

ALBUQUERQUE-BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD

IN THE MATTER OF THE PETITION TO AMEND
20.11.1 NMAC, *GENERAL PROVISIONS*, AND 20.11.8 NMAC, *AMBIENT AIR
QUALITY STANDARDS*, AND SUBMIT AMENDMENTS TO EPA AS A
REVISION TO THE STATE IMPLEMENTATION PLAN (SIP)

AQCB Petition No. 2009-3

Air Quality Division,
Environmental Health Department,
City of Albuquerque, Petitioner

Petition to amend 20.11.1 NMAC, *General Provisions*, and 20.11.8 NMAC, *Ambient Air Quality Standards*, and submit amendments to EPA as a revision to the SIP

The Environmental Health Department of the City of Albuquerque, by and through the Air Quality Division (AQD), asks the Albuquerque-Bernalillo County Air Quality Control Board (Board) for a hearing at which the Board will hear AQD's request that the Board adopt amendments to 20.11.1 NMAC, *General Provisions*, and 20.11.8 NMAC, *Ambient Air Quality Standards*, and submit these amendments to EPA as a revision to the State Implementation Plan (SIP). This Petition includes a request for a hearing on these matters and permission to provide a court reporter and hearing officer for the hearing. As grounds, Petitioner states the following:

1. The New Mexico Air Quality Control Act (Air Act), NMSA 1978, Sections 74-2-4 and 74-2-5.B(1) [1967 as amended through 2007] authorizes and requires the Board to adopt, amend, or replace air quality regulations and to adopt air quality plans (SIPs) under NMSA 1978, Section 74-2-5.B(2).

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2. The currently effective version of 20.11.1 NMAC, *General Provisions*, contains an error. Section 20.11.1.14 NMAC, *Interpretation*, belongs at 20.11.8.14 NMAC, and was left in 20.11.1 NMAC by mistake when these two rules were amended in 2004. The proposed amendment deletes this section.

3. The proposed amendments will align definition language codified at 20.11.1.7 NMAC with definition language in: 40 CFR Part 51.100(s); The New Mexico Air Quality Control Act; and proposed 20.11.49 NMAC, *Excess Emissions*.

4. The proposed amendments will align local ambient air quality standards codified at 20.11.8.13 NMAC, with federal standards.

5. The proposed amendments will correct style and formatting.

6. It is anticipated that the hearing will take approximately 1 hour or less.

7. The proposed Public Review Drafts for 20.11.1 NMAC, *General Provisions*, and 20.11.8 NMAC, *Ambient Air Quality Standards* are attached as AQD Exhibit #1a and #1b respectively.

Respectfully submitted,



Isreal Tavarez
Environmental Engineering Manager
Air Quality Division
Environmental Health Department
City of Albuquerque
One Civic Plaza, NW, Room 3047
Albuquerque, New Mexico 87103
(505) 768-1965

CERTIFICATION

I hereby certify that a copy of this Petition to Amend 20.11.1 NMAC, General Provisions, and 20.11.8 NMAC, Ambient Air Quality Standards and submit amendments to EPA as a revision to the SIP and requesting a hearing was delivered to the following person on May 22, 2009.

Janice Amend
Air Quality Control Board Liaison
Air Quality Division
Environmental Health Department
City of Albuquerque
One Civic Plaza, NW, Room 3023
Albuquerque, New Mexico 87103



Isreal Tavarez

1 **TITLE 20 ENVIRONMENTAL PROTECTION**
2 **CHAPTER 11 ALBUQUERQUE - BERNALILLO COUNTY AIR QUALITY CONTROL BOARD**
3 **PART 1 GENERAL PROVISIONS**
4

5 **20.11.1.1 ISSUING AGENCY:** Albuquerque - Bernalillo County Air Quality Control Board. P.O. Box
6 1293, Albuquerque, NM 87103. Telephone: (505) [768-2600] 768-2601.
7 [6/14/71. . .12/1/95; 20.11.1.1 NMAC - Rn, 20 NMAC 11.01.1.1, 10/1/02]
8

9 **20.11.1.2 SCOPE:**
10 **A.** [~~This part~~] 20.11.1 NMAC is applicable [~~to the city of Albuquerque and~~] within Bernalillo county
11 **B. Exempt:** [~~This part~~] 20.11.1 NMAC does not apply to sources within Bernalillo county, which
12 are located on Indian lands over which the Albuquerque/Bernalillo county air quality control board lacks
13 jurisdiction.
14 [12/1/95. . .8/1/96; 20.11.1.2 NMAC - Rn, 20 NMAC 11.01.1.2, 10/1/02]
15

16 **20.11.1.3 STATUTORY AUTHORITY:** [~~This part~~] 20.11.1 NMAC is adopted pursuant to the authority
17 provided in the New Mexico Air Quality Control Act, NMSA 1978 Sections 74-2-4, 74-2-5.C; the Joint Air Quality
18 Control Board Ordinance, Bernalillo County Ordinance 94-5 Sections 3 & 4; the Joint Air Quality Control Board
19 Ordinance, Revised Ordinances of Albuquerque 1994 Sections 9-5-1-3 & 9-5-1-4.
20 [6/14/71. . .12/1/95; 20.11.1.3 NMAC - Rn, 20 NMAC 11.01.1.3, 10/1/02; A, 7/1/04]
21

22 **20.11.1.4 DURATION:** Permanent.
23 [12/1/95; 20.11.1.4 NMAC - Rn, 20 NMAC 11.01.1.4, 10/1/02]
24

25 **20.11.1.5 EFFECTIVE DATE:** [~~The effective date of Part 1 is,~~] December 1, 1995, unless a later date is
26 cited at the end of a section. The effective date of a specific section is located at the end of that section within the
27 historical brackets. As required by the New Mexico Air Quality Control Act, Chapter 74, Article 2, Section 6
28 NMSA 1978, no regulation or emission control requirement or amendment thereto, or repeal thereof, shall become
29 effective until 30 days after its filing under the State Rules Act, Chapter 14, Article 4 NMSA 1978.
30 [12/1/95. . .8/1/96; 20.11.1.5 NMAC - Rn, 20 NMAC 11.01.1.5 & A, 10/1/02; A, 12/1/03; A, 7/1/04]
31

32 **20.11.1.6 OBJECTIVE:** [~~The objective of this part is~~] To provide definitions which are generally
33 applicable to Albuquerque - Bernalillo county air quality control board regulations.
34 [12/1/95; 20.11.1.6 NMAC - Rn, 20 NMAC 11.01.1.6 & A, 10/1/02; A, 7/1/04]
35

36 **20.11.1.7 DEFINITIONS:** The definitions of [~~This part~~] 20.11.1 NMAC apply unless there is a conflict
37 between definitions in other parts, in which case the definition found in the applicable part shall govern. The
38 definitions include the measurements, abbreviations, and acronyms in Subsection GGGG, of 20.11.1.7 NMAC.

39 **A. "Abnormal operating conditions"** means the startup or shutdown of air pollution control
40 device(s) or process equipment.

