

STATE OF NEW MEXICO  
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD



IN THE MATTER OF: )  
THE PETITION FOR A HEARING OF )  
OXY USA WTP LIMITED )  
PARTNERSHIP ON THE TITLE V )  
OPERATING PERMIT P103-R3 MU )  
FOR THE INDIAN BASIN GAS )  
PLANT )

No.: *EIB 19-55*

**OXY USA WTP LIMITED'S PETITION FOR A HEARING ON THE INDIAN BASIN  
GAS PLANT'S TITLE V OPERATING PERMIT P103-R3 MY**

Pursuant to New Mexico Statutes Annotated § 74-2-7.H, New Mexico Administrative Code § 20.2.70.403.A, and General Condition B104 of Title V Operating Permit P103-R3 MU, OXY USA WTP Limited Partnership ("Oxy") hereby petitions the New Mexico Environmental Improvement Board for a hearing in connection with the New Mexico Air Quality Bureau's issuance of Title V Operating Permit P103-R3 MU (the "Final Permit") on November 1, 2019. Specifically, Oxy objects to Facility Specific Requirements A107.C, A206.C, and A206.D of the Final Permit. A copy of the Final Permit is appended as Attachment A.

Respectfully submitted,



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*Counsel for Petitioner OXY USA WTP Limited  
Partnership*

November 26, 2018

**CERTIFICATE OF SERVICE**

Pursuant to New Mexico Administrative Code § 20.2.70.403.A(2), and General Condition B104 of the Final Permit, I hereby certify that the foregoing Petition for a Hearing and a copy of Final Permit are being sent by U.S. Certified Mail, Return Receipt Requested, this 26th day of November 2019, to:

Administrator, New Mexico Environmental Improvement Board  
P.O. Box 5469  
Santa Fe, NM 87502-5469

Respectfully submitted,



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*Counsel for Petitioner OXY USA WTP Limited Partnership*

November 26, 2018

**ATTACHMENT A**



MICHELLE LUJAN GRISHAM  
GOVERNOR

HOWIE C. MORALES  
LT. GOVERNOR

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JAMES C. KENNEY  
CABINET SECRETARY

JENNIFER J. PRUETT  
DEPUTY SECRETARY

**Air Quality Bureau**  
**TITLE V OPERATING PERMIT**  
Issued under 20.2.70 NMAC

Certified Mail No: 7016 2140 0000 7340 1705

Return Receipt Requested

<b>Operating Permit No:</b>	P103-R3 MU on 10/29/19
<b>Facility Name:</b>	Indian Basin Gas Plant
<b>Permittee Name:</b>	OXY USA WTP Limited Partnership
<b>Mailing Address:</b>	5 Greenway Plaza Suite 110 Houston, TX 77046-0521
<b>TEMPO/IDEA ID No:</b>	197-PRT20170002
<b>AIRS No:</b>	350150008
<b>Permitting Action:</b>	Permit Renewal
<b>Source Classification:</b>	TV Major, PSD Major w/BACT
<b>Facility Location:</b>	UTM E 540023 m, UTM N 3591937 m, Zone 13; Datum: WGS84
<b>County:</b>	Eddy
<b>Air Quality Bureau Contact:</b>	Joseph Kimbrell
<b>Main AQB Phone No.</b>	(505) 476-4300
<b>TV Permit Expiration Date:</b>	<u>NOV 01 2024</u>
<b>TV Renewal Application Due:</b>	<u>NOV 01 2023</u>

Liz Bisbey-Kuehn  
Bureau Chief  
Air Quality Bureau

NOV 01 2019

Date



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**Air Quality Bureau**  
**TITLE V OPERATING PERMIT**  
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Certified Mail No: 7016 2140 0000 7340 1705

Return Receipt Requested

<b>Operating Permit No:</b>	P103-R3 MU on 10/29/19
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<b>_____</b>	<u>October 31, 2019</u>
<b>Liz Bisbey-Kuehn</b>	<b>Date</b>
<b>Bureau Chief</b>	
<b>Air Quality Bureau</b>	

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**PART B GENERAL CONDITIONS (Attached)**

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

**PART A FACILITY SPECIFIC REQUIREMENTS**

**A100 Introduction**

- A. Not Applicable
- B. This permit includes Prevention of Significant Deterioration (PSD) Best Available Control Technology (BACT) requirements that were imposed in accordance with the PSD permit regulation 20.2.74 NMAC. Any removal or revision of any BACT requirement(s) must first be approved by the Department through an appropriate new source review permit application that includes a BACT re-evaluation consistent with 20.2.74 NMAC.

**A101 Permit Duration (expiration)**

- A. The term of this permit is five (5) years. It will expire five years from the date of issuance. Application for renewal of this permit is due twelve (12) months prior to the date of expiration. (20.2.70.300.B.2 and 302.B NMAC)
- B. 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. (20.2.70.400.D NMAC)

**A102 Facility: Description**

- A. The function of the facility is to remove hydrogen sulfide, carbon dioxide, condensate and water from raw natural gas to make commercial natural gas. The facility also extracts natural gas products (propane and butane) from natural gas.
- B. This facility is located approximately 15 miles west of Carlsbad, New Mexico in Eddy County. This facility is a stationary source and not allowed to relocate. (20.2.70.302.A(7) NMAC)
- C. This permit renewal also incorporates plant modifications authorized by NSR permits 0295M10, M10R2, M10R3, 0295M11 from the Construction permit. This description of this modification is for informational purposes only and is not enforceable.
  - (1) PSD0295-M11 consisted of replacing turbine unit ES-10/11 at the facility. The replacement turbine increased horsepower from 4,000 to 4,700 hp.
  - (2) PSD0295M10R3 consisted of the cancel/withdrawal NSR Permit PSD0295M10R1 pursuant to 20.2.72.219.A.1.(d) NMAC for its Indian Basin Gas Plant. This cancels

the removal of Unit ES-3, a 2 MMBtu/hr natural gas-fired glycol reboiler and adding a 1 MMBtu/hr natural gas-fired glycol reboiler. The 2 MMBtu/hr natural gas-fired glycol reboiler, ES-03 will remain the permitted unit.

- (3) PSD0295M10R2 consisted of a like-kind replacement of Unit ES-04, natural gas turbine generator #1 with an identical unit.
  - (4) PSD0295M10 replaced unit ES-17, a Centaur 50-5502 natural gas-fired turbine inlet compressor. The replacement unit is a Centaur 50-5702S turbine (not compressor) controlled with SoLoNO<sub>x</sub>. Emissions of NO<sub>x</sub> decreased compared to currently permitted emissions. Emissions of CO increased compared to currently permitted emissions because of the SoLoNO<sub>x</sub> control technology. Emissions of SO<sub>2</sub> and particulates remained as currently permitted.
  - (5) Applicability and Specific Conditions were added for 40 CFR 64 Compliance Assurance Monitoring for Units Amine still vent, SELEXOL, AGI, Acid Gas Injection System, and Flare ES-50, see Section A211.
  - (6) Flare conditions in Conditions A107.C and new conditions A206.C & D added for daily emission demonstration.
- D. Table 102.A and Table 102.B show the total potential to emit (PTE) from this facility for information only. This is not an enforceable condition and excludes insignificant or trivial activities.

**Table 102.A: Total Potential to Emit (PTE) from Entire Facility**

Pollutant	Emissions (tons per year)
Nitrogen Oxides (NO <sub>x</sub> )	363.0
Carbon Monoxide (CO)	204.4
Volatile Organic Compounds (VOC) <sup>1</sup>	87.6
Sulfur Dioxide (SO <sub>2</sub> )	87.1
Particulate Matter (PM) <sup>2</sup>	14.5
Particulate Matter less than 10 microns (PM <sub>10</sub> )	12.4
Particulate Matter less than 2.5 microns (PM <sub>2.5</sub> )	12.3
Hydrogen Sulfide (H <sub>2</sub> S)	0.95
Greenhouse Gas (GHG as CO <sub>2</sub> e)	159,361.2

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

2. PM is a regulated new source review pollutant per 20.2.74 NMAC Prevention of Significant Deterioration and 20.2.70 NMAC, Title V. No ambient air quality standards apply to TSP or PM.



**Table 102.B: Total Potential to Emit (PTE) for \*HAPs that exceed 1.0 tons per year**

Pollutant	Emissions (tons per year)
Benzene	1.7
Ethylbenzene	2.4
Formaldehyde	4.0
n-hexane	2.9
Toluene; (Methyl benzene)	3.0
Xylenes (total; (Xylol)	2.2
Other HAP	6.4
Total HAPs**	22.6

\* HAP emissions are included in the Table 102.A VOC emissions total.

\*\* Total HAP emissions may not agree with the sum of individual HAPs because only individual HAPs emitted at a rate greater than 1.0 ton per year are listed in Table 102.B.

### **A103 Facility: Applicable Regulations and Non-Applicable Regulations**

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

**Table 103.A: Applicable Requirements**

Applicable Requirements	Federally Enforceable	Unit No.
NSR Permit No: 0295-M11 (Per 20.2.72 NMAC)	X	Entire Facility
20.2.1 NMAC General Provisions	X	Entire Facility
20.2.7 NMAC Excess Emissions	X	Entire Facility
20.2.61 NMAC Smoke and Visible Emissions	X	All combustion devices
20.2.70 NMAC Operating Permits	X	Entire Facility
20.2.71 NMAC Operating Permit Emission Fees	X	Entire Facility
20.2.72 NMAC Construction Permit	X	Entire Facility
20.2.73 NMAC Notice of Intent and Emissions Inventory Requirements	X	Entire Facility
20.2.74 NMAC Permits – Prevention of Significant Deterioration (PSD)	X	Entire Facility
20.2.77 NMAC New Source Performance Standards	X	Units subject to 40 CFR 60
20.2.82 NMAC MACT Standards for Source Categories of HAPS	X	Units subject to 40 CFR 63

**Table 103.A: Applicable Requirements**

Applicable Requirements	Federally Enforceable	Unit No.
40 CFR 50 National Ambient Air Quality Standards	X	Entire Facility
40 CFR 60, Subpart A, General Provisions	X	ES-14, 17, 22, 47, 48, 50, ES-06/07, ES-08/09, ES-10/11, FUG
40 CFR 60, Subpart GG	X	ES-22, ES-06/07, ES-08/09
40 CFR 60, Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels	X	ES-47, 48
40 CFR 60, Subpart KKK	X	ES-14, ES-17, ES-50, FUG <sup>1</sup>
40 CFR 60, Subpart KKKK	X	ES-17, ES-10/11
40 CFR 60 Subpart OOOO	X	FUG <sup>1</sup>
40 CFR 63, Subpart A, General Provisions	X	ES-40
40 CFR 63, Subpart HH, Oil and Natural Gas Production Facilities	X	ES-40
40 CFR 64 Compliance Assurance Monitoring	X	Units Amine still vent, SELEXOL, AGI, Acid Gas Injection System, and Flare ES-50
40 CFR 68 Chemical Accident Prevention	X	Entire Facility
Consent Decree (D-101-CV-2008 -03503) lodged in U.S. 1 <sup>st</sup> District Court on December 22, 2009	X	Entire Facility

<sup>1</sup>The FUG systems to which KKK applies includes piping connected to VCS-COND and VRU-ES-40-SB; the blowdown system piping connected to ES-14 and ES-50. The fugitive piping components associated with the inlet compressor ES-17, and new components associated with the slug catcher and replacement separator are subject to NSPS OOOO. Facility-wide fugitives (FUG) includes but not limited to pigging operations.

- B. Table 103.B lists requirements that are **not** applicable to this facility. This table only includes those requirements cited in the application as applicable and determined by the Department to be not applicable. Applicable regulations that do not impose any specific requirements on the operation of this facility as described in this permit are also listed in Table 103.B.

**Table 103.B: Non-Applicable Requirements**

Non-Applicable Requirements	(1)	(2)	Justification
20.2.2 NMAC Definitions		X	
20.2.5 NMAC Source Surveillance		X	

(1) Not Applicable: No existing or planned operation/activity at this facility triggers the applicability of these requirements.

(2) No Requirements: Although these regulations may apply, they do not impose any specific requirements on the operation of the facility as described in this permit.

- C. Compliance with the terms and conditions of this permit regarding source emissions and operation demonstrate compliance with national ambient air quality standards specified at 40 CFR 50, which were applicable at the time air dispersion modeling was performed for the facility's PSD Permits 0295-M5, 0295-M8, and 0295-M11.

**A104 Facility: Regulated Sources**

- A. Table 104.A lists the emission units authorized for this facility. Emission units identified as insignificant or trivial activities (as defined in 20.2.70.7 NMAC) and/or equipment not regulated pursuant to the Act are not included.

**Table 104.A: Regulated Sources List**

Unit No.	Source Description	Make	Model	Skid Package /engine Serial No.	Construction/ Reconstruction Date	Manufacture Date	Manufacturer Rated Capacity /Permitted Capacity
AU-01	Amine Unit 1	Field Erection & Welding Co.	Olfen Engineering	Not reported	1966	1965	Not reported
SELEX OL	Selexol Sweetening Unit	Not reported	Not reported	Not reported	1966	1965	Not reported
ES-02	Regeneration Gas Heater #1	John Zink-HEVD15	HEVD15	Not reported	1980	Not reported	15.0 MMBTU/h/ 15.0 MMBTU/h
ES-03	Glycol Regeneration Heater	McIver & Smith Fab.	Type 30Z Burner	N7703	1965	Not reported	2.0 MMBTU/h / 2.0 MMBTU/h
ES-04	NG Turbine, generator #1	Solar	Saturn 10-T1021	S400946 & OHG17-S8802	8/2017	1965	1073 hp / 1073 hp
ES-05	NG Turbine, generator #2	Solar	Saturn 10-T1021	S400945 & OHC17-S9573	4/14/2017	1965	1073 hp / 1073 hp
<sup>1</sup> ES-06/07	NG Turbine, Recompressor #1	Solar	Centaur 40-4002	CC80580 & OHE05-C3585	8/2015	1980	4000 hp / 4000 hp
<sup>1</sup> ES-08/09	NG Turbine, Recompressor #2	Solar	Centaur 40-4002	CC80578 & OHJ14-C3032	1/2015	1980	4000 hp / 4000 hp
<sup>1</sup> ES-10/11	NG Turbine, Recompressor #3	Solar	Centaur 40-4702	CC80579 & OHH18-C2968	9/2018	1980	4700 hp / 4700 hp
ES-12	Auxiliary boiler	York Shipley	SPHC 500N	83-15354	2000	Not reported	5.0 MMBTU/h; 5.0 MMBTU/h

**Table 104.A: Regulated Sources List**

Unit No.	Source Description	Make	Model	Skid Package /engine Serial No.	Construction/ Reconstruction Date	Manufacture Date	Manufacturer Rated Capacity /Permitted Capacity
ES-14	Utility Flare & SSM	Flare Industries	N/A	Not reported	1989	Not reported	135 MMscfd; 135 MMscfd
ES-17	NG Turbine Inlet Compressor with SoLoNOx Combustion System	Solar	Centaur 50-5702S	HC89547 & OHF17-H3569	7/272017	Turbine-2017; Compressor - 1989	5700 hp / 5700 hp
ES-21	NG Turbine, generator #3	Solar	Saturn 10-T1021	S423381 & OHI16-S7720	11/9/2016	1970	1146 hp / 1146 hp
ES-22	NG Turbine, Recompressor #4	Solar	Centaur 40-4702S	CC79420 & OHG11-C2099	8/2011	1979	4700 hp / 4700 hp
ES-40	Glycol Dehydrator Regenerator (Still Vent & Flash Tank)	McIver & Smith Fab.	Not reported	Not reported	1965	Not reported	260 MMscfd / 260 MMscfd
ES-42	Residue Gas Flare & SSM	Flare Industries	Not reported	Not reported	2000	Not reported	195 ft tall 300 MMscfd / 300 MMscfd
ES-46	Condensate Gunbarrel	Palmer Barnett		4536	12/2002	Not reported	31,500 (750 BBL)/ 31,500 (750 BBL)
ES-47	Condensate Tank #1	Permian Tank		33100	2003	Not reported	42,000 (1000 BBL)/ 42,000 (1000 BBL)
ES-48	Condensate Tank #2	Palmer		ST-262230	2011	Not reported	42,000 (1000 BBL)/ 42,000 (1000 BBL)
ES-50	SSM Flare	Tornado Combustion Technologies Inc.	SL8-26-10--375-10-316L	10674	11/15/2010	7/28/2010	120 ft tall 3.5 MM SCF/d; 3.5 MM SCF/d
ES-52	Skimmer Basin Oil Tank	Palmer	12F	27611	1996	Not reported	210 bbl / 210 bbl
ES-56	Condensate Truck Loading	Not reported	Not reported	Not reported	2015	2003	N/A
ES-62	Cooling Tower	Accu-Pac	CF150MAx	TBD	2015	2015	5,000 gpm / 5,000 gpm
GC-1	Inlet & Sales Gas Chromatograph	ABB	PGC-1000 Analyzer	T153335377	2016	2016	N/A
GC-2	NGL Gas Chromatograph	ABB	ABB - 8206 analyzer	T153335380	2016	2016	

1. Represents a single turbine vented to either a heat recovery bypass stack (ES-06, ES-08, and ES-10) or a heat recovery stack (ES-07, ES-09, and ES-11).

