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Environmental Improvement Board

STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED REPEAL OF: **No. EIB 16-02 (R)**
20.2.37 NMAC – *Petroleum Processing Facilities*

PETITION FOR REGULATORY CHANGE

The Air Quality Bureau in the Environmental Protection Division of the New Mexico Environment Department petitions the Environmental Improvement Board ("Board"), pursuant to 20.1.1 NMAC - *Rulemaking Procedures*, to repeal 20.2.37 NMAC – *Petroleum Processing Facilities*. The Board is authorized to adopt these amendments by the Air Quality Control Act, NMSA 1978, §§ 74-1-8 and 74-2-5. A statement of reasons for the regulatory change is attached, which includes a copy of the currently effective 20.2.37 NMAC proposed for repeal, in strikeout format.

The Air Quality Bureau requests that the Board schedule the hearing in this matter at its regular meeting to be held on August 12, 2016. The Air Quality Bureau anticipates that the hearing regarding the proposed amendments will take approximately one half hour.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT
OFFICE OF GENERAL COUNSEL

/s/ John Verheul

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Petition for Regulatory Change* was served on the following parties on this the 15th day of February, 2016, via the stated delivery methods below:

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STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED REPEAL OF: **No. EIB 16-02 (R)**
20.2.37 NMAC – *Petroleum Processing Facilities*

STATEMENT OF REASONS

The New Mexico Environment Department ("Department") proposes to repeal 20.2.37 NMAC, *Petroleum Processing Facilities* ("Part 37"). Part 37 specifies emissions limits and other operating requirements for existing (constructed prior to July 1, 1974) and new petroleum refineries and natural gas processing facilities.

Part 37 regulates a wide range of pollutant species and processes, including: mercaptan and hydrogen sulfide (H_2S); carbon monoxide (CO); particulate matter (PM); ammonia; hydrocarbon separation facilities; and petroleum processing facilities (storage, handling, pumping, and blowdown systems). Most of the requirements in Part 37 are covered by corresponding state permit regulations under 20.2.72 NMAC or federal requirements that are at least as stringent as Part 37; however, there are three sections/subsections of the rule that pertain to H_2S and mercaptan, volatile organic compounds (VOC), and ammonia emissions that do not have duplicative federal standards. An evaluation was conducted for these exceptions which showed that Part 37 could still be repealed without an adverse effect on air quality.

Part 37 is outdated; it was adopted in 1974 at a time when Continuous Emissions Monitoring Systems (CEMS) were not widely in use. This leads to enforceability issues due to a lack of monitoring requirements. Also, the regulation is not part of the State Implementation Plan (SIP) under the federal Clean Air Act, and therefore is not federally enforceable by the EPA. In comparison, federal regulations require more robust monitoring and recordkeeping, which provides for more effective enforcement of the emission limits.

The Department believes repeal of Part 37 would benefit the state by removing outdated, mostly redundant requirements since federal regulations are in place for the majority of requirements. The requirements not covered by corresponding federal rules are in many cases covered by other requirements or are not significant. A repeal of Part 37 is not expected to relax emissions controls or negatively affect air quality.

Below is the current effective rule that the Department proposes to repeal, with changes shown in redline strikeout format.

~~**TITLE 20 ENVIRONMENTAL PROTECTION**~~

~~**CHAPTER 2 AIR QUALITY (STATEWIDE)**~~

~~**PART 37 PETROLEUM PROCESSING FACILITIES**~~

~~**20.2.37.1 ISSUING AGENCY:** Environmental Improvement Board.~~

~~[11/30/95; 20.2.37.1 NMAC - Rn, 20 NMAC 2.37.100 10/31/02]~~

~~**20.2.37.2 SCOPE:** All geographic areas within the jurisdiction of the Environmental Improvement Board.~~

~~[11/30/95; 20.2.37.2 NMAC - Rn, 20 NMAC 2.37.101 10/31/02]~~

~~**20.2.37.3 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; 20.2.37.3 NMAC - Rn, 20 NMAC 2.37.102 10/31/02]~~