41 **B. "Administrator"** means the administrator of the United States environmental protection agency
42 or his or her designee.

43 **C. "Affected source" or "facility"** means any stationary source, or any other source of air pollutants,
44 that must comply with an applicable requirement.

45 **D. "Air agency", "department" or "EHD"** means the environmental health department (EHD) of
46 the city of Albuquerque. The EHD, or its successor agency or authority, as represented by the department director
47 or his/her designee, is the lead air quality planning agency for the Albuquerque/Bernalillo county
48 nonattainment/maintenance area. The EHD serves as staff to the Albuquerque - Bernalillo county air quality control
49 board, (A-BC AQCB), and is responsible for the administration and enforcement of the A-BC AQCB regulations.

50 **E. "Air contaminant" or "air pollutant"** means an air pollution agent or combination of such
51 agents, including any physical, chemical, biological, radioactive (including source material, special nuclear material,
52 and byproduct material) substance or matter which is emitted into or otherwise enters the ambient air. Such term
53 includes any precursors to the formation of any air pollutant; to the extent the EPA has identified such precursor or
54 precursors for the purpose for which the term "air pollutant" is used. This excludes water vapor, nitrogen (N₂),
55 carbon dioxide (CO₂), oxygen (O₂), methane and ethane.

1 **F. “Air pollution”** means the emission, except as such emission occurs in nature, into the outdoor
2 atmosphere of one or more air contaminants in such quantities and duration as may with reasonable probability
3 injure human health, animal or plant life, or as may unreasonably interfere with the public welfare, visibility or the
4 reasonable use of property.

5 **G. “Air quality control act”** means the State of New Mexico Air Quality Control Act, Chapter 74,
6 Article 2, NMSA 1978 as amended.

7 **H. “Air quality control board”, “board” or “A-BC AQCB”** means the Albuquerque - Bernalillo
8 county air quality control board, which is empowered by federal act, the Air Quality Control Act, and ordinances, to
9 prevent or abate air pollution within the boundaries of Bernalillo county, except for Indian lands over which the
10 board lacks jurisdiction.

11 **I. “Allowable emissions”** means:

12 (1) Any department or federally enforceable permit term or condition which limits the quantity, rate,
13 or concentration of emissions of air pollutants on a continuous basis, including any requirements which limits the
14 level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a
15 source to assure continuous reduction that are requested by the applicant and approved by the department or,
16 determined at the time of issuance or renewal of a permit to be an applicable requirement.

17 (2) Any federally enforceable emissions cap that the permittee has assumed to avoid an applicable
18 requirement to which the source would otherwise be subject.

19 **J. “Ambient”** means that portion of the atmosphere, external to buildings, to which the general
20 public has access.

21 **K. “Applicable requirement”** means any of the following, and includes requirements that have been
22 promulgated or approved by the board or EPA through rulemaking:

23 (1) Any standard or other requirement provided for in the New Mexico state implementation plan
24 approved by EPA, or promulgated by EPA through rulemaking, under Title I, including Parts C or D, of the federal
25 act.

26 (2) Any term or condition of any pre-construction permit issued pursuant to regulations approved or
27 promulgated through rulemaking under Title I, including parts C or D, of the federal act.

28 (3) Any standard or other requirement:

29 (a) under Section 111 or 112 of the federal act;

30 (b) of the acid rain program under Title IV of the federal act or the regulations promulgated
31 thereunder;

32 (c) governing solid waste incineration under Section 129 of the federal act;

33 (d) for consumer and commercial products under Section 183(e) of the federal act;

34 (e) of the regulations promulgated to protect stratospheric ozone under Title VI of the federal
35 act, unless the administrator has determined that such requirements need not be contained in a Title V permit.

36 (4) Any requirements established pursuant to Section 504(b) or Section 114(a)(3) of the federal act.

37 (5) Any national or state ambient air quality standard.

38 (6) Any increment or visibility requirement under Part C of Title I of the federal act applicable to
39 temporary sources permitted pursuant to Section 504(e) of the federal act.

40 (7) Any regulation adopted by the board in accordance with the Joint Air Quality Control Board
41 Ordinances pursuant to the Air Quality Control Act, and the laws and regulations in effect pursuant to the Air
42 Quality Control Act.

43 **L. “Breakdown, malfunction or upset”** means any sudden, infrequent, and not reasonably
44 preventable failure of air pollution control equipment, or process equipment, which causes a process to not operate
45 in a normal manner. Failures that are caused by process imbalance, poor maintenance or careless operation are not
46 breakdowns.

47 **M. “Carbon monoxide” or “CO”** means a colorless, odorless, poisonous gas composed of
48 molecules containing a single atom of carbon and a single atom of oxygen with a molecular weight of 28.01 g/mole.

49 **N. “Chemical process”** means any manufacturing processing operation in which one or more
50 changes in chemical composition or chemical properties are involved.

51 **O. “Coal burning equipment”** means any device used for the burning of coal for the primary
52 purpose of producing heat or power by indirect heat transfer in which the products of combustion do not come into
53 direct contact with other materials.

