



**ALBUQUERQUE ENVIRONMENTAL HEALTH DEPARTMENT - AIR QUALITY DIVISION (DEPARTMENT)**

**11850 SUNSET GARDENS SW - ALBUQUERQUE, NEW MEXICO 87121**

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APPLICATION FOR A **FUGITIVE DUST CONTROL CONSTRUCTION PERMIT** IN BERNALILLO COUNTY  
ALBUQUERQUE - BERNALILLO COUNTY AIR QUALITY CONTROL BOARD REGULATION 20.11.20 NMAC  
FUGITIVE DUST CONTROL CONSTRUCTION PERMIT (PERMIT) FOR SURFACE DISTURBANCE AND DEMOLITION

**DIVISION RECEIPT STAMP BELOW THIS LINE**

EFFECTIVE DATE OF THIS APPLICATION FORM: 3/17/08

SUBMITTAL DATE/TIME \_\_\_\_\_

RECEIVED BY \_\_\_\_\_

PERMIT # \_\_\_\_\_

**PART A. - PROJECT INFORMATION AND GENERAL ACTIVITIES**

**(PRINT OR TYPE)**

**A1. PROJECT NAME** \_\_\_\_\_

**A2. PROJECT LOCATION** \_\_\_\_\_

**SUBMIT AS AN ATTACHMENT TO THIS APPLICATION, AN 8 1/2" X 11" OR LARGER SITE MAP OR PLAT OF PROJECT LOCATION**

**A3. PROJECT STREET ADDRESS (if available)** \_\_\_\_\_

**A4. MAJOR CROSS STREETS OR INTERSECTION NEARBY** \_\_\_\_\_

**A5. SCOPE OF PROJECT (check all that apply):**  NEW BUILDING(S) CONSTRUCTION  SUBDIVISION DEVELOPMENT  UTILITY IMPROVEMENTS

STRUCTURE DEMOLITION/RENOVATION  ROADWAY DEVELOPMENT  OTHER (please describe) \_\_\_\_\_

**A6. ACTIVE OPERATIONS (check all that apply):**  SURFACE DISTURBANCE  BULK MATERIAL HAULING OR HANDLING  UNPAVED ROADS

PAVED ROADS  UTILITY REMOVAL/INSTALLATIONS  STRUCTURE DEMOLITION/RENOVATION  MILLING/GRINDING/CUTTING OF SURFACES

OTHER (please describe) \_\_\_\_\_

**A7. TOTAL AREA TO BE DISTURBED (acres or square feet)** \_\_\_\_\_ acres Or \_\_\_\_\_ ft<sup>2</sup>

**A8. WILL THERE BE BUILDING DEMOLITION INVOLVED IN THIS PROJECT ?** \_\_\_ YES \_\_\_ NO \_\_\_ If YES, TOTAL CUBIC FEET \_\_\_\_\_ ft<sup>3</sup>

**A FUGITIVE DUST CONTROL CONSTRUCTION PERMIT (PERMIT) APPLICATION IS REQUIRED FOR A BUILDING DEMOLITION PROJECT OF OVER 75,000 FT<sup>3</sup> AND MUST BE RECEIVED BY THE DEPARTMENT 10 BUSINESS DAYS (MON. - FRI. EXCEPT HOLIDAYS) BEFORE THE ANTICIPATED PROJECT START DATE. ASBESTOS NOTIFICATION FOR DEMOLITION/RENOVATION OF ANY COMMERCIAL BUILDING, RESIDENTIAL BUILDING OF 5 OR MORE DWELLINGS, OR RESIDENTIAL STRUCTURE TO BE DEMOLISHED TO BUILD A NON-RESIDENTIAL STRUCTURE MUST BE RECEIVED BY THE DEPARTMENT, USING A SEPARATE FORM, 10 WORKING DAYS (CALENDAR DAYS) BEFORE THE ANTICIPATED PROJECT START DATE. BUILDING DEMOLITIONS IN BERNALILLO COUNTY REQUIRE DEPARTMENT SIGNATURES FOR DUST CONTROL AND ASBESTOS NOTIFICATION BEFORE A DEMOLITION PERMIT WILL BE ISSUED BY THE CITY OR COUNTY.**

**A9. A PERMIT APPLICATION, FOR TOTAL AREA TO BE DISTURBED OF 3/4 ACRE UP TO 25 ACRES, MUST BE RECEIVED BY THE AIR QUALITY DIVISION 10 BUSINESS DAYS BEFORE THE ANTICIPATED PROJECT START DATE. A PERMIT APPLICATION, FOR TOTAL AREA TO BE DISTURBED OF MORE THAN 25 ACRES, MUST BE RECEIVED BY THE AIR QUALITY DIVISION 20 BUSINESS DAYS BEFORE THE ANTICIPATED PROJECT START DATE.**

**ANTICIPATED PROJECT START DATE IS :** \_\_\_/\_\_\_/200\_\_\_

**A10. AN APPROVED PERMIT SHALL BE VALID FOR 1 YEAR FROM THE DATE OF APPROVAL BY THE DEPARTMENT OR THE ANTICIPATED PROJECT COMPLETION DATE, WHICHEVER IS LONGER, BUT NO MORE THAN 5 YEARS. IF THE SCOPE OF PROJECT, ACTIVE OPERATIONS, EXPIRATION DATE, TOTAL AREA TO BE DISTURBED, OR CONTROL MEASURE(S) CHANGE IN ANY MANNER THAT ARE DETERMINED BY THE DEPARTMENT TO REQUIRE ADDITIONAL CONDITIONS, THEN A NEW PERMIT SHALL BE REQUIRED. A PERMIT MAY BE RENEWED IF THE DEPARTMENT RECEIVES A**

**ANTICIPATED PROJECT COMPLETION DATE IS :** \_\_\_\_\_ / \_\_\_\_\_ /200\_\_\_\_\_

**PART A. - PROJECT INFORMATION AND GENERAL ACTIVITIES**

**A11.** (CHECK ONE BOX) ACTIVE OPERATIONS WILL BE THE TOTAL AREA TO BE DISTURBED , **OR**, ACTIVE OPERATIONS WILL BE PHASED

