

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 22 FUGITIVE PARTICULATE MATTER EMISSIONS FROM ROADS WITHIN THE TOWN OF HURLEY

20.2.22.1 ISSUING AGENCY: Environmental Improvement Board.
[11/30/95; 20.2.22.1 NMAC - Rn, 20 NMAC 2.22.100 10/31/02]

20.2.22.2 SCOPE: The town of Hurley, New Mexico.
[11/30/95; 20.2.22.2 NMAC - Rn, 20 NMAC 2.22.101 10/31/02]

20.2.22.3 STATUTORY AUTHORITY: Environmental Improvement Act, NMSA 1978, section 74-1-8(A)(4) and (7), and Air Quality Control Act, NMSA 1978, sections 74-2-1 et seq., including specifically, section 74-2-5(A), (B) and (C).
[11/30/95; 20.2.22.3 NMAC - Rn, 20 NMAC 2.22.102 10/31/02]

20.2.22.4 DURATION: Permanent:
[11/30/95; 20.2.22.4 NMAC - Rn, 20 NMAC 2.22.103 10/31/02]

20.2.22.5 EFFECTIVE DATE: November 30, 1995.
[11/30/95; 20.2.22.5 NMAC - Rn, 20 NMAC 2.22.104 10/31/02]
[The latest effective date of any section in this Part is 10/31/02.]

20.2.22.6 OBJECTIVE: The objective of this Part is to establish fugitive particulate matter emission standards for roads within the town of Hurley.
[11/30/95; 20.2.22.6 NMAC - Rn, 20 NMAC 2.22.105 10/31/02]

20.2.22.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (Definitions), as used in this Part:

A. "Fugitive particulate matter emissions" means dust or other solid material released to the atmosphere from any road surface.

B. "Part" means an air quality control regulation under Title 20, Chapter 2 of the New Mexico Administrative Code, unless otherwise noted; as adopted or amended by the Board.

C. "Road" means streets or highways, including the shoulders thereof, but does not include driveways, alleys or parking areas.

[11/30/95; 20.2.22.7 NMAC - Rn, 20 NMAC 2.22.107 10/31/02]

20.2.22.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation ("AQCR") 511 -- Fugitive Particulate Matter Emissions from Roads Within the Town of Hurley last filed on November 21, 1978.

A. All references to AQCR 511 in any other rule shall be construed as a reference to this Part.

B. The amendment and supersession of AQCR 511 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 511.

[11/30/95; 20.2.22.8 NMAC - Rn, 20 NMAC 2.22.106 10/31/02]

20.2.22.9 - 20.2.22.107 [RESERVED]

20.2.22.108 REQUIREMENTS: The owner or person responsible for maintaining any road within the municipal limits of the town of Hurley shall not permit, cause, suffer, or allow the use of such roads unless the surface of the road is paved, maintained with adequate cover of crushed stone, treated periodically with dust suppressant chemicals or oils, or utilize other control measures approved by the Department to minimize the release of fugitive particulate matter emissions to the atmosphere.

[11/30/95; 20.2.22.108 NMAC - Rn, 20 NMAC 2.22.108 10/31/02]

HISTORY OF 20.2.22 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records-state records center and archives:

AQCR 511, Fugitive Particulate Matter Emissions From Roads Within The Town Of Hurley, 11/21/78.

History of Repealed Material: [RESERVED]

Other History:

AQCR 511, Fugitive Particulate Matter Emissions From Roads Within The Town Of Hurley, 11/21/78 was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.22, Fugitive Particulate Matter Emissions From Roads Within The Town Of Hurley, filed 10/30/95.

20 NMAC 2.22, Fugitive Particulate Matter Emissions From Roads Within The Town Of Hurley, filed 10/30/95 was **renumbered, reformatted and replaced** by 20.2.22 NMAC, Fugitive Particulate Matter Emissions From Roads Within The Town Of Hurley, effective 10/31/02.