**Section 3**

**Application Summary**

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The **Application Summary** shall include a brief description of the facility and its process, the type of permit application, the applicable regulation (i.e. 20.2.72.200.A.X, or 20.2.73 NMAC) under which the application is being submitted, and any air quality permit numbers associated with this site. If this facility is to be collocated with another facility, provide details of the other facility including permit number(s). In case of a revision or modification to a facility, provide the lowest level regulatory citation (i.e. 20.2.72.219.B.1.d NMAC) under which the revision or modification is being requested. Also describe the proposed changes from the original permit, how the proposed modification will affect the facility’s operations and emissions, de-bottlenecking impacts, and changes to the facility’s major/minor status (both PSD & Title V).

The **Process Summary** shall include a brief description of the facility and its processes.

**Startup, Shutdown, and Maintenance (SSM) routine or predictable emissions:** Provide an overview of how SSM emissions are accounted for in this application. Refer to "Guidance for Submittal of Startup, Shutdown, Maintenance Emissions in Permit Applications (http://www.env.nm.gov/aqb/permit/app\_form.html) for more detailed instructions on SSM emissions.

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**Section 4**

**Process Flow Sheet**

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A **process flow sheet** and/or block diagram indicating the individual equipment, all emission points and types of control applied to those points. The unit numbering system should be consistent throughout this application.

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**Section 5**

**Plot Plan Drawn to Scale**

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A **plot plan drawn to scale** showing emissions points, roads, structures, tanks, and fences of property owned, leased, or under direct control of the applicant. This plot plan must clearly designate the restricted area as defined in UA1, Section 1-D.12. The unit numbering system should be consistent throughout this application.

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**Section 6**

**All Calculations**

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**Show all calculations** used to determine both the hourly and annual controlled and uncontrolled emission rates. All calculations shall be performed keeping a minimum of three significant figures. Document the source of each emission factor used (if an emission rate is carried forward and not revised, then a statement to that effect is required). If identical units are being permitted and will be subject to the same operating conditions, submit calculations for only one unit and a note specifying what other units to which the calculations apply. All formulas and calculations used to calculate emissions must be submitted. The “Calculations” tab in the UA2 has been provided to allow calculations to be linked to the emissions tables. Add additional “Calc” tabs as needed. If the UA2 or other spread sheets are used, all calculation spread sheet(s) shall be submitted electronically in Microsoft Excel compatible format so that formulas and input values can be checked. Format all spread sheets and calculations such that the reviewer can follow the logic and verify the input values. Define all variables. If calculation spread sheets are not used, provide the original formulas with defined variables. Additionally, provide subsequent formulas showing the input values for each variable in the formula. All calculations, including those calculations are imbedded in the Calc tab of the UA2 portion of the application, the printed Calc tab(s), should be submitted under this section.

**Tank Flashing Calculations**: The information provided to the AQB shall include a discussion of the method used to estimate tank-flashing emissions, relative thresholds (i.e., NOI, permit, or major source (NSPS, PSD or Title V)), accuracy of the model, the input and output from simulation models and software, all calculations, documentation of any assumptions used, descriptions of sampling methods and conditions, copies of any lab sample analysis. If Hysis is used, all relevant input parameters shall be reported, including separator pressure, gas throughput, and all other relevant parameters necessary for flashing calculation.

**SSM Calculations**: It is the applicant’s responsibility to provide an estimate of SSM emissions or to provide justification for not doing so. In this Section, provide emissions calculations for Startup, Shutdown, and Routine Maintenance (SSM) emissions listed in the Section 2 SSM and/or Section 22 GHG Tables and the rational for why the others are reported as zero (or left blank in the SSM/GHG Tables). Refer to "Guidance for Submittal of Startup, Shutdown, Maintenance Emissions in Permit Applications (http://www.env.nm.gov/aqb/permit/app\_form.html) for more detailed instructions on calculating SSM emissions. If SSM emissions are greater than those reported in the Section 2, Requested Allowables Table, modeling may be required to ensure compliance with the standards whether the application is NSR or Title V. Refer to the Modeling Section of this application for more guidance on modeling requirements.

**Glycol Dehydrator Calculations**: The information provided to the AQB shall include the manufacturer’s maximum design recirculation rate for the glycol pump. If GRI-Glycalc is used, the full input summary report shall be included as well as a copy of the gas analysis that was used.

**Road Calculations:**  Calculate fugitive particulate emissions and enter haul road fugitives in Tables 2-A, 2-D and 2-E for:

1. If you transport raw material, process material and/or product into or out of or within the facility and have PER emissions greater than 0.5 tpy.
2. If you transport raw material, process material and/or product into or out of the facility more frequently than one round trip per day.

**Significant Figures:**

**A.** All emissions standards are deemed to have at least two significant figures, but not more than three significant figures.

**B.** At least 5 significant figures shall be retained in all intermediate calculations.

**C.** In calculating emissions to determine compliance with an emission standard, the following rounding off procedures shall be used:

**(1)** If the first digit to be discarded is less than the number 5, the last digit retained shall not be changed;

**(2)** If the first digit discarded is greater than the number 5, or if it is the number 5 followed by at least one digit other than the number zero, the last figure retained shall be increased by one unit; **and**

**(3)** If the first digit discarded is exactly the number 5, followed only by zeros, the last digit retained shall be rounded upward if it is an odd number, but no adjustment shall be made if it is an even number.

**(4)** The final result of the calculation shall be expressed in the units of the standard.

**Control Devices:** In accordance with 20.2.72.203.A(3) and (8) NMAC, 20.2.70.300.D(5)(b) and (e) NMAC, and 20.2.73.200.B(7) NMAC, the permittee shall report all control devices and list each pollutant controlled by the control device regardless if the applicant takes credit for the reduction in emissions. The applicant can indicate in this section of the application if they chose to not take credit for the reduction in emission rates. For notices of intent submitted under 20.2.73 NMAC, only uncontrolled emission rates can be considered to determine applicability unless the state or federal Acts require the control. This information is necessary to determine if federally enforceable conditions are necessary for the control device, and/or if the control device produces its own regulated pollutants or increases emission rates of other pollutants.

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**Section 6.a**

**Green House Gas Emissions**

(Submitting under 20.2.70, 20.2.72 20.2.74 NMAC)

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**Title V (20.2.70 NMAC), Minor NSR (20.2.72 NMAC), and PSD (20.2.74 NMAC)** applicants must estimate and report greenhouse gas (GHG) emissions to verify the emission rates reported in the public notice, determine applicability to 40 CFR 60 Subparts, and to evaluate Prevention of Significant Deterioration (PSD) applicability. GHG emissions that are subject to air permit regulations consist of the sum of an aggregate group of these six greenhouse gases: carbon dioxide (CO2), nitrous oxide (N2O), methane (CH4), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF6).

**Calculating GHG Emissions:**

**1.** Calculate the ton per year (tpy) GHG mass emissions and GHG CO2e emissions from your facility.

**2.** GHG mass emissions are the sum of the total annual tons of greenhouse gases without adjusting with the global warming potentials (GWPs). GHG CO2e emissions are the sum of the mass emissions of each individual GHG multiplied by its GWP found in Table A-1 in 40 CFR 98 Mandatory Greenhouse Gas Reporting.

**3.** Emissions from routine or predictable start up, shut down, and maintenance must be included.

**4.** Report GHG mass and GHG CO2e emissions in Table 2-P of this application. Emissions are reported in **short** tons per year and represent each emission unit’s Potential to Emit (PTE).

**5.** All Title V major sources, PSD major sources, and all power plants, whether major or not, must calculate and report GHG mass and CO2e emissions for each unit in Table 2-P.

**6.** For minor source facilities that are not power plants, are not Title V, and are not PSD there are three options for reporting GHGs in Table 2-P: 1) report GHGs for each individual piece of equipment; 2) report all GHGs from a group of unit types, for example report all combustion source GHGs as a single unit and all venting GHGs as a second separate unit; 3) or check the following  By checking this box, the applicant acknowledges the total CO2e emissions are less than 75,000 tons per year.

**Sources for Calculating GHG Emissions:**

* Manufacturer’s Data
* AP-42 Compilation of Air Pollutant Emission Factors at http://www.epa.gov/ttn/chief/ap42/index.html
* EPA’s Internet emission factor database WebFIRE at http://cfpub.epa.gov/webfire/
* 40 CFR 98 Mandatory Green House Gas Reporting except that tons should be reported in short tons rather than in metric tons for the purpose of PSD applicability.
* API Compendium of Greenhouse Gas Emissions Methodologies for the Oil and Natural Gas Industry. August 2009 or most recent version.
* Sources listed on EPA’s NSR Resources for Estimating GHG Emissions at http://www.epa.gov/nsr/clean-air-act-permitting-greenhouse-gases:

**Global Warming Potentials (GWP):**

Applicants must use the Global Warming Potentials codified in Table A-1 of the most recent version of 40 CFR 98 Mandatory Greenhouse Gas Reporting. The GWP for a particular GHG is the ratio of heat trapped by one unit mass of the GHG to that of one unit mass of CO2 over a specified time period.

**“Greenhouse gas"** for the purpose of air permit regulations is defined as the aggregate group of the following six gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. **(20.2.70.7 NMAC, 20.2.74.7 NMAC).** You may also find GHGs defined in40 CFR 86.1818-12(a).

**Metric to Short Ton Conversion:**

Short tons for GHGs and other regulated pollutants are the standard unit of measure for PSD and title V permitting programs. 40 CFR 98 Mandatory Greenhouse Reporting requires metric tons.

1 metric ton = 1.10231 short tons (per Table A-2 to Subpart A of Part 98 – Units of Measure Conversions)

**Section 7**

**Information Used to Determine Emissions**

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**Information Used to Determine Emissions shall include the following**:

If manufacturer data are used, include specifications for emissions units and control equipment, including control efficiencies specifications and sufficient engineering data for verification of control equipment operation, including design drawings, test reports, and design parameters that affect normal operation.

If test data are used, include a copy of the complete test report. If the test data are for an emissions unit other than the one being permitted, the emission units must be identical. Test data may not be used if any difference in operating conditions of the unit being permitted and the unit represented in the test report significantly effect emission rates.

If the most current copy of AP-42 is used, reference the section and date located at the bottom of the page. Include a copy of the page containing the emissions factors, and clearly mark the factors used in the calculations.

If an older version of AP-42 is used, include a complete copy of the section.

If an EPA document or other material is referenced, include a complete copy.

Fuel specifications sheet.

