Environmental
Improvement Board
RECEIVED
February 23, 2026
Pamela Jones

STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED REPEAL AND REPLACEMENT OF 20.2.71 NMAC – *OPERATING PERMIT EMISSIONS FEES* AND 20.2.75 NMAC – *CONSTRUCTION PERMIT FEES*

No. EIB 25-77(R)

New Mexico Environment Department,

Petitioner.

NEW MEXICO ENVIRONMENT DEPARTMENT'S NOTICE OF INTENT TO PRESENT TECHNICAL TESTIMONY PETITION FOR REGULATORY CHANGE TO REPEAL AND REPLACE 20.2.71 NMAC, *OPERATING PERMIT EMISSIONS FEES*, AND 20.2.75 NMAC, *CONSTRUCTION PERMIT FEES*

The New Mexico Environment Department ("Department"), pursuant to 20.1.1.302 NMAC, respectfully submits this Notice of Intent to Present Technical Testimony in support of the Department's Petition to repeal and replace 20.2.71 NMAC, *Operating Permit Emissions Fees,* and 20.2.75 NMAC, *Construction Permit Fees* ("Petition"). The Department's Notice of Intent to Present Technical Testimony is based on the Petition and the Department's proposal to repeal and replace of 20.2.71 NMAC, *Operating Permit Emissions Fees*, **NMED Exhibit 1** (clean) and **NMED Exhibit 2** (redline to current rule) ("Revised Part 71") and 20.2.75 NMAC, *Construction Permit Fees*, **NMED Exhibit 4** (clean) and **NMED Exhibit 5** (redline to current rule), which are the text of the Department's recommended modifications for the Board's adoption in place of the regulatory changes proposed in the Petition as 20.2.71 NMAC (Petition Exhibits B and D) and 20.2.75 NMAC (Petition Exhibits C and D) (filed Dec. 2, 2025).[1] Filed separately but

[1] The Department's recommended modifications from the Petition draft rules to the Notice of Intent to Present Technical Testimony rules are **NMED Exhibit 3** for Part 71 and **NMED Exhibit 6** for Part 75.

simultaneously with the Department's Notice of Intent to Present Technical Testimony is the Department's Statement of Reasons with Findings of Fact & Conclusions of Law in Support of Regulatory Change to Repeal and Replace 20.2.71 NMAC, *Operating Permit Emissions Fees*, and 20.2.75 NMAC, *Construction Permit Fees*. See 20.1.1.302(A)(6) NMAC (requiring submission of a statement of reasons with the notice of intent).

Although 20.1.1.402(A) NMAC requires an original and nine copies of each document be filed in paper form for the Board's use, general practice is to only file one copy for the Hearing Officer. The Department will promptly deliver to the Board Administrator one copy of each document filed and any additional copies requested by the Board and its counsel.

I. PERSON FOR WHOM TECHNICAL WITNESSES WILL TESTIFY

Witnesses will testify for the Department.

II. NAME AND QUALIFICATIONS OF TECHNICAL WITNESSES

A. James C. Kenney, Secretary of the Department, will testify for the Department in support of Revised Part 71 and Revised Part 75. Secretary Kenney's written narrative direct testimony is attached as **NMED Exhibit 8**. Secretary Kenney has held his position since January 2019. Secretary Kenney's resume describing his educational and work background is attached as **NMED Exhibit 9**, and his qualifications to testify are summarized at the beginning of his written narrative direct testimony (**NMED Exhibit 8**).

B. Alternatively, Michelle Miano, Division Director of the Department's Environmental Protection Division, will testify for the Department in support of Revised Part 71 and Revised Part 75 instead of Secretary Kenney, providing the written narrative direct testimony attached as **NMED Exhibit 8**. Deputy Division Director Miano is qualified to provide such testimony, as she oversees the Air Quality Bureau, Climate Change Bureau, and Radiation Control Bureau, with a focus on advancing the Department's strategic priorities; assisting with complex

projects, including rulemakings before the Environmental Improvement Board ("Board"); and ensuring sufficient program resources for each bureau within the Environmental Protection Division. Deputy Division Director Miano has held her position since January 2023. Deputy Division Director Miano's resume further describing her educational and work background is attached as **NMED Exhibit 78**.

C. Cindy Hollenberg, Chief of the Department's Air Quality Bureau, will testify for the Department in support of Revised Part 71 and Revised Part 75. Bureau Chief Hollenberg's written narrative direct testimony is attached as **NMED Exhibit 16**. Bureau Chief Hollenberg's resume describing her educational and work background is attached as **NMED Exhibit 17**, and her qualifications to testify are summarized at the beginning of her written narrative direct testimony (**NMED Exhibit 16**).

D. Bret Anderson, Chief of the Department's Environmental Protection Compliance and Enforcement Bureau, will testify for the Department in support of Revised Part 71 and Revised Part 75. Bureau Chief Anderson's written narrative direct testimony is attached as **NMED Exhibit 57**. Bureau Chief Anderson's resume describing his educational and work background is attached as **NMED Exhibit 58**, and his qualifications to testify are summarized at the beginning of his written narrative direct testimony (**NMED Exhibit 57**).

E. Brian Polgar, Section Chief of the Department's Air Quality Bureau Planning Section, will testify for the Department in support of Revised Part 71 and Revised Part 75. Mr. Polgar's written narrative direct testimony is attached as **NMED Exhibit 65**. Mr. Polgar's resume describing his educational and work background is attached as **NMED Exhibit 66**, and his qualifications to testify are summarized at the beginning of his written narrative direct testimony (**NMED Exhibit 65**).

III. HEARING LOCATIONS AND PRESENTATION OF TESTIMONY

The hearing on the Petition will be in a hybrid format, including an in-person location and a virtual platform for participating. The Department intends to call its witnesses to testify in-person but reserves the right to have a witness testify on the virtual platform should circumstances necessitate such accommodation. The Department may call its witnesses individually or as a panel in accordance with permissive general practice before the Board. If the Department presents its witnesses in a panel format, the Department reserves the right to object to cross-examination that exceeds the scope of direct testimony, or that would result in harassment, intimidation, needless expenditure of time, or undue repetition, consistent with 20.1.1.401(C) NMAC. The Department requests it present its witnesses first, as is common practice and there is no order stating otherwise. See 20.1.1.400(B)(3) NMAC.

The Department's technical witnesses will orally summarize their written narrative direct testimony in place of reading their testimony into the record at the hearing, subject to the requirement that each technical witness properly authenticates their testimony at the hearing.

The Department estimates the oral presentations with demonstrative presentations will take the following amount of time:

Secretary Kenney – 60 minutes

Bureau Chief Hollenberg – 60 minutes

Bureau Chief Anderson – 30 minutes

Mr. Polgar – 60 minutes

Thus, the Department respectfully requests the aforementioned amount of time to present its witnesses.

Additionally, the Department requests the Board allows its counsel at least 20 minutes for an oral opening statement prior to presenting its witnesses. See 20.1.1.400(B)(2) NMAC.

Lastly, the Department requests the Board allows its counsel at least 20 minutes for an oral closing statement after all evidence has been presented in the matter. See 20.1.1.400(B)(6) NMAC.

IV. TEXT OF PROPOSED RULE CHANGES

The Department's recommended modifications to the proposed regulatory changes to repeal and replace 20.2.71 NMAC, *Operating Permit Emissions Fees*, **NMED Exhibit 1** (clean) **NMED Exhibit 2** (redline to current rule) and 20.2.75 NMAC, *Construction Permit Fees*, **NMED Exhibit 4** (clean) and **NMED Exhibit 5** (redline to current rule), all attached to this filing.

V. LIST AND DESCRIPTION OF EXHIBITS

The Department intends to introduce during the hearing the following exhibits, which are identified in the respective written testimony exhibits:

NMED Exhibit #	File Name	Exhibit Description
NMED Exhibit 1	NMED Exhibit 1_Revised Proposed 20.2.71 NMAC_Clean	Revised Proposed Replacement Rule 20.2.71 NMAC, *Operating Permit Emissions Fees* (Clean)
NMED Exhibit 2	NMED Exhibit 2_Revised Proposed 20.2.71 NMAC_Redline v Current	Revised Proposed Replacement Rule 20.2.71 NMAC, *Operating Permit Emissions Fees* (Redline showing changes versus the current rule)
NMED Exhibit 3	NMED Exhibit 2_Revised Proposed 20.2.71 NMAC_Redline v Petition	Revised Proposed Replacement Rule 20.2.71 NMAC, *Operating Permit Emissions Fees* (Redline showing changes versus the proposed rule attached to the Department's petition as Exhibit B)
NMED Exhibit 4	NMED Exhibit 4_Revised Proposed 20.2.75 NMAC_Clean	Revised Proposed Replacement Rule 20.2.75 NMAC, *Construction Permit Fees* (Clean)
NMED Exhibit 5	NMED Exhibit 5_Revised Proposed 20.2.75 NMAC_Redline v Current	Revised Proposed Replacement Rule 20.2.75 NMAC – *Construction Permit Fees* (Redline showing changes versus the current rule)
NMED Exhibit 6	NMED Exhibit 6_Revised Proposed 20.2.75 NMAC_Redline v Petition	Revised Proposed Replacement Rule 20.2.75 NMAC – *Construction Permit Fees* (Redline showing changes versus the proposed rule attached to the Department's petition as Exhibit C)

NMED Exhibit 7		Compilation of Relevant Federal and State Statutes and Regulations
NMED Exhibit 7-A	NMED Exhibit 7-A_Environmental Improvement Act	Environmental Improvement Act
NMED Exhibit 7-B	NMED Exhibit 7-B_Air Quality Control Act	Air Quality Control Act
NMED Exhibit 7-C	NMED Exhibit 7-C_Clean Air Act 42 U.S.C.A. § 7661a	Clean Air Act 42 U.S.C.A. § 7661a
NMED Exhibit 7-D	NMED Exhibit 7-D_40 CFR 70.9 (CAA fee determination and certification)	40 CFR 70.9 (CAA fee determination and certification)
NMED Exhibit 7-E	NMED Exhibit 7-E_Dept. of Environment Act	Dept. of Environment Act
NMED Exhibit 7-F	NMED Exhibit 7-F_State Budget (relevant sections)	State Budget (relevant sections)
NMED Exhibit 7-G	NMED Exhibit 7-G_1.4.1 NMAC (Procurement Code Regulations)	1.4.1 NMAC (Procurement Code Regulations)
NMED Exhibit 7-H	NMED Exhibit 7-H_20.2.2 NMAC (Air Quality Definitions)	20.2.2 NMAC (Air Quality Definitions)
NMED Exhibit 7-I	NMED Exhibit 7-I_20.2.70 NMAC (Operating Permits)	20.2.70 NMAC (Operating Permits)
NMED Exhibit 7-J	NMED Exhibit 7-J_20.2.72 NMAC (Construction Permits)	20.2.72 NMAC (Construction Permits)
NMED Exhibit 7-H	NMED Exhibit 7-K_20.2.73 NMAC (Notices of Intent)	20.2.73 NMAC (Notices of Intent)
NMED Exhibit 8	**NMED Exhibit 8_Kenney Testimony**	**Technical Testimony of Secretary James C. Kenney**
NMED Exhibit 9	NMED Exhibit 9_Kenney Resume	Resume of James Kenney
NMED Exhibit 10	NMED Exhibit 10_NMED Organization Chart	August 8, 2025, NMED Organization Chart
NMED Exhibit 11	NMED Exhibit 11_NMED FY26 and FY27 Strategic Plans	NMED Fiscal Year 2026 Strategic Plan and Fiscal Year 2027 Strategic Plan
NMED Exhibit 12	NMED Exhibit 12_NMED FY25 Q4 Performance Assessment	NMED Performance Assessment, Fiscal Year 2025 – 4th Quarter – April 1 thru June 30, 2025
NMED Exhibit 13	NMED Exhibit 13_NMED FY25 Q4 Performance Report Card	Performance Report Card, Environment Department, Fourth Quarter, Fiscal year 2025
NMED Exhibit 14	NMED Exhibit 14_NMED Staffing	NMED Staffing Levels, by Fiscal Year from Agency Performance Website
NMED Exhibit 15	NMED Exhibit 15_Enforcement Watch	NMED Enforcement Data from Enforcement Watch Website
NMED Exhibit 16	**NMED Exhibit 16_Hollenberg Testimony**	**Technical Testimony of Bureau Chief Cindy Hollenberg**

NMED Exhibit 17	NMED Exhibit 17_Hollenberg Resume	Resume of Cindy Hollenberg
NMED Exhibit 18	NMED Exhibit 18_EPA Title V Fee Schedule Guidance	Updated Guidance on EPA Review of Fee Schedules for Operating Permit Programs Under Title V (Mar. 27, 2018)
NMED Exhibit 19	NMED Exhibit 19_Estimated Application Processing Times	Estimated Processing Times for Different Application Types in Calendar Year 2024
NMED Exhibit 20	NMED Exhibit 20_Emissions by Permit Type	Table Summarizing Emissions in 2023 by Permit Type
NMED Exhibit 21	NMED Exhibit 21_Title V Fee Comparison	Table Comparing States' Title V Emissions Fees in 2025
NMED Exhibit 22	NMED Exhibit 22_Particulate Matter Analysis	Table Analyzing the Impact to Individual Facilities of Fees for Particulate Matter and Potential Savings from Lowering Allowable Emissions
NMED Exhibit 23	NMED Exhibit 23_NMED ListServ Notice 12-23-2025	Bilingual ListServ Notice Announcing the January 15, 2026, and January 22, 2026, Public Meetings
NMED Exhibit 24	NMED Exhibit 24_NMED ListServ Notice 1-8-2026	Bilingual ListServ Notice Providing Information About How to Join the January 15, 2026, and January 22, 2026, Public Meetings
NMED Exhibit 25	NMED Exhibit 25_NMED Website Snapshot 12-23-2025	December 23, 2025, Snapshot of NMED Website Providing Information About Upcoming Public Engagement Meetings
NMED Exhibit 26	NMED Exhibit 26_NMED Website Snapshot 1-8-2026	January 8, 2026, Snapshot of NMED Website Providing Information About How to Join January 15, 2026, and January 22, 2026, Public Meetings
NMED Exhibit 27	NMED Exhibit 27_NMED Website Snapshot 1-20-2026	January 20, 2026, Snapshot of NMED Website Providing Links to January 15, 2026, Public Meeting Recording and Presentation Slides
NMED Exhibit 28	NMED Exhibit 28_Public Meeting Slides	Slides Presented at NMED's January 15, 2026, Public Informational Meeting
NMED Exhibit 29	NMED Exhibit 29_EIB Hearing Notice (English)	NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER THE PROPOSED REPEAL AND REPLACEMENT OF 20.2.71 NMAC – OPERATING PERMIT EMISSIONS FEES AND 20.2.75 NMAC – CONSTRUCTION PERMIT FEES, EIB 25-77 (R)
NMED Exhibit 30	NMED Exhibit 30_EIB Hearing Notice (Spanish)	JUNTA DE MEJORA AMBIENTAL DE NUEVO MÉXICO AVISO DE AUDIENCIA DE REGLAMENTACIÓN PARA CONSIDERAR LA PROPUESTA DE DEROGACIÓN Y SUSTITUCIÓN

		DE 20.2.71 NMAC – CUOTAS DE EMISIONES DE PERMISO DE OPERACIÓN Y 20.2.75 NMAC – CUOTAS DE PERMISO DE CONSTRUCCIÓN, EIB 25-77 (R)
NMED Exhibit 31	NMED Exhibit 31_Jones Email	Email from Board Administrator Pam Jones Regarding Public Comments Received as of February 17, 2026
NMED Exhibit 32	NMED Exhibit 32_Proof of Publication in Albuquerque Journal	Affidavit of Publication of EIB Hearing Notice in the Albuquerque Journal on January 11, 2026, and e-Tearsheet
NMED Exhibit 33	NMED Exhibit 33_Proof of Publication in Tri-City Record	Affidavit of Publication of EIB Hearing Notice in the Tri-City Record on January 12, 2026, and e-Tearsheet
NMED Exhibit 34	NMED Exhibit 34_Proof of Publication in Carlsbad Current-Argus	Affidavit of Publication of EIB Hearing Notice in the Carlsbad Current-Argus on January 13, 2026, and e-Tearsheets
NMED Exhibit 35	NMED Exhibit 35_Proof of Publication in NM Register	Affidavit of Publication of EIB Hearing Notice in the New Mexico Register on January 13, 2026, and Excerpt from Volume XXXVII, Issue 1
NMED Exhibit 36	NMED Exhibit 36_Notice to SBRAC	Notification Letter to Small Business Regulatory Advisory Commission, with Attachments
NMED Exhibit 37	NMED Exhibit 37_P2P Websites	Rulemaking Information Posted on Websites/Events Calendar/Docket
NMED Exhibit 38	NMED Exhibit 38_P2P Sunshine Portal	Rulemaking Information Posted on Sunshine Portal
NMED Exhibit 39	NMED Exhibit 39_P2P Field Offices	Rulemaking Information Posted in NMED Field Offices
NMED Exhibit 40	NMED Exhibit 40_P2P GovDelivery	Rulemaking Information Sent to NMED ListServs
NMED Exhibit 41	NMED Exhibit 41_P2P Parties	Rulemaking Information Sent to Parties that Filed an Entry of Appearance
NMED Exhibit 42	NMED Exhibit 42_P2P Postal Mail	Rulemaking Information Sent to Postal Mailing Addresses Provided to the EIB Administrator
NMED Exhibit 43	NMED Exhibit 43_P2P NM Legislative Council	Rulemaking Information Sent to the New Mexico Legislative Council
NMED Exhibit 44	NMED Exhibit 44_Public Involvement Plan	Public Involvement Plan, Operating (Part 71) and Construction (Part 75) Fees Rule Revision
NMED Exhibit 45	NMED Exhibit 45_Notice to Land Grants	Rulemaking Information Sent to New Mexico Land Grants
NMED Exhibit 46	NMED Exhibit 46_Notice to COGs and EDDs	Rulemaking Information Sent to Councils of Governments and Economic

		Development Districts
NMED Exhibit 47	NMED Exhibit 47_Notice to NPTs	Rulemaking Information Sent to Nations, Pueblos and Tribes
NMED Exhibit 48	NMED Exhibit 48_Air Program Staffing 2012-2016	Chart Showing Air Program Staffing Levels Since 2012
NMED Exhibit 49	NMED Exhibit 49_Historical Expansion and Future Needs	Tables Showing Air Program Staffing Levels Since 2012, Additional Staffing Needs, and Positions to be Created and Filled Through Fiscal Year 2030
NMED Exhibit 50	NMED Exhibit 50_AQB Org Chart Feb 2026	February 2026 Air Quality Bureau Organization Chart (High Level)
NMED Exhibit 51	NMED Exhibit 51_Cross-Section Dependability	Graphic Showing Cross-Section Dependability in the Air Quality Bureau
NMED Exhibit 52	NMED Exhibit 52_New Mexico Approved SIP Regulations	List of Current EPA Approved New Mexico State-Wide Regulations in the New Mexico SIP
NMED Exhibit 53	NMED Exhibit 53_Ozone Precursor Rule Fact Sheet	NMED Ozone Precursor Rule Fact Sheet, May 2021
NMED Exhibit 54	NMED Exhibit 54_Climate Action Plan	State of New Mexico Climate Action Plan (December 2025)
NMED Exhibit 55	NMED Exhibit 55_BLM Air Resources Technical Report	BLM Air Resources Technical Report for Oil and Gas Development in New Mexico, Oklahoma, Texas, and Kansas (2024)
NMED Exhibit 56	NMED Exhibit 56_Position Creation Plan	Air Quality Program Position Creation Plan, FY26-FY30
NMED Exhibit 57	**NMED Exhibit 57_Anderson Testimony**	**Technical Testimony of Bureau Chief Bret Anderson**
NMED Exhibit 58	NMED Exhibit 58_Anderson Resume	Resume of Bret Anderson
NMED Exhibit 59	NMED Exhibit 59_EPA Infrastructure SIP Guidance	Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2) (September 13, 2013)
NMED Exhibit 60	NMED Exhibit 60_EPA Compliance Monitoring Strategy	U.S. EPA Clean Air Act Stationary Source Compliance Monitoring Strategy (October 2016)
NMED Exhibit 61	NMED Exhibit 61_Complaint Investigation Statistics	Air Quality Compliance and Enforcement Section Complaint Investigation Summary Statistics (2021-2025)
NMED Exhibit 62	NMED Exhibit 62_CMS Facility Inventory	Air Quality Compliance Monitoring Strategy Facility Inventory Totals by Year (2021–2025)
NMED Exhibit 63	NMED Exhibit 63_Inspection Activity Summary	Air Quality Compliance and Enforcement Section Inspection Activity Totals by Year (2021–2025)

NMED Exhibit 64	NMED Exhibit 64_Proposed FFY24 CMS	Proposed State of New Mexico Compliance Monitoring Strategy Plan for Federal Fiscal Year 2024
NMED Exhibit 65	**NMED Exhibit 65_Polgar Testimony**	**Technical Testimony of Section Chief Brian Polgar**
NMED Exhibit 66	NMED Exhibit 66_Polgar Resume	Resume of Brian Polgar
NMED Exhibit 67	NMED Exhibit 67_Complete Audited FY25 NMED Financial Statements	New Mexico Environment Department Financial Statements and Supplementary Information, Year Ended June 30, 2025
NMED Exhibit 68	NMED Exhibit 68_Summary of Audited FY12-FY25 NMED Financial Statements	Table Summarizing NMED's Audited Financial Statements for Fiscal Years 2012-2025
NMED Exhibit 69	NMED Exhibit 69_AQB Org Chart June 2025	June 2025 Air Quality Bureau Organization Chart
NMED Exhibit 70	NMED Exhibit 70_Ntoko Email	Email from Administrative Services Division CFO Miranda Ntoko Regarding Fund Balance Requirements
NMED Exhibit 71	NMED Exhibit 71_5-Year Analysis	5-Year Cost and Revenue Projection for NMED's Title V and Construction Funds
NMED Exhibit 72	NMED Exhibit 72_Original Position Creation Plan	Original Position Creation Plan for FY26-FY30 Showing Projected Costs to NMED's Title V and Construction Funds
NMED Exhibit 73	NMED Exhibit 73_Modified Position Creation Plan	Modified Position Creation Plan for FY26-FY30 Showing Projected Costs to NMED's Title V and Construction Funds
NMED Exhibit 74	NMED Exhibit 74_SPO Classification Plan	State Personnel Office Classification Plan, Fiscal Year 2025 (December 12, 2025)
NMED Exhibit 75	NMED Exhibit 75_SPO Classification and Pay Listing	State Personnel Office Classification and Pay Listing (Effective August 2, 2025)
NMED Exhibit 76	NMED Exhibit 76_Revenue Calculation Spreadsheet	NMED Projected Revenue Calculation Spreadsheet
NMED Exhibit 77	NMED Exhibit 77_Business as Usual Scenario	Business as Usual Projection for NMED's Title V and Construction Funds
NMED Exhibit 78	NMED Exhibit 78_Miano Resume	Resume of Michelle Miano

VI. RESERVATION OF RIGHTS

The Department reserves the right to object to questioning that seeks legal argument, policy positions, or general comments from technical witnesses, as such matters fall outside the scope of technical testimony as defined in 20.1.1.7(S) NMAC.

The Department reserves the right to object to exhibits or testimony that are incompetent

or unduly repetitious pursuant to 20.1.1.401(B) NMAC.

The Department reserves the right to object to the admission of technical testimony or exhibits offered by any person for whom a timely notice of intent was not filed in accordance with 20.1.1.302 NMAC.

The Department reserves the right to submit written responses or any post-hearing submission authorized pursuant to 20.1.1.404 NMAC, or to object to the allowance of such submissions where appropriate.

The Department reserves the right to call any other witnesses necessary to authenticate exhibits introduced by the Department.

If other notices of intent to present technical testimony are filed, the Department reserves the right to call any person identified in such other notice.

The Department reserves the right to call any other person not already identified but who is necessary to present rebuttal testimony or offer a rebuttal exhibit, to respond to other notices of intent to present technical testimony, public comment, and any testimony or exhibit offered at the public hearing.

The Department does not anticipate offering any other technical testimony from other Department witnesses for direct testimony, as of the date of this filing. However, several Department staff members will be available at the hearing should the Board request additional information.

Filed: February 20, 2025

Respectfully submitted,

ROBLES, RAEL & ANAYA, P.C.

/s/ Kelsea E. Sona

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CERTIFICATION

I hereby certify that on February 20, 2026, an electronic copy of this New Mexico Environment Department's Notice of Intent to Present Technical Testimony was filed with the Board via email and served on the parties entered in the matter as of February 20, 2026, at 4 p.m. Mountain Standard Time, as follows:

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By: */s/ Kelsea E. Sona*
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TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 71 OPERATING PERMIT EMISSIONS FEES

20.2.71.1 ISSUING AGENCY: Environmental Improvement Board.
[20.2.71.1 NMAC - Rp, 20.2.71.1 NMAC, 6/1/2026]

20.2.71.2 SCOPE: This Part applies to all persons required to obtain a permit under 20.2.70 NMAC (Operating Permits).
[20.2.71.2 NMAC - Rp, 20.2.71.2 NMAC, 6/1/2026]

20.2.71.3 STATUTORY AUTHORITY: Environmental Improvement Act, Sections 74-1-1 to -18 NMSA 1978, including specifically Paragraph (4) of Subsection A of Section 74-1-8 NMSA 1978, and Air Quality Control Act, Sections 74-2-1 to -17 NMSA 1978, including specifically Paragraph (7) of Subsection B of Section 74-2-7 NMSA 1978.
[20.2.71.3 NMAC - Rp, 20.2.71.3 NMAC, 6/1/2026]

20.2.71.4 DURATION: Permanent.
[20.2.71.4 NMAC - Rp, 20.2.71.4 NMAC, 6/1/2026]

20.2.71.5 EFFECTIVE DATE: June 1, 2026, unless a later date is cited at the end of a section.
[20.2.71.5 NMAC - Rp, 20.2.71.5 NMAC, 6/1/2026]

20.2.71.6 OBJECTIVE: The objective of this Part is to establish a schedule of operating permit emissions fees.
[20.2.71.6 NMAC - Rp, 20.2.71.6 NMAC, 6/1/2026]

20.2.71.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (Definitions), as used in this Part, the following definitions apply.

A. "Allowable emission rate" means the maximum emission allowed by the more stringent emission limitation applicable to the source contained in:

(1) any New Mexico air quality control regulation;

(2) any federal standard of performance, emission limitation, or emission standard adopted pursuant to 42 U.S.C. Section 7411 or 7412; or

(3) any condition within a construction or operating permit issued by the department.

B. "Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any fee pollutant.

C. "Fee pollutant" means:

(1) sulfur dioxide, nitrogen dioxide, carbon monoxide, PM10, PM2.5, and volatile organic compounds; and

(2) any hazardous air pollutant that is subject to any standard promulgated pursuant to Section 112 of the federal act.

D. "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

E. "Hazardous air pollutant" means an air contaminant that has been classified as a hazardous air pollutant pursuant to Section 112 of the federal act.

F. "Operator" means the person or persons responsible for the overall operation of a facility.

G. "Owner" means the person or persons who own a facility or part of a facility.

H. "Stationary source" means any building, structure, facility, or installation that emits or may emit any air pollutant.

[20.2.71.7 NMAC - Rp, 20.2.71.7 NMAC, 6/1/2026]

20.2.71.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation (AQCR) 771 - Operating Permit Emission Fees, filed November 15, 1993, as amended.

A. All references to AQCR 771 in any other rule shall be construed as a reference to this Part.

NMED Exhibit 1_000001

B. The amendment and supersession of AQCR 771 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 771.

[20.2.71.8 NMAC - Rp, 20.2.71.8 NMAC, 6/1/2026]

20.2.71.9 DOCUMENTS: Documents cited in this Part may be viewed at the New Mexico environment department, air quality bureau. [As of April 2013, the air quality bureau is located at 525 Camino de los Marquez, Santa Fe, New Mexico 87505].

[20.2.71.9 NMAC - Rp, 20.2.71.9 NMAC, 6/1/2026]

20.2.71.10 SEVERABILITY: If any provision of this Part, or the application of this provision to any person or circumstance is held invalid, the remainder of this Part, or the application of this provision to any person or circumstance other than those as to which it is held invalid, shall not be affected thereby.

[20.2.71.10 NMAC - N, 6/1/2026]

20.2.71.11 to 20.2.71.108 [RESERVED]

20.2.71.109 [RESERVED]

[20.2.71.109 NMAC – Rp, 20.2.71.109 NMAC, 6/1/2026]

20.2.71.110 FEE REQUIREMENT:

A. An annual emissions fee shall be paid to the department by each owner or operator subject to this Part.

B. The annual emissions fee shall be assessed:

(1) for a major source as defined in 20.2.70 NMAC (Operating Permits), for all emissions units;

(2) for all other stationary sources, for emissions units which cause the source to be subject to 20.2.70 NMAC; and

(3) for emissions above annual allowable emission limits for the source categories in Paragraphs (1) and (2) of this Subsection.

C. The annual emissions fee shall be calculated in conformance with 20.2.71.111 NMAC.

[20.2.71.110 NMAC - Rp, 20.2.71.110 NMAC, 6/1/2026]

20.2.71.111 FEE DETERMINATION:

A. Annual emissions fee calculation.

(1) The annual emissions fee shall be calculated by taking the product of the allowable emission rate for each fee pollutant expressed in tons per year and the appropriate fee per ton of pollutant listed in 20.2.71.112 NMAC.

(2) The allowable emission rate which shall be used in the fee calculation for this Subsection is the allowable emission rate which exists on December 31 for each year.

(3) Allowable emission rates shall be calculated to the tenth of a ton for each emissions unit and then summed to determine the tons per year for the facility. Total facility tons per year quantities shall be determined by rounding amounts equal to or greater than five tenths of a ton upward and amounts lower than five tenths of a ton downward.

(4) Emissions from those operations determined to be insignificant activities by the department under 20.2.70 NMAC shall not be included in the fee calculation for this Subsection.

(5) Fugitive emissions which have an allowable emission rate shall be included in the fee calculation for this Subsection.

(6) Any quantity of a pollutant which is assessed a fee pursuant to this Subsection because it is a hazardous air pollutant shall not be assessed additional fees.

(7) A maximum of 3,000 tons per year of any one fee pollutant shall be used in the fee calculation for this Subsection.

(8) For facilities with allowable emission rates for both PM10 and PM2.5, a fee shall only be assessed pursuant to this Subsection for one of these fee pollutants, and shall be based on whichever has the higher allowable emission rate.

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(9) The failure of an owner or operator to include the correct information in a permit application, resulting in incorrect allowable emissions in a permit issued under 20.2.70 NMAC, 20.2.72 NMAC, or 20.2.74 NMAC, shall not preclude the department from requiring payment for the correct emissions from the time payment would have been first due.

B. Source shutdown.

(1) The annual emissions fee shall not be reduced due to lack of operation of any emissions unit, except when:

(a) the discontinued operation is accounted for in an allowable emission rate contained within a construction or operating permit issued by the department;

(b) a construction or operating permit issued by the department has been discontinued or terminated and the source ceased operation; or

(c) the emissions unit is located at a stationary source which meets the criteria of Paragraph (2) of this Subsection.

(2) The annual emissions fee shall be reduced when all operations at a stationary source have been shut down for a period greater than 60 consecutive days within a calendar year. In this case, the annual emissions fee calculation shall be adjusted by reducing the annualized allowable emission rate for each day the stationary source was shut down.

C. Annual emissions fee for emissions above annual allowable emission limits.

(1) The annual emissions fee for emissions above annual allowable emission limits shall be based on all emissions above annual allowable emission limits of fee pollutants reported or required to be reported by a stationary source through December 31 in accordance with Subsection E of 20.2.70.302 NMAC. The fee shall be calculated by taking the product of the emissions above annual allowable emission limits for each fee pollutant above and beyond the allowable annual emission limit per unit expressed in tons per year and the appropriate fee per ton of pollutant listed in 20.2.71.112 NMAC.

(2) Total facility tons per year quantities of emissions above annual allowable emission limits shall be determined by rounding amounts equal to or greater than five tenths of a ton upward and amounts lower than five tenths of a ton downward.

(3) Any quantity of a pollutant which is assessed a fee pursuant to this Subsection because it is a hazardous air pollutant shall not be assessed additional fees.

(4) A maximum of 3,000 tons per year of any one fee pollutant shall be used in the fee calculation for this Subsection.

(5) For facilities with allowable emission rates for both PM10 and PM2.5, a fee shall only be assessed pursuant to this Subsection for one of these fee pollutants, and shall be based on whichever has higher emissions above annual allowable emission limits.

[20.2.71.111 NMAC - Rp, 20.2.71.111 NMAC, 6/1/2026]

20.2.71.112 EMISSIONS FEE:

A. The fee for each fee pollutant shall be $85 per ton on an annual basis, except as provided for in Subsection B of this Section.

B. The fee for each hazardous air pollutant shall be $258 per ton on an annual basis for any stationary source which is only a major source, as defined in 20.2.70 NMAC, for any hazardous air pollutant.

C. The fee per ton of emissions above annual allowable emission limits shall be identical to the fee per ton of allowable emissions.

D. Beginning in 2028, the fees referenced in this Section shall be changed annually on January 1 by the percentage, if any, of any annual increase in the consumer price index (CPI) in accordance with Section 502(b)(3)(B)(v) of the federal act. In the event there is a decrease or absence of change in the CPI, fees shall remain the same until the next increase in the CPI.

[20.2.71.112 NMAC - Rp, 20.2.71.112 NMAC, 6/1/2026]

20.2.71.113 NOTIFICATION, PAYMENT, LATE FEE AND ENFORCEMENT:

A. Schedule.

(1) The department shall by April 1 of each year provide to each owner or operator subject to this Part notification, which shall contain:

(a) the annual emissions fee based on the requirements of this Part which is currently due; and

(b) a summary of the basis for the required annual emissions fee.

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(2) Upon discovery of an error in any past notification of annual emissions fees due, the department shall promptly notify the owner or operator and provide credit for overcharges or require payment for undercharges.

(3) Each owner or operator shall pay by June 1 the annual emissions fee contained in the department's notification required under Paragraph (1) of this Subsection. Failure to remit the full annual emissions fee by this date shall subject the owner or operator to a late fee equal to fifty percent of the annual emissions fee or $5,000, whichever is less. The department shall provide to each owner or operator assessed a late fee pursuant to this Subsection notification, which shall state the late fee and unpaid annual emissions fee balance currently due. The owner or operator shall pay the amount stated in the department's notification within 30 days of the date of the notification. If the amount stated in the notification is not timely paid, the late fee shall increase to one hundred percent of the annual emissions fee or $10,000, whichever is less, and shall be due immediately without further notification from the department, along with the unpaid annual emissions fee balance.

(4) Each owner or operator shall pay invoices based on notices of errors in past notifications within 60 days of the invoice date.

B. Payment.

(1) Annual emissions fees shall be remitted in the form of a certified check or money order made payable to the environment department, electronic payment, or other method as allowed by the state. Annual emissions fees remitted in the form of a certified check or money order shall be submitted to the air quality bureau at the address specified in the notice.

(2) Upon receipt of the annual emissions fee payment, it shall be deposited in the state air quality permit fund.

(3) Annual emissions fees shall be paid in U.S. dollars.

C. Nonpayment. Failure to remit the full annual emissions fee, including any late fees, required by the due date specified in Subsection A of this Section is a violation of this Part and may subject the owner or operator to:

(1) civil penalties of up to $15,000 for each day of noncompliance as provided for in the Air Quality Control Act, Section 74-2-12.1 NMSA 1978; and

(2) the enforcement provisions of the Air Quality Control Act, Section 74-2-12 NMSA 1978, which includes suspension or revocation of any permit.

[20.2.71.113 NMAC - Rp, 20.2.71.113 NMAC, 6/1/2026]

HISTORY OF 20.2.71 NMAC:

Pre NMAC History: The material in this Part was derived from that previously filed with the commission of public records - state records center and archives.

EIB/AQCR 771, Air Quality Control Regulation 771 - Operating Permit Emission Fees, filed 11/15/93.

History of Repealed Material:

20.2.71 NMAC, Operating Permit Emissions Fees, effective 10/31/02, repealed, effective 6/1/26.

Other History:

EIB/AQCR 771, Air Quality Control Regulation 771 - Operating Permit Emission Fees, filed 11/15/93, was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.71, Operating Permit Emission Fees, filed 10/30/95;

20 NMAC 2.71, Operating Permit Emission Fees, filed 10/30/95, was **renumbered, reformatted and replaced** by 20.2.71 NMAC, Operating Permit Emission Fees, effective 10/31/02.

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TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 71 OPERATING PERMIT EMISSIONS FEES

20.2.71.1 ISSUING AGENCY: Environmental Improvement Board.
[[~~11/30/95;~~] 20.2.71.1 NMAC - [~~Rn, 20 NMAC 2.71.100 10/31/02~~] Rp, 20.2.71.1 NMAC, 6/1/2026]

20.2.71.2 SCOPE: This Part applies to all persons required to obtain a permit under 20.2.70 NMAC (Operating Permits).
[[~~11/30/95;~~] 20.2.71.2 NMAC - [~~Rn, 20 NMAC 2.71.101 10/31/02~~] Rp, 20.2.71.2 NMAC, 6/1/2026]

20.2.71.3 STATUTORY AUTHORITY: Environmental Improvement Act, Sections 74-1-1 to -18 NMSA 1978, including specifically [~~NMSA 1978, section 74-1-8 (A)(4)~~] Paragraph (4) of Subsection A of Section 74-1-8 NMSA 1978, and Air Quality Control Act, [~~NMSA 1978, Sections 74-2-1 et seq.~~] Sections 74-2-1 to -17 NMSA 1978, including specifically [~~section 74-2-7(B)(5)~~] Paragraph (7) of Subsection B of Section 74-2-7 NMSA 1978.
[[~~11/30/95;~~] 20.2.71.3 NMAC - [~~Rn, 20 NMAC 2.71.102 10/31/02~~] Rp, 20.2.71.3 NMAC, 6/1/2026]

20.2.71.4 DURATION: Permanent.
[[~~11/30/95;~~] 20.2.71.4 NMAC - [~~Rn, 20 NMAC 2.71.103 10/31/02~~] Rp, 20.2.71.4 NMAC, 6/1/2026]

20.2.71.5 EFFECTIVE DATE: [~~November 30, 1995~~] June 1, 2026, unless a later date is cited at the end of a section.
[[~~11/30/95;~~] 20.2.71.5 NMAC - [~~Rn, 20 NMAC 2.71.104 10/31/02; A, 12/15/04~~] Rp, 20.2.71.5 NMAC, 6/1/2026]
[~~[The latest effective date of any section in this part is 01/09/09.]~~]

20.2.71.6 OBJECTIVE: The objective of this Part is to establish a schedule of operating permit [~~emission~~] emissions fees.
[[~~11/30/95;~~] 20.2.71.6 NMAC - [~~Rn, 20 NMAC 2.71.105 10/31/02~~] Rp, 20.2.71.6 NMAC, 6/1/2026]

20.2.71.7 DEFINITIONS. In addition to the terms defined in 20.2.2 NMAC (definitions), as used in this part, the following definitions apply.

A. "Allowable emission rate" means the maximum emission allowed by the more stringent emission limitation applicable to the source contained in:

(1) any New Mexico air quality control regulation;

(2) any federal standard of performance, emission limitation, or emission standard adopted pursuant to 42 U.S.C. Section 7411 or 7412; or

(3) any condition within a construction or operating permit issued by the department.

B. "Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any fee pollutant.

C. "Fee pollutant" means:

(1) sulfur dioxide, nitrogen dioxide, carbon monoxide, [~~total suspended particulate matter~~] PM10, PM2.5, and volatile organic compounds[~~, and mercury~~]; and

(2) any hazardous air pollutant that is subject to any standard promulgated pursuant to section 112 of the federal act.

D. "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

E. "Hazardous air pollutant" means an air contaminant that has been classified as a hazardous air pollutant pursuant to section 112 of the federal act.

F. "Operator" means the person or persons responsible for the overall operation of a facility.

G. "Owner" means the person or persons who own a facility or part of a facility.

[~~**H. "Part"** means an air quality control regulation under Title 20, Chapter 2 of the New Mexico Administrative Code, unless otherwise noted; as adopted or amended by the board.~~]

[~~**I**~~] **H. "Stationary source"** means any building, structure, facility, or installation that emits or may emit any air pollutant.

[[~~11/30/95;~~] 20.2.71.7 NMAC - [~~Rn, 20 NMAC 2.71.107 10/31/02; A, 12/15/04; A, 06/15/07~~] Rp, 20.2.71.7 NMAC, 6/1/2026]

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20.2.71.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation (AQCR) 771 - Operating Permit Emission Fees, filed November 15, 1993, as amended.

A. All references to AQCR 771 in any other rule shall be construed as a reference to this Part.

B. The amendment and supersession of AQCR 771 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 771.

[[~~11/30/95;~~] 20.2.71.8 NMAC - [~~Rn, 20 NMAC 2.71.106 10/31/02~~] Rp, 20.2.71.8 NMAC, 6/1/2026]

20.2.71.9 DOCUMENTS: Documents cited in this Part may be viewed at the New Mexico Environment Department, Air Quality Bureau [~~, Runnels Building, 1190 Saint Francis Drive, Santa Fe, NM 87505 [2048 Galisteo St., Santa Fe, NM 87505]~~]. [As of April 2013, the air quality bureau is located at 525 Camino de los Marquez, Santa Fe, New Mexico 87505].

[[~~11/30/95;~~] 20.2.71.9 NMAC - [~~Rn, 20 NMAC 2.71.108 10/31/02~~] Rp, 20.2.71.9 NMAC, 6/1/2026]

20.2.71.10 SEVERABILITY: If any provision of this Part, or the application of this provision to any person or circumstance is held invalid, the remainder of this Part, or the application of this provision to any person or circumstance other than those as to which it is held invalid, shall not be affected thereby.

[20.2.71.10 NMAC - N, 6/1/2026]

[~~20.2.71.10~~] 20.2.71.11 to 20.2.71.108 [RESERVED]

20.2.71.109 [~~APPLICABILITY: Each owner or operator required to obtain an operating permit under 20.2.70 NMAC (Operating Permits) shall be subject to the requirements of this Part.~~] [RESERVED]

[[~~11/30/95;~~] 20.2.71.109 NMAC - [~~Rn, 20 NMAC 2.71.109 10/31/02~~] Rp, 20.2.71.109 NMAC, 6/1/2026]

20.2.71.110 FEE REQUIREMENT

A. An annual [~~operating permit emission~~] emissions fee shall be paid to the department by each owner or operator subject to this part.

B. The annual emissions fee shall be assessed:

(1) for a major source as defined in 20.2.70 NMAC (Operating Permits), for all emissions units;

(2) for all other stationary sources, for emissions units which cause the source to be subject to 20.2.70 NMAC; and

(3) for emissions above annual allowable emission limits for the source categories in Paragraphs (1) and (2) of this Subsection [~~B of Section 20.2.71.110 NMAC~~].

C. The annual emissions fee shall be calculated in conformance with 20.2.71.111 NMAC.

[[~~11/30/95;~~] 20.2.71.110 NMAC - [~~Rn, 20 NMAC 2.71.110 10/31/02; A, 12/15/04~~] Rp, 20.2.71.110 NMAC, 6/1/2026]

20.2.71.111 FEE DETERMINATION

A. Annual emissions fee calculation.

(1) The annual emissions fee shall be calculated by taking the product of the allowable emission rate for each fee pollutant expressed in tons per year and the appropriate fee per ton of pollutant listed in 20.2.71.112 NMAC.

(2) The allowable emission rate which shall be used in the fee calculation for this Subsection is

[~~**(a)**~~] the allowable emission rate which exists on December 31 for each year. [~~; and~~

~~**(b)** the failure of an owner or operator to include the correct information in a permit application, resulting in incorrect allowable emissions in a permit issued under 20.2.70 NMAC, 20.2.72 NMAC, or 20.2.74 NMAC, shall not preclude the department from requiring payment for the correct emissions from the time payment would have been first due.~~]

(3) Allowable emission rates shall be calculated to the tenth of a ton for each [~~emission~~] emissions unit and then summed to determine the tons per year for the facility. Total facility tons per year quantities

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shall be determined by rounding amounts equal to or greater than five tenths of a ton upward and amounts lower than five tenths of a ton downward.

(4) Emissions from those operations determined to be insignificant activities by the department under 20.2.70 NMAC shall not be included in the fee calculation for this Subsection.

(5) Fugitive emissions which have an allowable emission rate shall be included in the fee calculation for this Subsection.

(6) Any quantity of a pollutant which is assessed a fee pursuant to this Subsection because it is a hazardous air pollutant shall not be assessed additional fees.

(7) A maximum of [~~six thousand~~] 3,000 tons per year of any one fee pollutant shall be used in the fee calculation for this Subsection.

(8) For facilities with allowable emission rates for both PM10 and PM2.5, a fee shall only be assessed pursuant to this Subsection for one of these fee pollutants, and shall be based on whichever has the higher allowable emission rate.

(9) The failure of an owner or operator to include the correct information in a permit application, resulting in incorrect allowable emissions in a permit issued under 20.2.70 NMAC, 20.2.72 NMAC, or 20.2.74 NMAC, shall not preclude the department from requiring payment for the correct emissions from the time payment would have been first due.

B. Source shutdown.

(1) The annual emissions fee shall not be reduced due to lack of operation of any emissions unit, except when:

(a) the discontinued operation is accounted for in an allowable emission rate contained within a construction or operating permit issued by the department;

(b) a construction or operating permit issued by the department has been discontinued or terminated and the source ceased operation; or

(c) the emissions unit is located at a stationary source which meets the criteria of Paragraph (2) of this Subsection [~~B of 20.2.71.111 NMAC~~].

(2) The annual emissions fee shall be reduced when all operations at a stationary source have been [~~shutdown~~] shut down for a period greater than 60 consecutive days within a calendar year. In this case, the annual emissions fee calculation shall be adjusted by reducing the annualized allowable emission rate[~~, or potential to emit if applicable,~~] for each day the stationary source was [~~shutdown~~] shut down.

C. Annual emissions fee for emissions above annual allowable emission limits.

(1) The annual emissions fee for emissions above annual allowable emission limits shall be based on all emissions above annual allowable emission limits of fee pollutants reported or required to be reported by a stationary source through December 31 in accordance with Subsection E of 20.2.70.302 NMAC. The fee shall be calculated by taking the product of the emissions above annual allowable emission limits for each fee pollutant above and beyond the allowable annual emission limit per unit expressed in tons per year and the appropriate fee per ton of pollutant listed in 20.2.71.112 NMAC.

(2) Total facility tons per year quantities of emissions above annual allowable emission limits shall be determined by rounding amounts equal to or greater than five tenths of a ton upward and amounts lower than five tenths of a ton downward.

(3) Any quantity of a pollutant which is assessed a fee pursuant to this [~~section~~] Subsection because it is a hazardous air pollutant shall not be assessed additional fees [~~pursuant to this section~~].

(4) A maximum of [~~six thousand~~] 3,000 tons per year of any one fee pollutant shall be used in the fee calculation for this [~~section~~] Subsection.

(5) For facilities with allowable emission rates for both PM10 and PM2.5, a fee shall only be assessed pursuant to this Subsection for one of these fee pollutants, and shall be based on whichever has higher emissions above annual allowable emission limits.

[[~~11/30/95;~~] 20.2.71.111 NMAC - [~~Rn, 20 NMAC 2.71.111 10/31/02; A, 12/15/04~~] Rp, 20.2.71.111 NMAC, 6/1/2026]

20.2.71.112 [~~EMISSION~~] EMISSIONS FEE

A. The fee for each fee pollutant shall be [~~$20.00~~] $85 per ton on an annual basis, except as provided for in Subsection B of [~~20.2.70.112 NMAC~~] this Section. [~~This fee shall increase by $2.00 per ton on an annual basis beginning on January 1, 2010 through the fees due on June 1, 2012.~~]

B. The fee for each hazardous air pollutant shall be [~~$165.00~~] $258 per ton on an annual basis for any stationary source which is only a major source, as defined in 20.2.70 NMAC, for any hazardous air pollutant.

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[~~C. Fees for mercury emissions.~~

~~(1) For the calendar years 2010 through 2017, the fee for mercury emissions from stationary sources subject to 20.2.85 NMAC shall be $8.88 per ounce annually.~~

~~(2) For the calendar years 2018 and thereafter, the fee for mercury emissions] from stationary sources subject to 20.2.85 NMAC shall be $22.51 per ounce annually.]~~

[~~D~~] **C.** The fee per ton of emissions above annual allowable emission limits shall be identical to the fee per ton of allowable emissions.

[~~E~~] **D.** Beginning [~~on January 1, 2009~~] in 2028, the fees referenced in this section shall be changed annually on January 1 by the percentage, if any, of any annual increase in the consumer price index (CPI) in accordance with Section 502(b)(3)(B)(v) of the federal [~~Clean Air~~] Act. In the event there is a decrease or absence of change in the CPI, fees shall remain the same until the next increase in the CPI.

[[~~11/30/95;~~] 20.2.71.112 NMAC - [~~Rn, 20 NMAC 2.71.112 10/31/02; A, 12/15/04; A, 06/15/07; A, 01/09/09~~] Rp, 20.2.71.112 NMAC, 6/1/2026]

20.2.71.113 NOTIFICATION, [~~FEE~~] PAYMENT, LATE FEE AND ENFORCEMENT

A. Schedule.

(1) The department shall by April 1 of each year provide to each owner or operator subject to this part notification, which shall contain:

(a) the annual emissions fee based on the requirements of this part which is currently due; and

(b) a summary of the basis for the required annual missions fee.

(2) Upon discovery of an error in any past notification of annual emissions fees due, the department shall promptly notify the owner or operator and provide credit for overcharges or require payment for undercharges.

(3) Each owner or operator shall pay by June 1 the annual emissions fee contained in the department's notification required under Paragraph (1) of this Subsection [~~A of Section 20.2.71.113 NMAC~~]. Failure to remit the full annual emissions fee by this date shall subject the owner or operator to a late fee equal to fifty percent of the annual emissions fee or $5,000, whichever is less. The department shall provide to each owner or operator assessed a late fee pursuant to this Subsection notification, which shall state the late fee and unpaid annual emissions fee balance currently due. The owner or operator shall pay the amount stated in the department's notification within 30 days of the date of the notification. If the amount stated in the notification is not timely paid, the late fee shall increase to one hundred percent of the annual emissions fee or $10,000, whichever is less, and shall be due immediately without further notification from the department, along with the unpaid annual emissions fee balance.

(4) Each owner or operator shall pay invoices based on notices of errors in past notifications within 60 days of the invoice date.

[~~**(5)** The department shall commence invoicing for fees for emissions above annual allowable emission limits reported by the method specified by the department in calendar year 2007.~~]

B. Payment.

(1) Annual emissions fees shall be remitted in the form of a certified check or money order made payable to the environment department [~~and~~] , electronic payment, or other method as allowed by the state. Annual emissions fees remitted in the form of a certified check or money order shall be submitted to the air quality bureau at the address specified in the notice.

(2) Upon receipt of the [~~check or money order~~] annual emissions fee payment, it shall be deposited in the state air quality permit fund.

(3) Annual emissions fees shall be paid in U.S. dollars.

C. Nonpayment. Failure to remit the full annual emissions fee, including any late fees, required by the due date specified in Subsection A of this section is a violation of this part and may subject the owner or operator to:

(1) civil penalties of up to $15,000 for each day of noncompliance as provided for in the [~~New Mexico~~] Air Quality Control Act, section 74-2-12.1 NMSA 1978; and

(2) the enforcement provisions of the [~~New Mexico~~] Air Quality Control Act, section 74-2-12 NMSA 1978, which includes suspension or revocation of any permit.

[[~~11/30/95;~~] 20.2.71.113 NMAC - [~~Rn, 20 NMAC 2.71.113 10/31/02; A, 12/15/04~~] Rp, 20.2.71.113 NMAC, 6/1/2026]

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HISTORY OF 20.2.71 NMAC:

Pre NMAC History: The material in this part was derived from that previously filed with the commission of public records - state records center and archives.

EIB/AQCR 771, Air Quality Control Regulation 771 - Operating Permit Emission Fees, filed 11/15/93.

History of Repealed Material: [~~[RESERVED]~~]

20.2.71 NMAC, Operating Permit Emissions Fees, effective 10/31/02, repealed, effective 6/1/26.

Other History:

EIB/AQCR 771, Air Quality Control Regulation 771 - Operating Permit Emission Fees, filed 11/15/93 was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.71, Operating Permit Emission Fees, filed 10/30/95;

20 NMAC 2.71, Operating Permit Emission Fees, filed 10/30/95 was **renumbered, reformatted and replaced** by 20.2.71 NMAC, Operating Permit Emission Fees, effective 10/31/02.

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 71 OPERATING PERMIT EMISSIONS FEES

20.2.71.1 ISSUING AGENCY: Environmental Improvement Board.
[20.2.71.1 NMAC - Rp, 20.2.71.1 NMAC, 6/1/2026]

20.2.71.2 SCOPE: This Part applies to all persons required to obtain a permit under 20.2.70 NMAC (Operating Permits).
[20.2.71.2 NMAC - Rp, 20.2.71.2 NMAC, 6/1/2026]

20.2.71.3 STATUTORY AUTHORITY: Environmental Improvement Act, Sections 74-1-1 to -18 NMSA 1978, including specifically Paragraph (4) of Subsection A of Section 74-1-8 NMSA 1978, and Air Quality Control Act, Sections 74-2-1 to -17 NMSA 1978, including specifically Paragraph (7) of Subsection B of Section 74-2-7 NMSA 1978.
[20.2.71.3 NMAC - Rp, 20.2.71.3 NMAC, 6/1/2026]

20.2.71.4 DURATION: Permanent.
[20.2.71.4 NMAC - Rp, 20.2.71.4 NMAC, 6/1/2026]

20.2.71.5 EFFECTIVE DATE: June 1, 2026, unless a later date is cited at the end of a section.
[20.2.71.5 NMAC - Rp, 20.2.71.5 NMAC, 6/1/2026]

20.2.71.6 OBJECTIVE: The objective of this Part is to establish a schedule of operating permit emissions fees.
[20.2.71.6 NMAC - Rp, 20.2.71.6 NMAC, 6/1/2026]

20.2.71.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (Definitions), as used in this Part, the following definitions apply.

A. "Allowable emission rate" means the maximum emission allowed by the more stringent emission limitation applicable to the source contained in:

(1) any New Mexico air quality control regulation;

(2) any federal standard of performance, emission limitation, or emission standard adopted pursuant to 42 U.S.C. Section 7411 or 7412; or

(3) any condition within a construction or operating permit issued by the department.

B. "Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any fee pollutant.

C. "Fee pollutant" means:

(1) sulfur dioxide, nitrogen dioxide, carbon monoxide, PM10, PM2.5, and volatile organic compounds; and

(2) any hazardous air pollutant that is subject to any standard promulgated pursuant to Section 112 of the federal act.

D. "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

E. "Hazardous air pollutant" means an air contaminant that has been classified as a hazardous air pollutant pursuant to Section 112 of the federal act.

F. "Operator" means the person or persons responsible for the overall operation of a facility.

G. "Owner" means the person or persons who own a facility or part of a facility.

H. "Stationary source" means any building, structure, facility, or installation that emits or may emit any air pollutant.

[20.2.71.7 NMAC - Rp, 20.2.71.7 NMAC, 6/1/2026]

20.2.71.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation (AQCR) 771 - Operating Permit Emission Fees, filed November 15, 1993, as amended.

A. All references to AQCR 771 in any other rule shall be construed as a reference to this Part.

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B. The amendment and supersession of AQCR 771 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 771.

[20.2.71.8 NMAC - Rp, 20.2.71.8 NMAC, 6/1/2026]

20.2.71.9 DOCUMENTS: Documents cited in this Part may be viewed at the New Mexico environment department, air quality bureau. [As of April 2013, the air quality bureau is located at 525 Camino de los Marquez, Santa Fe, New Mexico 87505].

[20.2.71.9 NMAC - Rp, 20.2.71.9 NMAC, 6/1/2026]

20.2.71.10 SEVERABILITY: If any provision of this Part, or the application of this provision to any person or circumstance is held invalid, the remainder of this Part, or the application of this provision to any person or circumstance other than those as to which it is held invalid, shall not be affected thereby.

[20.2.71.10 NMAC - N, 6/1/2026]

20.2.71.11 to 20.2.71.108 [RESERVED]

20.2.71.109 [RESERVED]

[20.2.71.109 NMAC – Rp, 20.2.71.109 NMAC, 6/1/2026]

20.2.71.110 FEE REQUIREMENT:

A. An annual emissions fee shall be paid to the department by each owner or operator subject to this Part.

B. The annual emissions fee shall be assessed:

(1) for a major source as defined in 20.2.70 NMAC (Operating Permits), for all emissions units;

(2) for all other stationary sources, for emissions units which cause the source to be subject to 20.2.70 NMAC; and

(3) for emissions above annual allowable emission limits for the source categories in Paragraphs (1) and (2) of this Subsection.

C. The annual emissions fee shall be calculated in conformance with 20.2.71.111 NMAC.

[20.2.71.110 NMAC - Rp, 20.2.71.110 NMAC, 6/1/2026]

20.2.71.111 FEE DETERMINATION:

A. Annual emissions fee calculation.

(1) The annual emissions fee shall be calculated by taking the product of the allowable emission rate for each fee pollutant expressed in tons per year and the appropriate fee per ton of pollutant listed in 20.2.71.112 NMAC.

(2) The allowable emission rate which shall be used in the fee calculation for this Subsection is the allowable emission rate which exists on December 31 for each year.

(3) Allowable emission rates shall be calculated to the tenth of a ton for each emissions unit and then summed to determine the tons per year for the facility. Total facility tons per year quantities shall be determined by rounding amounts equal to or greater than five tenths of a ton upward and amounts lower than five tenths of a ton downward.

(4) Emissions from those operations determined to be insignificant activities by the department under 20.2.70 NMAC shall not be included in the fee calculation for this Subsection.

(5) Fugitive emissions which have an allowable emission rate shall be included in the fee calculation for this Subsection.

(6) Any quantity of a pollutant which is assessed a fee pursuant to this Subsection because it is a hazardous air pollutant shall not be assessed additional fees.

(7) A maximum of 3,000 tons per year of any one fee pollutant shall be used in the fee calculation for this Subsection.

(8) For facilities with allowable emission rates for both PM10 and PM2.5, a fee shall only be assessed pursuant to this Subsection for one of these fee pollutants, and shall be based on whichever has the higher allowable emission rate.

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(9) The failure of an owner or operator to include the correct information in a permit application, resulting in incorrect allowable emissions in a permit issued under 20.2.70 NMAC, 20.2.72 NMAC, or 20.2.74 NMAC, shall not preclude the department from requiring payment for the correct emissions from the time payment would have been first due.

B. Source shutdown.

(1) The annual emissions fee shall not be reduced due to lack of operation of any emissions unit, except when:

(a) the discontinued operation is accounted for in an allowable emission rate contained within a construction or operating permit issued by the department;

(b) a construction or operating permit issued by the department has been discontinued or terminated and the source ceased operation; or

(c) the emissions unit is located at a stationary source which meets the criteria of Paragraph (2) of this Subsection.

(2) The annual emissions fee shall be reduced when all operations at a stationary source have been shut down for a period greater than 60 consecutive days within a calendar year. In this case, the annual emissions fee calculation shall be adjusted by reducing the annualized allowable emission rate for each day the stationary source was shut down.

C. Annual emissions fee for emissions above annual allowable emission limits.

(1) The annual emissions fee for emissions above annual allowable emission limits shall be based on all emissions above annual allowable emission limits of fee pollutants reported or required to be reported by a stationary source through December 31 in accordance with Subsection E of 20.2.70.302 NMAC. The fee shall be calculated by taking the product of the emissions above annual allowable emission limits for each fee pollutant above and beyond the allowable annual emission limit per unit expressed in tons per year and the appropriate fee per ton of pollutant listed in 20.2.71.112 NMAC.

(2) Total facility tons per year quantities of emissions above annual allowable emission limits shall be determined by rounding amounts equal to or greater than five tenths of a ton upward and amounts lower than five tenths of a ton downward.

(3) Any quantity of a pollutant which is assessed a fee pursuant to this Subsection because it is a hazardous air pollutant shall not be assessed additional fees.

(4) A maximum of 3,000 tons per year of any one fee pollutant shall be used in the fee calculation for this Subsection.

(5) For facilities with allowable emission rates for both PM10 and PM2.5, a fee shall only be assessed pursuant to this Subsection for one of these fee pollutants, and shall be based on whichever has higher emissions above annual allowable emission limits.

[20.2.71.111 NMAC - Rp, 20.2.71.111 NMAC, 6/1/2026]

20.2.71.112 EMISSIONS FEE:

A. The fee for each fee pollutant shall be $85 per ton on an annual basis, except as provided for in Subsection B of this Section.

B. The fee for each hazardous air pollutant shall be $258 per ton on an annual basis for any stationary source which is only a major source, as defined in 20.2.70 NMAC, for any hazardous air pollutant.

C. The fee per ton of emissions above annual allowable emission limits shall be identical to the fee per ton of allowable emissions.

D. Beginning in 2028, the fees referenced in this Section shall be changed annually on January 1 by the percentage, if any, of any annual increase in the consumer price index (CPI) in accordance with Section 502(b)(3)(B)(v) of the federal act. In the event there is a decrease or absence of change in the CPI, fees shall remain the same until the next increase in the CPI.

[20.2.71.112 NMAC - Rp, 20.2.71.112 NMAC, 6/1/2026]

20.2.71.113 NOTIFICATION, PAYMENT, LATE FEE AND ENFORCEMENT:

A. Schedule.

(1) The department shall by April 1 of each year provide to each owner or operator subject to this Part notification, which shall contain:

(a) the annual emissions fee based on the requirements of this Part which is currently due; and

(b) a summary of the basis for the required annual emissions fee.

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(2) Upon discovery of an error in any past notification of annual emissions fees due, the department shall promptly notify the owner or operator and provide credit for overcharges or require payment for undercharges.

(3) Each owner or operator shall pay by June 1 the annual emissions fee contained in the department's notification required under Paragraph (1) of this Subsection. Failure to remit the full annual emissions fee by this date shall subject the owner or operator to a late fee equal to fifty percent of the annual emissions fee or $5,000, whichever is less. The department shall provide to each owner or operator assessed a late fee pursuant to this Subsection notification, which shall state the late fee and unpaid annual emissions fee balance currently due. The owner or operator shall pay the amount stated in the department's notification within 30 days of the date of the notification. If the amount stated in the notification is not timely paid, the late fee shall increase to one hundred percent of the annual emissions fee or $10,000, whichever is less, and shall be due immediately without further notification from the department, along with the unpaid annual emissions fee balance.

(4) Each owner or operator shall pay invoices based on notices of errors in past notifications within 60 days of the invoice date.

B. Payment.

(1) Annual emissions fees shall be remitted in the form of a certified check or money order made payable to the environment department, electronic payment, or other method as allowed by the state. Annual emissions fees remitted in the form of a certified check or money order shall be submitted to the air quality bureau at the address specified in the notice.

(2) Upon receipt of the annual emissions fee payment, it shall be deposited in the state air quality permit fund.

(3) Annual emissions fees shall be paid in U.S. dollars.

C. Nonpayment. Failure to remit the full annual emissions fee, including any late fees, required by the due date specified in Subsection A of this Section is a violation of this Part and may subject the owner or operator to:

(1) civil penalties of up to $15,000 for each day of noncompliance as provided for in the Air Quality Control Act, Section 74-2-12.1 NMSA 1978; and

(2) the enforcement provisions of the Air Quality Control Act, Section 74-2-12 NMSA 1978, which includes suspension or revocation of any permit.

~~[**D.** Non-compliance with Chapter 2, Title 20 NMAC or the Air Quality Control Act subjects each owner or operator to administrative compliance costs for enforcement of Chapter 2, Title 20 NMAC.]~~

[20.2.71.113 NMAC - Rp, 20.2.71.113 NMAC, 6/1/2026]

HISTORY OF 20.2.71 NMAC:

Pre NMAC History: The material in this Part was derived from that previously filed with the commission of public records - state records center and archives.

EIB/AQCR 771, Air Quality Control Regulation 771 - Operating Permit Emission Fees, filed 11/15/93.

History of Repealed Material:

20.2.71 NMAC, Operating Permit Emissions Fees, effective 10/31/02, repealed, effective 6/1/26.

Other History:

EIB/AQCR 771, Air Quality Control Regulation 771 - Operating Permit Emission Fees, filed 11/15/93, was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.71, Operating Permit Emission Fees, filed 10/30/95;

20 NMAC 2.71, Operating Permit Emission Fees, filed 10/30/95, was **renumbered, reformatted and replaced** by 20.2.71 NMAC, Operating Permit Emission Fees, effective 10/31/02.

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TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 75 CONSTRUCTION PERMIT FEES

20.2.75.1 ISSUING AGENCY: Environmental Improvement Board.
[20.2.75.1 NMAC - Rp, 20.2.75.1 NMAC, 6/1/2026]

20.2.75.2 SCOPE: This Part applies to all persons who apply for a permit to construct or modify a source, apply to register under a general construction permit, apply for a permit revision, or request a technical review of an existing permit under 20.2.72 NMAC, and all persons who file a notice of intent under 20.2.73 NMAC. Annual emissions fees for sources required to obtain a permit under 20.2.70 NMAC (Operating Permits) are covered under 20.2.71 NMAC.
[20.2.75.1 NMAC - Rp, 20.2.75.2 NMAC, 6/1/2026]

20.2.75.3 STATUTORY AUTHORITY: Environmental Improvement Act, Sections 74-1-1 to -18 NMSA 1978, including specifically Paragraph (4) of Subsection A of Section 74-1-8 NMSA 1978, and Air Quality Control Act, Sections 74-2-1 to -17 NMSA 1978, including specifically Paragraph (6) of Subsection B of Section 74-2-7 NMSA 1978.
[20.2.75.1 NMAC - Rp, 20.2.75.3 NMAC, 6/1/2026]

20.2.75.4 DURATION: Permanent.
[20.2.75.4 NMAC - Rp, 20.2.75.4 NMAC, 6/1/2026]

20.2.75.5 EFFECTIVE DATE: June 1, 2026, except where a later date is cited at the end of a section.

A. For applications received prior to the effective date of this Part, the provisions in 20.2.75 NMAC, as effective as of the date of the receipt of the application, remain effective, and application review fees (formerly permit fees) shall be so determined.

B. For applications received following the effective date of this Part, application review fees shall be based on the current regulation.

[20.2.75.5 NMAC - Rp, 20.2.75.5 NMAC, 6/1/2026]

20.2.75.6 OBJECTIVE: The objective of this Part is to establish a schedule of fees for the construction permit program, including notices of intent, construction permits, registrations under general construction permits, permit revisions, and technical reviews of existing permits.
[20.2.75.6 NMAC - Rp, 20.2.75.6 NMAC, 6/1/2026]

20.2.75.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (Definitions) or 20.2.72 NMAC (Construction Permits), as used in this Part, the following definitions apply.

A. "**Air toxics review"** means the required review of a permit application for the potential emission of an air toxic regulated by 20.2.72.400 NMAC - 20.2.72.499 NMAC. As used in this Part, a level I air toxics review consists of modeling to determine whether one one-hundredth of the occupational exposure limit, as defined in 20.2.72.401 NMAC, is met; a level II air toxics review consists of either a health assessment or best available control technology (BACT) determination, whichever is required by 20.2.72.400 NMAC - 20.2.72.499 NMAC.

B. **"Applicable regulations"** means, for the purpose of assessing application review fee points, those regulations that are applicable to the source and not the review to determine whether the regulation is applicable. Applicable regulations do not include 20.2.1 NMAC (General Provisions), 20.2.2 NMAC (Definitions), 20.2.3 NMAC (Ambient Air Quality Standards), 20.2.5 NMAC (Source Surveillance), 20.2.7 NMAC (Excess Emissions), 20.2.8 NMAC (Emissions Leaving New Mexico), 20.2.60 NMAC (Open Burning), 20.2.70 NMAC (Operating Permits), 20.2.71 NMAC (Operating Permit Emissions Fees), 20.2.72 NMAC (Construction Permits), 20.2.73 NMAC (Notice Of Intent And Emissions Inventory Requirements), 20.2.74 NMAC (Permits - Prevention Of Significant Deterioration (PSD)), 20.2.75 NMAC (Construction Permit Fees), 20.2.77 NMAC (New Source Performance Standards), 20.2.78 NMAC (Emission Standards For Hazardous Air Pollutants), 20.2.79 NMAC (Permits - Nonattainment Areas), 20.2.80 NMAC (Stack Heights), and 20.2.82 NMAC (Maximum Achievable Control Technology Standards For Source Categories Of Hazardous Air Pollutants). All other Title 20, Chapter 2 NMAC parts and all new source performance standards (excluding Subpart A) and national emission standards for hazardous air pollutants/maximum achievable control technology (NESHAP/MACT) (excluding 40 CFR Part 61

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Subparts A and M and 40 CFR Part 63 Subpart A) regulations that are applicable to the source shall be counted and shall result in additional points for application review fee purposes, in accordance with the fee schedule in this Part.

C. "Fee unit" means any equipment or process which generates, creates, or is the source of a regulated air contaminant, which is listed or identified in a construction permit application or application to revise a permit and which requires review and evaluation against state and federal regulations and standards. This definition does not include sources which are exempt under 20.2.72.202 NMAC or sources for which no applicable requirements are identified in the permit. In the case of a permit modification, revision or technical review of an existing permit, the requirements of Subsection A of 20.2.75.11 NMAC apply only to the equipment or process involved in such modification, revision or review.

D. "Fugitive emissions fee unit" means sources of fugitive emissions for which applicable requirements are identified in the permit. A maximum of one fugitive emissions fee unit shall be applied to any given application.

E. "Revision" means any change requested by an applicant to any term or condition of a permit including emission limitations, control technology, operating conditions and monitoring requirements. For the purposes of this Part, revision does not include administrative revision as used in 20.2.72 NMAC.

F. "Small business" means a company that employs no more than 10 employees at any time during the calendar year. Employees include part-time, temporary, or limited service workers. For the purposes of this Part, small business does not include:

(1) any source which may emit more than 50 tons per year of any regulated air contaminant for which there is a national or New Mexico ambient air quality standard, or 75 tons per year of all regulated air contaminants for which there are national or New Mexico ambient air quality standards; and

(2) any major source for hazardous air pollutants under 20.2.70 NMAC.

G. "Technical review of an existing permit" means the department's technical review of new information submitted by a permittee as required by an existing permit condition and in conjunction with proposed changes at the source that do not involve any changes to the existing permit. The review must be necessary to demonstrate that all applicable state and federal regulations and standards will continue to be met and that the existing permit will continue to be valid. For the purposes of this Part, technical review of an existing permit does not include the department's review of required periodic reports.

[20.2.75.7 NMAC - Rp, 20.2.75.7 NMAC, 6/1/2026]

20.2.75.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation (AQCR) 700 - Filing and Permit Fees, filed November 20, 1989, as amended.

A. All references to AQCR 700 in any other rule shall be construed as a reference to this Part.

B. The amendment and supersession of AQCR 700 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 700.

[20.2.75.8 NMAC - Rp, 20.2.75.8 NMAC, 6/1/2026]

20.2.75.9 DOCUMENTS: Documents cited in this Part may be viewed at the New Mexico environment department, air quality bureau. [As of April 2013, the air quality bureau is located at 525 Camino de los Marquez, Santa Fe, New Mexico 87505.]

[20.2.75.9 NMAC - Rp, 20.2.75.9 NMAC, 6/1/2026]

20.2.75.10 FILING FEE:

A. A filing fee of $500 shall be submitted with each filing of an application for a permit to construct or modify a source or permit revision. The filing fee shall be applied to the application review fee determined from the fee schedule in 20.2.75.11 NMAC.

B. For applications submitted under 20.2.72.221 NMAC, an accelerated review filing fee of $1,000 shall be submitted in lieu of any other filing fees under this Section. One-half of the accelerated review filing fee shall be applied to the cost of the accelerated review submitted by the qualified outside firm. In the event that:

(1) there are no qualified outside firms on contract with the department, or if all of the qualified outside firms have a conflict of interest, the entire accelerated review filing fee shall be applied to the application review fee determined from the fee schedule in 20.2.75.11 NMAC;

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(2) no qualified outside firm submits a proposal for the accelerated review, one-half of the accelerated review filing fee shall be applied to the application review fee determined from the fee schedule in 20.2.75.11 NMAC;

(3) one or more qualified outside firms submit a proposal but all such proposals are rejected by the applicant, the accelerated review filing fee shall be forfeited and retained by the department; or

(4) the applicant withdraws the application for any reason, the accelerated review filing fee shall be forfeited and retained by the department.

[20.2.75.10 NMAC - Rp, 20.2.75.10 NMAC, 6/1/2026]

20.2.75.11 APPLICATION REVIEW FEE AND ANNUAL FEE:

A. The application review fee shall be based on the following point-based fee schedule.

ACTION	# OF POINTS	
1. CONSTRUCTION PERMIT/TECHNICAL REVIEW OF EXISTING PERMIT		
Technical Complexity		
1-5 Fee Units	5	
6-15 Fee Units	1	point per fee unit
>15 Fee Units	15	
Fugitive Emissions Fee Unit	5	
Portable Source Relocation (Paragraph (3) of Subsection D of 20.2.72.202 NMAC)	1	
Non-Attainment Area (20.2.79 NMAC)	75	
Each Modeling Review	30	
Air Toxics Review (20.2.72.400 NMAC – 20.2.72.499 NMAC)		
Level I	8	
Level II		
Best Available Control Technology (BACT) Analysis	60	
Health Assessment	100	
Applicable Regulations		
20.2.X NMAC (per each)	3	
NSPS (per each)	5	
NESHAP/MACT (per each)	5	
Case-by-Case MACT (20.2.83 NMAC)	100	
PSD netting only (no additional PSD analysis is required)	20	
PSD review (including netting) (20.2.74 NMAC)	75	
2. OTHER PERMITTING ACTIONS		
Notices of Intent (20.2.73.200 NMAC)	10	
General Permit Registrations other than GCP-Oil & Gas (20.2.72.220 NMAC)	10	
GCP-Oil & Gas Registrations (20.2.72.220 NMAC)	30	
Streamline (each site) (20.2.72.300 NMAC – 20.2.72.399 NMAC)	10	

B. The application review fee shall be the sum of all of the points that are applicable to the application as determined by the department, multiplied by $585.

C. The department may, at its discretion, assess additional points and fees each time the department is required to repeat an action listed in Subsection A of this Section because the applicant updated the application after submission.

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D. For sources that satisfy the definition of "small business" as defined in Subsection F of 20.2.75.7 NMAC, the application review fee determined by Subsection B of this Section, additional fees (if any) assessed pursuant to Subsection C of this Section, and annual fee assessed pursuant to Subsection F of this Section shall be reduced by half. To qualify for the small business fee reduction, sources must submit a small business certification form to the department certifying that the company employs no more than 10 employees at any time during the calendar year, or for new sources, that the company does not expect to employ any more than 10 employees in the first year of operations.

E. For applications processed by an outside firm under 20.2.72.221 NMAC, the application review fee determined by Subsection B of this Section shall be reduced by half and shall be in addition to the cost of the accelerated review bid.

F. Sources that have been issued a construction permit or registered under a general construction permit under 20.2.72 NMAC shall be assessed an annual fee of $2,800. Sources that have filed a notice of intent under 20.2.73 NMAC and received a written determination by the department that a permit is not required shall be assessed an annual fee of $700. The applicable annual fee shall be assessed if the construction permit, general construction permit registration or notice of intent was in active status as of December 31 of the preceding year, regardless of the source's operational status. The annual fee required by this Subsection shall not apply to sources which are assessed an annual emissions fee in accordance with 20.2.71 NMAC.

G. Beginning in 2028, the cost per point and annual fees in Subsections B and F of this Section shall be changed annually on January 1 by the percentage, if any, of any annual increase in the consumer price index (CPI). The adjusted cost per point and annual fees shall be determined by multiplying the current cost per point and annual fees by the increase in the CPI for the most recent calendar year and rounding the result to the nearest dollar. The CPI for any calendar year is the average of the CPI for all urban consumers published by the United States department of labor, as of the close of the twelve-month period ending on August 31 of that year. In the event there is a decrease or absence of change in the CPI, the cost per point and annual fees shall not be changed and shall remain the same until the next increase in the CPI.

[20.2.75.11 NMAC - Rp, 20.2.75.11 NMAC, 6/1/2026]

20.2.75.12 INVOICING, PAYMENT, LATE FEE AND ENFORCEMENT:

A. The department shall refuse to accept any application for a permit to construct or modify a source or permit revision without payment of the filing fee at the time the application is submitted to the department. The filing fee and the accelerated review filing fee are non-refundable. The department shall refuse to accept any notice of intent or application to register under a general construction permit without payment of the application review fee at the time the notice or application is submitted to the department.

B. For an application for a permit to construct or modify a source or permit revision other than a technical permit revision, an invoice for the application review fee, minus the filing fee, shall be mailed, or transmitted electronically or as otherwise allowed by the state, to the applicant at the time the department finds the application administratively complete pursuant to 20.2.72.207 NMAC. The department shall deny any application for a permit to construct or modify a source or permit revision other than a technical permit revision if the application review fee has not been paid within 30 days of the date of the invoice, unless the department has granted an extension. If, upon completion of the application review, the department determines additional fees are due pursuant to Subsection C of 20.2.75.11 NMAC, the department shall mail another invoice to the applicant along with its grant or denial of the permit or permit revision. The applicant shall pay this invoice within 30 days of the date of the invoice, unless the department has granted an extension.

C. For an application for a technical permit revision, an invoice for the application review fee, minus the filing fee, and any additional fees the department determines are due pursuant to Subsection C of 20.2.75.11 NMAC upon completion of the application review, shall accompany the department's grant or denial of the technical permit revision. The applicant shall pay this invoice within 30 days of the date of the invoice, unless the department has granted an extension.

D. For a notice of intent or application to register under a general construction permit, the application review fee shall be paid at the time of filing. If, upon completion of the application review, the department determines additional fees are due pursuant to Subsection C of 20.2.75.11 NMAC, an invoice shall accompany the department's notification of its determination that an air quality permit is not required or its grant or denial of the registration. The applicant shall pay this invoice within 30 days of the date of the invoice, unless the department has granted an extension.

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E. An invoice for a request for technical review of an existing permit shall accompany the department's response if any fees are due. The applicant or permittee shall pay this invoice within 30 days of the date of the invoice, unless the department has granted an extension.

F. Except for the refund of excess fees paid, all fees paid under this Part shall be non-refundable.

G. All fees paid pursuant to this Part shall be remitted in the form of a corporate or certified check or money order made payable to the environment department at the address specified in the notice, electronic payment, or other method as allowed by the state. Upon receipt of the fee payment, it shall be deposited in the state air quality permit fund established by Section 74-2-15 NMSA 1978.

H. Owners or operators shall pay annual fees assessed pursuant to Subsection F of 20.2.75.11 NMAC within 30 days of the date of the invoice. Failure to remit the full annual fee by this date shall subject the owner or operator to a late fee equal to fifty percent of the annual fee. The department shall provide to each owner or operator assessed a late fee pursuant to this Subsection notification, accompanied by an invoice for the late fee and unpaid annual fee balance. The owner or operator shall pay this invoice within 30 days of the date of the invoice. If the invoice is not timely paid, the late fee shall increase to one hundred percent of the annual fee and shall be due immediately without further notification from the department, along with the unpaid annual fee balance.

I. All fees shall be paid in U.S. dollars.

J. Failure to remit the full annual fee, including any late fees, required by the due date specified in Subsection H of this Section is a violation of this Part and may subject the owner or operator to:

(1) civil penalties of up to $15,000 per day for each day of noncompliance as provided for in the Air Quality Control Act, Section 74-2-12.1 NMSA 1978; and

(2) the enforcement provisions of the Air Quality Control Act, Section 74-2-12 NMSA 1978, which includes the suspension or revocation of any permit.

[20.2.75.12 NMAC - Rp, 20.2.75.12 NMAC, 6/1/2026]

20.2.75.13 PERIODIC REVIEW: The Department shall prepare a review of the construction permit fees and construction permit program costs annually. The review shall include information on the budgets, expenditures, fund balance, and related projections. The review shall be presented to the Board within six months following the end of the fiscal year.

[20.2.75.13 NMAC - Rp, 20.2.75.13 NMAC, 6/1/2026]

20.2.75.14 SEVERABILITY: If any provision of this Part, or the application of this provision to any person or circumstance is held invalid, the remainder of this Part, or the application of this provision to any person or circumstance other than those as to which it is held invalid, shall not be affected thereby.

[20.2.75.14 NMAC - N, 6/1/2026]

HISTORY OF 20.2.75 NMAC:

Pre-NMAC History: The material in this Part was derived from that previously filed with the commission of public records - state records center and archives:

AQCR 700, Air Quality Control Regulation 700 - Filing and Permit Fees, filed 11/20/89.

History of Repealed Material:

20 NMAC 2.75, Construction Permit Fees, filed 10/30/95, repealed, effective 03/02/01;

20.2.75 NMAC, Construction Permit Fees, effective 03/02/01, repealed, effective 6/1/26.

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TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 75 CONSTRUCTION PERMIT FEES

20.2.75.1 ISSUING AGENCY: Environmental Improvement Board.
[20.2.75.1 NMAC - Rp, [~~20 NMAC 2.75.100, 03/02/01~~] 20.2.75.1 NMAC, 6/1/2026]

20.2.75.2 SCOPE:
[~~A.~~]This Part applies to all persons who apply for a permit to construct or modify a source, apply to register under a general construction permit, [~~or revise a permit~~] apply for a permit revision, or [~~who~~] request a technical review of an existing permit under 20.2.72 NMAC, and all persons who file a notice of intent under 20.2.73 NMAC. [~~Part 70 (20.2.70 NMAC) operating permit emission~~] Annual emissions fees for sources required to obtain a permit under 20.2.70 NMAC (Operating Permits) are covered under 20.2.71 NMAC.
[~~B. The requirements concerning the payment of an annual fee shall apply to sources with an air quality construction permit for which the application to either revise, modify or for a new permit was received following the effective date of this regulation.~~]
[20.2.75.1 NMAC - Rp, [~~20 NMAC 2.75.101, 03/02/01~~] 20.2.75.2 NMAC, 6/1/2026]

20.2.75.3 STATUTORY AUTHORITY: Environmental Improvement Act, Sections 74-1-1 to -18 NMSA 1978, including specifically Paragraph 4 of Subsection A of Section 74-1-8 NMSA 1978, and Air Quality Control Act, [~~Chapter 74, Article 2~~] Sections 74-2-1 to -17 NMSA 1978, including specifically Paragraph 6 of Subsection B of Section 74-2-7 NMSA 1978.
[20.2.75.1 NMAC - Rp, [~~20 NMAC 2.75.102, 03/02/01~~] 20.2.75.3 NMAC, 6/1/2026]

20.2.75.4 DURATION: Permanent.
[20.2.75.4 NMAC - Rp, [~~20 NMAC 2.75.103, 03/02/01~~] 20.2.75.4 NMAC, 6/1/2026]

20.2.75.5 EFFECTIVE DATE: [~~March 2, 2001~~] June 1, 2026, except where a later date is cited at the end of a section.

A. For applications received prior to the effective date of this [~~regulation~~] Part, the provisions in 20.2.75 NMAC, as effective as of the date of the receipt of the application, remain effective, and application review fees (formerly permit fees) shall be so determined.

B. For applications received following the effective date of this [~~regulation~~] Part, application review fees shall be based on the current regulation.

[20.2.75.5 NMAC - Rp, [~~20 NMAC 2.75.104, 03/02/01; A, 12/01/03~~] 20.2.75.5 NMAC, 6/1/2026]
[~~[The latest effective date of any section in this Part is 12/01/03.]~~]

20.2.75.6 OBJECTIVE: The objective of this Part is to establish a schedule of fees for the construction permit program, including notices of intent, construction permits, registrations under general construction permits, permit revisions, and technical reviews of existing permits.
[20.2.75.6 NMAC - Rp, [~~20 NMAC 2.75.105, 03/02/01~~] 20.2.75.6 NMAC, 6/1/2026]

20.2.75.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (definitions) or 20.2.72 NMAC (construction permits), as used in this Part, the following definitions apply.

A. "air toxics review" means the required review of a permit application for the potential emission of an air toxic regulated by 20.2.72.400 NMAC - 20.2.72.499 NMAC. As used in this Part, a level I air toxics review consists of modeling to determine whether one one-hundredth [~~(1/100)~~] of the occupational exposure limit, as defined in 20.2.72.401 NMAC, is met; a level II air toxics review consists of either a health assessment or best available control technology (BACT) determination, whichever is required by 20.2.72.400 NMAC - 20.2.72.499 NMAC.

B. "applicable regulations" means, for the purpose of assessing [~~permit~~] application review fee points, [~~mean~~] those regulations that are applicable to the source and not the review to determine whether the regulation is applicable. Applicable regulations do not include 20.2.1 NMAC (general provisions), 20.2.2 NMAC (definitions), 20.2.3 NMAC (ambient air quality standards), 20.2.5 NMAC (source surveillance), 20.2.7 NMAC (excess emissions [~~during malfunctions, startup, shutdown, or scheduled maintenance~~]), 20.2.8 NMAC (emissions leaving New Mexico), 20.2.60 NMAC (open burning), 20.2.70 NMAC (operating permits), 20.2.71 NMAC

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(operating permit emissions fees), 20.2.72 NMAC (construction permits), 20.2.73 NMAC (notice of intent and emissions inventory requirements), 20.2.74 NMAC (Permits - prevention of significant deterioration (PSD)), 20.2.75 NMAC (construction permit fees), 20.2.77 NMAC (new source performance standards), 20.2.78 NMAC (emission standards for hazardous air pollutants), 20.2.79 NMAC (permits - nonattainment areas), 20.2.80 NMAC (stack heights), and 20.2.82 NMAC (maximum achievable control technology standards for source categories of hazardous air pollutants). All other Title 20, Chapter 2 NMAC Parts and all new source performance standards (excluding Subpart A) and national emission standards for hazardous air pollutants/maximum achievable control technology (NESHAP/MACT) (excluding 40 CFR Part 61 Subparts A and M and 40 CFR Part 63 Subpart A) regulations that are applicable to the source shall be counted and shall result in additional points for [~~permit fees~~] application review fee purposes, in accordance with the [~~permit~~] fee schedule in this Part.

C. "fee unit" means any equipment or process which generates, creates, or is the source of a regulated air contaminant, which is listed or identified in a construction permit application or application to revise a permit and which requires review and evaluation against state and federal regulations and standards. This definition does not include sources which are exempt under 20.2.72.202 NMAC or sources for which no applicable requirements are identified in the permit. In the case of a permit modification, revision or technical review of an existing permit, the requirements of Subsection A of 20.2.75.11 NMAC apply only to the equipment or process involved in such modification, revision or review.

D. "fugitive emissions fee unit" means sources of fugitive emissions for which applicable requirements are identified in the permit. A maximum of one fugitive emissions fee unit shall be applied to any given application.

E. "revision" means any change requested by an applicant to any term or condition of a permit including [~~but not limited to~~] emission limitations, control technology, operating conditions and monitoring requirements. For the purposes of this [~~regulation~~] Part, revision does not include administrative revision as used in 20.2.72 NMAC.

F. "small business" means[~~, for the purposes of this Part,~~] a company that employs no more than [~~ten (10)~~] 10 employees at any time during the calendar year. Employees include part-time, temporary, or limited service workers. [~~For new sources, the responsible company official shall certify that the source does not expect to employ any more than ten (10) employees in the first year of operations. In addition, "small business"~~] For the purposes of this Part, small business does not include

(1) any source which may emit more than [~~fifty (50)~~] 50 tons per year of any regulated air contaminant for which there is a national or New Mexico ambient air quality standard, or [~~seventy-five (75)~~] 75 tons per year of all regulated air contaminants for which there are national or New Mexico ambient air quality standards; and

(2) any major source for hazardous air pollutants under 20.2.70 NMAC.

G. "technical review of an existing permit" means the department's technical review of new information submitted by a permittee as required by an existing permit condition and in conjunction with proposed changes at the source that do not involve any changes to the existing permit. The review must be necessary to demonstrate that all applicable state and federal regulations and standards will continue to be met and that the existing permit will continue to be valid. [~~This~~] For the purposes of this Part, technical review of an existing permit does not include the department's review of required periodic reports.

[20.2.75.7 NMAC - Rp, [~~20 NMAC 2.75.107, 03-02-01; A, 12/01/03~~] 20.2.75.7 NMAC, 6/1/2026]

20.2.75.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation (AQCR) 700 - Filing and Permit Fees, filed November 20, 1989, as amended [~~(AQCR 700)~~].

A. All references to AQCR 700 in any other rule shall be construed as a reference to this Part.

B. The amendment and supersession of AQCR 700 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 700.

[20.2.75.8 NMAC - Rp, [~~20 NMAC 2.75.106, 03/02/01~~] 20.2.75.8 NMAC, 6/1/2026]

20.2.75.9 DOCUMENTS: Documents cited in this Part may be viewed at the New Mexico Environment Department, Air Quality Bureau [~~, Santa Fe, NM~~]. [As of April 2013, the air quality bureau is located at 525 Camino de los Marquez, Santa Fe, New Mexico 87505.]

[20.2.75.9 NMAC - Rp, [~~20 NMAC 2.75.108, 03/02/01~~] 20.2.75.9 NMAC, 6/1/2026]

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20.2.75.10 FILING FEE:

A. A filing fee of [~~five hundred dollars ($500)~~] $500 shall be submitted with each filing of [~~a notice of intent,~~] an application for a permit to construct or modify a source or permit revision [~~of a permit~~]. The filing fee shall be applied to the [~~total permit fee~~] application review fee determined from the fee schedule in 20.2.75.11 NMAC.

B. For applications submitted under 20.2.72.221 NMAC[~~, accelerated review~~], an accelerated review filing fee of [~~one thousand dollars ($1,000)~~] $1,000 shall be submitted in lieu of any other filing fees under this section. One-half of the accelerated review filing fee shall be applied to the cost of the accelerated review submitted by the qualified outside firm. In the event that:

(1) There are no qualified outside firms on contract with the department, or if all of the qualified outside firms have a conflict of interest, the entire accelerated review filing fee shall be applied to the [~~total permit fee~~] application review fee determined from the fee schedule in 20.2.75.11 NMAC;

(2) No qualified outside firm submits a proposal for the accelerated [~~permit~~] review, one-half of [~~this~~] the accelerated review filing fee shall be applied to the [~~total permit fee~~] application review fee determined from the fee schedule in 20.2.75.11 NMAC;

(3) One or more qualified outside firms submit a proposal but all such proposals are rejected by the applicant, the accelerated review filing fee shall be forfeited and retained by the department; or

(4) The applicant withdraws the application for any reason, the accelerated review filing fee shall be forfeited and retained by the department.

[20.2.75.10 NMAC - Rp, [~~20 NMAC 2.75.109, 03/02/01; A, 12/01/03~~] 20.2.75.10 NMAC, 6/1/2026]

20.2.75.11 [~~PERMIT~~] APPLICATION REVIEW FEE AND ANNUAL FEE:

A. The [~~permit fee~~] application review fee shall be based on the following point-based fee schedule.

ACTION	# OF POINTS	
1. CONSTRUCTION PERMIT/TECHNICAL REVIEW OF EXISTING PERMIT		
Technical Complexity		
1-5 Fee Units	5	
6-15 Fee Units	1	point per fee unit
>15 Fee Units	15	
Fugitive Emissions Fee Unit	5	
Portable Source Relocation (Paragraph 3 of Subsection D of 20.2.72.202 NMAC)	1	
Non-Attainment Area (20.2.79 NMAC)	75	
Each Modeling Review	[~~15~~] 30	
Air Toxics Review (20.2.72.400 NMAC – 20.2.72.499 NMAC)		
Level I	8	
Level II		
Best Available Control Technology (BACT) Analysis	60	
Health Assessment	100	
Applicable Regulations		
20.2.X NMAC (per each)	3	
NSPS (per each)	5	
NESHAP/MACT (per each)	5	
Case-by-Case MACT (20.2.83 NMAC)	100	
PSD netting only (no additional PSD analysis is required)	20	
PSD review (including netting) (20.2.74 NMAC)	75	

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2. OTHER PERMITTING ACTIONS

Notices of Intent (20.2.73.200 NMAC)	10
General [~~Permits~~] Permit Registrations other than GCP-Oil & Gas (20.2.72.220 NMAC)	10
GCP-Oil & Gas Registrations (20.2.72.220 NMAC)	30
Streamline (each site) (20.2.72.300 NMAC – 20.2.72.399 NMAC)	10

B. The application review fee shall be the sum of all of the points that are applicable to the [~~permitting action~~] application as determined by the department, multiplied by [~~three hundred fifteen dollars ($315)~~] $585.

C. The department may, at its discretion, assess additional points and fees each time the department is required to repeat an action listed in Subsection A of this Section because the applicant updated the application after submission.

[~~C~~] **D.** For sources that satisfy the definition of "small business" as defined in Subsection F of 20.2.75.7 NMAC, the [~~permit~~] application review fee determined by [~~Subsections~~] Subsection B [~~and E~~] of [~~20.2.75.11 NMAC~~] this Section, additional fees (if any) assessed pursuant to Subsection C of this Section, and annual fee assessed pursuant to Subsection F of this Section shall be [~~divided by two~~] reduced by half. To qualify for the small business fee reduction, sources must submit a small business certification form to the department certifying that the company employs no more than 10 employees at any time during the calendar year, or for new sources, that the company does not expect to employ any more than 10 employees in the first year of operations.

[~~D~~] **E.** For applications processed by an outside firm under 20.2.72.221 NMAC[~~, Accelerated Review~~], the [~~permit~~] application review fee determined by Subsection B of [~~20.2.75.11 NMAC~~] this Section shall be [~~divided by two~~] reduced by half and shall be in addition to the cost of the accelerated review bid[~~, as described in 20.2.72.221 NMAC~~].

[~~E~~] **F.** Sources that have been issued a construction permit or registered under a general construction permit under 20.2.72 NMAC shall be assessed an annual fee of [~~one thousand five hundred dollars ($1,500)~~] $2,800. Sources that have filed a notice of intent under 20.2.73 NMAC and received a written determination by the department that a permit is not required shall be assessed an annual fee of $700. The applicable annual fee shall be assessed if the construction permit, general construction permit registration or notice of intent was in active status as of December 31 of the preceding year, regardless of the source's operational status. [~~This fee~~] The annual fee required by this subsection shall not apply to sources which are assessed an annual emissions fee in accordance with 20.2.71 NMAC.

[~~F~~] **G.** Beginning in [~~2005~~] 2028, the cost per point [~~in Subsection B of this section~~] and [~~the~~] annual [~~fee~~] fees in [~~Subsection E~~] Subsections B and F of this section shall be [~~adjusted each year on January 1 to reflect the increase~~] changed annually on January 1 by the percentage, if any, [~~by which the consumer price index for the most recent year exceeds the consumer price index for the year 2004~~] of any annual increase in the consumer price index (CPI). The [~~amount of the change in the fee~~] adjusted cost per point and annual fees shall be determined by multiplying the [~~existing fee~~] current cost per point and annual fees by the [~~change~~] increase in the [~~consumer price index~~] CPI for the most recent calendar year and rounding the result to the nearest dollar. The [~~consumer price index~~] CPI for any calendar year is the average of the [~~consumer price index~~] CPI for all urban consumers published by the United States department of labor, as of the close of the twelve-month period ending on August 31 of that year. In the event there is a decrease or absence of change in the CPI, the cost per point and annual fees shall not be changed and shall remain the same until the next increase in the CPI.

[20.2.75.11 NMAC - Rp, [~~20 NMAC 2.75.110, 03/02/01; A, 12/01/03~~] 20.2.75.11 NMAC, 6/1/2026]

20.2.75.12 [~~PAYMENT OF FEES~~] INVOICING, PAYMENT, LATE FEE AND ENFORCEMENT:

A. The Department shall refuse to accept any [~~permit~~] application for a permit to construct or modify a source or permit revision without payment of the filing fee at the time the application is [~~received by~~] submitted to the Department. The filing fee and the accelerated review filing fee are non-refundable. The department shall refuse to accept any notice of intent or application to register under a general construction permit without payment of the application review fee at the time the notice or application is submitted to the department.

B. For an application for a permit to construct or modify a source or permit revision other than a technical permit revision, an invoice for [~~permit fees~~] the application review fee, minus the filing fee, shall be mailed, or transmitted electronically or as otherwise allowed by the state, to the applicant at the time the Department finds the application administratively complete pursuant to [~~20.2.72.203 NMAC~~] 20.2.72.207 NMAC. The Department shall deny any [~~permit~~] application [~~or request for permit revision~~] for a permit to construct or modify a

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source or permit revision other than a technical permit revision if the [~~required permit~~] application review fee has not been paid within [~~thirty (30)~~] 30 days of [~~invoicing~~] the date of the invoice, unless the Department has granted an extension. If, upon completion of the [~~permit~~] application review, the Department determines additional fees are due pursuant to Subsection C of 20.2.75.11 NMAC, the Department shall mail [~~an~~] another invoice to the applicant along with [~~the signed permit~~] its grant or denial of the permit or permit revision. The [~~permittee~~] applicant shall pay this invoice within [~~thirty (30)~~] 30 days of [~~invoicing~~] the date of the invoice, unless the Department has granted an extension. [~~In the event excess fees were paid, the department shall issue a refund for excess fees and mail the refund to the applicant.~~]

C. For an application for a technical permit revision, an invoice for the application review fee, minus the filing fee, and any additional fees the department determines are due pursuant to Subsection C of 20.2.75.11 NMAC upon completion of the application review, shall accompany the department's grant or denial of the technical permit revision. The applicant shall pay this invoice within 30 days of the date of the invoice, unless the department has granted an extension.

D. For a notice of intent or application to register under a general construction permit, the application review fee shall be paid at the time of filing. If, upon completion of the application review, the department determines additional fees are due pursuant to Subsection C of 20.2.75.11 NMAC, an invoice shall accompany the department's notification of its determination that an air quality permit is not required or its grant or denial of the registration. The applicant shall pay this invoice within 30 days of the date of the invoice, unless the department has granted an extension.

[~~C~~] **E.** An invoice for a request for technical review of an existing permit shall accompany the Department's response if any fees are due. The applicant or permittee shall pay [~~for the review~~] this invoice within [~~thirty (30)~~] 30 days of [~~invoicing~~] the date of the invoice, unless the department has granted an extension.

[~~D~~] **F.** Except for the refund of excess fees paid, all fees paid under this Part shall be non-refundable.

[~~E~~] **G.** All fees paid pursuant to this Part shall be remitted in the form of a corporate or certified check or money order made payable to the Environment Department at the address specified in the notice, electronic payment, or other method as allowed by the state. Upon receipt of the [~~check~~] fee payment, it shall be deposited in the state air quality permit fund established by [~~NMSA 1978, 74-2-15 (1992)~~] Section 74-2-15 NMSA 1978.

[~~F~~] **H.** [~~Permittees~~] Owners or operators shall pay annual fees assessed pursuant to Subsection F of 20.2.75.11 NMAC within [~~thirty (30)~~] 30 days of [~~receipt of an invoice~~] the date of the invoice [~~for annual fees for a permitted facility~~]. Failure to remit the full annual fee by this date shall subject the owner or operator to a late fee equal to fifty percent of the annual fee. The department shall provide to each owner or operator assessed a late fee pursuant to this Subsection notification, accompanied by an invoice for the late fee and unpaid annual fee balance. The owner or operator shall pay this invoice within 30 days of the date of the invoice. If the invoice is not timely paid, the late fee shall increase to one hundred percent of the annual fee and shall be due immediately without further notification from the department, along with the unpaid annual fee balance.

[~~G~~] **I.** All fees shall be paid in U.S. dollars.

J. Failure to remit the full annual fee, including any late fees, required by the due date specified in Subsection H of this Section is a violation of this Part and may subject the owner or operator to:

(1) civil penalties of up to $15,000 per day for each day of noncompliance as provided for in the Air Quality Control Act, Section 74-2-12.1 NMSA 1978; and

(2) the enforcement provisions of the Air Quality Control Act, Section 74-2-12 NMSA 1978, which includes the suspension or revocation of any permit.

[20.2.75.12 NMAC - Rp, [~~20 NMAC 2.75.111, 03/02/01~~] 20.2.75.12 NMAC, 6/1/2026]

20.2.75.13 PERIODIC REVIEW: The Department shall prepare a review of the construction permit fees and construction permit program costs annually. The review shall include information on the budgets, expenditures, fund balance, and related projections. The review shall be presented to the Board within six months following the end of the fiscal year.

[20.2.75.13 NMAC - [~~N, 03/02/01~~] Rp, 20.2.75.13 NMAC, 6/1/2026]

20.2.75.14 SEVERABILITY: If any provision of this Part, or the application of this provision to any person or circumstance is held invalid, the remainder of this Part, or the application of this provision to any person or circumstance other than those as to which it is held invalid, shall not be affected thereby.

[20.2.75.14 NMAC - N, 6/1/2026]

HISTORY OF 20.2.75 NMAC:

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Pre-NMAC History: The material in [~~the~~] this part was derived from that previously filed with the commission of public records - state records center and archives:
AQCR 700, Air Quality Control Regulation 700 - Filing and Permit Fees, filed 11/20/89.

History of Repealed Material:
20 NMAC 2.75, [~~Air Quality Statewide~~] Construction Permit Fees, filed 10/30/95, repealed effective 03/02/01[~~.~~] ; 20.2.75 NMAC, Construction Permit Fees, effective 03/02/01, repealed, effective 6/1/26.

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TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 75 CONSTRUCTION PERMIT FEES

20.2.75.1 ISSUING AGENCY: Environmental Improvement Board.
[20.2.75.1 NMAC - Rp, 20.2.75.1 NMAC, 6/1/2026]

20.2.75.2 SCOPE: This Part applies to all persons who apply for a permit to construct or modify a source, apply to register under a general construction permit, apply for a permit revision, or request a technical review of an existing permit under 20.2.72 NMAC, and all persons who file a notice of intent under 20.2.73 NMAC. Annual emissions fees for sources required to obtain a permit under 20.2.70 NMAC (Operating Permits) are covered under 20.2.71 NMAC.
[20.2.75.1 NMAC - Rp, 20.2.75.2 NMAC, 6/1/2026]

20.2.75.3 STATUTORY AUTHORITY: Environmental Improvement Act, Sections 74-1-1 to -18 NMSA 1978, including specifically Paragraph (4) of Subsection A of Section 74-1-8 NMSA 1978, and Air Quality Control Act, Sections 74-2-1 to -17 NMSA 1978, including specifically Paragraph (6) of Subsection B of Section 74-2-7 NMSA 1978.
[20.2.75.1 NMAC - Rp, 20.2.75.3 NMAC, 6/1/2026]

20.2.75.4 DURATION: Permanent.
[20.2.75.4 NMAC - Rp, 20.2.75.4 NMAC, 6/1/2026]

20.2.75.5 EFFECTIVE DATE: June 1, 2026, except where a later date is cited at the end of a section.

A. For applications received prior to the effective date of this Part, the provisions in 20.2.75 NMAC, as effective as of the date of the receipt of the application, remain effective, and application review fees (formerly permit fees) shall be so determined.

B. For applications received following the effective date of this Part, application review fees shall be based on the current regulation.

[20.2.75.5 NMAC - Rp, 20.2.75.5 NMAC, 6/1/2026]

20.2.75.6 OBJECTIVE: The objective of this Part is to establish a schedule of fees for the construction permit program, including notices of intent, construction permits, registrations under general construction permits, permit revisions, and technical reviews of existing permits.
[20.2.75.6 NMAC - Rp, 20.2.75.6 NMAC, 6/1/2026]

20.2.75.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (Definitions) or 20.2.72 NMAC (Construction Permits), as used in this Part, the following definitions apply.

A. "**Air toxics review"** means the required review of a permit application for the potential emission of an air toxic regulated by 20.2.72.400 NMAC - 20.2.72.499 NMAC. As used in this Part, a level I air toxics review consists of modeling to determine whether one one-hundredth of the occupational exposure limit, as defined in 20.2.72.401 NMAC, is met; a level II air toxics review consists of either a health assessment or best available control technology (BACT) determination, whichever is required by 20.2.72.400 NMAC - 20.2.72.499 NMAC.

B. **"Applicable regulations"** means, for the purpose of assessing application review fee points, those regulations that are applicable to the source and not the review to determine whether the regulation is applicable. Applicable regulations do not include 20.2.1 NMAC (General Provisions), 20.2.2 NMAC (Definitions), 20.2.3 NMAC (Ambient Air Quality Standards), 20.2.5 NMAC (Source Surveillance), 20.2.7 NMAC (Excess Emissions), 20.2.8 NMAC (Emissions Leaving New Mexico), 20.2.60 NMAC (Open Burning), 20.2.70 NMAC (Operating Permits), 20.2.71 NMAC (Operating Permit Emissions Fees), 20.2.72 NMAC (Construction Permits), 20.2.73 NMAC (Notice Of Intent And Emissions Inventory Requirements), 20.2.74 NMAC (Permits - Prevention Of Significant Deterioration (PSD)), 20.2.75 NMAC (Construction Permit Fees), 20.2.77 NMAC (New Source Performance Standards), 20.2.78 NMAC (Emission Standards For Hazardous Air Pollutants), 20.2.79 NMAC (Permits - Nonattainment Areas), 20.2.80 NMAC (Stack Heights), and 20.2.82 NMAC (Maximum Achievable Control Technology Standards For Source Categories Of Hazardous Air Pollutants). All other Title 20, Chapter 2 NMAC parts and all new source performance standards (excluding Subpart A) and national emission standards for hazardous air pollutants/maximum achievable control technology (NESHAP/MACT) (excluding 40 CFR Part 61

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Subparts A and M and 40 CFR Part 63 Subpart A) regulations that are applicable to the source shall be counted and shall result in additional points for application review fee purposes, in accordance with the fee schedule in this Part.

C. "Fee unit" means any equipment or process which generates, creates, or is the source of a regulated air contaminant, which is listed or identified in a construction permit application or application to revise a permit and which requires review and evaluation against state and federal regulations and standards. This definition does not include sources which are exempt under 20.2.72.202 NMAC or sources for which no applicable requirements are identified in the permit. In the case of a permit modification, revision or technical review of an existing permit, the requirements of Subsection A of 20.2.75.11 NMAC apply only to the equipment or process involved in such modification, revision or review.

D. "Fugitive emissions fee unit" means sources of fugitive emissions for which applicable requirements are identified in the permit. A maximum of one fugitive emissions fee unit shall be applied to any given application.

E. "Revision" means any change requested by an applicant to any term or condition of a permit including emission limitations, control technology, operating conditions and monitoring requirements. For the purposes of this Part, revision does not include administrative revision as used in 20.2.72 NMAC.

F. "Small business" means a company that employs no more than 10 employees at any time during the calendar year. Employees include part-time, temporary, or limited service workers. For the purposes of this Part, small business does not include:

(1) any source which may emit more than 50 tons per year of any regulated air contaminant for which there is a national or New Mexico ambient air quality standard, or 75 tons per year of all regulated air contaminants for which there are national or New Mexico ambient air quality standards; and

(2) any major source for hazardous air pollutants under 20.2.70 NMAC.

G. "Technical review of an existing permit" means the department's technical review of new information submitted by a permittee as required by an existing permit condition and in conjunction with proposed changes at the source that do not involve any changes to the existing permit. The review must be necessary to demonstrate that all applicable state and federal regulations and standards will continue to be met and that the existing permit will continue to be valid. For the purposes of this Part, technical review of an existing permit does not include the department's review of required periodic reports.

[20.2.75.7 NMAC - Rp, 20.2.75.7 NMAC, 6/1/2026]

20.2.75.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation (AQCR) 700 - Filing and Permit Fees, filed November 20, 1989, as amended.

A. All references to AQCR 700 in any other rule shall be construed as a reference to this Part.

B. The amendment and supersession of AQCR 700 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 700.

[20.2.75.8 NMAC - Rp, 20.2.75.8 NMAC, 6/1/2026]

20.2.75.9 DOCUMENTS: Documents cited in this Part may be viewed at the New Mexico environment department, air quality bureau. [As of April 2013, the air quality bureau is located at 525 Camino de los Marquez, Santa Fe, New Mexico 87505.]

[20.2.75.9 NMAC - Rp, 20.2.75.9 NMAC, 6/1/2026]

20.2.75.10 FILING FEE:

A. A filing fee of $500 shall be submitted with each filing of an application for a permit to construct or modify a source or permit revision. The filing fee shall be applied to the application review fee determined from the fee schedule in 20.2.75.11 NMAC.

B. For applications submitted under 20.2.72.221 NMAC, an accelerated review filing fee of $1,000 shall be submitted in lieu of any other filing fees under this Section. One-half of the accelerated review filing fee shall be applied to the cost of the accelerated review submitted by the qualified outside firm. In the event that:

(1) there are no qualified outside firms on contract with the department, or if all of the qualified outside firms have a conflict of interest, the entire accelerated review filing fee shall be applied to the application review fee determined from the fee schedule in 20.2.75.11 NMAC;

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(2) no qualified outside firm submits a proposal for the accelerated review, one-half of the accelerated review filing fee shall be applied to the application review fee determined from the fee schedule in 20.2.75.11 NMAC;

(3) one or more qualified outside firms submit a proposal but all such proposals are rejected by the applicant, the accelerated review filing fee shall be forfeited and retained by the department; or

(4) the applicant withdraws the application for any reason, the accelerated review filing fee shall be forfeited and retained by the department.

[20.2.75.10 NMAC - Rp, 20.2.75.10 NMAC, 6/1/2026]

20.2.75.11 APPLICATION REVIEW FEE AND ANNUAL FEE:

A. The application review fee shall be based on the following point-based fee schedule.

ACTION	**# OF POINTS**	
1. CONSTRUCTION PERMIT/TECHNICAL REVIEW OF EXISTING PERMIT		
Technical Complexity		
1-5 Fee Units	5	
6-15 Fee Units	1	point per fee unit
>15 Fee Units	15	
Fugitive Emissions Fee Unit	5	
Portable Source Relocation (Paragraph (3) of Subsection D of 20.2.72.202 NMAC)	1	
Non-Attainment Area (20.2.79 NMAC)	75	
Each Modeling Review	30	
Air Toxics Review (20.2.72.400 NMAC – 20.2.72.499 NMAC)		
Level I	8	
Level II		
Best Available Control Technology (BACT) Analysis	60	
Health Assessment	100	
Applicable Regulations		
20.2.X NMAC (per each)	3	
NSPS (per each)	5	
NESHAP/MACT (per each)	5	
Case-by-Case MACT (20.2.83 NMAC)	100	
PSD netting only (no additional PSD analysis is required)	20	
PSD review (including netting) (20.2.74 NMAC)	75	
2. OTHER PERMITTING ACTIONS		
Notices of Intent (20.2.73.200 NMAC)	10	
General [~~Permits~~] Permit Registrations other than GCP-Oil & Gas (20.2.72.220 NMAC) [~~for non-Oil and Gas Facilities~~]	10	
[~~General Permits~~] GCP-Oil & Gas Registrations (20.2.72.220 NMAC) [~~for Oil and Gas Facilities~~]	30	
Streamline (each site) (20.2.72.300 NMAC – 20.2.72.399 NMAC)	10	

B. The application review fee shall be the sum of all of the points that are applicable to the application as determined by the department, multiplied by $585.

NMED Exhibit 6_000003

C. The department may, at its discretion, assess additional points and fees each time the department is required to repeat an action listed in Subsection A of this Section because the applicant updated the application after submission.

D. For sources that satisfy the definition of "small business" as defined in Subsection F of 20.2.75.7 NMAC, the application review fee determined by Subsection B of this Section, additional fees (if any) assessed pursuant to Subsection C of this Section, and annual fee assessed pursuant to Subsection F of this Section shall be reduced by half. To qualify for the small business fee reduction, sources must submit a small business certification form to the department certifying that the company employs no more than 10 employees at any time during the calendar year, or for new sources, that the company does not expect to employ any more than 10 employees in the first year of operations.

E. For applications processed by an outside firm under 20.2.72.221 NMAC, the application review fee determined by Subsection B of this Section shall be reduced by half and shall be in addition to the cost of the accelerated review bid.

F. Sources that have been issued a construction permit or registered under a general construction permit under 20.2.72 NMAC shall be assessed an annual fee of $2,800. Sources that have filed a notice of intent under 20.2.73 NMAC and received a written determination by the department that a permit is not required shall be assessed an annual fee of $700. The applicable annual fee shall be assessed if the construction permit, general construction permit registration or notice of intent was in active status as of December 31 of the preceding year, regardless of the source's operational status. The annual fee required by this Subsection shall not apply to sources which are assessed an annual emissions fee in accordance with 20.2.71 NMAC.

G. Beginning in 2028, the cost per point and annual fees in Subsections B and F of this Section shall be changed annually on January 1 by the percentage, if any, of any annual increase in the consumer price index (CPI). The adjusted cost per point and annual fees shall be determined by multiplying the current cost per point and annual fees by the increase in the CPI for the most recent calendar year and rounding the result to the nearest dollar. The CPI for any calendar year is the average of the CPI for all urban consumers published by the United States department of labor, as of the close of the twelve-month period ending on August 31 of that year. In the event there is a decrease or absence of change in the CPI, the cost per point and annual fees shall not be changed and shall remain the same until the next increase in the CPI.

[20.2.75.11 NMAC - Rp, 20.2.75.11 NMAC, 6/1/2026]

20.2.75.12 INVOICING, PAYMENT, LATE FEE AND ENFORCEMENT:

A. The department shall refuse to accept any application for a permit to construct or modify a source or permit revision without payment of the filing fee at the time the application is submitted to the department. The filing fee and the accelerated review filing fee are non-refundable. The department shall refuse to accept any notice of intent or application to register under a general construction permit without payment of the application review fee at the time the notice or application is submitted to the department.

B. For an application for a permit to construct or modify a source or permit revision other than a technical permit revision, an invoice for the application review fee, minus the filing fee, shall be mailed, or transmitted electronically or as otherwise allowed by the state, to the applicant at the time the department finds the application administratively complete pursuant to 20.2.72.207 NMAC. The department shall deny any application for a permit to construct or modify a source or permit revision other than a technical permit revision if the application review fee has not been paid within 30 days of the date of the invoice, unless the department has granted an extension. If, upon completion of the application review, the department determines additional fees are due pursuant to Subsection C of 20.2.75.11 NMAC, the department shall mail another invoice to the applicant along with its grant or denial of the permit or permit revision. The applicant shall pay this invoice within 30 days of the date of the invoice, unless the department has granted an extension.

C. For an application for a technical permit revision, an invoice for the application review fee, minus the filing fee, and any additional fees the department determines are due pursuant to Subsection C of 20.2.75.11 NMAC upon completion of the application review, shall accompany the department's grant or denial of the technical permit revision. The applicant shall pay this invoice within 30 days of the date of the invoice, unless the department has granted an extension.

D. For a notice of intent or application to register under a general construction permit, the application review fee shall be paid at the time of filing. If, upon completion of the application review, the department determines additional fees are due pursuant to Subsection C of 20.2.75.11 NMAC, an invoice shall accompany the department's notification of its determination that an air quality permit is not required or its grant or denial of the

registration. The applicant shall pay this invoice within 30 days of the date of the invoice, unless the department has granted an extension.

E. An invoice for a request for technical review of an existing permit shall accompany the department's response if any fees are due. The applicant or permittee shall pay this invoice within 30 days of the date of the invoice, unless the department has granted an extension.

F. Except for the refund of excess fees paid, all fees paid under this Part shall be non-refundable.

G. All fees paid pursuant to this Part shall be remitted in the form of a corporate or certified check or money order made payable to the environment department at the address specified in the notice, electronic payment, or other method as allowed by the state. Upon receipt of the fee payment, it shall be deposited in the state air quality permit fund established by Section 74-2-15 NMSA 1978.

H. Owners or operators shall pay annual fees assessed pursuant to Subsection F of 20.2.75.11 NMAC within 30 days of the date of the invoice. Failure to remit the full annual fee by this date shall subject the owner or operator to a late fee equal to fifty percent of the annual fee. The department shall provide to each owner or operator assessed a late fee pursuant to this Subsection notification, accompanied by an invoice for the late fee and unpaid annual fee balance. The owner or operator shall pay this invoice within 30 days of the date of the invoice. If the invoice is not timely paid, the late fee shall increase to one hundred percent of the annual fee and shall be due immediately without further notification from the department, along with the unpaid annual fee balance.

I. All fees shall be paid in U.S. dollars.

J. Failure to remit the full annual fee, including any late fees, required by the due date specified in Subsection H of this Section is a violation of this Part and may subject the owner or operator to:

(1) civil penalties of up to $15,000 per day for each day of noncompliance as provided for in the Air Quality Control Act, Section 74-2-12.1 NMSA 1978; and

(2) the enforcement provisions of the Air Quality Control Act, Section 74-2-12 NMSA 1978, which includes the suspension or revocation of any permit.

~~[**K.** Non-compliance with Chapter 2, Title 20 NMAC or the Air Quality Control Act subjects each owner or operator to administrative compliance costs for enforcement of Chapter 2, Title 20 NMAC.]~~

[20.2.75.12 NMAC - Rp, 20.2.75.12 NMAC, 6/1/2026]

20.2.75.13 PERIODIC REVIEW: The department shall prepare a review of the construction permit fees and construction permit program costs annually. The review shall include information on the budgets, expenditures, fund balance, and related projections. The review shall be presented to the Board within six months following the end of the fiscal year.

[20.2.75.13 NMAC - Rp, 20.2.75.13 NMAC, 6/1/2026]

20.2.75.14 SEVERABILITY: If any provision of this Part, or the application of this provision to any person or circumstance is held invalid, the remainder of this Part, or the application of this provision to any person or circumstance other than those as to which it is held invalid, shall not be affected thereby.

[20.2.75.14 NMAC - N, 6/1/2026]

HISTORY OF 20.2.75 NMAC:

Pre-NMAC History: The material in this Part was derived from that previously filed with the commission of public records - state records center and archives:

AQCR 700, Air Quality Control Regulation 700 - Filing and Permit Fees, filed 11/20/89.

History of Repealed Material:

20 NMAC 2.75, Construction Permit Fees, filed 10/30/95, repealed, effective 03/02/01;

20.2.75 NMAC, Construction Permit Fees, effective 03/02/01, repealed, effective 6/1/26.

NMED Exhibit 6_000005

West's New Mexico Statutes Annotated
Chapter 74. Environmental Improvement
Article 1. General Provisions

N. M. S. A. 1978, Ch. 74, Art. 1, Refs & Annos

Currentness

NMSA 1978, Ch. 74, Art. 1, Refs & Annos, NM ST Ch. 74, Art. 1, Refs & Annos
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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West's New Mexico Statutes Annotated
Chapter 74. Environmental Improvement
Article 1. General Provisions (Refs & Annos)

N. M. S. A. 1978, § 74-1-1

§ 74-1-1. Short title

Currentness

Chapter 74, Article 1 NMSA 1978 may be cited as the "Environmental Improvement Act".

Credits

L. 1971, Ch. 277, § 1; L. 1972, Ch. 51, § 9; L. 1973, Ch. 340, § 1; L. 1997, Ch. 139, § 1.

Formerly 1953 Comp., § 12-19-1; 1953 Comp., § 12-12-1.

NMSA 1978, § 74-1-1, NM ST § 74-1-1
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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West's New Mexico Statutes Annotated
Chapter 74. Environmental Improvement
Article 1. General Provisions (Refs & Annos)

N. M. S. A. 1978, § 74-1-2

§ 74-1-2. Purpose of Environmental Improvement Act

Currentness

The purpose of the Environmental Improvement Act is to create a department that will be responsible for environmental management and consumer protection in this state in order to ensure an environment that in the greatest possible measure will confer optimum health, safety, comfort and economic and social well-being on its inhabitants; will protect this generation as well as those yet unborn from health threats posed by the environment; and will maximize the economic and cultural benefits of a healthy people.

Credits

L. 1971, Ch. 277, § 2; L. 1972, Ch. 51, § 9; L. 1997, Ch. 139, § 2.

Formerly 1953 Comp., § 12-19-2; 1953 Comp., § 12-12-2.

NMSA 1978, § 74-1-2, NM ST § 74-1-2
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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West's New Mexico Statutes Annotated
Chapter 74. Environmental Improvement
Article 1. General Provisions (Refs & Annos)

N. M. S. A. 1978, § 74-1-3

§ 74-1-3. Definitions

Effective: May 15, 2024

Currentness

As used in the Environmental Improvement Act:

A. "board" means the environmental improvement board;

B. "carbon intensity" means the quantity of fuel lifecycle greenhouse gas emissions per unit of fuel energy, expressed in grams of carbon dioxide equivalent per megajoule;

C. "department" or "environmental improvement department" means the department of environment;

D. "fuel lifecycle" means an assessment of the aggregate greenhouse gas emissions based on science-based models or protocols, including direct emissions and significant indirect emissions from indirect land use change, all stages of fuel and feedstock production and distribution, feedstock generation or extraction through the distribution, delivery and use of the finished fuel by the consumer, including consideration of storage, transportation and combustion;

E. "on-site liquid waste system" means a liquid waste system, or part thereof, serving a dwelling, establishment or group, and using a liquid waste treatment unit designed to receive liquid waste followed by either a soil treatment or other type of disposal system. "On-site liquid waste system" includes holding tanks and privies but does not include systems or facilities designed to receive or treat mine or mill tailings or wastes;

F. "person" means the state or any agency, institution or political subdivision thereof, any public or private corporation, individual, partnership, association or other entity and includes any officer or governing or managing body of any political subdivision or public or private corporation;

G. "residential on-site liquid waste system" means an on-site liquid waste system serving up to four dwelling units;

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H. “secretary” means the secretary of environment; and

I. “transportation fuel” means electricity or a liquid, gaseous or blended fuel, including gasoline, diesel, liquefied petroleum gas, natural gas and hydrogen, sold, supplied, used or offered for sale to power vehicles or equipment for the purposes of transportation.

Credits

L. 1971, Ch. 277, § 3; L. 1972, Ch. 51, § 9; L. 1973, Ch. 340, § 2; L. 1977, Ch. 253, § 34; L. 1982, Ch. 73, § 21; L. 1991, Ch. 25, § 29; L. 1997, Ch. 139, § 3; L. 2024, Ch. 54, § 1, eff. May 15, 2024.

Formerly 1953 Comp., § 12-19-3; 1953 Comp., § 12-12-3.

NMSA 1978, § 74-1-3, NM ST § 74-1-3
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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West's New Mexico Statutes Annotated
Chapter 74. Environmental Improvement
Article 1. General Provisions (Refs & Annos)

N. M. S. A. 1978, § 74-1-4

§ 74-1-4. Environmental improvement board; creation; organization

Currentness

A. There is created the "environmental improvement board". The board shall consist of seven members appointed by the governor, by and with the advice and consent of the senate. The members of the board shall be appointed for overlapping terms, with no term exceeding five years. No more than four members shall be appointed from any political party. At least a majority of the membership of the board shall be individuals who represent the public interest and do not derive any significant portion of their income from persons subject to or who appear before the board on issues related to the federal Clean Air Act[1] or the Air Quality Control Act [Chapter 74, Article 2 NMSA 1978]. Any vacancy occurring in the membership of the board shall be filled by appointment by the governor for the unexpired term.

B. The members of the board shall be reimbursed as provided in the Per Diem and Mileage Act [10-8-1 to 10-8-8 NMSA 1978].

C. The board shall elect from its membership a chairman, vice chairman and secretary and shall establish the tenure of these offices. The board shall convene upon the call of the chairman or a majority of its members. Four members shall constitute a quorum.

Credits

L. 1971, Ch. 277, § 5; L. 1972, Ch. 51, § 9; L. 1990, Ch. 31, § 1; L. 1997, Ch. 139, § 4; L. 2001, Ch. 145, § 1.

Formerly 1953 Comp., § 12-19-5; 1953 Comp., § 12-12-5.

Footnotes

[1] 42 U.S.C.A. § 7401 et seq.

NMSA 1978, § 74-1-4, NM ST § 74-1-4
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the

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57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-5

§ 74-1-5. Environmental improvement board; duties

Currentness

The board shall promulgate all regulations applying to persons and entities outside of the department.

Credits

L. 1971, Ch. 277, § 6; L. 1972, Ch. 51, § 9; L. 1973, Ch. 340, § 3; L. 1997, Ch. 139, § 5.

Formerly 1953 Comp., § 12-19-6; 1953 Comp., § 12-12-6.

NMSA 1978, § 74-1-5, NM ST § 74-1-5
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-6

§ 74-1-6. Department; powers

Effective: June 19, 2009

Currentness

The department shall have power to:

A. sue and be sued;

B. make contracts to carry out its delegated duties;

C. enter into agreements with environmental and consumer protection agencies of other states and the federal government pertaining to duties of the department;

D. enter into investigation and remediation agreements with persons potentially responsible for sites within New Mexico subject to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980,[1] and such agreements shall not duplicate or take any authority from the oil conservation commission;

E. serve as agent of the state in matters of environmental management and consumer protection not expressly delegated by law to another department, commission or political subdivision in which the United States is a party;

F. enforce the rules, regulations and orders promulgated by the board and environmental management and consumer protection laws for which the department is responsible by appropriate action in courts of competent jurisdiction;

G. collect civil penalties pursuant to law, including reduction or elimination of penalties for violations from persons that:

(1) within sixty days of the discovery of a potential violation, voluntarily report to the department potential violations of

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law enforced by the department;

(2) initiate corrective action for the potential violation;

(3) have not previously violated the same provision of law; and

(4) do not present an imminent and substantial endangerment to health or the environment by the potential violation.

H. on the same basis as any other person, recommend and propose regulations for promulgation by the board;

I. on the same basis as any other person, present data, views or arguments and examine witnesses and otherwise participate at all hearings conducted by the board or any other administrative agency with responsibility in the areas of environmental management or consumer protection, but shall not be given any special status over any other party; and

J. have such other powers as may be necessary and appropriate for the exercise of the powers and duties delegated to the department.

Credits

L. 1971, Ch. 277, § 9; L. 1972, Ch. 51, § 9; L. 1977, Ch. 253, § 35; L. 1982, Ch. 73, § 22; L. 1991, Ch. 25, § 30; L. 1994, Ch. 124, § 1; L. 1997, Ch. 139, § 6; L. 2009, Ch. 42, § 1, eff. June 19, 2009.

Formerly 1953 Comp., § 12-19-9; 1953 Comp., § 12-12-9.

Footnotes

[1] 42 U.S.C.A. § 9601 et seq.

NMSA 1978, § 74-1-6, NM ST § 74-1-6
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-7

§ 74-1-7. Department; duties

Effective: May 15, 2024

Currentness

A. The department is responsible for environmental management and consumer protection programs. In that respect, the department shall maintain, develop and enforce rules and standards in the following areas:

(1) food protection;

(2) water supply, including implementing a capacity development program to assist water systems in acquiring and maintaining technical, managerial and financial capacity in accordance with Section 1420 of the federal Safe Drinking Water Act of 1974[1] and establishing administrative penalties for enforcement;

(3) liquid waste, including exclusive authority to collect on-site liquid waste system fees that are no more than the average charged by the contiguous states to New Mexico for similar permits and services and to implement and administer an inspection and permitting program for on-site liquid waste systems;

(4) air quality management as provided in the Air Quality Control Act [Chapter 74, Article 2 NMSA 1978];[2]

(5) radiation control and collection of license, registration and other related fees as provided in the Radiation Protection Act [Chapter 74, Article 3 NMSA 1978];[3];

(6) noise control;

(7) nuisance abatement;

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(8) vector control;

(9) occupational health and safety as provided in the Occupational Health and Safety Act [50-9-1 to 50-9-25 NMSA 1978];[4]

(10) sanitation of public swimming pools and public baths;

(11) plumbing, drainage, ventilation and sanitation of public buildings in the interest of public health;

(12) medical radiation, health and safety certification and standards for radiologic technologists as provided in the Medical Imaging and Radiation Therapy Health and Safety Act [Chapter 61, Article 14E NMSA 1978];[5]

(13) hazardous wastes and underground storage tanks as provided in the Hazardous Waste Act [Chapter 74, Article 4 NMSA 1978];[6]

(14) solid waste as provided in the Solid Waste Act [74-9-1 to 74-9-42 NMSA 1978];[7] and

(15) carbon intensity of transportation fuels as provided in Section 4 [74-1-18 NMSA 1978] of this 2024 act, including registration and related fees.

B. Nothing in Subsection A of this section imposes requirements for the approval of subdivision plats in addition to those required elsewhere by law. Nothing in Subsection A of this section preempts the authority of any political subdivision to approve subdivision plats.

Credits

L. 1971, Ch. 277, § 10; L. 1972, Ch. 51, § 9; L. 1973, Ch. 340, § 5; L. 1977, Ch. 122, § 5; L. 1983, Ch. 317, § 13; L. 1989, Ch. 223, § 1; L. 1989, Ch. 289, § 2; L. 1990, Ch. 99, § 64; L. 1997, Ch. 139, § 7; L. 1999, Ch. 203, § 1, eff. April 6, 1999; L. 2000, Ch. 86, § 1; L. 2000, Ch. 96, § 1; L. 2024, Ch. 54, § 2, eff. May 15, 2024.

Formerly 1953 Comp., § 12-19-10; 1953 Comp., § 12-12-10.

Footnotes

[1] 42 U.S.C.A. § 300g-9.

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2 NMSA 1978, § 74-2-1 et seq.

3 NMSA 1978, § 74-3-1 et seq.

4 NMSA 1978, § 50-9-1 et seq.

5 NMSA 1978, § 61-14E-1 et seq.

6 NMSA 1978, § 74-4-1 et seq.

7 NMSA 1978, § 74-9-1 et seq.

NMSA 1978, § 74-1-7, NM ST § 74-1-7
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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West's New Mexico Statutes Annotated
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Article 1. General Provisions (Refs & Annos)

N. M. S. A. 1978, § 74-1-7.1

§ 74-1-7.1. Green zia program; business sensitive information confidential

Currentness

A. The department may develop and administer a pollution prevention program to be known as the "green zia program". The department may enter into contracts with the federal government, promulgate rules and take other actions appropriate and necessary to produce an efficient and effective program.

B. Information provided to the department in accordance with the green zia program may be subject to confidentiality if the person furnishing the information demonstrates to the department that the information would divulge confidential methods or processes entitled to protection as trade secrets. If the department determines that the information is subject to confidentiality, the secretary shall promulgate a determination of confidentiality with an order of confidentiality. Confidential information may be disclosed to employees or authorized representatives of the department, but they shall not disclose the information to any other person.

C. A person who violates an order of confidentiality by disclosing confidential information pursuant to this section is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars ($1,000) per violation or by imprisonment for a definite term of one year or both.

Credits

L. 2001, Ch. 93, § 1.

NMSA 1978, § 74-1-7.1, NM ST § 74-1-7.1
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-8

§ 74-1-8. Board; duties

Effective: May 15, 2024

Currentness

A. The board is responsible for environmental management and consumer protection. In that respect, the board shall promulgate rules and standards in the following areas:

(1) food protection;

(2) water supply, including a capacity development program to assist water systems in acquiring and maintaining technical, managerial and financial capacity in accordance with Section 1420 of the federal Safe Drinking Water Act of 1974[1] and rules authorizing imposition of administrative penalties for enforcement;

(3) liquid waste, including exclusive authority to establish on-site liquid waste system fees that are no more than the average charged by the contiguous states to New Mexico for similar permits and services and to implement and administer an inspection and permitting program for on-site liquid waste systems;

(4) air quality management as provided in the Air Quality Control Act [Chapter 74, Article 2 NMSA 1978];[2]

(5) radiation control and establishment of license and registration and other related fees not to exceed fees charged by the United States nuclear regulatory commission for similar licenses as provided in the Radiation Protection Act [Chapter 74, Article 3 NMSA 1978];[3]

(6) noise control;

(7) nuisance abatement;

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(8) vector control;

(9) occupational health and safety as provided in the Occupational Health and Safety Act [50-9-1 to 50-9-25 NMSA 1978];[4]

(10) sanitation of public swimming pools and public baths;

(11) plumbing, drainage, ventilation and sanitation of public buildings in the interest of public health;

(12) medical radiation, health and safety certification and standards for radiologic technologists as provided in the Medical Imaging and Radiation Therapy Health and Safety Act [Chapter 61, Article 14E NMSA 1978];[5]

(13) hazardous wastes and underground storage tanks as provided in the Hazardous Waste Act [Chapter 74, Article 4 NMSA 1978];[6]

(14) solid waste as provided in the Solid Waste Act [74-9-1 NMSA 1978];[7] and

(15) carbon intensity of transportation fuels as provided in Section 4 [74-1-18 NMSA 1978] of this 2024 act.

B. Nothing in Subsection A of this section imposes requirements for the approval of subdivision plats in addition to those required elsewhere by law. Nothing in Subsection A of this section preempts the authority of any political subdivision to approve subdivision plats.

C. Administrative penalties collected pursuant to Paragraph (2) of Subsection A of this section shall be deposited in the water conservation fund.

D. On-site liquid waste system fees shall be deposited in the environmental health fund.

E. Radiation license and registration and other related fees shall be deposited in the radiation protection fund.

Credits

L. 1971, Ch. 277, § 11; L. 1972, Ch. 51, § 9; L. 1973, Ch. 340, § 6; L. 1977, Ch. 122, § 6; L. 1983, Ch. 317, § 14; L. 1989, Ch. 223, § 2; L. 1989, Ch. 289, § 3; L. 1990, Ch. 99, § 65; L. 1993, Ch. 100, § 2; L. 1997, Ch. 139, § 8; L. 1999, Ch. 203, § 2, eff. April 6, 1999; L. 2000, Ch. 86, § 2; L. 2000, Ch. 96, § 2; L. 2020, Ch. 32, § 3, eff. May 20, 2020; L. 2024, Ch. 54, § 3,

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eff. May 15, 2024.

Formerly 1953 Comp., § 12-19-11; 1953 Comp., § 12-12-11.

Footnotes

1 42 U.S.C.A. § 300g-9.

2 NMSA 1978, § 74-2-1 et seq.

3 NMSA 1978, § 74-3-1 et seq.

4 NMSA 1978, § 50-9-1 et seq.

5 NMSA 1978, § 61-14E-1 et seq.

6 NMSA 1978, § 74-4-1 et seq.

7 NMSA 1978, § 74-9-1 et seq.

NMSA 1978, § 74-1-8, NM ST § 74-1-8
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-8.1

§ 74-1-8.1. Legal advice

Currentness

A. In the exercise of any of its powers or duties, the board shall act with independent legal advice. The manner in which such advice is provided shall be determined by the board, but from among one of the following:

(1) the office of the attorney general;

(2) independent counsel hired by the board, whether full- or part-time; or

(3) another state agency whose function is sufficiently distinct from the department of environment to assure independent, impartial advice.

B. Notwithstanding the provisions of Subsection A of this section, attorneys from the department may act for the board in lawsuits filed against or on behalf of the board, and the attorney general may, at the request of the board, file and defend lawsuits on behalf of the board.

Credits

L. 1982, Ch. 73, § 23; L. 1991, Ch. 25, § 31; L. 1997, Ch. 139, § 9.

NMSA 1978, § 74-1-8.1, NM ST § 74-1-8.1
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-8.2

§ 74-1-8.2. Recompiled as § 74-6-3.1 by L. 1993, Ch. 291, § 18, eff. June 18, 1993

Currentness

NMSA 1978, § 74-1-8.2, NM ST § 74-1-8.2
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-8.3

§ 74-1-8.3. Repealed by L. 1999, Ch. 203, § 6, eff. April 6, 1999

Currentness

NMSA 1978, § 74-1-8.3, NM ST § 74-1-8.3
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-9

§ 74-1-9. Adoption of regulations; notice and hearing; appeal

Currentness

A. Any person may recommend or propose regulations to the board for promulgation. The board shall determine whether or not to hold a hearing within sixty days of submission of a proposed regulation.

B. No regulation shall be adopted until after a public hearing by the board. As used in this section, "regulation" includes any amendment or repeal thereof. Hearings on regulations of nonstatewide application shall be held within that area which is substantially affected by the regulation. Hearings on regulations of statewide application may be held at Santa Fe or within any area of the state substantially affected by the regulation. In making its regulations, the board shall give the weight it deems appropriate to all relevant facts and circumstances presented at the public hearing, including but not limited to:

(1) character and degree of injury to or interference with health, welfare, animal and plant life, property and the environment;

(2) the public interest, including the social, economic and cultural value of the regulated activity and the social, economic and cultural effects of environmental degradation; and

(3) technical practicability, necessity for and economic reasonableness of reducing, eliminating or otherwise taking action with respect to environmental degradation.

C. The standards for regulations set forth in Subsection A [Subsection B] of this section do not apply to the promulgation of regulations under the Air Quality Control Act [Chapter 74, Article 2 NMSA 1978];[1] or any other act in which specific standards are set forth for the board's consideration.

D. Notice of the hearing shall be given at least sixty days prior to the hearing date and shall state the subject, the time and the place of the hearing and the manner in which interested persons may present their views. The proposed language amending any existing regulation or any proposed new regulation shall be made available to the public as of the date the notice of the hearing is given. The notice shall also state where interested persons may secure copies of any proposed amendment or new

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regulation. The notice shall be published in a newspaper of general circulation in the area affected. Reasonable effort shall be made to give notice to all persons who have made a written request to the board for advance notice of hearings.

E. At the hearing, the board shall allow all interested persons reasonable opportunity to submit data, proposed changes to the proposed regulation, views or arguments orally or in writing and to examine witnesses testifying at the hearing. Any person heard or represented at the hearing shall be given written notice of the action of the board.

F. The board may designate a hearing officer to take evidence in the hearing. A transcript shall be made of the entire hearing proceedings.

G. No regulation or amendment or repeal thereof adopted by the board shall become effective until thirty days after its filing under the State Rules Act [Chapter 14, Article 4 NMSA 1978].[2]

H. Any person who is or may be affected by a regulation adopted by the board may appeal to the court of appeals for further relief. All such appeals shall be upon the transcript made at the hearing and shall be taken to the court of appeals within thirty days after filing of the regulation under the State Rules Act.

I. The procedure for perfecting an appeal to the court of appeals under this section consists of the timely filing of a notice of appeal with a copy attached to the regulation from which the appeal is taken. The appellant shall certify in his notice of appeal that arrangements have been made with the board for preparation of a sufficient number of transcripts of the record of the hearing on which the appeal depends to support his appeal to the court, at the expense of the appellant, including three copies which he shall furnish to the board.

J. Upon appeal, the court of appeals shall set aside the regulation only if found to be:

(1) arbitrary, capricious or an abuse of discretion;

(2) not supported by substantial evidence in the transcript; or

(3) otherwise not in accordance with law.

Credits

L. 1971, Ch. 277, § 13; L. 1972, Ch. 51, § 9; L. 1973, Ch. 340, § 7; L. 1974, Ch. 64, § 1; L. 1982, Ch. 73, § 24; L. 1985, Ch. 17, § 1.

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Formerly 1953 Comp., § 12-19-13; 1953 Comp., § 12-12-13.

Footnotes

1 NMSA 1978, § 74-2-1 et seq.

2 NMSA 1978, § 14-4-1 et seq.

NMSA 1978, § 74-1-9, NM ST § 74-1-9
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-10

§ 74-1-10. Penalty

Currentness

A. A person who violates any regulation of the board is guilty of a petty misdemeanor. This section does not apply to any regulation for which a criminal penalty is otherwise provided by law.

B. Whenever, on the basis of any information, the secretary determines that a person has violated, is violating or threatens to violate any provision of Paragraph (2) or (3) of Subsection A of Section 74-1-8 NMSA 1978 or any rule, regulation or permit condition adopted and promulgated thereunder, the secretary may:

(1) issue a compliance order stating with reasonable specificity the nature of the violation or threatened violation, requiring compliance immediately or within a specified time period and assessing a civil penalty for any past or current violation, or both; or

(2) commence a civil action in district court for appropriate relief, including a temporary or permanent injunction.

C. An order issued pursuant to Subsection B of this section may include suspension or revocation of any permit issued by the department. Any penalty assessed in the order, except for residential on-site liquid waste systems, shall not exceed one thousand dollars ($1,000) for each violation. Any penalty assessed in the order for a residential on-site liquid waste system shall not exceed one hundred dollars ($100) for each violation. A penalty imposed for violation of drinking water regulations 20 NMAC 7.1 or permit conditions shall not exceed one thousand dollars ($1,000) per violation per day. In assessing the penalty, the secretary shall take into account the seriousness of the violation and any good-faith efforts to comply with the applicable requirements.

D. If a violator fails to take corrective actions within the time specified in the compliance order, the secretary shall:

(1) assess civil penalties of not more than one thousand dollars ($1,000) for each noncompliance with the order; and

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(2) suspend or revoke any permit issued to the violator pursuant to Paragraph (3) of Subsection A of Section 74-1-8 NMSA 1978.

E. An order issued pursuant to this section shall become final unless, no later than thirty days after the order is served, the person named in the order submits a written request to the secretary for a hearing. Upon such a request, the secretary shall conduct a hearing. The secretary shall appoint an independent hearing officer to preside over the hearing. The hearing officer shall make and preserve a complete record of the proceedings and forward his recommendation based on the record to the secretary, who shall make the final decision.

F. In connection with any proceeding pursuant to this section, the secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books and documents and may adopt and promulgate rules for discovery procedures.

G. Penalties collected pursuant to violations of rules, regulations or permit conditions adopted pursuant to Paragraph (3) of Subsection A of Section 74-1-8 NMSA 1978 shall be deposited in the state treasury to be credited to the general fund.

H. Penalties collected pursuant to violations of drinking water regulations 20 NMAC 7.1 or permit conditions pursuant to Paragraph (2) of Subsection A of Section 74-1-8 NMSA 1978 shall be deposited in the state treasury to the credit of the water conservation fund.

Credits

L. 1973, Ch. 340, § 8; L. 1997, Ch. 139, § 10; L. 1999, Ch. 203, § 3, eff. April 6, 1999.

Formerly 1953 Comp., § 12-12-14.

NMSA 1978, § 74-1-10, NM ST § 74-1-10
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-10.1

§ 74-1-10.1. False statements to the department; penalties

Effective: May 16, 2018

Currentness

A. It is unlawful for an owner or operator of a public water system subject to the Environmental Improvement Act and applicable rules or an owner's or operator's agent to:

(1) knowingly make a false statement, representation, certification or omission of fact material to the protection of public health as related to a public water system in an application, record, report, plan or other document filed with or submitted to the department, or required by rule to be maintained by an owner or operator of a public water system;

(2) knowingly falsify, tamper with or render inaccurate any device, method or record to be relied upon by the department to monitor or track information related to a public water system;

(3) knowingly falsify or conceal a fact material to the protection of public health as related to a public water system; or

(4) make or use a document with the knowledge that the document contains false statements or representations material to the protection of public health as related to a public water system.

B. A person who violates or knowingly causes or allows another person to violate Subsection A of this section is guilty of a misdemeanor and shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978.

Credits

Added by L. 2018, Ch. 24, § 1, eff. May 16, 2018.

NMSA 1978, § 74-1-10.1, NM ST § 74-1-10.1

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N. M. S. A. 1978, § 74-1-11

§ 74-1-11. Repealed by L. 1989, Ch. 223, § 4, eff. July 1, 1992

Currentness

NMSA 1978, § 74-1-11, NM ST § 74-1-11
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-12

§ 74-1-12. Compliance with the federal Safe Drinking Water Act; purpose

Currentness

The purpose of this section and Section 74-1-13 NMSA 1978 is to provide:

A. an incentive for conservation of water, the state's most precious resource; and

B. funding for certain locations in the state to comply with the federal Safe Drinking Water Act[1] in which the United States congress mandated that the United States environmental protection agency establish drinking water standards for contaminants, require filtration and disinfection for all public water supply systems, increase enforcement authority, establish public notification requirements, implement a lead ban and implement a capacity development program for existing and newly created water systems.

Credits

L. 1993, Ch. 317, § 1; L. 1999, Ch. 203, § 4, eff. April 6, 1999.

Footnotes

[1] 42 U.S.C.A. § 300f et seq.

NMSA 1978, § 74-1-12, NM ST § 74-1-12
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-13

§ 74-1-13. Water conservation fee; imposition; definitions

Effective: July 1, 2025

Currentness

A. There is imposed on every person who operates a public water supply system a water conservation fee in an amount equal to three cents ($.03) per thousand gallons of water produced on which the fee imposed by this subsection has not been paid.

B. The "water conservation fund" is created in the state treasury and shall be administered by the department. The fund shall consist of water conservation fees collected pursuant to this section. Balances in the fund at the end of any fiscal year shall not revert to the general fund but shall accrue to the credit of the fund. Earnings on the fund shall be credited to the fund.

C. Money in the water conservation fund is appropriated to the department for administration of a public water supply program to:

(1) test public water supplies for the contaminants required to be tested pursuant to the provisions of the federal Safe Drinking Water Act,[1] as amended, and collect chemical compliance samples as required by those provisions of the federal act;

(2) perform vulnerability assessments that will be used to assess a public water supply's susceptibility to those contaminants; and

(3) implement new requirements of the Utility Operators Certification Act[2] and provide training for all public water supply operators.

D. The taxation and revenue department shall provide by regulation for the manner and form of collection of the water conservation fee. All water conservation fees collected by the taxation and revenue department shall be deposited in the water conservation fund.

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E. The fee imposed by this section shall be administered in accordance with the provisions of the Tax Administration Act[3] and shall be paid to the taxation and revenue department by each person who operates a public water supply system in the manner required by the department on or before the twenty-fifth day of the month following the month in which the water is produced.

F. Each operator of a public water supply system shall register and comply with the provisions of Section 7-1-12 NMSA 1978 and furnish such information as may be required by the taxation and revenue department.

G. The department shall compile a list of the contaminants that require testing pursuant to Paragraph (1) of Subsection C of this section. The list shall be compiled no less than once every twelve months and include the contaminants that will be tested in the subsequent twelve months. The department shall establish by rule procedures to compile the list and to determine which contaminants that require testing will be tested in the subsequent twelve months. The determination of which contaminants will be tested shall include consideration of the availability of funds in the water conservation fund, the needs of the public water supplies being tested for additional contaminants and public health and safety.

H. As used in this section:

(1) “person” means any individual or legal entity and also means, to the extent permitted by law, any federal, state or other governmental unit or subdivision or an agency, department or instrumentality thereof; and

(2) “public water supply system” means a system that provides piped water to the public for human consumption and that has at least fifteen service connections or regularly services an average of at least twenty-five individuals at least sixty days per year.

Credits

L. 1993, Ch. 317, § 2; L. 1997, Ch. 125, § 11, eff. July 1, 1997; L. 2013, Ch. 128, § 1, eff. June 14, 2013; L. 2024, Ch. 59, § 9, eff. July 1, 2025.

Footnotes

1 42 U.S.C.A. § 300g-1.

2 NMSA 1978, § 61-33-1 et seq.

3 NMSA 1978, § 7-1-1 et seq.

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NMSA 1978, § 74-1-13, NM ST § 74-1-13
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N. M. S. A. 1978, § 74-1-13.1

§ 74-1-13.1. Nontransient noncommunity public water systems; definition; testing and notice requirements

Currentness

A. The department of environment shall test nontransient noncommunity water systems for arsenic, fluoride and radionuclides and adopt rules for reporting and public notification for those contaminants comparable to reporting and notification requirements for community water systems. Money in the water conservation fund may be used to fulfill the requirements of this subsection.

B. As used in this section:

(1) "community water system" means a public water system that serves at least fifteen service connections used by year-round residents or regularly serves at least twenty-five year-round residents; and

(2) "nontransient noncommunity water system" means a public water system that is not a community water system and that regularly serves at least twenty-five of the same persons over six months per year including but not limited to schools and factories.

Credits

L. 2001, Ch. 148, § 1.

NMSA 1978, § 74-1-13.1, NM ST § 74-1-13.1
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-14

§ 74-1-14. County or municipal authority regarding on-site liquid waste system

Currentness

Nothing in Chapter 74, Article 1 NMSA 1978 limits or is intended to limit the authority of any county or municipality to adopt and enforce requirements related to on-site liquid waste systems that are at least as stringent as those in that article; provided, however, that the county or municipality has, on staff or under contract, either a registered professional engineer with education or experience in sanitary engineering or a class II wastewater operator certified by the state of New Mexico.

Credits

L. 1997, Ch. 139, § 11.

NMSA 1978, § 74-1-14, NM ST § 74-1-14
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-14.1

§ 74-1-14.1. Regulation of refrigerants

Effective: June 16, 2023

Currentness

<Repealed by L. 2023, Ch. 189, § 1, eff. June 16, 2033.>

The governing body of a municipality, county or other governmental entity shall allow:

A. the use of a refrigerant that is designated as an acceptable alternative or substitute for a class 1 or class 2 substance by the United States environmental protection agency; or

B. the installation or listing of equipment that contains a refrigerant designated as acceptable pursuant to Subsection A of this section and meets nationally recognized standards for the safe design, construction, installation and operation of refrigeration systems and the appropriate listing standard.

Credits

Added by L. 2023, Ch. 189, § 1, eff. June 16, 2023.

NMSA 1978, § 74-1-14.1, NM ST § 74-1-14.1
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-15

§ 74-1-15. Repealed by L. 2020, Ch. 32, § 8, eff. May 20, 2020

Effective: May 20, 2020

Currentness

NMSA 1978, § 74-1-15, NM ST § 74-1-15
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-15.1

§ 74-1-15.1. Liquid waste disposal system assistance fund; created; purpose

Effective: May 20, 2020

Currentness

A. The "liquid waste disposal system assistance fund" is created in the state treasury. The department shall administer the fund. The fund may be composed of appropriations and transfers of money earned from investment of the fund and otherwise accruing to the fund and transfers of money from the environmental health fund not to exceed two hundred thousand dollars ($200,000) from the unexpended balance in the fund. Balances remaining in the fund at the end of a fiscal year shall remain to the credit of the fund. Disbursements from the fund shall be drawn on warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of environment or the secretary's authorized representative. Money in the fund is appropriated to the department for the sole purpose of assisting indigent individuals or households that qualify for funding to accomplish one of the following purposes where there is a real or potential negative impact to public health or water quality from on-site liquid waste disposal system effluent:

(1) to pay for a liquid waste disposal system to replace a cesspool or other failed or improper on-site liquid waste disposal system;

(2) to purchase, install or maintain an advanced treatment system as required by the Environmental Improvement Act or regulations issued pursuant to that act;

(3) to pay for the decommissioning and removal of a cesspool or other failed or improper on-site liquid waste disposal system; or

(4) to pay for all or a portion of the connection fees in order to connect an individual or household to a centralized wastewater collection and treatment system.

B. Construction activities sponsored by the fund shall be performed by licensed contractors selected through competitive bid by the department and shall be managed by the department.

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C. No more than five percent of the fund shall be used by the department on an annual basis to pay for the department costs associated with management and implementation of fund activities.

D. As used in this section:

(1) “advanced treatment system” means an on-site liquid wastewater treatment system that removes a greater amount of contaminants than is accomplished by a primary treatment system;

(2) “connection fee” means the fee paid directly to a public water or wastewater system or other wastewater management organization and does not include other fees, such as legal fees, related to connecting an individual or household to a centralized wastewater collection and treatment system; and

(3) “indigent individuals or households” means individuals or households whose annual incomes do not exceed the federal poverty guidelines.

Credits

Added by L. 2009, Ch. 203, § 1, eff. June 19, 2009. Amended by L. 2020, Ch. 32, § 4, eff. May 20, 2020.

NMSA 1978, § 74-1-15.1, NM ST § 74-1-15.1
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-15.2

§ 74-1-15.2. Environmental health fund; created

Effective: May 20, 2020

Currentness

A. The "environmental health fund" is created in the state treasury. The fund consists of fees collected from the regulation of on-site liquid waste systems and water recreation facilities pursuant to the Environmental Improvement Act, food establishments pursuant to the Food Service Sanitation Act [Chapter 25, Article 1 NMSA 1978] and hemp pursuant to the Hemp Manufacturing Act [Chapter 76, Article 24 NMSA 1978]. Money in the fund is subject to appropriation by the legislature to the department for the administration of regulations pertaining to liquid waste, water recreation facilities, food service sanitation and hemp. Disbursements from the fund shall be by warrant drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary of environment or the secretary of environment's designee. Any unexpended or unencumbered balance in the environmental health fund remaining at the end of any fiscal year shall not revert to the general fund.

B. Up to two hundred thousand dollars ($200,000) from unexpended and unencumbered money in the environmental health fund may be transferred to the liquid waste disposal system assistance fund on an annual basis.

Credits

Added by L. 2020, Ch. 32, § 1, eff. May 20, 2020.

NMSA 1978, § 74-1-15.2, NM ST § 74-1-15.2
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-16

§ 74-1-16. Water recreation facilities; fee imposition

Effective: May 20, 2020

Currentness

The board may assess an annual fee not to exceed one hundred fifty dollars ($150) on the owner or operator of a public swimming pool, public spa or other public water recreation facility to defray the cost of administering and enforcing rules adopted in accordance with the Environmental Improvement Act pertaining to public water recreation facilities. The fee shall be based on the size of the public water recreation facility. Fees collected pursuant to this section shall be deposited in the environmental health fund.

Credits

L. 2003, Ch. 335, § 1; L. 2020, Ch. 32, § 5, eff. May 20, 2020.

NMSA 1978, § 74-1-16, NM ST § 74-1-16
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-17

§ 74-1-17. Nuclear workers assistance fund created

Effective: March 8, 2010

Currentness

The "nuclear workers assistance fund" is created in the state treasury. The fund shall consist of money earned from investment of the fund and otherwise accruing to the fund and up to one-half of one percent of any award for an initial claim, including a claim for medical benefits, filed by the department on behalf of the claimants with the federal office of workers' compensation program, under the federal Energy Employees Occupational Illness Compensation Program Act of 2000, 42 USC 7384 et seq., or up to five percent of any award after the department files objections to a recommended decision denying an award, which shall be transmitted to the state treasurer for credit to the nuclear workers assistance fund. Balances remaining in the fund at the end of a fiscal year shall remain in the fund and shall not revert to the general fund. The department shall administer the fund, and money in the fund is appropriated to the department for the purpose of the administration of a program to assist nuclear workers seeking claims under the federal Energy Employees Occupational Illness Compensation Program Act of 2000, 42 USC 7384 et seq. Money from the fund may be drawn on warrants of the secretary of finance and administration pursuant to vouchers signed by the secretary of environment or the secretary of environment's designee.

Credits

Added by L. 2010, Ch. 50, § 1, eff. March 8, 2010.

NMSA 1978, § 74-1-17, NM ST § 74-1-17
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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West's New Mexico Statutes Annotated
Chapter 74. Environmental Improvement
Article 1. General Provisions (Refs & Annos)

N. M. S. A. 1978, § 74-1-18

§ 74-1-18. Clean transportation fuel standard program; rules

Effective: May 15, 2024

Currentness

A. The board shall promulgate rules to implement a clean transportation fuel standard program no later than July 1, 2026.

B. Prior to the board promulgating rules pursuant to this section, the secretary shall convene an advisory committee composed of stakeholders from in-state and out-of-state producers of transportation fuels, transportation fuel distributors, local governments, utilities, tribal governments, environmental protection groups, environmental justice groups and other individuals or entities with relevant expertise to provide input and periodically review program rules.

C. The clean transportation fuel standard program rules shall:

(1) establish a statewide technology-neutral clean transportation fuel standard based on a schedule for annually decreasing the carbon intensity of transportation fuels used in the state;

(2) apply the clean transportation fuel standard to account for the fuel lifecycle in order to reduce the carbon intensity of transportation fuels used in the state by at least twenty percent below 2018 carbon intensity levels by 2030 and at least thirty percent below 2018 carbon intensity levels by 2040;

(3) establish technology-neutral mechanisms for generating, obtaining, trading, selling and retiring credits among transportation fuel producers, fuel distributors and other individuals or entities in the transportation fuel market, including additional credit opportunities from activities and projects that support the reduction or removal of greenhouse gas emissions associated with transportation in the state;

(4) establish mechanisms, including cost-containment measures and credit holding limits, to allow credits to be banked for future compliance periods to stabilize and incentivize investment in the transportation fuel credit market, verify the validity of compliance obligations, maximize savings and limit consumer costs, ensure program compliance, trade credits and allow for market participation by persons who register in the market to facilitate credit generation;

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(5) require a utility that elects to participate in the program to invest all revenues from the sale of credits, not including administrative program costs, into distribution, grid modernization, infrastructure and other projects that support transportation decarbonization, with at least fifty percent of such revenues supporting low-income and underserved communities and with investor-owned utilities receiving regulatory treatment consistent with Section 62-8-12 NMSA 1978;

(6) consider similar programs in other jurisdictions, allow for coordination with other jurisdictions to promote regional reductions or removal of greenhouse gas emissions and allow market participants to generate credits under any overlapping current and future federal transportation fuel regulations;

(7) not discriminate against fuels solely on the basis of having originated in another state or jurisdiction;

(8) establish a periodic review process that includes input from the advisory committee convened pursuant to Subsection B of this section to provide input on program rules and performance and determine potential adjustments if deemed necessary after review, including the superseding of the state program by federal legislation;

(9) allow for a deferral of the program based on emergency or forecasted conditions; and

(10) establish fees for the cost of the department's administration and enforcement of the program; provided that any fees are deposited in the state air quality permit fund.

D. As used in this section:

(1) "low-income" means annual household adjusted gross income, as defined in the Income Tax Act [Chapter 7, Article 2 NMSA 1978], of equal to or less than two hundred percent of the federal poverty level; and

(2) "underserved community" means an area in this state, including a county, municipality or neighborhood, or subset of such area where the median income of the area is low-income.

Credits

Added by L. 2024, Ch. 54, § 4, eff. May 15, 2024.

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NMSA 1978, § 74-1-18, NM ST § 74-1-18
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-2-1

§ 74-2-1. Short title

Currentness

Chapter 74, Article 2 NMSA 1978 may be cited as the "Air Quality Control Act".

Credits

L. 1967, Ch. 277, § 1; L. 1972, Ch. 51, § 1; L. 1989, Ch. 278, § 1.

Formerly 1953 Comp., § 12-14-1.

NMSA 1978, § 74-2-1, NM ST § 74-2-1
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-2-2

§ 74-2-2. Definitions

Currentness

As used in the Air Quality Control Act:

A. "air contaminant" means a substance, including any particulate matter, fly ash, dust, fumes, gas, mist, smoke, vapor, micro-organisms, radioactive material, any combination thereof or any decay or reaction product thereof;

B. "air pollution" means the emission, except emission that occurs in nature, into the outdoor atmosphere of one or more air contaminants in quantities and of a duration that may with reasonable probability injure human health or animal or plant life or as may unreasonably interfere with the public welfare, visibility or the reasonable use of property;

C. "department" means the department of environment;

D. "director" means the administrative head of a local agency;

E. "emission limitation" or "emission standard" means a requirement established by the environmental improvement board or the local board, the department, the local authority or the local agency or pursuant to the federal act that limits the quantity, rate or concentration, or combination thereof, of emissions of air contaminants on a continuous basis, including any requirements relating to the operation or maintenance of a source to assure continuous reduction;

F. "federal act" means the federal Clean Air Act,[1] its subsequent amendments and successor provisions;

G. "federal standard of performance" means a standard of performance, emission limitation or emission standard adopted pursuant to 42 U.S.C. Section 7411 or 7412;

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H. “hazardous air pollutant” means an air contaminant that has been listed as a hazardous air pollutant pursuant to the federal act;

I. “local agency” means the administrative agency established by a local authority pursuant to Paragraph (2) of Subsection A of Section 74-2-4 NMSA 1978;

J. “local authority” means any of the following political subdivisions of the state that have, by following the procedure set forth in Subsection A of Section 74-2-4 NMSA 1978, assumed jurisdiction for local administration and enforcement of the Air Quality Control Act:

(1) a county that was a class A county as of January 1, 1980; or

(2) a municipality with a population greater than one hundred thousand located within a county that was a class A county as of January 1, 1980;

K. “local board” means a municipal, county or joint air quality control board created by a local authority;

L. “mandatory class I area” means any of the following areas in this state that were in existence on August 7, 1977:

(1) national wilderness areas that exceed five thousand acres in size; and

(2) national parks that exceed six thousand acres in size;

M. “modification” means a physical change in, or change in the method of operation of, a source that results in an increase in the potential emission rate of a regulated air contaminant emitted by the source or that results in the emission of a regulated air contaminant not previously emitted, but does not include:

(1) a change in ownership of the source;

(2) routine maintenance, repair or replacement;

(3) installation of air pollution control equipment, and all related process equipment and materials necessary for its

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operation, undertaken for the purpose of complying with regulations adopted by the environmental improvement board or the local board or pursuant to the federal act; or

(4) unless previously limited by enforceable permit conditions:

(a) an increase in the production rate, if such increase does not exceed the operating design capacity of the source;

(b) an increase in the hours of operation; or

(c) use of an alternative fuel or raw material if, prior to January 6, 1975, the source was capable of accommodating such fuel or raw material or if use of an alternate fuel or raw material is caused by a natural gas curtailment or emergency allocation or an other lack of supply of natural gas;

N. “nonattainment area” means for an air contaminant an area that is designated “nonattainment” with respect to that contaminant within the meaning of Section 107(d) of the federal act;

O. “person” includes an individual, partnership, corporation, association, the state or political subdivision of the state and any agency, department or instrumentality of the United States and any of their officers, agents or employees;

P. “potential emission rate” means the emission rate of a source at its maximum capacity to emit a regulated air contaminant under its physical and operational design, provided any physical or operational limitation on the capacity of the source to emit a regulated air contaminant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, shall be treated as part of its physical and operational design only if the limitation or the effect it would have on emissions is enforceable by the department or the local agency pursuant to the Air Quality Control Act or the federal act;

Q. “regulated air contaminant” means an air contaminant, the emission or ambient concentration of which is regulated pursuant to the Air Quality Control Act or the federal act;

R. “secretary” means the secretary of environment;

S. “significant deterioration” means an increase in the ambient concentrations of an air contaminant above the levels allowed by the federal act or federal regulations for that air contaminant in the area within which the increase occurs;

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T. “source” means a structure, building, equipment, facility, installation or operation that emits or may emit an air contaminant;

U. “standard of performance” means a requirement of continuous emission reduction, including any requirement relating to operation or maintenance of a source to assure continuous emission reduction;

V. “state implementation plan” means a plan submitted by New Mexico to the federal environmental protection agency pursuant to 42 U.S.C. Section 7410; and

W. “toxic air pollutant” means an air contaminant, except a hazardous air pollutant, classified by the environmental improvement board or the local board as a toxic air pollutant.

Credits

L. 1967, Ch. 277, § 2; L. 1970, Ch. 58, § 1; L. 1971, Ch. 277, § 20; L. 1972, Ch. 51, § 2; L. 1973, Ch. 322, § 1; L. 1977, Ch. 253, § 36; L. 1979, Ch. 393, § 1; L. 1981, Ch. 373, § 1; L. 1983, Ch. 34, § 1; L. 1989, Ch. 278, § 2; L. 1992, Ch. 20, § 1; L. 2001, Ch. 133, § 1.

Formerly 1953 Comp., § 12-14-2.

Footnotes

[1] 42 U.S.C.A. § 7401 et seq.

NMSA 1978, § 74-2-2, NM ST § 74-2-2
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-2-3

§ 74-2-3. Environmental improvement board

Currentness

A. In taking any action under the Air Quality Control Act, a majority of the environmental improvement board constitutes a quorum, but any action, order or decision of the environmental improvement board requires the concurrence of three members present at a meeting.

B. Except as provided in the Air Quality Control Act, the jurisdiction of the environmental improvement board extends to all areas of the state except within the boundaries of a local authority.

Credits

L. 1967, Ch. 277, § 3; L. 1970, Ch. 58, § 2; L. 1971, Ch. 277, § 21; L. 1973, Ch. 322, § 2; L. 1992, Ch. 20, § 2.

Formerly 1953 Comp., § 12-14-3.

NMSA 1978, § 74-2-3, NM ST § 74-2-3
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-2-4

§ 74-2-4. Local authority

Effective: July 1, 2021

Currentness

A. A county or municipality meeting the qualifications set forth in Paragraph (1) or (2) of Subsection J of Section 74-2-2 NMSA 1978 may assume jurisdiction as a local authority by adopting an ordinance providing for the local administration and enforcement of the Air Quality Control Act. The ordinance shall:

(1) create a local board to perform, within the boundaries of the local authority, those functions delegated to the environmental improvement board under the Air Quality Control Act, except any functions reserved exclusively for the environmental improvement board;

(2) create a local agency to administer and enforce the provisions of the Air Quality Control Act within the boundaries of the local authority that shall, within the boundaries of the local authority, perform all of the duties required of the department and exert all of the powers granted to the department, except for those duties and powers reserved exclusively for the department; and

(3) provide for the appointment of a director who shall perform for the local authority the same duties as required of the secretary under the Air Quality Control Act, except the duties and powers reserved exclusively for the secretary.

B. At least a majority of the members of a local board shall be individuals who represent the public interest and do not derive any significant portion of their income from persons subject to or who appear before the local board on issues related to the federal act or the Air Quality Control Act.

C. Prior to adopting any ordinance regulating air pollution, public hearings and consultations shall be held as directed by the local authority adopting the ordinance. The provisions of any ordinance shall be consistent with the substantive provisions of the Air Quality Control Act and shall provide for standards and regulations not lower than those required by regulations adopted by the environmental improvement board.

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D. Notwithstanding the provisions of Subsection A of this section, the environmental improvement board and the secretary shall retain jurisdiction and control for the administration and enforcement of the Air Quality Control Act as determined in that act with respect to any act or failure to act, governmental or proprietary, of any local authority that causes or contributes to air pollution, including proceeding against a local authority as provided in Section 74-2-12 NMSA 1978. "Failure to act", as used in this section, includes failure to act against any person violating the applicable ordinance or regulation adopted pursuant thereto.

E. Any local authority that is located within a transportation-related pollutant nonattainment area or maintenance area may provide for a vehicle emission inspection and maintenance program for vehicles registered at an address within the jurisdiction of the local authority and under twenty-six thousand pounds gross vehicle weight rating powered by an internal combustion engine, which program shall be at least as stringent as that required under the federal act or under federal air quality standards. Any two or more local authorities may adopt identical rules and regulations necessary to implement the vehicle emission inspection and maintenance program, including examining the alternatives of public or private operation of the program.

F. Any local authority that has implemented a vehicle emission inspection and maintenance program may extend the enforcement of that program by entering into joint powers agreements with any municipality or county within the designated airshed or with the department.

G. No tax shall be imposed to fund any vehicle emission inspection and maintenance program until the local authority has submitted the question of imposition of a tax to the registered voters of the local authority and those registered voters have approved the imposition of the tax.

H. A local authority having a vehicle emission inspection and maintenance program shall conduct the vehicle emission inspection and maintenance program through a decentralized privately owned and operated system unless air quality emissions result in automatic implementation of another type of program under the terms of a contingency plan required and approved by the United States environmental protection agency. The local authority shall set the emission inspection fee by ordinance.

I. A local authority having a vehicle emission inspection and maintenance program is authorized to adopt rules, regulations and guidelines governing the establishment of private vehicle emission inspection and maintenance stations. No private vehicle emission inspection and maintenance station shall test vehicles unless the station possesses a valid permit issued by the local agency. Permit fees shall be determined by ordinance of the local authority and shall not exceed two hundred dollars ($200) per year per station. Additionally, a local authority may charge a permit fee of up to thirty-five dollars ($35.00) per year for each vehicle emissions mechanic and for each vehicle emissions inspector. The imposition of permit fees does not require a vote of the registered voters of the local authority.

J. Before a local authority adopts an ordinance that is more stringent than the federal act or applicable federal regulations, or that applies to sources not subject to regulation pursuant to the federal act or regulations, the local authority shall make a determination, based on substantial evidence and after notice and public hearing, that the proposed ordinance will be more protective of public health and the environment.

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Credits

L. 1967, Ch. 277, § 4; L. 1970, Ch. 58, § 3; L. 1971, Ch. 277, § 22; L. 1973, Ch. 322, § 3; L. 1981, Ch. 373, § 2; L. 1985, Ch. 95, § 1; L. 1988, Ch. 128, § 1; L. 1989, Ch. 278, § 3; L. 1990, Ch. 31, § 2; L. 1992, Ch. 20, § 3; L. 1994, Ch. 131, § 1; L. 1995, Ch. 128, § 1, eff. June 16, 1995; L. 2021, Ch. 133, § 1, eff. July 1, 2021.

Formerly 1953 Comp., § 12-14-4.

NMSA 1978, § 74-2-4, NM ST § 74-2-4
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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West's New Mexico Statutes Annotated
Chapter 74. Environmental Improvement
Article 2. Air Pollution

N. M. S. A. 1978, § 74-2-5

§ 74-2-5. Duties and powers; environmental improvement board; local board

Effective: July 1, 2021

Currentness

A. The environmental improvement board or the local board shall prevent or abate air pollution.

B. The environmental improvement board or the local board shall:

(1) adopt, promulgate, publish, amend and repeal rules and standards consistent with the Air Quality Control Act to attain and maintain national ambient air quality standards and prevent or abate air pollution, including:

(a) rules prescribing air standards within the geographic area of the environmental improvement board's jurisdiction or the local board's jurisdiction or any part thereof; and

(b) standards of performance that limit carbon dioxide emissions to no more than one thousand one hundred pounds per megawatt-hour on and after January 1, 2023 for a new or existing source that is an electric generating facility with an original installed capacity exceeding three hundred megawatts and that uses coal as a fuel source; and

(2) adopt a plan for the regulation, control, prevention or abatement of air pollution, recognizing the differences, needs, requirements and conditions within the geographic area of the environmental improvement board's jurisdiction or the local board's jurisdiction or any part thereof.

C. If the environmental improvement board or the local board determines that emissions from sources within the environmental improvement board's jurisdiction or the local board's jurisdiction cause or contribute to ozone concentrations in excess of ninety-five percent of the primary national ambient air quality standard for ozone promulgated pursuant to the federal act, the environmental improvement board or the local board shall adopt a plan, including rules, to control emissions of oxides of nitrogen and volatile organic compounds to provide for attainment and maintenance of the standard. Rules adopted pursuant to this subsection shall be limited to sources of emissions within the area of the state where the ozone concentrations exceed ninety-five percent of the primary national ambient air quality standard.

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D. Rules adopted by the environmental improvement board or the local board may:

(1) include rules to protect visibility in mandatory class I areas to prevent significant deterioration of air quality and to achieve national ambient air quality standards in nonattainment areas; provided that the rules shall be at least as stringent as required by the federal act and federal regulations pertaining to visibility protection in mandatory class I areas, pertaining to prevention of significant deterioration and pertaining to nonattainment areas;

(2) prescribe standards of performance for sources and emission standards for hazardous air pollutants that shall be at least as stringent as required by federal standards of performance;

(3) include rules governing emissions from solid waste incinerators that shall be at least as stringent as any applicable federal emission limitations;

(4) include rules requiring the installation of control technology for mercury emissions that removes the greater of what is achievable with best available control technology or ninety percent of the mercury from the input fuel for all coal-fired power plants, except for coal-fired power plants constructed and generating electric power and energy before July 1, 2007;

(5) require notice to the department or the local agency of the intent to introduce or permit the introduction of an air contaminant into the air within the geographical area of the environmental improvement board's jurisdiction or the local board's jurisdiction; and

(6) require any person emitting any air contaminant to:

(a) install, use and maintain emission monitoring devices;

(b) sample emissions in accordance with methods and at locations and intervals as may be prescribed by the environmental improvement board or the local board;

(c) establish and maintain records of the nature and amount of emissions;

(d) submit reports regarding the nature and amounts of emissions and the performance of emission control devices; and

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(e) provide any other reasonable information relating to the emission of air contaminants.

E. Any rule adopted pursuant to this section shall be at least as stringent as federal law, if any, relating to control of motor vehicle emissions.

F. In making its rules, the environmental improvement board or the local board shall give weight it deems appropriate to all facts and circumstances, including:

(1) character and degree of injury to or interference with health, welfare, visibility and property;

(2) the public interest, including the social and economic value of the sources and subjects of air contaminants; and

(3) technical practicability and economic reasonableness of reducing or eliminating air contaminants from the sources involved and previous experience with equipment and methods available to control the air contaminants involved.

G. Before the environmental improvement board or local board adopts a rule that is more stringent than the federal act or federal regulations, or that applies to sources not subject to regulation pursuant to the federal act or regulations, the environmental improvement board or local board shall make a determination, based on substantial evidence and after notice and public hearing, that the proposed rule will be more protective of public health and the environment.

Credits

L. 1967, Ch. 277, § 5; L. 1970, Ch. 58, § 4; L. 1972, Ch. 51, § 3; L. 1979, Ch. 393, § 2; L. 1981, Ch. 373, § 3; L. 1983, Ch. 34, § 2; L. 1987, Ch. 293, § 1; L. 1990, Ch. 99, § 66; L. 1992, Ch. 20, § 4; L. 2007, Ch. 143, § 1, eff. June 15, 2007; L. 2019, Ch. 65, § 36, eff. June 14, 2019; L. 2021, Ch. 133, § 2, eff. July 1, 2021.

Formerly 1953 Comp., § 12-14-5.

NMSA 1978, § 74-2-5, NM ST § 74-2-5
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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West's New Mexico Statutes Annotated
Chapter 74. Environmental Improvement
Article 2. Air Pollution

N. M. S. A. 1978, § 74-2-5.1

§ 74-2-5.1. Duties and powers of the department and the local agency

Currentness

The department and the local agency for their respective jurisdictions shall:

A. develop facts and make investigations and studies consistent with the Air Quality Control Act and, as required for enforcement of that act, enter at all reasonable times in or upon any private or public property, except private residences, that the department or the local agency has reasonable cause to believe is or will become a source contributing to air pollution and require the production of information relating to emissions that cause or contribute to air pollution. The results of any such investigations shall be reduced to writing if any enforcement action is contemplated, and a copy shall be furnished to the owner or occupants of the premises before the action is filed;

B. institute legal proceedings to compel compliance with the Air Quality Control Act or any regulation of the environmental improvement board or the local board;

C. encourage and make every reasonable effort to obtain voluntary cooperation by the owner or occupants to preserve, restore or improve air purity;

D. consult with any person proposing to construct, install or otherwise acquire an air contaminant source, device, system or control mechanism concerning the efficiency of the device, system or mechanism or the air pollution problem that may be related to the source, device, system or mechanism; provided that consultation shall not relieve any person from compliance with the Air Quality Control Act, regulations in force pursuant to that act or any other provision of law;

E. establish a small business stationary source technical and environmental compliance assistance program, consistent with the provisions of Section 507 of the federal act;

F. accept, receive and administer grants or other funds or gifts from public and private agencies, including the federal government, or from any person;

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G. classify and record air contaminant sources that, in its judgment, may cause or contribute to air pollution, according to levels and types of emissions and other characteristics that relate to air pollution; provided, classifications may be for application to the entire geographical area of the department's responsibility or the local authority's responsibility or to any designated portion of that area and shall be made with special reference to the effects on health, economic and social factors and physical effects on property; and

H. develop and present to the environmental improvement board or the local board a plan for the regulation, control, prevention or abatement of air pollution, recognizing the differences, needs, requirements and conditions in the different portions of the geographical area of the department's responsibility or the local authority's responsibility.

Credits

L. 1992, Ch. 20, § 5.

NMSA 1978, § 74-2-5.1, NM ST § 74-2-5.1
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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West's New Mexico Statutes Annotated
Chapter 74. Environmental Improvement
Article 2. Air Pollution

N. M. S. A. 1978, § 74-2-5.2

§ 74-2-5.2. State air pollution control agency; specific duties and powers of the department

Currentness

The department is the state air pollution control agency for all purposes under federal legislation relating to air pollution. The department shall:

A. take all action necessary to secure for the state and its political subdivisions the benefits of federal legislation;

B. advise, consult, contract with and cooperate with local authorities, other states, the federal government and other interested persons or groups in regard to matters of common interest in the field of air quality control and initiate cooperative action between a local authority and the department, between one local authority and another or among any combination of local authorities and the department for control of air pollution in areas having related air pollution problems that overlap the boundaries of political subdivisions; and

C. enter into agreements and compacts with adjoining states and Indian tribes, where appropriate.

Credits

L. 1992, Ch. 20, § 6.

NMSA 1978, § 74-2-5.2, NM ST § 74-2-5.2
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-2-5.3

§ 74-2-5.3. Repealed by L. 2021, Ch. 133, § 4, eff. July 1, 2021

Effective: July 1, 2021

Currentness

NMSA 1978, § 74-2-5.3, NM ST § 74-2-5.3
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-2-6

§ 74-2-6. Adoption of regulations; notice and hearings

Currentness

A. Any person may recommend or propose regulations to the environmental improvement board or the local board for adoption. The environmental improvement board or the local board shall determine whether to hold a hearing within sixty days of submission of a proposed regulation.

B. No regulations or emission control requirement shall be adopted until after a public hearing by the environmental improvement board or the local board. As used in this section, "regulation" includes any amendment or repeal thereof. Hearings on regulations of nonstatewide application shall be held within that area that is substantially affected by the regulation. Hearings on regulations of statewide application may be held in Santa Fe or within any area of the state substantially affected by the regulation.

C. Notice of the hearing shall be given at least thirty days prior to the hearing date and shall state the subject, the time and the place of the hearing and the manner in which interested persons may present their views. The notice shall also state where interested persons may secure copies of any proposed regulation or air quality standard. The notice shall be published in a newspaper of general circulation in the area affected. Reasonable effort shall be made to give notice to all persons who have made a written request to the environmental improvement board or the local board for advance notice of its hearings.

D. At the hearing, the environmental improvement board or the local board shall allow all interested persons reasonable opportunity to submit data, views or arguments orally or in writing and to examine witnesses testifying at the hearing. Any person heard or represented at the hearing shall be given written notice of the action of the environmental improvement board or the local board.

E. The environmental improvement board or the local board may designate a hearing officer to take evidence in the hearing.

F. No regulations or emission control requirement adopted by the environmental improvement board or the local board shall become effective until thirty days after its filing under the State Rules Act [Chapter 14, Article 4 NMSA 1978].

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Credits

L. 1967, Ch. 277, § 6; L. 1970, Ch. 58, § 5; L. 1974, Ch. 64, § 2; L. 1981, Ch. 373, § 4; L. 1982, Ch. 73, § 25; L. 1992, Ch. 20, § 7.

Formerly 1953 Comp., § 12-14-6.

NMSA 1978, § 74-2-6, NM ST § 74-2-6
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-2-7

§ 74-2-7. Permits; permit appeals to the environmental improvement board or the local board; permit fees

Effective: June 18, 2021

Currentness

A. By regulation, the environmental improvement board or the local board shall require:

(1) a person intending to construct or modify any source, except as otherwise specifically provided by regulation, to obtain a construction permit from the department or the local agency prior to such construction or modification; and

(2) a person intending to operate any source for which an operating permit is required by the 1990 amendments to the federal act, except as otherwise specifically provided by regulation, to obtain an operating permit from the department or the local agency.

B. Regulations adopted by the environmental improvement board or the local board shall include at least the following provisions:

(1) requirements for the submission of relevant information, including information the department or the local agency deems necessary to determine that regulations and standards under the Air Quality Control Act or the federal act will not be violated;

(2) specification of the deadlines for processing permit applications; provided that the deadline for a final decision by the department or the local agency on a construction permit application may not exceed:

(a) ninety days after the application is determined to be administratively complete, if the application is not subject to requirements for prevention of significant deterioration, unless the secretary or the director grants an extension not to exceed ninety days for good cause, including the need to have public hearings; or

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(b) one hundred eighty days after the application is determined to be administratively complete, if the application is subject to requirements for prevention of significant deterioration, unless the secretary or the director grants an extension not to exceed ninety days for good cause, including the need to have public hearings;

(3) that if the department or local agency fails to take final action on a construction permit application within the deadlines specified in Paragraph (2) of this subsection, the department or local agency shall notify the applicant in writing that an extension of time is required to process the application and specify in detail the grounds for the extension;

(4) a description of elements required before the department or local agency shall deem an application administratively complete;

(5) specification of the public notice, comment period and public hearing, if any, required prior to the issuance of a permit; provided that the permit regulations adopted:

(a) by the environmental improvement board shall include provisions governing notice to nearby states; and

(b) by any local board shall include provisions requiring that notice be given to the department of all permit applications by any source that emits, or has a potential emission rate of, one hundred tons per year or more of any regulated air contaminant, including any source of fugitive emissions of each regulated air contaminant, at least sixty days prior to the date on which construction or major modification is to commence;

(6) a schedule of construction permit fees sufficient to cover the reasonable costs of:

(a) reviewing and acting upon any application for such permit; and

(b) implementing and enforcing the terms and conditions of the permit, excluding any court costs or other costs associated with an enforcement action;

(7) a schedule of emission fees consistent with the provisions of Section 502(b)(3) of the 1990 amendments to the federal act;

(8) a method for accelerated permit processing that may be requested at the sole discretion of the applicant at the time the applicant submits a construction permit application and that:

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(a) allows the department or local agency to contract with qualified outside firms to assist the department or local agency in its accelerated review of the construction permit application; provided that the department or local agency can contract with a qualified firm that does not have a conflict of interest; and

(b) establishes a process for the department or local agency to account for the expenditure of the accelerated permit processing fees;

(9) allowance for additional permit application fees, sufficient to cover the reasonable costs of an accelerated permit application review process. Before the applicant is notified that the permit application has been determined to be complete, the department or local agency shall give the applicant a reasonable estimate of costs of an accelerated permit application review process;

(10) specification of the maximum length of time for which a permit shall be valid; provided that for an operating permit such period may not exceed five years; and

(11) for an operating permit only:

(a) provisions consistent with Sections 502(b) and 505(b) of the federal act providing: 1) notice to and review and comment by the United States environmental protection agency; and 2) that if the department or local agency receives notice of objection from the United States environmental protection agency before the operating permit is issued, the department or the local agency shall not issue the permit unless it is revised and issued under Section 505(c) of the federal act;

(b) provisions governing renewal of the operating permit; and

(c) specification of the conditions under which the operating permit may be terminated, modified or revoked and reissued prior to the expiration of the term of the operating permit.

C. Except as provided in Subsection O of this section, the department or the local agency may deny any application for:

(1) a construction permit if it appears that the construction or modification:

(a) will not meet applicable standards, rules or requirements of the Air Quality Control Act or the federal act;

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(b) will cause or contribute to air contaminant levels in excess of a national or state standard or, within the boundaries of a local authority, applicable local ambient air quality standards; or

(c) will violate any other provision of the Air Quality Control Act or the federal act; and

(2) an operating permit if the source will not meet the applicable standards, rules or requirements pursuant to the Air Quality Control Act or the federal act.

D. The department or the local agency may specify conditions to any permit granted under this section, including:

(1) for a construction permit:

(a) a requirement that such source install and operate control technology, determined on a case-by-case basis, sufficient to meet the standards, rules and requirements of the Air Quality Control Act and the federal act;

(b) individual emission limits, determined on a case-by-case basis, but only as restrictive as necessary to meet the requirements of the Air Quality Control Act and the federal act or the emission rate specified in the permit application, whichever is more stringent;

(c) compliance with applicable federal standards of performance;

(d) reasonable restrictions and limitations not relating to emission limits or emission rates; or

(e) any combination of the conditions listed in this paragraph; and

(2) for an operating permit, terms and conditions sufficient to ensure compliance with the applicable standards, rules and requirements pursuant to the Air Quality Control Act and the federal act.

E. This section does not authorize the department or the local agency to require the use of machinery, devices or equipment from a particular manufacturer if the federal standards of performance, state regulations and permit conditions may be met by machinery, devices or equipment otherwise available.

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F. The issuance of a permit does not relieve any person from the responsibility of complying with the provisions of the Air Quality Control Act and any applicable regulations of the environmental improvement board or the local board. Any conditions placed upon a permit by the department or the local agency shall be enforceable to the same extent as a regulation of its board.

G. A person who participated in a permitting action before the department or the local agency shall be notified by the department or the local agency of the action taken and the reasons for the action. Notification of the applicant shall be by certified mail.

H. A person who participated in a permitting action before the department or the local agency and who is adversely affected by such permitting action may file a petition for hearing before the environmental improvement board or the local board. The petition shall be made in writing to the environmental improvement board or the local board within thirty days from the date notice is given of the department's or the local agency's action. Unless a timely petition for hearing is made, the decision of the department or the local agency shall be final.

I. If a timely petition for hearing is made, the environmental improvement board or the local board shall hold a hearing within sixty days after receipt of the petition. The environmental improvement board or the local board shall notify the petitioner and the applicant or permittee, if other than the petitioner, by certified mail of the date, time and place of the hearing. If the subject of the petition is a permitting action deemed by the environmental improvement board or the local board to substantially affect the public interest, the environmental improvement board or the local board shall ensure that the public receives notice of the date, time and place of the hearing. The public in such circumstances shall also be given a reasonable opportunity to submit data, views or arguments orally or in writing and to examine witnesses testifying at the hearing. Any person submitting data, views or arguments orally or in writing shall be subject to examination at the hearing.

J. The environmental improvement board or the local board may designate a hearing officer to take evidence in the hearing. All hearings shall be recorded.

K. The burden of proof shall be upon the petitioner. Based upon the evidence presented at the hearing, the environmental improvement board or the local board shall sustain, modify or reverse the action of the department or the local agency respectively.

L. Notwithstanding any other provision of law and subject to the provisions of Section 74-2-4 NMSA 1978, a final decision on a permit by the department, the environmental improvement board, the local agency, the local board or the court of appeals that a source will or will not meet applicable local, state and federal air pollution standards and regulations shall be conclusive and is binding on every other state agency and as an issue before any other state agency shall be deemed resolved in accordance with that final decision.

M. Subject to the provisions of Section 74-2-4 NMSA 1978, if the local board has adopted a permit regulation pursuant to this section, persons constructing or modifying any source within the boundaries of the local authority shall obtain a permit from the local agency and not from the department.

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N. Fees collected pursuant to this section shall be deposited in:

(1) the state air quality permit fund created by Section 74-2-15 NMSA 1978 if collected by the department; or

(2) a fund created pursuant to Section 74-2-16 NMSA 1978 if collected by a local agency pursuant to a permit regulation adopted by the local board pursuant to this section.

O. The department may not deny an application for a construction permit for a cotton gin if the applicant proposes use of the best system of emissions reduction currently in use by cotton gins in the United States, as specified by regulation of the environmental improvement board, and the cotton gin has a potential emission rate, considering the use of the proposed emissions reduction system and the proposed hours of operation, of not more than fifty tons per year of any regulated air contaminant for which there is a national ambient air quality standard. The construction permit shall require that the applicant use the proposed emission reduction system and limit the hours of operation to the hours specified in the application. For purposes of this subsection, "best system of emissions reduction" for cotton gins means a system that will result in emissions reduction equal to or greater than that obtained by the use of condenser screens, seventy-mesh screen or equivalent on low-pressure exhausts and high-efficiency cyclone dust collectors on high-pressure exhausts.

P. The department or local agency may deny any permit application or revoke any permit issued pursuant to the Air Quality Control Act if, within ten years immediately preceding the date of submission of the permit application, the applicant or permittee has:

(1) knowingly misrepresented a material fact in an application for a permit;

(2) refused to disclose the information required by the provisions of the Air Quality Control Act;

(3) been convicted in any court of any state or the United States of:

(a) a felony related to environmental crime; or

(b) a crime defined by state or federal statute as involving or being in restraint of trade, price fixing, bribery or fraud;

(4) constructed or operated a facility for which a permit is sought without a permit required by the Air Quality Control Act, except when such an unpermitted facility is discovered after acquisition in the course of a timely environmental audit authorized by department or local board policy and except if:

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(a) the operator of the facility using good engineering practices and established approved calculation methodologies estimated that the facility's emissions would not require a permit pursuant to the Air Quality Control Act; and

(b) upon discovery of the discrepancy between the calculated pre-construction maximum facility emissions and the calculated post-construction maximum facility emissions, the operator of the facility applies for the appropriate permit within thirty calendar days; or

(5) had any permit revoked or permanently suspended for cause under the environmental laws of any state or the United States.

Q. In making a finding under Subsection P of this section, the department or local agency may consider aggravating and mitigating factors.

R. If an applicant or permittee whose permit is being considered for denial or revocation on any basis provided by Subsection P of this section has submitted an action plan that has been approved in writing by the secretary or director, and plan approval includes a period of operation under a conditional permit that will allow the applicant or permittee a reasonable opportunity to demonstrate its rehabilitation, the secretary or director may issue a conditional permit for a reasonable period of time.

S. An applicant for a permit pursuant to the Air Quality Control Act shall file a disclosure statement with the department or local agency with the information listed in Subsection P of this section, and on a form developed by the department. An existing permit holder shall provide such disclosure upon request by the department or local agency.

Credits

L. 1972, Ch. 51, § 4; L. 1973, Ch. 322, § 4; L. 1979, Ch. 393, § 3; L. 1981, Ch. 373, § 5; L. 1983, Ch. 34, § 3; L. 1987, Ch. 293, § 2; L. 1992, Ch. 20, § 8; L. 1999, Ch. 139, § 1, eff. Jan. 1, 2000; L. 2001, Ch. 133, § 2; L. 2003, Ch. 8, § 1; L. 2021, Ch. 89, § 1, eff. June 18, 2021.

Formerly 1953 Comp., § 12-14-7.

NMSA 1978, § 74-2-7, NM ST § 74-2-7
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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West's New Mexico Statutes Annotated
Chapter 74. Environmental Improvement
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N. M. S. A. 1978, § 74-2-7.1

§ 74-2-7.1. Local governing body authority; construction permits; electric generation facilities

Currentness

A. A local governing body may receive a construction permit for a gas-fired electric generation facility with a one hundred megawatt or less generating capacity in accordance with the Air Quality Control Act and may transfer the permit to the owner or operator of a facility that meets the specifications of the permit.

B. A facility that receives a construction permit transferred from a local governing body shall notify the department within thirty days of receiving the transferred construction permit. The permit shall be effective for that facility when the department receives notification of the transfer. The local governing body that transfers the construction permit shall notify the owner or operator of the local electric distribution company and the public regulation commission of the permitted project, including its net capacity rating and intended date of service.

C. As used in this section, "local governing body" means the council or other executive body charged with governing a municipality or county.

D. The department may cooperate with and lend assistance to any Indian nation, tribe or pueblo located in the state in developing permitting procedures that fulfill federal environmental protection agency standards and that parallel the state permitting procedures described in Subsections A and B of this section.

Credits

L. 2001, Ch. 318, § 1.

NMSA 1978, § 74-2-7.1, NM ST § 74-2-7.1
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-2-8

§ 74-2-8. Variances

Currentness

A. The environmental improvement board or the local board may grant an individual variance from the limitations prescribed under the Air Quality Control Act, any regulation of the environmental improvement board or the local board or any permit condition imposed by the department or the local agency whenever it is found, upon presentation of adequate proof:

(1) that compliance with any part of that act, any regulation of the environmental improvement board or the local board or any permit condition will:

(a) result in an arbitrary and unreasonable taking of property; or

(b) impose an undue economic burden upon any lawful business, occupation or activity; and

(2) that the granting of the variance will not:

(a) result in a condition injurious to health or safety; or

(b) cause or contribute to an air contaminant level in excess of any primary national ambient air quality standards.

B. No variance shall be granted pursuant to this section until the environmental improvement board or the local board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges and the general public.

C. Any variance or renewal thereof shall be granted within the requirements of Subsection A of this section and for time

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periods and under conditions consistent with the reasons therefor and within the following limitations:

(1) if the variance is granted on the ground that there are no practicable means known or available for the adequate prevention, abatement or control of the air pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available;

(2) if the variance is granted on the ground that compliance with the particular requirement from which variance is sought will necessitate the taking of measures that because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the environmental improvement board or the local board, is requisite for the taking of the necessary measures. A variance granted on the ground specified in this paragraph shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to the timetable; or

(3) if the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in Paragraphs (1) and (2) of this subsection, it shall be for not more than one year.

D. Any person seeking a variance shall do so by filing a petition for variance with the secretary or the director charged with implementation of the Air Quality Control Act at the site where the variance will apply. The secretary or the director shall promptly investigate the petition and make recommendation to his respective board as to the disposition of the petition.

E. Upon receiving the recommendation of the secretary or the director on the variance, the environmental improvement board or the local board shall:

(1) if the secretary or the director favors a variance, hold a public hearing prior to the granting of any variance; and

(2) if the secretary or the director is opposed to the granting of the variance, hold a hearing only upon the request of the petitioner.

F. In the hearing, the burden of proof shall be upon the petitioner.

Credits

L. 1967, Ch. 277, § 8; L. 1970, Ch. 58, § 6; L. 1973, Ch. 322, § 5; L. 1979, Ch. 393, § 4; L. 1992, Ch. 20, § 9.

Formerly 1953 Comp., § 12-14-8.

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NMSA 1978, § 74-2-8, NM ST § 74-2-8
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-2-9

§ 74-2-9. Judicial review; administrative actions

Currentness

A. Any person adversely affected by an administrative action taken by the environmental improvement board, the local board, the secretary or the director may appeal to the court of appeals. All appeals shall be upon the record made at the hearing and shall be taken to the court of appeals within thirty days following the date of the action.

B. For appeals of regulations, the date of the action shall be the date of the filing of the regulation by the environmental improvement board or the local board pursuant to the State Rules Act [Chapter 14, Article 4 NMSA 1978].

C. Upon appeal, the court of appeals shall set aside the action only if found to be:

(1) arbitrary, capricious or an abuse of discretion;

(2) not supported by substantial evidence in the record; or

(3) otherwise not in accordance with law.

D. After a hearing and a showing of good cause by the appellant, a stay of the action being appealed may be granted:

(1) by the environmental improvement board, the local board, the department or the local agency, whichever took the action being appealed; or

(2) by the court of appeals if the environmental improvement board, the local board, the department or the local agency denies a stay or fails to act upon an application for a stay within sixty days after receipt of the application.

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Credits

L. 1971, Ch. 57, § 1; L. 1979, Ch. 393, § 5; L. 1992, Ch. 20, § 10.

Formerly 1953 Comp., § 12-14-8.1.

NMSA 1978, § 74-2-9, NM ST § 74-2-9
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-2-10

§ 74-2-10. Emergency powers of the secretary and the director

Currentness

A. Notwithstanding any other provision of the Air Quality Control Act, if the secretary or the director determines that a source or combination of sources presents an imminent and substantial endangerment to the public health or welfare or to the environment, he may bring suit in the district court for the county in which the source is located to restrain immediately any person causing or contributing to the alleged air pollution to stop the emission of air contaminants causing or contributing to such air pollution or to take such other action as may be necessary.

B. If it is not practicable to assure prompt protection of the public health or welfare or the environment by commencement of a civil action, the secretary or the director may issue orders necessary to protect the public health or welfare or the environment. An order shall be effective for a period of not more than twenty-four hours, unless the secretary or the director brings a civil action before the expiration of twenty-four hours. If the secretary or the director brings an action within that time, the order shall be effective thereafter for forty-eight hours or for such longer period as may be authorized by the court pending litigation.

Credits

L. 1992, Ch. 20, § 11.

NMSA 1978, § 74-2-10, NM ST § 74-2-10
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-2-11

§ 74-2-11. Confidential information

Currentness

A. Any records, reports or information obtained under the Air Quality Control Act by the department, the environmental improvement board, the local board or the local agency shall be available to the public, except that upon a satisfactory showing to the secretary, the director, the environmental improvement board, the local board or the local agency, as applicable, by any person that records, reports or information, or particular parts thereof, except emission data, to which the department, the local agency, the environmental improvement board or the local board has access under the Air Quality Control Act, if made public, would divulge confidential business records or methods or processes entitled to protection as trade secrets of that person, the secretary, the director, the environmental improvement board or the local board, as applicable, shall consider such record, report or information, or particular portion thereof, confidential in accordance with the provisions of Section 14-2-1 NMSA 1978 and 18 U.S.C. Section 1905, except that such record, report or other information may be disclosed:

(1) to other officers, employees or authorized representatives of the department, the local agency, the environmental improvement board or the local board concerned with carrying out the Air Quality Control Act;

(2) to officers, employees or authorized representatives of the United States environmental protection agency concerned with carrying out the federal act; or

(3) when relevant, in any proceeding under the Air Quality Control Act or the federal act.

B. The environmental improvement board or the local board shall adopt regulations to implement this section, including regulations specifying those business records entitled to treatment as confidential records.

Credits

L. 1992, Ch. 20, § 12.

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NMSA 1978, § 74-2-11, NM ST § 74-2-11
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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Chapter 74. Environmental Improvement
Article 2. Air Pollution

N. M. S. A. 1978, § 74-2-11.1

§ 74-2-11.1. Limitations on regulations

Currentness

The Air Quality Control Act does not:

A. authorize the environmental improvement board or the local board to make any regulation with respect to any condition or quality of the outdoor atmosphere if the condition or air quality level and its effect are confined entirely within the boundaries of the industrial or manufacturing property within which the air contaminants are or may be emitted and public access is restricted within such boundaries;

B. grant to the environmental improvement board or the local board any jurisdiction or authority affecting the relation between employers and employees with respect to or arising out of any condition of air quality; or

C. supersede or limit the applicability of any law relating to industrial health, safety or sanitation.

Credits

L. 1979, Ch. 393, § 7; L. 1992, Ch. 20, § 13.

NMSA 1978, § 74-2-11.1, NM ST § 74-2-11.1
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-2-12

§ 74-2-12. Enforcement; compliance orders; field citations

Currentness

A. When, on the basis of any information, the secretary or the director determines that a person has violated or is violating a requirement or prohibition of the Air Quality Control Act, a regulation promulgated pursuant to that act or a condition of a permit issued under that act, the secretary or the director may:

(1) issue a compliance order within one year after the violation becomes known by the department or the local agency stating with reasonable specificity the nature of the violation and requiring compliance immediately or within a specified time period or assessing a civil penalty for a past or current violation, or both; or

(2) commence a civil action in district court for appropriate relief, including a temporary or permanent injunction.

B. An order issued pursuant to Subsection A of this section may include a suspension or revocation of the permit or portion thereof issued by the secretary or the director that is alleged to have been violated. Any penalty assessed in the order shall not exceed fifteen thousand dollars ($15,000) per day of noncompliance for each violation.

C. An order issued pursuant to Subsection A of this section shall become final unless, no later than thirty days after the order is served, the person named therein submits a written request to the secretary or the director for a public hearing. Upon such request, the secretary or the director shall promptly conduct a public hearing. The secretary or the director shall appoint an independent hearing officer to preside over the public hearing. The hearing officer shall make and preserve a complete record of the proceedings and forward the hearing officer's recommendation based thereon to the secretary or the director, who shall make the final decision.

D. The environmental improvement board or the local board may implement a field citation program through regulations establishing appropriate minor violations for which field citations assessing civil penalties not to exceed one thousand dollars ($1,000) per day of violation may be issued by officers or employees of the department or the local agency as designated by the secretary or the director.

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E. A person to whom a field citation is issued pursuant to Subsection D of this section may, within a reasonable time as prescribed by regulation by the environmental improvement board or the local board, elect to pay the penalty assessment or to request a hearing by the issuing agency on the field citation. If a request for hearing is not made within the time specified in the regulation, the penalty assessment in the field citation shall be final.

F. Payment of a civil penalty required by a field citation issued pursuant to Subsection D of this section shall not be a defense to further enforcement by the department or the local agency to correct a violation or to assess the maximum statutory penalty pursuant to other authorities in the Air Quality Control Act if the violation continues.

