**TITLE 20 ENVIRONMENTAL PROTECTION**
**CHAPTER 2 AIR QUALITY (STATEWIDE)**
**PART 51 METHANE ABATEMENT**

**20.2.51.1 ISSUING AGENCY:** Environmental Improvement Board.
[20.2.51.1 NMAC – N, xx/xx/xxxx]

**20.2.51.2 SCOPE:** This Part applies to all persons who own or operate a source located within 50 meters of a super-emitter event detected by a certified third-party notifier to whom a super-emitter event notification is provided by the department, and all persons who own or operate a process controller designated facility.
[20.2.51.2 NMAC – N, xx/xx/xxxx]

**20.2.51.3 STATUTORY AUTHORITY:** Environmental Improvement Act, Sections 74-1-1 to 74-1-18 NMSA 1978, including specifically Paragraph (4) of Subsection A of Section 74-1-8 NMSA 1978, and Air Quality Control Act, Sections 74-2-1 to 74-2-17 NMSA 1978, including specifically Subsection B and Paragraph (6) of Subsection D of Section 74-2-5 NMSA 1978.
[20.2.51.3 NMAC – N, xx/xx/xxxx]

**20.2.51.4 DURATION:** Permanent.
[20.2.51.4 NMAC – N, xx/xx/xxxx]

**20.2.51.5 EFFECTIVE DATE:** Month XX, XXXX, except where a later date is cited at the end of a section.
[20.2.51.5 NMAC – N, xx/xx/xxxx]

**20.2.51.6 OBJECTIVE:** The objective of this Part is to establish a methane super-emitter program and methane standards for process controller designated facilities.
[20.2.51.6 NMAC – N, xx/xx/xxxx]

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

**A. "Closed vent system"** means a system that is designed, operated, and maintained to capture and route all gases, vapors, or fumes from a source or process to a process stream with no loss of gases, vapors, or fumes to the atmosphere during operation.

**B. "Date of detection"** means the date and time a super-emitter event is surveyed and measured using a remote sensing technology and associated detection method approved by the department.

**C. "Deviation"** means any instance in which a closed vent system or self-contained natural gas-driven process controller subject to this Part fails to meet any applicable requirement established by this Part including, but not limited to, the no identifiable emissions standard in 20.2.51.202 NMAC.

**D. "Emergency shutdown device"** means a device that functions exclusively to protect personnel or prevent physical damage to equipment by shutting down equipment or gas flow during unsafe conditions resulting from an unexpected event, such as a pipe break or fire. For the purposes of this Part, an emergency shutdown device is not used for routine control of operating conditions.

**E. "Gathering and boosting station"** means a facility, including all equipment and compressors, located downstream of a well site that collects or moves natural gas prior to the inlet of a natural gas processing plant; or prior to a natural gas transmission pipeline or transmission compressor station if no gas processing is performed; or collects, moves, or stabilizes crude oil or condensate prior to an oil transmission pipeline or other form of transportation. Gathering and boosting stations may include equipment for liquids separation, natural gas dehydration, and tanks for the storage of water and hydrocarbon liquids.

**F. "Injection well site"** means a well site where the well is used for the injection of air, gas, water or other fluids into an underground stratum.

**G. "kg/hr"** means kilograms per hour.

**H. "Natural gas-driven process controller"** means a process controller driven by pressurized natural gas.

**I. "Natural gas processing plant"** means the processing equipment engaged in the extraction of natural gas liquid from natural gas or fractionation of mixed natural gas liquid to a natural gas product, or both. A

Joule-Thompson valve, a dew point depression valve, or an isolated or standalone Joule-Thompson skid is not a natural gas processing plant.

**J. "No identifiable emissions"** means, for the purposes of closed vent systems and self-contained natural gas-driven process controllers, and as determined according to the provisions of 20.2.51.202 NMAC, that no emissions are detected by audio, visual, and olfactory (AVO) means when inspections are conducted by AVO; no emissions are imaged with an optical gas imaging (OGI) camera when inspections are conducted with OGI; and equipment is operating with an instrument reading of less than 500 ppm above background, as determined by US EPA method 21 when inspections are conducted with US EPA method 21.

**K. "Operator"** means the person responsible for the daily operation of a source.

**L. "Optical gas imaging" or "OGI"** means an imaging technology that utilizes a high-sensitivity infrared camera designed for and capable of detecting hydrocarbons.

**M. "Owner"** means the person who owns a source or part of a source.

**N. "Process controller"** means an automated instrument used for maintaining a process condition such as liquid level, pressure, delta-pressure, and temperature.

**O. "Process controller designated facility"** means the collection of natural-gas driven process controllers at a gathering and boosting station, natural gas processing plant, tank battery, transmission compressor station, or well site. Natural gas-driven process controllers that function as emergency shutdown devices and process controllers that are not driven by natural gas are exempt from the designated facility.

**P. "Produced water"** means water that is extracted from the earth from an oil or natural gas production well, or that is separated from crude oil, condensate, or natural gas after extraction.

**Q. "Qualified professional engineer"** means an individual who is licensed by a state as a professional engineer to practice one or more disciplines of engineering and who is qualified by education, technical knowledge, and experience to make the specific technical certifications required under this Part. Professional engineers making these certifications must be currently licensed in at least one state in which they are located.

**R. "Routed to a process" or "route to a process"** means the emissions are conveyed via a closed vent system to any enclosed portion of a process that is operational where the emissions are predominantly recycled or consumed in the same manner as a material that fulfills the same function in the process or transformed by chemical reaction into materials that are not regulated materials or incorporated into a product, or recovered.

**S. "Self-contained natural gas-driven process controller"** means a natural gas-driven process controller that releases gas into the downstream piping and not to the atmosphere, resulting in zero methane emissions.

**T. "Source"** means any building, structure, equipment, facility, installation (including temporary installations), operation, process, or portable stationary source that emits or may emit methane.

**U. "Super-emitter event"** means any methane emissions event, detected using a remote sensing technology and associated detection method approved by the department, that meets or exceeds an emission rate of 50 kg/hr.

**V. "Third-party notifier"** means an entity that is certified by the department to monitor, detect, and report methane emissions using remote sensing technologies and associated detection methods approved by the department.

**W. "Tank battery"** means a storage vessel or group of storage vessels that receive or store crude oil, condensate, or produced water from a well or wells for storage. Tank battery does not include storage vessels at saltwater disposal facilities or produced water management units.

