

---

**From:** Fiedler, Marcelle [mailto:Marcelle.Fiedler@pnmresources.com]

**Sent:** Monday, July 09, 2007 2:27 PM

**To:** Butt, Neal T.

**Cc:** Maestas, Ken; Moye, Laurie; Winner, Curtis

**Subject:** Fugitive Dust Comments

Neal

Attached are comments from PNM regarding the fugitive dust control regulation amendments.

Can you tell us the date of the upcoming hearing for this regulation?

Thanks

Marcelle

**Marcelle Fiedler**

**PNM Alvarado Square MS 2104**

**Albuquerque, NM 87158**

**ph: 505-241-0665**

**fax: 505-241-2384**

**cell: 505-220-1056**

PNM Resources  
Alvarado Square  
Albuquerque, NM 87158-2104  
www.pnmresources.com  
505.241.2031  
Fax: 505.241.2376



July 9, 2007

Neal Butt  
Albuquerque Environmental Health Department  
One Civic Plaza NW  
PO Box 1293  
Albuquerque, NM 87103

RE: Comments to amendments to the Air Quality Control Board regulation 20.11.20 NMAC, Fugitive Dust Control

These comments are filed on behalf of the Public Service Company of New Mexico (PNM) in response to the proposed amendment to the Air Quality Control Board regulation, 20.11.20 NMAC, Fugitive Dust Control.

For the most part, PNM feels the revisions do a good job of simplifying the Fugitive Dust Control regulation. One change PNM would like to see is the addition of unpaved roadways along electric and gas easements to the "Conditionally Exempt" category. Often the access roads to PNM's gas and electric facilities are 18 inch wide two tracks, which are used by PNM infrequently for maintenance and emergency work. PNM feels these roads fall into the same category as the already "Conditionally Exempt" unpaved roadways on United States department of agriculture forest service lands, United States department of interior park service lands, and United States department of energy or department of defense lands, if the public does not have motor vehicle access to the roadways. PNM's easements are primarily on private lands that are not publicly accessible.

PNM appreciates the opportunity to comment on the proposed regulation changes.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marcelle Fiedler".

Marcelle Fiedler  
Senior Environmental Scientist  
Public Service Company of New Mexico  
Alvarado Square MS 2104  
Albuquerque, NM 87158

Cc: Ken Maestas  
Laurie Moye

---

**From:** Liberatore, John J.  
**Sent:** Wednesday, August 22, 2007 4:57 PM  
**To:** 'Marcelle.Fiedler@pnmresources.com'  
**Cc:** Tavarez, Isreal L.; Albrecht, Christopher P.; Nieto, Margaret ; Butt, Neal T.  
**Subject:** Response to fugitive dust stakeholder comments

Mr. Fiedler,

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.



PNM stakeholder  
response 8-07...

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.

**Public Service Company of New Mexico**  
**PNM Resources**  
**Marcelle Fiedler**  
**Senior Environmental Scientist**

RE: Comments to amendments to the Air Quality Control Board regulation 20.11.20 NMAC, Fugitive Dust Control

These comments are filed on behalf of the Public Service Company of New Mexico (PNM) in response to the proposed amendment to the Air Quality Control Board regulation, 20.1 1.20 NMAC, Fugative Dust Control.

For the most part, PNM feels the revisions do a good job of simplifying the Fugitive Dust Control regulation. One change PNM would like to see is the addition of unpaved roadways along electric and gas easements to the “Conditionally Exempt” category. Often the access roads to PNM’s gas and electric facilities are 18 inch wide two tracks, which are used by PNM infrequently for maintenance and emergency work. PNM feels these roads fall into the same category as the already “Conditionally Exempt” unpaved roadways on United States department of agriculture forest service lands, United States department of interior park service lands, and United States department of energy or department of defense lands, if the public does not have motor vehicle access to the roadways. PNM’s easements are primarily on private lands that are not publicly accessible.

PNM appreciates the opportunity to comment on the proposed regulation changes.

**RPAC response: The Public Service Company of New Mexico (PNM) submitted a Fugitive Dust Control**

**Programmatic Permit application to the department and was issued a programmatic permit by the department, which includes the routine movement of motorized vehicles on the unpaved roadway surfaces of their access roads to the gas and electric facilities. If PNM believes that their programmatic permit was over-estimated to include areas not accessible to the public, then a new programmatic permit application may be submitted to the department to accurately reflect the total surface area disturbed or updated fugitive dust abatement strategies that are in place, especially if the modified application has an effect on the currently established annual fee. There is no filing and review fee for submittal of a programmatic permit application.**