April 27, 2023

James Kenney
Secretary
New Mexico Environment Department
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Re: Credible Data Shows Widespread Violations of New Mexico Clean Air Rules, Urgent Need for Enforcement Action that Deters Illegal Venting

Dear Secretary Kenney:

We are writing to call your attention to widespread and apparently routine violations of New Mexico clean air laws and regulations by oil and gas companies. Based on a review of credible venting data reported by companies to the New Mexico Oil Conservation Division (OCD), it is clear that dozens, if not hundreds, of stationary sources of air pollution are regularly violating air quality rules. These violations are releasing large amounts of toxic volatile organic compound (VOC) gases, threatening public health, safety, and welfare in the state. This pollution is primarily impacting people and communities in the Greater Chaco region of northwest New Mexico and the Permian Basin of southeast New Mexico. **In light of this, we urge the Environment Department to take immediate steps to end to this illegal air pollution and penalize the companies who are so blatantly flouting public health safeguards.**

The Violations

Based upon a review of credible venting data submitted by companies to the OCD for the past year, it appears as if the following violations are rampant and ongoing:

- **Failure to obtain air pollution permits:** As a result of venting, many companies have released regulated air pollutants from stationary sources of air pollution at levels above state permitting thresholds. In spite of this, many companies have not obtained or even applied for legally required permits to ensure proper oversight of emissions.

- **Violation of permit limits:** As a result of venting, many companies have released regulated air pollutants at levels that violate their permitted emission limits. For many companies, violations have occurred regularly and are ongoing.

- **Failure to report excess emissions:** As a result of venting, many companies have exceeded permitted emission limits, yet failed to report these events as excess emissions. A review of data from NMED demonstrates that many companies are failing to report any excess emissions, despite venting data clearly confirming the occurrence of excess emissions.

Notable Examples of Violations

Among the violations we discovered are especially egregious instances of noncompliance with state and federal clean air laws and regulations. These include:

- **The company Cross Timbers Energy, LLC vented more than 500 tons of VOCs over a 10-month period from the company's North Vacuum ABO 95 Battery, located in Lea County**. Under the Clean Air Act, a stationary source that has the potential to emit more than 250 tons per year of an air pollutant must obtain a major source permit and utilize best available pollution control technology. In spite of this, the company has yet to apply for or obtain any required air pollution permit, let alone a major source permit.

- **The company Maverick Permian, LLC vented more 400 pounds of VOCs per hour over a four-day period in late August and early September 2022 from the company's MCA Tank Battery #2, located in Lea County.** These releases violated emission limits in the company's Clean Air Act Title V operating permit, yet they were not reported to the Environment Department.

- **The company DJR Operating, LLC reported venting in excess of permitting thresholds at 10 oil and gas production facilities in the Nageezi and Lybrook areas of San Juan County.** In spite of this, the company has yet to apply for and obtain legally required air pollution permits for these facilities and continues to illegally operate the production sites today.

- **Other major oil and gas produces in the Permian Basin, including Earthstone Operating, Mewbourne Oil Company, Franklin Mountain Energy, Advance Energy Partners, Tap Rock Operating, and Caza Operating all report venting that exceeded VOC limits set forth in general construction permit applications.** None of these companies reported their excess emissions to the Environment Department or otherwise took steps to ensure that it remained appropriate for them to operate under the general construction permit.

Below, we detail our review of OCD's venting data and the violations we've discovered. These violations are undoubtedly more extensive and pervasive. We request NMED also fully scrutinize venting data to ascertain the full extent to which companies are routinely violating clean air laws and regulations.

Methodology

Our review of venting information submitted to OCD focused on credible data reported between March 1, 2022 and March 1, 2023. Our review focused on data that is publicly available, readily queried, and downloadable from OCD's website. We queried reports of all events labeled as "vent" from OCD's spill search web page, available here, https://wwwapps.emnrd.nm.gov/OCD/OCDPermitting/Data/Spills/Spills.aspx. These queries produced a spreadsheet that was downloaded as an Excel file. This spreadsheet is attached to this letter as Attachment A.

This spreadsheet contained data regarding the name of the companies reporting the venting, the facility where the venting event occurred, the volume of gas vented, the total volume of vented gas that was lost, and other information.

Based on the volume of gas lost as a result of venting, we were able to calculate emissions using credible emission factors and formulas regularly utilized by oil and gas companies in air permit applications or presented to NMED as accurate for purposes of calculating emissions.

When gas is vented, the core pollutants of concern are volatile organic compounds, or VOCs. These VOCs are entrained in the vented gas and are a group of regulated pollutants under state and federal clean air laws. To estimate VOC emissions released as a result of venting, we utilized a credible emission factor relied on by the New Mexico Oil and Gas Association in testimony presented during the Environmental Improvement Board's rulemaking hearing in EIB 21-27. In testimony regarding proposed leak detection and repair regulations, the Association presented an analysis of VOC emissions from gathering and boosting facilities. *See*, "NMOGA LDAR Gathering Boosting Station Incremental Analysis," https://www.env.nm.gov/opf/wp-content/uploads/sites/13/2021/09/NMOGA-LDAR-Gathering-Boosting-Station-Incremental-Analysis.xlsx. This analysis presumed the release of 19.42 pounds of VOCs per thousand cubic feet (Mcf) of gas vented in the Permian Basin of southeast New Mexico and 7.82 pounds of VOCs per Mcf of gas vented in the San Juan Basin of northwest New Mexico.[1] We believe these emission factors are credible and appropriate to utilize for three reasons: 1) they come from industry; 2) they are conservative given that gathering and boosting facilities are often venting gas streams that have already released some amount of entrained VOCs; and 3) they are explicitly applicable to oil and gas extraction operations in New Mexico.

The emission factors presented by the New Mexico Oil and Gas Association are based on total organic compound emission factors from the U.S. Environmental Protection Agency and a VOC to total organic compound weight ratio that was presented in the Environmental Protection Agency's 2011 memo, "Composition of Natural Gas for use in the Oil and Natural Gas Sector Rulemaking" (often referred to as the "2011 Gas Composition Memorandum"). Although it is understood that gaseous emissions can vary based on gas composition, pressure, volume, and temperature, the emission factors identified by the New Mexico Oil and Gas Association present credible and reasonable overall averages of VOC emissions released as a result of venting from

[1] We consider the Permian Basin to encompass the counties of Eddy, Lea, and Roosevelt and the San Juan Basin to encompass the counties of Rio Arriba, San Juan, and Sandoval.

oil and gas production and processing facilities. Both NMED and the oil and gas industry routinely rely on emission factors to estimate emissions, establish permit limits, and enforce liability.

Under the Clean Air Act, credible evidence can be used to determine compliance with applicable requirements. *See* 40 C.F.R. § 51.212(c); *see also* 20.2.72.218 NMAC. Accordingly, NMED must take action to address the information we provide below and take appropriate enforcement, permitting, and/or administrative action to resolve these violations and ensure accountability.

The Identified Violations

Below we detail, by stationary source, the various violations related to gas venting reported to OCD:

1. Hilcorp Energy Company—Allison Unit #013P, San Juan County Facility Coordinates: 36.999649, -107.521194

On August 18, 2022, Hilcorp reported a venting event that released 254 Mcf from the company's Allison Unit #013P well site. This amounts to 1,986.28 pounds of VOCs. According to reports filed by Hilcorp with OCD, the event lasted 174 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Hilcorp, the Allison Unit #013P well site clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Hilcorp's reports, the August 18, 2022 venting event released 11 pounds per hour. In spite of this, a review of NMED's files indicates that Hilcorp does not currently have a permit for the Allison Unit #013P well site. This means Hilcorp illegally constructed the Allison Unit #013P well site and is currently illegally operating the stationary source.

2. Earthstone Operating, LLC—Anaconda 11-14 Fed Com Facility, Lea County Facility Coordinates: 32.59461, -103.63

On August 11, 2022, Earthstone reported an eight hour venting event that released 358 Mcf in gas from the company's Anaconda 11-14 Fed Com Facility. This equals 6,952 pounds of VOC emissions, more than 869 pounds per hour.

Earthstone operates the Anaconda facility in accordance with NMED's General Construction Permit for Oil and Gas (GCP-Oil and Gas). *See* Permit No. 9593.[2] Under the GCP-Oil and Gas, companies must comply with the hourly and annual limits set forth in their registration forms, which "shall be the allowable emission limits." *See* GCP-Oil and Gas

[2] The Anaconda facility was originally owned and operated by the company, Chisholm, which was since acquired by Earthstone.

