



Timothy M. Keller, Mayor

**AIR QUALITY TEMPORARY EMERGENCY
CONSTRUCTION PERMIT #3337-EP
FACILITY CDS/AIRS NM/001/02435
Facility ID: FA0007569; Record ID: PR0009078**



Danny Nevarez, Acting Director

Issued to: Barlovento LLC2
431 Technology Drive
Dothan, Alabama 36303

Certified Mail No. 7003 1680 0001 4880 1333
Return Receipt Requested

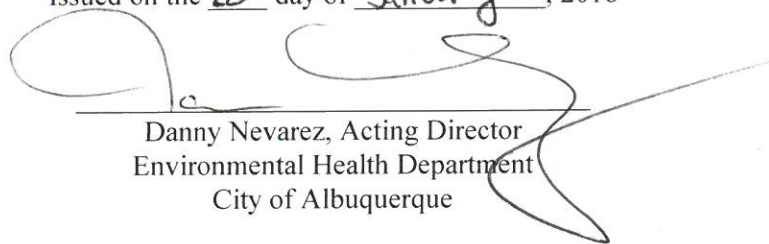
Responsible Official: Cindy Manley, Contract Administrator

Pursuant to the New Mexico Air Quality Control Act, Chapter 74, Article 2 New Mexico Statutes Annotated 1978 (As Amended); the Joint Air Quality Control Board Ordinance, 9-5-1 to 9-5-99 ROA 1994; the Bernalillo County Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5; the Albuquerque/Bernalillo County Air Quality Control Board (A/BCAQCB) Regulation Title 20, New Mexico Administrative Code (20 NMAC), Chapter 11, Part 40 (20.11.40 NMAC), Air Contaminant Source Registration; and A/BCAQCB Regulation Title 20, NMAC, Chapter 11, Part 41 (20.11.41 NMAC), Construction Permits; **Barlovento LLC2** (Company or Permittee) is hereby issued this **CONSTRUCTION PERMIT** and authorized to operate the following equipment at:

| Facility Location | Process Description | SIC | NAICS |
|--|----------------------------------|------|--------|
| Taxiway Pad 5 UTM 358014 E, 3878035 N 8505 Pennsylvania SE Kirtland AFB, New Mexico | Portable Concrete Batch Facility | 3273 | 327320 |

This **CONSTRUCTION** permit number 3337-EP has been issued based on the review of the application received by the Albuquerque Environmental Health Department (Department), Air Quality Program on January 5, 2018 and additional information received on January 17, 2018, and on the National Ambient Air Quality Standards, New Mexico Ambient Air Quality Standards, and Air Quality Control Regulations for Albuquerque/Bernalillo County, as amended. As these standards and regulations are updated or amended, the applicable changes will be incorporated into permit number 3337-EP and will apply to the Facility.

Issued on the 22 day of January, 2018



Danny Nevarez, Acting Director
Environmental Health Department
City of Albuquerque

I. CONDITIONS: Conditions have been imposed in this permit to assure continued compliance. 20.11.41.19.D NMAC, states that any term or condition imposed by the Department on a permit or permit modification is enforceable to the same extent as a regulation of the Board. Pursuant to 20.11.41 NMAC, the Facility is subject to the following conditions:

1. Construction and Operation: Compliance will be based on Department inspections of the Facility, reviews of production records, submission of appropriate permit applications for modification, and timely notification to the Department regarding equipment substitutions and relocations.

a) This permit authorizes the construction and operation of the following equipment:

