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ENVIRONMENTAL HEALTH DEPARTMENT
AIR MANAGEMENT DIVISION
P.O. BOX 1293
ALBUQUERQUE, NEW MEXICO 87103

RESOLUTION

WHEREAS, the State of New Mexico Legislature by Laws, Chapter 277, Laws of 1967, as amended by Chapter 58, Laws of 1970, has provided authority and means for preventing and abating air pollution, and

WHEREAS, a joint Air Quality Control Board for Bernalillo County has been duly formed under the authority of said statute, and

WHEREAS, the adoption of Air Pollution Control Regulations is needed to protect the health, property and welfare of the residents of Bernalillo County.

NOW THEREFORE the Albuquerque-Bernalillo County Air Quality Control Board hereby makes the following findings and declarations:

1. Bernalillo County is an area growing in population, commerce and industry whose 1970 census population was 315,774 and whose future population is estimated to be 360,000 in 1975, and 415,000 in 1980.

2. The threat of air pollution in Bernalillo County is real and constant and will not be prevented or abated without a conscious community effort,

3. Air pollution would injure health and property, and the prevention or abatement of air pollution would improve and protect the human environment and health and reduce property damage,

4. Air pollution can be prevented or abated by an effective air pollution control program by this Board including Air Pollution Control Regulations,

5. Air Pollution Control Regulations have been proposed by the Board,

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6. A hearing officer was duly appointed to take evidence at hearings on said proposed regulations held on January 12 through 15, 1971, and said officer conducted the hearings, took evidence, assembled the record and transmitted it to the Board,

7. Notice of hearings was published on December 5, 1970, in the Albuquerque Journal and the Albuquerque Tribune, newspapers of general circulation in Bernalillo County,

8. A reasonable effort was made to give advance notice of hearings to all persons who made a written request to the Board for advance notice of its hearings,

9. At said hearings all interested parties were allowed reasonable opportunity to submit views, data or arguments, orally or in writing, and to examine witnesses testifying at the hearings,

10. The Board has considered and weighed all available facts and circumstances relative to the adoption, enforcement and necessity of Air Pollution Control Regulations,

11. With respect to air pollution in Bernalillo County, the Board has duly considered the character and degree of injury to or interference with health, welfare and property; the public interest, including social and economic value of the source of air contaminants; the technical practicability and economic reasonableness of reducing or eliminating air contaminants from the sources involved and previous experience with equipment and methods available to control the air contaminants involved; and other relevant matters,

12. It is the duty of this Board to prevent or abate air pollution in Bernalillo County.

NOW THEREFORE BE IT RESOLVED by the Albuquerque-Bernalillo County Air Quality Control Board:

That the attached Air Pollution Control Regulations are hereby enacted, adopted, prescribed and promulgated for Bernalillo County, New Mexico, for the purpose of preventing or abating air pollution.

PASSED, ADOPTED AND SIGNED this 29th day of July, 1971.

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

Dale E. Tetterington
Dale Tetterington
Member and Chairman

Frank H. Allen Jr.
Frank H. Allen, Jr.
Member

(Absent)
Martin Fleck, Ph.D
Member

Clarence M. Kemper. M.D.
Member

William H. Kingsley
Member

Ramona Montoya
Member
(Mrs. Gabriel F. Montoya)

Walter K. Wagner
Member

ATTEST:

Victor R. Bickel
Secretary to the Board

Filed: 08-06-71

AIR POLLUTION CONTROL REGULATIONS OF THE ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

Section 1. Definitions. The following words and phrases have the following meanings unless the context in which they are used requires otherwise:

1.01 "Air Contaminant" means any substance, including but not limited to any particulate matter, fly ash, dust, fumes, gas, mist, smoke, vapor, micro-organisms, radioactive material, any combination thereof or any decay or reaction product thereof.

1.02 "Air Pollution" means the emission, except as such emission occurs in nature, into the outdoor atmosphere of one or more air contaminants in such quantities and duration as may with reasonable probability injure human health, animal or plant life, or as may unreasonably interfere with the public welfare, visibility or the reasonable use of property.

1.03 "Air Pollution Potential Index" (APPI) means a number on a scale ranging from 0 to 100 indicating the state of the lower atmosphere from the ground to the top of the radiation temperature inversion. The number 0 indicates that the state of the lower atmosphere is such that the likelihood of air contaminants being held close to the ground is rare. As the index number increases from 0 to 100, the atmospheric temperature inversion and other meteorological factors become such that air contaminants will be concentrated in the air close to the ground.