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

B. Table 104.B lists other equipment:

**Table 104.B: Other Equipment**

Emission Unit Nos.	Type of Equipment
<sup>1</sup> FUG	Valves, Pump seals, Compressor seals, Pressure relief valves, Connectors, Open ended lines
VCS-COND-COM	Electric operated compressor for emissions from the gunbarrel (ES-46), condensate tanks (ES-47, ES-58), and condensate truck loading operation (ES-56) collected in a closed vent vapor collection system (VCS-COND, which was previously called VRU-COND) and vented to the flare control device ES-50.
VRU-ES-40-SB-COM	Electric operated compressor for vapor recovery system for glycol dehydrator, and skimmer basin tanks.
VRU-ES-40--SB-BU-COM	Electric operated compressor, Backup Unit for vapor recovery system for dehy, and skimmer basin tanks.
VRU-ES-40-SB	Vapor Recovery System for glycol dehydrator and skimmer basin tanks. Recycles VOC from glycol dehydrator and skimmer basin tanks ES-40, 51, 52, 53, 54, 55 <sup>2</sup> back to plant inlet.
VRU-ES-40-SB-BU	Backup Vapor Recovery System for glycol dehydrator and skimmer basin tanks. Recycles VOC from glycol dehydrator and skimmer basin tanks ES-40, 51, 52, 53, 54, 55 <sup>2</sup> back to plant inlet.

1 Fugitive emissions are calculated based on actual component counts and U.S. EPA emission factors.

2 ES-51, 53, 54, and 55 (skimmer basin water tanks) are connected to the VRU-ES-40-SB; however, this is not required since these units are exempted under 20.2.72.202.B(5) NMAC.

#### **A105 Facility: Control Equipment**

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

**Table 105.A: Control Equipment List:**

Control Equipment Unit No.	Control Description	Pollutant being controlled	Control for Unit Number(s) <sup>1</sup>
ES-14	Utility Flare, [Leak, Detection, Maintenance, and Repair (LDMAR)]	VOC, H <sub>2</sub> S	ES-14, FUG
ES-42-SSM	Residue gas flare -controls emissions during startup, shutdown and maintenance (SSM) events	VOC, H <sub>2</sub> S	Plant blow downs
ES-50	SSM events, Emissions from Condensate tanks and truck loading collected by vapor collection system (VCS-COND-COM, [Leak, Detection, Maintenance, and Repair (LDMAR)], GC-1, GC-2	VOC, H <sub>2</sub> S	Plant-wide



**Table 106.A: Allowable Emissions**

Unit No.	NO <sub>x</sub> <sup>1</sup> pph	NO <sub>x</sub> <sup>1</sup> tpy	CO pph	CO tpy	VOC pph	VOC tpy	SO <sub>2</sub> pph	SO <sub>2</sub> tpy	PM <sub>10</sub> , 2.5 pph	PM <sub>10</sub> , 2.5 tpy	H <sub>2</sub> S pph	H <sub>2</sub> S tpy
<sup>4</sup> ES-14	0.10	0.44	0.27	1.2	0.021	0.094	-	-	-	-	-	-
ES-17	5.8	25.2	7.0	30.7	2.0	8.8	<	<	<	1.7	-	-
ES-21	3.0	12.9	2.8	12.0	<	<	<	<	<	<	-	-
ES-22	6.2	27.0	5.1	22.4	1.4	5.9	<	<	<	1.6	-	-
ES-40	-	-	-	-	3.0	13.1	-	-	-	-	-	-
<sup>4</sup> ES-42	<	<	<	1.7	<	<	-	-	-	-	-	-
<sup>3</sup> ES-46	-	-	-	-	*	2.9	-	-	-	-	-	-
<sup>3</sup> ES-47	-	-	-	-	*	1.4	-	-	-	-	-	-
<sup>3</sup> ES-48	-	-	-	-	*	1.9	-	-	-	-	-	-
<sup>4</sup> ES-50	0.17	0.46	0.81	1.9	1.4	2.7	8.1E-06	0.01	-	-	8.7E-08	1.1E-04
<sup>3</sup> ES-52	-	-	-	-	*	0.066	-	-	-	-	-	-
<sup>3</sup> ES-56	-	-	-	-	*	0.19	-	-	-	-	-	-
ES-62	-	-	-	-	-	-	-	-	0.01	0.06	-	-
GC-1, GC-2	-	-	-	-	-	-	-	-	-	-	-	-
FUG	-	-	-	-	*	27.8	-	-	-	-	0.062	0.28

1 Nitrogen dioxide emissions include all oxides of nitrogen expressed as NO<sub>2</sub>.

2 For Title V facilities, the Title V annual fee assessments are based on the sum of allowable tons per year emission limits in Sections A106 and A107.

3 Tanks have controls; therefore, enforceable limits are below 1.0 pph or tpy. These tank emissions occur when the VCS is down for maintenance.

4 Compliance with emergency flare emission limits is demonstrated by limiting combustion to pilot and/or purge gas only.

5 To report excess emissions for sources with no pound per hour and/or ton per year emission limits, see condition B110.E.

“-” indicates the application represented emissions of this pollutant are not expected.

“<” indicates that the application represented the uncontrolled mass emission rates are less than 1.0 pph or 1.0 tpy for this emissions unit and this air pollutant. The Department determined that allowable mass emission limits were not required for this unit and this pollutant.

“\*” indicates hourly emission limits are not appropriate for this operating situation.

B. Sulfur dioxide emissions from turbine (ES- 22) shall not exceed the limits contained in 40 CFR 60, Subpart GG.

- C. Turbines ES-17 and ES-10/11, nitrogen dioxide emissions shall not exceed the limit specified in 40 CFR 60.4320(a) and Table 1 and the fuel burned shall not contain total potential sulfur in excess of the limits required in 40 CFR 60.4330(a). (40 CFR 60, Subpart KKKK)
- D. The nitrogen oxide concentration in the exhaust gas of turbine ES-22 shall not exceed 150 ppmv on a dry basis at 15% O<sub>2</sub>. (40 CFR 60, Subpart GG)
- E. VOC emission limits for Unit FUG are a Facility-Wide emissions CAP. Changes to fugitive components may be made without a permit modification if the facility-wide emission limit is not exceeded.

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

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

**Table 107.A: Allowable SSM Emissions**

Unit No.	NO <sub>x</sub> (pph)	NO <sub>x</sub> (tpy)	CO (pph)	CO (tpy)	VOC (pph)	VOC (tpy)	SO <sub>2</sub> (pph)	SO <sub>2</sub> (tpy)	H <sub>2</sub> S (pph)	H <sub>2</sub> S (tpy)
ES-14- SSM	281.7	0.28	755.3	0.76	1.1	0.0011	1583.1	1.6	118.4	0.12
ES-42- SSM	563.4	5.1	1510.5	13.6	238.0	2.1	3167.3	28.5	33.6	0.30
ES-50- SSM	29.6	0.40	90.5	1.2	57.9	0.61	4147.3	83.0	44.1	0.36
<sup>1</sup> SSM Combined limit	573.7	5.1	1543.3	13.7	262.1	2.2	7042.8	83.0	74.8	0.67

- 1. The pph total is the maximum allowable emission limit for all 3 flares when they are flaring simultaneously.
- 2. To report excess emissions for sources with no pound per hour and/or ton per year emission limits, see condition B110E.

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

**C. SSM Emissions (Units ES-14-SSM, ES-42-SSM, ES-50-SSM)**

<p><b>Requirement:</b> Compliance with the allowable routine and predictable startup, shutdown, and maintenance (SSM) emission limits in Table 107.A shall be demonstrated by limiting the SSM events to 34 types of events identified in the application for Permit PSD0295M8 and revised.</p>
<p><b>Monitoring:</b> The permittee shall monitor the date, time, cause and duration of routine or predictable startup, shutdown, and scheduled maintenance events for each flare. The SSM emission limits specified at Table 107.A represent the worst-case emissions for any combination of the 34 event types identified in the application. The permittee shall ensure that any combination of event types does not exceed the emission limits. The permittee shall maintain a log of all routine and predictable, startups, shutdowns, and scheduled maintenance events.</p>



**Recordkeeping:** The permittee shall maintain records for each flare of all calculations and parameters used to determine emission rates in spreadsheet format and in accordance with Condition B109.

- (1) **Hourly Emissions Calculations:** The permittee shall calculate the pph NO<sub>x</sub>, CO, VOC, SO<sub>2</sub>, and H<sub>2</sub>S emission rates for each hour of each SSM event for each flare using these parameters or use the calculations provided in the permit application for the 34 event types:
  - (a) the calculated average hourly flow rate of all gas combusted by the flare, including pilot, purge, and assist gas;
  - (b) H<sub>2</sub>S content, total sulfur content, VOC content, and heating value (BTU/scf) of the gas;
  - (c) the emission factors represented in the permit application and approved by the Department, for NO<sub>x</sub> and CO emission rates; and
  - (d) VOC and H<sub>2</sub>S emission rates calculated using the destruction efficiency represented in the permit application and approved by the Department.
- (2) **Annual Emissions Calculations:** The permittee shall calculate the total tpy SSM emission rates for each flare and combined as a daily rolling 365-day total, using the pph emission rates for each hour of the day as follows:
  - (a) During the first 365 days of this condition taking effect, the permittee shall record the daily total tons of NO<sub>x</sub>, CO, VOC, SO<sub>2</sub>, and H<sub>2</sub>S emissions.
  - (b) After the first 365 days (starting on the 366 day) of this condition taking affect, the permittee shall record the daily rolling 365-day total tpy NO<sub>x</sub>, CO, VOC, SO<sub>2</sub>, and H<sub>2</sub>S emissions.
- (3) **SSM Events:** The permittee shall retain monitoring records, including the date, time, and duration of each SSM event, as well as a description of the event including maintenance performed.

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

**A108 Facility: Hours of Operation**

- A. This facility is authorized for continuous operation. No monitoring, recordkeeping, and reporting requirements to demonstrate compliance with continuous hours of operation.

**A109 Facility: Reporting Schedules**

- A. A Semi-Annual Report of monitoring activities is due within 45 days following the end of every 6-month reporting period. The six-month reporting periods start on September 1<sup>st</sup> and March 1<sup>st</sup> of each year.
- B. The Annual Compliance Certification Report is due within 30 days of the end of every 12-month reporting period. The 12-month reporting period starts on September 1<sup>st</sup> of each year.

**A110 Facility: Fuel Sulfur Requirements****A. Fuel and Fuel Sulfur Requirements (NSR Permit 0295M11, condition A110.A)**

**Requirement:** Units ES-02, ES-03, ES-12, ES-14 (pilot), ES-42 (pilot), and ES-50 (pilot) shall combust only natural gas containing no more than 0.20 grains of total sulfur per 100 dry standard cubic feet.

Units ES-04, ES-05, ES-06/07, ES-08/09, ES-10/11, ES-17, ES-21, and ES-22 shall combust only natural gas containing no more than 4 ppmv of hydrogen sulfide (H<sub>2</sub>S).

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

**Recordkeeping:** The permittee shall demonstrate compliance with the natural gas limit on total sulfur content by maintaining records of a current, valid purchase contract, tariff sheet or transportation contract for the gaseous or liquid fuel, or fuel gas analysis, specifying the allowable limit or less. Alternatively, compliance may be demonstrated by keeping a receipt or invoice from a commercial fuel supplier, with each fuel delivery, which shall include the delivery date, the fuel type delivered, the amount of fuel delivered, and the maximum sulfur content of the fuel. If fuel gas analysis is used, the analysis shall not be older than one year.

In lieu of an annual extended gas analysis, the permittee can use data from a gas chromatograph (GC) only if it measures the VOC, H<sub>2</sub>S, and total sulfur content and the GC is measuring the fuel gas being combusted.

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

**B. Gas Chromatograph (GC) Operations (Units GC-1 & GC-2) (NSR Permit 0295M11, condition A110.B)**

**Requirement:** The permittee shall at all times operate the Gas Chromatographs and route all emissions from Units GC-1 & GC-2 to the Flare Unit ES-50 through a closed-loop system. At no time shall emissions be vented directly to the atmosphere. The GCs are installed to analyze the inlet gas, sales gas and NGL's.

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

**Recordkeeping:** The permittee shall record the results of the GC inspections chronologically, noting any maintenance or repairs that are required.

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

**A111 Facility: 20.2.61 NMAC Smoke and Visible Emissions**

- A. 20.2.61 NMAC Visible Emissions from Combustion Sources (NSR Permit 0295M11, condition A111.A)

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

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

- 1) Visible emissions observations shall be conducted over a 10-minute period during operation after completion of startup mode in accordance with the procedures at 40 CFR 60, Appendix A, Reference Method 22 (EPA Method 22). If no visible emissions are observed, no further action is required.
- 2) If any visible emissions are observed during completion of the EPA Method 22 observation, subsequent opacity observations shall be conducted over a 10-minute period, in accordance with the procedures at EPA Method 9 as required by 20.2.61.114 NMAC.

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

**Recordkeeping:**

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

- 1) For any visible emissions observations conducted in accordance with EPA Method 22, record the information on the form referenced in EPA Method 22, Section 11.2.
- 2) For any opacity observations conducted in accordance with the requirements of EPA Method 9, record the information on the form referenced in EPA Method 9, Sections 2.2 and 2.4.

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

**OIL AND GAS INDUSTRY****A200 Oil and Gas Industry**

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

**A201 Engines (not required)**

**A202 Glycol Dehydrators****A. Glycol Dehydrator Control Device requirements and Inspection (Unit ES-40) (NSR Permit 0295M11, condition A202.A)**

**Requirement:** To demonstrate compliance with the allowable emission limits in Table 106.A:  
 1) the still vent emissions shall be routed at all times to the condenser,  
 2) the flash tank vent emissions shall be routed at all times to a process point that allows the off-gas to be recycled and recompressed, and not vented to the atmosphere,  
 3) the still vent/condenser emissions shall be routed to the vapor recovery unit (VRU) and re-injected into the process stream. The VRU shall consist of a closed loop system of seals, ducts, and compressor that will re-inject the gases into the stabilizer compressor suction line. The VRU shall be operational at least 95% of the time the facility is in operation. The VRU shall be installed, operated, and maintained according to manufacturer's specifications.

**Monitoring:** The permittee shall inspect the glycol dehydrator and the control equipment semi-annually to ensure it is operating properly and the configuration specified in the above condition is maintained. The permittee shall also inspect that the reboiler is operating properly.

**Recordkeeping:** The permittee shall record the results of all equipment and control device inspections chronologically, noting any maintenance or repairs needed to bring the dehydrator into compliance and operational logs of down-time to demonstrate a 95% operational rate. The permittee shall keep a record of manufacturer's specifications for maintenance.

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

**B. 40 CFR 63, Subpart HH (Unit ES-40)**

**Requirement:** The unit is subject to 40 CFR 63, Subpart HH and the permittee shall comply with all applicable requirements.

**Monitoring:** Compliance is demonstrated through records.

**Recordkeeping:** The permittee shall generate and maintain the records required by 40 CFR 63.774(d)(1)(ii) to demonstrate compliance with the general standard exemptions found in 40 CFR 63.764(e).

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

**A203 Tanks****A. 40 CFR 60, Subpart Kb (Unit ES-47 and ES-48)**

**Requirement:** The unit(s) is subject to 40 CFR 60, Subpart Kb and the permittee shall comply with the VOC standard as specified by 40 CFR 60.112b.

**Monitoring:** The permittee shall comply with the testing requirements of 40 CFR 60.113b and the monitoring requirements of 40 CFR 60.116b.

**Recordkeeping:** The permittee shall maintain records as specified by 40 CFR 60.115b and 60.116b.

**Reporting:** The permittee shall comply with reporting requirements of 40 CFR 60.115b.

B. Tanks Control Device Requirements and Inspection (Units ES-46, ES-47, ES-48, ES-56) (NSR Permit 0295M11, condition A203.B)

**Requirement:** The vapors from the tanks, units ES-46, ES-47 and ES-48, shall be routed to a vapor recovery system (VCS-COND), as required in Table 105.A. The recovered vapors shall be routed to ES-50.

The VCS shall inject the gases to the ES-50 flare header, through a closed loop system of seals, ducts, and compressor. The VCS shall be operational at least 95% of the time the facility is in operation. The VCS shall be installed, operated, and maintained according to manufacturer's specifications that are representative of 95% or greater control efficiency.

**Monitoring:** The permittee shall inspect VCS-COND annually as required by 40 CFR 60.482-10(f)(2)(ii) to ensure it is operating properly and that the physical configuration as described in the above requirement is maintained.

**Recordkeeping:** The permittee shall record the results of all equipment and control device inspections chronologically, noting any maintenance or repairs needed to bring the system into compliance. The permittee shall keep documentation of the manufacturer's specifications that are representative of 95% or greater control efficiency. The permittee shall keep a record of all instances in which the facility was in operation while the VCS was not operating, including duration of each instance.

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

C. Condensate Truck Loading (Unit ES-56) (NSR Permit 0295M11, condition A203.C and revised)

**Requirement:** Compliance with the allowable emission limits in Table 106.A shall be demonstrated by limiting the total annual Condensate loadout volume to 85,256 barrels per year (3,580,752 gallons per year) and routing VOC/HAP emissions to the Flare, ES-50 for 98% destruction.

**Monitoring:** The permittee shall monitor the Condensate truck loadout volume on a monthly basis. The permittee states their process is a LACT unit truck out, and run tickets are generated for each truck-out. The run tickets are noted daily on the operations log. The plant HES representative has a monthly spreadsheet where the daily operator's log is aggregated monthly for a 12-month rolling frequency.

**Recordkeeping:** The permittee shall record the monthly Condensate truck loadout volume. Each month during the first 12 months of monitoring the permittee shall record the cumulative Condensate loadout volume and after the first 12 months of monitoring, the permittee shall calculate and record a monthly rolling 12-month total loadout volume.

Records shall also be maintained in accordance with Section B109.

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

**A204 Heaters/Boilers**

- A. Operational Inspection (Units ES-02, and ES-12) (NSR Permit 0295M11, condition A204.A)

**Requirement:** Compliance with the allowable emission limits in Table 106.A shall be demonstrated by performing periodic inspections to ensure proper operations.

**Monitoring:** The permittee shall conduct annual operational inspections of the heater to determine that the heater is operating properly. The operational inspections shall include operational checks for indications of insufficient excess air, or too much excess combustion air. These operational checks shall include observation of common physical indications of improper combustion, including indications specified by the heater manufacturer, and indications based on operational experience with these units.

