



Environmental Health Department - Air Quality Program
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Application for a
Fugitive Dust Control Programmatic Permit
 for Routine Surface Disturbance within Bernalillo County
 Albuquerque - Bernalillo County Air Quality Control Board Regulation 20.11.20 NMAC

This application becomes a permit once signed by Air Quality Program

Effective Date of this Application Form: **01/01/2023**

Department Use Only

Program Receipt Stamp Below this Line

Submittal Date: _____

Received by: _____

Permit #: _____

A Programmatic 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 $\frac{3}{4}$ of an acre or more, which does not include full depth reconstruction of a roadway or substantial removal & replacement of a manmade facility.

This application shall include a Fugitive Dust Control Plan (Part B or attached alternative Plan) that may utilize reasonably available control measures to mitigate fugitive dust to meet objectives of 20.11.20 NMAC – Fugitive Dust Control.

PART A – FACILITY INFORMATION AND GENERAL ACTIVITIES

If permittee wishes to include multiple facility locations under same permit, submit required information for each individual site by submitting additional copies of Parts A, B, C & D, as necessary

AN 8 1/2" X 11" OR LARGER SITE MAP MUST ACCOMPANY APPLICATION FOR EACH FACILITY LOCATION

1. Fugitive Dust Facility/Site Name: _____

2. Street Address of Facility (if available): _____ Zip Code: _____

3. Nearest Major Cross Streets or Intersection to Facility: _____

4. UTM Northing: _____ UTM Easting: _____

5. Total Acres of Facility: _____

6. Total Acres of Facility Subject to Routine Maintenance/Active Operations: _____

7. Total Miles of Roads/Easements for Facility Subject to Routine Maintenance/Active Operations: _____

8. Total Miles of Roads/Easements for Facility Converted to Acres: _____

9. Description of Facility's Operation(s): _____

10. Describe Type of Activities at Facility That May Generate Fugitive Dust: _____

11. Provide name of individual to be notified of a High Wind Event who will be responsible to ensure High Wind Event control measures are started (see Part B for description):

Name: _____ Title: _____ Email Address: _____

PART B – FUGITIVE DUST CONTROL PLAN

“Permittee” is required to comply with Part B, Fugitive Dust Control Plan (plan), detailing reasonably available control measures to be used to mitigate release of fugitive dust from routine active operations & maintenance.

If permittee chooses to submit, as an attachment to application, an alternative Fugitive Dust Control Plan in lieu of using any reasonably available control measures given below or from 20.11.20.23 NMAC – Fugitive Dust Control, the alternative plan (i.e. storm water pollution prevention plan) must include detailed information that addresses: 1) reasonably available control measures to mitigate release of fugitive dust from routine active operations & maintenance; & 2) action(s) to be taken to mitigate property damage (refer to Part B2 below). If submitting an alternative plan permittee must still complete Parts A, C, D & E of application.

B1. Permittee shall include in permit application one or more 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 & maintenance & inactive operations. For an expanded list of control type measures, refer to 20.11.20.23 NMAC – Fugitive Dust Control.

Use underlined headings below when filling in control measures in column D of Part D Table. These measures may reduce release of fugitive dust from facility or reduce amount of acreage/miles requiring control if applied as permanent stabilization (i.e.: 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 & bulk material off vehicle tires;
- Surfacing with gravel or other mulch material of a size & density sufficient to prevent surface material from becoming airborne

WATERING

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

WINDBREAKS

- Installing upwind windbreaks, including fabric fences with bottom of fence sufficiently anchored to ground to prevent material from blowing underneath fence; all windbreaks & fabric fences should be maintained in an upright & functional condition at all times; all accumulated material on windward side of windbreak should be periodically removed to prevent failure of windbreak;
- Installing permanent perimeter & 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 surface;
- Natural barriers