~~**20.2.37.4 DURATION:** Permanent.~~

~~[11/30/95; 20.2.37.4 NMAC - Rn, 20 NMAC 2.37.103 10/31/02]~~

~~**20.2.37.5 EFFECTIVE DATE:** November 30, 1995.~~

~~[11/30/95; 20.2.37.5 NMAC - Rn, 20 NMAC 2.37.104 10/31/02]~~

~~[The latest effective date of any section in this Part is 10/31/02.]~~

~~**20.2.37.6 OBJECTIVE:** The objective of this Part is to minimize emissions from petroleum or natural gas processing facilities.~~

~~[11/30/95; 20.2.37.6 NMAC - Rn, 20 NMAC 2.37.105 10/31/02]~~

~~**20.2.37.7 DEFINITIONS:** In addition to the terms defined in 20.2.2 NMAC (Definitions), as used in this Part:~~

~~**A. "Catalytic cracking"** means a process which converts, at temperatures above 500 degrees Fahrenheit, petroleum-type hydrocarbons, which are liquids at normal temperatures and~~

~~pressures, to lower molecular weight products in the absence of hydrogen and with a continuously regenerated catalyst.~~

~~**B. "Existing petroleum processing facility"** means any petroleum refinery or natural gas processing plant the fabrication, erection, or installation of which was commenced prior to July 1, 1974. It does not include tank batteries, separators, heater treaters or field compressors.~~

~~**C. "New petroleum processing facility"** means any petroleum refinery, natural gas processing plant, or part thereof, the fabrication, installation, or modification of which is commenced on or after July 1, 1974. It does not include tank batteries, separators, heater treaters or field compressors.~~

~~**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; 20.2.37.7 NMAC - Rn, 20 NMAC 2.37.107 10/31/02]~~

~~**20.2.37.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS:**~~

~~**A.** This Part amends and supersedes Air Quality Control Regulations ("AQCRs"):~~

~~**(1)** 623 - Petroleum Processing Facilities - Mercaptan last filed February 8, 1983;~~

~~**(2)** 624 - Petroleum Processing Facilities - Carbon Monoxide last filed February 8, 1983;~~

~~**(3)** 625 - Petroleum Processing Facilities - Particulate Matter last filed July 24, 1984;~~

~~**(4)** 626 - Petroleum Processing Facilities - Ammonia last filed February 8, 1983;~~

~~**(5)** 627 - Petroleum Processing Facilities - Sulfur Recovery Plant - Hydrogen Sulfide last filed February 8, 1983;~~

~~**(6)** 628 - Petroleum Processing Facilities - Sulfur Recovery Plant - Hydrogen Sulfide Alarm System last filed February 8, 1983;~~

~~**(7)** 629 - Petroleum Processing Facilities - Hydrocarbon Separation Facility last filed July 24, 1984; and~~

~~**(8)** 630 - Petroleum Processing Facilities - Storage - Handling - Pumping - Blowdown System last filed July 24, 1984.~~

~~**B.** All references to these AQCRs in any other rule shall be construed as a reference to this Part.~~

~~**C.** The amendment and supersession of AQCRs 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 these AQCRs.~~

~~[11/30/95; 20.2.37.8 NMAC - Rn, 20 NMAC 2.37.106 10/31/02]~~

~~**20.2.37.9 DOCUMENTS:** Documents cited in this Part may be viewed at the New Mexico Environment Department, Air Quality Bureau, Harold Runnels Building, 1190 Saint Francis Drive, Santa Fe, NM 87505 [2048 Galisteo St., Santa Fe, NM 87505].~~

~~[11/30/95; 20.2.37.9 NMAC - Rn, 20 NMAC 2.37.108 10/31/02]~~

~~**20.2.37.10 to 20.2.37.199 [RESERVED]**~~

~~**20.2.37.200 MERCAPTAN AND HYDROGEN SULFIDE:**~~

~~**A.** Mercaptan: The owner or operator of a petroleum processing facility shall not permit, cause, suffer or allow mercaptan emissions to the atmosphere unless:~~

