

RECEIVED

Pamela Jones

By Environmental Improvement Board at 6:54 am, Sep 12, 2024

**STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD**

**IN THE MATTER OF REGIONAL HAZE
STATE IMPLEMENTATION PLAN REVISION FOR
THE SECOND PLANNING PERIOD AND
PROPOSED COMPANION RULE 20.2.68
NMAC—REGIONAL HAZE REQUIREMENTS**

No. EIB 24 - 49 (R)

**PETITION FOR THE ADOPTION OF REGIONAL HAZE STATE
IMPLEMENTATION PLAN REVISION AND NEW RULE REGIONAL HAZE
REQUIREMENTS**

The New Mexico Environment Department (“Department”), pursuant to 20.1.1 NMAC, *Rulemaking Procedures*, hereby petitions the Environmental Improvement Board (“Board”) to adopt the proposed State Implementation Plan Revision (“SIPr”) and new companion rule 20.2.68 NMAC—Regional Haze Requirements. A Statement of Reasons is included as **Attachment 1** to this Petition and the text of the new regulation is included in **Attachment 2**.

The proposed The SIPr is a narrative document describing how the state will meet federal regulatory requirements found at 40 C.F.R. § 51.308. The companion rule 20.2.68 NMAC—Regional Haze Requirements— enables the Department to enforce the new emissions limits and compliance schedules for affected facilities found within the SIPr. The SIPr and the companion rule are necessary to meet federal requirements for visibility in mandatory Class I Areas.

JURISDICTION

The Board has the authority to adopt the SIPr and companion rule pursuant to the Air Quality Control Act, NMSA 1978, §§ 74-2-5 and 74-2-6.

WHEREFORE, The Department requests that the Board consider this petition during its September 2024 meeting and schedule a hearing with beginning in Early to Mid December of 2024. The Department anticipates that a hearing in this matter would take approximately three days with an additional day for deliberation by the board.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT
OFFICE OF GENERAL COUNSEL

/s/ Josh Hirsch

Chris Vigil
Josh Hirsch
Assistants General Counsel
New Mexico Environment Department
1190 St. Francis Drive, Suite N-4050
Santa Fe, New Mexico 87505
Phone: (505) 469-4696
Email: ChristopherJ.Vigil@env.nm.gov
Josh.Hirsch@env.nm.gov

**STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD**

**IN THE MATTER OF REGIONAL HAZE
STATE IMPLEMENTATION PLAN REVISION FOR
THE SECOND PLANNING PERIOD AND
PROPOSED COMPANION RULE 20.2.68
NMAC—REGIONAL HAZE REQUIREMENTS**

No. EIB 24 - ____ (R)

STATEMENT OF REASONS

Pursuant to 20.1.1.300(B) NMAC, Petitioner New Mexico Environment Department (“NMED” or “Department”) provides the following Statement of Reasons in support of the Regional Haze State Implementation Plan Revision for the Second Planning Period (“Regional Haze SIP” or “SIPr”) and the associated new rule 20.2.68 NMAC—Regional Haze Requirements enforcing the new standards found in the Regional Haze SIP Revision.

I. History of Regional Haze and Summary of the Regional Haze SIP and Implementing Rule

The federal Clean Air Act (“CAA”) requires states to submit State Implementation Plans (“SIP”) to address visibility impairment caused by regional haze at certain National Parks and Wilderness Areas (“mandatory federal Class I areas”), in accordance with regulations promulgated by the U.S. Environmental Protection Agency (“EPA”). CAA §§ 169A & 169B (42 U.S.C. §§ 7491 & 7492). The EPA regulations governing SIP submittals under CAA Sections 169A and 169B are codified at 40 C.F.R. §§ 51.308 – 51.309 (“Regional Haze Rule Sections 308 and 309”). In December 2003 the Environmental Improvement Board (“EIB” or “Board”) approved a SIP developed by NMED to comply with the Requirements of Regional Haze Rule Section 309 with

respect to mandatory federal Class I areas located on the Colorado Plateau. The Department has implemented this “Section 309 SIP” continuously since that time. In June 2011 the Board approved certain revisions to the 2003 regional haze SIP and adopted additional SIP provisions pursuant to 40 C.F.R. § 51.309(g), which extended the scope of the regional haze SIP to all mandatory federal Class I areas within the State. In September 2013 the Board approved certain revisions to the New Mexico Regional Haze SIP that addressed Best Available Retrofit Technology (BART) for the San Juan Generating Station.