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

- 1 **Q.** **“Construction”** means fabrication, erection, or installation of an affected facility.
- 2 **R.** **“Crematory”** means any combustion unit designed and used solely for cremating human or
3 animal remains or parts and tissues thereof, and other items normally associated with the cremation process, but not
4 including pathological waste.
- 5 **S.** **“Department”** means the Albuquerque environmental health department, which is the
6 administrative agency of the Albuquerque/Bernalillo county air quality control board.
- 7 **T.** **“Director”** means the administrative head of the Albuquerque environmental health department or
8 a designated representative(s).
- 9 **U.** **“Emission limitation or standard”** means a requirement established by EPA, the State
10 Implementation Plan (SIP), the Air Quality Control Act, local ordinance, permit, or board ~~[part or]~~ regulation, that
11 limits the quantity, rate or concentration, or combination thereof, of emissions of regulated air pollutants on a
12 continuous basis, including any requirements relating to the operation or maintenance of a source to assure
13 continuous reduction.
- 14 **V.** **“EPA”** means the United States environmental protection agency or the EPA's duly authorized
15 representative.
- 16 **W.** **“Excess emissions”** means ~~[emissions of an air pollutant in excess of an emission limit or~~
17 ~~standard.]~~ the emission of an air contaminant, including a fugitive emission, in excess of the quantity, rate, opacity
18 or concentration specified by an air quality regulation or permit condition. {20.11.49.7.F NMAC}
- 19 **X.** **“Excess emissions report”** means a report submitted by a stationary source at the request of the
20 department in order to provide data on the source's compliance with emission limits and operating parameters.
- 21 **Y.** **“Federal act”, “act” or “CAA”** means the Federal Clean Air Act, 42 U.S.C. Section 7401
22 through 7671 et seq., as amended.
- 23 **Z.** **“Federal class I wilderness areas”** means areas designated by the EPA as such. Federal class I
24 wilderness areas within 100 kilometers of Bernalillo county are Bandelier wilderness, Pecos wilderness, and San
25 Pedro Parks wilderness.
- 26 **AA.** **“Fluid”** means either of the two states of matter, liquid or gaseous.
- 27 **BB.** **“Fugitive emissions”** means any emissions which cannot reasonably pass through a stack,
28 chimney, vent, or other functionally-equivalent opening or is not otherwise collected, unless the emission is
29 otherwise regulated by the federal act, the Air Quality Control Act, or the laws and regulation in effect pursuant to
30 the act.
- 31 **CC.** **“Grain”** means that unit of weight, which is equivalent to 0.0648 grams.
- 32 **DD.** **“Hazardous air pollutant”** means an air contaminant which has been classified pursuant to the
33 federal act, the Air Quality Control Act, or laws and regulations in effect pursuant to the act.
- 34 **EE.** **“Hydrocarbons” or “HC”** means any chemical compound of a class of aliphatic, cyclic, or
35 aromatic chemical compounds containing mostly hydrogen and carbon. Hydrocarbons are highly reactive in the
36 presence of nitrogen oxides and sunlight. All are precursors to more serious air pollutants such as ozone and
37 nitrogen dioxide.
- 38 **FF.** **“Hydrogen sulfide” or “H₂S”** means the chemical compound containing two atoms of hydrogen
39 and one of sulfur with a molecular weight of 34.07 g/mole.
- 40 **GG.** **“Incinerator”** means any furnace used in the process of burning solid waste for the purpose of
41 reducing the volume, by removing combustible matter.
- 42 **HH.** **“Inedible animal by-product processing”** means operations primarily engaged in rendering,
43 cooking, drying, dehydration, digesting, evaporating and/or concentrating of animal proteins and fats.
- 44 **II.** **“Kraft mill”** means any pulping process, which uses an alkaline solution for a cooking liquor.
- 45 **JJ.** **“Lead” or “Pb”** means a heavy metal, with a molecular weight of 207.19 g/mole that is
46 hazardous to health if breathed or swallowed.
- 47 **KK.** **“Malfunction”** means any sudden and unavoidable failure of air pollution control equipment or
48 process equipment beyond the control of the owner or operator, including malfunction during startup or shutdown.
49 A failure that is caused entirely or in part by poor maintenance, careless operation, or any other preventable
50 equipment breakdown shall not be considered a malfunction. {20.11.49.7.G NMAC}
- 51 ~~KK~~**LL.** **“Modification”** means any-physical change in or change in the method of operation of a
52 ~~[stationary]~~ source ~~[which increases]~~ that results in an increase in the potential [to emit] emission rate of any
53 regulated air contaminant emitted by the [stationary] source or [which] that-results in the emission of any regulated
54 air contaminant not previously emitted, but does not include:
55 (1) a change in ownership of the source;
56 (2) routine maintenance, repair or replacement;

1 (3) installation of air pollution control equipment, and all related process equipment and materials
2 necessary for its operation, undertaken for the purpose of complying with regulations adopted by the environmental
3 improvement board or the local board or pursuant to the federal act; or

4 (4) unless previously limited by enforceable permit conditions:

5 (a) an increase in the production rate, if such increase does not exceed the operating design
6 capacity of the source;

7 (b) an increase in the hours of operation; or

8 (c) use of an alternative fuel or raw material if, prior to January 6, 1975, the source was capable
9 of accommodating such fuel or raw material, or if use of an alternate fuel or raw material is caused by any natural
10 gas curtailment or emergency allocation or any other lack of supply of natural gas. {NM AQCA}

11 ~~LL~~MM. “New source” means any stationary source, the construction or modification of which is
12 commenced after the filing of a regulation applicable to the stationary source.

13 ~~MM~~NN. “Nitrogen dioxide” or “NO₂” means a reddish brown, poisonous gas composed of
14 molecules containing a single atom of nitrogen and two of oxygen with a molecular weight of 46.0 g/mole.

15 ~~NN~~OO. “Nitrogen oxides or NO_x” is a class of chemicals containing varying quantities of
16 nitrogen and oxygen that are created from combustion processes taking place at high temperatures and high
17 pressures (e.g., inside automotive engine cylinders or in high temperature boilers). Examples of nitrogen oxides are
18 NO, NO₂, NO₃, N₂O₂, and N₂O₅. Nitrogen oxides are also referred to as oxides of nitrogen.

19 ~~OO~~PP. “NMAC” means New Mexico administrative code, which contains the rules adopted by
20 all rulemaking agencies of the state of New Mexico and the rules adopted by the A-BC AQCB.

21 ~~PP~~QQ. “Open burning” means the combustion of any material without the following
22 characteristics:

23 (1) control of combustion air to maintain adequate temperature for efficient combustion;
24 (2) containment of the combustion reaction in an enclosed device to provide sufficient residence time
25 and mixing for complete combustion; and

26 (3) emission controls for the gaseous combustion products.

27 ~~QQ~~RR. “Operator” means the person(s) responsible for the overall operation of a source.

28 ~~RR~~SS. “Owner” means the person(s) who owns a source or part of a source.

29 ~~SS~~TT. “Ozone or O₃” means a pungent, colorless gas composed of molecules containing three atoms of
30 oxygen with a molecular weight of 48.0 g/mole.

31 ~~TT~~UU. “Part” means ~~[the regulation number in the NMAC].~~ the required NMAC designation
32 for the normal division of a chapter. A part consists of a unified body of rule material applying to a specific function
33 or devoted to a specific subject matter. Structurally, a part is the equivalent of a rule. {1.24.1.7.AA NMAC}

34 ~~UU~~VV. “Particulate matter” or “PM” means any airborne finely divided solid or liquid
35 material such as dust, smoke, mist, fumes or smog found in air or emissions.

36 ~~VV~~WW. “Particulate matter emissions” means all finely divided solid or liquid material, other
37 than uncombined water, emitted to the ambient air as measured by the reference method in 40 CFR 60, Appendix A,
38 Method 5, or an equivalent method approved by the EPA.

39 ~~WW~~. [Reserved]

40 XX. “Pathological waste destructor” means any equipment, which is used to dispose of pathological
41 waste by combustion or other process, which is approved by EPA.

42 YY. “Performance test” means the data, which is the result of a test performed as required by the
43 department to determine compliance.

44 ZZ. “Permit” means any permit or group of permits, modifications, renewals or revisions authorizing
45 the construction or operation of a stationary source pursuant to the federal act, the Air Quality Control Act, or laws
46 and regulations in effect pursuant to the act.

47 AAA. “Permittee” means the owner or operator identified in any permit application or permit.

48 BBB. “Person” means any individual, partnership, firm, public or private corporation, association, trust,
49 estate, political subdivision or agency, or any other legal entity or their legal representatives, agents or assigns.

50 CCC. “Photochemical oxidants” means an air pollutant, which is formed by the action of sunlight on
51 oxides of nitrogen and hydrocarbons.

52 DDD. “PM₁₀”, “PM_{2.5}” or “PM₁” means particulate matter with an aerodynamic diameter less than or
53 equal to 10, 2.5, or 1 micrometers, respectively.