**Recordkeeping:** The permittee shall maintain records of operational inspections, describing the results of all operational inspections noting chronologically any adjustments needed to bring the heaters into compliance. Records shall be maintained in accordance with section B109.

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

**A205 Turbines**

- A. 40 CFR 60, Subpart GG (Unit(s) ES-06/07, ES-08/09, and ES-22)

**Requirement:** The unit(s) are subject to 40 CFR 60, Subpart GG and the permittee shall comply with the applicable requirements of 40 CFR 60, Subpart A and Subpart GG.

**Monitoring:** The permittee shall comply with the monitoring and testing requirements of 40 CFR 60.334 and 60.335.

**Recordkeeping:** The permittee shall comply with the recordkeeping requirements of 40 CFR 60.334 and 40 CFR 60.7.

**Reporting:** The permittee shall comply with the reporting requirements of 40 CFR 60.7.

- B. Periodic Emissions Tests (Units ES-4, ES-5, ES-06/07, ES-08/09, ES-10/11, ES-17, ES-21, and ES-22) (NSR Permit 0295M11, condition A205.B)

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

**Monitoring:** The permittee shall test using a portable analyzer or EPA Reference Methods subject to the requirements and limitations of Section B108, General Monitoring Requirements. Emission Testing is required for NO<sub>x</sub> and CO and shall be carried out as described below. Test results that demonstrate compliance with the CO emission limits shall also be considered to demonstrate compliance with the VOC emission limits.

(a) The testing frequency shall be once per year.

(b) The monitoring period is September 1<sup>st</sup> to August 31<sup>st</sup>. For units that are already on a current testing schedule, the tests shall continue based on the existing testing schedule. For units where periodic testing is required for first time in NSR PSD-0295-M10, the first test shall occur within the first monitoring period occurring after the initial compliance test required in Condition A205.D is completed.

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

(d) Follow the General Testing Procedures of Section B111.

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

**Recordkeeping:** The permittee shall maintain periodic emissions test records in accordance with Section B109. The permittee shall also record the results of the periodic emissions tests, including the turbine's fuel flow rate and horsepower at the time of the test, and the type of fuel fired (natural gas, field gas, etc.).

If a combustion analyzer is used to measure NO<sub>x</sub>, CO, and/or excess air in the exhaust gas, records shall be kept of the make and model of the instrument and instrument calibration data. If an ORSAT apparatus or other gas absorption analyzer is used, the permittee shall record all calibration results.

The permittee shall also keep records of all raw data used to determine exhaust gas flow and of all calculations used to determine flow rates and mass emissions rates.

**Reporting:** The permittee shall submit reports in accordance with Section B110.

C. Maintenance and Repair Monitoring (Units ES-4, ES-5, ES-06/07, ES-08/09, ES-10/11, ES-17, ES-21, and ES-22) (NSR Permit 0295M11, condition A205.C)

**Requirement:** Compliance with the allowable emission limits in Table 106.A shall be demonstrated by properly maintaining and repairing the units.

**Monitoring:** Maintenance and repair shall meet the minimum manufacturer's or permittee's recommended maintenance schedule. Activities that involve maintenance, adjustment, replacement, or repair of functional components with the potential to affect the operation of an emission unit shall be documented as they occur for the following events:

- (1) Routine maintenance that takes a unit out of service for more than two hours during any twenty-four hour period.
- (2) Unscheduled repairs that require a unit to be taken out of service for more than two hours in any twenty-four hour period.

**Recordkeeping:** The permittee shall maintain records, including dates and maintenance activities conducted in accordance with Section B109. The permittee shall also maintain a copy of the manufacturer's or permittee's recommended maintenance schedule.

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

D. Initial Compliance Test (Units ES-4, ES-5, ES-06/07, ES-08/09, ES-10/11, ES-17, ES-21, and ES-22) (NSR Permit 0295M11, condition A205.D)

**Requirement:** Compliance with the allowable emission limits in Table 106.A shall be demonstrated by performing initial compliance testing following:

- (1) A like-kind replacement of the existing unit;
- (2) For units (Unit ES-17) that had their allowable emissions lowered and an initial compliance test required by this condition has not been completed; and

(3) For any new units where initial compliance tests have not been completed at this facility.
<b>Monitoring:</b> The permittee shall perform an initial compliance test in accordance with the General Testing Requirements of Section B111. Emission testing is required for NO <sub>x</sub> and CO. Test results that demonstrate compliance with the CO emission limits shall also be considered to demonstrate compliance with the VOC emission limits.
(1) The monitoring exemptions of Section B108 do not apply to this requirement.
<b>Recordkeeping:</b> The permittee shall maintain records in accordance with applicable Sections in B109, B110, and B111.
<b>Reporting:</b> The permittee shall report in accordance with the applicable Sections in B109, B110, and B111.

E. 40 CFR 60, Subpart KKKK (Units ES-17, ES-10/11)

<b>Requirement</b> Units ES-17 and ES-10/11 are subject to 40 CFR 60, Subpart KKKK and the permittee shall comply with the applicable requirements of 40 CFR 60, Subpart A and Subpart KKKK. These units shall meet the NO <sub>x</sub> and SO <sub>2</sub> limitations from §60.4320 and §60.4330. These turbines are considered modified turbines < 50 MMBtu/h and shall meet the 150 ppm at 15 percent O <sub>2</sub> or 1,100 ng/J of useful output (8.7 lb/MWh) emission standards for NO <sub>x</sub> listed in Table 1.
<b>Monitoring:</b> The permittee shall comply with all applicable monitoring and testing requirements, including but not limited to 40 CFR 60.4333.
<b>Recordkeeping:</b> The permittee shall comply with all applicable recordkeeping requirements, including but not limited to 40 CFR 60.7.
<b>Reporting:</b> The permittee shall comply with all applicable reporting requirements, including but not limited to 40 CFR 60.4375, 60.4395, and 60.7.

**A206 Flares**

A. Flare Operating and Testing Requirements 40 CFR 60, Subpart KKK and 20.2.61 NMAC (Units ES-14, ES-50)

<b>Requirement:</b> For flares used as a control device to meet the requirements of a subpart in 40 CFR 60, the flares shall be tested in accordance with the requirements contained in 40 CFR 60, Subpart A, Section 60.8 (performance tests) and shall also meet 40 CFR 60.18 (general control device requirements). Meeting the operating and testing requirements of 40 CFR 60 demonstrates compliance with the opacity limits required in 20.2.61 NMAC.
<b>Monitoring:</b> The permittee shall conduct performance testing and monitor flare operation in accordance with the applicable requirements in 40 CFR 60.8 and 60.18.
<b>Recordkeeping:</b> The permittee shall maintain records for the flare(s) according to the applicable Subpart in 40 CFR 60 and in accordance with 40 CFR 60.8 and 60.18.
<b>Reporting:</b> The permittee shall comply with the reporting requirements for the flare(s) according to the applicable Subpart in 40 CFR 60 and in accordance with 40 CFR 60.8 and 60.18.



B. Flare Flame & Visible Emissions (20.2.61 NMAC) (Units ES-14, ES-42, ES-50) (NSR Permit 0295M11, condition A206.B)

<p><b>Requirement:</b> The flares shall be equipped with a system to ensure that they are operated with a flame present at all times and operated with no visible emissions.</p> <p>The flare(s) are subject to the 20% opacity standards in 20.2.61 NMAC and meeting the no visible emissions requirements demonstrates compliance with 20.2.61 NMAC opacity limit.</p>
<p><b>Monitoring:</b></p> <p><b>Flare Pilot Flame:</b> The permittee shall continuously monitor the presence of a flare pilot flame using a thermocouple or any equivalent device approved by the Department and shall be equipped with a continuous recorder and alarm or equivalent, to detect the presence of a flame.</p> <p><b>Visible Emissions:</b> Annually, the permittee shall perform an EPA Reference Method 22 test per 40 CFR 60, Subpart A to certify compliance with the no visible emission requirement on the process flare. The Method 22 test shall occur for at least 2 consecutive hours where visible emissions are not to exceed a total of 5 minutes during any 2 consecutive hours.</p>
<p><b>Recordkeeping:</b></p> <p><b>Flare Pilot Flame:</b> The permittee shall record all instances of alarm activation, including the date and cause of alarm activation, actions taken to bring the flare into normal operating conditions, and maintenance activities.</p> <p><b>Visible Emissions:</b> For EPA Method 22 tests, the permittee shall record the date and duration of each EPA Method 22 test and the results of the test.</p>
<p><b>Reporting:</b> The permittee shall report in accordance with Section B110.</p>

C. Flare Gas Flow Monitoring and Gas Analysis (Units ES-14, ES-42, ES-50)

<p><b>Requirement:</b> Compliance with the flare allowable emission limits in Table 106.A and/or Table 107.A shall be demonstrated by completing the monitoring, recordkeeping, and reporting required by this condition and Condition A206.D. All flow meters and inline chemical composition analyzers shall be installed, calibrated, operated and maintained in accordance with the requirements of Condition B108.H.</p>
<p><b>Monitoring:</b></p> <p><b>(1) Gas Flow:</b></p> <p>(a) One or more gas flowmeters equipped with a chart recorder or data logger (electronic storage) shall be installed to continuously monitor the flow (scf) of gas sent to the flare.</p> <p>(b) Pilot, purge, and assist gas, if applicable, shall be monitored using a gas flowmeter under (a) or determined using manufacturer's specifications or engineering estimates.</p> <p><b>(2) Gas Analysis:</b></p> <p>(a) Once per calendar year, the permittee shall perform a gas analysis, including measurement of the H<sub>2</sub>S content, total sulfur content, VOC content, and heating value (BTU/scf) of gas sent to the flare for combustion. Gas analyses shall be separated by a minimum of six (6) months.</p>

(b) Alternatively, for H<sub>2</sub>S only, in lieu of an annual analysis, H<sub>2</sub>S may be measured quarterly using a stain tube(s) of the appropriate size range or with an inline chemical composition analyzer.

**(3) Calibration:** In addition to the requirements of Condition B108.H, flow meters and inline chemical composition analyzers shall be operated, calibrated, and maintained as specified by the site-specific operations and maintenance plan, if applicable.

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

**(1) Gas Flow:**

- (a) Records of continuous flowmeter measurements and the hourly flow rate in scf/hr calculated by averaging a *minimum* of four (4) equally spaced readings for each hour.
- (b) Manufacturer's specifications or engineering estimates used for pilot, purge, and assist (if applicable) gas flow rates.

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

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

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

D. Flare Emissions Calculation (Units ES-14, ES-42, ES-50)

**Requirement:** Compliance with the flare allowable emission limits in Table 106.A shall be demonstrated by operating the flare in accordance with the requirements, monitoring, and recordkeeping of Condition A206.C and completing emissions calculations as specified in this condition.

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

**Recordkeeping:** The permittee shall maintain records of all calculations and parameters used to determine emission rates in spreadsheet format and in accordance with Condition B109.

**(1) Hourly Emissions Calculations:** The permittee shall calculate the pounds per hour (pph) NO<sub>x</sub>, CO, VOC, SO<sub>2</sub>, and H<sub>2</sub>S emission rates using these parameters:

- (a) the calculated average hourly flow rate of all gas combusted by the flare, including pilot, purge, and assist gas, if applicable, from Condition A206.B;
- (b) gas analysis, including H<sub>2</sub>S content, total sulfur content, VOC content, and heating value (BTU/scf) of the gas from Condition A206.B;

<p>(c) the emission factors represented in the permit application and approved by the Department, for NO<sub>x</sub> and CO emission rates; and</p> <p>(d) VOC and H<sub>2</sub>S emission rates calculated using the destruction efficiency represented in the permit application and approved by the Department.</p> <p><b>(2) Annual Emissions Calculations:</b> The permittee shall calculate the total ton per year (tpy) emission rates as a daily rolling 365-day total, using the totaled pph emission rates for each hour of the day:</p> <p>(a) During the first 365-days of this condition taking effect, the permittee shall record the total tons of NO<sub>x</sub>, CO, VOC, SO<sub>2</sub>, and H<sub>2</sub>S emissions.</p> <p>(b) After the first 365-days of this condition taking effect, the permittee shall record the daily rolling 365-day total tpy NO<sub>x</sub>, CO, VOC, SO<sub>2</sub>, and H<sub>2</sub>S emissions.</p>
<p><b>Reporting:</b> The permittee shall report in accordance with Section B110.</p>

**A207 Sulfur Recovery Unit/Tail Gas Incinerator – Not Required**

**A208 Amine Unit**

**A. Extended Gas Analysis (Unit Flare ES-50) (NSR Permit 0295M11, condition A208.A)**

**Requirement:** To demonstrate compliance with the allowable emission limits for Flare ES-50 in Table 107.A, the permittee shall conduct an annual extended (C10+) gas analysis on a representative sample upstream of the sweetening unit.

**Monitoring:** The permittee shall monitor the flow rates and gas analysis so calculations of emissions can be accomplished. Compliance is demonstrated through records.

**Recordkeeping:** Records shall be kept of the following:

1. Gas analysis including the H<sub>2</sub>S, and VOC content of the gas.
2. The pph and tpy emissions of H<sub>2</sub>S, and VOC from the Amine Unit AU-01, shall be based on the most recent extended gas analysis, and an amine unit emissions calculation tool such as AmineCalc, HYSYS, or ProMax.
3. All parameters that were used as inputs to the model or calculations [i.e.; AmineCalc, HYSYS, or ProMax].

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

**B. Amine Unit Control Requirements and Inspection (Units AU-01, SELEXOL) (NSR Permit 0295M11, condition A208.B and revised)**

**Requirement:** Compliance with the allowable VOC and H<sub>2</sub>S emission limits for Units AU-01 in Table 106.A shall be demonstrated by routing 100% of the still vent and flash tank amine unit off gases to the control device(s) below and shall, at no time, be vented directly to the atmosphere.

- 1) At all times, the permittee shall recycle flash tank emissions back into the process stream.
- 2) At all times, the permittee shall route still vent emissions to the acid gas injection well (AGI);

to the acid gas flare (ES-50); or to an alternative control method pre-approved and permitted by the Department. While routing amine unit off gases to the flare, the permittee shall not exceed the allowable emission limits for Flare Unit ES-50 in Table 107.A.

**Monitoring:**

- 1) At least semi-annually, the permittee shall inspect the amine unit and control methods semi-annually to ensure the all acid gas emissions are routed to their respective controls and that the controls are operating properly. This includes inspection of the piping used to route the still vent and flash tank emissions to their respective controls (AGI and Flare) for corrosion and gas leaks.
- 2) At least daily, the permittee, or its designee, shall monitor the presence of the acid gas sent to the acid gas injection system by monitoring the acid gas flow to the AGI. Acid gas compressor inlet has a recycle line to maintain suction pressure.
- 3) The permittee shall meet the monitoring requirements in Section B108.

**Recordkeeping:**

- 1) Semi-annually, the permittee shall record the results chronologically of the corrosion and gas leak inspections and any necessary repairs or maintenance that was completed.
- 2) At least daily, the permittee, or its designee, shall record the acid gas flow rate to the AGI.
- 3) The permittee shall meet the recordkeeping requirements in B109.

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

C. AGI Contractor Option (NSR Permit 0295M11, condition A208.C and revised)

**Requirement:**

- 1) The permittee may contract the operation of the Acid Gas Injection well (AGI) to a third party. The permittee retains responsibility to demonstrate compliance with all applicable permit requirement and federal requirements for operation of the AGI as a permitted control for the Indian Basin Gas Plant facility as well as liability for failure of the AGI system.
- 2) The permittee shall ensure that the Department is able to inspect the AGI system in accordance with the requirements at NMSA 1978, Section 74-2-13 and B112.A.
- 3) The permittee shall, at least twice every calendar year, confirm that the operator of the AGI or other Department approved control method(s) to which the amine unit off-gases are transported, is complying with all requirements of this permit.
- 4) Additionally, to determine what applicable requirements apply to the amine units, the permittee shall on a monthly basis monitor and record the volume, mass and composition of the amine unit off-gases produced and shall make the records available upon Department request.

**Monitoring:**

- 1) The permittee or its designee shall meet the requirements of Condition A208.B & C of this permit.
- 2) Monthly, the permittee shall monitor the volume, mass and composition of the amine off-gases produced.

**Recordkeeping:**

- 1) Twice per calendar year, the permittee shall record the amine unit off-gases and control method status of compliance for this emission source.
- 2) Monthly, the permittee shall record the volume, mass and composition of the amine unit off-gases produced.

3) The permittee shall meet the recordkeeping requirements in B109.
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<b>Reporting:</b> The permittee shall report in accordance with Section B110.
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### **A209 Fugitives**

- A. 40 CFR 60, Subpart KKK (Existing Equipment) (Units ES-14, ES-17, ES-50, VCS-COND, VRU-ES-40, and FUG) and 40 CFR Subpart OOOO (All New Equipment, FUG)

<b>Requirement:</b> For existing equipment (constructed, reconstructed or modified after January 20, 1984 and on or before August 23, 2011) that is subject to 40 CFR 60, Subpart KKK, the permittee shall comply with the applicable Leak Detection and Repair (LDAR) requirements of Subpart KKK. For new equipment (constructed, reconstructed or modified after August 23, 2011) associated with new units constructed under this permit that is subject to 40 CFR 60, Subpart OOOO the permittee shall comply with the requirements in §60.5400 through §60.5402.
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<b>Monitoring:</b> The permittee shall perform the applicable leak detection monitoring stated in §60.632 (existing equipment) and §60.5400 through §60.5402 and §60.5415 (new equipment).
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<b>Recordkeeping:</b> The permittee shall comply with the recordkeeping requirements of 40 CFR 60.635, §60.5420 and §60.5421 and 40 CFR 60.7, except when records are required to be maintained for a longer time period in accordance with Section B109.
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<b>Reporting:</b> The permittee shall comply with the semi-annual reporting requirements of 40 CFR 60.636, §60.5420 and §60.5422 and 40 CFR 60.7 and in accordance with Section B110.
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- B. Leak Detection and Repair Program – Units not subject to NSPS Subpart KKK or OOOO

<b>Requirement:</b> Compliance with the allowable emission limits in Table 106.A shall be demonstrated by repairing component leaks (>10,000 ppm) within 30 days of discovery on all equipment in contact with gas that has a weight percent of VOC greater than 10% (VOC service).
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This condition applies only to the units subject to the FUG emission limits in Table 106.A that are not subject to the Leak and Repair program required by NSPS subpart KKK or OOOO and Condition A209.A.

