

2004 MAY 13 AM 10:24

NMAC TRANSMITTAL FORM

1.24.10 NMAC

[Sequence # _____]

1. Issuing Agency Albuquerque-Bernalillo County Air Quality Control Board	2. Agency Code (DFA)
---	-----------------------------

3. Agency Address C/O Environmental Health Department, Air Quality Division P.O. Box 1293, One Civic Plaza NW Albuquerque, NM 87103

4. Contact Person			
Name Neal Butt	Phone # (505) 768-2660	FAX	505-768-2617
E-mail Nbutt@cabq.gov			

5. Type of Rule Action				
New <input checked="" type="checkbox"/>	Amendment <input type="checkbox"/>	Renumber <input type="checkbox"/>	Repeal <input type="checkbox"/>	Emergency <input type="checkbox"/>

6. Total number of pages: 3	7. Hearing date: 3/10/04 & 4/14/04	8. Effective date: 7/1/04
------------------------------------	---	----------------------------------

9. NMAC Number		
Title	Chapter	Part
20	11	8

10. NMAC Name		
Title	Chapter	Part
Environmental Protection	Albuquerque-Bernalillo County Air Quality Control Board	AMBIENT AIR QUALITY STANDARDS

11. Amendment Description	12. Amendment's NMAC Citation

13. Most recent filing date (if applicable)

14. Are there any materials incorporated by reference?		Reference / Internet site
No	Yes <input checked="" type="checkbox"/>	1. http://www.access.gpo.gov/nara/cfr/waisidx_03/40cfr50_03.html
		2. http://www.nmcpr.state.nm.us/nmac/parts/title20/20.002.0003.htm
		3.

15. If materials are attached, has copyright permission been received?		
No <input type="checkbox"/>	Yes <input type="checkbox"/>	Public domain <input checked="" type="checkbox"/>

16. Legal citation(s) that allows the Issuing Agency to regulate and the Issuing Authority to promulgate regulations on this subject (provide all that apply): New Mexico Air Quality Control Act, NMSA 1978 Sections 74-2-4, 74-2-5.C, the Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5 Sections 3 & 4; and the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994 Sections 9-5-1-3 & 9-5-1-4.

17 Signature & Title of Issuing Authority (Delegated authority must be on file)	
Name: <u>Stephen Pilon</u>	Check if delegated authority <input checked="checked" type="checkbox"/> X
Title: <u>Board Chair</u>	
<u>Dr Stephen Pilon</u> Signature	<u>4/14/04</u> Date Signed

2004 MAY 13 AM 10:24

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 11 ALBUQUERQUE / BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
PART 8 AMBIENT AIR QUALITY STANDARDS

20.11.8.1 ISSUING AGENCY: Albuquerque/Bernalillo County Air Quality Control Board. P.O. Box 1293, Albuquerque, NM 87103. Telephone: (505) 768-2600.
[20.11.8.1 NMAC - N, 7/1/04]

20.11.8.2 SCOPE:
A. 20.11.8 NMAC is applicable to the city of Albuquerque and Bernalillo county.
B. Exempt: 20.11.8 NMAC does not apply to sources within Bernalillo county, which are located on Indian lands over which the Albuquerque/Bernalillo county air quality control board lacks jurisdiction.
[20.11.8.2 NMAC - N, 7/1/04]

20.11.8.3 STATUTORY AUTHORITY: 20.11.8 NMAC is adopted pursuant to the authority provided in the New Mexico Air Quality Control Act, NMSA 1978 Sections 74-2-4, 74-2-5C; the Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5 Sections 3 & 4; the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994 Sections 9-5-1-3 & 9-5-1-4.
[20.11.8.3 NMAC - N, 7/1/04]

20.11.8.4 DURATION: Permanent.
[20.11.8.4 NMAC - N, 7/1/04]

20.11.8.5 EFFECTIVE DATE: The effective date of Part 8 is, July 1, 2004, unless a later date is cited at the end of a section. The effective date of a specific section is located at the end of each section within the historical brackets. As required by the New Mexico Air Quality Control Act, Chapter 74, Article 2, Section 6 NMSA 1978, no regulation or emission control requirement or amendment thereto, or repeal thereof, shall become effective until 30 days after its filing under the State Rules Act, Chapter 14, Article 4 NMSA 1978.
[20.11.8.5 NMAC - N, 7/1/04]

20.11.8.6 OBJECTIVE: The objective of 20.11.8 NMAC is to adopt local ambient air quality standards that are identical to the federal National Primary and Secondary Ambient Air Quality Standards codified at 40 CFR Part 50, and to adopt applicable state Ambient Air Quality Standards codified at 20.2.3 NMAC.
[20.11.8.6 NMAC - N, 7/1/04]

