AQD EXHIBIT 3c

PERGAD 500-631-6989

Butt, Neal T.

From: Butt, Neal T.
Sent: Friday, November 19, 2010 10:48 AM
To: 'Clark, Melissa B Civ USAF AFMC 377 MSG/CEANC'
Cc: Dann, Jennifer L Civ USAF AFMC 377 MSG/CEANC; Nieto, Margaret ; Leonard, Mary Lou ; Tavarez, Isreal L.; Kearny, Adelia W.
Subject: RE: Stakeholder Review Draft for 20.11.4 NMAC, General Conformity

Follow Up Flag: Follow up
Flag Status: Purple

Attachments: COA AQD response to KAFB comments 20_11_4 NMAC 11-19-10.pdf; AK 20_11_4 NMAC Public Review Draft 11-19-10.doc

COA AQD nse to KAFB com AK 20_11_4 AC Public Review

Melissa,

Find attached Air Quality Division's response to KAFB's comments, as well as the Public Review Draft showing changes made to address KAFB's comments. Hard copy to follow.

Thanks,

Neal

"Full fathom five thy father lies;
Of his bones are coral made;
Those are pearls that were his eyes:
Nothing of him that doth fade,
But doth suffer a sea-change
Into something rich and strange.
Sea-nymphs hourly ring his knell:
Ding-dong.
Hark! now I hear them—Ding-dong, bell."

William Shakespeare - The Tempest - Ariel's Song

-----Original Message-----
From: Clark, Melissa B Civ USAF AFMC 377 MSG/CEANC [mailto:Melissa.Clark@kirtland.af.mil]
Sent: Monday, November 15, 2010 10:53 AM
To: Butt, Neal T.
Subject: RE: Stakeholder Review Draft for 20.11.4 NMAC, General Conformity

Thanks Neal. Will follow up with him again to see if he has had a chance to address your other question.

//SIGNED//

Melissa Clark
Air Program Manager
377 MSG/CEANC
Phone: (505) 853-1588
DSN: 263-1588
Fax: (505) 853-6970
email: melissa.clark@kirtland.af.mil

-----Original Message-----
From: Butt, Neal T. [mailto:NButt@cabq.gov]
Sent: Monday, November 15, 2010 10:52 AM
To: Clark, Melissa B Civ USAF AFMC 377 MSG/CEANC
Subject: RE: Stakeholder Review Draft for 20.11.4 NMAC, General Conformity

Melissa,

I have crafted language to address "Mobilization" (see below). My main issue is what does Comment #4 mean, and what is his suggested language?

Thanks,

Neal

[J.]O. "Emergency" means a situation where extremely quick action on the part of the federal agencies involved is needed and where the timing of such federal activities makes it impractical to meet the requirements of [this Part] 20.11.4 NMAC, such as natural disasters like hurricanes or earthquakes, civil disturbances such as terrorist acts, and military mobilizations such as assembling and organizing troops and matériel for the defense of a nation in time of war or national emergency.

-----Original Message-----
From: Clark, Melissa B Civ USAF AFMC 377 MSG/CEANC [mailto:Melissa.Clark@kirtland.af.mil]
Sent: Monday, November 15, 2010 10:49 AM
To: Butt, Neal T.
Subject: RE: Stakeholder Review Draft for 20.11.4 NMAC, General Conformity

Hi Neal,

We don't have a citation for the definition of "military mobilization" for comment #6. I just spoke with our Legal and he just wanted to know what the City defined as a "military mobilization". Would it help if we tried to come up with something for the definition?

Thanks,
Melissa

//SIGNED//

Melissa Clark
Air Program Manager
377 MSG/CEANC
Phone: (505) 853-1588
DSN: 263-1588
Fax: (505) 853-6970
email: melissa.clark@kirtland.af.mil

-----Original Message-----
From: Butt, Neal T. [mailto:NButt@cabq.gov]
Sent: Friday, November 12, 2010 2:30 PM
To: Clark, Melissa B Civ USAF AFMC 377 MSG/CEANC
Cc: Dann, Jennifer L Civ USAF AFMC 377 MSG/CEANC
Subject: RE: Stakeholder Review Draft for 20.11.4 NMAC, General Conformity

Melissa,

what do you mean by comment #4?

do you have a citation for the definition of "military mobilization" for comment # 6

Thanks,

Neal

"It's a job that's never started that takes the longest to finish."

