

STATE OF NEW MEXICO
ALBUQUERQUE – BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD

IN THE MATTER OF THE PETITION FOR A
HEARING ON THE MERITS REGARDING
AIR QUALITY PERMIT NO. 0752-M2-RV2

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AMERICAN GYPSUM COMPANY,
Petitioner.

PETITION FOR A HEARING ON THE
AIR QUALITY DIVISION'S ACTION ON MODIFICATION OF
AUTHORITY TO CONSTRUCT PERMIT NO. 0752-M2-RV2

For its Petition, the Petitioner, American Gypsum Company ("American Gypsum"),
hereby states as follows:

1. American Gypsum is the owner and operator of a gypsum wallboard
manufacturing facility located at 4600 Paseo del Norte in Albuquerque, New Mexico (the
"Albuquerque Facility").

2. American Gypsum holds an authority to construct permit governing the
operations of the Albuquerque Facility. That permit contained a condition which provided that
American Gypsum:

Shall be restricted to the following wallboard production rates:

- i. Wallboard less than or equal to ½" x 4' shall not exceed a production rate of 63,600 square feet per hour (265 feet per minute)
- ii. Wallboard equal to or greater than ½" x 4' shall not exceed a production rate of 52,600 square feet per hour (217 feet per minute)
- iii. 1" x 2' wallboard shall not exceed a production rate of 52,000 square feet per hour (433 feet per minute).

(the "Production Limit Condition"). The permit did not define or limit the number of boards that could be cut at the final trim saw nor did the permit contain any limitation on American Gypsum's ability to stack wallboard as it passes through the final trim saw.

3. In April, 2007, American Gypsum applied for an administrative modification of the Authority to Construct Permit to correct obvious typographical errors in the existing Production Limit Condition and to make plain the intent of that condition. American Gypsum did not seek any limit on the number of boards that could be cut at the final trim saw nor did it seek any limitation on American Gypsum's ability to stack wallboard as it passes through the final trim saw.

4. The Air Quality Division recently issued its decision on American Gypsum's application for administrative permit modification. In its decision, the Air Quality Division approved the requested modifications correcting typographical errors in the existing Production Limit Condition and clarifying the intent of that condition. The Air Quality Division, however, also included a new condition that had not been requested and that fundamentally alters not only the terms and conditions of the permit but also inconsistent with prior permit terms. The Air Quality Division for the first time ever added a limitation which limits American Gypsum to running wallboard through the final trim saw one board at a time, instead of in stacks of multiple boards.

5. American Gypsum objects to the portion of the Air Quality Division's action amending Condition 1.h) of the Permit to limit American Gypsum to "only one line of wall board being cut and no wall board being stacked prior to cutting the wall board in any hour within any twenty-four hour period." American further objects to the provision of the Air Quality Division's letter stating that "In the future, if American Gypsum decides to stack the

wallboard before cutting it American Gypsum shall provide the Division with a complete permit application requesting the change.”

6. American Gypsum objects to the Air Quality Division’s imposition of the restriction on the number of boards that may pass through the final trim saw at one time because (i) American Gypsum did not request such a limitation or such a modification to the permit; (ii) the limitation is contrary to physical design of the Albuquerque Facility on which the original permit was based and, if enforced, will require a re-design and reconstruction of the Albuquerque Facility resulting in significant economic hardship to American Gypsum and its employees without resulting in any change in or improvement of air quality; (iii) the final trim saw operates more efficiently and provides a cleaner cut if wallboard is stacked; (iv) a limitation to “only one line of wall board being cut and no wall board being stacked prior to cutting the wall board in any hour within any twenty-four hour period” is contrary to the long-standing production practices at the Albuquerque Facility; (v) since the date of submission of the initial application for the authority to construct permit for the Albuquerque Facility, Air Quality Division staff has been aware of the plant design which calls for wallboard to be stacked when passing through the final trim saw and Air Quality Division staff has never questioned or objected to such a practice nor has it ever alleged that such a practice is an alleged violation of violation any permit term or condition or any air quality regulation; (vi) limiting American Gypsum to “only one line of wall board being cut and no wall board being stacked prior to cutting the wall board in any hour within any twenty-four hour period” is not necessary for the Albuquerque Facility to meet the emission limitations for the final trim saw set forth in Condition 2.q) of the permit – even when multiple boards are stacked the emissions from the final trim saw will be at or below the stated emission limits; and (vii) limiting American Gypsum to “only one line of wall board being cut

and no wall board being stacked prior to cutting the wall board in any hour within any twenty-four hour period” is not necessary to protect air quality.


7. As the applicant for the administrative permit modification, American Gypsum is entitled to pursue a petition for a hearing on the Air Quality Division’s decision.

8. A copy of the Air Quality Division’s letter and the accompanying modified permit which is the subject of this Petition for Hearing is attached to this Petition as Exhibit A.

9. Contemporaneous with the filing of this petition, American Gypsum has tendered its check in the amount of \$125 to the Air Quality Division as the filing fee in support of this petition.

10. The undersigned has read the contents of this petition and attests to the truth of the information contained herein.

WHEREFORE, American Gypsum Company requests that the Board conduct a hearing on this matter, eliminate the portion of Condition 1h, which limits American Gypsum to “only one line of wall board being cut and no wall board being stacked prior to cutting the wall board in any hour within any twenty-four hour period,” and awarding American Gypsum such other and further relief as the Board may deem just and proper.



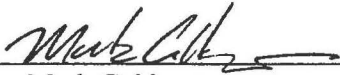
Mark Cabbage,
Plant Manager
American Gypsum Company
4600 Paseo del Norte
Albuquerque, New Mexico 87113-1535
(505) 346-2138, ext. 1320
Mark.cabbage@americangypsum.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition for Hearing was mailed on this 20 day of October, 2009 to:

City of Albuquerque
Environmental Health Department
P.O. Box 1293
Albuquerque, New Mexico 87103

William Grantham
Counsel for the Board
P.O. Box 1293
Albuquerque, New Mexico 87103

By: 
Mark Cabbage

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CITY OF ALBUQUERQUE

Environmental Health Department

John Soladay, Director



September 3, 2009

Certified Mail#7006 2760 0005 1562 0511

Return Receipt Requested

Mr. Mark Cabbage, Plant Manager
American Gypsum Company
4600 Pasco del Norte NE
Albuquerque, New Mexico 87113-1535

Re: American Gypsum Authority-To-Construct Permit #0752-M2-RV2

Dear Mr. Cabbage:

Environmental Health
Department

Air Quality Division

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Enclosed please find Air Quality Authority-to-Construct Permit #0752-M2-RV2, Facility #NM/001/00358, for American Gypsum Company located at 8001 Jefferson NE in Albuquerque, New Mexico. Please review this document carefully, as American Gypsum Company is responsible for complying with all terms and conditions of Authority-to-Construct Permit #0752-M2-RV2. Additionally, a copy of this Authority-to-Construct Permit shall be provided to the facility/project manager and kept on site at all times.

