

Statement of Basis - Narrative

Title V, NSR, PSD Permit

Type of Permit Action: New NSR Minor Source Permit

Facility: UWS Air Curtain Burner Facility
Company: Universal Waste Systems
Permit No(s): 10392 and 306
Tempo/IDEA ID No.: 41209 - PRN20250001
Permit Writer: McKenna Hedgepeth

Fee Tracking (not required for Title V)

Tracking	NSR tracking entries completed: [X] Yes [] No
	NSR tracking page attached to front cover of permit folder: [X] Yes [] No
	Paid Invoice Attached: [X] Yes [] No
	Balance Due Invoice Attached: [X] Yes [] No
	Invoice Comments: Paid in full on 7/21/25

Permit Review	Date to Enforcement: TBD	Date of Enforcement Reply: TBD
	Date to Applicant: 11/7/2025	Date of Applicant Reply: 11/17/25
	Date to EPA: N/A	Date of EPA Reply: N/A
	Date to Supervisor: 10/27/25	

1.0 Plant Process Description:

The Air Burners' S223 Air Curtain Incinerator is a self-contained above ground Air Curtain Burner (FireBox or Air Curtain Incinerator) with a refractory lined burn-container for portable and stationary applications. Designed for the environmentally friendly high temperature reduction of clean wood waste.

The ACI is a machine that uses a steady stream of air to direct smoke back into the fire, causing it to burn a second time and reduce particulate matter to acceptable US EPA guidelines. The machine follows three stages: startup, full operation, and burndown. It is designed to aid in the combustion and reduce emissions by directing a flow of air across a contained fire of vegetative debris.

2.0 Description of this Modification:

Universal Waste Systems, Inc. (UWS) operates a composting facility located at 26440 US 70, Ruidoso Downs, NM 88346. The facility is actively involved with the Lincoln County Fire Disaster Response which requires the installation and operation of an Air Curtain Incinerator (ACI). A pile of any combination of clean lumber, wood waste, and yard waste is loaded into the ACI and is ignited. Within 30 minutes, the fire is strong and the air curtain is engaged. The air curtain runs continuously during steady state operation, and the material is loaded at a rate consistent with the rate of burn. The maximum throughput for the S223 ACI located at this site is 9 tons per hour. The ACI can burn for a maximum of 22 hours. One hour is needed to cool off the unit and one hour to remove ashes from the chamber. This equals a maximum of 198 tons per day wood waste burned. Air pollutants and ash waste

are products of this process.

The ACI will be used to burn only wood waste (clean/untreated).

Wood waste means untreated wood and untreated wood products, including tree stumps, burned trees from the Lincoln County wildfire, tree limbs, trees, bark, sawdust, chips, scraps, slabs, millings, and shavings. Wood waste does not include:

1. Grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.
2. Construction, renovation, or demolition wastes.
3. Clean lumber.
4. Treated wood and treated wood products, including wood products that have been painted, pigment-stained, or pressure treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote, or manufactured wood products that contain adhesives or resins (plywood, particle board, and oriented strand board).

Emissions associated with start-up, shutdown or maintenance do not differ from emissions associated with normal operation.

This unit currently operates according to NMED's GOP for ACIs. A NOI application was submitted to NMED on 10/23/2024 and ACI-GOP TV application form was submitted on 11/2/24.

3.0 Source Determination:

1. The emission sources evaluated include the UWS Air Curtain Burner Facility.

2. Single Source Analysis:

A. SIC Code: Do the facilities belong to the same industrial grouping (i.e., same two-digit SIC code grouping, or support activity)? Yes

B. Common Ownership or Control: Are the facilities under common ownership or control? Yes

C. Contiguous or Adjacent: Are the facilities located on one or more contiguous or adjacent properties? Yes, this is a single facility owned by UWS

3. Is the source, as described in the application, the entire source for 20.2.70, 20.2.72, 20.2.73, or 20.2.74 NMAC applicability purposes? Yes

4.0 PSD Applicability:

A. The source, as determined in 3.0 above, is a minor source for this new NSR.

B. The project emissions for this permit action are not significant. This is not a modification, but a new NSR minor source permit. The emissions are not significant.

C. Netting is not required (project is not significant).

D. BACT is not required for this modification (source is not PSD).

5.0 History (In descending chronological order, showing NSR and TV): *The asterisk denotes the current active NSR and Title V permits that have not been superseded.