~~**(1)** the total mercaptan emissions do not exceed 0.25 pounds per hour; or~~

~~**(2)** the gas stream containing mercaptan has passed through a steam condenser (if necessary to achieve combustion) and combustion device which is well maintained and designed to achieve complete combustion or any other device which is at least as efficient to prevent mercaptan emissions to the atmosphere.~~

~~**B.** Sulfur recovery plant: Hydrogen sulfide: The owner or operator of a petroleum or processing facility, sulfur recovery plant, the feedstock of which is in whole or in part a product of petroleum processing shall not permit, cause, suffer or allow hydrogen sulfide emissions to the atmosphere unless:~~

~~**(1)** the stack emissions do not exceed 10 ppm by volume in the undiluted effluent gas stream or streams; or~~

~~**(2)** the effluent gas stream containing hydrogen sulfide is passed through a device capable of oxidizing the hydrogen sulfide to sulfur dioxide.~~

~~**C.** Sulfur recovery plant: Hydrogen sulfide alarm system: The owner or operator of a petroleum processing facility or sulfur recovery plant commencing operation after January 1, 1975, shall not flare gas containing more than 10 ppm of hydrogen sulfide without maintaining in good working order an alarm system connected to the flare which will signal non-combustion of the gas.~~

~~[11/30/95; 20.2.37.200 NMAC - Rn, 20 NMAC 2.37.200 10/31/02]~~

~~**20.2.37.201 CARBON MONOXIDE:**~~

~~**A.** Existing facility: The owner or operator of an existing petroleum processing facility shall not permit, cause, suffer or allow carbon monoxide emissions to the atmosphere from a catalyst cracking recirculation or regeneration unit in excess of 20,000 ppm by volume in the undiluted effluent gas stream or streams.~~

~~**B.** New facility: The owner or operator of a new petroleum processing facility shall not permit, cause, suffer or allow carbon monoxide emissions to the atmosphere in excess of 500 ppm by volume in the undiluted effluent gas stream or streams.~~

~~[11/30/95; 20.2.37.201 NMAC - Rn, 20 NMAC 2.37.201 10/31/02]~~

~~**20.2.37.202 PARTICULATE MATTER:**~~

~~**A.** Petroleum processing facility: general: The owner or operator of a petroleum processing facility shall not permit, cause, suffer or allow particulate matter emission to the atmosphere in excess of 0.05 grains per dry standard cubic foot of exit gas exclusive of emissions from catalyst cracking recirculation and regeneration units and tube carbon removal.~~

~~**B.** Existing catalyst cracking regeneration unit: The owner or operator of an existing (the fabrication, erection or installation of which was commenced prior to August 14, 1974) catalyst cracking recirculation or regeneration unit or tube carbon removal process operated in conjunction with a petroleum processing facility shall not permit, cause, suffer or allow emissions during regeneration or cleaning to:~~

~~**(1)** equal or exceed an opacity of 40% except for a period not to exceed five minutes during which the opacity is not to exceed 60%. The five minute period during which the opacity exceeds 40%, but may not exceed 60%, may not occur more frequently than three times per day; or~~

~~**(2)** consist of one hundred pounds or more of particulate matter per hour.~~

~~**C.** New facility: catalyst cracking regeneration unit:~~

~~**(1)** The owner or operator of a new petroleum processing facility shall not permit, cause, suffer or allow particulate matter emissions to the atmosphere from the catalytic cracking regenerator vessel in excess of 1.0 Kg/1000 Kg (1.0 lb/1000 lb) of coke burnoff or visible emissions of thirty percent (30%) opacity or greater except for one six minute average opacity reading in any one hour period:~~

