

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 11 ALBUQUERQUE/BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
PART 67 EQUIPMENT, EMISSIONS, LIMITATIONS

20.11.67.1 ISSUING AGENCY: Albuquerque/Bernalillo County Air Quality Control Board. P.O. Box 1293, Albuquerque, NM 87103. Telephone: (505) 768-2600.
[3/24/82. . .12/1/95; 20.11.67.1 NMAC - Rn, 20 NMAC 11.67.I.1, 10/1/02]

20.11.67.2 SCOPE:

A. Any stationary source located in Bernalillo County containing, constructing or modifying the following: Orchard Heaters; Kraft Mills; Coal, Oil, or Gas Burning Equipment.

B. Exempt: 20.11.67 NMAC does not apply to sources within Bernalillo County, which are located on Indian lands over which the Albuquerque/Bernalillo County Air Quality Control lacks jurisdiction.
[12/1/95; 20.11.67.2 NMAC - Rn, 20 NMAC 11.67.I.2, 10/1/02]

20.11.67.3 STATUTORY AUTHORITY: This Part is adopted pursuant to the authority provided in the New Mexico Air Quality Control Act, NMSA 1978 Sections 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.
[3/24/82. . .12/1/95; 20.11.67.3 NMAC - Rn, 20 NMAC 11.67.I.3, 10/1/02]

20.11.67.4 DURATION: Permanent.
[12/1/95; 20.11.67.4 NMAC - Rn, 20 NMAC 11.67.I.4, 10/1/02]

20.11.67.5 EFFECTIVE DATE: December 1, 1995, unless a later date is cited at the end of a section.
[12/1/95; 20.11.67.5 NMAC - Rn, 20 NMAC 11.67.I.5 & A, 10/1/02]

20.11.67.6 OBJECTIVE: To prevent equipment covered by this Part from being constructed, placed, maintained, altered, used, or operated unless the equipment meets the applicable emission limitations established by 20.11.67 NMAC.
[12/1/95; 20.11.67.6 NMAC - Rn, 20 NMAC 11.67.I.6, 10/1/02]

20.11.67.7 DEFINITIONS: In addition to the definitions in 20.11.67.7 NMAC, the definitions in 20.11.1 NMAC apply unless there is a conflict between definitions, in which case the definition in 20.11.67 NMAC shall govern.

A. “**Btu**” means British thermal unit.

B. “**Commenced**” means that an owner or operator has undertaken a continuous program of construction or that an owner or operator has entered into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction.

C. “**Construction**” means fabrication, erection or installation of an affected facility.

D. “**Existing Gas Burning Equipment**” means gas-burning equipment, the construction or modification of which is commenced prior to the publication of notice of hearing of this Part as proposed.

E. “**Existing Oil Burning Equipment**” means oil burning equipment that was fully constructed and operational or under construction prior to August 17, 1971. Existing oil burning equipment also includes any gas burning equipment that is converted to burn oil for energy considerations if the gas burning equipment was fully constructed and operational on the effective date of Regulation 16.

F. “**New Gas Burning Equipment**” means gas-burning equipment, the construction or modification of which is commenced after the publication of notice of hearing of 20.11.67 NMAC as proposed.

G. “**New Oil Burning Equipment**” means oil-burning equipment, the construction of which is commenced after August 17, 1971.

H. “**Visible Emissions**” means particulate or gaseous matter, which can be detected by the human eye.

[3/24/82. . .12/1/95; 20.11.67.7 NMAC - Rn, 20 NMAC 11.67.I.7, 10/1/02]

20.11.67.8 VARIANCES: [Reserved]

[12/1/95; 20.11.67.8 NMAC - Rn, 20 NMAC 11.67.I.8, 10/1/02]

20.11.67.9 SAVINGS CLAUSE: Any amendment to 20.11.67 NMAC which is filed with the State Records Center shall not affect actions pending for violation of a City or County ordinance, Air Quality Control Board Regulation No. 6 Orchard Heaters; Regulation No. 10 Kraft Mills; Regulation No. 12 Coal Burning Equipment - Nitrogen Dioxide; Regulation No. 13 Coal Burning Equipment - Sulfur Dioxide; Regulation No. 14 Coal Burning Equipment - Particulate Matter; Regulation No. 15 Oil Burning Equipment - Nitrogen Dioxide; Regulation No. 16 Oil Burning Equipment - Particulate Matter; Regulation No. 17 Oil Burning Equipment - Sulfur Dioxide; Regulation No. 18 Gas Burning Equipment - Nitrogen Dioxide; or Part 67. Prosecution for a violation under prior regulation wording shall be governed and prosecuted under the statute, ordinance, Part, or regulation section in effect at the time the violation was committed.

[12/1/95; 20.11.67.9 NMAC - Rn, 20 NMAC 11.67.I.9, 10/1/02]

20.11.67.10 SEVERABILITY: If any section, paragraph, sentence, clause, or word of this Part or any federal standards incorporated herein is for any reason held to be unconstitutional or otherwise invalid by any court, the decision shall not affect the validity of remaining provisions of this Part.

