PENGAD 800-631-6989
AQD EXHIBIT
13

Butt, Neal T.

From: Butt, Neal T.
Sent: Thursday, February 28, 2013 10:00 AM
To: 'Walser, John'; Donaldson, Guy
Cc: Nieto, Margaret ; Jones, Elizabeth A.
Subject: RE: EPA Review Draft State Board SIP revision
Follow Up Flag: Follow up
Flag Status: Purple

Tracking:

Recipient	Read
'Walser, John'	
Donaldson, Guy	
Nieto, Margaret	
Jones, Elizabeth A.	Read: 2/28/2013 10:54 AM

John,

Thank you for your call yesterday, I look forward to speaking with you and Guy this morning. Thank you and Guy for your review of our proposed State Boards SIP revision. To address your comment regarding the need for further explanation of what has been changed since EPA's June 1, 1999 approval, and what is now proposed to be included into the NM SIP; I have manually created 'redline strikeout' versions of each ordinance/policy proposed to be placed into the SIP, which are marked "AQD Exhibit 2c" through "AQD Exhibit 11c". The ordinances/policies that were cited in the Federal Register approval are marked "AQD Exhibit 2a" through "AQD Exhibit 11a", and the ordinances/policies that are currently in effect are marked "AQD Exhibit 2b" through "AQD Exhibit 11b".

In terms of cross-referencing each ordinance/policy to the Clean Air Act, I do not know if I know how to tie each one the CAA. In general, the CAA references that I think are germane to the State Board SIP are:

Section 7428(a)(2), U.S.C.A. (1) The Board must have a majority of its members who represent the public interest, and (2) Conflicts of interest shall be adequately disclosed by any Board member or agency director.

§ 110(a)(2)(C) *include a program to provide for enforcement of the measures in § 110(a)(2)(A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that NAAQS are achieved, including a permit program as required in Parts C and D of this Subchapter.*

§ 110(a)(2)(E)(i) *Provide:*
(i) necessary assurances that the State (or, except where the administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the State or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof),

§ 110(a)(2)(E)(ii) *(ii) requirements that the State comply with the requirements respecting*

State boards under CAA Section 128 [Section 7428 of this Title], and

§ 110(a)(2)(E)(iii) *(iii) necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provision.*

I can provide this summary in my testimony which will also be included in my NOI. If you would like a more specific cross-walk from each ordinance/policy to the specific CAA citation, then I will need some help from you on that.

I have attached the URL link to the aforementioned exhibits, and you should have already received a listserve notice with a link to the Petition and PRD.

Regards,

http://www.cabq.gov/airquality/air-quality-control-board/documents/StateBoardsSIPOrdinance_PolicyExhibitPackage.pdf

Neal

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

From: Walser, John [mailto:Walser.John@epa.gov]
Sent: Wednesday, February 20, 2013 9:23 AM
To: Butt, Neal T.; Nieto, Margaret
Cc: Donaldson, Guy
Subject: Re: EPA Review Draft State Board SIP revision

Hello Neal,

Hope all is well. As we discussed on our call on February 6th, thank you for submitting the proposed revisions to the State Board SIP and exhibits for our review.

My recommendation is that the proposed submittal needs to more fully explain what is being revised since our SIP-approvals in 1999. It is not clear to me what exactly is being proposed as a SIP revision since our 1999 approvals. It would be helpful if you could clearly state what has been amended or revised and cross-reference that specific exhibit or ordinance to the appropriate Clean Air Act Section 110(a)(2) citation. For example, Bernalillo County Ordinance 94-5 (amended and re-codified Ordinance 88-45) provides the AQD with authority to enforce permitting provisions etc. and cross-reference that with CAA Section 110(a)(2)(C). It is also possible some of what you have proposed as a SIP revision in not actually needed.

I think it would be helpful if we had a call to further discuss this some time before you re-propose. Let's schedule a call after you have had time to review. Guy and I are happy to speak with you regarding this.

Meanwhile, please call me if you have any questions or need further clarification. Thanks again Neal!

John

Mr. John Walser
Air Planning Section
U.S. EPA Region 6, 6PD-L
1445 Ross Ave., Suite 700
Dallas, TX 75202-2733
walser.john@epa.gov
214-665-7128
214-665-6762 fax