

paragraph 110.C under Section 110—Reporting Requirements. This is the paragraph in which the Federal Aviation Administration (FAA) had submitted a comment of concern to EPA, during EPA's proposed/final approval period for our rule. This comment caused EPA to withdraw its approval. The FAA had commented that New Mexico was more stringent than EPA, since our rule does not apply to non-Federal agencies. Our analysis has determined that our inclusion of this paragraph may make our rule more stringent than EPA, and should not have been included. The paragraph had originally come from a STAPPA/ALAPCO model rule. New Mexico had never intended to be more stringent than EPA with regards to general conformity. Hence, the State commits to putting 20 NMAC 2.98 on our regulatory agenda and plan to delete this paragraph within one year from the FEDERAL REGISTER publication of final notice of conditional approval to New Mexico's general conformity SIP.

(2) If the State ultimately fails to meet its commitment to remove this section from its rule within one year of publication of this conditional approval, then EPA's conditional action will automatically convert to a final disapproval.

(b) [Reserved]

[63 FR 48109, Sept. 9, 1998]

§§ 52.1624–52.1626 [Reserved]

§ 52.1627 Control strategy and regulations: Carbon monoxide.

(a) *Part D Approval.* The Albuquerque/Bernalillo County carbon monoxide maintenance plan as adopted on April 13, 1995, meets the requirements of Section 172 of the Clean Air Act, and is therefore approved.

(b) *Approval.*—The Albuquerque/Bernalillo County carbon monoxide limited maintenance plan revision dated September 7, 2004, meets the requirements of section 172 of the Clean Air Act, and is therefore approved.

[61 FR 29973, June 13, 1996, as amended at 70 FR 41967, July 21, 2005]

§ 52.1628 Interstate pollutant transport and regional haze provisions; what are the FIP requirements for San Juan Generating Station emissions affecting visibility?

(a) *Applicability.* The provisions of this section shall apply to each owner or operator of the coal burning equip-

ment designated as Units 1, 2, 3, or 4 at the San Juan Generating Station in San Juan County, New Mexico (the plant).

(b) *Compliance Dates.* (1) Compliance with the requirements of this section is required by:

(i) SO₂: No later than 5 years after September 21, 2011.

(ii) NO_x: No later than 5 years after September 21, 2011.

(iii) H₂SO₄: No later than 5 years after September 21, 2011.

(2) On and after the compliance date of this rule, no owner or operator shall discharge or cause the discharge of NO_x, SO₂, or H₂SO₄ into the atmosphere from Units 1, 2, 3 and 4 in excess of the limits for these pollutants.

(c) *Definitions.* All terms used in this part but not defined herein shall have the meaning given them in the CAA and in parts 51 and 60 of this chapter. For the purposes of this section:

24-hour period means the period of time between 12:01 a.m. and 12 midnight.

Air pollution control equipment includes baghouses, particulate or gaseous scrubbers, and any other apparatus utilized to control emissions of regulated air contaminants which would be emitted to the atmosphere.

Boiler-operating-day means any 24-hour period between 12:00 midnight and the following midnight during which any fuel is combusted at any time at the steam generating unit.

Heat input means heat derived from combustion of fuel in a unit and does not include the heat input from preheated combustion air, recirculated flue gases, or exhaust gases from other sources. Heat input shall be calculated in accordance with part 75 of this chapter, using data from certified O₂ and stack gas flow rate monitors.

Owner or Operator means any person who owns, leases, operates, controls, or supervises the plant or any of the coal burning equipment designated as Units 1, 2, 3, or 4 at the plant.

Oxides of nitrogen (NO_x) means all oxides of nitrogen except nitrous oxide, as measured by test methods set forth in 40 CFR part 60.

Regional Administrator means the Regional Administrator of EPA Region 6 or his/her authorized representative.

(d) *Emissions Limitations and Control Measures.* (1) Within 180 days of September 21, 2011, the owner or operator shall submit a plan to the Regional Administrator that identifies the air pollution control equipment and schedule for complying with paragraph (d) of this section. The NO_x control device included in this plan shall be designed to meet the NO_x emission rate limit identified in paragraph (d) of this section with an ammonia slip of no greater than 2.0 ppm. The owner or operator shall submit amendments to the plan to the Regional Administrator as changes occur.

(2) *NO_x emission rate limit.* The NO_x emission rate limit for each unit in the plant, expressed as nitrogen dioxide (NO₂), shall be 0.05 pounds per million British thermal units (lbs/MMBtu), as averaged over a rolling 30 boiler-operating-day period. The hourly NO_x and O₂ data used to determine the NO_x emission rates shall be in compliance with the requirements in part 75 of this chapter. For each unit on each boiler-operating-day, the hourly NO_x emissions measured in lbs/MMBtu, shall be averaged over the hours the unit was in operation to obtain a daily boiler-operating-day average. Each day, the 30-day-rolling average NO_x emission rate for each unit (in lbs/MMBtu) shall be determined by averaging the daily boiler-operating-day average emission rate from that day and those from the preceding 29 days.

(3) *SO₂ emission rate limit.* The SO₂ emission rate limit for each unit in the plant shall be 0.15 pounds per million British thermal units (lbs/MMBtu), as averaged over a rolling 30 boiler-operating-day period. The hourly NO_x and O₂ data used to determine the NO_x emission rates shall be in compliance with the requirements in part 75 of this chapter. For each unit on each boiler-operating-day, the hourly SO₂ emissions measured in lbs/MMBtu, shall be averaged over the hours the unit was in operation to obtain a daily boiler-operating-day average. Each day, the 30-day-rolling average SO₂ emission rate for each unit (in lbs/MMBtu) shall be determined by averaging the daily boiler-operating-day average emission rate from that day and those from the preceding 29 days.

