



**AIR QUALITY CONSTRUCTION PERMIT #2197-M3**  
**FACILITY CDS #NM/001/00008**  
**Facility ID: FA0003373; Record ID: PR0013247**



Timothy M. Keller, Mayor

Paul J. Rogers, Director

Owner:	Operator:	Applicant/Permittee:
GCC Rio Grande, Inc.	Tijeras Plant	Ramses Maldonado
P.O. Box 100	11783 State Highway 337	Plant Manager
Tijeras, NM 87059	Tijeras, NM 87059	Email: skretz@gcc.com

Certified Mail Number:	7003 2260 0003 XXXX XXXX Return Receipt Requested
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Pursuant to the New Mexico Air Quality Control Act, NMSA 1978, Section 74-2-1 to 22 (as amended); Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994, Sections 9-5-1 to 9-5-99; Bernalillo County Code, Article II, Sections 30-31 to 75; Albuquerque-Bernalillo County Air Quality Control Board (Board) Regulation, Air Contaminant Source Registration, 20.11.40 NMAC,; and Board Regulation, Construction Permits, 20.11.41 NMAC, the Albuquerque-Bernalillo County Joint Air Quality Program (Program), which administers and enforces local air quality laws for the City of Albuquerque (City) and Bernalillo County (County) on behalf of the City Environmental Health Department (Department), hereby issues to **GCC Rio Grande, Inc.** (Permittee) this **CONSTRUCTION PERMIT NUMBER 2197-M3** (Permit) and authorizes the Permittee to commence construction of and operate the following stationary source at the Tijeras Plant (Facility):

Facility Name and Location	Facility Process Description	SIC	NAICS
GCC Rio Grande Tijeras Plant 11783 State Highway 337 Tijeras, NM 87059 UTM 13S 373,180 m E, 3,881,650 m N	Portland Cement Manufacturing	3241	327310

Pursuant to 20.11.41.29 NMAC and 20.11.41.30 NMAC, the Program modified this permit. The Program issued this permit modification to incorporate Regional Haze Rule requirements pursuant to 40 CFR 51.308(f) and the 2024 Regional Haze SIP Revision for the Second Planning Period; and in accordance with the National Ambient Air Quality Standards, (NAAQS), New Mexico Ambient Air Quality Standards (NMAAQs), and applicable law. As these standards and regulations are updated or amended, the applicable changes will be incorporated into permit number 2197-M3 and will apply to the Facility. This permit supersedes all portions of Permit number 2197-M2 issued on April 8, 2024.

Issued on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
 Michael McKinstrey, Environmental Health Permitting Manager  
 Air Quality Program  
 Environmental Health Department  
 City of Albuquerque

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## Definition of Abbreviations and Acronyms

<u>Abbreviation/Acronym</u>	<u>Definition</u>
A/BCAQCB --	The Albuquerque/Bernalillo County Air Quality Control Board
Administrator --	The Administrator of the United States Environmental Protection Agency
CAA --	The Federal Clean Air Act
CEM--	Continuous Emissions Monitor
CFR	Code of Federal Regulations
CMS--	Continous Monitoring System
CO - -	Carbon Monoxide
D/F--	Dioxin/Furans
EHD	City of Albuquerque Environmental Health Department
EPA - -	United States Environmental Protection Agency
EU - -	Emission Unit
HAP - -	Hazardous Air Pollutant
HCl--	Hydrochloric Acid
Hg--	Mercury
hp - -	Horsepower
kacfm--	thousands cubic feet per minute
kW - -	Kilowatt
lb/hr - -	Pound per Hour
mg - -	Milligram
MMBtu - -	Million British Thermal Units
NAAQS- -	National Ambient Air Quality Standards
NAICS - -	North American Industrial Classification System
NESHAP - -	National Emission Standards for Hazardous Air Pollutants
NMAAQS- -	New Mexico Ambient Air Quality Standards
NMSA - -	New Mexico Statutes Annotated
NMAC - -	New Mexico Administrative Code
NO <sub>x</sub> --	Oxides of Nitrogen
OMP - -	Operations and Maintenance Plan
PM <sub>10</sub> - -	Particulate Matter, 10 microns or less
PM <sub>2.5</sub> - -	Particulate Matter, 2.5 microns or less
ppm - -	Parts per million

PSD - -	Prevention of Significant Deterioration
PTE - -	Potential to emit
SIC - -	Standard Industrial Classification
SO <sub>2</sub> --	Sulfur Dioxide
SSMP - -	Startup Shutdown Malfunction Plan
THC--	Total Hydrocarbons
tpy - -	Tons per year
μg/m <sup>3</sup> - -	Micrograms per cubic meter

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## I. CONDITIONS

Conditions have been imposed in this permit to assure continued compliance. 20.11.41.19(D) NMAC, states that any term or condition imposed by the Department on a permit or permit modification is enforceable to the same extent as a regulation of the Board. Pursuant to 20.11.41 NMAC, the Facility is subject to the following conditions:

### 1. Construction and Operation

Compliance will be based on Department inspections of the Facility, reviews of production records, submission of appropriate permit applications for modification, and timely notification to the Department regarding equipment substitutions and relocations.

- A. This modification was initiated by the Department pursuant to 20.11.41.30 NMAC and 20.11.41.29 NMAC. This permit is modified to include federal requirements pursuant to 40 CFR 51 (Regional Haze Rule) related to NO<sub>x</sub> and SO<sub>2</sub> emissions from Kiln 1 and Kiln 2 and make the conditions in the long-term strategy of the Regional Haze SIP element federally enforceable.

The requirements are starting on page 17 of this permit, under “II. Additional Requirements, 1.” This modified permit is 2197-M3.

- B. This Permit authorizes the Permittee to increase the permitted hourly emission rates (lb/hr) of NO<sub>x</sub> and CO and decrease the SO<sub>2</sub> permitted hourly emission rates from the kilns based on realistic operating conditions for cement kilns. The increased lb/hr emission rates were included in the Air Dispersion Modeling for the Title V operating permit 0532-RN2 and construction permit #3469, last Air Dispersion Modeling update submitted by the Permittee in January and April 2023; compliance with the NAAQS and NMAAQs was demonstrated with the increased short-term emission rates and accepted by the Department (Modeling Review Memo dated May 3, 2023). The hourly and annual throughput of materials will remain the same. PSD major modification is not triggered by the lb/hr increase pursuant to 20.11.61.7.II. and 20.11.61.27 NMAC. The annual emission rate of NO<sub>x</sub>, CO and SO<sub>2</sub> in tpy is unchanged from the previously permitted rate.