Pursuant to 20.11.2 NMAC "Fees", 20.11.2.13.B, starting August 1 of each year, each owner/operator shall be sent an official invoice by the City of Albuquerque stating the annual emission fee due. Therefore, American Gypsum Company will be responsible for an annual billing of \$10,695.00 for the period of July 1, 2009 through June 30, 2010.

In the future, if American Gypsum decides to stack the wallboard before cutting it American Gypsum shall provided the Division with a complete permit application requesting the change. As previously stated in the Division's May 6, 2009 letter to American Gypsum was that American Gypsum shall apply for an administrative modification before stacking and cutting the wallboard may or may not be the case depending on the Division's review of the permit application in accordance with the laws then in effect.

If you have any questions, please do not hesitate to contact me by telephone at (505) 768-1962 or by e-mail at aduran@cabq.gov.

Sincerely,

Angela Duran, Environmental Health Scientist
Air Quality Division
Environmental Health Department
City of Albuquerque

Enclosures as indicated
cc: file



10/20/2009 10:10:10 AM



Martin J. Chávez, Mayor

**AIR QUALITY AUTHORITY-TO-CONSTRUCT PERMIT #752-M2-RV2
FACILITY AIRS #NM/001/00358**



John W. Soladay, Director

Issued to: American Gypsum Company
P.O. Box 90820
Albuquerque, New Mexico 87199-0820

Certified Mail # 7006 2760 0005 1562 0511
Return Receipt Requested

Responsible Official: Mark Cubbage, Plant Manager

Pursuant to the New Mexico Air Quality Control Act, Chapter 74, Article 2 New Mexico Statutes Annotated 1978 (as amended); the Joint Air Quality Control Board Ordinance, 9-5-1 to 9-5-99 ROA 1994; the Bernalillo County Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5; the Albuquerque/Bernalillo County Air Quality Control Board (A/BCAQCB) Regulation Title 20, New Mexico Administrative Code (20 NMAC), Chapter 11, Part 40 (20.11.40 NMAC), Air Contaminant Source Registration; and A/BCAQCB Regulation Title 20, NMAC, Chapter 11, Part 41 (20.11.41 NMAC), Authority-To-Construct; **American Gypsum Company** ("Company" or "Permittee") is hereby issued this **AUTHORITY-TO-CONSTRUCT PERMIT** and authorized to operate the following equipment at:

Facility/Location	Process Description	SIC	NAICS
American Gypsum Company 8001 Jefferson N.E. Albuquerque, New Mexico 87109	Gypsum Products	3275	32742

This **AUTHORITY-TO-CONSTRUCT** permit # 752-M2-RV2 has been issued based on the review of the letter received by the Albuquerque Environmental Health Department (Department), Air Quality Division (Division) on June 10, 2009 and on the National Ambient Air Quality, New Mexico Ambient Air Quality Standards, and Air Quality Control Regulations for Albuquerque/Bernalillo County, as amended. This permit supersedes permit # 752-M2-RV1 issued March 7, 2002. As these standards and regulations are updated or amended, the applicable changes shall be incorporated into permit #752-M2-RV2 and shall apply to the Facility.

Issued on the 31st day of August, 2009

Isreal J. Javarez
Isreal Javarez, Environmental Health Engineering Manager
Air Quality Protection Programs
Air Quality Division
Environmental Health Department
City of Albuquerque

I. **CONDITIONS:** Conditions have been imposed in this permit to assure continued compliance. 20.11.41.18.C NMAC, states that any term or condition imposed by the Division on a permit or permit modification is enforceable to the same extent as a regulation of the Board. Pursuant to 20.11.41 NMAC, the facility is subject to the following conditions:

1. **Construction and Operation--** Compliance will be based on Division inspections of the facility, compliance with the NSPS Subpart A - General Provisions, reviews of production records, submission of appropriate permit applications for modification, and timely notification to the Department regarding equipment substitutions and relocations.

a) This administrative permit modification authorizes:

1. The language change to Conditions I.1.f) i, ii, and iii of Air Quality Authority-To-Construct Permit #752-M2-RV1. The lettering sequence was incorrect on the previous permit; therefore the authorized language change is now Condition I.1.h) i, ii, and iii.

Process Equipment Table

Equipment Unit	Unit Description	Manufacturer	Model Number	Serial Number	Date of Mfg. Equipment	Rated Process Rate	Unit Subject To NSPS
1 1a. Combustion Stack 1b. Baghouse Stack	Kettle #1	North American	Unknown	Unknown	6-98	19 million Btu/hr 18 tph	No
2 2a. Combustion Stack 2b. Baghouse Stack	Kettle #2	North American	Unknown	Unknown	10/96	13 million Btu/hr 11 tph	No
3 3a. Combustion Stack 3b. Baghouse Stack	Kettle #3	North American	Unknown	Unknown	Unknown	19 million Btu/hr 18 tph	No
4 4a. Combustion Stack 4b. Baghouse Stack	Kettle #4	North American	Unknown	Unknown	3-98	19 million Btu/hr 18 tph	No
6	Raymond Mill #1	Raymond	Unknown	60501	1960	5 million Btu/hr 25.5 tph	No
7	Raymond Mill #2	Raymond	Unknown	72008	1972	5 million Btu/hr 25.5 tph	No
101	Raymond Mill #3	Raymond	TBD*	TBD*	TBD*	6 million Btu/hr 30 tph	No
8	Miscellaneous Mill Equipment	EMC	ME200	773313	12-97	110 tph	No
9	Rock Feeder and Hammermill Crusher	Williams	N/A	19655	Unknown	110 tph	No
10	Bucket Elevator and Rock Tank	Unknown	Unknown	Unknown	Unknown	110 tph	No
11	Stucco Silos And Equipment	Unknown	Unknown	Unknown	Unknown	65 tph	No
12a	Stockpile	N/A	N/A	N/A	N/A	50,000 tpy	No
12b	Stockpile Louder	N/A	N/A	N/A	N/A	50,000 tpy	No
13	Material Drop	N/A	N/A	N/A	N/A	60 tph	No
14	Ball Mill Crushers 6 total	Kennedy Van Saun	Unknown	1068-P-78	1978	3 tph total (0.5 tph each)	No
15	Dryer	AKI, Inc.	Unknown	Unknown	9-98	100 million Btu/hr	No
16	Dryer Wet End Seal	AKI, Inc.	Unknown	Unknown	9-98	60,000 ft ² /hr	No
17	Final Trim	Gypsum Technologies	Unknown	Unknown	9-98	60,000 ft ² /hr	No

