STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF:
THE PETITION FOR A HEARING OF
OXY USA WTP LIMITED PARTNERSHIP
ON THE TITLE V OPERATING PERMIT
P103-R3 MU FOR THE INDIAN BASIN GAS PLANT

THE AIR QUALITY BUREAU OF THE NEW MEXICO
ENVIRONMENT DEPARTMENT’S UNOPPOSED MOTION TO
WITHDRAW THE JANUARY 8, 2020 MOTION FOR DISMISSAL
and
STAY PROCEEDINGS

Based upon receipt of new information, there is good reason to believe the applicant mailed its
Appeal Petition on November 26, 2019 (see Exhibit A), which remained within the regulatory
timeframe for a response outlined in 20.1.2.202 and 20.1.2.7(M) NMAC. Therefore, the Bureau
respectfully withdraws the Motion for Dismissal filed January 8, 2020.

Further, 20.1.2.502 NMAC encourages settlement of proceedings at any time. In the present
case, the respective representatives of the Bureau and the Applicant are making substantial
progress toward reaching an agreement. The Bureau plans to reopen the permit per 20.2.70.405
NMAC and incorporate the outcome of these ongoing discussions. For this reason, the Bureau
motions for a 30-day stay of proceedings.

Respectfully submitted,

Owen Johnson
Office of General Counsel
New Mexico Environment Department
121 Tijeras Avenue NE, Ste 1000
Albuquerque, NM 87102
Phone: (505) 222-9508

Concurrence,

/ls/ J. Scott Janoe
J. Scott Janoe
Attorney for Applicant
Baker Botts L.L.P.
910 Louisiana Street
Houston, TX 77002
Phone: (713) 229-1553
CERTIFICATE OF SERVICE

Pursuant to New Mexico Administrative Code Section 20.1.2.112(B), I hereby certify that the foregoing Motion has been sent by electronic mail this 10th day of January 2020.

J. Scott Janoe
Baker Botts L.L.P.
910 Louisiana Street
Houston, Texas 77002
scott.janoe@bakerbotts.com

Owen Johnson
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PETITION FOR A HEARING ON THE INDIAN BASIN

STATE OF NEW MEXICO

ENVIRONMENTAL IMPROVEMENT BOARD

PETITION FOR A HEARING ON THE INDIAN BASIN

ELE V OPERATING PERMIT P103-R3 MY

Petitioner's Counsel

Counsel for Petitioner OXY USA WTP Limited Partnership

November 26, 2018