



January 16, 2020

BY ELECTRONIC MAIL

Jim Nellessen
New Mexico Environment Department
Air Quality Bureau
Permit Section
525 Camino de los Marquez, Suite 1
Santa Fe, NM 87505
James.nellessen@state.nm.us

Re: Notification of Interest, Proposed Clean Air Act Prevention of Significant Deterioration Permit, XTO Energy, Husky Gas Plant and Central Delivery Point, Permit No. PSD-8245

Dear Mr. Nellessen:

WildEarth Guardians hereby notifies the New Mexico Environment Department (“NMED”) of its interest in the Clean Air Act prevention of significant deterioration (“PSD”) permit application submitted by XTO Energy for the company to construct and operate the Husky Gas Plant and Central Delivery Point in Eddy County, New Mexico. NMED has assigned the application file Permit No. PSD-8245. We also request that NMED hold a public hearing with regards to the proposed permit in accordance with 20.2.74.400(C)(5) NMAC.

We are very concerned over NMED’s conclusion that construction and operation of the Husky Gas Plant and Central Delivery Point will comply with all applicable requirements under the federal Clean Air Act and New Mexico Air Quality Control Act. We are particularly concerned that neither XTO nor NMED have demonstrated that air pollution from the proposed facility will protect the National Ambient Air Quality Standards (“NAAQS”).

The region where XTO’s facility will be constructed and operated is currently in violation of applicable NAAQS for ground-level ozone, including the 2008 8-hour NAAQS and the 2015 8-hour NAAQS. Two monitoring sites in Eddy County—one in Carlsbad Caverns National Park and one in Carlsbad—both regularly record exceedances of the ozone NAAQS. Based on most recent monitoring data, the design value (i.e., three-year average of the fourth highest annual

8-hour ozone levels) is 0.079 parts per million (“ppm”) at the Carlsbad monitor and 0.073 ppm at Carlsbad Caverns National Park. To protect public health, the 2015 ozone NAAQS limit concentrations to no more than 0.070 ppm over an eight-hour period. See 40 C.F.R. § 50.19.

This elevated ozone pollution is not anomalous. The tables below show that ozone levels in Eddy County have steadily worsened over the last several years, with 19 exceedances of the NAAQS reported in Carlsbad in 2019 and 8-hour ozone levels as high as 0.095 ppm recorded.¹ This worsening of ozone pollution coincides with a massive increase in oil and gas production in the region, including the development of new processing facilities.

Carlsbad, NM 8-Hour Ozone Readings (in ppm)

	2015	2016	2017	2018	2019
1 st Max.	0.069	0.065	0.082	0.096	0.095
2 nd Max.	0.068	0.064	0.078	0.095	0.092
3 rd Max.	0.067	0.064	0.077	0.091	0.084
4 th Max.	0.067	0.063	0.076	0.083	0.080
Number of Days Above NAAQS	0	0	10	18	19

Carlsbad Caverns National Park 8-Hour Ozone Readings

	2015	2016	2017	2018	2019
1 st Max.	0.068	0.070	0.069	0.099	0.082
2 nd Max.	0.068	0.069	0.065	0.081	0.080
3 rd Max.	0.065	0.069	0.065	0.080	0.078
4 th Max.	0.065	0.069	0.065	0.080	0.074
Number of Days Above NAAQS	0	0	0	10	6

8-Hour Ozone Design Values for Eddy County, New Mexico Monitoring Sites

Monitor	Monitor ID	2015-2017 Design Value	2016-2018 Design Value	2017-2019 Design Value
Carlsbad	350151005	0.068	0.074	0.079
Carlsbad Caverns	350150010	0.066	0.071	0.073

In light of ozone levels in Eddy County, there is no possible way for XTO or NMED to conclude that construction and operation of the Husky Gas Plant and Central Delivery Point would not cause or contribute to violations of the ozone NAAQS. The public notice for the proposed PSD permit indicates that both nitrogen oxides (“NOx”) and volatile organic compounds (“VOCs”)—both gases that react with sunlight to form ozone—will increase as a

¹ Ozone monitoring data from the U.S. Environmental Protection Agency’s AirData website, <https://www.epa.gov/outdoor-air-quality-data/monitor-values-report>.

result of permit issuance. According to the public notice, NOx emissions are projected to increase by 260 tons per year and VOCs by 490 tons per year.

In addition to concerns over the impacts to ozone in the region, we are very concerned that XTO has not accurately or adequately demonstrated that construction and operation of the Husky Gas Plant and Central Delivery Point would not cause or contribute to violations of the 1-hour nitrogen dioxide (“NO₂”) NAAQS and the 24-hour NAAQS for particulate matter less than 2.5 microns in diameter (“PM_{2.5}”). We are also concerned that XTO has not accurately analyzed impacts to both Class I and Class II PSD increments. XTO appears to rely on outdated emissions data to justify its claims that the NAAQS and PSD increments will be fully protected.

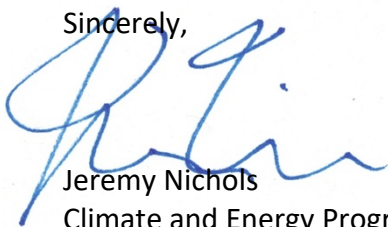
We are further concerned that XTO has not accurately analyzed impacts to visibility and air quality related values within Carlsbad Caverns National Park, a Class I area. The company appears to have failed to properly calculate its annual emissions based on maximum allowable 24-hour emission rates.

XTO has also inappropriately sought a waiver to preconstruction monitoring requirements under PSD. The company claims that existing monitoring data is sufficient. However, there is no support for this claim.

Finally, we have concerns over XTO’s assessment of best available control technologies for limiting emissions. It appears that XTO inappropriately dismissed feasible and cost-effective emission controls, such as leakless technologies, in its analysis.

Thank you for the opportunity to provide these initial comments. We look forward to further reviewing the permit application, any proposed permit, and NMED’s analysis. We intend to provide more detailed comments after an opportunity for further review.

Sincerely,



Jeremy Nichols
Climate and Energy Program Director
WildEarth Guardians
(303) 437-7663
jnichols@wildearthguardians.org