TBD: To Be Determined (See Condition 5 (g))

b) This permit authorizes the construction and operation of the following air pollution control equipment:

Air Pollution Control Equipment

Process Equipment Number	Type of Air Pollution Control Equipment	Manufacturer	Model Number	Serial Number	Rated Flow Rate (ACFM)	Control Efficiency
1h	Baghouse	TBD*	TBD*	TBD*	12,000 ACFM	99.7%
2b	Baghouse	TBD*	TBD*	TBD*	6,000 ACFM	99.7%
3h	Baghouse	TBD*	TBD*	TBD*	6,000 ACFM	99.7%
4b	Baghouse	TBD*	TBD*	TBD*	12,000 ACFM	99.7%
6	Pulsejet Baghouse (Polyester Bags)	Unknown	Unknown	Unknown	8,000 ACFM	98%
7	Pulsejet Baghouse (Polyester Bags)	Unknown	Unknown	Unknown	8,000 ACFM	98%
101	Pulsejet Baghouse (Polyester Bags)	Unknown	Unknown	Unknown	12,500 ACFM	98%
8	Pulsejet Baghouse (Polyester Bags)	Unknown	Unknown	Unknown	5,000 ACFM	98%
9	Pulsejet Baghouse (36 Polyester Bags)	Staclean	36-8-BDS	Unknown	2,300 ACFM	98%
10	Pulsejet Baghouse (36 Polyester Bags)	Staclean	36-8-ADS	Unknown	2,300 ACFM	98%
11	Pulsejet Baghouse (56 Polyester Bags)	Staclean	56-8-ADS	Unknown	3,600 ACFM	98%
14	Pulsejet Baghouse (25 Polyester Bags)	IAC	100 BV1-A2-25	Unknown	3,000 ACFM	98%
17	Pulsejet Baghouse (80 Polyester Bags) and Cyclone	Flex-Kleen	84-WRBS-80	Unknown	5,000 ACFM	98%

TBD* : To Be Determined (See Condition 1 (d))

- c) This facility shall be constructed and operated in accordance with information provided on the permit application dated **March 3, 1999** and received **March 5, 1999** and in the letter dated **June 5, 2009** and received on **June 10, 2009** in accordance with the legal authority specified above and the conditions of this permit.
- d) Authority-to-construct permit # 752-M2, issued December 13, 1999 authorized the installation of a third Raymond Mill and new baghouse and authorized the increase of Calciner Kettle #3 throughput from 11 tons per hour to 18 tons per hour. The modification also corrected the CO emission rates for Raymond Mills #1 and 2 and corrected the CO emission rate for the Dryer. These modifications resulted in a plant production capacity of 557,140,000 square feet per year of gypsum wallboard.
- e) American Gypsum Company shall comply with all terms and conditions of Compliance Agreement No. EA 99-1047 signed and dated by American Gypsum Company on September 23, 1999 and signed and dated by The City of Albuquerque Environmental Health Department on September 28, 1999. Compliance Agreement No. EA-99-1047 is included in Appendix A of this permit.
- f) Authority-to-construct permit #752-M2-RV1 has been issued to administratively modify Condition 1 (a) "Process Equipment Table", Equipment Unit # 14 of authority-to-construct permit # 752-M2. Permit # 752-M2 previously identified equipment unit # 14 as "Ball Mill" which was rated at 3 tph. This administrative modification corrects the identification of equipment unit # 14 from "Ball Mill" to "Ball Mills". The rated process rate remains 3 tph, but more correctly states six (6) ball mills rated at 0.5 tph each.
- g) The following equipment located at the facility is restricted to operate the following:
- i. Equipment units # 1, 2, 3, 4, 6, 7, 101, 8, 9, 10, 11, 12a, 12b, 13, 14, 15, 16, and 17 may operate 8,760 hours per calendar year.
 - ii. Equipment unit # 1 shall not exceed a process rate of 18 tph.
 - iii. Equipment unit # 2 shall not exceed a process rate of 11 tph.
 - iv. Equipment unit # 3 shall not exceed a process rate of 18 tph.
 - v. Equipment unit # 4 shall not exceed a process rate of 18 tph.
 - vi. Rock milling (Equipment units # 6, 7, and 101) process rate collectively shall not exceed 81 tons per hour.
 - vii. Rock receiving and crushing capacity (Equipment units # 9, 10, and 11) process rate shall not exceed 110 tons per hour.
 - viii. Equipment unit # 14 process rate shall not exceed 3 tons per hour.
- h) The permittee shall not exceed the following wallboard production rates:
- i. Wallboard that is less than or equal to ½" thick shall not exceed a production rate of 63,600 square feet per hour (265 feet per minute) and shall not exceed 4.5 feet in width.
 - ii. Wallboard that is greater than ½" thick, but less than 1" thick, shall not exceed a production rate of 52,600 square feet per hour (217 feet per minute) and shall not exceed 4.5 feet in width.
 - iii. Wallboard that is equal to, but not greater than 1" thick shall not exceed a production rate of 52,000 square feet per hour (433 feet per minute) and shall not exceed 2 feet in width.

This condition is based on only one line of wallboard being cut and no wallboard being stacked prior to cutting the wallboard in any hour within any twenty-four hour period.

- i) The automated water spray system for the gypsum stockpile shall continue to be operated in order to minimize the fugitive emissions. The automated system shall include a totalizing water flow meter and equipment that will uniformly apply water to the surface of the stockpile at predetermined rates and frequencies.
- j) No National Emissions Standard for Hazardous Air Pollutants (NESHAP) applies to this facility. However, during any asbestos demolition or renovation work, the Division must be notified and proper permits shall be obtained and CFR Title 40, Part 61 Subpart M would apply.
- k) Substitution of equipment is authorized provided the equipment has the same or lower process capacity as the piece of equipment being substituted. The Department shall be notified in writing within fifteen (15) days of equipment substitutions. Equipment that is substituted shall comply with the requirements in Condition 2.
- l) Changes in plans, specifications, and other representations proposed in the application documents shall not be made if they will increase the potential to emit or cause a change in the method of control of emissions or in the character of emissions. Any such proposed changes shall be submitted as a modification to this permit. No modification shall begin prior to issuance of a permit.
- m) All equipment shall be maintained as per manufacturer specifications to ensure the emissions remain at or below the permitted emission levels.

