to each page.

	Substantive changes to permit text (yellow highlight, red underline; red deletions)	**11 changes**
	Dates, titles, headings, page and section numbering, cross-reference labels, drafting notes, typographical (green highlight and underline; green deletions)	**50 changes**

The green count is 7 changes in the body of the permit, 16 table-of-contents entries, and the page header on 27 pages.

How changes were sorted: a change is green only if it is confined to a heading line, or every word changed is a date, a page or section number, a list marker, or a cross-reference label (such as "Section" or "Condition"), or it changes only spacing, capitalization, or punctuation. Everything else is yellow/red, including every changed number (limits, rates, times, heights). A run of consecutive changed words counts as one change. Verify any quoted language against the source documents.

Source documents (click to open)

AQB 22-27 Administrative Record, Bates 420-800 - contains both drafts: the August 3, 2022 draft reproduced here (PDF pp. 353-380) and the February 24, 2022 draft (Bates 689-754)
https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2022/10/2022-09-20-AQB-22-27-Chevron-23-ADMINISTRATIVE-RECORD_Part-420-800.pdf

Notice of Filing Public Hearing Determination (June 30, 2022)
https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2022/07/2022-06-30-AQB-22-26-Notice-of-Filing-Public-Hrg-Determination-pj.pdf

Notice of Hearing - English (Aug. 17, 2022)
https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2022/08/EPD-AQB-English-Notice-of-Hearing.pdf

AQB Statement of Intent (Aug. 29, 2022)
https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2022/09/2022-08-29-AQB-Bureau-Final-Direct-Stmt-of-Intent.pdf

Amended Hearing Transcript (Oct. 2022) - Tr. 15:8-13, 29:4-20, 71:7-14
https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2022/10/Amended-Transcripts-ABQ_22-25_22-26___22-27-FullSize.pdf

Hearing Officer's Report and Recommended Decision (Dec. 8, 2022) - FoF 14, 26, 32-33, 37-38, 42-53
https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2022/12/2022-12-08-AQB-22-26-27-Chevron-Hearing-Officers-Report-and-Recommended-Decision.pdf

Final Order (Dec. 16, 2022)
https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2022/12/2022-12-16-AQB-22-26-and-AQB-22-27-Chevron-Final-Order.pdf

MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

AIR QUALITY BUREAU
NEW SOURCE REVIEW PERMIT
Issued under 20.2.72 NMAC

Certified Mail No:
Return Receipt Requested

DRAFT as of August 3, 2022

D1 ~~February 24,~~

NSR Permit No:	6832-M8
Facility Name:	Chevron Salado Draw 23 Compressor Station & Tank Battery
Permittee Name:	Chevron USA, Inc.
Mailing Address:	6301 Deauville Blvd. N3203 Midland, TX 79706
TEMPO/IDEA ID No:	36802 - PRN20210001
AIRS No:	35-025-1010
Permitting Action:	Significant Permit Revision
Source Classification:	Synthetic Minor > 80
Facility Location:	627,889 m E by 3,545,246 m N, Zone 13; Datum NAD83
County:	Lea
Air Quality Bureau Contact	Joseph Mashburn
Main AQB Phone No.	(505) 476-4300

Liz Bisbey-Kuehn
Bureau Chief
Air Quality Bureau

Date

Template version: 06/30/2021

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PART B GENERAL CONDITIONS (Attached)

PART C MISCELLANEOUS: Supporting On-Line Documents; Definitions; Acronyms (Attached)

Deleted text (struck through):
red = substantive; green = date/title/heading/numbering

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PART A FACILITY SPECIFIC REQUIREMENTS

A100 Introduction

A. This permit, NSR 6832M8, supersedes all portions of Air Quality Permit 6832M7, issued January 14, 2020, except portions requiring compliance tests. Compliance test conditions from previous permits, if not completed, are still in effect, in addition to compliance test requirements contained in this permit.

A101 Permit Duration (expiration)

A. The term of this permit is permanent unless withdrawn or cancelled by the Department.

A102 Facility: Description

A. The function of the facility is to remove water and hydrocarbon liquids from natural gas produced in the surrounding area, and to compress the gas into a pipeline for delivery to a processing plant.

B. This facility is located approximately 27.1 miles SW of Jal, New Mexico in Lea County.

C. This modification consists of updating the gas analyses, updating tank working and standing emissions calculations, and due to the updated gas analyses, the glycol dehydrator emissions estimation and the ProMax simulation were rerun with the updated values. DHY-2 is removed. The description of this modification is for informational purposes only and is not enforceable.

D. Tables 102.A and Table 102.B show the total potential emission rates (PER) from this facility for information only. This is not an enforceable condition and excludes emissions from Minor NSR exempt activities per 20.2.72.202 NMAC.

Table 102.A: Total Potential Emission Rate (PER) from Entire Facility

Pollutant	Emissions (tons per year)
Nitrogen Oxides (NOx)	50.2
Carbon Monoxide (CO)	32.3
Volatile Organic Compounds (VOC) [1]	108.6
Sulfur Dioxide (SO_2)	13.5
Particulate Matter 10 microns or less (PM_{10})	3.2
Particulate Matter 2.5 microns or less ($PM_{2.5}$)	3.2
Hydrogen Sulfide (H_2S)	0.001

1. VOC total includes emissions from Fugitives and SSM.

Deleted text (struck through):
red = substantive; green = date/title/heading/numbering

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Table 102.B: Total Potential Emissions Rate (PER) for *Hazardous Air Pollutants (HAPs) that exceed 1.0 ton per year

Pollutant	Emissions (tons per year)
Formaldehyde	3.6
n-hexane	1.5
Total HAPs**	6.8

D20 ~~6.7~~

* HAP emissions are already included in the VOC emission total.

** The total HAP emissions may not agree with the sum of individual HAPs because only individual HAPs greater than 1.0 tons per year are listed here.

A103 Facility: Applicable Regulations

A. The permittee shall comply with all applicable sections of the requirements listed in Table 103.A.

Table 103.A: Applicable Requirements

Applicable Requirements	Federally Enforceable	Unit No.
20.2.1 NMAC General Provisions	X	Entire facility
20.2.3 NMAC Ambient Air Quality Standards	X	Entire facility
20.2.7 NMAC Excess Emissions	X	Entire facility
2.2.38 NMAC Hydrocarbon Storage Facilities	X	TK-1, TK-2, TK-3, TK-S2
20.2.61 NMAC Smoke and Visible Emissions	X	ENG-1, ENG-2, ENG-3, ENG-4, HTR-1, HTR-2, HTR-3, HTR-4, HTR-5, HTR-6, REB-1, FLARE
20.2.72 NMAC Construction Permit	X	Entire facility
20.2.73 NMAC Notice of Intent and Emissions Inventory Requirements	X	Entire facility
20.2.75 NMAC Construction Permit Fees	X	Entire facility
20.2.77 NMAC New Source Performance Standards	X	ENG-1, ENG-2, ENG-3, and ENG-4; Compressors associated with: ENG-1, ENG-2, ENG-3, and ENG-4; FUG; VRU-1, VRU-2, VRU-3, and VRU-4
20.2.82 NMAC Maximum Achievable Control Technology Standards for Source Categories of HAPs	X	ENG-1, ENG-2, ENG-3, ENG-4, and DHY-1
40 CFR 50 National Ambient Air Quality Standards	X	Entire facility

Table 103.A: Applicable Requirements

Applicable Requirements	Federally Enforceable	Unit No.
40 CFR 60, Subpart A, General Provisions	X	ENG-1, ENG-2, ENG-3, and ENG-4; Compressors associated with: ENG-1, ENG-2, ENG-3, and ENG-4; FUG; VRU-1, VRU-2, VRU-3, and VRU-4
40 CFR 60, Subpart JJJJ	X	ENG-1, ENG-2, ENG-3, and ENG-4
40 CFR 60, Subpart OOOOa	X	Compressors associated with: ENG-1, ENG-2, ENG-3, and ENG-4; FUG; VRU-1, VRU-2, VRU-3, and VRU-4
40 CFR 63, Subpart A, General Provisions	X	ENG-1, ENG-2, ENG-3, ENG-4, and DHY-1
40 CFR 63, Subpart HH	X	DHY-1
40 CFR 63, Subpart ZZZZ	X	ENG-1, ENG-2, ENG-3, and ENG-4

A104 Facility: Regulated Sources

A. Table 104.A lists the emission units authorized for this facility. Emission units identified as exempt activities (as defined in 20.2.72.202 NMAC) and/or equipment not regulated pursuant to the Act are not included.

