4 Corners Air Quality Task Force
Legislative, Regulatory and Other Initiatives
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DRAFT

Existing Federal Laws and Regulations

Air pollution control in the U.S. is regulated pursuant to the authority under the federal Clean Air Act. The first federal legislation dealing with air pollution was the Air Pollution Control Act of 1955. More history of air pollution control in the U.S. can be found on line at http://www.ametsoc.org/sloan/cleanair/index.html. The current Clean Air Act was first enacted in 1970 with extensive revisions in 1990. The Plan English Guide to the Clean Air Act is on line at http://www.epa.gov/air/oaqps/peg_caa/pegcaain.html. The Clean Air Act requires the U.S. Environmental Protection Agency to adopt regulations to protect public health, visibility, and the environment. The full text of the federal Clean Air Act can be found at http://www.epa.gov/airprogm/oar/caa/index.html.

The U.S. EPA promulgates federal regulations for sources of air pollution and codifies them into the Code of Federal Regulations (CFR). Air quality regulations are found in Title 40 – Protection of the Environment, Chapter 1 – Environmental Protection Agency, Subchapter C – Air Programs. These regulations are on line at http://www.epa.gov/epacfr40/chapt-I.info/chi-toc.htm. References to these regulations are in the form "40 CFR Part xx"; for example, 40 CFR Part 60 is the Standards of Performance for New Stationary Sources. Many of the subparts in 40 CFR Part 60 apply to sources in the Four Corners region; for example, Subpart I – Standards of Performance for Hot Mix Asphalt Plants. New Source Performance Standards, or NSPS, may include air pollution control, reporting, monitoring, and recordkeeping requirements.

Upcoming and Proposed Federal Regulations

New Source Performance Standards (NSPS) for Spark-Ignited Engines:

EPA will propose a rulemaking setting emission standards for new spark-ignited engines on or before May 23, 2006. The rule must be issued final by December 20, 2007. Under this NSPS new or rebuilt stationary spark ignited engines down to 25 horsepower will have nitrogen oxides (NOx), carbon monoxide (CO), and non-methane hydrocarbons (NMHC) emission limits comparable to the limits for large non-road spark ignition engines.

There are several currently available controls that can be used to reduce emissions from stationary engines in order to meet the proposed emission limits. Examples are non-selective catalytic reduction (NSCR) with rich burn engines and oxidation catalyst with lean burn engines.

Proposed Particulate Matter Standards:

EPA has proposed to revise particulate matter standards. The proposed revisions address two categories of particulate matter: fine particles which are particles 2.5 micrometers in diameter and smaller (PM 2.5); and "inhalable coarse" particles, which are particles between 2.5 and 10

micrometers (PM10-2.5). EPA would rescind the current PM 10 standard in all areas except those that currently exceed the standard.

Standard	PM 2.5		PM 10-2.5 urban areas	
	24 hour	**Annual**	**24 hour**	**Annual**
Current	65 $\mu g/m^3$	15 $\mu g/m^3$	N/A	N/A
Proposed	35 $\mu g/m^3$	15 $\mu g/m^3$	70 $\mu g/m^3$	N/A

The companion proposed monitoring rule would result in the "urban coarse" standard not applying to many areas in the west, including the Four Corners region.

Proposed and Upcoming State Regulations

Clean Air Mercury Rule:

The New Mexico Environment Department (NMED) is working on a draft regulation to meet the requirements of the federal Clean Air Mercury Rule (CAMR). New Mexico's proposed regulation would allocate to each subject facility (San Juan Generating Station and the Escalante Generating Station in Prewitt) the number of allocations necessary for them to operate. The NMED would hold the remainder of the allocations for new sources as necessary. No trading of mercury emission allocations would be allowed.

Regional Haze:

Colorado, New Mexico, Arizona and Utah are currently working on state implementation plans for regional haze. New Mexico, Arizona and Utah are currently working on revisions to previously submitted regional haze state implementation plans. Colorado is working on their initial regional haze plan submittal. Best available retrofit technology (BART) for sources of nitrogen oxides is expected to be proposed in all of the states; Colorado is also working on BART requirements for sulfur dioxide. This plan is due to be submitted to the EPA by December 2007. This plan will outline measures to make reasonable progress towards natural visibility conditions in Class I areas by 2064.

Revisions to New Mexico Permitting Regulations:

NMED has proposed to revise three regulations related to permitting of major sources of air pollution over 100 tons per year (Title V sources). These revisions will require all of these sources that do not have a permit issued under our construction permits regulation. This regulation requires sources to show compliance with state and national ambient air quality standards.

Colorado Upcoming Permitting Regulations

Pending.

Other Initiatives

Federal Leadership Forum:

The Federal Leadership Forum (FLF) is comprised of leaders and decision makers from federal agencies. The leaders convened an Air Quality Committee (AQC) to help improve the process for creating and reviewing the air quality segments of NEPA documents for oil and gas development projects. The group has several projects that are in progress. These are summarized below. All of the information noted below will be included in a handbook that the AQC is developing. It is expected that this handbook will be available online.

It is important to note that although the AQC has been convened by federal agencies, state agencies will be included in the preliminary (and subsequent) review of documents. The documents that are produced will be readily available to the public.