- C. This Permit authorizes the use of tire-derived fuel (TDF) in Kilns #1 and #2.

- D. This Permit authorizes the Permittee to operate of the following equipment:

**Table 1a: Permitted Process Equipment**

Process Units Number	Process Units Description	Manufacturer	Model Number	Serial Number	Manufacture Date	Installation Date	Process Rate
KILN	Kiln & Clinker Cooler Baghouse Stack	N/A	N/A	N/A	N/A	N/A	N/A
TDF #1 <sup>1</sup>	TDF System #1	TBD	TBD	TBD	TBD	TBD	N/A

<sup>1</sup> The TDF systems were included in the permit modification, 2197-M1, and shall remain in this permit 2197-M2. The systems have not been installed or operated and the Permittee will notify the Department upon construction. In 2019, the Department

Process Units Number	Process Units Description	Manufacturer	Model Number	Serial Number	Manufacture Date	Installation Date	Process Rate
TDF #2 <sup>1</sup>	TDF System #2	TBD	TBD	TBD	TBD	TBD	N/A

- E. The purpose of the original permit number 2197 was to authorize construction of new kiln and clinker cooler baghouses and a stack in order to meet newer federal emission standards under 40 CFR 63 Subpart LLL. The new kiln and clinker cooler baghouses replaced the existing kiln and clinker cooler baghouses. Emissions from the new baghouses exhaust through a new stack (KILN). For energy efficiency purposes, the clinker cooler exhaust is combined with the kiln exhaust that is routed to the new baghouse. The construction authorized by this permit did not trigger a “modification” as defined by 20.11.41.7.U NMAC or a “major modification” as defined by 20.11.61.7.II NMAC. As requested in the application, the requirements enforced under this permit were only for the applicable PM emission standards set forth under 40 CFR 63 Subpart LLL following the “compliance date” as defined by 40 CFR 63.2. The permittee had been granted a compliance extension for the compliance date pursuant to 40 CFR 63.6(i) (see “Compliance Assurance/Enforcement” of this permit).
- F. The purpose of modifying permit number 2197 (2197-M1) was to authorize construction of new TDF systems for Kiln #1 and Kiln #2. Combined coal and TDF usage or total fuel excluding natural gas for both kilns shall be limited to 96,346 tons per year. Kiln emissions will continue be exhausted through the combined stack (KILN) and currently permitted kiln emission limits in Title V Permit #0532-RN2 remain unchanged. The construction authorized by this permit does not trigger a “modification” as defined by 20.11.41.7.U. NMAC or a “major modification” as defined by 20.11.61.7.II. NMAC.

**Table 1b: Air Pollution Control Equipment**

Control Equipment	Unit Controlled <sup>2</sup>	Manufacturer	Model Number	Serial Number	Rated Flow	Control Efficiency
Baghouse (Reverse air/pulse)	Kiln #1 & Clinker Cooler #1	ALLISCHALMERS/FLSmidth	10M330TA16(6)	50065003	205 kacfms	99.9%
Baghouse (Reverse air/pulse)	Kiln #2 & Clinker Cooler #2	ALLISCHALMERS/FLSmidth	10M330TA16(6)	50065004	205 kacfms	99.9%

approved an extension of the Permit 2197-M1 for construction of the TDF Systems and with issuance of this permit, the construction of the TDF Systems is approved pursuant to 20.11.41.19 NMAC.

<sup>2</sup> Kiln #1, Clinker Cooler #1, Kiln #2, and Clinker Cooler #2 are existing process equipment that are subject to 40 CFR 63 Subpart LLL, and are **not** new process equipment that are to be constructed under this permit. Kilns, clinker coolers and the TDF systems at the Facility are also not subject to any emission limits of 40 CFR Part 60 Subpart F.

**Table 1c: Process Equipment Federal Applicability**

<b>Process Units Number</b>	<b>Process Units Description</b>	<b>Unit Subject To NSPS</b>
KILN	Kilns/Clinkers	No
TDF #1	TDF #1	No
TDF #2	TDF #2	No

- G. All equipment shall be maintained as per manufacturer specifications to ensure the emissions remain at or below the permitted levels.
  
- H. This Facility shall be modified and operated in accordance with the permit application dated and received July 12, 2023, the additional information received, including on September 6, 2023 and on December 13, 2023, and in accordance with the legal authority specified above and the conditions of this Permit. See Permit, Section II(3), Notice Regarding Accuracy of Information and Data Submitted, below. In the event of a conflict, applicable law and then the terms of this Permit shall control.
  
- I. Replacement of emission units for which an allowable emissions limit has been established in the permit may be requested by the Permittee through a technical permit revision in accordance with 20.11.41.28(B).
  
- J. The following operational restrictions apply to the Facility:
  - 1) Kiln #1, Clinker Cooler #1, Kiln #2, Clinker Cooler #2 are subject to the NESHAP, 40 CFR 63, Subpart LLL – National Emission Standards for Hazardous Air Pollutants from Portland Cement Manufacturing Industry, and Subpart A - General Provisions. Kiln #1, Clinker Cooler #1, Kiln #2, and Clinker Cooler #2 are affected sources as specified by 40 CFR 63.1340. Accordingly, Kiln #1, Clinker Cooler #1, Kiln #2, and Clinker Cooler #2 shall comply with the applicable requirements for particulate matter found in 40 CFR 63, Subpart LLL and the general applicable requirements of 40 CFR 63, Subpart A.
  
  - 2) Pursuant to 40 CFR 63.1347, Subpart LLL, Operation and Maintenance Plan requirements, the permittee shall maintain the OMP at the Facility at all times. The OMP plan includes procedures for:
    - a) Proper operation and maintenance of the affected source and air pollution control devices in order to meet the emissions limits and operating limits, including fugitive dust control measures for open clinker piles;
    - b) Periods of startup and shutdown;
    - c) Corrective actions to be taken for malfunctions;
    - d) Procedures to be used during an inspection of the components of the combustion system of each kiln and each in-line kiln raw mill located at the facility at least once per year.
  
  - 3) Kiln exhaust gas emissions for the other pollutants that are subject to the requirements of 40 CFR 63 Subpart LLL (D/F, Hg, THC and HCl) shall be regulated and enforced under the

Title V permit #0532-RN2, and utilize a CEM for monitoring purposes pursuant to the Subpart LLL. PM emission limits for NAAQS/NMAAQs compliance shall be enforced under Title V permit #532-RN2.

