

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 11 ALBUQUERQUE - BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
PART 65 VOLATILE ORGANIC COMPOUNDS

20.11.65.1 ISSUING AGENCY: Albuquerque - Bernalillo County Air Quality Control Board. P.O. Box 1293, Albuquerque, New Mexico 87103. Telephone: (505) 768-2601.
[3/23/87. . .12/1/95; 20.11.65.1 NMAC - Rn, 20 NMAC 11.65.I.1, 10/1/02; A, 10/13/09]

20.11.65.2 SCOPE: 20.11.65 NMAC is applicable to any source located within Bernalillo county.

A. Exempt: 20.11.65 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.

B. NSPS Facilities: Facilities, processes and equipment that are subject to specific requirements or allowed exemption by the federal New Source Performance Standards per 40 CFR 60 shall be exempt from the requirements of 20.11.65 NMAC that would otherwise govern.

[3/23/87. . .12/1/95; 20.11.65.2 NMAC - Rn, 20 NMAC 11.65.I.2 & A, 10/1/02]

20.11.65.3 STATUTORY AUTHORITY: 20.11.65 NMAC is adopted pursuant to the authority provided in the New Mexico Air Quality Control Act, NMSA 1978 Section 74-2-4, 74-2-5.C; the Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5 Section 4; and the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994 Section 9-5-1-4.

[3/23/87. . .12/1/95; 20.11.65.3 NMAC - Rn, 20 NMAC 11.65.I.3, 10/1/02; A, 10/13/09]

20.11.65.4 DURATION: Permanent.

[12/1/95; 20.11.65.4 NMAC - Rn, 20 NMAC 11.65.I.4, 10/1/02]

20.11.65.5 EFFECTIVE DATE: December 1, 1995, unless a later date is cited at the end of a section.

[12/1/95; 20.11.65.5 NMAC - Rn, 20 NMAC 11.65.I.5 & A, 10/1/02]

20.11.65.6 OBJECTIVE: To prevent or reduce emission of hydrocarbon vapors from facilities and sources not otherwise regulated or exempted by 40 CFR Part 60; including volatile organic compounds and petroleum liquids, in order to prevent the formation of photochemical oxidants in the atmosphere.

[3/23/87. . .12/1/95; 20.11.65.6 NMAC - Rn, 20 NMAC 11.65.I.6, 10/1/02; A, 10/13/09]

20.11.65.7 DEFINITIONS: In addition to the definitions in 20.11.65.7 NMAC the definitions in 20.11.1 NMAC apply unless there is a conflict between definitions, in which case the definition in 20.11.65 NMAC shall govern.

A. "Active life" means the time from initial startup until final shut down of the facility. This would also include periods of scheduled or unscheduled maintenance, flow adjustments or system failure, all of which are subject to the provisions of 20.11.49 NMAC.

B. "Alternative method" means any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to the EPA administrator's or the director's satisfaction, in specific cases, to produce results adequate for the determination of compliance.

C. "Contaminated" means a condition resulting from seepage, drainage, or flow of gaseous or liquid substances from activities such as a leaking underground storage tank, usually detected by hydro-geologic investigations or underground storage tank excavation and removal.

D. "Cutback asphalt" means asphalt cement or other paving material, which has been diluted or blended with petroleum solvents such as kerosene, naphtha, diesel oil, gasoline, or similar petroleum distillate products.

E. "Decontamination facility" means a place where a portable or stationary treatment system is installed and operated to receive water, air, or other gaseous substances bearing VOC contaminants.

F. "Dispense" means to introduce organic liquids by temporary connection from a supply container, greater than 60 gallons capacity, into a receptor container, which is normally closed and sealed against spillage or evaporative loss.

G. "Equivalent approved by the director" means the authorization to substitute an alternative control process, which has been demonstrated to the satisfaction of the director to result in no greater emissions,

than would occur with the control process otherwise required. The director may use federal EPA document AP-42 or any other reliable reference or manufacturers data in completing the evaluation of the proposed alternative.