Table 104.A: Regulated Sources List

Unit No.	Source Description	Make	Model	Serial No.	Construction/ Reconstruction Date	Manufacture Date	Manufacturer Rated Capacity /Permitted Capacity
ENG-1	4SLB RICE	Caterpillar	G3606	JEF0152	February 2019	February 2019	1875 hp
ENG-2	4SLB RICE	Caterpillar	G3606	JEF01499	February 2019	February 2019	1875 hp
ENG-3	4SLB RICE	Caterpillar	G3606	TBD	TBD	TBD	1875 hp
ENG-4	4SLB RICE	Caterpillar	G3606	TBD	TBD	TBD	1875 hp
HTR-1	Heater Treater	Unknown	Unknown	UA501-004	April 2016	NA	4 MM BTU/h
HTR-2	Heater Treater	Unknown	Unknown	112875	April 2016	NA	4 MM BTU/h
HTR-3	Heater Treater	Unknown	Unknown	112871	April 2016	NA	4 MM BTU/h
HTR-4	Heater Treater	Unknown	Unknown	Unknown	April 2016	NA	4 MM BTU/h
HTR-5	Heater Treater	Unknown	Unknown	Unknown	April 2016	NA	4 MM BTU/h
HTR-6	Heater Treater	Unknown	Unknown	Unknown	April 2016	NA	4 MM BTU/h
REB-1	Reboiler	Exterran	Unknown	Unknown	April 2016	Unknown	1 MM BTU/h
DHY-1	Glycol Dehy Still Vent/Flash Tank	Exterran	Unknown	Unknown	April 2016	Unknown	45 MMscf/day
FLARE	Process Flare	Zeeco	Unknown	Unknown	April 2016	TBD	60 MMSCFD/ 89.2 Mscf/h

Table 104.A: Regulated Sources List

Unit No.	Source Description	Make	Model	Serial No.	Construction/ Reconstruction Date	Manufacture Date	Manufacturer Rated Capacity /Permitted Capacity
LOAD	Water Truck Loading	NA	NA	NA	April 2016	NA	200 bbl/hr
TK-1	Condensate Storage Tank	Unknown	Unknown	Unknown	April 2016	NA	750 bbl
TK-2	Condensate Storage Tank	Unknown	Unknown	Unknown	April 2016	NA	750 bbl
TK-3	Condensate Storage Tank	Unknown	Unknown	Unknown	April 2016	NA	750 bbl
PW-1	Produced Water Storage Tank	Unknown	Unknown	Unknown	April 2016	NA	750 bbl
PW-2	Produced Water Storage Tank	Unknown	Unknown	Unknown	April 2016	NA	750 bbl
PW-3	Produced Water Storage Tank	Unknown	Unknown	Unknown	April 2016	NA	750 bbl
PW-4	Produced Water Storage Tank	Unknown	Unknown	Unknown	January 2020	NA	750 bbl
TK-S1	Water Slop Tank	Dragon	Unknown	Unknown	April 2016	NA	100 bbl
TK-S2	Condensate Slop Tank	Dragon	Unknown	Unknown	April 2016	NA	750 bbl
VRU-1	Vapor Recovery Unit	Flogistix	FZPV16	0086-106	April 2016	NA	600 MSCFD
VRU-2	Vapor Recovery Unit	Flogistix	FZPV16	0086-97	April 2016	NA	600 MSCFD
VRU-3	Vapor Recovery Unit	Flogistix	FZPV16	0086-124	April 2016	NA	600 MSCFD
VRU-4	Vapor Recovery Unit	Flogistix	304-163-001	16SF14-294	January 2020	NA	1.25 MMSCFD
FUG	Fugitives	NA	NA	NA	April 2016	NA	NA
SITE-SSM	Stack/Vent/ Blowdowns	NA	NA	NA	April 2016	NA	NA
MALF	Malfunction Activities	NA	NA	NA	NA	NA	NA
FGC-1[2]	Flash Gas Compressor	Flogistix	FZPV16 & 304-163-001	0086-97 & 16SF14-294	April 2016	2015	600 MSCFD

1. All TBD (to be determined) units and like-kind engine replacements must be evaluated for applicability to NSPS and MACT requirements.
2. This FGC-1 unit does not have emissions associated with normal operations, but SSM emissions are reflected in Table 107.A under SITE-SSM.

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D23 ~~SSM Stack/Vent NA NA NA April 2016 NA NA~~

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A105 Facility: Control Equipment

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

Table 105: Control Equipment List:

Control Equipment Unit No.	Control Description	Pollutant being controlled	Control for Unit Number(s)[1]
CAT-1	Oxidation Catalyst	CO, VOC, HCHO	ENG-1
CAT-2	Oxidation Catalyst	CO, VOC, HCHO	ENG-2
CAT-3	Oxidation Catalyst	CO, VOC, HCHO	ENG-3
CAT-4	Oxidation Catalyst	CO, VOC, HCHO	ENG-4
VRU-1, VRU-2, and VRU-4	Primary & Redundant Vapor Recovery Units for 3 condensate & 4 produced water tanks.	VOC, H_2S	TK-1, TK-2, TK-3, PW-1, PW-2, PW-3, PW-4
VRU-3	Single Vapor Recovery Unit for one 750 bbl condensate slop tank.	VOC, H_2S	TK-S2
FLARE	FLARE controlling SSM Emissions	VOC, H2S	SSM-Flaring (predictable startup & shutdowns from power outages, shut-ins, compressor shutdowns)
COND	BTEX condenser	VOC, H2S	DHY-1
REB-1	Reboiler with a Glow-plug for when reboiler cycles off	VOC, H2S	DHY-1

1. Control for unit number refers to a unit number from the Regulated Equipment List

A106 Facility: Allowable Emissions

A. The following Section lists the emission units and their allowable emission limits. (40 CFR 50, 40 CFR 60, Subparts A, JJJJ, OOOOa; 40 CFR 63 Subparts A, HH, ZZZZ; 20.2.72.210.A and B.1 NMAC).

