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BEFORE THE ALBUQUERQUE-BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD

IN THE MATTER OF THE PETITION TO AMEND 20.11.21 NMAC, *OPEN BURNING*, AND INCORPORATE SAID AMENDMENTS INTO THE NEW MEXICO STATE IMPLEMENTATION PLAN FOR AIR QUALITY(SIP)

AQCB Petition No. 2010-6

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

City of Albuquerque Environmental Health Department, Air Quality Division.

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

Neal 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; B.A. Environmental, Planning & Design, UNM (Senior), and; WERC Waste Management Certificate, UNM Chemical & Nuclear Engineering Department. Employed by the City of Albuquerque's Environmental Health Department for 13 + years; the last 10 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.

Jeff Stonesifer. Environmental Health Scientist I, Permitting and Technical Analysis Section, Air Quality Division. B.S. in Meteorology, University of Oklahoma, 1990. Employed by the City of Albuquerque's Environmental Health Department since December 2003. Duties include: "No-burn" decisions for Bernalillo County; Management of the open burn program; Air dispersion modeling reviews; ArcGIS mapping of stationary sources; Ozone and $PM_{2.5}$ forecasting; Issuance of wind and dust alerts for area contractors.

Isreal Tavarez. Environmental Health 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 14 + years. Previously employed by the State of New Mexico, Air Quality Bureau (1994-1996).

Damon Reyes. Environmental Health Supervisor, Enforcement Section, Air Quality Division. B.S. Environmental Science, College of Santa Fe. Employed by the City of Albuquerque's Environmental Health Department, Air Quality Division for 5 + years. Previously employed by the State of New Mexico, Air Quality Bureau (2001 - 2005). Chief responsibility is to supervise the Enforcement Section, which includes regulating both Fugitive Dust and Stationary Sources.

3. Summary and Estimated Duration of Testimony

Mr. Butt's written testimony is attached as AQD Exhibit # 9. Mr. Butt will testify that this revision to the SIP should be approved.

Proposed amendments to 20.11.21 NMAC, *Open Burning* include: 1. A new definition for "Broadcast Burn" to clarify the usage of this term within the rule; 2. Clarifying language to differentiate requirements for "multiple event" permits from those requirements for "single event" open burn permits; 3. Removing the requirement that the department acknowledge receipt of an applicant's request for permit within 24 hours; 4. Decreasing the amount of time that a 'single-event permit' shall remain valid, from 1 year down to 1 month, unless stipulated otherwise in the permit; 5. Clarifying language to alert potential burners to the additional restrictions placed upon them by the Bernalillo County Fire Department, the Albuquerque Fire Department and the International Fire Code; 6. Restricting the burning of dead and dry weeds to only that amount allowed by the Bernalillo County Fire Department, the Albuquerque Fire Department and the International Fire Code; 7. Adding "Small-Scale Fire Extinguisher Training" to the list of 'Conditionally Allowed Open Burning' in Table II; 8. Deleting redundant language found at 20.11.21.21 NMAC that is now codified in 20.11.81 NMAC, *Adjudicatory Procedures - AQCB*; and 9. Making stylistic and formatting changes to improve clarity and readability.

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

The Air Quality Division recommends adoption of the proposed amendments to 20.11.21 NMAC, *Open Burning*, as proposed in the Public Review Draft, shown as AQD Exhibit #1a, which is attached to the Petition to Amend, filed December 22, 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 20.11.21 NMAC, *Open Burning*
AQD Exhibit # 1a	Public Review Draft 20.11.21 NMAC, *Open Burning* {attached to AQD Exhibit 1}
AQD Exhibits # 2a/b/c/d/e	Notice of Availability of Stakeholder Review Draft, sent to Bernalillo County Neighborhood Associations {2a}; City of Albuquerque Neighborhood Associations {2b}; Listserve {2c}; Open burn permit holders {2d}; and additional stakeholders {2e}.
AQD Exhibits # 3a/b	Meeting between AQD and City of Albuquerque Fire Department (11/4/10) {3a}; Meeting between AQD and Bernalillo County Fire Department (11/8/10) {3b}.
AQD Exhibit # 4	2006 Fire Code (excerpt)
AQD Exhibits # 5a/b/c/d/e/f/g	Public Comment and AQD response: David Kelly {5a}; John White, Salls Brothers {5b}; Robert Gherardi {5c}; Robert Trudo, Enchanted Park NA {5d}; Robert Bower, Sandia Heights NA {5e}; Carolyn Siegel {5f}; Patrick Serda {5g}
AQD Exhibits # 6a/b	Petition and Public Review Draft sent to listserve {6a}; and additional stakeholders {6b}
AQD Exhibits # 7a/b/c	Notice of Proposed Rulemaking: Albuquerque Journal, 1/13/11 {2a}; NM Register 1/31/11 {2b}; and the Air Quality Announce List Serve 1/13/11 {2c}
AQD Exhibits # 8	Staff Proposed Floor Amendments

AQD Exhibit # 9 Direct Testimony

AQD Exhibit # 10 Draft AQCB Agenda, 3/9/11

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 February 22, 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, Control Strategies Supervisor, Air Quality Control Board Secretary
for
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 February 22, 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