

EIB 21-27

Day 8 Hearing Summary

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

Wednesday, September 29 was Day 8 of the New Mexico Environmental Improvement Board (EIB) hearing on the New Mexico Environment Department's (NMED's) proposed ozone precursor rule.

Day 8 Highlights

- **Motions.** In a pre-hearing meeting, the Hearing Officer heard argument and ruled on motions regarding various evidentiary issues.
- **Section 113/Engines and Turbines.** A National Park Service witness presented testimony regarding the engines and turbine emission standards set forth in NMED's September 16th version of the rule. The witness presented sur-rebuttal testimony regarding NMED's changes to the emissions standards and NMED's decision to strike "Installed" from Tables 1 and 2 (seeking that relocated existing engines be treated as "new" engines under the rule). Under cross-examination from the GCA, the witness clarified that the Park Service was no longer recommending a series of additional emission standards for smaller engines as part of this rulemaking – though it requested that the EIB revisit its recommendations for engines and turbines in the future. Counsel for NMOGA used cross-examination to clarify for the EIB that there are emissions standards for engines that are relocated.
- **Section 116/fugitive emissions monitoring/leak detection and repair (LDAR).** The NMED witness presented testimony regarding equipment leak and fugitive emissions requirements, the LDAR program, and how the NMED changed the proposed standards based on comments from stakeholders. Kinder Morgan presented a witness to present alternative rule language proposed by Kinder Morgan and Environmental Defense Fund ("EDF") regarding frequency of LDAR inspections for transmission compressor stations. Oxy presented a witness to present the joint rule language offered by Oxy and several NGOs regarding LDAR proximity requirements – which would require more-frequent LDAR inspections based on proximity to homes or schools. Environmental Defense Fund (EDF) and other NGO witnesses discussed the aforementioned proximity proposal, more frequent leak inspections and economic cost analyses for implementation of LDAR requirements. NMOGA presented a witness that went over direct and rebuttal testimony, proffered sur-rebuttal testimony and presented an abbreviated economic analysis.
- Counsel for the GCA presented the testimony of GCA witness Mark Copeland regarding the GCA's requested amendment to the monitoring requirements, which the NMED already addressed in an update to the proposed rule, to extend the time period to tag a component found leaking through an audio/visual/olfactory (AVO) leak inspection.

Looking Ahead to Day 9

- Remaining testimony from witnesses who were previously unavailable on issues already discussed – including one NGO witness on Section 113/Engines and Turbines.
- Storage Vessels, Pigging, Natural Gas Well Liquids Unloading, Well Workovers