AQD Ex. #1w

Jones, Elizabeth A.

From: Butt, Neal T.
Sent: Thursday, December 20, 2012 10:43 AM
To: Jones, Elizabeth A.
Subject: FW: Lafarge Comments on Proposed Regulation Changes

Attachments: Comments on Proposed Minor Source Regulation Changes 8-23-2012.pdf

Comments on
roposed Minor Sou.

-----Original Message-----
From: Christine.Felz@lafarge-na.com [mailto:Christine.Felz@lafarge-na.com]
Sent: Thursday, August 23, 2012 3:35 PM
To: Butt, Neal T.
Subject: Lafarge Comments on Proposed Regulation Changes

Hi Neal,
Please find attached Lafarge comments on the proposed regulation changes to 20.11.41 NMAC. Thank you for the time extension.

Do you know when the proposed regulations will go into effect?

(See attached file: Comments on Proposed Minor Source Regulation Changes 8-23-2012.pdf)

Christine Felz | CO AZ NM | Environmental & Public Affairs Manager | Lafarge

(Phone (303) 657-4342 | (Mobile (303) 809-7231 | 7 Fax (815) 483-2372

* Email Christine.Felz@lafarge-na.com | < Web lafargenorthamerica.com

August 23, 2012

Neal Butt
Environmental Health Scientist
Control Strategies Section
Air Quality Division
City of Albuquerque

RE: **Lafarge Comments Regarding Repeal of 20.11.41 NMAC Authority to Construct and Replacement with 20.11.41 NMAC, Construction Permits**

Dear Mr. Butt,

Listed below are Lafarge's comments on the 1st Amended Public Review Draft for Stakeholder Review:

Current Regulation	Proposed Regulation	Lafarge Comments
No time limit established for temporary relocations of portable stationary sources	Established a time limit of 365 consecutive days for temporary relocation of a portable stationary source	We believe that a 356 day period is arbitrary, and could have a negative impact on our operations. We request that the revision include the ability to request a longer time limit in the permit application if necessary. The requested time period can be evaluated on the basis of the situation, rather than based on an arbitrary period.
There is no air permit term and the air quality permits do not expire	Air quality permits will be valid for 10 years and must be renewed	We do not believe that a permit term is required, considering that a permit and associated controls will be reviewed as a matter of course during any modification. We recommend that the City should consider the same approach used by the New Mexico Environment Department, where permits only expire after 5 years of inactivity.

LAFARGE West, INC. ~ Aggregate & Concrete
10170 Church Ranch Way, Suite 200, Westminster, Colorado 80021
Telephone: (303) 657-4000 Facsimile: (303) 657-4037

If you have any questions, please feel free to contact me at 303-657-4342 or by email at Christine.Felz@lafarge-na.com. Thank you.

Sincerely,

Christine Felz
Environmental Manager

LAFARGE West, INC. ~ Aggregate & Concrete
10170 Church Ranch Way, Suite 200, Westminster, Colorado 80021
Telephone: (303) 657-4000 Facsimile: (303) 657-4037

Tavarez, Isreal L.

From: Tavarez, Isreal L.
Sent: Thursday, September 20, 2012 3:15 PM
To: 'Christine.Felz@lafarge-na.com'
Subject: Albuquerque EHD Response to Lafarge's Comments Regarding Proposed 20.11.41 NMAC, Construction Permits

Attachments: EHD Response 9-20-12 to Lafarge Comments on 20 11 41 NMAC_8-23-12.pdf

Dear Ms. Felz:

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 23, 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 Lafarg...

CITY OF ALBUQUERQUE

Environmental Health Department
Mary Lou Leonard, Director

September 20, 2012

Christine Felz
Environmental Manager
Lafarge Aggregate & Concrete
10170 Church Ranch Way, Suite 200
Westminster, Colorado 80021

Sent via e-mail to Christine.Felz@lafarge-na.com

RE: Albuquerque Environmental Health Department Response to Lafarge'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 Ms. Felz:

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 23, 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.

<u>Time limit of 365 consecutive days for a temporary relocation of a portable stationary source</u>

1. *We believe that a 365 day period is arbitrary, and could have a negative impact on our operations. We request that the revision include the ability to request a longer time limit in the permit application if necessary. The requested time period can be evaluated on the basis of the situation, rather than based on an arbitrary period.*

   The Department considered your comments but has concluded it is appropriate to apply a 365 day period for temporary relocations of portable stationary sources. The period provides the permittee with a significant amount of time to complete a temporary project while also ensuring nearby properties that the operation is not permanent.

<u>Air quality permits will be valid for 10 years and must be renewed</u>

2. *We do not believe that a permit term is required, considering that a permit and associated controls will be reviewed as a matter of course during any modification. We recommend that the City should consider the same approach*

used by the New Mexico Environment Department, where permits only expire after 5 years of inactivity.

However, the Department has removed the 10 year permit term provision from the proposed 20.11.41 NMAC, *Construction Permits*.

The Department has decided to not utilize the same approach used by the New Mexico Environment Department, where a permit only expires after 5 years of inactivity. The Department will utilize the authority allowed under the State of New Mexico Air Quality Control Act to suspend or revoke a permit and following the procedures required by 20.11.80 NMAC, *Adjudicatory Procedures – Administrative Enforcement Hearing by Director*, which is referenced in 20.11.41.20 NMAC of the proposed regulation.

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: File