



New Mexico Environment Department Testimony in EIB 21-27 (R)

Elizabeth Bisbey-Kuehn
&
Brian Palmer

Section 20.2.50.112 – General Provisions



Applicability and Summary of General Requirements

- ❑ Establishes a universal set of requirements applicable to all sources, including general operational, monitoring, recordkeeping, and reporting requirements
- ❑ Establishes work practice standards and requirements to operate equipment in accordance with manufacturer specifications
- ❑ NMED received several comments on this section and made revisions to clarify what specifications may be followed to ensure equipment is properly operated and maintained

20.2.50.112 GENERAL PROVISIONS:

A. General requirements:

(1) Sources subject to emissions standards and requirements under this Part shall be operated and maintained consistent with manufacturer specifications, ~~and or~~ good engineering ~~and~~ ~~and~~ maintenance practices. When used in this Part, the term manufacturer specifications means either the original equipment manufacturer (or successor) emissions related design specifications, maintenance practices and schedules, or an alternative set of specifications, maintenance practices and schedules sufficient to operate and maintain such sources in good working order, which have been approved by qualified maintenance personnel based on engineering principles and field experience. ~~–The owner or operator shall keep manufacturer specifications on file when available, as well as any alternative specifications that are being followed, and maintenance practices on file and make them available upon request by the department. For sources constructed prior to 1980 for which no manufacturer specifications and maintenance practices are available, the owner or operator shall develop and follow a maintenance schedule sufficient to operate and maintain such units in good working order. The owner or operator shall keep such maintenance schedules on file and make them available to the department upon request. The terms of 20.2.50.112.A(1) apply any time reference to manufacturer specifications occurs in this Part.~~



Summary of General Requirements

- ❑ Establishes general duty clause to minimize emissions
- ❑ Requirement to develop a database system capable of storing information for sources subject to this Part
- ❑ Equipment Monitoring Tag Requirements have been removed

(2) Sources, -including associated air pollution control equipment and monitoring equipment, subject to emission standards or requirements under this Part shall at all times, including periods of startup, shutdown, and malfunction, be operated and maintained in a manner consistent with safety and good air pollution control practices for minimizing emissions of VOC and NO_x. During a period of startup, shutdown, or malfunction, this general duty to minimize emissions requires that the owner or operator reduce emissions from the affected source to the greatest extent which is consistent with safety and good air pollution control practices. The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. The terms of 20.2.50.112.A(2) apply any time reference to minimizing emissions occurs in this Part. ~~subject to emission standards or requirements under this Part shall be operated to minimize emissions of air contaminants, including VOC and NO_x.~~

(3) Within two years of the effective date of this Part, owners and operators of a source requiring equipment monitoring, testing, or inspection shall develop and implement a database system capable of storing information for each source in a manner consistent with this section. ~~an Equipment Monitoring Tag (EMT) shall physically tag each unit with an EMT, the format of which shall be either RFID, QR, or bar code such that, when scanned it provides a unique identifier of the source. This unique identifier shall act as an index to the source's record of the data required by this Part. The owner or operator shall maintain information regarding each source requiring equipment monitoring, testing, or inspection in a database system, including~~ The EMT shall be maintained by the owner or operator, and data in the EMT shall provide at a minimum, the following information:



Summary of General Requirements

- NMED made edits to clarify the location information required and clarified what type of emissions data must be kept
- Removed the requirement to have a scannable Equipment Monitoring Tag
 - (a) unique ~~unit~~ identification number;
 - (b) location (latitude and longitude) of the source;
 - (c) type of source (e.g., tank, VRU, dehydrator, pneumatic controller, etc.);
 - (d) for each source, the controlled VOC (and NO_x, if applicable) emissionsPTE in lbs./hr. and tpy;
 - (e) for a control device, the controlled VOC and NO_x emissionsPTE in lbs./hr. and tpy;
 - (f) make, model, and serial number; and
 - (g) a link to the manufacturer's maintenance schedule or repair recommendations, or company-specific operational and maintenance practices.
- (4) The database system(s) ~~EMT~~ shall be ~~installed and~~ maintained by the owner or operator of the facility.
- ~~(5) The EMT shall be of a format scannable by an owner or operator's authorized representatives and, upon scanning, shall provide unique identifier that shall index the source's record of the data required by this Part.~~
- (56) The owner or operator shall manage the source's record of data in the ~~a~~ database system(s). The owner or operator shall ~~that is able to~~ generate a Compliance Database Report (CDR) from the information in the database system. The CDR is an electronic report maintained by the owner or operator and that can generated by the owner or operator's database and be submitted to the department upon request. ~~The format of the CDR shall be determined by the department.~~
- (67) The CDR is a report distinct from the owner or operator's database system(s). The



