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Martin J. Chávez.

APPLICATION FOR A **FUGITIVE DUST CONTROL PROGRAMMATIC PERMIT** IN BERNALILLO COUNTY  
 ALBUQUERQUE - BERNALILLO COUNTY AIR QUALITY CONTROL BOARD REGULATION 20.11.20 NMAC  
 (ROUTINE MAINTENANCE/ACTIVE OPERATIONS PERMIT FOR SURFACE DISTURBANCE)

**DIVISION RECEIPT STAMP BELOW THIS LINE**

EFFECTIVE DATE OF THIS APPLICATION FORM: 3/18/08

SUBMITTAL DATE/TIME \_\_\_\_\_  
 RECEIVED BY \_\_\_\_\_  
 PERMIT # \_\_\_\_\_

**A PROGRAMMATIC PERMIT (PERMIT) IS A FUGITIVE DUST CONTROL PERMIT, VALID FOR UP TO FIVE YEARS, ISSUED TO A PERMITTEE THAT PERFORMS ROUTINE MAINTENANCE OR ROUTINE ACTIVE OPERATIONS ON LAND OR AT FACILITIES OF 3/4 OF AN ACRE OR MORE, WHICH DOES NOT INCLUDE FULL DEPTH RECONSTRUCTION OF A ROADWAY OR SUBSTANTIAL REMOVAL AND REPLACEMENT OF A MANMADE FACILITY.**

**PART A. - BUSINESS, AGENCY, OR PROPERTY OWNER**

(CLEARLY PRINT OR TYPE)

1. BUSINESS/AGENCY NAME \_\_\_\_\_
- AND/OR**
2. PROPERTY OWNERS NAME \_\_\_\_\_

**PART B. - FACILITY INFORMATION AND GENERAL ACTIVITIES**

(CLEARLY PRINT OR TYPE)

**IF THE PERMITTEE WISHES TO INCLUDE MULTIPLE FACILITY (SITE) LOCATIONS UNDER THE SAME PERMIT, SUBMIT THE REQUIRED INFORMATION REQUESTED FOR EACH INDIVIDUAL SITE BY SUBMITTING ADDITIONAL COPIES OF PAGES 1 & 2 AS NECESSARY.**

**SUBMIT AS AN ATTACHMENT TO THIS APPLICATION AN (8 1/2" X 11" OR 11" X 17") SITE MAP FOR EACH FACILITY LOCATION**

1. FUGITIVE DUST FACILITY (SITE) LOCATION \_\_\_\_\_
2. STREET ADDRESS OF FACILITY (if available) \_\_\_\_\_
3. MAJOR CROSS STREETS OR INTERSECTION NEARBY FACILITY \_\_\_\_\_
4. TOTAL ACRES OF THIS FACILITY \_\_\_\_\_
5. TOTAL ACRES OF THIS FACILITY SUBJECT TO ROUTINE MAINTENANCE/ACTIVE OPERATIONS \_\_\_\_\_
6. TOTAL MILES OF ROADS/EASEMENTS FOR THIS FACILITY SUBJECT TO ROUTINE MAINTENANCE/ACTIVE OPERATIONS \_\_\_\_\_
7. TOTAL MILES OF ROADS/EASEMENTS FOR THIS FACILITY CONVERTED TO ACRES \_\_\_\_\_
8. PROVIDE A DESCRIPTION OF THIS FACILITY'S OPERATION(S) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
12. DESCRIBE THE TYPE OF ACTIVITIES AT THIS FACILITY THAT MAY GENERATE FUGITIVE DUST \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



## **PART E. - REASONABLY AVAILABLE CONTROL MEASURES**

THE “PERMITTEE” SHALL INCLUDE IN THE PERMIT APPLICATION ONE OR MORE OF THE APPLICABLE REASONABLY AVAILABLE CONTROL TYPE MEASURES LISTED BELOW (ABBREVIATED LIST), 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 ROUTINE ACTIVE OPERATIONS AND MAINTENANCE AND INACTIVE OPERATIONS. FOR A MORE COMPLETE LIST OF CONTROL TYPE MEASURES YOU CAN REFER TO SECTION 23 OF PART 20.11.20 NMAC – FUGITIVE DUST CONTROL.

