

New Mexico Environment Department's proposed methane air pollution rules much improved

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Today, the New Mexico Environment Department [proposed](#) new rules to limit emissions from oil and gas operations in the state by requiring companies to detect and repair leaks as well as control other pollution sources. The new rules aim to elevate New Mexico's position for clean air regulations on the oil and gas industry among major-producing states from worst to first. Today's rules combine with companion rules from the state's Energy, Minerals, and Natural Resources Department (EMNRD) limiting industry venting and flaring of methane targeting that goal.

"The Environment Department responded to our call and the call from many community and environmental groups around the state to tighten gaping loopholes in its original draft rule from last summer. We commend Sec. Kenney and Gov. Lujan Grisham for proposing leak detection and repair rules and controls on other important sources that will be much more protective of clean air," said **Erik Schlenker-Goodrich, executive director of the Western Environmental Law Center**. "That said, the devil is in the details. We need to dive into the proposed rules to analyze just how fully they protect the climate and New Mexicans' health, especially that of our most vulnerable communities. More study will also tell us whether the rules live up to the governor's promise to establish the strongest methane rules in the nation."

Today's proposed rule targets leaks of methane, volatile organic compounds (VOCs), and nitrogen oxides (NOx). Leaks from oil and gas operations not only cause public health harms, especially to people living and working nearby, but are responsible for [70 percent](#) of state emissions of methane.

Today's proposed rules to rein in methane and other oil and gas industry air pollution in New Mexico coincide with a recent [U.S. Senate vote to restore strong methane emissions regulations](#) for new and modified oil and gas sources at the federal level instituted by the Obama administration but axed by the Trump administration.

NMED estimates that the proposed state rules will annually reduce 213 million pounds of VOCs and 46 million pounds of NOx with the co-benefit of reducing 851 million pounds of methane. Federal and state rules are expected to work hand-in-hand to address the long-simmering, chronic methane pollution problem.

WELC will represent community groups in a hearing before the New Mexico Environmental Improvement Board (EIB) in September.

"Advocates and frontline communities told NMED loudly and clearly that the loopholes in the earlier proposal would hurt health and climate," said **Nathalie Eddy, New Mexico field advocate and field manager at Earthworks**. "We appreciate that NMED recognizes that the new draft rule must promise a much greater level of protection. Swift and bold action on

a strong final rule is necessary to rein in dangerous oil and gas pollution that puts community health and our climate at risk. For too long, oil and gas operators have been allowed to pollute day and day out. NM frontline communities see, smell and feel the impacts.”

“We are still reviewing the rule, but it seems to make really good strides toward protecting our climate and protecting frontline community health,” said **Camilla Feibelman of the Sierra Club Rio Grande Chapter**. “We will work with regulators as the rulemaking process moves forward to make sure kids and families who live close to emitters are protected. Thanks to Gov. Luján Grisham and Secretary Kenney and his staff for digging deep into the complex issues that stand to protect New Mexicans. ”

“This rulemaking is very important to communities overwhelmed with methane emissions in the northwestern part of the state,” said **Mike Eisenfeld of San Juan Citizens Alliance**. “It is also imperative that ozone precursor emissions are reduced in all New Mexico counties with high ozone levels correlated to oil and gas activities including San Juan, Sandoval and Rio Arriba counties which are close to non-attainment. We are thankful that NMED is taking action.”

“We are extremely encouraged that the Environment Department appears to have heard the concerns expressed in more than 91% of public comments calling for stronger rules,” said **Demis Foster, executive director of Conservation Voters New Mexico**. “The 2020 New Mexico Climate Strategy revealed that New Mexico’s release of methane is more than three times the national average and that the oil and gas sector accounts for more than half of those emissions. We are still reviewing the Environment Department’s revised ozone precursor rule for its effectiveness in fighting the climate crisis and protecting workers and frontline communities, and we look forward to working with community organizations and the department in creating nation-leading methane rules.”

Background:

NMED has jurisdiction over ozone precursors emitted by oil and gas facilities, although it was also given new authority through legislation just passed this year to regulate methane directly. NMED’s proposed rules will be formally considered and promulgated by the New Mexico Environmental Improvement Board (EIB) through a public process, including the aforementioned hearing expected in September.

EMNRD has jurisdiction over the waste of methane, including methane waste through venting and flaring of natural gas, because methane is natural gas, an energy source. EMNRD’s rules were formally adopted by the New Mexico Oil Conservation Commission (OCC) earlier this year, in March.

Ozone precursors VOCs and NOx are harmful to public health, while methane is 86 times more potent in the short term than carbon dioxide as a greenhouse gas contributing to climate change. Both are emitted by the same types of oil and gas production equipment and practices. In other words, by reducing VOCs and NOx emissions, methane is reduced and vice versa. These emissions fall into three general categories: venting, flaring, and leaks.

New Mexico is home to some of the worst methane pollution and waste in the nation. Methane is a powerful greenhouse gas that is responsible for about 25% of the climate change we're already experiencing today. In New Mexico, the oil and gas industry is the largest source of greenhouse gas emissions, accounting for 53% of those emissions according to the state's latest analysis. Additional analysis shows that oil and gas companies release more than 1.1 million tons of methane each year in New Mexico, which has the same climate impacts as about 25 coal-fired power plants. And because methane is the primary component of natural gas, the waste of methane costs the state's schools upwards of \$43 million in royalty and tax revenue annually.

Oil and gas air pollution poses a serious threat to the health of all New Mexicans but disproportionately impacts children, seniors, indigenous communities and those living in rural communities. For example, more than half of all Native Americans in New Mexico's San Juan County – about 24,600 people – live within a half-mile of a wellsite. Separate studies conducted by Harvard, one part of an ongoing Navajo Health Impact Assessment and another on the relationship between very small particulate matter and Covid-19, showed that long-term exposure to oil and gas well emissions is likely linked to the devastating effects of Covid-19 on the Navajo Nation and in some rural counties more generally.

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