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TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 11 ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
PART 48 GREENHOUSE GAS EMISSIONS REPORTING

REPEALED

~~[**20.11.48.1 ISSUING AGENCY:** Albuquerque-Bernalillo County Air Quality Control Board, c/o Environmental Health Department, P.O. Box 1293, Albuquerque, New Mexico 87103. Telephone: (505) 768-2738.
[20.11.48.1 NMAC - N, 1/1/08]~~

~~**20.11.48.2 SCOPE:** 20.11.48 NMAC applies to each person who owns or operates a source of greenhouse gas emissions within Bernalillo county and who meets the applicability requirements of 20.11.48 NMAC. 20.11.48 NMAC does not apply to sources in Bernalillo county that are located on Indian lands over which the Albuquerque-Bernalillo county air quality control board lacks jurisdiction.
[20.11.48.2 NMAC - N, 1/1/08]~~

~~**20.11.48.3 STATUTORY AUTHORITY:** 20.11.48 NMAC is adopted pursuant to the authority provided in the New Mexico Air Quality Control Act, NMSA 1978 Sections 74-2-4, 74-2-5.C; the Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5 Section 4; and the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque ROA 1994 Section 9-5-1-4.
[20.11.48.3 NMAC - N, 1/1/08]~~

~~**20.11.48.4 DURATION:** Permanent.
[20.11.48.4 NMAC - N, 1/1/08]~~

~~**20.11.48.5 EFFECTIVE DATE:** January 1, 2008, unless a later date is cited at the end of a section.
[20.11.48.5 NMAC - N, 1/1/08]~~

~~**20.11.48.6 OBJECTIVE:** The objective of 20.11.48 NMAC is to establish requirements for the annual reporting of greenhouse gas emissions to the department using tools and procedures similar to the tools and procedures used by greenhouse gas emissions registries.
[20.11.48.6 NMAC - N, 1/1/08]~~

~~**20.11.48.7 DEFINITIONS:** In addition to the definitions in 20.11.48 NMAC, the definitions in 20.11.1 NMAC shall apply unless there is a conflict between definitions, in which case the definition in 20.11.48 NMAC shall govern.~~

~~**A. "Air contaminant"** means a substance, including any particulate matter, fly ash, dust, fumes, gas, mist, smoke, vapor, micro-organisms, radioactive material, any combination thereof or any decay or reaction product thereof, including greenhouse gas as defined in 20.11.48.7 NMAC.~~

~~**B. "Air pollution"** means the emission, except emission that occurs in nature, into the outdoor atmosphere of one or more air contaminants in quantities and of a duration that may with reasonable probability injure human health or animal or plant life or as may with reasonable probability injure human health or animal or plant life or as may unreasonably interfere with the public welfare, visibility or the reasonable use of property.~~

~~**C. "California climate action registry"** means the voluntary registry established pursuant to California Health and Safety Code D. 26, Pt. 4, Ch. 6, as amended.~~

~~**D. "Carbon dioxide equivalent"** means a quantity of a given greenhouse gas multiplied by a conversion factor provided in the emissions reporting tool and procedures under Subsection B of 20.11.48.202 NMAC.~~

~~**E. "Direct emissions"** means emissions from sources at the facility.~~

~~**F. "Emission report" or "emissions inventory"** means a listing, by source, of the amount of greenhouse gas emissions discharged into the atmosphere.~~

~~**G. "Equity share"** means the extent of economic interest held in a facility, which is typically the same as ownership percentage.~~

~~**H. "Facility"** means any building, structure, facility, or installation that emits or may emit any greenhouse gas.~~

~~I. **"Greenhouse gas"** means any of the following: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons or sulfur hexafluoride.~~

~~J. **"Indirect emissions"** means emissions that are a consequence of the operation under the control of the person filing a report, but which occur at a source owned or controlled by another entity.~~

~~K. **"Metric ton"** means 2204.62 pounds.~~

~~L. **"Operational control"** means having the authority to introduce and implement operating policies at the facility or operation.~~

~~M. **"Reporting year"** means the calendar year in which emissions required to be reported under 20.11.48 NMAC occurred.~~

~~N. **"The climate registry"** means the nonprofit corporation entitled "the climate registry" that is incorporated pursuant to the District of Columbia nonprofit corporation act for the purpose of creating and operating a multi-state greenhouse gas emissions registry.~~