IF THE “PERMITTEE” CHOOSES TO SUBMIT AS AN ATTACHMENT TO THIS APPLICATION AN ALTERNATIVE FUGITIVE DUST CONTROL PLAN (PLAN) IN LIEU OF USING ANY OF THE REASONABLY AVAILABLE CONTROL MEASURES GIVEN IN PART E BELOW OR FROM SECTION 23 OF PART 20.11.20 NMAC – FUGITIVE DUST CONTROL, THE ALTERNATIVE PLAN (SUCH AS A STORM WATER POLLUTION PREVENTION PLAN) MUST INCLUDE DETAILED INFORMATION THAT ADDRESSES: 1) THE REASONABLY AVAILABLE CONTROL MEASURES TO MITIGATE THE RELEASE OF FUGITIVE DUST FROM ROUTINE ACTIVE OPERATIONS AND MAINTENANCE; AND 2) ACTION(S) TO BE TAKEN TO MITIGATE PROPERTY DAMAGE (SEE PART D OF THIS APPLICATION). IF SUBMITTING AN ALTERNATIVE PLAN YOU STILL MUST COMPLETE PARTS A, B, C, F, AND G OF THIS APPLICATION.

USE THE ONE WORD UNDERLINED HEADINGS BELOW WHEN FILLING IN THE CONTROL MEASURES IN COLUMN C OF THE PART C TABLE ON PAGE 2. THESE MEASURES CAN REDUCE THE RELEASE OF FUGITIVE DUST FROM YOUR FACILITY **OR** REDUCE THE AMOUNT OF ACREAGE/MILES REQUIRING CONTROL IF APPLIED AS PERMANENT STABILIZATION (FOR EXAMPLE: MAINTAINED PAVEMENT).

### **PAVING**

- paving using well-maintained recycled asphalt, asphaltic concrete, concrete, or petroleum products legal for such use;
- using paved or gravel entry/exit aprons with devices, such as steel grates, capable of knocking mud and bulk material off vehicle tires;
- surfacing with gravel or other mulch material of a size and density sufficient to prevent surface material from becoming airborne

### **WATERING**

- using wet suppression;
- watering the site at the beginning and/or end of each day sufficient to stabilize the area;
- using dust suppressants applied in amounts, rates, and maintained as recommended by the manufacturer (submit manufacturer’s data with application)

### **WINDBREAKS**

- installing upwind windbreaks, including fabric fences with the bottom of the fence sufficiently anchored to the ground to prevent material from blowing underneath the fence; all windbreaks and fabric fences should be maintained in an upright and functional condition at all times; all accumulated material on the windward side of the windbreak should be periodically removed to prevent failure of the windbreak;
- installing permanent perimeter and interior walls;
- For Salvage Yards - using salvaged vehicles arranged in rows with minimum spacing between vehicles;
- For Construction or Storage Yards – using construction materials, equipment, trailers, buildings or structures to create a windbreak;
- Using dense hedges, shrubbery or trees;
- Using sand fences, board rail fences, or similar fences that have openings on approximately 50% of the surface;
- Natural barriers

### **TRAFFIC**

- 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;
- cleaning up spillage and track out as necessary to prevent particulates from being pulverized and entrained into the atmosphere;
- performing regularly scheduled vacuum street cleaning or wet sweeping;
- using properly secured tarps or cargo covering that covers the entire surface area of the load;
- installing fencing to limit vehicle access to property

### **LANDSCAPING**

- reseeding using native grasses as specified in 20.11.20.24 NMAC – NATIVE GRASS SEEDING AND MULCH SPECIFICATIONS;
- xeriscaping;
- mulching and crimping of straw or hay as specified in Section 20.11.20.24 NMAC;
- conventional landscaping techniques

IT IS REQUIRED DURING A **HIGH WIND EVENT** THAT **ALL** FUGITIVE DUST SOURCES CEASE ALL ACTIVE OPERATIONS THAT ARE CAPABLE OF PRODUCING FUGITIVE DUST. 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.

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

THIS APPLICATION SHALL INCLUDE A FUGITIVE DUST CONTROL PLAN THAT MAY UTILIZE REASONABLY AVAILABLE CONTROL MEASURES TO MITIGATE FUGITIVE DUST TO MEET THE OBJECTIVES OF PART 20.11.20 NMAC – FUGITIVE DUST CONTROL.

BY SIGNING BELOW, THE APPLICANT CERTIFIES THAT THE INFORMATION PROVIDED IN THIS APPLICATION FOR A FUGITIVE DUST CONTROL PROGRAMMATIC PERMIT IS TRUE, ACCURATE AND COMPLETE, AND THE APPLICANT AGREES TO BE THE “PERMITTEE”.

