

**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)**

**CLEAN AIR ADVOCATES’ NOTICE OF INTENT TO PRESENT DIRECT
TESTIMONY**

Pursuant to 20.1.1.302.A NMAC and the Order of Hearing Officer Determination and Hearing Officer Appointment (“Order”) issued in this matter, Tannis Fox, Western Environmental Law Center, and David R. Baake, Baake Law LLC, on behalf of Conservation Voters New Mexico, Diné C.A.R.E., Earthworks, National Parks Conservation Association, Natural Resources Defense Council, San Juan Citizens Alliance, Sierra Club, 350 New Mexico, and 350 Santa Fe (“Clean Air Advocates”), file this Notice of Intent to Present Direct Testimony.

Clean Air Advocates have significant interests in this proceeding. Conservation Voters New Mexico (“CVNM”) is a statewide, nonpartisan nonprofit committed to engaging the people of New Mexico in its long-standing shared values of protecting our air, land, water and the health of our communities. CVNM is committed to creating long-term change by working with communities to address environmental issues that impact their health and quality of life. CVNM’s interest in this proceeding is to ensure that the New Mexico Environmental Improvement Board’s (“EIB”) rules reduce emissions of ozone precursors to the maximum extent possible, protect public health from toxic pollutants, and maximize strategies to combat climate change in order to enhance environmental protection, public health, and communities’ quality of life.

Diné C.A.R.E. is located on the Navajo Nation and is a nonprofit organization that works with many Navajo communities affected by energy and environmental issues. Since the late 1980’s, community people have stood up to demand environmental protection and sustainable

development practices, bringing systemic changes in tribal politics and making the grassroots voices evident in the realm of energy development. The Eastern Agency of Diné Bikeyah is important in their Creation story. And, it is also littered with oil and gas wells that has generated the most potent methane cloud in the country, detectable from NASA satellites and substantially contributing to global warming. Diné C.A.R.E.'s interest in this proceeding is to maximize reductions in methane emissions in the state to protect its community's lands, people, and way of life.

Earthworks is a nonprofit organization dedicated to protecting communities and the environment from the adverse impacts of mineral and energy development while promoting sustainable solutions. Earthworks stands for clean air, water and land, healthy communities, and corporate accountability. Earthworks works with communities and grassroots groups to reform government policies, improve corporate practices, influence investment decisions and encourage responsible materials sourcing and consumption. Earthworks' trained and certified staff have used optical gas imaging to document oil and gas air pollution across New Mexico and nationally. Earthworks' interest in this proceeding is to maximize reductions in ozone precursors, methane, and toxic pollutants around the state to protect against the health, environmental, economic, social and cultural impacts of oil and gas operations.

The National Parks Conservation Association ("NPCA") is a nonprofit organization dedicated to protecting and enhancing America's National Park System for present and future generations. Ozone threatens the health of park visitors and contributes to the disease and death of park species. National park ecosystems across the country are already showing damage from ground-level ozone pollution. NPCA's interest in this proceeding is maximize reduction of

ozone precursors, methane, and toxic air pollutants in order to protect the national parks in New Mexico from the environmental and public health harms associated with those pollutants.

The Natural Resources Defense Council (“NRDC”) is a nonprofit organization that works to safeguard the earth—its people, its plants and animals, and the natural systems on which all life depends. NRDC works across the globe and in New Mexico to ensure the rights of all people to the air, the water, and the wild. For NRDC, climate change is the major environmental challenge of our time, and it works around the world and in New Mexico advocating for deep cuts to carbon pollution by ending our dependence on climate-warming fossil fuels that pollute the air and water and harm public health and communities. NRDC’s interest in this proceeding is to maximize reduction of ozone precursors and methane emissions in the state in an equitable and just manner. NRDC has over 10,000 members and activists in New Mexico.

San Juan Citizens Alliance (“Alliance”) is a nonprofit organization with approximately 1,000 members that advocates for clean air, pure water, and healthy lands – the foundations of resilient communities, ecosystems and economies in the San Juan Basin. The Alliance was launched in 1986 by a group of concerned citizens to protect their families and neighbors from the impacts of unchecked oil and gas development. Over the years, the Alliance has addressed a broad array of issues concerning the quality and protection of regional air, land, and water resources, including advocating reductions in harmful emissions from oil and gas facilities in the region. The Alliance’s interest in this proceeding is to maximize reduction of ozone precursors, methane, and toxic pollutants in the San Juan Basin.

The Sierra Club is a national nonprofit organization with 67 chapters and more than 837,000 members dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth’s ecosystems and resources; to

educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. The Sierra Club's concerns encompass protecting communities across the nation and in New Mexico against pollution caused by fossil fuels, and to ensure that principles of equity, justice and inclusion are at the forefront of its work. The Club's particular interest in this case and the issues which the case concerns stem from its goal to maximize reductions of ozone precursors, methane, and toxic pollutants around the state. The Club has approximately 10,000 members in New Mexico.