<b>Monitoring:</b> The permittee shall conduct an annual chemical analysis of the pipe contents; and an annual inspection of components in VOC service (VOC weight >10%). An inspection of components in VOC service shall also be performed within 15 days of any maintenance or repair that affects components. The permittee shall place a visible tag on all components that have a liquid leak or a vapor leak greater than 10,000 ppm until those components are repaired.
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<b>Recordkeeping:</b> The permittee shall maintain the following records.
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| <ol style="list-style-type: none"> <li>1) Component identification or description and location</li> <li>2) Date a leak is detected</li> <li>3) Dates of attempts to repair</li> <li>4) Designation of "repair delayed" and reason for delay if the leak is not repaired within 30 days of leak discovery</li> <li>5) Date of successful leak repair</li> </ol> |
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<b>Reporting:</b> The permittee shall report the following in accordance with Section B110:
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| <ol style="list-style-type: none"> <li>1) The number of leaking components discovered,</li> <li>2) The number of leaking components not repaired within 30 days, and</li> <li>3) The duration of the leaks that exceeded 30 days.</li> </ol> |
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C. Allowable Revisions to Fugitive Components (Unit FUG) (NSR Permit 0295M11, condition A209.C)

<p><b>Requirement:</b> Changes, additions, and deletions of fugitive components included in unit FUG are authorized by this permit without triggering a 20.2.72.219 NMAC or 20.2.74 NMAC Permit Revision. The permittee shall not make any changes to unit FUG if the change results in an exceedance of the allowable emission limits in Table 106.A, or if the change in components is part of a larger project that is a Modification as defined at 20.2.72.7.P NMAC, or a Major Modification as defined at 20.2.74.7.AE NMAC. The permittee will determine applicability and shall comply with all leak detection regulations and requirements for the components.</p>
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<p><b>Monitoring:</b> The permittee shall calculate emissions from any proposed changes to any fugitive component using Table 2-4 of the EPA Protocol for Equipment Leak Emission Estimates, EPA-453/R-95-017, November 1995, or alternative method with Department approval for comparison with the FUG VOC emissions limit <b>prior</b> to making the changes.</p>
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<p><b>Recordkeeping:</b> The permittee shall maintain a record of the date of any fugitive component change and the calculated emissions resulting from the change, and shall maintain records in accordance with Section B109.</p>
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<p><b>Reporting:</b> The permittee shall report in accordance with Section B110.</p>
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### A210 Cooling Tower

A. Cooling Tower Operations (Unit ES-62) (NSR Permit 0295M11, condition A210.A)

<p><b>Requirement:</b> Compliance with the allowable emission limits in Table 106.A shall be demonstrated by meeting the following requirements. These requirements apply to both units.</p>
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| <ol style="list-style-type: none"> <li>1) limit the Total Dissolved Solids (TDS) content for the cooling tower recirculating water system to 2,227 ppmw, based on a monthly rolling 12-month average;</li> <li>2) ensure that the drift eliminator is rated by the manufacturer at 0.05% drift or less; and</li> <li>3) ensure that the drift eliminator is present and in good working order.</li> </ol> |
|---|

<p>The permittee shall measure the Total Dissolved Solids (TDS) content of the recirculating water through direct laboratory analysis, or may use a conductivity meter on the recirculating water system for the cooling tower. The conversion factor between conductivity of the water and the TDS (conversion factor * conductivity (<math>\mu\text{mhos/cm}</math>) = TDS (ppmw)) shall be determined through laboratory analysis.</p>
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<p><b>Monitoring:</b> The permittee shall:</p>
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| <ol style="list-style-type: none"> <li>1) Monitor the recirculating water TDS content by direct laboratory analysis of the TDS or through use of conductivity meter values and correlated TDS on a monthly basis; and       <ol style="list-style-type: none"> <li>a. The conversion factor shall be developed by the permittee by independent laboratory measurement of at least 10 water samples with approximately evenly spaced measured TDS values that bracket the minimum and maximum values expected. The highest laboratory TDS sample used for the correlation shall be greater than the maximum allowable TDS of 2,227 ppmw.</li> </ol> </li> </ol> |
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2) Perform an annual inspection of the drift eliminator and perform any maintenance necessary to ensure the device operates according to the manufacturer's specifications.
<b>Recordkeeping:</b> The permittee shall maintain the following records: 1) Manufacturer's specifications demonstrating maximum capacities of the recirculating water pumps and the manufacturer's specification for the drift eliminator specified drift rate; 2) Monthly TDS and the monthly rolling 12-month average; 3) If a conductivity meter is installed, a record of the correlation between conductivity and TDS, any laboratory analyses used to determine the correlation, and all related calculations; 4) Annual drift eliminator inspection and any records of maintenance performed. The permittee shall maintain records in accordance with Section B109.
<b>Reporting:</b> The permittee shall report in accordance with Section B110.

#### **A211 40 CFR 64, Compliance Assurance Monitoring (CAM) Plan**

- A. 40 CFR 64, Compliance Assurance Monitoring (CAM) (Units Amine still vent, SELEXOL, AGI, Acid Gas Injection System, and Flare ES-50)

<b>Requirement:</b> Compliance Assurance Monitoring (CAM) contained in 40 CFR 64 applies to the AGI and its associated equipment. The permittee shall meet the requirements of the Provisions in Subparts 64.3(a) and (b); 64.7(d)(2); and 64.8, if applicable.
<b>Monitoring:</b> The permittee shall monitor the compressor discharge pressure (psig) per 40 CFR 64.3, and continue the monitoring operation per 40 CFR 64.7. The permittee shall comply with the measurement approach, performance criteria, and defined excursion for each indicator range or condition that is described in the approved CAM Plan in A211.B (40 CFR 64.6(c)). The frequency of data collection shall be at least once every 24 hours for the compressor discharge pressure per 40 CFR 64.3(b)(4)(iii).
<b>Recordkeeping:</b> The permittee shall meet the recordkeeping requirements of the CAM Plan and of 40 CFR 64.9(b).
<b>Reporting:</b> The permittee shall meet the reporting requirements in 40 CFR 64.9(a) and in Section B110. Pursuant to 40 CFR 64.7(e), the permittee shall document and promptly notify the Department's Permit Section, and modify the permit as necessary, of the need for improved monitoring or the need to modify existing indicator ranges or designated conditions pursuant to 40 CFR 64.7(e).

**B. CAM Plan for Units Amine still vent, SELEXOL, AGI, Acid Gas Injection System, and Flare ES-50**

**I. Background**

**A. Emissions Unit**

Description:	Amine Stills
Identification:	AU-01 and SELEXOL
Facility:	Indian Basis Gas Plant

**B. Applicable Regulation, Emission Limit, and Pre-CAM Monitoring Requirements**

Regulation:	Operation and reporting requirements created in NSR Permit 0295-M11 et seq. to establish federally enforceable recognition of the Amine Still.
Emission limits:	The Amine stills are not authorized to vent to the atmosphere.

Pre-CAM Monitoring Requirements: There are no pre-CAM monitoring requirements.

**C. Control Technology, Capture System, Bypass, PER**

Controls:	Acid Gas Injection System (Compressor, Injection Well) and Acid Gas Flare
Capture System:	N/A
Bypass:	Alternate scenario emissions are routed to the flare or acid gas injection system. No other bypass on still vent stream.
Potential pre-control device emissions:	Under 40 CFR 64.2. this is a CAM affected unit.
Potential post-control device emissions:	100% controlled, emission rate = 0 tpy for all pollutants from acid gas injection. 98% controlled for acid gas flare.

II. Monitoring Approach: The key elements of the monitoring approach are presented in the Conditions A208.B and C above.

III. Response to Excursion: Excursions of the AGI compressor injection pressure or flare system that monitors the presence of combustion or visual emissions will trigger an inspection, corrective action, and reporting. Maintenance personnel will inspect the compressor, injection well, or acid gas flare within 24 hours and make needed repairs as soon as practicable.



## CAM Plan (Unit AGI)

	Indicator No. 1	Other Monitoring/Verification
I. AGI Performance Indicator	<b>Compressor 5<sup>th</sup> stage discharge pressure</b>	Acid gas flow metering of acid gas flow to the AGI System.
II. Indicator Range	0 – 2050 psig	The permittee will investigate any excursion outside the specified range and perform corrective action as required. All information will be recorded and included in the required semi-annual Monitoring Report.
III. Performance Criteria		
a. Data Representativeness	Pressure is to be measured by a pressure transducer.	Acid gas flowrate is to be measured by a flowmeter.
b. QA/QC Practices/Criteria	Pressure transducer operation is verified no less frequently than annually.	Inlet gas flow meter is calibrated monthly.
c. Monitoring Frequency	Compressor discharge pressure is monitored once per calendar day.	Acid gas flowrate is monitored once per calendar day. AGI motor and compressor are maintained according to manufacturer's specifications.
d. Data Collection Procedures	Compressor discharge pressure is recorded once per calendar day. No observation is required on days when the AGI System is not operated.	Acid gas flowrate is recorded once per calendar day. Record any AGI System shutdowns. Report flaring of acid gas, as required.
e. Averaging Time	Daily discharge pressure recordings Annual pressure instrument calibration	Daily acid gas flowrate recordings Quarterly acid gas flow meter calibration

**Monitoring Justification** - Proper operation of the AGI System results in zero emissions to the atmosphere other than for SSM events. Proper operation of the system is verified by monitoring compressor discharge pressure. Compressor discharge pressure indicates that the acid gas from the Amine Sweetening System is being injected into the subterranean formation. Monitoring of this pressure can also indicate any problems with the injection well or injecting gas into the formation. A high compressor discharge pressure may indicate difficulty injecting gas into the formation. Based on general operations of AGI Systems, the compressor pressure range represented in the Monitoring Plan is representative. This can be tailored to specific sites as needed.

## CAM Plan Acid Gas Flare (Unit ES-50)

	<b>Indicator No. 1</b>	<b>Indicator No. 2</b>	<b>Indicator No. 3</b>
I. Indicator [64.4(a)(1)] Measurement Approach	Presence of combustion in the flare. The presence of combustion in the flare shall be monitored by a well-maintained Infer Red (IR) "Fire Eye" with alarm that signals non-combustion of gas.	Presence of Visible Emissions The flare should be monitored for visible emissions once during each week that the flare is operational, in accordance with 40 CFR 60.18(c)	Totalized flow volume Flow rate shall be measured continuously with a flow meter, and the volume shall be totalized once every 24hr period.
II. Indicator Range [64.4(a)(2)]	Flame present (sensed) or no flame present (sensed).	Visible emissions present or not present, in accordance with 40 CFR 60.18(c)	Flow rate should be within the operating velocities specified in NSPS Subpart 60.18 Efficient combustion is assumed if flow rates are within the operating velocities specified in NSPS Subpart 60.18.
III. Performance Criteria A. Data Representativeness [64.3(b)(1)]	Destruction depends upon the presence of a flame. If the flame is not present, VOCs and H <sub>2</sub> S are not being destroyed.		
B. QA/QC Practices and Criteria [64.3(b)(3)]	Proper operation of the flare achieved by maintaining the non-combustion IR "Fire Eye" with alarm system. Operators record the date and result of each such maintenance activity, and repairs or replacement are made as indicated.	Efficient combustion is assumed if no visible emissions are observed.	
C. Monitoring Frequency [64.3(b)(4)]	The IR "Fire Eye" and alarm system will be checked semi-annually for line of sight operation. Documentation will be kept onsite. Presence of the flare pilot flame will be monitored once per 24-hour period.	Visible emissions to be determined in accordance with Method 22 of Appendix A of 40 CFR 60 subpart A (40 CFR 60.18(f)(1)). Visible emissions monitoring to occur once each week that the flare is operational	Continuous monitoring with totalized flow rate measured once per 24hr period
D. Data Collection Procedures [64.3(b)(4)]	Records will be maintained of flare shutdown for any reason, including failure of to deliver fuel, and of inspection and maintenance to the flare and flare pilot. Not applicable.	Records shall be maintained of all visible emissions observations	Totalized flow recorded once per each 24 hr period that the flare is in operation
E. Averaging Period [64.3(b)(4)]		Visible emissions must not be visible except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.	24 hour

**PART B** GENERAL CONDITIONS**PART C** MISCELLANEOUS

**Air Quality Bureau**  
**TITLE V OPERATING PERMIT**  
**Issued under 20.2.70 NMAC**

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**PART B GENERAL CONDITIONS**

**B100 Introduction**

A. Not Applicable

**B101 Legal**

A. Permit Terms and Conditions (20.2.70 sections 7, 201.B, 300, 301.B, 302, 405 NMAC)

- (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, and 20.2.70.302.H.1 NMAC. 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. (20.2.70.302.A.2.a NMAC)
- (2) Emissions trading within a facility (20.2.70.302.H.2 NMAC)
  - (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.
- (3) 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. (20.2.70.302.A.2.b NMAC)
- (4) 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. (20.2.70.302.A.2.c NMAC)
- (5) 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. (20.2.70.302.A.2.f NMAC)

- (6) 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. (20.2.70.302.A.2.d NMAC)
- (7) This permit does not convey property rights of any sort, or any exclusive privilege. (20.2.70.302.A.2.e NMAC)
- (8) 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. (20.2.70.301.B NMAC)
- (9) 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. (20.2.70.302.A.6 NMAC and the New Mexico Air Quality Control Act NMSA 1978, Chapter 74, Article 2)
- (10) 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. (20.2.70.302.A.1.d NMAC)
- (11) A responsible official (as defined in 20.2.70.7.AE 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. (20.2.70.300.E NMAC)
- (12) Revocation or termination of this permit by the Department terminates the permittee's right to operate this facility. (20.2.70.201.B NMAC)
- (13) The permittee shall continue to comply with all applicable requirements. For applicable requirements that will become effective during the term of the permit, the permittee shall meet such requirements on a timely basis. (Sections 300.D.10.c and 302.G.3 of 20.2.70 NMAC)

B. Permit Shield (20.2.70.302.J NMAC)

- (1) 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 103.A. The requirements in Table 103.A are applicable to this facility with specific requirements identified for individual emission units.

- (2) The Department has determined that the requirements in Table 103.B as identified in the permit application are not applicable to this source, or they do not impose any conditions in this permit.
  - (3) This permit shield does not extend to administrative amendments (Subsection A of 20.2.70.404 NMAC), to minor permit modifications (Subsection B of 20.2.70.404 NMAC), to changes made under Section 502(b)(10), changes under Paragraph 1 of subsection H of 20.2.70.302 of the Federal Act, or to permit terms for which notice has been given to reopen or revoke all or part under 20.2.70.405 and 20.2.70.302J(6).
  - (4) This permit shall, 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. (20.2.70.302.A.1.f NMAC)
- C. The owner or operator of a source having an excess emission shall, to the extent practicable, operate the source, including associated air pollution control equipment, in a manner consistent with good air pollutant control practices for minimizing emissions. (20.2.7.109 NMAC). The establishment of allowable malfunction emission limits does not supersede this requirement.

**B102 Authority**

- A. This permit is issued 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.
- B. This permit authorizes the operation of this facility. This permit is valid only for the named permittee, owner, and operator. A permit modification is required to change any of those entities.
- C. 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. (20.2.70.302.A.1 NMAC)
- D. 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. 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. (20.2.70.302.A.5 NMAC)

- E. The Department is the Administrator for 40 CFR Parts 60, 61, and 63 pursuant to the Modification and Exceptions of Section 10 of 20.2.77 NMAC (NSPS), 20.2.78 NMAC (NESHAP), and 20.2.82 NMAC (MACT).

