

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 11 ALBUQUERQUE / BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
PART 68 INCINERATORS AND CREMATORIES

20.11.68.1 ISSUING AGENCY: Albuquerque/ Bernalillo County Air Quality Control Board. P.O. Box 1293, Albuquerque, NM 87103. Telephone: (505) 768-2600.
[6/14/71 . . . 12/1/95; 20.11.68.1 NMAC – Rn, 20 NMAC 11.68.I.1, 4/01/02]

20.11.68.2 SCOPE:
A. This Part is applicable to sources 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; 20.11.68.2 NMAC – Rn, 20 NMAC 11.68.I.2, 4/01/02]

20.11.68.3 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.
[6/14/71 . . . 12/1/95; 20.11.68.3 NMAC – Rn, 20 NMAC 11.68.I.3, 4/01/02]

20.11.68.4 DURATION: Permanent.
[12/1/95; 20.11.68.4 NMAC – Rn, 20 NMAC 11.68.I.4, 4/01/02]

20.11.68.5 EFFECTIVE DATE: December 1, 1995.
[12/1/95; 20.11.68.5 NMAC – Rn, 20 NMAC 11.68.I.5, 4/01/02]

20.11.68.6 OBJECTIVE: The objective of this Part is to minimize emissions from and in most cases eliminate the use of a particular class of equipment which the Board has found produces unsightly and noxious byproducts of combustion.
[3/16/94, 12/1/95; 20.11.68.6 NMAC – Rn, 20 NMAC 11.68.I.6, 4/01/02]

20.11.68.7 DEFINITIONS: [RESERVED]

20.11.68.8 VARIANCES: [RESERVED]

20.11.68.9 SAVINGS CLAUSE: Any amendment to 20.11.68 NMAC which is filed with the State Records Center shall not affect actions pending for violation of a City or County ordinance, Board Regulation No. 4, or 20.11.68 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; 20.11.68.9 NMAC – Rn, 20 NMAC 11.68.I.9, 4/01/02]

20.11.68.10 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; 20.11.68.10 NMAC – Rn, 20 NMAC 11.68.I.10, 4/01/02]

20.11.68.11 DOCUMENTS: Documents incorporated and cited in this Part may be viewed at the Albuquerque Environmental Health Department, One Civic Plaza NW, 3rd Floor, Room 3023, Albuquerque, NM 87102.
[12/1/95; 20.11.68.11 NMAC – Rn, 20 NMAC 11.68.I.11, 4/01/02]

20.11.68.12 AMENDMENT AND SUPERSESION OF PRIOR REGULATIONS: This Part amends and supersedes Albuquerque/Bernalillo County Air Quality Control Board Regulation No. 04 - Incinerators and Crematories, filed on March 16, 1994. All references to this regulation shall be understood as a reference to this Part.
[12/1/95; 20.11.68.12 NMAC – Rn, 20 NMAC 11.68.I.12, 4/01/02]

20.11.68.13 to 20.11.68.199 NMAC [RESERVED]

20.11.68.200 APPLICABLE REQUIREMENTS:

A. Residential Use: The construction, use or operation of an incinerator on property devoted to residential uses is prohibited.

B. Construction/Operation: The construction, use or operation of an incinerator, even if an "affected facility" pursuant to 40 CFR 60, Subpart Ea as amended, on any property is prohibited, except for certain crematories as allowed by this Part.

C. Crematories: Crematories may be used solely for cremating human or animal remains, parts and tissues thereof, and other items normally associated with the cremation process. No person may release or discharge into the atmosphere from any crematory particulate matter in excess of 0.08 grains per standard cubic foot of dry exhaust gas corrected to 12 percent of carbon dioxide (CO₂) at standard conditions. In measuring the combustion contaminants from crematories, the carbon dioxide (CO₂) produced by combustion of any liquid or gaseous fuel shall be excluded from the correction to 12% of carbon dioxide (CO₂). In no instance shall the emissions of a crematory exceed federal requirements.

[3/24/82, 6/16/92; 20.11.68.200 NMAC – Rn, 20 NMAC 11.68.II.1, 2, 3, & A, 4/01/02]

HISTORY OF 20.11.68 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. 4, Incinerators, 3/24/82.

Regulation No. 4, Incinerators And Crematories; supersedes Regulation No. 4, filed 3/24/82, 6/16/92.

Regulation No. 4, Incinerators And Crematories; supersedes Regulation No. 4, filed 6/16/92, 3/16/94.

History of Repealed Material: [RESERVED]

Other History: Regulation No. 4, Incinerators And Crematories; 3/16/94 was renumbered and reformatted to 20 NMAC 11.68, effective 12/01/95.

20 NMAC 11.68, filed 10/27/95 was amended, renumbered and reformatted to 20.11.68 NMAC, effective 4/01/02.