Condition A106(A) and (C). Here, under Earthstone's GCP-Oil and Gas registration form, the Anaconda facility has no hourly limits for vented VOC emissions. Although the Anaconda facility has some hourly VOC limits in place, the facility's overall limit is 6.92 pounds per hour according to Earthstone's application. During the August 11, 2022 event, Earthstone violated the GCP-Oil and Gas by violating the allowable limits set forth in its registration form.

Under 20.7.110(A), companies must submit reports of excess emissions to NMED. Pursuant to 20.2.7 NMAC, the term "[e]xcess emission means the emission of an air contaminant, including a fugitive emission, in excess of the quantity, rate, opacity or concentration specified by an air quality regulation or permit condition." *See* 20.2.7.7(D) NMAC. Here, based on a review of summary excess emissions data available at NMED's Compliance and Enforcement website (*see* https://cloud.env.nm.gov/air/pages/search.php?search=%21collection3639&k=f4e7c461a2), it appears that Earthstone did not submit reports of its excess emissions to NMED, further violating state air quality requirements.

3. Mewbourne Oil Company—Armstrong 26/23 Battery, Eddy County
Facility Coordinates: 32.100691, -103.751381

On October 31, 2022 and November 30, 2022, Mewbourne reported venting events that released 53 and 72 Mcf, respectively, from the company's Armstrong 26/23 Battery. This amounts to 1,029.26 and 1,398.24 pounds of VOCs, respectively. According to reports filed by Mewbourne with OCD, both events lasted 24 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Mewbourne, the Armstrong 26/23 Battery clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Mewbourne's reports, the October 31, 2022 venting event released 42.89 pounds per hour and the November 30, 2022 venting event released 58.26 pounds per hour. In spite of this, a review of NMED's files indicates that Mewbourne does not currently have a permit for the Armstrong 26/23 Battery. This means Mewbourne illegally constructed the Armstrong 26/23 Battery and is currently illegally operating the stationary source.

4. DJR Operating, LLC—Betonnie Tsosie Wash Unit #213H Well, San Juan County
Facility Coordinates: 36.18884, -107.64483

On February 22, 2023, DJR reported a venting event that released 534 Mcf of gas from the company's Betonnie Tsosie Wash Unit #213H well site. This amounts to 4,175.88 pounds of VOCs. According to reports filed by DJR with OCD, the event lasted 24 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on

venting data reported by DJR, the Betonnie Tsosie Wash Unit #213H well clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on DJR's reports, the February 22, 2023 venting event released 174 pounds per hour. In spite of this, a review of NMED's files indicates that DJR does not currently have a permit for the Betonnie Tsosie Wash Unit #213H well. This means DJR illegally constructed the Betonnie Tsosie Wash Unit #213H well and is currently illegally operating the stationary source.

5. DJR Operating, LLC—Betonnie Tsosie Wash Unit #503H Well, San Juan County
Facility Coordinates: 36.186854, -107.657161

On February 20, 2023, DJR reported a venting event that released 391 Mcf of gas from the company's Betonnie Tsosie Wash Unit #503H well site. This amounts to 3,057.62 pounds of VOCs. According to reports filed by DJR with OCD, the event lasted 24 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by DJR, the Betonnie Tsosie Wash Unit #503H well clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on DJR's reports, the February 20, 2023 venting event released 127 pounds per hour. In spite of this, a review of NMED's files indicates that DJR does not currently have a permit for the Betonnie Tsosie Wash Unit #503H well. This means DJR illegally constructed the Betonnie Tsosie Wash Unit #503H well and is currently illegally operating the stationary source.

6. Cross Timbers Energy, LLC—Bridges State 95 Battery, Lea County
Facility Coordinates: 32.810119, -103.514896

Between March 23, 2022 and January 31, 2023, Cross Timbers reported more than 200 venting events at the company's Bridges State 95 Battery that released a total of 14,868 Mcf of gas. This equals more than 288,746 pounds of VOC emissions, or 144 tons of VOCs within a one-year period.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 25 tons per year of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Cross Timbers, the Bridges State 95 Battery clearly has the potential to emit more than 25 tons per year of VOCs. In spite of this, a review of NMED's files indicates that Cross Timbers does not currently have a permit for the Bridges State 95 Battery. This means Cross Timbers illegally constructed the Bridges State 95 Battery and is currently illegally operating the stationary source.

7. BTA Oil Producers, LLC—Byers Number 1, Lea County
Facility Coordinates: 32.560875, -103.421866

On February 21, 2023, BTA reported a four hour venting event that released 306 Mcf in gas from the company's Byers Number 1 facility. This equals 5,942.52 pounds of VOC emissions, more than 1,485 pounds per hour.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by BTA, the Byers facility clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on BTA's reports, the February 21, 2023 venting event released 1,485 pounds per hour. In spite of this, a review of NMED's files indicates that BTA does not currently have a permit for the Byers Number 1 facility. This means BTA illegally constructed the Byers Number 1 facility and is currently illegally operating the stationary source.

8. Franklin Mountain Energy, LLC—Carnival Central Tank Battery, Lea County
Facility Coordinates: 32.166139, -103.338089

On December 13, 2022, Franklin reported a one hour venting event that released 145 Mcf in gas from the company's Carnival Central Tank Battery. This equals 6,952 pounds of VOC emissions, more than 2,815 pounds per hour.

Franklin operates the Carnival Central Tank Battery in accordance with NMED's General Construction Permit for Oil and Gas (GCP-Oil and Gas). *See* Permit No. 9055. Under the GCP-Oil and Gas, companies must comply with the hourly and annual limits set forth in their registration forms, which "shall be the allowable emission limits." *See* GCP-Oil and Gas Condition A106(A) and (C). Here, under Franklin's GCP-Oil and Gas registration form, the Carnival facility has no hourly limits for vented VOC emissions. Although the Carnival Central Tank Battery has some hourly VOC limits in place, the facility's overall limit is 34.04 pounds per hour according to Franklin's application. Accordingly, during the December 13, 2022 event, Franklin violated the GCP-Oil and Gas by violating the allowable limits set forth in its registration form.

Under 20.7.110(A), companies must submit reports of excess emissions to NMED. Pursuant to 20.2.7 NMAC, the term "[e]xcess emission means the emission of an air contaminant, including a fugitive emission, in excess of the quantity, rate, opacity or concentration specified by an air quality regulation or permit condition." *See* 20.2.7.7(D) NMAC. Here, based on a review of summary excess emissions data available at NMED's Compliance and Enforcement website, it appears that Franklin did not submit reports of its excess emissions to NMED, further violating state air quality requirements.

9. BTA Oil Producers, LLC—Carrasco facility, Eddy County
Facility Coordinates: 32.307647, -104.060627

Between August 7, 2022 and October 5, 2022, BTA reported more than 50 venting events at the company's Carrasco facility that released a total of 4,312 Mcf of gas. This equals more than 83,739 pounds of VOC emissions, or 41 tons of VOCs within a one-year period.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 25 tons per year of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by BTA, the Carrasco facility clearly has the potential to emit more than 25 tons per year of VOCs. In spite of this, a review of NMED's files indicates that BTA does not currently have a permit for the Carrasco facility. This means BTA illegally constructed the Carrasco facility and is currently illegally operating the stationary source.

10. Cimarex Energy Co.—Cascade 28 Federal 85H-86H, Lea County
Facility Coordinates: 32.107722, -103.573244

On April 21, 2022, Cimarex reported a 24 hour venting event that released 214 Mcf in gas from the company's Cascade 28 Federal 85H-86H facility. This equals 4,155.88 pounds of VOC emissions, more than 173 pounds per hour.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Cimarex, the Cascade facility clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Cimarex's reports, the April 21, 2022 venting event released 173 pounds per hour. In spite of this, a review of NMED's files indicates that Cimarex does not currently have a permit for the Cascade 28 Federal 85H-86H facility. This means Cimarex illegally constructed the and is currently illegally operating the stationary source.

11. Tascosa Energy Partners, LLC—Catalina 25 30 CTB, Eddy County
Facility Coordinates: 32.5408217, -104.3455836

On February 18, 2023, Tascosa reported a 24 hour venting event that released 7,301 Mcf in gas from the company's Catalina 25 30 Central Tank Battery. This equals more than 141,785 pounds of VOC emissions, or more than 70 tons per year.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 25 tons per year of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Tascosa, the Catalina 25 30 CTB clearly has the potential to emit more than 25 tons per year of VOCs. In spite of this, a review of NMED's files indicates that Tascosa does not currently have a permit for the Catalina 25 30 CTB. This means Tascosa illegally constructed the Catalina 25 30 CTB and is currently illegally operating the stationary source.