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2. **Emission Unit Limits:** Condition 2 Unit Emission Limits has been placed in the permit in accordance with 20.11.41.18.B NMAC, to allow the Division to determine compliance with the terms and conditions of the permit. These were the emission rates stated in the permit application and are the basis of the Division's review. Compliance will be based on Division inspections of the facility and upon compliance with the emission limits and opacity readings conducted in accordance with the test methods specified in Condition 6 - **Compliance Tests.**
- a) Emission units # 1a and 1b shall not cause or allow visible air emissions that exceed 10 percent opacity for any six (6) minute timed average pursuant to 20.11.1.7.I NMAC.
 - b) Emission units # 2a and 2b shall not cause or allow visible air emissions that exceed 10 percent opacity for any six (6) minute timed average pursuant to 20.11.1.7.I NMAC.
 - c) Emission units # 3a and 3b shall not cause or allow visible air emissions that exceed 10 percent opacity for any six (6) minute timed average pursuant to 20.11.1.7.I NMAC.
 - d) Emission units # 4a and 4b shall not cause or allow visible air emissions that exceed 10 percent opacity for any six (6) minute timed average pursuant to 20.11.1.7.I NMAC.
 - e) Emission unit # 6 shall not cause or allow visible air emissions that exceed 10 percent opacity for any six (6) minute timed average pursuant to 20.11.1.7.I NMAC.
 - f) Emission unit # 7 shall not cause or allow visible air emissions that exceed 10 percent opacity for any six (6) minute timed average pursuant to 20.11.1.7.I NMAC.
 - g) Emission unit # 101 shall not cause or allow visible air emissions that exceed 10 percent opacity for any six (6) minute timed average pursuant to 20.11.1.7.I NMAC.
 - h) Emission unit # 8 shall not cause or allow visible air emissions that exceed 5 percent opacity for any six (6) minute timed average pursuant to 20.11.1.7.I NMAC.
 - i) Emission unit # 9 shall not cause or allow visible air emissions that exceed 5 percent opacity for any six (6) minute timed average pursuant to 20.11.1.7.I NMAC.
 - j) Emission unit # 10 shall not cause or allow visible air emissions that exceed 5 percent opacity for any six (6) minute timed average pursuant to 20.11.1.7.I NMAC.
 - k) Emission unit # 11 shall not cause or allow visible air emissions that exceed 5 percent opacity for any six (6) minute timed average pursuant to 20.11.1.7.I NMAC.
 - l) Emission unit # 13 shall not cause or allow visible air emissions that exceed 20 percent opacity for any six (6) minute timed average pursuant to 20.11.1.7.I NMAC.
 - m) Emission unit # 14 shall not cause or allow visible air emissions that exceed 5 percent opacity for any six (6) minute timed average pursuant to 20.11.1.7.I NMAC.
 - n) Emission unit # 15 shall not cause or allow visible air emissions that exceed 10 percent opacity for any six (6) minute timed average pursuant to 20.11.1.7.I NMAC.
 - o) Emission unit # 16 shall not cause or allow visible air emissions that exceed 10 percent opacity for any six (6) minute timed average pursuant to 20.11.1.7.I NMAC.
 - p) Emission unit # 17 shall not cause or allow visible air emissions that exceed 5 percent opacity for any six (6) minute timed average pursuant to 20.11.1.7.I NMAC.

q) Emission units 1a, 1b, 2a, 2b, 3a, 3b, 4a, 4b, 6, 7, 101, 8, 9, 10, 11, 12a, 12b, 13, 14, 15, 16, and 17 shall not exceed the emission limits stated in the table below.

Emission Unit Limits

Unit #	NO _x lb/hr	NO _x tpy	CO lb/hr	CO tpy	SO ₂ lb/hr	SO ₂ tpy	VOC lb/hr	VOC tpy	TSP lb/hr	TSP tpy	PM ₁₀ lb/hr	PM ₁₀ Tpy	Percent Opacity	Record Keeping Requirements ¹	Monitoring Requirements ¹	Reporting Requirements ¹	Compliance Testing ²
1a	3.0	12.9	0.7	3.2	0.3	1.4	0.1	0.3					10%	Yes	Yes	Yes	Yes
1b									2.2	9.7	1.4	6.1	10%	Yes	Yes	Yes	Yes
2a	2.0	8.9	0.5	2.2	0.2	1.0	0.04	0.18					10%	Yes	Yes	Yes	Yes
2b									1.4	5.9	0.9	3.8	10%	Yes	Yes	Yes	Yes
3a	3.0	12.9	0.7	3.2	0.3	1.4	0.1	0.3					10%	Yes	Yes	Yes	Yes
3b									2.2	9.7	1.4	6.1	10%	Yes	Yes	Yes	Yes
4a	3.0	12.9	0.7	3.2	0.3	1.4	0.1	0.3					10%	Yes	Yes	Yes	Yes
4b									2.2	9.7	1.4	6.1	10%	Yes	Yes	Yes	Yes
6	0.6	2.5	0.5	2.0	0.1	0.4	0.03	0.13	1.3	5.8	1.3	5.8	10%	Yes	Yes	Yes	Yes
7	0.6	2.5	0.5	2.0	0.1	0.4	0.03	0.13	1.3	5.8	1.3	5.8	10%	Yes	Yes	Yes	Yes
101	0.7	2.9	0.5	2.4	0.1	0.4	0.04	0.15	1.6	6.8	1.6	6.8	10%	Yes	Yes	Yes	Yes
8									0.1	0.6	0.1	0.6	5%	Yes	Yes	Yes	No
9									0.3	1.3	0.3	1.3	5%	Yes	Yes	Yes	No
10									0.3	1.3	0.3	1.3	5%	Yes	Yes	Yes	No
11									0.1	0.4	0.1	0.4	5%	Yes	Yes	Yes	No
12a									0.1	0.2	0.03	0.11	N/A	Yes	Yes	Yes	No
12b									0.3	1.1	0.1	0.5	N/A	Yes	Yes	Yes	No
13									0.2	1.1	0.1	0.5	20%	Yes	Yes	Yes	No
14									0.003	0.001	0.003	0.001	5%	Yes	Yes	Yes	No
15	22.6	98.9	18.5	81.0	0.7	2.9	3.0	13.2					10%	Yes	Yes	Yes	Yes
16	0.2	1.0	0.1	0.5	0.01	0.03	0.03	0.13					10%	Yes	Yes	Yes	No
17									1.1	4.9	0.9	3.7	5%	Yes	Yes	Yes	Yes

