

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 16 NONFERROUS SMELTERS (NEW AND EXISTING) – PARTICULATE MATTER

20.2.16.1 ISSUING AGENCY: Environmental Improvement Board.
[11/30/95; 20.2.16.1 NMAC - Rn, 20 NMAC 2.16.100 10/31/02]

20.2.16.2 SCOPE: All geographic areas within the jurisdiction of the Environmental Improvement Board.
[11/30/95; 20.2.16.2 NMAC - Rn, 20 NMAC 2.16.101 10/31/02]

20.2.16.3 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; 20.2.16.3 NMAC - Rn, 20 NMAC 2.16.102 10/31/02]

20.2.16.4 DURATION: Permanent.
[11/30/95; 20.2.16.4 NMAC - Rn, 20 NMAC 2.16.103 10/31/02]

20.2.16.5 EFFECTIVE DATE: November 30, 1995.
[11/30/95; 20.2.16.5 NMAC - Rn, 20 NMAC 2.16.104 10/31/02]
[The latest effective date of any section in this Part is 10/31/02.]

20.2.16.6 OBJECTIVE: The objective of this Part is to establish particulate matter emission standards for nonferrous smelters.
[11/30/95; 20.2.16.6 NMAC - Rn, 20 NMAC 2.16.105 10/31/02]

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

- A. "Construction"** means fabrication, erection or installation of an affected facility.
 - B. "Commenced"** means that an owner or operator has undertaken a continuous program of construction or that an owner or operator has entered into a binding agreement or contractual obligation to undertake and complete within a reasonable time a continuous program of construction.
 - C. "Existing nonferrous smelter"** means nonferrous smelter that was fully constructed and operational prior to September 1, 1971.
 - D. "Modification"** means a physical change or change in the manner of operation which increases the amount of any air contaminant emitted by the nonferrous smelter or which results in the emission of any air contaminant not previously emitted.
 - E. "New nonferrous smelter"** means nonferrous smelter the construction or modification of which was commenced after September 1, 1971.
 - F. "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.
 - G. "Standard conditions"** means temperature of 68 degrees Fahrenheit and pressure of 29.92 inches of mercury.
- [11/30/95; 20.2.16.7 NMAC - Rn, 20 NMAC 2.16.107 10/31/02]

20.2.16.8 AMENDMENT AND SUPERSESION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation ("AQCR") 506 -- Nonferrous Smelters -- Particulate Matter last filed November 21, 1978.

- A.** All references to AQCR 506 in any other rule shall be construed as a reference to this Part
 - B.** The amendment and supersession of AQCR 506 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 506.
- [11/30/95; 20.2.16.8 NMAC - Rn, 20 NMAC 2.16.106 10/31/02]

20.2.16.9 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; 20.2.16.9 NMAC - Rn, 20 NMAC 2.16.108 10/31/02]

20.2.16.10 to 20.2.16.108 [RESERVED]

20.2.16.109 ALLOWABLE EMISSION RATES:

A. The owner or operator of a new nonferrous smelter shall not permit, cause, suffer or allow particulate matter emissions to the atmosphere in excess of 0.03 grains per dry cubic foot of discharge gas measured at standard conditions.

B. The owner or operator of an existing nonferrous smelter shall not permit, cause, suffer or allow particulate matter emissions to the atmosphere from:

(1) The stack or stacks connected directly to the reverberatory furnace in excess of 1100 pounds per hour;

(2) The stack or stacks serving the acid plant in excess of 0.05 grains per dry cubic foot of discharge gas measured at standard conditions;

(3) The stack or stacks serving the reverberatory feed dryer in excess of 0.05 grains per dry cubic foot of discharge gas measured at standard conditions;

(4) The stack or stacks serving the fire refining furnace in excess of:

(a) 30 pounds per hour during the charging operation;

(b) 50 pounds per hour during the blowing operation;

(c) 200 pounds per hour during the poling operation; and

(d) 550 pounds per hour during the fluxing operation.

C. The stack or stacks used solely for venting captured fugitive emissions from the matte tapping, matte ladle, and slag skimming areas on the reverberatory furnace of an existing nonferrous smelter do not have a particulate limitation.

[11/30/95; 20.2.16.109 NMAC - Rn, 20 NMAC 2.16.109 10/31/02]

20.2.16.110 TEST METHODS: Compliance with subsections A and B of 20.2.16.109 NMAC shall be determined by a method consistent with the method set forth by the US EPA at 40 CFR, Part 60, Appendix A, Methods 1 through 5, except that Method 5 is modified as follows: The distilled water specified in the first impinger of Method 5 is replaced with isopropyl alcohol solution as specified within Method 8 of 40 CFR, Part 60, Appendix A. The temperature of the probe and oven containing the cyclone and filter should be maintained above the dew point of sulfuric acid mist in order to prevent condensation of acid mist within the probe or on the filter. After sample collection, the isopropyl alcohol solution within the first impinger is analyzed for sulfur trioxide and sulfuric acid mist as described in Method 8. Solid particulate matter is collected within the nozzle, probe, cyclone and filter while liquid particulate matter is collected within the isopropyl alcohol impinger. Compliance with subsections A and B of 20.2.16.109 NMAC shall be determined by comparison of the sum of the solid and liquid particulate matter to the applicable emission limitation. Upon request of the Department, the owner or operator of nonferrous smelters subject to this Part shall perform stack testing according to the method stated above and report the results of such tests in the format and time period specified by the Department. The owner or operator shall inform the Department of the dates and times of such testing so that the Department may have the opportunity to have an observer present during testing.

[11/30/95; 20.2.16.110 NMAC - Rn, 20 NMAC 2.16.110 10/31/02]

HISTORY OF 20.2.16 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 506, Air Quality Control Regulation 506 - Nonferrous Smelters - Particulate Matter, 02/17/72.

History of Repealed Material: [RESERVED]

Other History:

ACQR 506, Air Quality Control Regulation 506 - Nonferrous Smelters - Particulate Matter, 02/17/72, was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.16, Nonferrous Smelters (New And Existing) - Particulate Matter, filed 10/30/95.
20 NMAC 2.16, Nonferrous Smelters (New And Existing) - Particulate Matter, filed 10/30/95, was **renumbered, reformatted and replaced** by 20.2.16 NMAC, Nonferrous Smelters (New And Existing) - Particulate Matter, effective 10/31/02.