12. Marathon Oil Permian, LLC—Cave Lion 5 Fed 15 TB, Lea County
Facility Coordinates: 32.06560374, -103.3969543

On August 19, 2022 and August 20, 2022, Marathon reported venting events that released 93 and 74 Mcf, respectively, from the company's Cave Lion 5 Fed. 15 Tank Battery. This amounts to 1,806.06 and 1,437.08 pounds of VOCs, respectively. According to reports filed by Marathon with OCD, the August 19, 2022 event lasted 30 minutes and the August 20, 2022 event lasted 20 minutes.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Marathon, the Cave Lion 5 Fed 15 TB clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Marathon's reports, the August 19, 2022 venting event released 1,806.06 pounds per hour and the August 20, 2022 venting event released 1,437.08 pounds per hour. In spite of this, a review of NMED's files indicates that Marathon does not currently have a permit for the Cave Lion 5 Fed 15 TB. This means Marathon illegally constructed the Cave Lion 5 Fed 15 TB and is currently illegally operating the stationary source.

13. COG Operating, LLC—Columbus Fee 23 and 24H CTB, Lea County
Facility Coordinates: 32.093562, -103.555514

On March 23, 2022, COG reported a venting event that released 537 Mcf from the company's Columbus Fee 23 and 24H Central Tank Battery. This amounts to 10,428.54 pounds of VOCs. According to reports filed by COG with OCD, the event lasted 14 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by COG, the Columbus Fee 23 and 24H CTB clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on COG's reports, the March 23, 2022 venting event released more than 744 pounds per hour. In spite of this, a review of NMED's files indicates that COG does not currently have a permit for the Columbus Fee 23 and 24H CTB. This means COG illegally constructed the Columbus Fee 23 and 24H CTB and is currently illegally operating the stationary source.

14. Cimarex Energy Co.—Cottonwood Hills 32 facility, Eddy County
Facility Coordinates: 32.08036, -104.21858

On April 29, 2022 and July 10, 2022, Cimarex reported venting events that released 283 and 356 Mcf, respectively, from the company's Cottonwood Hills 32 facility. This amounts to 5,495.86 and 6,913.52 pounds of VOCs, respectively. According to reports filed field by Cimarex with OCD, the April 29, 2022 event lasted 24 hours and the July 10, 2022 event lasted nine hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Cimarex, the Cottonwood Hills 32 facility clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Cimarex's reports, the April 29, 2022 venting event released more than 228 pounds per hour and the July 10, 2022 venting event released more than 768 pounds per hour. In spite of this, a review of NMED's files indicates that Cimarex does not currently have a permit for the Cottonwood Hills 32 facility. This means Cimarex illegally constructed the Cottonwood Hills 32 facility and is currently illegally operating the stationary source.

15. Hilcorp Energy Company—Culpepper Martin #014A Well, San Juan County
Facility Coordinates: 36.93822, -108.11244

On February 18, 2023, Hilcorp reported a venting event that released 325 Mcf of gas from the company's Culpepper Martin #014A well site. This amounts to 2,541.5 pounds of VOCs. According to reports filed by Hilcorp with OCD, the event lasted 22 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Hilcorp, the Culpepper Martin #014A well clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Hilcorp's reports, the February 18, 2023 venting event released 115 pounds per hour. In spite of this, a review of NMED's files indicates that Hilcorp does not currently have a permit for the Culpepper Martin #014A well. This means Hilcorp illegally constructed the Culpepper Martin #014A well and is currently illegally operating the stationary source.

16. Marathon Oil Permian, LLC—Cypress Fee 24 Tank Battery, Eddy County
Facility Coordinates: 32.31677158, -104.2018314

On September 9, 2022, Marathon reported a venting event that released 55 Mcf from the company's Cypress Fee 24 Tank Battery. This amounts to 1,068.1 pounds of VOCs. According to reports filed by Marathon with OCD, the event lasted 20 minutes.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Marathon, the Cypress Fee 24 Tank Battery clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Marathon's reports, the September 9, 2022 venting event released more than 1,068 pounds per hour. In spite of this, a review of NMED's files indicates that Marathon does not currently have a permit for the Cypress Fee 24 Tank Battery. This means Marathon illegally constructed the Cypress Fee 24 Tank Battery and is currently illegally operating the stationary source.

17. WPX Energy Permian, LLC—East Pecos Federal Com 22 #014H, Eddy County
Facility Coordinates: 32.0209, -103.9669

Between December 23, 2022 and December 28, 2022, WPX reported six venting events that released a total of 8,300 Mcf from the company's East Pecos Federal Com 22 #014H well site. WPX reported a 12 hour venting event on December 23 that released 870 Mcf, a 24 hour venting event on December 24 that released 220 Mcf, a 24 hour venting event on December 25 that released 2,258 Mcf, a 24 hour venting event on December 26 that released 2,313 Mcf, a 24 hour venting event on December 27 that released 2,055 Mcf, and a 12 hour venting event on December 28 that released 584 Mcf.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour and/or 25 tons per year of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by WPX, the East Pecos Federal Com 22 #014H well site clearly has the potential to emit more than 10 pounds per hour and 25 tons per year of VOCs. Based on WPX's reports, the six days of venting in December 2022 cumulatively released 8,300 Mcf of gas, equal to 80.6 tons of VOCs per year. Each event reported from December 23 to December 28 also released more than 10 pounds per hour. The December 26, 2022 event alone released 1,871 pounds per hour of VOCs. In spite of this, a review of NMED's files indicates that WPX does not currently have a permit for the East Pecos Federal Com 22 #014H well site. This means WPX illegally constructed the and is currently illegally operating the stationary source.

18. Maverick Permian, LLC—East Vacuum Unit CO2 Reinjection, Lea County
Facility Coordinates: 32.47415, -103.27261

On August 4, 2022, Maverick reported a venting event that released 1,398 Mcf from the company's East Vacuum Unit CO2 Reinjection facility. This amounts to 27,149.16 pounds of VOCs. According to reports filed by Maverick with OCD, the event lasted four hours

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Maverick, the East Vacuum Unit CO2 Reinjection facility clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Maverick's reports, the August 4, 2022 venting event released more than 6,787 pounds per hour. In spite of this, a review of NMED's files indicates that Maverick does not currently have a permit for the East Vacuum Unit CO2 Reinjection facility. This means Maverick illegally constructed the East Vacuum Unit CO2 Reinjection facility and is currently illegally operating the stationary source.

19. Dugan Production Corp.—Ernie Com #090S, San Juan County
Facility Coordinates: 36.3384857, -107.9517365

On September 27, 2022, Dugan reported a venting event that released 69 Mcf from the company's Ernie Com #090S well site. This amounts to 539.58 pounds of VOCs. According to reports filed by Dugan with OCD, the event lasted less than one hour.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Dugan, the Ernie Com #090S well site clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Dugan's reports, the September 27, 2022 venting event released 539.58 pounds per hour. In spite of this, a review of NMED's files indicates that Dugan does not currently have a permit for the Ernie Com #090S well site. This means Dugan illegally constructed the Ernie Com #090S well site and is currently illegally operating the stationary source.

20. COG Operating, LLC—Fez Federal 9 P East CTB, Lea County
Facility Coordinates: 32.138543, -103.371654

On February 26, 2023, COG reported a venting event that released 50 Mcf from the company's Fez Federal 9 East Central Tank Battery. This amounts to 971 pounds of VOCs. According to reports filed by COG with OCD, the event lasted one hour

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by COG, the Fez Federal 9 East Central Tank Battery clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on COG's reports, the February 26, 2023 venting event released 971 pounds per hour. In spite of this, a review of NMED's files indicates that COG does not currently have a permit for the Fez Federal 9 East Central Tank Battery. This means COG illegally constructed the Fez Federal 9 East Central Tank Battery and is currently illegally operating the stationary source.

21. Mewbourne Oil Co.—FNR Fed Unit Battery #2, Eddy County
Facility Coordinates: 32.30608, -103.905301

On July 31, 2022 and on January 31, 2023, Mewbourne reported two venting events that released 111 and 169 Mcf of gas from the company's FNR Fed Unit Battery #2 facility. According to Mewbourne, both events lasted 24 hours.

Mewbourne operates the FNR Fed Unit Battery #2 in accordance with NMED's General Construction Permit for Oil and Gas (GCP-Oil and Gas). *See* Permit No. 9509. Under the GCP-Oil and Gas, companies must comply with the hourly and annual limits set forth in their registration forms, which "shall be the allowable emission limits." *See* GCP-Oil and Gas Condition A106(A) and (C). Here, under Mewbourne's GCP-Oil and Gas registration form, the

FNR Fed Unit Battery #2 facility has no hourly limits for vented VOC emissions. Although the FNR Fed Unit Battery #2 facility has some hourly VOC limits in place, the facility's overall limit is 50.77 pounds per hour according to Mewbourne's application. During the July 31, 2022 event, Mewbourne released 89.82 pounds of VOCs per hour and during the January 31, 2023 event, Mewbourne released 136.75 pounds of VOCs per hour. Accordingly, during the July 31, 2022 and January 31, 2023 events, Mewbourne violated the GCP-Oil and Gas by violating the allowable limits set forth in its registration form.