**X. "Transmission compressor station"** means a facility, including all equipment and compressors, that moves pipeline quality natural gas at increased pressure from a well site or natural gas processing plant through a transmission pipeline for ultimate delivery to the local distribution company custody transfer station, underground storage, or to other industrial end users. Transmission compressor stations may include equipment for liquids separation, natural gas dehydration, and tanks for the storage of water and hydrocarbon liquids.

**Y. "Well site"** means the equipment under the operator's control directly associated with one or more oil wells or natural gas wells upstream of the natural gas processing plant or gathering and boosting station, if any. A well site may include equipment used for extraction, collection, routing, storage, separation, treating, dehydration, artificial lift, combustion, compression, pumping, metering, monitoring, and product piping. A well site does not include an injection well site.

[20.2.51.7 NMAC – N, xx/xx/xxxx]

**20.2.51.8 SEVERABILITY:** If any provision of this Part, or the application of this provision to any person or circumstance is held invalid, the remainder of this Part, or the application of this provision to any person or circumstance other than those as to which it is held invalid, shall not be affected thereby.
[20.2.51.8 NMAC – N, xx/xx/xxxx]

**20.2.51.9 CONSTRUCTION:** This Part shall be liberally construed to carry out its purpose.
[20.2.51.9 NMAC – N, xx/xx/xxxx]

**20.2.51.10 SAVINGS CLAUSE:** Repeal or supersession of prior versions of this Part shall not affect administrative or judicial action initiated under those prior versions.
[20.2.51.10 NMAC – N, xx/xx/xxxx]

**20.2.51.11 COMPLIANCE WITH OTHER REGULATIONS:** Compliance with this Part does not relieve a person from the responsibility to comply with other applicable federal, state, or local laws, rules, or regulations, including more stringent controls.
[20.2.51.11 NMAC – N, xx/xx/xxxx]

**20.2.51.12 DOCUMENTS:** Documents incorporated and cited in this Part may be viewed at the New Mexico environment department, air quality bureau. [As of April 2013, the air quality bureau is located at 525 Camino de los Marquez, Suite 1, Santa Fe, New Mexico 87505]
[20.2.51.12 NMAC – N, xx/xx/xxxx]

**20.2.51.13-20.2.51.100 [RESERVED]**

**20.2.51.101 METHANE SUPER-EMITTER PROGRAM OVERVIEW:** For purposes of this Part, a super-emitter event means any methane emissions event, detected using a remote sensing technology and associated detection method approved by the department, that meets or exceeds an emission rate of 50 kg/hr. The department shall certify third-party notifiers in accordance with the procedures in 20.2.51.102 NMAC. Certified third-party notifiers may submit notifications of super-emitter events to the department in accordance with 20.2.51.103 NMAC, which the department shall provide to the owner or operator of any source located within 50 meters of the location of the super-emitter event. For purposes of this Part, a source is considered to be located within 50 meters of the location of a super-emitter event if any portion of the source's property boundary lies within a 50-meter radius of the location of the super-emitter event. Upon receipt of a super-emitter event notification from the department, the owner or operator of a source shall initiate an investigation and report the results to the department in accordance with 20.2.51.104 NMAC and 20.2.51.105 NMAC.
[20.2.51.101 NMAC – N, xx/xx/xxxx]

**20.2.51.102 THIRD-PARTY NOTIFIER CERTIFICATION:**

**A.** An entity may apply to the department for certification as a third-party notifier if it is a person, as defined in Subsection B of 20.2.2.7 NMAC, excluding the owner or operator of a source. The entity shall use any of the following remote methane sensing technologies and associated detection methods approved by the department:

**(1)** satellite detection;

**(2)** remote methane sensing equipment on aircraft; or

**(3)** any other remote methane sensing technology that is approved for use by the department.

**B.** An entity that meets the qualifications described in Subsection A of this Section may request certification as a third-party notifier by submitting an application to the department by the means specified by the department. Applications for certification shall contain:

**(1)** The mailing address and physical address of the applicant.

**(2)** The contact information, including email address, for the applicant's designated point of contact.

**(3)** A description of the remote methane sensing technologies and associated detection methods the applicant will use to detect super-emitter events, including any memorandum of understanding or contracting agreement between the applicant and any technology provider(s) that will be used to identify super-emitter events.

**(4)** A description of the applicant's procedures and processes for data review that includes, at a minimum:

**(a)** procedures for evaluating the emissions data for accuracy and compliance with approved detection methods;

**(b)** process for verifying the accuracy of the geographic coordinates of detected super-emitter events; and

**(c)** process for identifying sources located within 50 meters of detected super-emitter events, including the source(s) of information that will be used to make the identification.

**(5)** A description of the systems that will be used for maintaining records in accordance with Subsection F of this Section.

**C.** The department shall approve or disapprove an entity's application for certification as a third-party notifier within 30 business days, based on the department's evaluation of the completeness, reasonableness, and accuracy of the application. The department shall assign each entity certified as a third-party notifier a unique identification number upon approval of the application and maintain a list of certified third-party notifiers on the department's website. A certified entity may submit notifications of super-emitter events detected using the remote methane sensing technologies and associated detection methods described in the entity's application to the department starting upon receipt of the department's approval of the application.

**D.** If a certified third-party notifier intends to make any significant changes to its procedures for identifying super-emitter events, such as a change to the technology used to identify emissions, they shall request recertification by submitting a new application to the department under Subsection B of this Section. A certified third-party notifier who requests recertification in order to change its procedures for identifying super-emitter events shall continue to use the procedures described in its previous application until the department approves the new application.

**E.** A certified third-party notifier's certification may be revoked in any of the circumstances listed in Paragraphs (1) through (3) of this Subsection. Entities that have their certification revoked cannot submit super-emitter event notifications to the department under 20.2.51.103 NMAC. Entities that have their certification revoked may request recertification by submitting a new application to the department under Subsection B of this Section.

**(1)** A certified third-party notifier has made significant changes to its procedures for identifying super-emitter events without seeking recertification from the department in accordance with Subsection D of this Section.

**(2)** The department finds that the certified third-party notifier has demonstrated a pattern of submitting data with significant errors.

**(3)** The third-party notifier has engaged in trespassing or other illegal activity during the assessment of a super-emitter event.

