PENGAD 800-631-6989
AQD EXHIBIT
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TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 11 ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
PART 63 NEW SOURCE PERFORMANCE STANDARDS FOR STATIONARY SOURCES

20.11.63.1 ISSUING AGENCY: Albuquerque-Bernalillo County Air Quality Control Board, c/o Environmental Health Department, P.O. Box 1293, Albuquerque, New Mexico 87103. Telephone: (505) 768-2601.
[1/1/2000; 20.11.63.1 NMAC - Rn, 20 NMAC 11.63.1, 10/1/02; A, 1/1/05; A, 2/16/09]

20.11.63.2 SCOPE: 20.11.63 NMAC is applicable to all stationary sources of air pollutants located within Bernalillo county, which are subject to the requirements of 40 CFR Part 60, as amended in the *Federal Register* through [~~August 1, 2008~~] August 29, 2011.

A. Exempt: 20.11.63 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 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters.

(2) Reserved.

C. Variances: The variance provisions of 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 20.11.63 NMAC or the incorporated federal standards.
[1/1/2000; 20.11.63.2 NMAC - Rn, 20 NMAC 11.63.2, 10/1/02; A, 1/1/05; A, 1/1/06; A, 1/15/07; A, 2/16/09]

20.11.63.3 STATUTORY AUTHORITY: 20.11.63 NMAC is adopted pursuant to the authority provided in the New Mexico Air Quality Act, NMSA 1978 Sections 74-2-4 and 74-2-5; the Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5 Sections 3 and 4; and the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994 Sections 9-5-1-3 and 9-5-1-4.
[1/1/2000; 20.11.63.3 NMAC - Rn, 20 NMAC 11.63.3, 10/1/02; A, 1/1/05]

20.11.63.4 DURATION: Permanent.
[1/1/2000; 20.11.63.4 NMAC - Rn, 20 NMAC 11.63.4, 10/1/02]

20.11.63.5 EFFECTIVE DATE: December 1, 1999, unless a later date is cited at the end of a section.
[1/1/2000; 20.11.63.5 NMAC - Rn, 20 NMAC 11.63.5 & A, 10/1/02]

20.11.63.6 OBJECTIVE: To adopt specified federal New Source Performance Standards (NSPS) codified at 40 CFR Part 60 as part of 20.11.63 NMAC.
[1/1/2000; 20.11.63.6 NMAC - Rn, 20 NMAC 11.63.6, 10/1/02; A, 1/1/05]

20.11.63.7 DEFINITIONS: [Reserved]

20.11.63.8 SAVINGS CLAUSE: Any amendment to 20.11.63 NMAC, *New Source Performance Standards for Stationary* [~~Source~~] Sources that is filed with the state records center and archives shall not affect actions pending for violation of a city or county ordinance or the version of 20.11.63 NMAC, *New Source Performance Standards For Stationary Sources*, in effect prior to amendment. Prosecution for a violation under prior regulation wording shall be governed and prosecuted under the ordinance, part, or regulation section in effect at the time the violation was committed.
[1/1/2000; 20.11.63.8 NMAC - Rn, 20 NMAC 11.63.8, 10/1/02; A, 1/1/05]

20.11.63.9 SEVERABILITY: If any section, subsection, sentence, phrase, clause, or wording of 20.11.63 NMAC or the 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 portions of 20.11.63 NMAC.
[1/1/2000; 20.11.63.9 NMAC - Rn, 20 NMAC 11.63.9, 10/1/02; A, 1/1/05]

20.11.63.10 DOCUMENTS: Documents incorporated and cited in 20.11.63 NMAC may be viewed at the Albuquerque environmental health department, 400 Marquette NW, Albuquerque, NM.
[1/1/2000; 20.11.63.10 NMAC - Rn, 20 NMAC 11.63.10, & A, 10/1/02; A, 1/1/05]

20.11.63.11 INCORPORATION OF FEDERAL STANDARDS: Except as otherwise provided in 20.11.63 NMAC, the New Source Performance Standards promulgated by the United States environmental protection agency, and codified at 40 CFR Part 60, including Subpart A-General Provisions thereto, as amended in the *Federal Register* through [~~August 1, 2008~~] August 29, 2011, are hereby incorporated into 20.11.63 NMAC.
[1/1/2000; 20.11.63.11 NMAC - Rn, 20 NMAC 11.63.11, 10/1/02; A, 1/1/05; A, 1/15/07; A, 2/16/09]

20.11.63.12 MODIFICATIONS AND EXCEPTIONS: For purposes of administering and enforcing 20.11.63 NMAC, the following modification or exception is made to the federal standards that are incorporated in 20.11.63 NMAC. When the director of Albuquerque environmental health department is exercising the authority delegated to the director by the United States environmental protection agency, the definition of "administrator" of the United States environmental protection agency that is included in 40 CFR 60.2, *Definitions*, shall be changed to "director" of the Albuquerque environmental health department.
[1/1/2000; 20.11.63.12 NMAC - Rn, 20 NMAC 11.63.12, 10/1/02; A, 1/1/05]

HISTORY OF 20.11.63 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.
Regulation No. 30, New Source Performance Standards, 1/3/85;
Regulation No. 30, New Source Performance Standards, 6/18/86;
Regulation No. 30, New Source Performance Standards, 7/14/89;
Regulation No. 30, New Source Performance Standards, 1/14/92;
Regulation No. 30, New Source Performance Standards, 4/22/93;
Regulation No. 30, New Source Performance Standards, 12/16/94.

History of Repealed Material: 20 NMAC 11.63, New Source Performance Standards for Stationary Sources, filed 08-30-95.

Other History: Regulation No. 30, New Source Performance Standards, filed 12/16/94, was **renumbered** and **reformatted** into first version of the New Mexico Administrative Code as 20 NMAC 11.63, New Source Performance Standards for Stationary Sources, filed 08/30/95.
20 NMAC 11.63, New Source Performance Standards for Stationary Sources, filed 08/30/95 was **replaced** by 20 NMAC 11.63, New Source Performance Standards for Stationary Sources, filed 11/22/99.
20 NMAC 11.63, New Source Performance Standards for Stationary Sources, filed 11/22/99 was **renumbered, reformatted, amended and replaced** by 20.11.63 NMAC, New Source Performance Standards for Stationary Sources, effective 10/1/02.