**A12.** IF PHASING OF ACTIVE OPERATIONS (Explain Phasing Plan and include Total Disturbed Area, in acres, at any given time)

**A13.** IS A SITE DRAINAGE PLAN REQUIRED FOR THIS PROJECT? YES \_\_\_\_\_ NO \_\_\_\_\_

**A14.** IF YES TO **A13** ABOVE, IS DRAINAGE PLAN APPROVED AND AVAILABLE UPON REQUEST BY THE DEPARTMENT? YES \_\_\_\_\_ NO \_\_\_\_\_

**A15.** EXPECTED VOLUME OF BULK MATERIAL (ON SITE FILL, IMPORTED FILL, BASE COARSE GRAVEL, ETC.) TO BE HANDLED DURING THE DURATION OF THIS PROJECT (in cubic yards) \_\_\_\_\_ yds<sup>3</sup>

**A16.** VOLUME OF BULK MATERIAL TO BE IMPORTED TO THIS PROJECT SITE \_\_\_\_\_ yds<sup>3</sup>

**A17.** ADDRESS OF LOCATION(S) FROM WHICH BULK MATERIAL WILL BE IMPORTED TO THIS PROJECT SITE \_\_\_\_\_

**A18.** DO THE BERNALILLO CNTY. LOCATIONS, PROVIDING BULK MATERIAL TO THIS PROJECT, HAVE PERMITS?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**A19.** VOLUME OF BULK MATERIAL TO BE EXPORTED FROM THIS PROJECT SITE \_\_\_\_\_ yds<sup>3</sup>

**A20.** ADDRESS OF LOCATION(S) IN BERNALILLO CNTY. THAT WILL RECEIVE BULK MATERIAL EXPORTED FROM THIS PROJECT SITE \_\_\_\_\_

**A21.** DO THE BERNALILLO CNTY. LOCATIONS, RECEIVING BULK MATERIAL FROM THIS PROJECT, HAVE PERMITS?

YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_

**A22.** WILL STOCKPILES BE CONSTRUCTED ON THIS SITE? YES \_\_\_\_\_ NO \_\_\_\_\_

**A23.** IF YES TO **A22** ABOVE, GIVE GENERAL DIMENSIONS OF THE STOCKPILE(S) IN FEET \_\_\_\_\_ LENGTH \_\_\_\_\_ WIDTH \_\_\_\_\_ HEIGHT

**PART B. - REASONABLY AVAILABLE CONTROL MEASURES** THE "PERMITTEE" SHALL INCLUDE IN THE PERMIT APPLICATION ONE OR MORE OF THE APPLICABLE REASONABLY AVAILABLE CONTROL MEASURES GIVEN IN **PART B.1 – B.13** **OR** ONE OR MORE OTHER (ALTERNATIVE) FUGITIVE DUST CONTROL MEASURES, INCLUDING MEASURES TAKEN TO COMPLY WITH ANY OTHER STATUTE OR REGULATION THAT WOULD ALSO EFFECTIVELY CONTROL FUGITIVE DUST DURING ACTIVE AND INACTIVE OPERATIONS.

**ATTENTION: AT MINIMUM, ALL PROJECTS REQUIRING A PERMIT SHALL: 1) UTILIZE PAVED OR GRAVEL ENTRY/EXIT APRONS, STEEL GRATES OR OTHER DEVICES CAPABLE OF REMOVING MUD AND BULK MATERIAL FROM VEHICLE TRAFFIC TIRES; AND 2) ERECT A PROPERLY MAINTAINED FABRIC FENCING MATERIAL AROUND THE PERIMETER OF THE DISTURBED SURFACE AREA WITH OPENINGS NO WIDER THAN NECESSARY TO ALLOW VEHICLES TO ENTER OR EXIT THE AREA.**

**IF THE "PERMITTEE" CHOOSES TO SUBMIT, AS AN ATTACHMENT TO THIS APPLICATION, AN ALTERNATIVE FUGITIVE DUST CONTROL PLAN (PLAN) IN LIEU OF THE CONTROL MEASURES GIVEN IN PART B.1 – B.13, THE ALTERNATIVE PLAN (SUCH AS A STORM WATER POLLUTION PREVENTION PLAN) MUST INCLUDE DETAILED INFORMATION THAT ADDRESSES: 1) THE STEADY ONGOING REASONABLY AVAILABLE CONTROL MEASURES TO MITIGATE THE RELEASE OF FUGITIVE DUST FROM ACTIVE AND INACTIVE DISTURBED SURFACE AREAS; 2) FUGITIVE DUST CONTROL CONTINGENCY MEASURES THAT WILL BE USED; AND 3) ACTION(S) TO BE TAKEN TO MITIGATE PROPERTY DAMAGE (SEE PART C OF THIS APPLICATION). IF SUBMITTING AN ALTERNATIVE PLAN YOU STILL MUST COMPLETE AND INITIAL PARTS A, D, E, F, G, H, AND I (IF UTILIZED) OF THIS APPLICATION.**

**B1. UNPAVED ROADWAYS** [check applicable box(es)]:

- a.  paving with recycled asphalt, maintained asphalt millings, asphaltic concrete, concrete, or petroleum products legal for such use;
- b.  using dust suppressants applied in amounts, frequency and rates recommended by the manufacturer, and maintained as recommended by the manufacturer; submit manufacturer's information as an attachment to this application

- c.  using wet suppression;
- d.  using traffic controls, including decreased speed limits with appropriate enforcement; other traffic calming methods, vehicle access restrictions and controls; road closures or barricades; and off-road vehicle access controls and closures;
- e.  other (alternative) \_\_\_\_\_

**B2. PAVED ROADWAYS [check applicable box(es)]:**

- a.  cleaning up spillage and track out as necessary to prevent particulates from being pulverized and entrained into the atmosphere;
- b.  using on-site wheel washes;
- c.  performing regularly scheduled vacuum street cleaning or wet sweeping with a sweeper certified by the manufacturer to be efficient at removing particulate matter having an aerodynamic diameter of less than 10 microns (i.e. PM<sub>10</sub>);
- d.  other (alternative) \_\_\_\_\_

