

Martin J. Chávez, Mayor

AIR QUALITY AUTHORITY-TO-CONSTRUCT PERMIT No. 0902-M1
FACILITY CDS No. 35/001/00012



Alfredo R. Santistevan, Director

Issued to: American Cement Corporation
P.O. Box 38
Española, New Mexico 87532

Certified Mail No. 7004 1350 0004 2443 5383
Return Receipt Requested


Responsible Official: Peter Cantrup, Vice President

Pursuant to the New Mexico Air Quality Control Act, Chapter 74, Article 2 New Mexico Statutes Annotated 1978 (as amended); the Joint Air Quality Control Board Ordinance, 9-5-1 to 9-5-99 ROA 1994; the Bernalillo County Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5; the Albuquerque/Bernalillo County Air Quality Control Board (A/BCAQCB) Regulation Title 20, New Mexico Administrative Code (20 NMAC), Chapter 11, Part 40 (20.11.40 NMAC), Air Contaminant Source Registration; and A/BCAQCB Regulation Title 20, Chapter 11, Part 41 NMAC (20.11.41 NMAC), Authority-To-Construct; American Cement Corporation (Company or Permittee) is hereby issued this **AUTHORITY-TO- CONSTRUCT PERMIT** and authorized to operate the following equipment at:

Facility/Location	Facility Process Description	SIC	NAICS
American Cement Facility	Cement and Fly ash Transfer Station	3273	327320
4702 Carlton NW Albuquerque, NM UTMN: 3888587 UTME: 350951			

This **AUTHORITY-TO-CONSTRUCT** Permit Number 0902-M1 has been issued based on the review of the application received by the Albuquerque Environmental Health Department (Department), Air Quality Division (Division) on September 22, 2005, which was deemed complete on February 2, 2006 and on the National Ambient Air Quality Standards, New Mexico Ambient Air Quality Standards, and Air Quality Control Regulations for Albuquerque/Bernalillo County, as amended. As these standards and regulations are updated or amended, the applicable changes will be incorporated into Permit Number 0902-M1 and will apply to the Facility. This permit supersedes all portions of Air Quality Permit No. 902, issued April 24, 1998.

Issued on the 15th day of NOVEMBER, 2006


Chris P. Albrecht, Manager Stationary Source Programs
Air Quality Division
Permitting Section
Environmental Health Department
City of Albuquerque

L. **CONDITIONS:** Conditions have been imposed in this permit to assure continued compliance. 20.11.41.18.C NMAC, states that any term or condition imposed by the Division 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 Division 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 is to install three cement silos and increase the annual throughput of cement from 100,000 to 190,000 tons per year and fly ash from 15,000 to 60,000 tons per year.

b) This permit authorizes the construction and operation of the following equipment:

Process Equipment Number	Process Equipment Description	Manufacturer	Model Number	Serial Number	Date of Mfg.	Rated Process Rate	Control Equipment	Unit Subject To NSPS
1	Cement Boot Lift Rail Connector	Martin Engineering Company	DBL-18	N/A	2005	44.6 tph	Baghouse	No
2	Cement Truck Unloading Point 1	Shop Built	N/A	N/A	2005	22.3 tph	Baghouse	No
3	Cement Truck Unloading Point 2	Shop Built	N/A	N/A	2005	22.3 tph	Baghouse	No
4	Cement Bulk Loader Spout	DCL	UN800EV	N/A	2005	44.6 tph	Baghouse	No
6	Fly ash Truck Unloading Point	Shop Built	N/A	N/A	9/89	17.8	Baghouse	No
7	Fly ash Bulk Loader Spout	Midwest International	MC22-EV-07	N/A	2004	17.8	Baghouse	No
9	Cement Boot Lift Rail Connector 2	Martin Engineering Company	DBL-18	N/A	2004	11.9	Baghouse	No
10	Cement Bulk Loader Spout 2	Midwest International	MC22-EV-07	N/A	2004	11.9	Baghouse	No
12	Haul Road	N/A	N/A	N/A	N/A	N/A	Pavement/Wet Sweeper	No

