

<p>1 STATE OF NEW MEXICO</p> <p>2 BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD</p> <p>3 No. EIB 18-04 (R)</p> <p>4</p> <p>5 IN THE MATTER OF:</p> <p>6 PROPOSED AMENDMENTS TO 20.2.3 NMAC -</p> <p>7 AMBIENT AIR QUALITY STANDARDS</p> <p>8 AIR QUALITY BUREAU ENVIRONMENTAL</p> <p>9 PROTECTION DIVISION</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 TRANSCRIPT OF PROCEEDINGS</p> <p>15 BE IT REMEMBERED that on the 28th day of</p> <p>16 September, 2018, this matter came on for hearing before</p> <p>17 the ENVIRONMENTAL IMPROVEMENT BOARD, at the New Mexico</p> <p>18 Farm and Ranch Heritage Museum, Room V1, 4100 Dripping</p> <p>19 Springs Road, Las Cruces, New Mexico, at the hour of</p> <p>20 9:33 a.m.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>3</p> <p>1 I N D E X</p> <p>2 Opening Statement by Ms. Bannerman 7</p> <p>3 KERWIN SINGLETON</p> <p>4 Direct Examination by Ms. Bannerman 9</p> <p>5 Cross Examination by Mr. Holt 16</p> <p>6 Closing Statement by Ms. Bannerman 18</p> <p>7</p> <p>8 E X H I B I T S ADMITTED</p> <p>9 NMED EXHIBIT:</p> <p>10 1. Singleton Resume 8</p> <p>11 2. Singleton Written Testimony 8</p> <p>12 3. Text of Proposed Amendments 8</p> <p>13 4. PowerPoint Presentation from Public Meetings 8</p> <p>14 5. Sign-in Sheet from Public Meetings 8</p> <p>15 6. Noninterference Demonstration Under 110(1) 8</p> <p>16 7. Affidavits of Publication 8</p> <p>17 8. Letter to Small Business Regulatory Advisory</p> <p>18 Commission 8</p> <p>19 9. Proposed Final Order and Statement of Reasons 8</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>1 A P P E A R A N C E S</p> <p>2 For the Environmental Improvement Board:</p> <p>3 MR. MATTHEW HOLT</p> <p>4 Hearing Officer</p> <p>5 Environmental Improvement Board</p> <p>6 1190 St. Francis Drive</p> <p>7 Harold Runnels Building</p> <p>8 Santa Fe, New Mexico 87501</p> <p>9 Board Counsel:</p> <p>10 MR. GIDEON ELLIOT</p> <p>11 ASSISTANT ATTORNEY GENERAL</p> <p>12 For New Mexico Environment Department:</p> <p>13 MS. KIM BANNERMAN</p> <p>14 NEW MEXICO ENVIRONMENT DEPARTMENT</p> <p>15 OFFICE OF GENERAL COUNSEL</p> <p>16 Post Office Box 5469</p> <p>17 Santa Fe, New Mexico 87502</p> <p>18 (505) 827-2985</p> <p>19 kim.bannerman2@state.nm.us</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>4</p> <p>1 MR. HOLT: If you have come here for the</p> <p>2 September 28th meeting of the Environmental Improvement</p> <p>3 Board, you are going to be disappointed. We do not have</p> <p>4 a quorum, so the Board will not be meeting.</p> <p>5 We have set two hearings for today that will</p> <p>6 take place in the absence of a Board meeting, and we are</p> <p>7 going to proceed with those.</p> <p>8 The first matter I'm going to call today is</p> <p>9 EIB Number 18-04 (R).</p> <p>10 Today is Friday, September 28th, 2018, and I</p> <p>11 show that it is 9:32 in the morning. This meeting is</p> <p>12 going to be held in public at the Farm and Ranch Museum,</p> <p>13 in Ventana Room Number 1, here in Las Cruces.</p> <p>14 The purpose of today's meeting is to take</p> <p>15 evidence regarding the proposed amendments to 20.2.3 of</p> <p>16 in NMAC, which pertain to Ambient Air Quality Standards;</p> <p>17 correct?</p> <p>18 MR. SINGLETON: Correct.</p> <p>19 MR. HOLT: My name is Matthew Holt. I'm the</p> <p>20 vice-Chair of the EIB, and I have been designated to</p> <p>21 preside over this hearing.</p> <p>22 I would normally be advised by Board counsel,</p> <p>23 but he doesn't seem to be here today.</p> <p>24 As a Hearing Officer, I'm authorized, and I</p> <p>25 will make evidentiary procedural rulings as necessary.</p>

