

**STATE OF NEW MEXICO  
ENVIRONMENTAL IMPROVEMENT BOARD**

**IN THE MATTER OF THE PETITION  
TO AMEND THE LIQUID WASTE  
DISPOSAL REGULATIONS, 20.7.3 NMAC**

**EIB 06-06  
EIB 06-07  
EIB 06-13**

**New Mexico Environment Department,  
Environmental Health Division,  
Petitioner**

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

The New Mexico Environment Department (NMED) Environmental Health Division (EHD) hereby submits its Notice of Intent to present technical testimony in this proceeding.

1. Person/entity: The New Mexico Environment Department, Environmental Health Division hereby states its intent to present technical testimony in support of its proposed amended regulations.
2. Witnesses: The New Mexico Environment Department, Environmental Health Division will present as its technical witnesses Ms. Ana Marie Ortiz, J.D., Division Director; Mr. Dennis McQuillan, B.S., Liquid Waste Program Manager; Mr. R. Brian Schall, B.S., Environmental Specialist; Mr. Tom Brandt, P.E., and Mr. Carlos Romero, B.S. The Environmental Health Division proposes to present its witnesses as a panel, starting with Ana Marie Ortiz giving an overview, with Mr. Brian Schall testifying about amended sections, and Mr. Dennis McQuillan testifying about disputed issues and other particular issues. Each witness may testify about other

issues as needed. Mr. Brandt may testify about water softener waste and other issues as needed, and Mr. Romero may testify about drainfield sizing and other issues as needed. All witness will be subject to questions from the Board. All witness would then stand as a panel for cross-examination.

Ana Marie Ortiz, J.D.:

Ana Marie Ortiz, the Director of the Environmental Health Division of the New Mexico Environment Department, has worked in the environmental area for over ten years and as a lawyer for 20 years. Ms. Ortiz' former position was Assistant General Counsel to the Environment Department. She worked on a myriad of environmental legal and policy issues impacting New Mexico. She is knowledgeable in legal analysis and statutory interpretation of the EIB Liquid Waste Regulations and the Environmental Improvement Act. Prior to working for the Department, Ana Marie worked in areas of law including, but not limited to, property law, insurance litigation, eminent domain, environmental law, water law, and educational law. Ms. Ortiz has been a representative of the Western States Environmental Project and has served and was selected as a member of its Executive Board by the 13 member states. She received her undergraduate and graduate degrees from the University of California in Berkeley and also received a Juris Doctor degree from the University of California.

Dennis McQuillan, B.S.:

Dennis McQuillan has served in a variety of NMED positions for more than 26 years, and is currently employed by the NMED Environmental Health Division. He has extensive experience in the prevention, investigation, and abatement of soil and ground-water pollution. He was a principle technical witness during EIB hearings in 1990 and in 2003 that led to revision of the Liquid Waste Regulations. Mr. McQuillan also was a principle technical witness in N.M. Water Quality Control Commission hearings in 1981, 1985, 1994, 2003, and 2004 that led to the adoption and revision of the WQCC narrative standard of "Toxic Pollutant," numerical ground-water standards for organic contaminants, and regulations for the prevention and abatement of water pollution. He has also delivered technical testimony before the U.S. Congress, the N.M. Legislature, and in state and Federal District Court. Additionally, Mr. McQuillan has worked as a consultant and freelance writer. Mr. McQuillan holds a Bachelor's degree in Geology from the University of New Mexico, with a minor distributed in Chemistry, Mathematics, and Physics.

Mr. R. Brian Schall, B.S.:

R. Brian Schall has worked for the New Mexico Environment Department as a specialist in the Liquid Waste Program for the past eight years. Prior work experience include environmental health specialist with the Florida Department of Health, environmental specialist with the Florida Department of Environmental

Protection, Domestic Wastewater Section, and as a certified wastewater operator in the state of Virginia. Mr. Schall has a Bachelor of Science degree in Forestry and Wildlife, Environmental Conservation option, from Virginia Tech.

Mr. Tom Brandt, P.E.:

Tom Brandt is a registered professional engineer in New Mexico. Mr. Brandt is the program engineer for the Liquid Waste Program, NMED Environmental Health Division. Prior to accepting this position, Mr. Brandt was an engineer with the NMED Construction Programs Bureau.

Mr. Carlos Romero, B.S.:

Carlos Romero has worked for the New Mexico Environment Department for over 19 years. He began as field inspector and is currently the District IV manager with Environmental Health Division. Throughout the 19+ years of service Mr. Romero has worked with the Liquid Waste program conducting inspections, conducting enforcement, and developing and implementing program policy. Mr. Romero has a Bachelor of Science Degree in Chemical Engineering from New Mexico State University. He worked closely with other professionals in developing the drainfield sizing requirements for the current Liquid Waste Disposal Regulations.

3. Summary of Testimony: A summary of the Department's testimony appears behind **Tab B**. It is expected that the testimony of all the Department's witnesses will take approximately four hours.
  
4. Exhibits: The Environmental Health Division intends to introduce into evidence the Notice of Intent, including the following exhibits:
  - **TAB A** - Copy of Proposed Regulations in redline showing changes from current regulation.
  - **TAB B** – Department Testimony
  - **TAB C** - Copies of various documents available on NMED Liquid Waste Program web page if needed.
  - **TAB D** – Affidavits of Publication
  - Other items or written scientific papers as needed for rebuttal testimony.

Copies of the above exhibits are available from the Department, and will be available at the scheduled hearing.

5. Case Record File: The case record file in this proceeding is part of the administrative record and consists of the following:

- “Petition For Public Hearing to Consider a Proposed Replacement to the Liquid Waste Disposal Regulations” filed by the New Mexico Environment Department, dated August 21, 2006.
- “Petition for Public Hearing to Consider a Proposed Amendment to the Liquid Waste Disposal and Treatment Regulations in Title 20, Chapter 7, Part 3 of the New Mexico Administrative Code” filed by the Professional On-Site Wastewater Re-Use Association of New Mexico, Inc., dated August 21, 2006.
- Letter to Board from New Mexico Home Builders Association, dated August 18, 2006.
- Notices of Docketing, dated August 22, 2006 and September 19, 2006.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPT.  
ENVIRONMENTAL HEALTH DIVISION

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ENVIRONMENTAL IMPROVEMENT BOARD**

**IN THE MATTER OF THE PETITION  
TO REPLACE THE LIQUID WASTE  
DISPOSAL REGULATIONS, 20.7.3 NMAC**

**EIB 06-06**

**New Mexico Environment Department,  
Environmental Health Division,  
Petitioner**

Certificate of Service

I hereby certify that on December 19, 2006, a copy of the foregoing Notice of Intent to Present Technical Testimony was mailed to the following persons by first class mail:

Link Summers  
President  
Professional On-Site Wastewater Re-use Association  
of New Mexico, Inc.  
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Santa Fe, NM 87504

Jack C. Milarch, Jr.  
Executive Vice President and CEO  
New Mexico Homebuilders Assn.  
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Susan Kery, Esq.  
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Legal Assistant