

**Statement of Basis - Narrative**

**NSR Permit**

**Type of Permit Action:** Regular-New

**Facility:** Las Vegas HMA Plant  
**Company:** Short Line LLC  
**Permit No(s):** 10129  
**Tempo/IDEA ID No.:** 41129 - PRN20230001  
**Permit Writer:** Joseph Mashburn

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

<b>Tracking</b>	<b>NSR tracking entries completed:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	<b>NSR tracking page attached to front cover of permit folder:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	<b>Paid Invoice Attached:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	<b>Balance Due Invoice Attached:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	<b>Invoice Comments:</b> Paid in full as of 1/9/2024

<b>Permit Review</b>	<b>Date to Enforcement:</b> N/A	<b>Date of Enforcement Reply:</b> N/A
	<b>Date to Applicant:</b> 2/21/2024	<b>Date of Applicant Reply:</b> TBD
	<b>Date to EPA:</b> N/A	<b>Date of EPA Reply:</b> N/A
	<b>Date to Supervisor:</b> 2/5/2024	

**1.0 Plant Process Description:**

The function of the facility is to produce hot mix asphalt. The 120 tph hot mix asphalt plant will include; aggregate storage piles, two 3-bin cold aggregate feeders, scalping screen, drum dryer/mixer with baghouse, incline conveyor, asphalt silo, asphalt heater, four (4) transfer conveyors, Evotherm storage tank, and two (2) asphalt cement storage tanks.

**2.0 Description of this Modification:**

This is a new facility.

**3.0 Source Determination:**

1. The emission sources evaluated include: Hot Mix Asphalt Plant and co-located Aggregate Crushing and Screening plant.

2. Single Source Analysis:

- A. SIC Code: Do the facilities belong to the same industrial grouping (i.e., same two-digit SIC code grouping, or support activity)? No. The Aggregate Crushing and Screening plant has a different SIC Code.
- B. Common Ownership or Control: Are the facilities under common ownership or control?  
Yes
- C. Contiguous or Adjacent: Are the facilities located on one or more contiguous or

adjacent properties? Yes

3. Is the source, as described in the application, the entire source for 20.2.70, 20.2.72, 20.2.73, or 20.2.74 NMAC applicability purposes? Yes

**4.0 PSD Applicability:**

A. The source, as determined in 3.0 above, is a minor source before and after this modification.

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

Permit Number	Issue Date	Action Type	Description of Action (Changes)
*10129	TBD	Regular-New	The purpose of this permitting action is to authorize the facility to produce hot mix asphalt. The 120 tph hot mix asphalt plant will include; aggregate storage piles, two 3-bin cold aggregate feeders, scalping screen, drum dryer/mixer with baghouse, incline conveyor, asphalt silo, asphalt heater, four (4) transfer conveyors, Evotherm storage tank, and two (2) asphalt cement storage tanks.

**6.0 Public Response/Concerns:** As of January 26, 2024 or the issuance date of this permit, this permit writer received public comment from 12 citizens.

**7.0 Compliance Testing:**

Unit No.	Compliance Test	Test Dates
10 and 12	20.2.61 Opacity Tests	Following startup
12	Initial Compliance Tests	Initial compliance tests shall be conducted within sixty (60) days after the unit(s) achieve the maximum normal production rate. If the maximum normal production rate does not occur within one hundred twenty (120) days of source startup, then the tests must be conducted no later than one hundred eighty (180) days after initial startup of the source.

**8.0 Startup and Shutdown:**

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

- B. If applicable, did the applicant indicate that a malfunction, startup, or shutdown operational plan was developed in accordance with 20.2.72.203.A.5 NMAC? **Yes.**
- C. Did the applicant indicate that a startup, shutdown, and scheduled maintenance plan was developed and implemented in accordance with 20.2.7.14.A and B NMAC? **Yes.**
- D. Does the facility have emissions due to routine or predictable startup, shutdown, and maintenance? **No.** If so, have all emissions from startup, shutdown, and scheduled maintenance operations been permitted? **No,** the permittee states: *No SSM emissions are predicted for this permit application. All control systems will be operational prior to the start or shutdown of asphalt production. Maintenance will be performed during period with no production.*

**9.0 Compliance and Enforcement Status [Title V and NSR/PSD new or modification. Use this email template:**

- A. This is a new facility.
- B. Also, per 12/11/2023 email from Alejandra Avila in the Enforcement Section, "For the facility listed below there are no enforcement actions.."

**10.0 Modeling:** Eric Peters performed the modeling analysis. The following is from his report, dated 2/22/2024:

**Modeling Assumptions:** The asphalt heater and asphalt cement storage silo operate continuously. The rest of the facility operates during daylight hours only.

**Permit Conditions for Permit 10129, HMA Plant:**

**Operating hours:** The asphalt heater and asphalt cement storage silo may operate at any time. The rest of the facility shall only operate during daylight hours.

