

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 84 ACID RAIN PERMITS

20.2.84.1 ISSUING AGENCY: New Mexico Environmental Improvement Board.
[20.2.84.1 NMAC - 06/16/95; Rn, 20 NMAC 2.84.100 06/15/00]

20.2.84.2 SCOPE: All affected sources under the federal acid rain program which operate in the jurisdiction of this part.
[20.2.84.2 NMAC - 06/16/95; Rp 20 NMAC 2.84.101, 06/15/00]

20.2.84.3 STATUTORY AUTHORITY: The environmental improvement board “shall promulgate regulations and standards in...air quality management” (NMSA 1978, Section 74-1-8.A) and “regulations adopted by the environmental improvement board...shall...ensure that regulations and standards under...the federal act will not be violated.” (NMSA 1978, Section 74-2-7.B).
[20.2.84.3 NMAC - 06/16/95; Rp 20 NMAC 2.84.102, 06/15/00]

20.2.84.4 DURATION: Permanent.
[20.2.84.4 NMAC - 06/16/95; Rn, 20 NMAC 2.84.103 06/15/00]

20.2.84.5 EFFECTIVE DATE: June 16, 1995, unless a later date is cited at the end of a section.
[20.2.84.5 NMAC - 06/16/95; Rn, 20 NMAC 2.84.104 & A, 06/15/00]
[The latest effective date of any section in this Part is June 15, 2007]

20.2.84.6 OBJECTIVE: The objective of this rule is to establish permitting required by 40 CFR Part 72, and to fulfill state requirements that accommodate the implementation of the federal acid rain program, which is designed to control acid deposition at the national level.
[20.2.84.6 NMAC - 06/16/95; Rn, 20 NMAC 2.84.105 & A, 06/15/00]

20.2.84.7 DEFINITIONS: “affected source” has the meaning given to that term in the federal regulations promulgated under Title IV of the federal act, and includes all sources subject to Title IV of the federal Act.
[20.2.84.7 NMAC - 06/16/95; Rn, 20 NMAC 2.84.107 & A, 06/15/00]

20.2.84.8 ADOPTION BY REFERENCE OF FEDERAL ACID RAIN PERMITTING REQUIREMENTS: Except as otherwise provided in 20.2.84.10 NMAC, the portions of the federal acid rain program promulgated by the United States environmental protection agency under 40 CFR Part 72 (including all portions of Parts 73, 74, 75, 77 and 78 referenced therein) and 76, and amended in the federal register through May 18, 2005, to implement Sections 407 (nitrogen oxides emission reduction program), 408 (permits and compliance plans) and 412 (monitoring, reporting and recordkeeping requirements) of the federal act, are hereby incorporated into this part.
[20.2.84.8 NMAC - N, 06/15/00; A, 06/15/07]

20.2.84.9 DOCUMENTS: Documents incorporated and cited in this part may be viewed at the New Mexico environment department, air quality bureau, Harold Runnels building, 1190 St. Francis drive, Santa Fe, NM 87503.
[20.2.84.9 NMAC - 06/16/95; Rn, 20 NMAC 2.84.108 06/15/00]

20.2.84.10 MODIFICATIONS AND EXCEPTIONS: The following modifications or exceptions are made to the incorporated federal rules:
A. for purposes of this part, the term “permitting authority” shall mean the department; and
B. requirements imposed on affected sources under the federal Act shall not be subject to NMSA 1978, Section 74-2-8 [Variances].
[20.2.84.10 NMAC - N, 06/15/00]

HISTORY OF 20.2.84 NMAC:
Pre-NMAC History: None.

History of Repealed Material:

20 NMAC 2.84.200 through 1001 - Repealed, 06/15/00

Other History:

20 NMAC 2.84, Acid Rain Permits, filed 05/17/95, was **renumbered, reformatted, amended and replaced** by 20.2.84 NMAC, Acid Rain Permits, effective 06/15/00.