The Department now seeks to revise the SIP to comply with Regional Haze Rule Section 308, requiring the Department to “revise and submit its regional haze implementation plan revision to EPA by July 31, 2021.” 40 C.F.R. § 51.308(f). The Department seeks to submit its State Implementation Plan revision (SIPr) to the EPA subject to approval by the Board as expeditiously as possible.

The proposed SIPr is comprised of two elements. First, the SIPr document itself and, second, a new companion rule. The SIPr is a narrative document describing how the state will meet federal regulatory requirements in the Regional Haze Rule Section 308. The companion rule 20.2.68 NMAC—Regional Haze Requirements— enables the Department to enforce the new emissions limits and compliance schedules for affected facilities found within the SIPr. The SIPr and the companion rule are necessary to meet federal requirements for visibility in mandatory Class I Areas.

II. Authority and Scope

1. In order to comply with 42 U.S.C. §§ 7491 & 7492, and 40 C.F.R. § 51.308-309 the State of New Mexico is required to revise and submit to the EPA its Regional Haze State Implementation Plan by July 31, 2021. Having missed this deadline, the

State is currently out of compliance with federal regulatory requirements governing visibility in mandatory federal Class I areas.

2. If noncompliance continues, the EPA will issue a Federal Implementation Plan that accomplishes the purposes for which the SIPr should have been submitted. Such a plan may lack the nuanced considerations accounted for in the proposed SIPr, which also ensures compliance with all federal requirements, and unilaterally impose Regional Haze control measures on facilities in the State of New Mexico in order to protect visibility at Class I areas.
3. The statutory authority for the Environmental Improvement Board to adopt plans and regulations protecting visibility in mandatory federal Class I areas and to prevent significant deterioration of air quality in these areas is found in the Air Quality Control Act, NMSA 1978, §§74-2-1 to -17 which authorizes the Board to adopt regulations “to prevent or abate air pollution” and to “protect visibility in mandatory class I areas to prevent significant deterioration of air quality.” NMSA 1978 § 74-2-5(B)(1); NMSA 1978 § 74-2-5(D)(1)
4. The proposed SIPr and companion rule apply to sources located in the Department’s jurisdiction that impact visibility in Class I areas.
5. The proposed SIPr and rule do not apply to the jurisdictions of sovereign Tribes, Pueblos, or First Nations, for which air quality regulations are promulgated by those entities or the EPA. Nor do the proposed SIPr and rule apply to the jurisdiction of the City of Albuquerque and Bernalillo County, for which air quality regulations are promulgated by the Albuquerque-Bernalillo County Air Quality Control Board.

6. “Air pollution” is defined as “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 as may unreasonably interfere with the public welfare, visibility or the reasonable use of property.” NMSA 1978 § 74-2-2(B)
7. “Air contaminant” is defined as “any substance, including but not limited to 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.” § 74-2-2(A).
8. Under this definition, common pollutants, such as nitrogen oxides, sulfur dioxide, particulate matter, and carbon monoxide, as well as greenhouse gases, such as carbon dioxide, are “air contaminants” whose emission constitutes “air pollution” because they may injure human health and animal and plant life and unreasonably interfere with visibility.
9. Consistent with the requirements for periodic comprehensive revisions of implementation plans for regional haze at 40 C.F.R § 51.308(f), the SIPr contains the following required information:
 - i. Calculations of baseline, current, and natural visibility conditions; progress to date; and the uniform rate of progress. 40 C.F.R. § 51.308(f)(1)
 - ii. A long-term strategy for regional haze that addresses regional haze visibility impairment for each mandatory Class I Federal area within the State and for each mandatory Class I Federal area located outside the State that may be affected by emissions from the State including enforceable emissions

limitations, compliance schedules, and other measures that are necessary to make reasonable progress. 40 C.F.R. § 51.308(f)(2)

