



Application for a
Fugitive Dust Control Construction Permit
 for Surface Disturbance and/or Demolition within Bernalillo County

Albuquerque - Bernalillo County Air Quality Control Board Regulation 20.11.20 NMAC

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, once signed & dated by the Air Quality Program

Effective Date of this Application Form: **01/01/2026**

Department Use Only

Program Receipt Stamp below this Line

Submittal Date: _____

Received by: _____

Permit # _____

BEFORE ANY WORK STARTS

Permittee shall post & maintain a fugitive dust control project sign, issued or approved by Department & must be posted in a conspicuous location such that the public is able to read the sign.

PART A. - PROJECT INFORMATION & GENERAL ACTIVITIES (Type or Print Legibly)

A1. Project name: _____

A2. Project street address/location(s): _____

A3. Zip Code: _____ & Cardinal Direction (NW, SW, SE, NE): _____

UTM Northing: _____ UTM Easting: _____

A4. Major cross streets or nearby intersection: _____

***** SITE MAP MUST BE ATTACHED to this application (8 ½" x 11" or larger) *****

A5. Scope of project (check all that apply): ☐ New building construction ☐ Subdivision development ☐ Utility improvement
☐ Structure demolition/renovation ☐ Roadway development ☐ Other (describe) _____

A6. Active operations (check all that apply): ☐ Surface disturbance ☐ Bulk material hauling or handling ☐ Unpaved roads
☐ Paved roads ☐ Utility removal/installation ☐ Structure demolition/renovation ☐ Milling/Grinding/Cutting of surfaces
☐ Other (describe) _____

A7. Total area to be disturbed: _____ acres

A8. Will there be building demolition or renovation? ____ Yes ____ No ____ If demolition, total **cubic** feet _____ ft³

- Fugitive Dust Control Construction Permit Application is required for building demolitions over **75,000 ft³** & must be received by Air Quality Program **No Later Than 10 Business Days** (with 25 acres or less of ground surface disturbance), or **No Later Than 20 Business Days** (with greater than 25 acres of ground surface disturbance) before **Anticipated Project Start Date** (M-F, except holidays)
- Asbestos Notification (NESHAP)** is required for any demolition/renovation of any commercial building, residential building of 5 or more dwellings, or demolition of residential structure to build a non-residential structure, & must be received by Department, using a separate form, **No Later Than 10 Working Days** before **Anticipated Project Start Date/Demolition Start Date**
- Building demolitions within Bernalillo County require Department signatures for both dust control & asbestos notification & abatement before Demolition Permits will be issued by city or county

Department Review by _____ Permittee's Initials _____

A9. Application Submittal & Start Date: A Permit application **MUST** be received by Air Quality Program:

A9.a. 10 business days before anticipated project start date of 3/4-acre up to 25 acres of total area to be disturbed

A9.b. 20 business days before anticipated project start date of more than 25 acres of total area to be disturbed

Anticipated Project Start Date: ____/____/20____

A10. Permit Expiration: An approved Permit shall be valid for a minimum of 1 year from date of approval by Department or Anticipated Project Completion Date, whichever is longer, but no more than 5 years. If Scope of project, Active operations, Expiration date, Total area to be disturbed, or Control measure(s) change in any manner that are determined by Department to require additional conditions, then a new Permit shall be required. A Permit may be renewed if Department receives a written request from Permittee 10 business days prior to expiration date.

Anticipated Project Completion Date: ____/____/20____

A11. Phased Operations: (Check one box) ☐ Active operations will be total area to be disturbed, **OR**

☐ Active operations will be phased

A11.a. If phasing, explain phasing plan & include total disturbed area, in acres, at any given time (attach map & timeline):

A12. Site Drainage Plan: Is a site drainage plan required for this project? Yes____ No____

A12.a. If Yes, is drainage plan approved & available upon request by Department? Yes____ No____

PART B. - REASONABLY AVAILABLE CONTROL MEASURES

- “Permittee” shall indicate one or more applicable reasonably available control measures given in Part B.1 – B.12 **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 & inactive operations.

