

**TITLE 20 ENVIRONMENTAL PROTECTION**  
**CHAPTER 2 AIR QUALITY (STATEWIDE)**  
**PART 18 OIL BURNING EQUIPMENT – PARTICULATE MATTER**

**20.2.18.1 ISSUING AGENCY:** Environmental Improvement Board.  
[11/30/95; 20.2.18.1 NMAC - Rn, 20 NMAC 2.18.100 10/31/02]

**20.2.18.2 SCOPE:** All geographic areas within the jurisdiction of the Environmental Improvement Board.  
[11/30/95; 20.2.18.2 NMAC - Rn, 20 NMAC 2.18.101 10/31/02]

**20.2.18.3 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; 20.2.18.3 NMAC - Rn, 20 NMAC 2.18.102 10/31/02]

**20.2.18.4 DURATION:** Permanent.  
[11/30/95; 20.2.18.4 NMAC - Rn, 20 NMAC 2.18.103 10/31/02]

**20.2.18.5 EFFECTIVE DATE:** November 30, 1995.  
[11/30/95; 20.2.18.5 NMAC - Rn, 20 NMAC 2.18.104 10/31/02]  
[The latest effective date of any section in this Part is 10/31/02.]

**20.2.18.6 OBJECTIVE:** The objective of this Part is to establish particulate matter emission standards for oil burning equipment.  
[11/30/95; 20.2.18.6 NMAC - Rn, 20 NMAC 2.18.105 10/31/02]

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

**A. "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.

**B. "Construction"** means fabrication, erection or installation of an affected facility.

**C. "Existing oil-burning equipment"** means oil burning equipment that was fully constructed and operational or under construction prior to August 17, 1971. Existing oil burning equipment also includes any gas burning equipment that is converted to burn oil for energy considerations if the gas burning equipment was fully constructed and operational on January 21, 1979.

**D. "New oil burning equipment"** means oil burning equipment the construction of which is commenced after August 17, 1971.

**E. "Opacity"** means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

**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. "Visible emissions"** means particulate or gaseous matter which can be detected by the human eye.

[11/30/95; 20.2.18.7 NMAC - Rn, 20 NMAC 2.18.107 10/31/02]

**20.2.18.8 AMENDMENT AND SUPERSESION OF PRIOR REGULATIONS:** This Part amends and supersedes Air Quality Control Regulation ("AQCR") 507 -- Oil Burning Equipment -- Particulate Matter last filed December 21, 1978.

**A.** All references to AQCR 507 in any other rule shall be construed as a reference to this Part.;

**B.** The amendment and supersession of AQCR 507 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 507.

[11/30/95; 20.2.18.8 NMAC - Rn, 20 NMAC 2.18.106 10/31/02]

**20.2.18.9 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; 20.2.18.9 NMAC - Rn, 20 NMAC 2.18.108 10/31/02]

**20.2.18.10 to 20.2.18.108 [RESERVED]**

**20.2.18.109 EMISSION LIMITATIONS -- NEW EQUIPMENT:** The owner or operator of new oil burning equipment having a rated heat capacity greater than 250 million British Thermal Units per hour (higher heating value) per unit shall not permit, cause, suffer or allow particulate matter emissions to the atmosphere in excess of 0.03 pounds per million British Thermal Units of heat input (higher heating value) or visible emissions in excess of an opacity of twenty percent (20%) except as provided in 20.2.18.111 NMAC  
[11/30/95; 20.2.18.109 NMAC - Rn, 20 NMAC 2.18.109 10/31/02]

**20.2.18.110 EMISSION LIMITATIONS -- EXISTING EQUIPMENT:** The owner or operator of existing oil burning equipment having a rated heat capacity greater than 250 million British Thermal Units per hour (higher heating value) per unit shall not permit, cause, suffer or allow particulate matter emissions to the atmosphere:

- A.** in excess of 0.05 pounds per million British Thermal Units of heat input (higher heating value) from equipment used to generate steam or electrical power for other than on-site use;
- B.** in excess of 0.10 pounds per million British Thermal Units of heat input (higher heating value) from equipment used to generate steam or electrical power for on-site use only and constructed on or after January 1, 1950; and
- C.** in excess of 0.20 pounds per million British Thermal Units of heat input (higher heating value) from equipment used to generate steam or electrical power for on-site use only and constructed before January 1, 1950.

[11/30/95; 20.2.18.110 NMAC - Rn, 20 NMAC 2.18.110 10/31/02]

**20.2.18.111 VISIBLE EMISSIONS EXCEPTIONS:** Visible emissions resulting from light off of new flames, blowing tubes and flues, or changing fuels while operating shall not be deemed violations provided the visible emissions do not exceed twenty-seven percent (27%) opacity for a period or periods aggregating not more than 6 minutes in any 60 minute period for units governed by 20.2.18.109 NMAC.  
[11/30/95; 20.2.18.111 NMAC - Rn, 20 NMAC 2.18.111 10/31/02]

**20.2.18.112 EMISSIONS DETERMINATIONS:** Particulate matter emissions governed by 20.2.18.109 NMAC and 20.2.18.110 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 or any other equivalent method receiving prior approval from the Department. Upon request of the Department, the owner or operator of oil burning equipment regulated by 20.2.18.109 NMAC and 20.2.18.110 NMAC 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 an opportunity to have an observer present during testing.  
[11/30/95; 20.2.18.112 NMAC - Rn, 20 NMAC 2.18.112 10/31/02]

**20.2.18.113 OPACITY DETERMINATIONS:** Opacity of emissions from oil burning equipment subject to this Part shall be determined consistent with the method set forth by the US EPA at 40 CFR, Part 60, Appendix A, Method 9 or any other equivalent method receiving prior approval from the Department. The time period for taking opacity readings shall be for a minimum of six minutes.  
[11/30/95; 20.2.18.113 NMAC - Rn, 20 NMAC 2.18.113 10/31/02]

#### **HISTORY OF 20.2.18 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 507, Air Quality Control Regulation 507 - Oil Burning Equipment - Particulate Matter, 02/17/72.

ACQR 507, Air Quality Control Regulation 507 - Oil Burning Equipment - Particulate Matter, 12/21/78.

**History of Repealed Material:** [RESERVED]

**Other History:**

ACQR 507, Air Quality Control Regulation 507 - Oil Burning Equipment - Particulate Matter, 12/21/78, was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.18, Oil Burning Equipment - Particulate Matter, filed 10/30/95.

20 NMAC 2.18, Oil Burning Equipment - Particulate Matter, filed 10/30/95, was **renumbered, reformatted and replaced** by 20.2.18 NMAC, Oil Burning Equipment - Particulate Matter, effective 10/31/02.