- iii. Reasonable progress goals that reflect the visibility conditions that are projected to be achieved by the end of the applicable implementation period as a result of enforceable emissions limitations, compliance schedules, and other required measures. *See* 40 C.F.R. § 51.308(f)(3)(i)
- iv. An appropriate strategy for evaluating reasonably attributable visibility impairment in the mandatory Class I Federal area by visual observation or other appropriate monitoring techniques. *See* 40 C.F.R. § 51.308(f)(4)
- v. Information required by 40 C.F.R § 51.308(g)(1)-(7), so that the SIPr also serves as a progress report. *See* 40 C.F.R. 51.308(f)(5).
- vi. A monitoring strategy for measuring, characterizing, and reporting of regional haze visibility impairment that is representative of all mandatory Class I Federal areas within the State. 40 C.F.R. § 51.308(f)(6).

III. General Provisions of the Rule

- 10. Consistent with the regional haze requirements at 40 C.F.R § 51.308(f)(2)(i), the SIPr evaluates and determines emission reduction measures that are necessary to make reasonable progress towards reducing regional haze visibility impairment for each mandatory Class I area within the State.
- 11. Using the source selection criteria described in the SIPr as required by 40 C.F.R § 51.308(f)(2)(i), the Department identified 23 facilities in its jurisdiction, and 133 individual pieces of equipment or treatment systems at those facilities with the potential to emit sulfur dioxide (SO₂) and/or nitrogen oxides (NO_x) in quantities above NMED's threshold for requiring an analysis of potential new emission reduction measures.

12. After conducting a four-factor analysis for each piece of equipment and treatment system selected for analysis, NMED determined that 54 pieces of equipment require new controls in order to make reasonable progress toward the goal of achieving natural visibility conditions for Class I areas in the State. In lieu of requiring specific controls for these pieces of equipment, NMED is imposing emission limitations commensurate with controls deemed necessary for reasonable progress and allowing facilities to determine how to comply.
13. Compliance deadlines for the installation of reasonable progress controls or equivalent alternatives have also been established to ensure facilities come into compliance before the end of the second planning period or as soon as practicable thereafter depending on when EPA approves the SIPr.
14. The companion rule to the SIPr, proposed NMAC 20.2.68—Regional Haze Requirements, makes the emission limitations and compliance deadlines, outlined in the SIPr narrative document enforceable by the Department so that they become enforceable by EPA when it approves the SIPr. The proposed rule also includes monitoring, recordkeeping, and reporting requirements necessary to make the new emission limitations practicably enforceable.

IV. Projected Benefits of the Regional Haze SIP and Implementing Rule

15. Ensuring New Mexico is compliant with federal requirements, reducing the possibility of a Federal Implementation Plan to satisfy CAA requirements and EPA regulations regarding regional haze.
16. Improving visibility in mandatory federal Class I areas, such as national parks, both within and without the State.

17. The improvement of air quality and visibility in New Mexico by reducing the total emissions of haze-causing pollutants.

V. Compliance with Statutory Rulemaking Requirements

18. In compliance with NMSA 1978, Section 74-2-5(D), the SIPr and companion rule are at least as stringent as required by the federal act and federal regulations pertaining to visibility protection in mandatory federal Class I areas.

19. The requirements found within the SIPr and its companion rule are both technically practicable and economically reasonable in the methods they employ to reduce air contaminants from the sources involved.

20. The requirements found within the SIPr and its companion rule will be more protective of public health, visibility, and the environment than the current New Mexico standards regulating regional haze.

