



New Mexico Environment Department

Dust Mitigation Plan and Fugitive Dust Rule

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Overview

Dust Mitigation Plan

- Required and Included Elements

Fugitive Dust Rule

- Scope
- Applicability
- Compliance



A dust storm, or haboob begins to descend over Las Cruces on Saturday, June 24, 2017. Photo: Courtesy Robert Paquette



Monitoring for PM

- **PM₁₀ Sites**
 - Deming
 - West Mesa
 - Holman
 - Chaparral
 - Anthony
 - Desert View
- **PM_{2.5} Sites**
 - Anthony
 - Desert View
 - Las Cruces
 - Santa Teresa





Violating the NAAQS: Non-attainment

- 1987 PM₁₀ National Ambient Air Quality Standard (NAAQS)
 - ▣ 150 $\mu\text{g}/\text{m}^3$
 - ▣ Based on exceedances
 - Three year average
 - No more than once/year
- Non-attainment status results in:
 - ▣ Elevated controls
 - ▣ Increased permitting requirements
 - ▣ Emission inventory
 - ▣ Possible adverse economic impact
 - ▣ SIP Development
- Not appropriate in some situations
 - ▣ Exceptional Events Rule



Exceptional Events Rule 40 CFR 50.14

- PM exceedances due to Wildfires, Stratospheric Intrusions, Fireworks, Wind Blown Dust events.
- Demonstration may be submitted to EPA for exceptional events with an exceedance(s) and a resulting violation of a NAAQS.
- Exceptional Events Demonstration must include:
 - Clear Causal Relationship
 - Human Activity Unlikely to Recur or Natural Event
 - Not Reasonably Controllable or Preventable



PM₁₀ Mitigation Plans

CAA section 319

40 CFR 51.930

- Required for Recurring Events

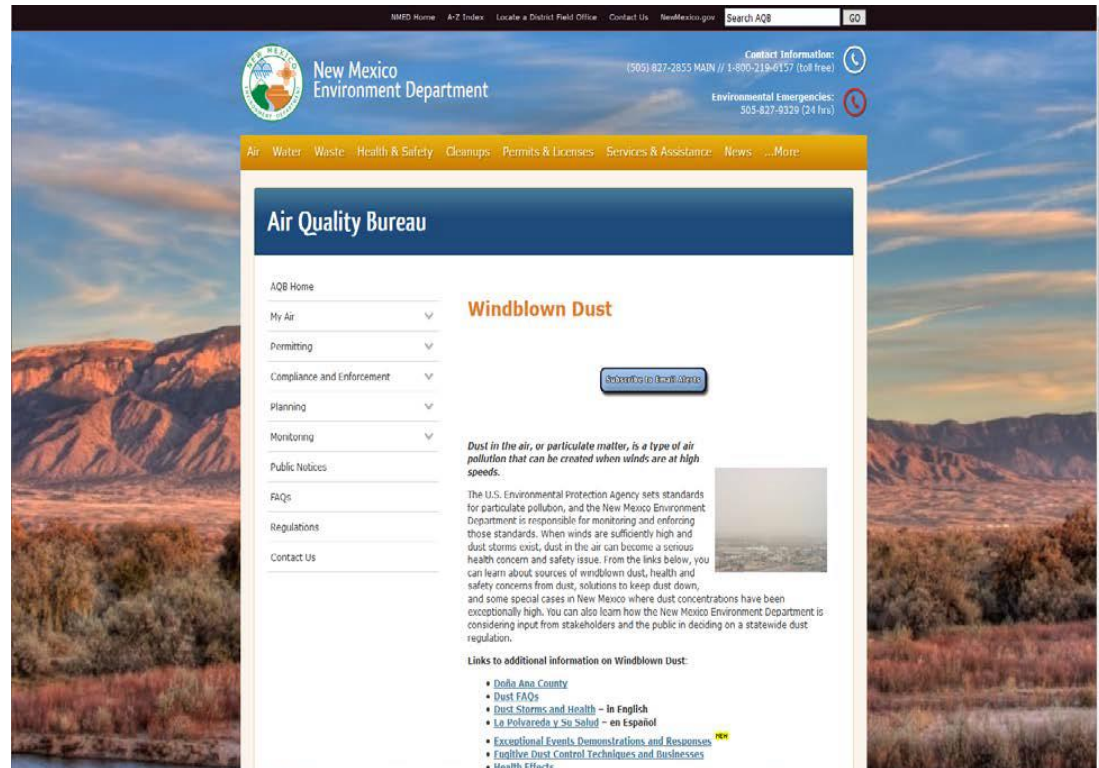
NMED's Dust Mitigation Plan applies to Luna and Doña Ana Counties