Process Units Table

| Process Units Number | Process Units Description | Manufacturer | Model Number | Serial Number | Date of Mfg. Equipment | Permitted Process Rate | Unit Subject To NSPS |
|----------------------|--|--------------|---------------|---------------|------------------------|----------------------------|----------------------|
| 1 | Aggregate Storage Pile | N/A | N/A | N/A | N/A | 680 tph | No |
| 2 | Aggregate Feed Bin | RexCon | S Batch Plant | 2135 | 2007 | 680 tph | No |
| 3 | Aggregate Transfer Conveyor | RexCon | S Batch Plant | 2135 | 2007 | 680 tph | No |
| 4 | Aggregate Storage Bin (3 Compartments) | RexCon | S Batch Plant | 2135 | 2007 | 680 tph | No |
| 5 | Weigh Hopper #1 | RexCon | S Batch Plant | 2135 | 2007 | 680 tph | No |
| 6 | Aggregate Feed Conveyor | RexCon | S Batch Plant | 2135 | 2007 | 680 tph | No |
| 7 | Cement/Fly Ash Storage Silo (2 Compartments) | RexCon | S Batch Plant | 2135 | 2007 | 104 tph Cement | No |
| | | | | | | 16 tph Fly Ash | |
| 8* | Weigh Hopper #2 | RexCon | S Batch Plant | 2135 | 2007 | 104 tph Cement | No |
| | | | | | | 16 tph Fly Ash | |
| 9 | Mixer | RexCon | S Batch Plant | 2135 | 2007 | 680 tph Aggregate | No |
| | | | | | | 120 tph Cement and Fly Ash | |
| 10 | Natural Gas/Propane Hot Water Heater | Pearson | S Batch Plant | 1418 | 2007 | 2.8 MMBtu/hr | No |

*enclosed process, no emissions

Air Pollution Control Devices (APCD)

| Type of Control Equipment | Process Units Controlled | Manufacturer | Model Number | Serial Number | Design Rate/Operating Parameter | Rated Control Efficiency |
|---------------------------|--------------------------|------------------------|---------------------------------------|---------------|---------------------------------|--------------------------|
| Dust Collector | 6, 7, 8 and 9 | Systems Equipment Corp | 10x28 1-Level Portable Control Center | Unknown | 10,000 | 97% |

b) All APCD shall be operated and maintained per manufacturer specifications and/or company preventive, whichever is more stringent, maintenance plans to ensure the emissions remain at or below the permitted levels. An APCD is any device used primarily for pollution control and is not considered an integral part of a process. Manufacturer's specification for APCD and the APCD Standard Operating Procedure (SOP) shall be on file at all times and shall be made available to the Department upon request.

- c) This Facility shall be constructed and operated in accordance with information provided on the permit application received January 5, 2018 and additional information received January 17, 2018, and in accordance with the legal authority specified above and the conditions of this permit.
- d) This permit will expire October 31, 2018.
- e) No National Emissions Standard for Hazardous Air Pollutants (NESHAP) apply to this Facility. However, prior to any asbestos demolition or renovation work, the Department must be notified and proper permits shall be obtained and CFR Title 40, Part 61 Subpart M may apply.
- f) Replacement of emission units for which an allowable emissions limit has been established in the permit may be requested by the permittee through a technical permit revision in accordance with 20.11.41.28.B NMAC.
- g) The equipment listed in Condition I.1.a), are limited to the following operational restrictions:
 - i. This Facility may operate continuously.
 - ii. Haul roads into and out of the Facility shall be paved.
 - iii. All equipment and piles must remain at least 1425 meters from the fence or barrier that restricts access to Kirtland Air Force Base.
 - iv. The batch plant shall be restricted to a maximum material throughput process rate of 680 tons per hour (tph) of sand and aggregate, not to exceed an annual material throughput of 42,500 tons based on a 12-month rolling period. This condition has been placed in the permit based on air dispersion modeling of the Facility at this location to demonstrate compliance with the National Ambient Air Quality Standards and New Mexico Ambient Air Quality Standards for PM_{2.5}, PM₁₀, and TSP.
 - v. The batch plant shall be restricted to a maximum material throughput process rate of 104 tph of cement and 16 tph of fly ash, not to exceed an annual material throughput of 7,500 tons based on a 12-month rolling period. This condition has been placed in the permit based on air dispersion modeling of the Facility at this location to demonstrate compliance with the National Ambient Air Quality Standards and New Mexico Ambient Air Quality Standards for PM_{2.5}, PM₁₀, and TSP.
 - vi. A water spray system shall be installed, operated and maintained at all times during aggregate loading from the feeders. This condition has been placed in the permit based on air dispersion modeling of the Facility at this location to demonstrate compliance with the National Ambient Air Quality Standards and New Mexico Ambient Air Quality Standards for PM_{2.5}, PM₁₀, and TSP.
- h) In accordance with 20.11.20.12A NMAC, the permittee shall not allow fugitive dust, track out, or transported material from any active operation, open storage pile, paved or unpaved roadway or disturbed surface area, or inactive disturbed surface area to be carried beyond the property line, right-of-way, easement or any other area under control of the permittee generating or allowing the fugitive dust if the fugitive dust will: 1) adversely affect the health, public welfare or safety of the residents or Bernalillo county; or 2) impair visibility or the reasonable use of property; or 3) be visible longer than a total of 15 minutes in any one hour observation period using the visible fugitive dust determination method in 20.11.20.26 NMAC or an equivalent method approved in writing by the Department. To mitigate fugitive dust, all inactive disturbed surface areas must be stabilized and maintained in stable condition by the permittee responsible for maintenance of the disturbed surface. Failure to comply with this condition shall be a violation of 20.11.20 NMAC. In addition to the above condition, the owner/operator shall wet sweep all paved segments of haul roads as necessary to reduce fugitive emissions. If visible fugitive emissions are observed from the segments, than all traffic activities shall be shut down until control measures can be taken to eliminate fugitive emissions from the roads. This condition has been placed in the permit based on air dispersion modeling of the Facility at this location to demonstrate compliance with the National Ambient Air Quality Standards