- c) This permit authorizes the construction and operation of the following air pollution control equipment:

Air Pollution Control Equipment

Process Equipment Number	Type of Air Pollution Control Equipment	Manufacturer	Model Number	Serial Number	Rated Velocity (ft ³ /min)	Rated Control Efficiency
5	Baghouse (Cement Silo)	DCL	CFM-330	TBD	1.7	99.5%
8	Baghouse (Fly Ash Silo)	Whirl Airflow Corp.	450-56/180	MC2695	1.7	99.5%
11	Baghouse (Cement Silo 2)	Whirl Airflow Corp.	450-56/180	TBD	1.7	99.5%

- d) All equipment shall be maintained as per manufacturer specifications to ensure the emissions remain at or below the permitted levels.
- e) This facility shall be constructed and operated in accordance with information provided on the permit application dated September 15, 2005 and received September 22, 2005 and additional information received February 3, 2006 and in accordance with the legal authority specified above and the conditions of this permit.
- f) This facility is not subject to Federal New Source Performance Standards (NSPS), Code of Federal Regulations (CFR), Title 40, Part 60.
- g) No National Emissions Standard for Hazardous Air Pollutants (NESHAP) apply to this facility. However, prior to any asbestos demolition or renovation work, the Division must be notified and proper permits shall be obtained and CFR Title 40, Part 61 Subpart M may apply.
- h) Substitution of equipment is authorized provided the equipment has the same or lower process capacity as the piece of equipment being substituted. Equipment that is substituted shall comply with the requirements in Condition 2.
- i) The equipment listed in Condition I.1.b) and I.1.c), are limited to the following operational restrictions:
- i. This facility shall operate only between 6:00 AM to 5:00 PM, 11 hours per day, 6 days per week, 52 weeks per year.
 - ii. Regardless of the above operating hours, the facility shall not exceed 3366 hrs/yr of operation based on a 12-month rolling period.
 - iii. Cement Silos- The maximum throughput of cement for this facility is 621 tons per day; not to exceed 190,000 tons per year. Annual throughput shall be based on a 12-month rolling period.

1. Units 5 and 11 shall be operated and maintained in such a manner to ensure a control efficiency of $\geq 99.5\%$ is achieved. The pressure drop across the baghouse shall remain within the range required by the manufacturer to achieve this level of control efficiency. Cement loading and unloading shall cease if Unit 5 is not operating in compliance with the respective conditions in this permit. Compliance with this condition shall be shown through meeting the requirements of Permit Conditions {I.1.d)}, {I.1.i)iii.4,5}, {I.2.b)}, and {I.3.d),e),f),g),h)}. This condition has 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 $PM_{2.5}$, PM_{10} , and TSP.
 2. During loading and unloading of the cement silos, emissions shall be ducted to a baghouse, with a control efficiency as described above. Compliance with opacity of fugitive emissions, during connection and disconnection of equipment, shall be shown through Permit Condition I.2.b). This condition has 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 $PM_{2.5}$, PM_{10} , and TSP.
 3. Unit 5 shall be installed and fully operational, prior to loading the new cement silos.
 4. The cement silos shall be equipped with a functioning and well maintained overflow alarm. Alarm activation shall either be visual in the form of a lamp, or audible in the form a buzzer. The Permittee shall stop filling the silo whenever the overflow alarm has been activated. This device shall be installed within sixty (60) days of permit issuance.
 5. Units 5 and 11 shall each be equipped with a functioning and well maintained device capable of reading the pressure drop across each baghouse. The pressure drop readout of each device shall be readable from ground level. The pressure drop reading of each pressure drop monitoring device shall continually remain within the range required by the manufacture to achieve a $\geq 99.5\%$ control efficiency. This device shall be installed within sixty (60) days of permit issuance.
 6. The cement silos shall be equipped with a functioning and well maintained data logger capable of measuring and recording the amount (mass) of cement unloaded from the silos, and duration (time) for unloading. The data logger shall be calibrated in accordance with manufacturer recommendations, but not less frequent than annually. This device shall be installed within forty-five (45) days of permit issuance.
- iv. Fly ash Silo- The maximum throughput of fly ash for this facility is 196 tons per day; not to exceed 60,000 tons per year. Annual throughput shall be based on a 12-month rolling period.
1. Unit 8 shall be operated and maintained in such a manner to ensure a control efficiency of $\geq 99.5\%$ is achieved. The pressure drop across the baghouse shall remain within the range required by the manufacturer to achieve this level of control efficiency. Fly ash loading and unloading shall cease if Unit 8 is not operating in compliance with the respective conditions in this permit. Compliance with this condition shall be shown through meeting the requirements of Permit Conditions {I.1.d)}, {I.1.i)iv.3.,4.}, {I.2.b)}, and {I.3.d),e),f),g),h)}. This condition has 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 $PM_{2.5}$, PM_{10} , and TSP.
 2. During loading and unloading of the fly ash silo, emissions shall be ducted to a baghouse, with a control efficiency as described above. Compliance with opacity of fugitive emissions, during connection and disconnection of equipment, shall be shown through Permit Condition I.2.b). This condition has 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 $PM_{2.5}$, PM_{10} , and TSP.