Table 106.A: Allowable Emissions

Unit No.	NO_x[1] pph	NO_x[1] tpy	CO pph	CO tpy	VOC pph	VOC tpy	SO_2 pph	SO_2 tpy	H_2S (pph)	H_2S (tpy)
ENG-1	2.1	9.0	0.8	3.4	3.1	13.3	0.3	1.3	-	-
ENG-2	2.1	9.0	0.8	3.4	3.1	13.3	0.3	1.3	-	-
ENG-3	2.1	9.0	0.8	3.4	3.1	13.3	0.3	1.3	-	-
ENG-4	2.1	9.0	0.8	3.4	3.1	13.3	0.3	1.3	-	-
HTR-1	<	1.9	<	1.6	<	<	<	1.2	-	-

Unit No.	NO_x[1] pph	NO_x[1] tpy	CO pph	CO tpy	VOC pph	VOC tpy	SO_2 pph	SO_2 tpy	H_2S (pph)	H_2S (tpy)
HTR-2	<	1.9	<	1.6	<	<	<	1.2	-	-
HTR-3	<	1.9	<	1.6	<	<	<	1.2	-	-
HTR-4	<	1.9	<	1.6	<	<	<	1.2	-	-
HTR-5	<	1.9	<	1.6	<	<	<	1.2	-	-
HTR-6	<	1.9	<	1.6	<	<	<	1.2	-	-
REB-1	<	<	<	<	<	<	<	<	-	-
DHY-1	-	-	-	-	1.4	6.1	-	-	0	0
FLARE (pilot)[2]	0.1	0.4	0.3	1.5	0.2	1.1	0.001	0.004	0	0.00004
LOAD	-	-	-	-	*	<	-	-	<	<
TK-1	-	-	-	-	0	0	-	-	0	0
TK-2	-	-	-	-	0	0	-	-	0	0
TK-3	-	-	-	-	0	0	-	-	0	0
PW-1	-	-	-	-	0	0	-	-	0	0
PW-2	-	-	-	-	0	0	-	-	0	0
PW-3	-	-	-	-	0	0	-	-	0	0
PW-4	-	-	-	-	0	0	-	-	0	0
TK-S1	-	-	-	-	<	<	-	-	<	<
TK-S2	-	-	-	-	0.8	3.3	-	-	0	0
FUG	-	-	-	-	6.2	27.0	-	-	<	<
FGC-1	-	-	-	-	0	0	-	-	-	-

1 Nitrogen dioxide emissions include all oxides of nitrogen expressed as NO_2
2 SSM flaring is permitted in Table 107A. Steady-state/pilot-purge is noted in above table.
3 To report excess emissions for sources with no pound per hour and/or ton per year emission limits, see condition B110F.
"-" indicates the application represented emissions of this pollutant are not expected.
"<" indicates that the application represented the uncontrolled mass emission rates are less than 1.0 pph or 1.0 tpy for this emissions unit and this air pollutant.
"*" indicates hourly emission limits are not appropriate for this operating situation.

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

A. The maximum allowable SSM and Malfunction emission limits for this facility are listed in Table 107.A and were relied upon by the Department to determine compliance with applicable regulations.

Table 107.A: Allowable SSM and Malfunction Units, Activities, and Emission Limits

Unit No.	Description	NOx (pph)	NOx (tpy)	CO (pph)	CO (tpy)	VOC (pph)	VOC (tpy)	SOx (pph)	SOx (tpy)	H_2S (pph)	H_2S (tpy)
SITE-SSM from Compressors, VRU's & Dehydrators	[1]Compressor & Associated Piping Blowdowns during Routine and Predictable Startup, Shutdown, and/or Maintenance (SSM)					*	2.7			<	<
MALF	[1]Venting of Gas Due to Malfunction						10				
SSM Flaring	Predictable & routine startup and shutdown from power outages; operations at associated facilities; or compressor shutdowns & downtimes.	12.9	1.8	51.4	7.3	33.2	4.6	0.1	0.6	0.001	0.0002

D27 ~~SSM~~
D28 ~~SSM~~

1. This authorization does not include VOC combustion emissions.
"<" indicates the application represented that uncontrolled venting, blowdown, or pigging emissions of H2S are less than 0.1 pph or 0.44 tpy. Allowable limits, monitoring, and recordkeeping are not required on this level of H2S venting, blowdown, or pigging emissions.
"*" indicates hourly emission limits are not appropriate for this operating situation.
2. To report excess emissions for sources with no pound per hour and/or ton per year emission limits, see condition B110F.

B. The authorization of emission limits for startup, shutdown, maintenance, and malfunction does not supersede the requirements to minimize emissions according to General Conditions B101.F and B107.A.

C. SSM VOC Emissions (Unit SITE-SSM)

Requirement: The permittee shall perform a facility inlet gas analysis once every year based on a calendar year and complete the following recordkeeping to demonstrate compliance with routine and predictable startup, shutdown, and maintenance (SSM) emission limits in Table 107.A.
Monitoring: The permittee shall monitor the permitted routine and predictable startups and shutdowns and scheduled maintenance events.
Recordkeeping: (1) To demonstrate compliance, each month records shall be kept of the cumulative total of VOC emissions during the first 12 months due to SSM events and, thereafter of the monthly rolling 12-month total VOC emissions. (2) Records shall also be kept of the inlet gas analysis, the percent VOC of the gas based on the most recent gas analysis, and of the volume of total gas vented in MMscf used to calculate the VOC emissions due to SSM events. (3) The permittee shall record the demonstrated compliance in accordance with Condition B109, except the requirement in B109.C to record the start and end times of SSM events shall not apply to the venting of known quantities of VOC.
Reporting: The permittee shall report in accordance with Section B110.

D. SSM Flaring Emissions (Flare SSM)

Requirement: Compliance with routine or predictable startup, shutdown, and maintenance (SSM) emission limits in Table 107.A shall be demonstrated by operating the flare in accordance with the requirements of Condition A206.A, A206.B, A206.C, and A206.D of this permit and completing monitoring and recordkeeping as specified below. **Emissions Due to Preventable Events** Emissions that are due entirely or in part to poor maintenance, careless operation, or any other preventable equipment breakdown shall not be included under SSM emissions limits. These emissions shall be reported as excess emissions in accordance with 20.2.7.110 NMAC.
Monitoring: The permittee shall monitor the date, time, cause, and duration of routine or predictable startup, shutdown, and scheduled maintenance events.
Recordkeeping: The permittee shall maintain records of all calculations and parameters used to determine emission rates in spreadsheet format and in accordance with Condition B109. **(1) Hourly Emissions Calculations:** The permittee shall calculate the pph NOx, CO, VOC, SO_2, and H_2S emission rates for each hour of each SSM event using these parameters:

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D30 ~~(Units~~

D31 ~~and SSM)~~

(a) the calculated average hourly flow rate of all gas combusted by the flare, including pilot, purge, and assist gas, if applicable, from Condition A206.B;

(b) H_2S content, total sulfur content, VOC content, and heating value (BTU/scf) of the gas from Condition A206.B;

(c) the emission factors represented in the permit application and approved by the Department, for NOx and CO emission rates; and

(d) VOC and H_2S emission rates calculated using the destruction efficiency represented in the permit application and approved by the Department.

(2) Annual Emissions Calculations: The permittee shall calculate the total tpy SSM emission rates as a monthly rolling 12-month total, using the pph emission rates for each hour of the month as follows:

(a) During the first 12 months of this condition taking effect, the permittee shall record the monthly total tons of NOx, CO, VOC, SO_2, and H_2S emissions.

(b) After the first 12 months of this condition taking affect, the permittee shall record the monthly rolling 12-month total tpy NOx, CO, VOC, SO_2, and H_2S emissions.

(3) SSM Events: The permittee shall retain monitoring records, including the date, time, and duration of each SSM event, as well as a description of the event including maintenance performed.

Reporting: The permittee shall report in accordance with Condition B110.