¹ Refer to Conditions 3, 4 and 5 for unit specific record keeping/monitoring, and reporting requirements

² Refer to Condition 6 unit specific compliance testing requirements

3. **Record keeping:** Condition 3 has been placed in the permit in accordance with 20.11.41.18.B(8) NMAC, to allow the Division to determine compliance with the terms and conditions of the permit. Compliance will be based on Division inspection of records and logs.

- a) Record and maintain daily logs of all ore truck deliveries utilizing the on-site scale records. These records shall include the amount of material (in tons) for each ore truck delivery and the time in and time out for all ore truck deliveries made to the facility.
- b) Record and maintain logs of daily baghouse pressure drops for baghouses associated with process equipment # 1b, 2b, 3b, 4b, 6, 7, and 101.
- c) Record monthly opacity observations for process equipment # 1a, 1b, 2a, 2b, 3a, 3b, 4a, 4b, 6, 7, 101, 8, 9, 10, 11, 13, 14, 15, 16 and 17.
- d) Maintain monthly production records for total wallboard (square feet) that is less than or equal to ½" thick, wallboard that is greater than ½" thick, but less than 1" thick and wallboard that is equal to, but not greater than 1" thick and any other size produced at the facility.
- e) Maintain monthly records of natural gas usage for the entire plant.

This information shall be retained at the plant site for the most recent two-year period and shall be made available to Division personnel upon request.

4. **Monitoring:** Condition 4 has been placed in the permit in accordance with 20.11.41.18.B(4), (6) and (7) NMAC, to allow the Division to determine compliance with the terms and conditions of the permit. Compliance will be based on Division inspection of equipment and logs.

- a) The permittee shall install the appropriate equipment deemed necessary by the Division for performance testing.
- b) The permittee shall monitor all ore truck deliveries utilizing the on-site scale. The monitoring of ore truck deliveries shall include the amount of material (in tons) for each ore truck delivery and the time in and time out for all ore truck deliveries made to the facility.
- c) Monitor baghouse pressure drops daily for baghouses associated with process equipment # 1b, 2b, 3b, 4b, 6, 7, and 101.
- d) Monitor the opacity for process equipment # 1a, 1b, 2a, 2b, 3a, 3b, 4a, 4b, 6, 7, 101, 8, 9, 10, 11, 13, 14, 15, 16 and 17 utilizing Method 9 on a monthly basis. Opacity observations shall be conducted in accordance with EPA methods contained in Appendix A of the CFR, Title 40, Part 60, unless otherwise approved by the Division.
- e) Monitor monthly production of total wallboard produced at the facility as stated in Condition 3(d).
- f) Monitor the plant's natural gas usage on a monthly basis.

5. **Reporting:** Condition 5 has been placed in the permit in accordance with 20.11.41.20 NMAC and 20.11.90 NMAC, to allow the Division to determine compliance with the terms and conditions of the permit. Compliance will be based on timely submittal of the reports, notifications, and required information and shall be made in accordance with 20.11.41.20 NMAC.

The permittee shall notify the Division in writing of:

- a) any change in control or ownership within fifteen (15) days of the change in control or ownership; the permit and conditions apply in the event of any change in control or ownership of the facility. No permit modification is required in such case; however, in the event of any such change in control or ownership, the permittee shall notify the succeeding owner of the permit and the conditions.
- b) an updated emissions inventory and the annual square feet of wallboard production for the source together with descriptions of any reconfiguration of process technology and air pollution equipment March 15 every year. If no change has occurred, a letter indicating that no change has occurred shall be sufficient.
- c) any breakdown of equipment or air pollution control devices or apparatus so as to cause emissions of air contaminants in excess of limits set by permit conditions. Any breakdown or abnormal operating conditions shall be reported within two hours of occurrence to (505) 224-6977 and via facsimile to (505) 768-1977. If the breakdown number should change for any reason, the permittee will be notified by the Division and all breakdowns and abnormal conditions shall be reported to the new number.
- d) the monthly opacity observations required in Condition 3 (c) and Condition 4 (d). The reports shall be received by the Division within fifteen (15) working days from the end of each month.
- e) the monthly production records required in Condition 3 (d) and Condition 4 (e). The records shall be received by the Division within fifteen (15) working days from the end of each month.
- f) a monthly summary report of the daily material throughput (in tons) for the entire facility as required in Condition 3 (a) and Condition 4 (b). The Division shall receive the records with fifteen (15) working days from the end of each month
- g) the monthly natural gas usage records required in Condition 3 (e) and Condition 4 (f). The records shall be received by the Division within fifteen (15) working days from the end of each month.
- h) the manufacture, model number, serial number, size (process rate, flow rate, etc.), and installation date for process equipment # 101 and the baghouse associated with process equipment # 101 within thirty (30) days of installation.
- i) all reporting requirements referenced by Compliance Agreement No. EA 99-1047 as stated in Condition 1 (d).

The reports and notifications shall contain the required information and shall be made in accordance with CFR Title 40, Part 60, Subpart A - General Provisions and 20.11.41.20 NMAC.

