Jones, Elizabeth A.

AQD Ex. #1q

From: Butt, Neal T.
Sent: Thursday, December 20, 2012 10:45 AM
To: Jones, Elizabeth A.
Subject: FW: Comments on proposed changes to 20.11.41 NMAC Authority to Construct

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From: fred.fraiser@faa.gov [mailto:fred.fraiser@faa.gov]
Sent: Thursday, August 16, 2012 1:01 PM
To: Butt, Neal T.
Cc: John.Paolino@faa.gov; Wayne.L-CTR.Swisher@faa.gov
Subject: Comments on proposed changes to 20.11.41 NMAC Authority to Construct

Neal,

I reviewed the document you submitted, as well as the links referenced in the mailing. I found a copy of the original 2008 DRAFT which answered some of my questions regarding permit expiration and renewal. I do have a couple comments or concerns with some of the provisions.

PUBLIC NOTICE REQUIREMENTS:
In some cases, the nearest affected organization may not be a neighborhood. Case in point-the Mesa del Sol Coalition that includes most, if not all, the industrial occupants of the Mesa del Sol development. There are currently no 'neighborhoods' in the proximity of our two existing sites. located in the extended Mesa del Sol development area, licensed under permit number 2150. There are however, several industrial users who may benefit from the notification process, or who may wish to comment on proposed construction.

TIME LIMIT FOR TEMPORARY RELOCATIONS:
We recently experienced an emergency power generator failure for one of the critical Albuquerque Sunport Navigational Aids. The facility required the immediate installation of a temporary engine-generator, collocated with the existing failed engine-generator. This temporary installation lasted over a year while the Federal Aviation Administration made arrangements to replace the existing failed engine-generator. However, this particular situation may be addressed by another area, which immediately follows.

PERMIT EXEMPTIONS:
I did see where under the proposed changes that certain activities would be exempt from the permitting process. I would like to see the inclusion of emergency temporary replacements, for public safety reasons, perhaps specifically mentioning safety-of-flight and continuity-of-service facilities used in the National Airspace System, regardless of who owns or maintains them. The proposed exemption for 'use of portable construction equipment, such as power generation equipment' may cover that issue already, but I would like to see specific language that exempts the scenario I have described. There are a number of facilities owned and operated within CABQ that are owned by federal, state, city, and private entities that are part of the National Airspace System, and are not always maintained by the owner of the facility.

Please contact me if you need any clarification, or have any questions regarding my comments, and thanks for including us in this important review.

Fred Fraiser
Manager, Albuquerque Terminal RADAR/Comm SSC
WCG52-ABQ
(505) 856-4942 Ofc
(505) 917-6760 Mobile

Tavarez, Isreal L.

From: Tavarez, Isreal L.
Sent: Thursday, September 20, 2012 3:04 PM
To: 'fred.fraiser@faa.gov'
Cc: 'john.Paolino@faa.gov'; 'Wayne.L-CRT.Swisher@faa.gov'
Subject: Albuquerque EHD Response to FAA's Comments Regarding Proposed 20.11.41 NMAC, Construction Permits

Attachments: EHD Response 9-20-12 to FAA 20_11_41 NMAC comments 8-16-12.pdf

Dear Mr. Fraiser:

Thank you for submitting your comments regarding the proposed repeal and replacement of 20.11.41 NMAC which is the minor stationary source air quality regulation. Please find attached a response to the comments you submitted in your letter dated August 16, 2012, sent to Neal Butt of the Air Quality Division.

Respectfully,

Isreal L. Tavarez, P.E.
Environmental Health Manager
Permitting Division
Air Quality Programs
City of Albuquerque Environmental Health Department

EHD Response
9-20-12 to FAA 20...

CITY OF ALBUQUERQUE

Environmental Health Department
Mary Lou Leonard, Director

September 20, 2012

Fred Fraiser
Manager, Albuquerque Terminal RADAR/Comm SCC
WCG53-ABQ

Sent via e-mail to fred.fraiser@faa.gov

RE: Albuquerque Environmental Health Department Response to FAA's Comments Regarding Repeal of 20.11.41 NMAC Authority to Construct and Replacement with 20.11.41 NMAC, Construction Permits

Environmental Health Dept.

