PENGAD 800-631-6989
AQD EXHIBIT
1a

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 11 ALBUQUERQUE - BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
PART 47 EMISSIONS INVENTORY REQUIREMENTS

20.11.47.1 ISSUING AGENCY: Albuquerque-Bernalillo County Air Quality Control Board, c/o Environmental Health Department, P.O. Box 1293, Albuquerque, New Mexico 87103. Telephone: (505) 768-2601.
[20.11.47.1 NMAC - N, 5/1/08]

20.11.47.2 SCOPE: 20.11.47 NMAC applies to each person who owns or operates a source or who intends to construct or modify a source within Bernalillo county, but 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.
[20.11.47.2 NMAC - N, 5/1/08]

20.11.47.3 STATUTORY AUTHORITY: 20.11.47 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.
[20.11.47.3 NMAC - N, 5/1/08]

20.11.47.4 DURATION: Permanent.
[20.11.47.4 NMAC - N, 5/1/08]

20.11.47.5 EFFECTIVE DATE: May 1, 2008 except where a later date is cited at the end of a section.
[20.11.47.5 NMAC - N, 5/1/08]

20.11.47.6 OBJECTIVE: [~~The objective of 20.11.47 NMAC is~~] to establish requirements [~~both~~] for [~~submitting inventories of air contaminants~~] the submission of certain relevant information to ensure that the regulations and standards under the Air Quality Control Act and the federal act will not be violated [~~and to require submission of data to quantify greenhouse gas emissions in Bernalillo county~~].
[20.11.47.6 NMAC - N, 5/1/08]

20.11.47.7 DEFINITIONS: In addition to the definitions in 20.11.47 NMAC, the definitions in 20.11.1 NMAC apply unless there is a conflict between definitions, in which case the definition in 20.11.47 NMAC shall govern.

A. **"Actual emissions"** means the quantified emissions of a regulated air [~~contaminant~~] pollutant from a stationary source for every 12-month period. Valid continuous emission monitoring data or source test data shall be preferentially used to determine actual emissions. In the absence of valid continuous emissions monitoring data or source test data, the basis for determining actual emissions shall be quantified using actual operating hours, production rates, throughputs of process materials, throughputs of materials stored, usage of materials, data provided in manufacturer's product specifications, material volatile organic compound (VOC) content reports, laboratory analyses, or any other technically acceptable data as approved by the department in advance and in writing. All calculations of actual emissions shall use USEPA or department approved methods including emission factors and assumptions.

B. **"Air pollution control equipment"** means any device, equipment, process or combination thereof the operation of which would limit, capture, reduce, confine, or otherwise control [~~air contaminants~~] regulated air pollutants or convert for the purposes of control any [~~air contaminant~~] regulated air pollutant to another form, another chemical or another physical state.

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

D. [~~**"Carbon dioxide"** means the chemical compound containing one atom of carbon and two atoms of oxygen.~~] Reserved

E. **"Commencement" or "commence"** means that an owner or operator has undertaken a continuous program of construction or modification.

F. **"Construction"** means fabrication, erection, installation or relocation of a stationary source, including temporary installations and portable stationary sources.

G. **"Emissions report" or "emissions inventory"** means a listing, by source, of the amount of [~~air contaminants and greenhouse gas emissions~~] regulated air pollutants discharged into the atmosphere.

H. **"Fuel carbon content"** means the mass of carbon per unit of heat content of a fuel.

I. **"Fugitive emissions"** are those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

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

K. [~~**"Greenhouse gas emissions reporting year"** means the calendar year in which greenhouse gas emissions required to be reported under 20.11.47 NMAC occurred.~~] Reserved

L. [~~**"Hydrofluorocarbons"** means gaseous chemical compounds containing only hydrogen, carbon, and fluorine atoms.~~] Reserved

M. [~~**"Methane"** means the chemical compound containing one atom of carbon and four atoms of hydrogen.~~] Reserved

N. **"Modification"** means any physical change in, or change in the method of operation of, a stationary source that results in an increase in the potential emission rate of any regulated air [~~contaminant~~] pollutant emitted by the source or that results in the emission of any regulated air [~~contaminant~~] pollutant not previously emitted, but does not include:

(1) a change in ownership of the source;

(2) routine maintenance, repair or replacement;

(3) installation of air pollution control equipment, and all related process equipment and materials necessary for its operation, undertaken for the purpose of complying with regulations adopted by the board or pursuant to the federal Clean Air Act; or

(4) unless previously limited by enforceable permit conditions:

(a) an increase in the production rate, if the increase does not exceed the operating design capacity of the source;

(b) an increase in the hours of operation; or

(c) use of an alternative fuel or raw material if, prior to January 6, 1975, the source was capable of accommodating such fuel or raw material, or if use of an alternate fuel or raw material is caused by a natural gas curtailment or emergency allocation or any other lack of supply of natural gas.