The Air Pollution Potential Index is calculated using the U. S. Weather Service 1200 Greenwich Mean Time upper air soundings or other upper air soundings of temperature lapse rate, relative humidity, and wind speed and direction. The Air Pollution Potential Index is calculated from this and other meteorological data.

Method of Calculation: Using the equation,

$$(T_2 - T)(100^\circ - \theta^\circ)(RH)(W_f) = APPI.$$

T_1 = Temperature at base of inversion.

T_2 = Temperature at top of inversion.

θ = Angle inversion makes with horizontal pressure line. Use WBAN31/A Form 610-14A revised (7064).

RH = Average Relative Humidity through the inversion layer.

W_f = Wind speed factor. Average wind speed through the inversion.

Use following table.

Wind Speed in Knots	Factor
0-1	1.0
2-5	.9
6-10	.6
11-20	.3
> 20	.1

1.04 "Board" means the joint board established by the City of Albuquerque and Bernalillo County responsible for the adoption, promulgation and administration of the Air Pollution Control Regulations and Ambient Air Quality Standards and for the enforcement of the Air Pollution Control Regulations.

1.05 "Chemical Processes" means any manufacturing processing operation in which one or more changes in chemical composition, chemical properties or physical properties are involved, to include, but not limited to: pulp and paper mills; iron and steel mills; petroleum refineries; smelters; inorganic chemical manufacturers such as fertilizer, gypsum, lime, cement or asbestos manufacturers and organic chemical manufacturers such as synthetic rubber or acid manufacturers.

1.06 "Coal Burning Equipment". Any device used for the burning of coal for the primary purpose of producing heat or power by indirect heat transfer in which the products of combustion do not come into direct contact with other materials.

1.07 "Crematory" means a device for cremating human remains.

1.08 "Environmental Health Department" means the Environmental Health Department of the City of Albuquerque, New Mexico.

1.09 "Fugitive Dust" means solid airborne particulate matter emitted from any source other than a stack, flue or duct.

1.10 "Grain" means that unit of weight which is equivalent to 0.0648 grams.

1.11 "Incinerator" means any device intended or used for burning waste material.

1.12 "Inedible Animal By-product Processing" means operations primarily engaged in rendering, cooking, drying, dehydrating, digesting, evaporating, and/or concentrating of animal proteins and fats.

1.13 "Kraft Mill" means any pulping process which uses, for a cooking liquor, an alkaline solution.

1.14 "Open Burning" means any burning from which the products of combustion are discharged directly into the open air without passing through a chimney, flue, stack or duct.

1.15 "Particulate Matter" means any material except uncombined water which exists in a finely divided form as a liquid or solid at standard temperature and pressure.

1.16 "Pathological Destructor" means a device for the destruction by burning of diseased tissue or disease producing matter.

1.17 "Person" means any individual, partnership, firm, public or private corporation, association, trust, estate, political subdivision or agency, or any other legal entity or their legal representatives, agents or assigns.

1.18 "ppm" means part per million by volume.

1.19 "Process Equipment" means any equipment used for storing, handling, transporting, processing, or changing any materials whatever but excluding that equipment specifically defined in these Regulations as incinerators and includes coal burning equipment.

1.20 "Process Weight" means the total weight of all materials introduced into any specific process which process causes any discharge of air contaminants into the atmosphere. Solid fuels introduced into any specific process will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not.

1.21 "Process Weight Rate" means the hourly rate derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, or from the beginning to the completion of a typical portion thereof, excluding any time during which the equipment is idle.

1.22 "Reid Vapor Pressure" means the pressure determined according to the American Society for Testing and Materials method, ASTM-Designation: D323-58.

1.23 "Ringelmann Chart" means the Ringelmann smoke chart of comparative smoke densities as published by the U. S. Bureau of Mines or an equivalent Ringelmann "type" chart.

1.24 "Secretary" means the Secretary of the Board or his authorized representatives.

1.25 "Smoke" means small gas borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively of carbon, ash, and other combustible materials.

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1.26 "Standard Conditions" means the conditions existing at a temperature of 70° Fahrenheit and pressure of 14.7 lbs. per square inch absolute.

1.27 "Standard Cubic Foot" means a measure of the volume of one cubic foot of gas at standard conditions.

1.28 "Tons/hr." means tons per hour.

1.29 "Total Reduced Sulfur" (TRS) means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present in a pulping process.

1.30 "Vapors" means the gaseous form of a substance normally in the liquid or solid state.

1.31 "lb./hr." means pounds per hour.

Section 2. Open Burning.