[12/1/95; 20.11.67.10 NMAC - Rn, 20 NMAC 11.67.I.10, 10/1/02]

20.11.67.11 DOCUMENTS: Documents incorporated and cited in this Part may be viewed at the Albuquerque Environmental Health Department, 400 Marquette NW, Albuquerque, NM.

[12/1/95; 20.11.67.11 NMAC - Rn, 20 NMAC 11.67.I.11 & A, 10/1/02]

20.11.67.12 ORCHARD HEATERS:

A. No person shall construct, place, maintain, alter, use or operate orchard heaters for frost protection or otherwise, unless they are so designed or equipped and are operated or regulated so as not to discharge into the atmosphere smoke as dark or darker in shade than that designated as Number 1 on the Ringlemann chart.

B. Sale of Heaters: Within Bernalillo County, no person shall give, sell, or offer to sell for use for frost protection any orchard heater which does not comply with the objective of this Part or which cannot be modified to comply with Subsection A of 20.11.67.12 NMAC.

C. Inspections: All persons subject to the provisions of 20.11.67.12 NMAC shall cooperate with agents of the Department in performing orchard heater inspection to obtain information relating to emissions, which may cause or contribute to air pollution.

[3/24/82. . .12/1/95; 20.11.67.12 NMAC - Rn, 20 NMAC 11.67.I.12 & Repealed, 10/1/02; Rn, 20 NMAC 11.67.II.1, 10/1/02]

20.11.67.13 KRAFT MILLS: No person shall discharge into the atmosphere in any one hour from any and all operations of a kraft mill, total reduced sulfur in excess of 0.01 pounds.

[3/24/82; 20.11.67.13 NMAC - Rn, 20 NMAC 11.67.II.2, 10/1/02]

20.11.67.14 COAL BURNING EQUIPMENT - NITROGEN DIOXIDE: No person owning or operating coal burning equipment having a power generating capacity in excess of 25 megawatts or a heat input of greater than 250 million BTUs per hour shall permit, cause, suffer or allow nitrogen dioxide emissions to the atmosphere in excess of 0.45 pounds per million BTUs of heat input.

[3/24/82. . .12/1/95; 20.11.67.14 NMAC - Rn, 20 NMAC 11.67.II.3, 10/1/02]

20.11.67.15 COAL BURNING EQUIPMENT - SULFUR DIOXIDE:

A. No person owning or operating coal burning equipment having a power generating capacity in excess of 25 megawatts or a heat input of greater than 250 million BTUs per hour shall permit, cause, suffer or allow sulfur dioxide emissions to the atmosphere in excess of 0.34 pounds per million BTUs of heat input.

B. Sampling of emissions of sulfur dioxide shall be performed in a manner, which prevents interference and prevents the contamination of the reactive elements of the sampling method. The sampling procedures need not be isokinetic but must yield representative gas samples.

[3/24/82; 20.11.67.15 NMAC - Rn, 20 NMAC 11.67. II.4, 10/1/02]

20.11.67.16 COAL BURNING EQUIPMENT - PARTICULATE MATTER:

A. No person owning or operating coal burning equipment shall permit, cause, suffer or allow:

(1) Particulate matter emission to the atmosphere in excess of 0.05 pounds per million BTUs of heat input, or

(2) Fine particulate matter emissions of less than two microns equivalent aerodynamic diameter and unit density to the atmosphere in excess of 0.02 pounds per million BTUs of heat input.

B. Fine particulate matter emissions governed by this section shall be collected and measured at stack conditions and in such a manner that no condensation of gaseous material is included with the sample. [3/24/82. . .12/1/95; 20.11.67.16 NMAC - Rn, 20 NMAC 11.67. II.5, 10/1/02]

20.11.67.17 OIL BURNING EQUIPMENT - NITROGEN DIOXIDE: No person owning or operating oil burning equipment having a heat input of greater than 1,000,000 million BTUs per year per unit shall permit, cause, suffer or allow nitrogen dioxide emissions to the atmosphere in excess of 0.3 pounds per million BTUs of heat input. [3/24/82. . .12/1/95; 20.11.67.17 NMAC - Rn, 20 NMAC 11.67. II.6, 10/1/02]

20.11.67.18 OIL BURNING EQUIPMENT - PARTICULATE MATTER:

A. New: No person owning or operating new oil burning equipment having a rated heat capacity greater than 250 million BTUs per hour (higher heating value) per unit shall permit, cause, suffer, or allow particulate matter emissions to the atmosphere in excess of 0.03 pounds per million BTUs of heat input (higher heating value) or visible emissions in excess of an opacity of twenty percent (20%) except as provided Subsection C of 20.11.67.18 NMAC.

B. Existing: No person owning or operating existing oil burning equipment having a rated heat capacity greater than 250 million BTUs per hour (higher heating value) per unit shall permit, cause, suffer or allow particulate matter emissions to the atmosphere in excess of 0.05 pounds per million BTUs of heat input (higher heating value).

