

Butt, Neal T.

From: Kelly, David [David.Kelly@pnm.com]
Sent: Thursday, February 24, 2011 8:30 AM
To: Butt, Neal T.
Cc: Nieto, Margaret
Subject: COA's Notice of Intent To Present Technical Testimony-20.11.21 NMAC, Open Burning
Follow Up Flag: Follow up
Flag Status: Red

Neil,

Thanks for including me in your distribution. A couple of observations: 1. What is the basis for offering to restrict the term of burn permits from one year to a month?; 2. And what method(s) are contemplated in ensuring that the proposed set of rules & regulations are conveyed to the constituents that will now be required to adhere to the proposed regulations?

Dave Kelly
 241-2450 (office)

From: Butt, Neal T. [mailto:NButt@cabq.gov]
Sent: Wednesday, February 23, 2011 5:11 PM
To: emoreno@keystone.org; lisa_bye@blm.gov; george.chavez@nm.usda.gov; churchhw@aol.com; les.dhaseleer@vermejo.com; dnafox4001@gmail.com; donald.griego@state.nm.us; jdhall@fs.fed.us; adam.keaster@state.nm.us; kim.kostelnik@state.nm.us; Heidi.Krapfl@state.nm.us; lmcCarthy@tnc.org; lowen@nmda.nmsu.edu; rkreid@nmhu.edu; claudia_standish@blm.gov; john.tunberg@nm.usda.gov; eirwin@fs.fed.us; rmarkley@fs.fed.us; Geri.Jaramillo@state.nm.us; trent.botkin@state.nm.us; jack.dickey@state.nm.us; tandy.wheeler@vermejo.com; llujan@fs.fed.us; dfahl@fs.fed.us; rita.bates@state.nm.us; jabuchanan@fs.fed.us; Tim_Allen@fws.gov; amebane@fs.fed.us; janell.ward@state.nm.us; mailroom_r3_carson@fs.fed.us; rmarkley@fs.fed.us; earmenta@fs.fed.us; jeanne_hoadley@blm.gov; andreapruitt@fs.fed.us; nrose@fs.fed.us; lwadleigh@fs.fed.us; Romero, Melissa; fire@berncogov; dbezy@aol.com; SCAnderson@State.NM.US; Jkruger@SLO.State.NM.US; rmnieto@fs.fed.us; gbarkmann@fs.fed.us; rlee@blm.gov; lisa_bye@blm.gov; Alex Sanchez; Applied Research Associates; Bob Pelegrin; Carolyn Holloway SNL; David Bares; Enrico Gradi; Evarado Lopez; John White Salls Brothers; Kerry Bassore; Kirtland E2M; MRGCD; Robert Gherardi; Ron Mulvey Hydrogeologic; USFS; USFS; Kordzi.Joe@epamail.epa.gov; Donaldson.Guy@epamail.epa.gov; Shar.Alan@epamail.epa.gov; Stonesifer, Jeff W.; bclark@berncogov; belenfire@rt66.com; Claudia Standish; dscott@berncogov; Jay.Stimmel@state.nm.us; Jeanne Hoadley; khendricks@berncogov; Mary.Uhl@state.nm.us; michaelcarroll5@msn.com; Ortega, Robert E.; Terry Hertel; bdaniels@abqjournal.com; blmorton@hearst.com; Cashwell Grady; cgutier@sandia.gov; Chavez, James R.; cholloway@doeal.gov; claude.morelli@transnuevo.com; Dave Dubois; Dear, Mark A.; dlarson61@comcast.net; Lopez, Angela; Dwayne's home address; dweise@ara.com; enkehoe@yahoo.com; eray@poulinremodeling.com; frank.e.gallegos@intel.com; Gallegos, Billy A.; Harry Hunsaker; jdiaznm@comcast.net; Jennifer.Dann@kirtland.af.mil; JLEckst@sandia.gov; jmmause; Joel Young; John Degnar; John Fleck; Jordan Bishopp; joseph.biberston@kirtland.af.mil; jrdiaz@hearst.com; jstiff@hearst.com; jtlerke@fs.fed.us; Julie Smith; justfauxfun@msn.com; Kathleen Morgan; Lehner, Catalina L.; louella@unm.edu; Lucero, Samuel J.; maiasalisbury@comcast.net; Mike Doherty; mldumon@sandia.gov; mtandg@yahoo.com; myles.corbin@kirtland.af.mil; Myrna Dingman; Pete Zimmer; present.energies@gmail.com; Rachel Redel; rebeccal.naranjo@state.nm.us; redge@doeal.gov; scott.clark@kirtland.af.mil; Soladay, John W.; susan.bouchonville@state.nm.us; William Zow; wintermr@hotmail.com; jhgarcia@berncogov; cgober@berncogov; dherrera@berncogov; Kelly, David
Cc: Butt, Neal T.

3/1/2011

Subject: FW: COA's Notice of Intent To Present Technical Testimony-20.11.21 NMAC, Open Burning

From: City of Albuquerque-Air Quality Division [mailto:nbutt@cabq.gov]

Sent: Wednesday, February 23, 2011 4:30 PM

To: Butt, Neal T.

Subject: COA's Notice of Intent To Present Technical Testimony-20.11.21 NMAC, Open Burning

City of Albuquerque's Notice of Intent to Present Technical Testimony - In the Matter of the Petition to Amend 20.11.21 NMAC, *Open Burning*, and Incorporate an Amended 20.11.21 NMAC into the New Mexico State Implementation Plan for Air Quality (SIP)

[Click here to download a copy of the Notice of Intent.](#) This matter will be heard at the March 9, 2011 AQCB meeting and hearing.

Thank you,

Neal Butt
Environmental Health Scientist
Air Quality Division
768-2660

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city of albuquerque | One Civic Plaza NW | Albuquerque | NM | 87102

CITY OF ALBUQUERQUE



March 1, 2011

David Kelly
David.Kelly@pnm.com
(505) 877-5680

Re: Questions regarding COA's filing of an NOI for 20.11.21 NMAC, *Open Burning*

Dear Mr. Kelly,

Thank you for your comments in regards to the Air Quality Division's (AQD) proposed amendments to the Albuquerque-Bernalillo County Air Quality Control Board *Open Burning* regulation, 20.11.21 NMAC.

In regards to your first question: "What is the basis for offering to restrict the term of burn permits from one year to a month?"

The current open burning regulation doesn't specify any restriction on time-frame for either single or multiple event burn permits. It can be difficult to get all the necessary people and resources together when the weather is right to do a burn safely. The flexibility offered by a time-frame allows people to make wise choices regarding weather, staffing, and equipment. Therefore AQD gives burners such a time-frame. In regards to single-event permits, AQD has been writing in one month of backup dates for the burn. For multiple-event permits, AQD gives a range of dates up to a year. AQD developed one-month and one-year time frames as reasonable amounts of time to allow a permit to remain "open", and the current regulation is silent on how long the permits should be valid for. In addition, the proposed language allows for a customized time-frame to be incorporated into the permit (see 20.11.21.13.G NMAC). If you have an alternate time-frame to propose, we would be interested in discussing it.

In regards to your second question: "What method(s) are contemplated in ensuring that the proposed set of rules & regulations are conveyed to the constituents that will now be required to adhere to the proposed regulations?"

The AQD has attempted to inform the affected community in the following ways.

1. Contact stakeholders to make them aware of the proposed changes. Stakeholders include: individuals who currently hold an open burn permit; the Bernalillo County Fire Department; the Albuquerque Fire Department; Bernalillo County Neighborhood Associations; Albuquerque Neighborhood Associations etc.
2. Publish legal advertisements in the Albuquerque Journal and the New Mexico Register.

PO Box 1293

Albuquerque

NM 87103

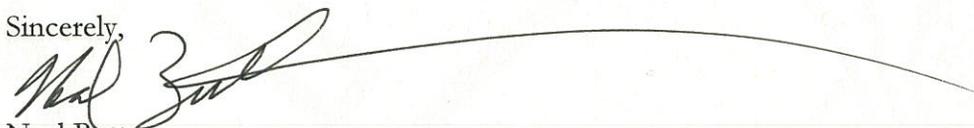
www.cabq.gov

3. Post notices on the AQD website, and send e-mail notice to list serve of those interested in either the Air Quality Control Board or those interested in receiving the 'No-Burn' forecast.
4. Once rule is adopted, the open burn program, the small business assistance program, and the enforcement program will work to bring users of open burning in Bernalillo County into compliance.

As mentioned in our previous letter on January 27, 2011, the hearing on proposed amendments to 20.11.21 NMAC is scheduled for March 9, 2011. Hearings and meetings of the Air Board are open to the public and all interested persons are encouraged to participate. All persons who wish to testify regarding the subject of the hearing may do so at the hearing and will be given a reasonable opportunity to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits and to examine witnesses in accordance with the Joint Air Quality Control Board Ordinances, Section 9-5-1-6 ROA 1994 and Bernalillo County Ordinance 94-5, Section 6. Therefore, if you wish to propose any modification the AQD's Public Review Draft, you may testify at this hearing.

Thank you for your interest.

Sincerely,



Neal Butt
Environmental Health Scientist
Air Quality Division
Environmental Health Department

cc: Mary Lou Leonard, Director, Environmental Health Department
Margaret Nieto, Control Strategies Supervisor, Air Quality Division
Isreal Tavarez, Environmental Health Manager, Permitting Programs AQD
Jeff Stonesifer, Meteorologist, AQD