1 **TITLE 20 ENVIRONMENTAL PROTECTION**
2 **CHAPTER 2 AIR QUALITY (STATEWIDE)**
3 **PART 68 REGIONAL HAZE REQUIREMENTS**
4

5 **20.2.68.1 ISSUING AGENCY:** Environmental improvement board.
6 [20.2.68.1 NMAC – N, 07/01/2025]
7

8 **20.2.68.2 SCOPE:** All geographic areas within the jurisdiction of the environmental improvement board.
9 [20.2.68.2 NMAC – N, 07/01/2025]
10

11 **20.2.68.3 STATUTORY AUTHORITY:** Environmental Improvement Act, Sections 74-1-1 to 74-1-18
12 NMSA 1978, including specifically Paragraph (4) of Subsection A of Section 74-1-8 NMSA 1978, and Air Quality
13 Control Act, Sections 74-2-1 to 74-2-17 NMSA 1978, including specifically Paragraph (1) of Subsection D of
14 Section 74-2-5 NMSA 1978.
15 [20.2.68.3 NMAC – N, 07/01/2025]
16

17 **20.2.68.4 DURATION:** Permanent.
18 [20.2.68.4 NMAC – N, 07/01/2025]
19

20 **20.2.68.5 EFFECTIVE DATE:** July 1, 2025, except where a later date is cited at the end of a section.
21 [20.2.68.5 NMAC – N, 07/01/2025]
22

23 **20.2.68.6 OBJECTIVE:** The objective of this Part is to establish enforceable emission limitations,
24 compliance schedules, and other measures that are necessary to make reasonable progress during the second
25 regional haze implementation period, and provisions to make these measures practicably enforceable, including
26 averaging times, monitoring requirements, and recordkeeping and reporting requirements.
27 [20.2.68.6 NMAC – N, 07/01/2025]
28

29 **20.2.68.7 DEFINITIONS:** In addition to the terms defined in 20.2.2 NMAC – Definitions, as used in this
30 Part, the following definitions apply:

31 **A. “Agency interest number” or “AI #”** means the unique identification number assigned to every
32 facility that is regulated by the department.

33 **B. “Calendar year”** means a year beginning January 1 and ending December 31.

34 **C. “CFR”** means the Code of Federal Regulations.

35 **D. “Continuous emission monitoring system” or “CEMS”** means all of the equipment required to
36 sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

37 **E. “Environmental protection agency” or “EPA”** means the United States environmental
38 protection agency.

39 **F. “g/bhp-hr”** means grams per brake horsepower-hour.

40 **G. “lb/hr”** means pounds per hour.

41 **H. “Operator”** means the person or persons responsible for the overall operation of a stationary
42 source.

43 **I. “Owner”** means the person or persons who own a stationary source or part of a stationary source.

44 **J. “ppmvd”** means parts per million by volume, dry.

45 **K. “Reasonable progress unit” or “RP unit”** means an emissions unit selected for an analysis of
46 emission control measures during the second regional haze implementation period for which the department has
47 determined an emission limitation or other measures are necessary to make reasonable progress.

48 **L. “Rolling average”** means the weighted average of all data, meeting this Part’s quality assurance
49 and quality control requirements, collected during the applicable averaging period. For reasonable progress units
50 equipped with CEMS, a 30-operating-day rolling average is calculated by adding the hourly mass emissions over the
51 previous 30 operating days and dividing that sum by the total operating hours during the same period.

52 **M. “Rolling sum”** means the sum of all data, meeting this Part’s quality assurance and quality control
53 requirements, collected during the applicable summation period. For reasonable progress units not equipped with
54 CEMS and subject to a multi-unit emission limitation, a 12-month rolling sum is calculated by multiplying each
55 individual unit’s hourly mass emission rate by its total operating hours over the previous 12 months and summing
56 the results for all units subject to the multi-unit limit.

1 [20.2.68.7 NMAC – N, 07/01/2025]

2
3 **20.2.68.8 SEVERABILITY:** If any provision of this Part, or the application of this provision to any person
4 or circumstance is held invalid, the remainder of this Part, or the application of this provision to any person or
5 circumstance other than those as to which it is held invalid, shall not be affected thereby.