C. Visible Emissions:

(1) Visible emissions resulting from lightoff of new flames, blowing tubes or flues, or changing fuels while operating shall not be deemed violations provided the visible emissions do not exceed twenty-seven percent (27%) opacity for a period or periods aggregating not more than 6 minutes in any 60-minute period for units governed by Subsection A of 20.11.67.18 NMAC.

(2) Particulate matter emissions governed by Subsections A and B of 20.11.67.18 NMAC, shall be determined by a method consistent with the method set for the by the federal Environmental Protection Agency at 40 CFR, Part 60, Appendix A, Method 1 through 5, or any other equivalent method receiving prior approval by the Department.

(3) Opacity of emissions from oil burning equipment subject to Subsection A of 20.11.67.18 NMAC shall be determined consistent with the method set forth by the federal Environmental Protection Agency at 40 CFR, Part 60, Appendix A, Method 9, or any other equivalent method receiving prior approval by the Department. The time period for taking opacity readings shall be for a minimum of six minutes. [3/24/82. . .12/1/95; 20.11.67.18 NMAC - Rn, 20 NMAC 11.67. II.7, 10/1/02]

20.11.67.19 OIL BURNING EQUIPMENT - SULFUR DIOXIDE: No person owning or operating oil burning equipment having a heat input of greater than 1,000,000 million BTUs per year per unit shall permit, cause, suffer or allow sulfur dioxide emissions to the atmosphere in excess of 0.34 pounds per million BTUs of heat input. [3/24/82. . .12/1/95; 20.11.67.19 NMAC - Rn, 20 NMAC 11.67. II.8, 10/1/02]

20.11.67.20 GAS BURNING EQUIPMENT - NITROGEN DIOXIDE:

A. No person owning or operating new gas burning equipment having a heat input of greater than 1,000,000 million BTUs per year per unit shall permit, cause, suffer or allow nitrogen dioxide emissions to the atmosphere in excess of 0.2 pounds per million BTUs of heat input.

B. No person owning or operating existing gas burning equipment having a heat input of greater than 1,000,000 million BTUs per year per unit shall permit, cause, suffer or allow nitrogen dioxide emissions to the atmosphere in excess of 0.3 pounds per million BTUs of heat input. [3/24/82. . .12/1/95; 20.11.67.20 NMAC - Rn, 20 NMAC 11.67.II.9, 10/1/02]

HISTORY OF 20.11.67 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records – state records center and archives.

Resolution No. 1, Air Pollution Control Regulations Of The Albuquerque Bernalillo County Air Quality Control Board, 8/6/71.

Regulation No. 1, Air Pollution Control Regulations, 6/6/73;

Regulation No. 1, Air Pollution Control Regulations, 7/19/73;

Regulation No. 1, Air Pollution Control Regulations, 3/21/77;

Regulation No. 6, Orchard Heaters, 3/24/82;

Regulation No. 10, Kraft Mills, 3/24/82;

Regulation No. 12, Coal Burning Equipment Nitrogen Dioxide, 3/24/82;

Regulation No. 13, Coal Burning Equipment Sulfur Dioxide, 3/24/82;

Regulation No. 14, Coal Burning Equipment Particulate Matter, 3/24/82;

Regulation No. 15, Oil Burning Equipment Nitrogen Dioxide, 3/24/82;

Regulation No. 16, Oil Burning Equipment Particulate Matter, 3/24/82;

Regulation No. 17, Oil Burning Equipment Sulfur Dioxide, 3/24/82;

Regulation No. 18, Gas Burning Equipment Nitrogen Dioxide, 3/24/82.

History of Repealed Material: [Reserved]

Other History: Regulation No. 6, Orchard Heaters, filed 3/24/82; Regulation No. 10, Kraft Mills, filed 3/24/82; Regulation No. 12, Coal Burning Equipment Nitrogen Dioxide, filed 3/24/82; Regulation No. 13, Coal Burning Equipment Sulfur Dioxide, filed 3/24/82; Regulation No. 14, Coal Burning Equipment Particulate Matter, filed 3/24/82; Regulation No. 15, Oil Burning Equipment Nitrogen Dioxide, filed 3/24/82; Regulation No. 16, Oil Burning Equipment Particulate Matter, filed 3/24/82; Regulation No. 17, Oil Burning Equipment Sulfur Dioxide, filed 3/24/82; Regulation No. 18, Gas Burning Equipment Nitrogen Dioxide, filed 3/24/82; were **all renumbered** and **reformatted** into first version of the New Mexico Administrative Code and **replaced** by 20 NMAC 11.67, Equipment, Emissions, Limitations, filed 10/27/95.

20 NMAC 11.67, Equipment, Emissions, Limitations, filed 10/27/95 was **renumbered, reformatted, amended and replaced** by 20.11.67 NMAC, Equipment, Emissions, Limitations, effective 10/1/02.