

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 11 ALBUQUERQUE / BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
PART 40 SOURCE REGISTRATION

20.11.40.1 ISSUING AGENCY: Albuquerque/ Bernalillo County Air Quality Control Board. P.O. Box 1293, Albuquerque, NM 87103. Telephone: (505) 768-2600.
[3/21/77; 12/1/95; 20.11.40.1 NMAC – Rn, 20 NMAC 11.40.I.1, 10/1/02]

20.11.40.2 SCOPE:

A. This Part is applicable to any stationary source located in Bernalillo County.
B. Exempt: This Part does not apply to sources within Bernalillo County, which are located on Indian lands over which the Albuquerque/Bernalillo County Air Quality Control Board lacks jurisdiction.
[12/1/95; 20.11.40.2 NMAC – Rn, 20 NMAC 11.40.I.2, 10/1/02]

20.11.40.3 STATUTORY AUTHORITY: This Part is adopted pursuant to the authority provided in the New Mexico Air Quality Control Act, NMSA 1978 Sections 74-2-4, 74-2-5.C; the Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5 Section 4; and the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994 Section 9-5-1-4.
[3/21/77; 12/1/95; 20.11.40.3 NMAC – Rn, 20 NMAC 11.40.I.3, 10/1/02]

20.11.40.4 DURATION: Permanent.
[12/1/95; 20.11.40.4 NMAC – Rn, 20 NMAC 11.40.I.4, 10/1/02]

20.11.40.5 EFFECTIVE DATE: December 1, 1995, unless a later date is cited at the end of the section.
[12/1/95; 20.11.40.5 NMAC – Rn, 20 NMAC 11.40.I.5 & A, 10/1/02]

20.11.40.6 OBJECTIVE: By January 1, 1974, any person owning or operating any commercial or industrial stationary source, which emits more than two thousand pounds of any air contaminant per year or any amount of a hazardous air pollutant, must obtain a Registration Certificate for the source from the Director. Any person owning or operating any commercial or industrial stationary source constructed after September 1, 1973, and meeting the emission requirements of this section, must obtain a Registration Certificate for the source from the Director within one hundred and eighty days after the initial startup date of the source.
[3/21/77; 20.11.40.6 NMAC – Rn, 20 NMAC 11.40.I.6, 10/1/02]

20.11.40.7 DEFINITIONS: [Reserved]
[12/1/95; 20.11.40.7 NMAC – Rn, 20 NMAC 11.40.I.7, 10/1/02]

20.11.40.8 VARIANCES: [Reserved]
[12/1/95; 20.11.40.8 NMAC – Rn, 20 NMAC 11.40.I.8, 10/1/02]

20.11.40.9 SAVINGS CLAUSE: Any amendment to 20.11.40 NMAC, which is filed, with the State Records Center shall not affect actions pending for violation of a City or County ordinance, Air Quality Control Board Regulation 22, or 20.11.40 NMAC. Prosecution for a violation under prior regulation wording shall be governed and prosecuted under the statute, ordinance, Part, or regulation section in effect at the time the violation was committed.
[12/1/95; 20.11.40.9 NMAC – Rn, 20 NMAC 11.40.I.9, 10/1/02]

20.11.40.10 SEVERABILITY: If any section, paragraph, sentence, clause, or word of this Part or any federal standards incorporated herein is for any reason held to be unconstitutional or otherwise invalid by any court, the decision shall not affect the validity of remaining provisions of this Part.
[12/1/95; 20.11.40.10 NMAC – Rn, 20 NMAC 11.40.I.10, 10/1/02]

20.11.40.11 DOCUMENTS: Documents incorporated and cited in this Part may be viewed at the Albuquerque Environmental Health Department, 400 Marquette NW, Albuquerque, NM.
[12/1/95; 20.11.40.11 NMAC – Rn, 20 NMAC 11.40.I.11 & A, 10/1/02]

20.11.40.12 NOTICE OF INTENT: [Reserved]

[12/1/95; 20.11.40.12 NMAC – Rn, 20 NMAC 11.40.I.12 & Repealed, 10/1/02; Rn, 20 NMAC 11.40.II.1, 10/1/02]

20.11.40.13 REGISTRATION CERTIFICATE: Any person seeking a Registration Certificate shall do so by filing a written application with the Director.

A. Applications shall:

- (1) Be made on forms furnished by the Director.
- (2) State the operator's name and mailing address.
- (3) State the owner's name and mailing address.
- (4) State the name and address of the source.
- (5) State the date of the application.
- (6) Describe the nature and amounts of any air contaminants emitted from the source.
- (7) Describe the nature of all processes and equipment which produce air contaminant emissions.
- (8) Describe the nature and effectiveness of any air pollution control equipment used.
- (9) State the type, quantity and purpose of any fuel used.
- (10) State the normal operating schedule of the source in terms of hours per day, days per week, weeks per month, and months per year.
- (11) Contain such other relevant information as the Director may require.
- (12) Be signed by the applicant or his authorized representative.
- (13) Be accompanied by a one-time registration fee of \$25.

B. Upon the receipt of the information and fee required to be submitted by Section 20.11.40.13 NMAC, the Director shall issue the Registration Certificate.

C. Whenever a change in the information required in Section 20.11.40.13 NMAC occurs, the person owning or operating such source shall, within 15 days, notify the Director in writing of the details and date of such change. Such person may be subject to Parts 20.11.2 and 20.11.41 NMAC.

D. The Director May:

- (1) Exempt from the requirement contained in Section 20.11.40.13 NMAC for any stationary source or class of stationary sources.
- (2) Reduce the informational requirements contained in Section 20.11.40.13 NMAC for any stationary source or class of stationary sources.
- (3) Provide for the filing of a single application and issuance of a single Registration Certificate for two or more stationary sources owned or operated by the same person and encompassed within any circle 300 feet in diameter.
- (4) Extend the deadline for registration of any source or class of sources.

[3/24/82; 20.11.40.13 NMAC – Rn, 20 NMAC 11.40.II.2, 10/1/02]

20.11.40.14 FEES: The total of all registration fees paid to the Director on or before the effective date of this Part shall be applied to the prescribed fee due under this Part. No fee is refundable.

[3/24/82. . .12/1/95; 20.11.40.14 NMAC – Rn, 20 NMAC 11.40.II.3, 10/1/02]

20.11.40.15 RECORDS: Any records or other information furnished to the Director relating to the Director relating to business matters, processes or production techniques unique to the applicant and considered to be confidential shall be clearly labeled as being confidential by the applicant and shall not be made a part of any public record unless the applicant expressly agrees to its publication.

[3/24/82; 20.11.40.15 NMAC – Rn, 20 NMAC 11.40.II.4, 10/1/02]

HISTORY OF 20.11.40 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.

Regulation No. 22, Registration Of Air Contaminant Sources, 3/24/82.

History of Repealed Material: [Reserved]

Other History: Regulation No. 22, Registration Of Air Contaminant Sources, 3/24/82 was **renumbered, reformatted,** and **amended** into first version of the New Mexico Administrative Code as 20 NMAC 11.40, Source Registration, filed 10/27/95.
20 NMAC 11.40, Source Registration, filed 10/27/95 was **renumbered, reformatted, amended and replaced** by 20.11.40 NMAC, Source Registration, effective 10/1/02.