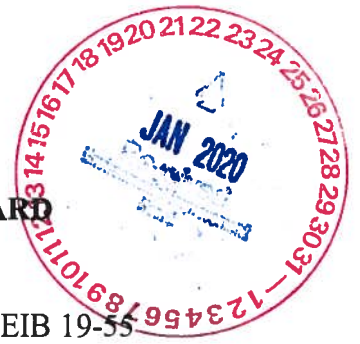


**STATE OF NEW MEXICO  
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD**



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 )

No: EIB 19-55

**THE AIR QUALITY BUREAU OF THE NEW MEXICO ENVIRONMENT  
DEPARTMENT'S NOTICE OF WITHDRAWAL OF PERMITTING ACTION**

Per 20.1.2.501(A) NMAC, the Bureau withdraws the permitting action that was the subject of this proceeding. This effectively vacates the appeal petition and obligates the Bureau to issue a new permitting action within sixty (60) days.

During the interim between withdrawal and re-issue, the Bureau will treat the applicant as subject to its previous permit conditions under the principle of administrative continuity outlined in 20.2.70.400(D) NMAC. The permit shield described in Part B101(B) of Permit P103-R3 will also remain in effect until replaced by the re-issuance.

Unilateral withdrawal is allowed by regulation, but the Bureau has obtained concurrence from the Applicant based upon a draft permit circulated on January 22, 2020. The Bureau agrees to issue that version, and the Applicant agrees to implement it without filing a new petition.

Respectfully submitted,

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

## 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 23rd day of January 2020.

J. Scott Janoe  
Baker Botts L.L.P.  
910 Louisiana Street  
Houston, Texas 77002  
[scott.janoe@bakerbotts.com](mailto:scott.janoe@bakerbotts.com)

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