

**Appendix A:
Sunland Park Ozone Nonattainment Designation Federal Register Notice,
June 12, 1995**

Designation of Area for Air Quality Planning Purposes; New Mexico; Designation of Sunland Park Ozone Nonattainment Area

[Federal Register: June 12, 1995 (Volume 60, Number 112)]
[Rules and Regulations]
[Page 30789-30791]
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ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 81
[NM-25-1-6980; FRL-5218-1]

Designation of Area for Air Quality Planning Purposes; New Mexico; Designation of Sunland Park Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).
ACTION: Final rule.

SUMMARY: Pursuant to section 107(d)(3) of the Clean Air Act (CAA), the EPA is taking final action to redesignate a portion of Dona Ana County, New Mexico (i.e. the Sunland Park area) from unclassifiable/attainment to nonattainment for the ozone National Ambient Air Quality Standards (NAAQS). The redesignation is based upon violations of the ozone NAAQS which were monitored from 1992-1994.

EFFECTIVE DATE: July 12, 1995.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the addresses listed below. The interested persons wanting to examine these documents should make an appointment at least twenty-four hours before the visiting day.

U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T-A), 1445 Ross Avenue, suite 700, Dallas, Texas 75202-2733
New Mexico Environment Department, Air Monitoring & Control Strategy Bureau, 1190 St. Francis Drive, room So. 2100, Santa Fe, New Mexico 87503

FOR FURTHER INFORMATION CONTACT: Mr. Mark Sather, Planning Section (6TAP),
Air Programs Branch (6T-A), USEPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7258.

SUPPLEMENTARY INFORMATION:

Background

The CAA authorizes the EPA to revise the designation of current ozone areas from unclassifiable/attainment to nonattainment on the basis of air quality data, planning and control considerations, or any other air quality-related considerations the EPA deems appropriate (see section 107(d)(3) of the CAA).

Following the process outlined in section 107(d)(3) of the CAA, on December 16, 1994, the Regional Administrator of the EPA Region 6 notified the Governor of New Mexico that the EPA believed the Sunland Park area should be redesignated as nonattainment for ozone. Under section 107(d)(3)(B) of the CAA, the Governor of New Mexico was required to submit to the EPA the designation considered appropriate for the Sunland Park area within 120 days after the EPA's notification. The EPA received the State's response for the Sunland Park area on February 6, 1995 (letter dated January 30, 1995). Following receipt of the Governor's letter, the EPA proceeded to propose the nonattainment designation for the Sunland Park area (see 60 Federal Register (FR) 17756-17758, April 7, 1995). The EPA now is taking final action on the proposed nonattainment redesignation. Based upon the EPA's review of the State's January 30, 1995, letter for the Sunland Park area, the EPA is finalizing a redesignation to nonattainment which is consistent with the request submitted by the Governor of New Mexico.

Section 107(d)(1)(A) of the CAA sets out definitions of nonattainment, attainment, and unclassifiable. A nonattainment area is defined as any area that does not meet (or that significantly contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for ozone (see section 107(d)(1)(A)(i) of the [[Page 30790]] CAA) <SUP>1. Thus, in determining the appropriate boundaries for the nonattainment area finalized in this action, the EPA has considered not only the area where the violations of the ozone NAAQS are occurring, but nearby areas which significantly contribute to such violations.

\1\ The EPA has construed the definition of nonattainment area to require some material or significant contribution to a violation in a nearby area. The Agency believes it is reasonable to conclude that something greater than a molecular impact is required.

Response to Public Comments

In the April 7, 1995, proposal FR action, the EPA requested public comments on all aspects of the proposal, including the appropriateness of the proposed designation and the scope of the proposed boundaries. The EPA received no comments on the proposal FR action.

Final Action

As noted above, pursuant to section 107(d)(3) of the CAA, the EPA is authorized to initiate the redesignation of areas as nonattainment for ozone. Based on the ozone air quality monitoring data for the Sunland Park monitoring station, the EPA notified the Governor of New

Mexico on December 16, 1994, that the Sunland Park area should be redesignated from unclassifiable/attainment to nonattainment for the ozone NAAQS. Ozone monitoring began in Sunland Park on June 15, 1992. Seven measured exceedances of the ozone NAAQS have been recorded at the monitoring site, ranging from a low of .126 parts per million (ppm) to a high of .140 ppm. The seven exceedances represent a violation of the ozone NAAQS (see 40 Code of Federal Regulations (CFR) 50.9). Since less than three years of data have been collected at the Sunland Park monitoring site, the EPA design value (used to determine ozone attainment status) for the site is the third highest ozone value recorded-- .136 ppm. Therefore, the Sunland Park ozone nonattainment area is classified as a marginal ozone nonattainment area according to the classification scheme set forth in section 181 of the CAA. Due to the marginal classification, the attainment date for the Sunland Park ozone nonattainment area will be three years from the effective date of this Federal Register final action establishing the nonattainment designation and classification.

In response to the EPA's December 16, 1994, letter, on January 30, 1995, the Governor of New Mexico concurred with the EPA that a small area of southern Dona Ana County, including Sunland Park, be redesignated as nonattainment for the ozone NAAQS. However, the Governor did not concur with the proposed nonattainment boundaries in one respect, proposing an alternate western boundary for the nonattainment area. Based on the information provided by the Governor, including monitoring data, the EPA believes that the nonattainment boundaries submitted by the Governor are appropriate. The technical information supporting the redesignation request and the boundary selections are available for public review at the addresses indicated above.

Significance of Final Action for the Sunland Park Area, New Mexico

Within 24 months after the effective date of this final action on the nonattainment redesignation, New Mexico must submit an implementation plan for the Sunland Park ozone nonattainment area meeting the requirements of part D, title I of the CAA (see section 182(a) of the CAA).

The CAA provides that the plan for the area must contain, among other things, the following items:

1. A comprehensive, accurate, current inventory of actual emissions from all sources, as described in section 172(c)(3) of the CAA, in accordance with guidance provided by the EPA. The pollutants inventoried must include volatile organic compounds (VOC), nitrogen oxides (NO_x) and carbon monoxide. No later than the end of each three year period after submission of the initial inventory, until the area is redesignated to attainment, the State must submit a revised inventory meeting all EPA requirements (see section 182(a)(1) of the CAA).

2. Requirements that the owner or operator of each stationary source of NOx or VOC provide the State with a statement, in such form as the EPA may prescribe, for classes or categories of sources, showing the actual emissions of NOx and VOC from that source. The first such statement must be submitted to the State within three years after the effective date of this final action establishing the nonattainment designation. Subsequent statements shall be submitted at least every year thereafter. The statement shall contain a certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. The State may waive the emission statement requirement for any class or category of stationary sources which emits less than 25 tons per year of VOC or NOx, if the State, in its initial and periodic emission inventories, provides an inventory of emissions from such class or category of sources, based on the use of the emission factors established by the EPA, or other methods acceptable to the EPA (see section 182(a)(3)(B) of the CAA).
3. A revised nonattainment new source review permitting program meeting the requirements of sections 172(c)(5) and 173 of the CAA, including the requirement that the ratio of total emission reductions of VOC to total increased emissions of such air pollutant shall be at least 1.1 to 1 (see section 182(a)(4) of the CAA).
4. Revised conformity rules (Regulations 20 NMAC 2.98 and 20 NMAC 2.99) if necessary (see sections 176 and 182 of the CAA).

Miscellaneous

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., the EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, the EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Redesignation of an area to nonattainment under section 107(d)(3) of the CAA does not impose any new requirements on small entities. Redesignation is an action that affects the planning status of a geographical area and does not, in itself, impose any regulatory requirements on sources. To the extent that the area must adopt new regulations, based on its nonattainment status, the EPA will review, as appropriate, the effect of those actions on small entities at the time the State submits those regulations. I certify that approval of the redesignation request will not affect a substantial number of small entities.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 11, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not

affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).
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Executive Order

The Office of Management and Budget has exempted this action from review under Executive Order 12866.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: May 25, 1995.

Jane N. Saginaw,
Regional Administrator.

40 CFR part 81 is amended as follows:

PART 81--[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

2. In Sec. 81.332 the ozone table is amended by revising the entry ``AQCR 153 El Paso-Las Cruces-Alamogordo'' to read as follows:

Sec. 81.332 New Mexico.

■ * * * *

New Mexico--

Ozone

Classification

Designation

Type

Date \1\

Type

Date \1\

Cruces-Alamogordo.

(part)--The area bounded by the New Mexico-Texas State line on the east, the New Mexico- Mexico international line on the south, the Range 3E-Range 2E line on the west, and the N3200 latitude line on the north.

County. Attainment.

\1\ This date is November 15, 1990, unless otherwise noted.

**Appendix B:
Monitoring Data**

2000 O3 (ppm)															
Site ID	1-Hour Values							8-Hour Values							
	1st Max	2nd Max	3rd Max	4th Max	# Exceed-Actual	Required Days	# Days	1st Max	2nd Max	3rd Max	4th Max	Days > Std	Required Days	# Days	
350130008	0.11	0.098	0.097	0.094	0	366	354	0.093	0.08	0.076	0.075	1	366	352	
350130017	0.124	0.123	0.106	0.105	0	366	355	0.099	0.086	0.082	0.079	2	366	353	
350130021	0.118	0.105	0.102	0.101	0	366	357	0.095	0.087	0.081	0.081	2	366	356	
350130022	0.141	0.102	0.102	0.101	1	366	363	0.087	0.084	0.08	0.079	1	366	363	
Grand Total					1									6	

2001 O3 (ppm)															
Site ID	1-Hour Values							8-Hour Values							
	1st Max	2nd Max	3rd Max	4th Max	# Exceed	Required Days	# Days	1st Max	2nd Max	3rd Max	4th Max	Days > Std	Required Days	# Days	
350130008	0.093	0.091	0.089	0.086	0	365	365	0.078	0.073	0.072	0.071	0	365	365	
350130017	0.104	0.096	0.096	0.095	0	365	364	0.08	0.079	0.076	0.075	0	365	364	
350130021	0.109	0.104	0.103	0.102	0	365	357	0.093	0.08	0.08	0.079	1	365	355	
350130022	0.102	0.1	0.098	0.091	0	365	364	0.078	0.076	0.076	0.075	0	365	363	
Grand Total					0									1	

2002 O3 (ppm)															
Site ID	1-Hour Values							8-Hour Values							
	1st Max	2nd Max	3rd Max	4th Max	# Exceed-Actual	Required Days	# Days	1st Max	2nd Max	3rd Max	4th Max	Days > Std	Required Days	# Days	
350130008	0.1	0.096	0.095	0.094	0	365	341	0.08	0.08	0.075	0.074	0	365	340	
350130017	0.107	0.098	0.095	0.094	0	365	361	0.087	0.081	0.081	0.079	1	365	361	
350130021	0.103	0.1	0.097	0.095	0	365	364	0.085	0.083	0.081	0.08	1	365	364	
350130022	0.1	0.093	0.093	0.092	0	365	363	0.09	0.083	0.08	0.079	1	365	363	
Grand Total														3	

**Appendix C:
State Implementation Plan for the Sunland Park and NOx Waiver Request,
July 11, 1997**

**REVISION TO THE NEW MEXICO
STATE IMPLEMENTATION PLAN
FOR OZONE**

**Emissions Inventory of the Sunland Park Ozone Nonattainment Area
Regulatory Component
and Requests for Waivers**

July 11, 1997

Prepared by staff of the:

Air Quality Bureau
New Mexico Environment Department
1190 St. Francis Dr.
Santa Fe, New Mexico 87502

Approved
Jimi Gadzia, Chair
Environmental Improvement Board

Date [Please see a hard copy for signature]

SUNLAND PARK OZONE NONATTAINMENT AREA SIP REPORT

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SECTION ONE

INTRODUCTION AND BACKGROUND

SECTION ONE - INTRODUCTION AND BACKGROUND

This section is intended to briefly describe the Sunland Park area and to present certain data that will be used throughout this report. The Sunland Park ozone nonattainment area lies within Doña Ana County, New Mexico. Doña Ana County has a total area of 3804 square miles and a population of 158,849 (1995). Much of this population is located within the city of Las Cruces.

Monitoring for several air pollutants, especially particulates and sulfur dioxide, has been conducted in the Sunland Park area since the mid 1970's. Some monitoring for ozone was conducted in La Union in the mid to late 1970's. Continuous monitoring for ozone has been conducted in La Union since 1984. Monitoring for ozone in Sunland Park did not begin until 1992. The first recorded exceedance of the current ozone standard occurred on September 18, 1992 in Sunland Park. Since then a total of 12 exceedances have been documented. The area was officially designated as nonattainment for ozone on July 12, 1995 in a Federal Register announcement published June 12, 1995. Sunland Park was designated as a marginal nonattainment area, which is the lowest or least "serious" classification. Its design value (the figure used to assign a classification) was 0.136 ppm. This figure represented the third highest of the ozone readings that had exceeded the ozone standard. The federal ozone standard is set at 0.12 ppm for a 1-hour exposure (not to be exceeded more than once per year, averaged over 3 years). The nonattainment area extends from the Mexico border north to the 32 degree north latitude line and from the Texas border west to the Range 3E-2E line (see Figure 1).

[Insert Figure 1 here - only available in hard copy]

The Sunland Park nonattainment area is approximately 42 square miles in area. To determine this it was divided into two segments: 1) the northern (narrower) portion, and 2) the southern (wider) portion. The northern portion extends from the north boundary at latitude 32° 00' south to about latitude 31° 49'. This area is roughly 3.5 miles wide by 6.25 miles high for a total of 21.9 square miles. The southern portion extends from 31° 49' south to the Mexico border and is about 8 miles wide by 2.5 miles high for a total of 20.0 square miles). This 42 square mile area represents only 1.10% of the county-wide area (3804 square miles). The nonattainment area includes the communities, from south to north, of Sunland Park, Santa Teresa, and La Union. With both a small population and agricultural activities along the Rio Grande the area is largely rural, especially north of Santa Teresa.

Population and Employment

The Delphi Group, a subcommittee of the greater El Paso, Texas Metropolitan Planning Organization (MPO), has gathered and summarized population data for communities in the Sunland Park nonattainment area. The Sunland Park area has been included within the El Paso MPO. For population and employment determinations they divided the area into four segments: 1) Sunland Park, 2) Santa Teresa, 3) La Union, and 4) Gadsden (the area north of La Union). Combined population figures for all 4 segments for 1990 (census year) and 1994 (estimated) were 10,705 and 12,295, respectively. Refer to the Appendix for the source of these data. The 1994 figure was adjusted for purposes of the 1995 base year inventory. The population increase from 1990 to 1994 is 14.85% or 3.71% per year. Assuming a similar increase of 3.71% from 1994-1995, the 1995 estimated population of the nonattainment area is 12,752. This small area represents only 8.0% of the total county population (158,849).

Las Cruces, the largest city in the county, has never recorded an exceedance of the ozone standard. The close proximity of this small area to the much larger cities of El Paso, Texas (1994 estimated population of 655,591 people, and classified as a “serious” ozone nonattainment area) and Juarez, Mexico (estimated at over 1,000,000 million people in 1993) is suspected to be the primary cause for Sunland Park’s violation of the federal ozone standard. In this inventory Sunland Park’s emissions will be compared to those from El Paso, TX. Data are not available for Juarez, Mexico, but its much larger size and more lenient or nonexistent air pollution controls is certainly expected to be a big factor.

Employment figures are sometimes used as rough factors in various source category emissions calculations. Statewide employment for 1995 has been estimated at 738,448. Doña Ana County employment for 1995 has been estimated at 57,655. Using a ratio of total employed to total population to estimate employment within the nonattainment area:

$$\frac{57,655}{158,849} = \frac{X}{12,752} \quad X = 4628$$

where X is the total number of employed people within the nonattainment area. Again, the Delphi Group of the El Paso MPO conducted an actual survey of the Sunland Park nonattainment area to determine employment and arrived at a figure of 2143 for the 1990 census year. Growth projections put the year 2000 employment figure at 2437. Estimating uniform

growth over that time period would give an estimated employment of 2290 for 1995. This figure seems more realistic considering the generally poor and economically depressed conditions of the area, and since this figure is based on local data rather than a gross estimate based on statewide figures, the 2290 figure will be used rather than the 4628 figure.

Ozone Season

U.S. EPA guidance was followed in selecting the three months with both the highest and the greatest number of exceedances. The ozone season was determined by examining all of the exceedances recorded for the area, of which there have been 12 since continuous monitoring began in 1984. Eleven of these exceedances have occurred at the Sunland Park monitoring site while only one has occurred at the La Union site. The following is a list (from highest to lowest) of the 12 exceedances:

OZONE (ppm)	YEAR	MONTH and DAY
0.140	1993	September 7
0.137	1994	August 2
0.137	1995	September 6
0.136	1994	June 24
0.135	1995	October 28
0.131	1993	August 24
0.131	1995	August 30
0.131	1996	October 12
0.129	1993	August 12
0.127	1993	November 30

0.126	1992	September 18
0.125	1993	August 24

Distribution of exceedances by month:

<u>June</u>	<u>July</u>	<u>August</u>	<u>September</u>	<u>October</u>	<u>November</u>	<u>Total</u>
1	0	5	3	2	1	12

Ten of the 12 exceedances (83%) occurred during the months of August, September, and October. The three highest values occurred in August and September. The one exceedance in June is only the fourth highest. No exceedances have ever occurred in July. The one exceedance occurring in November is only the tenth highest. From these data it is very clear that a 3-month ozone season would be August, September and October. The Texas Natural Resource Conservation Commission (TNRCC) used June, July, and August as the ozone season for the El Paso 1990 base year emission inventory. This would make the Sunland Park ozone season somewhat different (offset) from El Paso's season. At this time, Sunland Park's data do not adequately support a selection of June, July, and August. A six month ozone season (June through November) could possibly be selected as well. But due to the total absence of exceedances in July and the fact that the one exceedance in November was actually almost in December (Nov. 30) makes a six month season questionable as well. Until more data are collected to demonstrate otherwise, a three month ozone season of August, September, and October appears to be the most logical selection for this inventory year.

SECTION TWO
EMISSIONS INVENTORY

SECTION 2.1 - EMISSIONS INVENTORY SUMMARY

This section summarizes emissions from all source categories inventoried within the Sunland Park ozone nonattainment area in New Mexico (see Table 2.1-A). These categories are:

- 1) point (large) sources
- 2) area (small) sources
- 3) on-road mobile sources
- 4) non-road mobile sources
- 5) biogenic (natural) sources.

Point sources within the Sunland Park nonattainment area are those that emit more than 100 tons of CO (carbon monoxide), or 25 tons of NO_x (nitrogen oxides), or 10 tons of VOC (volatile organic compounds) annually. Point sources within a 25 mile radius of the nonattainment area are those emitting 100 or more tons annually of either CO, NO_x, or VOC. Within the Sunland Park nonattainment area, point sources annually account for 68% of total CO, 62% of total NO_x, and 4% or 8% of total VOC under “worst” and “best” cases, respectively. Worst versus best case definitions are based on methods used to determine VOC (NMOC, nonmethane organic compound) emissions from a municipal solid waste landfill site (see Section 2.5.2 of this report regarding the landfill). All point sources combined, i.e. both those within the nonattainment area and those within a 25 mile radius, annually account for 76% of total CO, 89% of total NO_x, and 58% or 73% of total VOC. From these results, it would appear that point sources account for much of the air pollution within the Sunland Park area. This is especially true for CO and NO_x. This can be deceiving though, because on-road mobile sources can account for 50-75% of all CO, NO_x, and VOC emissions in the El Paso area (see Section 2.2). The Sunland Park landfill, the largest source of evaporative VOC from area sources within Sunland Park, does appear to be a big local factor in VOC emissions. In the worst case situation the landfill (508.6 tons VOC/year) accounts for 50% of VOC emitted within the Sunland Park nonattainment area. This worst case percentage drops to 22% when point sources within 25 miles are included. Emissions presented in Table 2.1-A are expressed in both tons per year and in tons per day. Tons per year is based on a full calendar year. Tons per day is used during the ozone season. The ozone season is often defined as the three month period during which most of the exceedances of the standard occur. For many ozone nonattainment areas the ozone season occurs during the warmest months of the year, typically June, July, and August. For the Sunland Park area most of the exceedances have occurred within August, September, and October as was discussed within the introduction. To arrive at daily emission rates the annual emissions are not necessarily divided by 365 days. This is because some sources tend to be seasonal in their activity and hence the amount of emissions may vary slightly from season to season. Also, temperature is an important factor as volatile compounds tend to vaporize more readily at higher temperatures. The U.S. EPA has derived seasonal activity factors for certain source categories. For example, an even distribution of emissions through the four seasons would mean 25% in each of the seasons. These seasonal percentages can be factored up or down depending on whether a source emits more or less of a pollutant during any particular season. Seasonal activity can also be determined through survey questionnaires. Since Sunland Park's ozone season has been determined to be late summer and fall (August through October), which is generally cooler than summer, but warmer than winter, seasonal adjustment factors were only used if a source reported some particular seasonality in its operation or

it made sense to use such a factor. Certainly with the more moderate temperatures of fall, a seasonal factor of 25% seemed logical and was frequently used.

Table 2.1-A. Summary of CO, NO_x, and VOC emissions for the Sunland Park ozone nonattainment area. TPY = tons/year; TPD = ton/day for the ozone season (August through October).

SOURCE CATEGORY		CO		NO _x		VOC	
		TPY	TPD	TPY	TPD	TPY	TPD
Point Sources within the Nonattainment Area (NA)		4357.41	11.965	1131.05	3.109	45.98	0.165
Point Sources within a 25 mile Radius of the NA		2355.84	7.403	4759.54	14.597	1334.10	3.889
Area Sources - Combustion		157.94	0.586	30.40	0.0896	37.26	0.124
Area Sources - Evaporative (VOC only)		-----	-----	-----	-----	604.13 (worst); 140.83 (best) ^a	1.663 (worst); 0.390 (best) ^a
On-Road Mobile Sources		1102.67	3.021 ^b	232.50	0.637 ^b	109.50	0.300 ^b
Non-Road Mobile Sources		830.60	2.275	416.47	1.141	86.42	0.237
Biogenic Sources		-----	-----	26.40	0.110	138.72	0.578
TOTALS	Within Sunland Park NA	6448.62	17.847	1836.82	5.087	1022.01 (worst); 558.71 (best)	3.067 (worst); 1.794 (best)
	Plus Point Sources Within 25 miles	8804.46	25.250	6596.36	19.684	2356.11 (worst); 1892.81 (best)	6.956 (worst); 5.683 (best)

a Worst and best figures are based on the method used to estimate emissions from a municipal landfill (see Section 2.5.2 of this report for an explanation).

b These figures are based on an ozone season of June through August (see Section 2.6 of this report for an explanation).

SECTION 2.2 - COMPARISON OF SUNLAND PARK'S EMISSIONS

TO EL PASO, TEXAS

The purpose of this section is to make a gross overall comparison of total emissions from the Sunland Park ozone nonattainment area to those from the El Paso, TX ozone nonattainment area (see Table 2.2-A). The Sunland Park area is classified as a “marginal” ozone nonattainment area, while El Paso County is classified as “serious.” Definitive data for El Paso were only available for 1990 (their base year inventory). The 1995 estimated figures for El Paso are not intended to be exact or definitive. They have been estimated for comparative purposes. Since definitive grand total emissions from El Paso for 1995 were not available, Sunland Park grand totals were only compared to 1990 El Paso emissions. As Table 2.2-A shows, Sunland Park emits only 4.08% of the CO, 6.91% of the NO_x, and only 1.69% or 3.09% of the VOC that El Paso emits. These differences are clearly understandable considering the population differences between the two nonattainment areas. For most source categories, Sunland Park emissions represent only about 1-10% of El Paso emissions (for both 1990 and 1995). The one source category for which Sunland Park is significant are point sources. Point source emissions of CO in Sunland Park are 165-188% of those in El Paso and the NO_x emissions are 16-24% of El Paso emissions. This is due to the very large point source of El Paso Electric Company located in Sunland Park. Hence, with the exception of the El Paso Electric facility, emissions from Sunland Park are small compared to those of El Paso, Texas.

Table 2.2-A. Summary and comparison of emissions of CO, NO_x, and VOC, from Sunland Park, New Mexico, and El Paso, Texas. TPY = tons/year. See Notes at the end of this section for an interpretation of some of these figures.

SOURCE CATEGORY	AREA	CO TPY	NO _x TPY	VOC TPY
POINT	Sunland Park (SP)	4357.41	1131.05	45.98
	El Paso (EP) - 1990	2634.00	7092.00	3101.00
	El Paso (EP) - 1995	2319.26	4802.97	1613.25
	SP as % of EP	165.4% (1990) 187.9% (1995)	15.95% (1990) 23.55% (1995)	1.48% (1990) 2.85% (1995)
AREA	SP	157.94	30.40	641.39 (worst) 178.09 (best)*
	EP - 1990	1201.97	1422.14	9234.96
	EP - 1995	none available	none available	none available
	SP as % of EP	13.14% (1990)	2.14% (1990)	6.94% (worst) 1.93% (best)

ON-ROAD MOBILE	SP	≥ 1102.67	≤ 232.50	≥ 109.50
	EP - 1990	≥ 119,391.50	≤ 13,468.50	≥ 14,235.00
	EP - 1995	≥ 93,039.85	≤ 14,223.80	≥ 9955.64
	SP as % of EP	0.92% (1990) 1.18% (1995)	1.73% (1990) 1.63% (1995)	0.77% (1990) 1.10% (1995)
NON-ROAD MOBILE	SP	830.60	416.47	86.42
	EP - 1990	34,927.64	4611.18	3458.38
	EP - 1995	39,747.65	5247.52	3935.64
	SP as % of EP	2.38% (1990) 2.09% (1995)	9.03% (1990) 7.94% (1995)	2.50% (1990) 2.20% (1995)
BIOGENIC	SP	-----	26.40	138.72
	EP - 1990	-----	-----	3028.80
	EP - 1995	-----	649.20	2816.64
	SP as % of EP	-----	4.07% (1995)	4.58% (1990) 4.92% (1995)
GRAND TOTALS	SP	6448.62	1836.82	1022.01 (worst) 558.71 (best)
	EP - 1990	≥ 158,155.11	≤ 26,593.82	≥ 33,058.14
	EP - 1995	incomplete	incomplete	incomplete
	SP as % of EP	4.08% (1990)	6.91% (1990)	3.09% (worst) 1.69% (best)

* "Worst" and "best" figures are based on the method used to estimate emissions from a municipal landfill (see Section 2.5.2 of this report).

NOTES: Figures for Sunland Park in Table 2.2-A were taken from Table 2.1-A. Figures for El Paso, Texas for 1990 came from TNRCC's (Texas Natural Resource Conservation Commission) 1990 base year emissions inventory report. Annual figures for on-road mobile sources were calculated by multiplying the ozone season daily figures by 365 and presented as either maximum or minimum emission figures (e.g. CO emissions would be less during the summer ozone season and greater in winter, while NO_x emissions would be the opposite). Annual biogenic figures from the 1990 El Paso inventory were determined by multiplying the daily figures by 240 days (spring, summer, and fall active growing season for plants).

Figures for El Paso for 1995 were estimated for a few of the source categories. Point source data for 1995 were based on what is currently available within the AIRS database or from TNRCC. On-road mobile source data were from a Mobile 5 run for 1994 then factored-up to 1995 based on population increase (2.7%) from 1994 to 1995. No 1995 figures were available for area sources. Non-road mobile sources for 1995 were estimated from 1990-1995 population growth (see Appendix). Biogenic emissions for El Paso for 1995 are based on the same weather data (August 8, 1995) used for the Sunland Park determination.

SECTION 2.3 - INVENTORY AND QUALITY ASSURANCE PROCEDURES

Introduction

The emissions inventory process includes quality assurance procedures as a means to verify that data have been reviewed and examined for their source or origin, methods of compilation, accuracy, occurrence of errors, and clarity. This is to assure a good product and that such procedures can easily be applied to future inventories. EPA's Example Documentation Report For 1990 Base Year Ozone and Carbon Monoxide State Implementation Plan Emission Inventories contains a section on quality assurance implementation which was used as a guide.

Resource Allocation, Tasks and Responsibilities

Although several staff members worked on this emission inventory during the initial field collection of data, the lead staff person has compiled most of this inventory. Sunland Park's small size did not require many staff members to work on the project, but nevertheless it was a large project. In the initial phases, six staff members were involved in gathering business lists for the area and detailed Highway and Transportation Department maps. They also wrote and sent out an informational flyer, devised and wrote up a field questionnaire, and finally spent one full week within the area scouting for sources and visiting businesses in order to implement the field questionnaire. Contacts regarding this inventory are:

Jim Nellessen:	(505) 827-0048	Lead staff person for the inventory
Lany Weaver:	(505) 827-0043	Control Strategy Program Manager
Cecilia Williams:	(505) 827-0042	Air Quality Bureau Chief

Throughout the compilation process the lead staff person received advice, consultation, and assistance in obtaining additional pieces of data from a variety of other staff (such as assistance from staff within the Stationary Source/New Source Review (NSR) Permitting Section). Secretaries and other staff have assisted in data compilation and proofing.

Personnel Training

Although staff used EPA emissions inventory guidance documents, staff were also trained directly by a representative from EPA Region 6 in Dallas, Texas. A two-day ozone emissions inventory class was held in Santa Fe, New Mexico during the initial phase of this work, prior to field data collection.

The Field Survey and Identification of Emission Sources

Both SIP (State Implementation Plan) and SBAP (Small Business Assistance Program) staff assisted in planning the initial field survey and data collection process. Point sources were identified through EPA AIRS data. Identifying area sources began by obtaining phone book listings and business listings for the area. A questionnaire was designed by staff to take into the field and to be filled out during actual site visits. Since this area was relatively small, both in size and population, such site visits were planned as the best way to determine actual source emissions. Assistance was also received from permitting staff in devising some of the questions

as an additional means to assure that the most useful information would be obtained. An informational flyer was assembled and mailed out to all identified businesses within the nonattainment area prior to the actual site visits. A copy of the field survey questionnaire can be found within the Appendix. Although the area is relatively small, six staff members participated in the field survey by dividing the nonattainment area into 3 sections with 2 staff members assigned to each section. The area was thoroughly scouted for all possible sources of air pollution. Considerable time was spent in direct site visits.

Data Handling, Emission Estimation Methods, Calculations, and Validation

All data collected were turned into the lead staff person who then began to evaluate, organize and assemble collected information into various source categories according to EPA guidance. Most emission estimation procedures follow those within AP-42. Other sources included several EPA emissions inventory guidance documents listed as references to this report. As much as possible, all calculations are described within the various sections of this report. Calculations have been checked by other staff members. It should be emphasized that in many cases, especially for area sources, emissions are rough estimates. This is because the data on which they are based are often rough estimates of materials usage. Many AP-42 emission factors are themselves inexact approximations. In any case, data and calculations have been validated and quality-assured for correctness.

SECTION 2.4 - POINT SOURCES

This section presents data on point sources: 1) within the Sunland Park ozone nonattainment area, and 2) within a 25 mile radius of the nonattainment area. According to U.S. EPA guidance on ozone nonattainment area SIP inventories, sources located within the nonattainment area and emitting 100 or more tons of carbon monoxide (CO), 100 or more tons of nitrogen oxides (NO_x), or 10 or more tons of volatile organic compounds (VOC) should be inventoried individually as point sources. In addition, the 1990 Clean Air Act Amendments specify that NO_x sources greater than 25 tons must submit emission statements within three years of designation as a nonattainment area. Such sources must submit reports annually thereafter. Hence, this SIP inventory will include 25 ton NO_x sources as point sources as well. Within a 25 mile radius of the nonattainment area, the inventory includes sources emitting 100 tons or more of carbon monoxide, nitrogen oxides or volatile organic compounds. The 25 mile radius was measured from the periphery of the nonattainment area and includes most of El Paso County, Texas and much of Las Cruces, New Mexico. This radius would also encompass much of Juarez, Mexico, however due to lack of data, sources in Mexico are not included in this discussion.

2.4.1 - Sources Within the Nonattainment Area

Under the above definitions, there are two sources considered as point sources within the nonattainment area: El Paso Electric Co. and Foamex International Inc. El Paso Electric is a power generation facility and a point source for CO and NO_x. Foamex manufactures foam products such as automobile seats and is a point source for VOC.

El Paso Electric emissions data from the EPA AIRS database for 1995 are summarized below :

Table 2.4-A. Emissions from El Paso Electric Co. TPY = tons/year; TPD = tons/day; CEM = continuous emission monitors.

POLLUTANT	AIRS EMISSIONS DATA (TPY)		ACTUAL EMISSIONS (TPY) WITH RULE EFFECTIVENESS	DAILY EMISSIONS (TPD)
	ESTIMATED (prior to CEM)	ACTUALS (after CEM installed)		
CO	393.2	3610.83	4333.00	11.871
NO _x	3683.8	935.00	1122.00	3.074
VOC	13.7	9.30	11.16	0.0306

El Paso Electric had been a grand-fathered (unpermitted) source for many years (it is currently going through a permit process). Continuous emission monitors (CEM) were only just installed in 1995, giving a much better estimate of actual emissions. EPA's rule effectiveness procedure was applied to the actual emissions data. Rule effectiveness procedures adjust emissions to account for times of

rule non-compliance. El Paso Electric, being a major point source, has a few rules which apply to it. EPA's default rule effectiveness of 80% compliance was applied to the actual emissions data. For the ozone season daily emissions calculation, 365 days per year operation and 25% of annual activity within the ozone season were used (e.g. $4333.00 \text{ ton/yr of CO} \div 365 = 11.871 \text{ tons/day}$).

Foamex International Inc was a minor source prior to 1996. Because they were minor they had never been thoroughly inventoried. They went through a permit modification in 1996 by increasing the number of laminating units from one to three. They were much more thoroughly inventoried at this time. Hence, reasonable emission estimates for 1995 will be taken as 1/3 (33.3%) of 1996 figures. These emissions are summarized below:

Table 2.4-B. Emissions from Foamex International Inc. TPY = tons/year; TPD = tons/day.

POLLUTANT	AIRS EMISSIONS DATA (TPY)			1995 ACTUAL EMISSIONS (TPY) WITH RULE EFFECTIVENESS	DAILY EMISSIONS (TPD)
	ALLOWABLES	1996 ACTUALS	1995 ACTUALS (1/3 of 1996)		
CO	61.0	61.03	20.34	24.41	0.094
NO _x	22.6	22.63	7.54	9.05	0.035
VOC	87.4	87.06	29.02	34.82	0.134

Again, EPA's default rule effectiveness of 80% was used. The ozone season day determination was based on 25% of annual activity within the 3 month ozone season and 5 days/week operation (e.g. $24.41 \text{ tons/year CO} \times 0.25 \div 5 \div 13 = 0.094 \text{ tons/day}$).

Copies of computer printouts from AIRS for both sources can be found in the Appendix.

2.4.2 - Sources Within a 25 Mile Radius of the Nonattainment Area

A. Sources within New Mexico: Based on estimated actual emissions data in AIRS, only one source was over 100 tons per year for any of the three inventoried pollutants. This source was the City of Las Cruces Waste Water Treatment Plant. Emissions data from AIRS are as follows:

Table 2.4-C. Emissions from the Las Cruces Waste Water Treatment Plant. TPY = tons/year; TPD = tons/day.

POLLUTANT	AIRS EMISSIONS DATA (TPY)		ACTUAL EMISSIONS (TPY) WITH RULE EFFECTIVENESS	DAILY EMISSIONS (TPD)
	ALLOWABLES	ACTUALS (ESTIMATED)		
CO	58.2	73.70	88.56	0.243
NOx	95.0	105.50	126.60	0.347
VOC	12.8	14.90	17.88	0.049

These data are from 1996 permitted figures. This source was never inventoried prior to 1996 because it was never considered a significant air emitter. In addition, since it is not in the nonattainment area, and it was never in AIRS prior to 1996 it was overlooked or not considered for inventory purposes until recently. It did operate in 1995. Hence, 1996 figures were used as reasonable approximations for 1995. Default rule effectiveness procedures of 80% were applied to this source. Ozone season day determinations were based on 365 days/year operation and 25% of annual activity in the 3 month ozone season.

It may be pertinent to note that two other sources have permitted allowables over 100 tons per year but their actual emissions for 1995 were less. These are: the El Paso Natural Gas - Afton Compressor Station and the New Mexico State University (NMSU) Physical Plant Boilers. From AIRS:

Table 2.4-D. Emissions from the El Paso Natural Gas - Afton Compressor Station and the NMSU Physical Plant Boilers. TPY = tons/year.

SOURCE	POLLUTANT	AIRS EMISSIONS DATA (TPY)		ACTUAL EMISSIONS (TPY) WITH RULE EFFECTIVENESS
		ALLOWABLES	ACTUALS (ESTIMATED)	
Afton Compressor Station	CO	75.30	0.00	0.00
	NOx	198.50	0.00	0.00
	VOC	1.50	0.00	0.00
NMSU Physical Plant Boilers	CO	59.00	2.30	2.76
	NOx	291.90	16.40	19.68
	VOC	-----	0.00	0.00

The reason for zero emissions for the Afton Compressor Station is that it was not in operation during 1995. Although these sources were well below 100 ton thresholds in 1995, both have permitted allowables well above this threshold and could potentially emit more in the future. But because actuals are less than 100 tons per year, these two sources were not included in the summary.

B. Sources within El Paso County, Texas: Data on El Paso sources were also extracted from AIRS or directly from the Texas Natural Resource Conservation Commission (TNRCC) (specific data are available in the Appendix) and summarized below (Table 2.4-E). Some of the data obtained from TNRCC were more recent than what is currently available in AIRS. All of these figures for El Paso, Texas are based on rule effectiveness as presented in AIRS.

Table 2.4-E. Point sources in El Paso, TX emitting 100 or more tons per year of either CO, NO_x, or VOC: Annual emissions.

SOURCE	ANNUAL EMISSIONS (TPY = tons per year)			YEAR OF MOST RECENT INVENTORY*
	CO TPY	NO _x TPY	VOC TPY	
Border Steel Mills	203.43	104.88	2.58	1995
Chevron U.S.A. Products	306.46	939.18	436.55	1995
Chevron USA Inc.	128.03	773.03	515.75	1995
El Paso Electric Co.	1432.33	2342.17	19.18	1995
El Paso Natural Gas Co.	13.88	165.19	11.72	1995
Phelps Dodge Copper Products	8.14	32.57	194.16	1995
Phelps Dodge Magnet Wire Co.	0.02	0.09	115.90	1995
Phelps Dodge Refining Corp.	15.74	113.53	5.00	1995
Providence Memorial Hospital	159.25	162.30	15.38	1995
TOTALS	2267.28	4632.94	1316.22	

* Data obtained either from AIRS or directly from TNRCC.

The following table (2.4-F) presents ozone season daily emissions (in pounds per day = PPD). All data were extracted from AIRS and all figures are with rule effectiveness applied.

Table 2.4-F. Point sources in El Paso, TX emitting 100 or more tons per year of either CO, NO_x, or VOC: Daily emissions for the ozone season.

SOURCE	DAILY EMISSIONS - OZONE SEASON (PPD = pounds per day)			YEAR OF MOST RECENT INVENTORY
	CO PPD	NO _x PPD	VOC PPD	
Border Steel Mills	1518.26	885.51	15.22	1995
Chevron U.S.A. Products	1681.03	5146.0 (est.)*	2392.05 (est.)	1995
Chevron USA Inc.	798.37	6055.02	2826.03 (est.)	1995
El Paso Electric Co.	9218.18	13,743.87	105.10 (est.)	1995
El Paso Natural Gas Co.	76.05 (est.)	905.2 (est.)	64.2 (est.)	1995
Phelps Dodge Copper Products	60.80	253.20	1540.16	1995
Phelps Dodge Magnet Wire Co.	0.11	0.49	635.07 (est.)	1995
Phelps Dodge Refining Corp.	86.25	622.07	27.40	1995
Providence Memorial Hospital	872.63	889.30	84.26	1995
TOTALS	14,311.71 (7.16 tons)	28,500.7 (14.25 tons)	7674.27 (3.84 tons)	

* est. = Estimated figure based on 365 days per year of operation. Actual figures were not available in AIRS (or data received directly from TNRCC was different than what is in AIRS) so these were estimated in order to fill in missing data and arrive at a summary figure.

Summary of Point Source Emissions

Table 2.4-G, below, summarizes emissions based on rule effectiveness. Large point sources in Texas account for 79% of the NO_x emissions in the region extending to 25 miles of the Sunland Park nonattainment area. All large point sources outside of the nonattainment area (both TX and NM) account for 81% of NO_x emissions. Texas accounts for 95% of point source VOC emissions and all sources outside of the nonattainment area account for 97% of VOC emissions. This is not the trend for CO though, as El Paso Electric in New Mexico emits 64% of the point source CO in this region. Texas sources account for 34% of area-wide CO emissions.

Table 2.4-G. Summary of point source emissions in the Sunland Park area. TPY = tons/year; TPD = tons/day.

POINT SOURCE LOCATIONS	CO		NO _x		VOC	
	TPY	TPD	TPY	TPD	TPY	TPD
Within the Sunland Park Nonattainment Area (NA) - 2 sources	4357.41	11.965	1131.05	3.109	45.98	0.165
Outside NA - NM - 1 source	88.56	0.243	126.60	0.347	17.88	0.049
Outside NA - TX - 9 sources	2267.28	7.16	4632.94	14.25	1316.22	3.84
TOTALS	6713.25	19.368	5890.59	17.706	1380.08	4.054

SECTION 2.5 - AREA SOURCES

Area source emissions can be broadly divided into two groups: 1) combustion sources and 2) evaporative sources. Combustion sources include industrial, commercial and residential use of natural gas, oil, LPG, and coal. Open burning such as in agriculture, forestry, and trash burning also fall into this category. Evaporative emissions include many different sources such as solvent use, coating and painting operations, dry cleaning, and pesticide use.

2.5.1 - COMBUSTION SOURCES

Combustion emission sources include industrial, commercial and residential combustion of fuels such as natural gas, oil, and coal. Agricultural burning and forest fires are also included in this category. For this emissions inventory the following list of source types were surveyed for both their presence and emissions within the Sunland Park ozone nonattainment area. This list was recommended by the US EPA and is the same list used by the TNRCC in conducting the El Paso, TX 1990 base year inventory. This list is as follows:

COAL - COMMERCIAL	AGRICULTURAL BURNING
COAL - INDUSTRIAL	FOREST FIRES
COAL - RESIDENTIAL	OPEN BURNING
FUEL OIL - COMMERCIAL	SITE INCINERATION
FUEL OIL - COMMERCIAL RESIDUAL	ORCHARD HEATERS
FUEL OIL - INDUSTRIAL DISTILLATE	PRESCRIBED BURNING
FUEL OIL - INDUSTRIAL RESIDUAL	SLASH BURNING
FUEL OIL - RESIDENTIAL	STATIONARY SOURCES (OTHER)
LPG - COMMERCIAL	STRUCTURE FIRES
LPG - INDUSTRIAL	WOOD - RESIDENTIAL
LPG - RESIDENTIAL	
NATURAL GAS - COMMERCIAL	
NATURAL GAS - INDUSTRIAL	
NATURAL GAS - RESIDENTIAL	

Some of these source types, by definition, overlap and not all of these were identified as occurring within the Sunland Park nonattainment area. In any case, this list was used as a guide.

In broad terms, these source types could easily be grouped and summarized into four source categories: 1) industrial combustion sources, 2) commercial combustion sources, 3) residential combustion sources, and 4) open burning. This is how they will be presented and summarized in this report.

Industrial Combustion Sources

These sources include the combustion of fuel-oil (distillate and/or residual), coal, natural gas, and LPG. This category may also include miscellaneous on-site incineration processes. Sources placed into this category were considered to be larger manufacturing facilities or processing facilities that were not large enough to be classified as point sources or to require a state air permit, but deemed large enough for purposes of this inventory to examine individually. Three

sources were included in this group: a brick manufacturing facility (36 employees), a food preparation facility (280 employees), and a facility that sterilizes medical supplies (28 employees). All three operate natural gas furnaces and each consumed more than $30 \times 10^6 \text{ ft}^3$ (> 1 million BTU) of natural gas over a one year period and each was calculated to be emitting more than 1 ton of either CO, NO_x, or VOC. Regarding rule effectiveness determinations, the state does have a rule (20 NMAC 2.33) on nitrogen oxide emissions from gas-burning equipment. It does apply to sources using more than 1 million BTU per year. EPA's standard default rule effectiveness of 80% was used.

A. The brick manufacturer. From survey information this facility operates a natural gas kiln that consumes $4100 \times 10^6 \text{ BTU/month}$ while a total of $4600 \times 10^6 \text{ BTU/month}$ are delivered to the plant. This facility closes for one month for maintenance, so multiplying 4600 by 11 months yields $50.6 \times 10^9 \text{ BTU/year}$ consumed. Converting this to cubic feet of gas (1050 BTU/ft^3) yields $4.819 \times 10^7 \text{ ft}^3$. Emission factors from AP-42 are (small industrial boiler assumed):

	<u>Lbs/10⁶ ft³</u>	
CO:	35	
NO _x :	140	
VOC:	2.784	(5.8 x 0.48 to factor out methane)

Annual and daily (ozone season) emissions are:

	<u>Annual (tons)</u>	<u>Daily (tons)</u>
CO:	0.843	0.00259
NO _x :	3.37 (4.04 with rule effectiveness)	0.0124
VOC:	0.067	0.000206

For ozone season day calculations this facility reported operating 7 days/week and was shut down for one month in the winter for maintenance so the seasonal activity was divided as 17% winter, 28% spring, 27% summer, and 28% fall.

B. The food preparation company. Survey information indicated that this facility has 3 boilers and 12 ovens using natural gas. Average gross gas consumption for a 10 day period is $2936.6 \times 10^6 \text{ BTU}$. Multiplying this by 36.5 (number of 10 day periods in a year) gives $107,184 \times 10^6 \text{ BTU}$ per year and converting to cubic feet results in $102.08 \times 10^6 \text{ ft}^3$. With one boiler classified as small industrial and the rest as commercial size, the following emission factors from AP-42 were used:

	<u>BTU Classification</u>	<u>Emission Factor (lbs/10⁶ ft³)</u>	
CO:	10	35	
	6	21	
NOx:	10	140	
	6	100	
VOC:	10	2.784	(5.8 x 0.48 to factor out methane)
	6	5.28	(8.0 x 0.66 to factor out methane)

Annual and daily emissions are calculated as follows:

	<u>BTU Classification</u>	<u>Annual</u>		<u>Daily</u> <u>(tons)</u>
		<u>Emissions (lbs)</u>	<u>Emissions (tons)</u>	
CO:	10	1179.2		
	6	<u>1436.2</u>		
		2615.4	1.308	0.00419
NOx:	10	4716.6		
	6	<u>6839.0</u>		
		11,555.6	5.778 (6.93 with rule effectiveness)	0.0222
VOC:	10	93.79		
	6	<u>361.10</u>		
		454.89	0.227	0.000728

Ozone season day calculations were based on 6 days/week operation and 25% of their activity in the fall season (25% for each season).

C. The supplier of sterilized medical equipment. This facility reported having 2 gas-fired boilers each rated at 1.5×10^6 BTU. They reported consuming 63,320 therms over the 3 month period of May, June and July and 108,437 therms over the 3 month period of December, January, and February. Summing these 2 figures and dividing by 6 yields a monthly average of 28,626 therms. Multiplying by 12 yields a yearly figure of 343,512 therms. Converting to cubic feet (100,000 BTU/therm, and 1050 BTU/ft³) results in 32.72×10^6 ft³ consumed per year. Emission factors for commercial size boilers from AP-42 are:

	<u>Lbs/10⁶ ft³</u>	
CO:	21	
NOx:	100	
VOC:	5.28	(8.0 x 0.66 to factor out methane)

Calculated annual and daily emissions are:

	<u>Annual (tons)</u>	<u>Daily (tons)</u>
CO:	0.344	0.000945
NOX:	1.636 (1.96 with rule effectiveness)	0.00538
VOC:	0.086	0.000236

Ozone season day calculations were based on 7 days/week operation and 25% of their activity in the fall season (30% winter, 26% spring, 19% summer).

D. Summary of Industrial Combustion Sources. In the summary table below (2.5-A), rule effectiveness numbers for NOx have been used.

Table 2.5-A. Summary of industrial combustion sources. TPY = tons/year; TPD = tons/day.

SOURCE	CO		NOx		VOC	
	TPY	TPD	TPY	TPD	TPY	TPD
Brick manufacturer	0.843	0.00259	4.04	0.0124	0.067	0.000206
Food preparation facility	1.308	0.00419	6.93	0.0222	0.227	0.000728
Medical supply sterilization facility	0.344	0.000945	1.96	0.00538	0.086	0.000236
TOTALS	2.495	0.00772	12.93	0.0400	0.380	0.00117

Commercial Combustion Sources

These sources include combustion of fuel-oil (distillate and/or residual), coal, natural gas, and LPG. Examples of sources in this category are small manufacturing operations, restaurants, retail, service, groceries, schools, and government buildings. Rule effectiveness was not applied here because emissions calculations are based on population figures and not individual facilities.

A. Commercial Natural Gas Use. Commercial gas use was estimated from statistics on commercial gas usage in New Mexico and employment figures for Dona Ana County. Commercial natural gas use in New Mexico for 1994 (the most recent data available) was 24,964 x 10⁶ ft³. Statewide employment for 1995 has been estimated at 738,448. Dona Ana County employment for 1995 has been estimated at 57,655. The 1995 estimated population of the nonattainment area is 12,752. Using a ratio to estimate employment in the nonattainment area yields the following:

$$\frac{57,655}{158,849} = \frac{X}{12,752} \quad X = 4628 \text{ people employed in the nonattainment area}$$

The Delphi Group of the greater El Paso, TX - Sunland Park, NM Metropolitan Planning Organization (MPO) conducted an actual survey of the Sunland Park nonattainment area to

determine employment and arrived at a figure of 2143 for the 1990 census year. Growth projections put the year 2000 employment figure at 2437. Estimating uniform growth over that time period would give an estimated employment of 2290 for 1995. This figure is most likely more in line with the generally poor and economically depressed conditions of the area and since this figure is based on survey data rather than a gross estimate based on statewide figures, the 2290 figure will be used rather than the 4628 figure. Next, five facilities that could be classified as commercial (a power generation plant, a brick manufacturer, an automobile foam seat manufacturer, a food preparation facility, and a facility that sterilizes medical supplies) were determined separately, elsewhere in this report, as either point sources or industrial combustion sources. Employment figures for these facilities will need to be subtracted from the 2290 figure. These facilities reported employment figures of 50, 36, 110, 280, and 28 people respectively. So, $2290 - 504 = 1786$. Using another ratio to apportion down the commercial gas usage to the nonattainment area:

$$\frac{24,964 \times 10^6 \text{ ft}^3}{738,448} = \frac{X}{1786} \quad X = 60.38 \times 10^6 \text{ ft}^3$$

The following are AP-42 emission factors for commercial gas use:

	<u>lbs/10⁶ ft³</u>	
CO:	21	
NOx:	100	
VOC:	5.28	(with methane factored out; $8.0 \times 0.66 = 5.28$)

Next, multiplying the natural gas consumed within the nonattainment area by these factors yields the following annual emissions converted to tons (using CO as an example to show the full calculation):

$$(60.38 \times 10^6 \text{ ft}^3) \times (21 \text{ lbs}/10^6 \text{ ft}^3) \times (1 \text{ ton}/2000 \text{ lbs}) = 0.63 \text{ tons/year CO}$$

	<u>Tons/year</u>
CO:	0.63
NOX:	3.02
VOC:	0.16

B. Commercial LPG Use. Liquid petroleum gas (LPG) is most often propane or butane. Emissions from LPG combustion are determined in a similar procedure as for natural gas above. Total statewide use of LPG in 1994 was 0.5×10^{12} BTU. Apportioning this down to the employed population size of the nonattainment area yields 1.24×10^9 BTU. Since AP-42 emission factors are in lbs/1000 gal., BTU were converted to gallons. Since it is not known how much propane vs. butane is used in the area, a 50/50 split was assumed, so a conversion factor of 96,750 BTU/gal was used (average of 91,500 BTU/gal for propane and 102,000 BTU/gal for butane). This results in 12,849 gal of LPG consumed in the nonattainment area. AP-42 emission factors were also figured as an average of propane and butane:

CO: (2.1 + 1.9)/2 = 2.0 lbs/1000 gal
NOx: (15 + 14)/2 = 14.5 lbs/1000 gal
VOC: (0.6 + 0.5)/2 = 0.55 lbs/1000 gal

Annual emissions are then (using CO as an example):

12,849 gal x 2 lbs/1000 gal x 1 ton/2000 lbs = 0.013 tons/year of CO
CO: 0.013 tons
NOx: 0.093 tons
VOC: 0.004 tons

C. Commercial Distillate Use. Statewide use of commercial distillate fuel was 1.2×10^{12} BTU in 1994. Apportioning this down to the nonattainment area yields 2.98×10^9 BTU. Distillate fuel at 140,000 BTU/gal. results in 21,311 gal. consumed in the nonattainment area. AP-42 emission factors are:

CO: 5 lbs/1000 gal
 NOx: 20 lbs/1000 gal
 VOC: 0.34 lbs/1000 gal

Annual emissions are then (using CO as an example):

21,311 gal x 5 lbs/1000 gal x 1 ton/2000 lbs = 0.053 tons/year of CO
 CO: 0.053 tons
 NOx: 0.213 tons
 VOC: 0.004 tons

D. Commercial Coal Use. Statewide use of commercial coal was 0.1×10^{12} BTU in 1994. Proportioning this down to the size of the nonattainment area yields 2.49×10^8 BTU. Using a round, typical heat content figure for coal at 10,000 BTU/lb results in 2.49×10^4 lbs (12.45 tons) consumed in the nonattainment area. AP-42 emission factors are (assuming a worst case conservative estimate):

CO: 18 lbs/ton
 NOx: 34 lbs/ton
 VOC: 1.3 lbs/ton

Annual emissions are then (using CO as an example):

12.45 tons x 18 lbs/ton x 1 ton/2000 lbs = 0.112 tons/year of CO
 CO: 0.112 tons
 NOx: 0.212 tons
 VOC: 0.008 tons

E. Summary of all Commercial Combustion Sources

Ozone season day calculations for all source categories are based on 6 days/week operation and 25% of activity in the fall (35% winter, 25% spring, and 15% summer).

Table 2.5-B. Summary of commercial combustion sources. TPY = tons/year; PPD = lbs/day.

FUEL	CO		NOx		VOC	
	TPY	PPD	TPY	PPD	TPY	PPD
Natural gas	0.63	4.04	3.02	19.36	0.16	1.02
LPG	0.013	0.083	0.093	0.60	0.004	0.026
Distillate oil	0.053	0.34	0.213	1.36	0.004	0.026
Coal	0.112	0.72	0.212	1.36	0.008	0.051

TOTALS	0.808	5.18 (0.00259 tons)	3.538	22.68 (0.0113 tons)	0.176	1.12 (0.00056 tons)
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Residential Combustion Sources

These include combustion of fuel-oil, coal, natural gas, LPG, and wood. Energy usage in residences was obtained from The New Mexico Energy, Minerals and Natural Resources Department. The most recent data available were for 1994 and included use of natural gas, LPG, coal, and electricity:

ENERGY SOURCE	TRILLION BTU	PERCENT OF TOTAL
Coal	0.1	0.21
Electricity	13.9	29.1
LPG	2.8	5.9
Natural gas	30.9 (30,868 x 10 ⁶ ft ³)	64.8
TOTALS	47.7	100

The number of households within the nonattainment area needed to be determined in order to estimate emissions (e.g. 5.9% of households were assumed to consume LPG, according to the table above). The 1990 U.S. Census data for Tract 17 indicated 13,231 people and 3519 households. Tract 17 includes Sunland Park, Santa Teresa, La Union and all areas in the county from slightly to the north and then due west (an area which is largely unpopulated) of the nonattainment area (see Figure 2). Since this census tract covers a much larger area than the nonattainment area, households must be apportioned down to the nonattainment area. The 1995 estimated population for the actual nonattainment area (from Delphi Group data) was 12,752. Using a ratio to estimate households currently in the nonattainment area:

$$\frac{12,752}{13,231} = \frac{X}{3519} \quad X = 3392$$

[Insert Figure 2 here - only available in hard copy]

This resulted in an estimated figure of 3392 households for the nonattainment area. An estimated 1995 household figure for the entire state will also be needed for the following emission calculations:

$$\begin{array}{rcl} \text{1990 Census Data} & & \text{1995 Economic Review Report (see references)} \\ \frac{543,825}{1,515,069} & = & \frac{X}{1,685,401} \quad X = 604,965 \end{array}$$

or an estimated 604,965 households statewide.

A. Residential LPG Use. Assuming 5.9% of the households use LPG, then multiplying by the number of households (3392) yields 262 households in the nonattainment area using LPG. Converting 2.8×10^{12} BTUs of LPG consumed in residences statewide to gallons yields 2.89×10^7 gal of LPG. Apportioning this down to the nonattainment area gives 162,040 gal consumed in the nonattainment area. AP-42 emission factors are:

CO:	1.32 lbs/1000 gal
NOx:	9.57 lbs/1000 gal
VOC:	0.363 lbs/1000 gal

Calculated emissions are then (using CO as an example):

$$\begin{array}{l} 162,040 \text{ gal} \times 1.32 \text{ lbs/1000 gal} \times 1 \text{ ton/2000 lbs} = 0.107 \text{ tons/year of CO} \\ \text{CO:} \quad \quad \quad 0.107 \text{ tons/yr} \\ \text{NOx:} \quad \quad \quad 0.775 \text{ tons/yr} \\ \text{VOC:} \quad \quad \quad 0.029 \text{ tons/yr} \end{array}$$

B. Residential Natural Gas Use. Assuming 64.8% of the residences use natural gas and multiplying by the number of residences (3392) results in 2198 residences. With $30,868 \times 10^6 \text{ ft}^3$ of natural gas consumed statewide by residences and apportioning down for the nonattainment area yields $173 \times 10^6 \text{ ft}^3$ consumed in the nonattainment area. AP-42 emission factors are:

CO:	40 lbs/ 10^6 ft^3
NOx:	94 lbs/ 10^6 ft^3
VOC:	7.26 lbs/ 10^6 ft^3

Calculated annual emissions are:

CO:	3.46 tons
NOx:	8.131 tons
VOC:	0.628 tons

C. Residential Coal Use. Assuming 0.2% of residences are using coal then multiplying by

the number of residences (3392) yields 6.78 residences within the nonattainment area using coal. Converting 0.1×10^{12} BTUs consumed statewide at residences into tons of coal, and factoring down to the nonattainment area yields 28 tons consumed annually within the nonattainment area. AP-42 emission factors are:

CO: 11 lbs/ton
 NOx: 21.7 lbs/ton
 VOC: 1.3 lbs/ton

Calculated annual emissions are:

CO: 0.154 tons
 NOx: 0.304 tons
 VOC: 0.018 tons

D. Residential Distillate Oil Use. No use of distillate oil at residences was reported for the most recent year in which data were available (1994).