E. Malfunction Emissions (MALF)

Requirement: The permittee shall perform a facility inlet gas analysis once every year based on a calendar year and complete the following recordkeeping to demonstrate compliance with malfunction (MALF) emission limits in Table 107.A.

Monitoring: The permittee shall monitor all malfunction events that result in VOC emissions including identification of the equipment or activity that is the source of emissions.

Recordkeeping:

(1) To demonstrate compliance, each month records shall be kept of the cumulative total of VOC emissions due to malfunction events during the first 12 months and, thereafter of the monthly rolling 12-month total VOC emissions due to malfunction events.

(2) Records shall also be kept of the inlet gas analysis, the percent VOC of the gas based on the most recent gas analysis, of the volume of total gas vented in MMscf used to calculate the VOC emissions, and whether the emissions resulting from the event will be used toward the permitted malfunction emission limit or whether the event is reported as excess emissions of the pound per hour limits in Table 106.A (or the pound per hour limits in condition B110F, if applicable), under 20.2.7 NMAC.

(3) The permittee shall record the demonstrated compliance in accordance with Condition B109, except the requirement in B109.C to record the start and end times of malfunction

events shall not apply to the venting of known quantities of VOC.
Reporting: The permittee shall report in accordance with Section B110.

A108 Facility: Allowable Operations

A. This facility is authorized for continuous operation. Monitoring, recordkeeping, and reporting are not required to demonstrate compliance with continuous hours of operation.

A109 Facility: Reporting Schedules

A. The permittee shall report according to the Specific Conditions and General Conditions of this permit.

A110 Facility: Fuel and Fuel Sulfur Requirements

A. Fuel and Fuel Sulfur Requirements

Requirement: All combustion emission units shall combust only natural gas containing no more than 10 grains of total sulfur per 100 dry standard cubic feet.
Monitoring: No monitoring is required. Compliance is demonstrated through records.
Recordkeeping: (1) The permittee shall demonstrate compliance with the natural gas or fuel oil limit on total sulfur content by maintaining records of a current, valid purchase contract, tariff sheet or transportation contract for the gaseous or liquid fuel, or fuel gas analysis, specifying the allowable limit or less. (2) If fuel gas analysis is used, the analysis shall not be older than one year. (3) Alternatively, compliance shall be demonstrated by keeping a receipt or invoice from a commercial fuel supplier, with each fuel delivery, which shall include the delivery date, the fuel type delivered, the amount of fuel delivered, and the maximum sulfur content of the fuel.
Reporting: The permittee shall report in accordance with Section B110.

A111 Facility: 20.2.61 NMAC Opacity

A. 20.2.61 NMAC Opacity Limit (Units ENG-1, ENG-2, ENG-3, ENG-4, HTR-1, HTR-2, HTR-3, HTR-4, HTR-5, HTR-6, REB-1, FLARE)

Requirement: Visible emissions from all stationary combustion emission stacks shall not equal or exceed an opacity of 20 percent in accordance with the requirements at 20.2.61.109 NMAC.
Monitoring:

(1) Use of natural gas fuel constitutes compliance with 20.2.61 NMAC unless opacity equals or exceeds 20% averaged over a 10-minute period. When any visible emissions are observed during operation other than during startup mode, opacity shall be measured over a 10-minute period, in accordance with the procedures at 40 CFR 60, Appendix A, Reference Method 9 (EPA Method 9) as required by 20.2.61.114 NMAC, or the operator will be allowed to shut down the equipment to perform maintenance/repair to eliminate the visible emissions. Following completion of equipment maintenance/repair, the operator shall conduct visible emission observations following startup in accordance with the following procedures:

(a) Visible emissions observations shall be conducted over a 10-minute period during operation after completion of startup mode in accordance with the procedures at 40 CFR 60, Appendix A, Reference Method 22 (EPA Method 22). If no visible emissions are observed, no further action is required.

(b) If any visible emissions are observed during completion of the EPA Method 22 observation, subsequent opacity observations shall be conducted over a 10-minute period, in accordance with the procedures at EPA Method 9 as required by 20.2.61.114 NMAC.

For the purposes of this condition, *Startup mode* is defined as the startup period that is described in the facility's startup plan.

Recordkeeping:

(1) If any visible emissions observations were conducted, the permittee shall keep records in accordance with the requirements of Section B109 and as follows:

(a) For any visible emissions observations conducted in accordance with EPA Method 22, record the information on the form referenced in EPA Method 22, Section 11.2.

(b) For any opacity observations conducted in accordance with the requirements of EPA Method 9, record the information on the form referenced in EPA Method 9, Sections 2.2 and 2.4.

Reporting: The permittee shall report in accordance with Section B110.

A112 Facility: Haul Roads – Not Required

A113 Facility: Initial Location Requirements – Not Required

A114 Facility: Relocation Requirements

A. This facility may not be relocated.

EQUIPMENT SPECIFIC REQUIREMENTS

OIL AND GAS INDUSTRY

A200 Oil and Gas Industry

A. This section has common equipment related to most Oil and Gas Operations.

A201 Engines

A. Periodic Emissions Testing (Units ENG-1, ENG-2, ENG-3, and ENG-4)

Requirement: Compliance with the allowable emission limits in Table 106.A shall be demonstrated by completing periodic emission tests during the monitoring period.
Monitoring: The permittee shall test using a portable analyzer or EPA Reference Methods subject to the requirements and limitations of Section B108, General Monitoring Requirements. Emission testing is required for NOx and CO and shall be carried out as described below. Test results that demonstrate compliance with the CO emission limits shall also be considered to demonstrate compliance with the VOC emission limits. For units with g/hp-hr emission limits, in addition to the requirements stated in Section B108, the engine load shall be calculated by using the following equation: Load (Hp) = $\frac{\text{Fuel consumption (scfh) x Measured fuel heating value (LHV btu/scf)}}{\text{Manufacturer's rated BSFC (btu/bhp-hr) at 100\% load or best efficiency}}$ (1) The testing shall be conducted as follows: (a) Testing frequency shall be once per quarter. (b) The monitoring period is defined as a calendar quarter. (2) The first test shall occur within the first monitoring period occurring after permit issuance or within the first monitoring period after completion of the initial compliance test, if applicable. (3) All subsequent monitoring shall occur in each succeeding monitoring period. No two monitoring events shall occur closer together in time than 25% of a monitoring period. (4) The permittee shall follow the General Testing Procedures of Section B111. (5) Performance testing required by 40 CFR 60, Subpart JJJJ or 40 CFR 63, Subpart ZZZZ may be used to satisfy these periodic testing requirements if they meet the requirements of this condition and are completed during the specified monitoring period.
Recordkeeping: The permittee shall maintain records in accordance with Section B109, B110, and B111.
Reporting: The permittee shall report in accordance with Section B109, B110, and B111.

B. Initial Compliance Test (Units ENG-3, and ENG-4)

Requirement: Compliance with the allowable emission limits in Table 106.A shall be demonstrated by performing an initial compliance test.
Monitoring: The permittee shall perform an initial compliance test in accordance with the General Testing Requirements of Section B111. Emission testing is required for NOx and CO. Test results that demonstrate compliance with the CO emission limits shall also be considered to demonstrate compliance with the VOC emission limits. The monitoring exemptions of Section B108 do not apply to this requirement. For units with g/hp-hr emission limits, the engine load shall be calculated by using the following equation: Load (Hp) = $\frac{\text{Fuel consumption (scfh) x Measured fuel heating value (LHV btu/scf)}}{\text{Manufacturer's rated BSFC (btu/bhp-hr) at 100\% load or best efficiency}}$
Recordkeeping: The permittee shall maintain records in accordance with the applicable Sections in B109, B110, and B111.
Reporting: The permittee shall report in accordance with the applicable Sections in B109, B110, and B111.

