

**STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD**

IN THE MATTER OF PROPOSED NEW REGULATION,
20.2.50 NMAC – *Oil and Gas Sector – Ozone Precursor Pollutants*

No. EIB 21-27 (R)

**AMENDMENTS TO REBUTTAL TESTIMONY OF
ELIZABETH BISBEY-KUEHN AND BRIAN PALMER**

1 The New Mexico Environment Department submits this amended rebuttal testimony to
2 address three matters that were inadvertently left out of the rebuttal testimony of Elizabeth
3 Bisbey-Kuehn and Brian Palmer at NMED Rebuttal Exhibit 1. This amended rebuttal testimony
4 responds to the direct technical testimony and proposed rule revisions filed by the Commercial
5 Disposal Group on July 28, 2021.

6 Section 20.2.50.113 – Engines and Turbines

7 Subsection C – Monitoring Requirements

8 *Paragraph 4*

9 CDG proposes to require emission testing every 8760 hours or 3 years, whichever comes
10 first, to be consistent with NSPS JJJJ. NMED does not agree to this relaxation of emissions
11 testing requirements for engines and turbines. The requirement to conduct an annual emissions
12 test is reasonable, is necessary to demonstrate compliance with the emissions standards of this
13 section, and is in accordance with the Department’s protocol for engine testing for regular
14 construction permits.

15 Section 20.2.50.120 – Hydrocarbon Liquid Transfers

16 Subsection A – Applicability

17 CDG proposes to revise Subsection A of Section 20.2.50.120 to exclude hydrocarbon
18 liquid transfers with an uncontrolled PTE less than two tpy of VOC emissions. NMED does not

1 agree with this proposal, which would likely exclude a significant number of transfer operations
2 from applicability of this Section. NMED proposed revisions to exclude facilities that are
3 connected to an oil sales pipeline, and at facilities that load out hydrocarbon liquids fewer than
4 13 times per calendar year. Those two provisions are sufficient to address facilities with a small
5 number of loadout events.

6 **Section 20.2.50.126 – Produced Water Management Units**

7 Subsection A – Applicability

8 CDG proposes to exempt produced water management units from Section 20.2.50.126 if
9 they are permitted or registered with the State of New Mexico Oil Conservation Division
10 (“OCD”). NMED does not agree to this proposal. OCD’s regulatory authority is based on
11 preventing waste of a resource under the Oil and Gas Act; it does not regulate emissions of air
12 pollutants for purposes of meeting national ambient air quality standards. OCD’s requirements
13 are not equivalent to the requirements of Part 50, and do not require reductions of VOC
14 emissions using best management practices. There is no basis for exempting facilities from
15 compliance with Part 50 on the basis that they are permitted or registered with OCD under a
16 different set of regulations and statutory authority.