<p style="text-align: center;">5</p> <p>1 The hearing will be conducted in accordance</p> <p>2 with the Board's rulemaking procedures that are set out</p> <p>3 in 20.1.1 of NMAC.</p> <p>4 And pursuant to those procedures, I will</p> <p>5 conduct the hearing -- my attorney is here -- thank you</p> <p>6 -- so as to provide a reasonable opportunity for all</p> <p>7 persons to be heard without making it unreasonably</p> <p>8 lengthy.</p> <p>9 The Rules of Civil Procedure and the Rules of</p> <p>10 Evidence do not apply in this matter, but I will make</p> <p>11 whatever rulings are necessary in order to preserve a</p> <p>12 quorum in this matter.</p> <p>13 All testimony will be taken under oath, and</p> <p>14 all persons giving testimony will be subject to</p> <p>15 cross-examination by any other person in attendance on</p> <p>16 the subject of both their testimony and on matters</p> <p>17 affecting credibility. I will however limit</p> <p>18 cross-examination as necessary to avoid harassment,</p> <p>19 intimidation or repetition.</p> <p>20 The hearing is being recorded and transcribed</p> <p>21 today by Hayley MacDonald of Russin Court Reporters.</p> <p>22 You can obtain a copy of the transcript directly from</p> <p>23 the reporter if you want, but it will eventually become</p> <p>24 a public record viewable in the Board Administrative</p> <p>25 Office.</p>	<p style="text-align: center;">7</p> <p>1 (Oath administered to Kerwin Singleton.)</p> <p>2 MR. HOLT: Ms. Bannerman, your opening.</p> <p>3 MS. BANNERMAN: Again, thank you,</p> <p>4 Mr. Hearing Officer.</p> <p>5 The Department is here before you to request</p> <p>6 amendments to the Ambient Air Quality Standards found at</p> <p>7 20.2.3 NMAC. Specifically, the Department is requesting</p> <p>8 the appeal of the New Mexico Ambient Air Quality</p> <p>9 Standards for total suspended particulate, otherwise</p> <p>10 known as TSP.</p> <p>11 The air qualities -- the standard for your</p> <p>12 decision today -- under the Air Quality Act, the EIB is</p> <p>13 given the authority to enact, modify, or repeal</p> <p>14 regulations addressing air quality. And considering the</p> <p>15 proposed repeal of the TSP standards, the Board is</p> <p>16 required by the act to give weight to the following when</p> <p>17 considering the action: the character and degree of</p> <p>18 injury to or interference with the health, welfare,</p> <p>19 visibility, and property addressed by the proposal; and</p> <p>20 the public interest, including the social and economic</p> <p>21 value of the sources of the subject air contaminants</p> <p>22 addressed by this proposal.</p> <p>23 The Department will demonstrate, through</p> <p>24 Mr. Singleton's testimony, how these factors are met and</p> <p>25 are exhibited through the -- today.</p>
<p style="text-align: center;">6</p> <p>1 There will be an opportunity for comments by</p> <p>2 members of the public. If any members intend to</p> <p>3 comment, please sign in on the register sheet that we</p> <p>4 have on the table immediately outside of this room so we</p> <p>5 can take into account the time needed for that.</p> <p>6 I understand that Kim Bannerman is going to</p> <p>7 represent the Environmental Department today.</p> <p>8 If you would, please make your appearance and</p> <p>9 introduce your witnesses.</p> <p>10 MS. BANNERMAN: Thank you, Hearing</p> <p>11 Officer/Member Holt.</p> <p>12 My name is Kim Bannerman. I represent the New</p> <p>13 Mexico Environment Department, specifically the Air</p> <p>14 Quality Bureau.</p> <p>15 With me today is Kerwin Singleton, who is the</p> <p>16 planning section chief for the Air Quality Bureau, and</p> <p>17 he will be testifying --</p> <p>18 MR. HOLT: Welcome.</p> <p>19 Would you like to have your witness sworn?</p> <p>20 MS. BANNERMAN: I have an opening statement.</p> <p>21 Would you like me to start there or have him sworn</p> <p>22 first?</p> <p>23 MR. HOLT: I'll swear him and move on,</p> <p>24 because, otherwise, I will forget about it.</p> <p>25 MS. BANNERMAN: Okay.</p>	<p style="text-align: center;">8</p> <p>1 Briefly, the current federal air quality</p> <p>2 standards use PM10 particulate matter at 10 microns or</p> <p>3 less in diameter, and PM2.5 -- you'll be hearing that</p> <p>4 frequently probably today -- particulate matter at 2.5</p> <p>5 microns or less in diameter as the air quality standard,</p> <p>6 because the federal government determined these</p> <p>7 indicators are better suited to address health concerns</p> <p>8 than standards based on TSP.