- 4) Potential emissions from both kilns for the remaining pollutants (NO<sub>x</sub>, SO<sub>2</sub>, CO, VOC, PM<sub>10</sub>, and PM<sub>2.5</sub>) that are not subject to the requirements of 40 CFR 63 Subpart LLL emission limits remain unchanged due to TDF usage and shall continue to be regulated and enforced under Title V permit #0532-RN2. TDF #1 and TDF #2 are not considered as affected facilities under 40 CFR 60, Subpart F.
  - 5) The hourly throughput of product in each of the kilns and clinkers shall not exceed 33.7 tons/hr (67.4 total) and 289,308 tons/year (578,616 total).
  - 6) Tires should be managed, stored, and handled at the Facility under the requirements of New Mexico Environment Department (NMED) Solid Waste Bureau (SWB)'s Tire Management Program.
  - 7) Tires used at the facility should be nonhazardous and should meet the provisions of 40 CFR 241 Subpart 241. TDF #1 and TDF #2 are not subject to *Commercial and Industrial Solid Waste Incineration Units* (CISWI) regulations under 40 CFR Part 60.
  - 8) Reconsideration of emission standards by EPA. If any of the current provisions of 40 CFR 63, Subpart LLL are altered under reconsideration by EPA including emission limits, the new provisions will automatically become effective for the compliance terms and conditions of this permit. This permit will be revised to incorporate the new provisions as needed.
- K.** In accordance with 20.11.20.12(A) NMAC, the Permittee shall not allow fugitive dust, track out, or transported material from any active operation, open storage pile, stockpile, paved or unpaved roadway disturbed surface area, or inactive disturbed surface area to cross or be carried beyond the property line, right-of-way, easement or any other area under control of the person generating or allowing the fugitive dust if the fugitive dust may:
- 1) with reasonable probability, injure human health or animal or plant life;
  - 2) unreasonably interfere with the public welfare, visibility or the reasonable use of property; or be visible for a total of 15 minutes or more during any consecutive one-hour observation period using the visible fugitive dust detection method in 20.11.20.26 NMAC or an equivalent method approved in writing by the department.
- L.** In accordance with 20.11.20.12.E, stockpiles shall be no higher than 15 feet above the existing natural or man-made grade that abuts the stockpile, unless otherwise approved in advance and in writing by the department.
- M.** All inactive disturbed surface areas must be stabilized and maintained in stable condition by the Permittee to mitigate fugitive dust. Failure to comply with this condition shall be a violation of 20.11.20 NMAC.



- N. The above conditions have been placed in the permit based on air dispersion modeling of the Facility at this location to demonstrate compliance with the National Ambient Air Quality Standards and New Mexico Ambient Air Quality Standards for NO<sub>x</sub>, CO, SO<sub>2</sub>, and PM<sub>10</sub>;
- O. Deviations from this Permit that are a “physical change in, or change in the method of operation of a source that results in an increase in the potential emission rate of any regulated air contaminant emitted by the source or that results in the emission of any regulated air contaminant not previously emitted: unless otherwise excepted, 20.11.41.7(U) NMAC, shall not be made except in accordance with Permit Condition 7.
- P. Pursuant to 20.11.49.14 NMAC, the emission of a regulated air pollutant in excess of the quantity, rate, opacity, or concentration specified in an air quality regulation or permit condition that results in an excess emission is a violation of the air quality regulation or permit condition and may be subject to an enforcement action. The owner or operator of a source having an excess emission shall, to the extent practicable, operate the source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions.
- Q. Prior to any asbestos demolition or renovation work, the Permittee shall submit the proper notification(s) and all additional applicable requirements pursuant to 20.11.20.22 NMAC and 40 CFR Part 61 National Emissions Standard for Hazardous Air Pollutants (NESHAP) Subpart M – National Emission Standard for Asbestos.
- R. Failing to comply with the above conditions shall be a violation of this Permit. *See* 20.11.41.19(D) NMAC.

## 2. Unit Emission Limits

Condition 2 has been placed in the permit in accordance with 40 CFR 63, Subpart LLL and 20.11.41.19(B) NMAC, to assist the Department with determining compliance with the terms and conditions of this Permit. These were the process and emission rates stated in the permit application and are the basis of the Department’s review. Compliance will be based on meeting the specific requirements for particulate matter under 40 CFR 63, Subpart LLL and Department inspections of the Facility and upon compliance with the emission limits and opacity readings conducted in accordance with the test methods specified in Condition 6 – Compliance Tests.

- A. In accordance with Table 1 of 40 CFR 63.1343(b)(1), Kiln #1 and Kiln #2 are subject to a PM emission limit of 0.07 lb/ton clinker during normal operation and must comply with the work practices of 40 CFR §63.1346(g) during startup and shutdown.
- B. In accordance with Table 1 of 40 CFR 63.1343(b)(1), Clinker Cooler #1 and Clinker Cooler #2 are subject to a PM emission limit of 0.07 lb/ton of clinker during normal operation and must comply with the work practices of 40 CFR 63.1348(b)(9) during startup and shutdown.
- C. In accordance with this Permit, the permittee will combine the clinker cooler exhaust with the kiln exhaust for energy efficiency purposes and will send the combined exhaust to the PM control device as a single stream. As such the permittee may meet an alternative PM emissions limit. This limit is calculated using the following equation in 40 CFR §63.1343(b)(2):

$$PM_{alt} \text{ (lb/ton clinker)} = 0.006 \times 1.65 \times (Q_k + Q_c)/7000$$

Where,

- 0.006 is the PM exhaust concentration (gr/dscf).
- 1.65 is the conversion factor of lb feed per lb clinker.
- $Q_k$  is the exhaust flow of the kiln (dscf/ton raw feed).
- $Q_c$  is the exhaust flow of the clinker cooler (dscf/ton raw feed).
- 7000 is the conversion from grains to pounds.

D. The Facility shall not exceed the following process rates in the table below. The hourly and annual emissions were calculate based on this information:

**Table 2a: Process Units Operational Limitations**

Unit #	Emission Unit Description	Control Method and Efficiency (%)	Permitted Process Rate
KILN	Kiln/Clinkers	Baghouses 99.9%	Material throughput – Each Kiln #1 & #2 - 33.7 tons/hr and 289,308 tons/yr
TDF #1 and TDF#2	Tire Derived Fuel Systems for Kilns #1 and #2	Fuel Usage (coal and/or TDF)	Both Kilns - 96,346 tpy

E. The Facility shall not exceed the emission limits stated in the table below. Tons per year emissions shall be based on a 12-month rolling total.