***** ATTENTION *****

All projects requiring a Fugitive Dust Control Construction Permit, regardless of SWPPP requirements, shall:

- 1) Utilize GRAVEL ENTRY/EXIT, or other devices capable of removing mud & bulk material from vehicle tires, &**
- 2) Erect & maintain fabric SILT FENCING material along perimeter of disturbed surface area with openings no wider than necessary to allow vehicles to enter or exit the area.**

- If “Permittee” chooses to submit, as an attachment to this application, an alternative fugitive dust control plan (plan) in lieu of control measures given in Parts B.1 – B.12, alternative plan (such as a SWPPP) must include detailed information that addresses: 1) steady ongoing Reasonably Available Control Measures to mitigate release of Fugitive Dust from Active & Inactive Disturbed Surface Areas, 2) fugitive dust control Contingency Measures that will be used, & 3) action(s) to be taken to mitigate property damage (see Part C). If submitting an alternative plan you still must complete & initial Parts A, D, E, F, G, H & I of this application.

B1. Trackout control measures (check at least one):

☐ Gravel entry/exit ☐ Paved Roads ☐ Grizzly Bar ☐ Wash Racks ☐ Other: _____

B2. Silt Fence control measures (check at least one):

B2.a. Maintenance/Installation Contractor: _____

B2.b. ☐ Wire backed ☐ Non-wire backed ☐ Other: _____

Department Review by _____ Permittee's Initials _____

B3. Active operations in construction areas & other surface disturbances (check all that apply):

SHORT TERM (during active surface disturbance) **dust control measures shall include:**

- a. ☐ wet suppression as required throughout the day;
- b. ☐ using dust suppressants and/or surfactants applied in amounts, frequency & rates recommended by manufacturer, & maintained as recommended by manufacturer (attach manufacturer's information to this application);
- c. ☐ installing on-site anemometers to measure wind speed. Anemometer should trigger suitable warning mechanism such as strobe light or audible alarm (ensure applicable noise ordinances are not violated) to notify on-site personnel of high winds;
- d. ☐ increasing wet suppression applications before forecasted & during actual high wind conditions;
- e. ☐ temporary upwind windbreaks, including fabric fences with top at least 4 feet above grade, & with bottom of fence sufficiently anchored to ground to prevent material from blowing underneath fence; all windbreaks & fabric fences shall be maintained in an upright & functional condition at all times until no longer needed to prevent or abate fugitive dust; all accumulated material on windward side of windbreak shall be periodically removed to prevent failure of windbreak;
- f. ☐ watering site at end of each workday sufficient to stabilize work area;
- g. ☐ applying dust suppressants and/or surfactants in amounts, frequency & rates recommended by manufacturer on worksite at end of each work week if no active operations are going to take place over weekend or if active operations stop for more than two consecutive days (attach manufacturer's information to this application);
- h. ☐ starting construction at upwind location from prevailing wind direction & stabilizing disturbed areas before disturbing other areas;
- i. ☐ clean-up & removal of track-out material on a regular basis;
- j. ☐ other (alternative) _____

LONG TERM (after surface disturbance permanently complete, or portions thereof) **dust control measures shall include:**

- a. ☐ site stabilization using dust suppressants and/or surfactants applied in amounts, frequency & rates recommended by manufacturer, & maintained as recommended by manufacturer (attach manufacturer's information to this application);
- b. ☐ reseeding using guidelines in 20.11.20.24 NMAC – NATIVE GRASS SEEDING AND MULCH SPECIFICATIONS;
- c. ☐ Xeriscaping or conventional landscaping techniques;
- d. ☐ installing parallel rows of fabric fencing or other windbreaks set perpendicular to prevailing wind direction either on-site or on a nearby property with permission of nearby property owner(s);
- e. ☐ surfacing with gravel or other mulch material of a size & density sufficient to prevent surface material from becoming airborne;
- f. ☐ mulching & crimping of straw or hay using guidelines in 20.11.20.24 NMAC;
- g. ☐ installing permanent perimeter & interior walls;
- h. ☐ clean-up & removal of track-out material;
- i. ☐ other (alternative) _____