H. “Equivalent method” means any method of sampling and analyzing for an air pollutant which is not a reference method but which has been demonstrated to the EPA administrator's or the director's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

I. “Existing facilities” means those decontamination facilities, which were constructed and placed in operation prior to June 1, 1991.

J. “Gasoline” means a mixture of liquid hydrocarbons with Reid vapor pressure of 4.0 psi or greater which is suitable for use as a fuel in spark ignition internal combustion engines and includes oxygenated blends.

K. “Loading rack” means a gasoline loading facility, which was constructed prior to December 17, 1980, and it includes loading arms, pumps, meters, shutoff valves, relief valves, and other piping and valves necessary to fill tank trucks. Those constructed or refurbished after December 17, 1980, may be subject to 20.11.63 NMAC, *New Source Performance Standards*.

L. “Motor vehicle” means any wheeled conveyance propelled by an internal combustion engine and commonly operated on roadways and which has a fuel tank capacity exceeding 5.0 U.S. gallons (18.93 liters).

M. “New facilities” means those decontamination facilities, which are authorized by an authority-to-construct permit issued by the department and dated June 1, 1991 or later.

N. “Organic fluid” means any substance or mixture thereof, which is liquid at standard conditions and contains carbon compounds that act as volatile organic compounds.

O. “Oxygenate” means an oxygen-containing, ashless organic compound such as alcohol or ether, which may be used as a motor vehicle fuel or fuel supplement.

P. “Reference method” means any method of sampling and analyzing for an air pollutant as described in Appendix A to 40 CFR 60.

Q. “Regenerate” means to drive off or cause the release of adsorbed or absorbed VOC from the collection media of a pollution control device.

R. “Stationary container” shall mean any aggregation or combination of containers which is:

- (1) possessed by one person;
- (2) located so that any portion of such aggregation or combination of containers can be encompassed within a circle 300 feet in diameter; and
- (3) was constructed prior to June 11, 1973; those constructed after June 11, 1973, may be subject to 20.11.63 NMAC, *New Source Performance Standards*.

S. “Strip” means to subject contaminated liquid to direct contact with a gaseous medium so that contamination products are transferred from the liquid to the gas, such as in a packed column.

T. “Submerged fill pipe” means any fill pipe, the discharge opening of which is entirely submerged when the fluid level is six (6) inches above the bottom of the container.

U. “Transportable container” means a gasoline or other organic fluid-containing vessel and its ancillary plumbing fixtures with a capacity greater than 500 gallons which is mounted on a truck or trailer chassis licensed for bulk movement of organic fluids by way of public roadways.

V. “Underground storage tank” means any single vessel buried or installed below ground and used for holding gasoline at a facility having an annual total volume of use or sale in excess of 100,000 gallons of gasoline.

W. “Vapor pressure” means the true vapor pressure of the fluid mixture vapors as could reasonably be expected under the actual storage conditions. This would be the equilibrium.

X. “Ventilation” means to evaporate and flush VOC's from contaminated soil by increasing soil temperature or exposing it to air, steam or any other working gases.

Y. “Volatile organic compound” or “VOC” means any organic compound which participates in atmospheric photochemical reactions; or which is measured by a federal EPA reference method, an equivalent method, an alternative method, or which is determined by procedures specified under any subpart of 40 CFR 60 of the federal Code of Regulations.

[3/23/87. . .12/1/95; 20.11.65.7 NMAC - Rn, 20 NMAC 11.65.I.7, 10/1/02; A, 10/13/09]

20.11.65.8 VARIANCES: [Reserved]
[12/1/95; 20.11.65.8 NMAC - Rn, 20 NMAC 11.65.I.8, 10/1/02]

20.11.65.9 SAVINGS CLAUSE: Any amendment to 20.11.65 NMAC, which is filed, with the state records center shall not affect actions pending for violation of a city or county ordinance, Air Quality Control Board

Regulation 11, or 20.11.65 NMAC. Prosecution for a violation under prior regulation wording shall be governed and prosecuted under the statute, ordinance, part, or regulation section in effect at the time the violation was committed.