**Table 2b: Emission Limits<sup>1</sup>**

Unit No.	NOx lb/hr	NOx tpy	CO lb/hr	CO tpy	VOC lb/hr	VOC tpy	SO <sub>2</sub> lb/hr	SO <sub>2</sub> tpy	PM <sub>10</sub> lb/hr	PM <sub>10</sub> tpy	PM <sub>2.5</sub> lb/hr	PM <sub>2.5</sub> tpy
KILN	975	1519	1348	1447	16	67	193	848	33	49	18	26
<b>Total</b>	<b>975</b>	<b>1519</b>	<b>1348</b>	<b>1447</b>	<b>16</b>	<b>67</b>	<b>193</b>	<b>848</b>	<b>33</b>	<b>49</b>	<b>18</b>	<b>26</b>

1. For this permit, lb/hr for NOx and CO have increased while SO<sub>2</sub> has decreased based on more realistic operating conditions for the kilns. The annual emission rate in tpy remains unchanged from previous permit. Refer to 0532-RN2 for emission rates for all processes at the Facility. The Permittee provided emission calculations and references in the application which were verified by the Department, refer to this permit's Regulatory Review, Item 10, for details.

F. The Process Units are subject to the compliance requirements in the following table, as described in the conditions of this permit:

**Table 2c: Process Equipment Compliance Requirements**

Unit No.	Percent Opacity <sup>1</sup>	Monitoring <sup>2</sup>	Record Keeping <sup>2</sup>	Reporting <sup>2</sup>	Compliance Testing <sup>3</sup>
KILN	20%	yes	yes	yes	yes
TDF #1	No	yes	yes	yes	yes
TDF #2	No	yes	yes	yes	yes

1. Compliance with the opacity emission limit shall be determined in accordance with 20.11.5.12 and 15 NMAC
2. Refer to Conditions 3, 4 and 5 for unit specific recordkeeping/monitoring, and reporting requirements
3. Refer to Condition 6 for unit specific compliance testing requirements

**Table 2d: HAPs in Excess of 1 Ton Per Year**

<b>Pollutant</b>	<b>Emissions in Tons per Year (TPY)</b>
HAPs (HCl, Hg and D/F)	42.99
<b>Total HAPs<sup>1</sup></b>	<b>42.99</b>

1. Refer to Title V permit 0532-RN2; HAP and THC emissions from the kilns are continuously monitored with a CEM, and the HAPs include HCl, Hg and D/F.

### **3. Monitoring**

Condition 3 has been placed in the permit in accordance with 40 CFR 63.1350, Subpart LLL, 20.11.41.19(B)(4) NMAC and 20.11.41.19(C)(3),(4),(5),(6) and (7) NMAC to allow the Program to determine compliance with the terms and conditions of the permit. Compliance will be based on Program inspection of equipment and logs. The Permittee shall install the appropriate equipment deemed necessary by the Program for performance testing and continuous emissions monitoring.

- A. If the Permittee elects to submit an application to the Administrator for approval of alternate monitoring requirements to demonstrate compliance with the emission standards for this subpart except for emission standards for THC, the Permittee will comply with the requirements of 40 CFR §63.1350(o).
- B. The Permittee must install, operate, calibrate, and maintain the flow rate monitoring system according to the requirements of 40 CFR §63.1350(n) for continuously measuring and recording the stack gas flow rate to allow determination of the pollutant mass emissions rate to the atmosphere from sources subject to an emissions limitation that has a pounds per ton of clinker unit and that is required to be monitored by a CEMS for THC, HCl, D/F and Hg emissions.
- C. For each Continuous Monitoring System (CMS) using an approved alternate monitoring requirement, a monitoring plan must be developed and submitted as required by 40 CFR §63.1350(p).
- D. The Permittee shall determine hourly clinker production in accordance with 40 CFR §63.1350(d).
- E. The Permittee shall monitor fuel usage to demonstrate compliance with Condition 1.F.
- F. The Permittee shall monitor material throughput to demonstrate compliance with Condition 1.I.5.
- G. The Permittee shall monitor, as applicable, Regional Haze Rule Requirements listed below in Additional Requirements Section II.1.

### **4. Recordkeeping**

Condition 4 has been placed in the permit in accordance with 40 CFR 63.1355, Subpart LLL, 20.11.41.19(B)(4) NMAC and 20.11.41.19(C)(8) and (9) NMAC to allow the Program to determine compliance with the terms and conditions of the permit. Compliance will be based on Program inspection of records and logs.

- A. The Permittee shall maintain files of all information (including all reports and notifications) required by this section recorded in a form suitable and readily available for inspection and review as required. The files shall be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.
- B. The Permittee shall keep records of an affected source equipped with a CMS and a CEM shall maintain all records required by §63.1355.
- C. The Permittee shall maintain records of an approved alternate monitoring plan, if applicable.
- D. The Permittee shall maintain records of hourly clinker production.
- E. The Permittee shall maintain records of fuel usage (coal and/or TDF) for the kilns.
- F. The Permittee shall maintain records of material throughput.
- G. The Permittee shall maintain records, as applicable, of Regional Haze Rule Requirements listed below in Additional Requirements Section II.1.

## 5. Reporting

Condition 5 has been placed in the Permit in accordance with 40 CFR 63.1354, Subpart LLL, 20.11.41.21 NMAC and 20.11.90 NMAC to allow the Program to determine compliance with the terms and conditions of the Permit. Compliance will be based on timely submittal of the reports, notifications, and required information and shall be made in accordance with 40 CFR, Part 63.10, Subpart A - General Provisions and 20.11.41.21 NMAC.

The Permittee shall notify the Program in writing of:

- A. The permittee shall report the results of the performance test to the Department before the close of business on the 60th day following the completion of the performance test in accordance with 40 CFR 63, Subpart LLL requirements.
- B. If actions taken by the permittee during a SSM of an affected source (including actions taken to correct a malfunction) are consistent with the procedures specified in the SSMP specified in §63.6(e)(3), the permittee shall state such information in a semiannual report. Reports shall only be required if a SSM occurred during the reporting period. The SSM report may be submitted simultaneously with the excess emissions and continuous monitoring system performance reports.
- C. Any time an action taken by the Permittee during a SSM (including actions taken to correct a malfunction) is not consistent with the procedures in the SSMP, the Permittee shall make an immediate report of the actions taken for that event within 2 working days, by telephone call, email or facsimile (FAX) transmission. The immediate report shall be followed by a letter, certified by the Permittee or other responsible official, explaining the circumstances of the event, the reasons for not following the startup, shutdown, and malfunction plan, and whether any excess emissions and/or parameter monitoring exceedances are believed to have occurred.
- D. As required by §63.10(e)(2), the permittee shall submit a written report of the results of the performance evaluation for the CMS or CEM required by §63.8(e). The owner or operator shall

submit the report simultaneously with the results of the performance test.