B4. Unpaved roadways (check all that apply or ☐ Not applicable):

- a. ☐ paving roadways & parking areas with recycled asphalt, routinely-maintained asphalt millings, asphaltic concrete, concrete, or petroleum products legal for such use;
- b. ☐ using dust suppressants applied in amounts, frequency & rates recommended by manufacturer, & maintained as recommended by manufacturer (attach manufacturer's information 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 & controls; road closures or barricades; & off-road vehicle access controls & closures;
- e. ☐ other (alternative) _____

B5. Paved roadways (check all that apply or ☐ Not applicable):

- a. ☐ cleaning up spillage & track out as necessary to prevent particulates from being pulverized & entrained into atmosphere;
- b. ☐ using on-site wheel washes;
- c. ☐ performing regularly scheduled vacuum street cleaning or wet sweeping with a sweeper certified by manufacturer to be efficient at removing particulate matter having an aerodynamic diameter of less than 10 microns (i.e. PM₁₀);
- d. ☐ other (alternative) _____

Department Review by _____ Permittee's Initials _____

B6. Bulk material (check/fill out all that apply or ☐ Not applicable):

B6.a. Expected **TOTAL** volume of bulk material (on-site fill, imported fill, base coarse gravel, etc.) to be handled throughout duration of this project (in cubic yards) _____ yds³

B6.a.1. Volume of bulk material to be **Imported** to this project site _____ yds³

B6.a.1.a. Address of location(s) from which bulk material will be imported to this project site

B6.a.1.b. Do Bernalillo County locations providing bulk material to this project have permits?

Yes _____ (Permit # _____) No _____ Unknown _____

B6.a.2. Volume of bulk material to be **Exported** from this project site _____ yds³

B6.a.2.a. Address of location(s) in Bernalillo County that will receive bulk material exported from this project site

B6.a.2.b. Do Bernalillo County locations receiving bulk material from this project have permits?

Yes _____ (Permit # _____) No _____ Unknown _____

B6.b. Bulk material handling dust control measures (check all that apply)

- a. ☐ applying wetting agents (surfactants) to bulk material;
- b. ☐ using wet suppression through manual or mechanical application (spray bars/sprinklers);
- c. ☐ adding dust suppressants to bulk material applied in amounts, frequency & rates recommended by manufacturer, & maintained as recommended by manufacturer (attach manufacturer's information application);
- d. ☐ reducing process speeds;
- e. ☐ reducing drop heights;
- f. ☐ other (alternative) _____

B7. Trucks hauling bulk material on public & private roadways (check all that apply or ☐ Not applicable):

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

B8. Demolition/renovation activities (Non-asbestos containing materials present) (check all that apply or ☐ Not applicable):

- a. ☐ using constant wet suppression on debris piles during demolition;
- b. ☐ using water or dust suppressants on debris piles, applied in amounts, frequency & rates recommended by manufacturer, & maintained as recommended by manufacturer (attach manufacturer's information 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 all that apply or ☐ Not applicable):

- a. ☐ using constant wet suppression;
- b. ☐ ongoing clean-up of milled, ground or cut material by using wet sweeping;
- c. ☐ using dust suppressants on debris pile, applied in amounts, frequency & rates recommended by manufacturer, & maintained as recommended by manufacturer (attach manufacturer's information to this application);
- d. ☐ using enclosures, curtains or shrouds;
- e. ☐ other (alternative) _____

Department Review by _____ Permittee's Initials _____

B10. Pressure blasting operations (check all that apply or ☐ Not applicable):

- 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. Stockpiles: Will stockpiles be constructed on this site? Yes _____ No _____

B11.a. If Yes, give general dimensions of stockpile(s) in feet _____ Length _____ Width _____ Height

