

EIB 21-27

Day 4 Hearing Summary

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

Thursday, September 23 was Day 4 of the New Mexico Environmental Improvement Board (EIB) hearing on the New Mexico Environment Department's (NMED's) proposed ozone precursor rule.

Day 4 Highlights

- A NMOGA witness testified about the "small business facility" definition and offered alternative view on how the rule should define a small business facility, focused not on the size of the company but the asset itself – focused on securing preferable treatment for low-producing wells.
- An EDF witness testified about the air dispersion modeling filed in support of the rule, and testified that reductions of VOC have an important effect in the modeling (contrary to NMOGA witness) and disagreed with NMOGA's witness's characterization that the model predicted only "moderate" benefits from the proposed rule.
- A witness from the non-governmental organization NAVA Education Project testified in support of strengthening the proposed rule.
- Witnesses from NMED and other parties testified about the definitions in Section 111 of the proposed rule.
- The hearing did not proceed as far as expected, and no GCA witness testified on Day 4.
- Counsel for the parties will meet in advance of the start of the hearing tomorrow morning in hopes of identifying ways to expedite the hearing and presentation of witnesses.

Looking Ahead to Day 5

- Expected topics: further discussion of the rule's definitions section; the Section 112 general provisions (including the tagging/database requirements); the definition of "construction" (for purposes of determining new/existing engine applicability) and regulation of engines under Section 113.
- Once again, we expect that 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; it appears likely that the hearing will at least start testimony on Section 113 on Friday. We hope to have our Section 113 engine witnesses testify before the hearing wraps up Friday.