- E.** As required by §63.10(e)(3), the owner or operator of an affected source equipped with a CMS shall submit an excess emissions and continuous monitoring system performance report for any event when the continuous monitoring system data indicate the source is not in compliance with the applicable emission limitation or operating parameter limit.
- F.** If the total CMS downtime for any CEM for the reporting period is ten percent or greater of the total operating time for the reporting period, the permittee shall submit an excess emissions and CMS performance report along with the summary report.
- G.** The semiannual report must include the number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions including actions taken to correct a malfunction.
- H.** The date construction of the TDF Systems (TDF #1 & TDF #2) is commenced, postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.
- I.** The anticipated startup of the TDF Systems not less than thirty (30) days prior to that date to include the equipment manufacturer and model numbers from the possibilities listed in the Process Equipment Table pursuant to 20.11.41.21(A)(1) NMAC and 40 CFR 63.9, Subpart A.
- J.** The actual date of initial startup of the TDF Systems within fifteen (15) days after the initial startup date to include the equipment manufacturer and model numbers from the possibilities listed in the Process Equipment Table pursuant to 20.11.41.21(A)(3) NMAC and 40 CFR 63.9, Subpart A.
- K.** The Permittee shall request an administrative permit revision for any change in control or ownership, name, address, or contact information in accordance with 20.11.41.28(A) NMAC and such change shall be effective upon the Department's revision of the Permit.
- L.** Any permit update or correction as required by 20.11.41 NMAC no more than sixty (60) days after the Permittee knows or should have known about the condition that requires updating or correction of the Permit [20.11.41.21(A)(6) NMAC].
- M.** By March 15 of every year, an updated annual (January 1 through December 31 of previous calendar year) emissions inventory for Facility, together with descriptions of any reconfiguration of process technology and air pollution equipment, which shall include annual hours of operation, and the annual production throughput in tons.
- N.** The Permittee shall report, as applicable, of Regional Haze Rule Requirements listed below in Additional Requirements Section II.1.
- O.** If the Permittee of a Facility has an excess emission, the Permittee shall provide the Program with the following reports on forms provided by the Program:

- 1) INITIAL REPORT: The Permittee shall file an initial report, no later than the end of the next regular business day after the time of discovery of an excess emission pursuant to 20.11.49.15(A)(1) NMAC;
- 2) FINAL REPORT: The Permittee shall file a final report, no later than ten (10) days after the end of the excess emission. If the period of an excess emission extends beyond ten (10) days, the Permittee shall submit the final report to the Program within seventy-two (72) hours of the date and time the excess emission ceased. This condition is pursuant to 20.11.49.15(A)(2) NMAC and 20.11.49.15(C) NMAC; and,
- 3) ALTERNATIVE REPORTING: If the Facility is subject to the reporting requirements of 40 CFR Parts, 60, 61, and 63 and the federal requirements duplicate the requirements of 20.11.49.15 NMAC, then the federal reporting requirements shall suffice. This condition is pursuant to 20.11.49.15(D) NMAC.

## 6. Compliance Tests

Condition 6 has been placed in the Permit in accordance with 40 CFR Part 63, Subpart A General Provisions, 40 CFR 63.1349, Subpart LLL, 20.11.41.22 NMAC and 20.11.90.13 NMAC.

Compliance will be based on the satisfactory completion of the compliance tests, the timely submittal of the emission unit test results to the Program, and on meeting the emission limits specified in Condition 2.

- A. Initial and annual compliance tests for emission unit TDF #1 and TDF #2, have not been imposed at this time.
- B. Annual compliance tests for emission unit KILN are required pursuant to 40 CFR 63.1349, Subpart LLL. Performance tests results shall be documented and reported as specified in 40 CFR 63.1349(a) and (d).
- C. PM: Performance tests results shall be conducted as specified in 40 CFR 63.1349(b)(1), Subpart LLL.
- D. If the permittee undertakes a change in operations that may adversely affect compliance with an applicable standard, operating limit, or parametric monitoring value under 40 CFR 63.1348 (c) Subpart LLL, the source must conduct a performance test.
- E. Compliance tests may be imposed or re-imposed by the Department, in its sole discretion, if inspections of the source indicates non-compliance with Permit conditions or the previous test showed non-compliance or was technically unsatisfactory.
- F. When compliance tests are imposed, the owner or operator shall notify the Department at least thirty (30) days prior to any test imposed on the Permittee and allow a representative of the Department to be present at the test. (40 CFR Part 63, Subpart A)
- G. When compliance tests are imposed, the Permittee shall provide for the Department's approval, a written test protocol at least fifteen (15) days prior to the anticipated test date for any test imposed by

the Department. The protocol shall describe the test methods to be used (including sampling locations), and shall describe data reduction procedures. Any variation from the established sampling and analytical procedures or from Facility operating conditions shall be presented for Department approval. The test protocol shall conform to the standard format specified by the Department.

- H. When compliance tests are imposed, all tests imposed by the Department shall be conducted at ninety percent (90%) of the units plant Permitted capacity or greater to demonstrate compliance with the Permitted emission limits. Compliance testing at other than ninety percent (90%) production levels shall be performed at the Department’s request and/or approval. (40 CFR 60.8(c), 40 CFR Part 60, Subpart A)
- I. When compliance tests are imposed, one copy of the compliance test results for any imposed test shall be submitted to the Department Enforcement Section within thirty (30) days after the completion of testing. The test results shall conform to the standard format specified by the Department.

**Table 6a: Unit Specific Compliance Testing**

Emission Unit	Initial Compliance Testing	Frequency of Compliance Test
KILN	Completed	Annual
TDF #1 and TDF #2 <sup>1</sup>	N/A	N/A

1.Compliance tests have not been imposed for this unit at this time; but may imposed if inspections of the source indicate non-compliance with Permit conditions

**7. Modifications**

Condition 7 incorporates into this Permit the requirements for the Permittee to request from the Department modifications to the Facility. Compliance will be based on Program inspections, the submittal of a new Permit application for any modification and the issuance of a modified Permit before any modification takes place.

A modification shall be considered any “physical changes in, or change in the method of operation of a source that results in an increase in the potential emission rate of any contaminant emitted by the source or that results in the emission of any regulated air contaminant no previously emitted.” Unless otherwise stated in the applicable law 20.11.41.7(U) NMAC, no modification shall begin prior to issuance of a modified permit pursuant to 20.11.41.2(A)(3) NMAC. Modifications to this Permit shall be submitted in accordance with 20.11.41 NMAC pursuant to 20.11.41.29 NMAC.

