

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

**IN THE MATTER OF PROPOSED ADOPTION OF
20.2.51 NMAC – *METHANE ABATEMENT***

No. EIB 26-78(R)

New Mexico Environment Department,

Petitioner.

**NEW MEXICO ENVIRONMENT DEPARTMENT’S
PETITION FOR REGULATORY CHANGE TO ADOPT
20.2.51 NMAC – *METHANE ABATEMENT***

The New Mexico Environment Department (“Department”), pursuant to 20.1.1.300 NMAC, *Rulemaking Procedures*, respectfully petitions the Environmental Improvement Board (“Board”) to adopt proposed new rule 20.2.51 NMAC, *Methane Abatement*. As required by 20.1.1.300(B) NMAC, the Department’s Statement of Reasons in Support of this Petition is attached as **Exhibit A** and the text of proposed new rule 20.2.51 NMAC is attached as **Exhibit B**.

The Department requests the Board consider this Petition at its regular meeting on August 28, 2026. The Department requests about 20 minutes for the Department to present this Petition at the meeting, in addition to any time necessary for Board members to ask questions and deliberate.

The Department requests the Board agree at the August 28, 2026, meeting to hold a hearing on this Petition to adopt proposed new rule 20.2.51 NMAC. The Department anticipates the hearing to adopt proposed new rule 20.2.51 NMAC will take approximately four business days, with three business days for the Department’s presentation of its case and one day for other parties. The Department respectfully requests the Board schedule the hearing to begin on November 30,

2026,¹ and continue through December 3, 2026, or as long as required to hear all testimony, evidence, and public comment.

The Department also requests the Board plan to immediately deliberate and make a decision on the proposed regulatory change, and schedule deliberations for December 4, 2026.²

Due to the complexity of the issues that are likely to arise in this rulemaking, the Department respectfully requests the Board appoint an administrative hearing officer to conduct the rulemaking proceeding, which will allow all Board members to devote their full attention to the substantive testimony and comment, and will help prevent potential procedural challenges to any final regulation adopted by the Board. See NMSA 1978, § 74-1-9(F); see also 20.1.1.107(B) NMAC. The Department recommends the Board appoint Felicia Orth to serve as the hearing officer.

The Department respectfully requests the Board issue by September 8, 2026, the appropriate orders, pursuant to 20.1.1.300(D) NMAC and as discussed at the public meeting, for a hearing on adoption of proposed new rule 20.2.51 NMAC.

The Department carefully evaluated these dates with the legal requirements, to present in this Petition a coordinated schedule that will enable publication of the proposed rule before the end of 2026 should the Board agree to adopt the proposed rule. Notice of the hearing and any adopted rule must be published in the New Mexico Register, which is published by the

¹ For scheduling reasons and due to public notice requirements flowing from publication of the public notice on September 22, the hearing can begin no earlier than November 21, 2026. See 20.1.1.301(A) (“Unless otherwise allowed by governing law and specified by the board, the board shall provide to the public notice of the proposed rulemaking at least 60 days prior to the hearing.”).

² For scheduling reasons and due to NM Register filing requirements, the Board must deliberate and issue a final order with an adopted rule no later than December 9, 2026, but ideally earlier.

Commission of Public Records – State Records Center and Archives twice a month. The Board is required to provide notice to the public at least 60 days prior to a hearing. See 20.1.1.301(A) NMAC. The last publication date that is at least 60 days prior to the proffered November 30, 2026, hearing start date is September 22, 2026, and the submittal deadline for publication in that edition of the New Mexico Register is September 11, 2026. See STATE RECORDS CENTER AND ARCHIVES, *2026 New Mexico Register, Submittal Deadlines and Publication Dates, Volume XXXVII, Issues 1-24*, available at <https://www.srca.nm.gov/nmac-home/new-mexico-register/> (under the “General Information” heading for the link labeled “2026 Submittal Deadlines and Publication Dates”); *see also* 20.1.1.301(A) (public notice requirements). Thus, an order from the Board regarding setting the hearing is necessary by September 8, 2026, to enable the Department to facilitate publication of the hearing notice by September 11, 2026, in the New Mexico Register issued dated September 22, 2026, and timely arrange for all other public notices.

The final issue of the New Mexico Register in 2026 is dated December 22, 2026, with a submittal deadline of December 10, 2026. Consistent with the Department’s goal of allowing for publication of any rule the Board may adopt before the end of 2026, the Department evaluated the potential hearing dates that would provide sufficient time for the Board to hear all testimony, evidence, and public comment; deliberate; and issue the appropriate orders. The earliest the Board can set the hearing is 60 days after the hearing notice on September 22, 2026, which is the first business day of Monday, November 23, 2026. Given the closure of state government offices on Thursday and Friday of that week, the Department proposes the hearing begin the following Monday, November 30.

JURISDICTION

The Board 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).

CONCLUSION

The Department respectfully request the Board consider the Department's request for a hearing to adopt proposed new rule 20.2.51 NMAC, *Methane Abatement*, in accordance with the following important dates:

Proposed Dates	Descriptions
Thursday, August 13, 2026	Petition Filed
Friday, August 28, 2026	Regular EIB Meeting to Hear Petition
Tuesday, September 8, 2026	Last Day to Issue Order Granting Hearing
Friday, September 11, 2026	Deadline for Department to Submit Notice to NM State Records & Archives for Publication in NM Register
Tuesday, September 22, 2026	NM State Records & Archives Publishes Notice in NM Register
Saturday, November 21, 2026	60-Days from NM Register Public Notice Publication
Monday, November 30, 2026	Hearing Begins
Thursday, December 3, 2026	Hearing Ends
Friday, December 4, 2026	Continue Evidentiary Hearing / Board Deliberations
Monday, December 7, 2026	Board Deliberations
Wednesday, December 9, 2026	Last Day to Issue Order Adopting Rule
Thursday, December 10, 2026	Deadline for Department to File Rule with NM State Records & Archives
Tuesday, December 22, 2026	NM State Records & Archives Publishes Rule in NM Register

WHEREFORE, the Department requests the Board:

- A. Include this Petition on the agenda for the Board's regular meeting on August 28, 2026, and consider this Petition at the meeting;
- B. Authorize a hearing to consider the merits of this Petition;
- C. Appoint a hearing officer;
- D. Schedule the hearing to begin on November 30, 2026 and continue through December 3, 2026, or as long as required to hear all testimony, evidence, and public comment;

E. For public notice purposes, declare that the Board may immediately deliberate and make a decision on the proposed regulatory change at the end of the hearing;

F. Schedule deliberations for December 4, 2026, and reserve December 7, 2026, for further deliberations should the hearing go longer than anticipated.

G. Issue by September 8, 2026, the necessary and appropriate orders for the hearing on this Petition, as described in Paragraphs B to F.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT

/s/ Anita Tellez

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CERTIFICATION

I hereby certify that on August 13, 2026, an electronic copy of this Petition for Regulatory Change to Adopt 20.2.51 NMAC, *Methane Abatement*, and the Petition's Exhibits A and B, were filed with the Environmental Improvement Board via email at:

Environmental Improvement Board

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If the Board Administrator requires the original and nine copies, the Department will promptly provide them upon such request.

By: /s/ Kelsea Sona

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