- **Stockpiles shall be no higher than 15 feet above existing natural or man-made grade that abuts stockpile, unless otherwise approved in advance & in writing by Department.**

B11.b. Active & Inactive Stockpiles Dust Control Measures (check all that apply):

Active Inactive

- a. ☐ ☐ applying wet suppression (as required to control dust);
b. ☐ ☐ maintaining a stable outer crust over stockpile areas;
c. ☐ ☐ using dust suppressants on debris pile, applied in amounts, frequency & rates recommended by manufacturer, & maintained as recommended by manufacturer (attach manufacturer's information to this application);
d. ☐ ☐ utilizing windbreaks (fabric fencing or other materials);
e. ☐ ☐ reducing vehicle speeds or using other traffic calming measures (i.e. sculpted piles for less abrasive wind effect);
f. ☐ ☐ restricting access to stockpile areas during work or non-work hours;
g. ☐ ☐ other (alternative) _____

B12. Spray painting & other coatings (check all that apply or ☐ Not applicable):

- a. ☐ using enclosures that comply with applicable fire codes; b. ☐ using curtains or shrouds; c. ☐ other (alternative): _____

PART C. - FUGITIVE DUST CONTROL PLAN (PLAN)

- "Permittee" shall comply with a Plan that details Fugitive Dust Control Measures that will be used to mitigate release of Fugitive Dust from Active & Inactive Disturbed Surface Areas. This includes steady ongoing Reasonably Available Control Measures, Contingency Measures, & action(s) that will be taken to mitigate claims of property damage. If you are not submitting an alternative plan, as an attachment to this application, then complete Parts C1 – C4 below.

C1. Reasonably Available Control Measures: Describe, in detail, all steady ongoing **Reasonably Available Control Measures** you may have selected in Part B1 – B12 of this application to be used to mitigate release of Fugitive Dust from Active Disturbed Surface Areas (any current operation capable of creating dust) & Inactive Disturbed Surface Areas (previously disturbed areas where active operations are temporarily suspended). Examples are: Type, size & quantity of equipment to be used for wet suppression & frequency of use; Type & locations of fencing or walls to be installed; Frequency of use of vacuum or wet sweeping; Temporary pavement, Seeding plan; etc.).

C1.a. ACTIVE - _____

C1.b. INACTIVE - _____

C2. Contingency Measures: Describe, in detail, **additional** fugitive dust control measures to be used if Reasonably Available Control Measures chosen in Parts B1 through B12, and detailed in Part C1 are determined by the department to be insufficient at providing adequate Fugitive Dust Control.

C2.a. ACTIVE - _____

C2.b. INACTIVE - _____

C3. After hours Point of Contact (nights, weekends, holidays): Name: _____ Cell Phone: _____

C4. Describe action(s) to be taken to mitigate claims of property damage by fugitive dust generated at/from this project:

Department Review by _____ Permittee's Initials _____

PART D. - HIGH WIND EVENT

- A **High Wind Event** is a condition announced by 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 & may result in elevated particulate levels that may contribute to an exceedance or violation of ambient air quality standards.
- When announced by the department, **ALL Active Operations** capable of producing fugitive dust **MUST cease; however**, project must continue using reasonably available control measures & implement High Wind Event measures.

D1. Provide name of individual(s) to be notified of a High Wind Event:

Name: _____ Title: _____ Email Address: _____

Name: _____ Title: _____ Email Address: _____

D1.a. Is individual(s) on Department's High Wind Event email distribution list? Yes _____ No _____ Unknown _____

D2. High Wind Event fugitive dust control measures (check all that apply):

- a. ☐ installing & using on-site anemometers to measure wind speed. Anemometer should trigger a suitable warning mechanism such as a strobe light or audible alarm (ensure applicable noise ordinances are not violated) to notify site personnel of high winds;
- b. ☐ using constant wet suppression;
- c. ☐ using dust suppressants applied in amounts & rates recommended by manufacturer (attach manufacturer's information to this application);
- d. ☐ using wetting agents or surfactants on disturbed areas, bulk materials or stockpiles;
- e. ☐ other (alternative) _____