2.01 Open burning is prohibited with the following exceptions:

A. Open burning is allowed for the following purposes: religious, ceremonial, educational, non-commercial cooking and recreational bonfires.

B. Open burning for the following purposes is allowed, but only between the hours of 10:00 a.m. and 4:00 p.m., with combustion to be completed or extinguished by 4:00 p.m., and then only when the Air Pollution Potential Index is under 50:

1. Fires set for the purpose of educating or training fire fighting or fire-rescue personnel;

2. Fires set on a field used for growing crops in the course of disposing of unused portions of a crop and intermingled weeds resulting from farming;

3. Burning dried-out tumbleweeds.

4. Burning weeds when necessary for the maintenance of flood control channels, irrigation ditches and drains if accomplished by using a hot flame burner; burning weeds which constitute a fire hazard if approved by the City or County appropriate authority.

C. The open burning of dry waste materials produced by the use of property for residential purposes all of which lies outside the City of Albuquerque is allowed until January 1, 1972, and thereafter is prohibited. Until January 1, 1972, such materials may be burned only between the hours of 10:00 a.m. and 4:00 p.m., with combustion to be completed or extinguished by 4:00 p.m., and then only when the Air Pollution Potential Index is under 50.

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2.02 Open burning of animal waste, green plants, leaves, tar products, oil, rubber, plastic or like materials which produce smoke is prohibited even in cases where open burning is otherwise expressly allowed by this section.

Section 3. Incinerators.

3.01 The use or operation of an incinerator on property devoted to residential uses is prohibited.

3.02 The construction, use or operation of a new incinerator on any property within the City of Albuquerque is prohibited.

3.03 The use or operation of any incinerator on any property within the City of Albuquerque after January 1, 1976, is prohibited.

3.04 Any modification, alteration, remodeling or reconstruction of any incinerator located within the City of Albuquerque which will cost an amount equalling more than 50% of the original cost of such incinerator is prohibited, and if an incinerator needing such work cannot be operated in conformance with these regulations, its further use or operation is prohibited.

3.05 Sections 3.02, 3.03 and 3.04 do not apply to crematories or pathological destructors.

3.06 No person may release or discharge into the atmosphere from any incinerator particulate matter in excess of 0.10 grains per standard cubic foot of dry exhaust gas calculated to 12% of carbon dioxide (CO_2) at standard conditions. In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuel shall be excluded from the calculation to 12 percent of carbon dioxide (CO_2). This regulation shall not apply to the five (5) minute time period which is necessary to bring wood-waste type incinerators up to operating temperatures.

3.07 Crematories and pathological destructors shall comply with the emission limits specified in Section 3.06 by January 1, 1972.

3.08 No person shall use or operate an incinerator between sunset and the following sunrise; unless such incinerator is equipped with a continuous monitoring and recording device as approved by the Secretary.

Section 4. Visible Air Contaminants.

4.01 General. No person shall cause or allow to discharge into the atmosphere, from any source whatsoever, any air contaminants as dark or darker in shade as that designated as No. 1 on the Ringelmann Chart or of such opacity as to obscure an observer's view to a degree equal to or greater than that designated as No. 1 on the Ringelmann Chart, except as follows:

A. Emissions permitted under Section 2 of these regulations.

B. Where the presence of uncombined water is the only reason for failure to meet the limitations herein.

C. Diesel engines when -

1. Accelerating under a load may emit smoke for a maximum period of 10 seconds which is not as dark or darker in shade as that designated as No. 2 on the Ringelmann Chart or of such opacity as to obscure the observer's view to a degree greater than that designated as No. 2 on the Ringelmann Chart; or when used in vehicles operating off public roads or highways may emit smoke for a maximum period of 15 seconds which is not as dark or darker in shade as that designated as No. 3 on the Ringelmann Chart or of such opacity as to obscure the observer's view to a degree greater than that designated as No. 3 on the Ringelmann Chart.

2. When being started cold, may emit smoke for a maximum period of 20 minutes which is not as dark or darker in shade as that designated as No. 2 on the Ringelmann Chart or of such opacity as to obscure the observer's view to a degree greater than that designated as No. 2 on the Ringelmann Chart.

D. Turbine type aircraft engines may emit smoke which is not as dark or darker in shade than that designated as No. 3 on the Ringelmann Chart until December 31, 1972; thereafter the emission shall not be as dark or darker in shade than that designated as No. 2 on the Ringelmann Chart.