350 New Mexico is a nonprofit organization dedicated to building an inclusive movement in New Mexico to prevent the worst effects of climate change and climate injustice. 350 New Mexico empowers New Mexicans to take on the fossil fuel industry and steer a just transition to renewable energy for all of us. Its 8,000 members' interest in this proceeding is to maximize reductions of ozone precursors, methane, and toxic pollutants in the state.

350 Santa Fe is a nonprofit organization organized for the purpose of working to accelerate the transition away from fossil fuels and collaborating, coordinating, and cooperating with climate crisis fighters in and around Santa Fe, while supporting climate protection through legislative and administrative initiatives. 350 Santa Fe's interest in this matter is to ensure that the rules adopted by the EIB maximize reduction of emissions of ozone precursors, methane and toxic pollutants in New Mexico.

In accordance with 20.1.1.302.A NMAC and the Order issued in this matter, Clean Air Advocates provide the following information.

1. Identify the person(s) for whom the witnesses will testify:

The two witnesses identified below, David McCabe, Ph.D. and Don Schreiber, will testify on behalf of Clean Air Advocates.

2. Identify each technical witness the person intends to present, and state the qualifications of that witness, including a description of their educational and work background:

Clean Air Advocates intent to present:

- David McCabe, Ph.D., Atmospheric Scientist, Clean Air Task Force, whose educational and work background is set forth in his curriculum vitae, which is Clean Air Advocates' Exhibit 2; and
- Don Schreiber, rancher and environmental advocate, whose educational and work background is set forth in his resume, which is Clean Air Advocates' Exhibit 9.

3. Include a copy of the direct testimony of each technical witness in narrative form:

Clean Air Advocates submits the written direct testimony of Dr. McCabe in Exhibit 3 and Mr. Schreiber in Exhibit 10.

4. Include the text of any recommended modifications to the proposed regulatory change:

A text of the modifications to proposed 20.2.50 NMAC proposed by Clean Air Advocates is attached as Exhibit 1.

5. List and attach all exhibits anticipated to be offered at the hearing:

Below is a list of exhibits to be offered by Clean Air Advocates in support of their direct testimony, which are attached. The exhibits have a table of contents, accessible by clicking on the "bookmarks" tab in Adobe Acrobat.

Exhibit	Description
Ex. 1	Joint Proposed Amendments to Proposed 20.2.50 NMAC
Ex. 2	Curriculum Vitae of David McCabe, Ph.D.
Ex. 3	Direct Testimony of David McCabe, Ph.D.
Ex. 4	Zero Emission Technologies for Pneumatic Controllers in the USA, Carbon Limits (Aug. 1, 2016)
Ex. 5	Conservation Groups' Initial Economic Impact Analysis

	Non-Emitting Pneumatics - 2020 [Colorado rulemaking]
Ex. 6	Pneumatics Cost Spreadsheet, Carbon Limits
Ex. 7	Cap-On British Columbia Oil and Gas Methane Emissions Field Study (2019)
Ex. 8	Pneumatic Controller Task Force Report to AQCC, CO Air Pollution Control Div., Dept. of Public Health and Env't. (June 1, 2020)
Ex. 9	Resume of Don Schreiber
Ex. 10	Direct Testimony of Don Schreiber
Ex. 11	Photograph of blewie line in operation in San Juan Basin in 1958
Ex. 12	Photographs of blewie line completions near Schreiber ranch around 2005 or 2006
Ex. 13	Lessons Learned from Natural Gas STAR Partners: Reduced Emissions Completions for Hydraulically Fractured Natural Gas Wells, EPA (2011)
Ex. 14	Reduced Emissions Completions and Smart Automation, Producers and Processors Technology Workshop, NMOGA and EPA Natural Gas STAR Program (Feb. 21, 2006)
Ex. 15	Reducing Methane Emissions form Production Wells: RECs, Producers Technology Workshop, ConocoPhillips, NMED, and NMOGA (May11, 2010)
Ex. 16	Williams Northeast Supply Enhancement, Natural Gas: The Facts
Ex. 17	"Natural Gas and Green Completions in a Nutshell," <u>Energy in Depth</u> (Nov. 26, 2012)
Ex. 18	Photographs from Hilcorp recompletion of San Juan 28-6 Unit 143 (Mar. 8, 2018)
Ex. 19	5 CCR § 1001-9:D.VI.D and Statement of Basis
Ex. 20	2 CCR § 404-1:903.c
Ex. 21	Appendix B: Statement of Basis of Colorado Oil and Gas Comm'n, for 2 CCR § 404-1; excerpts for 2 CFR § 404-1:903.c

Respectfully submitted,

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Certificate of Service

I certify that a copy of the foregoing pleading was emailed to the following on July 28, 2021:

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