



# Environmental Health Department - Air Quality Program

Physical Address: One Civic Plaza NW, 3<sup>rd</sup> Floor, Room 3047, Albuquerque, New Mexico 87102  
Mailing Address: P.O. Box 1293, Albuquerque, New Mexico 87103  
505-768-1972 (Voice) 1-800-659-8331 (New Mexico Relay) 505-768-1977 (Fax)



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: 01/01/21

**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): \_\_\_\_\_

A4. Major cross streets or nearby intersection: \_\_\_\_\_

**\*\*\* SITE MAP MUST BE ATTACHED to this application (8 1/2" 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 \_\_\_\_\_ ft<sup>3</sup>

- Fugitive Dust Control Construction Permit Application is required for building demolitions over **75,000 ft<sup>3</sup>** & 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 **no earlier than:**

**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 access & fencing shall be anchored 6 inches below surface on bottom edge, & shall be 24 or more inches above existing natural or manmade surface.**

- 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. PM<sub>10</sub>);
- 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) \_\_\_\_\_ yds<sup>3</sup>

**B6.a.1.** Volume of bulk material to be **Imported** to this project site \_\_\_\_\_ yds<sup>3</sup>

**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 \_\_\_\_\_ yds<sup>3</sup>

**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**

TOTAL PROJECT ACREAGE TO BE DISTURBED	FILING & REVIEW FEE	CHECK ONLY ONE BOX	DEPARTMENT USE ONLY
			PROGRAM ELEMENT
<b>(Demolition Only)</b> Less than 3/4 acre but greater than 75,000 cubic feet	\$250.00		2101
3/4 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	\$136.00	=	\$ .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)	=	\$136.00	

**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**

GPS COORDINATES (center or start of project): N \_\_\_\_\_ W \_\_\_\_\_

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
_____	____/____/20____	_____	____/____/20____	____/____/20____
<b>AIR QUALITY PROGRAM</b>		<b>AIR QUALITY PROGRAM</b>		

Department Review by \_\_\_\_\_ Permittee's Initials \_\_\_\_\_