

**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)

**THE NEW MEXICO ENVIRONMENT DEPARTMENT'S
MOTION TO REOPEN AND SUPPLEMENT THE RECORD**

Pursuant to the New Mexico Environmental Improvement Board's Rulemaking Procedures at 20.1.1.307 NMAC, the New Mexico Environment Department ("Department") moves to reopen and supplement the record in this proceeding. Due to an oversight by counsel, the Department failed to present testimony and supporting exhibits regarding public notice of the rulemaking hearing in this matter. The Department provided such notice as required under the New Mexico Air Quality Control Act, NMSA 1978 §§ 74-2-1 to -17, the New Mexico State Rules Act, NMSA 1978, 14-4-1 to -11, and the Board's Rulemaking Procedures at 20.1.1 NMAC. However, the Department failed to include the evidence of such notice in its case before the Board. Because such notice was in fact provided in a timely fashion, there will be no prejudice in allowing the evidence of such notice to be admitted into the record. Further, because the parties have not yet filed their closing arguments and proposed statements of reasons, if any party has an issue with the notice as evidenced by the attached testimony and exhibits, such issues can be addressed in the post-hearing submittals.

Therefore, in order to ensure a complete record, the Department requests that the record in this proceeding be reopened for the limited purpose of admitting the following supplemental Exhibits relating to public notice of the hearing, which are attached hereto:

NMED Exhibit 111 Supplemental Direct Testimony of Elizabeth Bisbey Kuehn
(Public Notice)

Motion granted.
Feli L. Ortiz
12/14/21