

This is an amendment to 20.11.64 NMAC Sections 2, 11 and 12, effective 1/14/2025.

20.11.64.2 SCOPE: 20.11.64 NMAC is applicable to all stationary sources of air pollutants located within Bernalillo county, which are subject to any requirements of 40 CFR Part 61 or Part 63, as amended in the *Federal Register* through [~~January 23, 2017~~] November 15, 2024.

A. Exempt: 20.11.64 NMAC does not apply to sources within Bernalillo county, that are located on Indian lands over which the Albuquerque-Bernalillo county air quality control board lacks jurisdiction.

B. Exclusions:

(1) 40 CFR 61, Subpart B, *National Emission Standards for Radon Emissions From Underground Uranium Mines*;

(2) 40 CFR 61, Subpart H, *National Emission Standards for Emissions of Radionuclides Other Than Radon From Department of Energy Facilities*;

(3) 40 CFR 61, Subpart I, *National Emission Standards for Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H*;

(4) 40 CFR 61, Subpart K, *National Emission Standards for Radionuclide Emissions From Elemental Phosphorus Plants*;

(5) 40 CFR 61, Subpart Q, *National Emission Standards for Radon Emissions From Department of Energy Facilities*;

(6) 40 CFR 61, Subpart R, *National Emission Standards for Radon Emissions From Phosphogypsum Stacks*;

(7) 40 CFR 61, Subpart T, *National Emission Standards for Radon Emissions From the Disposal of Uranium Mill Tailings*; and

(8) 40 CFR 61, Subpart W, *National Emission Standards for Radon Emissions From Operating Mill Tailings*.

C. Variances: The variance provisions of 20.11.7 NMAC, *Variance Procedure*, Revised Ordinances of Albuquerque 1994 Section 9-5-1-8, Bernalillo County Ordinances Section 30-37 and Section 74-2-8 NMSA 1978 shall not apply to 20.11.64 NMAC or the incorporated federal standards.

[1/1/2000; 20.11.64.2 NMAC - Rn, 20 NMAC 11.64.2, 10/1/2002; A, 1/1/2005; A, 1/15/2007; A, 2/16/2009; A, 12/12/2011; A, 2/10/2014; A, 5/13/2017; A, 1/14/2025]

20.11.64.11 INCORPORATION OF FEDERAL STANDARDS CODIFIED AT 40 CFR PART 61:

Except as otherwise provided, the National Emission Standards for Hazardous Air Pollutants, promulgated by the United States environmental protection agency, and codified at 40 CFR Part 61, including Subpart A, *General Provisions* thereto, as amended in the *Federal Register* through [~~January 23, 2017~~] November 15, 2024, are hereby incorporated into 20.11.64 NMAC.

[1/1/2000; 20.11.64.11 NMAC - Rn, 20 NMAC 11.64.11, 10/1/2002; A, 1/1/2005; A, 1/15/2007; A, 2/16/2009; A, 12/12/2011; A, 2/10/2014; A, 5/13/2017; A, 1/14/2025]

20.11.64.12 INCORPORATION OF FEDERAL STANDARDS CODIFIED AT 40 CFR PART 63:

Except as otherwise provided, the National Emissions Standards for Hazardous Air Pollutants for Source Categories, promulgated by the United States environmental protection agency, and codified at 40 CFR Part 63, including Subpart A, *General Provisions* thereto, as amended in the *Federal Register* through [~~January 23, 2017~~] November 15, 2024, are hereby incorporated into 20.11.64 NMAC.

[1/1/2000; 20.11.64.12 NMAC - Rn, 20 NMAC 11.64.12, 10/1/2002; A, 1/1/2005; A, 1/15/2007; A, 2/16/2009; A, 12/12/2011; A, 2/10/2014; A, 5/13/2017; A, 1/14/2025]