and New Mexico Ambient Air Quality Standards for PM_{2.5}, PM₁₀, and TSP.

- i) Changes in plans, specifications, and other representations proposed in the application documents shall not be made if they will increase the potential to emit or cause a change in the method of control of emissions or in the character of emissions. Any such proposed changes shall be submitted as a modification to this permit. No modification shall begin prior to issuance of a permit.
- j) The emission of a regulated air pollutant in excess of the quantity, rate, opacity, or concentration specified in an air quality regulation or permit condition that results in an excess emission is a violation of the air quality regulation or permit condition and may be subject to an enforcement action. The owner or operator of a source having an excess emission shall, to the extent practicable, operate the source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions. This condition is pursuant to 20.11.49.14 NMAC.

The remainder of this page has been intentionally left blank

2. **Unit Emission Limits**-- Condition 2, Unit Emission Limits, has been placed in the permit in accordance with 20.11.41.19.B NMAC, to allow the Department to determine compliance with the terms and conditions of the permit. These were the emission rates stated in the permit application and are the basis of the Department's review. Compliance will be based on Department inspections of the facility and upon compliance with the emission limits and opacity readings conducted in accordance with the test methods specified in Condition 6 - **Compliance Tests**.

a) The portable batch plant shall not exceed the emission limits stated in the table below. Tons per year emissions shall be based on a 12-month rolling total.

Criteria Pollutants

| Unit No. | NO _x lb/hr | NO _x tpy | CO lb/hr | CO tpy | SO ₂ lb/hr | SO ₂ tpy | VOC lb/hr | VOC tpy | TSP lb/hr | TSP tpy | PM10 lb/hr | PM10 tpy | PM2.5 lb/hr | PM2.5 tpy | Percent Opacity | Record-keeping ¹ | Monitoring ¹ | Reporting ¹ | Compliance Testing ² |
|--------------|-----------------------|---------------------|-------------|-------------|-----------------------|---------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-----------------|-----------------------------|-------------------------|------------------------|---------------------------------|
| 1 | | | | | | | | | 0.10 | 0.003 | 0.03 | 0.001 | 0.01 | 0.0003 | * | No | No | Yes | No |
| 2 | | | | | | | | | 4.69 | 0.15 | 2.24 | 0.07 | 0.29 | 0.01 | 20% | Yes | Yes | Yes | No |
| 3 | | | | | | | | | 4.69 | 0.15 | 2.24 | 0.07 | 0.29 | 0.01 | 20% | Yes | Yes | Yes | No |
| 4 | | | | | | | | | 4.69 | 0.15 | 2.24 | 0.07 | 0.29 | 0.01 | 20% | Yes | Yes | Yes | No |
| 5 | | | | | | | | | 3.26 | 0.10 | 1.90 | 0.06 | 0.25 | 0.01 | 20% | Yes | Yes | Yes | No |
| 6 | | | | | | | | | 4.69 | 0.15 | 2.24 | 0.07 | 0.29 | 0.01 | 20% | Yes | Yes | Yes | No |
| 7 | | | | | | | | | 0.24 | 0.007 | 0.12 | 0.003 | 0.02 | 0.0004 | 20% | Yes | Yes | Yes | No |
| 9 | | | | | | | | | 14.72 | 0.46 | 4.40 | 0.14 | 0.58 | 0.02 | 20% | Yes | Yes | Yes | No |
| 10 | 0.27 | 1.20 | 0.23 | 1.00 | 0.002 | 0.007 | 0.02 | 0.07 | 0.02 | 0.09 | 0.02 | 0.09 | 0.02 | 0.09 | 20% | Yes | Yes | Yes | No |
| Total | 0.27 | .20 | 0.23 | 1.00 | 0.002 | 0.007 | 0.02 | 0.07 | 37.1 | 1.26 | 15.4 | 0.58 | 2.00 | 0.16 | | No | No | Yes | No |

