TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 38 HYDROCARBON STORAGE FACILITIES

20.2.38.1 ISSUING AGENCY: Environmental Improvement Board.
[11/30/95; 20.2.38.1 NMAC - Rn, 20 NMAC 2.38.100 10/31/02]

20.2.38.2 SCOPE: All geographic areas within the jurisdiction of the Environmental Improvement Board.
[11/30/95; 20.2.38.2 NMAC - Rn, 20 NMAC 2.38.101 10/31/02]

20.2.38.3 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; 20.2.38.3 NMAC - Rn, 20 NMAC 2.38.102 10/31/02]

20.2.38.4 DURATION: Permanent.
[11/30/95; 20.2.38.4 NMAC - Rn, 20 NMAC 2.38.103 10/31/02]

20.2.38.5 EFFECTIVE DATE: November 30, 1995.
[11/30/95; 20.2.38.5 NMAC - Rn, 20 NMAC 2.38.104 10/31/02]
[The latest effective date of any section in this Part is 10/31/02.]

20.2.38.6 OBJECTIVE: The objective of this Part is to minimize hydrogen sulfide emissions from hydrocarbon storage facilities.
[11/30/95; 20.2.38.6 NMAC - Rn, 20 NMAC 2.38.105 10/31/02]

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

A. **"New hydrocarbon storage facility"** means any hydrocarbon storage facility, or part thereof, the fabrication, erection, installation, or modification of which is commenced on or after January 1, 1975.

B. **"New tank battery"** means any tank battery, or part thereof, the fabrication, erection, installation, or modification of which is commenced on or after January 1, 1975.

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.

D. **"Petroleum production facility"** includes tank batteries, separators and heater-treaters used in producing or storing any crude oil, condensate or natural gas that has been extracted from a well.

E. **"Tank battery"** means a tank or group of tanks that receive crude oil or condensate from a well for storage until shipment.

[11/30/95; 20.2.38.7 NMAC - Rn, 20 NMAC 2.38.107 10/31/02]

20.2.38.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation ("AQCR") 631, -- Hydrocarbon Storage Facilities last filed February 8, 1983.

A. All references to AQCR 631 in any other rule shall be construed as a reference to this Part.

B. The amendment and supersession of AQCR 631 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 631.

[11/30/95; 20.2.38.8 NMAC - Rn, 20 NMAC 2.38.106 10/31/02]

20.2.38.9 DOCUMENTS: Documents cited in this Part may be viewed at the New Mexico Environment Department, Air Quality Bureau, Runnels Building, 1190 Saint Francis Drive, Santa Fe, NM 87505 [2048 Galisteo St., Santa Fe, NM 87505].
[11/30/95; 20.2.38.9 NMAC - Rn, 20 NMAC 2.38.108 10/31/02]

20.2.38.10 to 20.2.38.108 [RESERVED]

20.2.38.109 TANK STORAGE ASSOCIATED WITH PETROLEUM PRODUCTION OR PROCESSING FACILITY: The owner or operator shall not place, hold or store hydrocarbons containing hydrogen sulfide in a container associated with a petroleum production facility or petroleum processing facility and having a capacity of 20,000 gallons or greater with a throughput of at least 30,000 gallon per week, unless the container is equipped with:

A. a method of discharging the hydrocarbons into the container below the liquid level; or

B. any other method or device equally effective to minimize hydrocarbon and hydrogen sulfide loss to the atmosphere.

[11/30/95; 20.2.38.109 NMAC - Rn, 20 NMAC 2.38.109 10/31/02]

20.2.38.110 TANK BATTERY OR STORAGE FACILITY -- WITHIN MUNICIPALITY: The owner or operator of, within the corporate limits of a municipality, a tank battery having a throughput greater than 10,000 barrels (420,000 gallons) per year operated in conjunction with a petroleum production facility, or a hydrocarbon storage facility operated in conjunction with a petroleum processing facility, shall not place, store or hold in a stationary tank or other container any hydrocarbon liquids, the vapor of which contains at any time 24 ppm or more of hydrogen sulfide unless the tank or other container is equipped with:

A. a well-maintained vapor-recovery system consisting of:

(1) a vapor-gathering system capable of collecting the vapor and gases discharged; and

(2) a vapor-disposal system capable of processing the vapor and gases so as to minimize emission of sulfur compounds to the atmosphere; or

B. any other device that is at least as efficient to minimize the loss of vapor or gas containing sulfur or its compounds to the atmosphere; or

C. a floating roof, consisting of an external floating roof, internal floating cover or covered floating roof, which is equipped with a closure seal or seals maintained in good repair to close the space between the roof or cover edge and tank wall, if the stationary tank or other container is equipped with a floating roof on January 1, 1974.