O. [~~**"Nitrous oxide"** means the chemical compound containing two atoms of nitrogen and one atom of oxygen.~~] Reserved

P. **"Nonattainment area"** means, for any regulated air pollutant, an area that has been designated as a nonattainment area under Section 107 of the federal act.

Q. **"Operator"** means the person or persons responsible for the overall operation of a facility.

R. **"Owner"** means the person or persons who own a facility or part of a facility.

S. [~~**"Perfluorocarbons"** means gaseous chemical compounds containing only carbon and fluorine atoms.~~] Reserved

T. **"Portable stationary source"** means a source that can be relocated to another operating site with limited dismantling and reassembly, including as an example, moveable sand and gravel processing operations and asphalt plants.

U. **"Potential emission rate"** means the emission rate of a source at its maximum capacity to emit a regulated air [~~contaminant~~] pollutant under its physical and operational design, provided a physical or operational limitation on the capacity of the source to emit a regulated air [~~contaminant~~] pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, shall be treated as part of its physical and operational design only if the limitation or the effect it would have on emissions is enforceable by the department pursuant to the Air Quality Control Act or the federal act.

V. **"Potential to emit"** means the maximum capacity of a stationary source to emit [~~an air contaminant~~] a regulated air pollutant under its physical and operational design, except that a physical or operational limitation on the capacity of a source to emit [~~an air contaminant~~] a regulated air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is federally enforceable; however, the potential to emit for nitrogen dioxide shall be based on total oxides of nitrogen.

W. [~~**"Regulated air contaminant"** means an air contaminant, the emission or ambient concentration of which is regulated pursuant to the New Mexico Air Quality Control Act or the federal act.~~]
"Regulated air pollutant" means the following:

(1) any pollutant for which a national, state, or local ambient air quality standard has been promulgated;

(2) any pollutant that is subject to any standard promulgated under Section 111 of the federal act;

(3) any Class I or II substance subject to any standard promulgated under or established by Title VI of the federal act; or

(4) any pollutant subject to a standard promulgated under Section 112 or any other requirements established under Section 112 of the federal act; but {20.11.1.7.NNN NMAC}

(5) excluding greenhouse gases as defined in Subsection CC of 20.11.1.7 NMAC.

X. **"Responsible person" or "responsible official"** means the person designated in a permit or source registration, who is responsible for complying with the permit, or source registration and 20.11.47 NMAC.

Y. **"Shutdown"** means the cessation of operation of air pollution control equipment, process equipment or process for any purpose, except routine phasing out of batch process units.

Z. **"Stationary source" or "source"** means a structure, building, equipment, facility, installation (including temporary installations), operation or portable stationary source that emits or may emit [~~an air contaminant~~] a regulated air pollutant; a research facility may group its sources for the purpose of 20.11.47 NMAC with the prior written approval of the director of the department.

AA. [~~**"Sulfur hexafluoride"** means the chemical compound containing one atom of sulfur and six atoms of fluorine.~~] Reserved

BB. **"Sulfur oxides"** means compounds containing sulfur and oxygen, including sulfur dioxide (SO_2).

CC. [~~**"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.~~] Reserved

DD. **"Western backstop sulfur dioxide trading program"** means 20.11.46 NMAC, if triggered as a backstop in accordance with the provisions of the *section 309 regional haze state implementation plan element for Albuquerque-Bernalillo county, New Mexico*, to reduce regional sulfur dioxide emissions.

[20.11.47.7 NMAC - N, 5/1/08]

20.11.47.8 **VARIANCES:** No person can obtain a variance from the requirements of 20.11.47 NMAC.