E. Residential Electricity Use. These emissions are not calculated at this level, but rather at the point source level, since the combustion necessary to generate the electricity generally occurs at a large electrical generating facility.

F. Summary of Residential Combustion Sources.

Ozone season day calculations are based on 7 days/week operation and 25% activity in the fall (42% winter, 25% spring, and 8% summer).

Table 2.5-C. Summary of residential combustion sources. TPY = tons/year; PPD = pounds/day.

SOURCE	CO		NOx		VOC	
	TPY	PPD	TPY	PPD	TPY	PPD
LPG	0.107	0.59	0.775	4.26	0.029	0.16
Natural gas	3.46	19.01	8.131	44.68	0.628	3.45
Coal	0.154	0.85	0.304	1.67	0.018	0.099
TOTALS	3.721	20.45 (0.0102 tons)	9.21	50.61 (0.0253 tons)	0.675	3.71 (0.00185 tons)

Open Burning Sources

This includes open burning of municipal (household) trash, structural fires, agricultural burning, orchard heaters, forest fires (wildfire, prescribed fire, or prescribed natural fire) and grass fires. Each of these will be summarized separately below.

A. Open Burning of Trash. Dona Ana County has an ordinance stating that household waste must be placed in landfills and not burned. Both the cities of Las Cruces and Sunland Park implement their own programs, but the county codes enforcement officer still works the Santa Teresa and La Union areas of the current ozone nonattainment area. Violations of the ordinance do occur but county staff do not keep an accurate log, nor do they have sufficient staff to fully monitor open burning. Emissions from open burning of trash in violation of the ordinance can be calculated as follows:

Population of the nonattainment area:	12,752	
Per capita waste generation (lbs/day):	4.5	(US EPA national average for solid waste generation)
Total waste generation (lbs/day):	57,384	
Total waste generation (tons/year):	10,476	

It will be assumed that 80% of municipal solid waste is collected and sent to landfills in compliance with the county ordinance (this is in keeping with EPA's standard default for the rule effectiveness procedure). The remaining 20% is assumed to be burned at home. Also, approximately 75% of the available waste is assumed combustible.

Total waste available for combustion:	2095.20 tons
Percent of waste combustible:	75%
Waste actually combusted:	1571.40 tons

	AP-42 open burning emission factors		Annual Emissions		Daily Emissions
	(Lbs/ton)	(Lbs/yr)	(Tons/year)	(Lbs/day)	
	CO	85	133,569	66.79	366.0
NOx	6	9428	4.72	26.0	
NMOC (VOC)	30	47,142	23.58	129.4	

Daily emissions are based on 7 days/week and 25% of the activity in the ozone season (25% for each of the four seasons).

B. Structure Fires. The Sunland Park fire department has indicated there were 124 fire incidences in 1995. This included both structural and grass fires, but numbers for each were unavailable. EPA's estimation method in the guidance documents uses a figure of 6 fires/1000 people. With an estimated nonattainment area population of 12,752, this yields 76.5 (or 76) structural fires in 1995. Using 6.8 tons of material per fire times 76.5 fires yields 520.2 tons of combustible material per year.

	AP-42		Daily emissions (Lbs/day)
	emission factors <u>Lbs/1000 tons</u>	<u>Annual Emissions</u> <u>Lbs</u>	
CO:	60	31.21	0.0156 0.0857
NOx:	1.4	0.728	0.00036 0.00198
VOC:	11	5.72	0.00286 0.0157

Ozone season daily calculations are based on 7 days/week and 25% activity per season.

C. Grass Fires. Using the 124 fire incidences reported by the Sunland Park fire department and subtracting 76 structural fires (see B. above) yields an estimated 48 grass fires. Assuming an average size of one acre makes a total of 48 acres burned. AP-42 does not contain a fuel loading factor for grass, so wheat (being a species of grass) was used as a substitute. The wheat fuel loading factor is 1.9 tons/acre. Multiplying this by the 48 acres gives 91.2 tons of fuel consumed. Grass emission factors from AP-42 are:

CO: 101 lbs/ton
 NMOC (VOC): 15 lbs/ton

Calculated annual and daily emissions are:

	<u>Annual</u>	<u>Daily</u>
CO:	4.60 tons (9211.2 lbs)	30.37 lbs.
NMOC (VOC):	0.684 tons (1368 lbs)	4.51 lbs.

Ozone season daily emissions are based on 7 days/week and 30% activity in the fall (25% winter, 30% spring, and 15% summer).

D. Orchard heaters. No orchard heaters are used in the area, according to staff at the New Mexico State Agriculture Department/Dona Ana County Agricultural Co-op and Extension Service. Pecans, the most abundant orchard crop, do not need heaters and the few apple orchards in the area do not use heaters either.

F. Forest fires. There are no forests to speak of in the nonattainment area to generate such a fire.

G. Agricultural burning. According to staff at the New Mexico State Agriculture Department/Dona Ana County Agricultural Co-op and Extension office in Las Cruces, there is not significant agricultural burning in the area. Burning is not a standard practice for crops in the area. The principle burning that does take place involves trimmings from the pecan orchards and burning of weeds (especially tumbleweeds) in ditches. The Agriculture Department does not keep records, but some records were available through the local Environment Department (NMED) Office in Las Cruces. Although the state does not require open burn permits for agricultural purposes, they do issue burn permits as a courtesy to county residents for agricultural and weed control purposes. The reason for this is to avoid any conflict or confusion with the county ordinance against open burning of household trash. It was these burn permits on file at the NMED office in Las Cruces that were examined to arrive at an estimation of emissions for agricultural burning. Permit files available for examination were for the one year time period running from July 1995 to June 1996.

A total of 29 permits were issued for locations within the nonattainment area. Material being burned was divided into the following 4 categories: 1) weeds (some specified as tumbleweeds, but mostly unspecified weeds), 2) grass, 3) leaves, and 4) woody vegetation. Very little information was available on the quantity of material or size of areas being burned so these were estimated as best as possible. Table 2.5-D lists and summarizes available information for all 29 burns. The 29 burns are summarized as follows:

Approximate Location	Dates of Permit	Material Burned				Area	Quantity
		Weeds	Grass	Leaves	Woody		
Santa Teresa	March 1996 - June 1996	-					
Near Anthony	March 1996 - June 1996				Pecan Branches		
Near Anthony	March 1996 - June 1996	-	-	-	Brush	Clear Land	
Santa Teresa	March 1996 - June 1996	Tumbleweeds					
La Union	March 1996 - June 1996			-	Branches		
Near Anthony	February 1996- May 1996	-	-				
La Union	January 1996- April 1996				Tree Limbs		
Sunland Park	January 1996- April 1996	-				Around House	

TABLE 2.5-D. Summary Of Information Obtained From Agricultural Burn Permits Issued By The
New Mexico Environment Department, Las Cruces Area Office From July, 1995 to June, 1996

Approximate Location	Dates of Permit	Material Burned				Area	Quantity
		Weeds	Grass	Leaves	Woody		
La Union	January 1996- April 1996	-					
La Union	January 1996- April 1996	-				Plowed Field	
Sunland Park	January 1996 - June 1996	-				Irrigation Ditch	
Santa Teresa	December 1995- March 1996		-				
Near Anthony	December 1995 - March 1996				Pecan Branches		
Near Anthony	December 1995 - March 1996	-		-			
La Union	December 1995 - March 1996	-		-		In Yard	
La Union	November 1995 - February 1996	-					
La Union	November 1995 - February 1996	Tumbleweeds					
Material Burned							
Approximate Location	Dates of Permit	Weeds	Grass	Leaves	Woody	Area	Quantity
Near Anthony	October 1995 - January 1996				Tree Limbs		
La Union	October 1995 - January 1996				Branches		
La Union	October 1995 - January 1996	-					
La Union	October 1995 - January 1996	-					Small Piles
La Union	October 1995 - January 1996	-					Small Piles
La Union	October 1995 - January 1996	-					Small Piles
La Union	October 1995 - January 1996	-					
Santa Teresa	October 1995 - January 1996	-					
Santa Teresa	September 1995 - December 1995	-			Salt Cedar Trees	Vacant Lot	
La Union	August 1995 -	-					Small

TABLE 2.5-D. Summary Of Information Obtained From Agricultural Burn Permits Issued By The New Mexico Environment Department, Las Cruces Area Office From July, 1995 to June, 1996							
	November 1995						Amount
Santa Teresa	August 1995 - November 1995	—			Salt Cedar Trees	Clear Lot	
Santa Teresa	July 1995 - October 1995		Johnson Grass			Before Plowing Field	

TOTALS: 29 Permits

WEEDS

GRASS

LEAVES

WOODY

21 Burns

(All appeared to
be lot or yard
except three)

4 Burns

2 Fields
2 Not Specified

4 Burns

1 Lot
1 Field
2 Not Specified

9 Burns

2 Pecans
2 Salt Cedar
5 Not Specified

Weeds - 21 burns - all appear to be lots or yards except 3

Grass - 4 burns - 2 fields and 2 not specified

Leaves - 4 burns - 1 lot, 1 field, and 2 unspecified

Woody - 9 burns - 2 pecans, 2 salt cedar, and 5 not specified

(note that the sum of all burns here is greater than 29, this is because several of the permits covered combinations of material).

Twelve of the 29 burns (42%) fell wholly or partially within the determined ozone season (August-October), whereas only 9 of 29 (31%) fell within what is often considered a more typical ozone season (June-August). Calculations for each of the 4 types of vegetative material follows:

G.1. Weeds

Assumptions: 1) Even though most were unspecified weeds, assume 75% were for tumbleweeds; 2) For lot or yard burning, assume one acre for the calculations; 3) For fields use 76 acres (96,030 cultivated acres in Dona Ana County divided by 1271 farms = 75.5 acres/farm); and 4) Of the 21 burns: 16 for tumbleweeds (all 1 acre lots), 5 for miscellaneous mixed weeds (2 one acre lots + 3 fields at 76 acres each). No NOx emissions are given for vegetative burning in AP-42, so only CO and VOC will be reported.

Tumbleweeds:

16 acres x 0.1 ton/acre = 1.6 tons of fuel

CO: 309 lbs/ton x 1.6 tons = 494.4 lbs of CO (0.25 tons)

VOC: 1.5 lbs/ton x 1.6 tons = 2.4 lbs of VOC (0.0012 tons)

Unspecified weeds:

(76 x 3) + 2 = 230 acres

230 acres x 3.2 tons/acre = 736 tons of fuel
CO: 85 lbs/ton x 736 tons = 62,560 lbs of CO (31.28 tons)
VOC: 9 lbs/ton x 736 tons = 6624 lbs of VOC (3.31 tons)

G.2. Grass

Assumptions: 1) Two of the 4 burns appear to be fields, so use 76 acres per field; and 2) The other two burns were assumed to be 1 acre lots. Since AP-42 has no fuel loading factors for grass, fuel loading factors for wheat (a species of grass) were used instead.

$$(76 \times 2) + 2 = 154 \text{ acres}$$

$$154 \text{ acres} \times 1.9 \text{ tons/acre} = 292.6 \text{ tons of fuel}$$

Now use grass emission factors:

$$\text{CO: } 292.6 \text{ tons} \times 101 \text{ lbs/ton} = 29,552.6 \text{ lbs of CO (14.78 tons)}$$

$$\text{VOC: } 292.6 \text{ tons} \times 15 \text{ lbs/ton} = 4389 \text{ lbs of VOC (2.19 tons)}$$

G.3. Leaves

Assumptions: 1) One of the 4 burns was identified as a field (i.e. 76 acres), while another was identified as a yard (i.e. 1 acre), while the last 2 were not specified. So split the last 2 into 1 field and 1 yard giving a total of 2 fields and 2 yards. Since the type of leaves were never specified in the permits, factors for unspecified leaves from AP-42 were used. There are also no fuel loading factors for leaf burning in AP-42, so fuel loading factors for unspecified orchard crops (as tree leaves) were used instead.

$$(76 \times 2) + 2 = 154 \text{ acres}$$

$$154 \text{ acres} \times 1.6 \text{ tons/acre} = 246.4 \text{ tons of fuel}$$

$$\text{CO: } 246.4 \text{ tons} \times 112 \text{ lbs/ton} = 27,596.8 \text{ lbs of CO (13.80 tons)}$$

$$\text{VOC: } 246.4 \text{ tons} \times 28 \text{ lbs/ton} = 6899.2 \text{ lbs of VOC (3.45 tons)}$$

G.4. Woody vegetation

Assumptions: 1) Assume 7 of the 9 burns are of pecan wastes, place them into unspecified orchard crops (AP-42) and use 33 acres per burn (Dona Ana County has 17,600 acres of pecans divided by 535 orchards = 32.9 acres per orchard); and 2) Two of the 9 burns were for salt cedar. Use unspecified forest residues (AP-42), and since the salt cedars were on vacant lots, assume 1 acre lots.

Pecans:

$$33 \times 7 = 231 \text{ acres}$$

$$231 \text{ acres} \times 1.6 \text{ tons/acre} = 369.6 \text{ tons of fuel}$$

$$\text{CO: } 369.6 \text{ tons} \times 52 \text{ lbs/ton} = 19,219.2 \text{ lbs of CO (9.61 tons)}$$

$$\text{VOC: } 369.6 \text{ tons} \times 8 \text{ lbs/ton} = 2956.8 \text{ lbs of VOC (1.48 tons)}$$

Salt Cedar:

$$2 \text{ acres} \times 70 \text{ tons/acre} = 140 \text{ tons of fuel}$$

$$\text{CO: } 140 \text{ tons} \times 140 \text{ lbs/ton} = 19,600.0 \text{ lbs of CO (9.80 tons)}$$

$$\text{VOC: } 140 \text{ tons} \times 19 \text{ lbs/ton} = 2660.0 \text{ lbs of VOC (1.33 tons)}$$

G.5. Summary of Emissions from Agricultural Burning

Table 2.5-E. Summary of emissions from agricultural burning.

VEGETATION TYPE	EMISSIONS IN TONS/YEAR		
	CO	NO _x	VOC
Weeds			
Tumbleweeds	0.25	na	nil

Other	31.28	na	3.31
Grass	14.78	na	2.19
Leaves	13.80	na	3.45
Woody			
Pecans	9.61	na	1.48
Salt Cedar	9.80	na	1.33
TOTALS	79.52	na	11.76
OZONE SEASON DAY	0.367 (734.0 lbs)	na	0.0543 (108.6 lbs)

na - not available (i.e. no data in AP-42)

Ozone season day calculations are based on 7 days/week and 42% of the activity in the ozone season.

H. Summary of Emissions From All Open Burning Sources.

Agricultural burning and open burning of trash account for 97% of CO, essentially all of the NO_x, and 98% of VOC emitted within the nonattainment area.

Table 2.5-F. Summary of emissions from all open burning sources. TPY = tons/year; PPD = pounds/day.

OPEN BURNING SOURCE	CO		NO _x		VOC	
	TPY	PPD	TPY	PPD	TPY	PPD
Household trash	66.79	366.0	4.72	26.0	23.58	129.4
Structures	0.0156	0.0857	0.00036	0.00198	0.00286	0.0157
Grass	4.60	30.37	-----	-----	0.684	4.51
Orchard heaters	0.0	0.0	0.0	0.0	0.0	0.0

Forest fires	0.0	0.0	0.0	0.0	0.0	0.0
Agriculture	79.52	734.0	-----	-----	11.76	108.6
TOTALS	150.92	1130.46 (0.565 tons)	4.72	26.00 (0.013 tons)	36.03	242.52 (0.121 tons)

SUMMARY OF ALL AREA COMBUSTION SOURCES

Open burning accounts for 96% of CO, 16% of NOx, and 97% of VOC emissions. As already seen, agricultural burning and trash burning account for most of the open burning.

Table 2.5-G. Summary of all area combustion sources. TPY = tons/year; TPD = tons/day.

COMBUSTION SOURCE	CO		NOX		VOC	
	TPY	TPD	TPY	TPD	TPY	TPD
Industrial	2.495	0.00772	12.93	0.0400	0.380	0.00117
Commercial	0.808	0.00259	3.538	0.0113	0.176	0.00056
Residential	3.721	0.0102	9.210	0.0253	0.675	0.00185
Open burning	150.92	0.565	4.72	0.013	36.03	0.121
TOTALS	157.94	0.586	30.40	0.0896	37.26	0.124

2.5.2 - EVAPORATIVE EMISSION SOURCES

Evaporative emission sources include a wide variety of source types that emit VOC. Such sources may include aircraft refueling, bioprocess (i.e. bakeries), surface coating operations, dry cleaning, pesticide application, solvent use, and wastewater treatment, to name a few. For this emissions inventory the following list of source types were surveyed for both their presence and level of emissions within the Sunland Park ozone nonattainment area. This list was recommended by the US EPA and is the same list used by the TNRCC in conducting the El Paso, TX 1990 base year inventory. This list is as follows:

AIRCRAFT REFUELING
ASPHALT (CUTBACK AND EMULSIFIED)
BIOPROCESS (BAKERIES, BREWERIES, DISTILLERIES, WINERIES)
CATASTROPHIC/ACCIDENTAL RELEASES
COATINGS
 APPLIANCES
 ARCHITECTURAL
 AUTOMOBILES (NEW)
 AUTO REFINISHING
 ELECTRICAL INSULATION
 FURNITURE AND FIXTURES
 HIGH PERFORMANCE MAINTENANCE COATINGS
 MACHINERY AND EQUIPMENT
 MARINE COATINGS
 METAL CONTAINERS
 MISCELLANEOUS OTHER SPECIAL PRODUCTS
 SHEET, STRIP, AND COIL MATERIALS
 TRAFFIC MARKINGS
 TRANSPORTATION EQUIPMENT (OTHER)
 WOOD, FACTORY FINISHED
DRY CLEANING
GRAPHIC ARTS
LEAKING UNDERGROUND STORAGE TANKS
MISCELLANEOUS OTHER SOURCES
OIL AND GAS PRODUCTION
PESTICIDE APPLICATION
SERVICE (GASOLINE) STATIONS
SOLVENT USE
SURFACE CLEANING
SYNTHETIC ORGANIC CHEMICAL STORAGE TANKS
TANK BREATHING LOSSES
TANK, TANK TRUCK, RAIL CAR, BARGE, AND DRUM CLEANING
TANK TRUCK UNLOADING
TANK TRUCKS IN TRANSIT

VEHICLE REFUELING
WASTE TREATMENT
INDUSTRIAL WASTEWATER
MUNICIPAL LANDFILLS
MUNICIPAL WASTEWATER (POTW)
WASTEWATER PACKAGE PLANTS

Each source type will be examined and summarized individually.

Aircraft Refueling

Monthly fuel consumption figures were obtained from the Santa Teresa Airport Manager and then the AP-42 emission factor for kerosene, via splash filling, was used to calculate emissions.

<u>Airport(gal/month)</u>	<u>Fuel</u>	<u>AP-42 emission factor (lbs VOC/1000 gal)</u>	<u>lbs/year</u>	<u>VOC Emissions</u>	
				<u>Annual tons/year</u>	<u>Daily lbs/day</u>
Santa Teresa	5000	0.04	2.40	0.0012	
Cielo Dorado	700	0.04	0.336	0.000168	
Totals			2.736	0.001368	0.00752 (3.7x10 ⁻⁶ tons)

Ozone season daily emissions are based on 7 days/week operation and 25% activity per season.

Asphalt Paving

Data were not available on the quantities of asphalt used in paving roads and parking lots, etc. so an EPA per capita emission factor was used. This factor, for cutback asphalt, is 0.37 lbs of VOC per person per year. Calculating:

$$(0.37 \text{ lbs/person}) \times 12,752 \text{ persons} = 4718.24 \text{ lbs (2.36 tons) of VOC annually}$$

Daily emissions are 12.96 lbs/day (0.00648 tons/day) and based on 7 days/week and 25% of annual activity in the ozone season.

Bioprocess

Bioprocess sources include bakeries, wineries, breweries and distilleries. Of these four, there is only one bakery within the nonattainment area. The bakery is small, employing only 10 people and VOC emissions are not known. So, the EPA emission factor in guidance documents of 0.11 tons VOC per employee was used.

$$10 \text{ employees} \times 0.11 \text{ tons/employee} = 1.1 \text{ tons of VOC annually}$$

Daily emissions are 4.84 lbs/day (0.0024 tons/day) and based on 7 days/week operation and 20% of annual activity in the ozone season (40% winter, 20% spring, and 20% summer).

Catastrophic or Accidental Chemical Spills and Releases

The Emergency and Civil Preparedness Office, of the Dona Ana County Planning Department, was contacted regarding any chemical spills or releases in 1995. They do keep records on these and the director of the office said there were none in 1995. There was one train derailment, but with no releases of toxic or volatile chemicals.

Surface Coating Operations

Surface coating operations can include architectural coatings, auto refinishing, traffic markings, furniture and fixtures, metal containers, new automobiles, machinery and equipment, appliances, miscellaneous transportation equipment, sheet strip and coil coatings, factory finished wood, electrical insulation, high-performance maintenance coatings, marine coatings, and any other miscellaneous coatings. Largely due to the small population of the nonattainment area very few of these types of operations were identified within the Sunland Park area. Three of these surface coating operations were clearly identified though: 1) appliances, 2) architectural, and 3) auto refinishing. These will be summarized individually below.

A. Appliance coatings. There was one appliance coating operation that primarily does final touch up painting to swamp (evaporative) coolers. The company estimated that they use 1500 gallons of paint per year. The AP-42 general emission factor (for VOC) for paint is: 560 kg/Mg (1120 lbs/ton). The emission calculation:

$$1500 \text{ gal} \times (5.66 \text{ kg/gal}) = 8490 \text{ kg} = 8.49 \text{ Mg}$$
$$8490 \text{ kg} \times (1 \text{ Mg}/10^3 \text{ kg}) \times (560 \text{ kg/Mg}) = 4754 \text{ kg of VOC (10,507 lbs or 5.25 tons)}$$

Daily emissions are 14.68 lbs/day (0.00734 tons/day) and based on 5.5 days/week operation and 10% activity in the fall ozone season (20% winter, 45% spring, 25% summer).

B. Architectural Coatings. Three sources frequently use paints and thinners: the Sunland Park horse racetrack, a door painting and finishing operation, and a company that prefabricates building frames. In addition, a per capita emission factor was used for all other non-industrial surface coatings (e.g. painting of private homes, commercial businesses etc.).

B.1. Horse racetrack. To repeat, the AP-42 VOC general emission factor for paint is 560 kg/Mg. The racetrack facility consumes 600 gal of paint and 110 gal of thinner per year. All of the thinner is assumed to eventually volatilize. The calculations:

$$600 \text{ gal paint} \times (5.66 \text{ kg/gal}) = 3396 \text{ kg}$$
$$3396 \text{ kg} \times (1 \text{ Mg}/10^3 \text{ kg}) \times (560 \text{ kg/Mg}) = 1902 \text{ kg VOC}$$
$$110 \text{ gal thinner} \times (3 \text{ kg/gal}) = 330 \text{ kg VOC}$$
$$\text{Total VOC emissions are: } 2232 \text{ kg (4933 lbs or 2.47 tons)}$$

B.2. Door painting/finishing operation. Annually they use: 96 gal of paint, 24 gal of thinner, and 60 gal of lacquer. Again, the simplest approach is to assume that all of the thinner and lacquer volatilizes. The calculations:

Paint: $96 \text{ gal} \times (5.66 \text{ kg/gal}) = 543 \text{ kg}$
 $543 \text{ kg} \times (1 \text{ Mg}/10^3 \text{ kg}) \times (560 \text{ kg/Mg}) = 304 \text{ kg of VOC}$
 Thinner: $24 \text{ gal} \times (3 \text{ kg/gal}) = 72 \text{ kg of VOC}$
 Lacquer: $60 \text{ gal} \times (5.66 \text{ kg/gal}) = 340 \text{ kg}$
 $340 \text{ kg} \times (1 \text{ Mg}/10^3 \text{ kg}) \times (770 \text{ kg/Mg}) = 262 \text{ kg of VOC}$
 Total VOC from door painting: $304 + 72 + 262 = 638 \text{ kg}$ (1410 lbs or 0.70 tons)

B.3. Prefabricated building frames. They use 240 gal of primer per year. The calculations:

$240 \text{ gal} \times (5.66 \text{ kg/gal}) = 1358 \text{ kg}$
 $1358 \text{ kg} \times (1 \text{ Mg}/10^3 \text{ kg}) \times (660 \text{ kg/Mg}) = 896 \text{ kg of VOC}$ (1980 lbs or 0.99 tons)

The total VOC for these three architectural coating sources is:
 $2232 + 638 + 896 = 3766 \text{ kg}$ (8323 lbs or 4.16 tons)

B.4. Non-industrial surface coating. This includes non-manufacturing emissions and would cover painting of private homes and commercial offices. The per capita architectural surface coating emission factor (from AP-42) for these activities is 2.09 kg/yr (4.6 lbs/yr). The nonattainment area population is 12,752. The calculation:

$$12,752 \times 2.09 \text{ kg/yr} = 26,652 \text{ kg/yr} \text{ (58,634 lbs/yr or 29.32 tons/yr)}$$

Summary of all sources within architectural coatings:

$$4.16 + 29.32 = 33.48 \text{ tons of VOC}$$

Daily emissions are 183.96 lbs/day (0.0920 tons/day) and based on 7 days/week (since non-industrial is the largest portion) and 25% activity in the fall ozone season (17% winter, 25% spring, 33% summer).

C. Auto Refinishing. There were two very small auto body shops that used paints and solvents to refinish cars.

C.1. Body Shop No. 1:

$48 \text{ gal solvent/yr} \times (3 \text{ kg/gal}) = 144 \text{ kg of VOC}$
 $36 \text{ gal paint/yr} \times (5.66 \text{ kg/gal}) = 204 \text{ kg}$
 $204 \text{ kg paint} \times (1 \text{ Mg}/10^3 \text{ kg}) \times (560 \text{ kg/Mg}) = 114 \text{ kg of VOC}$
 Total VOC = $144 \text{ kg} + 114 \text{ kg} = 258 \text{ kg}$

C.2. Body Shop No. 2:

They said they did not use paint or solvents, but to be conservative it was assumed they used the same quantities as Body Shop No. 1 (258 kg).

Both body shops combined would then be emitting 516 kg VOC (1140 lbs or 0.57 tons) per year. Daily emissions are 4.38 lbs/day (0.00219 tons/day) and are based on 5 days/week operation and 25% of annual activity in the ozone season.

NOTE: If the EPA per capita figure (0.84 kg/yr or 1.9 lbs/yr) for auto refinishing emissions was used for the nonattainment area then a much larger figure would result: $12,752 \times 0.84 = 10,712 \text{ kg/yr} = 23,673 \text{ lbs/yr} = 11.8 \text{ tons/yr}$. Since what was observed in the actual inventory is a much more accurate representation of how many autobody shops there were, this technique would significantly over estimate reality (11.8 tons vs. 0.57 tons).

Dry Cleaning.

There were no dry cleaning operations within the nonattainment area.

Graphic Arts.

There was only one source identified as such, but no data were obtained as the owner/operator was unable to be contacted. Using an EPA per capita VOC emission factor (0.4 kg/year) yields the following calculation:

$$(0.4 \text{ kg/yr}) \times (12,752 \text{ people}) = 4920 \text{ kg/yr of VOC (10,873 lbs/yr or 5.4 tons/yr)}$$

Daily emissions are 41.82 lbs/day (0.0209 tons/day) and is based on 5 days/week and 25% activity in the ozone season.

Leaking Underground Storage Tanks.

The El Paso, Texas, 1990 base year inventory reported that removal of leaking tanks is what is of importance here. El Paso removed 19 in 1990. El Paso's 1990 inventory used a Radian Corp. emission factor of 28 lbs VOC/day per event (i.e. tank removal) in a 1992 report. The Underground Storage Tank Bureau (USTB) of the NMED currently has records of 5 tanks operating in the Sunland Park nonattainment area:

A grocery/gas station	3	tanks
A hospital	1	tank
Santa Teresa Airport	1	tank

From a list of both past and present leaking tanks (list dated Aug. 22, 1996) the NMED-USTB reports the following:

Grocery/gas station (Sunland Park) - pre-investigation stage and suspected release, but apparently nothing has been done as of yet. Last report dated June 28, 1996.

A distribution company (Santa Teresa) - Based on a report dated June 26, 1989 no further action was taken, but the case was not closed. This company was not identified as being in the area for this SIP inventory.

Since any suspected leaking tanks are still in the ground and have not been removed, this emission source will be considered insignificant since there is a grand total of only 5-6 tanks, in which 1-3 of them “might” be leaking.

Miscellaneous Other Sources

A facility that sterilizes medical supplies has been estimated to emit 354 lbs of VOC per year (AIRS database). This translates into 0.177 tons/year with a rule effectiveness calculation (default of 80%) of 0.212 tons/year. Daily emissions are 0.972 lbs/day (0.000486 tons/day) and is based on 7 days/week and 25% activity during the ozone season.

Oil and Gas Production

There are no oil and gas production facilities within the nonattainment area.

Pesticide Application

This source of VOC includes pesticides used in agriculture, on golf courses, sod farms, and in greenhouses and nurseries. Dona Ana County is an important agricultural area within New Mexico and most of the county's agriculture is located near the Rio Grande. A large portion of the nonattainment area is rural and agricultural, especially the northern half. Agricultural pesticide use is the largest component in this emission category.

A. Agricultural Pesticide Application - Basic Calculation Procedures. In the EPA guidance document: Procedures for the Preparation of Emission Inventories for Carbon Monoxide and Precursors of Ozone (1991), VOC emissions were based on the following national figures:

1. The amount of solvent or carrier (i.e. the inert) portion of pesticides was considered 1.45 times the amount of active ingredient (a.i.). In other words, 59% of the total content of a pesticide formulation was inert.
2. The total potential VOC emissions is 2.45 times the amount of active ingredient (a.i.).

Data on pesticide use in New Mexico was obtained from the National Center for Food and Agricultural Policy. Agricultural crop data for Dona Ana County were obtained from the State Agriculture Department in Las Cruces. Volatility (vapor pressure) data were also necessary to do VOC emission calculations. Data on the volatility of pesticides were obtained from a variety of sources starting with AP-42. Vapor pressure data in AP-42 are extremely limited and only the most commonly used chemicals are listed. Other sources of vapor pressure data (e.g. the Merck Index) are listed in the references. Since pesticide use data, by crop, were only available on a statewide basis, such data had to be apportioned down to the nonattainment area based on crops grown in the area. Crop data were available by county. The first step was to take pesticide use data and to apportion them down to Dona Ana County based on what crops were grown in the county and what percentage of state production they accounted for. Secondly, these figures had to be apportioned down to the nonattainment area. There were two options for doing this:

1. Take the nonattainment area as a fraction of all of Dona Ana County.
2. Take the nonattainment area as a fraction of all lands in Dona Ana County in the

vicinity of the Rio Grande.

The second option was presumed to generate a more accurate estimation of agriculture in the nonattainment area. Dona Ana County is large compared to the nonattainment area and most of the county is arid and not under crop production. Most of the agricultural land in Dona Ana County is located near the Rio Grande and the nonattainment area is entirely located near the Rio Grande. The Rio Grande extends 80 miles (north to south) within Dona Ana County of which 18 miles is within the nonattainment area. Hence, agriculture within the nonattainment area was estimated to represent 22.5% ($18/80 = 0.225$) of agriculture within the county.

The following demonstrates how pesticide use (using metribuzin as an example) was apportioned down to: 1) the county level, then 2) down to the level of the Sunland Park nonattainment area:

LBS A.I./YEAR USED IN NEW MEXICO	CROP THAT CHEMICAL IS APPLIED TO	PERCENT OF CROP IN DONA ANA COUNTY	NON-ATTAINMENT AREA AS A PERCENT OF COUNTY	LBS A.I./YEAR USED IN THE NON-ATTAINMENT AREA
6250	alfalfa	6.28	22.5	88.3
2448	potatoes	0.0	22.5	0.0
8698	TOTALS			88.3

The following is an example calculation using the pesticide metribuzin.

88.3 lbs a.i./year used in the nonattainment area
 88.3×1.45 (inert portion factor) = 128.0 lbs of inert ingredients used/year

Calculating VOC from inert ingredients: Since data on pesticide formulations (e.g. emulsifiable concentrate, wettable powder, etc.) were not readily available for pesticides used in this area, an average VOC content was used. From AP-42: the average VOC content of 18 formulations of inert ingredients = 32% by weight. The calculation:

$$128.0 \text{ lbs inert ingredients/year} \times 0.32 = 41.0 \text{ lbs of VOC emitted from inert ingredients in metribuzin}$$

Calculating VOC from active ingredients: Since data were not available on whether surface application or soil incorporation techniques were used on the various pesticides, all determinations were based on the worst case scenario of surface application. Pesticides applied to the soil surface will volatilize more quickly and to a greater extent when compared to soil incorporation. Metribuzin, which has a vapor pressure of $< 1 \times 10^{-5}$ mm Hg, has a surface application VOC emission factor of 350 kg/Mg or 700 lbs/ton. This means that 35% of the active ingredient may volatilize.

$$88.3 \text{ lbs a.i./year used in the nonattainment area}$$

$$88.3 \times 0.35 = 30.9 \text{ lbs of VOC emitted from a.i. in metribuzin}$$

Summing VOC from inert and a.i.: $41.0 + 30.9 = 71.9$ lbs of total VOC emitted from metribuzin.

Tables 2.5-H, I and J summarize VOC emissions from all agricultural pesticide use in the nonattainment area. A grand total of 50,789 lbs (25.4 tons) of pesticide active ingredients (a.i.) were estimated to be used within the nonattainment area annually. This results in VOC emissions of 7.62 tons per year. Sixty-one percent of these emissions come from the moderately volatile pesticide group (Table 2.5-I). This group also has the greatest use in terms of tons of a.i. per year. The most volatile pesticide group (Table 2.5-J) accounted for 32% of VOC emissions and the remaining 7% from the least volatile group (Table 2.5-H).

TABLE 2.5-H PESTICIDES WITH VAPOR PRESSURES $< 1 \times 10^{-6}$ mmHg. SURFACE APPLICATION EMISSION FACTOR ASSUMED		
PESTICIDE	LBS. of Active Ingredient (a.i.) used in the Nonattainment Area	LBS. VOC EMITTED (Lbs a.i. multiplied by the emission factor - 0.068)
2,4 - DB	70.6	4.80
ANILAZINE	23.7	1.61
ATRAZINE	164.6	11.2
BENSULIDE	191.7	13.0
BIFENTHRIN	3.77	0.26

CARBOFURAN	445.69	30.3
CYANAZINE	1045.76	71.1
CYPERMETHRIN	95.8	6.51
DIURON	227.7	15.5
ENDOSULFAN	615.1	41.8
ENDOTHALL	97.8	6.65
ESFENVALERATE	6.35	0.43
ETHEPHON	278.6	18.9
GLYPHOSATE	905.12	61.5
IPRODIONE	67.2	4.57
LAMDACYHALOTHRIN	15.2	1.03
MALEIC HYDRAZIDE	108.7	7.39
MANCOZEB	51.3	3.49
MANEB	164.0	11.2
MEPIQUAT CHLORIDE	25.6	1.74
MSMA	337.3	22.9
NAPROPAMIDE	29.5	2.01
NORFLURAZON	21.8	1.48
ORYZALIN	43.8	2.98
PARAQUAT	0.219	0.01
TABLE 2.5-H (CONTINUED)		
PESTICIDE	LBS. of a.i. used in the Nonattainment Area	LBS. VOC EMITTED (Lbs a.i. multiplied by factor - 0.068)
PERMETHRIN	368.6	25.1
PICLORAM	2653.8	180.4
PROFENOFOS	3.39	0.23
SETHOXYDIM	168.6	11.5
SODIUM CHLORATE	7382.2	502.0
SULPROFOS	33.7	2.29

TERBACIL	113.0	7.68
THIDIAZURON	113.3	7.70
THIODICARB	12.1	0.82
34 CHEMICALS	15,885.599	1080.08 (0.540 tons)

TABLE 2.5-I PESTICIDES WITH VAPOR PRESSURES 1×10^{-4} to 1×10^{-6} mmHg. SURFACE APPLICATION EMISSION FACTOR ASSUMED		
PESTICIDE	LBS. of Active Ingredient (a.i.) used in the Nonattainment Area	LBS. VOC EMITTED (LBS. a.i. multiplied by the emission factor -0.35)
2, 4 - D	13,967.57	4888.6
ACEPHATE	8.40	2.94
ALACHLOR	125.78	44.0
ALDICARB	449.2	157.2
BENEFIN	374.8	131.2
BROMOXYNIL	165.1	57.8
CHLORPYRIFOS	1153.3	403.6
CYFLUTHRIN	10.1	3.54
DCPA	2559.8	895.9
DICAMBA	29.91	10.5
DIMETHOATE	310.4	108.6
ETHALFLURALIN	7.51	2.63
ETHYL PARATHION	4.38	1.53
FLUAZIFOP	104.6	36.6
MALATHION	0.498	0.17
METALAXYL	69.0	24.2
METHOMYL	1997.8	699.2
METHYL PARATHION	237.89	83.3
METOLACHLOR	469.43	164.3
METRIBUZIN	88.3	30.9
OXYDEMETON-METHYL	25.40	8.89

TABLE 2.5-I PESTICIDES WITH VAPOR PRESSURES 1×10^{-4} to 1×10^{-6} mmHg. SURFACE APPLICATION EMISSION FACTOR ASSUMED		
PESTICIDE	LBS. of Active Ingredient (a.i.) used in the Nonattainment Area	LBS. VOC EMITTED (LBS. a.i. multiplied by the emission factor -0.35)
PENDIMETHALIN	1049.09	367.2
PROMETRYN	1235.4	432.4
PRONAMIDE	276.2	96.7
TRIBUFOS	1720.1	602.0
25 CHEMICALS	26,439.968	9253.90 (4.627 tons)

TABLE 2.5-J PESTICIDES WITH VAPOR PRESSURES $>1 \times 10^{-4}$ mmHg. SURFACE APPLICATION EMISSION FACTOR ASSUMED		
PESTICIDE	LBS. of Active Ingredient (a.i.) used in the Nonattainment Area	LBS. VOC EMITTED (LBS. a.i. multiplied by the emission factor -0.58)
1,3 -D	5059.0	2934.2
CHLOROTHALONIL	0.0	0.0
DICROTOPHOS	278.2	161.4
DISULFOTON	44.45	25.8
EPTC	413.1	239.6
PCNB	134.9	78.2
PHORATE	2.19	1.27
PROPARGITE	123.5	71.6
TRIFLURALIN	2408.70	1397.0
	8464.04	4909.07 (2.454 tons)

VOC Emissions summary of Tables 2.5-H, I, and J:

2.5-H: 0.540 tons

2.5-I: 4.627 tons

2.5-J: 2.454 tons

Grand Total 7.621 tons of VOC from pesticide a.i.(active ingredients)

AP-42 lists emission factors based on pesticide vapor pressure and mode of application (surface or soil incorporated). Again, surface application factors were used as a worst case scenario. Vapor pressures were determined for each pesticide. Each pesticide was placed in one of the three vapor pressure ranges ($< 1 \times 10^{-6}$, 1×10^{-4} to 1×10^{-6} , and $>1 \times 10^{-4}$ mmHg) according to AP-42. Pesticides with no identifiable vapor pressures were placed into the lowest range ($<1 \times 10^{-6}$ mmHg). Unfortunately, although AP-42 lists emission factors for these three vapor pressure ranges for soil incorporation, it does not list an emission factor for $<1 \times 10^{-6}$ mmHg under surface application. This is an apparent oversight or deficiency in AP-42. Although $<1 \times 10^{-6}$ mmHg is a lower vapor pressure range, surface application emissions are well known to be greater than that of soil incorporation. Consequently, NMED staff estimated an emission factor for pesticides $<1 \times 10^{-6}$ mmHg applied at the surface as follows:

<u>Soil incorporation emission factor</u>	<u>Surface application emission factor</u>
$42 / 104 = 0.404$	$700 / 1160 = 0.603$
$5.4 / 42 = 0.128$	$X / 700 = Y$
$0.128 / 0.404 = 0.317$ (31.7%)	

The objective was to make comparable the relative drop in emissions from high vapor pressures to low vapor pressures similar between soil incorporation and surface application. Hence, Y should be calculated to be 32% (round off 31.7% since this is an estimation) of 0.603, meaning, $Y = 0.193$. This will result in $X = 135$ lbs of VOC emitted per ton of pesticide applied. By examining all of these emission factors in AP-42 one should see that this figure is a reasonable estimate.

Calculation for total inert VOC emissions:

$$50,789.6 \text{ lbs a.i. used in the nonattainment area for all pesticides}$$

$$50,789.6 \times 1.45 = 73,644.9 \text{ lbs of inert ingredients used}$$

$$73,644.9 \times 0.32 = 23,566.4 \text{ lbs of VOC from inert ingredients (11.78 tons)}$$

B. Nursery and greenhouse operation. They estimated pesticide use at about 1 quart per year of malathion. Not knowing how much per gallon the formulation weighs and to be conservative, use 10 lbs/gal.

$$1 \text{ qt} \times (1 \text{ gal}/4 \text{ qts}) \times (10 \text{ lbs}/\text{gal}) = 2.50 \text{ lbs.}$$

Given: 1) vapor pressure of malathion is 8.0×10^{-6} mm Hg, 2) that average VOC content for 18 formulations is 32% (from AP-42), and 3) the VOC content of the active part is 35%, go with an overall VOC content of 33%.

$$2.50 \text{ lbs} \times 0.33 = 0.825 \text{ lbs}$$

Since 1 qt per year seemed like a very small amount, this was increased by a factor of 5:

$$0.825 \times 5 = 4.12 \text{ lbs of VOC (0.002 tons)}$$

This is still a very small quantity.

C. Golf Course. The golf course uses Round-Up (glyphosate), Super Trimec (dicamba +

2,4-D), Four (a fungicide), and Lebanon.

Round-up: 50 gal/yr (10 lbs/gal) = 500 lbs/yr
500 lbs x 0.59 (inert fraction) = 295 lbs inert (Leaving 205 lbs active)
295 x 0.32 (VOC in inert fraction) = 94.4 lbs of VOC
205 x 0.068 (fraction of VOC in a.i.) = 13.9 lbs of VOC
108.3 lbs of VOC from Round-Up (0.054 tons)

Super Trimec: 40 gal/yr (10 lbs/gal) = 400 lbs/yr
Since both a.i. are at 35% VOC and the inert portion is at 32%, use an overall figure of 33%
400 x 0.33 = 132 lbs of VOC (0.066 tons)

Four fungicide: 2 bags at 2.5 lbs each per year
5 lbs x 0.33 = 1.65 lbs of VOC (0.0008 tons)

Lebanon: 30 bags at 5 lbs each per year
150 lbs x 0.33 = 49.5 lbs of VOC (0.025 tons)

Sum of all four pesticides for the golf course: 291.45 lbs or 0.146 tons

D. Sod Farm. They use Round-Up, Bectril, Super Trimec, and 3 different spreaders or surfactants.

Round-up: 10 gal/yr x 10 lbs/gal = 100 lbs/yr
59 lbs inert x 0.32 = 18.88 lbs of VOC
41 lbs active x 0.068 = 2.79 lbs of VOC
21.67 lbs of VOC total (0.0108 tons)

Bectril: 5 gal/yr x 10 lbs/gal = 50 lbs
50 lbs x 0.33 = 16.5 lbs of VOC (0.008 tons)

Super Trimec: 10 gal/yr x 10 lbs/gal = 100 lbs
100 lbs x 0.33 = 33 lbs of VOC (0.017 tons)

3 different spreaders/surfactants: 30 gal/yr x 10 lbs/gal = 300 lbs
300 lbs x 0.33 = 99 lbs of VOC (0.050 tons)

Sum of VOC emitted from the sod farm is: 170.2 lbs (0.085 tons)

Total for these 3 sources (B., C. and D.) is: 0.002 tons + 0.146 tons + 0.085 tons = 0.233 tons

E. Summary of all VOC Emissions from Pesticide Use.

VOC emissions from agricultural pesticide use dominates over other pesticide sources. VOC from agriculture accounts for 99% of the total. Emissions from the nursery, golf course, and sod farm can be considered insignificant.

Table 2.5-K. Summary of annual VOC emissions from pesticide use.

	SOURCES				
	AGRICULTURE		NURSERY	GOLF COURSE	SOD FARM
	ACTIVE INGREDIENTS	INERT INGREDIENTS			
VOC EMISSIONS (TONS)	7.62	11.78	0.002	0.146	0.085

GRAND TOTAL VOC FROM PESTICIDES: 19.63 Tons

Daily emissions were calculated as 116.48 lbs/day (0.0582 tons/day) and based on 7 days/week operation and 27% of annual activity in the ozone season (10% winter, 30% spring, 33% summer).

Service (Gasoline) Stations.

Vehicle refueling emissions from gasoline service stations is a component of the EPA's Mobile 5 model and hence is included under Section 2.6 - On-Road Mobile Sources within this report.

Solvent Use.

Commercial and consumer solvent use can be calculated using EPA AP-42 per capita emission factors (4.2 kg/yr or 9.2 lbs/yr).

$$4.2 \text{ kg/yr} \times 12,752 \text{ people} = 53,558 \text{ kg of VOC (117,828 lbs or 58.92 tons)}$$

Since 31% of this is considered nonreactive, multiply the above figure by 69%, leaving 40.66 tons of VOC emitted annually. Guidance and emission factors in the draft EIIP (Emissions Inventory Improvement Program) yields similar results (7.99 lbs/person/year): 101,888 lbs or 50.94 tons per year.

Solvent use can also be determined on a source by source basis through this inventory. Care must be taken to keep from counting some emission sources twice because sources in this category may overlap with others such as surface coatings, graphic arts, surface cleaning, etc. Hence, any sources in which VOC emissions were counted and classified elsewhere were not counted in this category. A total of eight commercial sources were identified as potential solvent users for this category. For the most part, all solvents used were presumed to entirely volatilize as a worst case estimate of emissions. The EIIP per capita method is also broken down into different source types. So as to cover consumer/household emissions but not to overlap with identified commercial sources, 2 of the EIIP per capita factors were used: 1) personal care

products, and 2) other household products. Hence, these are listed as two additional source types in this inventory. Calculations by sources are as follows:

[Note: 7 lbs/gal was used as a representative weight for most solvents, in the absence of specific data, since many of the following chemicals and solvents were not specifically identified.]

A. Automobile mechanic shop #1:

$$12 \text{ gal of auto degreaser/yr} \times 7 \text{ lbs/gal} = 84 \text{ lbs/yr of VOC}$$

B. Automobile mechanic shop #2:

$$15 \text{ gal of solvent/yr} \times 7 \text{ lbs/gal} = 105 \text{ lbs of VOC}$$

C. Automobile mechanic shop #3

$$8 \text{ gal/yr of mineral spirits} \times 7 \text{ lbs/gal} = 56 \text{ lbs/yr of VOC}$$

D. Automobile mechanic shop #4:

$$10 \text{ gal/yr of parts cleaner} \times 7 \text{ lbs/gal} = 70 \text{ lbs/yr of VOC}$$

E. A small chemical distributor (one employee): Examples of some of the chemicals used are: glycol ether, mineral spirits, acintol, isopropanol, steol, ninol diethanolamine, triethanolamine, and xylene.

$$13 - 55 \text{ gal. Drums of HAPs: } 13 \times 55 = 715 \text{ gal}$$

$$1 - 55 \text{ gal drum is only 40\% VOC, hence only 22 gal of VOC}$$

$$715 \text{ gal} + 22 \text{ gal} = 737 \text{ gal}$$

$$737 \text{ gal} \times 7 \text{ lbs/gal} = 5159 \text{ lbs/yr of VOC}$$

F. Furniture manufacturing shop:

$$500 \text{ gal of HAP materials/yr} \times 7 \text{ lbs/gal} = 3500 \text{ lbs/yr of VOC}$$

G. A heating/cooling system company:

$$300 \text{ gal/yr of insulation glue} \times (3.78 \text{ l/gal}) = 1134 \text{ liters}$$

$$1134 \text{ liters} \times (543 \text{ g VOC/l}) = 615,762 \text{ g VOC} = 615.8 \text{ kg} (1361 \text{ lbs})$$

H. Personal care products: The EIIP per capita emission factor for personal care products is 2.34 lbs/person/year:

$$2.34 \text{ lbs/person/yr} \times 12,752 \text{ people} = 29,839.7 \text{ lbs} (14.92 \text{ tons})$$

I. Other household products: The EIIP per capita emission factor for other household products is 0.74 lbs/person/year:

$$0.74 \text{ lbs/person/yr} \times 12,752 \text{ people} = 9436.5 \text{ lbs} (4.72 \text{ tons})$$

J. A tire company:

55 gal cleaner/4 months x 3 = 165 gal/yr
 165 gal/yr x 7 lbs/gal = 1155 lbs/yr of VOC

K. Summary of Commercial/Consumer Solvent Use.

1. Per Capita Method: 40.66 or 50.94 tons/year based on method used (AP-42 or EIIP). The per capita method is a combination of both commercial and household use.
2. By Source Method: Commercial use is assessed source by source. Household consumer use is done via the EIIP per capita method for: 1) personal care products, and 2) other household products.

Table 2.5-L. Summary of annual VOC emissions from commercial/consumer solvent use.

SOURCE	VOC EMISSIONS IN LBS
Automobile mechanic shop #1	84
Automobile mechanic shop #2	105
Automobile mechanic shop #3	56
Automobile mechanic shop #4	70
Chemical distributor	5159
Furniture manufacturer	3500
Heating/cooling company	1361
Household products	9436
Personal care products	29,840
Tire company	1155
TOTALS	50,766 (25.38 tons)
DAILY EMISSIONS (lbs)	139.47 (0.0697 tons)

The source by source method represents only about one-half of the emissions of the per capita method. Since the source by source method is based on field surveys it is deemed to be a more accurate estimation of solvent use rather than the overall per capita calculation. Hence, this inventory is using the source by source method rather than the per capita method. Daily ozone season emissions are based on 7 days/week and 25% activity in each of the four seasons.

Surface Cleaning

The automobile repair shops and body shops could be included here but since they have been included elsewhere (e.g surface coatings and solvent use) they should not be counted here in order to prevent double counting. No other types of surface cleaning operations were identified.

Synthetic Organic Chemical Storage Tanks

None of these were identified.

Tank Breathing Losses

This category applies to fuel or other chemical storage tanks. The general equation for this determination is L_T (total losses) = L_S (standing losses) + L_W (working losses). The following tanks were identified:

SOURCE	TANK CONTENTS	TANK SIZE (gallons)
Grocery/gas station	gasoline	3 @ 2000 = 6000
Plumbing/heating/air conditioning company	gasoline	500
Cemetery and crematory	gasoline	200
Cemetery and crematory	diesel	200
Dairy operation	diesel	250
TOTALS		6700 gal - gasoline 450 gal - diesel

Considering no specific data on these tanks were available, such as tank design and frequency of refilling, some assumptions were made. Assume each tank is refilled once per month (which may or may not be an overestimate). Use the AP-42 underground tank breathing loss emission factor (1 lb of VOC/ 10^3 gal of throughput) as no factor is available for aboveground tanks. To adjust for potentially greater emissions from an aboveground tank, double (100% increase) this emission factor to 2 lbs/ 10^3 gal of throughput.

A. Grocery/gas station. These tanks are below ground.

$$6000 \text{ gal} \times 12 \text{ months} = 72,000 \text{ gal/yr} = 72 \times 10^3 \text{ gal/yr}$$
$$72 \times 10^3 \text{ gal/yr} \times 1 \text{ lb}/10^3 \text{ gal} = 72 \text{ lbs of VOC/yr (0.04 tons)}$$

B. Aboveground gasoline tanks (the plumbing/heating co. and the cemetery/crematory)

$$700 \text{ gal} \times 12 \text{ months} = 8400 \text{ gal/yr} = 8.4 \times 10^3 \text{ gal/yr}$$

$$8.4 \times 10^3 \text{ gal/yr} \times 2 \text{ lbs}/10^3 \text{ gal} = 16.8 \text{ lbs of VOC/yr (0.008 tons)}$$

C. Aboveground diesel tanks (the cemetery/crematory and the dairy)

$$450 \text{ gal} \times 12 \text{ months} = 5400 \text{ gal/yr} = 5.4 \times 10^3 \text{ gal/yr}$$

$$5.4 \times 10^3 \text{ gal/yr} \times 2 \text{ lbs}/10^3 \text{ gal} = 10.8 \text{ lbs of VOC/yr (0.005 tons)}$$

D. Summary of Tank Breathing Losses.

$$0.04 \text{ tons} + 0.008 \text{ tons} + 0.005 \text{ tons} = 0.053 \text{ tons of VOC (106.0 lbs)}$$

Ozone season day emissions were calculated to be 0.291 lbs/day (0.000146 tons/day). This was based on 7 days/week operation and 25% activity in the ozone season.

Tank, Tank Truck, Rail Car, Barge, and Drum Cleaning

None of these activities were identified within the nonattainment area.

Tank Truck Unloading - Tank Loading

This category also applies to fuel or other chemical storage tanks. The following tanks were identified (same tanks as listed under Tank Breathing Losses):

SOURCE	TANK CONTENTS	TANK SIZE (gallons)
Grocery/gas station	gasoline	3 @ 2000 = 6000
Plumbing/heating company	gasoline	500
Cemetery/crematory	gasoline	200
Cemetery/crematory	diesel	200
Dairy operation	diesel	250
TOTALS		6700 gal - gasoline 450 gal - diesel

Considering no specific data on these tanks were available, such as tank design and frequency of refilling, some assumptions were made. Assume each tank is refilled once per month (which may or may not be an overestimate). From AP-42, use as a worst case estimate, the splash fill emission factor (11.5 lb of VOC/10³ gal of throughput).

A. Grocery/gas station. These tanks are below ground.

$$6000 \text{ gal} \times 12 \text{ months} = 72,000 \text{ gal/yr} = 72 \times 10^3 \text{ gal/yr}$$

$$72 \times 10^3 \text{ gal/yr} \times 11.5 \text{ lb/10}^3 \text{ gal} = 828 \text{ lbs of VOC/yr (0.414 tons)}$$

B. Aboveground gasoline tanks (the plumbing/heating co. and the cemetery/crematory)

$$700 \text{ gal} \times 12 \text{ months} = 8400 \text{ gal/yr} = 8.4 \times 10^3 \text{ gal/yr}$$

$$8.4 \times 10^3 \text{ gal/yr} \times 11.5 \text{ lbs/10}^3 \text{ gal} = 96.6 \text{ lbs of VOC/yr (0.048 tons)}$$

C. Aboveground diesel tanks (the cemetery/crematory and the dairy)

$$450 \text{ gal} \times 12 \text{ months} = 5400 \text{ gal/yr} = 5.4 \times 10^3 \text{ gal/yr}$$

$$5.4 \times 10^3 \text{ gal/yr} \times 11.5 \text{ lbs/10}^3 \text{ gal} = 62.1 \text{ lbs of VOC/yr (0.031 tons)}$$

D. Summary of Tank Unloading/Loading Emissions.

$$0.414 \text{ tons} + 0.048 \text{ tons} + 0.031 \text{ tons} = 0.493 \text{ tons of VOC (986.0 lbs)}$$

Ozone season daily emissions were calculated to be 3.16 lbs/day (0.00158 tons/day). This was based on 6 days/week operation and 25% activity during the ozone season.

Waste Treatment Facilities

This category includes municipal landfills, industrial and municipal wastewater, and wastewater package plants. Of these, there is one large municipal landfill and one wastewater treatment facility.

A. Camino Real Landfill. These data were obtained from design capacity and NMOC reports submitted by the landfill to fulfill NSPS (40 CFR Part 60 Subpart W) requirements.

LANDFILL	Average Annual Acceptance Rate		Years Operating	Tier I NMOC Mg/yr
	Tons	Mg		
Camino Real, Sunland Park	129,000	117,000	19	461.3 (508.6 tons)

Using AP-42 input values in the US EPA Landfill Air Emissions Model resulted in an NMOC emission value of 41.1 Mg/yr (45.3 tons), ten times smaller than the Tier I method. See the Appendix to this report for AP-42 versus Tier I inputs and results.

This landfill is currently working on Tier II site specific monitoring to more accurately determine NMOC (VOC) emissions. The Tier I calculation method is used as a screening method by the EPA to identify landfills potentially emitting large quantities of VOC. Landfills are encouraged to do more specific and accurate Tier II and Tier III methods. Hence, for this inventory report, the Tier I method will be reported as a “worst” case situation, while the AP-42 calculation will be reported as a “best” case situation. Daily ozone season emissions were based

on 7 days/week and 25% of annual activity during the ozone season and calculated to be the following:

<u>Worst case</u>	<u>Best case</u>
1.40 tons/day (2794.5 lbs/day)	0.124 tons/day (248.9 lbs/day)

B. Municipal Wastewater - Sunland Park City Wastewater Treatment Plant. For comparison purposes El Paso, Texas reported only 1.5-5.6 lbs/year of VOC emissions from individual plants (that report had a figure of about 20 lbs/year total from all wastewater treatment plants in El Paso). El Paso used the EPA SIMS model. This model is no longer supported by EPA and has been replaced by the WATERS model. Using EPA national default values to estimate emissions, Texas reported 5.76 tons/year for the whole county of El Paso. EPA's general emission factor is 1.1×10^{-4} lbs VOC/gal of treated wastewater. VOC emissions are directly proportional to industrial effluent (the national default is 16% of wastewater is industrial in origin). The Sunland Park treatment plant handles 498,000 gal/day. So the calculation is as follows:

$$498,000 \text{ gal/day} \times 365 \text{ days} \times 1.1 \times 10^{-4} \text{ lbs VOC/gal} \times 0.16 \times 1 \text{ ton}/2000 \text{ lbs} = 1.60 \text{ tons/year of VOC (3200 lbs)}$$

Ozone season day emissions were calculated as 0.00440 tons/day (8.79 lbs/day). These are based on 7 days/week operation and 25% activity in the fall (15% winter, 25% spring, and 35% summer).

Summary of all Evaporative Emission Sources

From summary data in Table 2.5-M (below) the most significant evaporative sources of VOC are: 1) the landfill, 2) architectural coatings, 3) solvent use, and 4) pesticide use. These four sources combined account for 97% of all emissions under the worst case situation and 88% under the best case situation. Worst and best case situations were based on different methods for estimating emissions from the landfill. Under the worst case the landfill accounts for 84% of all evaporative emissions. Under the best case the landfill accounts for only 32% of emissions.

