

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF RULEMAKING HEARING TO CONSIDER ADOPTION OF PROPOSED 20.2.50 NMAC, EIB 21-27 (R)

The New Mexico Environmental Improvement Board ("Board") will hold a public hearing beginning at 9:00 a.m. on September 20, 2021 to consider the matter of EIB 21-27 (R), proposed new regulations at 20.2.50 NMAC – Oil and Gas Sector – Ozone Precursor Pollutants ("Part 50"). The hearing will be held via video conference on a virtual platform, via telephone, and comments will be received by the Board via email at pamela.jones@state.nm.us through the conclusion of the hearing. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately two weeks.

Information and instructions regarding how to join the virtual hearing will be available on the Board's webpage at the following link no later than September 6, 2021:
<https://www.env.nm.gov/environmental-improvement/main-2/>.

If you have difficulties joining the meeting, please contact Pamela Jones at (505) 660-4305 or Madai Corral at (505)-490-5803.

The hearing is being held via video conference, email and telephonic means due to concerns surrounding the Novel Coronavirus 2019 ("COVID-19") and in accordance with Governor Michelle Lujan Grisham's Declaration of a Public Health Emergency in [Executive Order 2020-004](#) and subsequent orders; various Public Health Emergency Orders Limiting mass gathering; and the Office of the Attorney General's Open Government Division's [Guidance](#) to Public Entities Regarding the Open Meetings Act and Inspection of Public Records Act Compliance During Covid-19 State of Emergency.

The purpose of the public hearing is for the Board to consider and take possible action on a petition by the New Mexico Environment Department ("NMED") requesting the Board to adopt a plan, including proposed new regulations at 20.2.50 NMAC. The requested action is currently authorized pursuant to the New Mexico Air Quality Control Act, NMSA 1978, Section 74-2-5.3, which requires that the Board adopt a plan, including regulations, to ensure attainment and maintenance of the National Ambient Air Quality Standard ("NAAQS") for ozone within areas of the State that have monitored ozone concentrations that exceed 95% of the NAAQS. After July 1, 2021, that authority will be codified in NMSA 1978, Section 74-2-5, due to changes made to the Air Quality Control Act in the 2021 Legislative session. The proposed regulations at Part 50 would reduce emissions of ozone precursor pollutants (oxides of nitrogen and volatile organic compounds) from sources in the oil and gas sector located in areas of the State within the Board's jurisdiction that are experiencing elevated ozone levels.

The proposed regulations and related information, including technical information, may be reviewed on NMED's web site at <https://www.env.nm.gov/air-quality/o3-initiative/>; during regular business hours at the NMED Air Quality Bureau, 525 Camino de los Marquez, Suite 1, Santa Fe, NM 87505; or by contacting the Air Quality Bureau at (505) 476-4300 or nm.oai@state.nm.us. Stakeholders may submit comments to NMED regarding the proposed rule to nm.oai@state.nm.us by July 22, 2021. Comments may be submitted to the Board through the conclusion of the hearing as described below.

The hearing will be conducted in accordance with the Board's Rulemaking Procedures at 20.1.1 NMAC; the New Mexico Environmental Improvement Act at NMSA 1978, Section 74-1-9; the New Mexico Air Quality Control Act at NMSA 1978, Section 72-2-6; and other applicable procedures.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing; to introduce exhibits; and to examine witnesses. Persons wishing to present technical testimony must file a written Notice of Intent with the Board. The requirements for a Notice of Intent can be found at 20.1.1.302 NMAC, Technical Testimony. Notices of Intent to present direct technical testimony must be received by the Board by 5:00 pm on July 28, 2021. Notices of Intent to submit rebuttal technical testimony must be received by the Board by 5:00 pm on September 6, 2021. All Notices of Intent should reference the name of the regulation (20.2.50 NMAC – Oil and Gas Sector – Ozone Precursor Pollutants), the date of the hearing (September 20, 2021), and docket number EIB 21-27 (R). Notices of intent to present technical testimony should be submitted to:

Pamela Jones, Board Administrator
Environmental Improvement Board
P.O. Box 5469
Santa Fe, NM 87502
Tel (505) 660-4305
Fax (505) 827-2836
email: pamela.jones@state.nm.us

Any member of the general public may testify at the hearing. No prior notification is required to present non-technical testimony at the hearing. Any such member may also offer exhibits in connection with their testimony, so long as the exhibit is not unduly repetitious of the testimony.

A member of the general public who wishes to submit a written statement for the record, in lieu of providing oral testimony at the hearing, must file such statement with the Board prior to the close of the hearing. To file a written statement via email, send correspondence to pamela.jones@state.nm.us.

The Board may continue the hearing beyond the expected conclusion date, leaving the hearing record open and continuing to receive comments. Notice of continuation will be posted on the Board's and NMED's website. Additionally, the Board may make a decision on the proposed rule at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposed rule.

Persons requiring language interpretation services or having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact Pamela Jones no later than September 6, 2021 at (505) 660-4305 or pamela.jones@state.nm.us. TDD or TDY users please access this number via the New Mexico Relay Network (Albuquerque TDD users: (505) 275-7333; outside of Albuquerque: 1-800-659-1779; TTY users: 1-800-659-8331).

STATEMENT OF NON-DISCRIMINATION: NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact:

Kathryn Becker, Non-Discrimination Coordinator
New Mexico Environment Department
1190 St. Francis Dr., Suite N4050
P.O. Box 5469
Santa Fe, NM 87502
(505) 827-2855
nd.coordinator@state.nm.us

If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.