**F.** Certified third-party notifiers shall maintain the following records and submit them to the department upon request:

**(1)** Records for all surveys conducted by or sponsored by the certified third-party notifier, including all data, images, measurements, analyses, and other information needed to confirm the accuracy of the survey results and the performance of the method used.

**(2)** Records of all notifications of super-emitter events submitted to the department, including any information used to evaluate the validity of a super-emitter event that is not required to be submitted as part of the notification under Subsection A of 20.2.51.103 NMAC.

**(3)** A copy of any records or identification of any databases used in the identification of sources located within 50 meters of the location of a super-emitter event.

[20.2.51.102 NMAC – N, xx/xx/xxxx]

**20.2.51.103 SUPER-EMITTER EVENT NOTIFICATION REQUIREMENTS:**

**A.** Notifications of super-emitter events shall be submitted to the department by the means specified by the department within seven calendar days of the date of detection of the super-emitter event. Only certified third-party notifiers may submit super-emitter event notifications to the department. A super-emitter event notification shall include, at a minimum:

**(1)** the third-party notifier identification number;

**(2)** the date and time the super-emitter event was detected;

**(3)** the remote methane sensing technology used to detect the super-emitter event;

**(4)** the quantified methane emission rate of the super-emitter event in kg/hr and the uncertainty associated with the measurement;

**(5)** the location of the super-emitter event in latitude and longitude coordinates, given in decimal degrees to a precision of four decimal places using the North American datum of 1983;

**(6)** identification of all sources located within 50 meters of the location of the super-emitter event, if available; and

**(7)** documentation, such as imagery, depicting the detected super-emitter event and the site where the super-emitter event was detected.

**B.** The department may request additional information regarding a super-emitter event notification from a third-party notifier. A third-party notifier shall respond to a request by the department for additional information regarding a super-emitter event notification submitted by the third-party notifier within three business days of the department's request.

**C.** Upon receipt of a super-emitter event notification from a third-party notifier, the department will review the notification for completeness and accuracy. If the department determines that the notification is complete and does not contain information that the department finds to be inaccurate to a reasonable degree of certainty, the department will assign the notification a unique notification report identification number and provide the notification to the owner or operator of any source located within 50 meters of the location of the super-emitter event within three business days of receiving the notification. The department shall make the notification publicly available on the department's website.

[20.2.51.103 NMAC – N, xx/xx/xxxx]

**20.2.51.104 OWNER OR OPERATOR NOTIFICATION AND RESPONSE:**

**A.** Upon receipt of a super-emitter event notification from the department, the owner or operator of the source shall initiate a super-emitter event investigation. The investigation shall be conducted in accordance with Paragraphs (1) through (5) of this Subsection, and repairs completed in accordance with the requirements in Subsection B of this Section. The investigation and repairs shall be completed within three calendar days of receiving notification from the department. The owner or operator shall maintain records of its super-emitter event investigation and report the findings of the investigation to the department in accordance with 20.2.51.105 NMAC and 20.2.51.106 NMAC.

**(1)** The owner or operator shall verify whether the source is located within 50 meters of the location of the super-emitter event provided in the notification. If the owner or operator determines that the source is not located within 50 meters of the location of the super-emitter event, the owner or operator shall submit documentation to the department by the means specified by the department demonstrating that the source is located more than 50 meters from the location of the super-emitter event, such as a measurement performed in a geographic information system or other similarly accurate geographic location software, showing the location of the super-emitter event and the distance from that point to the property boundaries of the facility. This documentation shall be reviewed by the department for completeness and accuracy. If the documentation is validated by the department, the investigation shall be deemed complete and no further action by the owner or operator is required.

**(2)** If the owner or operator verifies that the source is located within 50 meters of the location of the super-emitter event, the owner or operator shall investigate to determine the source of the super-emitter event. The investigation shall include but is not limited to the following actions, as applicable:

**(a)** Review all maintenance and process activities at the source, starting from at least 30 calendar days prior to the date of detection identified in the department's super-emitter event notification, to determine if the activities indicate any potential source(s) of super-emitter event emissions.

**(b)** Review all monitoring data from the source, starting from at least 30 calendar days prior to the date of detection identified in the department's super-emitter event notification, to identify if the monitoring data indicate any potential source(s) of super-emitter event emissions.

**(c)** Review all fugitive emission surveys or periodic screenings conducted at the source, starting from at least 30 calendar days prior to the date of detection identified in the department's super-emitter event notification, to determine if the survey or screening results indicate any potential source(s) of super-emitter event emissions.

**(d)** If review of prior information pursuant to Subparagraphs (a) through (c) of this Paragraph does not identify the source of super-emitter event emissions, the owner or operator shall screen the entire facility as follows to identify any source(s) of super-emitter event emissions, as applicable:

**(i)** conduct an inspection using US EPA method 21 or OGI to identify leaking components;

**(ii)** conduct an external visual inspection for defects, which may include cracks, holes, or gaps in piping or covers; loose connections; liquid leaks; broken or missing caps; broken, cracked

or otherwise damaged seals or gaskets; broken or missing hatches; or broken or open access covers or other closure or bypass devices;

**(iii)** conduct an audio inspection for pressure leaks and liquid leaks; and

**(iv)** conduct an olfactory inspection for unusual or strong odors.

**(3)** Inspections using US EPA method 21 shall meet the following requirements:

**(a)** the instrument shall be calibrated before each day of use by the procedures specified in US EPA method 21 and the instrument manufacturer; and

**(b)** a leak is detected if the instrument records a measurement of 500 ppm or greater of hydrocarbons, and the measurement is not associated with normal equipment operation, such as pneumatic device actuation or crank case ventilation.

**(4)** Inspections using OGI shall meet the following requirements:

**(a)** the instrument shall comply with the specifications, daily instrument checks, and leak survey requirements set forth in Subparagraphs (1) through (3) of Paragraph (i) of 40 CFR 60.18; and

**(b)** a leak is detected if the emission images recorded by the OGI instrument are not associated with normal equipment operation, such as pneumatic device actuation or crank case ventilation.