If computer models are used to estimate emissions, include an input summary (if available) and a detailed report, and a disk containing the input file(s) used to run the model. For tank-flashing emissions, include a discussion of the method used to estimate tank-flashing emissions, relative thresholds (i.e., permit or major source (NSPS, PSD or Title V)), accuracy of the model, the input and output from simulation models and software, all calculations, documentation of any assumptions used, descriptions of sampling methods and conditions, copies of any lab sample analysis.

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**Section 8**

**Map(s)**

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**A map** such as a 7.5 minute topographic quadrangle showing the exact location of the source. The map shall also include the following:

|  |  |
| --- | --- |
| The UTM or Longitudinal coordinate system on both axes | An indicator showing which direction is north |
| A minimum radius around the plant of 0.8km (0.5 miles) | Access and haul roads |
| Topographic features of the area | Facility property boundaries |
| The name of the map | The area which will be restricted to public access |
| A graphical scale |  |

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**Section 9**

**Proof of Public Notice**

(for NSR applications submitting under 20.2.72 or 20.2.74 NMAC)

(This proof is required by: 20.2.72.203.A.14 NMAC “Documentary Proof of applicant’s public notice”)

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**I have read the AQB “Guidelines for Public Notification for Air Quality Permit Applications”**

This document provides detailed instructions about public notice requirements for various permitting actions. It also provides public notice examples and certification forms. Material mistakes in the public notice will require a re-notice before issuance of the permit.

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Unless otherwise allowed elsewhere in this document, the following items document proof of the applicant’s Public Notification. Please include this page in your proof of public notice submittal with checkmarks indicating which documents are being submitted with the application.

**New Permit** and **Significant Permit Revision** public notices must include all items in this list.

**Technical Revision** public notices require only items 1, 5, 9, and 10.

Per the Guidelines for Public Notification document mentioned above, include:

1. A copy of the certified letter receipts with post marks (20.2.72.203.B NMAC)
2. A list of the places where the public notice has been posted in at least four publicly accessible and conspicuous places, including the proposed or existing facility entrance. (e.g: post office, library, grocery, etc.)
3. A copy of the property tax record (20.2.72.203.B NMAC).
4. A sample of the letters sent to the owners of record.
5. A sample of the letters sent to counties, municipalities, and Indian tribes.
6. A sample of the public notice posted and a verification of the local postings.
7. A table of the noticed citizens, counties, municipalities and tribes and to whom the notices were sent in each group.
8. A copy of the public service announcement (PSA) sent to a local radio station and documentary proof of submittal.
9. A copy of the classified or legal ad including the page header (date and newspaper title) or its affidavit of publication stating the ad date, and a copy of the ad. When appropriate, this ad shall be printed in both English and Spanish.
10. A copy of the display ad including the page header (date and newspaper title) or its affidavit of publication stating the ad date, and a copy of the ad. When appropriate, this ad shall be printed in both English and Spanish.
11. A map with a graphic scale showing the facility boundary and the surrounding area in which owners of record were notified by mail.  This is necessary for verification that the correct facility boundary was used in determining distance for notifying land owners of record.

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**Section 10**

**Written Description of the Routine Operations of the Facility**

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**A written description of the routine operations of the facility**. Include a description of how each piece of equipment will be operated, how controls will be used, and the fate of both the products and waste generated. For modifications and/or revisions, explain how the changes will affect the existing process. In a separate paragraph describe the major process bottlenecks that limit production. The purpose of this description is to provide sufficient information about plant operations for the permit writer to determine appropriate emission sources.

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**Section 11**

**Source Determination**

Source submitting under 20.2.70, 20.2.72, 20.2.73, and 20.2.74 NMAC

Sources applying for a construction permit, PSD permit, or operating permit shall evaluate surrounding and/or associated sources (including those sources directly connected to this source for business reasons) and complete this section. Responses to the following questions shall be consistent with the Air Quality Bureau’s permitting guidance, Single Source Determination Guidance, which may be found on the Applications Page in the Permitting Section of the Air Quality Bureau website.

Typically, buildings, structures, installations, or facilities that have the same SIC code, that are under common ownership or control, and that are contiguous or adjacent constitute a single stationary source for 20.2.70, 20.2.72, 20.2.73, and 20.2.74 NMAC applicability purposes. Submission of your analysis of these factors in support of the responses below is optional, unless requested by NMED.

**A. Identify the emission sources evaluated in this section** (list and describe)**:**

**B.** **Apply the 3 criteria for determining a single source:**

**SIC Code:** Surrounding or associated sources belong to the same 2-digit industrial grouping (2-digit SIC code) as this facility, OR surrounding or associated sources that belong to different 2-digit SIC codes are support facilities for this source.

**Yes No**

**Common Ownership or Control:** Surrounding or associated sources are under common ownership or control as this source.

**Yes No**

**Contiguous or Adjacent:** Surrounding or associated sources are contiguous or adjacent with this source.

**Yes No**

**C. Make a determination:**

The source, as described in this application, constitutes the entire source for 20.2.70, 20.2.72, 20.2.73, or 20.2.74 NMAC applicability purposes. If in “A” above you evaluated only the source that is the subject of this application, all “**YES**” boxes should be checked. If in “A” above you evaluated other sources as well, you must check **AT LEAST ONE** of the boxes “**NO**” to conclude that the source, as described in the application, is the entire source for 20.2.70, 20.2.72, 20.2.73, and 20.2.74 NMAC applicability purposes.

The source, as described in this application, **does not** constitute the entire source for 20.2.70, 20.2.72, 20.2.73, or 20.2.74 NMAC applicability purposes (A permit may be issued for a portion of a source). The entire source consists of the following facilities or emissions sources (list and describe):

**Section 12**

**Section 12.A**

**PSD Applicability Determination for All Sources**

(Submitting under 20.2.72, 20.2.74 NMAC)

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**A PSD applicability determination for all sources**. For sources applying for a significant permit revision, apply the applicable requirements of 20.2.74.AG and 20.2.74.200 NMAC and to determine whether this facility is a major or minor PSD source, and whether this modification is a major or a minor PSD modification. It may be helpful to refer to the procedures for Determining the Net Emissions Change at a Source as specified by Table A-5 (Page A.45) of the EPA New Source Review Workshop Manual to determine if the revision is subject to PSD review.

1. This facility is:

**a minor PSD source before and after this modification (if so, delete C and D below).**

**a major PSD source before this modification. This modification will make this a PSD minor source.**

**an existing PSD Major Source that has never had a major modification requiring a BACT analysis.**

**an existing PSD Major Source that has had a major modification requiring a BACT analysis**

**a new PSD Major Source after this modification.**

1. **This facility [is or is not] one of the listed 20.2.74.501 Table I – PSD Source Categories. The “project” emissions** for this modification are **[significant or not significant]. [Discuss why.] The “project” emissions listed below [do or do not] only result from changes described in this permit application, thus no emissions from other [revisions or modifications, past or future] to this facility. Also, specifically discuss whether this project results in “de-bottlenecking”, or other associated emissions resulting in higher emissions. The project emissions (before netting) for this project are as follows [see Table 2 in 20.2.74.502 NMAC for a complete list of significance levels]:** 
   1. **NOx: XX.X TPY**
   2. **CO: XX.X TPY**
   3. **VOC: XX.X TPY**
   4. **SOx: XX.X TPY**
   5. **PM: XX.X TPY**
   6. **PM10: XX.X TPY**
   7. **PM2.5: XX.X TPY**
   8. **Fluorides: XX.X TPY**
   9. **Lead: XX.X TPY**
   10. **Sulfur compounds (listed in Table 2): XX.X TPY**
   11. **GHG: XX.X TPY**
2. **Netting** **[is required, and analysis is attached to this document.] OR [is not required (project is not significant)] OR [Applicant is submitting a PSD Major Modification and chooses not to net.]**
3. **BACT** is **[not required for this modification, as this application is a minor modification.] OR [required, as this application is a major modification. List pollutants subject to BACT review and provide a full top down BACT determination.]**
4. If this is an existing PSD major source, or any facility with emissions greater than 250 TPY (or 100 TPY for 20.2.74.501 Table 1 – PSD Source Categories), determine whether any permit modifications are related, or could be considered a single project with this action, and provide an explanation for your determination whether a PSD modification is triggered.

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If this is **NOT** a PSD application, delete this sentence and the entire Section 12.B below.

**Section 12.B**

**Special Requirements for a PSD Application**

(Submitting under 20.2.74 NMAC)

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***Prior to Submitting a PSD* *application*, the permittee shall:**

Submit the BACT analysis for review prior to submittal of the application. No application will be ruled complete until the final determination regarding BACT is made, as this determination can ultimately affect information to be provided in the application. A pre-application meeting is recommended to discuss the requirements of the BACT analysis.

Submit a modeling protocol prior to submitting the permit application.  **[Except for GHG]**

Submit the monitoring exemption analysis protocol prior to submitting the application. **[Except for GHG]**

**For PSD applications, the permittee shall also include the following:**

Documentation containing an analysis on the impact on visibility. **[Except for GHG]**

Documentation containing an analysis on the impact on soil. **[Except for GHG]**

Documentation containing an analysis on the impact on vegetation, including state and federal threatened and endangered species. **[Except for GHG]**

Documentation containing an analysis on the impact on water consumption and quality. **[Except for GHG]**

Documentation that the federal land manager of a Class I area within 100 km of the site has been notified and provided a copy of the application, including the BACT and modeling results. The name of any Class I Federal area located within one hundred (100) kilometers of the facility.

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**Section 13**

**Determination of State & Federal Air Quality Regulations**

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**This section lists each state and federal air quality regulation that may apply to your facility and/or equipment that are stationary sources of regulated air pollutants.**

Not all state and federal air quality regulations are included in this list. Go to the Code of Federal Regulations (CFR) or to the Air Quality Bureau’s regulation page to see the full set of air quality regulations.

**Required Information for Specific Equipment:**

For regulations that apply to specific source types, in the ‘Justification’ column **provide any information needed to determine if the regulation does or does not apply**. **For example**, to determine if emissions standards at 40 CFR 60, Subpart IIII apply to your three identical stationary engines, we need to know the construction date as defined in that regulation; the manufacturer date; the date of reconstruction or modification, if any; if they are or are not fire pump engines; if they are or are not emergency engines as defined in that regulation; their site ratings; and the cylinder displacement.

**Required Information for Regulations that Apply to the Entire Facility:**

See instructions in the ‘Justification’ column for the information that is needed to determine if an ‘Entire Facility’ type of regulation applies (e.g. 20.2.70 or 20.2.73 NMAC).