E. When dry wood or paper is burned, residential fireplaces are not subject to the provisions of this section.

F. Wood-waste type incinerators may emit smoke the shade of which is not darker than that designated as No. 2 on the Ringelmann Chart or of such opacity as to obscure the observer's view to a degree greater than that designated as No. 2 on the Ringelmann Chart for a period of 5 consecutive minutes, but only once each day when such incinerator is being started.

4.02 Gasoline Engines. No person shall cause or allow the emission of any visible air contaminants into the atmosphere from any four-cycle gasoline engine except for a period of five seconds after the engine is started.

Section 5. Orchard Heaters

5.01 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 as or darker in shade as that designated as No. 1 in the Ringelmann Chart or of such opacity as to obscure the observer's view to a degree greater than that designated as No. 1 on the Ringelmann Chart.

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5.02 Prohibition of Sale of Heaters. No person shall give, sell, or offer to sell for use for frost protection within the County of Bernalillo any orchard heater which does not comply with sub-section 5.01 of this regulation or which cannot be modified to comply with sub-section 5.01.

5.03 Inspections. All persons subject to the provisions of Section 5 shall cooperate with agents of the Environmental Health Department in performing orchard heater inspections to obtain information relating to emissions which may cause or contribute to air pollution.

5.04 Effective Date. This section becomes effective January 1, 1973.

Section 6. Motor Vehicle Air Pollution Emission Control Devices.

6.01 No person shall remove from an operable motor vehicle any motor vehicle air pollution emission control system or device installed on or incorporated in a motor vehicle or motor vehicle engine under the requirements of any federal law or regulations.

6.02 No person shall fail to maintain in operating condition any motor vehicle air pollution emission control system or device installed on or incorporated in a motor vehicle or motor vehicle engine under the requirements of any federal law or regulation.

6.03 No person shall operate any motor vehicle which does not have installed on or incorporated in the motor vehicle or motor vehicle engine in operating condition a motor vehicle air pollution emission control system or device required by any federal law or regulation.

6.04 Section 6.01 shall not apply to motor vehicles constructed or operated as racing cars. Sections 6.02 and 6.03 shall not apply to motor vehicles constructed or operated as racing cars when they are raced off public roads or highways, or when raced on public roads or highways pursuant to permission granted by the governmental authority which owns, operates or controls such public road or highway.

6.05 Section 6 shall not apply to motor vehicles which have been constructed or modified to operate by the use of liquefied petroleum or natural gas.

Section 7. Dust, Sand, Particulates

7.01 General. No person shall engage in any of the following activities and activities incidental hereto without taking reasonable precautions to prevent particulate matter from becoming air borne: dismantling buildings; construction, public or private; processing sand, gravel or rock which includes crushing, sizing, screening, cleaning and mixing; operation of machinery or equipment; use of land. Reasonable precautions may include but are not limited to the use of water, vegetation or plantings, paving,

coverings or enclosures.

7.02 Unpaved Roads.

A. General. In the event that the density of motor vehicle traffic on unpaved roads of any kind or description exceeds the amounts stated on the following table, such roadway shall be closed to motor vehicle traffic unless the owner or operator thereof takes reasonable precautions to effectively and substantially reduce or prevent the emission of dust into the atmosphere on account of such traffic:

Roadway Segment Length	Motor Vehicle Density	Frequency
Length of roadway segment in miles	Number of motor vehicles traveling on segment in a one hour period	Number of one hour periods in one week when density is exceeded
0 to 1/4	120	1
greater than 1/4 to 1/2	60	2
greater than 1/2	30	3

B. "Reasonable precautions" include but are not limited to paving, regular application of oil, frequent watering or any other means of equal or greater effectiveness in reducing or preventing the emission of dust.

C. If the owner or operator of a roadway does not close the roadway permanently or temporarily, dust emission abatement measures shall be commenced as soon as is possible.

D. Application of Regulation to Unpaved Parking Areas. Section 7.02 shall apply to unpaved areas used for the parking of motor vehicles. For the purpose of applying the table in Section 7.02A to unpaved parking areas, the area of the parking area shall be converted to a roadway length with a 32 foot width as follows:

$$\text{Equivalent roadway segment length in miles} = \frac{\text{total area in square feet of parking area}}{(32)(5280)\text{ square feet}} \text{ miles}$$

7.03 Removing or Disturbing Topsoil. No person shall disturb or remove topsoil from an area larger than 1/4 acre in size until first receiving a permit therefor from the Secretary. The person shall subsequently take reasonable precautions within a reasonable time to prevent particulate matter from becoming airborne because of disturbing or removing such topsoil. This does not apply to areas zoned and used for agriculture.

Applications for permits shall be made on forms prescribed by the Secretary. Such forms shall require disclosure of the following information:

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A. Name, address and telephone number of applicant.