D3. Describe in detail how High Wind Event fugitive dust control measure(s) chosen will be used during this project:

PART E. - HIGH WIND AFFIRMATIVE DEFENSE

Do you wish to qualify for a High Wind Affirmative Defense? Yes _____ No _____ If Yes (uncommon), you must meet the following mandatory requirements:

Mandatory Requirements:

- Maintain fabric fencing in accordance with Part B.
- During a High Wind Event, cease all Active Operations and continue to use all dust control measures, as stated in the fugitive dust control plan;
- AND,

Permittee must agree to use one of three Mandatory Control Measures shown below throughout entire duration of permit, regardless of whether or not a High Wind Event exists.

- E1.** ☐ Using wet suppression sufficient to attain & maintain eighty percent of optimal moisture content of 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 workday, three tests for soil moisture content shall be performed at three separate representative locations on permitted property, which will result in a minimum of nine tests per day. Each set of three tests shall average eighty percent of optimal moisture content of soil & no individual test shall be less than seventy percent of optimal moisture content. Failure of any three set sample of tests to meet these standards shall require taking of immediate action necessary & re-testing of non-compliant areas until standards are met;
- E2.** ☐ Using **chemical dust suppressants**, in amounts, frequency & rates recommended by manufacturer, & maintained as recommended by manufacturer sufficient to substantially reduce fugitive dust leaving project area while Active Operations are idle;
- E3.** ☐ Submit an **alternative dust control plan**, for department approval, that provides fugitive dust control that is deemed equal to or better than using measures described in options E1 or E2 above.

Department Review by _____ Permittee's Initials _____

PART F. – FEES

- Application for a Fugitive Dust Control Construction Permit requires:

Filing & Review Fee (F1) plus an Inspection Fee (F2 or F3) plus applicable Late Fee (F4)

F1. FILING & REVIEW FEE TABLE

DEPARTMENT USE ONLY

TOTAL PROJECT ACREAGE TO BE DISTURBED	FILING & REVIEW FEE	CHECK ONLY ONE BOX	PROGRAM ELEMENT
(Demolition Only) Less than 3/4 acre but greater than 75,000 cubic feet	\$250.00		2101
¾ acre to less than 2 acres	\$250.00		1102
2 acres to less than 5 acres	\$350.00		1103
5 acres to less than 15 acres	\$450.00		1104
15 acres or greater	\$550.00		1105

F2. FUGITIVE DUST CONTROL INSPECTION FEE TABLE (Program Element 1101)

TOTAL PROJECT AREA TO BE DISTURBED (rounded to nearest whole number)	TIMES	PER ACRE RATE (based on 20.11.2.15.C. NMAC)	INSPECTION FEE
.00 acres	x	\$169.00	= \$.00

INSPECTION FEE CALCULATIONS:

Multiply Total Project Acreage to be Disturbed by Per Acre Rate shown in table above. Total Project Acreage to be Disturbed must be expressed as a whole number. If number after decimal point is less than 5, whole number remains unchanged. If number after decimal point is 5 or greater, whole number shall be rounded up to next whole number. Rounding of acres shall occur before Inspection Fee is calculated. Example: 1.5 acres rounds up to 2, whereas 1.49 acres rounds down to 1.

F3. DEMOLITION INSPECTION FEE TABLE (Program Element 1197)

DEMOLITIONS GREATER THAN 75,000 CUBIC FEET BUT LESS THAN 3/4 ACRE DISTURBANCE	(BASED ON 20.11.2.15. M. NMAC)
INSPECTION FEE (if 3/4 acre or more fill out F2 only)	= \$169.00

F4. TOTAL PROJECT FEE TABLE

TOTAL PROJECT FEE: Add Filing & Review Fee (F1) & Inspection Fee (F2 or F3 above) to determine Total Project Fee.

