Attachment A – Legal Notice

LEGAL NOTICE

and

Preliminary Determination for an Air Quality Permit for

XTO Energy Inc

XTO Energy Inc, 22777 Springwood Village Parkway W4-F613-O357, Spring, TX has submitted an air quality permit application to the Air Quality Bureau (AQB), New Mexico Environment Department (NMED) for an air quality permit to modify XTO - Tiger Compressor Station. The application file has been assigned Permit No. 7623 and TEMPO Agency Interest ID No. 38215. The exact location of the facility **is** at latitude 32 degrees, 07 minutes, 06 seconds and longitude -103 degrees, 54 minutes, 23 seconds, Datum: NAD 83. To aid in locating this facility, the approximate location is 12 miles southeast of Malaga in Eddy County, NM.

The proposed modification will consist of adjusting the type and number of engines used onsite as well as updating flaring.

Total air pollutant emissions to the atmosphere are estimated to be approximately Nitrogen Oxides (NOx) at 168.31 tons per year (tpy); Carbon Monoxide (CO) at 242.99 tpy; Volatile Organic Compounds (VOC) at 246.45 tpy; Sulfur Dioxide (SO_2) at 23.88 tpy; Total Suspended Particulate Matter (TSP) at 17.64 tpy, Particulate Matter 10 microns or less (PM10) at 17.27 tpy, and Particulate Matter 2.5 microns or less (PM2.5) at 17.15 tpy, and greenhouse gas (CO_2e) > 75,000 tpy. These emission estimates could change slightly during the course of the Department's review of the application.

The NMED has conducted a preliminary review of the information submitted with the permit application. The preliminary review and applicant's analysis of ambient air quality impacts indicates that the facility's air emissions will meet the air quality standards for NOx, CO, SO, TSP, PM10, PM2.5, Total HAP, Formaldehyde. VOCs are a pre-cursor to ozone and the NMED does not require an individual ozone ambient impact analysis for each application. To determine compliance with national ambient air quality standards for ozone, NMED uses air monitors to monitor ozone concentrations. A full review will evaluate the estimated emission rates for the pollutants listed in this public notice and determine compliance with ambient air quality requirements and standards.

Based on the applicant's analysis, a preliminary determination is that this facility will comply with the requirements of Title 20, New Mexico Administrative Code (NMAC), Chapter 2, Parts 1, 3, 7, 38, 61. 109,70, 71, 72, 75, 77, 82 ; 40 CFR 50; 40 CFR 60, Subparts A, OOOOa, JJJJ; 40 CFR 63 Subparts ZZZZ; 40 CFR 63.760 Subpart HH and the New Mexico Air Quality Control Act. Therefore, the preliminary intent of NMED is to issue the air quality permit on or before February 7, 2018. This source is a PSD minor source according to 20.2.74 NMAC.

To ensure compliance with state and federal air regulations, the permit is expected to include conditions that limit the emissions, hours of operation, production rate, and conditions that will require record keeping and reporting to the Department.

The permit application is available for review in electronic or hard copy at the Air Quality Bureau Office, 525 Camino de los Marquez Suite 1, Santa Fe, New Mexico. To arrange viewing of this application contact Greg Tickle, at 505-476-4333 or greg.tickle@state.nm.us. The permit application is also available at the NMED Carlsbad Office, located at: 406 N. Guadalupe, Suite C , Carlsbad, NM **88220** for public review.

Attachment A – Legal Notice

All interested persons have thirty (30) days from the date this notice is published, to notify the Department in writing of their interest in the permit application. The written comments should refer to the company name, facility name and Permit No. (or send a copy of this notice along with your comments). The written comments shall state the nature of the issues raised and how it relates to the requirements of applicable state and federal air quality regulations and the Clean Air Act. The written comments should be mailed to Todd Sherrill, New Mexico Environment Dept., Air Quality Bureau, Permit Section, 525 Camino de los Marquez Suite 1, Santa Fe, NM 87505-1816.

The Department will notify all persons, who have provided written comments as to when and where the Department's analysis may be reviewed. Although all written comments will be made part of the public record, any person who does not express interest in writing before the end of this first thirty (30) day period will not receive such notification.

