

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)

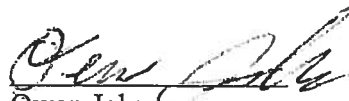
No: EIB 19-55

**THE AIR QUALITY BUREAU OF THE NEW MEXICO
ENVIRONMENT DEPARTMENT'S 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,

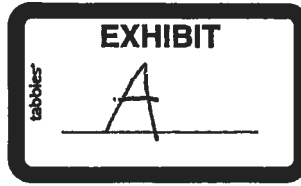
_____/s/ J. Scott Janoe_____
J. Scott Janoe
Attorney for Applicant
Baker Botts L.L.P.
910 Louisiana Street
Houston, TX 77002
Phone: (713) 229-1553

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
Office of General Counsel
New Mexico Environment Department
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STATE OF NEW MEXICO
 ENVIRONMENTAL IMPROVEMENT BOARD

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 Santa Fe, New Mexico 87502-5469

PETITION FOR A HEARING ON THE INDIAN BASIN
 TITLE V OPERATING PERMIT P103-R3 MY

Reference Information

074659.0114

Mark Hamlin
 09363

Statutes Annotated § 74-2-7.H, New Mexico Administrative
 Condition B104 of Title V Operating Permit P103-R3 MU,

Form 3800, Facsimile, July 2015

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 Phone: (713)
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scott.janoc@bakerbotts.com

Counsel for Petitioner OXY USA WTP Limited
 Partnership

November 26, 2018