~~[20.11.48.7 NMAC - N, 1/1/08]~~

~~**20.11.48.8 VARIANCES:** No person can obtain a variance from the requirements of 20.11.48 NMAC.~~

~~[20.11.48.8 NMAC - N, 1/1/08]~~

~~**20.11.48.9 SEVERABILITY:** If for any reason any section, subsection, sentence, phrase, clause or wording of 20.11.48 NMAC is held to be unconstitutional or otherwise invalid by any court or the United States environmental protection agency, the decision shall not affect the validity of remaining portions of 20.11.48 NMAC.~~

~~[20.11.48.9 NMAC - N, 1/1/08]~~

~~**20.11.48.10 CONSTRUCTION:** 20.11.48 NMAC shall be liberally construed to carry out its purpose.~~

~~[20.11.48.10 NMAC - N, 1/1/08]~~

~~**20.11.48.11 SAVINGS CLAUSE:** The filing of 20.11.48 NMAC, *Greenhouse Gas Emissions Reporting*, and the filing of any amendment to 20.11.48 NMAC with the state records center and archives shall not affect any action pending for violation of a city or county ordinance, a board regulation, or a permit, and shall not affect a petition filed pursuant to 20.11.48 NMAC. Prosecution for violation of a prior statute, ordinance, part or permit shall be governed and prosecuted under the statute, ordinance, part or permit wording in effect at the time the violation was committed.~~

~~[20.11.48.11 NMAC - N, 1/1/08]~~

~~**20.11.48.12 COMPLIANCE WITH OTHER REGULATIONS:** Compliance with 20.11.48 NMAC does not relieve a person from responsibility for complying with any other applicable federal, state, or local regulations.~~

~~[20.11.48.12 NMAC - N, 1/1/08]~~

~~**20.11.48.13 DOCUMENTS:** Documents incorporated and cited in 20.11.48 NMAC may be viewed at the Albuquerque environmental health department, Suite 3023, One Civic Plaza, 400 Marquette NW, Albuquerque, NM.~~

~~[20.11.48.13 NMAC - N, 1/1/08]~~

~~**20.11.48.14 to 20.11.48.199 [RESERVED]**~~

~~**20.11.48.200 APPLICABILITY**~~

~~A. The owner or operator of the following facilities shall report greenhouse gas emissions to the department:~~

~~(1) a facility at which the sum of the nameplate capacity of all electrical generating units is equal to or greater than 25 megawatts of electricity;~~

~~(2) a petroleum refining facility with a North American industry classification system code 32411; and~~

~~(3) a cement manufacturing facility with a North American industry classification system code 32731. Calendar year 2008 shall be the first year the owner or operator of the facilities shall compile greenhouse gas emissions data.~~

~~B. Owners or operators that are not required by 20.11.48 NMAC or another board regulation to report greenhouse gas emissions may report voluntarily.~~

~~C. Owners or operators required by 20.11.48 NMAC to report greenhouse gas emissions may as an alternative register and verify their greenhouse gas emissions with the climate registry or the California climate action registry. Compliance with Subsection C of 20.11.48.200 NMAC shall constitute compliance with greenhouse gas emissions reporting for the greenhouse gas emissions reporting year if:~~

~~(1) the greenhouse gas emissions report complies with all other requirements of 20.11.48 NMAC; and~~

~~(2) the owner or operator has provided the department with access to the information required by 20.11.48 NMAC.~~

~~[20.11.48.200 NMAC - N, 1/1/08]~~

~~20.11.48.201 GREENHOUSE GAS EMISSIONS REPORTING REQUIREMENTS~~

~~A. Requirements for the first reporting year. By July 1, 2009, the owner or operator shall submit to the department a greenhouse gas emissions report regarding greenhouse gas emissions during calendar year 2008 or provide the department with access to the required data. The 2009 first report for calendar year 2008 shall include all direct emissions of carbon dioxide from the facility, except direct emissions from motor and nonroad vehicles. For the first reporting year, the owner or operator shall not be required to report any greenhouse gas emissions in addition to direct emissions of carbon dioxide.~~

~~B. Requirements for the second reporting year. By July 1, 2010, the owner or operator shall submit to the department a greenhouse gas emissions report regarding greenhouse gas emissions during calendar year 2009 or provide the department with access to the required data. The 2010 second report shall include:~~

~~(1) all direct emissions of carbon dioxide from the facility except direct emissions from motor vehicles and nonroad vehicles;~~