G. In determining the amount of a penalty to be assessed pursuant to this section, the secretary, the director or the person issuing a field citation shall take into account the seriousness of the violation, any good-faith efforts to comply with the applicable requirements and other relevant factors.

H. In connection with a proceeding under this section, the secretary or the director may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books and documents and may adopt rules for discovery procedures.

I. If a person fails to comply with an administrative order, the secretary or director may initiate an action to suspend or revoke the permit, or portion thereof, alleged to have been violated or to commence a civil action in district court to enforce the order, or to suspend or revoke the permit, or both.

J. If a person fails to pay an assessment of a civil penalty, the secretary or director may commence a civil action in district court to collect the civil penalties assessed in the order.

K. Penalties collected pursuant to this section shall be deposited in the:

(1) municipal or county general fund, as applicable, if the administrative order or field citation was directed to a source located within a local authority; or

(2) state general fund if the administrative order or field citation was directed to any other source.

Credits

L. 1992, Ch. 20, § 14; L. 2001, Ch. 133, § 3; L. 2006, Ch. 61, § 1, eff. May 17, 2006.

NMSA 1978, § 74-2-12, NM ST § 74-2-12

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N. M. S. A. 1978, § 74-2-12.1

§ 74-2-12.1. Civil penalty; representation of department or local authority; limitation of actions

Currentness

A. A person who violates a provision of the Air Quality Control Act or a regulation, permit condition or emergency order adopted or issued pursuant to that act may be assessed a civil penalty not to exceed fifteen thousand dollars ($15,000) for each day during any portion of which a violation occurs.

B. A person who fails to comply with an administrative order issued pursuant to Section 74-2-12 NMSA 1978 may be assessed, pursuant to a court order, a civil penalty of not more than twenty-five thousand dollars ($25,000) for each day of noncompliance with the order.

C. In an action to enforce the provisions of the Air Quality Control Act or an ordinance, regulation, permit condition or order, adopted, imposed or issued pursuant to that act:

(1) the department shall be represented by the attorney general;

(2) a local authority that is a municipality shall be represented by the attorney of the municipality; and

(3) a local authority that is a county shall be represented by the district attorney within whose judicial district the county lies.

D. No action for civil penalty shall be commenced more than five years from the date the violation was known by the department or the local agency.

Credits

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L. 1992, Ch. 20, § 15; L. 2001, Ch. 133, § 4; L. 2006, Ch. 61, § 2, eff. May 17, 2006.

NMSA 1978, § 74-2-12.1, NM ST § 74-2-12.1
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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West's New Mexico Statutes Annotated
Chapter 74. Environmental Improvement
Article 2. Air Pollution

N. M. S. A. 1978, § 74-2-13

§ 74-2-13. Inspection

Currentness

The secretary or the director or an authorized representative of either, upon presentation of his credentials:

A. shall have a right of entry to, upon or through any premises on which an emission source is located or on which any records required to be maintained by regulations of the environmental improvement board, the local board or by any permit condition are located; and

B. may at reasonable times:

(1) have access to and copy any records required to be established and maintained by regulations of the environmental improvement board or the local board or any permit condition;

(2) inspect any monitoring equipment and method required by regulations of the environmental improvement board, the local board or by any permit condition; and

(3) sample any emissions that are required to be sampled pursuant to regulation of the environmental improvement board, the local board or any permit condition.

Credits

L. 1972, Ch. 51, § 8; L. 1992, Ch. 20, § 16.

Formerly 1953 Comp., § 12-14-11.1.

NMSA 1978, § 74-2-13, NM ST § 74-2-13

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N. M. S. A. 1978, § 74-2-14

§ 74-2-14. Criminal penalties

Currentness

A. Notwithstanding any other provision of the Air Quality Control Act, a local authority may prescribe penalties for violations of an ordinance:

(1) regulating open-fire burning or residential incineration; or

(2) prohibiting the removal of motor vehicle emission control devices installed as required by law and requiring the maintenance of such devices in operating condition.

B. Notwithstanding any other provision of the Air Quality Control Act, it is a petty misdemeanor to violate any regulations of the environmental improvement board:

(1) regulating open-fire burning or residential incineration; or

(2) prohibiting the removal of motor vehicle emission control devices installed as required by law or requiring the maintenance of such devices in operating condition.

C. Except as provided in Subsection D of this section, any person who knowingly commits any of the following acts is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978:

(1) violation of any regulation relating to commercial or industrial incineration;

(2) violation of any regulation adopting any federal standard of performance;

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(3) violation of any regulation relating to control of hazardous air pollutants; or

(4) violation of any regulation relating to control of toxic air pollutants.

D. At any source required to have an operating permit pursuant to Section 502 of the federal act, any person who knowingly commits any violation of any applicable standard, regulation or requirement under the Air Quality Control Act or the federal act, any term or condition of an operating permit or any emission fee or filing requirement in any operating permit regulation of the environmental improvement board or the local board is guilty of a fourth degree felony and shall, upon conviction, be punished by a fine of not more than ten thousand dollars ($10,000) per day per violation or by imprisonment of not more than eighteen months, or both.

E. Any person who knowingly commits any violation of a regulation of the environmental improvement board or the local board not listed in Subsection B, C or D of this section is guilty of a misdemeanor and shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978.

F. Any person who knowingly:

(1) makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained under the Air Quality Control Act, any permit issued pursuant to the Air Quality Control Act or any regulation adopted pursuant to that Act; or

(2) falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the Air Quality Control Act, any permit issued pursuant to the Air Quality Control Act or any ordinance or regulation adopted pursuant to that act is guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than ten thousand dollars ($10,000) per day per violation or by imprisonment for not more than twelve months, or by both.

G. Any person who knowingly releases into the ambient air any hazardous air pollutant or extremely hazardous substance listed pursuant to Section 302(a)(2) of the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. 1102(a)(2) that is not listed in Section 112 of the federal act and who knows at the time of the release that he creates a substantial danger of death or serious bodily injury to another person is guilty of a second degree felony and, upon conviction, shall be sentenced to a term of imprisonment not to exceed nine years or a fine not to exceed one hundred thousand dollars ($100,000), or both. Any person, other than an individual or a governmental entity, who commits such violation is guilty of a second degree felony and shall be fined in an amount not to exceed two hundred fifty thousand dollars ($250,000). If a conviction of any person under this subsection is for a second or subsequent violation, the maximum punishment shall be doubled with respect to both the fine and the imprisonment.

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Credits

L. 1967, Ch. 277, § 11; L. 1970, Ch. 58, § 9; L. 1971, Ch. 277, § 25; L. 1973, Ch. 322, § 7; L. 1990, Ch. 99, § 69; L. 1992, Ch. 20, § 17; L. 1995, Ch. 162, § 1, eff. June 16, 1995.

Formerly 1953 Comp., § 12-14-12.

NMSA 1978, § 74-2-14, NM ST § 74-2-14
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-2-15

§ 74-2-15. State air quality permit fund

Currentness

A. There is created in the state treasury the "state air quality permit fund" to be administered by the department. All fees collected by the department pursuant to Section 74-2-7 NMSA 1978 shall be deposited in the state air quality permit fund.

B. Money in the state air quality permit fund is appropriated to the department for the purpose of paying the reasonable costs of:

(1) reviewing and acting upon any application for a permit;

(2) if the owner or operator receives a permit, implementing and enforcing the terms and conditions of such permit not including any court costs or other costs associated with any enforcement action;

(3) emissions and ambient monitoring;

(4) preparing generally applicable regulations or guidance;

(5) modeling, analysis and demonstrations; and

(6) preparing inventories and tracking emissions.

Credits

L. 1992, Ch. 20, § 18.

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NMSA 1978, § 74-2-15, NM ST § 74-2-15
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-2-15.1

§ 74-2-15.1. Repealed by L. 1992, Ch. 20, § 21, eff. March 5, 1992

Currentness

NMSA 1978, § 74-2-15.1, NM ST § 74-2-15.1
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-2-16

§ 74-2-16. Municipal or county air quality permit fund

Currentness

A. A local authority shall create within the municipal or county treasury a fund to be known as the "_____ (name of municipality or county) air quality permit fund". All fees collected by a municipality or county pursuant to Section 74-2-7 NMSA 1978 shall be deposited in the fund created pursuant to this section.

B. Money in the fund created pursuant to this section shall be used by the municipality or county only for the purpose of paying the reasonable costs of:

(1) appealing, reviewing and acting upon any application for a permit;

(2) if the owner or operator receives a permit, implementing and enforcing the terms and conditions of such permit, not including any court costs or other costs associated with any enforcement action;

(3) emissions and ambient monitoring;

(4) preparing generally applicable regulations or guidance;

(5) modeling, analysis and demonstrations; and

(6) preparing inventories and tracking emissions.

Credits

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L. 1992, Ch. 20, § 19.

NMSA 1978, § 74-2-16, NM ST § 74-2-16
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-2-17

§ 74-2-17. Continuing effect of existing laws, rules and regulations

Currentness

A. The Air Quality Control Act is supplementary to other legislation and does not repeal any laws but takes precedence over any law that conflicts with the provisions of that act.

B. All county and municipal ordinances and all state, county and municipal regulations relating to air quality and air pollution are continued in effect until revised or repealed by the governmental body or administrative agency having jurisdiction; provided that copies of each ordinance and regulation:

(1) were filed under the State Rules Act [Chapter 14, Article 4 NMSA 1978][1] on or before May 3, 1967; or

(2) if adopted after May 3, 1967:

(a) were adopted by a governmental body or administrative agency having jurisdiction to do so under the Air Quality Control Act as in effect at the time of such adoption; and

(b) if required by the Air Quality Control Act as in effect at the time of such adoption, have been filed under the State Rules Act.

Credits

L. 1967, Ch. 277, § 13; L. 1970, Ch. 58, § 12; L. 1992, Ch. 20, § 20.

Formerly 1953 Comp., § 12-14-13.

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Footnotes

1 NMSA 1978, § 14-4-1 et seq.

NMSA 1978, § 74-2-17, NM ST § 74-2-17
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-2-18

§§ 74-2-18 to 74-2-22. Repealed by L. 1981, Ch. 373, § 7, eff. April 10, 1981

Currentness

NMSA 1978, § 74-2-18, NM ST § 74-2-18
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-2-22

§§ 74-2-18 to 74-2-22. Repealed by L. 1981, Ch. 373, § 7, eff. April 10, 1981

Currentness

NMSA 1978, § 74-2-22, NM ST § 74-2-22
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, Ch. 74, Art. 1, Refs & Annos

Currentness

NMSA 1978, Ch. 74, Art. 1, Refs & Annos, NM ST Ch. 74, Art. 1, Refs & Annos
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-1

§ 74-1-1. Short title

Currentness

Chapter 74, Article 1 NMSA 1978 may be cited as the "Environmental Improvement Act".

Credits

L. 1971, Ch. 277, § 1; L. 1972, Ch. 51, § 9; L. 1973, Ch. 340, § 1; L. 1997, Ch. 139, § 1.

Formerly 1953 Comp., § 12-19-1; 1953 Comp., § 12-12-1.

NMSA 1978, § 74-1-1, NM ST § 74-1-1
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-2

§ 74-1-2. Purpose of Environmental Improvement Act

Currentness

The purpose of the Environmental Improvement Act is to create a department that will be responsible for environmental management and consumer protection in this state in order to ensure an environment that in the greatest possible measure will confer optimum health, safety, comfort and economic and social well-being on its inhabitants; will protect this generation as well as those yet unborn from health threats posed by the environment; and will maximize the economic and cultural benefits of a healthy people.

Credits

L. 1971, Ch. 277, § 2; L. 1972, Ch. 51, § 9; L. 1997, Ch. 139, § 2.

Formerly 1953 Comp., § 12-19-2; 1953 Comp., § 12-12-2.

NMSA 1978, § 74-1-2, NM ST § 74-1-2
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-3

§ 74-1-3. Definitions

Effective: May 15, 2024

Currentness

As used in the Environmental Improvement Act:

A. "board" means the environmental improvement board;

B. "carbon intensity" means the quantity of fuel lifecycle greenhouse gas emissions per unit of fuel energy, expressed in grams of carbon dioxide equivalent per megajoule;

C. "department" or "environmental improvement department" means the department of environment;

D. "fuel lifecycle" means an assessment of the aggregate greenhouse gas emissions based on science-based models or protocols, including direct emissions and significant indirect emissions from indirect land use change, all stages of fuel and feedstock production and distribution, feedstock generation or extraction through the distribution, delivery and use of the finished fuel by the consumer, including consideration of storage, transportation and combustion;

E. "on-site liquid waste system" means a liquid waste system, or part thereof, serving a dwelling, establishment or group, and using a liquid waste treatment unit designed to receive liquid waste followed by either a soil treatment or other type of disposal system. "On-site liquid waste system" includes holding tanks and privies but does not include systems or facilities designed to receive or treat mine or mill tailings or wastes;

F. "person" means the state or any agency, institution or political subdivision thereof, any public or private corporation, individual, partnership, association or other entity and includes any officer or governing or managing body of any political subdivision or public or private corporation;

G. "residential on-site liquid waste system" means an on-site liquid waste system serving up to four dwelling units;

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H. “secretary” means the secretary of environment; and

I. “transportation fuel” means electricity or a liquid, gaseous or blended fuel, including gasoline, diesel, liquefied petroleum gas, natural gas and hydrogen, sold, supplied, used or offered for sale to power vehicles or equipment for the purposes of transportation.

Credits

L. 1971, Ch. 277, § 3; L. 1972, Ch. 51, § 9; L. 1973, Ch. 340, § 2; L. 1977, Ch. 253, § 34; L. 1982, Ch. 73, § 21; L. 1991, Ch. 25, § 29; L. 1997, Ch. 139, § 3; L. 2024, Ch. 54, § 1, eff. May 15, 2024.

Formerly 1953 Comp., § 12-19-3; 1953 Comp., § 12-12-3.

NMSA 1978, § 74-1-3, NM ST § 74-1-3
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-4

§ 74-1-4. Environmental improvement board; creation; organization

Currentness

A. There is created the "environmental improvement board". The board shall consist of seven members appointed by the governor, by and with the advice and consent of the senate. The members of the board shall be appointed for overlapping terms, with no term exceeding five years. No more than four members shall be appointed from any political party. At least a majority of the membership of the board shall be individuals who represent the public interest and do not derive any significant portion of their income from persons subject to or who appear before the board on issues related to the federal Clean Air Act[1] or the Air Quality Control Act [Chapter 74, Article 2 NMSA 1978]. Any vacancy occurring in the membership of the board shall be filled by appointment by the governor for the unexpired term.

B. The members of the board shall be reimbursed as provided in the Per Diem and Mileage Act [10-8-1 to 10-8-8 NMSA 1978].

C. The board shall elect from its membership a chairman, vice chairman and secretary and shall establish the tenure of these offices. The board shall convene upon the call of the chairman or a majority of its members. Four members shall constitute a quorum.

Credits

L. 1971, Ch. 277, § 5; L. 1972, Ch. 51, § 9; L. 1990, Ch. 31, § 1; L. 1997, Ch. 139, § 4; L. 2001, Ch. 145, § 1.

Formerly 1953 Comp., § 12-19-5; 1953 Comp., § 12-12-5.

Footnotes

[1] 42 U.S.C.A. § 7401 et seq.

NMSA 1978, § 74-1-4, NM ST § 74-1-4
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the

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N. M. S. A. 1978, § 74-1-5

§ 74-1-5. Environmental improvement board; duties

Currentness

The board shall promulgate all regulations applying to persons and entities outside of the department.

Credits

L. 1971, Ch. 277, § 6; L. 1972, Ch. 51, § 9; L. 1973, Ch. 340, § 3; L. 1997, Ch. 139, § 5.

Formerly 1953 Comp., § 12-19-6; 1953 Comp., § 12-12-6.

NMSA 1978, § 74-1-5, NM ST § 74-1-5
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-6

§ 74-1-6. Department; powers

Effective: June 19, 2009

Currentness

The department shall have power to:

A. sue and be sued;

B. make contracts to carry out its delegated duties;

C. enter into agreements with environmental and consumer protection agencies of other states and the federal government pertaining to duties of the department;

D. enter into investigation and remediation agreements with persons potentially responsible for sites within New Mexico subject to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980,[1] and such agreements shall not duplicate or take any authority from the oil conservation commission;

E. serve as agent of the state in matters of environmental management and consumer protection not expressly delegated by law to another department, commission or political subdivision in which the United States is a party;

F. enforce the rules, regulations and orders promulgated by the board and environmental management and consumer protection laws for which the department is responsible by appropriate action in courts of competent jurisdiction;

G. collect civil penalties pursuant to law, including reduction or elimination of penalties for violations from persons that:

(1) within sixty days of the discovery of a potential violation, voluntarily report to the department potential violations of

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law enforced by the department;

(2) initiate corrective action for the potential violation;

(3) have not previously violated the same provision of law; and

(4) do not present an imminent and substantial endangerment to health or the environment by the potential violation.

H. on the same basis as any other person, recommend and propose regulations for promulgation by the board;

I. on the same basis as any other person, present data, views or arguments and examine witnesses and otherwise participate at all hearings conducted by the board or any other administrative agency with responsibility in the areas of environmental management or consumer protection, but shall not be given any special status over any other party; and

J. have such other powers as may be necessary and appropriate for the exercise of the powers and duties delegated to the department.

Credits

L. 1971, Ch. 277, § 9; L. 1972, Ch. 51, § 9; L. 1977, Ch. 253, § 35; L. 1982, Ch. 73, § 22; L. 1991, Ch. 25, § 30; L. 1994, Ch. 124, § 1; L. 1997, Ch. 139, § 6; L. 2009, Ch. 42, § 1, eff. June 19, 2009.

Formerly 1953 Comp., § 12-19-9; 1953 Comp., § 12-12-9.

Footnotes

[1] 42 U.S.C.A. § 9601 et seq.

NMSA 1978, § 74-1-6, NM ST § 74-1-6
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-7

§ 74-1-7. Department; duties

Effective: May 15, 2024

Currentness

A. The department is responsible for environmental management and consumer protection programs. In that respect, the department shall maintain, develop and enforce rules and standards in the following areas:

(1) food protection;

(2) water supply, including implementing a capacity development program to assist water systems in acquiring and maintaining technical, managerial and financial capacity in accordance with Section 1420 of the federal Safe Drinking Water Act of 1974[1] and establishing administrative penalties for enforcement;

(3) liquid waste, including exclusive authority to collect on-site liquid waste system fees that are no more than the average charged by the contiguous states to New Mexico for similar permits and services and to implement and administer an inspection and permitting program for on-site liquid waste systems;

(4) air quality management as provided in the Air Quality Control Act [Chapter 74, Article 2 NMSA 1978];[2]

(5) radiation control and collection of license, registration and other related fees as provided in the Radiation Protection Act [Chapter 74, Article 3 NMSA 1978];[3];

(6) noise control;

(7) nuisance abatement;

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(8) vector control;

(9) occupational health and safety as provided in the Occupational Health and Safety Act [50-9-1 to 50-9-25 NMSA 1978];[4]

(10) sanitation of public swimming pools and public baths;

(11) plumbing, drainage, ventilation and sanitation of public buildings in the interest of public health;

(12) medical radiation, health and safety certification and standards for radiologic technologists as provided in the Medical Imaging and Radiation Therapy Health and Safety Act [Chapter 61, Article 14E NMSA 1978];[5]

(13) hazardous wastes and underground storage tanks as provided in the Hazardous Waste Act [Chapter 74, Article 4 NMSA 1978];[6]

(14) solid waste as provided in the Solid Waste Act [74-9-1 to 74-9-42 NMSA 1978];[7] and

(15) carbon intensity of transportation fuels as provided in Section 4 [74-1-18 NMSA 1978] of this 2024 act, including registration and related fees.

B. Nothing in Subsection A of this section imposes requirements for the approval of subdivision plats in addition to those required elsewhere by law. Nothing in Subsection A of this section preempts the authority of any political subdivision to approve subdivision plats.

Credits

L. 1971, Ch. 277, § 10; L. 1972, Ch. 51, § 9; L. 1973, Ch. 340, § 5; L. 1977, Ch. 122, § 5; L. 1983, Ch. 317, § 13; L. 1989, Ch. 223, § 1; L. 1989, Ch. 289, § 2; L. 1990, Ch. 99, § 64; L. 1997, Ch. 139, § 7; L. 1999, Ch. 203, § 1, eff. April 6, 1999; L. 2000, Ch. 86, § 1; L. 2000, Ch. 96, § 1; L. 2024, Ch. 54, § 2, eff. May 15, 2024.

Formerly 1953 Comp., § 12-19-10; 1953 Comp., § 12-12-10.

Footnotes

[1] 42 U.S.C.A. § 300g-9.

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2 NMSA 1978, § 74-2-1 et seq.

3 NMSA 1978, § 74-3-1 et seq.

4 NMSA 1978, § 50-9-1 et seq.

5 NMSA 1978, § 61-14E-1 et seq.

6 NMSA 1978, § 74-4-1 et seq.

7 NMSA 1978, § 74-9-1 et seq.

NMSA 1978, § 74-1-7, NM ST § 74-1-7
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-7.1

§ 74-1-7.1. Green zia program; business sensitive information confidential

Currentness

A. The department may develop and administer a pollution prevention program to be known as the "green zia program". The department may enter into contracts with the federal government, promulgate rules and take other actions appropriate and necessary to produce an efficient and effective program.

B. Information provided to the department in accordance with the green zia program may be subject to confidentiality if the person furnishing the information demonstrates to the department that the information would divulge confidential methods or processes entitled to protection as trade secrets. If the department determines that the information is subject to confidentiality, the secretary shall promulgate a determination of confidentiality with an order of confidentiality. Confidential information may be disclosed to employees or authorized representatives of the department, but they shall not disclose the information to any other person.

C. A person who violates an order of confidentiality by disclosing confidential information pursuant to this section is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars ($1,000) per violation or by imprisonment for a definite term of one year or both.

Credits

L. 2001, Ch. 93, § 1.

NMSA 1978, § 74-1-7.1, NM ST § 74-1-7.1
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-8

§ 74-1-8. Board; duties

Effective: May 15, 2024

Currentness

A. The board is responsible for environmental management and consumer protection. In that respect, the board shall promulgate rules and standards in the following areas:

(1) food protection;

(2) water supply, including a capacity development program to assist water systems in acquiring and maintaining technical, managerial and financial capacity in accordance with Section 1420 of the federal Safe Drinking Water Act of 1974[1] and rules authorizing imposition of administrative penalties for enforcement;

(3) liquid waste, including exclusive authority to establish on-site liquid waste system fees that are no more than the average charged by the contiguous states to New Mexico for similar permits and services and to implement and administer an inspection and permitting program for on-site liquid waste systems;

(4) air quality management as provided in the Air Quality Control Act [Chapter 74, Article 2 NMSA 1978];[2]

(5) radiation control and establishment of license and registration and other related fees not to exceed fees charged by the United States nuclear regulatory commission for similar licenses as provided in the Radiation Protection Act [Chapter 74, Article 3 NMSA 1978];[3]

(6) noise control;

(7) nuisance abatement;

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(8) vector control;

(9) occupational health and safety as provided in the Occupational Health and Safety Act [50-9-1 to 50-9-25 NMSA 1978];[4]

(10) sanitation of public swimming pools and public baths;

(11) plumbing, drainage, ventilation and sanitation of public buildings in the interest of public health;

(12) medical radiation, health and safety certification and standards for radiologic technologists as provided in the Medical Imaging and Radiation Therapy Health and Safety Act [Chapter 61, Article 14E NMSA 1978];[5]

(13) hazardous wastes and underground storage tanks as provided in the Hazardous Waste Act [Chapter 74, Article 4 NMSA 1978];[6]

(14) solid waste as provided in the Solid Waste Act [74-9-1 NMSA 1978];[7] and

(15) carbon intensity of transportation fuels as provided in Section 4 [74-1-18 NMSA 1978] of this 2024 act.

B. Nothing in Subsection A of this section imposes requirements for the approval of subdivision plats in addition to those required elsewhere by law. Nothing in Subsection A of this section preempts the authority of any political subdivision to approve subdivision plats.

C. Administrative penalties collected pursuant to Paragraph (2) of Subsection A of this section shall be deposited in the water conservation fund.

D. On-site liquid waste system fees shall be deposited in the environmental health fund.

E. Radiation license and registration and other related fees shall be deposited in the radiation protection fund.

Credits

L. 1971, Ch. 277, § 11; L. 1972, Ch. 51, § 9; L. 1973, Ch. 340, § 6; L. 1977, Ch. 122, § 6; L. 1983, Ch. 317, § 14; L. 1989, Ch. 223, § 2; L. 1989, Ch. 289, § 3; L. 1990, Ch. 99, § 65; L. 1993, Ch. 100, § 2; L. 1997, Ch. 139, § 8; L. 1999, Ch. 203, § 2, eff. April 6, 1999; L. 2000, Ch. 86, § 2; L. 2000, Ch. 96, § 2; L. 2020, Ch. 32, § 3, eff. May 20, 2020; L. 2024, Ch. 54, § 3,

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eff. May 15, 2024.

Formerly 1953 Comp., § 12-19-11; 1953 Comp., § 12-12-11.

Footnotes

1 42 U.S.C.A. § 300g-9.

2 NMSA 1978, § 74-2-1 et seq.

3 NMSA 1978, § 74-3-1 et seq.

4 NMSA 1978, § 50-9-1 et seq.

5 NMSA 1978, § 61-14E-1 et seq.

6 NMSA 1978, § 74-4-1 et seq.

7 NMSA 1978, § 74-9-1 et seq.

NMSA 1978, § 74-1-8, NM ST § 74-1-8
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-8.1

§ 74-1-8.1. Legal advice

Currentness

A. In the exercise of any of its powers or duties, the board shall act with independent legal advice. The manner in which such advice is provided shall be determined by the board, but from among one of the following:

(1) the office of the attorney general;

(2) independent counsel hired by the board, whether full- or part-time; or

(3) another state agency whose function is sufficiently distinct from the department of environment to assure independent, impartial advice.

B. Notwithstanding the provisions of Subsection A of this section, attorneys from the department may act for the board in lawsuits filed against or on behalf of the board, and the attorney general may, at the request of the board, file and defend lawsuits on behalf of the board.

Credits

L. 1982, Ch. 73, § 23; L. 1991, Ch. 25, § 31; L. 1997, Ch. 139, § 9.

NMSA 1978, § 74-1-8.1, NM ST § 74-1-8.1
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-8.2

§ 74-1-8.2. Recompiled as § 74-6-3.1 by L. 1993, Ch. 291, § 18, eff. June 18, 1993

Currentness

NMSA 1978, § 74-1-8.2, NM ST § 74-1-8.2
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-8.3

§ 74-1-8.3. Repealed by L. 1999, Ch. 203, § 6, eff. April 6, 1999

Currentness

NMSA 1978, § 74-1-8.3, NM ST § 74-1-8.3
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-9

§ 74-1-9. Adoption of regulations; notice and hearing; appeal

Currentness

A. Any person may recommend or propose regulations to the board for promulgation. The board shall determine whether or not to hold a hearing within sixty days of submission of a proposed regulation.

B. No regulation shall be adopted until after a public hearing by the board. As used in this section, "regulation" includes any amendment or repeal thereof. Hearings on regulations of nonstatewide application shall be held within that area which is substantially affected by the regulation. Hearings on regulations of statewide application may be held at Santa Fe or within any area of the state substantially affected by the regulation. In making its regulations, the board shall give the weight it deems appropriate to all relevant facts and circumstances presented at the public hearing, including but not limited to:

(1) character and degree of injury to or interference with health, welfare, animal and plant life, property and the environment;

(2) the public interest, including the social, economic and cultural value of the regulated activity and the social, economic and cultural effects of environmental degradation; and

(3) technical practicability, necessity for and economic reasonableness of reducing, eliminating or otherwise taking action with respect to environmental degradation.

C. The standards for regulations set forth in Subsection A [Subsection B] of this section do not apply to the promulgation of regulations under the Air Quality Control Act [Chapter 74, Article 2 NMSA 1978];[1] or any other act in which specific standards are set forth for the board's consideration.

D. Notice of the hearing shall be given at least sixty days prior to the hearing date and shall state the subject, the time and the place of the hearing and the manner in which interested persons may present their views. The proposed language amending any existing regulation or any proposed new regulation shall be made available to the public as of the date the notice of the hearing is given. The notice shall also state where interested persons may secure copies of any proposed amendment or new

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regulation. The notice shall be published in a newspaper of general circulation in the area affected. Reasonable effort shall be made to give notice to all persons who have made a written request to the board for advance notice of hearings.

E. At the hearing, the board shall allow all interested persons reasonable opportunity to submit data, proposed changes to the proposed regulation, views or arguments orally or in writing and to examine witnesses testifying at the hearing. Any person heard or represented at the hearing shall be given written notice of the action of the board.

F. The board may designate a hearing officer to take evidence in the hearing. A transcript shall be made of the entire hearing proceedings.

G. No regulation or amendment or repeal thereof adopted by the board shall become effective until thirty days after its filing under the State Rules Act [Chapter 14, Article 4 NMSA 1978].[2]

H. Any person who is or may be affected by a regulation adopted by the board may appeal to the court of appeals for further relief. All such appeals shall be upon the transcript made at the hearing and shall be taken to the court of appeals within thirty days after filing of the regulation under the State Rules Act.

I. The procedure for perfecting an appeal to the court of appeals under this section consists of the timely filing of a notice of appeal with a copy attached to the regulation from which the appeal is taken. The appellant shall certify in his notice of appeal that arrangements have been made with the board for preparation of a sufficient number of transcripts of the record of the hearing on which the appeal depends to support his appeal to the court, at the expense of the appellant, including three copies which he shall furnish to the board.

J. Upon appeal, the court of appeals shall set aside the regulation only if found to be:

(1) arbitrary, capricious or an abuse of discretion;

(2) not supported by substantial evidence in the transcript; or

(3) otherwise not in accordance with law.

Credits

L. 1971, Ch. 277, § 13; L. 1972, Ch. 51, § 9; L. 1973, Ch. 340, § 7; L. 1974, Ch. 64, § 1; L. 1982, Ch. 73, § 24; L. 1985, Ch. 17, § 1.

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Formerly 1953 Comp., § 12-19-13; 1953 Comp., § 12-12-13.

Footnotes

1 NMSA 1978, § 74-2-1 et seq.

2 NMSA 1978, § 14-4-1 et seq.

NMSA 1978, § 74-1-9, NM ST § 74-1-9
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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West's New Mexico Statutes Annotated
Chapter 74. Environmental Improvement
Article 1. General Provisions (Refs & Annos)

N. M. S. A. 1978, § 74-1-10

§ 74-1-10. Penalty

Currentness

A. A person who violates any regulation of the board is guilty of a petty misdemeanor. This section does not apply to any regulation for which a criminal penalty is otherwise provided by law.

B. Whenever, on the basis of any information, the secretary determines that a person has violated, is violating or threatens to violate any provision of Paragraph (2) or (3) of Subsection A of Section 74-1-8 NMSA 1978 or any rule, regulation or permit condition adopted and promulgated thereunder, the secretary may:

(1) issue a compliance order stating with reasonable specificity the nature of the violation or threatened violation, requiring compliance immediately or within a specified time period and assessing a civil penalty for any past or current violation, or both; or

(2) commence a civil action in district court for appropriate relief, including a temporary or permanent injunction.

C. An order issued pursuant to Subsection B of this section may include suspension or revocation of any permit issued by the department. Any penalty assessed in the order, except for residential on-site liquid waste systems, shall not exceed one thousand dollars ($1,000) for each violation. Any penalty assessed in the order for a residential on-site liquid waste system shall not exceed one hundred dollars ($100) for each violation. A penalty imposed for violation of drinking water regulations 20 NMAC 7.1 or permit conditions shall not exceed one thousand dollars ($1,000) per violation per day. In assessing the penalty, the secretary shall take into account the seriousness of the violation and any good-faith efforts to comply with the applicable requirements.

D. If a violator fails to take corrective actions within the time specified in the compliance order, the secretary shall:

(1) assess civil penalties of not more than one thousand dollars ($1,000) for each noncompliance with the order; and

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(2) suspend or revoke any permit issued to the violator pursuant to Paragraph (3) of Subsection A of Section 74-1-8 NMSA 1978.

E. An order issued pursuant to this section shall become final unless, no later than thirty days after the order is served, the person named in the order submits a written request to the secretary for a hearing. Upon such a request, the secretary shall conduct a hearing. The secretary shall appoint an independent hearing officer to preside over the hearing. The hearing officer shall make and preserve a complete record of the proceedings and forward his recommendation based on the record to the secretary, who shall make the final decision.

F. In connection with any proceeding pursuant to this section, the secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books and documents and may adopt and promulgate rules for discovery procedures.

G. Penalties collected pursuant to violations of rules, regulations or permit conditions adopted pursuant to Paragraph (3) of Subsection A of Section 74-1-8 NMSA 1978 shall be deposited in the state treasury to be credited to the general fund.

H. Penalties collected pursuant to violations of drinking water regulations 20 NMAC 7.1 or permit conditions pursuant to Paragraph (2) of Subsection A of Section 74-1-8 NMSA 1978 shall be deposited in the state treasury to the credit of the water conservation fund.

Credits

L. 1973, Ch. 340, § 8; L. 1997, Ch. 139, § 10; L. 1999, Ch. 203, § 3, eff. April 6, 1999.

Formerly 1953 Comp., § 12-12-14.

NMSA 1978, § 74-1-10, NM ST § 74-1-10
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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West's New Mexico Statutes Annotated
Chapter 74. Environmental Improvement
Article 1. General Provisions (Refs & Annos)

N. M. S. A. 1978, § 74-1-10.1

§ 74-1-10.1. False statements to the department; penalties

Effective: May 16, 2018

Currentness

A. It is unlawful for an owner or operator of a public water system subject to the Environmental Improvement Act and applicable rules or an owner's or operator's agent to:

(1) knowingly make a false statement, representation, certification or omission of fact material to the protection of public health as related to a public water system in an application, record, report, plan or other document filed with or submitted to the department, or required by rule to be maintained by an owner or operator of a public water system;

(2) knowingly falsify, tamper with or render inaccurate any device, method or record to be relied upon by the department to monitor or track information related to a public water system;

(3) knowingly falsify or conceal a fact material to the protection of public health as related to a public water system; or

(4) make or use a document with the knowledge that the document contains false statements or representations material to the protection of public health as related to a public water system.

B. A person who violates or knowingly causes or allows another person to violate Subsection A of this section is guilty of a misdemeanor and shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978.

Credits

Added by L. 2018, Ch. 24, § 1, eff. May 16, 2018.

NMSA 1978, § 74-1-10.1, NM ST § 74-1-10.1

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Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-11

§ 74-1-11. Repealed by L. 1989, Ch. 223, § 4, eff. July 1, 1992

Currentness

NMSA 1978, § 74-1-11, NM ST § 74-1-11
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-12

§ 74-1-12. Compliance with the federal Safe Drinking Water Act; purpose

Currentness

The purpose of this section and Section 74-1-13 NMSA 1978 is to provide:

A. an incentive for conservation of water, the state's most precious resource; and

B. funding for certain locations in the state to comply with the federal Safe Drinking Water Act[1] in which the United States congress mandated that the United States environmental protection agency establish drinking water standards for contaminants, require filtration and disinfection for all public water supply systems, increase enforcement authority, establish public notification requirements, implement a lead ban and implement a capacity development program for existing and newly created water systems.

Credits

L. 1993, Ch. 317, § 1; L. 1999, Ch. 203, § 4, eff. April 6, 1999.

Footnotes

[1] 42 U.S.C.A. § 300f et seq.

NMSA 1978, § 74-1-12, NM ST § 74-1-12
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-13

§ 74-1-13. Water conservation fee; imposition; definitions

Effective: July 1, 2025

Currentness

A. There is imposed on every person who operates a public water supply system a water conservation fee in an amount equal to three cents ($.03) per thousand gallons of water produced on which the fee imposed by this subsection has not been paid.

B. The "water conservation fund" is created in the state treasury and shall be administered by the department. The fund shall consist of water conservation fees collected pursuant to this section. Balances in the fund at the end of any fiscal year shall not revert to the general fund but shall accrue to the credit of the fund. Earnings on the fund shall be credited to the fund.

C. Money in the water conservation fund is appropriated to the department for administration of a public water supply program to:

(1) test public water supplies for the contaminants required to be tested pursuant to the provisions of the federal Safe Drinking Water Act,[1] as amended, and collect chemical compliance samples as required by those provisions of the federal act;

(2) perform vulnerability assessments that will be used to assess a public water supply's susceptibility to those contaminants; and

(3) implement new requirements of the Utility Operators Certification Act[2] and provide training for all public water supply operators.

D. The taxation and revenue department shall provide by regulation for the manner and form of collection of the water conservation fee. All water conservation fees collected by the taxation and revenue department shall be deposited in the water conservation fund.

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E. The fee imposed by this section shall be administered in accordance with the provisions of the Tax Administration Act[3] and shall be paid to the taxation and revenue department by each person who operates a public water supply system in the manner required by the department on or before the twenty-fifth day of the month following the month in which the water is produced.

F. Each operator of a public water supply system shall register and comply with the provisions of Section 7-1-12 NMSA 1978 and furnish such information as may be required by the taxation and revenue department.

G. The department shall compile a list of the contaminants that require testing pursuant to Paragraph (1) of Subsection C of this section. The list shall be compiled no less than once every twelve months and include the contaminants that will be tested in the subsequent twelve months. The department shall establish by rule procedures to compile the list and to determine which contaminants that require testing will be tested in the subsequent twelve months. The determination of which contaminants will be tested shall include consideration of the availability of funds in the water conservation fund, the needs of the public water supplies being tested for additional contaminants and public health and safety.

H. As used in this section:

(1) “person” means any individual or legal entity and also means, to the extent permitted by law, any federal, state or other governmental unit or subdivision or an agency, department or instrumentality thereof; and

(2) “public water supply system” means a system that provides piped water to the public for human consumption and that has at least fifteen service connections or regularly services an average of at least twenty-five individuals at least sixty days per year.

Credits

L. 1993, Ch. 317, § 2; L. 1997, Ch. 125, § 11, eff. July 1, 1997; L. 2013, Ch. 128, § 1, eff. June 14, 2013; L. 2024, Ch. 59, § 9, eff. July 1, 2025.

Footnotes

1 42 U.S.C.A. § 300g-1.

2 NMSA 1978, § 61-33-1 et seq.

3 NMSA 1978, § 7-1-1 et seq.

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NMSA 1978, § 74-1-13, NM ST § 74-1-13
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-13.1

§ 74-1-13.1. Nontransient noncommunity public water systems; definition; testing and notice requirements

Currentness

A. The department of environment shall test nontransient noncommunity water systems for arsenic, fluoride and radionuclides and adopt rules for reporting and public notification for those contaminants comparable to reporting and notification requirements for community water systems. Money in the water conservation fund may be used to fulfill the requirements of this subsection.

B. As used in this section:

(1) "community water system" means a public water system that serves at least fifteen service connections used by year-round residents or regularly serves at least twenty-five year-round residents; and

(2) "nontransient noncommunity water system" means a public water system that is not a community water system and that regularly serves at least twenty-five of the same persons over six months per year including but not limited to schools and factories.

Credits

L. 2001, Ch. 148, § 1.

NMSA 1978, § 74-1-13.1, NM ST § 74-1-13.1
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-14

§ 74-1-14. County or municipal authority regarding on-site liquid waste system

Currentness

Nothing in Chapter 74, Article 1 NMSA 1978 limits or is intended to limit the authority of any county or municipality to adopt and enforce requirements related to on-site liquid waste systems that are at least as stringent as those in that article; provided, however, that the county or municipality has, on staff or under contract, either a registered professional engineer with education or experience in sanitary engineering or a class II wastewater operator certified by the state of New Mexico.

Credits

L. 1997, Ch. 139, § 11.

NMSA 1978, § 74-1-14, NM ST § 74-1-14
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-14.1

§ 74-1-14.1. Regulation of refrigerants

Effective: June 16, 2023

Currentness

<Repealed by L. 2023, Ch. 189, § 1, eff. June 16, 2033.>

The governing body of a municipality, county or other governmental entity shall allow:

A. the use of a refrigerant that is designated as an acceptable alternative or substitute for a class 1 or class 2 substance by the United States environmental protection agency; or

B. the installation or listing of equipment that contains a refrigerant designated as acceptable pursuant to Subsection A of this section and meets nationally recognized standards for the safe design, construction, installation and operation of refrigeration systems and the appropriate listing standard.

Credits

Added by L. 2023, Ch. 189, § 1, eff. June 16, 2023.

NMSA 1978, § 74-1-14.1, NM ST § 74-1-14.1
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-15

§ 74-1-15. Repealed by L. 2020, Ch. 32, § 8, eff. May 20, 2020

Effective: May 20, 2020

Currentness

NMSA 1978, § 74-1-15, NM ST § 74-1-15
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-15.1

§ 74-1-15.1. Liquid waste disposal system assistance fund; created; purpose

Effective: May 20, 2020

Currentness

A. The "liquid waste disposal system assistance fund" is created in the state treasury. The department shall administer the fund. The fund may be composed of appropriations and transfers of money earned from investment of the fund and otherwise accruing to the fund and transfers of money from the environmental health fund not to exceed two hundred thousand dollars ($200,000) from the unexpended balance in the fund. Balances remaining in the fund at the end of a fiscal year shall remain to the credit of the fund. Disbursements from the fund shall be drawn on warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of environment or the secretary's authorized representative. Money in the fund is appropriated to the department for the sole purpose of assisting indigent individuals or households that qualify for funding to accomplish one of the following purposes where there is a real or potential negative impact to public health or water quality from on-site liquid waste disposal system effluent:

(1) to pay for a liquid waste disposal system to replace a cesspool or other failed or improper on-site liquid waste disposal system;

(2) to purchase, install or maintain an advanced treatment system as required by the Environmental Improvement Act or regulations issued pursuant to that act;

(3) to pay for the decommissioning and removal of a cesspool or other failed or improper on-site liquid waste disposal system; or

(4) to pay for all or a portion of the connection fees in order to connect an individual or household to a centralized wastewater collection and treatment system.

B. Construction activities sponsored by the fund shall be performed by licensed contractors selected through competitive bid by the department and shall be managed by the department.

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C. No more than five percent of the fund shall be used by the department on an annual basis to pay for the department costs associated with management and implementation of fund activities.

D. As used in this section:

(1) "advanced treatment system" means an on-site liquid wastewater treatment system that removes a greater amount of contaminants than is accomplished by a primary treatment system;

(2) "connection fee" means the fee paid directly to a public water or wastewater system or other wastewater management organization and does not include other fees, such as legal fees, related to connecting an individual or household to a centralized wastewater collection and treatment system; and

(3) "indigent individuals or households" means individuals or households whose annual incomes do not exceed the federal poverty guidelines.

Credits

Added by L. 2009, Ch. 203, § 1, eff. June 19, 2009. Amended by L. 2020, Ch. 32, § 4, eff. May 20, 2020.

NMSA 1978, § 74-1-15.1, NM ST § 74-1-15.1
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 74-1-15.2

§ 74-1-15.2. Environmental health fund; created

Effective: May 20, 2020

Currentness

A. The "environmental health fund" is created in the state treasury. The fund consists of fees collected from the regulation of on-site liquid waste systems and water recreation facilities pursuant to the Environmental Improvement Act, food establishments pursuant to the Food Service Sanitation Act [Chapter 25, Article 1 NMSA 1978] and hemp pursuant to the Hemp Manufacturing Act [Chapter 76, Article 24 NMSA 1978]. Money in the fund is subject to appropriation by the legislature to the department for the administration of regulations pertaining to liquid waste, water recreation facilities, food service sanitation and hemp. Disbursements from the fund shall be by warrant drawn by the secretary of finance and administration pursuant to vouchers signed by the secretary of environment or the secretary of environment's designee. Any unexpended or unencumbered balance in the environmental health fund remaining at the end of any fiscal year shall not revert to the general fund.

B. Up to two hundred thousand dollars ($200,000) from unexpended and unencumbered money in the environmental health fund may be transferred to the liquid waste disposal system assistance fund on an annual basis.

Credits

Added by L. 2020, Ch. 32, § 1, eff. May 20, 2020.

NMSA 1978, § 74-1-15.2, NM ST § 74-1-15.2
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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West's New Mexico Statutes Annotated
Chapter 74. Environmental Improvement
Article 1. General Provisions (Refs & Annos)

N. M. S. A. 1978, § 74-1-16

§ 74-1-16. Water recreation facilities; fee imposition

Effective: May 20, 2020

Currentness

The board may assess an annual fee not to exceed one hundred fifty dollars ($150) on the owner or operator of a public swimming pool, public spa or other public water recreation facility to defray the cost of administering and enforcing rules adopted in accordance with the Environmental Improvement Act pertaining to public water recreation facilities. The fee shall be based on the size of the public water recreation facility. Fees collected pursuant to this section shall be deposited in the environmental health fund.

Credits

L. 2003, Ch. 335, § 1; L. 2020, Ch. 32, § 5, eff. May 20, 2020.

NMSA 1978, § 74-1-16, NM ST § 74-1-16
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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West's New Mexico Statutes Annotated
Chapter 74. Environmental Improvement
Article 1. General Provisions (Refs & Annos)

N. M. S. A. 1978, § 74-1-17

§ 74-1-17. Nuclear workers assistance fund created

Effective: March 8, 2010

Currentness

The "nuclear workers assistance fund" is created in the state treasury. The fund shall consist of money earned from investment of the fund and otherwise accruing to the fund and up to one-half of one percent of any award for an initial claim, including a claim for medical benefits, filed by the department on behalf of the claimants with the federal office of workers' compensation program, under the federal Energy Employees Occupational Illness Compensation Program Act of 2000, 42 USC 7384 et seq., or up to five percent of any award after the department files objections to a recommended decision denying an award, which shall be transmitted to the state treasurer for credit to the nuclear workers assistance fund. Balances remaining in the fund at the end of a fiscal year shall remain in the fund and shall not revert to the general fund. The department shall administer the fund, and money in the fund is appropriated to the department for the purpose of the administration of a program to assist nuclear workers seeking claims under the federal Energy Employees Occupational Illness Compensation Program Act of 2000, 42 USC 7384 et seq. Money from the fund may be drawn on warrants of the secretary of finance and administration pursuant to vouchers signed by the secretary of environment or the secretary of environment's designee.

Credits

Added by L. 2010, Ch. 50, § 1, eff. March 8, 2010.

NMSA 1978, § 74-1-17, NM ST § 74-1-17
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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West's New Mexico Statutes Annotated
Chapter 74. Environmental Improvement
Article 1. General Provisions (Refs & Annos)

N. M. S. A. 1978, § 74-1-18

§ 74-1-18. Clean transportation fuel standard program; rules

Effective: May 15, 2024

Currentness

A. The board shall promulgate rules to implement a clean transportation fuel standard program no later than July 1, 2026.

B. Prior to the board promulgating rules pursuant to this section, the secretary shall convene an advisory committee composed of stakeholders from in-state and out-of-state producers of transportation fuels, transportation fuel distributors, local governments, utilities, tribal governments, environmental protection groups, environmental justice groups and other individuals or entities with relevant expertise to provide input and periodically review program rules.

C. The clean transportation fuel standard program rules shall:

(1) establish a statewide technology-neutral clean transportation fuel standard based on a schedule for annually decreasing the carbon intensity of transportation fuels used in the state;

(2) apply the clean transportation fuel standard to account for the fuel lifecycle in order to reduce the carbon intensity of transportation fuels used in the state by at least twenty percent below 2018 carbon intensity levels by 2030 and at least thirty percent below 2018 carbon intensity levels by 2040;

(3) establish technology-neutral mechanisms for generating, obtaining, trading, selling and retiring credits among transportation fuel producers, fuel distributors and other individuals or entities in the transportation fuel market, including additional credit opportunities from activities and projects that support the reduction or removal of greenhouse gas emissions associated with transportation in the state;

(4) establish mechanisms, including cost-containment measures and credit holding limits, to allow credits to be banked for future compliance periods to stabilize and incentivize investment in the transportation fuel credit market, verify the validity of compliance obligations, maximize savings and limit consumer costs, ensure program compliance, trade credits and allow for market participation by persons who register in the market to facilitate credit generation;

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(5) require a utility that elects to participate in the program to invest all revenues from the sale of credits, not including administrative program costs, into distribution, grid modernization, infrastructure and other projects that support transportation decarbonization, with at least fifty percent of such revenues supporting low-income and underserved communities and with investor-owned utilities receiving regulatory treatment consistent with Section 62-8-12 NMSA 1978;

(6) consider similar programs in other jurisdictions, allow for coordination with other jurisdictions to promote regional reductions or removal of greenhouse gas emissions and allow market participants to generate credits under any overlapping current and future federal transportation fuel regulations;

(7) not discriminate against fuels solely on the basis of having originated in another state or jurisdiction;

(8) establish a periodic review process that includes input from the advisory committee convened pursuant to Subsection B of this section to provide input on program rules and performance and determine potential adjustments if deemed necessary after review, including the superseding of the state program by federal legislation;

(9) allow for a deferral of the program based on emergency or forecasted conditions; and

(10) establish fees for the cost of the department's administration and enforcement of the program; provided that any fees are deposited in the state air quality permit fund.

D. As used in this section:

(1) "low-income" means annual household adjusted gross income, as defined in the Income Tax Act [Chapter 7, Article 2 NMSA 1978], of equal to or less than two hundred percent of the federal poverty level; and

(2) "underserved community" means an area in this state, including a county, municipality or neighborhood, or subset of such area where the median income of the area is low-income.

Credits

Added by L. 2024, Ch. 54, § 4, eff. May 15, 2024.

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NMSA 1978, § 74-1-18, NM ST § 74-1-18
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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42 U.S.C.A. § 7661a

§ 7661a. Permit programs

Currentness

(a) Violations

After the effective date of any permit program approved or promulgated under this subchapter, it shall be unlawful for any person to violate any requirement of a permit issued under this subchapter, or to operate an affected source (as provided in subchapter IV-A), a major source, any other source (including an area source) subject to standards or regulations under section 7411 or 7412 of this title, any other source required to have a permit under parts[1] C or D of subchapter I, or any other stationary source in a category designated (in whole or in part) by regulations promulgated by the Administrator (after notice and public comment) which shall include a finding setting forth the basis for such designation, except in compliance with a permit issued by a permitting authority under this subchapter. (Nothing in this subsection shall be construed to alter the applicable requirements of this chapter that a permit be obtained before construction or modification.) The Administrator may, in the Administrator's discretion and consistent with the applicable provisions of this chapter, promulgate regulations to exempt one or more source categories (in whole or in part) from the requirements of this subsection if the Administrator finds that compliance with such requirements is impracticable, infeasible, or unnecessarily burdensome on such categories, except that the Administrator may not exempt any major source from such requirements.

(b) Regulations

The Administrator shall promulgate within 12 months after November 15, 1990, regulations establishing the minimum elements of a permit program to be administered by any air pollution control agency. These elements shall include each of the following:

(1) Requirements for permit applications, including a standard application form and criteria for determining in a timely fashion the completeness of applications.

(2) Monitoring and reporting requirements.

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(3)(A) A requirement under State or local law or interstate compact that the owner or operator of all sources subject to the requirement to obtain a permit under this subchapter pay an annual fee, or the equivalent over some other period, sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the permit program requirements of this subchapter, including section 7661f of this title, including the reasonable costs of--

(i) reviewing and acting upon any application for such a permit,

(ii) if the owner or operator receives a permit for such source, whether before or after November 15, 1990, implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action),

(iii) emissions and ambient monitoring,

(iv) preparing generally applicable regulations, or guidance,

(v) modeling, analyses, and demonstrations, and

(vi) preparing inventories and tracking emissions.

(B) The total amount of fees collected by the permitting authority shall conform to the following requirements:

(i) The Administrator shall not approve a program as meeting the requirements of this paragraph unless the State demonstrates that, except as otherwise provided in subparagraphs[2] (ii) through (v) of this subparagraph, the program will result in the collection, in the aggregate, from all sources subject to subparagraph (A), of an amount not less than $25 per ton of each regulated pollutant, or such other amount as the Administrator may determine adequately reflects the reasonable costs of the permit program.

(ii) As used in this subparagraph, the term "regulated pollutant" shall mean (I) a volatile organic compound; (II) each pollutant regulated under section 7411 or 7412 of this title; and (III) each pollutant for which a national primary ambient air quality standard has been promulgated (except that carbon monoxide shall be excluded from this reference).

(iii) In determining the amount under clause (i), the permitting authority is not required to include any amount of regulated pollutant emitted by any source in excess of 4,000 tons per year of that regulated pollutant.

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(iv) The requirements of clause (i) shall not apply if the permitting authority demonstrates that collecting an amount less than the amount specified under clause (i) will meet the requirements of subparagraph (A).

(v) The fee calculated under clause (i) shall be increased (consistent with the need to cover the reasonable costs authorized by subparagraph (A)) in each year beginning after 1990, by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Consumer Price Index for the calendar year 1989. For purposes of this clause--

(I) the Consumer Price Index for any calendar year is the average of the Consumer Price Index for all-urban consumers published by the Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year, and

(II) the revision of the Consumer Price Index which is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

(C)(i) If the Administrator determines, under subsection (d), that the fee provisions of the operating permit program do not meet the requirements of this paragraph, or if the Administrator makes a determination, under subsection (i), that the permitting authority is not adequately administering or enforcing an approved fee program, the Administrator may, in addition to taking any other action authorized under this subchapter, collect reasonable fees from the sources identified under subparagraph (A). Such fees shall be designed solely to cover the Administrator's costs of administering the provisions of the permit program promulgated by the Administrator.

(ii) Any source that fails to pay fees lawfully imposed by the Administrator under this subparagraph shall pay a penalty of 50 percent of the fee amount, plus interest on the fee amount computed in accordance with section 6621(a)(2) of Title 26 (relating to computation of interest on underpayment of Federal taxes).

(iii) Any fees, penalties, and interest collected under this subparagraph shall be deposited in a special fund in the United States Treasury for licensing and other services, which thereafter shall be available for appropriation, to remain available until expended, subject to appropriation, to carry out the Agency's activities for which the fees were collected. Any fee required to be collected by a State, local, or interstate agency under this subsection shall be utilized solely to cover all reasonable (direct and indirect) costs required to support the permit program as set forth in subparagraph (A).

(4) Requirements for adequate personnel and funding to administer the program.

(5) A requirement that the permitting authority have adequate authority to:

(A) issue permits and assure compliance by all sources required to have a permit under this subchapter with each

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applicable standard, regulation or requirement under this chapter;

(B) issue permits for a fixed term, not to exceed 5 years;

(C) assure that upon issuance or renewal permits incorporate emission limitations and other requirements in an applicable implementation plan;

(D) terminate, modify, or revoke and reissue permits for cause;

(E) enforce permits, permit fee requirements, and the requirement to obtain a permit, including authority to recover civil penalties in a maximum amount of not less than $10,000 per day for each violation, and provide appropriate criminal penalties; and

(F) assure that no permit will be issued if the Administrator objects to its issuance in a timely manner under this subchapter.

(6) Adequate, streamlined, and reasonable procedures for expeditiously determining when applications are complete, for processing such applications, for public notice, including offering an opportunity for public comment and a hearing, and for expeditious review of permit actions, including applications, renewals, or revisions, and including an opportunity for judicial review in State court of the final permit action by the applicant, any person who participated in the public comment process, and any other person who could obtain judicial review of that action under applicable law.

(7) To ensure against unreasonable delay by the permitting authority, adequate authority and procedures to provide that a failure of such permitting authority to act on a permit application or permit renewal application (in accordance with the time periods specified in section 7661b of this title or, as appropriate, subchapter IV-A) shall be treated as a final permit action solely for purposes of obtaining judicial review in State court of an action brought by any person referred to in paragraph (6) to require that action be taken by the permitting authority on such application without additional delay.

(8) Authority, and reasonable procedures consistent with the need for expeditious action by the permitting authority on permit applications and related matters, to make available to the public any permit application, compliance plan, permit, and monitoring or compliance report under section 7661b(e) of this title, subject to the provisions of section 7414(c) of this title.

(9) A requirement that the permitting authority, in the case of permits with a term of 3 or more years for major sources, shall require revisions to the permit to incorporate applicable standards and regulations promulgated under this chapter after the issuance of such permit. Such revisions shall occur as expeditiously as practicable and consistent with the procedures established under paragraph (6) but not later than 18 months after the promulgation of such standards and regulations. No such revision shall be required if the effective date of the standards or regulations is a date after the

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expiration of the permit term. Such permit revision shall be treated as a permit renewal if it complies with the requirements of this subchapter regarding renewals.

(10) Provisions to allow changes within a permitted facility (or one operating pursuant to section 7661b(d) of this title) without requiring a permit revision, if the changes are not modifications under any provision of subchapter I and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions:[3] *Provided,* That the facility provides the Administrator and the permitting authority with written notification in advance of the proposed changes which shall be a minimum of 7 days, unless the permitting authority provides in its regulations a different timeframe for emergencies.

(c) Single permit

A single permit may be issued for a facility with multiple sources.

(d) Submission and approval

(1) Not later than 3 years after November 15, 1990, the Governor of each State shall develop and submit to the Administrator a permit program under State or local law or under an interstate compact meeting the requirements of this subchapter. In addition, the Governor shall submit a legal opinion from the attorney general (or the attorney for those State air pollution control agencies that have independent legal counsel), or from the chief legal officer of an interstate agency, that the laws of the State, locality, or the interstate compact provide adequate authority to carry out the program. Not later than 1 year after receiving a program, and after notice and opportunity for public comment, the Administrator shall approve or disapprove such program, in whole or in part. The Administrator may approve a program to the extent that the program meets the requirements of this chapter, including the regulations issued under subsection (b). If the program is disapproved, in whole or in part, the Administrator shall notify the Governor of any revisions or modifications necessary to obtain approval. The Governor shall revise and resubmit the program for review under this section within 180 days after receiving notification.

(2)(A) If the Governor does not submit a program as required under paragraph (1) or if the Administrator disapproves a program submitted by the Governor under paragraph (1), in whole or in part, the Administrator may, prior to the expiration of the 18-month period referred to in subparagraph (B), in the Administrator's discretion, apply any of the sanctions specified in section 7509(b) of this title.

(B) If the Governor does not submit a program as required under paragraph (1), or if the Administrator disapproves any such program submitted by the Governor under paragraph (1), in whole or in part, 18 months after the date required for such submittal or the date of such disapproval, as the case may be, the Administrator shall apply sanctions under section 7509(b) of this title in the same manner and subject to the same deadlines and other conditions as are applicable in the case of a determination, disapproval, or finding under section 7509(a) of this title.

(C) The sanctions under section 7509(b)(2) of this title shall not apply pursuant to this paragraph in any area unless the failure to submit or the disapproval referred to in subparagraph (A) or (B) relates to an air pollutant for which such area has

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been designated a nonattainment area (as defined in part D of subchapter I).

(3) If a program meeting the requirements of this subchapter has not been approved in whole for any State, the Administrator shall, 2 years after the date required for submission of such a program under paragraph (1), promulgate, administer, and enforce a program under this subchapter for that State.

(e) Suspension

The Administrator shall suspend the issuance of permits promptly upon publication of notice of approval of a permit program under this section, but may, in such notice, retain jurisdiction over permits that have been federally issued, but for which the administrative or judicial review process is not complete. The Administrator shall continue to administer and enforce federally issued permits under this subchapter until they are replaced by a permit issued by a permitting program. Nothing in this subsection should be construed to limit the Administrator's ability to enforce permits issued by a State.

(f) Prohibition

No partial permit program shall be approved unless, at a minimum, it applies, and ensures compliance with, this subchapter and each of the following:

(1) All requirements established under subchapter IV-A applicable to "affected sources".

(2) All requirements established under section 7412 of this title applicable to "major sources", "area sources," and "new sources".

(3) All requirements of subchapter I (other than section 7412 of this title) applicable to sources required to have a permit under this subchapter.

Approval of a partial program shall not relieve the State of its obligation to submit a complete program, nor from the application of any sanctions under this chapter for failure to submit an approvable permit program.

(g) Interim approval

If a program (including a partial permit program) submitted under this subchapter substantially meets the requirements of this subchapter, but is not fully approvable, the Administrator may by rule grant the program interim approval. In the notice of final rulemaking, the Administrator shall specify the changes that must be made before the program can receive full approval. An interim approval under this subsection shall expire on a date set by the Administrator not later than 2 years after such approval, and may not be renewed. For the period of any such interim approval, the provisions of subsection (d)(2), and the

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obligation of the Administrator to promulgate a program under this subchapter for the State pursuant to subsection (d)(3), shall be suspended. Such provisions and such obligation of the Administrator shall apply after the expiration of such interim approval.

(h) Effective date

The effective date of a permit program, or partial or interim program, approved under this subchapter, shall be the effective date of approval by the Administrator. The effective date of a permit program, or partial permit program, promulgated by the Administrator shall be the date of promulgation.

(i) Administration and enforcement

(1) Whenever the Administrator makes a determination that a permitting authority is not adequately administering and enforcing a program, or portion thereof, in accordance with the requirements of this subchapter, the Administrator shall provide notice to the State and may, prior to the expiration of the 18-month period referred to in paragraph (2), in the Administrator's discretion, apply any of the sanctions specified in section 7509(b) of this title.

(2) Whenever the Administrator makes a determination that a permitting authority is not adequately administering and enforcing a program, or portion thereof, in accordance with the requirements of this subchapter, 18 months after the date of the notice under paragraph (1), the Administrator shall apply the sanctions under section 7509(b) of this title in the same manner and subject to the same deadlines and other conditions as are applicable in the case of a determination, disapproval, or finding under section 7509(a) of this title.

(3) The sanctions under section 7509(b)(2) of this title shall not apply pursuant to this subsection in any area unless the failure to adequately enforce and administer the program relates to an air pollutant for which such area has been designated a nonattainment area.

(4) Whenever the Administrator has made a finding under paragraph (1) with respect to any State, unless the State has corrected such deficiency within 18 months after the date of such finding, the Administrator shall, 2 years after the date of such finding, promulgate, administer, and enforce a program under this subchapter for that State. Nothing in this paragraph shall be construed to affect the validity of a program which has been approved under this subchapter or the authority of any permitting authority acting under such program until such time as such program is promulgated by the Administrator under this paragraph.

CREDIT(S)

(July 14, 1955, c. 360, Title V, § 502, as added Pub.L. 101-549, Title V, § 501, Nov. 15, 1990, 104 Stat. 2635.)

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Footnotes

1 So in original. Probably should be “part”.

2 So in original. Probably should be “clauses”.

3 So in original. A closing parenthesis probably should precede the colon.

42 U.S.C.A. § 7661a, 42 USCA § 7661a
Current through P.L. 119-59. Some statute sections may be more current, see credits for details.

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Code of Federal Regulations
Title 40. Protection of Environment
Chapter I. Environmental Protection Agency (Refs & Annos)
Subchapter C. Air Programs
Part 70. State Operating Permit Programs (Refs & Annos)

40 C.F.R. § 70.9

§ 70.9 Fee determination and certification.

Effective: October 23, 2015

Currentness

(a) Fee requirement. The State program shall require that the owners or operators of part 70 sources pay annual fees, or the equivalent over some other period, that are sufficient to cover the permit program costs and shall ensure that any fee required by this section will be used solely for permit program costs.

(b) Fee schedule adequacy.

(1) The State program shall establish a fee schedule that results in the collection and retention of revenues sufficient to cover the permit program costs. These costs include, but are not limited to, the costs of the following activities as they relate to the operating permit program for stationary sources:

(i) Preparing generally applicable regulations or guidance regarding the permit program or its implementation or enforcement;

(ii) Reviewing and acting on any application for a permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, or permit revision or renewal;

(iii) General administrative costs of running the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;

(iv) Implementing and enforcing the terms of any part 70 permit (not including any court costs or other costs associated with an enforcement action), including adequate resources to determine which sources are subject to the program;

(v) Emissions and ambient monitoring;

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(vi) Modeling, analyses, or demonstrations;

(vii) Preparing inventories and tracking emissions; and

(viii) Providing direct and indirect support to sources under the Small Business Stationary Source Technical and Environmental Compliance Assistance Program contained in section 507 of the Act in determining and meeting their obligations under this part.

(2)(i) The Administrator will presume that the fee schedule meets the requirements of paragraph (b)(1) of this section if it would result in the collection and retention of an amount not less than $25 per year [as adjusted pursuant to the criteria set forth in paragraph (b)(2)(iv) of this section] times the total tons of the actual emissions of each regulated pollutant (for presumptive fee calculation) emitted from part 70 sources and any GHG cost adjustment required under paragraph (b)(2)(v) of this section.

(ii) The State may exclude from such calculation:

(A) The actual emissions of sources for which no fee is required under paragraph (b)(4) of this section;

(B) The amount of a part 70 source's actual emissions of each regulated pollutant (for presumptive fee calculation) that the source emits in excess of four thousand (4,000) tpy;

(C) A part 70 source's actual emissions of any regulated pollutant (for presumptive fee calculation), the emissions of which are already included in the minimum fees calculation; or

(D) The insignificant quantities of actual emissions not required in a permit application pursuant to § 70.5(c).

(iii) "Actual emissions" means the actual rate of emissions in tons per year of any regulated pollutant (for presumptive fee calculation) emitted from a part 70 source over the preceding calendar year or any other period determined by the permitting authority to be representative of normal source operation and consistent with the fee schedule approved pursuant to this section. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and in-place control equipment, types of materials processed, stored, or combusted during the preceding calendar year or such other time period established by the permitting authority pursuant to the preceding sentence.

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(iv) The program shall provide that the $25 per ton per year used to calculate the presumptive minimum amount to be collected by the fee schedule, as described in paragraph (b)(2)(i) of this section, shall be increased each year by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Consumer Price Index for the calendar year 1989.

(A) The Consumer Price Index for any calendar year is the average of the Consumer Price Index for all-urban consumers published by the Department of Labor, as of the close of the 12–month period ending on August 31 of each calendar year.

(B) The revision of the Consumer Price Index which is most consistent with the Consumer Price Index for the calendar year 1989 shall be used.

(v) GHG cost adjustment. The amount calculated in paragraph (b)(2)(i) of this section shall be increased by the GHG cost adjustment determined as follows: For each activity identified in the following table, multiply the number of activities performed by the permitting authority by the burden hours per activity, and then calculate a total number of burden hours for all activities. Next, multiply the burden hours by the average cost of staff time, including wages, employee benefits and overhead.

Activity	Burden hours per activity
GHG completeness determination (for initial permit or updated application)	43
GHG evaluation for a permit modification or related permit action	7
GHG evaluation at permit renewal	10

(3) The State program’s fee schedule may include emissions fees, application fees, service-based fees or other types of fees, or any combination thereof, to meet the requirements of paragraph (b)(1) or (b)(2) of this section. Nothing in the provisions of this section shall require a permitting authority to calculate fees on any particular basis or in the same manner for all part 70 sources, all classes or categories of part 70 sources, or all regulated air pollutants, provided that the permitting authority collects a total amount of fees sufficient to meet the program support requirements of paragraph (b)(1) of this section.

(4) Notwithstanding any other provision of this section, during the years 1995 through 1999 inclusive, no fee for purposes of title V shall be required to be paid with respect to emissions from any affected unit under section 404 of the Act.

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(5) The State shall provide a detailed accounting that its fee schedule meets the requirements of paragraph (b)(1) of this section if:

(i) The State sets a fee schedule that would result in the collection and retention of an amount less than that presumed to be adequate under paragraph (b)(2) of this section; or

(ii) The Administrator determines, based on comments rebutting the presumption in paragraph (b)(2) of this section or on his own initiative, that there are serious questions regarding whether the fee schedule is sufficient to cover the permit program costs.

(c) Fee demonstration. The permitting authority shall provide a demonstration that the fee schedule selected will result in the collection and retention of fees in an amount sufficient to meet the requirements of this section.

(d) Use of Required Fee Revenue. The Administrator will not approve a demonstration as meeting the requirements of this section, unless it contains an initial accounting (and periodic updates as required by the Administrator) of how required fee revenues are used solely to cover the costs of meeting the various functions of the permitting program.

Credits

[80 FR 64659, Oct. 23, 2015]

SOURCE: 57 FR 32295, July 21, 1992, unless otherwise noted.

AUTHORITY: 42 U.S.C. 7401, et seq.

Notes of Decisions (5)

Current through February 12, 2026, 91 FR 6530. Some sections may be more current. See credits for details.

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N. M. S. A. 1978, § 9-7A-1

§ 9-7A-1. Short title

Currentness

Sections 1 through 12 [9-7A-1 to 9-7A-12 NMSA 1978] of this act may be cited as the "Department of Environment Act".

Credits

L. 1991, Ch. 25, § 1.

NMSA 1978, § 9-7A-1, NM ST § 9-7A-1
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 9-7A-2

§ 9-7A-2. Definitions

Currentness

As used in the Department of Environment Act:

A. "board" means the environmental improvement board;

B. "department" means the department of environment created under the Department of Environment Act; and

C. "secretary" means the secretary of environment.

Credits

L. 1991, Ch. 25, § 2.

NMSA 1978, § 9-7A-2, NM ST § 9-7A-2
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 9-7A-3

§ 9-7A-3. Purpose

Currentness

The purpose of the Department of Environment Act is to establish a single department to administer the laws and exercise the functions relating to the environment formerly administered and exercised by the health and environment department.

Credits

L. 1991, Ch. 25, § 3.

NMSA 1978, § 9-7A-3, NM ST § 9-7A-3
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 9-7A-4

§ 9-7A-4. Department established

Currentness

There is created in the executive branch the "department of environment". The department shall be a cabinet department and shall include, but not be limited to, an information technology division and the programs and functions of the environmental improvement division. All references in the law to the environmental improvement agency or the environmental improvement division of the health and environment department shall be construed to mean the department. All references to the director of the environmental improvement division shall be construed to mean the secretary. The department shall consist of the staff of the environmental improvement division and such other powers, duties and personnel of the former health and environment department as may be assigned by the governor pursuant to executive order.

Credits

L. 1991, Ch. 25, § 4; L. 2005, Ch. 110, § 4, eff. June 17, 2005.

NMSA 1978, § 9-7A-4, NM ST § 9-7A-4
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 9-7A-5

§ 9-7A-5. Secretary of environment; appointment

Currentness

A. The administrative head of the department is the "secretary of environment", who shall be appointed by the governor with the consent of the senate and shall serve in the executive cabinet.

B. The secretary shall serve and have all the duties, responsibilities and authority of that office during the period of time prior to final action by the senate confirming or rejecting his appointment.

Credits

L. 1991, Ch. 25, § 5.

NMSA 1978, § 9-7A-5, NM ST § 9-7A-5
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 9-7A-6

§ 9-7A-6. Secretary; duties and general powers

Currentness

A. The secretary is responsible to the governor for the operation of the department. It is his duty to manage all operations of the department and to administer and enforce the laws with which he or the department is charged.

B. To perform his duties, the secretary has every power expressly enumerated in the laws, whether granted to the secretary, the department or any division of the department, except where authority conferred upon any division is explicitly exempt from the secretary's authority by statute. In accordance with these provisions, the secretary shall:

(1) except as otherwise provided in the Department of Environment Act, exercise general supervisory and appointing authority over all department employees, subject to any applicable personnel laws and regulations;

(2) delegate authority to subordinates as he deems necessary and appropriate, clearly delineating that delegated authority and the limitations thereto;

(3) organize the department into those organizational units he deems will enable it to function most efficiently, subject to any provisions of law requiring or establishing specific organizational units;

(4) within the limitations of available appropriations and applicable laws, employ and fix the compensation of those persons necessary to discharge his duties;

(5) take administrative action by issuing orders and instructions, not inconsistent with the law, to assure implementation of and compliance with the provisions of law for which administration or execution he is responsible and to enforce those orders and instructions by appropriate administrative action or actions in the courts;

(6) conduct research and studies that will improve the operations of the department and the provision of services to the

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citizens of the state;

(7) provide courses of instruction and practical training for employees of the department and other persons involved in the administration of programs with the objective of improving the operations and efficiency of administration;

(8) prepare an annual budget of the department;

(9) appoint, with the governor's consent, a "director" for each division. These appointed positions are exempt from the provisions of the Personnel Act [Chapter 10, Article 9 NMSA 1978].[1] Persons appointed to these positions shall serve at the pleasure of the secretary;

(10) give bond in the penal sum of twenty-five thousand dollars ($25,000) and require directors to each give bond in the penal sum of ten thousand dollars ($10,000) conditioned upon the faithful performance of duties, as provided in the Surety Bond Act [10-2-13 to 10-2-16 NMSA 1978].[2] The department shall pay the costs of those bonds; and

(11) require performance bonds of department employees and officers as he deems necessary, as provided in the Surety Bond Act. The department shall pay the costs of those bonds.

C. The secretary may apply for and receive, with the governor's approval and in the name of the department, any public or private funds, including, but not limited to, United States government funds, available to the department to carry out its programs, duties or services.

D. The secretary may make and adopt such reasonable and procedural rules and regulations as may be necessary to carry out the duties of the department and its divisions. No rule or regulation promulgated by the director of any division in carrying out the functions and duties of the division shall be effective until approved by the secretary unless otherwise provided by statute. Unless otherwise provided by statute, no procedural regulation affecting any person or agency outside the department shall be adopted, amended or repealed without a public hearing on the proposed action before the secretary or a hearing officer designated by the secretary. The public hearing shall be held in Santa Fe unless otherwise permitted by statute. Notice of the subject matter of the regulation, the action proposed to be taken, the time and place of the hearing, the manner in which interested persons may present their views and the method by which copies of the proposed regulation, proposed amendment or repeal of an existing regulation may be obtained shall be published once at least thirty days prior to the hearing date in a newspaper of general circulation and mailed at least thirty days prior to the hearing date to all persons who have made a written request for advance notice of hearing. All rules and regulations shall be filed in accordance with the State Rules Act [Chapter 14, Article 4 NMSA 1978].[3]

Credits

L. 1991, Ch. 25, § 6.

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Footnotes

1 NMSA 1978, § 10-9-1 et seq.

2 NMSA 1978, §§ 10-2-13 to 10-2-16.

3 NMSA 1978, § 14-4-1 et seq.

NMSA 1978, § 9-7A-6, NM ST § 9-7A-6
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 9-7A-7

§ 9-7A-7. Organizational units of the department; powers and duties specified by law; access to information

Currentness

Those organizational units of the department and the officers of those units specified by law shall have all of the powers and duties enumerated in the specific laws involved. However, the carrying out of those powers and duties shall be subject to the direction and supervision of the secretary, and he shall retain the final decision-making authority and responsibility for the administration of any laws as provided in Subsection B of Section 6 [9-7A-6 NMSA 1978] of the Department of Environment Act. The department shall have access to all records, data and information of other state departments, agencies and institutions, including its own organizational units, not specifically held confidential by law.

Credits

L. 1991, Ch. 25, § 7.

NMSA 1978, § 9-7A-7, NM ST § 9-7A-7
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 9-7A-8

§ 9-7A-8. Directors

Currentness

The secretary shall appoint with the approval of the governor "directors" of divisions established within the department. The positions so appointed are exempt from the Personnel Act [Chapter 10, Article 9 NMSA 1978].[1]

Credits

L. 1991, Ch. 25, § 8.

Footnotes

[1] NMSA 1978, § 10-9-1 et seq.

NMSA 1978, § 9-7A-8, NM ST § 9-7A-8
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 9-7A-9

§ 9-7A-9. Bureaus; chiefs

Currentness

The secretary shall establish within each division such "bureaus" as he deems necessary to carry out the provisions of the Department of Environment Act. He shall employ a "chief" to be the administrative head of each bureau. The chief and all subsidiary employees of the department shall be covered by the Personnel Act [Chapter 10, Article 9 NMSA 1978][1] unless otherwise provided by law.

Credits

L. 1991, Ch. 25, § 9.

Footnotes

[1] NMSA 1978, § 10-9-1 et seq.

NMSA 1978, § 9-7A-9, NM ST § 9-7A-9
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 9-7A-10

§ 9-7A-10. Advisory committees

Currentness

A. Advisory committees may be created. "Advisory" means furnishing advice, gathering information, making recommendations and performing such other activities as may be instructed or delegated and as may be necessary to fulfill advisory functions or to comply with federal or private funding requirements and does not extend to administering a program or function or setting policy unless specified by law. Advisory committees shall be appointed in accordance with the provisions of the Executive Reorganization Act [9-1-1 to 9-1-10 NMSA 1978].[1]

B. All members of advisory committees appointed under the authority of this section shall receive as their sole remuneration for services as a member those amounts authorized under the Per Diem and Mileage Act [10-8-1 to 10-8-8 NMSA 1978].[2]

Credits

L. 1991, Ch. 25, § 10.

Footnotes

1 NMSA 1978, § 9-1-1 et seq.

2 NMSA 1978, § 10-8-1 et seq.

NMSA 1978, § 9-7A-10, NM ST § 9-7A-10
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 9-7A-11

§ 9-7A-11. Cooperation with the federal government; authority of secretary; single state agency status

Currentness

A. The department is authorized to cooperate with the federal government in the administration of environmental programs in which financial or other participation by the federal government is authorized or mandated under state or federal laws, regulations, rules or orders. The secretary may enter into agreements with agencies of the federal government to implement environmental programs subject to availability of appropriated state funds and any provisions of state laws applicable to such agreements or participation by the state.

B. The governor or the secretary may by appropriate order designate the department or any organizational unit of the department as the single state agency for the administration of any environmental program when that designation is a condition of federal financial or other participation in the program under applicable federal law, regulation, rule or order. Whether or not a federal condition exists, the governor may designate the department or any organizational unit of the department as the single state agency for the administration of any environmental program. No designation of a single state agency under the authority granted in this section shall be made in contravention of state law.

Credits

L. 1991, Ch. 25, § 11.

NMSA 1978, § 9-7A-11, NM ST § 9-7A-11
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 9-7A-12

§ 9-7A-12. Environmental improvement board; exemptions from authority of secretary

Currentness

The environmental improvement board shall receive staff support from the department. All powers, duties and responsibilities of the environmental improvement board under Sections 25-1-1 through 25-1-14, 25-2-1 through 25-2-19, 25-5-1 through 25-5-9, 50-9-1, through 50-9-25, 74-1-1 through 74-1-11, 74-2-1 through 74-2-17, 74-3-1 through 74-3-16, 74-4-1 through 74-4-13, 74-4A-1 through 74-4A-19, 74-6B-1 through 74-6B-11 [repealed], 74-7-1 through 74-7-8, 7-8-1 through 7-8-3, 74-9-1 through 74-9-42 and 75-1-1 through 75-1-6 NMSA 1978 are explicitly exempt from the authority of the secretary under the provisions of Subsection B of Section 6 [9-7A-6 NMSA 1978] of the Department of Environment Act.

Credits

L. 1991, Ch. 25, § 12.

NMSA 1978, § 9-7A-12, NM ST § 9-7A-12
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 9-7A-13

§ 9-7A-13. Water quality control commission; exemptions from authority of secretary of environment

Currentness

The water quality control commission shall receive staff support from the department of environment. All powers, duties and responsibilities of the water quality control commission under Sections 47-6-11, 74-6-3 through 74-6-8, 74-6-10 and 74-6-12 NMSA 1978 are hereby explicitly exempted from the authority of the secretary under provisions of Subsection B of Section 6 [9-7A-6 NMSA 1978] of the Department of Environment Act.

Credits

L. 1977, Ch. 253, § 77; L. 1991, Ch. 25, § 25.

Formerly 1978 Comp., § 9-7-14.

NMSA 1978, § 9-7A-13, NM ST § 9-7A-13
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 9-7A-14

§ 9-7A-14. Occupational health and safety review commission; exemptions from authority of secretary of environment

Currentness

The occupational health and safety review commission shall receive staff support from the department of environment. All powers, duties and responsibilities of the occupational health and safety review commission under Sections 50-9-9, 50-9-17 and 50-9-24 NMSA 1978 are hereby explicitly exempted from the authority of the secretary under provisions of Subsection B of Section 6 [9-7A-6 NMSA 1978] of The Department of Environment Act.

Credits

L. 1977, Ch. 253, § 78; L. 1991, Ch. 25, § 26.

Formerly 1978 Comp., § 9-7-15.

NMSA 1978, § 9-7A-14, NM ST § 9-7A-14
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 9-7A-15

§ 9-7A-15. Technical advisory committee created; duties and powers of the committee

Currentness

A. The "wastewater technical advisory committee" is created. The committee shall consist of five members to be appointed by and to serve at the pleasure of the secretary of environment. The members shall include:

(1) a wastewater treatment system engineer with at least ten years of experience in wastewater system design and construction;

(2) a faculty member from a university or college located within New Mexico with a minimum of a master's degree in biological science, microbiology, soil science or engineering, and with a minimum of ten years of work or academic experience with wastewater treatment or wastewater treatment facility management;

(3) a representative from the New Mexico state university water utilities technical assistance program;

(4) a class IV certified wastewater operator with at least ten years of experience; and

(5) a representative from the New Mexico home builders association.

B. The term of appointed members shall be three years. Members shall serve until their successors are appointed. Vacancies occurring in the membership of an appointed member shall be filled by the secretary for the remainder of the unexpired term.

C. The committee shall conduct open meetings as needed, but not less than quarterly.

D. The department of environment shall provide technical and legal assistance to the committee as needed.

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E. The committee shall:

(1) establish procedures, practices and policies governing the committee's activities;

(2) provide standardized objective evaluation of wastewater treatment and disposal technologies for both large- and small-flow domestic, commercial and agricultural wastewater systems and submit its findings to the secretary for final approval by the secretary, who shall add the wastewater treatment and disposal technologies to the list of approved technologies maintained by the department, including the ground water quality bureau and the liquid waste program of the field operations division of the department of environment and their constituent agencies; and

(3) maintain a current list of approved wastewater technologies accessible by the public on the department's internet site.

F. Members of the committee shall receive reimbursement for expenses incurred in the performance of their duties pursuant to the Per Diem and Mileage Act [10-8-1 to 10-8-8 NMSA 1978] and shall receive no other compensation, perquisite or allowance. Expenditures for this purpose shall be made from the budgeted funds of the department.

Credits

L. 2003, Ch. 99, § 1.

NMSA 1978, § 9-7A-15, NM ST § 9-7A-15
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 9-7A-16

§ 9-7A-16. Uranium mining reclamation; department of environment; duties

Effective: May 18, 2022

Currentness

A. The department of environment shall:

(1) coordinate efforts across the state to clean up and reclaim former uranium mine and mill sites. The energy, minerals and natural resources department; the Indian affairs department; the office of natural resources trustee; the state land office; the department of game and fish; the cultural affairs department; the department of health; the workforce solutions department; the economic development department; and the department of transportation shall work in conjunction with the department of environment to support the department's duties as they relate to the purposes of the respective departments and agencies;

(2) develop a strategic plan for the cleanup of uranium mine and mill sites throughout the state, including reclamation goals, time lines for the completion of cleanup activities at specific sites and anticipated funding requirements. The department of environment shall consult with the departments and agencies enumerated in Paragraph (1) of this subsection in the development of the strategic plan and include in the strategic plan the respective agencies' and departments' input;

(3) establish an effective mechanism for consultation and coordination with the federal government; Indian nations, tribes and pueblos; communities impacted by uranium mining; and other states on uranium mine and mill reclamation activities;

(4) work with the economic development department, workforce solutions department and industry to establish uranium mine and mill reclamation as a target economic development industry in New Mexico, including the creation, coordination and promotion of worker training and business development programs for reclamation activities;

(5) develop, maintain and update on a regular basis a centralized repository of uranium mine and mill sites and reclamation activities. The repository shall include, at minimum, the location of uranium mine and mill sites, information about the ownership and legal jurisdiction of each site and each site's cleanup status and shall use any information currently maintained or possessed by the energy, minerals and natural resources department relating to uranium mine and mill sites; and

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(6) on an annual basis, report to the radioactive and hazardous materials committee on the department of environment's activities in the preceding year. The department of environment shall consult with the departments and agencies enumerated in Paragraph (1) of this subsection and include in the report the activities undertaken by the respective departments and agencies in the preceding year that are related to uranium mine and mill site reclamation.

B. The secretary of environment shall create a uranium mine reclamation coordinator position and employ additional staff as needed for the department of environment to carry out the provisions of this section.

Credits

Added by L. 2022, Ch. 26, § 1, eff. May 18, 2022.

NMSA 1978, § 9-7A-16, NM ST § 9-7A-16
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 9-7A-17

§ 9-7A-17. Uranium mining reclamation revolving fund; created

Effective: May 18, 2022

Currentness

A. The "uranium mining reclamation revolving fund" is created in the state treasury. The uranium mining reclamation revolving fund consists of appropriations, gifts, grants, donations and money received by the department of environment or the energy, minerals and natural resources department from the federal government or other state agencies and other sources for conducting uranium mine and mill reclamation activities. Money recovered for the state by or on behalf of the department of environment or the energy, minerals and natural resources department from uranium mine or mill reclamation related litigation or settlements shall be deposited in the uranium mining reclamation revolving fund.

B. The uranium mining reclamation revolving fund shall be administered by the department of environment. Money in the fund is subject to appropriation by the legislature. Expenditures may be made from the fund for the department of environment or the energy, minerals and natural resources department to undertake projects to reclaim uranium mine and mill sites, including the acquisition of tools and equipment; expenses incurred by the department of environment or the energy, minerals and natural resources department in planning, supervising and completing uranium mine and mill reclamation projects; and expenses incurred in litigation involving uranium mine or mill sites; provided that money in the fund shall not be used for the operational expenses of the department of environment or the energy, minerals and natural resources department. Disbursements from the fund shall be made by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of environment or the secretary of energy, minerals and natural resources or their designees.

C. Money in the uranium mining reclamation revolving fund shall not revert to the general fund at the end of a fiscal year.

Credits

Added by L. 2022, Ch. 26, § 3, eff. May 18, 2022.

NMSA 1978, § 9-7A-17, NM ST § 9-7A-17
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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West's New Mexico Statutes Annotated
Chapter 6. Public Finances
Article 3. State Budgets

N. M. S. A. 1978, § 6-3-1

§ 6-3-1. State agency defined

Currentness

"State agency" means any department, institution, board, bureau, commission, district or committee of government of the state of New Mexico and means every office or officer of any of the above.

Credits

L. 1957, Ch. 253, § 1.

Formerly 1953 Comp., § 11-4-1.1.

NMSA 1978, § 6-3-1, NM ST § 6-3-1
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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West's New Mexico Statutes Annotated
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N. M. S. A. 1978, § 6-3-2

§ 6-3-2. Director of state budget division; qualifications

Currentness

The director of the state budget division shall be skilled in accountancy and auditing, familiar with the operation of educational and other state institutions, budgets and finances. The director shall be appointed by the secretary of finance and administration with the governor's consent.

Credits

L. 1957, Ch. 253, § 3; L. 1977, Ch. 247, § 123.

Formerly 1953 Comp., § 11-4-1.3.

NMSA 1978, § 6-3-2, NM ST § 6-3-2
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 6-3-3

§ 6-3-3. State budget division; cooperation between state budget division and state agencies; assistance to state agencies

Currentness

There shall be full cooperation between the various state agencies and the state budget division. State agencies will give complete access to the division of their books and records if so requested. The budget division will lend assistance to any state agency in the preparation of its budget estimates.

Credits

L. 1957, Ch. 253, § 4.

Formerly 1953 Comp., § 11-4-1.4.

NMSA 1978, § 6-3-3, NM ST § 6-3-3
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 6-3-4

§ 6-3-4. State budget division; cooperation with legislature and committees; to supply information to legislature and committees

Currentness

The state budget division shall cooperate fully with the legislature and legislative committees, and shall supply them with information relating to the budget requirements of all state departments and institutions.

Credits

L. 1957, Ch. 253, § 5.

Formerly 1953 Comp., § 11-4-1.5.

NMSA 1978, § 6-3-4, NM ST § 6-3-4
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 6-3-5

§ 6-3-5. State budget division; research; surveys; reports

Currentness

The state budget division is hereby authorized to engage in research and to make administrative and organizational surveys of the executive or administrative departments, boards, institutions, commissions or agencies of the state government to determine whether the activities thereof are essential to good government and are being carried on in an economical and efficient manner and without duplication, for the purpose of determining the feasibility of improving the administration of the state government. Reports concerning the results of such research and surveys, together with recommendations, shall be made to the governor and the legislature.

Credits

L. 1957, Ch. 253, § 6.

Formerly 1953 Comp., § 11-4-1.6.

NMSA 1978, § 6-3-5, NM ST § 6-3-5
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 6-3-6

§ 6-3-6. State budget division; periodic allotments

Effective: July 1, 2012

Currentness

A. The state budget division, subject to the approval of the secretary of finance and administration, is authorized to provide rules for the periodic allotment of funds that may be expended by any state agency.

B. The expenditures of any state agency as defined in Section 6-3-1 NMSA 1978, for the first six-month period of each odd-numbered fiscal year shall be limited to one-half of the appropriation or approved budget, whichever is less, for that fiscal year. This restriction does not apply to those agencies whose operations are more efficiently measured by periods other than a fiscal year, including but not limited to the New Mexico legislative council, legislative committees, the intertribal ceremonial and the New Mexico state fair. Expenditures of the intertribal ceremonial office [intertribal Indian ceremonial association] and the New Mexico state fair shall be governed by regulation of the department of finance and administration. The department of finance and administration may also allow expenditure of more than one-half of the appropriation or approved budget for those agencies planning major expenditures for capital outlay in the first six months of the fiscal year, which would result in over-expenditure of the first six-month allocation.

C. Upon the direction of the secretary of finance and administration pursuant to Section 9-6-5.2 NMSA 1978, the state budget division shall temporarily withhold an allotment to a state agency or state institution that has failed to submit an audit report required by the Audit Act [12-6-1 to 12-6-14 NMSA 1978]. The amount withheld and the number of periodic allotments subject to the withholding shall be as directed by the secretary.

Credits

L. 1957, Ch. 253, § 7; L. 1963, Ch. 38, § 1; L. 1977, Ch. 247, § 124; L. 2011, Ch. 106, § 1, eff. July 1, 2012.

Formerly 1953 Comp., § 11-4-1.7.

NMSA 1978, § 6-3-6, NM ST § 6-3-6
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 6-3-7

§ 6-3-7. Annual operating budgets; supervision and control; submission of proposed budgets; approval; review by governor

Currentness

Each state agency shall annually on or before May 1 submit to the state budget division a budget for the ensuing fiscal year, in such form as may be prescribed by the division and containing such information concerning the anticipated receipts, expenditures and balances on hand as may be prescribed by law or by the state budget division. Such budget shall be subject to the approval of the state budget division and no expenditures shall be made by any state agency for the fiscal year covered by said budget until the budget shall have been approved by the state budget division, provided that any action by the division shall be subject to review and modification by the governor.

Credits

L. 1957, Ch. 253, § 8; L. 1963, Ch. 147, § 1.

Formerly 1953 Comp., § 11-4-1.8.

NMSA 1978, § 6-3-7, NM ST § 6-3-7
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 6-3-8

§ 6-3-8. Violation of expenditure restrictions; penalty

Currentness

Any public official or employee who shall violate provisions of this act [6-3-6, 6-3-8 NMSA 1978] shall be guilty of a felony and upon conviction thereof shall be punished by a fine of not more than ten thousand dollars ($10,000) nor less than five hundred dollars ($500) or imprisonment for a term of not more than ten years, or both, and in addition thereto, shall be liable for the payment to the state of all amounts expended for any payment made in violation thereof.

Credits

L. 1963, Ch. 38, § 2.

Formerly 1953 Comp., § 11-4-1.9.

NMSA 1978, § 6-3-8, NM ST § 6-3-8
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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N. M. S. A. 1978, § 6-3-9

§ 6-3-9. State agency defined

Currentness

State agency means any department, institution, board, bureau, commission, district or committee of government of the state of New Mexico and means every office or officer of any of the above.

Credits

L. 1955, Ch. 114, § 1.

Formerly 1953 Comp., § 11-4-2.1.

NMSA 1978, § 6-3-9, NM ST § 6-3-9
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025. The 2025 First Special Session convened on October 1, 2025, and adjourned on October 2, 2025.

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West's New Mexico Statutes Annotated
Chapter 6. Public Finances
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N. M. S. A. 1978, § 6-3-10

§ 6-3-10. Budget defined

Currentness

The budget means a complete statement as to the financial operation of all state agencies for the fiscal year last completed, the current fiscal year and a financial plan for the operation of all state agencies for the succeeding fiscal year.

The budget for the succeeding fiscal year shall set forth in detail the following:

A. all proposed expenditures for the administration, operation and maintenance of all state agencies;

B. all interest and debt redemption charges;

C. all expenditures for capital projects to be undertaken and executed;

D. all anticipated revenues; and

E. means of financing proposed expenditures.

Credits

L. 1955, Ch. 114, § 2; L. 1977, Ch. 247, § 125.

Formerly 1953 Comp., § 11-4-2.2.

NMSA 1978, § 6-3-10, NM ST § 6-3-10
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the

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N. M. S. A. 1978, § 6-3-11

§ 6-3-11. Parts of the budget

Currentness

The budget shall contain the following parts:

A. the governor's budget message;

B. summary statements showing the following:

(1) financial condition of the state government at the beginning and at the end of the fiscal year last completed;

(2) financial condition of the state government at the beginning of the current fiscal year and condition anticipated at the end of the current fiscal year;

(3) anticipated financial condition of the state government at the beginning and end of the succeeding fiscal year;

(4) condition of all funds for the fiscal year last completed, the current fiscal year and the succeeding fiscal year, as follows:

(a) balance or anticipated balance at the beginning of the fiscal year;

(b) balance or anticipated balance at the end of the fiscal year;

(c) revenue or anticipated revenue during the fiscal year;

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(d) source of revenue or anticipated revenue during the fiscal year; and

(e) expenditures or anticipated expenditures during the fiscal year;

(5) the bonded indebtedness, debts authorized, debts redeemed, interest requirements and the condition of sinking funds;

(6) appropriations recommended by the governor compared with appropriations for the fiscal year last completed and the current fiscal year. Any increase or decrease in the recommended appropriation shall be explained;

(7) anticipated revenue for the succeeding fiscal year, classified according to source of revenue and compared with revenues for the fiscal year last completed and anticipated revenue for the current fiscal year;

(8) other information necessary to make known in practicable detail the financial operation of the state government; and

(9) if anticipated revenue is less than the total of all appropriations recommended in any fiscal year, recommendations as to how the deficit shall be met;

C. a summary statement of requested appropriations by state agencies and recommendations of the state budget division concerning such requested appropriations; and

D. an appropriation bill recommended by the governor. Such bill shall follow budget classification and shall be stated in lump sums according to function or purpose of each agency.

Credits

L. 1955, Ch. 114, § 3; L. 1977, Ch. 247, § 126.

Formerly 1953 Comp., § 11-4-2.3.

NMSA 1978, § 6-3-11, NM ST § 6-3-11
Current through chapters effective December 31, 2025 of the 2025 First Regular Session the 2025 First Special Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025.

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TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 4 STATE PROCUREMENT
PART 1 PROCUREMENT CODE REGULATIONS

1.4.1.1 ISSUING AGENCY: General Services Department - State Purchasing Division.
[1.4.1.1 NMAC - Rp, 1.4.1.1 NMAC, 6/21/2022]

1.4.1.2 SCOPE: All executive branch state agencies.

A. Except as otherwise provided in the Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, the code applies to every expenditure by state agencies and local public bodies for the procurement of items of tangible personal property, services and construction.

B. General: Except as otherwise provided in this section, this rule applies to every agency and to every transaction to which the Procurement Code applies except the following:

(1) procurement of highway construction or reconstruction by the department of transportation;

(2) procurement by the judicial branch of state government;

(3) procurement by the legislative branch of state government;

(4) procurement by the boards of regents of state educational institutions named in Article 12 Section 11 of the constitution of New Mexico;

(5) procurement by the state fair commission of tangible personal property, services and construction under twenty thousand dollars ($20,000);

(6) purchases from the instructional material fund;

(7) procurement by all local public bodies;

(8) procurement by regional education cooperatives;

(9) procurement by charter schools;

(10) procurement by each state health care institution that provides direct patient care and that is, or a part of which is, medicaid certified and participating in the New Mexico medicaid program; and

(11) procurement by the public school facilities authority.

[1.4.1.2 NMAC - Rp, 1.4.1.2 NMAC, 6/21/2022]

1.4.1.3 STATUTORY AUTHORITY: Section 9-17-5 NMSA 1978, Laws of 1983, Chapter 301, Section 5; and 13-1-95, Laws of 1984, Chapter 65, Section 68 (Repl. Pamp. 1997). Subject to the authority of the secretary of the general services department, Section 13-1-95 NMSA 1978 designates the state purchasing agent as both the administrator and chief executive of the state purchasing division. The cite further designates the state purchasing agent and purchasing division shall be responsible for the procurement of items of tangible personal property, services and construction for all state agencies except as otherwise provided in the Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978, and shall administer the code for those state agencies not excluded from the requirement of procurement through the state purchasing agent. Among the statutory duties and responsibilities afforded the state purchasing agent is to recommend procurement regulations to the secretary of the general services department.
[1.4.1.3 NMAC - Rp, 1.4.1.3 NMAC, 6/21/2022]

1.4.1.4 DURATION: Permanent.
[1.4.1.4 NMAC - Rp, 1.4.1.4 NMAC, 6/21/2022]

1.4.1.5 EFFECTIVE DATE: June 21, 2022, unless a later date is cited at the end of a section.
[1.4.1.5 NMAC - Rp, 1.4.1.5 NMAC, 6/21/2022]

1.4.1.6 OBJECTIVE: Subsection C of Section 13-1-29 NMSA 1978 states that, the purposes of the Procurement Code are to provide for the fair and equal treatment of all persons involved in public procurement, to maximize the purchasing value of public funds and to provide safeguards for maintaining a procurement system of quality and integrity. The objective of this rule is to have the force and effect of law to implement, interpret or make statute specific as it applies to the Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978 and the purposes stated therein.
[1.4.1.6 NMAC - Rp, 1.4.1.6 NMAC, 6/21/2022]

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1.4.1.7 DEFINITIONS:

A. Most of the terms which appear in this rule are defined in the Procurement Code.

B. In these rules and regulations the following definitions apply.

(1) "Anti-poverty program businesses" means small businesses, cooperatives, community self-determination corporations or other such enterprises designed and operated to alleviate poverty conditions and aided by state or federal antipoverty programs or through private philanthropy.

(2) "Best obtainable price" means that price at which services or goods can be purchased which is most advantageous to the purchasing entity; best obtainable price can be found by obtaining quotes or other appropriate methods; where there is only one vendor available for such a purchase utilizing a direct purchase order in accordance with statute (such as an entity requiring dues, for example), the price would be the best obtainable price since it is the only possible price for that particular procurement.

(3) "Bidding time" means the period of time between the date the invitation to bid notice is published and the date and time set for receipt of bids.

(4) "Bidder" means one who submits a bid in response to an invitation for bid.

(5) "Competitive process" means an invitation for bid or request for proposals. Three quotes does not constitute a competitive process as the vendors from whom the quotes are received are singled out and specifically chosen. Increasing the number of quotes does not invalidate this lack of fairness, transparency, and competitiveness.

(6) "Competitive sealed bid" means the response from a bidder to an invitation to bid (ITB).

(7) "Competitive sealed proposal" means the response from an offeror to a request for proposals (RFP).

(8) "Contract" means any written, binding agreement for the procurement of items of tangible personal property, services or construction. A purchase order alone can be a binding contract.

(9) "Invitation for bid (IFB)" means all documents, including those attached or incorporated by reference, used for soliciting competitive sealed bids. Also sometimes referred to as an invitation to bid (ITB).

(10) "Offeror" means one who submits a proposal in response to a request for proposals.

(11) "Sealed" means, in terms of a non-electronic submission, that the bid or proposal is enclosed in a package which is completely fastened in such a way that nothing can be added or removed. Open packages submitted will not be accepted except for packages that may have been damaged by the delivery service itself. The state reserves the right, however, to accept or reject packages where there may have been damage done by the delivery service itself. Whether a package has been damaged by the delivery service or left unfastened and should or should not be accepted is a determination to be made by the procurement manager of any particular procurement. In terms of electronic submission, the entire required information and accompanying documents for the bid or proposal must be submitted via the electronic system being used by the state and by the deadline specified in the procurement. The deadline is that minute as stated in the procurement. That is, if a submission is due by 3:00 p.m., on a particular day, that deadline means 3:00:00 p.m., and does not mean 3:00:59 p.m.

[1.4.1.7 NMAC - Rp, 1.4.1.7 NMAC, 6/21/2022]

1.4.1.8 CENTRALIZATION OF PROCUREMENT ACTIVITY (1.4.1.8 - 1.4.1.13 NMAC):

A. State purchasing agent. All procurement for state agencies shall be performed by the state purchasing agent except the following:

(1) professional services;

(2) small purchases having a value not exceeding one thousand five hundred dollars ($1,500);

(3) emergency procurements; and

(4) the types of procurement specified in Subsection B of 1.4.1.2 NMAC.

B. Central purchasing offices. All procurement for state agencies excluded from the requirement of procurement through the state purchasing agent shall be performed by a central purchasing office designated by statute, the governing authority of that state agency or as otherwise provided in the Procurement Code.

C. Cooperative procurement. Nothing in this section should be interpreted as limiting the ability of state agencies to make procurements under existing contracts or enter into cooperative procurement agreements in accordance with Sections 13-1-29, 13-1-135 and 13-1-136 NMSA 1978.

[1.4.1.8 NMAC - Rp, 1.4.1.8 NMAC, 6/21/2022]

1.4.1.9 INSPECTION OF PUBLIC RECORDS: The inspection of public records is governed by the Inspection of Public Records Act, Sections 14-2-1 through 14-2-12 NMSA 1978. To the extent that any provision of this rule conflicts with the Inspection of Public Records Act, as interpreted by the courts of this state, that act shall control. Furthermore, no obligation to keep data confidential which is contained in this rule is intended to create any liability that would not otherwise exist under state law.
[1.4.1.9 NMAC - Rp, 1.4.1.9 NMAC, 6/21/2022]

1.4.1.10 DOLLAR AMOUNTS: Whenever a dollar amount appears in this rule, such amount is exclusive of applicable gross receipts and local option taxes as the term is defined in Subsection Q of Section 7-9-3 NMSA 1978.
[1.4.1.10 NMAC - Rp, 1.4.1.10 NMAC, 6/21/2022]

1.4.1.11 INDEMNIFICATION AND INSURANCE:

A. Tort liability. Except as provided for in the Tort Claims Act, Section 41-4-1 through 41-4-27 NMSA 1978, no contract governed by this rule shall contain any provision whereby a state agency agrees to indemnify or provide tort liability insurance for any contractor.

B. Other risks. No contract governed by this rule shall contain any provision whereby a state agency agrees to indemnify a contractor or provide a contractor with a limitation of liability or provide a contractor with insurance for non-tort risks.

C. Contract provisions void. Any indemnification or insurance provision in any contract executed in violation of this section shall be void and of no effect.
[1.4.1.11 NMAC - Rp, 1.4.1.11 NMAC, 6/21/2022]

1.4.1.12 [RESERVED]

1.4.1.13 SEVERABILITY: If any provision of this rule, or any application thereof, to any person or circumstance, is held invalid, such invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application.
[1.4.1.13 NMAC - Rp, 1.4.1.13 NMAC, 6/21/2022]

1.4.1.14 APPLICATION (COMPETITIVE SEALED BIDS; 1.4.1.14 -1.4.1.28 NMAC): The provisions of 1.4.1.14 through 1.4.1.28 NMAC apply to every procurement made by competitive sealed bids.
[1.4.1.14 NMAC - Rp, 1.4.1.14 NMAC, 6/21/2022]

1.4.1.15 COMPETITIVE SEALED BIDS REQUIRED: All procurement performed pursuant to the procurement code shall be achieved by competitive sealed bids except procurement achieved pursuant to the following methods:

A. competitive sealed proposals;

B. small purchases;

C. sole source procurement;

D. emergency procurement;

E. procurement under existing contracts; and

F. purchases from anti-poverty program businesses.
[1.4.1.15 NMAC - Rp, 1.4.1.15 NMAC, 6/21/2022]

1.4.1.16 INVITATION FOR BIDS ("IFB"):

A. General: The invitation for bids ("IFB"), also sometimes referred to as the invitation to bid (ITB), is used to initiate a competitive sealed bid procurement. The IFB shall include the following:

(1) the specifications for the services, construction or items of tangible personal property to be procured, except that professional services and a design and build project delivery system cannot be procured with an IFB pursuant to Section 13-1-111 NMSA 1978;

(2) all contractual terms and conditions applicable to the procurement including any requirements for complying with applicable preferences provided in law;

(3) the term of the contract and conditions of renewal or extension, if any;

(4) instructions and information to bidders, including the location where bids are to be received and the date, time and place of the bid opening;

NMED Exhibit 7-G_000003

(5) a notice that the IFB may be canceled and that any and all bids may be rejected in whole or in part when it is in the best interest of the state of New Mexico; and

(6) a notice that reads substantially as follows: The Procurement Code, Section 13-1-28 through Section 13-1-199 NMSA 1978, imposes civil, misdemeanor and felony criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kick-backs.

B. Incorporation by reference: The IFB may incorporate documents by reference, provided that the IFB specifies where such documents can be obtained.

C. Evaluation criteria: The IFB shall set forth the evaluation criteria that will be used to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Those criteria such as discounts, transportation costs and total or life-cycle costs that will affect the bid price shall be objectively measurable. No criteria may be used in bid evaluation that are not set forth in the IFB.

D. Bid form: The IFB shall provide a form which shall include space in which the bid price shall be inserted and which the bidder shall affirm, certify, or sign and submit along with all other necessary submissions. This may be an entirely electronic process if required by the procurement.

E. Bid samples and descriptive literature:

(1) "Descriptive literature" means information available in the ordinary course of business that shows the characteristics, construction, or operation of an item.

(2) "Bid sample" means a sample furnished by a bidder that shows the characteristics of an item offered in the bid.

(3) Bid samples or descriptive literature may be required when it is necessary to evaluate required characteristics of the item bid.

(4) Bid samples, when required, shall be furnished free of expense to the state and prior to the time set for the opening of bids. Samples not destroyed or mutilated in testing will be returned upon request by mail, express or freight, collect. Each sample must be labeled to clearly show the bid number and the bidder's name.

F. Bidding time: Bidding time is the period of time between the date of distribution of the IFB and the time and date set for receipt of bids. In each case bidding time shall be set to provide bidders a reasonable time to prepare their bids. In no case shall the bidding time be shorter than the time required for publication under 1.4.1.17 NMAC of this rule.

[1.4.1.16 NMAC - Rp, 1.4.1.16 NMAC, 6/21/2022]

1.4.1.17 PUBLIC NOTICE INVITATION FOR BID: Publication. The IFB or notice thereof shall be published not less than ten calendar days prior to the date set for the opening of bids. The IFB or notice must be published in accordance with statute.

A. These requirements of publication are in addition to any other procedures that may be adopted by the state purchasing agent to notify prospective bidders that bids will be received, including but not limited to publication in trade journals, if available.

B. Bidder lists. The state purchasing agent shall send copies of the notice or IFB to those businesses which have signified in writing an interest in submitting bids for particular categories of items of tangible personal property, construction and services and which have paid any required fees. This may be done through electronic means. (Section 13-1-104 NMSA 1978). Reference is also given to 1.4.1.48 NMAC of this rule.

C. Public availability. A copy of the IFB shall be made available for public inspection on the state purchasing agnet’s website.

[1.4.1.17 NMAC - Rp, 1.4.1.17 NMAC, 6/21/2022]

1.4.1.18 PRE-BID CONFERENCES: Pre-bid conferences may be conducted to explain the procurement requirements. If a pre-bid conference is to be held it shall be noticed in the IFB. The conference should be held long enough after the IFB has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Nothing stated at the pre-bid conference shall change the IFB. An IFB shall only be changed by written amendment as provided in this rule.

[1.4.1.18 NMAC - Rp, 1.4.1.18 NMAC, 6/21/2022]

1.4.1.19 AMENDMENTS TO THE INVITATION FOR BIDS:

A. Form. An amendment to the IFB shall be identified as such and shall require that bidders acknowledge its receipt. The amendment shall refer to the portions of the IFB it amends.

B. Distribution. Amendments shall be sent to all prospective bidders known to have received the IFB.

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C. Timeliness. Amendments shall be distributed within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date set for receipt of bids will not permit such preparation, the time shall be increased to the extent possible in the amendment or, if necessary, by other electronic means and confirmed in the amendment.

D. Use of amendments: Amendments should be used to:

(1) make any changes in the IFB such as changes in quantity, purchase descriptions, delivery schedules, and opening dates;

(2) correct defects or ambiguities; or

(3) furnish to other bidders information given to one bidder if such information will assist the other bidders in submitting bids or if the lack of such information would prejudice the other bidders.

[1.4.1.19 NMAC - Rp, 1.4.1.19 NMAC, 6/21/2022]

1.4.1.20 PRE-OPENING MODIFICATION OR WITHDRAWAL OF BIDS:

A. Procedure: A bid may be modified or withdrawn by a bidder prior to the time set for bid opening by delivering written or electronic notice to the location designated in the IFB as the place where bids are to be received.

B. Disposition of bid security: If a bid is withdrawn in accordance with this section, the bid security, if any, shall be returned to the bidder.

C. Records: All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.

[1.4.1.20 NMAC - Rp, 1.4.1.20 NMAC, 6/21/2022]

1.4.1.21 LATE BIDS, LATE WITHDRAWALS AND LATE MODIFICATIONS:

A. Definition: Any bid or any withdrawal or modification of a bid received after the time and date for opening of bids at the place designated for opening is late. (NOTE: if the time a bid is due is listed as "3 p.m." this means 3:00:00 and not 3:00:59.)

B. General rule: No late bid, late modification, or late withdrawal will be considered unless received before contract award, and the bid, modification, or withdrawal would have been timely but for the action or inaction of state personnel directly serving the procurement activity.

C. Records: All documents relating to late bids, late modifications, or late withdrawals shall be made a part of the appropriate procurement file.

[1.4.1.21 NMAC - Rp, 1.4.1.21 NMAC, 6/21/2022]

1.4.1.22 BID OPENING:

A. Receipt: Upon its receipt, each bid and modification shall be time-stamped but not opened and shall be stored in a secure place until the time and date set for bid opening. This may be done entirely electronically.

B. No bids received: Except as provided in 1.4.1.68 through 1.4.1.72 NMAC of this rule, if no bids are received or if all bids received are rejected in accordance with the provisions of 1.4.1.68 through 1.4.1.72 NMAC of this rule, a new IFB shall be issued. If upon re-bidding with no change in specifications from the first IFB, the bids received are unacceptable, or if no bids are secured, the state purchasing agent may purchase (i.e., as opposed to procure) the items of tangible personal property, construction or services in the open market at the best obtainable price.

C. Opening and recording: Bids and modifications shall be opened publicly in the presence of one or more witnesses at the time and place designated in the IFB. Presence in this context may include virtual presence. The name of each bidder, the amount of each bid and each bid item, if appropriate, the names and addresses of the required witnesses, and such other relevant information as may be specified by the state purchasing agent shall be recorded. The record shall be open for public inspection. Each bid, except those portions for which a bidder has made a written request for confidentiality, shall also be open to public inspection. Any data, which a bidder believes should be kept confidential shall accompany the bid and shall be readily separable from the bid in order to facilitate public inspection of the non-confidential portion of the bid. Prices and makes and models or catalogue numbers of the items offered, deliveries, and terms of payment shall be publicly available at the time of bid opening regardless of any designation to the contrary.

[1.4.1.22 NMAC - Rp, 1.4.1.22 NMAC, 6/21/2022]

1.4.1.23 MISTAKES IN BIDS:

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A. Consideration for award: Bids shall be unconditionally accepted for consideration for award without alteration or correction, except as authorized in 1.4.1.14 through 1.4.1.28 NMAC of this rule.

B. General principles: Correction or withdrawal of a bid because of an inadvertent, nonjudgmental mistake in the bid requires careful consideration to protect the integrity of the competitive bidding system, and to assure fairness. If the mistake is attributable to an error in judgment, the bid may not be corrected. Bid correction or withdrawal by reason of a nonjudgmental mistake is permissible but only to the extent authorized in 1.4.1.14 through 1.4.1.28 NMAC of this rule.

C. Mistakes discovered before opening: A bidder may correct mistakes discovered before bid opening by withdrawing or correcting the bid as provided in 1.4.1.20 NMAC of this rule.

D. Confirmation of bid: When the procurement officer knows or has reason to conclude that a mistake has been made in the low bid, the procurement officer should request the low bidder to confirm the bid. Situations in which confirmation should be requested include obvious, apparent errors on the face of the low bid or a bid unreasonably lower than the other bids submitted. If the low bidder alleges mistake, the bid may be corrected or withdrawn if the conditions set forth in Subsection E of this section are met.

E. Mistakes discovered after opening: This subsection sets forth procedures to be applied in three situations in which mistakes in bids are discovered after the time and date set for bid opening.

(1) Technical irregularities: Technical irregularities are matters of form rather than substance evident from the bid document, or insignificant mistakes that can be waived or corrected without prejudice to other bidders; that is, when there is no effect on price, quality or quantity. The procurement officer may waive such irregularities or allow the low bidder to correct them if either is in the best interest of the state. Examples include the failure of the low bidder to:

(a) return the number of signed bids required by the IFB;

(b) sign the bid, but only if the unsigned bid is accompanied by other material indicating the low bidder's intent to be bound; or

(c) acknowledge receipt of an amendment to the IFB, but only if:

(i) it is clear from the bid that the low bidder received the amendment and intended to be bound by its terms; or

(ii) the amendment involved had no effect on price, quality or quantity.

(2) Mistakes where intended correct bid is evident: If the mistake and the intended correct bid are clearly evident on the face of a bid document, the bid shall be corrected to the intended correct bid and may not be withdrawn. Examples of mistakes that may be clearly evident on the face of a bid document are typographical errors, errors in extending unit prices, transposition errors, and arithmetical errors. It is emphasized that mistakes in unit prices cannot be corrected.

(3) Mistakes where intended correct bid is not evident: A low bidder alleging a material mistake of fact which makes the bid non-responsive may be permitted to withdraw the bid if:

(a) a mistake is clearly evident on the face of the bid document but the intended correct bid is not; or

(b) the low bidder submits evidence which clearly and convincingly demonstrates that a mistake was made.

(4) Written determination: When a bid is corrected or withdrawn, or a correction or withdrawal is denied, the procurement officer shall prepare a written determination showing that the relief was granted or denied in accordance with this section.

[1.4.1.23 NMAC - Rp, 1.4.1.23 NMAC, 6/21/2022]

1.4.1.24 BID EVALUATION AND AWARD:

A. General: A contract solicited by competitive sealed bids shall be awarded with reasonable promptness by written notice to the lowest responsible bidder. The IFB shall set forth the requirements and criteria that will be used to determine the lowest responsive bid. No bid shall be evaluated for any requirement or criterion that is not disclosed in the IFB. Contracts solicited by competitive sealed bids shall require that the bid amount exclude the applicable state gross receipts tax or local option tax but that the contracting agency shall be required to pay the tax including any increase in the tax becoming effective after the contract is entered into. The tax shall be shown as a separate amount on each billing or request for payment made under the contract.

B. Product acceptability: The IFB shall set forth all evaluation criteria to be used in determining product acceptability. It may require the submission of bid samples, descriptive literature, technical data, or other material. It may also provide for accomplishing any or all of the following prior to award:

(1) inspection or testing of a product for such characteristics as quality or workmanship;

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(2) examination of such elements as appearance, finish, taste or feel; or

(3) other examinations to determine whether it conforms with other purchase description requirements.

C. Purpose of acceptability evaluation: An acceptability evaluation is not conducted for the purpose of determining whether one bidder's item is superior to another's but only to determine that a bidder's offering is acceptable as set forth in the IFB. Any bidder's offering which does not meet the acceptability requirements shall be rejected as non-responsive.

D. Brand-name or equal specification: Where a brand-name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance and characteristics desired and is not intended to limit or restrict competition. When bidding an "or equal" the burden of persuasion is on the supplier or manufacturer who has not been specified to convince the procurement officer that their product is, in fact, equal to the one specified. The procurement officer is given the responsibility and judgement for making a final determination on whether a proposed substitution is an "or equal".

E. Determination of lowest bidder: Following determination of product acceptability as set forth in Subsections B, C and D of this section, if any is required, bids will be evaluated to determine which bidder offers the lowest cost to the state in accordance with the evaluation criteria set forth in the IFB. Only objectively measurable criteria that are set forth in the IFB shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, discounts, transportation costs and ownership or life-cycle formulas. Evaluation factors need not be precise predictors of actual future costs, but to the extent possible the evaluation factors shall be reasonable estimates based upon information the state has available concerning future use.

(1) Prompt payment discounts. Prompt payment discounts shall not be considered in computing the low bid. Such discounts may be considered after award of the contract.

(2) Trade discounts. Trade discounts shall be considered in computing the low bid. Such discounts may be shown separately, but must be deducted by the bidder in calculating the unit price quoted.

(3) Quantity discounts. Quantity discounts shall be included in the price of an item. Such discounts may not be considered where set out separately unless the IFB so specifies.

(4) Transportation costs. Transportation costs shall be considered in computing the low bid. Such costs may be computed into the bid price or be listed as a separate item.

(5) Total or life-cycle costs. Award may be determined by total or life-cycle costing if so indicated in the IFB. Life-cycle cost evaluation may take into account operative, maintenance, and money costs, other costs of ownership and usage and resale or residual value, in addition to acquisition price, in determining the lowest bid cost over the period the item will be used.

(6) Energy efficiency. Award may be determined by an evaluation consisting of acquisition price plus the cost of energy consumed over a projected period of use.

F. Restrictions: Nothing in 1.4.1.24 NMAC of this rule shall be deemed to permit contract award to a bidder submitting a higher quality item than designated in the IFB unless the bidder is also the lowest bidder as determined under Subsection E of this section. Further, except as provided in this Subsection F of 1.4.1.24 NMAC tion, 1.4.1.24 NMAC of this rule does not permit negotiations with any bidder. If the lowest responsive bid has otherwise qualified, and if there is no change in the original terms and conditions, the lowest responsible bidder may negotiate with the purchaser (i.e., this exception applies only to purchases and does not apply to procurements generally) for a lower total bid to avoid rejection of all bids for the reason that the lowest bid was up to ten percent higher than budgeted project funds. Such negotiation shall not be allowed if the lowest bid was more than ten percent over budgeted project funds.

G. Documentation of award: Following award, a record showing the basis for determining the successful bidder shall be made a part of the procurement file. Award in this context means the final required state agency signature on the contract(s) resulting from the procurement.

H. Publicizing awards: Written notice of award shall be sent to the successful bidder. Notice of award shall also be posted on the state purchasing website.

[1.4.1.24 NMAC - Rn 1.4.1.24 NMAC, 6/21/2022]

1.4.1.25 STATUTORY PREFERENCES: Statutory preferences to be applied in determining low bidder or successful offeror. New Mexico law provides certain statutory preferences for several categories of bidders and offerors as well as for recycled content goods (Sections 13-1-21 and 13-1-22 NMSA 1978). These preferences must be applied in regard to invitations for bids and requests for proposals in accordance with statute in determining the lowest bidder or successful offeror.

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[1.4.1.25 NMAC - Rp, 1.4.1.25 NMAC, 6/21/2022]

1.4.1.26 IDENTICAL LOW BIDS:

A. Definition: Identical low bids are low responsive bids, from responsible bidders, which are identical in price after the application of the preferences referred to in 1.4.1.25 NMAC of this rule and which meet all the requirements and criteria set forth in the IFB.

B. Award: When two or more identical low bids are received, the state purchasing agent may:

(1) award pursuant to the multiple source award provisions of Sections 13-1-153 and 13-1-154 NMSA 1978;

(2) award to a bidder with a statutory preference if the identical low bids are submitted by a bidder with a statutory preference and a nonresident business or nonresident contractor;

(3) award to a bidder offering recycled content goods if the identical low bids are for recycled content goods and virgin goods;

(4) award by lottery to one of the identical low bidders; or

(5) reject all bids and re-solicit bids or proposals for the required services, construction or items of tangible personal property.

[1.4.1.26 NMAC - Rp, 1.4.1.26 NMAC, 6/21/2022]

1.4.1.27 MULTI-STEP SEALED BIDS:

A. General: Multi-step bidding is a variant of the competitive sealed bidding method. This method may be utilized when the state purchasing agent or a central purchasing office makes a determination that it is impractical initially to prepare specifications to support an award based on price, or that specifications are inadequate or are too general to permit full and free competition without technical evaluation and discussion.

B. Phased process: Multi-step bidding is a phased process which combines elements of both the competitive sealed proposal method, seeking necessary information or unpriced technical offers in the initial phase; and regular competitive sealed bidding, inviting bidders who submitted technically acceptable offers in the initial phase, to submit competitive sealed price bids on the technical offers in the final phase. The contract shall be awarded to the lowest responsible bidder. If time is a factor, the state purchasing agent or a central purchasing office may require bidders to submit a separate sealed bid during the initial phase to be opened after the technical evaluation.

C. Public notice: Whenever multi-step sealed bids are used, public notice for the first phase shall be given in accordance with 1.4.1.17 NMAC of this rule. Public notice is not required for the second phase.

[1.4.1.27 NMAC - Rp, 1.4.1.27 NMAC, 6/21/2022]

1.4.1.28 PAYMENTS FOR PURCHASES: Contract clause. All contracts resulting from an invitation for bids shall contain a clause allowing for late payment charges against the state agency in the amount and under the conditions set forth in Section 13-1-158 NMSA 1978.

[1.4.1.28 NMAC - Rp, 1.4.1.28 NMAC, 6/21/2022]

1.4.1.29 APPLICATION (COMPETITIVE SEALED PROPOSALS; 1.4.1.29-1.4.1.47 NMAC):

A. General: Except as provided in Subsections B and C of this section, the provisions of 1.4.1.29 through 1.4.1.47 NMAC of this rule apply to every procurement made by competitive sealed proposals.

B. Architects, engineers, landscape architects and surveyors: The provisions of 1.4.1.29 through 1.4.1.47 NMAC of this rule do not apply to the procurement of professional services of architects, engineers, landscape architects and surveyors for state public works projects or local public works projects. Except that when procuring such professional services for state public works projects or local public works projects state agencies and local public bodies shall comply with Section 13-1-120 through 13-1-124 NMSA 1978, competitive sealed qualifications-based proposals.

C. Procurement of professional services by state agencies with rulemaking authority: A state agency with rule making authority may adopt its own regulations for the procurement of professional services by competitive sealed proposals under the following conditions:

(1) the state agency must receive prior written authorization from the general services department secretary;

(2) the state agency's proposed regulations must provide that RFPs or notices thereof having a value exceeding sixty thousand dollars ($60,000) will be provided to the state purchasing agent for distribution to

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prospective offerors who have registered with the state purchasing agent's office in accordance with the terms of Subsection B of 1.4.1.17 NMAC and Subsection A of 1.4.1.32 NMAC of this rule.

D. "Professional services" are defined in Section 13-1-76 NMSA 1978: The section of statute acknowledges the difficulty of any attempt made to recognize and list each and every service that could conceivably fall within the definition of "professional services". Instead, the statute provides in relevant part that "...other persons or businesses providing similar professional services to those listed may be designated as such by a determination issued by the state purchasing agent or a central purchasing office." In instances where "...other persons or businesses providing similar professional services...", as cited in Section 13-1-76, NMSA 1978, is not clearly defined, state agencies shall submit a written request to the state purchasing agent for issuance of a determination and a finding that the service is to be designated as a professional service. State agencies shall not make such a determination independent of the state purchasing agent.

[1.4.1.29 NMAC - Rp, 1.4.1.29 NMAC, 6/21/2022]

1.4.1.30 GENERAL DISCUSSION:

A. Use of competitive sealed proposals: When a state agency procures professional services that are not related to a design and build project delivery system in accordance with Section 13-1-119.1 NMSA 1978, or when the state purchasing agent or a designee makes a determination that the use of competitive sealed bids is either not practicable or not advantageous to the state, a procurement shall be effected by competitive sealed proposals. Note well: Section 13-1-111 NMSA 1978 only authorizes state agencies other than the state purchasing agent to procure professional services by means of competitive sealed proposals. Section 13-1-111 NMSA 1978 does not authorize state agencies to avoid centralized purchasing through the state purchasing agent by issuing RFPs for items of tangible personal property, or nonprofessional services.

B. Definitions: The words "practicable" and "advantageous" are to be given ordinary dictionary meanings. The term "practicable" denotes what may be accomplished or put into practical application. "Advantageous" denotes a judgmental assessment of what is in the state's best interest. The use of competitive sealed bids may be practicable, that is, reasonably possible, but not necessarily advantageous, that is, in the state's best interest.

C. Proposals offer flexibility: The key element in determining advantageousness is the need for flexibility. The competitive sealed proposal method differs from the competitive sealed bid method in two important ways:

(1) it permits discussions with competing offerors and changes in their proposals including price; and;

(2) it allows more subjective evaluations to be made in comparing acceptable offerors' proposals with stated evaluation criteria when selecting among acceptable proposals for award of a contract.

D. Determinations by category: The state purchasing agent may make determinations by category of services or items of tangible personal property that it is either not practicable or not advantageous to procure specified types of service or items of tangible personal property by competitive sealed bids in which case competitive sealed proposals shall be utilized. The state purchasing agent may modify or revoke such determinations at any time.

[1.4.1.30 NMAC - Rp, 1.4.1.30 NMAC, 6/21/2022]

1.4.1.31 REQUEST FOR PROPOSALS ("RFP"):

A. Initiation: The request for proposals ("RFP") is used to initiate a competitive sealed proposal procurement. All state agencies shall follow published guidelines and procedures issued by the state purchasing agent from development stage through award of RFP-based procurements. At a minimum the RFP shall include the following:

(1) the specifications for the services or items of tangible personal property to be procured;

(2) all contractual terms and conditions applicable to the procurement;

(3) instructions concerning the submission and response to questions;

(4) the term of the contract and conditions of renewal or extension, if any;

(5) instructions and information to offerors, including the location where proposals are to be received and the date, time and place where proposals are to be received and reviewed;

(6) all of the evaluation factors, and the relative weights to be given to the factors in evaluating proposals;

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(7) a statement that discussions may be conducted with offerors who submit proposals determined to be potentially acceptable of being selected for award, but that proposals may be accepted without such discussions;

(8) a notice that the RFP may be canceled and that any and all proposals may be rejected in whole or in part when it is in the best interest of the state of New Mexico; and

(9) a statement of how proposed costs should be submitted;

(10) a notice that reads substantially as follows: The Procurement Code, Section 13-1-28 through 13-1-199 NMSA 1978, imposes civil, misdemeanor and felony criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kick-backs.

B. Incorporation by reference: The RFP may incorporate documents by reference, provided that the RFP specifies where such documents can be obtained.

C. Form of proposal: The manner in which proposals are to be submitted, including any forms for that purpose, must be designated in the RFP.

D. Proposal preparation time: 30 calendar days between the date of issue and the proposal due date is the recommended minimum proposal preparation time. A longer preparation time may be required for complex procurements or for procurements that require substantial offeror resources to prepare an acceptable proposal.

[1.4.1.31 NMAC - Rp, 1.4.1.31 NMAC, 6/21/2022]

1.4.1.32 PUBLIC NOTICE REQUEST FOR PROPOSAL:

A. Procurements by the state purchasing agent: The state purchasing agent shall give public notice of the RFP in the same manner as provided in 1.4.1.17 NMAC of this rule. However, an RFP or a notice shall be published not less than 20 days prior to the date set for receipt of proposals unless a shorter time frame is requested and approval granted by the state purchasing agent.

B. Procurements of all tangible personal property or services: The procurement manager shall deliver to the state purchasing agent or designee the following listed items no later than 15 calendar days prior to the proposed issue date (this requirement may be waived by the state purchasing agent at the state purchasing agent's discretion):

(1) the RFP authorization and plan document, if required;

(2) a state of New Mexico requisition completed according to state purchasing division processes;

(3) a list containing the names and addresses of suggested vendors, if any;

(4) a copy of the complete RFP document; for large or complex procurements, the draft RFP document shall be delivered to the state purchasing agent for review at least thirty days prior to the proposed issue date (this requirement may be waived by the state purchasing agent at the state purchasing agent's discretion).

C. Procurements of professional services by other central purchasing offices: When procuring professional services, central purchasing offices other than the state purchasing agent shall provide the following notice:

(1) the RFP or a notice thereof shall be published not less than 10 calendar days prior to the date set for the receipt of proposals; it is recommended, however, that the time period between the published date and the date set for receipt of proposals be no less than 20 days; the RFP or notice shall be published at least once in a newspaper of general circulation in the area in which the central purchasing office is located; if there is no newspaper of general circulation in the area, such other notice may be given as is commercially reasonable; and

(2) a copy of the RFP and notice may be delivered to the state purchasing agent not less than 15 calendar days prior to the date set for the issuance; if so received, the state purchasing agent shall distribute the RFP or notice to prospective offerors who have registered with the state purchasing agent's office in accordance with the terms of Subsection B of 1.4.1.17 NMAC of this rule and Subsection A of this section; and

(3) a copy of the RFP shall be made available for public inspection at the central purchasing office or electronically or online.

D. Additional notice: The requirements of Subsections A, B and C of this section are in addition to any other procedures which may be adopted by the state purchasing agent or central purchasing offices to notify prospective offerors that proposals will be received, including but not limited to publication in professional journals, if available.

[1.4.1.32 NMAC - Rp 1.4.1.32 NMAC, 6/21/2022]

1.4.1.33 PRE-PROPOSAL CONFERENCES: Pre-proposal conferences may be conducted in accordance with 1.4.1.18 NMAC of this rule. Any such conference should be held prior to submission of initial

proposals. Other than for particular procurements where an agency feels a pre-proposal conference is necessary (such as for construction procurements where building walk-throughs or similar activities would be required or other like procurements), it is strongly recommended that pre-proposal conferences not be made mandatory so as to not eliminate potential vendors prior to receiving bids or proposals.
[1.4.1.33 NMAC - Rp, 1.4.1.33 NMAC, 6/21/2022]

1.4.1.34 AMENDMENTS TO THE REQUEST FOR PROPOSALS:

A. Prior to submission of proposals: Prior to submission of proposals, amendments to the RFP may be made in accordance with 1.4.1.19 NMAC of this rule.

B. After submission of proposals: After submission of proposals, amendments to the RFP shall be distributed only to short-listed offerors. The short-listed offerors shall be permitted to submit new proposals or to amend those submitted. If in the opinion of the procurement officer or procurement manager, a contemplated amendment will significantly change the nature of the procurement, the RFP shall be canceled in accordance with 1.4.1.68 through 1.4.1.72 NMAC of this rule, and a new RFP issued.
[1.4.1.34 NMAC - Rp, 1.4.1.34 NMAC, 6/21/2022]

1.4.1.35 MODIFICATION OR WITHDRAWAL OF PROPOSALS: Proposals may be modified or withdrawn prior to the established due date in accordance with 1.4.1.20 NMAC of this rule. The established due date is either the time and date announced for receipt of proposals or receipt of modifications to proposals, if any; or, if discussions have begun, it is the time and date by which best and final offers must be submitted by short-listed offerors. (NOTE: if the time a proposal is due is listed as “3 p.m.” this means 3:00:00 and not 3:00:59.)
[1.4.1.35 NMAC - Rp, 1.4.1.35 NMAC, 6/21/2022]

1.4.1.36 LATE PROPOSALS, LATE WITHDRAWALS AND LATE MODIFICATIONS: Any proposal, withdrawal, or modification received after the established due date at the place designated for receipt of proposals is late. (See 1.4.1.35 NMAC of this rule for the definition of "established due date.") They may be considered only in accordance with 1.4.1.21 NMAC of this rule.
[1.4.1.36 NMAC - Rp, 1.4.1.36 NMAC, 6/21/2022]

1.4.1.37 RECEIPT AND OPENING OF PROPOSALS:

A. Receipt: Proposals and modifications shall be time-stamped upon receipt and held in a secure place until the established due date. This may be done entirely electronically. (See 1.4.1.35 NMAC of this rule for the definition of "established due date.")

B. Opening: Proposals shall not be opened publicly and shall not be open to public inspection until after award of a contract. Award in this context means the final required state agency signature on the contract(s) resulting from the procurement. An offeror may request in writing nondisclosure of confidential data. Such data shall accompany the proposal and shall be readily separable from the proposal in order to facilitate eventual public inspection of the nonconfidential portion of the proposal.
[1.4.1.37 NMAC - Rp, 1.4.1.37 NMAC, 6/21/2022]

1.4.1.38 EVALUATION OF PROPOSALS:

A. Evaluation factors: The evaluation shall be based on the evaluation factors and the relative weights set forth in the RFP. Appropriate rating systems (numerical, point-based, pass/fail, etc.) are required for requests for proposals-based procurements.

B. Evaluation committee: The state agency management shall appoint an evaluation committee prior to the due date for receipt of proposals. The size of the committee should be manageable and include both user and technical support representatives. Contractor subject matter experts may be used to advise the committee but cannot evaluate proposals.

C. Classified proposals: For the purpose of conducting discussions under 1.4.1.39 NMAC of this rule, proposals shall be initially classified as:

(1) responsive;

(2) potentially responsive, that is, reasonably susceptible of being made responsive; or

(3) non-responsive.

D. Disqualification: Non-responsive proposals are disqualified and eliminated from further consideration. A written determination in the form of a letter shall be sent to the disqualified offeror setting forth the grounds for the disqualification, and made a part of procurement file.

[1.4.1.38 NMAC - Rp, 1.4.1.38 NMAC, 6/21/2022]

1.4.1.39 PROPOSAL DISCUSSIONS AND NEGOTIATIONS WITH INDIVIDUAL OFFERORS:

A. Discussions authorized: Discussions may be conducted with responsible offerors who submit acceptable or responsive, potentially acceptable or potentially responsive proposals.

B. Purposes of discussions: Discussions are held to clarify technical or other aspects of the proposals.

C. Conduct of discussions: If during discussions there is a need for any substantial clarification or change in the request for proposals, the request for proposals shall be amended to incorporate such clarification or change. Any substantial oral clarification of a proposal shall be reduced to writing by the offeror. Proposals may be accepted and evaluated without such discussion. This is not an opportunity for the offerors to amend the substance of their proposals.

D. Short list: All responsible offerors who submit acceptable proposals are eligible for the short list. If numerous acceptable proposals have been submitted, however, the procurement officer or procurement manager may rank the proposals and select the highest ranked proposals for the short list. Those responsible offerors who are selected for the short list are the "short-listed offerors" or "finalist offerors".

E. Competitive negotiations: Competitive negotiations may be held among the short-listed offerors to:

(1) promote understanding of a state agency's requirements and short-listed offerors' proposal; and

(2) facilitate arriving at a contract that will be most advantageous to a state agency taking into consideration the evaluation factors set forth in the RFP;

(3) except for circumstances and situations otherwise approved by the state purchasing agent, negotiations of the relevant terms and conditions as well as any other important factors in an RFP and proposed contract are negotiated prior to award of a contract, not after award.

F. Conduct of competitive negotiations: Short-listed offerors shall be accorded fair and equal treatment with respect to any negotiations and revisions of proposals. The procurement officer should establish procedures and schedules for conducting negotiations. If during discussions there is a need for any substantial clarification of or change in the RFP, the RFP shall be amended to incorporate such clarification or change. Any substantial oral clarification of a proposal shall be reduced to writing by the short-listed offeror.
[1.4.1.39 NMAC - Rp, 1.4.1.39 NMAC, 6/21/2022]

1.4.1.40 DISCLOSURE: The contents of any proposal shall not be disclosed so as to be available to competing offerors during the negotiation process and prior to award. Award in this context means the final required state agency signature on the contract(s) resulting from the procurement.
[1.4.1.40 NMAC - Rp, 1.4.1.40 NMAC, 6/21/2022]

1.4.1.41 BEST AND FINAL OFFERS: Best and final offers in a request for proposals are sometimes appropriate and helpful. An offeror’s best offer should be included in that offeror’s original proposal and no discussion or changes to that offer should be allowed prior to selection of the offeror as the successful offeror unless negotiations are undertaken pursuant to 1.4.1.39 NMAC of this rule. After such selection of a successful offeror or offerors (for a multiple award procurement) and before final award, an agency may negotiate with the selected successful offeror(s) for the best possible terms for the state but such negotiations shall not change the successful offeror’s or offerors’ (for a multiple award procurement) proposal(s) to the detriment of the state. Award in this context means the final required state agency signature on the contract(s) resulting from the procurement.
[1.4.1.41 NMAC - Rp, 1.4.1.41 NMAC, 6/21/2022]

1.4.1.42 MISTAKES IN PROPOSALS:

A. Modification or withdrawal of proposals: Proposals may be modified or withdrawn as provided in 1.4.1.35 NMAC of this rule.

B. Mistakes discovered after receipt of proposals: This subsection sets forth procedures to be applied in several situations in which mistakes in proposals are discovered after receipt of proposals.

(1) Confirmation of proposal. When the procurement officer or procurement manager knows or has reason to conclude before award that a mistake has been made, the procurement officer or procurement manager should request the offeror to confirm the proposal. If the offeror alleges mistake, the proposal may be

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corrected or withdrawn during any discussions that are held or if the conditions set forth in Subsection C of this section are met.

(2) During negotiations. If best and final offers are requested in the RFP, between the period of selecting short-listed/finalist offerors and the date set for best and final offers, any short-listed or finalist offeror may freely correct any mistake by modifying or withdrawing the proposal until the time and date set for receipt of best and final offers.

C. Technical irregularities: Technical irregularities are matters of form rather than substance evident from the proposal document, or insignificant mistakes that can be waived or corrected without prejudice to other offerors; that is, when there is no effect on price, quality or quantity. If discussions are not held or if best and final offers upon which award will be made have been received, the procurement officer or procurement manager may waive such irregularities or allow an offeror to correct them if either is in the best interest of the state. Examples include, but are not limited to, the failure of an offeror to:

(1) return the number of signed proposals required by the RFP;

(2) sign the appropriate forms where called for, but only if the unsigned forms are accompanied by other material indicating the offeror's intent to be bound; or

(3) acknowledge receipt of an amendment to the RFP, but only if:

(a) it is clear from the proposal that the offeror received the amendment and intended to be bound by its terms; or

(b) the amendment involved had no effect on price, quality or quantity.

D. Correction of mistakes: If discussions are not held, or if the best and final offers upon which award will be made have been received, mistakes shall be corrected to the intended correct offer whenever the mistake and the intended correct offer are clearly evident to the evaluation committee members or the procurement officer or the procurement manager on the face of the proposal, in which event the proposal may not be withdrawn.

E. Withdrawal of proposals: If discussions are not held, or if the best and final offers upon which award will be made have been received, an offeror alleging a material mistake of fact which makes a proposal non-responsive may be permitted to withdraw the proposal if:

(1) the mistake is clearly evident to the evaluation committee members or the procurement officer or the procurement manager on the face of the proposal but the intended correct offer of the offeror is not; or

(2) the offeror submits evidence which clearly and convincingly demonstrates that a mistake was made.

F. Determination required: When a proposal is corrected or withdrawn, or correction or withdrawal is denied under Subsections C through E of this section, the procurement officer or procurement manager shall prepare a written determination showing that the relief was granted or denied in accordance with this section.

[1.4.1.42 NMAC - Rp, 1.4.1.42 NMAC, 6/21/2022]

1.4.1.43 AWARD: PROFESSIONAL SERVICES:

A. Procedure: An award shall be made to the responsible offeror whose proposal is most advantageous to a state agency, taking into consideration the evaluation factors set forth in the RFP. The procurement officer shall make a written determination in the form of an evaluation committee report showing the basis on which an award was found to be most advantageous to a state agency based on the factors set forth in the RFP. Award in this context means the final required state agency signature on the contract(s) resulting from the procurement.

B. Publicizing awards: The procurement manager or procurement officer shall promptly provide all offerors who submitted proposals written notice of the award. Award in this context means the final required state agency signature on the contract(s) resulting from the procurement.

C. Publicizing awards: The procurement manager or procurement officer shall promptly provide all offerors who submitted proposals written notice of the award which notice shall be sent via certified mail, return receipt requested, and shall include the expiration date and time of the protest period, if there was a change from the date and time published in the RFP.

[1.4.1.43 NMAC - Rp, 1.4.1.43 NMAC, 6/21/2022]

1.4.1.44 AWARD: ALL TANGIBLE PERSONAL PROPERTY OR SERVICES: (INCLUDES SOFTWARE, HARDWARE, NON-PROFESSIONAL SERVICES, etc):

A. Procedure: The award shall be made by the state purchasing agent or designee to the responsible offeror whose proposal is most advantageous to the state agency, taking into consideration the evaluation factors set forth in the RFP. The procurement manager shall make a written determination in the form of an evaluation

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committee report showing the basis on which the recommended award was found to be most advantageous to the state agency based on the factors set forth in the RFP.

B. Publicizing awards: The procurement manager shall promptly provide all offerors who submitted responsive proposals written notice of the award. The written notice shall be sent via certified mail, return receipt requested, and shall include the expiration date and time of the protest period, if there was a change from the date and time published in the RFP.

[1.4.1.44 NMAC - Rp, 1.4.1.44 NMAC, 6/21/2022]

1.4.1.45 PUBLIC INSPECTION:

A. General: After award, any written determinations made pursuant to these rules, the evaluation committee report and each proposal, except those portions for which the offeror has made a written request for confidentiality, shall be open to public inspection. Confidential data is normally restricted to confidential financial information concerning the offeror's organization and data that qualifies as a trade secret in accordance with the Uniform Trade Secrets Act, Sections 57-3A-1 to 57-3A-7 NMSA 1978. The price of products offered or the cost of services proposed may not be designated as confidential information. Award in this context means the final required state agency signature on the contract(s) resulting from the procurement.

B. Confidential data: If a request is received for disclosure of data, for which an offeror has made a written request for confidentiality, the state purchasing agent or central purchasing office shall examine the offeror's request and make a written determination that specifies which portions of the proposal should be disclosed. If it is determined that an offeror's requested confidential data should be disclosed, that offeror will receive reasonable notice in order to afford the offeror the opportunity to take legal action to prevent the disclosure. Unless the offeror takes legal action to prevent the disclosure, the data will be so disclosed. After award the proposal shall be open to public inspection subject to any continuing prohibition on the disclosure of confidential data. Award in this context means the final required state agency signature on the contract(s) resulting from the procurement.

[1.4.1.45 NMAC - Rp, 1.4.1.45 NMAC, 6/21/2022]

1.4.1.46 PAYMENTS FOR PURCHASES: Contract clause. All contracts resulting from a request for proposals shall contain a clause allowing for late payment charges against the state agency in the amount and under the conditions set forth in Section 13-1-158 NMSA 1978.

[1.4.1.46 NMAC - Rp, 1.4.1.46 NMAC, 6/21/2022]

1.4.1.47 GSD CONTRACT REVIEW: All contracts for professional services with state agencies shall be reviewed as to all requirements as set forth in statute and rule by the general services department, if such review is required by the general services department or subsequent general services department rules.

[1.4.1.47 NMAC - Rp, 1.4.1.47 NMAC, 6/21/2022]

1.4.1.48 APPLICATION (SMALL PURCHASES; 1.4.1.48 - 1.4.1.52 NMAC): The provisions of 1.4.1.48 through 1.4.1.52 NMAC of this rule apply to the procurement of nonprofessional services, construction or items of tangible personal property having a value not exceeding the value set forth in statute for small purchases and to the procurement of professional services having a value not exceeding the value set forth in statute for small purchases of professional services, the use of a statewide price agreement, an existing contract or the methods of procurement set forth in 1.4.1.50 through 1.4.1.52 NMAC of this rule provide alternatives to the competitive sealed bid and competitive sealed proposal methods of procurement. If an existing statewide price agreement, an existing contract or, the procurement methods set forth in 1.4.1.50 through 1.4.1.52 NMAC of this rule are not used, the competitive sealed bid or competitive sealed proposal methods shall apply.

[1.4.1.48 NMAC - Rp, 1.4.1.48 NMAC, 6/21/2022]

1.4.1.49 DIVISION OF REQUIREMENTS: Procurement requirements shall not be artificially divided so as to constitute a small purchase under 1.4.1.48 through 1.4.1.52 NMAC of this rule.

[1.4.1.49 NMAC - Rp, 1.4.1.49 NMAC, 6/21/2022]

1.4.1.50 SMALL PURCHASES OF $20,000 OR LESS: A state agency may procure services, construction or items of tangible personal property having a value not exceeding twenty thousand dollars ($20,000) by issuing a direct purchase order to a contractor based upon the best obtainable price and in accordance with any procedures or processes set forth by the state purchasing agent and the state controller.

[1.4.1.50 NMAC - Rp, 1.4.1.50 NMAC, 6/21/2022]

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1.4.1.51 SMALL PURCHASES OF ITEMS OF TANGIBLE PERSONAL PROPERTY, CONSTRUCTION AND NONPROFESSIONAL SERVICES:

A. Quotation to be obtained: Insofar as it is practical for small purchases of nonprofessional services, construction or items of tangible personal property having a value exceeding twenty thousand dollars ($20,000) but not exceeding the value set forth in statute for small purchases, and in accordance with any procedures or processes set forth by the state purchasing agent and the state controller, no fewer than three businesses shall be solicited via written requests containing the specifications for the procurement to submit written quotations that are recorded and placed in the procurement file. Such notations as "does not carry" or "did not return my phone call" do not qualify as a valid quotation. The central nonprofit agency's declining to offer to perform a particular service does not qualify as a valid quotation; it is, in fact, the refusal to provide a quotation. If the lowest quotation is not acceptable, the central purchasing office must issue a written determination as to the reasons for such a decision. These reasons must not be arbitrary or capricious. The written determination becomes a part of the procurement file.

B. Disclosure: Prior to award, the contents of any response to a quotation shall not be disclosed to any other business from which the same request for quotation is also being solicited. Award in this context means the final required state agency signature on the contract(s) or purchase order resulting from the procurement.

C. Award: Award shall be made to the responsible and responsive business offering the lowest acceptable quotation.

D. Records: The names of the businesses submitting quotations and the date and the amount of each quotation shall be recorded and maintained as a public record.

[1.4.1.51 NMAC - Rp, 1.4.1.51 NMAC, 6/21/2022]

1.4.1.52 SMALL PURCHASES OF PROFESSIONAL SERVICES:

A. Application: A central purchasing office may procure professional services having a value not to exceed the value set forth in statute for small purchases of professional services, except for the services of architects, engineers, landscape architects, or surveyors for state public works projects, as that term is defined in Section 13-1-91 NMSA 1978, in accordance with Subsections B, C, and D of this section and 1.4.10 NMAC.

B. Examination of offeror list: Before contacting any business, a central purchasing office is encouraged to examine the state purchasing agent's current list of registered offerors, if any. Central purchasing offices are encouraged to contact at least three businesses for written offers before selecting a contractor.

C. Negotiations: A central purchasing office shall negotiate a contract for the required services at a fair and reasonable price to the state agency.

D. Disclosure: If more than one business is contacted, the contents of the written or oral offer of one business shall not be disclosed to another business until award is made. Award in this context means the final required state agency signature on the contract(s) resulting from the procurement.

[1.4.1.52 NMAC - Rp, 1.4.1.52 NMAC, 6/21/2022]

1.4.1.53 APPLICATION (SOLE SOURCE PROCUREMENTS, 1.4.1.53 - 1.4.1.57 NMAC): The provisions of 1.4.1.53 through 1.4.1.57 NMAC of this rule apply to all sole source procurements unless emergency conditions exist as defined in 1.4.1.59 NMAC of this rule.

[1.4.1.53 NMAC - Rp, 1.4.1.53 NMAC, 6/21/2022]

1.4.1.54 SOLE SOURCE PROCUREMENT OF ITEMS OF TANGIBLE PERSONAL PROPERTY, CONSTRUCTION AND NONPROFESSIONAL SERVICES:

A. Conditions for use: A contract may be awarded without competitive sealed bids or competitive sealed proposals, regardless of the estimated cost, when the state purchasing agent or a central purchasing office, employing due diligence, determines, in writing, that:

(1) there is only one source for the required service, construction or item of tangible personal property;

(2) the service, construction or item of tangible personal property is unique and this uniqueness is substantially related to the intended purpose of the contract; and

(3) other similar services, construction or items of tangible personal property cannot meet the intended purpose of the contract.

B. Request by using agency: Any request by a using agency that a procurement be restricted to one potential contractor shall be accompanied by a written explanation as to why no other will be suitable or acceptable

to meet the need. The written explanation shall be made upon a form provided by the state purchasing agent and available on-line.

C. Posting: Prior to the award of a sole source procurement contract, the state purchasing agent or central purchasing office shall:

(1) provide the information set forth in statute and listed upon the form made available by the state purchasing agent on the state purchasing agent's website to the department of information technology for posting on the sunshine portal; and

(2) forward the same information to the legislative finance committee.

D. A local public body central purchasing office, prior to award of a sole source contract, shall post the information required by statute on the local public body website, if one exists, and post the information required by statute on the state purchasing agent's website.

E. Negotiations: The state purchasing agent or a central purchasing office shall conduct negotiations, as appropriate, as to price, delivery and quantity, in order to obtain the price most advantageous to the state.

F. Notice; protest: At least 30 days before a sole source contract is awarded, the state purchasing agent, a central purchasing office, a local public body, or a designee of any of these entities shall post notice of the intent to award a sole source contract on its website if one exists, and post the information required by statute on the state purchasing agent's website. Any qualified potential contractor who was not awarded a sole source contract may protest to the state purchasing agent or a central purchasing office. The protest shall be submitted:

(1) in writing; and

(2) within 15 calendar days of the notice of intent to award a contract being posted on the state purchasing agent's website or a central purchasing office's website, if it maintains one, or on a local public body's website, if it maintains one. (NOTE: the posting date should be the same on all websites upon which it is posted. If this is not the case, however, the 15 calendar period runs from the latest posted date.)

G. Specifications: The state purchasing agent or a central purchasing office shall not circumvent the sole source request and posting and award process by narrowly drafting specifications so that only one predetermined source would satisfy those specifications.

[1.4.1.54 NMAC - Rp, 1.4.1.54 NMAC, 6/21/2022]

1.4.1.55 [**RESERVED**]

1.4.1.56 [**RESERVED**]

1.4.1.57 RECORDS OF SOLE SOURCE PROCUREMENTS: The state purchasing agent or central purchasing office shall maintain records of sole source procurements for a period as required by the commission of public records, state records center and archives statutes and rules. The party responsible for the procurement must retain the records. Posting such procurements on the state purchasing agent's website does not remove the central purchasing office's or a local public body's responsibility to maintain these records if the central purchasing office or a local public body was responsible for the procurement. The record of each such procurement shall be a public record and shall contain:

A. the contractor's name and address;

B. the amount and term of the contract;

C. a listing of the services, construction, or items of tangible personal property procured under the contract; and

D. the justification for the procurement method which shall include any written determinations and written approvals required by any provision of 1.4.1.53 through 1.4.1.57 NMAC of this rule.

[1.4.1.57 NMAC - Rp, 1.4.1.57 NMAC, 6/21/2022]

1.4.1.58 APPLICATION (EMERGENCY PROCUREMENTS, 1.4.1.58 - 1.4.1.64 NMAC): The provisions of 1.4.1.58 through 1.4.1.64 NMAC of this rule apply to every procurement made under emergency conditions that will not permit other source selection methods to be used.

[1.4.1.58 NMAC - Rp, 1.4.1.58 NMAC, 6/21/2022]

1.4.1.59 DEFINITION OF EMERGENCY CONDITIONS: Refer to Section 13-1-127 NMSA 1978 for conditions allowing for the use of an emergency procurement.

[1.4.1.59 NMAC - Rp, 1.4.1.59 NMAC, 6/21/2022]

1.4.1.60 SCOPE OF EMERGENCY PROCUREMENTS: Emergency procurements shall be limited to those services, construction, or items of tangible personal property necessary to meet the emergency. Such procurement shall not include the purchase or lease-purchase of heavy road equipment.
[1.4.1.60 NMAC - Rp, 1.4.1.60 NMAC, 6/21/2022]

1.4.1.61 AUTHORITY TO MAKE EMERGENCY PROCUREMENTS: The state purchasing agent or a central purchasing office, employing due diligence, may make emergency procurements when an emergency condition arises; provided that emergency procurements shall be made with such competition as is practicable under the circumstances.
[1.4.1.61 NMAC - Rp, 1.4.1.61 NMAC, 6/21/2022]

1.4.1.62 PROCEDURE: The procedure used shall be selected to assure that the required services, construction, or items of tangible personal property are procured in time to meet the emergency. Given this constraint, such competition as is practicable shall be obtained.
[1.4.1.62 NMAC - Rp, 1.4.1.62 NMAC, 6/21/2022]

1.4.1.63 WRITTEN DETERMINATION AND POSTING REQUIRED: A written determination of the basis for the emergency procurement shall be made containing the information set forth in statute and listed on the form issued by the state purchasing agent and available on the state purchasing agent's website. Within three business days of awarding an emergency procurement, the awarding central purchasing office within a state agency shall:

A. provide the information required by statute to the department of information technology for posting on the sunshine portal; and

B. forward the same information to the legislative finance committee.

[1.4.1.63 NMAC - Rp, 1.4.1.63 NMAC, 6/21/2022]

1.4.1.64 RECORDS OF EMERGENCY PROCUREMENTS: The state purchasing agent or central purchasing office shall maintain records of emergency procurements for a period as required by the commission of public records, state records center and archives statutes and rules. The party responsible for the procurement must retain the records. Posting such procurements on the state purchasing agent's website does not remove the central purchasing office's responsibility to maintain these records if the central purchasing office was responsible for the procurement. The record of each such procurement shall be a public record and shall contain:

A. the contractor's name and address;

B. the amount and term of the contract;

C. a listing of the services, construction, or items of tangible personal property procured under the contract; and

D. the justification for the procurement method.

[1.4.1.64 NMAC - Rp, 1.4.1.64 NMAC, 6/21/2022]

1.4.1.65 PROCUREMENT UNDER EXISTING CONTRACTS AUTHORIZED: The state purchasing agent or a central purchasing office may contract for services, professional services, construction, or items of tangible personal property without the use of competitive sealed bids or competitive sealed proposals as follows:

A. at a price equal to or less than the contractor's current federal supply contract (GSA), providing the contractor has indicated in writing a willingness to extend the contract's pricing, terms and conditions to the state agency and the purchase order adequately identifies the contract relied upon; or

B. with a business which has a current price agreement with the state purchasing agent or a central purchasing office for the item, services, or construction meeting the same standards and specifications as the items to be procured, if the following conditions are met:

(1) the total quantity purchased does not exceed the quantity which may be purchased under the applicable price agreement; and

(2) the purchase order adequately identifies the price agreement relied upon;

C. other than Subsection A and B of this section and cooperative procurements as authorized by statute (and described in Section 13-1-135 NMSA 1978) or the state procurement card program (described in Section 6-5-9.1 NMSA 1978), no other procurement under existing contracts is authorized; no central purchasing office of a state agency or any other governmental entity may utilize a contract entered into by a different state

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agency or other governmental entity if not involved in the procurement itself (i.e., so-called “piggybacking” of contracts; the practice of “piggybacking” is not allowed under the Procurement Code); purchases under contracts developed through cooperative procurement authorized under Section 13-1-135 NMSA 1978 or contracts which qualify under Section 13-1-129 NMSA 1978 is permitted and does not constitute “piggybacking.”
[1.4.1.65 NMAC - Rp, 1.4.1.65 NMAC, 6/21/2022]

1.4.1.66 LIMITATION ON SUBSECTION A OF 1.4.1.65 OF THIS RULE RELATING TO GSA CONTRACTS: It should be understood, the state is not authorized to utilize a GSA contract per se. It is imperative, therefore, that the contractor, not a dealer or distributor, who has a current GSA contract indicate in writing a willingness to extend the contract's pricing, terms and conditions to the state of New Mexico. Therefore, a state agency shall not procure services, construction or items of tangible personal property directly under a general services administration (GSA) contract. Rather, a state agency must procure pursuant to a state purchasing agent price agreement which reflects the prices, terms and conditions of the respective GSA contract. If no such state purchasing agent price agreement exists, a state agency may make a written request to the state purchasing agent for the issuance of one. The request must be accompanied by a current copy of the applicable GSA contract, a letter from the contractor expressing a willingness to extend the contract's pricing, terms and conditions to the state of New Mexico and a letter from the state agency indicating a commitment to utilize the price agreement. The state purchasing agent will ascertain whether it is current and whether the proposed price is equal to or less than the federal supply contract price. If everything is in order, the state purchasing agent will issue a price agreement or purchase order reflecting the prices, terms and conditions of the GSA contract. A state agency shall make no procurements from the GSA contractor until a state purchasing agent price agreement has been issued.
[1.4.1.66 NMAC - Rp, 1.4.1.66 NMAC, 6/21/2022]

1.4.1.67 COPIES OF CONTRACTS AND PRICE AGREEMENTS: A central purchasing office shall retain for public inspection and for the use of auditors a copy of each state purchasing agent contract or current price agreement relied upon to make purchases without seeking competitive bids.
[1.4.1.67 NMAC - Rp, 1.4.1.67 NMAC, 6/21/2022]

1.4.1.68 APPLICATION (CANCELLATION OF SOLICITATIONS OR REJECTION OF BIDS OR PROPOSALS; 1.4.1.68 - 1.4.1.72 NMAC): The provisions of 1.4.1.68 through 1.4.1.72 NMAC of this rule shall govern the cancellation of any solicitations whether issued by the state purchasing agent under competitive sealed bids, competitive sealed proposals, small purchases, or any other source selection method, and rejection of bids or proposals in whole or in part.
[1.4.1.68 NMAC - Rp, 1.4.1.68 NMAC, 6/21/2022]

1.4.1.69 POLICY: Any solicitation may be canceled or any or all bids or proposals may be rejected in whole or in part when it is in the best interest of the state of New Mexico.
[1.4.1.69 NMAC - Rp, 1.4.1.69 NMAC, 6/21/2022]

1.4.1.70 CANCELLATION OF SOLICITATIONS OR REJECTION OF ALL BIDS OR PROPOSALS:

A. Prior to opening:

(1) As used in this section, "opening" means the date set for opening of bids or receipt of proposals.

(2) Prior to opening, a solicitation may be canceled in whole or in part when the state purchasing agent or central purchasing office makes a written determination that such action is in the state's best interest for reasons including but not limited to:

(a) the services, construction, or items of tangible personal property are no longer required;

(b) the using agency no longer can reasonably expect to fund the procurement; or

(c) proposed amendments to the solicitation would significantly change the nature of the procurement.

(3) When a solicitation is canceled prior to opening, notice shall be sent to all businesses solicited. The notice shall:

(a) identify the solicitation;

(b) briefly explain the reason for cancellation; and

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(c) where appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurements of similar services, construction, or items of tangible personal property.

B. After opening:

(1) After opening but prior to award, all bids or proposals may be rejected in whole or in part when the state purchasing agent or central purchasing office makes a written determination that such action is in the state's best interest for reasons including but not limited to:

(a) all of the bids and proposals are nonresponsive;

(b) the services, construction, or items of tangible personal property are no longer required;

(c) ambiguous or otherwise inadequate specifications were part of the solicitation;

(d) the solicitation did not provide for consideration of all factors of significance to the using agency;

(e) prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;

(f) all otherwise acceptable bids or proposals received are at clearly unreasonable prices; or

(g) there is reason to believe that the bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith.

(2) A notice of rejection should be sent to all businesses that submitted bids or proposals, and it shall conform to Paragraph (3) of Subsection A of this section.

[1.4.1.70 NMAC - Rp, 1.4.1.70 NMAC, 6/21/2022]

1.4.1.71 REJECTION OF INDIVIDUAL BIDS OR PROPOSALS:

A. Reasons for rejection:

(1) Bids. As used in this section, "bid"means competitive sealed bids. Reasons for rejecting a bid shall include but are not limited to:

(a) the business that submitted the bid is nonresponsible as determined under 1.4.1.73 NMAC of this rule;

(b) the bid is not responsive; or

(c) the service, construction, or item of tangible personal property offered in the bid is unacceptable by reason of its failure to meet the requirements of the specifications, or permissible alternates, or other acceptability criteria set forth in the IFB.

(2) Proposals. As used in this section, "proposal" means competitive sealed proposals. Unless the solicitation states otherwise, proposals need not be unconditionally accepted without alteration or correction and a using agency's stated requirements may be revised or clarified after proposals are submitted. This flexibility must be considered in determining whether reasons exist for rejecting all or any part of a proposal. Reasons for rejecting proposals include but are not limited to:

(a) the business that submitted the proposal is nonresponsible as determined under 1.4.1.75 through 1.4.1.79 NMAC of this rule;

(b) the proposal is not responsive; or

(c) the proposed price is clearly unreasonable; or

(d) the proposal failed to adequately address one or more material mandatory requirements as set forth in the request for proposals.

B. Written determination required: A written determination which contains the reasons for the rejection of an individual bid or proposal shall be prepared by the state purchasing agent or central purchasing office and made a part of the procurement file.

[1.4.1.71 NMAC - Rp, 1.4.1.71 NMAC, 6/21/2022]

1.4.1.72 "ALL OR NONE" BIDS: When the term "all or none" is used:

A. By the purchaser in a solicitation: A solicitation may require bidders to submit bids or offers on all items listed in the solicitation, or may identify certain groups of items in which all items must be bid. If the solicitation is properly so limited, a bidder's failure to bid all items identified as "all or none" items may render the bid nonresponsive.

B. By the bidder or offeror, and not the purchaser: If the bidder restricts acceptance of the bid, or a portion thereof, by such a statement as "all or none", the bidder has "qualified" the offer which may render the bid as nonresponsive.

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C. In instances as stated in both Subsections A and B of this section such a bid or offer may be accepted only if the state purchasing agent or a central purchasing office issues a determination setting forth the basis for accepting the bid or offer as being in the best interest of the state. Also in both instances, the bid or offer is only eligible for award if it is the overall low bid for the item or items so restricted.
[1.4.1.72 NMAC - Rp, 1.4.1.72 NMAC, 6/21/2022]

1.4.1.73 APPLICATION (RECEIPT; INSPECTION; ACCEPTANCE OR REJECTION OF DELIVERIES; 1.4.1.73 - 1.4.1.74 NMAC): The using agency is responsible for inspecting and accepting or rejecting deliveries.

A. The using agency shall determine whether the quantity is as specified in the purchase order or contract.

B. The using agency shall determine whether the quality conforms to the specifications referred to or included in the purchase order or contract.

C. If inspection reveals that the delivery does not meet or conform to the quantity or quality specified in the purchase order or contract, the using agency shall notify the vendor that the delivery has been rejected and shall order the vendor to promptly make a satisfactory replacement or supplementary delivery.

D. In case the vendor fails to comply, the using agency shall promptly file a purchasing complaint with the state purchasing agent.

E. Also, in case the vendor fails to comply, the using agency shall have no obligation to pay for the nonconforming delivery.

F. If the delivery does conform to the quantity and quality specified in the purchase order or contract, the using agency shall certify that delivery has been completed and is satisfactory.
[1.4.1.73 NMAC - Rp, 1.4.1.73 NMAC, 6/21/2022]

1.4.1.74 SUMMARY: Notwithstanding the requirements of 1.4.1.73 NMAC, if, after delivery and acceptance of the delivery, the delivery or a portion thereof is later found to be non-conforming to the specifications referred to or included in the purchase order or contract, such acceptance does not waive any rights or remedies which are otherwise granted to the buyer in accordance with other applicable sections of laws of New Mexico.
[1.4.1.74 NMAC - Rp, 1.4.1.74 NMAC, 6/21/2022]

1.4.1.75 APPLICATION (RESPONSIBILITY OF BIDDERS AND OFFERORS; 1.4.1.75 - 1.4.1.79 NMAC): A determination of responsibility or non-responsibility shall be governed by 1.4.1 75 through 1.4.1.79 NMAC.
[1.4.1.75 NMAC - Rp, 1.4.1.75 NMAC, 6/21/2022]

1.4.1.76 STANDARDS OF RESPONSIBILITY:

A. Standards for bidders: Factors to be considered in determining whether the standard of responsibility has been met include whether a bidder has:

(1) submitted a responsive bid;

(2) adequate financial resources, production or service facilities, personnel, service reputation and experience to make satisfactory delivery of the services, construction, or items of tangible personal property described in the IFB;

(3) a satisfactory record of performance;

(4) a satisfactory record of integrity;

(5) qualified legally to contract with the state; and

(6) supplied all necessary information and data in connection with any inquiry concerning responsibility.

B. Standards for offerors: Factors to be considered in determining whether the standard of responsibility has been met include whether an offeror has:

(1) submitted a responsive proposal;

(2) adequate financial resources, production or service facilities, personnel, service reputation and experience to make satisfactory delivery of the services or items of tangible personal property described in the proposal;

(3) a satisfactory record of performance;

(4) a satisfactory record of integrity;

(5) qualified legally to contract with the state; and

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(6) supplied all necessary information and data in connection with any inquiry concerning responsibility.
[1.4.1.76 NMAC -Rp, 1.4.1.76 NMAC, 6/21/2022]

1.4.1.77 ABILITY TO MEET STANDARDS: A bidder or offeror may demonstrate the availability of adequate financial resources, production or service facilities, personnel and experience by submitting, upon request:

A. evidence that the bidder or offeror possesses the necessary items;

B. acceptable plans to subcontract for the necessary items; or

C. a documented commitment from, or explicit arrangement with, a satisfactory source to provide the necessary items.
[1.4.1.77 NMAC - Rp, 1.4.1.77 NMAC, 6/21/2022]

1.4.1.78 INQUIRY BY PROCUREMENT OFFICER: Before awarding a contract, the procurement officer or procurement manager must be satisfied that the bidder or offeror is responsible. Therefore, a bidder or offeror shall supply information and data requested by the procurement officer concerning the responsibility of the bidder or offeror. The unreasonable failure of a bidder or offeror to promptly supply information or data in connection with such an inquiry is grounds for a determination that the bidder or offeror is not responsible.
[1.4.1.78 NMAC - Rp, 1.4.1.78 NMAC, 6/21/2022]

1.4.1.79 DETERMINATION REQUIRED: If a bidder or offeror who otherwise would have been awarded a contract is found to be non-responsible, a written determination, setting forth the basis of the finding, shall be prepared by the state purchasing agent or central purchasing office. The written determination shall be made part of the procurement file, and a copy of the determination shall be sent to the non-responsible bidder or offeror.
[1.4.1.79 NMAC - Rp, 1.4.1.79 NMAC, 6/21/2022]

1.4.1.80 APPLICABILITY (PROTESTS; 1.4.1.80 - 1.4.1.93 NMAC): The provisions of 1.4.1.80 through 1.4.1.93 NMAC of this rule apply to all protests filed with the state purchasing agent and all central purchasing offices that have not adopted regulations for resolving protests. Central purchasing offices with rulemaking authority, other than the state purchasing agent, may adopt regulations for resolving protests filed within their jurisdictions.
[1.4.1.80 NMAC - Rp, 1.4.1.80 NMAC, 6/21/2022]

1.4.1.81 RIGHT TO PROTEST: Any bidder or offeror who is aggrieved in connection with a solicitation or award of a contract, including a sole source procurement, may protest to the state purchasing agent or central purchasing office.
[1.4.1.81 NMAC - Rp, 1.4.1.81 NMAC, 6/21/2022]

1.4.1.82 FILING OF PROTEST:

A. Protest must be written: Protests must be in writing and addressed to the state purchasing agent or central purchasing office, whichever has control and administration over the procurement.

B. Contents: The protest shall:

(1) include the name and address of the protestant;

(2) include the solicitation number;

(3) contain a statement of the grounds for protest;

(4) include supporting exhibits, evidence or documents to substantiate any claim unless not available within the filing time in which case the expected availability date shall be indicated; and

(5) specify the ruling requested from the state purchasing agent or central purchasing office.

C. Pleadings: No formal pleading is required to initiate a protest, but protests should be concise, logically arranged, and direct.

D. Time limit: Protests shall be submitted within 15 calendar days after knowledge of the facts or occurrences giving rise to the protest. Any person or business that has been sent written notice of any fact or occurrence is presumed to have knowledge of the fact or occurrence. Posting on the state purchasing division's website is considered public notice in this regard as well.
[1.4.1.82 NMAC - Rp, 1.4.1.82 NMAC, 6/21/2022]

1.4.1.83 PROCUREMENTS AFTER PROTEST:

A. In the event of a timely protest, as defined in Subsection D of 1.4.1.82 NMAC of this rule, the state purchasing agent or central purchasing office shall not proceed further with the procurement unless the state purchasing agent or central purchasing office makes a written determination that the award of the contract is necessary to protect substantial interests of a state agency. Such written determination should set forth the basis for the determination. As used in 1.4.1.80 through 1.4.1.93 NMAC of this rule, the point in time in which a contract is awarded is that point at which a legally enforceable contract is created unless the context clearly requires a different meaning. Award in this context means the final required state agency signature on the contract(s) resulting from the procurement.

B. A procurement shall not be halted after a contract has been awarded merely because a protest has been filed. After a contract has been awarded, the state purchasing agent or central purchasing office may, in its sole discretion, halt a procurement in exceptional circumstances or for good cause shown.

[1.4.1.83 NMAC - Rp, 1.4.1.83 NMAC, 6/21/2022]

1.4.1.84 PROCEDURE:

A. Upon the filing of a timely protest, the state purchasing agent or central purchasing office shall give notice of the protest to the contractor if award has been made or, if no award has been made, to all bidders or offerors who appear to have a substantial and reasonable prospect of receiving an award if the protest is denied.

B. The protestant and every business that receives notice pursuant to Subsection A of this section will automatically be parties to any further proceedings before the state purchasing agent or central purchasing office. In addition, any other person or business may move to intervene at any time during the course of the proceedings. Intervention will be granted upon a showing of a substantial interest in the outcome of the proceedings. Interveners shall accept the status of the proceedings at the time of their intervention; in particular, they must abide by all prior rulings and accept all previously established time schedules. The state purchasing agent or central purchasing office, and all employees thereof, are not parties to the proceedings.

C. The state purchasing agent or central purchasing office may take any action reasonably necessary to resolve a protest. Such actions include, but are not limited to, the following:

(1) issue a final written determination summarily dismissing the protest;

(2) obtain information from the staff of the state purchasing agent or central purchasing office;

(3) require parties to produce for examination information or witnesses under their control;

(4) require parties to express their positions on any issues in the proceedings;

(5) require parties to submit legal briefs on any issues in the proceeding;

(6) establish procedural schedules;

(7) regulate the course of the proceedings and the conduct of any participants;

(8) receive, rule on, exclude or limit evidence;

(9) take official notice of any fact that is among the traditional matters of official or administrative notice;

(10) conduct hearings; and

(11) take any action reasonably necessary to compel discovery or control the conduct of parties or witnesses.

[1.4.1.84 NMAC - Rp, 1.4.1.84 NMAC, 6/21/2022]

1.4.1.85 DISCOVERY: Upon written request of any party, or upon its own motion, the state purchasing agent or central purchasing office may require parties to comply with discovery requests.

[1.4.1.85 NMAC - Rp, 1.4.1.85 NMAC, 6/21/2022]

1.4.1.86 HEARINGS:

A. Hearings will be held only when the state purchasing agent or central purchasing office determines that substantial material factual issues are present that cannot be resolved satisfactorily through an examination of written documents in the record. Any party may request a hearing, but such requests shall be deemed denied unless specifically granted.

B. Hearings, when held, should be as informal as practicable under the circumstances, but the state purchasing agent or central purchasing office has absolute discretion in establishing the degree of formality for any particular hearing. In no event is the state purchasing agent or central purchasing office required to adhere to formal rules of evidence or procedure.

[1.4.1.86 NMAC - Rp, 1.4.1.86 NMAC, 6/21/2022]

1.4.1.87 RESOLUTION:

A. The state purchasing agent or central purchasing office shall promptly issue a written determination relating to the protest. The determination shall:

(1) state the reasons for the action taken; and

(2) inform the protestant of the right to judicial review of the determination pursuant to Section 13-1-183 NMSA 1978.

B. A copy of the written determination shall be sent immediately by certified mail, return receipt requested, to each of the contractors, if award has been made or, if no award has been made, to all bidders or offerors who appear to have a substantial and reasonable prospect of receiving an award if the protest is denied.

[1.4.1.87 NMAC - Rp, 1.4.1.87 NMAC, 6/21/2022]

1.4.1.88 RELIEF:

A. Prior to award: If, prior to award, the state purchasing agent or central purchasing office makes a written determination that a solicitation or proposed award of a contract is in violation of law, then the solicitation or proposed award shall be canceled.

B. After award:

(1) No fraud or bad faith. If, after an award, the state purchasing agent or central purchasing office makes a written determination that a solicitation or award of a contract is in violation of law and that the business awarded the contract has not acted fraudulently or in bad faith:

(a) the contract may be ratified, affirmed or revised to comply with law, provided that a written determination is made that doing so is in the best interest of the state; or

(b) the contract may be terminated, and the business awarded the contract shall be compensated for the actual expenses reasonably incurred under the contract plus a reasonable profit prior to termination.

(2) Fraud or bad faith. If, after an award, the state purchasing agent or central purchasing office makes a written determination that a solicitation or award of a contract is in violation of law and that the business awarded the contract has acted fraudulently or in bad faith, the contract shall be canceled.

C. Relief not allowed: Except as provided in Subparagraph (b) of Paragraph (1) of Subsection B of this section, the state purchasing agent or central purchasing office shall not award money damages or attorneys' fees.

[1.4.1.88 NMAC - Rp, 1.4.1.88 NMAC, 6/21/2022]

1.4.1.89 MOTION FOR RECONSIDERATION:

A. Motion: A motion for reconsideration of a written determination issued pursuant to 1.4.1.87 NMAC of this rule may be filed by any party or by any using agency involved in the procurement. The motion for reconsideration shall contain a detailed statement of the factual and legal grounds upon which reversal or modification of the determination is deemed warranted, specifying any errors of law made, or information not previously considered.

B. When to file: A motion for reconsideration shall be filed not later than seven calendar days after receipt of the written determination.

C. Response to motion: The state purchasing agent or central purchasing office shall promptly issue a written response to the motion for reconsideration. A copy of the written response shall be sent immediately by certified mail, return receipt requested, to each of the contractors, if award has been made or, if no award has been made, to all bidders or offerors who appear to have a substantial and reasonable prospect of receiving an award if the protest is denied.

[1.4.1.89 NMAC - Rp, 1.4.1.89 NMAC, 6/21/2022]

1.4.1.90 DESIGNEE:

A. Designation: At any point during a protest proceeding, the state purchasing agent or central purchasing office may appoint a designee as defined in Section 13-1-51 NMSA 1978 to preside over the proceeding. The designee will have all of the powers described in 1.4.1.80 through 1.4.1.93 NMAC of this rule except the power to issue a written determination under 1.4.1.87 NMAC of this rule. The designee only has authority to recommend a resolution to the state purchasing agent or central purchasing office under 1.4.1.87 NMAC of this rule.

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B. Who may be designated: Any person, other than the procurement officer, procurement manager or other person not directly involved in the procurement, may serve as a designee.

C. Recommended written determination: A designee shall present a recommended written resolution to the state purchasing agent or central purchasing office. No party may appeal from the recommended resolution of the designee.

D. Action by state purchasing agent or central purchasing office: The state purchasing agent or central purchasing office shall approve, disapprove or modify the recommended resolution of the designee in writing. Such approval, disapproval or modification shall be the written determination required by 1.4.1.87 NMAC of this rule. Any party may file a motion for reconsideration of the written determination pursuant to 1.4.1.89 NMAC of this rule.

[1.4.1.90 NMAC - Rp, 1.4.1.90 NMAC, 6/21/2022]

1.4.1.91 FINAL DETERMINATION:

A. No motion for reconsideration: In those proceedings in which no motion for reconsideration is filed, the written determination issued pursuant to 1.4.1.87 NMAC of this rule shall be the final determination for purposes of the time limits for seeking judicial review under Section 13-1-183 NMSA 1978.

B. Motion for reconsideration: In those proceedings in which a motion for reconsideration is filed, the written response to the motion issued pursuant to 1.4.1.89 NMAC of this rule shall be the final determination for purposes of the time limits for seeking judicial review under Section 13-1-183 NMSA 1978.

[1.4.1.91 NMAC - Rp, 1.4.1.91 NMAC, 6/21/2022]

1.4.1.92 COPIES OF COMMUNICATIONS:

A. Copies to be provided to parties: Each party to a protest proceeding shall certify that it has provided every other party with copies of all documents or correspondence addressed or delivered to the state purchasing agent or central purchasing office.

B. Ex parte communications: No party shall submit to the state purchasing agent or central purchasing office, ex parte, any material, evidence, explanation, analysis, or advice, whether written or oral, regarding any matter at issue in a protest.

[1.4.1.92 NMAC - Rp, 1.4.1.92 NMAC, 6/21/2022]

1.4.1.93 COUNTING DAYS: In computing any period of time prescribed in 1.4.1.80 through 1.4.1.93 NMAC of this rule, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, a Sunday, or a legal holiday, in which event the period shall run to the end of the next business day.

[1.4.1.93 NMAC - Rp, 1.4.1.93 NMAC, 6/21/2022]

1.4.1.94 CHIEF PROCUREMENT OFFICER REGISTRATION AND CERTIFICATION:

A. Overview: This section applies to chief procurement officers in all state agencies and local public bodies.

(1) Statutory Authority. Under Section 9-17-5 NMSA 1978 and the Procurement Code, Sections 13-1-1 et seq NMSA 1978 , the general services secretary has authority to promulgate rules and regulations relating to this program.

(2) Scope. The chief procurement officer registration, certification and recertification training program is a state wide program administered by the state purchasing agent. Each state agency and local public body shall provide to the state purchasing agent the name of and all changes to the name of the state agency's or local public body's chief procurement officer and information identifying the state agency's or local public body's central purchasing office. The state purchasing agent shall maintain a list of the names of chief procurement officers reported to the state purchasing agent by state agencies and local public bodies. The state purchasing agent shall make the list of approved chief procurement officers available to the public through the web site of the purchasing division of the general services department and in any other appropriate form. It is a violation of statute if state agencies and local public bodies do not have a chief procurement officer listed on the state purchasing agent list before performing procurements. Section 13-1-98 NMSA 1978 shall not reduce the scope of duties, responsibilities or authority of the state purchasing agent, nor shall such exemptions exclude state agencies and local public bodies from the duties and responsibilities of providing the state purchasing agent the name of its certified chief procurement officer. All state agencies and local public bodies and their certified chief procurement officers are required to comply with all requirements under Sections 13-1-28 through 13-1-199 NMSA 1978 (amended 2013).

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B. Definitions:

(1) "Approves" or "approved" means a chief procurement officer has successfully completed the certification or recertification training program administered by the state purchasing agent and attested to by the issuance of a certificate signed by the state purchasing agent.

(2) "Conduct" or "conducting" procurements means the act of preparing, advertising, processing, and awarding procurements of any kind, including, but not limited to, sole source, invitation to bid, request for proposals, and contracts under state price agreements.

(3) "Certification program" means the initial certification process through passing an exam after completing course material and a test approved by the general services secretary.

(4) "Recertification program" means training that will include affirmation of successfully completing course material approved by the general services secretary.

C. Mandatory identification of certified chief procurement officer: Each state agency and local public body shall annually, on or before January 1st of each year, and within 15 calendar days every time thereafter upon a vacancy or extended absence of a certified chief procurement officer for more than two weeks, provide to the state purchasing agent the name of the state agency or local public body certified chief procurement officer and, if applicable, information identifying the state agency or local public body central purchasing office. Every state agency or local public body shall have a certified chief procurement officer on the state purchasing agent list to perform procurments. No agency shall conduct procurements until a certified chief procurement officer is approved by the state purchasing agent. Upon a vacancy or absence, the state agency or local public body shall have 90 days to replace its certified chief procurement officer. In the event the initial 90 day period is to be exceeded, and upon good cause shown, to the satisfaction of the state purchasing agent, an additional 90 days may be granted to the state agency or local public body by the state purchasing agent to replace its certified chief procurement officer. Examples of good cause would include vacancies due to emergencies, death or resignation of a certified chief procurement officer. Until a certified chief procurement officer is reported to the state purchasing agent no procurements may be conducted and no duties, responsibilities, and obligations may be performed as detailed in Subsection F of 1.4.1.94 NMAC unless granted temporary authority by the state purchasing agent.

D. Registration of chief procurement officer with state purchasing agent: Each state agency or local public body is responsible for registering its chief procurement officer and ensuring the information on the state purchasing division website is current and correct. The certified chief procurement officer, that has been reported by the state agency or local public body to the state purchasing agent as provided in Subsection C of 1.4.1.94 NMAC above, shall register with the state purchasing agent through the state purchasing division's website. The state agency or local public body shall provide all the required identification information, including:

(1) certified chief procurement officer name with title, phone number and email address;

(2) agency or entity name with full address and registration date.

At the time of registering for the certification or recertification program, the applicant shall execute a statement of personal responsibility affirming:

(a) the applicant is a current employee of a state agency or local public body and not employed as an independent contractor;

(b) the applicant has not been convicted of a felony unless pardoned by the governor; and

(c) any additional required information specified by the state purchasing agent.

E. Chief procurement officer certification: The state purchasing agent shall establish a certification and recertification program for all chief procurement officers including the initial certification, and recertification every two years, on or before the certification anniversary date for each certified chief procurement officer. In order to be certified or recertified, a chief procurement officer shall remain an employee of the state agency or local public body, must not be convicted of a felony or behavior unbecoming of a chief procurement officer with a record of performance that establishes good moral character and competency, and shall obtain such training as deemed appropriate by the secretary of the general services department and pass a certification or recertification program, as appropriate, approved by the secretary of the general services department. Subject to the provisions of subsection J, the state purchasing agent may revoke a certification if shown that the chief procurement officer has not maintained the standards for a chief procurement officer. The secretary of the general services department reserves the right to add separate certifications and recertifications of specialized acquisitions under the procurement code as are deemed necessary or useful by the secretary.

F. Certified chief procurement officer duties, responsibilities and obligations: On and after July 1, 2015, only certified chief procurement officers may do the following, except that persons using procurement cards may continue to issue purchase orders and authorize small purchases:

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(1) make determinations, including determinations regarding exemptions, pursuant to the Procurement Code;

(2) issue purchase orders and authorize small purchases pursuant to the Procurement Code; and

(3) approve procurement pursuant to the Procurement Code.

G. Failure to identify and register a certified chief procurement officer: In the event that the state agency or local public body does not have a certified chief procurement officer identified and registered in conformance with Section 13-1-95.2 NMSA 1978, pursuant to Section 13-1-97 NMSA 1978, procurement acts by that state agency or local public body may be suspended at the discretion of the state purchasing agent.

H. Identification, registration and certification violations: Any procurement act performed by a state agency or local public body under the New Mexico procurement code that has not identified and registered its certified chief procurement officer in conformance with Section 13-1-95.2 NMSA 1978, may be deemed a procurement violation. For state agencies, such procurement violation(s) may also result in a violation of the department of finance and administration's Model Accounting Practices.

I. Delegation or sharing of certified chief procurement officer duties: The sharing of a certified chief procurement officer through mutual execution of a memorandum of agreement by the state agency (agencies) or local public body(bodies) is allowed. A state agency or local public body wanting to delegate or share a certified chief procurement officer with another state agency or local public body shall: provide to the state purchasing agent for such sharing arrangement, information identifying the state agency or local public body central purchasing office, the name of the state agency or local public body shared certified chief procurement officer and the intergovernmental agreement supporting the arrangement. Chief procurement officers may only be employees of the state or a local public body and may not be third parties or temporary employees exept as otherwise provided in this subsection.

J. Revocation or suspension of certification:

(1) The state purchasing agent may suspend or revoke certified chief procurement officer certification in whole or in part, based on any action or conduct deemed improper of a certified chief procurement officer, including but not limited to severity or frequency of procurement violations, non-compliance with the Governmental Conduct Act (Sections 10-16-1 through 10-16-18 NMSA 1978), lack of verification that the chief procurement officer has successfully completed the certification or recertification program established by the state purchasing agent; lack of verification of current employement by the reporting state agency or local public body and not employed as an independent contractor; lack of verification that the person has not been convicted of a felony and behavior unbecoming of a chief procurement officer with a record of performance that establishes competency.

(2) Due process procedures shall be initiated by the state purchasing agent after reasonable notice to the certified chief procurement officer involved as follows in this section. The state purchasing agent or his designee shall cause written notice of the proposed revocation or suspension of certification (the Action) to be sent by certified mail, return receipt requested, to the certified chief procurement officer involved. The notice shall contain the following statements:

(a) the action contemplated is for revocation or suspension of certified chief procurement officer certification;

(b) the reasons for the action, which shall include a summary of the certified chief procurement officer's conduct or performance/nonperformance of his duties to which the action relates;

(c) the action is brought pursuant to the provisions contained in Section 13-1-95.2 NMSA 1978 and the regulations promulgated thereunder;

(d) sufficient facts exist, unless rebutted, to support the proposed revocation or suspension of certification and that the state purchasing agent shall proceed to suspend or revoke certified chief procurement officer certification in whole or in part unless the certified chief procurement officer requests, in writing, a hearing within 15 consecutive calendar days from the day the certified chief procurement officer receives the notice of the proposed Action;

(e) the address where the certified chief procurement officer's request for hearing shall be sent, and the name of the person to whom the request shall be sent; and

(f) that if the certified chief procurement officer fails to deliver a written request for a hearing to the person designated within the 15 days required in Subparagraph (d) of this Section, a final determination shall be made by the state purchasing agent;

(g) upon receipt of a timely request for hearing, the state purchasing agent will appoint a neutral hearing officer and any such hearing officer so appointed will conduct the hearing and recommend

a final decision to the state purchasing agent. If no hearing officer can be appointed in timely fashion, the state purchasing agent shall then act as the hearing officer.

(3) If a hearing is requested, the hearing officer shall send written notice to the certified chief procurement officer of the time and the place of the hearing.

(4) Hearings, and any subsequent appeals, shall conform to the standards, requirements, and process set forth for protests under the procurement code, Sections 13-1-28 thru 13-1-199 NMSA 1978, and be as informal as may be reasonable and appropriate under the circumstances. However, in no event shall the hearing officer be required to adhere to formal rules of evidence or procedure. The weight to be attached to evidence presented in any particular form will be within the discretion of the hearing officer. Stipulations of fact agreed upon by the participants may be regarded and used as evidence at the hearing. The participants may stipulate the testimony that would be given by a witness as if the witness were present. The hearing officer may require evidence in addition to that offered by the participants. The state purchasing agent shall issue a written determination regarding revocation or suspension of certification following the hearing.

K. Reinstatement of certification:

(1) The state purchasing agent may reinstate the certified chief procurement officer certification:

(a) in whole or in part;

(b) temporarily or permanently; or

(c) may limit the scope of duties as the state purchasing agent deems appropriate.

(2) The state purchasing agent may require successful completion of re-certificaton or proof of eligibility as a pre-condition for reinstatement. This may include successful completion of the certification program or recertification program.

(3) The state purchasing agent reserves the right to adopt additional remedies into the program as deemed appropriate.

L. Coordination by the state purchasing agent: The state purchasing agent may coordinate with the department of finance and administration regarding the reporting of decisions and actions under this section for state agencies, and with the local government division of the department of finance and administration for local public bodies.

M. Policies from the state purchasing agent: The state purchasing agent reserves the right to implement further policies to give full effect to the certified chief procurement officer statutes and this rule as required and necessary.

N. Limitations: Nothing in these rules shall be deemed to be a limit on the authority of the state purchasing agent to enact the purpose of these rules, nor a limit on other legal liability of certified chief procurement officer for their action or conduct.

[1.4.1.94 NMAC - Rp, 1.4.1.94 NMAC, 6/21/2022]

1.4.1.95 STATE USE ACT:

A. Procurement of services: In regard to the procurement of services, before utilizing any other procurement method allowed under the Procurement Code, a state agency or local public body shall first offer the procurement to the central non-profit agency under contract with the state. The central non-profit agency has the right of first refusal for any procurement of services provided that the service is stated on a list provided and published by the central non-profit agency and provided that the provider can meet the time requirements of the state agency.

B. Central non-profit agency: The central non-profit agency shall:

(1) publish the list of services available through the central non-profit agency on a website available to all state agencies and local public bodies;

(2) ensure that all service providers on this list meet the eligibility requirements to offer services under Section 13-1C-1 et. seq., NMSA 1978; and

(3) ensure that the prices offered to state agencies and local public bodies reflect the fair market value of such services in accordance with Section 13-1C-5 NMSA 1978;

(4) provided that, under Section 13-1C-6 NMSA 1978, services provided pursuant to and facilities covered by Section 22-14-27 NMSA 1978 are excluded from procurement through the central non-profit agency.

C. Procurement of services pursuant to Section 13-1C-1 et. seq., NMSA 1978 are exempt from the Procurement Code.

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[1.4.1.95 NMAC - Rp, 1.4.1.95 NMAC, 6/21/2022]

History of 1.4.1 NMAC:
Pre-NMAC History:
Laws of 1984, Chapter 65, Section 1 enacted the Procurement Code to apply to every expenditure by state agencies and local public bodies for the procurement of items of tangible personal property, services and construction. To implement the Code, and in accordance with the statutory requirements applicable at the date and time, the subject and material found in this rule was first filed with the state records center and archives in 1984 as general services department (GSD) Procurement Code Regulations, GSD Rule No. 84-611, filed 11/21/1984; superseded by Procurement Code Regulations, GSD Rule No. 87-601, filed 12/16/1987; superseded by Procurement Code Regulations, GSD Rule No. 89-601, filed 12/01/1989; superseded by Procurement Code Regulations, GSD Rule No. 93-601, filed 09/21/1993; superseded by 1 NMAC 5.2, filed 01/15/1998.

History of Repealed Material:
1.4.1 NMAC, Procurement Code Regulations (filed 11/01/2001) repealed 09/30/2005.
1.4.1 NMAC, Procurement Code Regulations (filed 09/16/2005) repealed 8/30/2013.
1.4.1 NMAC, Procurement Code Regulations (filed 8/13/2013) repealed 6/21/2022.

Other History:
GSD Rule No. 93-601 (filed 09/21/1993) was renumbered, reformatted and amended to 1 NMAC 5.2, Procurement Code Regulations, effective 01/15/1998.
1 NMAC 5.2, Procurement Code Regulations (filed 01/02/1998) was renumbered, reformatted, amended and replaced to 1.4.1 NMAC, Procurement Code Regulations, effective 11/15/2001.
1.4.1 NMAC, Procurement Code Regulations (filed 11/01/2001) was replaced by 1.4.1 NMAC, Procurement Code Regulations, effective 09/30/2005.
1.4.1 NMAC, Procurement Code Regulations (filed 09/16/2005) was replaced by 1.4.1 NMAC, Procurement Code Regulations, effective 8/30/2013.
1.4.1 NMAC, Procurement Code Regulations (filed 8/13/2013) was replaced by 1.4.1 NMAC, Procurement Code Regulations, effective 6/21/2022.

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TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 2 DEFINITIONS

20.2.2.1 ISSUING AGENCY: New Mexico Environmental Improvement Board.
[10/27/95; 20.2.2.1 NMAC - Rn, 20 NMAC 2.100, 10/31/02]

20.2.2.2 SCOPE: The provisions of this part shall apply to all New Mexico regulations regarding air quality, and codified as 20.2.3 NMAC through 20.2.99 NMAC.
[10/27/95; 20.2.2.2 NMAC - Rn, 20 NMAC 2.101, 10/31/02]

20.2.2.3 STATUTORY AUTHORITY: The environmental improvement board "shall promulgate regulations and standards in ... air quality management" (NMSA 1978, section 74-1-8.A) and "the Environmental Improvement Board... shall adopt... regulations to attain and maintain national ambient air quality standards and prevent or abate air pollution..." (NMSA 1978, section 74-2-5.B).
[10/27/95; 20.2.2.3 NMAC - Rn, 20 NMAC 2.102, 10/31/02]

20.2.2.4 DURATION: Permanent.
[10/27/95; 20.2.2.4 NMAC - Rn, 20 NMAC 2.103, 10/31/02]

20.2.2.5 EFFECTIVE DATE: October 27, 1995.
[10/27/95; 20.2.2.5 NMAC - Rn, 20 NMAC 2.104, 10/31/02]
[The latest effective date of any section in this Part is 08/31/09.]

20.2.2.6 OBJECTIVE: To provide specific definitions for terms used and not defined in air quality regulations 20.2.3 NMAC through 20.2.99 NMAC.
[10/27/95; 20.2.2.6 NMAC - Rn, 20 NMAC 2.105, 10/31/02]

20.2.2.7 DEFINITIONS: The following definitions apply to all Parts of Title 20, Chapter 2 NMAC.

A. **"Administrator"** means the administrator of the United States environmental protection agency (US EPA) or his or her designee.

B. **"Aerodynamic diameter"** means the diameter of a sphere of unit density which behaves aerodynamically the same as the particle of the test substance. It is used to predict where particles of different size and density may be deposited in the respiratory tract.

C. **"Air contaminant"** means any airborne substance, including but not limited to, any particulate matter, fly ash, dust, fumes, gas, mist, smoke, vapor, micro-organisms, radioactive material, any combination thereof or any decay or reaction product thereof.

D. **"Air pollution"** means the emission, except as such emission occurs in nature, into the outdoor atmosphere of one or more air contaminants in such quantities and duration as may with reasonable probability injure human health, animal or plant life, or as may unreasonable interfere with the public welfare, visibility or the reasonable use of property.

E. **"Asbestos"** includes chrysolite, crocidolite, amosite, anthophylite, tremolite, and actinolite.

F. **"Board"** means the New Mexico environmental improvement board or its successor agency or authority.

G. **"Carbon dioxide"** means the chemical compound containing one atom of carbon and two atoms of oxygen.

H. **"Carbon monoxide"** means the chemical compound containing one atom of carbon and one atom of oxygen.

I. **"Department"** means the New Mexico environment department or its successor agency or authority, as represented by the department secretary or his or her designee.

J. **"Federal act"** means the Federal Clean Air Act, as amended, 42 U.S.C. sections 7401 et seq.

K. **"Flue"** means, any duct for air, gases, or the like, such as a stack or chimney.

L. **"Fugitive dust"** or **"fugitive particulate matter"** means particulate emissions which escape to the atmosphere due to leakage; materials handling, transfer or storage; travel over unpaved roads or parking areas; or other industrial activities, and which are not ducted through exhaust systems.

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M. **"Greenhouse gas"** means any of the following: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons or sulfur hexafluoride.

N. **"Heavy metal"** means any metal having an atomic number greater than 21.

O. **"Hydrofluorocarbons"** means gaseous chemical compounds containing only hydrogen, carbon, and fluorine atoms.

P. **"Hydrogen sulfide"** means the chemical compound containing two atoms of hydrogen and one atom of sulfur.

Q. **"Kraft pulp"** means the fibrous cellulose material produced in a kraft mill.

R. **"Lead"** means elemental lead; alloys in which one of the elements is lead; or compounds containing lead, which are measured as elemental lead.

S. **"Methane"** means the chemical compound containing one atom of carbon and four atoms of hydrogen.

T. **"mg/m3"** means milligrams per cubic meter.

U. **"Nitrogen dioxide"** means the chemical compound containing one atom of nitrogen and two atoms of oxygen, for the purposes of ambient determinations. The term "nitrogen dioxide," for the purposes of stack emissions monitoring, shall include nitrogen dioxide (the chemical compound containing one atom of nitrogen and two atoms of oxygen), nitric oxide (the chemical compound containing one atom of nitrogen and one atom of oxygen), and other oxides of nitrogen which may test as nitrogen dioxide.

V. **"Nitrous oxide"** means the chemical compound containing two atoms of nitrogen and one atom of oxygen.

W. **"Non-methane hydrocarbons"** means any combination of hydrocarbons (chemical compounds consisting of hydrogen and carbon) excluding only the molecule methane.

X. **"Ozone"** means the chemical compound having the molecular composition of three oxygen atoms.

Y. **"Particulate matter"** means any airborne, finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

Z. **"Particulate matter emissions"** means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by: applicable reference methods; an equivalent or alternative method specified by the administrator; or a test method specified in the New Mexico state implementation plan.

AA. **"Perfluorocarbons"** means gaseous chemical compounds containing only carbon and fluorine atoms.

AB. **"Person"** means any individual; partnership; corporation; association; municipality; the state or political subdivision of the state; and any agency, department, or instrumentality of the United States and any of their officers, agents, or employees.

AC. **"Photochemical oxidents"** means those oxidizing chemical compounds which are the products of photo initiated reactions involving organic compounds and nitrogen oxides, consisting primarily of ozone and peroxyacetyl nitrate (PAN).

AD. **"PM10"** means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers.

AE. **"PM10 emissions"** means finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 10 micrometers, emitted to the ambient air, as measured by: an applicable reference method; an equivalent or alternative method specified by the EPA administrator; or a test method specified in the New Mexico state implementation plan.

AF. **"PM2.5"** means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers.

AG. **"PM2.5 emissions"** means finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air, as measured by: an applicable reference method; an equivalent or alternative method specified by the EPA administrator; or a test method specified in the New Mexico state implementation plan.

AH. **"ppm"** means parts per million by volume.

AI. **"Ringelmann scale"** means the grading of opacity, appearance, density or shade of a smoke emission, in determining the light-obscuring power of smoke.

AJ. **"Schedule of compliance"** means a schedule or timetable, acceptable to the board, which clearly sets out in detail, the steps to be taken in achieving the objectives of a regulation or standard.

AK. "Secretary" means the secretary of the New Mexico environment department or his or her designee.

AL. "Smoke" means small gas-borne particles resulting from incomplete combustion, consisting predominantly, by not exclusively, of carbon, soot and combustible material.

AM. "Sulfur dioxide" means the chemical compound containing one atom of sulfur and two atoms of oxygen, for the purposes of ambient determinations. The term sulfur dioxide, for the purposes of stack emissions monitoring, shall include sulfur dioxide (chemical compound containing one atom of sulfur and two atoms of oxygen), and other oxides of sulfur which may test as sulfur dioxide.

AN. "Sulfur hexafluoride" means the chemical compound containing one atom of sulfur and six atoms of fluorine.

AO. "Total reduced sulfur" means any combination of sulfur compounds, except sulfur dioxide and free sulfur, which test as total reduced sulfur, including, but not limited to, hydrogen sulfide, methyl mercaptan, and ethyl mercaptan.

AP. "Total suspended particulates (TSP)" means particulate matter as measured by the method described in 40 CFR Part 50, Appendix B.

AQ. "ug/m3" means micrograms per cubic meter.

AR. "US EPA" means the United States environmental protection agency.

AS. "Volatile organic compound (VOC)" means any organic compound which participates in atmospheric photochemical reactions; that is, any organic compound other than those which the administrator designates as having negligible photochemical reactivity.

[10/27/95; 20.2.2.7 NMAC - Rn, 20 NMAC 2.2.200 10/31/02; A, 01/01/08; A, 08/31/09]

20.2.2.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This part supersedes AQCR 100, originally filed on January 23, 1970, and subsequently amended and refiled on May 26, 1971, September 1, 1971, September 14, 1973, June 14, 1974, July 15, 1974, February 7, 1983, May 26, 1983, August 1, 1988, and May 29, 1990.

[10/27/95; 20.2.2.8 NMAC - Rn, 20 NMAC 2.2.106, 10/31/02]

20.2.2.9 DOCUMENTS: Documents cited in this part may be viewed at the New Mexico Environment Department, Air Quality Bureau, Runnels Building, 1190 Saint Francis Drive, Santa Fe, NM 87503 [2048 Galisteo St., Santa Fe, NM 87505].