Table 2.5-M. Summary of all evaporative emission sources. TPY = tons/year; PPD = pounds/day.

SOURCES	VOC EMISSIONS	
	TPY	PPD
AIRCRAFT REFUELING	0.001368	0.00752

ASPHALT		2.36	12.96
BIOPROCESS		1.1	4.84
CATASTROPHIC RELEASES		0.0	0.0
SURFACE COATING	APPLIANCES	5.25	14.68
	ARCHITECTURAL	33.48	183.96
	AUTO REFINISHING	0.57	4.38
DRY CLEANING		0.0	0.0
GRAPHIC ARTS		5.4	41.82
LEAKING UNDERGROUND STORAGE TANKS		0.0 (considered not significant)	0.0
MISCELLANEOUS OTHER SOURCES		0.212	0.972
OIL AND GAS OPERATIONS		0.0	0.0
PESTICIDE USE		19.63	116.48
SERVICE (GASOLINE) STATIONS		in Mobile 5 model	in Mobile 5 model
SOLVENT USE		25.38	139.47
SURFACE CLEANING		0.0	0.0
SYNTHETIC ORGANIC CHEMICAL STORAGE TANKS		0.0	0.0
TANK BREATHING LOSSES		0.053	0.291
TANK, TANK TRUCK, RAIL CAR, BARGE, AND DRUM CLEANING		0.0	0.0
TANK TRUCK UNLOADING/LOADING		0.493	3.16
WASTE TREATMENT	LANDFILLS	508.6 (worst case); 45.3 (best case)*	2794.5 (worst case) 248.9 (best case)*
	WASTE WATER	1.6	8.79
GRAND TOTAL		604.13 (worst case); 140.83 (best case)	3326.31 (worst) (1.663 tons) 780.71 (best)

		(0.390 tons)
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* "Worst" and "best" case figures were based on which technique was used to estimate emissions from the municipal solid waste landfill.

SECTION 2.6 - ON - ROAD MOBILE SOURCES

These sources include automobiles, trucks and all vehicles that travel on established roads. Emissions from these sources can be estimated using a computer model recommended by the U.S. EPA called Mobile 5. There is a complex set of input data and variables that must go into this model in order to arrive at a reasonable determination of pollutant emissions. Some of this input information includes: fraction of vehicles within eight different vehicle classes, vehicle miles traveled (VMT), VMT mix (which distributes VMT by the eight vehicle classes), air temperature, vehicle speeds, types of roads within the area, directional splits (variations in the direction of traffic movement), Highway Performance Monitoring System (HPMS) traffic data factors, time of day, season of year, etc. Since the TNRCC and TXDOT (Texas Department of Transportation) have been conducting this type of modeling for several years for their several nonattainment areas, including El Paso, the NMED has taken advantage of this experience in obtaining emission data for Sunland Park. TNRCC and TXDOT have been contracting this modeling work with the Texas Transportation Institute at Texas A&M University. Mobile source modeling currently being conducted for El Paso has included the Sunland Park nonattainment area. TXDOT conducted traffic counts within the Sunland Park nonattainment area in 1996 in order to obtain data for their modeling efforts. The Texas modeling effort includes a series of four computer programs as follows: POLFAC5A, PREPIN, IMPSUM, and SUMALL. POLFAC5A contains the Mobile 5b model embedded within it and is used to obtain emission factors for each vehicle class, each vehicle speed from 3-65 mph, and for each of the three pollutants, CO, NO_x, and VOC. Hence this program generates 1512 different emission factors ($8 \times 63 \times 3 = 1512$). Separate calculations are performed for each of four daily time periods: peak morning (7:15 am - 8:15 am), midday (8:15 am - 4:45 pm), peak afternoon (4:45 pm - 5:45 pm), and overnight (5:45 pm - 7:15 am). PREPIN does several things, including making seasonal adjustments, making adjustments for vehicle operational speeds, using 24-hour trip data, accounting for time-of-day factors, and adjusting traffic counts to HPMS VMT. IMPSUM applies the emission factors to VMT mixes and speed estimates based on the various roadway types. SUMALL summarizes all of the data into daily CO, NO_x, and VOC emissions. The computer run obtained from Texas was for the year 1994 (the year they are currently involved with modeling). The model run was parceled out into two components, one for El Paso and one for Sunland Park. These output data were factored up for Sunland Park's base year inventory of 1995. The 1994 emission data for Sunland Park were increased by 3.71%, which is the calculated annual population increase for the Sunland Park area (see Section One - Introduction). TXDOT did take actual traffic counts within Sunland Park (for 1996), but vehicle distribution by class was assumed to be similar to El Paso. Also, the model was run with the vehicle inspection/maintenance (I/M) and tampering variables turned off. These are generally only turned on for enhanced I/M programs. One other consideration is that the model was run for a June, July and August ozone season while this report has defined Sunland Park's season to be August, September and October. Hence some of Sunland Park's emissions could possibly be under-estimated (e.g. CO) or over-estimated (e.g. NO_x). But due to Sunland Park's small size (in both area and population) and that there is a one month overlap (August), this

difference is not anticipated to be significant. Table 2.6-A, below, summarizes daily summer-time emissions generated by the model for the Sunland Park nonattainment area. Some of the 1994 model output data can be found in the Appendix (just the summary of emissions as the entire computer printout package is several hundred pages long).

Table 2.6-A. Summary of emissions from on-road mobile sources in the Sunland Park nonattainment area. See table footnote for vehicle class abbreviations.

VEHICLE CLASS*	DAILY SUMMER-TIME EMISSIONS IN POUNDS		
	CO	NO _x	VOC
LDGV	3698.1	643.2	366.3
LDGT1	1267.8	212.7	127.0
LDGT2	480.2	72.9	49.0
HDGV	467.6	64.1	27.1
LDDV	1.2	2.3	0.5
LDDT	0.5	0.8	0.3
HDDV	107.2	276.2	23.8
MC	18.8	2.2	5.3
TOTALS	6041.4 (3.021 tons)	1274.4 (0.637 tons)	599.3 (0.300 tons)

* Vehicle class abbreviations are as follows: LDGV = light duty gasoline powered vehicles; LDGT1 = light duty gasoline powered trucks, from 0-6000 lbs gross vehicle weight; LDGT2 = light duty gasoline powered trucks, from 6001-8500 lbs gross vehicle weight; HDGV = heavy duty gasoline powered vehicles; LDDV = light duty diesel powered vehicles, from 0-6000 lbs gross vehicle weight; LDDT = light duty diesel powered trucks; HDDV = heavy duty diesel powered vehicles; and MC = motorcycles.

To arrive at a gross estimate of annual emissions for summary and comparative purposes (in Sections 2.1 and 2.2 of this report) the above figures were multiplied by 365 days. Gross annual estimates are as follows:

CO: ≥1102.67 tons

NO_x: ≤232.50 tons

VOC: ≥109.50

These figures are inexact because emissions can vary seasonally. CO and VOC emissions might be expected to be greater in cooler months (due to incomplete combustion), hence the annual figures might be under-estimates. NO_x emissions might be expected to be greater in warmer months, hence the annual figure might be an over-estimate. In any case, these figures are just being used to make gross approximations and comparisons.

SECTION 2.7 - NON-ROAD MOBILE SOURCE EMISSIONS

Non-road mobile sources include railroads, aircraft, ships and watercraft, and many other miscellaneous sources such as agricultural vehicles, construction vehicles, light commercial use vehicles, and lawn and garden equipment. These types of sources can be hard to inventory and quantify. For this inventory, data were obtained or derived for three categories: 1) railroads, 2) aircraft, and 3) miscellaneous. Ships and watercraft were not considered because the Rio Grande is essentially unnavigable and there are no large lakes or reservoirs in the nonattainment area.

Railroads

Data on railroad traffic were obtained from a proposed environmental impact assessment (EIA) regarding a merger of Southern Pacific and Union Pacific Railroads (report dated Nov. 30, 1995). Data in this report showed estimated increases in emissions of hydrocarbons (taken to be VOC), carbon monoxide, and nitrogen oxides (as well as other pollutants) along various rail segments in several western states. The rail segment that runs from El Paso, TX to Lordsburg, NM is the one that runs through the Sunland Park nonattainment area. This segment is 148 miles long with 12.5 miles lying within the nonattainment area. The 12.5 miles was determined from examining maps from the New Mexico State Highway and Transportation Department.

The following steps show how emissions were calculated.

1. The fraction of the rail segment lying within the nonattainment area:
 $12.5 \div 148 \times 100 = 8.44\%$
2. From the EIA report: Estimated increases in emissions along the entire rail segment:
Carbon monoxide 154.02 tons/year
Hydrocarbons (VOC) 49.54 tons/year
Nitrogen oxides 1152.93 tons/year
3. Emissions increases for the fraction of rail segment within the nonattainment area:
CO: $154.02 \times 0.0844 = 13.00$ tons/year
VOC: $49.54 \times 0.0844 = 4.18$ tons/year
NOx: $1152.93 \times 0.0844 = 97.31$ tons/year
4. The report states the increases are due to a 29.4 % increase in fuel consumption. Assume a 29.4 % increase in air emissions to correspond with the increased fuel consumption. Calculation of current emissions is as follows: (CE = current emissions)
CO: $13.00 = 0.294 \times \text{CE}$ CE = 44.22 tons/yr
VOC: $4.18 = 0.294 \times \text{CE}$ CE = 14.22 tons/yr
NOx: $97.31 = 0.294 \times \text{CE}$ CE = 330.99 tons/yr

Aircraft

To determine emissions from aircraft, both the types and sizes of planes and the frequency of landings and take-offs (LTO) must be known. A letter was sent to the Santa Teresa Airport asking for this information. Both the Santa Teresa Airport and a private airport called Cielo Dorado receive only small general aviation craft with 100-150 horse power engines. This information was received via a phone call from the Santa Teresa Airport manager. Although the

Santa Teresa Airport is technically not fully within the nonattainment area, since most of it is just outside the boundary, it has been included for inventory purposes anyway. The EPA's fleet averaging procedure was used to calculate emissions as follows:

1. Data needed for calculation:
 - LTO data: Santa Teresa 20 LTO/day
 - Cielo Dorado 6 LTO/day

- Emission factors (for fleet averaging):
 - CO - 12.014 lbs/LTO
 - NO_x - 0.065 lbs/LTO
 - VOC - 0.394 lbs/LTO

2. Calculation:
 - (LTO/day) x (lbs/LTO) = lbs/day
 - (lbs/day) x (365 days) x (2000 lbs/ton) = tons/yr

Table 2.7-A. Emissions from aircraft.

Airport	CO		NO _x		VOC	
	lbs/day	tons/yr	lbs/day	tons/yr	lbs/day	tons/yr
Santa Teresa	240.28	43.85	1.3	0.24	7.88	1.44
Cielo Dorado	72.084	13.16	0.39	0.071	2.364	0.43

Miscellaneous Other Sources

Determining emissions from other non-road equipment such as lawn and garden equipment can be difficult. Consequently, the per capita frequency and occurrence of miscellaneous other non-road mobile sources (e.g. weed-eaters, lawn mowers, etc.) used in the Sunland Park area was assumed to be similar to El Paso, Texas. El Paso's 1990 non-road mobile source inventory was used as a basis for calculation. Since the frequency of such sources is largely based on population size, Sunland Park's emissions were calculated as a population ratio of El Paso. From 1990 census data the population of what is now the Sunland Park nonattainment area (communities of Sunland Park, Santa Teresa, and La Union) was 10,705. The formula for the ratio is:

$$\frac{10,705}{591,610} = \frac{X}{\text{El Paso emissions (CO, NO}_x\text{, or VOC)}} \quad X = 0.0181 \text{ or } 1.81\%$$

Hence, 1990 Sunland Park emissions were calculated as 1.81% of El Paso. Next, these emissions had to be increased based on Sunland Park population growth from 1990 to 1995. Estimated population within the Sunland Park nonattainment area in 1994 was 12,295 (up 14.85% from 1990, or 3.71% per year). Assuming another 3.71% increase from 1994 to 1995 yields a population of 12,752 (which amounts to a total increase of 19.12% from 1990). Finally, 1990 estimated emissions were increased by 19.12% to arrive at 1995 estimated emissions. Unlike El Paso, no special seasonal emission factor was used in calculating Sunland Park's daily emissions (since Sunland Park's ozone season is August-October and El Paso's was June-

August). Sunland Park's annual figure was simply divided by 365 days (25% of annual activity in each season, 7 days/week operation).

Table 2.7-B. Determination of Sunland Park non-road mobile source emissions from El Paso, TX emissions.

Pollutant	El Paso, Texas 1990	Sunland Park, 1990	Sunland Park, 1995	
	tons/year	tons/year	tons/year	tons/day
CO	33,829.00	612.30	729.37	1.998
NOx	3950.00	71.50	85.17	0.233
VOC	3262.00	59.04	70.33	0.193

Summary of Non-Road Emissions

Miscellaneous sources account for 88% of carbon monoxide (CO) and 81% of volatile organic compounds (VOC), while railroads account for 79% of nitrogen oxides (NOx) emissions in the Sunland Park ozone nonattainment area. Daily ozone season emissions are based on 7 days/week operation and 25% of annual activity in the ozone season.

Table 2.7-C. Summary of non-road mobile source emissions for Sunland Park for 1995. TPY = tons/year; TPD = tons/day.

SOURCE CATEGORIES	CO		NOx		VOC	
	TPY	TPD	TPY	TPD	TPY	TPD
Railroads	44.22	0.121	330.99	0.907	14.22	0.0390
Santa Teresa Airport (small planes)	43.85	0.120	0.24	0.00066	1.44	0.0039
Cielo Dorado Airport (small private planes)	13.16	0.036	0.071	0.00019	0.43	0.0012
All other sources	729.37	1.998	85.17	0.233	70.33	0.193
TOTALS	830.60	2.275	416.471	1.141	86.42	0.237

SECTION 2.8 - BIOGENIC EMISSIONS

This section summarizes emissions from biogenic sources. These are primarily VOC emissions from vegetation but also includes nitrogen oxides (mainly nitrous oxide, NO) from soil microbes.

Emissions from these sources can be estimated by using U.S. EPA's biogenic emissions model called PCBEIS. There are four types of information needed to determine biogenic emissions according to U.S. EPA guidance in order to run the current version of PCBEIS:

1. The top ten hourly ozone days over a three year period.
2. Weather data for determining the maximum temperature for the top ten ozone days.
3. Hourly:
 - a. Air temperature
 - b. Cloud cover fraction
 - c. Photosynthetically active radiation (PAR)
4. Site information:
 - a. County FIP codes
 - b. Latitude and longitude
 - c. Time zone
 - d. Month, day, and year of selected input

Ten highest ozone days and ranking based on temperature

The ten highest ozone days were selected from AIRS data for the Sunland Park City Yard monitor (AIRS code # 35-013-0017) for the three years: 1993, 1994, and 1995. Maximum air temperature data were also extracted from AIRS since the Sunland Park site also has a meteorological monitoring station. The ten highest ozone days are shown below along with the maximum temperature for that day.

Table 2.8-A. Ten highest ozone days over the period 1993-1995.

Dates	Max. Hourly Ozone Concentration (ppm)	Maximum Air Temperature	
		° C	Time
9-7-93	0.140	33.0	1500
8-2-94	0.137	36.8	1400
9-6-95	0.137	39.5	1400
6-24-94	0.136	41.6	1500
10-28-95	0.135	29.4	1500
8-24-93	0.131	37.6	1500
8-30-95	0.131	38.3	1300
8-12-93	0.129	37.3	1300
11-30-93	0.127	21.9	1500
6-30-94	0.124	43.9	1400

The next step was to pick the day with the fourth highest air temperature; this day was August 30, 1995. Hourly air temperature and cloud cover fraction for this day were the inputs to the

PCBEIS model. Since air temperature data are collected at the Sunland Park monitoring site these data were used for input. Cloud cover data were obtained from the National Oceanic and Atmospheric Administration (NOAA) - National Weather Service station in El Paso, Texas. The following codes for cloud cover were translated to approximate numerical figures as follows:

	<u>Percent cover</u>
CLR = clear sky (< 1/10 of sky covered)	0
SCT = scattered clouds (0 - 5/10 of sky covered)	25
BKN = broken clouds (6/10 - 9/10 of sky covered)	75

The other variable called for in the current version of PCBEIS, PAR (photosynthetically active radiation), is calculated by the model from other input data (namely the cloud cover data) when actual PAR data are not available. PAR is the fraction of sunlight actually utilized by plants in photosynthesis. Output from the PCBEIS model is shown in the Appendix. These data are county-wide emissions and must be apportioned down for the Sunland Park nonattainment area.

Table 2.8-B. County-wide biogenic emissions for Doña Ana County within a 24 hour period (output from PCBEIS model).

Units	Isoprene	Monoterpenes	Other VOC	NO
kg	9121.94	21,834.54	16,654.41	9095.21
Lbs	20,159.487	48,254.333	36,806.246	20,100.414
tons	10.08	24.13	18.40	10.05

The Sunland Park nonattainment area is approximately 42 square miles in area. This area can be divided into the following two portions: 1) the northern (narrower) portion, running from the north boundary at latitude 32° 00' southwards to about latitude 31° 49', is 3.5 miles wide by 6.25 miles high = 21.88 sq. miles; and 2) the southern (wider) portion, running from 31° 49' southwards to the Mexico border, is about 8 miles wide by 2.5 miles high = 20.00 sq. miles). Next, dividing 42 sq. miles by 3804 total square miles within Dona Ana County makes the nonattainment area only 1.10% of the county-wide area.

Finally, taking 1.10% of the emission figures in the table above results in the following emissions for the Sunland Park nonattainment area (per day):

Isoprene:	0.111 tons
Monoterpenes:	0.265 tons
Other VOC:	0.202 tons
NO:	0.110 tons

All VOC emissions (isoprene + monoterpenes + other VOC) are 0.578 tons/day.

Assuming no emissions or insignificant emissions during cooler dormant seasons of the year, (assumed to be the four months from November to February), daily emissions were multiplied by

240 days (the 8 months from March to October) resulting in the following annual emissions:

VOC: 138.72 tons/yr

NO: 26.40 tons/yr

SECTION 2.9 - SOURCES EMITTING \geq 25 TONS OF NO_x OR VOC.

Section 182(a) of the 1990 Clean Air Act Amendments (CAAA) describes requirements for marginal ozone nonattainment areas. Under Section 182(a)(3)(B)(i) are requirements that owners or operators of stationary sources of NO_x and VOC, located within the nonattainment area, must submit statements of actual emissions to the state (i.e. New Mexico in this case) within 3 years of area designation. This means that these statements will be due to the New Mexico Environment Department on July 12, 1998. These requirements are also spelled out in the Federal Register notice, dated June 12, 1995, that designated the Sunland Park area as a marginal ozone nonattainment area. These emission statements will have to be submitted annually thereafter. Section 182(a)(3)(B)(ii) states that these requirements may be waived for sources emitting less than 25 tons per year of NO_x or VOC if the state estimates emissions from such sources using factors established by the administrator (i.e. U.S. EPA). The State of New Mexico will waive these requirements for NO_x and VOC sources emitting less than 25 tons. New Mexico also reserves the right to request sources emitting between 10 and 25 tons of NO_x or VOC to submit annual reports. This is because New Mexico currently has an emissions inventory rule (20 NMAC 2.73) which requires sources emitting over 10 tons annually, of criteria pollutants, to submit reports. This inventory report is using U.S. EPA AP-42 emission factors and other EPA emissions guidance to calculate emissions from sources emitting less than 25 tons.

In addition, emission statements shall be certified by the person(s) submitting them and that they are accurate to the best knowledge of the person submitting the certified statements. These requirements have been spelled out in the amended version of 20 NMAC 2.73 - Notification of Intent and Emissions Inventory Requirements, which is a component of this report revising the state implementation plan for New Mexico.

In summary, stationary sources, emitting greater than 25 tons per year of NO_x or VOC (as well as CO), that are located within the Sunland Park ozone nonattainment area, must submit actual emissions statements by July 12, 1998. These sources will also have to submit emissions statements annually thereafter.

SECTION THREE

REGULATORY COMPONENT

Section 3.1 - Amended Part 73

Notice of Intent and Emissions Inventory Requirements

Amendments primarily dealt with the certification of emission inventory reports, more detailed outlining of reporting requirements, and additional requirements for sources within ozone nonattainment areas (Sections 301, 302, 303, and 304).

[Please see a separately attached copy of the final rule]

Section 3.2 - Proposed Part 79

Permits - Nonattainment Areas

This was a one-line amendment to Section 112.C.1 setting the emissions offset limit to at least 10% (1:1.1).

[Please see a separately attached copy of the final rule]

SECTION FOUR

WAIVERS

SECTION FOUR - WAIVERS UNDER SECTIONS 179B AND 182(f) OF THE CLEAN AIR ACT

Request of a Section 179B Waiver for the Sunland Park Ozone Nonattainment Area

When an area is designated as nonattainment it has a set amount of time in which to attain the standard. The more “serious” the classification of the area the longer the time allowed to attain the standard. The classifications are (from least serious to most serious): marginal (e.g. Sunland Park, NM), moderate, serious (e.g. El Paso, TX), severe, and extreme (e.g. Los Angeles, CA). These classifications and the time periods allowed for attaining the standards are found in Section 181 of the Clean Air Act. Sunland Park, classified as a marginal nonattainment area has three years after designation to attain the standard. Since the designation became official on July 12, 1995 the attainment date is then July 12, 1998. If an area does not attain the standard within the required time period it is automatically reclassified to the next worst level. Hence, if Sunland Park does not attain the standard by July 12, 1998 it will then become a moderate nonattainment area and become subject to many more regulatory oversight programs (e.g. a vehicle inspection and maintenance program).

Section 179B of the Clean Air Act is entitled “International Border Areas.” The language in this section was first written as Section 818 of the 1990 Clean Air Act Amendments, prior to its incorporation into the main body of the air act. Hence, this waiver is also often referred to as a Section 818 waiver. Section 179B(a) states that if a state implementation plan or plan revision meets all federal (i.e. U.S. EPA) requirements under the Clean Air Act and such state demonstrates to EPA that the plan would be “adequate to attain and maintain the relevant national ambient air quality standards by the attainment date specified.....but for emissions emanating from outside the United States” then such plan shall be approved. In other words, if it can be demonstrated that Sunland Park would be in attainment of the ozone standard if not for emissions from outside the U.S. (e.g. Juarez, Mexico) then it would not get reclassified to a moderate status and avoid the additional regulatory requirements.

In order to make such a demonstration, emissions budgets for both Sunland Park and Juarez, Mexico would have to be compared and air movement patterns would have to be examined. Through computer based air quality modeling programs, these emissions budgets and air movement patterns would be used to examine contributions to ambient air concentrations occurring within Sunland Park. This is a very large task. The Texas Natural Resource Conservation Commission (TNRCC) has performed such modeling and analysis for the El Paso, Texas serious ozone nonattainment area. The TNRCC used urban airshed modeling (UAM) for this demonstration. Since emissions data for Juarez, Mexico were lacking, they used U.S. sources only. Taking into consideration their required 15% rate of progress (ROP) emission reductions and projecting to the year 1996, they were able to show that they would be in attainment, but for emissions emanating from Juarez. The New Mexico counties of Dona Ana and Otero were included in this modeling. The state of Texas prepared a report and applied for a Section 179B (Section 818) waiver in July, 1994 and review by EPA is still in progress. Since Sunland Park has technically been considered a component of the El Paso metropolitan area and has already been included in modeling efforts, it is logical that a Section 179B waiver, if

formally granted to El Paso, should likewise be granted to Sunland Park. Hence, New Mexico is requesting of EPA that the modeling work used for the 179B waiver, that El Paso has already applied for, be used to demonstrate that Sunland Park, New Mexico would be in attainment of the ozone NAAQS but for emissions from Juarez, Mexico.

The appropriateness of a Section 179B waiver for Sunland Park is apparent and logical based not only on the air quality modeling performed by TNRCC, but also on data presented within the emissions inventory report in Section Two of this SIP revision. Sunland Park's significantly lower population and lower total overall emissions as compared to El Paso, Texas should make such a waiver logical and reasonable. New Mexico understands that air modeling in the El Paso/Juarez/Sunland Park area is an ongoing process. New Mexico is committed to supporting efforts to continue such area-wide modeling and to gathering necessary data to run these models.

Request of a Section 182(f) Waiver for the Sunland Park Ozone Nonattainment Area

Under this Section of the Clean Air Act, requirements to reduce NO_x emissions can be waived if it can be shown that net air quality benefits are greater in the absence of reductions. In other words, such reductions would not improve air quality or aid in attaining the standard. This waiver is not connected to being reclassified to a more serious nonattainment level but does give some regulatory relief for major stationary sources (emitting 100 tons/year or more) and relief for federally funded projects (under the general and transportation conformity regulations). Since Sunland Park is a marginal nonattainment area, with no special NO_x reductions required at this time, this waiver may have more benefit regarding road building projects. Under the conformity rules road projects must pass a "build/no build" test. Apparently it can be difficult to pass this test for both NO_x and VOC.

As with a Section 179B waiver, a 182(f) waiver can only be granted after extensive air quality modeling has been conducted to demonstrate that controls of NO_x would not attain the standard.

TNRCC used UAM modeling for this waiver as well and showed that VOC reductions alone would achieve attainment (exclusive of emissions from Juarez). TNRCC's application for this waiver was conditionally granted on November 21, 1994. EPA review of this application is ongoing. Again, Sunland Park is a natural extension of the El Paso metropolitan area and it does not make a lot of sense for Sunland Park to be modeled independently from El Paso. The State of New Mexico also requests of EPA that modeling data used for the El Paso NO_x waiver be used to demonstrate that NO_x controls and reductions would not improve air quality or aid in attaining the ozone standard in Sunland Park.

SECTION FIVE

REFERENCES AND APPENDICES

SECTION 5.1 - REFERENCES

U.S. EPA Documents

Emissions Inventory Requirements for Ozone State Implementation Plans. U.S. EPA-OAQPS. EPA-450/4-91- 010. March 1991.

Procedures for the Preparation of Emission Inventories for Carbon Monoxide and Precursors of Ozone. Volume I: General Guidance for Stationary Sources. U.S. EPA - OAQPS. EPA - 450/4 -91 - 016. May 1991.

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References Regarding New Mexico Data

Air Quality Bureau Reports, 1977-1993. State of New Mexico.

Annual Resources Report - 1996. Energy, Minerals, and Natural resources Department, State of New Mexico. 115 pp.

Economic Review 1995 (for New Mexico). Sunwest Bank. 64 pp.

New Mexico Agricultural Statistics - 1995. Department of Agriculture, State of New Mexico, Las Cruces. 71 pp.

Pesticide Use in New Mexico Crop Production. L.P. Gianessi and J.E. Anderson. National Center for Food and Agricultural Policy. Washington, D.C. February 1995.

Texas Documents

El Paso, Texas 1990 Base Year Ozone Emissions Inventory. Texas Air Control Board. Final Submittal, November 1992.

El Paso Ozone Nonattainment Area 818 Demonstration Report. Texas Natural Resource Conservation Commission. July 1994.

Petition for Section 182 (f) Exemption from NO_x RACT Requirements for the El Paso Ozone Nonattainment Area. Texas Natural Resource Conservation Commission. June 17, 1994.

Development of Emission Estimates for the Conformity Analysis of the El Paso FY-94 TIP. Texas Transportation Institute, Texas A&M University, College Station, TX. Research Report 1375-2, July 1994. In cooperation with the Federal Highway Administration and the Texas Department of Transportation.

Mobile 5 modeling input and output data (POLFAC5A, PREPIN, IMPSUM, and SUMALL) from the Texas Transportation Institute for both the El Paso ozone nonattainment area and the

Sunland Park ozone nonattainment area. Computer printouts (several hundred pages) dated May 15, 1997.

Miscellaneous Documents

Basic Guide to Pesticides: Their Characteristics and Hazards. Shirley A. Briggs. Rachel Carson Council. Taylor and Francis Publishers. 1992. 283 pp.

Environmental Report: Union Pacific Railroad Company/Southern Pacific Railroad Company Merger. Six Parts. Prepared by: Dames & Moore, 1701 Golf Rd., Suite 1000, Rolling Meadows, IL 60008. Before the Interstate Commerce Commission, Docket #32760. November 30, 1995.

The Merck Index, 11th edition. Susan Budavari, editor. Merck and Co. Inc. 1989.

U.S. Census Bureau. 1990 U.S. Census Data. <http://venus.census.gov/cdrom/lookup>

Sunland Park 1995 Base Year Ozone Emission Inventory

SECTION 5.2 - APPENDICES

These data are arranged in the same sequence of topics as presented in the body of this report. The purpose of this section is to supply supporting information beyond what is included in the Reference section.

- A. Demographic data
- B. Ozone data
- C. Inventory questionnaire
- D. Point source data
- E. Area source information and data
- F. On-road mobile sources
- G. Non-road mobile sources
- H. Biogenic supporting data

[The Appendix is attached as a separate document and is only available as a hard copy]

**Appendix D:
Environment Protection Agency's Federal Register Notice for the Approval of the
State Implementation Plan For Sunland Park and NOx Waiver,
February 8, 2002**

Approval of Revision to State Implementation Plan; New Mexico; Dona Ana County State Implementation Plan for Ozone; Emission Inventory; Permits; Approval of Waiver of Nitrogen Oxides Control Requirements; Volatile Organic Compounds, Nitrogen Oxides, Ozone

[Federal Register: February 8, 2002 (Volume 67, Number 27)]
[Rules and Regulations]
[Page 6147-6152]
From the Federal Register Online via GPO Access
[wais.access.gpo.gov]
[DOCID:fr08fe02-25]

ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 52
[NM-36-1-7372a; FRL-7140-4]

Approval of Revision to State Implementation Plan; New Mexico;
Dona Ana County State Implementation Plan for Ozone; Emission
Inventory; Permits; Approval of Waiver of Nitrogen Oxides Control
Requirements; Volatile Organic Compounds, Nitrogen Oxides, Ozone

AGENCY: Environmental Protection Agency (EPA).
ACTION: Direct final rule.

SUMMARY: The EPA is providing direct final approval of the New Mexico State Implementation Plan (SIP) for the Dona Ana County ozone nonattainment area. The area was designated nonattainment for ozone and classified as ``marginal'' in 1995. New Mexico submitted its SIP for the Dona Ana County area in 1997, requesting approval of the SIP, and requesting approval of a waiver of nitrogen oxides (NO_x) requirements contained in section 182(f) of the Clean Air Act, as amended in 1990 (the Act). With this action the EPA is providing direct final approval of the Dona Ana County nonattainment area SIP and waiver of NO_x requirements. The waiver for NO_x requirements is granted because the area has attained the one-hour ozone standard without them, within the deadline prescribed by the Act.

DATES: This direct final rule will become effective on April 9, 2002 without further notice unless the EPA receives adverse comments by March 11, 2002. Should the EPA receive such comments, it will publish a timely document in the Federal Register withdrawing this rule and informing the public that this rule will not take effect.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD-L), at the EPA Region 6 Office listed below. Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Dallas, Texas 75202-2733.

New Mexico Environment Depart, Air Quality Bureau, 1190 St. Francis Drive, Santa Fe, New Mexico 87502.

FOR FURTHER INFORMATION CONTACT: Mr. Matthew Witosky, Air Planning Section (6PD-L), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7214, electronic mail WITOSKY.MATTHEW@EPA.GOV

SUPPLEMENTARY INFORMATION:

I. Background

Throughout this document, the EPA uses the word ``we,'' ``us,'' or ``our,'' to mean the EPA. The information in this section is organized as follows.

1. What action is the EPA taking today?
2. Why is this necessary?
3. What part of New Mexico is affected?
4. What part of the SIP is being approved?
 - a. Emission inventory (EI).
 - b. Emission Certification Statement in Emission Reports.
 - c. NSR permit program for the construction and operation of new and modified major stationary sources of VOC (section 172(c)(5) of the Act)
5. Does the SIP submitted contain a motor vehicle emissions budget for on-road emissions of volatile organic compounds (VOC's) for transportation conformity purposes?
6. What is a waiver of NO_x control requirements?
7. Why is the Dona Ana County area being granted a NO_x waiver?
8. How long is the waiver of NO_x requirements valid?
9. What process did the State use to approve the SIP and the NO_x waiver?
10. Did EPA make an exception for Dona Ana County under section 179B(a) of the Act, because the area borders Mexico?

II. Final Action

III. Administrative Requirements

I. Background

1. What Action is the EPA Taking Today?

EPA is approving a revision to the New Mexico SIP, for the Dona Ana County (marginal) ozone nonattainment area. A portion of Dona Ana County was designated nonattainment for the National Ambient Air Quality Standards (NAAQS) for ozone (see 40 CFR 81.332). The SIP contains four elements that were adopted by the State to meet the requirements of the Act. EPA is approving three of these elements in this action. The fourth element, revisions to the transportation conformity rule, (see 65 FR 14873) was approved March 20, 2000. By approving these final three elements, the EPA is approving the Dona Ana County SIP. With final approval of this action, the State has met all the requirements that apply to Dona Ana county under the one-hour ozone standard. The EPA is also approving a waiver of NO_x control requirements established under section 182(f); the authority for EPA to waive these requirements is likewise under section 182(f).

2. Why is This Necessary?

The EPA designated the area as nonattainment, and classified it as ``marginal'' due to violations of the ozone standard during 1993, 1994, and 1995 (see 60 FR 30789, June 12, 1995). That action imposed certain requirements under the Act to reduce pollution in order to bring the area back into attainment of the ozone standard. New Mexico has adopted the appropriate regulations, submitted them to EPA for review and approval, and implemented them. Under the Act, the EPA must approve these regulations and other actions into the existing federally-approved State Implementation Plan (SIP), to make them federally enforceable.

3. What part of New Mexico is Affected?

The Dona Ana County nonattainment area encompasses the community of Sunland Park, and several smaller communities adjacent to El Paso, Texas, and Ciudad Juarez, Mexico. (See 40 CFR 81.332)

4. What Part of the SIP is Being Approved?

The Dona Ana County SIP constitutes a revision to New Mexico's overall SIP, adopted prior to the 1990 Amendments to the Act. The Dona Ana County SIP is made up of four components, three of which the EPA will approve in this action.

a. Emission inventory (EI),

b. Emission Certification Statement,

c. Revisions to new source review (NSR), The fourth component, Revisions to the transportation conformity rule, was approved in a previous action (see 65 FR 14873, March 20, 2000).

a. Emission Inventory (EI)

New Mexico completed a comprehensive, accurate, and current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. The State used 1995 as the base year for the inventory, using a three-month ozone season of August through October, 1995. Stationary point sources, area sources, on-road mobile sources, non-road mobile sources, and biogenic sources of ozone precursors, VOC's and NO_x were included in the inventory. The New Mexico Environment Department (NMED) included

stationary sources with emissions greater than 100 tons per year (tpy) within a 25-mile range of the nonattainment area.

For a listing of the ozone peak season daily emissions estimates by source category, please see the docket file for this rulemaking action.

EPA reviewed the emissions inventory submitted by the State, and the methodology used to generate it. EPA verified that the State followed EPA's emission inventory guidance in developing the inventory. Please see the docket file for more information on the inventory.

For calendar year 1998 and for each three-year period thereafter (until the area is redesignated to attainment), NMED will be required to submit to EPA a revised inventory meeting the requirements of sections 182(a)(1) and 182(a)(3) of the CAA.

b. Emission Certification Statement in Emission Reports

Section 182(a) of the Act requires that States insert an emission certification requirement into their regulations. That means the owner or operator of each stationary source of NO_x or VOC must provide the State with a written report tallying the actual emissions of NO_x and VOC from that source. The first such reports had to be submitted to the State within three years after the effective date of the final action establishing the nonattainment designation, July 12, 1998.

Subsequent reports must be submitted at least every year thereafter. All reports must contain a certification that the information submitted is accurate to the best knowledge of the individual certifying the statement.

New Mexico revised 20 NMAC, chapter 2, part 73, to meet these requirements. Subpart III, sections 300 to 304, contain the detailed reporting requirements for sources affected by the regulation. These sections will be incorporated by reference into the approved SIP. See the docket file for the actual text of the regulation.

c. NSR Permit Program for the Construction and Operation of New and Modified Major Stationary Sources of VOC (section 172(c)(5) of the Act)

Prior to designation as nonattainment, New Mexico operated an air permit program in Dona Ana County, under New Mexico Air Code (NMAC) part 72--Construction Permits and part 74--Prevention of Significant Deterioration (see generally the Act, sections 110(a)(2)(c) and sections 160-169). After designation to nonattainment, new major sources and major modifications of VOC sources in the nonattainment area of Dona Ana County were required \1\ to be permitted under part 79--Permits-Nonattainment areas, under revised 20 NMAC, chapter 2, part 79, section 112.C.1, to meet the marginal nonattainment offset requirements of section 182 (a)(4). Section 112.C.1 sets the ratio of offsets required of new or modified sources in such areas. Subsequent sections outline the procedure for calculating the baseline from which offsets will be obtained, how to calculate actual offset emissions, and how to bank them. Section 112.C.1 will be incorporated by reference into the approved SIP. See the docket file for the actual text of the regulation.

\1\ See generally 172(c)(5) and 173(c). New major sources and major modifications which increase emissions of pollutants other than VOC continue to be subject to the permitting requirements under

part 74. New and modified sources which are not major under part 74 and part 79 continue to be subject to the permitting requirements under part 72.

5. Does the SIP Submitted Contain a Motor Vehicle Emissions Budget for On-Road Emissions of Volatile Organic Compounds (VOC's) for Transportation Conformity Purposes?

The SIP submitted by the State does not contain an MVEB. Although the area is subject to the transportation conformity requirements, as are all nonattainment and maintenance areas, the State has directed the planning agency responsible for transportation planning in Sunland Park to perform all necessary conformity analyses using the build/no-build test (see 40 CFR 93.119). The El Paso Metropolitan Planning Organization is the agency that currently performs this analysis for the Sunland Park area. The build/no-build test is an acceptable method to meet the transportation conformity requirements under 40 CFR 93.109(c)(4)(i).

6. What is a waiver of NO_x Control Requirements?

Under the Act, marginal and certain other ozone nonattainment areas are required to control NO_x emissions, as well as VOC emissions, the two main precursors for ozone. However, some areas can forego the additional control of NO_x, and still attain the standard. Still other areas have shown that NO_x reductions in their areas do not reduce ozone concentrations. For these areas, the EPA is allowed to waive the control requirements on NO_x by rulemaking action. This is called a NO_x waiver rule (See generally 182(f) and the NO_x preamble, 57 FR 55620, November 25, 1992).

7. Why is Dona Ana County Being Granted a NO_x Waiver?

The State requested a NO_x waiver when they submitted their SIP in 1997. The area is being given a NO_x waiver because the area has attained the standard by relying on reductions of only VOC emissions. Under the provisions of section 182(f), the EPA Administrator may waive the NO_x requirements because additional reductions would not contribute to attainment of the one-hour ozone standard (see 182(f)(A)). The EPA has sufficient data proving the area is monitoring attainment. Any NO_x reductions that would otherwise be required under section 182, would be beyond the reductions needed for attainment. Hence, the EPA is honoring the State's request for a waiver of the NO_x requirements. Doing so does not affect the requirements for control of VOC's. The State has not requested that EPA redesignate the area to attainment at this time.

In the case of Dona Ana County, which is classified marginal for ozone, granting its request will waive requirements applicable under the Act; NO_x requirements under the nonattainment new source review program, including offsets; the NO_x requirements of general conformity, as well as the NO_x requirements of the build/no-build provisions of the transportation conformity rules. For transportation conformity, see 58 FR 62188 published on November 24, 1993, as amended, and 60 FR 44790, and 44794 of August 29, 1995. See also 59 FR 31238 published June 17, 1994. For general conformity, see 58 FR 63214 published on November 30, 1993, and 59 FR 31239,

June 17, 1994.

8. How Long is the Waiver of NO_x Requirements Valid?

The EPA believes that all waivers of section 182(f) requirements that are approved, should be approved only on a contingent basis. If the area exceeds the one-hour ozone standard in the future, the EPA would re-evaluate all available data and modeling to determine the continuing validity of our decision to grant the NO_x waiver. An exceedence of the standard, in and of itself, would not compel EPA to rescind the waiver. That said, compelling air quality data or modeling evidence that reductions in NO_x would reduce the number or severity of ozone violations in the Dona Ana County area, would be justification to rescind the waiver.

9. What Process did the State use to Approve the SIP and the NO_x Waiver?

Under the authority of section 107(d)(3) of the Act, the EPA designated the area as a marginal ozone nonattainment area on June 12, 1995 (see 60 FR 30789, June 12, 1995). The Act requires states to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA in response to such a designation. Section 110(a)(2) of the Act provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing. See also section 110(1) of the Act. Also, EPA must determine whether a submittal is complete and, therefore, warrants further EPA review and action. See section 110(k)(1) and 57 FR 13565. EPA's completeness criteria for SIP submittals are set out at 40 CFR part 51.

The SIP package was received on October 8, 1997. The submittal included a Governor's letter dated September 24, 1997, a certification of public hearing with the hearing record, and copies of the rules adopted to fulfill the requirements of the Act. The certificate of public hearing showed that public hearings were held on July 11, 1997, to entertain public comment on a revision of the SIP. Following the public hearing, this revision was adopted by the State on August 8, 1997, and submitted to the EPA as a proposed revision to the SIP. This submittal is necessary to satisfy the requirements of sections 182(a) and 179B of the Act. The State adopted the request for a NO_x waiver and the SIP at the same time, and submitted them together.

The SIP revision was reviewed by EPA to determine completeness, in accordance with the completeness criteria referenced above. A letter dated December 24, 1997, was forwarded to the Governor indicating the SIP was complete. This direct rulemaking notice would constitute final action by EPA to approve the SIP and NO_x waiver submissions.

10. Did EPA make an exception for Dona Ana County Under Section 179B(a) of the Act, Because the Area Borders Mexico?

EPA does not have to justify its approval of the SIP under section 179B, because the area is monitoring attainment and has met the other applicable nonattainment requirements of the Act.

Section 179B(a)(2) of the Act contains provisions under which EPA can approve SIP revisions that meet all the applicable

requirements for a nonattainment area, even though the area has not achieved attainment. In doing so, EPA must have evidence that the failure to attain the standard is due to the contribution of emissions originating from outside the United States.

In addition to authorizing waivers of the requirement to demonstrate attainment, section 179B(a) also allows an area affected by emissions from outside the United States to avoid being reclassified or ``bumped up'' to the next higher classification because of its inability to demonstrate attainment. Without such a waiver, the area would be compelled to implement more rigorous control requirements. The EPA has granted such approvals in cases that demonstrate the area would be in attainment of a standard, but for emissions from outside the United States. For example, this was done for El Paso, in approving their PM-10 SIP (see 59 FR 2532, January 19, 1994).

When New Mexico submitted the Dona Ana County SIP to the EPA, the area had not yet attained the one-hour ozone standard. Since that time, the area has attained the standard, by accumulating three consecutive years of quality-assured ambient air data showing no violations of the standard. The most recent data provided by the State of New Mexico, available through the EPA Aerometric Information and Retrieval Service (AIRS) demonstrates that the area continues to attain the one-hour standard. New Mexico has recorded three consecutive years of valid data in the area showing that ozone readings meet the standard.

Since the area has been able to demonstrate it is attaining the one-hour ozone standard, EPA does not need to use the flexibility allowed under section 179B at this time. Similarly, because the area is now attaining the ozone NAAQS, the provisions of section 179B are not needed to insulate the area from the possibility of reclassification. However, the State has provided EPA with evidence indicating that the nonattainment area is influenced by ozone precursor emissions from El Paso, Texas, and Ciudad Juarez, Mexico-- a much larger metropolitan region that continues to suffer ozone exceedences. The State is concerned that these other areas could affect air quality in the Dona Ana County nonattainment area in the future and interfere with its current attainment status. Indeed, because the potential for the area to fall out of attainment due to pollution impacts from these adjoining areas cannot be discounted, the State has informed the EPA that it does not intend to seek to formally redesignate the Dona Ana County nonattainment area to attainment under section 107(d)(3)(e) at this time.

Since the situation envisioned by Congress when it enacted section 179B is not now occurring in the Dona Ana County nonattainment area, there is no basis for the EPA to evaluate and/or make a determination at this time regarding the applicability of that section. If the State's fears about the impact of regional emissions are subsequently realized, and ozone concentrations violate the standard, the State will need to analyze and submit any air quality information available in support of their approved SIP and NO_x waiver. This information would be necessary for the EPA to apply 179B of the Act in this context.

II. Final Action

The EPA is approving New Mexico's request for approval of a revision to the State Implementation Plan for New Mexico. This

revision is the implementation plan for the Dona Ana County ozone nonattainment area. The revision contains an inventory of actual emissions from all sources, a state regulation requiring that sources covered by the regulation certify the actual emissions of NO_x and VOC, and a revised nonattainment new source review permitting program meeting the requirements of sections 172(c)(5) and 173 of the Act.

The EPA is also approving a waiver of NO_x control requirements, because the area has attained the standard without them.

The EPA is publishing this rule without prior proposal because we view its contents as noncontroversial and anticipate no adverse comments, because this action approves State regulations in place at the State level for some time, into the Federally approved SIP. However, in the ``Proposed Rules'' section of today's Federal Register publication, we are publishing a separate document that will serve as the proposal to approve the SIP if adverse comments are received. This rule will be effective on April 9, 2002 without further notice unless we receive adverse comment by March 11, 2002. If EPA receives adverse comments, we will publish a timely withdrawal in the Federal Register informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

III. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ``Regulatory Planning and Review.''

B. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be ``economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

C. Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure ``meaningful and timely input by State and local officials in the development of regulatory

policies that have federalism implications.'' ``Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ``substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

D. Executive Order 13175

This final rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

E. Executive Order 13211

This rule is not subject to Executive Order 13211, ``Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

F. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not

have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

G. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 ('`Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

H. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. A major rule cannot take effect until 60 days after it is published in the Federal Register. This action is not a ``major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective April 9, 2002 unless EPA receives adverse written comments by March 11, 2002.

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ``voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action.

Today's action does not require the public to perform activities conducive to the use of VCS.

J. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 9, 2002. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Volatile Organic Compounds, Ozone, Reporting and recordkeeping requirements.

Dated: February 1, 2002.
Christine Todd Whitman,
Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52--[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart GG--New Mexico

2. Section 52.1620 is amended as follows:

a. In the table in paragraph (c) entitled ``EPA Approved New Mexico Regulations'' under the heading ``New Mexico Administrative Code (NMAC) Title 20--Environmental Protection Chapter 2--Air Quality'' by revising the entries for part 73 and part 79;

b. In the table in paragraph (e) entitled ``EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the New Mexico SIP'' by adding to the end of the table an entry entitled ``Waiver of NO_x control requirements.'' The revisions and addition read as follows:

Sec. 52.1620 Identification of plan.

* * * * *
(c) * * *

Regulations

EPA Approved New Mexico

State citation EPA approval date	Title/subject Comments	State approval/ effective date
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New Mexico Administrative Code (NMAC) Title 20--
Environmental Protection Chapter 2--Air Quality

*	*	*	*
*	*	*	*
Part 73.....	Notice of Intent and Emmissions Inventory Requirements..	10-01-97	page
[February 8, 2002 and FR number].			

*	*	*	*
*	*	*	*
Part 79.....	Permits--Nonattainment Areas.	10-01-97	page
[February 8, 2002 and FR number].			

*	*	*	*
*	*	*	*

(e) * * *

EPA Approved Nonregulatory Provisions and Quasi-
Regulatory Measures in the New Mexico SIP

Name of SIP provision EPA approval date	Explanation	Applicable geographic or nonattainment area	State submittal/ effective date
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*	*	*	*
*	*	*	*
Waiver of NO _x control [February 8, 2002 requirements..		Dona Ana County (part), marginal	10-01-97

and FR page number].

ozone nonattainment
area.

[FR Doc. 02-3103 Filed 2-7-02; 8:45 am]
BILLING CODE 6560-50-P

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Last updated on Thursday, February 23rd, 2006
URL: <http://www.epa.gov/EPA-AIR/2002/February/Day-08/a3103.htm>

Appendix E:
Emission Inventory for Point Sources

El Paso Electric Title V Emission Inventory

Parameter	CAS#	Parameter STORET	Quantity Type	Emission Class	Input / Uncontrolled	Loss / Captured	Output / Controlled	Units
Acetaldehyde; (Ethyl aldehyde)	75-07-0	▶	▶ Allowable	▶ Minor	▶	▶	▶ 0.00tons/y	▶
Ammonia	7664-41-7	▶	▶ Allowable	▶ Minor	▶	▶	▶ 0.00tons/y	▶
Benzene	71-43-2	▶	▶ Allowable	▶ Minor	▶	▶	▶ 0.00tons/y	▶
Carbon Monoxide	630-08-0	▶	▶ Allowable	▶ Major	▶	▶	▶ 1700lbs/h	▶
Carbon Monoxide	630-08-0	▶	▶ Allowable	▶ Major	▶	▶	▶ 3777.8tons/y	▶
Ethylbenzene	100-41-4	▶	▶ Allowable	▶ Minor	▶	▶	▶ 0.00tons/y	▶
Formaldehyde	50-00-0	▶	▶ Allowable	▶ Minor	▶	▶	▶ 0.00tons/y	▶
Hexane	110-54-3	▶	▶ Allowable	▶ Minor	▶	▶	▶ 0.00tons/y	▶
Hydrofluoric Acid; (Hydrogen fluoride)	7664-39-3	▶	▶ Allowable	▶ Major	▶	▶	▶ 820.2lbs/h	▶
Nitrogen Dioxide	10102-44-0	▶	▶ Allowable	▶ Major	▶	▶	▶ 3343.2tons/y	▶
Nitrogen Dioxide	10102-44-0	▶	▶ Allowable	▶ Major	▶	▶	▶ 108tons/y	▶
Particulate Matter (total suspended)		▶	▶ Allowable	▶ Minor	▶	▶	▶ 136.8lbs/h	▶
Particulate Matter (10 microns or less)		▶	▶ Allowable	▶ Minor	▶	▶	▶ 17.8tons/y	▶
Particulate Matter (10 microns or less)		▶	▶ Allowable	▶ Major	▶	▶	▶ 13.5lbs/h	▶
Sulfur Dioxide	7446-09-5	▶	▶ Allowable	▶ Major	▶	▶	▶ 227.4tons/y	▶
Sulfur Dioxide	7446-09-5	▶	▶ Allowable	▶ Major	▶	▶	▶ 0.00tons/y	▶
Toluene; (Methyl benzene)	108-88-3	▶	▶ Allowable	▶ Major	▶	▶	▶ 4.1tons/y	▶
Total HAP		▶	▶ Allowable	▶ Minor	▶	▶	▶ 15.5lbs/h	▶
Volatile Organic Compounds (VOC)		▶	▶ Allowable	▶ Minor	▶	▶	▶ 21.6tons/y	▶
Volatile Organic Compounds (VOC)		▶	▶ Allowable	▶ Minor	▶	▶	▶ 0.00tons/y	▶
Xylenes (total); (Xylo)	1330-20-7	▶	▶ Allowable	▶ Minor	▶	▶	▶ 4.1tons/y	▶
Chlorine	7782-50-5	▶	▶ Potential	▶ Minor	▶	▶	▶ 0.7lbs/h	▶
Formaldehyde	50-00-0	▶	▶ Potential	▶ Minor	▶	▶	▶ 1.7tons/y	▶
Formaldehyde	50-00-0	▶	▶ Potential	▶ Minor	▶	▶	▶ 4.8lbs/h	▶
Hexane	110-54-3	▶	▶ Potential	▶ Major	▶	▶	▶ 35.3tons/y	▶
Hexane	110-54-3	▶	▶ Potential	▶	▶	▶	▶ 6.7lbs/h	▶
Other VOC (Non-HAP)		▶	▶ Potential	▶ Minor	▶	▶	▶ 28.5tons/y	▶
Other VOC (Non-HAP)		▶	▶ Potential	▶ Minor	▶	▶	▶ 0.00tons/y	▶
Particulate Matter (2.5 microns or less)		▶	▶ Potential	▶ Minor	▶	▶	▶ 4.1tons/y	▶
Total HAP		▶	▶ Potential	▶ Major	▶	▶	▶	▶

Foamex New Source Review Permit Emission Inventory

Parameter	CAS#	Parameter STORET	Quantity Type	Emission Class	Input / Uncontrolled	Loss / Captured	Output / Controlled	Units
Carbon Monoxide	630-08-0		Allowable	Minor			9.9lbs/h	
Carbon Monoxide	630-08-0		Allowable	Minor			39.1tons/y	
Hydrochloric acid (HCl)	7647-01-0		Allowable	Major			28.4lbs/h	
Hydrochloric acid (HCl)	7647-01-0		Allowable	Major			114.7tons/y	
Methylene chloride; (Dichloromethane)	75-09-2		Allowable	Minor			26.8lbs/h	
Methylene chloride; (Dichloromethane)	75-09-2		Allowable	Minor			4.9tons/y	
Nitrogen Dioxide	10102-44-0		Allowable	Minor			4.0lbs/h	
Nitrogen Dioxide	10102-44-0		Allowable	Minor			14.4tons/y	
Particulate Matter (total suspended)			Allowable	Minor			7.6lbs/h	
Particulate Matter (total suspended)			Allowable	Minor			30.8tons/y	
Particulate Matter (10 microns or less)			Allowable	Minor			30.80tons/y	
Total HAP			Allowable	Major			114.7tons/y	
Volatile Organic Compounds (VOC)			Allowable	Major			63.7lbs/h	
Volatile Organic Compounds (VOC)			Allowable	Major			134.8tons/y	
Ammonia	7664-41-7		Potential	Minor			2.3lbs/h	
Ammonia	7664-41-7		Potential	Minor			10.40tons/y	
Hydrogen Cyanide; (Hydrocyanic acid)	74-90-8		Potential	Minor			2.1lbs/h	
Hydrogen Cyanide; (Hydrocyanic acid)	74-90-8		Potential	Minor			8.5tons/y	
Toluene diisocyanate(2,4-)	584-84-9		Potential	Minor			0.4lbs/h	
Toluene diisocyanate(2,4-)	584-84-9		Potential	Minor			0.8tons/y	

Appendix F:
Title V Permits for El Paso Electric and Foamex

El Paso Electric Title V Air Quality Permit



BILL RICHARDSON
Governor

State of New Mexico
ENVIRONMENT DEPARTMENT
AIR QUALITY BUREAU
2048 Galisteo
Santa Fe, New Mexico 87505
Telephone (505) 827-1494
Fax (505) 827-1523



RON CURRY
Secretary

DERRITH WATCHMAN-MOORE
Deputy Secretary

Certified Mail No: 7003 0500 0005 1472 0310
Return Receipt Requested

OPERATING PERMIT NO: P127M1-Rev
FACILITY NAME: Rio Grande Station

PERMITTEE: El Paso Electric Company
P O Box 982
El Paso, Texas 79960

RESPONSIBLE COMPANY OFFICIAL: Hector Puente
Vice President, Power Supply

ISSUED BY: New Mexico Environment Department

M. A. Uhl
Mary Uhl
Acting Air Quality Bureau Chief

8/31/05
Date of Issuance

INTRODUCTION

Operating Permit Number P127M1-Rev is issued by the Air Quality Bureau of the New Mexico Environment Department ("Department") to El Paso Electric Company pursuant to the federal Clean Air Act ("federal Act"), the New Mexico Air Quality Control Act ("state Act") and regulations adopted pursuant to the state and federal Acts, including Title 20, New Mexico Administrative Code, Chapter 2, Part 70 (20.2.70 NMAC) - Operating Permits. This permit authorizes the operation of this facility located at UTM Zone 13, UTMH 353.52 km, UTMV 3519.66 km, on the South City Limit of Sunland Park, New Mexico in Dona Ana County. This permit, P127M1, supersedes Permit P127 issued January 27, 2000.

This permit is valid only for the named permittee, owner, and operator. A permit modification is



BILL RICHARDSON
Governor

State of New Mexico
ENVIRONMENT DEPARTMENT
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RON CURRY
Secretary

DERRITH WATCHMAN-MOORE
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Certified Mail No: 7003 0500 0005 1472 0310
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FACILITY NAME: Rio Grande Station

PERMITTEE: El Paso Electric Company
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RESPONSIBLE COMPANY OFFICIAL: Hector Puente
Vice President, Power Supply

ISSUED BY: New Mexico Environment Department

Mary Uhl
Acting Air Quality Bureau Chief

Date of Issuance

INTRODUCTION

Operating Permit Number P127M1-Rev is issued by the Air Quality Bureau of the New Mexico Environment Department ("Department") to El Paso Electric Company pursuant to the federal Clean Air Act ("federal Act"), the New Mexico Air Quality Control Act ("state Act") and regulations adopted pursuant to the state and federal Acts, including Title 20, New Mexico Administrative Code, Chapter 2, Part 70 (20.2.70 NMAC) - Operating Permits. This permit authorizes the operation of this facility located at UTM Zone 13, UTMH 353.52 km, UTMV 3519.66 km, on the South City Limit of Sunland Park, New Mexico in Dona Ana County. This permit, P127M1, supersedes Permit P127 issued January 27, 2000.

This permit is valid only for the named permittee, owner, and operator. A permit modification is

required to change any of those entities.

This facility is an electric power generation station. The major processes associated with the facility are as follows: The facility is operated by three dry bottom, wall-fired gas steam boilers. There are three turbine generator units driven by high pressure, superheated steam. Total electric power production of the facility from these generators is 288 MW gross, and 245 MW net. The primary fuel used at this facility is pipeline natural gas. Number 2 diesel oil is available for use as backup fuel in the event of gas supply curtailment.

This modification (P127M1) is a permit reopening to adjust emission limits to more accurately reflect the potential to emit for the two operating scenarios.

This permit P127M1 supercedes permit P127, issued on January 27, 2000, and will expire January 26, 2005. Application for renewal of this permit is due twelve (12) months prior to the date of expiration, pursuant to Paragraph 2 of Subsection B of 20.2.70.300 NMAC.

Pursuant to Paragraph 1 of Subsection A of 20.2.70.302 NMAC, the Department specifies with this permit, terms and conditions upon the operation of this facility to assure compliance with all applicable requirements, as defined in 20.2.70 NMAC at the time this permit is issued. Pursuant to the New Mexico Air Quality Control Act NMSA 1978, chapter 74, article 2, all terms and conditions in this permit, including any provisions designed to limit this facility's potential to emit, are enforceable by the Department. Pursuant to Paragraph 5 of Subsection A of 20.2.70.302 NMAC, all terms and conditions are enforceable by the Administrator of the United States Environmental Protection Agency ("EPA") and citizens under the federal Act, unless the term or condition is specifically designated in this permit as not being enforceable under the federal Act.