~~**(2)** Where the gases discharged by the catalytic cracking regenerator vessel pass through an incinerator or waste heat boiler in which auxiliary or supplemental liquid or solid fossil fuel is burned, particulate matter in excess of the 1.0 Kg/1000 Kg (1.0 lb/1000 lb) coke burnoff emission rate may be emitted to the atmosphere, except that the incremental rate of particulate matter emissions shall not exceed 43.0 g/MJ (0.10 lb/million Btu) of heat input attributed to such liquid or solid fossil fuel;~~

~~**D.** Determination methods:~~

~~**(1)** Opacity: Opacity of visible emissions from a catalytic cracking regenerator vessel shall be determined consistent with the method set forth by the US EPA in 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;~~

~~**(2)** Compliance: Compliance with the particulate emission limitation set forth in this Part shall be determined consistent with the methods and procedures set forth by the US EPA in 40 CFR, Part 60, Subpart J, Section 60.106, or any other equivalent methods or procedures receiving prior approval from the Department. A test method shall consist of three runs, each run consisting of a sample of 30 dry standard cubic feet (68 degrees Fahrenheit, 29.92 inches of Hg). Test results from the three runs shall be averaged in the determination of the emission limit. Upon the request of the Department, the owner or operator shall perform stack testing according to the method stated above. The owner or operator shall 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 time of such testing so that the Department may have the opportunity to have an observer present during testing.~~

~~(3) Emission limitations: Particulate matter emission limitations established by this Part shall be determined by a method consistent with the method set forth by the US EPA in 36 Federal Register 24888-24890 or any other method that the Department has determined to be of equal or greater accuracy.~~

~~[11/30/95; 20.2.37.202 NMAC - Rn, 20 NMAC 2.37.202 10/31/02]~~

~~**20.2.37.203 AMMONIA:** The owner or operator of a petroleum processing facility shall not permit, cause, suffer or allow ammonia emissions to the atmosphere in excess of 25 ppm by volume in the undiluted effluent gas stream or streams.~~

~~[11/30/95; 20.2.37.203 NMAC - Rn, 20 NMAC 2.37.203 10/31/02]~~

~~**20.2.37.204 HYDROCARBON SEPARATION FACILITY:**~~

~~A. The owner or operator of an existing petroleum processing facility that processes ten thousand b.s.d. (barrel stream day) or more of crude oil or condensate feedstock or produces waste liquor containing six hundred gallons a day or more of hydrocarbons shall not permit, cause, suffer or allow discharge of any waste liquor containing hydrocarbons without first having treated the liquor in:~~

~~(1) a hydrocarbon separation facility that is maintained in good working order; or~~

~~(2) any other device which is at least as efficient to prevent hydrocarbon discharge to the atmosphere.~~

~~B. The owner or operator of a new petroleum processing facility that produces waste liquor containing 600 gallons a day or more of hydrocarbons or processes ten thousand b.s.d. (barrel stream day) or more of crude oil or condensate feedstock, shall not permit, cause, suffer or allow discharge of any waste liquor containing hydrocarbons without first having treated the liquor in:~~

~~(1) a hydrocarbon separation facility that is maintained in good working order and equipped with a complete roof cover enclosing the liquid contents; or~~

~~(2) any other device is at least as efficient to prevent hydrocarbon discharge to the atmosphere.~~

~~[11/30/95; 20.2.37.204 NMAC - Rn, 20 NMAC 2.37.204 10/31/02]~~

~~**20.2.37.205 FACILITIES - STORAGE - HANDLING - PUMPING - BLOWDOWN SYSTEM:**~~

~~A. Existing facility - tanks: The owner or operator of an existing petroleum processing facility shall not place, store, or hold in a stationary tank or other container having a storage capacity equal to or greater than 250,000 gallons:~~

~~(1) any organic compound having a true vapor pressure greater than 11.0 pounds per square inch under maximum actual storage pressure conditions, unless the tank or other container is:~~

~~(a) a pressure vessel capable of maintaining working pressures sufficient at all times to minimize vapor or gas loss to the atmosphere; or~~

~~(b) equipped with any other system which is at least as efficient at all times to minimize vapor or gas loss to the atmosphere; or~~

