

January 5, 2018

Ms. Elizabeth Kuehn  
Minor Source Staff Manager  
New Mexico Environment Department  
Air Quality Bureau  
525 Camino de los Marquez, Suite 1  
Santa Fe, NM 87505-1816

Via email: [Elizabeth.kuehn@state.nm.us](mailto:Elizabeth.kuehn@state.nm.us)

Dear Ms. Kuehn,

On Dec. 29, 2017 the New Mexico Environment Department (NMED) released for public comment a revised draft general construction [permit](#) for oil and gas facilities that will emit pollutants that are of deep concern to all of the signatories to this letter. The pollutants intended to be covered by these permits include volatile organic compounds (VOCs), sulphur dioxide (SO<sub>2</sub>), oxides of nitrogen (NO<sub>x</sub>), particulates, and hazardous air pollutants (HAPs). However, these permits exclude regulation of another serious pollutant related to oil and gas development in New Mexico – methane.

Due to the exclusion of methane, and the seriously deficient proposals for the other pollutants, we believe this permitting proposal would constitute some of the weakest oil and gas air quality regulations in the country. Furthermore, NMED designated a permit review and comment period of an astonishingly minuscule **four business days** over the New Year holiday, with an end date of Jan. 5, 2018. For these reasons we request that NMED rescind and thoroughly revise this proposal incorporating current best practices for limiting harmful air pollution (including methane) from oil and gas sources.

The draft permit's 15,918 words constitute what would be some of the weakest requirements in the entire country for oil and gas operators to protect air quality. It would fail to establish maximum emission limits or performance standards for oil and gas sources. Instead, operators of each facility would guess its expected emissions and then choose the control devices to install. And this dangerously weak proposal comes as other neighboring states are improving controls for oil and gas air pollution. This includes Colorado which put in place the nation's first methane rule for oil and gas wells in 2014 and recently strengthened those requirements. Utah is also in the process of finalizing a new, more modern system for regulating the oil and gas pollution from the state's industry.

This move from the Martinez administration comes despite a nationally embarrassing Delaware-sized cloud of methane pollution hovering over northwestern New Mexico that NASA and other researchers have [repeatedly](#) demonstrated [results primarily from oil and gas development](#). And when oil and gas facilities emit methane, they also emit the other harmful pollutants covered by the draft general permit that increase smog, trigger asthma attacks and increase cancer risk.

In addition to harmful pollution concerns, since methane is the primary component of natural gas, methane leaks also constitute a serious waste of the state's natural resources. \$180-240 million per year in New Mexico's natural gas is currently being wasted due to largely preventable venting, flaring and leaks according to the best [scientific estimates](#) and industry's self-reported data. And yet, this proposal would do precious little to limit that waste.

Addressing this problem will cut pollution and help grow New Mexico's economy. Since acting to reduce methane pollution and waste, Colorado reports that leaks have [decreased by 75%](#) while the state increased natural gas production by 6%, and oil production increased more than 60%. Not to mention the jobs that state has produced in the growing methane mitigation industry.

On its way out the door, the Martinez administration is attempting to ram through a gift to the oil and gas industry – some of the weakest air protections in the nation. And this comes as Federal agencies, acting at the direction of The White House, are rolling back federal oil and gas air pollution limits as well. New Mexicans deserve reasonable clean air protections at the state and federal level that reduce pollution and waste of our natural resources. For these reasons we request that NMED rescind and thoroughly revise this proposal incorporating current best practices for limiting harmful air pollution (including methane) from oil and gas sources.

Sincerely,

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