PERMIT SHIELD

Pursuant to Subsection J of 20.2.70.302 NMAC, compliance with the conditions of this permit shall be deemed to be compliance with any applicable requirements existing as of the date of permit issuance and identified in Table 1 of Appendix A. The requirements in Table 1 of Appendix A are applicable to this facility with specific requirements identified for individual emission units. Emission units with no applicable requirements are not shown in Appendix A - Table 1.

The Department has determined that the requirements in Table 2 of Appendix A as identified in the permit application are not applicable to this source.

This permit shield does not extend to administrative amendments, to minor permit modifications, to changes made under section 502(b)(10) of the federal Act, or to permit terms for which notice has been given to reopen or revoke all or part.

TOTAL POTENTIAL EMISSIONS

The total potential emissions from this facility, excluding insignificant or trivial activities, are shown in the following table. Emission limitations for individual units are shown in paragraph 3.2.

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

Pollutant	Scenario 1: Natural Gas - Emissions (Tons / Year)	Scenario 2: Oil & Gas - Emissions (Tons / Year)
Nitrogen Oxides (NOx)	3343.7	3376.8
Carbon Monoxide (CO)	3504.0	3536.9
Sulfur Dioxide (SO ₂)	6.7	546.8
Total Suspended Particulates (TSP)	83.4	135.7
Volatile Organic Compounds (VOCs)	60.4	61.1
Totals	6998.3	7657.3

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

Pollutant	Scenario 1: Natural Gas - Emissions (Tons / Year)	Scenario 2: Oil & Gas - Emissions (Tons / Year)
Chlorine	4.1	4.1

PERMIT TERMS AND CONDITIONS

1.0 GENERAL CONDITIONS

1.1 The following permit terms and conditions are placed upon the permittee in accordance with Subsection B of 20.2.70.301 NMAC and Paragraph 2 of Subsection A of 20.2.70.302 NMAC.

1.1.1 The permittee shall abide by all terms and conditions of this permit, except as allowed under section 502(b)(10) of the federal Act. Any permit noncompliance is grounds for enforcement action, and significant or repetitious noncompliance may result in termination of this permit. Additionally, noncompliance with federally enforceable conditions of this permit constitutes a violation of the federal Act.

1.1.2 It shall not be a defense for the permittee in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

1.1.3 If the Department determines that cause exists to modify, reopen and revise, revoke and reissue, or terminate this permit, this shall be done in accordance with 20.2.70.405 NMAC.

1.1.4 The permittee shall furnish any information the Department requests in writing to determine if cause exists for reopening and revising, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. This information shall be furnished within the time period specified by the Department. Additionally, the permittee shall furnish, upon request by the Department, copies of records required by the permit to be maintained by the permittee.

1.1.5 A request by the permittee that this permit be modified, revoked and reissued, or terminated, or a notification by the permittee of planned changes or anticipated noncompliance, shall not stay any conditions of this permit.

1.1.6 This permit does not convey property rights of any sort, or any exclusive privilege.

1.1.7 In the case where an applicant or permittee has submitted information to the Department under a claim of confidentiality, the Department may also require the applicant or permittee to submit a copy of such information directly to the Administrator of the EPA.

1.2 The issuance of this permit, or the filing or approval of a compliance plan, does not relieve the permittee from civil or criminal liability for failure to comply with the state or federal Acts, or any applicable state or federal regulation or law. This condition is pursuant to Paragraph 6 of Subsection A of 20.2.70.302 NMAC and the New Mexico Air Quality Control Act NMSA 1978, chapter 74, article 2.

1.3 If any part of this permit is challenged or held invalid, the remainder of the permit terms and conditions are not affected and the permittee shall continue to abide by them. This condition is pursuant to Subparagraph d of Paragraph 1 of Subsection A of 20.2.70.302 NMAC.

1.4 The permittee shall pay fees to the Department consistent with the fee schedule in 20.2.71 NMAC - Operating Permit Emission Fees. The fees will be assessed and invoiced separately from this permit. This condition is pursuant to Subparagraph e of Paragraph 1 of Subsection A of 20.2.70.302 NMAC.

1.5 A responsible official (as defined in 20.2.70.7 NMAC) shall certify the accuracy, truth and completeness of every report and compliance certification submitted to the Department as required by this permit. These certifications shall be part of each document. This condition is pursuant to Subsection E of 20.2.70.300 NMAC.

1.6 Revocation or termination of this permit by the Department terminates the permittee's right to operate this facility. This condition is pursuant to Subsection B of 20.2.70.201 NMAC.

1.7 Upon request by the Department, the permittee shall submit an emissions inventory for this facility. This condition is pursuant to 20.2.73 NMAC and Paragraph 1 of Subsection A of 20.2.70.302 NMAC.

1.8 The source will continue to comply with all applicable requirements. For applicable requirements that will become effective during the term of the permit, the source will meet such requirements on a timely basis. This condition is pursuant to Paragraph 3 of Subsection G of 20.2.70.302 NMAC.

1.9 The permittee shall operate this facility in such manner that all applicable requirements and the requirements of 20.2.70 NMAC are met regardless of what scenario the facility is operating under. This condition is pursuant to Paragraph 3 of Subsection A of 20.2.70.302 NMAC.

2.0 FACILITY INFORMATION

The following conditions are placed upon the permittee pursuant to Paragraph 7 of Subsection A of 20.2.70.302 NMAC.

2.1 All of the process equipment authorized for this facility is listed in the table(s) shown below (emission units that were identified as insignificant are not included)

Boilers:

Emission Unit Number	Equipment Type	Equipment Manufacturer & Model
6	Boiler	Babcock and Wilcox Model BW CNS Serial #19119
7	Boiler	Babcock and Wilcox Model BW CNRB Serial # 19680
8	Boiler	Babcock and Wilcox BW CNRB Serial #22896

Fugitive Emissions:

Emission Unit Numbers	Type of Equipment
F1 & F2 (Fugitive Components)	Valves, Pump seals, Compressor seals, Pressure Relief valves, Connectors, Open ended lines.

3.0 REQUIREMENTS FOR INDIVIDUAL EMISSIONS UNITS

Information regarding applicable requirements, emission limits, operational limitations and requirements, work practices, and monitoring, testing and recordkeeping requirements is provided below for each emissions unit or set of similar units.

3.1 Operational Flexibility:

Alternative Operating Scenario 1: Emission unit numbers 6, 7 and 8 shall be fired with natural gas during alternative operating scenario 1.

Alternative Operating Scenario 2: Emission unit numbers 6, 7 and 8 may be fired with No. 2 diesel oil containing less than 0.33% by weight of sulfur, up to a maximum of 876 hours per year. The permittee shall provide written notification to the Department and the Administrator no later than seven (7) days after the change from natural gas to fuel oil.

The conditions of section 3.1 are pursuant to subsections H and I of 20.2.70.302 NMAC.

3.1.1 For Emissions Units Number 6, 7, and 8: This set of units is subject to the unit-specific requirements that are referenced in Table 1 of appendix A: This condition is pursuant to Paragraph 1 of Subsection A of 20.2.70.302 NMAC.

3.1.2 Emission Rate of Nitrogen Dioxide (Alternative Operating Scenario 1 - natural gas use):

Unit numbers 6, 7, and 8 shall not exceed a Nitrogen Dioxide emission rate of 0.3 pound per million British Thermal Units (BTU) of heat input. This condition is pursuant to 20.2.33 NMAC.

3.1.3 Emission Rate of Nitrogen Dioxide (Alternative Operating Scenario 2 - fuel oil use):

Unit number 8 shall not exceed a Nitrogen Dioxide emission rate of 0.3 pound per million British Thermal Units (BTU) of heat input. This condition is pursuant to 20.2.34 NMAC

3.1.4 Emission Rate of Particulate Matter (Alternative Operating Scenario 2 - fuel oil use):

Unit numbers 6, 7, and 8 shall not exceed a Particulate Matter emission rate of 0.05 pound per million British Thermal Units (BTU) of heat input. These conditions are pursuant to 20.2.18 NMAC.

3.1.5. The permittee shall maintain a reduced firing rate on Unit 8 which results in an annual average generating capacity of no more than 145 MW.

3.2 Emissions Limits

3.2.1 For Emission Unit Numbers 6, 7, and 8: This set of units is subject to the following emissions limits during normal operation.

Boiler Emissions: Alternative Operating Scenario 1: Use of Natural Gas Only Option

	Maximum Allowable Emission Rates in PPH/TPY*				
	NO _x	CO	SO ₂	TSP	VOC
6	183.0 / 801.5	300.0 / 1314.0	na	Na	na
7	177.0 / 775.3	300.0 / 1314.0	na	Na	na
8	403.4 / 1,766.9	200.0 / 876.0	0.8 / 3.6	10.1 / 44.2	7.3 / 32.0

na – not applicable

Boiler Emissions: Alternative Operating Scenario 2: Option to Use Natural Gas a Minimum of 7884 Hours Annually and to use Fuel Oil a Maximum of 876 Hours Annually.

	Maximum Allowable Emission Rates in PPH/TPY*				
	NO _x	CO	SO ₂	TSP	VOC
6, gas portion of option 2	183.0 / 721.4	300.0 / 1182.6	3.0 / 11.9	na	na
7, gas portion of option 2	177.0 / 697.7	300.0 / 1182.6	2.9 / 11.4	na	na
8, gas portion of option 2	403.4 / 1590.2	200.0 / 788.4	7.58 / 26.2	10.1 / 39.8	7.3 / 28.8
6, oil portion of option 2	221.4 / 97.0	325.0 / 142.4	362.3 / 158.7	na	na
7, oil portion of option 2	214.1 / 93.8	325.0 / 142.4	350.4 / 153.5	na	na
8, oil portion of option 2	403.4 / 176.7	225.0 / 98.6	521.9 / 228.6	78.5 / 34.4	8.7 / 3.8

na – not applicable *Pounds per hour/tons per year

This condition is pursuant to 40CFR50, 20.2.3 NMAC, and Paragraphs 1, 7 and 8 of Subsection A of 20.2.70.302 NMAC.

3.3 Emissions Monitoring and Testing Requirements

The following monitoring and/or testing requirements shall be used to determine compliance with applicable requirements and emission limits. Any sampling, whether by portable analyzer or EPA reference method, that measures an emission rate greater than an emission limit in this permit may constitute noncompliance with this permit. The Department may require, at its discretion, additional tests pursuant to EPA Reference Methods at any time, including when sampling by portable analyzer measures an emission rate greater than an emission limit in this permit. Such requirement shall not be

construed as a determination that the sampling by portable analyzer does not establish noncompliance with this permit and shall not stay enforcement of such noncompliance based on the sampling by portable analyzer.

3.3.1 For Emissions Units Number 6, 7 and 8: This set of units is subject to the following emissions monitoring requirements:

Required Monitoring

Emission Unit No.	Parameter(s) to Monitor	To Comply With	Monitoring Required	Monitoring Description
6, 7, 8	NOx, CO, and SO2	40CFR Part 72 and Part 75: and requirements as specified in 3.2	Continuous Emissions Monitoring	Paragraph 3.3.1.1
6, 7, 8	Visible Emissions	20.2.61 and 20.2.18 NMAC	Opacity	Paragraph 3.3.1.2
6, 7, 8	Sulfur Content of Fuel Oil	Section 3.1: Alternative Scenario 2	Operations Monitoring	Paragraph 3.3.1.3
6, 7, 8	Fuel Usage and Heat Content (gas and diesel)	Emission limits specified in section 3.2	Operations Monitoring	Paragraph 3.3.1.3.2
6, 7, 8	Fuel Usage, Heat and Ash Content (diesel only)	Emission limits specified in section 3.2	Operations Monitoring	Paragraph 3.3.1.3.3
6, 7, 8	Hours of Operation	Operational Requirements specified in section 3.1	Operations Recordkeeping	Paragraph 3.3.1.3.4

3.3.1.1 Continuous Emissions Monitoring: This facility shall comply with all applicable monitoring, recordkeeping, reporting, and operation and maintenance requirements of 40CFR Part 72, Acid Rain Permit Program, 40CFR Part 75, Continuous Emission Monitoring requirements, and Subparts A through G.

Compliance with applicable requirements and emission limits shall be determined by the monitoring, testing, and operation and maintenance requirements as described in 40CFR Parts 72 and 75.

3.3.1.2 Opacity Monitoring: The following Opacity tests shall be performed as part of the emissions monitoring requirements for this set of units.

3.3.1.2.1 For alternative operating scenario 1:

Use of natural gas fuel constitutes compliance with opacity requirements of 20.2.61 NMAC.

3.3.1.2.2 For alternative operating scenario 2:

Opacity measurements shall be conducted once for each unit during each temporary period of operation in accordance with 20.2.18 NMAC.

3.3.1.3 Operations Monitoring: The following Operation records shall be kept as part of the emissions monitoring requirements for this set of units.

3.3.1.3.1 The permittee shall keep records of the sulfur content of the fuel oil used during alternative operating scenario 2.

3.3.1.3.2 The permittee shall keep records of fuel usage and heat content of the gas and fuel oil. Based on CEM measurements of SO₂ emissions (per 40CFR part 75 Appendix D), the permittee shall calculate and record quarterly the Sulfur Dioxide (SO₂) emissions in pounds per million BTU (lb/MMBtu).

3.3.1.3.3 The permittee shall keep records of the quantity, heat content, and ash content of the fuel oil used. The permittee shall calculate and record quarterly the total suspended particulate (TSP) emissions in pounds per million BTU (lb/MMBtu) while firing oil.

3.3.1.3.4 Operations Recordkeeping: Hours of operation of emission unit numbers 6 to 8 shall be recorded during emergency operations.

3.3.2 When requested by the Department, the permittee shall provide schedules of testing and monitoring activities.

3.3.3 Unless otherwise identified elsewhere in this permit, all monitoring requirements are effective 120 days after the date of permit issuance.

The conditions of section 3.3 are pursuant to Subsection C of 20.2.70.302 NMAC , and 40 CFR Part 75 and subparts A through G.

4.0 RECORDKEEPING

4.1 The permittee shall follow the recordkeeping requirements listed below and provide any other information the Department may request to verify the accuracy of the monitoring. This condition is pursuant to Subsection C and Paragraph 1 of Subsection D of 20.2.70.302 NMAC.

4.1.1 Continuous Emission Monitoring: This facility shall comply with all applicable recordkeeping requirements of 40CFR Part 72, Acid Rain Permit Program, 40CFR Part 75, Continuous Emission Monitoring, and Subpart F, Section 75.50 through 75.53 for unit numbers 6 to 8.

4.1.2 Opacity: Records of opacity measurement by an individual trained for method 9 or for taking CEMS measurements shall be maintained for unit numbers 6 to 8 at the facility during alternative operating scenario 2. This measurement shall be determined consistent with the method set forth by the US EPA 40CFR, Part 60, Appendix A, Method 9, or any other equivalent method approved by the Department.

4.1.3 Operations Recordkeeping: The permittee shall keep records of operational parameters as specified in section 3.3.1.3. The records shall show the values of all parameters required to be recorded by this section. Hours of operations on emission unit numbers 6 to 8 shall be recorded on a daily basis.

4.2 All sampling and measured data required by this permit for the emissions units in this facility shall be recorded. The minimum information to be included in these records is:

4.2.1 equipment identification (include make, model and serial number for all tested equipment and equipment controls), date, and time of sampling or measurements,

4.2.2 date analyses were performed,

4.2.3 analytical or test methods used,

4.2.4 results of analyses or tests,

4.2.5 operating conditions existing at the time of sampling or measurement,

4.2.6 name and title of persons who performed the analyses.

Conditions of 4.2 are pursuant to Paragraph 1 of Subsection D of 20.2.70.302 NMAC.

4.3 The permittee shall keep copies of all monitoring and measurement data, equipment calibration and maintenance records, original strip charts for Continuous Emission Monitoring instruments if used, other supporting information, and reports required by this permit for at least five (5) years from the time the data was gathered or the reports written. Each record shall show clearly to which emissions unit and/or piece of monitoring equipment it applies, and the date the data was gathered. This condition is pursuant to Paragraph 2 of Subsection D of 20.2.70.302 NMAC.

4.4 The permittee shall keep a record describing off permit changes made at this source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under this permit, and the emissions resulting from those changes. This condition is pursuant to Paragraph 2 of Subsection I of 20.2.70.302 NMAC.

4.5 The permittee shall maintain a log, which may be a CEMS record, at the facility that documents, contemporaneously with any change from one operating scenario to another, the scenario under which the facility is operating. This condition is pursuant to Paragraph 3 of Subsection A of 20.2.70.302 NMAC.

5.0 REPORTING

5.1 Monitoring Reports: Monitoring reports shall clearly identify the subject combustion boiler showing the boiler's identification number according to the operating permit. The reports shall contain the information requested in the sections below. In addition, all instances of deviations from permit requirements, including those that occur during emergencies, shall be clearly identified in the required reports. Conditions of 5.1 are pursuant to Subsection E of 20.2.70.302 NMAC.

5.2 Reports of all required monitoring activities for this facility shall be submitted to the Department on the following schedule. This condition is pursuant to Paragraph 1 of Subsection E of 20.2.70.302 NMAC.

Schedule of Monitoring Activity Report Submittal:

Report for Emission Unit Nos.	Submittal Date
6, 7, and 8	Within 45 days following the end of every 6 month period following the date of issuance of permit P127.

This condition is pursuant to Paragraph 1 of Subsection E of 20.2.70.302 NMAC

5.3 Continuous Emission Monitoring: This facility shall comply with all applicable reporting requirements of 40CFR Part 72, Acid Rain Permit Program, 40CFR Part 75, Continuous Emission Monitoring, and Subpart 75.60 through 75.67 for unit numbers 6 to 8.

5.4 Opacity: These reports shall include a summary of the activities listed in section 4.1.2.

5.5 Operations Reporting: These reports shall include a summary of the activities listed in sections 4.1.3 and 4.2.4 above.

5.6 The permittee shall submit reports of all deviations (including emergencies) from permit requirements to the Department when they occur. The permittee shall communicate initial notice of the deviation to the Department within twenty-four (24) hours of the start of the first business day following the start of the occurrence via telephone or facsimile. Within ten (10) calendar days of the start of the first business day following the start of the occurrence, written notice using the Excess Emissions Form (attached to this permit) shall be submitted to the Department. This condition is pursuant to Paragraph 2 of Subsection E of 20.2.70.302 NMAC.

6.0 COMPLIANCE

6.1 The permittee shall submit compliance certification reports certifying the compliance status of this facility with respect to all applicable requirements. These reports shall be made on copies of the

Compliance Certification Report Form (attached to this permit) and submitted to the Department and to EPA every 12 months. This report is due no later than 30 days after each anniversary of the date of permit issuance.

The conditions of Section 6.1 are pursuant to Paragraph 3 of Subsection E of 20.2.70.302 NMAC.

6.2 The permittee shall allow representatives of the Department, upon presentation of credentials and other documents as may be required by law, to do the following:

6.2.1 enter the permittee's premises where a source or emission unit is located, or where records that are required by this permit to be maintained are kept,

6.2.2 have access to and copy, at reasonable times, any records that are required by this permit to be maintained,

6.2.3 inspect any facilities, equipment (including monitoring and air pollution control equipment), work practices or operation regulated or required under the permit,

6.2.4 sample or monitor any substances or parameters for the purpose of assuring compliance with this permit or applicable requirements or as otherwise authorized by the federal Act.

Conditions of 6.2 are pursuant to Paragraph 1 of Subsection G of 20.2.70.302 NMAC.

6.3 A copy of this permit shall be kept at the permitted facility and shall be made available to Department personnel for inspection upon request. This condition is pursuant to Paragraph 3 of Subsection G of 20.2.70.302 NMAC.

6.4 Units 6, 7, and 8 shall be tested for TSP and VOC emissions using an approved EPA test method to determine the potential pounds per hour and tons per year emissions for these pollutants. Units 6 and 7 will be tested at full capacity, and unit 8 will be tested at an output of approximately 145 megawatts. The test results for units 6 and 8 shall be submitted to the New Mexico Air Quality Bureau by July 1, 2003. The test results for unit 7 shall be submitted by Nov 30, 2003. The Air Quality Bureau shall then reopen the permit as it deems necessary and establish appropriate limits for unit 8.

7.0 EMERGENCIES

7.1 An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the permittee, including acts of God, which situation requires immediate corrective action to restore normal operation of the facility or emissions unit, and that causes exceedances of technology-based emissions limits specified in this permit. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, or careless or improper operation.

7.2 This provision is in addition to any emergency or upset provision contained in any applicable requirement.

7.3 The permittee shall identify and report all emergencies to the Department in accordance with Condition 5.3 of this permit.

7.4 In any enforcement proceeding, the permittee has the burden of proof in seeking to establish the occurrence of an emergency.
Conditions of 7.0 are pursuant to Subsections A, B and D of 20.2.70.304 NMAC.

8.0 PERMIT REOPENING AND REVOCATION

8.1 This permit will be reopened and revised when any one of the following conditions occurs, and may be revoked and reissued when 8.1.3 or 8.1.4 occurs:

8.1.1 Additional requirements under the federal Act become applicable to this source three (3) or more years before the expiration date of this permit. If the effective date of the requirement is later than the expiration date of this permit, then the permit is not required to be reopened unless the original permit or any of its terms and conditions has been extended due to the Department's failure to take timely action on a request by the permittee to renew this permit.

8.1.2 Additional requirements, including excess emissions requirements, become applicable to this source under Title IV of the federal Act (the acid rain program). Upon approval by the Administrator, excess emissions offset plans will be incorporated into this permit.

8.1.3 The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the terms and conditions of the permit.

8.1.4 The Department or the Administrator determines that the permit must be revised or revoked and reissued to assure compliance with an applicable requirement.

Conditions of 8.1 are pursuant to Paragraph 1 of Subsection A of 20.2.70.405 NMAC.

8.2 Proceedings to reopen or revoke this permit shall affect only those parts of this permit for which cause to reopen or revoke exists. Emissions units for which permit conditions have been revoked shall not be operated until new permit conditions have been issued for them. This condition is pursuant to Paragraph 2 of Subsection A of 20.2.70.405 NMAC.

9.0 ACID RAIN SOURCES

9.1 Where an applicable requirement of the federal Act is more stringent than an applicable

requirement of regulations promulgated under Title IV of the federal Act, both provisions are incorporated into this permit and are federally enforceable.

9.2 Emissions exceeding any allowances held by the permittee under Title IV of the federal Act or the regulations promulgated thereunder are prohibited.

9.3 No modification of this permit is required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit modification under any other applicable requirement.

9.4 The permittee may not use allowances as a defense to noncompliance with any other applicable requirement.

9.5 No limit is placed on the number of allowances held by the acid rain source. Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the federal Act.

9.6 The acid rain permit is an enclosure of this operating permit.

Conditions of 9.0 are pursuant to Paragraph 9 of Subsection A of 20.2.70.302 NMAC.

APPEAL PROCEDURES

Any person who participated in this permitting action before the Department and who is adversely affected by the action taken by the Department concerning this permit, may file a petition for a hearing before the Environmental Improvement Board ("board"). The petition must be made in writing to the board within thirty (30) days from the date notice is given of the Department's action. This petition must specify the portions of the permitting action to which the petitioner objects and certify that a copy of the petition has been mailed or hand-delivered as required by Paragraph 2 of Subsection A of 20.2.70.403 NMAC; a copy of the permitting action for which review is sought must be attached to the petition. Upon receipt of the appeal notice, the petitioner must mail or deliver a copy of the petition to the Department, and to the applicant or permittee if the petitioner is not the applicant/permittee. Requests for a hearing shall be sent to:

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

Unless a timely request for a hearing is made, the decision of the Department will be final. If a timely request for hearing is made, the board will hold a hearing within sixty (60) days of receipt of the petition in accordance with the New Mexico Air Quality Control Act NMSA 1978 § 74-2-7 and Paragraph 3 of

Subsection A of 20.2.70.403 NMAC.

Any person who is adversely affected by an administrative action taken by the board pursuant to Subsection A of 20.2.70.403 NMAC may appeal to the Court of Appeals in accordance with New Mexico Air Quality Control Act NMSA 1978 § 74-2-9. Petitions for judicial review must be filed no later than thirty (30) days after the administrative action. This condition is pursuant to Subsection B of 20.2.70.403 NMAC and New Mexico Air Quality Control Act NMSA 1978 § 74-2-9.

SUBMITTAL OF REPORTS AND CERTIFICATIONS

Test protocols, excess emission forms, test reports, compliance notifications, monitoring results and reports, emissions sampling and measurement data, monitoring activity reports, compliance schedule progress reports, and any other compliance status information required by this permit shall be certified by the responsible official and submitted to:

Program Manager, **Compliance & Enforcement Section**
New Mexico Environment Department
Air Quality Bureau
2048 Galisteo Street
Santa Fe, New Mexico 87505

Questions about this permit should be referred to Wm. J. Green of the Operating Permit Unit of the Air Quality Bureau in Santa Fe at (505) 955-8004

- Attachments:**
- 1) Excess Emission Form (for reporting deviations and emergencies)
 - 2) Compliance Certification Report Form
 - 3) Acronyms
 - 4) SOP for Stack Test Protocol (if applicable)

 - 5) SOP for Use of Portable Analyzers in Performance Tests (if applicable)
 - 6) SOP for Contents of Stack Test Reports (if applicable)
 - 7) Acid Rain Permit (if applicable)

APPENDIX A**Table I: APPLICABLE REQUIREMENTS FOR THIS FACILITY**

Applicable Requirements	Federally Enforceable	Entire Facility	Unit Nos.
20.2.18 NMAC Oil Burning Equipment – Particulate Matter	X		6, 7, 8
20.2.33 NMAC Gas Burning Equipment– Nitrogen Dioxide	X		6, 7, 8
20.2.34 NMAC Oil Burning Equipment – Nitrogen Dioxide	X		8
20.2.70 NMAC Operating Permits	X	X	
20.2.71 NMAC Operating Permit Emission Fees	X	X	
20.2.73 NMAC Notice of Intent and Emissions Inventory Requirements	X	X	
40CFR50 National Ambient Air Quality Standards	X	X	
40CFR68 Chemical Accident Prevention Provisions	X	X	
40CFR72 Acid Rain Program	X	X	
40CFR73 Sulfur Dioxide Allowance System	X	X	
40CFR75 Continuous Emissions Monitoring	X	X	
40CFR77 Excess Emissions	X	X	

Note: NMED will petition the EIB to amend the definition of “applicable requirement” in 20.2.70.7.E NMAC to state that the New Mexico Ambient Air Quality Standards (NMAAQS), 20.2.3 NMAC are not included. If the EIB denies the petition, NMED will reopen this permit to add the NMAAQS to Appendix A, Table 1, and the permittee may challenge a determination that the NMAAQS are “applicable requirements.”

APPENDIX A

Table 2, The Department has determined that the following requirements identified in the Permit Application are not Applicable Requirements for this facility

Applicable Requirements as identified in the Permit Application	Not Applicable For This Facility (1)	No Requirements (2)
20.2.07 NMAC - Excess Emissions During Malfunction, Startup, shutdown, or Scheduled Maintenance	X	
20.2.60 NMAC - Regulation to Control Open Burning	X	
20.2.72 NMAC - Construction Permits		X
40 CFR 61.145 (Subpart M) – National Emission Standard for Asbestos, Demolition and Renovation	X	

- (1) No existing or planned operation/activity at this facility triggers the applicability of these requirements.
- (2) Although these regulations may provide guidance, they do not impose any specific requirements on the operation of the facility as described in this permit.

Foamex Title V Air Quality Permit



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
AIR QUALITY BUREAU
2048 Galisteo
Santa Fe, New Mexico 87505
Telephone (505) 827-1494
Fax (505) 827-1523



RON CURRY
Secretary

DERRITH WATCHMAN-MOORE
Deputy Secretary

Certified Mail No.: 7001 2510 0000 8015 4116
Return Receipt Requested

OPERATING PERMIT NO: P149
FACILITY NAME: Foamex L.P., Santa Teresa

PERMITTEE: Foamex L.P.
1000 Columbia Avenue
Linwood, PA 19061

RESPONSIBLE COMPANY OFFICIAL: John Mclaverty
EHS Director

ISSUED BY: New Mexico Environment Department

Sandra Ely
Air Quality Bureau Chief

OCT 6 2003

Date of Issuance

INTRODUCTION

Operating Permit Number **P149** is issued by the Air Quality Bureau of the New Mexico Environment Department ("Department") to **Foamex L.P.** pursuant to the federal Clean Air Act ("federal Act"), the New Mexico Air Quality Control Act ("state Act") and regulations adopted pursuant to the state and federal Acts, including Title 20, New Mexico Administrative Code, Chapter 2, Part 70 (20.2.70 NMAC) - Operating Permits. This permit authorizes the operation of this facility located at UTM Zone **13**, UTMH **340.1** km, UTMV **3526.3** km, approximately 2 miles West of Santa Teresa, New Mexico in Dona Ana County.

This permit is valid only for the named permittee, owner, and operator. A permit modification is required to change any of those entities.

This facility is a flexible polyurethane foam fabrication plant. Basically, flexible polyurethane foam is manufactured by pumping together in a mix chamber various chemicals including polyols, 2,4- Toluene Diisocyanate (TDI), surfactants, dyes, flame retardant additives, fillers and catalysts. These chemicals are allowed to react in the pourlines to produce bun polymers which are then stored in the bun storage for curing. The cured buns are slitted in the slitting operation to

foam rolls. The rolls are then laminated in two laminating chambers and finally fabricated to final products.

The term of this permit is five (5) years. It will expire five years from the date of issuance, pursuant to Subsection B of 20.2.70.302 NMAC. Application for renewal of this permit is due twelve (12) months prior to the date of expiration, pursuant to Paragraph 2 of Subsection B of 20.2.70.300 NMAC.

Pursuant to Paragraph 1 of Subsection A of 20.2.70.302 NMAC, the Department specifies with this Permit, terms and conditions upon the operation of this facility to assure compliance with all applicable requirements, as defined in 20.2.70 NMAC at the time this permit is issued. Pursuant to the New Mexico Air Quality Control Act NMSA 1978, chapter 74, article 2, all terms and conditions in this permit, including any provisions designed to limit this facility's potential to emit, are enforceable by the Department. Pursuant to Paragraph 5 of Subsection A of 20.2.70.302 NMAC, all terms and conditions are enforceable by the Administrator of the United States Environmental Protection Agency ("EPA") and citizens under the federal Act, unless the term or condition is specifically designated in this permit as not being enforceable under the federal Act.

PERMIT SHIELD

Pursuant to Subsection J of 20.2.70.302 NMAC, compliance with the conditions of this permit shall be deemed to be compliance with any applicable requirements existing as of the date of permit issuance and identified in Table 1 of Appendix A. The requirements in Table 1 of Appendix A are applicable to this facility with specific requirements identified for individual emission units. Emission units with no applicable requirements are not shown in Appendix A - Table 1.

The Department has determined that the requirements in Table 2 of Appendix A as identified in the permit application are not applicable to this source.

This permit shield does not extend to administrative amendments, to minor permit modifications, to changes made under section 502(b)(10) of the federal Act, or to permit terms for which notice has been given to reopen or revoke all or part.

TOTAL POTENTIAL EMISSIONS

The total potential emissions from this facility, excluding insignificant or trivial activities, are shown in the following table.

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

Pollutant	Emissions (Tons per year)
Nitrogen Oxides (NO _x)	14.4
Carbon Monoxide (CO)	39.1
Volatile Organic Compound (VOC)	134.8
Particulate Matter (PM ₁₀)	30.8

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

Pollutant	Emission Rates (Tons per year)
Hydrochloric Acid HCL	114.7
Ammonia	10.4
Toluene Diisocyanate TDI*	0.8
Hydrogen Cyanide HCN*	8.5
Vinyl Acetate*	5.9

* HAP Emissions (Carbon Compounds) are included in the VOC emissions

PERMIT TERMS AND CONDITIONS

1.0 GENERAL CONDITIONS

1.1 The following permit terms and conditions are placed upon the permittee in accordance with Subsection B of 20.2.70.301 NMAC and Paragraph 2 of Subsection A of 20.2.70.302 NMAC.

1.1.1 The permittee shall abide by all terms and conditions of this permit, except as allowed under section 502(b)(10) of the federal Act. Any permit noncompliance is grounds for enforcement action, and significant or repetitious noncompliance may result in termination of this permit. Additionally, noncompliance with federally enforceable conditions of this permit constitutes a violation of the federal Act.

1.1.2 It shall not be a defense for the permittee in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

1.1.3 If the Department determines that cause exists to modify, reopen and revise, revoke and reissue, or terminate this permit, this shall be done in accordance with 20.2.70.405 NMAC.

1.1.4 The permittee shall furnish any information the Department requests in writing to determine if

cause exists for reopening and revising, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. This information shall be furnished within a reasonable time period specified by the Department. Additionally, the permittee shall furnish, upon request by the Department, copies of records required by the permit to be maintained by the permittee.

1.1.5 A request by the permittee that this permit be modified, revoked and reissued, or terminated, or a notification by the permittee of planned changes or anticipated noncompliance, shall not stay any conditions of this permit.

1.1.6 This permit does not convey property rights of any sort, or any exclusive privilege.

1.1.7 In the case where an applicant or permittee has submitted information to the Department under a claim of confidentiality, the Department may also require the applicant or permittee to submit a copy of such information directly to the Administrator of the EPA.

1.2 The issuance of this permit, or the filing or approval of a compliance plan, does not relieve the permittee from civil or criminal liability for failure to comply with the state or federal Acts, or any applicable state or federal regulation or law. This condition is pursuant to Paragraph 6 of Subsection A of 20.2.70.302 NMAC and the New Mexico Air Quality Control Act NMSA 1978, chapter 74, article 2.

1.3 If any part of this permit is challenged or held invalid, the remainder of the permit terms and conditions are not affected and the permittee shall continue to abide by them. This condition is pursuant to Subparagraph d of Paragraph 1 of Subsection A of 20.2.70.302 NMAC.

1.4 The permittee shall pay fees to the Department consistent with the fee schedule in 20.2.71 NMAC - Operating Permit Emission Fees. The fees will be assessed and invoiced separately from this permit. This condition is pursuant to Subparagraph e of Paragraph 1 of Subsection A of 20.2.70.302 NMAC.

1.5 A responsible official (as defined in 20.2.70 NMAC) shall certify the accuracy, truth and completeness of every report and compliance certification submitted to the Department as required by this permit. These certifications shall be part of each document. This condition is pursuant to Subsection E of 20.2.70.300 NMAC.

1.6 Revocation or termination of this permit by the Department terminates the permittee's right to operate the emission units of this facility. This condition is pursuant to Subsection B of 20.2.70.201 NMAC.

1.7 Upon request by the Department, the permittee shall submit an emissions inventory for this facility. This condition is pursuant to 20.2.73 NMAC and Paragraph 1 of Subsection A of 20.2.70.302 NMAC.

1.8 The source will continue to comply with all applicable requirements. For applicable requirements that will become effective during the term of the permit, the source will meet such requirements on a timely basis. This condition is pursuant to Paragraph 3 of Subsection G of 20.2.70.302 NMAC.

1.9 The following conditions of NSR permit No. ~~624-M-4~~ are incorporated into this permit by reference:

Condition number 1 – **Revision and Operation**

Condition number 3 – **Recordkeeping**

Condition number 4 – **Reporting**

Condition number 5 – **Compliance Test**

Compliance with this operating permit is sufficient to demonstrate compliance with that NSR permit. This condition is pursuant to Paragraph 1 of Subsection A of 20.2.70.302 NMAC.

2.0 FACILITY INFORMATION

The following conditions are placed upon the permittee pursuant to Paragraph 7 of Subsection A of 20.2.70.302 NMAC and NSR permit No. ~~624-M-4~~.

2.1 All of the emission units authorized for this facility is listed in the tables shown below (emission units that were identified as insignificant or trivial, and equipment not regulated pursuant to the Act are not included):

Flexible Polyurethane Foam fabrication Processes

Emission Unit No	Equipment or Process Type
1	Pourline Stack
2	Pourline Stack
3	Pourline Stack
4	Pourline Stack
5	Liberty Laminator
25	Liberty Laminator
6	Baumer Loop Slitter
26	Baumer Loop Slitter
46	Baumer Loop Slitter
	Back up Baumer Loop Slitter
65	PVC Silo with Baghouse
41	Ammonia Batch Tank
44	Bun Room Exhaust
47	Flame Laminator
66	Flame Laminator

3.0 REQUIREMENTS FOR INDIVIDUAL EMISSIONS UNITS

Information regarding applicable requirements, emission limits, operational limitations and requirements, work practices, and monitoring, testing and recordkeeping requirements is provided below for each emissions unit or set of similar units.

3.1 Applicable Requirements

The permittee shall comply with all the applicable requirements of State and federal Regulations that are referenced in Appendix A Table 1 of this operating permit. In particular, the permittee shall be required to comply with the Maximum Achievable Control Technology, MACT, 40CFR63, Subpart A – General Provisions, and Subpart M – National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations.

This condition is pursuant to Paragraph 1 of Subsection A of 20.2.70.302 NMAC.

Note: The Loop Slitter adhesive use and the Flame Lamination affected sources at the Foamex facility are existing sources and shall begin complying with the emission limitations, monitoring, recordkeeping, and reporting requirements of 40CFR63, Subpart MMMMM on April 15, 2004. [All existing affected sources are required to start complying with this MACT requirements one year after the date of publication of the proposed rule in the Federal Registrar. The final rule was published in the Federal Registrar on April 15, 2003]

3.2 Emission Limits - (Table attached as Appendix B)

3.2.1 For each existing Loop Slitter adhesive use, and Flame Lamination affected sources, the permittee shall comply with: (a) EMISSION LIMITS of Table 1 to 40CFR63, Subpart MMMMM, (b) INITIAL COMPLIANCE WITH EMISSION LIMITS of Table 4 to Subpart MMMMM, and (c) CONTINUOUS COMPLIANCE WITH EMISSION LIMITS AND OPERATING LIMITS of Table 5 to Subpart MMMMM. The permittee shall also comply with all the applicable requirements of 40CFR63, Subpart MMMMM, particularly 40CFR63.8790, 8806, and 8812

3.2.2 The opacity from this facility shall not exceed 20 percent in accordance with 20.2.61 NMAC, Section 109.

3.2.3 The facility shall comply with emission limits in table 1 of Appendix B (attached).

The conditions of section 3.2 are pursuant to 40CFR50, Paragraphs 1, 7, and 8 of Subsection A of 20.2.70.302 NMAC, and NSR permit No. 624-M-4.

3.3 Operational Requirements

3.3.1 Operational Requirements – Foam Fabrication Operations

Emission Unit No.	Process/Operation	Maximum Hours of Operation
1	Pourline Operation	2920
2	Pourline Operation	2920
3	Pourline Operation	2920
4	Pourline Operation	2920
47	Flame Laminator	8100
66	Flame Laminator	8100

The Pourline operations and the Flame Lamination operations shall not exceed the maximum hours indicated in the above table.

The conditions of section 3.3 are pursuant to Paragraphs 1, 7 and 8 of Subsection A of

20.2.70.302 NMAC, and NSR permit No. 624-M-4.

3.4 Emissions Monitoring and Testing Requirements:

The following monitoring and/or testing requirements shall be used to determine compliance with applicable requirements and emission limits. Any sampling, whether by portable analyzer or EPA reference method that measures an emission rate greater than an emission limit in this permit may constitute noncompliance with this permit. The Department may require, at its discretion, additional tests pursuant to EPA Reference Methods at any time, including when sampling by portable analyzer measures an emission rate greater than an emission limit in this permit. Such requirement shall not be construed as a determination that the sampling by portable analyzer does not establish noncompliance with this permit and shall not stay enforcement of such noncompliance based on the sampling by portable analyzer.

3.4.1 The following table lists emission units with the required monitoring. Descriptions of the required monitoring follow the table.

Required Monitoring for Loop Slitter Adhesive Use and Flame Lamination Affected Sources.

Emission Unit No.	Parameters To Monitor	To Comply With	Monitoring Required
47 and 66 Flame Laminators	Opacity	20.2.61 NMAC	Per 40CFR60, Appendix A, Method 9
Existing Loop Slitter adhesive use, and Existing Lamination affected sources	HAPs	40CFR63, Subpart M, 40CFR63.8804, and 8810	Per 40CFR63.8804, and 8810

3.4.1.1 Opacity Monitoring

The opacity of visible emissions from the Flame Laminators shall be determined by a certified observer in accordance with the method set forth by the U.S. EPA in 40 CFR Part 60, Appendix A, Method 9. The opacity of visible emission determinations from the Flame Laminators shall be at the following schedule.

First opacity determination -----within ninety (90) days of permit issuance.

All subsequent opacity determinations shall follow annually.

3.4.1.2 Maximum Achievable Control Technology MACT Monitoring (Flexible Polyurethane Fabrication Operations)

The facility shall comply with the following monitoring requirements: (a) Testing and Initial Compliance Requirements of 40CFR63, Subpart MMMMM, specifically 40CFR63.8798 through 8806, and (b) Continuous Compliance Requirements of 40CFR63.8810 through 8812.

The conditions of section 3.4 are pursuant to Subsection C of 20.2.70.302, and NSR permit number 624-M-4

4.0 RECORDKEEPING

4.1 The permittee shall maintain records of all tests and equipment monitoring required by this permit and records of any adjustments, repairs, or replacements needed to bring the equipment into compliance with the terms of this permit. The permittee shall also follow the record keeping requirements listed below and shall keep records of any other information the Department may request to allow the Department to verify the accuracy of the monitoring.

4.1.1 Opacity (Flame lamination Operations)

Opacity test results summary shall be recorded.

4.1.2 MACT Subpart MMMMM Recordkeeping (Fabrication Affected Sources)

The permittee shall comply with the applicable recordkeeping requirements of MACT Subpart MMMMM, 40CFR63.8820 and 8822 for the fabrication affected sources.

4.1.3 The permittee shall keep records of the hours of operation for the Pourline operations and the Flame Lamination operations.

The conditions of Section 4.1 are pursuant to Subsection C and Paragraph 1 of Subsection D of 20.2.70.302 NMAC.

4.2 All sampling and measured data required by this permit for the emissions units in this facility shall be recorded. The following are the minimum information to be included in these records:

4.2.1 equipment identification (include make, model and S/N for all tested equipment and equipment controls), date, and time of sampling or measurements.

4.2.2 date analyses were performed,

4.2.3 analytical or test methods used,

4.2.4 results of analyses or tests,

4.2.5 operating conditions existing at the time of sampling or measurement,

4.2.6 name and title of persons who performed the analyses.

The conditions of Section 4.2 are pursuant to Paragraph 1 of Subsection D of 20.2.70.302 NMAC.

4.3 The permittee shall keep copies of all monitoring and measurement data, equipment calibration and maintenance records, original strip charts for Continuous Emission Monitoring instruments if used, other supporting information, and reports required by this permit for at least five (5) years from the time the data was gathered or the reports written. Each record shall show clearly to which emissions unit and/or piece of monitoring equipment it applies, and the date the data was gathered. This condition is pursuant to Paragraph 2 of Subsection D of 20.2.70.302 NMAC.

4.4 The permittee shall keep a record describing off permit changes made at this source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under this permit, and the emissions resulting from those changes. This condition is pursuant to Paragraph 2 of Subsection I of 20.2.70.302 NMAC.

5.0 REPORTING

5.1 Monitoring Reports: These reports shall include the following information. In addition, all instances of deviations from permit requirements, including emergencies, shall be clearly identified in these reports.

5.1.1 Opacity Reports (Fabrication affected Sources)

Opacity test results summary shall be recorded and reported.

5.1.2 MACT Subpart MMMMM Reporting (Fabrication Affected Sources)

The permittee shall comply with the applicable reporting requirements of MACT Subpart MMMMM, 40CFR63.8816 and 8818 for the fabrication affected sources.

5.1.3 The permittee shall submit to the Department the hours of operation of the Pourline operations and the Flame Lamination operations.

The conditions of Section 5.1 are pursuant to Subsection E of 20.2.70.302 NMAC.

5.2 Reports of all required monitoring activities for this facility shall be submitted to the Department on the following schedule, except where otherwise required by applicable regulations, or incorporated into existing reports. This condition is pursuant to Paragraph 1 of Subsection E of 20.2.70.302 NMAC.

Schedule of Monitoring Activity Report Submittal:

Report for Emissions Unit Nos.	Submittal Date
1-4, 5, 6, 25, 26, 46, 41, 44, 47, 65 and 66	Within 45 days following the end of every 6 month period following the date of permit issuance.

5.3 The permittee shall submit reports of all deviations (including emergencies) from permit requirements to the Department when they occur. The permittee shall communicate initial notice of the deviation to the Department within twenty-four (24) hours of the start of the first business day following the start of the occurrence via telephone or facsimile. Within ten (10) calendar days of the start of the first business day following the start of the occurrence, written notice using the Excess Emissions Form (attached to this permit) shall be submitted to the Department. This condition is pursuant to Paragraph 2 of Subsection E of 20.2.70.302 NMAC.

5.4 Emissions Test Notification

Protocols for emissions tests shall be submitted to the Department at least thirty (30) days prior to the scheduled test date. Content of the test protocols shall be reported according to the Department's Standard Operating Procedure for Contents of Stack Test Protocols. If information remains the same as previously submitted protocols, test protocols shall reflect that fact and show only new information. This condition is pursuant to 20NMAC2.70.III.302.E.

6.0 COMPLIANCE

6.1 The permittee shall submit compliance certification reports certifying the compliance status of this facility with respect to all applicable requirements. These reports shall be made on copies of the Compliance Certification Report Form (attached to this permit) and submitted to the Department and to EPA every 12 months. This report is due no later than 30 days after each anniversary of the date of permit issuance.

6.1.1 For sources that have submitted air dispersion modeling that demonstrates compliance with state and federal ambient air quality standards, in accordance with Section 300.D.10 of 20.2.70 NMAC or Section 302.A.4 of 20.2.72 NMAC, compliance with the terms and conditions of this permit regarding source emissions and operation shall be deemed to be compliance with state and federal ambient air quality standards (20.2.3 NMAC NMAAQs and 40 CFR 50 NAAQS).

This condition is pursuant to Paragraph 3 of Subsection E of 20.2.70.302 NMAC.

6.2 The permittee shall allow representatives of the Department, upon presentation of credentials and other documents as may be required by law, to do the following :

6.2.1 enter the permittee's premises where a source or emission unit is located, or where records

6.2.1 enter the permittee's premises where a source or emission unit is located, or where records that are required by this permit to be maintained are kept,

6.2.2 have access to and copy, at reasonable times, any records that are required by this permit to be maintained,

6.2.3 inspect any facilities, equipment (including monitoring and air pollution control equipment), work practices or operation regulated or required under the permit,

6.2.4 sample or monitor any substances or parameters for the purpose of assuring compliance with this permit or applicable requirements or as otherwise authorized by the federal Act.

Conditions of 6.2 are pursuant to Paragraph 1 of Subsection G of 20.2.70.302 NMAC.

6.3 A copy of this permit shall be kept at the permitted facility and shall be made available to Department personnel for inspection upon request. This condition is pursuant to Paragraph 3 of Subsection G of 20.2.70.302 NMAC.

7.0 EMERGENCIES

7.1 An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the permittee, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributed to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, or careless or improper operation.

7.2 An emergency constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations contained in this permit if the permittee has demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) An emergency occurred and that the permittee can identify the causes of the emergency;
- (b) This facility was at the time being properly operated;
- (c) During the period of emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in this permit;

- (d) The permittee fulfilled notification requirements under condition 5.3 of this permit. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

7.3 In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

7.4 This provision is in addition to any emergency or upset provision contained in any applicable requirement, that this facility shall not be subject to the provisions of 20 NMAC 2.7 (Excess Emissions during Malfunction, Startup, Shutdown, or Scheduled Maintenance) for terms and conditions contained in this permit.

The conditions of Section 7.0 are pursuant to Subsections A and D of 20.2.70.304 NMAC.

8.0 PERMIT REOPENING AND REVOCATION

8.1 This permit will be reopened and revised when any one of the following conditions occurs, and may be revoked and reissued when 8.1.3 or 8.1.4 occurs:

8.1.1 Additional requirements under the federal Act become applicable to this source three (3) or more years before the expiration date of this permit. If the effective date of the requirement is later than the expiration date of this permit, then the permit is not required to be reopened unless the original permit or any of its terms and conditions has been extended due to the Department's failure to take timely action on a request by the permittee to renew this permit.

8.1.2 Additional requirements, including excess emissions requirements, become applicable to this source under Title IV of the federal Act (the acid rain program). Upon approval by the Administrator, excess emissions offset plans will be incorporated into this permit.

8.1.3 The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the terms and conditions of the permit.

8.1.4 The Department or the Administrator determines that the permit must be revised or revoked and reissued to assure compliance with an applicable requirement.

Conditions of 8.1 are pursuant to Paragraph 1 of Subsection A of 20.2.70.405 NMAC.

8.2 Proceedings to reopen or revoke this permit shall affect only those parts of this permit for which cause to reopen or revoke exists. Emissions units for which permit conditions have been revoked shall not be operated until new permit conditions have been issued for them. This condition is pursuant to Paragraph 2 of Subsection A of 20.2.70.405 NMAC.

9.0 RISK MANAGEMENT PLAN

This facility is subject to the requirement for a Risk Management Plan (RMP) under 40CFR68. The owner or operator shall certify annually, as described in Section 6.1 of this permit, that they have developed and implemented a RMP and are in compliance with 40CFR68. This condition is pursuant to Paragraph 1 of Subsection A of 20.2.70.302 NMAC.

APPEAL PROCEDURES

Any person who participated in this permitting action before the Department and who is adversely affected by the action taken by the Department concerning this permit, may file a petition for a hearing before the Environmental Improvement Board ("board"). The petition must be made in writing to the board within thirty (30) days from the date notice is given of the Department's action. This petition must specify the portions of the permitting action to which the petitioner objects and certify that a copy of the petition has been mailed or hand-delivered as required by Paragraph 2 of

Subsection A of 20.2.70.403 NMAC; a copy of the permitting action for which review is sought must be attached to the petition. Upon receipt of the appeal notice, the petitioner must mail or deliver a copy of the petition to the Department, and to the applicant or permittee if the petitioner is not the applicant/permittee. Requests for a hearing shall be sent to:

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

Unless a timely request for a hearing is made, the decision of the Department will be final. If a timely request for hearing is made, the board will hold a hearing within sixty (60) days of receipt of the petition in accordance with the New Mexico Air Quality Control Act NMSA 1978 § 74-2-7 and Paragraph 3 of Subsection A of 20.2.70.403 NMAC.

Any person who is adversely affected by an administrative action taken by the board pursuant to Subsection A of 20.2.70.403 NMAC may appeal to the Court of Appeals in accordance with New Mexico Air Quality Control Act NMSA 1978 § 74-2-9. Petitions for judicial review must be filed no later than thirty (30) days after the administrative action. This condition is pursuant to Subsection B of 20.2.70.403 NMAC and New Mexico Air Quality Control Act NMSA 1978 § 74-2-9.

SUBMITTAL OF REPORTS AND CERTIFICATIONS

Test protocols, excess emission forms, test reports, compliance notifications, monitoring results and reports, emissions sampling and measurement data, monitoring activity reports, compliance schedule

progress reports, and any other compliance status information required by this permit shall be certified by the responsible official and submitted to:

Program Manager, **Compliance & Enforcement Section**
New Mexico Environment Department
Air Quality Bureau
2048 Galisteo Street
Santa Fe, New Mexico 87505

Questions about this permit should be referred to Bhanu P. Ram of the Operating Permit Unit of the Air Quality Bureau in Santa Fe at (505) 955-8015

Additional copies of the attachments can be downloaded from the NMED web site at URL http://www.nmenv.state.nm.us/aqb/app_form.html for your convenience.

- Attachments:**
- 1) Excess Emission Form (for reporting deviations and emergencies)
 - 2) Compliance Certification Report Form
 - 3) Acronyms
 - 4) SOP for Stack Test Protocol
 - 5) SOP for Contents of Stack Test Reports

APPENDIX A**Table 1: APPLICABLE REQUIREMENTS FOR THIS FACILITY**

Applicable Requirements	Federally Enforceable	Entire Facility	Unit Nos.
20.2.3 NMAC - Preamble and Ambient Air Quality Standards	X	X	
20.2.61 NMAC – Smoke and Visible Emissions	X		47, and 66
20.2.70 NMAC - Operating Permits	X	X	
20.2.71 NMAC - Operating Permit Emission Fees	X	X	
Air Quality Bureau NSR Permit No. 624-M-4	X	X	
20.2.73 NMAC - Notice of Intent and Emissions Inventory Requirements	X	X	
20.2.82 NMAC – Maximum Achievable Control Technology Standards For Hazardous Air Pollutants	X	X	
40CFR50 - National Ambient Air Quality Standards	X	X	
40CFR63, Subpart M – National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Fabrication Operations	X	X	
40CFR63, Subpart A – General Provisions	X	X	
40CFR68 - Risk Management Plan Provisions	X	X	

APPENDIX A

Table 2 The Department has determined that the following requirements identified in the Permit Application are not Applicable Requirements for this facility.

Applicable Requirements as identified in the Permit Application	Not Applicable For This Facility (1)	No Requirements (2)
20.2.72 NMAC Construction Permit		X
20.2.75 NMAC Construction Permit Fees		X
20.2.1 NMAC General Provisions	X	
20.2.5 NMAC Source Surveillance	X	
20.2.7 NMAC Excess Emissions During Malfunction, Startup, Shutdown, or Scheduled Maintenance		X
20.2.8 NMAC Emissions Leaving New Mexico		X
40CFR61, Subpart M – National Emission Standards For Asbestos	X	
40CFR51 – National Ambient Air Quality Standards – Non-attainment Program	X	

- (1) No existing or planned operation/activity at this facility triggers the applicability of these requirements.
- (2) Although these regulations may provide guidance, they do not impose any specific requirements on the operation of the facility as described in this permit.

APPENDIX B

TABLE 1
Foamex - Santa Theresa Plant
PERMIT # P149

Unit #	Process Line	Hours of Operation	CO		NOx		VOC		HCl ³		Ammonia		TDI ²		HCN ³		Vin Acetate		PM10 ¹			
			lb-hr	ton-yr	lb-hr	ton-yr	lb-hr	ton-yr	lb-hr	ton-yr	lb-hr	ton-yr	lb-hr	ton-yr	lb-hr	ton-yr	lb-hr	ton-yr	lb-hr	ton-yr	lb-hr	ton-yr
1	Pourline Stack	2920		0.0			19.7	28.8	0.030	0.044				0	0.19							
2	Pourline Stack	2920		0.0			15.7	22.9	0.030	0.044				0	0.15							
3	Pourline Stack	2920		0.0			1.5	2.2	0.030	0.044				0	0.01							
4	Pourline Stack	2920		0.0			0.3	0.5	0.034	0.050				0	0.00					0.04	0.18	
5	Liberty Laminator	8760	0.3	0.3	0.1	2.7	2.7	11.7			1.1	4.63										
25	Liberty Laminator	8760	0.3	1.4	0.1	2.7	2.7	11.7			1.1	4.63										
6	Baumer Loop Slitter	8760			0.7	2.7	2.7	0.5			0	0.04										
26	Baumer Loop Slitter	8760				2.7	0.5															
46	Baumer Loop Slitter ²	8760				2.7	0.5				0.17	0.35										
41	Ammonia Batch Tank	8760										0.74										
44	Bun Room Exhaust	8760				0.0	0.05							0.011	0.05					3.7	14.99	
47	Flame Laminator	8100	4.6	18.7	1.6	6.5	26.3		14.1	57.2				0.05	0.20	1.045	4.23			3.7	14.99	
66	Flame Laminator	8100	4.6	18.7	1.6	6.5	26.3		14.1	57.2				0.05	0.20	1.045	4.23			0.1	0.44	
65	PVC Silo w/ Baghouse Building Fugitives	8760				na	2.84															
TOTAL ALL SOURCES			9.9	39.1	4.0	14.4	63.7	134.8	28.4	114.7	2.3	10.4	0.4	0.8	2.1	8.5	1.3	5.9	7.6	30.8		

- NOTES:**
1. All particulate matter is PM 10
 2. Emissions from Unit 46 (Baumer Loop Slitter) will be emitted through a ventilation system
 3. Estimates only
- CO = Carbon Monoxide, Nox = Oxides of Nitrogen, VOC = Volatile Organic Compounds
HCL = Hydrogen Chloride, TDI = Toluene Diisocyanate, HCN = Hydrogen Cyanide
PM10 = Particulate Matter smaller than 10 Microns

APPENDIX C

Table 1 to Subpart M M M M M of Part 63.--Emission Limits
 [As stated in Sec. 63.8790(a), you must comply with the emission
 limits in the following table:]

For	You must
1. Each existing, new, or reconstructed loop slitter adhesive use affected source.	Not use any HAP-based adhesives.
2. Each new or reconstructed flame lamination affected source.	Reduce HAP emissions by 90 percent.
3. Each existing flame lamination affected sources.	There are no emission limits for existing flame lamination sources. However, you must submit an initial notification per Sec. 63.8816(b).

APPENDIX C

Table 2 to Subpart M M M M M of Part 63.--Operating Limits for New or
 Reconstructed Flame Lamination Affected Sources
 [As stated in Sec. 63.8790(b), you must comply with the operating
 limits in the following table:]

For each	You must
1. Scrubber.....	a. Maintain the daily average scrubber inlet liquid flow rate above the minimum value established during the performance test. b. Maintain the daily average scrubber effluent pH within the operating range value established during the performance test. c. If you use a venturi scrubber, maintain the daily average pressure drop across the venturi within the operating range value established during the performance test.
2. Other type of control device to which flame lamination emissions are ducted.	Maintain your operating parameter(s) within the

ranges established during the performance test and according to your monitoring plan.

APPENDIX C

Table 3 to Subpart M of Part 63.--Performance Test Requirements for New or Reconstructed Flame Lamination

[As stated in Sec. 63.8800, you must comply with the requirements for performance tests for new or reconstructed flame lamination affected sources in the following table using the requirements in rows 1 through 5 of the table if you are measuring HCl and using a scrubber, row 6 if you are measuring HCN and using a scrubber, and row 7 if you are using any other control device:]

-----For each new or reconstructed flame lamination affected source, you must . . . According to the following requirements . . . Using . . .

