

**TITLE 20 ENVIRONMENTAL PROTECTION**  
**CHAPTER 2 AIR QUALITY (STATEWIDE)**  
**PART 33 GAS BURNING EQUIPMENT - NITROGEN DIOXIDE**

**20.2.33.1 ISSUING AGENCY:** Environmental Improvement Board.  
[11/30/95; 20.2.33.1 NMAC - Rn, 20 NMAC 2.33.100 10/31/02]

**20.2.33.2 SCOPE:** All geographic areas within the jurisdiction of the Environmental Improvement Board.  
[11/30/95; 20.2.33.2 NMAC - Rn, 20 NMAC 2.33.101 10/31/02]

**20.2.33.3 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; 20.2.33.3 NMAC - Rn, 20 NMAC 2.33.102 10/31/02]

**20.2.33.4 DURATION:** Permanent.  
[11/30/95; 20.2.33.4 NMAC - Rn, 20 NMAC 2.33.103 10/31/02]

**20.2.33.5 EFFECTIVE DATE:** November 30, 1995.  
[11/30/95; 20.2.33.5 NMAC - Rn, 20 NMAC 2.33.104 10/31/02]  
[The latest effective date of any section in this Part is 10/31/02.]

**20.2.33.6 OBJECTIVE:** The objective of this Part is to establish nitrogen dioxide emission standards for gas burning equipment.  
[11/30/95; 20.2.33.6 NMAC - Rn, 20 NMAC 2.33.105 10/31/02]

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

- A. "Existing gas burning equipment"** means gas burning equipment, the construction or modification of which is commenced prior to February 17, 1972.
- B. "New gas burning equipment"** means gas burning equipment, the construction or modification of which is commenced after February 17, 1972.
- C. "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.  
[11/30/95; 20.2.33.7 NMAC - Rn, 20 NMAC 2.33.107 10/31/02]

**20.2.33.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS:** This Part amends and supersedes Air Quality Control Regulation ("AQCR") 604 -- Gas Burning Equipment -- Nitrogen Dioxide last filed on February 17, 1972.

- A.** All references to AQCR 604 in any other rule shall be construed as a reference to this Part.
- B.** The amendment and supersession of AQCR 604 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 604.  
[11/30/95; 20.2.33.8 NMAC - Rn, 20 NMAC 2.33.106 10/31/02]

**20.2.33.9 to 20.2.33.107 [RESERVED]**

**20.2.33.108 REQUIREMENTS:**

- A.** The owner or operator of new gas burning equipment having a heat input of greater than 1,000,000 million British Thermal Units per year per unit shall not permit, cause, suffer or allow nitrogen dioxide emissions to the atmosphere in excess of 0.2 pounds per million British Thermal Units of heat input.
- B.** The owner or operator of existing gas burning equipment having a heat input of greater than 1,000,000 million British Thermal Units per year per unit shall not permit, cause, suffer or allow nitrogen dioxide emissions to the atmosphere in excess of 0.3 pounds per million British Thermal Units of heat input.  
[11/30/95; 20.2.33.108 NMAC - Rn, 20 NMAC 2.33.108 10/31/02]

**HISTORY OF 20.2.33 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.

AQCR 604, Gas Burning Equipment - Nitrogen Dioxide, 02/17/72.

**History of Repealed Material:** [RESERVED]

**Other History:**

AQCR 604, Gas Burning Equipment - Nitrogen Dioxide, 02/17/72, was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.33, Gas Burning Equipment - Nitrogen Dioxide, filed 10/30/95.

20 NMAC 2.33, Gas Burning Equipment - Nitrogen Dioxide, filed 10/30/95 was **renumbered, reformatted and replaced** by 20.2.33 NMAC, Gas Burning Equipment - Nitrogen Dioxide, effective 10/31/02.