



Air Quality Bureau
NOTICE OF VIOLATION

TRACKING NUMBER:	USA-0141-2101	ICIS ENFORCEMENT ACTION ID:	NM000A200218379
COMPANY NAME:	United States Army	FACILITY NAME:	White Sands Missile Range
PERMIT(S):	P085-R3-M3	SOURCE CLASS:	Title V Major
INSPECTION DATES:	April 5 to 9, 2021	EARLIEST DISCOVERY:	February 16, 2021
SELF-REPORTED:	No	*NRV, FRV OR HPV:	HPV
FACILITY LOCATION:	9 miles E of Organ, NM 88001	CONTACT PERSON:	Jorge Uribe (915) 241-6379 Jorge.a.uribe2.civ@army.mil
MAILING ADDRESS:	100 Headquarters Avenue (AMIM-WSP-E-EC Bldg 163), WSMR, NM 88002	COUNTIES:	Doña Ana, Otero, Sierra, Socorro, Lincoln
AGENCY INTEREST #:	141	AQB AIRS #:	350130021

This Notice of Violation (NOV) is a written record of the AIR QUALITY BUREAU'S (AQB) finding that a violation of AIR QUALITY CONTROL REGULATIONS or AIR QUALITY PERMIT CONDITIONS has occurred. A Notice is issued each time a violation is observed or discovered. This NOV may subject you to monetary penalties through administrative, civil, or criminal prosecution.

*Each violation set forth in this NOV has been evaluated in accordance with the U.S. Environmental Protection Agency's (EPA) Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources (September 2014) and Timely and Appropriate Enforcement Response to High Priority Violations (August 2014). The overall assessment of this enforcement case reflects the highest level determined.

NRV: Non-Reportable Violation
FRV: Federally-Reportable Violation
HPV: High Priority Violation

If you have questions or believe any statement in this notice is erroneous, please contact Cember Hardison, Enforcement Specialist, at (505) 629-6688 or at cember.hardison@env.nm.gov. If you are represented by counsel, please contact Chris Vigil, Assistant General Counsel, at (505) 383-2060 or ChristopherJ.Vigil@env.nm.gov.

Air Quality Bureau Official

Date

Company:	United States Army	Inspection By:	Margaret Doyle
Facility:	White Sands Missile Range	Date of Discovery:	April 7, 2021
NOV #:	USA-0141-2101	NOV Prepared By:	Cember Hardison
Permit #:	P085-R3-M3	NRV, FRV or HPV:	FRV
Agency Interest #:	141	AQB AIRS #:	350130021

VIOLATION 1: Title V Permit P085-R3-M3 Specific Condition A115.C - *Facility Source Placeholder Requirements* and Specific Condition A1305.A - *Hours of Operation (2)*

Number of Claims: 1

Requirement:

Specific Condition A115.C states in relevant part, “Army owned and operated placeholders will be used to report operational emissions monitoring of army owned sources. The Facility will report engine serial numbers, make, model, and duration on-site to NMED in addition to the operational emissions monitoring semi-annually...”

Specific Condition A1305.A(2) states in relevant part, “...The Facility shall maintain records of each generator that utilizes PH-A, PH-B, PH-C, and PH-D, these records should include make, model, serial number, capacity, fuel type, and hours of operation of the facility. All records shall be maintained at the Facility and supplied to the New Mexico Environment Department upon request...”

Description:

On April 7, 2021, the AQB conducted an onsite Partial Compliance Evaluation (PCE) of the US Army’s White Sands Missile Range (WSMR). During the PCE, the AQB compliance inspector discovered one (1) engine, located at the USS-Desert Ship Facility, with an operational hour meter reading of 824.4 hours. The US Army had not submitted any records nor assigned a unit placeholder number to the engine under PH-A, PH-B, PH-C, and/or PH-D. When discovered, US Army staff said they were not aware that the engine existed or was operating on site. Information from the engine is summarized in the table below.

Unit Identification	Permit Place Holder #	Make; Model	Serial Number	capacity	Operating meter data	Location & Date Discovered
Generator #23269	None	McGraw-Edison Onan, model 17.5RDJF – 18R/3066AD	B850747 846	2 Kw/KVA 15	824.4 hours	April 7, 2021 USS-Desert Ship Facility

As of TV semiannual monitoring report received August 15, 2022 for period ending June 30, 2022 the US Army had not assigned a unit place holder nor reported any information for the McGraw-Edison engine.

Conclusion:

The failure of the US Army to assign a placeholder and provide all required records in the TV semiannual monitoring reports of the engine used at the WSMR and upon request are violations of Title V (TV) Permit P085-R3-M3, Specific Conditions A115.C and A1305.A.