C. Catalytic Converter Operation (Units ENG-1, ENG-2, ENG-3, and ENG-4)

Requirement: Compliance with the allowable emission limits in Table 106.A shall be demonstrated by: (1) The units shall be equipped and operated with an oxidation catalytic converter to control CO, VOC, and HAP emissions. The permittee shall maintain the units according to manufacturer's or supplier's recommended maintenance, including replacement of oxygen sensor as necessary for oxygen-based controllers.
Monitoring: The unit(s) shall be operated with the catalytic converter, which includes 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.
Recordkeeping: The permittee shall maintain records in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

D. 40 CFR 60, Subpart JJJJ (Units ENG-1, ENG-2, ENG-3, and ENG-4)

Requirement: The units are subject to 40 CFR 60, Subparts A and JJJJ and shall comply with the notification requirements in Subpart A and the specific requirements of Subpart JJJJ.
Monitoring: The permittee shall comply with all applicable monitoring requirements in 40 CFR 60, Subpart A and Subpart JJJJ, including but not limited to 60.4243.

Recordkeeping: The permittee shall comply with all applicable recordkeeping requirements in 40 CFR 60, Subpart A and Subpart JJJJ, including but not limited to 60.4245.
Reporting: The permittee shall comply with all applicable reporting requirements in 40 CFR 60, Subpart A and Subpart JJJJ, including but not limited to 60.4245.

E. 40 CFR 63, Subpart ZZZZ (Units ENG-1, ENG-2, ENG-3, and ENG-4)

Requirement: The units are subject to 40 CFR 63, Subpart ZZZZ and the permittee shall comply with all applicable requirements of Subpart A and Subpart ZZZZ.
Monitoring: The permittee shall comply with all applicable monitoring requirements of 40 CFR 63, Subpart A and Subpart ZZZZ.
Recordkeeping: The permittee shall comply with all applicable recordkeeping requirements of 40 CFR 63, Subpart A and Subpart ZZZZ, including but not limited to 63.6655 and 63.10.
Reporting: The permittee shall comply with all applicable reporting requirements of 40 CFR 63, Subpart A and ZZZZ, including but not limited to 63.6645, 63.6650, 63.9, and 63.10.

A202 Glycol Dehydrators

A. Extended Gas Analysis and GRI-GLYCalc calculation (Unit DHY-1)

Requirement: Compliance with the allowable VOC emission limits in Table 106.A shall be demonstrated by conducting an extended gas analysis on the dehydrator inlet gas annually and by calculating emissions using GRI-GLYCalc.
Monitoring: The permittee shall conduct an annual GRI-GLYCalc analysis using the most recent extended gas analysis and verify the input data. The permittee may use a method of calculating dehydrator emissions other than the most current version of GRI-GLYCalc if approved by the Department. Changes in the calculated emissions due solely to a change in the calculation methodology shall not be deemed an exceedance of an emission limit.
Recordkeeping: The permittee shall identify in a summary table all parameters that were used as inputs in the GRI-GLYCalc model. The permittee shall keep a record of the results, noting the VOC and HAP emission rates for the dehydrator obtained from estimates using GRI-GLYCalc.
Reporting: The permittee shall report in accordance with Section B110.

B. Glycol pump circulation rate (Unit DHY-1)

Requirement: Compliance with the allowable VOC emission limits in Table 106.A shall be demonstrated by monitoring the glycol pump circulation rate for the dehydration unit, and it shall not exceed 552 gallons per hour (9.2 gallons per minute).
Monitoring: The permittee shall monitor the circulation rate quarterly, based on a calendar quarter (January 1st through March 31st, April 1 through June 30th, July 1st through September 30th, and October 1st through December 31st). Monitoring shall include a visual inspection of

pump rate setting.
Recordkeeping: The permittee shall maintain records that include a description of the monitoring and are in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

C. Control Device Inspection (Unit DHY-1, REB-1)

Requirement: To demonstrate compliance with the allowable VOC emission limits in Table 106.A: (1) The still vent emissions (Unit: DHY-1) shall be routed at all times to the associated condenser. (2) The flash tank vent shall be routed at all times to a process point that allows the off-gas to be recycled and recompressed, and not vented to the atmosphere. (3) All the non-condensed hydrocarbon vapors from the condenser associated with the DHY-1 shall be routed directly to the firebox of the reboiler and/or glowplug (Unit REB-1) and destroyed. (4) The condenser associated with (Unit: DEHY-1), the reboiler (Unit: REB-1), and the glowplug shall be operational at all times the facility is in operation and shall be installed, operated, and maintained according to manufacturers' specifications.
Monitoring: The permittee shall inspect the glycol dehydrator and the control equipment semi-annually to ensure it is operating in accordance with the manufacturer's recommended procedures.
Recordkeeping: The permittee shall record the inspection and the results of all equipment and control device inspections chronologically, noting any maintenance or repairs needed to bring the dehydrator into compliance. The permittee shall maintain a copy of the manufacturer's maintenance recommendations.
Reporting: The permittee shall report in accordance with Section B110.

D. 40 CFR 63, Subpart HH (Unit DHY-1)

Requirement: The unit is subject to 40 CFR 63, Subpart HH and the permittee shall comply with all applicable requirements.
Monitoring: The permittee shall monitor as required by 40 CFR 63.772(b)(2) to demonstrate facility is exempt from general standards.
Recordkeeping: The permittee shall generate and maintain the records required by 40 CFR 63.774(d)(1)(ii) to demonstrate compliance with the general standard exemptions found in 40 CFR 63.764(e).
Reporting: The permittee shall meet all applicable reporting in 40 CFR 63, Subparts A and HH and in Section B110.

A203 Tanks and VRUs

A. Condensate Tank Throughput (Units TK-1, TK-2 & TK-3)

Requirement: Compliance with the allowable emission limits in Table 106.A for Units TK-1, TK-2 & TK-3 shall be demonstrated by limiting the monthly rolling 12-month total condensate throughput to the facility to 344,925,000 gallons per year (8,212,500 barrels/year).
Monitoring: The permittee shall monitor the monthly total throughput to each tank once per month.
Recordkeeping: The permittee shall record: (1) The monthly total throughput of liquids and, (2) Each month, the permittee shall use these values to calculate and record: (a) During the first 12 months of monitoring, the cumulative total liquid throughput; and (b) After the first 12 months of monitoring, the monthly rolling 12-month total liquid throughput. (3) Annually, the permittee shall calculate pre-control tank breathing, working, and flashing emissions that were calculated using EPA's AP-42 Section 7.1 and the gas-oil-ratio (GOR). Emission rates computed using the same parameters, but with a different Department approved algorithm that exceed these values, will not be deemed in non-compliance with this permit. Records shall be maintained in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