[10/27/95; 20.2.2.9 NMAC - Rn, 20 NMAC 2.2.107, 10/31/02]

HISTORY OF 20.2.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records-state records center and archives:

HSSD 70-1, Ambient Air Quality Standards and Air Quality Control Regulations, 01/27/70.
AQCR 100, Air Quality Control Regulation 100 - Definitions, 02/07/83.
AQCR 100, Air Quality Control Regulation 100 - Definitions, 05/26/83.
EIB/AQCR 100, Air Quality Control Regulation 100 - Definitions, 08/01/88.
EIB/AQCR 100, Air Quality Control Regulation 100 - Definitions, 05/29/90.

History of Repealed Material: [RESERVED]

Other History:

EIB/AQCR 100, Air Quality Control Regulation 100 - Definitions, filed 05/29/90 was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.2, Definitions, effective 10/27/95.
20 NMAC 2.2, Definitions (filed 09/27/95) was **renumbered, reformatted and replaced** by 20.2.2 NMAC, Definitions, effective 10/31/02.

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TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 70 OPERATING PERMITS

20.2.70.1 ISSUING AGENCY: Environmental Improvement Board.
[20.2.70.1 NMAC - Rp, 20.2.70.1 NMAC, 9/15/2025]

20.2.70.2 SCOPE: All persons who own or operate a major source or any other source required to obtain a permit under this Part.
[20.2.70.2 NMAC - Rp, 20.2.70.2 NMAC, 9/15/2025]

20.2.70.3 STATUTORY AUTHORITY: Environmental Improvement Act, Paragraphs (4) and (7) of Subsection A of Section 74-1-8 NMSA 1978, and Air Quality Control Act, Sections 74-2-1 et seq., NMSA 1978, including specifically, Subsections A, B, D and E of Section 74-2-5 NMSA 1978.
[20.2.70.3 NMAC - Rp, 20.2.70.3 NMAC, 9/15/2025]

20.2.70.4 DURATION: Permanent.
[20.2.70.4 NMAC - Rp, 20.2.70.4 NMAC, 9/15/2025]

20.2.70.5 EFFECTIVE DATE: September 15, 2025, except where a later date is cited at the end of a section.
[20.2.70.5 NMAC - Rp, 20.2.70.5 NMAC, 9/15/2025]

20.2.70.6 OBJECTIVE: The objective of this Part is to establish the requirements for obtaining an operating permit.
[20.2.70.6 NMAC - Rp, 20.2.70.6 NMAC, 9/15/2025]

20.2.70.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (definitions), as used in this Part the following definitions shall apply.

A. "Acid rain source" has the meaning given to "affected source" in the regulations promulgated under Title IV of the federal act, and includes all sources subject to Title IV of the federal act.

B. "Affected programs" means all states, local air pollution control programs, and Indian tribes and pueblos, that are within 50 miles of the source.

C. "Air pollutant" means an air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive (including source material, special nuclear material, and byproduct material) substance or matter which is emitted into or otherwise enters the ambient air. Such term includes any precursors to the formation of any air pollutant, to the extent the administrator has identified such precursor or precursors for the particular purpose for which the term "air pollutant" is used. This excludes water vapor, nitrogen (N2), oxygen (O2), and ethane.

D. "Air pollution control equipment" means any device, equipment, process or combination thereof, the operation of which would limit, capture, reduce, confine, or otherwise control regulated air pollutants or convert for the purposes of control any regulated air pollutant to another form, another chemical or another physical state. This includes, but is not limited to, sulfur recovery units, acid plants, baghouses, precipitators, scrubbers, cyclones, water sprays, enclosures, catalytic converters, and steam or water injection.

E. "Applicable requirement" means all of the following, as they apply to a Part 70 source or to an emissions unit at a Part 70 source (including requirements that have been promulgated or approved by the board or US EPA through rulemaking at the time of permit issuance but have future-effective compliance dates).

(1) Any standard or other requirement provided for in the New Mexico state implementation plan approved by US EPA, or promulgated by US EPA through rulemaking, under Title I of the federal act to implement the relevant requirements of the federal act, including any revisions to that plan promulgated in 40 CFR, Part 52.

(2) Any term or condition of any preconstruction permit issued pursuant to regulations approved or promulgated through rulemaking under Title I, including Parts C or D, of the federal act, unless that term or condition is determined by the department to be no longer pertinent.

(3) Any standard or other requirement under Section 111 of the federal act, including Section 111(d).

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(4) Any standard or other requirement under Section 112 of the federal act, including any requirement concerning accident prevention under Section 112(r)(7) of the federal act.

(5) Any standard or other requirement of the acid rain program under Title IV of the federal act or the regulations promulgated thereunder.

(6) Any requirements established pursuant to Section 504(b) or Section 114(a)(3) of the federal act.

(7) Any standard or other requirement under Section 126(a)(1) and (c) of the federal act.

(8) Any standard or other requirement governing solid waste incineration under Section 129 of the federal act.

(9) Any standard or other requirement for consumer and commercial products under Section 183(e) of the federal act.

(10) Any standard or other requirement for tank vessels under Section 183(f) of the federal act.

(11) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the federal act, unless the administrator has determined that such requirements need not be contained in a Title V permit.

(12) Any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the federal act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the federal act. This means that general permits for temporary sources must consider these requirements, but they are not applicable for other operating permits under this Part.

(13) Any rule adopted by the board pursuant to the New Mexico Air Quality Control Act, Subsection B of Section 74-2-5, NMSA 1978.

F. "CFR" means the Code of Federal Regulations.

G. "Draft permit" means a version of a permit which the department offers for public participation or affected program review.

H. "Emission limitation" means a requirement established by US EPA, the board, or the department, that limits the quantity, rate or concentration, or combination thereof, of emissions of regulated air pollutants on a continuous basis, including any requirements relating to the operation or maintenance of a source to assure continuous reduction.

I. "Emissions allowable under the permit" means:

(1) any state or federally enforceable permit term or condition that establishes an emission limit (including a work practice standard) requested by the applicant and approved by the department or determined at issuance or renewal to be required by an applicable requirement; or

(2) any federally enforceable emissions cap that the permittee has assumed to avoid an applicable requirement to which the source would otherwise be subject.

J. "Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any air pollutant listed pursuant to Section 112(b) of the federal act. This term is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the federal act.

K. "Federally enforceable" means all limitations and conditions which are enforceable by the administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within the New Mexico state implementation plan, and any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I, including 40 CFR 51.165 and 40 CFR 51.166.

L. "Final permit" means the version of an operating permit issued by the department that has met all review requirements of 20.2.70.400 NMAC - 20.2.70.499 NMAC.

M. "Fugitive emissions" are those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

N. "General permit" means an operating permit that meets the requirements of 20.2.70.303 NMAC.

O. "Greenhouse gas" for the purpose of this Part is defined as the aggregate group of the following six gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

P. "Hazardous air pollutant" means an air contaminant that has been classified as a hazardous air pollutant pursuant to the federal act.

Q. "Insignificant activities" means those activities which have been listed by the department and approved by the administrator as insignificant on the basis of size, emissions or production rate.

R. "Major source" means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person(s)) in which all of the pollutant emitting activities at such source belong to the same major group (i.e., all have the same two-digit

code), as described in the standard industrial classification manual, 1987, and that is described in Paragraphs (1), (2) or (3) of Subsection R of 20.2.70.7 NMAC.

(1) A major source under Section 112 of the federal act, which is defined as the following.

(a) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons or more per year of any hazardous air pollutant which has been listed pursuant to Section 112 (b) of the federal act, 25 or more tons per year of any combination of such hazardous air pollutants (including any major source of fugitive emissions of any such pollutant, as determined by rule by the administrator), or such lesser quantity as the administrator may establish by rule. Notwithstanding the preceding sentence, hazardous emissions from any oil or gas exploration or production well (with its associated equipment) and hazardous emissions from any pipeline compressor or pump station shall not be aggregated with hazardous emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources.

(b) For radionuclides, "major source" shall have the meaning specified by the administrator by rule.

(2) A major stationary source of air pollutants that directly emits or has the potential to emit, 100 or more tons per year of any air pollutant subject to regulation (including any major source of fugitive emissions of any such pollutant, as determined by rule by the administrator). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Paragraph (2) of Subsection R of 20.2.70.7 NMAC, unless the source belongs to one of the following categories of stationary sources:

(a) coal cleaning plants (with thermal dryers);
(b) kraft pulp mills;
(c) portland cement plants;
(d) primary zinc smelters;
(e) iron and steel mills;
(f) primary aluminum ore reduction plants;
(g) primary copper smelters;
(h) municipal incinerators capable of charging more than 250 tons of refuse per day;
(i) hydrofluoric, sulfuric, or nitric acid plants;
(j) petroleum refineries;
(k) lime plants;
(l) phosphate rock processing plants;
(m) coke oven batteries;
(n) sulfur recovery plants;
(o) carbon black plants (furnace process);
(p) primary lead smelters;
(q) fuel conversion plant;
(r) sintering plants;
(s) secondary metal production plants;
(t) chemical process plants;
(u) fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
(v) petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
(w) taconite ore processing plants;
(x) glass fiber processing plants;
(y) charcoal production plants;
(z) fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
(aa) any other stationary source category, which as of August 7, 1980, is being regulated under Section 111 or 112 of the federal act.

(3) A major stationary source as defined in Part D of Title I of the federal act, including:

(a) for ozone non-attainment areas, sources with the potential to emit 100 tons or more per year of volatile organic compounds or nitrogen oxides in areas classified as "marginal" or "moderate," 50 tons or more per year in areas classified as "serious," 25 tons or more per year in areas classified as "severe," and 10

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tons or more per year in areas classified as "extreme," except that the references in Subparagraph (a) of Paragraph (3) of Subsection R of 20.2.70.7 NMAC to 100, 50, 25, and 10 tons per year of nitrogen oxides shall not apply with respect to any source for which the administrator has made a finding, under Section 182(f)(1) or (2) of the federal act, that requirements under Section 182(f) of the federal act do not apply;

(b) for ozone transport regions established pursuant to Section 184 of the federal act, sources with the potential to emit 50 tons or more per year of volatile organic compounds;

(c) for carbon monoxide non-attainment areas (1) that are classified as "serious," and (2) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the administrator, sources with the potential to emit 50 tons or more per year of carbon monoxide; and

(d) for particulate matter (PM10) non-attainment areas classified as "serious," sources with the potential to emit 70 tons or more per year of PM10.

S. "Operating permit" or **"permit"** (unless the context suggests otherwise) means any permit or group of permits covering a source that is issued, renewed, modified or revised pursuant to this Part.

T. "Operator" means the person or persons responsible for the overall operation of a facility.

U. "Owner" means the person or persons who own a facility or part of a facility.

V. "Part" means an air quality control regulation under Title 20, Chapter 2 of the New Mexico Administrative Code, unless otherwise noted; as adopted or amended by the board.

W. "Part 70 source" means any source subject to the permitting requirements of this Part, as provided in 20.2.70.200 NMAC - 20.2.70.299 NMAC.

X. "Permit modification" means a revision to an operating permit that meets the requirements of significant permit modifications, minor permit modifications, or administrative permit amendments, as defined in 20.2.70.404 NMAC.

Y. "Permittee" means the owner, operator or responsible official at a permitted Part 70 source, as identified in any permit application or modification.

Z. "Portable source" means any plant that is mounted on any chassis or skids and which can be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt or other means (except electrical connections) by which any piece of equipment is attached or clamped to any anchor, slab, or structure, including bedrock, that must be removed prior to the application of a lifting or pulling force for the purpose of transporting the unit. Portable sources may include sand and gravel plants, rock crushers, asphalt plants and concrete batch plants which meet this criteria.

AA. "Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is federally enforceable. The potential to emit for nitrogen dioxide shall be based on total oxides of nitrogen.

AB. "Proposed permit" means the version of a permit that the department proposes to issue and forwards to the administrator for review in compliance with 20.2.70.402 NMAC.

AC. "Regulated air pollutant" means the following:

(1) nitrogen oxides or any volatile organic compounds;

(2) any pollutant for which a national ambient air quality standard has been promulgated;

(3) any pollutant that is subject to any standard promulgated under Section 111 of the federal act;

(4) any class I or II substance subject to any standard promulgated under or established by Title VI of the federal act;

(5) any pollutant subject to a standard promulgated under Section 112 or any other requirements established under Section 112 of the federal act, including Sections 112(g), (j), and (r), including the following;

(a) any pollutant subject to requirements under Section 112(j) of the federal act; if the administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the federal act, any pollutant for which a subject source would be a major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to Section 112(e) of the federal act; and

(b) any pollutant for which the requirements of Section 112(g)(2) of the federal act have been met, but only with respect to the individual source subject to a Section 112(g)(2) requirement; or

(6) any other pollutant subject to regulation as defined in Subsection AL of 20.2.70.7 NMAC.

AD. "Renewal" means the process by which a permit is reissued at the end of its term.

AE. "Responsible official" means one of the following:

(1) for a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(a) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

(b) the delegation of authority to such representative is approved in advance by the department;

(2) for a partnership or sole proprietorship: a general partner or the proprietor, respectively;

(3) for a municipality, state, federal or other public agency: either a principal executive officer or ranking elected official; for the purposes of this Part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a regional administrator of US EPA); or

(4) for an acid rain source: the designated representative (as defined in Section 402(26) of the federal act) in so far as actions, standards, requirements, or prohibitions under Title IV of the federal act or the regulations promulgated thereunder are concerned; and for any other purposes under 40 CFR Part 70.

AF. "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

AG. "Shutdown" means the cessation of operation of any air pollution control equipment, process equipment or process for any purpose.

AH. "Solid waste incineration unit" means a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels). The term "solid waste incineration unit" does not include:

(1) incinerators or other units required to have a permit under Section 3005 of the federal Solid Waste Disposal Act;

(2) materials recovery facilities (including primary or secondary smelters) which combust waste for the primary purpose of recovering metals;

(3) qualifying small power production facilities, as defined in Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)), or qualifying cogeneration facilities, as defined in Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)), which burn homogeneous waste (such as units which burn tires or used oil, but not including refuse-derived fuel) for the production of electric energy or in the case of qualifying cogeneration facilities which burn homogeneous waste for the production of electric energy and steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating or cooling purposes; or

(4) air curtain incinerators, provided that such incinerators only burn wood wastes, yard wastes and clean lumber and that such air curtain incinerators comply with opacity limitations established by the administrator by rule.

AI. "Startup" means the setting into operation of any air pollution control equipment, process equipment or process for any purpose.

AJ. "Stationary source" or **"source"** means any building, structure, facility, or installation, or any combination thereof that emits or may emit any regulated air pollutant or any pollutant listed under Section 112(b) of the federal act.

AK. "Subsidiary" means a business concern which is owned or controlled by, or is a partner of, the applicant or permittee.

AL. "Subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision in the act, or a nationally-applicable regulation codified by the administrator in Subchapter C of 40 CFR Chapter I, that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity. Except that:

(1) "greenhouse gases" (GHGs) shall not be subject to regulation, unless, as of July 1, 2011, the GHG emissions are at a stationary source emitting or having the potential to emit 100,000 tons per year CO_2e equivalent emissions;

(2) the term **"tons per year CO_2e equivalent emissions"** (CO_2e) shall represent the aggregate amount of GHGs emitted by the regulated activity, and shall be computed by multiplying the mass

amount of emissions (tons per year), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A-1 to Subpart A of 40 CFR Part 98 - Global Warming Potentials, and summing the resultant value for each gas; for purposes of Paragraph (2) of Subsection AL of 20.2.70.7 NMAC, prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of non-fossilized and biodegradable organic material originating from plants, animals, or micro-organisms (including products, by-products, residues and waste from agriculture, forestry and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material);

(3) if a federal court stays, invalidates or otherwise renders unenforceable by the US EPA, in whole or in part, the prevention of significant deterioration and Title V greenhouse gas tailoring rule (75 FR 31514, June 3, 2010), the definition "subject to regulation" shall be enforceable by the department only to the extent that it is enforceable by US EPA.

AM. "Temporary source" means any plant that is situated in one location for a period of less than one year, after which it will be dismantled and removed from its current site or relocated to a new site. A temporary source may be semi-permanent, which means that it does not have to meet the requirements of a portable source. Temporary sources may include well head compressors which meet this criteria.

AN. "Title I modification" means any modification under Sections 111 or 112 of the federal act and any physical change or change in method of operations that is subject to the preconstruction regulations promulgated under Parts C and D of the federal act.

[20.2.70.7 NMAC - Rp, 20.2.70.7 NMAC, 9/15/2025]

20.2.70.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation ("AQCR") 770, - Operating Permits, filed November 15, 1993, as amended ("AQCR 770"). The original effective date of AQCR 770 was December 19, 1994, which was the effective date of approval, by the administrator, of the New Mexico operating permit program. (See 59 FR 59656, November 18, 1994).

A. All references to AQCR 770 in any other rule shall be construed as a reference to this Part.

B. The amendment and supersession of AQCR 770 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 770.

[20.2.70.8 NMAC - Rp, 20.2.70.8 NMAC, 9/15/2025]

20.2.70.9 DOCUMENTS: Documents cited in this Part may be viewed at the New Mexico Environment Department, Air Quality Bureau. [As of April 2013, the Air Quality Bureau is located at 525 Camino de los Marquez, Suite 1, Santa Fe, New Mexico 87505]

[20.2.70.9 NMAC - Rp, 20.2.70.9 NMAC, 9/15/2025]

20.2.70.10 to 20.2.70.199 [RESERVED]

20.2.70.200 PART 70 SOURCES: Operating permits must be obtained from the department for the following sources:

A. any major source;

B. any source, including an area source, subject to a standard or other requirement promulgated under Section 111 -- Standards of Performance for New Stationary Sources, or Section 112 -- Hazardous Air Pollutants, of the federal act, but not including any source which:

(1) is exempted under Subsection B of 20.2.70.202 NMAC; or

(2) would be required to obtain a permit solely because it is subject to regulations or requirements under Section 112(r) of the federal act;

C. any acid rain source; and

D. any source in a source category so designated by the administrator, in whole or in part, by regulation, after notice and comment.

[20.2.70.200 NMAC - Rp, 20.2.70.200 NMAC, 9/15/2025]

20.2.70.201 REQUIREMENT FOR A PERMIT:

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A. A Part 70 source may operate after the time that it is required to submit a timely and complete application under this Part only if:

(1) the source is in compliance with an operating permit issued by the department or EPA; or

(2) a timely permit (including permit renewal) application has been submitted consistent with 20.2.70.300 NMAC; the ability to operate under these circumstances shall cease if the applicant fails to submit by the deadline specified in writing by the department any additional information identified as being needed to process the application.

B. Revocation or termination of a permit by the department terminates the permittee's right to operate.

C. The submittal of a complete operating permit application shall not protect any source from any applicable requirement, including any requirement that the source have a preconstruction permit under Title I of the federal act or state regulations.

D. Requirement for permit under 20.2.72 NMAC.

(1) Part 70 sources that have an operating permit and do not have a permit issued under 20.2.72 NMAC or 20.2.74 NMAC shall submit a complete application for a permit under 20.2.72 NMAC within 180 days of September 6, 2006. The department shall consider and may grant reasonable requests for extension of this deadline on a case-by-case basis.

(2) Part 70 sources that do not have an operating permit or a permit under 20.2.72 NMAC upon the effective date of 20.2.70.201 NMAC shall submit an application for a permit under 20.2.72 NMAC within 60 days after submittal of an application for an operating permit.

(3) Paragraphs (1) and (2) of Subsection D of 20.2.70.201 NMAC shall not apply to sources that have demonstrated compliance with both the national and state ambient air quality standards through dispersion modeling or other method approved by the department and that have requested incorporation of conditions in their operating permit to ensure compliance with these standards.

[20.2.70.201 NMAC - Rp, 20.2.70.201 NMAC, 9/15/2025]

20.2.70.202 SOURCE CATEGORY EXEMPTIONS:

A. The following source categories are exempted from the obligation to obtain an operating permit:

(1) all sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 60, Subpart AAA -- Standards of Performance for New Residential Wood Heaters;

(2) all sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 61, Subpart M -- National Emission Standard for Hazardous Air Pollutants for Asbestos, Section 61.145, Standard for Demolition and Renovation;

(3) except as required under Sections 20.2.70.500 NMAC - 20.2.70.599 NMAC, any source that would be required to obtain a permit solely because of emissions of radionuclides; and

(4) any source in a source category exempted by the administrator, by regulation, after notice and comment.

B. Non-major sources, including those subject to Sections 111 or 112 of the federal act, are exempt from the obligation to obtain a Part 70 (20.2.70 NMAC) permit until such time that the administrator completes a rulemaking that requires such sources to obtain operating permits.

C. Any source exempted from the requirement to obtain an operating permit may opt to apply for a permit under this Part.

D. No permit for a solid waste incineration unit shall be issued by the department if a New Mexico state agency is responsible, in whole or in part, for the design and construction or operation of the unit. In such cases, applications shall be made to the administrator. Department review or approval of solid waste incineration units shall not constitute responsibility for the design, construction, or operation of the unit.

[20.2.70.202 NMAC - Rp, 20.2.70.202 NMAC, 9/15/2025]

20.2.70.203 EXISTING MAJOR SOURCES WHICH ARE NOT REQUIRED TO HAVE A PERMIT UNDER 20.2.72 NMAC (CONSTRUCTION PERMITS): The owner or operator of any major source may reverse or avoid designation as a major source under this Part by obtaining a permit under 20.2.72 NMAC (Construction Permits) which includes federally enforceable conditions which restrict the potential to emit of the source to non-major emission rates. Such conditions may include emissions limitations, process restrictions or limitations or both, restrictions on annual hours of operation, or other conditions which reduce the facility's potential to emit.

[20.2.70.203 NMAC - Rp, 20.2.70.203 NMAC, 9/15/2025]

20.2.70.204 BERNALILLO COUNTY: For the operation of sources within Bernalillo County, the applicant shall make such applications to the air pollution control division of the Albuquerque environmental health department or its successor agency or authority.
[20.2.70.204 NMAC - Rp, 20.2.70.204 NMAC, 9/15/2025]

20.2.70.205 INDIAN TRIBAL JURISDICTION: The requirements of this Part do not apply to sources within Indian Tribal jurisdiction. For the operation of sources in that jurisdiction, the applicant should make such applications to the Tribal Authority or to the administrator, as appropriate.
[20.2.70.205 NMAC - Rp, 20.2.70.205 NMAC, 9/15/2025]

20.2.70.206 to 20.2.70.299 [RESERVED]

20.2.70.300 PERMIT APPLICATIONS:

A. Duty to apply. For each Part 70 source, the owner or operator shall submit a timely and complete permit application in accordance with this Part.

B. Timely application. A timely application for a source applying for a permit under this Part is:

(1) for first time applications, one that is submitted within 12 months after the source commences operation as a Part 70 source;

(2) for purposes of permit renewal, one that is submitted at least 12 months prior to the date of permit expiration;

(3) for the acid rain portion of permit applications for initial phase II acid rain sources under Title IV of the federal act, by January 1, 1996 for sulfur dioxide, and by January 1, 1998 for nitrogen oxides.

C. Completeness of application.

(1) To be deemed complete, an application must provide all information required pursuant to Subsection D of 20.2.70.300 NMAC, except that applications for permit modifications need supply such information only if it is related to the proposed change.

(2) If, while processing an application, regardless of whether it has been determined or deemed to be complete, the department determines that additional information is necessary to evaluate or take final action on that application, it may request such information in writing and set a reasonable deadline for a response.

(3) Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application or in a supplemental submittal shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide further information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.

(4) The applicant's ability to operate without a permit, as set forth in Paragraph (2) of Subsection A of 20.2.70.201 NMAC, shall be in effect from the date a timely application is submitted until the final permit is issued or disapproved, provided that the applicant adequately submits any requested additional information by the deadline specified by the department.

D. Content of application. Any person seeking a permit under this Part shall do so by filing a written application with the department. The applicant shall submit three copies of the permit application, or more, as requested by the department. An applicant may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required under 20.2.71 NMAC (Operating Permit Emissions Fees). Fugitive emissions shall be included in the permit application in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source. All applications shall meet the following requirements.

(1) Be made on forms furnished by the department, which for the acid rain portions of permit applications and compliance plans shall be on nationally-standardized forms to the extent required by regulations promulgated under Title IV of the federal act.

(2) State the company's name and address (and, if different, plant name and address), together with the names and addresses of the owner(s), responsible official and the operator of the source, any subsidiaries or parent companies, the company's state of incorporation or principal registration to do business and corporate or partnership relationship to other permittees subject to this Part, and the telephone numbers and names of the owners' agent(s) and the site contact(s) familiar with plant operations.

(3) State the date of the application.

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(4) Include a description of the source's processes and products (by standard industrial classification code) including any associated with alternative scenarios identified by the applicant, and a map, such as the 7.5-minute topographic quadrangle map published by the United States geological survey or the most detailed map available showing the exact location of the source. The location shall be identified by latitude and longitude or by Universal Transverse Mercator (UTM) coordinates.

(5) For all emissions of all air pollutants for which the source is major and all emissions of regulated air pollutants, provide all emissions information, calculations and computations for the source and for each emissions unit, except for insignificant activities (as defined in 20.2.70.7 NMAC). This shall include:

(a) a process flow sheet of all components of the facility which would be involved in routine operations and emissions;

(b) identification and description of all emissions points in sufficient detail to establish the basis for fees and applicability of requirements of the state and federal acts;

(c) emissions rates in tons per year, pounds per hour and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method;

(d) specific information such as that regarding fuels, fuel use, raw materials, or production rates, to the extent it is needed to determine or regulate emissions;

(e) identification and full description, including all calculations and the basis for all control efficiencies presented, of air pollution control equipment and compliance monitoring devices or activities;

(f) the maximum and standard operating schedules of the source, as well as any work practice standards or limitations on source operation which affect emissions of regulated pollutants;

(g) if requested by the department, an operational plan defining the measures to be taken to mitigate source emissions during startups, shutdowns and emergencies;

(h) other relevant information as the department may reasonably require or which are required by any applicable requirements (including information related to stack height limitations developed pursuant to Section 123 of the federal act); and

(i) for each alternative operating scenario identified by the applicant, all of the information required in Subparagraphs (a) through (h) of Paragraph (5) of Subsection D of 20.2.70.300 NMAC, as well as additional information determined to be necessary by the department to define such alternative operating scenarios.

(6) Provide a list of insignificant activities (as defined in 20.2.70.7 NMAC) at the source, their emissions, to the extent required by the department, and any information necessary to determine applicable requirements.

(7) Provide a citation and description of all applicable air pollution control requirements, including:

(a) sufficient information related to the emissions of regulated air pollutants to verify the requirements that are applicable to the source; and

(b) a description of or reference to any applicable test method for determining compliance with each applicable requirement.

(8) Provide an explanation of any proposed exemptions from otherwise applicable requirements.

(9) Provide other specific information that may be necessary to implement and enforce other requirements of the state or federal acts or to determine the applicability of such requirements, including information necessary to collect any permit fees owed under 20.2.71 NMAC (Operating Permit Emissions Fees).

(10) Provide certification of compliance, including all of the following.

(a) A certification, by a responsible official consistent with Subsection E of 20.2.70.300 NMAC, of the source's compliance status for each applicable requirement. For national ambient air quality standards, certifications shall be based on the following.

(i) For first time applications, this certification shall be based on modeling submitted with the application for a permit under 20.2.72 NMAC.

(ii) For permit renewal applications, this certification shall be based on compliance with the relevant terms and conditions of the current operating permit.

(b) A statement of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test methods.

(c) A statement that the source will continue to be in compliance with applicable requirements for which it is in compliance, and will, in a timely manner or at such schedule expressly required by the applicable requirement, meet additional applicable requirements that become effective during the permit term.

(d) A schedule for submission of compliance certifications during the permit term, to be submitted no less frequently than annually, or more frequently if specified by the underlying applicable requirement or by the department.

(e) A statement indicating the source's compliance status with any enhanced monitoring and compliance certification requirements of the federal act.

(11) For sources that are not in compliance with all applicable requirements at the time of permit application, provide a compliance plan that contains all of the following.

(a) A description of the compliance status of the source with respect to all applicable requirements.

(b) A narrative description of how the source will achieve compliance with such requirements for which it is not in compliance.

(c) A schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with such applicable requirements. The schedule of compliance shall be at least as stringent as that contained in any consent decree or administrative order to which the source is subject, and the obligations of any consent decree or administrative order shall not be in any way diminished by the schedule of compliance. Any such schedule of compliance shall be supplemental to, and shall not prohibit the department from taking any enforcement action for noncompliance with, the applicable requirements on which it is based.

(d) A schedule for submission of certified progress reports no less frequently than every six months.

(e) For the portion of each acid rain source subject to the acid rain provisions of Title IV of the federal act, the compliance plan content requirements specified in Paragraph (11) of Subsection D of 20.2.70.300 NMAC, except as specifically superseded by regulations promulgated under Title IV of the federal act with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.

E. Certification. Any document, including any application form, report, or compliance certification, submitted pursuant to this Part shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this Part shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

[20.2.70.300 NMAC - Rp, 20.2.70.300 NMAC, 9/15/2025]

20.2.70.301 CONFIDENTIAL INFORMATION PROTECTION:

A. All confidentiality claims made regarding material submitted to the department under this Part shall be reviewed under the provisions of the New Mexico Air Quality Control Act Section 74-2-11 NMSA 1978 and the New Mexico Inspection of Public Records Act, Sections 14-2-1 et seq. NMSA 1978.

B. In the case where an applicant or permittee has submitted information to the department under a claim of confidentiality, the department may also require the applicant or permittee to submit a copy of such information directly to the administrator.

C. An operating permit is a public record, and not entitled to protection under Section 114(c) of the federal act.

[20.2.70.301 NMAC - Rp, 20.2.70.301 NMAC, 9/15/2025]

20.2.70.302 PERMIT CONTENT:

A. Permit conditions.

(1) The department shall specify conditions upon a permit, including emission limitations and sufficient operational requirements and limitations, to assure compliance with all applicable requirements at the time of permit issuance or as specified in the approved schedule of compliance. The permit shall:

(a) for major sources, include all applicable requirements for all relevant emissions units in the major source;

(b) for any non-major source subject to 20.2.70.200 NMAC - 20.2.70.299 NMAC, include all applicable requirements which apply to emissions units that cause the source to be subject to this Part;

(c) specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based;

(d) include a severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit;

(e) include a provision to ensure that the permittee pays fees to the department consistent with the fee schedule in 20.2.71 NMAC (Operating Permit Emissions Fees); and

(f) for purposes of the permit shield, identify any requirement specifically identified in the permit application or significant permit modification that the department has determined is not applicable to the source, and state the basis for any such determination.

(2) Each permit issued shall, additionally, include provisions stating the following.

(a) The permittee shall comply with all terms and conditions of the permit. Any permit noncompliance is grounds for enforcement action. In addition, noncompliance with federally enforceable permit conditions constitutes a violation of the federal act.

(b) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

(c) The permit may be modified, reopened and revised, revoked and reissued, or terminated for cause in accordance with 20.2.70.405 NMAC.

(d) The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance shall not stay any permit condition.

(e) The permit does not convey any property rights of any sort, or any exclusive privilege.

(f) Within the period specified by the department, the permittee shall furnish any information that the department may request in writing to determine whether cause exists for reopening and revising, revoking and reissuing, or termination of the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required by the permit to be maintained.

(3) The terms and conditions for all alternative operating scenarios identified in the application and approved by the department:

(a) shall require that the permittee maintain a log at the permitted facility which documents, contemporaneously with any change from one operating scenario to another, the scenario under which the facility is operating; and

(b) shall, for each such alternative scenario, meet all applicable requirements and the requirements of this Part.

(4) The department may impose conditions regulating emissions during startup and shutdown.

(5) All permit terms and conditions which are required under the federal act or under any of its applicable requirements, including any provisions designed to limit a source's potential to emit, are enforceable by the administrator and citizens under the federal act. The permit shall specifically designate as not being federally enforceable under the federal act any terms or conditions included in the permit that are not required under the federal act or under any of its applicable requirements.

(6) The issuance of a permit, or the filing or approval of a compliance plan, does not relieve any person from civil or criminal liability for failure to comply with the provisions of the Air Quality Control Act, the federal act, federal regulations thereunder, any applicable regulations of the board, and any other applicable law or regulation.

(7) The department may include part or all of the contents of the application as terms and conditions of the permit or permit modification. The department shall not apply permit terms and conditions upon emissions of regulated pollutants for which there are no applicable requirements, unless the source is major for that pollutant.

(8) Fugitive emissions from a source shall be included in the operating permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

(9) The acid rain portion of operating permits for acid rain sources shall additionally:

(a) state that, where an applicable requirement of the federal act is more stringent than an applicable requirement of regulations promulgated under Title IV of the federal act, both provisions shall be incorporated into the permit and shall be enforceable by the administrator; and

(b) contain a permit condition prohibiting emissions exceeding any allowances that the acid rain source lawfully holds under Title IV of the federal act or the regulations promulgated thereunder; no permit modification under this Part shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit modification under

any other applicable requirement; no limit shall be placed on the number of allowances held by the acid rain source; the permittee may not use allowances as a defense to noncompliance with any other applicable requirement; any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the federal act.

B. Permit duration. The department shall issue operating permits for a fixed term of five years.

C. Monitoring.

(1) Each permit shall contain all emissions monitoring requirements, and analysis procedures or test methods, required to assure and verify compliance with the terms and conditions of the permit and applicable requirements, including any procedures and methods promulgated by the administrator.

(2) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), the permit shall require periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to Subsection E of 20.2.70.302 NMAC. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement.

(3) The permit shall also contain specific requirements concerning the use, maintenance, and, when appropriate, installation of monitoring equipment or methods.

D. Recordkeeping.

(1) The permit shall require recordkeeping sufficient to assure and verify compliance with the terms and conditions of the permit, including recordkeeping of:

(a) the date, place as defined in the permit, and time of sampling or measurements;

(b) the date(s) analyses were performed;

(c) the company or entity that performed the analyses;

(d) the analytical techniques or methods used;

(e) the results of such analyses; and

(f) the operating conditions existing at the time of sampling or measurement.

(2) Records of all monitoring data and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

E. Reporting. The permit shall require reporting sufficient to assure and verify compliance with the terms and conditions of the permit and all applicable requirements, including all of the following.

(1) Submittal of reports of any required monitoring at least every six months. The reports shall be due to the department within 45 days of the end of the permittee's reporting period. All instances of deviations from permit requirements, including emergencies, must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with Subsection E of 20.2.70.300 NMAC.

(2) Prompt reporting of all deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The report shall be contained in the report submitted in accordance with the timeframe given in Paragraph (1) of Subsection E of 20.2.70.302 NMAC.

(3) Submittal of compliance certification reports at least every 12 months (or more frequently if so specified by an applicable requirement) certifying the source's compliance status with terms and conditions contained in the permit, including emission limitations, standards, or work practices. The reports shall be due to the department within 30 days of the end of the permittee's reporting period. Such compliance certifications shall be submitted to the administrator as well as to the department and shall include:

(a) the identification of each term or condition of the permit that is the basis of the certification;

(b) the compliance status of the source;

(c) whether compliance was continuous or intermittent;

(d) the method(s) used for determining the compliance status of the source, currently and during the reporting period identified in the permit; and

(e) such other facts as the department may require to determine the compliance status of the source.

(4) Such additional provisions as may be specified by the administrator to determine the compliance status of the source.

F. Portable and temporary sources. The department may issue permits for portable and temporary sources which allow such sources to relocate without undergoing a permit modification. Such permits shall not apply to acid rain sources and shall include conditions to assure that:

(1) the source is installed at all locations in a manner conforming with the permit;

(2) the source shall comply with all applicable requirements and all other provisions of this Part at all authorized locations;

(3) the owner or operator shall notify the department in writing at least 15 calendar days in advance of each change in location;

(4) notification shall include a legal description of where the source is to be relocated and how long it will be located there; and

(5) emissions from the source shall not, at any location, result in or contribute to an exceedance of a national ambient air quality standard or increment or visibility requirement under Part C of Title I of the federal act; the department may require dispersion modeling to assure compliance at any location.

G. Compliance. To assure and verify compliance with the terms and conditions of the permit and with this Part, permits shall also include all the following.

(1) Require that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized representatives of the department to perform the following:

(a) enter upon the permittee's premises where a source is located or emission related activity is conducted, or where records must be kept under the conditions of the permit;

(b) have access to and copy any records that must be kept under the conditions of the permit;

(c) inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

(d) sample or monitor any substances or parameters for the purpose of assuring compliance with the permit or applicable requirements or as otherwise authorized by the federal act.

(2) Require that sources required under Paragraph (11) of Subsection D of 20.2.70.300 NMAC to have a schedule of compliance submit progress reports to the department at least semiannually, or more frequently if specified in the applicable requirement or by the department. Such progress reports shall be consistent with the schedule of compliance and requirements of Paragraph (11) of Subsection D of 20.2.70.300 NMAC and shall contain:

(a) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(b) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

(3) Include such other provisions as the department may require.

H. Operational flexibility.

(1) Section 502(b)(10) changes.

(a) The permittee may make Section 502(b)(10) changes, as defined in 20.2.70.7 NMAC, without applying for a permit modification, if those changes are not Title I modifications and the changes do not cause the facility to exceed the emissions allowable under the permit (whether expressed as a rate of emissions or in terms of total emissions).

(b) For each such change, the permittee shall provide written notification to the department and the administrator at least seven days in advance of the proposed changes. Such notification shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(c) The permittee and department shall attach each such notice to their copy of the relevant permit.

(d) If the written notification and the change qualify under this provision, the permittee is not required to comply with the permit terms and conditions it has identified that restrict the change. If the change does not qualify under this provision, the original terms of the permit remain fully enforceable.

(2) Emissions trading within a facility.

(a) The department shall, if an applicant requests it, issue permits that contain terms and conditions allowing for the trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with a federally enforceable emissions cap that is established in the permit in addition to any applicable requirements. Such terms and conditions shall include all terms and conditions required under 20.2.70.302 NMAC to determine compliance. If applicable requirements apply to the requested emissions trading,

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permit conditions shall be issued only to the extent that the applicable requirements provide for trading such increases and decreases without a case-by-case approval.

(b) The applicant shall include in the application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The department shall not include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall require compliance with all applicable requirements.

(c) For each such change, the permittee shall provide written notification to the department and the administrator at least seven days in advance of the proposed changes. Such notification shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

(d) The permittee and department shall attach each such notice to their copy of the relevant permit.

I. Off-permit changes.

(1) Permittees are allowed to make, without a permit modification, changes that are not addressed or prohibited by the operating permit, if:

(a) each such change meets all applicable requirements and shall not violate any existing permit term or condition;

(b) such changes are not subject to any requirements under Title IV of the federal act and are not Title I modifications;

(c) such changes are not subject to permit modification procedures under 20.2.70.404 NMAC; and

(d) the permittee provides contemporaneous written notice to the department and US EPA of each such change, except for changes that qualify as insignificant activities. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted and any applicable requirement that would apply as a result of the change.

(2) The permittee shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

J. Permit shield.

(1) Except as provided in this Part, the department shall expressly include in a Part 70 (20.2.70 NMAC) permit a provision stating that compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:

(a) such applicable requirements are included and are specifically identified in the permit; or

(b) the department, in acting on the permit application or significant permit modification, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.

(2) A Part 70 (20.2.70 NMAC) permit that does not expressly state that a permit shield exists for a specific provision shall be presumed not to provide such a shield for that provision.

(3) Nothing in Subsection J of 20.2.70.302 NMAC or in any Part 70 (20.2.70 NMAC) permit shall alter or affect the following:

(a) the provisions of Section 303 of the federal act - Emergency Powers, including the authority of the administrator under that Section, or the provisions of the New Mexico Air Quality Control Act, Section 74-2-10 NMSA 1978;

(b) the liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;

(c) the applicable requirements of the acid rain program, consistent with Section 408(a) of the federal act; or

(d) the ability of US EPA to obtain information from a source pursuant to Section 114 of the federal act, or the department to obtain information subject to the New Mexico Air Quality Control Act, Section 74-2-13 NMSA 1978.

(4) The permit shield shall remain in effect if the permit terms and conditions are extended past the expiration date of the permit pursuant to Subsection D of 20.2.70.400 NMAC.

(5) The permit shield shall extend to terms and conditions that allow emission increases and decreases as part of emissions trading within a facility pursuant to Paragraph (2) of Subsection H of 20.2.70.302

NMAC, and to all terms and conditions under each operating scenario included pursuant to Paragraph (3) of Subsection A of 20.2.70.302 NMAC.

(6) The permit shield shall not extend to administrative amendments under Subsection A of 20.2.70.404 NMAC, to minor permit modifications under Subsection B of 20.2.70.404 NMAC, to Section 502(b)(10) changes under Paragraph (1) of Subsection H of 20.2.70.302 NMAC, or to permit terms or conditions for which notice has been given to reopen or revoke all or part under 20.2.70.405 NMAC.

[20.2.70.302 NMAC - Rp, 20.2.70.302 NMAC, 9/15/2025]

20.2.70.303 GENERAL PERMITS:

A. Issuance of general permits.

(1) The department may, after notice and opportunity for public participation and US EPA and affected program review, issue a general permit covering numerous similar sources. Such sources shall be generally homogenous in terms of operations, processes and emissions, subject to the same or substantially similar requirements, and not subject to case-by-case standards or requirements.

(2) Any general permit shall comply with all requirements applicable to other operating permits and shall identify criteria by which sources may qualify for the general permit.

B. Authorization to operate under a general permit.

(1) The owner or operator of a Part 70 source which qualifies for a general permit must:

(a) apply to the department for coverage under the terms of the general permit; or

(b) apply for an operating permit consistent with 20.2.70.300 NMAC.

(2) The department may, in the general permit, provide for applications which deviate from the requirements of Subsection D of 20.2.70.300 NMAC, provided that such applications meet the requirements of the federal act and include all information necessary to determine qualification for, and to assure compliance with, the general permit. The department shall review the application for authorization to operate under a general permit for completeness within 30 days after its receipt of the application.

(3) The department shall authorize qualifying sources which apply for coverage under the general permit to operate under the terms and conditions of the general permit. The department shall take final action on a general permit authorization request within 90 days of deeming the application complete.

(4) The department may grant a request for authorization to operate under a general permit without repeating the public participation procedures required under 20.2.70.401 NMAC. Such an authorization shall not be a permitting action for purposes of administrative review under New Mexico Air Quality Control Act Subsection H of Section 74-2-7, NMSA 1978. Permitting action for the purposes of Section 74-2-7 NMSA 1978 shall be the issuance of the general permit.

(5) Authorization to operate under a general permit shall not be granted for acid rain sources unless otherwise provided in regulations promulgated under Title IV of the federal act.

(6) The permittee shall be subject to enforcement action for operation without an operating permit if the source is later determined not to qualify for the conditions and terms of the general permit.

[20.2.70.303 NMAC - Rp, 20.2.70.303 NMAC, 9/15/2025]

20.2.70.304 [RESERVED]

[20.2.70.304 NMAC - Rp, 20.2.70.304 NMAC, 9/15/2025]

20.2.70.305 to 20.2.70.399 [RESERVED]

20.2.70.400 ACTION ON PERMIT APPLICATIONS:

A. A permit (including permit renewal) or permit modification shall only be issued if all of the following conditions have been met:

(1) the department has received a complete application for a permit, permit modification, or permit renewal, except that a complete application need not be received before issuance of a general permit under 20.2.70.303 NMAC;

(2) except for administrative and minor permit modifications, the department has complied with the requirements for public participation procedures under 20.2.70.401 NMAC;

(3) except for administrative amendments, the department has complied with the requirements for notifying and responding to affected programs under 20.2.70.402 NMAC;

(4) the conditions of the permit provide for compliance with all applicable requirements and the requirements of this Part; and

(5) the administrator has received a copy of the proposed permit and any notices required under 20.2.70.402 NMAC, and has not objected to issuance of the permit within the time period specified within 20.2.70.402 NMAC.

B. The department shall, within 60 days after its receipt of an application for a permit or significant permit modification, review such application for completeness. Unless the department determines that an application is not complete, requests additional information or otherwise notifies the applicant of incompleteness within 60 days of receipt of an application, the application shall be deemed complete. When additional information is requested by the department prior to ruling an application complete, receipt of such information shall be processed as a new application for purposes of 20.2.70.400 NMAC. If the application is judged complete, a certified letter to that effect shall be sent to the applicant. If the application is judged incomplete a certified letter shall be sent to the applicant stating what additional information or points of clarification are necessary to judge the application complete.

C. The department shall take final action on each permit application (including a request for permit renewal) within 18 months after an application is ruled complete by the department, except that:

(1) for sources in operation on or before December 19, 1994 and which submit to the department timely and complete applications in accordance with 20.2.70.300 NMAC, the department shall take final action on one-third of such applications annually over a period not to exceed three years after such effective date;

(2) any complete permit application containing an early reduction demonstration under Section 112(i)(5) of the federal act shall be acted on within nine months of deeming the application complete; and

(3) the acid rain portion of permits for acid rain sources shall be acted upon in accordance with the deadlines in Title IV of the federal act and the regulations promulgated thereunder.

D. If a timely and complete application for a permit renewal is submitted, consistent with 20.2.70.300 NMAC, but the department has failed to issue or disapprove the renewal permit before the end of the term of the previous permit, then the permit shall not expire and all the terms and conditions of the permit shall remain in effect until the renewal permit has been issued or disapproved.

E. Permits being renewed are subject to the same procedural requirements, including those for public participation, affected program and US EPA review, that apply to initial permit issuance.

F. The department shall state within the draft permit the legal and factual basis for the draft permit conditions (including references to the applicable statutory or regulatory provisions).

G. The department shall grant or disapprove the permit based on information contained in the department's administrative record. The administrative record shall consist of the application, any additional information submitted by the applicant, any evidence or written comments submitted by interested persons, any other evidence considered by the department, and, if a public hearing is held, the evidence submitted at the hearing.

H. If the department grants or disapproves a permit or permit modification, the department shall notify the applicant by certified mail of the action taken and the reasons therefor. If the department grants a permit or modification, the department shall mail the permit or modification, including all terms and conditions, to the applicant by certified mail.

I. Voluntary discontinuation. Upon request by the permittee, the department shall permanently discontinue a Part 70 (20.2.70 NMAC) permit. Permit discontinuance terminates the permittee's right to operate the source under the permit. The department shall confirm the permit discontinuance by certified letter to the permittee.

J. No permit shall be issued by failure of the department to act on an application or renewal.

[20.2.70.400 NMAC - Rp, 20.2.70.400 NMAC, 9/15/2025]

20.2.70.401 PUBLIC PARTICIPATION:

A. Proceedings for all permit issuances (except administrative and minor permit modifications, pursuant to Paragraph (2) of Subsection A of 20.2.70.400 NMAC) including renewals, significant permit modifications, reopenings, revocations and terminations, and all modifications to the department's list of insignificant activities, shall include public notice and provide an opportunity for public comment. The department shall provide 30 days for public and affected program comment. The department may hold a public hearing on the draft permit, a proposal to suspend, reopen, revoke or terminate a permit, or for any reason it deems appropriate, and shall hold such a hearing in the event of significant public interest. The department shall give notice of any public hearing at least 30 days in advance of the hearing.

B. Public notice and notice of public hearing shall be given by publication in a newspaper of general circulation in the area where the source is located or in a state publication designed to give general public notice, to persons on a mailing list developed by the department, including those who request in writing to be on the list, and by other means if necessary to assure adequate notice to the affected public.

C. The public notice shall identify:

(1) the affected facility;

(2) the names and addresses of the applicant or permittee and its owners;

(3) the name and address of the department;

(4) the activity or activities involved in the permit action;

(5) the emissions change(s) involved in any permit modification;

(6) the name, address and telephone number of a person from whom interested persons may obtain additional information, including copies of the permit draft, the application, and relevant supporting materials;

(7) a brief description of the comment procedures required by the department; and

(8) as appropriate, a statement of procedures to request a hearing, or the time and place of any scheduled hearing.

D. Notice of public hearing shall identify:

(1) the affected facility;

(2) the names and addresses of the applicant or permittee and its owners;

(3) the name and address of the department;

(4) the activity or activities involved in the permit action;

(5) the name, address and telephone number of a person from whom interested persons may obtain additional information;

(6) a brief description of hearing procedures; and

(7) the time and place of the scheduled hearing.

E. Public hearings shall be held in the geographic area likely to be impacted by the source. The time, date, and place of the hearing shall be determined by the department. The department shall appoint a hearing officer. A transcript of the hearing shall be made at the request of either the department or the applicant and at the expense of the person requesting the transcript. At the hearing, all interested persons shall be given a reasonable chance to submit data, views or arguments orally or in writing and to examine witnesses testifying at the hearing.

F. The department shall keep a record of the commenters and also of the issues raised during the public participation process so that the administrator may fulfill his or her obligation under Section 505(b)(2) of the federal act to determine whether a citizen petition may be granted. Such records shall be available to the public upon request.

G. The department shall provide such notice and opportunity for participation by affected programs as is provided for by 20.2.70.402 NMAC.

[20.2.70.401 NMAC - Rp, 20.2.70.401 NMAC, 9/15/2025]

20.2.70.402 REVIEW BY THE ADMINISTRATOR AND AFFECTED PROGRAMS:

A. Notification: The department shall not issue an operating permit (including permit renewal or reissuance), minor permit modification or significant permit modification, until affected programs and the administrator have had an opportunity to review the proposed permit as required under 20.2.70.402 NMAC. Permits for source categories waived by the administrator from this requirement and any permit terms or conditions which are not required under the federal act or under any of its requirements are not subject to administrator review or approval.

(1) Within five days of notification by the department that the application has been determined complete, the applicant shall provide a copy of the complete permit application (including the compliance plan and all additional materials submitted to the department) directly to the administrator. The permit or permit modification shall not be issued without certification to the department of such notification. The department shall provide to the administrator a copy of each draft permit, each proposed permit, each final operating permit, and any other relevant information requested by the administrator.

(2) The department shall provide notice of each draft permit to any affected program on or before the time that the department provides this notice to the public under 20.2.70.401 NMAC, except to the extent that minor permit modification procedures require the timing of the notice to be different.

(3) The department shall keep for five years such records and submit to the administrator such information as the administrator may reasonably require to ascertain whether the state program complies with the requirements of the federal act or related applicable requirements.

B. Responses to objections:

(1) No permit for which an application must be transmitted to the administrator under this Part shall be issued by the department if the administrator, after determining that issuance of the proposed permit

would not be in compliance with applicable requirements, objects to such issuance in writing within 45 days of receipt of the proposed permit and all necessary supporting information.

(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 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 Paragraph (2) of Subsection B of 20.2.70.402 NMAC, 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.

(3) The department, as part of the submittal of the proposed permit to the administrator (or as soon as possible after the submittal for minor permit modification procedures allowed under Subsection B of 20.2.70.404 NMAC), shall notify the administrator and any affected program in writing of any refusal by the department to accept all recommendations for the proposed permit that the affected program submitted during the public or affected program review period. The notice shall include the department's reasons for not accepting any such recommendation. The department is not required to accept recommendations that are not based on federally enforceable applicable requirements.

[20.2.70.402 NMAC - Rp, 20.2.70.402 NMAC, 9/15/2025]

20.2.70.403 PETITIONS FOR REVIEW OF FINAL ACTION:

A. 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 20.2.70.403 NMAC, 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 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 Paragraph (2) of Subsection A of 20.2.70.403 NMAC, 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.

(3) If a timely request for hearing is made, the board shall hold a hearing within 60 days of receipt of the petition in accordance with New Mexico Air Quality Control Act Section 74-2-7 NMSA 1978.

B. Judicial review:

(1) Any person who is adversely affected by an administrative action taken by the board pursuant to Subsection A of 20.2.70.403 NMAC may appeal to the court of appeals in accordance with New Mexico Air Quality Control Act, Section 74-2-9 NMSA 1978. Petitions for judicial review must be filed no later than 30 days after the administrative action.

(2) The judicial review provided for by 20.2.70.403 NMAC shall be the exclusive means for obtaining judicial review of the terms and conditions of the permit.

[20.2.70.403 NMAC - Rp, 20.2.70.403 NMAC, 9/15/2025]

20.2.70.404 PERMIT MODIFICATIONS:

A. Administrative permit amendments:

(1) An administrative permit amendment is one that:

(a) corrects typographical errors;

(b) provides for a minor administrative change at the source, such as a change in the address or phone number of any person identified in the permit;

(c) incorporates a change in the permit solely involving the retiring of an emissions unit;

(d) requires more frequent monitoring or reporting by the permittee; or

(e) any other type of change which has been determined by the department and the administrator to be similar to those in Paragraph (1) of Subsection A of 20.2.70.404 NMAC.

(2) Changes in ownership or operational control of a source may be made as administrative amendments provided that:

(a) a written agreement, containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee, has been submitted to the department, and either the department has determined that no other change in the permit is necessary, or changes deemed necessary by the department have been made;

(b) the new owners have submitted the application information required in Paragraph (2) of Subsection D of 20.2.70.300 NMAC;

(c) no grounds exist for permit termination, as set out in Subparagraphs (b) and (c) of Paragraph (3) of Subsection A of 20.2.70.405 NMAC; and

(d) the permittee has published a public notice of the change in ownership of the source in a newspaper of general circulation in the area where the source is located.

(3) The department may incorporate administrative permit amendments without providing notice to the public or affected programs, provided that it designates any such permit modifications as administrative permit amendments and submits a copy of the revised permit to the administrator.

(4) The department shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request. The permittee may implement the changes outlined in Subparagraphs (a) through (d) of Paragraph (1) of Subsection A of 20.2.70.404 NMAC immediately upon submittal of the request for the administrative amendment. The permittee may implement the changes outlined in Subparagraph (e) of Paragraph (1) of Subsection A of 20.2.70.404 NMAC or Paragraph (2) of Subsection A of 20.2.70.404 NMAC upon approval of the administrative amendment by the department.

B. Minor permit modifications:

(1) Minor permit modification procedures may be used only for those permit modifications that:

(a) do not violate any applicable requirement;

(b) do not involve relaxation of existing monitoring, reporting, or recordkeeping requirements in the permit;

(c) do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;

(d) do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the permittee has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include any federally enforceable emissions cap assumed to avoid classification as a Title I modification and any alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the federal act;

(e) are not Title I modifications; and

(f) are not required by the department to be processed as a significant modification pursuant to Subsection C of 20.2.70.404 NMAC.

(2) A permittee shall not submit multiple minor permit modification applications that may conceal a larger modification that would not be eligible for minor permit modification procedures. The department may, at its discretion, require that multiple related minor permit modification applications be submitted as a significant permit modification.

(3) An application requesting the use of minor permit modification procedures shall meet the requirements of Subsections C and D of 20.2.70.300 NMAC and shall include:

(a) a description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

(b) the applicant's suggested draft permit;

(c) certification by a responsible official, consistent with Subsection E of 20.2.70.300 NMAC, that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

(d) if the requested permit modification would affect existing compliance plans or schedules, related progress reports, or certification of compliance requirements, an outline of such effects.

(4) The department shall, within 30 days after its receipt of an application for a minor permit modification, review such application for completeness. Unless the department determines that an application is not

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complete, requests additional information or otherwise notifies the applicant of incompleteness within 30 days of receipt of an application, the application shall be deemed complete. If the application is judged complete, a certified letter to that effect shall be sent to the applicant. If the application is judged incomplete a certified letter shall be sent to the applicant stating what additional information or points of clarification are necessary to judge the application complete.

(5) Within five working days of notification by the department that the minor permit modification application has been determined complete, the applicant shall meet its obligation under Subsection A of 20.2.70.402 NMAC to notify the administrator of the requested permit modification. The department promptly shall send any notice required under Paragraph (2) of Subsection A of 20.2.70.402 NMAC and Subsection B of 20.2.70.402 NMAC to the administrator and affected programs.

(6) The permittee may make the change proposed in its minor permit modification application immediately after such application is deemed complete. After the permittee makes the change allowed by the preceding sentence, and until the department takes any of the actions specified in Paragraph (7) of Subsection B of 20.2.70.404 NMAC below, the permittee must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the permittee need not comply with the existing permit terms and conditions it seeks to modify. If the permittee fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

(7) The department may not issue a final minor permit modification until after the administrator's 45-day review period of the proposed permit modification or until US EPA has notified the department that the administrator will not object to issuance of the permit modification, although the department may approve the permit modification prior to that time. Within 90 days of ruling the application complete under minor permit modification procedures or within 15 days after the end of the administrator's 45-day review period, whichever is later, the department shall:

(a) issue the permit modification as it was proposed;

(b) disapprove the permit modification application;

(c) determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures; or

(d) revise the draft permit modification and transmit to the administrator the new proposed permit modification as required by Subsection A of 20.2.70.402 NMAC.

C. Significant permit modifications:

(1) A significant permit modification is:

(a) any revision to an operating permit that does not meet the criteria under the provisions for administrative permit amendments under Subsection A of 20.2.70.404 NMAC or for minor permit modifications under Subsection B of 20.2.70.404 NMAC above;

(b) any modification that would result in any relaxation in existing monitoring, reporting or recordkeeping permit terms or conditions;

(c) any modification for which action on the application would, in the judgment of the department, require decisions to be made on significant or complex issues; and

(d) changes in ownership which do not meet the criteria of Paragraph (2) of Subsection A of 20.2.70.404 NMAC.

(2) For significant modifications which are not required to undergo preconstruction permit review and approval, changes to the source which qualify as significant permit modifications shall not be made until the department has issued the operating permit modification.

(3) For significant modifications which have undergone preconstruction permit review and approval, the permittee shall:

(a) before commencing operation, notify the department in writing of any applicable requirements and operating permit terms and conditions contravened by the modification, emissions units affected by the change, and allowable emissions increases resulting from the modification; and

(b) within 12 months after commencing operation, file a complete operating permit modification application.

(4) Where an existing operating permit would specifically prohibit such change, the permittee must obtain an operating permit modification before commencing operation or implementing the change.

(5) Significant permit modifications shall meet all requirements of this Part for permit issuance, including those for applications, public participation, review by affected programs and review by the administrator.

(6) The department shall complete review on the majority of significant permit modification applications within nine months after the department rules the applications complete.

D. Modifications to acid rain sources: Administrative permit amendments and permit modifications for purposes of the acid rain portion of the permit shall be governed by regulations promulgated by the administrator under Title IV of the federal act.

[20.2.70.404 NMAC - Rp, 20.2.70.404 NMAC, 9/15/2025]

20.2.70.405 PERMIT REOPENING, REVOCATION OR TERMINATION:

A. Action by the department:

(1) Each permit shall include provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit shall be reopened and revised for any of the following, and may be revoked and reissued for Subparagraphs (c) or (d) of Paragraph (1) of Subsection A of 20.2.70.405 NMAC:

(a) additional applicable requirements under the federal act become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms or conditions have been extended past the expiration date of the permit pursuant to Subsection D of 20.2.70.400 NMAC;

(b) additional requirements (including excess emissions requirements) become applicable to a source under the acid rain program promulgated under Title IV of the federal act. Upon approval by the administrator, excess emissions offset plans shall be deemed to be incorporated into the permit;

(c) the department or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the terms or conditions of the permit; or

(d) the department or the administrator determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.

(2) Proceedings to reopen and revise, or revoke and reissue, a permit shall affect only those parts of the permit for which cause to reopen or revoke exists. Units for which permit conditions have been revoked shall not be operated until permit reissuance. Reopenings shall be made as expeditiously as practicable.

(3) A permit, or an authorization to operate under a general permit, may be terminated when:

(a) the permittee fails to meet the requirements of an approved compliance plan;

(b) the permittee has been in significant or repetitious non-compliance with the operating permit terms or conditions;

(c) the applicant or permittee has exhibited a history of willful disregard for environmental laws of any state or Tribal authority, or of the United States;

(d) the applicant or permittee has knowingly misrepresented a material fact in any application, record, report, plan, or other document filed or required to be maintained under the permit;

(e) the permittee falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under the permit;

(f) the permittee fails to pay fees required under the fee schedule in 20.2.71 NMAC (Operating Permit Emissions Fees); or

(g) the administrator has found that cause exists to terminate the permit.

(4) The department shall, by certified mail, provide a notice of intent to the permittee at least 30 days in advance of the date on which a permit is to be reopened or revoked, or terminated, except that the department may provide a shorter time period in the case of an emergency. The notice shall state that the permittee may, within 30 days of receipt, submit comments or request a hearing on the proposed permit action.

B. Action by the administrator: Within 90 days, or longer if the administrator extends this period, after receipt of written notification that the administrator has found that cause exists to terminate, modify or revoke and reissue a permit, the department shall forward to the administrator a proposed determination of termination, modification, or revocation and reissuance, as appropriate. Within 90 days from receipt of an administrator objection to a proposed determination, the department shall address and act upon the administrator's objection.

C. Compliance orders: Notwithstanding any action which may be taken by the department or the administrator under Subsections A and B of 20.2.70.405 NMAC, a compliance order issued pursuant to New Mexico Air Quality Control Act Section 74-2-12 NMSA 1978 may include a suspension or revocation of any permit or portion thereof.

[20.2.70.405 NMAC - Rp, 20.2.70.405 NMAC, 9/15/2025]

NMED Exhibit 7-I_000021

20.2.70.406 CITIZEN SUITS: Pursuant to Section 304 of the federal act, 42 USC 7604, any person may commence certain civil actions under the federal act.
[20.2.70.406 NMAC - Rp, 20.2.70.406 NMAC, 9/15/2025]

20.2.70.407 VARIANCES: Pursuant to New Mexico Air Quality Control Act Section 74-2-8 NMSA 1978, applicants and permittees may seek a variance from the non-federally enforceable provisions of this Part.
[20.2.70.407 NMAC - Rp, 20.2.70.407 NMAC, 9/15/2025]

20.2.70.408 ENFORCEMENT: Notwithstanding any other provision in the New Mexico state implementation plan approved by the administrator, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of the terms or conditions of a permit issued pursuant to this Part.

A. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at the source:

(1) a monitoring or information gathering method approved for the source pursuant to this Part and incorporated in an operating permit; or

(2) compliance methods specified in the New Mexico state implementation plan.

B. The following testing, monitoring or information gathering methods are presumptively credible testing, monitoring or information gathering methods:

(1) any federally enforceable monitoring or testing methods, including those in 40 CFR Parts 51, 60, 61 and 75; and

(2) other testing, monitoring or information gathering methods that produce information comparable to that produced by any method under Subsection A of 20.2.70.408 NMAC or Paragraph (1) of Subsection B of 20.2.70.408 NMAC.
[20.2.70.408 NMAC - Rp, 20.2.70.408 NMAC, 9/15/2025]

20.2.70.409 NMAC to 20.2.70.499 NMAC [RESERVED]

20.2.70.500 NMAC to 20.2.70.599 NMAC [RESERVED]

HISTORY OF 20.2.70 NMAC:
Pre NMAC History: The material in this Part was derived from that previously filed with the commission of public records - state records center and archives.
EIB/AQCR 770, Air Quality Control Regulation 770 - Operating Permits, filed 11/15/93.

History of Repealed Material:
20.2.70 NMAC, Operating Permits, effective 06/14/02 – Repealed, effective 9/15/2025 and replaced by 20.2.70 NMAC, Operating Permits, effective 9/15/2025.

Other History:
EIB/AQCR 770, Air Quality Control Regulation 770 - Operating Permits, filed 11/15/93 was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.70, Operating Permits, filed 10/30/95;
20 NMAC 2.70, Operating Permits, filed 10/30/95 was **renumbered, reformatted and replaced** by 20.2.70 NMAC, Operating Permits, effective 06/14/02.

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 72 CONSTRUCTION PERMITS

20.2.72.1 ISSUING AGENCY: Environmental Improvement Board.
[20.2.72.1 NMAC - Rn, 20 NMAC 2.72.100, 2/2/01]

20.2.72.2 SCOPE: All persons who intend to construct or modify a source, except as otherwise provided by this Part.
[20.2.72.2 NMAC - Rn, 20 NMAC 2.72.101, 2/2/01]

20.2.72.3 STATUTORY AUTHORITY: Environmental Improvement Act, NMSA 1978, Section 74-1-8(A)(4) and Air Quality Control Act, NMSA 1978, Sections 74-2-1 et seq., including specifically, Section 74-2-7(A)(1), (B), (C) and (D).
[20.2.72.3 NMAC - Rn, 20 NMAC 2.72.102, 2/2/01]

20.2.72.4 DURATION: Permanent. Notwithstanding the applicability provisions of 20.2.72.402 NMAC, the Department is stayed from enforcing requirements relating to asphalt fumes as a toxic air pollutant for new or modified sources until September 1, 1997.
[20.2.72.4 NMAC - Rn, 20 NMAC 2.72.103, 2/2/01]

20.2.72.5 EFFECTIVE DATE: November 30, 1995 except where a later date is cited at the end of a section or paragraph.
[The latest effective date of any section in this Part is 9/6/06.]
[20.2.72.5 NMAC - Rn, 20 NMAC 2.72.104, 2/2/01]

20.2.72.6 OBJECTIVE: The objective of this part is to establish the requirements for obtaining a construction permit.
[20.2.72.6 NMAC - Rn, 20 NMAC 2.72.105, 2/2/01]

20.2.72.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (Definitions) as used in this part:

A. "Accelerated review" means an optional process of permit application review that allows the department to utilize a qualified outside firm to assist in review of a construction permit application.

B. "Affiliate," for the purposes of accelerated review, means a person that directly or indirectly, through one or more intermediaries, controls or is under common control with another person. Control includes the possession of the power to direct or cause the direction of management and policies of a person, whether directly or indirectly through the ownership, control or holding with the power to vote ten percent or more of the person's voting securities.

C. "Air pollution control equipment" means any device, equipment, process or combination thereof the operation of which would limit, capture, reduce, confine, or otherwise control air contaminants or convert for the purposes of control any air contaminant to another form, another chemical or another physical state.

D. "Ambient air" means the outdoor atmosphere, but does not include the area entirely within the boundaries of the industrial or manufacturing property within which the air contaminants are or may be emitted and public access is restricted within such boundaries.

E. "Coal mining operation" means the business of developing, producing, preparing or loading bituminous coal, subbituminous coal, anthracite, or lignite, or of reclaiming the areas upon which such activities occur. This definition does not include coal preparation plants.

F. "Coal preparation plant" means any facility which prepares coal by one or more of the following processes: breaking, crushing, screening, wet or dry cleaning, and thermal drying.

G. "Commencement" means that an owner or operator has undertaken a continuous program of construction or modification.

H. "Conflict of interest," for the purposes of accelerated review, means any direct or indirect relationship between the qualified outside firm and the applicant or other interested person that would cause a reasonable person with knowledge of the relevant facts to question the integrity or impartiality of the qualified outside firm in review of the application. A conflict of interest does not include any gifts, gratuities, financial or

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contractual relationship of less than one hundred dollars ($100) in value for the twelve month period preceding Department receipt of the application. A conflict of interest includes but is not limited to the following examples:

(1) Gifts or gratuities of value have been exchanged between the qualified outside firm and the applicant.

(2) The qualified outside firm has provided goods or services to the applicant within one year prior to the start, or during the term, of the accelerated review process.

(3) An express or implied contractual relationship exists between the qualified outside firm and the applicant and the qualified outside firm has provided goods or services to the applicant through that relationship within five years prior to the start of the accelerated review process.

(4) There is a current financial relationship between the qualified outside firm and the applicant. Current financial relationships include, but are not limited to:

(a) The qualified outside firm owes anything of value to, or is owed anything of value by the applicant.

(b) The qualified outside firm has provided goods or services to the applicant and has issued a warranty or guarantee for the work that is still in effect during the time the contracted work for accelerated review is being performed.

(5) A director, officer, or employee of the qualified outside firm, who will perform services under a contract pursuant to this section (20.2.72.221 NMAC), has one or more personal, business, or financial interests or relationships with the applicant or any director, officer or employee of the applicant which would cause a reasonable person with knowledge of the relevant facts to question the integrity or impartiality of those who are or will be acting under a contract.

(6) A director, officer or employee of the qualified outside firm was a director, officer or employee of the applicant within one year prior to the start of the accelerated review process.

(7) Except where allowed by the department, communication has been made between the qualified outside firm and the applicant regarding the substance of the application before a qualified outside firm has been selected to perform accelerated review of an application. Direct communication between the qualified outside firm and the applicant may take place once the qualified outside firm has been selected by the department.

(8) Any affiliate of the applicant has any of the above identified relationships with the qualified outside firm.

(9) Any affiliate of the qualified outside firm has any of the above identified relationships with the applicant.

(10) Any affiliate of the applicant has any of the above identified relationships with any affiliate of the qualified outside firm.

I. "Construction" means fabrication, erection, installation or relocation of a stationary source, including but not limited to temporary installations and portable stationary sources.

J. "Emergency" means unforeseen circumstances resulting in an imminent and substantial endangerment to health, safety, or welfare which requires immediate action.

K. "Federally enforceable" means all limitations and conditions which are enforceable by the administrator of the US EPA, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within any applicable State Implementation Plan, any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I including 40 CFR 51.165 and 40 CFR 51.166.

L. "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

M. "Hazardous air pollutant" means an air contaminant which has been classified as a "hazardous air pollutant" by the administrator of the US EPA and is subject to a NESHAP.

N. "Interested person," as used in the definition of conflict of interest, means any person, other than the department, that is reasonably expected to provide or has provided substantive comment or technical evidence on the permit application.

O. "Malfunction" means any sudden and unavoidable failure of air pollution control equipment, process equipment, or process to operate in an expected manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable equipment breakdown shall not be considered a malfunction.

P. "Modification" means any physical change in, or change in the method of operation of, a stationary source which results in an increase in the potential emission rate of any regulated air contaminant emitted

by the source or which results in the emission of any regulated air contaminant not previously emitted, but does not include:

(1) a change in ownership of the source;

(2) routine maintenance, repair or replacement;

(3) installation of air pollution control equipment, and all related process equipment and materials necessary for its operation, undertaken for the purpose of complying with regulations adopted by the board or pursuant to the federal act; or

(4) unless previously limited by enforceable permit conditions:

(a) an increase in the production rate, if such increase does not exceed the operating design capacity of the source;

(b) an increase in the hours of operation; or

(c) use of an alternative fuel or raw material if, prior to January 6, l975, the source was capable of accommodating such fuel or raw material, or if use of an alternate fuel or raw material is caused by any natural gas curtailment or emergency allocation or any other lack of supply of natural gas.

Q. "National Ambient Air Quality Standard" means, unless otherwise modified, the primary (health-related) and secondary (welfare-based) federal ambient air quality standards promulgated by the US EPA pursuant to Section 109 of the federal act.

R. "National Emission Standards for Hazardous Air Pollutants" or **"NESHAP"** mean the regulatory requirements, guidelines and emission limitations promulgated by the US EPA pursuant to Section 112 of the federal act.

S. "New Source Performance Standard" or **"NSPS"** means the regulatory requirements, guidelines and emission limitations promulgated by the US EPA pursuant to Section 111 of the federal act.

T. "Nonattainment area" means for any air contaminant an area which is shown by monitored data or which is calculated by air quality modeling (or other methods determined by the administrator to be reliable) to exceed any national or New Mexico ambient air quality standard for such contaminant. Such term includes any areas identified under Sub-paragraphs (A) through (C) of Section 107 (d)(1) of the federal act.

U. "Operator" means the person or persons responsible for the overall operation of a facility.

V. "Owner" means the person or persons who own a facility or part of a facility.

W. "Part" means an air quality control regulation under Title 20, Chapter 2 of the New Mexico Administrative Code, unless otherwise noted; as adopted or amended by the board.

X. "Portable stationary source" means a source which can be relocated to another operating site with limited dismantling and reassembly, including for example but not limited to moveable sand and gravel processing operations and asphalt plants.

Y. "Potential emission rate" means the emission rate of a source at its maximum capacity to emit a regulated air contaminant under its physical and operational design, provided any physical or operational limitation on the capacity of the source to emit a regulated air contaminant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, shall be treated as part of its physical and operational design only if the limitation or the effect it would have on emissions is enforceable by the department pursuant to the Air Quality Control Act or the federal Act.

Z. "Qualified outside firm" means any person who has entered into a contract with the department to provide assistance in the accelerated review of construction permit applications.

AA. "Regulated air contaminant" means, any air contaminant, the emission or ambient concentration of which is regulated pursuant to the New Mexico Air Quality Control Act or the federal act.

BB. "Shutdown" means the cessation of operation of any air pollution control equipment, process equipment or process for any purpose, except routine phasing out of batch process units.

CC. "Standard Industrial Classification" or **"SIC"** means the code from the classification manual created by the Executive Office of the President-Office of Management and Budget, which categorizes industrial, manufacturing and commercial facilities, as listed in the Standard Industrial Code Manual published by the U.S. Government Printing Office, Washington D.C. 1972.

DD. "Startup" means the setting into operation of any air pollution control equipment, process equipment or process for any purpose, except routine phasing in of batch process units.

EE. "Stationary source" or **"source"** means any building, structure, equipment, facility, installation (including temporary installations), operation or portable stationary source which emits or may emit any air contaminant. Any research facility may group its sources for the purpose of this part at the discretion of the secretary.

[20.2.72.7 NMAC - Rn, 20 NMAC 2.72.107, 2/2/01; A, 3/30/01; A, 2/18/02]

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20.2.72.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This part amends and supersedes Air Quality Control Regulation ("AQCR") 702 - Permits, filed May 29, 1990, as amended ("AQCR 702").

A. All references to AQCR 702 in any other rule shall be construed as a reference to this part.

B. The amendment and supersession of AQCR 702 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 702.

[20.2.72.8 NMAC - Rn, 20 NMAC 2.72.106, 2/2/01]

20.2.72.9 DOCUMENTS: Documents incorporated and cited in this part may be viewed at the New Mexico Environment Department, Air Quality Bureau, Harold Runnels Building, 1190 St. Francis Drive, Santa Fe, NM 87505.

[20.2.72.9 NMAC - Rn, 20 NMAC 2.72.108, 2/2/01]

20.2.72.10 - 20.2.72.199 [RESERVED]

20.2.72.200 APPLICATION FOR CONSTRUCTION, MODIFICATION, NSPS, AND NESHAP - PERMITS AND REVISIONS:

A. Permits must be obtained from the department by:

(1) Any person constructing a stationary source which has a potential emission rate greater than 10 pounds per hour or 25 tons per year of any regulated air contaminant for which there is a National or New Mexico Ambient Air Quality Standard. If the specified threshold in this subsection is exceeded for any one regulated air contaminant, all regulated air contaminants with National or New Mexico Ambient Air Quality Standards emitted are subject to permit review. Within this subsection, the potential emission rate for nitrogen dioxide shall be based on total oxides of nitrogen;

(2) Any person modifying a stationary source when all of the pollutant emitting activities at the entire facility, either prior to or following the modification, emit a regulated air contaminant for which there is a National or New Mexico Ambient Air Quality Standard with a potential emission rate greater than 10 pounds per hour or 25 tons per year and the regulated air contaminant is emitted as a result of the modification. If the specified threshold in this subsection is exceeded for any one regulated air contaminant, all regulated air contaminants with National or New Mexico Ambient Air Quality Standards emitted by the modification are subject to permit review. Within this subsection, the potential emission rate for nitrogen dioxide shall be based on total oxides of nitrogen;

(3) Any person constructing or modifying any source or installing any equipment which is subject to 20.2.77 NMAC (New Source Performance Standards), 20.2.78 NMAC (Emission Standards for Hazardous Air Pollutants), or any other New Mexico Air Quality Control Regulation which contains emission limitations for any regulated air contaminant;

(4) For toxic air pollutants, see 20.2.72.400 NMAC - 20.2.72.499 NMAC;

(5) Any person constructing a stationary source which has a potential emission rate for lead greater than 5 tons per year or modifying a stationary source which either prior to or following the modification has a potential emission rate for lead greater than 5 tons per year; or

(6) Sources which are major sources of hazardous air pollutants by the definitions in 20.2.83 NMAC (Construction or Modification of Major Sources of Hazardous Air Pollutants).

B. Fugitive dust emissions from a coal mining operation shall not be subject to the requirements of Paragraph 1 of Subsection A of 20.2.72.200 NMAC. Note: New coal mining operations are required to have an approved air pollution control plan for fugitive dust emissions by the New Mexico surface coal mining commission.

C. Any source or modification meeting the applicability requirements of this part, but which is a major stationary source or a major modification as defined in 20.2.74 NMAC, shall in addition be subject to 20.2.74 NMAC (Prevention of Significant Deterioration).

D. Any source or modification meeting the applicability requirements of this part but which is a major stationary source or a major modification as defined in 20.2.79 NMAC, shall in addition be subject to 20.2.79 NMAC (Permits - Nonattainment Areas).

E. For all sources subject to this part, applications for permits shall be filed prior to the commencement of the construction, modification or installation. Regardless of the anticipated commencement date, no construction, modification or installation shall begin prior to issuance of the permit.

F. Temporary installations and portable stationary sources are subject to this part.

G. If a source consists of more than one unit, a separate permit may be required for each unit which is not substantially interrelated with another unit. A common connection leading to ductwork, pollution control equipment or a single stack shall not, by itself, constitute a substantial interrelationship.

H. Any source which previously did not require a permit because it was in existence before August 31, 1972 shall be subject to the requirements of this Part if operations cease for a period of five years or more and the source has a potential emission rate greater than 10 pounds per hour or 25 tons per year of any regulated air contaminant for which there is a National or New Mexico Ambient Air Quality Standard.

I. Any source meeting the applicability requirements of this part, but which is a major source of hazardous air pollutants, shall in addition be subject to 20.2.83 NMAC (Construction or Modification of Major Sources of Hazardous Air Pollutants).

[20.2.72.200 NMAC - Rn, 20 NMAC 2.72.II.200, 2/2/01]

20.2.72.201 NEW SOURCE REVIEW COORDINATION: In cases where the new source review requirements of either 20.2.74 NMAC, 20.2.77 NMAC, 20.2.78 NMAC, 20.2.79 NMAC, or 20.2.83 NMAC (Construction or Modifications of Major Sources of Hazardous Air Pollutants*)* apply to a new stationary source or modification in addition to this Part, the following provisions apply:

A. Only one permit application shall be submitted. The applicant shall submit a sufficient number of copies to meet the requirement of the applicable Part which requires the most copies;

B. The application shall be ruled administratively complete when information required by all applicable Parts has been submitted;

C. Definitions and requirements of each applicable Part are applied separately and do not supersede each other; and

D. After the requirements of all applicable Parts are met, only one permit shall be issued.

[20.2.72.201 NMAC - Rn, 20 NMAC 2.72.II.201, 2/2/01]

20.2.72.202 EXEMPTIONS: The following exemptions are made to the following requirements of 20.2.72.200 NMAC - 20.2.72.299 NMAC. The exemptions in this section do not apply to emissions of toxic air pollutants listed under 20.2.72.502 NMAC, do not alter the calculation of the potential emissions of toxic air pollutants for applicability under 20.2.72.402 NMAC, and do not exempt the department or the owner or operator of any source from any requirement under 20.2.72.403 NMAC, 20.2.72.404 NMAC, or 20.2.72.405 NMAC.

A. The following sources and activities shall not be reported in the permit application. Emissions from such activities shall not be included in the calculation of facility-wide potential emission rate under Paragraphs 1 or 2 of Subsection A of 20.2.72.200 NMAC. Such activities may be commenced or changed without a permit or permit revision under 20.2.72.200 NMAC - 20.2.72.299 NMAC:

(1) Activities which occur strictly for maintenance of grounds or buildings, including: lawn care, pest control, grinding, cutting, welding, painting, woodworking, sweeping, general repairs, janitorial activities, and building roofing operations;

(2) Activities for maintenance of equipment or pollution control equipment, either inside or outside of a building, including cutting, welding, and grinding, but excluding painting;

(3) Exhaust emissions from forklifts, courier vehicles, front end loaders, graders, carts, maintenance trucks, and fugitive emissions from fleet vehicle refueling operations, provided such emissions are not subject to any requirements under this Chapter (Air Quality), NSPS or NESHAP;

(4) Use of fire fighting equipment and fire fighting training;

(5) Government military activities such as field exercises, explosions, weapons testing and demolition to the extent that such activities:

(a) Do not result in visible emissions entering publicly accessible areas; and

(b) Are not subject to a NSPS or NESHAP;

(6) Office activities, such as photocopying;

(7) Test drilling for characterization of underground storage tank and waste disposal sites;

(8) Non-anthropogenic wind blown dust;

(9) Residential activities such as use of fireplaces, woodstoves, and barbecue cookers;

(10) Gases used to calibrate plant instrumentation, including continuous emission monitoring (CEM) systems;

(11) Food service, such as cafeteria activities;

(12) Automotive repair shop activities, except painting and use of solvents;

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(13) Use of portable aerospace ground equipment (such as power generators, compressors, heaters, air conditioners, lighting units) in direct support of aircraft operations and on or in the immediate vicinity of an airfield;

(14) Activities which occur strictly for preventive maintenance of highway bridges, displays and water towers, including: grinding, cutting, welding, painting, and general repairs;

(15) The act of repositioning or relocating equipment, pipes, ductwork, or conveyors within the plant site, but only when such change in physical configuration does not:

(a) Reposition or relocate any source of air emissions or the emission points from any such source; or

(b) Increase the amount of air emissions or the ambient impacts of such emissions.

B. The presence of the following new or modified sources and activities at the facility shall be reported as provided for in the permit application forms supplied by the department. Emissions from such sources and activities shall not be included in the calculation of facility-wide potential emission rate under Paragraphs 1 or 2 of Subsection A of 20.2.72.200 NMAC. Construction of such sources or commencement of such activities after issuance of the permit shall be subject to the administrative permit revision procedures in 20.2.219 NMAC.

(1) Fuel burning equipment which is used solely for heating buildings for personal comfort or for producing hot water for personal use and which:

(a) Uses gaseous fuel and has a design rate less than or equal to five (5) million BTU per hour; or

(b) Uses distillate oil (not including waste oil) and has a design rate less than or equal to one (1) million BTU per hour;

(2) VOC emissions resulting from the handling or storing of any VOC if:

(a) Such VOC has a vapor pressure of less than two tenths (0.2) PSI at temperatures at which the compound is stored and handled; and

(b) The owner or operator maintains sufficient record keeping to verify that the requirements of Sub-paragraph (a) of this paragraph are met;

(3) Standby generators which are:

(a) Operated only during the unavoidable loss of commercial utility power;

(b) Operated less than 500 hours per year; and

(c) Either are:

(i) The only source of air emissions at the site; or

(ii) Accompanied by sufficient record keeping to verify that the standby generator is operated less than 500 hours per year;

(4) The act of repositioning or relocating sources of air emissions or emissions points within the plant site, but only when such change in physical configuration does not increase air emissions or the ambient impacts of such emissions;

(5) Any emissions unit, operation, or activity that has a potential emission rate of no more than one-half (1/2) ton per year of any pollutant for which a national or New Mexico ambient air quality standard has been set or one-half (1/2) ton per year of any VOC. Multiple emissions units, operations, and activities that perform identical or similar functions shall be combined in determining the applicability of this exemption;

(6) Surface coating of equipment, including spray painting, roll coating, and painting with aerosol spray cans, if:

(a) The potential emission rate of VOCs do not exceed ten (10) pounds per hour;

(b) The facility-wide total VOC content of all coating and clean-up solvent use is less than two (2) tons per year; and

(c) The owner or operator maintains sufficient record keeping to verify that the requirements in Sub-paragraphs (a) and (b) of this paragraph are met;

(7) Particulate emissions resulting from abrasive blasting operations, if:

(a) Blasting operations are entirely enclosed in a building; and

(b) No visible particulate emissions are released from the building.

C. For sources and units subject to 40 CFR Part 60 (NSPS), 40 CFR Part 61 (NESHAP) or other Parts of this Chapter (Air Quality), except 40 CFR Part 60 Subparts I (asphalt plants) and OOO (rock crushers), 40 CFR Part 61 Subpart C (Beryllium), and 40 CFR Part 61 Subpart D (Beryllium Rocket Motor Firing):

(1) Such sources and units shall be exempt from the applicability requirements in Paragraph 3 of Subsection A of 20.2.72.200 NMAC if such sources or units:

(a) Are included in a notice of intent filed under 20.2.73 NMAC (Notice of Intent and Emissions Inventory); or

(b) Have met the notification requirements to which they are subject under NSPS or NESHAP; and

(2) Applicability determinations under Paragraphs 1 and 2 of Subsection A of 20.2.72.200 NMAC shall take into account all federally enforceable emission limits established for such sources or units under NSPS, NESHAP and other parts of this chapter.

D. Portable source relocation. For a portable source which has been issued a permit under this part:

(1) Such source may relocate without undergoing a permit revision if:

(a) The source is installed in a manner conforming with the initial permit;

(b) The source continues to meet all applicable emission limitations and permit conditions; and

(c) The source meets the applicable requirements in Paragraphs 2 and 3 of Subsection D of 20.2.72.202 NMAC below;

(2) For each portable compressor engine which has been issued a streamlined permit in accordance with Paragraph 1 of Subsection D of 20.2.72.301 NMAC, the owner or operator shall complete the appropriate forms provided by the department and maintain such records on file for at least two (2) years;

(3) For all other portable sources, including but not limited to rock crushers and asphalt plants:

(a) The owner or operator shall notify the department, on the form provided by the department, at least fifteen (15) days prior to beginning installation at the new location;

(b) Operation at a new location of such source shall not commence until the department has approved the relocation in writing;

(c) The department shall not approve the relocation if it would result in exceedances of any national or New Mexico ambient air quality standard at the new location; and

(d) The department shall approve, deny, or approve with conditions, the relocation request within fifteen (15) days of receipt of the notice form.

[20.2.72.202 NMAC - Rn, 20 NMAC 2.72.II.202, 2/2/01]

20.2.72.203 CONTENTS OF APPLICATIONS:

A. Any person seeking a permit under Subsection A of 20.2.72.200 NMAC shall do so by filing a written application with the department. The applicant shall submit the number of copies of the permit application specified in the applicable application form. The items of this section, if requested on the applicable application form, are required before the department may deem an application administratively complete. The items may be modified by the department, as appropriate, for emergency permits processed under 20.2.72.215 NMAC. All applications shall, as required by the department:

(1) Be filled out on the form(s) furnished by the department;

(2) State the applicant's name and address, together with the names and addresses of all owners or operators of the source, and the applicant's state of incorporation or principal registration to do business;

(3) Provide all information, including all calculations and computations, to describe the specific chemical and physical nature and to estimate the maximum quantities of any regulated air contaminants the source will emit through routine operations after construction, modification or installation is completed, and estimate maximum potential emissions during malfunction, startup, shutdown. With respect to a toxic air pollutant as defined by Subsection H of 20.2.72.401 NMAC this requirement only applies when the toxic air pollutant is emitted in such a manner that a permit is required under the provisions of 20.2.72.400 NMAC - 20.2.72.499 NMAC;

(4) Contain a regulatory compliance discussion demonstrating compliance with each applicable air quality regulation, ambient air quality standard, prevention of significant deterioration increment, and provision of 20.2.72.400 NMAC - 20.2.72.499 NMAC. The discussion must include an analysis, which may require use of US EPA-approved air dispersion model(s), to (1) demonstrate that emissions from routine operations will not violate any New Mexico or National Ambient Air Quality Standard or prevention of significant deterioration increment, and (2) if required by 20.2.72.400 NMAC - 20.2.72.499 NMAC, estimate ambient concentrations of toxic air pollutants.

(5) Provide a preliminary operational plan defining the measures to be taken to mitigate source emissions during malfunction, startup or shutdown;

(6) Include a topographical map, at least as detailed as the 7.5 minute Topographic Quadrangle map published by the United States Geological Survey, showing the exact location and geographical coordinates of the proposed construction, modification or installation of the source;

(7) Include a process flow sheet, including a material balance, and a site diagram of all components and locations of emissions to the atmosphere of the facility which would be involved in routine operations and emissions;

(8) Include a full description, including all calculations of controlled and uncontrolled emissions and the basis for all control efficiencies presented, of the equipment to be used for air pollution control, including a process flow sheet, or, if the department so requires, layout and assembly drawings;

(9) Include a description of the equipment or methods proposed by the applicant to be used for emission measurement;

(10) State the maximum and standard operating schedules of the source after completion of construction, modification or installation or after permit revision in terms of which and how many hours per day, days per week, days per month and days per year;

(11) Contain such other specifically identified relevant information as the department may reasonably require;

(12) Be notarized and signed under oath or affirmation by the operator, the owner or an authorized representative, certifying, to the best of his or her knowledge, the truth of all information in the application and addenda, if any;

(13) Contain payment of any fees which are specified in 20.2.75 NMAC (Construction Permit Fees) as payable at the time the application is submitted;

(14) Contain documentary proof of applicant's public notice, if applicable, as specified in Subsection B of 20.2.72.203 NMAC; and

(15) At the sole discretion of the applicant, contain a request for accelerated review of the application.

B. The applicant's public notice for technical permit revisions shall be as specified in Paragraph 6 of Subsection B of 20.2.72.219 NMAC. The applicant's public notice for a permit or significant permit revision shall be:

(1) Provided by certified mail, to the owners of record, as shown in the most recent property tax schedule, of all properties:

(a) Within one hundred (100) feet of the property on which the facility is located or proposed to be located, if the facility is or is proposed to be located in a Class A or Class H county or a municipality with a population of more than two thousand five hundred (2500) persons; or

(b) Within one-half (1/2) mile of the property on which the facility is located or is proposed to be located if the facility is or will be in a county or municipality other than those specified in Sub-paragraph (a) of Paragraph 1 of Subsection B of 20.2.72.203 NMAC;

(2) Provided by certified mail to all municipalities and counties in which the facility is or will be located and to all municipalities, Indian tribes, and counties within a ten (10) mile radius of the property on which the facility is proposed to be constructed or operated;

(3) Published once in a newspaper of general circulation in each county in which the property on which the facility is proposed to be constructed or operated is located. This notice shall appear in either the classified or legal advertisements section of the newspaper and at one other place in the newspaper calculated to give the general public the most effective notice and, when appropriate, shall be printed in both English and Spanish;

(4) Posted in at least four (4) publicly accessible and conspicuous places, including:

(a) The proposed or existing facility entrance on the property on which the facility is, or is proposed to be, located, until the permit or significant permit revision is issued or denied; and

(b) Three (3) locations commonly frequented by the general public, such as a nearby post office, public library, or city hall; and

(5) Submitted as 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.

C. The notice specified in Paragraphs 1 through 4 of Subsection B of 20.2.72.203 NMAC shall contain the following:

(1) The applicant's name and address, together with the names and addresses of all owners or operators of the facility or proposed facility;

(2) The actual or estimated date that the application was or will be submitted to the department;

(3) The exact location of the facility or proposed facility;

(4) A description of the process or change for which a permit is sought, including an estimate of the maximum quantities of any regulated air contaminant the source will emit after proposed construction is complete or permit is issued;

(5) The maximum and standard operating schedules of the facility after completion of proposed construction or permit issuance; and

(6) The current address of the department to which comments and inquiries may be directed.

D. The public service announcement request specified in Paragraph 5 of Subsection B of 20.2.72.203 NMAC shall contain the following information about the facility or proposed facility:

(1) The name, location, and type of business;

(2) The name of the principal owner or operator;

(3) The type of process or change for which a permit is sought;

(4) Locations where the notices required under Paragraph 4 of Subsection B of 20.2.72.203 NMAC have been posted; and

(5) The address or telephone number at which comments and inquires may be directed to the department.

E. Changing, Supplementing or Correcting Applications:

(1) Prior to a final decision on an application, the applicant shall have a duty to promptly supplement and correct information submitted in the application. The duty to supplement shall include relevant information thereafter acquired or otherwise determined to be relevant.

(2) If, while processing an application, regardless of whether it has been determined to be administratively complete, the department determines that additional information is necessary to evaluate or take final action on that application, it may request such information. The request shall be in writing, identify the additional information requested and the need for the additional information, and set a reasonable deadline for a response. The applicant shall submit the requested information in writing on or before the deadline set by the department.

[20.2.72.203 NMAC - Rn, 20 NMAC 2.72.II.203, 2/2/01; A, 3/30/01]

20.2.72.204 CONFIDENTIAL INFORMATION PROTECTION: All confidentiality claims made regarding material submitted to the department under this part shall be reviewed under the provisions of 20.2.1 NMAC (General Provisions).

[20.2.72.204 NMAC - Rn, 20 NMAC 2.72.II.204, 2/2/01]

20.2.72.205 CONSTRUCTION, MODIFICATION AND PERMIT REVISION IN BERNALILLO COUNTY: For the construction or modifications of sources within Bernalillo county, the applicant shall make such applications to the air quality control staff of the joint Albuquerque-Bernalillo county air quality control board, unless that board loses, rejects or fails to exercise authority for the administration and enforcement of the Air Quality Control Act, at which time this part shall apply in full in Bernalillo county.

[20.2.72.205 NMAC - Rn, 20 NMAC 2.72.II.205, 2/2/01]

20.2.72.206 PUBLIC NOTICE AND PARTICIPATION:

A. The department shall:

(1) Make available for public inspection a list of all pending applications for permits or permit revisions;

(2) Make available for public inspection the permit application and the department's preliminary determination. This material shall be available both at the department's central office and the district or field office nearest to the proposed source. Copies of any permit application, except those portions of which may be determined as confidential in accordance with 20.2.1 NMAC (General Provisions), will be supplied upon written request and payment of reasonable costs;

(3) Subsequent to an affirmative administrative completeness determination, publish a public notice in a newspaper of general circulation in the area closest to the location of the source. The notice shall include: the applicant's name and address, the location and brief description of the source, a summary of estimated emissions and ambient impact, and the department's preliminary intent to issue the permit if the construction or modification requested in the application will comply with air quality requirements, including ambient standards. The notice shall identify the location of the permit application and department’s analysis (when available) for public review and describe the manner in which comments or evidence may be submitted to the department, including that persons must inform the department in writing of their interest in the permit application in order to have a 30 day period to

review and comment on the analysis under Subsection B of 20.2.72.206 NMAC below. The notice shall clearly state that any person who does not express such interest in writing prior to the end of the initial 30 day comment period will not receive notification of the availability of the analysis and thus forewarn such person of the need to express interest in writing if they desire to review and comment on the analysis;

(4) Provide the notice under Paragraph 3 of Subsection A of 20.2.72.206 NMAC above by mail, which may include electronic mail, to all individuals and organizations identified on a list maintained by the department of those who have indicated in writing a desire to receive notices of all applications under this part;

(5) Allow all interested persons thirty (30) days from the date the public notice is published to express an interest in writing in the permit application;

(6) Mail written notice of the action taken on a permit application to any person who expresses an interest in writing in the application; and

(7) Mail a copy of the public notice at the same time it is sent for publication to the appropriate agency in the following locations if the source will locate within fifty kilometers of the boundary of other states, Bernalillo county, or a Class I area. Copies of all public notices shall be sent to US EPA Region VI, if requested by US EPA.

B. In the event that any person expresses an interest in writing in the permit application, the department shall also:

(1) Notify each person who expressed an interest in writing in the permit application of the date and the location that the department's analysis was or will be available for review; and

(2) Not issue the permit until at least thirty (30) days after the department's analysis is available for review. During this thirty (30) day period, any person may submit written public comments or request a public hearing.

C. The department shall hold a public hearing if the secretary determines that there is a significant public interest. Public hearings shall be held in the geographic area likely to be impacted by the source. The time, date, and place of the hearing shall be determined by the department. The department shall give notice of the hearing to the applicant and the public. The secretary may appoint a hearing officer. A transcript of the hearing shall be made at the request of either the department or the applicant and at the expense of the person requesting the transcript. At the hearing, all interested persons shall be given a reasonable chance to submit data, views or arguments orally or in writing and to examine witnesses testifying at the hearing.

[20.2.72.206 NMAC - Rn & A, 20 NMAC 2.72.II.206, 2/2/01]

20.2.72.207 PERMIT DECISIONS AND APPEALS:

A. The department shall, within thirty (30) days after its receipt of an application for a permit or significant permit revision, review such application and determine whether it is administratively complete. If the application is deemed:

(1) administratively complete, a letter to that effect shall be sent by certified mail to the applicant;

(2) administratively incomplete, a letter shall be sent by certified mail to the applicant stating what additional information or points of clarification are necessary to deem the application administratively complete; upon receipt of the additional information or clarification, the department shall promptly review such information and determine whether the application is administratively complete;

(3) administratively complete but no permit is required, a letter shall be sent by certified mail to the applicant informing the applicant of the determination.

B. The department shall either grant, grant subject to conditions or deny the permit or significant permit revision:

(1) within ninety (90) days after the department deems the application administratively complete, if the application is not subject to the requirements of 20.2.74 NMAC (Prevention of Significant Deterioration); or

(2) within one hundred eighty (180) days after the department deems the application administratively complete, if the application is subject to the requirements of 20.2.74 NMAC (Prevention of Significant Deterioration).

C. If the department fails to take action on the application within the deadlines specified in Subsection B of 20.2.72.207 NMAC, the department shall notify the applicant by certified mail that an extension of time is necessary to process the application and shall specify, in detail, the grounds for the extension. The secretary may grant an extension, not to exceed ninety (90) days, to the deadlines specified in Subsection B of 20.2.72.207 NMAC, if the secretary determines that good cause exists for the extension. The secretary shall notify the applicant by certified mail of the decision on the extension. If the secretary grants the extension, the notification shall include the length of the extension and the reasons therefore. The authority under this paragraph may be delegated by the

secretary only to the deputy secretary or a division director. Examples of good cause for extension include, but are not limited to:

(1) the need to have public hearings;

(2) a health assessment is required under 20.2.72.400 NMAC - 20.2.72.499 NMAC;

(3) the permit application is subject to the requirements of 20.2.79 NMAC (Permits - Nonattainment Areas);

(4) additional time is needed to complete the requirements for federal review specified in 20.2.74.403 NMAC;

(5) the permit application requires review of unusually complex technical and regulatory issues; or

(6) the department is unable to complete review of information submitted, because of the timing and scope of the submittal.

D. The department shall grant the permit, grant the permit subject to conditions, or deny the permit based on information contained in the department's administrative record. The administrative record shall consist of the application, any other evidence submitted by the applicant, any evidence or written comments submitted by interested persons, any other evidence considered by the department, a statement of matters officially noticed, and if a public hearing is held, the evidence submitted at the hearing. The applicant has the burden of demonstrating that a permit or permit revision should be approved.

E. Any person who participated in a permitting action before the department shall be notified by the department of the action taken and the reasons for the action. Notification of the applicant shall be by certified mail.

F. 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. 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.

G. If a timely request for a hearing is made, the board shall hold a hearing within sixty (60) days of receipt of the petition in accordance with Section 74-2-7 of the New Mexico Air Quality Control Act, NMSA 1978.

H. Any person adversely affected by an administrative action taken by the board may appeal in accordance with Section 74-2-9 of the New Mexico Air Quality Control Act, NMSA 1978.

[20.2.72.207 NMAC - Rn, 20 NMAC 2.72.II.207, 2/2/01]

20.2.72.208 BASIS FOR DENIAL OF PERMIT: The department shall deny any application for a permit or permit revision if considering emissions after controls:

A. It appears that the construction, modification or permit revision will not meet applicable regulations adopted pursuant to the Air Quality Control Act;

B. The source will emit a hazardous air pollutant or an air contaminant in excess of any applicable New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants or a regulation of the board;

C. For toxic air pollutants, see 20.2.72.400 NMAC - 20.2.72.499 NMAC;

D. The construction, modification, or permit revision will cause or contribute to air contaminant levels in excess of any National Ambient Air Quality Standard or New Mexico ambient air quality standard unless the ambient air impact is offset by meeting the requirements of either 20.2.79 NMAC or 20.2.72.216 NMAC, whichever is applicable;

E. The construction, modification, or permit revision would cause or contribute to ambient concentrations in excess of a prevention of significant deterioration (PSD) increment;

F. Any provision of the Air Quality Control Act will be violated;

G. It appears that the construction of the new source will not be completed within a reasonable time; or

H. The department chooses to deny the application due to a conflict of interest in accelerated review as provided for under Subsection C of 20.2.72.221 NMAC.

[20.2.72.208 NMAC - Rn, 20 NMAC 2.72.II.208, 2/2/01; A, 3/30/01]

20.2.72.209 ADDITIONAL LEGAL RESPONSIBILITIES ON APPLICANTS: The issuance of a permit does not relieve any person from civil or criminal liability for failure to comply with the provisions of the Air Quality Control Act, the federal act, federal regulations thereunder, any applicable regulations of the board, and any other applicable law or regulation.
[20.2.72.209 NMAC - Rn, 20 NMAC 2.72.II.209, 2/2/01]

20.2.72.210 PERMIT CONDITIONS:

A. The contents of the application specifically identified by the department shall become terms and conditions of the permit or permit revision.

B. The department shall, as appropriate, specify conditions upon a permit, including:

(1) Placement of individual emission limits determined on a case-by-case basis on the source for which the permit is issued, but such individual emission limits shall be only as restrictive as the more stringent of the following:

(a) the extent necessary to meet the requirements of the Air Quality Control Act and the federal act; or

(b) the emission rate specified in the permit application;

(2) A requirement that such source install and operate control technology, determined on a case-by-case basis, sufficient to meet the requirements of the Air Quality Control Act and the federal act and regulations promulgated under either;

(3) Compliance with applicable NSPS and NESHAP;

(4) Imposition of reasonable restrictions and limitations other than restrictions and limitations relating to emission limits or emission rates; or

(5) Any combination of the above;

(6) In the case of a modification, the requirements of Subsection B of 20.2.72.210 NMAC apply only to the facility or facilities involved in such modification.

C. The department may impose such other reasonable conditions upon a permit, including a schedule of construction, a condition requiring timely revision of permit terms or conditions in order to meet new requirements, if any, under any federally required and approved State Implementation Plan revision, and conditions requiring the source to be provided with or to undertake:

(1) Sampling ports of a size, number and location as the department may require;

(2) Safe access to each port;

(3) Instrumentation to monitor and record emission data including continuous emission monitoring, if appropriate;

(4) Any other reasonable sampling, testing and ambient monitoring and meteorological facilities and protocols; and

(5) Periodic testing pursuant to 20.2.72.213 NMAC.

D. Any term or condition imposed by the department on a permit or permit revision is enforceable to the same extent as a regulation of the board.

E. The department will as a condition of each permit require the permittee to establish and maintain such records of the nature and amount of emissions and to make such periodic reports to the department regarding the nature and amounts of emissions and the performance of air pollution control equipment, as are necessary to carry out the purpose of the Air Quality Control Act.

F. [RESERVED]

[20.2.72.210 NMAC - Rn, 20 NMAC 2.72.II.210, 2/2/01]

20.2.72.211 PERMIT CANCELLATIONS:

A. The department shall automatically cancel any permit for any source which ceases operation for five years or more, or permanently. Reactivation of any source after the five year period shall require a new permit.

B. The department may cancel a permit if the construction or modification is not commenced within two years from the date of issuance or, if during the construction or modification, work is suspended for a total of one year, such cancellation shall be subject to the following procedures:

(1) At least thirty days prior to the cancellation of a permit, the department shall notify the permittee by certified mail of the impending cancellation. The department shall notify the permittee by certified mail of the cancellation of his permit and the reasons therefor. Construction, modification and, if required, interim operation shall cease upon the effective date of cancellation contained in the notice of cancellation. A permittee who has received notice that a permit is or will be cancelled may request a hearing before the board. The request must be

made in writing to the board within thirty days after notice of the department's action has been received by the permittee. Unless a timely request for hearing is made, the decision of the department shall be final; and

(2) If a timely request for hearing is made, the board shall hold a hearing within thirty days after receipt of the request. The department shall notify the permittee by certified mail of the date, time and place of the hearing. In the hearing the burden of proof shall be upon the permittee. The board may designate a hearing officer to take evidence in the hearing. Based upon the evidence presented at the hearing, the board shall sustain, modify or reverse the action of the department.

[20.2.72.211 NMAC - Rn, 20 NMAC 2.72.II.211, 2/2/01]

20.2.72.212 PERMITTEE'S NOTIFICATION REQUIREMENTS TO DEPARTMENT: Any owner or operator subject to this part shall notify the department in writing of or provide the department with:

A. Anticipated date of initial startup of a source not less than thirty (30) days prior to the date;

B. Actual date of initial startup of a source within fifteen (15) days after the startup date;

C. Any change of operators within fifteen (15) days of such change;

D. Any necessary update or correction no more than sixty (60) days after the operator knows or should have known of the condition necessitating the update or correction of the permit.

[20.2.72.212 NMAC - Rn, 20 NMAC 2.72.II.212, 2/2/01]

20.2.72.213 STARTUP AND FOLLOWUP TESTING: Within sixty (60) days after achieving the maximum production rate at which the source will be operated but not later than one hundred eighty (180) days after initial startup of the source, the owner or operator of the source may be required to conduct a performance test. The test method utilized shall be approved by the department. Whenever the requirements of 40 CFR 60 or 61 apply, test methods must be utilized as specified in those regulations. The owner or operator shall notify the department at least thirty (30) days prior to the test date and allow a representative of the department to be present at the test. A written report of the results of the test shall be submitted to the department by the owner or operator within thirty (30) days from the test date. This requirement may be reimposed on a source as necessary if inspections of the source indicate noncompliance with permit conditions subject to such testing, or the previous test showed noncompliance or was technically unsatisfactory. In such cases, the test requirement may be reimposed as frequently as necessary until compliance is achieved and testing is performed in a technically satisfactory manner. This testing requirement may be waived if the source is a member of a class subject to an exemption from this requirement pursuant to 20.2.72.214 NMAC, and has agreed to comply with, and its permit contains, enforceable design, operational and locational protocols set by the department for the class of sources to which the source belongs.

[20.2.72.213 NMAC - Rn, 20 NMAC 2.72.II.213, 2/2/01]

20.2.72.214 SOURCE CLASS EXEMPTION PROCESS (PERMIT STREAMLINING):

A. Upon application by any person or group of persons, or upon the initiative of the department, the board may exempt any source or class of sources, from any procedural requirement of this part except the requirement to obtain a permit prior to commencement of construction if the board finds that the conditions set forth below in this section have been met. When possible, comprehensive exemptions shall be established for source classes in order to conduct expedited, streamlined permit processing for any applicant whose source is a member of such class. Exemptions may be granted only after a public hearing of the board, at which time the basis for such exemption shall be presented and any interested person allowed to comment and to question any witness. The board's decision that an exemption under this section is justified shall be based at a minimum on each of the following findings:

(1) The department has substantial actual experience with or knowledge of the specific class of sources proposed for exemption, that such experience or knowledge is material to the application for exemption, and that such experience or knowledge includes modeling and analysis of a representative sample of such sources. Such knowledge may be acquired through, but not limited to, direct department experience with such sources, or the review of other regulatory agencies' experience, records, documentation and formal actions, or through publications of professional organizations and societies upon which engineers and scientists would conventionally rely in formulating a professional judgment;

(2) The sources possess sufficiently common characteristics of operation, process technology, emissions, emission control technology and impact on air quality that with respect to the specific requirements proposed to be exempted, protocols have been developed which, if applied to all members of that class, will ensure that air quality is protected at least as well as would be accomplished by the full permit review process; and

(3) Under such an exemption, compliance with all federal and state air quality laws, regulations, standards and emissions limitations will be assured.

B. Exemptions may apply statewide or regionally and may be revoked by the board only after a public hearing following at least sixty days public notice.

C. As may be required under federal law, all protocols established hereunder shall be submitted to the US EPA for review and approval as revisions to the State Implementation Plan. Such protocols shall be established contingent upon approval by the US EPA.

D. There shall be no exemptions under this section from the requirements of 20.2.74 NMAC, 20.2.77 NMAC, 20.2.78 NMAC, or 20.2.79 NMAC.

[20.2.72.214 NMAC - Rn, 20 NMAC 2.72.II.214, 2/2/01]

20.2.72.215 EMERGENCY PERMIT PROCESS:

A. The department may issue an emergency permit when the secretary determines an emergency exists which threatens the public health, safety or welfare, and which requires the rapid construction or modification of, or installation of equipment in, a facility subject to this part in order to mitigate, prevent or remedy such emergency.

B. Department personnel shall verify that the source, operating in accordance with the permit issued, can and will meet all applicable standards, emissions limitations and conditions before authorizing start-up in order to ensure that the public emergency is not worsened by excess or improperly controlled air pollution.

C. An emergency caused by any negligent or unlawful action or operation of the facility or the facility owner or operator, including but not limited to failure to apply timely for a permit or revision, shall not constitute an emergency for the purposes of this section.

D. The requirements of Paragraphs 5 and 6 of Subsection A of 20.2.72.206 NMAC, Subsection C of 20.2.72.206 NMAC, and Subsections A and B of 20.2.72.207 NMAC shall not apply to emergency permits processed under this section.

E. Construction shall not commence until the emergency permit is issued.

[20.2.72.215 NMAC - Rn & A, 20 NMAC 2.72.II.215, 2/2/01]

20.2.72.216 NONATTAINMENT AREA REQUIREMENTS:

A. The requirements of this section apply to:

(1) a new source or modification of an existing source that will emit a regulated air contaminant such that the ambient impact of the contaminant would exceed the significant ambient concentration in 20.2.72.500 NMAC, table 1, at any location that does not meet the New Mexico ambient air quality standard for the contaminant;

(2) a new source or modification of an existing source that is not a major stationary source or major modification as defined in 20.2.79 NMAC and that will emit a regulated air contaminant such that the ambient impact of the contaminant would exceed the significant ambient concentration in table 1 at any location that does not meet the national ambient air quality standard for the contaminant; or

(3) an existing source that does not propose an increase in emissions and that will emit a regulated air contaminant such that the ambient impact of the contaminant would exceed the significant ambient concentration in 20.2.72.500 NMAC (table 1) at any location that does not meet the national or New Mexico ambient air quality standard for the contaminant.

B. A new source or modification of an existing source subject to this section shall offset the ambient impact of its emissions by:

(1) obtaining emission offsets for proposed emissions in an amount greater than one-to-one such that a net air quality benefit will occur; and

(2) ensuring emission offsets are quantifiable, enforceable, and permanent by meeting the following sections of 20.2.79 NMAC:

(a) 20.2.79.114 NMAC (emission offset baseline);

(b) 20.2.79.115 NMAC (emission offsets); and

(c) 20.2.79.117 NMAC (air quality benefit).

C. An existing source that is subject to this section shall demonstrate a net air quality benefit of at least a 20 percent reduction in ambient impact for each applicable contaminant. The 20 percent reduction shall be calculated as the projected source impact subtracted from the existing source impact divided by the existing source impact. The net air quality benefit must also meet the requirements of 20.2.79.117 NMAC (air quality benefit).

[20.2.72.216 NMAC - Rn, 20 NMAC 20.2.72.II.216, 2/2/01; A, 9/6/06]

20.2.72.217 COMPLIANCE CERTIFICATIONS:

A. Notwithstanding any other provision in the New Mexico State Implementation Plan approved by the administrator, for the purpose of determining compliance, an owner or operator is not prohibited from using monitoring as required under 20.2.70 NMAC and incorporated into an operating permit in addition to any specified compliance methods.

B. The requirements of this section are only applicable to those sources which, in addition to being subject to this part are either: defined as a major source under 20.2.70 NMAC (Operating Permits), or; subject to 20.2.82 NMAC (Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants).

[20.2.72.217 NMAC - Rn, 20 NMAC 20.2.72.II.217, 2/2/01]

20.2.72.218 ENFORCEMENT: Notwithstanding any other provision in the New Mexico State Implementation Plan approved by the administrator, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of the terms or conditions of a permit issued pursuant to this part, including permits for sources meeting the applicability requirements 20.2.74 NMAC (Prevention of Significant Deterioration), or 20.2.79 NMAC (Permits - Nonattainment Areas).

A. Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at the source:

(1) A monitoring or information gathering method approved for the source pursuant to 20.2.70 NMAC and incorporated in an operating permit; or

(2) Compliance methods specified in the New Mexico State Implementation Plan.

B. The following testing, monitoring or information gathering methods are presumptively credible testing, monitoring or information gathering methods:

(1) Any federally enforceable monitoring or testing methods, including those in 40 CFR, parts 51, 60, 61 and 75; and

(2) Other testing, monitoring or information gathering methods that produce information comparable to that produced by any method in Subsection A of 20.2.72.218 NMAC or Paragraph 1 of Subsection B of 20.2.72.218 NMAC, above.

C. The requirements of this section are only applicable to those sources which, in addition to being subject to this part, are either: defined as a major source under 20.2.70 NMAC (Operating Permits), or; subject to 20.2.82 NMAC (Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants).

[20.2.72.218 NMAC - Rn, 20 NMAC 20.2.72.II.218, 2/2/01]

20.2.72.219 PERMIT REVISIONS:

A. Administrative Permit Revisions:

(1) Administrative permit revision procedures may be used only for those permit revisions that:

(a) Correct typographical errors;

(b) Provide for a minor administrative change at the source, such as a change in ownership or a change in the address or phone number of any person identified in the permit;

(c) Incorporate a change in the permit solely involving the retiring of a source or closing of a facility upon notification of the department that the permittee has ceased operations of the source or facility;

(d) Incorporate a change in the permit solely involving the deletion from the permit of a source or sources upon notification of the department that the source or sources have not been and will not be built; or

(e) Incorporate a source or activity at the facility which is exempted under Subsection B of 20.2.72.202 NMAC;

(2) The permittee shall apply for an administrative permit revision by filing a certified written notification of the proposed revision with the department which includes all information required by the department to review the request. The certification shall be made as required under Paragraph 12 of Subsection A of 20.2.72.203 NMAC;

(3) The administrative permit revision is effective upon receipt of the notification by the department;

(4) Administrative permit revisions shall not be subject to public notification requirements under Subsection B of 20.2.72.203 NMAC and 20.2.72.206 NMAC. The department shall attach the revision to the permit;

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(5) Administrative permit revisions shall not be subject to filing fees or permit fees under 20.2.75 NMAC (Construction Permit Fees);

(6) The department is not required to reissue the permit to incorporate an administrative permit revision.

B. Technical Permit Revisions:

(1) Technical permit revision procedures may be used only for:

(a) Permit revisions that incorporate a change in the permit solely involving a change to monitoring, record keeping, or reporting requirements by the permittee, provided that the department determines that such change does not reduce the enforceability of the permit;

(b) Permit revisions that incorporate a change in the permit solely involving additional equipment with a potential emission rate of no more than one (1) pound per hour for any pollutant for which a National or New Mexico Ambient Air Quality Standard has been set or one (1) pound per hour for any VOC;

(c) Permit revisions that incorporate a change in the permit solely involving the placement of permit conditions, including emissions limitations, on sources which existed on August 31, 1972 and which have been regularly operated since that time;

(d) Modifications that replace an emissions unit for which the allowable emissions limits have been established in the permit, provided that the new emissions unit:

(i) Is equivalent to the replaced emissions unit, and serves the same function within the facility and process;

(ii) Has the same or lower capacity and potential emission rates;

(iii) Has the same or higher control efficiency, and stack parameters which are at least as effective in the dispersion of air pollutants;

(iv) Would not result in an increase of the potential emission rate of any other equipment at the facility;

(v) Shall be subject to the same or lower allowable emissions limits under the permit, and to all other permit conditions which have applied to the replaced emissions unit;

(vi) Would not, when operated under applicable permit conditions, cause or contribute to a violation of any national or New Mexico ambient air quality standard; and

(vii) Would not, as determined by the department, require additional permit conditions in order to ensure the enforceability of the permit, such as additional record keeping or reporting to show compliance;

(e) Permit revisions that make adjustments to the emissions limitations based on the result of the initial compliance test(s), provided that:

(i) The test is performed in accordance with permit conditions;

(ii) Such adjustment occurs within six (6) months of the compliance test;

(iii) No other such adjustment has occurred since the most recent permit issuance or reissuance;

(iv) Such adjustment does not: alter any other permit condition; trigger additional requirements under any other part, including 20.2.74 NMAC (Prevention of Significant Deterioration); or result in allowable emissions which could contribute to a violation of any national or New Mexico ambient air quality standard;

(v) Such request does not increase the permitted allowable emissions of the unit(s) on which the initial compliance test(s) have been performed by more than ten (10) percent; and

(vi) Where the permit fee calculated under 20.2.75 NMAC (Construction Permit Fees) would have been greater if it had been based on the potential emission rate as indicated by the compliance test, the balance of the permit fee is submitted as part of the technical permit revision application;

(f) Permit revisions that incorporate a change in the permit solely involving the addition of air pollution control equipment or the substitution of a different type of air pollution control equipment to existing equipment provided that such addition or substitution shall not result in an increase in the potential emission rate of more than one (1) pound per hour for any pollutant for which a national or New Mexico ambient air quality standard has been set, or one (1) pound per hour for total VOCs; or

(g) Permit revisions that incorporate terms and conditions in the permit, such as a cap on hours of operation, limitations on throughput of a specific product or products, or limitations on equipment capacity, for the purpose of reducing the potential emission rate of a unit or source.

(2) A request for a technical permit revision shall be accomplished by filing a certified written notification of the proposed revision with the department on forms provided by the Department and shall include all information required by the department to review the request. The certification shall be made as required under

Paragraph 12 of Subsection A of 20.2.72.203 NMAC;

(3) The department shall approve or deny the technical permit revision, or inform the applicant that the request must be submitted as a significant permit revision:

(a) Within thirty (30) days of receipt of the application; or

(b) If in response to significant public interest the department holds a public meeting regarding the technical permit revision, within sixty (60) days of receipt of the application;

(4) The department may deny an application for a technical permit revision or require that such application be submitted as a significant permit revision if:

(a) Such revision does not meet the criteria of this section;

(b) In the judgment of the department the revision would require a decision on a significant or complex issue; or

(c) In the judgment of the department the permittee has submitted multiple or subsequent applications for technical permit revisions under this Part that segment a larger revision or modification that would not be eligible for a technical permit revision;

(5) The technical permit revision shall become effective upon written approval from the department;

(6) Technical permit revisions shall not be subject to public notification requirements under Paragraphs 1, 4 and 5 of Subsection B of 20.2.72.203 NMAC, and 20.2.72.206 NMAC. The department shall attach the technical permit revision to the permit.

C. [RESERVED]

D. Significant Permit Revisions:

(1) A significant permit revision is required for any modification to a source, and for revisions to any term or condition of such permit, including but not limited to emissions limitation, control technology, operating conditions, and monitoring requirements; that:

(a) Do not meet the criteria under the provisions for administrative or technical permit revisions under Subsections A or B of 20.2.72.219 NMAC; or

(b) Meet the applicability criteria under 20.2.72.402 NMAC regarding toxic air pollutants;

(2) Applications for significant permit revisions shall meet all requirements of this part for permits and shall be processed in accordance with the public notice, review, and hearing procedures set forth in this part for such permits.

[20.2.72.219 NMAC - Rn, 20 NMAC 2.72.II.219, 02/02/01; A, 08/27/03]

20.2.72.220 GENERAL PERMITS:

A. Issuance of general construction permits:

(1) The department may, after notice under Subsections A and B of 20.2.72.206 NMAC and a public hearing with opportunity for public participation under Subsection C of 20.2.72.206 NMAC issue one or more general construction permits, each covering numerous similar sources. Sources registered for coverage under a general permit shall be generally homogeneous in terms of operations, processes and emissions, subject to the same or substantially similar requirements, and not subject to case-by-case standards or requirements.

(2) Each general construction permit shall:

(a) Describe which sources may qualify to register under the general construction permit;

(b) Specify the contents of a complete application to register under the general construction permit. The department may, in the general construction permit, provide for applications which deviate from the requirements under 20.2.72.203 NMAC, provided that such applications include:

(i) All information necessary to determine qualification for, and to assure compliance with, the general construction permit; and

(ii) Applicant's public notice requirements including, at a minimum, a notice: a) published once in the legal notices section of a newspaper in general circulation in the county or counties in which the property on which the facility is proposed to be constructed or operated is located; and b) posted at the proposed or existing facility entrance in a publicly accessible and conspicuous place on the property on which the facility is, or is proposed to be, located, until the general permit registration is granted or denied;

(c) Contain permit terms and conditions which apply to all sources registered under the general construction permit, and which include:

(i) Sufficient terms and conditions to assure that all sources registered under and operating in accordance with the general construction permit will meet all applicable requirements under the federal act, the New Mexico Air Quality Control Act and this chapter (Air Quality), including 20.2.74 NMAC (Prevention of Significant Deterioration), 20.2.77 NMAC (New Source Performance Standards), 20.2.78 NMAC (Emission

Standards for Hazardous Air Pollutants), 20.2.79 NMAC (Permits - Nonattainment Areas), and 20.2.82 NMAC (Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants), and will not cause or contribute to air contaminant levels in excess of any national or New Mexico ambient air quality standard; and

(ii) Monitoring, record keeping and reporting requirements appropriate to the source and sufficient to ensure compliance with the general construction permit. At a minimum, the general permit shall specify where the records shall be maintained, how long the records shall be retained and that all records or reports shall be made available upon request by the department;

(iii) As appropriate, terms and conditions to address and report emissions occurring during upsets, startups and maintenance; and

(d) Specify that any document, including any application form, report, compliance certification and supporting data, submitted pursuant to this section (20.2.72.220 NMAC) shall contain a certification that meets the requirements of Paragraph 10 of Subsection A of 20.2.72.203 NMAC.

B. Revisions to a General Construction Permit:

(1) The department may, after notice under Subsections A and B of 20.2.72.206 NMAC and a public hearing with opportunity for public participation under Subsection C of 20.2.72.206 NMAC, revise a general construction permit. Notice of the proposed revision shall also be sent to the owner or operator of all sources registered under the general construction permit.

(2) Revisions to a general construction permit shall include a reasonable transition schedule for existing registered sources to comply with the revised permit. The department shall revise the general permit terms and conditions only to the extent necessary to ensure that the requirements of Sub-paragraph (c) of Paragraph 2 of Subsection A of 20.2.72.220 NMAC are met.

C. Registration under a General Construction Permit:

(1) The owner or operator of a source required to obtain a permit pursuant to this part and which qualifies to register under a general construction permit shall either:

(a) Apply to the department to register under the terms of the general construction permit; or

(b) Apply for a construction permit under 20.2.72.200 NMAC.

(2) Within thirty (30) days of receiving an application to register under a general construction permit, the department shall review the application for completeness and shall grant or deny the registration. The department shall not grant the registration until at least fifteen (15) days after the date the applicant's public notice was initiated. The department shall notify the applicant of its determination by certified mail. The department shall attach a copy of the general construction permit to registration approvals.

(3) The department shall grant registration under a general permit to a source only if:

(a) The application is complete and meets the requirements of this section (20.2.72.220 NMAC); and

(b) The source meets the terms and conditions of the general permit.

(4) The department may grant or deny an application to register under a general construction permit without repeating the public notice and participation procedures required under 20.2.72.206 NMAC.

(5) Administrative review under Sections 74-2-7.H through L NMSA 1978 shall be available for a determination made by the department of whether or not a source qualifies to register for coverage under a general construction permit. However, administrative review of a registration for coverage under a general construction permit shall not extend to administrative review of the general permit itself. Administrative review of the general construction permit shall be available under Sections 74-2-7.H through L NMSA 1978 only upon issuance or revision of the general permit as a permitting action.

(6) Sources shall be subject to enforcement action for construction without a permit if:

(a) Construction of a source is commenced prior to the receipt of the department's written approval of registration under a general construction permit; or

(b) It is determined after construction commences that a source does not qualify for coverage under the general construction permit.

(7) A general permit registration may be canceled, consistent with the provisions of 20.2.72.211 NMAC, for any source which ceases operation for five years or more, or permanently, and for any source for which the construction or modification is not commenced within two years from the date of issuance or, if during the construction or modification, work is suspended for a total of one year. The owner or operator shall notify the department of the anticipated and actual startup of a source, consistent with the provisions of 20.2.72.212 NMAC.

D. Modifications to Sources Registered Under a General Construction Permit: Each general construction permit shall provide that, prior to modification of a source which is registered under a general construction permit, the owner or operator shall:

(1) For those modifications for which the facility will continue to meet the conditions of the general construction permit after the modification, notify the department in writing of such modification; and

(2) For those modifications for which the source will not continue to meet the conditions of the general construction permit after such modification, obtain a construction permit from the department under this part prior to the modification.

[20.2.72.220 NMAC - Rn & A, 20 NMAC 2.72.II.220, 2/2/01]

20.2.72.221 ACCELERATED REVIEW:

A. Qualified Outside Firms:

(1) The department shall request proposals from persons interested in providing assistance as a qualified outside firm in the accelerated review of construction permit applications under this part.

(2) The department shall evaluate the proposal submitted by the person. To be eligible to contract with the department as a qualified outside firm a person must:

(a) Be legally qualified to contract with the department; and

(b) Be qualified to assist the department in review of permit applications, as determined by the department in the department's sole discretion.

(3) Persons who are selected as qualified outside firms shall be under contract with the department for accelerated review of construction permit applications under this section.

B. Requests for Accelerated Review:

(1) At the sole discretion of the applicant, a construction permit applicant under this part may request accelerated permit review of the application by a qualified outside firm. Applications for accelerated review shall be preceded by a pre-application meeting between the applicant and the department. Requests for accelerated review shall not be granted unless there is at least one qualified outside firm under contract with the department pursuant to Paragraph 3 of Subsection A of 20.2.72.221 NMAC. If there are no firms under contract to provide accelerated review, the department shall review the application in accordance with 20.2.72.207 NMAC.

(2) Such request for accelerated permit review shall be submitted with the construction permit application along with a corporate check or money order for the amount of the accelerated review filing fee as specified in 20.2.75 NMAC. The department shall notify the applicant of the names and addresses of the qualified outside firms. The applicant shall deliver a copy of the application, by mail or hand delivery, to each qualified outside firm identified by the department, unless the applicant is aware of a conflict of interest.

(3) Participation in the accelerated permit review process shall not relieve the applicant of any responsibilities specified in this chapter.

(4) Applicants who have opted for accelerated review under this section shall be subject to supplementary fees pursuant to 20.2.75 NMAC which shall be assessed in addition to all other applicable fees levied under 20.2.75 NMAC.

(5) Qualified outside firms under contract which are interested in performing the accelerated review on a specific application shall submit to the department:

(a) A statement of interest;

(b) A statement of qualifications for that specific application;

(c) An estimate of the cost and schedule for the review; and

(d) A notarized affidavit attesting that no conflict of interest exists on the specific permit application.

(6) If no qualified outside firm submits the four items required by Paragraph 5 of Subsection B of 20.2.72.221 NMAC, the department shall apply the accelerated review filing fee to the permit fee in accordance with 20.2.75 NMAC and review the application without the assistance of a qualified outside firm and in accordance with 20.2.72.207 NMAC.

(7) The department shall review the submittals and determine, in the department's sole discretion, which firms qualify for any specific application.

(8) Prior to determining any application administratively complete for which accelerated review has been requested as allowed under 20.2.72.203 NMAC, the department shall provide the applicant a written summary of the qualified submittals showing the costs to the applicant of the accelerated review and the anticipated schedule for application review, permit development and permit issuance.

(9) Applicant’s responsibilities for response to submittal summary:

(a) Within five (5) working days of receipt of the department's bid summary the applicant shall either: (i) submit to the department a written recommendation to accept one of the accelerated review bids, or a prioritized list of more than one of the accelerated review bids, including a brief justification for the recommendation(s) along with a corporate check or money order payable to the department for the amount of the accelerated review bid and a notarized affidavit attesting that no conflict of interest exists on the specific permit application; or (ii) submit to the department a written withdrawal of the request for accelerated review.

(b) The request for accelerated review is deemed withdrawn if the applicant fails to submit a written recommendation or withdrawal within five (5) working days of receipt of the department's bid summary unless the Department has granted an extension.

(10) Department's selection of qualified outside firm

(a) If the request for accelerated review is withdrawn, the department shall retain the accelerated review filing fee in accordance with 20.2.75 NMAC and shall review the application without the assistance of a qualified outside firm and in accordance with 20.2.72.207 NMAC.

(b) If the applicant recommends a qualified submittal, the department shall determine whether to accept the recommended submittal. If the department accepts the recommended submittal it shall instruct the qualified outside firm to begin review of the application. If the department rejects the recommended submittal, it shall inform the applicant and allow the applicant to recommend an alternate submittal pursuant to Paragraph 9 of Subsection B of 20.2.72.221 NMAC or, if there are no other qualified submittals, the department shall retain the accelerated review filing fee in accordance with 20.2.75 NMAC and review the application without the assistance of a qualified outside firm and in accordance with 20.2.72.207 NMAC.

C. Disclosure of Conflicts During Accelerated Review:

(1) The applicant and the qualified outside firm have a continuing obligation to investigate potential conflicts of interest and to immediately disclose, in writing, any conflict of interest to the department. If a conflict of interest was not disclosed pursuant to Subparagraph d of Paragraph 5 of 20.2.72.221 NMAC or Subparagraph a of Paragraph 9 of Subsection B of 20.2.72.221 NMAC, and is later disclosed or discovered, the department may:

(a) Deny the application pursuant to 20.2.72.208 NMAC;

(b) Terminate accelerated review and review the application pursuant to 20.2.72.207 NMAC; or

(c) Allow accelerated review to continue after elimination of the conflict.

(2) In choosing between these options the department shall consider whether the conflict of interest was disclosed or discovered, the timing of the disclosure or discovery, diligence in investigating potential conflicts of interest, any indication of intentional or willful failure to disclose, significance of the conflict of interest, and ability to eliminate the conflict of interest in a timely manner.

D. Issuance of a Permit After Accelerated Review:

(1) Upon completion of the review, the qualified outside firm shall provide the department with all documentation, including but not limited to all communications, notes, and drafts, pertaining to the permit application. At any time during the review, the qualified outside firm shall provide all documentation pertaining to a specific application to the department upon request. Such documentation shall be subject to the Inspection of Public Records Act, Chapter 14, Article 2 NMSA 1978, and the Confidential Information Section of the Air Quality Control Act, Section 74-2-11 NMSA 1978.

(2) The department shall review the analysis prepared by the qualified outside firm and shall issue a permit or deny the permit application in accordance with this part. The qualified outside firm's analysis is not binding on the department. The department retains final authority to accept or reject the qualified outside firm's analysis regarding the permit application.

(3) The department shall not issue the permit until both the accelerated review processing fee and any fees due pursuant to 20.2.75 NMAC have been paid.

[20.2.72.221 NMAC - N, 3/30/01]

20.2.72.222 - 20.2.72.299 [RESERVED]

20.2.72.300 DEFINITIONS: In addition to the definitions in 20.2.72.7 NMAC, the following definitions apply to 20.2.72.300 NMAC - 20.2.72.399 NMAC:

A. "Compressor station" means a facility whose primary function is the extraction of crude oil, natural gas, or water from the earth with compressors, or movement of any fluid, including crude oil or natural gas, or products refined from these substances through pipelines or the injection of natural gas or CO2 back into the earth using compressors. A compressor station may include engines to generate power in conjunction with the other

functions of extraction, injection or transmission and may contain emergency flares. A compressor station may have auxiliary equipment which emits small quantities of regulated air contaminants, including but not limited to, separators, de-hydration units, heaters, treaters and storage tanks, provided the equipment is located within the same property boundaries as the compressor engine.

B. **"Good engineering practice stack height"** means HsubGEP = H + 1.5L, where H equals the height of any building or obstruction within 5L of the stack, and L equals the lesser of the height or maximum projected width of the building or obstruction.

C. **"Impact area"** means the circular area with a radius extending from the source to the most distant point where the total potential emissions from the facility will cause a significant ambient impact (i.e., equal or exceed the applicable significant ambient impact level in 20.2.72.500 NMAC.

D. **"Maximum projected width"** means the largest crosswind building or obstruction dimension.

E. **"Potential to emit"** or **"potential emissions"** means the maximum capacity of a stationary source to emit a regulated air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a regulated air contaminant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitations or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

F. **"Secondary emissions"** means emissions of an air contaminant which occur as a result of the construction or operation of a stationary source or modification, but do not come from the stationary source or modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general areas as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the stationary source or modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

G. **"SUM"** means the sum of the potential emissions for oxides of nitrogen from all adjacent sources.

H. **"SUM15"** means the sum of the potential emissions for oxides of nitrogen from all adjacent sources within 15 km of the NO2 impact area.

I. **"SUM25"** means the sum of the potential emissions for oxides of nitrogen from all adjacent sources within 25 km of the NO2 impact area.

J. **"Sweet natural gas"** means natural gas containing no more than 0.25 grains of hydrogen sulfide per 100 standard cubic feet of gas.

[20.2.72.300 NMAC - Rn & A, 20 NMAC 2.72.III.300, 2/2/01]

20.2.72.301 APPLICABILITY:

A. Any owner or operator intending to construct or modify a source which requires a permit under the provisions of 20.2.72.200 NMAC may elect to obtain a permit under 20.2.72.300 NMAC - 20.2.72.399 NMAC if the source category is listed in 20.2.72.501 NMAC.

B. 20.2.72.300 NMAC - 20.2.72.399 NMAC shall not apply to:

(1) Any "major stationary source" as defined in 20.2.74 NMAC;

(2) Any facility, either before or after construction or modification, with a total potential to emit of any regulated air contaminant greater than 200 tons per year (tpy);

(3) Any source subject to the requirements of 20.2.78 NMAC or 20.2.72.400 NMAC - 20.2.72.499 NMAC;

(4) Any reciprocating internal combustion (IC) engines and/or turbines located at petroleum refineries, chemical manufacturing plants, bulk gasoline terminals, natural gas processing plants, or at any facility containing sources in addition to IC engines and/or turbines for which an air quality permit is required through state or federal air quality regulations;

(5) Any source which emits or proposes to emit those contaminants for which the impact area from the facility intersects an area, or for which the area itself is: 1) designated nonattainment for federal ambient air quality standards; or 2) nonattainment for federal PSD increments or state ambient air quality standards according to ambient data or air quality modeling; or 3) shown by air quality data or dispersion or other air quality modeling that air contaminants have consumed more than 80% of state or federal ambient air quality standards or PSD increments for those areas where the baseline has been triggered for the specific PSD increments;

(6) Any source with the nearest property boundary located less than:

(a) 1 kilometer (km) from a school, residence, office building, or occupied structure. Buildings and structures within the immediate industrial complex of the source are not included.

(b) 3 km from the property boundary of any state park, Class II wilderness area, Class II national wildlife refuge, national historic park, state recreation area, or community with a population of more than twenty-thousand people.

(c) 10 km from the boundary of any community with a population of more than forty-thousand people, or

(d) 30 km from the boundary of any Class I area;

(7) Any source located in Bernalillo county or within 15 km of the Bernalillo county line.

C. The following sections and subsections of 20.2.72.200 NMAC - 20.2.72.299 NMAC apply to permit applications submitted pursuant to 20.2.72.300 NMAC - 20.2.72.399 NMAC: Subsections A, B and E through H of 20.2.72.200 NMAC, 20.2.72.202 NMAC, 20.2.72.204 NMAC, 20.2.72.205 NMAC, Subsection C of 20.2.72.206 NMAC, Subsections D through G of 20.2.72.207 NMAC, 20.2.72.208 NMAC, 20.2.72.209 NMAC, 20.2.72.210 NMAC, 20.2.72.211 NMAC, 20.2.72.212 NMAC, 20.2.72.214 NMAC and 20.2.72.215 NMAC. The remainder of 20.2.72.200 NMAC - 20.2.72.299 NMAC does not apply to applications submitted pursuant to 20.2.72.300 NMAC - 20.2.72.399 NMAC.

D. Any source, including compressor stations, consisting of IC engines and/or turbines must comply with one of the following three criteria, Paragraph 1, 2, or 3 of Subsection D of 20.2.72.301 NMAC, in order to qualify for source class permit streamlining under 20.2.72.300 NMAC - 20.2.72.399 NMAC (In demonstrating compliance with Subsection D of 20.2.72.301 NMAC, the department shall give no credit for modeled reductions in ambient air concentrations due to so much of a source's stack which exceeds good engineering stack height, or fifty (50) feet in situations where there are not obstructions or buildings associated with the source):

(1) The total potential to emit of each regulated contaminant from all sources at the facility shall be less than 40 tpy. The potential to emit for nitrogen dioxide shall be based on total oxides of nitrogen; or

(2) The total potential to emit of each regulated contaminant from all emission sources at the facility shall be less than 100 tons per year (tpy) and the impact on ambient air from all sources at the facility shall be less than the ambient significance levels in 20.2.72.500 NMAC, Table 1. The potential to emit for nitrogen dioxide shall be based on total oxides of nitrogen expressed as nitrogen dioxide; or

(3) The maximum modeled ambient impact from the total potential emissions at the facility shall be less than 50 percent of each applicable PSD increment, for those areas where the baseline has been triggered for the specific PSD increments, and state and federal ambient air quality standards; and

(a) There shall be no adjacent sources emitting the same regulated air contaminant(s) as the source within 2.5 km of the modeled nitrogen dioxide (NO2) impact area; and

(b) The "sum of the potential emissions for oxides of nitrogen from all adjacent sources" (SUM) within 15 km of the NO2 impact area (SUM15) shall be less than 740 tpy; and

(c) The SUM25 within 25 km from the NO2 impact area shall be less than 1540 tpy.

(4) Modifications to the auxiliary emission generating equipment at a facility qualifying and electing source class permit streamlining may commence without obtaining a permit for such modification as long as the total potential to emit of all auxiliary equipment remains at or below 1.0 lb/hr for any one regulated air contaminant and as long as the total potential to emit of each regulated air contaminant from the compressor station meets the requirements of Paragraphs 1 or 2 of Subsection D of 20.2.72.301 NMAC or previously qualified under Paragraph 3 of Subsection D of 20.2.72.301 NMAC. The applicant shall provide, in writing, the nature of all changes to the department no later than 15 days prior to the expected change.

[20.2.72.301 NMAC - Rn & A, 20 NMAC 2.72.III.301, 2/2/01]

[Annotated Note: Section 20.2.72.202 - Permit Revisions, which is referenced in Subsection C of this section, was renumbered to Section 20.2.72.219 NMAC, effective 1/7/1998]

20.2.72.302 CONTENTS OF APPLICATION:

A. Any person seeking a permit under 20.2.72.300 NMAC - 20.2.72.399 NMAC shall do so by filing a written application with the department. For those applications not qualifying under Subsection A of 20.2.72.303 NMAC, the applicant shall also:

(1) Provide by certified mail a complete copy of the application and public notice to the department's field or district office nearest the source; and

(2) Provide by certified mail a copy of the public notice to the appropriate federal land manager if the source will locate within 50 km of the boundary of a Class I area.

B. The items of this section, if requested on the applicable application form, are required before the department may deem an application administratively complete. The applicant shall submit the number of copies of the permit application specified in the applicable application form. All applications shall be filed on the forms furnished by the department and shall include:

(1) The applicant's name and address, the person to contact regarding the application, and the name and address of the new source or modification;

(2) A description of the new facility or modification including all operations effecting air emissions;

(3) The anticipated operating schedule;

(4) A topographical map, at least as detailed as a 7.5 minute United States Geological Survey Topographic Quadrangle, showing the exact location and geographical coordinates of the stationary source;

(5) The Universal Transverse Mercator (UTM) horizontal and vertical coordinates for the facility;

(6) A plot plan showing the location of emission units with respect to the plant's property boundaries and the dimensions of any buildings, terrain, or obstructions which may cause emissions to be down-washed;

(7) A detailed description of any air pollution control device or method to be utilized, including the basis for the estimated control efficiency;

(8) The stack and exhaust gas parameters for all emission points, including calculations and manufacturer's or supplier's data which documents the emission rates and exhaust gas parameters;

(9) A comprehensive regulatory compliance review, including all pertinent data and calculations, for each applicable new source performance standard, such as 40 CFR 60, Subpart GG - Standards of Performance for Stationary Gas Turbines;

(10) Documentation of the manufacturer's or supplier's recommended maintenance schedules and procedures for all air pollution control equipment;

(11) A compliance demonstration based on US EPA approved modeling or analysis, including all pertinent calculations and computations, for all applicable requirements of 20.2.72.300 NMAC - 20.2.72.399 NMAC for any facility electing to obtain a permit under 20.2.72.300 NMAC - 20.2.72.399 NMAC;

(12) Documentary proof that the requirements of Paragraphs 1 and 2 of Subsection A of 20.2.72.302 NMAC have been satisfied;

(13) The notarized signature under oath or affirmation by the operator, the owner, or an authorized representative, certifying to the best of his or her knowledge the truth of all information submitted;

(14) Payment of any fees which are specified in 20.2.75 NMAC (Construction Permit Fees) as payable at the time the application is submitted; and

(15) Any other specifically identified relevant information as the department may reasonably require. [20.2.72.302 NMAC - Rn & A, 20 NMAC 2.72.III.302, 2/2/01]

20.2.72.303 PUBLIC NOTICE AND PARTICIPATION:

A. Applications qualifying under the following paragraphs of 20.2.72.300 NMAC - 20.2.72.399 NMAC are not subject to Subsection B of 20.2.72.303 NMAC and Paragraph 2 of Subsection C of 20.2.72.303 NMAC: Paragraphs 1 and 2 of Subsection D of 20.2.72.301 NMAC.

B. The applicant shall:

(1) Publish notice once in a newspaper of general circulation in the area closest to the location of the source. This notice shall appear in either the classified or legal advertisements section of the newspaper. Notice shall be published in accordance with department guidance documents and must include:

(a) The applicant's name and address;

(b) The address and phone number of the department's air quality bureau in Santa Fe, and the address of the field or district office where a copy of the application will be sent as required in Subsection A of 20.2.72.302 NMAC;

(c) The location and a brief description of the source;

(d) A summary of estimated emissions and ambient impact for each regulated contaminant for the entire facility;

(e) Where required in 20.2.72.300 NMAC - 20.2.72.399 NMAC, the applicant's public notice shall contain the following statement: "Any comments submitted on this permit application should address the relevant requirements of state and federal air quality regulations and the Federal Clean Air Act and the state Air Quality Control Act. The comments shall be submitted to the department's air quality bureau in Santa Fe within thirty (30) days following the date of publication";

(f) Any other information required by the department; and

(2) Post the notice at the proposed or existing facility entrance on the property on which the facility is, or is proposed to be located prior to submittal of the application and remaining posted until the department takes final action on the permit.

C. The department shall:

(1) Make available for public inspection the permit application. Copies of any permit application, except those portions of which may be determined as confidential in accordance with 20.2.1 NMAC (General Provisions), will be supplied upon written request and payment of reasonable costs.

(2) Allow all interested persons thirty (30) days from the date of publication of the applicant's public notice in a newspaper of general circulation, to submit written comments or evidence on the application.

[20.2.72.303 NMAC - Rn & A, 20 NMAC 2.72.III.303, 2/2/01]

20.2.72.304 PERMIT DECISIONS:

A. The department shall within thirty (30) days after its receipt of an application for a permit or permit revision review such application and determine whether it is administratively complete.

(1) If the application is deemed administratively complete, a certified letter to that effect shall be sent to the applicant.

(2) If the application is deemed administratively incomplete, a certified letter shall be sent to the applicant stating what additional information or points of clarification are necessary to deem the application administratively complete. Upon receipt of such information, the department shall promptly review such information and determine whether the application is administratively complete.

(3) If the application is deemed administratively complete but no permit is required, a certified letter shall be sent to the applicant informing the applicant of the determination.

B. The department shall either grant, grant subject to conditions, or deny the permit or permit revision as soon as practicable after the department deems the application administratively complete but not to exceed the times specified below:

(1) For applications qualifying under the Paragraphs 1 and 2 of Subsection D of 20.2.72.301 NMAC, within thirty (30) days;

(2) For all other applications, within sixty (60) days, or ninety (90) days if there is a hearing under 20.2.72.206 NMAC.

[20.2.72.304 NMAC - Rn & A, 20 NMAC 2.72.III.304, 2/2/01]

20.2.72.305 GENERAL REQUIREMENTS: All sources permitted pursuant to 20.2.72.300 NMAC - 20.2.72.399 NMAC shall operate in compliance with the following conditions:

A. A copy of the most recent permit issued by the department shall be made available to department personnel for inspection upon request. If the permit is not kept at the plant location, a notice at the plant site shall be located in a conspicuous place stating the facility name and ownership, air quality permit number, and the address and phone number of the department in Santa Fe;

B. The source shall operate in compliance with all applicable state and federal regulations, including federal new source performance standards incorporated by 20.2.77 NMAC and permit conditions;

C. The owner or operator of the source shall be required to conduct such performance tests as specified by the department to determine compliance with emission limitations or technology requirements as specified in an applicable regulation or permit condition. Specific schedules and requirements will be listed in 20.2.72.306 NMAC for each source class and/or in the permit. Performance test requirements may be reimposed on a source as necessary if inspections of the source or other information available to the department, indicate noncompliance, or the previous test showed noncompliance or was technically unsatisfactory. In such cases, the department may reimpose such tests as frequently as necessary until compliance is achieved and testing is performed in a manner technically satisfactory to the department. The owner or operator shall:

(1) Arrange a pretest meeting with the department at least two weeks prior to the anticipated test date for all tests;

(2) Notify the department at least thirty (30) days prior to the date and time of performance testing, and provide the department an opportunity to have an observer present during testing;

(3) Conduct performance tests in accordance with methods and procedures specified by the department. Whenever the requirements of 40 CFR 60 apply, test methods must be utilized as specified in those regulations;

(4) Submit a written report to the department of the results of the test within thirty (30) days from the test date; and

D. The owner or operator using a catalytic converter to meet the requirements of 20.2.72.300 NMAC - 20.2.72.399 NMAC shall satisfactorily test the reduction efficiency across the catalyst bed and report the results of the test to the department according to the permit conditions, within ninety (90) days following initial start-up and on a quarterly basis thereafter, unless an alternative testing schedule is specified by the department. The tests shall be conducted in accordance with the requirements of Subsection C of 20.2.72.305 NMAC and as required in the permit, except that the requirements of Paragraphs 1 and 2 of Subsection C of 20.2.72.305 NMAC shall be waived unless the department specifically requests a pretest meeting or notification of the next test date.
[20.2.72.305 NMAC - Rn & A, 20 NMAC 2.72.III.305, 2/2/01]

20.2.72.306 SOURCE CLASS REQUIREMENTS:

A. In addition to the general conditions of 20.2.72.305 NMAC, each permitted source listed in 20.2.72.501 NMAC (Table 2) shall also comply with the applicable source class requirements below:

(1) Requirements for source class category 1 - reciprocating internal combustion (IC) engines:

(a) Gas fuel shall be produced natural gas, sweet natural gas, liquid petroleum gas, or fuel gas. No gas fuel shall contain more than 0.1 grain of total sulfur per dry standard cubic foot. Liquid fuel shall be first run refinery grade diesel or No. 2 fuel oil that is not a blend containing waste oils or solvents and contains less than 0.3% by weight sulfur;

(b) Within ninety (90) days after initial start-up of the source, the owner or operator shall conduct NOx and carbon monoxide (CO) performance tests on one or more engines (turbines) at the facility to ensure the facility is in compliance with 20.2.72.300 NMAC - 20.2.72.399 NMAC and permit requirements, including emission limits and any applicable pollution control device reduction efficiency requirements for NOx. The department shall specifically identify in the permit each engine or turbine subject to initial performance testing requirements. Tests shall be conducted in accordance with the requirements of Subsection C of 20.2.72.305 NMAC;

(c) Any engine which operates with a non-selective catalytic converter shall comply with the following requirements:

i. Any spark ignited gas-fired or any compression ignited dual fuel-fired engine shall be equipped and operated with an automatic air-fuel ratio (AFR) controller which maintains AFR in the range required to minimize NOx emissions, as recommended by the manufacturer; and

ii. The owner or operator shall make and maintain records to demonstrate that the manufacturer's or supplier's recommended maintenance is performed, including replacement of the oxygen sensor as necessary for oxygen-based AFR controllers, and cleaning, regeneration, and/or replacement of catalyst(s) as necessary to maintain at least the NOx reduction efficiencies across the catalyst bed that are specified in the permit.

B. Requirements for source class category 2 - turbines: The source must comply with Paragraphs 1 and 2 of Subsection A of 20.2.72.306 NMAC.
[20.2.72.306 NMAC - Rn & A, 20 NMAC 2.72.III.306, 2/2/01]

20.2.72.307 - 20.2.72.399 [RESERVED]

20.2.72.400 PREAMBLE: The board is concerned about the increasingly common presence of toxic air pollutants in the ambient air. The board believes that the best approach to regulating sources of toxic air pollutants over the long term is to set ambient standards for each pollutant of concern. However, because of financial constraints, the unavailability of sufficient information to establish such ambient standards, the time necessary to establish such standards for the contaminants identified as toxic air pollutants and because the board wishes to implement a toxic air pollutant permitting program as soon as possible, the board has adopted a source-by-source permit-based approach for the present. Under this permit-based approach, the board has given limited authority to the department to use factors of the OELs (occupational exposure limits) in evaluating permit applications. The board recognizes that the use of OELs, or factors of them, as ambient air standards would be inappropriate; therefore, the board has authorized their use for screening purposes only. This authorization is not intended to represent, and should not be interpreted as, a finding by the board that these factors are suitable for determining safe or unsafe ambient air concentrations. Various respected groups, such as the American Conference of Governmental Industrial Hygienists (ACGIH), may develop ambient air exposure guidelines in the future. Development of ambient air guidelines by groups such as this could be the basis for developing toxic air pollutant ambient air standards. The board also notes that the department currently is developing an emissions inventory of toxic air pollutants. An emissions inventory may identify toxic air pollutants that are of particular concern in New Mexico. The board believes that efforts like these may facilitate the development of toxic air pollutant ambient air standards. For these reasons, the board requests the department to prepare and present a report to the board within five years of

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the effective date of the toxic air pollutant permitting requirements. The report shall review and evaluate the implementation of the toxic air pollutant permitting program, summarize the results of the toxic air pollutant inventory gathered pursuant to AQCR 752, and review scientific and technical progress made in the area of toxic air pollutants that might facilitate the development of toxic air pollutant ambient air standards. The board shall schedule a discussion of this report at a regular monthly meeting within three months of the publication of this report.
[20.2.72.400 NMAC - Rn & A, 20 NMAC 2.72.IV.400, 2/2/01]

20.2.72.401 DEFINITIONS: In addition to the definitions in 20.2.72.7 NMAC, the following definitions apply to 20.2.72.400 NMAC - 20.2.72.499 NMAC:

A. "Best available control technology" means an emission limitation based on the maximum degree of reduction in emissions of each contaminant subject to this part which the secretary (or the board), on a case-by-case basis, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts resulting from the use of such technology, determines is achievable for the source, through application of measures, processes, methods, systems, or techniques including, but not limited to, measures which:

(1) Reduce the volume of such pollutants through process changes, substitutions of materials, or other modifications, or

(2) Enclose systems or processes to eliminate emissions, or

(3) Collect, capture or treat such pollutants when released from a process, stack, storage, or fugitive emission point.

B. "Existing source" means any source, the construction or modification of which was commenced on or before December 31, 1988.

C. "Fixed capital costs" means that capital needed to provide all the depreciable components.

D. "New source" means any source, the construction of which is commenced after December 31, 1988. The term does not include any new source which is integrally related with and integrally connected to the process of an existing source. The term includes the reconstruction of an existing source.

E. "Occupational Exposure Limit" or **"OEL"** means the eight-hour time weighted average concentration specified for workroom air in "Threshold Limit Values and Biological Exposure Indices for 1986-1987" as adopted by the American Conference of Governmental Industrial Hygienists, or for compounds not assigned an OEL in that document, the minimum detection limit specified in the National Institute for Occupational Safety and Health "Manual of Analytical Methods", Third Edition.

F. "Oil and gas production facilities" means facilities for the exploration, development, production, treatment, separation, storage, transport, and sale of unrefined hydrocarbons, natural gas liquids, and CO2 (e.g., major SIC group 13, oil and gas extraction, SIC industry group no. 4612, crude, petroleum, pipeline and SIC industry no. 4922, natural gas transmission). Natural gas processing plants and refineries are not included for purposes of this definition.

G. "Reconstruction" means a modification which results in the replacement of the components or addition of integrally related equipment to an existing source to such an extent that the fixed capital cost of the new components or equipment exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility.

H. "Toxic air pollutant" means any air contaminant in 20.2.72.502 NMAC.
[20.2.72.401 NMAC - Rn & A, 20 NMAC 2.72.IV.401, 2/2/01]

20.2.72.402 APPLICABILITY:

A. All the requirements of 20.2.72.400 NMAC - 20.2.72.499 NMAC for toxic air pollutants shall supplement other provisions of this Part (20.2.72 NMAC).

B. A permit must be obtained from the department by any person prior to the construction or modification of a new source which has total potential emissions of a toxic air pollutant into the ambient air that exceed the emission level in pounds per hour specified in 20.2.72.502 NMAC, and one or more of the following conditions are met:

(1) The toxic air pollutant is listed under applicable primary and secondary SIC codes appropriate for the source in the US EPA SIC/Pollutant Index (Appendix C of EPA-450/4-86-010); or

(2) The toxic air pollutant is known by the owner or operator to be emitted into the ambient air because of:

(a) Information from material safety data sheets and hazard labelling required under the OSHA Hazard Communications Standard 29 CFR 1910.1200, or

(b) Information from reports required under the Federal Emergency Planning and Community Right-to-Know Act of 1986, P.L. 99-499, Title III, Sections 300-330, or

(c) Other information reasonably available to the owner or operator based on the source's obligations under other regulatory programs; or

(3) The toxic air pollutant is identified by the department on or before the date the application is determined to be complete, as likely to be emitted from a source. The department shall also provide the owner or operator a reasonable basis to support the belief that the source will emit such toxic air pollutant.

C. The following classes of sources are exempt from the permitting requirements for toxic air pollutants:

(1) Gasoline Service Stations - SIC No. 5441

(2) Automotive Repair Shops - SIC No. 753

(3) Laundry, Cleaning, and Garment Services - SIC No. 721

(4) Domestic Woodstoves and Fireplaces

(5) Oil and Gas Production Facilities

(6) Agricultural Production - Crops, SIC No. 01

(7) Agricultural Production - Livestock, SIC No. 02

(8) Agricultural Services - SIC No. 07

(9) Containers, such as tanks, barrels, drums, cans and buckets, unless equipped with a vent that emits or may emit any toxic air pollutant, which are used in connection with the operation, maintenance or repair of a stationary source.

(10) Non-process fugitive emissions of toxic air pollutants from stationary sources, such as construction sites, unpaved roads, coal piles, tailings piles, waste piles, and fuel and ash handling operations.

D. An exemption or exclusion from the permitting requirements for toxic air pollutants does not relieve a source from any other requirements in this part (20.2.72 NMAC).

[20.2.72.402 NMAC - Rn & A, 20 NMAC 2.72.IV.402, 2/2/01]

20.2.72.403 CONTENTS OF APPLICATION:

A. For the department to deem administratively complete a permit application for the emission of a toxic air pollutant, the application shall contain, in addition to the requirements of 20.2.72.203 NMAC, the following items:

(1) Identification of all toxic air pollutants that may be emitted in excess of the screening level (specified in pounds per hour) in 20.2.72.502 NMAC;

(2) Air quality modeling, in accordance with methods approved by the US EPA or the department, that estimates ambient concentrations that would be caused by the proposed emissions. The modeling for the toxic air pollutants will include available emissions supplied by the department from registration and permitting information from all registered or permitted sources in the area of the source being permitted.

B. If the modeling shows that the eight-hour average ambient concentration of the toxic air pollutant exceeds one-one hundredth of the OEL and the toxic air pollutant is not identified as a known or suspected human carcinogen in 20.2.72.502 NMAC, Table B, the permit application shall also include, as a requirement for administrative completeness, a health assessment for the toxic air pollutant under consideration. The assessment shall include consideration of the following:

(1) Source to potential receptor data and modeling;

(2) Relevant environmental pathway and effects data;

(3) Available health effects data such as:

(a) Functional diseases;

(b) Mutagenicity data as an index of genotoxic effects including heritable diseases;

(c) Reproductive effects data;

(d) Other diseases; and

(4) An integrated assessment of the human health effects for projected exposures from the applicant's facility. The assessment should use existing relevant data obtained from epidemiological studies, controlled human exposure studies, laboratory animal studies, and studies using tissues and cells.

C. If the toxic air pollutant is identified as a known or suspected human carcinogen in 20.2.72.502 NMAC and air quality modeling shows that the eight-hour average concentration of the toxic air pollutant exceeds one one-hundredth of the OEL or the minimum detection level in 20.2.72.502 NMAC, the permit application shall

include, as a requirement for administrative completeness, information necessary to demonstrate the source will install the best available control technology to control that pollutant.
[20.2.72.403 NMAC - Rn & A, 20 NMAC 2.72.IV.403, 2/2/01]

20.2.72.404 PUBLIC NOTICE AND PARTICIPATION: In addition to the requirements of 20.2.72.206 NMAC:

A. The department shall meet with the applicant during the permit application process, prior to deeming the application administratively complete, to discuss the need for additional data and information not initially submitted by the applicant; and

B. The department shall promptly advise the applicant of all medical or other scientific evidence the department uses to evaluate the health effects of the toxic air pollutant emissions and make available to the applicant in a timely manner all information, including all previous decisions on the toxic air pollutant in question.
[20.2.72.404 NMAC - Rn & A, 20 NMAC 2.72.IV.404, 2/2/01]

20.2.72.405 PERMIT DECISIONS: In making its decisions, the department shall consider emissions after control.

A. Ambient concentrations not exceeding one one-hundredth of the OEL or the minimum detection level for compounds without an OEL: If the department finds that the eight-hour average concentration of the toxic air pollutant in the ambient air does not exceed one one-hundredth of the OEL, or for compounds without an OEL, the minimum detection levels as shown in 20.2.72.502 NMAC, the department shall grant the permit. The administrative screening level of one one-hundredth the OEL and the OEL shall not be a basis for denying a permit and shall not constitute an ambient air quality standard.

B. Ambient concentrations exceeding one one-hundredth of the OEL or the minimum detection level for compounds without an OEL for substances identified as known or suspected human carcinogens in 20.2.72.502 NMAC: If the toxic air pollutant being considered is identified as a known or suspected carcinogen in 20.2.72.502 NMAC, Table B, and the department finds the eight-hour concentration of the toxic air pollutant in the ambient air exceeds one one-hundredth of the OEL, or for compounds without an OEL, the minimum detection level, the department shall grant the permit if the applicant implements the best available control technology to control that pollutant.

C. Ambient concentrations exceeding one one-hundredth of the OEL for substances not identified as carcinogens in 20.2.72.502 NMAC:

(1) If the applicant has been required to prepare a health assessment under Subsection B of 20.2.72.403 NMAC, the department shall prepare a Summary Review Statement (SRS) which indicates the department's opinion of the adequacy of the applicant's health assessment. The SRS will include a summary recommendation on whether the issuance of a permit will or will not with reasonable probability injure human health.

(2) If the applicant does not agree with the recommendation contained in the SRS, the applicant's assessment and the SRS will be provided to the Air Toxics Scientific Advisory Committee (ATSAC). The ATSAC will be composed of five members appointed by the Secretary. They will include physicians, toxicologists, industrial hygienists, or others knowledgeable of the potential health and environmental effects of air pollution. The committee will include at least one member nominated by the applicant. The ATSAC will review the applicant's assessment and the SRS in a public meeting. The ATSAC shall provide a letter to the Secretary stating: (1) whether the submitted documents provide a scientifically adequate basis to determine whether the proposed source will with reasonable probability injure human health and (2), if the documents do provide an adequate basis, whether the proposed source will with reasonable probability injure human health. If the documents are scientifically inadequate, the ATSAC shall return them to the department and indicate their inadequacies.

(3) The department will make a final decision on the issuance of the permit after consideration of the following factors:

(a) The nature of the toxic air pollutant and the size, susceptibility, and proximity of the human population;

(b) The pathways of human exposure (e.g., ingestion, inhalation, skin absorption);

(c) The short term and long term health effects associated with the toxic air pollutant at levels of exposure commensurate with the anticipated exposure level;

(d) Existing epidemiological data on health effects associated with the anticipated levels of exposure;

(e) The character of the land use of the predicted area of impact (e.g., residential, industrial, and recreational); and

(f) The scientific adequacy of the health and environmental assessment submitted by the applicant and the recommendation of the ATSAC. The department shall not rely on the OEL or on the administrative screening level of one one-hundredth the OEL, and it shall not be bound by prior permit decisions when considering pending applications.

(4) The department shall deny any application for a permit evaluated under Subsection C of 20.2.72.405 NMAC if the source will emit a toxic air pollutant in such quantities and duration as may with reasonable probability injure human health.

D. The department shall document, in the administrative record, all processes, facts, and reasoning relied on in making the permit decision, including citations to the relevant technical data, publications, and expert opinions considered.

(1) The final deliberations of the ATSAC shall be open to the public. Except for requests by members of the ATSAC for input from the applicant or department, no other comments from the applicant, department, or audience shall be allowed during final deliberations.

(2) Prior to a final decision, the ATSAC members may communicate among themselves in order to facilitate the evaluation process. However, all ATSAC members shall be apprised of such communications.

(3) Prior to a final decision, the ATSAC members may also communicate with the department and applicant in order to clarify information or secure additional information concerning the applicant's health assessment or the department's SRS. The department, applicant, and all ATSAC members shall be apprised of such communication.

[20.2.72.405 NMAC - Rn & A, 20 NMAC 2.72.IV.405, 2/2/01]

20.2.72.406 - 20.2.72.499 [RESERVED]

20.2.72.500 TABLE 1 - SIGNIFICANT AMBIENT CONCENTRATIONS:

Pollutant		Averaging Time
Total Suspended Particulate	1.0 ug/m3	(Annual)
	5.0 ug/m3	(24-hour)
PM10	1.0 ug/m3	(Annual)
	5.0 ug/m3	(24-hour)
Sulfur Dioxide	1.0 ug/m3	(Annual)
	5.0 ug/m3	(24-hour)
	25.0 ug/m3	(3-hour)
Hydrogen Sulfide	1.0 ug/m3	(1-hour)
	5.0 ug/m3	(1/2-hour)
Carbon Monoxide	0.5 mg/m3	(8-hour)
	2.0 mg/m3	(1-hour)
Nitrogen Dioxide	1.0 ug/m3	(Annual)
	5.0 ug/m3	(24-hour)
Non-Methane Hydrocarbons	5.0 ug/m3	(3-hour)

[20.2.72.500 NMAC - Rn & A, 20 NMAC 2.72.V.500, 2/2/01]

20.2.72.501 TABLE 2 - PERMIT STREAMLINING SOURCE CLASS CATEGORIES:

1. Reciprocating internal combustion engines including portable or temporary engines

2. Turbines

[20.2.72.501 NMAC - Rn & A, 20 NMAC 2.72.V.501, 2/2/01]

20.2.72.502 TOXIC AIR POLLUTANTS AND EMISSIONS:

Table A- Noncarcinogens

SUBSTANCE	OEL mg/m3	Emissions in pounds per hour
Acetic acid	25.0	1.67
Acetic anhydride	20.0	1.33
Acetylene dichloride, See 1,2-Dichloroethylene		
Acetylene tetrabromide	15.0	1.00
Acetylsalicylic acid	5.00	0.333
Aldrin	0.25	0.0167
Allyl alcohol	5.00	0.333
Allyl glycidol ether	22.0	1.47
Allyl propyl disulfide	12.0	0.800
Aluminum		
metal & oxide	10.0	0.667
pyro powders	5.00	0.333
welding fumes	5.00	0.333
soluble salts	2.00	0.133
alkyls not otherwise classified	2.00	0.133
2-Aminoethanol, See Ethanolamine		
2-Aminopyridine	2.00	0.133
3-Amino 1, 2, 4-triazole, See Amitrole		
Amitrole	0.200	0.0133
Ammonia	18.0	1.20
Ammonium chloride fume	10.0	0.667
Ammonium sulfamate	10.0	0.667
n-Amyl acetate	530	35.3
Sec-Amyl acetate	665	44.3
Aniline homologues	10.0	0.667
Anisidine (p-isomer)	0.500	0.0333
Antimony as Sb	0.500	0.0333
ANTU	0.300	0.0200
Asphalt (petroleum) fumes	5.00	0.333
Atrazine	5.00	0.333
Azinphos-methyl	0.200	0.0133
Barium, soluble compounds, as Ba	0.500	0.0333
Benomyl	10.00	0.667
Benzoyl peroxide	5.00	0.333
Bismuth telluride	10.0	0.667
Se-doped	5.00	0.333
Borates, tetra, sodium salts		
anhydrous	1.00	0.0667
decahydrate	5.00	0.333
pentahydrate	1.00	0.0667
Boron oxide	10.0	0.667
Boron tribromide	10.0	0.667
Boron trifluoride	3.00	0.200
Bromacil	10.0	0.667
Bromine	0.700	0.0467

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Bromine pentafluoride	0.700	0.0467
Bromochloromethane, see Chlorobromomethane		
Butanethiol, see Butyl mercaptan		
2-Butoxyethanol	120	8.00
n-Butyl acetate	710	47.3
sec-Butyl acetate	950	63.3
tert-Butyl acetate	950	63.3
Butyl acrylate	55.0	3.67
n-Butyl alcohol	150	10.0
Sec-Butyl alcohol	305	20.3
tert-Butyl alcohol	300	20.0
Butylamine	15.0	1.00
tert-Butyl chromate, as CrO3	0.100	0.00667
n-Butyl glycidol ether (BGE)	135	9.00
n-Butyl lactate		25.0
Butyl mercaptan	1.50	0.10
o-sec-Butylphenol	30.0	2.00
p-tert-Butyltoluene	60	4.00
Cadmium Dusts as Cd	0.0500	0.00333
fume as Cd	0.0500	0.00333
Calcium hydroxide	5.00	0.333
Calcium oxide	2.00	0.133
Camphor, synthetic	12.0	0.800
Captafol	0.100	0.00667
Carbofuran	0.100	0.00667
Carbon black	3.50	0.233
Carbon tetrabromide	1.40	0.0933
Carbonyl fluoride	5.00	0.333
Cesium hydroxide	2.00	0.133
Chlorinated diphenyl oxide	0.500	0.0333
Chlorine dioxide	0.300	0.0200
Chlorine trifluoride	0.400	0.0267
Chloroacetaldehyde	3.00	0.200
a-Chloroacetophenone	0.300	0.0200
Chloroacetyl chloride	0.200	0.0133
O-Chlorobenzylidene malononitrile	0.400	0.0267
Chlorobromomethane	1050	70.0
2-Chloro-1,3-butadiene, see B-Chloroprene		
Chlorodiphenyl (42% chlorine)	1.00	0.0667
Chlorodiphenyl (54% chlorine)	0.500	0.033
2-Chloroethanol, see Ethylene chlorohydrin		
1-Chloro-1-nitropropane	10.0	0.667
Chloropicrin	0.700	0.0467
o-Chlorostyrene	285	19.0
o-Chlorotoluene	250	16.7
2-Chloro-6-(trichloromethyl)pyridine, see Nitrapyrin		
Chlorpyrifos	0.200	0.0133
Chromium metal	0.500	0.0333
Clopidol	10.0	0.667
Cobalt as Co	0.100	0.00667
metal, dust & fume	0.100	0.00667
Copper		
fume	0.200	0.0133
dusts & mists, as Cu	1.00	0.0667
Cotton dust, raw	0.200	0.0133
Crotonaldehyde	6.00	0.400

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Crufomate	5.00	0.333
Cyanamide	2.00	0.133
Cyanogen	20.0	1.33
Cyanogen chloride	0.600	0.0400
Cyclohexane	1050	70.0
Cyclohexanol	200	13.3
Cyclohexanone	100	6.67
Cyclohexene	1015	67.7
Cyclohexylamine	40.0	2.67
Cyclonite	1.50	0.100
Cyclopentadiene	200	13.3
Cyhexatin	5.00	0.333
DDT (Dichlorodiphenyl trichloroethane)	1.00	0.0667
Decaborane	0.300	0.0200
Demeton	0.100	0.00667
Diacetone alcohol	240	16.0
1,2-Diaminoethane See Ethylenediamine		
Diazinon	0.100	0.00667
Diborane	0.100	0.00667
2-N-Dibutylaminoethanol	14.0	0.933
Dibutyl phosphate	5.00	0.333
Dichloroacetylene	0.400	0.0267
o-Dichlorobenzene	300	20.0
1,3-Dichloro-5,5-dimethyl hydantoin	0.200	0.0133
1,2-Dichloroethylene	790	52.7
Dichlorofluoromethane	40.0	2.67
1,1-Dichloro-1-nitroethane	10.0	0.667
2,2-Dichloropropionic acid	6.00	0.400
Dicrotophos	0.250	0.0167
Dicyclopentadiene	30.0	2.00
Dicyclopentadienyl iron	10.0	0.667
Dieldrin	0.250	0.167
Diethylamine	30.0	2.00
2-Diethylaminoethanol	50.0	3.33
Diethylene triamine	4.00	0.267
Diethyl ether, see Ethyl ether		
Diethyl Ketone	705	47.0
Diethyl phthalate	5.00	0.333
Difluorodibromomethane	860	57.3
Diglycidal ether (DGE) 0.500 0.0333		
Diisobutyl ketone	250	16.7
Diisopropylamine	20.0	1.33
Dimethyl acetamide	35.0	2.33
Dimethylamine	18.0	1.20
Dimethylaminobenzene, see Xylidene		
Dimethyl-1,2-dibromo-2-dichloroethyl phospate, see Naled		
2,6-Dimethyl-4-heptanone, see Diisobutyl ketone		
Dinitolmide	5.00	0.333
Dinitrobenzene (all isomers)	1.00	0.0667
3,5-Dinitro-o-toluamide, see Dinitolmide		
Dioxathion	0.200	0.0133
Diphenylamine	10.0	0.667
Diphenylmethane diisocyanate, see Methylene bisphenyl isocyanate		
Dipropylene glycol methyl ether	600	40.0
Dipropyl ketone	235	15.7
Diquat	0.500	0.0333

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Disulfiram	2.00	0.133
Disulfoton	0.100	0.00667
2,6-Ditert. butyl-p-cresol	10.0	0.667
Diuron	10.0	0.667
Divinyl benzene	50.0	3.33
Endosulfan	0.100	0.00667
Endrin	0.100	0.00667
Enzymes, see Subtilisins		
EPN	0.500	0.0333
2,3-Epoxy-1-propanol, see Glycidol		
Ethanethiol, see Ethyl mercaptan		
Ethanolamine	8.0	0.533
Ethion	0.400	0.0267
Ethyl acetate	1400	93.3
Ethylamine	18.0	1.20
Ethyl amyl ketone	130	8.67
Ethyl bromide	890	59.3
Ethyl butyl ketone	230	15.3
Ethylene chlorohydrin	3.00	0.200
Ethylenediamine	25.0	1.67
Ethyl ether	1200	80.0
Ethy formate	300	20.0
Ethylidene norbornene	25.0	1.67
Ethyl mercaptan	1.00	0.0667
N-Ethylmorpholine	23.0	1.53
Ethyl silicate	85.0	5.67
Fenamiphos	0.100	0.00667
Fensulfothion	0.100	0.00667
Fenthion	0.200	0.0133
Ferbam	10.0	0.667
Ferrovanadium dust	1.00	0.0667
Fluorides, as F	2.50	0.167
Fluorine	2.00	0.133
Fonofos	0.100	0.00667
Formamide	30.0	2.00
Formic acid	9.00	0.600
Furfural	8.00	0.533
Furfuryl alcohol	40.0	2.67
Gasoline	900	60.0
Germanium tetrahydride	0.600	0.0400
Glutaraldehyde	0.700	0.0467
Glycidol	75.0	5.00
Hafnium	0.500	0.033
2-Heptanone, see Methyl n-amyl ketone		
3-Heptanone, see Ethyl butyl ketone		
Hexachloronaphthalene	0.200	0.0133
Hexfluoroacetone	0.700	0.0467
2-Hexanone, see Methyl n-butyl ketone		
sec-Hexyl acetate	300	20.0
Hexylene glycol	125	8.33
Hydrogenated terphenyls	5.00	0.333
Hydrogen bromide	10.0	0.667
Hydrogen peroxide	1.50	0.100
4-Hydroxy-4-Methyl-2-pentanone, see Diacetone alcohol		
2-Hydroxypropyl acrylate	3.00	0.200
Indene	45.0	3.00

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Indium & compounds as In	0.100	0.00667
Iodine	1.00	0.0667
Iodoform	10.0	0.667
Iron oxide fume (Fe2O3) as Fe	5.00	0.333
Iron pentacarbonyl as Fe	0.800	0.0533
Iron salts, soluble, as Fe	1.00	0.0667
Isoamyl acetate	525	35.0
Isoamyl alcohol	360	24.0
Isobutyl acetate	700	46.7
Isobutyl alcohol	150	10.0
Isoocytl alcohol	270	18.0
Isophorone diisocyanate	0.0900	0.00600
Isopropoxyethanol	105	7.00
Isopropyl acetate	950	63.3
Isopropyl alcohol	980	65.3
Isopropylamine	12.0	0.800
N-Isopropylaniline	10.0	0.667
Isopropyl ether	1050	70.0
Isopropyl glycidyl ether (IGE)	240	16.0
Ketene	0.900	0.0600
Lithium hydride	0.0250	00167
Magnesium oxide fume	10.0	0.667
Malathion	10.0	0.667
Manganese as Mn		
dust	5.00	0.333
fume	1.00	0.0667
Mesityl oxide	60	4.00
Methacrylic acid	70.0	4.67
Methanethiol, see Methyl mercaptan		
Methomyl	2.50	0.167
4-Methoxyphenol	5.00	0.333
Methyl acetate	610	40.7
Methyl acrylate	35.0	2.33
Methylacrylonitrile	3.00	0.200
Methylamine	12.0	0.800
Methyl amyl alcohol, see Methyl isobutyl carbinol		
Methyl n-amyl ketone	235	15.7
N-Methyl aniline	2.00	0.133
Methyl n-butyl ketone	20.0	1.33
Methyl 2-cyanoacrylate	8.00	0.533
Methylcyclohexanol	235	15.7
o-Methylcyclohexanone	230	15.3
Methyl demeton	0.500	0.033
Methylene bisphenyl isocyanate (MDI)	0.200	0.0133
Methylene bis(4-cyclohexylisocyanate)	0.110	0.00733
Methyl ethyl ketone peroxide	1.50	0.100
Methyl formate	250	16.7
5-Methyl-3-heptanone, see Ethyl amyl ketone		
Methyl isoamyl ketone	240	16.0
Methyl isobutyl carbinol	100	6.67
Methyl isopropyl ketone	705	47.0
Methyl mercaptan	1.00	0.0667
Methyl parathion	0.200	0.0133
Methyl propyl ketone	700	46.7
Methyl silicate	6.00	0.400
a-Methyl styrene	240	16.0

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Metribuzin	5.00	0.333
Mevinphos	0.100	0.00667
Molybdenum as Mo		
soluble compounds	5.00	0.333
insoluble compounds	10.0	0.667
Moncrotophos	0.250	0.0167
Morpholine	70.0	4.67
Naled	3.00	0.2
Nickel Metal	1.00	0.0667
Nicotine	0.500	0.0333
Nitrapyrin	10.0	0.667
Nitric acid	5.00	0.333
p-Nitroaniline	3.00	0.200
p-Nitrochlorobenzene	3.00	0.200
Nitroethane	310	20.7
Nitrogen trifluoride	300	2.00
Nitroglycerin	0.500	0.00333
Nitromethane	250	16.7
1-Nitropropane	90.0	6.00
Nitrotoluene	11.0	0.733
Nitrotrichloromethane, see Chloropicrin		
Nonane	1050	70.0
Octachloronaphthalene	0.100	0.0067
Octane	1450	96.7
Oil mist, mineral	5.00	0.333
Osmium tetroxide as Os	0.00200	0.000133
Oxalic acid	1.00	0.0667
Oxygen difluoride	0.100	0.00667
Paraffin wax fume	2.00	0.133
Paraquat respirable sizes	0.100	0.00667
Pentaborane	0.0100	0.000667
Pentachloronaphthalene	0.500	0.0333
2-Pentanone, see Methyl propyl ketone		
Perchloromethyl mercaptan	0.800	0.0533
Perchloryl fluoride	14.0	0.933
Phenacyl chloride, see a-Chloroacetophenone		
Phenothiazine	5.00	0.333
Phenyl ether, vapor	7.00	0.467
Phenyl glycidyl ether (PGE)	6.00	0.400
Phenyl mercaptan	2.00	0.133
Phenylphosphine	0.250	0.0167
Phorate	0.0500	0.00333
Phosdrin, see Mevinphos		
Phosphoric acid	1.00	0.0667
Phosphorus oxychloride	0.600	0.0400
Phosphorus pentachloride	1.00	0.0667
Phosphorus pentasulfide	1.00	0.0667
Phosphorus trichloride	1.50	0.100
m-Phthalodinitrile	5.00	0.333
Picloram	10.0	0.667
Picric acid	0.100	0.00667
Pindone	0.100	0.00667
Piperazine dihydrochloride	5.00	0.333
2-Pivalyl-1,3-indandione, see Pindone		
Platinum		
metal	1.00	0.0667

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soluble salts, as Pt	0.00200	0.000133
Potassium hydroxide	2.00	0.133
Propargyl alcohol	2.00	0.133
Propionic acid	30.0	2.00
n-Propyl acetate	840	56.0
Propyl alcohol	500	33.3
Propylene glycol dinitrate	0.300	0.200
n-Propyl nitrate	105	7.00
Pyrethrum	5.00	0.333
Pyridine	15.0	1.00
RDX, see Cyclonite		
Resorcinol	45.0	3.00
Rhodium		
metal	1.00	0.0667
insoluble compounds, as Rh	1.00	0.0667
soluble compounds, as Rh	0.0100	0.000667
Ronnel	10.0	0.667
Rotenone (commercial)	5.00	0.333
Selenium as Se	0.200	0.0133
Sesone	10.0	0.667
Silane, see silicon tetrahydride		
Silicon tetrahydride	7.00	0.467
Silver		
metal	0.100	0.00667
soluble compounds, as Ag	0.0100	0.000667
Sodium azide	0.300	0.0200
Sodium bisulfite	5.00	0.333
Sodium 2,4-dichloro-phenoxyethyl sulfate, see Sesone		
Sodium fluoroacetate	0.0500	0.00333
Sodium hydroxide	2.00	0.133
Sodium metabisulfite	5.00	0.333
Stibine	0.500	0.0333
Stoddard solvent	525	35.0
Strychnine	0.150	0.0100
Subtilisins (Proteolytic enzymes as 100%		
pure crystalline enzyme)	6.00E-05	4.00E-06
Sulfotep	0.200	0.0133
Sulfuric acid	1.00	0.0667
Sulfur monochloride	6.00	0.400
Sulfur pentafluoride	0.100	0.00667
Sulfur tetrafluoride	0.400	0.0267
Sulfuryl fluoride	20.0	1.33
Sulprofos	1.00	0.0667
Systox, see Demeton		
2,4,5-T	10.0	0.667
Tantalum	5.00	0.333
TEDP, see Sulfotep		
Tellurium & Compounds as Te	0.100	0.00667
Tellurium hexafluoride as Te	0.200	0.0133
Temephos	10.0	0.667
TEPP	0.0500	0.00333
Terphenyls	5.00	0.333
Tetrachloronaphthalene	2.00	0.133
Tetramethyl succinoitrile	3.00	0.200
Tetranitromethane	8.00	0.533
Tetrasodium pyrophosphate	5.00	0.333

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Tetryl	1.50	0.100
Thallium, soluble compounds, as Tl	0.100	0.00667
4,4-Thiobis (6 tert, butyl-m-cresol)	10.0	0.667
Thioglycolic acid	4.00	0.267
Thionyl chloride	5.00	0.333
Thiram	5.00	0.333
Tin		
metal	2.00	0.133
oxide & inorganic compounds, except SnH4, as Sn	2.00	0.133
organic compounds as Sn	0.100	0.00667
m-Toluidine	9.00	0.600
Tributyl phosphate	2.50	0.167
Trichloroacetic acid	7.00	0.467
Trichloronaphthalene	5.00	0.333
Trichloronitromethane, See Chloropicrin		
1,2,3-Trichloropropane	300	20.0
Tricyclohexyltin hydroxide, see Cyhexatin		
Trimellitic anhydride	0.0400	0.00267
Trimethylamine	24.0	1.60
Trimethyl benzene	125	8.33
Trimethyl phosphite	10.0	0.667
2,4,6-Trinitrophenol, see Picric acid		
2,4,6-Trinitrophenylmethylnitramine, see Tetryl		
2,4,6-Trinitrotoluene (TNT)	0.500	0.0333
Triorthosresyl phosphate	0.100	0.00667
Triphenyl amine	5.00	0.333
Triphenyl phosphate	3.00	0.200
Tungsten as W		
insoluble compounds	5.00	0.333
soluble compounds	1.0	37.3
Turpentine	560	37.3
Uranium (natural) soluble & insoluble compounds as U	0.200	0.0133
n-Valeraldehyde	175	11.7
Vanadium, as V2O5 respirable dust & fume	0.0500	0.00333
Vinyl toluene	240	16.0
VM & P Naphtha	1350	90.0
Warfarin	0.100	0.00667
Wood dust (certain hard woods as beech & oak)	1.00	0.0667
soft wood	5.00	0.333
m-Xylene a,a-diamine	0.100	0.00667
Xylidine	10.0	0.667
Yttrium	1.00	0.0667
Zinc chloride fume	1.00	0.0667
Zinc oxide fume	5.00	0.333
Zirconium compounds as Zr	5.00	0.333

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Table B - Known or Suspected Carcinogens

SUBSTANCE	OEL mg/m3	Emissions in pounds per hour
Coal tar volatiles, as benzene solubles	0.200	0.0133
B-Naphthylamine	0.00300*	2.00E-04
N-Phenyl-beta-naphthylamine	5.00**	0.333
Phenylhydrazine	20.0	1.33
o-Tolidine	11.0**	0.733
p-Toluidine	9.00	0.600
Vinyl cyclohexene dioxide	60.0	4.00

FOOTNOTES

The emissions in pounds per hour in Section 502 were derived using the formula listed below:

emission level (lbs/hr) = OEL (mg/m3) / 15

* = Compound for which an OEL is not listed by the ACGIH. Value derived by using the miminum detectable level listed in the NIOSH "Manual of Analytical Methods", Third Edition.

** = Compound for which an OEL is not listed by the ACGIH and for which there is no chemical specific analytical method listed in the NIOSH "Manual of Analytical Methods", Third Edition. A minimum dectable level (MDL) was derived by using the MDL of a similar compound listed in the NIOSH analytical methods or by assigning the average MDL for a class of compounds such as "halogenated hydrocarbons". In some cases the lowest MDL of the whole class was used.

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Table C - Stack Height Release Correction Factor

Sources may choose to use a correction factor for the release height of emissions for the purpose of determining whether a permit is necessary for the emission of a toxic air pollutant. To apply the correction go to the table below and find the minimum height of release for the toxic air pollutant and select the correction factor (CF) which corresponds to that figure. If the height of release is between two values, the lower number shall be selected; or in the event of multiple releases of the same substance from different release heights, the source may choose to use a weighted average CF, weighted by the emission rate at each. The emissions in pounds per hour is then multiplied by the CF (see below). If the emissions from your source exceed the resulting number, you must apply for a permit from the department. Remember, this must be done for each toxic air pollutant.

CF x Emissions in Pounds per Hour

where: E - emission rate (pounds per hour)

OEL - occupational exposure limit (mg per cubic meter)

CF is a correction factor, shown in the table below, which accounts for release height.

Release Height in Meters	Correction Factor (CF)*
Less than 3	1
10	5
20	19
30	41
40	71
50	108
60	152
70	202
80	255
90	317
100	378
110	451
120	533
130	617
140	690
150	781
160	837
170	902
180	1002
190	1066
200	1161

[20.2.72.502 NMAC - Rn & A, 20 NMAC 2.72.V.502, 2/2/01]

HISTORY OF 20.2.72 NMAC:
Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records-State Records Center and Archives.
AQCR 702, Permits, 07/31/72.
EIB/AQCR 702, Permits, 08/18/87.
EIB/AQCR 702, Permits, 10/19/88.
EIB/AQCR 702, Permits, 05/29/90.
EIB/AQCR 702, Permits, 04/12/94.
EIB/AQCR 702, Permits, 05/13/94.

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History of Repealed Material: [RESERVED]

Other History:
EIB/AQCR 702, Permits, filed 05/13/94, was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.72, Construction Permits, effective 11/30/95.
20 NMAC 2.72, Construction Permits, filed 10/30/95, was **renumbered, reformatted and replaced** by 20.2.72 NMAC, Construction Permits, effective 02/02/01.

NMED Exhibit 7-J_000040

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 73 NOTICE OF INTENT AND EMISSIONS INVENTORY REQUIREMENTS

20.2.73.1 ISSUING AGENCY: Environmental Improvement Board.
[11/30/95; 20.2.73.1 NMAC - Rn, 20 NMAC 2.73.100 02/18/02]

20.2.73.2 SCOPE: All persons who own or operate a source or who intend to construct or modify a source.
[11/30/95; 20.2.73.2 NMAC - Rn, 20 NMAC 2.73.101 02/18/02]

20.2.73.3 STATUTORY AUTHORITY: Environmental Improvement Act, NMSA 1978, Section 74-1-8(A)(4), and Air Quality Control Act, NMSA 1978, Sections 74-2-1 et seq., including specifically, Section 74-2-7(A)(1) and (B).
[11/30/95; 20.2.73.3 NMAC - Rn, 20 NMAC 2.73.102 02/18/02]

20.2.73.4 DURATION: Permanent.
[11/30/95; 20.2.73.4 NMAC - Rn, 20 NMAC 2.73.103 02/18/02]

20.2.73.5 EFFECTIVE DATE: November 30, 1995 except where a later date is cited at the end of a section or paragraph.
[11/30/95, 10/01/97; 20.2.73.5 NMAC - Rn, 20 NMAC 2.73.104 02/18/02]
[The latest effective date of any section in this Part is July 6, 2011.]

20.2.73.6 OBJECTIVE: The objective of this part is to establish requirements for the submission of certain relevant information to ensure that the regulations and standards under the Air Quality Control Act and the federal act will not be violated, and to facilitate the quantification of greenhouse gas emissions in New Mexico.
[11/30/95; 20.2.73.6 NMAC - Rn, 20 NMAC 2.73.105 02/18/02; A, 01/01/08]

20.2.73.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (Definitions), as used in this part, the following apply.

A. "Air pollution control equipment" means any device, equipment, process or combination thereof the operation of which would limit, capture, reduce, confine, or otherwise control air contaminants or convert for the purposes of control any air contaminant to another form, another chemical or another physical state.

B. "California climate action registry" means the voluntary registry for greenhouse gas emissions established pursuant to California Health & Safety Code D. 26, Pt. 4, Ch. 6 (West 2007).

C. "Commencement" means that an owner or operator has undertaken a continuous program of construction or modification.

D. "Construction" means fabrication, erection, installation or relocation of a stationary source, including but not limited to temporary installations and portable stationary sources.

E. "Emission report or inventory" means a listing, by source, of the amount of air pollutants discharged into the atmosphere of a community.

F. "Fuel carbon content" means the mass of carbon per unit of heat content of a fuel.

G. "Fugitive emissions" are those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

H. "Greenhouse gas emissions reporting year" means the calendar year in which greenhouse gas emissions required to be reported under this part occurred.

I. "Modification" means any physical change in, or change in the method of operation of, a stationary source which results in an increase in the potential emission rate of any regulated air contaminant emitted by the source or which results in the emission of any regulated air contaminant not previously emitted, but does not include:

(1) a change in ownership of the source;

(2) routine maintenance, repair or replacement;

(3) installation of air pollution control equipment, and all related process equipment and materials necessary for its operation, undertaken for the purpose of complying with regulations adopted by the board or pursuant to the federal Clean Air Act; or

(4) unless previously limited by enforceable permit conditions:

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(a) an increase in the production rate, if such increase does not exceed the operating design capacity of the source;

(b) an increase in the hours of operation; or

(c) use of an alternative fuel or raw material if, prior to January 6, 1975, the source was capable of accommodating such fuel or raw material, or if use of an alternate fuel or raw material is caused by any natural gas curtailment or emergency allocation or any other lack of supply of natural gas.

J. "Nonattainment area" means, for any air pollutant, an area which has been designated as a nonattainment area under Section 107 of the federal act.

K. "Operator" means the person or persons responsible for the overall operation of a facility.

L. "Owner" means the person or persons who own a facility or part of a facility.

M. "Part" means an air quality control regulation under Title 20, Chapter 2 of the New Mexico administrative code, unless otherwise noted; as adopted or amended by the board.

N. "Portable stationary source" means a source which can be relocated to another operating site with limited dismantling and reassembly, including for example but not limited to moveable sand and gravel processing operations and asphalt plants.

O. "Potential emission rate" means the emission rate of a source at its maximum capacity to emit a regulated air contaminant under its physical and operational design, provided any physical or operational limitation on the capacity of the source to emit a regulated air contaminant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, shall be treated as part of its physical and operational design only if the limitation or the effect it would have on emissions is enforceable by the department pursuant to the Air Quality Control Act or the federal act.

P. "Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design; any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is federally enforceable; the potential to emit for nitrogen dioxide shall be based on total oxides of nitrogen.

Q. "Regulated air contaminant" means any air contaminant, the emission or ambient concentration of which is regulated pursuant to the New Mexico Air Quality Control Act or the federal act.

R. "Shutdown" means the cessation of operation of any air pollution control equipment, process equipment or process for any purpose, except routine phasing out of batch process units.

S. "Stationary source" or "source" means any building, structure, equipment, facility, installation (including temporary installations), operation or portable stationary source which emits or may emit any air contaminant; any research facility may group its sources for the purpose of this part at the discretion of the secretary of the department.

T. "The climate registry" means the nonprofit corporation by that name incorporated under the District of Columbia Nonprofit Corporation Act with a purpose of creating and operating a multi-state greenhouse gas emissions registry.

U. "WEB source" means a stationary source that meets the applicability requirements of 20.2.81.101 NMAC.

V. "Western backstop sulfur dioxide trading program" means 20.2.81 NMAC, triggered as a backstop in accordance with the provisions in the sulfur dioxide milestones and backstop trading program implementation plan, if necessary, to ensure that regional sulfur dioxide emissions are reduced.

[11/30/95, 10/01/97; 20.2.73.7 NMAC - Rn, 20 NMAC 2.73.107 & A, 02/18/02; A, 12/31/03; A, 01/01/08]

20.2.73.8 to 20.2.73.105 [RESERVED]

20.2.73.106 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This part amends and supersedes Air Quality Control Regulation ("AQCR") 703.1 - Notice of Intent and Emissions Inventory Requirements last filed May 29, 1990, as amended ("AQCR 703.1").

A. All references to AQCR 703.1 in any other rule shall be construed as a reference to this part.

B. The amendment and supersession of AQCR 703.1 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 703.1.

[11/30/95; 20.2.73.106 NMAC - Rn, 20 NMAC 2.73.106 02/18/02]

20.2.73.107 to 20.2.73.199 [RESERVED]

20.2.73.200 NOTICE OF INTENT:

A. Applicability:

(1) Any owner or operator intending to construct a new stationary source which has a potential emission rate greater than 10 tons per year of any regulated air contaminant or 1 ton per year of lead shall file a notice of intent with the department.

(2) Any owner or operator intending to modify a stationary source which either prior to or following the modification has a potential emission rate greater than 10 tons per year of any regulated air contaminant or 1 ton per year of lead shall file a notice of intent with the department.

(3) The requirements of 20.2.73.200 NMAC do not apply to stationary sources or modifications located in Bernalillo county.

(4) The notice of intent shall be filed prior to the commencement of construction. Construction shall not begin prior to issuance of a written determination by the department that a permit is not required, or if a permit is required, prior to the issuance of the permit under 20.2.72 NMAC, 20.2.74 NMAC or 20.2.79 NMAC.

B. Contents of Notice: Notices of intent shall be filed on forms furnished by the department, which shall be identical to the extent practicable, as those used for 20.2.72 NMAC (Construction Permits) and shall include:

(1) The applicant's name and address, the person to contact regarding the application, and the name and address of the new source or modification.

(2) The date of the application.

(3) A description of the new facility or modification including all operations affecting air emissions.

(4) The anticipated operating schedule.

(5) A map such as a 7.5 minute United States geological survey topographic quadrangle showing the location of the stationary source.

(6) The nature and quantities of any regulated air contaminants the new source or modification will emit, including all calculations utilized to estimate emissions.

(7) A description of any air pollution control device or method to be utilized, including the basis for the estimated control efficiency.

(8) The stack and exhaust gas parameters for all emission points.

(9) Any other relevant information as the department may reasonably require.

(10) Be signed under oath or affirmation by the operator, the owner, or an authorized representative, certifying to the best of his or her knowledge the truth of all information submitted.

C. Review of Notice: Within thirty days from the date a notice is received, the department shall review its content and by certified letter indicate to the applicant:

(1) the notice is incomplete and indicate specific additional material or clarification required; or

(2) a permit is not required and construction may commence; or

(3) a permit is required before construction may commence. For this case, the department will indicate whether the application is complete with respect to the requirements of each applicable permit regulation and specify additional material or clarification required if it is not complete.

D. Verification: In verifying information submitted in response to the requirements of this part, the department may:

(1) Enter at all reasonable times in or upon any private or public property, except private residences, which the department has reasonable cause to believe is or will become a source of air contaminants contributing to air pollution; and

(2) Require the production of information relating to emissions which cause or contribute to air pollution, including the sampling of emissions in accordance with methods and at locations and intervals as may be prescribed by the department.

E. Notification Requirements:

(1) The owner or operator of a portable stationary source shall notify the department in writing of the date and site of any relocation at least fifteen days prior to its occurrence.

(2) Any owner or operator of a stationary source which will be shut down for a period of one year or more shall notify the department in writing of the actual date of shut down within thirty days after the shut down occurs.

(3) Any new owner or operator of a stationary source shall notify the department within thirty days of assuming ownership of his or her name and address.

[11/30/95; 20.20.73.200 NMAC - Rn, 20 NMAC 2.73.200-204 02/18/02]

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20.2.73.201 to 20.2.73.299 [RESERVED]

20.2.73.300 EMISSION INVENTORY REQUIREMENTS:

A. Applicability. The requirements of 20.2.73.300 NMAC apply to the owner or operator of any stationary source located outside of Bernalillo county which:

(1) has been issued a permit under 20.2.72 NMAC (Construction Permits) during any period of time, except for toxic air pollutant permits issued under Sections 401 to 499 of 20.2.72 NMAC;

(2) is required to file a notice of intent under 20.2.73.200 NMAC; or

(3) emits in excess of 1 ton of lead or 10 tons of total suspended particulate, PM10, PM2.5, sulfur dioxide, nitrogen oxides, carbon monoxide, or volatile organic compounds in any calendar year including and subsequent to 1990.

B. Reporting requirements.

(1) Any source which emits, or has the potential to emit, 5 tons per year or more of lead or lead compounds, or 100 tons per year or more of PM10, PM2.5, sulfur oxides, nitrogen oxides, carbon monoxide, or volatile organic compounds shall submit an emissions report annually.

(2) Any source defined as a major source of hazardous air pollutants under 20.2.70 NMAC (Operating Permits) shall submit an emissions report annually.

(3) Any source which is located in an ozone nonattainment area and which emits, or has the potential to emit, 25 tons per year or more of nitrogen oxides or volatile organic compounds shall submit an emissions report annually.

(4) Any source which is not required by Paragraph (1), (2), or (3) of Subsection B of this section (20.2.73.300 NMAC) to submit an emission report shall submit an emissions report under this part upon request by the department, but no more frequently than annually.

(5) Except as provided in Paragraph (8) of Subsection B of this section (20.2.73.300 NMAC), the department shall provide to the owner or operator required by this section (20.2.73.300 NMAC) to submit an emissions report a complete copy of the most current emissions report for their stationary source which is on file with the department. The department shall provide this copy to the owner or operator at least 90 days prior to the date when the source is required to submit an emissions report.

(6) The owner or operator shall submit to the department a complete, correct and current emissions report in the format specified by the department which reflects emissions during the previous calendar year.

(7) Except as provided in Paragraph (8) of Subsection B of this section (20.2.73.300 NMAC) the owner or operator shall submit the emission report by April 1 of each year in which the source is required to submit an emission report.

(8) Sources for which a date for submitting an annual emission report is specified in a current operating permit issued under 20.2.70 NMAC (Operating Permits) shall submit such report on that date. The department shall provide a copy of the previous emissions report upon request by the owner or operator of such source.

(9) Any source that is requested by the department to submit a report of greenhouse gas emissions shall:

(a) submit such report on the schedule and according to the greenhouse gas emissions reporting procedures established by the department, but not more often than annually; or

(b) report greenhouse gas emissions from the source under 20.2.87 NMAC for the greenhouse gas emissions reporting year and the two years following that year; or

(c) provide the department access to the requested information for the greenhouse gas emissions reporting year registered in either the climate registry or the California climate action registry; and

(d) keep records in support of the report for a minimum of five years.

(10) In determining the schedule of greenhouse gas emissions reports and reporting procedures, the department, subject to Paragraph (11) below, shall provide an opportunity for public comment, and shall consider:

(a) public comments regarding the schedule of such reports and greenhouse gas emissions reporting procedures;

(b) emissions quantification standards and best practices approved or recommended by federal and state agencies, by greenhouse gas emissions registries, and by non-governmental bodies having expertise in greenhouse gas emissions quantification;

NMED Exhibit 7-K_000004

(c) whether greenhouse gases emissions from a particular source or source type, considering the amount and chemical composition of the emissions, are expected to be minimal relative to emissions from other sources or source types, and

(d) whether emissions of a particular greenhouse gas from a source or source type, considering the amount and chemical composition of the emissions, are expected to be minimal relative to the total greenhouse gas emissions from that source or source type.

(11) The schedule for greenhouse gas emissions reports and reporting procedures pursuant to Paragraphs (9) and (10) of Subsection B of 20.2.73.300 NMAC, shall:

(a) subject to the department's selection of best available quantification methodologies, include a requirement that sources within North American industry classification system codes 211111, 211112, 213111, 213112, 486210, 221210, 486110, and 486910 subject to this part and permit requirements pursuant to 20.2.70 NMAC (Operating Permits) report at a minimum emissions of carbon dioxide and methane beginning no later than reporting year 2009 and for subsequent reporting years; and

(b) subject to the department's selection of best available quantification methodologies, include a requirement that sources within North American industry classification system codes 211111, 211112, 213111, 213112, 486210, 221210, 486110, and 486910 subject to this part pursuant to Paragraphs (1) and (2) of Subsection A of 20.2.73.300 NMAC, and not otherwise covered by Subparagraph (a), above, report at a minimum emissions of carbon dioxide and methane no later than reporting year 2010 and for subsequent reporting years as requested by the department.

C. Content of emissions reports. Emissions report contents for reports made under Paragraphs (1) through (8) of Subsection B of 20.2.73.300 NMAC shall include:

(1) the name, address, if any, and physical location of the stationary source;

(2) the name and telephone number of the person to contact regarding the emissions report;

(3) a certification signed by the owner, or operator, or a responsible official as defined in 20.2.70 NMAC attesting that the statements and information contained in the emissions report are true and accurate to the best knowledge and belief of the certifying official, and including the full name, title, signature, date of signature, and telephone number of the certifying official; for sources subject to 20.2.70 NMAC, the certification shall be made as required under that part;

(4) smelters shall submit an annual report of sulfur input, in tons/year;

(5) for each emission point, as required by the department:

(a) stack and exhaust gas parameters and location information;

(b) type of control equipment and estimated control efficiency;

(c) schedule of operation;

(d) estimated actual emissions, including fugitive emissions and emissions occurring during maintenance, start-ups, shutdowns, upsets, and downtime of total suspended particulate, PM10, PM2.5, ammonia, sulfur oxides, nitrogen oxides, carbon monoxide, volatile organic compounds, and lead, and, if requested by the department, speciated hazardous air pollutants, in tons per year and a description of the methods utilized to make such estimates, including calculations;

(e) the annual process or fuel combustion rates; and

(f) the fuel heat, sulfur, and ash content; and

(6) all information required under the federal act.