**B3. TRUCKS HAULING BULK MATERIALS ON PUBLIC AND PRIVATE ROADWAYS [check applicable box(es)]:**

- a.  using properly secured tarps or cargo covering that covers the entire surface area of the load;
- b.  preventing leakage from the truck bed, sideboards, tailgate, or bottom dump gate;
- c.  using wet suppression to increase moisture content of the bulk materials being hauled;
- d.  using dust suppressants applied in amounts, frequency and rates recommended by the manufacturer, and maintained as recommended by the manufacturer; submit manufacturer's information as an attachment to this application
- e.  maintaining a minimum of 6 inches of freeboard below the rim of the truck bed. Freeboard means the vertical distance from the highest portion of the load abutting the bed and the lowest part of the top rim of the truck bed abutting the load;
- f.  other (alternative) \_\_\_\_\_

**B4. ACTIVE OPERATIONS IN CONSTRUCTION AREAS AND OTHER SURFACE DISTURBANCES [check applicable box(es)]:**

- SHORT TERM** control measures shall include (check this box first if utilizing short term measures listed below):
  - a.  wet suppression;
  - b.  using dust suppressants applied in amounts, frequency and rates recommended by the manufacturer, and maintained as recommended by the manufacturer; submit manufacturer's information as an attachment to this application
  - c.  temporary upwind windbreaks, including fabric fences with the top at least 4 feet above grade, and with the bottom of the fence sufficiently anchored to the ground to prevent material from blowing underneath the fence; all windbreaks and fabric fences shall be maintained in an upright and functional condition at all times until no longer needed to prevent or abate fugitive dust; all accumulated material on the windward side of the windbreak shall be periodically removed to prevent failure of the windbreak;
  - d.  watering the site at the end of each workday sufficient to stabilize the work area;
  - e.  applying dust suppressants in amounts, frequency and rates recommended by the manufacturer on the worksite at the end of each work week if no active operations are going to take place over the weekend or if active operations stop for more than two consecutive days;
  - f.  starting construction at the location that is upwind from the prevailing wind direction and stabilizing disturbed areas before disturbing additional areas;
  - g.  clean up and removal of track-out material;
  - h.  other (alternative) \_\_\_\_\_

**B5. ACTIVE OPERATIONS IN CONSTRUCTION AREAS AND OTHER SURFACE DISTURBANCES [check applicable box(es)]:**

- LONG TERM** control measures shall include (check this box first if utilizing long term measures listed below):
  - a.  site stabilization using dust suppressants applied in amounts, frequency and rates recommended by the manufacturer, and maintained as recommended by the manufacturer; submit manufacturer's information as an attachment to this application
  - b.  reseeding using guidelines in 20.11.20.24 NMAC – NATIVE GRASS SEEDING AND MULCH SPECIFICATIONS;
  - c.  xeriscaping;
  - d.  installing parallel rows of fabric fencing or other windbreaks set perpendicular to the prevailing wind direction either onsite or on a nearby property with the permission of the nearby property owner;

- e.  surfacing with gravel or other mulch material of a size and density sufficient to prevent surface material from becoming airborne;
- f.  mulching and crimping of straw or hay using guidelines in Section 20.11.20.24 NMAC;
- g.  installing permanent perimeter and interior walls;
- h.  conventional landscaping techniques;
- i.  clean up and removal of track-out material;
- j.  other (alternative) \_\_\_\_\_

**B6. BULK MATERIAL HANDLING [check applicable box(es)]:**

- a.  using spray bars;
- b.  applying wetting agents (surfactants) to bulk material;
- c.  using wet suppression through manual or mechanical application;
- d.  adding dust suppressants to bulk materials applied in amounts, frequency and rates recommended by the manufacturer, and maintained as recommended by the manufacturer; submit manufacturer's information as an attachment to this application
- e.  reducing process speeds;
- f.  reducing drop heights;
- g.  other (alternative) \_\_\_\_\_

**B7. INDUSTRIAL SITES [check applicable box(es)]:**

- a.  paving roadways and parking area with recycled asphalt, routinely-maintained asphalt millings, asphaltic concrete, concrete, or petroleum products legal for such use;
- b.  performing regularly scheduled vacuum street cleaning or wet sweeping;
- c.  regularly using wet suppression on unpaved areas;
- d.  using dust suppressants applied in amounts, frequency and rates recommended by the manufacturer, and maintained as recommended by the manufacturer; SUBMIT MANUFACTURER'S INFORMATION AS AN ATTACHMENT TO THIS APPLICATION
- e.  installing wind breaks;
- f.  installing enclosures;
- g.  installing on-site anemometers to measure wind speed; the anemometer should trigger a suitable warning mechanism such as a strobe light or audible alarm (that will not violate any applicable noise ordinance) to notify on-site personnel of high winds;
- h.  increasing wet suppression applications before and during high wind conditions;
- i.  other (alternative) \_\_\_\_\_

**B8. DEMOLITION/RENOVATION ACTIVITIES (NON-ASBESTOS CONTAINING MATERIALS PRESENT)[check applicable box(es)]:**

- a.  using constant wet suppression on the debris piles during demolition;
- b.  using water or dust suppressants on the debris pile, applied in amounts, frequency and rates recommended by the manufacturer, and maintained as recommended by the manufacturer; submit manufacturer's information as an attachment to this application
- c.  using enclosures;
- d.  using curtains or shrouds;
- e.  using negative pressure dust collectors;
- f.  other (alternative) \_\_\_\_\_

**B9. MILLING, GRINDING OR CUTTING OF PAVED OR CONCRETE SURFACES [check applicable box(es)]:**

- a.  constantly using wet suppression;
- b.  ongoing clean up of milled, ground or cut material by using wet sweeping;
- c.  using dust suppressants applied in amounts, frequency and rates recommended by the manufacturer, and maintained as recommended by the manufacturer; submit manufacturer's information as an attachment to this application
- d.  using enclosures;
- e.  using curtains or shrouds;
- f.  other (alternative) \_\_\_\_\_

**B10. PRESSURE BLASTING OPERATIONS [check applicable box(es)]:**

- a.  using non-friable abrasive material;
- b.  using curtains, enclosures or shrouds;
- c.  using negative pressure dust collectors;
- d.  using constant wet suppression;
- e.  maintaining ongoing clean up of abrasive material;
- f.  other (alternative) \_\_\_\_\_