Summary of General Requirements

- ❑ NMED made edits to clarify that an owner must be able to access the input data, but that the access is not required at any time at any location
- ❑ Clarified that final reports should be entered within 3 business days
- ❑ Clarified that NMED will develop a list of approved technologies to comply with the date and time stamp requirement. Provision gives owners 3 months to comply with those technologies

department does not require access to the owner or operator's database system(s), only the CDR.

~~(78) If read by the owner or operator's authorized representative must be able to access and input data in the, the EMT shall access the owner or operator's database system(s) record for that source. That access is not required to be at any time from any location.~~

~~(89) The owner or operator shall contemporaneously track each compliance monitoring event for each source subject to the EMT requirements of this Part, and shall comply with the following:~~

~~(a) data gathered during each monitoring or testing event shall be contemporaneously uploaded into the database as soon as practicable, but no later than three business days of each compliance event, and when the final reports are received;~~

~~(b) certain sections of this Part require a date and time stamp, including a GPS display of the location, for certain monitoring events. By January 1, 2023, the department shall finalize a list of approved technologies to comply with this requirement and shall post the approved list on its website. Owners and operators shall comply with this requirement using an approved technology by April 1, 2023. Prior to April 1, 2023, owners and operators may comply with this requirement by making a written or electronic record of the date and time of any affected monitoring event; and~~

~~(c) data required by this Part shall be maintained in the database system(s) for at least five years.~~



Summary of General Requirements

- ❑ Added a provision that NMED may only request a third-party audit only once per year and owners may request a hearing on whether good cause was shown or whether the recommendations must be implemented
- ❑ Added a provision to clarify that where federal provisions are references, the references refer to the federal regulations that were in effect at the time of the effective date of this Part
- ❑ Added a provision that owners must determine applicability of this Part prior to modifying equipment

~~(210)~~ The department may request that an owner or operator retain a third party at their own expense to verify any data or information collected, reported, or recorded pursuant to this Part, and make recommendations to correct or improve the collection of data or information. Such requests may be made no more than once per year. The owner or operator shall submit a report of the verification and any recommendations made by the third party to the department by a date specified and implement the recommendations in the manner approved by the department. The owner or operator may request a hearing on whether good cause was demonstrated or whether the recommendations approved by the department must be implemented.

(10) Where Part 50 refers to applicable federal standards or requirements, the references refer to the applicable federal standards or requirements that were in effect at the time of the effective date of this Part.

(11) Prior to modifying an existing source, including but not limited to increasing a source's throughput or emissions, the owner or operator shall determine the applicability of this Part in accordance with 20.2.50.111(B) NMAC.



Summary of General Monitoring Requirements

- Added a provision to clarify the term “monitoring” when used in this Part
- Added language to clarify the Alternative Monitoring Strategy is only applicable to the section on equipment leaks and repair requirements

B. Monitoring requirements:

(1) Unless otherwise specified, the term monitoring as used in this Part includes, but is not limited to, monitoring, testing, or inspection requirements.

(2) Sources subject to emission standards and monitoring ~~(e.g. inspection, testing, parametric monitoring)~~ requirements under this Part shall be inspected monthly to ensure proper maintenance and operation, unless a different schedule is specified in the Section applicable to that source type. If the equipment is shut down at the time of required periodic testing, monitoring, or inspection, the owner or operator shall not be required to restart the unit for the sole purpose of performing the testing, monitoring, or inspection, but shall note the shut down in the records kept for that equipment for that monitoring event.

