AQD Ex. #1x

Tavarez, Isreal L.

From: Butt, Neal T.
Sent: Monday, December 31, 2012 11:48 AM
To: Tavarez, Isreal L.; Nieto, Margaret
Subject: FW: AQCB Petition No. 2012-6 Petition to Repeal and Replace 20.11.41 NMAC Authority to Construct

-----Original Message-----
From: Clark, Melissa B Civ USAF DoD AFCEC/CZO [mailto:Melissa.Clark@kirtland.af.mil]
Sent: Fri 12/28/2012 4:50 PM
To: Butt, Neal T.
Subject: RE: AQCB Petition No. 2012-6 Petition to Repeal and Replace 20.11.41 NMAC Authority to Construct

Hello Neal,

Attached please find attached the Kirtland AFB comments to the 1st amended public review draft (10/30/12) for 20.11.41 NMAC.

Let me know if you have any questions.

Thank you for the opportunity to comment on the proposed rule.

Melissa

//SIGNED//

Melissa Clark
AFCEC/CZO
Air Program Manager
Air Force Environmental Center of Excellence Installation Support Team (IST) West Region Kirtland AFB, NM
Phone: (505) 853-1588
DSN: 263-1588
Fax: (505) 853-6970
email: melissa.clark@kirtland.af.mil

-----Original Message-----
From: Butt, Neal T. [mailto:NButt@cabq.gov]
Sent: Thursday, November 01, 2012 8:48 AM
To: Clark, Melissa B Civ USAF DoD AFCEC/CZO
Subject: RE: AQCB Petition No. 2012-6 Petition to Repeal and Replace
20.11.41 NMAC Authority to Construct

Melissa,

At the Air Board meeting on November 14 the Division is going to ask for a hearing, a hearing officer, and a court reporter. Other than that, the Air Board will not take any action on the proposed rule. Public comment is accepted up until the hearing, but to allow the Division time to address public comment we ask that public comments be submitted by 12/31/12. Any changes proposed to the 1st Amended Public Review Draft as a result of public comment will need to be presented as 'floor amendments' at the February 13, 2013 hearing. Also, anyone planning on presenting technical testimony/exhibits at the hearing on February 13, 2013, must file a Notice of Intent to present technical testimony by January 29, 2013.

Thanks,

Neal

"Après moi le déluge"
('after me, the flood')
King Louis XV

-----Original Message-----
From: Clark, Melissa B Civ USAF DoD AFCEC/CZO
[mailto:Melissa.Clark@kirtland.af.mil]
Sent: Wednesday, October 31, 2012 5:28 PM
To: Butt, Neal T.
Subject: RE: AQCB Petition No. 2012-6 Petition to Repeal and Replace 20.11.41 NMAC Authority to Construct

Hi Neal,

Excuse the potentially dumb question, but I don't understand how you can do the petition to repeal the existing Part 41 at the Nov 14, 2012 board meeting prior to finalizing the updated version - but I may not be understanding the process correctly.

Thanks,
Melissa

-----Original Message-----
From: Butt, Neal T. [mailto:NButt@cabq.gov]
Sent: Wednesday, October 31, 2012 4:45 PM
To: Clark, Melissa B Civ USAF DoD AFCEC/CZO
Subject: RE: AQCB Petition No. 2012-6 Petition to Repeal and Replace 20.11.41 NMAC Authority to Construct

There is a public comment period, and we would like to have comments by December 31, 2012 (see attached). Also, the deadline to file an NOI is January 29, 2013. The hearing is planned for February 13, 2013.

Thanks,

Neal

"Après moi le déluge"
('after me, the flood')
King Louis XV

-----Original Message-----
From: Clark, Melissa B Civ USAF DoD AFCEC/CZO
[mailto:Melissa.Clark@kirtland.af.mil]
Sent: Wednesday, October 31, 2012 4:16 PM
To: Butt, Neal T.
Subject: RE: AQCB Petition No. 2012-6 Petition to Repeal and Replace
20.11.41 NMAC Authority to Construct

Sounds good. Is there another public comment period for the public review draft? Or is the hearing the only place that any additional comments can be made?