FILING & REVIEW FEE (F1)	PLUS	INSPECTION FEE (F2 OR F3)	TOTAL PROJECT FEE DUE
\$.00	+	\$.00	= \$.00

F5. LATE FEE/TOTAL PROJECT FEE TABLE

Submittal of a permit application **after active operations have commenced** at project location shall be assessed a **late fee of 50 percent** of total project fee in addition to total project fee. Civil penalties may also be assessed pursuant to New Mexico Air Quality Control Act, Chapter 74, Article 2, New Mexico Statutes Annotated 1978.

Use calculations below only if you are required to submit a late fee.

Late Fee = 50% of Total Project Fee Due (F4) = \$.00

TOTAL PROJECT FEE DUE (F4)	PLUS	LATE FEE	TOTAL PROJECT & LATE FEE DUE
\$.00	+	.00	= \$.00

NOTE:

Total Project Fee Due, plus any applicable Late Fees, must be paid at time of application submittal by check or money order payable to: **City of Albuquerque (Fund 242)**. Application & accompanying fee may be delivered by mail or hand delivered to the address at top of this form (M-F, 7:30 am - 4:30 pm).

Department Review by _____ Permittee's Initials _____

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

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

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.

THE INFORMATION IN THIS SIGNATURE BOX IS 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 AS PROJECT OWNER/OPERATOR

PRINT NAME OF INDIVIDUAL SIGNING AS PROJECT OWNER/OPERATOR

SIGNATURE OF PROJECT OWNER/OPERATOR INITIALS OF PROJECT OWNER/OPERATOR DATE SIGNED

MAILING ADDRESS OF PROJECT OWNER/OPERATOR CITY STATE ZIP CODE

PHONE OF PROJECT OWNER/OPERATOR CELL OF PROJECT OWNER/OPERATOR FAX OF OWNER/OPERATOR

EMAIL ADDRESS OF PROJECT OWNER/OPERATOR

Department Review by _____ Permittee’s Initials _____

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		
FAX OF INDIVIDUAL SIGNING AS A RESPONSIBLE PERSON	EMAIL OF INDIVIDUAL SIGNING AS A RESPONSIBLE PERSON		
ACTIVE OPERATION RESPONSIBILITIES (ACTIVITY) OF INDIVIDUAL SIGNING AS A RESPONSIBLE PERSON			
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 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. 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. THE PERMITTEE WILL BECOME THE RESPONSIBLE PERSON FOR THE ACTIVITY THAT A RESPONSIBLE PERSON IS REMOVED FROM, UNLESS A NEW RESPONSIBLE PERSON IS DESIGNATED FOR THE SAME ACTIVITY 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

IF DEPARTMENT APPROVES BULK MATERIAL STOCKPILES TO EXCEED 15 FEET, MAXIMUM HEIGHT ALLOWED: _____ FEET

APPLICATION REVIEWED BY:	DEEMED COMPLETE DATE:	PERMIT ISSUED BY:	ISSUE DATE:	EXPIRATION DATE:
PRINT	____/____/20____	PRINT	____/____/20____	____/____/20____
SIGN		SIGN		

Department Review by _____ Permittee’s Initials _____

PART J. – TRANSFER OF FUGITIVE DUST CONTROL PERMIT (To transfer complete responsibility of current Permit & Plan)

- * If a portion of real property that is subject to a permit is transferred or sold, the new owner is responsible for obtaining a Fugitive Dust Control Permit - unless exempt. Permittee who transferred or sold real property is then no longer responsible for fugitive dust control from real property transferred or sold & Department shall amend Permit to reflect change.
- * New Permittee does not assume responsibility for any pending violations and/or penalties which began or occurred before Permit transfer.
- * A Fugitive Dust Control Permit may be transferred to legal heirs, successors, & assigns, who shall become new Permittee. Transfers may be made as an administrative amendment provided that:
 - 1) a written transfer of agreement is drafted between current & new Permittee & property owner,
 - 2) a specific date is established for transfer of Permit responsibility, coverage, & liability, &
 - 3) Department approval of written transfer of agreement has been authorized.
- * There is no cost for transfer of Fugitive Dust Control Permit if determined by Department that only an administrative change is needed; however, new application information must be submitted by new Permittee or property owner, along with any applicable fees, if determined by Department that necessary changes are required to complete transfer of agreement (particularly, any increase to permitted 'Total Area to be Disturbed').