Additional Information Required:

Within 15 days of receipt of this NOV, the US Army shall submit in writing the causes of this violation as well as the actions taken to prevent the recurrence of this violation that includes an explanation of why the engine has not been assigned a unit placeholder and reported to the AQB.

Company:	United States Army	Inspection By:	Margaret Doyle
Facility:	White Sands Missile Range	Date of Discovery:	April 15, 2021
NOV #:	USA-0141-2101	NOV Prepared By:	Cember Hardison
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VIOLATION 2: 40 CFR § 63.11111(h), Subpart CCCCCC: *National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities [GDF]*

Number of Claims: 2

Requirement:

40 CFR § 63.11111(h) states “Monthly throughput is the total volume of gasoline loaded into, or dispensed from, all the gasoline storage tanks located at a single affected GDF. If an area source has two or more GDF at separate locations within the area source, each GDF is treated as a separate affected source.”

40 CFR 63.11117(d) states, “You must have records available within 24 hours of a request by the Administrator to document your gasoline throughput.”

Description:

On February 16, 2021, the AQB received from the US Army, the TV semiannual monitoring report (Report) for WSMR covering operations from July 1, 2020 to December 31, 2020. The Report included monthly gasoline throughput records from January 2019 to December 2020 in “Section 13 NESHAP CCCCCC Monthly Gasoline Throughput” with records required by 40 CFR § 63.11111(e). Records of monthly gasoline loaded and gasoline dispensed were reported as a combined total for the two GDFs, units RC-2 and ST-4.

On April 15, 2021 the AQB and US Army had a conference call to review records. In response to AQB’s inquiry about the combined throughput, the US Army said they were aware reporting was not accurate, and chose to continue reporting the individual tank throughput volumes as a combined, averaged total.

40 CFR § 63, Subpart CCCCCC applies one of three emissions standards to a GDF based on monthly throughputs of < 10,000 gallons, ≥ 10,000 gallons, and ≥ 100,000 gallons. In Section 13 of the Report, the US Army reported for nine (9) months in 2019 a monthly combined throughput for RC-2 and ST-4 that was greater 10,000 gallon/month. Due to the combined reporting, compliance with the emission standards cannot be verified.

Conclusion:

The failure of the US Army to record the monthly gasoline throughput separately for the Rhodes Canyon GDF (Unit RC-2) and the Stallion GDF (Unit ST-4) is a violation of 40 CFR § 63.11111(h). Records for two GDFs represents two claims.

Additional Information Required:

Within 15 days of receipt of this NOV, the US Army shall submit in writing the causes of this violation as well as the actions taken to prevent the recurrence of this violation that includes an explanation of why it was reporting a combined monthly throughput for two separate GDFs.

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VIOLATION 3: Title V Permit P085-R3-M3 Specific Condition A1305.A *Hours of Operation*

Number of Claims: 6

Requirement:

Specific Condition A1305.A states, "Requirement: Internal Combustion units listed in Table 1301.A may operate at any time of the day, any day of the week. Based on a monthly rolling 12-month total, units shall be limited to the hours of operations as shown in Table 1301.A to demonstrate compliance with the emission limits shown in Tables 106.A and 1303.A."

Table 1301.A *Regulated Equipment List* limits the combined annual operating hours for all diesel generator engines in category PH-A to 8760 hours per year and in category PH-C to 3000 hours per year.

Description:

On February 16, 2021, the AQB received from the US Army the Report covering operations from July 1, 2020 to December 31, 2020. Attached to the Report was Section 5 "Monthly Operating Activities and Emissions by Source Category," with records of monthly operating hours for the PH-A and PH-C category diesel generator engines.

Six (6) times from August 2020 to December 2020 the US Army exceeded operating hour limits of the PH-A and PH-C engine categories.

Engine Category #	Month and Year	Table 1301.A Annual Operating Hour Limit	Monthly rolling 12-Month Operating Hours	Excess Monthly Operating Hours
PH-A-#	October 2020	8760	8795	35
PH-C-#	August 2020	3000	5699	2699
PH-C-#	September 2020	3000	5422	2422
PH-C-#	October 2020	3000	5666	2666
PH-C-#	November 2020	3000	5281	2281
PH-C-#	December 2020	3000	4514	1514

Conclusion:

The failure of the US Army to limit annual operating hours for engine categories PH-A and PH-C to the limits required by the permit are violations of TV Permit P085-R3-M3 Specific Condition A1305.A. The violation occurred over 1 month for PH-A engines (1 claim) and 5 months for PH-C engines (5 claims), for a total of six (6) claims.

