

APPENDIX F

LETTERS OF SUPPORT

STATE OF NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT

LETTER FROM NMED SUPPORTING DOÑA ANA COUNTY EROSION CONTROL
ORDINANCE

LETTER FROM EPA-REGION VI



STATE OF NEW MEXICO
Economic Development Department

Gary E. Johnson
Governor

Joseph M. Montoya Building
P.O. Box 20003
Santa Fe, New Mexico 87504-5003
Phone: (505) 827-0300

John A. Garcia
Cabinet Secretary

December 4th, 2000

Kim Kirby
Program Coordinator
State of New Mexico Environment Department
Office of the Secretary
Harold Runnels Building
1190 St. Francis Drive
PO Box 26110
Santa Fe, New Mexico 87502-6110

Dear Ms. Kirby,

Thank you for the information regarding the dust and particulate matter problem in Doña Ana County. Unfortunately, there were no NMEDD representatives available to attend the November 20th meeting in Santa Fe; however, the information you provided via direct mail and phone communication were adequate to fully inform us of this important situation.

Our department would like to extend its support in your efforts to create a NEAP for Doña Ana County adequate in scope to prevent Doña Ana's designation as a non-attainment area. We will work through our Regional Representative for District 7, which includes Doña Ana County, to support your efforts in any manner we can. Our support will include information sharing with our clients in Doña Ana and referrals to Janine Divyak, the Doña Ana County representative for your program.

If you have any comments or questions, please contact Rebecca A. Rizzuti, at (505) 827-2358 or rebeccar@edd.state.nm.us.

Thank-you

A handwritten signature in black ink, appearing to read "Rebecca Rizzuti".

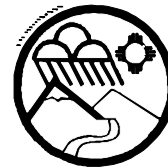
Rebecca Rizzuti,
Regional Representative, District 7
State of New Mexico Economic Development Department

State of New Mexico
ENVIRONMENT DEPARTMENT

Office of the Secretary
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502-6110
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GARY E. JOHNSON
GOVERNOR



PETER MAGGIORE
SECRETARY

PAUL R. RITZMA
DEPUTY SECRETARY

.state.nm.us

December 15, 2000

County Board of Commissioners
Doña Ana County Government
180 West Amador Ave
Las Cruces, NM 88001

Dear County Board of Commissioners,

I am writing this letter in support of the proposed Doña Ana County Erosion Control Regulation ordinance as submitted for your review. The New Mexico Environment Department (NMED) believes that Doña Ana County is currently faced with a situation that could be detrimental to economic growth, tourism, and public health. The situation is caused by windblown dust generated during high winds from man-made sources. Local government staffs from Doña Ana County and the City of Las Cruces, assisted by the state's Environment Department, have been working on this windblown dust issue for the past several years. The issue has been addressed by means of public outreach and through the development of the erosion control ordinance before you this day and the existing related city ordinance.

In the past, exceedances of the standard for particulate matter or PM10 (dust) such as those observed in Doña Ana County would have resulted in an area being designated non-attainment. The U.S. EPA informed the NMED that a Natural Events Action Plan (NEAP) would need to be developed to reduce adverse health effects from dust in this area. The NMED has historically viewed development of the NEAP by both local and state affected entities as the key to a successful submittal of this document. If an adequate NEAP is *not* developed for Doña Ana County by December 2000, the U.S. EPA will designate this area as "non-attainment" for PM10. This will trigger a number of onerous federal requirements and generally have a negative impact on the ability of Las Cruces and Doña Ana County to develop economically and regulate their own resources. These requirements may restrict the influx of new businesses into the area, area construction and development, and may affect federal funding for road and highway construction and maintenance projects.

The NMED holds to the belief that local governments are best equipped to deal with this type of

local situation, and that they should maintain control in implementing solutions as appropriate. The City of Las Cruces and Doña Ana County have taken an active role in developing regulations that could limit the amount of man-made dust within the city and county limits. The NMED feels that the proposed erosion control regulation ordinance as submitted by Doña Ana County for your review does provide an adequate level of dust control needed to limit the amount of dust within the county limits.

I'm asking for your full support of the proposed Doña Ana County Erosion Control Regulation ordinance, and for the Board of Commissioners to continue to assist in preventing the area from being designated non-attainment by the U.S. EPA. Your support is crucial to the success of this project.

I thank you for your time and consideration on this matter.

Sincerely,

A handwritten signature in black ink that reads "Peter Maggiore". The signature is written in a cursive, flowing style.

Peter Maggiore
Cabinet Secretary
New Mexico Environment Department

PM:gc



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX, 75202-2733

DEC 13 2000

Mr. Peter Maggiore
Secretary
New Mexico Environment Department
P.O. Box 26110
Santa Fe, NM 87502-6110

Dear Mr. Maggiore:

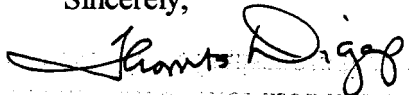
I want to outline our support in your effort to address the impending particulate matter nonattainment designation in Doña Ana County, New Mexico, through the use of the Natural Events Policy. Through the use of stakeholder agreements and ordinances put in place by local officials, the State seems well positioned to use the Natural Events Action Plan (NEAP) to avoid nonattainment, while addressing the public health and environmental issues that come with diminished air quality.

We have reviewed the draft Erosion Control Regulations: Ordinance that you forwarded to our office, now under consideration in Doña Ana County. We express unqualified support for the ordinance, as an effective mechanism to implement the NEAP. Many elements of the ordinance are common methods for erosion and dust control used in other areas, either for specific erosion and dust abatement, or for prevention of nuisances that are prohibited under specific "nuisance" ordinances.

As our agencies have discussed in stakeholder meetings, the emphasis of the NEAP is on prevention of high particulate matter events as a product of high winds, combined with fresh soil easily entrained because it was recently disturbed by some activity that made it available for entrainment. With this in mind, local inspectors are likely to place an emphasis on non-disturbance methods and mitigating necessary disturbance. The ordinance has a number of these provisions that should be successful at minimal real cost. This will require education and outreach with stakeholders and residents. We hope to have a success story that can be shared with other areas when the plan comes under evaluation later.

If you have any issues or questions to bring to our attention, please feel free to call on me or Matthew Witosky, of my staff, at 214-665-7214.

Sincerely,


Thomas Diggs
Chief
Air Planning Section

cc: Lany Weaver