[12/1/95; 20.11.65.9 NMAC - Rn, 20 NMAC 11.65.I.9, 10/1/02]

20.11.65.10 SEVERABILITY: If any section, paragraph, sentence, clause, or word of 20.11.65 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 20.11.65 NMAC.

[12/1/95; 20.11.65.10 NMAC - Rn, 20 NMAC 11.65.I.10, 10/1/02]

20.11.65.11 DOCUMENTS: Documents incorporated and cited in 20.11.65 NMAC may be viewed at the Albuquerque Environmental Health Department, 400 Marquette NW, Albuquerque, NM.

[12/1/95; 20.11.65.11 NMAC - Rn, 20 NMAC 11.65.I.11 & A, 10/1/02; A, 10/13/09]

20.11.65.12 STORAGE OF GASOLINE IN STATIONARY CONTAINERS GREATER THAN 40,000 GALLONS CAPACITY: No person shall load, store, or hold gasoline in any stationary container of more than 40,000 gallons capacity, unless such container is a pressure vessel capable of maintaining working pressures sufficient at all times to prevent gasoline vapor loss to the atmosphere, or designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

A. A floating roof; consisting of a pontoon-type or double-deck-type roof, resting on the surface of the fluid contents and equipped with a closure seal, or seals, to close the space between the roof edge and container wall. The control equipment provided for in this subsection shall not be used if the gasoline has a vapor pressure of 9.0 psia or greater under actual storage conditions. All container gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

B. A vapor recovery system; consisting of a vapor gathering system capable of collecting the vapors and gases discharged and a vapor disposal system capable of processing such vapors and gases so as to emit no greater than 1.24 pounds of VOC's per 1000 gallons transferred with all container gauging and sampling devices gas-tight except when gauging or sampling is taking place.

C. Other equipment; which is an equivalent approved by the director.

[12/1/95; 20.11.65.12 NMAC - Rn, 20 NMAC 11.65.I.12 & Repealed, 10/1/02; Rn, 20 NMAC 11.65.II.1, 10/1/02]

20.11.65.13 LOADING OF GASOLINE FROM A LOADING RACK WITH A 30-DAY THROUGHPUT GREATER THAN 600,000 GALLONS: No person shall load gasoline from a loading rack having a 30-day throughput greater than 600,000 gallons of gasoline into any tank truck, trailer, or railroad tank car unless the loading rack is equipped with a vapor collection and disposal system or its equivalent approved by the director.

A. Loading shall be accomplished in such a manner that displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent fluid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

B. The vapor disposal portion of the vapor collection and disposal system shall consist of one of the following.

(1) A vapor recovery or disposal system which will recover or dispose of all the organic vapors and gases vented to it in such a manner that the emissions to the atmosphere do not exceed 1.24 pounds of VOC's per 1,000 gallons of organic fluids transferred by the equipment being controlled.

(2) A continuously operating smokeless flare or waste heat boiler operated at a continuous combustion efficiency sufficient to meet the following smoke opacity criteria. No person, in operating a smokeless flare for the purposes of 20.11.65 NMAC, shall cause, suffer, or allow visible emissions greater than 5% opacity.

(3) Other equipment which is equivalent approved by the director.

[12/1/95; 20.11.65.13 NMAC - Rn, 20 NMAC 11.65.II.2, 10/1/02]

20.11.65.14 TRANSPORT AND DELIVERY OF GASOLINE BY MOBILE TANK TRUCKS OR TRAILER: No person shall unload gasoline from any gasoline transport truck or trailer to a user within the jurisdiction of the Albuquerque - Bernalillo county air quality control board without meeting the following requirements:

A. Delivery of gasoline into underground storage tanks:

(1) No person shall unload gasoline into any underground storage tank with a capacity of 3,000 gallons or more unless such tank is equipped with an approved vapor loss control system, including a submerged fill pipe, in which displaced vapors from the underground storage tank are either contained or are processed such that final emissions to the atmosphere do not exceed 1.15 pounds of VOC's per 1,000 gallons of gasoline loaded.