**(5)** Components that are difficult, unsafe or inaccessible to monitor, as determined by the following conditions, are not required to be inspected until it becomes feasible to do so:

**(a)** difficult to monitor components are those that require elevating the monitoring personnel more than two meters above a supported surface;

**(b)** unsafe to monitor components are those that cannot be monitored without exposing monitoring personnel to an immediate danger as a consequence of completing the monitoring; and

**(c)** inaccessible to monitor components are those that are buried, insulated, or obstructed by equipment or piping that prevents access to the components by monitoring personnel.

**B.** If the owner or operator is able to attribute the super-emitter event to a specific leak or leaks identified during the super-emitter event investigation by quantifying the emission rate of the leak or leaks, the owner or operator shall repair the leak or leaks deemed responsible for the super-emitter event. If the owner or operator is unable to attribute the super-emitter event to a specific leak or leaks, the owner or operator shall repair all leaks identified during the super-emitter event investigation. All repairs shall be substantiated by re-monitoring using US EPA method 21 or OGI.

[20.2.51.104 NMAC – N, xx/xx/xxxx]

**20.2.51.105 SUPER-EMITTER EVENT REPORT:**

**A.** The owner or operator of a source that receives notification of a super-emitter event from the department and conducts a super-emitter event investigation in accordance with 20.2.51.104 NMAC shall submit a super-emitter event report by the means specified by the department within 15 calendar days of receiving the super-emitter event notification. If during the investigation a demonstrable error in the notification is identified, the report shall include documentation of the alleged demonstrable error.

**B.** The super-emitter event report shall include the following information:

**(1)** The notification report identification number associated with the super-emitter event notification.

**(2)** General identification information for the source, including the facility name, owner and operator, physical address, and agency interest number, if applicable.

**(3)** A detailed account of the investigation conducted to identify the source(s) of super-emitter event emissions, including all identified leaks at the source and actions taken to repair the leaks. If any components were not inspected because they were difficult, unsafe, or inaccessible to monitor, documentation regarding the conditions making the component difficult, unsafe, or inaccessible to monitor shall also be included.

**(4)** The following attestation shall be signed by a company representative with knowledge of the investigation when submitting the super-emitter event report required under Subsection A of this Section: "I certify that the information provided in this report regarding the specified super-emitter event was prepared under my direction or supervision. I further certify that the investigations were conducted, and this report was prepared pursuant to the requirements of 20.2.51.104 NMAC and 20.2.51.105 NMAC. Based on my professional knowledge and experience, and inquiry of personnel involved in the assessment, the statements and information submitted herein are true, accurate, and complete. I understand that knowingly making a false statement, representation, or certification may result in penalties including criminal penalties pursuant to Section 74-2-14 (F) NMSA 1978."

**C.** If the super-emitter event report required by Subsection A of this Section is submitted before all components have been inspected due to some components being difficult, unsafe, or inaccessible to monitor, the

owner or operator shall submit an addendum to the report within three days of completing all outstanding inspections describing any additional leaks identified at the source and actions taken to repair the leaks.

**D.** The department shall review the super-emitter event report and addendum, if applicable, for completeness, reasonableness and accuracy.

**E.** The department may request additional information regarding a super-emitter event report from an owner or operator. An owner or operator shall respond to a request by the department for additional information regarding a super-emitter event report submitted by the owner or operator within three business days.

**F.** The department shall approve or disapprove the super-emitter event report based on the department's review. Upon disapproval, the department may require the owner or operator to provide additional information or take additional actions.

**G.** After the department approves the super-emitter event report or after the owner or operator completes any additional actions required by the department upon disapproval of the report, the department shall document the outcome of the investigation on the department's website, including if the event was attributed to any notified source and the date of repair or resolution, as applicable.

[20.2.51.105 NMAC – N, xx/xx/xxxx]

**20.2.51.106 SUPER-EMITTER RECORDKEEPING REQUIREMENTS:**

**A.** Owners and operators shall retain records of all super-emitter event notifications, investigations, and repairs for a minimum of five years.

**B.** These records shall be made available to the department within three calendar days of a request by the department.

[20.2.51.106 NMAC – N, xx/xx/xxxx]

**20.2.51.107-20.2.51.200 [RESERVED]**

**20.2.51.201 METHANE STANDARDS FOR PROCESS CONTROLLER DESIGNATED FACILITIES:** For each process controller designated facility, the owner or operator shall comply with the methane standards in this Section.

**A.** Beginning January 1, 2031, the owner or operator shall design and operate each process controller designated facility with zero methane emissions to the atmosphere, either by routing the emissions to a process or by using self-contained natural gas-driven process controller(s). The owner or operator cannot comply with the requirements of this Subsection by routing the emissions to a control device.

**(1)** If the owner or operator complies by routing the emissions to a process, emissions shall be routed to a process through a closed vent system.

**(2)** If the owner or operator complies by using self-contained natural gas-driven process controller(s), the owner or operator shall design and operate each self-contained natural gas-driven process controller with no identifiable emissions, as demonstrated by Subsection B of 20.2.51.202 NMAC.

**B.** If the owner or operator routes process controller emissions to a process, the owner or operator shall route the process controller designated facility emissions through a closed vent system that meets the requirements of 20.2.51.203 NMAC.

**C.** The owner or operator shall demonstrate initial compliance with standards that apply to process controller designated facilities as required by 20.2.51.204 NMAC.

**D.** The owner or operator shall demonstrate continuous compliance with standards that apply to process controller designated facilities as required by 20.2.51.205 NMAC.

**E.** The owner or operator shall perform the reporting as required by 20.2.51.206 NMAC, as applicable, and the recordkeeping as required by 20.2.51.207 NMAC, as applicable.

[20.2.51.201 NMAC – N, xx/xx/xxxx]

**20.2.51.202 INSPECTION REQUIREMENTS FOR CLOSED VENT SYSTEMS AND SELF-CONTAINED NATURAL GAS-DRIVEN PROCESS CONTROLLERS:** For each closed vent system at a process controller designated facility, the owner or operator shall comply with the applicable requirements of Subsections A and B of this Section. For each self-contained natural gas-driven process controller, the owner or operator shall comply with Subsection B of this Section. If an owner or operator complies with the requirements of Subsection C of 20.2.50.116 NMAC through an individual alternative monitoring plan pursuant to Paragraph (1) of Subsection D of 20.2.50.116 NMAC or a pre-approved alternative monitoring plan pursuant to Paragraph (2) of Subsection D of 20.2.50.116 NMAC, the owner or operator may comply with the requirements of this Section

through the individual or pre-approved alternative monitoring plan provided the plan covers all of the owner or operator's closed vent systems and self-contained natural gas-driven process controllers that are subject to this Part. If an owner or operator complies with the requirements of this Section through an individual or pre-approved alternative monitoring plan and the department terminates the plan pursuant to Subparagraph (b) of Paragraph (1) of Subsection D of 20.2.50.116 NMAC, or the owner or operator's use of the plan pursuant to Subparagraph (b) of Paragraph (2) of Subsection D of 20.2.50.116 NMAC, the owner or operator shall comply with the requirements of this Section within 15 days. If an owner or operator complies with the requirements of this Section through a pre-approved alternative monitoring plan, the owner or operator shall, upon request of the department, provide its written notification of intent to conduct monitoring under the plan to the department.

