

New Mexico Horse Council

**P.O. Box 10206 Albuquerque, NM 87184
(505)345-8959**

www.nmhorsecouncil.org



To: Mr. Libertore

Subject: proposed fugitive dust regulations

We think the regulations are acceptable to the members of the new mexico horse council, as we read them. We hope to be at the hearing where the regulations are discussed/adopted.

New Mexico Horse Council, Inc.

Established 1970

P. O. Box 10206
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July 9, 2007

Albuquerque/Bernalillo County Air Quality Control Board
P.O. Box 1293
Albuquerque, NM 87103

Re: Title 20, Chapter 11, Part 20, Fugitive Dust Control, proposed revisions

Dear Mr. Libertore,

The New Mexico Horse Council had a committee headed by Jay Koch involved in negotiations in 2004, as many horse owners felt that they were singled out for special regulatory treatment (and that "dust happens"). As a result of that committee's work, in part, the provisions regarding agriculture and horse trails were to be reviewed after three years, in 2007.

We understand that on page 1, Part C, "The following six sources of fugitive dust in Bernalillo County shall be exempt from the requirements of 20.11.20 NMAC unless the safety of an individual is affected:

- (1) Areas zoned for agriculture and used for growing a crop;
- (2) Bicycle trails, biking paths, and pedestrian paths, horse trails or similar paths....

This would mitigate one main area for concern. The other is the status of riding arenas and bare ground paddocks where horses are kept on turnout, and I understood from our telephone conversation this afternoon that if the "disturbed area" is less than $\frac{3}{4}$ acre in size, it would fall outside the regulations. Most arenas on private land are in the 100' x up to 200' size; the largest I know is 150' x 300' - a bit over an acre, but he has a sprinkler system. It seems that our worries would be more about being good neighbors than running afoul of the regulations.

I am on the e-mail list for agendas of the AQCB meetings; if we need any more information I hope you will get in touch.

Sincerely,

Valerie Cole, director

cc: Rusty Cook, President

From: Liberatore, John J.
Sent: Thursday, August 23, 2007 6:52 AM
To: 'valcole@flash.net'
Cc: Tavarez, Isreal L.; Albrecht, Christopher P.; Nieto, Margaret ; Butt, Neal T.
Subject: Response to fugitive dust stakeholder comments

Mrs. Cole,

Attached are the responses from the Air Quality Division's subcommittee concerning the fugitive dust control regulation stakeholder comments received from you by the AQD.



NM Horse Council
stakeholder r...

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.

New Mexico Horse Council, Inc.

Valerie Cole

Director

(Fax received after phone conversation with John J. Liberatore on July 9, 2007)

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RPAC response: The statement “that if the disturbed area is less than $\frac{3}{4}$ of an acre in size, it would fall

outside the regulations” is accurate in terms of the Part 20 requirements for requiring a fugitive dust control programmatic permit. However, areas classified as conditionally exempt may be required to comply with all requirements of Part 20 if the department determines that the fugitive dust emitted from any of these source classifications will adversely affect the safety of an individual within Bernalillo County.

Secondly, if an arena as described as “a bit over an acre” does exist, it would be subject to department review for requiring a fugitive dust control programmatic permit if the disturbed portion of the property is $\frac{3}{4}$ of an acre or greater. The department will make the determination as to the effectiveness of the control measure (in this case a sprinkler system) utilized in order to classify the property as ‘no impact’, ‘low impact’, ‘moderate impact’, or ‘high impact’. Therefore, there is a possibility that the property may require a fugitive dust control programmatic permit.

Also please note that the department’s proposed amendments are just that: proposed. The Air Board will determine what amendments shall be adopted for Part 20.