**B11. STOCKPILE FORMATION Stockpiles shall be no higher than 15 feet above the existing natural or man-made grade that abuts the stockpile, unless otherwise approved in advance and in writing by the department [check applicable box(es)]:**

**Active Stockpiles:**

- a.  applying wet suppression on a regular basis;
- b.  utilizing windbreaks (fabric fencing or other materials);
- c.  reducing vehicle speeds or using other traffic calming measures (for example – sculpted piles for less abrasive wind effect);
- d.  restricting access to stockpile areas during non-work hours;
- e.  other (alternative) \_\_\_\_\_

**Inactive Stockpiles:**

- a.  maintaining a stable outer crust over stockpile area;
- b.  using dust suppressants applied in amounts, frequency and rates recommended by the manufacturer, and maintained as recommended by the manufacturer; submit manufacturer’s information as an attachment to this application
- c.  restricting access to stockpile areas;
- d.  utilizing windbreaks (fabric fencing or other materials);
- e.  other (alternative) \_\_\_\_\_

**B12. SPRAY PAINTING AND OTHER COATINGS [check applicable box(es)]:**

- a.  using enclosures that comply with applicable fire codes;
- b.  using curtains, enclosures or shrouds;
- c.  other (alternative) \_\_\_\_\_

**B13. HIGH WIND CONTINGENCY MEASURES [check applicable box(es)]:**

**IT IS REQUIRED DURING A HIGH WIND EVENT THAT ALL FUGITIVE DUST SOURCES CEASE ALL ACTIVE OPERATIONS THAT ARE CAPABLE OF PRODUCING FUGITIVE DUST, CONTINUE TO USE REASONABLY AVAILABLE CONTROL MEASURES, AND IMPLEMENT HIGH WIND CONTINGENCY MEASURES. A HIGH WIND EVENT IS A CONDITION ANNOUNCED BY THE DEPARTMENT OF WIND SPEEDS OF APPROXIMATELY 30 MILES PER HOUR OR GREATER THAT, WHEN ACCOMPANIED BY DRY SOIL CONDITIONS, IS LIKELY TO RESULT IN WIDESPREAD REDUCED VISIBILITY DUE TO BLOWING FUGITIVE DUST AND MAY RESULT IN ELEVATED PARTICULATE LEVELS THAT MAY CONTRIBUTE TO AN EXCEEDANCE OR VIOLATION OF AMBIENT AIR QUALITY STANDARDS.**

- a.  installing and using on-site anemometers to measure wind speed; the anemometer should trigger a suitable warning mechanism such as a strobe light or audible alarm (that will not violate any applicable noise ordinance) to notify site personnel of high winds;
- b.  using constant wet suppression;
- c.  using dust suppressants applied in amounts and rates recommended by the manufacturer; submit manufacturer’s information as an attachment to this application
- d.  using wetting agents or surfactants on disturbed areas, bulk materials or stockpiles;
- e.  other (alternative) \_\_\_\_\_

**PART C. - FUGITIVE DUST CONTROL PLAN (PLAN)**

**(PRINT OR TYPE)**

**THE “PERMITTEE” IS REQUIRED TO COMPLY WITH A PLAN THAT DETAILS THE FUGITIVE DUST CONTROL MEASURES THAT WILL BE USED TO MITIGATE THE RELEASE OF FUGITIVE DUST FROM ACTIVE AND INACTIVE DISTURBED SURFACE AREAS. THIS INCLUDES: STEADY ONGOING REASONABLY AVAILABLE CONTROL MEASURES, CONTINGENCY MEASURES, AND ACTION(S) THAT WILL BE TAKEN TO MITIGATE CLAIMS OF PROPERTY DAMAGE. IF YOU ARE NOT SUBMITTING AS AN ATTACHMENT TO THIS APPLICATION AN ALTERNATIVE PLAN, THEN COMPLETE PART C.1 - C.3 BELOW TO COMPLETE YOUR PLAN.**

**C1. Describe in detail the steady ongoing Reasonably Available Control Measures that you may have selected in Part B.1 – B.13 of this application that will be used during this project to mitigate the release of Fugitive Dust from Active Disturbed Surface Areas (any current operation capable of creating dust) AND Inactive Disturbed Surface Areas (previously disturbed areas where active operations are temporarily**

suspended). Examples are: Type, size and quantity of equipment that will be used for wet suppression, and frequency of use; Type and locations of fencing or walls that will be installed; Frequency of use of vacuum or wet sweeping; Temporary pavements, Seeding plan; etc.).

ACTIVE - \_\_\_\_\_  
\_\_\_\_\_

INACTIVE - \_\_\_\_\_  
\_\_\_\_\_

**C2.** Describe in detail the additional fugitive dust control Contingency Measures that will be used during this project if the Reasonably Available Control Measures chosen in Part B.1 – B.13 and detailed in Part C.1 are determined by the department to be insufficient to provide adequate Fugitive Dust Control during Active and Inactive Operations.

ACTIVE - \_\_\_\_\_  
\_\_\_\_\_

INACTIVE - \_\_\_\_\_  
\_\_\_\_\_

**C3.** DESCRIBE THE ACTION(S) TO BE TAKEN TO MITIGATE CLAIMS OF PROPERTY DAMAGE BY FUGITIVE DUST GENERATED AT/FROM THIS PROJECT.

