

STATE OF NEW MEXICO  
ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED  
AMENDMENTS TO AIR QUALITY REGULATIONS  
20.2.77 AND 20.2.82 NMAC

No. EIB 13-07(R)



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

Pursuant to 20.1.1.302.A NMAC, the New Mexico Environment Department (“NMED” or “Department”) hereby submits its Notice of Intent to present technical testimony in this proceeding.

**1. Person Represented By the Technical Witnesses.**

The New Mexico Environment Department, Environmental Protection Division, Air Quality Bureau.

**2. Name and Qualifications of Each Technical Witness.**

Lany Weaver. Ms. Weaver is an Environmental Analyst in the Control Strategies Unit of the Planning Section of the Department’s Air Quality Bureau. She is responsible for preparing state implementation plans, policies, and regulations for air quality. She has also served as the Bureau’s Health Program Manager, with oversight over the Small Business Assistance Program. Prior to coming to the Department, Ms. Weaver served as an Air Resources Engineer with the California Air Resources Board.

Rita Bates. Rita Bates is the Section Chief of the Planning Section of the Air Quality Bureau. She has more than 20 years of experience in the environmental field, including fourteen years with the Department. In addition to her work for the Air Quality Bureau, Ms. Bates has

worked in industry as an environmental coordinator and in environmental consulting as a project manager. Ms. Bates holds a B.S. in Biology from Humboldt State University. Her resume is attached as Exhibit 2.

**3. A Copy of the Direct Testimony of Each Witness in Narrative Form.**

A copy of the direct testimony of Ms. Weaver is attached as Exhibit NMED 3. Ms. Weaver will provide a brief summary of her testimony during the hearing. The Department does not intend to present direct testimony by Rita Bates, but may present her as a rebuttal witness, and will make her available to assist in answering questions that may go beyond the expertise of the direct witnesses.

**4. Text of Recommended Modifications to the Proposed Regulatory Change**

The Department recommends that the Board adopt the proposed regulatory changes to 20.2.77 and 20.2.82 NMAC as contained in Exhibit 4 & 5, respectively. Exhibit 4 contains a change in the proposed date of incorporation of the federal standards into 20.2.77 NMAC, as compared to the request in the Department's petition. Specifically, the Department requests that that date be September 23, 2013, rather than August 29, 2013. Exhibit 5 contains proposed changes to 20.2.82 NMAC that are identical to those proposed in the Department's petition.

**5. List and Description of Exhibits**

The Department submits the following exhibits:

- NMED 1      Resume of Lany Weaver
- NMED 2      Resume of Rita Bates
- NMED 3      Written Testimony of Lany Weaver
- NMED 4      Proposed Revised Amendments to 20.2.77 NMAC

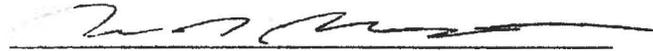
- NMED 5 Proposed Amendments to 20.2.82 NMAC
- NMED 6 List of Recent FR Notices under Part 77 (40 CFR 60) and Part 82 (40 CFR 63)
- NMED 7 1985 Delegation of Authority Letter (NSPS and NESHAP)
- NMED 8 1995 Delegation of Authority Letter (MACT)
- NMED 9a Public Notice (New Mexico Register)
- NMED 9b Public Notice (Albuquerque Journal, Spanish/English)
- NMED 10 July 1, 2013 NMED Letter to Stakeholders
- NMED 11 September 23, 2013 Email to Stakeholders
- NMED 12 August 30, 2013 EPA Memo on Inadvertent Errors
- NMED 13 Excerpts from Clean Air Act §§ 111 & 112
- NMED 14 Proposed Statement of Reasons for Adoption of Rules
- NMED 15 Federal Register Notices (on CD only)
- NMED 16 Letter to Small Business Regulatory Advisory Commission

**6. Reservation of Rights**

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

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT



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