**B103 Annual Fee**

- A. The permittee shall pay Title V 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. (20.2.70.302.A.1.e NMAC)

**B104 Appeal Procedures**  
(20.2.70.403.A NMAC)

- A. 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 a hearing before the Environmental Improvement Board ("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, and attach a copy of the permitting action for which review is sought. Unless a timely request for a hearing is made, the decision of the Department shall be final. The petition shall be copied simultaneously to the Department upon receipt of the appeal notice. If the petitioner is not the applicant or permittee, the petitioner shall mail or hand-deliver a copy of the petition to the applicant or permittee. The Department shall certify the administrative record to the board. Petitions for a hearing shall be sent to:

For Mailing:  
Administrator, New Mexico Environmental Improvement Board  
P.O. Box 5469  
Santa Fe, NM 87502-5469

For Hand Delivery:  
Administrator, New Mexico Environmental Improvement Board  
1190 St. Francis Drive, Harold Runnels Bldg.  
Santa Fe, New Mexico 87505

**B105 Submittal of Reports and Certifications**

- A. Stack Test Protocols and Stack Test Reports shall be submitted electronically to [Stacktest.AQB@state.nm.us](mailto:Stacktest.AQB@state.nm.us) or as directed by the Department.
- B. Excess Emission Reports shall be submitted as directed by the Department. (20.2.7.110 NMAC)
- C. Compliance Certification Reports, Semi-Annual monitoring 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 the mailing address below, or as directed by the Department:

Manager, Compliance and Enforcement Section  
New Mexico Environment Department  
Air Quality Bureau  
525 Camino de los Marquez Suite 1  
Santa Fe, NM 87505-1816

- D. Compliance Certification Reports shall also be submitted to the Administrator at the address below (20.2.70.302.E.3 NMAC):

Chief, Air Enforcement Section  
US EPA Region-6, 6MM-AP  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

**B106 NSPS and/or MACT Startup, Shutdown, and Malfunction Operations**

- A. If a facility is subject to a NSPS standard in 40 CFR 60, each owner or operator that installs and operates a continuous monitoring device required by a NSPS regulation shall comply with the excess emissions reporting requirements in accordance with 40 CFR 60.7(c).
- B. If a facility is subject to a NSPS standard in 40 CFR 60, then in accordance with 40 CFR 60.8(c), operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.
- C. If a facility is subject to a MACT standard in 40 CFR 63, then the facility is subject to the requirement for a Startup, Shutdown and Malfunction Plan (SSM) under 40 CFR 63.6(e)(3), unless specifically exempted in the applicable subpart. (20.2.70.302.A.1 and A.4 NMAC)

**B107 Startup, Shutdown, and Maintenance Operations**

- A. The establishment of permitted startup, shutdown, and maintenance (SSM) emission limits does not supersede the requirements of 20.2.7.14.A NMAC. Except for operations or equipment subject to Condition B106, the permittee shall establish and implement a plan to minimize emissions during routine or predictable start up, shut down, and scheduled maintenance (SSM work practice plan) and shall operate in accordance with the procedures set forth in the plan. (20.2.7.14.A NMAC)

**B108 General Monitoring Requirements**  
(20.2.70. 302.A and C NMAC)



- A. These requirements do not supersede or relax requirements of federal regulations.
- B. 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 over the applicable averaging period greater than an emission limit in this permit constitutes 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; but 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.
- C. If the emission unit is shutdown at the time when periodic monitoring is due to be completed, the permittee is not required to restart the unit for the sole purpose of conducting the monitoring. Using electronic or written mail, the permittee shall notify the Department's Compliance and Enforcement Section of a delay in emission tests prior to the deadline for completing the tests. Upon recommencing operation, the permittee shall submit pre-test notification(s) to the Department's Compliance and Enforcement Section and shall complete the monitoring.
- D. The requirement for monitoring during any monitoring period is based on the percentage of time that the unit has operated. However, to invoke monitoring period exemptions at B108.D(2), hours of operation shall be monitored and recorded.
- (1) If the emission unit has operated for more than 25% of a monitoring period, then the permittee shall conduct monitoring during that period.
  - (2) If the emission unit has operated for 25% or less of a monitoring period then the monitoring is not required. After two successive periods without monitoring, the permittee shall conduct monitoring during the next period regardless of the time operated during that period, except that for any monitoring period in which a unit has operated for less than 10% of the monitoring period, the period will not be considered as one of the two successive periods.
  - (3) If invoking the monitoring period exemption in B108.D(2), the actual operating time of a unit shall not exceed the monitoring period required by this permit before the required monitoring is performed. For example, if the monitoring period is annual, the operating hours of the unit shall not exceed 8760 hours before monitoring is conducted. Regardless of the time that a unit actually operates, a minimum of one of each type of monitoring activity shall be conducted during the five year term of this permit.
- E. For all periodic monitoring events, except when a federal or state regulation is more stringent, three test runs shall be conducted at 90% or greater of the unit's capacity as stated in this permit, or in the permit application if not in the permit, and at additional loads when requested by the Department. If the 90% capacity cannot be achieved, the monitoring will

be conducted at the maximum achievable load under prevailing operating conditions except when a federal or state regulation requires more restrictive test conditions. The load and the parameters used to calculate it shall be recorded to document operating conditions and shall be included with the monitoring report.

- F. When requested by the Department, the permittee shall provide schedules of testing and monitoring activities. Compliance tests from previous NSR and Title V permits may be re-imposed if it is deemed necessary by the Department to determine whether the source is in compliance with applicable regulations or permit conditions.
- G. If monitoring is new or is in addition to monitoring imposed by an existing applicable requirement, it shall become effective 120 days after the date of permit issuance. For emission units that have not commenced operation, the associated new or additional monitoring shall not apply until 120 days after the units commence operation. All pre-existing monitoring requirements incorporated in this permit shall continue to apply from the date of permit issuance. All monitoring periods, unless stated otherwise in the specific permit condition or federal requirement, shall commence at the beginning of the 12 month reporting period as defined at condition A109.B.
- H. Unless otherwise indicated by Specific Conditions or regulatory requirements, all instrumentation used to measure parameters including but not limited to flow, temperature, pressure and chemical composition, or used to continuously monitor emission rates and/or other process operating parameters, shall be subject to the following requirements:
  - (1) The owner or operator shall install, calibrate, operate and maintain monitoring instrumentation (monitor) according to the manufacturer's procedures and specifications and the following requirements.
    - (a) The monitor shall be located in a position that provides a representative measurement of the parameter that is being monitored.
    - (b) At a minimum, the monitor shall complete one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.
    - (c) At a minimum, the monitor shall be spanned to measure the normal range +/- 5% of the parameter that is being monitored.
    - (d) At least semi-annually, perform a visual inspection of all components of the monitor for physical and operational integrity and all electrical connections for oxidation and galvanic corrosion.
    - (e) Recalibrate the monitor in accordance with the manufacturer's procedures and specifications at the frequency specified by the manufacturer, or every two years, whichever is less.
  - (2) Except for malfunctions, associated repairs, and required quality assurance or control activities (including calibration checks and required zero and span adjustments), the permittee shall operate and maintain all monitoring equipment at all times that the emissions unit or the associated process is operating.

- (3) The monitor shall measure data for a minimum of 90 percent of the time that the emissions unit or the associated process is in operation, based on a calendar monthly average.
  - (4) The owner or operator shall maintain records in accordance with Section B109 to demonstrate compliance with the requirements in B108H (1)-(3) above, as applicable.
- I. The permittee is not required to report a deviation for any monitoring or testing in a Specific Condition if the deviation was authorized in this General Condition B108.

**B109 General Recordkeeping Requirements**  
(20.2.70.302.D NMAC)

- A. The permittee shall maintain records to assure and verify compliance with the terms and conditions of this permit and any applicable requirements that become effective during the term of this permit. The minimum information to be included in these records is as follows (20.2.70.302.D.1 NMAC):
- (1) Records required for testing and sampling:
    - (a) equipment identification (include make, model and serial number for all tested equipment and emission controls)
    - (b) date(s) and time(s) of sampling or measurements
    - (c) date(s) analyses were performed
    - (d) the qualified entity that performed the analyses
    - (e) analytical or test methods used
    - (f) results of analyses or tests
    - (g) operating conditions existing at the time of sampling or measurement
  - (2) Records required for equipment inspections and/or maintenance required by this permit:
    - (a) equipment identification number (including make, model and serial number)
    - (b) date(s) and time(s) of inspection, maintenance, and/or repair
    - (c) date(s) any subsequent analyses were performed (if applicable)
    - (d) name of the person or qualified entity conducting the inspection, maintenance, and/or repair
    - (e) copy of the equipment manufacturer's or the owner or operator's maintenance or repair recommendations (if required to demonstrate compliance with a permit condition)
    - (f) description of maintenance or repair activities conducted

- (g) all results of any required parameter readings
  - (h) a description of the physical condition of the equipment as found during any required inspection
  - (i) results of required equipment inspections including a description of any condition which required adjustment to bring the equipment back into compliance and a description of the required adjustments
- B. The permittee shall keep records of all monitoring data, equipment calibration, maintenance, and inspections, Data Acquisition and Handling System (DAHS) if used, reports, and other supporting information required by this permit for at least five (5) years from the time the data was gathered or the reports written. Each record shall clearly identify the emissions unit and/or monitoring equipment, and the date the data was gathered. (20.2.70.302.D.2 NMAC)
- C. If the permittee has applied and received approval for an alternative operating scenario, then the permittee shall maintain a log at the facility, which documents, contemporaneously with any change from one operating scenario to another, the scenario under which the facility is operating. (20.2.70.302.A.3 NMAC)
- D. 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. (20.2.70.302.I.2 NMAC)
- E. Unless otherwise indicated by Specific Conditions, the permittee shall keep the following records for malfunction emissions and routine and predictable emissions during startup, shutdown, and scheduled maintenance (SSM):
  - (1) The owner or operator of a source subject to a permit, shall establish and implement a plan to minimize emissions during routine or predictable startup, shutdown, and scheduled maintenance through work practice standards and good air pollution control practices. This requirement shall not apply to any affected facility defined in and subject to an emissions standard and an equivalent plan under 40 CFR Part 60 (NSPS), 40 CFR Part 63 (MACT), or an equivalent plan under 20.2.72 NMAC - Construction Permits, 20.2.70 NMAC - Operating Permits, 20.2.74 NMAC - Permits - Prevention of Significant Deterioration (PSD), or 20.2.79 NMAC - Permits - Nonattainment Areas. (20.2.7.14.A NMAC) The permittee shall keep records of all sources subject to the plan to minimize emissions during routine or predictable SSM and shall record if the source is subject to an alternative plan and therefore, not subject to the plan requirements under 20.2.7.14.A NMAC.
  - (2) If the facility has allowable SSM emission limits in this permit, the permittee shall record all SSM events, including the date, the start time, the end time, a description of the event, and a description of the cause of the event. This record also shall include a copy of the manufacturer's, or equivalent, documentation showing that any maintenance qualified as scheduled. Scheduled maintenance is an activity that

occurs at an established frequency pursuant to a written protocol published by the manufacturer or other reliable source. The authorization of allowable SSM emissions does not supersede any applicable federal or state standard. The most stringent requirement applies.

- (3) If the facility has allowable malfunction emission limits in this permit, the permittee shall record all malfunction events to be applied against these limits. The permittee shall also include the date, the start time, the end time, and a description of the event. **Malfunction means** any sudden and unavoidable failure of air pollution control equipment or process equipment beyond the control of the owner or operator, including malfunction during startup or shutdown. A failure that is caused entirely or in part by poor maintenance, careless operation, or any other preventable equipment breakdown shall not be considered a malfunction. (20.2.7.7.E NMAC) The authorization of allowable malfunction emissions does not supersede any applicable federal or state standard. The most stringent requirement applies. This authorization only allows the permittee to avoid submitting reports under 20.2.7 NMAC for total annual emissions that are below the authorized malfunction emission limit.
- (4) The owner or operator of a source shall meet the operational plan defining the measures to be taken to mitigate source emissions during malfunction, startup or shutdown. (20.2.72.203.A(5) NMAC)

**B110 General Reporting Requirements**  
(20.2.70.302.E NMAC)

- A. Reports of required monitoring activities for this facility shall be submitted to the Department on the schedule in section A109. Monitoring and recordkeeping requirements that are not required by a NSPS or MACT shall be maintained on-site or (for unmanned sites) at the nearest company office, and summarized in the semi-annual reports, unless alternative reporting requirements are specified in the equipment specific requirements section of this permit.
- B. Reports shall clearly identify the subject equipment showing the emission unit ID number according to this operating permit. In addition, all instances of deviations from permit requirements, including those that occur during emergencies, shall be clearly identified in the reports required by section A109. (20.2.70.302.E.1 NMAC)
- C. The permittee shall submit reports of all deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. These reports shall be submitted as follows:
  - (1) Deviations resulting in excess emissions as defined in 20.2.7.7 NMAC (including those classified as emergencies as defined in section B114.A) shall be reported in

- accordance with the timelines specified by 20.2.7.110 NMAC and in the semi-annual reports required in section A109. (20.2.70.302.E.2 NMAC)
- (2) All other deviations shall be reported in the semi-annual reports required in section A109. (20.2.70.302.E.2 NMAC).
- D. The permittee shall submit reports of excess emissions in accordance with 20.2.7.110.A NMAC.
- E. Allowable Emission Limits for Excess Emissions Reporting for Flares and Other Regulated Sources with No Pound per Hour (pph) and/or Ton per Year (tpy) Emission Limits.
- (1) When a flare has no allowable pph and/or tpy emission limits in Sections A106 and/or A107, the authorized allowable emissions include only the combustion of pilot and/or purge gas. Compliance is demonstrated by limiting the gas stream to the flare to only pilot and/or purge gas.
- (2) For excess emissions reporting as required by 20.2.7 NMAC, the allowable emission limits are 1.0 pph and 1.0 tpy for each regulated air pollutant (except for H<sub>2</sub>S) emitted by that source as follows:
- (a) For flares, when there are no allowable emission limits in Sections A106 and/or A107.
- (b) For regulated sources with emission limits in Sections A106 or A107 represented by the less than sign (“<”).
- (c) For regulated sources that normally would not emit any regulated air pollutants, including but not limited to vents, pressure relief devices, connectors, etc.
- (3) For excess emissions reporting as required by 20.2.7 NMAC for H<sub>2</sub>S, the allowable limits are 0.1 pph and 0.44 tpy for each applicable scenario addressed in paragraph (2) above.
- F. Results of emission tests and monitoring for each pollutant (except opacity) shall be reported in pounds per hour (unless otherwise specified) and tons per year. Opacity shall be reported in percent. The number of significant figures corresponding to the full accuracy inherent in the testing instrument or Method test used to obtain the data shall be used to calculate and report test results in accordance with 20.2.1.116.B and C NMAC. Upon request by the Department, CEMS and other tabular data shall be submitted in editable, MS Excel format.
- G. At such time as new units are installed as authorized by the applicable NSR Permit, the permittee shall fulfill the notification requirements in the NSR permit.
- H. Periodic Emissions Test Reporting: The permittee shall report semi-annually a summary of the test results.

- I. The permittee shall submit an emissions inventory report for this facility in accordance with the schedule in subparagraph (5), provided one or more of the following criteria is met in subparagraphs (1) to (4): (20.2.73 NMAC)
- (1) The facility emits, or has the potential to emit, 5 tons per year or more of lead or lead compounds, or 100 tons per year or more of PM10, PM2.5, sulfur oxides, nitrogen oxides, carbon monoxide, or volatile organic compounds.
  - (2) The facility is defined as a major source of hazardous air pollutants under 20.2.70 NMAC (Operating Permits).
  - (3) The facility is located in an ozone nonattainment area and which emits, or has the potential to emit, 25 tons per year or more of nitrogen oxides or volatile organic compounds.
  - (4) Upon request by the department.
  - (5) The permittee shall submit the emissions inventory report by April 1 of each year, unless a different deadline is specified by the current operating permit.
- J. Emissions trading within a facility (20.2.70.302.H.2 NMAC)
- (1) 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.
  - (2) The permittee and department shall attach each such notice to their copy of the relevant permit.

### **B111 General Testing Requirements**

Unless otherwise indicated by Specific Conditions or regulatory requirements, the permittee shall conduct testing in accordance with the requirements in Sections B111A, B, C, D and E, as applicable.

#### **A. Initial Compliance Tests**

The permittee shall conduct initial compliance tests in accordance with the following requirements:

- (1) Initial compliance test requirements from previous permits (if any) are still in effect, unless the tests have been satisfactorily completed. Compliance tests may be re-imposed if it is deemed necessary by the Department to determine whether the source is in compliance with applicable regulations or permit conditions. (20.2.72 NMAC Sections 210.C and 213)
- (2) Initial compliance tests shall be conducted within sixty (60) days after the unit(s) achieve the maximum normal production rate. If the maximum normal production rate does not occur within one hundred twenty (120) days of source startup, then

the tests must be conducted no later than one hundred eighty (180) days after initial startup of the source.

- (3) The default time period for each test run shall be at least 60 minutes and each performance test shall consist of three separate runs using the applicable test method. For the purpose of determining compliance with an applicable emission limit, the arithmetic mean of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the Department approval, be determined using the arithmetic mean of the results of the two other runs.
- (4) Testing of emissions shall be conducted with the emissions unit operating at 90 to 100 percent of the maximum operating rate allowed by the permit. If it is not possible to test at that rate, the source may test at a lower operating rate.
- (5) Testing performed at less than 90 percent of permitted capacity will limit emission unit operation to 110 percent of the tested capacity until a new test is conducted.
- (6) If conditions change such that unit operation above 110 percent of tested capacity is possible, the source must submit a protocol to the Department within 30 days of such change to conduct a new emissions test.

#### B. EPA Reference Method Tests

The test methods in Section B111.B(1) shall be used for all initial compliance tests and all Relative Accuracy Test Audits (RATAs), and shall be used if a permittee chooses to use EPA test methods for periodic monitoring. Test methods that are not listed in Section B111.B(1) may be used in accordance with the requirements at Section B111.B(2).

- (1) All compliance tests required by this permit shall be conducted in accordance with the requirements of CFR Title 40, Part 60, Subpart A, General Provisions, and the following EPA Reference Methods as specified by CFR Title 40, Part 60, Appendix A:
  - (a) Methods 1 through 4 for stack gas flowrate
  - (b) Method 5 for particulate matter (PM)
  - (c) Method 6C for SO<sub>2</sub>
  - (d) Method 7E for NO<sub>x</sub> (test results shall be expressed as nitrogen dioxide (NO<sub>2</sub>) using a molecular weight of 46 lb/lb-mol in all calculations (each ppm of NO/NO<sub>2</sub> is equivalent to 1.194 x 10<sup>-7</sup> lb/SCF)
  - (e) Method 9 for visual determination of opacity
  - (f) Method 10 for CO



- (g) Method 19 for particulate, sulfur dioxide and nitrogen oxides emission rates. In addition, Method 19 may be used in lieu of Methods 1-4 for stack gas flowrate. The permittee shall provide a contemporaneous fuel gas analysis (preferably on the day of the test, but no earlier than three months prior to the test date) and a recent fuel flow meter calibration certificate (within the most recent quarter) with the final test report.
  - (h) Method 7E or 20 for Turbines per §60.335 or §60.4400
  - (i) Method 22 for visual determination of fugitive emissions from material sources and smoke emissions from flares
  - (j) Method 25A for VOC reduction efficiency
  - (k) Method 29 for Metals
  - (l) Method 30B for Mercury from Coal-Fired Combustion Sources Using Carbon Sorbent Traps
  - (m) Method 201A for filterable PM<sub>10</sub> and PM<sub>2.5</sub>
  - (n) Method 202 for condensable PM
  - (o) Method 320 for organic Hazardous Air Pollutants (HAPs)
- (2) Permittees may propose test method(s) that are not listed in Section B111.B(1). These methods may be used if prior approval is received from the Department.