[20.11.47.8 NMAC - N, 5/1/08]

20.11.47.9 **SEVERABILITY:** If for any reason any section, subsection, sentence, phrase, clause or wording of 20.11.47 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 20.11.47 NMAC.

[20.11.47.9 NMAC - N, 5/1/08]

20.11.47.10 **CONSTRUCTION:** 20.11.47 NMAC shall be liberally construed to carry out its purpose.

[20.11.47.10 NMAC - N, 5/1/08]

20.11.47.11 **SAVINGS CLAUSE:** The filing of 20.11.47 NMAC, *Emissions Inventory Requirements*, and the filing of any amendment to 20.11.47 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 20.11.47 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.

[20.11.47.11 NMAC - N, 5/1/08]

20.11.47.12 **COMPLIANCE WITH OTHER REGULATIONS:** Compliance with 20.11.47 NMAC does not relieve a person from responsibility for complying with any other applicable federal, state, or local regulations.

[20.11.47.12 NMAC - N, 5/1/08]

20.11.47.13 **DOCUMENTS:** Documents incorporated and cited in 20.11.47 NMAC may be viewed at the Albuquerque environmental health department, Suite 3023, One Civic Plaza, 400 Marquette NW, Albuquerque, NM.

[20.11.47.13 NMAC - N, 5/1/08]

20.11.47.14 **EMISSIONS INVENTORY REQUIREMENTS:**

A. Applicability. 20.11.47.14 NMAC applies to the owner or operator of every stationary source, located within Bernalillo county that:

(1) has an active permit issued pursuant to 20.11.41 NMAC, *Authority to Construct*, or 20.11.42 NMAC, *Operating Permits*; or

(2) is required to file a source registration pursuant to 20.11.40 NMAC, *Source Registration*.

B. Reporting requirements.

(1) A source that meets requirements under Paragraph (1) of Subsection A of 20.11.47.14 NMAC shall submit an emissions report annually. A source is not required to submit an emissions report more frequently than annually.

(2) A source that meets requirements under Paragraph (2) of Subsection A of 20.11.47.14 NMAC shall submit an emissions report if required by the department. A source is not required to submit an emissions report more frequently than annually.

(3) The department will provide a complete copy of an owner or operator's submitted emissions report when requested in writing by the owner or operator.

(4) The owner or operator shall submit to the department a complete, correct and current emissions report in the format specified by the department; the report shall state accurately the emissions of all regulated air pollutants included in the permit requested for any specified calendar year.

(5) Except as provided in Paragraph (6) of Subsection B of 20.11.47.14 NMAC, if the owner or operator is required to submit an emissions report to the department, the owner or operator shall submit the report by March 15 for the previous calendar year or any other calendar year.

(6) Sources required by a permit to submit an annual emissions report on a specific date shall submit the report on the specified date.

C. Content of emissions reports. Emissions report contents for reports required by Subsection B of 20.11.47.14 NMAC shall include:

(1) the air quality stationary source permit number or source registration number;

(2) the name, address, if any, and physical location of the stationary source;

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

(4) a certification signed by the owner, or operator, or a responsible official or designated representative, 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, and including the full name, title, signature, date of signature, and telephone number of the certifying official; for sources subject to 20.11.42 NMAC, the certification shall be made as required by 20.11.42 NMAC;

(5) for each emission point, in the format required by the department:

(a) stack and exhaust gas parameters and location information;

(b) type of control equipment and estimated control efficiency;

(c) schedule of operation;

(d) annual process or fuel combustion rates;

(e) fuel heat, sulfur, and ash content;

(f) actual emissions estimate in pounds per year of total suspended particulate, PM_{10}, $PM_{2.5}$, ammonia, sulfur oxides, nitrogen oxides, carbon monoxide, volatile organic compounds, and lead, including fugitive emissions and emissions occurring during maintenance, start-ups, shutdowns, upsets, and downtime;

(g) speciated hazardous air pollutants, if requested by the department; and

(h) a description of the methods utilized to make the estimates, including calculations;

(6) for smelters, an annual report of sulfur input stated in tons per year; and

(7) all information required by 40 CFR Part 51, Subpart A, *Emissions Inventory Reporting Requirements*, as amended.