Under 20.7.110(A), companies must submit reports of excess emissions to NMED. Pursuant to 20.2.7 NMAC, the term "[e]xcess emission means the emission of an air contaminant, including a fugitive emission, in excess of the quantity, rate, opacity or concentration specified by an air quality regulation or permit condition." *See* 20.2.7.7(D) NMAC. Here, based on a review of summary excess emissions data available at NMED's Compliance and Enforcement website, it appears that Mewbourne did not submit reports of its excess emissions to NMED, further violating state air quality requirements.

22. Hilcorp Energy Company—Gardner C #002, San Juan County
Facility Coordinates: 36.943311, -107.71786

On January 13, 2023, Hilcorp reported a venting event that released 1,820 Mcf from the company's Gardner C #002 well site. This amounts to 14,232.4 pounds of VOCs. According to reports filed by Hilcorp with OCD, the event lasted 717 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Hilcorp, the Gardner C #002 well clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Hilcorp's reports, the January 13, 2023 venting event released 19.85 pounds per hour. In spite of this, a review of NMED's files indicates that Hilcorp does not currently have a permit for the Gardner C #002 well site. This means Hilcorp illegally constructed the Gardner C #002 well site and is currently illegally operating the stationary source.

23. Hilcorp Energy Company—Gardner C #001, San Juan County
Facility Coordinates: 36.936202, -107.754895

On September 7, 2022, Hilcorp reported a venting event that released 298 Mcf from the company's Gardner C #001 well site. This amounts to 2,330.36 pounds of VOCs. According to reports filed by Hilcorp with OCD, the event lasted 198 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Hilcorp, the Gardner C #001 well clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Hilcorp's reports, the September 7, 2022 venting event released 11.77 pounds per hour. In spite of this, a review of NMED's files indicates that

Hilcorp does not currently have a permit for the Gardner C #001 well site. This means Hilcorp illegally constructed the Gardner C #001 well site and is currently illegally operating the stationary source.

24. Ridgeway Arizona Oil Corp.—Haley Water Station, Roosevelt County
Facility Coordinates: 33.6677, -103.54519

On July 27, 2022 and August 25, 2022, Ridgeway reported venting events that released 290 and 193 Mcf from the company's Haley Water Station. This amounts to 5,631.8 and 3,748.06 pounds of VOCs, respectively. According to reports filed by Ridgeway with OCD, the July 27, 2022 event lasted 21 hours and the August 25, 2022 event lasted 16 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Ridgeway, the Haley Water Station clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Ridgeway's reports, the July 27, 2022 venting event released more than 268 pounds per hour and the July 10, 2022 venting event released more than 234 pounds per hour. In spite of this, a review of NMED's files indicates that Ridgeway does not currently have a permit for the Haley Water Station. This means Ridgeway illegally constructed the Haley Water Station and is currently illegally operating the stationary source.

25. Chevron USA, Inc.—Hayhurst 17/18 Tank Battery, Eddy County
Facility Coordinates: 32.137253, -104.226084

On June 23, 2022, Chevron reported a venting event that released 576 Mcf from the company's Hayhurst 17/18 Tank Battery. This amounts to 11,185.92 pounds of VOCs. According to reports filed by Chevron with OCD, the event lasted 22 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Chevron, the Hayhurst 17/18 Tank Battery clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Chevron's reports, the June 23, 2022 venting event released 508.45 pounds per hour. In spite of this, a review of NMED's files indicates that Chevron does not currently have a permit for the Hayhurst 17/18 Tank Battery. This means Chevron illegally constructed the Hayhurst Tank Battery and is currently illegally operating the stationary source.

26. Hilcorp Energy Company—Houck Lateral, San Juan County
Facility Coordinates: 36.750726, -107.8414

On August 17, 2022, Hilcorp reported a venting event that released 5,153 Mcf from the company's Houck Lateral facility, a tank battery located in San Juan County. This amounts to 40,296.46 pounds of VOCs. According to reports filed by Hilcorp with OCD, the event lasted 22 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Hilcorp, the Houck Lateral clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Hilcorp's reports, the August 17, 2022 venting event released 1,831 pounds per hour. In spite of this, a review of NMED's files indicates that Hilcorp does not currently have a permit for the Houck Lateral. This means Hilcorp illegally constructed the Houck Lateral and is currently illegally operating the stationary source.

27. Caza Operating, LLC—Igloo 19 24 State Fed Com #012H, Lea County
Facility Coordinates: 36.55247726, -103.4961972

On October 20, 2022, Caza reported a venting event that released 1,707 Mcf of gas from the company's Igloo 19 24 State Fed Com #012H well site. This amounts to 33,149.94 pounds of VOCs. According to Caza, the event lasted 24 hours.

Caza operates the Igloo 19 24 State Fed Com facility in accordance with NMED's General Construction Permit for Oil and Gas (GCP-Oil and Gas). *See* Permit No. 9629. Under the GCP-Oil and Gas, companies must comply with the hourly and annual limits set forth in their registration forms, which "shall be the allowable emission limits." *See* GCP-Oil and Gas Condition A106(A) and (C). Here, under Caza's GCP-Oil and Gas registration form, the Igloo 19 24 State Fed Com has no allowable hourly limits for vented VOC emissions. Although the Igloo 19 24 State Fed Com has some hourly VOC limits in place, the facility's overall limit is 10.086 pounds per hour according to Caza's application. During the October 20, 2022 event, Caza released 1,381 pounds of VOCs per hour. Accordingly, during the October 20, 2022 event, Caza violated the GCP-Oil and Gas by violating the allowable limits set forth in its registration form.

Under 20.7.110(A), companies must submit reports of excess emissions to NMED. Pursuant to 20.2.7 NMAC, the term "[e]xcess emission means the emission of an air contaminant, including a fugitive emission, in excess of the quantity, rate, opacity or concentration specified by an air quality regulation or permit condition." *See* 20.2.7.7(D) NMAC. Here, based on a review of summary excess emissions data available at NMED's Compliance and Enforcement website, it appears that Caza did not submit reports of its excess emissions to NMED, further violating state air quality requirements.

28. Ridgeway Arizona Oil Corp.—Jennifer Chaveroo SA Unit #251H, Roosevelt County
Facility Coordinates: 33.67224, -103.52553

On August 25 and August 26, 2022, Ridgeway reported two venting events that released 130 and 135 Mcf from the Jennifer Chaveroo SA Unit #251H well site, for a total of 2,524.6 and 2,621.7 pounds of VOCs, respectively. According to reports filed by Ridgeway with OCD, both events lasted 17 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Ridgeway, the Jennifer Chaveroo SA Unit #251H well site clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Ridgeway's reports, the August 25 and 26, 2022 venting events released 149 and 154 pounds per hour, respectively. In spite of this, a review of NMED's files indicates that Ridgeway does not currently have a permit for the Jennifer Chaveroo SA Unit #251H well site. This means Ridgeway illegally constructed the Jennifer Chaveroo SA Unit #251H well site and is currently illegally operating the stationary source.

29. Mewbourne Oil Co.—Loco Hills 2-4 Battery, Eddy County
Facility Coordinates: 32.775367, -103.941623

On October 31, 2022, Mewbourne reported a venting event that released 124 Mcf of gas from the company's Loco Hills 2-4 Battery. This amounts to 2,408.08 pounds of VOCs. According to Mewbourne, the event lasted 24 hours.

Mewbourne operates the Loco Hills 2-4 Battery in accordance with NMED's General Construction Permit for Oil and Gas (GCP-Oil and Gas). *See* Permit No. 9514. Under the GCP-Oil and Gas, companies must comply with the hourly and annual limits set forth in their registration forms, which "shall be the allowable emission limits." *See* GCP-Oil and Gas Condition A106(A) and (C). Here, under Mewbourne's GCP-Oil and Gas registration form, the Loco Hills 2-4 Battery has no allowable hourly limits for vented VOC emissions. Although the Loco Hills 2-4 Battery has some hourly VOC limits in place, the facility's overall limit is 11.6 pounds per hour according to Mewbourne's application. During the October 31, 2022 event, Mewbourne released 100.34 pounds of VOCs per hour. Accordingly, during the October 31, 2022 event, Mewbourne violated the GCP-Oil and Gas by violating the allowable limits set forth in its registration form.