Additional Information Required:

Within 15 days of receipt of this NOV, the US Army shall submit in writing the causes of this violation as well as the actions taken to prevent the recurrence of this violation that includes an explanation of why it failed to obtain pre-authorization through a permit application pursuant to 20.2.72.200.A(2) NMAC to increase operating hours.

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Permit #:	P085-R3-M3	NRV, FRV or HPV:	FRV
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VIOLATION 4: 40 CFR § 60.4243, Subpart JJJJ: *What are my compliance requirements if I am an owner or operator of a stationary SI internal combustion engine? (e)*

Number of Claims: 1

Requirement:

40 CFR § 60.4243, Subpart JJJJ states in relevant part, “(e) Owners and operators of stationary SI natural gas fired engines may operate their engines using propane for a maximum of 100 hours per year as an alternative fuel solely during emergency operations, but must keep records of such use. If propane is used for more than 100 hours per year in an engine that is not certified to the emission standards when using propane, the owners and operators are required to conduct a performance test to demonstrate compliance with the emission standards of § 60.4233.”

Description:

Since TV semiannual monitoring report ending December 2018, the US Army has reported incorrect engine specifications for Unit PHD-09, and has not provided records requested by the AQB needed to determine emissions standards in 40 CFR § 60, Subpart JJJJ or IIII and verify compliance.

The US Army first reported engine Unit PHD-09, as a natural gas fueled Cummins engine using a model number for a Cummins diesel fueled engine. In the Report received February 16, 2021, the US Army identified PHD-09 as a 48 hp, Cummins model CEX engine operating solely on alternative propane fuel. The US Army stated in that Report that they had included the engine’s certificate of conformity to emissions standards in Subpart JJJJ, but the certificate of conformity was not provided. Emergency engine operating hour records received from the US Army during the PCE on April 12, 2021 reflect Unit PHD-09 operating for 695 hours in 2020.

On April 5, 2021, during the on-site inspection at WSMR, the AQB compliance inspector discovered Unit PHD-09 with name plate specifications different than what was reported by the US Army. The onsite Unit PHD-09 was a 68 hp, Cummins 1300 Series, model GGMC-10451807 engine that could be EPA certified using natural gas or propane fuel.

To date, the US Army operates unit PHD-09 using exclusively propane fuel, has not provided the correct engine specifications, and has not provided an EPA certificate of conformity to emissions standards operating with alternative propane fuel.

Conclusion:

The failure of the US Army to limit operations of Unit PHD-09 using propane fuel to a maximum of 100 hours per year and solely during emergency operations is a violation of 40 CFR § 60, Subpart JJJJ 60.4243(e).

Additional Information Required:

Within 15 days of receipt of this NOV, the US Army shall submit the following information:

- a. A written description of the causes of this violation as well as the actions taken to prevent the recurrence of this violation that includes an explanation of why it is not identifying 40 CFR 60 Subpart JJJJ emissions standards nor keeping required records demonstrating compliance with standards.
- b. Provide a copy of EPA's certificate of conformity to emissions standards for unit PHD-09 and a photograph of the engine's name plate showing the engine's specifications.

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VIOLATION 5: Title V Permit P085-R3-M3, Specific Condition A111.B: *20.2.61 NMAC Opacity Requirements (Diesel fueled engines facility Wide) (2)* and General Condition B108.D *General Monitoring Requirements*

Number of Claims: 99

Requirement:

Specific Condition A111.B(2) states in relevant part “For emergency, standby, or limited use compression ignition engines that operate on a limited basis, the permittee shall, at least once during any year that the unit is operated and no less frequently than once every 5 years regardless of unit operation, measure opacity during steady state operation on each Unit for a minimum of 10 minutes in accordance with the procedures of 40 CFR 60, Appendix A, Method 9.”

General Condition B108.D, states in relevant part “The requirement for monitoring during any monitoring period is based on the percentage of time that the unit has operated. However, to invoke monitoring period exemptions at B108.D(2), hours of operation shall be monitored and recorded.

(1) If the emission unit has operated for more than 25% of a monitoring period, then the permittee shall conduct monitoring during that period.

(2) If the emission unit has operated for 25% or less of a monitoring period then the monitoring is not required. After two successive periods without monitoring, the permittee shall conduct monitoring during the next period regardless of the time operated during that period, except that for any monitoring period in which a unit has operated for less than 10% of the monitoring period, the period will not be considered as one of the two successive periods.

(3) ... Regardless of the time that a unit actually operates, a minimum of one of each type of monitoring activity shall be conducted during the five year term of this permit.”