D. Additional content for emissions reports from sources in ozone nonattainment areas. In addition to the contents required by Subsection C of 20.11.47.14 NMAC, emissions reports from sources located in ozone nonattainment areas that emit nitrogen oxides and volatile organic compounds shall also include the following information:

(1) typical daily process rate during the peak ozone season, where the peak ozone season is specified by the department;

(2) actual emissions estimate of nitrogen oxides and volatile organic compounds in pounds per day for a typical day during the peak ozone season for:

(a) each emissions point; and

(b) for each process and fuel type contributing to emissions from each point.

E. Waiver of reporting requirements for insignificant emissions. The department may waive the requirements of Paragraph (5) of Subsection C of 20.11.47.14 NMAC for emissions that the department determines to be insignificant pursuant to 20.11.42 NMAC, except the following shall not be waived:

(1) for sources in nonattainment areas, reporting of emissions of pollutants for which the area is in nonattainment; and

(2) emissions reporting required by the federal act.

F. Emission tracking requirements for sulfur dioxide emission inventories. In addition to complying with the requirements of Subsections A through E of 20.11.47.14 NMAC, an owner may be subject to 20.11.46 NMAC, *Sulfur Dioxide Emissions Inventory Requirements*; *Western Backstop Sulfur Dioxide Trading* Program.

[20.11.47.14 NMAC - N, 5/1/08; A, 11/16/09]

20.11.47.15 [~~**GREENHOUSE GAS EMISSIONS INVENTORY REQUIREMENTS:**~~

~~**A. Applicability.** 20.11.47.15 NMAC applies to the owner or operator of every stationary source, located within Bernalillo county that emits a greenhouse gas as defined in Subsection J of 20.11.47.7 NMAC and:~~

~~**(1)** has an active permit issued pursuant to 20.11.41 NMAC, *Authority to Construct*, or 20.11.42 NMAC, Operating Permits; or~~

~~**(2)** is required to file a source registration pursuant to 20.11.40 NMAC, *Source Registration*.~~

~~**B. Reporting requirements.**~~

~~**(1) Any stationary source subject to 20.11.47.15 NMAC, if requested by the department, shall:**~~

~~**(a)** submit a greenhouse gas emissions inventory by the deadline and as required by the greenhouse gas emissions reporting procedures established by the department, but not more often than annually; or~~

~~**(b)** report greenhouse gas emissions from the stationary source in accordance with 20.11.48 NMAC; or~~

~~**(c)** provide the department with access to the requested information for the greenhouse gas emissions reporting year registered in either the climate registry or the California climate action registry.~~

~~**(2)** When the department determines the deadlines for submitting greenhouse gas emissions reports and reporting procedures, the department shall provide an opportunity for public comment, and shall consider:~~

~~**(a)** public comments regarding the schedule of the reports and greenhouse gas emissions reporting procedures;~~

~~**(b)** emissions quantification standards and best practices approved or recommended by federal and state agencies, by greenhouse gas emissions registries, and by non-governmental bodies having expertise in greenhouse gas emissions quantification;~~

~~**(c)** whether, considering the amount and chemical composition of the emissions, greenhouse gas emissions from a particular source or source type are expected to be insignificant relative to emissions from other sources or source types; and~~

~~**(d)** whether, considering the amount and chemical composition of the emissions, emissions of a particular greenhouse gas from a source or source type are expected to be insignificant relative to the total greenhouse gas emissions from that source or source type.~~

~~**C. Content of greenhouse gas emissions reports.** If a greenhouse gas emissions report is required by Subparagraph (a) of Paragraph (1) of Subsection B of 20.11.47.15 NMAC, then the report shall contain the same information required by Paragraphs (1) through (4) of Subsection C of 20.11.47.14 NMAC as well as the following information: for each emission point, as required by the department under the greenhouse gas emissions reporting procedures or other methodologies and procedures approved by the department in advance and in writing, the actual emissions estimate of greenhouse gases in pounds per year, including fugitive emissions and emissions occurring during maintenance, start-ups, shutdowns, upsets and downtime.~~] Reserved

[20.11.47.15 NMAC - N, 5/1/08; A, 11/16/09]

HISTORY OF 20.11.47 NMAC:

Pre-NMAC History: none.

History of Repealed Material: [Reserved]

NMAC History: [Reserved]