**8. Administrative and Technical Revisions**

Condition 8 incorporates into this Permit the requirements for the Permittee to request and the Program to make administrative or technical revisions to a permit in accordance with 20.11.41.28(A) and (B) NMAC, respectively. Compliance will be based on the Program inspections, the submittal of the request for an administrative or technical revision and the issuance of the administrative or technical revision before the changes take place.

The procedure for administrative and technical revisions “may not be used to create federally enforceable conditions or emissions limitations to avoid an applicable requirement.” 20.11.41.28(B)(5) NMAC;

20.11.41.28(A)(3) NMAC (substantially similar regulatory requirement). No administrative and technical revisions shall begin prior to Department approval. 20.11.41.2(C) NMAC; 20.11.41.28(A)(3) and (B)(5) NMAC.

## 9. Compliance Assurance/ Enforcement

The Facility is subject to all applicable provision of air quality law, whether incorporated by reference in this Permit or not. The following authorities are incorporated by reference into this Permit; provided, however, nothing herein shall be construed to limit the Department's authority under applicable law.

- A. The issuance of a permit does not relieve any person from responsibility for complying with the applicable provisions of the federal [Clean Air] [A]ct, the state [Air Quality Control] [A]ct, or a regulation of the [B]oard. 20.11.41.18 NMAC.
- B. "Every term or condition included in a permit is enforceable to the same extent as a regulation of the [B]oard." 20.11.41.19(D) NMAC. Thus, the Department can enforce the terms and conditions of this Permit the same as a regulation.
- C. The Department is authorized to take action to ensure compliance with applicable law, which may include (i) issuing a compliance order requiring compliance with this Permit and applicable law, assessing a civil penalty, suspending or revoking this Permit or portion thereof, or a combination; or (ii) filing a civil action in district court. NMSA 1978, §§ 74-2-12(A)-(B); *see* §§ 74-2-5.1(A)-(B). Civil penalties will be in accordance with applicable law. *See* NMSA 1978, § 74-2-12.1(A)-(B), (D); § 74-2-12(B).
- D. The Department is authorized to conduct scheduled and unscheduled inspections. NMSA 1978, § 74-2-13; § 74-2-5.1(A). to determine compliance with applicable law and this Permit. The Department is also authorized to "require the production of information relating to emissions that cause or contribute to air pollution." § 74-2-5.1(A). Upon presentation of credentials, the Program:
  - 1) "[S]hall have a right of entry to, upon or through any premises on which an emission source is located or on which any records required to be maintained by regulations of the . . . [B]oard or by any permit condition are located." § 74-2-13(A); *see* § 74-2-5.1(A). This right shall apply, at minimum, to the Permittee, Facility and Property, and to this Permit;
  - 2) "[M]ay at reasonable times: have access to and copy any records required to be established and maintained by regulations of the . . . [B]oard or any permit condition." § 74-2-13(B)(1). This right, at minimum, shall apply to records required by this Permit;
  - 3) "[M]ay at reasonable times: . . . inspect any monitoring equipment and method required by regulations of the . . . [B]oard or by any permit condition." § 74-2-13(B)(2). This right shall apply, at minimum, to the equipment of the Facility and on the Property, whether identified in this Permit or not; and
  - 4) "[M]ay at reasonable times: . . . sample any emissions that are required to be sampled pursuant to regulation of the . . . [B]oard or any permit condition." § 74-2-13(B)(3). This right shall apply, at a minimum, to the emissions stated in this Permit.
  - 5) "Any credible evidence may be used to determine whether a person has violated or is in violation of the terms or conditions of a permit" or any provision of applicable law.



20.11.41.27 NMAC. Presumptively credible evidence under the law, including testing, monitoring and information gathering methods, is set forth in, but is not limited to, the regulation 20.11.41.27 NMAC).

- E. Any person that violates air quality laws may be subject to criminal penalties in accordance with NMSA 1978, § 74-2-14.

**10. Posting of the Permit**

A copy of this Permit shall be posted in a visible location at the Facility at all times. See 20.11.41.19.B(4) NMAC. The Permit shall be made available to Program personnel for inspection upon request.

**11. Annual Fees**

The Permittee shall pay an annual emission fee in accordance with 20.11.2 NMAC. The Department will determine compliance with Condition 11 based on the timely receipt of the annual emissions fee due each year to the Program. At the time of issuance of this Permit, the annual emission fee shall be based on the following allowable emission rate for each fee pollutant, in accordance with 20.11.2.13(C)(3), as stated in Table 11a, below.

**Table 11a: Facility Wide Fee Pollutants based on Annual Emissions<sup>1</sup>**

Fee Pollutant	Tons per Year
Oxides of Nitrogen (NOx)	1521
Carbon Monoxide (CO)	1464
Volatile Organic Compounds (VOCs)	79
Sulfur Dioxide (SO <sub>2</sub> )	848
Particulate Matter 10 (PM <sub>10</sub> )	120
Particulate Matter 2.5 (PM <sub>2.5</sub> )	34
Hazardous Air Pollutants (HAPs)	51
<b>Facility Wide Fee - Total Emissions</b>	<b>4083 tpy</b>

1. The pollutants, tpy emission rates, are for the entire Facility including all emission sources covered under the Title V permit 0532-RN2 and this permit modification.

“No notification or submittal will be reviewed or source registration or permit issued unless the owner or operator provides documentary proof satisfactory to the Department that either all applicable fees have been paid as required by 20.11.2 NMAC or the owner or operator has been granted a variance pursuant to 20.11.7 NMAC, Variance Procedures.” 20.11.2.11(C) NMAC.

**II. ADDITIONAL REQUIREMENTS**

**1. Regional Haze Rule Requirements**

- A. Scope: This permit is modified to include federal requirements, pursuant to 40 CFR 51 (Regional Haze Rule) related to NOx and SO<sub>2</sub> emissions from Tijeras Kiln 1 and Kiln 2 and make the conditions in the long-term strategy of the Regional Haze SIP element federally enforceable. Emissions will be monitored at the main stack for Kiln 1 and Kiln 2 exhausting combined emissions from both kilns.

**B. Definitions:**

**Operating day** means any 24-hour period beginning at 12:00 AM MT during which the kiln produces any amount of clinker.