If the Department receives written public comment before the end of the Department's thirty (30) day public notice, the Department's analysis will be made available for review for thirty (30) days at the NMED district or field office nearest to the source before the permit will be issued. Written comments on the analysis or permit application may be submitted to the Department during this second thirty (30) day period or at any time before the permit is issued or denied.

Questions or comments not intended to be part of the public record can be directed to Todd Sherrill at 505-476-4344. General information about air quality and the permitting process can be found at the Air Quality Bureau's web site. The regulation dealing with public participation in the permit review process is 20.2.72.206 NMAC. This regulation can be found in the "Permits" section of this web site. Este es un aviso de la oficina de Calidad del Aire del Departamento del Medio Ambiente de Nuevo México, acerca de las emisiones producidas por un establecimiento en esta área. Si usted desea información en español, por favor comuníquese con esa oficina al teléfono 505-476-5557.

Notice of Non-Discrimination

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. Part 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: Kristine Pintado, Non-Discrimination Coordinator New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at https://www.env.nm.gov/NMED/EJ/index.html to learn how and where to file a complaint of discrimination.

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.env.nm.gov

MICHELLE LUJAN GRISHAM
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CABINET SECRETARY

JENNIFER J. PRUETT
DEPUTY SECRETARY

PUBLIC INVOLVEMENT PLAN (PIP)

Air Quality Bureau Air Permit Application

Version P5.09.19

Date: October 15, 2018
Applicant: XTO Energy Inc.
Facility Name: Tiger Compressor Station
Air Quality Permit Application Number: 7623M1
Location: This facility is located 12 miles southeast of Malaga, Eddy, County, New Mexico
Latitude: 32.118333 Longitude: -103.906389

1. Overview of Air Quality Bureau's plan of action for addressing the community's needs and concerns for processing Air Quality Permit Applications:

The New Mexico Environment Department (Department), Air Quality Bureau (AQB) developed this Public Involvement Plan (PIP) for the processing of air quality permit applications in accordance with the requirements at 20.2.72 for this facility. This air quality regulation does require public participation outreach throughout different stages of the permitting process. The AQB will meet the public participation requirements by following this PIP, which includes all applicable policy, regulatory and statutory public participation requirements.

In developing this PIP, community participation needs for this permitting action were assessed to ensure appropriate promotion of public outreach by identifying whether there is a combination of environmental and demographic factors (i.e., low income community, minority community, limited English proficiency individuals, Linguistically Isolated Households, etc.) that may impact public participation. This assessment identifies community outreach needs and provides for public access opportunities above and beyond statutorily mandated requirements, and underscores the provision of adequate public access to information about this permit application.

As much as possible, public participation and informational activities related to this permit application will be held within the regulatory timelines outlined below.

a. AQB regulations at 20.2.72 NMAC require that the application must be ruled complete or incomplete no more than 30 days after receipt, and that a public notice for this application must be published in a newspaper of general circulation where the facility is located. See section 4.c below for more information.

b. The public notice contains a paragraph in Spanish directing Spanish speaking interested parties to call the AQB at (505) 476-5557 to speak to Spanish speaking staff for additional information regarding this permitting action.

c. The AQB will provide a copy of the public notice, the air quality permit application, and this PIP to the NMED field office at:

Carlsbad
406 N. Guadalupe, Suite C
Carlsbad, NM 88220
Phone (575) 885-9023
Fax (575) 887-9283

d. AQB regulations require that the public notice be sent to interested parties maintained on a mailing list. See Section 4.b below for more information.

e. AQB regulations require that the public notice be sent to the "appropriate agency" as defined at 20.2.72 NMAC "affected programs" as defined at 20.2.70 NMAC. See Section 4.e below for more information.

f. Public notice shall be followed by a 30-day public comment period that starts on the day that the notice is published in the newspaper. See Section 4.g below for details.

g. AQB regulations require that the permit must be issued, issued subject to conditions, or denied within ninety (90) days after the department deems the application administratively complete.