1. Select sampling port's location and the number of traverse ports. Method 1 or 1A in appendix A to part 60 of this chapter. Sampling sites must be located at the inlet and outlet of the scrubber and prior to any releases to the atmosphere.
 2. Determine velocity. Method 2, 2A, 2C, 2D, 2F, or 2G in appendix A to part 60 of this chapter.
 3. Determine gas molecular weight. Not applicable. Assume a molecular weight of 29 (after moisture correction) for calculation purposes.
 4. Measure moisture content of the stack gas. Method 4 in appendix A to part 60 of this chapter.
 5. Measure HCl concentration if you use chlorinated fire retardants in the laminated foam. Measure total HCl emissions and determine reduction efficiency of the control device using Method 26A. a. Method 26A in appendix A to part 60 of this chapter. i. ii.
- Collect scrubber liquid flow rate, scrubber effluent pH, and pressure drop

(pressure drop data only required for venturi scrubbers) every 15 minutes during the entire duration of each 1-hour test run, and determine the average scrubber liquid flow rate, scrubber effluent pH, and pressure drop (pressure drop data only required for Venturi scrubbers) over the period of the performance by computing the average of all of the minute readings.

test

15-

6. Measure HCN concentration if you a. A method approved by the i.
Conduct the performance test according to
do not use chlorinated fire Administrator. the
site-specific test plan submitted
retardants in the laminated foam.
according to Sec. 63.7(c)(2)(i). Measure

total HCN emissions and determine the reduction efficiency of the control device.

Any

performance test which measures HCN concentrations must be submitted for the administrator's approval prior to testing.

You

must use EPA Method 301 (40 CFR part 63, Appendix A) to validate your method.

ii.

Collect scrubber liquid flow rate, scrubber effluent pH, and pressure drop (pressure drop data only required for venturi scrubbers) every 15 minutes during the entire duration of each 1-hour test run, and determine the average scrubber liquid flow rate, scrubber effluent pH, and pressure drop (pressure drop data only required for venturi scrubbers) over the period of the performance

by computing the average of all of the

test

15-

minute readings.

7. Determine control device a. EPA-approved methods and i.
 Conduct the performance test according to efficiency and establish operating data from the continuous the
 site-specific test plan submitted parameter limits with which you parameter monitoring
 according to Sec. 63.7(c)(2)(i). will demonstrate continuous system. ii.
 Collect operating parameter data as compliance with the emission limit specified in the site-specific test plan.
 that applies to the source if you use any control device other than a scrubber.

APPENDIX C

Table 4 to Subpart M of Part 63.--Initial Compliance With Emission Limits
 [As stated in Sec. 63.8806, you must comply with the requirements to demonstrate initial compliance with the applicable emission limits in the following table:]

For . . .	For the following	You have demonstrated
initial	emission limit . . .	compliance if . . .
1. Each new, reconstructed, or existing loop slitter adhesive use affected source.	Eliminate use of HAP-based adhesives.	You do not use HAP-based adhesives.
2. Each new or reconstructed flame lamination affected measured source using a scrubber.	Reduce HAP emissions by 90 percent.	The average HAP emissions, over the period of the performance test(s), are reduced by 90 percent.
3. Each new or reconstructed flame lamination affected measured source using any other control device emissions by.	Reduce HAP emissions by 90 percent.	The average HAP emissions, over the period of the performance test(s), are reduced by 90 percent.

APPENDIX C

Table 5 to Subpart M M M M M of Part 63.--Continuous Compliance With
Emission Limits and Operating Limits

[As stated in Sec. 63.8812(a), you must comply with the requirements
to demonstrate continuous compliance with the applicable emission
limits

or operating limits in the following table:]

demonstrate	For the following emission limits or operating limits . . .	You must continuous compliance by . . .
For . . .		
1. Each new, reconstructed, or existing loop slitter affected source.	Eliminate use of HAP- based adhesives.	Not using HAP-based adhesives.
2. Each new or reconstructed flame lamination affected source using a scrubber.	<p>a. Maintain the daily average scrubber inlet liquid flow rate above the minimum value established during the performance.</p> <p>b. Maintain the daily average scrubber effluent pH within the operating range established during the performance test.</p> <p>c. Maintain the daily average pressure drop across the venturi within the operating range established during the performance test. If you use another type of scrubber (e.g., packed bed or spray tower scrubber), monitoring pressure drop is not required.</p>	<p>i. Collecting the scrubber inlet liquid flow rate and effluent pH monitoring data according to Sec. 63.8804(a) through (c).</p> <p>ii. Reducing the data to 1-hour and daily block averages according to the in Sec. 63.8804(a).</p> <p>iii. Maintaining each daily average scrubber inlet liquid flow rate above the minimum value established during the performance test.</p> <p>iv. Maintaining the daily average scrubber effluent pH within the operating range established during the performance test.</p> <p>v. If you use a venturi scrubber, maintaining the</p>
requirements		

<p>3. Each new or reconstructed flame lamination affected parameter source using any other control device.</p> <p>requirements</p> <p>the</p> <p>range</p>	<p>a. Maintain the daily average operating parameters above the minimum value established during the performance test, or within the range established during the performance test, as applicable.</p>	<p>daily average pressure drop across the venturi within the operating range established during the performance test.</p> <p>i. Collected the operating data according to the site-specific test plan.</p> <p>ii. Reducing the data to one-hour averages according to the</p> <p>in Sec. 63.8804(a).</p> <p>iii. Maintaining daily average during the rate above the minimum value established during the performance test, or within the</p> <p>established during the performance test, as applicable.</p>
--	--	--

APPENDIX C

Table 6 to Subpart M MMMM of Part 63.--Requirements for Reports [As stated in Sec. 63.8818(a), you must submit a compliance report that includes the information in Sec. 63.8818(e) through (g) as well as the information in the following table. Rows 1 and 3 of the following table apply to loop slitter affected sources. Rows 1 through 5 apply to flame lamination affected sources. You must also submit startup, shutdown, and malfunction reports according to the requirements in the following table if you own or operate a new or reconstructed flame lamination affected source:]

<p>If . . .</p>	<p>Then you must submit a report or statement that . .</p>
-----------------	--

- | | |
|---|--|
| 1. There are no deviations from any emission limitations that apply to you. | There were no deviations from the emission limitations during the reporting period. |
| 2. There were no periods during which the operating parameter monitoring systems were out-of-control in accordance with the monitoring plan. | There were no periods during which the CPMS were out-of-control during the reporting period. |
| 3. There was a deviation from any emission limitation during the reporting period. | Contains the information in Sec. 63.8818(e)(5). |
| 4. There were periods during which the operating parameter monitoring systems were out-of-control in information in accordance with the monitoring plan. | Contains the information in Sec. 63.8818(f)(3). |
| 5. There was a startup, shutdown, or malfunction where the source did not meet the emission limitations set out in Sec. 63.8790 at a new or reconstructed flame lamination affected source during the reporting period that is not consistent with your startup, shutdown, and malfunction plan.. | Contains the information in Sec. 63.8818(i). |

APPENDIX C

Table 7 to Subpart M M M M M of Part 63.--Applicability of General Provisions to Subpart M M M M M
 [As stated in Sec. 63.8826, you must comply with the applicable General Provisions requirements according to the following table:]

Citation to subpart M M M M M	Explanation	Requirement	Applies
Sec. 63.1.....	Initial applicability determination; applicability after standard established; permit requirements; extensions; notifications.		Yes.
Sec. 63.2.....	Definitions.....		
Yes.....	Additional		

definitions are found in Sec. 63.8830.

Sec. 63.3.....	Units and abbreviations.	Yes.
Sec. 63.4.....	Prohibited activities; compliance date; circumvention, severability.	Yes.
Sec. 63.5.....	Construction/reconstruction applicability; applications; approvals.	Yes.
Sec. 63.6(a).....	Compliance with standards and maintenance requirements-applicability.	Yes.
Sec. 63.6(b)(1)-(4).....	Compliance dates for	
Yes.....	Sec. 63.8786 new or reconstructed sources.	
specifies compliance dates.		
Sec. 63.6(b)(5).....	Notification if commenced construction or reconstruction after proposal.	Yes.
Sec. 63.6(b)(6).....	[Reserved].....	Yes.
Sec. 63.6(b)(7).....	Compliance dates for	
Yes.....	Sec. 63.8786 new or reconstructed area sources that become major.	
specifies compliance dates.		
Sec. 63.6(c)(1)-(2).....	Compliance dates for	
Yes.....	Sec. 63.8786 existing sources.	
specifies compliance dates.		
Sec. 63.6(c)(3)-(4).....	[Reserved].....	Yes.
Sec. 63.6(c)(5).....	Compliance dates for	
Yes.....	Sec. 63.8786 existing area sources that become major.	
specifies compliance dates.		
Sec. 63.6(d).....	[Reserved].....	Yes.
Sec. 63.6(e)(1).....	Operation and maintenance	Yes.

	requirements.	
Sec. 63.6(e)(2).....	[Reserved].....	Yes.
Sec. 63.6(e)(3).....	Startup, shutdown,	
Yes.....	Only applies to new	
	and malfunction	
or reconstructed		
	plans.	
flame lamination		
affected sources.		
Sec. 63.6(f)(1).....	Compliance except	
Yes.....	Only applies to new	
	during SSM.	
or reconstructed		
flame lamination		
affected sources.		
Sec. 63.6(f)(2)-(3).....	Methods for	Yes.
	determining	
	compliance.	
Sec. 63.6(g).....	Use of an	Yes.
	alternative	
	nonopacity emission	
	standard.	
Sec. 63.6(h).....	Compliance with	
NO.....	Subpart MMMMM does	
	opacity/visible	
not specify opacity		
or visible emission	emission standards.	
standards.		
Sec. 63.6(i).....	Extension of	Yes.
	compliance with	
	emission standards.	
Sec. 63.6(j).....	Presidential	Yes.
	compliance	
	exemption.	
Sec. 63.7(a)(1)-(2).....	Performance test	
Yes.....	Except for loop	
	dates.	
slitter affected		
sources as		
specified in in		
Sec. 63.8798(a).		
Sec. 63.7(a)(3).....	Administrator's	Yes.
	section 114	
	authority to	
	require a	
	performance test.	
Sec. 63.7(b).....	Notification of	Yes.
	performance test	
	and rescheduling.	

Sec. 63.7(c).....	Quality assurance program and site-specific test plans.	Yes.
Sec. 63.7(d).....	Performance testing facilities.	Yes.
Sec. 63.7(e)(1).....	Conditions for conducting performance tests:	Yes.
Sec. 63.7(f).....	Use of an alternative test method.	Yes.
Sec. 63.7(g).....	Performance test data analysis, recordkeeping, and reporting.	Yes.
Sec. 63.7(h).....	Waiver of performance tests.	Yes.
Sec. 63.8(a)(1)-(2).....	Applicability of	
Yes.....	Unless otherwise monitoring	
specified, all of	requirements.	
Sec. 63.8 applies		
only to new or		
reconstructed flame		
lamination sources.		
Additional		
monitoring		
requirements for		
these sources are		
found in Sec. Sec.		
63.8794(f) and		
(g) and 63.8804.		
Sec. 63.8(a)(3).....	[Reserved].....	Yes.
Sec. 63.8(a)(4).....	Monitoring with	
No.....	Subpart M does	
not refer directly	flares.	
or indirectly to		
Sec. 63.11.		
Sec. 63.8(b).....	Conduct of monitoring and procedures when there are multiple effluents and	Yes.

multiple monitoring systems.

Sec. 63.8(c)(1)-(3)..... Continuous
 Yes..... Applies as modified monitoring system

by Sec.
 63.8794(f) and (g). (CMS) operation and maintenance.

Sec. 63.8(c)(4)..... Continuous
 Yes..... Applies as modified monitoring system

by Sec.
 63.8794(g). requirements during breakdown, out-of-control, repair, maintenance, and high-level calibration drifts.

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Sec. 63.8(c)(5)..... Continuous opacity
 No..... Subpart MMMMM does monitoring system

not have opacity or (COMS) minimum
 visible emission procedures.
 standards.

Sec. 63.8(c)(6)..... Zero and high level
 Yes..... Applies as modified calibration checks.

by Sec.
 63.8794(f).
 Sec. 63.8(c)(7)-(8)..... Out-of-control periods, including reporting. Yes.

Sec. 63.8(d)-(e)..... Quality control
 No..... Applies as modified program and CMS

by Sec.
 63.8794(f) and (g). performance evaluation.

Sec. 63.8(f)(1)-(5)..... Use of an alternative monitoring method. Yes.

Sec. 63.8(f)(6)..... Alternative to
 No..... Only applies to relative accuracy
 sources that use test.
 continuous

emissions

monitoring systems

(CEMS).

Sec. 63.8(g)..... Data reduction.....
Yes..... Applies as modified

by Sec.

63.8794(g).

Sec. 63.9(a)..... Notification requirements--appli
cability. Yes.

Sec. 63.9(b)..... Initial
Yes..... Except Sec.
notifications.

63.8816(c) requires

new or

reconstructed

affected sources to

submit the

application for

construction or

reconstruction

required by Sec.

63.9(b)(1)(iii) in

lieu of the initial

notification.

Sec. 63.9(c)..... Request for compliance
extension. Yes.

Sec. 63.9(d)..... Notification that a
new source is subject to special
compliance requirements. Yes.

Sec. 63.9(e)..... Notification of
performance test. Yes.

Sec. 63.9(f)..... Notification of
No..... Subpart M does
visible emissions/

not have opacity or

opacity test.

visible emission

standards.		
Sec. 63.9(g)(1).....	Additional CMS notifications--date of CMS performance evaluation.	Yes.
Sec. 63.9(g)(2).....	Use of COMS data....	
No.....	Subpart MMMMM does not require the use of COMS.	
Sec. 63.9(g)(3).....	Alternative to	
No.....	Applies only to relative accuracy testing.	
Sec. 63.9(h).....	Notification of compliance status.	Yes.
Sec. 63.9(i).....	Adjustment of submittal deadlines.	Yes.
Sec. 63.9(j).....	Change in previous information.	Yes.
Sec. 63.10(a).....	Recordkeeping/reporting applicability.	Yes.
Sec. 63.10(b)(1).....	General	
Yes.....	Sec. Sec. 63.8820 recordkeeping and 63.8822 specify additional recordkeeping requirements.	
Sec. 63.10(b)(2)(i)-(xi).....	Records related to	
Yes.....	Only applies to new startup, shutdown, or reconstructed flame lamination affected sources.	
Sec. 63.10(b)(2)(xii).....	Records when under waiver.	Yes.
Sec. 63.10(b)(2)(xiii).....	Records when using	
No.....	Applies only to alternative to relative accuracy test.	
Sec. 63.10(b)(2)(xiv).....	All documentation supporting initial notification and notification of compliance status.	Yes

Sec. 63.10(b)(3).....	Recordkeeping requirements for applicability determinations.	Yes.
Sec. 63.10(c).....	Additional	
Yes.....	Applies as modified recordkeeping requirements for	
by Sec. 63.8794(g).	sources with CMS.	
Sec. 63.10(d)(1).....	General reporting	
Yes.....	Sec. 63.8818 requirements.	
specifies additional reporting requirements.		
Sec. 63.10(d)(2).....	Performance test results.	Yes
.....		
Sec. 63.10(d)(3).....	Opacity or visible emissions	
No.....	Subpart MMMMM does observations.	
not specify opacity or visible emission standards.		
Sec. 63.10(d)(4).....	Progress reports for	Yes.
.....	sources with compliance extensions.	
Sec. 63.10(d)(5).....	Startup, shutdown,	
Yes.....	Only applies to new and malfunction reports.	
or reconstructed flame lamination affected sources.		
Sec. 63.10(e)(1).....	Additional CMS	
Yes.....	Applies as modified reports--general.	
by Sec. 63.8794(g).		
Sec. 63.10(e)(2)(i).....	Results of CMS	
Yes.....	Applies as modified performance evaluations.	
by Sec. 63.8794(g).		

Sec. 63.10(e)(2)..... Results of
 No..... Subpart M M M M M does
 continuous opacity
 require the use of
 monitoring systems
 COMS.
 performance
 evaluations.
 Sec. 63.10(e)(3)..... Excess emissions/CMS
 Yes..... Only applies to new
 performance reports.
 or reconstructed
 flame lamination
 affected sources.
 Sec. 63.10(e)(4)..... Continuous opacity
 No..... Subpart M M M M M does
 monitoring system
 not require the use
 data reports.
 of COMS.
 Sec. 63.10(f)..... Recordkeeping/ Yes
 reporting waiver.

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Sec. 63.11..... Control device
 No..... Facilities subject
 requirements--appli
 to subpart M M M M M do
 cability.
 not use flares as
 control devices.
 Sec. 63.12..... State authority and
 Yes..... Sec. 63.8828 lists
 delegations.
 those sections of
 subparts M M M M M and
 A that are not
 delegated.
 Sec. 63.13..... Addresses..... Yes.

 Sec. 63.14..... Incorporation by
 Yes..... Subpart M M M M M does
 reference.
 not incorporate any
 material by
 reference.

Sec. 63.15..... Availability of information/
confidentiality.. Yes.

WORKSHEET FOR DATA SUPPORTING EMISSION FEE DETERMINATION

Title V Source: *Foamex L.P. Santa Teresa* NSR Permit No: *624-114*

Title V source Owner *Foamex L.P.* Operating Permit No: *P149*

Pollutant	Title V Permit Emissions TPY*
CO	<i>39.0</i>
NO ₂	<i>14.0</i>
VOC	<i>135.0</i>
SO ₂	-
PT	-
Other <i>P.M.10</i> <i>HAPS - HCl</i> <i>NH₃</i>	<i>31.0</i> <i>115.0</i> <i>10.0</i>
Subtotal (TPY)	<i>344.00</i>
x \$10.25 = FEE	<i>\$ 3,526.00</i>

* Include permitted allowable quantities, plus maximum potential quantities that do not have a permit limit.
 * Calculate HAPs at the HAP rate of \$150/ton only if the facility is major only for HAPS, otherwise calculate HAPs as VOCs

- *Do not apply fees to:
- Standby Equipment
 - Fugitives (unless allowable)
 - Fugitive Process Equipment
 - Insignificant Activities
 - External Floating Roof Tanks
 - Cooling Towers
 - API Oil/Water Separators
 - Horizontal Cylinder Tanks

CC: Permit File
Fee Engineer

**Appendix G:
New Mexico State Regulations Pertaining to Volatile Organic Compounds and Carbon
Dioxide Emissions**

20.2.70 NMAC – Operating Permits

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 70 OPERATING PERMITS

20.2.70.1 ISSUING AGENCY: Environmental Improvement Board.
[11/30/95; 20.2.70.1 NMAC - Rn, 20 NMAC 20.2.70.100 06/14/02]

20.2.70.2 SCOPE: All persons who own or operate a major source or any other source required to obtain a permit under this Part.
[11/30/95; 20.2.70.2 NMAC - Rn, 20 NMAC 20.2.70.101 06/14/02]

20.2.70.3 STATUTORY AUTHORITY: Environmental Improvement Act, NMSA 1978, section 74-1-8(A)(4) and (7), and Air Quality Control Act, NMSA 1978, sections 74-2-1 et seq., including specifically, section 74-2-5(A), (B), and (C) and (D).
[11/30/95; 20.2.70.3 NMAC - Rn, 20 NMAC 20.2.70.102 06/14/02]

20.2.70.4 DURATION: Permanent.
[11/30/95; 20.2.70.4 NMAC - Rn, 20 NMAC 20.2.70.103 06/14/02]

20.2.70.5 EFFECTIVE DATE: 11/30/95, except where a later date is cited at the end of a section.
[11/30/95; 20.2.70.5 NMAC - Rn, 20 NMAC 20.2.70.104, 06/14/02; A, 9/6/06]
[The latest effective date of any section in this Part is 9/6/06.]

20.2.70.6 OBJECTIVE: The objective of this Part is to establish the requirements for obtaining an operating permit.
[11/30/95; 20.2.70.6 NMAC - Rn, 20 NMAC 20.2.70.105 06/14/02]

20.2.70.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (definitions), as used in this part the following definitions shall apply.

A. "Acid rain source" has the meaning given to "affected source" in the regulations promulgated under Title IV of the federal act, and includes all sources subject to Title IV of the federal act.

B. "Affected programs" means all states, local air pollution control programs, and Indian tribes and pueblos, that are within 50 miles of the source.

C. "Air pollutant" means an air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive (including source material, special nuclear material, and byproduct material) substance or matter which is emitted into or otherwise enters the ambient air. Such term includes any precursors to the formation of any air pollutant, to the extent the administrator has identified such precursor or precursors for the particular purpose for which the term "air pollutant" is used. This excludes water vapor, nitrogen (N₂), carbon dioxide (CO₂), oxygen (O₂), methane and ethane.

D. "Air pollution control equipment" means any device, equipment, process or combination thereof, the operation of which would limit, capture, reduce, confine, or otherwise control regulated air pollutants or convert for the purposes of control any regulated air pollutant to another form, another chemical or another physical state. This includes, but is not limited to, sulfur recovery units, acid plants, baghouses, precipitators, scrubbers, cyclones, water sprays, enclosures, catalytic converters, and steam or water injection.

E. "Applicable requirement" means all of the following, as they apply to a Part 70 source or to an emissions unit at a Part 70 source (including requirements that have been promulgated or approved by the board or US EPA through rulemaking at the time of permit issuance but have future-effective compliance dates).

(1) Any standard or other requirement provided for in the New Mexico state implementation plan approved by US EPA, or promulgated by US EPA through rulemaking, under Title I of the federal act to implement the relevant requirements of the federal act, including any revisions to that plan promulgated in 40 CFR, Part 52.

(2) Any term or condition of any preconstruction permit issued pursuant to regulations approved or promulgated through rulemaking under Title I, including Parts C or D, of the federal act, unless that term or condition is determined by the department to be no longer pertinent.

(3) Any standard or other requirement under Section 111 of the federal act, including Section 111(d).

(4) Any standard or other requirement under Section 112 of the federal act, including any requirement concerning accident prevention under Section 112(r)(7) of the federal act.

(5) Any standard or other requirement of the acid rain program under Title IV of the federal act or the regulations promulgated thereunder.

(6) Any requirements established pursuant to Section 504(b) or Section 114(a)(3) of the federal act.

(7) Any standard or other requirement governing solid waste incineration under Section 129 of the federal act.

(8) Any standard or other requirement for consumer and commercial products under Section 183(e) of the federal act.

(9) Any standard or other requirement for tank vessels under Section 183(f) of the federal act.

(10) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the federal act, unless the administrator has determined that such requirements need not be contained in a Title V permit.

(11) Any national ambient air quality standard.

(12) Any increment or visibility requirement under Part C of Title I of the federal act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the federal act.

(13) Any regulation adopted by the board pursuant to the New Mexico Air Quality Control Act, Section 74-2-5(B) NMSA 1978.

F. **"CFR"** means the Code of Federal Regulations.

G. **"Draft permit"** means a version of a permit which the department offers for public participation or affected program review.

H. **"Emission limitation"** means a requirement established by US EPA, the board, or the department, that limits the quantity, rate or concentration, or combination thereof, of emissions of regulated air pollutants on a continuous basis, including any requirements relating to the operation or maintenance of a source to assure continuous reduction.

I. **"Emissions allowable under the permit"** means:

(1) any state or federally enforceable permit term or condition that establishes an emission limit (including a work practice standard) requested by the applicant and approved by the department or determined at issuance or renewal to be required by an applicable requirement; or

(2) any federally enforceable emissions cap that the permittee has assumed to avoid an applicable requirement to which the source would otherwise be subject.

J. **"Emissions unit"** means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any air pollutant listed pursuant to Section 112(b) of the federal act. This term is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the federal act.

K. **Federally enforceable"** means all limitations and conditions which are enforceable by the administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within the New Mexico state implementation plan, and any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I, including 40 CFR 51.165 and 40 CFR 51.166.

L. **"Final permit"** means the version of an operating permit issued by the department that has met all review requirements of 20.2.70.400 NMAC - 20.2.70.499 NMAC.

M. **"Fugitive emissions"** are those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

N. **"General permit"** means an operating permit that meets the requirements of 20.2.70.303 NMAC.

O. **"Hazardous air pollutant"** means an air contaminant that has been classified as a hazardous air pollutant pursuant to the federal act.

P. **"Insignificant activities"** means those activities which have been listed by the department and approved by the administrator as insignificant on the basis of size, emissions or production rate.

Q. **"Major source"** means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person(s)) in which all of the pollutant emitting activities at such source belong to the same major group (i.e., all have the same two-digit code), as described in the standard industrial classification manual, 1987, and that is described in Paragraphs (1), (2) or (3) below.

(1) A major source under Section 112 of the federal act, which is defined as the following.

(a) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons or more per year of any hazardous air pollutant which has been listed pursuant to Section 112 (b) of the federal act, 25 or more tons per year of any combination of such hazardous air pollutants (including any major source of fugitive emissions of any such pollutant, as determined by rule by the administrator), or such lesser

quantity as the administrator may establish by rule. Notwithstanding the preceding sentence, hazardous emissions from any oil or gas exploration or production well (with its associated equipment) and hazardous emissions from any pipeline compressor or pump station shall not be aggregated with hazardous emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources.

(b) For radionuclides, "major source" shall have the meaning specified by the administrator by rule.

(2) A major stationary source of air pollutants that directly emits or has the potential to emit, 100 or more tons per year of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the administrator). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of this paragraph, unless the source belongs to one of the following categories of stationary sources:

- (a) coal cleaning plants (with thermal dryers);
- (b) kraft pulp mills;
- (c) portland cement plants;
- (d) primary zinc smelters;
- (e) iron and steel mills;
- (f) primary aluminum ore reduction plants;
- (g) primary copper smelters;
- (h) municipal incinerators capable of charging more than 250 tons of refuse per day;
- (i) hydrofluoric, sulfuric, or nitric acid plants;
- (j) petroleum refineries;
- (k) lime plants;
- (l) phosphate rock processing plants;
- (m) coke oven batteries;
- (n) sulfur recovery plants;
- (o) carbon black plants (furnace process);
- (p) primary lead smelters;
- (q) fuel conversion plant;
- (r) sintering plants;
- (s) secondary metal production plants;
- (t) chemical process plants;
- (u) fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (v) petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (w) taconite ore processing plants;
- (x) glass fiber processing plants;
- (y) charcoal production plants;
- (z) fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
- (aa) any other stationary source category, which as of August 7, 1980 is being regulated under Section 111 or 112 of the federal act.

(3) A major stationary source as defined in Part D of Title I of the federal act, including:

(a) for ozone non-attainment areas, sources with the potential to emit 100 tons or more per year of volatile organic compounds or nitrogen oxides in areas classified as "marginal" or "moderate," 50 tons or more per year in areas classified as "serious," 25 tons or more per year in areas classified as "severe," and 10 tons or more per year in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tons per year of nitrogen oxides shall not apply with respect to any source for which the administrator has made a finding, under Section 182(f)(1) or (2) of the federal act, that requirements under Section 182(f) of the federal act do not apply;

(b) for ozone transport regions established pursuant to Section 184 of the federal act, sources with the potential to emit 50 tons or more per year of volatile organic compounds;

(c) for carbon monoxide non-attainment areas (1) that are classified as "serious," and (2) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the administrator, sources with the potential to emit 50 tons or more per year of carbon monoxide; and

(d) for particulate matter (PM10) non-attainment areas classified as "serious," sources with the potential to emit 70 tons or more per year of PM10.

R. "Operating permit" or "permit" (unless the context suggests otherwise) means any permit or group of permits covering a source that is issued, renewed, modified or revised pursuant to this part.

S. "Operator" means the person or persons responsible for the overall operation of a facility.

T. "Owner" means the person or persons who own a facility or part of a facility.

U. "Part" means an air quality control regulation under Title 20, Chapter 2 of the New Mexico Administrative Code, unless otherwise noted; as adopted or amended by the board.

V. "Part 70 source" means any source subject to the permitting requirements of this part, as provided in 20.2.70.200 NMAC - 20.2.70.299 NMAC.

W. "Permit modification" means a revision to an operating permit that meets the requirements of significant permit modifications, minor permit modifications, or administrative permit amendments, as defined in 20.2.70.404 NMAC.

X. "Permittee" means the owner, operator or responsible official at a permitted Part 70 source, as identified in any permit application or modification.

Y. "Portable source" means any plant that is mounted on any chassis or skids and which can be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt or other means (except electrical connections) by which any piece of equipment is attached or clamped to any anchor, slab, or structure, including bedrock, that must be removed prior to the application of a lifting or pulling force for the purpose of transporting the unit. Portable sources may include sand and gravel plants, rock crushers, asphalt plants and concrete batch plants which meet this criteria.

Z. "Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is federally enforceable. The potential to emit for nitrogen dioxide shall be based on total oxides of nitrogen.

AA. "Proposed permit" means the version of a permit that the department proposes to issue and forwards to the administrator for review in compliance with 20.2.70.402 NMAC.

AB. "Regulated air pollutant" means the following:

- (1) nitrogen oxides, total suspended particulate matter, or any volatile organic compounds;
- (2) any pollutant for which a national ambient air quality standard has been promulgated;
- (3) any pollutant that is subject to any standard promulgated under Section 111 of the federal act;
- (4) any class I or II substance subject to any standard promulgated under or established by Title VI of the federal act; or

(5) any pollutant subject to a standard promulgated under Section 112 or any other requirements established under Section 112 of the federal act, including Sections 112(g), (j), and (r), including the following:

(a) any pollutant subject to requirements under Section 112(j) of the federal act; if the administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the federal act, any pollutant for which a subject source would be a major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to Section 112(e) of the federal act; and

(b) any pollutant for which the requirements of Section 112(g)(2) of the federal act have been met, but only with respect to the individual source subject to a Section 112(g)(2) requirement.

AC. "Renewal" means the process by which a permit is reissued at the end of its term.

AD. "Responsible official" means one of the following.

(1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either a) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), or b) the delegation of authority to such representative is approved in advance by the department.

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

(3) For a municipality, state, federal or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a regional administrator of US EPA).

(4) For an acid rain source: the designated representative (as defined in Section 402(26) of the federal act) in so far as actions, standards, requirements, or prohibitions under Title IV of the federal act or the regulations promulgated thereunder are concerned, and for any other purposes under 40 CFR, Part 70.

AE. "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

AF. "Shutdown" means the cessation of operation of any air pollution control equipment, process equipment or process for any purpose.

AG. "Solid waste incineration unit" means a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels). The term "solid waste incineration unit" does not include:

(1) incinerators or other units required to have a permit under Section 3005 of the federal Solid Waste Disposal Act;

(2) materials recovery facilities (including primary or secondary smelters) which combust waste for the primary purpose of recovering metals;

(3) qualifying small power production facilities, as defined in Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)), or qualifying cogeneration facilities, as defined in Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)), which burn homogeneous waste (such as units which burn tires or used oil, but not including refuse-derived fuel) for the production of electric energy or in the case of qualifying cogeneration facilities which burn homogeneous waste for the production of electric energy and steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating or cooling purposes; or

(4) air curtain incinerators, provided that such incinerators only burn wood wastes, yard wastes and clean lumber and that such air curtain incinerators comply with opacity limitations established by the administrator by rule.

AH. "Startup" means the setting into operation of any air pollution control equipment, process equipment or process for any purpose.

AI. "Stationary source" or "source" means any building, structure, facility, or installation, or any combination thereof that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the federal act.

AJ. "Subsidiary" means a business concern which is owned or controlled by, or is a partner of, the applicant or permittee.

AK. "Temporary source" means any plant that is situated in one location for a period of less than one year, after which it will be dismantled and removed from its current site or relocated to a new site. A temporary source may be semi-permanent, which means that it does not have to meet the requirements of a portable source. Temporary sources may include well head compressors which meet this criteria.

AL. "Title I modification" means any modification under Sections 111 or 112 of the federal act and any physical change or change in method of operations that is subject to the preconstruction regulations promulgated under Parts C and D of the federal act.

[11/30/95; 20.2.70.7 NMAC - Rn, 20 NMAC 2.70.1.107, 06/14/02; A, 11/07/02; A, 9/6/06]

20.2.70.8 AMENDMENT AND SUPERSESION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation ("AQCR") 770, - Operating Permits, filed November 15, 1993, as amended ("AQCR 770"). The original effective date of AQCR 770 was December 19, 1994, which was the effective date of approval, by the Administrator, of the New Mexico operating permit program. (See 59 FR 59656, November 18, 1994).

A. All references to AQCR 770 in any other rule shall be construed as a reference to this Part.

B. The amendment and supersession of AQCR 770 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 770.

[11/30/95; 20.2.70.8 NMAC - Rn, 20 NMAC 2.70.106 06/14/02]

20.2.70.9 DOCUMENTS: Documents cited in this Part may be viewed at the New Mexico Environment Department, Air Quality Bureau, Runnels Building, 1190 Saint Francis Drive, Santa Fe, NM 87505 [2048 Galisteo Street, Santa Fe, NM 87505].

[11/30/95; 20.2.70.9 NMAC - Rn, 20 NMAC 2.70.108 06/14/02]

20.2.70.10 to 20.2.70.199 [RESERVED]

20.2.70.200 PART 70 SOURCES: Operating permits must be obtained from the Department for the following sources:

- A. Any major source;
- B. Any source, including an area source, subject to a standard or other requirement promulgated under section 111 -- Standards of Performance for New Stationary Sources, or section 112 -- Hazardous Air Pollutants, of the Federal Act, but not including any source which:
 - (1) is exempted under subsection B of 20.2.70.202 NMAC; or
 - (2) would be required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of the Federal Act;
- C. Any acid rain source; and
- D. Any source in a source category so designated by the Administrator, in whole or in part, by regulation, after notice and comment.

[11/30/95; 20.2.70.200 NMAC - Rn, 20 NMAC 2.70.200 06/14/02]

20.2.70.201 REQUIREMENT FOR A PERMIT:

- A. A Part 70 source may operate after the time that it is required to submit a timely and complete application under this part only if:
 - (1) the source is in compliance with an operating permit issued by the department or EPA; or
 - (2) a timely permit (including permit renewal) application has been submitted consistent with 20.2.70.300 NMAC; the ability to operate under these circumstances shall cease if the applicant fails to submit by the deadline specified in writing by the department any additional information identified as being needed to process the application.
- B. Revocation or termination of a permit by the department terminates the permittee's right to operate.
- C. The submittal of a complete operating permit application shall not protect any source from any applicable requirement, including any requirement that the source have a preconstruction permit under Title I of the federal act or state regulations.
- D. Requirement for permit under 20.2.72 NMAC.
 - (1) Part 70 sources that have an operating permit and do not have a permit issued under 20.2.72 NMAC or 20.2.74 NMAC shall submit a complete application for a permit under 20.2.72 NMAC within 180 days of September 6, 2006. The department shall consider and may grant reasonable requests for extension of this deadline on a case-by-case basis.
 - (2) Part 70 sources that do not have an operating permit or a permit under 20.2.72 NMAC upon the effective date of this subsection shall submit an application for a permit under 20.2.72 NMAC within 60 days after submittal of an application for an operating permit.
 - (3) Paragraphs 1 and 2 of this subsection shall not apply to sources that have demonstrated compliance with both the national and state ambient air quality standards through dispersion modeling or other method approved by the department and that have requested incorporation of conditions in their operating permit to ensure compliance with these standards.

[11/30/95; 20.2.70.201 NMAC - Rn, 20 NMAC 2.70.II.201, 06/14/02; A, 9/6/06]

20.2.70.202 SOURCE CATEGORY EXEMPTIONS:

- A. The following source categories are exempted from the obligation to obtain an operating permit:
 - (1) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 60, Subpart AAA -- Standards of Performance for New Residential Wood Heaters;
 - (2) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 61, Subpart M -- National Emission Standard for Hazardous Air Pollutants for Asbestos, section 61.145, Standard for Demolition and Renovation;
 - (3) Except as required under sections 20.2.70.500 NMAC - 20.2.70.599 NMAC, any source that would be required to obtain a permit solely because of emissions of radionuclides; and
 - (4) Any source in a source category exempted by the Administrator, by regulation, after notice and comment.

B. Non-major sources, including those subject to sections 111 or 112 of the Federal Act, are exempt from the obligation to obtain a Part 70 (20.2.70 NMAC) permit until such time that the Administrator completes a rulemaking that requires such sources to obtain operating permits.

C. Any source exempted from the requirement to obtain an operating permit may opt to apply for a permit under this Part.

D. No permit for a solid waste incineration unit shall be issued by the Department if a New Mexico state agency is responsible, in whole or in part, for the design and construction or operation of the unit. In such cases, applications shall be made to the Administrator. Department review or approval of solid waste incineration units shall not constitute responsibility for the design, construction, or operation of the unit.
[11/30/95; 20.2.70.202 NMAC - Rn, 20 NMAC 2.70.202 06/14/02]

20.2.70.203 EXISTING MAJOR SOURCES WHICH ARE NOT REQUIRED TO HAVE A PERMIT UNDER 20.2.72 NMAC (CONSTRUCTION PERMITS):

A. The owner or operator of any major source may reverse or avoid designation as a major source under this Part by obtaining a permit under 20.2.72 NMAC (Construction Permits) which includes federally enforceable conditions which restrict the potential to emit of the source to non-major emission rates. Such conditions may include emissions limitations, process restrictions and/or limitations, restrictions on annual hours of operation, or other conditions which reduce the facility's potential to emit.

B. [REPEALED]
[11/30/95; A, 11/19/97; 20.2.70.203 NMAC - Rn, 20 NMAC 2.70.203 06/14/02]

20.2.70.204 BERNALILLO COUNTY: For the operation of sources within Bernalillo County, the applicant shall make such applications to the Air Pollution Control Division of the Albuquerque Environmental Health Department or its successor agency or authority.
[11/30/95; 20.2.70.204 NMAC – Rn, 20 NMAC 2.70.204 06/14/02]

20.2.70.205 INDIAN TRIBAL JURISDICTION: The requirements of this Part do not apply to sources within Indian Tribal jurisdiction. For the operation of sources in that jurisdiction, the applicant should make such applications to the Tribal Authority or to the Administrator, as appropriate.
[11/30/95; 20.2.70.205 NMAC - Rn, 20 NMAC 2.70.205 06/14/02]

20.2.70.206 to 20.2.70.299 [RESERVED]

20.2.70.300 PERMIT APPLICATIONS:

A. Duty to apply. For each Part 70 source, the owner or operator shall submit a timely and complete permit application in accordance with this part.

B. Timely application. A timely application for a source applying for a permit under this part is:

(1) for first time applications, one that is submitted within twelve (12) months after the source commences operation as a Part 70 source, or as established in the transition schedule outlined in Paragraph (4) of Subsection B of 20.2.70.300 NMAC;

(2) for purposes of permit renewal, one that is submitted at least twelve (12) months prior to the date of permit expiration;

(3) for the acid rain portion of permit applications for initial phase II acid rain sources under Title IV of the federal act, by January 1, 1996 for sulfur dioxide, and by January 1, 1998 for nitrogen oxides;

C. Completeness of application.

(1) To be deemed complete, an application must provide all information required pursuant to Subsection D of 20.2.70.300 NMAC, except that applications for permit modifications need supply such information only if it is related to the proposed change.

(2) If, while processing an application, regardless of whether it has been determined or deemed to be complete, the department determines that additional information is necessary to evaluate or take final action on that application, it may request such information in writing and set a reasonable deadline for a response.

(3) Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application or in a supplemental submittal shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide further information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.

(4) The applicant's ability to operate without a permit, as set forth in Paragraph (2) of Subsection A of 20.2.70.201 NMAC, shall be in effect from the date a timely application is submitted until the final permit is issued or disapproved, provided that the applicant adequately submits any requested additional information by the deadline specified by the department.

D. Content of application. Any person seeking a permit under this part shall do so by filing a written application with the department. The applicant shall submit three (3) copies of the permit application, or more, as requested by the department. An applicant may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required under 20.2.71 NMAC (operating permit emission fees). Fugitive emissions shall be included in the permit application in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source. All applications shall meet the following requirements.

(1) Be made on forms furnished by the department, which for the acid rain portions of permit applications and compliance plans shall be on nationally-standardized forms to the extent required by regulations promulgated under Title IV of the federal act.

(2) State the company's name and address (and, if different, plant name and address), together with the names and addresses of the owner(s), responsible official and the operator of the source, any subsidiaries or parent companies, the company's state of incorporation or principal registration to do business and corporate or partnership relationship to other permittees subject to this part, and the telephone numbers and names of the owners' agent(s) and the site contact(s) familiar with plant operations.

(3) State the date of the application.

(4) Include a description of the source's processes and products (by standard industrial classification code) including any associated with alternative scenarios identified by the applicant, and a map, such as the 7.5 minute topographic quadrangle map published by the United States geological survey or the most detailed map available showing the exact location of the source. The location shall be identified by latitude and longitude or by UTM coordinates.

(5) For all emissions of all air pollutants for which the source is major and all emissions of regulated air pollutants, provide all emissions information, calculations and computations for the source and for each emissions unit, except for insignificant activities (as defined in 20.2.70.7 NMAC). This shall include:

(a) a process flow sheet of all components of the facility which would be involved in routine operations and emissions;

(b) identification and description of all emissions points in sufficient detail to establish the basis for fees and applicability of requirements of the state and federal acts;

(c) emissions rates in tons per year, pounds per hour and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method;

(d) specific information such as that regarding fuels, fuel use, raw materials, or production rates, to the extent it is needed to determine or regulate emissions;

(e) identification and full description, including all calculations and the basis for all control efficiencies presented, of air pollution control equipment and compliance monitoring devices or activities;

(f) the maximum and standard operating schedules of the source, as well as any work practice standards or limitations on source operation which affect emissions of regulated pollutants;

(g) if requested by the department, an operational plan defining the measures to be taken to mitigate source emissions during startups, shutdowns and emergencies;

(h) other relevant information as the department may reasonably require or which are required by any applicable requirements (including information related to stack height limitations developed pursuant to Section 123 of the federal act); and

(i) for each alternative operating scenario identified by the applicant, all of the information required in Subparagraphs (a) through (h) above, as well as additional information determined to be necessary by the department to define such alternative operating scenarios.

(6) Provide a list of insignificant activities (as defined in 20.2.70.7 NMAC) at the source, their emissions, to the extent required by the department, and any information necessary to determine applicable requirements.

(7) Provide a citation and description of all applicable air pollution control requirements, including:

(a) sufficient information related to the emissions of regulated air pollutants to verify the requirements that are applicable to the source; and

(b) a description of or reference to any applicable test method for determining compliance with each applicable requirement.

(8) Provide an explanation of any proposed exemptions from otherwise applicable requirements.
(9) Provide other specific information that may be necessary to implement and enforce other requirements of the state or federal acts or to determine the applicability of such requirements, including information necessary to collect any permit fees owed under 20.2.71 NMAC (operating permit emission fees).

(10) Provide certification of compliance, including all of the following.

(a) A certification, by a responsible official consistent with Subsection E of 20.2.70.300 NMAC, of the source's compliance status for each applicable requirement. For national ambient air quality standards, certifications shall be based on the following.

(i) For first time applications, this certification shall be based on modeling submitted with the application for a permit under 20.2.72 NMAC.

(ii) For permit renewal applications, this certification shall be based on compliance with the relevant terms and conditions of the current operating permit.

(b) A statement of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test methods.

(c) A statement that the source will continue to be in compliance with applicable requirements for which it is in compliance, and will, in a timely manner or at such schedule expressly required by the applicable requirement, meet additional applicable requirements that become effective during the permit term.

(d) A schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the department.

(e) A statement indicating the source's compliance status with any enhanced monitoring and compliance certification requirements of the federal act.

(11) For sources that are not in compliance with all applicable requirements at the time of permit application, provide a compliance plan that contains all of the following.

(a) A description of the compliance status of the source with respect to all applicable requirements.

(b) A narrative description of how the source will achieve compliance with such requirements for which it is not in compliance.

(c) A schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with such applicable requirements. The schedule of compliance shall be at least as stringent as that contained in any consent decree or administrative order to which the source is subject, and the obligations of any consent decree or administrative order shall not be in any way diminished by the schedule of compliance. Any such schedule of compliance shall be supplemental to, and shall not prohibit the department from taking any enforcement action for noncompliance with, the applicable requirements on which it is based.

(d) A schedule for submission of certified progress reports no less frequently than every six (6) months.

(e) For the portion of each acid rain source subject to the acid rain provisions of Title IV of the federal act, the compliance plan content requirements specified in this paragraph, except as specifically superseded by regulations promulgated under Title IV of the federal act with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.

E. Certification. Any document, including any application form, report, or compliance certification, submitted pursuant to this part shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this part shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

[11/30/95; A, 11/14/98; 20.2.70.300 NMAC - Rn, 20 NMAC 2.70.III.300, 06/14/02; A, 9/6/06]

20.2.70.301 CONFIDENTIAL INFORMATION PROTECTION:

A. All confidentiality claims made regarding material submitted to the Department under this Part shall be reviewed under the provisions of the New Mexico Air Quality Control Act section 74-2-11 NMSA 1978 and the New Mexico Inspection of Public Records Act, sections 14-2-1 et seq. NMSA 1978.

B. In the case where an applicant or permittee has submitted information to the Department under a claim of confidentiality, the Department may also require the applicant or permittee to submit a copy of such information directly to the Administrator.

C. An operating permit is a public record, and not entitled to protection under section 114(c) of the Federal Act.

20.2.70.302 PERMIT CONTENT:

A. Permit conditions.

(1) The department shall specify conditions upon a permit, including emission limitations and sufficient operational requirements and limitations, to assure compliance with all applicable requirements at the time of permit issuance or as specified in the approved schedule of compliance. The permit shall:

(a) for major sources, include all applicable requirements for all relevant emissions units in the major source;

(b) for any non-major source subject to 20.2.70.200 NMAC - 20.2.70.299 NMAC, include all applicable requirements which apply to emissions units that cause the source to be subject to this part;

(c) specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based;

(d) include a severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit;

(e) include a provision to ensure that the permittee pays fees to the department consistent with the fee schedule in 20.2.71 NMAC (Operating Permit Emission Fees); and

(f) for purposes of the permit shield, identify any requirement specifically identified in the permit application or significant permit modification that the department has determined is not applicable to the source, and state the basis for any such determination.

(2) Each permit issued shall, additionally, include provisions stating the following.

(a) The permittee shall comply with all terms and conditions of the permit. Any permit noncompliance is grounds for enforcement action. In addition, noncompliance with federally enforceable permit conditions constitutes a violation of the federal act.

(b) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

(c) The permit may be modified, reopened and revised, revoked and reissued, or terminated for cause in accordance with 20.2.70.405 NMAC.

(d) The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance shall not stay any permit condition.

(e) The permit does not convey any property rights of any sort, or any exclusive privilege.

(f) Within the period specified by the department, the permittee shall furnish any information that the department may request in writing to determine whether cause exists for reopening and revising, revoking and reissuing, or termination of the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required by the permit to be maintained.

(3) The terms and conditions for all alternative operating scenarios identified in the application and approved by the department:

(a) shall require that the permittee maintain a log at the permitted facility which documents, contemporaneously with any change from one operating scenario to another, the scenario under which the facility is operating; and

(b) shall, for each such alternative scenario, meet all applicable requirements and the requirements of this part.

(4) The department may impose conditions regulating emissions during startup and shutdown.

(5) All permit terms and conditions which are required under the federal act or under any of its applicable requirements, including any provisions designed to limit a source's potential to emit, are enforceable by the administrator and citizens under the federal act. The permit shall specifically designate as not being federally enforceable under the federal act any terms or conditions included in the permit that are not required under the federal act or under any of its applicable requirements.

(6) The issuance of a permit, or the filing or approval of a compliance plan, does not relieve any person from civil or criminal liability for failure to comply with the provisions of the Air Quality Control Act, the federal act, federal regulations thereunder, any applicable regulations of the Board, and any other applicable law or regulation.

(7) The department may include part or all of the contents of the application as terms and conditions of the permit or permit modification. The department shall not apply permit terms and conditions upon emissions of regulated pollutants for which there are no applicable requirements, unless the source is major for that pollutant.

(8) Fugitive emissions from a source shall be included in the operating permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

(9) The acid rain portion of operating permits for acid rain sources shall additionally:

(a) state that, where an applicable requirement of the federal act is more stringent than an applicable requirement of regulations promulgated under Title IV of the federal act, both provisions shall be incorporated into the permit and shall be enforceable by the administrator; and

(b) contain a permit condition prohibiting emissions exceeding any allowances that the acid rain source lawfully holds under Title IV of the federal act or the regulations promulgated thereunder; no permit modification under this part shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit modification under any other applicable requirement; no limit shall be placed on the number of allowances held by the acid rain source; the permittee may not use allowances as a defense to noncompliance with any other applicable requirement; any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the federal act.

B. Permit duration. The department shall issue operating permits for a fixed term of five (5) years.

C. Monitoring.

(1) Each permit shall contain all emissions monitoring requirements, and analysis procedures or test methods, required to assure and verify compliance with the terms and conditions of the permit and applicable requirements, including any procedures and methods promulgated by the administrator.

(2) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), the permit shall require periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to Subsection E of 20.2.70.302 NMAC. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement.

(3) The permit shall also contain specific requirements concerning the use, maintenance, and, when appropriate, installation of monitoring equipment or methods.

D. Recordkeeping.

(1) The permit shall require recordkeeping sufficient to assure and verify compliance with the terms and conditions of the permit, including recordkeeping of:

(a) the date, place as defined in the permit, and time of sampling or measurements;

(b) the date(s) analyses were performed;

(c) the company or entity that performed the analyses;

(d) the analytical techniques or methods used;

(e) the results of such analyses; and

(f) the operating conditions existing at the time of sampling or measurement.

(2) Records of all monitoring data and support information shall be retained for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Supporting information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

E. Reporting. The permit shall require reporting sufficient to assure and verify compliance with the terms and conditions of the permit and all applicable requirements, including all of the following.

(1) Submittal of reports of any required monitoring at least every six (6) months. The reports shall be due to the department within forty-five (45) days of the end of the permittee's reporting period. All instances of deviations from permit requirements, including emergencies, must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with Subsection E of 20.2.70.300 NMAC.

(2) Prompt reporting of all deviations (including emergencies) from permit requirements, including the date, time, duration and probable cause of such deviations, the quantity and pollutant type of excess emissions resulting from the deviation, and any corrective actions or preventive measures taken. Such reports shall include telephone, verbal or facsimile communication within twenty-four (24) hours of the start of the next business day and written notification within ten (10) days.

(3) Submittal of compliance certification reports at least every twelve (12) months (or more frequently if so specified by an applicable requirement) certifying the source's compliance status with terms and conditions contained in the permit, including emission limitations, standards, or work practices. The reports shall be

due to the department within thirty (30) days of the end of the permittee's reporting period. Such compliance certifications shall be submitted to the administrator as well as to the department and shall include:

- (a) the identification of each term or condition of the permit that is the basis of the certification;
- (b) the compliance status of the source;
- (c) whether compliance was continuous or intermittent;
- (d) the method(s) used for determining the compliance status of the source, currently and

during the reporting period identified in the permit; and

- (e) such other facts as the department may require to determine the compliance status of the

source.

(4) Such additional provisions as may be specified by the administrator to determine the compliance status of the source.

F. Portable and Temporary Sources. The department may issue permits for portable and temporary sources which allow such sources to relocate without undergoing a permit modification. Such permits shall not apply to acid rain sources and shall include conditions to assure that:

- (1) the source is installed at all locations in a manner conforming with the permit;

(2) the source shall comply with all applicable requirements and all other provisions of this part at all authorized locations;

(3) the owner or operator shall notify the department in writing at least fifteen (15) calendar days in advance of each change in location;

(4) notification shall include a legal description of where the source is to be relocated and how long it will be located there; and

(5) emissions from the source shall not, at any location, result in or contribute to an exceedance of a national ambient air quality standard or increment or visibility requirement under Part C of Title I of the federal act; the department may require dispersion modeling to assure compliance at any location.

G. Compliance. To assure and verify compliance with the terms and conditions of the permit and with this part, permits shall also include all the following.

(1) Require that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized representatives of the department to perform the following:

- (a) enter upon the permittee's premises where a source is located or emission related activity is

conducted, or where records must be kept under the conditions of the permit;

- (b) have access to and copy any records that must be kept under the conditions of the permit;

(c) inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

(d) sample or monitor any substances or parameters for the purpose of assuring compliance with the permit or applicable requirements or as otherwise authorized by the federal act.

(2) Require that sources required under Paragraph (12) of Subsection D of 20.2.70.300 NMAC to have a schedule of compliance submit progress reports to the department at least semiannually, or more frequently if specified in the applicable requirement or by the department. Such progress reports shall be consistent with the schedule of compliance and requirements of Paragraph (12) of Subsection D of 20.2.70.300 NMAC and shall contain:

(a) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(b) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

- (3) Include such other provisions as the department may require.

H. Operational flexibility.

- (1) Section 502(b)(10) changes.

(a) The permittee may make Section 502(b)(10) changes, as defined in 20.2.70.7 NMAC, without applying for a permit modification, if those changes are not title I modifications and the changes do not cause the facility to exceed the emissions allowable under the permit (whether expressed as a rate of emissions or in terms of total emissions).

(b) For each such change, the permittee shall provide written notification to the department and the administrator at least seven (7) days in advance of the proposed changes. Such notification shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(c) The permittee and department shall attach each such notice to their copy of the relevant permit.

(d) If the written notification and the change qualify under this provision, the permittee is not required to comply with the permit terms and conditions it has identified that restrict the change. If the change does not qualify under this provision, the original terms of the permit remain fully enforceable.

(2) Emissions trading within a facility.

(a) The department shall, if an applicant requests it, issue permits that contain terms and conditions allowing for the trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emissions cap that is established in the permit in addition to any applicable requirements. Such terms and conditions shall include all terms and conditions required under 20.2.70.302 NMAC to determine compliance. If applicable requirements apply to the requested emissions trading, permit conditions shall be issued only to the extent that the applicable requirements provide for trading such increases and decreases without a case-by-case approval.

(b) The applicant shall include in the application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The department shall not include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall require compliance with all applicable requirements.

(c) For each such change, the permittee shall provide written notification to the department and the administrator at least seven (7) days in advance of the proposed changes. Such notification shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

(d) The permittee and department shall attach each such notice to their copy of the relevant permit.

I. Off-Permit Changes.

(1) Permittees are allowed to make, without a permit modification, changes that are not addressed or prohibited by the operating permit, if:

(a) each such change meets all applicable requirements and shall not violate any existing permit term or condition;

(b) such changes are not subject to any requirements under Title IV of the federal act and are not Title I modifications;

(c) such changes are not subject to permit modification procedures under 20.2.70.404 NMAC; and

(d) the permittee provides contemporaneous written notice to the department and US EPA of each such change, except for changes that qualify as insignificant activities. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted and any applicable requirement that would apply as a result of the change.

(2) The permittee shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

J. Permit Shield.

(1) Except as provided in this part, the department shall expressly include in a Part 70 (20.2.70 NMAC) permit a provision stating that compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:

(a) such applicable requirements are included and are specifically identified in the permit; or

(b) the department, in acting on the permit application or significant permit modification, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.

(2) A Part 70 (20.2.70 NMAC) permit that does not expressly state that a permit shield exists for a specific provision shall be presumed not to provide such a shield for that provision.

(3) Nothing in this section or in any Part 70 (20.2.70 NMAC) permit shall alter or affect the following:

(a) the provisions of Section 303 of the federal act -- Emergency Powers, including the authority of the administrator under that section, or the provisions of the New Mexico Air Quality Control Act, Section 74-2-10 NMSA 1978;

(b) the liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;

(c) the applicable requirements of the acid rain program, consistent with Section 408(a) of the federal act; or

(d) the ability of US EPA to obtain information from a source pursuant to Section 114 of the federal act, or the department to obtain information subject to the New Mexico Air Quality Control Act, Section 74-2-13 NMSA 1978.

(4) The permit shield shall remain in effect if the permit terms and conditions are extended past the expiration date of the permit pursuant to Subsection D of 20.2.70.400 NMAC.

(5) The permit shield shall extend to terms and conditions that allow emission increases and decreases as part of emissions trading within a facility pursuant to Paragraph (2) of Subsection H of 20.2.70.302 NMAC, and to all terms and conditions under each operating scenario included pursuant to Paragraph (3) of Subsection A of 20.2.70.302 NMAC.

(6) The permit shield shall not extend to administrative amendments under Subsection A of 20.2.70.404 NMAC, to minor permit modifications under Subsection B of 20.2.70.404 NMAC, to Section 502(b)(10) changes under Paragraph (1) of Subsection H of 20.2.70.302 NMAC, or to permit terms or conditions for which notice has been given to reopen or revoke all or part under 20.2.70.405 NMAC.

[11/30/95; A, 11/14/98; 20.2.70.302 NMAC - Rn, 20 NMAC 2.70.III.302, 06/14/02; A, 9/6/06]

20.2.70.303 GENERAL PERMITS:

A. Issuance of General Permits:

(1) The Department may, after notice and opportunity for public participation and US EPA and affected program review, issue a general permit covering numerous similar sources. Such sources shall be generally homogenous in terms of operations, processes and emissions, subject to the same or substantially similar requirements, and not subject to case-by-case standards or requirements.

(2) Any general permit shall comply with all requirements applicable to other operating permits and shall identify criteria by which sources may qualify for the general permit.

B. Authorization to Operate under a General Permit:

(1) The owner or operator of a Part 70 source which qualifies for a general permit must:

(a) Apply to the Department for coverage under the terms of the general permit; or

(b) Apply for an operating permit consistent with 20.2.70.300 NMAC.

(2) The Department may, in the general permit, provide for applications which deviate from the requirements of subsection D of 20.2.70.300 NMAC, provided that such applications meet the requirements of the Federal Act and include all information necessary to determine qualification for, and to assure compliance with, the general permit. The Department shall review the application for authorization to operate under a general permit for completeness within thirty (30) days after its receipt of the application.

(3) The Department shall authorize qualifying sources which apply for coverage under the general permit to operate under the terms and conditions of the general permit. The Department shall take final action on a general permit authorization request within ninety (90) days of deeming the application complete.

(4) The Department may grant a request for authorization to operate under a general permit without repeating the public participation procedures required under 20.2.70.401 NMAC. Such an authorization shall not be a permitting action for purposes of administrative review under New Mexico Air Quality Control Act section 74-2-7.H NMSA 1978. Permitting action for the purposes of section 74-2-7 NMSA 1978 shall be the issuance of the general permit.

(5) Authorization to operate under a general permit shall not be granted for acid rain sources unless otherwise provided in regulations promulgated under title IV of the Federal Act.

(6) The permittee shall be subject to enforcement action for operation without an operating permit if the source is later determined not to qualify for the conditions and terms of the general permit.

[11/30/95; 20.2.70.303 NMAC - Rn, 20 NMAC 2.70.303 06/14/02]

20.2.70.304 EMERGENCY PROVISION:

A. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the permittee, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include

noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, or careless or improper operation.

B. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the permittee has demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An emergency occurred and that the permittee can identify the cause(s) of the emergency;
- (2) The permitted facility was at the time being properly operated;
- (3) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in the permit; and
- (4) The permittee fulfilled notification requirements under Paragraph (2) of Subsection E of 20.2.70.302 NMAC. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

C. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

D. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

[11/30/95; 20.2.70.304 NMAC - Rn, 20 NMAC 2.70.III.304, 06/14/02; A, 9/6/06]

20.2.70.305 to 20.2.70.399 [RESERVED]

20.2.70.400 ACTION ON PERMIT APPLICATIONS:

A. A permit (including permit renewal) or permit modification shall only be issued if all of the following conditions have been met:

(1) The Department has received a complete application for a permit, permit modification, or permit renewal, except that a complete application need not be received before issuance of a general permit under 20.2.70.303 NMAC;

(2) Except for administrative and minor permit modifications, the Department has complied with the requirements for public participation procedures under 20.2.70.401 NMAC;

(3) Except for administrative amendments, the Department has complied with the requirements for notifying and responding to affected programs under 20.2.70.402 NMAC;

(4) The conditions of the permit provide for compliance with all applicable requirements and the requirements of this Part; and

(5) The Administrator has received a copy of the proposed permit and any notices required under 20.2.70.402 NMAC, and has not objected to issuance of the permit within the time period specified within that section.

B. The Department shall, within sixty (60) days after its receipt of an application for a permit or significant permit modification, review such application for completeness. Unless the Department determines that an application is not complete, requests additional information or otherwise notifies the applicant of incompleteness within sixty (60) days of receipt of an application, the application shall be deemed complete. When additional information is requested by the Department prior to ruling an application complete, receipt of such information shall be processed as a new application for purposes of this section. If the application is judged complete, a certified letter to that effect shall be sent to the applicant. If the application is judged incomplete a certified letter shall be sent to the applicant stating what additional information or points of clarification are necessary to judge the application complete.

C. The Department shall take final action on each permit application (including a request for permit renewal) within eighteen (18) months after an application is ruled complete by the Department, except that:

(1) For sources in operation on or before December 19, 1994 and which submit to the Department timely and complete applications in accordance with 20.2.70.300 NMAC, the Department shall take final action on one third of such applications annually over a period not to exceed three (3) years after such effective date;

(2) Any complete permit application containing an early reduction demonstration under section 112(i)(5) of the Federal Act shall be acted on within nine (9) months of deeming the application complete; and

(3) The acid rain portion of permits for acid rain sources shall be acted upon in accordance with the deadlines in title IV of the Federal Act and the regulations promulgated thereunder.

D. If a timely and complete application for a permit renewal is submitted, consistent with 20.2.70.300 NMAC, but the Department has failed to issue or disapprove the renewal permit before the end of the term of the

previous permit, then the permit shall not expire and all the terms and conditions of the permit shall remain in effect until the renewal permit has been issued or disapproved.

E. Permits being renewed are subject to the same procedural requirements, including those for public participation, affected program and US EPA review, that apply to initial permit issuance.

F. The Department shall state within the draft permit the legal and factual basis for the draft permit conditions (including references to the applicable statutory or regulatory provisions).

G. The Department shall grant or disapprove the permit based on information contained in the Department's administrative record. The administrative record shall consist of the application, any additional information submitted by the applicant, any evidence or written comments submitted by interested persons, any other evidence considered by the Department, and, if a public hearing is held, the evidence submitted at the hearing.

H. If the Department grants or disapproves a permit or permit modification, the Department shall notify the applicant by certified mail of the action taken and the reasons therefor. If the Department grants a permit or modification, the Department shall mail the permit or modification, including all terms and conditions, to the applicant by certified mail.

I. Voluntary Discontinuation. Upon request by the permittee, the Department shall permanently discontinue a Part 70 (20.2.70 NMAC) permit. Permit discontinuance terminates the permittee's right to operate the source under the permit. The Department shall confirm the permit discontinuance by certified letter to the permittee.

J. No permit shall be issued by failure of the Department to act on an application or renewal.
[11/30/95; 20.2.70.400 NMAC - Rn, 20 NMAC 2.70.400 06/14/02]

20.2.70.401 PUBLIC PARTICIPATION:

A. Proceedings for all permit issuances (including renewals), significant permit modifications, reopenings, revocations and terminations, and all modifications to the Department's list of insignificant activities, shall include public notice and provide an opportunity for public comment. The Department shall provide thirty (30) days for public and affected program comment. The Department may hold a public hearing on the draft permit, a proposal to suspend, reopen, revoke or terminate a permit, or for any reason it deems appropriate, and shall hold such a hearing in the event of significant public interest. The Department shall give notice of any public hearing at least thirty (30) days in advance of the hearing.

B. Public notice and notice of public hearing shall be given by publication in a newspaper of general circulation in the area where the source is located or in a state publication designed to give general public notice, to persons on a mailing list developed by the Department, including those who request in writing to be on the list, and by other means if necessary to assure adequate notice to the affected public.

C. The public notice shall identify:

- (1) The affected facility;
- (2) The names and addresses of the applicant or permittee and its owners;
- (3) The name and address of the Department;
- (4) The activity or activities involved in the permit action;
- (5) The emissions change(s) involved in any permit modification;
- (6) The name, address and telephone number of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, and relevant supporting materials;
- (7) A brief description of the comment procedures required by the Department; and
- (8) As appropriate, a statement of procedures to request a hearing, or the time and place of any scheduled hearing.

D. Notice of public hearing shall identify:

- (1) The affected facility;
- (2) The names and addresses of the applicant or permittee and its owners;
- (3) The name and address of the Department;
- (4) The activity or activities involved in the permit action;
- (5) The name, address and telephone number of a person from whom interested persons may obtain additional information;
- (6) A brief description of hearing procedures; and
- (7) The time and place of the scheduled hearing.

E. Public hearings shall be held in the geographic area likely to be impacted by the source. The time, date, and place of the hearing shall be determined by the Department. The Department shall appoint a hearing officer. A transcript of the hearing shall be made at the request of either the Department or the applicant and at the

expense of the person requesting the transcript. At the hearing, all interested persons shall be given a reasonable chance to submit data, views or arguments orally or in writing and to examine witnesses testifying at the hearing.

F. The Department shall keep a record of the commenters and also of the issues raised during the public participation process so that the Administrator may fulfill his or her obligation under section 505(b)(2) of the Federal Act to determine whether a citizen petition may be granted. Such records shall be available to the public upon request.

G. The Department shall provide such notice and opportunity for participation by affected programs as is provided for by 20.2.70.402 NMAC.

[11/30/95; 20.2.70.401 NMAC - Rn, 20 NMAC 2.70.401 06/14/02]

20.2.70.402 REVIEW BY THE ADMINISTRATOR AND AFFECTED PROGRAMS:

A. Notification: The Department shall not issue an operating permit (including permit renewal or reissuance), minor permit modification or significant permit modification, until affected programs and the Administrator have had an opportunity to review the proposed permit as required under this section. Permits for source categories waived by the Administrator from this requirement and any permit terms or conditions which are not required under the Federal Act or under any of its requirements are not subject to Administrator review or approval.

(1) Within five (5) days of notification by the Department that the application has been determined complete, the applicant shall provide a copy of the complete permit application (including the compliance plan and all additional materials submitted to the Department) directly to the Administrator. The permit or permit modification shall not be issued without certification to the Department of such notification. The Department shall provide to the Administrator a copy of each draft permit, each proposed permit, each final operating permit, and any other relevant information requested by the Administrator.

(2) The Department shall provide notice of each draft permit to any affected program on or before the time that the Department provides this notice to the public under 20.2.70.401 NMAC, except to the extent that minor permit modification procedures require the timing of the notice to be different.

(3) The Department shall keep for five (5) years such records and submit to the Administrator such information as the Administrator may reasonably require to ascertain whether the state program complies with the requirements of the Federal Act or related applicable requirements.

B. Responses to Objections:

(1) No permit for which an application must be transmitted to the Administrator under this Part shall be issued by the Department if the Administrator, after determining that issuance of the proposed permit would not be in compliance with applicable requirements, objects to such issuance in writing within forty-five (45) days of receipt of the proposed permit and all necessary supporting information.

(2) If the Administrator does not object in writing under paragraph (1) of subsection B of 20.2.70.402 NMAC, any person may, within sixty (60) days after the expiration of the Administrator's 45-day review period, petition the Administrator to make such objection. Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in 20.2.70.401 NMAC, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. If the Administrator objects to the permit as a result of a petition filed under this paragraph, the Department shall not issue the permit until the Administrator's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period and prior to the Administrator's objection.

(3) The Department, as part of the submittal of the proposed permit to the Administrator (or as soon as possible after the submittal for minor permit modification procedures allowed under subsection B of 20.2.70.404 NMAC), shall notify the Administrator and any affected program in writing of any refusal by the Department to accept all recommendations for the proposed permit that the affected program submitted during the public or affected program review period. The notice shall include the Department's reasons for not accepting any such recommendation. The Department is not required to accept recommendations that are not based on federally enforceable applicable requirements.

[11/30/95; 20.2.70.402 NMAC – Rn, 20 NMAC 2.70.402 06/14/02]

20.2.70.403 PETITIONS FOR REVIEW OF FINAL ACTION:

A. Hearing Before the Board:

(1) Any person who participated in a permitting action before the Department and who is adversely affected by such permitting action may file a petition for hearing before the Board. For the purposes of this section,

permitting action shall include the failure of the Department to take final action on an application for a permit (including renewal) or permit modification within the time specified in this Part.

(2) The petition shall be made in writing to the Board within thirty (30) days from the date notice is given of the Department's action and shall specify the portions of the permitting action to which the petitioner objects, certify that a copy of the petition has been mailed or hand-delivered as required by this paragraph, and attach a copy of the permitting action for which review is sought. Unless a timely request for hearing is made, the decision of the Department shall be final. The petition shall be copied simultaneously to the Department upon receipt of the appeal notice. If the petitioner is not the applicant or permittee, the petitioner shall mail or hand-deliver a copy of the petition to the applicant or permittee. The Department shall certify the administrative record to the Board.

(3) If a timely request for hearing is made, the Board shall hold a hearing within ninety (90) days of receipt of the petition in accordance with New Mexico Air Quality Control Act section 74-2-7 NMSA 1978.

B. Judicial Review:

(1) Any person who is adversely affected by an administrative action taken by the Board pursuant to subsection A of 20.2.70.403 NMAC may appeal to the Court of Appeals in accordance with New Mexico Air Quality Control Act section 74-2-9 NMSA 1978. Petitions for judicial review must be filed no later than thirty (30) days after the administrative action.

(2) The judicial review provided for by 20.2.70.403 NMAC shall be the exclusive means for obtaining judicial review of the terms and conditions of the permit.

[11/30/95; 20.2.70.403 NMAC – Rn, 20 NMAC 2.70.403 06/14/02]

20.2.70.404 PERMIT MODIFICATIONS:

A. Administrative Permit Amendments:

(1) An administrative permit amendment is one that:

(a) Corrects typographical errors;

(b) Provides for a minor administrative change at the source, such as a change in the address or phone number of any person identified in the permit;

(c) Incorporates a change in the permit solely involving the retiring of an emissions unit;

(d) Requires more frequent monitoring or reporting by the permittee; or

(e) Any other type of change which has been determined by the Department and the Administrator to be similar to those in this paragraph.

(2) Changes in ownership or operational control of a source may be made as administrative amendments provided that:

(a) A written agreement, containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee, has been submitted to the Department, and either the Department has determined that no other change in the permit is necessary, or changes deemed necessary by the Department have been made;

(b) The new owners have submitted the application information required in paragraph (2) of subsection D of 20.2.70.300 NMAC;

(c) No grounds exist for permit termination, as set out in subparagraphs (b) and (c) of paragraph (3) of subsection A of 20.2.70.405 NMAC; and

(d) The permittee has published a public notice of the change in ownership of the source in a newspaper of general circulation in the area where the source is located.

(3) The Department may incorporate administrative permit amendments without providing notice to the public or affected programs, provided that it designates any such permit modifications as administrative permit amendments and submits a copy of the revised permit to the Administrator.

(4) The Department shall take no more than sixty (60) days from receipt of a request for an administrative permit amendment to take final action on such request. The permittee may implement the changes outlined in subparagraphs (a) through (d) of paragraph (1) of subsection A of 20.2.70.404 NMAC immediately upon submittal of the request for the administrative amendment. The permittee may implement the changes outlined in subparagraph (e) of paragraph (1) of subsection A of 20.2.70.404 NMAC or paragraph (2) of subsection A of 20.2.70.404 NMAC upon approval of the administrative amendment by the Department.

B. Minor Permit Modifications:

(1) Minor permit modification procedures may be used only for those permit modifications that:

(a) Do not violate any applicable requirement;

(b) Do not involve relaxation of existing monitoring, reporting, or recordkeeping requirements in the permit;

(c) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;

(d) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the permittee has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include any federally enforceable emissions cap assumed to avoid classification as a title I modification and any alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Federal Act;

(e) Are not title I modifications; and

(f) Are not required by the Department to be processed as a significant modification pursuant to subsection C of 20.2.70.404 NMAC.

(2) A permittee shall not submit multiple minor permit modification applications that may conceal a larger modification that would not be eligible for minor permit modification procedures. The Department may, at its discretion, require that multiple related minor permit modification applications be submitted as a significant permit modification.

(3) An application requesting the use of minor permit modification procedures shall meet the requirements of subsections C and D of 20.2.70.300 NMAC and shall include:

(a) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

(b) The applicant's suggested draft permit;

(c) Certification by a responsible official, consistent with subsection E of 20.2.70.300 NMAC, that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

(d) If the requested permit modification would affect existing compliance plans or schedules, related progress reports, or certification of compliance requirements, an outline of such effects.

(4) The Department shall, within thirty (30) days after its receipt of an application for a minor permit modification, review such application for completeness. Unless the Department determines that an application is not complete, requests additional information or otherwise notifies the applicant of incompleteness within thirty (30) days of receipt of an application, the application shall be deemed complete. If the application is judged complete, a certified letter to that effect shall be sent to the applicant. If the application is judged incomplete a certified letter shall be sent to the applicant stating what additional information or points of clarification are necessary to judge the application complete.

(5) Within five (5) working days of notification by the Department that the minor permit modification application has been determined complete, the applicant shall meet its obligation under subsection A of 20.2.70.402 NMAC to notify the Administrator of the requested permit modification. The Department promptly shall send any notice required under paragraph (2) of subsection A of 20.2.70.402 NMAC and subsection B of 20.2.70.402 NMAC to the Administrator and affected programs.

(6) The permittee may make the change proposed in its minor permit modification application immediately after such application is deemed complete. After the permittee makes the change allowed by the preceding sentence, and until the Department takes any of the actions specified in paragraph (7) of subsection B of 20.2.70.404 NMAC below, the permittee must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the permittee need not comply with the existing permit terms and conditions it seeks to modify. If the permittee fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

(7) The Department may not issue a final minor permit modification until after the Administrator's 45-day review period of the proposed permit modification or until US EPA has notified the Department that the Administrator will not object to issuance of the permit modification, although the Department may approve the permit modification prior to that time. Within ninety (90) days of ruling the application complete under minor permit modification procedures or within fifteen (15) days after the end of the Administrator's 45-day review period, whichever is later, the Department shall:

(a) Issue the permit modification as it was proposed;

(b) Disapprove the permit modification application;

- (c) Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures; or
- (d) Revise the draft permit modification and transmit to the Administrator the new proposed permit modification as required by subsection A of 20.2.70.402 NMAC.

C. Significant Permit Modifications:

(1) A significant permit modification is:

(a) Any revision to an operating permit that does not meet the criteria under the provisions for administrative permit amendments under subsection A of 20.2.70.404 NMAC or for minor permit modifications under subsection B of 20.2.70.404 NMAC above;

(b) Any modification that would result in any relaxation in existing monitoring, reporting or recordkeeping permit terms or conditions;

(c) Any modification for which action on the application would, in the judgment of the Department, require decisions to be made on significant or complex issues; and

(d) Changes in ownership which do not meet the criteria of paragraph (2) of subsection A of 20.2.70.404 NMAC.

(2) For significant modifications which are not required to undergo preconstruction permit review and approval, changes to the source which qualify as significant permit modifications shall not be made until the Department has issued the operating permit modification.

(3) For significant modifications which have undergone preconstruction permit review and approval, the permittee shall:

(a) Before commencing operation, notify the Department in writing of any applicable requirements and operating permit terms and conditions contravened by the modification, emissions units affected by the change, and allowable emissions increases resulting from the modification; and

(b) Within twelve (12) months after commencing operation, file a complete operating permit modification application.

(4) Where an existing operating permit would specifically prohibit such change, the permittee must obtain an operating permit modification before commencing operation or implementing the change.

(5) Significant permit modifications shall meet all requirements of this Part for permit issuance, including those for applications, public participation, review by affected programs and review by the Administrator.

(6) The Department shall complete review on the majority of significant permit modification applications within nine (9) months after the Department rules the applications complete.

D. Modifications to Acid Rain Sources: Administrative permit amendments and permit modifications for purposes of the acid rain portion of the permit shall be governed by regulations promulgated by the Administrator under title IV of the Federal Act.

[11/30/95; 20.2.70.404 NMAC - Rn, 20 NMAC 2.70.404 06/14/02]

20.2.70.405 PERMIT REOPENING, REVOCATION OR TERMINATION:

A. Action by the Department:

(1) Each permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit shall be reopened and revised for any of the following, and may be revoked and reissued for subparagraphs (c) or (d) of the following:

(a) Additional applicable requirements under the Federal Act become applicable to a major source with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms or conditions have been extended past the expiration date of the permit pursuant to subsection D of 20.2.70.400 NMAC;

(b) Additional requirements (including excess emissions requirements) become applicable to a source under the acid rain program promulgated under title IV of the Federal Act. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit;

(c) The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the terms or conditions of the permit; or

(d) The Department or the Administrator determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.

(2) Proceedings to reopen and revise, or revoke and reissue, a permit shall affect only those parts of the permit for which cause to reopen or revoke exists. Units for which permit conditions have been revoked shall not be operated until permit reissuance. Reopenings shall be made as expeditiously as practicable.

(3) A permit, or an authorization to operate under a general permit, may be terminated when:

(a) The permittee fails to meet the requirements of an approved compliance plan;

(b) The permittee has been in significant or repetitious non-compliance with the operating permit terms or conditions;

(c) The applicant or permittee has exhibited a history of willful disregard for environmental laws of any state or Tribal authority, or of the United States;

(d) The applicant or permittee has knowingly misrepresented a material fact in any application, record, report, plan, or other document filed or required to be maintained under the permit;

(e) The permittee falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under the permit;

(f) The permittee fails to pay fees required under the fee schedule in 20.2.71 NMAC (Operating Permit Emission Fees); or

(g) The Administrator has found that cause exists to terminate the permit.

(4) The Department shall, by certified mail, provide a notice of intent to the permittee at least thirty (30) days in advance of the date on which a permit is to be reopened or revoked, or terminated, except that the Department may provide a shorter time period in the case of an emergency. The notice shall state that the permittee may, within 30 (thirty) days of receipt, submit comments or request a hearing on the proposed permit action.

B. Action by the Administrator: Within ninety (90) days, or longer if the Administrator extends this period, after receipt of written notification that the Administrator has found that cause exists to terminate, modify or revoke and reissue a permit, the Department shall forward to the Administrator a proposed determination of termination, modification, or revocation and reissuance, as appropriate. Within ninety (90) days from receipt of an Administrator objection to a proposed determination, the Department shall address and act upon the Administrator's objection.

C. Compliance Orders: Notwithstanding any action which may be taken by the Department or the Administrator under subsections A and B of 20.2.70.405 NMAC, a compliance order issued pursuant to New Mexico Air Quality Control Act section 74-2-12 NMSA 1978 may include a suspension or revocation of any permit or portion thereof.

[11/30/95; 20.2.70.405 NMAC - Rn, 20 NMAC 2.70.405 06/14/02]

20.2.70.406 CITIZEN SUITS: Pursuant to section 304 of the Federal Act, 42 USC 7604, any person may commence certain civil actions under the Federal Act.

[11/30/95; 20.2.70.406 NMAC - Rn, 20 NMAC 2.70.406 06/14/02]

20.2.70.407 VARIANCES: Pursuant to New Mexico Air Quality Control Act section 74-2-8 NMSA 1978, applicants and permittees may seek a variance from the non-federally enforceable provisions of this Part.

[11/30/95; 20.2.70.407 NMAC - Rn, 20 NMAC 2.70.407 06/14/02]

20.2.70.408 ENFORCEMENT: Notwithstanding any other provision in the New Mexico State Implementation Plan approved by the Administrator, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of the terms or conditions of a permit issued pursuant to this Part.

A. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at the source:

(1) A monitoring or information gathering method approved for the source pursuant to this Part and incorporated in an operating permit; or

(2) Compliance methods specified in the New Mexico State Implementation Plan.

B. The following testing, monitoring or information gathering methods are presumptively credible testing, monitoring or information gathering methods:

(1) Any federally enforceable monitoring or testing methods, including those in 40 CFR parts 51, 60, 61 and 75; and

(2) Other testing, monitoring or information gathering methods that produce information comparable to that produced by any method under subsection A of 20.2.70.408 NMAC or paragraph (1) of subsection B of 20.2.70.408 NMAC.

[11/30/95; 20.2.70.408 NMAC - Rn, 20 NMAC 2.70.408 06/14/02]

20.2.70.409 to 20.2.70.499 [RESERVED]

20.2.70.500 to 20.2.70.599 [RESERVED]

HISTORY OF 20.2.70 NMAC:

Pre NMAC History: The material in this part was derived from that previously filed with the commission of public records - state records center and archives.

EIB/AQCR 770, Air Quality Control Regulation 770 - Operating Permits, filed 11/15/93.

History of Repealed Material: [RESERVED]

Other History:

EIB/AQCR 770, Air Quality Control Regulation 770 - Operating Permits, filed 11/15/93 was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.70, Operating Permits, filed 10/30/95;

20 NMAC 2.70, Operating Permits, filed 10/30/95 was **renumbered, reformatted and replaced** by 20.2.70 NMAC, Operating Permits, effective 06/14/02.

20.2.72 NMAC – Construction Permits

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 72 CONSTRUCTION PERMITS

20.2.72.1 ISSUING AGENCY: Environmental Improvement Board.
[11/30/95; 20.2.72.1 NMAC - Rn, 20 NMAC 2.72.100 02/02/01]

20.2.72.2 SCOPE: All persons who intend to construct or modify a source, except as otherwise provided by this Part.
[11/30/95; 20.2.72.2 NMAC - Rn, 20 NMAC 2.72.101 02/02/01]

20.2.72.3 STATUTORY AUTHORITY: Environmental Improvement Act, NMSA 1978, Section 74-1-8(A)(4) and Air Quality Control Act, NMSA 1978, Sections 74-2-1 et seq., including specifically, Section 74-2-7(A)(1), (B), (C) and (D).
[11/30/95; 20.2.72.3 NMAC - Rn, 20 NMAC 2.72.102 02/02/01]

20.2.72.4 DURATION: Permanent. Notwithstanding the applicability provisions of 20.2.72.402 NMAC, the Department is stayed from enforcing requirements relating to asphalt fumes as a toxic air pollutant for new or modified sources until September 1, 1997.
[11/30/95; A, 08/02/96; 20.2.72.4 NMAC - Rn, 20 NMAC 2.72.103 02/02/01]

20.2.72.5 EFFECTIVE DATE: November 30, 1995 except where a later date is cited at the end of a section or paragraph.
[The latest effective date of any section in this Part is 9/6/06.]
[11/30/95; A, 04/22/98; 20.2.72.5 NMAC - Rn, 20 NMAC 2.72.104 02/02/01]

20.2.72.6 OBJECTIVE: The objective of this Part is to establish the requirements for obtaining a construction permit.
[11/30/95; 20.2.72.6 NMAC - Rn, 20 NMAC 2.72.105 02/02/01]

20.2.72.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (Definitions) as used in this Part:

A. "Accelerated review" means an optional process of permit application review that allows the Department to utilize a qualified outside firm to assist in review of a construction permit application.

B. "Affiliate," for the purposes of accelerated review, means a person that directly or indirectly, through one or more intermediaries, controls or is under common control with another person. Control includes the possession of the power to direct or cause the direction of management and policies of a person, whether directly or indirectly through the ownership, control or holding with the power to vote ten percent or more of the person's voting securities.

C. "Air pollution control equipment" means any device, equipment, process or combination thereof the operation of which would limit, capture, reduce, confine, or otherwise control air contaminants or convert for the purposes of control any air contaminant to another form, another chemical or another physical state.

D. "Ambient air" means the outdoor atmosphere, but does not include the area entirely within the boundaries of the industrial or manufacturing property within which the air contaminants are or may be emitted and public access is restricted within such boundaries.

E. "Coal mining operation" means the business of developing, producing, preparing or loading bituminous coal, subbituminous coal, anthracite, or lignite, or of reclaiming the areas upon which such activities occur. This definition does not include coal preparation plants.

F. "Coal preparation plant" means any facility which prepares coal by one or more of the following processes: breaking, crushing, screening, wet or dry cleaning, and thermal drying.

G. "Commencement" means that an owner or operator has undertaken a continuous program of construction or modification.

H. "Conflict of interest," for the purposes of accelerated review, means any direct or indirect relationship between the qualified outside firm and the applicant or other interested person that would cause a reasonable person with knowledge of the relevant facts to question the integrity or impartiality of the qualified

outside firm in review of the application. A conflict of interest does not include any gifts, gratuities, financial or contractual relationship of less than one hundred dollars (\$100) in value for the twelve month period preceding Department receipt of the application. A conflict of interest includes but is not limited to the following examples:

- (1) Gifts or gratuities of value have been exchanged between the qualified outside firm and the applicant.
- (2) The qualified outside firm has provided goods or services to the applicant within one year prior to the start, or during the term, of the accelerated review process.
- (3) An express or implied contractual relationship exists between the qualified outside firm and the applicant and the qualified outside firm has provided goods or services to the applicant through that relationship within five years prior to the start of the accelerated review process.
- (4) There is a current financial relationship between the qualified outside firm and the applicant.

Current financial relationships include, but are not limited to:

- (a) The qualified outside firm owes anything of value to, or is owed anything of value by the applicant.
 - (b) The qualified outside firm has provided goods or services to the applicant and has issued a warranty or guarantee for the work that is still in effect during the time the contracted work for accelerated review is being performed.
- (5) A director, officer, or employee of the qualified outside firm, who will perform services under a contract pursuant to this section (20.2.72.221 NMAC), has one or more personal, business, or financial interests or relationships with the applicant or any director, officer or employee of the applicant which would cause a reasonable person with knowledge of the relevant facts to question the integrity or impartiality of those who are or will be acting under a contract.

(6) A director, officer or employee of the qualified outside firm was a director, officer or employee of the applicant within one year prior to the start of the accelerated review process.

(7) Except where allowed by the Department, communication has been made between the qualified outside firm and the applicant regarding the substance of the application before a qualified outside firm has been selected to perform accelerated review of an application. Direct communication between the qualified outside firm and the applicant may take place once the qualified outside firm has been selected by the Department.

(8) Any affiliate of the applicant has any of the above identified relationships with the qualified outside firm.

(9) Any affiliate of the qualified outside firm has any of the above identified relationships with the applicant.

(10) Any affiliate of the applicant has any of the above identified relationships with any affiliate of the qualified outside firm.

I. "Construction" means fabrication, erection, installation or relocation of a stationary source, including but not limited to temporary installations and portable stationary sources.

J. "Emergency" means unforeseen circumstances resulting in an imminent and substantial endangerment to health, safety, or welfare which requires immediate action.

K. "Federally enforceable" means all limitations and conditions which are enforceable by the administrator of the US EPA, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within any applicable State Implementation Plan, any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I including 40 CFR 51.165 and 40 CFR 51.166.

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

M. "Hazardous air pollutant" means an air contaminant which has been classified as a "hazardous air pollutant" by the administrator of the US EPA and is subject to a NESHAP.

N. "Interested person," as used in the definition of conflict of interest, means any person, other than the Department, that is reasonably expected to provide or has provided substantive comment or technical evidence on the permit application.

O. "Malfunction" means any sudden and unavoidable failure of air pollution control equipment, process equipment, or process to operate in an expected manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable equipment breakdown shall not be considered a malfunction.

P. "Modification" means any physical change in, or change in the method of operation of, a stationary source which results in an increase in the potential emission rate of any regulated air contaminant emitted by the source or which results in the emission of any regulated air contaminant not previously emitted, but does not include:

- (1) a change in ownership of the source;
- (2) routine maintenance, repair or replacement;
- (3) installation of air pollution control equipment, and all related process equipment and materials necessary for its operation, undertaken for the purpose of complying with regulations adopted by the board or pursuant to the Federal Act; or
- (4) unless previously limited by enforceable permit conditions:
 - (a) an increase in the production rate, if such increase does not exceed the operating design capacity of the source;
 - (b) an increase in the hours of operation; or
 - (c) use of an alternative fuel or raw material if, prior to January 6, 1975, the source was capable of accommodating such fuel or raw material, or if use of an alternate fuel or raw material is caused by any natural gas curtailment or emergency allocation or any other lack of supply of natural gas.

Q. "National Ambient Air Quality Standard" means, unless otherwise modified, the primary (health-related) and secondary (welfare-based) federal ambient air quality standards promulgated by the US EPA pursuant to Section 109 of the Federal Act.

R. "National Emission Standards for Hazardous Air Pollutants" or "NESHAP" mean the regulatory requirements, guidelines and emission limitations promulgated by the US EPA pursuant to Section 112 of the Federal Act.

S. "New Source Performance Standard" or "NSPS" means the regulatory requirements, guidelines and emission limitations promulgated by the US EPA pursuant to Section 111 of the Federal Act.

T. "Nonattainment area" means for any air contaminant an area which is shown by monitored data or which is calculated by air quality modeling (or other methods determined by the administrator to be reliable) to exceed any national or New Mexico ambient air quality standard for such contaminant. Such term includes any areas identified under Sub-paragraphs (A) through (C) of Section 107 (d)(1) of the Federal Act.

U. "Operator" means the person or persons responsible for the overall operation of a facility.

V. "Owner" means the person or persons who own a facility or part of a facility.

W. "Part" means an air quality control regulation under Title 20, Chapter 2 of the New Mexico Administrative Code, unless otherwise noted; as adopted or amended by the Board.

X. "Portable stationary source" means a source which can be relocated to another operating site with limited dismantling and reassembly, including for example but not limited to moveable sand and gravel processing operations and asphalt plants.

Y. "Potential emission rate" means the emission rate of a source at its maximum capacity to emit a regulated air contaminant under its physical and operational design, provided any physical or operational limitation on the capacity of the source to emit a regulated air contaminant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, shall be treated as part of its physical and operational design only if the limitation or the effect it would have on emissions is enforceable by the department pursuant to the Air Quality Control Act or the federal Act.

Z. "Qualified outside firm" means any person who has entered into a contract with the Department to provide assistance in the accelerated review of construction permit applications.

AA. "Regulated air contaminant" means, any air contaminant, the emission or ambient concentration of which is regulated pursuant to the New Mexico Air Quality Control Act or the Federal Act.

BB. "Shutdown" means the cessation of operation of any air pollution control equipment, process equipment or process for any purpose, except routine phasing out of batch process units.

CC. "Standard Industrial Classification" or "SIC" means the code from the classification manual created by the Executive Office of the President-Office of Management and Budget, which categorizes industrial, manufacturing and commercial facilities, as listed in the Standard Industrial Code Manual published by the U.S. Government Printing Office, Washington D.C. 1972.

DD. "Startup" means the setting into operation of any air pollution control equipment, process equipment or process for any purpose, except routine phasing in of batch process units.

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

contaminant. Any research facility may group its sources for the purpose of this Part at the discretion of the Secretary.

[11/30/95; 20.2.72.7 NMAC - Rn, 20 NMAC 2.72.107 02/02/01; A, 03/30/01; A, 02/18/02]

20.2.72.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation ("AQCR") 702 - Permits, filed May 29, 1990, as amended ("AQCR 702").

A. All references to AQCR 702 in any other rule shall be construed as a reference to this Part.

B. The amendment and supersession of AQCR 702 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 702.

[11/30/95; 20.2.72.8 NMAC - Rn, 20 NMAC 2.72.106 02/02/01]

20.2.72.9 DOCUMENTS: Documents incorporated and cited in this Part may be viewed at the New Mexico Environment Department, Air Quality Bureau, Harold Runnels Building, 1190 St. Francis Drive, Santa Fe, NM 87505.

[11/30/95; 20.2.72.9 NMAC - Rn, 20 NMAC 2.72.108 02/02/01]

20.2.72.10 – 20.2.72.199 [RESERVED]

20.2.72.200 APPLICATION FOR CONSTRUCTION, MODIFICATION, NSPS, AND NESHAP - PERMITS AND REVISIONS:

A. Permits must be obtained from the Department by:

(1) Any person constructing a stationary source which has a potential emission rate greater than 10 pounds per hour or 25 tons per year of any regulated air contaminant for which there is a National or New Mexico Ambient Air Quality Standard. If the specified threshold in this subsection is exceeded for any one regulated air contaminant, all regulated air contaminants with National or New Mexico Ambient Air Quality Standards emitted are subject to permit review. Within this subsection, the potential emission rate for nitrogen dioxide shall be based on total oxides of nitrogen;

(2) Any person modifying a stationary source when all of the pollutant emitting activities at the entire facility, either prior to or following the modification, emit a regulated air contaminant for which there is a National or New Mexico Ambient Air Quality Standard with a potential emission rate greater than 10 pounds per hour or 25 tons per year and the regulated air contaminant is emitted as a result of the modification. If the specified threshold in this subsection is exceeded for any one regulated air contaminant, all regulated air contaminants with National or New Mexico Ambient Air Quality Standards emitted by the modification are subject to permit review. Within this subsection, the potential emission rate for nitrogen dioxide shall be based on total oxides of nitrogen;

(3) Any person constructing or modifying any source or installing any equipment which is subject to 20.2.77 NMAC (New Source Performance Standards), 20.2.78 NMAC (Emission Standards for Hazardous Air Pollutants), or any other New Mexico Air Quality Control Regulation which contains emission limitations for any regulated air contaminant;

(4) For toxic air pollutants, see 20.2.72.400 NMAC - 20.2.72.499 NMAC;

(5) Any person constructing a stationary source which has a potential emission rate for lead greater than 5 tons per year or modifying a stationary source which either prior to or following the modification has a potential emission rate for lead greater than 5 tons per year; or

(6) Sources which are major sources of hazardous air pollutants by the definitions in 20.2.83 NMAC (Construction or Modification of Major Sources of Hazardous Air Pollutants).

B. Fugitive dust emissions from a coal mining operation shall not be subject to the requirements of Paragraph 1 of Subsection A of 20.2.72.200 NMAC. Note: New coal mining operations are required to have an approved air pollution control plan for fugitive dust emissions by the New Mexico Surface Coal Mining Commission.

C. Any source or modification meeting the applicability requirements of this Part, but which is a major stationary source or a major modification as defined in 20.2.74 NMAC, shall in addition be subject to 20.2.74 NMAC (Prevention of Significant Deterioration).

D. Any source or modification meeting the applicability requirements of this Part but which is a major stationary source or a major modification as defined in 20.2.79 NMAC, shall in addition be subject to 20.2.79 NMAC (Permits - Nonattainment Areas).

E. For all sources subject to this Part, applications for permits shall be filed prior to the commencement of the construction, modification or installation. Regardless of the anticipated commencement date, no construction, modification or installation shall begin prior to issuance of the permit.

F. Temporary installations and portable stationary sources are subject to this Part.

G. If a source consists of more than one unit, a separate permit may be required for each unit which is not substantially interrelated with another unit. A common connection leading to ductwork, pollution control equipment or a single stack shall not, by itself, constitute a substantial interrelationship.

H. Any source which previously did not require a permit because it was in existence before August 31, 1972 shall be subject to the requirements of this Part if operations cease for a period of five years or more and the source has a potential emission rate greater than 10 pounds per hour or 25 tons per year of any regulated air contaminant for which there is a National or New Mexico Ambient Air Quality Standard.

I. Any source meeting the applicability requirements of this Part, but which is a major source of hazardous air pollutants, shall in addition be subject to 20.2.83 NMAC (Construction or Modification of Major Sources of Hazardous Air Pollutants).

[11/30/95]

20.2.72.201 NEW SOURCE REVIEW COORDINATION: In cases where the new source review requirements of either 20.2.74 NMAC, 20.2.77 NMAC, 20.2.78 NMAC, 20.2.79 NMAC, or 20.2.83 NMAC (Construction or Modifications of Major Sources of Hazardous Air Pollutants) apply to a new stationary source or modification in addition to this Part, the following provisions apply:

A. Only one permit application shall be submitted. The applicant shall submit a sufficient number of copies to meet the requirement of the applicable Part which requires the most copies;

B. The application shall be ruled administratively complete when information required by all applicable Parts has been submitted;

C. Definitions and requirements of each applicable Part are applied separately and do not supersede each other; and

D. After the requirements of all applicable Parts are met, only one permit shall be issued.

[11/30/95; A, 01/01/00]

20.2.72.202 EXEMPTIONS: The following exemptions are made to the following requirements of 20.2.72.200 NMAC - 20.2.72.299 NMAC. The exemptions in this section do not apply to emissions of toxic air pollutants listed under 20.2.72.502 NMAC, do not alter the calculation of the potential emissions of toxic air pollutants for applicability under 20.2.72.402 NMAC, and do not exempt the Department or the owner or operator of any source from any requirement under 20.2.72.403 NMAC, 20.2.72.404 NMAC, or 20.2.72.405 NMAC.

A. The following sources and activities shall not be reported in the permit application. Emissions from such activities shall not be included in the calculation of facility-wide potential emission rate under Paragraphs 1 or 2 of Subsection A of 20.2.72.200 NMAC. Such activities may be commenced or changed without a permit or permit revision under 20.2.72.200 NMAC - 20.2.72.299 NMAC:

(1) Activities which occur strictly for maintenance of grounds or buildings, including: lawn care, pest control, grinding, cutting, welding, painting, woodworking, sweeping, general repairs, janitorial activities, and building roofing operations;

(2) Activities for maintenance of equipment or pollution control equipment, either inside or outside of a building, including cutting, welding, and grinding, but excluding painting;

(3) Exhaust emissions from forklifts, courier vehicles, front end loaders, graders, carts, maintenance trucks, and fugitive emissions from fleet vehicle refueling operations, provided such emissions are not subject to any requirements under this Chapter (Air Quality), NSPS or NESHAP;

(4) Use of fire fighting equipment and fire fighting training;

(5) Government military activities such as field exercises, explosions, weapons testing and demolition to the extent that such activities:

(a) Do not result in visible emissions entering publicly accessible areas; and

(b) Are not subject to a NSPS or NESHAP;

(6) Office activities, such as photocopying;

- (7) Test drilling for characterization of underground storage tank and waste disposal sites;
 - (8) Non-anthropogenic wind blown dust;
 - (9) Residential activities such as use of fireplaces, woodstoves, and barbecue cookers;
 - (10) Gases used to calibrate plant instrumentation, including continuous emission monitoring (CEM) systems;
 - (11) Food service, such as cafeteria activities;
 - (12) Automotive repair shop activities, except painting and use of solvents;
 - (13) Use of portable aerospace ground equipment (such as power generators, compressors, heaters, air conditioners, lighting units) in direct support of aircraft operations and on or in the immediate vicinity of an airfield;
 - (14) Activities which occur strictly for preventive maintenance of highway bridges, displays and water towers, including: grinding, cutting, welding, painting, and general repairs;
 - (15) The act of repositioning or relocating equipment, pipes, ductwork, or conveyors within the plant site, but only when such change in physical configuration does not:
 - (a) Reposition or relocate any source of air emissions or the emission points from any such source; or
 - (b) Increase the amount of air emissions or the ambient impacts of such emissions.
- B.** The presence of the following new or modified sources and activities at the facility shall be reported as provided for in the permit application forms supplied by the Department. Emissions from such sources and activities shall not be included in the calculation of facility-wide potential emission rate under Paragraphs 1 or 2 of Subsection A of 20.2.72.200 NMAC. Construction of such sources or commencement of such activities after issuance of the permit shall be subject to the administrative permit revision procedures in 20.2.219 NMAC.
- (1) Fuel burning equipment which is used solely for heating buildings for personal comfort or for producing hot water for personal use and which:
 - (a) Uses gaseous fuel and has a design rate less than or equal to five (5) million BTU per hour; or
 - (b) Uses distillate oil (not including waste oil) and has a design rate less than or equal to one (1) million BTU per hour;
 - (2) VOC emissions resulting from the handling or storing of any VOC if:
 - (a) Such VOC has a vapor pressure of less than two tenths (0.2) PSI at temperatures at which the compound is stored and handled; and
 - (b) The owner or operator maintains sufficient record keeping to verify that the requirements of Sub-paragraph (a) of this paragraph are met;
 - (3) Standby generators which are:
 - (a) Operated only during the unavoidable loss of commercial utility power;
 - (b) Operated less than 500 hours per year; and
 - (c) Either are:
 - i. The only source of air emissions at the site; or
 - ii. Accompanied by sufficient record keeping to verify that the standby generator is operated less than 500 hours per year;
 - (4) The act of repositioning or relocating sources of air emissions or emissions points within the plant site, but only when such change in physical configuration does not increase air emissions or the ambient impacts of such emissions;
 - (5) Any emissions unit, operation, or activity that has a potential emission rate of no more than one-half (1/2) ton per year of any pollutant for which a National or New Mexico Ambient Air Quality Standard has been set or one-half (1/2) ton per year of any VOC. Multiple emissions units, operations, and activities that perform identical or similar functions shall be combined in determining the applicability of this exemption;
 - (6) Surface coating of equipment, including spray painting, roll coating, and painting with aerosol spray cans, if:
 - (a) The potential emission rate of VOCs do not exceed ten (10) pounds per hour;
 - (b) The facility-wide total VOC content of all coating and clean-up solvent use is less than two (2) tons per year; and
 - (c) The owner or operator maintains sufficient record keeping to verify that the requirements in Sub-paragraphs (a) and (b) of this paragraph are met;

- (7) Particulate emissions resulting from abrasive blasting operations, if:
 - (a) Blasting operations are entirely enclosed in a building; and
 - (b) No visible particulate emissions are released from the building.

C. For sources and units subject to 40 CFR Part 60 (NSPS), 40 CFR Part 61 (NESHAP) or other Parts of this Chapter (Air Quality), except 40 CFR Part 60 Subparts I (asphalt plants) and OOO (rock crushers), 40 CFR Part 61 Subpart C (Beryllium), and 40 CFR Part 61 Subpart D (Beryllium Rocket Motor Firing):

(1) Such sources and units shall be exempt from the applicability requirements in Paragraph 3 of Subsection A of 20.2.72.200 NMAC if such sources or units:

- (a) Are included in a Notice of Intent filed under 20.2.73 NMAC (Notice of Intent and Emissions Inventory); or
 - (b) Have met the notification requirements to which they are subject under NSPS or NESHAP;
- and

(2) Applicability determinations under Paragraphs 1 and 2 of Subsection A of 20.2.72.200 NMAC shall take into account all federally enforceable emission limits established for such sources or units under NSPS, NESHAP and other Parts of this Chapter.

D. Portable Source Relocation. For a portable source which has been issued a permit under this Part:

(1) Such source may relocate without undergoing a permit revision if:

- (a) The source is installed in a manner conforming with the initial permit;
- (b) The source continues to meet all applicable emission limitations and permit conditions; and
- (c) The source meets the applicable requirements in Paragraphs 2 and 3 of Subsection D of

20.2.72.202 NMAC below;

(2) For each portable compressor engine which has been issued a streamlined permit in accordance with Paragraph 1 of Subsection D of 20.2.72.301 NMAC, the owner or operator shall complete the appropriate forms provided by the Department and maintain such records on file for at least two (2) years;

(3) For all other portable sources, including but not limited to rock crushers and asphalt plants:

- (a) The owner or operator shall notify the Department, on the form provided by the Department, at least fifteen (15) days prior to beginning installation at the new location;
- (b) Operation at a new location of such source shall not commence until the Department has approved the relocation in writing;
- (c) The Department shall not approve the relocation if it would result in exceedances of any National or New Mexico Ambient Air Quality Standard at the new location; and
- (d) The Department shall approve, deny, or approve with conditions, the relocation request within fifteen (15) days of receipt of the notice form.

[11/30/95; A, 01/07/98; A, 02/08/98]

20.2.72.203 CONTENTS OF APPLICATIONS:

A. Any person seeking a permit under Subsection A of 20.2.72.200 NMAC shall do so by filing a written application with the Department. The applicant shall submit the number of copies of the permit application specified in the applicable application form. The items of this section, if requested on the applicable application form, are required before the Department may deem an application administratively complete. The items may be modified by the Department, as appropriate, for emergency permits processed under 20.2.72.215 NMAC. All applications shall, as required by the Department:

- (1) Be filled out on the form(s) furnished by the Department;
- (2) State the applicant's name and address, together with the names and addresses of all owners or operators of the source, and the applicant's state of incorporation or principal registration to do business;
- (3) Provide all information, including all calculations and computations, to describe the specific chemical and physical nature and to estimate the maximum quantities of any regulated air contaminants the source will emit through routine operations after construction, modification or installation is completed, and estimate maximum potential emissions during malfunction, startup, shutdown. With respect to a toxic air pollutant as defined by Subsection H of 20.2.72.401 NMAC this requirement only applies when the toxic air pollutant is emitted in such a manner that a permit is required under the provisions of 20.2.72.400 NMAC - 20.2.72.499 NMAC;
- (4) Contain a regulatory compliance discussion demonstrating compliance with each applicable air quality regulation, ambient air quality standard, prevention of significant deterioration increment, and provision of 20.2.72.400 NMAC - 20.2.72.499 NMAC. The discussion must include an analysis, which may require use of US EPA-approved air dispersion model(s), to (1) demonstrate that emissions from routine operations will not violate

any New Mexico or National Ambient Air Quality Standard or prevention of significant deterioration increment, and (2) if required by 20.2.72.400 NMAC - 20.2.72.499 NMAC, estimate ambient concentrations of toxic air pollutants.

(5) Provide a preliminary operational plan defining the measures to be taken to mitigate source emissions during malfunction, startup or shutdown;

(6) Include a topographical map, at least as detailed as the 7.5 minute Topographic Quadrangle map published by the United States Geological Survey, showing the exact location and geographical coordinates of the proposed construction, modification or installation of the source;

(7) Include a process flow sheet, including a material balance, and a site diagram of all components and locations of emissions to the atmosphere of the facility which would be involved in routine operations and emissions;

(8) Include a full description, including all calculations of controlled and uncontrolled emissions and the basis for all control efficiencies presented, of the equipment to be used for air pollution control, including a process flow sheet, or, if the Department so requires, layout and assembly drawings;

(9) Include a description of the equipment or methods proposed by the applicant to be used for emission measurement;

(10) State the maximum and standard operating schedules of the source after completion of construction, modification or installation or after permit revision in terms of which and how many hours per day, days per week, days per month and days per year;

(11) Contain such other specifically identified relevant information as the Department may reasonably require;

(12) Be notarized and signed under oath or affirmation by the operator, the owner or an authorized representative, certifying, to the best of his or her knowledge, the truth of all information in the application and addenda, if any;

(13) Contain payment of any fees which are specified in 20.2.75 NMAC (Construction Permit Fees) as payable at the time the application is submitted;

(14) Contain documentary proof of applicant's public notice, if applicable, as specified in Subsection B of 20.2.72.203 NMAC; and

(15) At the sole discretion of the applicant, contain a request for accelerated review of the application.

B. The applicant's public notice for technical permit revisions shall be as specified in Paragraph 6 of Subsection B of 20.2.72.219 NMAC. The applicant's public notice for a permit or significant permit revision shall be:

(1) Provided by certified mail, to the owners of record, as shown in the most recent property tax schedule, of all properties:

(a) Within one hundred (100) feet of the property on which the facility is located or proposed to be located, if the facility is or is proposed to be located in a Class A or Class H county or a municipality with a population of more than two thousand five hundred (2500) persons; or

(b) Within one-half (1/2) mile of the property on which the facility is located or is proposed to be located if the facility is or will be in a county or municipality other than those specified in Sub-paragraph (a) of Paragraph 1 of Subsection B of 20.2.72.203 NMAC;

(2) Provided by certified mail to all municipalities and counties in which the facility is or will be located and to all municipalities, Indian tribes, and counties within a ten (10) mile radius of the property on which the facility is proposed to be constructed or operated;

(3) Published once in a newspaper of general circulation in each county in which the property on which the facility is proposed to be constructed or operated is located. This notice shall appear in either the classified or legal advertisements section of the newspaper and at one other place in the newspaper calculated to give the general public the most effective notice and, when appropriate, shall be printed in both English and Spanish;

(4) Posted in at least four (4) publicly accessible and conspicuous places, including:

(a) The proposed or existing facility entrance on the property on which the facility is, or is proposed to be, located, until the permit or significant permit revision is issued or denied; and

(b) Three (3) locations commonly frequented by the general public, such as a nearby post office, public library, or city hall; and

(5) Submitted as a public service announcement to at least one radio or television station which serves the municipality or county in which the source is or is proposed to be located.

C. The notice specified in Paragraphs 1 through 4 of Subsection B of 20.2.72.203 NMAC shall contain the following:

- (1) The applicant's name and address, together with the names and addresses of all owners or operators of the facility or proposed facility;
- (2) The actual or estimated date that the application was or will be submitted to the Department;
- (3) The exact location of the facility or proposed facility;
- (4) A description of the process or change for which a permit is sought, including an estimate of the maximum quantities of any regulated air contaminant the source will emit after proposed construction is complete or permit is issued;
- (5) The maximum and standard operating schedules of the facility after completion of proposed construction or permit issuance; and

(6) The current address of the Department to which comments and inquiries may be directed.

D. The public service announcement request specified in Paragraph 5 of Subsection B of 20.2.72.203 NMAC shall contain the following information about the facility or proposed facility:

- (1) The name, location, and type of business;
- (2) The name of the principal owner or operator;
- (3) The type of process or change for which a permit is sought;
- (4) Locations where the notices required under Paragraph 4 of Subsection B of 20.2.72.203 NMAC have been posted; and
- (5) The address or telephone number at which comments and inquiries may be directed to the Department.

E. Changing, Supplementing or Correcting Applications:

(1) Prior to a final decision on an application, the applicant shall have a duty to promptly supplement and correct information submitted in the application. The duty to supplement shall include relevant information thereafter acquired or otherwise determined to be relevant.

(2) If, while processing an application, regardless of whether it has been determined to be administratively complete, the Department determines that additional information is necessary to evaluate or take final action on that application, it may request such information. The request shall be in writing, identify the additional information requested and the need for the additional information, and set a reasonable deadline for a response. The applicant shall submit the requested information in writing on or before the deadline set by the Department.

[11/30/95; A, 01/07/98; A, 01/01/00; 20.2.72.203 NMAC - A, 03/30/01]

20.2.72.204 CONFIDENTIAL INFORMATION PROTECTION: All confidentiality claims made regarding material submitted to the Department under this Part shall be reviewed under the provisions of 20.2.1 NMAC (General Provisions).

[11/30/95]

20.2.72.205 CONSTRUCTION, MODIFICATION AND PERMIT REVISION IN BERNALILLO COUNTY: For the construction or modifications of sources within Bernalillo County, the applicant shall make such applications to the air quality control staff of the joint Albuquerque-Bernalillo County Air Quality Control Board, unless that board loses, rejects or fails to exercise authority for the administration and enforcement of the Air Quality Control Act, at which time this Part shall apply in full in Bernalillo County.

[11/30/95]

20.2.72.206 PUBLIC NOTICE AND PARTICIPATION:

A. The Department shall:

- (1) Make available for public inspection a list of all pending applications for permits or permit revisions;
- (2) Make available for public inspection the permit application and the Department's preliminary determination. This material shall be available both at the Department's central office and the district or field office nearest to the proposed source. Copies of any permit application, except those portions of which may be determined as confidential in accordance with 20.2.1 NMAC (General Provisions), will be supplied upon written request and

payment of reasonable costs;

(3) Subsequent to an affirmative administrative completeness determination, publish a public notice in a newspaper of general circulation in the area closest to the location of the source. The notice shall include: the applicant's name and address, the location and brief description of the source, a summary of estimated emissions and ambient impact, and the Department's preliminary intent to issue the permit if the construction or modification requested in the application will comply with air quality requirements, including ambient standards. The notice shall identify the location of the permit application and Department's Analysis (when available) for public review and describe the manner in which comments or evidence may be submitted to the Department, including that persons must inform the Department in writing of their interest in the permit application in order to have a 30 day period to review and comment on the analysis under Subsection B of 20.2.72.206 NMAC below. The notice shall clearly state that any person who does not express such interest in writing prior to the end of the initial 30 day comment period will not receive notification of the availability of the analysis and thus forewarn such person of the need to express interest in writing if they desire to review and comment on the analysis;

(4) Provide the notice under Paragraph 3 of Subsection A of 20.2.72.206 NMAC above by mail, which may include electronic mail, to all individuals and organizations identified on a list maintained by the Department of those who have indicated in writing a desire to receive notices of all applications under this Part;

(5) Allow all interested persons thirty (30) days from the date the public notice is published to express an interest in writing in the permit application;

(6) Mail written notice of the action taken on a permit application to any person who expresses an interest in writing in the application; and

(7) Mail a copy of the public notice at the same time it is sent for publication to the appropriate agency in the following locations if the source will locate within fifty kilometers of the boundary of other states, Bernalillo County, or a Class I area. Copies of all public notices shall be sent to US EPA Region VI, if requested by US EPA.

B. In the event that any person expresses an interest in writing in the permit application, the Department shall also:

(1) Notify each person who expressed an interest in writing in the permit application of the date and the location that the Department's Analysis was or will be available for review; and

(2) Not issue the permit until at least thirty (30) days after the Department's Analysis is available for review. During this thirty (30) day period, any person may submit written public comments or request a public hearing.

C. The Department shall hold a public hearing if the Secretary determines that there is a significant public interest. Public hearings shall be held in the geographic area likely to be impacted by the source. The time, date, and place of the hearing shall be determined by the Department. The Department shall give notice of the hearing to the applicant and the public. The Secretary may appoint a hearing officer. A transcript of the hearing shall be made at the request of either the Department or the applicant and at the expense of the person requesting the transcript. At the hearing, all interested persons shall be given a reasonable chance to submit data, views or arguments orally or in writing and to examine witnesses testifying at the hearing.

[11/30/95; 20.2.72.206 NMAC - A, 02/02/01]

20.2.72.207 PERMIT DECISIONS AND APPEALS:

A. The Department shall, within thirty (30) days after its receipt of an application for a permit or significant permit revision, review such application and determine whether it is administratively complete. If the application is deemed:

(1) administratively complete, a letter to that effect shall be sent by certified mail to the applicant.

(2) administratively incomplete, a letter shall be sent by certified mail to the applicant stating what additional information or points of clarification are necessary to deem the application administratively complete. Upon receipt of the additional information or clarification, the Department shall promptly review such information and determine whether the application is administratively complete.

(3) administratively complete but no permit is required, a letter shall be sent by certified mail to the applicant informing the applicant of the determination.

B. The Department shall either grant, grant subject to conditions or deny the permit or significant permit revision:

(1) within ninety (90) days after the Department deems the application administratively complete, if the application is not subject to the requirements of 20.2.74 NMAC (Prevention of Significant Deterioration); or

(2) within one hundred eighty (180) days after the Department deems the application administratively complete, if the application is subject to the requirements of 20.2.74 NMAC (Prevention of Significant Deterioration).

C. If the Department fails to take action on the application within the deadlines specified in Subsection B of 20.2.72.207 NMAC, the Department shall notify the applicant by certified mail that an extension of time is necessary to process the application and shall specify, in detail, the grounds for the extension. The Secretary may grant an extension, not to exceed ninety (90) days, to the deadlines specified in Subsection B of 20.2.72.207 NMAC, if the Secretary determines that good cause exists for the extension. The Secretary shall notify the applicant by certified mail of the decision on the extension. If the Secretary grants the extension, the notification shall include the length of the extension and the reasons therefore. The authority under this paragraph may be delegated by the Secretary only to the Deputy Secretary or a Division Director. Examples of good cause for extension include, but are not limited to:

- (1) the need to have public hearings;
- (2) a health assessment is required under 20.2.72.400 NMAC - 20.2.72.499 NMAC;
- (3) the permit application is subject to the requirements of 20.2.79 NMAC (Permits - Nonattainment Areas);
- (4) additional time is needed to complete the requirements for federal review specified in 20.2.74.403 NMAC;
- (5) the permit application requires review of unusually complex technical and regulatory issues; or
- (6) the Department is unable to complete review of information submitted, because of the timing and scope of the submittal.

D. The Department shall grant the permit, grant the permit subject to conditions, or deny the permit based on information contained in the Department's administrative record. The administrative record shall consist of the application, any other evidence submitted by the applicant, any evidence or written comments submitted by interested persons, any other evidence considered by the Department, a statement of matters officially noticed, and if a public hearing is held, the evidence submitted at the hearing. The applicant has the burden of demonstrating that a permit or permit revision should be approved.

E. Any person who participated in a permitting action before the Department shall be notified by the Department of the action taken and the reasons for the action. Notification of the applicant shall be by certified mail.

F. Any person who participated in a permitting action before the Department and who is adversely affected by such permitting action may file a petition for hearing before the board. The petition shall be made in writing to the board within thirty (30) days from the date notice is given of the Department's action and shall specify the portions of the permitting action to which the petitioner objects, certify that a copy of the petition has been mailed or hand-delivered as required by this paragraph, and attach a copy of the permitting action for which review is sought. Unless a timely request for hearing is made, the decision of the Department shall be final. The petition shall be copied simultaneously to the Department upon receipt of the appeal notice. If the petitioner is not the applicant or permittee, the petitioner shall mail or hand-deliver a copy of the petition to the applicant or permittee. The Department shall certify the administrative record to the board.

G. If a timely request for a hearing is made, the board shall hold a hearing within sixty (60) days of receipt of the petition in accordance with Section 74-2-7 of the New Mexico Air Quality Control Act, NMSA 1978.

H. Any person adversely affected by an administrative action taken by the board may appeal in accordance with Section 74-2-9 of the New Mexico Air Quality Control Act, NMSA 1978.
[11/30/95; A, 01/07/98; A, 01/01/00]

20.2.72.208 BASIS FOR DENIAL OF PERMIT: The Department shall deny any application for a permit or permit revision if considering emissions after controls:

A. It appears that the construction, modification or permit revision will not meet applicable regulations adopted pursuant to the Air Quality Control Act;

B. The source will emit a hazardous air pollutant or an air contaminant in excess of any applicable New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants or a regulation of the board;

C. For toxic air pollutants, see 20.2.72.400 NMAC - 20.2.72.499 NMAC;

D. The construction, modification, or permit revision will cause or contribute to air contaminant levels in excess of any National Ambient Air Quality Standard or New Mexico Ambient Air Quality Standard

unless the ambient air impact is offset by meeting the requirements of either 20.2.79 NMAC or 20.2.72.216 NMAC, whichever is applicable;

- E.** The construction, modification, or permit revision would cause or contribute to ambient concentrations in excess of a Prevention of Significant Deterioration (PSD) increment;
- F.** Any provision of the Air Quality Control Act will be violated;
- G.** It appears that the construction of the new source will not be completed within a reasonable time;

or

H. The Department chooses to deny the application due to a conflict of interest in accelerated review as provided for under Subsection C of 20.2.72.221 NMAC.