3. The fly ash silo shall be equipped with a functioning and well maintained overflow alarm. Alarm activation shall either be visual in the form of a lamp, or audible in the form a buzzer. The Permittee shall stop filling the silo whenever the overflow alarm has been activated. This device shall be installed within sixty (60) days of permit issuance.
 4. Unit 8 shall be equipped with a functioning and well maintained device capable of reading the pressure drop across the baghouse. The pressure drop readout shall be readable from ground level. The pressure drop reading of the pressure drop monitoring device shall continually remain within the range required by the manufacture to achieve a $\geq 99.5\%$ control efficiency. This device shall be installed within sixty (60) days of permit issuance.
 5. The fly ash silo shall be equipped with a functioning and well maintained data logger capable of measuring and recording the amount (mass) of fly ash unloaded from the silo, and duration (time) for unloading. The data logger shall be calibrated in accordance with manufacturer recommendations, but not less frequent than annually. This device shall be installed within forty-five (45) days of permit issuance.
- v. Uploading to Cement and Fly ash Silos – During uploading to silos, the facility is limited to one of two (2) uploading scenarios, during which a maximum combination of units may be uploading to silos. Under Scenario 1, the facility is authorized to upload, at the same time, from Units 1, 6, and 9. Under Scenario 2, the facility is authorized to upload, at the same time, from Units (1 or 9), plus Units 2, 3, and 6. The facility, under either Scenario 1 or 2, is authorized to operate less equipment at the same time, but not authorized to operate more. Regardless of the scenario the facility is operating under, the facility is authorized to simultaneously unload from Units 4, 7, and 10. This condition has 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 $PM_{2.5}$, PM_{10} , and TSP.
- j) Vehicle traffic areas, haul roads, and all site operations shall be maintained and controlled pursuant to 20.11.20.12.A. NMAC, General Provisions, Fugitive Dust Control. That is, the owner/operator shall "...use reasonable available control measures or any other effective control measure to prevent a violation of the national ambient air quality standards and meet the objective established in 20.11.20.6 NMAC, whether or not the person has been issued a fugitive dust control permit. No person shall allow fugitive dust, track out, or transported material from any active operation, open storage pile, paved or unpaved roadway or disturbed surface area, or inactive disturbed surface area to 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 will: 1) adversely affect the health, public welfare or safety of the residents of Bernalillo county; or 2) impair visibility or the reasonable use of property; or 3) be visible longer than a total of 15 minutes in any one hour observation period... To mitigate fugitive dust, all inactive disturbed surface areas must be stabilized and maintained in stable condition by the owner, operator, or person responsible for maintenance of the disturbed surface..." In addition to the above condition, the owner/operator shall wet sweep all paved haul roads as necessary to reduce fugitive emissions, but not less frequently than biweekly.
- k) Changes in plans, specifications, and other representations proposed in the application documents shall not be made if they will increase the potential to emit or cause a change in the method of control of emissions or in the character of emissions. Any such proposed changes shall be submitted as a modification to this permit. No modification shall begin prior to issuance of a permit.
- l) Compliance with ton per year (tpy) emissions shall be based on compliance with Conditions I.1.i) ii, iii, and iv.

