AQD EXHIBIT 36

Butt, Neal T.

From: Clark, Melissa B Civ USAF AFMC 377 MSG/CEANC [Melissa.Clark@kirtland.af.mil]
Sent: Wednesday, November 10, 2010 8:23 AM
To: Butt, Neal T.
Cc: Dann, Jennifer L Civ USAF AFMC 377 MSG/CEANC
Subject: RE: Stakeholder Review Draft for 20.11.4 NMAC, General Conformity
Signed By: There are problems with the signature. Click the signature button for details.
Follow Up Flag: Follow up
Flag Status: Purple
Attachments: Kirtland AFB Comments_20.11.4 NMAC Stakeholder review draft_10Nov10.doc

Neal,

Please find attached Kirtland AFB comments on the stakeholder review draft for 20.11.4 NMAC, General Conformity.

Thank you,
Melissa

//SIGNED//

Melissa Clark
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From: City of Albuquerque-Air Quality Division [mailto:nbutt@cabq.gov]
Sent: Tuesday, September 21, 2010 11:35 AM
To: Clark, Melissa B Civ USAF AFMC 377 MSG/CEANC
Subject: Stakeholder Review Draft for 20.11.4 NMAC, General Conformity

Availability of Stakeholder Review Draft of 20.11.4 NMAC, General Conformity

Newsletter Subtitle
Month Year

Dear Stakeholders,

On March 24, 2010, the EPA revised their General Conformity regulation [FR Vol. 75, No. 64, 17254-79, 4/5/10]. General conformity is an important provision of the Clean Air Act (Act) Amendments of 1990. Section 176(c) of the Act clearly illustrates the intent of Congress with respect to this program by explicitly requiring federal actions to conform to the applicable State Implementation Plan (SIP), and defines a conforming state action as one that does not: 1) cause or contribute to a new violation of any health-based air quality standard in any area; 2) increase the severity or frequency of an existing violation of any standard in any area; or 3) delay timely attainment of any standard, required interim emission reduction or other milestone in any area.

The intent of the Act's General Conformity provision is to encourage a process where federal agencies would work with their counterparts at the state and local levels to coordinate review of projects whose air quality impacts are real, but which do not fit neatly into the stationary source "box," where applicable processes and requirements are more well-defined. Examples of covered actions include airport construction or expansion.

In response, The City of Albuquerque Air Quality Division (AQD) is proposing amendments to the current Air Quality Control Board regulation, 20.11.4 NMAC, *General Conformity* in order to conform to these recent federal rule changes. The Stakeholder Review Draft is available on the AQD website. The AQD respectfully requests that stakeholders provide comments on this draft by November 15, 2010. Comments can be sent electronically to nbutt@cabq.gov, or delivered to Neal Butt, c/o Air Quality Division, Environmental Health Dept., PO Box 1293, One Civic Plaza NW, Albuquerque, NM 87103; (505) 768-2660.

Thank you for your interest.

Neal Butt

Environmental Health Scientist

Air Quality Division

nbutt@cabq.gov

(505) 768-2660

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City of Albuquerque | One Civic Plaza NW | Albuquerque | NM | 87102

Kirtland AFB Comments
20.11.4 NMAC General Conformity Stakeholder Review Draft (20 September 2010)
9 November 2010

1. 20.11.4.2(A)(1) - change to read ". . . implementation plan and/or approved maintenance plan."
2. 20.11.4.2(A)(2) – change to read ". . . implementation plan or maintenance plan in accordance. . ."
3. 20.11.4.2(A)(4) - change to read ". . . implementation plan or an approved maintenance plan does not exempt. . .implementation plan, NEPA, or the Clean. . ."
4. 20.11.4.6 - the proposed changes discuss applicability with agencies and/or organizations that receive funds under Title 23 USC or 49 USC. It does not address other entities that do not receive funds under Title 23 or 49.
5. 20.11.4.7(I) – change to read ". . . applicable implementation or maintenance plan and . . ."
6. 20.11.4.7(O) – Emergency definition includes "military mobilizations." However there is no discussion or explanation of what is included in "military mobilization." Recommend adding a phrase indicating what is meant by military mobilization or adding a separate definition for military mobilization.
7. 20.11.4.7(T) – this is rather expansive. This definition would include the issuance of real estate documents to other federal agencies. Recommend deleting the reference to licenses and permits.
8. 20.11.4.153(C)(2) – recommend adding "emergency/backup generators" to this list of federal actions not covered by the section.
9. 20.11.4.153(D) – recommend adding "emergency/backup generators" to this list of federal actions not requiring a conformity determination.
10. 20.11.4.153(G)(3) – change to read ". . .applicable SIP and/or approved maintenance plans and the state. . ."
11. 20.11.4.153(H) – change to read ". . . set forth in Paragraphs. . ."
12. 20.11.4.153(H)(2) – change to read ". . . state, local or tribal air agencies. . ."
13. 20.11.4.153(I)(1) – change to read ". . .EPA approved SIP and/or maintenance plan and the emissions. . ."
14. 20.11.4.153(I)(2) – Smoke Management Plan (SMP) is identified for the first time. Recommend adding a definition in 20.11.4.7.
15. 20.11.4.155(C) – recommend deleting 3rd sentence beginning with "Subject to applicable. . ."