~~(2) any organic compounds having a true vapor pressure of 3.0 through 11.0 pounds per square inch under maximum actual storage pressure conditions, unless the tank or other container is designed, equipped and maintained with:~~

~~(a) a floating roof, consisting of an external floating roof, internal floating cover, or covered floating roof, which is equipped with a closure seal or seals maintained in good repair to close the space between the roof or cover edge and tank wall;~~

~~(b) a well maintained vapor recovery system consisting of: (1) a vapor gathering system capable of collecting the organic compound vapors and gases discharged; and (2) a vapor disposal system capable of processing the organic vapors and gases so as to minimize their emission to the atmosphere; or~~

~~(c) any other device which is at least as efficient at all times to minimize vapor or gas loss to the atmosphere.~~

~~B. New facility - tanks: The owner or operator of a new petroleum processing facility shall not place, store or hold in a stationary tank or other container having a storage capacity equal to or greater than 65,000 gallons:~~

~~(1) any organic compound having a true vapor pressure greater than 11.0 pounds per square inch under maximum actual storage pressure conditions, unless the tank or other container is:~~

~~(a) a pressure vessel capable of maintaining working pressures sufficient at all times to minimize vapor or gas loss to the atmosphere; or~~

~~(b) equipped with any other system which is at least as efficient at all times to minimize vapor or gas loss to the atmosphere;~~

~~(2) any organic compound having a true vapor pressure of 1.5 through 11.0 pounds per square inch under maximum actual storage pressure conditions, unless the tank or other container is designed, equipped and maintained with:~~

~~(a) a floating roof, consisting of an external floating roof, internal floating cover, or covered floating roof, which is equipped with a closure seal or seals maintained in good repair to close the space between the roof or cover edge and tank wall;~~

~~(b) a well maintained vapor recovery system consisting of:~~

~~(i) a vapor gathering system capable of collecting organic compound vapors and gases discharged; and~~

~~(ii) a vapor disposal system capable of processing the organic vapor and gases so as to minimize their emissions to the atmosphere; or~~

~~(c) any other device which is at least as efficient at all times to minimize vapor or gas loss to the atmosphere;~~

~~(3) any organic compound having a true vapor pressure of 1.5 pounds per square inch or greater under maximum actual storage pressure conditions without the tank or other container being equipped with gauging and sampling devices which are gas tight except when gauging or sampling is taking place; or~~

~~(4) any organic liquid having a true vapor pressure less than 1.5 pounds per square inch under maximum actual storage pressure conditions without the tank or other container being equipped with a conservation vent or other device is at least as efficient to minimize vapor or gas loss to the atmosphere.~~

~~C. New facility - loading facility: The owner or operator of a new petroleum processing facility shall not permit, cause, suffer or allow the loading or unloading into any tank, truck, trailer or tank car any organic compound having a Reid vapor pressure of 1.5 pounds per square inch or greater, unless:~~

~~(1) the loading facility is equipped with:~~

~~(a) a loading arm having a vapor collection adapter that forces a vapor tight seal between the adapter and the hatch and having a means of collecting the vented vapors to minimize their emission to the atmosphere that is maintained in good repair; or~~

~~(b) any other device which is at least as efficient to prevent vapor or gas loss to the atmosphere; and~~

~~(2) a means is provided to prevent organic compound drainage from the loading device when it is removed from the hatch of any tank, truck, trailer, or tank car or to accomplish complete drainage before its removal.~~

~~D. New facility - pumps and compressors: The owner or operator of a new petroleum processing facility shall not permit, cause, suffer or allow the use of a rotating pump or compressor which handles any organic compound having a Reid vapor pressure of 1.5 pounds per square inch or greater, unless the pump or compressor is equipped to prevent mechanical seals or other devices of equal or greater efficiency to prevent liquid or vapor losses.~~

~~E. New facility - blowdown system: The owner or operator of a new petroleum processing facility shall not permit, cause, suffer or allow the operation of a blowdown system without disposing of the gases in a manner which will minimize hydrocarbon emission to the atmosphere. If combustion is the means of disposal, it shall be by:~~

