

# NMED

New  
Mexico  
Environment  
Department



## OZONE ATTAINMENT INITIATIVE

November 13,  
2018

Kerwin Singleton  
Chief, Planning Section  
New Mexico Environment Department

# Outline

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- What is the Ozone Attainment Initiative?
- Why do we need the OAI?
- How will NMED implement the OAI?
- What is the projected timeline?
- Where are the areas of focus?
- How can stakeholders get involved?



# What is the Ozone Attainment Initiative (OAI)?

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The OAI is NMED's response to several areas in the State nearing ( $\geq 95\%$ ) the 2015 8-hr Primary National Ambient Air Quality Standard (NAAQS) for Ozone

- The 1<sup>st</sup> goal of the OAI is to retain attainment status for areas of the State currently designated attainment/unclassifiable
- The 2<sup>nd</sup> goal of the OAI is to return the Sunland Park nonattainment area to attainment status



# What is the impetus for this planning effort?

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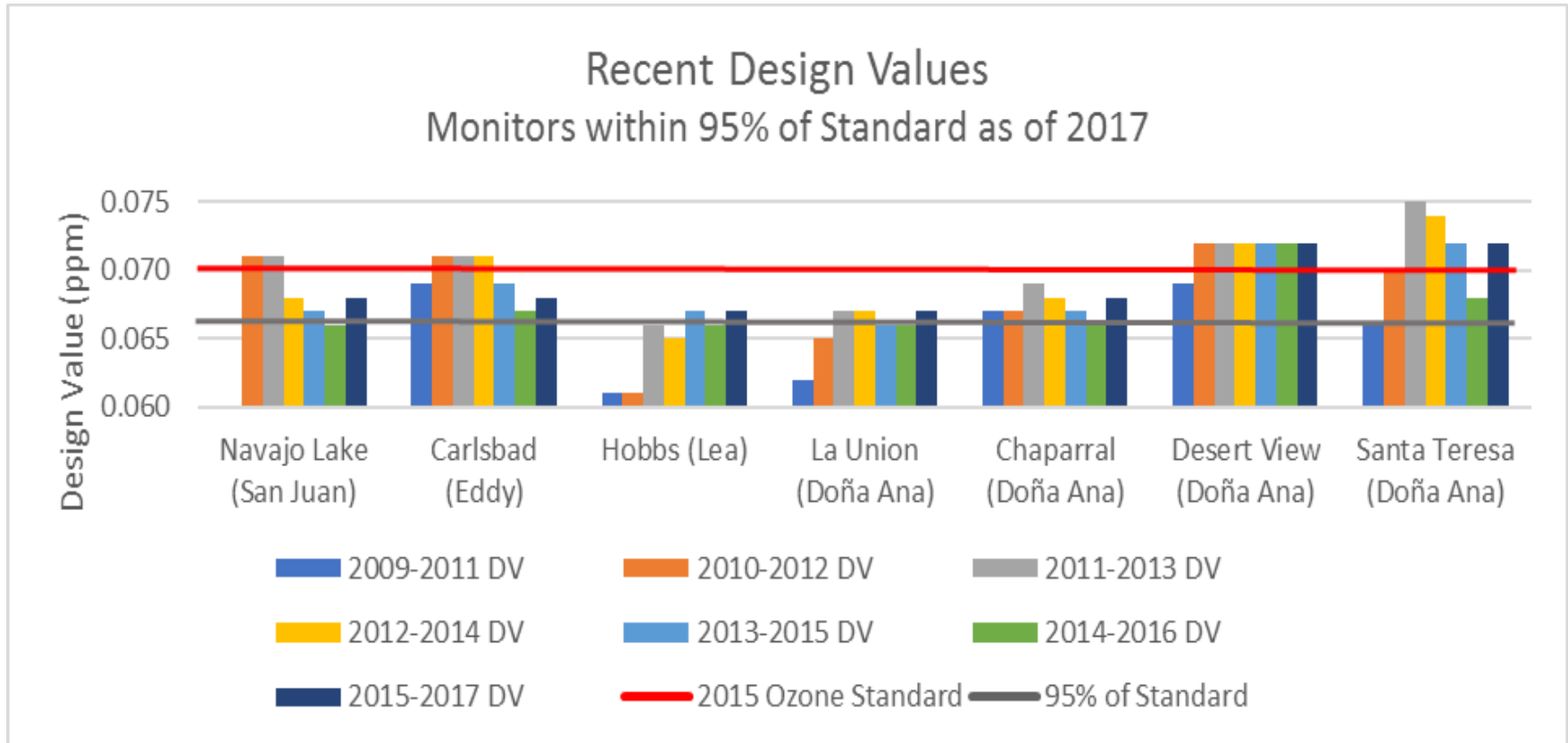
74-2-5.3 NMSA 1978