Description:

In the Report received on February 16, 2021, the US Army stated in part, “Other than the three compliance deviations ... , there are three additional items to note: ... some power generators did not undergo an official Method 9 opacity assessment during the first semiannual reporting period... During the latter half of the year, a Method 9 opacity assessment was conducted for all affected power generators, and therefore, WSMR was in compliance with its opacity monitoring for the year...” The US Army did not identify the engine unit numbers for which no Opacity test was completed. The US Army also stated in comments for Specific Condition A111.B that, “If the emission unit is on an extended mission, and is therefore not readily available at Main Post for a Method 9 assessment during the last month of the quarter, the Method 9 assessment will instead be conducted once the unit returns to the Main Post from its mission support activity...”

There are no provisions in the permit that grant a six (6) month extension or allow delayed opacity tests for extended mission units. The US Army also appeared to invoke the monitoring exemptions at General Conditions B108.D, but did not provide dates of the last opacity tests or 5 (five) years of operating records pursuant to B108.D.

On April 12, 2021, the US Army provided records of 2019 and 2020 emergency engine operating hours. Listed below are each generator that operated in 2019 and/or 2020 with no Method 9 opacity test conducted:

- Units PH-C - 2020 – 01, 02, 03, 04, 06, 08, 09, 10, 13, 14, 19, 23, 27, 28, 29, 30, 31.
- Units MACT ZZZZ – 2019 - #EU-004, 005, 006, 009, 016, 018, 019, 020, 021, 022, 023, 027, 030, 031, 032, 036, 046, 047, 048, 049, 068, 072, 073, 088, 109, 111, 117, 135, 138, 140, 144, 146, 150, 152, 155, 165, 170, 171, 174, 176, 196, 198, 200
- Units MACT ZZZZ – 2020 – #EU-016, 018, 019, 020, 021, 022, 023, 027, 030, 031, 032, 036, 046, 047, 048, 049, 068, 072, 073, 088, 109, 111, 117, 132, 135, 138, 140, 144, 146, 150, 152, 155, 165, 170, 171, 174, 176, 198, 200

Conclusion:

The failure of the US Army to conduct EPA Method 9 opacity tests on engines that operated in 2019 and 2020 are violations of TV Permit P085R3M3, Specific Condition A111.B(2). Missing opacity tests for 99 engines results in 99 claims.

Additional Information Required:

Within 15 days of receipt of this NOV, the US Army shall submit in writing the causes of this violation as well as the actions taken to prevent the recurrence of this violation that includes an explanation of why it does not complete EPA Method 9 opacity tests according to the schedule required by the permit and does not report missed tests as deviations or why it does not submit complete documentation to support its claims.

Company:	United States Army	Inspection By:	Margaret Doyle
Facility:	White Sands Missile Range	Date of Discovery:	April 12, 2021
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Permit #:	P085-R3-M3	NRV, FRV or HPV:	FRV
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VIOLATION 6: New Mexico Administrative Code (NMAC) 20.2.72.200.E *Application for Construction, Modification, NSPS and NESHAP – Permits and Revisions; and 20.2.72.200 NMAC Applications for Construction, Modification, ... Permits and Revisions, A(2)*

Number of Claims: 2

Requirement:

NMAC 20.2.72.200.E states “For all sources subject to this Part, applications for permits shall be filed prior to the commencement of the construction, modification or installation. Regardless of the anticipated commencement date, no construction, modification or installation shall begin prior to issuance of the permit.”

NMAC 20.2.72.200.A states in part, “Permits must be obtained from the department by: ... (2) Any person modifying a stationary source when all of the pollutant emitting activities at the entire facility, either prior to or following the modification, emit a regulated air contaminant for which there is a ... Ambient Air Quality Standard with a potential emission rate greater than 10 pounds per hour or 25 tons per year and the regulated air contaminant is emitted as a result of the modification...”

NMAC 20.2.72.202.B(3) states in part, “The following exemptions are made to the following requirements of 20.2.72.200 NMAC - 20.2.72.299 NMAC...”

B. The presence of the following new or modified sources and activities at the facility shall be reported as provided for in the permit application forms supplied by the department... Construction of such sources or commencement of such activities after issuance of the permit shall be subject to the administrative permit revision procedures in 20.2.219 NMAC.

(3) Standby generators which are:

- (a) Operated only during the unavoidable loss of commercial utility power;
- (b) Operated less than 500 hours per year; and
- (c) .. are:

- (ii) Accompanied by sufficient record keeping to verify that the standby generator is operated less than 500 hours per year;”

NMAC 20.2.70.300 NMAC states in relevant part, “D ... An applicant may not omit information needed to determine the applicability of, or to impose, any applicable requirement... All applications shall meet the following requirements... (11) For sources that are not in compliance with all applicable requirements at the time of permit application, provide a compliance plan ... ”

Description:

During the 2019 and 2020 PCEs, the AQB requested records for emergency engines that the US Army reported as meeting the criteria for standby generators pursuant to 20.2.72.202.B(3) NMAC, that are exempt from construction permits. The US Army did not provide all requested records needed for the AQB to verify exempt status.

