

**NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING
TO CONSIDER THE ADOPTION OF PROPOSED NEW RULE 20.2.51 NMAC – METHANE
ABATEMENT, EIB 26-78 (R)**

The New Mexico Environmental Improvement Board (“EIB”) will hold a public hearing beginning on December 1, 2026, at 9:00 a.m. to consider EIB 26-78 (R) – In the Matter of Proposed Adoption of 20.2.51 NMAC – Methane Abatement. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately six days. The EIB may deliberate and make a decision on the proposed regulatory change at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person component will be held at the New Mexico State Capitol, 490 Old Santa Fe Trail (also listed as 411 South Capitol Street), Santa Fe, New Mexico 87501. Hearing details, including the meeting room number and how to participate virtually, will be available on the New Mexico Environment Department (“NMED”) events calendar at <https://www.env.nm.gov/events-calendar/>, under the calendar entry corresponding to the hearing start date. For more information contact Pamela Jones, EIB Administrator, at (505) 660-4305 or pamela.jones@env.nm.gov.

The purpose of the hearing is for the EIB to consider and take possible action on a petition by NMED requesting that the EIB adopt proposed new rule 20.2.51 NMAC – Methane Abatement. The petition, statement of reasons (attached to the petition as Exhibit A), and proposed new rule 20.2.51 NMAC (attached to the petition as Exhibit B) are available on NMED’s docketed matters website at <https://www.env.nm.gov/opf/docketed-matters/>. To access these documents, click on “Environmental Improvement Board” to display the drop-down list of matters before the EIB, then click on “EIB 26-78 (R): In the Matter of Proposed Adoption of 20.2.51 NMAC – Methane Abatement” to display the drop-down list of all documents filed in conjunction with this matter. The proposed rule and related information, including technical information, may be reviewed on NMED’s proposed air quality regulations and plans website at <https://www.env.nm.gov/air-quality/proposed-regs>; during regular business hours at the NMED Air Quality Bureau, 525 Camino de los Marquez, Suite 1, Santa Fe, NM 87505; or by contacting the Air Quality Bureau’s Control Strategies Unit at (505) 476-4300 or AQB-ControlStrategies@env.nm.gov.

Proposed new rule 20.2.51 NMAC establishes a state-level methane super-emitter program in New Mexico modeled after the federal methane super-emitter program. For purposes of the proposed new rule, a super-emitter event means any emissions event that is detected using remote detection methods and has a quantified emission rate of 50 kg/hr of methane or greater. Under the new state methane super-emitter program, qualified entities may apply to NMED for certification as a third-party notifier. Once certified, a third-party notifier may submit notifications of super-emitter events detected using approved remote methane sensing technologies to NMED. NMED must then review the notification for completeness and accuracy and provide it to the owner or operator of any source located within 50 meters of the location of the detected super-emitter event. The owner or operator is then required to conduct an investigation to determine the source of the super-emitter event, repair the responsible methane leak(s), and submit an event report to NMED providing a detailed account of the investigation.

Proposed new rule 20.2.51 NMAC also requires all process controller designated facilities to emit zero methane to the atmosphere beginning January 1, 2031, either by routing the emissions to a process through a closed vent system or by using self-contained natural gas-driven process controllers. For purposes of the proposed new rule, a process controller designated facility means the collection of natural gas-driven process controllers at a gathering and boosting station, natural gas processing plant, tank battery, transmission compressor station, or well site. Natural gas-driven process controllers that function as emergency shutdown devices and process controllers that are not driven by natural gas are exempt from the designated facility. To ensure compliance with the new zero methane emission standard, proposed new rule 20.2.51 NMAC specifies design and operating requirements for closed vent systems and initial and periodic inspection requirements for closed vent systems and self-contained natural gas-driven process controllers, and requires owners or operators to submit annual reports to NMED documenting all inspections and repairs.

The purpose of proposed new rule 20.2.51 NMAC is to implement the New Mexico Climate Action Plan, the State's roadmap for achieving the greenhouse gas emissions reduction target set by Governor Michelle Lujan Grisham in 2019; fill the regulatory gap created by the delay in implementation of the federal methane super-emitter program so that major methane leaks can be found and repaired more quickly; and reduce methane emissions from existing sources in the oil and gas sector to, in part, satisfy federal requirements. The EIB has the authority to adopt proposed new rule 20.2.51 NMAC pursuant to the Environmental Improvement Act, NMSA 1978, Sections 74-1-1 to 74-1-18, including specifically Section 74-1-8(A)(4), and the Air Quality Control Act, NMSA 1978, Sections 74-2-1 to 74-2-17, including specifically Sections 74-2-5(B) and (D)(6).

The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; the Air Quality Control Act, NMSA 1978, Section 74-2-6; orders issued by the hearing officer appointed by the EIB; and other applicable procedures.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate in one or more of the following ways: by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic, or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

TECHNICAL TESTIMONY: Any person who wishes to present technical testimony at the hearing must file a written notice of intent with the EIB Administrator no later than November 11, 2026, unless an earlier filing deadline is ordered by the appointed hearing officer, and shall be a party. All orders issued by the hearing officer during this rulemaking proceeding, including any order changing the deadline to file a notice of intent, will be posted on NMED's docketed matters website at the URL above. The notice of intent shall: (1) identify the person for whom the witness(es) will testify; (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; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules. Any person who files a notice of intent shall serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than November 11, 2026, unless an earlier filing deadline is ordered by the appointed hearing officer. All orders issued by the hearing officer during the course of this rulemaking proceeding, including any order changing the deadline to file an entry of appearance, will be posted on NMED's docketed matters website at the URL above.

PUBLIC COMMENT: The general public may submit a written public comment or testify orally at the hearing. A member of the general public who wishes to submit a written public comment as a statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment online at <https://nmed.commentinput.com/?id=AQifkZx2sH>, email the written public comment to pamela.jones@env.nm.gov, or mail the written public comment to EIB Administrator, New Mexico Environment Department – Harold Runnels Building, P.O. Box 5469, Santa Fe, New Mexico 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required for the general public to present non-technical testimony at the hearing. The general public may also

offer non-technical exhibits in connection with their written public comment or oral testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: Persons requiring language interpretation services or having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact the EIB Administrator at least 14 days prior to the hearing or as soon as possible at (505) 660-4305 or pamela.jones@env.nm.gov. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice).

NOTICE OF NON-DISCRIMINATION: NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kate Cardenas, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@env.nm.gov. You may also visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.