



STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED REPEAL
OF REGULATIONS

No. EIB 11-15(R)

20.2.350 – GREENHOUSE GAS REDUCTION PROGRAM
20.2.300 – REPORTING OF GREENHOUSE GAS EMISSIONS
20.2.301 – GREENHOUSE GAS REPORTING VERIFICATION REQUIREMENTS

NEW ENERGY ECONOMY'S NOTICE OF INTENT
TO PRESENT TECHNICAL TESTIMONY

New Energy Economy, Inc. (NEE) hereby submits its Notice of Intent to Present
Technical Testimony (NOI).

1. Identity of the person for whom the witnesses will testify.

NEE

2. Identity of each technical witness Petitioner intends to present and their qualifications,
including a description of their educational and work background.

NEE intends to present the prior sworn technical testimony that numerous witnesses for
the New Mexico Environment Department (NMED) presented in support of Rules 300, 301, and
350 in EIB Case Nos. 10-04(R) and 10-09(R). See NEE's Motion to Admit Prior Sworn
Testimony of the NMED (Motion to Admit). The identities of the witnesses and their
qualifications are described in Exhibits A and B.

3. Description of testimony of each technical witness and anticipated duration of their
testimony.

The testimony of each witness is fully set forth in the exhibits incorporated into the
Motion to Admit. Admitting this prior sworn testimony into the record of this proceeding will
not take any additional hearing time. However, upon request, NEE will arrange to have
NMED's prior sworn testimony read into the record.

4. Text of recommended modifications to the proposed regulatory change.

NEE recommends rejecting the petition completely.

5. Exhibits and proposed statement of reasons.

NEE's exhibits are: (1) all of the sworn testimony that NMED offered in support of the Rules in the prior proceedings (i.e., Nos. 10-04(R) and 10-09(R)), (2) all of the exhibits offered by NMED in the prior proceedings, (3) all of the sworn testimony that petitioners offered on cross-examination in the prior proceedings, and (4) EIB's *Orders and Statements of Reasons for Adoptions of Regulations* that EIB prepared and executed when it adopted the Rules last year in Case Nos. 10-04(R) and 10-09(R). See also *Motion to Admit; Motion to Admit Prior Sworn Testimony that Petitioners' Witnesses Provided on Cross-Examination; Motion to Admit Stipulation Between NMED and NMOGA*. NEE adopts EIB's *Orders and Statements of Reasons* that EIB prepared and executed in the prior proceedings as NEE's proposed statement of reasons against repeal. All of these exhibits are already on file with EIB, and NEE incorporates them by reference as if they were attached hereto.


NEW MEXICO ENVIRONMENTAL LAW
CENTER

By:  _____

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CERTIFICATE OF SERVICE: I certify that I caused a copy of the foregoing paper to be emailed to Petitioners' attorneys and Stephen Vigil on 10/17, 2011.



R. Bruce Frederick

**STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD**

IN THE MATTER OF PROPOSED NEW REGULATIONS,
20.2.350 NMAC – *Greenhouse Gas Cap and Trade Provisions*

No. EIB 10-04 (R)

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

The New Mexico Environment Department, pursuant to 20.1.1 NMAC - *Rulemaking Procedures*, and the Notice of Public Hearing, files this Notice of Intent to Present Technical Testimony at the public hearing in this matter scheduled to commence on September 20, 2010.

1. Person filing the statement

New Mexico Environment Department.

2. Witnesses

Jim Norton. Mr. Norton is the Director of the Department's Environmental Protection Division which supervises the Air Quality Bureau, Solid Waste Bureau, Petroleum Storage Tank Bureau, and Occupational Health and Safety Bureau and climate change programs. Prior to joining the Department, Mr. Norton worked for two decades in the environmental field, including as regional director of The Wilderness Society, executive director of 1000 Friends of New Mexico and at the Nature Conservancy, and as a teacher in the Santa Fe public school system. He holds a B.A. in Biology and Environmental Studies from Williams College, attended the graduate



program at the Yale School of Forestry and Environmental Studies, and earned a Teaching Certificate from the University of New Mexico.

Sandra Ely. Sandra Ely has served as the Environment and Energy Policy Coordinator for the New Mexico Environment Department since 2005.. In this position she coordinates many of New Mexico's climate change initiatives, represents New Mexico as a Western Climate Initiative Partner, and was awarded the EPA Climate Protection Award in 2009. Previous to her current position, she served as New Mexico's Air Quality Bureau Chief for six years. Ms. Ely holds a B.S. degree in Conservation and Resource Sciences from the University of California at Berkeley, a B.S. degree in Nursing from Creighton University, and a M.S. degree in Environmental Studies from the University of Oregon.

Lany Weaver. Lany Weaver is an Environmental Analyst for the Control Strategies Section of the Air Quality Bureau. She has worked in the Bureau since 1990 in the areas of regulation and permit development. Ms. Weaver holds a B.S. degree in Mechanical Engineering from the University of California at Davis.

