From:	Bill Midcap
To:	NMOAI, NMENV; WasteRule, EMNRD, EMNRD
Subject:	[EXT] Draft Methane & VOC Rules
Date:	Monday, September 14, 2020 2:37:38 PM
Attachments:	Draft methane rules.docx

Dear Ms. Bisbey-Kuehn and Ms. Polak,

Please find the attached letter and comments pertaining to the draft methane and VOC air pollution reduction rules. These comments are made on behalf of the Rocky Mountain Farmers Union. Rocky Mountain Farmers Union has over 20,000 members which include family farmers and ranchers in Wyoming, Colorado, and New Mexico.

Sincerely,

Bill Midcap

Senior Policy Advisor
Rocky Mountain Farmers Union
Santa Fe, New Mexico

September 14, 2020

Liz Bisbey-Kuehn
NMED Air Quality Bureau
525 Camino de los Marquez
Santa Fe, NM 87505

Tiffany Polak
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Santa Fe, New Mexico, 87505

Via email to: nm.oai@state.nm.us and EMNRD.WasteRule@state.nm.us

Dear Ms. Bisbey-Kuehn and Ms. Polak,

Thank you for the opportunity to comment on the New Mexico Environment Department's (NMED) and Energy Mineral and Natural Resources Department's (EMNRD) draft methane and volatile organic compound air pollution reduction rules. These comments are submitted on behalf of Rocky Mountain Farmers Union (RMFU). RMFU represents family farmers and ranchers in Wyoming, Colorado, and New Mexico. RMFU is dedicated to sustaining our rural communities, to wise stewardship and use of natural resources, and to the protection of our safe, secure food supply.

As family farmers and ranchers, we are deeply concerned with the wise management of resources, whether they be water for irrigation, fertile soils, or other natural resources. Our family farms and ranches cannot continue to operate unless we are wise stewards of our God-given resources. Unfortunately, the current draft of the NMED and EMNRD methane waste and air pollution reduction rules require several key improvements in order to protect rural New Mexico from pollution and from the waste of our natural resources.

This problem is not merely academic to us. Rural farm and ranch communities rely on revenue from oil and gas development to fund our schools, repair our roads, and provide for other needed infrastructure improvements.

Nowhere is this oil and gas methane and air pollution problem more serious than in New Mexico. Our state alone accounts for upwards of $275 million worth of wasted natural gas per year and an additional $43 million deficit each year to the state treasury. Rural New Mexico needs these funds for our education system as we seek to educate the next generation of farmers and ranchers.

While other states, like Colorado and Wyoming, have successfully enacted rules to curb methane emissions, New Mexico lags behind. Farmers and ranchers are often the nearest neighbors to oil and gas facilities, and we bear the brunt of the impacts of New Mexico's growing methane and air pollution problem.

The five rural counties that are home to 97 percent of the state's oil and gas wells are all at risk of violating or are already violating federal clean air standards, and rural families are at increased risk for respiratory diseases and exposure to cancer-causing chemicals.

We also have less water available for agriculture because climate change is already impacting our state, reducing the snowpack, and putting pressure on our watersheds. Climate change can also lead to lower livestock and crop yields. Methane is a potent greenhouse gas, and we must reduce emissions to combat climate change.

Given the threat that oil and gas methane and air pollution pose to rural communities, we ask for the following changes to be made before draft rules are brought forward for public hearings later this year:

Improving NMED's Air Pollution Rule

As proposed, the NMED rule would exempt the vast majority of wells from leak detection and repair requirements. This is unacceptable.

- It is critical that exemptions for stripper wells and the 15 tons per year pollution threshold for volatile organic compounds be removed. These two exemptions combined would exempt 95% of all wells in the New Mexico and impose disproportionate impacts on rural communities.

- Pneumatic devices that help regulate fluids, pressure, and temperature are huge sources of emissions and can often fail to function properly. Leak detection and repair requirements should be extended to these devices. Colorado adopted these requirements with the support of the state's largest trade associations.

- Methane and VOC emissions from Completion and Recompletion of gas wells in New Mexico has long been a major source of air pollution and accelerates climate change. EPA attempted to capture and control these emissions in OOOO/a in CFR 60.5375 with "green completions" but exemptions were overly broad and must be corrected to prevent unregulated venting during this phase of development.

- NMED should consider monthly inspections for high producing well sites just as Colorado has adopted.

Improving EMNRD's Methane Waste Rule

While EMNRD has developed a commonsense approach to the methane waste rule, critical changes are still needed such as limiting venting and flaring by county or region and requiring enforcement of gas capture plans.

- OCD has set an appropriate goal that 98% of all gas be captured. However, if that requirement is not set by locality, for companies with operations in both the San Juan and Permian Basins, all the reductions could occur in the Permian. This would disproportionately affect rural communities in the San Juan Basin. OCD should set the goal based on locality such as county or basin.

- OCD should deny drilling permits for applications without firm agreements for pipeline capacity, and sanctions like revoking a permit or forcing a well to shut in if a company does not follow through and down the road seeks permission to flare.

- The draft rule carves out too many exemptions for venting which is far more damaging to the climate than flaring. OCD should ban all venting, including during well Completion and Recompletion, except for emergencies and require gas to be put into pipelines. Flaring should only occur when necessary to protect health and safety. OCD should include provisions to ensure that flares combust nearly all the gas and that flares stay lit.

Gov. Lujan Grisham has committed to creating nationally leading rules this year and farmers and ranchers applaud the effort to hold the oil and gas industry accountable and protect our communities. We can get there by strengthening the draft rules and removing the loopholes that threaten to leave rural New Mexico communities unprotected from oil and gas pollution and waste.

Sincerely,

Bill Midcap

Senior Policy Advisor
Rocky Mountain Farmers Union