54 EEE. “PM_{2.5} emissions” means finely divided solid or liquid material with an aerodynamic diameter
55 less than or equal to a nominal 2.5 micrometers emitted into the ambient air as measured by the reference method in
56 40 CFR Part 50, Appendix L, approved by the EPA.

1 **FFF.** “**PM₁₀ emissions**” means finely divided solid or liquid material with an aerodynamic diameter
2 less than or equal to a nominal 10 micrometers emitted into the ambient air as measured by the reference method in
3 40 CFR Part 50, Appendix J and M, or equivalent method approved by the EPA

4 **GGG.** “**Pollution control device**” or “**air pollution control equipment**” means any device, equipment,
5 process or combination thereof, the operation of which may limit, capture, reduce, confine, or otherwise control
6 regulated air pollutants or convert for the purposes of control any regulated air pollutant to another form, another
7 chemical or another physical state. This includes, but is not limited to, sulfur recovery units, acid plants, baghouses,
8 precipitators, scrubbers, cyclones, water sprays, enclosures, catalytic converters, and steam or water injection.

9 **HHH.** “**Portable stationary source**” or “**temporary stationary source**” means a stationary source
10 capable of changing its location with limited dismantling or reassembly which is associated with a specific
11 construction project or increased production demand.

12 **III.** “**Potential to emit**” or “**pre-controlled emission rate**” means the maximum capacity of a
13 stationary source to emit any air contaminant under its physical and operational design. Any physical or operational
14 limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and
15 restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be
16 treated as part of its design if the limitation is federally enforceable or is included in a permit issued by the
17 department. However, the potential to emit for nitrogen dioxide shall be based on total oxides of nitrogen.

18 **JJJ.** “**Process equipment**” means any equipment used for storing, handling, transporting, processing
19 or changing any materials whatsoever but excluding that equipment specifically defined in these regulations as
20 incinerators, crematories, pathological waste destructors, pathological destructors and medical waste destructors.

21 **KKK.** “**Process weight**” means the total weight of all materials introduced into any specific process,
22 which causes any discharge of air contaminants into the atmosphere. Solid fuels introduced into any specific
23 process will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not.

24 **LLL.** “**Process weight rate**” means the hourly rate derived by dividing the total process weight by the
25 number of hours in one complete operation from the beginning of any given process to the completion thereof, or
26 from the beginning to the completion of a typical portion thereof, excluding any time during which the equipment is
27 idle.

28 **MMM.** [Reserved]

29 **NNN.** “**Regulated air pollutant**” means the following:

- 30 (1) any pollutant for which a national, state, or local ambient air quality standard has been
31 promulgated;
32 (2) any pollutant that is subject to any standard promulgated under Section 111 of the federal act;
33 (3) any Class I or II substance subject to any standard promulgated under or established by Title VI
34 of the federal act; or
35 (4) any pollutant subject to a standard promulgated under Section 112 or any other requirements
36 established under Section 112 of the federal act.

37 **OOO.** “**Responsible official**” means one of the following:

- 38 (1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge
39 of a principal business function, or any other person who performs similar policy or decision-making functions for
40 the corporation, or a duly authorized representative of such person if the representative is responsible for the overall
41 operation of one or more manufacturing, production, or operating facilities applying for, or subject to a permit and
42 either:

43 (a) the facilities employ more than 250 persons or have gross annual sales or expenditures
44 exceeding \$25 million (in second quarter 1980 dollars); or

45 (b) the delegation of authority to such representatives is approved in advance by the
46 department.

47 (2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

48 (3) For a municipality, state, federal or other public agency: either a principal executive officer or
49 ranking elected official. For the purposes of this regulation, a principal executive officer of a federal agency
50 includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of
51 the agency (e.g., a regional administrator of EPA).

52 (4) For an acid rain source: the designated representative (as defined in Section 402(26) of the
53 federal act) in so far as actions, standards, requirements, or prohibitions under Title IV of the federal act or the
54 regulations promulgated thereunder are concerned, and for any other purposes under 40 CFR, Part 70.

55 **PPP.** “**Shutdown**” means the cessation of operation of any air pollution control equipment, or process
56 equipment [~~or process for any purpose~~].

1 **QQQ.** [Reserved]

2 **RRR.** [Reserved]

3 **SSS.** “**Smoke**” means small gas-borne particles resulting from incomplete combustion, consisting
4 predominantly, but not exclusively, of carbon, soot and combustible material.

5 **TTT.** “**Solid waste**” means garbage; refuse; yard waste; food wastes; plastics; leather; rubber; sludge;
6 and other discarded combustible or noncombustible waste, including solid, liquid, semisolid; or contained gaseous
7 material resulting from industrial, commercial, mining, and agricultural operations, and from community or
8 residential activities, and from waste treatment plants, water supply treatment plants, or air pollution control
9 facilities; but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in
10 irrigation return flows or industrial discharges which are point sources subject to permit under Section 402 of the
11 Federal Water Pollution Control Act, or source, special nuclear, or byproduct material as defined by the Atomic
12 Energy Act.

13 **UUU.** [Reserved]

14 **VVV.** “**Stack, chimney, vent, or duct**” means any conduit or duct emitting particulate or gaseous
15 emissions into the open air.

16 **WWW.** “**Standard conditions**” means the conditions existing at a temperature of 70° F (25° C) and
17 pressure of 14.7 psia (760 mmHg).

18 **XXX.** “**Standard cubic foot**” means a measure of the volume of one cubic foot of gas at standard
19 conditions.

20 **YYY.** “**Startup**” means [the] setting into operation [of] any air pollution control equipment, or process
21 equipment [or process for any purpose].

22 **ZZZ.** “**Stationary source**” means any building, structure, facility or installation, which is either
23 permanent or temporary, excluding a private residence, that emits or may emit any regulated air pollutant or any
24 pollutant listed under Section 112(b) of the federal act, the Air Quality Control Act, or the laws and regulations in
25 effect pursuant to the act. Several buildings, structures, facilities, or installations, or any combinations will be
26 treated as a single stationary source if they belong to the same industrial grouping, are located on one or more
27 contiguous or adjacent properties, and are under the control of the same person, or persons, or are under common
28 control. Pollutant-emitting activities shall be treated as the same industrial grouping if they have the same first two
29 digits of an applicable standard industrial classification (SIC) code as described in the standard industrial
30 classification manual, or if they have the same first three digits of an applicable north american industry
31 classification system (NAICS) code. {AQD}

32 **AAAA.** “**Sulfur dioxide**” or “**SO₂**” means a pungent, colorless, poisonous gas composed of molecules
33 containing a single atom of sulfur and two atoms of oxygen with a molecular weight of 64.07 g/mole.

34 **BBBB.** “**Total reduced sulfur**” means any combination of sulfur compounds, except sulfur dioxide and
35 free sulfur, which test as reduced sulfur, including, but not limited to, hydrogen sulfide, methyl mercaptan, and ethyl
36 mercaptan.