## **Duties and powers of environmental improvement board and local board for attainment and maintenance of national ambient air quality standards for ozone.**

A. If the environmental improvement board or the local board determines that emissions from sources within its jurisdiction cause or contribute to ozone concentrations in excess of ninety-five percent of a national ambient air quality standard for ozone, it shall adopt a plan, including regulations, to control emissions of oxides of nitrogen and volatile organic compounds to provide for attainment and maintenance of the standard. ...



# Why do we need the OAI?



95% of the 70 ppb standard = 66.5 ppb



# How will NMED implement the OAI?

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- Data Gathering
  - Inventories, Modeling, and Monitoring
    - VOC and NO<sub>x</sub> emissions
    - Source sector contributions
    - Ozone formation and transport
- Mandatory and/or Voluntary Measures
  - Normal NMED rulemaking process
  - EPA's Ozone Advance Program
- Robust stakeholder involvement
  - Stay informed through our ListServe!



# What is the projected timeline\*?

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## 2019

- **Winter** – Initial public outreach to 9 counties (education and initial input request)
- **Winter/Spring** – Research on and review of possible options for mandatory or voluntary control measures, and additional public outreach
- **Summer** – Gather input on researched options with public opportunity for further suggestions
- **Fall** – Analyze input and develop rules and other measures for inclusion in a draft ozone attainment plan.

## 2020

- **Winter/Spring/Summer** – Plan drafted and released with formal comment period
- **Summer** – Hearing to adopt proposed plan/rules

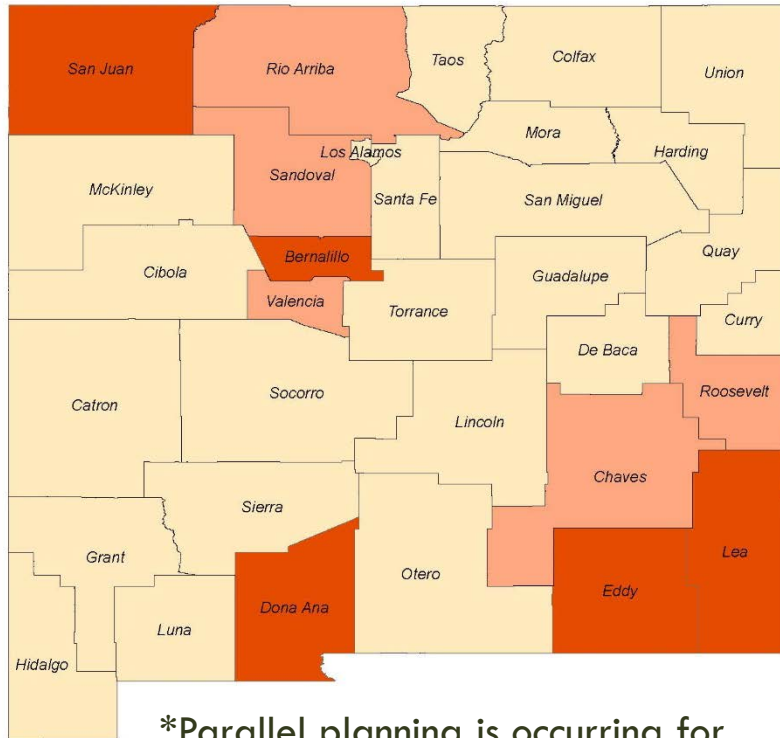
\* \* \* \* \*

**\*Note that NMED is in the initial stages of planning, which only includes the educational component and planning for public outreach. No rules/programs have yet been discussed.**



# Focus Areas

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\*Parallel planning is occurring for Bernalillo County through the Albuquerque/Bernalillo County Department of Environmental Health

- Counties within 95% of standard (certified)\*:
  - San Juan (Navajo Lake, 68 ppb)
  - Doña Ana (several, 68-72 ppb)
  - Eddy (Carlsbad, 68 ppb)
  - Lea (Hobbs, 67 ppb)
- Counties potentially contributing to high ozone in adjacent counties:
  - Chaves (no monitor)
  - Roosevelt (no monitor)
  - Rio Arriba
- Counties potentially within 95% of standard (2018 preliminary data):
  - Rio Arriba
  - Sandoval
  - Valencia





# How can stakeholders get involved?

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- NMED is committed to a robust, transparent process for OAI planning and implementation.
- Stakeholders are encouraged to provide input and will be afforded several opportunities.
  - To stay current, please sign up for the OAI ListServe (email alerts) at <https://public.govdelivery.com/accounts/NMED/subscriber/new>
    - Attend public meetings
    - Share comments and suggestions
  - Public involvement opportunities will also be posted on our web page at <https://www.env.nm.gov/air-quality/o3-initiative/>



## Questions or comments?

Thank you. We look forward to working with our stakeholders.