For the 2021 PCE on March 30, 2021, the AQB once again requested records and copies of approved Notices of Exemptions (NOE) for emergency engines that the US Army reported meeting the construction permit exempt criteria at 20.2.72.202.B(3) NMAC. On April 12, 2021 the US Army responded by email with a spreadsheet of 2019 and 2020 engine operating hours, stating in part “WSMR takes the position that its emergency generators are truly that – emergency generators.” The US Army provided no copies of approved NOEs or construction permits authorizing installation of the engines.

According to the spreadsheet, six (6) emergency engines operated more than 500 hours per year in 2019 and/or 2020. The below table lists the engines and operating hours.

Emergency Engine Unit	2019 Operating Hours	2020 Operating Hours
PHC-22	665	408
PHC-39	936	501
PHC-40	625	439
PHD-09	26	695
EU-031	29	4606
EU-073	97	699

On November 22, 2021, the AQB received the US Army’s TV permit renewal application, now reporting in Table 2-B a total of 106 construction permit exempt engines meeting the standby generator criteria in 20.2.72.202.B(3) NMAC as follows:

- 53 “Existing Institutional Emergency Power Generators”, Units EU-04 to EU-206
- 53 “Emergency Power Generators”, Units PHC-01 to PHC-42 and PHD-01 to PHD-11

In the application, the US Army certified that the six engines exceeding 500 operating hours were construction permit exempt. On January 18, 2022, the AQB ruled the application incomplete due to several unauthorized engines reported in the application (engines for which no notices of exemption (NOE) or construction permits have been approved). The AQB notified the US Army to submit, by March 4, 2022, approved NOEs and/or construction permits pursuant to 20.2.72 NMAC, or a compliance plan pursuant to 20.2.70.300.D(11) NMAC – *Content of application*.

On March 10, 2022, the AQB received a compliance plan indicating the US Army would submit an administrative permit revision for construction permit exempt engines by April 15, 2022. Administrative permit revisions were received on May 6, 2022.

Conclusion:

The failure of WSMR to apply for and obtain construction permit approval prior to constructing or modifying regulated engines at the WSMR are violations of 20.2.72.200.E NMAC. Six engines were constructed without a permit resulting in six incidents of this violation. However, the AQB and US Army agreed to extend the compliance order deadline for only two engines, representing two claims.

Additional Information Required:

Within 15 days of receipt of this NOV, the US Army shall submit in writing the causes of this violation as well as the actions taken to prevent the recurrence of this violation that includes an explanation of why it has failed to obtain pre-construction permit or exemption approval for hundreds of engines operating at WSMR.

Company:	United States Army	Inspection By:	Margaret Doyle
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Permit #:	P085-R3-M3	NRV, FRV or HPV:	HPV
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VIOLATION 7: Title V Permit P085-R3-M3, Specific Condition A116.A *Facility Insignificant Activities Requirements* and NMAC 20.2.70.300.D *Content of application*

Number of Claims: 53

Requirement:

Specific Condition A116.A states in relevant part, “The Facility will keep records on all insignificant operations as defined by 20.2.70.300 NMAC.... The Facility shall maintain all records required by 20.2.70.300 NMAC Section D.6, these records will remain on site. The Facility will be required to present these records upon inspection.”

20.2.70.300.D NMAC *Content of Application* states in relevant part, “Any person seeking a permit under this part shall do so by filing a written application with the department... An applicant may not omit information needed to determine the applicability of, or to impose, any applicable requirement... All applications shall meet the following requirements.

(6) Provide a list of insignificant activities (as defined in 20.2.70.7 NMAC) at the source, their emissions, to the extent required by the department, and any information necessary to determine applicable requirements.”

NMED-AQB Operating Permit Program List of Insignificant Activities, dated March 24, 2005 states in relevant part,

“Insignificant activities are those activities, which are listed herein by the Environment Department and approved by the Administrator of the US Environmental Protection Agency as insignificant... Any activity for which applicable requirements apply, is not insignificant, regardless of whether the activity meets the criteria listed below...

Item 7. Emergency generators which on a temporary basis replaces equipment used in normal operation, and which ... does not operate for a period exceeding 500 hours per calendar year...”

Description:

During the 2019 and 2020 PCEs, the AQB requested records for emergency engines that the US Army has reported as TV insignificant. Specifically, the US Army has reported the engines used and operated according to the criteria found at item 7 of the AQB’s list of Insignificant Activities. The US Army also asserted that the engines have no TV applicable requirements preventing them from being TV insignificant, because they are “exempt” from 40 CFR 63, Subpart ZZZZ by operating pursuant to § 63.6585(f)(3) as existing, institutional emergency generators located at an area source of hazardous air pollutants (HAP). Owner/operators of emergency generators must keep operating records according to

§ 63.6655(f) and if they do not operate them according to requirements in § 63.6640(f) they are not considered emergency engines, and must meet the requirements of non-emergency engines.