\_\_\_\_\_  
\_\_\_\_\_

**PART D. - HIGH WIND EVENT**

(PRINT OR TYPE)

**A HIGH WIND EVENT IS A CONDITION ANNOUNCED BY THE DEPARTMENT OF WIND SPEEDS OF APPROXIMATELY 30 MILES PER HOUR OR GREATER THAT, WHEN ACCOMPANIED BY DRY SOIL CONDITIONS, IS LIKELY TO RESULT IN WIDESPREAD REDUCED VISIBILITY DUE TO BLOWING FUGITIVE DUST AND MAY RESULT IN ELEVATED PARTICULATE LEVELS THAT MAY CONTRIBUTE TO AN EXCEEDANCE OR VIOLATION OF AMBIENT AIR QUALITY STANDARDS. ALL FUGITIVE DUST SOURCES SHALL CEASE ALL ACTIVE OPERATIONS THAT ARE CAPABLE OF PRODUCING FUGITIVE DUST, CONTINUE TO USE REASONABLY AVAILABLE CONTROL MEASURES, AND IMPLEMENT HIGH WIND CONTINGENCY MEASURES DURING A HIGH WIND EVENT.**

**D1.** DESCRIBE IN DETAIL HOW THE HIGH WIND CONTINGENCY MEASURE(S) CHOSEN WILL BE USED DURING THIS PROJECT \_\_\_\_\_  
\_\_\_\_\_

**PART E. - HIGH WIND AFFIRMATIVE DEFENSE**

**ATTENTION !!!**

**TO ASSERT A HIGH WIND AFFIRMATIVE DEFENSE, THE PERMITEE AGREES TO USE ONE OF THE THREE MANDATORY CONTROL MEASURES SHOWN BELOW THROUGHOUT THE ENTIRE DURATION OF THE PERMIT, REGARDLESS OF WHETHER OR NOT A HIGH WIND EVENT EXISTS.**

**DO YOU WISH TO QUALIFY FOR A HIGH WIND AFFIRMATIVE DEFENSE DURING THE DURATION OF THIS PERMIT? YES \_\_\_ NO \_\_\_**

**IF THE ANSWER IS YES, THEN CHECK ONE OF THE REQUIRED SET OF CONTROL MEASURES SHOWN IN E1 – E3 BELOW.**

- E1.  (A) Using wet suppression sufficient to attain and maintain eighty percent of the optimal moisture content of the soil, as determined by a standard or modified proctor analysis performed by a certified public or private materials testing laboratory. At three equally spaced timeframes during the workday, three tests for soil moisture content shall be performed at three separate representative locations on the permitted property, which will result in a minimum of nine tests per day. Each set of three tests shall average eighty percent of the optimal moisture content of the soil and no individual test shall be less than seventy percent of the optimal moisture content. Failure of any three set sample of tests to meet these standards shall require the taking of immediate action necessary and re-testing of non-compliant areas until the standards are met; (B) maintain fabric fencing material around the perimeter of the disturbed surface area with openings no wider than necessary to allow vehicles to enter or exit the area (fencing shall be anchored 6 inches below the surface on the bottom edge and shall be 24 or more inches above the existing natural or manmade surface); and (C) during a High Wind Event ceasing all Active Operations but continuing to use all control measures.

- E2.  (A) Using chemical dust suppressants, in amounts, frequency and rates recommended by the manufacturer, and maintained as recommended by the manufacturer sufficient to substantially reduce fugitive dust leaving the project area while Active Operations are idle; (B) maintain fabric fencing material around the perimeter of the disturbed surface area with openings no wider than necessary to allow vehicles to enter or exit the area (fencing shall be anchored 6 inches below the surface on the bottom edge and shall be 24 or more inches above the existing natural or manmade surface); and (C) during a High Wind Event ceasing all Active Operations but continuing to use all control measures.
- E3.  (A) Submit an alternative dust control plan, for department approval, that provides fugitive dust control that is deemed equal to or better than using the measures described in options E1 or E2 above; and (B) during a High Wind Event ceasing all Active Operations but continuing to use all control measures.

**PART F. – FEES**

(PRINT OR TYPE)

**APPLICATION REVIEW FOR A FUGITIVE DUST CONSTRUCTION PERMIT REQUIRES A FILING & REVIEW FEE, AND AN INSPECTION FEE.**

**F1. FILING & REVIEW FEE TABLE**

TOTAL PROJECT ACREAGE TO BE DISTURBED	FILING & REVIEW FEE	CHECK APPROPRIATE BOX
¾ acre to less than 2 acres	\$250.00	
2 acres to less than 5 acres	\$350.00	
5 acres to less than 15 acres	\$450.00	
15 acres or greater	\$550.00	

**INSPECTION FEE**

**MULTIPLY THE TOTAL PROJECT ACREAGE TO BE DISTURBED BY THE PER - ACRE RATE SHOWN IN THE TABLE BELOW. THE TOTAL PROJECT ACREAGE TO BE DISTURBED MUST BE EXPRESSED AS A WHOLE NUMBER. IF THE NUMBER AFTER THE DECIMAL POINT IS LESS THAN 5, THE WHOLE NUMBER REMAINS UNCHANGED. IF THE NUMBER AFTER THE DECIMAL POINT IS 5 OR GREATER, THE WHOLE NUMBER SHALL BE ROUNDED UP TO THE NEXT WHOLE NUMBER. ROUNDING OF ACRES SHALL OCCUR BEFORE THE INSPECTION FEE IS CALCULATED.**

**F2. INSPECTION FEE TABLE**

TOTAL PROJECT ACREAGE TO BE DISTURBED (ROUNDED TO NEAREST WHOLE NUMBER)	TIMES	PER ACRE RATE (BASED ON 20.11.2.15 NMAC)	INSPECTION FEE
	x	\$100.00	= \$ .00

**TOTAL PROJECT FEE – ADD THE FILING & REVIEW FEE AND THE INSPECTION FEE ABOVE TO DETERMINE THE TOTAL PROJECT FEE.**

**F3. TOTAL PROJECT FEE TABLE**

FILING & REVIEW FEE	PLUS	INSPECTION FEE	TOTAL PROJECT FEE DUE
\$ .00	+	\$ .00	= \$ .00

**NOTE:**

**IF AN APPLICATION TO OBTAIN A PERMIT IS SUBMITTED AFTER ACTIVE OPERATIONS HAVE COMMENCED AT THE PROJECT LOCATION, A LATE FEE OF 50 PERCENT OF THE TOTAL PROJECT FEE SHALL BE ASSESSED IN ADDITION TO THE TOTAL PROJECT FEE. IN ADDITION TO THIS LATE FEE FOR APPLICATION PROCESSING AND PERMIT ISSUANCE, CIVIL PENALTY'S MAY BE ASSESSED PURSUANT TO THE NEW MEXICO AIR QUALITY CONTROL ACT, CHAPTER 74, ARTICLE 2 NEW MEXICO STATUTES ANNOTATED 1978.**

USE THE CALCULATION BELOW ONLY IF YOU ARE REQUIRED TO SUBMIT A LATE FEE.