(32) An owner or operator may submit for the department’s review and approval an equally effective, enforceable, and equivalent alternative monitoring strategy under 20.2.50.116 NMAC. Such requests shall be made on an application form provided by the department. The department shall issue a letter approving or denying the requested alternative monitoring strategy. An owner or operator shall comply with the default monitoring requirements required under 20.2.50.116 NMAC ~~the applicable Section~~ and shall not operate under an alternative monitoring strategy until it has been approved by the department.



Summary of General Monitoring Requirements

- Revised the requirement to clarify that owners, operators, or authorized representatives must monitor as required by the applicable sections of this Part
- Revised to delete duplicative requirements, as those are specified in each applicable section

~~(43) For each monitoring event, the owner, operator, or authorized representative (e.g., testing, inspection, parametric monitoring) shall monitor as required by the applicable sections of this Part. be initiated by an initial scanning of the EMT, the results of which shall then be directly uploaded into the database or temporarily into the handheld or other device. Upon completion of the monitoring event, a final scanning of the EMT shall terminate the monitoring event. At a minimum, the uploaded data shall include:~~

- ~~_____ (a) date and time of the testing, monitoring, or inspection event;~~
- ~~_____ (b) name of the personnel conducting the testing, monitoring, or inspection;~~
- ~~_____ (c) identification number and type of unit;~~
- ~~_____ (d) a description of any maintenance or repair activity conducted; and~~
- ~~_____ (e) results of testing, monitoring, or inspection as required under this Part.~~

C. Recordkeeping requirements:



General Recordkeeping Requirements

- Revised the recordkeeping requirement to clarify that owners, operators, or authorized representatives must record data as required by the applicable sections of this Part
- Deleted the second sentence of Paragraph 2, as NMED can already do so without this provision
- Added a requirement to conduct an annual compliance certification of all terms, conditions and requirements

(1) Within three business days of a monitoring event and when final reports are received, an electronic record shall be made of the monitoring event and shall include the information required by the applicable sections of this Part.~~following data:~~

- ~~(a) date and time of the testing, monitoring, or inspection event;~~
- ~~(b) name of the personnel conducting the testing, monitoring, or inspection;~~
- ~~(c) identification number and type of unit;~~
- ~~(d) a description of any maintenance or repair activity conducted; and~~
- ~~(e) results of any testing, monitoring, or inspections required under this Part.~~

(2) The owner or operator shall keep an electronic record required by this Part for five years. ~~The department may treat loss of data or failure to maintain a record, including failure to transfer a record upon sale or transfer of ownership or operating authority, as a failure to collect the data.~~

~~(3) By March 1 of each calendar year, the owner or operator shall conduct a compliance evaluation and prepare an electronic record certifying the compliance status of each source subject to this Part with all terms, conditions, and applicable requirements of this Part. The compliance evaluation and certification shall include all sources subject to this Part for the previous calendar year.~~

~~(3) Before the transfer of ownership of equipment subject to this Part, the current owner or operator shall conduct and document a full compliance evaluation of such equipment. The documentation shall include a certification by a responsible official as to whether the equipment is in compliance with the requirements of this Part. The compliance determination shall be conducted no earlier than three months before the transfer of ownership. The owner or operator shall keep the full compliance evaluation and certification by the responsible official for for five years.~~



General Reporting Provisions and Definition of "Construction"

- Revised the reporting requirement to provide 3 business days to comply with a department request for information on a source
- Added a provision to allow additional time, if appropriate, to produce records if the department requests such information on multiple facilities

———**D.** **Reporting requirements:** Within three business days~~24 hours~~ of a request by the department, the owner or operator shall for each ~~unit~~source subject to the request, provide the requested information ~~either by~~by electronically submitting a CDR to the department's Secure Extranet Portal (SEP), or by other means and formats specified by the department in its request. If the department requests a CDR from multiple facilities, additional time may be given as appropriate.

J. **"Construction"** means fabrication, erection, or installation ~~or relocation~~ of a stationary source, including but not limited to temporary installations and portable stationary sources. but d-oes not include relocations or like-kind replacements of existing equipment.