Transfer of Agreement Signature Box for Current Permittee

Name of Current Permittee		Effective Date/Time of Transfer of Permit
Signature	Initials	Date Signed

Transfer of Agreement Signature Box for New Permittee

New Permittee's Business Name	Effective Date/Time of Acceptance of Permit
Address	
Name of New Permittee	Title
Office Phone: Cell Phone: Email:	
By signing below as new Permittee, I agree to accept responsibility, coverage, & liability for existing & incorporated Fugitive Dust Control Construction Permit # _____.	
Signature of New Permittee	Initials Date Signed

Transfer of Agreement Signature Box for Property Owner, if Different than Permittee

Printed Name of Property Owner	Business Name	Title
By signing below as Property Owner, I agree to the transfer of responsibility of existing Fugitive Dust Control Permit # _____ & incorporated Fugitive Dust Control Plan to above signed new Permittee.		
Signature of Property Owner	Initials	Date Signed

Area Below For Department Use Only
Initial One of the Conditions (A or B) Below

A.) Department has determined that no change to permit/plan is necessary, other than administrative _____				
B.) Department has determined that necessary change(s) to 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 PROGRAM	 ____/____/20____	 AIR QUALITY PROGRAM	 ____/____/20____	 ____/____/20____

Department Review by _____ Permittee's Initials _____



City of Albuquerque

Environmental Health Department

Air Quality Program



Air Quality Compliance History Disclosure Form

The Albuquerque-Bernalillo County Joint Air Quality Program (“Program”) administers and enforces local air quality laws for the City of Albuquerque (“City”) and Bernalillo County (“County”) on behalf of the City Environmental Health Department, including the New Mexico Air Quality Control Act (“AQCA”), NMSA 1978, Sections 74-2-1 to -17. In accordance with Sections 74-2-7(P) and (S) of the AQCA, the Program may deny any permit application or revoke any permit issued pursuant to the AQCA if, within ten years immediately preceding the date of submission of the permit application, the applicant or permittee meets any one of the criteria outlined in the AQCA. The Program requires applicants to file this Compliance History Disclosure Form in order for the Program to deem an air permit application administratively complete, or issue an air permit for those permits without an initial administrative completeness determination process. Additionally, an existing permit holder (permits issued prior to the Effective Date of this Form) shall provide this Compliance History Disclosure Form to the Program upon the Program’s request. Note: Program Staff can answer basic questions about this Compliance History Disclosure Form but cannot provide specific guidance or legal advice.