TRAFFIC

- 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;
- Cleaning up spillage & track out as necessary to prevent particulates from being pulverized & entrained into atmosphere;
- Performing regularly scheduled vacuum street cleaning or wet sweeping;
- Using properly secured tarps or cargo covering that covers entire surface area of 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 & crimping of straw or hay as specified in 20.11.20.24 NMAC;
- Conventional landscaping techniques

B2. Summarize, in detail, how Reasonably Available Control Measures currently in place will be used to limit or prevent release of Fugitive Dust from routine active operations &/or maintenance at facility (i.e. credit can be taken for: existing trees or shrubbery along at least 50% of perimeter of facility as a windbreak; salvaged vehicles, materials, or equipment at a salvage yard that forms an effective windbreak; or existing fencing that prevents vehicle access to property as a traffic control). Describe height, length, locations, types, amounts, etc. for all methods to be used as control measures. As a general rule, Department will allow credit for windbreaks for a lateral distance equal to 10 times height of windbreak. (I.e. a 6-foot high windbreak will be credited with reducing dust emissions for a distance of 60 feet from fence:

Active Operations: _____

Inactive Operations: _____

B3. Describe in detail the additional fugitive dust control Contingency Measures that will be used at this site if the Reasonably Available Control Measures chosen in Part B2 are determined by the department to be insufficient to provide adequate Fugitive Dust Control during Active and Inactive Operations:

Active Operations: _____

Inactive Operations: _____

PART C – HIGH WIND EVENT

When a **High Wind Event** is announced by Department, **ALL Active Operations** capable of producing fugitive dust **MUST cease; however**, the site must continue using reasonably available control measures & implement High Wind Event measures. A High Wind Event is a condition announced by Department of wind speeds of approximately 30 miles per hour that, when accompanied by dry soil conditions, is likely to result in widespread reduced visibility due to blowing fugitive dust & may result in elevated atmospheric particulate levels.

C1. Describe in detail what High Wind Event fugitive dust control measures will be used at this facility:

C2. Describe action(s) to be taken to mitigate claims of property damage by fugitive dust generated at/from this facility:

PART D – SOURCE CLASSIFICATION & FEE TABLE

A Source Classification (See Definitions Below)	B Acres, Rounded to Nearest Whole Number, to be Controlled for Each Source Classification (Convert Miles to Acres)	C Emission Control Factor Multiplier (20.11.2.15 G. NMAC)	D General Description of Reasonably Available Control Measure(s) Currently in Place or to be Used to Maintain Acreage for Each Source Classification (Refer to Part B1 for Reasonably Available Control Measures) (I.e. Traffic, Windbreaks, etc.)	E Total Fee Per Classification [Column B Times (x) Column C]
LOW IMPACT PE-1901		.1		
MODERATE IMPACT PE-1902		.5		
HIGH IMPACT PE-1903		.9		
Sum of Column E				
PER ACRE FEE (BASED ON 20.11.20.2.G. NMAC)				X \$167.00
ANTICIPATED ANNUAL PERMIT FEE				\$
<p style="text-align: center;"><u>ABBREVIATED DEFINITIONS OF SOURCE CLASSIFICATIONS</u></p> <p><u>NO IMPACT</u> - active & inactive disturbed surface areas that produce virtually no fugitive dust. Such land surfaces are exempt from fugitive dust control regulation & requirements to pay fees</p> <p><u>LOW IMPACT</u> - active & inactive disturbed surface areas that are approximately 90% controlled</p> <p><u>MODERATE IMPACT</u> - active & inactive disturbed surface areas that are approximately 50% controlled</p> <p><u>HIGH IMPACT</u> - active & inactive disturbed surface areas that are approximately 10% controlled</p>				

Upon receipt of application, Department will review & verify information submitted. Once Department has determined application is complete, Department will sign application & return a completed copy to permittee as official permit. Subsequently, an invoice will be sent to permittee for initial payment of permit fee. Each year thereafter, Department will send an invoice for annual fees due. Application may be sent by mail to address at top of page 1 or may be hand-delivered to same address between hours of 7:00am - 4:30pm, Monday - Friday.