D. Additional content for emissions reports from sources in ozone nonattainment areas. Emissions reports from sources located in ozone nonattainment areas shall include, in addition to the contents specified by Subsection C of this section (20.2.73.300 NMAC), the following information:

(1) typical daily process rate during the peak ozone season, where the peak ozone season is specified by the department; and

(2) estimated actual emissions of nitrogen oxides and volatile organic compounds, which shall be reported:

(a) for each emissions point;

(b) for each process and fuel type contributing to emissions from each point;

(c) in units of tons per year for annual emissions; and

(d) in units of pounds per day for a typical day during the peak ozone season.

E. Waiver of reporting requirements for insignificant emissions. The department may waive the requirements of Paragraph (5) of Subsection C of this section (20.2.73.300 NMAC) for emissions which the department determines to be insignificant under 20.2.70 NMAC, except that:

(1) for sources in nonattainment areas, reporting of emissions of pollutants for which the area is nonattainment shall not be waived; and

(2) reporting of emissions for which reporting is required under the federal act shall not be waived.

F. Emission tracking requirements for sulfur dioxide emission inventories. All stationary sources with actual emissions of one hundred (100) tons per year or more of sulfur dioxide in the year 2000, or in any subsequent year, shall submit an annual inventory of sulfur dioxide emissions, beginning with the 2003 emission inventory. A source that meets these criteria that then emits less than 100 tons per year in a later year shall submit a sulfur dioxide inventory for tracking compliance with the regional sulfur dioxide milestones until the western backstop sulfur dioxide trading program has been fully implemented and emission tracking has occurred under 20.2.81.106 NMAC.

(1) All WEB sources will be subject to the following federally enforceable provisions:

(a) submit an annual inventory of sulfur dioxide emissions;

(b) document the emissions monitoring/estimation methodology used, and demonstrate that the selected methodology is acceptable under the inventory program;

(c) include emissions from start up, shut down, and upset conditions in the annual total inventory;

(d) use 40 CFR Part 75 methodology for reporting emissions for all sources subject to the federal acid rain program;

(e) maintain all records used in the calculation of the emissions, including but not limited to the following:

(i) amount of fuel consumed;

(ii) percent sulfur content of fuel and how the content was determined;

(iii) quantity of product monitoring data;

(iv) emissions monitoring data;

(v) operating data; and

(vi) how the emissions are calculated;

(f) maintain records of any physical changes to facility operations or equipment, or any other changes that may affect the emissions projections; and

(g) retain records for a minimum of ten years from the date of establishment, or if the record was the basis for an adjustment to the milestone, five years after the date of an implementation plan revision, whichever is longer.

(2) Changes in emission measurement techniques. Each source subject to this subsection that uses a different emission monitoring or calculation method than was used to report sulfur dioxide emissions in 2006 under this part or 40 CFR Part 75 shall adjust their reported emissions to be comparable to the emission monitoring or calculation method that was used in 2006. The calculations that are used to make this adjustment shall be included with the annual emission report.

(3) The department shall retain emission inventory records for non-utilities for 2006 until the year 2018 to ensure that changes in emissions monitoring techniques can be tracked.

G. Content of greenhouse gas emissions reports. Greenhouse gas emissions reports shall contain the following information, as set out in the greenhouse gas emissions reporting procedures established under Subparagraph (a) of Paragraph (9) of Subsection B of 20.2.73.300 NMAC:

(1) the name, location, and permit or notice of intent number of the stationary source;

(2) the name and telephone number of the person to contact regarding the greenhouse gas emissions report;

(3) a certification signed by the owner or operator attesting that the statements and information contained in the emissions report are true and accurate to the best knowledge and belief of the certifying official, and including the full name, title, signature, date of signature, and telephone number of the certifying official;

(4) for each emission point as required by the department under the greenhouse gas emissions reporting procedures, the estimated actual emissions of greenhouse gases, including fugitive emissions and emissions occurring during maintenance, start-ups, shutdowns, upsets and downtime; and

(5) if requested by the department, the fuel type, fuel heat content, and fuel carbon content.

[11/30/95, 10/01/97; 2.20.73.300 NMAC - Rn, 20 NMAC 2.73.300 - 304 02/18/02; A, 12/31/03; A, 12/31/04; A, 01/01/08; A, 07/06/11]

HISTORY OF 20.2.73 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records - state records center and archives.
EIB/AQCR 703.1, Air Quality Control Regulation 703.1 - Notice of Intent and Emissions Inventory Requirements, 5/29/90.

History of Repealed Material: [RESERVED]

Other History:
EIB/AQCR 703.1, Air Quality Control Regulation 703.1 - Notice of Intent and Emissions Inventory Requirements, filed 5/29/90, was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.73, Notice of Intent and Emissions Inventory Requirements, filed 10/30/95.
20 NMAC 2.73, Notice of Intent and Emissions Inventory Requirements, filed 10/30/95, was **renumbered, reformatted, amended and replaced** by 20.2.73 NMAC, Notice of Intent and Emissions Inventory Requirements, effective 02/18/02.

NMED Exhibit 7-K_000007

STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED REPEAL AND REPLACEMENT OF
20.2.71 NMAC – *OPERATING PERMIT EMISSIONS FEES* AND
20.2.75 NMAC – *CONSTRUCTION PERMIT FEES*

No. EIB 25-77(R)

New Mexico Environment Department,

Petitioner.

NEW MEXICO ENVIRONMENT DEPARTMENT
TECHNICAL TESTIMONY OF SECRETARY JAMES C. KENNEY

I. INTRODUCTION AND QUALIFICATIONS

My name is James C. Kenney, and I have served as the Cabinet Secretary for the New Mexico Environment Department ("Department") for the past seven years. In this capacity, I lead the Department in the development of public health and environmental laws, regulations and policies to implement federal and state programs. I am responsible for the Department's $235 million annual budget and a workforce of over 600 individuals across 26 offices throughout New Mexico.

The mission of the Department is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations. The Department successfully implements federal and state programs related to air and water quality, drinking water and food safety, solid and hazardous waste, occupational health and safety, and other such programs. We keep New Mexicans healthy and safe, and specifically work to prevent the deterioration of air quality for all New Mexico residents as part of this effort.

Increasing challenges facing New Mexico's public health and environment have been met with increased duties and budget for the Department. During my tenure, I have overseen a period of significant Department growth aimed at meeting modern environmental challenges. This includes moving and upgrading the Department's Albuquerque location to a 98,000 square foot space in the Mesa del Sol community; digitizing all paper files across the Department through "Project Velocity" and creating the ability to search for files using an artificial intelligence agent; conducting Rapid Hire events at least once per year to quickly recruit qualified candidates; and ensuring – as the first agency in New Mexico state government to do so – all Department employees are properly compensated and aligned according to their years of education and experience.

In calendar year 2025, I served as the president of the Environmental Council of the States, the national nonprofit, nonpartisan association of state environmental agency leaders that works to improve the capability of state environmental agencies and their leaders to protect and improve human health and the environment of the United States. In this role, I worked with other state environmental agency leaders who, although having different programs, costs and needs, are underpinned together under federal environmental laws and regulations. In this nonpartisan role, I also work with my colleagues on advocating for federal cost share on funding for state-led implementation of the nation's environmental programs.

My resume with additional qualifications is included as **NMED Exhibit 9**.

I present this written testimony on behalf of the Department in support of the Department's Petition for Regulatory Change to Repeal and Replace 20.2.71 NMAC, *Operating Permit Emissions Fees*, and 20.2.75 NMAC, *Construction Permit Fees* ("Petition") (filed Dec. 3, 2025), in the form of the text of recommended modifications set forth in 20.2.71 NMAC, *Operating*

Permit Emissions Fees, **NMED Exhibit 1** (clean) and **NMED Exhibit 2** (redline) ("Revised Part 71") and 20.2.75 NMAC, *Construction Permit Fees*, **NMED Exhibit 4** (clean) and **NMED Exhibit 5** (redline) ("Revised Part 75"), for the Environmental Improvement Board ("Board")'s adoption in place of the regulatory changes proposed in the Petition as 20.2.71 NMAC and 20.2.75 NMAC, Petition, Exhibits B and C (clean), respectively, and Exhibits D and E (redline), respectively (filed Dec. 3, 2025).

The purpose of my testimony is to: (1) provide an overview of Department organization, strategic plan and performance metrics; (2) provide a general orientation to the state budgeting process; (3) explain the specific complexities of the Department's budget; and (4) outline how this effort by the Department to repeal and replace the regulations at 20.2.71 NMAC ("Part 71") and 20.2.75 NMAC ("Part 75") to increase the amount of funding in the Department's "bank accounts" for its Air Quality Program is essential for the Program's stability, integrity and overall success.

II. ORGANIZATIONAL OVERVIEW

The Department is comprised of six divisions, four offices, and 19 bureaus. This is important to understand the broader framework in which the Air Quality Program is situated. The divisions include: (1) the Environmental Protection Division, which largely regulates sources of air pollution, greenhouse gas emissions, and commercial radiation source material; (2) the Environmental Health Division, which largely regulates food manufacturing, restaurants, and septic systems; (3) the Resource Protection Division, which largely regulates solid and hazardous wastes, including chemical and radiological wastes; (4) the Water Protection Division, which regulates all groundwater and surface water quality, as well as drinking water, and housing water infrastructure fiscal programs; (5) the Compliance and Enforcement Division, which conducts compliance assurance activities for almost every regulatory program in the other Divisions and

includes compliance assistance, civil and criminal investigations, and technical support for litigation purposes; and (6) the Resource Management Division, which serves as the "back of house" for the Department, containing cross-cutting support functions for all divisions including budget and finance, human resources, information technology, legal support, public facilitation, and strategic initiatives. Together, the divisions implement and administer numerous non-discretionary duties as required under federal and state laws and rules. The most recent Department organization chart is included as **NMED Exhibit 10**.[1] The newest division is the Compliance and Enforcement Division, which the Department launched on July 1, 2025.

To ensure the Department has a transparent framework that demonstrates its annual program goals and objectives, the Department publishes a strategic plan every year. The Department's strategic plans for Fiscal Year 2026 ("FY26") and Fiscal Year 2027 ("FY27")[2] are included as **NMED Exhibit 11**. As set forth in these plans, the number one program goal and objective for FY26 and FY27 is to "ensure robust staffing and resources to improve the implementation of our mission." **NMED Exhibit 11** at pp. 2, 25. The additional goals and objectives are to: (1) create and support economic development opportunities that mitigate climate change, improve air quality, protect freshwater resources, reduce wastes, and ensure environmental justice for marginalized communities; (2) protect communities from emerging public health and environmental contaminants, and (3) protect the public health and the environment through innovative and traditional compliance assurance activities. ***Id***.

[1] As seen from NMED Exhibit 10, there are also a number of affiliated boards and commissions related to the Department.

[2] State fiscal years run on a July 1 to June 30 schedule.

The Department publishes Department-focused quarterly performance reports, as seen in **NMED Exhibit 12**, and maintains a public-facing website on its performance that is available to the public, legislators, and Department employees.

The Department also qualitatively and quantitatively measures its progress on approximately 30 different performance measures through reports to the Legislative Finance Committee ("LFC"), the nonpartisan fiscal arm of the New Mexico Legislature that oversees the effectiveness of agency programs. This is seen in **NMED Exhibit 13**.

The Department also tracks the amount of agency employees, known as "Full-Time Equivalents" or "FTEs" by months. This is seen at **NMED Exhibit 14**.

The Department also recently started an effort entitled "Enforcement Watch," which tracks the Department's new and resolved enforcement actions and posts them online, as seen at **NMED Exhibit 15**.

III. ORIENTATION TO THE STATE BUDGETING PROCESS

One of the primary ways the Department meets its number one FY26 and FY27 goal and objective to "ensure robust staffing and resources to improve the implementation of our mission" is to make sure that it has enough funding to meet demands on the agency. It is important for the Board to understand the state budgeting process in the context of this particular rulemaking effort, because as will be described below, the Board's designated authority under the Air Quality Control Act informs how the Department can budget and spend for the Program each year.

Every year, the State of New Mexico passes a budget and funds programs, services, and infrastructure that keep our communities healthy, safe, and economically strong. This includes the Department's budget, and as will be described below, the Air Quality Program budget as well. New Mexico's budgeting process is unlike any other state's process, as it starts with an agency

request and then moves to two separate budget recommendations from the executive branch and the legislative branch before finally coming together into one that will support state needs. The process and timeline are further detailed below.

A. Agency Budget Request (June – September 1)

The agency budgeting process begins about a year before the fiscal year for which the funds are needed. See NMSA 1978, §§ 6-3-18 to -19 (1999). By way of example, agencies started developing their budget proposals for FY25 in June of 2023 – 13 months before actual FY25 even began. Since fiscal year budgeting occurs so far in advance, the agency has yet to collect that future fiscal year's actual revenue. Thus, the agency has to make its best estimate based on available data and information as to how much revenue will be available.

As a starting place to develop its budget request, the agency will review its budget from the previous fiscal year. The budget from the previous fiscal year is an amount known as the base budget. The agency will start with the base budget and make adjustments to increase or decrease its base budget by evaluating a number of factors. Examples of factors include: (1) how much revenue the agency expects to collect; (2) changes in costs for employee pay and benefits; (3) changing program needs; and (4) the need to replace federal funding due to federal program changes. After the agency makes the adjustments to its base budget due to these types of relevant factors, that adjusted budget becomes the agency's budget request. Importantly, while the agency is preparing its adjusted budget, the agency ties its request to the actual amount of revenue it expects to collect that fiscal year.

After this work, the agency then sends its adjusted budget request to the New Mexico Department of Finance and Administration ("DFA") and the LFC. DFA is an executive agency charged with ensuring the effective, efficient, and accountable management of state government

finances and operations so that public resources are used responsibly. See NMSA 1978, §§ 9-6-1 to -21 (2024). As noted previously, the LFC provides objective fiscal and program analysis to help the New Mexico Legislature responsibly allocate public resources and oversee state government. See NMSA 1978, §§ 2-5-1 to -7 (1999).

B. Agencies submit their budgets for the upcoming fiscal year to both DFA and LFC on September 1. Agencies must align their budget requests with strategic plans and performance measures. See NMSA 1978, § 6-3A-6 (2004).Separate Executive and Legislative Budget Preparations (September – January)

New Mexico is one of the only states in which both the executive and the legislative branches of government propose separate budgets. After the agencies submit their budget requests to DFA (the executive) and LFC (the legislative), DFA and LFC begin their separate processes. LFC evaluates budget submissions and holds public committee hearings from September to December on the agency budgets before it releases the legislative recommendation. DFA separately reviews the agency budget submissions and provides a recommendation to the governor's office through an internal process, after which the governor releases the executive recommendation. This process results in two independent budget recommendations.

In developing their separate budget proposals, the legislature and executive rely on revenue estimates that help determine how much money will be available, factoring in economic conditions and agencies' projected revenues. Importantly, New Mexico's Constitution requires a balanced budget – which forbids deficit spending. N.M. Const. Art. IV sec. 30; N.M. Const. Art. V. § 9.

C. Legislative Appropriations and Governor Signing (January – March/April)

The executive and the legislative branches each release their budgets before the New Mexico Legislative Session begins in mid-January. Then, during each Legislative Session, the state's legislative chambers – the House and the Senate – hold financial committee hearings where agencies appear and explain their budgets and funding needs for the upcoming fiscal year. The

House and Senate review this input and negotiate the budget within the General Appropriation Act, creating the state budget through legislation, often known as House Bill 2. See N.M. Const. Art. IV, § 16. House Bill 2 contains the appropriations for the upcoming fiscal year for all executive agencies. Once both legislative chambers agree on a budget, House Bill 2 is sent to the governor (executive) for action. The governor has line-item veto power that can be used on items in House Bill 2, should the governor so decide, before the governor signs House Bill 2 into law. After the governor signs House Bill 2 into law, the agencies know how much funding they will receive for the upcoming fiscal year. See N.M. Const. Art IV, § 22.

D. Operating Budget (Spring – Summer)

After the signing of House Bill 2, DFA works with the agencies to ensure the agencies receive the allocated appropriations by program and budget categories,[3] which allows the agency to have an approved operating budget. DFA and LFC monitor agency expenditures and budget compliance throughout the fiscal year.

E. Budget Adjustment Requests

Because an agency conducts this budgeting process so far in advance, a lot can change, and agencies must always be ready to adjust their budgets based on real-time conditions and actual revenue collected. When an agency needs to make such an adjustment, the agency will work with DFA and LFC on justification for the budget adjustment and will work with the agency to approve the adjustment if enough funding is available in accordance with applicable procedures. See NMSA 1978, §§ 6-3-23 to -25 (2000).

[3] The state's budget categories are generally separated into: the "200s Category", the "300s Category", and the "400s Category." The 200s Category corresponds to employee salaries and benefits. The 300s Category corresponds to contractors. The 400s Category corresponds to equipment, travel and other needs.

IV. THE DEPARTMENT'S BUDGET

The Department's budget is one of the most – if not the most – complex agency budget in state government. The Department does not receive one lump sum for its budget during the state budgeting process, but rather receives funding separated out into its six different divisions as described above. In addition, each division in itself is allocated monies from a complex blend of different sources. Those sources include: (1) General Fund, *i.e.* the primary account used to pay for the state's ongoing daily operations with contributions from gross receipts taxes, income taxes, severance taxes, oil and gas royalties and investment income;[4] (2) Federal Funds, *i.e.* federal grants for federally-delegated programs; and (3) Special Revenue Funds, *i.e.* monies derived from restricted accounts created for a particular purpose that are replenished by fees collected by the Department.

For FY26, the Department budget consists of $34.2 million in General Fund (reoccurring); $59.1 million in General Fund (one-time earmarked Special Appropriations); $95.5 million in Federal Funds; and $84.9 million in Special Revenue Funds. This translates into 12.5% General Fund (reoccurring); 21.6% in General Fund (one-time earmarked Special Appropriations); 34.9% Federal Funds; and 31% Special Revenue Funds.

Within these categories, the Department is supported by over 120 distinct sources – and 24 different Special Revenue Funds. This large number of distinct funding sources causes significant challenges, as there is little, if any flexibility in spending from the funding sources given the

[4] For the General Fund sources, the Department can receive two kinds of General Fund monies. The first is recurring General Fund. The second is one-time earmarked General Fund monies for a specific purpose. The one-time earmarked General Fund monies are also known as "Special Appropriations."

assigned restrictions for each source. Given the number of distinct sources, the Department's budget is one of the most restrictive amongst state agencies.

For example, if the Department needs to purchase a new vehicle for its Radiation Protection Program inspectors to perform inspections around the state, the Department may purchase the vehicle only using authorized monies, *i.e.*, monies appropriated to it from the radiation Special Revenue Fund. And, once the Department purchases the vehicle for the Radiation Protection Program inspectors using radiation Special Revenue Fund monies, it is meant to be used only for the benefit of that particular program. Although this may seem inefficient, the Department must follow the federal and state provisions that govern each funding source.

On a larger scale, these kinds of restrictions not only prevent the Department from balancing its program expenses and revenue needs across its six divisions, but it also prevents the Department from balancing its programs within each division given the individual federal and state funding source restrictions. If one program is running a deficit from its Special Revenue Funds, it cannot simply use monies received from any of its Federal Fund revenue to make up the deficit. If the Department did so, it may be running afoul of the federal and state restrictions assigned to those funding sources. This situation places the Department in a place where if it needs funding for a specific program, it must go to the particular funding source for that program and determinate how to make the necessary adjustments.

V. THE DEPARTMENT'S AIR QUALITY PROGRAM

F. Air Quality Program

The Department has one Air Quality Program separated into two separate bureaus: (1) the first exists within the Department's Environmental Protection Division and is known as the Air Quality Bureau ("AQB"); (2) the second exists within the Department's Compliance and

Enforcement Division and is known as the Environmental Protection Compliance and Enforcement Bureau ("EPCEB"). The Department's Compliance and Enforcement Division and EPCEB just launched July 1, 2025.

Under the Air Quality Control Act, the Board is legally required to evaluate the harms caused by air contaminants and ensure that New Mexico's Air Quality Program can operate in compliance with federal and state law. Air quality permitting is an initial and essential mechanism by which emissions limits are imposed, monitored and enforced. Adequately funding permitting and compliance activities reduces the likelihood and duration of uncontrolled or under-regulated emissions that interfere with public health, welfare, and visibility. My colleagues Cindy Hollenberg, Bureau Chief of the AQB, and Bret Anderson, Bureau Chief of the EPCEB, explain more about these individual bureaus in their testimonies, marked as **NMED Exhibit 16** and **NMED Exhibit 57**, respectively.

G. Air Quality Program Fee Authority

Under the New Mexico Air Quality Control Act (specifically NMSA 1978, § 74-2-7), the New Mexico Legislature has identified how the Air Quality Program generates income, where the income is to be placed and how that income is to be used. Under this state statutory framework, the Department is required to collect fees that are set aside for its activities to protect the deterioration of air quality, and specifically administer the Air Quality Program, including enforcement. Fee revenue obtained by the Department under Part 71 is placed in the Title V Special Revenue Fund. Fee revenue obtained under Part 75 is placed in the Construction Special Revenue Fund.[5] The Air Quality Control Act specifies that these funds must be used for the purpose of

[5] Although the Air Quality Control Act references on "State Air Quality Permit Fund," this fund as a practical matter is comprised of the Title V Special Revenue Fund and the Construction Special Revenue Fund.

paying the reasonable costs of the Department's air-related activities, which includes the scope of AQB and EPCEB as described in Bureau Chief Hollenberg's and Bureau Chief Anderson's testimonies. Similar to an enterprise fund, the intent of the Title V Special Revenue Fund and the Construction Special Revenue Fund are that the costs (including depreciation) of providing goods or services to the general public are recovered primarily through user charges.

The Air Quality Control Act also directly aligns with requirements under the state's delegated authority under the federal Clean Air Act ("CAA") and corresponding federal statutory framework. For example, the CAA instructs the U.S. EPA Administrator to promulgate regulations addressing minimum elements of a permit program to be administered by any air pollution control agency.[6] One such element is the requirement that regulated entities must pay fees sufficient to cover ***all*** reasonable (direct and indirect) costs required to develop and administer the permit program requirements. This includes the reasonable costs of: (1) reviewing and acting upon any application for such a permit; (2) implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action); (3) emissions and ambient monitoring; (4) preparing generally applicable regulations, or guidance; (5) modeling, analyses, and demonstrations; and (6) preparing inventories and tracking emissions.[7] This framework is reflected in the federal CAA implementing regulations and guidance as well.[8]

Importantly, both federal and state fee requirements set the *minimum floor* for state air programs. At the federal level, the CAA and its implementing regulations protect the role of states in establishing more stringent requirements.[9] This is true of the state Air Quality Control Act itself,

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[6] Federal Clean Air Act, 42 U.S.C. § 7401 *et seq*.
[7] 42 U.S.C. § 7661a(b)(3).
[8] 40 C.F.R. § 70.9; https://www.epa.gov/title-v-operating-permits/title-v-permit-fees.
[9] 40 C.F.R. § 70.1(c); 42 U.S.C. § 7416.

which establishes only minimum elements of the state air program, not any prohibitions. This is demonstrated by NMSA 1978, Section 74-2-7(B), which states that regulations adopted by the Board must "include at least" certain provisions.

H. Air Quality Program's Two Special Revenue Funds

Two Special Revenue Funds support the Department's Air Quality Program.[10] Because the Department's Air Quality Program is funded almost exclusively through the two Special Revenue Funds, the services the Air Quality Program is able to deliver is tied almost exclusively to the Special Revenue Funds' available amounts. The Special Revenue Funds' available amounts are directly tied to the fee schedule adopted by the Board under the regulatory framework at Part 71 and Part 75.

Since the Board has not increased the fee schedule at Part 71 and Part 75 for approximately 17-23 years, the Department's two air Special Revenue Funds have not been replenished by fees at a rate that has corresponded to the Air Quality Program's needs. Because as previously described, the Department's adjusted budget every fiscal year is tied to projected revenue, every year the Department is restricted in the state budgeting process by the outdated projected income of the two air Special Revenue Funds because those Funds cannot not have a deficit. At the same time the Department is unable to independently raise fee revenue from Part 71 and Part 75 without Board approval, hence the need for the present action. The effect of the Board's decision on the Department's fee proposal will be to allow the Department to incorporate the resulting increased revenue into its adjusted budget that it submits to DFA and LFC annually to demonstrated that it

[10] The Air Quality Program receives a de minimis amount of General Fund (recurring) and Federal Funds for the federal-state air monitoring network through a federal-state match program. As part of its initial standup funding, the Legislature granted the entire Compliance and Enforcement Division a one-time earmarked $3 million Special Appropriation that will expire on June 30, 2026, at the end of Fiscal Year 2026.

can spend more on its Air Quality Program needs without putting the two air Special Revenue Funds at risk of a deficit.

One of the critiques of the past has been that the Department does not have a need for a fee alignment as set forth in its present proposal due to the balances in its two air Special Revenue Funds. However, that critique demonstrates a fundamental misunderstanding of how state budgets work and the oversight roles of DFA and LFC. For the Air Quality Program, the Department is not allowed to have increasing costs without a corresponding increase in projected fee revenue as part of its budgeting process. Thus, relying on the two air Special Revenue Funds, the Department has been unable to increase its costs to address Air Quality Program changes, the high volume of permitting increases, increased need for monitors and quality assurance work, modeling and emissions inventory needs, technology upgrades, environmental justice considerations, and an increase in compliance and enforcement needs for the expanding universe of emitting facilities under the Air Quality Program's jurisdiction. Importantly, all civil penalties and field citations collected by the Air Quality Program are deposited into the state's General Fund to make state residents whole – not into the Air Quality Program's two Special Revenue Funds.

In past years, the Department has attempted to supplement the funding sources for its Air Quality Program beyond the two air Special Revenue Funds by requesting General Fund monies as part of the state budgeting process. However, the Department was not successful and was reminded numerous times that the funding source for its Air Quality Program was not through General Fund requests, but through replenishing its two air Special Revenue Funds. The Department was also reminded that if the Air Quality Program needed to fund additional services, the Board is the correct body to which the Department should make this funding request.

This led to the Department petitioning the Board in 2024 with a fee increase proposal. During the 2024 proceeding, although the Board recognized the need, it declined to adopt the Department's proposal. Now, the Department appears again before the Board to repeal and replace Part 71 and Part 75 to make sure that the two Special Revenue Funds are properly replenished to support present Air Quality Program needs.

The Board's approval of this proposal will in turn allow for the Department to increase its projected revenue as part of the state budgeting process in order to increase the reasonable costs needed to ensure that air quality for all New Mexicans is clean and healthy. With an increase in projected revenue, the Board will also demonstrate that the Department's two air Special Revenue Funds are solvent for purposes of DFA and LFC oversight as the Department continues to ensure that it has enough resources in its Air Quality Program to meet the requirements under state and federal law.

I. Alignment of the Air Quality Program with Modern Demands

Over the past fiscal year, the Department made the decision for the Air Quality Program, and specifically the Air Quality Bureau, to begin increasing the number of its employees and ensuring that it has enough contractor funds to actually accommodate what the Department needs. Over the past eighteen months, the Department has hired over 20 employees in its Air Quality Program in the modeling, permitting, monitoring and planning teams; hired a consultant to perform extensive photochemical modeling analysis for ozone pollution in the Permian Basin; hired a consultant to assist with analysis of Title V permit applications; hired a consultant to assist with analysis of minor sources permit applications; hired a consultant to perform stack test analysis for compliance verification; initiated a sampling study responding to an air quality complaint; upgraded the equipment in its U.S. EPA monitoring network; trained drone pilots to utilize drone

cameras during inspections; and completed a "gap analysis" as a first step to replace the Department's legacy TEMPO database used for the Air Quality Program to further transparency, efficiency and effectiveness.

What the Department has found is that even with its spending over the past twelve or so months, these efforts have not been nearly enough. The Department continues to receive regular input from industry to do more to serve the regulated community – from requests for weekly meetings to discuss permit calculations to permit timeline guarantees. And, the Department continues to receive regular input from residents and advocacy groups – from additional rulemakings, responding to complaints about non-compliant facilities and requests for community meetings to explain permit conditions and air quality monitoring results. Finally, the Department has its own federal and state requirements to meet.

If the Board declines to adopt the Department's proposal, the Department will not only be unable to sustain all the current work underway, it will not be able to fulfill its program alignment as set forth in the testimony of my colleagues. For those unfamiliar with the business side of the Department's Air Quality Program, it may seem that there is "enough" funding for these projects, but I am here to state that is not the case. Our Air Quality Program cannot meet the financial threshold necessary to create and hire for new positions in the Program. Nor are we able to continue work at the current spending levels, as demonstrated by the testimony of my colleagues. This fee alignment is necessary to ensure the Air Quality Program is financially stable over time to meet its core responsibilities – including responsibilities that it has long been forced to neglect based on lack of resources.

The belief that the Air Quality Program can provide a safe and healthy environment in a growing economy is core to the integrity of this essential Departmental Program. In recent years,

no matter who I talk to, everyone cannot agree on everything, but all of us can agree on needing "clean air and clean water." This effort is needed to deliver that "clean air" for all.

VI. CONCLUSION

As demonstrated above, this present rulemaking is not a substitute to replace any of the state budgeting processes, but rather is a specific effort to ensure that within the state budgeting processes, the Department has enough resources in its two air Special Revenue Funds to align the Air Quality Program's to meet modern demands. And, as my colleagues will further establish in their testimonies, this Department rulemaking is a critical request at a critical time. For these reasons, we ask that the Board adopt the Department's proposal for Revised Parts 71 and 75.

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Experience

New Mexico Environment Department | Cabinet Secretary
Santa Fe, NM, January 2019 – Present

In January of 2019, Governor Michelle Lujan Grisham appointed me to serve as the Cabinet Secretary of the New Mexico Environment Department (NMED). Following my appointment, I was unanimously confirmed by the State Senate. Our mission is to protect public health and the environment. I restored four core values to the Department in how we implement our mission: (1) Science – Using the best available science to inform our decision-making in protecting public health and the environment; (2) Innovation – Employing creative engineering and technological solutions to address environmental challenges; (3) Collaboration – Engaging communities and interested stakeholders in environmental decision-making outcomes; and (4) Compliance – Ensuring meaningful compliance with regulations and permits with a commitment to leveling the playing field through enforcement.

The NMED is responsible for administering federal and state public health and environmental regulatory programs throughout the state and in consultation with 23 sovereign nations, including those pertaining to air quality, drinking water quality, surface and groundwater quality, and solid and hazardous waste management. The NMED also houses numerous other regulatory programs including worker safety under the New Mexico's Occupational Health and Safety Act (OSHA); restaurant and food manufacturing permitting and compliance; commercial and residential septic system permitting and compliance; hemp manufacturing permitting and compliance; and radiation equipment regulation.

Mission Champion and Employee Advocate

Throughout my tenure, I have championed public service by fiercely advocating for both my agency's mission and its people. I lead efforts to significantly expand the Agency's budget from $90M at the start of my term to approximately $237M today. Currently, the Environment Department's budget is comprised of over 80% federal grants and permit fees, with less than 20% coming from the New Mexico general fund. In Fiscal Year 2024, we spent $25.5M in general funds but collected over $30M in civil penalties—producing an 18.4% return on investment for New Mexicans while holding polluters accountable. In Fiscal Year 2025, NMED spent $33.3M in general funds but collected over $17.1M in civil penalties that were remitted to the general fund.

My legislative advocacy finally resolved a decade-old issue of chronically underpaying our staff. I am proud that my colleagues are now properly compensated for their education and professional experience. As a result, we have achieved the lowest vacancy rate in our history at 5%, and our data shows that my team is twice as engaged in their day-to-day work compared to the national average.

Fighting Against "Forever Chemicals"

I have championed grassroots activism from within state government to support communities afflicted with toxic PFAS contamination. I am aggressively pursuing legal action against the U.S. Department of Defense for the poisoning of New Mexicans around our Air Force Bases. To date, I have led initiatives for blood testing and other health-based studies, private well water testing, and public drinking water

system testing across the state. I have taken this fight to Washington, D.C., where I have testified before Congress twice on this urgent matter. I championed New Mexico's PFAS Protection through the New Mexico Legislature and got it to the Governor's desk for signature. Under my leadership, New Mexico also listed certain discarded PFAS as hazardous wastes under state law.

Climate Action, Cleaner Energy, and Improved Air Quality

I have been a key figure in New Mexico's transition to a cleaner energy economy. I have championed efforts to onshore clean energy investments, such as Australia-based Star Scientific's $125M campus in Albuquerque. Under my leadership, New Mexico became the fourth state in the U.S. to adopt clean fuel standards, using market-based mechanisms to expand investment while lowering emissions.

I have also focused on ensuring zero-emission vehicle incentives, such as tax credits, were adopted while mandating that auto manufacturers provide New Mexicans with access to these vehicles through clean car and truck standards. Furthermore, I led the effort to clean up the oil and gas industry by developing state rules that served as a model for the nation.

Water Protection and Regulation

I have spearheaded efforts to protect our water supply in the face of climate change and adverse Supreme Court decisions that have left New Mexico's waters among the most threatened in the country. Under my leadership, New Mexico is seeking federal primacy for discharges to surface waters while strengthening our groundwater permitting program. This includes identifying and cleaning up over 300 abandoned and polluted groundwater sites across the state.

Ending a Radioactive Legacy

I have held a firm line against the federal government or private sector further exploiting New Mexicans with radioactive waste. Whether it was strengthening the Waste Isolation Pilot Plant permit and enforcement, prioritizing the cleanup of legacy waste at Los Alamos National Laboratory through policy and legal actions, or helping pass a state law to prevent New Mexico from becoming a dumping ground for spent nuclear waste—I have fought these battles for the generations of New Mexicans, Tribes, and Pueblos who feel these impacts most. I have also coordinated efforts to address the legacy of abandoned uranium mining to ensure these communities receive the recognition and health outcomes they deserve.

Pandemic Response and Illicit Drugs

During the COVID-19 pandemic, I played a crucial role in ensuring workplace safety and protecting people in congregate care facilities. We conducted "Rapid Responses" to address outbreaks and shared that data publicly in real-time. My department received national attention for our innovative sewer monitoring for COVID-19, which served as an early detection system.

Additionally, I led a statewide wastewater testing program for illicit drugs at public and charter high schools. We sampled wastewater from 184 schools, covering 97,166 students at a cost of only about $7 per student, providing us with vital data to protect our youth.

U.S. Environmental Protection Agency | Senior Policy Advisor for Oil and Natural Gas
Albuquerque, NM and Washington, DC June 2014 – January 2019

In 2014, U.S. Environmental Protection Agency (EPA) Administrator Gina McCarthy and Assistant Administrator Cynthia Giles appointed me to serve as the Senior Policy Advisor for Oil and Natural Gas. I

counseled EPA senior political and career leadership on national, regional and local oil and natural gas matters. Such matters commonly included: federal/state legislative, regulatory and policy developments; technical and economic industry trends; impact of Administration goals and objectives; stakeholder interests; etc.

I built and maintained relationships with an extensive network of stakeholders around the energy and environment nexus daily, including: industry chief executive officers (CEOs), federal and state agency political appointees, elected officials, tribal leaders, trade association executive directors, environmental non-governmental organizations (eNGOs) executive directors, academic and scientific researchers, and members of the public.

I collaborated with individual states and associations of states through organizations like the National Governors Association, the Environmental Council of State, the Interstate Oil and Gas Compact Commission, the Western Regional Partnership, and the Western States Land Commissioners Association. Such state and state association collaborations include specific projects which focus on the greening of existing energy industry while creating renewable energy opportunities.

I provided leadership to EPA executive management, staff, and contractors across the country while managing project budgets to effectively achieve outcomes. For example, I developed and facilitated oil and natural gas stakeholder roundtables across the U.S. focusing on (1) ensuring compliance through innovative, real-time monitoring technologies, and (2) effective governance through regulation, permitting and compliance assurance. In another example, I developed and led a New Mexico-based, multi-stakeholder workgroup to stand-up an innovative voluntary recognition program. The hallmark of the program was to incentivize the financial sector to set financial assurance requirements (i.e., bonding/insurance premiums) commensurate with operational risk. This program offsets the environmental impacts in New Mexico and the costs incurred by the state from poorly operated, managed, or financed companies.

U.S. EPA | Acting Assistant Deputy Director for the Office of Civil Rights
Washington, DC January 2014 – June 2014

I served as the principal advisor to the Director of the Office of Civil Right (OCR) and other EPA executive management concerning EPA's obligations to comply with the responsibilities under Title VI of the Civil Rights Act of 1964 (Title VI), as well as the Presidential Executive Orders ensuring recipients of EPA financial assistance do not discriminate based on federally-protected class status.

I directly and indirectly managed a diverse group of multi-disciplined and multi-cultural staff with varying years of government service. I managed the day-to-day operations in the OCR. I developed and implemented a $2 million budget, ensured both procurement (contract) and assistance agreements (grants) were managed efficiently and appropriately.

U.S. EPA | Senior Environmental Engineer
Washington, DC January 2010 – January 2014

I provided expert regulatory and technical consultation to various EPA offices, the U.S. Department of Justice, state agencies and state attorney general offices, and other stakeholders related to assuring compliance with environmental laws. My area of focus was the energy sector, specifically oil and natural gas exploration and development.

I developed strategic plans related to compliance and enforcement activities; crafting multi-year goals, objectives, and metrics to benchmark progress. I tracked and reported on the overall success of the

Agency's compliance and enforcement goals. I leveraged synergies with federal and state partners to conserve resources yet expand impact. For example, I integrated GIS-based approaches to achieve more efficient outcomes and explain the Agency's environmental successes to the public. I managed EPA staff and numerous contractors, including scientists, engineers, expert witnesses, etc. The annual budget was approximately $350,000 for the contracts that I managed.

McCoy and Associates | Senior Environmental Engineer
Denver, CO August 2008 – January 2010

I was the principal lead for developing and managing the consulting business related to the Clean Air Act (CAA).

I managed the CAA-related business, client services and contracts. I authored and published a technical reference book, CAA Unraveled, a 400+ page text that succinctly explains this federal law and the regulatory programs which implement it. Upon publication, revenues exceeded $312,000 in the first year after publishing. I also developed client-based, technical seminars to accompany the technical reference book I wrote.

I counseled federal and state agencies, industry and industry associations, consulting firms, law firms, and trade associations on various aspects of the CAA, as well as other federal laws, including: Clean Water Act (CWA), National Environmental Policy Act (NEPA) and Resource Conservation and Recovery Act (RCRA).

U.S. EPA | Senior Environmental Engineer
Denver, CO and Philadelphia, PA
September 1996 – August 2008

I managed the CAA ozone program, western federal/state coordination, and civil/criminal enforcement matters at the EPA regional offices in Denver and Philadelphia. I developed and enforced federal regulations in collaboration with states and stakeholders across many industrial sectors, including oil and natural gas, refining, chemical manufacturing, iron and steel, and combined animal feeding operations. I directed enforcement staff in field activities across the U.S., negotiated settlements, wrote legal and technical briefs, participated in administrative/judicial proceedings, etc.

Education

Master of Science in Engineering | Temple University | 1996
Major: Environmental Engineering | GPA: 3.8/4.0; 158 Semester Hours

Bachelor of Science in Engineering | Temple University | 1996
Major: Environmental Engineering Technology | GPA: 3.4/4.0; 128 Semester Hours

Publications

Clean Air Act Unraveled, First Edition, McCoy and Associates, July 2009.

Resource Conservation and Recovery Act Unraveled, McCoy and Associates, January 2009.

Organization Chart

Cabinet Secretary
James Kenney

Economic Development Senior Advisor
Brian Schath

Chief Data and Technology Steward
Meta Hirschl

Director of Communications
Drew Goretzka

Special Assistant
Vacant

General Counsel
Zachary Ogaz

Director of Strategic Initiatives
Christina Keyes (Acting)

Deputy Secretary of Administration
John Rhoderick

Compliance and Enforcement Division Director
Bruce Baizel

Deputy Secretary of Operations
Danielle Gilliam

Environmental Health Division Director
William Schaedla

Cannabis and Hemp Bureau Chief
Johnathan Gerhardt

Deputy Division Director
Melissa Charlie

Environmental Health Bureau Chief
Vacant

Environmental Protection Division Director
Michelle Miano

Air Quality Bureau Chief
Cindy Hollenberg

Radiation Control Bureau Chief
Srikanth Paladugu

Deputy Division Director
Dana Bahar

Climate Change Bureau Chief
Claudia Borchert

Water Protection Division Director
Jonas Armstrong

Drinking Water Bureau Chief
Joe Martinez

Surface Water Quality Bureau Chief
Shelly Lemon

Deputy Division Director
Kelsey Rader

Ground Water Quality Bureau Chief
Justin Ball

Construction Programs Bureau Chief
Dennis Romero

Resource Protection Division Director
Rick Shean

Hazardous Waste Bureau Chief
John-David (JD) Nance

Department of Energy Oversight Bureau Chief
Beau Masse

Deputy Division Director
Santiago Rodriguez

Petroleum Storage Tank Bureau Chief
Michael Ortiz

Solid Waste Bureau Chief
Shirlene Sitton

Environmental Protection Compliance and Enforcement Bureau Chief
Vacant

Resource Protection Compliance and Enforcement Bureau Chief
Kyle Staggs

Occupational Health and Safety Bureau Chief
Kristy Peck (Acting)

Deputy Division Director
Robert Genoway

Water Protection Compliance and Enforcement Bureau Chief
Vacant

Federal Facilities Compliance and Enforcement Bureau Chief
Vacant

Emergency Operations and Response Bureau Chief
Vacant

Chief Information Officer
Todd Hochman (Acting)

Administrative Services Division Director
Heather Benavidez

Deputy Director for Budget, Finance and Chief Financial Officer
Miranda Ntoko

Deputy Director for Human Resources, Health, Safety, Facilities
Vacant

Human Resources Bureau Chief
Lisa Lujan

Affiliated Boards and Commissions

Regulatory

- Environmental Improvement Board
- Mining Commission
- Occupational Health and Safety Commission
- State Emergency Response Commission
- Water Quality Control Commission

Advisory

- Medical Imaging and Radiation Therapy Advisory Council
- Radiation Technical Advisory Council
- Storage Tank Committee
- Utility Operators Certification Advisory Board
- Wastewater Technical Advisory Committee

FY2026 Strategic PLAN



NMED

New Mexico Environment Department

www.env.nm.gov

Fiscal Year 2026 Strategic Plan



James C. Kenney
Cabinet Secretary

The New Mexico Environment Department (NMED) started Fiscal Year 2025 by fully implementing a long-term goal to fairly and equitably compensate all employees based on their education and experience. The strength of our agency and our ability to achieve our mission of protecting the public health and environment of New Mexico is entirely dependent on our dedicated and expert staff. For this reason, our priority this year is to continue to address both our staffing shortages through renewed focus on hiring and the insufficient compensation that has historically been the root cause of our staffing shortages. In addition, NMED will continue to aggressively safeguard our state both according to our statutory requirements and by looking at emerging risks to public health. Our strategic plan for FY26 is centered around four agency-wide program goals and objectives:

Program Goal and Objective 1: Ensure robust staffing and resources to improve the implementation of our mission.

Program Goal and Objective 2: Create and support economic development opportunities that mitigate climate change, improve air quality, protect freshwater resources, reduce wastes, and ensure environmental justice for marginalized communities.

Program Goal and Objective 3: Protect communities from emerging public health and environmental contaminants.

Program Goal and Objective 4: Protect the public health and the environment through innovative and traditional compliance assurance activities.

NMED will qualitatively and quantitatively measure our progress through reports to the Legislative Finance Committee and by publishing quarterly performance reports. NMED maintains a webpage on Agency performance that is available to the public, legislators, and our employees. NMED's performance webpage is found here: https://www.env.nm.gov/performance-measures/.



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NMED Exhibit 11_000003

Vision, Mission, Values

Vision

To foster a thriving and trusted, nationally leading organization known for protecting public health and the environment through its dedicated public servants.

Mission

Protect and restore the environment and foster a healthy and prosperous New Mexico for present and future generations.

Values

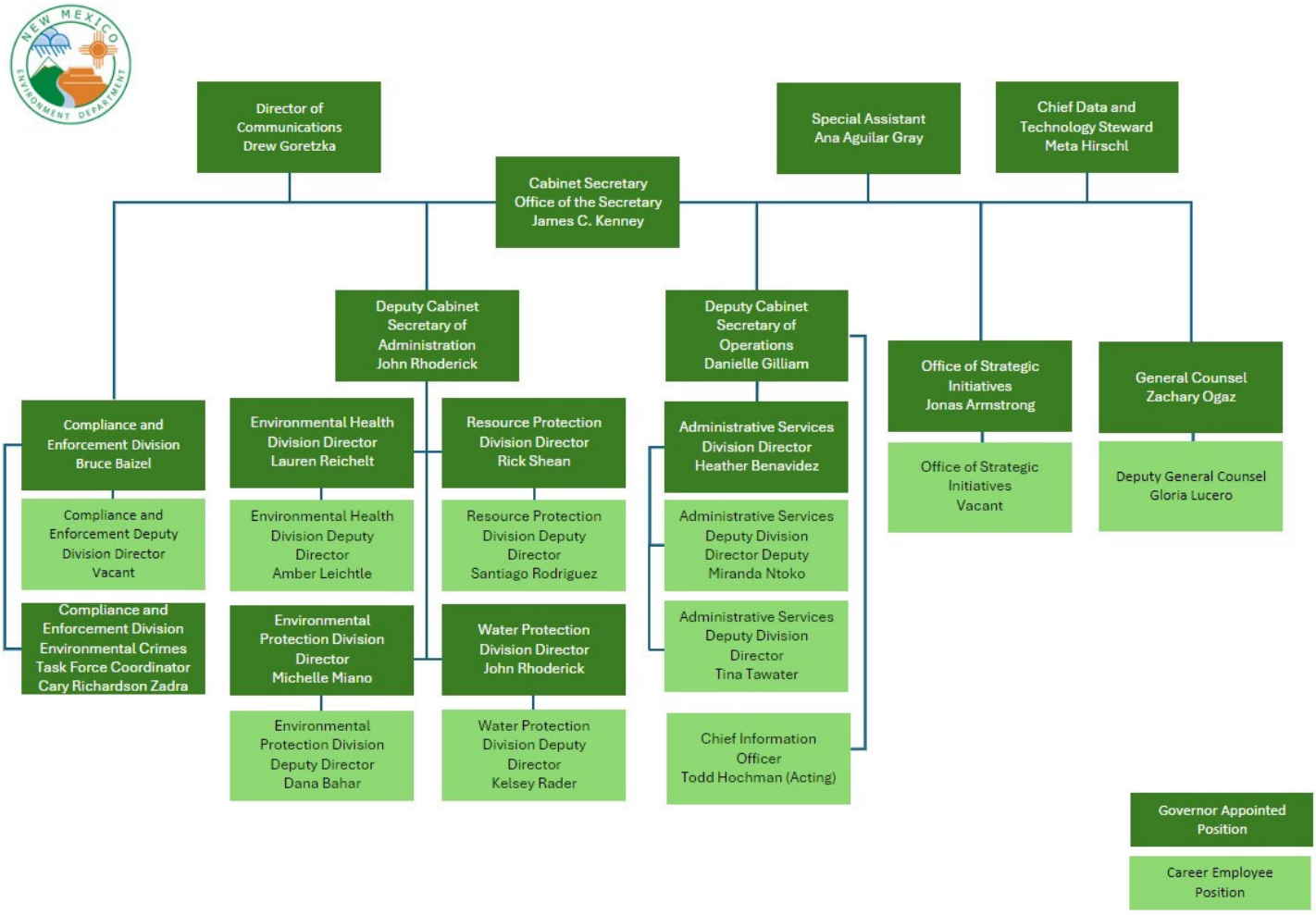
Science - Embracing the best available science to inform decision-making in support of our vision and mission.

Innovation - Employing creative engineering and technological solutions to address challenges.

Collaboration - Engaging communities and interested stakeholders in decision-making and outcomes.

Compliance - Ensuring accountability with permits and rules while maintaining a fair and level playing field.

Organizational Structure





Resource Management Division (P567)

Purpose of the Program

The Office of the Secretary (OOTS) is responsible for translating NMED's vision, mission, and values into action. This execution aligns with the Governor's and Secretary's vision, legislative authority, and federal delegation, primacy, and grant agreements.

OOTS not only implements NMED's core principles but also ensures transparent communication and cooperation with Tribal, local, federal, and international governments and stakeholders. Services include strategic leadership and decision-making in all programmatic and policy matters within the agency.

OOTS fosters meaningful relationships with community members, elected officials, governmental agencies, Tribal governments, the business community, industry, and nongovernmental organizations, and Tribal governments to inform sound policy and decision-making and advocate for the Administration's legislative priorities and sustain state investment in services and policies for the betterment of New Mexicans. OOTS plays a pivotal role in ensuring the continuous provision of essential services by actively engaging with and listening to the NMED workforce. Through these efforts, OOTS contributes to the enhancement of workforce culture and its ongoing improvement.

Program Users

Businesses, stakeholders, the public, Tribes and Pueblos. Anyone who places their trust in the air they breathe, water they drink, land on which they live, food they eat, etc. Internally, our employees who work and live across New Mexico to fulfill our mission.

Benefits to New Mexicans

- A well-funded and highly functioning NMED can protect public health and the environment equally for all New Mexicans and communities served.
- Responsive communication of complex scientific and technical issues in a clear manner to all members of the public in multiple languages.
- Timely, accurate, equitable and transparent access to public health and environmental information for community and family-based decision-making.
- Accountability and oversight of public funds.
- Expanded online program delivery that strengthens traditional program access.
- Compliance with public health and environmental protections that provides a level playing field for all businesses and deterrence through vigorous enforcement when violations occur.
- Strong collaborations with all stakeholders and state agencies with a responsive and productive workforce.
- A highly-engaged workforce that advances efficient and safe customer service options.

Budget and FTE

Resources Management Division	FTE	Budget
Office of the Secretary	22.10	$3,584,520
Office of General Counsel	24.00	$4,779,190
Office of Information Technology	28.00	$6,160,640
Administrative Services Division	42.00	$11,218,030

See Appendix A for our performance measures and Appendix B for a comprehensive listing of our statutory authority.



Resource Management Division (P567)

Program Goals, Objectives, and Strategic Actions

<u>Program Goal and Objective 1:</u> Ensure robust staffing and resources to improve the implementation of our mission.

- Build and retain a skilled and trained team of professional and support staff to implement our mission.
- Prioritize hiring, leadership training, and succession planning.
- Increase spending of funds to support NMED's mission.
- Advocate for increased flexibility of special revenue funds.
- Support all divisions and offices in integrating equity and renewed focus on environmental justice throughout delivery of services and operation of programs by providing clear guidance and staffing support.
- Reduce NMED's vacancy rate through data-driven process improvements supported by implementation of new business technologies (e.g., paperless and automation initiatives).
- Engage in compensation and classification analysis across NMED in order to ensure internal equity and balanced workloads, adjust to market conditions, and orient NMED's staffing strategy to align with strategic growth and career advancement pathways.

<u>Program Goal and Objective 2</u>: Create and support economic development opportunities that mitigate climate change, improve air quality, protect freshwater resources, reduce wastes, and ensure environmental justice for marginalized communities.

- Maximize federal Bipartisan Infrastructure Law and Inflation Reduction Act funding and spending to create jobs and support economic development.
- Coordinate across state, local, federal, and Tribal governments to maximize the quantity and effectiveness of federal funds benefiting the people of New Mexico.
- Ensure services provided to New Mexicans are easy to access and modernize business processes making it easier to conduct business online where possible. Streamline and modernize administrative processes to improve public health and environmental outcomes and transparency of operations.
- Lead and coordinate New Mexico's work to clean up uranium sites among state agencies and with impacted communities, other states, federal agencies, and Native Nations, Tribes and Pueblos.

<u>Program Goal and Objective 3</u>: Protect communities from emerging public health and environmental contaminants.

- Take every necessary measure to safeguard communities from newly arising contaminants that pose risks to public health and the environment, encompassing a range of activities such as establishing and maintaining laws and regulations, adherence to these regulations, and their diligent enforcement.
- Build robust partnerships to increase collaboration including in rulemaking or permitting processes, grantmaking, and surrounding NMED action in other areas of interest.



Resource Management Division (P567)

<u>Program Goal and Objective 4:</u> Protect the public health and the environment through innovative and traditional compliance assurance activities.

- Ensure accountability for violations through strong and consistent enforcement policy and actions through NMED's Compliance and Enforcement unit.
- Increase consistency and timeliness in compliance across programs to ensure a level playing field.
- Provide strategic, innovative, and effective legal advice and representation to NMED management and staff.
- Facilitate exceptional customer service to the public and ensure public participation in docketed matters of the boards and commissions that the Office of Public Facilitation administers (including the Water Quality Control Commission and Environmental Improvement Board), public hearings assigned by the Secretary as a result of significant public interest, and due process compliance orders served on respondents by bureaus that benefit from public participation.



Water Protection Division (P568)

Purpose of the Program

To ensure reliable, clean and safe water supplies for New Mexicans today and into the future through the protection of surface water and groundwater quality. To provide financing for and oversight of water infrastructure projects across the state with added emphasis on projects related to the impacts of climate change, emerging contaminants, etc.

Program Users

A public that expects to consume clean and safe drinking water whether in an urban or rural community. A public that recreates in and along New Mexico's lakes, rivers, and streams. Regulated entities who rely on relationships with regulators to provide technical and consistent expertise. Local governments, municipalities, and private utilities in need of technical and/or financial assistance to repair, update, or add water and wastewater infrastructure. Tribes, Pueblos, and Nations whose water quality may be impacted by others. All others who ensure our accountability to our mission, including: the Governor, Legislature, Federal Government, and the public.

Benefits to New Mexicans

- Safe, clean, and reliable sources of drinking water for today's growing economy and future generations of New Mexicans.
- Healthy rivers and lakes that fully support recreation, tourism, and agriculture, which are essential components of a thriving state economy.
- Modernized and reliable infrastructure for our counties, cities, and towns that fosters healthy communities.
- Economic development opportunities on formerly contaminated properties that reinvigorate communities.
- Easily accessible information about drinking water, groundwater, and surface water quality, including in the aftermath of catastrophic events, such as devastating wildfires.

Budget and FTE

Water Protection Division	FTE	Budget
Office of the Director	16.25	$10,341,400
Construction Programs Bureau	23.00	$17,256,800
Drinking Water Bureau	51.00	$19,173,100
Ground Water Quality Bureau	72.00	$20,035,700
Surface Water Quality Bureau	40.00	$9,346,800

See Appendix A for our performance measures and Appendix B for a comprehensive listing of our statutory authority.

NMED Exhibit 11_000009



Program Goals, Objectives, and Strategic Actions

Program Goal and Objective 1: Ensure robust staffing and resources to improve the implementation of our mission.

- Build and retain a skilled and trained team of professional and support staff to implement our mission.
- Prioritize hiring, leadership training, and succession planning.
- Increase spending of funds to support WPD's mission.

Program Goal and Objective 2: Create and support economic development opportunities that mitigate climate change, improve air quality, protect freshwater resources, reduce wastes, and ensure environmental justice for marginalized communities.

- Leverage available federal and state funding to maximize financing opportunities for water, wastewater, surface water infrastructure investments, and assist communities in utilizing available funding.
- Lead action-oriented discussions with key partners and stakeholders to develop needed reforms to capital outlay funding for water infrastructure projects to improve outcomes for communities.
- Leverage innovative partnerships and conduct marketing outreach for water infrastructure financing programs to increase loan utilization rates, including federal Bipartisan Infrastructure Law funding.
- Work with local governments, agency partners, other service providers to develop regionalization partnerships between public drinking water and wastewater systems to enhance resiliency, viability, and ability to provide safe drinking water and functional wastewater systems to the public.

Program Goal and Objective 3: Protect communities from emerging public health and environmental contaminants.

- Implement water reuse regulations.
- Support the ongoing work of the New Mexico Produced Water Research Consortium to fill science and technology gaps related to treatment and use of produced water for purposes outside the oil and gas sector.
- Implement the Produced Water Act to preserve freshwater resources, protect water quality and public health, and provide regulatory certainty.
- Implement state surface water permitting program by FY27 to protect from fluctuations in the definition of "Waters of the United States" under the federal Clean Water Act.
- Identify and implement innovative approaches to leverage existing authorities to build communities and natural resource systems that are resilient to the impacts of climate change, consistent with the Governor's Executive Order 2019-003 on addressing Climate Change and Energy Waste Prevention and the 50 Year Water Action Plan.
- Develop and implement strategic actions to identify and address water contaminated with per- and polyfluoroalkyl substances (PFAS) and other emerging contaminants.

- Implement federal grant for Emerging Contaminants in disadvantaged communities including sampling, evaluation, solution development, and deployment.
- Develop and maintain informative and interactive public facing tools, including story maps on drought and other water related emergencies and PFAS, to provide resources and current public health information to regulated entities, community leaders, and other stakeholders.
- Oversee and support lead service line inventory by October 10, 2024.
- Expand assessment of neglected contamination sites around the state and develop mechanisms for site remediation where no responsible party exists.
- Improve efficiency of coordination on Abandoned Uranium Mine sites and subsequent remediation activities.

Program Goal and Objective 4: Protect the public health and the environment through innovative and traditional compliance assurance activities.

- Improve the consistency and efficiency of the groundwater discharge permit program to better serve the public.
- Improve the consistency and efficiency of enforcement on wastewater systems to ensure protection of the environment and consumers.
- Improve the consistency and efficiency of enforcement on public drinking water systems that fail to provide safe drinking water to their customers.
- Continue to work closely with federal, state, tribal, and local partners to assess, manage, and mitigate contamination from legacy mine and mill sites, generating stations, and listed CERCLA (superfund) sites around the state.



Resource Protection Division (P569)

Purpose of the Program

Preventing new contamination and expeditiously addressing legacy pollution in New Mexico for the protection of public health and the environment. Ensuring there is environmental justice for the equal protection and meaningful involvement of all people with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies and the equitable distribution of environmental benefits. Ensuring that all hazardous waste is managed – from cradle to grave – and contaminated sites are cleaned up as quickly as possible to lessen the burden to communities, their health, and our environment. Effectively monitoring the environment within and around U.S. Department of Defense (DOD) and U.S. Department of Energy (DOE) facilities in New Mexico, taking swift and meaningful compliance actions when warranted. Ensuring that petroleum storage tanks are managed to prevent releases and that any releases are remediated as expeditiously as possible and as eligibility and the Corrective Action Fund allows. Ensuring that all solid waste – including infectious waste – and recyclable materials are responsibly managed.

Program Users

A public that trusts and expects that New Mexico's natural resources will not diminish their family's health, safety, or economic prosperity regardless of where they live, work, or play. This includes New Mexico's service members who are stationed at U.S. Air Force installations, employees and contractors at DOE facilities and the residents who live in proximity to these installations. Regulated entities who rely on relationships with regulators to provide technical and consistent expertise. County and municipal governments who rely on our expertise for emergency response and technical guidance, including best management practices to minimize costs to taxpayers where possible. Tribes, Pueblos, and Nations whose natural resources may be impacted by others. All others who ensure our accountability to our mission, including: the Governor, Legislature, Federal Government, and the public.

Benefits to New Mexicans

- Timely responses to hazardous substance releases to prevent exposure to people and environment.
- Accountability and consequences for those who put New Mexicans at risk from improper management of waste.
- Federal facilities that comply with regulations and properly manage and clean up their waste.
- Robust surveillance of DOE facilities to confirm environmental results and inform communities.
- Financial assurance and incentives for the petroleum industry to prevent or clean up petroleum spills/releases.
- Landfills that are designed, operated, and monitored to safely isolate waste from the environment, thereby protecting human health and the environment.
- Timely response to illegal dumping of trash.
- Reuse and recycling programs that encourage New Mexicans to turn their trash into treasures.

Budget and FTE

Resource Protection Division	FTE	Budget
Office of the Director	5.00	$1,248,100
DOE Oversight Bureau	16.00	$3,630,100
Hazardous Waste Bureau	30.00	$5190,200
Petroleum Storage Tank Bureau	49.00	$23,948,000
Solid Waste Bureau	12.00	$3,370,200

See Appendix A for our performance measures and Appendix B for a comprehensive listing of our statutory authority.



Resource Protection Division (P569)

Program Goals, Objectives, and Strategic Actions

Program Goal and Objective 1: Ensure robust staffing and resources to improve the implementation of our mission.

- Build and retain a skilled and trained team of professional and support staff to implement our mission.
- Prioritize hiring, leadership training, and succession planning.
- Increase spending of funds to support RPD's mission.

Program Goal and Objective 2: Create and support economic development opportunities that mitigate climate change, improve air quality, protect freshwater resources, reduce wastes, and ensure environmental justice for marginalized communities.

- Maximize federal bipartisan infrastructure law and inflation reduction act funding and spending to create jobs and support a circular economy in New Mexico.
- Coordinate across state, local, federal, and Tribal governments to maximize the quantity and effectiveness of federal and state funds benefiting the people of New Mexico.
- Maximize use of the Corrective Action Fund including for clean-up petroleum storage tank release sites and other contaminated facilities.
- Provide funding for local governments to develop recycling programs and abate illegal dumpsites.
- Create opportunities to reduce waste streams while growing New Mexico's participation in the circular economy.

Program Goal and Objective 3: Protect communities from emerging public health and environmental contaminants.

- Further the state's climate change and emissions reductions goals by exploring emerging technologies that reduce waste streams and encourage use of waste as feedstock for other valuable products.
- Protecting New Mexicans by reducing their exposure to nonessential PFAS-containing products.
- Create greater flexibility in protecting the environment from emerging contaminants by allowing New Mexico to enforce cleanup of newly listed hazardous constituents and hazardous wastes.

Program Goal and Objective 4: Protect the public health and the environment through innovative and traditional compliance assurance activities.

- Provide increased regulatory oversight and accountability over hazardous waste generators, hazardous waste permittees, solid waste facilities, and petroleum storage tank operators.
- Strengthen corrective action, compliance assurance, and enforcement response so it is consistent and timely.
- Hold federal agencies accountable for their contamination sites and corrective action activities.
- Strengthen the Compliance Order on Consent to provide greater accountability and enforcement for the legacy waste clean-up activities at Los Alamos National Laboratory.
- Increase enforcement of Resource Conservation and Recovery Act and Hazardous Waste Act violations discovered during inspections of hazardous waste generators through the Hazardous Waste Bureau, decreasing referrals to abatement under the Water Quality Regulations.

NMED Exhibit 11_000013



Environmental Protection Division (P570)

Purpose of the Program

To mitigate and prevent the impacts of climate change on our population, industries and infrastructure by decarbonizing our thriving economy. To protect New Mexico's inhabitants and our natural beauty through clean and clear air for all to breathe. To prevent unnecessary risks to public health when medical or veterinary services are needed. To protect communities and the environment by assuring the proper licensing and financial assurance of industrial activities that use or concentrate radioactive materials.

Program Users

A public that breathes air and receives radiologic exams. The regulated community, including oil and gas producers. Other state agencies and institutions, county and local governments, including Tribes and Pueblos who participate in consultation. All others who ensure our accountability to our mission, including: the Governor, Legislature, Federal Government, and the public.

Benefits to New Mexicans

- Clean air for all New Mexicans, including children, elderly and other vulnerable populations.
- Clear air for tourism and recreational opportunities from improved visibility at national and state parks and wilderness areas.
- Decreased greenhouse gas emissions to reduce the adverse effects of climate change.
- Increased access clean energy and clean transportation infrastructure and jobs through investments.
- Protection for workers and the public from the ill effects on human health and natural resources of radioactive materials in academic, medical, and industrial applications.
- Reduced exposure to indoor radon.
- Critical assistance to current and former DOE or DOE-contracted facility nuclear workers who are ill because of exposure to radiation, chemicals, or both.

Budget and FTE

Environmental Protection Division	FTE	Budget
Office of the Director	5.25	$887,200
Air Quality Bureau	81.00	$24,485,000
Climate Change Bureau	13.00	2,191,800
Radiation Control Bureau	21.00	$3,610,800

See Appendix A for our performance measures and Appendix B for a comprehensive listing of our statutory authority.

NMED Exhibit 11_000014



Program Goals, Objectives, and Strategic Actions

Program Goal and Objective 1: Ensure robust staffing and resources to improve the implementation of our mission.

- Build and retain a skilled and trained team of air quality scientists, climate scientists, and radiation specialists, including permit writers, environmental analysts, monitoring, and regulatory specialists.
- Prioritize hiring, leadership training, and succession planning.
- Increase spending of funds to support EPD's mission.
- Ensure EPD programs have sufficient funding via fee increases to support program objectives.

Program Goal and Objective 2: Create and support economic development opportunities that mitigate climate change, improve air quality, protect freshwater resources, reduce wastes, and ensure environmental justice for marginalized communities.

- Encourage and implement clean fuel development strategies, including promulgating Clean Transportation Fuel Standard rules to ensure decarbonizing occurs in alignment with economic development and protects public health.
- Coordinate with local and Tribal governments, community-based organizations and other state agencies to obtain and implement federal grant opportunities.
- Reduce exposure to and increase knowledge about the dangers of indoor radon to the public.
- Support implementation of the Climate Change Task Force's Equity Principles across applicable program and policy actions, including the Climate Pollution Reduction Grant and all other state climate initiatives.

Program Goal and Objective 3: Protect communities from emerging public health and environmental contaminants.

- Implement federal requirements that reduce methane and other harmful pollutants from oil and gas facilities.
- Implement Advanced Clean Cars II/Advanced Clean Trucks rules, the Clean Transportation Fuel Standard rules, and other programs focused on transportation equity and decarbonization.
- Coordinate with local and Tribal governments, community-based organizations and other entities to refine and implement priority climate actions under the Climate Pollution Reduction Grant to achieve the state's greenhouse gas reduction goals.
- Plan for and implement federal requirements lowering the National Ambient Air Quality Standard for fine particulate matter.

Program Goal and Objective 4: Protect the public health and the environment through innovative and traditional compliance assurance activities.

- Increase state agency coordination and data sharing, including on methane, as a basis to inform compliance work. Upgrade systems to ensure maximum transparency of air quality information.
- Implement and enforce regulations to control volatile organic compounds and nitrogen oxides in areas that exceed 95 percent of the 2015 National Ambient Air Quality Standard for ozone. Ensure ongoing compliance with the Naturally Occurring Radioactive Materials regulations for the oil and gas industry.

NMED Exhibit 11_000015



Environmental Health Division (P571)

Purpose of the Program

To develop and implement preventive strategies to mitigate threats posed by emerging environmental health hazards. To promote and regulate New Mexico businesses, products and services in a manner that prevents adverse impacts and risks to public health and the environment; this includes commercially prepared foods, manufactured foods, hemp-finished products, adult use and medical edible cannabis products, public swimming pools and spas and liquid waste systems. To prevent workplace illnesses, injuries and fatalities to move our economy forward. To develop and implement preventive strategies to mitigate threats posed by emerging environmental health hazards related to public health.

Program Users

Residents of New Mexico who are impacted by environmental conditions negatively influencing the health of their communities. A public that eats at restaurants, purchases manufactured foods for their family, enjoys public pools and spas and expects and requires a safe working environment, as well as on-site septic system/property owners. The regulated community, including hemp and cannabis product manufacturers and food establishment owners. Other state agencies and institutions, county and local governments, and Tribes, Pueblos, and Nations who participate in consultation. All others who ensure our accountability to our mission, including: the Governor, Legislature, Federal Government, and the public.

Benefits to New Mexicans

- A more engaged public that is aware of the positive and negative impacts of environmental conditions on their future health.
- Safe food in restaurants and from New Mexico manufacturing facilities.
- Economic development, job growth, and human health protection through responsible hemp and cannabis manufacturing.
- Safe public swimming pools and spas for recreation, fitness and medical care.
- Septic tanks for onsite liquid waste that protect local ground water supplies and residents.
  Workers and workplaces that are safe and protected from hazards both day-to-day and during public health emergencies.
- Successful businesses with safe and productive workplaces.

Budget and FTE

Environmental Health Division	FTE	Budget
Office of the Director	5.00	$921,000
Environmental Health Bureau	100.0	$10,978,500
Cannabis and Hemp Bureau	5.00	$693,900

See Appendix A for our performance measures and Appendix B for a comprehensive listing of our statutory authority.

NMED Exhibit 11_000016



Environmental Health Division (P571)

Program Goals, Objectives, and Strategic Actions

Program Goal and Objective 1: Ensure robust staffing and resources to improve the implementation of our mission.

- Build and retain a skilled and trained team of professional and support staff to implement our mission.
- Prioritize hiring, leadership training, and succession planning.
- Ensure EHD has sufficient and stable funding via fee increases to support program objectives.

Program Goal and Objective 2: Create and support economic development opportunities that mitigate climate change, improve air quality, protect freshwater resources, reduce wastes, and ensure environmental justice for marginalized communities.

- Increase engagement for State of New Mexico and local government health agencies to identify key areas of environmental concern.
- Deploy the liquid waste assistance fund to help low-income residents with the cost to repair, replace, construct wastewater systems, alternative systems, or connect to sewer systems.
- Provide free and confidential compliance assistance to businesses at their request by identifying workplace hazards, analyzing safety and health management systems.
- Expand and retain NMED's skilled and trained team of food safety inspectors to keep pace with growth in food establishments across New Mexico and support local economies.

Program Goal and Objective 3: Protect communities from emerging public health and environmental contaminants.

- Implement heat standards for Occupational Health and Safety Bureau.
- Hire State of New Mexico Heat Officer to oversee response to emerging heat stress threat.
- Maintain a timely and flexible response capacity to emergent public health risks that create workplace hazards.
- Identify hazards specific to the Cannabis and Hemp industry, engaging other agencies as needed in mitigation and policy development.

Program Goal and Objective 4: Protect the public health and the environment through innovative and traditional compliance assurance activities.

- Develop and implement standard operating procedures to ensure consistency in enforcement.
- Publish all permits and findings online.
- Strive to align with the federal Food and Drug Administration goals for a highly effective and responsive program for regulating food service and retail food establishments bringing the State into compliance with (the Voluntary National Retail Food Program Standards), as budget allows.

NMED Exhibit 11_000017



Compliance and Enforcement Division (P566)

Purpose of the Program

The Compliance and Enforcement Division protects public health and the environment by assuring business, industry and federal facility compliance with federal and state rules, permits, and licenses. The CED develops compliance assurance strategies based on federal and state priorities, as well as other data that shapes more effective ways to improve public health and environmental outcomes for communities. At its core, the CED is responsible for promptly enforcing against entities when violations occur. The CED oversees compliance and enforcement activities for applicable air, water, food, radiation, petroleum storage tanks, and hazardous and nonhazardous waste permits and regulations, and occupational health and safety. Additionally, the CED oversees and manages the agency's Emergency Operations and Response efforts, a critical function given the rising frequency of climate-related emergencies statewide. This enhancement bolsters NMED's ability to respond rapidly to environmental crises while maintaining its commitment to ongoing regulatory functions.

Program Users

Residents of New Mexico who are impacted by environmental conditions negatively influencing their health and the land, water and air of their communities. The regulated community, including public drinking water system operators, oil and gas producers, workers and employers. Other state agencies and institutions, county and local governments, and Tribes, Pueblos, and Nations who participate in consultation. All others who ensure our accountability to our mission, including: the Governor, Legislature, Federal Government, and the public.

Benefits to New Mexicans

- A more engaged public that is aware of the positive and negative impacts of environmental conditions on their future health.
- Safe, clean, and reliable sources of drinking water for today's growing economy and future generations of New Mexicans.
- Clean air for all New Mexicans, including children, elderly and other vulnerable populations.
- Accountability and consequences for those who put New Mexicans at risk from improper management of waste.
- Federal facilities that comply with regulations related to air, water, soil, and waste.
- Successful businesses with safe and productive workplaces.

Budget and FTE

Environmental Health Division	FTE	Budget
Office of the Director	5.0	$150,000
Environmental Protection Bureau	34	$4,336,200
Resource Protection Bureau	26	$2,479,100
Water Protection Bureau	25	$3,777,900
Occupational Health and Safety Bureau	52	$3,295,500

See Appendix A for our performance measures and Appendix B for a comprehensive listing of our statutory authority.



Compliance and Enforcement Division (P566)

Program Goals, Objectives, and Strategic Actions

Program Goal and Objective 1: Ensure robust staffing and resources to improve the implementation of our mission.

- Recruit, build and retain a skilled and trained team of professional and support staff to implement our mission.
- Prioritize hiring, leadership training, and succession planning.
- Develop the funding to support CED's mission.

Program Goal and Objective 2: Ensure a level playing field for businesses through robust, consistent, and comprehensive enforcement of environmental regulations that mitigate climate change, improve air quality, protect freshwater resources, reduce wastes, enforce health and safe workplaces and ensure environmental justice for marginalized communities.

- Increase engagement of local governments and regulated business communities in ensuring self-compliance with environmental regulations.

Program Goal and Objective 3: Protect communities from emerging public health and environmental contaminants.

- Further the state's climate change and emissions reductions goals by employing emerging technologies that identify the release of excess emissions of methane and other contaminants.
- Protect New Mexicans by reducing PFAS contamination and increasing the clean-up of PFAS contamination by responsible parties.
- Ensure swift and effective action during environmental emergencies, safeguarding public health and the environment while sustaining regulatory enforcement and compliance efforts.

Program Goal and Objective 4: Protect the public health and the environment through innovative and traditional compliance and enforcement activities.

- Modify, develop and implement consistent penalty and enforcement policies for all divisions.
- Publish all violations on Enforcement Watch to increase public transparency of compliance and enforcement efforts.
- Develop and implement standard operating procedures to ensure consistency in enforcement.
- Publish all permits and findings online.

NMED Exhibit 11_000019

Appendix A: Performance Measures

Public Health
Percent of the population breathing air meeting federal health standards
Percent of the population served safe and healthy drinking water
Number of drinking water systems serving drinking water that did not meet at least one standard compared to the total number of drinking water systems
Number of community water system violations returned to compliance as a result of NMED assistance
Number of superfund sites cleaned up as compared to the number of superfund sites remaining
Employers that did not meet occupational health and safety requirements for at least one standard

Environmental Protection
Amount of volatile organic compounds emitted statewide, in tons
Amount of volatile organic compounds emitted illegally, in tons
Amount of nitrogen oxides emitted statewide, in tons
Amount of nitrogen oxides emitted illegally, in tons
Quantity of nutrient-based pollutants reduced due to implementation of watershed restoration and on-the-ground improvement projects, in pounds
Reduction in nonpoint source sediment loading attributed to implementation of watershed restoration and on-the-ground improvement projects
Number of nonpoint source impaired waterbodies restored by the Department relative to the number of impaired water bodies
Number of underground storage tank sites cleaned up compared to the total number of leaking underground petroleum storage tank sites remaining
Number of completed cleanups of petroleum storage tank release sites that require no further action
Number of zero-emission vehicles registered in New Mexico

Economic Investment
Total investment of grants dollars awarded to communities, year to date
Number of brownfield acres of contaminated land cleaned up and available for reuse
Investments in water infrastructure, in dollars
Number of new water infrastructure projects

NMED Exhibit 11_000020

Appendix A: Performance Measures

Compliance	
Air	Percent of air emitting sources inspected
	Percent of air emitting source inspections showing compliance
	Percent of air emitting sources with active/ongoing violations
Groundwater	Percent of groundwater permittees inspected
	Percent of groundwater permittee inspections showing compliance
	Percent of groundwater permittees with active/ongoing violations
Hazardous Waste	Percent of hazardous waste facilities inspected
	Percent of hazardous waste facility inspections showing compliance
	Percent of hazardous waste facilities with active/ongoing violations
Restaurants and Food Manufacturing	Percent of restaurants/food manufactures inspected
	Percent of restaurants/food manufacturer inspections showing compliance
	Percent of restaurants/food manufactures with active/ongoing violations
Septic Systems	Percent of new or modified liquid waste systems inspected
	Percent of new or modified liquid waste system inspections showing compliance
	Percent of new or modified liquid waste systems with active/ongoing violations
	Number of liquid waste system violations resulting from complaints
Solid and Infectious Waste	Percent of solid and infectious waste management facilities inspected
	Percent of solid and infectious waste management facility inspections showing compliance
	Percent of solid and infectious waste management facilities with active/ongoing violations
Surface Water	Percent of surface water permittees inspected
	Percent of surface water permittee inspections showing compliance
	Percent of surface water permittees with active/ongoing violations
Radiation Sources in Medical Equipment	Percent of ionizing/non-ionizing radiation sources inspected
	Percent of ionizing/non-ionizing radiation source inspections showing compliance
	Percent of ionizing/non-ionizing radiation sources with active/ongoing violations

NMED Exhibit 11_000021

Appendix A: Performance Measures

Compliance (Continued)	
Occupational Health and Safety	Percent of high-hazard facilities inspected
	Percent of all employers inspected
Cannabis and Hemp	Percent of cannabis and hemp permittees inspected
	Percent of cannabis and hemp permittee inspections showing compliance
	Percent of cannabis and hemp permittees with active/ongoing violations
Petroleum Storage Tanks	Percent of petroleum storage tank permittees inspected
	Percent of petroleum storage tank permittee inspections showing compliance
	Percent of petroleum storage tank permittees with active/ongoing violations

Operational
Total dollars collected by NMED and transferred to the general fund resulting from successful prosecutions and/or settlements stemming from non-compliance with laws, rules, or permits administered by the Department
Vacancy rate by month
Percent of NMED financial transactions completed online by the public or regulated community

Appendix B: Statutory Authority & Duties

• NMSA 1978, §§ 3-29-1 to -21	Sanitary Projects Act
• NMSA 1978, §§ 9-7A-1 to -17	Department of Environment Act
• NMSA 1978, §§ 11-18-1 to -5	State Tribal Collaboration Act
• NMSA 1978, §§ 10-15-1 to -4	Open Meetings Act
• NMSA 1978, §§ 13-1-1 to -199	Procurement Code
• NMSA 1978, §§ 14-2-1 to -12	Inspection of Public Records Act
• NMSA 1978, §§ 14-3-1 to -24	State Records Act
• NMSA 1978, §§ 14-4-1 to -11	State Rules Act
• NMSA 1978, §§ 14-4A-1 to -6	Small Business Regulatory Relief Act
• NMSA 1978, §§ 14-16-1 to -21	Uniform Electronic Transactions Act
• NMSA 1978, §§ 25-1-1 to -16	Food Service Sanitation Act
• NMSA 1978, §§ 25-2-1 to -21	Adulterated or Misbranded Food Act
• NMSA 1978, §§ 26-2C-1 to -42	Cannabis Regulation Act
• NMSA 1978, §§ 50-9-1 to -25	Occupational Health and Safety Act
• NMSA 1978, §§ 61-33-1 to -10	Utility Operators Act
• NMSA 1978, §§ 70-13-1 to -5	Produced Water Act
• NMSA 1978, §§ 71-8-1 to -8	Sustainable Development Testing Site Act
• NMSA 1978, §§ 74-1-1 to -18	Environmental Improvement Act
• NMSA 1978, §§ 74-2-1 to -22	Air Quality Control Act
• NMSA 1978, §§ 74-3-1 to -16	Radiation Protection Act
• NMSA 1978, §§ 74-4-1 to -14	Hazardous Waste Act
• NMSA 1978, §§ 74-4G-1 to -12	Voluntary Remediation Act
• NMSA 1978, §§ 74-4H-1 to -4	San Juan Generating Station Facility and Mine Remediation and Restoration Study Act
• NMSA 1978, §§ 74-6-1 to -17	Water Quality Act
• NMSA 1978, §§ 74-6A-1 to -15	Wastewater Facility Construction Loan Act
• NMSA 1978, §§ 74-6B-1 to -14	Ground Water Protection Act
• NMSA 1978, §§ 74-9-1 to -43	Solid Waste Act
• NMSA 1978, §§ 74-13-1 to -20	Recycling and Illegal Dumping Act
• NMSA 1978, §§ 76-24-1 to -10	Hemp Manufacturing Act

NMED Exhibit 11_000023



New Mexico Environment Department

Fiscal Year 2027 Strategic Plan
September 1, 2025

www.env.nm.gov

Fiscal Year 2027 Strategic Plan



James C. Kenney
Cabinet Secretary

The New Mexico Environment Department (NMED) enters Fiscal Year 2027 with a renewed commitment to workforce stability, operational excellence, and environmental protection. Our mission depends on the dedication and expertise of our staff, and this year we will continue to strengthen recruitment and retention, streamline operations, and foster a workplace culture that supports innovation and collaboration.

At the same time, NMED recognizes the urgency of emerging environmental and public health threats. From climate change and water scarcity to new contaminants, the challenges facing our state demand both vigilance and innovation. NMED will continue to aggressively safeguard New Mexico by fulfilling our statutory responsibilities while anticipating and responding to these challenges. This strategic plan outlines four agency-wide program goals and objectives that define our priorities for the year ahead:

- **Program Goal and Objective 1:** Ensure robust staffing and resources to improve the implementation of our mission.
- **Program Goal and Objective 2:** Create and support economic development opportunities that mitigate climate change, improve air quality, protect freshwater resources, reduce wastes, and ensure environmental justice for marginalized communities.
- **Program Goal and Objective 3:** Protect communities from emerging public health and environmental contaminants.
- **Program Goal and Objective 4:** Protect the public health and the environment through innovative and traditional compliance assurance activities.

NMED will track progress through both qualitative and quantitative measures, reporting regularly to the Legislative Finance Committee and publishing quarterly performance reports. Our performance webpage provides transparent updates for the public, legislators, and employees: https://www.env.nm.gov/performance-measures/.



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NMED Exhibit 11_000026



Vision, Mission, Values

Vision

To foster a thriving and trusted, nationally leading organization known for protecting public health and the environment through its dedicated public servants.

Mission

Protect and restore the environment and foster a healthy and prosperous New Mexico for present and future generations.

Values

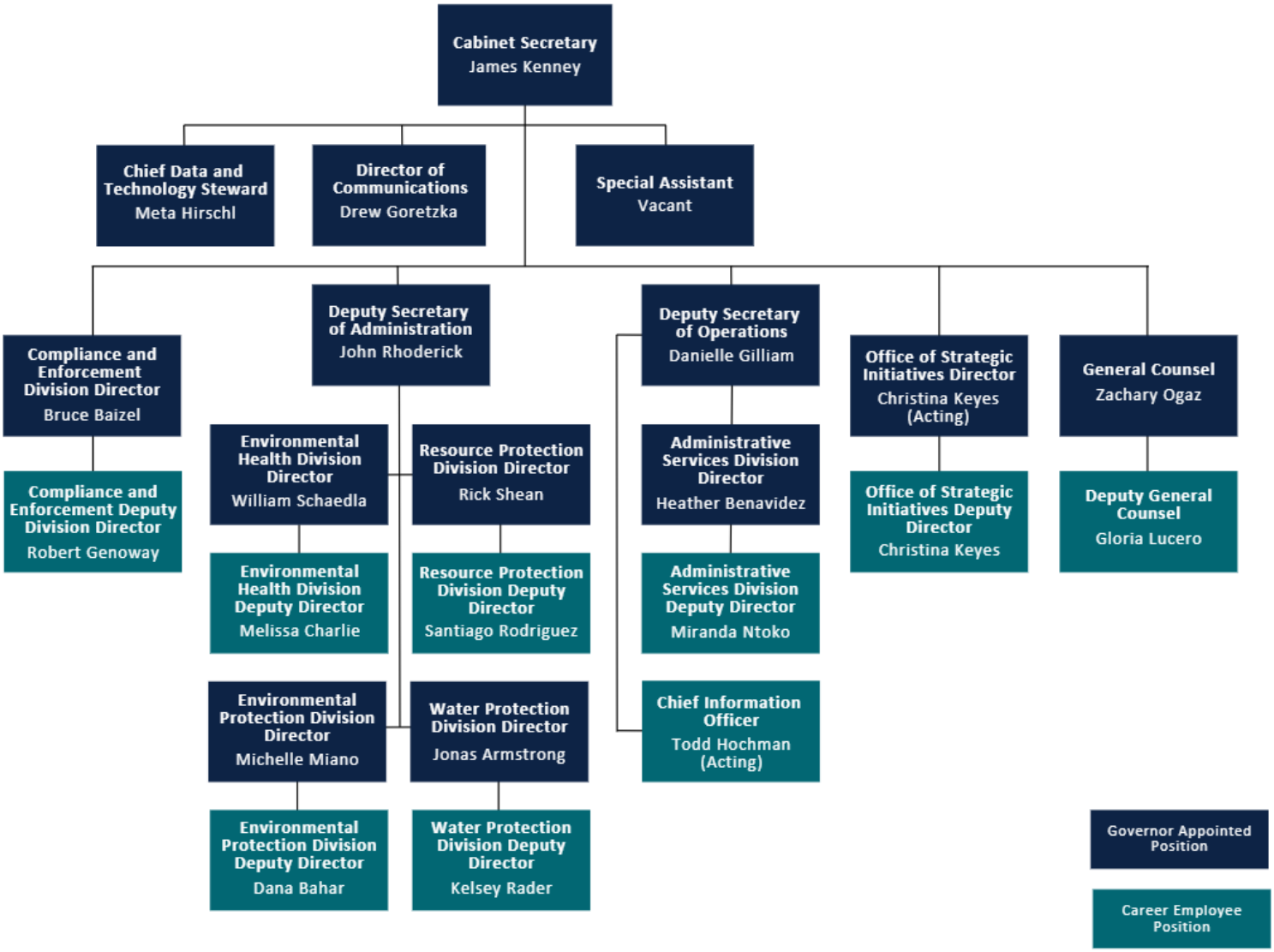
Science - Embracing the best available science to inform decision-making in support of our vision and mission.

Innovation - Employing creative engineering and technological solutions to address challenges.

Collaboration - Engaging communities and interested stakeholders in decision-making and outcomes.

Compliance - Ensuring accountability with permits and rules while maintaining a fair and level playing field.

Organizational Structure





Resource Management Division (P567)

Purpose of the Program

The Office of the Secretary (OOTS) is responsible for translating NMED's vision, mission, and values into action. This execution aligns with the Governor's and Secretary's vision, legislative authority, and federal delegation, primacy, and grant agreements. OOTS not only implements NMED's core principles but also ensures transparent communication and cooperation with Tribal, local, federal, and international governments and stakeholders. Services include strategic leadership and decision-making in all programmatic and policy matters within the agency.

OOTS fosters meaningful relationships with community members, elected officials, governmental agencies, Tribal governments, the business community, industry, and nongovernmental organizations to inform sound policy and decision-making, advocate for the Administration's legislative priorities, and sustain state investment in services and policies for the betterment of New Mexicans. OOTS plays a pivotal role in ensuring the continuous provision of essential services by actively engaging with and listening to the NMED workforce. Through these efforts, OOTS contributes to the enhancement of workforce culture and its ongoing improvement.

Program Users

Businesses, stakeholders, the public, Tribes and Pueblos. Anyone who places their trust in the air they breathe, water they drink, land on which they live, food they eat, etc. Internally, our employees who work and live across New Mexico to fulfill our mission.

Benefits to New Mexicans

- Protection of public health and the environment for all New Mexicans and their communities.
- Communication of complex scientific and technical issues in clear, accessible language for the public.
- Access to timely, accurate, equitable, and transparent information on public health and the environment to support community and family decision-making.
- Accountability and oversight of public funds to ensure integrity and public trust.
- Expansion of online program delivery to strengthen and complement traditional program access.
- Compliance with public health and environmental protections to deter violations through vigorous enforcement.
- Collaboration with stakeholders and state agencies supported by a responsive and productive workforce.
- Engagement of a highly motivated workforce that advances efficient customer service.

Budget and FTE FY27 Request

Resources Management Division	FTE	Budget
Office of the Secretary	13.00	$3,479,700
Office of General Counsel	29.00	$4,815,700
Office of Strategic Initiative	15.00	$2,051,300
Office of Information Technology	38.00	$6,550,800
Administrative Services Division	43.00	$11,971,600

See Appendix A for our performance measures and Appendix B for a comprehensive listing of our statutory authority.





Resource Management Division (P567)

Program Goals, Objectives, and Strategic Actions

Program Goal and Objective 1: Ensure robust staffing and resources to improve the implementation of our mission.

- Build and retain a skilled and trained team of professional and support staff to implement our mission.
- Prioritize hiring, leadership training, and succession planning.
- Increase spending of funds to support NMED's mission.
- Advocate for increased flexibility of special revenue funds.
- Integrate equity and environmental justice initiatives across services and programs.
- Continue to reduce NMED's vacancy rate through data-driven process improvements supported by implementation of new business technologies (e.g., paperless and automation initiatives).
- Upgrade digital service infrastructure and streamline core technology systems.
- Review and update NMED policies to ensure alignment with agency goals and compliance requirements.
- Develop and disseminate comprehensive transition documentation, including briefing materials, procedural guides, and project status summaries, to ensure continuity of operations and effective knowledge transfer during the upcoming administration transition.

Program Goal and Objective 2: Create and support economic development opportunities that mitigate climate change, improve air quality, protect freshwater resources, reduce wastes, and ensure environmental justice for marginalized communities.

- Leverage available federal and state funding to create jobs and support economic development.
- Coordinate with state, local, federal, and Tribal governments to maximize the impact and availability of federal funds for the people of New Mexico.
- Provide services that are easy for New Mexicans to access by modernizing business processes and expanding online options where possible.
- Streamline administrative systems to improve transparency and support stronger public health and environmental outcomes.
- Lead and coordinate New Mexico's efforts to clean up uranium sites in partnership with state agencies, impacted communities, other states, federal agencies, and Native Nations, Tribes and Pueblos.

Program Goal and Objective 3: Protect communities from emerging public health and environmental contaminants.

- Protect communities from emerging contaminants that threaten public health and the environment by establishing and maintaining effective regulations.
- Build robust partnerships to increase collaboration in the rulemaking, permitting and grantmaking processes



Resource Management Division (P567)

<u>Program Goal and Objective 4:</u> Protect the public health and the environment through innovative and traditional compliance assurance activities.

- Promote accountability for violations by implementing strong, consistent enforcement policies and actions through NMED's Compliance and Enforcement Division.
- Provide strategic, innovative, and effective legal advice and representation to NMED management and staff.
- Facilitate exceptional customer service to the public and ensure meaningful participation in docketed matters administered by the Office of Public Facilitation—including those before the Water Quality Control Commission and Environmental Improvement Board—as well as public hearings assigned by the Secretary due to significant public interest, and compliance orders issued by bureaus that benefit from public input.



Water Protection Division (P568)

Purpose of the Program

The Water Protection Division (WPD) protects drinking water, surface water, and groundwater to ensure New Mexicans have access to clean and safe water supplies to support domestic, agricultural, recreational, environmental, and drinking water interests. WPD assists qualifying entities in obtaining funding for water, wastewater, and stormwater projects across the state. Oversight of infrastructure projects is provided as applicable.

WPD works in coordination with federal agencies, state agencies, local governments, and citizen groups to maintain, improve, and protect the quality of the state's water resources, modernize water infrastructure, and ensure water, wastewater, and stormwater systems are designed and constructed to meet regulatory standards. WPD also provides economic development opportunities through improved water quality used for agriculture and outdoor recreation as well as infrastructure and river and wetland restoration projects.

Program Users

A public that expects to consume clean and safe drinking water whether in an urban or rural community. A public that recreates in and along New Mexico's lakes, rivers, and streams. Regulated entities who rely on relationships with regulators to provide technical and consistent expertise. Local governments, municipalities, and private utilities in need of technical and/or financial assistance to repair, update, or add water and wastewater infrastructure. Tribes, Pueblos, and Nations whose water quality may be impacted by others. All others who ensure our accountability to our mission, including: the Governor, Legislature, Federal Government, and the public.

Benefits to New Mexicans

- Improved drinking water systems supported by operator workforce development, comprehensive community water system assistance, and sustainable infrastructure solutions.
- Healthy rivers and lakes that sustain recreation, tourism, and agriculture as essential components of a thriving state economy.
- Modern and reliable infrastructure in counties, cities, and towns that fosters healthy communities.
- Economic development opportunities on formerly contaminated properties that reinvigorate communities.
- Accessible information on drinking water, groundwater, and surface water quality available to the public, including in the aftermath of catastrophic events such as wildfires.

Budget and FTE FY27 Request

Water Protection Division	FTE	Budget
Office of the Director	16.00	$10,784,500
Construction Programs Bureau	23.00	$24,636,500
Drinking Water Bureau	43.00	$19,652,900
Ground Water Quality Bureau	72.00	$27,295,000
Surface Water Quality Bureau	48.00	$11,798,200

See Appendix A for our performance measures and Appendix B for a comprehensive listing of our statutory authority.

NMED Exhibit 11_000033



Water Protection Division (P568)

Program Goals, Objectives, and Strategic Actions

Program Goal and Objective 1: Ensure robust staffing and resources to improve the implementation of our mission.

- Build and retain a skilled and trained team of professional and support staff to implement our mission.
- Prioritize hiring, leadership training, and succession planning.
- Increase spending of funds to support WPD's mission.

Program Goal and Objective 2: Create and support economic development opportunities that mitigate climate change, improve air quality, protect freshwater resources, reduce wastes, and ensure environmental justice for marginalized communities.

- Leverage available federal and state funding to maximize financing opportunities for water, wastewater, and surface water infrastructure investments.
- Lead action-oriented discussions with key partners and stakeholders to develop capital outlay funding reforms for water infrastructure projects.
- Leverage innovative partnerships and conduct marketing outreach for water infrastructure financing programs to increase loan utilization rates.
- Work with local governments, agency partners, other service providers to develop regionalization partnerships between public drinking water and wastewater systems to enhance resiliency, viability, and ability to provide safe drinking water and functional wastewater systems to the public.
- Expand and modernize the Utility Operator Certification Program curriculum to prepare operators for current and future drinking water challenges.
- Recruit and retain qualified drinking water operators through targeted outreach, career development, and partnerships with education and workforce organizations.
- Provide technical, managerial, and financial assistance to public water systems to improve operational performance, resiliency, and long-term sustainability.
- Assist communities in planning, financing, and constructing sustainable drinking water infrastructure, prioritizing disadvantaged and underserved areas.

Program Goal and Objective 3: Protect communities from emerging public health and environmental contaminants.

- Implement water reuse regulations.
- Support the ongoing work of the New Mexico Produced Water Research Consortium to fill science and technology gaps related to treatment and use of produced water for purposes outside the oil and gas sector.
- Implement the Produced Water Act to preserve freshwater resources, protect water quality and public health, and provide regulatory certainty.
- Implement state surface water permitting program by FY27 to protect from fluctuations in the definition of "Waters of the United States" under the federal Clean Water Act.

NMED Exhibit 11_000034

- Identify and implement innovative approaches to leverage existing authorities to build communities and natural resource systems that are resilient to the impacts of climate change, consistent with the Governor's Executive Order 2019-003 on addressing Climate Change and Energy Waste Prevention and the 50 Year Water Action Plan.
- Develop and implement strategic actions to identify and address water contaminated with per- and polyfluoroalkyl substances (PFAS) and other emerging contaminants.
- Implement federal grant for Emerging Contaminants in disadvantaged communities including sampling, evaluation, solution development, and deployment.
- Develop and maintain informative and interactive public facing tools, including story maps on drought and other water related emergencies and PFAS, to provide resources and current public health information to regulated entities, community leaders, and other stakeholders.
- Expand assessment of neglected contamination sites around the state and develop mechanisms for site remediation where no responsible party exists.
- Improve efficiency of coordination on Abandoned Uranium Mine sites and subsequent remediation activities.

Program Goal and Objective 4: Protect the public health and the environment through innovative and traditional compliance assurance activities.

- Improve the consistency and efficiency of the groundwater discharge permit program to better serve the public.
- Support and implement source water protection strategies to safeguard drinking water supplies from contamination and overuse.
- Continue to work closely with federal, state, tribal, and local partners to assess, manage, and mitigate contamination from legacy mine and mill sites, generating stations, and listed CERCLA (superfund) sites around the state.



Resource Protection Division (P569)

Purpose of the Program

The Resource Protection Division (RPD) oversees and coordinates hazardous waste, solid waste, and petroleum storage tank management. RPD works to prevent new contamination and promptly address legacy pollution for the protection of public health and the environment. When addressing new and legacy contamination, RPD collaborates with affected communities to facilitate the best possible environmental solutions and outcomes.

RPD closely monitors the environment within and around U.S. Department of Defense (DOD) and U.S. Department of Energy (DOE) facilities in New Mexico, taking swift and meaningful compliance actions when warranted. RPD also coordinates NMED efforts on perfluorinated compound (PFAS) related activities. RPD also ensures that all solid waste and recyclable materials are responsibly recovered and managed.

Program Users

A public that trusts and expects that New Mexico's natural resources will not diminish their family's health, safety, or economic prosperity regardless of where they live, work, or play. This includes New Mexico's service members who are stationed at U.S. Air Force installations, employees and contractors at DOE facilities and the residents who live in proximity to these installations. Regulated entities who rely on relationships with regulators to provide technical and consistent expertise. County and municipal governments who rely on our expertise for emergency response and technical guidance, including best management practices to minimize costs to taxpayers where possible. Tribes, Pueblos, and Nations whose natural resources may be impacted by others. All others who ensure our accountability to our mission, including: the Governor, Legislature, Federal Government, and the public.

Benefits to New Mexicans

- Timely responses to hazardous substance releases to prevent exposure to people and environment.
- Accountability and consequences for those who put New Mexicans at risk from improper management of waste.
- Federal facilities that comply with regulations and properly manage and clean up their waste.
- Robust surveillance of DOE facilities to confirm environmental results and inform communities.
- Financial assurance and incentives for the petroleum industry to prevent or clean up petroleum spills/releases.
- Landfills that are designed, operated, and monitored to safely isolate waste from the environment, thereby protecting human health and the environment.
- Timely response to illegal dumping of trash.
- Reuse and recycling programs that encourage New Mexicans to turn their trash into treasures.

Budget and FTE FY27 Request

Resource Protection Division	FTE	Budget
Office of the Director	5.00	$1,168,500
DOE Oversight Bureau	16.00	$4,362,900
Hazardous Waste Bureau	35.00	$6,241,800
Petroleum Storage Tank Bureau	49.00	$22,724,700
Resource Recovery Bureau	20.00	$3,632,200

See Appendix A for our performance measures and Appendix B for a comprehensive listing of our statutory authority.



Resource Protection Division (P569)

Program Goals, Objectives, and Strategic Actions

Program Goal and Objective 1: Ensure robust staffing and resources to improve the implementation of our mission.

- Build and retain a skilled and trained team of professional and support staff to implement our mission.
- Prioritize hiring, leadership training, and succession planning.
- Increase spending of funds to support RPD's mission.

Program Goal and Objective 2: Create and support economic development opportunities that mitigate climate change, improve air quality, protect freshwater resources, reduce wastes, and ensure environmental justice for marginalized communities.

- Maximize federal and state funding to create jobs and support a circular economy in New Mexico.
- Coordinate across state, local, federal, and Tribal governments to maximize the quantity and effectiveness of federal and state funds benefiting the people of New Mexico.
- Maximize use of the Corrective Action Fund for clean-up petroleum storage tank release sites and other contaminated facilities.
- Provide funding for local governments to develop recycling programs and abate illegal dumpsites.
- Create opportunities to reduce waste streams while growing New Mexico's participation in the circular economy.

Program Goal and Objective 3: Protect communities from emerging public health and environmental contaminants.

- Further the state's climate change and emissions reductions goals by exploring emerging technologies that reduce waste streams and encourage use of waste as feedstock for other valuable products.
- Protecting New Mexicans by reducing their exposure to nonessential PFAS-containing products.
- Create greater flexibility in protecting the environment from emerging contaminants by allowing New Mexico to enforce cleanup of newly listed hazardous constituents and hazardous wastes.

Program Goal and Objective 4: Protect the public health and the environment through innovative and traditional compliance assurance activities.

- Provide increased regulatory oversight and accountability over hazardous waste generators, hazardous waste permittees, solid waste facilities, and petroleum storage tank operators.
- Strengthen corrective action, permit reporting, and permit modifications response so it is consistent and timely.
- Hold federal agencies accountable for their contamination sites and corrective action activities.
- Enforce the Compliance Order on Consent to provide greater accountability and enforcement for the legacy waste clean-up activities at Los Alamos National Laboratory.

NMED Exhibit 11_000037



Resource Protection Division (P569)

- Increase enforcement of Resource Conservation and Recovery Act and Hazardous Waste Act violations discovered during inspections of hazardous waste generators through the Hazardous Waste Bureau, decreasing referrals to abatement under the Water Quality Regulations.

NMED Exhibit 11_000038

Environmental Protection Division (P570)

Purpose of the Program

The Environmental Protection Division (EPD) mitigates and prevents the impacts of climate change on our population, industries, and infrastructure by decarbonizing our thriving economy. EPD protects New Mexico's inhabitants and our natural beauty through clear air for all to breathe; prevents unnecessary risks to public health when medical or veterinary services are needed; and protects communities and the environment by assuring the proper licensing and financial assurance of industrial activities that use or concentrate radioactive materials.

Program Users

A public that breathes air, may be subject to extreme weather events, and receives radiologic exams. The regulated community, including oil and gas producers. Other state agencies and institutions, county and local governments, including Tribes and Pueblos who participate in consultation. All others who ensure our accountability to our mission, including: the Governor, Legislature, Federal Government, and the public.

Benefits to New Mexicans

- Clean air for all New Mexicans, including children, elderly, and other vulnerable populations.
- Clear air for tourism and recreational opportunities from improved visibility at national and state parks and wilderness areas.
- Decreased greenhouse gas emissions to reduce the adverse effects of climate change.
- Increased access to clean energy and clean transportation infrastructure and jobs through investments.
- Protection for workers and the public from the ill effects on human health and natural resources of radioactive materials in academic, medical, and industrial applications.
- Reduced exposure to indoor radon.
- Critical assistance to current and former DOE or DOE-contracted facility nuclear workers who are ill because of exposure to radiation, chemicals, or both.

Budget and FTE FY27 Request

Environmental Protection Division	FTE	Budget
Office of the Director	6.00	$984,700
Air Quality Bureau	91.00	$28,285,100
Climate Change Bureau	18.00	$2,287,600
Radiation Control Bureau	21.00	$3,610,800

See Appendix A for our performance measures and Appendix B for a comprehensive listing of our statutory authority.



Environmental Protection Division (P570)

Program Goals, Objectives, and Strategic Actions

Program Goal and Objective 1: Ensure robust staffing and resources to improve the implementation of our mission.

- Upgrade information technology systems to ensure transparency, efficiency and reliability for EPD staff, regulated communities and the public interest.
- Secure solvency for the State Air Permit Funds as expenses related to increased workload and needed upgrades to meet program objectives increase.
- Prioritize training EPD staff, with focus on incoming managers and supervisors, on team development and project management.
- Continue hiring efforts, including creating and transitioning positions to new office space to increase recruitment and retention.

Program Goal and Objective 2: Create and support economic development opportunities that mitigate climate change, improve air quality, protect freshwater resources, reduce wastes, and ensure environmental justice for marginalized communities.

- Support the growth of industries and businesses that produce and provide low-carbon fuels to the state though implementation of the clean transportation fuels program.
- Establish a comprehensive regulatory framework for fusion machines that ensures public health and safety, protects the environment, and fosters responsible innovation in fusion energy.
- Ensure meaningful community engagement in decision-making through accessible outreach, public meetings, and translation services.
- Promote incentives and program activities that align economic growth with protection of the environment and public health.

Program Goal and Objective 3: Protect communities from emerging public health and environmental contaminants.

- Evaluate and address cumulative impacts on public health and the environment in areas with higher numbers of permits, licenses, and registrations.
- Safeguard state progress in reducing emissions—including excess methane, ozone, other harmful pollutants, and Naturally Occurring Radioactive Materials—from oil and gas operations.
- Advance and collaborate on measures identified under the state's Climate Action Plan.
- Proactively conduct education and outreach activities on air quality, climate, indoor radon, and radiation exposure.

Program Goal and Objective 4: Protect the public health and the environment through innovative and traditional compliance assurance activities.

- Implement mobile air monitoring capabilities to gather data above and beyond current stationary air quality monitoring network.
- Establish capabilities for mobile monitoring and analysis of radioactive materials in oil and gas basins and throughout the state.
- Update EPD regulations to ensure accuracy and consistency with program needs.
- Provide regular permitting, licensing, and registration updates to regulated community.

NMED Exhibit 11_000040



Environmental Health Division (P571)

Purpose of the Program

The Environmental Health Division (EHD) develops and implements preventive strategies to mitigate threats posed by emerging environmental health hazards. EHD promotes and regulates New Mexico businesses, products and services in a manner that prevents adverse impacts and risks to public health and the environment; this includes commercially prepared foods, manufactured foods, hemp-finished products, adult use and medical edible cannabis products, public swimming pools and spas, and liquid waste systems. EHD also develops and implements preventive strategies to mitigate threats posed by emerging environmental health hazards related to public health.

Program Users

Residents of New Mexico who are impacted by environmental conditions negatively influencing the health of their communities. A public that eats at restaurants, purchases manufactured foods for their family, and enjoys public pools and spas. On-site septic system/property owners. The regulated community, including hemp and cannabis product manufacturers and food establishment owners. Other state agencies and institutions, county and local governments, and Tribes, Pueblos, and Nations who participate in consultation. All others who ensure our accountability to our mission, including: the Governor, Legislature, Federal Government, and the public.

Benefits to New Mexicans

- An engaged public with awareness of the positive and negative impacts of environmental conditions on future health.
- Safe food in restaurants and from New Mexico manufacturing facilities.
- Economic development, job growth, and health protection supported by responsible hemp and cannabis manufacturing.
- Safe public swimming pools and spas for recreation, fitness, and medical care.
- Septic tanks that manage onsite liquid waste while protecting local groundwater supplies and residents.

Budget and FTE FY27 Request

Environmental Health Division	FTE	Budget
Office of the Director	4.00	$694,400
Environmental Health Bureau	101.0	$12,503,600
Cannabis and Hemp Bureau	5.00	$738,100

See Appendix A for our performance measures and Appendix B for a comprehensive listing of our statutory authority.

NMED Exhibit 11_000041



Environmental Health Division (P571)

Program Goals, Objectives, and Strategic Actions

Program Goal and Objective 1: Ensure robust staffing and resources to improve the implementation of our mission.

- Build and retain a skilled and trained team of professional and support staff to implement our mission.
- Prioritize hiring, leadership training, and succession planning.
- Ensure EHD has sufficient and stable funding via fee increases to support program objectives.

Program Goal and Objective 2: Create and support economic development opportunities that mitigate climate change, improve air quality, protect freshwater resources, reduce wastes, and ensure environmental justice for marginalized communities.

- Deploy the liquid waste assistance fund to help low-income residents with the cost to repair, replace, construct wastewater systems, alternative systems, or connect to sewer systems.
- Expand and retain NMED's skilled and trained team of food safety inspectors to keep pace with the growth in food establishments and support local economies.

Program Goal and Objective 3: Protect communities from emerging public health and environmental contaminants.

- Adopt rules to regulate hemp extraction, processing, and other manufacturing activities.
- Inspect public food establishments to protect consumers and the public from adverse health and safety conditions such as foodborne and other illnesses.
- Regulate onsite treatment and disposal of liquid waste.

Program Goal and Objective 4: Protect the public health and the environment through innovative and traditional compliance assurance activities.

- Publish all permits online to increase transparency.
- Align state food regulation programs with FDA goals by developing a highly effective and responsive system for overseeing food service and retail establishments, achieving compliance with the Voluntary National Retail Food Program Standards as resources allow.

NMED Exhibit 11_000042

Compliance and Enforcement Division (P566)

Purpose of the Program

The Compliance and Enforcement Division (CED) protects public health and the environment by assuring business, industry, and federal facility compliance with federal and state rules, permits, and licenses. CED develops compliance assurance strategies based on federal and state priorities, as well as other data that shapes more effective ways to improve public health and environmental outcomes for communities.

CED is responsible for promptly enforcing against entities when violations occur. CED oversees compliance and enforcement activities for applicable air, water, food, radiation, petroleum storage tanks, and hazardous and non-hazardous waste permits and regulations, and occupational health and safety. Additionally, CED oversees and manages the agency's Emergency Operations and Response efforts, a critical function given the rising frequency of climate-related emergencies statewide.

Program Users

Residents of New Mexico who are impacted by environmental conditions negatively influencing their health and the land, water, and air of their communities. The regulated community, including public drinking water system operators, oil and gas producers, and employers. Other state agencies and institutions, county and local governments, and Tribes, Pueblos, and Nations who participate in consultation. All others who ensure our accountability to our mission, including: the Governor, Legislature, Federal Government, and the public.

Benefits to New Mexicans

- An engaged public aware of the positive and negative impacts of environmental conditions on future health.
- Safe, clean, and reliable drinking water supporting today's economy and protecting future generations of New Mexicans.
- Clean air for all New Mexicans, including children, the elderly, and other vulnerable populations.
- Accountability and consequences for those who put New Mexicans at risk through improper waste management.
- Federal facilities in compliance with regulations governing air, water, soil, and waste.
- Workers and workplaces safeguarded from hazards in daily operations and during public health emergencies.
- Successful businesses sustained by safe and productive workplaces.

Budget and FTE FY27 Request

Compliance and Enforcement Division	FTE	Budget
Office of the Director	3.00	$366,700
Environmental Protection Bureau	35.00	$5,230,100
Resource Protection Bureau	25.00	$3,733,600
Water Protection Bureau	25.00	$2,048,200
Occupational Health and Safety Bureau	52.00	$6,106,400
Emergency Operations	2.00	$669,600

See Appendix A for our performance measures and Appendix B for a comprehensive listing of our statutory authority.



Compliance and Enforcement Division (P566)

Program Goals, Objectives, and Strategic Actions

Program Goal and Objective 1: Ensure robust staffing and resources to improve the implementation of our mission.

- Recruit, build, and retain a skilled and trained team of professional and support staff to implement our mission.
- Prioritize hiring, inspector and leadership training, and succession planning.
- Develop the funding to support CED's mission.

Program Goal and Objective 2: Create and support economic development opportunities that mitigate climate change, improve air quality, protect freshwater resources, reduce wastes, and ensure environmental justice for marginalized communities.

- Increase engagement of local governments and regulated business communities in assuring self-compliance with environmental regulations.
- Provide free and confidential compliance assistance to businesses at their request by identifying workplace hazards, analyzing safety and health management systems.

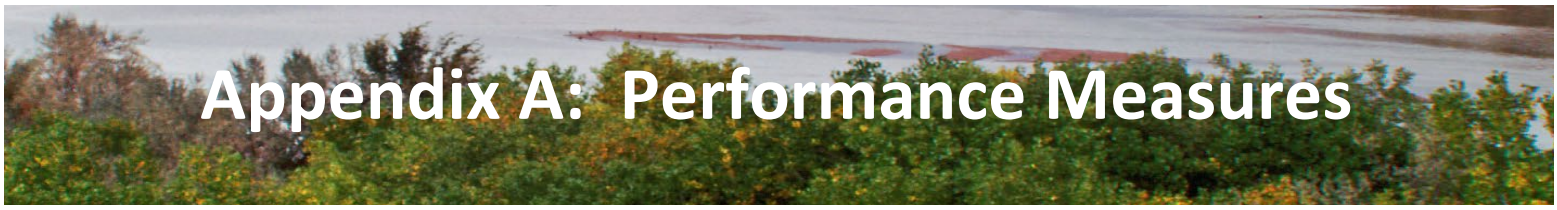
Program Goal and Objective 3: Protect communities from emerging public health and environmental contaminants.

- Further the state's climate change and emissions reductions goals by employing emerging technologies that identify the release of excess emissions of methane and other contaminants.
- Protect New Mexicans by reducing PFAS contamination and increasing the clean-up of PFAS contamination by responsible parties.
- Ensure swift and effective action during environmental emergencies, safeguarding public health and the environment while sustaining regulatory enforcement and compliance efforts.
- Implement workplace heat standards, developed in collaboration with employers, to address emerging threats from heat stress.
- Maintain a timely and flexible response capacity to emergent public health risks that create workplace hazards.

Program Goal and Objective 4: Protect the public health and the environment through innovative and traditional compliance and enforcement activities.

- Modify, develop, and implement consistent penalty and enforcement policies for all divisions.
- Enhance and modernize agency laboratory infrastructure through updates to existing lab spaces and the deployment of mobile laboratory units.
- Publish all violations on Enforcement Watch to increase public transparency of compliance and enforcement efforts.
- Develop and implement standard operating procedures to ensure consistency in enforcement.
- Publish all permits and findings online.

NMED Exhibit 11_000044



Appendix A: Performance Measures

Public Health
Percent of the population breathing air meeting federal health standards
Percent of the population served safe and healthy drinking water
Number of drinking water systems serving drinking water that did not meet at least one standard compared to the total number of drinking water systems
Number of community water system violations returned to compliance as a result of NMED assistance
Number of superfund sites cleaned up as compared to the number of superfund sites remaining
Employers that did not meet occupational health and safety requirements for at least one standard

Environmental Protection
Amount of volatile organic compounds emitted statewide, in tons
Amount of volatile organic compounds emitted illegally, in tons
Amount of nitrogen oxides emitted statewide, in tons
Amount of nitrogen oxides emitted illegally, in tons
Quantity of nutrient-based pollutants reduced due to implementation of watershed restoration and on-the-ground improvement projects, in pounds
Reduction in nonpoint source sediment loading attributed to implementation of watershed restoration and on-the-ground improvement projects
Number of nonpoint source impaired waterbodies restored by the Department relative to the number of impaired water bodies
Number of underground storage tank sites cleaned up compared to the total number of leaking underground petroleum storage tank sites remaining
Number of completed cleanups of petroleum storage tank release sites that require no further action
Number of zero-emission vehicles registered in New Mexico

Economic Investment
Total investment of grants dollars awarded to communities, year to date
Number of brownfield acres of contaminated land cleaned up and available for reuse
Investments in water infrastructure, in dollars
Number of new water infrastructure projects

NMED Exhibit 11_000045

Appendix A: Performance Measures

Compliance	
Air	Percent of air emitting sources inspected
	Percent of air emitting source inspections showing compliance
	Percent of air emitting sources with active/ongoing violations
Groundwater	Percent of groundwater permittees inspected
	Percent of groundwater permittee inspections showing compliance
	Percent of groundwater permittees with active/ongoing violations
Hazardous Waste	Percent of hazardous waste facilities inspected
	Percent of hazardous waste facility inspections showing compliance
	Percent of hazardous waste facilities with active/ongoing violations
Restaurants and Food Manufacturing	Percent of restaurants/food manufactures inspected
	Percent of restaurants/food manufacturer inspections showing compliance
	Percent of restaurants/food manufactures with active/ongoing violations
Septic Systems	Percent of new or modified liquid waste systems inspected
	Percent of new or modified liquid waste system inspections showing compliance
	Percent of new or modified liquid waste systems with active/ongoing violations
	Number of liquid waste system violations resulting from complaints
Solid and Infectious Waste	Percent of solid and infectious waste management facilities inspected
	Percent of solid and infectious waste management facility inspections showing compliance
	Percent of solid and infectious waste management facilities with active/ongoing violations
Surface Water	Percent of surface water permittees inspected
	Percent of surface water permittee inspections showing compliance
	Percent of surface water permittees with active/ongoing violations
Radiation Sources in Medical Equipment	Percent of ionizing/non-ionizing radiation sources inspected
	Percent of ionizing/non-ionizing radiation source inspections showing compliance
	Percent of ionizing/non-ionizing radiation sources with active/ongoing violations

NMED Exhibit 11_000046

Appendix A: Performance Measures

Compliance (Continued)	
Occupational Health and Safety	Percent of high-hazard facilities inspected
	Percent of all employers inspected
Cannabis and Hemp	Percent of cannabis and hemp permittees inspected
	Percent of cannabis and hemp permittee inspections showing compliance
	Percent of cannabis and hemp permittees with active/ongoing violations
Petroleum Storage Tanks	Percent of petroleum storage tank permittees inspected
	Percent of petroleum storage tank permittee inspections showing compliance
	Percent of petroleum storage tank permittees with active/ongoing violations

Operational
Total dollars collected by NMED and transferred to the general fund resulting from successful prosecutions and/or settlements stemming from non-compliance with laws, rules, or permits administered by the Department
Vacancy rate by month
Percent of NMED financial transactions completed online by the public or regulated community

NMED Exhibit 11_000047

Appendix B: Statutory Authority & Duties

• NMSA 1978, §§ 3-29-1 to -21	Sanitary Projects Act
• NMSA 1978, §§ 9-7A-1 to -17	Department of Environment Act
• NMSA 1978, §§ 11-18-1 to -5	State Tribal Collaboration Act
• NMSA 1978, §§ 10-15-1 to -4	Open Meetings Act
• NMSA 1978, §§ 13-1-1 to -199	Procurement Code
• NMSA 1978, §§ 14-2-1 to -12	Inspection of Public Records Act
• NMSA 1978, §§ 14-3-1 to -24	State Records Act
• NMSA 1978, §§ 14-4-1 to -11	State Rules Act
• NMSA 1978, §§ 14-4A-1 to -6	Small Business Regulatory Relief Act
• NMSA 1978, §§ 14-16-1 to -21	Uniform Electronic Transactions Act
• NMSA 1978, §§ 25-1-1 to -16	Food Service Sanitation Act
• NMSA 1978, §§ 25-2-1 to -21	Adulterated or Misbranded Food Act
• NMSA 1978, §§ 26-2C-1 to -42	Cannabis Regulation Act
• NMSA 1978, §§ 50-9-1 to -25	Occupational Health and Safety Act
• NMSA 1978, §§ 61-33-1 to -10	Utility Operators Act
• NMSA 1978, §§ 70-13-1 to -5	Produced Water Act
• NMSA 1978, §§ 71-8-1 to -8	Sustainable Development Testing Site Act
• NMSA 1978, §§ 74-1-1 to -18	Environmental Improvement Act
• NMSA 1978, §§ 74-2-1 to -22	Air Quality Control Act
• NMSA 1978, §§ 74-3-1 to -16	Radiation Protection Act
• NMSA 1978, §§ 74-4-1 to -14	Hazardous Waste Act
• NMSA 1978, §§ 74-4G-1 to -12	Voluntary Remediation Act
• NMSA 1978, §§ 74-4H-1 to -4	San Juan Generating Station Facility and Mine Remediation and Restoration Study Act
• NMSA 1978, §§ 74-6-1 to -17	Water Quality Act
• NMSA 1978, §§ 74-6A-1 to -15	Wastewater Facility Construction Loan Act
• NMSA 1978, §§ 74-6B-1 to -14	Ground Water Protection Act
• NMSA 1978, §§ 74-9-1 to -43	Solid Waste Act
• NMSA 1978, §§ 74-13-1 to -20	Recycling and Illegal Dumping Act
• NMSA 1978, §§ 76-24-1 to -10	Hemp Manufacturing Act

NMED Exhibit 11_000048

Performance Assessment

Fiscal Year 2025 – 4th Quarter – April 1 thru June 30, 2025



New Mexico Environment Department
Office of Strategic Initiatives

Published September 30, 2025
www.env.nm.gov

Investing for tomorrow, delivering today.

Our mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations. We implement our mission guided by four core values: science, innovation, collaboration, and compliance. We use the best available science to inform our decision-making in protecting public health and the environment. We employ creative engineering and technical solutions to address environmental challenges. We engage communities and stakeholders in environmental decision-making. Finally, we ensure compliance with state regulations and permits, leveling the playing field by holding violators accountable. We embrace our mission and core values at every level of the organization.

In FY25, we are strategically deploying our limited funding and personnel to advance public health, protect our natural resources, hold responsible parties accountable, and work to ensure access to clean land, air, and water for New Mexicans. For more information on NMED's program workloads, see Appendix A, beginning on page 17 of this report.

For FY25, NMED received appropriations totaling $198.5 million to protect public health and the environment. This included $33.3 million in general funds, $67.9 million in special revenue funds (e.g., permit fees), $97.3 million in federal funds, and $22.7 million in non-recurring special appropriations for earmarked projects/purposes.

NMED's approximate recurring budget breakdown is:

- 16.8% state general fund
- 34.2% special revenue funds
- 49.0% federal funds

About this Report

The New Mexico Environment Department (NMED) began publishing quarterly assessments in Fiscal Year 2022 (FY22). This is the fourth quarterly performance assessment for FY25 and provides a retrospective look at the quarter while providing totals for the entire fiscal year.

For more information, please visit our website:
www.env.nm.gov > About > Performance
to see past reports and other metrics.

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Beginning on page 7, this report covers 56 performance measures across these five categories:

- 7 Public Health Measures
- 10 Environmental Protection Measures
- 32 Compliance Measures
- 4 Economic Investment Measures
- 3 Operational Measures

NMED Exhibit 12_000002

PFAS Litigation

NMED and NMDOJ File New Lawsuit Against Cannon Air Force Base

A new lawsuit ordering the U.S. Department of the Air Force to clean up its toxic PFAS contamination at Cannon Air Force Base near Clovis was filed in June by NMED and NMDOJ. The new lawsuit relies on existing and expanded authority under the new law, established by the passage of HB140 during the Legislative Session and signed by Governor Lujan Grisham.

HB140 gives direct authority to New Mexico to regulate discarded Aqueous Fire Fighting Foam containing PFAS as a hazardous waste. HB140 is consistent with 21 other states that sought greater protection from industry-specific hazardous wastes.

In addition to cleaning up the decades of ongoing PFAS releases and paying civil penalties, the lawsuit seeks to order the USAF to:

- End all use of PFAS-containing firefighting foam at Cannon for anything other than emergency purposes
- Provide water treatment systems to residents whose water has been affected by PFAS contamination
- Install drinking water lines for any willing residents currently serviced by private wells in the spill area
- Hold regular public meetings with the community
- Install stormwater controls and retention basins to prevent offsite migration of PFAS from contaminated media
- Valuate nearby private property affected by PFAS contamination
- Compensate the owners of said property for losses resulting from PFAS contamination

New Mexico PFAS Claim Filed as Federal Bellwether Case

Case could establish precedent for similar cases in national PFAS lawsuit

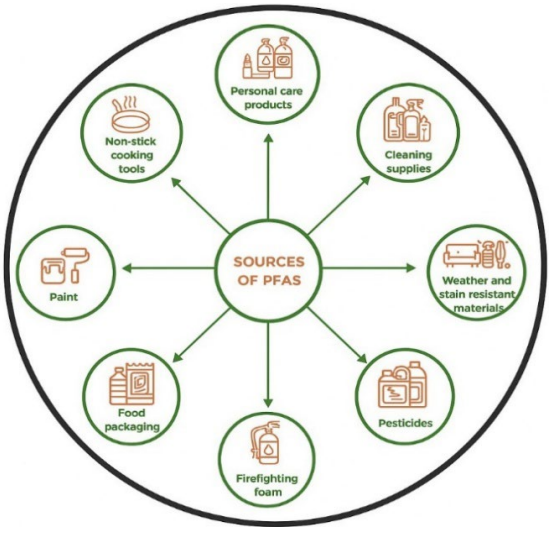
In June, a federal judge opened the door to New Mexico's pursuit of its ongoing civil case against Cannon Air Force Base for environmental and public health damage near Clovis.

The judge's statements pave the way for New Mexico's July 2024 lawsuit to serve as a national bellwether case for PFAS claims under the Comprehensive Environmental Response, Compensation, and Liability Act, commonly referred to as the federal Superfund law.

With this filing, New Mexico moves to the front of the line among states seeking compensation for damages to their natural resources resulting from the U.S. Air Force's decades-long use of toxic PFAS-laden firefighting foam. The foam leaked into nearby groundwater and caused devastating damage to Clovis residents' health and local agriculture.

New Mexico's case is one of hundreds that are part of multi-district litigation in a South Carolina federal court that aims to hold producers and users of PFAS-laden firefighting foam accountable for contamination at both military and civilian sites across the country. As such, any judgement in the New Mexico case will set a new precedent for states to hold polluters accountable across the United States.

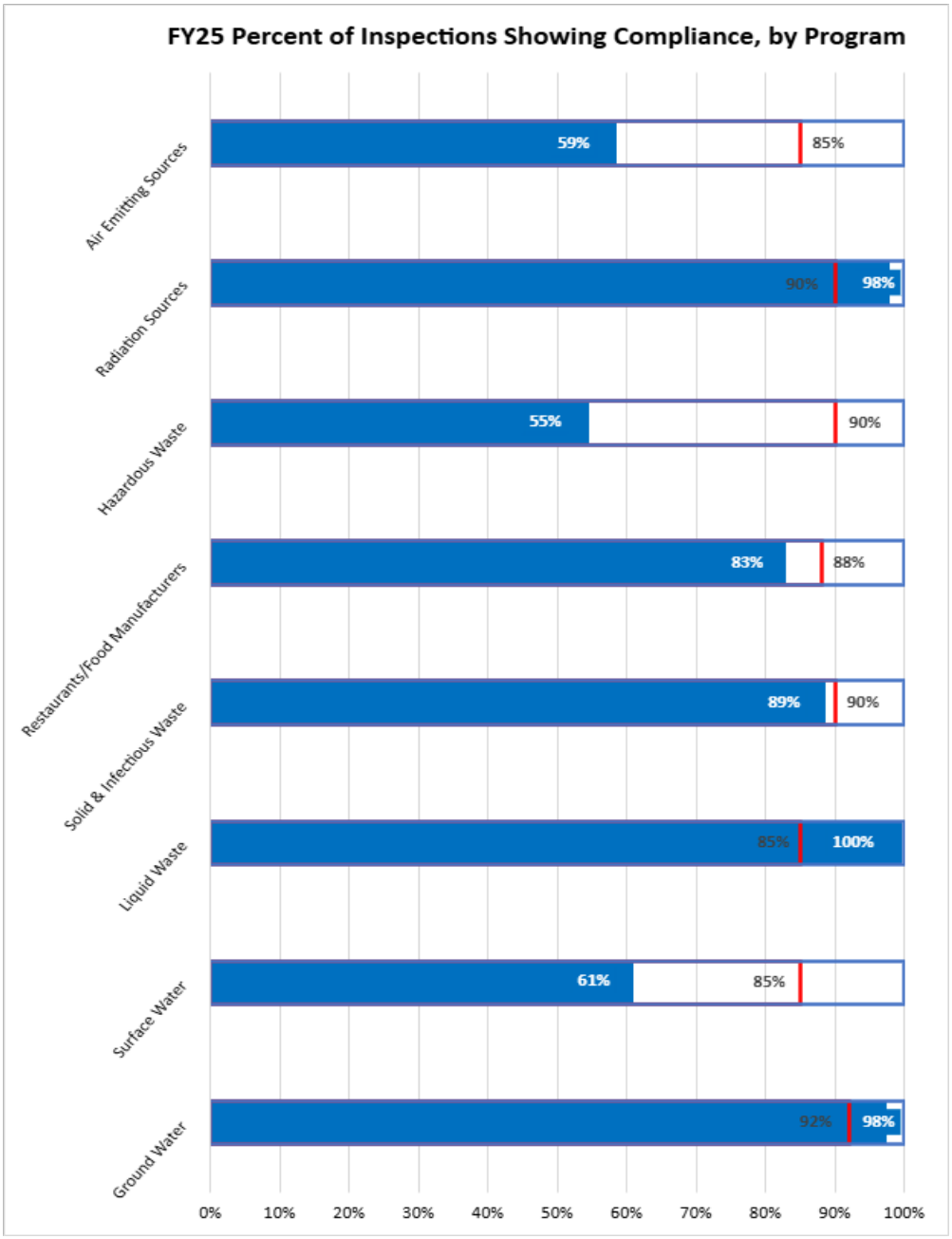
A decision that the United States is liable for natural resource damages under the Superfund law will force the federal government to compensate the state for ongoing contamination of its groundwater by paying the costs of projects that restore, protect, conserve, or replace groundwater. A declaration of liability will force the United States to work with New Mexico to address the PFAS contamination crisis around Cannon AFB.



Compliance and Enforcement

In FY25, NMED staff conducted 11,938 compliance inspections. In the fourth quarter alone, NMED conducted 2,851 inspections. In addition to these inspections, NMED staff frequently perform multiple inspections of a single facility in response to complaints from the public and follow-up inspections to check on issues identified in previous inspections and ensure compliance, adding up to thousands more inspections each year.

Based on all FY25 compliance inspections, the bar chart below shows compliance levels in programs across the Department compared to the performance benchmark or target. Regulated entities in five program areas fell below the target (depicted by the red line) and regulated industry in three program areas including Liquid Waste, Ground Water and Radiation exceeded the benchmark or target. Solid Waste came within half of a percent of achieving its target for FY25.



Ensuring Compliance with the Safe Drinking Water Act



The Drinking Water Bureau issued 59 Notices of Violation to 30 different water systems, including the municipalities of Lordsburg, Grady, Springer, Portales, Gallup and Carlsbad, across New Mexico for a range of violations of New Mexico public drinking water regulations. A health-based violation means a system has exceeded a protective standard meant to reduce health risks. In July 2024, the department cracked down on drinking water systems with chronic violations of drinking water standards. The department issued 138 letters to drinking water systems across the state, informing their owners of impending civil penalties if they continue to serve consumers unsafe drinking water.

Since then, the department has issued 14 Administrative Compliance Orders (ACOs) requiring public and private water suppliers to immediately fix health-based violations. The department assessed $887,820 in civil penalties, which are required by law to fund drinking water sampling and the training and development of water utility operators. Another 16 ACOs are currently in progress and expected to be issued soon. Progress in protecting New Mexico's drinking water is evident in the data on statewide violation trends. In Q3 of Fiscal Year 2025, the number of water systems with health-based violations dropped to 94 —down from the previous year's average of 115 to 125 systems per quarter.

Emerging Contaminants and PFAS in Drinking Water Systems

In April 2024, the U.S. Environmental Protection Agency (EPA) announced National Primary Drinking Water Regulation (NPDWR) for six per-and polyfluoroalkyl substances (PFAS). The regulation established Maximum Contaminant Levels (MCLs) for PFOA, PFOS, PFNA, PFHxS, and HFPO-DA (also known as GenX chemicals) as individual contaminants, and will regulate PFNA, PFHxS, HFPO-DA, and PFBS as a mixture through a Hazard Index. MCLs are enforceable maximum regulatory levels of a compound allowed in drinking water. The rule is expected to reduce PFAS exposure in drinking water for millions of people, preventing thousands of deaths and significantly lowering PFAS-related illnesses. The rule requires:

- Public water systems (PWSs) to monitor for these six PFAS. Systems have three years to complete initial monitoring (by 2027), followed by ongoing compliance monitoring. Water systems must also provide the public with information on the levels of these PFAS in their drinking water beginning in 2027. **Link to Monitoring Fact Sheet**.
- Public water systems have five years (by 2029) to implement solutions that reduce these PFAS if monitoring shows that drinking water levels exceed these MCLs.
- Beginning in five years (2029), public water systems that have PFAS in drinking water that violate one or more of these MCLs must take action to reduce levels of these PFAS in their drinking water and must provide notification to the public of the violation.

NMED Files Lawsuit Against CRRUA

NMED filed a lawsuit in the Third Judicial District Court in Las Cruces in May, asking the court to appoint an independent manager to oversee the daily operations of the Camino Real Regional Utility Authority, or CRRUA. If granted, the order would effectively place the troubled water system into a status like receivership. The request comes after more than a decade of mismanagement at the utility related to arsenic issues. In addition to failing to properly treat its drinking water, CRRUA also failed to inform its customers of the dangerous levels of arsenic in their tap water — a violation that has been repeated for years. NMED is seeking additional relief from the court, ordering CRRUA to implement real-time arsenic monitoring; distribute free arsenic test strips for all CRRUA customers; provide an alternative drinking water source if arsenic levels exceed state limits; conduct monthly public meetings; pay civil penalties which, per state law, fund drinking water and wastewater utility operators for communities across New Mexico.

Enforcement Watch Update

To bring our mission to life for every New Mexican, we must assure compliance with applicable laws, rules, and permits. This is why compliance is one of our four core values. NMED's Enforcement Watch provides a transparent, publicly accessible listing of all active and resolved enforcement cases with online reporting tools. In the fourth quarter of FY25, NMED initiated 513 enforcement actions and resolved 249 violations.

FY25 Enforcement Watch Alerts:

(click on the month to read the corresponding press release)

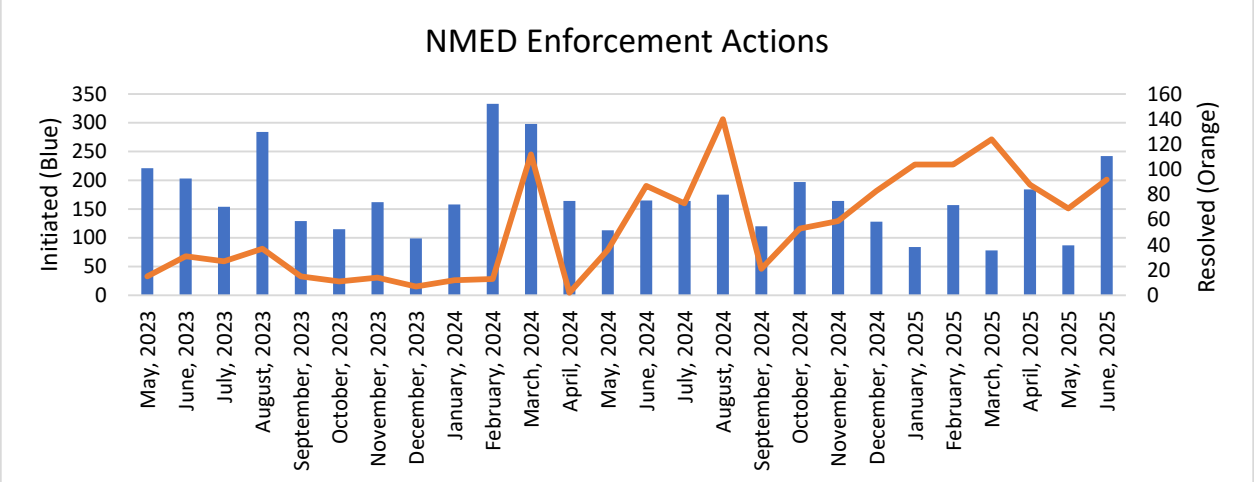
	Enforcement Actions	
Month	**Initiated**	**Resolved**
July, 2024	164	73
August, 2024	175	140
September, 2024	120	21
October, 2024	197	53
November, 2024	164	59
December, 2024	128	83
January, 2025	84	104
February, 2025	157	104
March, 2025	78	124
April, 2025	184	88
May, 2025	87	69
June, 2025	242	92
FY25 Total	**1,780**	**1,010**

Major enforcement actions taken in the fourth quarter include:

• Air: Administrative Compliance Order to DCP Operating Company, of Houston for 17 violations of their permit or New Mexico Air Regulations at seven compressor facilities in Eddy and Lea counties.

•The Groundwater Quality Bureau issued a Notice of Violation to the Village of Cimarron wastewater treatment facility for violations of New Mexico groundwater quality regulations.

•The Solid Waste Bureau issued a Notice of Violation to Corralitos Regional Landfill of Las Cruces for failing to control litter in violation of New Mexico Solid Waste regulations.



Public Health Measures



Clean air and land, safe drinking water and food, and healthy communities are critical public health measures for developing and maintaining a prosperous New Mexico. The table below provides an at-a-glance view of our progress toward our FY25 targets.

	FY25 Target	Q1	Q2	Q3	Q4	FY25 Actual
Percent of the population (in NMED jurisdiction) breathing air meeting federal health standards.	95.0% or more	98.3%	90.8%	90.8%	78.3%	78.3%
Percent of the population served safe and healthy drinking water.	95.0% or more	95.2%	94.8%	95.0%	94.7%	94.7%
Number of drinking water systems serving drinking water that did not meet at least one standard compared to the total number of drinking water systems.	200/560 (35.7%)	222/560 (39.6%)	238/559 (42.6%)	248/559 (44.4%)	310/559 (55.5%)	310/559 (55.5%)
Number of community water system violations returned to compliance as a result of NMED assistance.	250	26	22	58	58	164
Number of superfund sites cleaned up as compared to the number of superfund sites remaining.	0/15					0/15
Number of employers that did not meet Occupational Safety and Health Administration (OSHA) requirements for at least one standard compared to the total number of employers.	55.0%	72.0%	80.0%	64.3%	60.5%	60.5%

Note: Grey boxes in tables represent fields with no data reported because the respective measures are reported on a semi-annual or annual basis, rather than quarterly.

Our public health performance measures are described in detail in Appendix B. These explanations include additional definitions and assumptions to provide further insight into the significance of these measures.

Air Quality Bureau Monitors Pollutants Level Exceedances

NMED operates 20 monitoring stations throughout the state, monitoring multiple air pollutants to determine trends in air pollution and compliance with the National Ambient Air Quality Standards (NAAQS). The pollutants monitored include nitrogen dioxide (NO2), ozone, particulate matter (PM10), fine particulate matter (PM2.5) and sulfur dioxide (SO2). This measure calculates the percentage of New Mexicans that breathe air in compliance with these standards under the state's jurisdiction. NMED's Carlsbad monitor had ozone exceedances above the NAAQS this quarter. Dust issues occurred in Doña Ana County and Luna County, attributed to seasonal high wind events and dust is regulated in these counties for disturbed land. NMED has also been tracking and utilizing satellite data and other technologies to identify potential issues related to compliance. Air Quality Bureau's efforts in Eddy County focus on decreasing ozone pollution from the oil the gas industry through implementation of NMED's Ozone Precursor Rule (20.2.50 NMAC) - including compliance and enforcement efforts related to same. Many requirements in 20.2.50 NMAC are now in effect (with more to come in the next two years), that tighten the standards for emissions.

Environmental Protection Measures



Environmental protection is a set of mitigation techniques aimed at helping protect and manage different environmental issues. Environmental protection can be accomplished by reducing pollutants and other factors that contribute to the degradation of the environment. The table below provides an at-a-glance view of our progress toward our FY25 targets.

	FY25 Target	Q1	Q2	Q3	Q4	FY25 Actual
Amount of volatile organic compounds emitted statewide, in tons per year (TPY).	90,986					66,363
Amount of volatile organic compounds emitted illegally, TPY.	4,500					1,215
Amount of nitrogen oxides emitted statewide, TPY.	123,215					56,036
Amount of nitrogen oxides emitted illegally, in TPY.	6,000					75
Quantity of nutrient-based pollutants reduced due to implementation of watershed restoration and on-the-ground improvement projects, in pounds.	1,275		2,588		9,962	9,962
Reduction in nonpoint source sediment loading attributed to the implementation of watershed restoration and on-the-ground improvement projects, in tons.	1,000		2,165		5,187	5,187
Number of nonpoint source impaired waterbodies restored by the Department relative to the number of impaired water bodies.	1/377 (0.3%)					1/377 (0.3%)
Number of underground storage tank sites cleaned up compared to the total number of leaking underground petroleum storage tank sites remaining. (Denominator fluctuates as sites reach no further action status after completed cleanup.)	20/972 (2.1%)	2	0	4	0	6/972 (0.62%)
Number of completed cleanups of petroleum storage tank release sites that require no further action. (Cumulative over all time.)	1,976	0	0	4	0	4/1976
Number of zero-emission vehicles registered in New Mexico*	Explanatory	14,958	18,514	18,514	20,016	20,016
Number of liquid waste system violations resulting from complaints*	Explanatory	6.0	1.0	3.0	3.0	3.0

*New Measure in FY25.

Our environmental protection performance measures are described in detail in Appendix B. These explanations include additional definitions and assumptions to provide further insight into the significance of these measures.

Solid Waste Bureau's RAID Grants Clean Up!

In Q4 of FY25, the Solid Waste Bureau and the RAID Alliance awarded the 2026 Recycling and Illegal Dumping (RAID) grants. Through a competitive application process, 21 projects were selected to receive over $800,000 in funding to support scrap tire abatement, illegal dumpsite cleanup, recycling infrastructure, composting initiatives, and community education programs across the state. Among the 21 funded projects, several stand out for their innovative approaches and broad impact. The Southwest Solid Waste Authority will install 20 recycling bins throughout Silver City as part of a targeted outreach campaign to increase commercial cardboard recycling. Meanwhile, the City of Albuquerque will launch a bilingual public education initiative aimed at reducing recycling contamination, using a combination of digital media, billboards, social platforms, and in-person engagement. Other awardees for FY 2026 include municipalities, counties, pueblos, tribes, and solid waste authorities, many of which serve rural and frontier communities. Funded projects this cycle will: remove and recycle thousands of illegally dumped scrap tires; expand rural recycling drop-off infrastructure; launch or enhance composting initiatives; clean up legacy dumpsites near sensitive waterways; and deliver environmental education to youth and residents. The RAID Grant is funded through a dedicated fee on motor vehicle registrations and has supported over 400 projects with more than $13.4 million awarded since 2006. Projects are reviewed and recommended by the 12-member RAID Alliance and must be completed within the state fiscal year.

The following photos show the impact of the tire clean up and tire amnesty event held in Q4 2025.





Above left photo: dump site before cleanup. Above right: tire removal crew at work.
Below photo: dump site after tire and debris removal. (Photos provided by Shirlene Sitton, SWB Bureau Chief.)



Compliance Measures

Environmental regulatory compliance is essential to protect the environment and prevent harm to human health. Inspections are a valuable tool for NMED to determine whether regulated entities are in compliance with applicable laws, rules or permits. The table below provides an at-a-glance view of our progress toward our FY25 targets. The "compliance" measures reflect the results of inspections conducted within the reporting period. The "violation" measures reflect all active violations among all permittees. This difference in denominators can cause large differences between the "compliance" and "violations" rates.

	FY25 Target (%)	Q1 (%)	Q2 (%)	Q3 (%)	Q4 (%)	FY25 Actual (%)
Air						
Percent of air emitting sources inspected.	25.0	7.8	3.4	4.2	8.5	6.0
Percent of air emitting sources in compliance.	85.0	50.0	25.0	20.0	70.0	58.6
Percent of air emitting sources in violation.	15.0	50.0	75.0	80.0	30.0	51.7
Cannabis and Hemp						
Percent of cannabis and hemp permittees inspected*	85.0	14.5	13.0	5.3	15.8	95.0
Percent of cannabis and hemp permittee inspections showing compliance*	90.0	77.8	85.7	100.0	44.4	75.0
Percent of cannabis and hemp permittees with active or ongoing violations*	5.0	0.0	14.3	0.0	0.0	3.6
Groundwater						
Percent of groundwater permittees inspected.	65.0	10.7	9.3	9.5	9.2	38.4
Percent of groundwater permittees in compliance.	92.0	97.4	100.0	98.5	93.9	97.5
Percent of groundwater permittees in violation.	8.0	1.4	1.3	1.4	1.4	1.4
Hazardous Waste						
Percent of hazardous waste facilities inspected.	13.0	1.3	1.0	1.5	0.5	1.4
Percent of hazardous waste facilities in compliance.	90.0	40.6	60.0	64.9	50.0	54.6
Percent of hazardous waste facilities in violation.	5.0	0.9	0.9	0.8	0.5	0.8
Occupational Health and Safety						
Percent of high-hazard employers' facilities inspected*	2.0	0.1	0.1	0.2	0.1	0.1
Percent of all employers inspected*	0.5	0.1	0.05	0.1	0.1	0.1
Petroleum Tank Storage						
Percent of petroleum storage tank permittees Inspected*	50.0	8.0	21.0	31.0	38.0	38.9
Percent of petroleum storage tank permittee inspections showing compliance*	80.0	50.0	24.0	52.0	79.0	54.7
Percent of petroleum storage tank permittees with active or ongoing violations*	5.0	34.0	65.0	48.0	5.0	13.5
Radiation Sources in Medical Equipment						
Percent of ionizing/non-ionizing radiation sources inspected.	20.0	5.6	3.7	1.9	1.9	3.1
Percent of ionizing/non-ionizing radiation sources in compliance.	90.0	94.8	100.0	100.0	100.0	98.0
Percent of ionizing/non-ionizing radiation sources in violation.	10.0	0.3	0.3	0.0	0.2	0.2
Restaurants and Food Manufacturers						
Percent of restaurants/food manufacturers inspected.	90.0	21.0	17.1	21.8	21.3	95.0
Percent of restaurants/food manufacturers in compliance.	88.0	84.6	84.5	83.4	81.6	83.0
Percent of restaurants/food manufacturers in violation.	15.0	3.2	2.6	3.6	3.9	13.3
Septic Systems						
Percent of new or modified liquid waste systems inspected.	85.0	48.9	51.5	58.6	53.2	51.9

	FY25 Target (%)	Q1 (%)	Q2 (%)	Q3 (%)	Q4 (%)	FY25 Actual (%)
Percent of new or modified liquid waste systems in compliance.	85.0	99.8	99.7	99.1	99.6	99.7
Percent of new or modified liquid waste systems in violation.	13.0	0.2	0.3	0.9	0.4	0.3
Solid/Infectious Waste						
Percent of solid and infectious waste management facilities inspected.	85.0	10.9	13.0	17.0	34.8	19.0
Percent of solid and infectious waste management facilities in compliance.	90.0	100.0	83.3	100.0	81.3	88.6
Percent of solid and infectious waste management facilities in violation.	N/A	23.9	23.9	19.6	8.7	19.0
Surface Water						
Percent of surface water permittees inspected.	100.0	10.0	25.0	40.0	40.0	115.0
Percent of surface water permittees in compliance.	85.0	0.0	40.0	75.0	75.0	60.9
Percent of surface water permittees in violation.	N/A	4.0	3.0	3.0	4.0	3.8

*New Measure in FY25.

Our compliance performance measures are described in detail in Appendix B. These explanations include additional definitions and assumptions to provide further insight into the significance of these measures.

Clean Fuels Program to Protect Air and Boost Economy



NMED has proposed a Clean Transportation Fuel Program to the state's Environmental Improvement Board (EIB). If approved, New Mexico would become the fourth state in the nation with a clean transportation fuel standard, following Gov. Michelle Lujan Grisham's signing of House Bill 41 in March 2024. This innovative market-based program would allow producers, importers, and dispensers of low-carbon fuels to generate and sell credits to those producing high-carbon fuels. The program aims to: Strengthen and diversify New Mexico's economy; Create new economic opportunities in the $3 billion alternative fuels market; Attract investment in emerging industries like clean hydrogen and renewable propane.

NMED developed the proposal after extensive public input, including approximately 90 responses to a discussion draft published in December 2024. The department also met with industry representatives, environmental advocates, and tribal governments. A 60-day public comment period is expected to begin in mid-June 2025, with the EIB considering all feedback before making a final decision during the fall hearing.

At the end of Q4, a total of 20,016 electric vehicles registered in New Mexico (14,008 battery electric vehicles and 6,008 plug-in hybrid electric vehicles). The number of EVs registered on the road in the state has increased by 5,050 compared to Q4 2024; a 33.7% increase. To increase residents' familiarity with EVs, NMED has launched the "Electrify Your Ride" PSA across state media markets. The "Electrify Your Ride" PSA also alerts residents to the versatility of EVs, of existing state and utility incentives that may be applicable and encourages residents to visit their local dealerships for more sales information.



New Mexico's Climate Action Plan

Public meetings held in May and June provided New Mexicans with the opportunity to meet with NMED and EMNRD staff and provide public input on New Mexico's Climate Action Plan (CAP). Expected to be completed by December 2025, CAP will provide a roadmap to meet New Mexico's climate pollution reduction targets, and aims to ensure a healthy, secure, and prosperous future for all New Mexicans. Meeting participants gave insightful feedback to NMED and EMNRD staff, providing direction about forest management as climate solutions, environmentally friendly agricultural techniques, and new technologies to offset oil and gas emissions. The CAP team, comprised of NMED Climate Change Bureau and EMNRD Climate Policy Bureau staff conducted the series of meetings to strengthen community engagement and collaboration. Additional meetings throughout the summer will focus on further information gathering and analyzing how draft measures can most efficiently reduce greenhouse gases, benefit communities, and develop workforce opportunities. Continued engagement will support the move towards implementation of the plan. CAP is the culmination of a series of efforts initiated by the Governor's 2019 executive order directing that state to reduce climate pollution by 45% by 2030 and reach net-zero emissions by 2050. https://www.climateaction.nm.gov/CAP/

Economic Sector Climate Data

Industry — Industrial activities, primarily used in oil and gas production, generate 48% of the state's total emissions.

Transportation — Vehicles burning fossil fuels account for roughly 20% of greenhouse gas emissions.

Agriculture, Forests, and Wilderness — Fertilizer use, manure management, and livestock operations drive most of the emissions in this sector, which contributes about 12% of the total. In contrast, forests act as carbon sinks, helping to clean our air.

Buildings, Waste, and Materials — Heating and cooling systems, landfills, and wastewater treatment facilities produce the bulk of emissions from this sector, which makes up around 6% of the total.



Economic Investment Measures

NMED is dedicated to making economic investments that promote public health, improve environmental protection, and foster compliance. Economic investment is critical to New Mexico's ability to continue to build resilient environments. The table below provides an at-a-glance view of our progress toward our FY25 targets.

	FY25 Target	Q1	Q2	Q3	Q4	FY25 Actual
Total grant dollars awarded to communities.	$65,000,000					$70,607,000
Number of brownfield acres of contaminated land cleaned up and available for reuse.	20					3.7
Investments in water infrastructure, in dollars.	$30,000,000	$14,900,000	$49,500,000	$16,000,000	$23,800,000	$69,970,000
Number of new water infrastructure projects.	115	47	50	27	24	148

Our economic investment performance measures are described in detail in Appendix B. These explanations include additional definitions and assumptions to provide further insight into the significance of these measures.

City of Socorro saves $3.8 million by refinancing a federal loan with NMED Clean Water State Revolving Fund



The City of Socorro recently refinanced three USDA Rural Development 40-year infrastructure loans that were set at a 3.5% interest rate with NMED's Construction Programs Bureau.
Socorro completed an extensive replacement of deteriorating wastewater collection lines and upgrades to their wastewater treatment plant totaling $9.1 million. By consolidating the three USDA-RD loans and shortening the amortization period from 40-years to 25-years, Socorro will save $3.8 million in interest payments over the lifetime of the loan.

Since the City had to follow federal procurement and environmental review guidelines under the USDA-RD program, they met all CWSRF requirements, thereby making this loan consolidation and refinance possible.





Above and left:
City of Socorro Wastewater Treatment facilities

Operational Measures

NMED is committed to modernizing and improving operational efficiency while reducing operational costs with no loss in customer service. Increasing operational efficiency enables NMED to provide greater services to the public, industry, and our employees. The table below provides an at-a-glance view of our progress toward our FY25 targets.

	FY25 Target	FY25 Actual
Percent of NMED financial transactions completed online by the public or regulated community.	50%	23%
Total dollars collected by NMED and transferred to the general fund resulting from successful prosecutions and/or settlements stemming from non-compliance with laws, rules, or permits administered by the Department.	$750,000	$1,884,519

In FY25, NMED collected and deposited in the State's General Fund nearly $1.9 million in penalties assessed against municipalities, corporations and federal entities. Assessments were performed by the Air Quality Bureau, Hazardous Waste Bureau, Drinking Water Bureau and Occupational Health and Safety Bureau. In FY25, the Office of General Counsel (OGC) hired five new attorneys to alleviate the workload of over 500 matters, of which 243 are

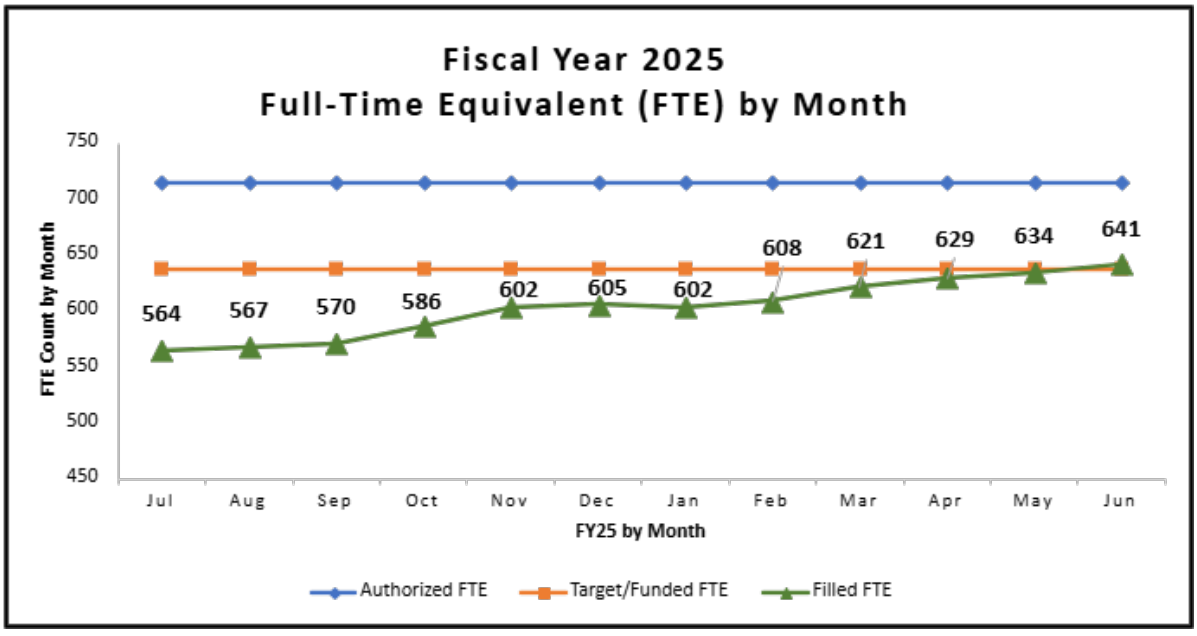
enforcement. In FY26, OGC expects to fill four more attorney positions, two in Air Quality, to assist NMED and the various bureaus in rulemakings and compliance and enforcement.

Funded Vacancy Rate by Month													
FY25 Target	**Jul**	**Aug**	**Sep**	**Oct**	**Nov**	**Dec**	**Jan**	**Feb**	**Mar**	**Apr**	**May**	**Jun**	**FY25 Actual**
6.0%	11.5%	11.0%	10.5%	8.0%	4.9%	5.0%	5.5%	4.6%	2.5%	1.3%	0.5%	-0.6%	5.4%

Our operational performance measures are described in detail in Appendix B. These explanations include additional definitions and assumptions to provide further insight into the significance of these measures.

NMED reduced its vacancy rate by 106% over the course of FY25, and in the fourth quarter of FY25, NMED saw a net gain of 20 filled positions. This represents a 3.2% increase in the number of positions filled in Q4, from 621 to 641. Hiring to fill vacancies across the agency was supported by increased recruitment through hiring fairs by the Human Resources Division and an increased number of applicants from Federal entities, pursuing opportunities to apply their government experience and skills at NMED. During FY25 Employees in many of our programs continue to struggle with unreasonable workloads. Our NMED Staff Workload Snapshot, on page 15, highlights some of those areas.

With the budget passed during the 2024 legislative session, the Department's FY25 budget included funding to increase salaries to appropriately compensate employees based on their education and experience in accordance with state regulations. NMED expects this will support the agency's efforts to fill positions, realign workloads to support employees and maintain an extraordinarily low vacancy rate.



NMED Staff Workload Snapshot

Based on existing staffing levels and assuming 235 workdays per year, it would take most NMED programs multiple years to conduct inspections to ensure compliance with *all* permitted or licensed facilities. Each year NMED carefully assesses, based on available resources, how to best regulate and assure compliance of businesses that are subject to laws passed by the Legislature, regulations adopted by state boards and commissions, and permits and licenses issued by the Department. With tens of thousands of regulated entities, NMED's employees, across programs and bureaus, carry a significant workload.



13 OSHA inspectors oversee 68,291 employers, or 5,253 employers per inspector



At current staffing levels, Air Quality Bureau staff can visit all permittees once every 6.3 years



The Drinking Water Bureau's 2 Utility Operator Certification employees support and provide services to 2,173 operators, or 1,086 operators for each NMED staff



The Surface Water Quality Bureau has 6 staff covering water quality monitoring of almost 200,000 stream miles, 173 lakes and reservoirs, and over 1,000,000 acres of wetlands



Construction Programs Bureau's 4 technical staff each manages 151 infrastructure projects

Appendix A

NMED Program Workload Data

Regulatory Permitting and Enforcement Programs

Division	Bureau	Program	Known Regulated Universe / Number of Permits	Authorized Permitting & Enforcement FTE	Filled Permitting & Enforcement FTE	% Time Permitting	% Time Enforcement	Regulated Entities/Permits per Filled Permitting & Enforcement FTE	As of Date
EHD	EHB	Liquid Waste, Food Safety, & Pool and Spa Programs	14,338	58.0	52.0	25%	75%	220	7/10/2025
EHD	OHSB	Compliance Program	68,381	18.0	14.0	0%	100%	4,884	7/9/2025
EPD	AQB	Permitting and Enforcement	3,169	45.0	31.0	78%	22%	102	6/30/2025
EPD	RCB	Radiation Protection Program	2,807	11.0	6.0	95%	5%	467	7/11/2025
RPD	HWB	Compliance and Tech. Assistance Program	2,547	9.7	7.0	0%	100%	364	7/14/2025
RPD	HWB	Permitting Program	17	28.0	20.0	100%	0%	1	7/21/2025
RPD	PSTB	Prevention/Inspection - Delivery Prohibition	1,710	17.0	16.0	0%	100%	106	6/30/2025
RPD	PSTB	Remedial Action Program	972	18.0	10.0	0%	0%	97	6/30/2025
RPD	SWB	Permitting and Enforcement Program	933	15.0	10.0	40%	60%	117	6/30/2025
WPD	DWB	Public Water System Supervision	1,054	14.0	11.0	90%	10%	96	7/14/2025
WPD	GWQB	Agriculture Compliance Section	200	5.0	5.0	90%	10%	42	7/11/2025
WPD	GWQB	Mining Environmental Compliance Section	45	12.0	11.0	90%	10%	4	7/11/2025
WPD	GWQB	Pollution Prevention Section	471	18.0	17.0	90%	10%	28	7/1/2025
WPD	SWQB	Dredge/Fill Permits	76	4.0	4.0	15%	5%	19	7/1/2025
WPD	SWQB	NPDES permit compliance	5,751	7.0	6.0	50%	50%	959	7/1/2025

Non-Regulatory Programs

Division	Bureau	Program	Permittees / Facilities	Known Universe Category	Authorized FTE	Filled FTE	Workload per filled FTE	Descriptor	As of Date
EHD	OHSB	Consultation Program	68,291	Employers	9.0	7.0	9,756	Employers per Consultation Program FTE	7/14/2025
RPD	HWB	Incident Coordination	365	Emergency calls	1.3	1.0	365.0	Emergency calls per Incident Coordination FTE	7/14/2025
RPD	SWB	Recycling and Illegal Dumping Grants	15	FY25 grants	4.0	3.0	5	FY25 grants per Recycling and Illegal Dumping Grants FTE	7/14/2025
WPD	CPB	Technical Section	603	Infrastructure Projects	7.0	4.0	151	Infrastructure Projects per Technical Section FTE	7/14/2025
WPD	DWB	Engineering	1,054	Public Water Systems	3.0	3.0	351	Public Water Systems per Engineering FTE	7/14/2025
WPD	DWB	Infrastructure Funding Support	1,054	Infrastructure Funding Support	2.0	1.0	1,054	Infrastructure Funding Support per Infrastructure Funding Support FTE	7/14/2025
WPD	DWB	Sustainable Water Infrastructure	1,054	Public Water Systems	15.0	12.0	88	Public Water Systems per Sustainable Water Infrastructure FTE	7/14/2025
WPD	DWB	Utility Operator Certification	2,173	Utility operators	7.0	2.0	1,087	Utility operators per Utility Operator Certification FTE	7/14/2025
WPD	GWQB	Remediation Oversight Section	146	Sites	10.0	9.0	16.2	Sites per Remediation Oversight Section FTE	7/15/2025
WPD	GWQB	Superfund Oversight Section	29	Sites	11.0	9.0	3.2	Sites per Superfund Oversight Section FTE	7/15/2025
WPD	SWQB	Water Quality Standards	6,703	Perennial stream miles in NM	4.0	4.0	1,676	Perennial stream miles in NM per Water Quality Standards FTE	7/1/2025
WPD	SWQB	Water Quality Standards Program	191,999	Non-perennial stream miles in NM	4.0	4.0	48,000	Non-perennial stream miles in NM per Water Quality Standards Program FTE	7/1/2025

Division	Bureau	Program	Permittees / Facilities	Known Universe Category	Authorized FTE	Filled FTE	Workload per filled FTE	Descriptor	As of Date
WPD	SWQB	Monitoring Program	6,703	Perennial stream miles in NM	5.0	5.0	1,341	Perennial stream miles in NM per Monitoring Program FTE	7/1/2025
			191,999	Non-perennial stream miles in NM			38,400	Non-perennial stream miles in NM per Monitoring Program FTE	7/1/2025
			173	Number of Significant Lakes and Reservoirs			35	Number of Significant Lakes and Reservoirs per Monitoring Program FTE	7/1/2025
WPD	SWQB	TMDL & Assessment	681	Number of assessed river/stream reaches	5.0	4.0	170	Number of assessed river/stream reaches per TMDL & Assessment FTE	7/1/2025
WPD	SWQB	Wetlands Protection	1,152,122	Acres of freshwater wetlands in NM	4.0	4.0	288,031	Acres of freshwater wetlands in NM per Wetlands Protection FTE	7/1/2025
WPD	SWQB	Nonpoint Source Pollution - Planning & Restoration	3,223	Number of sub-watersheds	10.0	10.0	322	Number of sub-watersheds per Nonpoint Source Pollution - Planning & Restoration FTE	7/1/2025
WPD	SWQB	Effectiveness Monitoring	243	Number of impaired river/stream reaches	1.0	1.0	243	Number of impaired river/stream reaches per Effectiveness Monitoring FTE	7/1/2025

NMED Exhibit 12_000019

Appendix B

Public Health Measures	Definitions and Assumptions
Percent of the population breathing air meeting federal health standards.	“Meeting federal health standards” means meeting the National Ambient Air Quality Standards (NAAQS) for air pollutants. “Population” means 32 percent of the total population of New Mexico since 35 percent of the total population live in 20 counties without air monitors and 33 percent of the total population live in Bernalillo County and the City of Albuquerque which operate their own air monitoring sites and monitors and do not contribute to the NMED data set. Therefore, 32 percent of the population will be used as the denominator when calculating the percent of the population in the 10 monitored counties breathing air meeting federal health standards.
Percent of the population served safe and healthy drinking water.	"Community water system" means a public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. "Safe and healthy drinking water" is defined as drinking water served by a community water system that meets primary health-based drinking water standards. Health-Based Standards are standards that fall into one of three categories: 1) maximum contaminant levels (MCLs) that specify the highest allowable contaminant concentrations in drinking water; 2) maximum residual disinfectant levels (MRDLs) that specify the highest concentrations of disinfectants allowed in drinking water; and 3) treatment technique requirements that specify certain processes intended to reduce the level of a contaminant. The numerator will exclude the population served by systems with unresolved violations from prior quarters and will be based on the compliance status of each community water system at any time during the quarter. The denominator is the total number of people served by community water systems.
Number of drinking water systems serving drinking water that did not meet at least one standard compared to the total number of drinking water systems	"Drinking water system serving drinking water that did not meet at least one standard" is a community water system with one or more violations of primary health-based drinking water standards. See above for "community water system" definition. The numerator will exclude population served by systems with unresolved violations from prior quarters; also, the numerator will be based on compliance status of each community water system at any time during the quarter. The denominator is the total number of people served by community water systems.
Number of community water system violations returned to compliance as a result of NMED assistance.	See above for "community water system" definition. "Violations" means all violations, including monitoring, reporting, public notice, and exceedances. "Returned to compliance" means that a violation has gone from non-compliant status to compliant status in the data system of record (i.e., Safe Drinking Water Information System). Note that there can be a lag between when the system addresses the violation and when NMED documents that the system returned to compliance.
Number of superfund sites cleaned up as compared to the number of superfund sites remaining.	“Superfund site” means an entire Superfund Site on the National Priorities List, including all operational units. As of September 30, 2021, there are 15 Superfund Sites in New Mexico. Superfund Site clean-ups take many years, and it is common for Sites to remain on the National Priorities List for decades. As a result, most years the number of Superfund Sites cleaned-up will be zero. If, in a given year, a Superfund Site is partially delisted (e.g., one operational unit is delisted and one or more remains) we will note this in the narrative, but a partial delisting will not count toward this measure.
Number of restaurants/food manufacturers that did not meet at least one standard compared to the total number of restaurants/food manufacturers.	"One standard" means having at least one priority violation during an annual inspection. "Priority violations" are the highest risk violations that indicate the greatest risk of consumers possibly becoming ill as a result of eating food from the restaurant/food manufacturer. The denominator is the number of facilities for which NMED made a compliance determination during the quarter, following an inspection of the facility. The denominator does not include facilities for which the program made a compliance determination without conducting an inspection (e.g., based on records review).
Number of employers that did not meet Occupational Safety and Health Administration (OSHA) requirements for	"Number of employers that did not meet OSHA requirements" includes all employers issued at least one citation for violation(s) of OSHA standards (numerator). "Total number of workplaces" includes all employers found in compliance (case closed with no citations) and employers issued citation(s) during the fiscal year (denominator).

at least one standard compared to the total number of employers.	

Environmental Protection Measures	Definitions and Assumptions
Amount of volatile organic compounds emitted statewide, in tons.	This measure will use the annual calendar year volatile organic compounds (VOCs) emissions inventory which includes actual emissions (i.e., routine, start up, shut down, maintenance, malfunction (SSM/M)) and all illegal VOC emissions. The tons per year reported at the end of the fiscal year will constitute emissions for the previous calendar year. Qualified sources are defined in 20.2.73.300.B(1) as "Any source which emits, or has the potential to emit, 5 tons per year or more of lead or lead compounds, or 100 tons per year or more of PM10, PM2.5, sulfur oxides, nitrogen oxides, carbon monoxide, or volatile organic compounds shall submit an emissions report annually". NMED will assume for this performance measure that legal emissions are from sources in NMED's jurisdiction, which excludes Bernalillo County and Tribal areas.
Amount of volatile organic compounds emitted illegally, in tons.	"Illegal emissions" are those that exceed permitted (allowable) limits. This is a reporting of the illegal total tons of VOC emissions for comparison to total tons of emissions. The tons per year reported at the end of the fiscal year will constitute emissions for the previous calendar year. NMED will assume for this performance measure that illegal emissions are from sources in NMED's jurisdiction, which excludes Bernalillo County. This measure assumes all excess emissions reported to NMED by regulated facilities are in violation of state and federal law. Note: nonpermitted sources are not required to report excess emissions because they do not have an "allowable" limit.
Amount of nitrogen oxides emitted statewide, in tons.	This measure will use the annual calendar year nitrogen oxides (NOx) emissions inventory which includes actual emissions (i.e., routine, start up, shut down, maintenance, malfunction (SSM/M)) and all the illegal NOx emissions. The tons per year reported at the end of the fiscal year will constitute emissions for the previous calendar year. See above for "qualified sources" definition. NMED will assume for this performance measure that legal emissions are from sources in NMED's jurisdiction, which excludes Bernalillo County and Tribal areas. The data is collected from permitted and registered industrial facilities (point sources).
Amount of nitrogen oxides emitted illegally, in tons.	See above for "illegal emissions" definition. This is a reporting of the illegal total tons of NOx emissions for comparison to the total tons of emissions. The tons per year reported at the end of the fiscal year will constitute emissions for the previous calendar year. NMED will assume for this performance measure that illegal emissions are from sources in NMED's jurisdiction, which excludes Bernalillo County. This measure assumes all excess emissions reported to NMED by regulated facilities are in violation of state and federal law. Note: nonpermitted sources are not required to report excess emissions because they do not have an "allowable" limit.
Quantity of nutrient-based pollutants reduced due to implementation of watershed restoration and on-the-ground improvement projects, in pounds.	"Nutrient-based pollutants" are nitrogen and phosphorus. "Pounds of nitrogen" are measured as Total Nitrogen. "Pounds of phosphorus" are measured as Total Phosphorus. NMED will count load reductions toward this measure when NMED confirms individual project completion. The data do not include pollutant load reductions resulting from programs and projects not represented in the U.S. Environmental Protection Agency's (EPA) Grants Reporting and Tracking System (GRTS). Due to the requirement for NMED to report to EPA once annually, along with the cycle for implementation of water quality restoration projects that generate pollutant reductions, numbers reported for this measure mid-year may not demonstrate progress toward annual targets.
Reduction in nonpoint source sediment loading attributed to implementation of watershed restoration and on-the-ground improvement projects.	"Nonpoint source sediment loading" means the amount of sediment (in pounds) that is carried by rain and snowmelt and deposited in aquatic environments from many diffuse (i.e., nonpoint) sources over a specific period (e.g., day, year, etc.). "Nonpoint source pollutant" means a pollutant released into the aquatic environment from a wide area and many diffuse sources. NMED will count load reductions toward this measure when NMED confirms individual project completion. The data do not include pollutant load reductions resulting from programs and projects not represented in EPA GRTS. Due to the requirement for NMED to report to EPA once annually, along with the cycle for implementation of water quality restoration projects that generate pollutant reductions, numbers reported for this measure mid-year may not demonstrate progress toward annual targets.

Number of nonpoint source impaired waterbodies restored by the Department relative to the number of impaired water bodies.	See above for "nonpoint source pollutant" definition. "Impaired waterbody" means a surface water of the state (i.e., stream, river, lake, wetland) is not meeting the applicable surface water quality standards for one or more pollutants. In other words, the concentration of the pollutant(s) is higher than the levels established to protect fish, recreation, irrigation, and other uses. Full restoration of a waterbody takes years and typically many combined projects to address the causes of the impairment. Despite successful efforts to restore certain waterbodies and remove them from the impaired waters list, the total number of impaired waterbodies will increase over time due to: (1) monitoring and assessment of more waterbodies; and (2) the general trend for changing land uses over time, combined with impacts of climate change.
Number of underground storage tank sites cleaned up compared to the total number of leaking underground petroleum storage tank sites remaining.	"Cleaned up" means that soil and groundwater contaminants of concern have met the applicable state's standards. "Underground storage tank" means a single tank or combination of tanks, including pipes connected thereto, that are used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected thereto, is ten percent or more beneath the surface of the ground. "Petroleum storage tank" means a storage tank system that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. Such systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils. "Leak" means any spilling, emitting, discharging, escaping, or disposing of a regulated substance due to the failure of components of a storage tank system to contain a regulated substance as designed. A leak may or may not result in a release to the environment. "Petroleum" means crude oil, crude oil fractions, and refined petroleum fractions, including gasoline, kerosene, heating oils, and diesel fuels. This measure does not reflect ongoing work to clean up sites to achieve No Further Action (NFA) status. Also, this measure does not report NFA releases from above ground storage tanks.
Number of completed cleanups of petroleum storage tank release sites that require no further action.	"No Further Action" is a technical determination issued by NMED that documents that the owner or operator of a site has met all applicable WQCC and EIB remediation standards and that no contaminant will present a significant risk of harm to public health, safety, welfare, and the environment. "Completed cleanups" is another term for "No Further Action." See above for "petroleum storage tank" definition. "Release" means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing of a regulated substance from a storage tank system into the groundwater, surface water or soil. See above for "petroleum" definition. This measure does not reflect ongoing work to clean up sites to achieve NFA status.
Number of zero-emission vehicles registered in New Mexico*	Clean cars mean both battery electric vehicles (BEVs) and plug-in hybrid electric vehicles (PHEVs). By identifying all the clean cars registered in the state, the performance measure encompasses new and used vehicles. New Mexico Motor Vehicle Division (MVD) provides Atlas Public Policy vehicle information number (VIN) quarterly for all vehicles registered in New Mexico. Atlas Public Policy decodes the NM MVD VIN data to identify which vehicles are classified as clean vehicles. Atlas Public Policy posts the clean vehicle data with a visual interpretation on a public, New Mexico-specific dashboard (https://atlaspolicy.com/evaluatenm/).
Number of liquid waste system violations resulting from complaints*	A "complaint" is a negative report regarding a particular liquid waste system. A "liquid waste system violation" pertains to a new or modified liquid waste system that has been inspected and found to not meet regulatory requirements and could not be issued a final approval.

Compliance Measures	**Definitions and Assumptions**
Air	
Percent of air emitting sources inspected.	"Inspected" means a full compliance evaluation, either on-site or off-site (with photographic verification of equipment and other physical verifications required) that is conducted to inform a compliance determination and support enforcement actions, if appropriate. Inspections include evaluation of all appropriate regulatory requirements and permit conditions. "Air emitting source" means a source of air pollutants, usually an industrial facility, that is included in the Air Quality Bureau (AQB) list of sites to inspect in the universe of sources that may be included in a given annual Compliance Monitoring Strategy (CMS) Plan.

Percent of air emitting sources in compliance.	"Air emitting source" means an industrial facility that is included in the annual CMS Plan that is subject to approval by the EPA. “In compliance" means, upon completion of an on-site or off-site evaluation by NMED, the air emitting source meets all the requirements of permit(s), state regulations and federal regulations that apply to the facility and its operations. The denominator is the number of facilities for which NMED made a compliance determination during the quarter, following an inspection of the facility. The denominator does not include facilities for which the program made a compliance determination without conducting an inspection (e.g., based on records review).
Percent of air emitting sources in violation.	See above for "air emitting source" definition. "In violation" means that one or more potential violations were discovered through analysis of state or federal regulatory requirements or permit conditions. Numerator is all permittees with one or more potential violations that remain unresolved (i.e., permittees with an ongoing violation). Denominator is the total number of regulated entities (permittees/facilities).
Groundwater	
Percent of groundwater permittees inspected.	“Inspected” means an on-the-ground compliance inspection that is conducted to inform a compliance determination and support enforcement actions, if appropriate. "Groundwater permittees" means a person or facility with an active discharge permit issued by the NMED Ground Water Quality Bureau (GWQB) under the authority of Water Quality Control Commission (WQCC) regulations found at 20.6.2 NMAC, 20.6.6 NMAC, and 20.6.7 NMAC; this term does not include sites under abatement pursuant to WQCC regulations unless the facility is abating groundwater contamination under discharge permit. The numerator is the number of permittees inspected during the reporting period; the denominator is total regulated permittees. The denominator will be set on July 1 each year and quarterly inspection activity will vary. This measure will be tracked and reported cumulatively across quarters.
Percent of groundwater permittees in compliance.	See above for "groundwater permittees" definition. "In compliance" means that GWQB inspected the facility and determined that no violations of the permit conditions or regulations were found at the time of inspection. See above for which permits are included in this measure. This measure will provide a compliance rate as a snapshot in time (one quarter only). The numerator is the number of permittees inspected in past quarter that are in compliance with applicable requirements and permit conditions. The denominator is the number of permittees for which a compliance determination was made during the quarter following an inspection of the permittee. The denominator does not include facilities for which the program made a compliance determination without conducting an inspection (e.g., based on records review).
Percent of groundwater permittees in violation.	See above for "groundwater permittees" definition. "In violation" means a permittee with a violation that has not yet been resolved. This will include permittees that are working on ongoing corrective actions but have not completed them. See above for which permits are included in this measure. Numerator is the number of facilities with an unresolved violation, regardless of whether the violation was identified during the reporting quarter. Denominator is the total number of regulated facilities/entities.
Hazardous Waste	
Percent of hazardous waste facilities inspected.	“Inspected” means an on-the-ground compliance inspection that is conducted to inform a compliance determination and support enforcement actions, if appropriate. "Facilities" tracked under this measure include hazardous waste generators, transporters, and treatment, storage and disposal facilities.
Percent of hazardous waste facilities in compliance.	See above for "facilities" definition. “In compliance” means that there were no violations of the New Mexico Hazardous Waste Management Regulations (HWMR) 20.4.1 New Mexico Administrative Code (NMAC) found at the time of inspection. This percentage will be calculated based on the number of compliant facilities out of the total number of facilities inspected.
Percent of hazardous waste facilities in violation.	See above for "hazardous waste facilities" definition. “In violation” means the facility was found to be out of compliance with the New Mexico HWMR 20.4.1 NMAC at the time of inspection. Numerator is the number of facilities with an unresolved violation, regardless of whether the violation was identified during the reporting quarter. Denominator is the total number of regulated facilities/entities.
Petroleum Storage Tanks	

Percent of petroleum storage tank facilities inspected.	“Inspected” means an on-the-ground compliance inspection that is conducted to inform a compliance determination and support enforcement actions, if appropriate. "Facilities" tracked under this measure include hazardous waste generators, transporters, and treatment, storage and disposal facilities.
Percent of petroleum storage tank facilities in compliance after inspection.	“In compliance” means that there were no violations in the New Mexico Administrative Code (NMAC) found at the time of inspection. This percentage will be calculated based on the number of compliant facilities out of the total number of facilities inspected.
Percent of petroleum storage tank facilities with active/ongoing violations.	“In violation” means the facility was found to be out of compliance at the time of inspection.
Radiation Sources in Medical Equipment	
Percent of ionizing/non-ionizing radiation sources inspected.	“Inspection” means an official examination or observation including, but not limited to, tests, surveys and monitoring to determine compliance with rules, regulations, orders, requirements and license or registration conditions of the department. In other words, an on-the-ground compliance inspection that is conducted to inform a compliance determination and support enforcement actions, if appropriate. “Ionizing radiation” means a form of energy that acts by removing electrons from atoms and molecules of materials that include air, water, and living tissue. “Non-ionizing radiation” means a form of radiation with less energy than ionizing radiation. Unlike ionizing radiation, non-ionizing radiation does not remove electrons from atoms or molecules of materials that include air, water, and living tissue. The denominator is the total regulated entities.
Percent of ionizing/non-ionizing radiation sources in compliance.	See above for “ionizing radiation” and “non-ionizing radiation” definitions. “In compliance" means no violations of state regulations were found during onsite or virtual inspections. The denominator is the number of facilities for which NMED made a compliance determination during the quarter, following an inspection of the facility. The denominator does not include facilities for which the program made a compliance determination without conducting an inspection (e.g., based on records review).
Percent of ionizing/non-ionizing radiation sources in violation.	See above for “ionizing radiation” and “non-ionizing radiation” definitions. "In violation" means a violation of at least one state regulation was found during and on-site or virtual inspection. Numerator is the number of facilities with an unresolved violation, regardless of whether the violation was identified during the reporting quarter. Denominator is the total number of regulated facilities/entities.
Restaurants and Food Manufacturing	
Percent of restaurants/food manufactures inspected.	“Inspected” means an on-the-ground compliance inspection that is conducted to inform a compliance determination and support enforcement actions, if appropriate. The denominator is the total regulated entities with scheduled inspections within the quarter being reported.
Percent of restaurants/food manufactures in compliance.	"Compliance" means an inspected facility did not have priority violations during an annual inspection. "Priority violations" are the highest risk violations that indicate the greatest risk of consumers possibly becoming ill as a result of eating food from the restaurant/food manufacturer. The denominator is the number of facilities for which NMED made a compliance determination during the quarter, following an inspection of the facility. The denominator does not include facilities for which the program made a compliance determination without conducting an inspection (e.g., based on records review).
Percent of restaurants/food manufactures in violation.	"Violation" means having at least one priority violation during an annual inspection. See above for "priority violations" definition. Numerator is the number of facilities with an unresolved violation, regardless of whether the violation was identified during the reporting quarter. Denominator is the total number of regulated facilities/entities.
Cannabis and Hemp	
Percent of cannabis and hemp permittees inspected.	“Inspected” means a routine, annual on-the-ground compliance inspection that is conducted to inform a compliance determination and support enforcement actions, if appropriate.

Percent of cannabis and hemp permittees showing compliance.	"Compliance" means not having priority violations during an annual inspection. "Priority violations" are the highest risk violations that indicate the greatest risk of consumers possibly becoming ill as a result of eating or consuming cannabis edibles or hemp finished products.
Percent of cannabis and hemp permittees with active/ongoing violations.	"Violation" means having at least one priority violation during an annual inspection. "Priority violations" are the highest risk violations that indicate the greatest risk of consumers possibly becoming ill as a result of eating or consuming cannabis edibles or hemp finished products.
Occupational Health and Safety	
Percent of high-hazard facilities inspected	Bureau management and administrative staff develop targeting systems, including emphasis programs, each year based on data identifying establishments considered high hazard by industry, illness/injury rate or other neutral selection criteria. Management assigns cases to compliance officers who enter inspection and violation data in OIS in accordance with the New Mexico Field Operations Manual (FOM).
Percent of all employers inspected	The intent of this measure is to display the number of employers issued at least one citation for OSHA standard violations compared to the total number of employers inspected during the reporting period.
Septic Systems	
Percent of new or modified liquid waste systems inspected.	“Inspected” means an on-the-ground compliance inspection that is conducted to inform a compliance determination and support enforcement actions, not including photo or virtual inspections. A liquid waste system inspection includes, for the purpose of this measure, an inspection of a new or modified system that has been installed, complete and not ready for a compliance inspection. This measure does not include compliance-based inspections. The denominator is total number of systems inspected as a result of the installation of a new or modified system.
Percent of new or modified liquid waste systems in compliance.	“Compliance” of a new or modified liquid waste systems means the system has been inspected on-site and found to meet regulatory requirements during the initial inspection and may be issued a final approval. The denominator is the total number of systems inspected as a result of the installation of a new or modified system by department personnel, not including photo and unpermitted system inspections.
Percent of new or modified liquid waste systems in violation.	“Violation” of new or modified liquid waste systems are those that have been inspected and have been found to not meet regulatory requirements and could not be issued a final approval. The system installation requires a re-inspection before final approval. The denominator is the total number of systems inspected as a result of the installation of a new or modified system by department personnel, not including photo and unpermitted system inspections.
Surface Water	
Percent of surface water permittees inspected.	“Inspected” means an off-site or on-site compliance inspection that is conducted to evaluate compliance with the EPA permit and support EPA enforcement actions, if appropriate. "Surface water permittees" refers to NPDES surface water discharge permittees. The numerator is the number of permittees subject to NMED-led inspections completed that quarter; the denominator is the number of NMED-led inspections planned for the fiscal year through SWQB’s commitment to EPA Region 6. This measure represents surface water discharge inspections NMED conducts on behalf of EPA Region 6, which is currently the permitting authority for these regulated entities in New Mexico.
Percent of surface water permittees in compliance.	See above for "surface water permittees" definition. "In compliance" means the permittee scored a 3 or higher on their facility evaluation rating on a scale of 1 (very unreliable programs) to 5 (very reliable programs). The denominator is the number of permittees for which NMED issued a final Facility Evaluation Rating during the quarter, following an NMED-led inspection of the permittee. The numerator is the number of permittees for which final inspection reports were issued with a Facility Evaluation Rating of 3 or higher during the quarter.

Percent of surface water permittees in violation.	See above for "surface water permittees" definition. "In violation" means that EPA issued an enforcement action against an inspected facility. Numerator is the number of facilities with an unresolved violation, regardless of whether the violation was identified during the reporting quarter. Denominator is the total number of regulated facilities/entities. “Enforcement action” is an EPA-issued administrative order or administrative penalty order. If SWQB completes an inspection report during the 1st quarter, that facility may not be in the numerator for percent in violation for the 1st quarter because the noncompliance determination may not be made until another quarter. This facility would end up in the numerator for the percent in violation measure in the quarter when the EPA issues the enforcement action.

Economic Investment Measures	**Definitions and Assumptions**
Total investment of grants dollars awarded to communities, year to date.	"Investment" means the action of investing money to a particular undertaking with the expectation of a worthwhile result. “Grant dollars” means money from state or federal funds. “Communities” means a physical location of census tracts or a neighborhood bounded by certain streets and geophysical features. “Awarded” means funds given to communities. This performance measure will include data from many sources, including but not limited to: Solid Waste Bureau’s Recycling and Illegal Dumping (RAID) grants, the Construction Program Bureau (CPB)’s Clean Water State Revolving Loan Fund (CWSRF) and Rural Infrastructure Program (RIP). These data do not include tracking funds as they are reimbursed or capital outlay funds. Also, these data do not include funds awarded to contractors or areas without populations.
Number of brownfield acres of contaminated land cleaned up and available for reuse.	“Brownfield acres” means brownfields sites that utilize the Brownfield Revolving Loan Fund (BRLF) program or a national brownfield grant to fund assessment or clean-up. "Cleaned up and available for reuse” means the acres are remediated and “Ready for Anticipated Use (RAU),” a technical determination that environmental conditions at the site are protective of human health and the environment based on current use(s) or planned future use(s). This measure will not report on sites being regulated through the State Cleanup Program.
Investments in water infrastructure, in dollars.	"Investments" means actual disbursements from CWSRF, RIP and Capital Outlay to communities for water infrastructure projects. "Water infrastructure" includes drinking water, wastewater, stormwater and any other projects eligible for CWSRF or RIP, and any Capital Outlay projects appropriated to NMED and managed by the CPB. These data are reported by quarter, not as a rolling total of dollars from quarter to quarter. It is important to note that the number of new Capital Outlay projects in a given year is dependent on legislative appropriation. Disbursements from programs not managed directly by CPB are not included in this measure, so a total amount of financial impact to the state from water programs CPB only participates in as a contractor are not included.
Number of new water infrastructure projects.	"New water infrastructure project" means Clean Water State Revolving Loan Fund (CWSRF), Rural Infrastructure Program (RIP) and capital outlay projects with a funding agreement executed during the reporting period (i.e., quarter). Capital outlay funding agreements are a consequence of appropriations made to the NMED by the Legislature. Because this measure does not capture disbursements from programs not managed directly by NMED CPB, reporting of this measure does not reflect the total amount of financial impact to the State of New Mexico from all water infrastructure financing programs.
Operational Measures	**Definitions and Assumptions**

Total dollars collected by NMED and transferred to the general fund resulting from successful prosecutions and/or settlements stemming from non-compliance with laws, rules, or permits administered by the Department.	Enforcement actions are administrative or judicial actions initiated by NMED in response to some information that a regulated entity is violating a statute and/or rule (regulation) for which NMED has legal enforcement authority, or a permit administered by NMED. NMED administers permits pertaining to the following: air quality, water quality, drinking water quality, solid waste, hazardous waste, liquid waste, food safety, ionizing radiation, hemp (warehousing, extraction processing, manufacturing), and public recreation water safety. NMED has enforcement authority for all these matters, in addition to occupational health and safety. The intent of this measure is to display the success of enforcement actions and litigation, as well as the benefit to the entire state via general fund revenue generation. Ideally, the target is zero since compliance with state rules and permits is always required. Realistically, and as the compliance and violation performance measures indicate, NMED is likely to see violations that merit civil penalties in all regulatory programs. Note that NMED may transfer penalties to the general fund from actions initiated by NMED, the Attorney General, a federal agency, etc.
Vacancy rate by month.	The intent of this measure is to track NMED's effort to achieve our budgeted vacancy rate. A negative trend will convey greater staff retention and increased hiring to reduce our vacancy rate. “Vacancy rate” is calculated by subtracting the number of filled full-time equivalent (FTE) positions from the number of budgeted FTE positions (i.e., 662 for FY23) and dividing by the number of authorized FTE positions. Note that as FTE goes down, vacancy rate increases.
Percent of NMED financial transactions completed online by the public or regulated community.	A “financial transaction” facilitates the utilization of ACH and credit card payments for NMED license permitting, loan payments, corrective action fees, certification renewal fees, and other compliance, primacy, and regulatory fees which NMED bills to the constituent and regulated community via email, paper mail, or at the Wells Fargo portal, who pay directly to Wells Fargo, who processes the payment, and the money is deposited into individual program’s Wells Fargo account. The intent of this measure is to drive NMED's modernization, cost-saving efforts, and improved customer service (e.g., online transactions require different resources than in-person or by mail). A positive trend will convey that a greater share of financial transactions is being completed online, directly resulting from modernization, human capital, and cost-saving efforts to improve efficiency and provide enhanced customer service. The following transactions are not being measured here: legal settlements, compliance agreements, State of New Mexico budgets, federal and state grants, inter/intra agency transfers, and special revenue funds.

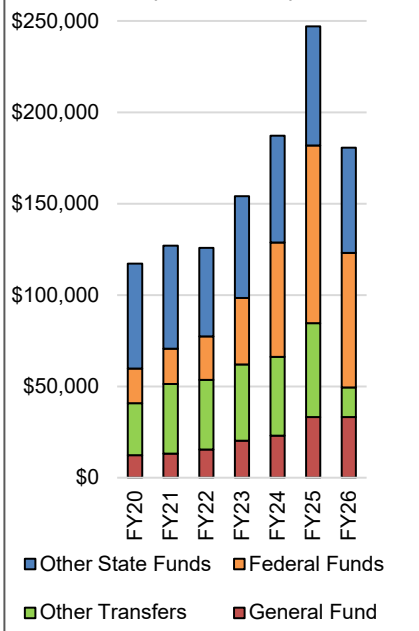
NEW MEXICO LEGISLATIVE FINANCE COMMITTEE

PERFORMANCE REPORT CARD
Environment Department
Fourth Quarter, Fiscal Year 2025

ACTION PLAN

Submitted by agency?	Yes
Timeline assigned?	Yes
Responsibility assigned?	Yes

NMED Appropriations by Funding Source
(in thousands)



Source: LFC files

Federal Funding Exposure

The portion of NMED's budget funded through federal dollars has steadily increased over the past five years, growing from $19 million, or 16.3 percent, in FY20 to $97.3 million, or 40 percent in FY25. NMED's Water Protection Division receives the largest portion of federal funding, roughly $51 million, making up 68 percent of the divisions total budget. Discussions at the federal level regarding cuts or claw backs related to natural resource protection funding raises the questions as to what avenues the state can pursue in maintaining funding levels for its natural resource agencies.

While certain negative performance trends persisted through FY25, multiple programs reported productive results for the fourth quarter of FY25. The agency's groundwater permitting program exceeded its 100 percent target by 20 percent and the Environmental Health Bureau inspected 7,531 restaurants and food facilities, resulting in a 95 percent completion rate. The continuing negative performance trends seen in Resource Protection slightly abated, with one of its performance measures moving from red to yellow, although the program overall finished the year in the red.

The improved performance in certain sectors of the agency is due in part to improved agency operations and legislative investment. In addition to the significant investment made into NMED over the past six years, the agency suggests the department needs significant additional funding to address its staffing and retention issues. Potential federal funding cuts to natural resource protection funding could exacerbate funding issues. The Legislature should continue to monitor NMED performance and consider targeted investment or research into persistently low performing sectors of the agency.

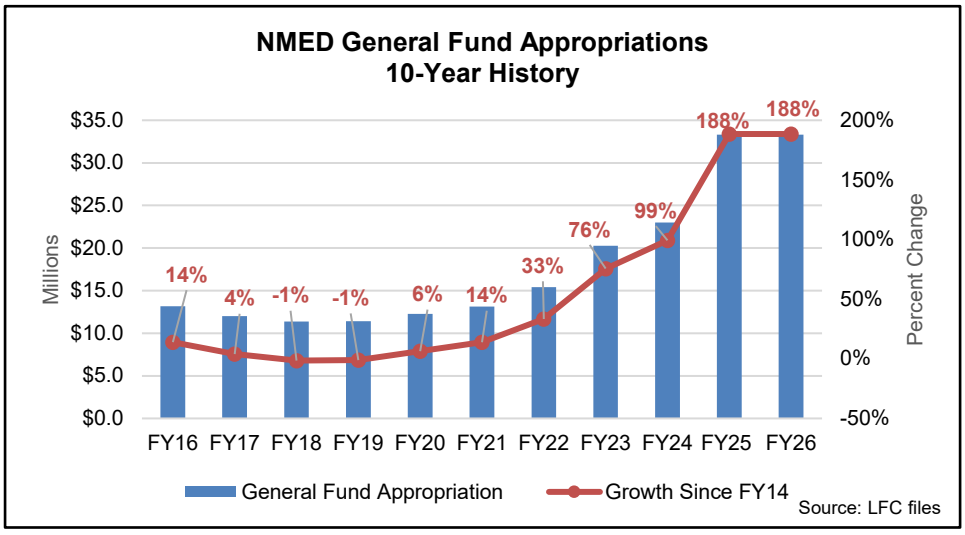
Water Protection

Amendments to the state Water Quality Act enacted in 2025 granted primacy to NMED to administer a National Pollutant Discharge Elimination System program, in effect placing control of all discharge into the state's surface water and groundwater from the federal government to the state's water quality agency. Creation and implementation is underway and will continue to take shape, pending approval of a permitting program from the Water Quality Control Commission. NMED met is FY25 target for surface water permittees inspected, exceeding the target by 20 percent. NMED did not meet its FY25 target for groundwater permits inspected, missing it by 26 percent. The agency notes staffing issues could abate because only four of the 35 inspector positions remain vacant. However, a database to enhance tracking and documentation has yet to be implemented and the additional workload added to NMED from the amendments could further hamper the groundwater bureau's ability to meet its performance measure. The Construction Programs Bureau initiated 148 new water infrastructure projects in FY25 and exceeded its FY25 target.

Budget: $62,511.4 **FTE:** 191.3	**FY23 Actual**	**FY24 Actual**	**FY25 Target**	**FY25 Actual**	**Rating**
Percent of the population served safe and healthy drinking water	89.8%	89.5%	95%	94.7%	G
Percent of surface water permittees inspected	145%	100%	100%	120%	G
Percent of groundwater permittees inspected	18.2%	30.6%	65%	39%	R
Number of new water infrastructure projects	157	175	115	148	G
Program Rating	Y	Y			Y

Resource Protection

The Resource Protection Division (RPD) continued to be far behind the target for two of its three performance measures, with one measure finishing the year with a yellow. RPD continues to have issues with recruitment and retention, specifically in its Solid and Hazardous Waste bureaus, resulting in consistent lagging of performance measures.



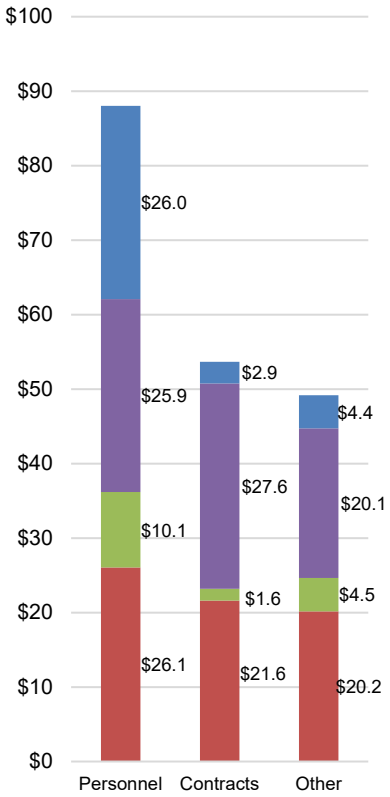
RPD notes it has continued to work to reclassify existing vacancies to higher-level positions to improve recruitment and retention, but the agency reports additional staffing is needed to improve the rate of inspections. The agency requested a $300 thousand, or 10.8 percent, increase for FY27 to address these issues but did not prioritize an increase for the division in FY26.

The Petroleum Storage Tank Bureau has nine vacant positions within its Remediation program and used 30 percent of the corrective action fund for program operation costs. The agency reported it completed the cleanup of 972 petroleum storage tank release sites in FY25 but still missed the target by over 1,000. The agency sites a lack of funding as its largest impediment to meeting performance measures; NMED's general fund budget has grown by 188 percent over 10 years, from $13.2 million in FY25 to $33.3 million in FY26.

The Hazardous Waste Bureau (HWB) monitors 2,547 hazardous waste generators in the state, though this number changes frequently. HWB currently has 6 FTE focused on compliance. HWB inspected less than one percent of the hazardous waste sites in the state in the fourth quarter of FY25. The program also helped man the Emergency Operations Center, which contributed to the low number of inspections. The continued trend of low inspection rates remains even after the bureaus began the decline in the pandemic. While the low inspection rate has been predominantly due to a lack of staff, new efforts to improve performance should be prioritized. The creation of the Compliance and Enforcement Division (CED) could aid in increasing the operational success of the bureau.

Budget: $18,653.4 **FTE:** 144.3	**FY23 Actual**	**FY24 Actual**	**FY25 Target**	**FY25 Actual**	**Rating**
Number of completed cleanups of petroleum storage tank release sites that require no further action	2,005	2,041	1,976	972	R
Percent of solid waste facilities and infectious waste management facilities inspected	53.3%	98.8%	87.5%	75.4%	Y
Percent of hazardous waste facilities inspected	3.7%	3.7%	15.0%	4.3%	R
Program Rating	R	Y			R

Environmental Protection



While inspections are valuable for determining whether regulated entities comply with applicable laws, rules, or permits, many of NMED's regulatory compliance programs continually struggle to meet their target percentage of applicable entities inspected. The Environmental Protection Division's Air Quality (AQB) and Radiation Control (RCB) bureaus are responsible for enforcing regulatory and compliance measures to protect the environment and prevent harm to human health. The creation of CED will move the enforcing of the regulation and permits from these bureaus, which could improve compliance.

AQB noted only 78.3 percent of the state's population is breathing air meeting federal health standards, which the bureau notes the Carlsbad air monitoring station found ozone levels in the area exceed federal air quality standards. It also noted large dust storms in Doña Ana and Luna counties contributed to the low air quality figures. The state has 20 air monitoring stations, with the majority surrounding Las Cruces and others scattered around the state (Bernalillo County monitors its own air quality and is separate from the reporting AQB does). Additional stations could provide a clearer picture as to the state's air quality.

Budget: $18,320.1 **FTE:** 121.8	**FY23 Actual**	**FY24 Actual**	**FY25 Target**	**FY25 Actual**	**Rating**
Percent of ionizing and non-ionizing radiation sources inspected	15%	16.8%	20%	13.2%	R
Percent of air emitting sources inspected	33.3%	32.2%	25%	23.9%	Y
Percent of the population breathing air meeting federal health standards	99.9%	99.9%	95%	78.3%	R
Program Rating	R	Y			R

Environmental Health

The Environmental Health Division (EHD) continued to administer the state hemp extraction and manufacturing program. EHD is also responsible for working to prevent workplace injuries and fatalities, avoiding unnecessary risks to public health from commercially prepared foods, regulating septic tanks, and ensuring the safety of public pools and spas.

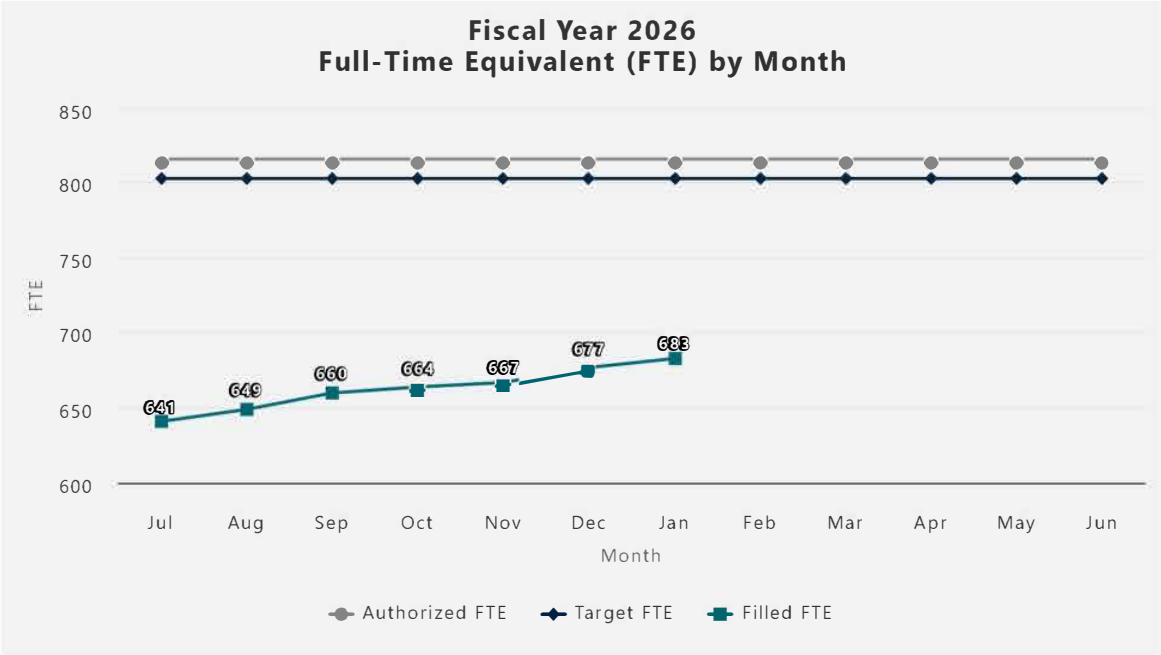
The Occupational Health and Safety Bureau conducts hundreds of inspections annually and targets workplaces with the greatest expectations of noncompliance to reduce illness, injuries, and fatalities. The bureau, which inspects approximately 1 percent of all workplaces each year, found 60.5 percent of employers did not meet occupational health and safety requirement for at least one standard in FY25, exceeding the target of 55 percent.