B. Address or legal description of property.

C. Size of the parcel or area.

D. Description of nature of work to be done.

E. Time period in which work and control measures are to be done.

F. Statement of measures to be used to control or prevent particulate matter from becoming airborne.

The permit shall be issued by the Secretary if the application form is fully and accurately filled out and if it discloses that reasonable precautions will be taken as required to prevent particulate matter from becoming airborne.

7.04 Sandblasting. No person shall conduct sand or other abrasive blasting operations without taking reasonable precautions to prevent particulate matter resulting therefore from leaving the premises upon which such work is being done. Reasonable precautions include the use of enclosures or other means of equal effectiveness in reducing or preventing the emission particulates.

7.05 Demolition Permits. No person shall demolish any building containing over 75,000 cubic feet of space without first obtaining a permit therefor from the Secretary and subsequently taking reasonable precautions to prevent particulate matter from becoming airborne on account of such activity.

Applications for permits shall be made on forms prescribed by the Secretary. Such forms shall require disclosure of the following information:

A. Name, address and telephone number of applicant.

B. Address or legal description of property.

C. Size of building.

D. Description of nature of work to be done.

E. Time period in which work is to be done.

F. Statement of measures to be used to control or prevent particulate matter from becoming airborne.

The permit shall be issued by the Secretary if the application form is fully and accurately filled out as required and if it discloses that reasonable precautions will be taken to prevent particulate matter from becoming airborne.

Section 8. Process Equipment.

8.01 Except as otherwise provided in this section, no person shall cause or allow the emission of particulate matter to the atmosphere from process equipment in any one hour in total quantities in excess of the amount shown in the following table:

Process Wt/hr (lbs)	Maximum Weight Disch/hr (lbs)	Process Wt/hr (lbs)	Maximum Weight Disc/hr (lbs)
50	.24	3400	5.44
100	.46	3500	5.52
150	.66	3600	5.61
200	.85	3700	5.69
250	1.03	3800	5.77
300	1.20	3900	5.85
350	1.35	4000	5.93
400	1.50	4100	6.01
450	1.63	4200	6.08
500	1.77	4300	6.15
550	1.89	4400	6.22
600	2.01	4500	6.30
650	2.12	4600	6.37
700	2.24	4700	6.45
750	2.34	4800	6.52
800	2.43	4900	6.60
850	2.53	5000	6.67
900	2.62	5500	7.03
950	2.72	6000	7.37
1000	2.80	6500	7.71
1100	2.97	7000	8.05
1200	3.12	7500	8.39
1300	3.26	8000	8.71
1400	3.40	8500	9.03
1500	3.54	9000	9.36
1600	3.66	9500	9.67
1700	3.79	10000	10.00
1800	3.91	11000	10.63
1900	4.03	12000	11.28
2000	4.14	13000	11.89
2100	4.24	14000	12.50
2200	4.34	15000	13.13
2300	4.44	16000	13.74
2400	4.55	17000	14.36
2500	4.64	18000	14.97
2600	4.74	19000	15.58
2700	4.84	20000	16.19
2800	4.92	30000	22.22
2900	5.02	40000	28.30
3000	5.10	50000	34.30
3100	5.18	60000 or more	40.00
3200	5.27		
3300	5.36		

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A. To use the Table take the process weight per hour, as such is defined in Section 1.20. Then find this figure on the table, opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example, if A has a process which emits contaminants into the atmosphere and which process takes 3 hours to complete, he will divide the weight of all materials in the specific process, in this example. 1,500 lbs. by 3 giving a process weight per hour of 500 lbs. The table shows that A may not discharge more than 1.77 lbs. in any one hour during the process. Where the process weight per hour falls between figures in the left hand column, the exact weight of permitted discharge shall be interpolated.

B. For purposes of this regulation, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks. The process weight rate shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.

8.02 Gypsum Cookers. Section 8.01 shall not apply to gypsum cookers or kettles constructed prior to the effective date of these regulations. No person shall cause or allow the emission of particulate matter into the atmosphere in any one hour from gypsum cookers or kettles constructed prior to the effective date of these regulations in total amounts which exceed 0.3 gr/scf of exhaust gas.

8.03 Asphaltic Batch Plants. Section 8.01 shall not apply to an asphaltic batch plant. No person shall cause or allow the emission of particulate matter into the atmosphere in any one hour from any or all operations of an asphaltic batch plant in total quantities in excess of the amount shown on the following table:

Process Rate Pounds Per Hour	Total Emission Rate Pounds Per Hour
10,000	10
20,000	15
30,000	22
40,000	28
60,000	31
100,000	33
200,000	37
300,000 and above	40

For a process weight between any two consecutive process weights in the table, the emission limitation shall be determined by interpolation. Where the plant has more than one emission point, the emission total is that from all emission points.