For more information, contact Kerwin Singleton at 505-476-4350 or Cindy Hollenberg at 505-476-4356.

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## EXCESS EMISSIONS & AFFIRMATIVE DEFENSE SUBMISSIONS

November 13, 2018

Ralph Gruebel, REM  
Air Quality Bureau Compliance & Enforcement Section Chief  
New Mexico Environment Department

# Excess Emissions - Why Do They Matter?

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## Excess Emissions Negatively Impact Compliance with National Ambient Air Quality Standards (NAAQS)

<https://www.epa.gov/criteria-air-pollutants>

- **Carbon Monoxide**
- **Lead**
- **Nitrogen Dioxide**
- **Ozone (Precursors - VOCs & NO<sub>x</sub>)**
- **Particulate Pollution (PM 2.5 and PM10)**
- **Sulfur Dioxide**

**SE and NW New Mexico are within 95% of the Ozone Standard**



# What Happens if NAAQS are Exceeded?

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- May result in Non-Attainment Designation for the Area
- Facilities subject to Non-Attainment Permitting
- Permits may require LAER (Lowest Achievable Emission Rate)
- Emission Offsets



# Excess Emissions (lbs)

## 2016, 2017, & 2018 to Date

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Ozone Precursors

Year	CO	NOX	PM	SO2	VOC	H2S	Total lbs.	Total Events
2016	635,620	267,781	2,570	3,742,054	1,974,579	63,406	6,686,011	1,828
2017	670,622	163,593	55	8,140,800	437,017	100,225	9,511,593	1,304
2018*	405,912	110,620	1,971	3,734,803	1,768,288	68,653	6,090,247	1,369

\*2018 Reflects Statistics January through October

✓ **VOC emissions could be greatly reduced if uncontrolled facilities had a flare and/or VRU.**



# Excess Emissions

## NMED AQB Approach to Enforcement

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- AQB Processes excess emissions by company and facility every four months, evaluates Affirmative Defenses and issues Notices of Violation (NOVs). (By definition an excess emission is a violation of a permit condition regardless of whether or not an Affirmative Defense is accepted.)
- An **Affirmative Defense** must meet all criteria for acceptance as required in 20.2.7 NMAC.
- If an **Affirmative Defense** does not meet all criteria, it will be reflected in the **penalty calculations** included as part of the proposed settlement offer.
- **NMED encourages the use of Supplemental Environmental Projects (SEPs)** to address the root cause of the excess emissions as per the NMED AQB Civil Penalty Policy.
- **SEPs are actively being utilized** to address root causes of excess emissions.



# Evaluating and Writing an Affirmative Defense

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An Affirmative Defense **must qualify** under **ALL** of the event criteria in 20.2.7 NMAC Applicable to:

- ✓ Malfunction – 10 Criteria
- ✓ Excess Emissions During Startup or Shutdown – 10 Criteria
- ✓ Emergency – 4 Criteria

**Affirmative Defense, with an analysis and the supporting evidence for each criterion shall be submitted no later than thirty (30) days after submittal of the final report. (20.2.7.110 NMAC )**





# Evaluating and Writing an Affirmative Defense

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**Provide a general description of the event and then address each of the criteria individually.**

**Criteria 1: State the first criteria for the Affirmative Defense Category in 20.2.7 NMAC.**

**Facility Response: Facility demonstrates through description of how they meet this criteria supported with properly signed, contemporaneous operating logs, or other relevant evidence.**

- ✓ **The facility should follow the same process for all remaining criteria.**
- ✓ **An Affirmative Defense must qualify under ALL the event criteria in 20.2.7 NMAC to be accepted.**



# 20.2.7.114 NMAC ROOT CAUSE AND CORRECTIVE ACTION ANALYSIS

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- A. The owner or operator of a source having an excess emission, upon written request of the department, shall prepare an analysis that uses appropriate analytical tools and contains the following information.
- B. The department shall make the request no later than ninety (90) days after receipt of the final report under Subsection A of 20.2.7.110 NMAC.
- C. The department may request the analysis specified in Subsection A of 20.2.7.114 NMAC after considering relevant factors. Examples of such relevant factors may include but are not limited to the significance of the excess emission, the nature or pattern of excess emissions, or the history of the source, as well as other factors determined to be relevant by the department.



