

COPY



STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED REPEAL
OF REGULATION
20.2.350 – GREENHOUSE GAS REDUCTION PROGRAM
20.2.300 – REPORTING OF GREENHOUSE GAS EMISSIONS
20.2.301 – GREENHOUSE GAS REPORTING VERIFICATION REQUIREMENTS

No. EIB 11-15(R)

MOTION TO ADMIT STIPULATION OF THE
NEW MEXICO ENVIRONMENT DEPARTMENT AND NMOGA

New Energy Economy, Inc. (NEE) requests the Hearing Officer to admit the November 10, 2010, “stipulation” entered into by the Department and the New Mexico Oil and Gas Association (NMOGA). Exhibit A. This stipulation is referenced in paragraph 11 of the *Order and Statement of Reasons for Adoption of Regulations* that the New Mexico Environmental Improvement (EIB) prepared and issued when it adopted Rules 300 and 301 in EIB Case No. 10-09(R). The stipulation, as well as all the evidence referred to in the SOR that EIB used to support adoption of these Rules, is relevant to the issue of whether the Rules should be repealed.

WHEREFORE, NEE requests that the stipulation attached hereto as Exhibit A be admitted into the record of this proceeding.

Respectfully submitted:

NEW MEXICO ENVIRONMENTAL LAW
CENTER

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CERTIFICATE OF SERVICE: I certify that I caused a copy of the foregoing paper to be emailed to Petitioners' attorneys and Stephen Vigil on 10/17, 2011.



R. Bruce Frederick

STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD



IN THE MATTER OF PROPOSED NEW REGULATIONS
20.2.300 NMAC—*Reporting of Greenhouse Gas Emissions*
20.2.301 NMAC—*Greenhouse Gas Emissions—Verification Requirements*
AND PROPOSED REPEAL OF EXISTING REGULATION
20.2.87 NMAC—*Greenhouse Gas Emissions Reporting*

No. EIB 10-09(R)

New Mexico Environment Department,
Petitioner.

STIPULATION

Petitioner New Mexico Environment Department and the New Mexico Oil and Gas Association having met and discussed changes to proposed 20.2.300.103.C NMAC and 20.2.300.106.B NMAC concerning the monitoring required for refinery fuel gas, stipulate and agree as follows:

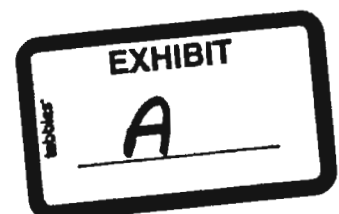
1. Proposed 20.2.300.103.C NMAC should be revised to read as follows:

"C. Section 98.34 [Monitoring and QA/QC requirements] is modified as follows.

(1) The following is added at the end of the introductory paragraph of 98.34(b)(3)(ii)(E): For any refinery not defined as a small refinery in 40 CFR 80.1101(g), equipment necessary to perform daily sampling and analysis of carbon content and molecular weight for refinery fuel gas shall be installed no later than January 1, 2012. For any small refinery, as defined in 40 CFR 80.1101(g), with refinery fuel gas accounting for greater than 10% of the heat input, sampling and analysis of carbon content and molecular weight for refinery fuel gas shall be performed a minimum of three days per week in calendar year 2012 and the equipment necessary to perform daily sampling and analysis shall be installed no later than January 1, 2013.

(2) [Reserved]"

2. Proposed 20.2.300.106.B NMAC should be deleted.



3. The changes to 20.2.300.103.C NMAC will provide the necessary degree of precision for emissions from the combustion of refinery fuel gas, while reducing the costs for small refineries.

4. The language in proposed 20.2.300.106.B NMAC was duplicative of the language in 20.2.300.103.C NMAC and is therefore unnecessary.

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