Under state statute and regulation, each restaurant and food manufacturer in the state should be inspected once per year. The bureau conducted 7,531 inspections in FY25, though this figure does not include temporary facilities, compliant inspections, or re-inspections. With roughly 95 percent of inspections complete, the bureau met its FY25 target. Bureau staff currently have a compliance and enforcement workload of approximately 313 facilities per inspector, above the federal Food and Drug Administration's guidance that retail food inspectors (a much narrower role than EHB's inspectors) are assigned 280-320 inspections.

PERFORMANCE REPORT CARD
Environment Department
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Budget: $ 16,219.3 **FTE:** 156.0	**FY23 Actual**	**FY24 Actual**	**FY25 Target**	**FY25 Actual**	**Rating**
Number of employers that did not meet occupational health and safety requirements for at least one standard compared with the total number of employers	64%	67.1%	55%	60.5%	Y
Percent of restaurants and food manufacturers inspected	80%	80.5%	90%	95%	G
Percent of new or modified liquid waste systems inspected	86%	91%	85%	53.2%	R
Program Rating	R	Y			Y

NMED Staffing Levels, by Fiscal Year



Fiscal Year 2025

Fiscal Year 2024

Fiscal Year 2023

Fiscal Year 2022

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Our employees are our greatest resource. We conduct an annual survey of our employees to measure how they feel about our organization, management team, and workplace. With a mindset of continuous improvement, we use these survey results to shape a more productive and fun workplace for our employees.

2025 Employee Engagement Survey Report
2024 Employee Engagement Survey Report
2023 Employee Engagement Survey Report
2022 Employee Engagement Survey Report
2021 Employee Engagement Survey Report
2020 Employee Engagement Survey Report

Enforcement Watch

Compliance is a core value of the New Mexico Environment Department. Assuring compliance with state licenses, permits and rules and enforcing against violations when they occur is critical to protecting the public and their environment. Further, enforcing state licenses, permits, and rules ensures a level playing field because facilities that fail to comply with such requirements may incur an economic advantage over competitors. Compliance with state-issued licenses, permits and rules is not optional – it's required.

Active Matters | Resolved Matters | FAQs

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Active Matters Data will be displayed here as it becomes available

Work Unit:

All

Search Active Enforcement Watch Matters:

Work Unit	Facility Name (1)	Facility Name (2)	Case Initiated	Address / Location	City	Zip	County	File	On State Lands
Air Quality	Texas Road Recyclers LLC: (13359 N Hwy 183 #406-228, Austin 78750)		02/02/2026	13359 N Hwy 183 #406-228	Austin	78750	Eddy	Link	No
Air Quality	Versatile Construction Inc: (PO Box 336, Logan 88426)		02/02/2026	PO Box 336	Logan	88426	Union	Link	No
Air Quality	Tuboscope - A National Oilwell Varco Company: (PO Box 508 , Farmington 87499)		02/02/2026	PO Box 508	Farmington	87499	San Juan	Link	No
Air Quality	Stampede Meat Inc: (5700 McNutt Road, Santa Teresa 88008)		02/02/2026	5700 McNutt Road	Santa Teresa	88008	Dona Ana	Link	No
Air Quality	Silverback Operating II LLC: (1001 W. Wilshire Blvd Suite 206, Oklahoma City 73116)		01/30/2026	1001 W. Wilshire Blvd Suite 206	Oklahoma City	73116	Eddy	Link	No
Air Quality	Saputo Chesse USA Inc.: (355 Crawford Blvd, Las Cruces 88007)		01/30/2026	355 Crawford Blvd	Las Cruces	88007	Dona Ana	Link	No

NMED Exhibit 15_000001

Work Unit	Facility Name (1)	Facility Name (2)	Case Initiated	Address / Location	City	Zip	County	File	On State Lands
Air Quality	Roadrunner Redi-Mix Inc: (106 Industrial Park Loop NE, Rio Rancho 87124)		01/30/2026	106 Industrial Park Loop NE	Rio Rancho	87124	Santa Fe	Link	No
Air Quality	Rinker Material - Santa Teresa: (PO Box 502, Santa Teresa 88008)		01/30/2026	PO Box 502	Santa Teresa	88008	Dona Ana	Link	No
Air Quality	Quikrete Companies: (2700 2nd ST SW, Albuquerque 87102)		01/30/2026	2700 2nd ST SW	Albuquerque	87102	Santa Fe	Link	No
Air Quality	POPB NM Crude II LLC: (333 Clay St Suite 1600, Houston 77002)		01/29/2026	333 Clay St Suite 1600	Houston	77002	Eddy	Link	No
Air Quality	Plains Marketing LP: (PO Box 4648, Houston 77210)		01/29/2026	PO Box 4648	Houston	77210	Lea & Eddy	Link	No
Air Quality	Pacheco Construction and Trucking Inc: (6354 Sunrise Lane, Tucumcari 88401)		01/29/2026	6354 Sunrise Lane	Tucumcari	88401	Quay & San Miguel	Link	No
Air Quality	OLAM West Coast Inc: (1650 West Amador Avenue, Las Cruces 88005)		01/29/2026	1650 West Amador Avenue	Las Cruces	88005	Dona Ana	Link	No
Air Quality	Olam Chile Peppers, LLC: (4065 J Street SE, Deming 88030)		01/29/2026	4065 J Street SE	Deming	88030	Luna	Link	No
Air Quality	New Mexico Ready Mix: (4100 S Lea St, Roswell 88203)		01/28/2026	4100 S Lea St	Roswell	88203	Chaves	Link	No
Air Quality	Maestas Sand and Gravel: (HC 66 Box 134, Mountainair 87306)		01/28/2026	HC 66 Box 134	Mountainair	87306	Valencia	Link	No
Air Quality	Mobile Energy Rentals, LLC: (PO Box 468, Centerville 75833)		01/28/2026	PO Box 468	Centerville	75833	Lea	Link	No

NMED Exhibit 15_000002

Work Unit	Facility Name (1)	Facility Name (2)	Case Initiated	Address / Location	City	Zip	County	File	On State Lands
Air Quality	Leco Industries Inc: (PO Box 13008, Las Cruces 88013)		01/28/2026	PO Box 13008	Las Cruces	88013	Dona Ana	Link	No
Air Quality	Hasse Contracting Co Inc: (PO Box 26808, Albuquerque 87125)		01/27/2026	PO Box 26808	Albuquerque	87125	Colfax	Link	No
Air Quality	Geneva Rock Products Inc: (730 N 1500 W, Orem 84057)		01/27/2026	730 N 1500 W	Orem	84057	Curry	Link	No
Air Quality	Green Arrow Excavation & Septic Service: (.43 mi E of San Jose, San Jose)		01/27/2026	PO Box 1053	Pecos	87552	San Miguel	Link	No
Air Quality	Denali Enterprises: (3301 Coors NW R-289, Albuquerque 87120)		01/27/2026	3301 Coors NW R-289	Albuquerque	87120	Cibola	Link	No
Air Quality	David Maley: (PO Box 2459, Carlsbad 88221)		01/26/2026	PO Box 2459	Carlsbad	88221	Eddy	Link	No
Air Quality	Bartoo Sand and Gravel: (PO Box 3769, Truth or Consequences 87901)		01/26/2026	PO Box 3769	Truth or Consequences	87901	Sierra	Link	No
Air Quality	Brasier Asphalt Inc: (PO Box 19095, Albuquerque 87119)		01/26/2026	PO Box 19095	Albuquerque	87119	Mora & San Miguel	Link	No
Air Quality	American Gypsum Co: (PO Box 90820, Albuquerque 87199)		01/23/2026	PO Box 90820	Albuquerque	87199	Sandoval	Link	No
Air Quality	Targa Midstream Services: (1 mi SE of Eunice, Eunice)		05/06/2025	PO Box 1909	Eunice	88231	Lea	Link	No
Air Quality	Mosaic Potash Carlsbad Inc.: (1361 Potash Mines Rd. , Carlsbad 88220)		11/14/2025	1361 Potash Mines Rd.	Carlsbad	88220	Eddy	Link	No
Air Quality	Bonita Pit Crusher/		10/29/2025	15.2 miles WNW of Los	Los Lunas	87031	Valencia	Link	No

NMED Exhibit 15_000003

Work Unit	Facility Name (1)	Facility Name (2)	Case Initiated	Address / Location	City	Zip	County	File	On State Lands
	Black Rock Services, Inc.: (15.2 miles WNW of Los Lunas, Los Lunas 87031)			Lunas					
Air Quality	Bonita Pit Crusher/ Black Rock Services, Inc.: (15.2 miles WNW of Los Lunas, Los Lunas 87031)		10/29/2025	15.2 miles WNW of Los Lunas	Los Lunas	87031	Valencia	Link	No
Air Quality	Perovich Properties, Inc. DBA Taos Gravel Products: (25021 US 64, El Prado 87529)		10/24/2025	25021 US 64	El Prado	87529	Taos	Link	No
Air Quality	Pronto Midstream, LLC: (5400 LBJ Freeway, Dallas 75240)		09/25/2025	5400 LBJ Freeway	Dallas	75240	Eddy County	Link	No
Air Quality	XTO Energy Inc / ExxonMobil: (22777 Springwoods Village Pkwy, Spring 77389)		09/10/2025	22777 Springwoods Village Pkwy	Spring	77389	Eddy	Link	No
Air Quality	XTO Energy Inc / ExxonMobil: (22777 Springwoods Village Pkwy, Spring 77389)		09/10/2025	22777 Springwoods Village Pkwy	Spring	77389	Eddy	Link	No
Air Quality	El Rancho Escondido, LLC: (PO Box 78, Mora 87732)		07/18/2025	2797 State Highway 518	Cleveland	87715	Mora	Link	No
Air Quality	San Mateo DLK Black River Midstream, LLC: (5400 LBJ Freeway, Suite 1500, Dallas 75240)		07/22/2025	5400 LBJ Freeway, Suite 1500	Dallas	75240	Dallas	Link	No
Air Quality	Matador Production Company: (5400 LBJ Freeway, suite 1500, Dallas 75240)		07/16/2025	Multiple			Eddy, Lea	Link	No
Air Quality	Associated Asphalt and Materials, LLC: (1302 N Riverside Drive, Espanola 87532)		07/09/2025	1302 N Riverside Drive	Espanola	87532	Rio Arriba	Link	No

NMED Exhibit 15_000004

Work Unit	Facility Name (1)	Facility Name (2)	Case Initiated	Address / Location	City	Zip	County	File	On State Lands
Air Quality	Pinon Midstream: (PO Box 4324, Houston 77210)		06/27/2025	PO Box 4324	Houston	77210	Lea	Link	No
Air Quality	Pinon Midstream: (PO Box 4324, Houston 77210)		06/27/2025	PO Box 4324	Houston	77210	Lea	Link	No
Air Quality	Targa Northern Delaware LLC: (811 Louisiana St., Suite 2100, Houston 77002)		05/15/2025	811 Louisiana St., Suite 2100	Houston	77002	Lea	Link	No
Air Quality	DCP Operating Company LP / Phillips 66: (2331 CityWest Blvd, Houston 77042-2862)		04/10/2025	2331 CityWest Blvd	Houston	77042-2862		Link	No
Air Quality	DCP Operating Company LP / Phillips 66: (2331 CityWest Blvd, Houston 77042-2862)		04/10/2025	Eddy and Lea Counties	Artesia, Eunice, Hobbs	88211	Eddy and Lea	Link	No
Air Quality	Goodies Go Last Bakery: (711 E Route 66 Blvd, Tucumcari 88401)		04/01/2025	711 E Route 66 Blvd	Tucumcari	88401	Quay	Link	No
Air Quality	C & E Concrete, Inc: (PO Box 2547, Milan 87021)		03/10/2025	PO Box 2547	Milan	87021	San Juan	Link	No
Air Quality	US Army: (100 Headquarters Avenue, White Sands Missile Range 88002)		02/28/2025	100 Headquarters Avenue	White Sands Missile Range	88002	Dona Ana	Link	No
Air Quality	US Army: (100 Headquarters Avenue, White Sands Missile Range 88002)	White Sands Missile Range	02/26/2025	100 Headquarters Avenue	White Sands Missile Range	88002	Dona Ana	Link	No
Air Quality	Sweatt Construction, Inc: (PO BOX 827, Artesia 88211)		02/05/2025	PO BOX 827	Artesia	88211	Eddy County	Link	No

NMED Exhibit 15_000005

Work Unit	Facility Name (1)	Facility Name (2)	Case Initiated	Address / Location	City	Zip	County	File	On State Lands
Air Quality	Occidental Permian Limited: (5 Greenway Plaza, Suite 110, Houston, TX 77046)	South Hobbs Unit Reinjection Compression Facility	01/27/2025	5 Greenway Plaza, Suite 110	Houston, TX	77046	Lea County	Link	
Air Quality	Frontier Field Services, LLC: (303 Veterans Airpark Lane, Midland 79705)		01/14/2025	303 Veterans Airpark Lane	Midland	79705	Eddy County	Link	
Air Quality	Frontier Field Services, LLC: (303 Veterans Airpark Lane, Midland 79705)		01/14/2025	303 Veterans Airpark Lane	Midland	79705	Eddy County	Link	
Air Quality	Frontier Field Services, LLC: (303 Veterans Airpark Lane, Midland 79705)		01/14/2025	303 Veterans Airpark Lane	Midland	79705	Eddy County	Link	
Air Quality	Frontier Field Services, LLC: (303 Veterans Airpark Lane, Midland 79705)		01/14/2025	303 Veterans Airpark Lane	Midland	79705	Lea County	Link	
Air Quality	Frontier Field Services, LLC: (303 Veterans Airpark Lane, Midland 79705)		01/14/2025	303 Veterans Airpark Lane	Midland	79705	Eddy County	Link	
Air Quality	Frontier Field Services, LLC: (303 Veterans Airpark Lane, Midland 79705)		01/14/2025	303 Veterans Airpark Lane	Midland	79705	Midland County	Link	
Air Quality	DCP Operating Company LP / Phillips 66: (2331 CityWest Blvd, Houston 77042-2862)		12/19/2024	2331 CityWest Blvd	Houston	77042-2862		Link	
Air Quality	DCP Operating Company LP / Phillips 66: (2331 CityWest Blvd, Houston 77042-2862)		12/19/2024	2331 CityWest Blvd	Houston	77042-2862		Link	No
Air Quality	WPX Energy Permian LLC: (333 West Sheridan Ave, Oklahoma City 73102)		10/25/2024	333 West Sheridan Ave	OK City	73102	Oklahoma County	Link	Yes
Air Quality	Primal Crushing LLC: (PO Box 6169,		10/04/2024	PO Box 6169	Abilene	79606	Taylor	Link	

Work Unit	Facility Name (1)	Facility Name (2)	Case Initiated	Address / Location	City	Zip	County	File	On State Lands
	Abilene 79606)								
Air Quality	Kirkland Construction, LLC: (P.O. Box 580, Rye 81069)		09/13/2024	P.O. Box 580	Rye	81069	Pueblo County	Link	
Air Quality	Kirkland Construction, LLC: (P.O. Box 580, Rye 81069)		09/13/2024	P.O. Box 580	Rye	81069	Pueblo County	Link	
Air Quality	Gilman Rock Crushing Service, Portales: (1789 NM-236, Portales 88130)		09/13/2024	1789 NM-236	Portales	88130	Roosevelt County	Link	
Air Quality	WPX Energy Permian LLC: (333 West Sheridan Ave, Oklahoma City 73102)	51 oil and gas well pads and tank batteries near Malaga, NM	03/05/2024	333 West Sheridan Ave	Oklahoma City	73102		Link	Yes
Air Quality	United States Army: (101 Army Pentagon, Washington 20310-0101)	White Sands Missile Range	09/25/2023		Washington	20024		Link	No
Air Quality	Targa Northern Delaware LLC: (811 Louisiana St., Suite 2100, Houston 77002)	Red Hills Gas Processing Plant	07/08/2023	PO Box 158	Artesia	88211	Eddy	Link	No
Air Quality	Steward Energy II LLC: (2600 Dallas Parkway, Suite 400, Frisco 75034)	10 Oil and Gas Tank Batteries near Tatum, NM	05/16/2024	2600 Dallas Parkway, Suite 400	Frisco	75034		Link	Yes
Air Quality	Shiver Brothers Inc.: (8000 Pennsylvania Circle, Albuquerque 87110)	Concrete Batch Plant GCP5-8911 near Raton	12/11/2023	8000 Pennsylvania Circle	Albuquerque	87110	Bernalillo	Link	
Air Quality	Permian Resources Operating LLC: (300 N. Marienfeld St, Suite 1000, Midland 79701)	Asteroid 20-29 Fed Storage Tank Battery near Whites City	03/24/2024	300 N. Marienfeld St, Suite 1000	Midland	79701		Link	No
Air Quality	Permian Resources Operating LLC: (300 N. Marienfeld St, Suite 1000,	Five Oil & Gas Storage Tank Batteries near Eunice	03/25/2024	300 N. Marienfeld St, Suite 1000	Midland	79701		Link	No

NMED Exhibit 15_000007

Work Unit	Facility Name (1)	Facility Name (2)	Case Initiated	Address / Location	City	Zip	County	File	On State Lands
	Midland 79701)								
Air Quality	Oscar Renda Contracting Inc: (1052 Curry Road R, Clovis 88101)	Concrete Batch Plant GCP5-7938	12/11/2023	1052 Curry Road R	Clovis	88101	Curry	Link	
Air Quality	Hilcorp Energy Company: (1001 Arizona Drive, Bloomfield 87413)	San Juan Gas Plant	03/05/2024	1001 Arizona Drive	Bloomfield	87413	San Juan	Link	No
Air Quality	Freeland Inc: (450 Harbor Court, Fort Myers 33931)	Portable 300 TPH Crusher	12/11/2023	450 Harbor Court	Fort Myers	33931		Link	
Air Quality	Freeland Sand & Gravel: (HC 75, Box 130, Chama 87520)	Cement Tech Plant - 3.5 miles east of Brazos	12/11/2023	HC 75, Box 130	Chama	87520	Rio Arriba	Link	
Air Quality	ETC Texas Pipeline: (8111 Westchester Dr Suite 600, Dallas 75225)	Jal #3 Gas Plant	10/18/2023	8111 Westchester Dr Suite 600	Dallas	75225		Link	No
Air Quality	DTT Welding & Excavating: (Rt 4, Box 20E, Hernandez 87537)	Los Alamos Dump Crushing Plant near White Rock	12/11/2023	Rt 4, Box 20E	Hernandez	87537	Rio Arriba	Link	
Air Quality	DCP Operating Company LP / Phillips 66: (2331 CityWest Blvd, Houston 77042-2862)	Eunice Gas Plant near Eunice	02/19/2024	2331 CityWest Blvd	Houston	77042-2862		Link	No
Air Quality	DCP Operating Company LP / Phillips 66: (2331 CityWest Blvd, Houston 77042-2862)	Oil Center Booster Station near Oil Center Township	03/13/2024	2331 CityWest Blvd	Houston	77042-2862		Link	No
Air Quality	DCP Operating Company LP / Phillips 66: (2331 CityWest Blvd, Houston 77042-2862)	Shugart Booster Station near Maljamar	04/26/2024	2331 CityWest Blvd	Houston	77042-2862		Link	No
Air Quality	DCP Operating Company LP / Phillips 66: (2331 CityWest Blvd, Houston 77042-2862)	3 oil and gas compressor stations near Loco Hills, NM	03/13/2024	2331 CityWest Blvd	Houston	77042-2862		Link	No

Work Unit	Facility Name (1)	Facility Name (2)	Case Initiated	Address / Location	City	Zip	County	File	On State Lands
Air Quality	DCP Operating Company LP / Phillips 66: (2331 CityWest Blvd, Houston 77042-2862)	Dagger Draw Compressor Station near Artesia	03/06/2024	2331 CityWest Blvd	Houston	77042-2862		Link	No
Air Quality	DCP Operating Company LP: (10 Desta Drive, Suite 500 W, Midland 79705)	Artesia Gas Plant	08/11/2023	10 Desta Drive, Suite 500 W	Midland	79705		Link	No
Air Quality	Chevron U.S.A. Inc.: (1400 Smith Street, Houston 77008)	15 Facilities (See NOV in Link) near Malaga, NM in Lea and Eddy counties	05/20/2024	1400 Smith Street	Houston	77008	Lea and Eddy	Link	No
Air Quality	Caza Operating LLC: (200 N Loraine, Suite 1500, Midland 79701)	13 Oil and Gas Production Facilities near Malaga, NM	02/27/2024	200 N Loraine, Suite 1500	Midland	79701		Link	No
Drinking Water	Barcelona Mobile Home Park: (9219 Black Farm Ln NW, Albuquerque 87114-5967)		02/09/2026	9219 Black Farm Ln NW	Albuquerque	87114-5967	Bernalillo	Link	No
Drinking Water	Barcelona Mobile Home Park: (9219 Black Farm Ln NW, Albuquerque 87114-5967)		02/09/2026	9219 Black Farm Ln NW	Albuquerque	87114-5967	Bernalillo	Link	No
Drinking Water	Barcelona Mobile Home Park: (9219 Black Farm Ln NW, Albuquerque 87114-5967)		02/09/2026	9219 Black Farm Ln NW	Albuquerque	87114-5967	Bernalillo	Link	No
Drinking Water	Barcelona Mobile Home Park: (9219 Black Farm Ln NW, Albuquerque 87114-5967)		02/09/2026	9219 Black Farm Ln NW	Albuquerque	87114-5967	Bernalillo	Link	No
Drinking Water	Barcelona Mobile Home Park: (9219 Black Farm Ln NW, Albuquerque 87114-5967)		02/09/2026	9219 Black Farm Ln NW	Albuquerque	87114-5967	Bernalillo	Link	No
Drinking Water	Barcelona Mobile Home Park: (9219 Black Farm Ln NW,		02/09/2026	9219 Black Farm Ln NW	Albuquerque	87114-5967	Bernalillo	Link	No

Work Unit	Facility Name (1)	Facility Name (2)	Case Initiated	Address / Location	City	Zip	County	File	On State Lands
	Albuquerque 87114-5967)								
Drinking Water	Barcelona Mobile Home Park: (9219 Black Farm Ln NW, Albuquerque 87114-5967)		02/09/2026	9219 Black Farm Ln NW	Albuquerque	87114-5967	Bernalillo	Link	No
Drinking Water	Barcelona Mobile Home Park: (9219 Black Farm Ln NW, Albuquerque		02/09/2026	9219 Black Farm Ln NW	Albuquerque	87114-5967	Bernalillo	Link	No

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Drinking Water	Barcelona Mobile Home Park: (9219 Black Farm Ln NW, Albuquerque 87114-5967)		02/09/2026	9219 Black Farm Ln NW	Albuquerque	87114-5967	Bernalillo	Link	No
Drinking Water	Barcelona Mobile Home Park: (9219 Black Farm Ln NW, Albuquerque 87114-5967)		02/09/2026	9219 Black Farm Ln NW	Albuquerque	87114-5967	Bernalillo	Link	No
Drinking Water	Barcelona Mobile Home Park: (9219 Black Farm Ln NW, Albuquerque 87114-5967)		02/09/2026	9219 Black Farm Ln NW	Albuquerque	87114-5967	Bernalillo	Link	No
Drinking Water	Barcelona Mobile Home Park: (9219 Black Farm Ln NW, Albuquerque 87114-5967)		02/09/2026	9219 Black Farm Ln NW	Albuquerque	87114-5967	Bernalillo	Link	No
Drinking Water	Barcelona Mobile Home Park: (9219 Black Farm Ln NW, Albuquerque 87114-5967)		02/09/2026	9219 Black Farm Ln NW	Albuquerque	87114-5967	Bernalillo	Link	No
Drinking Water	Belen Water System: (525 Becker Ave, Belen 87002)		02/09/2026	525 Becker Ave	Belen	87002	Valencia	Link	No
Drinking Water	Belen Water System: (525 Becker Ave, Belen 87002)		02/09/2026	525 Becker Ave	Belen	87002	Valencia	Link	No
Drinking Water	Belen Water System: (525 Becker Ave, Belen 87002)		02/09/2026	525 Becker Ave	Belen	87002	Valencia	Link	No

Work Unit	Facility Name (1)	Facility Name (2)	Case Initiated	Address / Location	City	Zip	County	File	On State Lands
Drinking Water	Belen Water System: (525 Becker Ave, Belen 87002)		02/09/2026	525 Becker Ave	Belen	87002	Valencia	Link	No

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** Notices of Violation (NOVs) issued by the Ground Water Quality Bureau or Surface Water Quality Bureau under the authorization of the New Mexico Water Quality Act (NMWQA) and New Mexico Water Quality Control Commission (NMWQCC) regulations are not an enforcement action. NOVs issued under the NMWQA and NMWQCC regulations are final actions to obtain voluntary cooperation before the issuance of an Administrative Compliance Order enforcement action.*

STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED REPEAL AND REPLACEMENT OF
20.2.71 NMAC – *OPERATING PERMIT EMISSIONS FEES* AND
20.2.75 NMAC – *CONSTRUCTION PERMIT FEES*

No. EIB 25-77(R)

New Mexico Environment Department,

Petitioner.

NEW MEXICO ENVIRONMENT DEPARTMENT
TECHNICAL TESTIMONY OF BUREAU CHIEF CINDY HOLLENBERG

I. INTRODUCTION AND QUALIFICATIONS

My name is Cindy Hollenberg, and I serve as the Bureau Chief of the Air Quality Bureau ("AQB") of the Environmental Protection Division of the New Mexico Environment Department ("Department"). In my role, I am responsible for oversight of the Air Quality Program, including permitting, ambient air quality monitoring, regulation development, and administration and operations of the AQB as authorized under the New Mexico Air Quality Control Act, NMSA 1978, Sections 74-2-1 through 74-2-17 ("State Air Act"). I also collaborate with the Department's Environmental Protection Compliance and Enforcement Bureau ("EPCEB") in the Department's Compliance and Enforcement Division, which is responsible for assuring compliance with air quality permit conditions and state and federal regulations. You will hear more testimony from Bret Anderson about the Air Quality Section of the EPCEB ("AQC&E").

My duties include prioritizing planning efforts, overseeing the AQB budget, assuring compliance with all U.S. Environmental Protection Agency ("EPA") requirements to fulfill our responsibilities as a delegated authority, and strategizing with Department's Senior Leadership regarding the Bureau's plan for resource usage. Together, the AQB and AQC&E implement and maintain oversight of the federal and state laws, regulations and policies to fulfill New Mexico's delegated authority to protect air quality in the State.

I hold a Bachelor of Science in Biology Teaching from Purdue University, and a Master of Public Administration in Environmental Science and Policy from Columbia University. I started with the AQB in 2013 as an environmental planner, moving to Inspections Manager, followed by Enforcement Manager, Compliance and Enforcement Section Chief, and finally Bureau Chief of the AQB. I also currently hold the position of Vice President of the Western States Air Resources Council ("WESTAR"), an organization of eight western state air agencies formed to promote the exchange of information, serve as a forum to discuss western regional air quality issues of common concern, and share resources for the common benefit of the member states. My full educational and work background are set forth in my resume, marked and attached as **NMED Exhibit 17**.

As the Chief of the AQB, one of my roles is to fulfill the air quality component of the Department's purpose as outlined by the New Mexico Legislature to be a department that will be responsible for environmental management and consumer protection in this state in order to ensure an environment that in the greatest possible measure will confer optimum health, safety, comfort and economic and social well-being on its inhabitants; will protect this generation as well as those yet unborn from health threats posed by the environment; and will maximize the economic and cultural benefits of a healthy people." NMSA 1978, § 74-1-2. As

a key component to fulfilling this directive, the AQB is responsible for ensuring that air pollution is controlled in a manner to maintain or improve air quality for the health of all residents of New Mexico. With guidance from the Office of the Secretary, the Environmental Protection Division Director's Office, and the Administrative Services Division, responsible for agency financial matters, I am responsible for ensuring the financial stability, continuing and improving the air quality programs that EPA has delegated authority to the State through adoption of plans and regulations, and implementing federal laws as the agency with primacy over federal air quality laws and regulations.

The AQB serves all residents of New Mexico and the regulated community, and implements projects, plans and regulations at the state and federal level to assure healthy air while balancing the need for a robust economy and jobs for New Mexico. The residents of New Mexico, including individuals, communities, environmental groups, other organizations and those working at pollution-emitting facilities want and expect that the Air Quality Program will, to the best of its ability, ensure healthy air for all. The regulated community, including owners and operators of pollutant-emitting facilities with permits or General Construction Permit ("GCP") registrations, pollutant-emitting facilities required to submit a Notice of Intent ("NOI") to the Department prior to construction, and other pollutant-emitting facilities subject to state or federal regulations want and expect a high level of customer service – excellent communication, expert analysis, assistance with permitting processes, process certainty, and timely actions.

The Air Quality Program is currently 92% funded by fees that have not been updated for over 15 to 20 years. My testimony and the testimonies of Bret Anderson and Brian Polgar will demonstrate that the Air Quality Program's expansive and complex requirements

necessitate additional resources to fulfill the Department's statutory and regulatory requirements.

The purpose of my testimony is to: (1) explain the legal structure supporting fees; (2) provide a partial history of 20.2.71 NMAC and 20.2.75 NMAC; (3) explain the revised fee structure in the Department's proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC; (4) lay out the justification for the proposed fees and how they are necessary to support an effective program; (5) present an accounting of the public engagement efforts the Department undertook to help the regulated community and residents of New Mexico understand our proposals; (6) demonstrate how the Department has met the requirements for rulemaking before the Environmental Improvement Board ("Board"); and (7) explain to the Board why the costs of the AQB (and AQC&E) are reasonable.

I present this written testimony on behalf of the Department in support of the Department's Petition for Regulatory Change to Repeal and Replace 20.2.71 NMAC, *Operating Permit Emissions Fees*, and 20.2.75 NMAC, *Construction Permit Fees* ("Petition") (filed Dec. 3, 2025), in the form of the text of recommended modifications set forth in 20.2.71 NMAC, *Operating Permit Emissions Fees*, **NMED Exhibit 1** (clean) and **NMED Exhibit 2** (redline) ("Revised Part 71") and 20.2.75 NMAC, *Construction Permit Fees*, **NMED Exhibit 4** (clean) and **NMED Exhibit 5** (redline) ("Revised Part 75"), for the Board's adoption in place of the regulatory changes proposed in the Petition as 20.2.71 NMAC and 20.2.75 NMAC, Petition, Exhibits B and C (clean), respectively, and Exhibits D and E (redline), respectively (filed Dec. 3, 2025).

II. AIR QUALITY 101

The Air Quality Bureau, as of July 1, 2025, is comprised of three main sections, all of which must operate according to federal and state statutes and regulations. (The fourth section of the Air Quality Program is described in the testimony of Bret Anderson, Bureau Chief of the EPCEB.) As will be described further in this testimony, all reasonable direct and indirect costs of implementing the Air Quality Program must be sufficiently covered by fees collected into the Air Quality Program's special revenue funds from regulated entities. Per statutes, regulations, and guidance from EPA, covered costs include much more than just the act of permitting.

As further outlined below, the Permitting Section maintains the AQB's database (in collaboration with Department Information Technology staff and contractors), analyzes various types of permit applications and registrations, and issues various permitting actions, including initial approvals and permit issuances, denials, revisions and modifications, relocations for some types of facilities, and administrative revisions.

The Operations Section includes technical operations, including monitoring, data analysis and auditing of monitoring stations. The Operations Section also includes support personnel, who assist with logistical and administrative needs, record-keeping, and assistance with contracts management and grants tracking.

The Planning Section includes rulemaking and plans to respond to federal actions and state priorities, modeling to assist in that planning, modeling to analyze permit applicants' effects on ambient air, annual data collection and analysis of actual emissions from regulated entities, assistance to small businesses and analysis of development projects' impacts on New Mexico's air.

A. Source Types, Emissions and Permits

Sources are generally divided into "major" and "minor" sources. Major sources include entities emitting 100 tpy or more of any regulated pollutant other than hazardous air pollutants, which have lower thresholds. These types of facilities must apply for a "Title V" or "operating" permit within one year of beginning to operate at Title V thresholds. A source may be major for "criteria pollutants," hazardous air pollutants ("HAP"), or both. Criteria pollutants, including lead, carbon monoxide, sulfur dioxide, oxides of nitrogen, two sizes of particulate matter, or ozone, each have a cap in ambient air, set by EPA as National Ambient Air Quality Standards ("NAAQS") due to the pollutants' adverse effects on human health and the environment. Ozone is not directly emitted, however. Ozone forms when nitrogen oxides and volatile organic compounds ("VOC") react in sunlight. Therefore, VOCs are considered regulated pollutants, even though there is no NAAQS for VOCs.

Certain major sources may also reach another critical threshold – 250 tpy for any criteria pollutant. This threshold is known as Prevention of Significant Deterioration ("PSD") and additional requirements exist for these sources. A PSD permit, which is different from a Title V (or operating) permit, adds conditions and requirements through a New Source Review ("NSR") permit, also known as a "construction" permit. Both Title V and PSD permit holders are considered "major" sources and all permitting activities for these sources are handled by the AQB's "Major Source" permitting team, even permit actions under the NSR program. Only Title V permits are considered operating permits.

Minor sources are all sources that do not reach the 100 tpy thresholds for any of the criteria pollutants or VOC. Under the "minor source" program, the AQB issues "construction" permits, also known as "NSR" permits or "minor source" permits for sources that emit 25 tpy of any criteria pollutant, but not including VOCs. Again, lower thresholds exist for HAPs. In addition, the AQB

developed various General Construction Permits ("GCP") for similar types of sources. Facilities that meet the criteria in each GCP may apply to register under a particular GCP. For each GCP, the Department completed modeling to determine appropriate parameters that, at the time, would be protective of the air quality in New Mexico. Therefore, while most NSR or construction permit applicants must submit modeling to accompany their applications, those registering for a GCP need not submit modeling since the Department already completed that modeling. This program offers a significant cost savings to those registrants in the form of time and effort, the absence of modeling fees, and lower consulting fees or staff time to prepare permit applications or to prepare modeling files.

As the permitting authority for New Mexico, the AQB has the responsibility and authority to set up its minor source permitting structure to meet its obligations to protect the State's air. Part of this permitting structure includes smaller minor sources emitting between 10 and 25 tpy of any regulated pollutant; these facilities must submit an application and documentation with calculations as part of the notice of intent ("NOI") requirements outlined in 20.2.73 NMAC ("Part 73") (see **NMED Exhibit 7**), for Department approval to construct a regulated pollutant-emitting facility. Similar to the GCP program, they do not require an individualized permit to construct and operate in New Mexico. However, because facilities applying for an NOI are considered minor sources of regulated pollutants, requiring permitting analysis, database entry and maintenance, and ongoing planning, administrative and compliance efforts, these facilities have been subject to fees under 20.2.75 NMAC (see **NMED Exhibit 7**) since 2003.

No facility may begin construction prior to receiving the Department's approval to construct, through a construction permit, a GCP registration or an NOI if the facility meets either the 25 tpy threshold for a permit or the 10 tpy threshold for an NOI. Major sources first apply for

a "construction permit" and, if applicable, a PSD permit to allow initial construction. Once the facility has operated for one year at Title V levels, they must apply for a Title V permit, which incorporates all requirements for the facility from all permits.

For the seven criteria pollutants mentioned above, all areas of the country must stay at or below the NAAQS; if an area exceeds those standards, EPA must designate the area as "nonattainment." A designation of nonattainment means that one or more NAAQS have been exceeded and the delegated authority for that area must submit plans to bring the area back into attainment of the standards. Permitting becomes more stringent, requiring additional pollutant controls. A nonattainment designation occurs at one of the following levels in the range of less polluting to more polluting: Marginal, Moderate, Serious, Severe, and Extreme.

To meet the NAAQS, states and local authorities may be granted authority from the EPA to implement and enforce federal regulations. New Mexico has been delegated this authority through promulgation and periodic updating of 20.2.77 NMAC, 20.2.78 NMAC and 20.2.82 NMAC. As a delegated authority, the Department has the authority and responsibility to ensure all applicable national emission standards are incorporated into permits and that all regulated entities comply with applicable regulations and permit conditions. Additionally, the State has the authority to enact its own regulations to meet the NAAQS. These state regulations, or rules, may be enforceable by only the State, or they may be incorporated into the State Implementation Plan at which time they become federally enforceable also.

Adoption of Revised Parts 71 and 75 is justified and necessary given the character and degree of injury to or interference with health, welfare, visibility, and property. See NMSA 1978, § 74-2-5(F)(1). Every year, criteria air pollutants send New Mexicans to emergency rooms with

asthma attacks, contribute to premature deaths, and damage crops, landscapes, and visibility.[1] The State Air Act directs the state to regulate air pollutants based on their character and degree of injury or interference with health, welfare, visibility, and property. The six federally recognized criteria pollutants, ozone (O_3), particulate matter ($PM_{2.5}$ and PM_{10}), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), carbon monoxide (CO), and lead (Pb) are regulated because decades of scientific evidence show that even at relatively low concentrations they cause real harm to human health and the environment.[2] These pollutants are widespread, come from multiple industrial and mobile sources, and impose real costs when left uncontrolled.[3] Regulation is not optional. It is a basic public and environmental health responsibility of the Department.

Ozone and particulate matter pose the most immediate risks in New Mexico. Ground-level ozone, formed through reactions between nitrogen oxides and volatile organic compounds, aggravates asthma, reduces lung function, increases emergency room visits, and contributes to early death.[4] Fine particulate matter ($PM_{2.5}$) penetrates deep into the lungs and bloodstream, increasing the risk of heart attacks, strokes, respiratory disease, low birth weight, and premature death, while coarse particulates (PM_{10}) exacerbate respiratory conditions and impair visibility.[5] Ground-level ozone and particulate matter also damage crops, forests, and natural landscapes with clear impacts on public welfare, visibility, and property values. The impacts are not abstract; they

[1] New Mexico Environmental Public Health Tracking. “Outdoor Air Quality” https://nmtracking.doh.nm.gov/environment/air/OutdoorQuality.html
[2] U.S. Environmental Protection Agency. “National Ambient Air Quality Standards (NAAQS)” https://www.epa.gov/criteria-air-pollutants
[3] California Air Resources Board. "National Ambient Air Quality Standards" https://ww2.arb.ca.gov/resources/national-ambient-air-quality-standards
[4] U.S. Environmental Protection Agency. "Ground-level Ozone Pollution" https://www.epa.gov/ground-level-ozone-pollution
[5] U.S. Environmental Protection Agency. "Health and Environmental Effects of Particulate Matter (PM)" https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm

manifest in higher health care costs, missed work and school days, lower agricultural productivity, and declining property values in more polluted areas.

Nitrogen dioxide, sulfur dioxide, and carbon monoxide are regulated because of their toxicity and their role in forming additional air pollution. Nitrogen dioxide inflames airways and worsens respiratory disease, especially in children and people with asthma.[6] Sulfur dioxide triggers asthma attacks, causes respiratory distress, and contributes to acid rain that damages soils, water bodies, vegetation, and infrastructure.[7] Carbon monoxide interferes with oxygen delivery in the body and poses serious risks for people with cardiovascular disease, as well as acute poisoning risks at higher concentrations.[8] When these pollutants are not adequately controlled, visibility declines, ecosystems are harmed, buildings deteriorate, and preventable medical emergencies increase.

Lead remains tightly regulated because no level of exposure is safe, particularly for children.[9] Lead causes irreversible neurological damage, impairs learning and development, and contributes to cardiovascular and kidney disease in adults.[10] Once released, lead persists in soil and dust long after emissions stop, creating long-term public health risks and costly cleanup challenges for communities and property owners.

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[6] U.S. Environmental Protection Agency. "Nitrogen Dioxide (NO_2) Pollution" https://www.epa.gov/no2-pollution

[7] U.S. Environmental Protection Agency. "Sulfur Dioxide (SO_2) Pollution" https://www.epa.gov/so2-pollution

[8] U.S. Environmental Protection Agency. "Carbon Monoxide (CO) Pollution in Outdoor Air" https://www.epa.gov/co-pollution

[9] U.S. Centers for Disease Control and Prevention. "Childhood Lead Poisoning Prevention" https://www.cdc.gov/lead-prevention/about/

[10] U.S. Environmental Protection Agency. "Lead (Pb) Pollution" https://www.epa.gov/lead-air-pollution

Regulating criteria pollutants requires permitting, monitoring, enforcement, and technical expertise. These functions are essential to ensuring that standards are meaningful and protective, rather than theoretical. Without adequate and sustained funding, the state cannot fully carry out its statutory responsibility to protect public health, welfare, visibility, and property from these well-documented harms.

III. PURPOSE AND STATUTORY BASIS FOR PERMIT FEES

This section explains the statutory and regulatory basis for the Board's authority and obligation, pursuant to the Environmental Improvement Act, NMSA 1978, Sections 74-1-1 through 74-1-18 ("EIA") and the State Air Act, to establish permit fee schedules sufficient to fund the administration of New Mexico's Air Quality Programs. Both federal and state law require the Department, through the AQB and AQC&E, to implement and administer the Title V and Construction Programs that ensure compliance with applicable air quality requirements.

The Department and Secretary of the Department are charged with environmental management and consumer protection for the State, including maintaining, developing and enforcing rules and standards pursuant to the State Air Act. See NMSA 1978, Section 74-1-7, *Department Duties*. The Department developed and the Board approved various permitting program rules, including:

- 20.2.70 NMAC, *Operating Permits;*
- 20.2.71 NMAC, *Operating Permit Emissions Fees;*
- 20.20.72 NMAC, *Construction Permits;*
- 20.2.73 NMAC, *Notice of Intent and Emissions Inventory Requirements;*
- 20.2.74 NMAC, *Permits – Prevention of Significant Deterioration (PSD);*
- 20.2.75 NMAC, *Construction Permit Fees;*

- 20.2.79 NMAC, *Permits – Nonattainment Areas;* and
- 20.2.84 NMAC, *Acid Rain Permits.*

The AQB and AQC&E together support the Department's duties as outlined in the EIA and the State Air Act. The Secretary of the Department authorizes and charges the Air Quality Program staff with understanding and interpreting the statutory directives for implementation and enforcement. This includes implementing all federal and state regulations related to those statutes, not just the permitting-related regulations listed above. Further, EPA has delegated to the Department authority to implement and enforce federal regulations through its approval of the State's "infrastructure SIP" which will be explained in Bret Anderson's testimony.

The Title V Program and the Construction Program are primarily funded through emissions fees (for Title V sources) and permit fees (for minor sources) assessed through 20.2.71 NMAC, *Operating Permit Emissions Fees* ("Part 71") and 20.2.75 NMAC, *Construction Permit Fees* ("Part 75"). Federal law and its implementing regulations, and the State Air Act and its implementing regulations, require that such fees be set at levels sufficient to recover the reasonable direct and indirect costs necessary to develop, administer, and enforce these programs. The Board is specifically authorized and required to adopt fee schedules that enable this funding.

Accordingly, the purpose of this section is to explain why permit fees are required to fund the Department's Air Quality Program and to describe the statutory framework that assigns the Board responsibility for establishing and maintaining fee structures that ensure the continued, effective administration of those Programs.

A. Statutory Requirements Pertaining to the Board and Fees

1. Federal Authority - Clean Air Act

The Clean Air Act, 42 U.S.C. Sections 7401 *et seq*. ("CAA"), as implemented through the

State Air Act, establishes the legal authority for New Mexico's Title V Program. The Title V Program mandates that major stationary sources of air pollution shall obtain operating permits that incorporate all applicable air quality requirements and provide enforceability for those requirements. Major stationary sources or affected facilities that require a Title V permit include, but are not limited to, large gas processing plants, compressor stations, power plants, refineries, and copper and potash mining and processing facilities. An affected facility must obtain a Title V operating permit if it emits or has the potential to emit more than 100 tons per year ("tpy") of a regulated air pollutant, more than 10 tpy of a single hazardous air pollutant, or more than 25 tpy of combined hazardous air pollutants. Title V permitting requirements also apply to other specified facility types and certain sources located in non-attainment areas. Minor stationary sources are all other regulated pollutant-emitting facilities that emit quantities below these thresholds. As will be described in more detail below, minor sources include multiple classes of sources which are all included in the general purview of the AQB's Construction Program.

2. CAA, Section 502(b)(3) and Implementing Regulation, 40 CFR Part 70

Section 502(b)(3) of the CAA and its implementing regulation at 40 CFR Part 70, require states operating EPA-approved Title V programs, such as New Mexico, to assess fees sufficient to cover all reasonable costs of developing, administering and enforcing the operating permit program. The program's allowable costs include, but are not limited to, labor, materials, equipment, training, technical assistance, compliance inspections, enforcement activities up to and including issuance of administrative compliance orders, monitoring, program development, public hearings, and other administrative or operational activities. Section 502 of the CAA and 40 CFR Part 70 (see **NMED Exhibit 7**) do not limit a permitting authority's ability to assess fees above the minimum amounts necessary, provided the fees are used to support the proper administration

of the Title V program.

EPA guidance on Title V operating permit fees further explains the scope of reasonable and allowable costs under 40 CFR Part 70 and supports the assessment of fees sufficient to fully administer and enforce the New Mexico Title V Program. This guidance is attached hereto as **NMED Exhibit 18**.

3. Environmental Improvement Board's Rulemaking Authority

Section 74-1-4 and Section 74-1-8 of the EIA (see **NMED Exhibit 7**) establishes the Board and authorizes it to adopt, amend, and repeal regulations necessary to carry out the purposes of the EIA and the State Air Act, respectively. This statutory authority includes the promulgation of air quality regulations governing permitting programs and associated fee requirements to ensure substantial compliance with federal and state air quality laws. This rulemaking authority, together with the fee authorities provided in Sections 74-2-7(B)(6) and (7) of the State Air Act, provides the legal basis for the Board's adoption of Revised Part 71 and Revised Part 75.

4. State Air Act Sections 74-2-7(B)(6) and (7)

The State Air Act (see **NMED Exhibit 7**) authorizes the Board to adopt fee schedules sufficient to cover the reasonable costs of:

1. Reviewing and acting upon any application for permits;
2. Implementing and enforcing permit conditions; and
3. Maintaining and administering the air quality programs in compliance with federal requirements.

Section 74-2-7(B)(6) of the State Air Act addresses minor source construction permit fees, while Section 74-2-7(B)(7) addresses major source emissions fees. Together, these provisions ensure that fees under Part 71 and Part 75 fully support the AQB's operations and evolving federal

and state requirements.

5. State Air Quality Permit Fund (State Air Act Section 74-2-15)

Section 74-2-15 of the State Air Act (see **NMED Exhibit 7**) establishes the State Air Quality Permit Fund and specifies the purposes for which revenues deposited into the fund may be used. For accounting purposes, the Department has separated the State Air Quality Permit Fund into two funds, the Title V Fund and the Construction Fund, to assure that Title V revenues are used solely for the benefit of the Title V Program. Since Title V Operating Permit emissions fees may only be used for activities associated with Title V facilities, this separation assures accurate accounting for both revenues and costs. See 40 CFR Part 70.

Under the State Air Act, Section 74-2-15, permit and emissions fee revenues are deposited into the appropriate fund and may be used to support a range of Air Quality Program activities, including reviewing and acting upon permit applications, implementing and enforcing permit conditions, emissions and ambient air monitoring, developing regulations and guidance, preparing emissions inventories, conducting modeling and technical analyses, and otherwise administering air quality programs in compliance with federal and state requirements. This statutory framework demonstrates that permit and emissions fees support not only permitting functions, but also broader Air Quality Program responsibilities necessary to effectively implement the State Air Act and the CAA.

6. State Regulatory Implementation – 20.2.70 NMAC

Pursuant to 20.2.70 NMAC ("Part 70") (see **NMED Exhibit 7**), a *"Part 70 source"* means any source subject to the permitting requirements of Part 70, and an *"operating permit"* means any permit covering a source that is issued, renewed, modified, or revised under Part 70. Under the same rule, a *"stationary source"* is defined as any building, structure, facility, or installation

that emits or may emit any regulated air pollutant, and *"regulated air pollutant"* includes, among other pollutants, nitrogen oxides and volatile organic compounds, any pollutant for which a NAAQS has been promulgated, and any pollutant subject to the New Source Performance Standards ("NSPS") or National Emission Standards for Hazardous Air Pollutants ("NESHAP").

Part 70 also describes applicable requirements, which include:

1. Standards or requirements in the New Mexico State Implementation Plan ("SIP");
2. Standards or requirements under Sections 111, 112, 114, 126, 183, 504, in whole or in part of the CAA;
3. Certain provisions of Title VI of the CAA;
4. Any NAAQS;
5. For some facilities, increment or visibility requirements; and
6. Any rule adopted by the Board pursuant to the State Air Act.

In accordance with Part 71, fees for Part 70 sources are based on a facility's allowable emissions of regulated air pollutants. Pursuant to the CAA and the State Air Act, such fees must be sufficient to cover all reasonable direct and indirect costs necessary to administer the Title V Program in accordance with federal and state law. Nothing in federal or state law prevents the adoption of fees for the specific needs of a state air program, provided such fees are used to support proper program administration.

7. Fee Authority is Broad

The statutory requirement that fees cover reasonable costs for the Air Quality Program is intentionally broad so as to allow for states to exercise their discretion to implement programs tailored to state needs. This standard allows for the inclusion of both direct and indirect costs required to effectively implement the Department's Title V Operating Permit and Construction

Programs. EPA guidance on Title V operating permit fees (**NMED Exhibit 18**) explains that allowable program costs include both direct and indirect costs necessary to administer and enforce the permitting program, consistent with federal requirements. Although EPA's guidance is specific to Title V, the categories of direct and indirect costs included in implementing the program relate directly to the Construction Program as well. To provide context for this standard, it is important to connect the permit fees to the specific costs they are intended to cover.

According to EPA's guidance, allowable program costs include, but are not limited to:

1. Staff and personnel costs necessary to support permitting, monitoring, compliance inspections, and enforcement activities;
2. Administrative costs and infrastructure upgrades required for office operations, information technology systems, and record-keeping functions;
3. Regulatory compliance and program development costs to support the implementation of new federal or state requirements;
4. Public engagement and transparency costs for conducting hearings, publishing notices, and community outreach activities;
5. Costs associated with non-compliant sources, including additional administrative costs, investigations, and follow-up actions beyond the basic costs for the program necessary to ensure adherence to permit requirements and regulations.

Also according to EPA's guidance, the EPA recognizes that states implementing Title V programs will have a variety of needs depending on the state and delegates discretion to the state under this framework.

Pursuant to this framework, the Board has the authority and responsibility to adopt rules to enable the full funding of the Air Quality Program. The issuing authority for both Part 71 and Part

75 is the Board, acting pursuant to the EIA, NMSA 1978 Section 74-1-8(A)(4), and the State Air Act, Sections 74-2-1 et seq., including specifically Section 74-2-7(B)(6) and (7).

IV. HISTORY OF PARTS 71 AND 75 (ADOPTION AND AMENDMENTS)

Parts 71 and 75 establish the fee structures that support New Mexico's Title V Program and Construction Program, respectively, and have evolved through a series of adoptions, renumbering, and amendments since the early 1990s. While Parts 71 and 75 are both administered by the AQB at the direction of the Secretary, they serve distinct regulatory purposes and apply to different types and sizes of facilities. The regulatory histories of Parts 71 and 75 demonstrate that the current fee structures are rooted in longstanding programs that have evolved over decades in response to changing regulatory requirements, program demands, and administrative responsibilities. This historical context supports the periodic evaluation and updating of fees to ensure the continued effective administration of both the Title V Program and the Construction Program.

To evaluate the appropriateness of the Department's proposed fee revisions, we must identify their individual requirements, areas of overlap, and points of distinction.

A. Part 71 – Operating Permit Emissions Fees

Part 71 governs operating permit emissions fees for Title V sources subject to the New Mexico Title V Program set forth in Part 70.

The Part 71 provisions were originally adopted as Air Quality Control Regulation 771, *Operating Permit Emission Fees*, which became effective on November 15, 1993. Air Quality Control Regulation 771 was later renumbered into the first version of the New Mexico Administrative Code, as 20 NMAC 2.71, *Operating Permit Emission Fees*, effective November 20, 1995. Subsequently, 20 NMAC 2.71 was renumbered, reformatted, and replaced by 20.2.71 NMAC, *Operating Permit Emissions Fees*, effective October 31, 2002.

Since the year 2002, Part 71 has been amended periodically, including amendments effective December 15, 2004, June 15, 2007, and January 9, 2009. These amendments increased the fee for each fee pollutant in 20.2.71.112(A) NMAC from $10.25 per ton to $20 per ton plus an additional $2 per ton in 2010, 2011 and 2012 based on a regulatory increase provision that ended in 2012; provided for annual fee increases based on the Consumer Price Index beginning in 2009; added a fee requirement for emissions above annual allowable emission limits; and added a fee schedule for mercury for sources subject to 20.2.85 NMAC, among other lesser changes. These amendments reflect adjustments made by the Board to maintain consistency with federal Title V requirements, evolving program administration needs, and expanding regulatory responsibilities.

B. Part 75 – Construction Permit Fees

Part 75 governs fees for the Construction Program, which applies to new sources, modifications to existing sources, permit revisions, and technical reviews of existing permits for minor sources of regulated air pollutants.

Part 75 establishes a schedule of fees for the review and processing of construction permit applications, permit modifications, and related technical analyses. These fees support the AQB's pre-construction review activities, including emissions calculations, air quality modeling, technical evaluations, and permit issuance decisions that occur before a source is constructed or modified. The fees also cover minor sources registering to construct under a GCP, and sources required to submit an application under the NOI program. GCP registrations and NOIs require applications, permitting review and analysis, and compliance and enforcement activities (including activities to assure compliance with 20.2.50 NMAC, *Oil and Gas Sector – Ozone Precursor Pollutants* ("Part 50", the *Ozone Precursor Rule*), which applies to both permitted and non-permitted sources). Although the State Air Act describes activities necessary to enforce permits,

and NOIs are not technically permits, it would be an unreasonable interpretation of the statute to exclude NOI costs from all reasonable direct and indirect costs construction permit fees are meant to cover.

The Part 75 provisions were originally adopted as Air Quality Control Regulation 700, *Construction Permit Fees*, which was filed on November 20, 1989. Air Quality Control Regulation 770 was later renumbered as 20 NMAC 2.75, *Construction Permit Fees*, effective November 30, 1995. Subsequently, 20 NMAC 2.75 was renumbered, reformatted, and replaced by 20.2.75 NMAC, *Construction Permit Fees*, effective March 2, 2001.

Since the year 2001, Part 75 has been amended once, effective December 1, 2003. This amendment added points for portable source relocations to the schedule in 20.2.75.11(A) NMAC, increased the annual fee for sources that have been issued a construction permit from $220 to $1,500, and provided for annual increases in the cost per point and annual fee based on the Consumer Price Index beginning in 2005. These changes reflect the Board's recognition of changes in program implementation and administrative needs.

C. Similarities and Differences Between Parts 71 and 75

Both Part 71 and Part 75 are administered by the Department and are grounded in statutory requirements in the CAA, the EIA and the State Air Act. However, the two parts differ in scope and function. Part 71 applies to existing Title V sources and supports ongoing permitting needs as well as compliance, monitoring, reporting, inspections, and enforcement activities throughout the operational life of a facility. In contrast, Part 75 applies to major and minor sources, including permits and permit modifications, pre-construction technical review and activities for other minor sources, and direct and indirect costs of all other activities related to implementation and compliance. Part 75 annual fees do not apply to Title V facilities paying emissions fees pursuant

to Part 71; only the application review and modeling fees apply to Title V facilities. Part 75 annual fees may also apply to Title V facilities that have been idled or shut down for the entire year, incurring no emissions fees.

V. DESCRIPTION OF AND JUSTIFICATION FOR THE PROPOSED REGULATORY CHANGES

A. Proposed Changes to Fees

This section of my testimony describes the emissions and permit fee changes the Department has determined are necessary to cover the reasonable costs of the Air Quality Program. I describe the AQB component of the Air Quality Program later in my testimony. Bret Anderson describes the AQC&E component of the Program in his testimony (**NMED Exhibit 57**).

Brian Polgar describes the financial analysis supporting the Department's proposed fee amounts in his testimony (**NMED Exhibit 65**). As his testimony shows, Revised Parts 71 and 75 are technically practicable and economically reasonable as modeled to correspond to needed maintenance for the Air Quality Program. The proposed rules do not alter the equipment and methods for controlling those air contaminants. See NMSA 1978, § 74-2-5(F)(3).

8. Revised Part 71 Fee Changes

Part 71 establishes a schedule of operating permit emissions fees assessed on Title V sources to cover the costs of developing, administering and enforcing the Department's Title V Program. The Part 71 fee schedule is simple in comparison to Part 75's and consists of one fee amount (expressed in dollars per ton of allowable emissions on an annual basis) for fee pollutants other than HAPs, and a second, higher fee amount specifically for HAPs. The higher fee for HAPs only applies to sources that are only major, as defined in Part 70, for any HAP. Currently there are **no** sources in New Mexico that meet this criterion, and the higher fee for HAPs has not been assessed since 2014. The total annual emissions fee for a Title V facility is determined by summing

the fee for each individual fee pollutant the facility is allowed to emit pursuant to its permit(s).

The current baseline fee amount for fee pollutants other than HAPs ("non-HAP fee") is $20 per ton, pursuant to 20.2.71.112(A) NMAC. I refer to this as the baseline fee amount because it is not what Title V facilities currently pay. Rather, it is what the Board set the non-HAP fee at in 2009, the last time it amended Part 71. However, the non-HAP fee increased by $2 per ton in 2010, 2011 and 2012 in accordance with 20.2.71.112(A) NMAC, and it has increased every year since 2009 by the same amount as the Consumer Price Index in accordance with 20.2.71.112(E) NMAC. As a result of these increases, the current non-HAP fee for Title V facilities is $40.59 per ton.

The Department proposes increasing the non-HAP fee to $85 per ton by resetting the baseline fee amount in Revised Part 71, Section 112(A) and resuming automatic annual increases based on the Consumer Price Index in 2028 by changing the trigger date in Revised Part 71, Section 112(D). **NMED Exhibit 2** at 3, Line 52; 4, Line 8. $85 per ton is the amount required for emissions fees to cover the projected costs of the necessary expansion of the Air Quality Program, as discussed in the testimony of Brian Polgar.

The current baseline fee amount for HAPs ("HAP fee") is $165 per ton, pursuant to 20.2.71.112(B) NMAC. The Board set the HAP fee at this amount in 2004, and like the non-HAP fee, it has increased every year since 2009 by the same amount as the Consumer Price Index in accordance with 20.2.71.112(E) NMAC. As a result of these increases, the current HAP fee for Title V facilities is $258.01 per ton.

The Department proposes resetting the baseline fee amount for HAPs in Revised Part 71, Section 112(B), to this amount, rounded to $258, and resuming automatic annual increases based on the Consumer Price Index in 2028 by changing the trigger date in Revised Part 71, Section 112(D). **NMED Exhibit 2** at 3, Line 55; 4, Line 8. Resetting the baseline fee amount for HAPs to

the current amount does not increase the HAP fee. It merely preserves past increases based on the Consumer Price Index going forward, should the Board adopt Revised Part 71.

9. Revised Part 75 Fee Changes

Part 75 establishes a schedule of fees to cover the costs of reviewing and acting upon construction permit, GCP registration and NOI applications, implementing and enforcing permit conditions, and maintaining and administering the Construction Program in compliance with federal requirements. The Part 75 fee schedule is more complicated than Part 71's and currently includes:

- A filing fee for NOI and construction permit applications;
- A complexity-based points schedule for actions associated with the review and processing of construction permit applications;
- A cost per point that is multiplied by the sum of all points applicable to a construction permit application to determine the application review fee (currently called a "permit fee," which is a misnomer); and
- An annual fee for sources that have been issued a construction permit.

The Department is not proposing to increase the current filing fee of $500 in 20.2.75.10(A) NMAC, nor the $1,000 accelerated review filing fee in 20.2.75.10(B) NMAC. However, the Department is proposing to eliminate the filing fee for NOI applications in Revised Part 75, Section 10(A). **NMED Exhibit 5** at 3, Lines 2-3. Under the Department's proposal, the NOI application filing fee will be replaced with an application review fee through other changes to the fee schedule described below.

The Department proposes updating the complexity-based points schedule in Revised Part 75, Section 11(A) by increasing the points for modeling reviews from 15 to 30 and the points for

reviewing applications to register under the Department's general construction permit for oil and gas facilities (GCP-Oil & Gas) from 10 to 30. **NMED Exhibit 5** at 3, Line 39; 4, Line 5. The Department proposes increasing the points assessed for modeling reviews because the average complexity of modeling submitted to the Department, and in turn the time required to review it, has increased significantly in recent years due to the issuance of various general construction permits, which has eliminated the requirement to perform modeling for simpler sources that now register under those GCPs instead of applying for other types of construction permits. This leaves only the more complex facilities to model. As a result, modeling personnel have estimated that, on average, modeling reviews now require twice as much time per facility as in years past – more if modeling files are deficient. Given that modeling reviews now take twice as long as they used to, assessing 30 points for modeling reviews – two times the 15 points currently assessed – is reasonable.

The Department proposes increasing the points assessed for reviewing GCP-Oil & Gas registration applications because GCP-Oil & Gas registration applications are more complex than those for other GCPs and therefore take longer to review – on average three times longer than other GCP registration applications. The proposed point value better reflects the relative effort associated with reviewing GCP-Oil & Gas registration applications, which is significantly underestimated by the current point value. Estimates of the time required to process different types of applications show, for instance, that GCP-Oil & Gas registration applications take, on average, 15 hours to process versus 4-5 hours for most other GCP registration applications. **NMED Exhibit 19**. Given that GCP-Oil & Gas registration applications take three times as long to process as other GCP registration applications, assessing 30 points for GCP-Oil & Gas registration applications – three times the 10 points assessed for other GCP registration applications – is reasonable and will help

make application review fees more equitable overall.

The Department also proposes adding 10 points for reviewing NOI applications to the complexity-based points schedule in Revised Part 75, Section 11(A) so the Department can assess an application review fee for NOI applications in lieu of the current filing fee. **NMED Exhibit 5** at 4, Line 3. The current filing fee is insufficient to cover the cost of reviewing an NOI application to determine whether a construction permit is required before construction may commence. As estimates of the time required to process different types of applications show, NOI applications take approximately 8 hours to process versus 4-5 hours for most GCP registration applications. **NMED Exhibit 19**. However, GCP registration applications are currently assessed application review fees of $5,390 (10 points x $539 per point), more than 10 times higher than the $500 NOI application filing fee. Application review fees for most GCP registration applications will increase to $5,850 (10 points x $585 per point) if the Board adopts Revised Part 75; this would widen the gap with NOIs even further if points are not added to the complexity-based points schedule for NOI applications, allowing the Department to assess application review fees for NOI applications instead of the current $500 filing fee. Assessing application review fees for NOI applications based on a point value that reflects the effort associated with reviewing NOI applications is reasonable and, like other changes to the complexity-based points schedule, will help make application review fees more equitable overall.

The Department proposes increasing the cost per point for calculating application review fees in Revised Part 75, Section 11(B). The current baseline cost per point is $315 pursuant to 20.2.75.11(B) NMAC. The Board set the cost per point at this amount in 2001, and it has increased every year since 2005 by the same amount as the Consumer Price Index in accordance with 20.2.75.11(F) NMAC. As a result of these increases, the current cost per point for calculating

application review fees is $539. The Department proposes increasing this to $585 per point (approximately an 8.5% increase) by resetting the baseline cost per point in Revised Part 75, Section 11(B) to this amount, and resuming automatic annual increases based on the Consumer Price Index in 2028 by changing the trigger date in Revised Part 75, Section 11(G). **NMED Exhibit 5** at 4, Lines 9-10 and 33.

Finally, under the current fee schedule, sources that have been issued a construction permit are assessed an annual fee. Annual fees are assessed because permitted sources impose ongoing compliance obligations on the Department, the costs of which are not covered by one-time application review fees – nor should they be. The current baseline annual fee is $1,500 pursuant to 20.2.75.11(E) NMAC. The Board set the annual fee at this amount in 2003, and it has increased every year since 2005 by the same amount as the Consumer Price Index in accordance with 20.2.75.11(F) NMAC. As a result of these increases, the current annual fee for sources that have been issued a construction permit is $2,564. The Department proposes increasing this to $2,800 (an increase of approximately 9.2%) by resetting the baseline annual fee in Revised Part 75, Section 11(F) to this amount, and resuming automatic annual increases based on the Consumer Price Index in 2028 by changing the trigger date in Revised Part 75, Section 11(G). **NMED Exhibit 5** at 4, Lines 26 and 33.

In addition, the Department proposes adding a new annual fee for NOI facilities. All regulated sources should pay fees to cover the reasonable direct and indirect costs of the Air Quality Program, and NOI facilities – like facilities that have been issued a construction permit – impose ongoing compliance obligations on the Department, although they may be somewhat less burdensome in comparison. In addition, NOI facilities are often subject to Part 50, the *Ozone Precursor Rule*, and so require additional evaluation and analysis. Furthermore, the federal and

state framework allows the Department discretion on how to shape its program and fee structure. For example, NMSA 1978 74-2-15(B)(6) specifically allows for the monitoring and tracking of emissions and preparing emissions inventories, a necessary component to ensure that the Air Quality Program can be effective. All minor source facilities, including those that have filed an NOI, are required to submit emissions inventories every three years. As such, NOI facilities require as much ongoing emissions inventory work as other minor sources. Therefore, Revised Part 75 aims to ensure NOI facilities pay their fair share by paying a minimal annual fee to cover the ongoing costs for these facilities which, combined, emit almost a third of the State's total criteria pollutant emissions. **NMED Exhibit 20**. As such, the Department proposes adding an annual fee of $700 for sources that have filed an NOI to Revised Part 75, Section 11(F) and revising the language in Revised Part 75, Section 11(G) so this fee, too, increases each year based on the Consumer Price Index starting in 2028. **NMED Exhibit 5** at 4, Lines 27-28 and 33-37.

The proposed points for modeling reviews (30), GCP-Oil & Gas registration applications (30) and NOI applications (10), cost per point ($585), and annual fees ($2,800 for construction permits, $700 for NOIs) are the amounts required to cover the projected increased costs of the Air Quality Program, as discussed in the testimony of Brian Polgar.

B. Other Proposed Regulatory Changes

In addition to the fee changes described above, the Department proposes other changes to Revised Parts 71 and 75 that are intended to clarify and modernize the rules, improve fee equity, and incentivize timely payment of fees. For both Revised Parts 71 and 75, the Department proposes adding an effective date of June 1, 2026 in Section 5. Section 5 reflects a mandatory section for all rules promulgated by New Mexico state agencies. See 1.24.10.8(F)(5) NMAC (requiring an effective date for all rules promulgated by New Mexico state agencies).

An effective date of June 1, 2026, ensures the changes would become effective with sufficient notice to the regulated community while allowing the Department to implement the new fee structure in time for the next invoice cycle. The Department expects regulated entities to want certainty of the fees they will be required to pay in time to effectively plan. For Title V facilities, this planning may involve voluntarily reducing their allowable emissions to lower their fees. They may also need to include these amounts in their budgets. The Department begins its budgeting process in July for the next fiscal year, as described in Secretary James Kenney's testimony. Sometimes that planning begins even earlier. Part of that budgeting process includes estimating revenues. A June 1, 2026 effective date allows the Department to include updated revenue estimates for fees collected in the first half of calendar year 2027 so that the requested budget for fiscal year 28 reflects an accurate picture of revenues.

1. Revised Part 71 Additional Changes

The Department proposes two changes to the definition of fee pollutant in Revised Part 71, Section 7(C), which currently includes sulfur dioxide, nitrogen dioxide, carbon monoxide, total suspended particulate matter, volatile organic compounds, mercury, and any hazardous air pollutant subject to any standard promulgated pursuant to Section 112 of the CAA.

First, the Department proposes to remove mercury, which was added to the definition of fee pollutant (and a separate fee schedule for mercury added at 20.2.71.112(C) NMAC) in 2007 as part of a package of regulatory changes addressing mercury emissions from coal-fired electric generating units larger than 25 megawatts. **NMED Exhibit 2** at 1, Line 42. These changes, which included the adoption of 20.2.85 NMAC, *Mercury Emission Standards and Compliance Schedules for Electric Generating Units* ("Part 85"), were necessary to comply with EPA's 2005 Clean Air Mercury Rule. (70 FR 28606, Standards of Performance for New and Existing Stationary Sources:

Electric Utility Steam Generating Units, Final rule, published May18, 2005, effective July 18, 2005). However, less than a year after the Board adopted Part 85, the U.S. Court of Appeals for the D.C. Circuit vacated the Clean Air Mercury Rule, and in 2012 EPA promulgated the Mercury and Air Toxics Standards, establishing more stringent standards for power plant mercury emissions than Part 85 imposed. (77 FR 9304, National Emissions Standards for Hazardous Air Pollutants from Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units, Final rule, published Feb. 16, 20112, effective April 16, 2012). As a result, the Board repealed Part 85 in 2014, and because the fee schedule for mercury at 20.2.71.112(C) NMAC only applied to sources subject to Part 85, by operation of law, the Department lost the authority to assess fees for mercury at that time.[11]

Second, the Department proposes removing total suspended particulate matter ("TSP") and replacing it with PM10 and PM2.5.[12] **NMED Exhibit 2** at 1, Lines 41-42. The New Mexico Board of Health and Social Services promulgated New Mexico Ambient Air Quality Standards ("NMAAQS") for TSP in 1969. Two years later, EPA adopted the first National Ambient Air Quality Standards ("NAAQS") for particulate matter ("PM"), with TSP as the indicator. (36 FR 8186, Part 410 - National Primary and Secondary Ambient Air Quality Standards, published 4/30/71, effective 4/30/71). In 1987, EPA revised the PM NAAQS, and PM10 replaced TSP as the

[11] Even if Part 85 had not been repealed and were still effective today, the only sources it applied to, PNM's San Juan Generating Station and Tri-State Generation and Transmission Association's Escalante Generating Station, have permanently shut down. As a result, there are no coal-fired electric generating units within the Board's jurisdiction today.

[12] PM10 and PM2.5 are defined in 20.2.2.7(AD) and (AF) NMAC and mean particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers and particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, respectively.

indicator.[13] (52 FR 24634, Revisions to the National Ambient Air Quality Standards for Particulate Matter, Final rule, published July 1, 1987, effective July 31, 1987). In 1997, EPA revised the PM NAAQS again, adding PM2.5 as an additional indicator.[14] (62 FR 38652, National Ambient Air Quality Standards for Particulate Matter, Final rule, published July 18, 1997, effective Sept.16, 1997).

The Department stopped monitoring for TSP in 1998, but the Board did not repeal the NMAAQS for TSP until 2018, when the limits for "maximum allowable concentrations of TSP in the ambient air" at 20.2.3.109 NMAC, *Total Suspended Particulates*, were repealed, effective November 30, 2018. Following the repeal, permit conditions limiting TSP emissions became unenforceable and the Department stopped collecting fees for TSP from Title V facilities. In 2025, TSP was removed from the definition of "regulated air pollutant" at 20.2.70.7(AC) NMAC, effective 9/15/2025.

Because the Department did not update the definition of fee pollutant when the NMAAQS for TSP was repealed, the Department has been unable to collect any fees for PM since the repeal. As a result, the Department has foregone collecting approximately $2.5 million in fee revenue since 2019. Removing TSP from the definition of fee pollutant in Revised Part 75, Section 7(C) and replacing it with PM10 and PM2.5 will correct this oversight and allow the Department to

[13] In terms of the health and welfare effects of PM, scientific information supported the conclusion that there are greater risks of adverse health effects associated with respirable PM (which can enter the respiratory system, generally regarded as 10 micrometers or smaller in aerodynamic diameter). The primary (health) and secondary (welfare) standards for PM10 are identical.

[14] The primary standards were set to provide increased protection against PM-related health effects, including premature mortality and increased hospital admissions and emergency room visits, and increased respiratory symptoms and disease in individuals with asthma. The secondary standards were set as appropriate protection against welfare effects including soiling, material damage, and visibility impairment. Therefore, the current PM NAAQS using PM10 and PM2.5 as indicators, are better suited to address health concerns than standards based on TSP.

begin collecting fees for PM again. Importantly, the Department proposes to only collect emissions fees for PM10 or PM2.5, but not both, as discussed below.

The Department proposes adding a new Section 10, *Severability*, to Revised Part 75 specifying that if any provision of the rule – or its application to any person or circumstance – is held invalid, the remainder of the rule shall not be affected. **NMED Exhibit 2** at 2, Lines 17-20. This new provision is intended to prevent the entire rule from being voided should a court strike down one or more specific provisions of the rule and is standard in and consistent with other Board rules. The Department also proposes deleting 20.2.71.109 NMAC, *Applicability*, because it is duplicative of 20.2.71.2 NMAC, *Scope*. **NMED Exhibit 2** at 2, Lines 24-26.

The Department proposes two changes to Revised Part 71, Section 111, which describes how annual emissions fees are calculated. First, as previously described, the total annual emissions fee for a Title V facility is determined by summing the fee for each individual fee pollutant for which a facility's permit establishes an allowable limit. The fee for a given fee pollutant is calculated by multiplying the allowable emission rate for that pollutant expressed in tons per year by the appropriate fee (*i.e.*, non-HAP or HAP). If a facility emits more than its annual allowable emission limits, it is also charged a fee for excess emissions, which is calculated in the same manner. Currently, the emissions used in these calculations are capped at 6,000 tpy pursuant to 20.2.71.111(A)(7) NMAC and 20.2.71.111(C)(4) NMAC. The Department proposes lowering this cap to 3,000 tpy in Revised Part 71, Sections 111(A)(7) and 111(C)(4). **NMED Exhibit 2** at 3, Lines 9 and 43. This will improve fee equity by ensuring that no Title V facility pays more than five percent of the total emissions fees collected in any one year. The Department proposes this change in direct response to concerns raised by industry stakeholders regarding the potential impact of increased fees and other proposed changes to Part 71 on certain sources.

Second, the Department proposes adding new provisions at Revised Part 71, Sections (A)(8) and (C)(5) NMAC providing that, for facilities with allowable emission rates for both PM10 and PM2.5, a fee will only be assessed for one of these fee pollutants based on whichever has the higher allowable emission rate or emissions above annual allowable limits. **NMED Exhibit 2** at 3, Lines 11-13 and 45-47. This will prevent double billing for the same pollutant since PM2.5 is a component of PM10.

The Department proposes deleting the separate fee schedule for mercury currently in 20.2.75.112(C) NMAC. **NMED Exhibit 2** at 4, Lines 1-5. As described above, this fee schedule was added to Part 71 in 2007 as part of a package of regulatory changes addressing mercury emissions from coal-fired electric generating units and only applied to sources subject to Part 85, which the Board repealed in 2014. Because the Department no longer has authority to assess fees for mercury under Part 71, and because mercury will be removed from the definition of fee pollutant in Revised Part 71, Section 7(C) if the Board adopts the proposed changes to the definition described above, the mercury fee schedule should also be removed.

The Department proposes updating the language regarding automatic annual fee increases in Revised Part 71, Section 112(D) to clarify that non-HAP and HAP fees shall remain the same in the event of a decrease or absence of change in the Consumer Price Index. **NMED Exhibit 2** at 4, Lines 10-11. Since these annual adjustments began in 2009 there has only been one year when the Consumer Price Index did not increase, and the Department anticipates this will continue to be a rare occurrence in the future. However, the Department wants to clarify what happens in that infrequent scenario to provide certainty to sources subject to annual emissions fees under Part 71.

Finally, the Department proposes two changes to Revised Part 71, Section 113, which describes the schedule for paying annual emissions fees, how fees shall be remitted, and penalties

for nonpayment of fees. First, the Department proposes adding language to Revised Part 71, Section 113(A)(3) providing that failure to pay annual emissions fees by the due date will subject the owner or operator to a late fee equal to 50 percent of the annual emissions fee. **NMED Exhibit 2** at 4, Lines 27-34. This provision is intended to incentivize timely payment of fees, not generate new revenue. Therefore, the Department is capping the proposed late fee at $5,000 if the late fee itself is timely paid or $10,000 if the late fee is paid late in order to protect sources subject to annual emissions fees in the tens or hundreds of thousands of dollars from potentially excessive late fees. Second, the Department proposes updating Revised Part 71, Section 113(B)(1) to allow electronic payment of annual emissions fees as part of the Department's broader efforts to modernize application and data submission, invoicing, payments, etc. **NMED Exhibit 2** at 4, Line 41.

2. Revised Part 75 Additional Changes

The Department proposes adding a new provision at Revised Part 75, Section 11(C) clarifying that the Department may assess additional points and fees for application reviews each time it is required to repeat an action in the complexity-based points schedule in Revised Part 75, Section 11(A) because the applicant updated the application after submission. **NMED Exhibit 5** at 4, Lines 11-13. The Department has long had discretion to assess additional fees pursuant to 20.2.75.12(B) NMAC but has seldom (if ever) exercised this discretion. However, as I explain in Section VIII.B.1 of my testimony, the Department's AQB has seen a decline in the quality of permit applications in recent years leading to significantly more work for managers and staff, who have spent significant time and effort working with applicants to correct deficiencies. As a result, the Department may start exercising its discretion to assess additional fees more often. Therefore, the Department believes it is important to clarify when it may do so, so applicants understand the

process better and can take steps to avoid additional fees.

Currently, the AQB spends a significant amount of time working with applicants to gather additional information, correct deficient applications, correct deficiencies in modeling or modeling files, and negotiate conditions needed to protect New Mexico's air. In addition, some companies regularly submit revised applications very close to the issuance date, causing additional review and analysis time and resulting in either other project timelines suffering or a delay in permit issuance. Part of the changes to language in the proposed fee rules is to collect appropriate revenue for the additional time spent on deficient applications. This includes appropriately charging fees for multiple revisions when the revisions cause significant extra work and for additional modeling runs necessary to recommend that a permit should be issued. Deficient GCP-O&G registrations often require 20-35 additional hours to review; deficient NOIs may require an additional 10-15 hours; deficient NSR applications may require an additional 60-70 hours. As of mid-January, 2026, the AQB Permitting Section has 30 NOIs ruled incomplete due to deficiencies.

The Department proposes adding language to Revised Part 75, Section 11(F) clarifying that annual fees shall be assessed if the construction permit, registration or NOI was in active status on December 31 of the preceding year, regardless of the source's operational status. **NMED Exhibit 5** at 4, Lines 28-30. This is already the Department's practice, but sources have occasionally expressed the mistaken belief that annual fees would be prorated, or not assessed at all, due to a temporary or permanent shutdown. The Department wants to ensure sources understand that annual fees will be assessed if they have an active permit, registration or notice of intent at the end of the previous calendar year, in part to incentivize them to cancel a permit, registration or NOI they no longer use or need to avoid unnecessary fees. This will have several benefits, including improving the Department's ability to track active sources and emissions.

The Department proposes updating the language regarding automatic annual fee increases in Revised Part 75, Section 11(G) to clarify that the cost per point and annual fees for sources that have been issued a construction permit or GCP registration or filed an NOI shall remain the same in the event of a decrease or absence of change in the Consumer Price Index. **NMED Exhibit 5** at 4, Lines 42-43. Since these annual adjustments began in 2005 there has only been one year when the Consumer Price Index did not increase, and the Department anticipates this will continue to be a rare occurrence in the future. However, the Department wants to clarify what happens in that infrequent scenario to provide certainty to sources subject to application review and annual fees under Part 75.

The Department proposes a variety of changes to Revised Part 75, Sections 12(A) and 12(B) and adding new provisions at Revised Part 75, Sections 12(C) and 12(D) in an effort to align the invoicing and payment provisions of the rule with the Department's current practices. **NMED Exhibit 5** at 4, Lines 47-56; 5, Lines 1-19. Due to differences in how NMED processes different types of applications and varying statutory and regulatory deadlines for the Department to take final action on different types of applications, invoicing and payment of application review fees necessarily differs for different types of applications as well. These differences are not reflected in the current rule, the invoicing and payment provisions of which only work for certain types of applications and are impracticable for others.

The Department proposes changes to other parts of Revised Part 75, Section 12 NMAC for consistency with Part 71 with regard to fee remittance, late fees and penalties for nonpayment. First, the Department proposes updating Revised Part 75, Section 12(G) to allow electronic payment of annual emissions fees. **NMED Exhibit 5** at 5, Lines 25-26. Second, the Department proposes adding language to Revised Part 75, Section 12(H) providing that failure to pay annual

fees by the due date will subject the owner or operator to a late fee equal to 50 percent of the annual fee. **NMED Exhibit 5** at 5, Lines 30-35. Finally, the Department proposes adding a new provision at Revised Part 75, Section 12(J), specifying the potential penalties under the State Air Act for failing to remit annual fees by the due date. **NMED Exhibit 5** at 5, Lines 37-42.

Finally, the Department proposes adding a new Section 14, *Severability*, to Revised Part 75 specifying that if any provision of the rule – or its application to any person or circumstance – is held invalid, the remainder of the rule shall not be affected. **NMED Exhibit 5** at 5, Lines 51-53. This new provision is intended to prevent the entire rule from being voided should a court strike down one or more specific provisions of the rule and is standard in and consistent with other Board rules.

The Department's financial analysis provided the basis for the dollar amounts needed to fund the Air Quality Program, balancing projected costs with projected revenues. The Department conducted additional analysis of costs related to time and resources typically needed for various types of permits, registrations and facilities to propose a fee structure that is fair and reasonable. Brian Polgar's testimony (**NMED Exhibit 65**) presents the quantitative basis for the proposed fee increases in Revised Parts 71 and 75.

3. Style and Formatting Changes

Revised Parts 71 and 75 were drafted to comply with 1.24.10 NMAC, *New Mexico Administrative Code (NMAC)*, which establishes standards for uniform rule filings in an easily understood and common format, and include non-substantive changes made to meet the State Records Center and Archives' current style and formatting requirements for NMAC rules. These include using words for numbers zero to nine (except dates) and figures for numbers 10 and greater, spelling out numerical figures when using percentages (and spelling out "percent"), spelling out

fractions, using figures and symbols to represent amounts of money (and not spelling out the number), and using proper indents for all subsections, paragraphs and subparagraphs, pursuant to 1.24.10.12 NMAC, *Style*. Internal and external cross-references were also updated for consistency, statute and rule citations reformatted where necessary, and typographical and punctuation errors corrected.

4. Differences from Prior Rulemaking

In the previous (2024) rulemaking, the Department proposed many of the same changes to Part 71 as it proposes now. Identical changes include:

- removing mercury and TSP from the definition of fee pollutant and adding PM10 and PM2.5;
- adding a provision providing that fees will only be assessed for PM10 or PM2.5, not both;
- deleting the fee schedule for mercury;
- updating the language regarding automatic annual fee increases to clarify that non-HAP and HAP fees shall remain the same in the event of a decrease or absence of change in the Consumer Price Index; and
- adding language allowing for electronic payment of annual emissions fees.

However, the Department's current proposal differs from the previous proposal in several respects. First, the Department is proposing to change the non-HAP fee to $85 per ton, versus $81 per ton in the previous proposal. The Department is also proposing to change the HAP fee to $258 per ton, versus $250 per ton in the previous proposal. However, had the Board adopted the previous proposal, the non-HAP fee would be approximately $85.47 per ton today due to annual increases based on the Consumer Price Index, and the HAP fee would be approximately $263.81 per ton. Hence, the proposed non-HAP and HAP fees in the current proposal are effectively identical to

those in the previous proposal.

Second, whereas the previous proposal would have eliminated the 6,000 ton per year cap on emissions used in the annual fee calculation, the current proposal not only retains the cap, but lowers it to 3,000 tons. As discussed previously, this change was made to address concerns raised by industry stakeholders and will improve fee equity by ensuring that no Title V facility pays more than five percent of the total emissions fees collected in any one year.

Third, the current proposal includes a new provision providing that failure to pay annual emissions fees by the due date will subject the owner or operator to a late fee equal to 50 percent of the annual emissions fee. This provision was not in the previous proposal and is intended to incentivize timely payment of fees. The late fee is capped at $5,000 ($10,000 if the late fee is not timely paid) in order to protect large sources from potentially excessive late fees.

Finally, the current proposal does not include the provision confirming administrative compliance costs for the enforcement of Chapter 2, Title 20 NMAC that was in the previous proposal, adds a new severability section that was not in the previous proposal, and removes the duplicative applicability section, which the previous proposal retained.

Similar to Part 71, the Department proposed many of the same changes to Part 75 in the 2024 rulemaking as it proposes now. Identical changes include:

- increasing the points for modeling reviews from 15 to 30;
- updating the language regarding automatic annual cost per point and annual fee increases to clarify that the cost per point and annual fees shall remain the same in the event of a decrease or absence of change in the Consumer Price Index; and
- adding language allowing for electronic payment of fees.

The Department's current proposal does, however, differ from the previous proposal in

several respects. First, the Department is no longer proposing to increase the filing fee for construction permit and NOI applications to $2,000 as previously proposed. Instead, the Department is proposing to retain the current $500 filing fee for construction permit applications, eliminate the filing fee for NOI applications, and add 10 points to Part 75's complexity-based points schedule for NOI applications so the Department can assess application review fees for NOI applications in lieu of the current filing fee.

Second, the Department is proposing to increase the points for GCP-Oil & Gas registration applications from 10 to 30, instead of 50 as previously proposed. This change is based on further evaluation of the time required for permitting staff to process different types of applications, which indicated that the previous five-fold increase in points for GCP-Oil & Gas registration applications was not in alignment with the time required to process them relative to other types of GCP registration applications.

Third, the Department is proposing to change the cost per point to $585 versus $510 in the previous proposal, and to change the annual fee for sources that have been issued a construction permit to $2,800 versus $2,430 in the previous proposal. In addition, the Department is proposing to add a $700 annual fee for NOI facilities, which was not in the previous proposal. These changes are necessary to generate sufficient revenue to cover the costs of the necessary projected needs of the Air Quality Program, as discussed in the testimony of Brian Polgar.

Fourth, the current proposal includes several new provisions that were not in the previous proposal, including: 1) a provision clarifying when the Department may assess additional points and fees for application reviews; 2) a provision clarifying that annual fees shall be assessed if the construction permit, registration or NOI was in active status on December 31 of the preceding year, regardless of the source's operational status; 3) provisions regarding invoicing and payment of fees

for different types of applications that better align with the Department's current practices; 4) a provision providing that failure to pay annual fees by the due date will subject the owner or operator to a late fee equal to 50 percent of the annual fee; and 5) a provision specifying the potential penalties under the State Air Act for failing to remit annual fees by the due date. The reasons for adding these provisions are discussed above.

Finally, the current proposal does not include the provision confirming administrative compliance costs for the enforcement of Chapter 2, Title 20 NMAC that was included in the previous proposal, retains the requirement to prepare and present a review of construction permit fees and program costs to the Board annually, which the previous proposal eliminated, and adds a new severability section that was not in the previous proposal.

VI. NMED STAKEHOLDER ENGAGEMENT

The Department engaged with interested parties in many ways over many months and adjusted the fee proposal in response to the feedback received. This section describes the Department's stakeholder engagement, including how the Department met the legal public notice and engagement requirements.

A. Previous Rulemaking (EIB 24-12(R))

In 2024, the Board held a public hearing on a similar proposal by the Department to increase emissions and permit fees. In response to concerns raised at that hearing, the Department analyzed its 2024 proposal to ensure that these concerns were addressed in the current proposal. Over the course of the next year, the Department completed additional work to structure application review fees to better align with the time and effort necessary to complete the initial reviews of those applications. The Department also considered the concern regarding one company shouldering an outsized burden on Title V emissions fees. In response, the Department lowered

the cap on pollutants used to calculate the emissions fee. The stakeholder engagement, then, began with the 2024 rulemaking and has continued through informal interactions with applicants letting us know that they want or expect a higher level of service than what we are currently able to provide. In response, the Department has increased its use of contractors to provide that service. The Department has responded to stakeholders, beginning with the previous hearing and continuing through the current rulemaking process. This is why the Department has included the stakeholder engagement information for the 2024 rulemaking below.

The Department initiated stakeholder outreach for the 2024 Proposed Repeal and Replacement of 20.2.71 NMAC – *Operating Permit Emissions Fees* and 20.2.75 NMAC – *Construction Permit Fees*, EIB 24-12 (R), on March 8, 2024, when the Department sent out a bilingual notice to potentially affected parties via the AQB's ListServ announcing a March 20, 2024, virtual stakeholder engagement meeting to discuss the proposed revisions to both regulations. The ListServ notice also included links to the Department's petition and the Board's hearing docket. The Department posted notice of the public informational meeting on its websites, including its events calendar. Approximately 10 people attended the March 20, 2024, meeting, representing industry associations, industrial sources, and the general public. The Department later posted on its website its presentation at the meeting. The Department also met individually with industry representatives, including New Mexico Oil & Gas Association ("NMOGA"), the Independent Petroleum Association of New Mexico ("IPANM"), the New Mexico Chamber of Commerce, and the New Mexico Mining Association ("NMMA") to discuss the specifics of the fee proposal.

The Department considered the feedback it received from stakeholders during the previous rulemaking when developing its fee proposal for the current rulemaking. For example, during the

previous rulemaking, IPANM commented that the Department's proposed fivefold increase in points for reviewing GCP-Oil & Gas registration applications would be a hardship for small oil and gas producers. Based on that feedback, and further analysis of the relative effort required to review GCP-Oil & Gas registration applications, the Department has reduced the points for reviewing such applications from 50 to 30 in its current proposal, thereby cutting the proposed increase in points for reviewing GCP-Oil & Gas registration applications nearly in half compared to its previous proposal. (Qualifying small businesses continue to have reduced fees compared to other entities.)

Similarly, NMMA argued during the previous rulemaking that the Department's proposal to add PM10 and PM2.5 to the definition of fee pollutant so it can restart assessing fees for particulate matter would result in one mining facility paying as much in annual emissions fees as many other facilities combined, owing to that facility's high allowable emission rate for PM10. In response to these concerns, the Department has lowered the cap on emissions used in the annual fee calculation from 6,000 tons to 3,000 tons in its current proposal. As discussed in Section V.B.1 of my testimony, lowering the cap will improve fee equity by ensuring that no Title V facility pays more than five percent of the total emissions fees collected in any one year.

The Department also notes that some facilities, including the mining facility in question, have much lower actual emission rates than they do allowable emission rates to provide for maximal operational flexibility or due to other factors. Some mining permits were issued with the assumption that multiple areas of the facility would be operating at the same time even though the available equipment at the facility would not support that. For example, the same haul truck cannot physically drive on multiple haul roads at the same time. Such a facility could modify its permit to account for such physical constraints (e.g., by limiting the allowed area of operations to what

can actually be used in practice), thereby reducing their allowable emission rates – and annual emissions fees - without significantly reducing the flexibility of their permit if that would still be advantageous even with the proposed 3,000 ton per year cap.

The Department has heard two main objections to its proposed emissions fee increases from industry: (1) the Department should charge emissions fees based on actual emissions, rather than allowable emissions; and (2) assessing fees for particulate matter by changing the definition of fee pollutant to include PM10 and PM2.5 as discussed later in my testimony will cause certain facilities to pay a disproportionate share of Title V Program costs. These objections were considered by analyzing other states' fee structures (**NMED Exhibit 21**), considering the impact to the Department of charging only for actual emissions, and analyzing the economic impact to individual facilities for correcting the definition of fee pollutant to include particulate matter, PM10 and PM2.5 (**NMED Exhibit 22**).

The analysis of other states' fee structures provided little useful information. Each state, as EPA clearly allows, can structure their fees as needed, as long as the reasonable direct and indirect costs of the entire program are covered. Some states charge on actual emissions; others charge on allowable emissions. Each state sets their fee structures based on their individual needs.

In considering the impact of charging for actual emissions, the Department concluded two things: (1) this would delay the collection of fees considerably (at least a year) due to the need to analyze and certify data for each year's emissions inventory (inventories are due for prior years' emissions in April followed by 4-6 months for analysis and certification after which these data could be used to calculate fees); and (2) the non-HAP fee would need to be raised well above $85 per ton to cover the reasonable direct and indirect costs of the Title V Program, negating any potential savings to industry, since the same amount of revenue must be collected to cover those

costs regardless of whether fees are charged on actual or allowable emissions.

The Department analyzed the economic impact of adding PM10 and PM2.5 to the list of defined fee pollutants. First and most notably, facilities have not been paying for emissions of particulates at all since TSP was taken out of permits' allowable emissions. The Department's oversight in this matter has saved various industries over two million dollars to date. Further, the Department analyzed how various facilities could save emissions fees by reducing their allowable particulate emissions to more closely match their actual emissions. **NMED Exhibit 22** shows that the largest emitters of particulates could reduce their fees significantly by lowering their allowable limits, even adding in a safety factor (or buffer) for variable conditions in a given year. For example, the largest PM10 emitter, a mine, has set their allowable emission rate at almost 4,700 tpy, even though the highest actual emission rate for PM10 (2022 – 2024) was only 628 tpy. The Department has suggested to this facility that they could lower their allowable limit, but so far the company has chosen not to do this. Taking into account the 3,000 ton per year cap the Department proposes in response to the previous allegation of unreasonableness of this facility's burden, this facility could save $188,000 to $202,000 annually, depending on the safety factor chosen. (The 3,000 tpy cap already saves this facility over $144,300.) This is a business decision that every company can make.

While this analysis compares current fees and current allowable limits with the proposed per ton fees at various allowable limits, it is important to note that a true comparison of the economic impact to these industries should compare the new fees to the fees paid for particulates the last year they were charged for particulates, with adjustments for inflation. For any industry with significant particulate emissions, comparing $0 per ton for particulates to the new fee of $85 per ton is a false comparison.

The Department has been and continues to be responsive to stakeholder feedback.

B. Current Rulemaking (EIB-25-77 (R))

1. Pre-Petition Engagement

The Department initiated the current rulemaking proceedings when it filed its Petition for Regulatory Change to Repeal and Replace 20.2.71 NMAC, *Operating Permit Emissions Fees*, and 20.2.75 NMAC, *Construction Permit Fees*, with the Board on December 3, 2025. Prior to doing so, on October 9, 2025, I met with representatives and spoke at the NMOGA membership meeting. I informed those present at the meeting that the Department planned to petition the Board in December for a new fees hearing and explained that the fees requested would be similar to the fees requested in 2024, but that the Department had made some adjustments based on industry feedback from the 2024 hearing, which I've just described, and to make the fee structure more equitable in general. NMOGA asked a few follow-up questions, mostly unrelated to fees and more about the Department's plans for future rulemakings for methane and anticipated updates for Part 50. The Department has scheduled with NMOGA to present more detailed information regarding the fee increase proposals at their February 25, 2026 meeting.

Importantly, the Department receives feedback from stakeholders almost daily outside of this formal rulemaking proceeding as part of its regular business practices that has informed how the Department has shaped its fee proposal. For example, although industry stakeholders may not inform the Board themselves as part of this particular proceeding, the Department regularly receives communications from industry to increase its services, including providing weekly meeting times to discuss their applications and always deliver permit decisions on time. In addition, although community members and environmental organizations may not inform the Board themselves as part of this formal proceeding, the Department receives regular

communications that the Department should have additional monitors in the Permian Basin and do more to ensure that permitted entities are in compliance.

2. Post-Petition Engagement

a. Additional Stakeholder Engagement

Immediately after filing the petition, the Department sent copies of its proposal to NMOGA, NMMA and IPANM, the two latter of which had opposed the Department's proposal in 2024 and offered to hold meetings to discuss the proposal and feedback on same. The Department did not hear from IPANM, nor has it at the time of this filing. The Department did hear back from NMMA and met with NMMA representatives on Tuesday, January 6, 2026, from 10:30 to 11:30 a.m. The Department provided information regarding what costs fee revenues are required to cover, the newly introduced cap on annual emissions for Title V fee calculations, the reasons related to timing that the Department charges Title V emissions fees based on permitted (allowable) limits, and assured them that the Department uses Title V revenues only for the Air Quality Program as it relates to Title V facilities. Representatives seemed surprised to learn that the revenues must cover all direct and indirect costs of implementing the Title V Program. Representatives also suggested that the Department seek additional funding from the New Mexico Legislature through a General Fund appropriation, which as Secretary Kenney's testimony describes, is not the primary funding source for the Department's Air Quality Program. The NMMA representatives communicated to the Department that it would be making a decision on the fee proposal at their next internal meeting.

The Department met with NMOGA representatives on January 15, 2026, regarding the fee proposal from 1-2 p.m. The NMOGA representatives informed the Department of current member feedback, including that many members understood the need for a fee increase and that some

members did not agree that emitting entities should be "bankrolling program growth." The NMOGA representatives communicated to the Department that it looked forward to the upcoming public virtual information session about the fee proposal and would be making a decision on the fee proposal at their next internal meeting.

Another concern voiced by NMOGA was the removal of Board oversight at Revised Part 75, Section 13. The original intent of removing this language was to align requirements with actual practice, as the Department had not been able to meet this requirement due to under-staffing. The Department agrees that this oversight is important. Therefore, in the NOI version of Revised Part 75, the Department has reversed these changes. **NMED Exhibit 6** at 5, Lines 29-32.

As part of its outreach, the Department held a virtual public informational meeting on January 15, 2026, from 4-6 p.m. regarding its proposed changes to 20.2.71 NMAC, *Operating Permit Emissions Fees*, and 20.2.75 NMAC, *Construction Permit Fees*. On December 23, 2025, the Department sent out a bilingual notice via the AQB's ListServ announcing this meeting and the virtual "office hours" described below, and a second bilingual notice on January 8, 2026, providing information about how to join both meetings online or by phone. **NMED Exhibits 23-24**. The Department also provided this information on its website. **NMED Exhibits 25-26**. Department staff provided an overview of the proposed changes to both rules at the meeting, and there was time allowed for questions from stakeholders and the general public. The Department posted its presentation slides on its website before the start of the January 15, 2026, public informational meeting and posted a link to the recording of the meeting on the Department's website the day after. **NMED Exhibits 27-28**.

The Department then held virtual "office hours" on January 22, 2026, from 6-8 p.m. to provide interested persons an additional opportunity to ask questions or provide feedback on the

proposed rules. As described above, the Department sent out several notices regarding this meeting via the AQB's ListServ and provided this information on its website well in advance of the meeting. The Department provided a final meeting reminder on its website on January 20, 2026. **NMED Exhibit 27**. Although Air Quality Program staff and other people attended the meeting, no one that identified themselves as a stakeholder asked questions or provided comments.

To assure the Board focuses on the specific authority cited as part of this rulemaking and the actual fee schedules necessary to align Air Quality Program requirements with needed revenues in the Title V Fund and the Construction Fund, the Department has removed Section 113(D) from the petition version of Revised Part 71 (**NMED Exhibit 3** at 4, Lines 30-31), and Subsection 12(K) from the petition version of Revised Part 75 (**NMED Exhibit 6** at 5, Lines 25-26).

b. Public comments received and NMED response

At its public meeting on January 15, 2026, the Department received live questions from meeting attendees. A representative from WildEarth Guardians asked about the Department's continuation of permitting activities in its Air Quality Program without first ensuring that the Department has sufficient resources to monitor compliance and enforce permit conditions. The Department responded that the Air Quality Program understands its mandate to protect air quality, including ensuring that permittees implement emission controls to the greatest extent possible, comply with the conditions of their permits, and adhere to all applicable regulations. The Department emphasized that the agency does not possess the authority to deny permits outside established statutes; however, the Department did state it aims to enhance regional modeling capabilities to better assess cumulative environmental impacts and underscored that any improvements depend on securing adequate funding for the implementation of those improvements.

WildEarth Guardians also stated that it understood the Department to be saying the Department cannot protect air quality without additional resources and that fee revenue has declined even as permitted facilities increased.[15] WildEarth Guardians asked about interim safeguards to ensure program adequacy and public health protection in the time leading up to the Board's potential adoption of the Department's fee proposal and inquired if the Department has considered limiting or conditioning new permits until the Air Quality Program is able to demonstrate adequate staffing, monitoring, and enforcement capacity. In response, the Department commented that the Department rejects the assertion that it has acknowledged an inability to protect air quality without additional resources. The Department clarified that the statement regarding declining fee revenue applies specifically to the Title V Program and does not extend to the Construction Program.

The Department also communicated in response that it has continued to protect environmental quality and public health despite current revenue conditions, and it considers claims suggesting otherwise to be inaccurate. While acknowledging that improved staffing, technological capacity, and additional resources would enhance its effectiveness, the Department affirms that it is fulfilling its responsibilities under existing circumstances and recognizes that there is always room for improvement. The Department noted that the promulgation of Part 50 has been a successful regulatory measure, expanding oversight to facilities that were previously unregulated and significantly strengthening monitoring and compliance efforts. The Department emphasized that the implementation of Part 50 represents meaningful progress compared to the absence of such

[15] Both the Board and the Department are defendants in *Atencio v. State, 2025 N.M. App. LEXIS 34, Writ of certiorari granted* ***Atencio*** *v. State, 2025 N.M. LEXIS 316 (Nov. 10, 2025)*, brought by a set of plaintiffs, including the Center for Biological Diversity and WildEarth Guardians, that the Department's Air Quality Program needs to do more to protect human health and the environment and needs more funding.

regulation. Overall, the Department asserts that it is making substantial efforts to safeguard air quality, and that recent monitoring data reflects the success of these initiatives, while acknowledging that additional resources would further improve performance.

In addition, at the January 15, 2026, public meeting, a representative from Earthworks asked about the 2024 rulemaking in which the Department mentioned that it receives $8.8 million in fees and the 2024 increase would bring in approximately $35.8 million annually, and to see if those amounts are still an accurate projection for the present rulemaking. The representative from Earthworks also asked if there will be public comment during the March hearing dates. The Department clarified that the specific answers to these questions were not available due to not having information readily available on last year's proposal and the analysis for the current proposal not being completed. The Department confirmed that, for the fiscal year 26, the projected combined revenue for both programs is indeed over $8 million. The Department noted that the estimate of $35.8 million appeared somewhat high and may instead reflect anticipated totals by fiscal year 2030. The Department also noted that projected costs for fiscal year 2026 are expected to surpass the projected revenue.

In response to the inquiry regarding public comment during the March hearing, the Department stated that although the hearing officer in this rulemaking has yet to issue a pre-hearing order assigning the outline of the hearing schedule, the hearing officer will ensure that times for public comments are incorporated into each day. The Department noted that the hearing officer typically provides for oral public comments of usually three minutes each and schedules at least one public comment session during the evening to accommodate those unable to attend the hearing during standard working hours. The Department clarified that although there may be a limit on the length of oral public comment, there is no limit on the length of written public comment and

explained that the Department currently has an open public comment portal for Department-related comments, and the Board also has an open public comment portal for comments directly to the Board or emailed to the Department's Office of Public Facilitation paralegal, Pamela Jones at Pamela.Jones@env.nm.gov.

The representative from Earthworks also asked how the Department's fee proposal would increase benefit to local communities that live amongst permitted facilities and operations. The Department explained that if the Board accepts its fee proposal, the Air Quality Program will be able to enforce permit conditions for existing operations more effectively – including in communities with permitted facilities – through a substantial increase in compliance and enforcement staffing. It was emphasized that additional personnel are necessary to oversee the growing number of facilities under the Department's regulatory authority. The Department staff explained that one activity it has begun and will likely expand is to conduct on-site verifications after the Department issues a permit to confirm that the permitted facilities have been constructed in accordance with their approved permit conditions – an area that previously presented compliance challenges. The Department also explained that it seeks to enhance its monitoring capabilities to proactively address potential air quality concerns. Given that New Mexico is the fifth-largest state geographically, the Department is working to expand its monitoring network, particularly in the Permian Basin. The goal is to develop a more granular data network capable of identifying localized air quality trends and forecasting areas at risk of exceeding established standards. All of these measures are intended to provide tangible benefits to communities that have permitted facilities. The Department also noted that implementation of Part 50 has prompted applicable permittees to invest more heavily in compliance efforts, resulting in measurable improvements in air quality.

The Earthworks representative also inquired as to the deadline for submitting public comment to the Board for the Board's consideration. The Department explained that there are two online portals for the public comments – one for public comment to the Department and one for comments to the Board.

Also at the January 15, 2026, public meeting an attendee identified as Chuck participated by noting that he was unfamiliar with the Environmental Improvement Board process and asked if the Board adopted the Department's proposal, what was the timeline for the application of the updated fees. In response, the Department explained that if the Board adopts the proposed fee rule, it will become effective on June 1, 2026, and the application review fees will take effect immediately on that date. The Department however further explained that although the rule will become effective on June 1, 2026, it will not affect Title V fees for the current year, as those fees must be submitted annually by March, nor will it affect the annual construction permit fees and NOIs for the current year.

At the public meeting, the Department also received a question from an attendee named Antoinette Reyes regarding how many public comment opportunities are available. The Department responded that there are ample and ongoing opportunities to comment to both the Department directly through the public comment portal and to the Board directly through a separate public comment portal. The Department also noted that anyone could informally reach out to the Department as well, and that during the formal rulemaking hearing, there will also be opportunities for oral public comment during those days.

Via email, the Department received a request for clarification as to whether the 30 points for GCPs for oil and gas facilities applied to all GCPs related to oil and gas (such as the GCP-6) or whether it was specific to just the GCP-Oil & Gas. The Department read the question at its

office hours on January 22, 2026, and responded that the 30 points proposed only applies to the GCP-Oil & Gas as this GCP is the comprehensive GCP requiring significantly more analysis than other GCPs. The Department added that they would work on clarifying language in Revised Part 75. The Department has since made changes to Revised Part 75 to make this distinction clear, as discussed below.

c. Revisions to regulatory proposals post-petition

In response to the public comment described above, the Department revised the language in Revised Part 75, Section 11(A) to clarify that all GCP registrations except the GCP-Oil & Gas will continue to be assessed 10 points, and that only GCP-Oil & Gas registrations will be assessed 30 points. The language in question pertained to general permits and was found in the points table under "2. Other Permitting Actions":

General Permits (20.2.72.220 NMAC) for non-Oil and Gas Facilities	10
General Permits (20.2.72.220 NMAC) for Oil and Gas Facilities	30

For enhanced clarity, NMED revised this language as follows:

General Permit Registrations other than GCP-Oil & Gas (20.2.72.220 NMAC)	10
GCP-Oil & Gas Registrations (20.2.72.220 NMAC)	30

NMED Exhibit 6 at 3, Lines 48-50.

Also, as described above, the Department has removed the following provision regarding Administrative Compliance Costs from Revised Parts 71 and 75:

> Non-compliance with Chapter 2, Title 20 NMAC or the Air Quality Control Act subjects each 25 owner or operator to administrative compliance costs for enforcement of Chapter 2, Title 20 NMAC.

NMED Exhibit 3 at 4, Lines 30-31; **NMED Exhibit 6** at 5, Lines 25-26.

Finally, as described above, the Department has also reversed changes to Revised Part 75, Section 13 that would have reduced Board oversight of fees. Revised Part 75, Section 13 has been revised to read as follows:

> The department shall prepare a review of the construction permit fees and construction permit program costs annually. The review shall include information on the budgets, expenditures, fund balance, and related projections. The review shall be presented to the Board within six months following the end of the fiscal year.

NMED Exhibit 6 at 5, Lines 29-32. This is identical to current 20.2.75.13 NMAC.

VII. LEGAL PUBLIC NOTICE REQUIREMENTS

Pursuant to the public notice requirements in Subsection E of Section 14-4-2, *Provide to the Public*, NMSA 1978 (2017); Section 14-4-5.2, *Notice of Proposed Rulemaking*, NMSA 1978 (2017); Section 14-4-5.3, *Public Participation, Comments and Rule Hearings*, NMSA 1978 (2017); Subsection N of 20.1.1.7 NMAC *Provide to The Public*; 20.1.1.301 NMAC, *Notice of Hearings*; and 1.24.15.9 NMAC, *Requirements For Notices*, NMED prepared, published, posted and distributed the "New Mexico Environmental Improvement Board Notice of Rulemaking Hearing to Consider the Proposed Repeal and Replacement of 20.2.71 NMAC *Operating Permit Emissions Fees* and 20.2.75 NMAC *Construction Permit Fees* EIB 25-77 (R)," in both English and Spanish ("Public Notice"). **NMED Exhibits 29-30**. The Department described in the Public Notice all of the statute-required and rule-required information about the rulemaking matter and rule-making process, thus complying with Subsection E of Section 14-4-2, NMSA 1978 (2017); Section 14-4-5.2, NMSA 1978 (2017); Section 14-4-5.3, NMSA 1978 (2017); Subsection N of 20.1.1.7 NMAC; 20.1.1.301 NMAC; and 1.24.15.9 NMAC. For example, for public participation, the Public Notice contained details about how to attend the Board hearing in person or via WebEx

and listed three ways to provide written public comment: 1) via a comment form posted on the Department's online Public Comment Portal;[16] 2) via e-mail to the Board Administrator's e-mail address; and 3) via physical mail delivered to the Board Administrator's postal address. The Public Notice also included the Board Administrator's telephone number in case the public had questions or comments. As of February 17, 2026, the Board Administrator has received no public comments via any of the methods described in the public notice. **NMED Exhibit 31**. Nor has the Department received any public comments via a separate comment form (for commenting directly to the Department) posted on the Department's online Public Comment Portal,[17] the link to which was provided on the Department's website, in AQB ListServ announcements, and in the Department's January 15, 2026, public informational meeting presentation. **NMED Exhibits 23, 25 and 28**.

Pursuant to 20.1.1.301 NMAC, *Notice of Hearings*, the Department published the Public Notice, in both English and Spanish, in the Albuquerque Journal on January 11, 2026, the Tri-City Record on January 12, 2026, and the Carlsbad Current Argus on January 13, 2026. **NMED Exhibits 32-34**.

The Department complied with Subsection A of Section 14-4-5.2, NMSA 1978 (2017) of the *State Rules Act* by publishing the Public Notice in the New Mexico Register, Volume XXXVII, Issue 1, on January 13, 2026. **NMED Exhibit 35**.

The Department also complied with Section 14-4A-4, *Rules Affecting Small Business*, NMSA 1978 (2005) of the *Small Business Regulatory Relief Act* by providing notice and copies of the Department's petition and proposed rules to the Small Business Regulatory Advisory

[16] The comment form was posted on the Public Comment Portal and commenting opened on or about December 24, 2026, prior to publication of the Public Notice in the New Mexico Register. A link to the comment form was included in the Public Notice.
[17] The comment form was posted on the Public Comment Portal and commenting opened on December 4, 2026, the day after the Department filed its Petition.

Commission via e-mail on January 13, 2026. **NMED Exhibit 36**. The Department has received no questions or comments from Commission members as of February 17, 2026.

Pursuant to Section 14-4-5.2, NMSA 1978; Section 14-4-5.3, NMSA 1978 (2017); and Subsection N of 20.1.1.7 NMAC, the Department 'provided to the public' notice of proposed rulemaking, which included:

1) Posting it on the Department's website. **NMED Exhibit 37**;

2) Posting it on the New Mexico Sunshine Portal. **NMED Exhibit 38**;

3) Making it available at the Department's district, field and regional offices via e-mail on January 13, 2026. **NMED Exhibit 39**;

4) Sending it via e-mail on January 13, 2026, to persons who made a written request for notice of announcements addressing the subject matter of the rulemaking proceeding and who provided an e-mail address to the board administrator. **NMED Exhibit 40**;

5) Sending it via e-mail on January 14, 2026, to the person(s) who participated in the rulemaking by filing an Entry of Appearance and providing an e-mail address to the board administrator. **NMED Exhibit 41**;

6) Sending it via postal mail to persons who have provided a postal address. **NMED Exhibit 42**;

7) Sending it via e-mail on January 13, 2026, to the New Mexico Legislative Council for distribution to appropriate interim and standing legislative committees. **NMED Exhibit 43**.

In furtherance of public outreach, the Department developed a Public Involvement Plan ("PIP") which was posted on AQB's webpage. **NMED Exhibit 44**. The Department developed this PIP to outline public participation opportunities and information that may be needed to

participate in the operating and construction fees rule revision project. As part of the PIP, the Department committed to providing notice to:

1) Twenty-three active land grants (Abiquiu, Anton Chico, Atrisco, Cañon de Camué, Cebolleta, Chililí, Cristóbal de la Serna, Cubero, Don Fernando de Taos, Juan Bautista Baldez, Manzano, San Antonio de Las Huertas, San Antonio del Rio Colorado, San Joaquín del Rio de Chama, San Miguel del Bado, Santa Barbara, Santo Domingo de Cundiyó, Santo Tomas Apóstol del Río de Trampas, Tajiqu, Tecolote, Tierra Amarilla, Town of Tomé, and Town of Torreón), via e-mail, completed on January 13, 2026. **NMED Exhibit 45**. The Department has received no comments from land grants as of February 17, 2026.

2) Five Councils of Governments (Northwest NM COG, Mid-Region COG, Eastern Plains COG, Southwest NM COG, South Central COG) and two Economic Development Districts (North Central NM Economic Development District and Southeastern NM Economic Development District) via e-mail, completed on January 13, 2026. **NMED Exhibit 46**. The Department has received no comments from COGs or EDDs as of February 17, 2026.

3) Twenty-five Pueblos, Nations, and Tribes (Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh (San Juan), Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Kewa (Santo Domingo), Taos, Tesuque, Zia, Zuni, Ysleta del Sur, Navajo Nation, Navajo Nation Council, Jicarilla Apache, Mescalero Apache, and Fort Sill Apache), via e-mail, completed on January 13, 2026. **NMED Exhibit 47.** The Department has received no comments from Pueblos, Nations, and Tribes as of February 17, 2026.

VIII. THE AIR QUALITY PROGRAM COMPONENTS

The following testimony describes the AQB's Air Quality Program to provide a clearer

understanding of the many costs associated with implementation of the Program. The Department is responsible for determining the allocation of its operating budget with oversight by the Department of Finance and Administration, but the following provides illustration and justification for the amounts of funding requested in this hearing, as was explained by Secretary Kenney. Specific analysis of the Air Quality Program's funding needs, as it relates to the proposed fee amounts and structure will be provided in separate testimony from Brian Polgar.

As indicated above, fees collected through Parts 71 and 75 are required to cover all direct and indirect costs of implementing and administering the Air Quality Program. As explained in each section below, direct and indirect costs for program activities are first covered by available staff; the Department hires contractors only when staff cannot meet the level of service required. Thus, costs are reasonable within the bounds of costs that must be recovered through fee revenues. I present the following description of the AQB's Air Quality Program, not for approval but rather, for context and understanding of the breadth and complexity of the Program the requested fees must cover to progress in protecting New Mexico's air. The Department authorizes expenditures of its operating budget each year to fund the Air Quality Program. The Board's role is to adopt rules that provide the fee schedules with the amounts necessary to fund the Air Quality Program.

The Air Quality Program is complex and requirements for the program have expanded in terms of both the number and types of facilities regulated and the federal and state rules and regulations applying to those facilities. In addition, the Department has and will continue to devote significant resources to addressing the continuing ozone issues in the Permian Basin and to respond appropriately to community and resident concerns regarding the quality of the air they breathe. The following is an overview of the current organization and responsibilities of the AQB, for which the fees set by Part 71 and Part 75 cover the costs. Bret Anderson will present technical testimony

regarding the EPCEB portion of the Air Quality Program.

In addition to the costs associated with the AQB and AQC&E, the program is supported by the Administrative Services Division, Office of General Counsel, General Services Department, NMED Information Technology Bureau and State Department of Information Technology, and the Grants Coordinator within the Office of the Secretary. Also, the Secretary either directly or through delegated authorities directs the Air Quality Program through the EPD and the EPCEB. The fees from Part 71 and Part 75 fund a pro-rated fraction of these indirect costs.

NMED Exhibit 48 contains a chart showing the historical staffing levels for the AQB as snapshots from the first calendar quarter each year since 2012. **NMED Exhibit 49** contains a table that summarizes the historical staffing since 2012 by section, plus the additional staffing needs for the Bureau and planned position creation over the next five years. Note that the needs expressed here are reasonably foreseeable needs. As the Air Quality Program moves forward with protecting air quality in New Mexico, additional (or different) needs may arise.

The AQB's programmatic tasks are divided into three overarching sections, overseen by the Bureau Chief. **NMED Exhibit 50** shows the general organizational structure of the AQB. Each section has a Section Chief, responsible for directing the work of that section. Each Section Chief supervises three or more managers and supervisors, who may, in turn oversee two or more supervisors or may supervise staff directly. Each section, however, depends in some measure on input from other sections to achieve its goals, as shown in **NMED Exhibit 51**.

Bureau managers and staff regularly meet with EPA's Region 6 personnel. Region 6 personnel require regular updates on each program (Monitoring and Quality Assurance, Planning, Permitting and Compliance & Enforcement) to maintain confidence that New Mexico's Air Program implements the Air Quality Program as required. Region 6 personnel provide guidance

and directives which the Bureaus must implement. Directives may include, but are not limited to Title V permit revisions, SOP revisions, and corrective actions for EPA audits. For example, the most recent EPA audit of the monitoring network program required approximately 250 hours of staff time, travel expenses to each site, and an additional 60 hours of staff time to address the (minor) deficiencies discovered through the audit. Because the Bureau prioritizes development and implementation of appropriate protocols, the most recent audit (2025) required only minor corrective actions and received very positive feedback from EPA, complimenting the Bureau on its efforts.

A. **AQB** Planning Section

The Planning Section of AQB provides small business assistance, develops air quality plans and regulations, reviews and comments on federal regulations and plans, collaborates with federal agencies to manage smoke and wildfires, works with EPA regarding ongoing SIP requirements, performs modeling for planning and permitting purposes, and collects and analyzes annual emissions data as part of the emissions inventory required in Part 73. In 2012, the Planning Section had eighteen (18) full-time employees ("FTE"); positions were reduced through 2021 to fifteen (15) FTEs. To meet requirements of regulatory and SIP planning, the Department has increased the Planning Section to its current level of 26 FTEs. Additional FTEs will still be necessary, though, as explained below. A table of FTE history and additional needs is attached as **NMED Exhibit 49**.

1. Small Business Environmental Assistance Program

Services provided by the Small Business Environmental Assistance Program ("SBEAP") include: assisting small businesses to successfully navigate permitting processes and answering small businesses' questions regarding applicable regulations; assisting small businesses with

completing permit applications, most often GCP registrations, Construction NOIs and Area Registrations for NESHAPs; assisting with training and data collection efforts for the annual emissions inventory; assisting with mining application reviews; developing educational materials and helping with outreach; and analyzing and commenting on National Environmental Policy Act ("NEPA") submissions and other Environmental Impact Statements submitted to the Department.

SBEAP analysts typically spend 20-40 hours per Construction NOI application assistance project and approximately the same for each GCP application assistance project other than the GCP – Oil & Gas ("GCP-O&G"). The unit may assist with 10-15 GCP applications per year and 2-10 Construction NOI applications each year. This portion of their work, then, represents approximately 240 – 4,000 staff hours each year or, on average, approximately 1 FTE.

Additional application assistance provided by SBEAP personnel includes streamline application assistance (20-30 hours each), regular NSR application assistance (30-40 hours each), relocation application assistance (2-5 hours each) and even some operating permit application assistance (100-140 hours). These assistance projects typically require 200 – 700 hours per year or, on average, approximately 1/3 FTE.

SBEAP produces and updates communications materials for distribution to regulated entities, violators of certain regulations, communities and individuals. They also field numerous questions via email and telephone. This includes, for example, helping 416 facilities in 2024 with the 2023 emissions inventory by answering questions and providing trainings about the requirements for the triennial minor source emissions inventory, which included NOI facilities, all sources with a GCP, all other types of minor source permits, as well as Title V facilities, who are required to provide data every year. Combined, this represented approximately 1 FTE.

SBEAP also provides services by reviewing and commenting on environmental impact

statements and NEPA reports. In 2025, the SBEAP unit reviewed and provided comments on 69 NEPA or related documents, representing 140-200 staff hours.

SBEAP also works with AQC&E, helps other AQB sections with outreach efforts, regulatory analysis, relocation applications, and completing requested research, and provides small businesses with small business certifications.

Current SBEAP personnel levels include one supervisor and two staff. Effective job performance requires a clear understanding of both federal regulations and state rules and the Bureau's permitting processes and conditions included in permits. In addition, it requires both attention to detail and an understanding of the larger perspective. SBEAP analysts must be able to determine the applicability of rules and regulations, understand which portions of each rule or regulation apply to the facility, follow the exact requirements of the State's air permitting rules, explain scientific or technical concepts to non-scientific or non-technical audiences, analyze the impacts various projects may have on the State's air quality, and become familiar with other teams' processes. In addition, SBEAP personnel must be excellent communicators in both written and verbal forms.

The Bureau needs to expand SBEAP staffing to assist much more with educational and other outreach efforts to small businesses. AQB also anticipates adding educational and outreach efforts for entities that are not small businesses to the responsibilities of the team. Educational efforts will include webinars, fact sheets, frequently-asked-questions ("FAQs") with responses, flyers, posters, etc. In-person meetings will continue to be optimal for both educational efforts and other assistance. Because of limited resources and high demand for this team's services, they have been unable to provide significant educational resources and outreach which would, over the longer term, provide for reduced compliance problems and more accurate permit applications.

Consultants often contact SBEAP personnel to answer questions regarding permit applications. With additional staff, educational efforts can be expanded to provide training to consultants.

The Small Business and Outreach team will, with an additional four (4) FTEs, be able to proactively provide training to the regulated community regarding permit processes and applications, compliance with state rules and federal regulations, emissions inventory requirements and processes, and new permit application protocols once the Air Quality Program's database is upgraded and expanded. This team will also assist other teams with required outreach and public notices, as well as provide more optimal outreach for rulemaking efforts. They will work with the Office of Strategic Initiatives and the Office of Economic Development to proactively reach out to the regulated community. This team will also focus on multi-media collaboration, working with other bureaus and departments to provide a more comprehensive perspective to the regulated community. Finally, the team will be responsible for assuring that all public-facing web pages are updated appropriately and in a timely manner.

2. Control Strategies

The responsibilities of the Control Strategies unit include: developing air quality plans and regulations; analyzing and drafting comments on federal rulemaking proposals; responding to federal rules and SIP requirements; submitting exceptional events demonstrations to exclude monitoring data for events that are outside of our control; participating in multi-jurisdictional meetings and work groups, such as the Joint Advisory Committee for Improvement of Air Quality ("JAC" – includes Mexico and Texas) or the Four Corners Air Quality Group (includes Arizona, Colorado and Utah); updating State rules as needed through collaboration with other units, AQC&E and EPA; providing analysis and testimony for rulemaking hearings before the Board; planning to address air quality issues proactively (such as the "Ozone Attainment Initiative," which

resulted in Part 50, the *Ozone Precursor Rule*), implementing the Diesel Emissions Reduction Act ("DERA") program and the Volkswagen Mitigation Fund program; advising on air quality considerations for joint projects, such as the Climate Change Action Plan; and assisting the Climate Change Bureau and the Energy, Minerals and Natural Resources Department ("EMNRD") with air quality-related projects. Control Strategies maintains the SIP according to EPA requirements as part of the Department's delegated authority to implement the Air Quality Program. Although the SIP contains more than just rules, **NMED Exhibit 52** provides a summary of the State rules included in the SIP .

Currently, Control Strategies consists of two teams working together on various projects. Two (2) supervisors and eleven (11) staff comprise Control Strategies. Projects vary in scope and complexity. For example, work on New Mexico's Regional Haze SIP revision for the second implementation period, most recently completed, began in 2018 and only recently reached the final stages with the December 2025 Board adoption of the revised plan and new companion rule 20.2.68 NMAC. This project represents 30,000-40,000 hours of staff time over the course of these 8 years, including participating in and leading regional work groups, collaborating with federal land managers and EPA, communicating extensively with Title V facility owners to analyze appropriate strategies to reduce emissions affecting Class I areas in the State, completing analyses and drafting the Regional Haze SIP revision and companion rule, drafting and presenting testimony at the Board hearing, offering stakeholder engagement opportunities, collecting and responding to comments, and making information and documents available and accessible to the public. As with any SIP-related and rulemaking effort, the project required significant attorney assistance, which for this project was handled within the Department.

Similarly, the development and adoption of Part 50, the *Ozone Precursor Rule*, required

over 15,000 hours of staff time to develop, including analysis, rule drafting, review, comment response, testimony drafting and presentation, and further public notice. Over 1,000 people attended public meetings and provided 524 comments on the rule. **NMED Exhibit 53**. In addition, the Department employed contractors to assist with analysis for this project due to limited resources (the Bureau had only one Control Strategies team until 2024), due to the time-sensitive nature of the project (because of continued ozone issues in particular counties), and due to the need for engineering analysis. Staff time included the Bureau Chief, upper management in the Environmental Protection Division and attorneys from the Office of General Counsel.

These are only two examples of rulemaking projects for which Control Strategies took the lead. Other rulemaking projects the Control Strategies unit has recently completed include incorporating federal rules by reference into the NMAC (a periodic effort requiring at least 2,000 staff hours; aligning the Affirmative Defense provisions of the NMAC with EPA rules, which required another 2,000 staff hours; and analyzing program needs for this (fees hearing) rulemaking. The Department estimates that, from the initiation of the 2024 fees hearing effort to the end of January 2026, the Department has invested 10,000-15,000 hours of staff time (including attorneys and upper management) and will incur additional attorney costs up to $200,000.

Control Strategies staff are actively working on methane rules, responding to federal regulations, and a response to the federal power plant emission guidelines. These two efforts currently represent approximately 2.5 FTEs through December 31, 2026. Other staff will continue to prepare for the upcoming third Regional Haze implementation period and work with Permitting staff on needed revisions to 20.2.72 NMAC, *Construction Permits*, and other permitting rules.

Control Strategies and the Planning Section Chief administer the Smoke Management Program in accordance with the requirements of the CAA and the federal Regional Haze Rule,

which primarily focus on mitigating the impacts of smoke on human health and the environment from all sources of fire. This includes implementing 20.2.65 NMAC, *Smoke Management* ("Part 65") for prescribed burns in collaboration with the U.S. Forest Service and the National Parks Service, managing the planned burn registration system, reviewing waiver requests, working with coordinators for emergency situations, and communicating smoke-related information to the public and the Department of Health. The Department submitted Part 65 to EPA as part of the SIP in 2003; EPA approved the addition to the SIP on November 27, 2012 (77 FR 70693). Additionally, the team may field questions regarding 20.2.60 NMAC, *Open Burning*, which prohibits most types of open burning in New Mexico, although potential violations are referred to compliance & enforcement personnel. This program requires approximately 800-1,000 hours of staff time annually, depending on fire-related events in any given year and activity related to Part 65. Wildfire smoke monitoring, when requested, is handled by the Monitoring staff in the Operations Section of the AQB. Data collected may be used for exceptional events demonstrations and for planning purposes, such as for Regional Haze SIP revisions.

Control Strategies has also drafted comments, in collaboration with the Climate Change Bureau, for the State regarding proposed federal rulemakings and deregulatory actions, focusing on the disinformation provided in certain proposals and the negative impacts to the State's air quality. The unit also provided insight regarding the State's Climate Action Plan and appropriate steps needed to mitigate climate change. Together, these projects represent approximately 400 hours of AQB staff time.

Additional projects currently underway for Control Strategies: multiple DERA (and VW Mitigation) projects for which staff advertise funding, analyze project applications, award funding, follow up with the sub-grant awardee and EPA, and handle financial transactions to reimburse

entities across the State (approximately 1500 hours of staff time annually plus additional indirect costs related to assistance from the Grants Coordinator for the Department and Administrative Services Division); analysis of federal deregulatory actions and strategizing for New Mexico's response (1,000 hours so far); and annual exceptional events demonstrations to demonstrate to EPA why certain uncontrollable events should not be included in design value calculations, which determine the attainment status of various areas (approximately 1,500 hours of staff time annually).

The Bureau added the second Control Strategies team in 2024 to address the volume and complexity of controlling air pollution in the state. Since that time, EPA has initiated a significant deregulatory agenda to which the AQB must respond to protect air quality in the State. The AQB anticipates needing to respond to increased federal and state legislation. Up to 24 FTEs may be needed for any urgent rulemaking that may be needed in the near future, (although up to 8 FTEs would be provided by existing staff) with additional contract assistance for analysis in support of these efforts as needed.

The Department is already addressing climate change. The State's Comprehensive Climate Action Plan, attached as **NMED Exhibit 54**, developed by the Climate Change Bureau and EMNRD, with some input from AQB, contains measures for industry, transportation, agriculture, buildings and other sectors. The Air Quality Program will conduct analysis and rulemaking efforts to address several measures in the Industry sector. A brief synopsis of industry measures for which the Air Quality Program will be directly or indirectly involved pursuant to the Climate Action Plan includes:

1. **Measure I-1 – Transition Oil and Gas Equipment to Electric Infrastructure.** This measure aims to reduce carbon dioxide emissions from oil & gas combustion by electrifying fuel combustion equipment in the oil & gas industry and encouraging

renewable energy to replace fossil fuel combustion. This will require the Department to initiate rulemaking through the Board. This effort will require 4 FTEs for two years.

2. **Measure I-2 – Carbon Capture and Sequestration – Combustion.** This measure aims to reduce oil & gas industry combustion emissions of greenhouse gases further by capturing carbon dioxide and sequestering it through subsurface injection. The Department will support EMNRD through overseeing air emissions. This effort will require 1.5 FTE for three years.
3. **Measure I-3 – Carbon Capture and Sequestration – Acid Gas Removal Units.** This measure aims to reduce carbon dioxide emissions for acid gas removal units using carbon capture and sequestration. These units already produce concentrated carbon dioxide streams that would be injected and sequestered instead of vented to the atmosphere. This measure, similar to measure I-2, will be jointly implemented by the Department and EMNRD. This effort will require 3 FTEs for one year, not including enforcement of the rule.
4. **Measure I-4 – Increased Monitoring and Methane Plume Investigation.** This measure establishes a comprehensive program to monitor for and investigate sources of methane plumes in the oil and gas industry. The program will be administered by EMNRD and the Public Regulation Commission's Pipeline Safety Bureau. The Department will provide assistance after it implements measure I-5, below. No immediate costs are anticipated for the Department.
5. **Measure I-5 – Building on Success of Ozone Precursor Rule.** This measure formalizes the Department's ability to reduce methane emissions by implementing a super-emitter monitoring program and to update requirements for pneumatic

controllers. This will require a joint effort by AQB and AQC&E for rulemaking and enforcement of the rules, respectively. This will require a total of 7 FTEs.

6. **Measure I-6 – Plug Inactive Wells.** This measure expands EMNRD's efforts to plug inactive oil and gas wells across the State. The Department will not be actively involved in this measure.
7. **Measure I-7 – Compliance Implementation.** This measure increases the Department's ability to ensure compliance with and enforce upon existing and future regulations for the oil and gas industry. The Department will aim to add 66 FTEs to the AQC&E through 2050.

Regulation changes increase the burden on Permitting staff and AQC&E staff to ensure facilities conform to the updated regulations. They also take great amounts of time for the Control Strategies staff to promulgate the regulations, as indicated above. The following list describes the new regulations that have come about since the previous fee revisions.

1. Since the last emissions and permit fee revisions, the Planning Section has undergone 8 separate rulemakings that involved the incorporation by reference of the delegation of federal NSPS under 20.2.77 NMAC, *New Source Performance Standards* ("Part 77"); NESHAP under 20.2.78 NMAC, *Emissions Standards for Hazardous Air Pollutants* ("Part 78"); and Maximum Achievable Control Technology ("MACT") standards under 20.2.82 NMAC, *Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants* ("Part 82"). Since 2002, over 312 combined new, amended, or corrected final rule notices have been published in the Federal Register and incorporated into Parts 77, 78 and 82.
2. In 2007, as part of the Department's response to the federal Clean Air Mercury Rule, the

Board adopted 20.2.85 NMAC, *Mercury Emission Standards and Compliance Schedules for Electric Generating Units* ("Part 85"), along with revisions to the Title V and Acid Rain Permit Programs under Part 70 and 20.2.84 NMAC, *Acid Rain Permits*, respectively. In 2014, Part 85 was repealed after the Clean Air Mercury Rule was rescinded.

3. Many rules that had been adopted and later repealed are somewhat dependent on the current gubernatorial agenda or federal prerogatives at the time of the rulemakings, including: 20.2.12 NMAC, *Cement Kilns*, repealed in 2014; 20.2.20 NMAC, *Lime Manufacturing Plants – Particulate Matter*, repealed in 2019; 20.2.36 NMAC, *Petroleum Refinery – Sulfur,* and 20.2.37 NMAC, *Petroleum Processing Facilities*, both repealed in 2016; 20.2.87 NMAC, *Greenhouse Gas Emissions Reporting*[18], repealed in 2011; 20.2.88 NMAC, *Emission Standards for New Motor Vehicles*, adopted in 2007, revised in 2011, and repealed in 2013; 20.2.98 NMAC, *Conformity of General Federal Actions to the State Implementation Plan*, repealed in 2013; 20.2.100 NMAC, *Greenhouse Gas Reduction Program*, adopted in 2010 and repealed in 2012; and 20.2.300 NMAC, *Reporting of Greenhouse Gas Emissions*, 20.2.301, *Greenhouse Gas Reporting – Verification Requirements*, and *20.2.350 NMAC, Greenhouse Gas Cap- and- Trade Provisions*, all three adopted in 2010 and repealed in 2012.
4. Rulemakings that are currently in effect since 2003: 20.2.1 NMAC, *General Provisions*, amended in 2010 and 2014; 20.2.2 NMAC, *Definitions*, amended in 2007 and 2009; 20.2.3 NMAC, *Ambient Air Quality Standards*, amended in 2006 and 2018; 20.2.7 NMAC, *Excess Emissions*, amended in 2008; 20.2.23 NMAC, *Fugitive Dust Control*, adopted in 2019;

[18] Provisions remain in 20.2.73 NMAC that allow the Department to collect greenhouse gas inventories.

20.2.35 NMAC, *Natural Gas Processing Plant – Sulfur*, amended in 2007; 20.2.50 NMAC, *Oil and Gas Sector – Ozone Precursor Pollutants*, adopted in 2022; 20.2.60 NMAC, *Open Burning*, amended in 2003; 20.2.64 NMAC, *Municipal Solid Waste Landfills*, amended in 2017; 20.2.66 NMAC, *Cotton Gins*, adopted in 2005; 20.2.70 NMAC, *Operating Permits*, amended six different times from 2004-2025; 20.2.71 NMAC, *Operating Permit Emissions Fees*, amended in 2004, 2007, and 2009; 20.2.72 NMAC, *Construction Permits*, amended in 2003 and 2006; 20.2.73 NMAC, *Notice of Intent and Emissions Inventory Requirements*, amended four times from 2003 through 2011; 20.2.74 NMAC, *Prevention of Significant Deterioration*, amended six times from 2005 through 2014; 20.2.75 NMAC, *Construction Permit Fees*, amended in 2003; 20.2.79 NMAC, *Permits – Nonattainment Areas*, amended four times from 2006 through 2021; 20.2.81 NMAC, *Western Backstop Sulfur Dioxide Trading Program*, adopted in 2003 and amended in 2011; 20.2.84 NMAC, *Acid Rain Permits*, amended in 2007; 20.2.86 NMAC, *Best Available Control Technology for Mercury at New Power Plants*, adopted in 2008; 20.2.89 NMAC, *Qualified Generating Facility Certification*, adopted in 2008 and amended in 2009; 20.2.90 NMAC, *Field Citations*, adopted in 2008; 20.2.99 NMAC, *Conformity to the State Implementation Plan of Transportation Plans, Programs, and Projects*, amended five times from 2005 through 2014; and 20.2.101 NMAC, *Carbon Dioxide Emission Standards for Coal-Fired Electric Generating Facilities*, adopted in 2022. A total of fifty combined rulemakings had occurred since 2003 that are still in effect today. Control Strategies takes the lead on almost all rulemakings before the Board; exceptions have occurred when upper management occasionally leads rulemaking efforts, with assistance from Control Strategies and other AQB sections.

5. The Climate Change Bureau was created on November 1, 2022, when 20.2.91 NMAC, *New Motor Vehicle Emission Standards*, was adopted in May 2022. Prior to that, AQB staff covered all planning activities now undertaken by the Climate Change Bureau, including the greenhouse gas regulations that were adopted and repealed from 2010-2012.
6. 20.2.68 NMAC, *Regional Haze Requirements*, was adopted by the Board in December 2025, as described above. The first Regional Haze planning period SIP submittal was due to EPA in 2007.
7. The Bureau has conducted twenty-four SIP revisions since 2003 that required going before the Board to amend the NMAC. The three most recent SIP revisions include: the Regional Haze SIP in 2025, Nonattainment New Source Review and the Good Neighbor SIP certifications in 2021.
8. Control Strategies has covered other requirements that fall outside the need for a hearing before the Board to be in good standing with the CAA. The work that is involved with submitting exceptional events demonstrations each year to the EPA for the PM_{10} NAAQS exceedances due to high wind blowing dust events includes periodically updating the Dust Mitigation Plan for Doña Ana and Luna Counties. Control Strategies implements planning requirements for the Sunland Park ozone nonattainment area as a marginal nonattainment area for the 2015 ozone standard. Since 2020, the baseline emissions inventory, emissions statement certification and nonattainment new source review under 20.2.79 NMAC, *Permits – Nonattainment Areas,* which did require a hearing to amend, required submission to EPA, and every three years thereafter a periodic emissions inventory update must be submitted. Control Strategies staff continue to collaborate with neighboring air quality management jurisdictions and vested stakeholders, since air quality is not limited by

geopolitical boundaries, with partnerships created through the Four Corners Air Quality Group, Joint Advisory Committee for Improvement of Air Quality in the Paso del Norte Air Basin, Dust Alliance of North America, National Association of Clean Air Agencies, and the Western States Air Resources Council/Western Regional Air Partnership. Control Strategies led the Department's effort to participate in voluntary programs such as EPA's Ozone Advance, leading to the State-led Ozone Attainment Initiative starting in 2016, aiming to preserve or improve air quality in the counties that were falling below or within 95% of the standard.

3. Modeling and Emissions Inventory

The Modeling and Emissions Inventory unit's Modeling team consists of three (3) FTEs reporting to the unit supervisor, while the Emissions Inventory team consists of 3 FTEs also reporting to the unit's supervisor. As these teams' responsibilities need to address more complexity, overdue modeling for planning purposes, and an increased universe of reporting entities, the two teams will need to be separated into their own units, each requiring a supervisor. In general, the Modeling team reviews and analyzes modeling provided by major and minor sources seeking permits and conducts other modeling for planning purposes. The Emissions Inventory team organizes the annual and triennial collection of emissions data and analyzes the data for certification and submission to EPA.

a. Modeling

The Modeling team reviews air dispersion modeling analyses submitted by permittees with permit applications. These analyses demonstrate whether a new industrial facility or a modification of an existing facility will cause air quality degradation leading to violation(s) of air quality standards. The review consists of an initial check that the applicant submitted all required modeling

files, the modeling files match the application, the applicant used the correct protocols following EPA guidance, and that the facility's emissions sources and operations are properly represented in computer simulations. After this step the unit conducts a thorough technical review which includes inputting hundreds of data points, running computer simulation models to confirm the ambient air impacts from a permitting action, analyzing the results and writing a report for the Permitting staff. Each two-step modeling review process typically takes one to four weeks of staff time depending on the complexity of a subject facility and operating scenarios requested. Very simple sources may only take a week, but these types of modeling projects are not common. Most facilities take two weeks if the initial modeling indicates no exceedances of the NAAQS or if no other deficiencies are discovered. Complex facilities take at least four weeks, again assuming that no deficiencies are discovered. That said, in the past, the Modeling team, when faced with deficient modeling submissions, has spent several additional weeks trying to work with the applicant and re-running modeling multiple times without additional compensation. Because of these delays, which are becoming more frequent, Permitting staff may have to re-analyze applications, leading to a delay in permit issuance or even denial. Each time the Department reruns modeling, at least a week can be added to the expected time required. Additional modeling, in the future, will incur an additional modeling fee to appropriately compensate the Department for the additional resources required.

The AQB's Modeling team has provided over-arching modeling for General Construction Permits, eliminating the need for individual facilities to provide modeling. This cost has been absorbed by the overall AQB budget, reducing modeling costs for industry. New modeling is needed to update each of the GCPs. This will require anywhere from 120 hours for each GCP up to 500 hours for each GCP just for modeling, depending on whether a new model will need to be developed. Once the modeling is done, the Control Strategies group will work with Permitting

staff to modify the GCPs. (This will be critical for the GCP O&G should EPA designate any portion of the Permian Basin as nonattainment.) This effort will require 2,000 or more hours of staff time.

The team also participates in pre-application meetings (with Permitting staff) to answer questions applicants may have; the time involved depends on the number and complexity of the pre-application meetings. They also review modeling protocols submitted prior to performing modeling analyses as an additional service to applicants; this increases the probability that the modeling submitted will be acceptable. On average, this review takes 1-2 hours each, with the team reviewing 3-5 pre-application modeling protocols per month. For some protocol reviews, the team must consult with EPA or discuss the protocol with the submitter to understand what is being proposed and why.

Some facilities request modeling waivers, for which modeling staff also conduct an analysis of the request, including a review of past permitting actions to either deny or approve. This type of review requires anywhere from 2-5 hours each, depending on the history of the source's permitting actions and the complexity of the facility. The Department receives 3-4 modeling waiver requests per month.

The Modeling team also assists with contracted services for regional photochemical modeling (for ozone) and analyzes modeling reports, emission estimates and projections from various organizations. So far, the Modeling team has spent approximately 100 hours working with the contractor and analyzing various work plans and reports by the contractor.

The team recently worked with Permitting staff to develop an internal protocol to assist with completeness determinations, avoiding last minute denials due to missing analyses or inaccurate modeling results or, for some applications, failure to demonstrate compliance with applicable ambient air quality standards due to increased emissions or change in operations. This

project, which required approximately 100 staff hours to develop and finalize and an additional 100 staff hours for training and collaboration processes, helps the Permitting team move through the permitting process more efficiently.

Other projects for which the Modeling team is responsible include: mining application reviews affecting multiple bureaus and other departments (one application per month, on average, requiring 2-4 hours each for review and comment development); assisting with the annual emissions inventory (one day per week for one staff member for 12 weeks); and reviewing modeling reports from federal agencies, such as the Bureau of Land Management's ("BLM") 2024 report regarding its photochemical modeling of the Permian Basin region. This report is attached as **NMED Exhibit 55.** The team spent approximately 50 hours reviewing this report and discussing the results with BLM.

Currently, the AQB has photochemical modeling analyses on contract to provide the information needed to determine our approach to addressing ozone issues in the Permian Basin. So far, the Modeling team, the Chief of the AQB and select members of the Planning team have spent 200-250 hours to initiate and scope the project, provide initial approval of the project plan, review reports and meet with the contractor. The Department will spend approximately $400,000 for this project in fiscal year 2026. The results will be used to determine the Department's next steps in addressing the ozone problems in the Permian Basin. Regional photochemical modeling will be an ongoing need for the foreseeable future until the Basin's ozone design value falls below 95% of the NAAQS. Until that time, the State Air Act, Section 74-2-5(C), requires action to address ozone pollution. See **NMED Exhibit 7**.

At this time AQB requires at least three (3) additional FTEs to take over the photochemical modeling for the State, eliminating the need for contract work and to develop new models for areas

of concern (such as nonattainment impacts, cumulative impacts, greenhouse gas impacts, etc.). These projects will require significant computational resources, either cloud computing or acquisition of in-house computer hardware. Additional requirements include training and software, as expanded modeling will draw from multiple databases and includes projections into the future. Each photochemical modeling project will require two full-time staff devoted to the project for approximately one year for the scoping, data gathering, inputs, analyses and reporting. A contractor will still be required to train new staff in this complex task.

b. Emissions Inventory

The Emissions Inventory team collects and analyzes emissions data provided by regulated entities. In the past, minor sources submitted data very rarely, but with the increase in minor sources, the AQB has implemented a schedule whereby minor sources report emissions every three years. In 2023, approximately 5500 facilities submitted emissions inventories. Major sources submit emissions data every year, as required by federal regulations. See 40 CFR Part 51, Subpart A (Air Emissions Reporting Requirements). The AQB also collects greenhouse gas emissions data, which is a part of required reporting for each entity required to submit emissions data in any given year pursuant to Part 73. See **NMED Exhibit 7**.

Each year, the team notifies regulated entities of the data collection effort, including the data points needed and the process for submission. The team also holds training webinars and has developed guides for data collection and submission. These communications and trainings require 100 – 600 hours of staff time each year, depending on the amount of assistance required by reporting entities.

Once data are submitted, the data analysts follow a protocol to quality assure the data. This starts with an initial flagging of data, which then requires significant follow-up with submitters to

either submit additional data or to correct deficiencies in the data presented. This process takes anywhere from 3-6 months. Once this phase of data review is finished, the Emissions Inventory team must then summarize and report data to EPA. By the time this is finished, the team will be focused on either improvements to the data collection process or next year's inventory.

The AQB maintains a web application through which regulated entities submit data electronically. The web application requires ongoing assistance from information technology (the Department and a contractor). Historically, one FTE implemented each emissions inventory effort with help from approximately 4 other staff for training, assisting submitters, and analyzing data. In 2025, the AQB added another two FTEs to accomplish the entire task, and to research, plan and implement improved reporting processes and requirements, including improved greenhouse gas reporting requirements to meet the needs of personnel working to implement the State Climate Action Plan and to provide improved data for future modeling and other planning purposes. We will be able to collect, analyze and report emissions data to assist attainment demonstrations and provide more granular and accurate data to entities such as EPA, non-governmental organizations, and the public. The AQB anticipates that federal greenhouse gas reporting regulations will be repealed, meaning that the Department will have additional responsibilities to ensure that data are accurate and available to support appropriate and informed decision-making. Depending on future climate priorities of the State, additional FTEs may be needed, although this is not reasonably foreseeable and so, not included in the proposal's projections.

4. Overall Planning Section

The Planning Section Chief oversees all three units of the Planning Section – SBEAP, Control Strategies and Modeling and Emissions Inventory. This position meets regularly with supervisors of each unit to provide direction, assist with prioritization and to assure that tasks are

on track. The Section Chief collaborates with the Bureau Chief, the Environmental Protection Division leadership, the Department's senior leadership, the Department's Administrative Services Division, various offices within the Office of the Secretary, AQC&E, federal agencies, Tribal entities and other sections of the AQB to move the Air Quality Program toward its goal of improved protection of New Mexico's air.

Reporting directly to the Planning Section Chief, the Planning Section's Program Coordinator assists the Section Chief, supervisors and other staff with administrative and logistical coordination, including tracking of certain requirements, planning and technical set-up for public meetings, coordinating with administrative staff to publish public notices, and researching tools to help the Section manage multiple projects.

B. Permitting Section

The Permitting Section analyzes multiple types of permit, registration or notification applications. These include: Title V (major source) new permits, permit renewals and permit modifications; Prevention of Significant Deterioration ("PSD") (major source) new permits and permit modifications or revisions; NSR (minor source) new permits and permit revisions; GCP new registrations and registration revisions; NOI new new applications or revisions; requests for a determination that no permit is required; source relocations, mainly for the construction industry; and administrative revisions for multiple types of permits. Overall, AQB staff have processed 126% more permits than in 2012 while Permitting staff levels have only increased 44%, mostly in the last two years. Each type of permitting/registration/notification action carries a statutory deadline by which the action must be completed. These deadlines have not changed since the Department initiated the Air Quality Program, even though additional and more complex regulations require additional review and analysis by permit writers and managers.

In addition, Permitting staff respond to EPA orders following EPA's review of proposed Title V permits, respond to public comments on permits required to go through notice and comment periods, and testify in Department hearings when a permit objection is filed. All of this work also requires significant public outreach, which involves developing Public Involvement Plans, performing Limited English Proficiency analyses, publication of public notices, and comment portal hosting. Finally, Permitting has the main responsibility for maintaining the AQB's permitting database, currently TEMPO. The Permitting Section is divided into three main units: Major Source (Title V and PSD), Minor Source, and Technical Services.

Additionally, the Permitting Section could benefit from more collaboration with AQC&E and the Planning Section to address inconsistencies in and the enforceability of current permit condition language, GCP conditions and applicability, and to streamline the AQB's permit application forms. Permit rules also need to be updated to codify current practices, to provide clarity on permit action types, and to assure reasonable timelines for permitting actions to provide regulatory certainty. Current staffing levels and resources do not allow for this work. The AQB also offers (and recommends to the regulated community) pre-application meetings prior to application submissions. This service helps the applicant understand the type of permit or permit revision/modification that will be required and answers any questions regarding what is to be included in the application. In 2025, the AQB held a total of 103 pre-application meetings. These meetings typically range from 1-2 hours. Permitting staff also answer numerous questions from both pre-applicants and applicants who have already submitted applications; Major Source staff spend approximately 20 hours per week working directly with applicants to answer emails, phone calls, and to participate in meetings, and recently applicants are requesting weekly meetings with the Department for just one permit.

In 2012, the Permitting Section had twenty-four (24) FTEs; positions increased through 2023 to twenty-six (26) FTEs. To accommodate the increase in permitting transactions, the Department has increased the Permitting Section to its current level of thirty-five (35) FTEs. Additional FTEs will be necessary, as explained below. A table of FTE history and additional needs is attached as **NMED Exhibit 49**.

3. Major Source Permitting

The Major Source unit consists of two separate, but related teams – Title V and PSD permitting. This unit handles all actions which pertain to major sources, whether the action is for a Title V permit or not. For example, if a Title V facility submits a technical revision for their construction permit (also known as an NSR permit), the Major Source unit takes the lead. This unit completes administrative, technical and regulatory reviews and analyses of applications, collaborates with the Modeling team, prepares documents, communicates and negotiates with applicants regarding conditions, and issues (or denies) permits based on their analyses. Although the number of major sources has declined from 140 facilities in 2012 to 129 facilities in 2024, the Major Source unit has seen an increase in the complexity of the facilities leading to more complex permits requiring additional review and analysis from the unit. In addition, more permits are being challenged, requiring additional administrative work, communications and legal assistance.

PSD permitting falls under the NSR paradigm, although it is the most complex permitting action and affects major sources. Because of the complexity of major source permitting, especially PSD permitting, an excellent employee will be considered experienced after two years of intensive training. Managers review all permits / permit actions in these teams. A "typical" PSD action may require anywhere from 1,088 hours to 2,368 hours of analysis, 160 to 240 hours of permit drafting, 160 to 240 hours of review and revision, 32 hours to assure proper public notice and comment

requirements are met, and additional hours, depending on whether comments are received, requiring response. These actions are increasingly facing public opposition, with concerned residents and organizations requesting hearings. When this occurs, the team can spend hundreds of additional hours to prepare for, public notice, and testify at the hearing. On a significant permitting revision for a Title V major and PSD minor facility, the Targa/Road Runner Gas Processing Plant hearing in 2023 required 4 staff members working approximately 360 hours per person and at least 500 attorney hours, totaling almost 2,000 hours of work.

The 2018 Title V Fee Schedule EPA Guidance document (**NMED Exhibit 18)** at page 5 states, "part 70 costs must include the cost of implementing and enforcing any term or condition of a non-part 70 permit required under the [CAA] that is incorporated into a part 70 permit and meets the definition of 'applicable requirement' in part 70. Similarly, the cost of implementing and enforcing any term or condition of a consent decree or order that originates in a non-part 70 permit that has been incorporated into a part 70 permit must be included as a part 70 cost." Therefore, costs associated with any New Source Review ("NSR") or construction permit for a Title V facility may be paid out of funds collected from Title V sources.

The Title V team reviews and processes all administrative, technical and regulatory requirements of all NSR and Title V permit applications for Title V facilities, prepares documents and issues (or denies) those permits. Title V new permits, renewals and modifications or revisions require reviewing all existing permits for the facility and incorporating all applicable requirements into the Title V permit, which also must include monitoring, recordkeeping and reporting requirements. Depending on the complexity of the facility (equipment, controls, applicable regulations, etc.), a "typical" Title V action may require from 385 to 514 hours to gather information, 514 to 685 hours to analyze the calculations, processes and controls proposed in the

application, 514 to 685 hours to draft the permit, 257 to 343 hours to provide for public notice and comment (including EPA and interested parties), 385 to 514 hours to respond to comments and revise the permit, 214 to 685 hours to communicate with and negotiate with the permittee, and additional hours (typically hundreds) if a hearing is requested.

Currently, the Major Source unit consists of one manager (who oversees the entire Major Source program), two supervisors (one for Title V and another for PSD), and eight (8) permit writers. Due to previous staffing shortages, the number of challenged permits and EPA orders regarding permits, the AQB currently has a contract for assistance in addressing comments or orders, and to address a backlog of major source permit actions. This contract will cost the Department, in fiscal year 2026, approximately $1,000,000, including additional training necessary for permit writers to ensure knowledge and consistency.

In addition, the AQB has experienced a significant number of facilities constructing and operating outside of application parameters, including not installing or operating required controls. To address this issue, the AQB also has a contract for permit verification whereby the contractor visits sites as directed by the AQB to verify that a facility is built and operating in accordance with the terms and conditions of its recently issued permit or permit modification. (This applies to both major sources and minor sources and is funded out of both funds. The Permitting Section Chief and Lead Technical Advisor for the Section determine which facilities the contractor will visit. The Department has encumbered $45,000 from Title V funding for this effort. Minor source verification tasks are funded out of the Construction Fund.)

The Air Quality Program also needs to address an increasing issue of facilities cancelling their Title V permits, then reporting excess emissions which put them over Title V permitting thresholds. Permitting staff are starting to work with AQC&E and attorneys to determine whether

these facilities have violated State permitting rules and how to address the issue.

Additionally, the Major Source unit has experienced a sudden influx of permit applications for a new type of source, each of which may be a PSD source (250 tons or more of regulated pollutants per year). The AQB must ensure that facilities are not engaged in maneuvers designed to avoid PSD permitting, requiring additional analysis and training. ("PSD circumvention" is a violation of state rules and federal regulations.) The AQB is currently working with a contractor to provide additional training and research for these situations, encumbering $40,000 from the Title V Fund.

Major Source permitting requires significant training, for which outside expertise is often necessary. Besides in-house trainings on AQB processes, major source personnel benefit from 3 levels of general permit-writing training and 3 levels of PSD permit-writing training. In addition, they must understand every aspect of emissions (sources, chemistry and control), requirements for monitoring, recordkeeping and reporting, and the various standards of performance applicable to new and existing sources. These standards are based on the types of equipment or facilities and can be found in 40 CFR (Code of Federal Regulations) Part 60 – *New Source Performance Standards* – and 40 CFR Part 63 – *National Emission Standards for Hazardous Air Pollutants for Source Categorie*s. Permitting staff in general, including Major Source permit writers, must be familiar with the 40 CFR Part 60 regulations and the 40 CFR Part 63 regulations, in addition to state rules applicable to the facilities for which an application has been submitted.

Major Source staff must be aware of and knowledgeable about the most commonly applicable regulations: 27 state regulations and approximately 115 federal regulations including 54 in 40 CFR 60, 61 in 40 CFR 63, and 10 in 40 CFR 61. These are state and federal regulations that permitting must review for any type of permit that we issue. Excluded from these numbers are

general provisions or other regulations that would apply but have duplicative or more general requirements. Also excluded are regulations for less frequently permitted facilities, such as regulations for smelters, lime manufacturing, kraft mills, and cement manufacturing.

Because of previous staff turnover, complex permit applications are often assigned to supervisors or the manager due to the permit writers' lack of experience, procedural knowledge and training. Managers and supervisors, thus, are not available to update protocols, guidance documents, templates, etc. as needed. This means that permit applications must be prioritized based on various factors, including statutory deadlines. Outreach is currently suffering due to the workload this team experiences. Appropriate due diligence often requires requesting additional information from applicants to verify the accuracy of submissions. In the past, statutory deadlines were prioritized over assuring air permits were as protective as needed. Our mission, however, requires that permits contain provisions which are as protective as possible. This requires significant back-and-forth communication with applicants and often, additional analysis, adding hundreds of staff hours to the process.

The Bureau has seen the quality of permit applications decline in recent years, leading to significantly more work for Permitting staff and in some cases delays in permit issuance or even permit denials. Denials and delays each have legal implications for which the Bureau relies on both in-house and contracted legal assistance. Staff (and managers) have spent significant time and effort working with applicants to correct deficiencies, sometimes several hundred hours of additional time. This includes deficient modeling and even inconsistencies within an application. Although the new protocol involving modeling review for administrative completeness will help, issues still remain when technical analysis and technical modeling review show serious flaws in applicants' proposals for their permits.

Hearings for permits and other challenges to permits are extremely labor intensive for the AQB and attorneys. First, the AQB must respond to each comment received; this involves collecting the comments, organizing them, analyzing the validity of each comment or suggestion, and then responding to each commenter. For permits that are challenged, staff and air quality attorneys spend hundreds of hours compiling the administrative record, drafting and presenting testimony, and following up according to the hearing outcome.

The Department projects that additional staffing will be needed for addressing increased permit comments and requests for hearing. Although the Bureau uses contractors to assist, training contractors and reviewing their work takes significant time and effort from managers. In addition, the Bureau anticipates its outreach staff (as indicated in the SBEAP discussion, above) will take on training for consultants and other applicants regarding permit application requirements to reduce permitting staff time dealing with deficient applications.

NMED has already identified the need for at least 2 FTEs to the Major Source unit to assure that these permits can be issued efficiently (within statutory deadlines or earlier) and still be protective of air quality in New Mexico. In addition to the typical work of a major source permit writer, new staff will be able to take on permit verification and new types of industrial sources. The Department will need one additional FTE to specifically address permits challenged or commented on by various entities, especially those for which a hearing will ensue.

4. Minor Source Permitting

The Minor Source unit has grown significantly in the last two years, with two additional teams being added. The team now consists of a Minor Source Manager, 3 supervisors, and twelve (12) permit writers. The team conducts technical and regulatory reviews to process minor NSR new permit applications and revisions, most GCP registrations and registration revisions, and

NOIs (new and revised). Again, each carries a statutory or regulatory deadline by which the action must be completed. For each review, staff verify emissions calculations, determine applicable state and federal regulations, write technical support documents for the administrative record, enter and verify data in the Bureau's database, and coordinate with various stakeholders (industry, the public, consultants, AQB staff, and other state and federal agencies).

Even with this team of permitting staff, the workload is such that the Bureau has had to rely on contractors to assist with GCP reviews. In 2025, contractors processed 298 of the 826 GCP O&G registrations the AQB received. In early 2025, the AQB faced a shortage of contract money due to a delay in the ability to transfer money to the contracts category. This resulted in 358 out of 826 permit actions – mostly for minor sources – exceeding the statutory/regulatory deadlines. Since 2012, Oil & Gas-related GCPs have increased over 2,000 percent, with the biggest jump occurring with the issuance of the GCP-O&G.

As with major sources, the Minor Source unit has seen a decline in the quality of minor source permit applications in recent years, resulting in many more rulings that applications are "administratively incomplete" or in some cases, permit denials. This requires additional work, including legal assistance. As previously stated, one goal of increasing our outreach staff is to provide training for consultants and representatives of facilities regarding proper application completion. In addition, managers are working with attorneys to develop and update guidance on single-source determinations, emission factors, control equipment and other factors leading to permit denials. So far, tasks involving legal determinations for permit denials and single-source determinations has required approximately 180 hours of staff time, and will require an estimated 30 hours of attorney time.

Due to the number of registration applications submitted (typically 20-30 each week),

GCP-Oil & Gas registration reviews consume the greatest amount of Minor Source staff time and resources. Currently, AQB employs 5 contractors to help with this work stream, costing approximately $500,000 in fiscal year 2026. In late 2025 and early 2026, the contractors added assistance with NOI reviews due to the unit staff's inability to handle the number of actions submitted. The Bureau anticipates adding a fourth unit to the Minor Source team, meaning another supervisor and an additional 5 permit writers, to process all GCP-Oil & Gas registration and NOI applications in-house. The AQB also intends to add an additional permit writer to each of the three existing Minor Source units, so that each unit has 5 permit writers. With additional in-house staff, managers and supervisors will be able to focus more on in-house training, and regularly updating protocols, decision trees, guidance documents and templates.

Additionally, new staff benefit from conducting field visits to physically see the types of equipment their permits regulate so that they can contribute more meaningfully to appropriate and enforceable permit conditions. As part of their training, this will require travel expenses at a cost of approximately $1,000 - $1,200 per permit writer. Ultimately, the AQB also will require permit writers completing permit verification site visits following issuance of new permits or significant changes to existing permits. This is beyond the 5-year plan for which we can reasonably estimate staffing needs.

One foreseeable challenge is the possibility of an ozone nonattainment designation for at least one county in the Permian Basin. Should this occur, the Bureau is under-prepared to deal with the ramifications, as current GCPs are not eligible to be used in nonattainment areas. This means that Permitting staff and Planning staff would need to quickly develop a reasonable path forward, which may include an emergency rule, that is regulatorily and statutorily sound, efficient, and balances environmental protection with cost to both industry and the Department. Currently, this

is a project the Bureau is not able to initiate due to limited resources and workload constraints. We estimate that this effort alone, because it would require a staged approach and additional modeling, would require 2 FTEs devoting 100% of their time to the project for two years.

In 2025 the Minor Source unit reviewed: 826 GCP O&G, 278 Construction NOIs, 21 NSR permits. They denied 2 NSR permits and 1 GCP O&G registration. A well-prepared GCP O&G Registration requires approximately 15 hours if reviewed by a seasoned and experienced reviewer. A well-prepared Construction NOI requires approximately 8 hours if reviewed by a seasoned and experienced reviewer. NSR permits take an average of 49 hours to review and draft the permit. However, inexperienced staff (less than 2 years) require twice to three times this amount of time. Additionally, deficient applications require additional work from Permitting staff, Modeling staff, and sometimes legal staff as described above.

Initial training time for the contractors assisting with GCP-O&G registration applications took approximately 24 hours. Initially Minor Source management met with the contractors every week for 1 hour to discuss permitting issues and questions. They currently meet with the contractors every 2 weeks to discuss permitting issues and questions for 1 hour. Questions/emails from the contractors take up about 3 hours per week of management time. In 2026, the Minor Source management team will train the contractors on NOI reviews, anticipating another 24 hours for initial training.

5. Technical Services

The Technical Services team, in general, assists the Permitting Section, the AQB and the AQC&E by assisting in the development and maintenance of the main Air Quality database and various applications needed to efficiently provide permitting information to the public, collect electronic applications, assign and track submitted applications, collect fees electronically, and

otherwise update web-based pages. They also review new construction industry-related GCP registrations and relocations for those GCPs and assist the Minor Source unit with reviewing NOI applications.

The unit consists of 1 supervisor, 5 FTEs and one temporary (part-time) staff person. To maintain the database and various applications, the team works with 2 contractors who have the technical expertise to fix "bugs" and make needed changes. These contractors cost the Department approximately $500,000 annually. Technical Services staff work with the contractors to prioritize technology updates, delegate testing, and implement successful and necessary updates regularly. Technical Services works to maintain various applications, including the ePermitting Portal and the Air Permit Map ("APMAP") where permits are posted within a GIS-based system to visualize where regulated facilities are located within the State. They also post to the NMED Public Comment Portal, the Department TRUMBA calendar, and to the NMED website.

Each Technical Services FTE spends approximately 35 hours per month reviewing various applications for non-oil and gas GCP registrations. Up to 60 hours per month may be spent assisting the Minor Source unit with reviewing and processing NOI applications and processing most of the administrative revisions for the Section. Managing the ePermitting Portal (including managing payments), providing database support, troubleshooting issues, testing and implementing updates for the database and applications requires up to 50 hours per month. Posting public notices to the website, updating forms and documents available on the website and in the database requires approximately 5 hours per month. Posting permit documents to APMAP averages 20 hours per month. Another 20 hours per month may be spent assisting other staff with the Air Quality database and troubleshooting problems related to the database and the ePermitting Portal.

A significant portion of personnel time in this unit is devoted to the annual fees process. The team spends approximately 200 hours, from October through February to complete the billing cycle. The team works with financial staff and Operations staff to accomplish this task each year.

In 2025, Technical Services staff reviewed 18 new construction industry GCP applications, 21 NOI applications for oil & gas facilities, 61 GCP relocation applications, which each incur a fee. Additionally, Technical Services staff reviewed 18 Notices of Exemption, 41 GCP Substitution/Addition applications, and 928 Administrative Revisions, which do not incur a fee under the Department's proposal.

The team's workload – with normal activities and regular side tasks to address questions or problems – precludes working on updates to procedures, guidance documents, and most importantly, GCP language, which has not been updated for 20 years.

The Department envisions moving 3 of this team's staff to the Technical Operations team (see Section VIII.C.4, below), focusing on the technology-related aspects of this team's job duties, including the database and database upgrade/replacement, APMAP, ePermitting Portal, invoicing for fees and web postings. Along with that move, NMED will require at least 2 more Permitting FTEs to support the Technical Services team to work more with Outreach staff on educating the regulated community, and to process NOIs, administrative revisions and relocations, along with other GCP registration actions. Without responsibility for technology-related tasks, the supervisor could then focus on document updates that are needed.

6. Permitting Section Leadership

The Permitting Section also has a Section Chief to oversee the entire permitting program, a program coordinator to manage logistical tasks and coordinate with other sections and bureaus, and a technical advisor who provides expertise in protocols, decision trees, template language and

needed updates. This is a recently reclassified position (October 2025) that serves to fill in gaps by providing intensive training for new employees, reviewing and completing some permitting actions that had been backlogged, and coordinating with the contractor regarding the permit verification task described above under the Major Source team. The Section Chief will also help update protocols, guidance documents, decision trees, template language, manage permit-related contracts, prioritize permitting resource usage, etc. once resources allow.

C. Operations Section

The current Operations Section includes technical staff and administrative staff. Technical Operations staff include the Monitoring unit and the Quality Assurance unit. Administrative Operations staff include the Administrative Services team and the Business Operations team. Historically, the federal government has provided financial assistance in the form of grants to cover various costs of the Technical Operations team. Recently, however, the awards have not been enough to cover the costs associated with the program. Due to a projected shortfall in grant funds by the end of fiscal year 2026, three Technical Operations staff positions were temporarily moved to fee funding as a direct cost of the program. The following describes the current organization of the Section.

In 2012, the Operations Section had eighteen (18) FTEs; positions were reduced through 2021 to seventeen (17) FTEs. To properly carry out the technical and administrative duties of this section, the Department has increased the Operations Section to its current level of 26 FTEs. Additional FTEs will be necessary, as explained below. A table of FTE history and additional needs is attached as **NMED Exhibit 49**.

1. Monitoring

The Monitoring unit works closely with EPA to determine the number, placement, and

types of monitors required to adequately measure air quality throughout the State. The Monitoring manager ensures that the monitoring network operates according to EPA requirements and secures appropriate sites for monitor placement, typically through legal agreements, and provides annual and 5-year network reviews to EPA and the public. The latest reviews are posted on the Bureau's Monitoring web page. Overall, the unit is responsible for siting, procuring, calibrating, operating and maintaining the State's network of monitors at twenty (20) air quality monitoring stations. These official (EPA-approved and regulated) monitors will be referred to as "network monitors" to distinguish them from additional monitors the unit has placed or is planning to place as communities or other entities request. The unit also responds to wildfire events and special projects from either the EPA or the Department by placing temporary monitors in locations in need of immediate air quality information.

Siting of network monitors follows EPA guidelines that include meteorological factors, security, proximity to sources and populations, and the types of sources in the area that may emit particular pollutants. In New Mexico, monitoring stations may become targets for vandalism, so secure sites are preferred, requiring agreements with and sometimes rent to be paid to other entities. The agreements require additional scrutiny, including legal review and approval. Finding an appropriate site for a network monitor typically takes 120 hours, plus time to travel to potential sites. To negotiate, draft, review and complete an agreement with a third party typically takes anywhere from 120-150 hours from Monitoring staff, legal staff and procurement staff. These hours are spread out over 1-2 years, depending on how negotiations proceed and the reviewers' requests for changes. In that time, unforeseen circumstances may occur, requiring the Monitoring team to start over for a particular monitor.

Procurement of monitors, shelters, ancillary equipment and supplies, and data retrieval and

communications technology follow the State Procurement Code (1.4.1 NMAC). See **NMED Exhibit 7**. Depending on the type of equipment or services needed, and possibly the cost, this process can take months or even years to complete. This is especially true if a contract requires the "request for proposal" process. Monitoring procurement processes take up approximately 25% of the Monitoring managers' time. To add a monitoring station to the network monitors already in place often takes at least 2 years (or more if siting is difficult). Depending on the number and type of samplers or analyzers at each site, a single monitoring site may cost $120,000 - $160,000 for equipment, a shelter and a meteorological tower.

Once sites and equipment are procured, monitoring staff install, calibrate and maintain the network monitors, spending an average of 68 hours per new or modified site. This involves travel to the sites and following technical procedures to complete initial calibrations to assure measurements are accurate. It also involves setting up data logging and communications so that air quality data continuously uploads to the monitoring database. The database provides the public with access to real-time monitoring data of air quality at each of the network monitoring stations. In addition, Monitoring staff travel to the sites at least weekly to assure proper functioning and diagnose and repair equipment when they discover problems. This typically takes one full day for each site visit, plus more if the technician discovers a problem and must repair and re-calibrate equipment or de-bug a program.

In addition, Monitoring staff may be asked to respond to emergencies (such as wildfire events) or special projects (such as community special requests). For example, Monitoring staff spent approximately 50 hours, including traveling to and from the site, for the Ruidoso fire in 2024, providing a particulate sampler and lab analysis of the filters to provide air quality data to the federal wildfire response team and the community.

An example of the Monitoring unit responding to a community's concern is the Galisteo dust project for which the Monitoring staff, in addition to spending approximately 60 hours on communications, logistical planning, set-up and analysis of monitoring results, arranged and paid for contractors to supply a dust monitor and complete the monitoring project. The contract cost the Bureau approximately $90,000 from the minor source permit revenue funds, in addition to the Bureau staff time required to coordinate the project. In addition, contract work always involves indirect costs for the work required to initiate the contract task, including requesting a new or revised purchase order, tracking the invoices and paying the contractor. Although this project did not result from a specific facility's emissions, the air quality program, in order to assure air quality is safe to breathe, includes responding to community concerns such as this.

The Monitoring unit has ongoing contracts to provide heating/air conditioning services, maintenance of the data acquisition system, lab analysis for particulate sampler filters, and electrical or other construction-related needs. The ongoing cost for each site averages $9,500 per year. For 20 sites, this is an annual cost of $190,000.00. Most of these contracts are currently paid through a federal grant, although the State must match federal grant awards. For every $6 in federal grant money spent, the State must provide $4 as the match requirement. The match fund is separate from the Title V and Construction Funds in each year's operating budget, but the money put into the match fund each year comes out of the Construction Fund.

The Department received settlement money from a nongovernmental organization to procure and implement a mobile monitoring unit ("mobile lab") for use throughout the State but primarily focused on the Permian Basin. In 2025, the Bureau added a mobile monitoring technician who has been working with the Monitoring manager to procure the necessary equipment and supplies. The cost for the mobile lab equipment and trailer exceeds the amount of settlement money

provided by approximately $300,000, so the remainder will come out of both the Title V and Construction Funds. In addition, the technician's salary and benefits are paid for mostly by federal grant/match funds, although the goal is to include 100% of this salary in future grant applications. Responding to public complaints about a particular facility or about general air quality concerns remains a priority for the Department and the Air Quality Program. Information obtained from the mobile lab will be beneficial to determine the compliance status of individual facilities or to offer the AQB and EPA insight as to where additional network monitors may be needed.

Monitoring equipment, software and ancillary technology require ongoing maintenance and upgrading to meet industry and EPA standards. The AQB has invested in equipment and software to allow for remote troubleshooting, reducing the amount of travel required. As additional efficiencies are discovered, the AQB will analyze the cost/benefit estimates to determine the most appropriate use of funds.

Currently, all network monitors, equipment, warranties and supplies are paid for by federal grants with the 40% match described above. Most personnel in Monitoring are also paid for by federal grants/match, although due to a shortfall in that federal funding in fiscal year 2026, revenues from the Title V and Construction Funds covered the deficit as a direct cost of the air program. Each year, the AQB requests full funding of all expenses, including salaries and benefits for the entire unit.

The AQB projects that at least 3 new Monitoring staff will be required in the next 5 years. This includes an additional mobile lab technician to assist in maintaining and deploying the mobile lab. It also includes 2 new technicians to respond to emergencies and special projects, but also to take on the requirements of additional network or non-network monitoring stations as these are in demand

2. Quality Assurance

The Quality Assurance ("QA") unit reviews, validates, certifies and reports all ambient air monitoring data collected from the monitoring network to EPA and public platforms. Analysts flag abnormal data and data gaps for various purposes. Data are required to be reported to EPA on a quarterly basis following strict QA procedures. Analysts also answer questions from colleagues, management, senior management and the public regarding air quality and assist in making attainment recommendations to EPA.

Data specialists review, analyze and report data for public information, but also for various regulatory purposes. Monitoring data are used for attainment determinations, modeling (facility or regional, traditional and photochemical), and flagging for Control Strategies when abnormal pollutant levels may indicate an exceptional event, such as a dust storm, a wildfire or another atmospheric condition for which the State has no control.

QA Auditors conduct performance evaluations on all network monitors, along with the meteorological towers and non-network monitors. They also conduct siting criteria audits to ensure monitors remain sited appropriately and within guidelines. Audits require travel to individual monitoring sites to conduct calibrations and verifications of various monitor standards. Approximately 40% of Auditors' time is spent traveling to sites and conducting audits according to EPA requirements. They also operate and maintain two monitoring labs that are used to conduct equipment standard verifications in accordance with EPA regulations and test, troubleshoot, and diagnose air monitoring equipment. The Runnels lab is in need of significant upgrades for the safety of the QA staff and to allow for more efficient processing of samples. This needed renovation and equipment upgrade will cost over $400,000.

QA Auditors also may assist Monitoring technicians with needed field work. The QA

manager is responsible for assuring EPA that the program is functioning as required. This is a full-time position responsible for data quality and regulatory compliance for the ambient air monitoring network. This involves developing, implementing, and maintaining Quality Assurance Project Plans ("QAPP"), the Quality Management Plan ("QMP"), and numerous Standard Operating Procedures as required by EPA. The QA Manager oversees all quality control activities including equipment calibrations, audits, verifications, performance evaluations, manages corrective actions, and oversees data reviews, validations, and certifications prior to data submissions to EPA. During the 2024 EPA Technical Systems Audit, QA Unit staff spent approximately 120 hours with EPA personnel during the audit of 17 air monitoring stations and extensive documentation and data reviews.

The Department projects needing three additional FTEs in this unit to keep pace with the amount of data that will be provided and the need for additional audits due to the expansion of Monitoring as described above.

Historically, federal grants funded all salaries and benefits, as well as equipment, travel and technology needs for the QA unit – similar to the Monitoring unit. In fiscal year 2026, however, this funding was not adequate to cover the salaries and benefits of two QA staff; these staff were temporarily paid from permitting revenues as a direct cost to the air program.

3. Administrative Services

The Administrative Services unit consists of two teams, focused on related, but separate responsibilities, as described below. The Business Operations team focuses on equipment and logistical planning and improvements, as well as assistance with records, public information, contracts and grants management. The Administrative Assistance team provides clerical, reception and data stewarding services for the Department.

a. Business Operations

The Business Operations team, as part of the Administrative Services unit, exists to support various logistical needs of the AQB. They administer, at the direction of the Permitting Section, the annual permit fee collection process, including collaborating with AQC&E on delinquencies. This team also administers the Bureau's response to public inquiries pursuant to the Inspection of Public Records Act ("IPRA"). This team tracks accounts receivable and assists financial staff in tracking accounts payable for contracts. Starting in 2025, the team has been actively supporting or leading tasks related to the AQB's main database upgrade and replacement project and the Department-wide move to digital documentation ("Project Velocity"). The team is also responsible for asset tracking, records management, and controlling and tracking keys and building entry cards. The team is responsible for procuring, tracking and maintaining IT equipment (computers, monitors, phones, etc.) and other ancillary equipment needs. In 2026, the team will begin to assist with grants management. A key focus of this team is to analyze and recommend new technical tools or processes to gain efficiency for various AQB work.

Approximately 10% of this team's time is devoted to permit fee collection and follow-up activities. Contract management assistance in the form of coordinating accounts payable requires approximately 25% of the team's time. Additionally, approximately 50% of the team's time is required for appropriate notification and tracking of the Bureau's IPRA responses. Because of understaffing of the Compliance & Enforcement Division's Operations team, the AQB's Business Operations team has also supported various operational needs of the AQC&E.

Currently, the majority of the team's time is spent on equipment procurement and distribution (including travel, approximately 25%), IPRA responses and other public records (20%) and contract tracking and other administrative duties (25%). This team provided

approximately 200 hours to the Department's Project Velocity tasks, specifically adding metadata for appropriately classifying documents ingested. The team also provides logistical support to the Department for the recent moves out of the two Albuquerque offices and the supervisor continues to work with the Department's upper management on the logistics for moving into the new Albuquerque office. The team also contributed to the gap analysis and other meetings for the Air Quality Program's needed database replacement and upgrade project.

The Business Operations team now consists of 1 supervisor and 3 staff to accomplish these diverse and necessary tasks. The supervisor position and 2 staff positions were added in 2025. The Bureau anticipates adding 1 FTE to assist with the numerous responsibilities of this team. The goal will be to hire someone with significant grants management experience to reduce the administrative work of the Control Strategies scientists working on annual DERA grants and the VW Mitigation grants, and to assist the Section Chief and the Bureau Chief in assuring that grants are managed appropriately and that deadlines are not missed. (Currently, in the absence of an Operations Section Chief, the QA Manager has taken prime responsibility for grants management. He is now training this team's members to take on administrative tasks related to grants. The QA Manager spends approximately 40% of their time assuring that our federal grants are managed correctly.)

b. Administrative Assistance

The Administrative Assistance team assists Permitting staff with data entry, validation, corrections and responses to internal and external inquiries. In addition, the team coordinates vehicle assignments, tracks usage and ensures appropriate operation and policy compliance for AQB's fleet of vehicles, reporting to the General Services Division. The team also processes and tracks public notices through various media outlets, processes small purchase requests such as

office supplies, manages certified and general mail processing and provides reception services and inquiry management.

This team consists of 1 supervisor and 3 administrative assistants. The team provides the underlying assistance to keep the Bureau running smoothly and as efficiently as possible.

Due to a high volume of permits, data stewarding consumes approximately 40% of the team's time. Vehicle coordination consumes approximately 30%. Duties are assigned on a daily basis, depending on operational needs. Because of continuously high workloads, permit data stewarding and other tasks are often delayed, causing problems for Permitting and other sections of the Bureau, as well as for AQC&E. The team has not had time for sufficient training, resulting in sometimes less than perfect service. The Bureau will add 2 FTEs to address these needs as the Bureau expands.

4. General Operations

Additional positions in this Section include the Section Chief and a Program Coordinator position. The Section Chief provides oversight of the units, including Monitoring, QA and Administrative Services, but more significantly takes on the role of budget advisor, contracts coordinator and grants oversight and management to assist the Bureau Chief and the Bureau Financial Manager. This position also serves as a liaison for facilities management of the Marquez field office in Santa Fe and coordinates the AQB's Health and Safety planning in collaboration with the Department's Human Resources Bureau.

The Program Coordinator assists with logistical planning and myriad administrative tasks for the Section and also the entire AQB.

As described the Technical Services (Permitting) description above, the Department anticipates a division of the current Operations Section into a Technical Operations Section and an

Administrative Operations Section. This will include the technical expansions noted above, with an additional 5 FTE to take on the ever-increasing need for technology assistance and appropriate oversight of the technical operations of the Air Quality Program.

D. Other Staff and Costs

In my position as Bureau Chief, I oversee, prioritize and generally manage all the work of the AQB and is the point of contact for numerous entities wanting services from the AQB. As Bureau Chief, this position spends approximately 30% of their time in critical meetings to advise and get status updates on various projects and in personnel-related tasks. The main responsibilities also include planning and strategizing how Department and AQB priorities will be implemented (35%), answering questions from internal and external customers (20%), and working with financial staff to manage the AQB's budget (10%), including procuring contract services when necessary. As Bureau Chief I collaborate with the AQC&E's Bureau Chief (5%) and have been delegated authority to sign permits. As part of planning and implementing Department and AQB priorities, the Bureau Chief collaborates with other Bureaus, agencies and organizations, and works directly with financial managers and staff on procurement, directing funding decisions, and prioritizing how the AQB's funds may be spent to better serve both industry and the residents of the State to advance the Department's and the Air Quality Program's mission to protect the environment – specifically the air.

Other costs, which are also required to be covered by Air Quality Program revenues, include: 3 attorneys to assist with legal interpretations, processes and decisions; 4 financial staff to manage the Bureau's accounts receivable and accounts payable and to manage each year's operational budget; Human Resources costs to manage all personnel-related matters; IT costs to manage and assist with technology; travel and training; office furniture and maintenance; assistive

technology and other accommodations for ADA (Americans with Disabilities Act) compliance; other agency costs to oversee procurement and vehicle fleets, the compliance and enforcement program for air (which is described in additional testimony from Bret Anderson); and all (indirect) costs associated with maintaining and staffing various offices around the state. The Department anticipates that, with an expanded Bureau, AQB will require at least 3 additional attorney FTEs and 3 additional financial FTEs.

As should be apparent from this non-exhaustive summary of air program functions, the entire air program required to be funded from construction and emissions fees is broad, complex, and requires significant resources. Because resources were constrained in the past, we anticipate needing contract service assistance to continue over the next several years to address the huge backlog of tasks the air program faces to meet demands of both industry and the public as we bring on additional FTEs and are presented with new and ever evolving challenges.

IX. ADDITIONAL SERVICES THE DEPARTMENT PROVIDES AND BENEFITS OF THE PROGRAM

As an indirect cost, Bureau staff are involved on committees, task forces and other work groups with multi-jurisdictional organizations, as ambient air quality knows no borders. As noted above, I am currently serving as the Council Vice President of WESTAR, collaborating with and coordinating information sharing on various projects of mutual interest to western states. The Department is a member of WESTAR and the National Association of Clean Air Agencies ("NACAA"), and participates in meetings and trainings of the Central States Air Resources Association ("CenSARA") that includes the partner states within EPA Region 6. Additionally, managers and staff attend meetings and trainings offered by these organizations to ensure that our state's Air Quality Program is administered according to EPA requirements. Participation in these organizations provides the Bureau and the Department with valuable information, data, training,

and insight. For example, WESTAR's technical work group collaborated with other states, other multi-jurisdictional agencies, federal land management organization and tribes to assist with the data collection and analysis (including regional modeling), and collaboration required for New Mexico's Regional Haze effort, recently approved by the Board. Reduced federal funding for federal monitors means that these organizations and state air agencies will have added responsibilities for the data and modeling needed for the next Regional Haze implementation period.

Data analysts review and certify monitoring data to provide information to EPA and the public, as described above. In addition, data analysts flag data for various reasons, including recommending data that may indicate an exceptional event, such as a dust storm. Exceptional Events Demonstrations ("EED") may be required to keep design values at levels which indicate areas are "in attainment" of the NAAQS. EEDs must prove by a preponderance of evidence that the uncontrollable events caused the outliers flagged by data analysts. This helps both the AQB and the regulated community by keeping uncontrollable event data out of the calculation for annual design values, which determine whether or not an area is in attainment. Should EPA designate an area as nonattainment, the AQB must spend several thousand hours following the requirements for addressing the nonattainment designation. A designation of nonattainment means that certain permits would no longer be valid, additional controls will be required, and more permits will need to be denied. For this reason, the Bureau spends approximately 500 to 800 hours each year on EEDs.

The AQB responds in a timely manner to requests for information, typically through the process set forth in the *Inspection of Public Records Act*, Sections 14-2-1 to -12, NMSA 1978. AQB staff and the Office of General Counsel collaborate on this effort. Confidential Business

Information or other confidentiality issues may result in additional legal review to protect personal or other confidential information. Operations staff coordinate the process, including tracking Bureau responses, but any staff member may be required to provide information, depending on the request. In 2025, the Bureau responded to 189 IPRA requests, requiring over 600 hours of Business Operations staff time (for coordination) and other staff time (for providing responsive records). In addition, the Office of General Counsel provides an attorney to provide direction for and review Department responses. Operations staff currently collaborate with the Department's Information Technology specialists and the Office of General Counsel to streamline the process and gain efficiency while continuing to meet the demand for transparency required of a government agency.

The AQB's federal grants require significant time and effort to obtain and maintain. AQB staff, working with the Department's Grants Coordinator, complete applications that include budgets, timelines, project descriptions and other information. Much of the same information is required for periodic reporting. In 2025, the AQB grants manager spent an additional 60 hours to reword an application to fit new federal restrictions to assure that this important source of funding remained available to reduce program costs.

The Bureau responds to requests for meetings (typically 3-5 per week), and concerns about general air quality. The AQC&E personnel respond to public complaints (as described in Bret Anderson's testimony, attached as **NMED Exhibit 57**). Bureau Administrative Assistants also answer approximately 10 general inquiries per week, spending an estimated 1-2 hours assisting callers directly, or routing them to appropriate Department personnel with expertise to answer their questions.

The Air Quality Program has collaborated multiple times with EPA to conduct inspections of facilities suspected of contributing to poor air quality in the Permian Basin. These inspections

produced federal enforcement cases resulting in significant technological improvements at facilities violating federal regulations, state rules and permit conditions in addition to sharing significant penalties (for which the State's portion goes directly to the State General Fund). The AQB expended approximately 1,000 person-hours toward planning and participating in the five joint inspections, and another 3,000 person-hours participating in settlement negotiation and settlement planning meetings. A main focus of the AQB's participation included advising on State rules and helping to guide priorities for injunctive relief in the five cases that have been settled so far. In addition, the cases' negotiations benefitted from active support voiced by AQB staff and management. Moving forward, the Compliance & Enforcement Division will take on this responsibility, which benefits compliant entities by leveling the playing field.

Recently, communities and their governing bodies have requested assistance in the form of monitoring, surveillance and control of pollution for their citizens. The Galisteo Dust Project, as described above, is one response to a community request. The Bureau investigated an entire community's facilities once in the Bloomfield area (300 hours start to finish), twice in the Belen area (80 hours), multiple times in the Alamogordo area (at least 200 hours), once in the Carlsbad area (400 hours), and responded to Carlsbad citizens request by providing and maintaining monitors capable of detecting benzene levels, using federal funding to procure and maintain the samplers deployed. The AQB continues to get requests for community monitors and other assistance, including from the mayor of Lovington and concerned citizens regarding air quality in Artesia. One of the Department's priorities is to continue (and improve) response to such concerns.

The AQB makes every effort to provide appropriate services to its constituent stakeholders, including regulated entities, communities and the residents of New Mexico. Each has a vested interest in the success of the Air Quality Program.UPCOMING NEEDS

To improve efficiency and effectiveness, the Air Quality Program needs significantly expanded staffing, technology upgrades and additions, and additional resources to respond to ever-changing requirements and support and the significantly expanded universe of regulated entities.

A. Staffing Changes

The program has been severely understaffed for the complete fulfillment of its mission. In addition, each new FTE requires equipment, an office in which to work and sometimes a dedicated vehicle (depending on the position). Because increasing staff required to fulfill our obligations also requires reorganization, significant time and effort (as indirect costs) will be expended to work through the process of reclassifications, creating new positions, advertising and filling positions.

The Department also needs more staffing for increased community outreach and education and for responding to federal rollbacks, as described above. **NMED Exhibit 56** includes a table of all staffing needs planned through 2030, based on reasonable progress toward the full staffing needed to meet the requirements of the fifth largest state in the nation (geographically), anticipated growth in various industries, and increasing complexity of protecting the air in New Mexico.

The work of the Air Quality Program continues to expand as industry expands and more residents want assurance and protection of their air. In addition, NMED has prioritized addressing the program's concerns and deficiencies due to inadequate staffing and historical constraints on spending. The Department's strategy is to increase staff at a reasonable rate, while continuing to engage contracted specialists for needed projects where staffing or skills of staff remain inadequate. We cannot continue to function, even at current levels, if fees are not increased as requested. Brian Polgar will present testimony regarding the financial analysis showing how the fees and fee schedules were determined to just meet the expected costs of running the air program.

B. Technology Upgrades

Air Quality Program staff have already invested, collectively, approximately 1,200 hours, in addition to approximately 100 hours from information technology staff and upper management in an effort to update the Department's technology and create new efficiencies. Improved technology will serve the Department, regulated entities and the general public with easier information access, greater transparency and more streamlined submissions to the Department.

The AQB, along with its AQC&E counterpart, plans to upgrade its 1990s-era database. Part of this expense will be borne in fiscal year 2026 and some in fiscal year 2027, with maintenance costs realized annually. The Department recommended possible vendors, who presented their software solutions to numerous parties in the Department prior to June 30, 2025. Since that time, AQB personnel, AQC&E, and Information Technology personnel have worked with a preferred vendor to complete a "gap analysis" to identify the needs of the program and to verify that these needs can be met by the vendor's product. From the gap analysis, the Department intends to pursue this major database upgrade which will provide significant efficiencies. Expected efficiencies include reduction of manual data entry, more complete and intuitive database querying, improved automatic reporting to the EPA database, more automated invoicing procedures, and automated and accessible status updates on permit processing at a cost of approximately $700,000 initially and up to $120,000 annually for continued training, maintenance and upgrades.

The current focus of the upgrade is on permitting and compliance & enforcement. An additional need for the near future is to include an emissions inventory module for more efficient data collection, analysis and reporting. This module will also add data for understanding the overall emissions in a given geographic area. The estimated cost for the permitting and compliance & enforcement modules is $736,783. For fiscal year 2027, the expected cost (for additional modules) will be an additional $200,000. Annual support and maintenance of the database will require an

additional $125,000 each year. Although this seems like a large expense, savings will come in the form of reduced staff time for repetitive tasks, ease of use, and included reporting engine, as well as replacement of additional applications that will be superfluous once data are migrated and tested. The upgrade will move us from a simple document repository with manual data entry and limited reports to a forms-based platform that integrates applications, permit process workflows, invoice creation and fee payments, compliance reporting and other compliance activities, enforcement actions, and reporting to EPA databases.

In addition to a major upgrade to the Air Quality Program's database, AQB personnel assist contractors and the Department's IT personnel in providing appropriate documents and metadata for "Project Velocity" – a venture that aims to provide an artificial intelligence platform to help simplify and make more accessible multi-media regulatory documents and information. AQB personnel have spent approximately 200 hours on Project Velocity already and continue to test drive the system as it is being developed to ensure accuracy and completeness. The Project Velocity platform will allow Department personnel to query the artificial intelligence agent for data and analysis. Currently, this type of task requires individual document downloading and analysis or technical queries by specific personnel because most personnel do not have expertise to make the inquiry. In addition, Project Velocity will connect various AQB and other bureau databases to give Department personnel and the public a fuller picture of a facility, a geographic area, or a company.

The AQB anticipates additional technology improvements, not described above, will be necessary for more efficient AQB operations related to various tracking requirements, including tracking of contracts and grants personnel requirements, vehicle and equipment usage and needs, certifications and trainings, etc. In addition, the Department continues to upgrade the Air Quality Program's labs and equipment needed by monitoring staff and auditors. Monitoring staff and

auditors use these labs to store and maintain equipment, conduct equipment standard verifications in accordance with EPA regulations, and set up, test, and troubleshoot air monitoring equipment. The ongoing costs of our labs are funded through federal grants, but the funding will not cover costs associated with upgrades. The Department first built out the Santa Fe Runnels lab in 1986 and it has not been remodeled or upgraded since that time. The Department is working toward a major upgrade in fiscal year 2026. The Department first built out the Las Cruces lab in 2015 and it has not been upgraded since the initial build-out. Additional equipment will be purchased for the Santa Fe lab in fiscal year 2026. The Air Quality Program will also invest in lab space in its new Albuquerque Office location as set forth in the testimony of Secretary James Kenney. The Department needs to purchase additional equipment (such as a fume hood, eyewash station, chemicals and storage cabinets, fire suppression equipment, and lab benches or tables) for this lab. AQB will spend over $400,000 to upgrade the Santa Fe Runnels lab and the Las Cruces lab to technical standards so that employees can work safely to assure effective program requirements for monitoring and quality-assured data. And, it does not want to wait another 10 to 40 years before the next one-time upgrade.

The Department's IT personnel, including the Geographic Information Systems (GIS) specialists, calculated that the current monitoring network has a significant spatial gap, with 20 network monitors responsible for gauging the air quality of almost 121,600 square miles. The air monitoring situation in the Permian Basin is insufficient -- with only three monitors even though the Basin includes thousands of pollutant-emitting facilities as one of the largest oil and gas areas in the world. The Department has already received requests for increased monitoring in dust-prone areas, in areas with many polluting facilities near cities and towns, and in towns with large industrial facilities, such as Artesia. AQB's monitoring team is currently exploring increasing the

number and types of monitors, including siting concerns for permanent monitors and additional staff required to purchase, install, calibrate and maintain those monitors. Monitors may be added to the EPA-approved network under strict conditions and approval from EPA but AQB plans to add monitors to areas in the Permian Basin to better characterize air quality in those areas, which will be helpful for planning purposes but also to recommend appropriate boundaries should EPA designate the areas surrounding the current monitors as not attaining the NAAQS for ozone pollution. As stated above, this is a very involved process, often requiring years of planning and negotiation prior to making the first purchase or hiring a new staff person. The Department, however, feels strongly that additional monitoring capability is warranted.

To address this long-overdue deficiency, AQB will work toward adding *at least* two monitors to the Permian Basin in the next five years. Beyond 2030, AQB will continue to analyze emissions and other data to determine if and where additional monitors may be needed. For each of the two new monitoring stations, the cost estimate will be approximately $300,000 for equipment, including a shelter, ongoing costs of approximately $9,500 per site for electricity, temperature control, supplies and maintenance, and at least one new Monitoring technician and a Quality Assurance Auditor. Depending on how many new monitors AQB installs and where they are located, additional staff may be needed (monitoring technicians and auditors).

AQB is currently in the process of purchasing a trailer with multiple types of samplers and analyzers, along with a meteorological tower, that can be deployed at will following a credible complaint or a community concern. Although part of this cost is funded by a third party, that funding does not cover the entire purchase price, nor does it cover the staff required for deployment. AQB has already hired a “mobile lab specialist” who is helping with the planning and purchasing of the equipment and will be responsible for working with the Air Quality Program’s

management to prioritize and direct its use. The Air Quality Program will also need a second mobile lab specialist for longer-term deployments of the mobile lab and to assist current monitoring technicians with increasing responsibilities for monitoring – a position that is long overdue. Considering the requests AQB is getting for community air quality concerns and a need for verification of modeled air quality, AQB anticipates needing a second mobile lab as well. Once the first mobile lab is functional (anticipated December 2026), usage will be balanced with requests to determine whether another will be required and, if so, whether it will need the same or different equipment. The overall cost for the mobile lab includes approximately an additional $300,000 for the initial equipment purchase and set-up plus the annual staffing cost for salaries & benefits, training, travel and staff equipment for each employee. If AQB moves forward with a second mobile lab, this will require at least $800,000 in equipment costs and additional staffing costs. Added to this will be the need for at least one more, but likely two more vehicles for the mobile labs.

The Department also needs to implement technical improvements in our modeling. To be protective of the air in the Permian Basin, the AQB aims to conduct regional photochemical modeling on a regular basis, moving from contracted work to in-house work. This will require two additional technical staff (at an estimated total cost of at least $300,000 annually), significant training and additional software, hardware and licenses. The Department intends to rely on the current contractor to provide appropriate training to modeling staff to integrate that capability into AQB's capabilities. Beyond staffing, the Department anticipates costs for this activity to reach at least $100,000 initially with ongoing costs for additional training, licensing and upgrades to hardware and software.

Additional modeling will also be required to update various GCPs, as this modeling was

conducted with now outdated information. Due to the current levels of ozone in the Permian Basin, the Department views this as high-priority. Should EPA designate the Permian as nonattainment for ozone (as many are calling on EPA to do), it will be imperative. This will be done with current staff plus assistance from modelers to address this task (as described above) whose main task will be photochemical modeling.

Related to technology improvements, AQB will need to add at least two FTEs whose primary tasks will be to seek technological solutions for AQB needs, troubleshoot with staff when problems arise, advise staff on best practices, ensure all information in AQB is readily accessible to the public, and liase with the Department's IT personnel. This will allow Permitting staff, Planning staff, and Operations staff to focus on the primary tasks of their own jobs. Technology specialists will have a large role to play in assuring that Project Velocity continues toward its goals, that the database upgrade away from TEMPO delivers value to the Air Quality Program, and that the Air Quality Program is able to implement software solutions as needed.

The Climate Change Action Plan (**NMED Exhibit 54**) includes measures for which AQB will be directly responsible, including addressing methane and other greenhouse gases. As it works to ensure the completion of the Climate Change Executive Order 2019-003, the Department will need to add two to five additional Planning staff for rulemaking and implementation, depending on any future measures the State may add.

X. CONSEQUENCES OF NOT ADOPTING THE FEE CHANGES, AS PROPOSED BY THE DEPARTMENT

Fees increases are needed to expand staffing and resources for the higher workload due to increased permitting actions and increased facility complexity for which the Air Quality Program has never aligned its costs, but also to address the recent increase in application deficiencies and anticipated future needs in all areas of the Air Quality Program. More regulated facilities also

means more planning, monitoring, administrative requirements, and compliance and enforcement work. The current deregulatory push at the federal level also increases the resources needed for state-level planning and action to protect New Mexico's air while providing regulatory certainty.

The Department supports continued growth of New Mexico's economy. However, to do so in a protective and responsible way, the Department must increase staff and expand the Air Quality Program to meet the needs of ever-changing conditions and technology improvements. The Department needs to monitor more, verify more, inspect more, update internal processes more, provide more educational opportunities, assist industry with alternatives for compliance, provide more audit management, and respond to public concerns more fully. It has not been able to complete these tasks over the past years, as it has been so long since the Air Quality Program sought a fee alignment from the Board.

Should the Board not approve this fee alignment, the Air Quality Program would continue to be stunted and will need to cut costs, leading to a reduction in services to both industry and residents. The Department may fail to meet federal funding requirements, which then places the entire Air Quality Program at risk as set forth in the testimony of the other witnesses.