**Regulatory Citations for Regulations That Do Not, but Could Apply:**

If there is a state or federal air quality regulation that does not apply, but you have a piece of equipment in a source category for which a regulation has been promulgated, you must **provide the low level regulatory citation showing why your piece of equipment is not subject to or exempt from the regulation.** **For example** if you have a stationary internal combustion engine that is not subject to 40 CFR 63, Subpart ZZZZ because it is an existing 2 stroke lean burn stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions, your citation would be 40 CFR 63.6590(b)(3)(i). **We don’t want a discussion of every non-applicable regulation, but if it is possible a regulation could apply, explain why it does not. For example,** if your facility is a power plant, you do not need to include a citation to show that 40 CFR 60, Subpart OOO does not apply to your non-existent rock crusher.

**Regulatory Citations for Emission Standards:**

**For each unit that is subject to an emission standard in a source specific regulation, such as 40 CFR 60, Subpart OOO or 40 CFR 63, Subpart HH, include the low level regulatory citation of that emission standard.** Emission standards can be numerical emission limits, work practice standards, or other requirements such as maintenance. **Here are examples:** a glycol dehydrator is subject to the general standards at 63.764C(1)(i) through (iii); an engine is subject to 63.6601, Tables 2a and 2b; a crusher is subject to 60.672(b), Table 3 and all transfer points are subject to 60.672(e)(1)

**Federally Enforceable Conditions:**

All federal regulations are federally enforceable. All Air Quality Bureau State regulations are federally enforceable except for the following: affirmative defense portions at 20.2.7.6.B, 20.2.7.110(B)(15), 20.2.7.11 through 20.2.7.113, 20.2.7.115, and 20.2.7.116; 20.2.37; 20.2.42; 20.2.43; 20.2.62; 20.2.63; 20.2.86; 20.2.89; and 20.2.90 NMAC. Federally enforceable means that EPA can enforce the regulation as well as the Air Quality Bureau and federally enforceable regulations can count toward determining a facility’s potential to emit (PTE) for the Title V, PSD, and nonattainment permit regulations.

INCLUDE ANY OTHER INFORMATION NEEDED TO COMPLETE AN APPLICABILITY DETERMINATION OR THAT IS RELEVENT TO YOUR FACILITY’S NOTICE OF INTENT OR PERMIT.

**EPA Applicability Determination Index for 40 CFR 60, 61, 63, etc**: <http://cfpub.epa.gov/adi/>

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**Example of a Table for State Regulations:**

| [**State Regulation**](http://www.env.nm.gov/regulatory-resources/) **Citation** | **Title** | **Applies? Enter Yes or No** | **Unit(s) or Facility** | **Justification:**  **(You may delete instructions or statements that do not apply in the justification column to shorten the document.)** |
| --- | --- | --- | --- | --- |
| 20.2.1 NMAC | General Provisions | Yes | Facility | General Provisions apply to Notice of Intent, Construction, and Title V permit applications. |
| 20.2.3 NMAC | Ambient Air Quality Standards NMAAQS |  | Facility | If subject, this would normally apply to the entire facility.  20.2.3 NMAC is a State Implementation Plan (SIP) approved regulation that limits the maximum allowable concentration of, Sulfur Compounds, Carbon Monoxide and Nitrogen Dioxide.  Title V applications, see exemption at 20.2.3.9 NMAC  The TSP NM ambient air quality standard was repealed by the EIB effective November 30, 2018. |
| 20.2.7 NMAC | Excess Emissions |  | Facility | If subject, this would normally apply to the entire facility.  If your entire facility or individual pieces of equipment are subject to emissions limits in a permit or numerical emissions standards in a federal or state regulation, this applies. This would not apply to Notices of Intent since these are not permits. |
| 20.2.23 NMAC | Fugitive Dust Control | No for permitted facilities,  possible for NOIs | Facility | This regulation may apply if,  this is an application for a notice of intent (NOI) per 20.2.73 NMAC,  if the activity or facility is a fugitive dust source listed at 20.2.23.108.A NMAC, **and** if the activity or facility is located in an area subject to a mitigation plan pursuant to 40 CFR 51.930.  As of January 2019, the only areas of the State subject to a mitigation plan per 40 CFR 51.930 are in Doña Ana and Luna Counties.  Sources exempt from 20.2.23 NMAC are activities and facilities subject to a permit issued pursuant to the NM Air Quality Control Act, the Mining Act, or the Surface Mining Act (20.2.23.108.B NMAC.    **20.2.23.108 APPLICABILITY:**  **A.** This part shall apply to persons owning or operating the following fugitive dust sources in areas requiring a mitigation plan in accordance with 40 CFR Part 51.930:  **(1)** disturbed surface areas or inactive disturbed surface areas, or a combination thereof, encompassing an area equal to or greater than one acre;  **(2)** any commercial or industrial bulk material processing, handling, transport or storage operations.  **B.** The following fugitive dust sources are exempt from this part:  **(1)** agricultural facilities, as defined in this part;  **(2)** roadways, as defined in this part;  **(3)** operations issued permits pursuant to the stateof New Mexico Air Quality Control Act, Mining Act or Surface Mining Act; and  **(4)** lands used for state or federal military activities.  [20.2.23.108 NMAC - N, 01/01/2019] |
| 20.2.33 NMAC | Gas Burning Equipment - Nitrogen Dioxide |  |  | **This regulation does not apply to internal combustion equipment such as engines. It only applies to external combustion equipment such as heaters or boilers.**  **Choose all that apply:**  This facility has new gas burning equipment **(external combustion emission sources, such as gas fired boilers and heaters)** having a heat input of greater than 1,000,000 million British Thermal Units per year per unit  This facility has existing gas burning equipment having a heat input of greater than 1,000,000 million British Thermal Units per year per unit  Note: "New gas burning equipment" means gas burning equipment, the construction or modification of which is commenced after February 17, 1972. |
| 20.2.34 NMAC | Oil Burning Equipment: NO2 |  |  | **This regulation does not apply to internal combustion equipment such as engines. It only applies to external combustion equipment such as heaters or boilers.**  This facility has oil burning equipment **(external combustion emission sources, such as oil fired boilers and heaters)** having a heat input of greater than 1,000,000 million British Thermal Units per year per unit. |
| 20.2.35 NMAC | Natural Gas Processing Plant – Sulfur |  |  | This regulation could apply to existing (prior to July 1, 1974) or new (on or after July 1, 1974) natural gas processing plants that use a Sulfur Recovery Unit to reduce sulfur emissions.  **See ‘Guidance and Clarification Regarding Applicability of 20.2.35 NMAC’ located with the Air Quality Bureau’s Permit Section website guidance documents.** |
| 20.2.37 and 20.2.36 NMAC | Petroleum Processing Facilities and Petroleum Refineries | N/A | N/A | **These regulations were repealed by the Environmental Improvement Board. If you had equipment subject to 20.2.37 NMAC before the repeal, your combustion emission sources are now subject to 20.2.61 NMAC.** |
| 20.2.38 NMAC | Hydrocarbon Storage Facility |  |  | This regulation could apply to storage tanks at petroleum production facilities, processing facilities, tanks batteries, or hydrocarbon storage facilities. |
| 20.2.39 NMAC | Sulfur Recovery Plant - Sulfur |  |  | This regulation could apply to sulfur recovery plants that are not part of petroleum or natural gas processing facilities. |
| 20.2.50 NMAC | Oil and Gas Sector – Ozone Precursor Pollutants |  |  | This regulation establishes emission standards for volatile organic compounds (VOC) and oxides of nitrogen (NOx) for oil and gas production, processing, compression, and transmission sources. 20.2.50 NMAC subparts below:  Include the construction status of applicable units as “New”, “Existing”, “Relocation of Existing”, or “Reconstructed” as defined by this Part in your justification:  Check the box for the subparts that are applicable:  113 – Engines and Turbines  114 – Compressor Seals  115 – Control Devices and Closed Vent Systems  116 – Equipment Leaks and Fugitive Emissions  117 – Natural Gas Well Liquid Unloading  118 – Glycol Dehydrators  119 – Heaters  120 – Hydrocarbon Liquid Transfers  121 – Pig Launching and Receiving  122 – Pneumatic Controllers and Pumps  123 – Storage Vessels  124 – Well Workovers  125 – Small Business Facilities  126 – Produced Water Management Unit  127 – Flowback Vessels and Preproduction Operations |