2. Unit Emission Limits: Condition 2, Unit Emission Limits, has been placed in the permit in accordance with 20.11.41.18.B NMAC, to allow the Division to determine compliance with the terms and conditions of the permit. These were the emission rates stated in the permit application and are the basis of the Division's review. Compliance will be based on Division 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) The cement and fly ash transfer station (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.

Criteria Pollutants

Emission Unit No.	NO _x ppb/tpy	CO ppb/tpy	SO ₂ ppb/tpy	VOC ppb/tpy	TSP ppb/tpy	PM ₁₀ ppb/tpy	PM _{2.5} ppb/tpy	Percent Opacity	Record Keeping Requirements ¹	Monitoring Requirements ¹	Reporting Requirements ¹	Compliance Testing ²
1	-	-	-	-	0.16/0.27	0.10/0.17	0.05/0.09	5%	Yes	Yes	Yes	Yes
2	-	-	-	-	0.02/0.03	0.01/0.02	0.01/0.01	5%	Yes	Yes	Yes	Yes
3	-	-	-	-	0.02/0.03	0.01/0.02	0.01/0.01	5%	Yes	Yes	Yes	Yes
4	-	-	-	-	0.27/0.46	0.07/0.11	0.03/0.06	5%	Yes	Yes	Yes	Yes
5	-	-	-	-	0.3/0.5	0.14/0.23	0.07/0.11	5%	Yes	Yes	Yes	Yes
6	-	-	-	-	0.06/0.09	0.02/0.03	0.01/0.02	5%	Yes	Yes	Yes	Yes
7	-	-	-	-	0.11/0.18	0.03/0.05	0.01/0.02	5%	Yes	Yes	Yes	Yes
8	-	-	-	-	0.33/0.56	0.11/0.19	0.06/0.09	5%	Yes	Yes	Yes	Yes
9	-	-	-	-	0.04/0.07	0.03/0.05	0.01/0.02	5%	Yes	Yes	Yes	Yes
10	-	-	-	-	0.07/0.12	0.02/0.03	0.01/0.02	5%	Yes	Yes	Yes	Yes
11	-	-	-	-	0.08/0.13	0.04/0.06	0.02/0.03	5%	Yes	Yes	Yes	Yes
12	-	-	-	-	0.85/1.42	0.17/0.28	0.04/0.07	*	Yes	Yes	Yes	Yes
Total	-	-	-	-	2.3/3.9	0.8/1.2	0.3/0.6		Yes	Yes	Yes	No

¹ Refer to Conditions 3, 4 and 5 for unit specific record keeping/monitoring, and reporting requirements

² Refer to Condition 6 for unit specific compliance testing requirements

*Please see Condition I.1.i) for compliance of Unit 12.

b) Emission Units 1-11 shall not cause or allow visible emissions that exceed 5 percent opacity. Percent opacity shall be determined using Method 9- "Visual Determination of the opacity of emissions from stationary sources", pursuant to CFR Title 40 Part 60 Appendix A.