</p> <p>9 As Mr. Singleton will testify, the Department</p> <p>10 believes there is no longer a benefit to include TSP in</p> <p>11 New Mexico's Ambient Air Quality Standards; thus, the</p> <p>12 standards should be repealed, and the repeal meet the</p> <p>13 statutory burden addressed in the Air Quality Act.</p> <p>14 For the reasons discussed in his written</p> <p>15 testimony and additional oral testimony today, the</p> <p>16 Department -- the Department requests the Board grant</p> <p>17 this petition to amend the Ambient Air Quality</p> <p>18 Standards.</p> <p>19 At this time I would request the Board admit</p> <p>20 into the record the exhibits in the Environment</p> <p>21 Department's notice of intent.</p> <p>22 MR. HOLT: Are there any objections?</p> <p>23 Hearing none, they are so admitted.</p> <p>24 (NMED Exhibits 1 through 9 admitted.)</p> <p>25 MS. BANNERMAN: May I move on with</p>

<p style="text-align: right;">9</p> <p>1 Mr. Singleton's testimony?</p> <p>2 MR. HOLT: Please.</p> <p>3 KERWIN SINGLETON</p> <p>4 after having been first duly sworn or affirmed,</p> <p>5 was examined and testified as follows:</p> <p>6 DIRECT EXAMINATION</p> <p>7 BY MS. BANNERMAN:</p> <p>8 Q. Mr. Singleton, please state your full name for</p> <p>9 the record.</p> <p>10 A. Kerwin Singleton.</p> <p>11 Q. What is your employment position?</p> <p>12 A. I'm the planning section chief with the Air</p> <p>13 Quality Bureau.</p> <p>14 Q. And how long have you been with the</p> <p>15 Environment Department?</p> <p>16 A. I have been with the Air Quality Bureau for</p> <p>17 over 14 years. Until recently, I was the manager of</p> <p>18 Control Strategies, and prior to that a permit writer.</p> <p>19 Q. And what is your educational background?</p> <p>20 A. I have over 34 years of environmental</p> <p>21 experience, primarily in air quality. I have worked in</p> <p>22 environmental consulting as a project manager in the</p> <p>23 industry as an environmental engineer.</p> <p>24 I hold a bachelor's degree in chemical</p> <p>25 engineering from the University of Missouri in Columbia.</p>	<p style="text-align: right;">11</p> <p>1 did not propose national Ambient Air Quality Standards</p> <p>2 for particulate matter until January 30th of 1971.</p> <p>3 These federal standards are shown in Table 2</p> <p>4 of NMED Exhibit 2.</p> <p>5 Section 109 of the Clean Air Act Amendments of</p> <p>6 1970 required EPA to propose primary and secondary NAAQS</p> <p>7 for each pollutant for which air quality criteria had</p> <p>8 been issued prior to the amendments. Primary standards</p> <p>9 are health based; while secondary standards are welfare</p> <p>10 based.</p> <p>11 The final primary and secondary NAAQS were</p> <p>12 published with the federal register on April 30th, 1971.</p> <p>13 Particulate matter was defined as any matter</p> <p>14 dispersed in the air, whether solid or liquid, in which</p> <p>15 the individual particles are larger than small molecules</p> <p>16 but smaller than 500 microns.</p> <p>17 Particulate matter can produce injury in the</p> <p>18 respiratory tract. It may be cleared by transfer to the</p> <p>19 limb, blood, and/or gastrointestinal tract, producing</p> <p>20 adverse effects elsewhere in the human body.</p> <p>21 In July 1987, the EPA finalized and revised</p> <p>22 the PM standards and replaced TSP as an indicator for PM</p> <p>23 with the new indicator of PM standards.</p> <p>24 EPA's review of available scientific data</p> <p>25 demonstrated the need to protect sensitive individuals;</p>
