



SUSANA MARTINEZ
GOVERNOR

JOHN A. SANCHEZ
LIEUTENANT GOVERNOR

New Mexico
ENVIRONMENT DEPARTMENT

525 Camino de los Marquez Suite 1
Santa Fe, NM 87505-1816
Phone (505) 476-4300
Fax (505) 476-4375
www.nmenv.state.nm.us



RYAN FLYNN
CABINET SECRETARY

BUTCH TONGATE
DEPUTY SECRETARY

Air Quality Bureau
Response Letter

March 17, 2015

Jeff Ethan Au Green
Sent by electronic mail to: jeffegreen2014@gmail.com

SUBJECT: Response to comments on Draft-Proposed Permit from Jeff Ethan Au Green
Title V Air Quality Operating Permit No. P116-R2 Chaco Natural Gas Processing
Plant and Notification of the Issuance of Title V Air Quality Permit No. P116-R2

Dear Mr. Au Green:

On February 15, 2015, the New Mexico Environment Department (Department) – Air Quality Bureau (AQB) received your comments regarding the Draft-Proposed Title V Air Quality Operating Permit No. P116-R2, for the Chaco Natural Gas Processing Plant. This response is intended to address your concerns regarding the methane hotspot in the 4 Corners Area as it relates to this facility.

This letter is also to notify you that the Title V Operating permit for the Chaco Gas Processing Plant was issued on March 13, 2015. This letter constitutes the Department's notification mentioned at 20.2.70.403.A(2) NMAC and initiates the associated 30-day petition period.

Comments and Responses:

To follow are the comments from your February 15, 2015 email (attached) and the Department's responses.

Comments: My comment is that aggregate air pollution levels are way too high in the 4 Corners area in which the Chaco Natural Gas Processing Plant is located, as evidenced by the "methane hotspot" in this area that scientists have discovered is the largest in North America. The large amounts of pollution emitted from the Chaco Natural Gas Processing Plant, including over 75,000 tons of greenhouse gases (GHGs) as Carbon Dioxide Equivalent (CO₂e), are irrefutable proof that this plant is a major contributor to the extreme air quality deterioration in the 4 Corners region. Therefore, this Title V air pollution operating permit renewal for the Chaco Natural Gas Processing Plant should be denied, pending further research and the anticipated adoption of new federal rules to curtail GHG pollution.

We can no longer afford to spew toxic pollution into New Mexico's atmosphere like there's no tomorrow.

New Mexicans are demanding the immediate and urgent transition to a clean energy, and the pollution hotspot in the 4 Corners region is an issue of great public concern.

I am requesting a public hearing on this matter, namely the proposed Title V operating permit renewal for the Chaco Natural Gas Processing Plant in San Juan County.

Department Response: The Department is aware of the methane hot spot measured by NOAA in the Four Corners Area. Preliminary explanations include the possibility that the hot spot could be primarily caused by fugitive leaks from coal-bed methane. Until a more definitive analysis can be made it is not appropriate to associate the hot spot with this facility.

The permitting action you are commenting on is a Title V Operating permit renewal. A Title V operating permit is used to incorporate all existing air regulatory requirements and ensure compliance with those requirements. Greenhouse Gas emissions are regulated air pollutants in the Title V Operating Permit regulation, 20.2.70 NMAC (here is the weblink to that regulation [OPERATING PERMITS](#)). However, neither the Title V regulation or any other air regulation, imposes any specific requirements that limit or regulate greenhouse gas emissions from this facility. Therefore, we do not have the regulatory authority to deny this permit based on its greenhouse gas emissions or to impose any requirements on or limit the greenhouse gas emissions from this facility.

The only other regulatory mechanism that allows the AQB to regulate GHGs is through 20.2.74 NMAC, the Prevention of Significant Deterioration (PSD) pre-construction permit program. Here is a weblink to that regulation [PERMITS - PREVENTION OF SIGNIFICANT DETERIORATION \(PSD\)](#)). A PSD permit, for greenhouse gas emissions, is required only if a permittee proposes a modification to a facility that results in a net emissions increase of 75,000 tpy CO₂e of greenhouse gas emissions and the PSD permit is also required for another pollutant, such as nitrogen dioxide. Since the permittee is not proposing any such modification, a PSD permit is not required.

Additional Information about Greenhouse Gas Air Regulations:

We would like to provide information about a recent change to the greenhouse gas permit regulations. This change was due to a June 23, 2014 US Supreme Court decision (Utility Air Regulatory Group (UARG) v. EPA (No. 12-1146)), that reduced the options available to both the US EPA and to the Air Quality Bureau (AQB) to regulate greenhouse gas emissions. Here is an EPA website that includes a weblink to the Supreme Court Decision and EPA's guidance on implementing the decision <http://www.epa.gov/nsr/ghgpermitting.html>.

EPA is working on developing a New Source Performance Standard (NSPS) to regulate GHGs from the oil and gas industry. EPA allows for public comment on proposed regulation. Please see the following website for more information.

<http://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/e6f5c7c409eb227985257ddc0070cac8!opendocument>.

Finally, we wanted to notify you that a public science forum to discuss the methane issue in the San Juan Basin will be held on April 17, 2015 from 9 am to 12:15 pm at San Juan College in Farmington, New Mexico. Please refer to the Four Corners Air Quality Group webpage where more information about the forum is posted. Here is the weblink <http://www.nmenv.state.nm.us/aqb/4C/index.html> to the Four Corners Air Quality Group webpage.

Notice of Permit Decision:

The Title V Operating Permit was issued on March 13, 2015.