- Public notification and education programs
 - ▣ Advanced notice of event/forecasting
 - ▣ Outreach and Education mechanisms
 - ▣ Health advisories
- Implement mitigating measures
 - ▣ Minimize public exposure
 - ▣ Measures to abate controllable sources
- Consultation with air quality managers
- Periodic review and evaluation
 - ▣ Three year schedule



Windblown Dust Webpage

- FAQ's
- Health Effects Information
- Dust Sources
- Control Methods




■ <https://www.env.nm.gov/air-quality/dust-main-page/>



Public Notification

Sign up for the
AQB's Border Air
Quality Listserv

www.env.nm.gov/air-quality/



**New Mexico
Environment Department**

Air Quality Bureau Windblown Dust Bulletin

Having trouble viewing this email? [View it as a Web page.](#)

The National Weather Service (NWS) has issued a High Wind Watch, Advisory or Warning for all of New Mexico for Wednesday, April 10. A strong cold front will move across the state today, dropping temperatures and increasing wind speeds this morning. Expect blowing dust in erosion prone areas, especially in southern New Mexico, from the Bootheel through the Borderland and into the Permian Basin where the NWS has issued a Blowing Dust Advisory.

NMED encourages residents to take precautions to protect their health from the hazards of blowing dust. Dust can aggravate existing conditions and cause serious breathing problems. People with heart and/or lung disease, adults over the age of 65, young children, and pregnant women should minimize outdoor activities and stay inside during times of poor air quality due to blowing dust.

Residents and businesses in Doña Ana and Luna Counties subject to NMED's fugitive dust rule ([20.2.23 NMAC](#)), should take extra precautions to ensure that effective control measures are in place for all sources of fugitive dust under their control. Dust control plans and compliance records should be kept onsite and made available to NMED compliance staff upon request.

Visit the [NWS](#) website for additional weather information and [NMED's Monitoring and Dust](#) website for current air quality, wind conditions, health information and compliance resources.



Public Notification

Follow NMED
on Twitter

@NMEnvDep

#IamNMED



New Mexico Environment Department

@NMEnvDep

Follow

#NMED's Air Quality Bureau encourages residents in affected areas in southern #NewMexico to take precautions to protect their health from the hazards of blowing dust, including people with heart/lung disease, the elderly, young children and pregnant women.



NWS El Paso @NWSEIPaso

724am Wind Advisory in effect this afternoon; High Wind Watch in effect Friday afternoon. See details here. #txwx #nmwx business.facebook.com/NWSEIPaso/phot...

