AQD EXHIBIT
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PENGAD 800-631-6989

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JAN 3 1 2013

Ms. Margaret Nieto
City of Albuquerque
Environmental Health Department
Air Quality Division
One Civic Plaza, Room 3047
Albuquerque, NM 87103

Re: Proposed NO_2 Infrastructure State Implementation Plan (SIP)

Dear Ms. Nieto:

Thank you for the opportunity to review and comment on the proposed State Implementation Plan (SIP) revision "Infrastructure Requirements of Section 110(a)(2)(A-M) of the Clean Air Act (CAA) to Implement the 2010 Nitrogen Dioxide (NO_2) National Ambient Air Quality Standards (NAAQS)." The Environmental Protection Agency (EPA) appreciates the efforts of the Albuquerque-Bernalillo County Air Quality Control Board to meet this important CAA requirement. The EPA Region 6 offers the following comments on the proposed SIP revision:

Comment 1:

Sections 110(a)(2)(C) and (E) of the certification matrix in the Proposal do not include any discussion of where the Air Quality Division (AQD) is granted authority to enforce permitting provisions and implement the SIP. The Bernalillo County Ordinance 88-45 provides the AQD with authority to enforce permitting provisions, and provides for assessment of administrative enforcement actions and administrative penalties for violations of those permit terms and conditions. The EPA approved Ordinance 88-45 into the Albuquerque/Bernalillo County SIP in a June 1, 1999 rulemaking (64 FR 29235). The Albuquerque/Bernalillo County has since amended the ordinance and re-codified it as Bernalillo County Ordinance 94-5. Since Ordinance 88-45 no longer exists, we encourage the submittal of the amended ordinance as a SIP revision. We will act on this amended ordinance in a future rulemaking. The Joint Air Quality Control Board Ordinance 94-5 is also cited as legal authority in 20.11.1.3 NMAC, which is SIP-approved. Please update the matrix to include a discussion of the above.

Comment 2:

The EPA finalized the $PM_{2.5}$ PSD Increment—SILs—SMC Rule (75 FR 64864, October 20, 2010) to provide additional regulatory requirements under the PSD SIP program regarding the implementation of the $PM_{2.5}$ NAAQS for NSR. As a result, the $PM_{2.5}$ PSD Increment— SILs—SMC Rule required states to submit SIP revisions to adopt the required PSD increments by July 20, 2012. This requirement applies to the Albuquerque/Bernalillo County. Specifically, the October 20, 2010 $PM_{2.5}$ Rule requires states to adopt and submit for EPA approval a PSD SIP revision that implements the $PM_{2.5}$ increments pursuant to section 166(a) of the Clean Air Act (CAA) to prevent significant deterioration of air quality in areas meeting the NAAQS. The EPA will not be able propose a full approval of the Infrastructure SIP for the PSD related components of sections 110(a)(2)(C), 110(a)(2)(D)(i)(II), and 110(a)(2)(J) until the

Thank you for your efforts to meet this important CAA requirement. We offer our assistance during the SIP revision process. If you have any questions or need additional clarification, please contact Mr. John Walser of my staff at 214-665-7128. Please let us know how we may be of further assistance.

Sincerely yours,

Guy Donaldson
Chief
Air Planning Section