C. Periodic Monitoring and Portable Analyzer Requirements for the Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters

Periodic emissions tests (periodic monitoring) shall be conducted in accordance with the following requirements:

- (1) Periodic emissions tests may be conducted in accordance with EPA Reference Methods or by utilizing a portable analyzer. Periodic monitoring utilizing a portable analyzer shall be conducted in accordance with the requirements of the current version of ASTM D 6522. However, if a facility has met a previously approved Department criterion for portable analyzers, the analyzer may be operated in accordance with that criterion until it is replaced.
- (2) The default time period for each test run shall be **at least 20 minutes**.  
Each performance test shall consist of three separate runs. The arithmetic mean of results of the three runs shall be used to determine compliance with the applicable emission limit.
- (3) Testing of emissions shall be conducted in accordance with the requirements at Section B108.E.
- (4) During emissions tests, pollutant and diluent concentration shall be monitored and recorded. Fuel flow rate shall be monitored and recorded if stack gas flow rate is

determined utilizing Reference Method 19. This information shall be included with the test report furnished to the Department.

- (5) Stack gas flow rate shall be calculated in accordance with Reference Method 19 utilizing fuel flow rate (scf) determined by a dedicated fuel flow meter and fuel heating value (Btu/scf). The permittee shall provide a contemporaneous fuel gas analysis (preferably on the day of the test, but no earlier than three months prior to the test date) and a recent fuel flow meter calibration certificate (within the most recent quarter) with the final test report. Alternatively, stack gas flow rate may be determined by using EPA Reference Methods 1-4.
- (6) The permittee shall submit a notification and protocol for periodic emissions tests upon the request of the Department.

#### D. Initial Compliance Test and RATA Procedures

Permittees required to conduct initial compliance tests and/or RATAs shall comply with the following requirements:

- (1) The permittee shall submit a notification and test protocol to the Department's Program Manager, Compliance and Enforcement Section, at least thirty (30) days before the test date and allow a representative of the Department to be present at the test. Proposals to use test method(s) that are not listed in Section B111.B(1) (if applicable) shall be included in this notification.
- (2) Contents of test notifications, protocols and test reports shall conform to the format specified by the Department's Universal Test Notification, Protocol and Report Form and Instructions. Current forms and instructions are posted to NMED's Air Quality web site under Compliance and Enforcement Testing.
- (3) The permittee shall provide (a) sampling ports adequate for the test methods applicable to the facility, (b) safe sampling platforms, (c) safe access to sampling platforms and (d) utilities for sampling and testing equipment.
- (4) Where necessary to prevent cyclonic flow in the stack, flow straighteners shall be installed

#### E. General Compliance Test Procedures

The following requirements shall apply to all initial compliance and periodic emissions tests and all RATAs:

- (1) Equipment shall be tested in the "as found" condition. Equipment may not be adjusted or tuned prior to any test for the purpose of lowering emissions, and then returned to previous settings or operating conditions after the test is complete.
- (2) The stack shall be of sufficient height and diameter and the sample ports shall be located so that a representative test of the emissions can be performed in accordance with the requirements of EPA Reference Method 1 or the current version of ASTM D 6522, as applicable.

- (3) Test reports shall be submitted to the Department no later than 30 days after completion of the test.

**B112 Compliance**

- A. The Department shall be given the right to enter the facility at all reasonable times to verify the terms and conditions of this permit. Required records shall be organized by date and subject matter and shall at all times be readily available for inspection. The permittee, upon verbal or written request from an authorized representative of the Department who appears at the facility, shall immediately produce for inspection or copying any records required to be maintained at the facility. Upon written request at other times, the permittee shall deliver to the Department paper or electronic copies of any and all required records maintained on site or at an off-site location. Requested records shall be copied and delivered at the permittee's expense within three business days from receipt of request unless the Department allows additional time. Required records may include records required by permit and other information necessary to demonstrate compliance with terms and conditions of this permit. (NMSA 1978, Section 74-2-13)
- B. A copy of the most recent permit(s) issued by the Department shall be kept at the permitted facility or (for unmanned sites) at the nearest company office and shall be made available to Department personnel for inspection upon request. (20.2.70.302.G.3 NMAC)
- C. Emissions limits associated with the energy input of a Unit, i.e. lb/MMBtu, shall apply at all times unless stated otherwise in a Specific Condition of this permit. The averaging time for each emissions limit, including those based on energy input of a Unit (i.e. lb/MMBtu) is one (1) hour unless stated otherwise in a Specific Condition of this permit or in the applicable requirement that establishes the limit. (20.2.70.302.A.1 and G.3 NMAC)
- D. The permittee shall submit compliance certification reports certifying the compliance status of this facility with respect to all permit terms and conditions, including applicable requirements. These reports shall be made on the pre-populated Compliance Certification Report Form that is provided to the permittee by the Department, and shall be submitted to the Department and to EPA at least every 12 months. For the most current form, please contact the Compliance Reports Group at: [submittals.aqb@state.nm.us](mailto:submittals.aqb@state.nm.us). For additional reporting guidance see <https://www.env.nm.gov/air-quality/compliance-submittal-forms/> (20.2.70.302.E.3 NMAC)
- E. 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 (20.2.70.302.G.1 NMAC):
  - (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;
  - (2) have access to and copy, at reasonable times, any records that are required by this permit to be maintained;

- (3) inspect any facilities, equipment (including monitoring and air pollution control equipment), work practices or operations regulated or required under this permit; and
- (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.

**B113 Permit Reopening and Revocation**

- A. This permit will be reopened and revised when any one of the following conditions occurs, and may be revoked and reissued when A(3) or A(4) occurs. (20.2.70.405.A.1 NMAC)
- (1) Additional applicable requirements under the Federal Act become applicable to a major 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.
  - (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.
  - (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.
  - (4) The Department or the Administrator determines that the permit must be revised or revoked and reissued to assure compliance with an applicable requirement.
- B. 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. (20.2.70.405.A.2 NMAC)

**B114 Emergencies**  
(20.2.70.304 NMAC)

- 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 technology-based emission limitations contained in this permit 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) This 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 this permit; and
  - (4) The permittee submitted notice of the emergency to the Department within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of 20.2.70.302.E.2 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.

**B115 Stratospheric Ozone**  
(20.2.70.302.A.1 NMAC)

- A. If this facility is subject to 40 CFR 82, Subpart F, the permittee shall comply with the following standards for recycling and emissions reductions:
- (1) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices, except for motor vehicle air conditioners (MVAC) and MVAC-like appliances. (40 CFR 82.156)
  - (2) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment. (40 CFR 82.158)
  - (3) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program. (40 CFR 82.161)

**B116 Acid Rain Sources**  
(20.2.70.302.A.9 NMAC)

- A. If this facility is subject to the federal acid rain program under 40 CFR 72, this section applies.

- B. 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.
- C. Emissions exceeding any allowances held by the permittee under Title IV of the Federal Act or the regulations promulgated thereunder are prohibited.
- D. 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.
- E. The permittee may not use allowances as a defense to noncompliance with any other applicable requirement.
- F. 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.
- G. The acid rain permit is an enclosure of this operating permit.

**B117 Risk Management Plan**  
(20.2.70.302.A.1 NMAC)

- A. If this facility is subject to the federal risk management program under 40 CFR 68, this section applies.
- B. The owner or operator shall certify annually that they have developed and implemented a RMP and are in compliance with 40 CFR 68.
- C. If the owner or operator of the facility has not developed and submitted a risk management plan according to 40 CFR 68.150, the owner or operator shall provide a compliance schedule for the development and implementation of the plan. The plan shall describe, in detail, procedures for assessing the accidental release hazard, preventing accidental releases, and developing an emergency response plan to an accidental release. The plan shall be submitted in a method and format to a central point as specified by EPA prior to the date specified in 40 CFR 68.150.b.

**PART C MISCELLANEOUS****C100 Supporting On-Line Documents**

- A. Copies of the following documents can be downloaded from NMED's web site under Compliance and Enforcement or requested from the Bureau.
- (1) Excess Emission Form (for reporting deviations and emergencies)
  - (2) Compliance Certification Report Form
  - (3) Universal Stack Test Notification, Protocol and Report Form and Instructions

**C101 Definitions**

- A. **"Daylight"** is defined as the time period between sunrise and sunset, as defined by the Astronomical Applications Department of the U.S. Naval Observatory. (Data for one day or a table of sunrise/sunset for an entire year can be obtained at <http://aa.usno.navy.mil/>. Alternatively, these times can be obtained from a Farmers Almanac or from <http://www.almanac.com/rise/>).
- B. **"Decommission"** and **"Decommissioning"** applies to units left on site (not removed) and is defined as the complete disconnecting of equipment, emission sources or activities from the process by disconnecting all connections necessary for operation (i.e. piping, electrical, controls, ductwork, etc.).
- C. **"Exempt Sources"** and **"Exempt Activities"** is defined as those sources or activities that are exempted in accordance with 20.2.72.202 NMAC. Note; exemptions are only valid for most 20.2.72 permitting action.
- D. **"Fugitive emission"** means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. (20.2.70.7M NMAC)
- E. **"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. (20.2.70.7Q NMAC)
- F. **"Malfunction"** for the requirements under 20.2.7 NMAC, means any sudden and unavoidable failure of air pollution control equipment or process equipment beyond the control of the owner or operator, including malfunction during startup or shutdown. A failure that is caused entirely or in part by poor maintenance, careless operation, or any other preventable equipment breakdown shall not be considered a malfunction.
- G. **"Natural Gas"** is defined as a naturally occurring fluid mixture of hydrocarbons that contains 20.0 grains or less of total sulfur per 100 standard cubic feet (SCF) and is either

composed of at least 70% methane by volume or has a gross calorific value of between 950 and 1100 Btu per standard cubic foot. (40 CFR 60.331)

- H. **“Natural Gas Liquids”** means the hydrocarbons, such as ethane, propane, butane, and pentane, that are extracted from field gas. (40 CFR 60.631)
- I. **“National Ambient Air Quality Standards”** means the primary (health-based) and secondary (welfare-related) federal ambient air quality standards promulgated by the US EPA pursuant to Section 109 of the Federal Act. (20.2.72.7Q NMAC)
- J. **“NO<sub>2</sub>” or “Nitrogen dioxide”** means the chemical compound containing one atom of nitrogen and two atoms of oxygen, for the purposes of ambient determinations. The term **“nitrogen dioxide,”** for the purposes of stack emissions monitoring, shall include nitrogen dioxide (the chemical compound containing one atom of nitrogen and two atoms of oxygen), nitric oxide (the chemical compound containing one atom of nitrogen and one atom of oxygen), and other oxides of nitrogen which may test as nitrogen dioxide and is sometimes referred to as NO<sub>x</sub> or NO<sub>2</sub>. (20.2.2.7U NMAC)
- K. **“NO<sub>x</sub>”** see NO<sub>2</sub>
- L. **“Paved Road”** is a road with a permanent solid surface that can be swept essentially free of dust or other material to reduce air re-entrainment of particulate matter. To the extent these surfaces remain solid and contiguous they qualify as paved roads: concrete, asphalt, chip seal, recycled asphalt and other surfaces approved by the Department in writing.
- M. **“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. (20.2.72.7Y NMAC)
- N. **“Restricted Area-Non Military”** is an area to which public entry is effectively precluded. Effective barriers include continuous fencing, continuous walls, or other continuous barriers approved by the Department, such as rugged physical terrain with a steep grade that would require special equipment to traverse. If a large property is completely enclosed by fencing, a restricted area within the property may be identified with signage only. Public roads cannot be part of a Restricted Area.
- O. **“Shutdown”** for requirements under 20.2.72.7BB NMAC, 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.



- P. **"SSM"** for requirements under 20.2.7 NMAC, means routine or predictable startup, shutdown, or scheduled maintenance.
  - (1) **"Shutdown"** for requirements under 20.2.7.7H NMAC, means the cessation of operation of any air pollution control equipment or process equipment.
  - (2) **"Startup"** for requirements under 20.2.7.7I NMAC, means the setting into operation of any air pollution control equipment or process equipment.
  
- Q. **"Startup"** for requirements under 20.2.72.7DD NMAC, 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.

**C102 Acronyms**

2SLB .....	2-stroke lean burn
4SLB .....	4-stroke lean burn
4SRB .....	4-stroke rich burn
acfm.....	actual cubic feet per minute
AFR.....	air fuel ratio
AP-42 .....	EPA Air Pollutant Emission Factors
AQB .....	Air Quality Bureau
AQCR .....	Air Quality Control Region
ASTM .....	American Society for Testing & Materials
Btu.....	British thermal unit
CAA .....	Clean Air Act of 1970 and 1990 Amendments
CEM.....	continuous emissions monitoring
cfh .....	cubic feet per hour
cfm .....	cubic feet per minute
CFR.....	Code of Federal Regulation
CI .....	compression ignition
CO .....	carbon monoxide
COMS .....	continuous opacity monitoring system
EIB .....	Environmental Improvement Board
EPA.....	United States Environmental Protection Agency
gr/100 cf.....	grains per one hundred cubic feet
gr/dscf .....	grains per dry standard cubic foot
GRI.....	Gas Research Institute
H <sub>2</sub> S .....	hydrogen sulfide
HAP.....	hazardous air pollutant
hp .....	horsepower
IC .....	Internal Combustion
KW/hr .....	kilowatts per hour
lb/hr.....	pounds per hour
lb/MMBtu .....	pounds per million British thermal unit
MACT .....	Maximum Achievable Control Technology

MMcf/hr	million cubic feet per hour
MMscf	million standard cubic feet
N/A	not applicable
NAAQS	National Ambient Air Quality Standards
NESHAP	National Emission Standards for Hazardous Air Pollutants
NG	natural gas
NGL	natural gas liquids
NMAAQs	New Mexico Ambient Air Quality Standards
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NMSA	New Mexico Statutes Annotated
NOx	nitrogen oxides
NSCR	non-selective Catalytic Reduction
NSPS	New Source Performance Standard
NSR	New Source Review
PEM	parametric emissions monitoring
PM	particulate matter (equivalent to TSP, total suspended particulate)
PM <sub>10</sub>	particulate matter 10 microns and less in diameter
PM <sub>2.5</sub>	particulate matter 2.5 microns and less in diameter
pph	pounds per hour
ppmv	parts per million by volume
PSD	Prevention of Significant Deterioration
RATA	relative accuracy test assessment
RICE	reciprocating internal combustion engine
rpm	revolutions per minute
scfm	standard cubic feet per minute
SI	spark ignition
SO <sub>2</sub>	sulfur dioxide
SSM	Startup Shutdown Maintenance (see SSM definition)
TAP	Toxic Air Pollutant
TBD	to be determined
THC	total hydrocarbons
TSP	Total Suspended Particulates
tpy	tons per year
ULSD	ultra-low sulfur diesel
USEPA	United States Environmental Protection Agency
UTM	Universal Transverse Mercator Coordinate System
UTMH	Universal Transverse Mercator Horizontal
UTMV	Universal Transverse Mercator Vertical
VHAP	volatile hazardous air pollutant
VOC	volatile organic compounds

**Air Quality Bureau**  
**TITLE V OPERATING PERMIT**  
**Issued under 20.2.70 NMAC**

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**PART B GENERAL CONDITIONS**

**B100 Introduction**

A. Not Applicable

**B101 Legal**

A. Permit Terms and Conditions (20.2.70 sections 7, 201.B, 300, 301.B, 302, 405 NMAC)

- (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, and 20.2.70.302.H.1 NMAC. 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. (20.2.70.302.A.2.a NMAC)
- (2) Emissions trading within a facility (20.2.70.302.H.2 NMAC)
  - (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.
- (3) 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. (20.2.70.302.A.2.b NMAC)
- (4) 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. (20.2.70.302.A.2.c NMAC)
- (5) 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. (20.2.70.302.A.2.f NMAC)

- (6) 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. (20.2.70.302.A.2.d NMAC)
- (7) This permit does not convey property rights of any sort, or any exclusive privilege. (20.2.70.302.A.2.e NMAC)
- (8) 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. (20.2.70.301.B NMAC)
- (9) 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. (20.2.70.302.A.6 NMAC and the New Mexico Air Quality Control Act NMSA 1978, Chapter 74, Article 2)
- (10) 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. (20.2.70.302.A.1.d NMAC)
- (11) A responsible official (as defined in 20.2.70.7.AE 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. (20.2.70.300.E NMAC)
- (12) Revocation or termination of this permit by the Department terminates the permittee's right to operate this facility. (20.2.70.201.B NMAC)
- (13) The permittee shall continue to comply with all applicable requirements. For applicable requirements that will become effective during the term of the permit, the permittee shall meet such requirements on a timely basis. (Sections 300.D.10.c and 302.G.3 of 20.2.70 NMAC)

B. Permit Shield (20.2.70.302.J NMAC)

- (1) 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 103.A. The requirements in Table 103.A are applicable to this facility with specific requirements identified for individual emission units.

- (2) The Department has determined that the requirements in Table 103.B as identified in the permit application are not applicable to this source, or they do not impose any conditions in this permit.
  - (3) This permit shield does not extend to administrative amendments (Subsection A of 20.2.70.404 NMAC), to minor permit modifications (Subsection B of 20.2.70.404 NMAC), to changes made under Section 502(b)(10), changes under Paragraph 1 of subsection H of 20.2.70.302 of the Federal Act, or to permit terms for which notice has been given to reopen or revoke all or part under 20.2.70.405 and 20.2.70.302J(6).
  - (4) This permit shall, 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. (20.2.70.302.A.1.f NMAC)
- C. The owner or operator of a source having an excess emission shall, to the extent practicable, operate the source, including associated air pollution control equipment, in a manner consistent with good air pollutant control practices for minimizing emissions. (20.2.7.109 NMAC). The establishment of allowable malfunction emission limits does not supersede this requirement.