**TOTAL PROJECT FEE DUE: \$ .00 X 1.5 (LATE FEE FACTOR) = \$ .00 TOTAL PROJECT/LATE FEE DUE**

**NOTE:**

**TOTAL PROJECT FEE DUE OR TOTAL PROJECT/LATE FEE DUE, REQUIRED TO BE PAID AT THE TIME OF APPLICATION SUBMITTAL, SHALL BE PAID BY CHECK OR MONEY ORDER PAYABLE TO: CITY OF ALBUQUERQUE, PERMITS PROGRAM (FUND 242 – ACCOUNT # 0421425). APPLICATION AND ACCOMPANYING FEE MAY BE DELIVERED BY MAIL TO THE ADDRESS THAT APPEARS AT THE TOP OF PAGE 1 OF THIS FORM OR HAND DELIVERED TO THE SAME ADDRESS (BETWEEN THE HOURS OF 8:00 AM - 4:30 PM MON. THROUGH FRI.). CALL 768-1972 IF HAND DELIVERING APPLICATION AND FEE TO INSURE THAT APPROPRIATE STAFF IS AVAILABLE TO PROCESS A RECEIPT.**

**NOTE:**

**THE PERMITTEE SHALL INSTALL AND MAINTAIN A FUGITIVE DUST CONTROL PROJECT SIGN, ISSUED OR APPROVED BY THE DEPARTMENT.**

**PART G. – SIGNATURE AUTHORITY OF PERMITTEE**

**BY SIGNING BELOW, THE APPLICANT CERTIFIES THAT THE INFORMATION PROVIDED IN THIS APPLICATION FOR A PERMIT IS TRUE, ACCURATE AND COMPLETE, AND THE APPLICANT AGREES TO BE THE “PERMITTEE”. THE “PERMITTEE” IS RESPONSIBLE FOR COMPLYING WITH THE PERMIT, PLAN, AND ALL REQUIREMENTS OF PART 20.11.20 NMAC. FAILURE TO COMPLY SHALL BE A VIOLATION OF PART 20.11.20 NMAC.**

THE PERMITTEE SIGNATURE BOX MUST BE COMPLETED (COMPLETE ALL APPLICABLE INFORMATION)

_____ PRINT PERMITTEE’S BUSINESS NAME	_____ EMAIL ADDRESS OF PERMITTEE	_____ FAX NUMBER OF PERMITTEE	
_____ PHONE NUMBER OF PERMITTEE	_____ CELL PHONE OF PERMITTEE	_____ PAGER NUMBER OF PERMITTEE	
_____ MAILING ADDRESS OF PERMITTEE	_____ CITY	_____ STATE	_____ ZIP CODE
_____ PRINT NAME OF INDIVIDUAL SIGNING FOR PERMITTEE	_____ PRINT TITLE OF INDIVIDUAL SIGNING FOR PERMITTEE		
_____ SIGNATURE OF PERMITTEE	_____ INITIALS OF PERMITTEE	_____ DATE SUBMITTED	

**IT IS THE RESPONSIBILITY OF THE PERMITTEE OR DESIGNATED RESPONSIBLE PERSON OR OFFICIAL TO ENSURE THAT THE PERMIT OR AMENDED PERMIT CONTAINS CURRENT CONTACT INFORMATION AND THAT A COPY IS MAINTAINED AT THE WORK SITE AND IS PROVIDED TO THE DEPARTMENT. FAILURE TO MAINTAIN AND PROVIDE UP-TO-DATE CONTACT INFORMATION SHALL BE A VIOLATION OF 20.11.20 NMAC.**

**PART H. – OWNER OR OPERATOR INFORMATION :**

COMPLETE THE OWNER OR OPERATOR INFORMATION BELOW ONLY IF DIFFERENT THAN THE PERSON WHO HAS SIGNED AS THE PERMITTEE IN SECTION G - OR AS A RESPONSIBLE PERSON(S) IN SECTION I OF THIS APPLICATION FOR A FUGITIVE DUST CONTROL CONSTRUCTION PERMIT.

**IF THE PERMITTEE FAILS TO COMPLY WITH THE PROVISIONS OF 20.11.20 NMAC – FUGITIVE DUST CONTROL, THE OWNER OR OPERATOR, IF DIFFERENT FROM A RESPONSIBLE PERSON OR THE PERMITTEE, SHALL BE RESPONSIBLE FOR COMPLYING WITH THE PERMIT AND TAKE ALL REQUIRED ACTIONS TO PREVENT A VIOLATION OF 20.11.20 NMAC – FUGITIVE DUST CONTROL, AND SHALL BE RESPONSIBLE TO TAKE ALL ACTIONS REQUIRED TO SATISFACTORILY RESOLVE A VIOLATION OF 20.11.20 NMAC – FUGITIVE DUST CONTROL, INCLUDING STOPPING ALL ACTIVE OPERATIONS, IF NECESSARY. FAILURE TO COMPLY SHALL BE A VIOLATION OF 20.11.20 NMAC – FUGITIVE DUST CONTROL.**

**IS THE INFORMATION IN THIS SIGNATURE BOX REPRESENTATIVE OF (CHECK ONE):**

**PROJECT OWNER**       **PROJECT OPERATOR**       **BOTH**      (COMPLETE ALL APPLICABLE INFORMATION)

_____ PRINT PROJECT OWNER/OPERATOR’S BUSINESS NAME	_____ PRINT TITLE OF INDIVIDUAL SIGNING FOR PROJECT OWNER/OPERATOR
_____ PRINT NAME OF INDIVIDUAL SIGNING FOR PROJECT OWNER/OPERATOR	



SIGNATURE OF PROJECT OWNER/OPERATOR	INITIALS OF PROJECT OWNER/OPERATOR	DATE SIGNED
MAILING ADDRESS OF PROJECT OWNER/OPERATOR	CITY	STATE
PHONE OF PROJECT OWNER/OPERATOR	CELL OF PROJECT OWNER/OPERATOR	FAX OF OWNER/OPERATOR
EMAIL ADDRESS OF PROJECT OWNER/OPERATOR		