**Conclusion:**

This modeling analysis demonstrates that operation of the facility described in this report neither causes nor contributes to any exceedances of applicable air quality standards. The standards relevant at this facility are NAAQS for CO, NO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and SO<sub>2</sub>; NMAAQs for CO, NO<sub>2</sub>, and SO<sub>2</sub>.

**Action:** The permits can be issued based on this modeling analysis.

Modeling report submitted by Montrose Air Quality Services (dated 10/26/2023)

Modeling was last revised on 1/29/2024.

The air quality analysis demonstrates compliance with applicable regulatory requirements.

11.0 State Regulatory Analysis(NMAC/AQCR):

Citation 20 NMAC	Title	Applies (Y/N)	Unit(s) or Facility	Justification:
2.1	General Provisions	Yes	Entire Facility	The facility is subject to Title 20 Environmental Protection Chapter 2 Air Quality of the New Mexico Administrative Code so is subject to Part 1 General Provisions, Update to Section 116 of regulation for Significant figures & rounding. Applicable with no permitting requirements.
2.3	Ambient Air Quality Standards	No for both NSR and TV		<p><b>NSR:</b> 20.2.3 NMAC is a SIP approved regulation that establishes State standards. The NMAAQs themselves are not an “applicable requirement” with which a source must directly comply. The promulgation of a NMAAQs does not, in and of itself automatically result in actionable measures to a source. Instead, the specific measures contained in each individual issued permit, other state promulgated rules, and NM’s EPA approved SIP are the relevant applicable requirements (such as NSPS and MACT).</p> <p><b>Title V:</b> 20.2.3.9 NMAC, LIMITATION OF APPLICABILITY TO 20.2.70 NMAC. The requirements of NMAAQs are not applicable requirements under 20.2.70 NMAC, as defined by 20.2.3.9 NMAC, 20.2.3.9 NMAC does not limit the applicability of this part to sources required to obtain a permit under the minor NSR regulation, 20.2.72 NMAC, nor does it limit which terms and conditions of NSR permits issued pursuant to 20.2.72 NMAC are applicable requirements in a Title V permit.</p>
2.7	Excess Emissions	Yes	Entire Facility (Except for Sections 6(b); 110(b)(15); 111; 112; 113; 115; and 116 that are State Enforceable Only)	Applies to all facilities' sources. Federally enforceable except for Sections 6(b); 110(b)(15); 111; 112; 113; 115; and 116 that are State Enforceable Only.
2.11	Asphalt Process Equipment	Yes	Unit 7 (C4)	The objective of this Part is to establish particulate matter emission standards for asphalt process equipment. These sources are subject to 20.2.11.108 NMAC and 20.2.11.109 NMAC.

<b>Citation 20 NMAC</b>	<b>Title</b>	<b>Applies (Y/N)</b>	<b>Unit(s) or Facility</b>	<b>Justification:</b>
<b>2.61</b>	Smoke and Visible Emissions	Yes	Units 10 and 12	This regulation that limits opacity to 20% applies to Stationary Combustion Equipment, such as engines, boilers, heaters, and flares unless your equipment is subject to another state regulation that limits particulate matter such as 20.2.19 NMAC (see 20.2.61.109 NMAC).
<b>2.70</b>	Operating Permits	No		The source is not a Title V Major Source as defined at 20.2.70.7 NMAC.
<b>2.71</b>	Operating Permit Fees	No		Source is NOT subject to 20.2.70 NMAC as cited at 20.2.71.109 NMAC.
<b>2.72</b>	Construction Permits	Yes	Entire Facility	NSR Permits are the applicable requirement, including 20.2.72 NMAC.
<b>2.73</b>	NOI & Emissions Inventory Requirements	Yes	Entire Facility	Applicable to all facilities that require a permit. PER > 10 tpy for a regulated air contaminant. Emissions Inventory Reporting: 20.2.73.300 NMAC applies.
<b>2.75</b>	Construction Permit Fees	Yes	Entire Facility	This facility is subject to 20.2.72 NMAC.
<b>2.77</b>	New Source Performance Standards	Yes	See Sources subject to 40 CFR 60	Applies to any stationary source constructing or modifying and which is subject to the requirements of 40 CFR Part 60.
<b>2.78</b>	Emissions Standards for HAPs	No		This regulation applies to all sources emitting hazardous air pollutants, which are subject to the requirements of 40 CFR Part 61. This facility doesn't emit hazardous air pollutants which are subject to the requirements of 40 CFR Part 61.
<b>20.2.79 NMAC</b>	Permits – Nonattainment Areas	No		This facility is located in an Attainment Area.
<b>20.2.80 NMAC</b>	Stack Heights	Yes	Units 7 (C4), 12	The objective of this Part is to establish requirements for the evaluation of stack heights and other dispersion techniques in permitting decisions. The Department shall give no credit for reductions in emissions due to the length of a source's stack height that exceeds good engineering practice or due to any other dispersion technique. The facility will meet all requirements of good engineering practices.
<b>2.82</b>	MACT Standards for Source Categories of HAPs	Yes	See sources subject to 40 CFR 63	This regulation applies to all sources emitting hazardous air pollutants, which are subject to the requirements of 40 CFR Part 63.