**A.** Inspections for closed vent systems and bypass devices. If the owner or operator routes emissions to a process, the owner or operator shall inspect each closed vent system according to the procedures and schedule specified in Paragraphs (1) and (2) of this Subsection, and inspect each bypass device according to the procedures of Paragraph (3) of this Subsection, except as provided in Paragraphs (7) and (8) of Subsection B of this Subsection.

**(1)** For each closed vent system joint, seam, or other connection that is permanently or semi-permanently sealed, such as a welded joint between two sections of hard piping or a bolted and gasketed ducting flange, the owner or operator shall:

**(a)** Conduct an initial inspection according to the test methods and procedures specified in Subsection B of this Section to demonstrate that the closed vent system operates with no identifiable emissions within the first 30 calendar days after routing emissions through the closed vent system.

**(b)** Conduct annual visual inspections for defects that could result in air emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in piping; loose connections; liquid leaks; or broken or missing caps or other closure devices. The owner or operator shall monitor a component or connection using the test methods and procedures in Subsection B of this Section to demonstrate that it operates with no identifiable emissions following any time the component is repaired or replaced or the connection is unsealed.

**(c)** Conduct monthly AVO inspections.

**(2)** For closed vent system components other than those specified in Paragraph (1) of Subsection A of this Section, the owner or operator shall:

**(a)** Conduct an initial inspection according to the test methods and procedures specified in Subsection B of this Section within the first 30 calendar days after routing emissions through the closed vent system to demonstrate that the closed vent system operates with no identifiable emissions.

**(b)** Conduct inspections according to the test methods, procedures, and frequencies specified in Subsection B of this Section to demonstrate that the components or connections operate with no identifiable emissions.

**(c)** Conduct annual visual inspections for defects that could result in air emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork; loose connections; liquid leaks; or broken or missing caps or other closure devices. The owner or operator shall monitor a component or connection using the test methods and procedures in Subsection B of this Section to demonstrate that it operates with no identifiable emissions following any time the component is repaired or replaced or the connection is unsealed.

**(d)** Conduct monthly AVO inspections.

**(3)** For each bypass device, except as provided for in Subparagraph (b) of Paragraph (3) of Subsection A of 20.2.51.203 NMAC, the owner or operator shall:

**(a)** Set the flow indicator to take a reading at least once every 15 minutes at the inlet to the bypass device that could divert the stream away from the process and to the atmosphere.

**(b)** If the bypass device valve installed at the inlet to the bypass device is secured in the non-diverting position using a car-seal or a lock-and-key type configuration, visually inspect the seal or closure mechanism at least once every month to verify that the valve is maintained in the non-diverting position and the vent stream is not diverted through the bypass device.

**B.** No identifiable emissions test methods and procedures. If the owner or operator is required to conduct an inspection of a closed vent system as specified in Paragraph (1) or (2) of Subsection A of this Section, the owner or operator shall meet the requirements of Paragraphs (1) through (9) of this Subsection. The owner or operator shall meet the requirements of Paragraphs (1), (2), (4), and (9) of this Subsection for each self-contained natural gas-driven process controller at the owner or operator's process controller designated facility as specified at Paragraph (2) of Subsection A of 20.2.51.201 NMAC.

**(1)** Initial and periodic inspection. The owner or operator shall conduct initial and periodic no identifiable emissions inspections as follows, as applicable:

**(a)** The owner or operator shall conduct quarterly OGI inspections for no identifiable emissions from the owner or operator's closed vent systems at the owner or operator's process controller designated facility. As an alternative the owner or operator may conduct inspections in accordance with US EPA method 21. Alternative monitoring shall be conducted quarterly.

**(b)** For closed vent systems located at natural gas processing plants, OGI inspections for no identifiable emissions shall be conducted initially and bimonthly in accordance with 40 CFR Part 60, Appendix K. As an alternative the owner or operator may conduct quarterly inspections for no identifiable emissions in accordance with US EPA method 21.

**(c)** For the owner or operator's self-contained natural gas-driven process controller(s), the owner or operator shall conduct initial and quarterly OGI inspections for no identifiable emissions. As an alternative the owner or operator may conduct quarterly inspections in accordance with US EPA method 21.

**(2)** OGI inspection. Where OGI is used, the instrument shall comply with the specifications, daily instrument checks, and leak survey requirements set forth in Subparagraphs (1) through (3) of Paragraph (i) of 40 CFR 60.18. The closed vent system or self-contained natural gas-driven process controller is determined to operate with no identifiable emissions if no emissions are imaged during the inspection. Emissions imaged by OGI constitute a deviation of the no identifiable emissions standard until an OGI inspection conducted in accordance with this Subparagraph determines that the closed vent system or self-contained natural gas-driven process controller, as applicable, operates with no identifiable emissions.

**(3)** AVO inspection. Where AVO inspections are required, the closed vent system is determined to operate with no identifiable emissions if no emissions are detected by AVO. Emissions detected by AVO constitute a deviation of the no identifiable emissions standard until an AVO inspection determines that the closed vent system operates with no identifiable emissions.

**(4)** Method 21 inspection. Where US EPA method 21 is used, the following requirements apply:

**(a)** The detection instrument shall meet the performance criteria of US EPA method 21, except that the instrument response factor criteria in section 8.1.1 of US EPA method 21 shall be for the average composition of the fluid and not for each individual organic compound in the stream.

**(b)** The owner or operator shall calibrate the detection instrument before use on each day of its use by the procedures specified in US EPA method 21.