**PART I. – SIGNATURE AUTHORITY OF RESPONSIBLE PERSON**

**RESPONSIBLE PERSON MEANS THE PERSON DESIGNATED IN A PERMIT WHO IS RESPONSIBLE FOR COMPLYING WITH THE PERMIT, PLAN AND 20.11.20 NMAC – FUGITIVE DUST CONTROL, TO THE EXTENT SPECIFIED IN THE PERMIT. A RESPONSIBLE PERSON CAN BE THE PERMITTEE, THE OWNER, THE OPERATOR, OR ANOTHER PERSON(S).**

**IF MORE THAN 1 INDIVIDUAL WILL BE DESIGNATED AS A RESPONSIBLE PERSON AT THE TIME OF THIS APPLICATION SUBMITTAL, MAKE PHOTOCOPIES OF THIS PAGE BEFORE COMPLETING ANY INFORMATION. AFTER THE ISSUANCE OF THE PERMIT, THE DEPARTMENT MAY APPROVE IN WRITING AN AMENDMENT TO THE PERMIT TO ADD OR CHANGE A DESIGNATED RESPONSIBLE PERSON(S).**

PRINT RESPONSIBLE PERSON’S BUSINESS NAME	PRINT NAME OF INDIVIDUAL SIGNING AS A RESPONSIBLE PERSON		
PRINT TITLE OF INDIVIDUAL SIGNING AS A RESPONSIBLE PERSON	DATE SIGNED		
SIGNATURE OF INDIVIDUAL SIGNING AS A RESPONSIBLE PERSON	INITIALS OF INDIVIDUAL SIGNING AS A RESPONSIBLE PERSON		
ADDRESS OF INDIVIDUAL SIGNING AS A RESPONSIBLE PERSON	CITY	STATE	ZIP CODE
PHONE OF INDIVIDUAL SIGNING AS A RESPONSIBLE PERSON	CELL OF INDIVIDUAL SIGNING AS A RESPONSIBLE PERSON		
PAGER OF INDIVIDUAL SIGNING AS A RESPONSIBLE PERSON	FAX OF INDIVIDUAL SIGNING AS A RESPONSIBLE PERSON		
EMAIL OF INDIVIDUAL SIGNING AS A RESPONSIBLE PERSON	ACTIVE OPERATION RESPONSIBILITIES OF INDIVIDUAL SIGNING AS A RESPONSIBLE PERSON [ACTIVITY(IES)]		
SIGNATURE OF PERMITTEE APPROVING THE DESIGNATION OF ABOVE INDIVIDUAL AS A RESPONSIBLE PERSON	DATE SIGNED		

**BY SIGNING ABOVE AS A RESPONSIBLE PERSON YOU WILL BE DESIGNATED IN THE PERMIT ISSUED BY THE DEPARTMENT AS RESPONSIBLE FOR COMPLYING WITH THE PERMIT, PLAN AND PART 20.11.20 NMAC – FUGITIVE DUST CONTROL TO THE EXTENT SPECIFIED IN THE ABOVE [ACTIVITY(IES)] FOR THE DURATION OF THE PERMIT OR UNTIL SUCH TIME AS THE DEPARTMENT RECEIVES A REQUEST FROM THE PERMITTEE TO REMOVE YOU FROM BEING THE RESPONSIBLE PERSON FOR THE ABOVE [ACTIVITY(IES)]. THE RESPONSIBLE PERSON SHALL BE THE FIRST PERSON CONTACTED BY THE DEPARTMENT TO RESOLVE A VIOLATION OF THE PERMIT OR PART 20.11.20 NMAC TO THE EXTENT OUTLINED ABOVE IN THE ‘ACTIVE OPERATION RESPONSIBILITIES OF INDIVIDUAL SIGNING AS A RESPONSIBLE PERSON’ [ACTIVITY(IES)]. THE PERMITTEE WILL BECOME THE RESPONSIBLE PERSON FOR THE [ACTIVITY(IES)] THAT A RESPONSIBLE PERSON IS REMOVED FROM, UNLESS A NEW RESPONSIBLE PERSON IS DESIGNATED FOR THE SAME [ACTIVITY(IES)] AND APPROVED BY THE DEPARTMENT IN WRITING.**

**THE PERMITTEE OR RESPONSIBLE PERSON SHALL MAINTAIN A CURRENT COPY OF THE PERMIT AT THE WORK SITE AND MAKE THE PERMIT AVAILABLE AND EXPLAIN THE REQUIREMENTS OF THE PERMIT TO EMPLOYEES, AGENTS, CONTRACTORS, AND OTHER PERSONS PERFORMING WORK IN THE AREA TO ASSIST IN MAINTAINING COMPLIANCE WITH PART 20.11.20 NMAC – FUGITIVE DUST CONTROL.**

**PURSUANT TO THE AIR QUALITY CONTROL ACT, CHAPTER 74, ARTICLE 2 NEW MEXICO STATUTES ANNOTATED 1978, AS AMENDED; THE ALBUQUERQUE JOINT AIR QUALITY CONTROL BOARD ORDINANCE, 9-5-1-1 ROA 1994; THE BERNALILLO COUNTY JOINT AIR QUALITY CONTROL BOARD ORDINANCE, BERNALILLO COUNTY ORDINANCE 94-5, AND THE ALBUQUERQUE/BERNALILLO COUNTY AIR QUALITY CONTROL BOARD (A/BCAQCB) REGULATION**

TITLE 20, CHAPTER 11, PART 20, NEW MEXICO ADMINISTRATIVE CODE (NMAC), (20.11.20 NMAC) - FUGITIVE DUST CONTROL, AND UPON AUTHORIZED SIGNATURES BELOW, THIS APPLICATION TOGETHER WITH ASSOCIATED DRAWINGS, PLANS, APPENDED DOCUMENTS, OTHER DATA, AND ANY CONDITIONS ATTACHED TO THE PERMIT BY THE DEPARTMENT, WILL BECOME THE FUGITIVE DUST CONTROL CONSTRUCTION PERMIT.

AREA BELOW FOR DEPARTMENT USE.