37 **CCCC.** “**Total suspended particulate**” or “**TSP**” means particulate matter as measured by the method
38 described in 40 CFR Part 50, Appendix B.

39 **DDDD.** “**Vapors**” means the gaseous form of a substance, which exists in the liquid or solid state at
40 standard conditions.

41 **EEEE.** “**Visible emission**” means an emission that can be seen because its opacity or optical density is
42 above the threshold of vision.

43 **FFFF.** “**Volatile organic compounds**” or “**VOC**” means any compound of carbon, [~~which participates~~
44 ~~in atmospheric photochemical reactions~~] excluding carbon monoxide, carbon dioxide, carbonic acid, metallic
45 carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

46 (1) VOC includes any such organic compound other than the following, which have been determined
47 to have negligible photochemical reactivity: methane; ethane; methylene chloride (dichloromethane); 1,1,1-
48 trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-
49 11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-
50 dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-
51 dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-
52 chloro 1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane
53 (HCFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-
54 152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone;
55 perchloroethylene (tetrachloroethylene); [~~and perfluorocarbon compounds; and, any additional compounds which~~
56 ~~the EPA determines to have negligible photochemical reactivity.~~] 3,3-dichloro-1,1,1,2,2-pentafluoropropane

1 (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-
2 decafluoropentane(HFC 43-10mee); difluoromethane(HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-
3 hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-
4 245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-
5 hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1
6 chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-
7 nonafluoro-4-methoxy-butane (C₄F₉OCH₃ or HFE-7100); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-
8 heptafluoropropane ((CF₃)₂CF₂OCH₃); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅ or HFE-7200);
9 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CF₂OC₂H₅); methyl acetate; 1,1,1,2,2,3,3-
10 heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃ or HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-
11 (trifluoromethyl) hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); methyl formate (HCOOCH₃);
12 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); propylene carbonate; dimethyl
13 carbonate; and perfluorocarbon compounds which fall into these classes:

14 (a) cyclic, branched, or linear, completely fluorinated alkanes;
15 (b) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
16 (c) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations;
17 and
18 (d) sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to
19 carbon and fluorine.

20 (2) For purposes of determining compliance with emissions limits, VOC will be measured by the test
21 methods in the approved state implementation plan (SIP) or 40 CFR Part 60, Appendix A, as applicable. Where
22 such a method also measures compounds with negligible photochemical reactivity, these negligibility-reactive
23 compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion
24 is approved by the enforcement authority.

25 (3) As a precondition to excluding these compounds as VOC or at any time thereafter, the
26 enforcement authority may require an owner or operator to provide monitoring or testing methods and results
27 demonstrating, to the satisfaction of the enforcement authority, the amount of negligibly-reactive compounds in the
28 source's emissions.

29 (4) For purposes of federal enforcement for a specific source, the EPA shall use the test methods
30 specified in the applicable EPA-approved SIP, in a permit issued pursuant to a program approved or promulgated
31 under Title V of the Act, or under 40 CFR Part 51, Subpart I or Appendix S, or under 40 CFR Parts 52 or 60. The
32 EPA shall not be bound by any state determination as to appropriate methods for testing or monitoring negligibly-
33 reactive compounds if such determination is not reflected in any of the above provisions.

34 (5) The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting,
35 photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely
36 identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content
37 requirements: t-butyl acetate.

38 (6) For the purposes of determining compliance with California's aerosol coatings reactivity-based
39 regulation, (as described in the California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 8.5,
40 Article 3), any organic compound in the volatile portion of an aerosol coating is counted towards that product's
41 reactivity-based limit. Therefore, the compounds identified in Subsection FFFF of 20.11.1.7 NMAC as negligibly
42 reactive and excluded from EPA's definition of VOCs are to be counted towards a product's reactivity limit for the
43 purposes of determining compliance with California's aerosol coatings reactivity-based regulation.

44 (7) For the purposes of determining compliance with EPA's aerosol coatings reactivity based
45 regulation (as described in 40 CFR Part 59 – *National Volatile Organic Compound Emission Standards for*
46 *Consumer and Commercial Products*) any organic compound in the volatile portion of an aerosol coating is counted
47 towards the product's reactivity-based limit, as provided in 40 CFR Part 59, Subpart E. Therefore, the compounds
48 that are used in aerosol coating products and that are identified in Subsection FFFF of 20.11.1.7 NMAC as
49 negligibly reactive and excluded from EPA's definition of VOC are to be counted towards a product's reactivity
50 limit for the purposes of determining compliance with EPA's aerosol coatings reactivity-based national regulation,
51 as provided in 40 CFR Part 59, Subpart E, 40 CFR 51.100.(s)!

52 GGGG. "Measurements, abbreviations, and acronyms"

53 A-BC AOCB-Albuquerque/Bernalillo County Air Quality Control Board

54 ABT-Averaging, Banking and Trading (Program)

55 AIRS-Aerometric Information Retrieval System

56 AMPA-Albuquerque Metropolitan Planning Area

1 **APCD**-Air Pollution Control Division
 2 **API**-American Petroleum Institute
 3 **AQIA**-Air Quality Impact Assessment
 4 **AQI**-Air Quality Index
 5 **AQS**-Air Quality Services
 6 **ASE**-National Institute for Automotive Service Excellence
 7 **ASTM**-American Society for Testing and Materials
 8 **ATS**-Allowance Tracking System
 9 **BACT**-Best Available Control Technology
 10 **Bhp**-Brake horsepower
 11 **Btu**-British thermal unit
 12 **C**-Celsius
 13 **CAA(A)**-federal Clean Air Act (Amendments)
 14 **CEM**-Continuous Emission Monitor
 15 **CFC(s)** -Chlorofluorocarbon(s)
 16 **cfh**-cubic feet per hour
 17 **cfm**-cubic feet per minute
 18 **CFR**-Code of Federal Regulations
 19 **CO₂**-carbon dioxide.
 20 **CO**-carbon monoxide.
 21 **COG**-Mid-Region Council of Governments
 22 **CMAQ**-Congestion Mitigation and Air Quality
 23 **cu. in.**-cubic inch(es)
 24 **DER**-Discrete Emission Reduction
 25 **DOE**-Department of Energy
 26 **DOT**-U.S. Department of Transportation
 27 **DPM**-Development Process Manual
 28 **DRB**-Development Review Board
 29 **EA**-Environmental Assessment
 30 **EHD**-Environmental Health Department
 31 **EI**-Emission Inventory
 32 **EIS**-Environmental Impact Statement
 33 **EPA**-U.S. Environmental Protection Agency
 34 **EPC**-Environmental Planning Commission
 35 **ERC**-Emission Reduction Credit
 36 **F**-Fahrenheit.
 37 **FHWA**-Federal Highway Administration, DOT
 38 **FMVCP**-Federal Motor Vehicle Control Program
 39 **FR**-Federal Register
 40 **ft.**-feet
 41 **FTA**-Federal Transit Administration, DOT
 42 **g**-gram(s)
 43 **g/mole**-grams per mole
 44 **gal** -U.S. gallon(s)
 45 **GVW**-Gross vehicle weight
 46 **GVWR**-Gross vehicle weight rating
 47 **h**-hour(s)
 48 **HAP**-Hazardous Air Pollutants
 49 **HC**-hydrocarbon(s)
 50 **Hg**-mercury
 51 **hp**.-horsepower
 52 **I/M**-Inspection/Maintenance
 53 **in.**-inch(es)
 54 **ISTEA**-Intermodal Surface-Transportation Efficiency Act (see SAFETEA-LU)
 55 **K**-Kelvin
 56 **kg**-kilogram(s)