**(c)** The required calibration gases are:

**(i)** zero air (less than 10 ppm hydrocarbon in air); and

**(ii)** a mixture of methane in air at a concentration less than 500 ppm.

**(d)** The owner or operator may choose to adjust or not adjust the detection instrument readings to account for the background organic concentration level. If the owner or operator chooses to adjust the instrument readings for the background level, the owner or operator shall determine the background level value according to the procedures in US EPA method 21.

**(e)** The owner or operator's detection instrument shall meet the following performance criteria:

**(i)** Except as provided in Item (ii) of this Subparagraph, the detection instrument shall meet the performance criteria of US EPA method 21, except the instrument response factor criteria in section 8.1.1 of US EPA method 21 shall be for the average composition of the process fluid, not each individual volatile organic compound in the stream. For process streams that contain nitrogen, air, or other inerts that are not organic hazardous air pollutants or volatile organic compounds, the owner or operator shall calculate the average stream response factor on an inert-free basis.

**(ii)** If no instrument is available that will meet the performance criteria specified in Item (i) of this Subparagraph, the owner or operator may adjust the instrument readings by multiplying by the average response factor of the process fluid, calculated on an inert-free basis, as described in Item (i) of this Subparagraph.

**(f)** The owner or operator shall determine if a potential leak interface operates with no identifiable emissions, as applicable, using whichever of the following procedures is applicable:

**(i)** If the owner or operator chooses not to adjust the detection instrument readings for the background organic concentration level, then the owner or operator shall directly compare the maximum organic concentration value measured by the detection instrument to the applicable value for the potential leak interface as specified in Subparagraph (g) of this Paragraph.

**(ii)** If the owner or operator chooses to adjust the detection instrument readings for the background organic concentration level, the owner or operator shall compare the value of the

arithmetic difference between the maximum organic concentration value measured by the instrument and the background organic concentration value as determined in Subparagraph (d) of this Paragraph with the applicable value for the potential leak interface as specified in Subparagraph (g) of this Paragraph.

**(g)** A closed vent system or self-contained natural gas-driven process controller is determined to operate with no identifiable emissions if the organic concentration value determined in Subparagraph (f) of this Paragraph is less than 500 ppm. An organic concentration value determined in Subparagraph (f) of this Paragraph of greater than or equal to 500 ppm constitutes a deviation of the no identifiable emissions standard until an inspection conducted in accordance with this Paragraph determines that the closed vent system or self-contained natural gas-driven process controller, as applicable, operates with no identifiable emissions.

**(5)** Repairs. Whenever emissions or a defect is detected, the owner or operator shall repair the emissions or defect as soon as practicable according to the following requirements, except as provided in Paragraph (6) of this Subsection.

**(a)** A first attempt at repair shall be made no later than five calendar days after the emissions or defect is detected.

**(b)** Repair shall be completed no later than 30 calendar days after the emissions or defect is detected.

**(6)** Delay of repair. Delay of repair of a closed vent system for which emissions or defects have been detected is allowed if the repair is technically infeasible without a shutdown, or if the owner or operator determines that emissions resulting from immediate repair would be greater than the emissions likely to result from delay of repair. The owner or operator shall complete repair of such equipment by the end of the next shutdown.

**(7)** Unsafe to inspect requirements. The owner or operator may designate any parts of the closed vent system as unsafe to inspect if the following requirements are met. Unsafe to inspect parts are exempt from the inspection requirements of Paragraphs (1) and (2) of Subsection A of this Section.

**(a)** The owner or operator determines that the equipment is unsafe to inspect because inspecting personnel would be exposed to an imminent or potential danger as a consequence of complying with Paragraph (1) or (2) of Subsection A of this Section.

**(b)** The owner or operator has a written plan that requires inspection of the equipment as frequently as practicable during safe-to-inspect times.

**(8)** Difficult to inspect requirements. The owner or operator may designate any parts of the closed vent system as difficult to inspect if the following requirements are met. Difficult to inspect parts are exempt from the inspection requirements of Paragraphs (1) and (2) of Subsection A of this Section.

**(a)** The owner or operator determines that the equipment cannot be inspected without elevating the inspecting personnel more than two meters above a support surface.

**(b)** The owner or operator has a written plan that requires inspection of the equipment at least once every five years.

**(9)** Records and reports. The owner or operator shall maintain records of all inspection results as specified in Subsections B and C of 20.2.51.207 NMAC. The owner or operator shall submit the reports as specified in Subsection C of 20.2.51.206 NMAC.

[20.2.51.202 NMAC – N, xx/xx/xxxx]

**20.2.51.203 DESIGN AND OPERATING REQUIREMENTS FOR CLOSED VENT SYSTEMS:** For each closed vent system at its process controller designated facility, the owner or operator shall comply with the applicable requirements of this Section.

**A.** Closed vent system requirements.

**(1)** The owner or operator shall design the closed vent system to capture and route all gases, vapors, and fumes to a process.

**(2)** The owner or operator shall design and operate the closed vent system with no identifiable emissions as demonstrated by Subsections A and B of 20.2.51.202 NMAC.

**(3)** For bypass devices, the owner or operator shall meet the following requirements if the closed vent system contains one or more bypass devices that could be used to divert all or a portion of the gases, vapors, or fumes from being routed to a process.

**(a)** Except as provided in Subparagraph (b) of this Paragraph, the owner or operator shall comply with one of the following for each bypass device.

**(i)** The owner or operator shall properly install, calibrate, maintain, and operate a flow indicator at the inlet to the bypass device. The flow indicator shall be capable of taking periodic readings as specified in Subparagraph (a) of Paragraph (3) of Subsection A of 20.2.51.202 NMAC and sound an

alarm, or initiate notification via remote alarm to the nearest field office, when the bypass device is open such that the stream is being, or could be, diverted away from the process, and sent to the atmosphere. The owner or operator shall maintain records of each time the alarm is activated according to Subsection C of 20.2.51.207 NMAC.

**(ii)** The owner or operator shall secure the bypass device valve installed at the inlet to the bypass device in the non-diverting position using a car-seal or a lock-and-key type configuration.

**(b)** Low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and safety devices are not subject to the requirements of Subparagraph (a) of this Paragraph.