~~(2) indirect greenhouse gas emissions from all electricity, steam, and heat purchased for and consumed at the facility; and~~

~~(3) all other reasonable emissions information required by the department in writing.~~

~~C. Requirements for the third reporting year and each year thereafter. By July 1, 2011, and by July 1 of each year thereafter, the owner or operator shall submit to the department a greenhouse gas emissions report or provide the department with access to the required data regarding greenhouse gas emissions during the immediately-preceding year. The owner or operator shall report:~~

~~(1) all direct emissions of greenhouse gases from the facility, except direct emissions from motor vehicles and nonroad vehicles;~~

~~(2) indirect greenhouse gas emissions from all electricity, steam, and heat purchased for and consumed at the facility; and~~

~~(3) all other reasonable emissions information required by the department in writing.~~

~~[20.11.48.201 NMAC - N, 1/1/08]~~

~~20.11.48.202 GREENHOUSE GAS EMISSIONS REPORTING PROCEDURES~~

~~A. Owners or operators that meet the applicability requirements in Section 20.11.48.200 NMAC shall submit annual greenhouse gas emissions reports as required by 20.11.48 NMAC. Each greenhouse gas emissions report shall include a full 12-month calendar year.~~

~~B. Except as provided under Subsection C of 20.11.48.200 NMAC, reporting shall be conducted using the greenhouse gas emissions reporting tool and procedures provided by the department. The reporting tool and procedures shall:~~

~~(1) be made available by the department to the public for review and comment at least 60 days before the beginning of a greenhouse gas emission reporting year; except the first reporting year, the department shall make the reporting tools and procedures available to the public for review and comment at least 30 days before the beginning of the first reporting year; department notifications of the availability of the tool and procedures for review may be made electronically or in writing;~~

~~(2) as determined by the department, be consistent with emissions quantification methods and best practices accepted by the climate registry or the California climate action registry;~~

~~(3) include references to recommended methods for estimating greenhouse gas emissions from equipment and processes regarding which emissions calculations are required;~~

~~(4) include conversion factors for each greenhouse gas into carbon dioxide equivalent;~~

~~(5) include the process for the source to submit and obtain approval for alternate methods for estimating greenhouse gases;~~

~~(6) include alternate methods for estimating greenhouse gases, if alternate methods are available;~~

~~(7) provide for simplified and limited documentation of emissions that collectively account for five percent or less of total facility emissions, expressed as carbon dioxide equivalent;~~

~~(8) require the owner or operator to include in each annual report a certification signed by the owner or operator attesting that the statements and information contained in the emissions report are true and accurate to the best knowledge and belief of the certifying official; the certification shall include the full name, title, signature, date of signature, and telephone number of the certifying official; and~~

~~(9) include provisions to report:~~

~~(a) the name and address of the reporting owner or operator;~~

~~(b) the name and telephone number of the person to contact regarding the emissions report;~~

~~(c) emissions from facilities within the jurisdiction of the air quality control board;~~

~~(d) if reported, emissions from facilities located on Indian lands and the name of the Indian nation , tribe or pueblo;~~

~~(e) if reported, emissions from facilities located in another state or territory of the United States, and the name of the state or territory;~~

~~(f) if reported, emissions from facilities located in another country and the name of the country;~~

~~(g) fuel use directly related to reported emissions, including amounts and specifications for each fuel type;~~

~~(h) how the department can determine the methods utilized to make emissions calculations, if different than the methods incorporated in the tool;~~

~~(i) calculations for emissions of each reported greenhouse gas and the method for totaling all reported greenhouse gases; emissions data shall be provided in units of metric tons of carbon dioxide equivalent, including emissions that occur during regular operation, maintenance, start-ups, shutdowns, upsets, and malfunctions; and~~

~~(j) a listing of the owners of equity shares of the emissions reported and the respective percentages of ownership.~~

~~**C.** If approved in writing by the department, the owner or operator may deliver to the department simplified and limited documentation of emissions that collectively account for five percent or less of total facility emissions, expressed as carbon dioxide equivalent.~~

~~**D.** The owner or operator shall include in each annual report a certification signed by the owner or operator attesting that the statements and information contained in the emissions report are true and accurate to the best knowledge and belief of the certifying official; the certification shall include the full name, title, signature, date of signature, and telephone number of the certifying official.~~

~~[20.11.48.202 NMAC - N, 1/1/08]~~

HISTORY OF 20.11.48 NMAC: [Reserved]