6 [20.2.68.8 NMAC – N, 07/01/2025]

7
8 **20.2.68.9 CONSTRUCTION:** This Part shall be liberally construed to carry out its purpose.

9 [20.2.68.9 NMAC – N, 07/01/2025]

10
11 **20.2.68.10 SAVINGS CLAUSE:** Repeal or supersession of prior versions of this Part shall not affect
12 administrative or judicial action initiated under those prior versions.

13 [20.2.68.10 NMAC – N, 07/01/2025]

14
15 **20.2.68.11 COMPLIANCE WITH OTHER REGULATIONS:** Compliance with this Part does not relieve
16 a person from the responsibility to comply with other applicable federal, state, or local laws, rules or regulations,
17 including more stringent controls.

18 [20.2.68.11 NMAC – N, 07/01/2025]

19
20 **20.2.68.12 DOCUMENTS:** Documents incorporated and cited in this Part may be viewed at the New
21 Mexico environment department, air quality bureau.

22 [20.2.68.12 NMAC – N, 07/01/2025]

23 [As of September 2024, the air quality bureau is located at 525 Camino de los Marquez, Suite 1, Santa Fe, New
24 Mexico 87505]

25
26 **20.2.68.13-20.2.68.100 [RESERVED]**

27
28 **20.2.68.101 APPLICABILITY:** This Part applies to reasonable progress units as defined in 20.2.68.7
29 NMAC.

30 [20.2.68.101 NMAC – N, 07/01/2025]

31
32 **20.2.68.102 EMISSION LIMITATIONS AND COMPLIANCE DEADLINES:**

33 **A.** The reasonable progress units listed in Table 1 of Subsection A of 20.2.68.102 NMAC shall not
34 emit or cause to be emitted oxides of nitrogen (NO_x) in excess of the emission limitations shown. The emission
35 limitations must be met as expeditiously as practicable, but in no event later than their respective compliance
36 deadlines.

37
38 Table 1 – EMISSIONS LIMITATIONS AND COMPLIANCE DEADLINES

Facility	AI #	RP Unit	Emission Limitation	Compliance Deadline
Bitter Lake Compressor Station	14	C-891	3 g/bhp-hr	0 years
		C-893	3 g/bhp-hr	0 years
Blanco Compressor Station A	1147	A11	0.5 g/bhp-hr	3 years
		A13	0.5 g/bhp-hr	3 years
Blanco C&D Compressor Station	3552	T-C01	6.52 lb/hr	3 years
		T-C02	6.66 lb/hr	3 years
		T-D01	12.11 lb/hr	3 years
Chaco Gas Plant	1148	14	0.5 g/bhp-hr	2 years
		35	2.62 lb/hr	3 years
		36	3.02 lb/hr	3 years
		37	2.97 lb/hr	3 years
Cunningham Station Power Plant	604	1	12.07 lb/hr	3 years
		2	30.05 lb/hr	3 years
Eunice Gas Processing Plant	609	B-01	9 ppmvd @ 3% O2	2 years
		B-02	9 ppmvd @ 3% O2	2 years