¹ Refer to Conditions 3, 4 and 5 for unit specific record keeping/monitoring, and reporting

² Refer to Condition 6 unit specific compliance testing requirements

*Opacity limit has not been set for Unit #1. Compliance shall be shown by meeting the requirements of Permit Condition I.1.h).

b) Process Units #2, 3, 4, 5, 6, 7, 9 and 10 shall not cause or allow fugitive emissions that exceed 20 percent opacity six (6) minute time-average. This condition is pursuant to 20.11.5.12 NMAC.

- c) Pound per hour Nitrogen Oxides (NO_x) and Carbon Monoxide (CO) emission rates for Process Unit #10 shall be based on a 3-hour average.
 - d) Total suspended particulate matter (TSP), particulate matter less than 10 microns (PM₁₀), particulate matter less than 2.5 microns (PM_{2.5}), pound per hour emission rates for Process Units 1, 2, 3, 4, 5, 7, 9, 12 and 13 are for informational purposes and shall be used to determine ton per year emissions for each emission unit. Compliance with pound per hour emission rates for Units 2, 3, 4, 5, 7, 9 and 12 shall be based on compliance with the opacity standards in Conditions I.2.b). Compliance with pound per hour emission rates for Unit 14 shall be based on compliance with the opacity standards in Condition I.2.c).
3. **Record keeping** -- Condition 3 has been placed in the permit in accordance with 20.11.41.19.B(4) NMAC and 20.11.41.19.C(8) and (9) NMAC to allow the Department to determine compliance with the terms and conditions of the permit. Compliance will be based on Department inspection of records and logs.
- a) Record and log the daily and monthly throughput (in tons) for aggregate. Monthly throughput records shall be maintained to calculate the plant's yearly throughput based on a 12-month rolling total.
 - b) Record and log the daily and monthly throughput (in tons) for cement and fly ash. Monthly throughput records shall be maintained to calculate the plant's yearly throughput based on a 12-month rolling total.
 - c) Maintain individual records of the daily application of water to incoming aggregate. If application of water is not required, the daily record shall indicate why application was not necessary (i.e. recent rain, snowfall etc.).
 - d) Maintain records of the daily application of water to haul roads. If application of water is not required, the daily record shall indicate why application was not necessary (ie recent rain, snowfall, etc.).
 - e) Maintain records of the operating pressures for the dust collector to show that the APCD is being operated in accordance with the SOP.

This information shall be retained at the plant site for the most recent two-year period and shall be made available to Department personnel upon request.

4. **Monitoring**-- Condition 4 has been placed in the permit in accordance with 20.11.41.19.B(4) NMAC and 20.11.41.19.C(3),(4),(5),(6) and (7) NMAC to allow the Department to determine compliance with the terms and conditions of the permit. Compliance will be based on Department inspection of equipment and logs. The permittee shall install the appropriate equipment deemed necessary by the Department for performance testing and continuous emissions monitoring.
- a) Monitor the daily and monthly throughput in tons for the batch plant.
 - b) Monitor the water spray system to ensure it is functioning properly and in operation while the Facility is operating.
 - c) Monitor the fugitive emissions from aggregate handling, storage piles and haul roads to maintain compliance with Condition I.1.i).
 - d) Monitor the daily application of water to haul roads.

- e) Monitor the operating pressures for the dust collector to show that the APCD is being operated in accordance with the SOP.

5. **Reporting**-- Condition 5 has been placed in the permit in accordance with 20.11.41.21 NMAC and 20.11.90 NMAC, to allow the Department to determine compliance with the terms and conditions of the permit. Compliance will be based on timely submittal of the reports, notifications, and required information and shall be made in accordance with 20.11.41.20 NMAC.