PART E – SIGNATURE AUTHORITY OF PERMITTEE

A “permittee” is a person, owner or operator & all legal heirs, successors, & assigns who has applied for & obtained a Fugitive Dust Control Permit approved by Department. “Permittee” agrees to take all actions required by Fugitive Dust Control Permit issued by Department to prevent a violation of 20.11.20 NMAC – Fugitive Dust Control, including stopping active operations, if necessary. **“Permittee” is responsible for complying with Fugitive Dust Control Permit, Fugitive Dust Control Plan, & all requirements of 20.11.20 NMAC - Fugitive Dust Control. Failure to comply shall be a violation of 20.11.20 NMAC – Fugitive Dust Control.**

By signing below, applicant certifies that information provided in application for a Fugitive Dust Control Programmatic Permit is true, accurate & complete, & applicant agrees to be “permittee”.

Permittee shall make permit available & explain requirements of permit to appropriate employees, agents, contractors, & any other person involved in active Operations or Maintenance at facility to assist in maintaining compliance with 20.11.20 – Fugitive Dust Control.

Permittee is responsible for maintaining control measures that prevent or abate unreasonable interference with public welfare, visibility & reasonable use of property.

Permittee must initial bottom right corner of all pages to ensure that all application information provided has been reviewed.

[One Set of Signature Pages is Adequate for Multiple Facility (Site) Locations
to be Permitted Under Same Permittee & Owner]

(Complete All Applicable **Permittee** Information)

If a Business, Print Business Name

Name

Title

Signature

Initials

Date Signed

Mailing Address

City

State

Zip Code

Office Phone Number

Cell Phone Number

Fax Number

Email Address

PART F – FACILITY OWNER INFORMATION

If Permittee fails to comply with provisions of 20.11.20 NMAC – Fugitive Dust Control, Owner, if different from Permittee, shall be responsible for complying with Permit. If permittee fails to take all required actions to prevent a violation of 20.11.20 NMAC – Fugitive Dust Control, 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 & maintained in stable condition by Owner, Permittee OR Person responsible for maintenance of facility. Failure to comply shall be a violation of 20.11.20 NMAC – Fugitive Dust Control.

(Complete All Applicable **Owner** Information)

Business Name (if applicable) _____

Name _____ Title _____

Signature _____ Initials _____ Date Signed _____

Mailing Address _____ City _____ State _____ Zip Code _____

Work Phone _____ Cell Phone _____ Fax Number _____

Email Address _____

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 property line, right-of-way, easement or any other area under control of person generating or allowing fugitive dust, if fugitive dust may:

- 1) With reasonable probability injure human health or animal or plant life;
- 2) Unreasonably interfere with public welfare, visibility or reasonable use of property;
- 3) Be visible for a total of 15 minutes or more during any consecutive one-hour observation period using 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 Department.

Pursuant to Air Quality Control Act, Chapter 74, Article 2 New Mexico Statutes Annotated 1978, as amended, Albuquerque Joint Air Quality Control Board Ordinance, 9-5-1-1 ROA 1994, Bernalillo County Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5, & 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, & 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 Fugitive Dust Control Programmatic Permit.

Area Below For Department Use

If Department approval below includes approval for any 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____
_____ SIGNATURE		_____ SIGNATURE		



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. 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.
3. 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.” 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.
4. 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.
5. If necessary, continue answers on a separate page and identify the question. If you submit any document in connection with your answer to any question, refer to it as, “Exhibit No. __”, and attach it at the end of the Compliance History Disclosure Form, consecutively numbering each additional page at the top right corner.
6. 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.
7. Supplementary information required by the Program may include responses to public comment received by the Program during the application review process.
8. 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: Applicant 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, answer the following questions with information from within the 10 years preceding the Program's issuance of the 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	If "No" to question 5a, go to question 6. 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: 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 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.	<input type="checkbox"/> Yes <input type="checkbox"/> No
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, 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