

BEFORE THE ALBUQUERQUE-BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD

RECEIVED
ENVIRONMENTAL HEALTH
03 DEC 22 PM 2:29

IN THE MATTER OF THE PETITION TO AMEND
20.11.63 NMAC, *NEW SOURCE PERFORMANCE STANDARDS FOR STATIONARY
SOURCES*, AND 20.11.64 NMAC, *EMISSION STANDARDS FOR HAZARDOUS AIR
POLLUTANTS FOR STATIONARY SOURCES*, AND REQUEST UPDATED
DELEGATION OF AUTHORITY FROM EPA

AQCB Petition No. 2008-4

Air Quality Division,
Environmental Health Department,
City of Albuquerque, Petitioner

CITY OF ALBUQUERQUE'S NOTICE OF INTENT TO PRESENT TECHNICAL
TESTIMONY

Pursuant to 20.11.82 NMAC, *Rulemaking Procedures – Air Quality Control Board*, The
City of Albuquerque Environmental Health Department, Air Quality Division (“the Division”)
hereby submits its Notice of Intent to present technical testimony in this proceeding.

1. **The person for whom the witness will testify.**

City of Albuquerque Environmental Health Department, Air Quality Division

2. **The name and qualifications of each technical witness.**

Neal T. Butt. Environmental Health Scientist, Control Strategies Section, Air Quality
Division. M.S. Biology (Wildlife Biology), University of North Dakota; B.S. Biology
(Zoology), University of New Mexico; A.A.S. Criminal Justice, Central New Mexico
Community College; A.A.S. Environmental Protection Technology, CNM; WERC Waste
Management Certificate, UNM CHNE. Employed by the City of Albuquerque’s Environmental
Health Department for 10 + years; the last seven of which have been in the Air Quality Division.
Chief responsibility is the promulgation of air quality regulations for implementation within the
County of Bernalillo.

3. Summary and Estimated Duration of Testimony

Mr. Butt's written testimony is attached as AQD Exhibit # 4. Mr. Butt will testify that this revision to the New Mexico State Implementation Plan should be approved.

The AQD is petitioning the Board to amend 20.11.63 NMAC, *New Source Performance Standards for Stationary Sources* and 20.11.64 NMAC, *Emission Standards for Hazardous Air Pollutants for Stationary Sources*, for the following reasons:

The Environmental Health Department's Air Quality Division routinely updates these regulations to incorporate federal requirements so that the Division can remain up to date on new and modified standards developed at the federal level. In addition, it is proposed that the EPA update its delegation of authority to the Department to locally administer and enforce the standards referenced above, throughout Albuquerque and Bernalillo County. Local delegation authorizes the Department to require local air pollution sources to comply with these standards. It is anticipated that the hearing will take approximately 1 hour or less.

4. Text of Recommended Revisions to the New Mexico State Implementation Plan

The Division recommends the amendments to 20.11.63 & 64 NMAC, as proposed in the Public Review Drafts for 20.11.63 NMAC and 20.11.64 NMAC as shown in AQD Exhibit #1.

5. List and Description of Exhibits

The Division has attached the following exhibits to this Notice of Intent:

<u>Exhibit Number</u>	<u>Title of Exhibit</u>
AQD Exhibit 1	Petition to amend 20.11.63 NMAC, <i>New Source Performance Standards For Stationary Sources</i> , and 20.11.64 NMAC, <i>Emission Standards For Hazardous Air Pollutants For Stationary Sources</i> (including PRDs)
AQD Exhibit 2	NSPS and NESHAPs promulgated by EPA from 10/28/06 through 8/1/08.

- AQD Exhibit 3 Public Notice: Albuquerque Journal, 11/23/08 & 12/7/08, NM Register, 12/15/08 and Air Quality Listserve Announcement, 11/19/08
- AQD Exhibit 4 EPA Review
- AQD Exhibit 5 Direct Testimony and slides
- AQD Exhibit 6 Draft Agenda, Air Quality Control Board, January 14, 2009

6. Reservation of Rights

This Notice of Intent to Present Technical Testimony is based on the Division's Petition. The Division reserves the right to call any person to testify and to present any exhibit in response to another notice of intent or public comment filed in this matter or to any testimony or exhibit offered at the public hearing. The Division also reserves the right to call any person as a rebuttal witness and to present any exhibit in support thereof.

Respectfully submitted,



Isreal Tavarez
Environmental Engineering Manager
Air Quality Division
Environmental Health Department
City of Albuquerque
11850 Sunset Gardens
Albuquerque, New Mexico 87121
(505) 768-1965

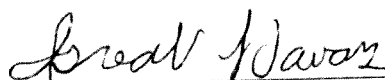
CERTIFICATION

I hereby certify that on December 22, 2008, an original and nine copies of this Notice of Intent to present technical testimony (NOI), with attached exhibits were delivered to the following person for filing.

Janice Amend
Air Quality Control Board Liaison / Hearing Clerk
Environmental Health Department
One Civic Plaza, NW, Room 3023
Albuquerque, New Mexico 87103

And that on December 22, 2008, a copy of this NOI with attached exhibits was sent to the Attorney for the Board, Bill Grantham, at the following e-mail address:

Bill.grantham@state.nm.us



Isreal Tavaréz
Environmental Engineering Manager
Air Quality Division