| 20.2.61.109 NMAC | Smoke & Visible Emissions |  |  | This regulation that limits opacity to 20% applies to Stationary Combustion Equipment, such as engines, boilers, heaters, and flares unless your equipment is subject to another state regulation that limits particulate matter such as 20.2.19 NMAC (see 20.2.61.109 NMAC). **If equipment at your facility was subject to the repealed regulation 20.2.37 NMAC it is now subject to 20.2.61 NMAC.** |
| 20.2.70 NMAC | Operating Permits |  | Facility | If subject, this would normally apply to the entire facility.  Applies if your facility’s potential to emit (PTE) is 100 tpy or more of any regulated air pollutant other than HAPs; and/or a HAPs PTE of 10 tpy or more for a single HAP or 25 or more tpy for combined HAPs; is subject to a 20.2.79 NMAC nonattainment permit; or is a facility subject to a federal regulation that requires you to obtain a Title V permit such as landfills or air curtain incinerators.  Include both stack and fugitive emissions to determine the HAP’s PTE regardless of the facility type.  If your facility is one of those listed at 20.2.70.7(2)(a) through (aa) state which source type your facility is and count both fugitive and stack emissions to determine your PTE. If your facility is not in this (a) through (aa) list, count only stack emissions to determine your PTE.  Landfills and Air Curtain Incinerators are not Title V Major Sources, but it would apply pursuant to 20.2.70.200.B NMAC. |
| 20.2.71 NMAC | Operating Permit Fees |  | Facility | If subject to 20.2.70 NMAC and your permit includes numerical ton per year emission limits, you are subject to 20.2.71 NMAC and normally applies to the entire facility. |
| 20.2.72 NMAC | Construction Permits |  | Facility | If subject, this would normally apply to the entire facility.  Could apply if your facility’s potential emission rate (PER) is greater than 10 pph or greater than 25 tpy for any pollutant subject to a state or federal ambient air quality standard (does not include VOCs or HAPs); if the PER of lead is 5 tpy or more; if your facility is subject to 20.2.72.400 NMAC; or if you have equipment subject to 40 CFR 60 Subparts I and OOO, 40 CFR 61 Subparts C and D.  Include both stack and fugitive emissions to determine PER. |
| 20.2.73 NMAC | NOI & Emissions Inventory Requirements |  | Facility | If subject, this would normally apply to the entire facility.  **A Notice of Intent application 20.2.73.200 NMAC** could apply if your facility’s PER of any regulated air pollutant, including VOCs and HAPs, is 10 tpy or more or if you have lead emissions of 1 tpy or more. Include both fugitive and stack emissions to determine your PER.  You could be required to submit **Emissions Inventory Reporting per** 20.2.73.300 NMAC if your facility is subject to 20.2.73.200, 20.2.72, or emits more than 1 ton of lead or 10 tons of PM10, PM2.5, SOx, NOx CO, or VOCs in any calendar year.  All facilities that are a Title V Major Source as defined at 20.2.70.7.R NMAC, are subject to Emissions Inventory Reporting. |
| 20.2.74 NMAC | Permits – Prevention of Significant Deterioration (PSD) |  | Facility | If subject, this would normally apply to the entire facility.  **If you are an existing PSD major source you are subject to the applicability determination requirements at 20.2.74.200 NMAC to determine if you are subject to a PSD permit, before commencing actual construction of any modifications at your facility.** Complete the applicability determination in Section 12 of the application.  If you are constructing a new PSD major source or are proposing a major modification to an existing PSD major source, you must obtain a PSD permit.  Minor NSR Exemptions at 20.2.72.200 NMAC nor Title V Insignificant Activities do not apply to the PSD permit regulation.  **Choose which applies and delete the rest.** See NMACS 20.2.74.7.AE and AG Major Modification and Major Stationary Source, 20.2.74.200 Applicability, and 20.2.74.201 Exemptions.  **20.2.74.7.AG(1)** A stationary source listed in Table 1 of this Part (20.2.74.501 NMAC) which emits, or has the potential to emit, emissions equal to or greater than one hundred (100) tons per year of any stack and fugitive emissions (as defined) of any regulated air pollutant; or  **20.2.74.7.AG(2)** A stationary source not listed in Table 1 of this Part (20.2.74.501 NMAC) and which emits or has the potential to emit stack emissions of two hundred fifty (250) tons per year or more of any regulated pollutant; or  **20.2.74.7.AG(3)** A physical change that would occur at a stationary source not otherwise qualifying under paragraphs (1) or (2) of subsection if the change would constitute a major stationary source by itself (e.g. an increase of 250 tpy or more); or  **20.2.74.300.D** a source or modification that becomes a major stationary source or major modification solely due to a relaxation in any enforceable limitation established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then this part shall apply to the source or modification as through construction had not yet commenced.  **20.2.74.200.7.AG(5)** The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the stationary source categories found in Table 1 of this Part (20.2.74.501 NMAC) or any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act. |
| 20.2.75 NMAC | Construction Permit Fees |  | Facility | If subject, this would apply to the entire facility. It is not necessary to include each low level regulatory citation for this regulation. This regulation applies if you are submitting an application pursuant to 20.2.72, 20.2.73, 20.2.74, and/or 20.2.79 NMAC.  If this is a 20.2.73 NMAC application it is subject to the filing fee at 20.2.75.10 NMAC. If this is a 20.2.72, 20.2.74, and/or 20.2.79 NMAC application it is subject to 20.2.75.10, 11 permit fee, and 11.E annual fees. You are not subject to the 75.11.E annual fees if you are subject to 20.2.71 NMAC. |
| 20.2.77 NMAC | New Source Performance |  | Units subject to 40 CFR 60 | This is a stationary source which is subject to the requirements of 40 CFR Part 60. |
| 20.2.78 NMAC | Emission Standards for HAPS |  | Units Subject to 40 CFR 61 | This facility emits hazardous air pollutants which are subject to the requirements of 40 CFR Part 61. |
| 20.2.79 NMAC | Permits – Nonattainment Areas |  | Facility | If subject, this would normally apply to the entire facility.  **If you are an existing nonattainment major source pursuant to 20.2.79.7.V NMAC you are subject to the applicability determination requirements at 20.2.79.109 NMAC to determine if you are subject to a nonattainment permit, before commencing actual construction of any modifications at your facility.**  If you are constructing a new nonattainment major source or are proposing a major modification to an existing nonattainment major source, you must obtain a nonattainment permit.  Minor NSR Exemptions at 20.2.72.200 NMAC nor Title V Insignificant Activities do not apply to the nonattainment permit regulation.  **Choose which applies and delete the rest.** See NMACS 20.2.79.7.U Major Modification and 7.V Major Stationary Source.  **20.2.79.109.A(1)** A major stationary source or major modification that will be located within a nonattainment area so designated pursuant to Section 107 of the Federal Act and will emit a pollutant subject to a National Ambient Air Quality Standard for which it is major and which the area is designated nonattainment; or  **20.2.79.109.A(2)** A major stationary source or major modification that will be located within an area designated attainment or unclassifiable pursuant to Section 107 of the Federal Act and will emit a regulated pollutant subject to a National Ambient Air Quality Standard for which it is major and the ambient impact of such pollutant would exceed any of the significance levels in 20.2.79.119.A NMAC at any location that does not meet any national ambient air quality standard for the same pollutant. |
| 20.2.80 NMAC | Stack Heights |  |  | Usually not applicable for TV  If applies: Cited as applicable in NSR Permit XXX. |
| 20.2.82 NMAC | MACT Standards for source categories of HAPS |  | Units Subject to 40 CFR 63 | This regulation applies to all sources emitting hazardous air pollutants, which are subject to the requirements of 40 CFR Part 63. |