B. Water Tank Throughput (Units PW-1, PW-2, PW-3, & PW-4)

Requirement: Compliance with the allowable emission limits in Table 106.A for Units PW-1, PW-2 & PW-3 shall be demonstrated by limiting the monthly rolling 12-month total water throughput to the facility to 850,815,000 gallons per year (20,257,500 barrels/year).
Monitoring: The permittee shall monitor the monthly total throughput to each tank once per month.
Recordkeeping: The permittee shall record: (1) The monthly total throughput of liquids and, (2) Each month the permittee shall use these values to calculate and record: (a) During the first 12 months of monitoring, the cumulative total liquid throughput; and (b) After the first 12 months of monitoring, the monthly rolling 12-month total liquid throughput. (3) Annually, the permittee shall calculate pre-control tank breathing, working, and flashing emissions that were calculated using EPA's AP-42 Section 7.1 and the gas-water-ratio (GWR). Emission rates computed using the same parameters, but with a different Department approved algorithm that exceed these values, will not be deemed in non-compliance with this permit. Records shall be maintained in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

C. Condensate Slop Oil Tank Throughput (Unit TK-S2)

Requirement: Compliance with the allowable emission limits in Table 106.A for Unit TK-S2 shall be demonstrated by limiting the monthly rolling 12-month total condensate slop oil

throughput to Unit TK-S2 to 1,533,000 gallons per year (36,500 barrels/year) and limiting the monthly rolling 12-month average separator pressure to less than 125 psia.
Monitoring: The permittee shall monitor the monthly total throughput to the tank and the upstream separator pressure once per month.
Recordkeeping: The permittee shall record: (1) The monthly total throughput of liquids and, (2) The monthly separator pressure. (3) Each month, the permittee shall use these values to calculate and record: (a) During the first 12 months of monitoring, the cumulative total liquid throughput; and after the first 12 months of monitoring, the monthly rolling 12-month total liquid throughput. (b) During the first 12 months of monitoring, the average separator pressure, and after the first 12 months of monitoring, the monthly rolling 12-month average separator pressure. (4) Annually, the permittee shall calculate pre-control tank breathing, working, and flashing emissions that were calculated using EPA's AP-42 Section 7.1 and the gas-oil-ratio (GOR). Emission rates computed using the same parameters, but with a different Department approved algorithm that exceed these values, will not be deemed in non-compliance with this permit. Records shall be maintained in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

D. Slop Water Tank Throughput (Unit TK-S1)

Requirement: Compliance with the allowable emission limits in Table 106.A for Unit TK-S1 shall be demonstrated by limiting the monthly rolling 12-month total slop water throughput to Unit TK-S1 to 3,066,000 gallons per year (73,000 barrels/year).
Monitoring: The permittee shall monitor the monthly total throughput to the tank once per month.
Recordkeeping: The permittee shall record: (1) The monthly total throughput of liquids and, (2) Each month the permittee shall use these values to calculate and record: (a) During the first 12 months of monitoring, the cumulative total liquid throughput; and (b) After the first 12 months of monitoring, the monthly rolling 12-month total liquid throughput. (3) Annually, the permittee shall calculate pre-control tank breathing and working emissions that were calculated using EPA's AP-42 Section 7.1. Emission rates computed using the same parameters, but with a different Department approved algorithm that exceed these values will not be deemed in non-compliance with this permit. Records shall be maintained in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

E. Redundant Vapor Recovery Units for Condensate and Produced Water Tanks (Units VRU-1, VRU-2, VRU-4, TK-1, TK-2, TK-3, PW-1, PW-2, PW-3, PW-4)

Requirement: Compliance with the allowable emissions in Table 106.A for TK-1, TK-2, TK-3, PW-1, PW-2, PW-3, and PW-4 shall be demonstrated by the following: Redundant vapor recovery units (VRU-1, VRU-2, & VRU-4) shall capture all emissions from TK-1, TK-2, TK-3, PW-1, PW-2, PW-3 & PW-4 at all times and route all gas to sales. Emissions that are not captured by unit VRU-1 shall be routed to VRU-2. Emissions that are not captured by either VRU-1 or VRU-2 shall be routed to VRU-4. No emissions shall be vented to the atmosphere.
Monitoring: At least once per month, the permittee shall inspect VRU-1, VRU-2, VRU-4, TK-1, TK-2, TK-3, PW-1, PW-2, PW-3, PW-4, and associated piping for defects that could result in air emissions. Defects include, but are not limited to, visible cracks, holes, or gaps; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices. In the event that a leak or defect is detected, the permittee shall repair the leak or defect as soon as practicable and in a manner that minimizes VOC and HAPs emissions to the atmosphere. The permittee shall monitor all VRU downtimes (Units VRU-1, VRU-2, and VRU-4).
Recordkeeping: The permittee shall record the name of the person conducting the inspections for defects and the results of the inspections chronologically; noting any maintenance or repairs that are required and when any required repairs are completed. The permittee shall record the date, start time, and end time of any downtime and/or maintenance of the VRUs (Units VRU-1, VRU-2, VRU-4). Any emissions resulting from VRU downtimes, that are not flared under SSM emissions limits, shall be reported under 20.2.7 NMAC.
Reporting: The permittee shall report in accordance with Section B110.

F. Condensate Slop Oil Tank (Unit TK-S2), Vapor Recovery Unit (Unit VRU-3)

Requirement: Compliance with the allowable emissions in Table 106.A for TK-S2 shall be demonstrated by the following: The vapor recovery unit (VRU-3) shall capture all emissions from TK-S2 and route all gas to sales. Emissions that are not captured by VRU-3, that are vented to atmosphere from TK-S2, shall not exceed the emissions for TK-S2 established in Table 106. A.
Monitoring At least once per month, the permittee shall inspect Units VRU-3 and TK-S2 and associated piping for defects that could result in air emissions. Defects include, but are not limited to, visible cracks, holes, or gaps; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices. In the event that a leak or defect is detected, the permittee shall repair the leak or defect as soon as practicable and in a manner that minimizes VOC and HAPs emissions to the atmosphere. The permittee shall monitor all VRU (Unit VRU-3) downtime.
Recordkeeping: The permittee shall record the name of the person conducting the inspections for defects and the results of the inspections chronologically, noting any maintenance or repairs that are required and when any required repairs are completed.

The permittee shall record the date, start time, and end time of any downtime and/or maintenance of the VRU (Unit VRU-3). Any emissions resulting from VRU downtime, that are not flared under SSM emissions limits, shall be reported under 20.2.7 NMAC.
Reporting: The permittee shall report in accordance with Section B110.

G. Truck Loading – Slop Water Loadout (Unit LOAD)

Requirement: Compliance with the allowable emission limits in Table 106.A shall be demonstrated by limiting the total annual produced water loadout volume to 3,066,000 gallons per year (73,000 barrels/year).
Monitoring: The permittee shall monitor the produced water truck loadout volume on a monthly basis.
Recordkeeping: The permittee shall record the monthly produced water truck loadout volume. Each month during the first 12 months of monitoring the permittee shall record the cumulative total produced water loadout volume; and after the first 12 months of monitoring, the permittee shall calculate and record a monthly rolling 12-month total produced water loadout volume. Records shall also be maintained in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

H. 20.2.38 NMAC, Hydrocarbon Storage Facilities (Units TK-1, TK-2, TK-3, and TK-S2)

Requirement: The permittee shall comply with 20.2.38.109 and 20.2.38.112 NMAC. The permittee shall install vapor recovery units to minimize hydrocarbon and hydrogen sulfide loss to the atmosphere and shall not operate the tanks without the control device.
Monitoring: The permittee shall monitor the tanks operation.
Recordkeeping: The permittee shall maintain records in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