[11/30/95; A, 01/01/00; 20.2.72.208 NMAC - A, 03/30/01]

20.2.72.209 ADDITIONAL LEGAL RESPONSIBILITIES ON APPLICANTS: The issuance of a permit does not relieve any person from civil or criminal liability for failure to comply with the provisions of the Air Quality Control Act, the Federal Act, federal regulations thereunder, any applicable regulations of the board, and any other applicable law or regulation.

[11/30/95]

20.2.72.210 PERMIT CONDITIONS:

A. The contents of the application specifically identified by the Department shall become terms and conditions of the permit or permit revision.

B. The Department shall, as appropriate, specify conditions upon a permit, including:

(1) Placement of individual emission limits determined on a case-by-case basis on the source for which the permit is issued, but such individual emission limits shall be only as restrictive as the more stringent of the following:

(a) The extent necessary to meet the requirements of the Air Quality Control Act and the Federal Act; or

(b) The emission rate specified in the permit application;

(2) A requirement that such source install and operate control technology, determined on a case-by-case basis, sufficient to meet the requirements of the Air Quality Control Act and the Federal Act and regulations promulgated under either;

(3) Compliance with applicable NSPS and NESHAP;

(4) Imposition of reasonable restrictions and limitations other than restrictions and limitations relating to emission limits or emission rates; or

(5) Any combination of the above;

(6) In the case of a modification, the requirements of Subsection B of 20.2.72.210 NMAC apply only to the facility or facilities involved in such modification.

C. The Department may impose such other reasonable conditions upon a permit, including a schedule of construction, a condition requiring timely revision of permit terms or conditions in order to meet new requirements, if any, under any federally required and approved State Implementation Plan revision, and conditions requiring the source to be provided with or to undertake:

(1) Sampling ports of a size, number and location as the Department may require;

(2) Safe access to each port;

(3) Instrumentation to monitor and record emission data including continuous emission monitoring, if appropriate;

(4) Any other reasonable sampling, testing and ambient monitoring and meteorological facilities and protocols; and

(5) Periodic testing pursuant to 20.2.72.213 NMAC.

D. Any term or condition imposed by the Department on a permit or permit revision is enforceable to the same extent as a regulation of the board.

E. The Department will as a condition of each permit require the permittee to establish and maintain such records of the nature and amount of emissions and to make such periodic reports to the Department regarding the nature and amounts of emissions and the performance of air pollution control equipment, as are necessary to carry out the purpose of the Air Quality Control Act.

F. [RESERVED]

[11/30/95; A, 11/14/98]

20.2.72.211 PERMIT CANCELLATIONS:

A. The Department shall automatically cancel any permit for any source which ceases operation for five years or more, or permanently. Reactivation of any source after the five year period shall require a new permit.

B. The Department may cancel a permit if the construction or modification is not commenced within two years from the date of issuance or, if during the construction or modification, work is suspended for a total of one year, such cancellation shall be subject to the following procedures:

(1) At least thirty days prior to the cancellation of a permit, the Department shall notify the permittee by certified mail of the impending cancellation. The Department shall notify the permittee by certified mail of the cancellation of his permit and the reasons therefor. Construction, modification and, if required, interim operation shall cease upon the effective date of cancellation contained in the notice of cancellation. A permittee who has received notice that a permit is or will be cancelled may request a hearing before the board. The request must be made in writing to the board within thirty days after notice of the Department's action has been received by the permittee. Unless a timely request for hearing is made, the decision of the Department shall be final; and

(2) If a timely request for hearing is made, the board shall hold a hearing within thirty days after receipt of the request. The Department shall notify the permittee by certified mail of the date, time and place of the hearing. In the hearing the burden of proof shall be upon the permittee. The board may designate a hearing officer to take evidence in the hearing. Based upon the evidence presented at the hearing, the board shall sustain, modify or reverse the action of the Department.

[11/30/95]

20.2.72.212 PERMITTEE'S NOTIFICATION REQUIREMENTS TO DEPARTMENT: Any owner or operator subject to this Part shall notify the Department in writing of or provide the Department with:

A. Anticipated date of initial startup of a source not less than thirty (30) days prior to the date;

B. Actual date of initial startup of a source within fifteen (15) days after the startup date;

C. Any change of operators within fifteen (15) days of such change;

D. Any necessary update or correction no more than sixty (60) days after the operator knows or should have known of the condition necessitating the update or correction of the permit.

[11/30/95]

20.2.72.213 STARTUP AND FOLLOWUP TESTING: Within sixty (60) days after achieving the maximum production rate at which the source will be operated but not later than one hundred eighty (180) days after initial startup of the source, the owner or operator of the source may be required to conduct a performance test. The test method utilized shall be approved by the Department. Whenever the requirements of 40 CFR 60 or 61 apply, test methods must be utilized as specified in those regulations. The owner or operator shall notify the Department at least thirty (30) days prior to the test date and allow a representative of the Department to be present at the test. A written report of the results of the test shall be submitted to the Department by the owner or operator within thirty (30) days from the test date. This requirement may be reimposed on a source as necessary if inspections of the source indicate noncompliance with permit conditions subject to such testing, or the previous test showed noncompliance or was technically unsatisfactory. In such cases, the test requirement may be reimposed as frequently as necessary until compliance is achieved and testing is performed in a technically satisfactory manner. This testing requirement may be waived if the source is a member of a class subject to an exemption from this requirement pursuant to 20.2.72.214 NMAC, and has agreed to comply with, and its permit contains, enforceable design, operational and locational protocols set by the Department for the class of sources to which the source belongs.

[11/30/95]

20.2.72.214 SOURCE CLASS EXEMPTION PROCESS (PERMIT STREAMLINING):

A. Upon application by any person or group of persons, or upon the initiative of the Department, the board may exempt any source or class of sources, from any procedural requirement of this Part except the requirement to obtain a permit prior to commencement of construction if the board finds that the conditions set forth below in this section have been met. When possible, comprehensive exemptions shall be established for source classes in order to conduct expedited, streamlined permit processing for any applicant whose source is a member of such class. Exemptions may be granted only after a public hearing of the board, at which time the basis for such exemption shall be presented and any interested person allowed to comment and to question any witness. The

board's decision that an exemption under this section is justified shall be based at a minimum on each of the following findings:

(1) The Department has substantial actual experience with or knowledge of the specific class of sources proposed for exemption, that such experience or knowledge is material to the application for exemption, and that such experience or knowledge includes modeling and analysis of a representative sample of such sources. Such knowledge may be acquired through, but not limited to, direct Department experience with such sources, or the review of other regulatory agencies' experience, records, documentation and formal actions, or through publications of professional organizations and societies upon which engineers and scientists would conventionally rely in formulating a professional judgment;

(2) The sources possess sufficiently common characteristics of operation, process technology, emissions, emission control technology and impact on air quality that with respect to the specific requirements proposed to be exempted, protocols have been developed which, if applied to all members of that class, will ensure that air quality is protected at least as well as would be accomplished by the full permit review process; and

(3) Under such an exemption, compliance with all federal and state air quality laws, regulations, standards and emissions limitations will be assured.

B. Exemptions may apply statewide or regionally and may be revoked by the board only after a public hearing following at least sixty days public notice.

C. As may be required under federal law, all protocols established hereunder shall be submitted to the US EPA for review and approval as revisions to the State Implementation Plan. Such protocols shall be established contingent upon approval by the US EPA.

D. There shall be no exemptions under this section from the requirements of 20.2.74 NMAC, 20.2.77 NMAC, 20.2.78 NMAC, or 20.2.79 NMAC.

[11/30/95]

20.2.72.215 EMERGENCY PERMIT PROCESS:

A. The Department may issue an emergency permit when the Secretary determines an emergency exists which threatens the public health, safety or welfare, and which requires the rapid construction or modification of, or installation of equipment in, a facility subject to this Part in order to mitigate, prevent or remedy such emergency.

B. Department personnel shall verify that the source, operating in accordance with the permit issued, can and will meet all applicable standards, emissions limitations and conditions before authorizing start-up in order to ensure that the public emergency is not worsened by excess or improperly controlled air pollution.

C. An emergency caused by any negligent or unlawful action or operation of the facility or the facility owner or operator, including but not limited to failure to apply timely for a permit or revision, shall not constitute an emergency for the purposes of this section.

D. The requirements of Paragraphs 5 and 6 of Subsection A of 20.2.72.206 NMAC, Subsection C of 20.2.72.206 NMAC, and Subsections A and B of 20.2.72.207 NMAC shall not apply to emergency permits processed under this section.

E. Construction shall not commence until the emergency permit is issued.

[11/30/95; 20.2.72.215 NMAC - A, 02/02/01]

20.2.72.216 NONATTAINMENT AREA REQUIREMENTS:

A. The requirements of this section apply to:

(1) a new source or modification of an existing source that will emit a regulated air contaminant such that the ambient impact of the contaminant would exceed the significant ambient concentration in 20.2.72.500 NMAC, table 1, at any location that does not meet the New Mexico ambient air quality standard for the contaminant;

(2) a new source or modification of an existing source that is not a major stationary source or major modification as defined in 20.2.79 NMAC and that will emit a regulated air contaminant such that the ambient impact of the contaminant would exceed the significant ambient concentration in table 1 at any location that does not meet the national ambient air quality standard for the contaminant ; or

(3) an existing source that does not propose an increase in emissions and that will emit a regulated air contaminant such that the ambient impact of the contaminant would exceed the significant ambient concentration in 20.2.72.500 NMAC (table 1) at any location that does not meet the national or New Mexico ambient air quality standard for the contaminant.

B. A new source or modification of an existing source subject to this section shall offset the ambient impact of its emissions by:

(1) obtaining emission offsets for proposed emissions in an amount greater than one-to-one such that a net air quality benefit will occur; and

(2) ensuring emission offsets are quantifiable, enforceable, and permanent by meeting the following sections of 20.2.79 NMAC:

(a) 20.2.79.114 NMAC (emission offset baseline);

(b) 20.2.79.115 NMAC (emission offsets); and

(c) 20.2.79.117 NMAC (air quality benefit).

C. An existing source that is subject to this section shall demonstrate a net air quality benefit of at least a 20 percent reduction in ambient impact for each applicable contaminant. The 20 percent reduction shall be calculated as the projected source impact subtracted from the existing source impact divided by the existing source impact. The net air quality benefit must also meet the requirements of 20.2.79.117 NMAC (air quality benefit).

[11/30/95; 20.2.72.216 NMAC - Rn, 20 NMAC 20.2.72.II.216, 2/2/01; A, 9/6/06]

20.2.72.217 COMPLIANCE CERTIFICATIONS:

A. Notwithstanding any other provision in the New Mexico State Implementation Plan approved by the Administrator, for the purpose of determining compliance, an owner or operator is not prohibited from using monitoring as required under 20.2.70 NMAC and incorporated into an operating permit in addition to any specified compliance methods.

B. The requirements of this section are only applicable to those sources which, in addition to being subject to this Part are either: defined as a major source under 20.2.70 NMAC (Operating Permits), or; subject to 20.2.82 NMAC (Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants).

[11/30/95]

20.2.72.218 ENFORCEMENT: Notwithstanding any other provision in the New Mexico State Implementation Plan approved by the Administrator, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of the terms or conditions of a permit issued pursuant to this Part, including permits for sources meeting the applicability requirements 20.2.74 NMAC (Prevention of Significant Deterioration), or 20.2.79 NMAC (Permits - Nonattainment Areas).

A. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at the source:

(1) A monitoring or information gathering method approved for the source pursuant to 20.2.70 NMAC and incorporated in an operating permit; or

(2) Compliance methods specified in the New Mexico State Implementation Plan.

B. The following testing, monitoring or information gathering methods are presumptively credible testing, monitoring or information gathering methods:

(1) Any federally enforceable monitoring or testing methods, including those in 40 CFR, parts 51, 60, 61 and 75; and

(2) Other testing, monitoring or information gathering methods that produce information comparable to that produced by any method in Subsection A of 20.2.72.218 NMAC or Paragraph 1 of Subsection B of 20.2.72.218 NMAC, above.

C. The requirements of this section are only applicable to those sources which, in addition to being subject to this Part, are either: defined as a major source under 20.2.70 NMAC (Operating Permits), or; subject to 20.2.82 NMAC (Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants).

[11/30/95]

20.2.72.219 PERMIT REVISIONS:

A. Administrative Permit Revisions:

(1) Administrative permit revision procedures may be used only for those permit revisions that:

(a) Correct typographical errors;

(b) Provide for a minor administrative change at the source, such as a change in ownership or a change in the address or phone number of any person identified in the permit;

- (c) Incorporate a change in the permit solely involving the retiring of a source or closing of a facility upon notification of the Department that the permittee has ceased operations of the source or facility;
- (d) Incorporate a change in the permit solely involving the deletion from the permit of a source or sources upon notification of the Department that the source or sources have not been and will not be built; or
- (e) Incorporate a source or activity at the facility which is exempted under Subsection B of 20.2.72.202 NMAC;
- (2) The permittee shall apply for an administrative permit revision by filing a certified written notification of the proposed revision with the Department which includes all information required by the Department to review the request. The certification shall be made as required under Paragraph 12 of Subsection A of 20.2.72.203 NMAC;
- (3) The administrative permit revision is effective upon receipt of the notification by the Department;
- (4) Administrative permit revisions shall not be subject to public notification requirements under Subsection B of 20.2.72.203 NMAC and 20.2.72.206 NMAC. The Department shall attach the revision to the permit;
- (5) Administrative permit revisions shall not be subject to filing fees or permit fees under 20.2.75 NMAC (Construction Permit Fees);
- (6) The Department is not required to reissue the permit to incorporate an administrative permit revision.

B. Technical Permit Revisions:

- (1) Technical permit revision procedures may be used only for:
 - (a) Permit revisions that incorporate a change in the permit solely involving a change to monitoring, record keeping, or reporting requirements by the permittee, provided that the Department determines that such change does not reduce the enforceability of the permit;
 - (b) Permit revisions that incorporate a change in the permit solely involving additional equipment with a potential emission rate of no more than one (1) pound per hour for any pollutant for which a National or New Mexico Ambient Air Quality Standard has been set or one (1) pound per hour for any VOC;
 - (c) Permit revisions that incorporate a change in the permit solely involving the placement of permit conditions, including emissions limitations, on sources which existed on August 31, 1972 and which have been regularly operated since that time;
 - (d) Modifications that replace an emissions unit for which the allowable emissions limits have been established in the permit, provided that the new emissions unit:
 - (i) Is equivalent to the replaced emissions unit, and serves the same function within the facility and process;
 - (ii) Has the same or lower capacity and potential emission rates;
 - (iii) Has the same or higher control efficiency, and stack parameters which are at least as effective in the dispersion of air pollutants;
 - (iv) Would not result in an increase of the potential emission rate of any other equipment at the facility;
 - (v) Shall be subject to the same or lower allowable emissions limits under the permit, and to all other permit conditions which have applied to the replaced emissions unit;
 - (vi) Would not, when operated under applicable permit conditions, cause or contribute to a violation of any National or New Mexico Ambient Air Quality Standard; and
 - (vii) Would not, as determined by the Department, require additional permit conditions in order to ensure the enforceability of the permit, such as additional record keeping or reporting to show compliance;
 - (e) Permit revisions that make adjustments to the emissions limitations based on the result of the initial compliance test(s), provided that:
 - (i) The test is performed in accordance with permit conditions;
 - (ii) Such adjustment occurs within six (6) months of the compliance test;
 - (iii) No other such adjustment has occurred since the most recent permit issuance or reissuance;
 - (iv) Such adjustment does not: alter any other permit condition; trigger additional requirements under any other Part, including 20.2.74 NMAC (Prevention of Significant Deterioration); or result in allowable emissions which could contribute to a violation of any National or New Mexico Ambient Air Quality

Standard;

(v) Such request does not increase the permitted allowable emissions of the unit(s) on which the initial compliance test(s) have been performed by more than ten (10) percent; and

(vi) Where the permit fee calculated under 20.2.75 NMAC (Construction Permit Fees) would have been greater if it had been based on the potential emission rate as indicated by the compliance test, the balance of the permit fee is submitted as part of the technical permit revision application;

(f) Permit revisions that incorporate a change in the permit solely involving the addition of air pollution control equipment or the substitution of a different type of air pollution control equipment to existing equipment provided that such addition or substitution shall not result in an increase in the potential emission rate of more than one (1) pound per hour for any pollutant for which a National or New Mexico Ambient Air Quality Standard has been set, or one (1) pound per hour for total VOCs; or

(g) Permit revisions that incorporate terms and conditions in the permit, such as a cap on hours of operation, limitations on throughput of a specific product or products, or limitations on equipment capacity, for the purpose of reducing the potential emission rate of a unit or source.

(2) A request for a technical permit revision shall be accomplished by filing a certified written notification of the proposed revision with the Department on forms provided by the Department and shall include all information required by the Department to review the request. The certification shall be made as required under Paragraph 12 of Subsection A of 20.2.72.203 NMAC;

(3) The Department shall approve or deny the technical permit revision, or inform the applicant that the request must be submitted as a significant permit revision:

(a) Within thirty (30) days of receipt of the application; or

(b) If in response to significant public interest the Department holds a public meeting regarding the technical permit revision, within sixty (60) days of receipt of the application;

(4) The Department may deny an application for a technical permit revision or require that such application be submitted as a significant permit revision if:

(a) Such revision does not meet the criteria of this section;

(b) In the judgment of the Department the revision would require a decision on a significant or complex issue; or

(c) In the judgment of the Department the permittee has submitted multiple or subsequent applications for technical permit revisions under this Part that segment a larger revision or modification that would not be eligible for a technical permit revision;

(5) The technical permit revision shall become effective upon written approval from the Department;

(6) Technical permit revisions shall not be subject to public notification requirements under Paragraphs 1, 4 and 5 of Subsection B of 20.2.72.203 NMAC, and 20.2.72.206 NMAC. The Department shall attach the technical permit revision to the permit.

C. [RESERVED]

D. Significant Permit Revisions:

(1) A significant permit revision is required for any modification to a source, and for revisions to any term or condition of such permit, including but not limited to emissions limitation, control technology, operating conditions, and monitoring requirements; that:

(a) Do not meet the criteria under the provisions for administrative or technical permit revisions under Subsections A or B of 20.2.72.219 NMAC; or

(b) Meet the applicability criteria under 20.2.72.402 NMAC regarding toxic air pollutants;

(2) Applications for significant permit revisions shall meet all requirements of this Part for permits and shall be processed in accordance with the public notice, review, and hearing procedures set forth in this Part for such permits.

[11/30/95; Rn, 20 NMAC 2.72.202, 01/07/98; A, 01/07/98; A, 01/01/00; 20.2.72.219 NMAC - Rn, 20 NMAC 2.72.219, 02/02/01; A, 08/27/03]

20.2.72.220 GENERAL PERMITS:

A. Issuance of General Construction Permits:

(1) The Department may, after notice under Subsections A and B of 20.2.72.206 NMAC and a public hearing with opportunity for public participation under Subsection C of 20.2.72.206 NMAC issue one or more general construction permits, each covering numerous similar sources. Sources registered for coverage under a

general permit shall be generally homogeneous in terms of operations, processes and emissions, subject to the same or substantially similar requirements, and not subject to case-by-case standards or requirements.

(2) Each general construction permit shall:

(a) Describe which sources may qualify to register under the general construction permit;

(b) Specify the contents of a complete application to register under the general construction permit. The Department may, in the general construction permit, provide for applications which deviate from the requirements under 20.2.72.203 NMAC, provided that such applications include:

i. All information necessary to determine qualification for, and to assure compliance with, the general construction permit; and

ii. Applicant's public notice requirements including, at a minimum, a notice: a) published once in the legal notices section of a newspaper in general circulation in the county or counties in which the property on which the facility is proposed to be constructed or operated is located; and b) posted at the proposed or existing facility entrance in a publicly accessible and conspicuous place on the property on which the facility is, or is proposed to be, located, until the general permit registration is granted or denied;

(c) Contain permit terms and conditions which apply to all sources registered under the general construction permit, and which include:

i. Sufficient terms and conditions to assure that all sources registered under and operating in accordance with the general construction permit will meet all applicable requirements under the federal Act, the New Mexico Air Quality Control Act and this Chapter (Air Quality), including 20.2.74 NMAC (Prevention of Significant Deterioration), 20.2.77 NMAC (New Source Performance Standards), 20.2.78 NMAC (Emission Standards for Hazardous Air Pollutants), 20.2.79 NMAC (Permits - Nonattainment Areas), and 20.2.82 NMAC (Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants), and will not cause or contribute to air contaminant levels in excess of any National or New Mexico Ambient Air Quality Standard; and

ii. Monitoring, record keeping and reporting requirements appropriate to the source and sufficient to ensure compliance with the general construction permit. At a minimum, the general permit shall specify where the records shall be maintained, how long the records shall be retained and that all records or reports shall be made available upon request by the Department;

iii. As appropriate, terms and conditions to address and report emissions occurring during upsets, startups and maintenance; and

(d) Specify that any document, including any application form, report, compliance certification and supporting data, submitted pursuant to this section (20.2.72.220 NMAC) shall contain a certification that meets the requirements of Paragraph 10 of Subsection A of 20.2.72.203 NMAC.

B. Revisions to a General Construction Permit:

(1) The Department may, after notice under Subsections A and B of 20.2.72.206 NMAC and a public hearing with opportunity for public participation under Subsection C of 20.2.72.206 NMAC, revise a general construction permit. Notice of the proposed revision shall also be sent to the owner or operator of all sources registered under the general construction permit.

(2) Revisions to a general construction permit shall include a reasonable transition schedule for existing registered sources to comply with the revised permit. The Department shall revise the general permit terms and conditions only to the extent necessary to ensure that the requirements of Sub-paragraph (c) of Paragraph 2 of Subsection A of 20.2.72.220 NMAC are met.

C. Registration under a General Construction Permit:

(1) The owner or operator of a source required to obtain a permit pursuant to this Part and which qualifies to register under a general construction permit shall either:

(a) Apply to the Department to register under the terms of the general construction permit; or

(b) Apply for a construction permit under 20.2.72.200 NMAC.

(2) Within thirty (30) days of receiving an application to register under a general construction permit, the Department shall review the application for completeness and shall grant or deny the registration. The Department shall not grant the registration until at least fifteen (15) days after the date the applicant's public notice was initiated. The Department shall notify the applicant of its determination by certified mail. The Department shall attach a copy of the general construction permit to registration approvals.

(3) The Department shall grant registration under a general permit to a source only if:

(a) The application is complete and meets the requirements of this section (20.2.72.220 NMAC); and

(b) The source meets the terms and conditions of the general permit.

(4) The Department may grant or deny an application to register under a general construction permit without repeating the public notice and participation procedures required under 20.2.72.206 NMAC.

(5) Administrative review under Sections 74-2-7.H through L NMSA 1978 shall be available for a determination made by the Department of whether or not a source qualifies to register for coverage under a general construction permit. However, administrative review of a registration for coverage under a general construction permit shall not extend to administrative review of the general permit itself. Administrative review of the general construction permit shall be available under Sections 74-2-7.H through L NMSA 1978 only upon issuance or revision of the general permit as a permitting action.

(6) Sources shall be subject to enforcement action for construction without a permit if:

(a) Construction of a source is commenced prior to the receipt of the Department's written approval of registration under a general construction permit; or

(b) It is determined after construction commences that a source does not qualify for coverage under the general construction permit.

(7) A general permit registration may be canceled, consistent with the provisions of 20.2.72.211 NMAC, for any source which ceases operation for five years or more, or permanently, and for any source for which the construction or modification is not commenced within two years from the date of issuance or, if during the construction or modification, work is suspended for a total of one year. The owner or operator shall notify the Department of the anticipated and actual startup of a source, consistent with the provisions of 20.2.72.212 NMAC.

D. Modifications to Sources Registered Under a General Construction Permit: Each general construction permit shall provide that, prior to modification of a source which is registered under a general construction permit, the owner or operator shall:

(1) For those modifications for which the facility will continue to meet the conditions of the general construction permit after the modification, notify the Department in writing of such modification; and

(2) For those modifications for which the source will not continue to meet the conditions of the general construction permit after such modification, obtain a construction permit from the Department under this Part prior to the modification.

[N, 04/22/98; 20.2.72.220 NMAC - A, 02/02/01]

20.2.72.221 ACCELERATED REVIEW:

A. Qualified Outside Firms:

(1) The Department shall request proposals from persons interested in providing assistance as a qualified outside firm in the accelerated review of construction permit applications under this Part.

(2) The Department shall evaluate the proposal submitted by the person. To be eligible to contract with the Department as a qualified outside firm a person must:

(a) Be legally qualified to contract with the Department; and

(b) Be qualified to assist the Department in review of permit applications, as determined by the Department in the Department's sole discretion.

(3) Persons who are selected as qualified outside firms shall be under contract with the Department for accelerated review of construction permit applications under this section.

B. Requests for Accelerated Review:

(1) At the sole discretion of the applicant, a construction permit applicant under this Part may request accelerated permit review of the application by a qualified outside firm. Applications for accelerated review shall be preceded by a pre-application meeting between the applicant and the Department. Requests for accelerated review shall not be granted unless there is at least one qualified outside firm under contract with the Department pursuant to Paragraph 3 of Subsection A of 20.2.72.221 NMAC. If there are no firms under contract to provide accelerated review, the Department shall review the application in accordance with 20.2.72.207 NMAC.

(2) Such request for accelerated permit review shall be submitted with the construction permit application along with a corporate check or money order for the amount of the accelerated review filing fee as specified in 20.2.75 NMAC. The Department shall notify the applicant of the names and addresses of the qualified outside firms. The applicant shall deliver a copy of the application, by mail or hand delivery, to each qualified outside firm identified by the Department, unless the applicant is aware of a conflict of interest.

(3) Participation in the accelerated permit review process shall not relieve the applicant of any responsibilities specified in this chapter.

(4) Applicants who have opted for accelerated review under this section shall be subject to

supplementary fees pursuant to 20.2.75 NMAC which shall be assessed in addition to all other applicable fees levied under 20.2.75 NMAC.

(5) Qualified outside firms under contract which are interested in performing the accelerated review on a specific application shall submit to the Department:

- (a) A statement of interest;
- (b) A statement of qualifications for that specific application;
- (c) An estimate of the cost and schedule for the review; and
- (d) A notarized affidavit attesting that no conflict of interest exists on the specific permit

application.

(6) If no qualified outside firm submits the four items required by Paragraph 5 of Subsection B of 20.2.72.221 NMAC, the Department shall apply the accelerated review filing fee to the permit fee in accordance with 20.2.75 NMAC and review the application without the assistance of a qualified outside firm and in accordance with 20.2.72.207 NMAC.

(7) The Department shall review the submittals and determine, in the Department's sole discretion, which firms qualify for any specific application.

(8) Prior to determining any application administratively complete for which accelerated review has been requested as allowed under 20.2.72.203 NMAC, the Department shall provide the applicant a written summary of the qualified submittals showing the costs to the applicant of the accelerated review and the anticipated schedule for application review, permit development and permit issuance.

(9) Applicant's Responsibilities for Response to Submittal Summary:

(a) Within five (5) working days of receipt of the Department's bid summary the applicant shall either: (i) submit to the Department a written recommendation to accept one of the accelerated review bids, or a prioritized list of more than one of the accelerated review bids, including a brief justification for the recommendation(s) along with a corporate check or money order payable to the Department for the amount of the accelerated review bid and a notarized affidavit attesting that no conflict of interest exists on the specific permit application; or (ii) submit to the Department a written withdrawal of the request for accelerated review.

(b) The request for accelerated review is deemed withdrawn if the applicant fails to submit a written recommendation or withdrawal within five (5) working days of receipt of the Department's bid summary unless the Department has granted an extension.

(10) Department's Selection of Qualified Outside Firm

(a) If the request for accelerated review is withdrawn, the Department shall retain the accelerated review filing fee in accordance with 20.2.75 NMAC and shall review the application without the assistance of a qualified outside firm and in accordance with 20.2.72.207 NMAC.

(b) If the applicant recommends a qualified submittal, the Department shall determine whether to accept the recommended submittal. If the Department accepts the recommended submittal it shall instruct the qualified outside firm to begin review of the application. If the Department rejects the recommended submittal, it shall inform the applicant and allow the applicant to recommend an alternate submittal pursuant to Paragraph 9 of Subsection B of 20.2.72.221 NMAC or, if there are no other qualified submittals, the Department shall retain the accelerated review filing fee in accordance with 20.2.75 NMAC and review the application without the assistance of a qualified outside firm and in accordance with 20.2.72.207 NMAC.

C. Disclosure of Conflicts During Accelerated Review:

(1) The applicant and the qualified outside firm have a continuing obligation to investigate potential conflicts of interest and to immediately disclose, in writing, any conflict of interest to the Department. If a conflict of interest was not disclosed pursuant to Subparagraph d of Paragraph 5 of 20.2.72.221 NMAC or Subparagraph a of Paragraph 9 of Subsection B of 20.2.72.221 NMAC, and is later disclosed or discovered, the Department may:

- (a) Deny the application pursuant to 20.2.72.208 NMAC;
- (b) Terminate accelerated review and review the application pursuant to 20.2.72.207 NMAC;

or

- (c) Allow accelerated review to continue after elimination of the conflict.

(2) In choosing between these options the Department shall consider whether the conflict of interest was disclosed or discovered, the timing of the disclosure or discovery, diligence in investigating potential conflicts of interest, any indication of intentional or willful failure to disclose, significance of the conflict of interest, and ability to eliminate the conflict of interest in a timely manner.

D. Issuance of a Permit After Accelerated Review:

(1) Upon completion of the review, the qualified outside firm shall provide the Department with all

documentation, including but not limited to all communications, notes, and drafts, pertaining to the permit application. At any time during the review, the qualified outside firm shall provide all documentation pertaining to a specific application to the Department upon request. Such documentation shall be subject to the Inspection of Public Records Act, Chapter 14, Article 2 NMSA 1978, and the Confidential Information Section of the Air Quality Control Act, Section 74-2-11 NMSA 1978.

(2) The Department shall review the analysis prepared by the qualified outside firm and shall issue a permit or deny the permit application in accordance with this Part. The qualified outside firm's analysis is not binding on the Department. The Department retains final authority to accept or reject the qualified outside firm's analysis regarding the permit application.

(3) The Department shall not issue the permit until both the accelerated review processing fee and any fees due pursuant to 20.2.75 NMAC have been paid.
[20.2.72.221 NMAC - N, 03/30/01]

20.2.72.222 – 20.2.72.299 [RESERVED]

20.2.72.300 DEFINITIONS: In addition to the definitions in 20.2.72.7 NMAC, the following definitions apply to 20.2.72.300 NMAC - 20.2.72.399 NMAC:

A. "Compressor station" means a facility whose primary function is the extraction of crude oil, natural gas, or water from the earth with compressors, or movement of any fluid, including crude oil or natural gas, or products refined from these substances through pipelines or the injection of natural gas or CO₂ back into the earth using compressors. A compressor station may include engines to generate power in conjunction with the other functions of extraction, injection or transmission and may contain emergency flares. A compressor station may have auxiliary equipment which emits small quantities of regulated air contaminants, including but not limited to, separators, de-hydration units, heaters, treaters and storage tanks, provided the equipment is located within the same property boundaries as the compressor engine.

B. "Good engineering practice stack height" means $H_{subGEP} = H + 1.5L$, where H equals the height of any building or obstruction within 5L of the stack, and L equals the lesser of the height or maximum projected width of the building or obstruction.

C. "Impact area" means the circular area with a radius extending from the source to the most distant point where the total potential emissions from the facility will cause a significant ambient impact (i.e., equal or exceed the applicable significant ambient impact level in 20.2.72.500 NMAC).

D. "Maximum projected width" means the largest crosswind building or obstruction dimension.

E. "Potential to emit" or "potential emissions" means the maximum capacity of a stationary source to emit a regulated air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a regulated air contaminant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitations or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

F. "Secondary emissions" means emissions of an air contaminant which occur as a result of the construction or operation of a stationary source or modification, but do not come from the stationary source or modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general areas as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the stationary source or modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

G. "SUM" means the sum of the potential emissions for oxides of nitrogen from all adjacent sources.

H. "SUM15" means the sum of the potential emissions for oxides of nitrogen from all adjacent sources within 15 km of the NO₂ impact area.

I. "SUM25" means the sum of the potential emissions for oxides of nitrogen from all adjacent sources within 25 km of the NO₂ impact area.

J. "Sweet natural gas" means natural gas containing no more than 0.25 grains of hydrogen sulfide per 100 standard cubic feet of gas.

[11/30/95; A, 11/14/98]

20.2.72.301 APPLICABILITY:

A. Any owner or operator intending to construct or modify a source which requires a permit under the provisions of 20.2.72.200 NMAC may elect to obtain a permit under 20.2.72.300 NMAC - 20.2.72.399 NMAC if the source category is listed in 20.2.72.501 NMAC.

B. 20.2.72.300 NMAC - 20.2.72.399 NMAC shall not apply to:

- (1) Any "major stationary source" as defined in 20.2.74 NMAC;
- (2) Any facility, either before or after construction or modification, with a total potential to emit of any regulated air contaminant greater than 200 tons per year (tpy);
- (3) Any source subject to the requirements of 20.2.78 NMAC or 20.2.72.400 NMAC - 20.2.72.499 NMAC;
- (4) Any reciprocating internal combustion (IC) engines and/or turbines located at petroleum refineries, chemical manufacturing plants, bulk gasoline terminals, natural gas processing plants, or at any facility containing sources in addition to IC engines and/or turbines for which an air quality permit is required through state or federal air quality regulations;

(5) Any source which emits or proposes to emit those contaminants for which the impact area from the facility intersects an area, or for which the area itself is: 1) designated nonattainment for federal ambient air quality standards; or 2) nonattainment for federal PSD increments or state ambient air quality standards according to ambient data or air quality modeling; or 3) shown by air quality data or dispersion or other air quality modeling that air contaminants have consumed more than 80% of state or federal ambient air quality standards or PSD increments for those areas where the baseline has been triggered for the specific PSD increments;

(6) Any source with the nearest property boundary located less than:

(a) 1 kilometer (km) from a school, residence, office building, or occupied structure. Buildings and structures within the immediate industrial complex of the source are not included.

(b) 3 km from the property boundary of any state park, Class II wilderness area, Class II national wildlife refuge, national historic park, state recreation area, or community with a population of more than twenty-thousand people.

(c) 10 km from the boundary of any community with a population of more than forty-thousand people, or

(d) 30 km from the boundary of any Class I area;

(7) Any source located in Bernalillo County or within 15 km of the Bernalillo County line.

C. The following sections and subsections of 20.2.72.200 NMAC - 20.2.72.299 NMAC apply to permit applications submitted pursuant to 20.2.72.300 NMAC - 20.2.72.399 NMAC: Subsections A, B and E through H of 20.2.72.200 NMAC, 20.2.72.202 NMAC, 20.2.72.204 NMAC, 20.2.72.205 NMAC, Subsection C of 20.2.72.206 NMAC, Subsections D through G of 20.2.72.207 NMAC, 20.2.72.208 NMAC, 20.2.72.209 NMAC, 20.2.72.210 NMAC, 20.2.72.211 NMAC, 20.2.72.212 NMAC, 20.2.72.214 NMAC and 20.2.72.215 NMAC. The remainder of 20.2.72.200 NMAC - 20.2.72.299 NMAC does not apply to applications submitted pursuant to 20.2.72.300 NMAC - 20.2.72.399 NMAC.

D. Any source, including compressor stations, consisting of IC engines and/or turbines must comply with one of the following three criteria, Paragraph 1, 2, or 3 of Subsection D of 20.2.72.301 NMAC, in order to qualify for source class permit streamlining under 20.2.72.300 NMAC - 20.2.72.399 NMAC (In demonstrating compliance with Subsection D of 20.2.72.301 NMAC, the Department shall give no credit for modeled reductions in ambient air concentrations due to so much of a source's stack which exceeds good engineering stack height, or fifty (50) feet in situations where there are not obstructions or buildings associated with the source):

(1) The total potential to emit of each regulated contaminant from all sources at the facility shall be less than 40 tpy. The potential to emit for nitrogen dioxide shall be based on total oxides of nitrogen; or

(2) The total potential to emit of each regulated contaminant from all emission sources at the facility shall be less than 100 tons per year (tpy) and the impact on ambient air from all sources at the facility shall be less than the ambient significance levels in 20.2.72.500 NMAC, Table 1. The potential to emit for nitrogen dioxide shall be based on total oxides of nitrogen expressed as nitrogen dioxide; or

(3) The maximum modeled ambient impact from the total potential emissions at the facility shall be less than 50 percent of each applicable PSD increment, for those areas where the baseline has been triggered for the specific PSD increments, and state and federal ambient air quality standards; and

(a) There shall be no adjacent sources emitting the same regulated air contaminant(s) as the source within 2.5 km of the modeled nitrogen dioxide (NO₂) impact area; and

(b) The "sum of the potential emissions for oxides of nitrogen from all adjacent sources" (SUM) within 15 km of the NO₂ impact area (SUM15) shall be less than 740 tpy; and

(c) The SUM25 within 25 km from the NO₂ impact area shall be less than 1540 tpy.

(4) Modifications to the auxiliary emission generating equipment at a facility qualifying and electing source class permit streamlining may commence without obtaining a permit for such modification as long as the total potential to emit of all auxiliary equipment remains at or below 1.0 lb/hr for any one regulated air contaminant and as long as the total potential to emit of each regulated air contaminant from the compressor station meets the requirements of Paragraphs 1 or 2 of Subsection D of 20.2.72.301 NMAC or previously qualified under Paragraph 3 of Subsection D of 20.2.72.301 NMAC. The applicant shall provide, in writing, the nature of all changes to the Department no later than 15 days prior to the expected change.

[11/30/95; A, 01/01/00; 20.2.72.301 NMAC - A, 02/02/01]

20.2.72.302 CONTENTS OF APPLICATION:

A. Any person seeking a permit under 20.2.72.300 NMAC - 20.2.72.399 NMAC shall do so by filing a written application with the Department. For those applications not qualifying under Subsection A of 20.2.72.303 NMAC, the applicant shall also:

(1) Provide by certified mail a complete copy of the application and public notice to the Department's field or district office nearest the source; and

(2) Provide by certified mail a copy of the public notice to the appropriate federal land manager if the source will locate within 50 km of the boundary of a Class I area.

B. The items of this section, if requested on the applicable application form, are required before the Department may deem an application administratively complete. The applicant shall submit the number of copies of the permit application specified in the applicable application form. All applications shall be filed on the forms furnished by the Department and shall include:

(1) The applicant's name and address, the person to contact regarding the application, and the name and address of the new source or modification;

(2) A description of the new facility or modification including all operations effecting air emissions;

(3) The anticipated operating schedule;

(4) A topographical map, at least as detailed as a 7.5 minute United States Geological Survey Topographic Quadrangle, showing the exact location and geographical coordinates of the stationary source;

(5) The Universal Transverse Mercator (UTM) horizontal and vertical coordinates for the facility;

(6) A plot plan showing the location of emission units with respect to the plant's property boundaries and the dimensions of any buildings, terrain, or obstructions which may cause emissions to be downwashed;

(7) A detailed description of any air pollution control device or method to be utilized, including the basis for the estimated control efficiency;

(8) The stack and exhaust gas parameters for all emission points, including calculations and manufacturer's or supplier's data which documents the emission rates and exhaust gas parameters;

(9) A comprehensive regulatory compliance review, including all pertinent data and calculations, for each applicable new source performance standard, such as 40 CFR 60, Subpart GG - Standards of Performance for Stationary Gas Turbines;

(10) Documentation of the manufacturer's or supplier's recommended maintenance schedules and procedures for all air pollution control equipment;

(11) A compliance demonstration based on US EPA approved modeling or analysis, including all pertinent calculations and computations, for all applicable requirements of 20.2.72.300 NMAC - 20.2.72.399 NMAC for any facility electing to obtain a permit under 20.2.72.300 NMAC - 20.2.72.399 NMAC;

(12) Documentary proof that the requirements of Paragraphs 1 and 2 of Subsection A of 20.2.72.302 NMAC have been satisfied;

(13) The notarized signature under oath or affirmation by the operator, the owner, or an authorized representative, certifying to the best of his or her knowledge the truth of all information submitted;

(14) Payment of any fees which are specified in 20.2.75 NMAC (Construction Permit Fees) as payable at the time the application is submitted; and

(15) Any other specifically identified relevant information as the Department may reasonably require.

[11/30/95; A, 01/01/00]

20.2.72.303 PUBLIC NOTICE AND PARTICIPATION:

A. Applications qualifying under the following paragraphs of 20.2.72.300 NMAC - 20.2.72.399 NMAC are not subject to Subsection B of 20.2.72.303 NMAC and Paragraph 2 of Subsection C of 20.2.72.303 NMAC: Paragraphs 1 and 2 of Subsection D of 20.2.72.301 NMAC.

B. The applicant shall:

(1) Publish notice once in a newspaper of general circulation in the area closest to the location of the source. This notice shall appear in either the classified or legal advertisements section of the newspaper. Notice shall be published in accordance with Department guidance documents and must include:

(a) The applicant's name and address;

(b) The address and phone number of the Department's Air Quality Bureau in Santa Fe, and the address of the field or district office where a copy of the application will be sent as required in Subsection A of 20.2.72.302 NMAC;

(c) The location and a brief description of the source;

(d) A summary of estimated emissions and ambient impact for each regulated contaminant for the entire facility;

(e) Where required in 20.2.72.300 NMAC - 20.2.72.399 NMAC, the applicant's public notice shall contain the following statement: "Any comments submitted on this permit application should address the relevant requirements of state and federal air quality regulations and the Federal Clean Air Act and the state Air Quality Control Act. The comments shall be submitted to the Department's Air Quality Bureau in Santa Fe within thirty (30) days following the date of publication";

(f) Any other information required by the Department; and

(2) Post the notice at the proposed or existing facility entrance on the property on which the facility is, or is proposed to be located prior to submittal of the application and remaining posted until the Department takes final action on the permit.

C. The Department shall:

(1) Make available for public inspection the permit application. Copies of any permit application, except those portions of which may be determined as confidential in accordance with 20.2.1 NMAC (General Provisions), will be supplied upon written request and payment of reasonable costs.

(2) Allow all interested persons thirty (30) days from the date of publication of the applicant's public notice in a newspaper of general circulation, to submit written comments or evidence on the application.

[11/30/95]

20.2.72.304 PERMIT DECISIONS:

A. The Department shall within thirty (30) days after its receipt of an application for a permit or permit revision review such application and determine whether it is administratively complete.

(1) If the application is deemed administratively complete, a certified letter to that effect shall be sent to the applicant.

(2) If the application is deemed administratively incomplete, a certified letter shall be sent to the applicant stating what additional information or points of clarification are necessary to deem the application administratively complete. Upon receipt of such information, the Department shall promptly review such information and determine whether the application is administratively complete.

(3) If the application is deemed administratively complete but no permit is required, a certified letter shall be sent to the applicant informing the applicant of the determination.

B. The Department shall either grant, grant subject to conditions, or deny the permit or permit revision as soon as practicable after the Department deems the application administratively complete but not to exceed the times specified below:

(1) For applications qualifying under the Paragraphs 1 and 2 of Subsection D of 20.2.72.301 NMAC, within thirty (30) days;

(2) For all other applications, within sixty (60) days, or ninety (90) days if there is a hearing under 20.2.72.206 NMAC.

[11/30/95; A, 01/01/00]

20.2.72.305 GENERAL REQUIREMENTS: All sources permitted pursuant to 20.2.72.300 NMAC - 20.2.72.399 NMAC shall operate in compliance with the following conditions:

A. A copy of the most recent permit issued by the Department shall be made available to Department personnel for inspection upon request. If the permit is not kept at the plant location, a notice at the plant site shall be located in a conspicuous place stating the facility name and ownership, air quality permit number, and the address and phone number of the Department in Santa Fe;

B. The source shall operate in compliance with all applicable state and federal regulations, including federal new source performance standards incorporated by 20.2.77 NMAC and permit conditions;

C. The owner or operator of the source shall be required to conduct such performance tests as specified by the Department to determine compliance with emission limitations or technology requirements as specified in an applicable regulation or permit condition. Specific schedules and requirements will be listed in 20.2.72.306 NMAC for each source class and/or in the permit. Performance test requirements may be reimposed on a source as necessary if inspections of the source or other information available to the Department, indicate noncompliance, or the previous test showed noncompliance or was technically unsatisfactory. In such cases, the Department may reimpose such tests as frequently as necessary until compliance is achieved and testing is performed in a manner technically satisfactory to the Department. The owner or operator shall:

(1) Arrange a pretest meeting with the Department at least two weeks prior to the anticipated test date for all tests;

(2) Notify the Department at least thirty (30) days prior to the date and time of performance testing, and provide the Department an opportunity to have an observer present during testing;

(3) Conduct performance tests in accordance with methods and procedures specified by the Department. Whenever the requirements of 40 CFR 60 apply, test methods must be utilized as specified in those regulations;

(4) Submit a written report to the Department of the results of the test within thirty (30) days from the test date; and

D. The owner or operator using a catalytic converter to meet the requirements of 20.2.72.300 NMAC - 20.2.72.399 NMAC shall satisfactorily test the reduction efficiency across the catalyst bed and report the results of the test to the Department according to the permit conditions, within ninety (90) days following initial start-up and on a quarterly basis thereafter, unless an alternative testing schedule is specified by the Department. The tests shall be conducted in accordance with the requirements of Subsection C of 20.2.72.305 NMAC and as required in the permit, except that the requirements of Paragraphs 1 and 2 of Subsection C of 20.2.72.305 NMAC shall be waived unless the Department specifically requests a pretest meeting or notification of the next test date.

[11/30/95]

20.2.72.306 SOURCE CLASS REQUIREMENTS:

A. In addition to the general conditions of 20.2.72.305 NMAC, each permitted source listed in 20.2.72.501 NMAC (Table 2) shall also comply with the applicable source class requirements below:

(1) Requirements for source class category 1 - reciprocating internal combustion (IC) engines:

(a) Gas fuel shall be produced natural gas, sweet natural gas, liquid petroleum gas, or fuel gas. No gas fuel shall contain more than 0.1 grain of total sulfur per dry standard cubic foot. Liquid fuel shall be first run refinery grade diesel or No. 2 fuel oil that is not a blend containing waste oils or solvents and contains less than 0.3% by weight sulfur;

(b) Within ninety (90) days after initial start-up of the source, the owner or operator shall conduct NO_x and carbon monoxide (CO) performance tests on one or more engines (turbines) at the facility to ensure the facility is in compliance with 20.2.72.300 NMAC - 20.2.72.399 NMAC and permit requirements, including emission limits and any applicable pollution control device reduction efficiency requirements for NO_x. The Department shall specifically identify in the permit each engine or turbine subject to initial performance testing requirements. Tests shall be conducted in accordance with the requirements of Subsection C of 20.2.72.305 NMAC;

(c) Any engine which operates with a non-selective catalytic converter shall comply with the following requirements:

i. Any spark ignited gas-fired or any compression ignited dual fuel-fired engine shall be equipped and operated with an automatic air-fuel ratio (AFR) controller which maintains AFR in the range required to minimize NO_x emissions, as recommended by the manufacturer; and

ii. The owner or operator shall make and maintain records to demonstrate that the manufacturer's or supplier's recommended maintenance is performed, including replacement of the oxygen sensor as

necessary for oxygen-based AFR controllers, and cleaning, regeneration, and/or replacement of catalyst(s) as necessary to maintain at least the NOx reduction efficiencies across the catalyst bed that are specified in the permit.

B. Requirements for source class category 2 - turbines: The source must comply with Paragraphs 1 and 2 of Subsection A of 20.2.72.306 NMAC.
[11/30/95]

20.2.72.307 – 20.2.72.399 [RESERVED]

20.2.72.400 PREAMBLE: The Board is concerned about the increasingly common presence of toxic air pollutants in the ambient air. The Board believes that the best approach to regulating sources of toxic air pollutants over the long term is to set ambient standards for each pollutant of concern. However, because of financial constraints, the unavailability of sufficient information to establish such ambient standards, the time necessary to establish such standards for the contaminants identified as toxic air pollutants and because the Board wishes to implement a toxic air pollutant permitting program as soon as possible, the Board has adopted a source-by-source permit-based approach for the present. Under this permit-based approach, the Board has given limited authority to the Department to use factors of the OELs (occupational exposure limits) in evaluating permit applications. The Board recognizes that the use of OELs, or factors of them, as ambient air standards would be inappropriate; therefore, the Board has authorized their use for screening purposes only. This authorization is not intended to represent, and should not be interpreted as, a finding by the Board that these factors are suitable for determining safe or unsafe ambient air concentrations. Various respected groups, such as the American Conference of Governmental Industrial Hygienists (ACGIH), may develop ambient air exposure guidelines in the future. Development of ambient air guidelines by groups such as this could be the basis for developing toxic air pollutant ambient air standards. The Board also notes that the Department currently is developing an emissions inventory of toxic air pollutants. An emissions inventory may identify toxic air pollutants that are of particular concern in New Mexico. The Board believes that efforts like these may facilitate the development of toxic air pollutant ambient air standards. For these reasons, the Board requests the Department to prepare and present a report to the Board within five years of the effective date of the toxic air pollutant permitting requirements. The report shall review and evaluate the implementation of the toxic air pollutant permitting program, summarize the results of the toxic air pollutant inventory gathered pursuant to AQCR 752, and review scientific and technical progress made in the area of toxic air pollutants that might facilitate the development of toxic air pollutant ambient air standards. The Board shall schedule a discussion of this report at a regular monthly meeting within three months of the publication of this report.

[11/30/95]

20.2.72.401 DEFINITIONS: In addition to the definitions in 20.2.72.7 NMAC, the following definitions apply to 20.2.72.400 NMAC - 20.2.72.499 NMAC:

A. "Best available control technology" means an emission limitation based on the maximum degree of reduction in emissions of each contaminant subject to this Part which the Secretary (or the Board), on a case-by-case basis, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts resulting from the use of such technology, determines is achievable for the source, through application of measures, processes, methods, systems, or techniques including, but not limited to, measures which:

- (1) Reduce the volume of such pollutants through process changes, substitutions of materials, or other modifications, or
- (2) Enclose systems or processes to eliminate emissions, or
- (3) Collect, capture or treat such pollutants when released from a process, stack, storage, or fugitive emission point.

B. "Existing source" means any source, the construction or modification of which was commenced on or before December 31, 1988.

C. "Fixed capital costs" means that capital needed to provide all the depreciable components.

D. "New source" means any source, the construction of which is commenced after December 31, 1988. The term does not include any new source which is integrally related with and integrally connected to the process of an existing source. The term includes the reconstruction of an existing source.

E. "Occupational Exposure Limit" or "OEL" means the eight-hour time weighted average concentration specified for workroom air in "Threshold Limit Values and Biological Exposure Indices for 1986-

1987" as adopted by the American Conference of Governmental Industrial Hygienists, or for compounds not assigned an OEL in that document, the minimum detection limit specified in the National Institute for Occupational Safety and Health "Manual of Analytical Methods", Third Edition.

F. "Oil and gas production facilities" means facilities for the exploration, development, production, treatment, separation, storage, transport, and sale of unrefined hydrocarbons, natural gas liquids, and CO₂ (e.g., major SIC group 13, oil and gas extraction, SIC industry group no. 4612, crude, petroleum, pipeline and SIC industry no. 4922, natural gas transmission). Natural gas processing plants and refineries are not included for purposes of this definition.

G. "Reconstruction" means a modification which results in the replacement of the components or addition of integrally related equipment to an existing source to such an extent that the fixed capital cost of the new components or equipment exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility.

H. "Toxic air pollutant" means any air contaminant in 20.2.72.502 NMAC.
[11/30/95]

20.2.72.402 APPLICABILITY:

A. All the requirements of 20.2.72.400 NMAC - 20.2.72.499 NMAC for toxic air pollutants shall supplement other provisions of this Part (20.2.72 NMAC).

B. A permit must be obtained from the Department by any person prior to the construction or modification of a new source which has total potential emissions of a toxic air pollutant into the ambient air that exceed the emission level in pounds per hour specified in 20.2.72.502 NMAC, and one or more of the following conditions are met:

(1) The toxic air pollutant is listed under applicable primary and secondary SIC codes appropriate for the source in the US EPA SIC/Pollutant Index (Appendix C of EPA-450/4-86-010); or

(2) The toxic air pollutant is known by the owner or operator to be emitted into the ambient air because of:

(a) Information from material safety data sheets and hazard labelling required under the OSHA Hazard Communications Standard 29 CFR 1910.1200, or

(b) Information from reports required under the Federal Emergency Planning and Community Right-to-Know Act of 1986, P.L. 99-499, Title III, Sections 300-330, or

(c) Other information reasonably available to the owner or operator based on the source's obligations under other regulatory programs; or

(3) The toxic air pollutant is identified by the Department on or before the date the application is determined to be complete, as likely to be emitted from a source. The Department shall also provide the owner or operator a reasonable basis to support the belief that the source will emit such toxic air pollutant.

C. The following classes of sources are exempt from the permitting requirements for toxic air pollutants:

(1) Gasoline Service Stations - SIC No. 5441

(2) Automotive Repair Shops - SIC No. 753

(3) Laundry, Cleaning, and Garment Services - SIC No. 721

(4) Domestic Woodstoves and Fireplaces

(5) Oil and Gas Production Facilities

(6) Agricultural Production - Crops, SIC No. 01

(7) Agricultural Production - Livestock, SIC No. 02

(8) Agricultural Services - SIC No. 07

(9) Containers, such as tanks, barrels, drums, cans and buckets, unless equipped with a vent that emits or may emit any toxic air pollutant, which are used in connection with the operation, maintenance or repair of a stationary source.

(10) Non-process fugitive emissions of toxic air pollutants from stationary sources, such as construction sites, unpaved roads, coal piles, tailings piles, waste piles, and fuel and ash handling operations.

D. An exemption or exclusion from the permitting requirements for toxic air pollutants does not relieve a source from any other requirements in this Part (20.2.72 NMAC).

[11/30/95]

20.2.72.403 CONTENTS OF APPLICATION:

A. For the Department to deem administratively complete a permit application for the emission of a toxic air pollutant, the application shall contain, in addition to the requirements of 20.2.72.203 NMAC, the following items:

(1) Identification of all toxic air pollutants that may be emitted in excess of the screening level (specified in pounds per hour) in 20.2.72.502 NMAC;

(2) Air quality modeling, in accordance with methods approved by the US EPA or the Department, that estimates ambient concentrations that would be caused by the proposed emissions. The modeling for the toxic air pollutants will include available emissions supplied by the Department from registration and permitting information from all registered or permitted sources in the area of the source being permitted.

B. If the modeling shows that the eight-hour average ambient concentration of the toxic air pollutant exceeds one-one hundredth of the OEL and the toxic air pollutant is not identified as a known or suspected human carcinogen in 20.2.72.502 NMAC, Table B, the permit application shall also include, as a requirement for administrative completeness, a health assessment for the toxic air pollutant under consideration. The assessment shall include consideration of the following:

(1) Source to potential receptor data and modeling;

(2) Relevant environmental pathway and effects data;

(3) Available health effects data such as:

(a) Functional diseases;

(b) Mutagenicity data as an index of genotoxic effects including heritable diseases;

(c) Reproductive effects data;

(d) Other diseases; and

(4) An integrated assessment of the human health effects for projected exposures from the applicant's facility. The assessment should use existing relevant data obtained from epidemiological studies, controlled human exposure studies, laboratory animal studies, and studies using tissues and cells.

C. If the toxic air pollutant is identified as a known or suspected human carcinogen in 20.2.72.502 NMAC and air quality modeling shows that the eight-hour average concentration of the toxic air pollutant exceeds one one-hundredth of the OEL or the minimum detection level in 20.2.72.502 NMAC, the permit application shall include, as a requirement for administrative completeness, information necessary to demonstrate the source will install the best available control technology to control that pollutant.

[11/30/95; A, 01/01/00]

20.2.72.404 PUBLIC NOTICE AND PARTICIPATION: In addition to the requirements of 20.2.72.206 NMAC:

A. The Department shall meet with the applicant during the permit application process, prior to deeming the application administratively complete, to discuss the need for additional data and information not initially submitted by the applicant; and

B. The Department shall promptly advise the applicant of all medical or other scientific evidence the Department uses to evaluate the health effects of the toxic air pollutant emissions and make available to the applicant in a timely manner all information, including all previous decisions on the toxic air pollutant in question.

[11/30/95; A, 01/01/00]

20.2.72.405 PERMIT DECISIONS: In making its decisions, the Department shall consider emissions after control.

A. Ambient concentrations not exceeding one one-hundredth of the OEL or the minimum detection level for compounds without an OEL: If the Department finds that the eight-hour average concentration of the toxic air pollutant in the ambient air does not exceed one one-hundredth of the OEL, or for compounds without an OEL, the minimum detection levels as shown in 20.2.72.502 NMAC, the Department shall grant the permit. The administrative screening level of one one-hundredth the OEL and the OEL shall not be a basis for denying a permit and shall not constitute an ambient air quality standard.

B. Ambient concentrations exceeding one one-hundredth of the OEL or the minimum detection level for compounds without an OEL for substances identified as known or suspected human carcinogens in 20.2.72.502 NMAC: If the toxic air pollutant being considered is identified as a known or suspected carcinogen in 20.2.72.502 NMAC, Table B, and the Department finds the eight-hour concentration of the toxic air pollutant in the ambient air exceeds one one-hundredth of the OEL, or for compounds without an OEL, the minimum detection level, the

Department shall grant the permit if the applicant implements the best available control technology to control that pollutant.

C. Ambient concentrations exceeding one one-hundredth of the OEL for substances not identified as carcinogens in 20.2.72.502 NMAC:

(1) If the applicant has been required to prepare a health assessment under Subsection B of 20.2.72.403 NMAC, the Department shall prepare a Summary Review Statement (SRS) which indicates the Department's opinion of the adequacy of the applicant's health assessment. The SRS will include a summary recommendation on whether the issuance of a permit will or will not with reasonable probability injure human health.