**Example of a Table for Applicable Federal Regulations (Note: This is not an exhaustive list):**

| [**Federal Regulation**](http://www.env.nm.gov/regulatory-resources/) **Citation** | **Title** | **Applies? Enter Yes or No** | **Unit(s) or Facility** | **Justification:** |
| --- | --- | --- | --- | --- |
| 40 CFR 50 | NAAQS |  | Facility | If subject, this would normally apply to the entire facility.  This applies if you are subject to 20.2.70, 20.2.72, 20.2.74, and/or 20.2.79 NMAC. |
| NSPS 40 CFR 60, Subpart A | General Provisions |  | Units subject to 40 CFR 60 | Applies if any other Subpart in 40 CFR 60 applies. |
| NSPS 40 CFR60.40a, Subpart Da | Subpart Da, Performance Standards for **Electric Utility Steam Generating Units** |  |  | Establishes PM, SO2 and NOx emission limits/standards of performance for Unit **XXX**. The duct burner (unit #XXX) has a **XXXX** MMBtu/hr heat input, which exceeds the 250 MMBtu/hr threshold. Construction commenced **XXXX**, after the 9/18/1978 applicability date. |
| NSPS 40 CFR60.40b Subpart Db | **Electric Utility Steam Generating Units** |  |  | (a) The affected facility to which this subpart applies is each steam generating unit that commences construction, modification, or reconstruction after June 19, 1984, and that has a heat input capacity from fuels combusted in the steam generating unit of greater than 29 MW (100 million Btu/hour).  Establishes NOx emission limit for Unit **XXX**. The boiler (unit **XXX**) has a **XXX** MMBtu/hr heat input, which exceeds the 100 MMBtu/hr threshold. Construction commenced 1980 and the boiler was modified in XXXX, after the 6/19/1984 applicability date. |
| 40 CFR 60.40c, Subpart Dc | Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units |  |  | Applicability: facility has steam generating units for which construction, modification or reconstruction is commenced after June 9, 1989 and that have a maximum design heat input capacity of 29 MW (100 MMBtu/hr) or less, but greater than or equal to 2.9 MW (10 MMBtu/hr). This regulation applies to units **XXX, X, XX, and XXX**. |
| NSPS  40 CFR 60, Subpart Ka | Standards of Performance for **Storage Vessels for Petroleum Liquids** for which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and **Prior** to July 23, 1984 |  |  | Tanks XXX have a storage capacity greater than 151,416 liters (40,000 gallons) that are used to store petroleum liquids for which construction is commenced after May 18, 1978.  Note: Exception below  Each petroleum liquid storage vessel with a capacity of less than 1,589,873 liters (420,000 gallons) used for petroleum or condensate stored, processed, or treated prior to custody transfer is not an affected facility and, therefore, is exempt from the requirements of this subpart |
| NSPS  40 CFR 60, Subpart Kb | Standards of Performance for **Volatile Organic Liquid Storage Vessels** (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced **After** July 23, 1984 |  |  | This facility has storage vessels, emission units XXX with a capacity greater than or equal to 75 cubic meters (m 3 ) that is used to store volatile organic liquids (VOL) for which construction, reconstruction, or modification is commenced after July 23, 1984. **Note: This regulation has several exceptions.** |
| NSPS  40 CFR 60.330 Subpart GG | **Stationary Gas Turbines** |  |  | Units x,y,z have a heat input = x Btu/hour which is greater than the 10 MMBtu/hour threshold. These units were installed on x which is before/after the October 3, 1977 applicability date.  (For information on equipment manufactured before but installed at facility after see EPA Guidance document # 0300006) |
| NSPS  40 CFR 60, Subpart KKK | Leaks of VOC from **Onshore Gas Plants** |  |  | Affected Facility with Leaks of VOC from Onshore Gas Plants. Any affected facility under paragraph (a) of this section that commences construction, reconstruction, or modification after January 20, 1984, is subject to the requirements of this subpart. The group of all equipment (each pump, pressure relief device, open-ended valve or line, valve, compressor, and flange or other connector that is in VOC service or in wet gas service, and any device or system required by this subpart) except compressors (defined in § 60.631) within a process unit is an affected facility. A compressor station, dehydration unit, sweetening unit, underground storage tank, field gas gathering system, or liquefied natural gas unit is covered by this subpart if it is located at an onshore natural gas processing plant. If the unit is not located at the plant site, then it is exempt from the provisions of this subpart. |
| NSPS  40 CFR Part 60 Subpart LLL | Standards of Performance for **Onshore Natural Gas Processing**: SO2 Emissions |  |  | The facility is a natural gas processing plant, including a sweetening unit followed by a sulfur recovery unit, constructed after January XX, XXXX, and meets the applicability criteria of 40 CFR 60.640 |
| NSPS  40 CFR Part  60 Subpart  OOOO | Standards of Performance for  Crude Oil and Natural Gas Production, Transmission, and Distribution for which construction, modification or reconstruction commenced after August 23, 2011 and before September 18, 2015 |  |  | EPA Guidance Page: [www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry](http://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry)  The rule applies to “affected” facilities that are constructed, modified, or reconstructed after Aug 23, 2011 (40 CFR 60.5365): gas wells, including fractured and hydraulically refractured wells, centrifugal compressors, reciprocating compressors, pneumatic controllers, certain equipment at natural gas processing plants, sweetening units at natural gas processing plants, and storage vessels.  If there is a standard or other requirement, then the facility is an “affected facility.” Currently there are standards for: gas wells (60.5375); centrifugal compressors (60.5380); reciprocating compressors (60.5385): controllers (60.5390); storage vessels (60.5395); equipment leaks (60.5400); sweetening units (60.5405).  **If standards apply, list the unit number(s) and regulatory citation of the standard that applies to that unit (e.g. Centrifugal Compressors 1a-3a are subject to the standards at 60.5380(a)(1) and (2) since we use a control device to reduce emissions)** |
| NSPS  40 CFR Part  60 Subpart  OOOOa | Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced **After** September 18, 2015 |  |  | See 60.536  EPA Guidance Page: [www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry](http://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry) |
| NSPS 40 CFR 60 Subpart IIII | Standards of performance for Stationary Compression Ignition Internal Combustion Engines |  |  | See 60.4200 and EPA Region 1’s Reciprocating Internal Combustion Guidance website. |
| NSPS  40 CFR Part 60 Subpart JJJJ | Standards of Performance for Stationary Spark Ignition Internal Combustion Engines |  |  | See 40 CFR 60.4230 and EPA Region 1’s Reciprocating Internal Combustion Guidance website. |
| NSPS 40 CFR 60 Subpart TTTT | Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units |  |  | See 60.5508 |
| NSPS 40 CFR 60 Subpart UUUU | Emissions Guidelines for Greenhouse Gas Emissions and Compliance Times for Electric Utility Generating Units |  |  | See 60.5700 |
| NSPS 40 CFR 60, Subparts WWW, XXX, Cc, and Cf | Standards of performance for Municipal Solid Waste (MSW) Landfills |  |  | See 60.30c, 60.30f, 60.750, and/or 60.760 |
| NESHAP  40 CFR 61 Subpart A | General Provisions |  | Units Subject to 40 CFR 61 | Applies if any other Subpart in 40 CFR 61 applies. |
| NESHAP  40 CFR 61 Subpart E | National Emission Standards for **Mercury** |  |  | The provisions of this subpart are applicable to those stationary sources which process mercury ore to recover mercury, use mercury chlor-alkali cells to produce chlorine gas and alkali metal hydroxide, and incinerate or dry wastewater treatment plant sludge |
| NESHAP  40 CFR 61 Subpart V | National Emission Standards for **Equipment Leaks** (Fugitive Emission Sources) |  |  | The provisions of this subpart apply to each of the following sources that are intended to operate in volatile hazardous air pollutant (VHAP) service: pumps, compressors, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, and control devices or systems required by this subpart. VHAP service means a piece of equipment either contains or contacts a fluid (liquid or gas) that is at least 10 percent by weight of VHAP. VHAP means a substance regulated under this subpart for which a standard for equipment leaks of the substance has been promulgated. Benzene is a VHAP (See 40 CFR 61 Subpart J).  Note: If 40 CFR 60 also applies source only needs to comply with this part. |
| MACT  40 CFR 63, Subpart A | General Provisions |  | Units Subject to 40 CFR 63 | Applies if any other Subpart in 40 CFR 63 applies. |
| MACT  40 CFR 63.760 Subpart HH | **Oil and Natural Gas Production Facilities** |  |  | **Choose all that apply:**  This facility is Subject to the requirements of 40 CFR 63 Subpart HH  Dehydrators X, X have no control requirements because { }.- however, they are subject to HH recordkeeping and reporting.  Facility was major for HAPS in Permit PXXX issued June X, 200X. Once in always in. |
| MACT  40 CFR 63 Subpart HHH |  |  |  | This subpart applies to owners and operators of natural gas transmission and storage facilities that transport or store natural gas prior to entering the pipeline to a local distribution company or to a final end user (if there is no local distribution company), and that are major sources of hazardous air pollutants (HAP) emissions as defined in §63.1271. |
| MACT 40 CFR 63 Subpart DDDDD | National Emission Standards for Hazardous Air Pollutants for Major Industrial, Commercial, and Institutional Boilers & Process Heaters |  |  | See 63.7480 |
| MACT 40 CFR 63 Subpart UUUUU | National Emission Standards for Hazardous Air Pollutants Coal & Oil Fire Electric Utility Steam Generating Unit |  |  | See 63.9980 (known as the MATs rule) |
| MACT  40 CFR 63 Subpart ZZZZ | National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (**RICE MACT**) |  |  | See 63.6580 and EPA Region 1’s Reciprocating Internal Combustion Guidance website. |
| 40 CFR 64 | **Compliance Assurance Monitoring** |  |  | **Applies only to Title V Major Sources**  Emissions for Unit XX are major in and of itself (XXXX TPY SO2).  OR SRU is actually exempt because of 40 CFR64.2 (b) (vI)  (b) Exemptions—(1) Exempt emission limitations or standards. The requirements of this part shall not apply to any of the following emission limitations or standards: (vi) Emission limitations or standards for which a part 70 or 71 permit specifies a continuous compliance determination method, as defined in §64.1. The exemption provided in this paragraph (b)(1)(vi) shall not apply if the applicable compliance method includes an assumed control device emission reduction factor that could be affected by the actual operation and maintenance of the control device (such as a surface coating line controlled by an incinerator for which continuous compliance is determined by calculating emissions on the basis of coating records and an assumed control device efficiency factor based on an initial performance test; in this example, this part would apply to the control device and capture system, but not to the remaining elements of the coating line, such as raw material usage). |
| 40 CFR 68 | **Chemical Accident Prevention** |  |  | If subject, this would normally apply to the entire facility.  An owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under §68.115,  See 40 CFR 68 |
| Title IV – Acid Rain  40 CFR 72 | **Acid Rain** |  |  | See 40 CFR 72.6. This may apply if your facility generates commercial electric power or electric power for sale. |
| Title IV – Acid Rain  40 CFR 73 | **Sulfur Dioxide** Allowance Emissions |  |  | See 40 CFR 73.2. This may apply if your facility generates commercial electric power or electric power for sale. |
| Title IV-Acid Rain 40 CFR 75 | **Continuous Emissions Monitoring** |  |  | See 40 CFR 75.2. This may apply if your facility generates commercial electric power or electric power for sale. |
| Title IV – Acid Rain  40 CFR 76 | **Acid Rain** Nitrogen Oxides **Emission Reduction Program** |  |  | See 40 CFR 76.1. This may apply if your facility generates commercial electric power or electric power for sale. |
| Title VI –  40 CFR 82 | Protection of **Stratospheric Ozone** |  | N/A | EPA Guidance Page for 40 CFR 82: <https://www.epa.gov/section608>  40 CFR 82 may apply if you:  **(40 CFR 82.1 and 82.100)** produce, transform, destroy, import or export a controlled substance or import or export a controlled product;  **(40 CFR 82.30)** if you perform service on a motor vehicle for consideration when this service involves the refrigerant in the motor vehicle air conditioner;  **(40 CFR 82.80)** if you are a department, agency, and instrumentality of the United States subject to Federal procurement requirements;  **(82.150)** if you service, maintain, or repair appliances, dispose of appliances, refrigerant reclaimers, **if you are an owner or operator of an appliance**, if you are a manufacturer of appliances or of recycling and recovery equipment, if you are an approved recycling and recovery equipment testing organization, and/or if you sell or offer for sell or purchase class I or class I refrigerants.  **Note:** Owners and operators of appliances subject to 40 CFR 82.150 Recycling and Emissions Reduction have recordkeeping and reporting requirements even if the owner/operator is not performing the actual work.  **Note:** Disposal definition in 82.152: Disposal means the process leading to and including: (1) The discharge, deposit, dumping or placing of any discarded appliance into or on any land or water; (2) The disassembly of any appliance for discharge, deposit, dumping or placing of its discarded component parts into or on any land or water; or (3) The disassembly of any appliance for reuse of its component parts. “Major maintenance, service, or repair means” any maintenance, service, or repair that involves the removal of any or all of the following appliance components: compressor, condenser, evaporator, or auxiliary heat exchange coil; or any maintenance, service, or repair that involves uncovering an opening of more than four (4) square inches of “flow area” for more than 15 minutes. |

**Section 14**

**Operational Plan to Mitigate Emissions**

(Submitting under 20.2.70, 20.2.72, 20.2.74 NMAC)

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**Title V Sources** (20.2.70 NMAC)**:** By checking this box and certifying this application the permittee certifies that it has developed an **Operational Plan to Mitigate Emissions During Startups, Shutdowns, and Emergencies** defining the measures to be taken to mitigate source emissions during startups, shutdowns, and emergencies as required by 20.2.70.300.D.5(f) and (g) NMAC. This plan shall be kept on site to be made available to the Department upon request. This plan should not be submitted with this application.

**NSR** (20.2.72 NMAC)**, PSD** (20.2.74 NMAC) **& Nonattainment** (20.2.79 NMAC) **Sources:** By checking this box and certifying this application the permittee certifies that it has developed an **Operational Plan to Mitigate Source Emissions During Malfunction, Startup, or Shutdown** defining the measures to be taken to mitigate source emissions during malfunction, startup, or shutdown as required by 20.2.72.203.A.5 NMAC. This plan shall be kept on site to be made available to the Department upon request. This plan should not be submitted with this application.

**Title V** (20.2.70 NMAC)**, NSR** (20.2.72 NMAC)**, PSD** (20.2.74 NMAC) **& Nonattainment** (20.2.79 NMAC) **Sources:** By checking this box and certifying this application the permittee certifies that it has established and implemented a Plan to Minimize Emissions During Routine or Predictable Startup, Shutdown, and Scheduled Maintenance through work practice standards and good air pollution control practices as required by 20.2.7.14.A and B NMAC. This plan shall be kept on site or at the nearest field office to be made available to the Department upon request. This plan should not be submitted with this application.

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**Section 15**

**Alternative Operating Scenarios**

(Submitting under 20.2.70, 20.2.72, 20.2.74 NMAC)

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**Alternative Operating Scenarios:** Provide all information required by the department to define alternative operating scenarios. This includes process, material and product changes; facility emissions information; air pollution control equipment requirements; any applicable requirements; monitoring, recordkeeping, and reporting requirements; and compliance certification requirements. Please ensure applicable Tables in this application are clearly marked to show alternative operating scenario.