- c) Total suspended particulate matter (TSP), particulate matter less than 10 microns (PM_{10}), particulate matter less than 2.5 microns ($PM_{2.5}$), (lb/hr) emission rates for Emission Units 1-12 are for informational purposes and shall be used to determine tpy emissions for each emission unit. Compliance with lb/hr emission rates, for Units 1-11, shall be based on compliance with the opacity standards in Condition I.2.b). Compliance with lb/hr emission rates, for Unit 12, shall be based on compliance with Condition I.1.j).
3. **Record keeping:** Condition 3 has been placed in the permit in accordance with 20.11.41.18.B(8) NMAC, to allow the Division to determine compliance with the terms and conditions of the permit. Compliance will be based on Division inspection of records and logs.
- a) Maintain individual records of the daily receipt of cement and fly ash (in tons) for the cement and fly ash silos. Daily receipt records shall be totaled on a monthly basis.
 - b) Maintain individual records of the daily unloading of cement and fly ash silos (in tons). Daily unloading records shall be maintained to calculate daily limits of cement and fly ash. Daily records shall be totaled on a monthly basis. Monthly records shall be maintained to calculate annual throughput of cement and fly ash based on a 12-month rolling period.
 - c) Maintain daily records of the number of hours of operation for the facility. These records shall also include the facilities daily start and stop times for each day of operation.
 - d) Maintain records of all maintenance and repair performed on Units 5, 8, and 11.
 - e) Maintain records of biannual testing done on the overflow alarm for each silo. Include any repairs performed on the alarm system.
 - f) Maintain manufacture records citing the pressure drop range required across each baghouse to achieve a control efficiency of $\geq 99.5\%$.
 - g) Maintain records of each daily pressure drop reading for Units 5, 8, and 11. Include any repairs performed on the pressure drop device.
 - h) Maintain records of monthly opacity readings on Units 5, 8, and 11. These records shall include Method 9 Certifications for the person(s) performing the method test.
 - i) Maintain manufacture records showing the control efficiency of the bags used in Units 5, 8, and 11.
 - j) Maintain records of the biweekly wet sweep of haul roads.
 - k) Annual data logger calibration certifications shall be kept on site.
 - l) The owner/operator shall maintain records as to which operating scenario the plant is operating under, as described in Permit Condition I.1.i)v.. This record shall include which units are operating during either scenario.
 - m) Maintain records of the location, within the baghouse, of each bag replacement. This recordkeeping shall be performed so continuous bag failure at a certain location can be tracked, diagnosed, and resolved.
4. **Monitoring:** Condition 4 has been placed in the permit in accordance with 20.11.41.18(4), (6), and (7) NMAC, to allow the Division to determine compliance with the terms and conditions of the permit. Compliance will be based on Division inspection of equipment and logs.
- a) Monitor individually, daily receipt of cement and fly ash in tons for the facility.

- b) Monitor individually the daily unloading and monthly total of cement and fly ash in tons for the facility.
- c) Monitor the daily hours of operation for the facility.
- d) Each cement and fly ash silo shall be equipped with a functioning and well maintained overflow alarms. Alarm activation shall either be visual in the form of a lamp, or audible in the form a buzzer. The owner/operator shall monitor the overflow alarm during any silo filling.
- e) Units 5, 8, and 11 shall each be equipped with a functioning and well maintained device capable of reading the pressure drop across each unit. The owner/operator shall monitor, daily, the pressure drop across Units 5, 8, and 11 to verify it is within the range required by the manufacturer to achieve a control efficiency of $\geq 99.5\%$.
- f) Cement silos, and the fly ash silo shall be equipped with a functioning and well maintained data logger capable of measuring and recording the amount (mass) of cement/fly ash unloaded from the silo(s), and duration (time) for unloading.
- g) Opacity readings, on Units 5, 8, and 11, shall be performed on a monthly basis. Opacity readings for these units shall be done in accordance with Method 9- "Visual Determination of the opacity of emissions from Stationary sources", CFR Title 40 Part 60 Appendix A. Any waiver of monthly opacity reading shall be requested, in writing, and subsequently approved by the Division's Quality Assurance Section prior to the required testing.
- h) Monitor all paved haul roads for any fugitive emission or dust buildup on the surface of the haul road.
- i) The owner/operator shall ensure that a 50% bag replacement stock is kept onsite for each baghouse.
- j) The owner/operator shall monitor which units are operating when the plant is operating under the scenarios listed in Permit Condition I.1.i)v.

5. **Reporting:** Condition 5 has been placed in the permit in accordance with 20.11.41.20 NMAC and 20.11.90 NMAC, to allow the Division to determine compliance with the terms and conditions of the permit. Compliance will be based on timely submittal of the reports (initial and annual). Notifications shall contain the required information and shall be made in accordance with 20.11.41.20 NMAC.