8.04 Measurement. For purposes of Section 8 any measurement of emissions into the atmosphere may be made by comparing the weight of materials before and after processing or by measurements taken after particulate emissions have passed through air pollution control devices or apparatus, if any, or by other reasonably accurate methods or procedures.

8.05 Fugitive Dust. No person shall operate process equipment which emits fugitive dust into the atmosphere unless reasonable effective precautions are taken to prevent fugitive dust from being emitted into the atmosphere.

Section 9. Kraft Mills.

9.01 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.

Section 10. Control of Hydrocarbons.

10.01 Storage. The storage of any petroleum product with a Reid vapor pressure of 1.5 pounds per square inch or greater in a stationary tank, reservoir, or other container of 40,000 gallons or greater capacity is prohibited unless reasonable precautions are taken to prevent vapors from being released into the atmosphere.

A. Reasonable effective precautions include but are not limited to the following:

1. A floating roof, consisting of a pontoon-type or double deck type roof, resting on the liquid and equipped with an effective, well maintained closure seal, to close the space between the roof edge and the tank wall.

2. Effective vapor recovery system(s).

3. Pressure tank(s) which operate(s) at pressures greater than atmospheric and which allow(s) no vapors to be emitted into the atmosphere.

4. Floating plastic blanket(s).

5. Vapor balance system(s).

6. Vapor disposal system(s).

7. Painting of the exterior roof and shell of the storage tank to reflect radiation.

B. Section 10.01 shall not apply to any stationary storage tank, reservoir, or other container of more than 40,000 gallons constructed before the effective date of this section, but shall

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apply to all such containers which subsequently undergo extensive repair or modification to roof or vapor recovery system and to all such containers constructed after the effective date of this section.

10.02 Volatile Hydrocarbons, Loading and Unloading. No person shall load or unload any volatile hydrocarbon with a Reid vapor pressure of 4.0 pounds per square inch or greater into any stationary storage tank or portable transport tank or tanker unless reasonable precautions are taken to prevent the escape of hydrocarbon vapors into the atmosphere.

A. Reasonable precautions include but are not limited to the following:

1. A permanent submerged fill pipe the discharge opening of which is entirely submerged when the liquid level is 6" above the bottom of such tank.

2. Vapor recovery or return systems.

3. Leak-proof connections.

B. The provisions of section 10.02 apply only to tanks or containers of 250 gallons or larger capacity.

10.03 Provisions of this section shall become effective October 1, 1971.

Section 11. Upset, Breakdown or Scheduled Maintenance.

11.01 Operation of any equipment or air pollution control devices or apparatus so as to cause emissions of air contaminants in excess of limits set by the air pollution control regulations, which is a direct result of upset conditions or breakdown or is a direct result of the shut-down of such equipment or air pollution control devices or apparatus for scheduled maintenance, is not a violation of the air pollution control regulations, provided:

A. As to scheduled maintenance, the occurrence is reported in advance to the Secretary during his working hours, and that such work is performed during periods of non-operation and when the Air Pollution Potential Index is under 50.

B. As to upset or breakdown, the occurrence has been reported to the Secretary as soon as practicable but no later than 2 hours after the occurrence, except that when the Secretary's office is closed such report shall be made within 2 hours after said office re-opens for regular business.

C. Repairs are made with maximum, reasonable effort, including use of off-shift labor, overtime, or work periods of non-operation.

D. The emission of air contaminants is minimized as much as reasonably possible during the upset, breakdown or scheduled maintenance.

E. In the event of emission of air contaminants of a nature or in quantities which would endanger public health or safety, such emission is stopped entirely or reduced to harmless levels as soon as possible.

F. Upsets or breakdown do not occur with such frequency that careless, marginal or unsafe operation is indicated.

Section 12. Authority to Construct.

12.01 General. No person shall install, construct, erect, alter or replace any of the articles, machines, equipment or contrivances listed in Section 12.02 without receiving authorization for such construction from the Secretary and paying the fee listed in Section 12.03. Nor shall any person install, construct, erect, alter, or replace to existing articles, machines, equipment, or contrivances listed in Section 12.02 without receiving authorization for such addition or remodeling from the Secretary and paying up to seventy-five percent (75%) of the fees listed in Section 12.03.

