**Air Quality Bureau Policy**

**INITIAL TESTING REQUIREMENTS -- AQB 02.30-01**

**REGULATORY REFERENCE:** 20 NMAC 2.72, Subpart II, Section 213

**Policy Effective as of:** 12/21/98

   AIR QUALITY BUREAU  
NEW SOURCE REVIEW PERMIT PROGRAM GUIDANCE  
    POLICIES AND PROCEDURES  
  
  
   INITIAL TESTING REQUIREMENTS  
  
  
1.0  POLICY NUMBER:  AQB 02.30-01  
  
2.0  DATE:  December 17, 1998  
  
3.0  REGULATORY REFERENCE: 20 NMAC 2.72, Subpart II, Section 213.  
  
4.0  PURPOSE:  Initial compliance tests are required to establish that   
a source or emissions unit is meeting the emission limits contained in   
an air quality permit or in an air quality regulation.  
  
5.0  INITIAL COMPLIANCE TESTING REQUIREMENTS: The Bureau requires initial  
compliance tests under the following circumstances:  
  
A. When a federal New Source Performance Standard (NSPS)(40 CFR,   
   Part 60) or National Emission Standard for Hazardous Air Pollutants  
   (NESHAP) (40 CFR, Part 61) applies to a source or emissions unit.    
   The Bureau does not have the discretion to waive the testing   
   requirement under NSPS and NESHAP.  
  
B. When the source or emissions unit limits were relied upon by the   
   Bureau to keep the source or unit as a minor source or minor   
   modification under 20 NMAC 2.74, Permits - Prevention of Significant  
   Deterioration (PSD), or 20 NMAC 2.79, Permits - Non-attainment Areas.  
  
C. When the source or emissions unit limits were relied upon by the   
   Bureau in determining that compliance with an ambient air quality   
   standard (NMAAQS, NAAQS, or PSD increment) depended on that level   
   of emissions.  
  
D. When the make and model of the source or emissions unit does not have  
   a substantial testing database on which to justify a test waiver.  
  
E. When the source or emissions unit was issued a permit under 20 NMAC   
   2.74 or 20 NMAC 2.79.  
  
F. When the source is using a continuous emissions monitor (CEM) to   
   measure stack emissions for determining continued compliance, and   
   certification of the CEM is necessary.  
  
6.0 UNITS TO BE TESTED:  When the Bureau requires an initial compliance test,   
it will normally follow U.S. EPA guidance on which units should be tested.    
Typically, half the units of the same make and model at a site should be tested.   
This is considered a representative sample of the units at the site.  
  
7.0  TESTING DEADLINES:  Tests are normally required within 60 days of reaching   
maximum production, not to exceed 180 days from initial startup.  
  
8.0  TEST PROTOCOLS AND REPORTS:  The Bureau has a testing protocol to be   
followed, requires a pretest meeting between the applicant and the Bureau,   
requires that a member of the Bureau have an opportunity to observe the tests,   
and has a final report format to be followed.  
  
9.0  EXCEPTIONS TO TESTING REQUIREMENTS:  The following are exceptions to   
testing requirements:  
  
A. Reciprocating engines for which the Bureau has considerable test data   
   and the results show that the emission unit can meet manufacturers   
   emission rates.  
  
B. If the emissions unit is considered insignificant in its emission rate   
   or ambient impact.  
  
C. If the source is only subject to 2.73, Notice of Intent and Emission   
   Inventory Requirements, unless required by an applicable NSPS or   
   NESHAP.  
  
10.0 INITIAL COMPLIANCE TEST WAIVERS:  Although the initial compliance test of an  
emissions unit may be waived:  
   
A. A waiver from the initial compliance testing requirement does not   
   relieve the applicant from complying with the emission limits   
   established in the permit and it does not relieve an applicant from   
   the obligation to always meet those limits.  Bureau waivers of initial  
   tests are done at the request of the applicant.  In so requesting, the  
   applicant is certifying that the source does, can, and will meet the   
   emission limits that were the basis upon which the permit was issued.   
   Compliance is ultimately the responsibility of the applicant and   
   initial tests can provide some assurance to the applicant that   
   compliance can be met.  
  
B. Not all scenarios for requiring or not requiring the initial   
   compliance tests are contained in this policy.  The requirement for   
   initial testing may be mandated by an air regulation and is sometimes   
   at the discretion of the Bureau depending on the circumstances of the   
   application review.  
  
11.0 INITIAL COMPLIANCE TEST EXCEEDANCES OF PERMIT EMISSION LIMITS:  When   
contained in an air quality permit, initial compliance tests are required to be   
conducted in accordance with U.S. EPA test methods contained in 40 CFR 60,   
Appendix A.  If initial compliance tests are done with an approved test method,   
and the permitted emission rate is found to have been underestimated, 20 NMAC   
2.72, Subpart II, Section 219.B.1.e., Technical Permit Revisions, does allow an   
applicant to revise the permit through a technical permit revision without paying  
the entire permit fees again.  
  
The above option is only available for sources conducting the initial tests   
within 180 days of permit issuance.  It is not available if the increase:  
  
A. alters any other permit condition,  
  
B. triggers any additional requirements under any New Mexico air quality   
   regulation, including 20 NMAC 2.74 - Prevention of Significant   
   Deterioration - (PSD),  
  
C. results in allowable emissions which could contribute to a violation of   
   any NMAAQS or NAAQS, or   
  
D. exceeds the permitted allowable emissions by ten (10) percent.  
  
Original signed by Bureau Chief, Cecilia Williams - December 21, 1998