

SOUTHWEST NATIVE CULTURES \* DINÉ CITIZENS AGAINST RUINING OUR ENVIRONMENT  
CITIZENS CARING FOR THE FUTURE \* CENTER FOR CIVIC POLICY \* PROGRESSNOW NEW MEXICO  
YOUTH UNITED FOR CLIMATE CRISIS ACTION \* DOODA (NO) DESERT ROCK  
FRACK FREE FOUR CORNERS \* CHACO ALLIANCE \* RIO ARRIBA CONCERNED CITIZENS  
WE ARE ONE RIVER \* WILDEARTH GUARDIANS \* CENTER FOR BIOLOGICAL DIVERSITY \*  
WESTERN ENVIRONMENTAL LAW CENTER

July 15, 2021

Michelle Lujan Grisham  
Governor  
State of New Mexico  
490 Old Santa Fe Trail, Room 400  
Santa Fe, NM 87501

**Re: Request that New Mexico Environment Department Pause Permitting Increases in Ozone Forming Air Pollution Until New Rules Can be Adopted to Control Emissions**

Dear Governor Lujan Grisham:

We thank you and your administration's efforts to develop new regulations to control air pollution from the oil and gas industry in order to protect public health and clean air in New Mexico. The Environment Department's proposed Ozone Attainment Initiative holds enormous promise for restoring air quality in many impacted communities in New Mexico and for reining in dangerous ozone pollution, which is the key ingredient of smog.

The Environmental Improvement Board will determine whether and to what extent to adopt the Department's proposed Ozone Attainment Initiative at a hearing scheduled to begin September 20. In the interim, we write to request that, in the interest of public health, environmental justice, and safety, you direct your administration to pause the approval of new air pollution permits that would increase or otherwise contribute to New Mexico's serious ozone problem.

**Specifically, we request you direct the Environment Department to pause the approval of permits for new or modified oil and gas facilities where emissions of ozone forming pollution would increase. We request you direct the Department to pause the approval of new source review permits, as well as general permit registrations, in order to protect people and communities.**

In proposing the Ozone Attainment Initiative, your administration has made clear that the oil and gas industry is a key contributor to dangerous levels of ozone pollution in New Mexico. The Environment Department's proposed rules would target emissions only from oil and gas facilities, requiring reductions in volatile organic compounds and nitrogen oxides.

These gases react with sunlight to form ozone pollution, a poisonous gas that can trigger asthma attacks, worsen lung disease, and even cause premature death.

While ozone is normally a big city problem, air quality monitors throughout New Mexico have recorded elevated ozone levels in large part due to unchecked air pollution from oil and gas extraction. In the state's major oil and gas producing regions, including the San Juan Basin of northwest New Mexico and Permian Basin of southeast New Mexico, monitors regularly record levels of ozone in excess of federal health standards. The Permian Basin is currently violating federal ozone standards because of several consecutive years of high pollution. Because ozone affects entire regions, this high ozone pollution is harming virtually the entire population of New Mexico.

While we greatly appreciate your administration's efforts to confront this dangerous ozone pollution, it is concerning that the Environment Department is simultaneously permitting the oil and gas industry to release growing amounts of ozone forming pollution. Through permits for new and modified stationary sources of air pollution, the Department is approving massive new increases of volatile organic compound and nitrogen oxide emissions.

Currently, dozens of new permits for oil and gas facilities, including new general permit registrations, are under consideration by the Department. According to the Department's list of pending permitting actions, over 40 general permit registrations are under consideration to approve new compressor stations, gas processing plants, tank batteries, oil gathering facilities, and more.<sup>1</sup> The vast majority of these facilities would be constructed and pollute primarily in the San Juan and Permian Basins, which are already struggling with elevated and unhealthy ozone concentrations.

It makes no sense for the Environment Department to continue to permit new sources of ozone forming pollution while recognizing the need to curtail emissions from the oil and gas industry. Accordingly, we call on you to direct the Department to pause the approval of pending permits, including general permit registrations, pending the adoption of new rules to control ozone forming emissions.

The need for a pause is underscored by the fact that New Mexico continues to experience dangerously high ozone levels. **So far in 2021, there have been 45 exceedances of federal health standards for ozone throughout the state.** While federal health standards limit ozone concentrations in the air to no more than 0.070 parts per million over an eight hour period, smog concentrations have climbed as high as 0.088 parts per million.