2. Contact list of AQB staff with phone numbers and email addresses:

a. AQB contact for questions about this application or PIP (included in public notices and outreach materials):

Todd Sherrill
New Mexico Environment Department
Air Quality Bureau
525 Camino de los Marquez, Suite 1
Santa Fe, New Mexico, 87505
(505) 476-4344
todd.sherrill2@state.nm.us

Electronic copies will be available at the following link, which will be included in public notices and outreach materials as appropriate: https://www.env.nm.gov/air-quality/aqb-p_current_permitting_activites/

b. Non-English Language Speaker Assistance and Accommodations

The AQB may hold public meetings, open houses, stakeholder meetings, and/or a formal hearing depending on the interest in the application. Language assistance services may be arranged for translation of documents for meetings, for translators during meetings and for obtaining services for persons with disabilities. A phone-based interpretation service may be available for languages other than English.

3. Description of the community/stakeholder groups:

To provide for adequate public participation opportunities and meaningful involvement of persons regarding this permit application and to address potential or existing environmental justice areas, the affected communities must first be identified, informed about proposed environmental actions affecting the community, and invited to share their comments and concerns. The EJSCREEN tool developed by the U.S. Environmental Protection Agency (EPA) helps identify communities that are low income and minority populations that may benefit from a variety of approaches for notification and outreach communication.

Using the default 4 mile radius or some other appropriate distance such as distance from the boundary of a large facility from the facility, the results of the EJScreen ACS Summary Report (attached) are listed in the table below.

Population and Income Data				
Total Population:	0		Per capita income of community:	29,598
Minority Population, %:	0%		US Per Capita Income*:	$29,829
Total number of households:	0		Total Number (and Percent) of Linguistically Isolated Households:	0

*US Per Capita Income 2012-2016; https://www.census.gov/quickfacts/fact/table/US/HSG030210

Population by Race, %			**Population by Ability to Speak English, %**	
White	0		Speak Only English	0%
Black	0%		Non-English at Home	0%
American Indian	0%		Speak English "very well"	0%
Asian	0%		Speak English "well"	0%
Pacific Islander	0%		Speak English "not well"	0%
Other Race	0%		Speak English "not at all"	0%
Two or More Races	0%		Speak English "less than very well"	0%

Linguistically Isolated Household Details, %			**List other Languages (if applicable)**
Speak Spanish	N/A*		None listed
Speak Other Indo-European Languages	N/A		
Speak Asian Pacific Island Languages	N/A		
Speak Other Languages	N/A		

*N/A = Not Applicable because there are no linguistically isolated households

In addition, the following community or stakeholder groups have been identified: None

History of public involvement in air permitting during the last 10 years: None

It is important for the AQB to incorporate the linguistic and communication needs of this community when conducting public outreach and participation activities. To help accomplish this, the AQB will provide information in English in public comment notices, public meeting notices (if applicable), and other announcements (radio broadcasts, brochures, signs, postcards, etc.) and strive to make public participation efforts as inclusive as possible within AQB budget and time limitations. The NMED Carlsbad field office will serve as access areas for the AQB to leave hard copies of important documents and information about how to comment on this permit application.

4. Detailed actions and outreach activities the AQB Permitting Section will take to reach the affected public:

a. Overview

Based on the demographics report discussed in the PIP, the history of public involvement at the facility and the facility background, basic information about public involvement opportunities will be in English. This information will include how to request materials in Spanish or to speak with AQB staff through an interpreter. Further details about public participation for this activity are outlined below.

The AQB maintains information regarding this air quality permit application at the following locations:

i. **On the Air Quality Bureau website, see Section 2.a above.**
ii. **At the District Office listed in Section 1.b above.**
iii. **At the main office location:**
New Mexico Environment Department
Air Quality Bureau
525 Camino de los Marquez, Suite 1
Santa Fe, New Mexico, 87505

b. Postal Mailing or E-Mailing of Notices to Persons on the Facility-Specific Mailing List

AQB regulations require notification to persons who have expressed interest in applications. The AQB maintains a mailing list that includes individuals interested in permit applications from particular facilities or geographic areas. Notifications may be sent through physical mail and/or an email.

The list also includes addresses within fifty kilometers of the boundary of other states, Bernalillo county, or a Class I area.

c. Notices in the State Newspaper and Local Newspapers

The public notice for this permit application will be published in English in the Legal Section of the Carlsbad Current-Argus newspaper.