Permit Number	Issue Date	Action Type	Description of Action (Changes)
* 10392-M1	TBD, December 8, 2025	New Minor Source NSR	The facility will be emitting beyond their ACI-GOP TV permit application requirements (operating over 10 h/day up to 22 hrs/day). Upon issuance, ACI-GOP application will be withdrawn
P306	N/A	ACI-GOP TV	Submitted on 10/24/24 and received on 11/2/24, this application was ruled complete on 12/20/24 and allowed operations within the requirements of the ACI-GOP permit, which is now discontinued.
10392	Withdrawn 10/23/24	NOI Letter	Initial Notice of Intent submitted on 10/15/24, but was withdrawn due to needing the ACI-GOP TV permit.

6.0 Public Response/Concerns: As of September 3, 2025, comments were received by 6 commenters with 2 commenters being in favor and 4 commenters against. Total comment period was between July 3rd, 2025 to September 3, 2025, and was extended due to the emergency natural disaster flooding in the town of Ruidoso.

First citizen letters sent on: 9/25/25
 Second citizen Letter sent on: 11/7/25

7.0 Compliance Testing

No compliance test has been conducted on the ACI or 74.5 hp (derated 67 hp) diesel engine.

8.0 Startup and Shutdown:

- A. If applicable, did the applicant indicate that a startup, shutdown, and emergency operational plan was developed in accordance with 20.2.70.300.D(5)(g) NMAC? N/A
- B. If applicable, did the applicant indicate that a malfunction, startup, or shutdown operational plan was developed in accordance with 20.2.72.203.A.5 NMAC? N/A
- C. Did the applicant indicate that a startup, shutdown, and scheduled maintenance plan was developed and implemented in accordance with 20.2.7.14.A and B NMAC? N/A
- D. Does the facility have emissions due to routine or predictable startup, shutdown, and maintenance? If so, have all emissions from startup, shutdown, and scheduled maintenance operations been permitted? N/A

9.0 Compliance and Enforcement Status:

New facility, no enforcement/compliance history.

10.0 Modeling:

Modeling was required and completed by Bryant Frong on 7/10/25 where is conclusion explained,

“This modeling analysis demonstrates that operation of the facility described in this report neither causes nor contributes to any exceedances of applicable air quality standards. The standards relevant at

this facility are NAAQS for CO, NO₂, SO₂, PM₁₀, and PM_{2.5}; NMAAQs for CO, and NO₂; and Class I and Class II PSD increments for NO₂, SO₂, PM₁₀, and PM_{2.5}.”

11.0 State Regulatory Analysis (NMAC/AQCR):

Citation 20 NMAC	Title	Applies (Y/N)	Unit(s) or Facility	Justification:
2.1	General Provisions	Yes, Always	Entire Facility	The facility is subject to Title 20 Environmental Protection Chapter 2 Air Quality of the New Mexico Administrative Code so is subject to Part 1 General Provisions, Update to Section 116 of regulation for Significant figures & rounding. Applicable with no permitting requirements.
2.3	Ambient Air Quality Standards	No for both NSR and TV	Entire Facility	NSR: 20.2.3 NMAC is a SIP approved regulation that establishes State standards. The NMAAQs themselves are not an “applicable requirement” with which a source must directly comply. The promulgation of a NMAAQs does not, in and of itself automatically result in actionable measures to a source. Instead, the specific measures contained in each individual issued permit, other state promulgated rules, and NM’s EPA approved SIP are the relevant applicable requirements (such as NSPS and MACT).
2.7	Excess Emissions	Yes, Always	Entire Facility	Applies to all facilities' sources. Federally enforceable except for Sections 6(b); 110(b)(15); 111; 112; 113; 115; and 116 that are State Enforceable Only.
2.11	Asphalt Process Equipment	No		The objective of this Part is to establish particulate matter emission standards for asphalt process equipment.
2.19	Potash, Salt or Sodium Sulfate Processing Equipment	No		The objective of this Part is to establish particulate matter emission standards for potash, salt or sodium sulfate processing equipment.
2.33	Gas Burning Equipment - Nitrogen Dioxide	No		This regulation does not apply to internal combustion equipment such as engines. It only applies to external combustion equipment such as heaters or boilers. Facility has no external combustion equipment
2.34	Oil Burning Equipment - Nitrogen Dioxide	No		This regulation does not apply to internal combustion equipment such as engines. It only applies to external combustion equipment such as heaters or boilers.
2.35	Natural Gas Processing Plant – Sulfur	No	Entire Facility	This regulation could apply to existing (prior to July 1, 1974) or new (on or after July 1, 1974) natural gas processing plants that use a Sulfur Recovery Unit to reduce sulfur emissions. See ‘Guidance and Clarification Regarding Applicability of 20.2.35 NMAC’ located with the Air Quality Bureau’s Permit Section website guidance documents.