		C-01	0.5 g/bhp-hr	3 years
		C-02	0.5 g/bhp-hr	3 years
		C-03	0.5 g/bhp-hr	3 years
		C-04	0.5 g/bhp-hr	3 years
		C-05	0.5 g/bhp-hr	3 years
		C-06	0.5 g/bhp-hr	3 years
		C-07	0.5 g/bhp-hr	3 years
Indian Basin Gas Plant	197	ES 06/07	1.48 lb/hr	3 years
		ES 08/09	1.48 lb/hr	3 years
		ES 10/11	25 ppmvd @ 15% O2	2 years
Kutz Canyon Processing Plant	1158	1	1.67 lb/hr	3 years
		2	1.77 lb/hr	3 years
		3	1.26 lb/hr	3 years
		4	1.41 lb/hr	3 years
		5	1.19 lb/hr	3 years
		6	1.18 lb/hr	3 years
		19	1.56 lb/hr	3 years
		20	1.56 lb/hr	3 years
Linam Ranch Gas Plant	589	29	15 ppmvd @ 15% O2	0 years
		30	25 ppmvd @ 15% O2	0 years
		31	25 ppmvd @ 15% O2	0 years
		32B	25 ppmvd @ 15% O2	0 years
Monument Gas Plant	610	C-01	0.5 g/bhp-hr	3 years
		C-02	0.5 g/bhp-hr	3 years
		C-05	0.5 g/bhp-hr	3 years
		C-06	0.5 g/bhp-hr	3 years
		C-24	0.5 g/bhp-hr	3 years
Mountainair Compressor Station No. 7	1569	701	44.74 ton/yr	3 years
		702		
		703		
		721	9 ppmvd @ 15% O2	3 years
		722	9 ppmvd @ 15% O2	3 years
Pecos River Compressor Station	194	A-02	3.64 lb/hr	3 years
		A-03	4.05 lb/hr	3 years
Roswell Compressor Station No. 9	10	903	29 ton/yr	3 years
		904		
San Juan Basin Gas Plant	1177	1	1.98 lb/hr	3 years
		2	2.12 lb/hr	3 years
		3	1.94 lb/hr	3 years
		4	1.39 lb/hr	3 years
		5	1.37 lb/hr	3 years
		6	1.52 lb/hr	3 years
		7	1.44 lb/hr	3 years
South Carlsbad Compressor Station	218	1	1.81 lb/hr	3 years
		2	1.82 lb/hr	3 years
Washington Ranch Storage Facility	220	1	3 g/bhp-hr	0 years
		2	3 g/bhp-hr	0 years

1
2 **B.** The compliance deadlines in Table 1 of Subsection A of 20.2.68.102 NMAC are expressed in
3 years after approval of New Mexico's state implementation plan revision for the second regional haze
4 implementation period by the environmental protection agency.

5 **C.** The owner or operator of a reasonable progress unit that complies with the emission limitations in
6 Table 1 of Subsection A of 20.2.68.102 NMAC using an emission control technology that uses ammonia or urea as a
7 reagent shall ensure that the exhaust ammonia slip is limited to 10 ppmvd or less, corrected to 15 percent oxygen.

1 [20.2.68.102 NMAC – N, 07/01/2025]

2
 3 **20.2.68.103 OTHER MEASURES:** The reasonable progress units listed in Table 2 of 20.2.68.103 NMAC
 4 have been retired and removed from their facilities’ respective construction permits (or were located at a facility that
 5 has permanently ceased operations and closed its construction permit) and shall not be reauthorized as a regulated
 6 emission source in any future construction permit modification issued by the department without a new analysis of
 7 the emission control measures necessary to make reasonable progress and an EPA-approved regional haze state
 8 implementation plan revision.
 9

10 Table 2 – RETIRED UNITS PROHIBITED FROM REAUTHORIZATION

Facility	AI #	RP Unit	Date Removed from Permit or Permit Closed
Denton Gas Plant	568	005	February 4, 2022
		007	February 4, 2022
Eunice Gas Plant	595	17A	November 5, 2021
		18B	November 5, 2021
		19A	November 5, 2021
		25A	November 5, 2021
		26A	November 5, 2021
		Amine-01	November 5, 2021
		31	November 5, 2021
		111	November 5, 2021
		113	November 5, 2021
Eunice Gas Processing Plant	609	C-08	August 20, 2024
		C-09	May 31, 2024
		C-10	May 31, 2024
		C-11	May 31, 2024
		C-12	May 31, 2024
		C-13	May 31, 2024
Jal #3 Gas Plant	569	4A	November 7, 2022
		5A	November 7, 2022
Kutz Canyon Processing Plant	1158	16	May 11, 2021
		17	May 11, 2021
		18	May 11, 2021
Prewitt Escalante Generating Station	911	S111	June 16, 2021
San Juan Generating Station	1421	S301/E301	December 27, 2022
		S304/E304	December 27, 2022
Saunders Gas Plant	612	C-01	May 31, 2024
		C-02	May 31, 2024
		C-03	May 31, 2024
		C-04	May 31, 2024
		C-05	May 31, 2024
		C-06	May 31, 2024
		C-07	May 31, 2024
		C-08	May 31, 2024
		C-09	May 31, 2024
		G-01	May 31, 2024
		G-02	May 31, 2024
		G-03	May 31, 2024
		A-01	May 31, 2024
		F-01	May 31, 2024
		F-03	May 31, 2024
I-01	May 31, 2024		

