TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 82 MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY STANDARDS FOR SOURCE CATEGORIES OF HAZARDOUS AIR POLLUTANTS

20.2.82.1 ISSUING AGENCY: New Mexico Environmental Improvement Board.
[Rn, 20 NMAC 2.82.1, 08/14/98; 20.2.82.1 NMAC - Rn, 20 NMAC 2.82.100 06/23/00]

20.2.82.2 SCOPE: All sources emitting hazardous air pollutants, which are subject to the requirements of 40 CFR Part 63, as amended through November 30, 2006.
[Rn, 20 NMAC 2.82.2, 08/14/98; A, 08/14/98, 09/08/99; 20.2.82.2 NMAC - Rn 20 NMAC 2.82.101 & A, 06/23/00; A, 02/18/02; A, 06/13/03; A, 06/08/07]

20.2.82.3 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). Section 74-2-5 (C) provides that "regulations adopted by the environmental improvement board may prescribe standards of performance for sources and emissions standards for hazardous air pollutants..."
[Rn, 20 NMAC 2.82.3, 08/14/98; A, 08/14/98; 20.2.82.3 NMAC - Rn, 20 NMAC 2.82.102 06/23/00]

20.2.82.4 DURATION: Permanent.
[Rn, 20 NMAC 2.82.4, 08/14/98; 20.2.82.4 NMAC - Rn, 20 NMAC 2.82.103 06/23/00]

20.2.82.5 EFFECTIVE DATE: November 27, 1994, except where a later date is cited at the end of a section or paragraph.
[Rn, 20 NMAC 2.82.5, 08/14/98; A, 08/14/98; 20.2.82.5 NMAC - Rn, 20 NMAC 2.82.104 06/23/00]
[The latest effective date of any section in this part is June 8, 2007]

20.2.82.6 OBJECTIVE: The objective of this part is to adopt or establish state authority to implement emission standards for hazardous air pollutants for the source categories in New Mexico subject to federal standards. The US EPA requires New Mexico to adopt such standards in order to implement requirements in Section 112 of the Clean Air Act.
[Rn, 20 NMAC 2.82.6, 08/14/98; A, 08/14/98; 20.2.82.6 NMAC - Rn, 20 NMAC 2.82.105 06/23/00]

20.2.82.7 DEFINITIONS: [Reserved]
[20.2.82.7 NMAC - Rn, 20 NMAC 2.82.107 06/23/00]

20.2.82.8 ADOPTION OF 40 CFR PART 63: Except as otherwise provided in section 20.2.82.10 NMAC (below), the national emission standards for hazardous air pollutants for source categories as promulgated by the US EPA, 40 CFR Part 63, as amended in the Federal Register through November 30, 2006 are hereby incorporated into this part (20.2.82 NMAC).
[Rn, 20 NMAC 2.82.7, 08/14/98; A, 08/14/98, 09/08/99; 20.2.82.8 NMAC - Rn 20 NMAC 2.82.106 & A, 06/23/00; A, 02/18/02; A, 06/13/03; A, 06/08/07]

20.2.82.9 SOURCES SUBJECT TO 40 CFR 63.40 - 63.44 OF SUBPART B (Constructed and Reconstructed Major Sources of Hazardous Air Pollutants): The owner or operator of a source subject to these provisions, that will be constructing or reconstructing after June 29, 1999, shall not construct or reconstruct unless:

A. the source has received a maximum achievable control technology (MACT) determination and approval from the department under this part; and

B. the MACT determination and approval has been incorporated into a permit under 20.2.72 NMAC - Construction Permits or 20.2.70 NMAC - Operating Permits.

[08/14/98; 20.2.82.9 NMAC - Rn, 20 NMAC 2.82.108 06/23/00]

20.2.82.10 MODIFICATIONS AND EXCEPTIONS: The following modifications or exceptions are made to the incorporated federal standards:

A. general provisions: Amend 40 CFR Part 63, Subpart A - General Provisions, Section 63.2, Definitions, as follows: For the purposes of delegation of authority which the Administrator of the US EPA may, in his or her discretion, delegate to the secretary of the New Mexico environment department, "administrator" means the secretary or his/her authorized representative.

B. variances: The federal emission standards incorporated by this Part shall not be subject to NMSA 1978, Section 74-2-8 (Variances).

C. constructed and reconstructed major sources: The effective date for incorporation of 40 CFR 63.40 - 63.44 of Subpart B under 20.2.82.8 NMAC shall be June 29, 1999.

[Rn, 20 NMAC 2.82.8, 08/14/98; A, 08/14/98; 20.2.82.10 NMAC - Rn, 20 NMAC 2.82.109 06/23/00]

20.2.82.11 DOCUMENTS: Documents incorporated and cited in this Part may be viewed at the New Mexico environment department, air quality bureau, 2044 Galisteo, Santa Fe, NM 87502.

[08/14/98; 20.2.82.11 NMAC - Rn, 20 NMAC 2.82.110 06/23/00]

HISTORY OF 20.2.82 NMAC:

Pre-NMAC History: None.

History of Repealed Material: [RESERVED]

Other History:

20 NMAC 2.82, Maximum Achievable Control Technology Standards For Source Categories Of Hazardous Air Pollutants, effective 11/27/94.

20 NMAC 2.82, Maximum Achievable Control Technology Standards For Source Categories Of Hazardous Air Pollutants (filed 10/28/94) was **renumbered, reformatted, amended and replaced** by 20.2.82 NMAC, Maximum Achievable Control Technology Standards For Source Categories Of Hazardous Air Pollutants, effective 06/23/00.