A204 Heaters/Boilers

A. Operational Inspections of Heaters (Units HTR-1, HTR-2, HTR-3, HTR-4, HTR-5, HTR-6)

Requirement: (1) Compliance with the allowable emission limits in Table A106A shall be demonstrated by performing annual inspections to ensure proper operation of the heaters (HTR-1, HTR-2, HTR-3, HTR-4, HTR-5, HTR-6.) (2) At a minimum, the operational inspections shall meet those recommended by the manufacturer or shall meet the facility specific procedure submitted to the Department. (3) If the permittee is using a facility specific procedure, it shall submit an electronic version of the procedure to the Department's Permit Section Manager within 90 days of implementing the procedure. If the plan cannot be submitted within 90 days, the permittee shall obtain written approval to extend the deadline from the Department's Permit Section, either by regular or electronic mail. The permittee shall provide additional information or make changes to the plan as requested by the Department. (4) The permittee shall make changes or improvements to the inspection procedure based on experience with the unit and/or new information provided by the manufacturer. This updated procedure shall be made available to the Department upon request.
Monitoring: (1) Inspections shall be completed at least once per year or at the frequency recommended by the manufacturer. (2) At a minimum, inspections shall include the following: (a) checking indicators to verify that the optimal amount of excess combustion air is introduced into the combustion process such as a blue colored, steady flame, and (b) inspections of the unit's components and housing for cracks or worn parts.
Recordkeeping: The permittee shall maintain records in accordance with Section B109. (1) The permittee shall maintain records of operational inspections, including the indicators used to verify optimal excess combustion air, a description of the indicators, the unit component and housing inspections, and any adjustments needed to ensure optimal operation of the unit. (2) The permittee shall also keep records of the manufacturer's recommended procedure and shall keep records of the percent of excess combustion air required for optimal performance. (3) The permittee shall maintain records in accordance with Section B109.
Reporting: The permittee shall report in accordance with Section B110.

A205 Turbines – Not Required

A206 Flares

A. Flare Flame & Visible Emissions (20.2.61 NMAC) (Unit FLARE)

Requirement: Compliance with the allowable emission limits in Table 106.A shall be

demonstrated by the flare being equipped with a system to ensure that it is operated with a flame present at all times and operated with no visible emissions. The flare is subject to the 20% opacity standards in 20.2.61 NMAC and complying with the no visible emissions requirements demonstrates compliance with 20.2.61 NMAC opacity limit.
Monitoring: **(1) Flare Pilot Flame:** The permittee shall continuously monitor the presence of a flare pilot flame using a thermocouple or any equivalent device approved by the Department and shall be equipped with a continuous recorder and alarm or equivalent, to detect the presence of a flame. **(2) Visible Emissions:** Annually, the permittee shall conduct a visible emissions observation in accordance with the requirements at 40 CFR 60, Appendix A, Reference Method 22 to certify compliance with the no visible emission requirement on the process flare. The observation period is at least 2 consecutive hours where visible emissions are not to exceed a total of 5 minutes during any 2 consecutive hours. At least once per year, during a shutdown event, the permittee shall conduct a visible emissions observation in accordance with the requirements at 40 CFR 60, Appendix A, Reference Method 22 to certify compliance with the no visible emission requirements. Each Method 22 test shall occur for the duration of the shutdown event or for 30 minutes, whichever is less. Visible emissions shall not occur for more than 5 minutes during any consecutive 30-minute period. For shutdown events that occur for less than 30 minutes, visible emissions shall not occur for more the 15% during the duration of the shutdown event. If the flare is located at an unmanned site, used only for emergencies, and where there are no scheduled shutdown maintenance events to observe flare combustion, the permittee shall at a minimum conduct the visible emissions observation in accordance with the requirements of EPA Method 22 on the pilot flame.
Recordkeeping: **(1) Flare Pilot Flame:** The permittee shall record all instances of alarm activation, including the date and cause of alarm activation, actions taken to bring the flare into normal operating conditions, and maintenance activities. **(2) Visible Emissions:** For any visible emissions observations conducted in accordance with EPA Method 22, the permittee shall record the information on the form referenced in EPA Method 22, Section 11.2. For any visible emissions observations, conducted in accordance with EPA Method 22, record the information on the form referenced in EPA Method 22, Section 11.2. If the visible emissions observation was conducted only on the pilot flame, the record shall also include the reasons that the test could not be conducted during a shutdown event.
Reporting: The permittee shall report in accordance with Section B110.

B. Flare Operation Requirement (Unit FLARE)

Requirement: Compliance with the allowable emission limits in Table 106.A shall be demonstrated by installing, operating, and maintaining the flare in accordance with the manufacturer's specifications. Compliance with the operating practices according to the

manufacturer's specifications demonstrates compliance with the opacity limits required by 20.2.61 NMAC.
Monitoring: The permittee shall inspect the flare monthly to ensure it is operating in accordance with the manufacturer's specifications.
Recordkeeping: The permittee shall maintain the following records in accordance with Section B109. (1) Record, chronologically, the name of the person conducting the inspection, the results of all equipment inspections, and any maintenance or repairs needed for the flare(s) to be compliant. (a) Maintain a copy of the manufacturer's maintenance recommendations.
Reporting: The permittee shall report in accordance with Section B110.

C. Flare Gas Flow Monitoring and Gas Analysis (Unit FLARE)

Requirement: Compliance with the flare allowable emission limits in Table 106.A shall be demonstrated by completing the monitoring, recordkeeping, and reporting required by this condition and Condition A206.D. All flow meters and inline monitors shall meet the minimum data capture and quality assurance requirements of Condition B108. H.
Monitoring: **(1) Gas Flow Monitoring:** (a) One or more gas flowmeters equipped with a chart recorder or data logger (electronic storage) shall be installed to continuously monitor the flow (scf) of gas sent to the flare. (b) Pilot, purge, and assist gas, if applicable, shall be monitored using a gas flowmeter under (a) or determined using manufacturer's specifications or engineering estimates. **(2) Gas Analysis:** (a) Once per calendar year, the permittee shall perform a gas analysis, including measurement of the H_2S content, total sulfur content, VOC content, and heating value (BTU/scf) of gas sent to the flare for combustion. Gas analyses shall be separated by a minimum of six (6) months. (b) Alternatively, for H_2S only, in lieu of an annual analysis, H_2S may be measured quarterly using a stain tube(s) of the appropriate size range or with an inline chemical composition analyzer. **(3) Calibration:** Flow meters and inline monitors shall be operated, calibrated, and maintained as specified by Condition B108.H and, if applicable, the site-specific operations and maintenance plan.

Recordkeeping: The following records shall be maintained in accordance with Condition B109.

(1) Gas Flow:

(a) Records of continuous flowmeter measurements and the hourly flow rate in scf/hr calculated by averaging *a minimum* of four (4) equally spaced readings for each hour.

(b) Manufacturer's specifications or engineering estimates used for pilot, purge, and assist (if applicable) gas flow rates.

(2) Gas Analysis: All sample documentation received from the laboratory or testing service company, including H_2S content, the total sulfur content, the VOC content, and the heating value (BTU/scf), analysis method utilized, and sample chain of custody. If stain tubes are used for measuring H_2S content, records of the results, including size range of stain tubes used, the date of the test, and the name of the person conducting the test.

(3) Calibration: Records of all flowmeter and inline monitor certifications, calibrations, data capture calculations and documentation as specified by Condition B108.H, as well as any breakdowns, reasons for the breakdown, and corrective actions. The permittee shall also maintain a copy of the manufacturer specifications for operation and calibration or the site-specific operations and maintenance plan for flowmeters and inline monitors.

Reporting: The permittee shall report in accordance with Condition B110.

