

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 21 FUGITIVE PARTICULATE MATTER EMISSIONS FROM NONFERROUS SMELTERS

20.2.21.1 ISSUING AGENCY: Environmental Improvement Board.
[11/30/95; 20.2.21.1 NMAC - Rn, 20 NMAC 2.21.100 10/31/02]

20.2.21.2 SCOPE: All geographic areas within the jurisdiction of the Environmental Improvement Board.
[11/30/95; 20.2.21.2 NMAC - Rn, 20 NMAC 2.21.101 10/31/02]

20.2.21.3 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; 20.2.21.3 NMAC - Rn, 20 NMAC 2.21.102 10/31/02]

20.2.21.4 DURATION: Permanent.
[11/30/95; 20.2.21.4 NMAC - Rn, 20 NMAC 2.21.103 10/31/02]

20.2.21.5 EFFECTIVE DATE: November 30, 1995.
[11/30/95; 20.2.21.5 NMAC - Rn, 20 NMAC 2.21.104 10/31/02]
[The latest effective date of any section in this Part is 10/31/02.]

20.2.21.6 OBJECTIVE: The objective of this Part is to establish fugitive particulate matter emission standards for nonferrous smelters.
[11/30/95; 20.2.21.6 NMAC - Rn, 20 NMAC 2.21.105 10/31/02]

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

A. "Existing nonferrous smelter" means a nonferrous smelter that was constructed and operational prior to September 1, 1971.

B. "Fugitive particulate matter" means particulate matter emissions which escape to the atmosphere due to leakage, materials handling, transfer or storage, travel over unpaved roads or parking areas, or other activities and are not ducted through primary exhaust systems.

C. "New nonferrous smelter" means nonferrous smelter the construction or modification of which was commenced after September 1, 1971.

D. "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.
[11/30/95; 20.2.21.7 NMAC - Rn, 20 NMAC 2.21.107 10/31/02]

20.2.21.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation ("AQCR") 510 -- Fugitive Particulate Matter Emissions from Nonferrous Smelters last filed on July 16, 1986.

A. All references to AQCR 510 in any other rule shall be construed as a reference to this Part.

B. The amendment and supersession of AQCR 510 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 510.

[11/30/95; 20.2.21.8 NMAC - Rn, 20 NMAC 2.21.106 10/31/02]

20.2.21.9 - 20.2.21.107 [RESERVED]

20.2.21.108 CONTROL REQUIREMENTS:

A. The owner or operator of an existing nonferrous smelter shall not permit, cause, suffer, or allow the operation of the nonferrous smelter unless the owner or operator:

(1) Installs and operates well-designed exhaust hoods, fans and ducts, or other control systems approved by the Department as at least as effective to capture fugitive particulate matter emissions from the tapping, transfer, ladle filling and slag skimming operation of the reverberatory furnace;

(2) Maintains and operates all furnaces, converters and converter hoods so that fugitive particulate matter emissions are minimized to the maximum extent practicable; and

(3) Maintains all ducts, flues, waste-heat boilers and stacks in as near, leak-free condition as practicable.

B. The owner or operator of an existing nonferrous smelter shall not permit, cause, suffer or allow the transfer or conveying of particulate matter from electrostatic precipitators, waste-heat boilers or other dry particulate control equipment unless fugitive particulate matter emissions are controlled by:

(1) Production of a pelletized, wet, or other non-dusting product within an enclosed system to prevent the escape of fugitive particulate matter to the atmosphere; or

(2) The use of hoods or enclosures and venting collected particulate matter through fabric filters or other control systems approved by the Department as at least as effective to reduce fugitive particulate matter emissions to the atmosphere.

[11/30/95; 20.2.21.108 NMAC - Rn, 20 NMAC 2.21.108 10/31/02]

20.2.21.109 STORAGE PILES: The owner or operator of an existing nonferrous smelter shall not permit, cause, suffer or allow the establishment, operation, or use of storage piles for copper ore concentrate, copper precipitate, lime or limestone, or fine silica flux materials within the boundary of the smelter unless the storage and associated materials handling areas are enclosed or other control methods approved by the Department as at least as effective to reduce fugitive particulate matter emissions to the atmosphere are utilized.

[11/30/95; 20.2.21.109 NMAC - Rn, 20 NMAC 2.21.109 10/31/02]

20.2.21.110 ROADWAYS AND PARKING AREAS: The owner or operator of an existing nonferrous smelter shall not permit, cause, suffer, or allow the use of any roadway or parking area within the boundaries of the smelter and associated facilities unless the roadway or parking area is paved and frequently cleaned, or other control measures approved by the Department as at least effective to reduce fugitive particulate matter emissions to the atmosphere are utilized. Where the owner or operator of an existing nonferrous smelter demonstrates to the satisfaction of the Department that certain roadways or parking areas are used infrequently, the Department may allow the use of less effective control measures such as the application of crushed stone or periodic treatment with dust suppressant chemicals or oils to such roadways or parking areas.

[11/30/95; 20.2.21.110 NMAC - Rn, 20 NMAC 2.21.110 10/31/02]

HISTORY OF 20.2.21 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:

AQCR 510, Fugitive Particulate Matter Emissions From Nonferrous Smelters, 11/21/78.

EIB/AQCR 510, Air Quality Control Regulation 510 - Fugitive Particulate Matter Emissions From Nonferrous Smelters, 07/16/86.

History of Repealed Material: [RESERVED]

Other History:

EIB/AQCR 510, Air Quality Control Regulation 510 - Fugitive Particulate Matter Emissions From Nonferrous Smelters, 07/16/86 was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.21, Fugitive Particulate Matter Emissions From Nonferrous Smelters, filed 10/30/95.

20 NMAC 2.21, Fugitive Particulate Matter Emissions From Nonferrous Smelters, filed 10/30/95 was **renumbered, reformatted and replaced** by 20.2.21 NMAC, Fugitive Particulate Matter Emissions From Nonferrous Smelters, effective 10/31/02.