DOES THE DEPARTMENT APPROVAL BELOW INCLUDE APPROVAL FOR ANY BULK MATERIAL STOCKPILES TO EXCEED 15 FEET \_\_\_\_\_ YES \_\_\_\_\_ NO  
 IF YES, MAXIMUM HEIGHT ALLOWED \_\_\_\_\_ FEET

APPLICATION REVIEWED BY:	DEEMED COMPLETE DATE	PERMIT ISSUED BY:	ISSUE DATE	EXPIRATION DATE
_____	_____/_____/200	_____	_____/_____/200	_____/_____/200
AIR QUALITY DIVISION		AIR QUALITY DIVISION		

**PART J. – TRANSFER OF FUGITIVE DUST CONTROL PERMIT AND PLAN**

IF A PORTION OF THE REAL PROPERTY THAT IS SUBJECT TO A PERMIT IS TRANSFERRED OR SOLD, THE NEW OWNER IS RESPONSIBLE WITH OBTAINING A FUGITIVE DUST CONTROL PERMIT - UNLESS EXEMPT. THE PERMITTEE WHO TRANSFERRED OR SOLD THE REAL PROPERTY IS THEN NO LONGER RESPONSIBLE FOR FUGITIVE DUST CONTROL FROM THE REAL PROPERTY TRANSFERRED OR SOLD AND THE DEPARTMENT SHALL AMEND THE PERMIT TO REFLECT THE CHANGE.

**USE THIS PAGE ONLY IF TRANSFERRING COMPLETE RESPONSIBILITY OF A CURRENT PERMIT AND PLAN.**

A FUGITIVE DUST CONTROL PERMIT AND PLAN MAY BE TRANSFERRED TO LEGAL HEIRS, SUCCESSORS, AND ASSIGNS, WHO SHALL BECOME THE NEW PERMITTEE. TRANSFERS MAY BE MADE AS AN ADMINISTRATIVE AMENDMENT PROVIDED THAT:

- 1) A WRITTEN TRANSFER OF AGREEMENT IS DRAFTED BETWEEN THE CURRENT AND NEW PERMITTEE, AND THE PROJECT OWNER; AND
- 2) A SPECIFIC DATE IS ESTABLISHED FOR THE TRANSFER OF THE PERMIT AND PLAN RESPONSIBILITY, COVERAGE, AND LIABILITY; AND
- 3) DEPARTMENT APPROVAL OF WRITTEN TRANSFER OF AGREEMENT HAS BEEN AUTHORIZED.

THERE IS NO COST FOR TRANSFER OF THE FUGITIVE DUST CONTROL PERMIT AND PLAN IF DETERMINED BY THE DEPARTMENT THAT ONLY ADMINISTRATIVE CHANGE IS NEEDED. HOWEVER, NEW APPLICATION INFORMATION MUST BE SUBMITTED BY THE NEW PERMITTEE OR OWNER ALONG WITH ANY APPLICABLE FEES, IF DETERMINED BY THE DEPARTMENT THAT NECESSARY CHANGES ARE REQUIRED TO COMPLETE THE TRANSFER OF AGREEMENT (PARTICULARLY, ANY INCREASE TO THE PERMITTED 'TOTAL AREA TO BE DISTURBED').

**TRANSFER OF AGREEMENT SIGNATURE BOX FOR CURRENT PERMITTEE**

\_\_\_\_\_  
 PRINTED NAME OF INDIVIDUAL SIGNING FOR CURRENT PERMITTEE                      REQUESTED DATE FOR TRANSFER OF PERMIT AND PLAN

\_\_\_\_\_  
 SIGNATURE OF CURRENT PERMITTEE                      INITIALS OF CURRENT PERMITTEE                      SUBMITTAL DATE OF THIS PAGE

**TRANSFER OF AGREEMENT SIGNATURE BOX FOR NEW PERMITTEE**

\_\_\_\_\_  
 PRINT NEW PERMITTEE BUSINESS NAME                      REQUESTED DATE FOR ACCEPTANCE OF PERMIT AND PLAN

\_\_\_\_\_  
 PRINTED NAME OF INDIVIDUAL SIGNING FOR NEW PERMITTEE                      PRINT TITLE OF INDIVIDUAL SIGNING FOR NEW PERMITTEE

\_\_\_\_\_  
 SIGNATURE OF NEW PERMITTEE                      INITIALS OF NEW PERMITTEE

BY SIGNING ABOVE AS THE NEW PERMITTEE, I AGREE TO ACCEPT RESPONSIBILITY, COVERAGE, AND LIABILITY FOR THE EXISTING FUGITIVE DUST CONTROL PERMIT # \_\_\_\_\_ AND INCORPORATED FUGITIVE DUST CONTROL PLAN.

**TRANSFER OF AGREEMENT SIGNATURE BOX FOR PROJECT OWNER IF DIFFERENT THAN PERMITTEE**

\_\_\_\_\_  
 PRINTED NAME OF INDIVIDUAL SIGNING FOR PROJECT OWNER                      DATE SIGNED

SIGNATURE OF PROJECT OWNER

INITIALS OF PROJECT OWNER

BY SIGNING ABOVE AS THE PROJECT OWNER, I AGREE TO THE TRANSFER OF RESPONSIBILITY OF THE EXISTING FUGITIVE DUST CONTROL PERMIT # \_\_\_\_\_ AND INCORPORATED FUGITIVE DUST CONTROL PLAN TO THE ABOVE SIGNED NEW PERMITTEE.

AREA BELOW FOR DEPARTMENT USE

INITIAL ONE OF THE CONDITIONS (A OR B) GIVEN BELOW

- A.) The department has determined that no change to the permit/plan other than administrative change is necessary \_\_\_\_\_
- B.) The department has determined that necessary change(s) to the permit and/or plan are required prior to transfer \_\_\_\_\_

PERMIT TRANSFER OF AGREEMENT REVIEWED BY:	DEEMED COMPLETE DATE	TRANSFERRED PERMIT # _____ ISSUED BY:	ISSUE DATE	EXPIRATION DATE
_____ AIR QUALITY DIVISION	_____/_____/200	_____ AIR QUALITY DIVISION	_____/_____/200	_____/_____/200