

March 20, 2026

Environmental Improvement Board
New Mexico Environment Department
Harold Runnels Building, P.O. Box 5469
Santa Fe, New Mexico 87502

Re: Support for Operating and Construction Permit Emissions Fee Update (EIB 25-77)

Dear Members of the Environmental Improvement Board,

We, the undersigned members of the New Mexico Legislature, write in support of the New Mexico Environment Department's proposal to update air quality permitting and emissions fees under 20.2.71 NMAC and 20.2.75 NMAC. This rulemaking is essential to ensuring the long-term stability and effectiveness of the Air Quality Bureau and the state's compliance and enforcement programs.

We all agree every New Mexican deserves to breathe clean air. Communities across our state—in the Permian Basin, the San Juan Basin, and beyond—live with flaring, odors, and air pollution from oil and gas operations that contribute to asthma, respiratory illness, and reduce our quality of life. An Associated Press analysis estimates roughly 29,500 students in 74 New Mexico schools are within potential exposure zones of oil and gas emissions, with researchers finding benzene levels near some schools spiking during class hours to nearly double the thresholds for chronic health effects. Counties including Chaves, Eddy, Lea, Rio Arriba, Sandoval, San Juan, and Valencia have been identified in state ozone planning because monitored precursor levels have reached 95 percent or more of the federal ozone standard. These are not abstract statistics. They represent the daily reality for families and children across our districts.

The Air Quality Bureau faces a documented funding crisis. Permit and emissions fees—the program's primary funding mechanism—have not been meaningfully updated in decades. Title V emissions fees were last amended in 2009 and construction permit fees in 2003. In that time, oil and gas general construction permit registrations have increased by roughly 2,100 percent, Notice of Intent facilities have grown by nearly 250 percent, and minor source permitting has increased by more than 200 percent. The Title V Special Revenue Fund is projected to be exhausted by FY 2028, with the Construction Permit Fund following shortly after. Without action, the state faces position freezes, delayed permit processing, reduced inspections, diminished monitoring, and weakened enforcement capacity.

New Mexico's monitoring infrastructure is inadequate for the scale of industrial activity it must oversee. The entire state operates approximately 20 permanent air monitoring stations. Lea and Eddy counties—home to thousands of active wells, compressor stations, and processing facilities—each have a single ozone monitor. Several major production counties lack ozone

monitoring altogether. Areas without monitors are classified as “unclassifiable,” meaning there is no definitive data to determine whether federal health standards are being met. Without adequate monitoring, air quality exceedances cannot be measured, violations cannot be identified, and communities cannot be protected. As legislators, we find it unacceptable that the state lacks the basic tools to assess whether the air in some of our most impacted communities is safe to breathe.

This proposal is fair and fiscally sound. The Air Quality Control Act authorizes the Board to adopt fees sufficient to cover the reasonable costs of administering the state’s air quality program. Companies that profit from state-issued air permits should bear the reasonable cost of the monitoring, inspections, and enforcement those permits require. New Mexico taxpayers should not be asked to subsidize oversight of an industry generating billions in revenue. Updated fees align program funding with actual program costs—nothing more, nothing less.

Federal uncertainty makes state capacity more critical than ever. With federal environmental resources and oversight diminished, New Mexico must be able to stand on its own. Federal law requires states to maintain sufficient resources to administer approved Title V programs. Ensuring long-term solvency strengthens New Mexico’s ability to retain delegated authority and maintain local control over permitting decisions—an outcome that benefits communities and industry alike.

A fully funded Air Quality Bureau is not adversarial to industry. Better monitoring and timely enforcement create a level playing field for responsible operators, provide regulatory certainty, and build the kind of transparency that sustains public trust. When the system works, everyone benefits.

We respectfully urge the Board to approve the proposed fee updates and provide the Air Quality Bureau with the stable, adequate funding it needs to protect the health and well-being of New Mexicans.

Respectfully,

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