(2) No person shall unload gasoline into any underground storage tank with a capacity of greater than 500 gallons and less than 3,000 gallons unless such tank is equipped with a securely fastened submerged fill pipe or an approved vapor recovery system.

B. The transportable container of gasoline shall be sealed to prevent the loss of gasoline liquids or vapors or the entrance of ambient air into the container when transporting or unloading gasoline into any underground storage tank having a capacity greater than 3,000 gallons.

C. No person unloading gasoline from a transportable container into an underground storage tank of greater than 3,000 gallons capacity shall cause or allow the flow of gasoline through the product connecting hose until the return vapor recovery hose is attached and properly connected and sealed.

D. No person unloading gasoline from a transportable container into an underground storage tank greater than 3,000 gallons capacity shall cause or allow the continuation of product delivery if there is an apparent leakage of liquid gasoline from any point in the delivery system.

[12/1/95; 20.11.65.14 NMAC - Rn, 20 NMAC 11.65.II.3, 10/1/02]

20.11.65.15 GASOLINE HANDLING AND HOLDING AT RETAIL OR FLEET SERVICE

STATIONS: No person shall allow loading of gasoline into an underground storage tank with greater than 3,000 gallons capacity, unless it is equipped with an approved vapor loss control system, including a submerged fill pipe, in which the displaced vapors are either continuously contained or processed such that the emission of gasoline vapors to the atmosphere do not exceed 1.15 pounds of gasoline per 1,000 gallons loaded into said tank. Liquid gasoline dispensing from the underground storage tank as well as momentary opening of the system for gasoline gauging purposes shall not be considered as vapor loss in the requirement of this Section.

[12/1/95; 20.11.65.15 NMAC - Rn, 20 NMAC 11.65.II.4, 10/1/02]

20.11.65.16 ORGANIC FLUIDS EXEMPT FROM VAPOR LOSS CONTROL UNDER 20.11.65

NMAC: The handling, transport, loading, storage, or dispensing of organic fluid such as diesel fuels numbers 2-D and 4-D as specified by ASTM D975-78, fuels oils number 2 through 6 as specified by ASTM D396-78, and jet aircraft and gas turbine fuel oils number 2-GT through 4-GT as specified by ASTM D2880-82 and D1655-85A shall be exempt from vapor loss controls of 20.11.65 NMAC.

[12/1/95; 20.11.65.16 NMAC - Rn, 20 NMAC 11.65.II.5, 10/1/02; A, 10/13/09]

20.11.65.17 INDUSTRIAL HANDLING, STORAGE, OR USE OF ORGANIC FLUIDS AND GASES

NOT OTHERWISE ADDRESSED IN 20.11.65 NMAC: No person shall operate an industrial processor material handling, transport, or delivery system which would have a potential emission rate greater than either 100 pounds of organic vapors in any single 24 hour day or 10 pounds per hour without operating with the following level of emission controls:

A. Organic fluids and gases with a vapor pressure greater than 15.0 psia; shall be continuously contained in pressurized containers and handling systems designed and capable of holding, process handling, and use of said organic fluids and gases such that no more than 2.2 pounds of organic vapors are emitted into the atmosphere for every 6,000 gallons loaded, transferred, or used in any process including making and braking the connections of product lines and operation of valves.

B. Organic fluids and gases with a vapor pressure less than 15.0 psia, but greater than 1.5 psia; shall not be loaded, transferred or used in any process in monthly quantities greater than 1,000 pounds unless there is a system of organic vapor emission control such that no more than 2.2 pounds of organic vapors will be emitted for every 1,000 gallons of use of such organic fluid or gas.

C. Organic fluids and gases with a vapor pressure less than 1.5 psia; under conditions of actual exposure to the atmosphere shall be exempt from the requirements of 20.11.65 NMAC.

[12/1/95; 20.11.65.17 NMAC - Rn, 20 NMAC 11.65.II.6, 10/1/02]

20.11.65.18 CUTBACK ASPHALT:

A. No person shall cause, allow, or permit the use of cutback asphalt in quantities greater than 100 pounds per application directly onto existing or new paved surfaces without first obtaining a permit for such use from the department.