(4) *Sulfuric Acid (H₂SO₄) emission rate limit:* Emissions of H₂SO₄ from each unit shall be limited to 2.6×10^{-4} lb/MMBtu on an hourly basis.

(e) *Testing and monitoring.* Notwithstanding any language to the contrary, the paragraphs in this section apply at all times to Units 1, 2, 3, and 4 at the plant.

(1) By the applicable compliance date in paragraph (b) of this section, the owner or operator shall install, calibrate, maintain and operate Continuous Emissions Monitoring Systems (CEMS) for NO_x, SO₂, stack gas flow rate, and O₂ on Units 1, 2, 3, and 4 in accordance with part 75 of this chapter. The owner or operator shall also comply with the applicable quality assurance procedures in part 75 of this chapter for these CEMS. Continuous monitoring systems for NO_x, SO₂, stack gas flow rate, and O₂ that have been certified for use under the Acid Rain Program, and that are continuing to meet the on-going quality-assurance requirements of that program, satisfy the requirements of this paragraph (e)(1). Compliance with the emission limits for NO_x and SO₂ shall be determined by using data from these CEMS.

(2) The CEMS required by this rule shall be in continuous operation during all periods of operation of the coal burning equipment, including periods of startup, shutdown, and malfunction, except for CEMS breakdowns, repairs, calibration checks, and zero and span adjustments. Continuous monitoring systems for measuring SO₂, NO_x, and O₂ shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. Hourly averages shall be computed using at least one data point in each fifteen minute quadrant of an hour. Notwithstanding this requirement, an hourly average may be computed from at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant in an hour) if data are unavailable as a result of performance of calibration, quality assurance, preventive maintenance activities, or backups of data from data acquisition and handling system, and recertification events. Each required CEMS must obtain valid

data for at least 90.0 percent of the unit operating hours, on an annual basis.

(3) Emissions of H₂SO₄ shall be measured within 180 days of start up of the NO_x control device and annually thereafter using EPA Test Method 8A (CTM-013).

NOTE TO PARAGRAPH (E)(3): EPA Test Method 8A is available at: <http://www.epa.gov/ttn/emc/ctm/ctm-013.pdf>.

(f) *Reporting and Recordkeeping Requirements.* Unless otherwise stated all requests, reports, submittals, notifications, and other communications to the Regional Administrator required by this section shall be submitted, unless instructed otherwise, to the Director, Multimedia Planning and Permitting Division, U.S. Environmental Protection Agency, Region 6, to the attention of Mail Code: 6PD, at 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733.

(1) The owner or operator shall keep records of all CEMS data, stack test data, and CEMS quality-assurance tests required under this section for a period of at least 3 years.

(2) For each unit subject to the emission limitations for SO₂, and NO_x, in this section, the owner or operator shall comply with the excess emission reporting requirements in §§ 60.7(c) and (d) of this chapter, on a semiannual basis, unless more frequent (*e.g.*, quarterly) reporting is requested by the Regional Administrator. For SO₂ and NO_x, any day on which the 30-day rolling average emission limit in paragraph (d) of this section is not met shall be counted as an excess emissions day. The duration of the excess emissions period shall be the number of unit operating hours on that day. Any hour in which a CEMS is out-of-service (excluding hours in which required calibrations and QA tests are performed) shall be counted as an hour of monitor downtime.

(g) *Equipment Operations.* At all times, including periods of startup, shutdown, and malfunction, the owner or operator shall, to the extent practicable, maintain and operate the unit including associated air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions. Determination of whether acceptable oper-

ating and maintenance procedures are being used will be based on information available to the Regional Administrator which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspection of the unit.

(h) *Enforcement.* (1) Notwithstanding any other provision in this implementation plan, any credible evidence or information relevant as to whether the unit would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed, can be used to establish whether or not the owner or operator has violated or is in violation of any standard or applicable emission limit in the plan.

(2) Emissions in excess of the level of the applicable emission limit or requirement that occur due to a malfunction shall constitute a violation of the applicable emission limit.

[76 FR 52439, Aug. 22, 2011]

§ 52.1629 Visibility protection.

The portion of the State Implementation Plan revision received on September 17, 2007, from the State of New Mexico for the purpose of addressing the visibility requirements of Clean Air Act section 110(a)(2)(D)(i)(II) for the 1997 8-hour ozone and the 1997 fine particulate matter National Ambient Air Quality Standards is disapproved.

[76 FR 52440, Aug. 22, 2011]

§§ 52.1630–52.1633 [Reserved]

§ 52.1634 Significant deterioration of air quality.

(a) The plan submitted by the Governor of New Mexico on February 21, 1984 (as adopted by the New Mexico Environmental Improvement Board (NMEIB) on January 13, 1984), August 19, 1988 (as revised and adopted by the NMEIB on July 8, 1988), and July 16, 1990 (as revised and adopted by the NMEIB on March 9, 1990), Air Quality Control Regulation 707—Permits, Prevention of Significant Deterioration (PSD) and its Supplemental document, is approved as meeting the requirements of part C, Clean Air Act for preventing significant deterioration of air quality. Additionally, on November 2,