<p style="text-align: right;">10</p> <p>1 And a copy of my resumé is included as NMED Exhibit 1.</p> <p>2 Q. What is the purpose of your testimony today?</p> <p>3 A. Mr. Hearing Officer, I'm here to request that</p> <p>4 the Board adopt the Department's proposal to repeal the</p> <p>5 New Mexico Ambient Air Quality Standards for Total</p> <p>6 Suspended Particulates contained in Section 109 of</p> <p>7 20.2.3 New Mexico Administrative Code, or in NMAC.</p> <p>8 Q. Are the Department's proposed amendments</p> <p>9 contained in Exhibit 3?</p> <p>10 A. Yes, they are.</p> <p>11 Q. Did you prepare written testimony -- technical</p> <p>12 testimony in this matter?</p> <p>13 A. Yes, in NMED Exhibit 2.</p> <p>14 Q. Do you adopt that testimony under oath today?</p> <p>15 A. Yes, I do.</p> <p>16 Q. Do you have a brief summary of your testimony</p> <p>17 that you would like to give today?</p> <p>18 A. I do.</p> <p>19 The State Ambient Air Quality Standards were</p> <p>20 originally adopted in 1969 by the Department's</p> <p>21 predecessor agency, New Mexico Board of Health and</p> <p>22 Social Services.</p> <p>23 These state standards are shown in Table 1 of</p> <p>24 NMED Exhibit 2.</p> <p>25 The Environmental Protection Agency, or EPA,</p>	<p style="text-align: right;">12</p> <p>1 therefore, EPA staff recommended that the site-specific</p> <p>2 indicator include particles of diameters less than or</p> <p>3 equal to a nominal 10 micrometer cut point, putting</p> <p>4 greater emphasis on controlling smaller particles than</p> <p>5 does the TSP indicator without completely excluding</p> <p>6 larger particles from all control.</p> <p>7 During the preparation for the 1988 hearing to</p> <p>8 adopt a State Implementation Plan, or SIP, to implement</p> <p>9 the new federal PM10 standards, the Department chose to</p> <p>10 retain the New Mexico TSP standard, not for health</p> <p>11 concerns, but for welfare-based reasons, specifically to</p> <p>12 protect the public from the soiling and nuisance effects</p> <p>13 of PM.</p> <p>14 Additional scientific research prompted the</p> <p>15 EPA to further revise the PM standards in 1997 to focus</p> <p>16 on PM2.5, in addition to the PM10 standards, to provide</p> <p>17 the most effective protection from potential adverse</p> <p>18 health effects.</p> <p>19 The NMED discontinued ambient monitoring for</p> <p>20 TSP in April 1998. Compliance with the New Mexico</p> <p>21 standards have been determined by air dispersion</p> <p>22 modeling.</p> <p>23 Despite the Department's proposed repeal of</p> <p>24 the TSP standards, there are many other rules that limit</p> <p>25 and control emissions of PM, including PM10 and PM2.5.</p>

<p style="text-align: right;">13</p> <p>1 There are mechanisms in the Air Quality</p> <p>2 Bureau's permitting program to address particulate</p> <p>3 matter emissions and air dispersion modeling is required</p> <p>4 by applicants to demonstrate that their operations will</p> <p>5 not violate any applicable Ambient Air Quality</p> <p>6 Standards.</p> <p>7 The New Source Review and Title V permitting</p> <p>8 programs have evolved over the years and now includes</p> <p>9 source-specific emission limits and stringent operating,</p> <p>10 monitoring, record-keeping, and reporting requirements</p> <p>11 designed to demonstrate compliance with applicable state</p> <p>12 and federal Ambient Air Quality Standards and to</p> <p>13 minimize fugitive dust emission both on and off-site.</p> <p>14 The most prominent sources of fugitive or</p> <p>15 nuisance dust are the aggregate handling and</p> <p>16 construction industries; for example, sand and gravel</p> <p>17 operations, rock-crushing operations, asphalt batch</p> <p>18 plants, concrete batch plants, and mineral processing</p> <p>19 facilities, such as potash and humate mines, as well as</p> <p>20 solid waste landfills.</p> <p>21 Permits issued by the Air Quality Bureau</p> <p>22 contain requirements for controlling these sources of</p> <p>23 fugitive dust, including conditions that limit emissions</p> <p>24 from storage piles, material handling, and processing</p> <p>25 and haul roads. Where necessary, permits may also</p>	<p style="text-align: right;">15</p> <p>1 Q. What public notification was given for those</p> <p>2 revised provisions?