

**TITLE 20 ENVIRONMENTAL PROTECTION**  
**CHAPTER 2 AIR QUALITY (STATEWIDE)**  
**PART 39 SULFUR RECOVERY PLANT - SULFUR**

**20.2.39.1 ISSUING AGENCY:** Environmental Improvement Board.  
[11/30/95; 20.2.39.1 NMAC - Rn, 20 NMAC 2.39.100 10/31/02]

**20.2.39.2 SCOPE:** All geographic areas within the jurisdiction of the Environmental Improvement Board.  
[11/30/95; 20.2.39.2 NMAC - Rn, 20 NMAC 2.39.101 10/31/02]

**20.2.39.3 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; 20.2.39.3 NMAC - Rn, 20 NMAC 2.39.102 10/31/02]

**20.2.39.4 DURATION:** Permanent.  
[11/30/95; 20.2.39.4 NMAC - Rn, 20 NMAC 2.39.103 10/31/02]

**20.2.39.5 EFFECTIVE DATE:** November 30, 1995.  
[11/30/95; 20.2.39.5 NMAC - Rn 20 NMAC 2.39.104 10/31/02]  
[The latest effective date of any section in this Part is 10/31/02.]

**20.2.39.6 OBJECTIVE:** The objective of this Part is to establish sulfur emission standards for sulfur recovery plants which are not part of petroleum or natural gas processing facilities.  
[11/30/95; 20.2.39.6 NMAC - Rn, 20 NMAC 2.39.105 10/31/02]

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

**A. "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.

**B. "Sulfur"** means elemental sulfur and the sulfur component of any mixture or compound.  
[11/30/95; 20.2.39.7 NMAC - Rn, 20 NMAC 2.39.107 10/31/02]

**20.2.39.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS:** This Part amends and supersedes Air Quality Control Regulation ("AQCR") 632, -- Sulfur Recovery Plant -- Sulfur last filed February 8, 1983.

**A.** All references to AQCR 632 in any other rule shall be construed as a reference to this Part.

**B.** The amendment and supersession of AQCR 632 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 632.

[11/30/95; 20.2.39.8 NMAC - Rn, 20 NMAC 2.39.106 10/31/02]

**20.2.39.9 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; 20.2.39.9 NMAC - Rn, 20 NMAC 2.39.108 10/31/02]

**20.2.39.10 to 20.2.39.109 [RESERVED]**

**20.2.39.110 EXISTING SULFUR RECOVERY PLANT:** The owner or operator of an existing (the fabrication, erection, or installation of which was commenced before August 14, 1974) sulfur recovery plant shall not permit, cause, suffer or allow at any time sulfur emissions to the atmosphere in excess of 12 pounds of sulfur for every 100 pounds of sulfur introduced into the plant.

[11/30/95; 20.2.39.110 NMAC - Rn, 20 NMAC 2.39.110 10/31/02]

**20.2.39.111 SULFUR RECOVERY PLANT -- LESS THAN 20 TONS PER DAY OF SULFUR:** The owner or operator of a new (the fabrication, erection, installation, or modification of which was commenced on or after August 14, 1974) sulfur recovery plant that introduces less than twenty tons a day of sulfur into the plant shall not permit, cause, suffer or allow at any time sulfur emissions to the atmosphere in excess of 10 pounds of sulfur for every 100 pounds of sulfur introduced into the plant.

[11/30/95; 20.2.39.111 NMAC - Rn, 20 NMAC 2.39.111 10/31/02]

**20.2.39.112 SULFUR RECOVERY PLANT -- MORE THAN 20 TONS PER DAY OF SULFUR:** The owner or operator of a new (the fabrication, erection, installation, or modification of which was commenced on or after August 14, 1974) sulfur recovery plant that introduces twenty tons a day or greater of sulfur into the plant shall not permit, cause, suffer or allow at any time sulfur emissions to the atmosphere in excess of 2 pounds of sulfur for every 100 pounds of sulfur introduced into the plant.

[11/30/95; 20.2.39.112 NMAC - Rn, 20 NMAC 2.39.112 10/31/02]

**20.2.39.113 SULFUR RECOVERY PLANTS OTHERWISE REGULATED:** This Part shall not apply to a sulfur recovery plant for which a sulfur emission limitation is established by any other air quality control regulation. For purposes of this section, the establishment by an air quality control regulation of a limitation on the amount of hydrogen sulfide that may be emitted is not the establishment of a sulfur emission limitation.

[11/30/95; 20.2.39.113 NMAC - Rn, 20 NMAC 2.39.113 10/31/02]

**20.2.39.114 REPORTING REQUIREMENTS:**

**A.** To aid the Department in determining compliance with this Part, the owner or operator of a sulfur recovery plant to which this Part applies shall submit to the Department quarterly reports for the periods January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31 of each year, each report to be received by the Department within 45 days of the end of the quarterly period. The quarterly report shall contain the following:

- (1) the sulfur content of feedstock entering the sulfur recovery plant, determined no less frequently than weekly;
- (2) the weight of the recovered sulfur, determined no less frequently than weekly; and
- (3) the concentration of sulfur dioxide and hydrogen sulfide in the exit gas stream or streams, determined no less frequently than monthly.

**B.** When the sulfur recovery plant has at some time during the quarterly period operated under the provisions of 20.2.7 NMAC (Excess Emissions During Malfunction, Startup, Shutdown, or Scheduled Maintenance), and complied with the notification requirements of that regulation, quantities and time periods involved in the quarterly reports may be modified to exclude the time periods and the quantities involved during those time periods if the quantities are determined separately for those time periods and submitted in the quarterly report.

[11/30/95; 20.2.39.114 NMAC - Rn, 20 NMAC 2.39.114 10/31/02]

**HISTORY OF 20.2.39 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 621-632, Air Quality Control Regulations - 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, and 632, 07/15/74.

AQCR 632, Air Quality Control Regulation 632 - Sulfur Recovery Plant - Sulfur, 02/08/83

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

**Other History:**

AQCR 632, Air Quality Control Regulation 632 - Sulfur Recovery Plant - Sulfur, 02/08/83, was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.39, Sulfur Recovery Plant - Sulfur, filed 10/30/95.

20 NMAC 2.39, Sulfur Recovery Plant - Sulfur, filed 10/30/95 was **renumbered, reformatted and replaced** by 20.2.39 NMAC, Sulfur Recovery Plant - Sulfur, effective 10/31/02.