(2) If the applicant does not agree with the recommendation contained in the SRS, the applicant's assessment and the SRS will be provided to the Air Toxics Scientific Advisory Committee (ATSAC). The ATSAC will be composed of five members appointed by the Secretary. They will include physicians, toxicologists, industrial hygienists, or others knowledgeable of the potential health and environmental effects of air pollution. The committee will include at least one member nominated by the applicant. The ATSAC will review the applicant's assessment and the SRS in a public meeting. The ATSAC shall provide a letter to the Secretary stating: (1) whether the submitted documents provide a scientifically adequate basis to determine whether the proposed source will with reasonable probability injure human health and (2), if the documents do provide an adequate basis, whether the proposed source will with reasonable probability injure human health. If the documents are scientifically inadequate, the ATSAC shall return them to the Department and indicate their inadequacies.

(3) The Department will make a final decision on the issuance of the permit after consideration of the following factors:

(a) The nature of the toxic air pollutant and the size, susceptibility, and proximity of the human population;

(b) The pathways of human exposure (e.g., ingestion, inhalation, skin absorption);

(c) The short term and long term health effects associated with the toxic air pollutant at levels of exposure commensurate with the anticipated exposure level;

(d) Existing epidemiological data on health effects associated with the anticipated levels of exposure;

(e) The character of the land use of the predicted area of impact (e.g., residential, industrial, and recreational); and

(f) The scientific adequacy of the health and environmental assessment submitted by the applicant and the recommendation of the ATSAC. The Department shall not rely on the OEL or on the administrative screening level of one one-hundredth the OEL, and it shall not be bound by prior permit decisions when considering pending applications.

(4) The Department shall deny any application for a permit evaluated under Subsection C of 20.2.72.405 NMAC if the source will emit a toxic air pollutant in such quantities and duration as may with reasonable probability injure human health.

D. The Department shall document, in the administrative record, all processes, facts, and reasoning relied on in making the permit decision, including citations to the relevant technical data, publications, and expert opinions considered.

(1) The final deliberations of the ATSAC shall be open to the public. Except for requests by members of the ATSAC for input from the applicant or Department, no other comments from the applicant, Department, or audience shall be allowed during final deliberations.

(2) Prior to a final decision, the ATSAC members may communicate among themselves in order to facilitate the evaluation process. However, all ATSAC members shall be apprised of such communications.

(3) Prior to a final decision, the ATSAC members may also communicate with the Department and applicant in order to clarify information or secure additional information concerning the applicant's health assessment or the Department's SRS. The Department, applicant, and all ATSAC members shall be apprised of such communication.

[11/30/95; A, 11/14/98]

20.2.72.406 – 20.2.72.499 [RESERVED]

20.2.72.500 TABLE 1 - SIGNIFICANT AMBIENT CONCENTRATIONS

<u>Pollutant</u>		<u>Averaging Time</u>
Total Suspended Particulate	1.0 ug/m3	(Annual)
	5.0 ug/m3	(24-hour)
PM10	1.0 ug/m3	(Annual)
	5.0 ug/m3	(24-hour)
Sulfur Dioxide	1.0 ug/m3	(Annual)
	5.0 ug/m3	(24-hour)
	25.0 ug/m3	(3-hour)
Hydrogen Sulfide	1.0 ug/m3	(1-hour)
	5.0 ug/m3	(1/2-hour)
Carbon Monoxide	0.5 mg/m3	(8-hour)
	2.0 mg/m3	(1-hour)
Nitrogen Dioxide	1.0 ug/m3	(Annual)
	5.0 ug/m3	(24-hour)
Non-Methane Hydrocarbons	5.0 ug/m3	(3-hour)

[11/30/95]

20.2.72.501 TABLE 2 - PERMIT STREAMLINING SOURCE CLASS CATEGORIES

1. Reciprocating internal combustion engines including portable or temporary engines
2. Turbines

[11/30/95]

20.2.72.502 TOXIC AIR POLLUTANTS AND EMISSIONS

Table A- Noncarcinogens

SUBSTANCE	OEL mg/m ³	Emissions in pounds per hour
Acetic acid	25.0	1.67
Acetic anhydride.....	20.0	1.33
Acetylene dichloride, See 1,2-Dichloroethylene		
Acetylene tetrabromide.....	15.0	1.00
Acetylsalicylic acid.....	5.00	0.333
Aldrin.....	0.25	0.0167
Allyl alcohol	5.00	0.333
Allyl glycidol ether.....	22.0	1.47
Allyl propyl disulfide	12.0	0.800
Aluminum		
metal & oxide	10.0	0.667
pyro powders	5.00	0.333
welding fumes	5.00	0.333
soluble salts	2.00	0.133
alkyls not otherwise classified.....	2.00	0.133
2-Aminoethanol, See Ethanolamine		
2-Aminopyridine	2.00	0.133
3-Amino 1, 2, 4-triazole, See Amitrole		
Amitrole.....	0.200	0.0133
Ammonia	18.0	1.20
Ammonium chloride fume.....	10.0	0.667
Ammonium sulfamate	10.0	0.667
n-Amyl acetate.....	530	35.3
Sec-Amyl acetate.....	665	44.3
Aniline homologues.....	10.0	0.667
Anisidine (p-isomer).....	0.500	0.0333
Antimony as Sb	0.500	0.0333
ANTU	0.300	0.0200
Asphalt (petroleum) fumes	5.00	0.333
Atrazine	5.00	0.333
Azinphos-methyl	0.200	0.0133
Barium, soluble compounds, as Ba	0.500	0.0333
Benomyl	10.00	0.667
Benzoyl peroxide.....	5.00	0.333
Bismuth telluride	10.0	0.667
Se-doped.....	5.00	0.333
Borates, tetra, sodium salts		
anhydrous	1.00	0.0667
decahydrate.....	5.00	0.333
pentahydrate	1.00	0.0667
Boron oxide	10.0	0.667
Boron tribromide	10.0	0.667
Boron trifluoride.....	3.00	0.200
Bromacil	10.0	0.667
Bromine	0.700	0.0467
Bromine pentafluoride.....	0.700	0.0467
Bromochloromethane, see Chlorobromomethane		

Butanethiol, see Butyl mercaptan		
2-Butoxyethanol	120	8.00
n-Butyl acetate	710	47.3
sec-Butyl acetate	950	63.3
tert-Butyl acetate	950	63.3
Butyl acrylate	55.0	3.67
n-Butyl alcohol	150	10.0
Sec-Butyl alcohol	305	20.3
tert-Butyl alcohol	300	20.0
Butylamine	15.0	1.00
tert-Butyl chromate, as CrO ₃	0.100	0.00667
n-Butyl glycidol ether (BGE)	135	9.00
n-Butyl lactate		25.0
Butyl mercaptan	1.50	0.10
o-sec-Butylphenol	30.0	2.00
p-tert-Butyltoluene	60	4.00
Cadmium Dusts as Cd	0.0500	0.00333
fume as Cd	0.0500	0.00333
Calcium hydroxide	5.00	0.333
Calcium oxide	2.00	0.133
Camphor, synthetic	12.0	0.800
Captafol	0.100	0.00667
Carbofuran	0.100	0.00667
Carbon black	3.50	0.233
Carbon tetrabromide	1.40	0.0933
Carbonyl fluoride	5.00	0.333
Cesium hydroxide	2.00	0.133
Chlorinated diphenyl oxide	0.500	0.0333
Chlorine dioxide	0.300	0.0200
Chlorine trifluoride	0.400	0.0267
Chloroacetaldehyde	3.00	0.200
a-Chloroacetophenone	0.300	0.0200
Chloroacetyl chloride	0.200	0.0133
O-Chlorobenzylidene malononitrile	0.400	0.0267
Chlorobromomethane	1050	70.0
2-Chloro-1,3-butadiene, see B-Chloroprene		
Chlorodiphenyl (42% chlorine)	1.00	0.0667
Chlorodiphenyl (54% chlorine)	0.500	0.033
2-Chloroethanol, see Ethylene chlorohydrin		
1-Chloro-1-nitropropane	10.0	0.667
Chloropicrin	0.700	0.0467
o-Chlorostyrene	285	19.0
o-Chlorotoluene	250	16.7
2-Chloro-6-(trichloromethyl)pyridine, see Nitrapyrin		
Chlorpyrifos	0.200	0.0133
Chromium metal	0.500	0.0333
Clopidol	10.0	0.667
Cobalt as Co	0.100	0.00667
metal, dust & fume	0.100	0.00667
Copper		
fume	0.200	0.0133
dusts & mists, as Cu	1.00	0.0667
Cotton dust, raw	0.200	0.0133
Crotonaldehyde	6.00	0.400
Crufomate	5.00	0.333

Cyanamide.....	2.00	0.133
Cyanogen.....	20.0	1.33
Cyanogen chloride.....	0.600	0.0400
Cyclohexane.....	1050	70.0
Cyclohexanol.....	200	13.3
Cyclohexanone.....	100	6.67
Cyclohexene.....	1015	67.7
Cyclohexylamine.....	40.0	2.67
Cyclonite.....	1.50	0.100
Cyclopentadiene.....	200	13.3
Cyhexatin.....	5.00	0.333
DDT (Dichlorodiphenyl trichloroethane).....	1.00	0.0667
Decaborane.....	0.300	0.0200
Demeton.....	0.100	0.00667
Diacetone alcohol.....	240	16.0
1,2-Diaminoethane See Ethylenediamine		
Diazinon.....	0.100	0.00667
Diborane.....	0.100	0.00667
2-N-Dibutylaminoethanol.....	14.0	0.933
Dibutyl phosphate.....	5.00	0.333
Dichloroacetylene.....	0.400	0.0267
o-Dichlorobenzene.....	300	20.0
1,3-Dichloro-5,5-dimethyl hydantoin.....	0.200	0.0133
1,2-Dichloroethylene.....	790	52.7
Dichlorofluoromethane.....	40.0	2.67
1,1-Dichloro-1-nitroethane.....	10.0	0.667
2,2-Dichloropropionic acid.....	6.00	0.400
Dicrotophos.....	0.250	0.0167
Dicyclopentadiene.....	30.0	2.00
Dicyclopentadienyl iron.....	10.0	0.667
Dieldrin.....	0.250	0.167
Diethylamine.....	30.0	2.00
2-Diethylaminoethanol.....	50.0	3.33
Diethylene triamine.....	4.00	0.267
Diethyl ether, see Ethyl ether		
Diethyl Ketone.....	705	47.0
Diethyl phthalate.....	5.00	0.333
Difluorodibromomethane.....	860	57.3
Diglycidal ether (DGE).....	0.500	0.0333
Diisobutyl ketone.....	250	16.7
Diisopropylamine.....	20.0	1.33
Dimethyl acetamide.....	35.0	2.33
Dimethylamine.....	18.0	1.20
Dimethylaminobenzene, see Xylidene		
Dimethyl-1,2-dibromo-2-dichloroethyl phosphate, see Naled		
2,6-Dimethyl-4-heptanone, see Diisobutyl ketone		
Dinitolmide.....	5.00	0.333
Dinitrobenzene (all isomers).....	1.00	0.0667
3,5-Dinitro-o-toluamide, see Dinitolmide		
Dioxathion.....	0.200	0.0133
Diphenylamine.....	10.0	0.667
Diphenylmethane diisocyanate, see Methylene bisphenyl isocyanate		
Dipropylene glycol methyl ether.....	600	40.0
Dipropyl ketone.....	235	15.7
Diquat.....	0.500	0.0333

Disulfiram.....	2.00	0.133
Disulfoton.....	0.100	0.00667
2,6-Ditert. butyl-p-cresol.....	10.0	0.667
Diuron.....	10.0	0.667
Divinyl benzene.....	50.0	3.33
Endosulfan.....	0.100	0.00667
Endrin.....	0.100	0.00667
Enzymes, see Subtilisins		
EPN.....	0.500	0.0333
2,3-Epoxy-1-propanol, see Glycidol		
Ethanthiol, see Ethyl mercaptan		
Ethanolamine.....	8.0	0.533
Ethion.....	0.400	0.0267
Ethyl acetate.....	1400	93.3
Ethylamine.....	18.0	1.20
Ethyl amyl ketone.....	130	8.67
Ethyl bromide.....	890	59.3
Ethyl butyl ketone.....	230	15.3
Ethylene chlorohydrin.....	3.00	0.200
Ethylenediamine.....	25.0	1.67
Ethyl ether.....	1200	80.0
Ethy formate.....	300	20.0
Ethylidene norbornene.....	25.0	1.67
Ethyl mercaptan.....	1.00	0.0667
N-Ethylmorpholine.....	23.0	1.53
Ethyl silicate.....	85.0	5.67
Fenamiphos.....	0.100	0.00667
Fensulfothion.....	0.100	0.00667
Fenthion.....	0.200	0.0133
Ferbam.....	10.0	0.667
Ferrovandium dust.....	1.00	0.0667
Fluorides, as F.....	2.50	0.167
Fluorine.....	2.00	0.133
Fonofos.....	0.100	0.00667
Formamide.....	30.0	2.00
Formic acid.....	9.00	0.600
Furfural.....	8.00	0.533
Furfuryl alcohol.....	40.0	2.67
Gasoline.....	900	60.0
Germanium tetrahydride.....	0.600	0.0400
Glutaraldehyde.....	0.700	0.0467
Glycidol.....	75.0	5.00
Hafnium.....	0.500	0.033
2-Heptanone, see Methyl n-amyl ketone		
3-Heptanone, see Ethyl butyl ketone		
Hexachloronaphthalene.....	0.200	0.0133
Hexfluoroacetone.....	0.700	0.0467
2-Hexanone, see Methyl n-butyl ketone		
sec-Hexyl acetate.....	300	20.0
Hexylene glycol.....	125	8.33
Hydrogenated terphenyls.....	5.00	0.333
Hydrogen bromide.....	10.0	0.667
Hydrogen peroxide.....	1.50	0.100
4-Hydroxy-4-Methyl-2-pentanone, see Diacetone alcohol		
2-Hydroxypropyl acrylate.....	3.00	0.200

Indene	45.0	3.00
Indium & compounds as In	0.100	0.00667
Iodine	1.00	0.0667
Iodoform	10.0	0.667
Iron oxide fume (Fe ₂ O ₃) as Fe	5.00	0.333
Iron pentacarbonyl as Fe	0.800	0.0533
Iron salts, soluble, as Fe	1.00	0.0667
Isoamyl acetate	525	35.0
Isoamyl alcohol	360	24.0
Isobutyl acetate	700	46.7
Isobutyl alcohol	150	10.0
Isooctyl alcohol	270	18.0
Isophorone diisocyanate	0.0900	0.00600
Isopropoxyethanol	105	7.00
Isopropyl acetate	950	63.3
Isopropyl alcohol	980	65.3
Isopropylamine	12.0	0.800
N-Isopropylaniline	10.0	0.667
Isopropyl ether	1050	70.0
Isopropyl glycidyl ether (IGE)	240	16.0
Ketene	0.900	0.0600
Lithium hydride	0.0250	0.0167
Magnesium oxide fume	10.0	0.667
Malathion	10.0	0.667
Manganese as Mn		
dust	5.00	0.333
fume	1.00	0.0667
Mesityl oxide	60	4.00
Methacrylic acid	70.0	4.67
Methanethiol, see Methyl mercaptan		
Methomyl	2.50	0.167
4-Methoxyphenol	5.00	0.333
Methyl acetate	610	40.7
Methyl acrylate	35.0	2.33
Methylacrylonitrile	3.00	0.200
Methylamine	12.0	0.800
Methyl amyl alcohol, see Methyl isobutyl carbinol		
Methyl n-amyl ketone	235	15.7
N-Methyl aniline	2.00	0.133
Methyl n-butyl ketone	20.0	1.33
Methyl 2-cyanoacrylate	8.00	0.533
Methylcyclohexanol	235	15.7
o-Methylcyclohexanone	230	15.3
Methyl demeton	0.500	0.033
Methylene bisphenyl isocyanate (MDI)	0.200	0.0133
Methylene bis(4-cyclohexylisocyanate)	0.110	0.00733
Methyl ethyl ketone peroxide	1.50	0.100
Methyl formate	250	16.7
5-Methyl-3-heptanone, see Ethyl amyl ketone		
Methyl isoamyl ketone	240	16.0
Methyl isobutyl carbinol	100	6.67
Methyl isopropyl ketone	705	47.0
Methyl mercaptan	1.00	0.0667
Methyl parathion	0.200	0.0133
Methyl propyl ketone	700	46.7

Methyl silicate	6.00	0.400
a-Methyl styrene.....	240	16.0
Metribuzin	5.00	0.333
Mevinphos.....	0.100	0.00667
Molybdenum as Mo		
soluble compounds.....	5.00	0.333
insoluble compounds.....	10.0	0.667
Monocrotophos.....	0.250	0.0167
Morpholine.....	70.0	4.67
Naled	3.00	0.2
Nickel Metal.....	1.00	0.0667
Nicotine.....	0.500	0.0333
Nitrapyrin	10.0	0.667
Nitric acid.....	5.00	0.333
p-Nitroaniline.....	3.00	0.200
p-Nitrochlorobenzene.....	3.00	0.200
Nitroethane.....	310	20.7
Nitrogen trifluoride.....	300	2.00
Nitroglycerin.....	0.500	0.00333
Nitromethane.....	250	16.7
1-Nitropropane.....	90.0	6.00
Nitrotoluene.....	11.0	0.733
Nitrotrichloromethane, see Chloropicrin		
Nonane.....	1050	70.0
Octachloronaphthalene.....	0.100	0.0067
Octane.....	1450	96.7
Oil mist, mineral.....	5.00	0.333
Osmium tetroxide as Os.....	0.00200	0.000133
Oxalic acid.....	1.00	0.0667
Oxygen difluoride.....	0.100	0.00667
Paraffin wax fume.....	2.00	0.133
Paraquat respirable sizes.....	0.100	0.00667
Pentaborane.....	0.0100	0.000667
Pentachloronaphthalene.....	0.500	0.0333
2-Pentanone, see Methyl propyl ketone.....		
Perchloromethyl mercaptan.....	0.800	0.0533
Perchloryl fluoride.....	14.0	0.933
Phenacyl chloride, see a-Chloroacetophenone		
Phenothiazine.....	5.00	0.333
Phenyl ether, vapor.....	7.00	0.467
Phenyl glycidyl ether (PGE).....	6.00	0.400
Phenyl mercaptan.....	2.00	0.133
Phenylphosphine.....	0.250	0.0167
Phorate.....	0.0500	0.00333
Phosdrin, see Mevinphos		
Phosphoric acid.....	1.00	0.0667
Phosphorus oxychloride.....	0.600	0.0400
Phosphorus pentachloride.....	1.00	0.0667
Phosphorus pentasulfide.....	1.00	0.0667
Phosphorus trichloride.....	1.50	0.100
m-Phthalodinitrile.....	5.00	0.333
Picloram.....	10.0	0.667
Picric acid.....	0.100	0.00667
Pindone.....	0.100	0.00667
Piperazine dihydrochloride.....	5.00	0.333

2-Pivalyl-1,3-indandione, see Pindone		
Platinum		
metal	1.00	0.0667
soluble salts, as Pt.....	0.00200	0.000133
Potassium hydroxide	2.00	0.133
Propargyl alcohol.....	2.00	0.133
Propionic acid.....	30.0	2.00
n-Propyl acetate.....	840	56.0
Propyl alcohol.....	500	33.3
Propylene glycol dinitrate.....	0.300	0.200
n-Propyl nitrate.....	105	7.00
Pyrethrum	5.00	0.333
Pyridine	15.0	1.00
RDX, see Cyclonite		
Resorcinol.....	45.0	3.00
Rhodium		
metal	1.00	0.0667
insoluble compounds, as Rh	1.00	0.0667
soluble compounds, as Rh	0.0100	0.000667
Ronnel	10.0	0.667
Rotenone (commercial)	5.00	0.333
Selenium as Se.....	0.200	0.0133
Sesone.....	10.0	0.667
Silane, see silicon tetrahydride		
Silicon tetrahydride	7.00	0.467
Silver		
metal	0.100	0.00667
soluble compounds, as Ag.....	0.0100	0.000667
Sodium azide	0.300	0.0200
Sodium bisulfite.....	5.00	0.333
Sodium 2,4-dichloro-phenoxyethyl sulfate, see Sesone		
Sodium fluoroacetate.....	0.0500	0.00333
Sodium hydroxide	2.00	0.133
Sodium metabisulfite.....	5.00	0.333
Stibine.....	0.500	0.0333
Stoddard solvent.....	525	35.0
Strychnine.....	0.150	0.0100
Subtilisins (Proteolytic enzymes as 100%		
pure crystalline enzyme).....	6.00E-05	4.00E-06
Sulfotep	0.200	0.0133
Sulfuric acid	1.00	0.0667
Sulfur monochloride.....	6.00	0.400
Sulfur pentafluoride.....	0.100	0.00667
Sulfur tetrafluoride	0.400	0.0267
Sulfuryl fluoride	20.0	1.33
Sulprofos	1.00	0.0667
Systox, see Demeton		
2,4,5-T	10.0	0.667
Tantalum.....	5.00	0.333
TEDP, see Sulfotep		
Tellurium & Compounds as Te	0.100	0.00667
Tellurium hexafluoride as Te	0.200	0.0133
Temephos	10.0	0.667
TEPP.....	0.0500	0.00333
Terphenyls.....	5.00	0.333

Tetrachloronaphthalene	2.00	0.133
Tetramethyl succinoitrile	3.00	0.200
Tetranitromethane.....	8.00	0.533
Tetrasodium pyrophosphate	5.00	0.333
Tetryl	1.50	0.100
Thallium, soluble compounds, as Tl.....	0.100	0.00667
4,4-Thiobis (6 tert, butyl-m-cresol)	10.0	0.667
Thioglycolic acid	4.00	0.267
Thionyl chloride	5.00	0.333
Thiram	5.00	0.333
Tin		
metal	2.00	0.133
oxide & inorganic compounds, except SnH ₄ , as Sn.....	2.00	0.133
organic compounds as Sn	0.100	0.00667
m-Toluidine	9.00	0.600
Tributyl phosphate.....	2.50	0.167
Trichloroacetic acid	7.00	0.467
Trichloronaphthalene.....	5.00	0.333
Trichloronitromethane, See Chloropicrin		
1,2,3-Trichloropropane.....	300	20.0
Tricyclohexyltin hydroxide, see Cyhexatin		
Trimellitic anhydride	0.0400	0.00267
Trimethylamine	24.0	1.60
Trimethyl benzene	125	8.33
Trimethyl phosphite.....	10.0	0.667
2,4,6-Trinitrophenol, see Picric acid		
2,4,6-Trinitrophenylmethylnitramine, see Tetryl		
2,4,6-Trinitrotoluene (TNT)	0.500	0.0333
Triorthosresyl phosphate	0.100	0.00667
Triphenyl amine.....	5.00	0.333
Triphenyl phosphate	3.00	0.200
Tungsten as W		
insoluble compounds	5.00	0.333
soluble compounds	1.0	37.3
Turpentine	560	37.3
Uranium (natural) soluble & insoluble compounds as U	0.200	0.0133
n-Valeraldehyde	175	11.7
Vanadium, as V ₂ O ₅ respirable dust & fume.....	0.0500	0.00333
Vinyl toluene	240	16.0
VM & P Naphtha.....	1350	90.0
Warfarin.....	0.100	0.00667
Wood dust (certain hard woods as beech & oak)	1.00	0.0667
soft wood	5.00	0.333
m-Xylene a,a-diamine	0.100	0.00667
Xylidine	10.0	0.667
Yttrium	1.00	0.0667
Zinc chloride fume	1.00	0.0667
Zinc oxide fume.....	5.00	0.333
Zirconium compounds as Zr.....	5.00	0.333

Table B - Known or Suspected Carcinogens

SUBSTANCE	OEL mg/m3	Emissions in pounds per hour
Coal tar volatiles, as benzene solubles	0.200	0.0133
B-Naphthylamine	0.00300*	2.00E-04
N-Phenyl-beta-naphthylamine	5.00**	0.333
Phenylhydrazine	20.0	1.33
o-Tolidine	11.0**	0.733
p-Toluidine	9.00	0.600
Vinyl cyclohexene dioxide	60.0	4.00

FOOTNOTES

The emissions in pounds per hour in Section 502 were derived using the formula listed below:

$$\text{emission level (lbs/hr)} = \text{OEL (mg/m3)} / 15$$

* = Compound for which an OEL is not listed by the ACGIH. Value derived by using the minimum detectable level listed in the NIOSH "Manual of Analytical Methods", Third Edition.

** = Compound for which an OEL is not listed by the ACGIH and for which there is no chemical specific analytical method listed in the NIOSH "Manual of Analytical Methods", Third Edition. A minimum detectable level (MDL) was derived by using the MDL of a similar compound listed in the NIOSH analytical methods or by assigning the average MDL for a class of compounds such as "halogenated hydrocarbons". In some cases the lowest MDL of the whole class was used.

Table C - Stack Height Release Correction Factor

Sources may choose to use a correction factor for the release height of emissions for the purpose of determining whether a permit is necessary for the emission of a toxic air pollutant. To apply the correction go to the table below and find the minimum height of release for the toxic air pollutant and select the correction factor (CF) which corresponds to that figure. If the height of release is between two values, the lower number shall be selected; or in the event of multiple releases of the same substance from different release heights, the source may choose to use a weighted average CF, weighted by the emission rate at each. The emissions in pounds per hour is then multiplied by the CF (see below). If the emissions from your source exceed the resulting number, you must apply for a permit from the Department. Remember, this must be done for each toxic air pollutant.

$$CF \times \text{Emissions in Pounds per Hour}$$

where: E - emission rate (pounds per hour)

OEL - occupational exposure limit (mg per cubic meter)

CF is a correction factor, shown in the table below, which accounts for release height.

Release Height in Meters	Correction Factor (CF)*
Less than 3	1
10	5
20	19
30	41
40	71
50	108
60	152
70	202
80	255
90	317
100	378
110	451
120	533
130	617
140	690
150	781
160	837
170	902
180	1002
190	1066
200	1161

[06/14/94; 11/30/95; 08/14/98]

HISTORY OF 20.2.72 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records-State Records Center and Archives.

AQCR 702, Permits, 07/31/72.

EIB/AQCR 702, Permits, 08/18/87.

EIB/AQCR 702, Permits, 10/19/88.

EIB/AQCR 702, Permits, 05/29/90.

EIB/AQCR 702, Permits, 04/12/94.

EIB/AQCR 702, Permits, 05/13/94.

History of Repealed Material: [RESERVED]

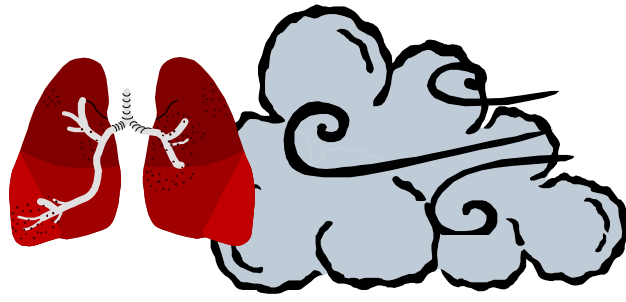
Other History:

EIB/AQCR 702, Permits, filed 05/13/94, was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.72, Construction Permits, effective 11/30/95.

20 NMAC 2.72, Construction Permits, filed 10/30/95, was **renumbered, reformatted and replaced** by 20.2.72 NMAC, Construction Permits, effective 02/02/01.

Appendix H:
Outreach Materials

Dust Storms and Health



What Everyone Should Know

Health Information for
Doña Ana County

New Mexico Environment Department



New Mexico Department of Health



March 2000

Why should I be concerned about dust storms?

Dust storms can cause a number of serious health problems and they can make some health problems worse. Dust is made up of tiny solid particles ("particulate matter") floating in the air. These tiny particles can get past the lungs' natural defenses and build up. This can harm sensitive lung tissue. Of course, during severe dust storms, more dust can get into the lungs.

Dust irritates the lungs and can trigger allergic reactions, as well as asthma attacks. In people who already have these problems these attacks can be serious and cause breathing problems. Dust can cause coughing, wheezing and runny noses. Some groups of people are more sensitive to dust than others. Finally, breathing a lot of dust over a long period of time can cause chronic breathing and lung problems.

Who should take special precautions?

Anyone can potentially be harmed by breathing too much dust. However, the following groups are at the highest risk:

- infants, children, and teens
- elderly
- people with asthma, bronchitis, emphysema, or other respiratory conditions
- people with heart disease
- pregnant women
- healthy adults working or exercising vigorously outdoors (for example, agricultural workers, construction workers, and runners)

What can I do to protect myself and others?

The best precaution is simply to avoid going outside during severe dust storms. If you must go out, spend as little time outside as possible, and avoid hard exercise. Wearing some type of covering over your nose and mouth can provide some protection from large particles. However, since the small dust particles are the most harmful, staying out of the dust is the best solution.

How will I know if there is a problem?

For you, the easiest way to tell if there may be a problem is if you see a lot of dust. For instance, if the blowing dust is so thick that it's hard to see the mountains, then that could mean that dust levels might be harmful right now. More detail on federal standards plus the previous days particulate matter levels can be found by visiting the New Mexico Environment Department web site.

Doña Ana County has between 6 to 18 days per year when dust levels are too high according to federal health standards. This number varies from place to place and from year to year depending on weather conditions.

What causes dust storms?

Dust storms are caused by a combination of weather conditions, features of the natural environment, and human activity. High winds can raise large amounts of dust from areas of dry, loose, exposed soil. In this area, high winds are most common during the months of January through April. Most dust storms last about 4 hours.

For more information:

New Mexico Environment Department

www.nmenv.state.nm.us

Click on "Air Quality Bureau"

Helly Diaz-Marcano: (505) 524-6300

Fax (505) 526-3891

Santa Fe Office: 1-800-810-7227

New Mexico Department of Health

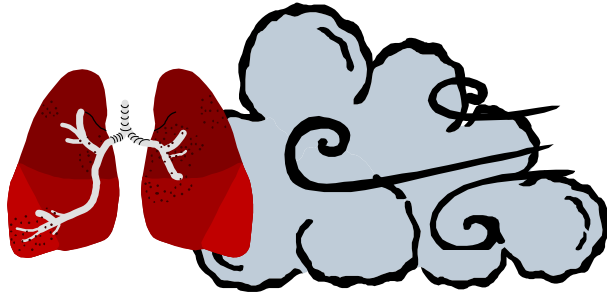
Border Health Office

Kitty Richards: (505) 528-5152

1-800-784-0394

Fax (505) 528-6024

La Polvareda (Tormentas de Polvo) y su Salud



Lo Que Todos Deben Saber

Un Consejo de Salud para el
Condado de Doña Ana

Departamento del Medio Ambiente de Nuevo Mexico



Departamento de Salud de Nuevo Mexico



marzo 2000

¿Por qué debo interesarme en la polvareda?

La polvareda (tormentas de polvo) puede causar serios problemas de salud y puede empeorar otros problemas de salud. El polvo consiste de pequeñas partículas sólidas (“materia partícula”) que flotan en el aire. Estas partículas pueden invadir las defensas naturales de los pulmones y pueden acumularse. Esto puede dañar el tejido pulmonar que es muy sensitivo. Por supuesto, más polvo puede entrar a los pulmones durante polvaredas más serias.

El polvo causa irritación a los pulmones, puede provocar alergias, y también puede causar ataques de asma. En gente que ya tienen estos problemas, estos ataques pueden ser serios y pueden causar problemas con respiración. El polvo también puede causar tos, resuello asmático, y catarro. Algunas personas son más sensitivas que otras al polvo. Finalmente, respirando mucho polvo por mucho tiempo puede causar problemas crónicos con respiración y los pulmones.

¿Quién debe tomar precauciones especiales?

Todos corremos riesgo por respirar mucho polvo. Sin embargo, los siguientes grupos de personas tienen el mayor riesgo:

- bebés, niños, y adolescentes
- personas ancianos
- personas con asma, bronquitis, enfisema, u otros problemas respiratorios
- personas con problemas cardíacos
- mujeres embarazadas
- adultos sanos que trabajan o ejercitan vigorosamente afuera (por ejemplo, trabajadores de agricultura y construcción, o corredores)

¿Que puedo hacer para protegerme y proteger a otros?

La mejor precaución es simplemente no salir para afuera durante una polvareda. Si tiene que salir, limite su tiempo afuera y evite ejercicio riguroso. Cubriendo su nariz y boca en algún modo puede proveer protección de las partículas de polvo grandes. Sin embargo, quedándose dentro de su casa es la mejor solución porque las partículas de polvo más pequeñas son las más peligrosas.

¿Como voy a saber si hay un problema?

El modo más fácil de identificar un problema es si se ve mucho polvo. Por ejemplo, si el polvo está tan denso que no se ven las montañas, entonces puede indicar que los niveles de polvo son peligrosos. Más información sobre las reglas federales y los niveles de la materia partícula (“particulate matter”) del día antepasado pueden ser obtenidos en por el Departamento del Medio Ambiente de Nuevo México.

El condado de Doña Ana tiene entre 6 y 18 días por año cuando los niveles de polvo están muy altos, según reglas federales de salud. Este número es variable de lugar a lugar y de año a año dependiendo en las condiciones climáticas.

¿Qué causa la polvareda?

La polvareda es causada por una combinación de condiciones climáticas, características ambientales, y actividad humana. Vientos fuertes pueden levantar mucho polvo de lugares con tierra que está seca, suelta, y expuesta. Aquí, vientos fuertes son más comunes de enero hasta abril. Muchas tormentas de polvo duran como cuatro horas.

Para mas información:

Departamento del Medio Ambiente de Nuevo México

www.nmenv.state.nm.us
Marque “Air Quality Bureau”

Helly Diaz-Marcano: (505) 524-6300
Fax: (505) 526-3891
Oficina en Santa Fe: 1-800-810-7227

Departamento de Salud de Nuevo México

Oficina de Salud Fronteriza
Kitty Richards: (505) 528-5152
1-800-784-0394
Fax: (505) 528-6024

**NEW MEXICO
AIR QUALITY BUREAU**

**DUST STORMS IN
DOÑA ANA COUNTY**

***What You Don't Know
Could Hurt You***

Did you know that dust storms could damage you and your children's health?

Dust particles inhaled into the lungs can increase the risk of allergies and asthma attacks, especially in infants and the elderly.

For more information on the effects of dust storms, please contact Gail Cooke of the New Mexico Air Quality Bureau at 1-800-224-7009.

By playing it safe you and your family can breathe a little easier.



New Mexico
Environment
Department

Our Mission: Protect the inhabitants and natural beauty of New Mexico by preventing the deterioration of air quality.

**NEW MEXICO
AIR QUALITY BUREAU**

**TORMENTAS DEL POLVO EN
EL CONDADO DE
DOÑA ANA COUNTY**

***Lo Que Usted No Sabe
Podría Lastimarle***

¿Usted sabía que las tormentas del polvo podrían dañarle y la salud de los niños?

Las partículas de polvo inhaladas en los pulmones pueden aumentar el riesgo de alergias y de ataques del asma, especialmente en los infantes y los ancianos.

Para más información sobre los efectos de las tormentas del polvo, sírvase llamar a Gail Cooke en la Oficina de la Calidad del Aire de Nuevo México al 1-800-224-7009.

Infórmese para que Usted y su familia pueden respirar con seguridad.



New Mexico
Environment
Department

Nuestra Misión: Proteger a los habitantes y la belleza natural de Nuevo México por medio de prevenir la declinación de la calidad del aire.

Appendix I:
Field Survey Questionnaire

New Mexico Environment Department
Air Quality Bureau

Sunland Park, NM Emission Inventory Checklist

Business

Name _____

What is your business type? **Retail** **Service** **Manufacturing** **Government/Public**

How many persons does your business employ? _____ (#students/school, #beds/hospital)

Working hours: How many hours/day _____ and days/week _____ do you operate?

Seasonality: Is business fairly steady (constant) or any seasonality?

_____ % winter (Dec-Feb) _____ % spring (Mar-May)

_____ % summer (Jun-Aug) _____ % fall (Sept-Nov)

Service or Retail

What type of service do you provide?

Manufacturing

What product do you manufacture? _____

Please describe your process

Government /Public

What type of agency are you or what public services do you provide?

General Questions

Do you have a furnace or boiler? YES NO

IF YES, what is the fuel type? COAL GAS FUEL OIL Other _____

What is the BTU firing rate (millions Btu/hr)? _____

What is the fuel consumption? Gal Ft³ Lbs _____/Day _____/Month _____/Year

Do you have any air emission controls? YES NO

IF YES, please describe _____

Do you use solvents, paints, lacquers, thinners? YES NO

IF YES, list the name of the solvent, paint, etc. _____

Please estimate total usage in _____ Gallons/Day _____ Gallons/Month _____ Gallons/Year

From the Material Safety Data Sheet (MSDS) what is the percentage of VOC content of the product you are using? _____% VOC

**Departamento Ambiental de Nuevo México
Oficina de la Calidad del Aire**

Modificación De Emisiones Del Aire Para Sunland Park, NM

Nombre comercial _____

¿Cuál es su clase comercial? **Venta al por menor Servicio, Fabricación, Gobierno/ Público.**

¿Cuántas personas emplea su negocio? _____ (# estudiantes/escuela, # camas/hospital)

¿Horas de trabajo: Cuantas horas al día? _____ y días a la semana _____ trabaja usted?

Temporada: ¿Es el comercio bastante estable (constante) o varía de época?

_____ % En Invierno (Diciembre a Febrero) _____ % Primavera (Marzo a Mayo)

_____ % En Verano (Junio a Agosto) _____ % Otoño (Septiembre a Noviembre)

Servicio o Venta al por menor

¿Qué clase de servicio tiene usted?

Fabricación

¿Qué producto fabrica usted? _____

Por favor describa su proceso.

Gobierno/Público

¿Que clases de agencia o servicios públicos?

Preguntas en General

¿Tiene usted un horno o caldera? Sí _____ No _____

¿Si es sí, cuál es el tipo de combustible? Carbón _____ Gas _____ Otro tipo _____

¿Cuál es la Unidad Térmica Británica (BTU/Hora) que consume? _____

¿Cuál es el consumo de combustible? Gal _____ Ft³ _____/Día _____/Mes _____/ Año

¿Tiene usted algun control de la emisión de aire? Sí _____ No _____

Sí es sí, por favor descríballo _____

¿Usa usted solventes, pinturas, lacas? Sí _____ No _____

Sí es sí, ponga el nombre en una lista de solventes, pinturas, etc. _____

Por favór estime el uso total en Galónes/Día _____ Galónes al Mes _____ Galónes al Año _____

De la pagina de Datos de Material de Seguridad (MSDS) cuál porcentaje de VOC contiene el producto que usted usa? _____ % VOC.

Appendix J:
Emission Sources Matrices for the Sunland Park Nonattainment Area

Emission Sources Matrices for Sunland Park Nonattainment Area

Point Sources within the Sunland Park Nonattainment Area

Name of Point Source	Methodology		Activity Data		Comments
	Type	Source	Type	Sources	
El Paso Electric	Point Source Inventory	EPA/NM	Actually Emissions	AIRS/TEMPO	

Point Sources within a Twenty-Five Mile Radius of the Sunland Park Nonattainment Area

Name of Point Source	Methodology		Activity Data		Comments
	Type	Source	Type	Sources	
Foamex International Inc. (NM)	Point Source Inventory	EPA/NM	Actual Emissions	AIRS/TEMPO	
Afton Compressor Station (NM)	Point Source Inventory	EPA/NM	Actual Emissions	AIRS/TEMPO	
NMSU Physical Plant Boilers (NM)	Point Source Inventory	EPA/NM	Actual Emissions	AIRS/TEMPO	
Border Steel Mills (TX)	Point Source Inventory	EPA/TX	Actual Emissions	TCEQ	2002 Point Source Emissions Inventory
Chevron U.S.A.	Point Source	EPA/TX	Actual Emissions	TCEQ	2002 Point Source Emissions Inventory

Products (TX)	Inventory				
Chevron USA Inc. (TX)	Point Source Inventory	EPA/TX	Actual Emissions	TCEQ	2002 Point Source Emissions Inventory
El Paso Electric Co. (TX)	Point Source Inventory	EPA/TX	Actual Emissions	TCEQ	2002 Point Source Emissions Inventory
El Paso Natural Gas Co. (TX)	Point Source Inventory	EPA/TX	Actual Emissions	TCEQ	2002 Point Source Emissions Inventory
Phelps Dodge Copper Products (TX)	Point Source Inventory	EPA/TX	Actual Emissions	TCEQ	2002 Point Source Emissions Inventory
Phelps Dodge Magnet Wire Co. (TX)	Point Source Inventory	EPA/TX	Actual Emissions	TCEQ	2002 Point Source Emissions Inventory
Phelps Dodge Refining Corp. (TX)	Point Source Inventory	EPA/TX	Actual Emissions	TCEQ	2002 Point Source Emissions Inventory
Providence Memorial Hospital (TX)	Point Source Inventory	EPA/TX	Actual Emissions	TCEQ	2002 Point Source Emissions Inventory

Area Sources in Sunland Park Nonattainment Area

Source Categories	Methodology		Activity Data		Comments
	Type	Source	Type	Sources	
Brick Manufactures	Emission	EPA	Emission	AP-42/	Small industrial boiler

	Factor		Rates	Surveys	
Food Preparation	Emission Factors	EPA	Emission Rates	AP-42/Surveys	Small industrial boiler
Sterilized Medical Equipment	Emission Factors	EPA	Emission Rates	AP-42/Surveys	Commercial size boilers
Telecommunication Equipment	Emission Factors	EPA	Emission Rates	AP-42/Surveys	Commercial size boilers
Copper Conductor Manufacturer	Emission Factors	EPA	Emission Rates	AP-42/Surveys	Commercial size boilers
Manufacturer of Automotive Fabrics	Emission Factors	EPA	Emission Rates	AP-42/Surveys	Commercial size boilers
Crematoriums	Emission Factors	EPA	Emission Rates	AP-42/Surveys	Commercial size boilers
Landfill Gas Flare	Permit Requirements	NMED	Reported Emissions	GCCS	
Commercial Natural Gas	Emission Factors/	EPA/ Census Bureau/EIA	Population/ Emission rates	AP-42/ Census Data	
Commercial Liquid Petroleum Gas Use	Emission Factors/	EPA/ Census Bureau/EIA	Population/ Emission rates	AP-42/ Census Data	
Commercial Distillate Use	Emission Factors	EPA/Census Bureau/EIA	Population/ Emission rates	AP-42/ Census Data	
Commercial Coal Use	Emission Factors/	EPA/Census Bureau/EIA	Population/ Emission rates	AP-42/Census Data	
Residential Liquid Petroleum Gas Use	Emission Factors	EPA/Census Bureau/EIA	Population/ Emission	AP-42/Census Data	

			rates		
Residential Natural Gas Use	Emission Factors/	EPA/Census Bureau	Population/ Emission rates	AP-42/Census Data	
Residential Coal Use	Emission Factors/	EPA/Census Bureau/EIA	Population/ Emission rates	AP-42/Census Data	
Residential Distillate Oil Use	Emission Factors/	EPA/Census Bureau/EIA	Emission rates	AP-42/Census Data	
Residential Electricity Use	N/A	N/A	N/A	N/A	Included in Point Source
Open Burning of Trash	Emission factors	County/NMED/ EPA/Census Bureau	Emission rates	AP-42/ Census Data	
Structure Fire	Emission factors	Sunland Park Fire Department/ EPA/Census Bureau	Emission rates	AP-42/Fire Department Data/Census Data	
Grass Fires	Emissions Factors	Sunland Park Fire Department/ EPA/Census Bureau	Emission rates	AP-42/Fire Department Data/Census Data	
Orchard heaters	N/A	N/A	N/A	N/A	Not used in the nonattainment area
Forest Fires	N/A	N/A	N/A	N/A	Not a forested area
Agricultures burning	Emission Factors	NMED	Emission Rates	Burn permits/AP-42/	
Aircraft Refueling	Emission	Santa Teresa	Emission	AP-	

	Factors	Airport	rates	42/Consumption data	
Asphalt Paving	Emission Factor	NMDOT	CY used in 2002	Consumption data	
Bioprocess (bakeries, wineries, breweries, distilleries)	Emission Factor	EPA	Emission Rates	AP-42/Survey	
Catastrophic or Accidental Chemical Spills and Releases	N/A	N/A	N/A	N/A	No catastrophic or accidental chemical spills and/or releases occurred in the nonattainment area in 2002
Architectural Coating	Emission Factors	EPA	Emission Rates	AP-42/Survey	
Auto Refinishing	Emission Factors	EPA	Emission Rates	AP-42/Survey	
Dry Cleaning	Emission Factors	EPA	Emission Rates	AP-42/Survey	
Graphic Arts	N/A	N/A	N/A	N/A	No graphic arts operations were identified in the nonattainment area
Leaking Underground Storage Tanks	N/A	N/A	N/A	N/A	Insignificant emission source in 2002
Miscellaneous Sources	Emission Factors	EPA	Emission Rates	AP-42/Survey	
Oil and Gas Production	N/A	N/A	N/A	N/A	There is no oil and gas development within the nonattainment area
Pesticide Application	Emission Factor	National Center for Food and Agricultural Policy/ State Agriculture Department in	Emission Rates	AP-42/ pesticide data/crop data	

		Las Cruces			
Service (Gasoline) Stations	N/A Mobile Source				
Solvent Use	Emission Factor	EPA	Emission Rates	AP-42/Survey	Includes: Auto repair shops; chemical distributors; furniture manufacturing shop; heating and cooling systems; personal care products; household products; tire company;
Tank Breathing Losses	Emission Factor	EPA	Emission Rates	AP-42/Survey	Includes: grocery/gas stations; plumbing/heating/air conditioning Co.; cemetery/crematorium (gasoline); cemetery/crematorium (diesel); dairy operation.
Tank Truck Unloading - Tank Loading	Emission Factor	EPA	Emission Rates	AP-42/Survey	Includes: grocery/gas stations; plumbing/heating/air conditioning Co.; cemetery/crematorium (gasoline); cemetery/crematorium (diesel); dairy operation.
Waste Treatment Facilities	Emission Factor	EPA	Emission Rates	AP-42	Includes: Camino Real Landfill; Sunland Park Waste water treatment plant

Mobile Sources within Sunland Park Nonattainment Area

Name of Point Source	Methodology		Activity Data		Comments
	Type	Source	Type	Sources	
On road mobile	Mobile 6	EPA	Modeled Emissions	NEI	Includes: light duty gasoline vehicles; light duty gasoline powered trucks;

					heavy duty gasoline powered trucks; light duty diesel powered vehicles; light duty diesel powered trucks; heavy duty diesel powered trucks; motorcycles
Non-road mobile	Mobile 6	EPA	Mobile emissions	NEI	Railroad; Aircraft; miscellaneous

Biogenic Sources within Sunland Park Nonattainment Area

Name of Point Source	Methodology		Activity Data		Comments
	Type	Source	Type	Sources	
Biogenic	Biogenic inventory	EPA	Modeled Emissions	NEI	

Appendix K:
Major Point Source Emissions in El Paso County, TX

ACCOUNT	COMPANY	SIC	COUNTY	REG	LAST EI	PM10	PM2.5	VOC	NOX	SO2	CO	SITE NAME
EB0121R	CEMEX CEMENT OF TEXAS, LP	3241	ECTOR	7	20021231	291.14	135.69	118.57	1,757.56	328.97	1,295.55	ODESSA CEMENT PLANT
EB0148U	DUKE ENERGY FIELD SERVICES, JUDKIN	1311	ECTOR	7	20021231	0.00	0.00	9.21	70.03	0.30	70.18	JUDKINS BOOSTER
EB0197H	DUKE ENERGY FIELD SERVICES	1311	ECTOR	7	20021231	7.44	7.44	244.75	709.20	0.06	106.98	ANDECTOR PETROLEUM
EB0207G	DUKE ENERGY FIELD SERVICES, HARPER	1311	ECTOR	7	20021231	0.22	0.21	5.00	60.44	0.00	54.76	HARPER BOOSTER
EB0274O	DUKE ENERGY FIELD SERVICES, COWDEN	1311	ECTOR	7	20021231	0.41	0.41	6.36	68.44	24.33	73.56	COWDEN BOOSTER
EB0407T	OCCIDENTAL PERMIAN, LTD.	1321	ECTOR	7	20031231	1.55	1.55	16.85	244.35	0.00	84.06	GOLDSMITH LANDRETT
EB0868C	ODESSA-ECTOR POWER PARTNERS ODESSA	4911	ECTOR	7	20021231	85.60	85.60	17.00	388.50	6.50	18.35	ODESSA ECTOR POWER
EB0875F	CHARTER WASTE INC	4953	ECTOR	7	0	0.00	0.00	0.00	0.00	0.00	0.00	ECTOR COUNTY LANDFI
EC0008D	TXU LONE STAR PIPELINE CO	4922	EDWARDS	13	20021231	0.00	0.00	0.00	0.00	0.00	0.00	OAKRIDGE COMPRESSOR
EE0007G	ASARCO, INCORPORATED	3331	EL PASO	6	20031231	20.67	0.00	0.74	0.07	0.00	0.02	EL PASO PLANT
EE0011P	BORDER STEEL MILLS, INC.	3312	EL PASO	6	20021231	23.38	22.97	4.47	85.18	0.20	190.74	BORDER STEEL, INC.
EE0015H	CHEVRON USA PRODUCTS CO	2911	EL PASO	6	20021231	122.25	24.55	232.56	720.29	84.54	657.16	EL PASO REFINERY
EE0017D	CLINT COUNTY DUMP	4953	EL PASO	6	20021231	0.00	0.00	8.97	0.00	0.00	0.00	CLINT COUNTY DUMP
EE0021M	THE SHREDDER COMPANY LLC	3321	EL PASO	6	0	0.00	0.00	0.00	0.00	0.00	0.00	THE SHREDDER COMPAN
EE0024G	US ARMY AIR DEFENSE ARTILLERUSAADA	9711	EL PASO	6	20021231	5.93	2.60	17.81	26.62	1.12	25.60	USAADA
EE0029T	EL PASO ELECTRIC CO	4911	EL PASO	6	20021231	63.20	63.20	38.10	1,717.10	5.40	552.00	NEWMAN STATION
EE0047R	KESSLER INDUSTRIES INC	3499	EL PASO	6	20021231	0.94	0.94	4.64	0.00	0.00	0.00	KESSLER INDUSTRIES
EE0057O	NAVAJO REFINING CO, LP	5171	EL PASO	6	20031231	0.00	0.00	44.60	0.00	0.00	0.00	EL PASO TERMINAL
EE0062V	OGLEBAY NORTON MINERALS INC	3295	EL PASO	6	20021231	0.00	0.00	0.00	0.00	0.00	0.00	SLAG PLANT
EE0067L	PHELPS DODGE CORPORATION	3331	EL PASO	6	20021231	54.09	11.83	9.58	129.30	56.75	276.31	EL PASO PLANT
EE0077I	EQUILON PIPELINE COMPANY, LLEL PAS	5171	EL PASO	6	20031231	0.00	0.00	16.34	0.00	0.00	0.00	EL PASO BULK TERMIN
EE0082P	CHEVRON U.S.A., INC.	2911	EL PASO	6	20021231	103.63	45.01	110.03	440.92	401.31	149.12	CHEVRON SOUTH
EE0091O	W SILVER INCORPORATED	3312	EL PASO	6	20031231	1.11	0.07	22.38	11.31	0.07	9.50	W SILVER INCORPORAT
EE0157J	EL PASO ELECTRIC CO	4911	EL PASO	6	20021231	1.10	1.10	0.50	58.20	0.10	46.50	COPPER SUBSTATION
EE0188V	PROVIDENCE MEMORIAL HOSPITALPROVID	8062	EL PASO	6	20021231	0.42	0.42	0.40	6.56	0.11	5.05	PROVIDENCE MEMORIAL
EE0289O	EL PASO NATURAL GAS COMPANY	4922	EL PASO	6	20021231	0.00	0.00	16.82	454.79	0.40	116.37	EL PASO COMPRESSOR
EE0377Q	PHELPS DODGE MAGNET WIRE COMPHELPS	3351	EL PASO	6	20031231	0.01	0.01	73.33	0.13	0.00	0.11	PHELPS DODGE MAGNET
EE0444D	TONY LAMA CO	3149	EL PASO	6	20021231	0.15	0.01	24.23	0.13	0.00	0.11	TONY LAMA
EE0480W	THE BOEING COMPANY	3679	EL PASO	6	20021231	0.02	0.00	6.45	0.00	0.00	0.00	THE BOEING COMPAN
EE0510P	CHEVRON USA PRODUCTS COMPANTEL PAS	2999	EL PASO	6	20021231	0.00	0.00	9.26	0.00	0.00	0.00	EL PASO MARKETING 1
EE0641W	SHURE BROTHERS INC	3669	EL PASO	6	20021231	0.00	0.00	7.49	0.00	0.00	0.35	BUTTERFIELD TRAIL

ACCOUNT	COMPANY	SIC	COUNTY	REG	LAST EI	PM10	PM2.5	VOC	NOX	SO2	CO	SITE NAME
EE0767W	EARTHGRAINS BAKING COMPANIES THE EA	2051	EL PASO	6	20021231	0.16	0.05	19.12	0.62	0.00	0.52	THE EARTHGRAINS COM
EE1339R	ULTRAMAR DIAMOND SHAMROCK	5171	EL PASO	6	20021231	0.25	0.25	42.27	10.39	0.01	15.68	BULK GASOLINE TERM
EE1471Q	DAL-TILE CORPORATION EL PASO CERAMI	5032	EL PASO	6	20031231	93.95	0.00	5.42	31.95	41.90	29.54	CERAMIC TILE MFG. F
EE1723M	SHELL PIPELINE COMPANY LP	5171	EL PASO	6	20031231	0.00	0.00	2.37	0.00	0.00	0.00	SANTA FE TERMINAL
EE2069Q	FLEXAUST APPLIANCE INC	3052	EL PASO	6	20031231	0.06	0.06	15.83	0.76	0.00	0.64	DAYCO EL PASO PLAN
EE2213K	CITY OF EL PASO	4953	EL PASO	6	20021231	0.00	0.00	3.74	0.00	0.00	0.00	MCCOMBS MUNICIPAL
EE2251C	STARRFOAM MANUFACTURING INC	3086	EL PASO	6	20021231	0.00	0.00	10.04	0.00	0.00	0.00	STARRFOAM MANUFACTU
EE2271T	AIR SYSTEM COMPONENTS, L.P.	3444	EL PASO	6	20021231	0.09	0.04	14.58	0.56	0.00	0.47	HART AND COOLEY
ED0011D	CHAPARRAL STEEL MIDLOTHIAN LCHAPAR	3312	ELLIS	4	20021231	157.00	129.86	339.59	489.62	121.83	1,608.43	CHAPARRAL STEEL MII
ED0013W	KORAL INDUSTRIES INC	3088	ELLIS	4	20031231	0.00	0.00	31.54	0.00	0.00	0.00	KORAL INDUSTRIES
ED0018M	ELK CORPORATION OF TEXAS	2952	ELLIS	4	20021231	9.78	1.18	59.67	25.71	0.16	21.96	ELK CORPORATION
ED0032S	G.S. ROOFING PRODUCTS	2952	ELLIS	4	20021231	61.14	61.14	51.27	2.78	0.02	10.40	G.S. ROOFING PRODUK
ED0034C	NORTH TEXAS CEMENT COMPANY	3241	ELLIS	4	20031231	451.15	348.08	15.21	2,571.70	4,433.70	417.80	NORTH TEXAS CEMEN
ED0044L	SAINT GOBAIN CONTAINERS	3221	ELLIS	4	20021231	61.57	61.57	16.24	334.25	181.89	12.87	SAINT GOBAIN CONTAI
ED0051C	OWENS-CORNING	3296	ELLIS	4	20021231	461.33	419.91	137.50	580.43	67.62	201.97	WAXAHACHIE PLANT
ED0066B	TXI OPERATIONS, L.P.	3241	ELLIS	4	20021231	301.19	115.48	42.83	4,221.20	2,098.90	763.34	MIDLOTHIAN PLANT
ED0099J	HOLCIM TEXAS LIMITED PARTNERHOLCIM	3241	ELLIS	4	20021231	378.61	378.11	626.67	4,203.89	3,166.63	5,051.55	HOLCIM (TEXAS) LP
ED0120U	OWENS CORNING	2952	ELLIS	4	20021231	14.74	0.00	12.61	10.23	70.01	35.47	OWENS CORNING
ED0131P	ELLIS COUNTY LANDFILL	4953	ELLIS	4	20011231	0.00	0.00	0.00	0.00	0.00	0.00	ELLIS COUNTY LANDFI
ED0168P	DARTCO OF TEXAS LP	3089	ELLIS	4	20021231	1.69	1.69	539.65	22.17	0.65	18.54	DARTCO OF TEXAS WAX
ED0238T	TXU LONE STAR PIPELINE CO	4922	ELLIS	4	20021231	1.13	1.13	13.98	54.21	0.58	13.90	HOWARD COMPRESSOR S
ED0240J	WASTE MANAGEMENT OF TEXAS, ISKYLIN	4953	ELLIS	4	20021231	97.89	35.92	31.71	8.02	3.09	70.16	SKYLINE RECYCLING A
ED0332D	MIDLOTHIAN ENERGY LP	4911	ELLIS	4	20021231	369.61	369.61	77.39	720.93	12.77	348.02	MIDLOTHIAN ENERGY I
ED0347N	ENNIS TRACTEBEL POWER COMPANENNIS	4911	ELLIS	4	20031231	26.95	26.95	0.02	89.52	1.71	24.37	ENNIS TRACTEBEL POW
EF0006U	FIBERGRATE COMPOSITE STRUCTUFIBERG	3089	ERATH	4	20031231	2.07	0.00	37.32	0.42	0.04	0.24	FIBERGRATE COMPOSIT
EF0012C	SAINT-GOBAIN ABRASIVES INC	3291	ERATH	4	20031231	1.40	0.00	8.47	0.00	0.00	0.00	SAINT-GOBAIN ABRASI
EF0025Q	DEVON GAS SERVICES LP	1321	ERATH	4	20021231	8.04	8.04	68.92	261.02	0.00	89.26	MITCHELL HUCKABAY
FB0025U	TXU GENERATION COMPANY LP	4911	FANNIN	4	20021231	65.90	65.90	50.18	2,188.79	21.69	81.77	VALLEY STEAM ELEC.
FC0018G	LOWER COLORADO RIVER AUTHORITYFAYETT	4911	FAYETTE	11	20021231	1,453.57	431.37	231.44	19,119.93	31,797.71	1,778.37	FAYETTE POWER PROJE
FC0033K	DUKE ENERGY FIELD SERVICES, GIDDIN	1321	FAYETTE	11	20021231	4.24	0.00	66.76	405.74	0.24	229.52	GIDDINGS PLANT
FC0034I	DUKE ENERGY FIELD SERVICES	4922	FAYETTE	11	20021231	0.45	0.00	1.50	101.72	0.03	34.41	WINCHESTER COMPRESS