Air Quality Division

PO Box 1293

Albuquerque, NM 87103

www.cabq.gov

Dear Mr. Fraiser:

Thank you for submitting your comments regarding the proposed repeal and replacement of 20.11.41 NMAC which is the minor stationary source air quality regulation. Please find below a response to the comments you submitted in your letter dated August 16, 2012, sent to Neal Butt of the Air Quality Division. The City of Albuquerque Environmental Health Department (Department) has provided a response to your e-mail and has numbered your comments in order to better identify each comment and response.

1. *PUBLIC NOTICE REQUIREMENTS:*
   In some cases, the nearest affected organization may not be a neighborhood. Case in point-the Mesa del Sol Coalition that includes most, if not all, the industrial occupants of the Mesa del Sol development. There are currently no 'neighborhoods' in the proximity of our two existing sites. located in the extended Mesa del Sol development area, licensed under permit number 2150. There are however, several industrial users who may benefit from the notification process, or who may wish to comment on proposed construction.

   The Department acknowledges there are areas in Albuquerque and Bernalillo County where a proposed air quality permit may not be located in a neighborhood. The Department agrees that notification to coalitions like the Mesa del Sol Coalition would be beneficial. Therefore, the Department has edited Paragraph (1) of Subsection B of 20.11.41.13 NMAC of proposed regulation regarding the applicant's public notice requirements and Paragraph (6) of Subsection B regarding 2.11.41.14 NMAC for the Department's public notice requirements. Please also note that posting the required notification sign will provide additional notice to the public.

2. *LIMIT FOR TEMPORARY RELOCATIONS:*
We recently experienced an emergency power generator failure for one of the critical Albuquerque Sunport Navigational Aids. The facility required the immediate installation of a temporary engine-generator, collocated with the existing failed engine-generator. This temporary installation lasted over a year while the Federal Aviation Administration made arrangements to replace the existing failed engine-generator. However, this particular situation may be addressed by another area, which immediately follows.

   The FAA may have been able to address the described situation under the Emergency Permit provision of 20.11.41.22 NMAC in the current *Authority To Construct* regulation. The Emergency Permit provision is provided in 20.11.41.24 NMAC of the proposed *Construction Permit* regulation. The Emergency Permit provision, 20.11.41.22 NMAC of the current regulation states: "The department may issue an emergency permit when the director determines an emergency situation exists that threatens public health, safety or welfare, and that a source subject to 20.11.41 NMAC should be immediately constructed, modified or relocated in order to mitigate, prevent or remedy the emergency."

3. *PERMIT EXEMPTIONS:*
I did see where under the proposed changes that certain activities would be exempt from the permitting process. I would like to see the inclusion of emergency temporary replacements, for public safety reasons, perhaps specifically mentioning safety-of-flight and continuity-of-service facilities used in the National Airspace System, regardless of who owns or maintains them. The proposed exemption for 'use of portable construction equipment, such as power generation equipment' may cover that issue already, but I would like to see specific language that exempts the scenario I have described. There are a number of facilities owned and operated within CABQ that are owned by federal, state, city, and private entities that are part of the National Airspace System, and are not always maintained by the owner of the facility.

   The situation described may be able to be addressed under the Emergency Permit provision discussed above in the Department's response to your item #2. The proposed exemption for 'use of portable construction equipment, such as power generation equipment' is for equipment that is portable and not for equipment that is determined to be a stationary source such as a back up emergency generator. The Department encourages the Federal Aviation Administration and other regulated entities to contact the Department as soon a possible when these type of situations occurred, as required by 20.11.41 NMAC, so that the appropriate regulatory steps can be taken.

Thank you again for providing your comments. If you would like to discuss the information in this response please contact me at 768-1965 or at itavarez@cabq.gov.

Respectfully,

Isreal L. Tavarez

Isreal L. Tavarez, P.E.
Environmental Health Manager
Permitting Division
Air Quality Programs
City of Albuquerque Environmental Health Department

cc: John.Paolino@faa.gov
Wayne.L-CRT.Swisher@faa.gov
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