

**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)

**NOTICE OF REVISED RECOMMENDED MODIFICATIONS TO 20.2.50 NMAC
ON BEHALF OF OXY USA INC.**

Oxy USA Inc. (“Oxy USA”) hereby submits this Notice of Revised Recommended Modifications to 20.2.50 NMAC. This submittal supplements and updates the modifications previously submitted as Oxy USA Rebuttal Exhibit 1, in response to additional filings by other parties. Specifically, Oxy USA proposes a new 20.2.50.116.C.8 NMAC to clarify the process for measuring the distance from “occupied areas.” In addition, in the event that the Environmental Improvement Board (“Board”) declines to accept Oxy USA’s proposed exclusions from monitoring requirements for wellhead-only sites, Oxy USA proposes a new “wellhead-only facility” definition and a monitoring phase-in for such existing facilities at 20.2.50.116.C.3(e) NMAC. Apart from the specific revisions outlined below, Oxy USA does not retract or waive the arguments outlined in Oxy USA Rebuttal Exhibit 2 or the revisions to 20.2.50 NMAC included in Oxy USA Rebuttal Exhibit 1.

1. Oxy USA proposes a new 20.2.50.116.C.8 NMAC to clarify the process for measuring the distance from “occupied areas” as follows:

(8) Owners or operators conducting an evaluation pursuant to Subparagraph (3) of Paragraph (3) of Subsection C of 20.2.50.116 NMAC shall measure the distance from the latitude and longitude of each well head at a wellhead site to the following points for each type of occupied area:

(a) the property line for indoor or outdoor spaces associated with a school that students use commonly as part of their curriculum or extracurricular activities and outdoor venues or recreation areas;

(b) the property line for outdoor venues or recreation areas, such as a playground, permanent sports field, amphitheater, or other similar place of outdoor public assembly;

(c) the location of a building or structure used as a place of residency by a person, a family, or families; and

(d) the location of a commercial facility with five thousand (5,000) or more square feet of building floor area that is operating and normally occupied during working hours.

2. Oxy USA continues to believe that wellhead-only sites should be excluded from the definition of “wellhead site” as Oxy USA proposed in 20.2.50.7.FFF NMAC in Oxy USA Rebuttal Exhibit 1. However, if the Board declines to accept this modification to the definition of “wellhead site,” Oxy USA would propose a new “wellhead-only facility” definition, which would include “*a wellhead site that does not contain any production or processing equipment other than artificial lift natural gas driven pneumatic controllers and emergency shutdown device natural gas driven pneumatic controllers.*” Based on this change, Oxy USA would then propose that owners or operators of existing wellhead-only facilities complete annual inspections of these existing facilities on a phase-in schedule set out in a new proposed 20.2.50.116.C.3(e) NMAC below:

(e) for existing wellhead only facilities, annual inspections shall be completed on the following schedule: 30% by January 1, 2024; 65% by January 1, 2025; and 100% by January 1, 2026.

WHEREFORE, Oxy USA respectfully requests that the Board accept this Notice of Revised Recommended Modifications to 20.2.50 NMAC.

Date: September 24, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

This certifies that a true and exact copy of the above and foregoing was served on the following on this 24th day of September 2021.

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