Citation 20 NMAC	Title	Applies (Y/N)	Unit(s) or Facility	Justification:
2.36 & 2.37	Petroleum Refineries and Petroleum Processing Facilities	No	Entire Facility	These regulations were repealed by the Environmental Improvement Board. If you had equipment subject to 20.2.37 NMAC before the repeal, your combustion emission sources are now subject to 20.2.61 NMAC.
2.38	Hydrocarbon Storage Facilities	No		This regulation could apply to storage tanks at petroleum production facilities, processing facilities, tanks batteries, or hydrocarbon storage facilities.
20.2.39 NMAC	Sulfur Recovery Plant - Sulfur	No		This regulation could apply to sulfur recovery plants that are not part of petroleum or natural gas processing facilities.
20.2.50 NMAC	Oil and Gas Sector – Ozone Precursor Pollutants	No		Facility in Lincoln County, so not applicable
2.61	Smoke and Visible Emissions	NO	Units 1 and 2	<p>This regulation that limits opacity to 20% applies to Stationary Combustion Equipment, such as engines, boilers, heaters, and flares unless your equipment is subject to another state regulation that limits particulate matter such as 20.2.19 NMAC (see 20.2.61.109 NMAC).</p> <p>20.2.61.113 – Exemption of ACI to allow exceedances of 20% opacity during Startup and burndown periods.</p> <p>Note: facility is subject to state and federal regulations. ACI is subject to 20.2.61 NMAC and 40 CFR 60, Subpart EEEE.</p>
2.70	Operating Permits	N/A	Entire Facility	This is not a Major Title V source but is subject to the Title V permit program in accordance with 20.2.70.200.B NMAC.
2.71	Operating Permit Fees	N/A	Entire Facility	Source is subject to 20.2.70 NMAC as cited at 20.2.71.109 NMAC.
2.72	Construction Permits	Yes	Entire Facility	Specify Section 200.A.1 - 200 A.6, or 219.B.X PER > 10 pph or 25 tpy for a criteria pollutant.
2.73	NOI & Emissions Inventory Requirements	Yes, Always	Entire Facility	Applicable to all facilities that require a permit. PER > 10 tpy for a regulated air contaminant.

Citation 20 NMAC	Title	Applies (Y/N)	Unit(s) or Facility	Justification:
2.74	Permits-Prevention of Significant Deterioration	No	Entire Facility	<p>If subject, this would normally apply to the entire facility.</p> <p>If you are an existing PSD major source you are subject to the applicability determination requirements at 20.2.74.200 NMAC to determine if you are subject to a PSD permit, before commencing actual construction of any modifications at your facility. Complete the applicability determination in Section 12 of the application.</p> <p>If you are constructing a new PSD major source or are proposing a major modification to an existing PSD major source, you must obtain a PSD permit.</p> <p>Minor NSR Exemptions at 20.2.72.200 NMAC nor Title V Insignificant Activities do not apply to the PSD permit regulation.</p> <p>Choose which applies and delete the rest. See NMACS 20.2.74.7.AE and AG Major Modification and Major Stationary Source, 20.2.74.200 Applicability, and 20.2.74.201 Exemptions.</p> <p>This is a minor source permit, location of site is in attainment for all pollutants</p>
2.75	Construction Permit Fees	Yes	Entire Facility	This facility is subject to 20.2.72 NMAC
2.77	New Source Performance Standards	Yes	See Sources subject to 40 CFR 60	Applies to any stationary source constructing or modifying and which is subject to the requirements of 40 CFR Part 60.
2.78	Emissions Standards for HAPs	No	See Sources subject to 40 CFR 61	This regulation applies to all sources emitting hazardous air pollutants, which are subject to the requirements of 40 CFR Part 61.
2.79	Permits Nonattainment Areas	No		This facility is not located in, not does it affect, a nonattainment area.
2.82	MACT Standards for Source Categories of HAPs	Yes	See sources subject to 40 CFR 63	This regulation applies to all sources emitting hazardous air pollutants, which are subject to the requirements of 40 CFR Part 63. Unit 2 subject to 40 CFR 63 Part ZZZZ

12.0 Federal Regulatory Analysis:

Federal Regulation	Title	Applies (Y/N)	Unit(s) or Facility	Comments
Air Programs Subchapter C	National Primary and Secondary Ambient Air Quality	No	N/A	The modeling and conditions developed from the modeling are the applicable requirements to demonstration compliance with the NAAQs.

