

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 10 WOODWASTE BURNERS

20.2.10.1 ISSUING AGENCY: Environmental Improvement Board.
[11/30/95; 20.2.10.1 NMAC - Rn. 20 NMAC 2.10.100 10/31/02]

20.2.10.2 SCOPE: All geographic areas within the jurisdiction of the Environmental Improvement Board.
[11/30/95; 20.2.10.2 NMAC - Rn. 20 NMAC 2.10.101 10/31/02]

20.2.10.3 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; 20.2.10.3 NMAC - Rn. 20 NMAC 2.10.102 10/31/02]

20.2.10.4 DURATION: Permanent.
[11/30/95; 20.2.10.4 NMAC - Rn. 20 NMAC 2.10.103 10/31/02]

20.2.10.5 EFFECTIVE DATE: November 30, 1995.
[11/30/95; 20.2.10.5 NMAC - Rn. 20 NMAC 2.10.104 10/31/02]
[The latest effective date of any section in this Part is 10/31/02.]

20.2.10.6 OBJECTIVE: The objective of this Part is to establish controls on the use of woodwaste burners. This Part is not intended to preempt any more stringent controls on burning provided in the Board's Solid Waste Management Regulations (20.9.1 NMAC) or in any local ordinance or regulation.
[11/30/95; 20.2.10.6 NMAC - Rn. 20 NMAC 2.10.105 10/31/02]

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

A. "Daily burndown" means the period of operation during which the supply of woodwaste to the burner has stopped and the operation of the sawmill has ceased and does not include work shift changes.

B. "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.

C. "Woodwaste burner" means any device used for woodwaste including but not limited to a wigwam-type burner.

[11/30/95; 20.2.10.7 NMAC - Rn. 20 NMAC 2.10.107 10/31/02]

20.2.10.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation ("AQCR") 402 - Woodwaste Burners last filed February 8, 1983.

A. All references to AQCR 402 in any other rule shall be construed as a reference to this Part.

B. The amendment and supersession of AQCR 402 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 402.

[11/30/95; 20.2.10.8 NMAC - Rn. 20 NMAC 2.10.106 10/31/02]

20.2.10.9 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; 20.2.10.9 NMAC - Rn. 20 NMAC 2.10.108 10/31/02]

20.2.10.10 to 20.2.10.108 [RESERVED]

20.2.10.109 EMISSION AND TEMPERATURE LIMITATIONS: Except as provided in subsections A and B of 20.2.10.109 NMAC and subsection C of 20.2.10.111 NMAC, the owner or operator of a woodwaste burner shall not permit, cause, suffer or allow emissions from the woodwaste burner to equal or exceed an opacity of 20 percent; and no person owning or operating a woodwaste burner which operates during nighttime hours shall permit the temperature of the woodwaste burner exhaust gases to be lower than 750 [degrees] F. during nighttime hours unless the owner or operator can demonstrate, to the satisfaction of the Department, that a lower temperature can achieve an opacity of 20 percent or less.

A. 20.2.10.109 NMAC shall not apply during the first sixty minutes of the daily operation of a woodwaste burner.

B. The owner or operator of a woodwaste burner shall not permit, cause, suffer or allow emissions from the woodwaste burner to equal or exceed an opacity of 40 percent during the daily burndown period.
[11/30/95; 20.2.10.109 NMAC - Rn. 20 NMAC 2.10.109 10/31/02]

20.2.10.110 TEMPERATURE RECORDINGS: A woodwaste burner, except a certified "contingency-use woodwaste burner", must be equipped with an instrument, approved by the Department, in a location, approved by the Department, which shall continuously measure and record the temperature of the exiting gases from the woodwaste burner. The owner or operator shall retain such records, showing the date of recordings, for a period of six months from the date of each day's recordings and shall make such records available to the Department at the Department's request.

[11/30/95; 20.2.10.110 NMAC - Rn. 20 NMAC 2.10.110 10/31/02]

20.2.10.111 CONTINGENCY-USE WOODWASTE BURNERS:

A. Certification: The Department may certify a woodwaste burner as "contingency-use woodwaste burner" if the owner or operator can demonstrate, to the satisfaction of the Department, that under normal operating conditions of the mill, the woodwaste burner will not be used to burn woodwaste. The Department may review and rescind, if necessary, such a certification at any time.

B. Startup notification: No person shall operate a certified "contingency-use woodwaste burner" unless the owner or operator has notified the Department within 24 hours after the initial startup as to the following:

- (1) the time of initial startup;
- (2) the reason why the owner or operator is unable to dispose of the woodwaste in the normal manner;
- (3) the period of time that the owner or operator will need to use the "contingency-use woodwaste burner"; and
- (4) the steps that are being taken to enable the owner or operator to return to disposition of the woodwaste in the normal manner.

(5) Upon receipt of aforesaid information, the Department shall promptly approve or disapprove such contingency use and the duration thereof.

C. Opacity limitation: No person owning or operating a certified "contingency-use woodwaste burner" shall permit, cause, suffer or allow emissions to equal or exceed an opacity of 40 percent.

[11/30/95; 20.2.10.111 NMAC - Rn. 20 NMAC 2.10.111 10/31/02]

20.2.10.112 OPACITY DETERMINATION: The Department shall determine the opacity of emissions from a woodwaste burner by averaging instantaneous opacity readings made at regular intervals over a time period of no less than ten minutes. Such readings shall be made only by a certified opacity reader.

[11/30/95; 20.2.10.112 NMAC - Rn. 20 NMAC 2.10.112 10/31/02]

HISTORY OF 20.2.10 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.

HSSD 70-1, Ambient Air Quality Standards And Air Quality Control Regulations, 01/27/70.

ACQR 402, Air Quality Control Regulation 402 - Woodwaste Burners, 02/08/83.

History of Repealed Material: [RESERVED]

Other History:

ACQR 402, Air Quality Control Regulation 402 - Woodwaste Burners, filed 02/08/83, was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.10, Woodwaste Burners, filed 10/30/95. 20 NMAC 2.10, Woodwaste Burners, filed 10/30/95 was **renumbered, reformatted and replaced** by 20.2.10 NMAC, Woodwaste Burners, effective 10/31/02.