AQD Ex. #1o

Jones, Elizabeth A.

From: Butt, Neal T.
Sent: Thursday, December 20, 2012 10:46 AM
To: Jones, Elizabeth A.
Subject: FW: Repeal of 20.11.41 NMAC

From: H.M. Stoller [mailto:HStoller@tplinc.com]
Sent: Tuesday, July 24, 2012 1:09 PM
To: Butt, Neal T.
Subject: Repeal of 20.11.41 NMAC

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

Response to request for comments re the above subject per letter from your organization dated 7/18/2012:
1. Public notice requirements: There should be an exemption distance for emission locations that are not near residential areas, i.e., neighborhood/coalitions.

Although TPL does not meet the emission standards that require a permit, we are in a light industrial area with the nearest residential neighborhood probably about two miles away. This residential area is highly unlikely to be adversely affected by any emission activity that would be generated by any business within our industrial area. This requirement has the probability of opening Pandora's box without there being a need to do so.

2. Provides notice to all individuals and organizations on the list maintained by the Department: This invites politically-motivated obstruction from groups that are non-local and which have no direct concern over the local effects of the proposed facility/equipment/process on environmental, health and safety issues.

Employing this approach, the City of Albuquerque is directly inviting such groups to operate in an obstructionist manner thus imposing the probability of significantly increasing doing the cost of business within the City. The approach in the current statute is adequate.

H.M. (Hap) Stoller
President and CEO
TPL, Inc.
3921 Academy Parkway N, NE
Albuquerque, NM 87109

Tavarez, Isreal L.

From: Tavarez, Isreal L.
Sent: Thursday, September 20, 2012 3:08 PM
To: 'HStoller@tplinc.com'
Subject: Albuquerque EHD Response to TPL, Inc.'s Comments Regarding Proposed 20.11.41 NMAC, Construction Permits

Attachments: EHD Response 9-20-12 to TPL Inc 20_11_41 NMAC comments 7-24-12.pdf

Dear Mr. Stoller:

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 July 24, 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 TPL In...

CITY OF ALBUQUERQUE

Environmental Health Department
Mary Lou Leonard, Director

September 20, 2012

H.M. (Hap) Stoller
President and CEO
TPL, Inc.
3921 Academy Parkway N, NE
Albuquerque, NM 87109

Sent via e-mail to HStoller@tplinc.com

RE: Albuquerque Environmental Health Department Response to TPL, Inc.'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. Stoller:

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 July 24, 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.

1. *Public notice requirements: There should be an exemption distance for emission locations that are not near residential areas, i.e., neighborhood/coalitions. Although TPL does not meet the emission standards that require a permit, we are in a light industrial area with the nearest residential neighborhood probably about two miles away. This residential area is highly unlikely to be adversely affected by any emission activity that would be generated by any business within our industrial area. This requirement has the probability of opening Pandora's box without there being a need to do so.*

   The Department has evaluated and considered your comments and other comments submitted to the Department. As a result, the Department has incorporated changes in paragraph (1) of subsection B of 20.11.41.13 NMAC:

   ~~provide public notice by certified mail or electronic mail to the two representatives of the recognized neighborhood association that is closest to the proposed source and the two representatives of the neighborhood coalition that is closest to the proposed source; for areas within the Albuquerque city limits, the required contact information is maintained by the city of Albuquerque office of neighborhood coordination; for~~

~~unincorporated areas of Bernalillo county, the required contact information is maintained by the Bernalillo county zoning, building and planning department;~~ provide public notice by certified mail or electronic mail to the designated representative(s) of the recognized neighborhood associations and recognized coalitions, as shown in the most current records of the city of Albuquerque office of neighborhood coordination and the Bernalillo County zoning, building and planning department, within one-half (1/2) mile of the exterior boundaries of the property on which the source is or is proposed to be located. The applicant may submit a written request to the department proposing an alternative approach to providing public notice if the proposed source or modification is located at a site with large property boundaries or campus-like facilities. The applicant shall obtain prior written approval from the department for any alternative approach to provide public notice.

2. *Provides notice to all individuals and organizations on the list maintained by the Department: This invites politically-motivated obstruction from groups that are non-local and which have no direct concern over the local effects of the proposed facility/equipment/process on environmental, health and safety issues. Employing this approach, the City of Albuquerque is directly inviting such groups to operate in an obstructionist manner thus imposing the probability of significantly increasing doing the cost of business within the City. The approach in the current statute is adequate.*

   Providing notice to individuals and organizations that have stated in writing a desire to received notices of all applications filed for minor stationary source air quality construction permits allows those individual and organizations to be informed about air quality applications being filed.

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