Hearing Before the Environmental Improvement Board

In accordance with 20.2.70.403.A NMAC Hearing before the board:

- 1) Any person who participated in a permitting action before the department and who is adversely affected by such permitting action may file a petition for hearing before the board. For the purposes of this section, permitting action shall include the failure of the department to take final action on an application for a permit (including renewal) or permit modification within the time specified in this part.
- 2) The petition shall be made in writing to the board within thirty (30) days from the date notice is given of the department's action and shall specify the portions of the permitting action to which the petitioner objects, certify that a copy of the petition has been mailed or hand-delivered as required by this paragraph, and attach a copy of the permitting action for which review is sought. Unless a timely request for hearing is made, the decision of the department shall be final. The petition shall be copied simultaneously to the department upon receipt of the appeal notice. If the petitioner is not the applicant or permittee, the petitioner shall mail or hand-deliver a copy of the petition to the applicant or permittee. The department shall certify the administrative record to the board.

Petition to the Administrator (EPA)

In accordance with 20.2.70.402.B(2) NMAC Responses to Objections:

- 2) If the Administrator does not object in writing under paragraph (1) of subsection B of 20.2.70.402 NMAC, any person may, within sixty (60) days after the expiration of the Administrator's 45-day review period, petition the Administrator to make such objection. Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in 20.2.70.401 NMAC, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. If the Administrator objects to the permit as a result of a petition filed under this paragraph, the Department shall not issue the permit until the Administrator's objection

has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period and prior to the Administrator's objection.

EPA's (the Administrator's) 45-day review ended (expired) on March 4, 2015. EPA did not object to the issuance of this permit.

For your information, included is a copy of the final Title V Operating Permit. This permit, comments, responses, and other information are also located, or will soon be located, on this Air Quality Bureau (AQB) Website: [Applications and Permits with public interest, public meetings, or public hearings](#)

Thank you for your interest and comments in this Title V Draft-Proposed permit. If there are questions, please do not hesitate to contact me.

Sincerely,

Daren K. Zigich, P.E.
Air Quality Bureau – Major Source Permit Section
(505) 476-4366 office
darenk.zigich@state.nm.us

Attachments: February 15, 2015 email from Jeff Green

cc: James Neely Ashe Enterprise Product Operating, LLC permit contact via email:
JNASHE@eprod.com
Randy Pitre, US EPA Region-6 via email: Pitre.Randy@epamail.epa.gov

has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period and prior to the Administrator's objection.

EPA's (the Administrator's) 45-day review ended (expired) on March 4, 2015. EPA did not object to the issuance of this permit.

For your information, included is a copy of the final Title V Operating Permit. This permit, comments, responses, and other information are also located, or will soon be located, on this Air Quality Bureau (AQB) Website: [Applications and Permits with public interest, public meetings, or public hearings](#)

Thank you for your interest and comments in this Title V Draft-Proposed permit. If there are questions, please do not hesitate to contact me.

Sincerely,



Daren K. Zigich, P.E.
Air Quality Bureau – Major Source Permit Section
(505) 476-4366 office
darenk.zigich@state.nm.us

Attachments: February 15, 2015 email from Jeff Green

cc: James Neely Ashe Enterprise Product Operating, LLC permit contact via email:
JNASHE@eprod.com
Randy Pitre, US EPA Region-6 via email: Pitre.Randy@epamail.epa.gov

From: [Jeff E. Green](#)
To: [Zigich, Daren K, NMENV](#)
Subject: Re: FW: DRAFT-PROPOSED Title V Permit From the State of New Mexico - P116R2, Enterprise Field Services, LLC
– Chaco Natural Gas Processing Plant
Date: Sunday, February 15, 2015 9:51:37 PM

Dear Daren,

Thank you for the information. My comment is that aggregate air pollution levels are way too high in the 4 Corners area in which the Chaco Natural Gas Processing Plant is located, as evidenced by the "methane hotspot" in this area that scientists have discovered is the largest in North America. The large amounts of pollution emitted from the Chaco Natural Gas Processing Plant, including over 75,000 tons of greenhouse gases (CO₂e), are irrefutable proof that this plant is a major contributor to the extreme air quality deterioration in the 4 Corners region. Therefore, this Title V air pollution operating permit renewal for the Chaco Natural Gas Processing Plant should be denied, pending further research and the anticipated adoption of new federal rules to curtail GHG pollution

We can no longer afford to spew toxic pollution into New Mexico's atmosphere like there's no tomorrow.

New Mexicans are demanding the immediate and urgent transition to a clean energy, and the pollution hotspot in the 4 Corners region is an issue of great public concern.

I am requesting a public hearing on this matter, namely the proposed Title V operating permit renewal for the Chaco Natural Gas Processing Plant in San Juan County.

Thank you & sincerely,
~ Jeff Ethan Au Green

On Tue, Feb 10, 2015 at 4:01 PM, Zigich, Daren K, NMENV <DarenK.Zigich@state.nm.us> wrote:

Jeff,

As requested, here is the draft permit and other associated documents listed below for the Chaco Gas Plant in San Juan County.

The newspaper publication date for the public notice was: **January 18, 2015** so the last date for written comments is **February 17, 2015**.

Attachments:

- Draft/Proposed permit
- Statement of Basis

- Database Summary
 - Public Notice
-

As far as requests for Public Records, please see the following website.

<http://www.nmenv.state.nm.us/OOTS/newsroom.html>

Sincerely,

Daren K. Zigich, P.E.

Air Quality Bureau

New Mexico Environment Department

525 Camino de los Marquez, Suite 1

Santa Fe, NM 87505-1816

[\(505\) 476-4366](tel:5054764366) office

[\(505\) 476-4375](tel:5054764375) fax