

**MICHELLE LUJAN GRISHAM, GOVERNOR**

James C. Kenney, Cabinet Secretary

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The Environment Department's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.

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Environment Department settles air enforcement case with ETC Texas Pipeline, includes \$1.3 million civil penalty*ETC must also modify facility that released over 3.1 million pounds of harmful air pollutants*

SANTA FE – The New Mexico Environment Department (NMED) entered into a settlement agreement and stipulated final compliance order with ETC Texas Pipeline, Ltd. (ETC) to resolve alleged statutory, regulatory and permit violations at the company's Jal No. 3 Gas Plant near Jal, New Mexico.

NMED cited ETC for illegally emitting more than 3.1 million pounds of pollutants, including nitrogen oxides, carbon monoxide, volatile organic compounds, sulfur dioxide and hydrogen sulfide between Jan. 1, 2017 and Aug. 31, 2018. The agreement includes a civil penalty of \$1.3 million and a requirement to permanently shut down the sulfur recovery unit, which will eliminate over 1,200 tons per year of pollutants in southeast New Mexico.

“There is no denying that unless the Department adopts the strongest emission rules possible to protect air quality *and* continues to vigorously holds polluters like ETC Texas Pipeline accountable for their egregious emissions violations – our air quality will deteriorate further resulting in federal sanctions due to unhealthy air quality levels,” said NMED Cabinet Secretary James Kenney. “A strong enforcement response deters future violations and levels the playing field for those businesses whose investors and shareholders take environmental compliance seriously.”

Pursuant to state law, the \$1,302,347.51 penalty is reverted to State of New Mexico's general fund and not kept by NMED. The general fund is the primary state fund from which the ongoing expenses of state government are paid.

Failure to comply with emissions limits results in emissions of harmful levels of air pollutants that can impact public health and the environment, including contributing to the formation of ground-level ozone and other hazardous air quality conditions.

On September 20, the Environment Department's ozone precursor rule, which requires significantly reduced emissions of nitrogen oxides and volatile organic compounds from the oil and gas industry, will go before the Environmental Improvement Board.

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The Environment Department's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations. Throughout the COVID-19 pandemic, NMED's

Occupational Health and Safety Bureau kept nearly 9,000 businesses open, 300,000 employees protected and countless New Mexico families safe by conducting more than 30,000 COVID-19 rapid responses.

The agency oversees more than 1,000 public drinking water systems serving nearly all 2 million New Mexicans, in addition to programs that protect our land, air and water.

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact:

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If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator.

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