As the table below shows, exceedances have been recorded in Albuquerque, Santa Fe, Bernalillo, Las Cruces, Farmington, and Carlsbad. So far this year, Carlsbad has experienced six

---

<sup>1</sup> The Department's list of pending permitting actions indicates there may be over 100 permit applications under consideration that would authorize the construction or modification of oil and gas extraction facilities and increase ozone forming air pollution, <https://www.env.nm.gov/air-quality/wp-content/uploads/sites/2/2021/06/AQBP-Activity-Report-21-06-11.xlsx>.

days of excessive ozone, more than any other community in New Mexico. Ozone standards have even been exceeded in Carlsbad Caverns National Park, a treasured and iconic protected landscape. It is telling that this region is where the most intensive oil and gas extraction activity is occurring in the state. New Mexico clearly needs relief from this dangerous air pollution while new rules are under consideration to control emissions.

***Ozone Exceedances Recorded in New Mexico in 2021 as of July 15, 2021.  
Data from U.S. Environmental Protection Agency's AirData database.<sup>2</sup>***

Date	Site ID	Daily Max 8-hour Ozone Concentration (parts per million)	Site Name	City/Town	County
07/09/2021	350130021	0.089	Desert View	Sunland Park	Doña Ana
06/22/2021	350130021	0.088	Desert View	Sunland Park	Doña Ana
06/09/2021	350010029	0.084	South Valley	Albuquerque	Bernalillo
06/09/2021	350011012	0.084	Foothills	Albuquerque	Bernalillo
07/09/2021	350130022	0.084	Santa Teresa	Sunland Park	Doña Ana
06/09/2021	350610008	0.081	Los Lunas	Los Lunas	Valencia
06/22/2021	350130020	0.081	Chaparral	Chaparral	Doña Ana
06/22/2021	350130020	0.080	La Union	La Union	Doña Ana
07/09/2021	350130020	0.080	La Union	La Union	Doña Ana
07/10/2021	350130021	0.080	Desert View	Sunland Park	Doña Ana
07/10/2021	350130022	0.080	Santa Teresa	Sunland Park	Doña Ana
07/05/2021	350150010	0.080	Carlsbad Caverns National Park	Carlsbad	Eddy
07/05/2021	350151005	0.080	Carlsbad	Carlsbad	Eddy
06/18/2021	350130021	0.077	Desert View	Sunland Park	Doña Ana
06/03/2021	350151005	0.077	Carlsbad	Carlsbad	Eddy
07/06/2021	350130021	0.077	Desert View	Sunland Park	Doña Ana
07/09/2021	350151005	0.077	Carlsbad	Carlsbad	Eddy
06/15/2021	350151005	0.076	Carlsbad	Carlsbad	Eddy
06/09/2021	350431001	0.076	Bernalillo	Bernalillo	Sandoval
06/19/2021	350130020	0.075	Chaparral	Chaparral	Doña Ana

<sup>2</sup> Available at <https://www.epa.gov/outdoor-air-quality-data/download-daily-data>.

07/10/2021	350130008	0.075	La Union	La Union	Doña Ana
06/24/2021	350151005	0.075	Carlsbad	Carlsbad	Eddy
06/09/2021	350490021	0.074	Santa Fe Airport	Santa Fe	Santa Fe
07/03/2021	350130021	0.074	Desert View	Sunland Park	Doña Ana
06/10/2021	350011012	0.073	Foothills	Albuquerque	Bernalillo
05/29/2021	350150010	0.073	Carlsbad Caverns National Park	Carlsbad	Eddy
06/27/2021	350151005	0.073	Carlsbad	Carlsbad	Eddy
07/06/2021	350011012	0.073	Foothills	Albuquerque	Bernalillo
06/18/2021	350130008	0.072	La Union	La Union	Doña Ana
05/06/2021	350150010	0.072	Carlsbad Caverns National Park	Carlsbad	Eddy
06/03/2021	350150010	0.072	Carlsbad Caverns National Park	Carlsbad	Eddy
07/09/2021	350130023	0.072	Solano	Las Cruces	Doña Ana
07/13/2021	350450018	0.072	Navajo Lake	Blanco	San Juan
06/08/2021	350011012	0.071	Foothills	Albuquerque	Bernalillo
06/15/2021	350011012	0.071	Foothills	Albuquerque	Bernalillo
06/19/2021	350130021	0.071	Desert View	Sunland Park	Doña Ana
05/20/2021	350151005	0.071	Carlsbad	Carlsbad	Eddy
06/20/2021	350151005	0.071	Carlsbad	Carlsbad	Eddy
06/09/2021	350451005	0.071	Substation	Farmington	San Juan
07/09/2021	350011012	0.071	Foothills	Albuquerque	Bernalillo
07/09/2021	350130020	0.071	Chaparral	Chaparral	Doña Ana
07/12/2021	350130022	0.071	Santa Teresa	Sunland Park	Doña Ana
06/22/2021	350130023	0.071	Solano	Las Cruces	Doña Ana
07/10/2021	350130023	0.071	Solano	Las Cruces	Doña Ana
07/09/2021	350150010	0.071	Carlsbad Caverns National Park	Carlsbad	Eddy