The US army did not provide all information requested during 2019 and 2020 PCEs needed to determine if the engines operate according to item 7 on the TV Insignificant Activities list and to determine all TV applicable requirements that may apply.

On March 30, 2021 the AQB requested equipment information, emissions calculations, and other records required by 20.2.70.300.D NMAC and Specific Condition A116.A.

On April 6, 2021, the US Army responded by email stating in part, “General comment on overall Insignificant Activities: As previously mentioned (throughout ... inspection visits over the past few years), WSMR has not historically attempted to itemize all equipment associated with insignificant activities...”

On April 12, 2021, the US Army provided a spreadsheet with 2019 and 2020 emergency engine operating hours reporting two (2) engines identified as TV insignificant operating more than 500 hours in 2020 (see the below table). Once again, the US army did not provide all requested information the AQB requires to determine all TV applicable requirements.

Emergency Engine Unit	2020 Operating Hours (weeks)
EU-031	4606 (27)
EU-073	699 (4)

On November 22, 2021, the AQB received the US Army’s TV permit renewal application reporting in Table 2-B, 53 “Existing Institutional Emergency Power Generators”, Units EU-04 to EU-206, listed as TV insignificant per item 7 and Subpart ZZZZ “exempt” per § 63.6585(f)(3). The US Army included and certified that the two (2) engines exceeding 500 operating hours met the TV insignificant item 7 criteria and provided no records documenting that any of the engines were TV insignificant.

Conclusion:

The failure of the US Army to provide required records to verify engines qualify as TV insignificant are violations of TV Permit P085-R3-M3, Specific Condition A116.A and 20.2.70.300.D NMAC. Failure to provide required records for 53 engines represents 53 claims.

Additional Information Required:

Within 15 days of receipt of this NOV, the US Army shall submit in writing the causes of this violation as well as the actions taken to prevent the recurrence of this violation that includes an explanation of why it has not attempted to track TV insignificant activities.

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VIOLATION 8: Title V Permit P085-R3-M3, Specific Condition A1306.A *Maintenance and Repair Monitoring*

Number of Claims: 6

Requirement:

Specific Conditions A1306.A states “Monitoring: Maintenance and repair shall meet the minimum manufacturer’s or permittee’s recommended maintenance schedule...”

Description:

The US Army engine Maintenance Plan stipulates that process generators must receive an oil and filter change annually, not to exceed 1,000 operating hours. Emergency/standby engines must receive an oil and filter change annually, not to exceed 500 operating hours.

On February 16, 2021, the AQB received from the US Army, the Report covering operations from July 1, 2020 to December 31, 2020. Under Compliance Deviations in the Report, the US Army reported five (5) emergency engines and one (1) process engine failing to receive oil and filter changes by their operating hour deadlines.

The table below lists the engines and operating hours before oil and filter change.

Unit ID	Oil/filter change due - operating hours	Oil/filter change completed – operating hours
PHC-22	500	971
PHC-35	500	576
PHC-36	500	583
PHC-39	500	845
PHC-41	500	529
PHA-0	1000	1140

On April 10, 2021, the US Army provided maintenance records confirming maintenance was not completed by required deadlines.

Conclusion:

The failure of WSMR to conduct mandatory maintenance on five emergency engines and one process engine pursuant to the US Army maintenance plan, are violations of P085R3M3, Specific Condition A1306.A. Late oil and filter changes occurred with six (6) engines, representing six claims.

Additional Information Required:

Within 15 days of receipt of this NOV, the US Army shall submit in writing the causes of this violation as well as the actions taken to prevent the recurrence of this violation that includes an explanation of why it did not complete required engine maintenance.

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VIOLATION 9: Title V Permit P085-R3-M3, General Condition B112.A *Compliance*

Number of Claims: 7

Requirement:

General Condition B112.A states, “The Department shall be given the right to enter the facility at all reasonable times to verify the terms and conditions of this permit. Required records shall be organized by date and subject matter and shall at all times be readily available for inspection. The permittee, upon verbal or written request from an authorized representative of the Department who appears at the facility, shall immediately produce for inspection or copying any records required to be maintained at the facility. Upon written request at other times, the permittee shall deliver to the Department paper or electronic copies of any and all required records maintained on site or at an off-site location. Requested records shall be copied and delivered at the permittee’s expense within three business days from receipt of request unless the Department allows additional time... (NMSA 1978, Section 74-2-13)”

Description:

Before and during the April 2021 PCE, the US Army failed to submit required records to the AQB as follows.

