

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 11 ASPHALT PROCESS EQUIPMENT

20.2.11.1 ISSUING AGENCY: Environmental Improvement Board.
 [11/30/95; 20.2.11.1 NMAC - Rn, 20 NMAC 2.11.100 10/31/02]

20.2.11.2 SCOPE: All geographic areas within the jurisdiction of the Environmental Improvement Board.
 [11/30/95; 20.2.11.2 NMAC - Rn, 20 NMAC 2.11.101 10/31/02]

20.2.11.3 STATUTORY AUTHORITY: Environmental Improvement Act, NMSA 1978, section 74-1-8(A)(4) and (7), and Air Quality Control Act, NMSA 1978, sections 74-2-1 et seq., including specifically, section 74-2-5(A), (B) and (C).
 [11/30/95; 20.2.11.3 NMAC - Rn, 20 NMAC 2.11.102 10/31/02]

20.2.11.4 DURATION: Permanent.
 [11/30/95; 20.2.11.4 NMAC - Rn, 20 NMAC 2.11.103 10/31/02]

20.2.11.5 EFFECTIVE DATE: November 30, 1995.
 [11/30/95; 20.2.11.5 NMAC - Rn, 20 NMAC 2.11.104 10/31/02]
 [The latest effective date of any section in this Part is 10/31/02.]

20.2.11.6 OBJECTIVE: The objective of this Part is to establish particulate matter emission standards for asphalt process equipment.
 [11/30/95; 20.2.11.6 NMAC - Rn, 20 NMAC 2.11.105 10/31/02]

20.2.11.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (Definitions), as used in this Part:

A. "Part" means an air quality control regulation under Title 20, Chapter 2 of the New Mexico Administrative Code, unless otherwise noted; as adopted or amended by the Board.

B. "Rural area" means any area five or more miles from a community of more than fifty people and one or more miles from any residence.

[11/30/95; 20.2.11.7 NMAC - Rn, 20 NMAC 2.11.107 10/31/02]

20.2.11.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation ("AQCR") 501 -- Asphalt Processing Equipment last filed July 1, 1971.

A. All references to AQCR 501 in any other rule shall be construed as a reference to this Part.

B. The amendment and supersession of AQCR 501 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 501.

[11/30/95; 20.2.11.8 NMAC - Rn, 20 NMAC 2.11.106 10/31/02]

20.2.11.9 to 20.2.11.107 [RESERVED]

20.2.11.108 ALLOWABLE EMISSION RATES:

A. The owner or operator of asphalt process equipment shall not permit, cause, suffer or allow particulate matter emissions to the atmosphere in excess of the maximum amounts specified in the following table:

Aggregate Process Rate Pounds per Hour	Maximum Stack Emission Rate Pounds per Hour
10,000	10
20,000	15
30,000	22
40,000	28
50,000	31

100,000	33
200,000	37
300,000	40
400,000	43
500,000	47
600,000 and above	50

B. When the process rate is between any two consecutive process rates in the table, the maximum stack emission rate is determined by interpolation. Where a plant or operation has more than one stack, the maximum stack emission rate applies to the total of the emissions from all stacks.
[11/30/95; 20.2.11.108 NMAC - Rn, 20 NMAC 2.11.108 10/31/02]

20.2.11.109 FUGITIVE DUST CONTROL: The owner or operator of asphalt process equipment shall not operate the equipment without a fugitive dust control system. The fugitive dust control system shall be operated and maintained so that all particulate emissions are limited to the stack outlet.
[11/30/95; 20.2.11.109 NMAC - Rn, 20 NMAC 2.11.109 10/31/02]

20.2.11.110 TEMPORARY EXEMPTIONS:

A. Upon request, the Department, by written permit, may suspend the operational requirements of this Part for portable asphalt process equipment to be operated temporarily in rural areas. A permit shall not be issued for any period exceeding ninety operating days, but may be renewed when reasonably necessary for completion of a project. A written request that has not been acted upon within ten days after its receipt shall be deemed granted.

B. In making its decision on a petition, the Department shall give weight it deems appropriate to all facts and circumstances, including but not limited to:

- (1) character and degree of injury to, or interference with, health, welfare, visibility and property;
- (2) the public interest, including the social and economic value of the sources and subjects of the air contaminants involved; and
- (3) technical practicability and economic reasonableness of complying with this Part.

C. The Department may require the requestor to submit his request in writing and any or all of the following information:

- (1) requestor's name, address and telephone number;
- (2) nature of the project and the location where the unit is to be operating;
- (3) the proposed length of time of operation;
- (4) the aggregate process rate (pounds per hour) of the equipment to be utilized; and
- (5) reasons why the requestor believes the suspension of the operational requirements is necessary.

[11/30/95; 20.2.11.110 NMAC - Rn, 20 NMAC 2.11.110 10/31/02]

HISTORY OF 20.2.11 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.

HSSD 70-1, Ambient Air Quality Standards And Air Quality Control Regulations, 01/27/70.

History of Repealed Material: [RESERVED]

Other History:

HSSD 70-1, Ambient Air Quality Standards And Air Quality Control Regulations, (relating to that portion numbered 501) filed 01/27/70, was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.11, Asphalt Processing Equipment, filed 10/30/95.

20 NMAC 2.11, Asphalt Processing Equipment, filed 10/30/95, was **renumbered, reformatted and replaced** by 20.2.11 NMAC, Asphalt Processing Equipment, effective 10/31/02.