D. Flare Parametric Monitoring (Unit FLARE)

Requirement: The permittee shall operate the flare in accordance with the requirements specified in recordkeeping below.

Monitoring: The permittee shall monitor the flare in accordance with Conditions A.206.A - D.

Recordkeeping:

(1) The permittee shall use the information recorded in Condition A.206.C to calculate the flow rate to determine if the facility meets the velocity requirements of this Condition.

(2) The maximum tip velocity of the flare, (Vmax), shall be determined annually, and records kept demonstrating that the actual flare tip velocity does not exceed the allowable Vmax. The maximum permitted velocity (i.e., the greater of either calculated Vmax, 60 ft/sec or 400 ft/sec, based on method (a), (b), or (c) below) shall be recorded as feet/second and the corresponding total flow rate to the flare in MMscf/hour shall be used to compare to the actual volumetric flow rate (at STP) to demonstrate compliance with the maximum velocity permitted.

Compliance shall be determined utilizing either method (a), (b), or (c) below:

(a) Actual tip velocity less than 60 feet per second (ft/sec) for gases having a lower heating value less than 1000 Btu/ft^3 will be in compliance with this requirement.

(b) Actual tip velocity less than 400 ft/sec for gases having a lower heating value greater than 1000 Btu/ft^3 will be in compliance with this requirement.

(c) Actual tip velocity less than the calculated maximum velocity (Vmax) using the following equations will be in compliance with this requirement. The calculated Vmax shall be based on the weighted mean heating value of the inlet gas plus supplemental fuel gas.

Vmax of the flare shall be calculated annually and determined using the following equation:

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Log*10* (V*max*)=(H*T* + 28.8)/31.7

V*max*=Maximum permitted velocity, M/sec

28.8=Constant

31.7=Constant

H*T*=The net heating value is determined using the following equation:

$$H_T = K \left[\sum_{i=1}^{n} C_i H_i \right]$$

where:

H_T=Net heating value of the sample, MJ/scm; where the net enthalpy per mole of off-gas is based on combustion at 25 °C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20 °C;

$$K = \text{Constant}, \quad 1.740 \times 10^{-7} \quad \left(\frac{1}{ppm}\right) \quad \left(\frac{g\ mole}{scm}\right) \quad \left(\frac{MJ}{kcal}\right)$$

where the standard temperature for $\left(\frac{g\ mole}{scm}\right)$ is 20°C;

C*i*=Concentration of sample component "i" in ppm on a wet basis, as measured for organics by Reference Method 18 and measured for hydrogen and carbon monoxide by ASTM D1946-77 or 90 (Reapproved 1994); and

H*i*=Net heat of combustion of sample component i, kcal/g mole at 25 °C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382-76 or 88 or D4809-95

The maximum permitted velocity, V*max*, for air-assisted flares shall be determined by the following equation:

V*max*=8.706 + 0.7084 (H*T*)

V*max*=Maximum permitted velocity, m/sec

8.706=Constant

0.7084=Constant

H_T=The net heating value as determined above.

(3) The permittee shall maintain records in accordance with Section B109.

Reporting: The permittee shall report in accordance with Section B110.

A207 Sulfur Recovery Unit – Not Required

A208 Amine Unit – Not Required

A209 Fugitives

A. 40 CFR 60, Subpart OOOOa – Fugitives (Unit FUG)

Requirement: The facility is subject to 40 CFR 60, Subparts A and OOOOa if the affected facility is constructed, modified, or reconstructed after the applicability date in 40 CFR 60.5365a and meets the applicability criteria specified at §60.5365a(j). The permittee shall comply with the notification requirements in Subpart A and the specific requirements of Subpart OOOOa, including standards in §60.5397a.
Monitoring: The permittee shall comply with all applicable monitoring requirements in 40 CFR 60, Subpart A and Subpart OOOOa, including but not limited to §60.5397a (or §60.5398a as approved by the US EPA), §60.5410a, and §60.5415a.
Recordkeeping: The permittee shall comply with all applicable recordkeeping requirements in 40 CFR 60, Subpart A and Subpart OOOOa, including but not limited to §60.5420a.
Reporting: The permittee shall comply with all applicable reporting requirements in 40 CFR 60, Subpart A and Subpart OOOOa, including but not limited to §60.5420a, and in Section B110.

B. 40 CFR60, Subpart OOOOa – Fugitives (Units Reciprocating compressors associated with ENG-1, ENG-2, ENG-3, and ENG-4)

Requirement: The units are subject to 40 CFR 60, Subparts A and OOOOa if the affected facility is constructed, modified, or reconstructed after the applicability date in 40 CFR 60.5365a and meets the applicability criteria specified at §60.5365a(c). The permittee shall comply with the notification requirements in Subpart A and the specific requirements of Subpart OOOOa, including standards in §60.5385a.
Monitoring: The permittee shall comply with all applicable monitoring requirements in 40 CFR 60, Subpart A and Subpart OOOOa, including but not limited to §60.5410a and §60.5415a(c).
Recordkeeping: The permittee shall comply with all applicable recordkeeping requirements in 40 CFR 60, Subpart A and Subpart OOOOa, including but not limited to §60.5415a(c) and §60.5420a.
Reporting: The permittee shall comply with all applicable reporting requirements in 40 CFR 60, Subpart A and Subpart OOOOa, including but not limited to §60.5420a, and in Section B110.

C. 40 CFR 60, Subpart OOOOa – Fugitives (Units VRU-1, VRU-2, VRU-3, VRU-4, and closed vent system)

Requirement: The units are subject to 40 CFR 60, Subparts A and OOOOa if the affected facility is constructed, modified, or reconstructed after the applicability date in 40 CFR 60.5365a and meets the applicability criteria specified at §60.5365a(j). The permittee shall comply with the notification requirements in Subpart A and the specific requirements of Subpart OOOOa, including standards in §60.5397a.
Monitoring: The permittee shall comply with all applicable monitoring requirements in 40 CFR 60, Subpart A and Subpart OOOOa, including but not limited to §60.5397a (or §60.5398a as approved by the US EPA), §60.5410a, and §60.5415a.
Recordkeeping: The permittee shall comply with all applicable recordkeeping requirements in 40 CFR 60, Subpart A and Subpart OOOOa, including but not limited to §60.5420a.
Reporting: The permittee shall comply with all applicable reporting requirements in 40 CFR 60, Subpart A and Subpart OOOOa, including but not limited to §60.5420a, and in Section B110.

A210 Acid Gas Injection – Not Required

A211 Miscellaneous

A. Flash Gas Compressor (FGC-1)

Requirement: Compliance with the allowable emission limits in Tables 106.A and 107.A shall be demonstrated by operating the FGC-1 at all times by routing process gas from the heater treaters to the scrubber. FGC-1 shall not vent to the atmosphere, except during allowable blowdowns under SITE-SSM.
Monitoring: At least once per month, the permittee shall inspect the FGC-1 for defects that could result in air emissions. In the event that a leak or defect is detected, the permittee shall repair the leak or defect as soon as practicable and in a manner that minimizes VOC emissions to the atmosphere.
Recordkeeping: The permittee shall record the results of monthly inspections chronologically, noting any maintenance or repairs that are required.
Reporting: The permittee shall report in accordance with Section B110.

PART B GENERAL CONDITIONS (Attached)

PART C MISCELLANEOUS: Supporting On-Line Documents; Definitions; Acronyms (Attached)

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Red = substantive text. Green = dates, titles, headings, numbering, page headers, table of contents, typographical.

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