**B.** Design requirements.

**(1)** The owner or operator shall conduct an assessment that the closed vent system is of sufficient design and capacity to ensure that all gases, vapors, and fumes from the designated facility are routed to the process and that the process is of sufficient design and capacity to accommodate all emissions from the designated facility. The assessment shall be certified by a qualified professional engineer or an in-house engineer with expertise on the design and operation of the closed vent system in accordance with Paragraphs (2) and (3) of this Subsection.

**(2)** The owner or operator shall provide the following certification, signed and dated by a qualified professional engineer or an in-house engineer: "I certify that the closed vent system design and capacity assessment was prepared under my direction or supervision. I further certify that the closed vent system design and capacity assessment was conducted, and this report was prepared pursuant to the requirements of 20.2.51 NMAC. Based on my professional knowledge and experience, and inquiry of personnel involved in the assessment, the certification submitted herein is true, accurate, and complete."

**(3)** The assessment shall be prepared under the direction or supervision of a qualified professional engineer or an in-house engineer who signs the certification in Paragraph (2) of this Subsection.

[20.2.51.203 NMAC – N, xx/xx/xxxx]

**20.2.51.204 DEMONSTRATING INITIAL COMPLIANCE WITH THE METHANE STANDARDS FOR PROCESS CONTROLLER DESIGNATED FACILITIES:** To demonstrate initial compliance with the methane emission standards for its process controller designated facility, the owner or operator shall comply with Subsections A through D of this Section, as applicable. If the owner or operator changes compliance methods, the owner or operator shall also perform the applicable compliance demonstrations of Subsections A through C of this Section again for the new compliance method, note the change in compliance method in the annual report required by Paragraph (3) of Subsection B of 20.2.51.206 NMAC, and maintain the records required by Paragraph (1) or (2) of Subsection A of this Section, as applicable, for the new compliance method.

**A.** For process controller designated facilities complying with the requirements of Subsection A of 20.2.51.201 NMAC, the owner or operator shall demonstrate that its process controller designated facility does not emit any methane to the atmosphere by meeting the following requirements:

**(1)** If the owner or operator complies by routing the emissions to a process, the owner or operator shall meet the requirements for closed vent systems specified in Subsection B of this Section.

**(2)** If the owner or operator complies by using self-contained natural gas-driven process controller(s), the owner or operator shall conduct an initial no identifiable emissions inspection required by Subsection B of 20.2.51.202 NMAC.

**B.** For each closed vent system used to comply with 20.2.51.201 NMAC, the owner or operator shall:

**(1)** Install a closed vent system that meets the requirements of Subsections A and B of 20.2.51.203 NMAC.

**(2)** Conduct the initial inspections of the closed vent system and bypasses, if applicable, as required in Subsections A and B of 20.2.51.202 NMAC.

**C.** The owner or operator shall submit the initial annual report for its process controller designated facility as required in Subsections A and B of 20.2.51.206 NMAC.

**D.** The owner or operator shall maintain the records as specified in Subsection A of 20.2.51.207 NMAC.

[20.2.51.204 NMAC – N, xx/xx/xxxx]

**20.2.51.205 DEMONSTRATING CONTINUOUS COMPLIANCE WITH THE METHANE STANDARDS FOR PROCESS CONTROLLER DESIGNATED FACILITIES:** To demonstrate continuous compliance with methane emission standards for its process controller designated facility as required by 20.2.51.201 NMAC, the owner or operator shall comply with the requirements of this Section.

**A.** The owner or operator shall demonstrate that its process controller designated facility does not emit any methane to the atmosphere by meeting the following requirements:

**(1)** If the owner or operator complies by routing the emissions to a process, the owner or operator shall comply with the closed vent system inspection and monitoring requirements of 20.2.51.202 NMAC.

**(2)** If the owner or operator complies by using self-contained natural gas-driven process controller(s), the owner or operator shall conduct the no identifiable emissions inspections required by Subsection B of 20.2.51.202 NMAC.

**B.** The owner or operator shall submit the annual report for its process controller designated facility as required in Subsections A through C of 20.2.51.206 NMAC, as applicable.

**C.** The owner or operator shall maintain the records as specified in 20.2.51.207 NMAC for each process controller designated facility, as applicable.

[20.2.51.205 NMAC – N, xx/xx/xxxx]

**20.2.51.206 REPORTING REQUIREMENTS FOR PROCESS CONTROLLER DESIGNATED FACILITIES:** The owner or operator shall submit annual reports containing the information specified in Subsections A and B of this Section by the means specified by the department. The initial annual report is due no later than 90 days after the end of the initial compliance period as determined according to 20.2.51.204 NMAC. Subsequent annual reports are due no later than the same date each year as the initial annual report. If the owner or operator owns or operates more than one process controller designated facility, the owner or operator may submit one report for multiple process controller designated facilities provided the report contains all of the information required as specified in Subsections A and B of this Section. Annual reports may coincide with title V reports as long as all the required elements of the annual report are included.

**A.** The following general information is required for all reports:

**(1)** The company name, facility site name associated with the process controller designated facility, US well number or US well number associated with the facility, if applicable, and address of the facility. If an address is not available for the site, include a description of the site location and provide the latitude and longitude coordinates of the site in decimal degrees to an accuracy and precision of five decimals of a degree using the North American datum of 1983.

**(2)** An identification of each process controller designated facility being included in the annual report.

**(3)** Beginning and ending dates of the reporting period.

**(4)** A certification by a company official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

**B.** For each process controller designated facility, the information specified in Paragraphs (1) and (2) of this Subsection is required in the owner or operator's initial annual report and in subsequent annual reports for each process controller designated facility that is constructed, modified, or reconstructed during the reporting period. Each annual report shall contain the information specified in Paragraphs (3) through (6) of this Subsection for each process controller designated facility.

**(1)** An identification of each existing process controller that is driven by natural gas, as required by Subsection C of 20.2.51.201 NMAC, that allows traceability to the records required in Paragraph (1) of Subsection A of 20.2.51.207 NMAC.

**(2)** For each process controller in the designated facility complying with Subsection A of 20.2.51.201 NMAC, the owner or operator shall report the following information, as applicable:

**(a)** An identification of each process controller complying with Paragraph (1) of Subsection A of 20.2.51.201 NMAC by routing the emissions to a process.

**(b)** An identification of each process controller complying with Paragraph (2) of Subsection A of 20.2.51.201 NMAC by using a self-contained natural gas-driven process controller.