The Air Quality Program's inability to fund new positions will lead to overburdened employee workloads, outdated equipment and lack of training, which would in turn lead to a reduction in staffing over time, causing multiple services to be interrupted, delayed or otherwise reduced. The Air Quality Program would be unable to place needed monitors in the state, and insufficient data for decision-making could lead to consequences for attainment decisions, planning efforts and insufficient protection of air quality. The Air Quality Program would also be even less responsive to public concerns and complaints than it is now, and it will be unable to provide outreach and education for emitting entities and the public.

The Air Quality Program will be unable to address concerns from the public and advocacy groups including concerns about ozone levels and air toxics exposure; concerns about the cumulative impacts of stationary sources; concerns about potential impacts of new industries moving to the state, such as data centers; concerns related to a lack of ability to ensure compliance with regulations and permits; concerns about the lack of monitors; and concerns about greenhouse gases like methane, and climate change.

The Air Quality Program will also be unable to address concerns from regulated entities in an adequate or timely way, including concerns about permit processing time; concerns about inconsistent application of permitting rules; concerns about application requirements; concerns about the length of time required for approvals of alternative plans for Part 50; concerns about the length of time enforcement actions take to resolve; concerns about regulations that need updating to provide regulatory certainty; and concerns about underutilizing electronic communication and up-to-date technology..

The Department commits to protecting the air in New Mexico to the best of its ability. With fees that have not been updated to reflect the change in scope and complexity of this mission, we must increase fees to eliminate (or at least have a chance at eliminating) the above consequences. With proper funding, the Department can move forward in fulfilling its mission and address the backlog of items that it has been unable to address. Without proper funding, we are at best stuck with a compromised Air Quality Program in the present; at worst we will be forced to move backward. The Department wants to move forward in its efforts to protect New Mexico's air while ensuring New Mexico has a robust economy – and this is what the Department consistently hears from its stakeholders and that this rulemaking will deliver.

XI. CONCLUSION AND REQUEST FOR APPROVAL

This testimony provides the authority and the obligation for the Board to adopt rules allowing the Department to collect fees sufficient to fund the reasonable costs of the Air Quality Program. As described in the testimony of Secretary James Kenney this is a critical piece to the ability of the Department to budget and spend for an Air Quality Program that meets the state's modern day needs.

This testimony also provides a narrative description of the proposed changes to both Part 71 and Part 75 and the reasons the Department proposes such changes. The testimony of Brian Polgar, **NMED Exhibit 65**, describes the fiscal analysis that the Department undertook to determine a reasonable and equitable fee schedule.

This testimony further provides a detailed, although non-exhaustive, description of the Air Quality Program with further testimony from Bret Anderson (**NMED Exhibit 57**) regarding the Compliance & Enforcement components of the program. The extensive program descriptions provide the context to understand the complexity of the Air Quality Program to help the Board and the public understand how Parts 71 and 75 revenues fund all activities related to protecting New Mexico's air quality.

Finally, this testimony provides documentation that the Department met the requirements for EIB rulemaking public notice and provided ample opportunity for public comment and questions.

The Department does not ask the Board for approval of its program spending, nor does the Board have the authority to do so. Similarly, the Board may hear complaints from industry that the fee increases requested are unreasonable or unwarranted; however, this testimony provides ample documentation that the Department has worked hard over the past year to propose fee schedules that are both reasonable and equitable. The Department needs these fee increases to implement its

mission after numerous years of resource constraints, leading to a program struggling to meet its obligations.

The Board is required to consider:

> (1) character and degree of injury to or interference with health, welfare, animal and plant life, property and the environment;
> (2) the public interest, including the social, economic and cultural value of the regulated activity and the social, economic and cultural effects of environmental degradation; and
> (3) technical practicability, necessity for and economic reasonableness of reducing, eliminating or otherwise taking action with respect to environmental degradation.

NMSA 1978, § 74-1-9(B).

This rulemaking is different than most other rulemakings proposed by the Department. It does not directly address pollutant reductions. Instead, it indirectly addresses pollution reduction by proposing fee schedules needed to prevent "injury to or interference with health, welfare, animal and plant life, property and the environment." The Air Quality Program, when properly resourced, can protect the health and welfare of New Mexico residents and the air we all breathe. The harm of not properly funding the Air Quality Program is already evident in the record of requirements not yet fulfilled. The Department has made strides in the past few years to meet the demands of industry while simultaneously protecting the air quality in New Mexico, through adding resources more fully align our capacity with our mission.

This rulemaking is in the public interest, as requests for additional monitoring and additional protections from polluters confirm. Environmental degradation from under-resourcing of the very entity tasked with protecting the environment (the Department) does not serve the public interest. Socially, under-resourcing creates a lack of faith in the Department's ability to do its job. Culturally, under-resourcing affects Tribal communities and culturally significant lands

since air recognizes no boundaries. Economically, under-resourcing shifts the cost of pollution to individuals and communities through increased health effects, including higher rates of asthma, increased acute and chronic pulmonary episodes, increased emergency and acute care visits, missed work, and missed school.

This rulemaking, because it introduces no required technology for reducing air pollution, is technically feasible. Further, by providing the resources necessary to protect New Mexico's air in alignment with federal and state statutory and regulatory requirements, the Department will be able to conduct even more robust outreach than in the past few years to develop plans and propose rulemakings that assure added air protections within the requirements of technical feasibility and practicability. The under-resourcing of the Air Quality Program, at a time of huge oil and gas expansion and an influx of new source types, forces the Department to focus on priorities like meeting industry demands for faster permits, faster reviews of alternative plans for Part 50 (*Ozone Precursor Rule),* and faster resolution of enforcement cases. At the same time, demands from communities, environmental organizations and individuals for increased monitoring, more protective permit conditions, additional protections to reduce ozone in the oil and gas basins, and air quality data at wildfire-affected areas must also be factored into those priorities.

The Department has demonstrated through this testimony and the testimony of Secretary James Kenney, Bret Anderson and Brian Polgar the need for the requested fee schedules. Without approval of Revised Parts 71 and 75, the Air Quality Program will not be able to meet the demands of industry nor protect the residents of New Mexico.

The Department respectfully requests approval of its proposal to repeal and replace both Part 71 and Part 75.

Cindy Hollenberg

Education

Columbia University, New York, New York
MPA, Environmental Science and Policy (June 2012)

- Environmental Chemistry, Climatology, Hydrology, Ecology, Statistics, Economics, Financial Management, Policy Analysis

University of Notre Dame, South Bend, Indiana
MA, International Peace Studies (August 1995)

- Negotiation, Mediation, Development, Ethics

Purdue University, Fort Wayne, Indiana
BS, Biology Teaching (December 1987)

- Ecology, Microbiology, Physiology, Genetics, Analytical Chemistry, Organic Chemistry, Geology, Astronomy, Physics

Experience

New Mexico Environment Department, Air Quality Bureau

November 9, 2024 – present – Bureau Chief

Responsible for directly supervising up to 3 Section Chiefs and up to 14 managers, supervisors or staff, due to vacancies. Supervisory duties include hiring and other personnel actions, evaluations and overseeing all Bureau programs. Responsibilities also include overseeing all organizational operations, coordinating with upper management and financial staff to manage the Bureau budget. Responsible also for strategizing with Bureau and Division managers regarding Bureau priorities, budget management and response to myriad stakeholders.

July 28, 2024 – November 9, 2024 – Acting Bureau Chief

Assumed the role due to vacancy. Responsible for directly supervising 3 Section Chiefs and 3 Managers or Supervisors, including hiring and other personnel actions, evaluations and overseeing all Bureau programs. Responsibilities also included overseeing all organizational operations, coordinating with upper management and financial staff to manage the Bureau budget. Strategized with Bureau and Division managers regarding Bureau priorities, budget management and response to myriad stakeholders.

April 30, 2022 – July 28, 2024 Compliance & Enforcement Section Chief

Responsible for managing the Compliance & Enforcement program for the Air Quality Bureau, overseeing three units: Compliance Inspections, Compliance Reports, and Enforcement. Responsible for hiring and other personnel actions, evaluation of three direct reports and additional staff due to manager vacancies and assuring appropriate workflow from compliance activities to final Enforcement action. Significant duties include participating in and helping to strategize for numerous Enforcement cases and providing guidance to managers regarding EPA-required compliance & enforcement activities.

June 2021 – April 30, 2022, Enforcement Manager

Responsible for overseeing all responses to discovered compliance issues from inspections, report reviews and complaint investigations, including determination of appropriate enforcement actions, building defensible cases for alleged violations and drafting legal documents leading to settlement or compliance orders.

April 6, 2019 – June 12, 2021, Inspections Manager

Responsible for overseeing all air quality-related inspections and investigations in the State, including preparation, logistical problem-solving, post-inspection notifications of violations and report drafting. Managed staff rotation for public complaints and assured timely responses. Helped develop plans for inspecting facilities per EPA obligations.

August 17, 2013 – April 6, 2019, Environmental Analyst, Control Strategies

Analysis of proposed rule changes, preparation of reports to the US EPA, data visualization and mapping using GIS, assisting with affirmative defense reviews for excess emissions, and environmental impact reviews. My main projects were Incorporation by Reference, Transportation Conformity, the SO2 Implementation Rule, the Clean Power Plan and the Regional Haze Rule (Round 2).

EnviroLogic, Inc.
August 5, 2012 – June 28, 2013, Research Associate

Collected data from various agencies and organizations for hydrologic modeling, as well as prepared data for inclusion in GIS applications. Contributed to reports for international clients regarding nuclear safety case issues (using WIPP as a case study) and completed modeling parameter analysis for testimony preparation.

National Museum of Nuclear Science & History
August 18, 2012 – July 28, 2013, Weekend Manager

Responsible for managing two staff and up to five volunteers during weekend hours of operation. Responsible for maintaining appropriate programming, communicating with visitors and assuring that exhibits and the facility in general was secure. Reported to supervisor regarding staff performance.

New York City Mayor's Office of Long Term Planning & Sustainability
January 3, 2012 – June 14, 2012, Project Manager

Provided briefings, reports and presentations to the Office regarding he "New York City Greenhouse Gas Reductions Community Challenge." Responsible for creating the project control plan, delegating task roles to team members, overseeing deliverables to client and communicating with all stakeholders.

Mountainair Public Schools
August 2, 2004 – May 25, 2011, Educator and Program Coordinator

Developed and implemented curricula for 10 high school and middle school science laboratory classes, 3 levels of Spanish, and Communications and managed the high school Chemistry / Physics lab. Includes

evaluation of student progress on a weekly basis, program management, project management and communicating technical information to non-technical audiences. Coordination responsibilities included the high school Student Assistance Team and the Anti-Bullying Program, which I helped develop for the school system. Summers – 20 hrs/week developing new curriculum and planning for Science Olympiad participation.

Fort Wayne Community Schools, South Side High School
August 9, 2001 – June 9, 2004, Educator and Program Coordinator

Developed and implemented curricula for 4 levels of Chemistry, taught department-developed curricula for Biology and Earth Science, managed the Chemistry lab and coordinated the International Baccalaureate Program. Includes evaluation of student progress on a weekly basis, program management, project management and communicating technical information to non-technical audiences. Summers – 20 hrs/week developing new curriculum and planning for IB program.

Arania Books Audio & Print
February 1997 - April 2000, President

Managed financial, contract, marketing and personnel for start-up company. Included hiring and evaluating employees, negotiating and managing contracts with authors, project management and marketing.

Fort Wayne Children's Choir
December 1992 – July 1996, Choralfest Coordinator

Arranged logistics for 200 choir students, directors, guest artists and volunteers. Responsible for project planning, marketing, registration, scheduling and all communications.

Bishop Dwenger High School
January 1988 – June 12, 1989, Science Teacher

Planned and implemented curriculum for four laboratory science courses. Included evaluation of student progress on a monthly basis, project management and communicating technical information to non-technical audiences.

Fort Wayne National Bank
June 1977 – August 1982, Accounts Manager

Managed profit-sharing and retirement portfolios for Trust Department. Arranged for securities purchases and sales. Completed year-end reports for all clients.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

MAR 27 2018

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

MEMORANDUM

SUBJECT: Updated Guidance on EPA Review of Fee Schedules for Operating Permit Programs Under Title V

FROM: Peter Tsirigotis
Director

TO: Regional Air Division Directors, Regions 1 – 10

The attached guidance is being issued in response to the Environmental Protection Agency Office of Inspector General's (OIG) 2014 report regarding the importance of enhanced EPA oversight of state, local, and tribal[1] fee practices under title V of the Clean Air Act (CAA).[2] Specifically, this guidance reflects the EPA's August 22, 2014, commitment to the OIG in response to OIG's Recommendation 1 to "assess our existing fee guidance and to re-issue, revise, or supplement such guidance as necessary" (we refer to the attached guidance as the "**updated fee schedule guidance**"). The EPA's response to the OIG's other recommendations are being issued concurrently in a separate memorandum and guidance concerning title V program and fee evaluations ("title V evaluation guidance").[3]

Title V of the CAA and 40 CFR part 70 contain the minimum requirements for operating permit programs developed and administered by air agencies, including requirements that each program issue operating permits to certain facilities (facilities that are "major sources" of air pollution and certain other facilities) and that each program charge fees ("permit fees") to these facilities to fund the permit program. These operating permits are intended to identify all federal air pollution control requirements that apply to a facility ("applicable requirements") and to require the facility to track and report compliance pursuant to a series of recordkeeping and reporting requirements. Section 502(b)(3) of the CAA requires each air agency to collect fees "sufficient to cover all reasonable (direct and indirect) costs required to develop and administer" its title V permit program.[4] The 40 CFR part 70 regulations establish the minimum program

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[1] As used herein, the term "air agency" refers to state, local, and tribal agencies.
[2] *Enhanced EPA Oversight Needed to Address Risks from Declining Clean Air Act Title V Revenues*; U.S. EPA Office of the Inspector General. Report No. 15-P-0006, October 20, 2014 ("OIG Report").
[3] *Program and Fee Evaluation Strategy and Guidance for 40 CFR Part 70*, Peter Tsirigotis, Director, Office of Air Quality Planning and Standards (OAQPS), U.S. EPA, to Regional Air Division Directors, Regions 1 – 10, March 27, 2018 ("title V evaluation guidance"). See the EPA's title V guidance website at *https://www.epa.gov/title-v-operating-permits/title-v-operating-permit-policy-and-guidance-document-index*.
[4] 42 U.S.C. § 7661a(b)(3)(A).

NMED Exhibit 18_000001

requirements for operating permit programs, including requirements for fees to be administered by air agencies with approved part 70 programs.[5]

On August 4, 1993, the EPA issued a memorandum, commonly referred to as the "1993 fee schedule guidance," to provide initial guidance on the Agency's approach to reviewing fee schedules for part 70 programs.[6] Since that time, the EPA has issued a number of memoranda and a final rule[7] that have touched upon, revised, or clarified certain topics contained in the 1993 fee schedule guidance.[8] The attached updated fee schedule guidance provides additional direction on how the EPA interprets the title V permit issuance and fee collection activities, as well as discussion of other fee requirements for air agencies. In addition to the memoranda and final rule noted above, the updated fee schedule guidance includes numerous changes to remove outdated regulatory provisions and focuses on the review of existing part 70 programs, rather than on initial program submittals.[9]

The updated fee schedule guidance sets forth updated principles, which will generally guide the EPA's review of part 70 fee programs. These updates are consistent with the fee requirements of title V and part 70, as well as prior guidance on fee requirements. Accordingly, these updates do not themselves provide substantively new fee guidance or create any inconsistencies with fee requirements or prior fee guidance.

The development of this guidance included outreach and discussions with stakeholders, including the EPA Regions, the National Association of Clean Air Agencies, and the Association of Air Pollution Control Agencies.

If you have any questions concerning the updated fee schedule guidance, please contact Juan Santiago, Associate Director, Air Quality Policy Division, Office of Air Quality Planning and Standards, at (919) 541-1084 or *santiago.juan@epa.gov*.

Attachments:
1. Updated Guidance on EPA Review of Fee Schedules for Operating Permit Programs under Title V
2. Attachment A – List of Guidance Relevant to Part 70 Fee Requirements
3. Attachment B – Example Presumptive Minimum Calculation

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[5] 40 C.F.R. § 70.9.

[6] *See Reissuance of Guidance on Agency Review of State Fee Schedules for Operating Permits Programs under Title V*, John S. Seitz, Director, OAQPS, U.S. EPA, to Air Division Directors, Regions I-X (August 4, 1993) ("1993 fee schedule guidance") at page 1. Note that there was an earlier document on this subject that was superseded by the 1993 fee schedule guidance.

[7] *See* the October 23, 2015, final rule, *Standards of Performance for Greenhouse Gas Emissions from New, Modified and Reconstructed Stationary Sources: Electric Utility Generating Units*. 80 FR 64510, 64633 (Section XII.E "Implications for Title V Fee Requirements for GHGs").

[8] A list of the relevant title V fee-related guidance memoranda is included as Attachment A.

[9] At this time, all air agencies have EPA-approved part 70 programs. It is conceivable that additional part 70 program submittals will be received in the future for a number of Indian tribes, and, if so, the EPA will work closely with the tribes to assist them with identifying activities which must be included in costs related to the program submittal and to meet other fee requirements of part 70.

NMED Exhibit 18_000002

DISCLAIMER

These documents explain the requirements of the EPA regulations, describe the EPA policies, and recommend procedures for sources and permitting authorities to use to ensure that title V fee schedules and fee evaluations are consistent with applicable regulations. These documents are not a rule or regulation, and the guidance they contain may not apply to a particular situation based upon the individual facts and circumstances. The guidance does not change or substitute for any law, regulation, or any other legally binding requirement and is not legally enforceable. The use of non-mandatory language such as "guidance," "recommend," "may," "should," and "can," is intended to describe the EPA policies and recommendations. Mandatory terminology, such as "must" and "required," is intended to describe controlling requirements under the terms of the Clean Air Act and the EPA's regulations, but the documents do not establish legally binding requirements in and of themselves.

NMED Exhibit 18_000003

Updated Guidance on EPA Review of
Fee Schedules for Operating Permit Programs under Title V

The purpose of this document and the attachments is to provide guidance on the Environmental Protection Agency's (EPA's) review of fee schedules for operating permit programs under 40 CFR part 70 (part 70), the regulations that set minimum requirements for permit programs administered by state, local, and tribal air agencies (referred to here as, "air agencies") authorized under title V of the Clean Air Act (CAA or Act). This document updates and clarifies the previous fee schedule guidance issued by the EPA on August 4, 1993 (the "1993 fee schedule guidance").[1] This updated fee schedule guidance clarifies which permit program costs must be included in an analysis to demonstrate that adequate fees are collected to fund all part 70 program costs. The guidance also discusses other fee-related requirements for air agencies. The updated fee schedule guidance focuses on the costs of program implementation, rather than on the costs of initial program development (as was the case for the 1993 fee schedule guidance).

I. General Principles for Review of Title V Fee Schedules

Section 502(b)(3)(A) of the Act requires operating permit programs to fund all "reasonable direct and indirect costs" of the permit programs through fees collected from "part 70 sources"[2] and requires the fees to be sufficient to cover all reasonable permit program costs.[3] The terms "fee schedule" and "permit fees" are sometimes used interchangeably to describe the fees that an air agency charges to part 70 sources to fulfill this requirement.[4] Section II of this guidance provides an explanation of the term "direct and indirect costs" and a detailed explanation of specific permit program activities to be included in costs for the purpose of analyzing whether the permit fees are sufficient to cover all the permit program costs.

The fees collected under a part 70 program are classified as "exchange revenue" or "earned revenue" in governmental accounting guidance because a good or service (e.g., a permit) is provided by a governmental entity in exchange for a price (e.g., a permit fee).[5] Also, governmental accounting guidance provides that only revenue classified as "exchange revenue" should be compared to costs to

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[1] *See Reissuance of Guidance on Agency Review of State Fee Schedules for Operating Permits Programs under Title V*, John S. Seitz, Director, OAQPS, U.S. EPA, to Air Division Directors, Regions I-X (August 4, 1993) ("1993 fee schedule guidance").

[2] The term "part 70 sources" is defined in 40 CFR § 7.2 to mean "any source subject to the permitting requirements of this part, as provided in 40 CFR §§ 70.3(a) and 70.3(b) of this part." Thus, a source is a part 70 source prior to obtaining a part 70 permit if the source is subject to permitting under the applicability provisions of 40 CFR § 70.3.

[3] *See* 40 CFR § 70.9(a).

[4] The fee schedule is typically included in the regulations that the air agency uses to implement part 70; it is a component of the part 70 program. The fee schedule (and other elements of an air agency's regulations for part 70) can vary significantly across air agencies.

[5] *See* Statement of Recommended Accounting Standards Number 7, *Accounting for Revenue and Other Financing Sources and Concepts for Reconciling Budgetary and Financial Accounting*, issued by the Federal Accounting Standards Advisory Board (FASAB) ("FASAB No. 7") at page 2. *See also* Statement No. 33, *Accounting and Financial Reporting for Nonexchange Transactions* (December 1998), issued by the Governmental Accounting Standards Board (GASB) at pages 1-4 ("GASB No. 33").

NMED Exhibit 18_000004

determine the overall financial results of operations for a period.[6] This means that legislative appropriations, taxes, grants,[7] fines and penalties, which are generally characterized as "nonexchange revenue,"[8] should not be compared to part 70 program costs to determine if permit fees are sufficient to cover costs.

Any fee required by part 70 must "be used solely for permit program costs" (in other words, the fees must not be diverted for non-part 70 purposes).[9] Many air agencies transfer fees that are in excess of program costs for a particular year into accounts to be used for part 70 purposes in another year when there is expected to be a fee shortfall, and this is an acceptable practice. However, if title V fees are transferred for uses not authorized by part 70 (e.g., highway maintenance or other general obligations of government), they would be considered improperly diverted.

Each air agency is required, as part of its part 70 program submittal, to submit a "fee demonstration" to show that its fee schedule would result in the collection and retention of fees sufficient to cover program costs, including an "initial accounting" to show that "required fee revenues" would be used solely to cover program costs.[10]

The EPA will generally presume that a fee schedule is sufficient to cover program costs if it results in the collection and retention of fees in an amount above the "presumptive minimum" —i.e., "an amount *not less than* $25 per ton" adjusted annually for increases in the Consumer Price Index[11] "times the total tons of the actual emissions of each regulated air pollutant (for presumptive fee calculation) emitted from part 70 sources," plus any greenhouse gas (GHG) cost adjustments, as applicable.[12] A fee schedule that is expected to result in fees above the "presumptive minimum" is considered to be "presumptively adequate." Note that the "presumptive minimum" is unique to each air agency because the total tons of actual emissions of "regulated air pollutants (for presumptive fee calculation)" are unique to each air agency.

As part of a fee demonstration, air agencies with fee schedules that would not be presumptively adequate are required to submit a "detailed accounting" to show that collection and retention of fee

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[6] *See* FASAB No. 7 at page 8; GASB No. 33.

[7] Concerning grants, an EPA memo, *Use of Clean Air Act Title V Permit Fees as Match for Section 105 Grants*, Gerald Yamada, Acting General Counsel, U.S. EPA, to Michael H. Shapiro, Acting Assistant Administrator, Office of Air and Radiation, U.S. EPA, October 22, 1993, states that part 70 fees are "program income" under 40 CFR § 31.25(a), and, because of this, part 70 fees cannot be used as match for section 105 grants and no air agency may count the same activity for both grant and part 70 fee purposes.

[8] "Nonexchange revenue" arises primarily from the exercise of governmental power to demand payment from the public (e.g., income tax, sales tax, property taxes, fines, and penalties) and when a government gives value directly without directly receiving equal value in return (e.g., legislative appropriations and intergovernmental grants).

[9] *See* 40 CFR § 70.9(a).

[10] *See* 40 CFR §§ 70.9(c)-(d) (fee demonstration requirements); 1993 fee schedule guidance (explaining that preparing the fee demonstrations that is part of the initial part 70 program submittal).

[11] *See* CAAt§ 502(b)(3)(B); 40 CFR § 70.9(b). The presumptive minimum fee rate is adjusted for increases in the Consumer Price Index each year in September. The fee rate for the period of September 1, 2016, through August 31, 2017, is $48.88 per ton. For more information, including a list of historical adjustment to the fee rate, *see https://www.epa.gov/title-v-operating-permits/permit-fees*.

[12] *See* 40 CFR § 70.9(b)(2) (emphasis added). The components of the "presumptive minimum" calculation—including certain emissions that may be excluded from the calculation, and an upward "GHG cost adjustment" that may apply—are addressed in 40 CFR §§ 70.9(b)(2)(i)-(v).

NMED Exhibit 18_000005

revenue would be sufficient to cover program costs.[13] Air agencies are also required to provide an "initial accounting" to show how "required fee revenues" will be used solely to cover permitting program costs.[14] Air agencies with fee schedules considered "presumptively adequate" are nevertheless required to submit fee demonstrations,[15] but they may be "presumptive minimum program cost" demonstrations[16] showing that expected fee revenues are above the "presumptive minimum" calculated for the air agency. In order to receive the EPA's approval, any fee demonstration must provide an "initial accounting" showing how required fee revenues will be used solely to cover program costs.[17]

After an air agency fee program is approved by the EPA, there are several fee requirements that may apply to the permit program as circumstances dictate. One requirement is for an air agency to submit, as required by the EPA, "periodic updates" of the "initial accounting" portion of the fee demonstration to show how "required fee revenues" are used solely to cover the costs of the permit program.[18] Further, an air agency must submit a "detailed accounting" demonstrating that the fee schedule is adequate to cover costs if an air agency changes its fee schedule to collect *less than* the presumptive minimum or if the EPA determines—based on the EPA's own initiative, or based on comments rebutting a presumption of fee sufficiency—that there are serious questions regarding whether the fee schedule is sufficient to cover the costs.[19]

In addition, title V and part 70 provide general authority for the EPA to conduct oversight activities to ensure air agencies adequately administer and enforce the requirements for operating permits programs, including that the requirements for fees are being met on an ongoing basis.[20] One method the EPA uses to perform such oversight is through periodic program or fee evaluations of part 70 programs. As part of such an evaluation, the EPA may carefully review how the state has addressed the fee requirements of part 70 as previously described and work with the air agency to seek improvements or make corrections and adjustments if any fee concerns are uncovered. Also, as part of such an evaluation, the EPA may require "periodic updates" to a fee demonstration or a "detailed accounting" that fees are sufficient to cover permit program costs.[21] See the EPA's separate *Program and Fee Evaluation Strategy and Guidance for 40 CFR Part 70* ("title V evaluation guidance") for more on this subject.[22]

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[13] *See* 40 CFR § 70.9(b).
[14] *See* 40 CFR § 70.9(d).
[15] *See* 40 CFR § 70.9(c).
[16] *See* Sections 1.1 and 3.2 of the fee demonstration guidance.
[17] *See* 40 CFR § 70.9(d).
[18] *See* 40 CFR § 70.9(d).
[19] *See* 40 CFR § 70.9(b)(5); fee demonstration guidance, Section 2.0 (providing an example of a "detailed accounting"). The scope and content of a "detailed accounting" may vary but will generally involve information on program fees and costs and other accounting procedures and practices that will show how the air agency's fee schedule will be sufficient to cover all program costs.
[20] *See* CAA § 502(i); 40 CFR § 70.10(b).
[21] *See* 40 CFR §§ 70.9(a); 70.9(b)(1), (5)(ii).
[22] *Program and Fee Evaluation Strategy and Guidance for 40 CFR Part 70*, Peter Tsirigotis, Director, Office of Air Quality Planning and Standards (OAQPS), U.S. EPA, to Regional Air Division Directors, Regions 1 – 10, March 27, 2018.

NMED Exhibit 18_000006

II. Types of Costs and Activities Included in Title V Costs

A. Overview

Activities that count as part 70 costs (direct and indirect costs of part 70). Part 70 uses the term "permit program costs" to describe the costs that must count for fee purposes under part 70.[23] This term is defined in 40 CFR § 70.2 as "all reasonable (direct and indirect) costs required to develop and administer a permit program, as set forth in [40 CFR § 70.9(b)] (whether such costs are incurred by the permitting authority or other State or local agencies that do not issue permits directly, but that support permit issuance or administration)." At a minimum, any air program activity performed by an air agency under title V or part 70 must be included in program costs. Many of the activities required under title V or part 70 are described in Sections II.B through II.K of this guidance.

As described above, part 70 costs must include all "reasonable direct and indirect costs"[24] that are incurred by air agencies in the development, implementation, and enforcement of the part 70 program. "Direct costs" are expenses that can be directly attributed to part 70 program activities or services. "Direct costs" can generally be subdivided into two categories: "direct labor costs" and "other direct costs." The term "direct labor costs" refers to salary and wages for direct work on part 70, including fringe benefits. The term "other direct costs" refers to other direct part 70 expenses, such as materials, equipment, professional services, official travel (e.g., transportation, food and lodging), public notices, public hearings, and contracted services. "Indirect costs" are costs for "general administration" or "overhead" that are not directly attributable to a part 70 program because they benefit multiple programs or cost objectives, but they are needed to operate a part 70 program. "Indirect costs" for a part 70 program are typically determined based on an indirect rate or a proportional share of the expenses of a larger organization. Examples of "indirect costs" include, but are not limited to, costs for utilities, rent, general administrative support, data processing charges, training and staff development, budget and accounting support, supplies and postage.

In addition, note that air agency accounting practices vary in how they nominally categorize costs as "direct costs," "indirect costs," or "other direct costs," depending on the specific nature of the activity. An example would be training costs, which are typically treated as "indirect costs" but sometimes as "direct costs," particularly where the training is about part 70 (e.g., for permit staff development). While accounting practices and terminology may vary among air agencies, the important principle to remember is that all reasonable direct and indirect costs of the program must be represented in the costs reported to the EPA, regardless of how the costs are categorized by the air agency.

Part 70 and the 1993 fee schedule guidance describe the part 70 activities of "reviewing and acting on any application for a part 70 permit"[25] and "implementing and enforcing the terms of any part 70

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[23] See 40 CFR § 70.9(a).

[24] The phrases, "reasonable direct and indirect costs" and "reasonable (direct and indirect) costs" have the same meaning. The phrase "reasonable direct and indirect costs" was initially used by the EPA in the 1993 fee schedule guidance, page 1. The phrase "reasonable (direct and indirect) costs" is also found in CAA section 502(b)(3)(A), (C)(iii).

[25] The response to comments document for the part 70 final rule clarifies that the phrase "acting on permit applications" in section 503(c) of the Act means the act of issuing or denying a permit, not just beginning review of a permit application. *See* Technical Support Document for Title V Operating Permits Programs (May 1992) at page 4-4, EPA Docket No. EPA-HQ-OAR-2004-0288; Legacy Docket No. A-90-33.

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permit," and these activities must be included in part 70 costs.[26] The following paragraphs use these phrases to clarify the extent that certain activities performed by the air agency must be included in part 70 costs. The phrase "reviewing and acting on any application for a part 70 permit" refers to all activities related to processing the permit application and issuing (or denying) the final part 70 permit, while the phrase "implementing and enforcing the terms of any part 70 permit" refers to all activities necessary to administer and enforce final part 70 permits, prior to the filing of an administrative or judicial complaint or order.[27]

Also, the following paragraphs clarify the extent to which fees must fund the costs of "permit programs under provisions of the Act other than title V" (hereafter referred to as "other permits") (e.g., preconstruction review permits) and "activities which relate to provisions of the Act in addition to title V" (hereafter referred to as "other activities") (e.g., a requirement for an air agency to develop a case-by-case emissions standard for an existing source).[28]

Costs related to "other permits."[29] The costs of "implementing and enforcing" the terms of a part 70 permit must be treated as a part 70 cost.[30] Thus, part 70 costs must include the cost of implementing and enforcing any term or condition of a non-part 70 permit required under the Act[31] that is incorporated into a part 70 permit and meets the definition of "applicable requirement"[32] in part 70. Similarly, the cost of implementing and enforcing any term or condition of a consent decree or order that originates in a non-part 70 permit that has been incorporated into a part 70 permit must be included as a part 70 cost.[33]

The costs of implementing and enforcing "applicable requirements" from a non-part 70 permit that will go into a part 70 permit in the future may be counted as part 70 costs. However, once a source has

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[26] The phrases "reviewing and acting on any application for a part 70 permit" and "implementing and enforcing the terms of any part 70 permit" are found at 40 CFR § 70.9(b)(1)(ii) and (iv). Similar phrases are found in the EPA's 1993 fee schedule guidance at page 3 and the phrases in the guidance have the same meaning as the phrases in part 70. *See also*, CAA § 502(b)(3)(A).

[27] An EPA memo, *Matrix of Title V-Related and Air Grant-Eligible Activities*, OAQPS, U.S. EPA, September 23, 1993 (the "matrix guidance"), page 8, which clarifies that enforcement costs are counted for part 70 purposes prior to the filing of a complaint or order. *See* page 8.

[28] The phrases cited here were originally discussed on pages 2 and 3 of the cover memorandum for the 1993 fee schedule guidance.

[29] Note that the EPA's 1993 fee schedule guidance contains the statement that "the costs of reviewing and acting on applications for permits required under Act provisions other than title V *need not* be recouped by title V fee." This statement has been interpreted by some to mean that the costs of non-title V permits "are not needed" or "may *optionally*" be counted in title V costs.

[30] *See* 40 CFR § 70.9(b)(1)(iv).

[31] Examples of non-part 70 permits required under the Act may include "minor new source review" (minor NSR) permits, "synthetic minor" permits, Prevention of Significant Deterioration (PSD) permits, and Nonattainment NSR permits authorized under title I of the Act.

[32] "Applicable requirements" are the air quality requirements that must be included in part 70 permits. See the definition of "applicable requirement" in 40 CFR § 70.2, which includes "any terms and conditions of any preconstruction permits issued pursuant to any regulations [under title I]," and certain requirements under titles I, III, IV and VI of the Act.

[33] The EPA has previously explained that consent decrees and orders reflect the conclusion of a judicial or administrative process resulting from the enforcement of "applicable requirements," and, because of this, all CAA-related requirements in such consent decrees and orders "are appropriately treated as 'applicable requirements' and must be included in title V permits. . ." *See In the Matter of Citgo Refining and Chemicals Company, L.P.*, Order on Petition Number VI-2007-01, at 12 (May 28, 2009).

submitted a timely and complete part 70 application and paid part 70 fees, all costs of implementing and enforcing the non-part 70 permit must be counted as part 70 costs.[34]

Also, any implementation and enforcement activities related to a requirement that is incorporated into a part 70 permit that is not "federally enforceable" and would not meet the definition of an "applicable requirement" (e.g., a "state-only" requirement) need not be treated as a part 70 cost.[35] The matrix guidance also clarifies that state-only requirements are air grant-eligible activities, rather than title V-eligible activities.

Costs of performing certain other activities related to applicable requirements. Certain activities required by the Act or its implementing regulations are not "applicable requirements" as defined in part 70 because they apply to the permitting authority rather than the source.[36] We refer to such activities as "other activities." As such, questions often arise as to whether the costs of "other activities" are part 70 costs, costs of the underlying standard, or costs of the preconstruction review permitting process.

Examples of applicable requirements associated with "other activities" include, but are not limited to, the following:

- Emissions standards or other requirements for new sources under section 111(b) of the Act;
- Emissions standards or other requirements for existing sources under section 111(d) of the Act;
- Case-by-case maximum achievable control technology (MACT) standards that may be required under section 112 of the Act; and
- Activities required by a state, federal, or tribal implementation plan (SIP, FIP, or TIP), including section 110 of the Act.

The 1993 fee schedule guidance stated that the cost for performing "other activities" would be part 70 costs only to the extent the activities are "necessary for part 70 purposes."[37] The 1993 fee schedule guidance has resulted in numerous questions over the years as to the scope of the term "part 70 purposes." The EPA believes a clearer standard for determining when "other activities" must be included in part 70 costs would include an evaluation of: the extent to which the air agency is required to perform the "other activities" pursuant to part 70, title V, or the approved part 70 program; the extent to which the activity is performed to assure compliance with, or enforce, part 70 permit terms and conditions; or the extent to which a non-part 70 rule (e.g., a section 111 or 112 standard) requires the air agency to perform the activity in the part 70 permitting context. If an "other activity" does not meet any

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[34] *See* EPA memo, *Additional Guidance on Funding Support for State and Local Programs*, Mary D. Nichols, Assistant Administrator for Air and Radiation, U.S. EPA, to Regional Administrators, Regions I–X, August 28, 1994.
[35] *See* 40 CFR § 70.6(b)(2).
[36] Although the "other activities" may originate within a federal standard or requirement that we generally refer to as an "applicable requirement" and the activities may result in an "applicable requirement," the activities themselves do not meet the definition of "applicable requirement" within 40 CFR § 70.2.
[37] See page 2 of the introductory memorandum for the 1993 fee schedule guidance.

of these criteria (e.g., a non-part 70 rule requires an activity in a non-part 70 context), it should not be included in part 70 costs.

Nonetheless, if any activity is an "applicable requirement" for a source, the applicable requirement must be included in a part 70 permit and the costs to the air agency of including it in the permit (and implementing and enforcing) must be treated as part 70 costs.[38]

For example, the cost of *incorporating* a standard (e.g., a section 111(b) standard) into a part 70 permit—where the task is merely one of copying the requirements from the regulation unchanged into a permit—would be a part 70 cost. However, the cost of *developing* a source-specific emission limitation outside the permit processing context (e.g., a standard pursuant to section 111(d) emission guidelines) would be a section 111 cost (although the cost of subsequently incorporating that standard into the part 70 permit would be a part 70 cost).

The costs of "other activities" related to implementation plans, including section 110 or 111 of the Act, should not be counted for part 70 purposes if the activities are required as part of the preconstruction review process or directly relate to implementation plan development, as required by title I of the Act.[39] On the other hand, part 70 costs can include ambient monitoring or emission inventories necessary to implement the part 70 program (e.g., development and quality assurance of emissions inventory for potential part 70 sources for the purpose of determining applicability).[40] If an air agency is unsure where to draw the line on including such activities in part 70 costs, they should contact the EPA for assistance.

General standard for EPA review of part 70 costs for a particular air agency. In general, the EPA expects that part 70 permit fees will fund the activities listed in this guidance. However, in evaluating a part 70 program, the EPA will consider the particular design and attributes of that program. Because the nature of permitting-related activities can vary across air agencies, the EPA evaluates each program individually. The activities listed in this guidance may not represent the full range of activities to be covered by permit fees.[41] Additionally, some air agencies may have further program needs based on the particularities of their own air quality issues and program structure.

Sections II.B through II.K of this guidance provide further information on specific permitting activities and the extent to which the costs of such activities must be treated as part 70 costs.

B. The Costs of Part 70 Program Administration

All part 70 program administration costs must be treated as part 70 costs.[42] Examples of program administration costs include:

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[38] *See* § 70.9(b)(1)(ii), (4).

[39] Implementation plan development is mandated under title I of the Act and costs typically include such activities as maintaining state-wide emissions inventories and performing ambient monitoring and emissions modeling of air pollutants for which national ambient air quality standards have been set.

[40] *See* the matrix guidance at page 1.

[41] The fee demonstration guidance cites various factors that may affect the types of activities included in a permit program and influence costs. *See* fee demonstration guidance at 4-5.

[42] This section includes many activities that would be categorized as part 70 costs under 40 CFR §§ 70.9(b)(1)(i)-(iii) that are not covered elsewhere in subsequent sections of this guidance and are necessary to conduct a part 70 program.

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- Program infrastructure costs (e.g., development of part 70 regulations, implementation guidance, policies, procedures, and forms);

- Program integration costs (adapting to changes in related programs, such as NSR, section 112 programs, and other programs);

- Data system implementation costs (including data systems for submitting permitting information to the EPA, for permit program administration, implementation and tracking and to provide public access to permits or permit information);

- Costs to operate local or Regional offices for part 70, the costs of interfacing with other state, local, or tribal offices (e.g., briefing legislative or executive staff on program issues and responding to internal audits);

- Costs related to interfacing with the EPA (e.g., related to program oversight, including program evaluations, responding to public petitions, revising implementation agreements between the air agency and the EPA); and

- Activities similar to those above.

In addition, there are other program implementation costs, such as the costs of making determinations of which sources are subject to part 70 permitting requirements that must be treated as part 70 costs.[43] Examples of such activities include:

- Maintaining an inventory of part 70 sources (e.g., for enforcement of the requirement for sources to obtain a permit or for part 70 fee purposes);

- Costs of determining if an individual source is a major source (for applicability purposes);

- Costs of determining if a source qualifies for coverage under a general permit (if the air agency chooses to issue them); and

- Costs of determining if a non-major source is required to obtain a part 70 permit and costs of implementing any insignificant activity and emission level exemptions under part 70.

C. The Costs of Part 70 Program Revisions

All costs of revising an approved part 70 program must be treated as part 70 costs, including the costs of developing new program elements to respond to changes in requirements, whether the revisions are the air agency's own initiative or required by the EPA.[44] Examples of program revision costs include:

- Costs of revising the program elements that are changing (e.g., program legal authority, implementing regulations, data systems, and other program elements);

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[43] Many of these activities may also be described as related to reviewing and acting on applications for part 70 permits, as provided in 40 CFR § 70.9(b)(1)(ii).
[44] *See* 40 CFR § 70.4(i).

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- Costs of documenting the changes; and

- Costs associated with obtaining the needed approvals, including for submitting program revisions to the EPA and any necessary follow-up work related to obtaining approval.

D. The Costs of Reviewing Applications and Acting on Part 70 Permits

All costs of reviewing an application for a part 70 permit, developing applicable requirements as part of the process of a permit, and ultimately acting upon the application must be treated as part 70 costs.[45] These costs must include the costs of the application completeness determination, the technical review of the application (including the review of any supplemental monitoring that may be needed, review of any compliance plans, compliance schedules, and review of initial compliance certifications included in the application), drafting permit terms and conditions to reflect the applicable requirements that apply to the source, determining if any permit shields apply, public participation, the EPA and affected air agency review, and issuing the permit. The cost of these activities must be included for initial permit processing, permit renewal, permit reopening, and permit modification.

The costs of developing part 70 permit terms and conditions. All costs associated with the development of permit terms and conditions to reflect the "applicable requirements," including the costs of incorporating such terms in part 70 permits, must be treated as part 70 costs. The applicable requirements include the emissions limitations and standards and other requirements as provided for in the definition of applicable requirements in 40 CFR § 70.2. Such costs may include the costs to determine the provisions of the applicable requirements that specifically apply to the source, to develop operational flexibility provisions, netting/trading conditions, and appropriate compliance conditions (e.g., inspection and entry, monitoring and reporting). Appropriate compliance provisions may include periodic monitoring and testing under 40 CFR § 70.6(a)(3)(i)(B) and monitoring sufficient to assure compliance under 40 CFR § 70.6(c)(1).

Part 70 also requires certain regulatory provisions to be included in permits, such as citation to the origin and authority of each permit term, a statement of permit duration, requirements related to fee payment, certain part 70 compliance and reporting requirements, a permit shield (if provided by the air agency), and similar terms. The costs of developing such terms must be covered by permit fees.[46]

The costs of developing "state-only" permit terms need not be treated as part 70 costs. Air agencies should screen or separate "state-only" requirements from federally-enforceable requirements and—while the act of separating part 70 terms from state-only terms should be treated as part 70 costs—the costs of developing state-only permit terms, putting them in the part 70 permit, and implementing and enforcing them as they appear in the part 70 permit need not be treated as part 70 costs for fee purposes.[47]

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[45] *See* CAA section 502(b)(3)(A)(i); 40 CFR § 70.9(b)(1)(ii).
[46] *See* 40 CFR § 70.6.
[47] *See* the matrix guidance, which notes that state-only requirements in part 70 permits are air-grant-eligible activities, rather than title V-eligible activities.

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The costs of public participation and review (by the EPA and the affected air agency). All costs of notices (or transmitting information) to the public, affected air agencies and the EPA for part 70 permit issuance, renewal, significant modifications and (if required by state or local law) for minor modifications (including staff time and publication costs) must be treated as part 70 costs. [48]

Any costs associated with hearings for part 70 permit issuance, renewal, significant modifications, and for minor modifications (if required by state or local law), including preparation, administration, response, and documentation, must be treated as part 70 costs.

All costs for the air agency to develop and provide a response to public comments received during the public comment period must be treated as part 70 costs.

Any costs associated with transmitting necessary documentation to the EPA for review and response to an EPA objection must be treated as part 70 costs.[49] Also, the costs associated with an air agency's response to an EPA order granting objection to a part 70 permit and/or the costs of defending challenges to part 70 permit terms in state court must be treated as part 70 costs.

E. The Costs of Implementation and Enforcement of Part 70 Permits

With some exceptions related to court costs and enforcement actions, the costs of implementing and enforcing the terms of any part 70 permit must be treated as part 70 program costs.[50] Implementation and enforcement of permit terms and conditions related to part 70 includes requirements for compliance plans, schedules of compliance, monitoring reports, deviation reports, and annual certifications.

The costs of any follow-up activities when compliance/enforcement issues are encountered should be treated as part 70 costs. Part 70 costs include such activities as conducting site visits, stack tests, inspections, audits, and requests for information either before or after a violation is identified (e.g., requests similar to the EPA's CAA section 114 letters).

Part 70 costs should include the costs for any notices, findings, and letters of violation, and the development of cases and referrals up until the filing of the complaint or order. Excluded from permit costs are enforcement costs incurred after the filing of an administrative or judicial complaint.[51]

Part 70 costs must also include the costs of implementing and enforcing any restrictions on potential to emit (PTE) that are included in a part 70 permit, whether they originate in the part 70 permit or were transferred from a non-part 70 permit, such as a minor NSR permit for a "synthetic minor source."

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[48] *See* 40 CFR § 70.7(h) concerning public participation and 40 CFR § 70.8 concerning the EPA and affected air agency review.
[49] *See* 40 CFR § 70.8(a).
[50] *See* 40 CFR §§ 70.4(b), 70.6, 70.9(b)(1)(iv), and 70.11.
[51] *See* the matrix guidance at page 8.

F. The Costs of Implementing and Enforcing the Requirements of Non-Title V Permits Required Under the Act

Part 70 fees must cover the costs of implementing and enforcing the terms and conditions of "other permits" (non-part 70 permits) required under the Act, such as preconstruction review permits under title I, that have been incorporated in part 70 permits as "applicable requirements."[52]

Also, the costs of implementing and enforcing the terms and conditions of consent decrees and orders that originate in a non-part 70 permit that are incorporated into a part 70 permit must be treated as part 70 costs. *See* Section II.A of this guidance.

The costs of implementing and enforcing applicable requirements for "prospective part 70 sources" need not be treated as part 70 costs until such time as the source submits a timely and complete permit application and pays fees. In addition, the costs of implementing and enforcing "state-only" requirements need not be treated as part 70 costs.

G. The Costs of Performing Certain "Other Activities" Related to Applicable Requirements

Certain activities are required by the Act but are not "applicable requirements" because they apply to the permitting authority, rather than the source; such activities are referred to as "other activities."[53] Examples of applicable requirements that contain these activities include, but are not limited to, standards for existing sources under section 111(d) of the Act; case-by-case MACT under sections 112 of the Act; and certain activities required by a SIP, FIP, or TIP, including section 110 of the Act. The costs of other activities must be treated as part 70 costs, if the air agency is required to perform the activities by part 70, title V, or the air agency's approved part 70 program; if a non-part 70 rule requires them to be performed in the part 70 permitting context; or if the activities are needed to assure compliance with, or to enforce, the terms and conditions of a part 70 permit. The costs of other activities should not be treated as part 70 costs, if they do not meet any of these criteria (e.g., a non-part 70 rule requires an activity that occurs in a non-part 70 context). *See* Section II.A of this guidance.

H. The Costs of Revising, Reopening, and Renewing Part 70 Permits

All costs associated with processing permit revisions, including for administrative amendments, minor modifications (fast-track and group processing), and significant modifications, must be treated as part 70 costs.[54] The part 70 costs must include all the costs of reviewing and acting on the application, as well as implementing and enforcing the revised permit terms.[55] The costs of implementing any "operational flexibility provisions"[56] approved into a program to streamline permit revision procedures must be treated as permit program costs (this may also generally be considered to be one of the costs of implementing a permit).

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[52] Required to be treated as part 70 costs in certain cases by 40 CFR § 70.9(b)(1)(iv).
[53] Required to be treated as part 70 costs in certain cases by 40 CFR §§ 70.9(b)(1)(ii) and (iv).
[54] Required to be treated as part 70 costs under 40 CFR § 70.9(b)(1)(ii). Also *see* 40 CFR § 70.7 for more on permit issuance, renewal, reopening and revision procedures.
[55] 40 CFR §§ 70.9(b)(1)(ii) and (iv).
[56] Section 502(b)(10) of the Act requires the operating permit regulations to include provisions to allow changes within a permitted facility without requiring a permit revision under certain circumstances. The EPA refers to these provisions as "operational flexibility provisions." *See* 40 CFR § 70.4(b)(12).

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The cost for the air agency to reopen a part 70 permit for cause must be treated as part 70 costs. The proceedings to reopen a permit shall follow the same procedures that apply to initial permit issuance, and include a requirement for the air agency to provide a notice to the source of the agency's intent to reopen the permit.

When the EPA reopens a part 70 permit for cause, the air agency's costs for the proposed determination of termination, modification, or revocation and reissuance, and the costs to resolve the objection in accordance with the EPA's objection, must be treated as part 70 costs.

The cost of renewing permits every 5 years, which involves the same procedural requirements, including public participation, and the EPA and affected air agency review, must be treated as part 70 costs, [57] just as for initial permit issuance.

I. The Costs of General and Model Permits

All costs for development and implementation of general and model permits under part 70 must be included in part 70 program costs, including the costs of drafting permits, public participation, the EPA review and any affected air agency's review, permit issuance, publication, assessing applications for coverage under the general permit, and other related costs.[58] Note that the issuance of general and model permits is an option for air agencies, but if such permits are issued by an air agency under part 70, the costs must be included in part 70 costs.

J. The Costs of the Portion of the Small Business Assistance Program (SBAP) Attributable to Part 70 Sources

The SBAP under title V is authorized to provide counseling to help small business stationary sources to determine and meet their obligations under the Act.[59] The SBAP is authorized to provide assistance to small business stationary sources, as defined by CAA § 507(c)(1), under the preconstruction and operating permit programs; however, air agencies need only to include costs related to assistance with part 70 in part 70 costs.[60] *See* 40 CFR § 70.9(b)(1)(viii). Allowable costs for part 70 include the costs to establish a small business ombudsman program to provide information on the applicability of part 70 to sources, available assistance for part 70 sources, the rights and obligations of part 70 sources, and options for sources subject to part 70. Allowable costs also include the costs associated with part 70 applicability determinations.

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[57] 40 CFR § 70.9(b)(1)(ii).

[58] Required to be included in part 70 costs by 40 CFR §§ 70.9(b)(1)(ii) and (iv). Also *see* 40 CFR § 70.6(d) for more on the administration of general permits.

[59] For examples of the types of activities of a SBAP that could be attributable to part 70 sources and funded by part 70 fees, see *Transition to Funding Portions of State and Local Air Programs with Permit Fees Rather than Federal Grants*, Mary D. Nichols, Assistant Administrator for Air and Radiation, U.S. EPA, to Regional Administrators, Regions I – X, July 21, 1994 ("transition guidance"); Letter from Conrad Simon, Director, Air & Waste Management Division, EPA Region II to Mr. Billy J. Sexton, Director, Jefferson County Department of Planning and Environmental Management, Air Pollution Control District, Louisville, Kentucky, January 23, 1996 ("Sexton memo").

[60] Note that the preconstruction review permitting costs of assisting non-part 70 sources should generally not be included as part 70 costs, except for costs related to implementation and enforcement of permit terms from a preconstruction review permit that have been included in a part 70 permit.

Part 70 costs for SBAP must include the costs for outreach/publications on the requirements of part 70 and/or the applicable requirements included in part 70 permits, the costs of assisting part 70 sources through a clearinghouse on compliance methods and technologies, including pollution prevention approaches, and the costs to assist sources with part 70 permitting, which may include the portion of costs for a small business comtpliance advisory panel that are related to part 70.

K. The Costs of Permit Fee Program Administration

All costs associated with the administration of an air agency's part 70 fee program must be included in part 70 costs, including the costs for revising fee schedules (as needed to cover all required costs), periodic updates, detailed accounting (if needed), determining the presumptive minimum for the air agency, participating in EPA evaluations of fee programs or similar EPA oversight activities, assisting sources with fee issues, auditing fee payment by sources, assessing penalties for fee payment errors, responding to internal audits and inquiries, and similar activities.[61]

III. Flexibility in Fee Schedule Design

An air agency may design its fee schedule to collect fees from sources using various methods, provided the fee structure raises sufficient revenue to cover all required program costs.[62] Thus, air agencies may charge: emissions-based fees based on actual emissions or allowable emissions; fixed fees for certain permit processes (different fees for initial permit review, renewals, or for various types of permit revisions); different fee rates (e.g., dollars per ton of emissions) for certain air pollutants; fees reflecting the actual costs of services for sources (such as charging for time and materials for a review); or other types of fees, including any combination of such fees. Finally, air agencies may charge annual fees or fees covering some other period of time.

This flexibility for fee schedule design is available without regard to whether the air agency has set its fees to collect above or below the presumptive minimum. Many air agencies have designed their fee schedules to collect fees using an emissions-based approach that mirrors the approach of part 70 for determining the presumptive minimum program cost for an air agency.[63] However, air agencies are not required to charge fees to sources in that manner, and it is possible that such an approach may not necessarily result in fees that would be sufficient to cover all part 70 program costs.

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[61] *See* 40 CFR § 70.9(b)(l)(ii); *Overview of Clean Air Title V Financial Management and Reporting – A Handbook for Financial Managers*, Environment Finance Center, University of Maryland, Maryland Sea Grant College, University of Maryland. Supported by a grant from the U.S. EPA, January 1997 ("Financial Manager's Handbook") (providing an overview of air agency application of general government accounting, budgeting, and financial reporting concepts to the part 70 program).

[62] *See* 40 CFR § 70.9(b)(3).

[63] *See* 40 CFR § 70.9(b)(2)(i).

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IV. The EPA Review of Existing Air Agency Fee Programs

The initial program submittals involved review of data on expected fee revenue, program costs and accounting practices that were prospective in nature, since little or no data would have been available on actual fees or costs at that time.

At this point, the EPA review of air agency fee programs generally focuses on a review of actual data on fee revenue, program costs, and review of existing accounting practices. The EPA oversight of existing fee programs will also likely be conducted as part of a program evaluation, a separate fee evaluation, or through submittal of any periodic updates or detailed accountings related to fee demonstration requirements. The EPA has issued a separate memorandum and guidance on part 70 program and fee evaluations concurrently with this updated fee schedule guidance.[64]

Fee evaluations for existing part 70 programs will generally focus on certain key requirements of the Act and part 70 for fees discussed in Section I, *General Principles for Review of Title V Fee Schedules*, of this guidance. Such reviews may cover certain aspects of air agency accounting practices and procedures related to fees, particularly fee assessment procedures, tracking of fee collection and revenue uses (including transfers in and out of part 70 program accounts), whether all part 70 costs are included in the air agency's accounting of costs, and potentially other accounting aspects.

A fee evaluation may include a review of an air agency's fee program status with respect to the presumptive minimum defined in 40 CFR § 70.9(b)(2). This may be important in cases where a part 70 program was initially approved to charge above the presumptive minimum, in order to determine if the air agency is now charging less than the presumptive minimum. This is relevant because 40 CFR § 70.9(b)(5)(i) requires an air agency to submit a detailed accounting to show that its fees would be adequate to cover the program costs if the air agency charges less than the presumptive minimum. This requirement is ongoing (not restricted to program submittals).

In addition, the EPA revised the part 70 requirements related to calculating the presumptive minimum to add a "GHG cost adjustment" in an October 23, 2015, final rule.[65] Although the EPA has announced a review of this final rule (82 FR 16330, April 4, 2017), the EPA has not proposed any specific changes to the "GHG cost adjustment." Because air agencies are required to collect sufficient fees to cover the costs of implementing their operating permit programs, they may still use the "GHG cost adjustment" (as applicable) in calculating the fees owed to reflect the associated administrative burden of considering GHGs in the permitting process. The "GHG cost adjustment" is designed to cover the overall added administrative burden of adding GHGs to the permitting program in a general sense.

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[64] *Program and Fee Evaluation Strategy and Guidance for Part 70*, Peter Tsirigotis, Director, Office of Air Quality Planning and Standards (OAQPS), U.S. EPA, to Regional Air Division Directors, Regions 1 – 10, March 27, 2018.

[65] The "GHG cost adjustment" was promulgated as part of an October 23, 2015, final rule titled, *Standards of Performance for Greenhouse Gas Emissions from New, Modified and Reconstructed Stationary Sources: Electric Utility Generating Units*, 80 FR 64510. Specifically, see Section XII.E. "Implications for Title V Fee Requirements for GHGs" at page 64633. *See also* 40 CFR §§ 70.9(b)(2)(v) and (d)(3)(viii).

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"Presumptive Minimum" Calculation

1. **Calculate the "Cost of Emissions."** The calculation is based on multiplying the actual emissions of "fee pollutants"[66] (tons) from the air agency's part 70 sources for a preceding 12-month period by the "presumptive minimum fee rate"[67] ($/ton) that is in effect at the time the calculation is performed.

   Air agencies may exclude the following types of fee pollutants from the calculation:
   - Actual emissions of each regulated fee pollutant in excess of 4,000 tons per year on source-by-source basis.[68]
   - Actual emissions of any regulated fee pollutant emitted by a part 70 source that was already included in the presumptive minimum fee calculation (i.e., double-counting of the same pollutant is not required).[69]
   - Insignificant quantities of actual emissions not required in a permit application pursuant to 40 CFR § 70.5(c).[70]

2. **Calculate the "GHG Cost Adjustment" (as applicable)**[71] The "GHG cost adjustment" is the cost for the air agency to conduct certain application reviews (activities) to determine if GHGs have been properly addressed for an annual period. The adjustment is calculated by multiplying the total hours to conduct the activities (burden hours) by the average cost of staff time ($/hour) to conduct the activities.

   To calculate the total hours for the air agency to conduct the activities, multiply the number of activities performed in each category listed in the following table by the corresponding "burden hours per activity factor," and sum the results.[72]

Table 1. GHG reviews counted for GHG cost adjustment purposes

Activity	Burden Hours per Activity Factor
GHG completeness determination (for initial permit or updated application)	43
GHG evaluation for a permit modification or related permit action	7
GHG evaluation at permit renewal	10

[66] The term "fee pollutants" used here is shorthand for "regulated pollutants (for presumptive fee calculation)," as defined in 40 CFR § 70.2.
[67] The "presumptive minimum fee rate" is calculated by the EPA in September of each year and is effective from September 1 to August 31 of the following year. The fee rate is adjusted annually for changes in the Consumer Price Index (CPI) and is published on the following Internet site: *https://www.epa.gov/title-v-operating-permits/permit-fees.*
[68] *See* 40 CFR § 70.9(b)(2)(ii)(B).
[69] *See* 40 CFR § 70.9(b)(2)(ii)(C). For example, a source may emit an air pollutant that is defined as both a hazardous air pollutant and a pollutant for which a national ambient air quality standard has been established, e.g., a volatile organic compound. The actual emissions of such a pollutant is not required to be counted twice for fee purposes.
[70] *See* 40 CFR § 70.9(b)(2)(ii)(D).
[71] *See* 40 CFR §§ 70.9(b)(2)(i) and (v).
[72] The table shown here is found at 40 CFR § 70.9(b)(2)(v).

To determine the GHG cost adjustmentt($), the total hours to conduct the reviews (calculated above) is multiplied by the average cost of staff time ($/hour). The average cost of staff time must include wages, employee benefits, and overhead and will be unique to the air agency. The average cost may be known for the air program or may be available from the air agency budget office or accounting staff.

3. **Calculate the Total Presumptive Minimum.** The total presumptive minimumt($) for the annual period is determined by adding the "cost of emissions" (determined in Step 1) and the "GHG cost adjustment," as applicable (determined in Step 2).

See Attachment B, ***Example Presumptive Minimum Calculation***, for an example calculation for a hypothetical air agency that incorporates the "GHG cost adjustment."

V. Future Adjustments to Fee Schedules

Air agencies must collect part 70 fees that are sufficient to cover the part 70 permit program costs.[73] Accordingly, air agencies may need to revise fee schedules periodically to remain in compliance with the requirement that permit fees cover all part 70 permit program costs. Changes in costs over time may be due to many factors, including but not limited to: changes in the number of sources required to obtain part 70 permits; changes in the types of permitting actions being performed; promulgation of new emission standards; and minor source permitting requirements for CAA sections 111, 112, or 129 standards. Air agencies should keep the EPA Regions apprised of any changes to fee schedules over time. The EPA will assess the proposed revision and determine whether it must be processed by the EPA as a substantial or non-substantial revision. As part of this process, the EPA may request additional information, as appropriate.

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[73] 40 CFR § 70.9(a).

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ATTACHMENT A

List of Guidance Relevant to Part 70 Fee Requirements

EPA Guidance on Part 70 Requirements:

- January 1992 – *Guidelines for Implementation of Section 507 of the Clean Air Act Amendments—Final Guidelines,* Office of Air Quality Planning and Standards (OAQPS), U.S. EPA. *See* pages 5 and 11-12 concerning fee flexibility for small business stationary sources: *http://www.epa.gov/sites/production/files/2015-08/documents/smbus.pdf.*

- July 7, 1993 – *Questions and Answers on the Requirements of Operating Permits Program Regulations*, U.S. EPA. See Section 9: *http://www.epa.gov/sites/production/files/2015-08/documents/bbrd_qal.pdf.*

- August 4, 1993 – *Reissuance of Guidance on Agency Review of State Fee Schedules for Operating Permits Programs under Title V*, John S. Seitz, Director, OAQPS, U.S. EPA, to Air Division Directors, Regions I-X ("1993 fee schedule guidance"). Note that there was an earlier document on this subject that was superseded by this document: *http://www3.epa.gov/ttn/naaqs/aqmguide/collection/t5/fees.pdf.*

- August 9, 1993 – *Acid Rain—Title V Guidance on Fees and Incorporation by Reference,* Brian J. McLean, Director, Acid Rain Division, U.S. EPA, to Air, Pesticides, and Toxics Division Directors, Regions I, IV, and VI, Air and Waste Management Division Director, Region II, Air and Toxics Division Directors, Regions III, VII, VIII, IX and X and Air and Radiation Division Director, Region V: *http://www.epa.gov/sites/production/files/2015-08/documents/combo809.pdf.*

- September 23, 1993 – *Matrix of Title V-Related and Air Grant—Eligible Activities*, OAQPS, U.S. EPA ("matrix guidance"). The matrix notes that it is to be "read and used in concert with the August 4, 1993, fee [schedule] guidance": *http://www.epa.gov/sites/production/files/2015-08/documents/matrix.pdf.*

- October 22, 1993 – *Use of Clean Air Act Title V Permit Fees as Match for Section 105 Grants,* Gerald M. Yamada, Acting General Counsel, U.S. EPA, to Michael H. Shapiro, Acting Administrator, Office of Air and Radiation, U.S. EPA: *https://www.epa.gov/sites/production/files/2015-08/documents/usefees.pdf.*

- November 01, 1993 – *Title V Fee Demonstration and Additional Fee Demonstration Guidance.* John S. Seitz, Director, OAQPS, U.S. EPA, to Director, Air, Pesticides and Toxics Management Division, Regions I and IV, Director, Air and Waste Management Division, Region II, Director, Air, Radiation and Toxics Division, Region III, Director, Air and Radiation Division, Region V, Director, Air, Pesticides and Toxics Division, Region VI and Director, Air and Toxics Division, Regions VII, VIII, IX and X, U.S. EPA ("fee demonstration guidance"): *http://www3.epa.gov/ttn/naaqs/aqmguide/collection/t5/feedemon.pdf.*

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- July 21, 1994 – *Transition to Funding Portions of State and Local Air Programs with Permit Fees Rather than Federal Grants,* Mary D. Nichols, Assistant Administrator for Air and Radiation, U.S. EPA, to Regional Administrators, Regions I – X ("transition guidance"): *http://www.epa.gov/sites/production/files/2015-08/documents/grantmem.pdf.*

- August 28, 1994 – *Additional Guidance on Funding Support for State and Local Programs*, Mary D. Nichols, Assistant Administrator for Air and Radiation, U.S. EPA, to Regional Administrators, Regions I – X ("additional guidance memo"): *http://www.epa.gov/sites/production/files/2015-08/documents/guidline.pdf.*

- January 25, 1995 – *Options for Limiting the Potential to Emit (PTE) of a Stationary Source Under Section 112 and Title V of the Clean Air Act (Act)*, John S. Seitz, Director for Office of Air Quality Planning and Standards, U.S. EPA, to Regional Directors, Regions I – X: *https://www.epa.gov/sites/production/files/documents/limit-pte-rpt.pdf.*

- January 23, 1996 – Letter from Conrad Simon, Director, Air & Waste Management Division, EPA Region II to Mr. Billy J. Sexton, Director, Jefferson County Department of Planning and Environmental Management, Air Pollution Control District, Louisville, Kentucky ("Sexton memo"): *https://www.epa.gov/sites/production/files/2016-04/documents/sexton_1996.pdf.*

- January 1997 – *Overview of Clean Air Title V Financial Management and Reporting – A Handbook for Financial Managers*, Environment Finance Center, University of Maryland, Maryland Sea Grant College, University of Maryland. Supported by a grant from the U.S. EPA ("financial manager's handbook"): *http://www.epa.gov/sites/production/files/2015-08/documents/t5finance.pdf.*

- October 23, 2015 – *Standards of Performance for Greenhouse Gas Emissions from New, Modified and Reconstructed Stationary Sources: Electric Utility Generating Units: Final Rule* (80 FR 64510). *See* Section XII.E, "Implications for Title V Fee Requirements for GHGs" at page 64633: *http://www.gpo.gov/fdsys/pkg/FR-2015-10-23/pdf/2015-22837.pdf.*

Guidance on Governmental Accounting Standards Relevant to Part 70:

- Handbook of Federal Accounting Standards and Other Pronouncements, as Amended, as of June 30, 2015, Federal Accounting Standards Advisory Board (FASAB). *http://www.fasab.gov/pdffiles/2015_fasab_handbook.pdf.*

- Statement of Federal Financial Accounting Standards 4: *Managerial Cost Accounting Standards and Concepts*, page 396 of the FASB Handbook ("SFFAS No. 4").

- Statement of Federal Financial Accounting Standards 7: Accounting for Revenue and Other Financial Sources and Concepts for Reconciling Budgetary and Financial Accounting, page 592 of the FASAB Handbook ("SFFAS No. 7").

Statements of the Governmental Accounting Standards Board (GASB):

- Statement No. 33, *Accounting and Financial Reporting for Nonexchange Transactions* (December 1998) ("GASB Statement No. 33"): *http://www.gasb.org/jsp/GASB/Document_C/GASBDocumentPage?cid=1176160029148&acceptedDisclaimer=true.*

- Statement No. 34, *Basic Financial Statements – and Management's Discussion and Analysis – for State and Local Governments* (June 1999) ("GASB Statement No. 34"): *http://www.gasb.org/jsp/GASB/Document_C/GASBDocumentPage?cid=1176160029121&acceptedDisclaimer=true.*

ATTACHMENT B

Example Presumptive Minimum Calculation

This attachment provides an example calculation of the "presumptive minimum" under 40 CFR part 70 for a hypothetical air agency ("Air Agency X").[1]

Background:

- The "presumptive minimum" is an amount of fee revenue for an air agency that is presumed to be adequate to cover part 70 costs.[2]
    - If an air agency's fee schedule would result in fees that would be less than the presumptive minimum, there is no presumption that its fees would be adequate to cover part 70 costs and the air agency is required to submit a "detailed accounting" to show that its fees would be sufficient to cover its part 70 costs.[3]
    - If an air agency's fee schedule would result in fees that would be at least equal to the presumptive minimum, there is a presumption that its fees would be adequate to cover costs and a "detailed accounting" is not required. However, a "detailed accounting" is required whenever the EPA determines, based on comments rebutting the presumption of fee adequacy or on the EPA's own initiative, that there are serious questions regarding whether its fees are sufficient to cover part 70 costs.[4]
- In addition, independent of the air agency's status with respect to the presumptive minimum, a "detailed accounting" is required whenever the EPA determines on its own initiative that there are serious questions regarding whether an air agency's fee schedule is sufficient to cover its part 70 costs. This is required because part 70 requires an air agency's fee revenue to be sufficient to cover part 70 permit program costs.[5]
- The quantity of air pollutants and the "GHG cost adjustment" are unique to each air agency and vary from year-to-year. As a result, the presumptive minimum calculated for an air agency is also unique to that particular agency on a year-to-year basis.
- No source should use the presumptive minimum calculation described in this attachment to calculate its part 70 fees.[6] Sources should instead contact their air agency for more information on how to calculate fees for a source.

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[1] The example calculation follows the requirements of 40 CFR § 70.9(b)(2)(i)-(v).
[2] *See* 40 CFR § 70.9(b)(2)(i).
[3] *See* 40 CFR § 70.9(b)(5) (concerning the "detailed accounting" requirement).
[4] *See* 40 CFR § 70.9(b)(5)(ii).
[5] *See* 40 CFR §§ 70.9(a) and (b)(1).
[6] *See* 40 CFR § 70.9(b)(3) (providing air agencies with flexibility on how they charge fees to individual sources).

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- An air agency may calculate the presumptive minimum in several circumstances:

    - As part of a fee demonstration submitted to the EPA when an air agency sets its fee schedule to collect at or above the presumptive minimum.

    - As part of a fee evaluation to determine if an air agency with a fee schedule originally approved to be at or above the presumptive minimum now results in fees that are below the current presumptive minimum. When this occurs, the air agency is required to submit a "detailed accounting" to show that its fee schedule will be sufficient to cover all required program costs. Such a change in the presumptive minimum for an air agency may occur for many reasons over time.[7]

    - To update the presumptive minimum amount for the air agency to account for changes that have occurred since the calculation was last performeda A common reason for an air agency to do this is to recalculate the amount to add the GHG cost adjustment.[8]

The presumptive minimum calculation is generally composed of three steps:

1. *Calculation of the "cost of emissions."* aThe "cost of emissions" is proportional to the emissions of certain air pollutants of part 70 sources.

2. *Calculation of the "GHG cost adjustment" (as applicable).* The "GHG cost adjustment," promulgated in October 23, 2015, is intended to recover the costs of incorporating GHGs into the permitting program.

3. *Sum the values calculated in Steps 1 and 2.*

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[7] It has been almost two decades since most part 70 programs were approved. Changes may have occurred since then that would affect the presumptive minimum calculation for an air agency. For example, changes in the emissions inventory for part 70 sources or changes to air agency fee schedules. The part 70 rules were also revised in 2015 to add a "GHG cost adjustment" to the calculation of the presumptive minimum fee.

[8] *See* 80 FR 64633 (October 23, 2015); 40 CFR § 70.9(b)(2)(v).

Example Scenario and Calculation:

Air Agency X performs its presumptive minimum calculation in November of 2016 using data for Fiscal Year 2016 (FY16 or October 1, 2015, through September 30, 2016).

Step 1 – Calculate the Cost of Emissions:

The "cost of emissions" is determined by multiplying the air agency's inventory of actual emissions of certain pollutants from part 70 sources ("fee pollutants") by an annual fee rate determined by the EPA.

A. Determine the Actual Emissions of "Fee Pollutants" for a 12-month Period Prior to the Calculation.

Note that the term "fee pollutants" used here is shorthand for "regulated pollutants (for presumptive fee calculation)," a defined term in part 70,[9] which includes air pollutants for which a national ambient air quality standard has been set, hazardous air pollutants, and air pollutants subject to a standard under section 111 of the Act, excluding carbon monoxide, greenhouse gases, and certain other pollutants.[10] Note that any preceding 12-month period may be used, for example, a calendar year, a fiscal year, or any other period that is representative of normal source operation and consistent with the fee schedule used by the air agency.

For example, a review of Air Agency X's emissions inventory records for part 70 sources for the 12-month period (FY16) indicates that the actual emissions of "fee pollutants" were 15,700 tons.

Total "Fee Pollutants"t= 15,700 tons for FY16

B. Determine the Presumptive Minimum Fee Rate ($/ton) Effective at the Time the Calculation is Performed.

The presumptive minimum fee rate is updated by the EPA annually and is effective from September 1 until August 31 of the following year. Historical and current fee rates are available online: *https://www.epa.gov/title-v-operating-permits/permit-fees.* The fee rate used in the calculation is the one that is effective on the date the calculation is performed, rather than the fee rate in effect for the annual period of the emissions data.

For example, Air Agency X calculates its "presumptive minimum" for FY16 in November 2016. The air agency first refers to the EPA website (listed above) to find the fee rate effective for November 2016. This fee rate ($48.88) is used in the next step to calculate the cost of emissions.

Presumptive Minimum Fee Rate ($/ton) = $ 48.88 per ton.

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[9] The definition of "regulated pollutant (for presumptive fee calculation)" is found at 40 CFR § 70.2.

[10] Note that 40 CFR §§ 70.9(b)(2)(ii) and (iii) provides exclusions for certain air pollutants and includes a definition of "actual emissions."

C. Calculate the Cost of Emissions.

Calculate the cost of emissions by multiplying the total tons of "fee pollutants" (value found in A) by the presumptive minimum fee rate (value found in B).

Cost of Emissionst= "Fee Pollutants" (tons) * Presumptive Minimum Fee Rate ($/ton)
= 15,700 tonst* $48.88/ton
= $767,416

Value Calculated in Step 1: Cost of Emissionsa= $767,416

Step 2 – Calculate the GHG Cost Adjustment (as applicable):
The "GHG cost adjustment" is the cost for the air agency to review applications for certain permitting actions to determine if GHGs have been properly addressed.

A. Determine the Number of GHG Activities for Each Activity Category.

Determine the total number of activities processed during the period for each activity category listed in the following table [based on table at 40 CFR § 70.9(b)(2)(v)].

Activity	Burden Factor (hours per activity)
GHG Completeness Determinations (for initial permit or updated application)	43
GHG Evaluations for Permit Modification or Related Permit Actions	7
GHG Evaluations at Permit Renewal	10

For example, Air Agency X's records were reviewed to determine the number of activities that occurred for each activity category during FY16:

- 2 GHG completeness determinations for initial applications
- 46 GHG evaluations for permit modifications or related actions *(11 significant modifications and 35 minor modifications)*
- 20 GHG evaluations at permit renewal

Note that the activities above are assumed to occur for each initial application, permit modification, or permit renewal, regardless of whether the source emits GHGs or is subject to applicable requirements for GHGs. Thus, there were 20 GHG evaluations at permit renewal because there were 20 permit renewals.

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B. Calculate the GHG Burden for Each Activity Category.

The GHG burden for each activity category is calculated by multiplying the number of activities for each category (identified in A) by the relevant burden factor (hours/activity) listed in the table above.

GHG Burden = Number of activities * Burden factor (hours/activity)

For example, Air Agency X calculated GHG burden as follows:

- 2 Completeness Determinations * 43 hours/activity = 86 hours
- 46 Evaluations for Mods or Related Actions * 7 hours/activityt= 322 hours
- 20 Evaluations at Permit Renewal * 10 hours/activity = 200 hours

C. Calculate the Total GHG Burden (in hours).

The total GHG burden hours are calculated by summing the GHG burden hours for each activity category determined in B.

For example, Air Agency X calculated total GHG burden hours as follows:
Total GHG Burden Hours = 86 hours + 322 hours + 200 hours
= 608 hours

D. Calculate the GHG Cost Adjustment.

Calculate the GHG cost adjustment for the period by multiplying the total GHG burden hours (value calculated in C) by the cost of staff time.

GHG Cost Adjustmentt= Total GHG burden hours (hours)t* Cost of staff time ($/hour)

For example, Air Agency X's budget office reported that the average cost of staff time for the Department of Natural Resources (including wages, benefits, and overhead) for FY16 was $56/hour.

GHG Cost Adjustmentt= Total GHG burden hourst* Cost of staff time
= 608 hours * $56/hour
= $34,048

Value Calculated in Step 2: GHG Cost Adjustmenta= $34,048

Step 3 – Calculate the Total Presumptive Minimum:

Calculate the total for the period by adding the cost of emissions (value calculated in Step 1) and the GHG cost adjustment, as applicable (value calculated in Step 2).

Presumptive minimumt= Cost of emission ($) + GHG cost adjustment ($)
= $767,416 + $34,048
= $801,464

Total Presumptive Minimum= $801,464

Conclusion:

$801,464 is the Air Agency X's presumptive minimum for FY16. This value would be compared against the total part 70 fee revenue for the same period to determine if the total fee revenue is greater than or less than the presumptive minimum.

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Estimated Application Processing Times, Calendar Year 2024

Application Type	Applications Processed (#)	Estimated Processing Time per Application (hrs)	Total Estimated Processing Time - Permitting (hrs)	Total Estimated Processing Time - Tech Services (hrs)
Admin Rev	782	0.75		586.5
GCP-Oil & Gas	830	15	12450	
GCP-Temp Control Min	9	4	36	
GCP-1	3	5	15	
GCP-2	12	5	60	
GCP-3	2	5	10	
GCP-4	2	10	20	
GCP-5	7	5	35	
GCP-6	14	4	56	
No Permit Required	25	3	75	
Notice of Exemption	5	0.5		2.5
Notice of Intent	549	8	4392	
PSD Admin Rev	31	1	31	
PSD Minor Mod	6	49	294	
PSD Tech Rev	12	30	360	
New or Sig Rev-NSR	53	49	2597	
Relocation	85	5		425
Streamline 1	5	25	125	
Substitutions/Additions	50	1.25	62.5	
Tech Rev	18	30	540	

Criteria Pollutant Emissions by Permit Type in 2023

Permit Type	Total Criteria Pollutant Emissions (tons)	Share of Criteria Pollutant Emissions (%)
GCP-Oil & Gas	64,251	36.2%
GCP2	7,488	4.2%
GCP3	1,234	0.7%
GCP4	5	0.0%
GCP5	204	0.1%
GCP6	1,050	0.6%
New Source Review	10,723	6.0%
Notice of Intent	57,765	32.5%
Title V	30,124	17.0%
TV Acid Rain	4,724	2.7%

Comparison of States' Title V Emissions Fees in 2025

State	Base Fee	Criteria Pollutants ($/ton)	HAPs ($/ton)	Fee Basis	Annual Adjustment?	Adjustment Mechanism
New Mexico	---	$ 39.44	$ 250.70	Allowables	Yes	CPI
Bernalillo County, NM	---	$ 63.00	$ 440.00	Allowables	Yes	CPI
Alabama	---	$ 92.00	$ 92.00	Actuals	Yes	Annual assessment
Alaska	Varies	$ 84.29	$ 84.29	Lesser of PTE or actual emissions	No	---
Arizona	Varies	$ 58.06	$ 58.06	Actuals	Yes	CPI
Arkansas	---	$ 28.14	$ 28.14	Allowables	Yes	CPI
California	California's many air districts have their own permitting programs. CARB developed a model program and rule that it says forms the basis for many distrcits' programs. CARB states that programs based on its model use EPA's presumptive minimum fee, but this has not been verified.					
Colorado	---	$ 36.00	$ 239.00	Actuals	No	---
Connecticut	---	$ 714.72	$ 714.72	Actuals	Yes	Annual assessment
Delaware	Varies	Varies		Actuals	No	---
Florida	---	$ 30.00	$ 30.00	Actuals	No	---
Georgia	$ 1,300	$ 43.13	$ 43.13	Allowables	No	---
Hawaii	---	$ 70.37	$ 70.37	Actuals	Yes	CPI
Idaho	Varies	$ 63.69	$ 63.69	Actuals	Yes	CPI
Illinois	---	$ 21.50	$ 21.50	Allowables	No	---
Indiana	$ 6,100	$ 52.38	$ 52.38	Actuals	???	
Iowa	---	$ 70.00	$ 70.00	Actuals	No	---
Kansas	$ 1,000	$ 56.00	$ 80.00	Actuals	No	---
Kentucky	---	$ 153.00	$ 153.00	Actuals	Yes	Annual assessment
Louisiana	Varies	$ 20.00	$ 156.82	Actuals	No	---
Maine	---	Varies		Allowables (actuals for HAPs)	Yes	CPI
Maryland	$ 5,000	$ 200.00	$ 200.00	Actuals	Yes	CPI
Massachusetts	Varies	Set by equation		Actuals (3-year average)	No	---
Michigan	Varies	$ 53.00	$ 53.00	Actuals	No	---
Minnesota	---	$ 162.94	$ 162.94	Actuals	Yes	Annual fee target
Mississippi	Varies	$ 27.00	$ 27.00	Actuals	Yes	Annual assessment
Missouri	Varies	$ 55.00	$ 55.00	Actuals	No	---
Montana	$ 900	$ 44.35	$ 44.35	Actuals	Yes	Annual assessment
Nebraska	---	$ 56.00	$ 56.00	Actuals	Yes	CPI
Nevada	Varies	Not applicable		---	Yes	2% annually
New Hampshire	$ 500	$ 425.00	$ 425.00	Actuals	Yes	CPI (applied to total program cost)
New Jersey	---	$ 152.74	$ 152.74	Actuals	Yes	CPI
New York	$ 2,500	$ 75.00	$ 75.00	Actuals	Yes	Annual appropriation
North Carolina	Varies	$ 48.27	$ 48.27	Actuals	Yes	CPI
North Dakota	---	$ 19.54	$ 40.69	Actuals	Yes	CPI
Ohio	---	$ 63.69	$ 63.69	Actuals	Yes	CPI
Oklahoma	---	$ 48.90	$ 48.90	Actuals	Yes	CPI
Oregon	$ 16,002	$ 121.00	$ 121.00	Actuals or Allowables (O/O Choice)	No	---
Pennsylvania	$ 8,000	$ 113.92	$ 113.92	Actuals	Yes	CPI
Rhode Island	$ 2,195.41	$ 219.54	$ 219.54	Actuals	Yes	Annual assessment
South Carolina	Varies	$ 63.69	$ 63.69	Actuals	Yes	CPI
South Dakota	Varies	$ 8.30	$ 8.30	Actuals	No	---
Tennessee	Varies	Varies		Actuals or Allowables (O/O Choice)	No	---
Texas	---	$ 73.77	$ 73.77	Actuals unless EI not submitted	Yes	CPI
Utah	---	$ 134.72	$ 134.72	Actuals	No	---
Vermont	Varies	$ 67.00	Varies	Actuals	No	---
Virginia	Varies	$ 104.82	$ 104.82	Actuals	Yes	CPI
Washington	$ 33,250	$ 79.21	$ 79.21	Actuals	Yes	Biennial workload model and budget projection
West Virginia	---	$ 30.64	$ 30.64	Actuals	Yes	CPI
Wisconsin	Varies	$ 35.71	$ 35.71	Actuals	No	---
Wyoming	---	$ 34.50	$ 34.50	Actuals	Yes	Annual fee target

MASTER_AI_ID	PMT	MASTER_AI_NAME	ACTIVITY_YEAR	PM10 Actual (tpy)	PM10 Allowable (tpy)	Diff (allowable - actual) (tpy)	10% buffer (tpy)	15% buffer (tpy)	20% buffer (tpy)	25% buffer (tpy)	Current annual cost@$40.59	Current annual cost @$85/ton*	10% buffer annual cost @$85/ton	15% buffer annual cost @$85/ton	20% buffer annual cost@$85/ton	25% buffer cost @$85/ton	*with 3000 tpy cap, annual cost at $85/ton	Cost increase (including Cap)	Cap savings	Annual Cost SAVINGS 10% buffer	Annual Cost SAVINGS 15% buffer	Annual Cost SAVINGS 20% buffer	Annual Cost SAVINGS 25% buffer
526	P066	Chino Mine	2024	628.129	4698.3	4070.171	690.9419	722.34835	753.7548	785.16125	$ 190,704.00	$ 399,355.50	$ 58,730.06	$ 61,399.61	$ 64,069.16	$ 66,738.71	$ 255,000.00	$ 64,296.00	$ 144,355.50	$ 196,269.94	$ 193,600.39	$ 190,930.84	$ 188,261.29
527	P147	Tyrone Mine	2024	45.192	1092	1046.808	49.7112	51.9708	54.2304	56.49	$ 44,324.28	$ 92,820.00	$ 4,225.45	$ 4,417.52	$ 4,609.58	$ 4,801.65		$ 48,495.72		$ 88,594.55	$ 88,402.48	$ 88,210.42	$ 88,018.35
29939	P261	North Compaction Plant West Floatation and HB Plant	2024	22.158	273.3	251.142	24.3738	25.4817	26.5896	27.6975	$ 11,093.25	$ 23,230.50	$ 2,071.77	$ 2,165.94	$ 2,260.12	$ 2,354.29		$ 12,137.25		$ 21,158.73	$ 21,064.56	$ 20,970.38	$ 20,876.21
208	P009	East Plant	2024	14.357	230.6	216.243	15.7927	16.51055	17.2284	17.94625	$ 9,360.05	$ 19,601.00	$ 1,342.38	$ 1,403.40	$ 1,464.41	$ 1,525.43		$ 10,240.95		$ 18,258.62	$ 18,197.60	$ 18,136.59	$ 18,075.57
558	P217	Pyramid Generating Station	2024	9.15	212	202.85	10.065	10.5225	10.98	11.4375	$ 8,605.08	$ 18,020.00	$ 855.53	$ 894.41	$ 933.30	$ 972.19		$ 9,414.92		$ 17,164.48	$ 17,125.59	$ 17,086.70	$ 17,047.81
878	P209	Luna Energy Center	2024	39.782	230	190.218	43.7602	45.7493	47.7384	49.7275	$ 9,335.70	$ 19,550.00	$ 3,719.62	$ 3,888.69	$ 4,057.76	$ 4,226.84		$ 10,214.30		$ 15,830.38	$ 15,661.31	$ 15,492.24	$ 15,323.16
196	P039	Mosaic Potash Carlsbad Inc	2024	69.902	219.9	149.998	76.8922	80.3873	83.8824	87.3775	$ 8,925.74	$ 18,691.50	$ 6,535.84	$ 6,832.92	$ 7,130.00	$ 7,427.09		$ 9,765.76		$ 12,155.66	$ 11,858.58	$ 11,561.50	$ 11,264.41
198	P051	HF Sinclair Navajo Refining LLC (Artesia)	2024	83.119	204	120.881	91.4309	95.58685	99.7428	103.89875	$ 8,280.36	$ 17,340.00	$ 7,771.63	$ 8,124.88	$ 8,478.14	$ 8,831.39		$ 9,059.64		$ 9,568.37	$ 9,215.12	$ 8,861.86	$ 8,508.61
856	P100	Los Alamos National Laboratory	2024	2.914	120	117.086	3.2054	3.3511	3.4968	3.6425	$ 4,870.80	$ 10,200.00	$ 272.46	$ 284.84	$ 297.23	$ 309.61		$ 5,329.20		$ 9,927.54	$ 9,915.16	$ 9,902.77	$ 9,890.39
1611	P220	Valencia Power Plant	2024	20.822	109.2	88.378	22.9042	23.9453	24.9864	26.0275	$ 4,432.43	$ 9,282.00	$ 1,946.86	$ 2,035.35	$ 2,123.84	$ 2,212.34		$ 4,849.57		$ 7,335.14	$ 7,246.65	$ 7,158.16	$ 7,069.66
888	P021	Western Refining - Gallup Refinery	2024	0	87.3	87.3	0	0	0	0	$ 3,543.51	$ 7,420.50	$ -	$ -	$ -	$ -		$ 3,876.99		$ 7,420.50	$ 7,420.50	$ 7,420.50	$ 7,420.50
122	P127	Rio Grande Generating Station	2024	32.299	111.4	79.101	35.5289	37.14385	38.7588	40.37375	$ 4,521.73	$ 9,469.00	$ 3,019.96	$ 3,157.23	$ 3,294.50	$ 3,431.77		$ 4,947.27		$ 6,449.04	$ 6,311.77	$ 6,174.50	$ 6,037.23
560	P214	Lordsburg Generating Station	2024	12.881	91.2	78.319	14.1691	14.81315	15.4572	16.10125	$ 3,701.81	$ 7,752.00	$ 1,204.37	$ 1,259.12	$ 1,313.86	$ 1,368.61		$ 4,050.19		$ 6,547.63	$ 6,492.88	$ 6,438.14	$ 6,383.39
604	P080	Cunningham Station Power Plant	2024	62.813	132.2	69.387	69.0943	72.23495	75.3756	78.51625	$ 5,366.00	$ 11,237.00	$ 5,873.02	$ 6,139.97	$ 6,406.93	$ 6,673.88		$ 5,871.00		$ 5,363.98	$ 5,097.03	$ 4,830.07	$ 4,563.12
25726	P244	Hobbs Generating Station	2024	44.936	104.6	59.664	49.4296	51.6764	53.9232	56.17	$ 4,245.71	$ 8,891.00	$ 4,201.52	$ 4,392.49	$ 4,583.47	$ 4,774.45		$ 4,645.29		$ 4,689.48	$ 4,498.51	$ 4,307.53	$ 4,116.55
29885	P278	Red Hills Gas Processing Plant	2024	17.917	73	55.083	19.7087	20.60455	21.5004	22.39625	$ 2,963.07	$ 6,205.00	$ 1,675.24	$ 1,751.39	$ 1,827.53	$ 1,903.68		$ 3,241.93		$ 4,529.76	$ 4,453.61	$ 4,377.47	$ 4,301.32
3535	P228	Bluffview Power Plant	2024	2.96	57	54.04	3.256	3.404	3.552	3.7	$ 2,313.63	$ 4,845.00	$ 276.76	$ 289.34	$ 301.92	$ 314.50		$ 2,531.37		$ 4,568.24	$ 4,555.66	$ 4,543.08	$ 4,530.50
588	P008	Maddox Station	2024	25.551	61.5	35.949	28.1061	29.38365	30.6612	31.93875	$ 2,496.29	$ 5,227.50	$ 2,389.02	$ 2,497.61	$ 2,606.20	$ 2,714.79		$ 2,731.22		$ 2,838.48	$ 2,729.89	$ 2,621.30	$ 2,512.71
32274	P263	La Luz Energy Center	2024	0.66	35	34.34	0.726	0.759	0.792	0.825	$ 1,420.65	$ 2,975.00	$ 61.71	$ 64.52	$ 67.32	$ 70.13		$ 1,554.35		$ 2,913.29	$ 2,910.49	$ 2,907.68	$ 2,904.88
38481	P297	Cowboy CDP	2024	3.106	34.4	31.294	3.4166	3.5719	3.7272	3.8825	$ 1,396.30	$ 2,924.00	$ 290.41	$ 303.61	$ 316.81	$ 330.01		$ 1,527.70		$ 2,633.59	$ 2,620.39	$ 2,607.19	$ 2,593.99
164	P211	Afton Generating Station	2024	17.586	48.2	30.614	19.3446	20.2239	21.1032	21.9825	$ 1,956.44	$ 4,097.00	$ 1,644.29	$ 1,719.03	$ 1,793.77	$ 1,868.51		$ 2,140.56		$ 2,452.71	$ 2,377.97	$ 2,303.23	$ 2,228.49
39823	P308	Dark Horse Treating Facility	2024	8.92	34.75	25.83	9.812	10.258	10.704	11.15	$ 1,410.50	$ 2,953.75	$ 834.02	$ 871.93	$ 909.84	$ 947.75		$ 1,543.25		$ 2,119.73	$ 2,081.82	$ 2,043.91	$ 2,006.00
610	P110	Monument Gas Plant	2024	4.984	27.7	22.716	5.4824	5.7316	5.9808	6.23	$ 1,124.34	$ 2,354.50	$ 466.00	$ 487.19	$ 508.37	$ 529.55		$ 1,230.16		$ 1,888.50	$ 1,867.31	$ 1,846.13	$ 1,824.95
1148	P116	Chaco Gas Plant	2024	30.38	50.9	20.52	33.418	34.937	36.456	37.975	$ 2,066.03	$ 4,326.50	$ 2,840.53	$ 2,969.65	$ 3,098.76	$ 3,227.88		$ 2,260.47		$ 1,485.97	$ 1,356.86	$ 1,227.74	$ 1,098.63
1182	P118	Val Verde Gas Treatment Plant	2024	7.553	24.7	17.147	8.3083	8.68595	9.0636	9.44125	$ 1,002.57	$ 2,099.50	$ 706.21	$ 738.31	$ 770.41	$ 802.51		$ 1,096.93		$ 1,393.29	$ 1,361.19	$ 1,329.09	$ 1,296.99
589	P094	Linam Ranch Gas Plant	2024	25.37	40.8	15.43	27.907	29.1755	30.444	31.7125	$ 1,656.07	$ 3,468.00	$ 2,372.10	$ 2,479.92	$ 2,587.74	$ 2,695.56		$ 1,811.93		$ 1,095.91	$ 988.08	$ 880.26	$ 772.44
38798	P294	Bulldog Compressor Station	2024	3.404	16.8	13.396	3.7444	3.9146	4.0848	4.255	$ 681.91	$ 1,428.00	$ 318.27	$ 332.74	$ 347.21	$ 361.68		$ 746.09		$ 1,109.73	$ 1,095.26	$ 1,080.79	$ 1,066.33
197	P103	Indian Basin Gas Plant	2024		12.36	12.36	0	0	0	0	$ 501.69	$ 1,050.60	$ -	$ -	$ -	$ -		$ 548.91		$ 1,050.60	$ 1,050.60	$ 1,050.60	$ 1,050.60
141	P085	White Sands Missile Range	2024	2.549	14.9	12.351	2.8039	2.93135	3.0588	3.18625	$ 604.79	$ 1,266.50	$ 238.33	$ 249.16	$ 260.00	$ 270.83		$ 661.71		$ 1,028.17	$ 1,017.34	$ 1,006.50	$ 995.67
38215	P295	Tiger Compressor Station	2024	4.953	17.27	12.317	5.4483	5.69595	5.9436	6.19125	$ 700.99	$ 1,467.95	$ 463.11	$ 484.16	$ 505.21	$ 526.26		$ 766.96		$ 1,004.84	$ 983.79	$ 962.74	$ 941.69
6	P128	Roswell Compressor Station	2024	4.252	15.6	11.348	4.6772	4.8898	5.1024	5.315	$ 633.20	$ 1,326.00	$ 397.56	$ 415.63	$ 433.70	$ 451.78		$ 692.80		$ 928.44	$ 910.37	$ 892.30	$ 874.23
942	P105	Holloman Air Force Base	2024	1.748	12.4	10.652	1.9228	2.0102	2.0976	2.185	$ 503.32	$ 1,054.00	$ 163.44	$ 170.87	$ 178.30	$ 185.73		$ 550.68		$ 890.56	$ 883.13	$ 875.70	$ 868.28
1277	P101	Milagro Gas Treating Plant	2024	20.743	30.73	9.987	22.8173	23.85445	24.8916	25.92875	$ 1,247.33	$ 2,612.05	$ 1,939.47	$ 2,027.63	$ 2,115.79	$ 2,203.94		$ 1,364.72		$ 672.58	$ 584.42	$ 496.26	$ 408.11
218	P130	South Carlsbad Compressor Station	2024	5.773	15.4	9.627	6.3503	6.63895	6.9276	7.21625	$ 625.09	$ 1,309.00	$ 539.78	$ 564.31	$ 588.85	$ 613.38		$ 683.91		$ 769.22	$ 744.69	$ 720.15	$ 695.62
19971	P280	Clovis Plant	2024	17.65	27.2	9.55	19.415	20.2975	21.18	22.0625	$ 1,104.05	$ 2,312.00	$ 1,650.28	$ 1,725.29	$ 1,800.30	$ 1,875.31		$ 1,207.95		$ 661.73	$ 586.71	$ 511.70	$ 436.69
38149	P292	Maverick Compressor Station	2024	8.632	17.3	8.668	9.4952	9.9268	10.3584	10.79	$ 702.21	$ 1,470.50	$ 807.09	$ 843.78	$ 880.46	$ 917.15		$ 768.29		$ 663.41	$ 626.72	$ 590.04	$ 553.35
36133	P302	Black River Gas Processing Plant	2024	1.784	9.86	8.076	1.9624	2.0516	2.1408	2.23	$ 400.22	$ 838.10	$ 166.80	$ 174.39	$ 181.97	$ 189.55		$ 437.88		$ 671.30	$ 663.71	$ 656.13	$ 648.55
24483	P284	Four Peaks Energy Plant No1	2024		7.6	7.6	0	0	0	0	$ 308.48	$ 646.00	$ -	$ -	$ -	$ -		$ 337.52		$ 646.00	$ 646.00	$ 646.00	$ 646.00
38056	P290	Wildcat Compressor Station	2024	9.755	17.3	7.545	10.7305	11.21825	11.706	12.19375	$ 702.21	$ 1,470.50	$ 912.09	$ 953.55	$ 995.01	$ 1,036.47		$ 768.29		$ 558.41	$ 516.95	$ 475.49	$ 434.03
622	P020	HF Sinclair Navajo Refining LLC (Lovington)	2024	9.966	17.2	7.234	10.9626	11.4609	11.9592	12.4575	$ 698.15	$ 1,462.00	$ 931.82	$ 974.18	$ 1,016.53	$ 1,058.89		$ 763.85		$ 530.18	$ 487.82	$ 445.47	$ 403.11
39012	P296	Longhorn Compressor Station	2024	9.417	16.49	7.073	10.3587	10.82955	11.3004	11.77125	$ 669.33	$ 1,401.65	$ 880.49	$ 920.51	$ 960.53	$ 1,000.56		$ 732.32		$ 521.16	$ 481.14	$ 441.12	$ 401.09
1158	P097	Kutz Canyon Processing Plant	2024	3.013	9.9	6.887	3.3143	3.46495	3.6156	3.76625	$ 401.84	$ 841.50	$ 281.72	$ 294.52	$ 307.33	$ 320.13		$ 439.66		$ 559.78	$ 546.98	$ 534.17	$ 521.37
1094	P234	Portales Plant	2024	1.174	8	6.826	1.2914	1.3501	1.4088	1.4675	$ 324.72	$ 680.00	$ 109.77	$ 114.76	$ 119.75	$ 124.74		$ 355.28		$ 570.23	$ 565.24	$ 560.25	$ 555.26
868	P137	Florida Compressor Station	2024	4.723	11.4	6.677	5.1953	5.43145	5.6676	5.90375	$ 462.73	$ 969.00	$ 441.60	$ 461.67	$ 481.75	$ 501.82		$ 506.27		$ 527.40	$ 507.33	$ 487.25	$ 467.18
4544	P246L	San Juan County Regional Landfill	2024	17.43	24.1	6.67	19.173	20.0445	20.916	21.7875	$ 978.22	$ 2,048.50	$ 1,629.71	$ 1,703.78	$ 1,777.86	$ 1,851.94		$ 1,070.28		$ 418.80	$ 344.72	$ 270.64	$ 196.56
41119	P307	Arcosa Wind Tower INC	2024		6.37	6.37	0	0	0	0	$ 258.56	$ 541.45	$ -	$ -	$ -	$ -		$ 282.89		$ 541.45	$ 541.45	$ 541.45	$ 541.45
34514	P282	South Eddy Cryo Plant	2024	1.59	7.2	5.61	1.749	1.8285	1.908	1.9875	$ 292.25	$ 612.00	$ 148.67	$ 155.42	$ 162.18	$ 168.94		$ 319.75		$ 463.34	$ 456.58	$ 449.82	$ 443.06
3752	P243L	Sandoval (County of) - Landfill	2024	20.11	25.6	5.49	22.121	23.1265	24.132	25.1375	$ 1,039.10	$ 2,176.00	$ 1,880.29	$ 1,965.75	$ 2,051.22	$ 2,136.69		$ 1,136.90		$ 295.72	$ 210.25	$ 124.78	$ 39.31
849	P151	Corona Compressor Station	2024	12.47	17.8	5.33	13.717	14.3405	14.964	15.5875	$ 722.50	$ 1,513.00	$ 1,165.95	$ 1,218.94	$ 1,271.94	$ 1,324.94		$ 790.50		$ 347.06	$ 294.06	$ 241.06	$ 188.06
40971	P304	Red Raider Compressor Station	2024	4.483	9.78	5.297	4.9313	5.15545	5.3796	5.60375	$ 396.97	$ 831.30	$ 419.16	$ 438.21	$ 457.27	$ 476.32		$ 434.33		$ 412.14	$ 393.09	$ 374.03	$ 354.98
106	P119	Cannon Air Force Base	2024	0.809	6.1	5.291	0.8899	0.93035	0.9708	1.01125	$ 247.60	$ 518.50	$ 75.64	$ 79.08	$ 82.52	$ 85.96		$ 270.90		$ 442.86	$ 439.42	$ 435.98	$ 432.54
38334	P301	Zia Hills Central Facility	2024	3.5	8.7	5.2	3.85	4.025	4.2	4.375	$ 353.13	$ 739.50	$ 327.25	$ 342.13	$ 357.00	$ 371.88		$ 386.37		$ 412.25	$ 397.38	$ 382.50	$ 367.63
29590	P289	Big Lizard Compressor Station	2024	6.124	11.03	4.906	6.7364	7.0426	7.3488	7.655	$ 447.71	$ 937.55	$ 572.59	$ 598.62	$ 624.65	$ 650.68		$ 489.84		$ 364.96	$ 338.93	$ 312.90	$ 286.88
32575	P299	Willow Lake Gas Processing Plant	2024	4.995	9.6	4.605	5.4945	5.74425	5.994	6.24375	$ 389.66	$ 816.00	$ 467.03	$ 488.26	$ 509.49	$ 530.72		$ 426.34		$ 348.97	$ 327.74	$ 306.51	$ 285.28
1006	P027	31-6 CDP Compressor Station	2024	4.902	9.4	4.498	5.3922	5.6373	5.8824	6.1275	$ 381.55	$ 799.00	$ 458.34	$ 479.17	$ 500.00	$ 520.84		$ 417.45		$ 340.66	$ 319.83	$ 299.00	$ 278.16
38067	P285	3 Bear Libby Gas Plant	2024	7.623	12	4.377	8.3853	8.76645	9.1476	9.52875	$ 487.08	$ 1,020.00	$ 712.75	$ 745.15	$ 777.55	$ 809.94		$ 532.92		$ 307.25	$ 274.85	$ 242.45	$ 210.06
1009	P168	Carracas CDP Compressor Station	2024	1.454	5.6	4.146	1.5994	1.6721	1.7448	1.8175	$ 227.30	$ 476.00	$ 135.95	$ 142.13	$ 148.31	$ 154.49		$ 248.70		$ 340.05	$ 333.87	$ 327.69	$ 321.51
40948	P303	Reveille Compressor Station	2024	5.898	9.8	3.902	6.4878	6.7827	7.0776	7.3725	$ 397.78	$ 833.00	$ 551.46	$ 576.53	$ 601.60	$ 626.66		$ 435.22		$ 281.54	$ 256.47	$ 231.40	$ 206.34
1221	P195	32-7 CDP Compressor Station	2024	3.884	7.74	3.856	4.2724	4.4666	4.6608	4.855	$ 314.17	$ 657.90	$ 363.15	$ 379.66	$ 396.17	$ 412.68		$ 343.73		$ 294.75	$ 278.24	$ 261.73	$ 245.23
1273	P037	Pump Mesa Central Delivery Point	2024	2.642	6.2	3.558	2.9062	3.0383	3.1704	3.3025	$ 251.66	$ 527.00	$ 247.03	$ 258.26	$ 269.48	$ 280.71		$ 275.34		$ 279.97	$ 268.74	$ 257.52	$ 246.29
1038	P170	Frances Mesa VV Compressor Station	2024		3.4	3.4	0	0	0	0	$ 138.01	$ 289.00	$ -	$ -	$ -	$ -		$ 150.99		$ 289.00	$ 289.00	$ 289.00	$ 289.00
569	P090	Jal No3 Gas Plant	2024	3.823	7.2	3.377	4.2053	4.39645	4.5876	4.77875	$ 292.25	$ 612.00	$ 357.45	$ 373.70	$ 389.95	$ 406.19		$ 319.75		$ 254.55	$ 238.30	$ 222.05	$ 205.81
1183	P001	Pump Canyon VV Compressor Station	2024	0.008	3.3	3.292	0.0088	0.0092	0.0096	0.01	$ 133.95	$ 280.50	$ 0.75	$ 0.78	$ 0.82	$ 0.85		$ 146.55		$ 279.75	$ 279.72	$ 279.68	$ 279.65
609	P109	Eunice Gas Processing Plant	2024	18.729	22	3.271	20.6019	21.53835	22.4748	23.41125	$ 892.98	$ 1,870.00	$ 1,751.16	$ 1,830.76	$ 1,910.36	$ 1,989.96		$ 977.02		$ 118.84	$ 39.24	$ (40.36)	$ (119.96)
144	P172	New Mexico State University Campus	2024	1.831	5	3.169	2.0141	2.10565	2.1972	2.28875	$ 202.95	$ 425.00	$ 171.20	$ 178.98	$ 186.76	$ 194.54		$ 222.05		$ 253.80	$ 246.02	$ 238.24	$ 230.46
667	P141	Compressor Station No167	2024	5.748	8.9	3.152	6.3228	6.6102	6.8976	7.185	$ 361.25	$ 756.50	$ 537.44	$ 561.87	$ 586.30	$ 610.73		$ 395.25		$ 219.06	$ 194.63	$ 170.20	$ 145.78

From: New Mexico Environment Department
To: Miller, Ken, ENV
Subject: New Mexico Environment Department Announces Public Meetings on Proposed Changes to Emissions and Permit Fee Rules
Date: Tuesday, December 23, 2025 11:55:09 AM



Air Quality Bureau

Regulatory and SIP Bulletin

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New Mexico Environment Department Announces Public Meetings on Proposed Changes to Emissions and Permit Fee Rules

At its regular meeting on December 19, 2025, the Environmental Improvement Board scheduled a public hearing to consider repealing and replacing 20.2.71 NMAC and 20.2.75 NMAC. The hearing will begin on March 23, 2026, at 9:00 a.m., continuing through March 25, 2026, or as long as required to hear all testimony, evidence, and public comment. More information is available, and future updates will be provided on the New Mexico Environment Department's (NMED) website at https://www.env.nm.gov/air-quality/proposed-regs/#fees. Replacing 20.2.71 NMAC and 20.2.75 NMAC to increase the emission fees and permit fees is essential if NMED is to continue effectively implementing its mission critical Title V and Construction Permit Programs.

NMED will hold a virtual public informational meeting on the proposed rule changes on January 15, 2026, from 4-6 p.m. Department staff will provide an overview of the proposed changes to both 20.2.71 NMAC and 20.2.75 NMAC, and there will be time for questions from stakeholders and the general public. Links to the presentation slides and a recording of the meeting will be provided on the website noted above after the meeting, and NMED will hold virtual "office hours" on January 22, 2026, from 6-8 p.m. to provide interested persons an additional opportunity to ask questions or provide feedback on the proposed rules. Information about how to join these meetings will be provided on the website noted above at least 72 hours prior to each meeting, and on NMED's events calendar at https://www.env.nm.gov/events-calendar/. If you require language interpretation services or have a disability and need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in either of these meetings, contact Brian Polgar as soon as possible at brian.polgar@env.nm.gov or (505) 629-3466. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice).

To request a one-on-one meeting with the Department to discuss the proposed rules, contact Brian Polgar at brian.polgar@env.nm.gov or (505) 629-3466. NMED is also accepting written comments on the proposed rules via its online public comment portal at https://nmed.commentinput.com?id=dM4UeKV73. Comments will be accepted for at least 30 days after notice of the proposed rulemaking is published in the New Mexico Register.

El Departamento de Medio Ambiente de Nuevo México Anuncia Reuniones Públicas sobre los Cambios Propuestos en las Normas de Emisiones y Tarifas de Permisos

En su reunión regular del 19 de Diciembre de 2025, la Junta de Mejora Ambiental programó una audiencia pública para considerar la derogación y reemplazar 20.2.71 NMAC y 20.2.75 NMAC. La audiencia comenzará el 23 de Marzo de 2026 a las 9:00 a.m. y continuará hasta el 25 de Marzo de 2026, o durante el tiempo que sea necesario para escuchar todos los testimonios, evidencias y comentarios del público. Más información es disponible, y se proporcionarán actualizaciones futuras en el sitio web del Departamento de Medio Ambiente de Nuevo México (NMED) en https://www.env.nm.gov/air-quality/proposed-regs/#fees. Reemplazando 20.2.71 NMAC y 20.2.75 NMAC para aumentar las tarifas de emisiones y de permisos es esencial si NMED quiere continuar implementando de manera efectiva sus programas fundamentales de Permisos Título V y de Construcción.

NMED llevará a cabo una reunión informativa pública virtual sobre los cambios propuestos en las normas el 15 de Enero de 2026, de 4-6 p.m. El personal del Departamento ofrecerá un resumen de los cambios propuestos tanto en 20.2.71 NMAC como en 20.2.75 NMAC, y habrá tiempo para preguntas de los accionistas y del público en general. Los enlaces a las diapositivas de la presentación y a la grabación de la reunión se proporcionarán en el sitio web mencionado arriba después de la reunion, y NMED realizará “horas de oficina” virtuales el 22 de Enero de 2026, de 6-8 p.m. para brindar a las personas interesadas una oportunidad adicional de hacer preguntas o proporcionar comentarios sobre las normas propuestas. Información sobre cómo unirse a estas reuniones se proporcionará en el sitio web mencionado arriba al menos 72 horas antes de cada reunión y en el calendario de eventos de NMED en https://www.env.nm.gov/events-calendar/. Si necesita servicios de interpretación de idiomas o tiene una discapacidad y necesita un lector, amplificador, intérprete calificado de lenguaje de señas o otro tipo de ayuda o servicio auxiliar para asistir o participar en alguna de estas reuniones, comuníquese con Brian Polgar lo antes posible al correo brian.polgar@env.nm.gov o al (505) 629-3466. Para acceder a este número a través de Relay New Mexico, marque 711, o llame al (800) 659-8331 (TTY) o al (800) 659-1779 (voz).

Para solicitar una reunión individual con el Departamento para hablar de las reglas propuestas, comuníquese con Brian Polgar en brian.polgar@env.nm.gov o al (505) 629-3466. NMED también está aceptando comentarios por escrito sobre las reglas propuestas a través de su portal de comentarios públicos en línea en https://nmed.commentinput.com?

id=dM4UeKV73. Se aceptarán comentarios durante al menos 30 días después de que se publique el aviso de la reglamentación propuesta en el Registro de Nuevo México.

For additional information concerning this bulletin, please contact Brian Polgar, Planning Section Chief, at brian.polgar@env.nm.gov or (505) 629-3466.

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 & 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, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kate Cardenas, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@env.nm.gov. You may also visit our website at https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

NMED Air Quality Bureau
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Santa Fe, New Mexico 87505



From: New Mexico Environment Department
To: Miller, Ken, ENV
Subject: Links to Previously Announced Public Meetings on Proposed Changes to Emissions and Permit Fees Rules Now Available
Date: Thursday, January 8, 2026 4:33:02 PM



Air Quality Bureau

Regulatory and SIP Bulletin

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Links to Previously Announced Public Meetings on Proposed Changes to Emissions and Permit Fees Rules Now Available

As previously announced, NMED will hold a virtual public informational meeting on January 15, 2026, from 4-6 p.m. regarding its proposed changes to 20.2.71 NMAC, *Operating Permit Emissions Fees*, and 20.2.75 NMAC, *Construction Permit Fees*. Department staff will provide an overview of the proposed changes to both rules, and there will be time for questions from stakeholders and the general public. Information about how to join this meeting online or by phone is now available on the NMED events calendar at https://www.env.nm.gov/events-calendar/?trumbaEmbed=view%3Devent%26eventid%3D194783269, and is also provided below:

To Join online: https://nmed-oit.webex.com/nmed-oit/j.php?MTID=mac0d5e56aa31c725675821705034d816

To join by phone: +1-415-665-0001

Meeting number (access code): 2631 042 3836

Meeting password: c2Bh53CsQjt

The presentation slides and a recording of the January 15, 2026, public informational meeting will be provided on the Department's website at https://www.env.nm.gov/air-quality/proposed-regs/#fees after the meeting, and NMED will hold virtual "office hours" on January 22, 2026, from 6-8 p.m. to provide interested persons an additional opportunity to ask questions or provide feedback on the proposed rules. Information about how to join this meeting online or by phone is now available on the NMED events calendar at https://www.env.nm.gov/events-calendar/?trumbaEmbed=view%3Devent%26eventid%3D194783776, and is also provided below:

To Join online: https://nmed-oit.webex.com/nmed-oit/j.php?MTID=mea2eb51ea9d36e642023cfc7e2a4bfb7

To join by phone: +1-415-665-0001

Meeting number (access code): 2864 946 0710

Meeting password: TQuZMpfV735

If you require language interpretation services or have a disability and need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in either of these meetings, contact Eric Peters as soon as possible at eric.peters@env.nm.gov or (505) 629-5299. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice). For assistance joining either meeting online or by phone, contact Julianna Montoya at julianna.montoya@env.nm.gov or (505) 479-2910.

Enlaces a Reuniones Públicas Previamente Anunciadas sobre Los Cambios Propuestos en Las Normas de Emisiones y Cuotas de Permisos Ya Disponibles

Como se anunció anteriormente, NMED llevará a cabo una reunión informativa pública virtual el 15 de enero de 2026, de 4-6 p.m., sobre sus cambios propuestos a 20.2.71 NMAC, Cuotas por Emisiones de Permisos de Operación, y 20.2.75 NMAC, Cuotas de Permisos de Construcción. El personal del Departamento proporcionará una visión general de los cambios propuestos a ambas normas, y habrá tiempo para preguntas de las partes interesadas y del público en general. La información sobre cómo unirse a esta reunión en línea o por teléfono ya está disponible en el calendario de eventos de NMED en http://www.env.nm.gov/events-calendar/?trumbaEmbed=view%3Devent%26eventid%3D194783269, y también se proporciona a continuación:

Para unirse en línea: http://nmed-oit.webex.com/nmed-oit/j.php?MTID=mac0d5e56aa31c725675821705034d816

Para unirse por teléfono: +1-415-665-0001

Número de reunión (código de acceso): 2631 042 3836

Contraseña de la reunion: c2Bh53CsQjt

Las diapositivas de la presentación y una grabación de la reunión informativa pública del 15 de enero de 2026 estarán disponibles en el sitio web del Departamento en https://www.env.nm.gov/air-quality/proposed-regs/#fees después de la reunión, y NMED realizará “horas de oficina” virtuales el 22 de enero de 2026, de 6-8 p.m., para brindar a las

personas interesadas una oportunidad adicional de hacer preguntas o dar su opinión sobre las normas propuestas. La información sobre cómo unirse a esta reunión en línea o por teléfono ya está disponible en el calendario de eventos de NMED en https://www.env.nm.gov/events-calendar/?trumbaEmbed=view%3Devent%26eventid%3D194783776, y también se proporciona a continuación:

Para unirse en línea: https://nmed-oit.webex.com/nmed-oit/j.php?MTID=mea2eb51ea9d36e642023cfc7e2a4bfb7

Para unirse por teléfono: +1-415-665-0001

Número de reunión (código de acceso): 2864 946 0710

Contraseña de la reunion: TQuZMpfV735

Si necesita servicios de interpretación de idiomas o tiene una discapacidad y necesita un lector, amplificador, intérprete calificado de lenguaje de señas u otro tipo de ayuda o servicio auxiliar para asistir o participar en cualquiera de estas reuniones, comuníquese con Eric Peters lo antes posible en eric.peters@env.nm.gov o al (505) 629-5299. Para acceder a este número a través de Relay New Mexico, marque 711, o llame al (800) 659-8331 (TTY) o al (800) 659-1779 (voz). Para obtener ayuda para unirse a cualquiera de las reuniones en línea o por teléfono, comuníquese con Julianna Montoya en julianna.montoya@env.nm.gov o al (505) 479-2910.

For additional information concerning this bulletin, please contact Brian Polgar, Planning Section Chief, at brian.polgar@env.nm.gov or (505) 629-3466.

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Proposed Air Quality Regulations and Plans

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Modeling
Compliance and Enforcement

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The menu below provides rapid access to the latest information and updates on existing, proposed, new, and amended air quality regulations and New Mexico State Implementation Plan (SIP) additions and amendments. Please check this webpage periodically for updates.

Existing Regulations and Guidance

Compliance and Enforcement contains guidance on compliance with excess emissions reporting and ozone precursor rule (20.2.50 NMAC) requirements.
Regulations provides the existing air quality and environmental regulations.
Permitting Home Page contains information on policies and procedures for air quality permitting.

Proposed Changes to Air Quality Regulations and Plans

Proposed Changes to Emissions and Permit Fee Regulations (20.2.71 NMAC and 20.2.75 NMAC)
Proposed Incorporation by Reference of Federal NSPS, NESHAP and MACT Rules
Regional Haze Round 2 SIP and companion rule

Approved Changes to Air Quality Regulations and Plans

Carbon dioxide emission standards for coal-fired electric generating facilities
Dust Mitigation Plan/Fugitive Dust Rule
Good Neighbor SIP Certification for 2010 Nitrogen Dioxide NAAQS
Good Neighbor SIP Certification for 2015 Ozone NAAQS
Incorporation by Reference for NSPS, NESHAP & MACT Rules
Infrastructure SIP Certification for 2015 Ozone NAAQS
Motor Vehicle Emission Standards for New Vehicles (20.2.91 NMAC)
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Negative Declarations
Nonattainment Area Permit Amendments (20.2.79 NMAC)
Petroleum Processing Facility Regulation Repeal (20.2.37 NMAC)
Revisions to SIP for Startup, Shutdown & Maintenance
SO_2 Data Requirements Rule
Title V update (20.2.70 NMAC) to remove emergency provisions and update applicable requirements
Total Suspended Particulate Air Quality Standard Repeal
Recent EPA Approvals of Regulatory Changes and Plans

Current Proposed Changes to Air Quality Regulations and Plans

The following are summaries of proposed new air quality regulations and proposed amendments to existing regulations and the New Mexico State Implementation Plan (SIP). [return to top of page]

Proposed Changes to Emissions and Permit Fee Regulations (20.2.71 NMAC and 20.2.75 NMAC)

The New Mexico Environment Department (NMED) announces a new rulemaking to repeal and replace regulations setting emissions fees and permit fees for regulated sources of air pollutants. On December 3, 2025, NMED petitioned the Environmental Improvement Board (EIB) to repeal and replace 20.2.71 NMAC, *Operating Permit Emissions Fees*, and 20.2.75 NMAC, *Construction Permit Fees*. The New Mexico Air Quality Control Act and the federal Clean Air Act require that NMED collect sufficient emissions and permits fees to cover the reasonable costs of NMED's Title V Permit Program and Construction Permit Program. NMED initiated this rulemaking to increase fees for both the Title V and Construction Permit Programs after determining the current fee structures are inadequate to sufficiently fund the direct and indirect operating costs of these programs. Replacing 20.2.71

NMED Exhibit 25_000001

NMAC and 20.2.75 NMAC is essential if NMED is to continue effectively implementing these mission critical programs.

Copies of the petition and accompanying exhibits, which include the proposed replacement rules, are provided below and are also available on NMED's docketed matters website at https://www.env.nm.gov/opf/docketed-matters/. To locate the documents, click on "Environmental Improvement Board" to display the list of matters before the Board, then click on "EIB 25-77 (R): In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees" to display the list of documents filed in conjunction with this matter. Copies can also be obtained by contacting Eric Peters, Control Strategies Manager, at eric.peters@env.nm.gov or (505) 629-5299, or at any of NMED's offices statewide.

Petition to Repeal and Replace 20.2.71 NMAC and 20.2.75 NMAC (EIB 25-77)
Statement of Reasons
Operating permit clean copy of proposal (20.2.71 NMAC)
Construction permit clean copy of proposal (20.2.75 NMAC)
Operating permit, current rule 20.2.71 NMAC with redline changes
Construction permit, current Rule 20.2.75 NMAC with redline changes

Current Update: December 22, 2025
At its regular meeting on December 19, 2025, the EIB scheduled a public hearing to consider repealing and replacing 20.2.71 NMAC and 20.2.75 NMAC. The hearing will begin on March 23, 2026, at 9:00 a.m., continuing through March 25, 2026, or as long as required to hear all testimony, evidence, and public comment. The EIB is expected to issue an order soon setting the hearing, appointing a hearing officer, and establishing certain pre-hearing deadlines. The order will be available in the docket for this matter once it has been issued. Instructions for accessing the docket are provided above. A link to the recording of the December 19, 2025, EIB meeting is provided below.

https://www.youtube.com/@newmexicoenvironmentdepart8718/videos is a link to NMED's YouTube page, which includes recordings of past EIB meetings and hearings. This link will be replaced with a specific link to the meeting after the video is posted.

Upcoming Public Engagement
NMED will hold a virtual public informational meeting on January 15, 2026, from 4-6 p.m. Department staff will provide an overview of the proposed changes to both rules, and there will be time for questions from stakeholders and the general public. Links to the presentation slides and a recording of the meeting will be provided on this website after the meeting, and NMED will hold virtual "office hours" on January 22, 2026, from 6-8 p.m. to provide interested persons an additional opportunity to ask questions or provide feedback on the proposed rules. Information about how to join these meetings will be provided on this website at least 72 hours prior to each meeting, and on NMED's events calendar at https://www.env.nm.gov/events-calendar/. If you require language interpretation services or have a disability and need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in either of these meetings, contact Brian Polgar as soon as possible at brian.polgar@env.nm.gov or (505) 629-3466. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice).

To request a one-on-one meeting with the Department to discuss the proposed rules, contact Brian Polgar at brian.polgar@env.nm.gov or (505) 629-3466. NMED is also accepting written comments on the proposed rules via its online public comment portal at https://nmed.commentinput.com?id=dM4UeKV73. Comments will be accepted for at least 30 days after notice of the proposed rulemaking is published in the New Mexico Register.

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Proposed Incorporation by Reference of Federal NSPS, NESHAP and MACT Rules

NMED proposes the incorporation into the New Mexico Administrative Code (NMAC) several new or revised federal rules promulgated under 40 CFR Parts 60, 61 and 63 for which New Mexico has been delegated enforcement authority: Standards of Performance for New Stationary Sources; National Emission Standards for Hazardous Air Pollutants; and Maximum Achievable Control Technology for Hazardous Air Pollutants for Source Categories, respectively. These new or revised federal rules would be incorporated by reference into 20.2.77 NMAC – New Source Performance Standards (NSPS); 20.2.78 NMAC – Emission Standards for Hazardous Air Pollutants (NESHAP); and 20.2.82 NMAC – Maximum Achievable Control Technology for Source Categories of Hazardous Air Pollutants (MACT). The Department also requests that the Environmental Improvement Board remove the end date of incorporation in 20.2.77 and 20.2.78 NMAC to implement and enforce all previously adopted and all future NSPS and NESHAP requirements.

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Recently Approved Changes to Air Quality Regulations and Plans

The following are summaries of recently approved changes to New Mexico air quality regulations and the New Mexico State Implementation Plan. These changes were approved by either the Environmental Improvement Board or U.S. EPA within the last two years. Please check this webpage periodically for updates.

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Carbon dioxide emission standards for coal-fired electric generating facilities

The New Mexico Environmental Department (NMED) announces a new rulemaking to develop emission standards for new and existing electric generating facilities, 20.2.101 NMAC, Carbon Dioxide Emission Standards for Coal-Fired Electric Generating Facilities.

During the 2019 legislative session, Senate Bill 489 introduced the Energy Transition Act (ETA), which was later signed into law by Governor Michelle Lujan Grisham. The ETA sets statewide renewable energy standards and establishes a pathway for a low-carbon energy transition away from coal. The ETA requires the Environmental Improvement Board (EIB) to promulgate a rule that limits carbon dioxide emissions from certain electric generating facilities under their jurisdiction to 1,100 pounds per megawatt-hour on or after January 1, 2023. The EIB's jurisdiction does not include Bernalillo County or Tribal lands.

The New Mexico Environmental Improvement Board will hold a public hearing on October 26, 2022, to consider the NMED's proposed new rulemaking targeting carbon dioxide emissions from coal-fired electric generating facilities.

This webpage provides information regarding the rulemaking hearing and key documents. Please visit the Environmental Improvement Board website for further hearing information.

20.2.101 NMAC draft rule contains the proposed regulatory language.
Energy transition Act Document describes the basis for the new rulemaking.
AQB Overview and Rulemaking describes the AQB and its approach to making rules.

Environmental Groups' Comment document compiles comments received on initial proposals.
Notice of rulemaking hearing to consider adoption of proposed 20.2.101 NMAC – carbon dioxide emission standards for coal-fired electric generating facilities, EIB 22-28 (R)
Aviso de audiencia de reglamentación para considerar la adopción de la propuesta 20.2.101 NMAC – normas de emisiones de dióxido de carbono para instalaciones generadoras de electricidad a base de carbón, EIB 22-28 (R)
Energy Transition Act presentation September 1, 2022.
20.2.101 NMAC Carbon Dioxide Emission Standards for Coal-Fired Electic Generating Facilities, Filed Rule.
20.2.101 NMAC, Carbon Dioxide Emission Standards for Coal-Fired Electic Generating Facilities, Filed Transmittal Form.
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Dust Mitigation Plan and Fugitive Dust Rule

On September 16, 2016, the Administrator for the U.S. Environmental Protection Agency (EPA) signed revisions to the Exceptional Events Rule with the final rule published in the Federal Register on October 3, 2016. The federal Clean Air Act (Section 319(b)(3)(A)) identifies five guiding principles for developing implementing regulations of exceptional events:

Protection of public health is the highest priority;
All ambient air quality data should be included in a timely manner in an appropriate federal air quality database that is accessible to the public;
Timely information should be provided to the public in any case in which the air quality is unhealthy;
Each state must take necessary measures to safeguard public health regardless of the source of the air pollution; and
Air quality data should be carefully screened to ensure that events not likely to recur are represented accurately in all monitoring data and analyses.
Section V of the preamble to the final rule (81 FR 68270) addresses mitigation and requires the development of mitigation plans in areas with "historically documented" or "known seasonal" exceptional events. These events must be of the same type and pollutant (i.e., high wind dust/PM10) and recur annually or seasonally. Doña Ana and Luna Counties in southern New Mexico were identified by EPA as areas required to be covered by mitigation plans. NMED developed a single mitigation plan for the two counties and a copy may be found below.

Dust Mitigation Plan for Doña Ana and Luna Counties

NMED developed a fugitive dust rule in conjunction with the mitigation plan to detail mandatory measures to abate certain controllable sources in Doña Ana and Luna Counties. A public hearing was held on September 28, 2018 in Las Cruces and the board adopted the rule on October 26, 2018. Copies of the final rule, hearing transcripts and statement of reasons to adopt the rule are provided below.

20.2.23 NMAC, *Fugitive Dust Control*, (Applicable in Doña Ana and Luna Counties only)
Hearing Transcript
Deliberations Transcript
Transmittal Form and Statement of Reasons to Adopt
For questions related to the dust mitigation plan or fugitive dust rule, please contact Armando Paz at (575) 629-3242 or armando.paz@state.nm.us. To stay up to date on the progress of this regulatory action, please visit our website, www.env.nm.gov/air-quality/ and sign up for the Regulatory and SIP or Border Air Quality listserv bulletins.

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Good Neighbor State Implementation Plan Certification for the 2010 Nitrogen Dioxide National Ambient Air Quality Standard

The New Mexico Environment Department (NMED) announces an opportunity to comment on and request a public hearing on New Mexico's proposed Good Neighbor State Implementation Plan (SIP) Certification for the 2010 Nitrogen Dioxide National Ambient Air Quality Standard (NAAQS). The proposed Good Neighbor SIP Certification addresses Clean Air Act (CAA) Section 110(a)(2)(D)(i)(I), to confirm to the U.S. Environmental Protection Agency (EPA) that the State of New Mexico has the required "infrastructure" to implement, maintain, and enforce the 2010 Nitrogen Dioxide NAAQS and fulfills its "good neighbor" obligations under the CAA.

All comments or requests for a public hearing must be received by May 17, 2021.* If a request for a public hearing is received during the 30-day public comment period, a hearing date, time and location will be announced at a later date.

Proposed NO_2 Good Neighbor SIP
Public Comment and Hearing Notice
Aviso de Oportunidad de Audencia Pública y Comentarios Certificación de Infraestrutura Propuesta para el Estándar Nacional de Calidad del Aire Ambiental de Nuevo México para el Dióxido de Nitrógeno 2010
EPA approval of NO_2 Transport, Good Neighbor, SIP

*The revised public comment closing date is May 17, 2021, not May 15, 2021 as published in the Albuquerque Journal.

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Good Neighbor State Implementation Plan Certification for the 2015 Ozone National Ambient Air Quality Standard

The New Mexico Environment Department (NMED) announced a public hearing on New Mexico's proposed Good Neighbor State Implementation Plan (SIP) Certification for the 2015 ozone National Ambient Air Quality Standard (NAAQS). The purpose of the hearing was to consider the matter of EIB 21-05 to certify that New Mexico has an adequate, federally-approved SIP that addresses CAA Section 110(a)(2)(D)(i) regarding interstate transport of air pollution in this submittal. The proposed certification confirmed to the U.S. Environmental Protection Agency ("EPA") that the State of New Mexico has the required "infrastructure" in place under the current SIP to implement, maintain, and enforce the revised 2015 Ozone NAAQS and fulfills its "good neighbor" obligations under the CAA.

Proposed Good Neighbor SIP
Limited English Proficiency/Public Involvement Plan
Public Comment and Hearing Notice – English
Public Comment and Hearing Notice – Spanish
2015 Ozone NAAQS Infrastructure SIP
- EPA Approval

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Incorporation by Reference of federal NSPS, NESHAP and MACT rules

A public hearing was held November 17, 2023 where the Environmental Improvement Board unanimously approved amendments to the dates of incorporation by reference contained in 20.2.77 NMAC (New Source Performance Standards), 20.2.78 NMAC (Emission Standards for Hazardous Air Pollutants), and 20.2.82 NMAC (Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants). The previous update for Parts 77, 78 and 82 was January 15, 2017. Since the most recent date of incorporation, there have been 119 changes to various federal New Source Performance Standards, Emission Standards for Hazardous Air Pollutants, and Maximum Achievable Control Technology Standards. Adoption of the incorporation by reference amendments changes the "through date" in Parts 77, 78 and 82 that reference the final rulings made at the federal level through June 28, 2023.

New Mexico Environmental Improvement Board Notice of Rulemaking Hearing_on 2023-11-17 is the announcement for the incorporation by reference rule.
Junta de Mejora Ambiental de Nuevo México Aviso de Audiencia de Reglamentación is the Spanish version of the announcement for the incorporation by reference rule.
Notice of Public Meeting NM EIB 2023-11-17 is the meeting notice that includes the links to join the meeting online.
Notice of Intent 23-52(R) is the NMED notice of intent to present technical testimony for the incorporation by reference rule.
Exhibit 16, Sunshine Portal public notice is a copy of the public notice posted on the official government transparency portal of new Mexico.
Exhibit 17, Field Office public notice documentation is documentation of the request to post public notices at NMED field offices.
New Mexico State Records Center and Archive filing of NMAC sections 20.2.77, 78, and 82.
EIB Final Order and Statement of Reasons for EIB 23-52
Please contact Armando Paz at **armando.paz@env.nm.gov** or at (505) 629-5025 for additional information.

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Infrastructure State Implementation Plan Certification for the 2015 Ozone National Ambient Air Quality Standard

The New Mexico Environment Department (NMED) submitted New Mexico's proposed Infrastructure State Implementation Plan (iSIP) Certification for the 2015 ozone National Ambient Air Quality Standard (NAAQS) to the EPA on November 16, 2018. The iSIP certification addresses elements of a Clean Air Act (CAA) Section 110(a)(2), to confirm to the EPA that the State of New Mexico has the required "infrastructure" to implement, maintain, and enforce the 2015 ozone NAAQS, promulgated on October 1, 2015 (80 FR 65291, October 26, 2015).

This certification does not address CAA Section 110(a)(2)(D)(i)(I), which prohibits emissions from New Mexico that significantly contribute to nonattainment or interfere with maintenance of a NAAQS in a downwind state. This section is often referred to as the "Good Neighbor Provision" and will be addressed in a future submission to EPA.

NM's 2015 Ozone NAAQS iSIP
84 FR 49057 2015 O3 TSP Approval
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Municipal Solid Waste Landfills – New Source Performance Standards and Emission Guidelines

In August 2016, EPA issued revised standards for both new and existing municipal solid waste landfills (MSWLs). The New Source Performance Standards at 40 CFR 60 Subpart XXX apply to landfills constructed or modified after July 17, 2014. The Emission Guidelines at 40 CFR 60 Subpart Cf apply to landfills constructed or modified on or prior to this date. Both of these federal rules aim to reduce landfill gas emissions. The New Source Performance Standard were incorporated by reference into the New Mexico Administrative Code (NMAC) on April 28, 2017.

Subpart Cf, promulgated under Section 111(d) of the Clean Air Act, requires that states, tribes and local authorities with jurisdiction over existing landfills develop a plan to implement the emission guidelines. One aspect of that state plan, for New Mexico, is the amendment of 20.2.64 NMAC – *Municipal Solid Waste Landfills* (Part 64).

On April 28, 2017, the Environmental Improvement Board unanimously approved the adoption of the State Plan implementing the emission guidelines and the repeal and replacement of Part 64.

Public Notice in English and Spanish
Petition for Hearing EIB 16-06 (R)
Original Plan Hearing Record (1996)
Notice of Intent to present technical testimony – filed 4/7/17
- Exhibits 1-3: Witness resumes
- Exhibit 4: Written testimony (Hollenberg)
- Exhibits 5 and 11: Proposed State Plan
- Exhibits 6 , 9 and 10: Proposed Part 64 Revisions
- Exhibits 7 and 8: Subpart Cf and Guidance Doc excerpts
- Exhibit 12: EPA Letter re Increments of Progress
- Exhibits 13 and 15 – 23: NMED Outreach Efforts
- Exhibits 14, 25 and 26: Industry comments and NMED response
- Exhibits 24 and 27: Small Business RAC letter and response
- Exhibit 28: Proposed Order and Statement of Reasons

EIB 16-06 (R) Order and Statement of Reasons 05022017
FR – MSW Landfill 11 Sept 2019
NMED submitted the approved State Plan implementing the Emission Guidelines in early May, 2017. On May 31, 2017, the EPA issued a 90-day stay on both the NSPS and EGs. This 90-day stay expired on August 29, 2017. Therefore, the 2016 federal rules are currently in effect. However, EPA is reconsidering several issues in these final rules. EPA does "not plan to prioritize" the review of submitted state plans and issuance of a Federal Plan for states that failed to submit a state plan. For more information on these rules and rule history, visit EPA's web page for landfills.

Please contact Neal Butt at (505) 629-2972 or neal.butt@state.nm.us if you have questions or comments concerning the State Plan development. For questions regarding implementation of the emission guidelines, contact EPA Region 6 (Boyce.Kenneth@epa.gov).

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Negative Declarations

Negative Declarations may be submitted to the U.S. EPA when Emissions Guidelines are finalized for existing sources. Emissions Guidelines require States, Tribes and Local Agencies to develop plans to implement the guidelines (rules) for sources within their jurisdictions that meet the applicability criteria. When a State, Tribe or Local Agency does not have an applicable source covered by the rule, a letter to U.S. EPA stating such may be submitted in lieu of an implementing plan. This is termed a "Negative Declaration."

On June 27, 2018, NMED submitted a Negative Declaration, which was clarified and reaffirmed in a June 15, 2020 Negative Declarationfor Commercial/Industrial Solid Waste Incinerators (CISWI) to EPA. (effective December 16, 2020) 85 FR 72967

On February 11, 2014, NMED submitted a Negative Declaration for Hospital Medical Infectious Waste Incinerators (HMIWI) to EPA. (effective April 1, 2021) 86 FR 12109

On October 11, 2007, NMED submitted a Negative Declaration, which was clarified and reaffirmed in a June 15, 2020 Negative Declaration, for Other Solid Waste Incinerators (OSWI) to EPA. (effective May 5, 2021) 86 FR 17543.

Please contact Neal Butt at (505) 629-2972 or neal.butt@state.nm.us if you have questions or comments concerning Negative Declarations.

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Nonattainment Area Permit Amendments (20.2.79 NMAC)

The Air Quality Bureau (AQB) of the New Mexico Environment Department (Department) intends to propose to the Environmental Improvement Board (EIB), amendments to 20.2.79 NMAC, *Permits – Nonattainment Areas* ("Part 79"), to make technical and administrative corrections to the rule. Part 79 specifies permitting requirements for any new major stationary source or major modification of an existing source located within a designated nonattainment area; or located within an area designated attainment or unclassifiable and will emit a regulated pollutant that significantly impacts a nonattainment area for the same pollutant.

The U.S. Environmental Protection Agency (EPA) designated a part of Doña Ana County near the Sunland Park area as a marginal nonattainment area for the 2015 ozone National Ambient Air Quality Standard ("2015 O_3 NAAQS") on August 3, 2018, requiring the AQB to develop a State Implementation Plan ("SIP") revision that includes a nonattainment permitting rule (i.e., Part 79) and submit it to EPA by August 3, 2021.

In December 2018, EPA promulgated the 2015 O_3 NAAQS implementation rule, which specifies nonattainment area SIP requirements. This final rule, referred to as the 2015 O_3 SIP Requirements Rule ("2015 O_3 SRR"), is largely an update to the previous implementing regulations promulgated for the 2008 O_3 NAAQS, and does not contain significant revisions from that previous rule.

The 2015 O_3 SRR addresses a range of nonattainment area SIP requirements New Mexico must meet for implementation of the 2015 O_3 NAAQS, including transportation conformity, nonattainment new source review ("NNSR"), emissions inventories, and emissions statement deadlines for SIP submissions and compliance with emission control measures in the SIP.

Pursuant to the 2015 O_3 SRR, NMED submitted a baseline Emissions Inventory and Emissions Statement to EPA by the specified deadline of August 3, 2020. For more information see /air-quality/dona-ana-2/

As part of the effort to comply with the 2015 O_3 SRR, the AQB analyzed Part 79 to determine if it was adequate to implement and enforce the standard. The AQB compared Part 79 with 40 CFR 51.165, *Permit Requirements*, and identified cross-reference inconsistencies and typographical errors that are addressed in the proposed revision.

Documents related to the proposed draft amendments to Part 79 are provided below.

All comments must be received by 5:00 PM MDT on May 21, 2021 in order for NMED to include a response in the hearing record. Anyone may present technical testimony, non-technical testimony or provide written or oral comments at the hearing. Please see the public hearing notice below for detailed instructions for participation.

Stakeholder Review Draft – 20.2.79 NMAC
Summary of Proposed Amendments and Rationale
Petition for Regulatory Change – 20.2.79.NMAC – Hearing No. EIB 21-07(R)
Sunland Park Nonattainment Area-Public Involvement Plan (PIP)
Sunland Park Nonattainment Area-Limited English Proficiency (LEP) Services Evaluation
Notice of Virtual Rulemaking Hearing for Proposed Amendments to 20.2.79 NMAC on June 25, 2021
Aviso de Audiencia de Reglamentacion por Internet para Considerar Propuesta de Enmendas a 20.2.79 NMAC el 25 de junio de 2021
Notice of Intent to Present Technical Testimony

- NMED Exhibit 1 – Petition for Regulatory Change; Attachment 1 – Statement of Reasons; and Attachment 2 – Proposed Amendments to 20.2.79
- NMED Exhibit 2 – Direct Testimony – Neal Butt
- NMED Exhibit 3 – Resumes
- NMED Exhibit 4 – Stakeholder Outreach Documentation
- NMED Exhibit 5 – Summary of Proposed Changes to 20.2.79 NMAC with rationale for each change
- NMED Exhibit 6 – Public Notice
- NMED Exhibit 7 – State Records Center formatting revisions to 20.2.79 NMAC Public Review Draft
- NMED Exhibit 8 – Small Business Regulatory Relief Act Letter
- NMED Exhibit 9a – Federal Register Notice: 2015 Ozone NAAQS 80 FR 65292, October 26, 2015
- NMED Exhibit 9b – Federal Register Notice: Nonattainment Area designation 83 FR 25820, June 4, 2018
- NMED Exhibit 9c – Federal Register Notice: 2015 ozone NAAQS implementation rule 83 FR 62998, December 6, 2018MED Ex 9c 2015 SIP Requirements Rule 83 FR 62998 12-6-18
- NMED Exhibit 10 – Proposed Order and Statement of Reasons
- NMED Exhibit 11 – Stakeholder Comment from WEG and response from NMED

Please contact Neal Butt at (505) 629-2972 or neal.butt@state.nm.us if you have questions or comments concerning the proposed amendments.

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Petroleum Processing Facility Regulation Repeal (20.2.37 NMAC)

At a public hearing held August 12, 2016, the Environmental Improvement Board unanimously approved the repeal of 20.2.37 NMAC. Part 37 was adopted in 1974
and specifies emissions limits and other operating requirements for existing (constructed prior to July 1, 1974) and new petroleum refineries and natural gas processing facilities. This rule regulates emissions from several processes associated with petroleum processing facilities and has not been substantially revised since 1984. The rule was identified in the November 2012 Improving Environmental Permitting Report for potential revision or repeal. The Air Quality Bureau has conducted a thorough analysis of the rule as well as other similar federal rules that apply to this industry, and has concluded that the rule can be repealed without a relaxation of emissions controls or an adverse effect on air quality

Part 37 Notice of Intent EIB 16-02(R)
Public Notice (Part 37 EIB Hearing – English Notice and Part 37 EIB Hearing – Spanish Notice)
Part 37 Signed Statement of Reasons
Part 37 Notice of Intent EIB 16-02(R)
Please contact Mark Jones at mark.jones@state.nm.us or at (505) 566-9746 for additional information.

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Revisions to the New Mexico State Implementation Plan Regarding Startup, Shutdown and Malfunctions

A public hearing, held September 9, 2016, approved revisions to the State Implementation Plan (SIP) for New Mexico. The SIP revisions are in response to a final action issued by the U.S. Environmental Protection Agency (EPA). On June 12, 2015, the EPA published its final action to ensure states have plans in place that are fully consistent with the Clean Air Act and recent court decisions concerning startup, shutdown and malfunction (SSM) operations.

In response to this final action, the New Mexico Environment Department Air Quality Bureau proposed revisions to the State Implementation Plan (SIP). These SIP revisions entail removing applicable sections of 20.2.7 NMAC – Excess Emissions during Malfunction, Startup, Shutdown, or Scheduled Maintenance from the SIP. The proposal was unanimously approved by the Environmental Improvement Board on September 9, 2016.

Part 7 Proposed Revisions – Excess Emissions
Part 7 EIB Hearing – English Notice
Part 7 EIB Hearing – Spanish Notice
Signed Order – EIB Hearing 16-03 (R)
SOR 16-03(R)
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SO_2 Data Requirements Rule (SO_2 DRR) – Implementation of the 2010 1-hour Sulfur Dioxide Primary National Ambient Air Quality Standard

The U.S. EPA requires each State to supply information regarding sources that emit greater than 2,000 tons per year of sulfur dioxide in order to determine compliance with the 2010 1-hour primary standard. The schedule of required information includes:

January 15, 2016 – List of Sources – Sulfur dioxide states include for applicability to the Data Requirements Rule
July 1, 2016 – Approach – Air Quality Characterization – Sulfur dioxide (modeling or monitoring) for determining whether the source does or does not violate the standard
December 2016 – Revised Protocol
January 1, 2017 – Installation of monitors (if monitoring is the approach chosen)
January 13, 2017 – Final Modeling (actual emissions)
August 2017 – EPA SO_2 Disagreements Document
December 20, 2017 – EPA Attainment Designation for New Mexico (Round 3)
The Round 4 2010 SO_2 NAAQS Designations action was signed by the EPA Administrator, Andrew Wheeler, on December 21, 2020, pursuant to a court-ordered deadline of December 31, 2020. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, Acting Administrator Jane Nishida re-signed the same action on March 10, 2021 for publication in the *Federal Register*. Attainment/nonattainment designations for New Mexico were completed in December 2017. For more information on the 2010 SO_2 NAAQS and the Round 3 area designations, visit EPA's Round 3 2010 SO_2 NAAQS Designations webpage.

In accordance with the ongoing requirements in the federal rule, NMED must submit annual reports of the San Juan Generating Station's SO_2 emissions by July 1st of each year following designation. The purpose of this report is to analyze whether or not new modeling is required for areas that employed modeling of actual emissions for characterization. The fourth annual report for San Juan Generating Station (SJGS) is now available for review and public comment before submission to EPA. The report shows that SO_2 emissions continue to decrease from the modeling years of 2013-2015. 2018 emissions decreased significantly because two units were shut down in December 2017. The 2020 one-hour average and the one-hour maximum SO2 emissions showed decreases over the 2019 emissions. The three-year average for 2018-2020 showed decreased emissions when compared to the modeled three-year average for 2013-2015. Also, the annual maxima for 2018-2020 as well as the 99th percentile of 1-hour maxima for 2018-2020 significantly decreased from the modeled years of 2013-2015. Therefore, NMED recommends that new modeling should not be required at this time.

Draft 2022 Annual Report, SO2 Emissions for San Juan Generating Station – 5/6/2022
Draft 2021 Annual Report SO_2 DRR Report – SO_2 Emissions for SJGS – 5/11/2021
Public Involvement Plan for SJGS SO_2 Report – 5/15/2020
Notice of Availability Report Availability – 5/11/2021
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Title V update (20.2.70 NMAC) to remove emergency provisions and update applicable requirements

EPA required emergency provisions to be removed from the Title V operating program. During this update, NMED also aligned "applicable requirements" more closely with the EPA language for these requirements.

2025-08-20-EIB-25-10-Final-Order-and-SOR-pj.pdf documents the EIB's final order and statement of reasons for the proposed repeal and replacement of 20.2.70 NMAC.
2025-08-17_EPD_AQB_-_EPA_Transmittal_Letter_TV_Program_Revision.pdf is a transmittal letter to EPA notifying that EIB has adopted amendments to 20.2.70 NMAC, Operating Permits, and that AQB is requesting a revision to its Title V Program.
07-18-2025-PROPOSED-REPEAL-OF-20.2.70-NMAC_cond_N_CERTIFIED-TRANSCRIPT-blue.pdf certified transcript of the EIB hearing No. 25-10 (R).
2025-6-27-EIB-25-10-Entry-of-Appearance-pj.pdf documents proof of entry of appearance by Jeremy Nichols representing the Center for Biological Diversity.
2025-06-18-EIB-25-10-HO-Appt-pj.pdf documents the EIB hearing schedule on petition and hearing officer appointment.
2025-06-11-EIB-25-10-R-Maxwell-EOA-pj.pdf documents proof of entry of appearance by Nicholas Maxwell.
20.2.70-new-rule.pdf documents the NMAC transmittal form to the New Mexico State Records Center regarding the proposed new rule for 20.2.70 NMAC.
20.2.70-repeal.pdf documents the NMAC transmittal form to the New Mexico State Records Center regarding the repeal and replacement of 20.2.70 NMAC.
NMED NOI to Present Technical Testimony documents the notice of intent before EIB to repeal and replace 20.2.70 NMAC – Operating permits and Title V program revision.
NMED Petition to Repeal and Replace 20.2.70 NMAC documents the petition filed before EIB to repeal and replace 20.2.70 NMAC – Operating permits and Title V program revision.
70.2.70 NMAC Stakeholder Review Draft identifies the proposed changes to 20.2.70 NMAC.
English Notice of Proposed Rulemaking 20.2.70 NMAC Operating Permits provides legal ads in English
Spanish Notice of Proposed Rulemaking 20.2.70 NMAC Operating Permits provides legal ads in Spanish
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Total Suspended Particulate NM Ambient Air Quality Standard Repeal

The Improving Environmental Permitting Initial Report recommended that the Air Quality Bureau consider the NM Ambient Air Quality Standards (NMAAQS) for Total Suspended Particulate (TSP) for repeal.

The NM standards were adopted in 1969, prior to the adoption of the National Ambient Air Quality Standards (NAAQS) in 1971. The U.S. Environmental Protection Agency (EPA) revised its standards in 1987, replacing TSP with particulate matter less than 10 microns (PM_{10}). The NM TSP standards were retained, to protect the public from soiling and nuisance effects of larger particulates (dust).

The Air Quality Bureau studied the issue and determined that a repeal of the TSP standards will not cause a deterioration in air quality; the current federal air quality standards for PM_{10} and $PM_{2.5}$ are protective of public health. A repeal also eased the permitting burden for regulated sources and the Air Quality Bureau. A hearing was scheduled for September 28, 2018 in Las Cruces.

Public Notice of Rulemaking Hearing: Repeal of TSP Standard (English and Spanish)
In part to address soiling and nuisance effects of windblown dust, the Air Quality Bureau developed a dust mitigation plan and associated fugitive dust rule that applies in areas that are in danger of violating the PM_{10} NAAQS. (See *"Dust Mitigation Plan and Fugitive Dust Rule"* above.)

On September 28, 2018, the Environmental Improvement Board (EIB) held a public hearing in Las Cruces, NM to consider the proposed repeal of the NM Ambient Air Quality Standard for TSP contained in Section 109 of 20.2.3 NMAC. The EIB unanimously approved the proposal at its October 26, 2018 meeting in Santa Fe. The effective date of the repealed standard was November 30, 2018.

The "Notice if Intent for 18-04 (R)" includes written testimony, proposed rule amendments, a noninterference demonstration under CAA 110(l), and copies of public notices and affidavits of publication.

Notice of Intent for EIB Hearing 18-04 (R)
EIB Hearing 18-04 Transcript
EIB 18-04 Deliberations Transcript
Final Order/SOR/NMAC Transmittal – TSP Repeal
Governor's Designee Letter – TSP Repeal
84 FR 49057 2015 O3 TSP Approval
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Recent EPA Approvals of Regulatory Changes and Plans

The following are links to recently approved regulatory changes or plans. To view all EPA approvals related to the State Implementation Plan, please visit the electronic code of federal regulations.

NM Regulations:

Part 1 (effective September 22, 2015) 80 FR 43964
Part 2 (effective March 27, 2015) 80 FR 3884
Part 12 Repeal (effective July 13, 2015) 80 FR 33191
Part 20 Repeal (effective October 21, 2020) 85 FR 59194
Part 79 (effective December 16, 2022) EPA Approval of NM Ozone SIP 2022 (87 FR 68632)
Part 98 Repeal (effective July 20, 2015) 80 FR 34835
Part 99 (effective July 20, 2015) 80 FR 34835
Other:

Infrastructure for the 2015 Ozone National Ambient Air Quality Standards and Repeal of State Regulations for Total Suspended Particulate (effective October 18, 2019) 84 FR 49057 2015 O3 TSP Approval
FR – MSW Landfill 11 Sept 2019
Infrastructure and Transport for 2008 lead (Pb) NAAQS (effective July 13, 2015) 80 FR 33191
Infrastructure for the 2008 ozone NAAQS (effective July 24, 2015) 80 FR 36246, to include: Good Neighbor SIP for the 2008 ozone NAAQS (effective June 3, 2020) 85 FR 26361

NMED Exhibit 25_000007

Infrastructure for the 2010 NO2 NAAQS (effective July 24, 2015) 80 FR 36246
Infrastructure for 2010 SO2 NAAQS (effective November 13, 2015) 80 FR 61751

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Proposed Air Quality Regulations and Plans

Air Quality Bureau Home
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The menu below provides rapid access to the latest information and updates on existing, proposed, new, and amended air quality regulations and New Mexico State Implementation Plan (SIP) additions and amendments. Please check this webpage periodically for updates.

Existing Regulations and Guidance

Compliance and Enforcement contains guidance on compliance with excess emissions reporting and ozone precursor rule (20.2.50 NMAC) requirements.
Regulations provides the existing air quality and environmental regulations.
Permitting Home Page contains information on policies and procedures for air quality permitting.

Proposed Changes to Air Quality Regulations and Plans

Proposed Changes to Emissions and Permit Fee Regulations (20.2.71 NMAC and 20.2.75 NMAC)
Proposed Incorporation by Reference of Federal NSPS, NESHAP and MACT Rules
Regional Haze Round 2 SIP and companion rule

Approved Changes to Air Quality Regulations and Plans

Carbon dioxide emission standards for coal-fired electric generating facilities
Dust Mitigation Plan/Fugitive Dust Rule
Good Neighbor SIP Certification for 2010 Nitrogen Dioxide NAAQS
Good Neighbor SIP Certification for 2015 Ozone NAAQS
Incorporation by Reference for NSPS, NESHAP & MACT Rules
Infrastructure SIP Certification for 2015 Ozone NAAQS
Motor Vehicle Emission Standards for New Vehicles (20.2.91 NMAC)
Municipal Solid Waste Landfills-NSPS & Emission Guidelines
Negative Declarations
Nonattainment Area Permit Amendments (20.2.79 NMAC)
Petroleum Processing Facility Regulation Repeal (20.2.37 NMAC)
Revisions to SIP for Startup, Shutdown & Maintenance
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Total Suspended Particulate Air Quality Standard Repeal
Recent EPA Approvals of Regulatory Changes and Plans

Current Proposed Changes to Air Quality Regulations and Plans

The following are summaries of proposed new air quality regulations and proposed amendments to existing regulations and the New Mexico State Implementation Plan (SIP). [return to top of page]

Proposed Changes to Emissions and Permit Fee Regulations (20.2.71 NMAC and 20.2.75 NMAC)

The New Mexico Environment Department (NMED) announces a new rulemaking to repeal and replace regulations setting emissions fees and permit fees for regulated sources of air pollutants. On December 3, 2025, NMED petitioned the Environmental Improvement Board (EIB) to repeal and replace 20.2.71 NMAC, *Operating Permit Emissions Fees*, and 20.2.75 NMAC, *Construction Permit Fees*. The New Mexico Air Quality Control Act and the federal Clean Air Act require that NMED collect sufficient emissions and permits fees to cover the reasonable costs of NMED's Title V Permit Program and Construction Permit Program. NMED initiated this rulemaking to increase fees for both the Title V and Construction Permit Programs after determining the current fee structures are inadequate to sufficiently fund the direct and indirect operating costs of these programs. Replacing 20.2.71

NMED Exhibit 26_000001

NMAC and 20.2.75 NMAC is essential if NMED is to continue effectively implementing these mission critical programs.

Copies of the petition and accompanying exhibits, which include the proposed replacement rules, are provided below and are also available on NMED's docketed matters website at https://www.env.nm.gov/opf/docketed-matters/. To locate the documents, click on "Environmental Improvement Board" to display the list of matters before the Board, then click on "EIB 25-77 (R): In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees" to display the list of documents filed in conjunction with this matter. Copies can also be obtained by contacting Eric Peters, Control Strategies Manager, at eric.peters@env.nm.gov or (505) 629-5299, or at any of NMED's offices statewide.

Petition to Repeal and Replace 20.2.71 NMAC and 20.2.75 NMAC (EIB 25-77)
Statement of Reasons
Operating permit clean copy of proposal (20.2.71 NMAC)
Construction permit clean copy of proposal (20.2.75 NMAC)
Operating permit, current rule 20.2.71 NMAC with redline changes
Construction permit, current Rule 20.2.75 NMAC with redline changes

Current Update: January 7, 2026
NMED will hold a virtual public informational meeting on January 15, 2026, from 4-6 p.m. regarding its proposed changes to 20.2.71 NMAC and 20.2.75 NMAC. Department staff will provide an overview of the proposed changes to both rules, and there will be time for questions from stakeholders and the general public. Information about how to join this meeting online or by phone is now available on the NMED events calendar and is also provided below:

January 15, 2026 NMED Permit Fee Update Workshop (4 to 6 p.m. Mountain Standard Time) links to the online meeting about the proposed fee updates.
To join by phone: +1-415-665-0001
Meeting number (access code): 2631 042 3836
Meeting password: c2Bh53CsQjt
The presentation slides and a recording of the January 15, 2026, public informational meeting will be provided on this website after the meeting, and NMED will hold virtual "office hours" on January 22, 2026, from 6-8 p.m. to provide interested persons an additional opportunity to ask questions or provide feedback on the proposed rules. Information about how to join this meeting online or by phone is now available on the NMED events calendar and is also provided below:

January 22, 2026 NMED Permit Fee Update Workshop (6 to 8 p.m. Mountain Standard Time) links to the online "office hours" meeting about the proposed fee updates.
To join by phone: +1-415-665-0001
Meeting number (access code): 2864 946 0710
Meeting password: TQuZMpfV735
If you require language interpretation services or have a disability and need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in either of these meetings, contact Eric Peters as soon as possible at eric.peters@env.nm.gov or (505) 629-5299. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice). For assistance joining either meeting online or by phone, contact Julianna Montoya at julianna.montoya@env.nm.gov or (505) 479-2910.

Previous Updates:
December 22, 2025 Update
At its regular meeting on December 19, 2025, the EIB scheduled a public hearing to consider repealing and replacing 20.2.71 NMAC and 20.2.75 NMAC. The hearing will begin on March 23, 2026, at 9:00 a.m., continuing through March 25, 2026, or as long as required to hear all testimony, evidence, and public comment. The EIB is expected to issue an order soon setting the hearing, appointing a hearing officer, and establishing certain pre-hearing deadlines. The order will be available in the docket for this matter once it has been issued. Instructions for accessing the docket are provided above. A link to the recording of the December 19, 2025, EIB meeting is provided below.

Environmental Improvement Board Monthly Meeting: December 19, 2025 is the recording of NMED's petition to the EIB for a hearing for the proposed updates to fees.

Upcoming Public Engagement
NMED will hold a virtual public informational meeting on January 15, 2026, from 4-6 p.m. Department staff will provide an overview of the proposed changes to both rules, and there will be time for questions from stakeholders and the general public. Links to the presentation slides and a recording of the meeting will be provided on this website after the meeting, and NMED will hold virtual "office hours" on January 22, 2026, from 6-8 p.m. to provide interested persons an additional opportunity to ask questions or provide feedback on the proposed rules. Information about how to join these meetings will be provided on this website at least 72 hours prior to each meeting, and on NMED's events calendar at https://www.env.nm.gov/events-calendar/. If you require language interpretation services or have a disability and need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in either of these meetings, contact Brian Polgar as soon as possible at brian.polgar@env.nm.gov or (505) 629-3466. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice).

To request a one-on-one meeting with the Department to discuss the proposed rules, contact Brian Polgar at brian.polgar@env.nm.gov or (505) 629-3466. NMED is also accepting written comments on the proposed rules via its online public comment portal at https://nmed.commentinput.com/?id=dM4UeKV73. Comments will be accepted for at least 30 days after notice of the proposed rulemaking is published in the New Mexico Register.

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Proposed Incorporation by Reference of Federal NSPS, NESHAP and MACT Rules

NMED proposes the incorporation into the New Mexico Administrative Code (NMAC) several new or revised federal rules promulgated under 40 CFR Parts 60, 61 and 63 for which New Mexico has been delegated enforcement authority: Standards of Performance for New Stationary Sources; National Emission Standards for Hazardous Air Pollutants; and Maximum Achievable Control Technology for Hazardous Air Pollutants for Source Categories, respectively. These new or revised federal rules would be incorporated by reference into 20.2.77 NMAC – New Source Performance Standards (NSPS); 20.2.78 NMAC – Emission Standards for Hazardous Air Pollutants (NESHAP); and 20.2.82 NMAC – Maximum Achievable Control Technology for Source Categories of Hazardous Air Pollutants (MACT). The Department also requests that the Environmental Improvement Board remove the end date of incorporation in 20.2.77 and 20.2.78 NMAC to implement and enforce all previously adopted and all future NSPS and NESHAP requirements.

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Recently Approved Changes to Air Quality Regulations and Plans

The following are summaries of recently approved changes to New Mexico air quality regulations and the New Mexico State Implementation Plan. These changes were approved by either the Environmental Improvement Board or U.S. EPA within the last two years. Please check this webpage periodically for updates.

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Carbon dioxide emission standards for coal-fired electric generating facilities

The New Mexico Environmental Department (NMED) announces a new rulemaking to develop emission standards for new and existing electric generating facilities, 20.2.101 NMAC, Carbon Dioxide Emission Standards for Coal-Fired Electric Generating Facilities.

During the 2019 legislative session, Senate Bill 489 introduced the Energy Transition Act (ETA), which was later signed into law by Governor Michelle Lujan Grisham. The ETA sets statewide renewable energy standards and establishes a pathway for a low-carbon energy transition away from coal. The ETA requires the Environmental Improvement Board (EIB) to promulgate a rule that limits carbon dioxide emissions from certain electric generating facilities under their jurisdiction to 1,100 pounds per megawatt-hour on or after January 1, 2023. The EIB's jurisdiction does not include Bernalillo County or Tribal lands.

The New Mexico Environmental Improvement Board will hold a public hearing on October 26, 2022, to consider the NMED's proposed new rulemaking targeting carbon dioxide emissions from coal-fired electric generating facilities.

This webpage provides information regarding the rulemaking hearing and key documents. Please visit the Environmental Improvement Board website for further hearing information.

20.2.101 NMAC draft rule contains the proposed regulatory language.
Energy transition Act Document describes the basis for the new rulemaking.
AQB Overview and Rulemaking describes the AQB and its approach to making rules.
Environmental Groups' Comment document compiles comments received on initial proposals.
Notice of rulemaking hearing to consider adoption of proposed 20.2.101 NMAC – carbon dioxide emission standards for coal-fired electric generating facilities, EIB 22-28 (R)
Aviso de audiencia de reglamentación para considerar la adopción de la propuesta 20.2.101 NMAC – normas de emisiones de dióxido de carbono para instalaciones generadoras de electricidad a base de carbón, EIB 22-28 (R)
Energy Transition Act presentation September 1, 2022.
20.2.101 NMAC Carbon Dioxide Emission Standards for Coal-Fired Electic Generating Facilities, Filed Rule.
20.2.101 NMAC, Carbon Dioxide Emission Standards for Coal-Fired Electic Generating Facilities, Filed Transmittal Form.

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Dust Mitigation Plan and Fugitive Dust Rule

On September 16, 2016, the Administrator for the U.S. Environmental Protection Agency (EPA) signed revisions to the Exceptional Events Rule with the final rule published in the Federal Register on October 3, 2016. The federal Clean Air Act (Section 319(b)(3)(A)) identifies five guiding principles for developing implementing regulations of exceptional events:

Protection of public health is the highest priority;
All ambient air quality data should be included in a timely manner in an appropriate federal air quality database that is accessible to the public;
Timely information should be provided to the public in any case in which the air quality is unhealthy;
Each state must take necessary measures to safeguard public health regardless of the source of the air pollution; and
Air quality data should be carefully screened to ensure that events not likely to recur are represented accurately in all monitoring data and analyses.
Section V of the preamble to the final rule (81 FR 68270) addresses mitigation and requires the development of mitigation plans in areas with "historically documented" or "known seasonal" exceptional events. These events must be of the same type and pollutant (i.e., high wind dust/PM10) and recur annually or seasonally. Doña Ana and Luna Counties in southern New Mexico were identified by EPA as areas required to be covered by mitigation plans. NMED developed a single mitigation plan for the two counties and a copy may be found below.

Dust Mitigation Plan for Doña Ana and Luna Counties

NMED developed a fugitive dust rule in conjunction with the mitigation plan to detail mandatory measures to abate certain controllable sources in Doña Ana and Luna Counties. A public hearing was held on September 28, 2018 in Las Cruces and the board adopted the rule on October 26, 2018. Copies of the final rule, hearing transcripts and statement of reasons to adopt the rule are provided below.

20.2.23 NMAC, *Fugitive Dust Control*, (Applicable in Doña Ana and Luna Counties only)
Hearing Transcript
Deliberations Transcript
Transmittal Form and Statement of Reasons to Adopt

For questions related to the dust mitigation plan or fugitive dust rule, please contact Armando Paz at (575) 629-3242 or armando.paz@state.nm.us. To stay up to date on the progress of this regulatory action, please visit our website, www.env.nm.gov/air-quality/ and sign up for the Regulatory and SIP or Border Air Quality listserv bulletins.

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Good Neighbor State Implementation Plan Certification for the 2010 Nitrogen Dioxide National Ambient Air Quality Standard

The New Mexico Environment Department (NMED) announces an opportunity to comment on and request a public hearing on New Mexico's proposed Good Neighbor State Implementation Plan (SIP) Certification for the 2010 Nitrogen Dioxide National Ambient Air Quality Standard (NAAQS). The proposed Good Neighbor SIP Certification addresses Clean Air Act (CAA) Section 110(a)(2)(D)(i)(I), to confirm to the U.S. Environmental Protection Agency (EPA) that the State of New Mexico has the required "infrastructure" to implement, maintain, and enforce the 2010 Nitrogen Dioxide NAAQS and fulfills its "good neighbor" obligations under the CAA.

All comments or requests for a public hearing must be received by May 17, 2021.* If a request for a public hearing is received during the 30-day public comment period, a hearing date, time and location will be announced at a later date.

NMED Exhibit 26_000003

Proposed NO_2 Good Neighbor SIP
Public Comment and Hearing Notice
Aviso de Oportunidad de Audencia Pública y Comentarios Certificación de Infraestrutura Propuesta para el Estándar Nacional de Calidad del Aire Ambiental de Nuevo México para el Dióxido de Nitrógeno 2010
EPA approval of NO_2 Transport, Good Neighbor, SIP

*The revised public comment closing date is May 17, 2021, not May 15, 2021 as published in the Albuquerque Journal.

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Good Neighbor State Implementation Plan Certification for the 2015 Ozone National Ambient Air Quality Standard

The New Mexico Environment Department (NMED) announced a public hearing on New Mexico's proposed Good Neighbor State Implementation Plan (SIP) Certification for the 2015 ozone National Ambient Air Quality Standard (NAAQS). The purpose of the hearing was to consider the matter of EIB 21-05 to certify that New Mexico has an adequate, federally-approved SIP that addresses CAA Section 110(a)(2)(D)(i) regarding interstate transport of air pollution in this submittal. The proposed certification confirmed to the U.S. Environmental Protection Agency ("EPA") that the State of New Mexico has the required "infrastructure" in place under the current SIP to implement, maintain, and enforce the revised 2015 Ozone NAAQS and fulfills its "good neighbor" obligations under the CAA.

Proposed Good Neighbor SIP
Limited English Proficiency/Public Involvement Plan
Public Comment and Hearing Notice – English
Public Comment and Hearing Notice – Spanish
2015 Ozone NAAQS Infrastructure SIP
- EPA Approval

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Incorporation by Reference of federal NSPS, NESHAP and MACT rules

A public hearing was held November 17, 2023 where the Environmental Improvement Board unanimously approved amendments to the dates of incorporation by reference contained in 20.2.77 NMAC (New Source Performance Standards), 20.2.78 NMAC (Emission Standards for Hazardous Air Pollutants), and 20.2.82 NMAC (Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants). The previous update for Parts 77, 78 and 82 was January 15, 2017. Since the most recent date of incorporation, there have been 119 changes to various federal New Source Performance Standards, Emission Standards for Hazardous Air Pollutants, and Maximum Achievable Control Technology Standards. Adoption of the incorporation by reference amendments changes the "through date" in Parts 77, 78 and 82 that reference the final rulings made at the federal level through June 28, 2023.

New Mexico Environmental Improvement Board Notice of Rulemaking Hearing_on 2023-11-17 is the announcement for the incorporation by reference rule.
Junta de Mejora Ambiental de Nuevo México Aviso de Audiencia de Reglamentación is the Spanish version of the announcement for the incorporation by reference rule.
Notice of Public Meeting NM EIB 2023-11-17 is the meeting notice that includes the links to join the meeting online.
Notice of Intent 23-52(R) is the NMED notice of intent to present technical testimony for the incorporation by reference rule.
Exhibit 16, Sunshine Portal public notice is a copy of the public notice posted on the official government transparency portal of new Mexico.
Exhibit 17, Field Office public notice documentation is documentation of the request to post public notices at NMED field offices.
New Mexico State Records Center and Archive filing of NMAC sections 20.2.77, 78, and 82.
EIB Final Order and Statement of Reasons for EIB 23-52
Please contact Armando Paz at **armando.paz@env.nm.gov** or at (505) 629-5025 for additional information.

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Infrastructure State Implementation Plan Certification for the 2015 Ozone National Ambient Air Quality Standard

The New Mexico Environment Department (NMED) submitted New Mexico's proposed Infrastructure State Implementation Plan (iSIP) Certification for the 2015 ozone National Ambient Air Quality Standard (NAAQS) to the EPA on November 16, 2018. The iSIP certification addresses elements of a Clean Air Act (CAA) Section 110(a)(2), to confirm to the EPA that the State of New Mexico has the required "infrastructure" to implement, maintain, and enforce the 2015 ozone NAAQS, promulgated on October 1, 2015 (80 FR 65291, October 26, 2015).

This certification does not address CAA Section 110(a)(2)(D)(i)(I), which prohibits emissions from New Mexico that significantly contribute to nonattainment or interfere with maintenance of a NAAQS in a downwind state. This section is often referred to as the "Good Neighbor Provision" and will be addressed in a future submission to EPA.

NM's 2015 Ozone NAAQS iSIP
84 FR 49057 2015 O3 TSP Approval

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Municipal Solid Waste Landfills – New Source Performance Standards and Emission Guidelines

In August 2016, EPA issued revised standards for both new and existing municipal solid waste landfills (MSWLs). The New Source Performance Standards at 40 CFR 60 Subpart XXX apply to landfills constructed or modified after July 17, 2014. The Emission Guidelines at 40 CFR 60 Subpart Cf apply to landfills constructed or modified on or prior to this date. Both of these federal rules aim to reduce landfill gas emissions. The New Source Performance Standard were incorporated by reference into the New Mexico Administrative Code (NMAC) on April 28, 2017.

Subpart Cf, promulgated under Section 111(d) of the Clean Air Act, requires that states, tribes and local authorities with jurisdiction over existing landfills develop a plan to implement the emission guidelines. One aspect of that state plan, for New Mexico, is the amendment of 20.2.64 NMAC – *Municipal Solid Waste Landfills* (Part 64).

On April 28, 2017, the Environmental Improvement Board unanimously approved the adoption of the State Plan implementing the emission guidelines

NMED Exhibit 26_000004

and the repeal and replacement of Part 64.

Public Notice in English and Spanish
Petition for Hearing EIB 16-06 (R)
Original Plan Hearing Record (1996)
Notice of Intent to present technical testimony – filed 4/7/17
- Exhibits 1-3: Witness resumes
- Exhibit 4: Written testimony (Hollenberg)
- Exhibits 5 and 11: Proposed State Plan
- Exhibits 6 , 9 and 10: Proposed Part 64 Revisions
- Exhibits 7 and 8: Subpart Cf and Guidance Doc excerpts
- Exhibit 12: EPA Letter re Increments of Progress
- Exhibits 13 and 15 – 23: NMED Outreach Efforts
- Exhibits 14, 25 and 26: Industry comments and NMED response
- Exhibits 24 and 27: Small Business RAC letter and response
- Exhibit 28: Proposed Order and Statement of Reasons

EIB 16-06 (R) Order and Statement of Reasons 05022017
FR – MSW Landfill 11 Sept 2019

NMED submitted the approved State Plan implementing the Emission Guidelines in early May, 2017. On May 31, 2017, the EPA issued a 90-day stay on both the NSPS and EGs. This 90-day stay expired on August 29, 2017. Therefore, the 2016 federal rules are currently in effect. However, EPA is reconsidering several issues in these final rules. EPA does "not plan to prioritize" the review of submitted state plans and issuance of a Federal Plan for states that failed to submit a state plan. For more information on these rules and rule history, visit EPA's web page for landfills.

Please contact Neal Butt at (505) 629-2972 or neal.butt@state.nm.us if you have questions or comments concerning the State Plan development. For questions regarding implementation of the emission guidelines, contact EPA Region 6 (Boyce.Kenneth@epa.gov).

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Negative Declarations

Negative Declarations may be submitted to the U.S. EPA when Emissions Guidelines are finalized for existing sources. Emissions Guidelines require States, Tribes and Local Agencies to develop plans to implement the guidelines (rules) for sources within their jurisdictions that meet the applicability criteria. When a State, Tribe or Local Agency does not have an applicable source covered by the rule, a letter to U.S. EPA stating such may be submitted in lieu of an implementing plan. This is termed a "Negative Declaration."

On June 27, 2018, NMED submitted a Negative Declaration, which was clarified and reaffirmed in a June 15, 2020 Negative Declarationfor Commercial/Industrial Solid Waste Incinerators (CISWI) to EPA. (effective December 16, 2020) 85 FR 72967
On February 11, 2014, NMED submitted a Negative Declaration for Hospital Medical Infectious Waste Incinerators (HMIWI) to EPA. (effective April 1, 2021) 86 FR 12109
On October 11, 2007, NMED submitted a Negative Declaration, which was clarified and reaffirmed in a June 15, 2020 Negative Declaration, for Other Solid Waste Incinerators (OSWI) to EPA. (effective May 5, 2021) 86 FR 17543.
Please contact Neal Butt at (505) 629-2972 or neal.butt@state.nm.us if you have questions or comments concerning Negative Declarations.

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Nonattainment Area Permit Amendments (20.2.79 NMAC)

The Air Quality Bureau (AQB) of the New Mexico Environment Department (Department) intends to propose to the Environmental Improvement Board (EIB), amendments to 20.2.79 NMAC, *Permits – Nonattainment Areas* ("Part 79"), to make technical and administrative corrections to the rule. Part 79 specifies permitting requirements for any new major stationary source or major modification of an existing source located within a designated nonattainment area; or located within an area designated attainment or unclassifiable and will emit a regulated pollutant that significantly impacts a nonattainment area for the same pollutant.

The U.S. Environmental Protection Agency (EPA) designated a part of Doña Ana County near the Sunland Park area as a marginal nonattainment area for the 2015 ozone National Ambient Air Quality Standard ("2015 O_3 NAAQS") on August 3, 2018, requiring the AQB to develop a State Implementation Plan ("SIP") revision that includes a nonattainment permitting rule (i.e., Part 79) and submit it to EPA by August 3, 2021.

In December 2018, EPA promulgated the 2015 O_3 NAAQS implementation rule, which specifies nonattainment area SIP requirements. This final rule, referred to as the 2015 O_3 SIP Requirements Rule ("2015 O_3 SRR"), is largely an update to the previous implementing regulations promulgated for the 2008 O_3 NAAQS, and does not contain significant revisions from that previous rule.

The 2015 O_3 SRR addresses a range of nonattainment area SIP requirements New Mexico must meet for implementation of the 2015 O_3 NAAQS, including transportation conformity, nonattainment new source review ("NNSR"), emissions inventories, and emissions statement deadlines for SIP submissions and compliance with emission control measures in the SIP.

Pursuant to the 2015 O_3 SRR, NMED submitted a baseline Emissions Inventory and Emissions Statement to EPA by the specified deadline of August 3, 2020. For more information see /air-quality/dona-ana-2/

As part of the effort to comply with the 2015 O_3 SRR, the AQB analyzed Part 79 to determine if it was adequate to implement and enforce the standard. The AQB compared Part 79 with 40 CFR 51.165, *Permit Requirements*, and identified cross-reference inconsistencies and typographical errors that are addressed in the proposed revision.

Documents related to the proposed draft amendments to Part 79 are provided below.

All comments must be received by 5:00 PM MDT on May 21, 2021 in order for NMED to include a response in the hearing record. Anyone may present technical testimony, non-technical testimony or provide written or oral comments at the hearing. Please see the public hearing notice below for detailed instructions for participation.

Stakeholder Review Draft – 20.2.79 NMAC

NMED Exhibit 26_000005

Summary of Proposed Amendments and Rationale
Petition for Regulatory Change – 20.2.79.NMAC – Hearing No. EIB 21-07(R)
Sunland Park Nonattainment Area-Public Involvement Plan (PIP)
Sunland Park Nonattainment Area-Limited English Proficiency (LEP) Services Evaluation
Notice of Virtual Rulemaking Hearing for Proposed Amendments to 20.2.79 NMAC on June 25, 2021
Aviso de Audiencia de Reglamentacion por Internet para Considerar Propuesta de Enmendas a 20.2.79 NMAC el 25 de junio de 2021
Notice of Intent to Present Technical Testimony

- NMED Exhibit 1 – Petition for Regulatory Change; Attachment 1 – Statement of Reasons; and Attachment 2 – Proposed Amendments to 20.2.79
- NMED Exhibit 2 – Direct Testimony – Neal Butt
- NMED Exhibit 3 – Resumes
- NMED Exhibit 4 – Stakeholder Outreach Documentation
- NMED Exhibit 5 – Summary of Proposed Changes to 20.2.79 NMAC with rationale for each change
- NMED Exhibit 6 – Public Notice
- NMED Exhibit 7 – State Records Center formatting revisions to 20.2.79 NMAC Public Review Draft
- NMED Exhibit 8 – Small Business Regulatory Relief Act Letter
- NMED Exhibit 9a – Federal Register Notice: 2015 Ozone NAAQS 80 FR 65292, October 26, 2015
- NMED Exhibit 9b – Federal Register Notice: Nonattainment Area designation 83 FR 25820, June 4, 2018
- NMED Exhibit 9c – Federal Register Notice: 2015 ozone NAAQS implementation rule 83 FR 62998, December 6, 2018MED Ex 9c 2015 SIP Requirements Rule 83 FR 62998 12-6-18
- NMED Exhibit 10 – Proposed Order and Statement of Reasons
- NMED Exhibit 11 – Stakeholder Comment from WEG and response from NMED

Please contact Neal Butt at (505) 629-2972 or neal.butt@state.nm.us if you have questions or comments concerning the proposed amendments.

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Petroleum Processing Facility Regulation Repeal (20.2.37 NMAC)

At a public hearing held August 12, 2016, the Environmental Improvement Board unanimously approved the repeal of 20.2.37 NMAC. Part 37 was adopted in 1974
and specifies emissions limits and other operating requirements for existing (constructed prior to July 1, 1974) and new petroleum refineries and natural gas processing facilities. This rule regulates emissions from several processes associated with petroleum processing facilities and has not been substantially revised since 1984. The rule was identified in the November 2012 Improving Environmental Permitting Report for potential revision or repeal. The Air Quality Bureau has conducted a thorough analysis of the rule as well as other similar federal rules that apply to this industry, and has concluded that the rule can be repealed without a relaxation of emissions controls or an adverse effect on air quality

Part 37 Notice of Intent EIB 16-02(R)
Public Notice (Part 37 EIB Hearing – English Notice and Part 37 EIB Hearing – Spanish Notice)
Part 37 Signed Statement of Reasons
Part 37 Notice of Intent EIB 16-02(R)
Please contact Mark Jones at mark.jones@state.nm.us or at (505) 566-9746 for additional information.

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Revisions to the New Mexico State Implementation Plan Regarding Startup, Shutdown and Malfunctions

A public hearing, held September 9, 2016, approved revisions to the State Implementation Plan (SIP) for New Mexico. The SIP revisions are in response to a final action issued by the U.S. Environmental Protection Agency (EPA). On June 12, 2015, the EPA published its final action to ensure states have plans in place that are fully consistent with the Clean Air Act and recent court decisions concerning startup, shutdown and malfunction (SSM) operations.

In response to this final action, the New Mexico Environment Department Air Quality Bureau proposed revisions to the State Implementation Plan (SIP). These SIP revisions entail removing applicable sections of 20.2.7 NMAC – Excess Emissions during Malfunction, Startup, Shutdown, or Scheduled Maintenance from the SIP. The proposal was unanimously approved by the Environmental Improvement Board on September 9, 2016.

Part 7 Proposed Revisions – Excess Emissions
Part 7 EIB Hearing – English Notice
Part 7 EIB Hearing – Spanish Notice
Signed Order – EIB Hearing 16-03 (R)
SOR 16-03(R)
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SO_2 Data Requirements Rule (SO_2 DRR) – Implementation of the 2010 1-hour Sulfur Dioxide Primary National Ambient Air Quality Standard

The U.S. EPA requires each State to supply information regarding sources that emit greater than 2,000 tons per year of sulfur dioxide in order to determine compliance with the 2010 1-hour primary standard. The schedule of required information includes:

January 15, 2016 – List of Sources – Sulfur dioxide states include for applicability to the Data Requirements Rule
July 1, 2016 – Approach – Air Quality Characterization – Sulfur dioxide (modeling or monitoring) for determining whether the source does or does not violate the standard
December 2016 – Revised Protocol
January 1, 2017 – Installation of monitors (if monitoring is the approach chosen)
January 13, 2017 – Final Modeling (actual emissions)
August 2017 – EPA SO_2 Disagreements Document

December 20, 2017 – EPA Attainment Designation for New Mexico (Round 3)
The Round 4 2010 SO_2 NAAQS Designations action was signed by the EPA Administrator, Andrew Wheeler, on December 21, 2020, pursuant to a court-ordered deadline of December 31, 2020. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, Acting Administrator Jane Nishida re-signed the same action on March 10, 2021 for publication in the *Federal Register*. Attainment/nonattainment designations for New Mexico were completed in December 2017. For more information on the 2010 SO_2 NAAQS and the Round 3 area designations, visit EPA's Round 3 2010 SO_2 NAAQS Designations webpage.

In accordance with the ongoing requirements in the federal rule, NMED must submit annual reports of the San Juan Generating Station's SO_2 emissions by July 1st of each year following designation. The purpose of this report is to analyze whether or not new modeling is required for areas that employed modeling of actual emissions for characterization. The fourth annual report for San Juan Generating Station (SJGS) is now available for review and public comment before submission to EPA. The report shows that SO_2 emissions continue to decrease from the modeling years of 2013-2015. 2018 emissions decreased significantly because two units were shut down in December 2017. The 2020 one-hour average and the one-hour maximum SO2 emissions showed decreases over the 2019 emissions. The three-year average for 2018-2020 showed decreased emissions when compared to the modeled three-year average for 2013-2015. Also, the annual maxima for 2018-2020 as well as the 99th percentile of 1-hour maxima for 2018-2020 significantly decreased from the modeled years of 2013-2015. Therefore, NMED recommends that new modeling should not be required at this time.

Draft 2022 Annual Report, SO2 Emissions for San Juan Generating Station – 5/6/2022
Draft 2021 Annual Report SO_2 DRR Report – SO_2 Emissions for SJGS – 5/11/2021
Public Involvement Plan for SJGS SO_2 Report – 5/15/2020
Notice of Availability Report Availability – 5/11/2021
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Title V update (20.2.70 NMAC) to remove emergency provisions and update applicable requirements

EPA required emergency provisions to be removed from the Title V operating program. During this update, NMED also aligned "applicable requirements" more closely with the EPA language for these requirements.

2025-08-20-EIB-25-10-Final-Order-and-SOR-pj.pdf documents the EIB's final order and statement of reasons for the proposed repeal and replacement of 20.2.70 NMAC.
2025-08-17_EPD_AQB_-_EPA_Transmittal_Letter_TV_Program_Revision.pdf is a transmittal letter to EPA notifying that EIB has adopted amendments to 20.2.70 NMAC, Operating Permits, and that AQB is requesting a revision to its Title V Program.
07-18-2025-PROPOSED-REPEAL-OF-20.2.70-NMAC_cond_N_CERTIFIED-TRANSCRIPT-blue.pdf certified transcript of the EIB hearing No. 25-10 (R).
2025-6-27-EIB-25-10-Entry-of-Appearance-pj.pdf documents proof of entry of appearance by Jeremy Nichols representing the Center for Biological Diversity.
2025-06-18-EIB-25-10-HO-Appt-pj.pdf documents the EIB hearing schedule on petition and hearing officer appointment.
2025-06-11-EIB-25-10-R-Maxwell-EOA-pj.pdf documents proof of entry of appearance by Nicholas Maxwell.
20.2.70-new-rule.pdf documents the NMAC transmittal form to the New Mexico State Records Center regarding the proposed new rule for 20.2.70 NMAC.
20.2.70-repeal.pdf documents the NMAC transmittal form to the New Mexico State Records Center regarding the repeal and replacement of 20.2.70 NMAC.
NMED NOI to Present Technical Testimony documents the notice of intent before EIB to repeal and replace 20.2.70 NMAC – Operating permits and Title V program revision.
NMED Petition to Repeal and Replace 20.2.70 NMAC documents the petition filed before EIB to repeal and replace 20.2.70 NMAC – Operating permits and Title V program revision.
70.2.70 NMAC Stakeholder Review Draft identifies the proposed changes to 20.2.70 NMAC.
English Notice of Proposed Rulemaking 20.2.70 NMAC Operating Permits provides legal ads in English
Spanish Notice of Proposed Rulemaking 20.2.70 NMAC Operating Permits provides legal ads in Spanish
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Total Suspended Particulate NM Ambient Air Quality Standard Repeal

The Improving Environmental Permitting Initial Report recommended that the Air Quality Bureau consider the NM Ambient Air Quality Standards (NMAAQS) for Total Suspended Particulate (TSP) for repeal.

The NM standards were adopted in 1969, prior to the adoption of the National Ambient Air Quality Standards (NAAQS) in 1971. The U.S. Environmental Protection Agency (EPA) revised its standards in 1987, replacing TSP with particulate matter less than 10 microns (PM_{10}). The NM TSP standards were retained, to protect the public from soiling and nuisance effects of larger particulates (dust).

The Air Quality Bureau studied the issue and determined that a repeal of the TSP standards will not cause a deterioration in air quality; the current federal air quality standards for PM_{10} and $PM_{2.5}$ are protective of public health. A repeal also eased the permitting burden for regulated sources and the Air Quality Bureau. A hearing was scheduled for September 28, 2018 in Las Cruces.

Public Notice of Rulemaking Hearing: Repeal of TSP Standard (English and Spanish)
In part to address soiling and nuisance effects of windblown dust, the Air Quality Bureau developed a dust mitigation plan and associated fugitive dust rule that applies in areas that are in danger of violating the PM_{10} NAAQS. (See *"Dust Mitigation Plan and Fugitive Dust Rule"* above.)

On September 28, 2018, the Environmental Improvement Board (EIB) held a public hearing in Las Cruces, NM to consider the proposed repeal of the NM Ambient Air Quality Standard for TSP contained in Section 109 of 20.2.3 NMAC. The EIB unanimously approved the proposal at its October 26, 2018 meeting in Santa Fe. The effective date of the repealed standard was November 30, 2018.

The "Notice if Intent for 18-04 (R)" includes written testimony, proposed rule amendments, a noninterference demonstration under CAA 110(l), and copies of public notices and affidavits of publication.

Notice of Intent for EIB Hearing 18-04 (R)
EIB Hearing 18-04 Transcript
EIB 18-04 Deliberations Transcript
Final Order/SOR/NMAC Transmittal – TSP Repeal

Governor's Designee Letter – TSP Repeal
84 FR 49057 2015 O3 TSP Approval
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Recent EPA Approvals of Regulatory Changes and Plans

The following are links to recently approved regulatory changes or plans. To view all EPA approvals related to the State Implementation Plan, please visit the electronic code of federal regulations.

NM Regulations:

Part 1 (effective September 22, 2015) 80 FR 43964
Part 2 (effective March 27, 2015) 80 FR 3884
Part 12 Repeal (effective July 13, 2015) 80 FR 33191
Part 20 Repeal (effective October 21, 2020) 85 FR 59194
Part 79 (effective December 16, 2022) EPA Approval of NM Ozone SIP 2022 (87 FR 68632)
Part 98 Repeal (effective July 20, 2015) 80 FR 34835
Part 99 (effective July 20, 2015) 80 FR 34835
Other:

Infrastructure for the 2015 Ozone National Ambient Air Quality Standards and Repeal of State Regulations for Total Suspended Particulate (effective October 18, 2019) 84 FR 49057 2015 O3 TSP Approval
FR – MSW Landfill 11 Sept 2019
Infrastructure and Transport for 2008 lead (Pb) NAAQS (effective July 13, 2015) 80 FR 33191
Infrastructure for the 2008 ozone NAAQS (effective July 24, 2015) 80 FR 36246, to include: Good Neighbor SIP for the 2008 ozone NAAQS (effective June 3, 2020) 85 FR 26361
Infrastructure for the 2010 NO2 NAAQS (effective July 24, 2015) 80 FR 36246

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Infrastructure and transport for 2012 Fine Particulate Matter ($PM_{2.5}$) NAAQS [illegible] (N/A Action begins on [illegible])

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NMED Exhibit 26_000008

Proposed Air Quality Regulations and Plans

Page Contents

The menu below provides rapid access to the latest information and updates on existing, proposed, new, and amended air quality regulations and New Mexico State Implementation Plan (SIP) additions and amendments. Please check this webpage periodically for updates.

Existing Regulations and Guidance

Compliance and Enforcement contains guidance on compliance with excess emissions reporting and ozone precursor rule (20.2.50 NMAC) requirements.
Regulations provides the existing air quality and environmental regulations.
Permitting Home Page contains information on policies and procedures for air quality permitting.

Proposed Changes to Air Quality Regulations and Plans

Proposed Changes to Emissions and Permit Fee Regulations (20.2.71 NMAC and 20.2.75 NMAC)
Proposed Incorporation by Reference of Federal NSPS, NESHAP and MACT Rules
Regional Haze Round 2 SIP and companion rule

Approved Changes to Air Quality Regulations and Plans

Carbon dioxide emission standards for coal-fired electric generating facilities
Dust Mitigation Plan/Fugitive Dust Rule
Good Neighbor SIP Certification for 2010 Nitrogen Dioxide NAAQS
Good Neighbor SIP Certification for 2015 Ozone NAAQS
Incorporation by Reference for NSPS, NESHAP & MACT Rules
Infrastructure SIP Certification for 2015 Ozone NAAQS
Motor Vehicle Emission Standards for New Vehicles (20.2.91 NMAC)
Municipal Solid Waste Landfills-NSPS & Emission Guidelines
Negative Declarations
Nonattainment Area Permit Amendments (20.2.79 NMAC)
Petroleum Processing Facility Regulation Repeal (20.2.37 NMAC)
Revisions to SIP for Startup, Shutdown & Maintenance
SO_2 Data Requirements Rule
Title V update (20.2.70 NMAC) to remove emergency provisions and update applicable requirements
Total Suspended Particulate Air Quality Standard Repeal
Recent EPA Approvals of Regulatory Changes and Plans

Current Proposed Changes to Air Quality Regulations and Plans

The following are summaries of proposed new air quality regulations and proposed amendments to existing regulations and the New Mexico State Implementation Plan (SIP). [return to top of page]

Proposed Changes to Emissions and Permit Fee Regulations (20.2.71 NMAC and 20.2.75 NMAC)

The New Mexico Environment Department (NMED) announces a new rulemaking to repeal and replace regulations setting emissions fees and permit fees for regulated sources of air pollutants. On December 3, 2025, NMED petitioned the Environmental Improvement Board (EIB) to repeal and replace 20.2.71 NMAC, *Operating Permit Emissions Fees*, and 20.2.75 NMAC, *Construction Permit Fees*. The New Mexico Air Quality Control Act and the federal Clean Air Act require that NMED collect sufficient emissions and permits fees to cover the reasonable costs of NMED's Title V Permit Program and Construction Permit Program. NMED initiated this rulemaking to increase fees for both the Title V and Construction Permit Programs after determining the current fee structures are inadequate to sufficiently fund the direct and indirect operating costs of these programs. Replacing 20.2.71 NMAC and 20.2.75 NMAC is essential if NMED is to continue effectively implementing these mission critical programs.

Copies of the petition and accompanying exhibits, which include the proposed replacement rules, are provided below and are also available on NMED's docketed matters website at https://www.env.nm.gov/opf/docketed-matters/. To locate the documents, click on "Environmental Improvement Board" to display the list of matters before the Board, then click on "EIB 25-77 (R): In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees" to display the list of documents filed in conjunction with this matter. Copies can also be obtained by contacting Eric Peters, Control Strategies Manager, at eric.peters@env.nm.gov or (505) 629-5299, or at any of NMED's offices statewide.

Petition to Repeal and Replace 20.2.71 NMAC and 20.2.75 NMAC (EIB 25-77)
Statement of Reasons
Operating permit clean copy of proposal (20.2.71 NMAC)
Construction permit clean copy of proposal (20.2.75 NMAC)

NMED Exhibit 27_000001

Operating permit, current rule 20.2.71 NMAC with redline changes

Construction permit, current Rule 20.2.75 NMAC with redline changes

The EIB has scheduled a hearing in this matter beginning on March 23, 2026, and continuing through March 25, 2026, or as long as required to hear all testimony, evidence, and public comment. More information about the hearing, including how the public can participate by providing testimony or public comment, is provided in the EIB's public notice.

Public Notice – English

Aviso de Audiencia – Español

Public Engagement Opportunities (Updated January 20, 2026)
Upcoming Public Engagement:

NMED will hold virtual "office hours" on January 22, 2026, from 6-8 p.m. to provide interested persons an additional opportunity to ask questions or provide feedback on the proposed rules. Members of the public who were unable to attend the previous meeting (January 15, 2026) are encouraged to view the slides, watch the recording, and bring any questions or comments they may have. (There will be no slideshow presentation during the upcoming meeting, just question and answer opportunities and comment opportunities). Information about how to join the upcoming meeting online or by phone is now available on the NMED events calendar and is also provided below.

January 22, 2026 NMED Permit Fee Update Workshop (6 to 8 p.m. Mountain Standard Time) links to the online "office hours" meeting about the proposed fee updates.

To join by phone: +1-415-665-0001

Meeting number (access code): 2864 946 0710

Meeting password: TQuZMpfV735

If you require language interpretation services or have a disability and need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in either of these meetings, contact Eric Peters as soon as possible at eric.peters@env.nm.gov or (505) 629-5299. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice). For assistance joining either meeting online or by phone, contact Julianna Montoya at julianna.montoya@env.nm.gov or (505) 479-2910.

NMED is also accepting written comments on the proposed rules via its online public comment portal at https://nmed.commentinput.com/?id=dM4UeKV73. Comments will be accepted for at least 30 days after notice of the proposed rulemaking is published in the New Mexico Register.

Past Public Engagement Meeting:

NMED held a virtual public informational meeting on January 15, 2026, from 4-6 p.m. regarding its proposed changes to 20.2.71 NMAC and 20.2.75 NMAC. Department staff provided an overview of the proposed changes to both rules, and replied to questions from stakeholders and the general public. Meeting slides and recording links are provided below:

Public Informational Meeting on Updates to Air Quality Emissions and Permit Fees slide deck contains the presentation slides from the January 15 meeting.

Meeting Recording YouTube Link (Posted 1-16-26)

Previous Updates:
Fees Hearing Petition (Updated December 22, 2025)
At its regular meeting on December 19, 2025, the EIB scheduled a public hearing to consider repealing and replacing 20.2.71 NMAC and 20.2.75 NMAC. The hearing will begin on March 23, 2026, at 9:00 a.m., continuing through March 25, 2026, or as long as required to hear all testimony, evidence, and public comment. The EIB is expected to issue an order soon setting the hearing, appointing a hearing officer, and establishing certain pre-hearing deadlines. The order will be available in the docket for this matter once it has been issued. Instructions for accessing the docket are provided above. A link to the recording of the December 19, 2025, EIB meeting is provided below.

Environmental Improvement Board Monthly Meeting: December 19, 2025 is the recording of NMED's petition to the EIB for a hearing for the proposed updates to fees.

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Proposed Incorporation by Reference of Federal NSPS, NESHAP and MACT Rules

NMED proposes the incorporation into the New Mexico Administrative Code (NMAC) several new or revised federal rules promulgated under 40 CFR Parts 60, 61 and 63 for which New Mexico has been delegated enforcement authority: Standards of Performance for New Stationary Sources; National Emission Standards for Hazardous Air Pollutants; and Maximum Achievable Control Technology for Hazardous Air Pollutants for Source Categories, respectively. These new or revised federal rules would be incorporated by reference into 20.2.77 NMAC – New Source Performance Standards (NSPS); 20.2.78 NMAC – Emission Standards for Hazardous Air Pollutants (NESHAP); and 20.2.82 NMAC – Maximum Achievable Control Technology for Source Categories of Hazardous Air Pollutants (MACT). The Department also requests that the Environmental Improvement Board remove the end date of incorporation in 20.2.77 and 20.2.78 NMAC to implement and enforce all previously adopted and all future NSPS and NESHAP requirements.

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Recently Approved Changes to Air Quality Regulations and Plans

The following are summaries of recently approved changes to New Mexico air quality regulations and the New Mexico State Implementation Plan. These changes were approved by either the Environmental Improvement Board or U.S. EPA within the last two years. Please check this webpage periodically for updates.

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Carbon dioxide emission standards for coal-fired electric generating facilities

The New Mexico Environmental Department (NMED) announces a new rulemaking to develop emission standards for new and existing electric generating facilities, 20.2.101 NMAC, Carbon Dioxide Emission Standards for Coal-Fired Electric Generating Facilities.

During the 2019 legislative session, Senate Bill 489 introduced the Energy Transition Act (ETA), which was later signed into law by Governor Michelle Lujan Grisham. The ETA sets statewide renewable energy standards and establishes a pathway for a low-carbon energy transition away from coal. The

ETA requires the Environmental Improvement Board (EIB) to promulgate a rule that limits carbon dioxide emissions from certain electric generating facilities under their jurisdiction to 1,100 pounds per megawatt-hour on or after January 1, 2023. The EIB's jurisdiction does not include Bernalillo County or Tribal lands.

The New Mexico Environmental Improvement Board will hold a public hearing on October 26, 2022, to consider the NMED's proposed new rulemaking targeting carbon dioxide emissions from coal-fired electric generating facilities.

This webpage provides information regarding the rulemaking hearing and key documents. Please visit the Environmental Improvement Board website for further hearing information.

20.2.101 NMAC draft rule contains the proposed regulatory language.
Energy transition Act Document describes the basis for the new rulemaking.
AQB Overview and Rulemaking describes the AQB and its approach to making rules.
Environmental Groups' Comment document compiles comments received on initial proposals.
Notice of rulemaking hearing to consider adoption of proposed 20.2.101 NMAC – carbon dioxide emission standards for coal-fired electric generating facilities, EIB 22-28 (R)
Aviso de audiencia de reglamentación para considerar la adopción de la propuesta 20.2.101 NMAC – normas de emisiones de dióxido de carbono para instalaciones generadoras de electricidad a base de carbón, EIB 22-28 (R)
Energy Transition Act presentation September 1, 2022.
20.2.101 NMAC Carbon Dioxide Emission Standards for Coal-Fired Electic Generating Facilities, Filed Rule.
20.2.101 NMAC, Carbon Dioxide Emission Standards for Coal-Fired Electic Generating Facilities, Filed Transmittal Form.
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Dust Mitigation Plan and Fugitive Dust Rule

On September 16, 2016, the Administrator for the U.S. Environmental Protection Agency (EPA) signed revisions to the Exceptional Events Rule with the final rule published in the Federal Register on October 3, 2016. The federal Clean Air Act (Section 319(b)(3)(A)) identifies five guiding principles for developing implementing regulations of exceptional events:

Protection of public health is the highest priority;
All ambient air quality data should be included in a timely manner in an appropriate federal air quality database that is accessible to the public;
Timely information should be provided to the public in any case in which the air quality is unhealthy;
Each state must take necessary measures to safeguard public health regardless of the source of the air pollution; and
Air quality data should be carefully screened to ensure that events not likely to recur are represented accurately in all monitoring data and analyses.
Section V of the preamble to the final rule (81 FR 68270) addresses mitigation and requires the development of mitigation plans in areas with "historically documented" or "known seasonal" exceptional events. These events must be of the same type and pollutant (i.e., high wind dust/PM10) and recur annually or seasonally. Doña Ana and Luna Counties in southern New Mexico were identified by EPA as areas required to be covered by mitigation plans. NMED developed a single mitigation plan for the two counties and a copy may be found below.

Dust Mitigation Plan for Doña Ana and Luna Counties

NMED developed a fugitive dust rule in conjunction with the mitigation plan to detail mandatory measures to abate certain controllable sources in Doña Ana and Luna Counties. A public hearing was held on September 28, 2018 in Las Cruces and the board adopted the rule on October 26, 2018. Copies of the final rule, hearing transcripts and statement of reasons to adopt the rule are provided below.

