

# EIB 21-27

# Day 2 Hearing Summary

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**In the Matter of Proposed New Regulation,  
20.2.50 NMAC - Oil and Gas Sector –  
Ozone Precursor Pollutants**

Tuesday, September 21 was Day 2 of the New Mexico Environmental Improvement Board (EIB) hearing on the New Mexico Environment Department's (NMED's) proposed ozone precursor rule.

## Day 2 Highlights

- Witnesses from the NMED, NMOGA, and IPANM presented testimony regarding the air dispersion modeling analysis performed in support of the proposed rule. The industry witnesses generally supported the modeling methodology, but testified that the model predicts only modest ozone benefits, and that those benefits are almost entirely associated with the predicted reductions in NO<sub>x</sub> emissions (and not from the predicted reductions in VOC).
- An NMED enforcement department witness testified that the air dispersion modeling does not account for unauthorized or excess emissions (it only uses permitted emissions); the witness's testimony then moved to a long discussion of oil and gas industry compliance, the understaffed NMED enforcement program, and compliance self-reporting.
- An NMED witness testified regarding the statutory authority for the rule and scope/geographic extent of the proposed rule.
- Multiple non-governmental organization (NGO) party witnesses testified in support of the proposed rule.
- No GCA witness testified on Day 2.

## Looking Ahead to Day 3

- Expected topics: NMED's economic analysis of the proposed rule; the treatment of small business facilities under the rule; additional review of the air dispersion modeling; the definitions section of the proposed rule; the Section 112 general provisions.
- Assuming the hearing progresses to the Section 112 general provisions, the GCA's first witness, Mark Copeland, will present testimony relating to Section 112 and the Equipment Monitoring Tag/Compliance Database Report requirements included in the proposed rule and one NGO's suggestion to include compliance self-reporting in the rule.
- The GCA will have four witnesses present testimony relating to Section 113 and the regulation of engines; however, it appears unlikely that the hearing will reach Section 113 on Tuesday 9/21.