B. The director of the department may only issue a permit to use cutback asphalt if it is determined, based on information supplied by the applicant, that less than 25 tons per year of VOC's will be emitted to the ambient air as a result of the activities approved under the permit.

C. Penetrate uses: for the purposes of this subsection, asphalt cement cut with naphtha for the purposes of getting surface penetration into existing driveway and parking lot surfaces shall be exempt from the requirements of Subsections A and B of 20.11.65.18 NMAC. However, this exemption does not apply between the dates of June 15 through September 15. During the period of June 15 through September 15 a permit for such operation shall be required and the department shall consider the annual 25-ton limitation to apply entirely within the three-month span of this requirement.

[12/1/95; 20.11.65.18 NMAC - Rn, 20 NMAC 11.65.II.7, 10/1/02]

20.11.65.19 CONTAMINATED SOILS AND GROUNDWATER TREATMENT:

A. Applicability:

(1) **Existing decontamination facilities;** shall comply with the provisions of this subsection no later than June 1, 1991.

(2) **New decontamination facilities;** which are authorized by an authority-to-construct permit issued by the department, shall comply with the provisions of this subsection immediately upon startup.

B. VOC emission controls required: No person shall strip or extract VOC's from contaminated soils or water or regenerate or reactivate a VOC collecting material used within a pollution control device such that emissions to the ambient air be in excess of Albuquerque - Bernalillo County Air Quality Control Board, Ambient Air Quality Standards.

C. VOC emission controls - exceptions: Site excavation to examine tanks and other underground conditions shall be exempt from this provision. Aeration of wastewater at sewage treatment facilities shall be exempt from this subsection.

D. Testing and reporting:

(1) Emission testing shall be performed by the operator of the stripper/extracting operation to insure pollution control device efficiency. Performance testing shall be performed and reported within 30 days from startup and quarterly thereafter throughout the active life of the project. This provision may be suspended, with the director's approval, upon receipt of the operator's petition demonstrating emissions have declined to negligible quantities. Testing shall quantify the emissions of VOC from each emission point of the pollution control device using EPA Method 25 - Determination of Total Gaseous Non-methane Organic Emissions as Carbon as published in 40 CFR 60 Appendix A, or an equivalent method approved by the director. In addition, testing shall quantify all hazardous air pollutants as listed in 40 CFR 61.01(a) and (b). This emissions testing shall be performed by EPA Method 18 - Measurement of Gaseous Organic Compound Emissions By Gas Chromatography as published in 40 CFR 60 Appendix A or equivalent. After the initial report, the emissions shall be tested no less frequently than annually to monitor any change in the emissions of hazardous air pollutants.

(2) All test reports shall be submitted to the department within 45 days of the test date.

[3/23/87; 20.11.65.19 NMAC - Rn, 20 NMAC 11.65.II.8, 10/1/02; A, 10/13/09]

HISTORY OF 20.11.65 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.

Resolution No. 1, Air Pollution Control Regulations of the Albuquerque - Bernalillo County Air Quality Control Board, 8/6/71.

Regulation No. 1, Air Pollution Control Regulations, 6/6/73;

Regulation No. 1, Air Pollution Control Regulations, 7/19/73;

Regulation No. 1, Air Pollution Control Regulations, 3/21/77;

Regulation No. 11, Volatile Organic Compounds, 3/24/82;

Regulation No. 11, Volatile Organic Compounds, 3/23/87;

Regulation No. 11, Volatile Organic Compounds, 2/25/91.

History of Repealed Material: [Reserved]

Other History: Regulation No. 11, Volatile Organic Compounds, (filed 2/25/91), was renumbered and reformatted into first version of the New Mexico Administrative Code as 20 NMAC 11.65, Volatile Organic Compounds, filed 10/27/95.

20 NMAC 11.65, Volatile Organic Compounds, (filed 10/27/95), was renumbered, reformatted, amended and replaced by 20.11.65 NMAC, Volatile Organic Compounds, effective 10/1/02.