1 **km**-kilometer(s)
 2 **kPa**-kilopascal(s)
 3 **lb.**-pound(s)
 4 **lb/day**-pounds per day
 5 **lb-ft**-pound-feet
 6 **lb/hr**-pounds per hour
 7 **lb/yr**-pounds per year
 8 **LAER**-Lowest Achievable Emission Rate
 9 **LNG**-Liquefied Natural Gas
 10 **LPG**-Liquefied Petroleum Gas
 11 **L RTP**-Long Range Transportation Plan
 12 **m**-meter(s)
 13 **MACT**-Maximum Achievable Control Technology
 14 **max.**-maximum
 15 **MCO**-Manufacturer's Certificate of Origin
 16 **µg**-microgram
 17 **µg/m³**-microgram per cubic meter
 18 **mg**-milligram(s)
 19 **mg/m³**-milligram per cubic meter
 20 **mi.**-mile(s)
 21 **min**-minute(s)
 22 **ml**-milliliter(s)
 23 **mm**-millimeter(s)
 24 **MMBtu**-million Btu
 25 **mmHg**-millimeters of Mercury
 26 **mph**-miles per hour
 27 **MPO**-Metropolitan Planning Organization
 28 **MRCOG**-Mid-Region Council of Governments
 29 **MSERC**-Mobile Source Emission Reduction Credits
 30 **MSMTC**-Mobile Source Modeling Technical Committee
 31 **MTBE**-methyl tertiary butyl ether
 32 **MVD**-Motor Vehicle Division
 33 **MWe**-megawatt electrical
 34 **N₂**-nitrogen.
 35 **NAAQS**-National Ambient Air Quality Standards
 36 **NAMS**-National Air Monitoring Station
 37 **NCore**- National Core Multi-pollutant Monitoring Network
 38 **NDIR**-nondispersive infrared
 39 **NEPA**-National Environmental Policy Act
 40 **NESCAUM/MARAMA**-Northeast States for Coordinated Air Use Management/Mid-Atlantic Regional Air
 41 Management Association
 42 **NESHAP**-National Emission Standards for Hazardous Air Pollutants
 43 **NIST**-National Institute of Standards and Technology
 44 **NM**-New Mexico
 45 **NMAC**-New Mexico Administrative Code
 46 **NMSA**-New Mexico Statutes Annotated
 47 **NO**-nitric oxide
 48 **NO₂**-nitrogen dioxide
 49 **NO_x** -oxides of nitrogen
 50 **No**-number
 51 **NOV**-Notice of Violation
 52 **NMHC**-Non-Methane Hydrocarbons
 53 **NSPS**-New Source Performance Standards
 54 **NSR**-New Source Review
 55 **O₂**-oxygen
 56 **O₃**-ozone

1 **OMTR**-Open Market Trading Rule
 2 **OTAG**-Ozone Transport Assessment Group
 3 **OTC**-Ozone Transport Commission
 4 **Pb**-lead
 5 **PIC**-Public Involvement Committee
 6 **PM**-Particulate Matter
 7 **PM_{2.5}**-Particulate Matter Less Than 2.5 microns
 8 **PM₁₀**-Particulate Matter Less Than 10 microns
 9 **ppm**-parts per million by volume
 10 **ppm C**-parts per million, carbon
 11 **PSD**-Prevention of Significant Deterioration
 12 ~~**PSI**-Pollutant Standard Index]~~
 13 **psi**-pounds per square inch
 14 **psia**-pounds per square inch absolute
 15 **psig**-pounds per square inch gauge
 16 **PTE**-Potential To Emit
 17 **PWD**-Pathological Waste Destructor
 18 **QF**-Qualifying Facility
 19 **R**-Rankin
 20 **RACT**-Reasonably Available Control Technology
 21 **R&D**-Research & Development
 22 **RECLAIM**-Regional Clean Air Incentives Market
 23 **ROG**-Reactive Organic Gases
 24 **rpm**-revolutions per minute
 25 **RTA**-Regional Transit Authority
 26 **RTC**-RECLAIM Trading Credit
 27 **RVP**-Reid vapor pressure
 28 **s**-second(s)
 29 **SAE**-Society of Automotive Engineers
 30 **SAFETEA-LU**-The Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users
 31 **SBAP**-Small Business Assistance Program
 32 **scf**-standard cubic foot
 33 **SI**-International system of units
 34 **SIP**-State Implementation Plan
 35 **SLAMS**-State and Local Air Monitoring Station
 36 **SMOG**-SMoke + fOG
 37 **SO₂**-Sulfur Dioxide
 38 **State DOT**-New Mexico Department of Transportation
 39 **STIP**-State Transportation Improvement Program
 40 **TCC**-Transportation Coordinating Committee
 41 **TCM**-Transportation Control Measure
 42 **TES**-Transportation Evaluation Study
 43 **TIP**-Transportation Improvement Program
 44 **TMA**-Transportation Management Association
 45 **ton/yr**-tons per year
 46 **TPTG**-Transportation Program Task Group
 47 **tpy**-tons per year
 48 **TSP**-Total Suspended Particulate
 49 **UPWP**-Unified Planning Work Program
 50 **UTPPB**-Urban Transportation Planning Policy Board
 51 **U.S.**-United States
 52 **UV**-Ultraviolet
 53 **VE**-Visible Emission(s)
 54 **VIN**-Vehicle Identification Number
 55 **VMT**-Vehicle Miles Traveled
 56 **VOC**-Volatile Organic Compounds