Carlsbad Current Argus:

English: http://www.currentargus.com/

d. Mailing to the Governor or President of Indian Tribes, Pueblos or Nations
AQB regulations and the evaluation of the facility location and associated demographics, require notification to Tribes, Pueblos or Nations about this permit application for facilities located within a specified distance.

There are no Tribes, Pueblos or Nations located within 10 miles of this facility.

e. Affected Local, State, or Federal Government Agencies, and Active Land Grants
AQB regulations require identifying and notifying local, state or federal government agencies about this permit application.

The following affected Local, State, or Federal Government Agencies will be notified by email:

US EPA Region VI, at R6airpermits@epa.gov
Carlsbad caverns National Park
State of Texas

f. Public Meeting Notices, Public Comment Notices, and Other Notices
AQB may hold public meetings, open houses, stakeholder meetings, and/or a formal hearing depending on the interest in the application. Based on historical information and the results of the initial screening, there is no public meeting planned at this time for this permit application. If it is determined that a public meeting will be required, notice will be provided to the community as follows:

1) Via a newspaper of general circulation in the area closest to the location of the facility.
2) Locations commonly frequented by the general public, such as a nearby post office, public library, or city hall.
3) All persons and organizations that have expressed interest and are on a list maintained by AQB.
4) Via a public service announcement to at least one radio or television station which serves the municipality or county in which the source is or is proposed to be located.
5) The notices will be translated for non-English speaking participants, if required.
6) The notices will include information for requesting accommodations for those with disabilities as listed in item 2b above.

AQB will locate an appropriate venue based on the availability to the community to access the meeting, and the specific needs of the affected community (e.g. size of community, community locations, impacts, etc.).

AQB may reschedule the meeting due to inclement weather. If rescheduled, AQB will provide as much advance notice as possible and reschedule for an appropriate time and date.

Meetings will be scheduled to make them as accessible and user-friendly as practical, considering work schedules, dinner hours and other community commitments. To the extent possible, the meeting will be held at a location that is local and convenient, and meet American with Disabilities Act (ADA) standards. In addition, whenever practical and appropriate, translators for limited-English speaking communities, or assistance for hearing-

impaired individuals may be available. Information in public notices for a public meeting will adhere to AQB regulations, statutes and policies.

AQB may reschedule the meeting due to inclement weather. If rescheduled, AQB will provide as much advance notice as possible and reschedule for an appropriate time and date.

g. Public Comment Periods

AQB regulations require that all interested persons have thirty (30) days from the date the public notice is published to express an interest in writing in the permit application. If AQB receives written public comment before the end of the thirty (30) day public comment period, the analysis of the application will be made available for review for thirty (30) days on the Air Quality Bureau Website and at the NMED District office (address listed in Section 1.b above

The PIP has been reviewed and approved by the AQB Bureau Chief.

for Liz Bisbey-Kuehn
Bureau Chief
Air Quality Bureau

6/21/19
Date approved

Attachments: EJSCREEN Printout

EJSCREEN ACS Summary Report

Location: User-specified point center at 32.118333, -103.906389
Ring (buffer): 4-mile radius
Description: Tiger Compressor Station

Summary of ACS Estimates	2012 - 2016
Population	0
Population Density (per sq. mile)	0
Minority Population	0
% Minority	0%
Households	0
Housing Units	0
Housing Units Built Before 1950	0
Per Capita Income	29,598
Land Area (sq. miles) (Source: SF1)	57.56
% Land Area	99%
Water Area (sq. miles) (Source: SF1)	0.53
% Water Area	1%

	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	0	0%	168
Population Reporting One Race	0	0%	251
White	0	0%	160
Black	0	0%	11
American Indian	0	0%	47
Asian	0	0%	11
Pacific Islander	0	0%	11
Some Other Race	0	0%	11
Population Reporting Two or More Races	0	0%	18
Total Hispanic Population	0	0%	111
Total Non-Hispanic Population	0		
White Alone	0	0%	122
Black Alone	0	0%	11
American Indian Alone	0	0%	47
Non-Hispanic Asian Alone	0	0%	11
Pacific Islander Alone	0	0%	11
Other Race Alone	0	0%	11
Two or More Races Alone	0	0%	18
Population by Sex			
Male	0	0%	84
Female	0	0%	99
Population by Age			
Age 0-4	0	0%	26
Age 0-17	0	0%	51
Age 18+	0	0%	104
Age 65+	0	0%	43

