From:	Methanestrategy, NM, NMENV
To:	Kuehn, Elizabeth, NMENV
Subject:	Fw: Comments on NMED draft ozone precursor emissions rules
Date:	Friday, September 4, 2020 10:39:58 AM

From: Paige, Carrie <Paige.Carrie@epa.gov>
Sent: Thursday, August 20, 2020 12:23 PM
To: Methanestrategy, NM, NMENV
Subject: [EXT] Comments on NMED draft ozone precursor emissions rules

Good afternoon,

Thank you for the opportunity to comment on the draft proposed Title 20.2.50 NMAC Oil and Natural Gas Regulation for Ozone Precursors rule. It is our understanding that the goal of the proposed rule is to establish emissions standards for volatile organic compounds (VOC) and nitrogen oxides (NOx) for oil and gas production and processing sources located in areas of New Mexico within the Environmental Improvement Board's jurisdiction where ozone concentrations are exceeding 95% of the national ambient air quality standard. We applaud the NMED's efforts in coordinating and undertaking this task to reduce VOC and NOx emissions in the State to address elevated ozone concentrations. We also understand that NMED intends to provide this regulation as a SIP revision, once adopted. To that end, we provide some comments that, if considered, should aid in our ability to approve such a future SIP revision. Please note, we are not considering whether these rules meet requirements for nonattainment areas and additional review may be necessary should areas of the State be designated nonattainment. At that time, the rules may need changes to meet requirements for Reasonably Available Control Technology (RACT) or to provide the necessary reductions for attainment or Reasonable Further Progress.

We offer the following comments:

General

- As you know, the EPA has a SIP call in place addressing the approvability of affirmative defenses. As a result, we would like to discuss with you the provisions for excess emissions in the rule.
- Similarly, the rule has a provision to provide for alternative monitoring programs under 202.2.50.16c(3) that could potentially raise director's discretion issues that we would like to discuss further with the State.
- Please clarify that the statement indicating "ozone concentrations are exceeding 95% of the national ambient air quality standard" here is intended to mean concentrations exceeding 95% of the current ozone NAAQS (e.g., the current ozone NAAQS is 0.070 ppm) as the triggering threshold.
- Please clarify that, upon adoption, once triggered, the requirements of Title 20.2.50 NMAC will remain in effect even if the area's ozone concentrations afterward no longer exceed the 95% of the NAAQS threshold afterward. If not, please elaborate.
- Please confirm if the current EPA-approved SIP for New Mexico contains any rules concerning NOx emission standards for existing or new natural gas-fired engines, turbines, or heaters.

20.2.50.8 DEFINITIONS

- Section II defines Startup as "the setting into operation of any air pollution control equipment or process equipment" This definition is consistent with that of Startup in 20.2.7.7 NMAC. The term "shutdown" is used in several instances in the proposed rule, but is not defined. We recommend that "shutdown" be defined in 20.2.50.8 to read "Shutdown means the cessation of operation of any air pollution control equipment or process equipment" consistent with 20.2.7.7 NMAC, as well.

20.2.50.19 STANDARDS FOR HEATERS

- Table 1 titled "Emission Standards for NOx and CO" contains NOx emission standards for new and existing natural gas-fired heaters. As a part of the SIP submittal and in the record please explain how these NOx emission standards were arrived at.

20.2.50.13 STANDARDS FOR ENGINES AND TURBINES

- Table 1 titled "Emission Standards for Natural Gas-Fired Spark-Ignition Engines" contains a series of NOx emission standards for various natural gas-fired spark-ignition engine categories and sizes. As a part of the SIP submittal and in the record please explain how these NOx emission standards were arrived at.
- Table 2 titled "Emission Standards for Stationary Combustion Turbines Engines" contains a series of NOx emission standards for various natural gas-fired spark-ignition turbines and sizes. As a part of the SIP submittal and in the record please explain how these NOx emission standards were arrived at.

RECORDKEEPING AND REPORTING REQUIREMENTS

- In several paragraphs the proposed rule reads "the owner or operator shall maintain the following records … " We recommend revising this statement to read "the owner or operator shall maintain *and make available upon request* the following records …" We believe this revision will enhance enforcement and compliance with the rule requirements.

20.2.50.27 PROHIBITED ACTIVITIES AND CREDIBLE INFORMATION PRESUMPTIONS

- In section B concerning "credible information obtained" we recommend adding a statement to the effect that "*the owner or operator bears the burden of proof demonstrating compliance*."

Should you have questions, please contact me.
Thank you,

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