## NMAC Transmittal Form





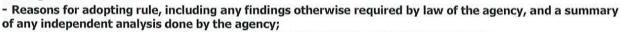
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Volume: XXXIII	Issue: 14	Publication date:	July 26, 2022	Number of p	ages: 36	(ALD Use Only) Sequence No.			
Issuing agency nam	e and address:						Agency DFA code:		
New Mexico En	vironment Dep	partment					667		
Contact person's na	me:		Phone number:		E-mail addr	ess:			
Robert Spillers			(505)0629-5668		robert.spillers@state.nm.us				
Type of rule action:						(ALD Use) Re	cent filing date:		
New Amendr	ment Rep	eal Emergenc	Renumb	oer					
Title number:	Title name:					Y			
20	Environmental Protection								
Chapter number: Chapter name:									
2	Air Quality (Statewide)								
Part number: Part name:									
50	Oil and Gas Sector – Ozone Precursor Pollutants								
Are there any mate Yes No	X		Please list attack	Yes	net sites if	applicable. Public don	nain		
Specific stat	utory or ot	her authority	, authorizing	rulemaki	ng:				
1978, including and Air Quali	ng specifica ty Control A	lly Paragraph ct, Sections 7	(4) and (7) of 4-2-1 to 74-2-	Subsection 22 NMSA	A of Sec 1978, incl	4-1-1 to 74-1-1 ction 74-1-8 Nf uding specifica ended through	MSA 1978, ally		
Notice date(s):	He 1 s	earing date(s):		ule adoption da		Rule effec			

## Concise Explanatory Statement For Rulemaking Adoption:

Findings required for rulemaking adoption:

## Findings MUST include:



- Reasons for any change between the published proposed rule and the final rule; and

- Reasons for not accepting substantive arguments made through public comment.

The New Mexico Air Quality Control Act ("AQCA"), NMSA 1978, Sections 74-2-5(C), requires the Environmental Improvement Board (Board) to plan for ozone mitigation in areas of the state where sources cause or contribute to ozone levels greater than 95% of the national ambient air quality standard (NAAQS) for ozone. Under this statutory provision, the Board is required to "adopt a plan, including rules, to control emissions of oxides of nitrogen and volatile organic compounds to provide for the attainment and maintenance of the standard." In accordance with the AQCA, Part 50 establishes emissions standards for oil and gas emission sources located in areas of the state within the Board's jurisdiction that, as of the effective date of the rule or anytime thereafter, are causing or contributing to ambient ozone concentrations that exceed ninety-five percent of the ozone NAAQS, as measured by a design value calculated and based on data from one or more Department monitors.

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Ozone monitoring data for 2018-2020 indicate that areas of the state are approaching or violating the 2015 ozone NAAQS. In particular, Eddy County and sites in southern Doña Ana County are monitoring ozone levels in violation of the NAAQS, while San Juan, Lea, Santa Fe, Sandoval and Valencia Counties are within 95% of the standard. Additionally, oil and gas sources located in Rio Arriba and Chaves Counties contribute to elevated ozone concentrations in the preceding counties.

During their deliberations, the Board found that oil and gas sources located within these affected counties cause or contribute to the rising ozone concentrations in the state. The Board gave weight to all facts and circumstances, including: the character and degree of injury or interference with health, welfare, visibility and property; the public interest including the social and economic value of the sources and subjects of air contaminants; and the technical practicability and economic reasonableness of reducing or eliminating air contaminants from the sources involved and previous experience with equipment and methods available to control the air contaminants involved. The Board found that these factors weigh in favor of adoption of Part 50, and that the adoption of Part 50 is both technically practicable and economically reasonable in the methods it employs to reduce air pollution from the sources involved.

The Department worked extensively with stakeholders throughout the rulemaking process to incorporate substantive revisions in the proposed rule. The Board also made revisions to the final rule during its deliberations.

Issuing authority (If delegated, authority letter must be on file with ALD): Name:	Check if authority has been delegated
Environmental Improvement Board	
Title:	
Chair	
Signature: (BLACK ink only OR Digital Signature)	Date signed:
	6/28/22