Under 20.7.110(A), companies must submit reports of excess emissions to NMED. Pursuant to 20.2.7 NMAC, the term "[e]xcess emission means the emission of an air contaminant, including a fugitive emission, in excess of the quantity, rate, opacity or concentration specified by an air quality regulation or permit condition." *See* 20.2.7.7(D) NMAC. Here, based on a review of summary excess emissions data available at NMED's Compliance and Enforcement website, it appears that Mewbourne did not submit reports of its excess emissions to NMED, further violating state air quality requirements.

30. Mewbourne Oil Company—Loving Townsite 21W2PA Fee #1H Battery, Eddy County
Facility Coordinates: 32.283115, -104.084748

On January 31, 2023, Mewbourne reported a venting event that released 55 Mcf from the company's Loving Townsite 21W2PA Fee #1H Battery. This amounts to 1,068.1 pounds of VOCs. According to reports filed by Mewbourne with OCD, the event lasted 24 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Mewbourne, the Loving Townsite 21W2PA Fee #1H Battery clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Mewbourne's reports, the January 31, 2023 venting event released 44.50 pounds per hour. In spite of this, a review of NMED's files indicates that Mewbourne does not currently have a permit for the Loving Townsite 21W2PA Fee #1H Battery. This means Mewbourne illegally constructed the Loving Townsite 21W2PA Fee #1H Battery and is currently illegally operating the stationary source.

31. Hilcorp Energy Company—Lunt FC #011, San Juan County
Facility Coordinates: 36.8325996, -108.234794

On August 20, 2022, Hilcorp reported a venting event that released 101 Mcf from the company's Lunt FC #011 well site. This amounts to 789.82 pounds of VOCs. According to reports filed by Hilcorp with OCD, the event lasted 49 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Hilcorp, the Lunt FC #011 well site clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Hilcorp's reports, the August 20, 2022 venting event released 16 pounds per hour. In spite of this, a review of NMED's files indicates that Hilcorp does not currently have a permit for the Lunt FC #011 well site. This means Hilcorp illegally constructed the Lunt FC #011 well site and is currently illegally operating the stationary source.

32. DJR Operating, LLC—Lybrook O35 2308 #002H, San Juan County
Facility Coordinates: 36.1768265, -107.6467667

On February 1, 2023, DJR reported a venting event that released 146 Mcf of gas from the company's Lybrook O35 2308 #002H well site. This amounts to 1,141.72 pounds of VOCs. According to reports filed by DJR with OCD, the event lasted six hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by DJR, the Lybrook O35 2308 #002H well clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on DJR's reports, the February 1, 2023 venting event released 190 pounds per hour. In spite of this, a review of NMED's files indicates that DJR does not currently have a permit for the Lybrook O35 2308 #002H well. This means DJR illegally constructed the Lybrook O35 2308 #002H well and is currently illegally operating the stationary source.

33. Tap Rock Operating, LLC—Mulva-ManHands B CTB, Lea County
Facility Coordinates: 32.1818156, -103.3489765

On January 29, 2023, Tap Rock reported a venting event that released 307 Mcf of gas from the company's Mulva-ManHands B Central Tank Battery. This amounts to 5,961.94 pounds of VOCs. According to Tap Rock, the event lasted four hours.

Tap Rock operates the Mulva-ManHands B Central Tank Battery in accordance with NMED's General Construction Permit for Oil and Gas (GCP-Oil and Gas). *See* Permit No. 8979. Under the GCP-Oil and Gas, companies must comply with the hourly and annual limits set forth in their registration forms, which "shall be the allowable emission limits." *See* GCP-Oil and Gas Condition A106(A) and (C). Here, under Tap Rock's GCP-Oil and Gas registration form, the Mulva-ManHands B Central Tank Battery has no allowed hourly limits for vented VOC emissions. Although the Mulva-ManHands B Central Tank Battery has some allowed hourly VOC limits in place, the facility's overall limit is 39.64 pounds per hour according to Tap Rock's application. During the January 29, 2023 event, Tap Rock released 1,490 pounds of VOCs per hour. Accordingly, during the January 29, 2023 event, Tap Rock violated the GCP-Oil and Gas by violating the allowable limits set forth in its registration form.

Under 20.7.110(A), companies must submit reports of excess emissions to NMED. Pursuant to 20.2.7 NMAC, the term "[e]xcess emission means the emission of an air contaminant, including a fugitive emission, in excess of the quantity, rate, opacity or concentration specified by an air quality regulation or permit condition." *See* 20.2.7.7(D) NMAC. Here, based on a review of summary excess emissions data available at NMED's Compliance and Enforcement website, it appears that Tap Rock did not submit reports of its excess emissions to NMED, further violating state air quality requirements.

34. Maverick Permian, LLC—MCA Tank Battery 2, Lea County
Facility Coordinates: 32.81194, -103.77518

Maverick reported four venting events in 2022 on August 27, 2022, August 28, 2022, August 31, 2022, and September 23, 2022 during which Maverick reportedly released 530, 535, 532, and 541 Mcf of gas, respectively. This equates to 10,292.6, 10,389.7, 10,331.44, and 10,506.22 pounds of VOCs, respectively. According to Maverick, each event lasted 24 hours.

Maverick operates the MCA Tank Battery 2 in accordance with a Clean Air Act Title V operating permit. *See* Title V Permit No. P175R4.[3] Under the company's Title V permit, Maverick is only allowed to emit up to 103.2 pounds of VOCs per hour from the MCA Tank Battery 2. *See* Title V permit at Condition A106.A. During the company's four venting events in 2022, Maverick released more than 400 pounds of VOCs per hour. Accordingly, during the company's four venting events, the company violated its Title V permit at least 96 times.

Under 20.7.110(A), companies must submit reports of excess emissions to NMED. Pursuant to 20.2.7 NMAC, the term "[e]xcess emission means the emission of an air

[3] This Title V permit was issued to ConocoPhillips in January 2022. Since that time, Maverick Permian, LLC has assumed ownership of the MCA Tank Battery #2 facility and must comply with the Title V permit.

contaminant, including a fugitive emission, in excess of the quantity, rate, opacity or concentration specified by an air quality regulation or permit condition." *See* 20.2.7.7(D) NMAC. Here, based on a review of summary excess emissions data available at NMED's Compliance and Enforcement website, it appears that Maverick did not submit reports of its excess emissions to NMED, further violating state air quality requirements.

35. DJR Operating, LLC—Nageezi Unit #321H, San Juan County
Facility Coordinates: 36.274721, -107.783583

On September 8, 2022, DJR reported a venting event that released 913 Mcf of gas from the company's Nageezi Unit #321H well site. This amounts to 7,139.66 pounds of VOCs. According to reports filed by DJR with OCD, the event lasted 24 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by DJR, the Nageezi Unit #321H well site clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on DJR's reports, the September 8, 2022 venting event released 297 pounds per hour. In spite of this, a review of NMED's files indicates that DJR does not currently have a permit for the Nageezi Unit #321H well site. This means DJR illegally constructed the Nageezi Unit #321H well site and is currently illegally operating the stationary source.

36. DJR Operating, LLC—Nageezi Unit #405H, San Juan County
Facility Coordinates: 36.254185, -107.779468

On September 8, 2022, DJR reported a venting event that released 594 Mcf of gas from the company's Nageezi Unit #405H well site. This amounts to 4,645.08 pounds of VOCs. According to reports filed by DJR with OCD, the event lasted 24 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by DJR, the Nageezi Unit #405H well site clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on DJR's reports, the September 8, 2022 venting event released 194 pounds per hour. In spite of this, a review of NMED's files indicates that DJR does not currently have a permit for the Nageezi Unit #405H well site. This means DJR illegally constructed the Nageezi Unit #405H well site and is currently illegally operating the stationary source.

37. DJR Operating, LLC—Nageezi Unit #502H, San Juan County
Facility Coordinates: 36.256173, -107.772554

On August 3, 2022, DJR reported a venting event that released 1,464 Mcf of gas from the company's Nageezi Unit #502H well site. This amounts to 11,448.48 pounds of VOCs. According to reports filed by DJR with OCD, the event lasted 24 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by DJR, the Nageezi Unit #502H well site clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on DJR's reports, the August 3, 2022 venting event released 477 pounds per hour. In spite of this, a review of NMED's files indicates that DJR does not currently have a permit for the Nageezi Unit #502H well site. This means DJR illegally constructed the Nageezi Unit #502H well site and is currently illegally operating the stationary source.