The permittee shall notify the Department in writing of:

- a) Any change in control or ownership within fifteen (15) days of the change in control or ownership; the permit and conditions apply in the event of any change in control or ownership of the Facility. No permit modification is required in such case; however, in the event of any such change in control or ownership, the permittee shall notify the succeeding owner of the permit and the conditions;
- b) Any permit update or correction as required by 20.11.41 NMAC no more than 60 days after the permittee knows or should have known about the condition that requires updating or correction of the permit (20.11.41.21.A(6) NMAC);
- c) An updated emissions inventory for the source together with descriptions of any reconfiguration of process technology and air pollution equipment March 15 every year. If no change has occurred, a letter indicating that no change has occurred shall be sufficient;
- d) The permittee of a source having an excess emission shall provide the department with the following reports on forms provided by the department:
 - i. INITIAL REPORT: The permittee shall file an initial report, no later than the end of the next regular business day after the time of discovery of an excess emission pursuant to 20.11.49.15.A(1) NMAC;
 - ii. FINAL REPORT: The permittee shall file a final report, no later than 10 days after the end of the excess emission. If the period of an excess emission extends beyond 10 days, the permittee shall submit the final report to the department within 72 hours of the date and time the excess emission ceased. This condition is pursuant to 20.11.49.15.A(2) NMAC and 20.11.49.15.C NMAC; and,
 - iii. ALTERNATIVE REPORTING: If the facility is subject to the reporting requirements of 40 CFR Parts, 60, 61, and 63 and the federal requirements duplicate the requirements of 20.11.49.15 NMAC, then the federal reporting requirements shall suffice. This condition is pursuant to 20.11.49.15.D NMAC.

6. **Compliance Tests**-- Condition 6 "Compliance Tests" has been placed in the permit in accordance with CFR Title 40, Part 60, Subpart A General Provisions, 20.11.41.22 NMAC and 20.11.90.13 NMAC. Compliance will be based on the satisfactory completion of the compliance tests, the timely submittal of the emission unit test results to the Department, and on meeting the emission limits specified in Condition 2.

- a) Compliance tests have not been imposed at this time.
- b) Compliance tests may be reimposed if inspections of the source indicate non-compliance with permit conditions or the previous test showed non-compliance or was technically unsatisfactory.

- c) The owner or operator shall notify the Department at least thirty (30) days prior to any test imposed on the permittee and allow a representative of the Department to be present at the test. (CFR 60.8 (d), Subpart A)
- d) The permittee shall provide for the Department's approval, a written test protocol at least fifteen (15) days prior to the anticipated test date for any test imposed by the Department. The protocol shall describe the test methods to be used (including sampling locations), and shall describe data reduction procedures. Any variation from the established sampling and analytical procedures or from facility operating conditions shall be presented for Department approval. The test protocol shall conform to the standard format specified by the Department.
- e) All tests imposed by the Department shall be conducted at ninety (90%) percent of the concrete batch plant permitted capacity or greater to demonstrate compliance with the permitted emission limits. Compliance testing at other than 90% production levels shall be performed at the Department's request and/or approval. (40 CFR 60.8(c), Subpart A)
- f) One copy of the compliance test results for any imposed test shall be submitted to the Department Enforcement Section within thirty (30) days after the completion of testing. The test results shall conform to the standard format specified by the Department.

Unit Specific Compliance Testing

| Unit Number | Initial Compliance Test | Frequency of Compliance Test |
|--------------|-------------------------|------------------------------|
| 1 through 10 | Not Required* | Not Required* |

* Compliance tests have not been imposed for these units at this time, but may be imposed if inspections of the source indicate non-compliance with permit conditions.