**B102 Authority**

- A. This permit is issued 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.
- B. This permit authorizes the operation of this facility. This permit is valid only for the named permittee, owner, and operator. A permit modification is required to change any of those entities.
- C. 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. (20.2.70.302.A.1 NMAC)
- D. 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. 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. (20.2.70.302.A.5 NMAC)

- E. The Department is the Administrator for 40 CFR Parts 60, 61, and 63 pursuant to the Modification and Exceptions of Section 10 of 20.2.77 NMAC (NSPS), 20.2.78 NMAC (NESHAP), and 20.2.82 NMAC (MACT).

**B103 Annual Fee**

- A. The permittee shall pay Title V 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. (20.2.70.302.A.1.e NMAC)

**B104 Appeal Procedures**  
(20.2.70.403.A NMAC)

- A. 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 a hearing before the Environmental Improvement Board ("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, and attach a copy of the permitting action for which review is sought. Unless a timely request for a hearing is made, the decision of the Department shall be final. The petition shall be copied simultaneously to the Department upon receipt of the appeal notice. If the petitioner is not the applicant or permittee, the petitioner shall mail or hand-deliver a copy of the petition to the applicant or permittee. The Department shall certify the administrative record to the board. Petitions for a hearing shall be sent to:

For Mailing:  
Administrator, New Mexico Environmental Improvement Board  
P.O. Box 5469  
Santa Fe, NM 87502-5469

For Hand Delivery:  
Administrator, New Mexico Environmental Improvement Board  
1190 St. Francis Drive, Harold Runnels Bldg.  
Santa Fe, New Mexico 87505

**B105 Submittal of Reports and Certifications**

- A. Stack Test Protocols and Stack Test Reports shall be submitted electronically to [Stacktest.AQB@state.nm.us](mailto:Stacktest.AQB@state.nm.us) or as directed by the Department.
- B. Excess Emission Reports shall be submitted as directed by the Department. (20.2.7.110 NMAC)
- C. Compliance Certification Reports, Semi-Annual monitoring 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 the mailing address below, or as directed by the Department:

Manager, Compliance and Enforcement Section  
New Mexico Environment Department  
Air Quality Bureau  
525 Camino de los Marquez Suite 1  
Santa Fe, NM 87505-1816

- D. Compliance Certification Reports shall also be submitted to the Administrator at the address below (20.2.70.302.E.3 NMAC):

Chief, Air Enforcement Section  
US EPA Region-6, 6MM-AP  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

**B106 NSPS and/or MACT Startup, Shutdown, and Malfunction Operations**

- A. If a facility is subject to a NSPS standard in 40 CFR 60, each owner or operator that installs and operates a continuous monitoring device required by a NSPS regulation shall comply with the excess emissions reporting requirements in accordance with 40 CFR 60.7(c).
- B. If a facility is subject to a NSPS standard in 40 CFR 60, then in accordance with 40 CFR 60.8(c), operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.
- C. If a facility is subject to a MACT standard in 40 CFR 63, then the facility is subject to the requirement for a Startup, Shutdown and Malfunction Plan (SSM) under 40 CFR 63.6(e)(3), unless specifically exempted in the applicable subpart. (20.2.70.302.A.1 and A.4 NMAC)

**B107 Startup, Shutdown, and Maintenance Operations**

- A. The establishment of permitted startup, shutdown, and maintenance (SSM) emission limits does not supersede the requirements of 20.2.7.14.A NMAC. Except for operations or equipment subject to Condition B106, the permittee shall establish and implement a plan to minimize emissions during routine or predictable start up, shut down, and scheduled maintenance (SSM work practice plan) and shall operate in accordance with the procedures set forth in the plan. (20.2.7.14.A NMAC)

**B108 General Monitoring Requirements**

(20.2.70. 302.A and C NMAC)



- A. These requirements do not supersede or relax requirements of federal regulations.
- B. 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 over the applicable averaging period greater than an emission limit in this permit constitutes 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; but 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.
- C. If the emission unit is shutdown at the time when periodic monitoring is due to be completed, the permittee is not required to restart the unit for the sole purpose of conducting the monitoring. Using electronic or written mail, the permittee shall notify the Department's Compliance and Enforcement Section of a delay in emission tests prior to the deadline for completing the tests. Upon recommencing operation, the permittee shall submit pre-test notification(s) to the Department's Compliance and Enforcement Section and shall complete the monitoring.
- D. The requirement for monitoring during any monitoring period is based on the percentage of time that the unit has operated. However, to invoke monitoring period exemptions at B108.D(2), hours of operation shall be monitored and recorded.
- (1) If the emission unit has operated for more than 25% of a monitoring period, then the permittee shall conduct monitoring during that period.
  - (2) If the emission unit has operated for 25% or less of a monitoring period then the monitoring is not required. After two successive periods without monitoring, the permittee shall conduct monitoring during the next period regardless of the time operated during that period, except that for any monitoring period in which a unit has operated for less than 10% of the monitoring period, the period will not be considered as one of the two successive periods.
  - (3) If invoking the monitoring period exemption in B108.D(2), the actual operating time of a unit shall not exceed the monitoring period required by this permit before the required monitoring is performed. For example, if the monitoring period is annual, the operating hours of the unit shall not exceed 8760 hours before monitoring is conducted. Regardless of the time that a unit actually operates, a minimum of one of each type of monitoring activity shall be conducted during the five year term of this permit.
- E. For all periodic monitoring events, except when a federal or state regulation is more stringent, three test runs shall be conducted at 90% or greater of the unit's capacity as stated in this permit, or in the permit application if not in the permit, and at additional loads when requested by the Department. If the 90% capacity cannot be achieved, the monitoring will

be conducted at the maximum achievable load under prevailing operating conditions except when a federal or state regulation requires more restrictive test conditions. The load and the parameters used to calculate it shall be recorded to document operating conditions and shall be included with the monitoring report.

- F. When requested by the Department, the permittee shall provide schedules of testing and monitoring activities. Compliance tests from previous NSR and Title V permits may be re-imposed if it is deemed necessary by the Department to determine whether the source is in compliance with applicable regulations or permit conditions.
- G. If monitoring is new or is in addition to monitoring imposed by an existing applicable requirement, it shall become effective 120 days after the date of permit issuance. For emission units that have not commenced operation, the associated new or additional monitoring shall not apply until 120 days after the units commence operation. All pre-existing monitoring requirements incorporated in this permit shall continue to apply from the date of permit issuance. All monitoring periods, unless stated otherwise in the specific permit condition or federal requirement, shall commence at the beginning of the 12 month reporting period as defined at condition A109.B.
- H. Unless otherwise indicated by Specific Conditions or regulatory requirements, all instrumentation used to measure parameters including but not limited to flow, temperature, pressure and chemical composition, or used to continuously monitor emission rates and/or other process operating parameters, shall be subject to the following requirements:
  - (1) The owner or operator shall install, calibrate, operate and maintain monitoring instrumentation (monitor) according to the manufacturer's procedures and specifications and the following requirements.
    - (a) The monitor shall be located in a position that provides a representative measurement of the parameter that is being monitored.
    - (b) At a minimum, the monitor shall complete one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.
    - (c) At a minimum, the monitor shall be spanned to measure the normal range +/- 5% of the parameter that is being monitored.
    - (d) At least semi-annually, perform a visual inspection of all components of the monitor for physical and operational integrity and all electrical connections for oxidation and galvanic corrosion.
    - (e) Recalibrate the monitor in accordance with the manufacturer's procedures and specifications at the frequency specified by the manufacturer, or every two years, whichever is less.
  - (2) Except for malfunctions, associated repairs, and required quality assurance or control activities (including calibration checks and required zero and span adjustments), the permittee shall operate and maintain all monitoring equipment at all times that the emissions unit or the associated process is operating.

- (3) The monitor shall measure data for a minimum of 90 percent of the time that the emissions unit or the associated process is in operation, based on a calendar monthly average.
  - (4) The owner or operator shall maintain records in accordance with Section B109 to demonstrate compliance with the requirements in B108H (1)-(3) above, as applicable.
- I. The permittee is not required to report a deviation for any monitoring or testing in a Specific Condition if the deviation was authorized in this General Condition B108.

**B109 General Recordkeeping Requirements**  
(20.2.70.302.D NMAC)

- A. The permittee shall maintain records to assure and verify compliance with the terms and conditions of this permit and any applicable requirements that become effective during the term of this permit. The minimum information to be included in these records is as follows (20.2.70.302.D.1 NMAC):
- (1) Records required for testing and sampling:
    - (a) equipment identification (include make, model and serial number for all tested equipment and emission controls)
    - (b) date(s) and time(s) of sampling or measurements
    - (c) date(s) analyses were performed
    - (d) the qualified entity that performed the analyses
    - (e) analytical or test methods used
    - (f) results of analyses or tests
    - (g) operating conditions existing at the time of sampling or measurement
  - (2) Records required for equipment inspections and/or maintenance required by this permit:
    - (a) equipment identification number (including make, model and serial number)
    - (b) date(s) and time(s) of inspection, maintenance, and/or repair
    - (c) date(s) any subsequent analyses were performed (if applicable)
    - (d) name of the person or qualified entity conducting the inspection, maintenance, and/or repair
    - (e) copy of the equipment manufacturer's or the owner or operator's maintenance or repair recommendations (if required to demonstrate compliance with a permit condition)
    - (f) description of maintenance or repair activities conducted

- (g) all results of any required parameter readings
  - (h) a description of the physical condition of the equipment as found during any required inspection
  - (i) results of required equipment inspections including a description of any condition which required adjustment to bring the equipment back into compliance and a description of the required adjustments
- B. The permittee shall keep records of all monitoring data, equipment calibration, maintenance, and inspections, Data Acquisition and Handling System (DAHS) if used, reports, and other supporting information required by this permit for at least five (5) years from the time the data was gathered or the reports written. Each record shall clearly identify the emissions unit and/or monitoring equipment, and the date the data was gathered. (20.2.70.302.D.2 NMAC)
- C. If the permittee has applied and received approval for an alternative operating scenario, then the permittee shall maintain a log at the facility, which documents, contemporaneously with any change from one operating scenario to another, the scenario under which the facility is operating. (20.2.70.302.A.3 NMAC)
- D. 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. (20.2.70.302.I.2 NMAC)
- E. Unless otherwise indicated by Specific Conditions, the permittee shall keep the following records for malfunction emissions and routine and predictable emissions during startup, shutdown, and scheduled maintenance (SSM):
  - (1) The owner or operator of a source subject to a permit, shall establish and implement a plan to minimize emissions during routine or predictable startup, shutdown, and scheduled maintenance through work practice standards and good air pollution control practices. This requirement shall not apply to any affected facility defined in and subject to an emissions standard and an equivalent plan under 40 CFR Part 60 (NSPS), 40 CFR Part 63 (MACT), or an equivalent plan under 20.2.72 NMAC - Construction Permits, 20.2.70 NMAC - Operating Permits, 20.2.74 NMAC - Permits - Prevention of Significant Deterioration (PSD), or 20.2.79 NMAC - Permits - Nonattainment Areas. (20.2.7.14.A NMAC) The permittee shall keep records of all sources subject to the plan to minimize emissions during routine or predictable SSM and shall record if the source is subject to an alternative plan and therefore, not subject to the plan requirements under 20.2.7.14.A NMAC.
  - (2) If the facility has allowable SSM emission limits in this permit, the permittee shall record all SSM events, including the date, the start time, the end time, a description of the event, and a description of the cause of the event. This record also shall include a copy of the manufacturer's, or equivalent, documentation showing that any maintenance qualified as scheduled. Scheduled maintenance is an activity that

occurs at an established frequency pursuant to a written protocol published by the manufacturer or other reliable source. The authorization of allowable SSM emissions does not supersede any applicable federal or state standard. The most stringent requirement applies.

- (3) If the facility has allowable malfunction emission limits in this permit, the permittee shall record all malfunction events to be applied against these limits. The permittee shall also include the date, the start time, the end time, and a description of the event. **Malfunction means** any sudden and unavoidable failure of air pollution control equipment or process equipment beyond the control of the owner or operator, including malfunction during startup or shutdown. A failure that is caused entirely or in part by poor maintenance, careless operation, or any other preventable equipment breakdown shall not be considered a malfunction. (20.2.7.7.E NMAC) The authorization of allowable malfunction emissions does not supersede any applicable federal or state standard. The most stringent requirement applies. This authorization only allows the permittee to avoid submitting reports under 20.2.7 NMAC for total annual emissions that are below the authorized malfunction emission limit.
- (4) The owner or operator of a source shall meet the operational plan defining the measures to be taken to mitigate source emissions during malfunction, startup or shutdown. (20.2.72.203.A(5) NMAC)

**B110 General Reporting Requirements**  
(20.2.70.302.E NMAC)

- A. Reports of required monitoring activities for this facility shall be submitted to the Department on the schedule in section A109. Monitoring and recordkeeping requirements that are not required by a NSPS or MACT shall be maintained on-site or (for unmanned sites) at the nearest company office, and summarized in the semi-annual reports, unless alternative reporting requirements are specified in the equipment specific requirements section of this permit.
- B. Reports shall clearly identify the subject equipment showing the emission unit ID number according to this operating permit. In addition, all instances of deviations from permit requirements, including those that occur during emergencies, shall be clearly identified in the reports required by section A109. (20.2.70.302.E.1 NMAC)
- C. The permittee shall submit reports of all deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. These reports shall be submitted as follows:
  - (1) Deviations resulting in excess emissions as defined in 20.2.7.7 NMAC (including those classified as emergencies as defined in section B114.A) shall be reported in

- accordance with the timelines specified by 20.2.7.110 NMAC and in the semi-annual reports required in section A109. (20.2.70.302.E.2 NMAC)
- (2) All other deviations shall be reported in the semi-annual reports required in section A109. (20.2.70.302.E.2 NMAC).
- D. The permittee shall submit reports of excess emissions in accordance with 20.2.7.110.A NMAC.
- E. Allowable Emission Limits for Excess Emissions Reporting for Flares and Other Regulated Sources with No Pound per Hour (pph) and/or Ton per Year (tpy) Emission Limits.
- (1) When a flare has no allowable pph and/or tpy emission limits in Sections A106 and/or A107, the authorized allowable emissions include only the combustion of pilot and/or purge gas. Compliance is demonstrated by limiting the gas stream to the flare to only pilot and/or purge gas.
- (2) For excess emissions reporting as required by 20.2.7 NMAC, the allowable emission limits are 1.0 pph and 1.0 tpy for each regulated air pollutant (except for H<sub>2</sub>S) emitted by that source as follows:
- (a) For flares, when there are no allowable emission limits in Sections A106 and/or A107.
- (b) For regulated sources with emission limits in Sections A106 or A107 represented by the less than sign (“<”).
- (c) For regulated sources that normally would not emit any regulated air pollutants, including but not limited to vents, pressure relief devices, connectors, etc.
- (3) For excess emissions reporting as required by 20.2.7 NMAC for H<sub>2</sub>S, the allowable limits are 0.1 pph and 0.44 tpy for each applicable scenario addressed in paragraph (2) above.
- F. Results of emission tests and monitoring for each pollutant (except opacity) shall be reported in pounds per hour (unless otherwise specified) and tons per year. Opacity shall be reported in percent. The number of significant figures corresponding to the full accuracy inherent in the testing instrument or Method test used to obtain the data shall be used to calculate and report test results in accordance with 20.2.1.116.B and C NMAC. Upon request by the Department, CEMS and other tabular data shall be submitted in editable, MS Excel format.
- G. At such time as new units are installed as authorized by the applicable NSR Permit, the permittee shall fulfill the notification requirements in the NSR permit.
- H. Periodic Emissions Test Reporting: The permittee shall report semi-annually a summary of the test results.

- I. The permittee shall submit an emissions inventory report for this facility in accordance with the schedule in subparagraph (5), provided one or more of the following criteria is met in subparagraphs (1) to (4): (20.2.73 NMAC)
- (1) The facility emits, or has the potential to emit, 5 tons per year or more of lead or lead compounds, or 100 tons per year or more of PM10, PM2.5, sulfur oxides, nitrogen oxides, carbon monoxide, or volatile organic compounds.
  - (2) The facility is defined as a major source of hazardous air pollutants under 20.2.70 NMAC (Operating Permits).
  - (3) The facility is located in an ozone nonattainment area and which emits, or has the potential to emit, 25 tons per year or more of nitrogen oxides or volatile organic compounds.
  - (4) Upon request by the department.
  - (5) The permittee shall submit the emissions inventory report by April 1 of each year, unless a different deadline is specified by the current operating permit.
- J. Emissions trading within a facility (20.2.70.302.H.2 NMAC)
- (1) 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.
  - (2) The permittee and department shall attach each such notice to their copy of the relevant permit.

### **B111 General Testing Requirements**

Unless otherwise indicated by Specific Conditions or regulatory requirements, the permittee shall conduct testing in accordance with the requirements in Sections B111A, B, C, D and E, as applicable.

#### **A. Initial Compliance Tests**

The permittee shall conduct initial compliance tests in accordance with the following requirements:

- (1) Initial compliance test requirements from previous permits (if any) are still in effect, unless the tests have been satisfactorily completed. Compliance tests may be re-imposed if it is deemed necessary by the Department to determine whether the source is in compliance with applicable regulations or permit conditions. (20.2.72 NMAC Sections 210.C and 213)
- (2) Initial compliance tests shall be conducted within sixty (60) days after the unit(s) achieve the maximum normal production rate. If the maximum normal production rate does not occur within one hundred twenty (120) days of source startup, then

the tests must be conducted no later than one hundred eighty (180) days after initial startup of the source.