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.
N/A means not available. Source: U.S. Census Bureau, American Community Survey (ACS) 2012 - 2016

EJSCREEN ACS Summary Report

Location: User-specified point center at 32.118333, -103.906389
Ring (buffer): 4-mile radius
Description: Tiger Compressor Station

	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	0	0%	111
Less than 9th Grade	0	0%	18
9th - 12th Grade, No Diploma	0	0%	33
High School Graduate	0	0%	71
Some College, No Degree	0	0%	56
Associate Degree	0	0%	28
Bachelor's Degree or more	0	0%	35
Population Age 5+ Years by Ability to Speak English			
Total	0	0%	155
Speak only English	0	0%	121
Non-English at Home[1+2+3+4]	0	0%	73
[1]Speak English "very well"	0	0%	66
[2]Speak English "well"	0	0%	20
[3]Speak English "not well"	0	0%	16
[4]Speak English "not at all"	0	0%	11
[3+4]Speak English "less than well"	0	0%	16
[2+3+4]Speak English "less than very well"	0	0%	23
Linguistically Isolated Households*			
Total	0	0%	11
Speak Spanish	0	0%	11
Speak Other Indo-European Languages	0	0%	11
Speak Asian-Pacific Island Languages	0	0%	11
Speak Other Languages	0	0%	11
Households by Household Income			
Household Income Base	0	0%	53
< $15,000	0	0%	32
$15,000 - $25,000	0	0%	27
$25,000 - $50,000	0	0%	25
$50,000 - $75,000	0	0%	26
$75,000 +	0	0%	38
Occupied Housing Units by Tenure			
Total	0	0%	53
Owner Occupied	0	0%	46
Renter Occupied	0	0%	32
Employed Population Age 16+ Years			
Total	0	0%	125
In Labor Force	0	0%	88
Civilian Unemployed in Labor Force	0	0%	21
Not In Labor Force	0	0%	74

Data Note: Datail may not sum to totals due to rounding. Hispanic population can be of any race.
N/A means not available. Source: U.S. Census Bureau, American Community Survey (ACS)
*Households in which no one 14 and over speaks English "very well" or speaks English only.