6. **Compliance Tests:** Condition 6 has been placed in the permit in accordance with CFR Title 40, Part 60, Subpart A General Provisions and 20.11.41.21 NMAC and 20.11.90.B NMAC. Compliance will be based on the satisfactory completion of the compliance tests, the timely submittal of the emission unit test results to the Division, and on meeting the emission limits specified in Condition 2.
- a) Initial compliance tests for emission unit 101 have been imposed for NO_x, CO, and particulate matter to demonstrate compliance with Condition 2 (r). Initial compliance tests shall be conducted within one hundred eighty (180) days of installation of the modified equipment or within sixty (60) days of achieving maximum permitted production, whichever ever comes first
 - b) Initial and annual compliance tests for emission unit 15 have been imposed for NO_x and CO to demonstrate compliance with Condition 2 (r). Initial compliance tests shall be conducted within one ninety (90) days of the permit issue or within sixty (60) days of achieving maximum permitted production, whichever ever comes first. All annual compliance tests shall be conducted within one year of conducting the initial compliance tests
 - c) An initial compliance test for emission unit 17 has been imposed for particulate matter to demonstrate compliance with Condition 2 (r). Initial compliance tests shall be conducted within one hundred eighty (180) days of installation of the modified equipment or within sixty (60) days of achieving maximum permitted production, whichever ever comes first
 - d) Initial compliance tests for emission units 1, 2, 3, and 4 have been imposed for NO_x, CO, and particulate matter to demonstrate compliance with Condition 2 (r). Initial compliance tests shall be conducted in accordance with Compliance Agreement No. EA 99-1047 as stated in Condition 1 (d).
 - e) Annual compliance tests for emission units 1, 2, 3, and 4 have been imposed for particulate matter to demonstrate compliance with Condition 2 (r). All annual compliance tests shall be conducted within one year of conducting the initial compliance tests
 - f) Initial compliance tests for emission units # 6, 7, 8, 9, 10, 11, 12a, 12b, 13, 14, and 16 have not been imposed at this time.
 - g) Annual compliance tests for emission units # 6, 7, 101, 8, 9, 10, 11, 12a, 12b, 13, 14, 16, and 17 have not been imposed at this time
 - h) Additional compliance tests may be reimposed if inspections of the source indicate non-compliance with permit conditions or the previous test showed non-compliance or was technically unsatisfactory
 - i) The frequency of compliance tests for any emission unit may be unimposed by the Division if the source has shown continual compliance with the emission limits stated in Condition 2(r) and inspections of the source have demonstrated compliance with all conditions of this permit.
 - j) The permittee shall provide for the Division's approval a written test protocol at least fifteen (15) days prior to the anticipated test date. The protocol shall describe the test methods to be used (including sampling locations), and shall describe data reduction procedures. Any variation from the established sampling and analytical procedures or from facility operating conditions shall be presented for Division approval. . All compliance tests shall be conducted in accordance with EPA methods contained in Appendix A of the CFR, Title 40, Part 60, unless otherwise approved by the Division.
 - k) The test protocol and compliance test report shall conform to the standard format specified by the Division.
 - l) The tests shall be conducted at ninety (90%) percent of the emission unit=s permitted capacity or greater to demonstrate compliance with the permitted emission limits. Compliance testing at other than 90% production levels shall be performed at the Division's request and/or approval.

m) One copy of the compliance test results shall be submitted to the Division Enforcement Section within thirty (30) days after the completion of testing.

n) Unit Specific Performance Testing

Unit Specific Performance Testing

Emission Unit Number	Initial Performance Test	Frequency of Performance Test
1	Required for NO _x , CO, and Particulate Matter	Required Annually for Particulate Matter
2	Required for NO _x , CO, and Particulate Matter	Required Annually for Particulate Matter
3	Required for NO _x , CO, and Particulate Matter	Required Annually for Particulate Matter
4	Required for NO _x , CO, and Particulate Matter	Required Annually for Particulate Matter
6	Not Required *	Not Required *
7	Not Required *	Not Required *
101	Required for NO _x , CO, and Particulate Matter	Not Required *
8	Not Required *	Not Required *
9	Not Required *	Not Required *
10	Not Required *	Not Required *
11	Not Required *	Not Required *
12a	Not Required *	Not Required *
12b	Not Required *	Not Required *
13	Not Required *	Not Required *
14	Not Required *	Not Required *
15	Required for NO _x and CO	Required Annually for NO _x and CO
16	Not Required *	Not Required *
17	Required for Particulate Matter	Not Required *

* Compliance tests have not been imposed for this unit at this time, but may be reimposed if inspections of the source indicate non-compliance with permit conditions.

7. **Modifications:** Condition 7 has been placed in the permit in accordance with 20.11.41.7.H NMAC, to enable the Division to review proposed changes to the facility, which may constitute a permit modification prior to such changes. Compliance will be based on Division inspections and the submittal of a new permit application for any modification.

Any future physical changes or changes in the method of operation which results in an increase in the pre-controlled emission rate may constitute a modification as defined by 20.11.41.7.H NMAC. No modification shall begin prior to issuance of a permit. Modifications or revisions to this permit shall be processed in accordance with 20.11.41 NMAC.

8. **Compliance Assurance/Enforcement:** All air pollution emitting facilities within Bernalillo County are subject to all applicable Albuquerque/Bernalillo County Air Quality Control Regulations, whether listed in this registration/permit or not.
- a) The issuance of a permit or registration does not relieve the Facility from responsibility of complying with the provisions of the Air Quality Control Act, and the laws and regulations in force pursuant to the Act. (20.11.41.17 NMAC)
 - b) Any conditions imposed upon the Facility as the result of an Authority-To-Construct Permit or any other permit issued by the Division shall be enforceable to the same extent as a regulation of the Board. (20.11.41.18.C NMAC)
 - c) Whenever two or more parts of the Air Quality Control Act, or the laws and regulations in force pursuant to the Act, limit, control or regulate the emissions of a particular air contaminant, the more restrictive or stringent shall govern. (20.11.1.14 NMAC)
 - d) The Division is authorized to issue a compliance order requiring compliance and assessing a civil penalty not to exceed Fifteen Thousand and no/100 Dollars (\$15,000) per day of noncompliance for each violation, commence a civil action in district court for appropriate relief, including a temporary and permanent injunction. (74-2-12 NMSA)
 - e) Scheduled and Unscheduled Inspection (74-2-13 NMSA) -- The Division will conduct scheduled and unscheduled inspections to insure compliance with the Air Quality Control Act, and the laws and regulations in force pursuant to the Act, and this Permit, and, upon presentation of credentials:
 - i. Shall have a right of entry to, upon, or through any premises on which an emission source is located or on which any records required to be maintained by regulations of the Board or by any permit condition are located;
 - ii. May at any reasonable time have access to and copy any records required to be established and maintained by Regulations of the Board, or any permit condition;
 - iii. May inspect any monitoring equipment and method required by Regulations of the Board or by any permit condition, and;
 - iv. Sample any emissions that are required to be sampled pursuant to Regulation of the Board, or any permit condition.
 - f) Any credible evidence may be used to establish whether the Facility has violated or is in violation of any regulation of the Board, or any other provision of law. Credible evidence and testing shall include, but is not limited to (20.11.41.26.A-B NMAC):
 - i. A monitoring method approved for the source pursuant to 20.11.42 NMAC "Operating Permits" and incorporated into an operating permit;
 - ii. Compliance methods specified in the Regulations, conditions in a permit issued to the Facility, or other provision of law;
 - iii. Federally enforceable monitoring or testing methods, including methods in 40 CFR parts 51, 60, 61, and 75; and,
 - iv. Other testing, monitoring or information-gathering methods that produce information comparable to that produced by any CFR method and approved by the Division and EPA.