- 7. **Modifications**-- Condition 7 has been placed in the permit in accordance with 20.11.41.7.U NMAC, to enable the Department to review proposed changes to the facility which may constitute a permit modification prior to such changes. Compliance will be based on Department inspections and the submittal of a new permit application for any modification.
 - a) Any future physical changes or changes in the method of operation which results in an increase in the pre-controlled emission rate may constitute a modification as defined by 20.11.41.7.U NMAC. No modification shall begin prior to issuance of a permit. Modifications or revisions to this permit shall be processed in accordance with 20.11.41 NMAC.
- 8. **Compliance Assurance/Enforcement**-- All air pollution emitting facilities within Bernalillo County are subject to all applicable Albuquerque/Bernalillo County Air Quality Control Regulations, whether listed in this permit or not.
 - a) The issuance of a permit or registration does not relieve the Facility from responsibility of complying with the provisions of the Air Quality Control Act, and the laws and regulations in force pursuant to the Act. (20.11.41.18 NMAC).
 - b) Any conditions imposed upon the Facility as the result of a Construction Permit or any other permit issued by the Department shall be enforceable to the same extent as a regulation of the Board. (20.11.41.19.D NMAC).
 - c) The Department is authorized to issue a compliance order requiring compliance and assessing a civil penalty not to exceed Fifteen Thousand and no/100 Dollars (\$15,000) per day of noncompliance for each violation, commence a civil action in district court for appropriate relief, including a temporary and permanent injunction. (74-2-12 NMSA).

- d) **Scheduled and Unscheduled Inspection (74-2-13 NMSA)** -- The Department will conduct scheduled and unscheduled inspections to insure compliance with the Air Quality Control Act, and the laws and regulations in force pursuant to the Act, and this Permit, and, upon presentation of credentials:
- i. Shall have a right of entry to, upon, or through any premises on which an emission source is located or on which any records required to be maintained by regulations of the Board or by any permit condition are located;
 - ii. May at any reasonable time have access to and copy any records required to be established and maintained by Regulations of the Board, or any permit condition;
 - iii. May inspect any monitoring equipment and method required by Regulations of the Board or by any permit condition; and,
 - iv. Sample any emissions that are required to be sampled pursuant to Regulation of the Board, or any permit condition.
- e) Any credible evidence may be used to establish whether the Facility has violated or is in violation of any regulation of the Board, or any other provision of law. Credible evidence and testing shall include, but is not limited to (20.11.41.27A and B NMAC):
- i. A monitoring method approved for the source pursuant to 20.11.42 NMAC "Operating Permits" and incorporated into an operating permit;
 - ii. Compliance methods specified in the Regulations, conditions in a permit issued to the Facility, or other provision of law;
 - iii. Federally enforceable monitoring or testing methods, including methods in CFR Title 40 Parts 51, 60, 61, and 75; and,
 - iv. Other testing, monitoring or information-gathering methods that produce information comparable to that produced by any CFR method and approved by the Department and EPA.
9. **Posting of the Permit** -- Compliance will be based on Department inspections of the facility, which show that a copy of the permit has been posted in a visible location. A copy of this permit shall be posted in a visible location at the plant site at all times. The permit shall be made available to Department personnel for inspection upon request.
10. **Annual Fees** -- Condition 10 has been placed in the permit in accordance with 20.11.2 NMAC to allow the Department to determine compliance with the terms and conditions of the permit. Compliance will be based on the receipt of the annual emissions fee due each year to the Department pursuant to 20.11.2 NMAC. Every owner or operator of a source that is required to obtain a source registration, a Construction permit, an operating permit, or a preconstruction permit shall pay an annual emissions fee pursuant to 20.11.2 NMAC, 20.11.40 NMAC, 20.11.41 NMAC, 20.11.42 NMAC, 20.11.60 NMAC, 20.11.61 NMAC, or 20.11.62 NMAC.

II. ADDITIONAL REQUIREMENTS

1. **Permit Cancellation**-- The Department may cancel any permit if the construction or modification is not commenced within two (2) years from the date of issuance or if, during the construction or modification, work is suspended for a total of one (1) year pursuant to 20.11.41.20.B NMAC.

Application for permit modifications, relocation notices and items listed under **ADDITIONAL REQUIREMENTS** shall be submitted to:

Albuquerque Environmental Health Department
Air Quality Program
Permitting Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Test protocols and compliance test reports shall be submitted to:

Albuquerque Environmental Health Department
Air Quality Program
Attention: Enforcement Supervisor
P.O. Box 1293
Albuquerque, New Mexico 87103

All reports shall be submitted to:

Albuquerque Environmental Health Department
Air Quality Program
Attention: Compliance Supervisor
P.O. Box 1293
Albuquerque, New Mexico 87103