1 **VPMD-Vehicle Pollution Management Division**
2 %-percent
3 °-degree(s)
4 [3/21/77. . .11/12/81, 11/21/81, 3/16/89, 6/16/92, 2/26/93, 9/23/94, 12/16/94, 12/1/95, 8/1/96; 20.11.1.7 NMAC -
5 Rn, 20 NMAC 11.01.I.7, 10/1/02; A, 7/1/04]
6
7 **20.11.1.8 VARIANCES:** [Reserved]
8 [12/1/95; 20.11.1.8 NMAC - Rn, 20 NMAC 11.01.I.8, 10/1/02]
9
10 **20.11.1.9 SAVINGS CLAUSE:** Any amendment to 20.11.1 NMAC which is filed with the state records
11 center shall not affect actions pending for violation of a city or county ordinance, [~~Air Quality Control Board~~
12 ~~Standard 1, Board Regulations No. 1, 2, and 26,~~] or [~~Part 1~~] 20.11.1 NMAC. Prosecution for a violation under prior
13 regulation wording shall be governed and prosecuted under the statute, ordinance, part or regulation section in effect
14 at the time the violation was committed.
15 [12/1/95; 20.11.1.9 NMAC - Rn, 20 NMAC 11.01.I.9, 10/1/02]
16
17 **20.11.1.10 SEVERABILITY:** If any section, paragraph, sentence, clause or word of [~~this part~~] 20.11.1
18 NMAC or any federal standards incorporated herein is for any reason held to be unconstitutional or otherwise
19 invalid by any court, the decision shall not affect the validity of remaining provisions of [~~this part~~] 20.11.1 NMAC.
20 [12/1/95; 20.11.1.10 NMAC - Rn, 20 NMAC 11.01.I.10, 10/1/02]
21
22 **20.11.1.11 DOCUMENTS:** Documents incorporated and cited in [~~this part~~] 20.11.1 NMAC may be viewed
23 at the Albuquerque environmental health department, 400 Marquette NW, Albuquerque, NM.
24 [12/1/95; 20.11.1.11 NMAC - Rn, 20 NMAC 11.01.I.11 & A, 10/1/02]
25
26 **20.11.1.12** [Reserved]
27 [12/1/95; 20.11.1.12 NMAC - Rn, 20 NMAC 11.01.I.12 & Repealed, 10/1/02; Rn, 20 NMAC 11.01.II.1, 10/1/02]
28
29 **20.11.1.13** [Reserved]
30 [11/12/81. . .3/24/82, 8/1/96; 20.11.1.13 NMAC - Rn, 20 NMAC 11.01.II.2, 10/1/02; Repealed, 7/1/04]
31
32 **20.11.1.14** [~~INTERPRETATION: Except as expressly provided to the contrary in these regulations,~~
33 ~~whenever two or more parts of these regulations limit, control or regulate the emissions of a particular air~~
34 ~~contaminant, the more restrictive or stringent shall govern.] Reserved. [~~20.11.8.14 NMAC~~]
35 [3/24/82; 20.11.1.14 NMAC - Rn, 20 NMAC 11.01.II.3, 10/1/02]
36
37 **HISTORY OF 20.11.1 NMAC:**
38 **Pre-NMAC History:** The material in [~~this part~~] 20.11.1 NMAC was derived from that previously filed with the
39 commission of public records - state records center and archives.
40 Resolution No. 1, Air Pollution Control Regulations of The Albuquerque Bernalillo County Air Quality Control
41 Board, 8/6/71;
42 Regulation No. 1, Air Pollution Control Regulations, 6/6/73;
43 Regulation No. 1, Air Pollution Control Regulations, 7/9/73;
44 Regulation No. 1, Air Pollution Control Regulations, 3/21/77;
45 Regulation No. 1, Resolutions - Air Pollution Control Regulations, 3/24/82;
46 Regulation No. 1, Resolution - Air Pollution Regulations, 6/18/86;
47 Resolution No. 2, Ambient Air Quality Standards of The Albuquerque Bernalillo County Air Quality Control Board,
48 8/6/71;
49 Resolution No. 2, Ambient Air Quality Standards of The Albuquerque Bernalillo County Air Quality Control Board,
50 6/6/73;
51 Standard No. 1, Ambient Air Quality Standards, 11/12/81;
52 Regulation No. 2, Definitions, 3/24/82;
53 Regulation No. 2, Definitions, 1/3/85;
54 Regulation No. 2, Definitions, 3/16/89;
55 Regulation No. 2, Definitions, 11/27/91;
56 Regulation No. 2, Definitions, 6/16/92;~~

1 Regulation No. 26, Interpretation, 3/24/82.

2

3 **History of Repealed Material:**

4

5 **Other History:** Regulation No. 1, Air Pollution Regulations, filed 6/18/86; Standard No. 1, Ambient Air Quality
6 Standards, filed 11/12/81; Regulation No. 2, Definitions, filed 6/16/92; and Regulation No. 26, Interpretation, filed
7 3/24/82; were all **renumbered** and **reformatted** into first version of the New Mexico Administrative Code as 20
8 NMAC 11.01, General Provisions, filed 10/27/95.

9 20 NMAC 11.01, General Provisions, filed 10/27-95 was **renumbered, reformatted, amended and replaced** by
10 20.11.1 NMAC, General Provisions, effective 10/1/02.

11

1 **TITLE 20 ENVIRONMENTAL PROTECTION**
2 **CHAPTER 11 ALBUQUERQUE - BERNALILLO COUNTY AIR QUALITY CONTROL BOARD**
3 **PART 8 AMBIENT AIR QUALITY STANDARDS**
4

5 **20.11.8.1 ISSUING AGENCY:** Albuquerque - Bernalillo County Air Quality Control Board. P.O. Box
6 1293, Albuquerque, NM 87103. Telephone: (505) [768-2600] 768-2601.
7 [20.11.8.1 NMAC - N, 7/1/04]

8
9 **20.11.8.2 SCOPE:**
10 **A. 20.11.8 NMAC is applicable [to the city of Albuquerque and] within Bernalillo county.**
11 **B. Exempt:** 20.11.8 NMAC does not apply to sources within Bernalillo county, which are located
12 on Indian lands over which the Albuquerque - Bernalillo county air quality control board lacks jurisdiction.
13 [20.11.8.2 NMAC - N, 7/1/04]

14
15 **20.11.8.3 STATUTORY AUTHORITY:** 20.11.8 NMAC is adopted pursuant to the authority provided in
16 the New Mexico Air Quality Control Act, NMSA 1978 Sections 74-2-4, 74-2-5C; the Joint Air Quality Control
17 Board Ordinance, Bernalillo County Ordinance 94-5 Sections 3 & 4; the Joint Air Quality Control Board Ordinance,
18 Revised Ordinances of Albuquerque 1994 Sections 9-5-1-3 & 9-5-1-4.
19 [20.11.8.3 NMAC - N, 7/1/04]

20
21 **20.11.8.4 DURATION:** Permanent.
22 [20.11.8.4 NMAC - N, 7/1/04]

23
24 **20.11.8.5 EFFECTIVE DATE:** [The effective date of Part 8 is,] July 1, 2004, unless a later date is cited at
25 the end of a section. The effective date of a specific section is located at the end of each section within the historical
26 brackets. As required by the New Mexico Air Quality Control Act, Chapter 74, Article 2, Section 6 NMSA 1978,
27 no regulation or emission control requirement or amendment thereto, or repeal thereof, shall become effective until
28 30 days after its filing under the State Rules Act, Chapter 14, Article 4 NMSA 1978.
29 [20.11.8.5 NMAC - N, 7/1/04]

30
31 **20.11.8.6 OBJECTIVE:** [The objective of 20.11.8 NMAC is] To adopt local ambient air quality standards
32 that are identical to the federal National Primary and Secondary Ambient Air Quality Standards codified at 40 CFR
33 Part 50, and to adopt applicable state *Ambient Air Quality Standards* codified at 20.2.3 NMAC.
34 [20.11.8.6 NMAC - N, 7/1/04]