Federal Regulation	Title	Applies (Y/N)	Unit(s) or Facility	Comments
(40 CFR 50)	Standards			
NSPS Subpart A (40 CFR 60)	General Provisions	Yes	See sources subject to a Subpart in 40 CFR 60	Applies if any other subpart applies.
40 CFR Part 60 Subpart EEEE (Quad-E)	Standards of Performance for other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2024, or for which Modification or Reconstruction is Commenced on or After June 16, 2006	Yes	Unit 1 – ACI	<p>Unit 1: ACI is subject to Subpart EEEE 40 CFR 60.2888(b):</p> <p>Air curtain incinerators that burn only less than 35 tons per day of the materials listed in paragraphs (b)(1) through (4) of this section collected from the general public and from residential, commercial, institutional, and industrial sources; or, air curtain incinerators located at institutional facilities that burn only the materials listed in paragraphs (b)(1) through (4) of this section generated at that facility, are required to meet only the requirements in §§ 60.2970 through 60.2974 and are exempt from all other requirements of this subpart.</p> <ol style="list-style-type: none"> (1) 100% wood waste (2) 100% clean lumber (3) 100% yard waste (4) 100% mixture of only wood waste, clean lumber, and/or yard waste <p>Based on Subpart EEEE applicability, the facility must determine the requirements for a TV permit application.</p>
40 CFR Part 60 Subpart IIII (Quad-I)	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines	Yes	Unit 2 – Diesel Engine	(a) The provisions of this subpart are applicable to manufacturers, owners, and operators of stationary compression ignition (CI) internal combustion engines (ICE) as specified in paragraphs (a)(1) through (3) of this section. For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.
NESHAP Subpart A (40 CFR 61)	General Provisions	No	See sources subject to a Subpart in 40 CFR 61	Applies if any other subpart applies.
MACT Subpart A (40 CFR 63)	General Provisions	Yes	See sources subject to a Subpart in 40 CFR 63	Applies if any other subpart applies.

Federal Regulation	Title	Applies (Y/N)	Unit(s) or Facility	Comments
40 CFR 63 Subpart ZZZZ (Quad Z)	National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE MACT)	Yes	Unit 2 – Diesel Engine	<p>See 63.6580 and EPA Region 1’s Reciprocating Internal Combustion Guidance website.</p> <p>A facility is subject to this subpart if they own or operate a stationary RICE at a major area source of HAP emissions, except if the stationary RICE is being tested at a stationary RICE test cell/stand.</p> <p>Unit 2 is a Compression Ignition (CI) engine with 74.5 hp (67 hp derated) which is < 500 HP (63.6590.c(7)). See Table 2c</p>
40 CFR 64	Compliance Assurance Monitoring	N/A		Applies only to Title V Major Sources
40 CFR 68	Chemical Accident Prevention	N/A		<p>An owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under §68.115 Threshold determination and 68.130 List of substances, <u>68</u>.</p> <p>The facility does not have more than a threshold quantity of a regulated substance in a process, as determined under §68.115 Threshold determination and 68.130.</p> <p>This regulation was revised in the Federal Register date 1-13-17. The effective date of the revision was delayed until March 21, 2017 (see FR 1-26-17).</p> <p>The permittee needs to review the changes to this regulation to verify if it is subject to any applicable requirements in the revised regulation and if so must meet those applicable requirements regardless if they are in the Title V permit.</p> <p>NSR & TV permits should include citation in applicability table in the permit, but no other specific permit conditions are required for NSR permits or TV permits. This is because the TV permit template includes a General Condition meeting the requirement of 68.215.</p>
40 CFR 70	Title V- State Operating Permit Programs	N/A		Applies to TV sources only
40 CFR 72	Title IV – Acid Rain	N/A		Applies to TV sources only
40 CFR 73	Title IV – Acid Rain Sulfur Dioxide Allowance Emissions	N/A		Applies to TV sources only

Federal Regulation	Title	Applies (Y/N)	Unit(s) or Facility	Comments
Title IV-Acid Rain 40 CFR 75	Continuous Emissions Monitoring	N/A		See 40 CFR 75.2. This may apply if your facility generates commercial electric power or electric power for sale.
Title IV – Acid Rain 40 CFR 76	Acid Rains Nitrogen Oxides Emission Reduction Program	N/A		Applies to TV sources only
Title VI – 40 CFR 82	Protection of Stratospheric Ozone	N/A		Applies to TV sources only

13.0 Exempt and/or Insignificant Equipment that do not require monitoring:

NSR Exempt Equipment: None

14.0 New/Modified/Unique Conditions (Format: Condition#: Explanation):

A. New Permit, all new conditions

15.0 For Title V action: Cross Reference Table between NSR Permit [10392\(M1\)](#) and TV Permit N/A.NSR permit conditions cross referenced to the TV permit are federally enforceable conditions, and therefore brought forward into the TV permit:

Not required for NSR permitting actions.

NSR conditions identified as “NSR Unique” do not establish any applicable requirements or federally enforceable conditions that require adoption in the TV operating permits.

16.0 Permit specialist’s notes to other NSR or Title V permitting staff concerning changes and updates to permit conditions.

A. This source was the first facility to transfer from the discontinued ACI-GOP TV permit to a new NSR Minor Source permit