A “PERMITTEE” IS A PERSON, OWNER OR OPERATOR AND ALL LEGAL HEIRS, SUCCESSORS, AND ASSIGNS WHO HAS APPLIED FOR AND OBTAINED A FUGITIVE DUST CONTROL PERMIT APPROVED BY THE DEPARTMENT. THE “PERMITTEE” AGREES TO TAKE ALL ACTIONS REQUIRED BY THE FUGITIVE DUST CONTROL PERMIT ISSUED BY THE DEPARTMENT TO PREVENT A VIOLATION OF 20.11.20 NMAC – FUGITIVE DUST CONTROL, INCLUDING STOPPING ACTIVE OPERATIONS, IF NECESSARY. THE “PERMITTEE” IS RESPONSIBLE FOR COMPLYING WITH THE FUGITIVE DUST CONTROL PERMIT, THE FUGITIVE DUST CONTROL PLAN, AND ALL REQUIREMENTS OF PART 20.11.20 NMAC - FUGITIVE DUST CONTROL. FAILURE TO COMPLY SHALL BE A VIOLATION OF PART 20.11.20 NMAC – FUGITIVE DUST CONTROL.

**THE PERMITTEE SIGNATURE BOX MUST BE COMPLETED**

**[ONE SET OF SIGNATURE PAGES IS ADEQUATE FOR MULTIPLE FACILITY (SITE) LOCATIONS TO BE PERMITTED UNDER THE SAME PERMITTEE AND OWNER]**

(COMPLETE ALL APPLICABLE INFORMATION)			
_____ IF A BUSINESS, PRINT PERMITTEE’S BUSINESS NAME			
_____ PRINT NAME OF INDIVIDUAL SIGNING FOR PERMITTEE		_____ PRINT TITLE OF INDIVIDUAL SIGNING FOR PERMITTEE	
_____ SIGNATURE OF PERMITTEE		_____ INITIALS OF PERMITTEE	_____ DATE SUBMITTED
_____ MAILING ADDRESS OF PERMITTEE	_____ CITY	_____ STATE	_____ ZIP CODE
_____ PHONE NUMBER OF PERMITTEE	_____ CELL PHONE OF PERMITTEE	_____ PAGER NUMBER OF PERMITTEE	_____ FAX NUMBER OF PERMITTEE
_____ EMAIL ADDRESS OF PERMITTEE			

**THE PERMITTEE SHALL MAKE THE PERMIT AVAILABLE AND EXPLAIN THE REQUIREMENTS OF THE PERMIT TO APPROPRIATE EMPLOYEES, AGENTS, CONTRACTORS, AND ANY OTHER PERSON INVOLVED IN ACTIVE OPERATIONS OR MAINTENANCE AT THIS FACILITY TO ASSIST IN MAINTAINING COMPLIANCE WITH PART 20.11.20 – FUGITIVE DUST CONTROL.**  
**THE PERMITTEE IS RESPONSIBLE FOR MAINTAINING CONTROL MEASURES THAT PREVENT OR ABATE UNREASONABLE INTERFERENCE WITH PUBLIC WELFARE, VISIBILITY AND THE REASONABLE USE OF PROPERTY.**

**THE APPLICANT SIGNING ABOVE AND APPLYING TO BE THE “PERMITTEE”, MAY DESIGNATE AN ADDITIONAL PERSON(S) [INCLUDES AN ENTITY(IES)] TO BE A RESPONSIBLE PERSON AS DEFINED IN 20.11.20.7DD NMAC (DEFINITIONS), IF THE PERSON(S) AGREES IN WRITING TO BE A RESPONSIBLE PERSON.**

**BEFORE DEPARTMENT REVIEW AND ISSUANCE OF A FUGITIVE DUST CONTROL PROGRAMMATIC PERMIT, IF THE PERMITTEE WISHES TO DESIGNATE A PERSON(S) AS A RESPONSIBLE PERSON(S) FOR COMPLYING WITH ALL OR SPECIFIC ELEMENTS OF THE FUGITIVE DUST CONTROL PERMIT, THE FUGITIVE DUST CONTROL PLAN, AND PART 20.11.20 NMAC.- FUGITIVE DUST CONTROL, THEN THE PERMITTEE MAY REQUEST AN ADDITIONAL RESPONSIBLE PERSON SIGNATURE FORM, WHICH MAY BE ADDED TO THE FUGITIVE DUST CONTROL PERMIT APPLICATION. THE RESPONSIBLE PERSON SIGNATURE FORM MUST INCLUDE ALL APPLICABLE INFORMATION CONCERNING THE DESIGNATED RESPONSIBLE PERSON(S). 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).**

**PART G. – FACILITY OWNER INFORMATION** (COMPLETE THE OWNER INFORMATION BELOW ONLY IF DIFFERENT THAN THE PERSON WHO HAS SIGNED AS THE PERMITTEE IN SECTION **F**.)