</p> <p>3 A. The Department published public notice in the</p> <p>4 New Mexico Register, the Albuquerque Journal, the Deming</p> <p>5 Headlight, and the Las Cruces Sun-News.</p> <p>6 In addition, the Legislative Council Service,</p> <p>7 New Mexico Sunshine Portal, subscribers to the Bureau's</p> <p>8 LISTSERV, tribes and pueblos were sent notice via</p> <p>9 e-mail.</p> <p>10 The affidavits of publication have been</p> <p>11 submitted as NMED Exhibit 7.</p> <p>12 Prior to the official public notice hearing,</p> <p>13 the Bureau held public information meetings to inform</p> <p>14 stakeholders of our intent to repeal Section 109. These</p> <p>15 meetings were held in Deming, Las Cruces, and Santa Fe,</p> <p>16 from January 9th through 11th of this year.</p> <p>17 The PowerPoint presentation from those</p> <p>18 information meetings is included as NMED Exhibit 4, and</p> <p>19 the sign-in sheet for each meeting are included as NMED</p> <p>20 Exhibit 5.</p> <p>21 The Department did not receive any comment</p> <p>22 during the public comment period.</p> <p>23 MS. BANNERMAN: Mr. Hearing Officer, I have no</p> <p>24 further questions.</p> <p>25 I do want to call your attention to two</p>
<p style="text-align: right;">14</p> <p>1 include a requirement for a facility to develop a</p> <p>2 fugitive dust control plan.</p> <p>3 Additionally, the Board will shortly hear</p> <p>4 testimony in our proposal for a fugitive dust rule for</p> <p>5 certain sources of fugitive dust that fall outside of</p> <p>6 the permitting programs.</p> <p>7 Permits containing conditions limiting TSP to</p> <p>8 comply with state standards will remain in force until</p> <p>9 the permittee requests a permit provision to remove</p> <p>10 those conditions. A request to provide permit</p> <p>11 conditions would need to provide a demonstration of</p> <p>12 complying with the federal standards for PM10 and PM2.5.</p> <p>13 Q. With respect to Exhibit 6, can you briefly</p> <p>14 describe what those are?</p> <p>15 A. Yes.</p> <p>16 Exhibit 6 is the Department's Noninterference</p> <p>17 Demonstration under 110(1) of the Clean Air Act.</p> <p>18 Because Section 109 and Part 3 is included in the New</p> <p>19 Mexico SIP, the Department is required to provide a</p> <p>20 demonstration that shows that the proposed repeal of the</p> <p>21 TSP standards will not negatively impact the attainment</p> <p>22 status of the state's particulate matter attainment</p> <p>23 areas or negatively affect the Anthony PM10</p> <p>24 nonattainment area or interfere with any other Clean Air</p> <p>25 Act requirement.</p>	<p style="text-align: right;">16</p> <p>1 additional exhibits.</p> <p>2 Exhibit 8 contains a letter that was sent to</p> <p>3 the Small Business Regulatory Advisory Commission. The</p> <p>4 Department does not believe that these rules and</p> <p>5 provisions will have any affect on small business, but</p> <p>6 we want the letter to err on the side of full</p> <p>7 disclosure. We received no comments on that letter.</p> <p>8 Also, Exhibit 9 is the Department's Proposed</p> <p>9 Final Order and Statement of Reasons, when the Board</p> <p>10 determines if it can rule on this matter -- or when the</p> <p>11 Board determines that.</p> <p>12 MR. HOLT: Thank you.</p> <p>13 Anything further?</p> <p>14 MS. BANNERMAN: No.</p> <p>15 CROSS EXAMINATION BY MR. HOLT</p> <p>16 MR. HOLT: Mr. Singleton, you said you had a</p> <p>17 public hearing in Las Cruces, Deming, and Santa Fe?</p> <p>18 MR. SINGLETON: Public meetings.</p> <p>19 MR. HOLT: Was there anyone in attendance for</p> <p>20 those?</p> <p>21 MR. SINGLETON: Yes, there were. A number of</p> <p>22 people attended each meeting. The largest group was</p> <p>23 actually in Santa Fe. It was comprised mostly of</p> <p>24 industry concerns.</p> <p>25 MR. HOLT: And no -- no voiced opposition to</p>

