

Ms. Madai Corral
Hearing Clerk
New Mexico Environment Department
1190 St. Francis Drive
P.O. Box 5469
Santa Fe, NM 87502

Via email: madai.corral@state.nm.us

Re: Public Comment – In the Matter of Ten (10) Applications of XTO Energy; ConocoPhillips Company; and Crestwood New Mexico Pipeline, LLC for Air Quality Construction Permits for Bulldog Compressor Station (AQB 21-31), Jayhawk Compressor Station (AQB 21-32), Longhorn Compressor Station AQB 21-33), Cowboy CDP (AQB 21-34), Wildcat Compressor Station (AQB 21-35), Zia Hills Central Facility (AQB 21-36), Willow Lake Gas Processing Plant (AQB 21-38), Maverick Compressor Station (AQB 21-39), Spartan Compressor Station (21-40), and Tiger Compressor Station (AQB 21-41)

Ms. Corral:

New Energy Economy is a Santa Fe, New Mexico based non-profit environmental justice organization dedicated to creating economic opportunities for New Mexico by developing solutions to global warming. We write to express our opposition to the above-referenced applications for air quality construction permits under the New Mexico Air Quality Control Act, NMSA 1978 §§ 74-2-1 *et seq.* We thank you for the opportunity to comment, and for your consideration of our objection to these permits.

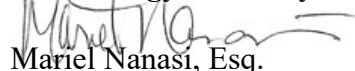
New Energy Economy opposes the construction permit applications on the grounds that the proposed construction will authorize increased emissions of ozone precursors and toxic gases, and the modified facilities will be located in an area that already exceeds the National Ambient Air Quality Standards (“NAAQS”) for ground-level ozone making it a “nonattainment area.” New Mexico regulations recognize that areas can be in nonattainment even if the United States Environmental Protection Agency has not designated them as a nonattainment area. Under these regulations, “nonattainment area” means “for any air pollutant which is shown by

monitored data . . . to exceed [the NAAQS.]” 20.2.79 NMAC. Pursuant to this definition, New Mexico law does not require designation for nonattainment status. Instead, “monitored data” showing pollution exceeding the NAAQS meets the regulatory definition for nonattainment. Therefore, the greater Carlsbad area is a nonattainment area for ozone, because data from the Carlsbad, Carlsbad Caverns, and Hobbs monitoring stations exceed the NAAQS for ozone.¹ The proposed construction will be located in Eddy and Lea Counties, and will only further contribute to the nonattainment status of the Greater Carlsbad area.²

Granting these permits would violate the state’s duty under the Air Quality Control Act to “prevent or abate air pollution.” NMSA 1978 § 74-2-5(B)(1). New Mexico law requires the Department to deny any air permit application if “the construction, modification, or permit revision will cause or contribute to air contaminant levels in excess of any National Ambient Air Quality Standard[.]” 20.2.72.208(D) NMAC. Because the modified facilities will emit additional ozone precursors into an area that is already out of compliance with the NAAQS for ozone, the Department must deny these permits under 20.2.72.208(D) NMAC. Anything less than a full denial would ignore the cumulative impacts of the modified facilities. Granting these permits will only exacerbate existing negative impacts to human health and the environment in an area that is already in nonattainment. Therefore, New Energy Economy asks the Department to deny these construction permits.

Respectfully submitted this 26th day of October, 2021.

New Energy Economy



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¹ Data available at: <https://www.epa.gov/outdoor-air-quality-data>

² Both Eddy County and Lea County are in the Pecos-Permian Basin Intrastate Air Quality Control Region (“AQCR 155”). See 40 C.F.R. §81.242.