# 20.2.7.114 NMAC ROOT CAUSE AND CORRECTIVE ACTION ANALYSIS

- D. The completed analysis shall be submitted to the department no later than sixty (60) days after the request for submittal pursuant to Subsection A of 20.2.7.114 NMAC. The department may grant an extension to submit the analysis for good cause shown.
  
- E. The owner or operator of a source complying with this section may assert a claim for confidential information protection pursuant to 20.2.1.115 NMAC.



# Information to Remember.....

- All submitted reports and documents should be well written, transparent and submitted on time.
- All Excess Emission reports are public documents and subject to Inspection of Public Records Act (IPRA) requests.
- NMED receives requests for facility specific and bulk Excess Emission information.
- **Acceptance of an Affirmative Defense does not constitute a waiver of liability pursuant to Section 116 of 20.2.7 NMAC, and shall not preclude an enforcement action by the federal government or a citizen pursuant to the federal Clean Air Act.**



# Questions/Comments

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NMED AQB is available by appointment for further discussion of excess emissions and affirmative defenses.

To set an appointment contact:

Ralph Gruebel, REM

NMED AQB Compliance & Enforcement Section Chief  
505-476-4373 or email [ralph.gruebel@state.nm.us](mailto:ralph.gruebel@state.nm.us)

This information is also available through the NMED AQB Website.

<https://www.env.nm.gov/air-quality/>



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## GCP OIL & GAS- LESSONS LEARNED

DATE:  
11/13/2018

Name: Rhonda Romero  
Title: Minor Source Permit Section Manager  
New Mexico Environment Department

# Introduction

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- Registration Form
- Air Emission Calculation Tool
- Supporting Documentation Missing
- How to expedite application review process
- GCP-1 /GCP-4 Transition Scheduling



# Registration Form Updates

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- SIC Code 4612 added
- Stack Parameter guide: Created to help industry analyze their ability to meet permit requirements
- More tables to reduce back and forth requests for more information, which solidifies AQB database accuracy
- Air Emission Calculation Tool (AECT) is required for ALL GCP O&G applications
- Use of interactive form is required





# Most Common Issues

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- Manufacturer/Catalyst Specification sheets are not always included in the applications
- Emissions Calculations supporting documents such as AP-42 or other emission factors utilized to estimate emissions are not always included in the applications
- Utilize “Notes” boxes in the AECT to explain discrepancies between the AECT and final calculation



# How to Expedite Application Review Process

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- Standardize applications with standard equipment sets. Some of NMOGA's members submit standardized applications, which expedites reviews
- Ensure applications go through quality control before they are submitted to the Department
- Use the Air Emissions Calculation Tool (AECT) as these forms reduce staff review time by more than 50%



# How to Expedite Application Review

## Process continued...

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- Provide complete regulatory applicability analyses for all equipment
- Fill out the application completely, and make sure to include manufacture dates for all applicable units (Tanks, Engines, etc.)
- Include all manufacturer specification sheets, especially for engines, catalysts, flare, VCU, and ECD to support requested destruction efficiency
- When using the ProMax or other software model, clearly indicate the following inputs: inlet liquid composition, temperature, and pressure of the incoming stream



# GCP-1 /GCP-4 Transition Process

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- January 27, 2019 is the deadline to report
- Utilize online form to report
- A limited number of permit applications will be scheduled to transition in each month through July 2021
- The form allows companies to notify the Department which month they would prefer to schedule for submittal of their transition application
- The Department will consider the preferences (first come, first served) when developing the transition schedule
- The Department will notify each permit holder when the transition schedule is finalized so that they will know which month their application is required to be submitted



# Fees

**NOTE:**

These fees will be adjusted in 2019 due to adjustments in the Consumer Price Index (CPI).

<b>Permit Type</b>	<b>Associated Fee</b>
Transitioning to GCP-O&G from GCP-1 or GCP-4	FREE
Transitioning to GCP-O&G from GCP-1 or GCP-4 and modifying the facility in the same application	FREE
New GCP-O&G	\$4080 (10 Fee Points) Based on CPI
Transitioning to a GCP-O&G from an NSR Construction Permit	\$4080 (10 Fee Points) Based on CPI
Modification at a facility with an issued GCP-O&G	\$4080 (10 Fee Points) Based on CPI



# Questions?

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□ Rhonda Romero

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