35
36 **20.11.8.7 DEFINITIONS:** The definitions in 20.11.1 NMAC apply to 20.11.8 NMAC.
37 [20.11.8.7 NMAC - N, 7/1/04]

38
39 **20.11.8.8 SAVINGS CLAUSE:** Any amendment to *Ambient Air Quality Standards*, 20.11.8 NMAC, that is
40 filed with the state records center, shall not affect actions pending for violation of a city or county ordinance, the air
41 quality regulations for Albuquerque and Bernalillo county or a permit issued by the department. Prosecution for a
42 violation under a prior statute, ordinance, regulation or permit shall be governed and prosecuted under the statute,
43 ordinance or regulation in effect at the time the violation was committed.
44 [20.11.8.8 NMAC - N, 7/1/04]

45
46 **20.11.8.9 SEVERABILITY:** If any section, paragraph, sentence, clause or word of 20.11.8 NMAC or any
47 federal standards incorporated herein is for any reason held to be unconstitutional or otherwise invalid by any court,
48 the decision shall not affect the validity of remaining provisions of 20.11.8 NMAC.
49 [20.11.8.9 NMAC - N, 7/1/04]

50
51 **20.11.8.10 DOCUMENTS:** Documents incorporated and cited in 20.11.8 NMAC may be viewed at the
52 Albuquerque environmental health department, 400 Marquette NW, Albuquerque, NM.
53 [20.11.8.10 NMAC - N, 7/1/04]

54
55 **20.11.8.11 INCORPORATION OF FEDERAL AMBIENT AIR QUALITY STANDARDS:** Except as
56 otherwise provided, the National Primary and Secondary Ambient Air Quality Standards of the United States

1 environmental protection agency including the General Provisions thereto, codified at 40 CFR Part 50 (including
 2 appendices), as amended through [~~July 18, 1997~~] January 12, 2009, are hereby incorporated into 20.11.8 NMAC.
 3 Section 20.11.8.13 NMAC is a summary of the federal and state standards incorporated in 20.11.8 NMAC. {AQD}
 4 [20.11.8.11 NMAC - N, 7/1/04]

6 **20.11.8.12 INCORPORATION OF STATE AMBIENT AIR QUALITY STANDARDS:** Except as
 7 otherwise provided, the state *Ambient Air Quality Standards* of the environmental improvement board codified at
 8 20.2.3 NMAC [~~effective October 31, 2002,~~] are hereby incorporated into 20.11.8 NMAC. Section 20.11.8.13
 9 NMAC is a summary of the federal and state standards incorporated in 20.11.8 NMAC. {AQD}
 10 [20.11.8.12 NMAC - N, 7/1/04]

12 **20.11.8.13 SUMMARY OF FEDERAL AND STATE AMBIENT AIR QUALITY STANDARDS:**

<u>Pollutant</u>	<u>Reference</u>	<u>Federal Primary</u>	<u>Federal Secondary</u>	<u>New Mexico State</u>
Carbon Monoxide (CO)				
8-hour average	<u>40 CFR 50.8</u>	9[.0] ppm	none	8.7 ppm
1-hour average	<u>40 CFR 50.8</u>	35 ppm	none	13.1 ppm
Nitrogen Dioxide (NO₂)				
24-hour average	<u>NA</u>	none	none	0.10 ppm
Annual arithmetic mean	<u>40 CFR 50.11</u>	0.053 ppm	0.053 ppm	0.05 ppm
Ozone (O₃)				
1-hour average	40 CFR 50.10	0.12[0] ppm	0.12[0] ppm	none {Revoked, 8/3/05 FR Vol. 70, No. 148, 44470-78, effective 6/15/05}
8-hour average	<u>40 CFR 50.10</u>	0.08 ppm	0.08 ppm	none
<u>(The 1997 standard – and the implementation rules for that standard – will remain in place for implementation purposes as EPA undertakes rulemaking to address the transition from the 1997 ozone standard to the 2008 ozone standard). {http://www.epa.gov/air/ozonepollution/standards.html}</u>				
8-hour average	40 CFR 50.15	0.075 ppm	0.075 ppm	none {3/27/08 FR, Vol. 73, No. 60, 16436-16514} {Effective May 27, 2008} {http://www.epa.gov/air/ozonepollution/standards.html}
Sulfur Dioxide (SO₂)				
24-hour average	<u>40 CFR 50.4</u>	0.14 ppm	none	0.10 ppm
3-hour average	<u>40 CFR 50.5</u>	none	0.5 ppm	none
Annual (arithmetic mean)	<u>40 CFR 50.4</u>	0.030 ppm	none	0.02 ppm
Particulate Matter (PM_{2.5})				
24-hour average	40 CFR 50.7	65 µg/m³	65 µg/m³	none {10/17/06 FR, Vol. 71, No. 200, 61144-61233}
24-hour average	<u>40 CFR 50.13</u>	35 µg/m ³	35 µg/m ³	none
<u>(Effective December 18, 2006) {10/17/06 FR, Vol. 71, No. 200, 61144-61233}</u>				
Annual (arithmetic mean)	<u>40 CFR 50.7 & 40 CFR 50.13</u>	15.0 µg/m ³	15.0 µg/m ³	none

1	Particulate Matter (PM₁₀)			
2	24-hour average	40 CFR 50.6	150 µg/m ³	150 µg/m ³ none
3				
4	{Annual arithmetic mean 50 µg/m³ 50 µg/m³ none} {10/17/06 FR, Vol. 71, No. 200,			
5	61144-61233}			
6				
7	Lead (Pb)			
8	{Quarterly [arithmetic mean] average 40 CFR 50.12 1.5 µg/m³ 1.5 µg/m³ none} {11/12/08			
9	FR, Vol. 73, No. 219, 66964-67062}			
10				
11	Rolling 3-month average	40 CFR 50.16	0.15µg/m ³	0.15µg/m ³ none
12	<u>(Effective 1 year after date of area attainment designation)</u> {11/12/08 FR, Vol. 73, No. 219, 66964-67062}			
13				
14	Hydrogen Sulfide			
15	1-hr average	none	none	0.010 ppm
16				
17	Total Reduced Sulfur			
18	1/2-hour average	none	none	0.003 ppm
19				
20	Particulate Matter (TSP)			
21	24-hour average	none	none	150 µg/m ³
22				
23	7-day average	none	none	110 µg/m ³
24				
25	30-day average	none	none	90 µg/m ³
26				
27	Annual geometric mean	none	none	60 µg/m ³
28	[20.11.8.13 NMAC - N, 7/1/04]			
29				
30	20.11.8.14 INTERPRETATION: Except as expressly provided to the contrary in these regulations,			
31	whenever two or more parts of these regulations limit, control or regulate the emissions of a particular air			
32	contaminant, the more restrictive or stringent shall govern.			
33	[20.11.8.14 NMAC - N, 7/1/04]			
34				
35	HISTORY OF 20.11.8 NMAC:			
36	None			
37				