



FOR IMMEDIATE RELEASE

Wednesday, October 06, 2010

**STATEWIDE GREENHOUSE GAS CAP HEARINGS CLOSE
WITH THANKS, AWARDS AND MORE ARGUMENTS TO COME**

SANTA FE, N.M.— Last night, the New Mexico Environmental Improvement Board (EIB) concluded the hearing on a controversial petition and proposed rule to cap greenhouse gas emissions. The current rule, if adopted by the Board, would apply only to facilities that emit more than 25,000 tons of carbon dioxide per year. There are only about 50 such facilities in the state. The New Mexico Environmental Law Center (NMELC) filed the petition on behalf of New Energy Economy, a Santa Fe based nonprofit, approximately two years ago. The Board will decide whether to adopt the proposed rule at an open meeting on December 6, 2010.

The hearing that began last August 16th resumed on Monday with the Board hearing testimony from opponents to the cap. “The Board and the Hearing Officer really did an amazing job,” said Bruce Frederick, NMELC Staff Attorney. “There were long hours of testimony and the hearing sometimes dragged on until 2:00 in the morning, but they somehow managed to remain attentive, patient and fair throughout the process.”

During the public comment period on Monday evening, after testimony concluded for the day, Frederick and Dr. John Fogarty, president of New Energy Economy, were presented the 2010 Climate Courage Award by The Climate Change Leadership Institute for their joint effort in petitioning the Board to implement statewide limits on human induced climate change pollution.

The Climate Change Leadership Institute stated in the award letter: "Your organization, along with your cohort have taken to heart this public duty and, in the face of cynicism and immense special interest counter pressure from the fossil fuel industry, you are bravely pushing New Mexico to lead by example by capping its excessive statewide emissions of carbon dioxide from industrial power plants."

The hearing concluded last night with final testimony given by witness, Steven S. Michel, Chief Counsel for the Energy Program of Western Resource Advocates, who was instrumental in designing and supporting a rule that will achieve meaningful reductions if adopted. “The goal here is not to adversely affect New Mexico’s economy,” stated Michel. “The goal is to reduce greenhouse gas emissions.”

“We were responsive to industry’s criticism and revised the rule to address their valid concerns,” said Frederick, “but nothing we did changed their opposition.” Opponents of the Petition include PNM, Tri-State, and the New Mexico Oil and Gas Association. “They are against any state rule that would cap greenhouse gas emissions, no matter how reasonable. We are quite sure that they will continue to fight any rule, any way they can.”

A non-profit, public interest law firm dedicated to protecting New Mexico’s natural environment and communities.

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Closing arguments by all parties must be filed with the Board by November 22, 2010. In a separate proceeding, the Board is also considering a climate change proposal presented by the New Mexico Environment Department. Hearing Officer Felicia Orth stated that the Board would issue its ruling on state's petition before ruling on New Energy Economy's proposed regulation on November 2nd.

Background

In December 2008, the New Mexico Environmental Law Center filed a Petition to the Board on behalf of New Energy Economy. The petition requests statewide limits on greenhouse gas emissions, calling on oil and gas operators and power plants, refineries and oil and gas processing and treatment facilities that emit over 25,000 tons per year of carbon dioxide to reduce greenhouse gas emissions by 3% per year, beginning in 2012. The Board initially heard public comment on the petition and scheduled scientific and expert testimony to begin in June 2010.

However, on January 13, 2010, industry groups, utilities, and four state legislators filed a lawsuit in Lea County to stop the Board from hearing the Petition, arguing that the Board had no authority to even consider the Petition. The Lea County district judge essentially adopted all of the industry groups' arguments and ordered the Board to halt consideration of the Petition.

The New Mexico Environmental Law Center filed an emergency writ in the New Mexico Supreme Court, asking the high court to overturn the district court's decision. On June 7, 2010 the Supreme Court granted the writ, overruling the district judge and allowing the Board to continue hearing the Petition.

The Board began hearing expert testimony and public comment on August 16th through August 20th.

The hearing resumed on October 4, 2010, when the Board began hearing testimony in opposition to the Petition. The hearing concluded late last night after Michel, on behalf of New Energy Economy, testified rebuttal to the opponents' testimony.

INTERVIEWS AND IMAGES ARE AVAILABLE UPON REQUEST

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The mission of the New Mexico Environmental Law Center is to protect New Mexico's natural environment and achieve environmental justice for New Mexico's communities through legal representation, policy advocacy and public education. The New Mexico Environmental Law Center's attorneys have handled over 100 critical cases in low-income and minority communities fighting pollution and environmental degradation. The NMELC charges few, if any, fees to its clients, most of who are from

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Hispanic and Native American communities. The NMELC celebrated its 20th anniversary in 2008. Membership and gifts help New Mexico communities protect their natural environment and their health from toxic pollution, the degrading effects of growth and liabilities created by irresponsible mining. Contact: Sebia Hawkins, Director of Development 505-989-9022, ext. 27.

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