**12.0 Federal Regulatory Analysis:**

<b>Federal Regulation</b>	<b>Title</b>	<b>Applies (Y/N)</b>	<b>Unit(s) or Facility</b>	<b>Comments</b>
Air Programs Subchapter C (40 CFR 50)	National Primary and Secondary Ambient Air Quality Standards	No	N/A	The modeling and conditions developed from the modeling are the applicable requirements to demonstration compliance with the NAAQs.
NSPS Subpart A (40 CFR 60)	General Provisions	Yes	See sources subject to a Subpart in 40 CFR 60	Applies if any other subpart applies. Subpart I in 40 CFR 60 applies.
40 CFR 60, Subpart I	Performance Standards for Hot Mix Asphalt Facilities	Yes	Units 7 (C4)	The affected facility, that commences construction or modification after June 11,1973, to which the provisions of this subpart apply is each hot mix asphalt facility. For the purpose of this subpart, a hot mix asphalt facility is comprised only of any combination of the following: dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler, systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems.
NSPS 40 CFR Part 60 Subpart OOO	Standards of Performance for <b>Nonmetallic Mineral Processing Plants</b>	No		The provisions of this subpart are applicable to the following affected facilities in fixed or portable nonmetallic mineral processing plants: crushers, grinding mills, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations. (This facility does not have a crusher already present)
40 CFR 60, Subpart Kb	Standards of Performance for Storage Vessels for Volatile Organic Liquid Storage Vessels for Which Construction, Reconstruction, or Modification Commenced <b>After</b> July 23, 1984	No		The facility has storage vessels with a capacity greater than 75m <sup>3</sup> that are used to store volatile organic liquids and for which construction, reconstruction, or modification commenced after 7/23/84.
40 CFR Part 60 Subpart IIII (Quad-I)	Standards of Performance for Stationary Compression	No		(a) The provisions of this subpart are applicable to manufacturers, owners, and operators of stationary compression ignition (CI) internal combustion engines (ICE) as specified in paragraphs (a)(1) through (3) of this section. For

Federal Regulation	Title	Applies (Y/N)	Unit(s) or Facility	Comments
	Ignition Internal Combustion Engines			the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator. Unit 12 is a 1996 engine and <b>is not</b> applicable to 60.4202(a) and Subpart IIII Table 1 emission standards for its year and size category.
40 CFR Part 60 Subpart JJJJ (Quad -J)	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines	No		The provisions of this subpart are applicable to manufacturers, owners, and operators of stationary spark ignition (SI) internal combustion engines (ICE) as specified in paragraphs (a)(1) through (5) of section 60.4230. For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.
NESHAP Subpart A (40 CFR 61)	General Provisions	No		Applies if any other subpart applies.
MACT Subpart A (40 CFR 63)	General Provisions	Yes	See sources subject to a Subpart in 40 CFR 63	Applies if any other subpart applies; and subpart ZZZZ applies.
40 CFR 63 Subpart ZZZZ (Quad Z)	National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE MACT)	Yes	Unit 12	A facility is subject to this subpart if they own or operate a stationary RICE at a major <b>OR</b> area source of HAP emissions, except if the stationary RICE is being tested at a stationary RICE test cell/stand. Unit 12 is applicable if the unit is located at the same location for a period of 12 months.

**13.0 Exempt and/or Insignificant Equipment that do not require monitoring:**

**NSR Exempt Equipment (not entered into Tempo database)**

Unit Number	Source Description	Make	Model No.	Max Capacity	List Specific 20.2.72.202 NMAC Exemption (e.g. 20.2.72.202.B.5)	Date of Manufacture /Reconstruction <sup>2</sup>
			Serial No.	Capacity Units	Insignificant Activity citation (e.g. IA List Item #1. a)	Date of Installation /Construction <sup>2</sup>
T3	Burner Fuel Tank	NA	NA	10,000 Gallons	20.2.72.202.B.2.a	1983
			NA	10,000 Gallons	NA	2024
T4	Diesel Fuel Tank	NA	NA	10,000 Gallons	20.2.72.202.B.2.a	1983
			NA	10,000 Gallons	NA	2024
T5	Evotherm Storage Tank	NA	NA	5,000 Gallons	NA	2024
			NA	5,000 Gallons	1.a	2024
T6	Water Storage Tank	NA	NA	5,000 Gallons	NA	2024
			NA	5,000 Gallons	1.a	2024

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

- A. Conditions are based on manager approved conditions from most recently issued HMA permit NSR 9720.
- B. Permit Part A Template version: 06/30/2021.
- C. Permit Parts B&C Template Version: 12/1/2022

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

- A. As of January 26, 2024 or the issuance date of this permit, this permit writer received public comment from 12 citizens.
- B. A public hearing has been granted and a date is TBD.