38. DJR Operating, LLC—Nageezi Unit #507H, San Juan County
Facility Coordinates: 36.248046, -107.786419

Between March 21, 2022 and March 24, 2022, DJR reported four venting events at the company's Nageezi Unit #507H well site. A March 21 event lasted four hours and released 321 Mcf of gas, a March 22, 2022 event lasted 24 hours and released 441 Mcf, a March 23, 2022 event lasted 24 hours and released 688 Mcf, and a March 24, 2022 event lasted 24 hours and released 417 Mcf. These events released 2,510.22, 3,448.62, 5,380.16, and 3,260.94 pounds of VOCs, respectively.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by DJR, the Nageezi Unit #507H well site clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on DJR's reports, the March 21 event released 628 pounds per hour, the March 22 event released 144 pounds per hour, the March 23 event released 224 pounds per hour, and the March 24 event released 136 pounds per hour. In spite of this, a review of NMED's files indicates that DJR does not currently have a permit for the Nageezi Unit #507H well site. This means DJR illegally constructed the Nageezi Unit #507H well site and is currently illegally operating the stationary source.

39. DJR Operating, LLC—Nageezi Unit #508H, San Juan County
Facility Coordinates: 36.248044, -107.786519

Between March 21, 2022 and March 25, 2022, DJR reported five venting events at the company's Nageezi Unit #508H well site. A March 21 event lasted nine hours and released 1,055 Mcf of gas, a March 22, 2022 event lasted 24 hours and released 1,449 Mcf, a March 23, 2022 event lasted 24 hours and released 1,450 Mcf, a March 24, 2022 event lasted 24 hours and released 1,500 Mcf, and a March 25, 2022 event lasted 24 hours and released 1,481 Mcf. These events released 8,250.1, 11,331.18, 11,339, 11,730, and 11,581.42 pounds of VOCs, respectively.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour and/or 25 tons per year of any regulated pollutant must obtain a permit before constructing and operating the source. *See*

20.2.72.200(A)(1) NMAC. Based on venting data reported by DJR, the Nageezi Unit #508H well site clearly has the potential to emit more than 10 pounds per hour of VOCs and more than 25 tons per year of VOCs. Based on DJR's reports, the March 21 event released 917 pounds per hour, the March 22 event released 472 pounds per hour, the March 23 event released 472 pounds per hour, the March 24 event released 489 pounds per hour, and the March 25 event released 483 pounds per hour. Furthermore, in total the facility released 26 tons of VOCs as a result of venting between March 21 and March 25, 2022, more than the 25 ton per year permitting threshold. In spite of this, a review of NMED's files indicates that DJR does not currently have a permit for the Nageezi Unit #508H well site. This means DJR illegally constructed the Nageezi Unit #508H well site and is currently illegally operating the stationary source.

40. DJR Operating, LLC—Nageezi Unit #509H, San Juan County
Facility Coordinates: 36.248044, -107.786627

On March 25, 2022, DJR reported a venting event at the company's Nageezi Unit #509H well site. The event lasted 24 hours and released 638 Mcf of gas, or 4,989.16 pounds of VOCs.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by DJR, the Nageezi Unit #509H well site clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on DJR's reports, the March 25 event released 208 pounds per hour. In spite of this, a review of NMED's files indicates that DJR does not currently have a permit for the Nageezi Unit #509H well site. This means DJR illegally constructed the Nageezi Unit #509H well site and is currently illegally operating the stationary source.

41. DJR Operating, LLC—Nageezi Unit #510H, San Juan County
Facility Coordinates: 36.248044, -107.786725

On March 25, 2022, DJR reported a venting event at the company's Nageezi Unit #510H well site. The event lasted 24 hours and released 510 Mcf of gas, or 3,998.2 pounds of VOCs.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by DJR, the Nageezi Unit #5010H well site clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on DJR's reports, the March 25 event released 166 pounds per hour. In spite of this, a review of NMED's files indicates that DJR does not currently have a permit for the Nageezi Unit #510H well site. This means DJR illegally constructed the Nageezi Unit #510H well site and is currently illegally operating the stationary source.

42. Cross Timbers Energy, LLC—New Mexico BO State Battery, Lea County Facility Coordinates: 32.762631, -103.507521

Between March 23, 2022 and July 15, 2022, Cross Timbers reported more than 50 venting events at the company's New Mexico BO State Battery that released a total of 15,083 Mcf of gas. This equals more than 292,911 pounds of VOC emissions, or 146 tons of VOCs within a one-year period.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 25 tons per year of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Cross Timbers, the New Mexico BO State Battery clearly has the potential to emit more than 25 tons per year of VOCs. In spite of this, a review of NMED's files indicates that Cross Timbers does not currently have a permit for the New Mexico BO State Battery. This means Cross Timbers illegally constructed the New Mexico BO State Battery and is currently illegally operating the stationary source.

43. Cross Timbers Energy, LLC—North Vacuum ABO 120 Battery, Lea County Facility Coordinates: 32.838814, -103.527527

Between March 23, 2022 and March 1, 2023, Cross Timbers reported more than 240 venting events at the company's North Vacuum ABO 120 Battery that released a total of 15,480 Mcf of gas. This equals more than 300,621 pounds of VOC emissions, or 150 tons of VOCs within a one-year period.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 25 tons per year of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Cross Timbers, the North Vacuum ABO 120 Battery clearly has the potential to emit more than 25 tons per year of VOCs. In spite of this, a review of NMED's files indicates that Cross Timbers does not currently have a permit for the North Vacuum ABO 120 Battery. This means Cross Timbers illegally constructed the North Vacuum ABO 120 Battery and is currently illegally operating the stationary source.

44. Cross Timbers Energy, LLC—North Vacuum ABO 204 Battery, Lea County Facility Coordinates: 32.824222, -103.510129

Between March 23, 2022 and March 1, 2023, Cross Timbers reported more than 260 venting events at the company's North Vacuum ABO 204 Battery that released a total of 15,444 Mcf of gas. This equals more than 299,922 pounds of VOC emissions, or 149 tons of VOCs within a one-year period.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 25 tons per year of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Cross Timbers, the North Vacuum ABO 204 Battery clearly has the potential to

emit more than 25 tons per year of VOCs. In spite of this, a review of NMED's files indicates that Cross Timbers does not currently have a permit for the North Vacuum ABO 204 Battery. This means Cross Timbers illegally constructed the North Vacuum ABO 204 Battery and is currently illegally operating the stationary source.

45. Cross Timbers Energy, LLC—North Vacuum ABO 95 Battery, Lea County
Facility Coordinates: 32.809544, -103.527149

Between March 23, 2022 and January 22, 2023, Cross Timbers reported more than 240 venting events at the company's North Vacuum ABO 95 Battery that released a total of 52,987 Mcf of gas. This equals more than 1,029,007 pounds of VOC emissions, or 514 tons of VOCs within a one-year period.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 25 tons per year of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Furthermore, any stationary source of air pollution that has the potential to emit more than 250 tons per year or more of any regulated pollutant must obtain a prevention of significant deterioration (PSD) major source permit before constructing and operating the source. 20.2.74.200(C). A PSD permit requires sources to comply with best available control technology, among other requirements.

Based on venting data reported by Cross Timbers, the North Vacuum ABO 95 Battery clearly has the potential to emit more than 25 tons per year of VOCs and 250 tons per year of VOCs. In spite of this, a review of NMED's files indicates that Cross Timbers does not currently have a permit, including a PSD major source permit, for the North Vacuum ABO 95 Battery. This means Cross Timbers illegally constructed the North Vacuum ABO 95 Battery and is currently illegally operating the stationary source.

46. Novo Oil and Gas Northern Delaware, LLC—Ovation Pad O CTB, Eddy County
Facility Coordinates: 32.308559, -104.051381

On November 13, 2022, Novo reported a venting event that released 1,310 Mcf from the company's Ovation Pad O Central Tank Battery. This amounts to 25,440.2 pounds of VOCs. According to reports filed by Novo with OCD, the event lasted 24 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Novo, the Ovation Pad O Central Tank Battery clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Novo's reports, the November 13, 2022 venting event released 1,060 pounds per hour. In spite of this, a review of NMED's files indicates that Novo does not currently have a permit for the Ovation Pad O Central Tank Battery. This means Novo illegally constructed the Ovation Pad O Central Tank Battery and is currently illegally operating the stationary source.

47. BTA Oil Producers, LLC—Pecos Irrigation #1-10, Eddy County
Facility Coordinates: 32.321457, -104.073833

Between August 17, 2022 and October 6, 2022, BTA reported more than 60 venting events at the company's Pecos Irrigation #1-10 facility that released a total of 5,632 Mcf of gas. This equals more than 109,373 pounds of VOC emissions, or 54 tons of VOCs within a one-year period.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 25 tons per year of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by BTA, the Pecos Irrigation #1-10 facility clearly has the potential to emit more than 25 tons per year of VOCs. In spite of this, a review of NMED's files indicates that BTA does not currently have a permit for the Pecos Irrigation #1-10 facility. This means BTA illegally constructed the Pecos Irrigation #1-10 facility and is currently illegally operating the stationary source.