20.2.23 NMAC, *Fugitive Dust Control*, (Applicable in Doña Ana and Luna Counties only)
Hearing Transcript
Deliberations Transcript
Transmittal Form and Statement of Reasons to Adopt
For questions related to the dust mitigation plan or fugitive dust rule, please contact Armando Paz at (575) 629-3242 or armando.paz@state.nm.us. To stay up to date on the progress of this regulatory action, please visit our website, www.env.nm.gov/air-quality/ and sign up for the Regulatory and SIP or Border Air Quality listserv bulletins.

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Good Neighbor State Implementation Plan Certification for the 2010 Nitrogen Dioxide National Ambient Air Quality Standard

The New Mexico Environment Department (NMED) announces an opportunity to comment on and request a public hearing on New Mexico's proposed Good Neighbor State Implementation Plan (SIP) Certification for the 2010 Nitrogen Dioxide National Ambient Air Quality Standard (NAAQS). The proposed Good Neighbor SIP Certification addresses Clean Air Act (CAA) Section 110(a)(2)(D)(i)(I), to confirm to the U.S. Environmental Protection Agency (EPA) that the State of New Mexico has the required "infrastructure" to implement, maintain, and enforce the 2010 Nitrogen Dioxide NAAQS and fulfills its "good neighbor" obligations under the CAA.

All comments or requests for a public hearing must be received by May 17, 2021.* If a request for a public hearing is received during the 30-day public comment period, a hearing date, time and location will be announced at a later date.

Proposed NO_2 Good Neighbor SIP
Public Comment and Hearing Notice
Aviso de Oportunidad de Audencia Pública y Comentarios Certificación de Infraestrutura Propuesta para el Estándar Nacional de Calidad del Aire Ambiental de Nuevo México para el Dióxido de Nitrógeno 2010
EPA approval of NO_2 Transport, Good Neighbor, SIP
*The revised public comment closing date is May 17, 2021, not May 15, 2021 as published in the Albuquerque Journal.

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Good Neighbor State Implementation Plan Certification for the 2015 Ozone National Ambient Air Quality Standard

The New Mexico Environment Department (NMED) announced a public hearing on New Mexico's proposed Good Neighbor State Implementation Plan (SIP) Certification for the 2015 ozone National Ambient Air Quality Standard (NAAQS). The purpose of the hearing was to consider the matter of EIB 21-05 to certify that New Mexico has an adequate, federally-approved SIP that addresses CAA Section 110(a)(2)(D)(i) regarding interstate transport of air pollution in this submittal. The proposed certification confirmed to the U.S. Environmental Protection Agency ("EPA") that the State of New Mexico has the required "infrastructure" in place under the current SIP to implement, maintain, and enforce the revised 2015 Ozone NAAQS and fulfills its "good neighbor" obligations under the CAA.

Proposed Good Neighbor SIP
Limited English Proficiency/Public Involvement Plan
Public Comment and Hearing Notice – English
Public Comment and Hearing Notice – Spanish
2015 Ozone NAAQS Infrastructure SIP
EPA Approval
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Incorporation by Reference of federal NSPS, NESHAP and MACT rules

A public hearing was held November 17, 2023 where the Environmental Improvement Board unanimously approved amendments to the dates of incorporation by reference contained in 20.2.77 NMAC (New Source Performance Standards), 20.2.78 NMAC (Emission Standards for Hazardous Air Pollutants), and 20.2.82 NMAC (Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants). The previous update for Parts 77, 78 and 82 was January 15, 2017. Since the most recent date of incorporation, there have been 119 changes to various federal New Source Performance Standards, Emission Standards for Hazardous Air Pollutants, and Maximum Achievable Control Technology Standards. Adoption of the incorporation by reference amendments changes the "through date" in Parts 77, 78 and 82 that reference the final rulings made at the federal level through June 28, 2023.

New Mexico Environmental Improvement Board Notice of Rulemaking Hearing_on 2023-11-17 is the announcement for the incorporation by reference rule.
Junta de Mejora Ambiental de Nuevo México Aviso de Audiencia de Reglamentación is the Spanish version of the announcement for the incorporation by reference rule.
Notice of Public Meeting NM EIB 2023-11-17 is the meeting notice that includes the links to join the meeting online.
Notice of Intent 23-52(R) is the NMED notice of intent to present technical testimony for the incorporation by reference rule.
Exhibit 16, Sunshine Portal public notice is a copy of the public notice posted on the official government transparency portal of new Mexico.
Exhibit 17, Field Office public notice documentation is documentation of the request to post public notices at NMED field offices.
New Mexico State Records Center and Archive filing of NMAC sections 20.2.77, 78, and 82.
EIB Final Order and Statement of Reasons for EIB 23-52
Please contact Armando Paz at **armando.paz@env.nm.gov** or at (505) 629-5025 for additional information.

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Infrastructure State Implementation Plan Certification for the 2015 Ozone National Ambient Air Quality Standard

The New Mexico Environment Department (NMED) submitted New Mexico's proposed Infrastructure State Implementation Plan (iSIP) Certification for the 2015 ozone National Ambient Air Quality Standard (NAAQS) to the EPA on November 16, 2018. The iSIP certification addresses elements of a Clean Air Act (CAA) Section 110(a)(2), to confirm to the EPA that the State of New Mexico has the required "infrastructure" to implement, maintain, and enforce the 2015 ozone NAAQS, promulgated on October 1, 2015 (80 FR 65291, October 26, 2015).

This certification does not address CAA Section 110(a)(2)(D)(i)(I), which prohibits emissions from New Mexico that significantly contribute to nonattainment or interfere with maintenance of a NAAQS in a downwind state. This section is often referred to as the "Good Neighbor Provision" and will be addressed in a future submission to EPA.

NM's 2015 Ozone NAAQS iSIP
84 FR 49057 2015 O3 TSP Approval
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Municipal Solid Waste Landfills – New Source Performance Standards and Emission Guidelines

In August 2016, EPA issued revised standards for both new and existing municipal solid waste landfills (MSWLs). The New Source Performance Standards at 40 CFR 60 Subpart XXX apply to landfills constructed or modified after July 17, 2014. The Emission Guidelines at 40 CFR 60 Subpart Cf apply to landfills constructed or modified on or prior to this date. Both of these federal rules aim to reduce landfill gas emissions. The New Source Performance Standard were incorporated by reference into the New Mexico Administrative Code (NMAC) on April 28, 2017.

Subpart Cf, promulgated under Section 111(d) of the Clean Air Act, requires that states, tribes and local authorities with jurisdiction over existing landfills develop a plan to implement the emission guidelines. One aspect of that state plan, for New Mexico, is the amendment of 20.2.64 NMAC – *Municipal Solid Waste Landfills* (Part 64).

On April 28, 2017, the Environmental Improvement Board unanimously approved the adoption of the State Plan implementing the emission guidelines and the repeal and replacement of Part 64.

Public Notice in English and Spanish
Petition for Hearing EIB 16-06 (R)
Original Plan Hearing Record (1996)
Notice of Intent to present technical testimony – filed 4/7/17
Exhibits 1-3: Witness resumes
Exhibit 4: Written testimony (Hollenberg)
Exhibits 5 and 11: Proposed State Plan
Exhibits 6 , 9 and 10: Proposed Part 64 Revisions

Exhibits 7 and 8: Subpart Cf and Guidance Doc excerpts
Exhibit 12: EPA Letter re Increments of Progress
Exhibits 13 and 15 – 23: NMED Outreach Efforts
Exhibits 14, 25 and 26: Industry comments and NMED response
Exhibits 24 and 27: Small Business RAC letter and response
Exhibit 28: Proposed Order and Statement of Reasons
EIB 16-06 (R) Order and Statement of Reasons 05022017
FR – MSW Landfill 11 Sept 2019

NMED submitted the approved State Plan implementing the Emission Guidelines in early May, 2017. On May 31, 2017, the EPA issued a 90-day stay on both the NSPS and EGs. This 90-day stay expired on August 29, 2017. Therefore, the 2016 federal rules are currently in effect. However, EPA is reconsidering several issues in these final rules. EPA does "not plan to prioritize" the review of submitted state plans and issuance of a Federal Plan for states that failed to submit a state plan. For more information on these rules and rule history, visit EPA's web page for landfills.

Please contact Neal Butt at (505) 629-2972 or neal.butt@state.nm.us if you have questions or comments concerning the State Plan development. For questions regarding implementation of the emission guidelines, contact EPA Region 6 (Boyce.Kenneth@epa.gov).

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Negative Declarations

Negative Declarations may be submitted to the U.S. EPA when Emissions Guidelines are finalized for existing sources. Emissions Guidelines require States, Tribes and Local Agencies to develop plans to implement the guidelines (rules) for sources within their jurisdictions that meet the applicability criteria. When a State, Tribe or Local Agency does not have an applicable source covered by the rule, a letter to U.S. EPA stating such may be submitted in lieu of an implementing plan. This is termed a "Negative Declaration."

On June 27, 2018, NMED submitted a Negative Declaration, which was clarified and reaffirmed in a June 15, 2020 Negative Declarationfor Commercial/Industrial Solid Waste Incinerators (CISWI) to EPA. (effective December 16, 2020) 85 FR 72967
On February 11, 2014, NMED submitted a Negative Declaration for Hospital Medical Infectious Waste Incinerators (HMIWI) to EPA. (effective April 1, 2021) 86 FR 12109
On October 11, 2007, NMED submitted a Negative Declaration, which was clarified and reaffirmed in a June 15, 2020 Negative Declaration, for Other Solid Waste Incinerators (OSWI) to EPA. (effective May 5, 2021) 86 FR 17543.
Please contact Neal Butt at (505) 629-2972 or neal.butt@state.nm.us if you have questions or comments concerning Negative Declarations.

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Nonattainment Area Permit Amendments (20.2.79 NMAC)

The Air Quality Bureau (AQB) of the New Mexico Environment Department (Department) intends to propose to the Environmental Improvement Board (EIB), amendments to 20.2.79 NMAC, *Permits – Nonattainment Areas* ("Part 79"), to make technical and administrative corrections to the rule. Part 79 specifies permitting requirements for any new major stationary source or major modification of an existing source located within a designated nonattainment area; or located within an area designated attainment or unclassifiable and will emit a regulated pollutant that significantly impacts a nonattainment area for the same pollutant.

The U.S. Environmental Protection Agency (EPA) designated a part of Doña Ana County near the Sunland Park area as a marginal nonattainment area for the 2015 ozone National Ambient Air Quality Standard ("2015 O_3 NAAQS") on August 3, 2018, requiring the AQB to develop a State Implementation Plan ("SIP") revision that includes a nonattainment permitting rule (i.e., Part 79) and submit it to EPA by August 3, 2021.

In December 2018, EPA promulgated the 2015 O_3 NAAQS implementation rule, which specifies nonattainment area SIP requirements. This final rule, referred to as the 2015 O_3 SIP Requirements Rule ("2015 O_3 SRR"), is largely an update to the previous implementing regulations promulgated for the 2008 O_3 NAAQS, and does not contain significant revisions from that previous rule.

The 2015 O_3 SRR addresses a range of nonattainment area SIP requirements New Mexico must meet for implementation of the 2015 O_3 NAAQS, including transportation conformity, nonattainment new source review ("NNSR"), emissions inventories, and emissions statement deadlines for SIP submissions and compliance with emission control measures in the SIP.

Pursuant to the 2015 O_3 SRR, NMED submitted a baseline Emissions Inventory and Emissions Statement to EPA by the specified deadline of August 3, 2020. For more information see /air-quality/dona-ana-2/

As part of the effort to comply with the 2015 O_3 SRR, the AQB analyzed Part 79 to determine if it was adequate to implement and enforce the standard. The AQB compared Part 79 with 40 CFR 51.165, *Permit Requirements*, and identified cross-reference inconsistencies and typographical errors that are addressed in the proposed revision.

Documents related to the proposed draft amendments to Part 79 are provided below.

All comments must be received by 5:00 PM MDT on May 21, 2021 in order for NMED to include a response in the hearing record. Anyone may present technical testimony, non-technical testimony or provide written or oral comments at the hearing. Please see the public hearing notice below for detailed instructions for participation.

Stakeholder Review Draft – 20.2.79 NMAC
Summary of Proposed Amendments and Rationale
Petition for Regulatory Change – 20.2.79.NMAC – Hearing No. EIB 21-07(R)
Sunland Park Nonattainment Area-Public Involvement Plan (PIP)
Sunland Park Nonattainment Area-Limited English Proficiency (LEP) Services Evaluation
Notice of Virtual Rulemaking Hearing for Proposed Amendments to 20.2.79 NMAC on June 25, 2021
Aviso de Audiencia de Reglamentacion por Internet para Considerar Propuesta de Enmendas a 20.2.79 NMAC el 25 de junio de 2021
Notice of Intent to Present Technical Testimony
NMED Exhibit 1 – Petition for Regulatory Change; Attachment 1 – Statement of Reasons; and Attachment 2 – Proposed Amendments to 20.2.79

NMED Exhibit 2 – Direct Testimony – Neal Butt
NMED Exhibit 3 – Resumes
NMED Exhibit 4 – Stakeholder Outreach Documentation
NMED Exhibit 5 – Summary of Proposed Changes to 20.2.79 NMAC with rationale for each change
NMED Exhibit 6 – Public Notice
NMED Exhibit 7 – State Records Center formatting revisions to 20.2.79 NMAC Public Review Draft
NMED Exhibit 8 – Small Business Regulatory Relief Act Letter
NMED Exhibit 9a – Federal Register Notice: 2015 Ozone NAAQS 80 FR 65292, October 26, 2015
NMED Exhibit 9b – Federal Register Notice: Nonattainment Area designation 83 FR 25820, June 4, 2018
NMED Exhibit 9c – Federal Register Notice: 2015 ozone NAAQS implementation rule 83 FR 62998, December 6, 2018MED Ex 9c 2015 SIP Requirements Rule 83 FR 62998 12-6-18
NMED Exhibit 10 – Proposed Order and Statement of Reasons
NMED Exhibit 11 – Stakeholder Comment from WEG and response from NMED
Please contact Neal Butt at (505) 629-2972 or neal.butt@state.nm.us if you have questions or comments concerning the proposed amendments.

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Petroleum Processing Facility Regulation Repeal (20.2.37 NMAC)

At a public hearing held August 12, 2016, the Environmental Improvement Board unanimously approved the repeal of 20.2.37 NMAC. Part 37 was adopted in 1974
and specifies emissions limits and other operating requirements for existing (constructed prior to July 1, 1974) and new petroleum refineries and natural gas processing facilities. This rule regulates emissions from several processes associated with petroleum processing facilities and has not been substantially revised since 1984. The rule was identified in the November 2012 Improving Environmental Permitting Report for potential revision or repeal. The Air Quality Bureau has conducted a thorough analysis of the rule as well as other similar federal rules that apply to this industry, and has concluded that the rule can be repealed without a relaxation of emissions controls or an adverse effect on air quality

Part 37 Notice of Intent EIB 16-02(R)
Public Notice (Part 37 EIB Hearing – English Notice and Part 37 EIB Hearing – Spanish Notice)
Part 37 Signed Statement of Reasons
Part 37 Notice of Intent EIB 16-02(R)
Please contact Mark Jones at mark.jones@state.nm.us or at (505) 566-9746 for additional information.

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Revisions to the New Mexico State Implementation Plan Regarding Startup, Shutdown and Malfunctions

A public hearing, held September 9, 2016, approved revisions to the State Implementation Plan (SIP) for New Mexico. The SIP revisions are in response to a final action issued by the U.S. Environmental Protection Agency (EPA). On June 12, 2015, the EPA published its final action to ensure states have plans in place that are fully consistent with the Clean Air Act and recent court decisions concerning startup, shutdown and malfunction (SSM) operations.

In response to this final action, the New Mexico Environment Department Air Quality Bureau proposed revisions to the State Implementation Plan (SIP). These SIP revisions entail removing applicable sections of 20.2.7 NMAC – Excess Emissions during Malfunction, Startup, Shutdown, or Scheduled Maintenance from the SIP. The proposal was unanimously approved by the Environmental Improvement Board on September 9, 2016.

Part 7 Proposed Revisions – Excess Emissions
Part 7 EIB Hearing – English Notice
Part 7 EIB Hearing – Spanish Notice
Signed Order – EIB Hearing 16-03 (R)
SOR 16-03(R)
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SO_2 Data Requirements Rule (SO_2 DRR) – Implementation of the 2010 1-hour Sulfur Dioxide Primary National Ambient Air Quality Standard

The U.S. EPA requires each State to supply information regarding sources that emit greater than 2,000 tons per year of sulfur dioxide in order to determine compliance with the 2010 1-hour primary standard. The schedule of required information includes:

January 15, 2016 – List of Sources – Sulfur dioxide states include for applicability to the Data Requirements Rule
July 1, 2016 – Approach – Air Quality Characterization – Sulfur dioxide (modeling or monitoring) for determining whether the source does or does not violate the standard
December 2016 – Revised Protocol
January 1, 2017 – Installation of monitors (if monitoring is the approach chosen)
January 13, 2017 – Final Modeling (actual emissions)
August 2017 – EPA SO_2 Disagreements Document
December 20, 2017 – EPA Attainment Designation for New Mexico (Round 3)
The Round 4 2010 SO_2 NAAQS Designations action was signed by the EPA Administrator, Andrew Wheeler, on December 21, 2020, pursuant to a court-ordered deadline of December 31, 2020. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, Acting Administrator Jane Nishida re-signed the same action on March 10, 2021 for publication in the *Federal Register*. Attainment/nonattainment designations for New Mexico were completed in December 2017. For more information on the 2010 SO_2 NAAQS and the Round 3 area designations, visit EPA's Round 3 2010 SO_2 NAAQS Designations webpage.

In accordance with the ongoing requirements in the federal rule, NMED must submit annual reports of the San Juan Generating Station's SO_2 emissions by July 1st of each year following designation. The purpose of this report is to analyze whether or not new modeling is required for areas that employed modeling of actual emissions for characterization. The fourth annual report for San Juan Generating Station (SJGS) is now available for review and public comment before submission to EPA. The report shows that SO_2 emissions continue to decrease from the modeling years of 2013-2015. 2018 emissions decreased significantly because two units were shut down in December 2017. The 2020 one-hour average and the one-hour maximum SO2 emissions showed decreases over the 2019 emissions. The three-year average for 2018-2020 showed decreased emissions when compared to the modeled three-year average for 2013-2015. Also, the annual maxima for 2018-2020 as well as the 99th percentile of 1-hour maxima for 2018-2020 significantly decreased from the modeled years of 2013-2015. Therefore, NMED recommends that new modeling should not be required at this time.

Draft 2022 Annual Report, SO2 Emissions for San Juan Generating Station – 5/6/2022
Draft 2021 Annual Report SO_2 DRR Report – SO_2 Emissions for SJGS – 5/11/2021
Public Involvement Plan for SJGS SO_2 Report – 5/15/2020
Notice of Availability Report Availability – 5/11/2021
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Title V update (20.2.70 NMAC) to remove emergency provisions and update applicable requirements

EPA required emergency provisions to be removed from the Title V operating program. During this update, NMED also aligned "applicable requirements" more closely with the EPA language for these requirements.

2025-08-20-EIB-25-10-Final-Order-and-SOR-pj.pdf documents the EIB's final order and statement of reasons for the proposed repeal and replacement of 20.2.70 NMAC.
2025-08-17_EPD_AQB_-_EPA_Transmittal_Letter_TV_Program_Revision.pdf is a transmittal letter to EPA notifying that EIB has adopted amendments to 20.2.70 NMAC, Operating Permits, and that AQB is requesting a revision to its Title V Program.
07-18-2025-PROPOSED-REPEAL-OF-20.2.70-NMAC_cond_N_CERTIFIED-TRANSCRIPT-blue.pdf certified transcript of the EIB hearing No. 25-10 (R).
2025-6-27-EIB-25-10-Entry-of-Appearance-pj.pdf documents proof of entry of appearance by Jeremy Nichols representing the Center for Biological Diversity.
2025-06-18-EIB-25-10-HO-Appt-pj.pdf documents the EIB hearing schedule on petition and hearing officer appointment.
2025-06-11-EIB-25-10-R-Maxwell-EOA-pj.pdf documents proof of entry of appearance by Nicholas Maxwell.
20.2.70-new-rule.pdf documents the NMAC transmittal form to the New Mexico State Records Center regarding the proposed new rule for 20.2.70 NMAC.
20.2.70-repeal.pdf documents the NMAC transmittal form to the New Mexico State Records Center regarding the repeal and replacement of 20.2.70 NMAC.
NMED NOI to Present Technical Testimony documents the notice of intent before EIB to repeal and replace 20.2.70 NMAC – Operating permits and Title V program revision.
NMED Petition to Repeal and Replace 20.2.70 NMAC documents the petition filed before EIB to repeal and replace 20.2.70 NMAC – Operating permits and Title V program revision.
70.2.70 NMAC Stakeholder Review Draft identifies the proposed changes to 20.2.70 NMAC.
English Notice of Proposed Rulemaking 20.2.70 NMAC Operating Permits provides legal ads in English
Spanish Notice of Proposed Rulemaking 20.2.70 NMAC Operating Permits provides legal ads in Spanish
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Total Suspended Particulate NM Ambient Air Quality Standard Repeal

The Improving Environmental Permitting Initial Report recommended that the Air Quality Bureau consider the NM Ambient Air Quality Standards (NMAAQS) for Total Suspended Particulate (TSP) for repeal.

The NM standards were adopted in 1969, prior to the adoption of the National Ambient Air Quality Standards (NAAQS) in 1971. The U.S. Environmental Protection Agency (EPA) revised its standards in 1987, replacing TSP with particulate matter less than 10 microns (PM_{10}). The NM TSP standards were retained, to protect the public from soiling and nuisance effects of larger particulates (dust).

The Air Quality Bureau studied the issue and determined that a repeal of the TSP standards will not cause a deterioration in air quality; the current federal air quality standards for PM_{10} and $PM_{2.5}$ are protective of public health. A repeal also eased the permitting burden for regulated sources and the Air Quality Bureau. A hearing was scheduled for September 28, 2018 in Las Cruces.

Public Notice of Rulemaking Hearing: Repeal of TSP Standard (English and Spanish)
In part to address soiling and nuisance effects of windblown dust, the Air Quality Bureau developed a dust mitigation plan and associated fugitive dust rule that applies in areas that are in danger of violating the PM_{10} NAAQS. (See *"Dust Mitigation Plan and Fugitive Dust Rule"* above.)

On September 28, 2018, the Environmental Improvement Board (EIB) held a public hearing in Las Cruces, NM to consider the proposed repeal of the NM Ambient Air Quality Standard for TSP contained in Section 109 of 20.2.3 NMAC. The EIB unanimously approved the proposal at its October 26, 2018 meeting in Santa Fe. The effective date of the repealed standard was November 30, 2018.

The "Notice if Intent for 18-04 (R)" includes written testimony, proposed rule amendments, a noninterference demonstration under CAA 110(l), and copies of public notices and affidavits of publication.

Notice of Intent for EIB Hearing 18-04 (R)
EIB Hearing 18-04 Transcript
EIB 18-04 Deliberations Transcript
Final Order/SOR/NMAC Transmittal – TSP Repeal
Governor's Designee Letter – TSP Repeal
84 FR 49057 2015 O3 TSP Approval
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Recent EPA Approvals of Regulatory Changes and Plans

The following are links to recently approved regulatory changes or plans. To view all EPA approvals related to the State Implementation Plan, please visit the electronic code of federal regulations.

NM Regulations:

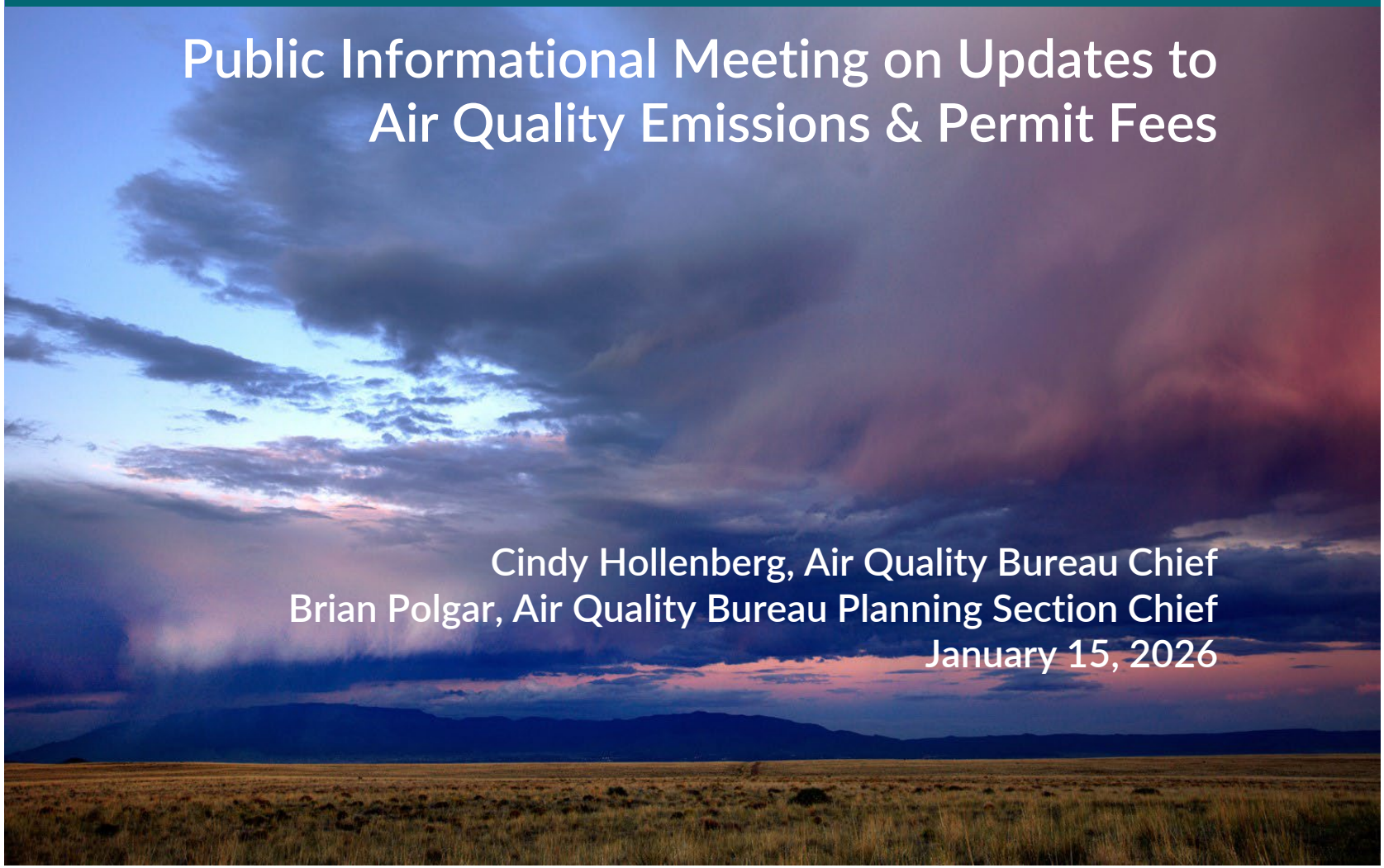
Part 1 (effective September 22, 2015) 80 FR 43964
Part 2 (effective March 27, 2015) 80 FR 3884
Part 12 Repeal (effective July 13, 2015) 80 FR 33191
Part 20 Repeal (effective October 21, 2020) 85 FR 59194
Part 79 (effective December 16, 2022) EPA Approval of NM Ozone SIP 2022 (87 FR 68632)
Part 98 Repeal (effective July 20, 2015) 80 FR 34835
Part 99 (effective July 20, 2015) 80 FR 34835
Other:

Infrastructure for the 2015 Ozone National Ambient Air Quality Standards and Repeal of State Regulations for Total Suspended Particulate (effective October 18, 2019) 84 FR 49057 2015 O3 TSP Approval
FR – MSW Landfill 11 Sept 2019
Infrastructure and Transport for 2008 lead (Pb) NAAQS (effective July 13, 2015) 80 FR 33191
Infrastructure for the 2008 ozone NAAQS (effective July 24, 2015) 80 FR 36246, to include: Good Neighbor SIP for the 2008 ozone NAAQS (effective June 3, 2020) 85 FR 26361
Infrastructure for the 2010 NO2 NAAQS (effective July 24, 2015) 80 FR 36246

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[return to top of page]

New Mexico Environment Department



Public Informational Meeting on Updates to Air Quality Emissions & Permit Fees

Cindy Hollenberg, Air Quality Bureau Chief
Brian Polgar, Air Quality Bureau Planning Section Chief
January 15, 2026

Overview

- Introductions
- Funding for the Air Program
- Why Fee Increases are Needed
- Collateral Benefits of Increasing Fees
- Proposed Revisions to 20.2.71 NMAC, Operating Permit Emissions Fees
- Proposed Revisions to 20.2.75 NMAC, Construction Permit Fees
- Timeline
- Questions & Answers

NMED Exhibit 28_000002

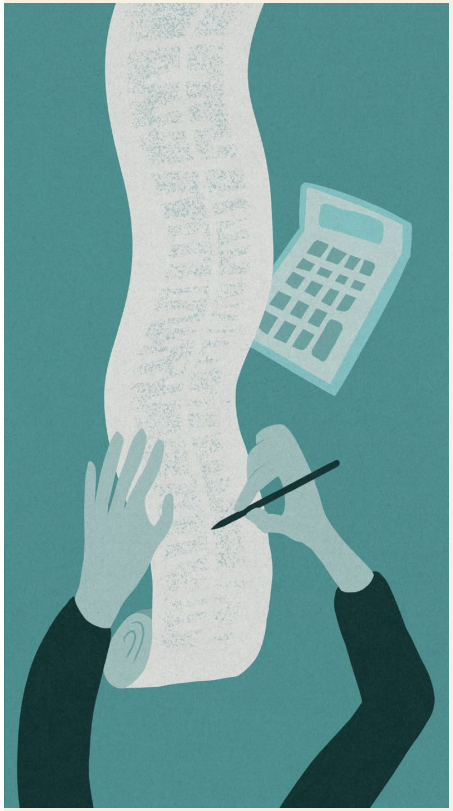
NMED Intros/Contacts

- Environmental Protection Division (AQB)
  - Michelle Miano, EPD Director
    505-479-2596, michelle.miano@env.nm.gov
  - Cindy Hollenberg, AQB Chief
    505-699-4608, cindy.hollenberg@env.nm.gov
  - Brian Polgar, Planning Section Chief
    505-629-3466, brian.polgar@env.nm.gov
- Compliance & Enforcement Division (Air C&E)
  - Bruce Baizel, CED Director
    505-490-5427, bruce.baizel@env.nm.gov
  - Bret Anderson, EPCEB Chief
    505-618-0086, bret.anderson@env.nm.gov

Funding for Air Regulatory Activities

- According to federal and state statute and regulations, all air quality program activities are funded through fee revenue from air permittees.
  - Federal grants help offset costs on a very limited basis.
  - Penalties go to the State General Fund, not to NMED.
  - Unlike other NMED programs, the General Fund contributes a de minimis amount to air program activities.
- The New Mexico Department of Finance Administration helps oversee NMED's two air program accounts (Special Revenue Funds).
- The EIB's only role is to set a fee schedule to assure sufficient funds are available for NMED to cover direct and indirect costs of implementing its air regulatory programs.

High Level Budget Process and Oversight



- Every year NMED requests a budget over a year in advance
- Executive and Legislative Branches recommend separate budgets in advance of each Legislative Session.
- Negotiation between those branches to develop House Bill 2, which funds NMED (and other agencies).
- NMED works with gov't partners to develop operating budget into different agency financial categories.
- NMED spends operating budget to fulfill mission within all guidelines.
- At times, NMED will request additional budget authority.

Fees Need to Cover Costs

- Federal and state law require the Environmental Improvement Board (EIB) to establish a schedule of construction permit fees sufficient to cover the reasonable costs of (1) NMED's Construction Permit Program; and (2) the reasonable costs of NMED's Title V Permit Program.
- Current construction permit and emissions fees do not cover the costs of these programs, thus stunting the work of NMED's air regulatory activities.
- Program costs include "direct" and "indirect" costs:
  - Some direct costs are labor, equipment, travel, services (including contracted), materials, and some hearing costs.
  - Some indirect costs are rent and utilities for buildings; training; and accounting, administrative and financial help.

Direct Cost Examples

- Direct costs include, but are not limited to:
  - Reviewing and acting upon any application for a permit or Notice of Intent.
  - Implementing and enforcing the terms and conditions of issued permits and applicable state and federal regulations.
  - Verifying compliance with representations made in applications for Notices of Intent or permits.
  - Air quality monitoring.
  - Preparing air quality regulations and guidance.
  - Modeling, analysis, and demonstrations.
  - Preparing inventories and tracking emissions.
  - Responding to air quality complaints and public concerns from emitting facilities.

NMED Exhibit 28_000007

Air Regulatory Program Examples

- Permitting – all types (funded by permit revenues)
- Modeling – funded by permit revenues
- Emissions inventory – funded by permit revenues
- Regulation and SIP planning – funded by permit revenues
- Small business assistance – funded by permit revenues
- Monitoring and data analysis – funded in part by federal grants, which NMED must match (40%)
- Administrative Services – funded by permit revenues
- Indirect costs – funded by permit revenues

Current Financial Picture (Two Air Funds)

- For the current fiscal year (FY26) expected costs exceed projected revenue in both programs.
  - For the construction permit program, expected costs are at least $4 million more than projected revenue.
  - For the Title V permit program, expected costs are at least $3 million more than projected revenue.
- With no fee increase and continuation of FY26 spending levels, the Title V Permit Program fund will be exhausted in FY28*, and the Construction Permit Program fund will be exhausted in FY30.*
  - Current revenues prevent NMED from implementing a program that protects New Mexico's air quality.

*This extreme example is not actually possible under state budgeting rules, so costs would be drastically cut to avoid fund exhaustion, constraining NMED's ability to protect New Mexico's air quality and operate its air programs.

Cutting Costs?

- Should the air regulatory programs need to cut costs, then services would be reduced – to both the regulated entities and the public.
  - Failure to comply with federal funding requirements places state programs at risk.
  - Inability to fill vacancies may lead to reduced staffing.
  - Inability to install additional air monitors leaves vast areas of New Mexico unmonitored.
  - Inability to respond to community concerns places them at risk and degrades the integrity of our mission.
  - Reduced permitting review resources will likely lead to delays.
  - NMED would need to cut services for responding to public complaints filed with NMED on emitting facilities.
  - NMED would need to shortcut collaboration and outreach on environmental planning efforts.

Concerns from the Public

NMED must consider data and input from the public as it implements its air regulatory activities.

Examples of concerns:

- Concern about ozone levels and air toxics and human exposure.
- Potential impact of data centers.
- Cumulative impacts of stationary sources.
- Concern about greenhouse gas emissions.
- Lack of ability to ensure compliance with regulations.
- Lack of air monitors and community appropriate response to community concerns.

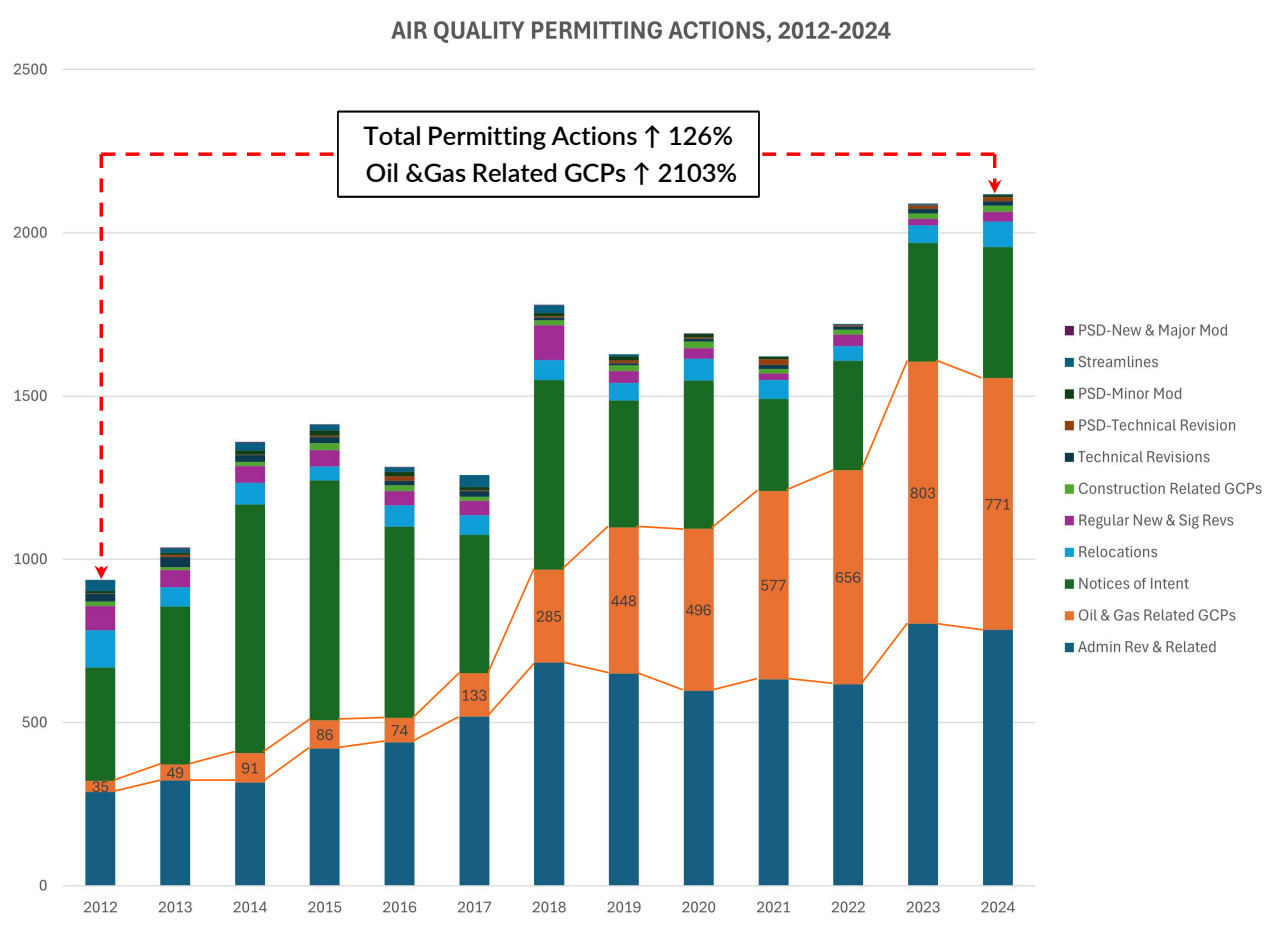
Concerns from Regulated Entities

NMED must also consider data and input from regulated entities as it implements its air regulatory activities.

Examples of concerns:

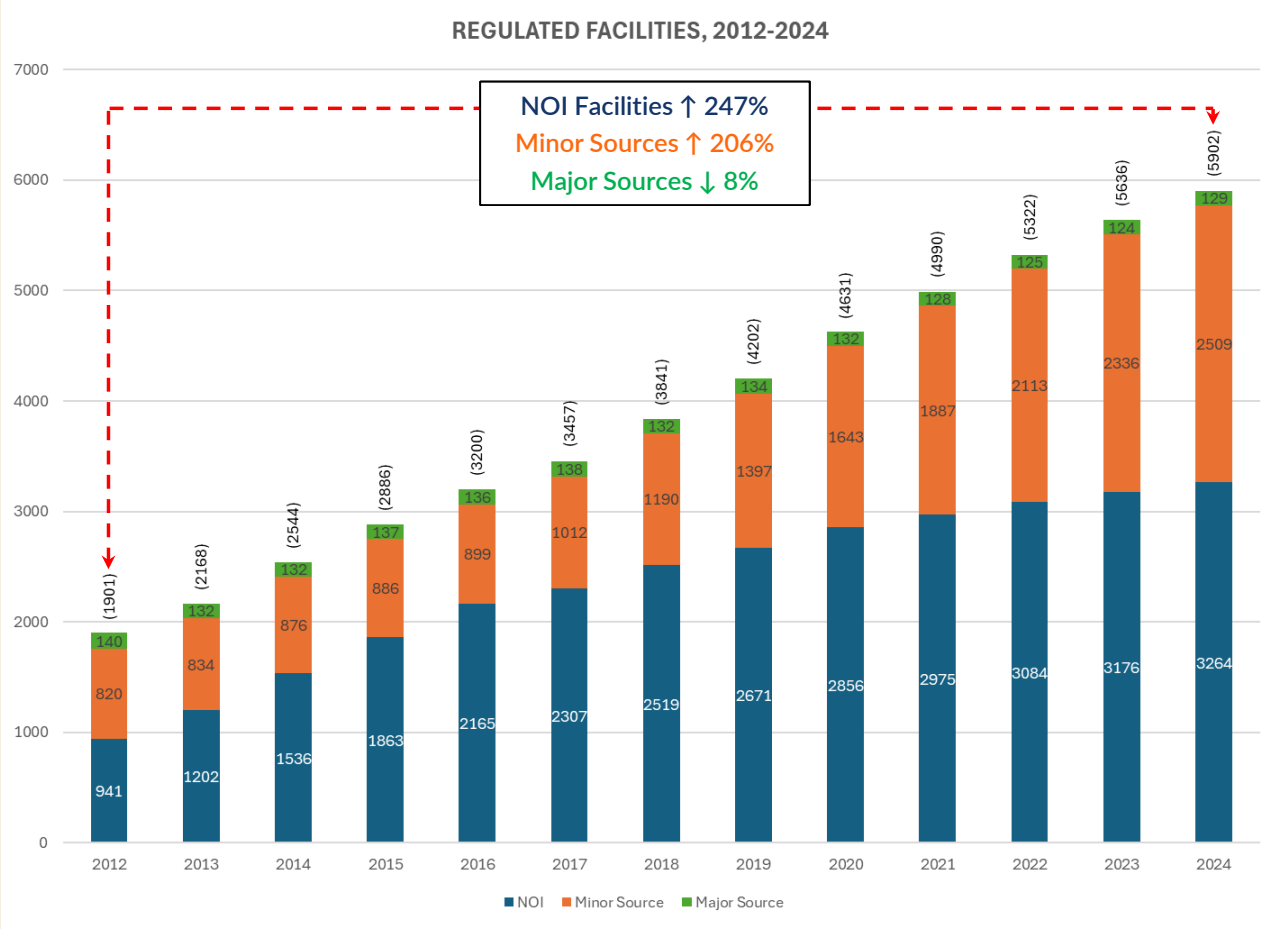
- Permitting process takes too long.
- Permitting responses and questions are inconsistent across staff.
- Permit submission requirements are some of the most complicated in the industry.
- Approval of plans for the Ozone Precursor Rule (Part 50) takes too long.
- More outreach from agency to industry is needed from agency on Part 50 requirements and future regulatory planning.
- Enforcement actions are delayed beyond reasonable time frames.
- Several regulations need to be revised/updated.
- All communications should be electronic instead of paper.

Why? Permitting Actions Over Time



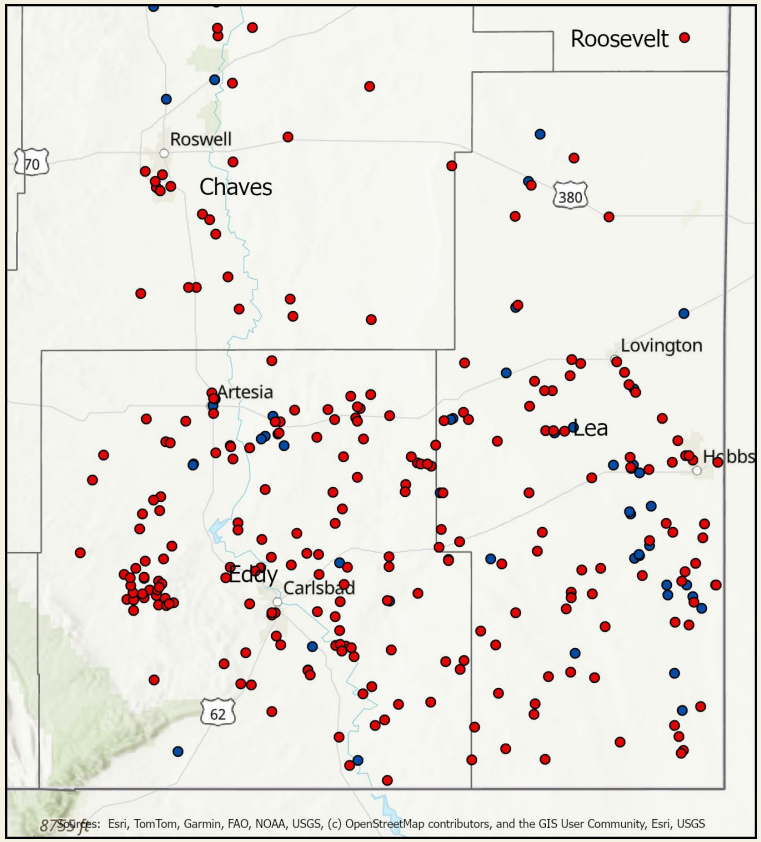
NMED Exhibit 28_000013

Why? Regulated Facilities Over Time

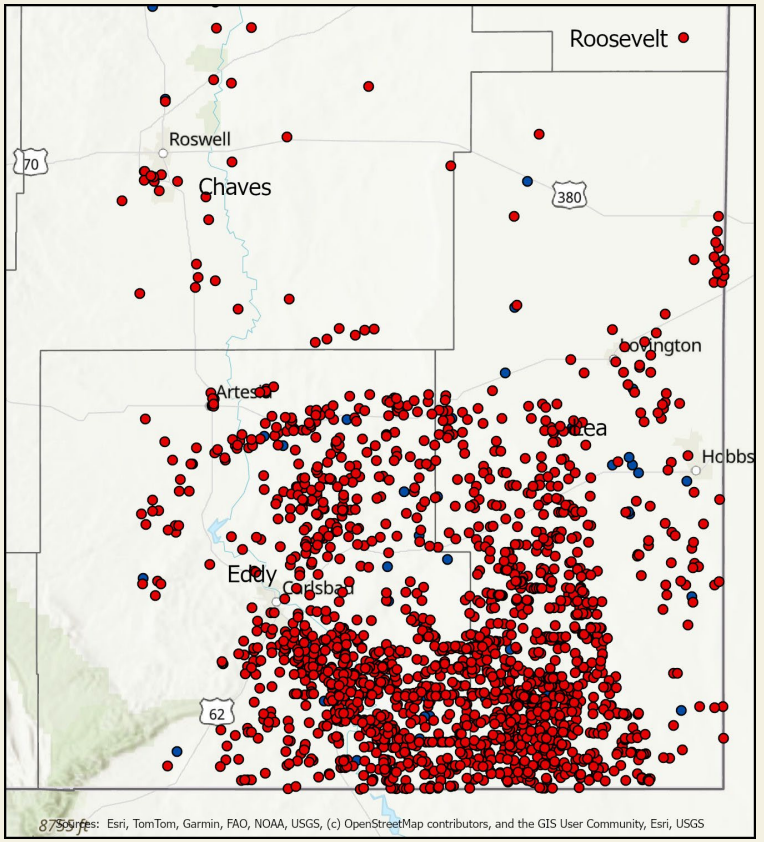


Why? Permian Growth

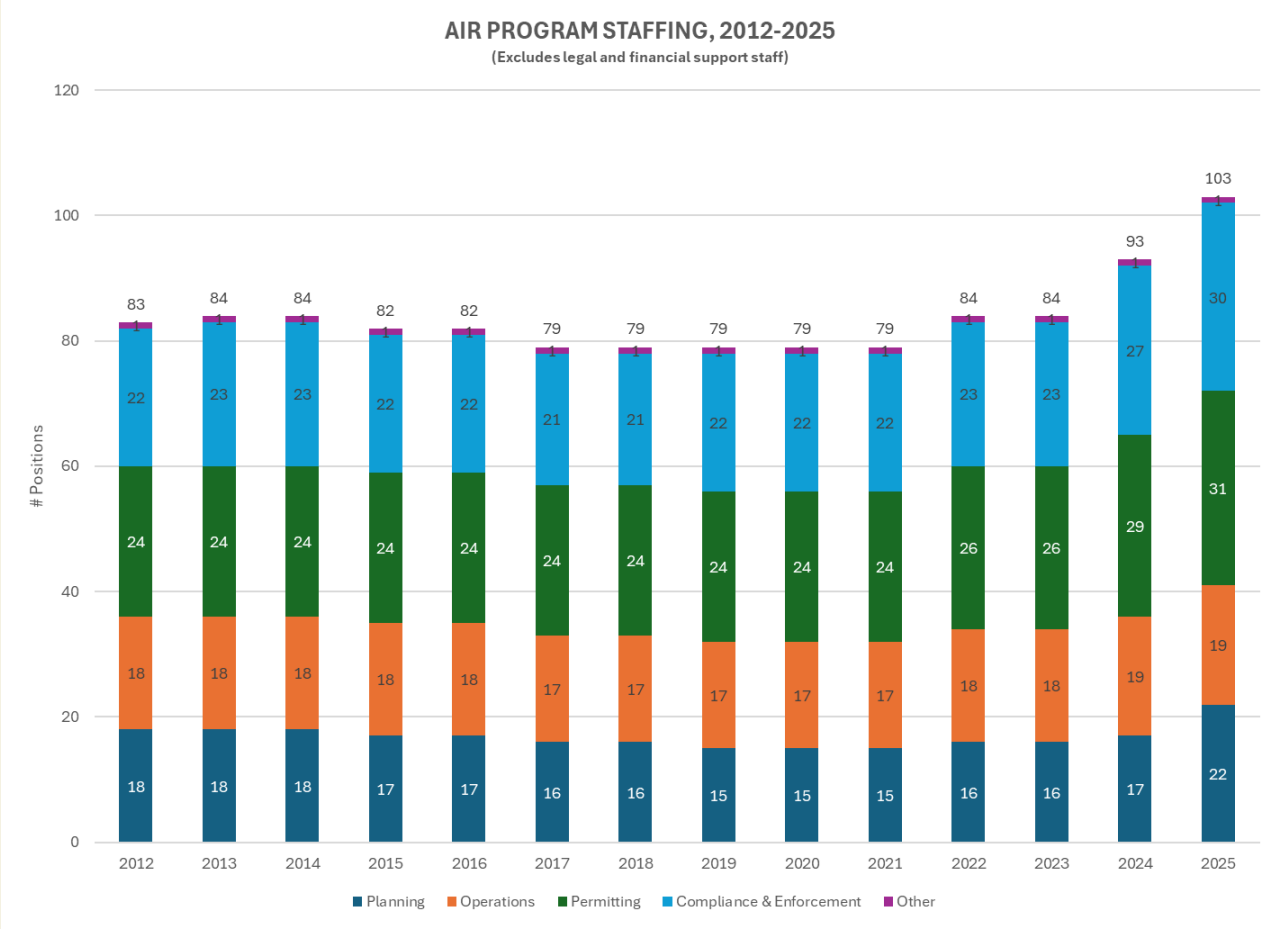
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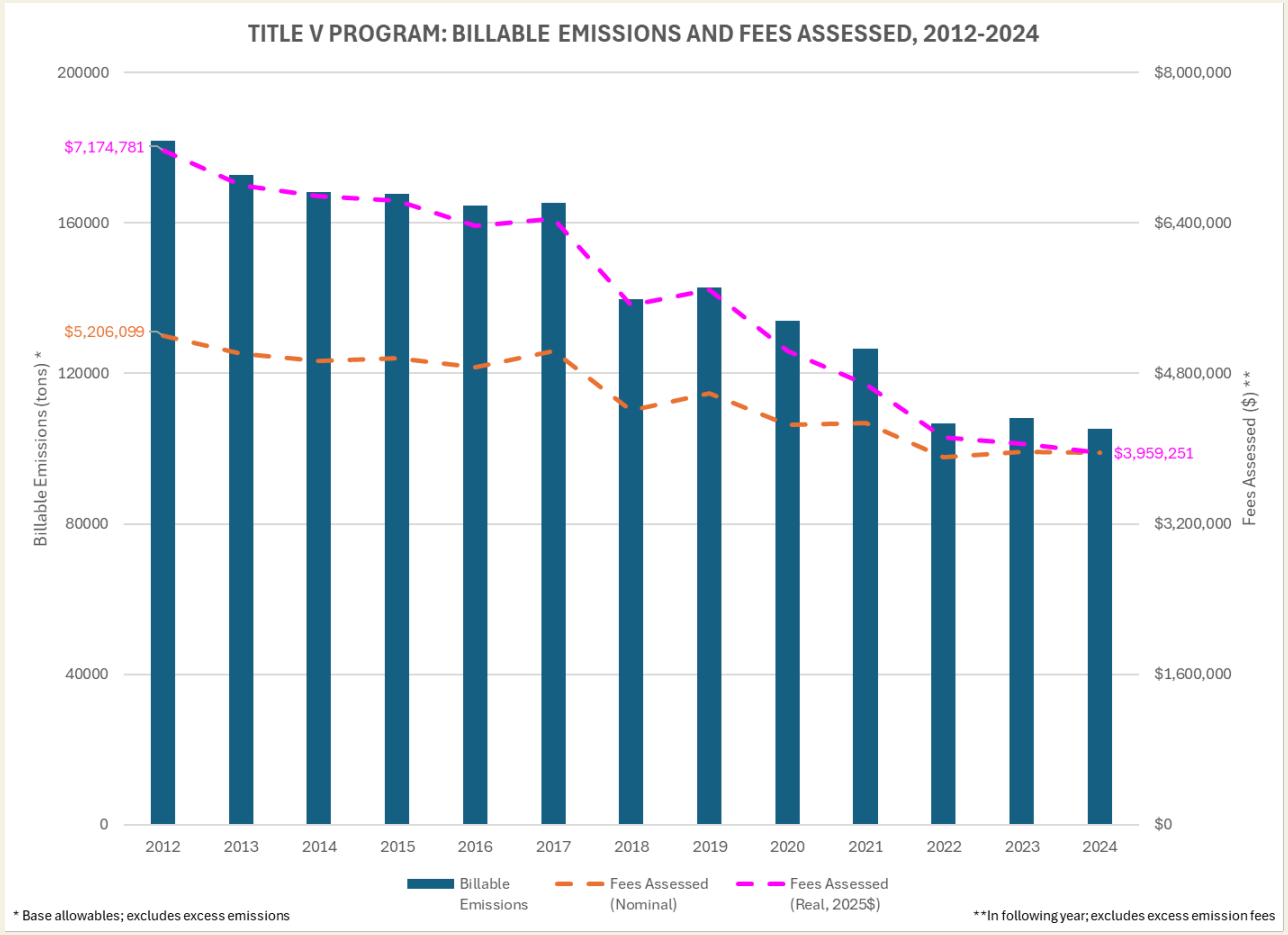
2024



Why? Air Program Staffing



Why? Decreasing Title V Revenue



NMED Exhibit 28_000017

Why Fee Increases Are Needed

- Additional staff and resources are needed to keep pace with the higher workload, resulting primarily from increased oil and gas production, but also from complexity of facilities and an increase in application deficiencies.
- In addition to increased permitting needs, more regulated facilities means more non-permitting costs, such as compliance, planning, monitoring, and administration.
- More financial resources to offer competitive salaries, which will increase staff recruitment and retention.
- Air program costs have increased in FY26 due to the use of outside contractors to address increasing program needs for which the program does not have staff.
- Recent changes in federal and state air regulations have increased the complexity of both permitting and compliance.

Why Fee Increases Are Needed Cont.

- Current deregulatory push at the federal level increases the resources needed for state-level planning and action.
- Current construction permit points schedule and fees do not accurately reflect costs associated with modeling reviews, nor application reviews for NOIs and GCP-O&G registrations.
- Ongoing costs (compliance, planning, etc.) associated with NOIs have increased, with no associated ongoing revenue.
- Within the Title V program, revenue has decreased.
- Continue the momentum of fulfilling NMED's mission: Within the last 18 months, NMED has created and filled around 35 new air program positions; started work on needed database updates; initiated complex ozone modeling; initiated the purchase of a new mobile monitoring trailer (partially outside-funded); and evaluated new compliance monitoring technologies for industry usage.

Collateral Benefits for Industry

- Increased permitting program capacity, which:
  - Supports continued growth of New Mexico's economy.
  - Decreases the time required to process permit applications.
  - Allows NMED to provide enhanced technical assistance to permit applicants because permit writers will be able to devote more time to each application.
  - Allows NMED to provide added assistance to small businesses through its Small Business Environmental Assistance Program.
- Increased monitoring capability – may help reduce any nonattainment area should a designation occur.
- Increased compliance & enforcement assistance for Part 50 alternative plans, audits and inquiries.
- Additional capacity for robust outreach in planning efforts.

Collateral Benefits for the Public

- Increased resources allow more monitoring and planning for criteria pollutants and air toxics and an increase in community response.
- Increased compliance and enforcement program capacity, which:
  - Allows for more frequent audits and inspections, as well as quicker and more comprehensive complaint response
  - Reduces overall emissions through increased oversight of compliance
- Greater incentive for facilities to voluntarily reduce allowable emissions to minimize their fees.
- Support for growth of lower-emitting industries.

NMED Exhibit 28_000021

Revisions to 20.2.71 NMAC

- Definition of Fee Pollutants
  - Removed total suspended particulate matter (TSP) and mercury; added PM_{10} and $PM_{2.5}$
  - Mercury being removed (fees also) because there are no longer major sources with mercury emissions in New Mexico.
  - In the past, Title V permits contained allowable TSP emissions and operators were billed for TSP. This changed in 2017 and Title V permits no longer contain TSP, but have allowable emissions for PM10 and PM2.5.
    - Due to this change and oversight, no emission fees have been collected for any particulate matter since 2018.
    - Between 2020-2024, not billing for particulate matter resulted in average annual forgone revenue of ~$350,000.
    - Applied to 2019-2025 (7 years), this adds up to $2.45 million in lost revenue.

NMED Exhibit 28_000022

Revisions to 20.2.71 NMAC Cont.

- Emissions Fees
  - Fee for non-HAPs increase from current inflation-adjusted amount of $40.59 per ton to $85 per ton
  - Fee for HAPs reset to current inflation-adjusted amount of $258 per ton
  - Cap for fee calculation decreased from 6,000 tons per year per pollutant to 3,000 tons per year per pollutant
  - Fees will be assessed for PM10 or PM2.5, not both
- Fee Payment
  - Electronic payment option added
  - Provisions added regarding late fees and administrative compliance costs

Revisions to 20.2.75 NMAC

- Filing Fees
  - Filing fee eliminated for Notices of Intent; NOIs will now be charged an application review fee instead
- Application Review Fees (formerly permit fees)
  - Cost per point increased from $539 to $585
  - Points increased for modeling reviews (15 to 30) and GCP-Oil & Gas registrations (10 to 30)
  - Points added for Notices of Intent (10)
  - Provision added to clarify when NMED may assess additional fees

NMED Exhibit 28_000024

Revisions to 20.2.75 NMAC Cont.

- Annual Fees
  - Annual fee for construction permits increased from $2,564 to $2,800
  - Annual fee of $700 added for Notices of Intent
- Fee Payment
  - Provisions regarding invoicing and payment of application review fees updated to reflect differences based on application type
  - Electronic invoicing and payment options added
  - Provisions added regarding late fees and administrative compliance costs

NMED Exhibit 28_000025

Current vs. Proposed Fees

Type of Facility	Type of Fee	Current Fee[1]	Proposed Fee
All	Cost Per Point	$539	$585
Regular NSR	Modeling Review	$8,085	$17,550
GCP-Oil & Gas	Application Review Fee	$5,390	$17,550
All Other GCPs	Application Review Fee	$5,390	$5,850
NOI	Application Review Fee	None ($500 Filing Fee)	$5,850
Regular NSR	Annual Fee	$2,564	$2,800
NOI	Annual Fee	None	$700
Title V	Emissions Fee (non-HAPs)	$40.59/ton	$85/ton
Title V	Emissions Fee (HAPs)	$258/ton	$258/ton

[1] After January 1, 2026, CPI adjustment. Fees have not been amended by EIB since 2009 for Title V and 2003 for Construction Permit Program.

NMED Exhibit 28_000026

Timeline

- 12/3/2025 – NMED submitted rulemaking petition to the Environmental Improvement Board (EIB)
- 12/4/2025 – Public comment portal open (comments to agency): https://nmed.commentinput.com/?id=dM4UeKV73
- 12/19/2025 – EIB scheduled a hearing starting 03/23/2026
- By 12/30/2025 – Public comment portal open (comments directly to EIB): https://nmed.commentinput.com/?id=t8BRr4m76
- 1/13/2026 – Hearing notice published in the New Mexico Register (https://www.srca.nm.gov/nmac-home/new-mexico-register/volume-xxxvii-issue-1/notices-of-rulemaking-issue-1/)
- 1/15/2026 – NMED virtual public informational meeting
- 1/22/2026 – NMED virtual "office hours" 6-8 p.m.
- 2/20/2026 – Deadline to file a Notice of Intent to provide technical testimony or Entry of Appearance
- 3/23/2026 – Start of hearing before the EIB

Questions and Discussion

- Questions or comments from the meeting attendees?
- Are there concerns or issues you've identified and would like to bring up at this point?
- NMED welcomes the opportunity to discuss specific concerns with groups, organizations or individuals. To ask questions or request a meeting, contact:
  - Eric Peters, AQB Control Strategies Manager, eric.peters@env.nm.gov
  - Brian Polgar, AQB Planning Section Chief, brian.polgar@env.nm.gov
  - https://www.env.nm.gov/request-a-meeting/

NMED Exhibit 28_000028

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER THE PROPOSED REPEAL AND REPLACEMENT OF 20.2.71 NMAC – OPERATING PERMIT EMISSIONS FEES AND 20.2.75 NMAC – CONSTRUCTION PERMIT FEES, EIB 25-77 (R)

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on March 23, 2026, at 9:00 a.m. to consider EIB 25-77 (R) – In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately three days. The EIB may deliberate and make a decision on the proposed regulatory changes at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person component will be held at the New Mexico State Capitol, 490 Old Santa Fe Trail (alternatively 411 S. State Capital Street), Santa Fe, New Mexico 87501. Hearing details, including the meeting room number and how to participate virtually, will be available on the New Mexico Environment Department ("NMED") events calendar at https://www.env.nm.gov/events-calendar/, under the calendar entry corresponding to the hearing start date. For more information, contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

The purpose of the hearing is for the EIB to consider and take possible action on a petition by NMED requesting that the EIB repeal and replace 20.2.71 NMAC, Operating Permit Emissions Fees, and 20.2.75 NMAC, Construction Permit Fees. The petition, statement of reasons (attached to the petition as Exhibit A), proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC (attached to the petition as Exhibits B and C), and current rules 20.2.71 NMAC and 20.2.75 NMAC with proposed changes shown in redline fashion (attached to the petition as Exhibits D and E) are available on NMED's docketed matters website at https://www.env.nm.gov/opf/docketed-matters/. To access these documents, click on "Environmental Improvement Board" to display the drop-down list of matters before the EIB, then click on "EIB 25-77 (R): In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees" to display the drop-down list of all documents filed in conjunction with this matter. Copies of the petition, statement of reasons, and proposed replacement rules can also be obtained by contacting Eric Peters at (505) 629-5299 or eric.peters@env.nm.gov, or at any of NMED's offices statewide.

The purpose of proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC is to ensure that NMED's emissions and construction permit fees are sufficient to cover the reasonable costs of NMED's Title V Operating Permit Program and Construction Permit Program. The EIB is authorized to adopt the proposed rules pursuant to the Environmental Improvement Act, Section 74-1-8(A)(4), and the Air Quality Control Act, NMSA 1978, Sections 74-2-1 to 17. The schedule of Title V operating permit emissions fees must be consistent with the provisions of Section 502(b)(3) of the 1990 amendments to the federal Clean Air Act, which requires sources that are required to obtain an operating permit to pay fees sufficient to cover all reasonable direct and indirect costs of developing and administering the state's Title V Operating Permit Program. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(7). The schedule of construction permit fees must be sufficient to cover the reasonable costs of reviewing and acting upon any application for such permit and implementing and enforcing the terms and conditions of the permit, excluding any court costs or other costs associated with an enforcement action. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(6).

20.2.71 NMAC establishes a schedule of emissions fees for sources required to obtain a Title V permit under 20.2.70 NMAC, Operating Permits. The schedule specifies the annual emissions fee for each fee pollutant expressed in dollars per ton of allowable emissions. Proposed replacement rule 20.2.71 NMAC revises the current definition of fee pollutant, adding particulate matter 10 micrometers or less in diameter ("PM10") and particulate matter 2.5 micrometers or less in diameter ("PM2.5") and removing mercury and total suspended particulate matter; reduces the maximum tons used in the fee calculation for each fee pollutant; provides that a fee shall be assessed for either PM10 or PM2.5, not both, depending on which has the higher allowable emission rate; increases the dollar per ton amount used in the fee calculation for each fee pollutant; establishes a late fee for failing to timely pay annual emissions fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.71 NMAC will be submitted to the U.S. Environmental Protection Agency ("EPA") as a revision to New Mexico's Title V Operating Permit Program.

Similarly, 20.2.75 NMAC establishes a schedule of construction permit fees for notices of intent, permits to construct or modify a source, construction permit revisions, and technical reviews of existing construction permits under 20.2.72 NMAC, Construction Permits, and 20.2.73 NMAC, Notice of Intent and Emissions Inventory Requirements. The schedule includes a complexity-based points schedule for various actions and a cost per point, which is multiplied by the sum of all the points applicable to a given permitting action to determine the required permit fee. The schedule also includes an annual fee for sources that have already been issued a construction permit. Proposed replacement rule 20.2.75 NMAC revises the current complexity-based points schedule, increasing the points for certain actions and adding points for notices of intent; increases the cost per point used to calculate permit fees; increases the annual fee for sources that have already been issued a construction permit and institutes an annual fee for sources that have filed a notice of intent; establishes a late fee for failing to timely pay annual fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.75 NMAC will be submitted to EPA as a revision to the New Mexico State Implementation Plan.

The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; the Air Quality Control Act, NMSA 1978, Section 74-2-6; orders issued by the hearing officer appointed by the EIB; and other applicable procedures.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

TECHNICAL TESTIMONY: Any person who wishes to present technical testimony at the hearing must file a written notice of intent with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025), available on NMED's docketed matters website, and shall be a party. The notice of intent shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules. Any person who files a notice of intent shall serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025).

PUBLIC COMMENT: The general public may submit a written public comment or testify orally at the hearing. A member of the general public who wishes to submit a written public comment as a statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment online at https://nmed.commentinput.com/?id=t8BRr4m76, email the written public comment to pamela.jones@env.nm.gov, or mail the written public comment to EIB Administrator, New Mexico Environment Department – Harold Runnels Building, P.O. Box 5469, Santa Fe, New Mexico 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required for the general public

to present non-technical testimony at the hearing. The general public may also offer non-technical exhibits in connection with their written public comment or oral testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: Persons requiring language interpretation services or having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact the EIB Administrator at least 14 days prior to the hearing or as soon as possible at (505) 660-4305 or pamela.jones@env.nm.gov. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice).

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 CFR 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: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, New Mexico 87502, (505) 827-2855, nd.coordinator@env.nm.gov. 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 https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

JUNTA DE MEJORA AMBIENTAL DE NUEVO MÉXICO AVISO DE AUDIENCIA DE REGLAMENTACIÓN PARA CONSIDERAR LA PROPUESTA DE DEROGACIÓN Y SUSTITUCIÓN DE 20.2.71 NMAC – CUOTAS DE EMISIONES DE PERMISO DE OPERACIÓN Y 20.2.75 NMAC – CUOTAS DE PERMISO DE CONSTRUCCIÓN, EIB 25-77 (R)

La Junta de Mejora Ambiental de Nuevo México ("EIB" por sus siglas en inglés) llevará a cabo una audiencia pública que comenzará el 23 de Marzo de 2026 a las 9:00a.m. para considerar la EIB 25-77 (R) – En el asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Permiso de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción. La audiencia durará el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos, y se espera que dure aproximadamente tres días. La EIB puede deliberar y podrá tomar una decisión sobre los cambios regulatorios propuestos al concluir la audiencia o puede convocar a una reunión después de la audiencia para considerar medidas sobre la propuesta.

La audiencia se llevará a cabo en un formato híbrido para permitir la participación tanto en persona como virtual. El componente presencial se llevará a cabo en la capital del estado de Nuevo México, 490 Old Santa Fe Trail (alternativamente 411 S. State Capital Street), Sante Fe, Nuevo México 87501. Detalles de la audiencia, incluyendo el numero de la sala de reuniones y cómo participar de forma virtual, estarán disponibles en el Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés) calendario de eventos en https://www.env.nm.gov/events-calendar/, debajo de la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para más información, comuníquese con la administradora de la EIB llamando al (505) 660-4305 o en pamela.jones@env.nm.gov.

El propósito de la audiencia es que la EIB considere y tome las medidas necesarias respecto a la Petición del NMED en la que solicita a la EIB la derogación y sustitución 20.2.71 NMAC, Cuotas de Emisiones de Permiso de Operación, y 20.2.75 NMAC, Cuotas de Permiso de Construcción. La petición, declaración de motivos (adjunto a la petición como Anexo A), normas de reemplazo propuestas 20.2.71 NMAC y 20.2.75 NMAC (adjunto a la petición como Anexos B y C), y las reglas actuales 20.2.71 NMAC 20.2.75 NMAC con los cambios propuestos mostrados en rojo (adjunto a la petición como Anexos D y E) están disponibles en el sito web de asuntos archivados de NMED en https://www.env.nm.gov/opf/docketed-matters/. Para acceder a estos documentos, haga clic en "Junta de Mejora Ambiental" para mostrar la lista desplegable de asuntos ante el EIB, después haga clic en "EIB 25-77 (R): En El Asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción" para mostrar la lista desplegable de todos los documentos presentados en relación con este asunto. Copias de la petición, declaración de motivos, las normas de sustitución también se pueden obtener contactando Eric Peters al (505) 629-5299 o eric.peters@env.nm.gov, o en todas las oficinas del NMED en todo el estado.

El propósito de las reglas de sustitución 20.2.71 NMAC y 20.2.75 NMAC es para asegurar que las emisiones y las cuotas de permiso de construcción del NMED son suficiente para cubrir los costos razonables del Programa de Permisos de Operación Titulo V y del Programa de Permisos de Construcción de NMED. La EIB está autorizada a adoptar las normas propuestas de conformidad con la Ley de Mejora Ambiental, Sección 74-1-8(A)(4), y la Ley de Control de la Calidad del Aire, NMSA 1978, Secciones 74-2-1 a 17. El horario de cuotas por emisiones de los permisos de operación del Titulo V debe ser coherente con las disposiciones de la Sección 502(b)(3) de las enmiendas de 1990 a la Ley Federal de Aire Limpio, esto exige que las fuentes que requieren un permiso de operación paguen cuotas suficientes para cubrir todos los costos directos e indirectos razonables del desarrollo y la administración del programa estatal de permisos de operación conforme al Titulo V. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7 (B)(7). El horario de las cuotas de permiso de construcción debe ser suficientes para cubrir los costos razonables de revisión y tramitación de cualquier solicitud de dicho permiso, así como la implementación y el cumplimiento de los términos y condiciones del permiso, excluyendo los gastos judiciales u otros gastos asociados a una acción coercitiva. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7(B)(6).

20.2.71 NMAC establece un horario de cuotas por emisiones para las fuentes que deben obtener un permiso de conformidad con el Titulo V, según lo estipulado en la norma 20.2.70 de NMAC, Permisos de Operación. El horario especifica la cuota anual por emisiones para cada contaminante sujeto a pago, expresada en dólares por tonelada de emisiones permitidas. La regla de sustitución 20.2.71 NMAC revisa la definición actual de contaminante sujeto a cuota, agregando materia particulada de 10 micrómetros o menos de diámetro ("PM10") y materia particulada de 2.5

micrómetros o menos de diámetro (“PM2.5”) y eliminando mercurio y partículas totales en suspensión; reduce las toneladas máximas utilizadas en el cálculo de la cuota para cada contaminante sujeto a cuota; establece que se cobrará una cuota por PM10 o PM2.5, no ambas, dependiendo de cuál tenga la mayor tasa de emisión permitida; aumenta el monto en dólares por tonelada utilizado en el cálculo de la cuota para cada contaminante sujeto a cuota; establece una cuota por pago tardío por no pagar oportunamente las cuotas anuales de emisión; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.71 NMAC se presentará a la Agencia de Protección Ambiental de los Estados Unidos (“EPA” por sus siglas en inglés) como una revisión del Programa de Permisos de Operación Título V de Nuevo México.

Similarmente, 20.2.75 NMAC establece un horario de cuotas de permisos de construcción para avisos de intención, permisos para construir o modificar una fuente, revisiones de permisos de construcción y revisiones técnicas de permisos de construcción existentes bajo 20.2.72 NMAC, Permisos de Construcción, y 20.2.73 NMAC, Requisitos de Aviso de Intención e Inventario de Emisiones. El horario incluye un esquema de puntos basado en la complejidad para varias acciones y un costo por punto, que se multiplica por la suma de todos los puntos aplicables a una acción de permiso determinada para determinar la cuota de permiso requerida. El horario también incluye una cuota anual para fuentes a las que ya se les ha emitido un permiso de construcción. La regla propuesta de sustitición 20.2.75 NMAC revisa el calendario de puntos basado en la complejidad actual, aumentando los puntos para ciertas acciones y agregando puntos para avisos de intención; incrementa el costo por punto utilizado para calcular las cuotas de permisos; aumenta la cuota anual para fuentes que ya han recibido un permiso de construcción e instituye una cuota anual para fuentes que han presentado un aviso de intención; establece una multa por pago tardío de las cuotas anuales; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.75 NMAC será enviada a la EPA como una revisión del Plan de Implementación Estatal de Nuevo México.

La audiencia se llevará a cabo de conformidad con 20.1.1 NMAC, Procedimientos de Reglamentación – Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-9; la Ley de Control de Calidad del Aire, NMSA 1978, Sección 74-2-6; las órdenes emitidas por el oficial de audiencias designado por la EIB; y otros procedimientos aplicables.

PARTICIPACIÓN PÚBLICA: Las audiencias y reuniones de la EIB están abiertas al público y se anima al público en general a participar. Todas las personas interesadas tendrán una oportunidad razonable de participar presentando un aviso de intención de presentar testimonio técnico, presentando un registro de comparecencia o participando como miembros del público. “Testimonio técnico” se refiere a testimonios científicos, de ingeniería, económicos o especializados, pero no incluye argumentos legales, comentarios generales o declaraciones de política o posición sobre los asuntos tratados en la audiencia. “Público en general” incluye a cualquier persona que asista a una audiencia y no haya presentado un aviso de intención de presentar testimonio técnico.

Cualquier miembro del público podrá testificar en la audiencia. Toda persona que preste testimonio en la audiencia estará sujeta a contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten su credibilidad. Toda persona que asista a la audiencia tendrá derecho a realizar el contrainterrogatorio que sea necesario para una divulgación completa y veraz de los asuntos tratados en la audiencia. Todos los testimonios se tomarán bajo juramento o afirmación, que podrá realizarse en masa o de forma individual.

TESTIMONIO TÉCNICO: Cualquier persona que desee presentar testimonio técnico en la audiencia debe presentar un aviso de intención por escrito al Administrador del EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB que Programa la Audiencia, Nombra al Funcionario de la Audiencia y Establece Ciertas Fechas de Presentación (emitida el 23 de Diciembre de 2025), disponible en el sitio web de asuntos archivados de NMED, y deberá ser parte. El aviso de intención deberá: (1) identificar a la persona para la cual testificarán los testigos; (2) identificar a cada testigo técnico que la persona tenga la intención de presentar y declarar las cualificaciones de ese testigo, incluyendo una descripción de su formación educativa y experiencia laboral; (3) si la audiencia se llevará a cabo en múltiples lugares, indicar el o los lugares donde estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada al cambio regulatorio propuesto; y (6) enumerar y adjuntar todos los documentos que se prevé que dicha persona presente en la audiencia, incluida cualquier declaración propuesta de motivos para la adopción de las normas. Cualquier persona que presente un aviso de intención deberá entregar una copia al NMED.

REGISTRO DE COMPARECENCIA: Cualquier persona puede presentar un registro de comparecencia como parte. El registro de comparecencia deberá presentarse ante la administradora de la EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB sobre la Programación de Audiencias, del Funcionario de Audiencias Designado y la Fijación de Determinadas Fechas de Presentación (emitida el 23 de Diciembre de 2025).

COMENTARIOS PÚBLICOS: El público en general podrá testificar mediante comentarios públicos por escrito o de forma oral en la audiencia. Quienes deseen presentar una declaración por escrito para que conste en actas, en lugar de prestar testimonio oral en la audiencia, deberán presentarla antes de la audiencia o durante la misma. Quienes deseen presentar comentarios públicos por escrito antes de la audiencia pueden hacerlo en línea en https://nmed.commentinput.com/?id=t8BRr4m76, envíe por correo electrónico el comentario público por escrito a pamela.jones@env.nm.gov, o envíe un comunicado público por correo postal al Administrador de la EIB, Departamento de Medio Ambiente de Nuevo México – Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Además, cada día de la audiencia se proporcionará oportunidad para que el público general preste testimonio oral. No se requiere aviso previo del público general para presentar testimonio no técnico en la audiencia. El público en general también puede presentar exhibiciones no técnicas en relación con su comentario público por escrito o testimonio oral, siempre que las exhibiciones no sean excesivamente repetitivas del testimonio y cumplan con 20.1.1.402 NMAC. El funcionario de audiencias designado determinará el proceso y los horarios para que el público general preste testimonio durante la audiencia.

ACCESIBILIDAD: Las personas que necesiten servicios de interpretación de idiomas o que tengan alguna discapacidad y requieran un lector, amplificador, intérprete calificado de lenguaje de señas u otra forma de ayuda o servicio auxiliar para asistir o participar en la audiencia deben comunicarse con el Administrador del EIB al menos 14 días antes de la audiencia o lo antes posible al (505) 660-4305 o pamela.jones@env.nm.gov. Para acceder a este número a través de Relay New Mexico marque 711, o llame al (800) 659-8331 (TTY) o al (800) 659-1779 (voz).

AVISO DE NO DISCRIMINACIÓN: El NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigen las leyes y regulaciones aplicables. El NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas sobre los requisitos de no discriminación implementados por 40 CFR Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, en su forma enmendada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas a la Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede comunicarse con: Kate Cardenas, coordinadora de no discriminación, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. Si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede comunicarse con la coordinadora de no discriminación identificada anteriormente o visite https://www.env.nm.gov/non-employee-discrimination-complaint-page/ para aprender cómo y dónde presentar una queja por discriminación.

From:	Jones, Pamela, ENV
To:	Miller, Ken, ENV
Cc:	Polgar, Brian, ENV; Peters, Eric, ENV; Butt, Neal, ENV; Paz, Armando, ENV; Kiani, Bushra, ENV; Lopez, Luis, ENV
Subject:	RE: Public Comments, EIB 25-77 (R)
Date:	Tuesday, February 17, 2026 2:26:53 PM

Hi Ken –

As of this minute, there are no comments in the Smart Comment portal, and I have not received any comments in USPS mail or email.

Pam Jones
Paralegal
Office of Public Facilitation
505-660-4305

From: Miller, Ken, ENV <kenneth.miller@env.nm.gov>
Sent: Tuesday, February 17, 2026 10:05 AM
To: Jones, Pamela, ENV <Pamela.Jones@env.nm.gov>
Cc: Polgar, Brian, ENV <Brian.Polgar@env.nm.gov>; Peters, Eric, ENV <eric.peters@env.nm.gov>; Butt, Neal, ENV <Neal.Butt@env.nm.gov>; Paz, Armando, ENV <Armando.Paz@env.nm.gov>; Kiani, Bushra, ENV <bushra.kiani@env.nm.gov>
Subject: Public Comments, EIB 25-77 (R)

Pam,

With the NOI filing deadline for EIB 25-77 (R) fast approaching, I just wanted to check and see if you have received any public comments to date via the online comment portal, email, or snail mail.

Thanks,
Ken

Ken Miller, P.G. | Environmental Analyst
NMED Air Quality Bureau | www.env.nm.gov/air-quality/
kenneth.miller@env.nm.gov | (505) 629-8673

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Affidavit of Publication

STATE OF NEW MEXICO } SS
COUNTY OF BERNALILLO }

Ad Cost:	$1,073.01
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I, Steve Yoder, the undersigned, Legal Representative of the Albuquerque Journal, on oath, state that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, chapter 167, Session Laws of 1937, and payment of fees has been made of assessed and a copy of which is hereto attached, was published in said publication in the daily edition, 1 time on the following date:

January 11, 2026

That said newspaper was regularly issued and circulated on those dates.
SIGNED:

Legal Representative

Subscribed to and sworn to me this 12th day of January 2026.

David Lindsey Montoya
Notary Public
_____ County Bernalillo
ID#: 1140229
My commission expires: 04-26-2027

STATE OF NEW MEXICO
NOTARY PUBLIC
DAVID LINDSEY MONTOYA
COMMISSION NUMBER 1140229
EXPIRATION DATE 04-26-2027

NMED AIR QUALITY BUREAU
525 CAMINO DE LOS MARQUEZ SUITE 1
SANTA FE, NM 87505

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER THE PROPOSED REPEAL AND REPLACEMENT OF 20.2.71 NMAC OPERATING PERMIT EMISSIONS FEES AND 20.2.75 NMAC CONSTRUCTION PERMIT FEES, EIB 25-77 (R)

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on March 23, 2026, at 9:00 a.m. to consider EIB 25-77 (R) In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC Operating Permit Emissions Fees and 20.2.75 NMAC Construction Permit Fees. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately three days. The EIB may deliberate and make a decision on the proposed regulatory changes at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person component will be held at the New Mexico State Capitol, 490 Old Santa Fe Trail (alternatively 411 S. State Capital Street), Santa Fe, New Mexico 87501. Hearing details, including the meeting room number and how to participate virtually, will be available on the New Mexico Environment Department ("NMED") events calendar at https://www.env.nm.gov/events-calendar/, under the calendar entry corresponding to the hearing start date. For more information, contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

The purpose of the hearing is for the EIB to consider and take possible action on a petition by NMED requesting that the EIB repeal and replace 20.2.71 NMAC, Operating Permit Emissions Fees, and 20.2.75 NMAC, Construction Permit Fees. The petition, statement of reasons (attached to the petition as Exhibit A), proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC (attached to the petition as Exhibits B and C), and current rules 20.2.71 NMAC and 20.2.75 NMAC with proposed changes shown in redline fashion (attached to the petition as Exhibits D and E) are available on NMED's docketed matters website at https://www.env.nm.gov/opf/docketed-matters/. To access these documents, click on "Environmental Improvement Board" to display the drop-down list of matters before the EIB, then click on "EIB 25-77 (R): In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC Operating Permit Emissions Fees and 20.2.75 NMAC Construction Permit Fees" to display the drop-down list of all documents filed in conjunction with this matter. Copies of the petition, statement of reasons, and proposed replacement rules can also be obtained by contacting Eric Peters at (505) 629-5299 or eric.peters@env.nm.gov, or at any of NMED's offices statewide.

The purpose of proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC is to ensure that NMED's emissions and construction permit fees are sufficient to cover the reasonable costs of NMED's Title V Operating Permit Program and Construction Permit Program. The EIB is authorized to adopt the proposed rules pursuant to the Environmental Improvement Act, Section 74-1-8(A)(4), and the Air Quality Control Act, NMSA 1978, Sections 74-2-1 to 17. The schedule of Title V operating permit emissions fees must be consistent with the provisions of Section 502(b)(3) of the 1990 amendments to the federal Clean Air Act, which requires sources that are required to obtain an operating permit to pay fees sufficient to cover all reasonable direct and indirect costs of developing and administering the state's Title V Operating Permit Program. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(7). The schedule of construction permit fees must be sufficient to cover the reasonable costs of reviewing and acting upon any application for such permit and implementing and enforcing the terms and conditions of the permit, excluding any court costs or other costs associated with an enforcement action. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(6).

20.2.71 NMAC establishes a schedule of emissions fees for sources required to obtain a Title V permit under 20.2.70 NMAC, Operating Permits. The schedule specifies the annual emissions fee for each fee pollutant expressed in dollars per ton of allowable emissions. Proposed replacement rule 20.2.71 NMAC revises the current definition of fee pollutant, adding particulate matter 10 micrometers or less in diameter ("PM10") and particulate matter 2.5 micrometers or less in diameter ("PM2.5") and removing mercury and total suspended particulate matter; reduces the maximum tons used in the fee calculation for each fee pollutant; provides that a fee shall be assessed for either PM10 or PM2.5, not both, depending on which has the higher allowable emission rate; increases the dollar per ton amount used in the fee calculation for each fee pollutant; establishes a late fee for failing to timely pay annual emissions fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.71 NMAC will be submitted to the U.S. Environmental Protection Agency ("EPA") as a revision to New Mexico's Title V Operating Permit Program.

Similarly, 20.2.75 NMAC establishes a schedule of construction permit fees for notices of intent, permits to construct or modify a source, construction permit revisions, and technical reviews of existing construction permits under 20.2.72 NMAC, Construction Permits, and 20.2.73 NMAC, Notice of Intent and Emissions Inventory Requirements. The schedule includes a complexity-based points schedule for various actions and a cost per point, which is multiplied by the sum of all the points applicable to a given permitting action to determine the required permit fee. The schedule also includes an annual fee for sources that have already been issued a construction permit. Proposed replacement rule 20.2.75 NMAC revises the current complexity-based points schedule, increasing the points for certain actions and adding points for notices of intent; increases the cost per point used to calculate permit fees; increases the annual fee for sources that have already been issued a construction permit and institutes an annual fee for sources that have filed a notice of intent; establishes a late fee for failing to timely pay annual fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.75 NMAC will be submitted to EPA as a revision to the New Mexico State Implementation Plan.

The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; the Air Quality Control Act, NMSA 1978, Section 74-2-6; orders issued by the hearing officer appointed by the EIB; and other applicable procedures.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

TECHNICAL TESTIMONY: Any person who wishes to present technical testimony at the hearing must file a written notice of intent with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025), available on NMED's docketed matters website, and shall be a party. The notice of intent shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules. Any person who files a notice of intent shall serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025).

PUBLIC COMMENT: The general public may submit a written public comment or testify orally at the hearing. A member of the general public who wishes to submit a written public comment as a statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment online at https://nmed.commentinput.com/?id=t8BRr4m76, email the written public comment to pamela.jones@env.nm.gov, or mail the written public comment to EIB Administrator, New Mexico Environment Department Harold Runnels Building, P.O. Box 5469, Santa Fe, New Mexico 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required for the general public to present non-technical testimony at the hearing. The general public may also offer non-technical exhibits in connection with their written public comment or oral testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: Persons requiring language interpretation services or having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact the EIB Administrator at least 14 days prior to the hearing or as soon as possible at (505) 660-4305 or pamela.jones@env.nm.gov. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice).

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 CFR 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: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, New Mexico 87502, (505) 827-2855, nd.coordinator@env.nm.gov. 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 https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

JUNTA DE MEJORA AMBIENTAL DE NUEVO MEXICO AVISO DE AUDIENCIA DE REGLAMENTACION PARA CONSIDERAR LA PROPUESTA DE DEROGACION Y SUSTITUCION DE 20.2.71 NMAC CUOTAS DE EMISIONES DE PERMISO DE OPERACION Y 20.2.75 NMAC CUOTAS DE PERMISO DE CONSTRUCCION, EIB 25-77 (R)

La Junta de Mejora Ambiental de Nuevo Mexico ("EIB" por sus siglas en ingles) llevara a cabo una audiencia publica que comenzara el 23 de Marzo de 2026 a las 9:00a.m. para considerar la EIB 25-77 (R) En el asunto de la Propuesta de Derogacion y Sustitucion de 20.2.71 NMAC Cuotas de Emisiones de Permiso de Operacion y 20.2.75 NMAC Cuotas de Permiso de Construccion. La audiencia durara el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios publicos, y se espera que dure aproximadamente tres dias. La EIB puede deliberar y podra tomar una decision sobre los cambios regulatorios propuestos al concluir la audiencia o puede convocar a una reunion despues de la audiencia para considerar medidas sobre la propuesta.

La audiencia se llevara a cabo en un formato hibrido para permitir la participacion tanto en persona como virtual. El componente presencial se llevara a cabo en la capital del estado de Nuevo Mexico, 490 Old Santa Fe Trail (alternativamente 411 S. State Capital Street), Sante Fe, Nuevo Mexico 87501. Detalles de la audiencia, incluyendo el numero de la sala de reuniones y como participar de forma virtual, estaran disponibles en el Departamento de Medio Ambiente de Nuevo Mexico ("NMED" por sus siglas en ingles) calendario de

GOV'T LEGALS

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER THE PROPOSED REPEAL AND REPLACEMENT OF 20.2.71 NMAC OPERATING PERMIT EMISSIONS FEES AND 20.2.75 NMAC CONSTRUCTION PERMIT FEES, EIB 25-77 (R)

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on March 23, 2026, at 9:00 a.m. to consider EIB 25-77 (R) In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC Operating Permit Emissions Fees and 20.2.75 NMAC Construction Permit Fees. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately three days. The EIB may deliberate and make a decision on the proposed regulatory changes at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person component will be held at the New Mexico State Capitol, 490 Old Santa Fe Trail (alternatively 411 S. State Capital Street), Santa Fe, New Mexico 87501. Hearing details, including the meeting room number and how to participate virtually, will be available on the New Mexico Environment Department ("NMED") events calendar at https://www.env.nm.gov/events-calendar/, under the calendar entry corresponding to the hearing start date. For more information, contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

The purpose of the hearing is for the EIB to consider and take possible action on a petition by NMED requesting that the EIB repeal and replace 20.2.71 NMAC, Operating Permit Emissions Fees, and 20.2.75 NMAC, Construction Permit Fees. The petition, statement of reasons (attached to the petition as Exhibit A), proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC (attached to the petition as Exhibits B and C), and current rules 20.2.71 NMAC and 20.2.75 NMAC with proposed changes shown in redline fashion (attached to the petition as Exhibits D and E) are available on NMED's docketed matters website at https://www.env.nm.gov/opf/docketed-matters/. To access these documents, click on "Environmental Improvement Board" to display the drop-down list of matters before the EIB, then click on "EIB 25-77 (R): In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC Operating Permit Emissions Fees and 20.2.75 NMAC Construction Permit Fees" to display the drop-down list of all documents filed in conjunction with this matter. Copies of the petition, statement of reasons, and proposed replacement rules can also be obtained by contacting Eric Peters at (505) 629-5299 or eric.peters@env.nm.gov, or at any of NMED's offices statewide.

The purpose of proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC is to ensure that NMED's emissions and construction permit fees are sufficient to cover the reasonable costs of NMED's Title V Operating Permit Program and Construction Permit Program. The EIB is authorized to adopt the proposed rules pursuant to the Environmental Improvement Act, Section 74-1-8(A)(4), and the Air Quality Control Act, NMSA 1978, Sections 74-2-1 to 17. The schedule of Title V operating permit emissions fees must be consistent with the provisions of Section 502(b)(3) of the 1990 amendments to the federal Clean Air Act, which requires sources that are required to obtain an operating permit to pay fees sufficient to cover all reasonable direct and indirect costs of developing and administering the state's Title V Operating Permit Program. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(7). The schedule of construction permit fees must be sufficient to cover the reasonable costs of reviewing and acting upon any application for such permit and implementing and enforcing the terms and conditions of the permit, excluding any court costs or other costs associated with an enforcement action. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(6).

20.2.71 NMAC establishes a schedule of emissions fees for sources required to obtain a Title V permit under 20.2.70 NMAC, Operating Permits. The schedule specifies the annual emissions fee for each fee pollutant expressed in dollars per ton of allowable emissions. Proposed replacement rule 20.2.71 NMAC revises the current definition of fee pollutant, adding particulate matter 10 micrometers or less in diameter ("PM10") and particulate matter 2.5 micrometers or less in diameter ("PM2.5") and removing mercury and total suspended particulate matter; reduces the maximum tons used in the fee calculation for each fee pollutant; provides that a fee shall be assessed for either PM10 or PM2.5, not both, depending on which has the higher allowable emission rate; increases the dollar per ton amount used in the fee calculation for each fee pollutant; establishes a late fee for failing to timely pay annual emissions fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.71 NMAC will be submitted to the U.S. Environmental Protection Agency ("EPA") as a revision to New Mexico's Title V Operating Permit Program.

Similarly, 20.2.75 NMAC establishes a schedule of construction permit fees for notices of intent, permits to construct or modify a source, construction permit revisions, and technical reviews of existing construction permits under 20.2.72 NMAC, Construction Permits, and 20.2.73 NMAC, Notice of Intent and Emissions Inventory Requirements. The schedule includes a complexity-based points schedule for various actions and a cost per point, which is multiplied by the sum of all the points applicable to a given permitting action to determine the required permit fee. The schedule also includes an annual fee for sources that have already been issued a construction permit. Proposed replacement rule 20.2.75 NMAC revises the current complexity-based points schedule, increasing the points for certain actions and adding points for notices of intent; increases the cost per point used to calculate permit fees; increases the annual fee for sources that have already been issued a construction permit and institutes an annual fee for sources that have filed a notice of intent; establishes a late fee for failing to timely pay annual fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.75 NMAC will be submitted to EPA as a revision to the New Mexico State Implementation Plan.

The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; the Air Quality Control Act, NMSA 1978, Section 74-2-6; orders issued by the hearing officer appointed by the EIB; and other applicable procedures.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

TECHNICAL TESTIMONY: Any person who wishes to present technical testimony at the hearing must file a written notice of intent with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025), available on NMED's docketed matters website, and shall be a party. The notice of intent shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules. Any person who files a notice of intent shall serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025).

PUBLIC COMMENT: The general public may submit a written public comment or testify orally at the hearing. A member of the general public who wishes to submit a written public comment as a statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment online at https://nmed.commentinput.com/?id=t8BRr4m76, email the written public comment to pamela.jones@env.nm.gov, or mail the written public comment to EIB Administrator, New Mexico Environment Department Harold Runnels Building, P.O. Box 5469, Santa Fe, New Mexico 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required for the general public to present non-technical testimony at the hearing. The general public may also offer non-technical exhibits in connection with their written public comment or oral testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: Persons requiring language interpretation services or having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact the EIB Administrator at least 14 days prior to the hearing or as soon as possible at (505) 660-4305 or pamela.jones@env.nm.gov. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice).

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 CFR 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: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, New Mexico 87502, (505) 827-2855, nd.coordinator@env.nm.gov. 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 https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

JUNTA DE MEJORA AMBIENTAL DE NUEVO MEXICO AVISO DE AUDIENCIA DE REGLAMENTACION PARA CONSIDERAR LA PROPUESTA DE DEROGACION Y SUSTITUCION DE 20.2.71 NMAC CUOTAS DE EMISIONES DE PERMISO DE OPERACION Y 20.2.75 NMAC CUOTAS DE PERMISO DE CONSTRUCCION, EIB 25-77 (R)

La Junta de Mejora Ambiental de Nuevo Mexico ("EIB" por sus siglas en ingles) llevara a cabo una audiencia publica que comenzara el 23 de Marzo de 2026 a las 9:00a.m. para considerar la EIB 25-77 (R) En el asunto de la Propuesta de Derogacion y Sustitucion de 20.2.71 NMAC Cuotas de Emisiones de Permiso de Operacion y 20.2.75 NMAC Cuotas de Permiso de Construccion. La audiencia durara el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios publicos, y se espera que dure aproximadamente tres dias. La EIB puede deliberar y podra tomar una decision sobre los cambios regulatorios propuestos al concluir la audiencia o puede convocar a una reunion despues de la audiencia para considerar medidas sobre la propuesta.

La audiencia se llevara a cabo en un formato hibrido para permitir la participacion tanto en persona como virtual. El componente presencial se llevara a cabo en la capital del estado de Nuevo Mexico, 490 Old Santa Fe Trail (alternativamente 411 S. State Capital Street), Sante Fe, Nuevo Mexico 87501. Detalles de la audiencia, incluyendo el numero de la sala de reuniones y como participar de forma virtual, estaran disponibles en el Departamento de Medio Ambiente de Nuevo Mexico ("NMED" por sus siglas en ingles) calendario de eventos en https://www.env.nm.gov/events-calendar/, debajo de la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para mas informacion, comuniquese con la administradora de la EIB llamando al (505) 660-4305 o en pamela.jones@env.nm.gov.

El proposito de la audiencia es que la EIB considere y tome las medidas necesarias respecto a la Peticion del NMED en la que solicita a la EIB la derogacion y sustitucion 20.2.71 NMAC, Cuotas de Emisiones de Permiso de Operacion, y 20.2.75 NMAC, Cuotas de Permiso de Construccion. La peticion, declaracion de motivos (adjunto a la peticion como Anexo A), normas de reemplazo propuestas 20.2.71 NMAC y 20.2.75 NMAC (adjunto a la peticion como Anexos B y C), y las reglas actuales 20.2.71 NMAC 20.2.75 NMAC con los cambios propuestos mostrados en rojo (adjunto a la peticion como Anexos D y E) estan disponibles en el sito web de asuntos archivados de NMED en https://www.env.nm.gov/opf/docketed-matters/. Para acceder a estos documentos, haga clic en "Junta de Mejora Ambiental" para mostrar la lista desplegable de asuntos ante el EIB, despues haga clic en "EIB 25-77 (R): En El Asunto de la Propuesta de Derogacion y Sustitucion de 20.2.71 NMAC Cuotas de Emisiones de Operacion y 20.2.75 NMAC Cuotas de Permiso de Construccion" para mostrar la lista desplegable de todos los documentos presentados en relacion con este asunto. Copias de la peticion, declaracion de motivos, las normas de sustitucion tambien se pueden obtener contactando Eric Peters al (505) 629-5299 o eric.peters@env.nm.gov, o en todas las oficinas del NMED en todo el estado.

El proposito de las reglas de sustitucion 20.2.71 NMAC y 20.2.75 NMAC es para asegurar que las emisiones y las cuotas de permiso de construccion del NMED son suficiente para cubrir los costos razonables del Programa de Permisos de Operacion Titulo V y del Programa de Permisos de Construccion de NMED. La EIB esta autorizada a adoptar las normas propuestas de conformidad con la Ley de Mejora Ambiental, Seccion 74-1-8(A)(4), y la Ley de Control de la Calidad del Aire, NMSA 1978, Secciones 74-2-1 a 17. El horario de cuotas por emisiones de los permisos de operacion del Titulo V debe ser coherente con las disposiciones de la Seccion 502(b)(3) de las enmiendas de 1990 a la Ley Federal de Aire Limpio, esto exige que las fuentes que requieren un permiso de operacion paguen cuotas suficientes para cubrir todos los costos directos e indirectos razonables del desarrollo y la administracion del programa estatal de permisos de operacion conforme al Titulo V. Vease Ley de Control de la Calidad del Aire, NMSA 1978, Seccion 74-2-7 (B)(7). El horario de las cuotas de permiso de construccion debe ser suficientes para cubrir los costos razonables de revision y tramitacion de cualquier solicitud de dicho permiso, asi como la implementacion y el cumplimiento de los terminos y condiciones del permiso, excluyendo los gastos judiciales u otros gastos asociados a una accion coercitiva. Vease Ley de Control de la Calidad del Aire, NMSA 1978, Seccion 74-2-7(B)(6).

20.2.71 NMAC establece un horario de cuotas por emisiones para las fuentes que deben obtener un permiso de conformidad con el Titulo V, segun lo estipulado en la norma 20.2.70 de NMAC, Permisos de Operacion. El horario especifica la cuota anual por emisiones para cada contaminante sujeto a pago, expresada en dolares por tonelada de emisiones permitidas. La regla de sustitucion 20.2.71 NMAC revisa la definicion actual de contaminante sujeto a cuota, agregando materia particulada de 10 micrometros o menos de diametro ("PM10") y materia particulada de 2.5 micrometros o menos de diametro ("PM2.5") y eliminando mercurio y particulas totales en suspension; reduce las toneladas maximas utilizadas en el calculo de la cuota para cada contaminante sujeto a cuota; establece que se cobrara una cuota por PM10 o PM2.5, no ambas, dependiendo de cual tenga la mayor tasa de emision permitida; aumenta el monto en dolares por tonelada utilizado en el calculo de la cuota para cada contaminante sujeto a cuota; establece una cuota por pago tardio por no pagar oportunamente las cuotas anuales de emision; y confirma los costos administrativos de cumplimiento para la aplicacion de las regulaciones de calidad del aire de Nuevo Mexico. Si se adopta, la regla de sustitución 20.2.71 NMAC se presentara a la Agencia de Proteccion Ambiental de los Estados Unidos ("EPA" por sus siglas en ingles) como una revision del Programa de Permisos de Operacion Titulo V de Nuevo Mexico.

Similarmente, 20.2.75 NMAC establece un horario de cuotas de permisos de construccion para avisos de intencion, permisos para construir o modificar una fuente, revisiones de permisos de construccion y revisiones tecnicas de permisos de construccion existentes bajo 20.2.72 NMAC, Permisos de Construccion, y 20.2.73 NMAC, Requisitos de Aviso de Intencion e Inventario de Emisiones. El horario incluye un esquema de puntos basado en la complejidad para varias acciones y un costo por punto, que se multiplica por la suma de todos los puntos aplicables a una accion de permiso determinada para determinar la cuota de permiso requerida. El horario tambien incluye una cuota anual para fuentes a las que ya se les ha emitido un permiso de construccion. La regla propuesta de sustitucion 20.2.75 NMAC revisa el calendario de puntos basado en la complejidad actual, aumentando los puntos para ciertas acciones y agregando puntos para avisos de intencion; incrementa el costo por punto utilizado para calcular las cuotas de permisos; aumenta la cuota anual para fuentes que ya han recibido un permiso de construccion e instituye una cuota anual para fuentes que han presentado un aviso de intencion; establece una multa por pago tardio de las cuotas anuales; y confirma los costos administrativos de cumplimiento para la aplicacion de las regulaciones de calidad del aire de Nuevo Mexico. Si se adopta, la regla de sustitucion 20.2.75 NMAC sera enviada a la EPA como una revision del Plan de Implementacion Estatal de Nuevo Mexico.

La audiencia se llevara a cabo de conformidad con 20.1.1 NMAC, Procedimientos de Reglamentacion Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Seccion 74-1-9; la Ley de Control de Calidad del Aire, NMSA 1978, Seccion 74-2-6; las ordenes emitidas por el oficial de audiencias designado por la EIB; y otros procedimientos aplicables.

PARTICIPACION PUBLICA: Las audiencias y reuniones de la EIB estan abiertas al publico y se anima al publico en general a participar. Todas las personas interesadas tendran una oportunidad razonable de participar presentando un aviso de intencion de presentar testimonio tecnico, presentando un registro de comparecencia o participando como miembros del publico. "Testimonio tecnico" se refiere a testimonios cientificos, de ingenieria, economicos o especializados, pero no incluye argumentos legales, comentarios generales o declaraciones de politica o posicion sobre los asuntos tratados en la audiencia. "Publico en general" incluye a cualquier persona que asista a una audiencia y no haya presentado un aviso de intencion de presentar testimonio tecnico.

Cualquier miembro del publico podra testificar en la audiencia. Toda persona que preste testimonio en la audiencia estara sujeta a contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten su credibilidad. Toda persona que asista a la audiencia tendra derecho a realizar el contrainterrogatorio que sea necesario para una divulgacion completa y veraz de los asuntos tratados en la audiencia. Todos los testimonios se tomaran bajo juramento o afirmacion, que podra realizarse en masa o de forma individual.

TESTIMONIO TECNICO: Cualquier persona que desee presentar testimonio tecnico en la audiencia debe presentar un aviso de intencion por escrito al Administrador del EIB a mas tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB que Programa la Audiencia, Nombra al Funcionario de la Audiencia y Establece Ciertas Fechas de Presentacion (emitida el 23 de Diciembre de 2025), disponible en el sitio web de asuntos archivados de NMED, y debera ser parte. El aviso de intencion debera: (1) identificar a la persona para la cual testificaran los testigos; (2) identificar a cada testigo tecnico que la persona tenga la intencion de presentar y declarar las cualificaciones de ese testigo, incluyendo una descripcion de su formacion educativa y experiencia laboral; (3) si la audiencia se llevara a cabo en multiples lugares, indicar el o los lugares donde estaran presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo tecnico en forma narrativa; (5) incluir el texto de cualquier modificacion recomendada al cambio regulatorio propuesto; y (6) enumerar y adjuntar todos los documentos que se preve que dicha persona presente en la audiencia, incluida cualquier declaracion propuesta de motivos para la adopcion de las normas. Cualquier persona que presente un aviso de intencion debera entregar una copia al NMED.

REGISTRO DE COMPARECENCIA: Cualquier persona puede presentar un registro de comparecencia como parte. El registro de comparecencia debera presentarse ante la administradora de la EIB a mas tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB sobre la Programacion de Audiencias, del Funcionario de Audiencias Designado y la Fijacion de Determinadas Fechas de Presentacion (emitida el 23 de Diciembre de 2025).

COMENTARIOS PUBLICOS: El público en general podra testificar mediante comentarios publicos por escrito o de forma oral en la audiencia. Quienes deseen presentar una declaracion por escrito para que conste en actas, en lugar de prestar testimonio oral en la audiencia, deberan presentarla antes de la audiencia o durante la misma. Quienes deseen presentar comentarios publicos por escrito antes de la audiencia pueden hacerlo en linea en https://nmed.commentinput.com/?id=t8BRr4m76, envie por correo electronico el comentario publico por escrito a pamela.jones@env.nm.gov, o envie un comunicado publico por correo postal al Administrador de la EIB, Departamento de Medio Ambiente de Nuevo Mexico Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Ademas, cada dia de la audiencia se proporcionara oportunidad para que el publico general preste testimonio oral. No se requiere aviso previo del publico general para presentar testimonio no tecnico en la audiencia. El publico en general tambien puede presentar exhibiciones no tecnicas en relacion con su comentario publico por escrito o testimonio oral, siempre que las exhibiciones no sean excesivamente repetitivas del testimonio y cumplan con 20.1.1.402 NMAC. El funcionario de audiencias designado determinara el proceso y los horarios para que el publico general preste testimonio durante la audiencia.

ACCESIBILIDAD: Las personas que necesiten servicios de interpretacion de idiomas o que tengan alguna discapacidad y requieran un lector, amplificador, interprete calificado de lenguaje de senas u otra forma de ayuda o servicio auxiliar para asistir o participar en la audiencia deben comunicarse con el Administrador del EIB al menos 14 dias antes de la audiencia o lo antes posible al (505) 660-4305 o pamela.jones@env.nm.gov. Para acceder a este numero a traves de Relay New Mexico marque 711, o llame al (800) 659-8331 (TTY) o al (800) 659-1779 (voz).

AVISO DE NO DISCRIMINACION: El NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administracion de sus programas o actividades, segun lo exigen las leyes y regulaciones aplicables. El NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas sobre los requisitos de no discriminacion implementados por 40 CFR Partes 5 y 7, incluido el Titulo VI de la Ley de Derechos Civiles de 1964, en su forma enmendada; la Seccion 504 de la Ley de Rehabilitacion de 1973; la Ley de Discriminacion por Edad de 1975, el Titulo IX de las Enmiendas a la Educacion de 1972 y la Seccion 13 de las Enmiendas a la Ley Federal de Control de la Contaminacion del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminacion de NMED, puede comunicarse con: Kate Cardenas, coordinadora de no discriminacion, Departamento de Medio Ambiente de Nuevo Mexico, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. Si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede comunicarse con la coordinadora de no discriminacion identificada anteriormente o visite https://www.env.nm.gov/non-employee-discrimination-complaint-page/ para aprender como y donde presentar una queja por discriminacion.

Journal: January 11, 2026

NOTICE OF PUBLIC HEARING
BERNALILLO COUNTY
Board of County Commissioners

TO ALL CITIZENS AND PARTIES IN INTEREST:

Notice is hereby given that the Board of County Commissioners will hold a public hearing on **Tuesday January 27, 2026, at 1:00 PM** in the Ken Sanchez Commission Chambers, 415 Silver Ave. SW, First Floor, Albuquerque, NM 87102, for the purpose of considering the following requests:

Appeals

COA2026-0003/SPR2025-0006
Sandia Heights Homeowners Association appeals the County Planning Commission's decision to recommend approval of an Amendment to the Paseo Del Norte/North Albuquerque Acres Sector Development Plan to allow for a Special Use Permit for a Public Utility Structure (Electrical Substation) on Lots 7, 8, 25, and 26, Block 2, North Albuquerque Acres Tract 2, Unit 2, located at 11520 and 11600 Paseo del Norte Frontage Rd. NE, and 11525 and 11601 Palomas Ave. NE, zoned SD-RO (Residential/Office) and containing 3.56 acres. (D-22) (Original request submitted by Public Service Company of New Mexico)

COA2026-0008/CSU2025-0009
Sandia Heights Homeowners Association appeals the County Planning Commission's decision to recommend approval of a Special Use Permit for a Public Utility Structure (Electrical Substation) on Lots 7, 8, 25, and 26, Block 2, North Albuquerque Acres Tract 2, Unit 2, located at 11520 and 11600 Paseo del Norte Frontage Rd. NE, and 11525 and 11601 Palomas Ave. NE, zoned SD-RO (Residential/Office) and containing 3.56 acres. (D-22) (Original request submitted by Public Service Company of New Mexico)

COA2026-0004/SPR2025-0006
Cadigan Law Firm, P.C., agent for William Quadros, Nehtra Tharakeshwarappa, John and Teri Pearce, Mary and Scott Cogan, Julia Plumer, Curtis Bryant, Robert and Nancy Gherardi, Michael Geilenfeldt, Paul and Michelle Edwards, Joe Martinez, Mariana Tiano, Jerome Trujillo, and North Albuquerque Acres Residents Coalition, appeals the County Planning Commission's decision to recommend approval of an Amendment to the Paseo Del Norte/North Albuquerque Acres Sector Development Plan to allow for a Special Use Permit for a Public Utility Structure (Electrical Substation) on Lots 7, 8, 25, and 26, Block 2, North Albuquerque Acres Tract 2, Unit 2, located at 11520 and 11600 Paseo del Norte Frontage Rd. NE, and 11525 and 11601 Palomas Ave. NE, zoned SD-RO (Residential/Office) and containing 3.56 acres. (D-22) (Original request submitted by Public Service Company of New Mexico)

COA2026-0005/CSU2025-0009
Cadigan Law Firm, P.C., agent for William Quadros, Nehtra Tharakeshwarappa, John and Teri Pearce, Mary and Scott Cogan, Julia Plumer, Curtis Bryant, Robert and Nancy Gherardi, Michael Geilenfeldt, Paul and Michelle Edwards, Joe Martinez, Mariana Tiano, Jerome Trujillo, and North Albuquerque Acres Residents Coalition, appeals the County Planning Commission's decision to recommend approval of a Special Use Permit for a Public Utility Structure (Electrical Substation) on Lots 7, 8, 25, and 26, Block 2, North Albuquerque Acres Tract 2, Unit 2, located at 11520 and 11600 Paseo del Norte Frontage Rd. NE, and 11525 and 11601 Palomas Ave. NE, zoned SD-RO (Residential/Office) and containing 3.56 acres. (D-22) (Original request submitted by Public Service Company of New Mexico)

COA2026-0006/SPR2025-0006
Robert Dale Morrison appeals the County Planning Commission's decision to recommend approval of an Amendment to the Paseo Del Norte/North Albuquerque Acres Sector Development Plan to allow for a Special Use Permit for a Public Utility Structure (Electrical Substation) on Lots 7, 8, 25, and 26, Block 2, North Albuquerque Acres Tract 2, Unit 2, located at 11520 and 11600 Paseo del Norte Frontage Rd. NE, and 11525 and 11601 Palomas Ave. NE, zoned SD-RO (Residential/Office) and containing 3.56 acres. (D-22) (Original request submitted by Public Service Company of New Mexico)

COA2026-0007/CSU2025-0009
Robert Dale Morrison appeals the County Planning Commission's decision to recommend approval of a Special Use Permit for a Public Utility Structure (Electrical Substation) on Lots 7, 8, 25, and 26, Block 2, North Albuquerque Acres Tract 2, Unit 2, located at 11520 and 11600 Paseo del Norte Frontage Rd. NE, and 11525 and 11601 Palomas Ave. NE, zoned SD-RO (Residential/Office) and containing 3.56 acres. (D-22) (Original request submitted by Public Service Company of New Mexico)

Public Hearing

SPR2025-0006
The CPC recommends approval of a request for an Amendment to the Paseo Del Norte/North Albuquerque Acres Sector Development Plan to allow for a Special Use Permit for a Public Utility Structure (Electrical Substation) on Lots 7, 8, 25, and 26, Block 2, North Albuquerque Acres Tract 2, Unit 2, located at 11520 and 11600 Paseo del Norte Frontage Rd. NE, and 11525 and 11601 Palomas Ave. NE, zoned SD-RO (Residential/Office) and containing 3.56 acres. (D-22) (Original request submitted by Public Service Company of New Mexico)

A printed agenda for the meeting will be available at the customer service desk at the Bernalillo County Alvarado Square Building, 415 Silver Ave. SW at least seventy-two (72) hours prior to the meeting unless it is a weekend, in which case the agenda will be available by 4:30 p.m. on the Friday prior to the meeting. The agenda will also be available on the Bernalillo County website at --http://bernalillocountynm.iqm2.com/Citizens/Default.aspx

The Board of County Commissioners will convene the in-person public hearing in the Ken Sanchez Commission Chambers, 415 Silver Ave. SW, First Floor, Albuquerque, NM 87102. This meeting will also provide a hybrid option for public comment and participation via Zoom. Details on how to participate via Zoom will be posted on the final meeting agenda. To view the meeting only without participation, please visit https://www.youtube.com/user/BernalilloCounty or www.bernco.gov/live for the live broadcast.

For any questions regarding this hearing, including participating in the hearing via Zoom, please contact Elvira Lopez, Planning and Development Services Department, at least one day prior to the hearing at (505) 314-00384 or ellopez@bernco.gov.

Es necesario traer un interprete si no habla ingles. Para mas informacion puede llamar a Nancy Soto-Campos al (505) 222-3927 o nscampos@bernco.gov.

Individuals with disabilities who need special assistance to benefit from this hearing should contact the County Manager's Office at (505) 468-7000 or TDD (505) 468-7088 at least one week prior to the meeting or as soon as possible.

Journal: January 11, 2026.

**ADVERTISEMENT
SANTA FE COUNTY
Arbitrage Services
RFP No. 2026-0158-FIN/JL**

Santa Fe County seeks an Arbitrage Rebate Provider to perform annual arbitrage calculations, prepare required IRS filings, and deliver compliance reports for each bond issue. The provider must also advise on regulatory changes and assist with any IRS inquiries. All proposals submitted shall be valid for ninety (90) days subject to action by the County. Santa Fe County reserves the right to reject any and all proposals in part or in whole. **All proposals must be received by 2:00 PM on Wednesday, February 18, 2026, and shall be submitted electronically utilizing Dropbox. No hard copy submissions will be accepted**. Please utilize this link to upload your proposal submission. https://www.dropbox.com/request/4NMWcm2kMkb8XztDJRu3.
By submitting a proposal for the requested services described above, each Offeror is certifying that it is a qualified company to do business in the State of New Mexico and agrees to the requirements stated within the Request for Proposals.
A **Pre-Proposal Conference** will be held on **Thursday, January 22, 2026 at 10:00AM (MST)**, via Microsoft Teams; please use the Teams link provided below, meeting number 295 752 229 980 85, passcode E5sa24xa, or join by phone at (773) 352-2011, conference ID 406 049 976#.
Attendance is not mandatory but highly recommended. https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting

EQUAL EMPLOYMENT OPPORTUNITY: All qualified Offerors will receive consideration of contract(s) without regard to race, color, religion, sex or national origin, ancestry, age, physical and mental handicap, serious medical condition, disability, spousal affiliation, sexual orientation or gender identity.
Request for Proposals will be available by contacting Jack Love, Procurement Specialist Senior, 102 Grant Avenue, (First Floor) Santa Fe, New Mexico 87501, or by telephone at (505) 986-6209, or by email at jalove@santafecountynm.gov or on our website at https://www.santafecountynm.gov/finance/purchasing-division/current-bid-solicitations.
PROPOSALS RECEIVED AFTER THE DATE AND TIME SPECIFIED ABOVE WILL NOT BE CONSIDERED AND WILL BE REJECTED BY SANTA FE COUNTY.

Journal: January 11, 2026.

AEPA #026.5 - LEGAL NOTICE

Notice to Vendors

Sealed solicitations will be received by the Association of Educational Purchasing Agencies (AEPA) on behalf of its 31 State Member Agencies until:

1:30 p.m. ET, February 12, 2026

Solicitations: 026.5-A Industrial Arts and Career and Tech Supplies and 026.5-B Institutional Kitchen Equipment.

All responses shall be submitted online via Euna Procurement by the due date and time listed above. Vendors are requested to visit AEPA's website at https://aepacoop.org/registration-solicitations/ for instructions on how to register at no cost with Euna Procurement. AEPA documents will be released on January 7, 2026. Note that Vendors must be able to provide their proposed products and services in up to 31 states.

Solicitations will be publicly opened at **2:00 p.m. ET, February 12, 2026** at EducationPlus, 1460 Craig Road, St. Louis, MO 63146. An opening record will be posted to AEPACOOP.org

Journal: January 11, 2026

WANT TO VIEW OUR ARCHIVES?
SUBSCRIBE 505.823.4400

UNIVERSAL Sudoku Puzzle

Complete the grid so that every row, column and 3x3 box contains every digit from 1 to 9 inclusively.

1/11

7		8		5		1		2
				9	4			3
		4		1	8			
	5			2		7		9
				4				
6		7		8			2	
			8	7		4		
9			4	3				
8		5		6		9		7

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DIFFICULTY RATING: ★★★★★

BALLANTINE
COMMUNICATIONS

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO

County of San Juan

Odelle Zamora, the undersigned, authorized Representative of the Tri-City Record, on oath states that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Law of 1937, that payment therefore has been made of assessed as court cost; and that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

1/12/2026

Sworn and subscribed before me, a notary public in and for the county of La Plata and the State of Colorado, 1/14/2026

Notary Public

PRICE: 748.83

Statement to come at the end of the month.

ACCOUNT NUMBER: 109807

KARI E PATHUIS
Notary Public
State of Colorado
Notary ID # 20254043032
My Commission Expires 11-20-2029

COPY OF ADVERTISEMENT

32753

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER THE PROPOSED REPEAL AND REPLACEMENT OF 20.2.71 NMAC – OPERATING PERMIT EMISSIONS FEES AND 20.2.75 NMAC – CONSTRUCTION PERMIT FEES, EIB 25-77 (R)

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on March 23, 2026, at 9:00 a.m. to consider EIB 25-77 (R) – In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately three days. The EIB may deliberate and make a decision on the proposed regulatory changes at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person component will be held at the New Mexico State Capitol, 490 Old Santa Fe Trail (alternatively 411 S. State Capital Street), Santa Fe, New Mexico 87501. Hearing details, including the meeting room number and how to participate virtually, will be available on the New Mexico Environment Department ("NMED") events calendar at https://www.env.nm.gov/events-calendar/, under the calendar entry corresponding to the hearing start date. For more information, contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

The purpose of the hearing is for the EIB to consider and take possible action on a petition by NMED requesting that the EIB repeal and replace 20.2.71 NMAC, Operating Permit Emissions Fees, and 20.2.75 NMAC, Construction Permit Fees. The petition, statement of reasons (attached to the petition as Exhibit A), proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC (attached to the petition as Exhibits B and C), and current rules 20.2.71 NMAC and 20.2.75 NMAC with proposed changes shown in redline fashion (attached to the petition as Exhibits D and E) are available on NMED's docketed matters website at

https://www.env.nm.gov/opf/docketed-matters/. To access these documents, click on "Environmental Improvement Board" to display the drop-down list of matters before the EIB, then click on "EIB 25-77 (R): In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees" to display the drop-down list of all documents filed in conjunction with this matter. Copies of the petition, statement of reasons, and proposed replacement rules can also be obtained by contacting Eric Peters at (505) 629-5299 or eric.peters@env.nm.gov, or at any of NMED's offices statewide.

The purpose of proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC is to ensure that NMED's emissions and construction permit fees are sufficient to cover the reasonable costs of NMED's Title V Operating Permit Program and Construction Permit Program. The EIB is authorized to adopt the proposed rules pursuant to the Environmental Improvement Act, Section 74-1-8(A)(4), and the Air Quality Control Act, NMSA 1978, Sections 74-2-1 to 17. The schedule of Title V operating permit emissions fees must be consistent with the provisions of Section 502(b)(3)

provisions of Section 502(b)(3) of the 1990 amendments to the federal Clean Air Act, which requires sources that are required to obtain an operating permit to pay fees sufficient to cover all reasonable direct and indirect costs of developing and administering the state's Title V Operating Permit Program. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(7). The schedule of construction permit fees must be sufficient to cover the reasonable costs of reviewing and acting upon any application for such permit and implementing and enforcing the terms and conditions of the permit, excluding any court costs or other costs associated with an enforcement action. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(6).

20.2.71 NMAC establishes a schedule of emissions fees for sources required to obtain a Title V permit under 20.2.70 NMAC, Operating Permits. The schedule specifies the annual emissions fee for each fee pollutant expressed in dollars per ton of allowable emissions. Proposed replacement rule 20.2.71 NMAC revises the current definition of fee pollutant, adding particulate matter 10 micrometers or less in diameter ("PM10") and particulate matter 2.5 micrometers or less in diameter ("PM2.5") and removing mercury and total suspended particulate matter; reduces the

particulate matter, reduces the maximum tons used in the fee calculation for each fee pollutant; provides that a fee shall be assessed for either PM10 or PM2.5, not both, depending on which has the higher allowable emission rate; increases the dollar per ton amount used in the fee calculation for each fee pollutant; establishes a late fee for failing to timely pay annual emissions fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.71 NMAC will be submitted to the U.S. Environmental Protection Agency ("EPA") as a revision to New Mexico's Title V Operating Permit Program.

Similarly, 20.2.75 NMAC establishes a schedule of construction permit fees for notices of intent, permits to construct or modify a source, construction permit revisions, and technical reviews of existing construction permits under 20.2.72 NMAC, Construction Permits, and 20.2.73 NMAC, Notice of Intent and Emissions Inventory Requirements. The schedule includes a complexity-based points schedule for various actions and a cost per point, which is multiplied by the sum of all the points applicable to a given permitting action to determine the required permit

fee. The schedule also includes an annual fee for sources that have already been issued a construction permit. Proposed replacement rule 20.2.75 NMAC revises the current complexity-based points schedule, increasing the points for certain actions and adding points for notices of intent; increases the cost per point used to calculate permit fees; increases the annual fee for sources that have already been issued a construction permit and institutes an annual fee for sources that have filed a notice of intent; establishes a late fee for failing to timely pay annual fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.75 NMAC will be submitted to EPA as a revision to the New Mexico State Implementation Plan.

The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; the Air Quality Control Act, NMSA 1978, Section 74-2-6; orders issued by the hearing officer appointed by the EIB; and other applicable procedures.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the

general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

TECHNICAL TESTIMONY: Any person who wishes to present

person who wishes to present technical testimony at the hearing must file a written notice of intent with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025), available on NMED's docketed matters website, and shall be a party. The notice of intent shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules. Any person who files a notice of intent shall serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator

filed with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025).

PUBLIC COMMENT: The general public may submit a written public comment or testify orally at the hearing. A member of the general public who wishes to submit a written public comment as a statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment online at *https://nmed. commentinput. com/?id=t8BRr4m76*, email the written public comment to pamela.jones@env.nm.gov, or mail the written public comment to EIB Administrator, New Mexico Environment Department – Harold Runnels Building, P.O. Box 5469, Santa Fe, New Mexico 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required for the general public to present non-technical testimony at the hearing. The general public may also offer non-technical exhibits in connection with their

written public comment or oral testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: Persons requiring language interpretation services or having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact the EIB Administrator at least 14 days prior to the hearing or as soon as possible at (505) 660-4305 or pamela.jones@env.nm.gov. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice).

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 CFR 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: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, New Mexico 87502, (505) 827-2855, nd.coordinator@env.nm.gov. 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 https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

JUNTA DE MEJORA AMBIENTAL DE NUEVO MÉXICO AVISO DE AUDIENCIA DE REGLAMENTACIÓN PARA CONSIDERAR LA PROPUESTA DE DEROGACIÓN Y SUSTITUCIÓN DE 20.2.71 NMAC – CUOTAS DE EMISIONES DE PERMISO DE OPERACIÓN Y 20.2.75 NMAC – CUOTAS DE PERMISO DE

CONSTRUCCIÓN, EIB 25-77 (R)

La Junta de Mejora Ambiental de Nuevo México ("EIB" por sus siglas en inglés) llevará a cabo una audiencia pública que comenzará el 23 de Marzo de 2026 a las 9:00a.m. para considerar la EIB 25-77 (R) – En el asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Permiso de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción. La audiencia durará el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos, y se espera que dure aproximadamente tres días. La EIB puede deliberar y podrá tomar una decisión sobre los cambios regulatorios propuestos al concluir la audiencia o puede convocar a una reunión después de la audiencia para considerar medidas sobre la propuesta.

La audiencia se llevará a cabo en un formato híbrido para permitir la participación tanto en persona como virtual. El componente presencial se llevará a cabo en la capital del estado de Nuevo México, 490 Old Santa Fe Trail (alternativamente 411 S. State Capital Street), Sante Fe, Nuevo México 87501. Detalles de la audiencia, incluyendo el numero de la sala de reuniones

número de la sala de reuniones y cómo participar de forma virtual, estarán disponibles en el Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés) calendario de eventos en https://www.env.nm.gov/events-calendar/, debajo de la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para más información, comuníquese con la administradora de la EIB llamando al (505) 660-4305 o en pamela.jones@env.nm.gov.

El propósito de la audiencia es que la EIB considere y tome las medidas necesarias respecto a la Petición del NMED en la que solicita a la EIB la derogación y sustitución 20.2.71 NMAC, Cuotas de Emisiones de Permiso de Operación, y 20.2.75 NMAC, Cuotas de Permiso de Construcción. La petición, declaración de motivos (adjunto a la petición como Anexo A), normas de reemplazo propuestas 20.2.71 NMAC y 20.2.75 NMAC (adjunto a la petición como Anexos B y C), y las reglas actuales 20.2.71 NMAC 20.2.75 NMAC con los cambios propuestos mostrados en rojo (adjunto a la petición como Anexos D y E) están disponibles en el sito web de asuntos archivados de NMED en *https://www.env.nm.gov/opf/docketed-matters/.* Para acceder a estos documentos, haga clic en "Junta de Mejora

haga clic en "Junta de Mejora Ambiental" para mostrar la lista desplegable de asuntos ante el EIB, después haga clic en "EIB 25-77 (R): En El Asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción" para mostrar la lista desplegable de todos los documentos presentados en relación con este asunto. Copias de la petición, declaración de motivos, las normas de sustitución también se pueden obtener contactando Eric Peters al (505) 629-5299 o eric.peters@env.nm.gov, o en todas las oficinas del NMED en todo el estado.

El propósito de las reglas de sustitución 20.2.71 NMAC y 20.2.75 NMAC es para asegurar que las emisiones y las cuotas de permiso de construcción del NMED son suficiente para cubrir los costos razonables del Programa de Permisos de Operación Titulo V y del Programa de Permisos de Construcción de NMED. La EIB está autorizada a adoptar las normas propuestas de conformidad con la Ley de Mejora Ambiental, Sección 74-1-8(A)(4), y la Ley de Control de la Calidad del Aire, NMSA 1978, Secciones 74-2-1 a 17. El horario de cuotas por emisiones de los permisos de operación del Titulo V debe ser coherente con las disposiciones

de la Sección 502(b)(3) de las enmiendas de 1990 a la Ley Federal de Aire Limpio, esto exige que las fuentes que requieren un permiso de operación paguen cuotas suficientes para cubrir todos los costos directos e indirectos razonables del desarrollo y la administración del programa estatal de permisos de operación conforme al Titulo V. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7 (B)(7). El horario de las cuotas de permiso de construcción debe ser suficientes para cubrir los costos razonables de revisión y tramitación de cualquier solicitud de dicho permiso, así como la implementación y el cumplimiento de los términos y condiciones del permiso, excluyendo los gastos judiciales u otros gastos asociados a una acción coercitiva. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7(B)(6).

20.2.71 NMAC establece un horario de cuotas por emisiones para las fuentes que deben obtener un permiso de conformidad con el Titulo V, según lo estipulado en la norma 20.2.70 de NMAC, Permisos de Operación. El horario especifica la cuota anual por emisiones para cada contaminante sujeto a pago, expresada en dólares por tonelada de emisiones permitidas. La regla de

sustitución 20.2.71 NMAC revisa la definición actual de contaminante sujeto a cuota, agregando materia particulada de 10 micrómetros o menos de diámetro ("PM10") y materia particulada de 2.5 micrómetros o menos de diámetro ("PM2.5") y eliminando mercurio y partículas totales en suspensión; reduce las toneladas máximas utilizadas en el cálculo de la cuota para cada contaminante sujeto a cuota; establece que se cobrará una cuota por PM10 o PM2.5, no ambas, dependiendo de cuál tenga la mayor tasa de emisión permitida; aumenta el monto en dólares por tonelada utilizado en el cálculo de la cuota para cada contaminante sujeto a cuota; establece una cuota por pago tardío por no pagar oportunamente las cuotas anuales de emisión; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.71 NMAC se presentará a la Agencia de Protección Ambiental de los Estados Unidos ("EPA" por sus siglas en inglés) como una revisión del Programa de Permisos de Operación Título V de Nuevo México.

Similarmente, 20.2.75 NMAC establece un horario de cuotas de permisos de construcción para avisos de intención

para avisos de intención, permisos para construir o modificar una fuente, revisiones de permisos de construcción y revisiones técnicas de permisos de construcción existentes bajo 20.2.72 NMAC, Permisos de Construcción, y 20.2.73 NMAC, Requisitos de Aviso de Intención e Inventario de Emisiones. El horario incluye un esquema de puntos basado en la complejidad para varias acciones y un costo por punto, que se multiplica por la suma de todos los puntos aplicables a una acción de permiso determinada para determinar la cuota de permiso requerida. El horario también incluye una cuota anual para fuentes a las que ya se les ha emitido un permiso de construcción. La regla propuesta de sustitición 20.2.75 NMAC revisa el calendario de puntos basado en la complejidad actual, aumentando los puntos para ciertas acciones y agregando puntos para avisos de intención; incrementa el costo por punto utilizado para calcular las cuotas de permisos; aumenta la cuota anual para fuentes que ya han recibido un permiso de construcción e instituye una cuota anual para fuentes que han presentado un aviso de intención; establece una multa por pago tardío de las cuotas anuales; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta la regla de sustitución

adopta, la regla de sustitución 20.2.75 NMAC será enviada a la EPA como una revisión del Plan de Implementación Estatal de Nuevo México.

La audiencia se llevará a cabo de conformidad con 20.1.1 NMAC, Procedimientos de Reglamentación – Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-9; la Ley de Control de Calidad del Aire, NMSA 1978, Sección 74-2-6; las órdenes emitidas por el oficial de audiencias designado por la EIB; y otros procedimientos aplicables.

PARTICIPACIÓN PÚBLICA: Las audiencias y reuniones de la EIB están abiertas al público y se anima al público en general a participar. Todas las personas interesadas tendrán una oportunidad razonable de participar presentando un aviso de intención de presentar testimonio técnico, presentando un registro de comparecencia o participando como miembros del público. "Testimonio técnico" se refiere a testimonios científicos, de ingeniería, económicos o especializados, pero no incluye argumentos legales, comentarios generales o declaraciones de política o posición sobre los asuntos tratados en la audiencia. "Público en general" incluye a cualquier persona que asista a una audiencia y no haya presentado un aviso de

intención de presentar testimonio técnico.

Cualquier miembro del público podrá testificar en la audiencia. Toda persona que preste testimonio en la audiencia estará sujeta a contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten su credibilidad. Toda persona que asista a la audiencia tendrá derecho a realizar el contrainterrogatorio que sea necesario para una divulgación completa y veraz de los asuntos tratados en la audiencia. Todos los testimonios se tomarán bajo juramento o afirmación, que podrá realizarse en masa o de forma individual.

TESTIMONIO TÉCNICO: Cualquier persona que desee presentar testimonio técnico en la audiencia debe presentar un aviso de intención por escrito al Administrador del EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB que Programa la Audiencia, Nombra al Funcionario de la Audiencia y Establece Ciertas Fechas de Presentación (emitida el 23 de Diciembre de 2025), disponible en el sitio web de asuntos archivados de NMED, y deberá ser parte. El aviso de intención deberá: (1) identificar a la persona para la cual testificarán los testigos; (2) identificar a cada testigo técnico que la

persona tenga la intención de presentar y declarar las cualificaciones de ese testigo, incluyendo una descripción de su formación educativa y experiencia laboral; (3) si la audiencia se llevará a cabo en múltiples lugares, indicar el o los lugares donde estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada al cambio regulatorio propuesto; y (6) enumerar y adjuntar todos los documentos que se prevé que dicha persona presente en la audiencia, incluida cualquier declaración propuesta de motivos para la adopción de las normas. Cualquier persona que presente un aviso de intención deberá entregar una copia al NMED.

REGISTRO DE COMPARECENCIA: Cualquier persona puede presentar un registro de comparecencia como parte. El registro de comparecencia deberá presentarse ante la administradora de la EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB sobre la Programación de Audiencias, del Funcionario de Audiencias Designado y la Fijación de Determinadas Fechas de Presentación (emitida el 23 de Diciembre de 2025).

COMENTARIOS PÚBLICOS:

COMENTARIOS PÚBLICOS. El público en general podrá testificar mediante comentarios públicos por escrito o de forma oral en la audiencia. Quienes deseen presentar una declaración por escrito para que conste en actas, en lugar de prestar testimonio oral en la audiencia, deberán presentarla antes de la audiencia o durante la misma. Quienes deseen presentar comentarios públicos por escrito antes de la audiencia pueden hacerlo en línea en *https://nmed.commentinput.com/?id=t8BRr4m76*, envíe por correo electrónico el comentario público por escrito a pamela.jones@env.nm.gov, o envíe un comunicado público por correo postal al Administrador de la EIB, Departamento de Medio Ambiente de Nuevo México – Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Además, cada día de la audiencia se proporcionará oportunidad para que el público general preste testimonio oral. No se requiere aviso previo del público general para presentar testimonio no técnico en la audiencia. El público en general también puede presentar exhibiciones no técnicas en relación con su comentario público por escrito o testimonio oral, siempre que las exhibiciones no sean excesivamente repetitivas del testimonio y cumplan con 20.1.1.402 NMAC. El funcionario de audiencias

funcionario de audiencias designado determinará el proceso y los horarios para que el público general preste testimonio durante la audiencia.

ACCESIBILIDAD: Las personas que necesiten servicios de interpretación de idiomas o que tengan alguna discapacidad y requieran un lector, amplificador, intérprete calificado de lenguaje de señas u otra forma de ayuda o servicio auxiliar para asistir o participar en la audiencia deben comunicarse con el Administrador del EIB al menos 14 días antes de la audiencia o lo antes posible al (505) 660-4305 o pamela.jones@env.nm.gov. Para acceder a este número a través de Relay New Mexico marque 711, o llame al (800) 659-8331 (TTY) o al (800) 659-1779 (voz).

AVISO DE NO DISCRIMINACIÓN: El NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigen las leyes y regulaciones aplicables. El NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas sobre los requisitos de no discriminación implementados por 40 CFR Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, en

su forma enmendada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas a la Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede comunicarse con: Kate Cardenas, coordinadora de no discriminación, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. Si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede comunicarse con la coordinadora de no discriminación identificada anteriormente o visite https://www.env.nm.gov/non-employee-discrimination-complaint-page/ para aprender cómo y dónde presentar una queja por discriminación.

Published in Tri-City Record
January 12, 2026

MARKETPLACE

★ EMPLOYMENT

Help Wanted/ Full Time

Assistant Controller
Southern Ute Growth Fund
Ignacio, CO

Responsible for management of accounting functions, general ledger, subledgers, as well as supervision of assigned accounting staff. Assist in the annual audit and budget process. BA/BS in Accounting, Finance, Business Administration or related w/ 8 yrs exp. CPA required. Preference is given to qualified So. Ute Tribal Members and other Native Americans. Closing date: 5:00 pm on 02/09/2026. For job details and to apply, visit: www.sugf.com

TRI-CITY RECORD

Ballantine Communications Inc. is seeking a **Multimedia Sales Representative** to join our team! As a Multi-Media Sales Representative, you will present advertising solutions to clients, consult with them about their business objectives, craft high commercial messages, and choose the appropriate marketing channels to connect to the correct demographic group. The likely candidate will be energetic, have a solid understanding of local markets, and proven ability to generate sales by providing creative solutions to clients that meet their business needs.
BCI is an equal opportunity employer. Apply at *https://ballantinecommunications inc.com/*

Compression Operations Technician I, II and Senior
Red Cedar Gathering

Responsible for operating and maintaining equipment at plant and field compression facilities. HS diploma or equiv. **AND** 3-12 yrs exp in operation/maintenance of engines/compressors including dehydration systems, pumps, and filter systems. Must be able to work a rotating workweek, OC, OT, and weekends as needed **AND** live w/in 50 mile radius of the Bondad office. Preference is given to So. Ute Tribal Members and other Native Americans. **Closing date: 5:00 pm on 01/16/2026. To apply, visit: www.sugf.com**

EHS Specialist II - Health & Safety
Red Willow Production Co

Promote EHS awareness, compliance and stewardship throughout the organization. HS/Equivalent or AAS/BS/MS in Env. Science, Biological Science, Physical Science, Engineering, or related discipline; AND 3-9 yrs work exp. in EHS including 1-4 yrs work exp. in the O/G or energy industry and 1-5 yrs of H&S work has been performed. Working knowledge of health & safety hazards; impact and field mitigation measure. Preference is given to qualified Southern Ute Tribal Members and other Native Americans. **Closing date: 5:00 pm on 1/23/26. For details and to apply, visit: www.sugf.com**

Help Wanted/ Full Time

Financial Planning & Analysis Manager
Southern Ute Growth Fund

Compile & analyze annual budget & 5 yrs plan. Updating Tribe's financial plan annually and every 3 yrs. Manages annual Growth Fund bonus and Long-Term Incentive plan (LTIP), track and analyze capital spending, return analysis. BA/BS in Accounting, finance or related w/ 6-10yrs exp. Hybrid Remote. Preference is given to qualified So. Ute Tribal Members and other Native Americans. **Closing date: 5:00 pm on 02/09/2026. For job details and to apply, visit: www.sugf.com**

SOUTHERN UTE INDIAN TRIBE JOB OPENINGS

Administrative Technician
After School Program Attendant
After School Program Leader
BGC Aide (PT)
Clinical Applications Coordinator
Clinical Supervisor
Community Health Representative
Construction Services Repairman
Detention Cook
Detention Division Head
Detention Officer
Detention Transport Officer
Dispatcher
Early Childhood Teacher
Elementary Teacher
Field Technician
Gaming Investigator I & II
Land Surveyor
Lands Compliance Technician
Lands Technician
(PT) Medical Assistant
Patrol Officer I & II
Patrol Officer Trainee
Physician
Public Defender
Public Health Nurse
Recording Secretary
Swimming Instructor (PT)
Teacher Aide
Victim Advocate

Apply online: https://careers.southernute.com/pfund
Human Resources
(970) 563-4750
TERO – Native American Preference

HR Generalist
Southern Ute Growth Fund

Maintain employment life cycle including but not limited to recruitment, hiring, onboarding, and separation. Support performance mgmt, policy implementation, and maintaining HR records. BA/BS in HRM or Business w/ 3yrs exp OR AA/AS in HRM or Business w/ 5yrs exp OR HS diploma/equiv w/ 7yrs exp. Preference is given to qualified Southern Ute Tribal Members and other Native Americans. **Closing date: 5:00 pm on 01/23/2026. To apply, visit www.sugf.com**

Help Wanted/ Full Time

Measurement Accounting Specialist
Red Cedar Gathering Co.

Responsible for accumulation, processing, accuracy, and editing of Electronic Flow Meter (EFM) and chart data. Support Measurement Acct. Supervisor and Acct. Department. BA/BS in Accounting, Business or related w/ 3 yrs exp. **OR** AA/ AS w/ 5 yrs exp. **OR** HS Diploma/Equiv w/ 7yrs exp. Preference is given to qualified Southern Ute Tribal members and other Native Americans. **Closing date: 5:00 pm on 01/23/2026. To apply, visit: www.sugf.com/careers**

Senior Control Analyst
Red Cedar Gathering Co.

Comply w/ regs for monetization eligibility; leads processing, tracking, reporting, & communicating volume & measurement accounting data, payroll-related tasks; accounting entries & reconciliations; preparation of schedules/reports. BA/BS in Accounting, Business or related w/ 10 yrs exp. **OR** AA/ AS w/ 12 yrs exp. Preference is given to qualified Southern Ute Tribal members and other Native Americans. **Closing date: 5:00 pm on 01/23/2026. To apply, visit: www.sugf.com/careers**

Senior EHS Specialist – Safety
Red Willow Production Co

Lead EHS programs to promote safety, compliance, and stewardship. Develop, implement, and train EHS initiatives w/ emphasis on health & safety. AAS/BS/MS in Environmental, Biological or Physical Science, Engineering, or related field; AND 10-14 yrs EHS experience including 5-7 yrs exp in O/G or energy AND 5-7 yrs in H&S emphasis H&S. Knowledge of major regulatory programs (OSHA, CAA, CWA, CERCLA, and RCRA) and impact to O/G operations. Preference given to qualified Southern Ute Tribal Members and other Native Americans. **Closes: 5:00 PM on 1/23/26 For details and to apply, visit: www.sugf.com**

Financial Reporting Manager
Southern Ute Growth Fund

Supports routine & non-routine accounting, auditing, and reporting processes and projects; reviews and analyzes FASB accounting pronouncements and determines the impact on Growth Fund business entities; serves as an accounting expert in advising Growth Fund management, Controller and business entities on complex accounting issues. BA/BS in Accounting or Business w/ 7 yrs exp. Must have CPA. Hybrid Remote. Preference is given to qualified So. Ute Tribal Members and other Native Americans. **Closing date: 5:00 pm on 02/09/2026. For job details and to apply, visit: www.sugf.com**

Be Your Own Boss
Set Your Own Hours
Contractor
Subscription Sales

Digital and newspaper subscription sales with commissions up to $25 for each new start. Events, kiosks, and door-to-door. Earn money at your own pace. Interested individuals can contact: SubscriptionSales@bcimedia.com

Help Wanted/ Full Time

TEPA COMPANIES

Full-time, skilled positions available in Teec Nos Pos and Many Farms, Arizona. The Tepa Companies offer competitive pay, benefits, and room to grow. Apply today at tepa.com/work-with-tepa/careers/ or mail your resume to our office below:
The Tepa Companies
Attn: Tepa Careers
2345 Grand Blvd, Kansas City, MO 64108. Navajo hiring preference policy applies.

Help Wanted/ Part Time

TRI-CITY RECORD

Independent Carrier, part-time, needed to early morning newspaper delivery. Great for Stay-At-Home moms, Students, Retirees, morning people, or anyone interested in making extra money. Delivery on Monday, Wednesday, and Friday. Vehicle and valid driver's license required. If interested apply at *http://ballantinecommunications inc.com/careers* or email scorwin@bcimedia.com

★ MERCHANDISE

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833 Road 4600, Navajo Dam, NM. Call 480-392-8550

★ LEGALS

Private Legals

32758
COUNTY OFFICIAL CALL / PUBLIC NOTICE
REPUBLICAN PARTY OF SAN JUAN COUNTY

County Central Committee Meeting and Pre-Primary Convention Official Call
COUNTY CENTRAL COMMITTEE (CCC) MEETING OFFICIAL CALL
Call is hereby made for the County Central Committee Meeting of the Republication Party of San Juan County to be held January 7th, 2026 at San Juan College - School of Energy, Merrion Room, 5301 College Blvd., Farmington, NM 87402, time 10:00 a.m.
Submitted by Melanie Leahy, Secretary RPSJC

Published in Tri-City Record
January 9, 12, 14, 16, 2026

32808
Notice by Hilcorp Energy Company for Downhole Commingling, San Juan County, New Mexico. Pursuant to Paragraph (2) of Subsection C of 19.15.12.11 NMAC, Hilcorp Energy Company, as Operator, has filed form C-107A with the New Mexico Energy, Minerals and Natural Resources Department – Oil Conservation Division (NMOCD) seeking administrative approval to downhole commingle new production from the Basin-Fruitland Coal Pool (71629) and the Aztec Pictured Cliffs Pool (71280) with existing production from the Basin Dakota Pool (71599) in the Martin A 1E well (API No. 30-045-33462) located in Unit M, Section 03, Township 29 North, Range 11 West, NMPM, San Juan County, New Mexico. Commingling will not reduce the value of production. Allocation method to be determined upon completion of this project. This notice is intended for certain unlocatable royalty interest owners in the aforementioned well for which certified mail delivery is not possible. Should you (the interest owner for which this notice is intended) have an objection, you are required to respond within twenty (20) days from the date of this publication. Please mail your objection letter, referencing the well details above, to the New Mexico Oil Conservation Division's Santa Fe office.

Published in Tri-City Record
January 12, 2026

32812
Best Self Storage Solutions – Basin will hold a public auction to sell your personal property described below at the location indicated: Best Self Storage Solutions – Basin 501 S Illinois Ave, Farmington, NM 87401, on Monday January 26th, 2026 at 9:00 AM. **Tonya King**, 1021 Schofield Lane Farmington, NM 87401. Unit contents: It is difficult to list, the unit is packed wall to wall, floor to ceiling. What can be seen appears to be many household items, including mattresses, microwave, coffee maker, large cocking pot, boxes and totes. Published in the Tri-City Record January 12 and 19, 2026

Public Legals

32753
NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER THE PROPOSED REPEAL AND REPLACEMENT OF 20.2.71 NMAC – OPERATING PERMIT EMISSIONS FEES AND 20.2.75 NMAC – CONSTRUCTION PERMIT FEES, EIB 25-77 (R)

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on March 23, 2026, at 9:00 a.m. to consider EIB 25-77 (R) – In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately three days. The EIB may deliberate and make a decision on the proposed regulatory changes at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person component will be held at the New Mexico State Capitol, 490 Old Santa Fe Trail (alternatively 411 S. State Capital Street), Santa Fe, New Mexico 87501. Hearing details, including the meeting room number and how to participate virtually, will be available on the New Mexico Environment Department ("NMED") events calendar at https://www.env.nm.gov/events-calendar/, under the calendar entry corresponding to the hearing start date. For more information, contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

The purpose of the hearing is for the EIB to consider and take possible action on a petition by NMED requesting that the EIB repeal and replace 20.2.71 NMAC, Operating Permit Emissions Fees, and 20.2.75 NMAC, Construction Permit Fees. The petition, statement of reasons (attached to the petition as Exhibit A), proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC (attached to the petition as Exhibits B and C), and current rules 20.2.71 NMAC and 20.2.75 NMAC with proposed changes shown in redline fashion (attached to the petition as Exhibits D and E) are available on NMED's docketed matters website at https://www.env.nm.gov/opf/docketed-matters/. To access these documents, click on "Environmental Improvement Board" to display the drop-down list of matters before the EIB, then click on "EIB 25-77 (R): In the Matter of Proposed Repeal

Public Legals

and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees" to display the drop-down list of all documents filed in conjunction with this matter. Copies of the petition, statement of reasons, and proposed replacement rules can also be obtained by contacting Eric Peters at (505) 629-5299 or eric.peters@env.nm.gov, or at any of NMED's offices statewide.

The purpose of proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC is to ensure that NMED's emissions and construction permit fees are sufficient to cover the reasonable costs of NMED's Title V Operating Permit Program and Construction Permit Program. The EIB is authorized to adopt the proposed rules pursuant to the Environmental Improvement Act, Section 74-1-8(A)(4), and the Air Quality Control Act, NMSA 1978, Sections 74-2-1 to 17. The schedule of Title V operating permit emissions fees must be consistent with the provisions of Section 502(b)(3) of the 1990 amendments to the federal Clean Air Act, which requires sources that are required to obtain an operating permit to pay fees sufficient to cover all reasonable direct and indirect costs of developing and administering the state's Title V Operating Permit Program. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(7). The schedule of construction permit fees must be sufficient to cover the reasonable costs of reviewing and acting upon any application for such permit and implementing and enforcing the terms and conditions of the permit, excluding any court costs or other costs associated with an enforcement action. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(6).

20.2.71 NMAC establishes a schedule of emissions fees for sources required to obtain a Title V permit under 20.2.70 NMAC, Operating Permits. The schedule specifies the annual emissions fee for each fee pollutant expressed in dollars per ton of allowable emissions. Proposed replacement rule 20.2.71 NMAC revises the current definition of fee pollutant, adding particulate matter 10 micrometers or less in diameter ("PM10") and particulate matter 2.5 micrometers or less in diameter ("PM2.5") and removing mercury and total suspended particulate matter; reduces the maximum tons used in the fee calculation for each fee pollutant; provides that a fee shall be assessed for either PM10 or PM2.5, not both, depending on which has the higher allowable emission rate; increases the dollar per ton amount used in the fee calculation for each fee pollutant; establishes a late fee for failing to timely pay annual emissions fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.71 NMAC will be submitted to the U.S. Environmental Protection Agency ("EPA") as a revision to New Mexico's Title V Operating Permit Program.

Similarly, 20.2.75 NMAC establishes a schedule of construction permit fees for notices of intent, permits to construct or modify a source, construction permit revisions, and technical reviews of existing construction permits under 20.2.72 NMAC, Construction Permits, and 20.2.73 NMAC, Notice of Intent and Emissions Inventory Requirements. The schedule includes a complexity-based points schedule for various actions and a cost per point, which is multiplied by the sum of all the points applicable to a given permitting action to determine the required permit fee. The schedule also includes an annual fee for sources that have already been issued a construction permit. Proposed replacement rule 20.2.75 NMAC revises the current complexity-based points schedule, increasing the points for certain actions and adding points for notices of intent; increases the cost per point used to calculate permit fees; increases the annual fee for sources that have already been issued a construction permit and institutes an annual fee for sources that have filed a notice of intent; establishes a late fee for failing to timely pay annual fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.75 NMAC will be submitted to EPA as a revision to the New Mexico State Implementation Plan.

The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; the Air Quality Control Act, NMSA 1978, Section 74-2-6; orders issued by the hearing officer appointed by the EIB; and other applicable procedures.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

TECHNICAL TESTIMONY: Any person who wishes to present technical testimony at the hearing must file a written notice of intent with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025), available on NMED's docketed matters website, and shall be a party. The notice of intent shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules. Any person who files a notice of intent shall serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025).

PUBLIC COMMENT: The general public may submit a written public comment or testify orally at the hearing. A member of the general public who wishes to submit a written public comment as a statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment online at *https://nmed.commentinput.com/?id=t8BRr4m76*, email the written public comment to pamela.jones@env.nm.gov, or mail the written public comment to EIB Administrator, New Mexico Environment Department – Harold Runnels Building, P.O. Box 5469, Santa Fe, New Mexico 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required for the general public to present non-technical testimony at the hearing. The general public may also offer non-technical exhibits in connection with their written public comment or oral testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: Persons requiring language interpretation services or having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact the EIB Administrator at least 14 days prior to the hearing or as soon as possible at (505) 660-4305 or pamela.jones@env.nm.gov. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice).

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 CFR 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: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, New Mexico 87502, (505) 827-2855, nd.coordinator@env.nm.gov. 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 https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

JUNTA DE MEJORA AMBIENTAL DE NUEVO MÉXICO AVISO DE AUDIENCIA DE REGLAMENTACIÓN PARA CONSIDERAR LA PROPUESTA DE DEROGACIÓN Y SUSTITUCIÓN DE 20.2.71 NMAC – CUOTAS DE PERMISO DE OPERACIÓN Y 20.2.75 NMAC – CUOTAS DE PERMISO DE CONSTRUCCIÓN, EIB 25-77 (R)

La Junta de Mejora Ambiental de Nuevo México ("EIB" por sus siglas en inglés) llevará a cabo una audiencia pública que comenzará el 23 de Marzo de 2026 a las 9:00a.m. para considerar la EIB 25-77 (R) – En el asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Permiso de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción. La audiencia durará el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos, y se espera que dure aproximadamente tres días. La EIB puede deliberar y podrá tomar una decisión sobre los cambios regulatorios propuestos al concluir la audiencia o puede convocar a una reunión después de la audiencia para considerar medidas sobre la propuesta.

La audiencia se llevará a cabo en un formato híbrido para permitir la participación tanto en persona como virtual. El componente presencial se llevará a cabo en la capital del estado de Nuevo México, 490 Old Santa Fe Trail (alternativamente 411 S. State Capital Street), Sante Fe, Nuevo México 87501. Detalles de la audiencia, incluyendo el numero de la sala de reuniones y cómo participar de forma virtual, estarán disponibles en el Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés) calendario de eventos en https://www.env.nm.gov/events-calendar/, debajo de la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para más información, comuníquese con la administradora de la EIB llamando al (505) 660-4305 o en pamela.jones@env.nm.gov.

El propósito de la audiencia es que la EIB considere y tome las medidas necesarias respecto a la Petición del NMED en la que solicita a la EIB la derogación y sustitución 20.2.71 NMAC, Cuotas de Emisiones de Permiso de Operación, y 20.2.75 NMAC, Cuotas de Permiso de Construcción. La petición, declaración de motivos (adjunto a la petición como Anexo A), normas de reemplazo propuestas 20.2.71 NMAC y 20.2.75 NMAC (adjunto a la petición como Anexos B y C), y las reglas actuales 20.2.71 NMAC 20.2.75 NMAC con los cambios propuestos mostrados en rojo (adjunto a la petición como Anexos D y E) están disponibles en el sito web de asuntos archivados de NMED en *https://www.env.nm.gov/opf/docketed-matters/.* Para acceder a estos documentos, haga clic en "Junta de Mejora Ambiental" para mostrar la lista desplegable de asuntos ante el EIB, después haga clic en "EIB 25-77 (R): En El Asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción" para mostrar la lista desplegable de todos los documentos presentados en relación con este asunto. Copias de la petición, declaración de motivos, las normas de sustitución también se pueden obtener contactando Eric Peters al (505) 629-5299 o eric.peters@env.nm.gov, o en



Public Legals

todas las oficinas del NMED en todo el estado.

El propósito de las reglas de sustitución 20.2.71 NMAC y 20.2.75 NMAC es para asegurar que las emisiones y las cuotas de permiso de construcción del NMED son suficiente para cubrir los costos razonables del Programa de Permisos de Operación Titulo V y del Programa de Permisos de Construcción de NMED. La EIB está autorizada a adoptar las normas propuestas de conformidad con la Ley de Mejora Ambiental, Sección 74-1-8(A)(4), y la Ley de Control de la Calidad del Aire, NMSA 1978, Secciones 74-2-1 a 17. El horario de cuotas por emisiones de los permisos de operación del Titulo V debe ser coherente con las disposiciones de la Sección 502(b)(3) de las enmiendas de 1990 a la Ley Federal de Aire Limpio, esto exige que las fuentes que requieren un permiso de operación paguen cuotas suficientes para cubrir todos los costos directos e indirectos razonables del desarrollo y la administración del programa estatal de permisos de operación conforme al Titulo V. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7 (B)(7). El horario de las cuotas de permiso de construcción debe ser suficientes para cubrir los costos razonables de revisión y tramitación de cualquier solicitud de dicho permiso, así como la implementación y el cumplimiento de los términos y condiciones del permiso, excluyendo los gastos judiciales u otros gastos asociados a una acción coercitiva. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7(B)(6).

20.2.71 NMAC establece un horario de cuotas por emisiones para las fuentes que deben obtener un permiso de conformidad con el Titulo V, según lo estipulado en la norma 20.2.70 de NMAC, Permisos de Operación. El horario especifica la cuota anual por emisiones para cada contaminante sujeto a pago, expresada en dólares por tonelada de emisiones permitidas. La regla de sustitución 20.2.71 NMAC revisa la definición actual de contaminante sujeto a cuota, agregando materia particulada de 10 micrómetros o menos de diámetro (“PM10”) y materia particulada de 2.5 micrómetros o menos de diámetro (“PM2.5”) y eliminando mercurio y partículas totales en suspensión; reduce las toneladas máximas utilizadas en el cálculo de la cuota para cada contaminante sujeto a cuota; establece que se cobrará una cuota por PM10 o PM2.5, no ambas, dependiendo de cuál tenga la mayor tasa de emisión permitida; aumenta el monto en dólares por tonelada utilizado en el cálculo de la cuota para cada contaminante sujeto a cuota; establece una cuota por pago tardío por no pagar oportunamente las cuotas anuales de emisión; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.71 NMAC se presentará a la Agencia de Protección Ambiental de los Estados Unidos (“EPA” por sus siglas en inglés) como una revisión del Programa de Permisos de Operación Título V de Nuevo México.

Similarmente, 20.2.75 NMAC establece un horario de cuotas de permisos de construcción para avisos de intención, permisos para construir o modificar una fuente, revisiones de permisos de construcción y revisiones técnicas de permisos de construcción existentes bajo 20.2.72 NMAC, Permisos de Construcción, y 20.2.73 NMAC, Requisitos de Aviso de Intención e Inventario de Emisiones. El horario incluye un esquema de puntos basado en la complejidad para varias acciones y un costo por punto, que se multiplica por la suma de todos los puntos aplicables a una acción de permiso determinada para determinar la cuota de permiso requerida. El horario también incluye una cuota anual para fuentes a las que ya se les ha emitido un permiso de construcción. La regla propuesta de sustitición 20.2.75 NMAC revisa el calendario de puntos basado en la complejidad actual, aumentando los puntos para ciertas acciones y agregando puntos para avisos de intención; incrementa el costo por punto utilizado para calcular las cuotas de permisos; aumenta la cuota anual para fuentes que ya han recibido un permiso de construcción e instituye una cuota anual para fuentes que han presentado un aviso de intención; establece una multa por pago tardío de las cuotas anuales; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.75 NMAC será enviada a la EPA como una revisión del Plan de Implementación Estatal de Nuevo México.

La audiencia se llevará a cabo de conformidad con 20.1.1 NMAC, Procedimientos de Reglamentación – Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-9; la Ley de Control de Calidad del Aire, NMSA 1978, Sección 74-2-6; las órdenes emitidas por el oficial de audiencias designado por la EIB; y otros procedimientos aplicables.

PARTICIPACIÓN PÚBLICA: Las audiencias y reuniones de la EIB están abiertas al público y se anima al público en general a participar. Todas las personas interesadas tendrán una oportunidad razonable de participar presentando un aviso de intención de presentar testimonio técnico, presentando un registro de comparecencia o participando como miembros del público. “Testimonio técnico” se refiere a testimonios científicos, de ingeniería, económicos o especializados, pero no incluye argumentos legales, comentarios generales o declaraciones de política o posición sobre los asuntos tratados en la audiencia. “Público en general” incluye a cualquier persona que asista a una audiencia y no haya presentado un aviso de intención de presentar testimonio técnico.

Cualquier miembro del público podrá testificar en la audiencia. Toda persona que preste testimonio en la audiencia estará sujeta a contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten su credibilidad. Toda persona que asista a la audiencia tendrá derecho a realizar el contrainterrogatorio que sea necesario para una divulgación completa y veraz de los asuntos tratados en la audiencia. Todos los testimonios se tomarán bajo juramento o afirmación, que podrá realizarse en masa o de forma individual.

TESTIMONIO TÉCNICO: Cualquier persona que desee presentar testimonio técnico en la audiencia debe presentar un aviso de intención por escrito al Administrador del EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB que Programa la Audiencia, Nombra al Funcionario de la Audiencia y Establece Ciertas Fechas de Presentación (emitida el 23 de Diciembre de 2025), disponible en el sitio web de asuntos archivados de NMED, y deberá ser parte. El aviso de intención deberá: (1) identificar a la persona para la cual testificarán los testigos; (2) identificar a cada testigo técnico que la persona tenga la intención de presentar y declarar las cualificaciones de ese testigo, incluyendo una descripción de su formación educativa y experiencia laboral; (3) si la audiencia se llevará a cabo en múltiples lugares, indicar el o los lugares donde estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada al cambio regulatorio propuesto; y (6) enumerar y adjuntar todos los documentos que se prevé que dicha persona presente en la audiencia, incluida cualquier declaración propuesta de motivos para la adopción de las normas. Cualquier persona que presente un aviso de intención deberá entregar una copia al NMED.

REGISTRO DE COMPARECENCIA: Cualquier persona puede presentar un registro de comparecencia como parte. El registro de comparecencia deberá presentarse ante la administradora de la EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB sobre la Programación de Audiencias, del Funcionario de Audiencias Designado y la Fijación de Determinadas Fechas de Presentación (emitida el 23 de Diciembre de 2025).

COMENTARIOS PÚBLICOS: El público en general podrá testificar mediante comentarios públicos por escrito o de forma oral en la audiencia. Quienes deseen presentar una declaración por escrito para que conste en actas, en lugar de prestar testimonio oral en la audiencia, deberán presentarla antes de la audiencia o durante la misma. Quienes deseen presentar comentarios públicos por escrito antes de la audiencia pueden hacerlo en línea en *https://nmed.commentinput.com/?id=t8BRr4m76*, envíe por correo electrónico el comentario público por escrito a pamela.jones@env.nm.gov, o envíe un comunicado público por correo postal al Administrador de la EIB, Departamento de Medio Ambiente de Nuevo México – Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Además, cada día de la audiencia se proporcionará oportunidad para que el público general preste testimonio oral. No se requiere aviso previo del público general para presentar testimonio no técnico en la audiencia. El público en general también puede presentar exhibiciones no técnicas en relación con su comentario público por escrito o testimonio oral, siempre que las exhibiciones no sean excesivamente repetitivas del testimonio y cumplan con 20.1.1.402 NMAC. El funcionario de audiencias designado determinará el proceso y los horarios para que el público general preste testimonio durante la audiencia.

ACCESIBILIDAD: Las personas que necesiten servicios de interpretación de idiomas o que tengan alguna discapacidad y requieran un lector, amplificador, intérprete calificado de lenguaje de señas u otra forma de ayuda o servicio auxiliar para asistir o participar en la audiencia deben comunicarse con el Administrador del EIB al menos 14 días antes de la audiencia o lo antes posible al (505) 660-4305 o pamela.jones@env.nm.gov. Para acceder a este número a través de Relay New Mexico marque 711, o llame al (800) 659-8331 (TTY) o al (800) 659-1779 (voz).

AVISO DE NO DISCRIMINACIÓN: El NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigen las leyes y regulaciones aplicables. El NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas sobre los requisitos de no discriminación implementados por 40 CFR Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, en su forma enmendada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas a la Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede comunicarse con: Kate Cardenas, coordinadora de no discriminación, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. Si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede comunicarse con la coordinadora de no discriminación identificada anteriormente o visite https://www.env.nm.gov/non-employee-discrimination-complaint-page/ para aprender cómo y dónde presentar una queja por discriminación.

Published in Tri-City Record
January 12, 2026

32792

-NOTICE-

Request for Proposal
Number: 26-05073

TITLE: Electric Vehicle Technician Training Program Instructional Aids

COMMODITY CODES: 075-89, 785-46, 785-55, 785-92, 785-93, 924-86

PURPOSE: To establish an Agreement with an Offeror who specializes in providing Electric Vehicle Technician Training Program Instructional Aids

GENERAL INFORMATION: All questions about the contents of the procurement document shall be submitted within our online procurement System www.biddingo.com/sjc

ISSUANCE: The Request for Proposals will be issued on January 11,2026. Firms interested in obtaining a copy may access and download the document from the Internet at the following address: www.biddingo.com/sjc

PROPOSAL DUE DATE AND TIME: Proposals must be uploaded to the College’s Online Procurement System, www.biddingo.com, no later than February 5, 2026, at 2:00 p.m.

Submissions cannot be uploaded after the due date and time: Please refer to the associated documents in the electronic procurement form for all details.

Published in Tri-City Record
January 12, 2026

32819

INVITATION TO BID
ITB 2026-875
Riverside Park Bank Stabilization
for City of Aztec UBLIC WORKS

The City of Aztec is requesting formal, price-based competitive sealed bids for the Riverside Park Bank Stabilization Sealed bids will be accepted until February 12, 2026, 3:00 pm MST at the City of Aztec City Hall, 201 W Chaco, Aztec New Mexico.

Riverside Park Bank Stabilization will consist of demolition, removal of an existing failed gabion bank stabilization structure and a new bank stabilization system.

The bids that are received from bidders deemed responsible will be reviewed and recommendations for award will be made to the Board of City Commissioners based on the lowest responsive price(s) with the applicable preferences. City of Aztec reserves the right to accept or reject any bid or any part therof; to defer action on the invitation for bids; to reject all bids; to waive technicalities or informalities and to accept the bids which, in its judgement, are most advantageous to the City.

IMPORTANT

DEADLINE TO SUBMIT BIDS: February 12, 2026 AT 3:00 PM MST

Plans, Geotechnical Report and other Contract Documents, including instructions to Bidders and Bid Forms, are available online by accessing the City’s procurement online portal BidNet.

ELECTRONIC BIDS shall be submitted online through the procurement online portal BidNet.
(Offerors need to be registered with the system prior to submitting)
www.bidnetdirect.com/new-mexico/cityofaztec

SEALED BIDS shall be delivered to City of Aztec City Hall 201 W Chaco, Aztec, NM 87410

The words SEALED BID along with the ITB NUMBER, TITLE, AND THE BIDDER’S NAME AND ADDRESS MUST appear clearly on the sealed envelope or package of all bids.

IF THERE IS ANY PROBLEM REGARDING THE FOLLOWING SPECIFICATIONS OR CONDITIONS THAT WOULD PREVENT YOU FROM SUBMITTING A BID, CONTACT THE PROCUREMENT MANAGER IMMEDIATELY FOR CLARIFICATION AND/OR CONSIDERATION OF AN ADDENDUM.

NOTE: WHEN SHIPPING OVERNIGHT DELIVERY, IT IS RECOMMENDED THAT SHIPMENT BE MADE NO LESS THEN 2 DAYS PRIOR TO DEADLINE IF POSSIBLE, TO ENSURE DELIVERY. IT IS ALSO RECOMMENDED TO VERIFY DELIVERY PRIOR TO DEADLINE.

Procurement Specialist
Brenda Blake, City of Aztec
Phone:505-334-7652
Email:
procurement@aztecnm.gov

Published in Tri-City Record
January 12, 2026

Affidavit of Publication

No. 79060

State of New Mexico

County of Eddy:

Adrian Hedden

being duly sworn, sayes that he is the **Publisher**

of the Carlsbad Current Argus, a weekly newspaper of general circulation, published in English at Carlsbad, said county and state, and that the hereto attached

Legal Ad

was published in a regular and entire issue of the said Carlsbad Current Argus, a weekly newspaper duly qualified for that purpose within the meaning of Chapter 167 of the 1937 Session Laws of the state of New Mexico for

1 Consecutive weeks/day on the same day as follows:

First Publication	January 13, 2026
Second Publication	
Third Publication	
Fourth Publication	
Fifth Publication	
Sixth Publication	
Seventh Publication	
Eighth Publication	

Subscribed ans sworn before me this

13th day of January 2026

LATISHA ROMINE
Notary Public, State of New Mexico
Commission No. 1076338
My Commission Expires
05-12-2027

Latisha Romine

Latisha Romine

Notary Public, Eddy County, New Mexico

Copy of Publication:

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER THE PROPOSED REPEAL AND REPLACEMENT OF 20.2.71 NMAC – OPERATING PERMIT EMISSIONS FEES AND 20.2.75 NMAC – CONSTRUCTION PERMIT FEES, EIB 25-77 (R)

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on March 23, 2026, at 9:00 a.m. to consider EIB 25-77 (R) – In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately three days. The EIB may deliberate and make a decision on the proposed regulatory changes at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person component will be held at the New Mexico State Capitol, 490 Old Santa Fe Trail (alternatively 411 S. State Capital Street), Santa Fe, New Mexico 87501. Hearing details, including the meeting room number and how to participate virtually, will be available on the New Mexico Environment Department ("NMED") events calendar at https://www.env.nm.gov/events-calendar/, under the calendar entry corresponding to the hearing start date. For more information, contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

The purpose of the hearing is for the EIB to consider and take possible action on a petition by NMED requesting that the EIB repeal and replace 20.2.71 NMAC, Operating Permit Emissions Fees, and 20.2.75 NMAC, Construction Permit Fees. The petition, statement of reasons (attached to the petition as Exhibit A), proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC (attached to the petition as Exhibits B and C), and current rules 20.2.71 NMAC and 20.2.75 NMAC with proposed changes shown in redline fashion (attached to the petition as Exhibits D and E) are available on NMED's docketed matters website at https://www.env.nm.gov/opf/docketed-matters/. To access these documents, click on "Environmental Improvement Board" to display the drop-down list of matters before the EIB, then click on "EIB 25-77 (R): In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees" to display the drop-down list of all documents filed in conjunction with this matter. Copies of the petition, statement of reasons, and proposed replacement rules can also be obtained by contacting Eric Peters at (505) 629-5299 or eric.peters@env.nm.gov, or at any of NMED's offices statewide.

The purpose of proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC is to ensure that NMED's emissions and construction permit fees are sufficient to cover the reasonable costs of NMED's Title V Operating Permit Program and Construction Permit Program. The EIB is authorized to adopt the proposed rules pursuant to the Environmental Improvement Act, Section 74-1-8(A)(4), and the Air Quality Control Act, NMSA 1978, Sections 74-2-1 to 17. The schedule of Title V operating permit emissions fees must be consistent with the provisions of Section 502(b)(3) of the 1990 amendments to the federal Clean Air Act, which requires sources that are required to obtain an operating permit to pay fees sufficient to cover all reasonable direct and indirect costs of developing and administering the state's Title V Operating Permit Program. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(7). The schedule of construction permit fees must be sufficient to cover the reasonable costs of reviewing and acting upon any application for such permit and implementing and enforcing the terms and conditions of the permit, excluding any court costs or other costs associated with an enforcement action. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(6).

20.2.71 NMAC establishes a schedule of emissions fees for sources required to obtain a Title V permit under 20.2.70 NMAC, Operating Permits. The schedule specifies the annual emissions fee for each fee pollutant expressed in dollars per ton of allowable emissions. Proposed replacement rule 20.2.71 NMAC revises the current definition of fee pollutant, adding particulate matter 10 micrometers or less in diameter ("PM10") and particulate matter 2.5 micrometers or less in diameter ("PM2.5") and removing mercury and total suspended particulate matter; reduces the maximum tons used in the fee calculation for each fee pollutant; provides that a fee shall be assessed for either PM10 or PM2.5, not both, depending on which has the higher allowable emission rate; increases the dollar per ton amount used in the fee calculation for each fee pollutant; establishes a late fee for failing to timely pay annual emissions fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.71 NMAC will be submitted to the U.S. Environmental Protection Agency ("EPA") as a revision to New Mexico's Title V Operating Permit Program.

Similarly, 20.2.75 NMAC establishes a schedule of construction permit fees for notices of intent, permits to construct or modify a source, construction permit revisions, and technical reviews of existing construction permits under 20.2.72 NMAC, Construction Permits, and 20.2.73 NMAC, Notice of Intent and Emissions Inventory Requirements. The schedule includes a complexity-based points schedule for various actions and a cost per point, which is multiplied by the sum of all the points applicable to a given permitting action to determine the required permit fee. The schedule also includes an annual fee for sources that have already been issued a construction permit. Proposed replacement rule 20.2.75 NMAC revises the current complexity-based points schedule, increasing the points for certain actions and adding points for notices of intent; increases the cost per point used to calculate permit fees; increases the annual fee for sources that have already been issued a construction permit and institutes an annual fee for sources that have filed a notice of intent; establishes a late fee for failing to timely pay annual fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.75 NMAC will be submitted to EPA as a revision to the New Mexico State Implementation Plan.

The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; the Air Quality Control Act, NMSA 1978, Section 74-2-6; orders issued by the hearing officer appointed by the EIB; and other applicable procedures.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

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TECHNICAL TESTIMONY: Any person who wishes to present technical testimony at the hearing must file a written notice of intent with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025), available on NMED's docketed matters website, and shall be a party. The notice of intent shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules. Any person who files a notice of intent shall serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025).

PUBLIC COMMENT: The general public may submit a written public comment or testify orally at the hearing. A member of the general public who wishes to submit a written public comment as a statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment online at https://nmed.commentinput.com/?id=t8BRr4m76, email the written public comment to pamela.jones@env.nm.gov, or mail the written public comment to EIB Administrator, New Mexico Environment Department – Harold Runnels Building, P.O. Box 5469, Santa Fe, New Mexico 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required for the general public to present non-technical testimony at the hearing. The general public may also offer non-technical exhibits in connection with their written public comment or oral testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: Persons requiring language interpretation services or having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact the EIB Administrator at least 14 days prior to the hearing or as soon as possible at (505) 660-4305 or pamela.jones@env.nm.gov. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice).

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 CFR 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: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, New Mexico 87502, (505) 827-2855, nd.coordinator@env.nm.gov. 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 https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER THE PROPOSED REPEAL AND REPLACEMENT OF 20.2.71 NMAC – OPERATING PERMIT EMISSIONS FEES AND 20.2.75 NMAC – CONSTRUCTION PERMIT FEES, EIB 25-77 (R)

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on March 23, 2026, at 9:00 a.m. to consider EIB 25-77 (R) – In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately three days. The EIB may deliberate and make a decision on the proposed regulatory changes at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person component will be held at the New Mexico State Capitol, 490 Old Santa Fe Trail (alternatively 411 S. State Capital Street), Santa Fe, New Mexico 87501. Hearing details, including the meeting room number and how to participate virtually, will be available on the New Mexico Environment Department ("NMED") events calendar at https://www.env.nm.gov/events-calendar/, under the calendar entry corresponding to the hearing start date. For more information, contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

The purpose of the hearing is for the EIB to consider and take possible action on a petition by NMED requesting that the EIB repeal and replace 20.2.71 NMAC, Operating Permit Emissions Fees, and 20.2.75 NMAC, Construction Permit Fees. The petition, statement of reasons (attached to the petition as Exhibit A), proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC (attached to the petition as Exhibits B and C), and current rules 20.2.71 NMAC and 20.2.75 NMAC with proposed changes shown in redline fashion (attached to the petition as Exhibits D and E) are available on NMED's docketed matters website at https://www.env.nm.gov/opf/docketed-matters/. To access these documents, click on "Environmental Improvement Board" to display the drop-down list of matters before the EIB, then click on "EIB 25-77 (R): In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees" to display the drop-down list of all documents filed in conjunction with this matter. Copies of the petition, statement of reasons, and proposed replacement rules can also be obtained by contacting Eric Peters at (505) 629-5299 or eric.peters@env.nm.gov, or at any of NMED's offices statewide.

The purpose of proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC is to ensure that NMED's emissions and construction permit fees are sufficient to cover the reasonable costs of NMED's Title V Operating Permit Program and Construction Permit Program. The EIB is authorized to adopt the proposed rules pursuant to the Environmental Improvement Act, Section 74-1-8(A)(4), and the Air Quality Control Act, NMSA 1978, Sections 74-2-1 to 17. The schedule of Title V operating permit emissions fees must be consistent with the provisions of Section 502(b)(3) of the 1990 amendments to the federal Clean Air Act, which requires sources that are required to obtain an operating permit to pay fees sufficient to cover all reasonable direct and indirect costs of developing and administering the state's Title V Operating Permit Program. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(7). The schedule of construction permit fees must be sufficient to cover the reasonable costs of reviewing and acting upon any application for such permit and implementing and enforcing the terms and conditions of the permit, excluding any court costs or other costs associated with an enforcement action. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(6).

20.2.71 NMAC establishes a schedule of emissions fees for sources required to obtain a Title V permit under 20.2.70 NMAC, Operating Permits. The schedule specifies the annual emissions fee for each fee pollutant expressed in dollars per ton of allowable emissions. Proposed replacement rule 20.2.71 NMAC revises the current definition of fee pollutant, adding particulate matter 10 micrometers or less in diameter ("PM10") and particulate matter 2.5 micrometers or less in diameter ("PM2.5") and removing mercury and total suspended particulate matter; reduces the maximum tons used in the fee calculation for each fee pollutant; provides that a fee shall be assessed for either PM10 or PM2.5, not both, depending on which has the higher allowable emission rate; increases the dollar per ton amount used in the fee calculation for each fee pollutant; establishes a late fee for failing to timely pay annual emissions fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.71 NMAC will be submitted to the U.S. Environmental Protection Agency ("EPA") as a revision to New Mexico's Title V Operating Permit Program.

Similarly, 20.2.75 NMAC establishes a schedule of construction permit fees for notices of intent, permits to construct or modify a source, construction permit revisions, and technical reviews of existing construction permits under 20.2.72 NMAC, Construction Permits, and 20.2.73 NMAC, Notice of Intent and Emissions Inventory Requirements. The schedule includes a complexity-based points schedule for various actions and a cost per point, which is multiplied by the sum of all the points applicable to a given permitting action to determine the required permit fee. The schedule also includes an annual fee for sources that have already been issued a construction permit. Proposed replacement rule 20.2.75 NMAC revises the current complexity-based points schedule, increasing the points for certain actions and adding points for notices of intent; increases the cost per point used to calculate permit fees; increases the annual fee for sources that have already been issued a construction permit and institutes an annual fee for sources that have filed a notice of intent; establishes a late fee for failing to timely pay annual fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.75 NMAC will be submitted to EPA as a revision to the New Mexico State Implementation Plan.

The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; the Air Quality Control Act, NMSA 1978, Section 74-2-6; orders issued by the hearing officer appointed by the EIB; and other applicable procedures.

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Reports: 3B Alex Bregman signing with Cubs for 5 years, $175M

Field Level Media

The Chicago Cubs, who failed in their pursuit of free agent third baseman Alex Bregman a year ago, have agreed with the three-time All-Star on a five-year, $175 million contract, according to multiple media reports on Saturday night.

Bregman played in 2025 for the Boston Red Sox, who signed the former Houston Astros player to a three-year, $120 million deal with two opt-outs. Bregman opted out of his contract after one season, passing on his $40 million player options for the 2026 and 2027 seasons in trying to land a lucrative, long-term contract.

The Cubs, according to reports, offered a club-record $35 million a year, with no opt-outs and a full no-trade clause. Bregman turns 32 on March 30.

The Astros had reportedly offered Bregman a six-year, $156 million deal after the 2024 season to keep him in Houston, which had selected him second overall in the 2015 MLB Draft out of LSU and where he made his major league debut in 2016.

In his lone season with Boston. The Albuquerque native had a .360 on-base percentage and .462 slugging percentage for the season, in which he started strongly before a quad injury sidelined him from May 24 to July 11.

For his career, which includes his first nine seasons with the Astros, Bregman is batting .272 with 209 homers, 293 doubles and 725 RBIs in 1,225 regular-season games.

An All-Star in 2018, 2019 and last season, and the 2024 American League Gold Glove winner at third base, Bregman went to four World Series with the Astros and won in 2017 and 2022.

Cavemen,

Continued from B1

to baseline driving layup to lead Carlsbad to a 38-37 victory.

"We were waiting for somebody to light a fire," said Lincon, who finished the game with 8 points, all in the 4th quarter. "I wanted to win. I gave it my all."

Carlsbad coach Matt Enloe said the squad needed a boost.

"We kind of struggled all year and she gave us a big spark," he said of Licon. "We would grind and grind and grind and we came away with one."

On defense, the Cavegirls pressed most of the game with mixed results. Organ Mountain was held in check - to some degree - but still found some lanes to drive to the basket or kick out for jump shots.

The host Lady Knights held leads in the 4-6 point range throughout most of the outing.

But once his team snared momentum and grabbed the lead in the 4th quarter, Enloe called a timeout and made a drastic change.

When the Cavegirls broke the huddle, they all fell back in a defensive alignment back by their own basket. The press was gone.

"We tried to change the tempo of the game," the Enloe said. "I felt Organ Mountain was pretty comfortable with what we were doing, so we wanted to try and change up a little bit.

"We got a couple of steals out of it," the Carlsbad bench minder added. "The momentum changed; that helped us."

Up 38-34, Organ Mountain's Siena Gonzales drained a 3-pointer at the buzzer. The basket counted, but it was not enough for the hosts as Carlsbad held on for the one-point victory.

"We want to be playing our best basketball when district play starts in a couple of weeks," Enloe said.

Friday night at Las Cruces Centennial the Cavegirls lost to the Lady Hawks 45-27.

Calendar,

Continued from B1

of Game and Fish and Wildlife Forever announce the Art of Conservation New Mexico Fish Art Contest.

The contest is open to youth in grades kindergarten through 12th grade, submissions are being accepted through Jan. 31. More information available at https://wildlife.dgf.nm.gov/.

Ongoing

New Mexico Trout Challenge

The New Mexico Department of Game and Fish invites casters to catch Cutthroat Trout, Rainbow Trout, Brown Trout, Brook Trout and Gila Trout. Earn a bragworthy coin for completing the challenge. Call 888-248-6866.

New Mexico Bass Challenge

The New Mexico Department of Game and Fish invites anglers to participate in the New Mexico Bass Challenge. Catch four species of bass in New Mexico and you could win a special reward and be included in the online records of successful New Mexico Bass Challenge anglers.

More information at 888-248-6866.

Riverwalk Recreation Center

At 400 Riverwalk Drive, offers exercise classes and other family fun and recreational activities.

More information at 575-887-2702.

Wrestling Tryouts

Carlsbad kids interested in learning the finer points of amateur wrestling are encouraged to join the Carlsbad Combat Challenge Wrestling Club.

More information at 575-703-0255.

Carlsbad Roadrunners

At 6 p.m. on odd-numbered Mondays the running group meets at Nurvis Purvis Brewing.

More information at 636-395-6035.

CURRENTARGUS.COM

NMED Exhibit 34_000003

Affidavit of Publication

No. 79080

State of New Mexico

County of Eddy:

Adrian Hedden

being duly sworn, sayes that he is the **Publisher**

of the Carlsbad Current Argus, a weekly newspaper of general circulation, published in English at Carlsbad, said county and state, and that the hereto attached

Legal Ad

was published in a regular and entire issue of the said Carlsbad Current Argus, a weekly newspaper duly qualified for that purpose within the meaning of Chapter 167 of the 1937 Session Laws of the state of New Mexico for

1 Consecutive weeks/day on the same day as follows:

First Publication	January 13, 2026
Second Publication	
Third Publication	
Fourth Publication	
Fifth Publication	
Sixth Publication	
Seventh Publication	
Eighth Publication	

Subscribed ans sworn before me this

13th day of January 2026

LATISHA ROMINE
Notary Public, State of New Mexico
Commission No. 1076338
My Commission Expires
05-12-2027

Latisha Romine

Latisha Romine

Notary Public, Eddy County, New Mexico

Copy of Publication:

JUNTA DE MEJORA AMBIENTAL DE NUEVO MÉXICO AVISO DE AUDIENCIA DE REGLAMENTACIÓN PARA CONSIDERAR LA PROPUESTA DE DEROGACIÓN Y SUSTITUCIÓN DE 20.2.71 NMAC – CUOTAS DE EMISIONES DE PERMISO DE OPERACIÓN Y 20.2.75 NMAC – CUOTAS DE PERMISO DE CONSTRUCCIÓN, EIB 25-77 (R)

La Junta de Mejora Ambiental de Nuevo México ("EIB" por sus siglas en inglés) llevará a cabo una audiencia pública que comenzará el 23 de Marzo de 2026 a las 9:00a.m. para considerar la EIB 25-77 (R) – En el asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Permiso de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción. La audiencia durará el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos, y se espera que dure aproximadamente tres días. La EIB puede deliberar y podrá tomar una decisión sobre los cambios regulatorios propuestos al concluir la audiencia o puede convocar a una reunión después de la audiencia para considerar medidas sobre la propuesta.

La audiencia se llevará a cabo en un formato híbrido para permitir la participación tanto en persona como virtual. El componente presencial se llevará a cabo en la capital del estado de Nuevo México, 490 Old Santa Fe Trail (alternativamente 411 S. State Capital Street), Sante Fe, Nuevo México 87501. Detalles de la audiencia, incluyendo el numero de la sala de reuniones y cómo participar de forma virtual, estarán disponibles en el Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés) calendario de eventos en https://www.env.nm.gov/events-calendar/, debajo de la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para más información, comuníquese con la administradora de la EIB llamando al (505) 660-4305 o en pamela.jones@env.nm.gov.

El propósito de la audiencia es que la EIB considere y tome las medidas necesarias respecto a la Petición del NMED en la que solicita a la EIB la derogación y sustitución 20.2.71 NMAC, Cuotas de Emisiones de Permiso de Operación, y 20.2.75 NMAC, Cuotas de Permiso de Construcción. La petición, declaración de motivos (adjunto a la petición como Anexo A), normas de reemplazo propuestas 20.2.71 NMAC y 20.2.75 NMAC (adjunto a la petición como Anexos B y C), y las reglas actuales 20.2.71 NMAC 20.2.75 NMAC con los cambios propuestos mostrados en rojo (adjunto a la petición como Anexos D y E) están disponibles en el sito web de asuntos archivados de NMED en https://www.env.nm.gov/opf/docketed-matters/. Para acceder a estos documentos, haga clic en "Junta de Mejora Ambiental" para mostrar la lista desplegable de asuntos ante el EIB, después haga clic en "EIB 25-77 (R): En El Asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción" para mostrar la lista desplegable de todos los documentos presentados en relación con este asunto. Copias de la petición, declaración de motivos, las normas de sustitución también se pueden obtener contactando Eric Peters al (505) 629-5299 o eric.peters@env.nm.gov, o en todas las oficinas del NMED en todo el estado.

El propósito de las reglas de sustitución 20.2.71 NMAC y 20.2.75 NMAC es para asegurar que las emisiones y las cuotas de permiso de construcción del NMED son suficiente para cubrir los costos razonables del Programa de Permisos de Operación Titulo V y del Programa de Permisos de Construcción de NMED. La EIB está autorizada a adoptar las normas propuestas de conformidad con la Ley de Mejora Ambiental, Sección 74-1-8(A)(4), y la Ley de Control de la Calidad del Aire, NMSA 1978, Secciones 74-2-1 a 17. El horario de cuotas por emisiones de los permisos de operación del Titulo V debe ser coherente con las disposiciones de la Sección 502(b)(3) de las enmiendas de 1990 a la Ley Federal de Aire Limpio, esto exige que las fuentes que requieren un permiso de operación paguen cuotas suficientes para cubrir todos los costos directos e indirectos razonables del desarrollo y la administración del programa estatal de permisos de operación conforme al Titulo V. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7 (B)(7). El horario de las cuotas de permiso de construcción debe ser suficientes para cubrir los costos razonables de revisión y tramitación de cualquier solicitud de dicho permiso, así como la implementación y el cumplimiento de los términos y condiciones del permiso, excluyendo los gastos judiciales u otros gastos asociados a una acción coercitiva. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7(B)(6).

20.2.71 NMAC establece un horario de cuotas por emisiones para las fuentes que deben obtener un permiso de conformidad con el Titulo V, según lo estipulado en la norma 20.2.70 de NMAC, Permisos de Operación. El horario especifica la cuota anual por emisiones para cada contaminante sujeto a pago, expresada en dólares por tonelada de emisiones permitidas. La regla de sustitución 20.2.71 NMAC revisa la definición actual de contaminante sujeto a cuota, agregando materia particulada de 10 micrómetros o menos de diámetro ("PM10") y materia particulada de 2.5 micrómetros o menos de diámetro ("PM2.5") y eliminando mercurio y partículas totales en suspensión; reduce las toneladas máximas utilizadas en el cálculo de la cuota para cada contaminante sujeto a cuota; establece que se cobrará una cuota por PM10 o PM2.5, no ambas, dependiendo de cuál tenga la mayor tasa de emisión permitida; aumenta el monto en dólares por tonelada utilizado en el cálculo de la cuota para cada contaminante sujeto a cuota; establece una cuota por pago tardío por no pagar oportunamente las cuotas anuales de emisión; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.71 NMAC se presentará a la Agencia de Protección Ambiental de los Estados Unidos ("EPA" por sus siglas en inglés) como una revisión del Programa de Permisos de Operación Título V de Nuevo México.

Similarmente, 20.2.75 NMAC establece un horario de cuotas de permisos de construcción para avisos de intención, permisos para construir o modificar una fuente, revisiones de permisos de construcción y revisiones técnicas de permisos de construcción existentes bajo 20.2.72 NMAC, Permisos de Construcción, y 20.2.73 NMAC, Requisitos de Aviso de Intención e Inventario de Emisiones. El horario incluye un esquema de puntos basado en la complejidad para varias acciones y un costo por punto, que se multiplica por la suma de todos los puntos aplicables a una acción de permiso determinada para determinar la cuota de permiso requerida. El horario también incluye una cuota anual para fuentes a las que ya se les ha emitido un permiso de construcción. La regla propuesta de sustitición 20.2.75 NMAC revisa el calendario de puntos basado en la complejidad actual, aumentando los puntos para ciertas acciones y agregando puntos para avisos de intención; incrementa el costo por punto utilizado para calcular las cuotas de permisos; aumenta la cuota anual para fuentes que ya han recibido un permiso de construcción e instituye una cuota anual para fuentes que han presentado un aviso de intención; establece una multa por pago tardío de las cuotas anuales; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.75 NMAC será enviada a la EPA como una revisión del Plan de Implementación Estatal de Nuevo México.

La audiencia se llevará a cabo de conformidad con 20.1.1 NMAC, Procedimientos de Reglamentación – Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-9; la Ley de Control de Calidad del Aire, NMSA 1978, Sección 74-2-6; las órdenes emitidas por el oficial de audiencias designado por la EIB; y otros procedimientos aplicables.

PARTICIPACIÓN PÚBLICA: Las audiencias y reuniones de la EIB están abiertas al público y se anima al público en general a participar. Todas las personas interesadas tendrán una oportunidad razonable de participar presentando un aviso de intención de presentar testimonio técnico, presentando un registro de comparecencia o participando como miembros del público. "Testimonio técnico" se refiere a testimonios científicos, de ingeniería, económicos o especializados, pero no incluye argumentos legales, comentarios generales o declaraciones de política o posición sobre los asuntos tratados en la audiencia. "Público en general" incluye a cualquier persona que asista a una audiencia y no haya presentado un aviso de intención de presentar testimonio técnico.

Cualquier miembro del público podrá testificar en la audiencia. Toda persona que preste testimonio en la audiencia estará sujeta a contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten su credibilidad. Toda persona que asista a la audiencia tendrá derecho a realizar el contrainterrogatorio que sea necesario para una divulgación completa y veraz de los asuntos tratados en la audiencia. Todos los testimonios se tomarán bajo juramento o afirmación, que podrá realizarse en masa o de forma individual.

TESTIMONIO TÉCNICO: Cualquier persona que desee presentar testimonio técnico en la audiencia debe presentar un aviso de intención por escrito al Administrador del EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB que Programa la Audiencia, Nombra al Funcionario de la Audiencia y Establece Ciertas Fechas de Presentación (emitida el 23 de Diciembre de 2025), disponible en el sitio web de asuntos archivados de NMED, y deberá ser parte. El aviso de intención deberá: (1) identificar a la persona para la cual testificarán los testigos; (2) identificar a cada testigo técnico que la persona tenga la intención de presentar y declarar las cualificaciones de ese testigo, incluyendo una descripción de su formación educativa y experiencia laboral; (3) si la audiencia se llevará a cabo en múltiples lugares, indicar el o los lugares donde estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada al cambio regulatorio propuesto; y (6) enumerar y adjuntar todos los documentos que se prevé que dicha persona presente en la audiencia, incluida cualquier declaración propuesta de motivos para la adopción de las normas. Cualquier persona que presente un aviso de intención deberá entregar una copia al NMED.

REGISTRO DE COMPARECENCIA: Cualquier persona puede presentar un registro de comparecencia como parte. El registro de comparecencia deberá presentarse ante la administradora de la EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB sobre la Programación de Audiencias, del Funcionario de Audiencias Designado y la Fijación de Determinadas Fechas de Presentación (emitida el 23 de Diciembre de 2025).

COMENTARIOS PÚBLICOS: El público en general podrá testificar mediante comentarios públicos por escrito o de forma oral en la audiencia. Quienes deseen presentar una declaración por escrito para que conste en actas, en lugar de prestar testimonio oral en la audiencia, deberán presentarla antes de la audiencia o durante la misma. Quienes deseen presentar comentarios públicos por escrito antes de la audiencia pueden hacerlo en línea en https://nmed.commentinput.com/?id=t8BRr4m76, envíe por correo electrónico el comentario público por escrito a pamela.jones@env.nm.gov, o envíe un comunicado público por correo postal al Administrador de la EIB, Departamento de Medio Ambiente de Nuevo México – Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Además, cada día de la audiencia se proporcionará oportunidad para que el público general preste testimonio oral. No se requiere aviso previo del público general para presentar testimonio no técnico en la audiencia. El público en general también puede presentar exhibiciones no técnicas en relación con su comentario público por escrito o testimonio oral, siempre que las exhibiciones no sean excesivamente repetitivas del testimonio y cumplan con 20.1.1.402 NMAC. El funcionario de audiencias designado determinará el proceso y los horarios para que el público general preste testimonio durante la audiencia.

ACCESIBILIDAD: Las personas que necesiten servicios de interpretación de idiomas o que tengan alguna discapacidad y requieran un lector, amplificador, intérprete calificado de lenguaje de señas u otra forma de ayuda o servicio auxiliar para asistir o participar en la audiencia deben comunicarse con el Administrador del EIB al menos 14 días antes de la audiencia o lo antes posible al (505) 660-4305 o pamela.jones@env.nm.gov. Para acceder a este número a través de Relay New Mexico marque 711, o llame al (800) 659-8331 (TTY) o al (800) 659-1779 (voz).

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Cal-State Bakersfield transfer Jemel Jones scored 16 points for NM State in a loss to Middle Tennessee State.

NM State handed first home loss of basketball season

Information and photo provided by NM State Athletics Media

Middle Tennessee State defeated the NM State men's basketball team 59-55 Saturday at the Pan American Center in Las Cruces.

It was the first home defeat for the Aggies (9-6, 2-3 Conference USA). Middle Tennessee upped its overall record to 10-6 and 4-1 in league play.

NM State was led individually by Jemel Jones, who finished with 16 points, and Cyr Malonga, who recorded 10 points. The Aggie bench outscored the Blue Raider reserves 19-12; however, MTSU posted 28 points in the paint to the Aggies 16.

The Blue Raiders got the first basket and then, like in the last contest, the Aggies would find their stride and go on a 13-0 run to gain a cushion early on in the first half. During the scoring burst, the Aggies were fueled by dunks from Jones, Malonga and Mims.

The Aggies would later push their lead to 20-4 with 11:06 left in the half for their largest lead of the half. From there, Middle Tennessee would slowly chip away at the Aggie lead until they would be able to connect on a 3-point basket to knot up the score 29-29 at the half.

Coming out of the half, the Blue Raiders would get off to a hot start with a quick 5-0 run that featured a 3-pointer from Kamari Lands. After starting the period 0-3 from the floor, Malonga brought the crowd to its feet with a two-handed dunk to leave the score at 36-33 with just under 17 minutes remaining.

A 5-0 run from the Blue Raiders later in the half would extend the Aggies' deficit to 13 points with 10:13 left on the clock. Then, a three from Mims and another dunk from Malonga would energize the Aggies and help open an extended 13-6 run that allowed the Aggies to pull back within six points.

Eventually, a 3-pointer from Jayland Randall and a free throw from Kyrese Mullen made it a one-possession game with just 1:42 remaining in the game. While the Aggies would have their opportunities, NM State would be unable to pull any closer, falling by four points on its home floor.

UNM's Hall earns Mountain West basketball honor

Information and photo provided by UNM Athletics Media



Carlsbad, California native Jake Hall is a freshman at the University of New Mexico.

New Mexico's Jake Hall was named the Old Trapper Mountain West Freshman of the Week, the Mountain West Conference announced Monday.

Hall was honored after leading the Lobos to a pair of road wins last week.<\n><\n>Hall's honor is his first of the season and the fourth overall for a Lobo, as Tomislav Buljan has been recognized three times this season. It is just the second time that UNM has had different players win the award in consecutive weeks, matching the feat set in 2023-24 by JT Toppin and Tru Washington. <\n><\n>Hall averaged 21.0 points and 4.5 rebounds per game last week, shooting 13-24 (.542) from the field, including 8-15 (.533) from deep, in the wins at Colorado State and Air Force. In Tuesday's 80-70 win at Colorado State, Hall had a team-high 18 points on 6-10 shooting, including 3-5 from deep. In the 91-49 win at Air Force on Saturday, as the Lobos recorded their largest margin of victory ever in a Mountain West road game, Hall matched career highs with 24 points and seven rebounds, making 5-10 shots from three. It was his fifth 20-point game of the year, setting a new UNM freshman record.

Hall is a 6-foot-4 200-pound first-year student from Carlsbad, California. He was a two-time first team all-state honoree while in high school.

JUNTA DE MEJORA AMBIENTAL DE NUEVO MÉXICO AVISO DE AUDIENCIA DE REGLAMENTACIÓN PARA CONSIDERAR LA PROPUESTA DE DEROGACIÓN Y SUSTITUCIÓN DE 20.2.71 NMAC – CUOTAS DE EMISIONES DE PERMISO DE OPERACIÓN Y 20.2.75 NMAC – CUOTAS DE PERMISO DE CONSTRUCCIÓN, EIB 25-77 (R)

La Junta de Mejora Ambiental de Nuevo México ("EIB" por sus siglas en inglés) llevará a cabo una audiencia pública que comenzará el 23 de Marzo de 2026 a las 9:00a.m. para considerar la EIB 25-77 (R) – En el asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Permiso de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción. La audiencia durará el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos, y se espera que dure aproximadamente tres días. La EIB puede deliberar y podrá tomar una decisión sobre los cambios regulatorios propuestos al concluir la audiencia o puede convocar a una reunión después de la audiencia para considerar medidas sobre la propuesta.

La audiencia se llevará a cabo en un formato híbrido para permitir la participación tanto en persona como virtual. El componente presencial se llevará a cabo en la capital del estado de Nuevo México, 490 Old Santa Fe Trail (alternativamente 411 S. State Capital Street), Sante Fe, Nuevo México 87501. Detalles de la audiencia, incluyendo el numero de la sala de reuniones y cómo participar de forma virtual, estarán disponibles en el Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés) calendario de eventos en https://www.env.nm.gov/events-calendar/, debajo de la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para más información, comuníquese con la administradora de la EIB llamando al (505) 660-4305 o en pamela.jones@env.nm.gov.