11 [20.2.68.103 NMAC – N, 07/01/2025]

1
2 **20.2.68.104 MONITORING REQUIREMENTS:** Compliance with the emission limitations in Table 1 of
3 Subsection A of 20.2.68.102 NMAC shall be demonstrated as follows.

4 **A.** For reasonable progress units one and two at Cunningham Station Power Plant, compliance shall
5 be determined on a 30-operating-day rolling average basis within seven days of the end of each 30-operating-day
6 period, and shall be demonstrated using data from a NO_x continuous emission monitoring system complying with
7 the performance requirements in 40 CFR 75.

8 **B.** For reasonable progress units 701, 702, and 703 at Mountainair Compressor Station No. 7 and
9 reasonable progress units 903 and 904 at Roswell Compressor Station No. 9, compliance shall be determined on a
10 12-month rolling sum basis within seven days of the end of each month, and shall be demonstrated by monitoring
11 operating hours and conducting annual emissions tests using a portable analyzer or EPA reference methods in
12 accordance with the requirements of Subsection D of 20.2.68.104 NMAC. The results of the most recent annual
13 emissions test shall be used to calculate the 12-month rolling sum used to determine compliance.

14 **C.** For all other reasonable progress units, compliance shall be demonstrated by conducting annual
15 emissions tests using a portable analyzer or EPA reference methods in accordance with the requirements of
16 Subsection D of 20.2.68.104 NMAC. The arithmetic mean of the results from three separate test runs shall be used
17 to determine compliance pursuant to Paragraph (5) of Subsection D of 20.2.68.104 NMAC.

18 **D.** The following requirements apply to annual emissions testing used to demonstrate compliance
19 with the emission limitations in Table 1 of Subsection A of 20.2.68.102 NMAC:

20 (1) For units with g/bhp-hr emission limits, load shall be calculated using the following
21 equation:

22
23
$$\text{Load (hp)} = \frac{\text{Fuel consumption (scf/hr)} \times \text{Measured lower heating value of fuel (btu/scf)}}{\text{Manufacturer's rated brake-specific fuel consumption (btu/bhp-hr) at 100\% load or best efficiency}}$$

24
25 If the manufacturer's rated brake-specific fuel consumption is not available, an alternative load calculation
26 methodology based on available data may be used.

27 (2) Emissions testing shall be conducted within 10 percent of 100 percent peak (or the
28 highest achievable) load. The load and the parameters used to calculate it shall be recorded to document operating
29 conditions at the time of testing and shall be included with the test report.

30 (3) Emissions testing utilizing a portable analyzer shall be conducted in accordance with the
31 requirements of the current version of ASTM D6522. If a portable analyzer has met a previously approved
32 department criterion, the analyzer may be operated in accordance with that criterion until it is replaced.

33 (4) The default time period for a test run shall be at least 20 minutes.

34 (5) An emissions test shall consist of three separate runs, with the arithmetic mean of the
35 results from the three runs used to determine compliance with the applicable emission limitation.

36 (6) During emissions tests, pollutant and diluent concentration shall be monitored and
37 recorded. Fuel flow rate shall be monitored and recorded if stack gas flow rate is determined utilizing EPA reference
38 method 19. This information shall be included with the test report.

