

BEFORE THE ALBUQUERQUE - BERNALILLO COUNTY  
AIR QUALITY CONTROL BOARD

IN THE MATTER OF THE PETITION TO AMEND  
20.11.47 NMAC, EMISSIONS INVENTORY REQUIREMENTS, AND SUBMIT  
AMENDMENTS TO EPA AS A REVISION TO THE STATE IMPLEMENTATION  
PLAN (SIP)

AQCB Petition No. 2009- 5

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 (NOI) 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 Chemical & Nuclear Engineering Department. Employed by the City of Albuquerque’s Environmental Health Department for 12 + years; the last eight of which have been with the Air Quality Division. Chief responsibility is the promulgation of air quality regulations for implementation within the County of Bernalillo.

**Isreal Tavarez.** Environmental Engineering Manager, Air Quality Division. M.S. Chemical Engineering, New Mexico State University; B.S. Chemical Engineering, NMSU. Registered Professional Engineer (New Mexico). Employed by the City of Albuquerque’s Environmental Health Department, Air Quality Division for 13 + years. Previously employed by

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the State of New Mexico, Air Quality Bureau (1994-1996). Chief responsibility is the oversight of the regulatory programs in the Air Quality Division.

### **3. Summary and Estimated Duration of Testimony**

Mr. Tavaréz's written testimony is attached as AQD Exhibit # 4. Mr. Tavaréz will testify that 20.11.47 NMAC should be amended.

The Division is petitioning the Board to amend 20.11.47 NMAC for the following reasons:

# 1. The current language at 20.11.47.14.B.(1) NMAC is overly broad in scope, requiring an annual emissions inventory report for *all* air pollution sources, including those with an air quality 'permit' and those with *only* an air quality 'registration'. Air pollution sources issued 'registrations' emit only small amounts of pollution, and thus do not trigger air quality 'permitting' thresholds (e.g. sources such as small generators and small manufacturing operations). The proposed language for 20.11.47.14.B.(1) NMAC would provide the Environmental Health Department the flexibility to require emissions reports from sources with air quality 'permits', but not require a report from all the smaller sources with 'registrations', unless it becomes necessary in the future. This will shrink the universe of affected sources down to that which was originally intended the last time this rule was amended, and at the same time retains the flexibility to include more sources in the future if necessary.

# 2. To incorporate public comments

# 3. To fix style and formatting

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 proposed amendments to 20.11.47 NMAC, *Emissions Inventory Requirements* as proposed in the Public Review Draft shown as AQD Exhibit 1a.

## **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' filed on June 23, 2009
AQD Exhibit 1a	Public Review Draft {attached to AQD Exhibit 1} showing proposed amendments to 20.11.47 NMAC, <i>Emissions Inventory Requirements</i> ;
AQD Exhibits 2 a/b/c	Public notices of hearing, including the legal advertisement of this hearing in the Albuquerque Journal {2a} and the New Mexico Register {2b}, as well as the 'Notice of Availability of the Public Review Draft' which was sent to the Air Quality Announce List Serve as well as a list of those individuals' e-mail addresses {2c}
AQD Exhibit 3a/b/c/d/e	Stakeholder Outreach: Notice of Availability of Stakeholder Review Draft {3a}; Comments, Mr. Hershberger, UNM {3b}; Comments, Mr. Zumwalt, UNM {3c}; Comments, Mr. Finegan, Riverside Funeral Home of Albuquerque {3d}; AQD Response {3e}
AQD Exhibit 4	Direct Testimony by AQD
AQD Exhibit 5	Draft Agenda, Air Quality Control Board, for October 14, 2009

## **6. Reservation of Rights**

This Notice of Intent to Present Technical Testimony is based on the Division's Petition to Amend. 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,



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Isreal Tavarez  
Environmental Engineering Manager  
Air Quality Division  
Environmental Health Department  
One Civic Plaza, NW, Suite 3047  
Albuquerque, New Mexico 87103  
(505) 768-1965

**CERTIFICATION**

I hereby certify that on September 29, 2009, 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~~ <sup>JCW</sup> wright  
Air Quality Control Board Liaison / Hearing Clerk  
Environmental Health Department  
One Civic Plaza, NW, Suite 3023  
Albuquerque, New Mexico 87103

And that on September 29, 2009, 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



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Isreal Tavarez  
Environmental Engineering Manager  
Air Quality Division