12.02 Articles, etc. (Articles, machines, equipment or contrivances for which authority to construct is required are the following:)

A. Fuel burning equipment which produces indirect heat which is non-gas fired or gas fired equipment which has the capability of burning other type fuel. (not including those for use in 1 or 2 family residences)

B. Crematories and/or pathological destructors.

C. Asphaltic batch plants.

D. Those which blow asphalt.

E. Those which involve crushing, processing, sizing, screening, cleaning, mixing or handling sand, gravel or rock.

F. Those which involve sandblasting and/or other abrasive cleaning.

G. Those which involve chemical processes.

H. Those which involve inedible animal by-product processing.

I. Feed mills.

J. Stationary petroleum product liquid or gas storage tank, 40,000 gallons or greater capacity.

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12.03 Fees - Authority to Construct.

A. Non-gas-fired or gas fired burning equipment with provisions for burning non-gas fuels for producing indirect heat other than those used in one and two-family residences.

1. Maximum fuel input less than 4,000,000 BTU per hour - fee $10.00.

2. Fuel input of 4,000,000 BTU or more per hour and less than 20,000,000 BTU per hour - fee $25.00.

3. Fuel input of 20,000,000 BTU or more per hour and less than 200,000,000 BTU per hour - fee $50.00.

4. Maximum fuel input of 200,000,000 BTU or more per hour - fee $100.00.

B. Asphaltic batch plant - $100.00.

C. Asphalt blowing - fee $75.00.

D. Dust-producing operations.

1. Sand, rock, gravel, screening, crushing, sizing, cleaning, or mixing, each - fee $50.00.

2. Operations handling or transerring sand or dust-producing materials; e.g., concrete batching, bentonite transferring, sand blasting etc. - fee $25.00.

E. Chemical process units - fee $150.00.

F. Inedible animal by-product processing - fee $50.00.

G. Stationary tank, reservoir, or other container, of more than 40,000 gallons capacity containing gasoline or any petroleum distillate having a Reid vapor pressure of 1.5 pounds per square inch or greater - fee $25.00

In the event that more than one fee schedule is applicable the governing schedule shall be that which results in the higher fee. The fee charged for alterations shall be based upon the ratio of the cost of alterations over the original cost, but shall not be less than $15.00 nor more than 100% of the applicable fee.

H. Crematories and/or pathological destructors - fee $25.00.

12.04 Applications. Applications for authority to construct shall be made on forms prescribed by the Secretary, and the applicant shall give all information necessary to enable the Secretary to make the determination required in Section 12.05. The Secretary shall grant or deny the application within a reasonable time and shall notify the applicant of his action in writing stating reasons for any denial.

12.05 Standards for Granting or Denying Applications. The Secretary shall deny an authority to construct if the applicant does not show that every article, machine, equipment or contrivance is so designed, controlled or equipped that it may be expected to operate without emitting or causing to be emitted air contaminants in violation of applicable parts of these regulations.

12.06 Conditions. The Secretary may impose conditions upon the applicant in the authority to construct which require the applicant to construct and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or contrivance described in the authority to construct. Such conditions will refer to such things as the size, number and location of sampling holes; the size and location of sampling platform; the access to sampling platform; the utilities for operating the sampling and testing equipment; and the personal safety of men engaged in sampling and testing activities.

12.07 Expiration of Authority to Construct. If not used, an authority to construct automatically expires 12 months after the date of issuance.

12.08 Evidence of Authority to Construct. The Secretary shall issue along with an authority to construct a sticker, plaque or other evidence of authority to construct which shall be affixed to and kept on (or near by) the item for which it was issued. No person shall deface, alter, forge, counterfeit or falsify such plaque, sticker or other evidence.

12.09 Tranfer. An authority to construct is not transferable.

12.10 Payment. All fees required by this section shall be paid at the time applications are filed with the Secretary. No fees are refundable. Any authorization for construction issued under the provisions of this section but not paid for is void.

12.11 Compliance. The grant of an authority to construct shall not relieve any person from complying with these regulations.

12.12 Effective Date. This section becomes effective January 1, 1972.

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Section 13. Annual Inspection and Registration.

13.01 General. No person shall operate any of the articles, machines, equipment or contrivances listed in Section 13.02 without paying the annual fee therefor specified in Section 13.03 and receiving an annual certification of inspection and registration.

13.02 Articles, Machines, Equipment, Contrivances. Articles, machines, equipment or contrivances for which an annual certificate of inspection and registration are required are the following:

A. Non-gas-fired fuel burning equipment for producing indirect heat other than that used in one or two-family residences and all fuel burning equipment rated at greater than 4,000,000 BTU per hour regardless of the type of fuel burned.

