



Fact Sheet: Proposed Amendments to 20.11.20 NMAC- Fugitive Dust Control

The City of Albuquerque Environmental Health Department Air Quality Program (AQP) is proposing amendments to Part 20 of the New Mexico Administrative Code (20.11.20 NMAC), Fugitive Dust Control.

- Increased high wind events and storms resulting in high levels of particulate matter (PM) indicate the need to update the regulation to ensure that it effectively controls fugitive dust.
- In 2024, the AQP submitted a High Wind Dust Mitigation Plan to the Environmental Protection Agency (EPA). The plan includes improvements to the existing 20.11.20 NMAC to better address fugitive dust throughout Albuquerque-Bernalillo County.

The proposed amendments would:

- Prohibit the expiration of a construction or programmatic permit without stabilizing the site.
- Require a new programmatic permit if the scope of activities covered by an existing permit change before it expires.
- Ensure that construction and programmatic permits cover any staging areas, laydown yards, and temporary parking.
- Require all operators, contractors, and employees to read and understand the requirements of the applicable fugitive dust permit.
- Allow flexibility for permittees to continue to be able to choose from a list of reasonably available control measures that suit their particular project and their budget.
- Include language regarding asbestos inspections and NESHAP notifications that aligns more with federal regulations.

We welcome feedback on the current redline draft, whether in writing or at a public input session. Thank you.