-----Original Message-----
From: Butt, Neal T. [mailto:NButt@cabq.gov]
Sent: Wednesday, October 31, 2012 4:09 PM
To: Clark, Melissa B Civ USAF DoD AFCEC/CZO
Subject: RE: AQCB Petition No. 2012-6 Petition to Repeal and Replace
20.11.41 NMAC Authority to Construct

Melissa,

all of the documents are in one PDF package at the listed URL. let me know if you have problems viewing them

Thanks,

Neal

"What fearful shapes and shadows beset his path, amidst the dim and ghastly glare of a snowy night! With what wistful look did he eye every trembling ray of light streaming across the waste fields from some distant window! How often was he appalled by some shrub covered with snow, which, like a sheeted spectre, beset his very path! How often did he shrink with curdling awe at the sound of his own steps on the frosty crust beneath his feet; and dread to look over his shoulder, lest he should behold some uncouth being tramping close behind him! and how often was he thrown into complete dismay by some rushing blast, howling among the trees, in the idea that it was the Galloping Hessian on one of his nightly scourings!"

-Washington Irving from 'The Legend of Sleep Hollow'.

From: Clark, Melissa B Civ USAF DoD AFCEC/CZO
[mailto:Melissa.Clark@kirtland.af.mil]
Sent: Wednesday, October 31, 2012 4:04 PM
To: Butt, Neal T.
Subject: RE: AQCB Petition No. 2012-6 Petition to Repeal and Replace 20.11.41 NMAC Authority to Construct

HI Neal,

Are you also going to provide links to the public review draft and the comparison document or should we just use the exhibits?

Thanks

Melissa

From: City of Albuquerque-Air Quality Division [mailto:nbutt@cabq.gov]
Sent: Wednesday, October 31, 2012 3:30 PM
To: Clark, Melissa B Civ USAF DoD AFCEC/CZO
Subject: AQCB Petition No. 2012-6 Petition to Repeal and Replace 20.11.41 NMAC Authority to Construct

First Amended Petition to Repeal Currently Effective 20.11.41 NMAC, Authority to Construct; Adopt A Proposed Replacement 20.11.41 NMAC, Construction Permits; and Incorporate The Replacement 20.11.41 NMAC into the New Mexico State Implementation Plan (SIP) for Air Quality

Click here to download a copy of the petition <http://r20.rs6.net/tn.jsp?e=001NdYTfmBq6TN8M99gg76d5kBbDe4KoTPW94qKiKNL9N9eqCJ8OC70QEbynwEcrb1_mHbO7dW_TZeUYSNMGsHHNuwEhPEHJtFZLN6F15dG3QkCFmo42T2npQELVSDw8OTKw-QF-BH9N8kmgZN-eQnZxSl7AcE99KpNeOGmI3JqJnERhgFs148Zbkx4_Am8otS-qqTD-rC-Gql=> This petition was filed on October 30, 2012 and will be an item on the Air Quality Control Board Draft Agenda for the meeting scheduled for Wednesday, November 14, 2012, at 5:30 pm, in the Vincent E. Griego Chambers, Basement Level, City Hall.

Thank you for your interest,

Neal T. Butt

Environmental Health Scientist

768-2660

Forward email
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Kirtland AFB Comments
20.11.41 NMAC 1st Amended Public Review Draft (10/30/12)
28 December 2012

Comments:

1. General Comment: Will the Albuquerque Environmental Health Department (AEHD) consider creating a General Construction Permit form or other streamlined process for internal combustion engines to simplify the permitting process for these simple but numerous emission sources. Due to the federal requirements sometimes very small emergency standby power engines with insignificant emissions that operate only a handful of hours per year will require construction permitting. This requirement will be burdensome for both the AEHD as well as for permitted sources. Simplification of the process will be beneficial for everyone.

2. Page 2, line 39 (20.11.41.2.E.(1) NMAC) – What is meant by "substantially interrelated"? This should be defined in 20.11.41.7 NMAC, Definitions.

3. Page 4, line 7 (20.11.41.7 NMAC) – Suggest adding a definition for a 20.11.42 NMAC "operating permit".

4. Page 8, lines 14-17 (20.11.41.12 NMAC); page 10, lines 11-14 (20.11.41.13.E.(14) NMAC) – Federal Agencies transfer funds electronically. Recommend adding a provision allowing Federal Agencies to pay via electronic funds transfer. This is applicable to all sections dealing with fee payments.

5. Page 8, line 27 (20.11.41.13.B NMAC) – Would the Department consider reducing the applicant's public notice requirements for small standard sources such as NSPS generators under a certain horsepower threshold?

6. Page 13, line 11 (20.11.41.15.A NMAC) – The regulation does not identify the standard to be used when the director determines that there is "a significant air quality issue" with a permit application.

7. Page 16, line 19 (20.11.41.19.B NMAC) – Delete "specify" and insert "impose".

8. Page 16, line 47 (20.11.41.19.C.(7) NMAC) – References 20.11.41.22 NMAC, *Performance Testing Following Startup*, when that section is titled *Performance Testing*.