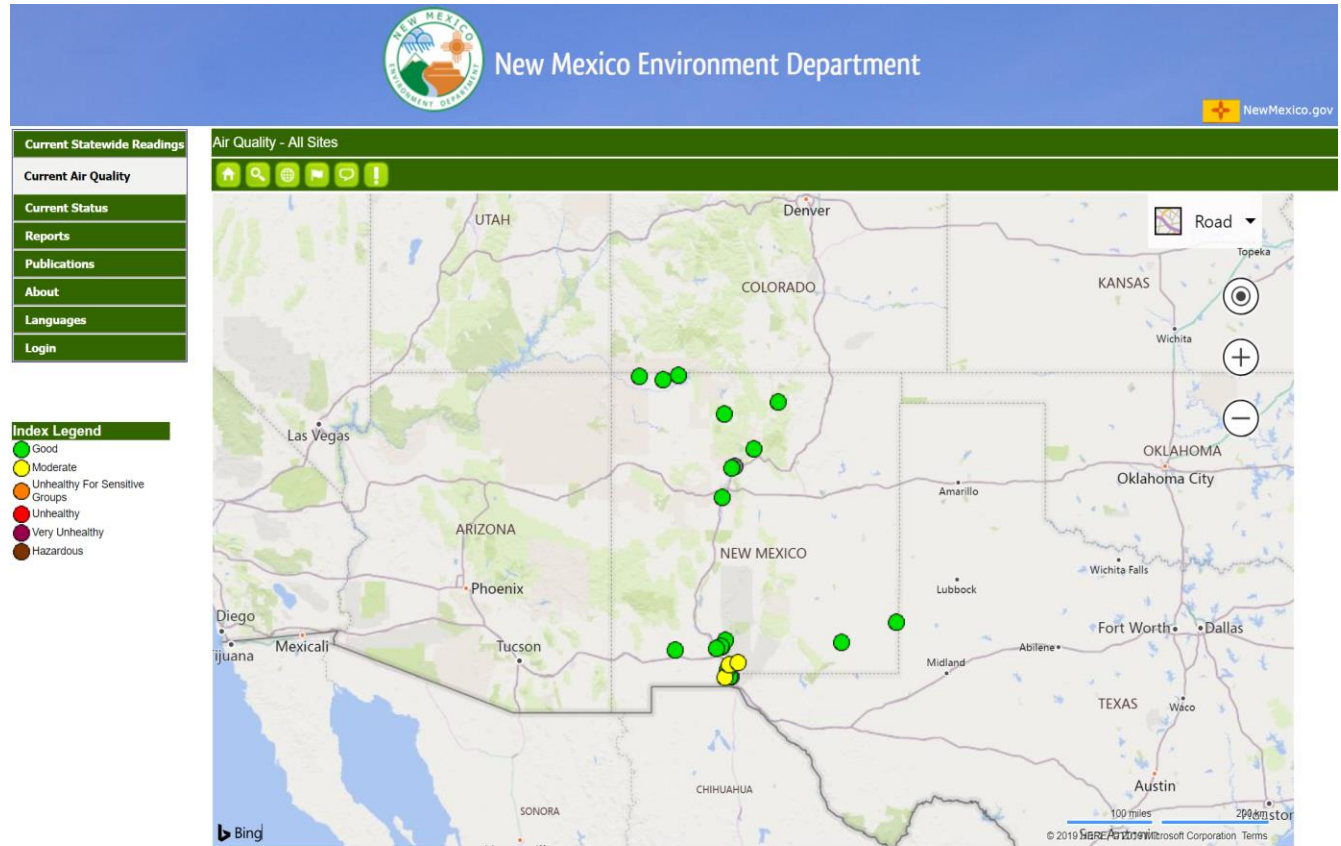
2:11 PM - 7 Mar 2019



Public Notification

Visit the AQB's
Air Quality
Monitoring
Website

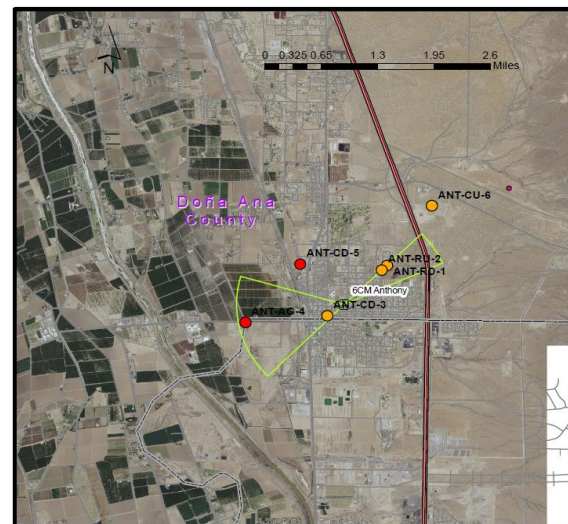
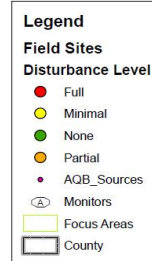
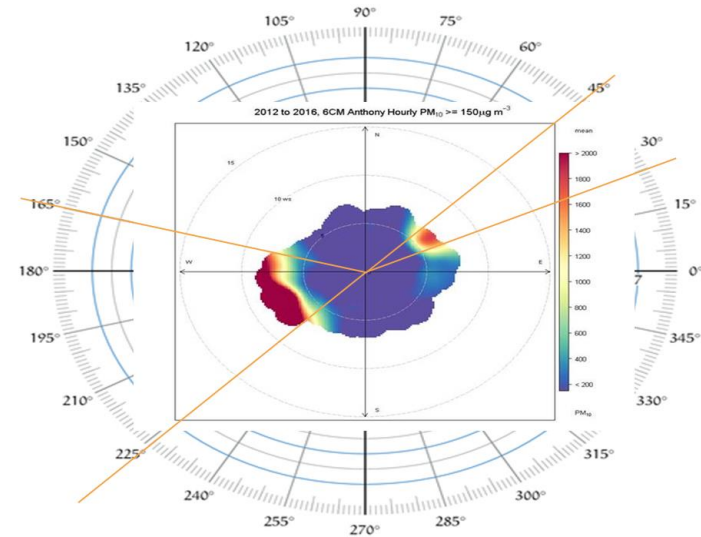
nmaqinow.net





Mitigation Measures

- Regulated Sources
 - ▣ FD Micro-Inventory (NMED, 2018)
 - ▣ PM EI for DAC (Environ, 2004)
 - ▣ Public Input
- Voluntary
 - ▣ NRCS Conservation Measures-Agricultural
 - BMP
- Mandatory
 - ▣ Local Dust Control Ordinances
 - ▣ SIP for Anthony PM₁₀ Non-Attainment Area - 1991
 - ▣ Fugitive Dust Control, 20.2.23 NMAC



Fugitive Dust Control, 20.2.23

NMAC

Objective

Scope and Applicability

Compliance and Enforcement



Fugitive Dust Rule

- Became effective January 1, 2019
- Objective
 - Protect public health
 - Minimize human-caused emissions
 - Fulfill Exceptional Events Rule (40 CFR 50.14) and DMP requirements
 - Avoid a nonattainment designation
 - Doña Ana and Luna Counties
- Scope
 - Size/Activity level thresholds



Fugitive Dust Rule

- Regulated Sources or Activities
 - ▣ Disturbed Surface Areas ≥ 1.0 Acre
 - Construction/demolition
 - Earthmoving
 - Open/vacant land
 - Unpaved lots/traffic areas
 - ▣ Material storage and transport
 - ▣ Roads Under Construction
- Exemptions
 - ▣ Agriculture
 - ▣ Travel on Unpaved/Paved Roads
 - ▣ Permitted Operations (Air Quality or Mining)
 - ▣ Military Activities





Fugitive Dust Rule

□ Compliance

▣ Emission limitation

- Method 22
 - Fence line emissions
 - No more than 5 minutes per 60 minute period

▣ Record Keeping

- Control Measures
- Application

▣ Dust Control Plan

- BACM

□ Enforcement

▣ Complaint Based

- On-line complaints @ www.env.nm.gov
- AQB Compliance Section (505) 476-4300

▣ Civil Penalty Policy - Fines

- Voluntary Compliance
- Warning (in writing)
- NOV
- AOC
- District Court



2020 Southern Doña Ana County Dust Conference

- Spring 2020 Dust Conference will be hosted in Las Cruces by NMED....stay tuned...
- Stakeholders (Local, State, Federal, Academia, etc..)
- Presentations
- Informational Posters
- Past/Ongoing Research
- Regulatory Approaches
- Areas of Growth
- Regional Problems



Questions and Contact Information

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