<p style="text-align: right;">17</p> <p>1 the proposal?</p> <p>2 MR. SINGLETON: No.</p> <p>3 There was some confusion at the meeting in</p> <p>4 Deming. They thought we were there about a proposed</p> <p>5 mining operation. There were concerns that this</p> <p>6 operation was going to take out the Florida Mountains,</p> <p>7 so we had to explain that this was a separate issue.</p> <p>8 MR. HOLT: Fair enough.</p> <p>9 Can you tell me the difference between an</p> <p>10 attainment and nonattainment area?</p> <p>11 MR. SINGLETON: An attainment area is one that</p> <p>12 is in attainment of all national Ambient Air Quality</p> <p>13 Standards for the criteria pollutant.</p> <p>14 MR. HOLT: Why is Anthony a nonattainment</p> <p>15 area?</p> <p>16 MR. SINGLETON: Anthony is a nonattainment</p> <p>17 area due to PM10. It is one of the areas of the state</p> <p>18 that experiences high wind dust events, so there is</p> <p>19 little that the Department can do to control high wind</p> <p>20 dust events. Although, the next proposal on fugitive</p> <p>21 air will address some of those issues.</p> <p>22 MR. HOLT: Fugitive dust control?</p> <p>23 MR. SINGLETON: Yes.</p> <p>24 MR. HOLT: Other than deleting Section 109</p> <p>25 dealing with TSP, you are not proposing any changes to</p>	<p style="text-align: right;">19</p> <p>1 MR. HOLT: Fair enough.</p> <p>2 I understand that no one else has submitted a</p> <p>3 notice of intent to submit technical testimony.</p> <p>4 Is there anyone here that wishes to comment on</p> <p>5 this matter, offer testimony on this matter at all?</p> <p>6 Hearing none.</p> <p>7 Is there any reason to leave the record open?</p> <p>8 Then the record in this particular matter is</p> <p>9 closed.</p> <p>10 (Hearing was concluded at 9:53 a.m.)</p> <p>11 * * * * *</p>
<p style="text-align: right;">18</p> <p>1 this particular regulation; correct?</p> <p>2 MR. SINGLETON: Correct.</p> <p>3 MR. HOLT: What effect will it have on</p> <p>4 industry? Will it require anything additional of them</p> <p>5 to delete Section 109?</p> <p>6 MR. SINGLETON: No. It will actually be less</p> <p>7 of a burden, because they won't have to model for TSP,</p> <p>8 so it would be easier for them to get a permit.</p> <p>9 MR. HOLT: And their obligations to comply</p> <p>10 with PM10 or 2.5 is only a matter of federal law?</p> <p>11 MR. SINGLETON: It is, but the state</p> <p>12 implements the federal standards through our rules.</p> <p>13 MR. HOLT: Fair enough.</p> <p>14 I have no other questions.</p> <p>15 Does anyone here have any questions?</p> <p>16 Hearing none.</p> <p>17 MS. BANNERMAN, anything further?</p> <p>18 MS. BANNERMAN: No, that's it.</p> <p>19 MR. HOLT: Any closing remarks?</p> <p>20 MS. BANNERMAN: Oh, well, at this time we</p> <p>21 would -- yes. Thank you, Mr. Hearing Officer.</p> <p>22 At this time we -- the Department respectfully</p> <p>23 requests that the Board adopts the Department's proposed</p> <p>24 amendments to Part 3 of 20.2 NMAC, and we stand for</p> <p>25 additional questions, if needed.</p>	<p style="text-align: right;">20</p> <p>1 REPORTER'S CERTIFICATE</p> <p>2 I, HAYLEY P. MacDONALD, CSR, RPR, NM CCR #140, DO</p> <p>3 HEREBY CERTIFY that on September 28, 2018, the</p> <p>4 proceedings in the above-captioned matter were taken</p> <p>5 before me, that I did report in stenographic shorthand</p> <p>6 the proceedings set forth herein, and the foregoing</p> <p>7 pages are a true and correct transcription to the best</p> <p>8 of my ability.</p> <p>9 I FURTHER CERTIFY that I am neither employed by</p> <p>10 nor related to nor contracted with (unless excepted by</p> <p>11 the rules) any of the parties or attorneys in this case,</p> <p>12 and that I have no interest whatsoever in the final</p> <p>13 disposition of this case in any court.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">HAYLEY MacDONALD, RPR Certified Court Reporter #140 License Expires: 12/31/2018</p>

#	5	14:3	Anthony [3] - 14:23,	Board [17] - 2:2, 2:4,
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1	500 [1] - 11:16	13:2, 17:21	appeal [1] - 7:8	4:22, 5:24, 7:15, 8:16,
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