20.11.8.7 DEFINITIONS: The definitions in 20.11.1 NMAC apply to 20.11.8 NMAC.
[20.11.8.7 NMAC - N, 7/1/04]

20.11.8.8 SAVINGS CLAUSE: Any amendment to Ambient Air Quality Standards, 20.11.8 NMAC, that is filed with the state records center, shall not affect actions pending for violation of a city or county ordinance, the air quality regulations for Albuquerque and Bernalillo county or a permit issued by the department. Prosecution for a violation under a prior statute, ordinance, regulation or permit shall be governed and prosecuted under the statute, ordinance or regulation in effect at the time the violation was committed.
[20.11.8.8 NMAC - N, 7/1/04]

20.11.8.9 SEVERABILITY: If any section, paragraph, sentence, clause or word of 20.11.8 NMAC or any federal standards incorporated herein is for any reason held to be unconstitutional or otherwise invalid by any court, the decision shall not affect the validity of remaining provisions of 20.11.8 NMAC.
[20.11.8.9 NMAC - N, 7/1/04]

20.11.8.10 DOCUMENTS: Documents incorporated and cited in 20.11.8 NMAC may be viewed at the Albuquerque environmental health department, 400 Marquette NW, Albuquerque, NM.
[20.11.8.10 NMAC - N, 7/1/04]

20.11.8.11 INCORPORATION OF FEDERAL AMBIENT AIR QUALITY STANDARDS: Except as otherwise provided, the National Primary and Secondary Ambient Air Quality Standards of the United States environmental protection agency including the General Provisions thereto, codified at 40 CFR Part 50, as amended through July 18, 1997, are hereby incorporated into 20.11.8 NMAC. Section 20.11.8.13 NMAC is a summary of the federal and state standards incorporated in 20.11.8 NMAC.
[20.11.8.11 NMAC - N, 7/1/04]

20.11.8.12 INCORPORATION OF STATE AMBIENT AIR QUALITY STANDARDS: Except as otherwise provided, the state Ambient Air Quality Standards of the environmental improvement board codified at 20.2.3 NMAC, effective October 31, 2002, are hereby incorporated into 20.11.8 NMAC. Section 20.11.8.13 NMAC is a summary the federal and state standards incorporated in 20.11.8 NMAC.
[20.11.8.12 NMAC - N, 7/1/04]

20.11.8.13 SUMMARY OF FEDERAL AND STATE AMBIENT AIR QUALITY STANDARDS:

<u>Pollutant</u>	<u>Standards</u>		
	Federal Primary	Federal Secondary	New Mexico State
Carbon Monoxide (CO)			
8-hour average	9.0 ppm	none	8.7 ppm
1-hour average	35 ppm	none	13.1 ppm
Nitrogen Dioxide (NO₂)			
24-hour average	none	none	0.10 ppm
Annual arithmetic mean	0.053 ppm	0.053 ppm	0.05 ppm
Ozone (O₃)			
1-hour average	0.120 ppm	0.120 ppm	none
8-hour average	0.08 ppm	0.08 ppm	none
Sulfur Dioxide (SO₂)			
24-hour average	0.14 ppm	none	0.10 ppm
3-hour average	none	0.5 ppm	none
Annual arithmetic mean	0.03 ppm	none	0.02 ppm
Particulate Matter (PM_{2.5})			
24-hour average	65 µg/m ³	65 µg/m ³	none
Annual arithmetic mean	15 µg/m ³	15 µg/m ³	none
Particulate Matter (PM₁₀)			
24-hour average	150 µg/m ³	150 µg/m ³	none
Annual arithmetic mean	50 µg/m ³	50 µg/m ³	none
Lead (Pb)			
Quarterly arithmetic mean	1.5 µg/m ³	1.5 µg/m ³	none
Hydrogen Sulfide			
1-hr average	none	none	0.010 ppm

Total Reduced Sulfur			
1/2-hour average	none	none	0.003 ppm
Particulate Matter (TSP)			
24-hour average	none	none	150 µg/m ³
7-day average	none	none	110 µg/m ³
30-day average	none	none	90 µg/m ³
Annual geometric mean [20.11.8.13 NMAC - N, 7/1/04]	none	none	60 µg/m ³

20.11.8.14 INTERPRETATION: Except as expressly provided to the contrary in these regulations, whenever two or more parts of these regulations limit, control or regulate the emissions of a particular air contaminant, the more restrictive or stringent shall govern.
[20.11.8.14 NMAC - N, 7/1/04]

HISTORY OF 20.11.8 NMAC:
None