**Rolling average** means – in this context – the weighted average of all data, meeting QA/QC requirements or otherwise normalized, collected during the 30-day rolling averaging period. To demonstrate compliance with an operating parameter, a 30-day rolling average period requires calculation of a new average value each Operating day and shall include the average of all the hourly averages of the specific operating parameter. For demonstration of compliance with an emissions limit based on pollutant concentration, a 30-day rolling average is comprised of the average of all the hourly average concentrations over the previous 30 Operating days. For demonstration of compliance with an emissions limit based on lbs-pollutant per production unit the 30-day rolling average is calculated by summing the hourly mass emissions over the previous 30 Operating days, then dividing that sum by the total production during the same period.

**Shutdown** means the cessation of kiln operation. Shutdown begins when feed to the kiln is halted and ends when continuous kiln rotation ceases.

**Startup** means the initiation of kiln operation. Startup begins when a shutdown kiln turns on the induced draft fan and begins firing fuel in the main burner. Startup ends when feed is continuously introduced into the kiln for at least 120 minutes or when the feed rate exceeds 60 percent of the kiln design limitation rate, whichever occurs first.

**The Main Stack** means a single stack combining emissions from Kiln 1 and Kiln 2. Combined emissions from Kiln 1 and Kiln 2 are monitored at the main stack.

**C. Emissions Controls:** The Permittee must design, install, optimize, and operate the following pollution controls on Kiln 1 and Kiln 2 by **January 1, 2027**:

- 1) Selective Non-Catalytic Reduction (SNCR) system to reduce NO<sub>x</sub> emissions.
- 2) Dry Sorbent Injection (DSI) system to reduce SO<sub>2</sub> emissions.

**D. NO<sub>x</sub> Emissions Limitations:**

- 1) By no later than **December 31, 2028**, the permittee will achieve a NO<sub>x</sub> emission limit of **4.1 lbs/ton** of clinker based on a 30-Operating day rolling average for both kilns monitored at the main stack unless:
  - i. If results from the Optimization Study indicate that a NO<sub>x</sub> emission limit of **3.8 lbs/ton** of clinker is achievable for normal kiln operations, EHD will determine the reasonable emission rate achievable, including startup and shutdown periods, and revise the permit modification and the SIP element accordingly.
  - ii. If results from the Optimization Study indicate that a NO<sub>x</sub> emission limit of **4.1 lbs/ton** of clinker is not achievable for normal kiln operations, EHD will determine the reasonable emission rate achievable, including startup and shutdown periods, and revise the permit modification and the SIP element accordingly.

**E. SO<sub>2</sub> Emissions Limitations:**

- 1) By no later than **December 31, 2028**, the permittee will achieve a SO<sub>2</sub> emission limit of **0.88 lbs/ton** of clinker based on a 30-Operating day rolling average for both kilns monitored at the Main Stack.
  - 2) If a review of 36 months of emissions data indicates that SO<sub>2</sub> emission limit of **0.6 lbs/ton** of clinker is achievable, EHD will determine the reasonable emission rate achievable and revise the permit modification and the SIP element accordingly.
- F. SNCR Design: The permittee will design the SNCR system consistent with vendor or manufacturer recommendations to maximize NO<sub>x</sub> reductions while minimizing ammonia slip to the extent practicable.
- G. SNCR Optimization Protocol:
- 1) The permittee will develop a protocol (“Optimization Protocol”) for optimizing SNCR system operation without violating other emissions limits and evaluating the feasibility of complying with Condition C.1).
  - 2) The Optimization Protocol will describe the procedures to be used during the optimization study (“Optimization Study”) to adjust SNCR system operating parameters, and shall include the following:
    - i. The method that will be used to calculate ammonia slip.
    - ii. Measures to optimize the SNCR system using the ammonia slip measurement. These measures should aim to maintain an optimal ammonia slip to control NO<sub>x</sub> emission limit.
    - iii. Measures taken if optimization of the SNCR system with maintaining optimal ammonia slip causes operational problems or excess emissions of pollutants other than ammonia or NO<sub>x</sub>. This could include optimization of the SNCR system at a different ammonia slip to maintain compliance with all pollutants.
  - 3) The permittee will submit the proposed Optimization Protocol to EHD and EPA by January 1, 2027.
- H. SNCR Optimization Study:
- 1) The permittee will make its best efforts to establish the optimized steady-state operation of the SNCR system as soon as practicable while following the procedures established in the approved Optimization Report.
  - 2) The Optimization Study shall commence no later than 60 Operating days following EHD and EPA approval of the Optimization Protocol.
  - 3) The Optimization Study will have a duration of no more than **18 months** and conclude no later than **June 30, 2028**. If an extension of the Optimization Study is desired, the extension must be approved by EHD based on well-documented and supported rationale.
  - 4) The permittee will collect, at a minimum, the following data during the Optimization Study for each kiln:
    - i. Kiln flue gas temperature at the inlet to the fabric filter or at the Kiln stack (daily average).
    - ii. Kiln production in tons of clinker (daily total) and the method used to calculate Kiln production.
    - iii. Raw material feed in tons (daily total).
    - iv. Type and percentage of each raw material used (daily).
    - v. Daily average NO<sub>x</sub>, SO<sub>2</sub>, ammonia (baseline and slip), and CO concentrations (ppm - dry basis) and mass rates.

- vi. Flue gas volumetric flow rate (daily average in dry acfm).
  - vii. Feed burnability (C3S) (at least daily).
  - viii. Temperatures in or near the burning zone (daily average).
  - ix. Kiln system fuel feed rate and type of fuel by weight or heat input rate (calculated to a daily average).
  - x. Kiln amps (daily average).
  - xi. Kiln back end O<sub>2</sub> concentration (daily average).
  - xii. Kiln system draft fan settings.
  - xiii. Documentation of any Startup, Shutdown, or Malfunction events.
  - xiv. An explanation of any gaps in the data or missing data.
- 5) Data collected during the Optimization Study will be submitted to EHD and EPA. When submitted, permittee shall provide the data in an electronic format consistent with and able to be manipulated by Microsoft Excel and explain the reasons for any data not collected.