Your Environment Department has legal authority to pause the approval of new air pollution permits and new general permit registrations. The Secretary of the Department may extend the time needed to process permit applications for “good cause.” 20.2.72.207 NMAC. In this case, “good cause” includes the need to refrain from worsening New Mexico’s ozone pollution problems so that new rules can be adopted to keep emissions in check.

We greatly appreciate your efforts to protect public health from dangerous levels of smog in New Mexico. While the Ozone Attainment Initiative is under consideration by the Environmental Improvement Board, we urge you to provide New Mexicans interim relief from harmful air pollution. Please, direct the Environment Department to pause the approval of new permits and new general permit registrations that would increase ozone forming emissions from the oil and gas industry. For our health, safety, and for justice, this is the right thing to do.

Sincerely,

Terry Sloan  
Southwest Native Cultures  
Albuquerque, NM  
[tas@sloancompany.net](mailto:tas@sloancompany.net)

Mario Atencio  
Diné Citizens Against Ruining Our Environment  
Navajo Nation, NM  
[mario.atencio@dine-care.org](mailto:mario.atencio@dine-care.org)

Kayley Shoup  
Citizens Caring for the Future  
Carlsbad, NM  
[kayley.shoup.ccff@gmail.com](mailto:kayley.shoup.ccff@gmail.com)

Isaac De Luna  
Center for Civic Policy  
Albuquerque, NM  
[isaac@civicpolicy.com](mailto:isaac@civicpolicy.com)

Lucas Herndon  
ProgressNow New Mexico  
Albuquerque, NM  
[lucas@progressnownm.org](mailto:lucas@progressnownm.org)

Castille Aguilar  
Youth United for Climate Crisis Action  
Santa Fe, NM  
[castille@earthcarenm.org](mailto:castille@earthcarenm.org)

Elouise Brown  
Dooda (NO) Desert Rock  
Newcomb, NM  
[thebrownmachine@hotmail.com](mailto:thebrownmachine@hotmail.com)

Jennifer Siri  
Frack Free Four Corners  
Belen, NM  
[jennisiri999@gmail.com](mailto:jennisiri999@gmail.com)

Anson Wright  
Chaco Alliance  
Greater Chaco Region, NM  
[ansonw@comcast.net](mailto:ansonw@comcast.net)

William Clark  
Rio Arriba Concerned Citizens  
Cebolla, NM  
[cebollabill@gmail.com](mailto:cebollabill@gmail.com)

Mark LeClaire  
We Are One River  
Albuquerque, NM  
[mescaladero@hotmail.com](mailto:mescaladero@hotmail.com)

Jeremy Nichols  
WildEarth Guardians  
Santa Fe, NM  
[jnichols@wildearthguardians.org](mailto:jnichols@wildearthguardians.org)

Taylor McKinnon  
Center for Biological Diversity  
Tucson, AZ  
[tmckinnon@biologicaldiversity.org](mailto:tmckinnon@biologicaldiversity.org)

Erik Schlenker-Goodrich  
Western Environmental Law Center  
Taos, NM  
[eriksg@westernlaw.org](mailto:eriksg@westernlaw.org)

cc: James Kenney, Secretary, New Mexico Environment Department