9. Page 18, line 31 (20.11.41.22.A. NMAC) – Fix spelling for "permitee".

10. Page 20, line 39 (20.11.41.24.D NMAC) – Delete "by failing" and insert "failure".

11. Page 25, line 51 (20.11.41.31.B.(3)(b)(ii) NMAC) – References "15 days" for providing written comment rather than 30 days.

12. Page 28, lines 51-52 (20.11.41.31.D NMAC) – Please confirm that a "clarification" is not a change that increases the cost or administrative burden to the permit holder of complying with the permit.

13. Page 29, line 10 (20.11.41.32 NMAC) – Under accelerated review using either an outside contractor or the AEHD, does 20.11.41.16.A NMAC still apply? Does the AEHD deem the application administratively complete within 30 days?

Tavarez, Isreal L.

From:	Tavarez, Isreal L.
Sent:	Monday, May 06, 2013 3:43 PM
To:	Clark, Melissa B Civ USAF AFMC 377 MSG/CEANC
Cc:	Nieto, Margaret (mnieto@cabq.gov); nbutt@cabq.gov; Jones, Elizabeth
Subject:	Albuquerque Environmental Health Department Response to KAFB Comments on 20.11.41 NMAC 1st Amended Public Review Draft (10/31/12) 28 December 2012
Attachments:	5-6-13 Ltr to KAFB Providing Response to KAFB Comments on Part 41 1st Amended Public Review Draft.pdf; AEHD Response to KAFB Comments 5-6-13.pdf

Ms. Clark:

Thank you again for taking the time to review the 1st Amended Public Review Draft and for providing your comments. Please find attached a cover letter and the responses to your comments.

Respectfully,

Isreal L. Tavarez, P.E.
Environmental Health Manager
Permitting & Emissions Inventory
Air Quality Division
Environmental Health Department
City of Albuquerque
(505) 768-1965 Direct Line
itavarez@cabq.gov

CITY OF ALBUQUERQUE

Environmental Health Department
Mary Lou Leonard, Director

May 6, 2013

Melissa Clark
AFCEC/CZO
Air Program Manager
Air Force Environmental Center of Excellence
Installation Support Team (IST) West Region
Kirtland AFB, NM

Sent via email to melissa.clark@kirtland.af.mil

Subject: Albuquerque Environmental Health Department Response to Kirtland AFB Comments on 20.11.41 NMAC 1st Amended Public Review Draft (10/30/12) 28 December 2012

Environmental Health Department

Air Quality Division
PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Dear Ms. Clark:

Thank you for taking the time to review the 1st Amended Public Review Draft and for providing your comments. Please find attached to this letter the Albuquerque Environmental Health Department Response to Kirtland AFB Comments 20.11.41 NMAC 1st Amended Public Review Draft (10/30/12) 28 December 2012.

Sincerely,

Isreal L. Tavarez

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

cc: file

Enclosure: Albuquerque Environmental Health Department Response to Kirtland AFB Comments 20.11.41 NMAC 1st Amended Public Review Draft (10/30/12) 28 December 201

Albuquerque Environmental Health Department Response

to

Kirtland AFB Comments

20.11.41 NMAC 1st Amended Public Review Draft (10/30/12) 28 December 2012

May 6, 2013

1. General Comment: Will the Albuquerque Environmental Health Department (AEHD) consider creating a General Construction Permit form or other streamlined process for internal combustion engines to simplify the permitting process for these simple but numerous emission sources. Due to the federal requirements sometimes very small emergency standby power engines with insignificant emissions that operate only a handful of hours per year will require construction permitting. This requirement will be burdensome for both the AEHD as well as for permitted sources. Simplification of the process will be beneficial for everyone

   If the Albuquerque-Bernalillo County Air Quality Control Board approves the General Construction permit provisions in the proposed regulation, AEHD plans to establish General Construction Permit forms for both backup emergency generators and for gasoline dispensing facilities. Once General Construction Permit forms have been established for these two types of facilities, AEHD will determine if General Construction Permit forms will be established for other type of facilities.

2. Page 2, line 39 (20.11.41.2.E.(1) NMAC) – What is meant by "substantially interrelated"? This should be defined in 20.11.41.7 NMAC, Definitions.

   The use of the phrase "substantially interrelated" is used to enable AEHD to make a determination that if two "units" are <u>not</u> "substantially interrelated" then each unit can be considered as a separate unit and either two separate construction permits can be issued or one construction permit can be issued with separate permit conditions imposed for each unit. Determination of "substantially interrelated" is done on a case by case basis since the specific details each set of circumstances can vary.