**I. SNCR Optimization Report:**

- 1) No later than **90 days** following the end of the Optimization Study, the permittee will submit to EHD and EPA, for approval, an optimization report (“Optimization Report”). The Optimization Report shall:
- i. Demonstrate conformance with the Optimization Protocol for each kiln and its associated SNCR system.
  - ii. Include all data collected during the Optimization Study.
  - iii. Summarize the results of the Optimization Study.
  - iv. Propose, for approval, consistent with the Optimization Protocol, the targeted ammonia slip for both kiln systems.
  - v. Explain why the 4.1 lbs/ton NO<sub>x</sub> emission limit is feasible or infeasible.
  - vi. Establish an ammonia slip limit based on 30-day rolling average using ammonia injection rate, NO<sub>2</sub> emission rate, and other data collected during the Optimization Study.
  - vii. If applicable, propose a revised NO<sub>x</sub> emission limit.
- 2) In identifying the optimized state of each SNCR system, including the injection rates of reagents, and related operating parameters, the permittee may account for energy, environmental, and economic impacts.
- 3) The Optimization Report may also include a discussion of any problems encountered during the Optimization Study, and how that problem may impact the potential emission reductions.
- 4) If the permittee determines, prior to the expiration of the Optimization Study, that its ability to optimize a kiln and/or its SNCR system will be affected by potential impairments to product quality, kiln system reliability or increased emissions of other pollutants, then the permittee shall promptly advise EHD and EPA of this determination, and include these considerations as part of its recommendation in its Optimization Report.

**J. SNCR Compliance Determination: Compliance determinations with the 30-operating day rolling average lbs/ton of clinker emissions limits will:**

- 1) Specify each operating day, where an Operating day includes all valid data obtained in any daily 24-hour period during which the kiln operates and excludes any measurements made during a daily 24-hour period during which the kiln was not operating.
- 2) Be calculated and recorded as the total of all hourly emissions data for a cement kiln in the preceding 30 operating days, divided by the total tons of clinker produced in that kiln during the same 30-day operating period in accordance with the following equation, listed as equation 6 in 40 CFR 60.64 (Test methods and procedures):

$$E_{30D} = k \frac{\sum_{i=1}^n C_i Q_i}{P}$$

Where:

- E30D = 30 kiln operating day average emission rate of applicable pollutant, lb/ton of clinker;  
 Ci = Concentration of applicable pollutant for hour i, ppm;  
 Qi = Volumetric flow rate of effluent gas for hour i, where;  
 Ci and Qi are on the same basis (either wet or dry), scf/hr;  
 P = 30 days of clinker production during the same time period as the applicable  
 k = Conversion factor,  $1.194 \times 10^{-7}$  for NOX and  $1.660 \times 10^{-7}$  for SO2, lb/scf/ppm;  
 n = Number of kiln operating hours over 30 kiln operating days.

**K. Compliance Monitoring:** The permittee will:

- 1) Install, calibrate, maintain, and operate:
  - viii. A single NOx and SO<sub>2</sub> continuous emissions monitoring system (CEMS) at the Main Stack for Kiln 1 and Kiln 2 combined emissions in accordance with the requirements of 40 CFR 60.13 no later than January 1, 2026.
  - ix. An ammonia monitoring system (AMS). The AMS will continuously monitor the reagent injection rate of each kiln and combined NOx emission rate at the Main Stack for both kilns.
- 2) Collect all appropriate and requisite data whenever a kiln is operating including startup and shutdown periods, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system maintenance, quality assurance and quality control activities.
- 3) Comply with the applicable requirements of:
  - x. 40 CFR 75, Subpart D regarding missing data.
  - xi. 40 CFR 60.7, Subpart A, regarding notification and recordkeeping provisions.
  - xii. 40 CFR 60.13 regarding monitoring.
  - xiii. 40 CFR 60.63 regarding monitoring.
  - xiv. 40 CFR 60.64 regarding test methods.
  - xv. 40 CFR 60.65 and recordkeeping and reporting.

**L. Compliance Reporting:**

- 1) Permittee will prepare a compliance report specific to these Regional Haze SIP element conditions. The semiannual reports will be submitted to EHD and EPA beginning in

2028, in accordance with 40 CFR 60.7.C, or in the year following the establishment of a new emission limit if needed based on the optimization study.

**M. Other:**

- 1) These conditions are in place pursuant to a federal requirement and cannot be modified, unless incorporated into a SIP revision and approved by EPA based on a modification of the emission limits pursuant to scenarios above.
- 2) These conditions assume EPA approval of the applicable regional haze SIP element.

## **2. Permit Cancellation**

Pursuant to 20.11.41.20(A) NMAC, “[t]he [D]epartment shall cancel any permit for any source that ceases operation for five years or more, or permanently.” Additionally, pursuant to 20.11.41.20(B) NMAC, the Department may cancel this Permit if “construction . . . is “not commenced within two years from the date of issuance or, if during the construction . . . , work is suspended for a total of one (1) year . . . .”

## **3. Notice Regarding Scope of Permit**

The Department’s issuance of an air quality permit only authorizes the use of the specified equipment pursuant to the air quality control laws, regulations and conditions. Permits relate to air quality control only and are issued for the sole purpose of regulating the emission of air contaminants from said equipment. Air quality permits are not a general authorization for the location, construction and/or operation of a facility, nor does a permit authorize any particular land use or other form of land entitlement. It is the Permittee’s responsibility to obtain and maintain all other necessary permits from the appropriate agencies, such as the City of Albuquerque Planning Department or Bernalillo County Department of Planning and Development Services, including but not limited to site plan approvals, building permits, fire department approvals and the like, as may be required by law for the location, construction and/or operation of a facility.

For more information, please visit the City of Albuquerque Planning Department website at <https://www.cabq.gov/planning> and the Bernalillo County Department of Planning and Development Services website at <https://www.bernco.gov/planning>.

## **4. Notice Regarding Accuracy of Information and Data Submitted**

Any misrepresentation of a material fact in the application and its attachments for this Permit is cause for revocation of part or all of this resulting Permit, and revocation of the Permit for cause may limit the Permittee’s ability to obtain any subsequent air quality permit for ten (10) years. Additionally, any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under the Air Quality Control Act, NMSA 1978 §§ 74-2-1 to 74-2-17, is guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000) per day per violation or by imprisonment for not more than twelve (12) months, or by both.

## **5. Requests for Information**

The Permittee is an obligatory party to a permit appeal filed pursuant to 20.11.81 NMAC and shall comply with any requests by the Department for additional information in connection with such appeal or any other legal proceedings.

## **6. Contact Information**

Application for Permit modifications, relocation notices and items listed under ADDITIONAL REQUIREMENTS shall be submitted to:

Albuquerque Environmental Health Department  
Air Quality Program  
Attention: Permitting Supervisor  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Test protocols and compliance test reports shall be submitted to:

Albuquerque Environmental Health Department  
Air Quality Program  
Attention: Enforcement Supervisor  
P.O. Box 1293  
Albuquerque, New Mexico 87103

All compliance reports shall be submitted to:

Albuquerque Environmental Health Department  
Air Quality Program  
Attention: Compliance Supervisor  
P.O. Box 1293  
Albuquerque, New Mexico 87103