-J.R.R. Tolkien

From: Clark, Melissa B Civ USAF AFMC 377 MSG/CEANC
[mailto: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

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

Air Program Manager

377 MSG/CEANC

Phone: (505) 853-1588

DSN: 263-1588

Fax: (505) 853-6970

email: melissa.clark@kirtland.af.mil

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

Image removed by sender. City of Albuquerque

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 <http://r20.rs6.net/tn.jsp?llr=84bqvsdab&et=1103704815482&s=5182&e=001LUhSu2IMy241DIW0noorlYkJLw6-48bVmz1El-KWnWQjHzjS-kEKIbRhJh-mrAHbWPDmPD4FzRdo_3za83DRGyuONMC6ipXuv_B-4wMRkN0X1z9VnAqzN4b1wmnUJ6lB_vcGO6B0QXsaXO-wP2_tBRtZWNzXMRhrJ6QQvRy6SZKe66dGVfUJ5A877KiUbJ6iSmrYLXG9ADC-pnJSb6aklsbLP3WVuSPKmh3VcN6uq48m_PNj1Lxa-x8MbGtz3Ws4GlTNpADx8I4qusS215DX2g==> 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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Image removed by sender.

CITY OF ALBUQUERQUE

November 19, 2010

Melissa Clark
Air Program Manager
377 MSG/CEANC
2050 Wyoming Blvd, SE
Bldg 20685, Suite 114
Kirtland AFB NM, 87117

Re: COA/AQD Response to KAFB Comments on Stakeholder Review Draft for 20.11.4 NMAC

Dear Melissa

Thank you and your colleagues for the comments on our proposed rule. We have attempted to address your concerns point-by-point below. If you have any further comments, please let me know.

Sincerely,

Neal Butt
Environmental Health Scientist
Air Quality Division
Environmental Health Department

PO Box 1293
Albuquerque
NM 87103
www.cabq.gov

cc:
Margaret Nieto, Control Strategies Supervisor, Air Quality Division
Mary Lou Leonard, Director, Environmental Health Department

Albuquerque - Making History 1706-2006

Air Quality Division responses to KAFB comments regarding 20.11.4 NMAC, received 11/10/10.

KAFB

1. 20.11.4.2(A)(1) - change to read ". . . implementation plan and/or approved maintenance plan."

AQD

We concur and have made the change.

KAFB

2. 20.11.4.2(A)(2) – change to read ". . . implementation plan or maintenance plan in accordance. ."

AQD

We concur and have made the change.

KAFB

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. . ."

AQD

We concur and have made the change.

KAFB

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.

AQD

We do not understand what change you wish to have made to the proposed draft. Please clarify.

KAFB

5. 20.11.4.7(I) – change to read ". . . applicable implementation or maintenance plan and . . ."

AQD

We concur and have made the change.

KAFB

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.

AQD

We concur and have made the change.

KAFB

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.

AQD

We disagree. The proposed language is taken verbatim from 40 CFR 93.152. Modifying this language could reduce the stringency of the federal rule. No change made.

KAFB

8. 20.11.4.153(C)(2) – recommend adding "emergency/backup generators" to this list of federal actions not covered by the section.

AQD

We disagree. We believe that if 'emergency/backup generators' are to be excluded, then they would have to be excluded pursuant to 20.11.4.C.(1) NMAC (see below), and therefore do not warrant a special exclusion. No change made.

> **"C. The requirements of** [~~this Part~~] **<u>20.11.4 NMAC</u> shall not apply to <u>the following federal actions</u>:**
>
> (1) actions where the total of direct and indirect emissions are below the emissions levels specified in Subsection B, of [~~20.11.4.12~~] <u>20.11.4.153</u> NMAC."

KAFB

9. 20.11.4.153(D) – recommend adding "emergency/backup generators" to this list of federal actions not requiring a conformity determination.

AQD

We disagree. The proposed language is taken verbatim from 40 CFR 93.153.(d). Modifying this language could reduce the stringency of the federal rule. No change made.

KAFB

10. 20.11.4.153(G)(3) – change to read ". . .applicable SIP and/or approved maintenance plans and the state. . ."

AQD

We concur and have made the change.

KAFB

11. 20.11.4.153(H) – change to read ". . . set forth **in** Paragraphs. . ."

AQD

We concur and have made the change.

KAFB

12. 20.11.4.153(H)(2) – change to read ". . . state, local **or** tribal air agencies. . ."

AQD

We disagree. The proposed language is taken verbatim from 40 CFR 93.153.(h).(2). Modifying this language could reduce the stringency of the federal rule. No change made.

KAFB

13. 20.11.4.153(I)(1) – change to read ". . .EPA approved SIP and/or maintenance plan and the emissions. . ."

AQD

We concur and have made the change.

KAFB

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.

AQD

We concur and have made the change.

KAFB

15. 20.11.4.155(C) – recommend deleting 3rd sentence beginning with "Subject to applicable. . ."

AQD

We disagree. The proposed language is taken verbatim from 40 CFR 93.155.(c). Modifying this language could reduce the stringency of the federal rule. No change made.