Mary Uhl. Mary Uhl is the Bureau Chief of the Department's Air Quality Bureau. Since joining the Bureau in 1992, she has served as the manager of the modeling and planning/policy sections, and as an air dispersion modeling expert, during which she completed more than eight hundred (800) modeling analyses, developed the state's modeling guidelines, managed the Corrales air toxics study, and testified in numerous court cases and public hearings. Ms. Uhl has served as co-chair of the WESTAR Technical Committee and the Western Regional Air Partnership's Modeling Forum, and currently serves as co-chair of the Western Regional Air Partnership and the Western

Regional Air Partnership's Oil and Gas Workgroup and as Treasurer and Board member of the National Association of Clean Air Agencies. Ms. Uhl has published several technical articles regarding air chemistry and dispersion modeling. She earned her B.S. degree in Math and Chemistry and M.S. degree in Atmospheric Sciences at Purdue University.

Michael Schneider. Michael Schneider is an Environmental Scientist for the Emissions Inventory Section of the Air Quality Bureau. He has worked in the Bureau since 1993 primarily in the permitting section. Since 2008, he has implemented the Bureau's mandatory greenhouse gas emissions reporting rules. He holds a B.S. degree in Agriculture from Ohio State University.

Brad Musick. Brad Musick has been an Environmental Scientist, Environmental Engineering Specialist, and Environmental Analyst with the Air Quality Bureau since 1996. His responsibilities include the development of air quality regulations and plans. Since 2005, his work has focused on climate change and greenhouse gas emissions, including serving as Staff Lead for the Western Climate Initiative Reporting Committee. Prior to joining the Bureau, he conducted environmental research at the University of New Mexico and the National Aeronautics and Space Administration. Dr. Musick holds B.A. and M.A. degrees in Biology from the University of California at Santa Barbara, and a Ph.D. degree in Biology from the University of Arizona.

The curriculum vitae for Drs. David Gutzler, Jonathan Patz, Karl Hausker, Adam Rose, and Ranajit Sahu are attached.

3. Testimony and Exhibits

The direct testimony and supporting exhibits for each witness has been attached. The Department anticipates that the witnesses can summarize their written testimony and respond to the rebuttal testimony of other parties in the following times:

Jim Norton	45 minutes
David Gutzler	60 minutes
Jonathan Patz	60 minutes
Mary Uhl	45 minutes
Karl Hausker	60 minutes
Adam Rose	60 minutes
Ranajit Sahu	60 minutes
Michael Schneider	30 minutes
Lany Weaver	90 minutes
Sandra Ely	45 minutes

4. Cross-Examination

The Department intends to present Drs. David Gutzler, Jonathan Patz, Karl Hausker, Adam Rose, and Ranajit Sahu individually for cross-examination.

The Department intends to present the remaining witnesses as a panel for cross-examination.

5. Text of Recommended Modifications.

The proposed regulation showing the Department's recommended modifications is attached in legislative format.

6. Reservation of Rights.

The Department reserves the right to call any person and offer any exhibit in response to the testimony or exhibit offered by another person in the hearing.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT
OFFICE OF GENERAL COUNSEL



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STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED NEW REGULATIONS,
20.2.350 NMAC – *Greenhouse Gas Cap and Trade Provisions*



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

The New Mexico Environment Department, pursuant to 20.1.1 NMAC - *Rulemaking Procedures*, and the Notice of Public Hearing, files this Notice of Intent to Present Rebuttal Technical Testimony at the public hearing in this matter scheduled to commence on September 20, 2010.

Due to the volume of the rebuttal testimony and exhibits, the Department has posted its filing at the following web address:

<http://www.nmenv.state.nm.us/cc/CapandTradeRegulation.htm>

1. Person Filing this Notice

New Mexico Environment Department.

2. Rebuttal Witnesses

Jim Norton
Lany Weaver
Dr. David Gutzler
Dr. Jonathan Overpeck
Dr. Adam Rose
Franz Litz
Craig O'Hare

Sandra Ely
Mary Uhl
Dr. Jonathan Patz
Dr. Karl Hausker
Dr. Ranajit Sahu
Mark Fesmire



The biographies and curriculum vitae for all witnesses except Dr. Jonathan Overpeck and Messrs. Fesmire and O'Hare were previously provided. The curriculum vitae for these witnesses are attached to their rebuttal testimony.

3. Testimony and Exhibits

The written rebuttal testimony and exhibits for each rebuttal witness are being filed with this notice. The Department anticipates that each witness can summarize their written testimony in 15-30 minutes.

4. Cross-Examination

The Department intends to present its direct and rebuttal witnesses in panel format, except for Dr. Overpeck, who will appear individually on September 28 due to time constraints in his schedule.

5. Text of Recommended Modifications.

The Department's proposed modifications are attached in legislative format. Additionally, a clean version of the proposed rule is attached.

6. Reservation of Rights.

The Department reserves the right to call any person and offer any exhibit in response to the testimony or exhibit offered by another person in the hearing.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT
OFFICE OF GENERAL COUNSEL



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