**(3)** Identification of each process controller which changes its method of compliance during the reporting period and the applicable information specified in Paragraphs (4) through (6) of this Subsection for the new method of compliance.

**(4)** For each process controller in the designated facility complying with the requirements of Subsection A of 20.2.51.201 NMAC by routing the emissions to a process, the owner or operator shall report the information specified in Paragraphs (1) through (4) of Subsection C of this Section.

**(5)** For each process controller in the designated facility complying with the requirements of Subsection A of 20.2.51.201 NMAC by using a self-contained natural gas-driven process controller, the owner or operator shall report the following information:

**(a)** Dates of each inspection required under Subsection B of 20.2.51.202 NMAC; and

**(b)** Each defect or leak identified during each self-contained natural gas-driven process controller system inspection, and the date of repair or date of anticipated repair if repair is delayed.

**(6)** For each deviation that occurred during the reporting period, the date and time the deviation began, the duration of the deviation in hours, and a description of the deviation. If no deviations occurred during the reporting period, the owner or operator shall include a statement that no deviations occurred during the reporting period.

**C.** For each process controller which uses a closed vent system to route to a process, the owner or operator shall submit the following information:

**(1)** Dates of each inspection required under Subsections A and B of 20.2.51.202 NMAC.

**(2)** Each defect or emissions identified during each inspection and the date of repair or the date of anticipated repair if the repair is delayed.

**(3)** Date and time of each bypass alarm or each instance the key is checked out if the owner or operator is subject to the bypass requirements of Paragraph (3) of Subsection A of 20.2.51.202 NMAC.

**(4)** The owner or operator shall submit the certification signed by the qualified professional engineer or in-house engineer according to Subsection B of 20.2.51.203 NMAC for each closed vent system routing to a process in the reporting year in which the certification is signed.

[20.2.51.206 NMAC – N, xx/xx/xxxx]

**20.2.51.207 RECORDKEEPING REQUIREMENTS FOR PROCESS CONTROLLER DESIGNATED FACILITIES:** The owner or operator of a process controller designated facility shall maintain the records identified in this Section, as applicable, for at least five years.

**A.** For each process controller designated facility, the owner or operator shall maintain the following records:

**(1)** Records identifying each process controller that is driven by natural gas and that does not function as an emergency shutdown device.

**(2)** For each process controller designated facility complying with Subsection A of 20.2.51.201 NMAC, the owner or operator shall maintain records of the following information, as applicable.

**(a)** If the owner or operator is complying with Subsection A of 20.2.51.201 NMAC by routing process controller vapors to a process through a closed vent system, the owner or operator shall report the following information:

**(i)** An identification of all the natural gas-driven process controllers in the process controller designated facility for which the owner or operator collects and routes vapors to a process through a closed vent system.

**(ii)** The records specified in Subsections B through D of this Section.

**(b)** If the owner or operator is complying with Subsection A of 20.2.51.201 NMAC by using self-contained natural gas-driven process controller(s), the owner or operator shall report the following information:

**(i)** An identification of each process controller complying with Subsection A of 20.2.51.201 NMAC by using a self-contained natural gas-driven process controller.

**(ii)** Dates of each inspection required under Subsection B of 20.2.51.202 NMAC.

**(iii)** Each defect or leak identified during each self-contained natural gas-driven process controller system inspection, and date of repair or date of anticipated repair if repair is delayed.

**(3)** Records of each change in compliance method, including identification of each natural gas-driven process controller which changes its method of compliance, the new method of compliance, and the date of the change in compliance method.

**(4)** Records of each deviation, the date and time the deviation began, the duration of the deviation, and a description of the deviation.

**B.** For each closed vent system inspection required under 20.2.51.202 NMAC, the owner or operator shall maintain the following records:

**(1)** A record of each closed vent system inspection or no identifiable emissions monitoring survey. The owner or operator shall include an identification number for each closed vent system (or other unique identification description selected by the owner or operator), the date of the inspection, and the method used to conduct the inspection (*i.e.,* visual, AVO, OGI, US EPA method 21).

**(2)** For each defect or emissions detected during inspections required by 20.2.51.202 NMAC, the owner or operator shall record the location of the defect or emissions; a description of the defect; the maximum concentration reading obtained if using US EPA method 21; the indication of emissions detected by AVO if using AVO; the date of detection; the date of each attempt to repair the emissions or defect; the corrective action taken during each attempt to repair the defect; and the date the repair to correct the defect or emissions was completed.

**(3)** If repair of the defect is delayed as described in Paragraph (6) of Subsection B of 20.2.51.202 NMAC, the owner or operator shall record the reason for the delay and the date the owner or operator expects to complete the repair.

**(4)** Parts of the closed vent system designated as unsafe to inspect as described in Paragraph (7) of Subsection B of 20.2.51.202 NMAC or difficult to inspect as described in Paragraph (8) of Subsection B of 20.2.51.202 NMAC, the reason for the designation, and a written plan for inspection of that part of the closed vent system.

**C.** For each bypass subject to the bypass requirements of Paragraph (3) of Subsection A of 20.2.51.202 NMAC, the owner or operator shall maintain a record of the following, as applicable: readings from the flow indicator; each inspection of the seal or closure mechanism; the date and time of each instance the key is checked out; date and time of each instance the alarm is sounded.

**D.** For each closed vent system routing to a process, the records of the assessment conducted according to Subsection B of 20.2.51.203 NMAC:

**(1)** a copy of the assessment conducted according to Paragraph (1) of Subsection B of 20.2.51.203 NMAC; and

**(2)** a copy of the certification according to Paragraphs (2) and (3) of Subsection B of 20.2.51.203 NMAC.

[20.2.51.207 NMAC – N, xx/xx/xxxx]

**20.2.51.208-20.2.51.300 [RESERVED]**

**20.2.51.301 NONCOMPLIANCE:** Failure to comply with the requirements of this Part may subject the owner or operator to:

**A.** civil penalties of up to $15,000 for each day of noncompliance as provided for in the Air Quality Control Act, Section 74-2-12.1 NMSA 1978; and

**B.** the enforcement provisions of the Air Quality Control Act, Section 74-2-12 NMSA 1978.

[20.2.51.301 NMAC – N, xx/xx/xxxx]

**HISTORY OF 20.2.51 NMAC: [RESERVED]**