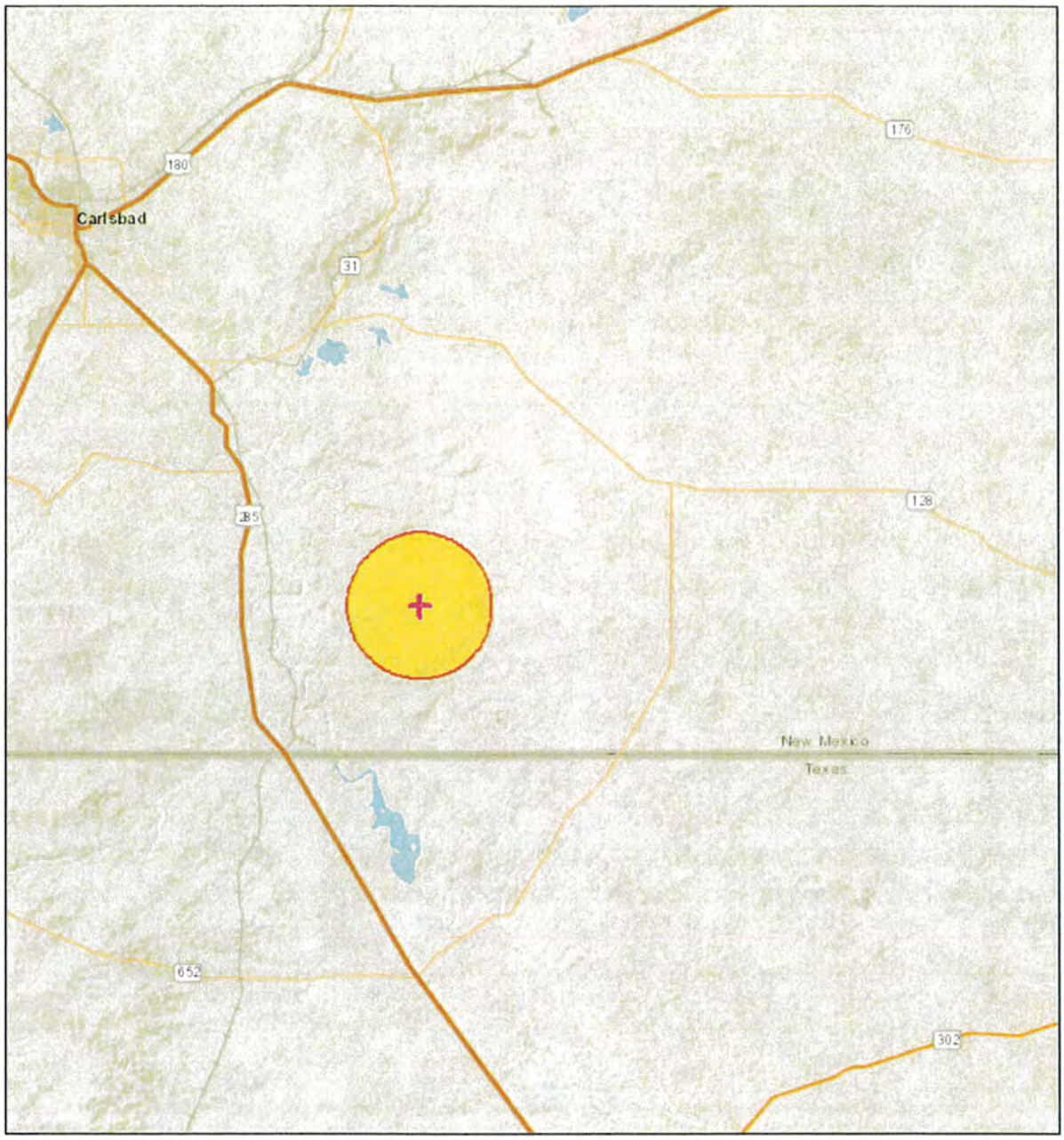
EJSCREEN ACS Summary Report

Location: User-specified point center at 32.118333, -103.906389
Ring (buffer): 4-mile radius
Description: Tiger Compressor Station

	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	N/A	N/A	N/A
English	N/A	N/A	N/A
Spanish	N/A	N/A	N/A
French	N/A	N/A	N/A
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	N/A	N/A	N/A
Yiddish	N/A	N/A	N/A
Other West Germanic	N/A	N/A	N/A
Scandinavian	N/A	N/A	N/A
Greek	N/A	N/A	N/A
Russian	N/A	N/A	N/A
Polish	N/A	N/A	N/A
Serbo-Croatian	N/A	N/A	N/A
Other Slavic	N/A	N/A	N/A
Armenian	N/A	N/A	N/A
Persian	N/A	N/A	N/A
Gujarathi	N/A	N/A	N/A
Hindi	N/A	N/A	N/A
Urdu	N/A	N/A	N/A
Other Indic	N/A	N/A	N/A
Other Indo-European	N/A	N/A	N/A
Chinese	N/A	N/A	N/A
Japanese	N/A	N/A	N/A
Korean	N/A	N/A	N/A
Mon-Khmer, Cambodian	N/A	N/A	N/A
Hmong	N/A	N/A	N/A
Thai	N/A	N/A	N/A
Laotian	N/A	N/A	N/A
Vietnamese	N/A	N/A	N/A
Other Asian	N/A	N/A	N/A
Tagalog	N/A	N/A	N/A
Other Pacific Island	N/A	N/A	N/A
Navajo	N/A	N/A	N/A
Other Native American	N/A	N/A	N/A
Hungarian	N/A	N/A	N/A
Arabic	N/A	N/A	N/A
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	N/A	N/A	N/A
Total Non-English	N/A	N/A	N/A

Data Note: Detail may not sum to totals due to rounding. Hispanic popultion can be of any race.
N/A means not available. Source: U.S. Census Bureau, American Community Survey (ACS) 2012 - 2016.
*Population by Language Spoken at Home is available at the census tract summary level and up.

Tiger Compressor Station



October 17, 2018

Buffer Area

Digitized Point

1:577,791

0 5 10 20 mi

0 5 10 20 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

EJSCREEN 2018