**Construction Scenarios**: When a permit is modified authorizing new construction to an existing facility, NMED includes a condition to clearly address which permit condition(s) (from the previous permit and the new permit) govern during the interval between the date of issuance of the modification permit and the completion of construction of the modification(s). There are many possible variables that need to be addressed such as: Is simultaneous operation of the old and new units permitted and, if so for example, for how long and under what restraints? In general, these types of requirements will be addressed in Section A100 of the permit, but additional requirements may be added elsewhere. Look in A100 of our NSR and/or TV permit template for sample language dealing with these requirements. Find these permit templates at: [www.env.nm.gov/air-quality/permitting-section-procedures-and-guidance/](http://www.env.nm.gov/air-quality/permitting-section-procedures-and-guidance/). Compliance with standards must be maintained during construction, which should not usually be a problem unless simultaneous operation of old and new equipment is requested.

In this section, under the bolded title “Construction Scenarios”, specify any information necessary to write these conditions, such as: conservative-realistic estimated time for completion of construction of the various units, whether simultaneous operation of old and new units is being requested (and, if so, modeled), whether the old units will be removed or decommissioned, any PSD ramifications, any temporary limits requested during phased construction, whether any increase in emissions is being requested as SSM emissions or will instead be handled as a separate Construction Scenario (with corresponding emission limits and conditions, etc.

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**Section 16**

**Air Dispersion Modeling**

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1. Minor Source Construction (20.2.72 NMAC) and Prevention of Significant Deterioration (PSD) (20.2.74 NMAC) ambient impact analysis (modeling): Provide an ambient impact analysis as required at 20.2.72.203.A(4) and/or 20.2.74.303 NMAC and as outlined in the Air Quality Bureau’s Dispersion Modeling Guidelines found on the Planning Section’s modeling website. If air dispersion modeling has been waived for one or more pollutants, attach the AQB Modeling Section modeling waiver approval documentation.
2. SSM Modeling: Applicants must conduct dispersion modeling for the total short term emissions during routine or predictable startup, shutdown, or maintenance (SSM) using realistic worst case scenarios following guidance from the Air Quality Bureau’s dispersion modeling section. Refer to "Guidance for Submittal of Startup, Shutdown, Maintenance Emissions in Permit Applications ([http://www.env.nm.gov/aqb/permit/app\_form.html](https://www.google.com/url?q=http://www.env.nm.gov/aqb/permit/app_form.html&sa=D&ust=1455065823354000&usg=AFQjCNHu71H-hWa7uHZLzR9oTLrdbJf8DQ)) for more detailed instructions on SSM emissions modeling requirements.
3. Title V (20.2.70 NMAC) ambient impact analysis: Title V applications must specify the construction permit and/or Title V Permit number(s) for which air quality dispersion modeling was last approved. Facilities that have only a Title V permit, such as landfills and air curtain incinerators, are subject to the same modeling required for preconstruction permits required by 20.2.72 and 20.2.74 NMAC.

|  |  |
| --- | --- |
| **What is the purpose of this application?** | Enter an X for each purpose that applies |
| New PSD major source or PSD major modification (20.2.74 NMAC). See #1 above. |  |
| New Minor Source or significant permit revision under 20.2.72 NMAC (20.2.72.219.D NMAC). See #1 above. **Note:** Neither modeling nor a modeling waiver is required for VOC emissions. |  |
| Reporting existing pollutants that were not previously reported. |  |
| Reporting existing pollutants where the ambient impact is being addressed for the first time. |  |
| Title V application (new, renewal, significant, or minor modification. 20.2.70 NMAC). See #3 above. |  |
| Relocation (20.2.72.202.B.4 or 72.202.D.3.c NMAC) |  |
| Minor Source Technical Permit Revision 20.2.72.219.B.1.d.vi NMAC for like-kind unit replacements. |  |
| Other: i.e. SSM modeling. See #2 above. |  |
| This application does not require modeling since this is a No Permit Required (NPR) application. |  |
| This application does not require modeling since this is a Notice of Intent (NOI) application (20.2.73 NMAC). |  |
| This application does not require modeling according to 20.2.70.7.E(11), 20.2.72.203.A(4), 20.2.74.303, 20.2.79.109.D NMAC and in accordance with the Air Quality Bureau’s Modeling Guidelines. |  |

**Check each box that applies:**

See attached, approved modeling **waiver for all** pollutants from the facility.

See attached, approved modeling **waiver for some** pollutants from the facility.

Attached in Universal Application Form 4 (UA4) is a **modeling report for all** pollutants from the facility.

Attached in UA4 is a **modeling report for some** pollutants from the facility.

No modeling is required.

**Section 17**

**Compliance Test History**

(Submitting under 20.2.70, 20.2.72, 20.2.74 NMAC)

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To show compliance with existing NSR permits conditions, you must submit a compliance test history. The table below provides an example.

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**Compliance Test History Table (Modify this sample table to suit your facility)**

|  |  |  |
| --- | --- | --- |
| Unit No. | Test Description | Test Date |
| 1,2 | Tested in accordance with EPA test methods for NOx and CO as required by Title V permit P500. | 4/13/2004 |
| 3 | Tested in accordance with EPA test methods for NOx and CO as required by NSR permit 2923M1. | 5/12/2005 |

**Section 18**

**Addendum for Streamline Applications**

Do not print this section unless this is a streamline application.

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**Streamline Applications do not require a complete application. Submit Sections 1-A, 1-B, 1-D, 1-F, 1-G, 2-A, 2-C thru L, Sections 3 thru 8, Section 13, Section 18, Section 22, and Section 23 (Certification). Other sections may be required at the discretion of the Department. 20.2.72.202 NMAC Exemptions do not apply to Streamline sources. 20.2.72.219 NMAC revisions and modifications do not apply to Streamline sources, thus 20.2.72.219 type actions require a complete new application submittal. Please do not print sections of a streamline application that are not required.**

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| 18-A: Streamline Category | |
| 1 | **Indicate under which part of 20.2.72.301.D this facility is applying. Refer to the forth column of Table 18-D below, to assist in this determination:**  20.2.72.301.D(1) NMAC  20.2.72.301.D(2) NMAC  20.2.72.301.D(3) NMAC |

2

|  |  |  |
| --- | --- | --- |
| 18-B: Streamline Applicability Criteria | | Answer (yes/no) |
| 1 | Does the source category for this facility meet one of those listed in the following table? (20.2.72.301.A NMAC)  **20.2.72.501 Table 2 – Permit Streamlining Source Class Categories**  1. Reciprocating internal combustion engines including portable or temporary engines  2. Turbines | Yes  No |
| 2 | If this facility is a compressor station, does it meet the definition of a “Compressor station” below? (20.2.72.301.D NMAC)  **“Compressor station"** means a facility whose primary function is the extraction of crude oil, natural gas, or water from the earth with compressors, or movement of any fluid, including crude oil or natural gas, or products refined from these substances through pipelines or the injection of natural gas or CO2 back into the earth using compressors. A compressor station may include engines to generate power in conjunction with the other functions of extraction, injection or transmission and may contain emergency flares. A compressor station may have auxiliary equipment which emits small quantities of regulated air contaminants, including but not limited to, separators, de-hydration units, heaters, treaters and storage tanks, provided the equipment is located within the same property boundaries as the compressor engine (underline added). (20.2.72.301.A NMAC) | Yes  No |
| 3 | Will the source operate in compliance with all applicable state and federal regulations, including federal new source performance standards incorporated by 20.2.77 NMAC and permit conditions? (20.2.72.305.B NMAC) | Yes  No |
| 4 | Will the fuel combusted at this facility beproduced natural gas, sweet natural gas, liquid petroleum gas, or fuel gas containing 0.1 grain of total sulfur or less per dry standard cubic foot; or refinery grade diesel or No. 2 fuel oil that is not a blend containing waste oils or solvents and contains less than 0.3% by weight sulfur? (20.2.72.306 NMAC) | Yes  No |
| 5 | Will all spark ignited gas-fired or any compression ignited dual fuel-fired engine which operates with a non-selective catalytic converter be equipped and operated with an automatic air-fuel ratio (AFR) controller which maintains AFR in the range required to minimize NOx emissions, as recommended by the manufacturer? (20.2.72.306 NMAC) | Yes  No |
| 6 | Has payment of all fees that are specified in 20.2.75 NMAC (Construction Permit Fees), as payable at the time the application is submitted, been included with the application package? (20.2.72.302.15 NMAC) | Yes  No |
| 7 | Is the answer to each of the above questions, #1 through #6, ‘**Yes**’?  If the answer to **this** question is “**No**”, this facility does **not** qualify for a streamline permit. | Yes  No |
| 8 | Will the facility, either before or after construction or modification, have a total potential to emit of any regulated air contaminant2 greater than 200 tons per year (tpy) of any one regulated air pollutant (CO, NOx, SO2, or VOC)? (20.2.72.301.B.2 NMAC);  **“Potential to emit"** or **"potential emissions"** means the maximum capacity of a stationary source to emit a regulated air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a regulated air contaminant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitations or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source. | Yes  No |
| 9 | Is the facility a "major stationary source" as defined in 20 NMAC 2.74? (20.2.72.301.B.1 NMAC) | Yes  No |
| 10 | Is this source subject 20.2.78 NMAC, other than 40CFR61 Subpart M National Emission Standard for Asbestos? (20.2.72.301.B.3 NMAC) | Yes  No |
| 11 | Is this a source of potential air toxic emissions (20 NMAC 2.72. 400-499)? (20.2.72.301.B.3 NMAC) | Yes  No |
| 12 | Will the reciprocating internal combustion (IC) engines and/or turbines be located at a petroleum refinery, chemical manufacturing plant, bulk gasoline terminal, natural gas processing plant, or at any facility containing sources in addition to IC engines and/or turbines for which an air quality permit is required through state or federal air quality regulations in the absence of the (IC) engines and/or turbines? (20.2.72.301.B.4 NMAC) | Yes  No |
| 13 | Will the proposed facility be located within any of the 20.2.72.301.B.5 exclusion areas specified in the Air Dispersion Modeling Guidelines1, Table:Areas Where Streamline Permits Are Prohibited? (20.2.72.301.B.5 NMAC) | Yes  No |
| 14 | Will the proposed facility's impact area intersect any of the areas specified in the Air Dispersion Modeling Guidelines1, Table:Areas Where Streamline Permits Are Prohibited? (20.2.72.301.B.5 NMAC) | Yes  No  N/A |
| 15 | Is the answer to each of the above questions, #8 through #14, ‘**No**’?  If the answer to **this** question is “**No**”, this facility does **not** qualify for a streamline permit. | Yes  No |