9. **Posting of the Permit:** Compliance will be based on Division inspections of the facility, which show that a copy of the permit has been posted in a visible location. A copy of this permit shall be posted in a visible location at the plant site at all times. The permit shall be made available to Division personnel for inspection upon request.
10. **Annual Fees** -- Condition 10 has been placed in the permit in accordance with 20.11.2 NMAC to allow the Division to determine compliance with the terms and conditions of the permit. Compliance will be based on the receipt of the annual emissions fee due each year to the Division pursuant to 20.11.2 NMAC. Every owner or operator of a source that is required to obtain a source registration, an Authority-to-Construct permit, an operating permit, or a preconstruction permit shall pay an annual emissions fee pursuant to 20.11.2 NMAC, 20.11.40 NMAC, 20.11.41 NMAC, 20.11.42 NMAC, 20.11.60 NMAC, 20.11.61 NMAC, or 20.11.62 NMAC.

**Facility Wide Fee Pollutants
(Tons Per Year)**

Fee Pollutant	Facility Wide Fee Pollutant Totals in Tons per Year (TPY)
Carbon Monoxide (CO)	100
Oxides of Nitrogen (NO _x)	155
Total Suspended Particulate Matter (TSP)	64
Oxides of Sulfur (SO _x)	11
Volatile Organic Compounds (VOC)	15
Facility Wide Fee Pollutants Totals (TPY)	345

II. ADDITIONAL REQUIREMENTS

1. **Permit Cancellation:** The Division may cancel any permit if the construction or modification is not commenced within one (1) year from the date of issuance or if, during the construction or modification, work is suspended for a total of one (1) year in accordance with 20.11.41.19 NMAC.
2. **Division Address:** Application for permit modifications, relocation notices and items listed under **ADDITIONAL REQUIREMENTS** shall be submitted to:

Albuquerque Environmental Health Department
Air Quality Division
Permitting Section
P.O. Box 1293
Albuquerque, New Mexico 87103

Test protocols, compliance tests and all reports shall be submitted to:

Albuquerque Environmental Health Department
Air Quality Division
Attention: Compliance Officer
P.O. Box 1293
Albuquerque, New Mexico 87103

Appendix A

American Gypsum Company

**Compliance Agreement
No. EA99-1047**

20000509-

THE CITY OF ALBUQUERQUE
ENVIRONMENTAL HEALTH DEPARTMENT

In Re: AMERICAN GYPSUM COMPANY

COMPLIANCE AGREEMENT No. EA 99 - 1047

I. PARTIES AND LEGAL AUTHORITIES

1. This Compliance Agreement ("Agreement") is entered into between American Gypsum Company ("American Gypsum"), whose corporate address is P. O. Box 90820, Albuquerque, New Mexico 87119, and the City of Albuquerque, New Mexico, a municipal corporation ("City"), Post Office Box 1293, Albuquerque, New Mexico 87103, by and through the City Environmental Health Department ("Department"), which is authorized by the City, the County of Bernalillo ("County"), and the Albuquerque/Bernalillo County Air Quality Control Board ("Board") to be the administrative and enforcement agency for the Board.

2. The Department is authorized to bring an enforcement action regarding the subject of this Agreement pursuant to the federal Clean Air Act, 42 U.S.C. §§ 7401 to 7642 (1992); the New Mexico Air Quality Control Act, Chapter 74, Article 2, NMSA 1978 ("the Act"); either the Albuquerque Joint Air Quality Control Board Ordinance, Chapter 9, Article 5, Part 1, ROA 1994 (the "Ordinance") or the Bernalillo County Joint Air Quality Control Board Ordinance No. 94-5 (the "Ordinance"); and the Albuquerque/Bernalillo County Air Quality Control Board Regulations, 20 NMAC 11 (the "Regulations"). The City is authorized by the County and the Board to enter into this Agreement. This Agreement shall be binding on American Gypsum and the Department.

II. INTENT OF THE PARTIES

3. The parties have entered into this Agreement to address the April 5, 1999 Notice of Violation ("April 1999 Notice"), which was issued by the Department to American Gypsum. The April 1999 Notice and related April 1, 1999 Compliance/Permit Review Summary (Summary) alleged that on January 12, 1999, Department Air Quality Division Inspector Angela Lopez and Permit Specialist Paul Puckett observed the following at the American Gypsum facility located at 4600 Paseo del Norte NE, in Albuquerque, New Mexico (the "Facility"): emissions coming from the ESP unit with an opacity of 45%, based on a 12 minute timed average. American Gypsum's Permit #752 establishes emissions from the stack in question shall not exceed 10% opacity. In addition, the April 1999 Notice alleges the Department did not receive notice of the January 12, 1999 breakdown, as

required in specific Regulations, which are incorporated in Permit #752. The April 1999 Notice and Summary also alleged American Gypsum violated Permit #752 by having notifying the Department of more than one breakdown per month. From March 24, 1998 through March 11, 1999, the Department documented 26 breakdown notices in excess of one breakdown per month. American Gypsum's execution of, and compliance with this Agreement will fully resolve the violations asserted in the April 1999 Notice.

III. FACTS AND CONCLUSIONS

4. American Gypsum agrees:

A. American Gypsum owned or leased and operated the Facility on January 12, 1999.

B. The Facility is located within Bernalillo County, New Mexico, within the jurisdiction of the Board and the Department.

C. American Gypsum received the April 1999 Notice, which alleged that on January 12, 1999, American Gypsum violated two conditions of Permit # 752: exceeding the allowable number of breakdowns and exceeding the maximum opacity as established in Table A for Emission Point No. 5 electrostatic precipitator (ESP) cottrell 16KVA. However, American Gypsum later established to the satisfaction of the Department that American Gypsum had provided a satisfactory breakdown notice for the opacity exceedance.