Engine Unit PHD-09: To date after multiple requests, the US Army has not reported the correct specifications nor provided an EPA certificate of conformity to emissions standards in 40 CFR § 60.

- In 2018 US Army incorrectly reported engine Unit PHD-09 as a natural gas fueled engine using a diesel engine model number as follows: 73 hp, Cummins model QS85-G3 NR3, subject to 40 CFR § 60, Subpart JJJJ.
- During 2019 and 2020 PCEs the AQB requested, but did not receive, a copy of the EPA certificate of conformity and corrections to PHD-09 specifications.
- In the Report, US Army incorrectly reported PHD-09 as a 48 hp, Cummins model CEX engine, fueled with propane, stating that a copy of the certificate of conformity was included. The certificate of conformity was not provided.
- On April 14, 2021 in response to AQB’s 2021 PCE records request, the US Army responded with no records, stating, “Engine nameplate information has been provided to NMED. This information includes the engine manufacturer date for all affected sources. I believe NMED has previously received the corresponding certification of conformity for all affected sources, from previous request.”
- On April 15, 2021, the AQB found engine unit PHD-09 during the onsite inspection with name plate specifications different than identified in the Report received February 16, 2021. The onsite unit PHD-09 is a 68 hp, Cummins 1300 Series, model GGMC-10451807 engine that can be EPA certified using natural gas or propane fuel.

Boiler Units 844 and 845: The US Army did not submit 2020 annual inspection records in the Report, required by TV Permit P085-R3-M3, Specific Condition A905.B.

- On April 15, 2021 the AQB asked for the missing inspection records during a conference call for the 2021 PCE. US Army staff responded saying that no inspections were conducted in 2020 on boiler units 844 and 845.
- On January 11, 2022, the AQB received the US Army 2020 inspection records for boiler Units 844 and 845.

2021 PCE Inspection and Records Request: The US Army did not provide required records.

- March 24, 2021, AQB contacted US Army by phone to arrange the 2021 AQB PCE. The US Army responded saying that AQB had previously seen all regulated equipment and that it was not necessary for the AQB to see the facility or equipment again.
- March 30, 2021, AQB issued a records request to the US Army with a deadline of April 6, 2021, pursuant to General Condition B112.A and State statute NMSA 74-2-13 *Inspection*.
- April 6, 2021, US Army provided no records, stating in part, "Just took a quick look at your info request. Will be responding to your records request once we complete this week's field inspection."
- April 10, 2021, US Army provided engine maintenance records (item 5 request) four (4) days late.
- April 12, 2021, US Army provided no records to item 1 request, stating in part, "... From my perspective, these items only cover a small (even tiny) fraction of insignificant sources through the installations...WSMR does not itemize portable process generators <200 hp. There are likely multiple hundreds of units throughout the range, ..."
- April 14, 2021, US Army provided no records to requests under items 6 and 7, stating in part, "Engine nameplate information has been provided to NMED... No initial reporting applies" and "I believe NMED has previously received the corresponding certificates of conformity for all affected sources, from previous requests. No initial reporting applies."

Conclusion:

The failure of the US Army to make records readily available at all times and to deliver copies of all required records by the requested deadlines are violations of TV permit P085-R3-M3 General Condition B112.A. Providing no or late records for units PHD-09, 844, and 845; and items 1, 5, 6 and 7 in the 2021 PCE records request represents 7 (seven) claims.

Additional Information Required:

Within 15 days of receipt of this NOV, the US Army shall submit in writing the causes of this violation as well as the actions taken to prevent the recurrence of this violation that includes an explanation of why it does not provide records required by the TV permit and applicable State and federal regulations.

ADDITIONAL INFORMATION VERIFICATION

This form must be completed and signed by the facility's Responsible Official (Title V) and returned within 15 days of the issuance of the Notice of Violation. Submit information according to the instructions in the NOV cover letter and according each violation's instructions. Submit this form and all required documentation to:

Cember Hardison
Cember.hardison@env.nm.gov

I hereby verify that the US Army has provided the required additional information outlined in this Notice of Violation. All required documentation has been submitted within 15 days of receipt of the Notice of Violation.

Signature
Printed Name:
Title:

Date

VIOLATION 1: Title V Permit P085-R3-M3 Specific Conditions A115.C and 1305.A: Failure to use placeholders and provide all required records of all engines used at the WSMR

Additional Information Required:

Within 15 days of receipt of this NOV, the US Army shall submit in writing the causes of this violation as well as the actions taken to prevent the recurrence of this violation that includes an explanation of why the engine has not been assigned a unit placeholder and reported to the AQB.

