

STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED
AMENDMENTS TO: 20.2.79 NMAC –
Permits - Nonattainment Areas

No. EIB 21-07 (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 (“Department”) hereby submits its Notice of Intent to Present Technical Testimony in this proceeding.

1. The person for whom the witnesses will testify.

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

2. The name and qualifications of each technical witness.

Neal Butt. Mr. Butt is an Environmental Analyst in the Control Strategies Unit of the Air Quality Bureau. He has worked in the Air Quality Bureau since March of 2014. Prior to this he worked for the City of Albuquerque Environmental Health Department for 17 years, the last 13 of which were as an Environmental Health Scientist in the Air Quality Division. Mr. Butt holds an M.S. Degree in Biology from the University of North Dakota, a B.S. Degree in Biology and a B.A. Degree in Environmental Planning and Design from the University of New Mexico, an A.A.S. in Environmental Protection Technology and an A.A.S. in Criminal Justice from CNM. His resume is attached as NMED Exhibit 3a.

Kerwin Singleton. Kerwin Singleton is the Chief of the Planning Section of the Air Quality Bureau and will be available to answer questions; he will not provide technical

testimony. He has 37 years of experience in the environmental field, including 17 years with the Department. In addition to his work for the Air Quality Bureau, Mr. Singleton has worked in industry and government as an environmental engineer. Mr. Singleton holds a B.S. degree in Chemical Engineering from the University of Missouri - Columbia. His resume is attached as NMED Exhibit 3b.

Michael Baca. Mr. Baca is the Staff Manager of the Control Strategies Section of the Air Quality Bureau and will be available to answer questions; he will not provide technical testimony. He has worked for NMED for 16 years and has been with the Bureau for approximately 13 years. He holds a B.A. degree in Chemistry from Carleton College. His resume is attached as Exhibit 3c.

Kirby Olson. Ms. Olson is the Major Source Permitting Program Manager for the Air Quality Bureau and will be available to answer questions; she will not provide technical testimony. She has worked for NMED for the past six years. She holds a Ph.D. jointly from the Massachusetts Institute of Technology and the Woods Hole Oceanographic Institution.

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

A copy of the written direct testimony of Mr. Butt is attached as NMED Exhibit 2. Mr. Butt will present testimony regarding the proposed amendments to 20.2.79 NMAC – *Permits - Nonattainment Areas*. The Department does not intend to present direct testimony from Mr. Singleton, but he will be present as a possible rebuttal witness; he will be available to assist in answering questions that may go beyond the expertise of Mr. Butt.

4. Text of Recommended Modifications to the Proposed Regulatory Change

The Department recommends that the Board adopt the proposed amendments to 20.2.79 NMAC, which is part of the New Mexico State Implementation Plan, as shown in the *Petition for*

Regulatory Change, filed March 3, 2021, which is attached as NMED Exhibit 1 to this NOI. The Public Review Draft is attached (without further revision) as Attachment 2 to the Petition.

5. List and Description of Exhibits

The Department submits the following exhibits:

Exhibit Number	Description	Prepared By
NMED Exhibit 1	Petition for Regulatory Change, including text of proposed changes to 20.2.79 as Attachment 2	NMED
NMED Exhibit 2	Testimony of Neal Butt	NMED
NMED Exhibit 3a	Resume of Neal Butt	NMED
NMED Exhibit 3b	Resume of Kerwin Singleton	NMED
NMED Exhibit 3c	Resume of Michael Baca	NMED
NMED Exhibit 3d	Resume of Kirby Olson	NMED
NMED Exhibit 4	Stakeholder Outreach Documentation	NMED
NMED Exhibit 5	Summary of Proposed Changes to 20.2.79 NMAC with rationale for each change	NMED
NMED Exhibit 6a	Public Notice as published in the Albuquerque Journal	NMED
NMED Exhibit 6b	Public Notice as published in the Las Cruces Sun News	NMED
NMED Exhibit 6c	Public Notice as published in the Santa Fe New Mexican	NMED
NMED Exhibit 6d	Public Notice as Published in the NM Register	NMED
NMED Exhibit 6e	Public Notice as sent to the Air Quality Bureau Regulatory & SIP Bulletin List Serve (English with link to Spanish language legal ad)	NMED
NMED Exhibit 6f	Public Notice as sent to NM Legislative Council Service, 3/31/21	NMED
NMED Exhibit 6g	Public Notice as sent to NM Sunshine Portal, 3/31/21	NMED
NMED Exhibit 6h	Public Notice as sent to Land Grants located near Sunland Park, New Mexico: Mesilla Civil Colony, Doña Ana Bend Colony, Refugio Civil Colony and Santo Tomas de Yturbide, 3/31/21	NMED

NMED Exhibit 6i	Public Notice as sent to NMED Field Offices 3/31/21	NMED
NMED Exhibit 6j	Public Notice as sent to Local Governments: Sunland Park - Mayor Javier Perea, City Manager Michael Martinez and Gadsden Independent School District Superintendent Travis Dempsey; Doña Ana County - Senator Joseph Cervantes, State Representative Raymundo Lara, County Commissioner Diana Murillo-Trujillo and County Manager Fernando Macias; Las Cruces - Mayor Ken Miyagishima and City Manager Ifo Pili, 3-31-21	NMED
NMED Exhibit 6k	Press Release to local radio stations serving Sunland Park, NM: 'EXA El Paso 98.3 FM' and 'La Equis 96.7 Las Cruces' (Spanish), 4/22/21	NMED
NMED Exhibit 7	State Records Center formatting revisions to 20.2.79 NMAC Public Review Draft	NM State Records Center
NMED Exhibit 8	Small Business Regulatory Relief Act Letter	NMED
NMED Exhibit 9a	Federal Register Notice: 2015 Ozone NAAQS 80 FR 65292, October 26, 2015	Office of the Federal Register
NMED Exhibit 9b	Federal Register Notice: Nonattainment Area designation 83 FR 25820, June 4, 2018	Office of the Federal Register
NMED Exhibit 9c	Federal Register Notice: 2015 ozone NAAQS implementation rule 83 FR 62998, December 6, 2018	Office of the Federal Register
NMED Exhibit 10	Proposed Order and Statement of Reasons, 20.2.79 NMAC	NMED
NMED Exhibit 11	Stakeholder Comment from WEG and response from NMED	WildEarth Guardians and NMED

7. **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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CERTIFICATE OF SERVICE


I hereby certify that on June 4, 2021, a true and correct copy of the foregoing Notice of Intent to Present Technical Testimony was served via electronic mail on the following:

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