D. In addition, American Gypsum is subject to the terms of an Administrative Compliance Order on Consent, EA 97-0030, executed by American Gypsum on July 1, 1997 and by the Director of the Department on July 2, 1997 (1997 Compliance Order). The 1997 Compliance Order was entered into by the parties to resolve: 1.) the high frequency and regularity of notices given to the Department by American Gypsum regarding breakdowns, abnormal operating conditions, or scheduled maintenance at American Gypsum; 2.) an opacity violation resulting from emissions from the ESP on March 13, 1997 that resulted in a March 14, 1997 NOV issued to American Gypsum; 3.) issues related to American Gypsum's synthetic minor operating permit #384; and 4.) any legal claims the Department may have had against American Gypsum that arose before the effective date of the 1997 Consent Order.

5. After American Gypsum received the April 1999 Notice, American Gypsum investigated the facts and the law and confirmed on January 12, 1999 American Gypsum was in violation of the breakdown notice limitations established in Permit # 752, as alleged in the April 1999 Notice.

6. In order to resolve the ^{PERMIT NO. 752} opacity violation alleged in the April 1999 Notice, in June 1999, American Gypsum paid \$5,200 of the \$9,700 penalty assessed in the April 1999 Notice. Staff from American Gypsum and the Department also had discussions and exchanged letters in an effort to improve American Gypsum's compliance. In a letter sent

by facsimile to the Department on August 31, 1999, American Gypsum made the following proposal in order to fully resolve violations asserted in the April 1999 Notice:

American Gypsum intends to install four separate bag house dust collectors, one each on the current four calcining kettles. These bag house dust collectors will take the place of the current Electrostatic Precipitator (ESP). As part of this project, the ESP will be taken out of service and dismantled. The final design, procurement and installation of the dust collectors will take 9 months from the signing of the Consent Agreement to complete.

IV. TERMS AND CONDITIONS

7. American Gypsum agrees:

A. By December 1, 1999, American Gypsum will deliver to the Department a detailed description of the four bag house dust collectors American Gypsum will install at the Facility. The description will include the manufacturer, model and other details relevant to their operation, as requested by the Department;

B. By July 1, 2000, American Gypsum will complete installation of the four bag houses at the Facility;

C. By September 21, 2000, American Gypsum will conduct performance tests on the installed bag houses. However, testing will not occur until the performance test protocol has been approved by the Department and notice of testing has been delivered by American Gypsum to the Department, as required in the Regulations;

D. To operate in compliance with the Act, the Ordinance, the Regulations and any permit which has been issued by the Department; and

E. By Friday, October 1, 1999, to deliver to the Department four identical copies of this Compliance Agreement, each signed and dated by an American Gypsum official who is authorized to bind American Gypsum.

8. Failure to meet the requirements of this Compliance Agreement, the Act, the Ordinance, the Regulations, or a permit issued by the Department may result in the Department taking additional enforcement actions. The options available to the Department include, but are not limited to commencing a civil action for appropriate relief, seeking an injunction, and/or referring the violation to the Office of the Attorney General, the City Attorney, or the Bernalillo County District Attorney for criminal prosecution pursuant to Act section 74-2-14.C(3).

9. All correspondence to the Department regarding this Agreement and related matters will be addressed to:

Supervisor, Compliance Section

Air Quality Division
Environmental Health Department
Post Office Box 1293
Albuquerque, New Mexico 87103-1293
(505) 768-1961/2600

10. The parties to this Agreement additionally agree:

A. The terms of this Agreement are severable. If any part of this Agreement is held to be invalid or unenforceable, the holding will not affect the validity or enforceability of any other part of this Agreement as long as the remainder is reasonably capable of completion.

B. This Agreement supersedes any and all other agreements or understandings, oral or written, between American Gypsum and the Department, or the City, or the County, or the Board regarding the violations alleged in the April 5, 1999 Notice, whether previous to execution of this Agreement or contemporaneous herewith. No prior agreement, covenant or understanding of the parties or their agents regarding the April 1999 Notice and the violations cited in the April 1999 Notice shall be valid or enforceable unless included in this written Agreement. This Agreement is binding upon and inures to the benefit of the successors in interest and the assigns of American Gypsum. If some or all of the ownership of American Gypsum is transferred, American Gypsum will provide all transferees with a copy of this Agreement before the effective date of the transfer.

C. This Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of New Mexico, and the laws, rules, and regulations of the City and County, including, but not limited to the Regulations. The Department retains the right to seek enforcement of this Agreement, and to pursue civil, criminal or administrative relief for any future violation of the Act, the Ordinance, a Regulation or a term of any permit issued by the Department to American Gypsum. If either party to this Agreement files a declaratory judgment or other court action to obtain interpretation, clarification or enforcement of the terms of this Agreement, the parties agree the Second Judicial District Court for the State of New Mexico shall have exclusive jurisdiction over the parties and the subject matter.

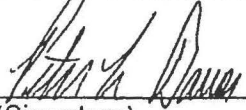
D. Execution of this Agreement in no way relieves American Gypsum of its legal obligation to comply with all applicable federal, state and local environmental laws, ordinances, regulations and permit conditions in its operations after the date of the April 1999 Notice. This Agreement shall not be construed to limit in any way the Department's right to require American Gypsum to comply with all permitting and other requirements that legally may be asserted regarding any aspect of American Gypsum's operation.

E. Clean air and compliance with the Regulations and the terms of any permit issued by the Department to American Gypsum are priorities for both parties. If American Gypsum contacts the Department with questions regarding the Regulations or

the terms of a Permit, the Department will consult with American Gypsum in good faith and will endeavor to treat American Gypsum as it would treat any other business or permit holder in the same or similar situation.


F. The parties affirm they entered into this Agreement in good faith, without duress or undue influence, and they are fully informed of its terms and conditions. The parties acknowledge they have thoroughly read the terms and conditions and have sought and received whatever competent advice or counsel was necessary to form a full and complete understanding of all their rights and obligations. By signing this Agreement, the individuals signing warrant they have the authority to execute this Agreement on behalf of the respective parties and to bind the respective parties to its terms. This Agreement shall not be effective or binding until signed by the City Environmental Health Department Director or Acting Director. This Agreement shall be effective on the date of final execution by the City.

AMERICAN GYPSUM COMPANY

By: 
(Signature)
PETER L. BAUER
(Type or print name)

Title: PLANT MANAGER - ALBUQUERQUE
Date: 9/23/99

CITY OF ALBUQUERQUE

By: 
Sarah Kotchian, Director
Environmental Health Department

Date: 9/28/99

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