[11/30/95; 20.2.38.110 NMAC - Rn, 20 NMAC 2.38.110 10/31/02]

20.2.38.111 TANK BATTERY OR STORAGE FACILITY -- WITHIN FIVE MILES OF MUNICIPALITY OF TWENTY THOUSAND OR MORE: The owner or operator of, within five miles, of the corporate limits of a municipality that has a population of twenty thousand or greater, a tank battery having a throughput greater than 50,000 barrels (2,100,000 gallons) per year operated in conjunction with a petroleum production facility, or a hydrocarbon storage facility operated in conjunction with a petroleum processing facility, shall not place, store, or hold in a stationary tank or other container any hydrocarbon liquids the vapor of which contains at any time 24 ppm or more of hydrogen sulfide unless the tank or other container is equipped as required in 20.2.38.110 NMAC.

[11/30/95; 20.2.38.111 NMAC - Rn, 20 NMAC 2.38.111 10/31/02]

20.2.38.112 NEW TANK BATTERY -- MORE THAN 65,000 GALLONS CAPACITY: The owner or operator of a new tank battery operated in conjunction with a petroleum production facility shall not place, store, or hold in a stationary tank or other container, if the tank battery has a storage capacity of 65,000 gallons or greater, any hydrocarbon liquid unless the tank or other container is equipped with:

A. a floating roof, consisting of an external floating roof, internal floating cover or covered floating roof, which is equipped with a closure seal or seals maintained in good repair to close the space between the roof or cover edge and tank wall; or

B. a well-maintained vapor-recovery system consisting of:

(1) a vapor-gathering system capable of collecting the organic compound vapors and gases discharged; and

(2) a vapor-disposal system capable of collecting the organic vapor and gases so as to minimize their emission to the atmosphere; or

C. any other device which is at least as effective to minimize vapor or gas loss to the atmosphere.

[11/30/95; 20.2.38.112 NMAC - Rn, 20 NMAC 2.38.112 10/31/02]

20.2.38.113 NEW TANK BATTERY AND THE PECOS-PERMIAN INTERSTATE AIR QUALITY CONTROL REGION: The owner or operator of a new tank battery operated in conjunction with a petroleum

production facility, or a new hydrocarbon storage facility operated in conjunction with a petroleum processing facility, located outside the Pecos-Permian intrastate air quality control region, located within the corporate limits of any municipality within the state or located within five miles of the corporate limits of any municipality within the state that has a population of twenty thousand or greater shall not place, store, or hold in a stationary tank or other container any hydrocarbon liquid, the vapor of which contains at any time 24 ppm or more of hydrogen sulfide, unless the tank or other container is equipped with:

A. a well-maintained vapor-recovery system consisting of:

(1) a vapor-gathering system capable of collecting the vapors and gases discharged; and

(2) a vapor-disposal system capable of processing the vapors and gases so as to minimize emission of sulfur compounds to the atmosphere; or

B. any other device that is at least as effective to minimize the loss of vapor or gas containing sulfur or its compounds to the atmosphere.

[11/30/95; 20.2.38.113 NMAC - Rn, 20 NMAC 2.38.113 10/31/02]

HISTORY OF 20.2.38 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 621-632, Air Quality Control Regulations - 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, and 632, 07/15/74.

AQCR 631, Air Quality Control Regulation 631 - Hydrocarbon Storage Facilities, 02/08/83

History of Repealed Material: [RESERVED]

Other History:

AQCR 631, Air Quality Control Regulation 631 - Hydrocarbon Storage Facilities, filed 02/08/83, was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.38, Hydrocarbon Storage Facilities, filed 10/30/95.

20 NMAC 2.38, Hydrocarbon Storage Facilities, filed 10/30/95 was **renumbered, reformatted and replaced** by 20.2.38 NMAC, Hydrocarbon Storage Facilities, effective 10/31/02.