The permittee shall notify the Division in writing of:

- a) the anticipated date of initial startup of the source not less than thirty (30) days prior to the date pursuant to 20.11.41.20 A. NMAC;
- b) the actual date of initial startup of each affected facility; notification shall be postmarked within 15 days after such date and submitted to the Division. This shall be conducted in accordance with 20.11.41.20 B.;
- c) all To Be Determined (TBD) information listed in the table under Condition I.1.b) and I.1.c), within thirty (30) days of initial startup of the unit;
- d) the installation of Unit 5. Notification shall be within fifteen (15) days of installation.
- e) the installation of each monitoring device required by Permit Conditions {I.1.i)iii.4,5,6} and {I.1.i)iv.3,4,5}. Notification shall be within fifteen (15) days of installation.
- f) any change in control or ownership within fifteen (15) days of the change in control or ownership; the permit and conditions apply in the event of any change in control or ownership of the facility. No permit modification is required in such case; however, in the event of any such change in control or ownership, the permittee shall notify the succeeding owner of the permit and the conditions;

- g) an updated emissions inventory for all pollutants contained in Permit Condition I.2.(a) Table; to include annual throughput (in tons) for cement, fly ash, or other similar product; and hours of operation, by March 15 every year. If no change has occurred, a letter indicating that no change has occurred shall be sufficient;
- h) any breakdown of equipment or air pollution control devices or apparatus so as to cause emissions of air contaminants in excess of limits set by permit conditions. Any breakdown or abnormal operating conditions shall be reported within two hours of occurrence to (505) 224-6977 and via facsimile to (505) 768-1977;
- i) any equipment substitution within 15 days of said substitution;

6. **Compliance Tests:** Condition 6 has been placed in the permit in accordance with 20.11.41.21 NMAC, and 20.11.90.13 F. NMAC. Compliance will be based on the satisfactory completion of the compliance tests, the timely submittal of the emission unit test results to the Division, and on meeting the emission limits specified in Condition 2.

- a) In accordance with 20.11.41.21 NMAC and 20.11.90.13 F. NMAC, Performance Testing Following Startup and Performance Tests respectively, an initial performance test shall be conducted on process Units 1-11 to demonstrate compliance with the opacity standards established in Conditions I.2.a). The compliance tests shall be conducted in accordance with EPA Method 9 found in Appendix A of CFR Title 40 Part 60, and the procedures found in Subpart A of CFR Title 40 Part 60.11. These tests shall be conducted within 60 days after achieving the maximum production rate at which affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Division.
- b) The permittee shall provide for the Division's approval a written test protocol at least fifteen (15) days prior to the anticipated test date. 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 Division approval.
- c) The test protocol and compliance test report shall conform to the standard format specified by the Division.
- d) The tests shall be conducted at ninety (90%) percent or greater of the Facilities permitted capacity to demonstrate compliance with the permitted emission limits. Compliance testing at other than 90% production levels shall be performed at the Division's request and/or approval.
- e) One copy of the compliance test results shall be submitted to the Division Enforcement Section within thirty (30) days after the completion of testing.

Unit Specific Compliance Testing

Unit Number	Initial Compliance Test	Frequency of Compliance Test
1-11	Yes (Opacity)	*None

*Annual compliance tests have not been imposed for these unit's at this time, but may be imposed if inspections of the source indicate non-compliance with permit conditions.

7. **Modifications:** Condition 7 has been placed in the permit in accordance with 20.11.41.7.H NMAC, to enable the Division to review proposed changes to the facility which may constitute a permit modification prior to such changes. Compliance will be based on Division inspections and the submittal of a new permit application for any modification.

- a) Any future physical changes or changes in the method of operation which results in an increase in the pre-controlled emission rate may constitute a modification as defined by 20.11.41.7.H NMAC. No modification shall begin prior to issuance of a permit. Modifications or revisions to this permit shall be processed in accordance with 20.11.41 NMAC.

