
From: Liberatore, John J.
Sent: Wednesday, August 22, 2007 5:15 PM
To: 'jlovato@amafca.org'
Cc: Tavarez, Isreal L.; Albrecht, Christopher P.; Nieto, Margaret ; Butt, Neal T.
Subject: Response to fugitive dust stakeholder comments

Mr. Lovato,

Attached is the response from the Air Quality Division's subcommittee concerning the fugitive dust control regulation stakeholder comment received from you by the AQD.



AMAFCA
stakeholder response 8

08/17/2007

Albuquerque Environmental Health Department
Air Quality Division (AQD)

Re: Regulatory and Policy Advisory Committee (RPAC) written responses to Stakeholders, concerning proposed amendments to the Albuquerque-Bernalillo County Air Quality Control Board Regulation 20.11.20 NMAC – Fugitive Dust Control (Part 20).

The current version of Part 20, implemented in March 2004, required that the board hold a public hearing regarding a decision on continuation or expiration of eight sources that had been given a three year exemption to Part 20. The status of the sources exempt for three years was to be considered after review of an emission inventory of the eight source types. On June 6, 2007, the AQD announced (through an electronic listserve of stakeholders previously involved with fugitive dust control) the availability of a draft of Part 20 amendments for review and comment. The request for written comments by stakeholders was to be received by close of business on 7/9/07. The following are the responses to stakeholders by the Part 20 subcommittee after review and discussion during the time period of 7/17/07 to 8/17/07.

The responses were sent by electronic mailing (email) to each of the stakeholders.

(Received by the AQD as a verbal request of concern on 07/27/07).

Albuquerque Metropolitan Arroyo Flood Control Authority
Jerry M. Lovato, P. E.
Drainage Engineer

AMAFCA has concerns relating to the wording of the Control of Greenwaste Material - Section 20.11.20.21 NMAC. Apparently, it is felt that it can be determined, as written, that no greenwaste can be deposited on any publicly-owned real property. Although the intent is so that it doesn't get ground up by tires and entrained into the air as particulate matter, it may be confusing as written and raise concerns over whether or not such activities as mowing is allowable.

RPAC response: **The department agrees that there may be a potential for misunderstanding the proposed language under Section 20.11.20.21, as not allowing for the deposit of greenwaste on publicly-owned real property at all. The intent should be clear that the requirement is to prevent greenwaste from remaining deposited on publicly-owned real property that may then be subject to the abrasive action of tires, which may cause entrainment of particulate matter into the ambient air.**

Therefore, the department agrees that a re-wording of Section 20.11.20.21 NMAC is necessary to clarify the proposed intention for this requirement.