**However,** READ ALL THE INFORMATION BELOW, EVEN IF NOT SIGNING THE FACILITY OWNER INFORMATION BOX. THE PERMITTEE MUST INITIAL THE BOTTOM RIGHT CORNER OF ALL 5 PAGES TO ENSURE THAT ALL THE APPLICATION INFORMATION PROVIDED HAS BEEN REVIEWED.

**IF THE PERMITTEE FAILS TO COMPLY WITH THE PROVISIONS OF 20.11.20 NMAC – FUGITIVE DUST CONTROL, THE OWNER, IF DIFFERENT FROM THE PERMITTEE, SHALL BE RESPONSIBLE FOR COMPLYING WITH THE PERMIT. IF THE PERMITTEE FAILS TO TAKE ALL REQUIRED ACTIONS TO PREVENT A VIOLATION OF 20.11.20 NMAC – FUGITIVE DUST CONTROL, THE OWNER SHALL BE RESPONSIBLE TO TAKE ALL ACTIONS REQUIRED TO PREVENT OR SATISFACTORILY RESOLVE A VIOLATION OF 20.11.20 NMAC – FUGITIVE DUST CONTROL, INCLUDING STOPPING ALL ACTIVE OPERATIONS, IF NECESSARY. TO MITIGATE FUGITIVE DUST, ALL INACTIVE DISTURBED SURFACE AREAS MUST BE STABILIZED AND MAINTAINED IN STABLE CONDITION BY THE OWNER, PERMITTEE OR PERSON RESPONSIBLE FOR MAINTENANCE OF THE FACILITY. FAILURE TO COMPLY SHALL BE A VIOLATION OF 20.11.20 NMAC – FUGITIVE DUST CONTROL.**

**FACILITY OWNER INFORMATION** (COMPLETE ALL APPLICABLE INFORMATION)

\_\_\_\_\_  
IF A BUSINESS, PRINT FACILITY OWNER'S BUSINESS NAME

\_\_\_\_\_  
PRINT NAME OF INDIVIDUAL SIGNING FOR FACILITY OWNER

\_\_\_\_\_  
PRINT TITLE OF INDIVIDUAL SIGNING FOR FACILITY OWNER

\_\_\_\_\_  
SIGNATURE OF FACILITY OWNER

\_\_\_\_\_  
INITIALS OF FACILITY OWNER

\_\_\_\_\_  
DATE SIGNED

\_\_\_\_\_  
MAILING ADDRESS OF FACILITY OWNER

\_\_\_\_\_  
CITY

\_\_\_\_\_  
STATE

\_\_\_\_\_  
ZIP CODE

\_\_\_\_\_  
PHONE OF FACILITY OWNER

\_\_\_\_\_  
CELL OF FACILITY OWNER

\_\_\_\_\_  
PAGER OF FACILITY OWNER

\_\_\_\_\_  
FAX OF FACILITY OWNER

\_\_\_\_\_  
EMAIL ADDRESS OF FACILITY OWNER

THE **GENERAL PROVISIONS** OF 20.11.20 NMAC – FUGITIVE DUST CONTROL - STATES THAT IT SHALL BE A VIOLATION OF 20.11.20 NMAC TO ALLOW FUGITIVE DUST, TRACK-OUT, OR TRANSPORTED MATERIAL FROM ANY ACTIVE OPERATION, OPEN STORAGE PILE, STOCKPILE, PAVED OR UNPAVED ROADWAY, DISTURBED SURFACE AREA, OR INACTIVE DISTURBED SURFACE AREA TO CROSS OR BE CARRIED BEYOND THE PROPERTY LINE, RIGHT-OF-WAY, EASEMENT OR ANY OTHER AREA UNDER CONTROL OF THE PERSON GENERATING OR ALLOWING THE FUGITIVE DUST IF THE FUGITIVE DUST MAY:

- 1) WITH REASONABLE PROBABILITY INJURE HUMAN HEALTH OR ANIMAL OR PLANT LIFE;
- 2) UNREASONABLY INTERFERE WITH THE PUBLIC WELFARE, VISIBILITY OR THE REASONABLE USE OF PROPERTY;
- 3) BE VISIBLE FOR A TOTAL OF 15 MINUTES OR MORE DURING ANY CONSECUTIVE ONE HOUR OBSERVATION PERIOD USING THE VISIBLE FUGITIVE DUST DETECTION METHOD IN 20.11.20.26 (VISUAL DETERMINATION OF FUGITIVE DUST EMISSIONS VIOLATIONS) OR AN EQUIVALENT METHOD APPROVED IN WRITING BY THE DEPARTMENT.

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 PROGRAMMATIC 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
_____ _AIR QUALITY DIVISION	_____ / /200	_____ _AIR QUALITY DIVISION	_____ / /200	_____ / /200