AQD EXHIBIT 56

From: Rocha, Dario W.
Sent: Monday, May 04, 2009 8:36 AM
To: Duran, Angela ; Butt, Neal T.; Nieto, Margaret
Subject: FW: Comments to Title V program

Follow Up Flag: Follow up
Flag Status: Green
Please see attached response from EPA regarding Part 42.

Dario

From: Penland.Catherine@epamail.epa.gov [mailto:Penland.Catherine@epamail.epa.gov]
Sent: Monday, May 04, 2009 8:31 AM
To: Rocha, Dario W.
Cc: Tavarez, Isreal L.; Thomas.Carrie@epamail.epa.gov
Subject: RE: Comments to Title V program

Dario,

Sorry I couldn't take the call on Friday - had something come up last minute, could not get anyone early to cancel call - then tied up rest of day.

Was in a rush to review these definitions, and completely missed the second. This is something our ORC may bring up with OGC as a vulnerability in the rules, with a suggestion to change in the future - as it does restrict what is enforceable under the rules. In the meantime, your defintion is fine, and your resolutions are OK with us.

Thank you for trying to coordinate.

Cathy

Catherine G. Penland
EPA Region 6 - 6PD-R
Phone: (214) 665-7122
Fax: (214) 665-6762
penland.catherine@epa.gov

RE: Comments to Title V program

Rocha, Dario W. to: Catherine Penland 05/01/2009 12:08 PM

Cc: Carrie Thomas, "Nieto, Margaret ", "Duran, Angela ", "Butt, Neal T.", "Tavarez, Isreal L."

Cathy,

We are sorry we were unable to conduct our conference call this morning at 10:30 MST.

We wanted to provide you a resolution to your comments regarding the stakeholder version of 20.11.42 NMAC. Regarding your first comment in reference to 20.11.42.2(D) Scope, the AEHD has deleted this paragraph.

Regarding the second comment in reference to the definition of "Emissions allowable under the permit", we are proposing to keep this definition as it stands. The reason is that this definition is consistent with the current federal definition of "Emissions allowable under the permit" under the latest version 40 CFR 70.2. The current definition under 40 CFR 70.2 reads as follows:

***"Emissions allowable under the permit* means a federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject."**

Please click on the following link for this definition from the Government Printing Office website.

http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&rgn=div5&view=text&node=40:15.0.1.1.7&idno=40

We would be happy to discuss these further if you wish. Please let us know of your availability next week if you would like us to schedule another conference call.

****
Dario Rocha
Supervisor
Permitting & Technical Analysis Section
Environmental Health Department
Air Quality Division
City of Albuquerque
(505) 768-1915
****

From: Tavarez, Isreal L.
Sent: Tuesday, April 28, 2009 10:10 AM
To: 'Penland.Catherine@epamail.epa.gov'
Cc: Thomas.Carrie@epamail.epa.gov; Rocha, Dario W.; Nieto, Margaret ; Duran, Angela ; Butt, Neal T.
Subject: RE: Comments to Title V program

Cathy,

Thank you for agreeing to conduct a conference call with the City of Albuquerque regarding EPA Region 6 comments on the proposed changes to the Title V permitting program regulation 20.11.42 NMAC.

Please find below our availability for conference call

Wednesday (4/29): 9:00 am to 10:00 am MST (10:00 am to 11:00 am CST)
Thursday (4/30): 10:30 am to 12:00 pm MST (11:30 am to 1:00 pm CST) and 1:00 pm to 1:45 pm MST (2:00 pm to 2:45 pm CST)
Friday: (5/1): 10:30 am to 11:30 am MST (11:30 am to 12:30 pm CST)

Please let us know when you and Ms. Thomas are available. I do not anticipate the call to take longer than 45 minutes.

Thank you,

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Isreal L. Tavarez, P.E.
Environmental Engineering Manager
Air Quality Programs
Environmental Health Department
City of Albuquerque
Phone: (505) 768-1965
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From: Penland.Catherine@epamail.epa.gov [mailto:Penland.Catherine@epamail.epa.gov]
Sent: Monday, April 27, 2009 2:31 PM
To: Tavarez, Isreal L.
Cc: Thomas.Carrie@epamail.epa.gov
Subject: Comments to Title V program

Isreal,

Got a message from Carrie that you called and left a message about wanting to talk about the comments we sent on the draft changes to some definitions in the Title V program. I'm about to leave, and do not have time today, and I know Carrie is in a meeting the rest of this afternoon. Could you please provide both of us some available times, so we can try to set this up in another couple days? I will be back in the office on Wednesday. I will check messages, so I can try to plan ahead for when you would like to discuss.

Thank you,

Cathy

Catherine G. Penland
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