

**STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD**

COPY



IN THE MATTER OF:)
)
PROPOSED REPEAL OF)
EMISSION STANDARDS FOR)
NEW MOTOR VEHICLES,)
PART 20.2.88 NMAC,)
)
NEW MEXICO ENVIRONMENT)
DEPARTMENT,)
)
Petitioner.)
_____)

No. EIB 13-06 (R)

**NEW MEXICO ENVIRONMENT DEPARTMENT'S
NOTICE OF INTENT TO PRESENT TECHNICAL TESTIMONY**

Pursuant to the Rulemaking Procedures, section 20.1.1.302 NMAC, the New Mexico Environment Department ("Department") hereby submits its Notice of Intent to Present Testimony at the public hearing on the rulemaking to repeal the Emission Standards for New Motor Vehicles, part 20.2.88 NMAC. The Department filed a Petition to Repeal Regulations with the Environmental Improvement Board ("Board") on June 24, 2013, asking the Board to repeal part 20.2.88 NMAC. Attached to the petition, as Exhibit A, was a copy of the proposed regulations.

In accordance with the Board's Rulemaking Procedures, section 20.1.1.302.A NMAC, the Department states as follows:

1. The person for whom the witnesses will testify is the New Mexico Environment Department.
2. The Department intends to call the following technical witnesses at the hearing:

a. The Department's first and primary witness will be Lany Weaver. Ms. Weaver is an Environmental Analyst in the Planning Section of the Department's Air Quality Bureau, a position she has held for the past twelve years. She has worked for the Air Quality Bureau for a total of 23 years. Previously she worked in the Bureau's Control Strategies Section as an Environmental Engineering Specialist and a Health Program Manager. Throughout this time, her duties have included developing air quality implementation plans, preparing regulatory proposals and reports, and providing testimony regarding the air quality plans and regulations. From 1981 through 1984 she worked as an Air Resources Engineer with the California Air Resources Board in Sacramento. Ms. Weaver holds a Bachelor of Sciences degree in Mechanical Engineering from the University of California at Davis. A copy of her my resume is attached as NMED Exhibit 3.

b. The Department's second witness will be Rita Bates. Ms. Bates will not present direct testimony, but will be available to answer questions during cross-examination. Ms. Bates is Chief of the Planning Section in the Department's Air Quality Bureau, a position she has held since March 2005. She has worked for the Bureau for 15 years, since August 1998. Before becoming Section Chief, she worked as Program Manager, Environmental Specialist, and Environmental Scientist. Ms. Bates holds a Bachelor of Sciences degree in Biology from Humboldt State University in Arcata, California. A copy of her resume is attached as NMED Exhibit 12.

c. The Department reserves the right to call additional witnesses in rebuttal.

3. The Department anticipates that the hearing will be held entirely in Santa Fe. Ms. Weaver and Ms. Bates will be present in Santa Fe.

4. The direct written testimony of Lany Weaver is included as NMED Exhibit 2.

5. The text of the regulation proposed for repeal is included as NMED Exhibit 1.

6. The Department intends to offer the following exhibits at the hearing:

Exhibit 1. Proposed Repeal of the Emission Standards for New Motor Vehicles, Part 20.2.88 NMAC (9 pages).

Exhibit 2. Written Direct Testimony of Lany Weaver (8 pages).

Exhibit 3. Resume of Lany Weaver (1 page).

Exhibit 4. Letter from Glen L. Dennis, Division Manager, Vehicle Pollution Management Division, City of Albuquerque Environmental Health Department, to Steve Douglas, Senior Director for Environmental Affairs, Alliance of Automobile Manufacturers, dated February 14, 2011 (2 pages).

Exhibit 5. Letter from Richard L. Goodyear, P.E., Chief, Air Quality Bureau, New Mexico Environment Department, to Air Quality Stakeholders, dated June 5, 2013, and attached *Regulatory Options for 20.2.88 NMAC – Emission Standards for New Motor Vehicles 2010* (6 pages).

Exhibit 6. Public notice and affidavit of publication in the *New Mexico Register* (2 pages).

Exhibit 7. Public notice and affidavit of publication in the *Albuquerque Journal* (6 pages).

Exhibit 8. Letter from Richard L. Goodyear, P.E., Chief, Air Quality Bureau, New Mexico Environment Department, to Air Quality Stakeholders, dated July 1, 2013, and list of recipients (4 pages).

Exhibit 9. Electronic message from Lany Weaver to stakeholders, dated August 12, 2013 (1 page).

Exhibit 10. Letter from John M. Cabaniss, Jr., Director of Environment and Energy, Association of Global Automakers, Inc., to Richard L. Goodyear, Bureau Chief, Air Quality Bureau, New Mexico Environment Department, dated July 11, 2013 (2 pages).

Exhibit 11. Proposed Order and Statement of Reasons (5 pages).

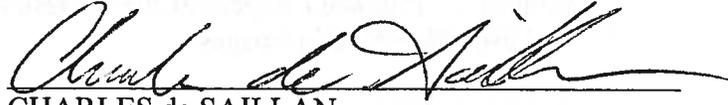
Exhibit 12. Resume of Rita Bates (1 page).

Each of these exhibits is attached hereto.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT

October 18, 2013



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