3. Page 4, line 7 (20.11.41.7 NMAC) – Suggest adding a definition for a 20.11.42 NMAC "operating permit".

   An earlier version of the proposed 20.11.41 NMAC contained the phrase "operating permit and was reviewed by the federal Environmental Protection Agency (EPA) Region 6 office. EPA Region 6 provided comments on this earlier version <u>required</u> that AEHD remove the phrase "operating permit" because use of the phrase "operating permit" would cause confusion with the Title V operating permit program. As a result proposed 20.11.41 NMAC was revised to remove the phrase "operating permit".

4. Page 8, lines 14-17 (20.11.41.12 NMAC); page 10, lines 11-14 (20.11.41.13.E.(14) NMAC) – Federal Agencies transfer funds electronically. Recommend adding a provision allowing Federal

Agencies to pay via electronic funds transfer. This is applicable to all sections dealing with fee payments.

The change being requested would require a change to 20.11.2 NMAC, Fees regulation. AEHD plans to make revisions to 20.11.2 NMAC, Fees regulation in the future, but changes to the Fees regulation are not part of this regulatory action. The change being requested will be considered when the revisions are made to 20.11.2 NMAC, Fees regulation. AEHD is willing to meet with Kirtland AFB to discuss how construction permit review fees could be paid via electronic funds transfers.

5. Page 8, line 27 (20.11.41.13.B NMAC) – Would the Department consider reducing the applicant's public notice requirements for small standard sources such as NSPS generators under a certain horsepower threshold?

   EHD does not anticipate reducing the applicant's public notice requirements for small standard source such as NSPS generators based on a certain horsepower threshold. However, if the Albuquerque-Bernalillo County Air Quality Control Board approves the General Construction permit provisions in the proposed regulation, AEHD plans to establish General Construction Permit forms for backup emergency generators. When a General Construction Permit form has been established for backup emergency generators, EHD will specify the applicant's public notice requirements. .

6. Page 13, line 11 (20.11.41.15.A NMAC) – The regulation does not identify the standard to be used when the director determines that there is "a significant air quality issue" with a permit application.

   The regulation does not identify the standard to be used when the director determines that there is "a significant air quality issue" with a permit application, because what constitutes "a significant air quality issue" will have to be assessed on a case by case basis.

7. Page 16, line 19 (20.11.41.19.B NMAC) – Delete "specify" and insert "impose".

   Recommended change has been made.

8. Page 16, line 47 (20.11.41.19.C.(7) NMAC) – References 20.11.41.22 NMAC, *Performance Testing Following Startup*, when that section is titled *Performance Testing*.

   Recommended change has been made.

9. Page 18, line 31 (20.11.41.22.A. NMAC) – Fix spelling for "permitee".

   Recommended change has been made.

10. Page 20, line 39 (20.11.41.24.D NMAC) – Delete "by failing" and insert "failure".

    Recommended change has been made.

11. Page 25, line 51 (20.11.41.31.B.(3)(b)(ii) NMAC) – References "15 days" for providing written comment rather than 30 days.

    The timeline for a General Construction Permit form is shorter. The "15 days" is consistent with the requirements of the corresponding State of New Mexico Air Quality Bureau regulation, 20.2.72 NMAC, Construction Permits. Paragraph (2) of Subsection C of 20.2.72.220 states, "Within thirty (30) days of receiving an application to register under a general construction permit, the Department shall review the application for completeness and shall grant or deny the registration. The Department shall not grant the registration until at least fifteen (15) days after the date the applicant's public notice was initiated. ..."

12. Page 28, lines 51-52 (20.11.41.31.D NMAC) – Please confirm that a "clarification" is not a change that increases the cost or administrative burden to the permit holder of complying with the permit.

    When EHD makes non-substantive changes, these changes will be changes that are <u>not</u> intended to increase the cost or administrative burden to the permit holder of complying with the permit.

13. Page 29, line 10 (20.11.41.32 NMAC) – Under accelerated review using either an outside contractor or the AEHD, does 20.11.41.16.A NMAC still apply? Does the AEHD deem the application administratively complete within 30 days?

    Yes, under accelerated review using either an outside contractor or the AEHD, 20.11.41, 16.A NMAC does apply. AEHD deems the application complete pursuant to Paragraph (8) of Subsection D of 20.11.41.32 NMAC, "...The department shall determine whether an application for accelerated review is administratively complete."