~~(1) smokeless flare; or~~

~~(2) any other method that is equally effective to achieve complete combustion.~~

~~F. Monitoring and reporting: To aid the Department in determining compliance with this section, the Department may require the owner or operator of a hydrocarbon storage facility to periodically monitor and report to the Department the temperatures of any hydrocarbon liquid stored in any tank or container governed by this section.~~

~~G. "True vapor pressure" as used in this section, shall be determined in accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss from Floating Roof Tanks.~~

~~[11/30/95; 20.2.37.205 NMAC - Rn, 20 NMAC 2.37.205 10/31/02]~~

HISTORY OF 20.2.37 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 623, Air Quality Control Regulation 623 - Petroleum Processing Facilities - Mercaptan, 02/08/83

AQCR 624, Air Quality Control Regulation 624 - Petroleum Processing Facilities - Carbon Monoxide, 02/08/83

AQCR 625, Air Quality Control Regulation 625 - Petroleum Processing Facilities - Particulate Matter, 08/26/81

AQCR 625, Air Quality Control Regulation 625 - Petroleum Processing Facilities - Particulate Matter, 02/08/83

AQCR 625, Air Quality Control Regulation 625 - Petroleum Processing Facilities - Particulate Matter, 07/24/84

AQCR 626, Air Quality Control Regulation 626 - Petroleum Processing Facilities - Ammonia, 02/08/83

AQCR 627, Air Quality Control Regulation 627 - Petroleum Processing Facilities - Sulfur Recovery Plant - Hydrogen Sulfide, 02/08/83

AQCR 628, Air Quality Control Regulation 628 - Petroleum Processing Facility - Sulfur Recovery Plant - Hydrogen Sulfide Alarm System, 02/08/83

AQCR 629, Air Quality Control Regulation 629 - Petroleum Processing Facilities - Hydrocarbon Separation Facility, 02/08/83

EIB/AQCR 629, Air Quality Control Regulation 629 - Petroleum Processing Facilities - Hydrocarbon Separation Facility, 07/24/84

AQCR 630, Air Quality Control Regulation 630 - Petroleum Processing Facilities - Storage - Handling - Pumping - Blowdown System, 02/08/83

EIB/AQCR 630, Air Quality Control Regulation 630 - Petroleum Processing Facilities - Storage - Handling - Pumping - Blowdown System, 07/24/84

History of Repealed Material: [RESERVED]

Other History:

AQCR 623, Air Quality Control Regulation 623 - Petroleum Processing Facilities - Mercaptan, filed 02/08/83;

AQCR 624, Air Quality Control Regulation 624 - Petroleum Processing Facilities - Carbon Monoxide, filed 02/08/83;

AQCR 625, Air Quality Control Regulation 625 - Petroleum Processing Facilities - Particulate Matter, filed 07/24/84

AQCR 626, Air Quality Control Regulation 626 - Petroleum Processing Facilities - Ammonia, filed 02/08/83,

AQCR 627, Air Quality Control Regulation 627 - Petroleum Processing Facilities - Sulfur Recovery Plant - Hydrogen Sulfide, filed 02/08/83

AQCR 628, Air Quality Control Regulation 628 - Petroleum Processing Facility - Sulfur Recovery Plant - Hydrogen Sulfide Alarm System, filed 02/08/83

EIB/AQCR 629, Air Quality Control Regulation 629 - Petroleum Processing Facilities - Hydrocarbon Separation Facility, 07/24/84

EIB/AQCR 630, Air Quality Control Regulation 630 - Petroleum Processing Facilities - Storage - Handling - Pumping - Blowdown System, 07/24/84 were **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.37, Petroleum Processing Facilities, filed 10/30/95.

20 NMAC 2.37, Petroleum Processing Facilities, filed 10/30/95 was **renumbered, reformatted and replaced** by 20.2.37 NMAC, Petroleum Processing Facilities, effective 10/31/02.