48. Earthstone Operating, LLC—Ram 2-11 Fed Com Facility, Lea County
Facility Coordinates: 32.69612, -103.629

On December 5, 2022, Earthstone reported a venting event that released 737 Mcf of gas from the company's Ram 2-11 Fed Com Facility. This amounts to 14,312.54 pounds of VOCs. According to Earthstone, the event lasted 24 hours.

Earthstone operates the Ram 2-11 Fed Com Facility in accordance with NMED's General Construction Permit for Oil and Gas (GCP-Oil and Gas). *See* Permit No. 9625. Under the GCP-Oil and Gas, companies must comply with the hourly and annual limits set forth in their registration forms, which "shall be the allowable emission limits." *See* GCP-Oil and Gas Condition A106(A) and (C). Here, under Earthstone's GCP-Oil and Gas registration form, the Ram 2-11 Fed Com Facility has no allowed hourly limits for vented VOC emissions. Although the Ram 2-11 Fed Com Facility has some allowed hourly VOC limits in place, the facility's overall limit is 18.28 pounds per hour according to Earthstone's application. During the December 5, 2022 event, Earthstone released 596 pounds of VOCs per hour. Accordingly, during the December 5, 2022 event, Earthstone violated the GCP-Oil and Gas by violating the allowable limits set forth in its registration form.

Under 20.7.110(A), companies must submit reports of excess emissions to NMED. Pursuant to 20.2.7 NMAC, the term "[e]xcess emission means the emission of an air contaminant, including a fugitive emission, in excess of the quantity, rate, opacity or concentration specified by an air quality regulation or permit condition." *See* 20.2.7.7(D) NMAC. Here, based on a review of summary excess emissions data available at NMED's Compliance and Enforcement website, it appears that Earthstone did not submit reports of its excess emissions to NMED, further violating state air quality requirements.

49. Mewbourne Oil Co.—Red Hills West 21 W1DM Fed 2H Battery, Lea County
Facility Coordinates: 32.034611, -103.68514

On September 30, 2022 and December 30, 2022, Mewbourne reported venting events that released 65 and 58 Mcf, respectively, from the company's Red Hills West 21 W1DM Fed 2H Battery. This amounts to 1,262.3 and 1,116.36 pounds of VOCs, respectively. According to reports filed by Mewbourne with OCD, both events lasted 24 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Mewbourne, the Red Hills West 21 W1DM Fed 2H Battery clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Mewbourne's reports, the September 30, 2022 venting event released more than 52 pounds per hour and the July 10, 2022 venting event released more than 46 pounds per hour. In spite of this, a review of NMED's files indicates that Mewbourne does not currently have a permit for the Red Hills West 21 W1DM Fed 2H Battery. This means Mewbourne illegally constructed the Red Hills West 21 W1DM Fed 2H Battery and is currently illegally operating the stationary source.

50. BTA Oil Producers, LLC—RGA #2 and #3 facility, Eddy County
Facility Coordinates: 32.300596, -104.059977

On September 5, 2022, BTA reported a two hour venting event that released 50 Mcf in gas from the company's RGA #2 and #3 facility. This equals 971 pounds of VOC emissions, more than 485 pounds per hour.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by BTA, the RGA facility clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on BTA's reports, the September 5, 2022 venting event released 485 pounds per hour. In spite of this, a review of NMED's files indicates that BTA does not currently have a permit for the RGA #2 and #3 facility. This means BTA illegally constructed the RGA #2 and #3 facility and is currently illegally operating the stationary source.

51. Dugan Production Corp.—St. Moritz SWD #002, San Juan County
Facility Coordinates: 36.2836914, -107.8630295

On August 9, 2022, Dugan reported a venting event that released 10 Mcf from the company's St. Moritz SWD #002 well site. This amounts to 789.82 pounds of VOCs. According to reports filed by Dugan with OCD, the event lasted less than one hour.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Dugan, the St. Moritz SWD #002 well site clearly has the potential to

emit more than 10 pounds per hour of VOCs. Based on Dugan's reports, the August 9, 2022 venting event released 790 pounds per hour. In spite of this, a review of NMED's files indicates that Dugan does not currently have a permit for the St. Moritz SWD #002 well site. This means Dugan illegally constructed the St. Moritz SWD #002 well site and is currently illegally operating the stationary source.

52. Mewbourne Oil Co.—Salado Draw 10 W1PA Fed Com #2H Battery, Lea County
Facility Coordinates: 32.05138, -103.553282

On October 31, 2022, November 28, 2022, and November 30, 2022, Mewbourne reported venting events that released 51, 59, and 62 Mcf, respectively, from the company's Salado Draw 10 W1PA Fed Com #2H Battery. This amounts to 990.42, 1,145.78, and 1,204.04 pounds of VOCs, respectively. According to reports filed by Mewbourne with OCD, all three events lasted 24 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Mewbourne, the Salado Draw 10 W1PA Fed Com #2H Battery clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Mewbourne's reports, the October 31, 2022 venting event released more than 41 pounds per hour, the November 28, 2022 venting event released more than 47 pounds per hour, and the November 30, 2022 venting event released more than 50 pounds per hour. In spite of this, a review of NMED's files indicates that Mewbourne does not currently have a permit for the Salado Draw 10 W1PA Fed Com #2H Battery. This means Mewbourne illegally constructed the Salado Draw 10 W1PA Fed Com #2H Battery and is currently illegally operating the stationary source.

53. Mewbourne Oil Company—Sapphire 11/12 B2NN ST COM #1H Battery, Eddy County
Facility Coordinates: 32.670862, -104.050379

On October 31, 2022, Mewbourne reported a venting event that released 86 Mcf from the company's Sapphire 11/12 B2NN ST COM #1H Battery. This amounts to 1,670.12 pounds of VOCs. According to reports filed field by Mewbourne with OCD, the event lasted 24 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Mewbourne, the Sapphire 11/12 B2NN ST COM #1H Battery clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Mewbourne's reports, the October 31, 2022 venting event released 69.59 pounds per hour. In spite of this, a review of NMED's files indicates that Mewbourne does not currently have a permit for the Sapphire 11/12 B2NN ST COM #1H Battery. This means Mewbourne illegally constructed the Sapphire 11/12 B2NN ST COM #1H Battery and is currently illegally operating the stationary source.

54. Cross Timbers Energy, LLC—SE Maljamar Unit Main Battery, Lea County Facility Coordinates: 32.8034, -103.69011

Between April 1, 2022 and May 28, 2022, Cross Timbers reported nearly 40 venting events at the company's SE Maljamar Unit Main Battery that released a total of 2,512 Mcf of gas. This equals more than 48,783 pounds of VOC emissions. Assuming these events happened continuously between April 1 and May 28, 2022, this would amount to an emission rate of more than 35 pounds per hour.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Cross Timbers, the SE Maljamar Unit Main Battery clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Cross Timber's reports, the company's venting events released an average of 35 pounds per hour. In spite of this, a review of NMED's files indicates that Cross Timbers does not currently have a permit for the Sapphire SE Maljamar Unit Main Battery. This means Cross Timbers illegally constructed the SE Maljamar Unit Main Battery and is currently illegally operating the stationary source.

55. Earthstone Operating, LLC—Sombrero 18 Fed Com Tank Battery, Lea County Facility Coordinates: 32.487541, -103.61315

On November 14, 2022, Earthstone reported a venting event that released 583 Mcf of gas from the company's Sombrero 18 Fed Com Tank Battery. This amounts to 11,321.86 pounds of VOCs. According to Earthstone, the event lasted 24 hours.

Earthstone operates the Sombrero 18 Fed Com Tank Battery in accordance with NMED's General Construction Permit for Oil and Gas (GCP-Oil and Gas). *See* Permit No. 9262. Under the GCP-Oil and Gas, companies must comply with the hourly and annual limits set forth in their registration forms, which "shall be the allowable emission limits." *See* GCP-Oil and Gas Condition A106(A) and (C). Here, under Earthstone's GCP-Oil and Gas registration form, the Sombrero 18 Fed Com Tank Battery has no allowed hourly limits for vented VOC emissions. Although the Sombrero facility has some allowed hourly VOC limits in place, the facility's overall limit is 41.38 pounds per hour according to Earthstone's application. During the November 14, 2022 event, Earthstone released 471 pounds of VOCs per hour. Accordingly, during the November 14, 2022 event, Earthstone violated the GCP-Oil and Gas by violating the allowable limits set forth in its registration form.