- (3) The default time period for each test run shall be at least 60 minutes and each performance test shall consist of three separate runs using the applicable test method. For the purpose of determining compliance with an applicable emission limit, the arithmetic mean of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the Department approval, be determined using the arithmetic mean of the results of the two other runs.
- (4) Testing of emissions shall be conducted with the emissions unit operating at 90 to 100 percent of the maximum operating rate allowed by the permit. If it is not possible to test at that rate, the source may test at a lower operating rate.
- (5) Testing performed at less than 90 percent of permitted capacity will limit emission unit operation to 110 percent of the tested capacity until a new test is conducted.
- (6) If conditions change such that unit operation above 110 percent of tested capacity is possible, the source must submit a protocol to the Department within 30 days of such change to conduct a new emissions test.

#### B. EPA Reference Method Tests

The test methods in Section B111.B(1) shall be used for all initial compliance tests and all Relative Accuracy Test Audits (RATAs), and shall be used if a permittee chooses to use EPA test methods for periodic monitoring. Test methods that are not listed in Section B111.B(1) may be used in accordance with the requirements at Section B111.B(2).

- (1) All compliance tests required by this permit shall be conducted in accordance with the requirements of CFR Title 40, Part 60, Subpart A, General Provisions, and the following EPA Reference Methods as specified by CFR Title 40, Part 60, Appendix A:
  - (a) Methods 1 through 4 for stack gas flowrate
  - (b) Method 5 for particulate matter (PM)
  - (c) Method 6C for SO<sub>2</sub>
  - (d) Method 7E for NO<sub>x</sub> (test results shall be expressed as nitrogen dioxide (NO<sub>2</sub>) using a molecular weight of 46 lb/lb-mol in all calculations (each ppm of NO/NO<sub>2</sub> is equivalent to 1.194 x 10<sup>-7</sup> lb/SCF)
  - (e) Method 9 for visual determination of opacity
  - (f) Method 10 for CO



- (g) Method 19 for particulate, sulfur dioxide and nitrogen oxides emission rates. In addition, Method 19 may be used in lieu of Methods 1-4 for stack gas flowrate. The permittee shall provide a contemporaneous fuel gas analysis (preferably on the day of the test, but no earlier than three months prior to the test date) and a recent fuel flow meter calibration certificate (within the most recent quarter) with the final test report.
  - (h) Method 7E or 20 for Turbines per §60.335 or §60.4400
  - (i) Method 22 for visual determination of fugitive emissions from material sources and smoke emissions from flares
  - (j) Method 25A for VOC reduction efficiency
  - (k) Method 29 for Metals
  - (l) Method 30B for Mercury from Coal-Fired Combustion Sources Using Carbon Sorbent Traps
  - (m) Method 201A for filterable PM<sub>10</sub> and PM<sub>2.5</sub>
  - (n) Method 202 for condensable PM
  - (o) Method 320 for organic Hazardous Air Pollutants (HAPs)
- (2) Permittees may propose test method(s) that are not listed in Section B111.B(1). These methods may be used if prior approval is received from the Department.

C. Periodic Monitoring and Portable Analyzer Requirements for the Determination of Nitrogen Oxides, Carbon Monoxide, and Oxygen Concentrations in Emissions from Reciprocating Engines, Combustion Turbines, Boilers, and Process Heaters

Periodic emissions tests (periodic monitoring) shall be conducted in accordance with the following requirements:

- (1) Periodic emissions tests may be conducted in accordance with EPA Reference Methods or by utilizing a portable analyzer. Periodic monitoring utilizing a portable analyzer shall be conducted in accordance with the requirements of the current version of ASTM D 6522. However, if a facility has met a previously approved Department criterion for portable analyzers, the analyzer may be operated in accordance with that criterion until it is replaced.
- (2) The default time period for each test run shall be **at least** 20 minutes.  
Each performance test shall consist of three separate runs. The arithmetic mean of results of the three runs shall be used to determine compliance with the applicable emission limit.
- (3) Testing of emissions shall be conducted in accordance with the requirements at Section B108.E.
- (4) During emissions tests, pollutant and diluent concentration shall be monitored and recorded. Fuel flow rate shall be monitored and recorded if stack gas flow rate is

determined utilizing Reference Method 19. This information shall be included with the test report furnished to the Department.

- (5) Stack gas flow rate shall be calculated in accordance with Reference Method 19 utilizing fuel flow rate (scf) determined by a dedicated fuel flow meter and fuel heating value (Btu/scf). The permittee shall provide a contemporaneous fuel gas analysis (preferably on the day of the test, but no earlier than three months prior to the test date) and a recent fuel flow meter calibration certificate (within the most recent quarter) with the final test report. Alternatively, stack gas flow rate may be determined by using EPA Reference Methods 1-4.
- (6) The permittee shall submit a notification and protocol for periodic emissions tests upon the request of the Department.

#### D. Initial Compliance Test and RATA Procedures

Permittees required to conduct initial compliance tests and/or RATAs shall comply with the following requirements:

- (1) The permittee shall submit a notification and test protocol to the Department's Program Manager, Compliance and Enforcement Section, at least thirty (30) days before the test date and allow a representative of the Department to be present at the test. Proposals to use test method(s) that are not listed in Section B111.B(1) (if applicable) shall be included in this notification.
- (2) Contents of test notifications, protocols and test reports shall conform to the format specified by the Department's Universal Test Notification, Protocol and Report Form and Instructions. Current forms and instructions are posted to NMED's Air Quality web site under Compliance and Enforcement Testing.
- (3) The permittee shall provide (a) sampling ports adequate for the test methods applicable to the facility, (b) safe sampling platforms, (c) safe access to sampling platforms and (d) utilities for sampling and testing equipment.
- (4) Where necessary to prevent cyclonic flow in the stack, flow straighteners shall be installed

#### E. General Compliance Test Procedures

The following requirements shall apply to all initial compliance and periodic emissions tests and all RATAs:

- (1) Equipment shall be tested in the "as found" condition. Equipment may not be adjusted or tuned prior to any test for the purpose of lowering emissions, and then returned to previous settings or operating conditions after the test is complete.
- (2) The stack shall be of sufficient height and diameter and the sample ports shall be located so that a representative test of the emissions can be performed in accordance with the requirements of EPA Reference Method 1 or the current version of ASTM D 6522, as applicable.

- (3) Test reports shall be submitted to the Department no later than 30 days after completion of the test.

**B112 Compliance**

- A. The Department shall be given the right to enter the facility at all reasonable times to verify the terms and conditions of this permit. Required records shall be organized by date and subject matter and shall at all times be readily available for inspection. The permittee, upon verbal or written request from an authorized representative of the Department who appears at the facility, shall immediately produce for inspection or copying any records required to be maintained at the facility. Upon written request at other times, the permittee shall deliver to the Department paper or electronic copies of any and all required records maintained on site or at an off-site location. Requested records shall be copied and delivered at the permittee's expense within three business days from receipt of request unless the Department allows additional time. Required records may include records required by permit and other information necessary to demonstrate compliance with terms and conditions of this permit. (NMSA 1978, Section 74-2-13)
- B. A copy of the most recent permit(s) issued by the Department shall be kept at the permitted facility or (for unmanned sites) at the nearest company office and shall be made available to Department personnel for inspection upon request. (20.2.70.302.G.3 NMAC)
- C. Emissions limits associated with the energy input of a Unit, i.e. lb/MMBtu, shall apply at all times unless stated otherwise in a Specific Condition of this permit. The averaging time for each emissions limit, including those based on energy input of a Unit (i.e. lb/MMBtu) is one (1) hour unless stated otherwise in a Specific Condition of this permit or in the applicable requirement that establishes the limit. (20.2.70.302.A.1 and G.3 NMAC)
- D. The permittee shall submit compliance certification reports certifying the compliance status of this facility with respect to all permit terms and conditions, including applicable requirements. These reports shall be made on the pre-populated Compliance Certification Report Form that is provided to the permittee by the Department, and shall be submitted to the Department and to EPA at least every 12 months. For the most current form, please contact the Compliance Reports Group at: [submittals.aqb@state.nm.us](mailto:submittals.aqb@state.nm.us). For additional reporting guidance see <https://www.env.nm.gov/air-quality/compliance-submittal-forms/> (20.2.70.302.E.3 NMAC)
- E. 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 (20.2.70.302.G.1 NMAC):
  - (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;
  - (2) have access to and copy, at reasonable times, any records that are required by this permit to be maintained;

- (3) inspect any facilities, equipment (including monitoring and air pollution control equipment), work practices or operations regulated or required under this permit; and
- (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.

**B113 Permit Reopening and Revocation**

- A. This permit will be reopened and revised when any one of the following conditions occurs, and may be revoked and reissued when A(3) or A(4) occurs. (20.2.70.405.A.1 NMAC)
- (1) Additional applicable requirements under the Federal Act become applicable to a major 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.
  - (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.
  - (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.
  - (4) The Department or the Administrator determines that the permit must be revised or revoked and reissued to assure compliance with an applicable requirement.
- B. 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. (20.2.70.405.A.2 NMAC)

**B114 Emergencies**  
(20.2.70.304 NMAC)

- 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 technology-based emission limitations contained in this permit 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) This 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 this permit; and
  - (4) The permittee submitted notice of the emergency to the Department within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of 20.2.70.302.E.2 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.

**B115 Stratospheric Ozone**  
(20.2.70.302.A.1 NMAC)

- A. If this facility is subject to 40 CFR 82, Subpart F, the permittee shall comply with the following standards for recycling and emissions reductions:
- (1) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices, except for motor vehicle air conditioners (MVAC) and MVAC-like appliances. (40 CFR 82.156)
  - (2) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment. (40 CFR 82.158)
  - (3) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program. (40 CFR 82.161)

**B116 Acid Rain Sources**  
(20.2.70.302.A.9 NMAC)

- A. If this facility is subject to the federal acid rain program under 40 CFR 72, this section applies.

- B. 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.
- C. Emissions exceeding any allowances held by the permittee under Title IV of the Federal Act or the regulations promulgated thereunder are prohibited.
- D. 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.
- E. The permittee may not use allowances as a defense to noncompliance with any other applicable requirement.
- F. 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.
- G. The acid rain permit is an enclosure of this operating permit.

**B117 Risk Management Plan**  
(20.2.70.302.A.1 NMAC)

- A. If this facility is subject to the federal risk management program under 40 CFR 68, this section applies.
- B. The owner or operator shall certify annually that they have developed and implemented a RMP and are in compliance with 40 CFR 68.
- C. If the owner or operator of the facility has not developed and submitted a risk management plan according to 40 CFR 68.150, the owner or operator shall provide a compliance schedule for the development and implementation of the plan. The plan shall describe, in detail, procedures for assessing the accidental release hazard, preventing accidental releases, and developing an emergency response plan to an accidental release. The plan shall be submitted in a method and format to a central point as specified by EPA prior to the date specified in 40 CFR 68.150.b.

**PART C MISCELLANEOUS****C100 Supporting On-Line Documents**

- A. Copies of the following documents can be downloaded from NMED's web site under Compliance and Enforcement or requested from the Bureau.
- (1) Excess Emission Form (for reporting deviations and emergencies)
  - (2) Compliance Certification Report Form
  - (3) Universal Stack Test Notification, Protocol and Report Form and Instructions

**C101 Definitions**

- A. **"Daylight"** is defined as the time period between sunrise and sunset, as defined by the Astronomical Applications Department of the U.S. Naval Observatory. (Data for one day or a table of sunrise/sunset for an entire year can be obtained at <http://aa.usno.navy.mil/>. Alternatively, these times can be obtained from a Farmers Almanac or from <http://www.almanac.com/rise/>).
- B. **"Decommission"** and **"Decommissioning"** applies to units left on site (not removed) and is defined as the complete disconnecting of equipment, emission sources or activities from the process by disconnecting all connections necessary for operation (i.e. piping, electrical, controls, ductwork, etc.).
- C. **"Exempt Sources"** and **"Exempt Activities"** is defined as those sources or activities that are exempted in accordance with 20.2.72.202 NMAC. Note; exemptions are only valid for most 20.2.72 permitting action.
- D. **"Fugitive emission"** means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. (20.2.70.7M NMAC)
- E. **"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. (20.2.70.7Q NMAC)
- F. **"Malfunction"** for the requirements under 20.2.7 NMAC, means any sudden and unavoidable failure of air pollution control equipment or process equipment beyond the control of the owner or operator, including malfunction during startup or shutdown. A failure that is caused entirely or in part by poor maintenance, careless operation, or any other preventable equipment breakdown shall not be considered a malfunction.
- G. **"Natural Gas"** is defined as a naturally occurring fluid mixture of hydrocarbons that contains 20.0 grains or less of total sulfur per 100 standard cubic feet (SCF) and is either

composed of at least 70% methane by volume or has a gross calorific value of between 950 and 1100 Btu per standard cubic foot. (40 CFR 60.331)

- H. **“Natural Gas Liquids”** means the hydrocarbons, such as ethane, propane, butane, and pentane, that are extracted from field gas. (40 CFR 60.631)
- I. **“National Ambient Air Quality Standards”** means the primary (health-based) and secondary (welfare-related) federal ambient air quality standards promulgated by the US EPA pursuant to Section 109 of the Federal Act. (20.2.72.7Q NMAC)
- J. **“NO<sub>2</sub>” or “Nitrogen dioxide”** means the chemical compound containing one atom of nitrogen and two atoms of oxygen, for the purposes of ambient determinations. The term **“nitrogen dioxide,”** for the purposes of stack emissions monitoring, shall include nitrogen dioxide (the chemical compound containing one atom of nitrogen and two atoms of oxygen), nitric oxide (the chemical compound containing one atom of nitrogen and one atom of oxygen), and other oxides of nitrogen which may test as nitrogen dioxide and is sometimes referred to as NO<sub>x</sub> or NO<sub>2</sub>. (20.2.2.7U NMAC)
- K. **“NO<sub>x</sub>”** see NO<sub>2</sub>
- L. **“Paved Road”** is a road with a permanent solid surface that can be swept essentially free of dust or other material to reduce air re-entrainment of particulate matter. To the extent these surfaces remain solid and contiguous they qualify as paved roads: concrete, asphalt, chip seal, recycled asphalt and other surfaces approved by the Department in writing.
- M. **“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. (20.2.72.7Y NMAC)
- N. **“Restricted Area-Non Military”** is an area to which public entry is effectively precluded. Effective barriers include continuous fencing, continuous walls, or other continuous barriers approved by the Department, such as rugged physical terrain with a steep grade that would require special equipment to traverse. If a large property is completely enclosed by fencing, a restricted area within the property may be identified with signage only. Public roads cannot be part of a Restricted Area.
- O. **“Shutdown”** for requirements under 20.2.72.7BB NMAC, 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.



- P. "SSM" for requirements under 20.2.7 NMAC, means routine or predictable startup, shutdown, or scheduled maintenance.
  - (1) "Shutdown" for requirements under 20.2.7.7H NMAC, means the cessation of operation of any air pollution control equipment or process equipment.
  - (2) "Startup" for requirements under 20.2.7.7I NMAC, means the setting into operation of any air pollution control equipment or process equipment.
  
- Q. "Startup" for requirements under 20.2.72.7DD NMAC, 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.

**C102 Acronyms**

2SLB .....	2-stroke lean burn
4SLB .....	4-stroke lean burn
4SRB .....	4-stroke rich burn
acfm.....	actual cubic feet per minute
AFR.....	air fuel ratio
AP-42 .....	EPA Air Pollutant Emission Factors
AQB .....	Air Quality Bureau
AQCR .....	Air Quality Control Region
ASTM .....	American Society for Testing & Materials
Btu.....	British thermal unit
CAA .....	Clean Air Act of 1970 and 1990 Amendments
CEM.....	continuous emissions monitoring
cfh .....	cubic feet per hour
cfm .....	cubic feet per minute
CFR.....	Code of Federal Regulation
CI .....	compression ignition
CO.....	carbon monoxide
COMS .....	continuous opacity monitoring system
EIB .....	Environmental Improvement Board
EPA .....	United States Environmental Protection Agency
gr/100 cf.....	grains per one hundred cubic feet
gr/dscf .....	grains per dry standard cubic foot
GRI.....	Gas Research Institute
H <sub>2</sub> S .....	hydrogen sulfide
HAP.....	hazardous air pollutant
hp .....	horsepower
IC .....	Internal Combustion
KW/hr .....	kilowatts per hour
lb/hr.....	pounds per hour
lb/MMBtu .....	pounds per million British thermal unit
MACT .....	Maximum Achievable Control Technology

MMcf/hr	million cubic feet per hour
MMscf	million standard cubic feet
N/A	not applicable
NAAQS	National Ambient Air Quality Standards
NESHAP	National Emission Standards for Hazardous Air Pollutants
NG	natural gas
NGL	natural gas liquids
NMAAQs	New Mexico Ambient Air Quality Standards
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NMSA	New Mexico Statues Annotated
NOx	nitrogen oxides
NSCR	non-selective Catalytic Reduction
NSPS	New Source Performance Standard
NSR	New Source Review
PEM	parametric emissions monitoring
PM	particulate matter (equivalent to TSP, total suspended particulate)
PM <sub>10</sub>	particulate matter 10 microns and less in diameter
PM <sub>2.5</sub>	particulate matter 2.5 microns and less in diameter
pph	pounds per hour
ppmv	parts per million by volume
PSD	Prevention of Significant Deterioration
RATA	relative accuracy test assessment
RICE	reciprocating internal combustion engine
rpm	revolutions per minute
scfm	standard cubic feet per minute
SI	spark ignition
SO <sub>2</sub>	sulfur dioxide
SSM	Startup Shutdown Maintenance (see SSM definition)
TAP	Toxic Air Pollutant
TBD	to be determined
THC	total hydrocarbons
TSP	Total Suspended Particulates
tpy	tons per year
ULSD	ultra-low sulfur diesel
USEPA	United States Environmental Protection Agency
UTM	Universal Transverse Mercator Coordinate System
UTMH	Universal Transverse Mercator Horizontal
UTMV	Universal Transverse Mercator Vertical
VHAP	volatile hazardous air pollutant
VOC	volatile organic compounds