1 The Air Dispersion Modeling Guidelines contain a section on streamline permitting. The table mentioned above can be found within those guidelines at [www.env.nm.gov/air-quality/modeling-publications/](http://www.env.nm.gov/air-quality/modeling-publications/)

2 The potential to emit for nitrogen dioxide shall be based on total oxides of nitrogen

|  |  |  |  |
| --- | --- | --- | --- |
| 18-C: Streamline Location Restrictions | | **Answer (yes/no)** | **Identify: Name and Distance (km**) |
| 1 | Will the distance from the nearest property boundary to the nearest school, residence, office building or occupied structure, excluding the immediate facility complex be greater than one (1.0) km? (20.2.72.301.B.6.a NMAC) | Yes  No |  |
| 2 | Will the distance from the nearest property boundary to the nearest state park, Class II wilderness or wildlife refuge, historic park, state recreation area be greater than three (3.0) km? (20.2.72.301.B.6.b NMAC)  The Air Dispersion Modeling Guidelines1, Table:List Of State Parks, Class II Wilderness Areas, Class II National Wildlife Refuge, National Historic Parks, State Recreation Areas, and Class I Areas contains a list of most of these areas in New Mexico, but may not include new areas designated since the modeling guidelines were published. | Yes  No |  |
| 3 | Will the distance from the nearest property boundary to the nearest community with a population of more than 20,000 people be greater than three (3.0) km? (20.2.72.301.B.6 NMAC).b | Yes  No |  |
| 4 | Will the distance from the nearest property boundary to the nearest community with a population of more than 40,000 people be greater than 10 km? (20.2.72.301.B.6.c NMAC) | Yes  No |  |
| 5 | Will the distance from the nearest property boundary to the nearest Class I area be greater than 30 km? (20.2.72.301.B.6.d NMAC)  The Air Dispersion Modeling Guidelines1, Table:List Of State Parks, Class II Wilderness Areas, Class II National Wildlife Refuge, National Historic Parks, State Recreation Areas, and Class I Areas contains a list of most of these areas in New Mexico, but may not include new areas designated since the modeling guidelines were published. | Yes  No |  |
| 6 | Will the distance from the nearest property boundary to Bernalillo County be greater than 15 km? (20.2.72.301.B.7 NMAC) | Yes  No | -NA- |
| 7 | Is the answer to all of the above question yes or N/A?  If the answer to **this** question is “**No**”, this facility does not qualify for a streamline permit. | Yes  No | -NA- |

1 The Air Dispersion Modeling Guidelines contain a section on streamline permitting. The table mentioned above can be found within those guidelines at [www.env.nm.gov/air-quality/modeling-publications/](http://www.env.nm.gov/air-quality/modeling-publications/).

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **18-D: Source Category Determination** | | | |  | |  | |
| 1 | | Is the total potential to emit of each regulated contaminant from all sources at the facility less than 40 tpy? | | Yes  No | | * If the answers to this question is “Yes”, the facility qualifies for a 20.2.72.301.D.1 NMAC streamline permit. * Public notice is not required, 20.2.72.303.A NMAC. * Modeling is **not** required, 20.2.72.301.D NMAC. * If “Yes”, leave the remainder of this table blank. | |
| 2 | | Is the total potential to emit of each regulated contaminant from all emission sources at the facility less than 100 tons per year (tpy) **AND** the impact on ambient air from all sources at the facility less than the ambient significance levels in 20.2.72.500 NMAC? | | Yes  No | | * If the answer to this question is “Yes”, the facility qualifies for a 20.2.72.301.D.2 NMAC streamline permit. * Public notice is not required, 20.2.72.303.A NMAC. * **Modeling is required** in accordance with 20.2.72.301.D.2 NMAC * If “Yes”, leave the remainder of this table blank. | |
| 3.a | | Is the total potential to emit of each regulated contaminant from all emission sources at the facility less than 200 tons per year (tpy) **AND** the maximum modeled ambient impact from the total potential emissions at the facility less than 50 percent of each applicable PSD increment, state and federal ambient air quality standards? | | Yes  No | | * If the answers to these questions (3.a, 3.b, 3.c, and 3.d) are all “Yes”, the facility qualifies for a 20.2.72.301.D.3 NMAC streamline permit. * Public notice is required in accordance with NMAC 20.2.72.303 NMAC. * **Modeling is required** in accordance with 20.2.72.301.D.3 NMAC * If the answers to questions 1, 2, and any of questions in question 3 (3.a, 3.b, 3.c, or 3.d) are “No”, this facility does not qualify for a streamline permit. | |
| 3.b | | Are there no adjacent sources emitting the same regulated air contaminant(s) as the source within 2.5 km of the modeled nitrogen dioxide (NO2) impact area? | | Yes  No | |
| 3.c | | Is the "sum of the potential emissions for oxides of nitrogen from all adjacent sources" (SUM) within 15 km of the NO2 impact area (SUM15) less than 740 tpy? | | Yes  No | |
| 3.d | | Is the "sum of the potential emissions for oxides of nitrogen from all adjacent sources" (SUM) within 25 km of the NO2 impact area (SUM25) less than 1540 tpy? | | Yes  No | |

Note: All modeling demonstrations have the option of demonstrating compliance with 20.2.72.301.D.3 NMAC. All public notices are required to comply with the public notice requirements of a NMAC20.2.72.301.D.3 facility.

|  |  |
| --- | --- |
| 18-E: Submittals | |
| 1 | If a facility is required to submit a modeling analysis to demonstrate compliance with NMAC 20.2.72.300-399, use the Department’s most current version of the Departments Air Dispersion Modeling Guidelines,and include a copy of the modeling in the application. A copy of the most current version of the guidelines can be obtained at the following web page [www.env.nm.gov/air-quality/modeling-publications/](http://www.env.nm.gov/air-quality/modeling-publications/). |
| 2 | **Public Notice:**  Per 20.2.72.303.A NMAC, public notice is only required for sources subject to NMAC 20.2.72.301.D.3. Public notice submittals shall consist of the following:   1. Proof of Public Notice 2. Include a copy of the certified letter receipts (Field office & Federal Land Managers) (20.2.72.206.A.7, 302.A & 302.12) 3. A copy of the letters sent to the appropriate federal land manager if the source will locate within 50 km of a boundary of a Class I area (302.A.2) 4. A statement stating a complete copy of the application and public notice has been provided to the Departments field or district office nearest the source (302.A.1) 5. The location where the public notice has been posted on the site (303.B.2) 6. A copy of the classified or legal ad and its affidavit of publication (303.B.1) |

**Section 19**

**Requirements for Title V Program**

Do not print this section unless this is a Title V application.

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**Who Must Use this Attachment**:

\* Any major source as defined in 20.2.70 NMAC.

\* Any source, including an area source, subject to a standard or other requirement promulgated under Section 111 ‑ Standards of Performance for New Stationary Sources, or Section 112 ­Hazardous Air Pollutants, of the 1990 federal Clean Air Act ("federal Act"). Non‑major sources subject to Sections 111 or 112 of the federal Act are exempt from the obligation to obtain an 20.2.70 NMAC operating permit until such time that the EPA Administrator completes rulemakings that require such sources to obtain operating permits. In addition, sources that would be required to obtain an operating permit solely because they are subject to regulations or requirements under Section 112(r) of the federal Act are exempt from the requirement to obtain an Operating Permit.

\* Any Acid Rain source as defined under title IV of the federal Act. The Acid Rain program has additional forms. See [www.env.nm.gov/air-quality/air-quality-title-v-operating-permits-guidance-page/](http://www.env.nm.gov/air-quality/air-quality-title-v-operating-permits-guidance-page/). Sources that are subject to both the Title V and Acid Rain regulations are encouraged to submit both applications simultaneously.

\* Any source in a source category designated by the EPA Administrator ("Administrator"), in whole or in part, by regulation, after notice and comment.

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**19.1 - 40 CFR 64, Compliance Assurance Monitoring (CAM)**  (20.2.70.300.D.10.e NMAC)

Any source subject to 40CFR, Part 64 (Compliance Assurance Monitoring) must submit all the information required by section 64.7 with the operating permit application. The applicant must prepare a separate section of the application package for this purpose; if the information is already listed elsewhere in the application package, make reference to that location. Facilities not subject to Part 64 are invited to submit periodic monitoring protocols with the application to help the AQB to comply with 20.2.70 NMAC. Sources subject to 40 CFR Part 64, must submit a statement indicating your source's compliance status with any enhanced monitoring and compliance certification requirements of the federal Act.

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**19.2 - Compliance Status** (20.2.70.300.D.10.a & 10.b NMAC)

Describe the facility's compliance status with each applicable requirement at the time this permit application is submitted. This statement should include descriptions of or references to all methods used for determining compliance. This statement should include descriptions of monitoring, recordkeeping and reporting requirements and test methods used to determine compliance with all applicable requirements. Refer to Section 2, Tables 2-N and 2-O of the Application Form as necessary. (20.2.70.300.D.11 NMAC) For facilities with existing Title V permits, refer to most recent Compliance Certification for existing requirements. Address new requirements such as CAM, here, including steps being taken to achieve compliance.

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**19.3 - Continued Compliance** (20.2.70.300.D.10.c NMAC)

Provide a statement that your facility will continue to be in compliance with requirements for which it is in compliance at the time of permit application. This statement must also include a commitment to comply with other applicable requirements as they come into effect during the permit term. This compliance must occur in a timely manner or be consistent with such schedule expressly required by the applicable requirement.

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**19.4 - Schedule for Submission of Compliance** (20.2.70.300.D.10.d NMAC)

You must provide a proposed schedule for submission to the department of compliance certifications during the permit term. This certification must be submitted annually unless the applicable requirement or the department specifies a more frequent period. A sample form for these certifications will be attached to the permit.

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**19.5 - Stratospheric Ozone and Climate Protection**

In addition to completing the four (4) questions below, you must submit a statement indicating your source's compliance status with requirements of Title VI, Section 608 (National Recycling and Emissions Reduction Program) and Section 609 (Servicing of Motor Vehicle Air Conditioners).