39 (7) Stack gas flow rate shall be calculated in accordance with EPA reference method 19
40 utilizing fuel flow rate (scf) determined by a dedicated fuel flow meter and fuel heating value (btu/scf). The owner
41 or operator shall provide a contemporaneous fuel gas analysis (preferably on the day of the test, but no earlier than
42 three months before the test date) and a recent fuel flow meter calibration certificate (within the most recent quarter)
43 with the final test report. Alternatively, stack gas flow rate may be determined by using EPA reference methods one
44 through four or through the use of manufacturer provided fuel consumption rates.

45 (8) Emissions testing shall be conducted at least once per calendar year. Emissions testing
46 required by Subparts GG, IIII, JJJJ, or KKKK of 40 CFR 60, or Subparts ZZZZ or DDDDD of 40 CFR 63, may be
47 used to satisfy the emissions testing requirements of this Part if it meets the requirements of 20.2.68.104 NMAC and
48 is conducted at least once per calendar year.

49 [20.2.68.104 NMAC – N, 07/01/2025]

50
51 **20.2.68.105 RECORDKEEPING REQUIREMENTS:**

52 **A.** For reasonable progress units one and two at Cunningham Station Power Plant, the owner or
53 operator shall maintain records of all NO_x CEMS data. The owner or operator shall also maintain records of periods
54 that the CEMS are inoperative and of all CEMS performance test measurements, performance evaluations,
55 calibration checks, adjustments, and maintenance.

1 **B.** For all other reasonable progress units, the owner or operator shall maintain records of all annual
2 emissions tests and operating data used to determine compliance with the emission limitations in Table 1 of
3 Subsection A of 20.2.68.102 NMAC. The records shall include:

- 4 (1) make, model, and serial number for the tested engine, turbine, or boiler;
- 5 (2) the date and time stamp(s), including GPS of the location, of any monitoring event,
6 including sampling or measurements;
- 7 (3) date analyses were performed;
- 8 (4) name of the person(s) and the qualified entity that performed the analyses;
- 9 (5) analytical or test methods used;
- 10 (6) results of analyses or tests;
- 11 (7) calculated emissions of NO_x in lb/hr, g/bhp-hr, or ppmvd as appropriate; and
- 12 (8) operating conditions at the time of sampling or measurement, including load and the
13 parameters used to calculate it.

14 **C.** All records required to be maintained pursuant to Subsections A and B of 20.2.68.105 NMAC
15 shall be kept for a period of at least five years.
16 [20.2.68.105 NMAC – N, 07/01/2025]

17
18 **20.2.68.106 REPORTING REQUIREMENTS:**

19 **A.** Test reports for annual emissions tests required by Subsections B and C of 20.2.68.104 NMAC
20 shall be submitted to the department no later than 30 days after completion of the test.

21 **B.** If a 30-operating-day rolling average for reasonable progress units one and two at Cunningham
22 Station Power Plant, a 12-month rolling sum for reasonable progress units 701, 702, and 703 at Mountainair
23 Compressor Station No. 7 or reasonable progress units 903 and 904 at Roswell Compressor Station No. 9, or the
24 results of an annual emissions test for any other reasonable progress unit reveals NO_x emissions in excess of the
25 emission limitations in Table 1 of Subsection A of 20.2.68.102 NMAC, the owner or operator shall submit reports of
26 excess emissions in accordance with Subsection A of 20.2.7.110 NMAC. Reports of excess emissions shall be
27 submitted by the means and in the format specified by the department.

28 **C.** The owner or operator of a reasonable progress unit shall respond within three business days to a
29 request for information by the department under this Part. The response shall provide the requested information for
30 each reasonable progress unit subject to the request by the means and in the format specified by the department in its
31 request. If the department requests information pertaining to reasonable progress units at multiple facilities with the
32 same owner or operator, additional time will be given as appropriate.
33 [20.2.68.106 NMAC – N, 07/01/2025]

34
35 **HISTORY OF 20.2.68 NMAC: [RESERVED]**