BEFORE THE ALBUQUERQUE-BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD

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IN THE MATTER OF THE PETITION TO AMEND 20.11.4 NMAC, GENERAL CONFORMITY, AND INCORPORATE SAID AMENDMENTS INTO THE NEW MEXICO STATE IMPLEMENTATION PLAN (SIP) FOR AIR QUALITY

AQCB Petition No. 2010-5

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 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 13 + years; the last nine 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 SIP should be approved.

Amendments to 20.11.4 NMAC, *General Conformity* are proposed due to the fact that on March 24, 2010, the EPA revised their General Conformity Rule, which became effective on July 6, 2010 [FR Vol. 75, No. 64, 17254-79, 4/5/10]. In response, and as required by EPA, the Air Quality Division (AQD) of the City of Albuquerque's Environmental Health Department is proposing amendments to the current Air Quality Control Board regulation, 20.11.4 NMAC, *General Conformity* in order to comply to this recent federal rule change.

General conformity is an important provision of the Clean Air Act Amendments of 1990 (Act). 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.

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

The Division recommends adoption of the proposed amendments to 20.11.4 NMAC, *General Conformity* as proposed in the Public Review Draft, shown as AQD Exhibit #1a, which is attached to the Petition to Amend, filed November 19, 2010, shown as AQD Exhibit # 1. Mr. Butt's testimony is anticipated to take approximately 30 minutes.

5. List and Description of Exhibits

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

Exhibit Number	Title of Exhibit
AQD Exhibit # 1	Petition to Amend 20.11.4 NMAC, *General Conformity*
AQD Exhibit # 1a	Public Review Draft 20.11.4 NMAC, *General Conformity* {attached to AQD Exhibit 1}
AQD Exhibits # 2a/b/c	Notice of Proposed Rulemaking: Albuquerque Journal, 12/12/10 {2a}; NM Register 12/30/10 {2b}; and the Air Quality Announce List Serve 12/10/10 {2c}
AQD Exhibits # 3a/b/c	Comments Received from EPA, 10/7/10 {3a}; Comments Received from KAFB 11/10/10 {3b}; and AQD's Response to KAFB 11/19/10, {3c}
AQD Exhibit # 4	Direct Testimony
AQD Exhibit # 5	Draft Agenda

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,

Neal Butt
Environmental Health Scientist
Air Quality Division
Environmental Health Department
One Civic Plaza, NW, Suite 3023
Albuquerque, New Mexico 87103
(505) 768-2660

CERTIFICATION

I hereby certify that on January 25, 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.

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

And that on January 25, 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

Neal Butt
Environmental Health Scientist
Air Quality Division
Environmental Health Department