B. Crematories and/or pathological destructors.

C. Asphaltic batch plants.

D. Asphalt blowers.

E. Sand, rock, screening and crushing, gravel operations.

F. Stationary operations handling or transferring sand or dust producing materials.

G. Chemical processes.

H. Inedible animal by-product processing.

I. Stationary gasoline storage tanks of less than 40,000 gallons but greater than 250 gallons.

J. Stationary gasoline or petroleum distillate container of more than 40,000 gallons capacity having a Reid vapor pressure of 1.5 pounds per square inch or greater.

K. Sand blasting or abrasive cleaning.

L. Feed milling operations.

M. Paint and varnish manufacturing.

13.03 Annual Fee. The annual fee is $15.00.

13.04 Time to Obtain Certificates and Pay Fees.

A. The annual certificate of inspection and registration shall be issued on a calendar year basis.

B. Such certificates shall be obtained annually and the required fees therefor paid on or before January 1st of each year.

C. No reduction in fees will be allowed for certificates covering less than one year.

13.05 Applications.

A. Applications for annual certificates of inspection and registration shall be made on forms prescribed by the Secretary.

B. Such forms shall require the disclosure of the following information:

1. Name, address and telephone number of owner or operator.

2. Address or legal description of the air contaminant source.

3. Nature of air contaminants emitted.

4. Quanities of air contaminants emitted.

5. Description of the article, machine, equipment or contrivance which produces or emits the air contaminants.

6. Description of air pollution control processes, devices or apparatus, if any.

7. Such other information as may be necessary to enable the Secretary to determine the nature and quantity of air contaminants emitted or to make the necessary inspection.

C. The certificate shall be issued by the Secretary upon completion of the prescribed application forms and payment of the required fee.

13.06 Display. The certificate issued by the Secretary shall be affixed to and kept on (or near by) the item for which it was issued. No person shall deface, alter, forge, counterfeit or falsify said certificate.

13.07 Transfer. A certificate of inspection and registration is not transferable.

13.08 Lack of Emission Limits. The lack of emission limits or controls in these regulations for items requiring a certificate of inspection and registration does not bar the requirement of such certificate.

13.09 Failure to Pay. Any certificate issued under the provisions of this section but not paid for is void.

13.10 Compliance. The issuance of a certificate of inspection and registration shall not relieve any person from compliance with these regulations.

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13.11 Annual Inspections. The Secretary shall inspect the air contaminant sources listed in Section 13.02 annually, or oftener if necessary, to determine compliance with these regulations.

13.12 Effective Date. This section becomes effective January 1, 1972.

Section 14. Administration and Enforcement.

A. The Secretary shall administer and enforce these regulations.

B. The Secretary is authorized to take any action or enter any premises for the purpose of administering or enforcing these regulations, which purpose includes but is not limited to investigation, inspection, testing and sampling.

C. Upon request of the Secretary the person responsible for the emission of air contaminants for which limits are established by these regulations shall provide such facilities, utilities, and openings exclusive of instruments and sensing devices, as may be necessary for the proper determination of the nature, extent, quantity and degree of such air contaminants. Such facilities may be either temporary of permanent at the discretion of the person responsible for their provision; shall be suitable for determinations consistant with emission limits established in these regulations; and shall be safe to work on as well as complying with safety laws, if any.

D. No person shall hinder, obstruct, delay, resist, prevent or in any way interfere, or attempt to interfere, with the Board, the Secretary or their authorized representatives while engaged in the performance of their work or duties.

E. No person shall fail to comply with these regulations.

Section 15. Repeal. Those ambient air quality standards and air pollution control regulations enacted by the Board by a resolution passed on July 29, 1968, are repealed.

Section 16. Savings Clause. These regulations do not apply to violations of previous regulations of the Board committed prior to the effective date of these regulations. Violations committed prior to the effective date of these regulations shall be dealt with in accordance with the regulations in force at the time the violation occurred.

Section 17. Severability. If any part or application of these regulations is held invalid, the remainder or its application to other situations or persons shall not be affected.

Section 18. Interpretation. Except as expressly provided to the contrary in these regulations, whenever two or more parts of these regulations limit, control or regulate the emissions of a particular air contaminant, the more restrictive or stringent shall govern.

Section 19. These regulations apply throughout Bernalillo County.

Section 20. Effective Date. Except as otherwise expressly provided in these regulations, these regulations shall become effective thirty (30) days after they have been filed under the provisions of the State Rules Act.

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