Under 20.7.110(A), companies must submit reports of excess emissions to NMED. Pursuant to 20.2.7 NMAC, the term "[e]xcess emission means the emission of an air contaminant, including a fugitive emission, in excess of the quantity, rate, opacity or concentration specified by an air quality regulation or permit condition." *See* 20.2.7.7(D) NMAC. Here, based on a review of NMED's summary excess emissions data available at NMED's Compliance and Enforcement website, it appears that Earthstone did not submit reports of its excess emissions to NMED, further violating state air quality requirements.

56. Mewbourne Oil Company—Speedwagon 27 W2PA Fee #1H Battery, Eddy County
Facility Coordinates: 32.268087, -104.068494

On October 31, 2022, Mewbourne reported a venting event that released 69 Mcf from the company's Speedwagon 27 W2PA Fee #1H Battery. This amounts to 1,339.98 pounds of VOCs. According to reports filed by Mewbourne with OCD, the event lasted 24 hours.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Mewbourne, the Speedwagon 27 W2PA Fee #1H Battery clearly has the potential to emit more than 10 pounds per hour of VOCs. Based on Mewbourne's reports, the October 31, 2022 venting event released 55.83 pounds per hour. In spite of this, a review of NMED's files indicates that Mewbourne does not currently have a permit for the Speedwagon 27 W2PA Fee #1H Battery. This means Mewbourne illegally constructed the Speedwagon 27 W2PA Fee #1H Battery and is currently illegally operating the stationary source.

57. BTA Oil Producers, LLC—Trachta facility, Eddy County
Facility Coordinates: 32.303392, -104.064064

Between August 17, 2022 and October 17, 2022, BTA reported more than 60 venting events at the company's Trachta facility, a tank battery, which released a total of 3,782 Mcf of gas. This equals more than 73,446 pounds of VOC emissions, or 36 tons of VOCs within a one-year period.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 25 tons per year of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by BTA, the Trachta facility clearly has the potential to emit more than 25 tons per year of VOCs. In spite of this, a review of NMED's files indicates that BTA does not currently have a permit for the Trachta facility. This means BTA illegally constructed the Trachta facility and is currently illegally operating the stationary source.

58. Cimarex Energy Co.—Triple Crown New Mexico, Eddy County
Facility Coordinates: 32.11302, -104.27526

On August 18, 2022, Cimarex reported a 35 hour venting event that released 4,800 Mcf in gas from the company's Triple Crown New Mexico facility. This equals 93,216 pounds of VOC emissions, equal to 46 tons, and an emission rate of more than 2,663 pounds per hour.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour and/or 25 tons per year of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by Cimarex, the Triple Crown New Mexico facility clearly has the potential to emit more than 10 pounds per hour and 25 tons per

year of VOCs. Based on Cimarex's reports, the August 18, 2022 venting event released 2,663 pounds per hour. In total, more than 46 tons of VOCs were emitted. In spite of this, a review of NMED's files indicates that Cimarex does not currently have a permit for the Triple Crown New Mexico facility. This means Cimarex illegally constructed the and is currently illegally operating the stationary source.

59. MorningStar Operating, LLC—Vacuum Glorietta West Unit Production and Injection System Battery, Lea County
Facility Coordinates: 32.796051, -103.514502

Between June 11, 2022 and June 13, 2022, MorningStar Operating reported four venting events from its Vacuum Glorietta West Unit Production and Injection System Battery, also referred to as the VGWU Production and Injection System Battery. MorningStar reported a six hour venting event on June 11 that released 81 Mcf, a six hour venting event on June 11 that released 293 Mcf, a 24 hour venting event on June 12 that released 81 Mcf, and a 24 hour venting event on June 13 that released 188 Mcf.

Under New Mexico's air quality regulations, a stationary source of air pollution that has the potential to emit more than 10 pounds per hour of any regulated pollutant must obtain a permit before constructing and operating the source. *See* 20.2.72.200(A)(1) NMAC. Based on venting data reported by MorningStar, the Vacuum Glorietta West Unit facility clearly has the potential to emit more than 10 pounds per hour. Based on MorningStar's reports, the first June 11 event released 262 pounds per hour, the second June 11 event released 948 pounds per hour, the June 12 event released 65 pounds per hour, and the June 13 event released 152 pounds per hour. In spite of this, a review of NMED's files indicates that MorningStar does not currently have a permit for the Vacuum Glorietta West Unit facility. This means MorningStar illegally constructed the and is currently illegally operating the stationary source.

60. Advance Energy Partners, LLC—Wool Head Pad A Battery, Lea County
Facility Coordinates: 32.458092, -103.589014

On December 10, 2022, Advance Energy Partners reported a venting event that released 64 Mcf of gas from the company's Wool Head Pad A Battery. This amounts to 1,242.88 pounds of VOCs. According to Advance Energy Partners, the event lasted four hours.

Advance Energy Partners operates the Wool Head Pad A Battery in accordance with NMED's General Construction Permit for Oil and Gas (GCP-Oil and Gas). *See* Permit No. 8966. Under the GCP-Oil and Gas, companies must comply with the hourly and annual limits set forth in their registration forms, which "shall be the allowable emission limits." *See* GCP-Oil and Gas Condition A106(A) and (C). Here, under Advance Energy Partner's GCP-Oil and Gas registration form, the Wool Head Pad A Battery has no allowed hourly limits for vented VOC emissions. Although the Wool Head Pad A Battery has some allowed hourly VOC limits in place, the facility's overall limit is 183.89 pounds per hour according to Advance Energy Partner's application. During the December 10, 2022 event, Advance Energy Partners released 310.72 pounds of VOCs per hour. Accordingly, during the December 10, 2022 event, Advance

Energy Partners violated the GCP-Oil and Gas by violating the allowable limits set forth in its registration form.

Under 20.7.110(A), companies must submit reports of excess emissions to NMED. Pursuant to 20.2.7 NMAC, the term "[e]xcess emission means the emission of an air contaminant, including a fugitive emission, in excess of the quantity, rate, opacity or concentration specified by an air quality regulation or permit condition." *See* 20.2.7.7(D) NMAC. Here, based on a review of summary excess emissions data available at NMED's Compliance and Enforcement website, it appears that Advance Energy Partners did not submit reports of its excess emissions to NMED, further violating state air quality requirements.

CONCLUSION

Our review of venting data reported by oil and gas companies to OCD indicates widespread violations of New Mexico air quality laws and regulations. Based on credible emission factors utilized by industry, the aforementioned venting events led to the release of VOC emissions in excess of legally allowable limits. Accordingly, the Environment Department must take action, both to address these violations and to effectively deter future violations.

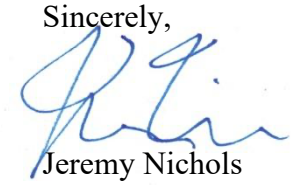
The need for the Environment Department to act on this data is critical. The aforementioned violations are based on data reviewed only between March 1, 2022 and March 1, 2023. However, we are aware that violations occurred prior to and since this time frame. In March 2023 alone, the company Cross Timbers Energy, LLC reported venting events virtually every day of the month at the company's North Vacuum Abo 120 Battery and North Vacuum Abo 204 Battery. Additionally, on March 5, 2023, Chevron USA, Inc. reported a 30 hour venting event at the company's Crow Flats 14-16-28 USA 5H facility that released 198,000 cubic feet of gas, equal to 128 pounds of VOCs per hour. Chevron does not currently have an air pollution permit for this facility, yet this venting clearly exceeded permitting thresholds.

We are aware that in some instances, companies cite "malfunctions," "startups," and/or "shutdowns" as reasons for venting gas. Under New Mexico's air quality regulations, there are no exceptions for violations occurring during such events. Although companies may claim an affirmative defense for civil penalties in the event that a malfunction, startup, or shutdown leads to emission violations, there is no affirmative defense for injunctive relief, such as the issuance of a cease-and-desist order, an order prohibiting future violations, and/or an order requiring a company to apply for and obtain legally required permits. *See* 20.2.111 NMAC

Overall, there is a critical need for the Environment Department to review data reported to OCD for purposes of assessing compliance. Not only are companies reporting venting data that indicates widespread violations of state air quality regulations, but we believe a review flaring data reported by companies will also reveal extensive violations.

We look forward to the Environment Department taking effective and affirmative action to protect air quality and public health in New Mexico. As always, we are open to discuss these matters further if you would like. Thank you.

Sincerely,



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cc: Earthea Nance, EPA Region 6 Administrator