1. Cause(s) of violation:

2. Actions taken to prevent recurrence:

VIOLATION 2: 40 CFR § 63.11111(h) and 40 CFR § 63.11117(d): Failure to record the monthly gasoline throughput separately for the Rhodes Canyon GDF (Unit RC-2) and the Stallion GDF (Unit ST-4)

Additional Information Required:

Within 15 days of receipt of this NOV, the US Army shall submit in writing the causes of this violation as well as the actions taken to prevent the recurrence of this violation that includes an explanation of why it was reporting a combined monthly throughput for two separate GDFs.

1. Cause(s) of violation:

2. Actions taken to prevent recurrence:

VIOLATION 3: Title V Permit P085-R3-M3 Specific Condition A1305.A: Failure to limit annual operating hours for engine categories PH-A and PH-C to the limits required by the permit

Additional Information Required:

Within 15 days of receipt of this NOV, the US Army shall submit in writing the causes of this violation as well as the actions taken to prevent the recurrence of this violation that includes an explanation of why it failed to obtain pre-authorization through a permit application pursuant to 20.2.72.200.A(2) NMAC to increase operating hours.

1. Cause(s) of violation:

2. Actions taken to prevent recurrence:

VIOLATION 4: 40 CFR § 60.4243, Subpart JJJJ: Failure to limit operations of Unit PHD-09 using propane fuel to a maximum of 100 hours per year and solely during emergency operation

Additional Information Required:

1. Within 15 days of receipt of this NOV, the US Army shall submit the following information:
 - a. A written description of the causes of this violation as well as the actions taken to prevent the recurrence of this violation that includes an explanation of why it is not identifying 40 CFR 60 Subpart JJJJ emissions standards nor keeping required records demonstrating compliance with standards.
 - b. Provide a copy of EPA's certificate of conformity to emissions standards for unit PHD-09 and a photograph of the engine's name plate showing the engine's specifications.

1. Cause(s) of violation:

2. Actions taken to prevent recurrence:

VIOLATION 5: Title V Permit P085-R3-M3, Specific Condition A111.B(2) and General Condition B108.D: Failure to conduct EPA Method 9 opacity tests on engines that operated in 2019 and 2020

Additional Information Required:

Within 15 days of receipt of this NOV, the US Army shall submit in writing the causes of this violation as well as the actions taken to prevent the recurrence of this violation that includes an explanation of why it does not complete EPA Method 9 opacity tests according the schedule required by the permit and does not report missed tests as deviations; or why it does not submit complete documentation to support its claims.

1. Cause(s) of violation:

2. Actions taken to prevent recurrence:

VIOLATION 6: New Mexico Administrative Codes (NMACs) 20.2.72.200.E and 20.2.72.200.A(2):
Failure to apply for and obtain construction permit approval before constructing or
modifying regulated engines

Additional Information Required:

Within 15 days of receipt of this NOV, the US Army shall submit in writing the causes of this violation as well as the actions taken to prevent the recurrence of this violation that includes an explanation of why it has failed to obtain pre-construction permit or exemption approval for hundreds of engines operating at WSMR.

1. Cause(s) of violation:

2. Actions taken to prevent recurrence:

VIOLATION 7: Title V Permit P085-R3-M3, Specific Condition A116.A and 20.2.70.300.D NMAC:
Failure to provide required records to verify engines qualify as TV insignificant

Additional Information Required:

Within 15 days of receipt of this NOV, the US Army shall submit in writing the causes of this violation as well as the actions taken to prevent the recurrence of this violation that includes an explanation of why it has not attempted to track TV insignificant activities.

1. Cause(s) of violation:

2. Actions taken to prevent recurrence:

VIOLATION 8: Title V Permit P085-R3-M3, Specific Condition A1306.A: Failure to conduct mandatory maintenance on five (5) emergency engines and one (1) process engine pursuant to the US Army maintenance plan

Additional Information Required:

Within 15 days of receipt of this NOV, the US Army shall submit in writing the causes of this violation as well as the actions taken to prevent the recurrence of this violation that includes an explanation of why it did not complete required engine maintenance.

1. Cause(s) of violation:

2. Actions taken to prevent recurrence:

VIOLATION 9: Title V Permit P085-R3-M3, General Condition B112.A: Failure to make records readily available at all times and to deliver copies of all required records by the requested deadlines

Additional Information Required:

Within 15 days of receipt of this NOV, the US Army shall submit in writing the causes of this violation as well as the actions taken to prevent the recurrence of this violation that includes an explanation of why it does not provide records required by the TV permit and applicable State and federal regulations.

1. Cause(s) of violation:

2. Actions taken to prevent recurrence: