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**BEFORE THE ALBUQUERQUE-BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD**

**IN THE MATTER OF THE PETITION TO AMEND
MOTOR VEHICLE INSPECTION-DECENTRALIZED, 20.11.100 NMAC,
AS AMENDED THROUGH 9/1/2004, AND INCORPORATE AMENDMENTS
INTO THE NEW MEXICO STATE IMPLEMENTATION PLAN (SIP)
FOR AIR QUALITY.**

AQCB Petition No. 2011-3

**Vehicle Pollution Management Division,
Environmental Health Department,
City of Albuquerque, Petitioner.**

VEHICLE POLLUTION MANAGEMENT DIVISION'S NOTICE OF INTENT TO PRESENT TECHNICAL TESTIMONY

The Environmental Health Department of the City of Albuquerque, Vehicle Pollution Management Division (VPMD), pursuant to 20.11.82. 20 NMAC, submits this Notice of Intent to Present Technical Testimony regarding VPMD's proposed amendments to 20.11.100 NMAC, *Motor Vehicle Inspection – Decentralized* (Part 100).

1. <u>The person for whom the witness will testify.</u>

The Environmental Health Department of the City of Albuquerque, VPMD.

2. <u>The name and qualification of each technical witness.</u>

VPMD is the petitioner in this matter and Mr. Glen Dennis, the VPMD Manager will testify. Mr. Louis Jaramillo, the VPMD Quality Assurance Supervisor will also be available for technical discussion and response to questions from the Air Quality Board.

<u>Glen Dennis.</u> Mr. Dennis is the Division Manager of the City of Albuquerque Environmental Health Department's Vehicle Pollution Management Division and has managed the Albuquerque/Bernalillo County Vehicle Pollution Management Program (Program) since 1997. 20.11.100 NMAC requires vehicle emissions inspection every

two years and, under Mr. Dennis' administration, VPMD is responsible for the training, certification and auditing of the businesses, inspectors and equipment accomplishing these inspections. In prior positions with the City, Mr. Dennis served as the Remote Sensing Section Supervisor for VPMD, Control Strategist for the Air Quality Division, and as a Permit Analyst for the Air Quality Division. Mr. Dennis served two terms as President of the New Mexico Environmental Health Association and currently serves on the Mobile Sources Committee of the National Association of Clean Air Agencies. He holds a B.S. degree in Biology from the University of Idaho and a M.S. degree in Biology from the University of New Mexico.

V. Louis Jaramillo.

Louis Jaramillo has been the Quality Assurance Supervisor for VPMD since 2005. Mr. Jaramillo's primary duties are to supervise staff that audit the air care stations, perform retests in VPMD's test bays and provide training for the air care station managers and inspectors. Mr. Jaramillo also coordinates enforcement action as specified in 20.11.100 NMAC. In prior positions, Mr. Jaramillo has served as Remote Sensing Section Supervisor for VPMD and Public Health Outreach and Special Projects Coordinator for the Air Quality Division. Mr. Jaramillo has been President of the New Mexico Environmental Association and still serves on the board as immediate past president. Mr. Jaramilllo's academic background includes a B.S. Degree in Biology from UNM, an MS in Biology from NM State, and a Masters in Public Health from UNM.

3. Summary and Estimated Duration of Testimony

The written testimony of Mr. Glen Dennis is attached as VPMD Exhibit 2.

Additionally, there is a Statement of Reasons prepared by VPMD attorney, Assistant City Attorney Donna Griffin, attached as VPMD Exhibit 3.

Summarily, Petitioner VPMD is requesting approval of changes to Part 100 to reorganize and amend Part 100. The proposed amended regulation has been partially restructured to provide a more logical progression of the duties of VPMD and the processes involved in the administration of a decentralized air care station program. Additionally, the proposed amended regulation removes outdated references. (see, VPMD Exhibit 3) .

Specific substantive changes made in the proposed amended regulation include: defining the new motor vehicle exemption period as 4 years rather than 2 registration cycles; exempting vehicles thirty-five years or older from inspection consistent with the state collector car provisions; allowing for the limited use of mobile test units for the on-site testing of 1996 and newer fleet and dealer lot vehicles; returning 1975 - 1985 model year vehicles to biennial testing; requiring testing of hybrid vehicles if purchased after the effective date of the amended regulation or upon change of ownership; providing for the testing of diesel vehicles beginning January 1st of the year following the adoption of a more stringent ozone standard by EPA; and, removing the $300 repair cost threshold for time extensions for individuals on public assistance. Further, the proposed amended regulation contains enforcement and appeal language which it previously did not; responds to a stakeholder comment by adding language providing for an area for a station stamp on the face of the Vehicle Inspection Report; and changes the Procedures Manual, incorporated by reference into the current regulation, from a regulatory document to a technical guidance document. (see, VPMD exhibit 2 and 3.)

The hearing on this matter is anticipated to take two hours or less.

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

The Division recommends adoption of the proposed amendments to 20.11.100 NMAC, *Motor Vehicle Inspection – Decentralized* as proposed in the Public Review Draft, shown as VPMD Exhibit 1a, which is attached to the Petition to Amend, filed February 11, 2011, shown as VPMD Exhibit 1.

5. List and Description of Exhibits

Exhibit Number	Title of Exhibit
VPMD Exhibit 1.	Petition to Amend 20.11.100 NMAC, *Motor Vehicle Inspection-Decentralized.*
VPMD Exhibit 1a.	Public Review Draft of 20.11.100 NMAC, *Motor Vehicle Inspection-Decentralized.*
VPMD Exhibit 2.	Direct Testimony of Glen Dennis.
VPMD Exhibit 3.	Statement of Reasons for the Revision of 20.11. 100.
VPMD Exhibit 4	Stakeholder Comments and VPMD Responses.
VPMD Exhibit 5	EPA Comments and VPMD Responses.
#5a.	EPA letter dated November 15, 2010
#5b.	VPMD response letter dated December 23, 2010
#5c.	EPA letter dated February 15, 2011
#5d.	VPMD response letter dated April 22, 2011

6. Reservation of Rights

This Notice of Intent to Present Technical Testimony is based on the VPMD Petition. VPMD 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. VPMD also reserves the right to call any person as a rebuttal witness and to present any exhibit in support thereof.

Respectfully submitted,

Glen L. Dennis, Division Manager
Vehicle Pollution Management Division
Albuquerque Environmental Health Department
1500 Broadway Blvd. NE
Albuquerque, New Mexico 87102
(505) 764-1110

CERTIFICATION

I hereby certify that on April 26, 2011, 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.

Margaret Nieto
Secretary to the Air Quality Control Board / Environmental Health Supervisor, AQD
Environmental Health Department
One Civic Plaza, NW, Suite 3023
Albuquerque, New Mexico 87103

And that on April 26, 2011, 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

Glen L. Dennis, Division Manager
Vehicle Pollution Management Division
Albuquerque Environmental Health Department
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Albuquerque, New Mexico 87102