

2011 NOV 10 AM 10:06

This is an amendment to 20.11.64 NMAC, amending Sections 2, 11 & 12, effective December 12, 2011.

**20.11.64.2 SCOPE:** 20.11.64 NMAC is applicable to all stationary sources of air pollutants located within Bernalillo county, which are subject to any requirements of 40 CFR Part 61 or Part 63, as amended in the *Federal Register* through [~~August 1, 2008~~] August 29, 2011.

**A. Exempt:** 20.11.64 NMAC does not apply to sources within Bernalillo county, that are located on Indian lands over which the Albuquerque-Bernalillo county air quality control board lacks jurisdiction.

**B. Exclusions:**

(1) 40 CFR 61, Subpart B, National Emission Standards for Radon Emissions From Underground Uranium Mines;

(2) 40 CFR 61, Subpart H, National Emission Standards for Emissions of Radionuclides Other Than Radon From Department of Energy Facilities;

(3) 40 CFR 61, Subpart I, National Emission Standards for Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H;

(4) 40 CFR 61, Subpart K, National Emission Standards for Radionuclide Emissions From Elemental Phosphorus Plants;

(5) 40 CFR 61, Subpart Q, National Emission Standards for Radon Emissions From Department of Energy Facilities;

(6) 40 CFR 61, Subpart R, National Emission Standards for Radon Emissions From Phosphogypsum Stacks;

(7) 40 CFR 61, Subpart T, National Emission Standards for Radon Emissions From the Disposal of Uranium Mill Tailings; and

(8) 40 CFR 61, Subpart W, National Emission Standards for Radon Emissions From Operating Mill Tailings.

**C. Variances:** The variance provisions of [~~20.11.07~~] 20.11.7 NMAC, *Variance Procedure*, Revised Ordinances of Albuquerque 1994 Section 9-5-1-8, Bernalillo County Ordinance 94-5, Section 8 and NMSA 1978 Section 74-2-8 shall not apply to 20.11.64 NMAC or the incorporated federal standards.

[1/1/2000; 20.11.64.2 NMAC - Rn, 20 NMAC 11.64.2, 10/1/02; A, 1/1/05; A, 1/15/07; A, 2/16/09; A, 12/12/11]

**20.11.64.11 INCORPORATION OF FEDERAL STANDARDS CODIFIED AT 40 CFR PART 61:**

Except as otherwise provided, the National Emission Standards for Hazardous Air Pollutants, promulgated by the United States environmental protection agency, and codified at 40 CFR Part 61, including Subpart-A, General Provisions thereto, as amended in the *Federal Register* through [~~August 1, 2008~~] August 29, 2011, are hereby incorporated into 20.11.64 NMAC.

[1/1/2000; 20.11.64.11 NMAC - Rn, 20 NMAC 11.64.11, 10/1/02; A, 1/1/05; A, 1/15/07; A, 2/16/09; A, 12/12/11]

**20.11.64.12 INCORPORATION OF FEDERAL STANDARDS CODIFIED AT 40 CFR PART 63:**

Except as otherwise provided, the National Emissions Standards for Hazardous Air Pollutants for Source Categories, promulgated by the United States environmental protection agency, and codified at 40 CFR Part 63, including Subpart-A, General Provisions thereto, as amended in the *Federal Register* through [~~August 1, 2008~~] August 29, 2011, are hereby incorporated into 20.11.64 NMAC.

[1/1/2000; 20.11.64.12 NMAC - Rn, 20 NMAC 11.64.12, 10/1/02; A, 1/1/05; A, 1/15/07; A, 2/16/09; A, 12/12/11]

NMAC TRANSMITTAL FORM

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1.24.10 NMAC

[Sequence # \_\_\_\_\_]

<b>1. Issuing Agency</b> Albuquerque-Bernalillo County Air Quality Control Board	<b>2. Agency Code (DFA)</b> No. 4233 (Internal Control # Assigned by SRCA 2/8/08)
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<b>3. Agency Address</b> c/o Environmental Health Department, Air Quality Division P.O. Box 1293, One Civic Plaza NW Albuquerque, NM 87103
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<b>4. Contact Person</b>			
Name	Neal Butt	Phone #	(505) 768-2660
FAX	505-768-2617		
E-mail	nbutt@cabq.gov		

<b>5. Type of Rule Action</b>			
New	<input type="checkbox"/>	Amendment	<input checked="" type="checkbox"/>
Renumber	<input type="checkbox"/>	Repeal	<input type="checkbox"/>
Emergency	<input type="checkbox"/>		

<b>6. Total number of pages:</b> 1	<b>7. Hearing date:</b> 11/9/11	<b>8. Effective date:</b> 12/12/11
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<b>9. NMAC Number</b>		
Title	Chapter	Part
20	11	64

<b>10. NMAC Name</b>		
Title	Chapter	Part
Environmental Protection	Albuquerque-Bernalillo County Air Quality Control Board	Emission Standards For Hazardous Air Pollutants For Stationary Sources

<b>11. Amendment Description</b> Amended 3 sections	<b>12. Amendment's NMAC Citation</b> 20.11.64 NMAC Sections 2, 11 & 12
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<b>13. Most recent filing date (if applicable)</b> 1 / 16 / 09
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<b>14. Are there any materials incorporated by reference?</b>	
No <input type="checkbox"/> Yes <input type="checkbox"/>	Reference / Internet site
<i>Please list attachments and Internet site(s) if applicable</i>	1.
	2.

<b>15. If materials are attached, has copyright permission been received?</b>		
No	<input type="checkbox"/>	Yes <input type="checkbox"/>
		Public domain <input type="checkbox"/>

<b>16. Legal citation(s) that allows the Issuing Agency to regulate and the Issuing Authority to promulgate regulations on this subject (provide all that apply).</b> New Mexico Air Quality Control Act, NMSA 1978 Section 74-2-4, 74-2-5.C, the Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5 Section 4; and the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994 Section 9-5-1-4.
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<b>17. Signature &amp; Title of Issuing Authority (Delegated authority must be on file)</b>	
Name: Dr. Margaret Menache	Check if delegated authority <input checked="" type="checkbox"/>
Title: Board Chair	
<i>M. Menache</i> Signature	9 NOV 2011 Date Signed