Instructions

1. Applications filed pursuant to the following regulations shall include this Compliance History Disclosure Form, in accordance with Section 74-2-7(S) of the AQCA: *Construction Permits* (20.11.41 NMAC); *Operating Permits* (20.11.42 NMAC); *Nonattainment Areas* (20.11.60 NMAC); *Prevention of Significant Deterioration* (20.11.61 NMAC); *Acid Rain* (20.11.62 NMAC); and *Fugitive Dust* (20.11.20 NMAC) except this Form shall not be required for asbestos notifications under 20.11.20.22 NMAC.
2. This Compliance History Disclosure Form is not site specific: responses shall be based on the applicant/permittee as an entity and not be limited to the application, site, facility or source.
3. The permittee identified on this Compliance History Disclosure Form shall match the permittee in the existing permit or new application. If the information in an existing permit needs to be changed, please contact the Program about revisions and ownership transfers.
4. Answer every question completely and truthfully, and do not leave any blank spaces. If there is nothing to disclose in answer to a particular question, check the box labeled “No” except for Question 5b. Failure to provide any of the information requested in this Compliance History Disclosure Form may constitute grounds for an incompleteness determination, application denial, or permit revocation.
5. Be especially careful not to leave out information in a way that might create an impression that you are trying to hide it. Omitting information, even unintentionally, may result in application denial or permit revocation.
6. For any required explanations, be sure to identify the question to which the explanation is responsive. If you submit any document in connection with your answer to any question, refer to it as, “Exhibit No. ___”, and attach it after the explanation(s) at the end of the Compliance History Disclosure Form, consecutively numbering each additional page at the top right corner.
7. The Program may require additional information to make a thorough review of an application. At all times before the Program has made a final decision regarding the application, an applicant has a duty to promptly supplement and correct information the applicant has submitted in an application to the Program. The applicant’s duty to supplement and correct the application includes, but is not limited to, relevant information acquired after the applicant has submitted the application and additional information the applicant otherwise determines is relevant to the application and the Program’s review and decision. While the Program is processing an application, regardless of whether the Program has determined the application is administratively complete, if the Program determines that additional information is necessary to evaluate or make a final decision regarding the application, the Program may request additional information and the applicant shall provide the requested additional information.
8. Supplementary information required by the Program may include responses to public comment received by the Program during the application review process.
9. Any fees submitted for processing an application that has been denied will not be refunded. If the Program denies an application, a person may submit a new application and the fee required for a new application. The applicant has the burden of demonstrating that a permit should be issued.

COMPLIANCE HISTORY		
A. Applicant/Permittee Name:		Check Applicable Box: <input type="checkbox"/> Applicant <input type="checkbox"/> Permittee
B. Time Period of Compliance Reporting (10 Years): _____ to _____ <i>Instructions: For applicants, answer the following questions with information from within the 10 years preceding the current application. For existing permit holders requested to submit this form by the Program outside of an application, answer the following questions with information from within the 10 years preceding the Program's issuance of each permit.</i>		
C. Questions		
1	Knowingly misrepresented a material fact in an application for a permit?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2	Refused to disclose information required by the provisions of the New Mexico Air Quality Control Act?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3	Been convicted in any court of any state or the United States of a felony related to environmental crime?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4	Been convicted in any court of any state or the United States of a crime defined by state or federal statute as involving or being in restraint of trade, price fixing, bribery, or fraud?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5a	Constructed or operated any facility for which a permit was sought, including the current application, without the required air quality permit(s) under 20.11.41 NMAC, 20.11.42 NMAC, 20.11.60 NMAC, 20.11.61 NMAC, or 20.11.62 NMAC?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5b	<p>If "No" to question 5a, mark N/A and go to question 6.</p> <p>If "Yes" to question 5a, state whether each facility that was constructed or operated without the required air quality permit met at least one of the following exceptions:</p> <p>i. The unpermitted facility was discovered after acquisition during a timely environmental audit that was authorized by the Program or the New Mexico Environment Department; or</p> <p>ii. The operator of the facility, using good engineering practices and established approved calculation methodologies, estimated that the facility's emissions would not require an air permit, and the operator applied for an air permit within 30 calendar days of discovering that an air permit was required for the facility.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
6	Had any permit revoked or permanently suspended for cause under the environmental laws of any state or the United States?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7	For each "yes" answer, or "no" to 5b, please attach an explanation and supporting documentation.	

I, the undersigned, hereby certify under penalty of law that this Compliance History Disclosure Form (Form) and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. I have knowledge of the information in this Form and it is, to the best of my knowledge and belief, true, accurate, and complete. I understand that there are significant penalties for submitting false information, including denial of the application or revocation of a permit, as well as fines and imprisonment for knowing violations. If I filed an application, I covenant and agree to promptly supplement and correct information in this Form until the Program makes a final decision regarding the application. Further, I certify that I am qualified and authorized to file this Form, to certify to the truth and accuracy of the information herein, and bind the permittee and source.

Signed on

Print Name

Print Title

Signature

Company Name