8. Compliance Assurance/Enforcement: All air pollution emitting facilities within Bernalillo County are subject to all applicable Albuquerque/Bernalillo County Air Quality Control Regulations, whether listed in this registration/permit or not.
- a) The issuance of a permit or registration does not relieve the Facility from responsibility of complying with the provisions of the Air Quality Control Act, and the laws and regulations in force pursuant to the Act and 20.11.41.17 NMAC.
 - b) Any conditions imposed upon the Facility as the result of an Authority-To-Construct Permit or any other permit issued by the Division shall be enforceable to the same extent as a regulation of the Board and 20.11.41.18.C NMAC.
 - c) Whenever two or more parts of the Air Quality Control Act, or the laws and regulations in force pursuant to the Act, limit, control or regulate the emissions of a particular air contaminant, the more restrictive or stringent shall govern pursuant to 20.11.1.14 NMAC.
 - d) The Division is authorized to issue a compliance order requiring compliance and assessing a civil penalty not to exceed Fifteen Thousand and no/100 Dollars (\$15,000) per day of noncompliance for each violation, commence a civil action in district court for appropriate relief, including a temporary and permanent injunction. (74-2-12 NMSA).
 - e) Scheduled and Unscheduled Inspection (74-2-13 NMSA) -- The Division will conduct scheduled and unscheduled inspections to insure compliance with the Air Quality Control Act, and the laws and regulations in force pursuant to the Act, and this Permit, and, upon presentation of credentials:
 - i. shall 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 Board or by any permit condition are located;
 - ii. may at any reasonable time have access to and copy any records required to be established and maintained by Regulations of the Board, or any permit condition;
 - iii. may inspect any monitoring equipment and method required by Regulations of the Board or by any permit condition, and;
 - iv. sample any emissions that are required to be sampled pursuant to Regulation of the Board, or any permit condition.
 - f.) Any credible evidence may be used to establish whether the facility has violated or is in violation of any regulation of the Board, or any other provision of law. Credible evidence and testing shall include, but is not limited to (20.11.41.26.A-B NMAC):
 - i. A monitoring method approved for the source pursuant to 20.11.42 NMAC "Operating Permits" and incorporated into an operating permit;
 - ii. Compliance methods specified in the Regulations, conditions in a permit issued to the Facility, or other provision of law;
 - iii. Federally enforceable monitoring or testing methods, including methods in 40 CFR parts 51, 60, 61, and 75; and,
 - iv. Other testing, monitoring or information-gathering methods that produce information comparable to that produced by any CFR method and approved by the Division and EPA.

9. **Posting of the Permit:** Compliance will be based on Division inspections of the facility, which show that a copy of the permit has been posted in a visible location. A copy of this permit shall be posted in a visible location at the plant site at all times. The permit shall be made available to Division personnel for inspection upon request.
10. **Annual Fees:** Condition 10 has been placed in the permit in accordance with 20.11.2 NMAC to allow the Division to determine compliance with the terms and conditions of the permit. Compliance will be based on the receipt of the annual emissions fee due each year to the Division pursuant to 20.11.2 NMAC. Every owner or operator of a source that is required to obtain a source registration, an Authority-to-Construct, an operating permit, or a preconstruction permit shall pay an annual emissions fee pursuant to 20.11.2 NMAC, 20.11.40 NMAC, 20.11.41 NMAC, 20.11.42 NMAC, 20.11.60 NMAC, 20.11.61 NMAC, or 20.11.62 NMAC.

Facility Wide Fee Pollutants
(Tons Per Year)

Fee Pollutant	Facility Wide Fee Pollutant Totals in Tons per Year (TPY)
*Total Suspended Particulate Matter (TSP)	4
Facility Wide Fee Pollutants Totals (TPY)	4

II. ADDITIONAL REQUIREMENTS

1. **Permit Cancellation:** The Division may cancel any permit if the construction or modification has not commenced within one (1) year from the date of issuance or if, during the construction or modification, work is suspended for a total of one (1) year pursuant to 20.11.41.19 NMAC.

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

Albuquerque Environmental Health Department
Air Quality Division
Permitting Section
11850 Sunset Gardens SW
Albuquerque, New Mexico 87121

2. **Division Address--** Test protocols, compliance tests and all reports shall be submitted to:

Albuquerque Environmental Health Department
Air Quality Division
Quality Assurance Section
Attention: Compliance Officer
11850 Sunset Gardens SW
Albuquerque, New Mexico 87121