Mitigation and control measures. The scope of work for the mitigation and control measures section of the handbook is being finalized. The main portion of the mitigation and control measures section if being contracted to a third party. This portion of the AQC handbook will contain several general categories of mitigation and control measures, including but not limited to: low-emission engines, emission controls on production facilities and recovery and conservation. Each of these categories will have several detailed mitigation/control measures. These measures will be described and their effectiveness will be noted as will the feasibility of using them. The summary of the measures will include economics, the history of their use and pros and cons. It is expected that this will be completed in about 4 months.

In addition, the AQC plans on including information on Best Management Practices, Industry Innovative Initiatives, Adaptive Environmental Management and BACT.

Modeling. The AQC plans to develop a modeling protocol for the air quality portion of NEPA documents for oil and gas projects. This is being done in conjunction with modeling experts.

Basics. The AQC members are compiling information for NEPA templates, an impact assessment protocol (what kind of analysis to do for various projects and when to do more analysis), laws/rules/regulations and reference lists among other items. Once the information is compiled, the group will compose an executive summary that will be included at the start of the handbook.

Emission Inventories. Emission inventories will be included in the handbook. Inventories from WRAP, the states if possible and industry will be included.

Monitoring. The FLF plans on including information about monitoring data internet sites as well as information regarding data collection in its handbook.

Argonne National Laboratory Strategic Emission Reduction Plan (SERP) for Stationary Oil and Gas Sources in the Four Corners Region:

Argonne National Laboratory (ANL) has developed a strategic emission reduction plan (SERP) for oil and gas sources in the region. The SERP includes voluntary emission reduction options using incentive based programs such as market-based trading systems and caps, either company specific and/or state/regional emission ceilings. The SERP is posted on the Four Corners Air Quality Task Force web site on the Oil and Gas Work Group page.

Environmental Impact Statements:

San Juan Basin Resource Management Plan. The Bureau of Land Management finalized a new Farmington Resource Management Plan (final Environmental Impact Statement) in December 2003 (http://www.nm.blm.gov/ffo/ffo_p_rmp_feis/ffo_p_rmp_index.html). Mitigation measures for air quality in this plan include well spacing requirements, emissions control requirements for wellhead/field and sales/pipeline compressor engines, participation in the Four Corners Air Quality Task Force, and a commitment to perform an expanded regional cumulative air quality impact assessment.

Northern San Juan Basin Coal Bed Methane Project: The following is from the web site for the project: "The Draft Environmental Impact Statement (DEIS) for the Northern San Juan Basin Coal Bed Methane Project analyzes the impacts of additional Fruitland coalbed methane wells on USFS, BLM, state, and private land in the Northern San Juan Gas Field of southwestern Colorado. The field can potentially produce 2.5 trillion cubic feet of methane over the next 30 years, with an estimated $7.5 billion in gross revenues. The EIS is a joint effort of the USFS and BLM.

"The proposal calls for development of about 300 new wells, an estimated additional 125 miles of access roads and pipelines, and approximately ten additional compressors. Issues to be studied include property values, noise, visual impacts, tax revenues, water depletions, gas seepage into domestic water wells, impacts on vegetation, wildlife, roadless values, archaeological resources, and air quality."

Link to the EIS at http://www.fs.fed.us/r2/sanjuan/projects/ea/nsjb/nsjb.shtml

New Mexico Climate Change Initiative:

Recognizing the state's interests in continued growth, economic development, and energy security, Governor Bill Richardson signed Executive Order 05-033 in June 2005 to establish the New Mexico Climate Change Advisory Group (CCAG). The CCAG's mission is to prepare an inventory of current state greenhouse gas emissions (GHG's) , as well as a forecast of future emissions, and to present to the Governor an action plan with recommendations to reduce GHG's in New Mexico to meet reduction targets established in the Executive Order. The Governor has charged the CCAG with presenting a report to the Climate Change Action Council by December 1, 2006, which will include:

- Proposals for reduction of GHG emissions to reduce New Mexico's total greenhouse gas emissions to 2000 levels by the year 2012, 10% below 2000 levels by 2020 and 75% by 2050.

- An inventory of existing and planned actions that contribute to GHG emissions reductions.
- Consideration of costs and benefits of proposals.
- An inventory of historical and forecasted GHG emissions in New Mexico.
- Findings on initiatives to create meaningful regional and national policy to address climate change.

For additional information on this initiative, go to: http://www.nmclimatechange.us/

San Juan County Early Action Compact/San Juan VISTAS

The San Juan County Early Action Compact is an agreement between EPA, local and state officials to implement a local air quality improvement plan to attain the 8-hour ozone standard and defer the effective date of nonattainment designation. The Early Action Compact was adopted by New Mexico in 2004. Additional information on the Early Action Compact for San Juan County is on line at http://www.nmenv.state.nm.us/aqb/projects/Ozone.html.

San Juan VISTAS is a voluntary emission control program administered by the NMED for the improvement of air quality in northwestern New Mexico. The purpose of San Juan VISTAS is to identify, promote, and implement cost-effective technologies and Best Management Practices to reduce ozone precursor emissions (oxides of nitrogen and volatile organic compounds) in northwestern New Mexico. Currently in its inception and run as a pilot program, San Juan VISTAS is now open to industries, municipalities, and other organizations in San Juan, Rio Arriba, and Sandoval Counties. Participants in the program are recognized by NMED as Clean Air Partners. Additional information on the San Juan VISTAS program can be found at http://www.nmenv.state.nm.us/aqb/projects/SJV/index.html.

Maps of the Four Corners Region

These maps of the region of concern for the Four Corners Air Quality Task Force is from the Memorandum of Understanding dated signed by the federal and state agencies coordinating this project.