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1. Does your facility have any air conditioners or refrigeration equipment that uses CFCs, HCFCs or other ozone-depleting substances?  **Yes  No**

2. Does any air conditioner(s) or any piece(s) of refrigeration equipment contain a refrigeration charge greater than 50 lbs?  **Yes  No**

(If the answer is yes, describe the type of equipment and how many units are at the facility.)

3. Do your facility personnel maintain, service, repair, or dispose of any motor vehicle air conditioners (MVACs) or appliances ("appliance" and "MVAC" as defined at 82. 152)?  **Yes  No**

4. Cite and describe which Title VI requirements are applicable to your facility (i.e. 40 CFR Part 82, Subpart A through G.)

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**19.6 - Compliance Plan and Schedule**

Applications for sources, which are not in compliance with all applicable requirements at the time the permit application is submitted to the department, must include a proposed compliance planas part of the permit application package. This plan shall include the information requested below:

* + 1. **Description of Compliance Status:** (20.2.70.300.D.11.a NMAC)

A narrative description of your facility's compliance status with respect to all applicable requirements (as defined in 20.2.70 NMAC) at the time this permit application is submitted to the department.

* + 1. **Compliance plan:** (20.2.70.300.D.11.B NMAC)

A narrative description of the means bywhich your facility will achieve compliance with applicable requirements with which it is not in compliance at the time you submit your permit application package.

* + 1. **Compliance schedule:** (20.2.70.300D.11.c NMAC)

A schedule of remedial measures that you plan to take, including an enforceable sequence of actions with milestones, which will lead to compliance with all applicable requirements for your source. This schedule of compliance must be at least as stringent as that contained in any consent decree or administrative order to which your source is subject. The obligations of any consent decree or administrative order are not in any way diminished by the schedule of compliance.

* + 1. **Schedule of Certified Progress Reports:** (20.2.70.300.D.11.d NMAC)

A proposed schedule for submission to the department of certified progress reports must also be included in the compliance schedule. The proposed schedule must call for these reports to be submitted at least every six (6) months.

**E.** **Acid Rain Sources:** (20.2.70.300.D.11.e NMAC)

If your source is an acid rain source as defined by EPA, the following applies to you. For the portion of your acid rain source subject to the acid rain provisions of title IV of the federal Act, the compliance plan must also include any additional requirements under the acid rain provisions of title IV of the federal Act. Some requirements of title IV regarding the schedule and methods the source will use to achieve compliance with the acid rain emissions limitations may supersede the requirements of title V and 20.2.70 NMAC. You will need to consult with the Air Quality Bureau permitting staff concerning how to properly meet this requirement.

**NOTE**: The Acid Rain program has additional forms. See [www.env.nm.gov/air-quality/air-quality-title-v-operating-permits-guidance-page/](http://www.env.nm.gov/air-quality/air-quality-title-v-operating-permits-guidance-page/). Sources that are subject to both the Title V and Acid Rain regulations are **encouraged** to submit both applications **simultaneously**.

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**19.7 - 112(r) Risk Management Plan (RMP)**

Any major sources subject to section 112(r) of the Clean Air Act must list all substances that cause the source to be subject to section 112(r) in the application. The permittee must state when the RMP was submitted to and approved by EPA.

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**19.8 - Distance to Other States, Bernalillo, Indian Tribes and Pueblos**

Will the property on which the facility is proposed to be constructed or operated be closer than80 km (50 miles) from other states, local pollution control programs, and Indian tribes and pueblos (20.2.70.402.A.2 and 20.2.70.7.B NMAC)?

(If the answer is yes, state which apply and provide the distances.)

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**19.9 - Responsible Official**

Provide the Responsible Official as defined in 20.2.70.7.AD NMAC:

**Section 20**

**Other Relevant Information**

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**Other relevant information**. Use this attachment to clarify any part in the application that you think needs explaining. Reference the section, table, column, and/or field. Include any additional text, tables, calculations or clarifying information.

Additionally, the applicant may propose specific permit language for AQB consideration. In the case of a revision to an existing permit, the applicant should provide the old language and the new language in track changes format to highlight the proposed changes. If proposing language for a new facility or language for a new unit, submit the proposed operating condition(s), along with the associated monitoring, recordkeeping, and reporting conditions. In either case, please limit the proposed language to the affected portion of the permit.

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**Section 21**

**Addendum for Landfill Applications**

Do not print this section unless this is a landfill application.

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**Landfill Applications are not required to complete Sections 1-C Input Capacity and Production Rate, 1-E Operating Schedule, 17 Compliance Test History, and 18 Streamline Applications. Section 12 – PSD Applicability is required only for Landfills with Gas Collection and Control Systems and/or landfills with other non-fugitive stationary sources of air emissions such as engines, turbines, boilers, heaters. All other Sections of the Universal Application Form are required.**

**EPA Background Information for MSW Landfill Air Quality Regulations:** [www.epa.gov/stationary-sources-air-pollution/clean-air-act-guidelines-and-standards-waste-management](http://www.epa.gov/stationary-sources-air-pollution/clean-air-act-guidelines-and-standards-waste-management)

**NM Solid Waste Bureau Website:** [**www.env.nm.gov/solid-waste/**](http://www.env.nm.gov/solid-waste/)

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| 21-A: Municipal Solid Waste Landfill Information | | | | | | |
| 1 | How long will the landfill be operated? | | | | | |
| 2 | Maximum operational hours per year: | | | | | |
| 3 | Landfill Operating hours (open to the public) M-F: | | Sat. | | | Sun. |
| 4 | To determine to what NSPS and emissions guidelines the landfill is subject, what is the date that the landfill was constructed, modified, or reconstructed as defined at 40 CFR 60, Subparts A, WWW, XXX, Cc, and Cf. | | | | | |
| 5 | Landfill Design Capacity. Enter all 3 | Tons: | Megagrams (Mg): | | | Cubic meters: |
| 6 | Landfill NMOC Emission Rate (NSPS XXX) | Less than 34 Mg/year using Tiers 1 to 3 | | | Equal to or Greater than 34 Mg/year using Tiers 1 to 3 | |
|  | Landfill NMOC Emission Rate (NSPS XXX) | Less than 500 ppm using Tier 4 | | | Equal to or Greater than 500 ppm using Tier 4 | |
|  | Landfill NMOC Emission Rate (NSPS WWW) | Less than 50 Mg/yr | | | Equal to or Greater than 50 Mg/yr | |
| 7 | Annual Waste Acceptance Rate: | | | | | |
| 8 | Is Petroleum Contaminated Soil Accepted? | | If so, what is the annual acceptance rate? | | | |
| 9 | NM Solid Waste Bureau (SWB) Permit No.: | | | SWB Permit Date: | | |
| 10 | Describe the NM Solid Waste Bureau Permit, Status, and Type of waste deposited at the landfill. | | | | | |
| 11 | Describe briefly any process(es) or any other operations conducted at the landfill**.** | | | | | |

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| 21-B: NMOC Emissions Determined Pursuant to 40 CFR 60, Subparts WWW or XXX | |
|  | Enter the regulatory citation of all Tier 1, 2, 3, and/or 4 procedures used to determine NMOC emission rates and the date(s) that each Tier procedure was conducted. In Section 7 of the application, include the input data and results. |
| 1 | Tier 1 equations (e.g. LandGEM): |
| 2 | Tier 2 Sampling: |
| 3 | Tier 3 Rate Constant: |
| 4 | Tier 4 Surface Emissions Monitoring: |
| 5 | Attach all Tier Procedure calculations, procedures, and results used to determine the Gas Collection and Control System (GCCS) requirements. |

**Facilities that have a landfill GCCS must complete Section 21-C.**

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| 21-C: Landfill Gas Collection and Control System (GCCS) Design Plan | |
| 1 | Was the GCCS design certified by a Professional Engineer? |
| 2 | Attach a copy of the GCCS Design Plan and enter the submittal date of the Plan pursuant to the deadlines in either NSPS WWW or NSPS XXX. The NMOC applicability threshold requiring a GCCS plan is 50Mg/yr for NSPS WWW and 34 Mg/yr or 500 ppm for NSPS XXX. |
| 3 | Is/Was the GCCS planned to be operational within 30 months of reporting NMOC emission rates equal to or greater than 50 Mg/yr, 34 Mg/yr, or 500 ppm pursuant to the deadlines specified in NSPS WWW or NSPS XXX? |
| 4 | Does the GCCS comply with the design and operational requirements found at 60.752, 60.753, and 69.759 (NSPS WWW) or at 60.762, 60.763, and 60.769 (NSPS XXX)? |
| 5 | Enter the control device(s) to which the landfill gas will be/is routed such as an open flare, enclosed combustion device, boiler, process heater, or other. |
| 6 | Do the control device(s) meet the operational requirements at 60.752 and 60.756 (NSPS WWW) or 60.762, 60.763, 60.766 (NSPS XXX)? |

**Section 22: Certification**

Company Name: \_

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, hereby certify that the information and data submitted in this application are true and as accurate as possible, to the best of my knowledge and professional expertise and experience.

Signed this day of , , upon my oath or affirmation, before a notary of the State of

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\*Signature Date

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Printed Name Title

Scribed and sworn before me on this day of , .

My authorization as a notary of the State of expires on the

day of , .

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Notary's Signature Date

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Notary's Printed Name

\*For Title V applications, the signature must be of the Responsible Official as defined in 20.2.70.7.AE NMAC.

Change Log – Do **not** submit this page with your application.

If you are using a form older than the most current form posted on the website, you are required to incorporate the changes listed. Periodically, AQB will announce when older form versions will no longer be accepted.

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| --- | --- |
| Version Date | Changes Incorporated |
| Section 3 – 6/14/2019  Section 4 – 8/15/2011  Section 5 – 8/15/2011  Section 6 – 5/13/2016  Section 6a – 5/13/2016  Section 7 – 8/15/2011  Section 8 – 8/15/2011  Section 9 – 8/15/2011  Section 10 – 8/15/2011  Section 11 – 10/26/2011  Section 12 – 5/19/2019  Section 13 – 8/11/2022  Section 14 – 8/15/2011  Section 15 – 8/15/2011  Section 16 – 5/3/2016  Section 17 – 8/15/2011  Section 18 – 3/9/2012  Section 19 – 8/15/2011  Section 20 – 8/15/2011  Section 21 – 10/4/2016  Section 22 – 3/7/2016 | 8/11/2022: Section 13 updated to include 20.2.50 NMAC.  This Change Log page was added.  The dates for each section’s last update are listed.  7/12/2023: Changed font to Calibri, inserted active check boxes. |
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