El propósito de la audiencia es que la EIB considere y tome las medidas necesarias respecto a la Petición del NMED en la que solicita a la EIB la derogación y sustitución 20.2.71 NMAC, Cuotas de Emisiones de Permiso de Operación, y 20.2.75 NMAC, Cuotas de Permiso de Construcción. La petición, declaración de motivos (adjunto a la petición como Anexo A), normas de reemplazo propuestas 20.2.71 NMAC y 20.2.75 NMAC (adjunto a la petición como Anexos B y C), y las reglas actuales 20.2.71 NMAC 20.2.75 NMAC con los cambios propuestos mostrados en rojo (adjunto a la petición como Anexos D y E) están disponibles en el sito web de asuntos archivados de NMED en https://www.env.nm.gov/opf/docketed-matters/. Para acceder a estos documentos, haga clic en "Junta de Mejora Ambiental" para mostrar la lista desplegable de asuntos ante el EIB, después haga clic en "EIB 25-77 (R): En El Asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción" para mostrar la lista desplegable de todos los documentos presentados en relación con este asunto. Copias de la petición, declaración de motivos, las normas de sustitución también se pueden obtener contactando Eric Peters al (505) 629-5299 o eric.peters@env.nm.gov, o en todas las oficinas del NMED en todo el estado.

El propósito de las reglas de sustitución 20.2.71 NMAC y 20.2.75 NMAC es para asegurar que las emisiones y las cuotas de permiso de construcción del NMED son suficiente para cubrir los costos razonables del Programa de Permisos de Operación Titulo V y del Programa de Permisos de Construcción de NMED. La EIB está autorizada a adoptar las normas propuestas de conformidad con la Ley de Mejora Ambiental, Sección 74-1-8(A)(4), y la Ley de Control de la Calidad del Aire, NMSA 1978, Secciones 74-2-1 a 17. El horario de cuotas por emisiones de los permisos de operación del Titulo V debe ser coherente con las disposiciones de la Sección 502(b)(3) de las enmiendas de 1990 a la Ley Federal de Aire Limpio, esto exige que las fuentes que requieren un permiso de operación paguen cuotas suficientes para cubrir todos los costos directos e indirectos razonables del desarrollo y la administración del programa estatal de permisos de operación conforme al Titulo V. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7 (B)(7). El horario de las cuotas de permiso de construcción debe ser suficientes para cubrir los costos razonables de revisión y tramitación de cualquier solicitud de dicho permiso, así como la implementación y el cumplimiento de los términos y condiciones del permiso, excluyendo los gastos judiciales u otros gastos asociados a una acción coercitiva. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7(B)(6).

20.2.71 NMAC establece un horario de cuotas por emisiones para las fuentes que deben obtener un permiso de conformidad con el Titulo V, según lo estipulado en la norma 20.2.70 de NMAC, Permisos de Operación. El horario especifica la cuota anual por emisiones para cada contaminante sujeto a pago, expresada en dólares por tonelada de emisiones permitidas. La regla de sustitución 20.2.71 NMAC revisa la definición actual de contaminante sujeto a cuota, agregando materia particulada de 10 micrómetros o menos de diámetro ("PM10") y materia particulada de 2.5 micrómetros o menos de diámetro ("PM2.5") y eliminando mercurio y partículas totales en suspensión; reduce las toneladas máximas utilizadas en el cálculo de la cuota para cada contaminante sujeto a cuota; establece que se cobrará una cuota por PM10 o PM2.5, no ambas, dependiendo de cuál tenga la mayor tasa de emisión permitida; aumenta el monto en dólares por tonelada utilizado en el cálculo de la cuota para cada contaminante sujeto a cuota; establece una cuota por pago tardío por no pagar oportunamente las cuotas anuales de emisión; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.71 NMAC se presentará a la Agencia de Protección Ambiental de los Estados Unidos ("EPA" por sus siglas en inglés) como una revisión del Programa de Permisos de Operación Título V de Nuevo México.

Similarmente, 20.2.75 NMAC establece un horario de cuotas de permisos de construcción para avisos de intención, permisos para construir o modificar una fuente, revisiones de permisos de construcción y revisiones técnicas de permisos de construcción existentes bajo 20.2.72 NMAC, Permisos de Construcción, y 20.2.73 NMAC, Requisitos de Aviso de Intención e Inventario de Emisiones. El horario incluye un esquema de puntos basado en la complejidad para varias acciones y un costo por punto, que se multiplica por la suma de todos los puntos aplicables a una acción de permiso determinada para determinar la cuota de permiso requerida. El horario también incluye una cuota anual para fuentes a las que ya se les ha emitido un permiso de construcción. La regla propuesta de sustitición 20.2.75 NMAC revisa el calendario de puntos basado en la complejidad actual, aumentando los puntos para ciertas acciones y agregando puntos para avisos de intención; incrementa el costo por punto utilizado para calcular las cuotas de permisos; aumenta la cuota anual para fuentes que ya han recibido un permiso de construcción e instituye una cuota anual para fuentes que han presentado un aviso de intención; establece una multa por pago tardío de las cuotas anuales; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.75 NMAC será enviada a la EPA como una revisión del Plan de Implementación Estatal de Nuevo México.

La audiencia se llevará a cabo de conformidad con 20.1.1 NMAC, Procedimientos de Reglamentación – Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-9; la Ley de Control de Calidad del Aire, NMSA 1978, Sección 74-2-6; las órdenes emitidas por el oficial de audiencias designado por la EIB; y otros procedimientos aplicables.

PARTICIPACIÓN PÚBLICA: Las audiencias y reuniones de la EIB están abiertas al público y se anima al público en general a participar. Todas las personas interesadas tendrán una oportunidad razonable de participar presentando un aviso de intención de presentar testimonio técnico, presentando un registro de comparecencia o participando como miembros del público. "Testimonio técnico" se refiere a testimonios científicos, de ingeniería, económicos o especializados, pero no incluye argumentos legales, comentarios generales o declaraciones de política o posición sobre los asuntos tratados en la audiencia. "Público en general" incluye a cualquier persona que asista a una audiencia y no haya presentado un aviso de intención de presentar testimonio técnico.

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TESTIMONIO TÉCNICO: Cualquier persona que desee presentar testimonio técnico en la audiencia debe presentar un aviso de intención por escrito al Administrador del EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB que Programa la Audiencia, Nombra al Funcionario de la Audiencia y Establece Ciertas Fechas de Presentación (emitida el 23 de Diciembre de 2025), disponible en el sitio web de asuntos archivados de NMED, y deberá ser parte. El aviso de intención deberá: (1) identificar a la persona para la cual testificarán los testigos; (2) identificar a cada testigo técnico que la persona tenga la intención de presentar y declarar las cualificaciones de ese testigo, incluyendo una descripción de su formación educativa y experiencia laboral; (3) si la audiencia se llevará a cabo en múltiples lugares, indicar el o los lugares donde estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada al cambio regulatorio propuesto; y (6) enumerar y adjuntar todos los documentos que se prevé que dicha persona presente en la audiencia, incluida cualquier declaración propuesta de motivos para la adopción de las normas. Cualquier persona que presente un aviso de intención deberá entregar una copia al NMED.

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Affidavit of Publication in New Mexico Register

I, Matthew Ortiz, certify that the agency noted on Invoice # 8601 has published legal notice of rulemaking or rules in the NEW MEXICO REGISTER, VOLUME XXXVI, that payment has been assessed for said legal notice of rulemaking or rules, which appears on the publication date and in the issue number noted on Invoice # 8601, and that Invoice # 8601 has been sent electronically to the person(s) listed on the *Billing Information Sheet* provided by the agency.

Affiant: _____
Matthew Ortiz

Subscribed, sworn and acknowledged before me this 20th day of January 2026.

Notary Public: _____
My Commission Expires: 1/22/2028

PAMELA ANNE LUJAN Y VIGIL
Notary Public
State of New Mexico
Comm. # 2001927
My Comm. Exp. Jan 22, 2028

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Invoice details
Invoice no.: 8601
Terms: Due on receipt
Invoice date: 01/17/2026
Due date: 01/17/2026

Volume: XXXVII
Issue: 1
P.O. number: 66700-0000046035

#	Product or service	Description	Qty	Rate	Amount
1.	**NM Register - 431902**	New Mexico Environmental Improvement Board Notice of Rulemaking Hearing To Consider the Proposed Repeal and Replacement of 20.2.71 NMAC - Operating Permit Emissions Fees and 20.2.75 NMAC - Construction Permit Fees, EIB 25-77 (R), hearing date: 3/23/2026	61	$3.00	$183.00
2.	**NM Register - 431902**	Junta De Mejora Ambiental De Nuevo Mexico Aviso De Audicencia De Regulamentacion Para Considerar La Propuesta De Derogacion Y Sustitucion De 20.2.71 NMAC - Cuotas De Emisiones De Permiso De Operacion Y 20.2.75 NMAC - Cuotas De Permiso De Construccion, EIB 25-77 (R), hearing date: 3/23/2026	69	$3.00	$207.00

Total **$390.00**

Note to customer

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New Mexico Register

The official publication for all official notices of rulemaking and filing of proposed, adopted and emergency rules.

Volume XXXVII - Issue 1 - January 13, 2026

NMED Exhibit 35_000003

Notices of Rulemaking and Proposed Rules

ENVIRONMENT DEPARTMENT

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER THE PROPOSED REPEAL AND REPLACEMENT OF 20.2.71 NMAC – OPERATING PERMIT EMISSIONS FEES AND 20.2.75 NMAC – CONSTRUCTION PERMIT FEES, EIB 25-77 (R)

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on March 23, 2026, at 9:00 a.m. to consider EIB 25-77 (R) – In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately three days. The EIB may deliberate and make a decision on the proposed regulatory changes at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person component will be held at the New Mexico State Capitol, 490 Old Santa Fe Trail (alternatively 411 S. State Capital Street), Santa Fe, New Mexico 87501. Hearing details, including the meeting room number and how to participate virtually, will be available on the New Mexico Environment Department ("NMED") events calendar at https://www.env.nm.gov/events-calendar/, under the calendar entry corresponding to the hearing start date. For more information, contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

The purpose of the hearing is for the EIB to consider and take possible action on a petition by NMED requesting that the EIB repeal and replace 20.2.71 NMAC, Operating Permit Emissions Fees, and 20.2.75 NMAC, Construction Permit Fees. The petition, statement of reasons (attached to the petition as Exhibit A), proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC (attached to the petition as Exhibits B and C), and current rules 20.2.71 NMAC and 20.2.75 NMAC with proposed changes shown in redline fashion (attached to the petition as Exhibits D and E) are available on NMED's docketed matters website at https://www.env.nm.gov/opf/docketed-matters/. To access these documents, click on "Environmental Improvement Board" to display the drop-down list of matters before the EIB, then click on "EIB 25-77 (R): In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees" to display the drop-down list of all documents filed in conjunction with this matter. Copies of the petition, statement of reasons, and proposed replacement rules can also be obtained by contacting Eric Peters at (505) 629-5299 or eric.peters@env.nm.gov, or at any of NMED's offices statewide.

The purpose of proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC is to ensure that NMED's emissions and construction permit fees are sufficient to cover the reasonable costs of NMED's Title V Operating Permit Program and Construction Permit Program. The EIB is authorized to adopt the proposed rules pursuant to the Environmental Improvement Act, Section 74-1-8(A)(4), and the Air Quality Control Act, NMSA 1978, Sections 74-2-1 to 17. The schedule of Title V operating permit emissions fees must be consistent with the provisions of Section 502(b)(3) of the 1990 amendments to the federal Clean Air Act, which requires sources that are required to obtain an operating permit to pay fees sufficient to cover all reasonable direct and indirect costs of developing and administering the state's Title V Operating Permit Program. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(7). The schedule of construction permit fees must be sufficient to cover the reasonable costs of reviewing and acting upon any application for such permit and implementing and enforcing the terms and conditions of the permit, excluding any court costs or other costs associated with an enforcement action. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(6).

20.2.71 NMAC establishes a schedule of emissions fees for sources required to obtain a Title V permit under 20.2.70 NMAC, Operating Permits. The schedule specifies the annual emissions fee for each fee pollutant expressed in dollars per ton of allowable emissions. Proposed replacement rule 20.2.71 NMAC revises the current definition of fee pollutant, adding particulate matter 10 micrometers or less in diameter ("PM10") and particulate matter 2.5 micrometers or less in diameter ("PM2.5") and removing mercury and total suspended particulate matter; reduces the maximum tons used in the fee calculation for each fee pollutant; provides that a fee shall be assessed for either PM10 or PM2.5, not both, depending on which has the higher allowable emission rate; increases the dollar per ton amount used in the fee calculation for each fee pollutant; establishes a late fee for failing to timely pay annual emissions fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.71 NMAC will be submitted to the U.S. Environmental Protection Agency ("EPA") as a revision to New Mexico's Title V Operating Permit Program.

Similarly, 20.2.75 NMAC establishes a schedule of construction permit fees for notices of intent, permits

to construct or modify a source, construction permit revisions, and technical reviews of existing construction permits under 20.2.72 NMAC, Construction Permits, and 20.2.73 NMAC, Notice of Intent and Emissions Inventory Requirements. The schedule includes a complexity-based points schedule for various actions and a cost per point, which is multiplied by the sum of all the points applicable to a given permitting action to determine the required permit fee. The schedule also includes an annual fee for sources that have already been issued a construction permit. Proposed replacement rule 20.2.75 NMAC revises the current complexity-based points schedule, increasing the points for certain actions and adding points for notices of intent; increases the cost per point used to calculate permit fees; increases the annual fee for sources that have already been issued a construction permit and institutes an annual fee for sources that have filed a notice of intent; establishes a late fee for failing to timely pay annual fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.75 NMAC will be submitted to EPA as a revision to the New Mexico State Implementation Plan.

The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; the Air Quality Control Act, NMSA 1978, Section 74-2-6; orders issued by the hearing officer appointed by the EIB; and other applicable procedures.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

TECHNICAL TESTIMONY: Any person who wishes to present technical testimony at the hearing must file a written notice of intent with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025), available on NMED's docketed matters website, and shall be a party. The notice of intent shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules. Any person who files a notice of intent shall serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025).

PUBLIC COMMENT: The general public may submit a written public comment or testify orally at the hearing. A member of the general public who wishes to submit a written public comment as a statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment online at https://nmed.commentinput.com/?id=t8BRr4m76, email the written public comment to pamela.jones@env.nm.gov, or mail the written public comment to EIB Administrator, New Mexico Environment Department – Harold Runnels Building, P.O. Box 5469, Santa Fe, New Mexico 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required for the general public to present non-technical testimony at the hearing. The general public may also offer non-technical exhibits in connection with their written public comment or oral testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: Persons requiring language interpretation services or having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact the EIB Administrator at least 14 days prior to the hearing or as soon as possible at (505) 660-4305 or pamela.jones@env.nm.gov. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice).

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 CFR 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: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, New Mexico 87502, (505) 827-2855, nd.coordinator@env.nm.gov. 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 https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

ENVIRONMENT DEPARTMENT

JUNTA DE MEJORA AMBIENTAL DE NUEVO MÉXICO AVISO DE AUDIENCIA DE REGLAMENTACIÓN PARA CONSIDERAR LA PROPUESTA DE DEROGACIÓN Y SUSTITUCIÓN DE 20.2.71 NMAC – CUOTAS DE EMISIONES DE PERMISO DE OPERACIÓN Y 20.2.75 NMAC – CUOTAS DE PERMISO DE CONSTRUCCIÓN, EIB 25-77 (R)

La Junta de Mejora Ambiental de Nuevo México ("EIB" por sus siglas en inglés) llevará a cabo una audiencia pública que comenzará el 23 de Marzo de 2026 a las 9:00a.m. para considerar la EIB 25-77 (R) – En el asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Permiso de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción. La audiencia durará el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos, y se espera que dure aproximadamente tres días. La EIB puede deliberar y podrá tomar una decisión sobre los cambios regulatorios propuestos al concluir la audiencia o puede convocar a una reunión después de la audiencia para considerar medidas sobre la propuesta.

La audiencia se llevará a cabo en un formato híbrido para permitir la participación tanto en persona como virtual. El componente presencial se llevará a cabo en la capital del estado de Nuevo México, 490 Old Santa Fe Trail (alternativamente 411 S. State Capital Street), Sante Fe, Nuevo México 87501. Detalles de la audiencia, incluyendo el numero de la sala de reuniones y cómo participar de forma virtual, estarán disponibles en el Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés) calendario de eventos en https://www.env.nm.gov/events-calendar/, debajo de la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para más información, comuníquese con la administradora de la EIB llamando al (505) 660-4305 o en pamela.jones@env.nm.gov.

El propósito de la audiencia es que la EIB considere y tome las medidas necesarias respecto a la Petición del NMED en la que solicita a la EIB la derogación y sustitución 20.2.71 NMAC, Cuotas de Emisiones de Permiso de Operación, y 20.2.75 NMAC, Cuotas de Permiso de Construcción. La petición, declaración de motivos (adjunto a la petición como Anexo A), normas de reemplazo propuestas 20.2.71 NMAC y 20.2.75 NMAC (adjunto a la petición como Anexos B y C), y las reglas actuales 20.2.71 NMAC 20.2.75 NMAC con los cambios propuestos mostrados en rojo (adjunto a la petición como Anexos D y E) están disponibles en el sito web de asuntos archivados de NMED en https://www.env.nm.gov/opf/docketed-matters/. Para acceder a estos documentos, haga clic en "Junta de Mejora Ambiental" para mostrar la lista desplegable de asuntos ante el EIB, después haga clic en "EIB 25-77 (R): En El Asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción" para mostrar la lista desplegable de todos los documentos presentados en relación con este asunto. Copias de la petición, declaración de motivos, las normas de sustitución también se pueden obtener contactando Eric Peters al (505) 629-5299 o eric.peters@env.nm.gov, o en todas las oficinas del NMED en todo el estado.

El propósito de las reglas de sustitución 20.2.71 NMAC y 20.2.75 NMAC es para asegurar que las emisiones y las cuotas de permiso de construcción del NMED son suficiente para cubrir los costos razonables del Programa de Permisos de Operación Titulo V y del Programa de Permisos de Construcción de NMED. La EIB está autorizada a adoptar las normas propuestas de

conformidad con la Ley de Mejora Ambiental, Sección 74-1-8(A)(4), y la Ley de Control de la Calidad del Aire, NMSA 1978, Secciones 74-2-1 a 17. El horario de cuotas por emisiones de los permisos de operación del Titulo V debe ser coherente con las disposiciones de la Sección 502(b)(3) de las enmiendas de 1990 a la Ley Federal de Aire Limpio, esto exige que las fuentes que requieren un permiso de operación paguen cuotas suficientes para cubrir todos los costos directos e indirectos razonables del desarrollo y la administración del programa estatal de permisos de operación conforme al Titulo V. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7 (B)(7). El horario de las cuotas de permiso de construcción debe ser suficientes para cubrir los costos razonables de revisión y tramitación de cualquier solicitud de dicho permiso, así como la implementación y el cumplimiento de los términos y condiciones del permiso, excluyendo los gastos judiciales u otros gastos asociados a una acción coercitiva. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7(B)(6).

20.2.71 NMAC establece un horario de cuotas por emisiones para las fuentes que deben obtener un permiso de conformidad con el Titulo V, según lo estipulado en la norma 20.2.70 de NMAC, Permisos de Operación. El horario especifica la cuota anual por emisiones para cada contaminante sujeto a pago, expresada en dólares por tonelada de emisiones permitidas. La regla de sustitución 20.2.71 NMAC revisa la definición actual de contaminante sujeto a cuota, agregando materia particulada de 10 micrómetros o menos de diámetro ("PM10") y materia particulada de 2.5 micrómetros o menos de diámetro ("PM2.5") y eliminando mercurio y partículas totales en suspensión; reduce las toneladas máximas utilizadas en el cálculo de la cuota para cada contaminante sujeto a cuota; establece que se cobrará una cuota por PM10 o PM2.5, no ambas, dependiendo de cuál tenga la mayor tasa de emisión permitida; aumenta el monto en dólares por tonelada utilizado en el cálculo de la cuota para cada contaminante sujeto a cuota; establece una cuota por pago tardío por no pagar oportunamente las cuotas anuales de emisión; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.71 NMAC se presentará a la Agencia de Protección Ambiental de los Estados Unidos ("EPA" por sus siglas en inglés) como una revisión del Programa de Permisos de Operación Título V de Nuevo México.

Similarmente, 20.2.75 NMAC establece un horario de cuotas de permisos de construcción para avisos de intención, permisos para construir o modificar una fuente, revisiones de permisos de construcción y revisiones técnicas de permisos de construcción existentes bajo 20.2.72 NMAC, Permisos de Construcción, y 20.2.73 NMAC, Requisitos de Aviso de Intención e Inventario de Emisiones. El horario incluye un esquema de puntos basado en la complejidad para varias acciones y un costo por punto, que se multiplica por la suma de todos los puntos aplicables a una acción de permiso determinada para determinar la cuota de permiso requerida. El horario también incluye una cuota anual para fuentes a las que ya se les ha emitido un permiso de construcción. La regla propuesta de sustitición 20.2.75 NMAC revisa el calendario de puntos basado en la complejidad actual, aumentando los puntos para ciertas acciones y agregando puntos para avisos de intención; incrementa el costo por punto utilizado para calcular las cuotas de permisos; aumenta la cuota anual para fuentes que ya han recibido un permiso de construcción e instituye una cuota anual para fuentes que han presentado un aviso de intención; establece una multa por pago tardío de las cuotas anuales; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.75 NMAC será enviada a la EPA como una revisión del Plan de Implementación Estatal de Nuevo México.

La audiencia se llevará a cabo de conformidad con 20.1.1 NMAC, Procedimientos de Reglamentación – Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-9; la Ley de Control de Calidad del Aire, NMSA 1978, Sección 74-2-6; las órdenes emitidas por el oficial de audiencias designado por la EIB; y otros procedimientos aplicables.

PARTICIPACIÓN PÚBLICA: Las audiencias y reuniones de la EIB están abiertas al público y se anima al público en general a participar. Todas las personas interesadas tendrán una oportunidad razonable de participar presentando un aviso de intención de presentar testimonio técnico, presentando un registro de comparecencia o participando como miembros del público. "Testimonio técnico" se refiere a testimonios científicos, de ingeniería, económicos o especializados, pero no incluye argumentos legales, comentarios generales o declaraciones de política o posición sobre los asuntos tratados en la audiencia. "Público en general" incluye a cualquier persona que asista a una audiencia y no haya presentado un aviso de intención de presentar testimonio técnico.

Cualquier miembro del público podrá testificar en la audiencia. Toda persona que preste testimonio en la audiencia estará sujeta a contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten su credibilidad. Toda persona que asista a la audiencia tendrá derecho a realizar el contrainterrogatorio que sea necesario para una divulgación completa y veraz de los asuntos tratados en la audiencia. Todos los testimonios se tomarán bajo juramento o afirmación, que podrá realizarse en masa o de forma individual.

TESTIMONIO TÉCNICO: Cualquier persona que desee presentar testimonio técnico en la audiencia debe presentar un aviso de intención por escrito al Administrador del EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB que Programa la Audiencia, Nombra al Funcionario de la Audiencia y Establece Ciertas Fechas de Presentación (emitida el 23 de Diciembre de 2025), disponible en el sitio web de asuntos archivados de NMED, y deberá ser parte. El aviso de intención deberá: (1) identificar a la persona para la cual testificarán los testigos; (2) identificar a cada testigo técnico que la persona tenga la intención de presentar y declarar las cualificaciones de ese testigo, incluyendo una descripción de su formación educativa y experiencia laboral; (3) si la audiencia se llevará a cabo en múltiples lugares, indicar el o los lugares donde estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada al cambio regulatorio propuesto; y (6) enumerar y adjuntar todos los documentos que se prevé que dicha persona presente en la audiencia, incluida cualquier declaración propuesta de motivos para la adopción de las normas. Cualquier persona que presente un aviso de intención deberá entregar una copia al NMED.

REGISTRO DE COMPARECENCIA: Cualquier persona puede presentar un registro de comparecencia como parte. El registro de comparecencia deberá presentarse ante la administradora de la EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB sobre la Programación de Audiencias, del Funcionario de Audiencias Designado y la Fijación de Determinadas Fechas de Presentación (emitida el 23 de Diciembre de 2025).

COMENTARIOS PÚBLICOS: El público en general podrá testificar mediante comentarios públicos por escrito o de forma oral en la audiencia. Quienes deseen presentar una declaración por escrito para que conste en actas, en lugar de prestar testimonio oral en la audiencia, deberán presentarla antes de la audiencia o durante la misma. Quienes deseen presentar comentarios públicos por escrito antes de la audiencia pueden hacerlo en línea en https://nmed.commentinput.com/?id=t8BRr4m76, envíe por correo electrónico el comentario público por escrito a pamela.jones@env.nm.gov, o envíe un comunicado público por correo postal al Administrador de la EIB, Departamento de Medio Ambiente de Nuevo México – Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Además, cada día de la audiencia se proporcionará oportunidad para que el público general preste testimonio oral. No se requiere aviso previo del público general para presentar testimonio no técnico en la audiencia. El público en general también puede presentar exhibiciones no técnicas en relación con su comentario público por escrito o testimonio oral, siempre que las exhibiciones no sean excesivamente repetitivas del testimonio y cumplan con 20.1.1.402 NMAC. El funcionario de audiencias designado determinará el proceso y los horarios para que el público general preste testimonio durante la audiencia.

ACCESIBILIDAD: Las personas que necesiten servicios de interpretación de idiomas o que tengan alguna discapacidad y requieran un lector, amplificador, intérprete calificado de lenguaje de señas u otra forma de ayuda o servicio auxiliar para asistir o participar en la audiencia deben comunicarse con el Administrador del EIB al menos 14 días antes de la audiencia o lo antes posible al (505) 660-4305 o pamela.jones@env.nm.gov. Para acceder a este número a través de Relay New Mexico marque 711, o llame al (800) 659-8331 (TTY) o al (800) 659-1779 (voz).

AVISO DE NO DISCRIMINACIÓN: El NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigen las leyes y regulaciones aplicables. El NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas sobre los requisitos de no discriminación implementados por 40 CFR Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, en su forma enmendada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas a la Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede comunicarse con: Kate Cardenas, coordinadora de no discriminación, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. Si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede comunicarse con la coordinadora de no discriminación identificada anteriormente o visite https://www.env.nm.gov/non-employee-discrimination-complaint-page/ para aprender cómo y dónde presentar una queja por discriminación.

HEALTH CARE AUTHORITY
INCOME SUPPORT DIVISION

AMENDED NOTICE OF HEARING

The Health Care Authority (HCA) Income Support Division (ISD) is amending the Notice of Hearing that was originally posted on State Records Center and Archives (SRCA) New Mexico Register, Volume XXXVI,

From:	Villanueva, Kelly, ENV
To:	Miller, Ken, ENV
Subject:	FW: SBRAC notice of proposed repeal and replacement of NMAC rules
Date:	Tuesday, January 13, 2026 2:54:14 PM
Attachments:	2026-01-13_SBRAC Letter re Fees Rules kv.pdf Exhibit B_Proposed Replacement Rule 20.2.71 NMAC.pdf Exhibit C_Proposed Replacement Rule 20.2.75 NMAC.pdf Exhibit D_Current Rule 20.2.71 NMAC with Redline Changes.pdf Exhibit E_Current Rule 20.2.75 NMAC with Redline Changes.pdf

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From: Villanueva, Kelly, ENV
Sent: Tuesday, January 13, 2026 2:43 PM
To: Sewell, Kim, EDD <kim.sewell@edd.nm.gov>
Subject: SBRAC notice of proposed repeal and replacement of NMAC rules

Good morning Kim,

Please find attached a letter to your attention that provides notice to the Small Business Regulatory Advisory Council (SBRAC) in regard to the **Proposed Repeal and Replacement of 20.2.71 NMAC and 20.2.75 NMAC**, along with copies of the proposed rules . Please let me know if we can provide any further detail.

Could you please also acknowledge receipt? Thank you,

Very Respectfully,

Kelly Villanueva
Assistant General Counsel
121 Tijeras Ave. NE, Ste. 1000
Albuquerque, NM 87102
(505) 795-4383
www.env.nm.gov

SENT VIA EMAIL

January 13, 2026

Small Business Regulatory Advisory Commission
c/o Kim Sewell
New Mexico Economic Development Department
1100 S. St. Francis Drive
Santa Fe, NM 87505-4147
kim.sewell@edd.nm.gov

Re: Proposed Repeal and Replacement of 20.2.71 NMAC and 20.2.75 NMAC

Dear Commission Members,

The New Mexico Environment Department ("Department") hereby provides notice to the Small Business Regulatory Advisory Commission pursuant to the Small Business Regulatory Relief Act, NMSA 1978, Sections 14-4A-1 through -6 (2005), that the Department's Air Quality Bureau has petitioned the Environmental Improvement Board ("Board") to repeal and replace 20.2.71 NMAC – Operating Permit Emissions Fees ("Part 71") and 20.2.75 NMAC – Construction Permit Fees ("Part 75").

Parts 71 and 75 establish schedules of emissions and construction permit fees for regulated sources of air pollutants as required by the Air Quality Control Act, NMSA 1978, Sections 74-2-7(B)(6) and (7). The current fee schedules have not been updated in many years and no longer generate sufficient revenue to cover the costs of fully implementing the Department's Title V and Construction Permit Programs, as required by statute. The proposed replacement rules include the higher emissions and construction permit fees necessary to cover the reasonable costs of these mission critical programs. The proposed replacement rules are not expected to have a significant effect on small businesses in New Mexico, in part because emissions fees under Part 71 are only paid by major sources of air pollution, which are typically not small businesses, and in part because small businesses qualify for significantly reduced construction permit fees under Part 75.

The Board will hold a public hearing in this matter beginning at 9:00 a.m. on March 23, 2026, and continuing thereafter as necessary. The hearing will be held at the New Mexico State Capitol, 490 Old Santa Fe Trail, Santa Fe, New Mexico 87501, and will be accessible virtually via Webex. Information including the hearing room number and how to participate virtually can be found on the Department's events calendar at https://www.env.nm.gov/events-calendar/.

If Commission members have further questions, comments, or would like to meet and discuss the proposed rules, please feel free to contact me directly at (505) 795-4383 or via email at kelly.villanueva@env.nm.gov. A copy of the petition and proposed replacement rules are attached.

Sincerely,

Kelly Villanueva
Assistant General Counsel

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 71 OPERATING PERMIT EMISSIONS FEES

20.2.71.1 ISSUING AGENCY: Environmental Improvement Board.
[20.2.71.1 NMAC - Rp, 20.2.71.1 NMAC, 6/1/2026]

20.2.71.2 SCOPE: This Part applies to all persons required to obtain a permit under 20.2.70 NMAC (Operating Permits).
[20.2.71.2 NMAC - Rp, 20.2.71.2 NMAC, 6/1/2026]

20.2.71.3 STATUTORY AUTHORITY: Environmental Improvement Act, Sections 74-1-1 to -18 NMSA 1978, including specifically Paragraph (4) of Subsection A of Section 74-1-8 NMSA 1978, and Air Quality Control Act, Sections 74-2-1 to -17 NMSA 1978, including specifically Paragraph (7) of Subsection B of Section 74-2-7 NMSA 1978.
[20.2.71.3 NMAC - Rp, 20.2.71.3 NMAC, 6/1/2026]

20.2.71.4 DURATION: Permanent.
[20.2.71.4 NMAC - Rp, 20.2.71.4 NMAC, 6/1/2026]

20.2.71.5 EFFECTIVE DATE: June 1, 2026, unless a later date is cited at the end of a section.
[20.2.71.5 NMAC - Rp, 20.2.71.5 NMAC, 6/1/2026]

20.2.71.6 OBJECTIVE: The objective of this Part is to establish a schedule of operating permit emissions fees.
[20.2.71.6 NMAC - Rp, 20.2.71.6 NMAC, 6/1/2026]

20.2.71.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (Definitions), as used in this Part, the following definitions apply.

A. "Allowable emission rate" means the maximum emission allowed by the more stringent emission limitation applicable to the source contained in:

(1) any New Mexico air quality control regulation;

(2) any federal standard of performance, emission limitation, or emission standard adopted pursuant to 42 U.S.C. Section 7411 or 7412; or

(3) any condition within a construction or operating permit issued by the department.

B. "Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any fee pollutant.

C. "Fee pollutant" means:

(1) sulfur dioxide, nitrogen dioxide, carbon monoxide, PM10, PM2.5, and volatile organic compounds; and

(2) any hazardous air pollutant that is subject to any standard promulgated pursuant to Section 112 of the federal act.

D. "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

E. "Hazardous air pollutant" means an air contaminant that has been classified as a hazardous air pollutant pursuant to Section 112 of the federal act.

F. "Operator" means the person or persons responsible for the overall operation of a facility.

G. "Owner" means the person or persons who own a facility or part of a facility.

H. "Stationary source" means any building, structure, facility, or installation that emits or may emit any air pollutant.

[20.2.71.7 NMAC - Rp, 20.2.71.7 NMAC, 6/1/2026]

20.2.71.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation (AQCR) 771 - Operating Permit Emission Fees, filed November 15, 1993, as amended.

A. All references to AQCR 771 in any other rule shall be construed as a reference to this Part.

B. The amendment and supersession of AQCR 771 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 771.
[20.2.71.8 NMAC - Rp, 20.2.71.8 NMAC, 6/1/2026]

20.2.71.9 DOCUMENTS: Documents cited in this Part may be viewed at the New Mexico environment department, air quality bureau. [As of April 2013, the air quality bureau is located at 525 Camino de los Marquez, Santa Fe, New Mexico 87505].
[20.2.71.9 NMAC - Rp, 20.2.71.9 NMAC, 6/1/2026]

20.2.71.10 SEVERABILITY: If any provision of this Part, or the application of this provision to any person or circumstance is held invalid, the remainder of this Part, or the application of this provision to any person or circumstance other than those as to which it is held invalid, shall not be affected thereby.
[20.2.71.10 NMAC - N, 6/1/2026]

20.2.71.11 to 20.2.71.108 [RESERVED]

20.2.71.109 [RESERVED]
[20.2.71.109 NMAC – Rp, 20.2.71.109 NMAC, 6/1/2026]

20.2.71.110 FEE REQUIREMENT:

A. An annual emissions fee shall be paid to the department by each owner or operator subject to this Part.

B. The annual emissions fee shall be assessed:

(1) for a major source as defined in 20.2.70 NMAC (Operating Permits), for all emissions units;

(2) for all other stationary sources, for emissions units which cause the source to be subject to 20.2.70 NMAC; and

(3) for emissions above annual allowable emission limits for the source categories in Paragraphs (1) and (2) of this Subsection.

C. The annual emissions fee shall be calculated in conformance with 20.2.71.111 NMAC.
[20.2.71.110 NMAC - Rp, 20.2.71.110 NMAC, 6/1/2026]

20.2.71.111 FEE DETERMINATION:

A. Annual emissions fee calculation.

(1) The annual emissions fee shall be calculated by taking the product of the allowable emission rate for each fee pollutant expressed in tons per year and the appropriate fee per ton of pollutant listed in 20.2.71.112 NMAC.

(2) The allowable emission rate which shall be used in the fee calculation for this Subsection is the allowable emission rate which exists on December 31 for each year.

(3) Allowable emission rates shall be calculated to the tenth of a ton for each emissions unit and then summed to determine the tons per year for the facility. Total facility tons per year quantities shall be determined by rounding amounts equal to or greater than five tenths of a ton upward and amounts lower than five tenths of a ton downward.

(4) Emissions from those operations determined to be insignificant activities by the department under 20.2.70 NMAC shall not be included in the fee calculation for this Subsection.

(5) Fugitive emissions which have an allowable emission rate shall be included in the fee calculation for this Subsection.

(6) Any quantity of a pollutant which is assessed a fee pursuant to this Subsection because it is a hazardous air pollutant shall not be assessed additional fees.

(7) A maximum of 3,000 tons per year of any one fee pollutant shall be used in the fee calculation for this Subsection.

(8) For facilities with allowable emission rates for both PM10 and PM2.5, a fee shall only be assessed pursuant to this Subsection for one of these fee pollutants, and shall be based on whichever has the higher allowable emission rate.

(9) The failure of an owner or operator to include the correct information in a permit application, resulting in incorrect allowable emissions in a permit issued under 20.2.70 NMAC, 20.2.72 NMAC, or 20.2.74 NMAC, shall not preclude the department from requiring payment for the correct emissions from the time payment would have been first due.

B. Source shutdown.

(1) The annual emissions fee shall not be reduced due to lack of operation of any emissions unit, except when:

(a) the discontinued operation is accounted for in an allowable emission rate contained within a construction or operating permit issued by the department;

(b) a construction or operating permit issued by the department has been discontinued or terminated and the source ceased operation; or

(c) the emissions unit is located at a stationary source which meets the criteria of Paragraph (2) of this Subsection.

(2) The annual emissions fee shall be reduced when all operations at a stationary source have been shut down for a period greater than 60 consecutive days within a calendar year. In this case, the annual emissions fee calculation shall be adjusted by reducing the annualized allowable emission rate for each day the stationary source was shut down.

C. Annual emissions fee for emissions above annual allowable emission limits.

(1) The annual emissions fee for emissions above annual allowable emission limits shall be based on all emissions above annual allowable emission limits of fee pollutants reported or required to be reported by a stationary source through December 31 in accordance with Subsection E of 20.2.70.302 NMAC. The fee shall be calculated by taking the product of the emissions above annual allowable emission limits for each fee pollutant above and beyond the allowable annual emission limit per unit expressed in tons per year and the appropriate fee per ton of pollutant listed in 20.2.71.112 NMAC.

(2) Total facility tons per year quantities of emissions above annual allowable emission limits shall be determined by rounding amounts equal to or greater than five tenths of a ton upward and amounts lower than five tenths of a ton downward.

(3) Any quantity of a pollutant which is assessed a fee pursuant to this Subsection because it is a hazardous air pollutant shall not be assessed additional fees.

(4) A maximum of 3,000 tons per year of any one fee pollutant shall be used in the fee calculation for this Subsection.

(5) For facilities with allowable emission rates for both PM10 and PM2.5, a fee shall only be assessed pursuant to this Subsection for one of these fee pollutants, and shall be based on whichever has higher emissions above annual allowable emission limits.

[20.2.71.111 NMAC - Rp, 20.2.71.111 NMAC, 6/1/2026]

20.2.71.112 EMISSIONS FEE:

A. The fee for each fee pollutant shall be $85 per ton on an annual basis, except as provided for in Subsection B of this Section.

B. The fee for each hazardous air pollutant shall be $258 per ton on an annual basis for any stationary source which is only a major source, as defined in 20.2.70 NMAC, for any hazardous air pollutant.

C. The fee per ton of emissions above annual allowable emission limits shall be identical to the fee per ton of allowable emissions.

D. Beginning in 2028, the fees referenced in this Section shall be changed annually on January 1 by the percentage, if any, of any annual increase in the consumer price index (CPI) in accordance with Section 502(b)(3)(B)(v) of the federal act. In the event there is a decrease or absence of change in the CPI, fees shall remain the same until the next increase in the CPI.

[20.2.71.112 NMAC - Rp, 20.2.71.112 NMAC, 6/1/2026]

20.2.71.113 NOTIFICATION, PAYMENT, LATE FEE AND ENFORCEMENT:

A. Schedule.

(1) The department shall by April 1 of each year provide to each owner or operator subject to this Part notification, which shall contain:

(a) the annual emissions fee based on the requirements of this Part which is currently due; and

(b) a summary of the basis for the required annual emissions fee.

(2) Upon discovery of an error in any past notification of annual emissions fees due, the department shall promptly notify the owner or operator and provide credit for overcharges or require payment for undercharges.

(3) Each owner or operator shall pay by June 1 the annual emissions fee contained in the department's notification required under Paragraph (1) of this Subsection. Failure to remit the full annual emissions fee by this date shall subject the owner or operator to a late fee equal to fifty percent of the annual emissions fee or $5,000, whichever is less. The department shall provide to each owner or operator assessed a late fee pursuant to this Subsection notification, which shall state the late fee and unpaid annual emissions fee balance currently due. The owner or operator shall pay the amount stated in the department's notification within 30 days of the date of the notification. If the amount stated in the notification is not timely paid, the late fee shall increase to one hundred percent of the annual emissions fee or $10,000, whichever is less, and shall be due immediately without further notification from the department, along with the unpaid annual emissions fee balance.

(4) Each owner or operator shall pay invoices based on notices of errors in past notifications within 60 days of the invoice date.

B. Payment.

(1) Annual emissions fees shall be remitted in the form of a certified check or money order made payable to the environment department, electronic payment, or other method as allowed by the state. Annual emissions fees remitted in the form of a certified check or money order shall be submitted to the air quality bureau at the address specified in the notice.

(2) Upon receipt of the annual emissions fee payment, it shall be deposited in the state air quality permit fund.

(3) Annual emissions fees shall be paid in U.S. dollars.

C. Nonpayment. Failure to remit the full annual emissions fee, including any late fees, required by the due date specified in Subsection A of this Section is a violation of this Part and may subject the owner or operator to:

(1) civil penalties of up to $15,000 for each day of noncompliance as provided for in the Air Quality Control Act, Section 74-2-12.1 NMSA 1978; and

(2) the enforcement provisions of the Air Quality Control Act, Section 74-2-12 NMSA 1978, which includes suspension or revocation of any permit.

D. Non-compliance with Chapter 2, Title 20 NMAC or the Air Quality Control Act subjects each owner or operator to administrative compliance costs for enforcement of Chapter 2, Title 20 NMAC.

[20.2.71.113 NMAC - Rp, 20.2.71.113 NMAC, 6/1/2026]

HISTORY OF 20.2.71 NMAC:

Pre NMAC History: The material in this Part was derived from that previously filed with the commission of public records - state records center and archives.

EIB/AQCR 771, Air Quality Control Regulation 771 - Operating Permit Emission Fees, filed 11/15/93.

History of Repealed Material:

20.2.71 NMAC, Operating Permit Emissions Fees, effective 10/31/02, repealed, effective 6/1/26.

Other History:

EIB/AQCR 771, Air Quality Control Regulation 771 - Operating Permit Emission Fees, filed 11/15/93, was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.71, Operating Permit Emission Fees, filed 10/30/95;

20 NMAC 2.71, Operating Permit Emission Fees, filed 10/30/95, was **renumbered, reformatted and replaced** by 20.2.71 NMAC, Operating Permit Emission Fees, effective 10/31/02.

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 75 CONSTRUCTION PERMIT FEES

20.2.75.1 ISSUING AGENCY: Environmental Improvement Board.
[20.2.75.1 NMAC - Rp, 20.2.75.1 NMAC, 6/1/2026]

20.2.75.2 SCOPE: This Part applies to all persons who apply for a permit to construct or modify a source, apply to register under a general construction permit, apply for a permit revision, or request a technical review of an existing permit under 20.2.72 NMAC, and all persons who file a notice of intent under 20.2.73 NMAC. Annual emissions fees for sources required to obtain a permit under 20.2.70 NMAC (Operating Permits) are covered under 20.2.71 NMAC.
[20.2.75.1 NMAC - Rp, 20.2.75.2 NMAC, 6/1/2026]

20.2.75.3 STATUTORY AUTHORITY: Environmental Improvement Act, Sections 74-1-1 to -18 NMSA 1978, including specifically Paragraph (4) of Subsection A of Section 74-1-8 NMSA 1978, and Air Quality Control Act, Sections 74-2-1 to -17 NMSA 1978, including specifically Paragraph (6) of Subsection B of Section 74-2-7 NMSA 1978.
[20.2.75.1 NMAC - Rp, 20.2.75.3 NMAC, 6/1/2026]

20.2.75.4 DURATION: Permanent.
[20.2.75.4 NMAC - Rp, 20.2.75.4 NMAC, 6/1/2026]

20.2.75.5 EFFECTIVE DATE: June 1, 2026, except where a later date is cited at the end of a section.

A. For applications received prior to the effective date of this Part, the provisions in 20.2.75 NMAC, as effective as of the date of the receipt of the application, remain effective, and application review fees (formerly permit fees) shall be so determined.

B. For applications received following the effective date of this Part, application review fees shall be based on the current regulation.

[20.2.75.5 NMAC - Rp, 20.2.75.5 NMAC, 6/1/2026]

20.2.75.6 OBJECTIVE: The objective of this Part is to establish a schedule of fees for the construction permit program, including notices of intent, construction permits, registrations under general construction permits, permit revisions, and technical reviews of existing permits.
[20.2.75.6 NMAC - Rp, 20.2.75.6 NMAC, 6/1/2026]

20.2.75.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (Definitions) or 20.2.72 NMAC (Construction Permits), as used in this Part, the following definitions apply.

A. "**Air toxics review"** means the required review of a permit application for the potential emission of an air toxic regulated by 20.2.72.400 NMAC - 20.2.72.499 NMAC. As used in this Part, a level I air toxics review consists of modeling to determine whether one one-hundredth of the occupational exposure limit, as defined in 20.2.72.401 NMAC, is met; a level II air toxics review consists of either a health assessment or best available control technology (BACT) determination, whichever is required by 20.2.72.400 NMAC - 20.2.72.499 NMAC.

B. **"Applicable regulations"** means, for the purpose of assessing application review fee points, those regulations that are applicable to the source and not the review to determine whether the regulation is applicable. Applicable regulations do not include 20.2.1 NMAC (General Provisions), 20.2.2 NMAC (Definitions), 20.2.3 NMAC (Ambient Air Quality Standards), 20.2.5 NMAC (Source Surveillance), 20.2.7 NMAC (Excess Emissions), 20.2.8 NMAC (Emissions Leaving New Mexico), 20.2.60 NMAC (Open Burning), 20.2.70 NMAC (Operating Permits), 20.2.71 NMAC (Operating Permit Emissions Fees), 20.2.72 NMAC (Construction Permits), 20.2.73 NMAC (Notice Of Intent And Emissions Inventory Requirements), 20.2.74 NMAC (Permits - Prevention Of Significant Deterioration (PSD)), 20.2.75 NMAC (Construction Permit Fees), 20.2.77 NMAC (New Source Performance Standards), 20.2.78 NMAC (Emission Standards For Hazardous Air Pollutants), 20.2.79 NMAC (Permits - Nonattainment Areas), 20.2.80 NMAC (Stack Heights), and 20.2.82 NMAC (Maximum Achievable Control Technology Standards For Source Categories Of Hazardous Air Pollutants). All other Title 20, Chapter 2 NMAC parts and all new source performance standards (excluding Subpart A) and national emission standards for hazardous air pollutants/maximum achievable control technology (NESHAP/MACT) (excluding 40 CFR Part 61

Subparts A and M and 40 CFR Part 63 Subpart A) regulations that are applicable to the source shall be counted and shall result in additional points for application review fee purposes, in accordance with the fee schedule in this Part.

C. "Fee unit" means any equipment or process which generates, creates, or is the source of a regulated air contaminant, which is listed or identified in a construction permit application or application to revise a permit and which requires review and evaluation against state and federal regulations and standards. This definition does not include sources which are exempt under 20.2.72.202 NMAC or sources for which no applicable requirements are identified in the permit. In the case of a permit modification, revision or technical review of an existing permit, the requirements of Subsection A of 20.2.75.11 NMAC apply only to the equipment or process involved in such modification, revision or review.

D. "Fugitive emissions fee unit" means sources of fugitive emissions for which applicable requirements are identified in the permit. A maximum of one fugitive emissions fee unit shall be applied to any given application.

E. "Revision" means any change requested by an applicant to any term or condition of a permit including emission limitations, control technology, operating conditions and monitoring requirements. For the purposes of this Part, revision does not include administrative revision as used in 20.2.72 NMAC.

F. "Small business" means a company that employs no more than 10 employees at any time during the calendar year. Employees include part-time, temporary, or limited service workers. For the purposes of this Part, small business does not include:

(1) any source which may emit more than 50 tons per year of any regulated air contaminant for which there is a national or New Mexico ambient air quality standard, or 75 tons per year of all regulated air contaminants for which there are national or New Mexico ambient air quality standards; and

(2) any major source for hazardous air pollutants under 20.2.70 NMAC.

G. "Technical review of an existing permit" means the department's technical review of new information submitted by a permittee as required by an existing permit condition and in conjunction with proposed changes at the source that do not involve any changes to the existing permit. The review must be necessary to demonstrate that all applicable state and federal regulations and standards will continue to be met and that the existing permit will continue to be valid. For the purposes of this Part, technical review of an existing permit does not include the department's review of required periodic reports.

[20.2.75.7 NMAC - Rp, 20.2.75.7 NMAC, 6/1/2026]

20.2.75.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation (AQCR) 700 - Filing and Permit Fees, filed November 20, 1989, as amended.

A. All references to AQCR 700 in any other rule shall be construed as a reference to this Part.

B. The amendment and supersession of AQCR 700 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 700.

[20.2.75.8 NMAC - Rp, 20.2.75.8 NMAC, 6/1/2026]

20.2.75.9 DOCUMENTS: Documents cited in this Part may be viewed at the New Mexico environment department, air quality bureau. [As of April 2013, the air quality bureau is located at 525 Camino de los Marquez, Santa Fe, New Mexico 87505.]

[20.2.75.9 NMAC - Rp, 20.2.75.9 NMAC, 6/1/2026]

20.2.75.10 FILING FEE:

A. A filing fee of $500 shall be submitted with each filing of an application for a permit to construct or modify a source or permit revision. The filing fee shall be applied to the application review fee determined from the fee schedule in 20.2.75.11 NMAC.

B. For applications submitted under 20.2.72.221 NMAC, an accelerated review filing fee of $1,000 shall be submitted in lieu of any other filing fees under this Section. One-half of the accelerated review filing fee shall be applied to the cost of the accelerated review submitted by the qualified outside firm. In the event that:

(1) there are no qualified outside firms on contract with the department, or if all of the qualified outside firms have a conflict of interest, the entire accelerated review filing fee shall be applied to the application review fee determined from the fee schedule in 20.2.75.11 NMAC;

(2) no qualified outside firm submits a proposal for the accelerated review, one-half of the accelerated review filing fee shall be applied to the application review fee determined from the fee schedule in 20.2.75.11 NMAC;

(3) one or more qualified outside firms submit a proposal but all such proposals are rejected by the applicant, the accelerated review filing fee shall be forfeited and retained by the department; or

(4) the applicant withdraws the application for any reason, the accelerated review filing fee shall be forfeited and retained by the department.

[20.2.75.10 NMAC - Rp, 20.2.75.10 NMAC, 6/1/2026]

20.2.75.11 APPLICATION REVIEW FEE AND ANNUAL FEE:

A. The application review fee shall be based on the following point-based fee schedule.

ACTION	# OF POINTS	
1. CONSTRUCTION PERMIT/TECHNICAL REVIEW OF EXISTING PERMIT		
Technical Complexity		
1-5 Fee Units	5	
6-15 Fee Units	1	point per fee unit
>15 Fee Units	15	
Fugitive Emissions Fee Unit	5	
Portable Source Relocation (Paragraph (3) of Subsection D of 20.2.72.202 NMAC)	1	
Non-Attainment Area (20.2.79 NMAC)	75	
Each Modeling Review	30	
Air Toxics Review (20.2.72.400 NMAC – 20.2.72.499 NMAC)		
Level I	8	
Level II		
Best Available Control Technology (BACT) Analysis	60	
Health Assessment	100	
Applicable Regulations		
20.2.X NMAC (per each)	3	
NSPS (per each)	5	
NESHAP/MACT (per each)	5	
Case-by-Case MACT (20.2.83 NMAC)	100	
PSD netting only (no additional PSD analysis is required)	20	
PSD review (including netting) (20.2.74 NMAC)	75	
2. OTHER PERMITTING ACTIONS		
Notices of Intent (20.2.73.200 NMAC)	10	
General Permits (20.2.72.220 NMAC) for non-Oil and Gas Facilities	10	
General Permits (20.2.72.220 NMAC) for Oil and Gas Facilities	30	
Streamline (each site) (20.2.72.300 NMAC – 20.2.72.399 NMAC)	10	

B. The application review fee shall be the sum of all of the points that are applicable to the application as determined by the department, multiplied by $585.

C. The department may, at its discretion, assess additional points and fees each time the department is required to repeat an action listed in Subsection A of this Section because the applicant updated the application after submission.

NMED Exhibit 36_000009

D. For sources that satisfy the definition of "small business" as defined in Subsection F of 20.2.75.7 NMAC, the application review fee determined by Subsection B of this Section, additional fees (if any) assessed pursuant to Subsection C of this Section, and annual fee assessed pursuant to Subsection F of this Section shall be reduced by half. To qualify for the small business fee reduction, sources must submit a small business certification form to the department certifying that the company employs no more than 10 employees at any time during the calendar year, or for new sources, that the company does not expect to employ any more than 10 employees in the first year of operations.

E. For applications processed by an outside firm under 20.2.72.221 NMAC, the application review fee determined by Subsection B of this Section shall be reduced by half and shall be in addition to the cost of the accelerated review bid.

F. Sources that have been issued a construction permit or registered under a general construction permit under 20.2.72 NMAC shall be assessed an annual fee of $2,800. Sources that have filed a notice of intent under 20.2.73 NMAC and received a written determination by the department that a permit is not required shall be assessed an annual fee of $700. The applicable annual fee shall be assessed if the construction permit, general construction permit registration or notice of intent was in active status as of December 31 of the preceding year, regardless of the source's operational status. The annual fee required by this Subsection shall not apply to sources which are assessed an annual emissions fee in accordance with 20.2.71 NMAC.

G. Beginning in 2028, the cost per point and annual fees in Subsections B and F of this Section shall be changed annually on January 1 by the percentage, if any, of any annual increase in the consumer price index (CPI). The adjusted cost per point and annual fees shall be determined by multiplying the current cost per point and annual fees by the increase in the CPI for the most recent calendar year and rounding the result to the nearest dollar. The CPI for any calendar year is the average of the CPI for all urban consumers published by the United States department of labor, as of the close of the twelve-month period ending on August 31 of that year. In the event there is a decrease or absence of change in the CPI, the cost per point and annual fees shall not be changed and shall remain the same until the next increase in the CPI.

[20.2.75.11 NMAC - Rp, 20.2.75.11 NMAC, 6/1/2026]

20.2.75.12 INVOICING, PAYMENT, LATE FEE AND ENFORCEMENT:

A. The department shall refuse to accept any application for a permit to construct or modify a source or permit revision without payment of the filing fee at the time the application is submitted to the department. The filing fee and the accelerated review filing fee are non-refundable. The department shall refuse to accept any notice of intent or application to register under a general construction permit without payment of the application review fee at the time the notice or application is submitted to the department.

B. For an application for a permit to construct or modify a source or permit revision other than a technical permit revision, an invoice for the application review fee, minus the filing fee, shall be mailed, or transmitted electronically or as otherwise allowed by the state, to the applicant at the time the department finds the application administratively complete pursuant to 20.2.72.207 NMAC. The department shall deny any application for a permit to construct or modify a source or permit revision other than a technical permit revision if the application review fee has not been paid within 30 days of the date of the invoice, unless the department has granted an extension. If, upon completion of the application review, the department determines additional fees are due pursuant to Subsection C of 20.2.75.11 NMAC, the department shall mail another invoice to the applicant along with its grant or denial of the permit or permit revision. The applicant shall pay this invoice within 30 days of the date of the invoice, unless the department has granted an extension.

C. For an application for a technical permit revision, an invoice for the application review fee, minus the filing fee, and any additional fees the department determines are due pursuant to Subsection C of 20.2.75.11 NMAC upon completion of the application review, shall accompany the department's grant or denial of the technical permit revision. The applicant shall pay this invoice within 30 days of the date of the invoice, unless the department has granted an extension.

D. For a notice of intent or application to register under a general construction permit, the application review fee shall be paid at the time of filing. If, upon completion of the application review, the department determines additional fees are due pursuant to Subsection C of 20.2.75.11 NMAC, an invoice shall accompany the department's notification of its determination that an air quality permit is not required or its grant or denial of the registration. The applicant shall pay this invoice within 30 days of the date of the invoice, unless the department has granted an extension.

E. An invoice for a request for technical review of an existing permit shall accompany the department's response if any fees are due. The applicant or permittee shall pay this invoice within 30 days of the date of the invoice, unless the department has granted an extension.

F. Except for the refund of excess fees paid, all fees paid under this Part shall be non-refundable.

G. All fees paid pursuant to this Part shall be remitted in the form of a corporate or certified check or money order made payable to the environment department at the address specified in the notice, electronic payment, or other method as allowed by the state. Upon receipt of the fee payment, it shall be deposited in the state air quality permit fund established by Section 74-2-15 NMSA 1978.

H. Owners or operators shall pay annual fees assessed pursuant to Subsection F of 20.2.75.11 NMAC within 30 days of the date of the invoice. Failure to remit the full annual fee by this date shall subject the owner or operator to a late fee equal to fifty percent of the annual fee. The department shall provide to each owner or operator assessed a late fee pursuant to this Subsection notification, accompanied by an invoice for the late fee and unpaid annual fee balance. The owner or operator shall pay this invoice within 30 days of the date of the invoice. If the invoice is not timely paid, the late fee shall increase to one hundred percent of the annual fee and shall be due immediately without further notification from the department, along with the unpaid annual fee balance.

I. All fees shall be paid in U.S. dollars.

J. Failure to remit the full annual fee, including any late fees, required by the due date specified in Subsection H of this Section is a violation of this Part and may subject the owner or operator to:

(1) civil penalties of up to $15,000 per day for each day of noncompliance as provided for in the Air Quality Control Act, Section 74-2-12.1 NMSA 1978; and

(2) the enforcement provisions of the Air Quality Control Act, Section 74-2-12 NMSA 1978, which includes the suspension or revocation of any permit.

K. Non-compliance with Chapter 2, Title 20 NMAC or the Air Quality Control Act subjects each owner or operator to administrative compliance costs for enforcement of Chapter 2, Title 20 NMAC.

[20.2.75.12 NMAC - Rp, 20.2.75.12 NMAC, 6/1/2026]

20.2.75.13 PERIODIC REVIEW: The department shall review construction permit fees and construction permit program costs annually. The review shall include information on the budgets, expenditures, fund balance, and related projections.

[20.2.75.13 NMAC - Rp, 20.2.75.13 NMAC, 6/1/2026]

20.2.75.14 SEVERABILITY: If any provision of this Part, or the application of this provision to any person or circumstance is held invalid, the remainder of this Part, or the application of this provision to any person or circumstance other than those as to which it is held invalid, shall not be affected thereby.

[20.2.75.14 NMAC - N, 6/1/2026]

HISTORY OF 20.2.75 NMAC:

Pre-NMAC History: The material in this Part was derived from that previously filed with the commission of public records - state records center and archives:

AQCR 700, Air Quality Control Regulation 700 - Filing and Permit Fees, filed 11/20/89.

History of Repealed Material:

20 NMAC 2.75, Construction Permit Fees, filed 10/30/95, repealed, effective 03/02/01;

20.2.75 NMAC, Construction Permit Fees, effective 03/02/01, repealed, effective 6/1/26.

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 71 OPERATING PERMIT EMISSIONS FEES

20.2.71.1 ISSUING AGENCY: Environmental Improvement Board.
[[~~11/30/95;~~] 20.2.71.1 NMAC - [~~Rn, 20 NMAC 2.71.100 10/31/02~~] Rp, 20.2.71.1 NMAC, 6/1/2026]

20.2.71.2 SCOPE: This Part applies to all persons required to obtain a permit under 20.2.70 NMAC (Operating Permits).
[[~~11/30/95;~~] 20.2.71.2 NMAC - [~~Rn, 20 NMAC 2.71.101 10/31/02~~] Rp, 20.2.71.2 NMAC, 6/1/2026]

20.2.71.3 STATUTORY AUTHORITY: Environmental Improvement Act, Sections 74-1-1 to -18 NMSA 1978, including specifically [~~NMSA 1978, section 74-1-8 (A)(4)~~] Paragraph (4) of Subsection A of Section 74-1-8 NMSA 1978, and Air Quality Control Act, [~~NMSA 1978, Sections 74-2-1 et seq.~~] Sections 74-2-1 to -17 NMSA 1978, including specifically [~~section 74-2-7(B)(5)~~] Paragraph (7) of Subsection B of Section 74-2-7 NMSA 1978.
[[~~11/30/95;~~] 20.2.71.3 NMAC - [~~Rn, 20 NMAC 2.71.102 10/31/02~~] Rp, 20.2.71.3 NMAC, 6/1/2026]

20.2.71.4 DURATION: Permanent.
[[~~11/30/95;~~] 20.2.71.4 NMAC - [~~Rn, 20 NMAC 2.71.103 10/31/02~~] Rp, 20.2.71.4 NMAC, 6/1/2026]

20.2.71.5 EFFECTIVE DATE: [~~November 30, 1995~~] June 1, 2026, unless a later date is cited at the end of a section.
[[~~11/30/95;~~] 20.2.71.5 NMAC - [~~Rn, 20 NMAC 2.71.104 10/31/02; A, 12/15/04~~] Rp, 20.2.71.5 NMAC, 6/1/2026]
[[~~The latest effective date of any section in this part is 01/09/09.~~]]

20.2.71.6 OBJECTIVE: The objective of this Part is to establish a schedule of operating permit [~~emission~~] emissions fees.
[[~~11/30/95;~~] 20.2.71.6 NMAC - [~~Rn, 20 NMAC 2.71.105 10/31/02~~] Rp, 20.2.71.6 NMAC, 6/1/2026]

20.2.71.7 DEFINITIONS. In addition to the terms defined in 20.2.2 NMAC (definitions), as used in this part, the following definitions apply.

A. "Allowable emission rate" means the maximum emission allowed by the more stringent emission limitation applicable to the source contained in:

(1) any New Mexico air quality control regulation;

(2) any federal standard of performance, emission limitation, or emission standard adopted pursuant to 42 U.S.C. Section 7411 or 7412; or

(3) any condition within a construction or operating permit issued by the department.

B. "Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any fee pollutant.

C. "Fee pollutant" means:

(1) sulfur dioxide, nitrogen dioxide, carbon monoxide, [~~total suspended particulate matter~~] PM10, PM2.5, and volatile organic compounds[~~, and mercury~~]; and

(2) any hazardous air pollutant that is subject to any standard promulgated pursuant to section 112 of the federal act.

D. "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

E. "Hazardous air pollutant" means an air contaminant that has been classified as a hazardous air pollutant pursuant to section 112 of the federal act.

F. "Operator" means the person or persons responsible for the overall operation of a facility.

G. "Owner" means the person or persons who own a facility or part of a facility.

[~~**H. "Part"** means an air quality control regulation under Title 20, Chapter 2 of the New Mexico Administrative Code, unless otherwise noted; as adopted or amended by the board.~~]

[~~**I**~~] **H. "Stationary source"** means any building, structure, facility, or installation that emits or may emit any air pollutant.

[[~~11/30/95;~~] 20.2.71.7 NMAC - [~~Rn, 20 NMAC 2.71.107 10/31/02; A, 12/15/04; A, 06/15/07~~] Rp, 20.2.71.7 NMAC, 6/1/2026]

20.2.71.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation (AQCR) 771 - Operating Permit Emission Fees, filed November 15, 1993, as amended.

A. All references to AQCR 771 in any other rule shall be construed as a reference to this Part.

B. The amendment and supersession of AQCR 771 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 771.

[[~~11/30/95;~~] 20.2.71.8 NMAC - [~~Rn, 20 NMAC 2.71.106 10/31/02~~] Rp, 20.2.71.8 NMAC, 6/1/2026]

20.2.71.9 DOCUMENTS: Documents cited in this Part may be viewed at the New Mexico Environment Department, Air Quality Bureau [~~, Runnels Building, 1190 Saint Francis Drive, Santa Fe, NM 87505 [2048 Galisteo St., Santa Fe, NM 87505]~~]. [As of April 2013, the air quality bureau is located at 525 Camino de los Marquez, Santa Fe, New Mexico 87505].

[[~~11/30/95;~~] 20.2.71.9 NMAC - [~~Rn, 20 NMAC 2.71.108 10/31/02~~] Rp, 20.2.71.9 NMAC, 6/1/2026]

20.2.71.10 SEVERABILITY: If any provision of this Part, or the application of this provision to any person or circumstance is held invalid, the remainder of this Part, or the application of this provision to any person or circumstance other than those as to which it is held invalid, shall not be affected thereby.

[20.2.71.10 NMAC - N, 6/1/2026]

[~~20.2.71.10~~] 20.2.71.11 to 20.2.71.108 [RESERVED]

20.2.71.109 [~~APPLICABILITY: Each owner or operator required to obtain an operating permit under 20.2.70 NMAC (Operating Permits) shall be subject to the requirements of this Part.~~] [RESERVED]

[[~~11/30/95;~~] 20.2.71.109 NMAC - [~~Rn, 20 NMAC 2.71.109 10/31/02~~] Rp, 20.2.71.109 NMAC, 6/1/2026]

20.2.71.110 FEE REQUIREMENT

A. An annual [~~operating permit emission~~] emissions fee shall be paid to the department by each owner or operator subject to this part.

B. The annual emissions fee shall be assessed:

(1) for a major source as defined in 20.2.70 NMAC (Operating Permits), for all emissions units;

(2) for all other stationary sources, for emissions units which cause the source to be subject to 20.2.70 NMAC; and

(3) for emissions above annual allowable emission limits for the source categories in Paragraphs (1) and (2) of this Subsection [~~B of Section 20.2.71.110 NMAC~~].

C. The annual emissions fee shall be calculated in conformance with 20.2.71.111 NMAC.

[[~~11/30/95;~~] 20.2.71.110 NMAC - [~~Rn, 20 NMAC 2.71.110 10/31/02; A, 12/15/04~~] Rp, 20.2.71.110 NMAC, 6/1/2026]

20.2.71.111 FEE DETERMINATION

A. Annual emissions fee calculation.

(1) The annual emissions fee shall be calculated by taking the product of the allowable emission rate for each fee pollutant expressed in tons per year and the appropriate fee per ton of pollutant listed in 20.2.71.112 NMAC.

(2) The allowable emission rate which shall be used in the fee calculation for this Subsection is

[~~**(a)**~~] the allowable emission rate which exists on December 31 for each year. [~~; and~~

~~**(b)** the failure of an owner or operator to include the correct information in a permit application, resulting in incorrect allowable emissions in a permit issued under 20.2.70 NMAC, 20.2.72 NMAC, or 20.2.74 NMAC, shall not preclude the department from requiring payment for the correct emissions from the time payment would have been first due.~~]

(3) Allowable emission rates shall be calculated to the tenth of a ton for each [~~emission~~] emissions unit and then summed to determine the tons per year for the facility. Total facility tons per year quantities

shall be determined by rounding amounts equal to or greater than five tenths of a ton upward and amounts lower than five tenths of a ton downward.

(4) Emissions from those operations determined to be insignificant activities by the department under 20.2.70 NMAC shall not be included in the fee calculation for this Subsection.

(5) Fugitive emissions which have an allowable emission rate shall be included in the fee calculation for this Subsection.

(6) Any quantity of a pollutant which is assessed a fee pursuant to this Subsection because it is a hazardous air pollutant shall not be assessed additional fees.

(7) A maximum of [~~six thousand~~] 3,000 tons per year of any one fee pollutant shall be used in the fee calculation for this Subsection.

(8) For facilities with allowable emission rates for both PM10 and PM2.5, a fee shall only be assessed pursuant to this Subsection for one of these fee pollutants, and shall be based on whichever has the higher allowable emission rate.

(9) The failure of an owner or operator to include the correct information in a permit application, resulting in incorrect allowable emissions in a permit issued under 20.2.70 NMAC, 20.2.72 NMAC, or 20.2.74 NMAC, shall not preclude the department from requiring payment for the correct emissions from the time payment would have been first due.

B. Source shutdown.

(1) The annual emissions fee shall not be reduced due to lack of operation of any emissions unit, except when:

(a) the discontinued operation is accounted for in an allowable emission rate contained within a construction or operating permit issued by the department;

(b) a construction or operating permit issued by the department has been discontinued or terminated and the source ceased operation; or

(c) the emissions unit is located at a stationary source which meets the criteria of Paragraph (2) of this Subsection [~~B of 20.2.71.111 NMAC~~].

(2) The annual emissions fee shall be reduced when all operations at a stationary source have been [~~shutdown~~] shut down for a period greater than 60 consecutive days within a calendar year. In this case, the annual emissions fee calculation shall be adjusted by reducing the annualized allowable emission rate[~~, or potential to emit if applicable,~~] for each day the stationary source was [~~shutdown~~] shut down.

C. Annual emissions fee for emissions above annual allowable emission limits.

(1) The annual emissions fee for emissions above annual allowable emission limits shall be based on all emissions above annual allowable emission limits of fee pollutants reported or required to be reported by a stationary source through December 31 in accordance with Subsection E of 20.2.70.302 NMAC. The fee shall be calculated by taking the product of the emissions above annual allowable emission limits for each fee pollutant above and beyond the allowable annual emission limit per unit expressed in tons per year and the appropriate fee per ton of pollutant listed in 20.2.71.112 NMAC.

(2) Total facility tons per year quantities of emissions above annual allowable emission limits shall be determined by rounding amounts equal to or greater than five tenths of a ton upward and amounts lower than five tenths of a ton downward.

(3) Any quantity of a pollutant which is assessed a fee pursuant to this [~~section~~] Subsection because it is a hazardous air pollutant shall not be assessed additional fees [~~pursuant to this section~~].

(4) A maximum of [~~six thousand~~] 3,000 tons per year of any one fee pollutant shall be used in the fee calculation for this [~~section~~] Subsection.

(5) For facilities with allowable emission rates for both PM10 and PM2.5, a fee shall only be assessed pursuant to this Subsection for one of these fee pollutants, and shall be based on whichever has higher emissions above annual allowable emission limits.

[[~~11/30/95;~~] 20.2.71.111 NMAC - [~~Rn, 20 NMAC 2.71.111 10/31/02; A, 12/15/04~~] Rp, 20.2.71.111 NMAC, 6/1/2026]

20.2.71.112 [~~EMISSION~~] EMISSIONS FEE

A. The fee for each fee pollutant shall be [~~$20.00~~] $85 per ton on an annual basis, except as provided for in Subsection B of [~~20.2.70.112 NMAC~~] this Section. [~~This fee shall increase by $2.00 per ton on an annual basis beginning on January 1, 2010 through the fees due on June 1, 2012.~~]

B. The fee for each hazardous air pollutant shall be [~~$165.00~~] $258 per ton on an annual basis for any stationary source which is only a major source, as defined in 20.2.70 NMAC, for any hazardous air pollutant.

[~~C. Fees for mercury emissions.~~

~~(1) For the calendar years 2010 through 2017, the fee for mercury emissions from stationary sources subject to 20.2.85 NMAC shall be $8.88 per ounce annually.~~

~~(2) For the calendar years 2018 and thereafter, the fee for mercury emissions] from stationary sources subject to 20.2.85 NMAC shall be $22.51 per ounce annually.~~]

[~~D~~] **C.** The fee per ton of emissions above annual allowable emission limits shall be identical to the fee per ton of allowable emissions.

[~~E~~] **D.** Beginning [~~on January 1, 2009~~] in 2028, the fees referenced in this section shall be changed annually on January 1 by the percentage, if any, of any annual increase in the consumer price index (CPI) in accordance with Section 502(b)(3)(B)(v) of the federal [~~Clean Air~~] Act. In the event there is a decrease or absence of change in the CPI, fees shall remain the same until the next increase in the CPI.

[[~~11/30/95;~~] 20.2.71.112 NMAC - [~~Rn, 20 NMAC 2.71.112 10/31/02; A, 12/15/04; A, 06/15/07; A, 01/09/09~~] Rp, 20.2.71.112 NMAC, 6/1/2026]

20.2.71.113 NOTIFICATION, [~~FEE~~] PAYMENT, LATE FEE AND ENFORCEMENT

A. Schedule.

(1) The department shall by April 1 of each year provide to each owner or operator subject to this part notification, which shall contain:

(a) the annual emissions fee based on the requirements of this part which is currently due; and

(b) a summary of the basis for the required annual missions fee.

(2) Upon discovery of an error in any past notification of annual emissions fees due, the department shall promptly notify the owner or operator and provide credit for overcharges or require payment for undercharges.

(3) Each owner or operator shall pay by June 1 the annual emissions fee contained in the department's notification required under Paragraph (1) of this Subsection [~~A of Section 20.2.71.113 NMAC~~]. Failure to remit the full annual emissions fee by this date shall subject the owner or operator to a late fee equal to fifty percent of the annual emissions fee or $5,000, whichever is less. The department shall provide to each owner or operator assessed a late fee pursuant to this Subsection notification, which shall state the late fee and unpaid annual emissions fee balance currently due. The owner or operator shall pay the amount stated in the department's notification within 30 days of the date of the notification. If the amount stated in the notification is not timely paid, the late fee shall increase to one hundred percent of the annual emissions fee or $10,000, whichever is less, and shall be due immediately without further notification from the department, along with the unpaid annual emissions fee balance.

(4) Each owner or operator shall pay invoices based on notices of errors in past notifications within 60 days of the invoice date.

[~~**(5)** The department shall commence invoicing for fees for emissions above annual allowable emission limits reported by the method specified by the department in calendar year 2007.~~]

B. Payment.

(1) Annual emissions fees shall be remitted in the form of a certified check or money order made payable to the environment department [~~and~~] , electronic payment, or other method as allowed by the state. Annual emissions fees remitted in the form of a certified check or money order shall be submitted to the air quality bureau at the address specified in the notice.

(2) Upon receipt of the [~~check or money order~~] annual emissions fee payment, it shall be deposited in the state air quality permit fund.

(3) Annual emissions fees shall be paid in U.S. dollars.

C. Nonpayment. Failure to remit the full annual emissions fee, including any late fees, required by the due date specified in Subsection A of this section is a violation of this part and may subject the owner or operator to:

(1) civil penalties of up to $15,000 for each day of noncompliance as provided for in the [~~New Mexico~~] Air Quality Control Act, section 74-2-12.1 NMSA 1978; and

(2) the enforcement provisions of the [~~New Mexico~~] Air Quality Control Act, section 74-2-12 NMSA 1978, which includes suspension or revocation of any permit.

D. Non-compliance with Chapter 2, Title 20 NMAC or the Air Quality Control Act subjects each owner or operator to administrative compliance costs for enforcement of Chapter 2, Title 20 NMAC.

[[~~11/30/95;~~] 20.2.71.113 NMAC - [~~Rn, 20 NMAC 2.71.113 10/31/02; A, 12/15/04~~] Rp, 20.2.71.113 NMAC, 6/1/2026]

HISTORY OF 20.2.71 NMAC:

Pre NMAC History: The material in this part was derived from that previously filed with the commission of public records - state records center and archives.

EIB/AQCR 771, Air Quality Control Regulation 771 - Operating Permit Emission Fees, filed 11/15/93.

History of Repealed Material: [[~~RESERVED~~]]

20.2.71 NMAC, Operating Permit Emissions Fees, effective 10/31/02, repealed, effective 6/1/26.

Other History:

EIB/AQCR 771, Air Quality Control Regulation 771 - Operating Permit Emission Fees, filed 11/15/93 was **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.71, Operating Permit Emission Fees, filed 10/30/95;

20 NMAC 2.71, Operating Permit Emission Fees, filed 10/30/95 was **renumbered, reformatted and replaced** by 20.2.71 NMAC, Operating Permit Emission Fees, effective 10/31/02.

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 2 AIR QUALITY (STATEWIDE)
PART 75 CONSTRUCTION PERMIT FEES

20.2.75.1 ISSUING AGENCY: Environmental Improvement Board.
[20.2.75.1 NMAC - Rp, [~~20 NMAC 2.75.100, 03/02/01~~] 20.2.75.1 NMAC, 6/1/2026]

20.2.75.2 SCOPE:
[~~A.~~]This Part applies to all persons who apply for a permit to construct or modify a source, apply to register under a general construction permit, [~~or revise a permit~~] apply for a permit revision, or [~~who~~] request a technical review of an existing permit under 20.2.72 NMAC, and all persons who file a notice of intent under 20.2.73 NMAC. [~~Part 70 (20.2.70 NMAC) operating permit emission~~] Annual emissions fees for sources required to obtain a permit under 20.2.70 NMAC (Operating Permits) are covered under 20.2.71 NMAC.
[~~B. The requirements concerning the payment of an annual fee shall apply to sources with an air quality construction permit for which the application to either revise, modify or for a new permit was received following the effective date of this regulation.~~]
[20.2.75.1 NMAC - Rp, [~~20 NMAC 2.75.101, 03/02/01~~] 20.2.75.2 NMAC, 6/1/2026]

20.2.75.3 STATUTORY AUTHORITY: Environmental Improvement Act, Sections 74-1-1 to -18 NMSA 1978, including specifically Paragraph 4 of Subsection A of Section 74-1-8 NMSA 1978, and Air Quality Control Act, [~~Chapter 74, Article 2~~] Sections 74-2-1 to -17 NMSA 1978, including specifically Paragraph 6 of Subsection B of Section 74-2-7 NMSA 1978.
[20.2.75.1 NMAC - Rp, [~~20 NMAC 2.75.102, 03/02/01~~] 20.2.75.3 NMAC, 6/1/2026]

20.2.75.4 DURATION: Permanent.
[20.2.75.4 NMAC - Rp, [~~20 NMAC 2.75.103, 03/02/01~~] 20.2.75.4 NMAC, 6/1/2026]

20.2.75.5 EFFECTIVE DATE: [~~March 2, 2001~~] June 1, 2026, except where a later date is cited at the end of a section.

A. For applications received prior to the effective date of this [~~regulation~~] Part, the provisions in 20.2.75 NMAC, as effective as of the date of the receipt of the application, remain effective, and application review fees (formerly permit fees) shall be so determined.

B. For applications received following the effective date of this [~~regulation~~] Part, application review fees shall be based on the current regulation.

[20.2.75.5 NMAC - Rp, [~~20 NMAC 2.75.104, 03/02/01; A, 12/01/03~~] 20.2.75.5 NMAC, 6/1/2026]
[[~~The latest effective date of any section in this Part is 12/01/03.~~]]

20.2.75.6 OBJECTIVE: The objective of this Part is to establish a schedule of fees for the construction permit program, including notices of intent, construction permits, registrations under general construction permits, permit revisions, and technical reviews of existing permits.
[20.2.75.6 NMAC - Rp, [~~20 NMAC 2.75.105, 03/02/01~~] 20.2.75.6 NMAC, 6/1/2026]

20.2.75.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (definitions) or 20.2.72 NMAC (construction permits), as used in this Part, the following definitions apply.

A. "air toxics review" means the required review of a permit application for the potential emission of an air toxic regulated by 20.2.72.400 NMAC - 20.2.72.499 NMAC. As used in this Part, a level I air toxics review consists of modeling to determine whether one one-hundredth [~~(1/100)~~] of the occupational exposure limit, as defined in 20.2.72.401 NMAC, is met; a level II air toxics review consists of either a health assessment or best available control technology (BACT) determination, whichever is required by 20.2.72.400 NMAC - 20.2.72.499 NMAC.

B. "applicable regulations" means, for the purpose of assessing [~~permit~~] application review fee points, [~~mean~~] those regulations that are applicable to the source and not the review to determine whether the regulation is applicable. Applicable regulations do not include 20.2.1 NMAC (general provisions), 20.2.2 NMAC (definitions), 20.2.3 NMAC (ambient air quality standards), 20.2.5 NMAC (source surveillance), 20.2.7 NMAC (excess emissions [~~during malfunctions, startup, shutdown, or scheduled maintenance~~]), 20.2.8 NMAC (emissions leaving New Mexico), 20.2.60 NMAC (open burning), 20.2.70 NMAC (operating permits), 20.2.71 NMAC

(operating permit emissions fees), 20.2.72 NMAC (construction permits), 20.2.73 NMAC (notice of intent and emissions inventory requirements), 20.2.74 NMAC (Permits - prevention of significant deterioration (PSD)), 20.2.75 NMAC (construction permit fees), 20.2.77 NMAC (new source performance standards), 20.2.78 NMAC (emission standards for hazardous air pollutants), 20.2.79 NMAC (permits - nonattainment areas), 20.2.80 NMAC (stack heights), and 20.2.82 NMAC (maximum achievable control technology standards for source categories of hazardous air pollutants). All other Title 20, Chapter 2 NMAC Parts and all new source performance standards (excluding Subpart A) and national emission standards for hazardous air pollutants/maximum achievable control technology (NESHAP/MACT) (excluding 40 CFR Part 61 Subparts A and M and 40 CFR Part 63 Subpart A) regulations that are applicable to the source shall be counted and shall result in additional points for [~~permit fees~~] application review fee purposes, in accordance with the [~~permit~~] fee schedule in this Part.

C. "fee unit" means any equipment or process which generates, creates, or is the source of a regulated air contaminant, which is listed or identified in a construction permit application or application to revise a permit and which requires review and evaluation against state and federal regulations and standards. This definition does not include sources which are exempt under 20.2.72.202 NMAC or sources for which no applicable requirements are identified in the permit. In the case of a permit modification, revision or technical review of an existing permit, the requirements of Subsection A of 20.2.75.11 NMAC apply only to the equipment or process involved in such modification, revision or review.

D. "fugitive emissions fee unit" means sources of fugitive emissions for which applicable requirements are identified in the permit. A maximum of one fugitive emissions fee unit shall be applied to any given application.

E. "revision" means any change requested by an applicant to any term or condition of a permit including [~~but not limited to~~] emission limitations, control technology, operating conditions and monitoring requirements. For the purposes of this [~~regulation~~] Part, revision does not include administrative revision as used in 20.2.72 NMAC.

F. "small business" means[~~, for the purposes of this Part,~~] a company that employs no more than [~~ten (10)~~] 10 employees at any time during the calendar year. Employees include part-time, temporary, or limited service workers. [~~For new sources, the responsible company official shall certify that the source does not expect to employ any more than ten (10) employees in the first year of operations. In addition, "small business"~~] For the purposes of this Part, small business does not include

(1) any source which may emit more than [~~fifty (50)~~] 50 tons per year of any regulated air contaminant for which there is a national or New Mexico ambient air quality standard, or [~~seventy-five (75)~~] 75 tons per year of all regulated air contaminants for which there are national or New Mexico ambient air quality standards; and

(2) any major source for hazardous air pollutants under 20.2.70 NMAC.

G. "technical review of an existing permit" means the department's technical review of new information submitted by a permittee as required by an existing permit condition and in conjunction with proposed changes at the source that do not involve any changes to the existing permit. The review must be necessary to demonstrate that all applicable state and federal regulations and standards will continue to be met and that the existing permit will continue to be valid. [~~This~~] For the purposes of this Part, technical review of an existing permit does not include the department's review of required periodic reports.

[20.2.75.7 NMAC - Rp, [~~20 NMAC 2.75.107, 03-02-01; A, 12/01/03~~] 20.2.75.7 NMAC, 6/1/2026]

20.2.75.8 AMENDMENT AND SUPERSESSION OF PRIOR REGULATIONS: This Part amends and supersedes Air Quality Control Regulation (AQCR) 700 - Filing and Permit Fees, filed November 20, 1989, as amended [~~(AQCR 700)~~].

A. All references to AQCR 700 in any other rule shall be construed as a reference to this Part.

B. The amendment and supersession of AQCR 700 shall not affect any administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant to AQCR 700.

[20.2.75.8 NMAC - Rp, [~~20 NMAC 2.75.106, 03/02/01~~] 20.2.75.8 NMAC, 6/1/2026]

20.2.75.9 DOCUMENTS: Documents cited in this Part may be viewed at the New Mexico Environment Department, Air Quality Bureau [~~, Santa Fe, NM~~]. [As of April 2013, the air quality bureau is located at 525 Camino de los Marquez, Santa Fe, New Mexico 87505.]

[20.2.75.9 NMAC - Rp, [~~20 NMAC 2.75.108, 03/02/01~~] 20.2.75.9 NMAC, 6/1/2026]

20.2.75.10 FILING FEE:

A. A filing fee of [~~five hundred dollars ($500)~~] $500 shall be submitted with each filing of [~~a notice of intent,~~] an application for a permit to construct or modify a source or permit revision [~~of a permit~~]. The filing fee shall be applied to the [~~total permit fee~~] application review fee determined from the fee schedule in 20.2.75.11 NMAC.

B. For applications submitted under 20.2.72.221 NMAC[~~, accelerated review~~], an accelerated review filing fee of [~~one thousand dollars ($1,000)~~] $1,000 shall be submitted in lieu of any other filing fees under this section. One-half of the accelerated review filing fee shall be applied to the cost of the accelerated review submitted by the qualified outside firm. In the event that:

(1) There are no qualified outside firms on contract with the department, or if all of the qualified outside firms have a conflict of interest, the entire accelerated review filing fee shall be applied to the [~~total permit fee~~] application review fee determined from the fee schedule in 20.2.75.11 NMAC;

(2) No qualified outside firm submits a proposal for the accelerated [~~permit~~] review, one-half of [~~this~~] the accelerated review filing fee shall be applied to the [~~total permit fee~~] application review fee determined from the fee schedule in 20.2.75.11 NMAC;

(3) One or more qualified outside firms submit a proposal but all such proposals are rejected by the applicant, the accelerated review filing fee shall be forfeited and retained by the department; or

(4) The applicant withdraws the application for any reason, the accelerated review filing fee shall be forfeited and retained by the department.

[20.2.75.10 NMAC - Rp, [~~20 NMAC 2.75.109, 03/02/01; A, 12/01/03~~] 20.2.75.10 NMAC, 6/1/2026]

20.2.75.11 [~~PERMIT~~] APPLICATION REVIEW FEE AND ANNUAL FEE:

A. The [~~permit fee~~] application review fee shall be based on the following point-based fee schedule.

ACTION	# OF POINTS	
1. CONSTRUCTION PERMIT/TECHNICAL REVIEW OF EXISTING PERMIT		
Technical Complexity		
1-5 Fee Units	5	
6-15 Fee Units	1	point per fee unit
>15 Fee Units	15	
Fugitive Emissions Fee Unit	5	
Portable Source Relocation (Paragraph 3 of Subsection D of 20.2.72.202 NMAC)	1	
Non-Attainment Area (20.2.79 NMAC)	75	
Each Modeling Review	[~~15~~] 30	
Air Toxics Review (20.2.72.400 NMAC – 20.2.72.499 NMAC)		
Level I	8	
Level II		
Best Available Control Technology (BACT) Analysis	60	
Health Assessment	100	
Applicable Regulations		
20.2.X NMAC (per each)	3	
NSPS (per each)	5	
NESHAP/MACT (per each)	5	
Case-by-Case MACT (20.2.83 NMAC)	100	
PSD netting only (no additional PSD analysis is required)	20	
PSD review (including netting) (20.2.74 NMAC)	75	

2. OTHER PERMITTING ACTIONS

Notices of Intent (20.2.73.200 NMAC)	10
General Permits (20.2.72.220 NMAC) for non-Oil and Gas Facilities	10
General Permits (20.2.72.220 NMAC) for Oil and Gas Facilities	30
Streamline (each site) (20.2.72.300 NMAC – 20.2.72.399 NMAC)	10

B. The application review fee shall be the sum of all of the points that are applicable to the [~~permitting action~~] application as determined by the department, multiplied by [~~three hundred fifteen dollars ($315)~~] $585.

C. The department may, at its discretion, assess additional points and fees each time the department is required to repeat an action listed in Subsection A of this Section because the applicant updated the application after submission.

[~~C~~] **D.** For sources that satisfy the definition of "small business" as defined in Subsection F of 20.2.75.7 NMAC, the [~~permit~~] application review fee determined by [~~Subsections~~] Subsection B [~~and E~~] of [~~20.2.75.11 NMAC~~] this Section, additional fees (if any) assessed pursuant to Subsection C of this Section, and annual fee assessed pursuant to Subsection F of this Section shall be [~~divided by two~~] reduced by half. To qualify for the small business fee reduction, sources must submit a small business certification form to the department certifying that the company employs no more than 10 employees at any time during the calendar year, or for new sources, that the company does not expect to employ any more than 10 employees in the first year of operations.

[~~D~~] **E.** For applications processed by an outside firm under 20.2.72.221 NMAC[~~, Accelerated Review~~], the [~~permit~~] application review fee determined by Subsection B of [~~20.2.75.11 NMAC~~] this Section shall be [~~divided by two~~] reduced by half and shall be in addition to the cost of the accelerated review bid[~~, as described in 20.2.72.221 NMAC~~].

[~~E~~] **F.** Sources that have been issued a construction permit or registered under a general construction permit under 20.2.72 NMAC shall be assessed an annual fee of [~~one thousand five hundred dollars ($1,500)~~] $2,800. Sources that have filed a notice of intent under 20.2.73 NMAC and received a written determination by the department that a permit is not required shall be assessed an annual fee of $700. The applicable annual fee shall be assessed if the construction permit, general construction permit registration or notice of intent was in active status as of December 31 of the preceding year, regardless of the source's operational status. [~~This fee~~] The annual fee required by this subsection shall not apply to sources which are assessed an annual emissions fee in accordance with 20.2.71 NMAC.

[~~F~~] **G.** Beginning in [~~2005~~] 2028, the cost per point [~~in Subsection B of this section~~] and [~~the~~] annual [~~fee~~] fees in [~~Subsection E~~] Subsections B and F of this section shall be [~~adjusted each year on January 1 to reflect the increase~~] changed annually on January 1 by the percentage, if any, [~~by which the consumer price index for the most recent year exceeds the consumer price index for the year 2004~~] of any annual increase in the consumer price index (CPI). The [~~amount of the change in the fee~~] adjusted cost per point and annual fees shall be determined by multiplying the [~~existing fee~~] current cost per point and annual fees by the [~~change~~] increase in the [~~consumer price index~~] CPI for the most recent calendar year and rounding the result to the nearest dollar. The [~~consumer price index~~] CPI for any calendar year is the average of the [~~consumer price index~~] CPI for all urban consumers published by the United States department of labor, as of the close of the twelve-month period ending on August 31 of that year. In the event there is a decrease or absence of change in the CPI, the cost per point and annual fees shall not be changed and shall remain the same until the next increase in the CPI.

[20.2.75.11 NMAC - Rp, [~~20 NMAC 2.75.110, 03/02/01; A, 12/01/03~~] 20.2.75.11 NMAC, 6/1/2026]

20.2.75.12 [~~PAYMENT OF FEES~~] INVOICING, PAYMENT, LATE FEE AND ENFORCEMENT:

A. The Department shall refuse to accept any [~~permit~~] application for a permit to construct or modify a source or permit revision without payment of the filing fee at the time the application is [~~received by~~] submitted to the Department. The filing fee and the accelerated review filing fee are non-refundable. The department shall refuse to accept any notice of intent or application to register under a general construction permit without payment of the application review fee at the time the notice or application is submitted to the department.

B. For an application for a permit to construct or modify a source or permit revision other than a technical permit revision, an invoice for [~~permit fees~~] the application review fee, minus the filing fee, shall be mailed, or transmitted electronically or as otherwise allowed by the state, to the applicant at the time the Department finds the application administratively complete pursuant to [~~20.2.72.203 NMAC~~] 20.2.72.207 NMAC. The Department shall deny any [~~permit~~] application [~~or request for permit revision~~] for a permit to construct or modify a

source or permit revision other than a technical permit revision if the [~~required permit~~] application review fee has not been paid within [~~thirty (30)~~] 30 days of [~~invoicing~~] the date of the invoice, unless the Department has granted an extension. If, upon completion of the [~~permit~~] application review, the Department determines additional fees are due pursuant to Subsection C of 20.2.75.11 NMAC, the Department shall mail [~~an~~] another invoice to the applicant along with [~~the signed permit~~] its grant or denial of the permit or permit revision. The [~~permittee~~] applicant shall pay this invoice within [~~thirty (30)~~] 30 days of [~~invoicing~~] the date of the invoice, unless the Department has granted an extension. [~~In the event excess fees were paid, the department shall issue a refund for excess fees and mail the refund to the applicant.~~]

C. For an application for a technical permit revision, an invoice for the application review fee, minus the filing fee, and any additional fees the department determines are due pursuant to Subsection C of 20.2.75.11 NMAC upon completion of the application review, shall accompany the department's grant or denial of the technical permit revision. The applicant shall pay this invoice within 30 days of the date of the invoice, unless the department has granted an extension.

D. For a notice of intent or application to register under a general construction permit, the application review fee shall be paid at the time of filing. If, upon completion of the application review, the department determines additional fees are due pursuant to Subsection C of 20.2.75.11 NMAC, an invoice shall accompany the department's notification of its determination that an air quality permit is not required or its grant or denial of the registration. The applicant shall pay this invoice within 30 days of the date of the invoice, unless the department has granted an extension.

[~~C~~] **E.** An invoice for a request for technical review of an existing permit shall accompany the Department's response if any fees are due. The applicant or permittee shall pay [~~for the review~~] this invoice within [~~thirty (30)~~] 30 days of [~~invoicing~~] the date of the invoice, unless the department has granted an extension.

[~~D~~] **F.** Except for the refund of excess fees paid, all fees paid under this Part shall be non-refundable.

[~~E~~] **G.** All fees paid pursuant to this Part shall be remitted in the form of a corporate or certified check or money order made payable to the Environment Department at the address specified in the notice, electronic payment, or other method as allowed by the state. Upon receipt of the [~~check~~] fee payment, it shall be deposited in the state air quality permit fund established by [~~NMSA 1978, 74-2-15 (1992)~~] Section 74-2-15 NMSA 1978.

[~~F~~] **H.** [~~Permittees~~] Owners or operators shall pay annual fees assessed pursuant to Subsection F of 20.2.75.11 NMAC within [~~thirty (30)~~] 30 days of [~~receipt of an invoice~~] the date of the invoice [~~for annual fees for a permitted facility~~]. Failure to remit the full annual fee by this date shall subject the owner or operator to a late fee equal to fifty percent of the annual fee. The department shall provide to each owner or operator assessed a late fee pursuant to this Subsection notification, accompanied by an invoice for the late fee and unpaid annual fee balance. The owner or operator shall pay this invoice within 30 days of the date of the invoice. If the invoice is not timely paid, the late fee shall increase to one hundred percent of the annual fee and shall be due immediately without further notification from the department, along with the unpaid annual fee balance.

[~~G~~] **I.** All fees shall be paid in U.S. dollars.

J. Failure to remit the full annual fee, including any late fees, required by the due date specified in Subsection H of this Section is a violation of this Part and may subject the owner or operator to:

(1) civil penalties of up to $15,000 per day for each day of noncompliance as provided for in the Air Quality Control Act, Section 74-2-12.1 NMSA 1978; and

(2) the enforcement provisions of the Air Quality Control Act, Section 74-2-12 NMSA 1978, which includes the suspension or revocation of any permit.

K. Non-compliance with Chapter 2, Title 20 NMAC or the Air Quality Control Act subjects each owner or operator to administrative compliance costs for enforcement of Chapter 2, Title 20 NMAC.

[20.2.75.12 NMAC - Rp, [~~20 NMAC 2.75.111, 03/02/01~~] 20.2.75.12 NMAC, 6/1/2026]

20.2.75.13 PERIODIC REVIEW: The Department shall [~~prepare a review of the~~] review construction permit fees and construction permit program costs annually. The review shall include information on the budgets, expenditures, fund balance, and related projections. [~~The review shall be presented to the Board within six months following the end of the fiscal year.~~]

[20.2.75.13 NMAC - [~~N, 03/02/01~~] Rp, 20.2.75.13 NMAC, 6/1/2026]

20.2.75.14 SEVERABILITY: If any provision of this Part, or the application of this provision to any person or circumstance is held invalid, the remainder of this Part, or the application of this provision to any person or circumstance other than those as to which it is held invalid, shall not be affected thereby.

[20.2.75.14 NMAC - N, 6/1/2026]

HISTORY OF 20.2.75 NMAC:

Pre-NMAC History: The material in [~~the~~] this part was derived from that previously filed with the commission of public records - state records center and archives:

AQCR 700, Air Quality Control Regulation 700 - Filing and Permit Fees, filed 11/20/89.

History of Repealed Material:

20 NMAC 2.75, [~~Air Quality Statewide~~] Construction Permit Fees, filed 10/30/95, repealed effective 03/02/01[-] ; 20.2.75 NMAC, Construction Permit Fees, effective 03/02/01, repealed, effective 6/1/26.

Public Notices

This page lists public notices for rulemakings, permitting actions and any appeals of the action. Any rulemaking hearing or specific permitting or enforcement matter appealed to a board, commission or Environment Department Secretary is found on our Docketed Matters webpage once it is docketed.

Page Search: Search Page

Statewide/Across Multiple Counties

Public Hearing Notice: Repeal and Replacement of 20.2.71 NMAC, Operating Permit Emissions Fees, and 20.2.75 NMAC, Construction Permit Fees [EIB 25-77 (R)]

Public Notice – Air Quality Bureau

- Public Notice – English
- Aviso de Audiencia – Español
- Public Involvement Plan
- Limited English Proficiency Services Evaluation
- Records from the rulemaking are available on NMED's Docketed Matters page

Public Hearing Notice: Proposed New Rule 20.13.2 NMAC – Per- and Poly-Fluoroalkyl Substances in Consumer Products (EIB 25-61 (R))

Public Meeting Notice: MIRTAC Annual Meeting 12/11/2025 12:00 p.m. MST

U.S. Army Corps of Engineers 2026 Nationwide Permits (Section 404 Dredge and Fill)

Public Hearing Notice: Proposed Amendments to 7.6.2 NMAC of the Food Service and Food Processing Regulations (EIB 25-32)

Public Hearing Notice: Proposed Amendments to 20.10.2 NMAC of the Hemp Post Harvest Processing Regulations (CHB 25-53R)

New Mexico Surface Water Quality Permit Program Draft Rules: Proposed Ground and Surface Water Protection (20.6.2 NMAC) and New Mexico

NMED Exhibit 37_000001

Pollutant Discharge Elimination System (20.6.5 NMAC)

Surface Water Quality Bureau 2026 Triennial Review

Public Hearing Notice: Clean Transportation Fuel Program Environmental Improvement Board Notice of Rulemaking Hearing

Public Meeting Notice: Meeting of Recycling and Illegal Dumping Alliance – June 20th, 2025

Public Hearing Notice: Repeal and Replacement of 20.2.70 NMAC, Operating Permits and Title V Program Revision

Public Hearing Notice: Regional Haze State Implementation Plan Revision for the Second Planning Period and Proposed Companion Rule 20.2.68 NMAC

Public Meeting Notice: Meeting of Recycling and Illegal Dumping Alliance – January 23rd, 2025

2026 Multi-Sector General Permit for Stormwater Discharges from Industrial Facilities

Ozone Precursor Rule – Alternative Compliance Plan Proposal – Kinder Morgan, Inc.

Public Informational Meeting – Former PNM Santa Fe Generating Station, Drilling Activities

Clean Transportation Fuel Standard Advisory Committee Meeting Announcements

Air Quality Permit Fees – Repeal and Replacement of 20.2.71 NMAC AND 20.2.75 NMAC

Continuation of Rulemaking Hearing – New Mexico Environment Department's Proposed Water Reuse Regulations, Ground and Surface Water Protection – Supplemental Requirements For Water Reuse (20.6.8 NMAC)

Draft Air Quality Bureau 2024 Annual Air Quality Monitoring Network Review

UNIVERSAL WASTE SYSTEMS, INC FOR A SOLID WASTE FACILITY PERMIT

Public Meeting Notice: Meeting of Recycling and Illegal Dumping Alliance – March 6, 2024

Ozone Precursor Rule – Alternative Compliance Plan Proposal – Kinder Morgan, Inc.

Ozone Precursor Rule – Alternative Compliance Plan Proposal – Energy Transfer Company

PUBLIC MEETING NOTICE: MIRTAC ANNUAL MEETING 12/08/2023 9:00AM MST

Public Comment Period – New Mexico Environment Department's Proposed Water Reuse Regulations, Ground and Surface Water Protection – Supplemental Requirements For Water Reuse (20.6.8 NMAC)

Voluntary Remediation Oversight Revision

Public Hearing Notice: Advanced Clean Cars & Advanced Clean Trucks Environmental Improvement Board Notice of Rulemaking Hearing

Public Meeting Notice: New Mexico Environmental Improvement Board Notice of Rulemaking Hearing

Ozone Precursor Rule – Alternative Compliance Plan Proposal – Enterprise Products

Ozone Precursor Rule – Alternative Compliance Plan Proposal – Kinder Morgan

Public Meeting Notice: Meeting of Recycling and Illegal Dumping Alliance – May 19, 2023

Ozone Precursor Rule – Alternative Emissions Standards Proposal – El Paso Natural Gas

Title V Air Curtain Incinerator General Operating Permit

Public Meeting Notice: April 28, 2023, Environmental Improvement Board. Amendments to Occupational Health and Safety-General Provisions, 11.5.16 NMAC / Audiencia Publica: 28 abril de 2023, Enmiendas propuestas a 11.5.16 NMAC de la Seguridad y Salud Ocupacional-Disposiciones Generales

Public Meeting Notice: Meeting of Recycling and Illegal Dumping Alliance – January 26, 2023

Adoption of Amendments to Radiation Protection Rules, 20.3 NMAC (EIB 22-35) / Adopcion de las Enmiendas Mejora Del Medio Ambiente a 20.3 NMAC (EIB 22-35)

Proposed Rulemaking-Air Quality Bureau: proposed carbon dioxide emission standards for coal-fired electric generating facilities

Public Meeting Notice: June 21, 2022, Radiation Technical Advisory Council. Amendments to Radiation Protection Rules, 20.3 NMAC.

Public Meeting Notice: Meeting of Recycling and Illegal Dumping Alliance-RAID Award Meeting

Public Meeting Notice: Meeting of Recycling and Illegal Dumping Alliance

Proposed Amendments to 20.3.20 NMAC Medical Imaging and Radiation Therapy Licensure

Freeport-McMoRan Chino Mines Co – Chino Mine

New report tracks Environment Department's performance in protecting public health, environment

Public Meeting Notice: Meeting of Recycling and Illegal Dumping Alliance

Adoption of Amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations/ 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC y 20.3.15 NMAC de los Reglamentos de Protección Radiológica

Proposed Good Neighbor State Implementation Plan Certification for the 2015 Ozone National Ambient Air Quality Standard

Bernalillo County

Catron County

Chaves County

Cibola County

Colfax County

Curry County

Dona Ana County

Eddy County

Grant County

Guadalupe County

Harding County

Hidalgo County

Lea County

Lincoln County

Los Alamos County

Luna County

McKinley County

Mora County

Otero County

Quay County

NMED Exhibit 37_000006

Rio Arriba County

Roosevelt County

Sandoval County

San Juan County

San Miguel County

Santa Fe County

Sierra County

Socorro County

Taos County

Torrance County

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Proposed Air Quality Regulations and Plans

Page Contents

The menu below provides rapid access to the latest information and updates on existing, proposed, new, and amended air quality regulations and New Mexico State Implementation Plan (SIP) additions and amendments. Please check this webpage periodically for updates.

Existing Regulations and Guidance

Compliance and Enforcement contains guidance on compliance with excess emissions reporting and ozone precursor rule (20.2.50 NMAC) requirements.
Regulations provides the existing air quality and environmental regulations.
Permitting Home Page contains information on policies and procedures for air quality permitting.

Proposed Changes to Air Quality Regulations and Plans

Proposed Changes to Emissions and Permit Fee Regulations (20.2.71 NMAC and 20.2.75 NMAC)
Proposed Incorporation by Reference of Federal NSPS, NESHAP and MACT Rules
Regional Haze Round 2 SIP and companion rule

Approved Changes to Air Quality Regulations and Plans

Carbon dioxide emission standards for coal-fired electric generating facilities
Dust Mitigation Plan/Fugitive Dust Rule
Good Neighbor SIP Certification for 2010 Nitrogen Dioxide NAAQS
Good Neighbor SIP Certification for 2015 Ozone NAAQS
Incorporation by Reference for NSPS, NESHAP & MACT Rules
Infrastructure SIP Certification for 2015 Ozone NAAQS
Motor Vehicle Emission Standards for New Vehicles (20.2.91 NMAC)
Municipal Solid Waste Landfills-NSPS & Emission Guidelines
Negative Declarations
Nonattainment Area Permit Amendments (20.2.79 NMAC)
Petroleum Processing Facility Regulation Repeal (20.2.37 NMAC)
Revisions to SIP for Startup, Shutdown & Maintenance
SO_2 Data Requirements Rule
Title V update (20.2.70 NMAC) to remove emergency provisions and update applicable requirements
Total Suspended Particulate Air Quality Standard Repeal
Recent EPA Approvals of Regulatory Changes and Plans

Current Proposed Changes to Air Quality Regulations and Plans

The following are summaries of proposed new air quality regulations and proposed amendments to existing regulations and the New Mexico State Implementation Plan (SIP). [return to top of page]

Proposed Changes to Emissions and Permit Fee Regulations (20.2.71 NMAC and 20.2.75 NMAC)

The New Mexico Environment Department (NMED) announces a new rulemaking to repeal and replace regulations setting emissions fees and permit fees for regulated sources of air pollutants. On December 3, 2025, NMED petitioned the Environmental Improvement Board (EIB) to repeal and replace 20.2.71 NMAC, *Operating Permit Emissions Fees*, and 20.2.75 NMAC, *Construction Permit Fees*. The New Mexico Air Quality Control Act and the federal Clean Air Act require that NMED collect sufficient emissions and permits fees to cover the reasonable costs of NMED's Title V Permit Program and Construction Permit Program. NMED initiated this rulemaking to increase fees for both the Title V and Construction Permit Programs after determining the current fee structures are inadequate to sufficiently fund the direct and indirect operating costs of these programs. Replacing 20.2.71 NMAC and 20.2.75 NMAC is essential if NMED is to continue effectively implementing these mission critical programs.

Copies of the petition and accompanying exhibits, which include the proposed replacement rules, are provided below and are also available on NMED's docketed matters website at https://www.env.nm.gov/opf/docketed-matters/. To locate the documents, click on "Environmental Improvement Board" to display the list of matters before the Board, then click on "EIB 25-77 (R): In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees" to display the list of documents filed in conjunction with this matter. Copies can also be obtained by contacting Eric Peters, Control Strategies Manager, at eric.peters@env.nm.gov or (505) 629-5299, or at any of NMED's offices statewide.

Petition to Repeal and Replace 20.2.71 NMAC and 20.2.75 NMAC (EIB 25-77)
Statement of Reasons
Operating permit clean copy of proposal (20.2.71 NMAC)
Construction permit clean copy of proposal (20.2.75 NMAC)

NMED Exhibit 37_000008

Operating permit, current rule 20.2.71 NMAC with redline changes

Construction permit, current Rule 20.2.75 NMAC with redline changes

The EIB has scheduled a hearing in this matter beginning on March 23, 2026, and continuing through March 25, 2026, or as long as required to hear all testimony, evidence, and public comment. More information about the hearing, including how the public can participate by providing testimony or public comment, is provided in the EIB's public notice.

Public Notice – English

Aviso de Audiencia – Español

Current Update: January 7, 2026

NMED will hold a virtual public informational meeting on January 15, 2026, from 4-6 p.m. regarding its proposed changes to 20.2.71 NMAC and 20.2.75 NMAC. Department staff will provide an overview of the proposed changes to both rules, and there will be time for questions from stakeholders and the general public. Information about how to join this meeting online or by phone is now available on the NMED events calendar and is also provided below:

January 15, 2026 NMED Permit Fee Update Workshop (4 to 6 p.m. Mountain Standard Time) links to the online meeting about the proposed fee updates.

To join by phone: +1-415-665-0001

Meeting number (access code): 2631 042 3836

Meeting password: c2Bh53CsQjt

The presentation slides and a recording of the January 15, 2026, public informational meeting will be provided on this website after the meeting, and NMED will hold virtual "office hours" on January 22, 2026, from 6-8 p.m. to provide interested persons an additional opportunity to ask questions or provide feedback on the proposed rules. Information about how to join this meeting online or by phone is now available on the NMED events calendar and is also provided below:

January 22, 2026 NMED Permit Fee Update Workshop (6 to 8 p.m. Mountain Standard Time) links to the online "office hours" meeting about the proposed fee updates.

To join by phone: +1-415-665-0001

Meeting number (access code): 2864 946 0710

Meeting password: TQuZMpfV735

If you require language interpretation services or have a disability and need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in either of these meetings, contact Eric Peters as soon as possible at eric.peters@env.nm.gov or (505) 629-5299. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice). For assistance joining either meeting online or by phone, contact Julianna Montoya at julianna.montoya@env.nm.gov or (505) 479-2910.

Previous Updates:

December 22, 2025 Update

At its regular meeting on December 19, 2025, the EIB scheduled a public hearing to consider repealing and replacing 20.2.71 NMAC and 20.2.75 NMAC. The hearing will begin on March 23, 2026, at 9:00 a.m., continuing through March 25, 2026, or as long as required to hear all testimony, evidence, and public comment. The EIB is expected to issue an order soon setting the hearing, appointing a hearing officer, and establishing certain pre-hearing deadlines. The order will be available in the docket for this matter once it has been issued. Instructions for accessing the docket are provided above. A link to the recording of the December 19, 2025, EIB meeting is provided below.

Environmental Improvement Board Monthly Meeting: December 19, 2025 is the recording of NMED's petition to the EIB for a hearing for the proposed updates to fees.

Upcoming Public Engagement

NMED will hold a virtual public informational meeting on January 15, 2026, from 4-6 p.m. Department staff will provide an overview of the proposed changes to both rules, and there will be time for questions from stakeholders and the general public. Links to the presentation slides and a recording of the meeting will be provided on this website after the meeting, and NMED will hold virtual "office hours" on January 22, 2026, from 6-8 p.m. to provide interested persons an additional opportunity to ask questions or provide feedback on the proposed rules. Information about how to join these meetings will be provided on this website at least 72 hours prior to each meeting, and on NMED's events calendar at https://www.env.nm.gov/events-calendar/. If you require language interpretation services or have a disability and need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in either of these meetings, contact Brian Polgar as soon as possible at brian.polgar@env.nm.gov or (505) 629-3466. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice).

To request a one-on-one meeting with the Department to discuss the proposed rules, contact Brian Polgar at brian.polgar@env.nm.gov or (505) 629-3466. NMED is also accepting written comments on the proposed rules via its online public comment portal at https://nmed.commentinput.com/?id=dM4UeKV73. Comments will be accepted for at least 30 days after notice of the proposed rulemaking is published in the New Mexico Register.

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Proposed Incorporation by Reference of Federal NSPS, NESHAP and MACT Rules

NMED proposes the incorporation into the New Mexico Administrative Code (NMAC) several new or revised federal rules promulgated under 40 CFR Parts 60, 61 and 63 for which New Mexico has been delegated enforcement authority: Standards of Performance for New Stationary Sources; National Emission Standards for Hazardous Air Pollutants; and Maximum Achievable Control Technology for Hazardous Air Pollutants for Source Categories, respectively. These new or revised federal rules would be incorporated by reference into 20.2.77 NMAC – New Source Performance Standards (NSPS); 20.2.78 NMAC – Emission Standards for Hazardous Air Pollutants (NESHAP); and 20.2.82 NMAC – Maximum Achievable Control Technology for Source Categories of Hazardous Air Pollutants (MACT). The Department also requests that the Environmental Improvement Board remove the end date of incorporation in 20.2.77 and 20.2.78 NMAC to implement and enforce all previously adopted and all future NSPS and NESHAP requirements.

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Recently Approved Changes to Air Quality Regulations and Plans

The following are summaries of recently approved changes to New Mexico air quality regulations and the New Mexico State Implementation Plan. These changes were approved by either the Environmental Improvement Board or U.S. EPA within the last two years. Please check this webpage periodically for updates.

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Carbon dioxide emission standards for coal-fired electric generating facilities

The New Mexico Environmental Department (NMED) announces a new rulemaking to develop emission standards for new and existing electric generating facilities, 20.2.101 NMAC, Carbon Dioxide Emission Standards for Coal-Fired Electric Generating Facilities.

During the 2019 legislative session, Senate Bill 489 introduced the Energy Transition Act (ETA), which was later signed into law by Governor Michelle Lujan Grisham. The ETA sets statewide renewable energy standards and establishes a pathway for a low-carbon energy transition away from coal. The ETA requires the Environmental Improvement Board (EIB) to promulgate a rule that limits carbon dioxide emissions from certain electric generating facilities under their jurisdiction to 1,100 pounds per megawatt-hour on or after January 1, 2023. The EIB's jurisdiction does not include Bernalillo County or Tribal lands.

The New Mexico Environmental Improvement Board will hold a public hearing on October 26, 2022, to consider the NMED's proposed new rulemaking targeting carbon dioxide emissions from coal-fired electric generating facilities.

This webpage provides information regarding the rulemaking hearing and key documents. Please visit the Environmental Improvement Board website for further hearing information.

20.2.101 NMAC draft rule contains the proposed regulatory language.
Energy transition Act Document describes the basis for the new rulemaking.
AQB Overview and Rulemaking describes the AQB and its approach to making rules.
Environmental Groups' Comment document compiles comments received on initial proposals.
Notice of rulemaking hearing to consider adoption of proposed 20.2.101 NMAC – carbon dioxide emission standards for coal-fired electric generating facilities, EIB 22-28 (R)
Aviso de audiencia de reglamentación para considerar la adopción de la propuesta 20.2.101 NMAC – normas de emisiones de dióxido de carbono para instalaciones generadoras de electricidad a base de carbón, EIB 22-28 (R)
Energy Transition Act presentation September 1, 2022.
20.2.101 NMAC Carbon Dioxide Emission Standards for Coal-Fired Electic Generating Facilities, Filed Rule.
20.2.101 NMAC, Carbon Dioxide Emission Standards for Coal-Fired Electic Generating Facilities, Filed Transmittal Form.
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Dust Mitigation Plan and Fugitive Dust Rule

On September 16, 2016, the Administrator for the U.S. Environmental Protection Agency (EPA) signed revisions to the Exceptional Events Rule with the final rule published in the Federal Register on October 3, 2016. The federal Clean Air Act (Section 319(b)(3)(A)) identifies five guiding principles for developing implementing regulations of exceptional events:

Protection of public health is the highest priority;
All ambient air quality data should be included in a timely manner in an appropriate federal air quality database that is accessible to the public;
Timely information should be provided to the public in any case in which the air quality is unhealthy;
Each state must take necessary measures to safeguard public health regardless of the source of the air pollution; and
Air quality data should be carefully screened to ensure that events not likely to recur are represented accurately in all monitoring data and analyses.
Section V of the preamble to the final rule (81 FR 68270) addresses mitigation and requires the development of mitigation plans in areas with "historically documented" or "known seasonal" exceptional events. These events must be of the same type and pollutant (i.e., high wind dust/PM10) and recur annually or seasonally. Doña Ana and Luna Counties in southern New Mexico were identified by EPA as areas required to be covered by mitigation plans. NMED developed a single mitigation plan for the two counties and a copy may be found below.

Dust Mitigation Plan for Doña Ana and Luna Counties

NMED developed a fugitive dust rule in conjunction with the mitigation plan to detail mandatory measures to abate certain controllable sources in Doña Ana and Luna Counties. A public hearing was held on September 28, 2018 in Las Cruces and the board adopted the rule on October 26, 2018. Copies of the final rule, hearing transcripts and statement of reasons to adopt the rule are provided below.

20.2.23 NMAC, *Fugitive Dust Control*, (Applicable in Doña Ana and Luna Counties only)
Hearing Transcript
Deliberations Transcript
Transmittal Form and Statement of Reasons to Adopt
For questions related to the dust mitigation plan or fugitive dust rule, please contact Armando Paz at (575) 629-3242 or armando.paz@state.nm.us. To stay up to date on the progress of this regulatory action, please visit our website, www.env.nm.gov/air-quality/ and sign up for the Regulatory and SIP or Border Air Quality listserv bulletins.

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Good Neighbor State Implementation Plan Certification for the 2010 Nitrogen Dioxide National Ambient Air Quality Standard

The New Mexico Environment Department (NMED) announces an opportunity to comment on and request a public hearing on New Mexico's proposed Good Neighbor State Implementation Plan (SIP) Certification for the 2010 Nitrogen Dioxide National Ambient Air Quality Standard (NAAQS). The proposed Good Neighbor SIP Certification addresses Clean Air Act (CAA) Section 110(a)(2)(D)(i)(I), to confirm to the U.S. Environmental Protection Agency (EPA) that the State of New Mexico has the required "infrastructure" to implement, maintain, and enforce the 2010 Nitrogen Dioxide NAAQS and fulfills its "good neighbor" obligations under the CAA.

All comments or requests for a public hearing must be received by May 17, 2021.* If a request for a public hearing is received during the 30-day public comment period, a hearing date, time and location will be announced at a later date.

Proposed NO_2 Good Neighbor SIP
Public Comment and Hearing Notice

Aviso de Oportunidad de Audencia Pública y Comentarios Certificación de Infraestrutura Propuesta para el Estándar Nacional de Calidad del Aire Ambiental de Nuevo México para el Dióxido de Nitrógeno 2010

EPA approval of NO_2 Transport, Good Neighbor, SIP

*The revised public comment closing date is May 17, 2021, not May 15, 2021 as published in the Albuquerque Journal.

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Good Neighbor State Implementation Plan Certification for the 2015 Ozone National Ambient Air Quality Standard

The New Mexico Environment Department (NMED) announced a public hearing on New Mexico's proposed Good Neighbor State Implementation Plan (SIP) Certification for the 2015 ozone National Ambient Air Quality Standard (NAAQS). The purpose of the hearing was to consider the matter of EIB 21-05 to certify that New Mexico has an adequate, federally-approved SIP that addresses CAA Section 110(a)(2)(D)(i) regarding interstate transport of air pollution in this submittal. The proposed certification confirmed to the U.S. Environmental Protection Agency ("EPA") that the State of New Mexico has the required "infrastructure" in place under the current SIP to implement, maintain, and enforce the revised 2015 Ozone NAAQS and fulfills its "good neighbor" obligations under the CAA.

Proposed Good Neighbor SIP

Limited English Proficiency/Public Involvement Plan

Public Comment and Hearing Notice – English

Public Comment and Hearing Notice – Spanish

2015 Ozone NAAQS Infrastructure SIP

EPA Approval

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Incorporation by Reference of federal NSPS, NESHAP and MACT rules

A public hearing was held November 17, 2023 where the Environmental Improvement Board unanimously approved amendments to the dates of incorporation by reference contained in 20.2.77 NMAC (New Source Performance Standards), 20.2.78 NMAC (Emission Standards for Hazardous Air Pollutants), and 20.2.82 NMAC (Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants). The previous update for Parts 77, 78 and 82 was January 15, 2017. Since the most recent date of incorporation, there have been 119 changes to various federal New Source Performance Standards, Emission Standards for Hazardous Air Pollutants, and Maximum Achievable Control Technology Standards. Adoption of the incorporation by reference amendments changes the "through date" in Parts 77, 78 and 82 that reference the final rulings made at the federal level through June 28, 2023.

New Mexico Environmental Improvement Board Notice of Rulemaking Hearing_on 2023-11-17 is the announcement for the incorporation by reference rule.

Junta de Mejora Ambiental de Nuevo México Aviso de Audiencia de Reglamentación is the Spanish version of the announcement for the incorporation by reference rule.

Notice of Public Meeting NM EIB 2023-11-17 is the meeting notice that includes the links to join the meeting online.

Notice of Intent 23-52(R) is the NMED notice of intent to present technical testimony for the incorporation by reference rule.

Exhibit 16, Sunshine Portal public notice is a copy of the public notice posted on the official government transparency portal of new Mexico.

Exhibit 17, Field Office public notice documentation is documentation of the request to post public notices at NMED field offices.

New Mexico State Records Center and Archive filing of NMAC sections 20.2.77, 78, and 82.

EIB Final Order and Statement of Reasons for EIB 23-52

Please contact Armando Paz at **armando.paz@env.nm.gov** or at (505) 629-5025 for additional information.

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Infrastructure State Implementation Plan Certification for the 2015 Ozone National Ambient Air Quality Standard

The New Mexico Environment Department (NMED) submitted New Mexico's proposed Infrastructure State Implementation Plan (iSIP) Certification for the 2015 ozone National Ambient Air Quality Standard (NAAQS) to the EPA on November 16, 2018. The iSIP certification addresses elements of a Clean Air Act (CAA) Section 110(a)(2), to confirm to the EPA that the State of New Mexico has the required "infrastructure" to implement, maintain, and enforce the 2015 ozone NAAQS, promulgated on October 1, 2015 (80 FR 65291, October 26, 2015).

This certification does not address CAA Section 110(a)(2)(D)(i)(I), which prohibits emissions from New Mexico that significantly contribute to nonattainment or interfere with maintenance of a NAAQS in a downwind state. This section is often referred to as the "Good Neighbor Provision" and will be addressed in a future submission to EPA.

NM's 2015 Ozone NAAQS iSIP

84 FR 49057 2015 O3 TSP Approval

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Municipal Solid Waste Landfills – New Source Performance Standards and Emission Guidelines

In August 2016, EPA issued revised standards for both new and existing municipal solid waste landfills (MSWLs). The New Source Performance Standards at 40 CFR 60 Subpart XXX apply to landfills constructed or modified after July 17, 2014. The Emission Guidelines at 40 CFR 60 Subpart Cf apply to landfills constructed or modified on or prior to this date. Both of these federal rules aim to reduce landfill gas emissions. The New Source Performance Standard were incorporated by reference into the New Mexico Administrative Code (NMAC) on April 28, 2017.

Subpart Cf, promulgated under Section 111(d) of the Clean Air Act, requires that states, tribes and local authorities with jurisdiction over existing landfills develop a plan to implement the emission guidelines. One aspect of that state plan, for New Mexico, is the amendment of 20.2.64 NMAC – *Municipal Solid Waste Landfills* (Part 64).

On April 28, 2017, the Environmental Improvement Board unanimously approved the adoption of the State Plan implementing the emission guidelines and the repeal and replacement of Part 64.

Public Notice in English and Spanish
Petition for Hearing EIB 16-06 (R)
Original Plan Hearing Record (1996)
Notice of Intent to present technical testimony – filed 4/7/17
Exhibits 1-3: Witness resumes
Exhibit 4: Written testimony (Hollenberg)
Exhibits 5 and 11: Proposed State Plan
Exhibits 6 , 9 and 10: Proposed Part 64 Revisions
Exhibits 7 and 8: Subpart Cf and Guidance Doc excerpts
Exhibit 12: EPA Letter re Increments of Progress
Exhibits 13 and 15 – 23: NMED Outreach Efforts
Exhibits 14, 25 and 26: Industry comments and NMED response
Exhibits 24 and 27: Small Business RAC letter and response
Exhibit 28: Proposed Order and Statement of Reasons
EIB 16-06 (R) Order and Statement of Reasons 05022017
FR – MSW Landfill 11 Sept 2019

NMED submitted the approved State Plan implementing the Emission Guidelines in early May, 2017. On May 31, 2017, the EPA issued a 90-day stay on both the NSPS and EGs. This 90-day stay expired on August 29, 2017. Therefore, the 2016 federal rules are currently in effect. However, EPA is reconsidering several issues in these final rules. EPA does "not plan to prioritize" the review of submitted state plans and issuance of a Federal Plan for states that failed to submit a state plan. For more information on these rules and rule history, visit EPA's web page for landfills.

Please contact Neal Butt at (505) 629-2972 or neal.butt@state.nm.us if you have questions or comments concerning the State Plan development. For questions regarding implementation of the emission guidelines, contact EPA Region 6 (Boyce.Kenneth@epa.gov).

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Negative Declarations

Negative Declarations may be submitted to the U.S. EPA when Emissions Guidelines are finalized for existing sources. Emissions Guidelines require States, Tribes and Local Agencies to develop plans to implement the guidelines (rules) for sources within their jurisdictions that meet the applicability criteria. When a State, Tribe or Local Agency does not have an applicable source covered by the rule, a letter to U.S. EPA stating such may be submitted in lieu of an implementing plan. This is termed a "Negative Declaration."

On June 27, 2018, NMED submitted a Negative Declaration, which was clarified and reaffirmed in a June 15, 2020 Negative Declarationfor Commercial/Industrial Solid Waste Incinerators (CISWI) to EPA. (effective December 16, 2020) 85 FR 72967

On February 11, 2014, NMED submitted a Negative Declaration for Hospital Medical Infectious Waste Incinerators (HMIWI) to EPA. (effective April 1, 2021) 86 FR 12109

On October 11, 2007, NMED submitted a Negative Declaration, which was clarified and reaffirmed in a June 15, 2020 Negative Declaration, for Other Solid Waste Incinerators (OSWI) to EPA. (effective May 5, 2021) 86 FR 17543.

Please contact Neal Butt at (505) 629-2972 or neal.butt@state.nm.us if you have questions or comments concerning Negative Declarations.

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Nonattainment Area Permit Amendments (20.2.79 NMAC)

The Air Quality Bureau (AQB) of the New Mexico Environment Department (Department) intends to propose to the Environmental Improvement Board (EIB), amendments to 20.2.79 NMAC, *Permits – Nonattainment Areas* ("Part 79"), to make technical and administrative corrections to the rule. Part 79 specifies permitting requirements for any new major stationary source or major modification of an existing source located within a designated nonattainment area; or located within an area designated attainment or unclassifiable and will emit a regulated pollutant that significantly impacts a nonattainment area for the same pollutant.

The U.S. Environmental Protection Agency (EPA) designated a part of Doña Ana County near the Sunland Park area as a marginal nonattainment area for the 2015 ozone National Ambient Air Quality Standard ("2015 O_3 NAAQS") on August 3, 2018, requiring the AQB to develop a State Implementation Plan ("SIP") revision that includes a nonattainment permitting rule (i.e., Part 79) and submit it to EPA by August 3, 2021.

In December 2018, EPA promulgated the 2015 O_3 NAAQS implementation rule, which specifies nonattainment area SIP requirements. This final rule, referred to as the 2015 O_3 SIP Requirements Rule ("2015 O_3 SRR"), is largely an update to the previous implementing regulations promulgated for the 2008 O_3 NAAQS, and does not contain significant revisions from that previous rule.

The 2015 O_3 SRR addresses a range of nonattainment area SIP requirements New Mexico must meet for implementation of the 2015 O_3 NAAQS, including transportation conformity, nonattainment new source review ("NNSR"), emissions inventories, and emissions statement deadlines for SIP submissions and compliance with emission control measures in the SIP.

Pursuant to the 2015 O_3 SRR, NMED submitted a baseline Emissions Inventory and Emissions Statement to EPA by the specified deadline of August 3, 2020. For more information see /air-quality/dona-ana-2/

As part of the effort to comply with the 2015 O_3 SRR, the AQB analyzed Part 79 to determine if it was adequate to implement and enforce the standard. The AQB compared Part 79 with 40 CFR 51.165, *Permit Requirements*, and identified cross-reference inconsistencies and typographical errors that are addressed in the proposed revision.

Documents related to the proposed draft amendments to Part 79 are provided below.

All comments must be received by 5:00 PM MDT on May 21, 2021 in order for NMED to include a response in the hearing record. Anyone may present technical testimony, non-technical testimony or provide written or oral comments at the hearing. Please see the public hearing notice below for detailed instructions for participation.

Stakeholder Review Draft – 20.2.79 NMAC

Summary of Proposed Amendments and Rationale
Petition for Regulatory Change – 20.2.79.NMAC – Hearing No. EIB 21-07(R)
Sunland Park Nonattainment Area-Public Involvement Plan (PIP)
Sunland Park Nonattainment Area-Limited English Proficiency (LEP) Services Evaluation
Notice of Virtual Rulemaking Hearing for Proposed Amendments to 20.2.79 NMAC on June 25, 2021
Aviso de Audiencia de Reglamentacion por Internet para Considerar Propuesta de Enmendas a 20.2.79 NMAC el 25 de junio de 2021
Notice of Intent to Present Technical Testimony
NMED Exhibit 1 – Petition for Regulatory Change; Attachment 1 – Statement of Reasons; and Attachment 2 – Proposed Amendments to 20.2.79
NMED Exhibit 2 – Direct Testimony – Neal Butt
NMED Exhibit 3 – Resumes
NMED Exhibit 4 – Stakeholder Outreach Documentation
NMED Exhibit 5 – Summary of Proposed Changes to 20.2.79 NMAC with rationale for each change
NMED Exhibit 6 – Public Notice
NMED Exhibit 7 – State Records Center formatting revisions to 20.2.79 NMAC Public Review Draft
NMED Exhibit 8 – Small Business Regulatory Relief Act Letter
NMED Exhibit 9a – Federal Register Notice: 2015 Ozone NAAQS 80 FR 65292, October 26, 2015
NMED Exhibit 9b – Federal Register Notice: Nonattainment Area designation 83 FR 25820, June 4, 2018
NMED Exhibit 9c – Federal Register Notice: 2015 ozone NAAQS implementation rule 83 FR 62998, December 6, 2018MED Ex 9c 2015 SIP Requirements Rule 83 FR 62998 12-6-18
NMED Exhibit 10 – Proposed Order and Statement of Reasons
NMED Exhibit 11 – Stakeholder Comment from WEG and response from NMED
Please contact Neal Butt at (505) 629-2972 or neal.butt@state.nm.us if you have questions or comments concerning the proposed amendments.

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Petroleum Processing Facility Regulation Repeal (20.2.37 NMAC)

At a public hearing held August 12, 2016, the Environmental Improvement Board unanimously approved the repeal of 20.2.37 NMAC. Part 37 was adopted in 1974
and specifies emissions limits and other operating requirements for existing (constructed prior to July 1, 1974) and new petroleum refineries and natural gas processing facilities. This rule regulates emissions from several processes associated with petroleum processing facilities and has not been substantially revised since 1984. The rule was identified in the November 2012 Improving Environmental Permitting Report for potential revision or repeal. The Air Quality Bureau has conducted a thorough analysis of the rule as well as other similar federal rules that apply to this industry, and has concluded that the rule can be repealed without a relaxation of emissions controls or an adverse effect on air quality

Part 37 Notice of Intent EIB 16-02(R)
Public Notice (Part 37 EIB Hearing – English Notice and Part 37 EIB Hearing – Spanish Notice)
Part 37 Signed Statement of Reasons
Part 37 Notice of Intent EIB 16-02(R)
Please contact Mark Jones at mark.jones@state.nm.us or at (505) 566-9746 for additional information.

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Revisions to the New Mexico State Implementation Plan Regarding Startup, Shutdown and Malfunctions

A public hearing, held September 9, 2016, approved revisions to the State Implementation Plan (SIP) for New Mexico. The SIP revisions are in response to a final action issued by the U.S. Environmental Protection Agency (EPA). On June 12, 2015, the EPA published its final action to ensure states have plans in place that are fully consistent with the Clean Air Act and recent court decisions concerning startup, shutdown and malfunction (SSM) operations.

In response to this final action, the New Mexico Environment Department Air Quality Bureau proposed revisions to the State Implementation Plan (SIP). These SIP revisions entail removing applicable sections of 20.2.7 NMAC – Excess Emissions during Malfunction, Startup, Shutdown, or Scheduled Maintenance from the SIP. The proposal was unanimously approved by the Environmental Improvement Board on September 9, 2016.

Part 7 Proposed Revisions – Excess Emissions
Part 7 EIB Hearing – English Notice
Part 7 EIB Hearing – Spanish Notice
Signed Order – EIB Hearing 16-03 (R)
SOR 16-03(R)
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SO_2 Data Requirements Rule (SO_2 DRR) – Implementation of the 2010 1-hour Sulfur Dioxide Primary National Ambient Air Quality Standard

The U.S. EPA requires each State to supply information regarding sources that emit greater than 2,000 tons per year of sulfur dioxide in order to determine compliance with the 2010 1-hour primary standard. The schedule of required information includes:

January 15, 2016 – List of Sources – Sulfur dioxide states include for applicability to the Data Requirements Rule
July 1, 2016 – Approach – Air Quality Characterization – Sulfur dioxide (modeling or monitoring) for determining whether the source does or does not violate the standard
December 2016 – Revised Protocol
January 1, 2017 – Installation of monitors (if monitoring is the approach chosen)
January 13, 2017 – Final Modeling (actual emissions)

August 2017 – EPA SO_2 Disagreements Document

December 20, 2017 – EPA Attainment Designation for New Mexico (Round 3)
The Round 4 2010 SO_2 NAAQS Designations action was signed by the EPA Administrator, Andrew Wheeler, on December 21, 2020, pursuant to a court-ordered deadline of December 31, 2020. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, Acting Administrator Jane Nishida re-signed the same action on March 10, 2021 for publication in the *Federal Register*. Attainment/nonattainment designations for New Mexico were completed in December 2017. For more information on the 2010 SO_2 NAAQS and the Round 3 area designations, visit EPA's Round 3 2010 SO_2 NAAQS Designations webpage.

In accordance with the ongoing requirements in the federal rule, NMED must submit annual reports of the San Juan Generating Station's SO_2 emissions by July 1st of each year following designation. The purpose of this report is to analyze whether or not new modeling is required for areas that employed modeling of actual emissions for characterization. The fourth annual report for San Juan Generating Station (SJGS) is now available for review and public comment before submission to EPA. The report shows that SO_2 emissions continue to decrease from the modeling years of 2013-2015. 2018 emissions decreased significantly because two units were shut down in December 2017. The 2020 one-hour average and the one-hour maximum SO2 emissions showed decreases over the 2019 emissions. The three-year average for 2018-2020 showed decreased emissions when compared to the modeled three-year average for 2013-2015. Also, the annual maxima for 2018-2020 as well as the 99th percentile of 1-hour maxima for 2018-2020 significantly decreased from the modeled years of 2013-2015. Therefore, NMED recommends that new modeling should not be required at this time.

Draft 2022 Annual Report, SO2 Emissions for San Juan Generating Station – 5/6/2022
Draft 2021 Annual Report SO_2 DRR Report – SO_2 Emissions for SJGS – 5/11/2021
Public Involvement Plan for SJGS SO_2 Report – 5/15/2020
Notice of Availability Report Availability – 5/11/2021
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Title V update (20.2.70 NMAC) to remove emergency provisions and update applicable requirements

EPA required emergency provisions to be removed from the Title V operating program. During this update, NMED also aligned "applicable requirements" more closely with the EPA language for these requirements.

2025-08-20-EIB-25-10-Final-Order-and-SOR-pj.pdf documents the EIB's final order and statement of reasons for the proposed repeal and replacement of 20.2.70 NMAC.
2025-08-17_EPD_AQB_-_EPA_Transmittal_Letter_TV_Program_Revision.pdf is a transmittal letter to EPA notifying that EIB has adopted amendments to 20.2.70 NMAC, Operating Permits, and that AQB is requesting a revision to its Title V Program.
07-18-2025-PROPOSED-REPEAL-OF-20.2.70-NMAC_cond_N_CERTIFIED-TRANSCRIPT-blue.pdf certified transcript of the EIB hearing No. 25-10 (R).
2025-6-27-EIB-25-10-Entry-of-Appearance-pj.pdf documents proof of entry of appearance by Jeremy Nichols representing the Center for Biological Diversity.
2025-06-18-EIB-25-10-HO-Appt-pj.pdf documents the EIB hearing schedule on petition and hearing officer appointment.
2025-06-11-EIB-25-10-R-Maxwell-EOA-pj.pdf documents proof of entry of appearance by Nicholas Maxwell.
20.2.70-new-rule.pdf documents the NMAC transmittal form to the New Mexico State Records Center regarding the proposed new rule for 20.2.70 NMAC.
20.2.70-repeal.pdf documents the NMAC transmittal form to the New Mexico State Records Center regarding the repeal and replacement of 20.2.70 NMAC.
NMED NOI to Present Technical Testimony documents the notice of intent before EIB to repeal and replace 20.2.70 NMAC – Operating permits and Title V program revision.
NMED Petition to Repeal and Replace 20.2.70 NMAC documents the petition filed before EIB to repeal and replace 20.2.70 NMAC – Operating permits and Title V program revision.
70.2.70 NMAC Stakeholder Review Draft identifies the proposed changes to 20.2.70 NMAC.
English Notice of Proposed Rulemaking 20.2.70 NMAC Operating Permits provides legal ads in English
Spanish Notice of Proposed Rulemaking 20.2.70 NMAC Operating Permits provides legal ads in Spanish
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Total Suspended Particulate NM Ambient Air Quality Standard Repeal

The Improving Environmental Permitting Initial Report recommended that the Air Quality Bureau consider the NM Ambient Air Quality Standards (NMAAQS) for Total Suspended Particulate (TSP) for repeal.

The NM standards were adopted in 1969, prior to the adoption of the National Ambient Air Quality Standards (NAAQS) in 1971. The U.S. Environmental Protection Agency (EPA) revised its standards in 1987, replacing TSP with particulate matter less than 10 microns (PM_{10}). The NM TSP standards were retained, to protect the public from soiling and nuisance effects of larger particulates (dust).

The Air Quality Bureau studied the issue and determined that a repeal of the TSP standards will not cause a deterioration in air quality; the current federal air quality standards for PM_{10} and $PM_{2.5}$ are protective of public health. A repeal also eased the permitting burden for regulated sources and the Air Quality Bureau. A hearing was scheduled for September 28, 2018 in Las Cruces.

Public Notice of Rulemaking Hearing: Repeal of TSP Standard (English and Spanish)
In part to address soiling and nuisance effects of windblown dust, the Air Quality Bureau developed a dust mitigation plan and associated fugitive dust rule that applies in areas that are in danger of violating the PM_{10} NAAQS. (See *"Dust Mitigation Plan and Fugitive Dust Rule"* above.)

On September 28, 2018, the Environmental Improvement Board (EIB) held a public hearing in Las Cruces, NM to consider the proposed repeal of the NM Ambient Air Quality Standard for TSP contained in Section 109 of 20.2.3 NMAC. The EIB unanimously approved the proposal at its October 26, 2018 meeting in Santa Fe. The effective date of the repealed standard was November 30, 2018.

The "Notice if Intent for 18-04 (R)" includes written testimony, proposed rule amendments, a noninterference demonstration under CAA 110(l), and copies of public notices and affidavits of publication.

Notice of Intent for EIB Hearing 18-04 (R)

NMED Exhibit 37_000014

EIB Hearing 18-04 Transcript
EIB 18-04 Deliberations Transcript
Final Order/SOR/NMAC Transmittal – TSP Repeal
Governor's Designee Letter – TSP Repeal
84 FR 49057 2015 O3 TSP Approval
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Recent EPA Approvals of Regulatory Changes and Plans

The following are links to recently approved regulatory changes or plans. To view all EPA approvals related to the State Implementation Plan, please visit the electronic code of federal regulations.

NM Regulations:

Part 1 (effective September 22, 2015) 80 FR 43964
Part 2 (effective March 27, 2015) 80 FR 3884
Part 12 Repeal (effective July 13, 2015) 80 FR 33191
Part 20 Repeal (effective October 21, 2020) 85 FR 59194
Part 79 (effective December 16, 2022) EPA Approval of NM Ozone SIP 2022 (87 FR 68632)
Part 98 Repeal (effective July 20, 2015) 80 FR 34835
Part 99 (effective July 20, 2015) 80 FR 34835
Other:

Infrastructure for the 2015 Ozone National Ambient Air Quality Standards and Repeal of State Regulations for Total Suspended Particulate (effective October 18, 2019) 84 FR 49057 2015 O3 TSP Approval
FR – MSW Landfill 11 Sept 2019
Infrastructure and Transport for 2008 lead (Pb) NAAQS (effective July 13, 2015) 80 FR 33191
Infrastructure for the 2008 ozone NAAQS (effective July 24, 2015) 80 FR 36246, to include: Good Neighbor SIP for the 2008 ozone NAAQS (effective June 3, 2020) 85 FR 26361
Infrastructure for the 2010 NO2 NAAQS (effective July 24, 2015) 80 FR 36246
Infrastructure for 2010 SO2 NAAQS (effective November 13, 2015) 80 FR 61751
Infrastructure and transport for 2012 Fine Particulate Matter ($PM_{2.5}$) NAAQS 83 FR 12493 (NM action begins on 12495)

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Environmental Improvement Board Meeting and Hearing on: EIB 25-77 (R) - Repeal and Replace Operating Fees

MONDAY, MARCH 23, 2026, 9AM – 5PM

This is the hearing on EIB 25-77 (R): In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC - Operating Permit Emissions Fees and 20.2.75 NMAC - Construction Permit Fees.

Public Notice - English
Public Notice - Spanish

Meeting link:
nmed-oit.webex.com...
Meeting number: 2634 468 0052
Password: sAu9VrrqB22

Join by phone
+1-415-655-0001 US Toll
Access code: 2634 468 0052

Location WebEx

and in person:

NM State Capitol
Room 309
490 old Santa Fe Trail
Santa Fe, NM 87505

Contact Pamela.Jones@env.nm.gov

Event type Public hearing

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Environmental Improvement Board

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Radiation Technical Advisory Council
Storage Tank Committee
Utility Operators Certification Advisory Board
Wastewater Technical Advisory Committee
Water Quality Control Commission

The Environmental Improvement Board (EIB) was established under NMSA 1978, Section 74-1-4 (Board creation and organization). The EIB must adopt and promulgate nearly all regulations administered by the Department before they are implemented, with the exception for ground and surface water regulations, which are adopted by the Water Quality Control Commission. The Board also hears appeals of air quality permits issued by the Department. Pursuant to NMSA 1978, Section 74-1-8, the EIB is responsible for environmental management and consumer protection and must promulgate rules and standards in the following areas:

1. food protection;
2. water supply;
3. liquid waste;
4. air quality management;
5. radiation control;
6. noise control;
7. nuisance abatement;
8. vector control;
9. occupational health and safety;
10. sanitation of public swimming pools and public baths;
11. plumbing, drainage, ventilation and sanitation of public buildings in the interest of public health;
12. medical radiation, health and safety certification and standards for radiologic technologists;
13. hazardous wastes and underground storage tanks; and
14. solid waste.

The EIB consists of seven members appointed by the governor and confirmed by the state senate. The members of the Board are appointed for overlapping terms, with no term exceeding five years. No more than four members shall be appointed from any political party. A majority of the membership of the Board must be individuals who represent the public interest and do not derive any significant portion of their income from persons subject to or who appear before the Board on issues related to the federal Clean Air Act or the Air Quality Control Act. Any vacancy occurring in the membership of the Board is filled by appointment by the governor for the unexpired term.

The EIB meets on the fourth Friday of the month, unless there is no pending business. Current members and their term are:

1. Bitzer, J. Barry, term expiring March 22, 2025
2. Carrasco, Guadalupe, term expiring February 19, 2026.
3. Curry, Ronald, term expiring February 19, 2026.
4. Ely, Sandra, term expiring March 22, 2025.
5. Garcia, Karen, term expiring January 1, 2025.
6. Honker, William, term expiring June 30, 2025.
7. Sulna, Phoebe, Board Chair, term expiring January 1, 2025.
8. Vacant

Board Counsel: Eduardo Ugarte, II, NM Department of Justice

Upcoming EIB meetings and associated materials are found on the NMED Events Calendar. Past EIB meeting materials are available on the archived version of our previous website. Meeting recordings are available on the NMED YouTube channel.

EIB Meetings

NOTE: The Environmental Improvement Board follows the State of New Mexico's inclement weather policy which may affect the availability of meeting locations.

Next Meeting : January 22, 2026 – (moved from January 23, 2026.)

CONTINUED DELIBERATION: EIB 25-23 (R): – Clean Transportation Fuels Program

Meeting Notice

Agenda

EIB 25-23 (R): DELIBERATION – Clean Transportation Fuels Program January 8-9, 2026.

Meeting Notice

Agenda

If you are an individual with a disability who needs a reader, amplifier, qualified signed language interpreter, or any other form of auxiliary aid or service to attend or participate in an EIB meeting, please contact Commission Administrator at (505) 660-4305 or by email: pamela.jones@env.nm.gov at least ten (10) days prior to the meeting date.

UPCOMING HEARINGS:

EIB 25-61(R): To Consider Adoption of Proposed New Rule 20.13.2 NMAC PFAS in Consumer Products. February 23 – March 6, 2026.

Public Notice – English

Public Notice – Spanish

EIB 25-77 (R): Repeal and Replace 20.2.71 NMAC Operating Emissions Permit Fees and 20.2.75 NMAC Construction Permit Fees

Public Notice – English

Public Notice – Spanish

RESCHEDULED: EIB 25-32 (R): Amend 7.6.3 NMAC Food Service and Food Processing. April 24, 2026.

Click here to be added to the email list for information regarding the Environmental Improvement Board

Public Notice of Rescheduled Hearing – English

Public Notice of Rescheduled Hearing – Spanish

Information on how to access meetings is available on the NMED Events Calendar.

Historical agendas and minutes are available on the archived version of the NMED site.

Open Meetings Act Resolution 2025

On the Docket

For matters currently before boards, commissions and the Environment Department Secretary, visit our Docketed Matters page or the Docketed Matters Archive page

Information about how to join hearings and when they are scheduled is available on the Department's calendar.

Contact Us

Office of Public Facilitation

The OPF staff are present in the Runnels Building located at 1190 S. St. Francis Drive, Santa Fe, New Mexico 87505.

For information regarding the public hearing process or Docketed Matters, please contact:

Pamela Jones at 505-660-4305 (Pamela.Jones@env.nm.gov)
or
Luis Lopez at 505-490-0186 (Luis.Lopez@env.nm.gov).

Watch Later

Video recordings of hearings before the Secretary and boards and commissions, as well as boards and commissions meetings, are available on our YouTube channel.

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Docketed Matters

Click here to view the Docketed Matters Archive

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Environment Department Cabinet Secretary

Environmental Improvement Board

EIB 25-81: In the Matter of Proposed Amendments to 20.4.1 NMAC – Modifications, Exceptions and Omissions related to Aqueous Film Forming Foam, AND 20.4.3 NMAC – Hazardous Waste Fees, AND The Adoption of 20.13.3 NMAC – Aqueous Film Forming Foam Containing Intentionally Added PFAS

EIB 25-77 (R): In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees

NMED's Petition for Regulatory Change to Repeal and Replace 20.2.71 NMAC, Operating Permit Emissions Fees, and 20.2.75 NMAC, Construction Permit Fees	12/3/2025
NMED Exhibit A – Statement of Reasons	
NMED Exhibit B – Proposed Replacement Rule 20.2.71 NMAC	
NMED Exhibit C – Proposed Replacement Rule 20.2.75 NMAC	
NMED Exhibit D – Current Rule 20.2.71 NMAC with Redline Changes	
NMED Exhibit E – Current Rule 20.2.75 NMAC with Redline Changes	
Entry of Appearance – Wetherbee	12/17/2025
Entry of Appearance – NM Mining Association	12/22/2025
Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates	12/23/2025
Public Notice – English	1/13/2026
Public Notice – Spanish	1/13/2026

Submit Comments Here

EIB 25-61 (R): In the Matter of Proposed Adoption of 20.13.2 NMAC, Per- and Poly-Fluoroalkyl Substances in Consumer Products

EIB 25-32 (R): In the Matter of Proposed Amendments to 7.6.2 NMAC – Food Service and Food Processing

EIB 25-23: In the Matter of Proposed Adoption of 20.2.92 NMAC – Clean Transportation Fuel Program

EIB 25-15: In the Matter of the Petition for Hearing on Denial of Air Quality Permit Application No. 10487

EIB 25-11(R): In the Matter of Proposed New Regulation 11.5.7 NMAC – Heat Illness and Injury Prevention

EIB 25-10: In the Matter of Proposed Repeal and Replacement of 20.2.70 NMAC – Operating Permits and Title V Program Revision

EIB 24-51: Acequia de Alto y Los Martinez and Rowan Stanland v. PG Enterprises, LLC and EIB 24-52: FFion D Cleugh Sinclair v. PG Enterprises, LLC – CONSOLIDATED

EIB 24-49: In the Matter of Regional Haze State Implementation Plan Revision for the Second Planning Period and Proposed Companion Rule 20.2.68 NMAC – Regional Haze Requirements

EIB 24-12: In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees

EIB 23-75: In the Matter of Proposed Amendments to 20.3.16 NMAC of the Radiation Protection Regulations

EIB 23-59: In the Matter of Proposed Amendments to 20.3.4.404NMAC, 20.3.4.455 NMAC, 20.3.5.15 NMAC, 20.3.12.13 NMAC, 20.3.15.1519 NMAC

EIB 23-56: In the Matter of Proposed Amendments to 20.2.91 NMAC – New Motor Vehicle Emission Standards

EIB 23-52(R) – In the Matter of Proposed Amendments to 20.2.77 NMAC – New Source Performance Standards (NSPS); 20.2.78 NMAC – Emissions Standards for Hazardous Air Pollutants (NESHAP); and 20.2.82 NMAC – Maximum Achievable Control Technology for Source Categories of Hazardous Air Pollutants (MACT)

EIB 22-34 : In The Matter of the Petition for Hearing on Air Quality Permit No. 9295, Roper Construction Inc.'s Alto Concrete Batch Plant

Occupational Health and Safety Review Commission

Water Quality Control Commission

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Rule Hearing Search

25-77

Hearing Date: All

Comments Deadline Date: All

Agency: ----

Search

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Proposed Rule Name:
Proposed Repeal and Replacement of 20.2.71 and 20.2.75 NMAC, EIB 25-77 (R)

Agency:
Environment Department

Purpose:
The purpose of the hearing is to consider the matter of EIB 25-77(R), proposed repeal and replacement of the Air Quality Control Regulations codified in the New Mexico Administrative Code (NMAC) at 20.2.71 NMAC (Operating Permit Emissions Fees) and 20.2.75 NMAC (Construction Permit Fees). The proponent of these regulatory repeals and replacements is the New Mexico Environment Department ("NMED"). The purpose of the public hearing is to consider and take possible action on a petition from the NMED to repeal and replace 20.2.71 NMAC and 20.2.75 NMAC that would allow the NMED to recoup the reasonable costs of operating the NMED's Air Quality Bureau programs as required by the federal Clean Air Act and New Mexico Air Quality Control Act, respectively. The Environmental Improvement Act, Section 74-1-8(A)(4) NMSA 1978 and the Air Quality Control Act, Section 74-2-5 NMSA 1978 specifically authorize the Environmental Improvement Board to adopt rules that are necessary for air quality management as provided in the Air Quality Control Act.

Summary:
On March 23, 2026, the Environmental Improvement Board will hold a public hearing, EIB 25-77(R), to consider the New Mexico Environment Department's proposal to repeal and replace 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees which can be viewed at **https://www.env.nm.gov/air-quality/proposed-regs/ (https://www.env.nm.gov/air-quality/proposed-regs/)**.

Administratives Codes:
https://prod-rf-lambda.rtssaas.com/PublicFiles/d89c47bd0d70402dba89b03a22bda6d1/52a9da32-498a-4fe8-a4f9-7ae0d83e74bb/20.002.0071.html https://prod-rf-lambda.rtssaas.com/PublicFiles/d89c47bd0d70402dba89b03a22bda6d1/52a9da32-498a-4fe8-a4f9-7ae0d83e74bb/20.002.0071.html

Rule Complete Copy :
The proposed revised regulations may be reviewed during regular business hours at the NMED Air Quality Bureau office, 525 Camino de los Marquez, Santa Fe, New Mexico, on NMED's website at **https://www.env.nm.gov/air-quality/proposed-regs/ (https://www.env.nm.gov/air-quality/proposed-regs/)**, or by contacting Eric Peters at (505) 629-5299 or **eric.peters@env.nm.gov (mailto:eric.peters@env.nm.gov)**.

Corrections:
Click Here to access Rule Corrections (https://www.env.nm.gov/air-quality/proposed-regs/)

Rule Explanatory Statement:
Click Here to access the Rule Explanatory Statement (https://www.env.nm.gov/air-quality/proposed-regs/)

Related New Mexico Register Publications:
Click Here to access Related New Mexico Publications (https://prod-rf-lambda.rtssaas.com/PublicFiles/d89c47bd0d70402dba89b03a22bda6d1/4c4b6b55-9d4e-4f1e-bcde-ba32db8051aa/NMEDnotice_xxxvii01.html)

For any additional information or questions concerning this rule making or posting please contact:
Pamela Jones, Board Administrator Environmental Improvement Board
pamela.jones@env.nm.gov
(505) 660-4305

How to submit Comments:
PUBLIC COMMENT: The general public may submit a written public comment or testify orally at the hearing. A member of the general public who wishes to submit a written public comment as a statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment online at **https://nmed.commentinput.com/?id=t8BRr4m76 (https://nmed.commentinput.com/?id=t8BRr4m76)**, email the written public comment to **pamela.jones@env.nm.gov (mailto:pamela.jones@env.nm.gov)**, or mail the written public comment to EIB Administrator, New Mexico Environment Department – Harold Runnels Building, P.O. Box 5469, Santa Fe, New Mexico 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required for the general public to present non-technical testimony at the hearing. The general public may also offer non-technical exhibits in connection with their written public comment or oral testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

When are comments due:
3/25/2026 5:00 PM

Hearing Date:
3/23/2026 9:00 AM

Public Hearing Location:
NM State Capitol Building, Room 321
490 Old Santa Fe Trail
Santa Fe, New Mexico 87505
(alternatively 411 S. State Capital Street) 3/23/2026 (9:00 AM -5:00 PM)

How to participate:
PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony. Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

TECHNICAL TESTIMONY: Any person who wishes to present technical testimony at the hearing must file a written notice of intent with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025), available on NMED's docketed matters website, and shall be a party. The notice of intent shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person

Last Updated Date
1/13/2026 11:37 AM

intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules. Any person who files a notice of intent shall serve a copy on NMED.
ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025).

ⓘ If the document is not visible on the previewer, please download the file.

File	File Name	File Type	Description

SUNSHINE NM.COM

From:	Nevarez, Marci, ENV
To:	Reyes, Damon, ENV; Romero, Dominic, ENV; Kesler, Michael, ENV; Krzebiot, Carrie, ENV; Kokovay, Steven, ENV; Vigil, Thomas X, ENV; Hernandez, Anai, ENV; Rivera, James, ENV
Cc:	Miller, Ken, ENV
Subject:	FW: New Mexico Environmental Improvement Board Notice of Rulemaking Hearing to Consider the Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees, EIB 25-77 (R)
Date:	Tuesday, January 13, 2026 5:15:18 PM
Attachments:	Hearing_Notice_EIB_25-77_Repeal_and_Replace_Parts_71_and_75_English.pdf Hearing_Notice_EIB_25-77_Repeal_and_Replace_Parts_71_and_75_Spanish.pdf

Hello managers
Please ensure the attached notices are posted at each field office by Friday.
Thank you

From: Miller, Ken, ENV <kenneth.miller@env.nm.gov>
Sent: Tuesday, January 13, 2026 11:31 AM
To: Nevarez, Marci, ENV <marci.nevarez@env.nm.gov>
Cc: Polgar, Brian, ENV <Brian.Polgar@env.nm.gov>; Peters, Eric, ENV <eric.peters@env.nm.gov>; Butt, Neal, ENV <Neal.Butt@env.nm.gov>; Paz, Armando, ENV <Armando.Paz@env.nm.gov>
Subject: New Mexico Environmental Improvement Board Notice of Rulemaking Hearing to Consider the Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees, EIB 25-77 (R)

Good morning, Marci. Could you please make the attached hearing notice available in each of your field offices? Please let me know if you have any questions regarding this matter, or if this request should be directed to someone else.

Thanks,

Ken Miller, P.G. | Environmental Analyst
NMED Air Quality Bureau | www.env.nm.gov/air-quality/
kenneth.miller@env.nm.gov | (505) 629-8673

Science | Innovation | Collaboration | Compliance

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER THE PROPOSED REPEAL AND REPLACEMENT OF 20.2.71 NMAC – OPERATING PERMIT EMISSIONS FEES AND 20.2.75 NMAC – CONSTRUCTION PERMIT FEES, EIB 25-77 (R)

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on March 23, 2026, at 9:00 a.m. to consider EIB 25-77 (R) – In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately three days. The EIB may deliberate and make a decision on the proposed regulatory changes at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person component will be held at the New Mexico State Capitol, 490 Old Santa Fe Trail (alternatively 411 S. State Capital Street), Santa Fe, New Mexico 87501. Hearing details, including the meeting room number and how to participate virtually, will be available on the New Mexico Environment Department ("NMED") events calendar at https://www.env.nm.gov/events-calendar/, under the calendar entry corresponding to the hearing start date. For more information, contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

The purpose of the hearing is for the EIB to consider and take possible action on a petition by NMED requesting that the EIB repeal and replace 20.2.71 NMAC, Operating Permit Emissions Fees, and 20.2.75 NMAC, Construction Permit Fees. The petition, statement of reasons (attached to the petition as Exhibit A), proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC (attached to the petition as Exhibits B and C), and current rules 20.2.71 NMAC and 20.2.75 NMAC with proposed changes shown in redline fashion (attached to the petition as Exhibits D and E) are available on NMED's docketed matters website at https://www.env.nm.gov/opf/docketed-matters/. To access these documents, click on "Environmental Improvement Board" to display the drop-down list of matters before the EIB, then click on "EIB 25-77 (R): In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees" to display the drop-down list of all documents filed in conjunction with this matter. Copies of the petition, statement of reasons, and proposed replacement rules can also be obtained by contacting Eric Peters at (505) 629-5299 or eric.peters@env.nm.gov, or at any of NMED's offices statewide.

The purpose of proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC is to ensure that NMED's emissions and construction permit fees are sufficient to cover the reasonable costs of NMED's Title V Operating Permit Program and Construction Permit Program. The EIB is authorized to adopt the proposed rules pursuant to the Environmental Improvement Act, Section 74-1-8(A)(4), and the Air Quality Control Act, NMSA 1978, Sections 74-2-1 to 17. The schedule of Title V operating permit emissions fees must be consistent with the provisions of Section 502(b)(3) of the 1990 amendments to the federal Clean Air Act, which requires sources that are required to obtain an operating permit to pay fees sufficient to cover all reasonable direct and indirect costs of developing and administering the state's Title V Operating Permit Program. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(7). The schedule of construction permit fees must be sufficient to cover the reasonable costs of reviewing and acting upon any application for such permit and implementing and enforcing the terms and conditions of the permit, excluding any court costs or other costs associated with an enforcement action. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(6).

20.2.71 NMAC establishes a schedule of emissions fees for sources required to obtain a Title V permit under 20.2.70 NMAC, Operating Permits. The schedule specifies the annual emissions fee for each fee pollutant expressed in dollars per ton of allowable emissions. Proposed replacement rule 20.2.71 NMAC revises the current definition of fee pollutant, adding particulate matter 10 micrometers or less in diameter ("PM10") and particulate matter 2.5 micrometers or less in diameter ("PM2.5") and removing mercury and total suspended particulate matter; reduces the maximum tons used in the fee calculation for each fee pollutant; provides that a fee shall be assessed for either PM10 or PM2.5, not both, depending on which has the higher allowable emission rate; increases the dollar per ton amount used in the fee calculation for each fee pollutant; establishes a late fee for failing to timely pay annual emissions fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.71 NMAC will be submitted to the U.S. Environmental Protection Agency ("EPA") as a revision to New Mexico's Title V Operating Permit Program.

Similarly, 20.2.75 NMAC establishes a schedule of construction permit fees for notices of intent, permits to construct or modify a source, construction permit revisions, and technical reviews of existing construction permits under 20.2.72 NMAC, Construction Permits, and 20.2.73 NMAC, Notice of Intent and Emissions Inventory Requirements. The schedule includes a complexity-based points schedule for various actions and a cost per point, which is multiplied by the sum of all the points applicable to a given permitting action to determine the required permit fee. The schedule also includes an annual fee for sources that have already been issued a construction permit. Proposed replacement rule 20.2.75 NMAC revises the current complexity-based points schedule, increasing the points for certain actions and adding points for notices of intent; increases the cost per point used to calculate permit fees; increases the annual fee for sources that have already been issued a construction permit and institutes an annual fee for sources that have filed a notice of intent; establishes a late fee for failing to timely pay annual fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.75 NMAC will be submitted to EPA as a revision to the New Mexico State Implementation Plan.

The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; the Air Quality Control Act, NMSA 1978, Section 74-2-6; orders issued by the hearing officer appointed by the EIB; and other applicable procedures.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

TECHNICAL TESTIMONY: Any person who wishes to present technical testimony at the hearing must file a written notice of intent with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025), available on NMED's docketed matters website, and shall be a party. The notice of intent shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules. Any person who files a notice of intent shall serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025).

PUBLIC COMMENT: The general public may submit a written public comment or testify orally at the hearing. A member of the general public who wishes to submit a written public comment as a statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment online at https://nmed.commentinput.com/?id=t8BRr4m76, email the written public comment to pamela.jones@env.nm.gov, or mail the written public comment to EIB Administrator, New Mexico Environment Department – Harold Runnels Building, P.O. Box 5469, Santa Fe, New Mexico 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required for the general public

to present non-technical testimony at the hearing. The general public may also offer non-technical exhibits in connection with their written public comment or oral testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: Persons requiring language interpretation services or having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact the EIB Administrator at least 14 days prior to the hearing or as soon as possible at (505) 660-4305 or pamela.jones@env.nm.gov. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice).

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 CFR 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: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, New Mexico 87502, (505) 827-2855, nd.coordinator@env.nm.gov. 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 https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

JUNTA DE MEJORA AMBIENTAL DE NUEVO MÉXICO AVISO DE AUDIENCIA DE REGLAMENTACIÓN PARA CONSIDERAR LA PROPUESTA DE DEROGACIÓN Y SUSTITUCIÓN DE 20.2.71 NMAC – CUOTAS DE EMISIONES DE PERMISO DE OPERACIÓN Y 20.2.75 NMAC – CUOTAS DE PERMISO DE CONSTRUCCIÓN, EIB 25-77 (R)

La Junta de Mejora Ambiental de Nuevo México ("EIB" por sus siglas en inglés) llevará a cabo una audiencia pública que comenzará el 23 de Marzo de 2026 a las 9:00a.m. para considerar la EIB 25-77 (R) – En el asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Permiso de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción. La audiencia durará el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos, y se espera que dure aproximadamente tres días. La EIB puede deliberar y podrá tomar una decisión sobre los cambios regulatorios propuestos al concluir la audiencia o puede convocar a una reunión después de la audiencia para considerar medidas sobre la propuesta.

La audiencia se llevará a cabo en un formato híbrido para permitir la participación tanto en persona como virtual. El componente presencial se llevará a cabo en la capital del estado de Nuevo México, 490 Old Santa Fe Trail (alternativamente 411 S. State Capital Street), Sante Fe, Nuevo México 87501. Detalles de la audiencia, incluyendo el numero de la sala de reuniones y cómo participar de forma virtual, estarán disponibles en el Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés) calendario de eventos en https://www.env.nm.gov/events-calendar/, debajo de la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para más información, comuníquese con la administradora de la EIB llamando al (505) 660-4305 o en pamela.jones@env.nm.gov.

El propósito de la audiencia es que la EIB considere y tome las medidas necesarias respecto a la Petición del NMED en la que solicita a la EIB la derogación y sustitución 20.2.71 NMAC, Cuotas de Emisiones de Permiso de Operación, y 20.2.75 NMAC, Cuotas de Permiso de Construcción. La petición, declaración de motivos (adjunto a la petición como Anexo A), normas de reemplazo propuestas 20.2.71 NMAC y 20.2.75 NMAC (adjunto a la petición como Anexos B y C), y las reglas actuales 20.2.71 NMAC 20.2.75 NMAC con los cambios propuestos mostrados en rojo (adjunto a la petición como Anexos D y E) están disponibles en el sito web de asuntos archivados de NMED en https://www.env.nm.gov/opf/docketed-matters/. Para acceder a estos documentos, haga clic en "Junta de Mejora Ambiental" para mostrar la lista desplegable de asuntos ante el EIB, después haga clic en "EIB 25-77 (R): En El Asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción" para mostrar la lista desplegable de todos los documentos presentados en relación con este asunto. Copias de la petición, declaración de motivos, las normas de sustitución también se pueden obtener contactando Eric Peters al (505) 629-5299 o eric.peters@env.nm.gov, o en todas las oficinas del NMED en todo el estado.

El propósito de las reglas de sustitución 20.2.71 NMAC y 20.2.75 NMAC es para asegurar que las emisiones y las cuotas de permiso de construcción del NMED son suficiente para cubrir los costos razonables del Programa de Permisos de Operación Titulo V y del Programa de Permisos de Construcción de NMED. La EIB está autorizada a adoptar las normas propuestas de conformidad con la Ley de Mejora Ambiental, Sección 74-1-8(A)(4), y la Ley de Control de la Calidad del Aire, NMSA 1978, Secciones 74-2-1 a 17. El horario de cuotas por emisiones de los permisos de operación del Titulo V debe ser coherente con las disposiciones de la Sección 502(b)(3) de las enmiendas de 1990 a la Ley Federal de Aire Limpio, esto exige que las fuentes que requieren un permiso de operación paguen cuotas suficientes para cubrir todos los costos directos e indirectos razonables del desarrollo y la administración del programa estatal de permisos de operación conforme al Titulo V. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7 (B)(7). El horario de las cuotas de permiso de construcción debe ser suficientes para cubrir los costos razonables de revisión y tramitación de cualquier solicitud de dicho permiso, así como la implementación y el cumplimiento de los términos y condiciones del permiso, excluyendo los gastos judiciales u otros gastos asociados a una acción coercitiva. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7(B)(6).

20.2.71 NMAC establece un horario de cuotas por emisiones para las fuentes que deben obtener un permiso de conformidad con el Titulo V, según lo estipulado en la norma 20.2.70 de NMAC, Permisos de Operación. El horario especifica la cuota anual por emisiones para cada contaminante sujeto a pago, expresada en dólares por tonelada de emisiones permitidas. La regla de sustitución 20.2.71 NMAC revisa la definición actual de contaminante sujeto a cuota, agregando materia particulada de 10 micrómetros o menos de diámetro ("PM10") y materia particulada de 2.5

micrómetros o menos de diámetro ("PM2.5") y eliminando mercurio y partículas totales en suspensión; reduce las toneladas máximas utilizadas en el cálculo de la cuota para cada contaminante sujeto a cuota; establece que se cobrará una cuota por PM10 o PM2.5, no ambas, dependiendo de cuál tenga la mayor tasa de emisión permitida; aumenta el monto en dólares por tonelada utilizado en el cálculo de la cuota para cada contaminante sujeto a cuota; establece una cuota por pago tardío por no pagar oportunamente las cuotas anuales de emisión; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.71 NMAC se presentará a la Agencia de Protección Ambiental de los Estados Unidos ("EPA" por sus siglas en inglés) como una revisión del Programa de Permisos de Operación Título V de Nuevo México.

Similarmente, 20.2.75 NMAC establece un horario de cuotas de permisos de construcción para avisos de intención, permisos para construir o modificar una fuente, revisiones de permisos de construcción y revisiones técnicas de permisos de construcción existentes bajo 20.2.72 NMAC, Permisos de Construcción, y 20.2.73 NMAC, Requisitos de Aviso de Intención e Inventario de Emisiones. El horario incluye un esquema de puntos basado en la complejidad para varias acciones y un costo por punto, que se multiplica por la suma de todos los puntos aplicables a una acción de permiso determinada para determinar la cuota de permiso requerida. El horario también incluye una cuota anual para fuentes a las que ya se les ha emitido un permiso de construcción. La regla propuesta de sustitición 20.2.75 NMAC revisa el calendario de puntos basado en la complejidad actual, aumentando los puntos para ciertas acciones y agregando puntos para avisos de intención; incrementa el costo por punto utilizado para calcular las cuotas de permisos; aumenta la cuota anual para fuentes que ya han recibido un permiso de construcción e instituye una cuota anual para fuentes que han presentado un aviso de intención; establece una multa por pago tardío de las cuotas anuales; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.75 NMAC será enviada a la EPA como una revisión del Plan de Implementación Estatal de Nuevo México.

La audiencia se llevará a cabo de conformidad con 20.1.1 NMAC, Procedimientos de Reglamentación – Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-9; la Ley de Control de Calidad del Aire, NMSA 1978, Sección 74-2-6; las órdenes emitidas por el oficial de audiencias designado por la EIB; y otros procedimientos aplicables.

PARTICIPACIÓN PÚBLICA: Las audiencias y reuniones de la EIB están abiertas al público y se anima al público en general a participar. Todas las personas interesadas tendrán una oportunidad razonable de participar presentando un aviso de intención de presentar testimonio técnico, presentando un registro de comparecencia o participando como miembros del público. "Testimonio técnico" se refiere a testimonios científicos, de ingeniería, económicos o especializados, pero no incluye argumentos legales, comentarios generales o declaraciones de política o posición sobre los asuntos tratados en la audiencia. "Público en general" incluye a cualquier persona que asista a una audiencia y no haya presentado un aviso de intención de presentar testimonio técnico.

Cualquier miembro del público podrá testificar en la audiencia. Toda persona que preste testimonio en la audiencia estará sujeta a contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten su credibilidad. Toda persona que asista a la audiencia tendrá derecho a realizar el contrainterrogatorio que sea necesario para una divulgación completa y veraz de los asuntos tratados en la audiencia. Todos los testimonios se tomarán bajo juramento o afirmación, que podrá realizarse en masa o de forma individual.

TESTIMONIO TÉCNICO: Cualquier persona que desee presentar testimonio técnico en la audiencia debe presentar un aviso de intención por escrito al Administrador del EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB que Programa la Audiencia, Nombra al Funcionario de la Audiencia y Establece Ciertas Fechas de Presentación (emitida el 23 de Diciembre de 2025), disponible en el sitio web de asuntos archivados de NMED, y deberá ser parte. El aviso de intención deberá: (1) identificar a la persona para la cual testificarán los testigos; (2) identificar a cada testigo técnico que la persona tenga la intención de presentar y declarar las cualificaciones de ese testigo, incluyendo una descripción de su formación educativa y experiencia laboral; (3) si la audiencia se llevará a cabo en múltiples lugares, indicar el o los lugares donde estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada al cambio regulatorio propuesto; y (6) enumerar y adjuntar todos los documentos que se prevé que dicha persona presente en la audiencia, incluida cualquier declaración propuesta de motivos para la adopción de las normas. Cualquier persona que presente un aviso de intención deberá entregar una copia al NMED.

REGISTRO DE COMPARECENCIA: Cualquier persona puede presentar un registro de comparecencia como parte. El registro de comparecencia deberá presentarse ante la administradora de la EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB sobre la Programación de Audiencias, del Funcionario de Audiencias Designado y la Fijación de Determinadas Fechas de Presentación (emitida el 23 de Diciembre de 2025).

COMENTARIOS PÚBLICOS: El público en general podrá testificar mediante comentarios públicos por escrito o de forma oral en la audiencia. Quienes deseen presentar una declaración por escrito para que conste en actas, en lugar de prestar testimonio oral en la audiencia, deberán presentarla antes de la audiencia o durante la misma. Quienes deseen presentar comentarios públicos por escrito antes de la audiencia pueden hacerlo en línea en https://nmed.commentinput.com/?id=t8BRr4m76, envíe por correo electrónico el comentario público por escrito a pamela.jones@env.nm.gov, o envíe un comunicado público por correo postal al Administrador de la EIB, Departamento de Medio Ambiente de Nuevo México – Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Además, cada día de la audiencia se proporcionará oportunidad para que el público general preste testimonio oral. No se requiere aviso previo del público general para presentar testimonio no técnico en la audiencia. El público en general también puede presentar exhibiciones no técnicas en relación con su comentario público por escrito o testimonio oral, siempre que las exhibiciones no sean excesivamente repetitivas del testimonio y cumplan con 20.1.1.402 NMAC. El funcionario de audiencias designado determinará el proceso y los horarios para que el público general preste testimonio durante la audiencia.

ACCESIBILIDAD: Las personas que necesiten servicios de interpretación de idiomas o que tengan alguna discapacidad y requieran un lector, amplificador, intérprete calificado de lenguaje de señas u otra forma de ayuda o servicio auxiliar para asistir o participar en la audiencia deben comunicarse con el Administrador del EIB al menos 14 días antes de la audiencia o lo antes posible al (505) 660-4305 o pamela.jones@env.nm.gov. Para acceder a este número a través de Relay New Mexico marque 711, o llame al (800) 659-8331 (TTY) o al (800) 659-1779 (voz).

AVISO DE NO DISCRIMINACIÓN: El NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigen las leyes y regulaciones aplicables. El NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas sobre los requisitos de no discriminación implementados por 40 CFR Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, en su forma enmendada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas a la Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede comunicarse con: Kate Cardenas, coordinadora de no discriminación, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. Si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede comunicarse con la coordinadora de no discriminación identificada anteriormente o visite https://www.env.nm.gov/non-employee-discrimination-complaint-page/ para aprender cómo y dónde presentar una queja por discriminación.

From: New Mexico Environment Department
To: Miller, Ken, ENV
Subject: New Mexico Environmental Improvement Board Notice of Rulemaking Hearing to Consider the Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees, EIB 25-77 (R)
Date: Tuesday, January 13, 2026 10:10:53 AM



Air Quality Bureau

Regulatory and SIP Bulletin

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NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER THE PROPOSED REPEAL AND REPLACEMENT OF 20.2.71 NMAC – OPERATING PERMIT EMISSIONS FEES AND 20.2.75 NMAC – CONSTRUCTION PERMIT FEES, EIB 25-77 (R)

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on March 23, 2026, at 9:00 a.m. to consider EIB 25-77 (R) – In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – *Operating Permit Emissions Fees* and 20.2.75 NMAC – *Construction Permit Fees*. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately three days. The EIB may deliberate and make a decision on the proposed regulatory changes at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person component will be held at the New Mexico State Capitol, 490 Old Santa Fe Trail (alternatively 411 S. State Capital Street), Santa Fe, New Mexico 87501. Hearing details, including the meeting room number and how to participate virtually, will be available on the New Mexico Environment Department ("NMED") events calendar at https://www.env.nm.gov/events-calendar/, under the calendar entry corresponding to the hearing start date. For more information, contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

The purpose of the hearing is for the EIB to consider and take possible action on a petition by NMED requesting that the EIB repeal and replace 20.2.71 NMAC, *Operating Permit Emissions Fees*, and 20.2.75 NMAC, *Construction Permit Fees*. The petition, statement of reasons (attached to the petition as Exhibit A), proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC (attached to the petition as Exhibits B and C), and current rules 20.2.71

NMAC and 20.2.75 NMAC with proposed changes shown in redline fashion (attached to the petition as Exhibits D and E) are available on NMED's docketed matters website at https://www.env.nm.gov/opf/docketed-matters/. To access these documents, click on "Environmental Improvement Board" to display the drop-down list of matters before the EIB, then click on "EIB 25-77 (R): In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – *Operating Permit Emissions Fees* and 20.2.75 NMAC – *Construction Permit Fees*" to display the drop-down list of all documents filed in conjunction with this matter. Copies of the petition, statement of reasons, and proposed replacement rules can also be obtained by contacting Eric Peters at (505) 629-5299 or eric.peters@env.nm.gov, or at any of NMED's offices statewide.

The purpose of proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC is to ensure that NMED's emissions and construction permit fees are sufficient to cover the reasonable costs of NMED's Title V Operating Permit Program and Construction Permit Program. The EIB is authorized to adopt the proposed rules pursuant to the *Environmental Improvement Act*, Section 74-1-8(A)(4), and the *Air Quality Control Act*, NMSA 1978, Sections 74-2-1 to 17. The schedule of Title V operating permit emissions fees must be consistent with the provisions of Section 502(b)(3) of the 1990 amendments to the federal *Clean Air Act*, which requires sources that are required to obtain an operating permit to pay fees sufficient to cover all reasonable direct and indirect costs of developing and administering the state's Title V Operating Permit Program. See *Air Quality Control Act*, NMSA 1978, Section 74-2-7(B)(7). The schedule of construction permit fees must be sufficient to cover the reasonable costs of reviewing and acting upon any application for such permit and implementing and enforcing the terms and conditions of the permit, excluding any court costs or other costs associated with an enforcement action. See *Air Quality Control Act*, NMSA 1978, Section 74-2-7(B)(6).

20.2.71 NMAC establishes a schedule of emissions fees for sources required to obtain a Title V permit under 20.2.70 NMAC, *Operating Permits*. The schedule specifies the annual emissions fee for each fee pollutant expressed in dollars per ton of allowable emissions. Proposed replacement rule 20.2.71 NMAC revises the current definition of fee pollutant, adding particulate matter 10 micrometers or less in diameter ("PM10") and particulate matter 2.5 micrometers or less in diameter ("PM2.5") and removing mercury and total suspended particulate matter; reduces the maximum tons used in the fee calculation for each fee pollutant; provides that a fee shall be assessed for either PM10 or PM2.5, not both, depending on which has the higher allowable emission rate; increases the dollar per ton amount used in the fee calculation for each fee pollutant; establishes a late fee for failing to timely pay annual emissions fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.71 NMAC will be submitted to the U.S. Environmental Protection Agency ("EPA") as a revision to New Mexico's Title V Operating Permit Program.

Similarly, 20.2.75 NMAC establishes a schedule of construction permit fees for notices of intent, permits to construct or modify a source, construction permit revisions, and technical

reviews of existing construction permits under 20.2.72 NMAC, *Construction Permits*, and 20.2.73 NMAC, *Notice of Intent and Emissions Inventory Requirements*. The schedule includes a complexity-based points schedule for various actions and a cost per point, which is multiplied by the sum of all the points applicable to a given permitting action to determine the required permit fee. The schedule also includes an annual fee for sources that have already been issued a construction permit. Proposed replacement rule 20.2.75 NMAC revises the current complexity-based points schedule, increasing the points for certain actions and adding points for notices of intent; increases the cost per point used to calculate permit fees; increases the annual fee for sources that have already been issued a construction permit and institutes an annual fee for sources that have filed a notice of intent; establishes a late fee for failing to timely pay annual fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.75 NMAC will be submitted to EPA as a revision to the New Mexico State Implementation Plan.

The hearing will be conducted in accordance with 20.1.1 NMAC, *Rulemaking Procedures – Environmental Improvement Board*; the *Environmental Improvement Act*, NMSA 1978, Section 74-1-9; the *Air Quality Control Act*, NMSA 1978, Section 74-2-6; orders issued by the hearing officer appointed by the EIB; and other applicable procedures.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

TECHNICAL TESTIMONY: Any person who wishes to present technical testimony at the hearing must file a written notice of intent with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025), available on NMED's docketed matters website, and shall be a party. The notice of intent shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a

description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules. Any person who files a notice of intent shall serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025).

PUBLIC COMMENT: The general public may submit a written public comment or testify orally at the hearing. A member of the general public who wishes to submit a written public comment as a statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment online at https://nmed.commentinput.com/?id=t8BRr4m76, email the written public comment to pamela.jones@env.nm.gov, or mail the written public comment to EIB Administrator, New Mexico Environment Department – Harold Runnels Building, P.O. Box 5469, Santa Fe, New Mexico 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required for the general public to present non-technical testimony at the hearing. The general public may also offer non-technical exhibits in connection with their written public comment or oral testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: Persons requiring language interpretation services or having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact the EIB Administrator at least 14 days prior to the hearing or as soon as possible at (505) 660-4305 or pamela.jones@env.nm.gov. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice).

For additional information concerning this bulletin, please contact Brian Polgar, Planning Section Chief, at brian.polgar@env.nm.gov or (505) 629-3466.

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 & 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, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kate Cardenas, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@env.nm.gov. You may also visit our website at https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

NMED Air Quality Bureau
525 Camino de los Marquez, Suite 1
Santa Fe, New Mexico, 87505-1816
(505) 476-4300

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GOVDELIVERY

From: New Mexico Environment Department
To: Miller, Ken, ENV
Subject: Junta De Mejora Ambiental De Nuevo México Aviso De Audiencia De Reglamentación Para Considerar La Propuesta De Derogación Y Sustitución De 20.2.71 NMAC – Cuotas De Emisiones De Permiso De Operación Y 20.2.75 NMAC – Cuotas De Permiso De Construcción, EI...
Date: Tuesday, January 13, 2026 10:10:54 AM



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Regulatory and SIP Bulletin

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JUNTA DE MEJORA AMBIENTAL DE NUEVO MÉXICO AVISO DE AUDIENCIA DE REGLAMENTACIÓN PARA CONSIDERAR LA PROPUESTA DE DEROGACIÓN Y SUSTITUCIÓN DE 20.2.71 NMAC – CUOTAS DE EMISIONES DE PERMISO DE OPERACIÓN Y 20.2.75 NMAC – CUOTAS DE PERMISO DE CONSTRUCCIÓN, EIB 25-77 (R)

La Junta de Mejora Ambiental de Nuevo México ("EIB" por sus siglas en inglés) llevará a cabo una audiencia pública que comenzará el 23 de Marzo de 2026 a las 9:00a.m. para considerar la EIB 25-77 (R) – En el asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – *Cuotas de Emisiones de Permiso de Operación* y 20.2.75 NMAC – *Cuotas de Permiso de Construcción*. La audiencia durará el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos, y se espera que dure aproximadamente tres días. La EIB puede deliberar y podrá tomar una decisión sobre los cambios regulatorios propuestos al concluir la audiencia o puede convocar a una reunión después de la audiencia para considerar medidas sobre la propuesta.

La audiencia se llevará a cabo en un formato híbrido para permitir la participación tanto en persona como virtual. El componente presencial se llevará a cabo en la capital del estado de Nuevo México, 490 Old Santa Fe Trail (alternativamente 411 S. State Capital Street), Sante Fe, Nuevo México 87501. Detalles de la audiencia, incluyendo el numero de la sala de reuniones y cómo participar de forma virtual, estarán disponibles en el Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés) calendario de eventos en https://www.env.nm.gov/events-calendar/, debajo de la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para más información, comuníquese con la administradora de la EIB llamando al (505) 660-4305 o en pamela.jones@env.nm.gov.

El propósito de la audiencia es que la EIB considere y tome las medidas necesarias respecto

a la Petición del NMED en la que solicita a la *EIB la derogación y sustitución 20.2.71 NMAC, Cuotas de Emisiones de Permiso de Operación*, y 20.2.75 NMAC, *Cuotas de Permiso de Construcción*. La petición, declaración de motivos (adjunto a la petición como Anexo A), normas de reemplazo propuestas 20.2.71 NMAC y 20.2.75 NMAC (adjunto a la petición como Anexos B y C), y las reglas actuales 20.2.71 NMAC 20.2.75 NMAC con los cambios propuestos mostrados en rojo (adjunto a la petición como Anexos D y E) están disponibles en el sito web de asuntos archivados de NMED en https://www.env.nm.gov/opf/docketed-matters/. Para acceder a estos documentos, haga clic en "Junta de Mejora Ambiental" para mostrar la lista desplegable de asuntos ante el EIB, después haga clic en "EIB 25-77 (R): En El Asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – *Cuotas de Emisiones de Operación* y 20.2.75 NMAC – *Cuotas de Permiso de Construcción*" para mostrar la lista desplegable de todos los documentos presentados en relación con este asunto. Copias de la petición, declaración de motivos, las normas de sustitución también se pueden obtener contactando Eric Peters al (505) 629-5299 o eric.peters@env.nm.gov, o en todas las oficinas del NMED en todo el estado.

El propósito de las reglas de sustitución 20.2.71 NMAC y 20.2.75 NMAC es para asegurar que las emisiones y las cuotas de permiso de construcción del NMED son suficiente para cubrir los costos razonables del Programa de Permisos de Operación Titulo V y del Programa de Permisos de Construcción de NMED. La EIB está autorizada a adoptar las normas propuestas de conformidad con la *Ley de Mejora Ambiental*, Sección 74-1-8(A)(4), y la *Ley de Control de la Calidad del Aire*, NMSA 1978, Secciones 74-2-1 a 17. El horario de cuotas por emisiones de los permisos de operación del Titulo V debe ser coherente con las disposiciones de la Sección 502(b)(3) de las enmiendas de 1990 a la *Ley Federal de Aire Limpio*, esto exige que las fuentes que requieren un permiso de operación paguen cuotas suficientes para cubrir todos los costos directos e indirectos razonables del desarrollo y la administración del programa estatal de permisos de operación conforme al Titulo V. Véase *Ley de Control de la Calidad del Aire*, NMSA 1978, Sección 74-2-7 (B)(7). El horario de las cuotas de permiso de construcción debe ser suficientes para cubrir los costos razonables de revisión y tramitación de cualquier solicitud de dicho permiso, así como la implementación y el cumplimiento de los términos y condiciones del permiso, excluyendo los gastos judiciales u otros gastos asociados a una acción coercitiva. Véase *Ley de Control de la Calidad del Aire*, NMSA 1978, Sección 74-2-7(B)(6).

20.2.71 NMAC establece un horario de cuotas por emisiones para las fuentes que deben obtener un permiso de conformidad con el Titulo V, según lo estipulado en la norma 20.2.70 de NMAC, *Permisos de Operación*. El horario especifica la cuota anual por emisiones para cada contaminante sujeto a pago, expresada en dólares por tonelada de emisiones permitidas. La regla de sustitución 20.2.71 NMAC revisa la definición actual de contaminante sujeto a cuota, agregando materia particulada de 10 micrómetros o menos de diámetro ("PM10") y materia particulada de 2.5 micrómetros o menos de diámetro ("PM2.5") y eliminando mercurio y partículas totales en suspensión; reduce las toneladas máximas utilizadas en el cálculo de la cuota para cada contaminante sujeto a cuota;

establece que se cobrará una cuota por PM10 o PM2.5, no ambas, dependiendo de cuál tenga la mayor tasa de emisión permitida; aumenta el monto en dólares por tonelada utilizado en el cálculo de la cuota para cada contaminante sujeto a cuota; establece una cuota por pago tardío por no pagar oportunamente las cuotas anuales de emisión; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.71 NMAC se presentará a la Agencia de Protección Ambiental de los Estados Unidos ("EPA" por sus siglas en inglés) como una revisión del Programa de Permisos de Operación Título V de Nuevo México.

Similarmente, 20.2.75 NMAC establece un horario de cuotas de permisos de construcción para avisos de intención, permisos para construir o modificar una fuente, revisiones de permisos de construcción y revisiones técnicas de permisos de construcción existentes bajo 20.2.72 NMAC, *Permisos de Construcción*, y 20.2.73 NMAC, *Requisitos de Aviso de Intención e Inventario de Emisiones*. El horario incluye un esquema de puntos basado en la complejidad para varias acciones y un costo por punto, que se multiplica por la suma de todos los puntos aplicables a una acción de permiso determinada para determinar la cuota de permiso requerida. El horario también incluye una cuota anual para fuentes a las que ya se les ha emitido un permiso de construcción. La regla propuesta de sustitición 20.2.75 NMAC revisa el calendario de puntos basado en la complejidad actual, aumentando los puntos para ciertas acciones y agregando puntos para avisos de intención; incrementa el costo por punto utilizado para calcular las cuotas de permisos; aumenta la cuota anual para fuentes que ya han recibido un permiso de construcción e instituye una cuota anual para fuentes que han presentado un aviso de intención; establece una multa por pago tardío de las cuotas anuales; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.75 NMAC será enviada a la EPA como una revisión del Plan de Implementación Estatal de Nuevo México.

La audiencia se llevará a cabo de conformidad con 20.1.1 NMAC, *Procedimientos de Reglamentación – Junta de Mejora Ambiental*; la *Ley de Mejora Ambiental*, NMSA 1978, Sección 74-1-9; la *Ley de Control de Calidad del Aire*, NMSA 1978, Sección 74-2-6; las órdenes emitidas por el oficial de audiencias designado por la EIB; y otros procedimientos aplicables.

PARTICIPACIÓN PÚBLICA: Las audiencias y reuniones de la EIB están abiertas al público y se anima al público en general a participar. Todas las personas interesadas tendrán una oportunidad razonable de participar presentando un aviso de intención de presentar testimonio técnico, presentando un registro de comparecencia o participando como miembros del público. "Testimonio técnico" se refiere a testimonios científicos, de ingeniería, económicos o especializados, pero no incluye argumentos legales, comentarios generales o declaraciones de política o posición sobre los asuntos tratados en la audiencia. "Público en general" incluye a cualquier persona que asista a una audiencia y no haya

presentado un aviso de intención de presentar testimonio técnico.

Cualquier miembro del público podrá testificar en la audiencia. Toda persona que preste testimonio en la audiencia estará sujeta a contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten su credibilidad. Toda persona que asista a la audiencia tendrá derecho a realizar el contrainterrogatorio que sea necesario para una divulgación completa y veraz de los asuntos tratados en la audiencia. Todos los testimonios se tomarán bajo juramento o afirmación, que podrá realizarse en masa o de forma individual.

TESTIMONIO TÉCNICO: Cualquier persona que desee presentar testimonio técnico en la audiencia debe presentar un aviso de intención por escrito al Administrador del EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB que Programa la Audiencia, Nombra al Funcionario de la Audiencia y Establece Ciertas Fechas de Presentación (emitida el 23 de Diciembre de 2025), disponible en el sitio web de asuntos archivados de NMED, y deberá ser parte. El aviso de intención deberá: (1) identificar a la persona para la cual testificarán los testigos; (2) identificar a cada testigo técnico que la persona tenga la intención de presentar y declarar las cualificaciones de ese testigo, incluyendo una descripción de su formación educativa y experiencia laboral; (3) si la audiencia se llevará a cabo en múltiples lugares, indicar el o los lugares donde estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada al cambio regulatorio propuesto; y (6) enumerar y adjuntar todos los documentos que se prevé que dicha persona presente en la audiencia, incluida cualquier declaración propuesta de motivos para la adopción de las normas. Cualquier persona que presente un aviso de intención deberá entregar una copia al NMED.

REGISTRO DE COMPARECENCIA: Cualquier persona puede presentar un registro de comparecencia como parte. El registro de comparecencia deberá presentarse ante la administradora de la EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB sobre la Programación de Audiencias, del Funcionario de Audiencias Designado y la Fijación de Determinadas Fechas de Presentación (emitida el 23 de Diciembre de 2025).

COMENTARIOS PÚBLICOS: El público en general podrá testificar mediante comentarios públicos por escrito o de forma oral en la audiencia. Quienes deseen presentar una declaración por escrito para que conste en actas, en lugar de prestar testimonio oral en la audiencia, deberán presentarla antes de la audiencia o durante la misma. Quienes deseen presentar comentarios públicos por escrito antes de la audiencia pueden hacerlo en línea en https://nmed.commentinput.com/?id=t8BRr4m76, envíe por correo electrónico el comentario público por escrito a pamela.jones@env.nm.gov, o envíe un comunicado público por correo postal al Administrador de la EIB, Departamento de Medio Ambiente de Nuevo México – Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Además, cada día de la audiencia se proporcionará oportunidad para que el público general preste

testimonio oral. No se requiere aviso previo del público general para presentar testimonio no técnico en la audiencia. El público en general también puede presentar exhibiciones no técnicas en relación con su comentario público por escrito o testimonio oral, siempre que las exhibiciones no sean excesivamente repetitivas del testimonio y cumplan con 20.1.1.402 NMAC. El funcionario de audiencias designado determinará el proceso y los horarios para que el público general preste testimonio durante la audiencia.

ACCESIBILIDAD: Las personas que necesiten servicios de interpretación de idiomas o que tengan alguna discapacidad y requieran un lector, amplificador, intérprete calificado de lenguaje de señas u otra forma de ayuda o servicio auxiliar para asistir o participar en la audiencia deben comunicarse con el Administrador del EIB al menos 14 días antes de la audiencia o lo antes posible al (505) 660-4305 o pamela.jones@env.nm.gov. Para acceder a este número a través de Relay New Mexico marque 711, o llame al (800) 659-8331 (TTY) o al (800) 659-1779 (voz).

AVISO DE NO DISCRIMINACIÓN: El NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigen las leyes y regulaciones aplicables. El NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas sobre los requisitos de no discriminación implementados por 40 CFR Partes 5 y 7, incluido el Título VI de la *Ley de Derechos Civiles de 1964*, en su forma enmendada; la Sección 504 de la *Ley de Rehabilitación de 1973*; la *Ley de Discriminación por Edad de 1975*, el Título IX de las *Enmiendas a la Educación de 1972* y la Sección 13 de las *Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972*. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede comunicarse con: Kate Cardenas, coordinadora de no discriminación, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. Si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede comunicarse con la coordinadora de no discriminación identificada anteriormente o visite https://www.env.nm.gov/non-employee-discrimination-complaint-page/ para aprender cómo y dónde presentar una queja por discriminación.

For additional information concerning this bulletin, please contact Brian Polgar, Planning Section Chief, at brian.polgar@env.nm.gov or (505) 629-3466.

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 & 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, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Kate Cardenas, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@env.nm.gov. You may also visit our website at https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

NMED Air Quality Bureau
525 Camino de los Marquez, Suite 1
Santa Fe, New Mexico, 87505-1816
(505) 476-4300

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GOVDELIVERY

From:	Jones, Pamela, ENV
To:	kelsea@roblesrael.com; Marcus Rael; Villanueva, Kelly, ENV; Moellenberg, Dalva L.; Trujillo, TJ; Seluja, Serafina; editor@thecandlepublishing.com
Cc:	Miller, Ken, ENV; Eduardo Ugarte II; Lopez, Luis, ENV; nmontoya@nmdoj.gov
Subject:	EIB 25-77 (R) - Public Notice
Date:	Wednesday, January 14, 2026 4:15:40 PM
Attachments:	NMEDnotice_xxxvii01 English.pdf NMEDnotice_Spanish_xxxvii01.pdf

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Good afternoon –

The public notice in the above matter has been posted to the docket and to the EIB webpage, in addition to being sent via UPS to the EIB mailing list. I attach a copy of the English and Spanish notice for your files.

Pam Jones
Paralegal
Office of Public Facilitation
505-660-4305

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER THE PROPOSED REPEAL AND REPLACEMENT OF 20.2.71 NMAC – OPERATING PERMIT EMISSIONS FEES AND 20.2.75 NMAC – CONSTRUCTION PERMIT FEES, EIB 25-77 (R)

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on March 23, 2026, at 9:00 a.m. to consider EIB 25-77 (R) – In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately three days. The EIB may deliberate and make a decision on the proposed regulatory changes at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person component will be held at the New Mexico State Capitol, 490 Old Santa Fe Trail (alternatively 411 S. State Capital Street), Santa Fe, New Mexico 87501. Hearing details, including the meeting room number and how to participate virtually, will be available on the New Mexico Environment Department ("NMED") events calendar at https://www.env.nm.gov/events-calendar/, under the calendar entry corresponding to the hearing start date. For more information, contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

The purpose of the hearing is for the EIB to consider and take possible action on a petition by NMED requesting that the EIB repeal and replace 20.2.71 NMAC, Operating Permit Emissions Fees, and 20.2.75 NMAC, Construction Permit Fees. The petition, statement of reasons (attached to the petition as Exhibit A), proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC (attached to the petition as Exhibits B and C), and current rules 20.2.71 NMAC and 20.2.75 NMAC with proposed changes shown in redline fashion (attached to the petition as Exhibits D and E) are available on NMED's docketed matters website at https://www.env.nm.gov/opf/docketed-matters/. To access these documents, click on "Environmental Improvement Board" to display the drop-down list of matters before the EIB, then click on "EIB 25-77 (R): In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees" to display the drop-down list of all documents filed in conjunction with this matter. Copies of the petition, statement of reasons, and proposed replacement rules can also be obtained by contacting Eric Peters at (505) 629-5299 or eric.peters@env.nm.gov, or at any of NMED's offices statewide.

The purpose of proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC is to ensure that NMED's emissions and construction permit fees are sufficient to cover the reasonable costs of NMED's Title V Operating Permit Program and Construction Permit Program. The EIB is authorized to adopt the proposed rules pursuant to the Environmental Improvement Act, Section 74-1-8(A)(4), and the Air Quality Control Act, NMSA 1978, Sections 74-2-1 to 17. The schedule of Title V operating permit emissions fees must be consistent with the provisions of Section 502(b)(3) of the 1990 amendments to the federal Clean Air Act, which requires sources that are required to obtain an operating permit to pay fees sufficient to cover all reasonable direct and indirect costs of developing and administering the state's Title V Operating Permit Program. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(7). The schedule of construction permit fees must be sufficient to cover the reasonable costs of reviewing and acting upon any application for such permit and implementing and enforcing the terms and conditions of the permit, excluding any court costs or other costs associated with an enforcement action. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(6).

20.2.71 NMAC establishes a schedule of emissions fees for sources required to obtain a Title V permit under 20.2.70 NMAC, Operating Permits. The schedule specifies the annual emissions fee for each fee pollutant expressed in dollars per ton of allowable emissions. Proposed replacement rule 20.2.71 NMAC revises the current definition of fee pollutant, adding particulate matter 10 micrometers or less in diameter ("PM10") and particulate matter 2.5 micrometers or less in diameter ("PM2.5") and removing mercury and total suspended particulate matter; reduces the maximum tons used in the fee calculation for each fee pollutant; provides that a fee shall be assessed for either PM10 or PM2.5, not both, depending on which has the higher allowable emission rate; increases the dollar per ton amount used in the fee calculation for each fee pollutant; establishes a late fee for failing to timely pay annual emissions fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.71 NMAC will be submitted to the U.S. Environmental Protection Agency ("EPA") as a revision to New Mexico's Title V Operating Permit Program.

Similarly, 20.2.75 NMAC establishes a schedule of construction permit fees for notices of intent, permits to construct or modify a source, construction permit revisions, and technical reviews of existing construction permits under 20.2.72 NMAC, Construction Permits, and 20.2.73 NMAC, Notice of Intent and Emissions Inventory Requirements. The schedule includes a complexity-based points schedule for various actions and a cost per point, which is multiplied by the sum of all the points applicable to a given permitting action to determine the required permit fee. The schedule also includes an annual fee for sources that have already been issued a construction permit. Proposed replacement rule 20.2.75 NMAC revises the current complexity-based points schedule, increasing the points for certain actions and adding points for notices of intent; increases the cost per point used to calculate permit fees; increases the annual fee for sources that have already been issued a construction permit and institutes an annual fee for sources that have filed a notice of intent; establishes a late fee for failing to timely pay annual fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.75 NMAC will be submitted to EPA as a revision to the New Mexico State Implementation Plan.

The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; the Air Quality Control Act, NMSA 1978, Section 74-2-6; orders issued by the hearing officer appointed by the EIB; and other applicable procedures.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

TECHNICAL TESTIMONY: Any person who wishes to present technical testimony at the hearing must file a written notice of intent with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025), available on NMED's docketed matters website, and shall be a party. The notice of intent shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules. Any person who files a notice of intent shall serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025).

PUBLIC COMMENT: The general public may submit a written public comment or testify orally at the hearing. A member of the general public who wishes to submit a written public comment as a statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment online at https://nmed.commentinput.com/?id=t8BRr4m76, email the written public comment to pamela.jones@env.nm.gov, or mail the written public comment to EIB Administrator, New Mexico Environment Department – Harold Runnels Building, P.O. Box 5469, Santa Fe, New Mexico 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required for the general public

to present non-technical testimony at the hearing. The general public may also offer non-technical exhibits in connection with their written public comment or oral testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: Persons requiring language interpretation services or having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact the EIB Administrator at least 14 days prior to the hearing or as soon as possible at (505) 660-4305 or pamela.jones@env.nm.gov. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice).

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 CFR 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: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, New Mexico 87502, (505) 827-2855, nd.coordinator@env.nm.gov. 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 https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

JUNTA DE MEJORA AMBIENTAL DE NUEVO MÉXICO AVISO DE AUDIENCIA DE REGLAMENTACIÓN PARA CONSIDERAR LA PROPUESTA DE DEROGACIÓN Y SUSTITUCIÓN DE 20.2.71 NMAC – CUOTAS DE EMISIONES DE PERMISO DE OPERACIÓN Y 20.2.75 NMAC – CUOTAS DE PERMISO DE CONSTRUCCIÓN, EIB 25-77 (R)

La Junta de Mejora Ambiental de Nuevo México ("EIB" por sus siglas en inglés) llevará a cabo una audiencia pública que comenzará el 23 de Marzo de 2026 a las 9:00a.m. para considerar la EIB 25-77 (R) – En el asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Permiso de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción. La audiencia durará el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos, y se espera que dure aproximadamente tres días. La EIB puede deliberar y podrá tomar una decisión sobre los cambios regulatorios propuestos al concluir la audiencia o puede convocar a una reunión después de la audiencia para considerar medidas sobre la propuesta.

La audiencia se llevará a cabo en un formato híbrido para permitir la participación tanto en persona como virtual. El componente presencial se llevará a cabo en la capital del estado de Nuevo México, 490 Old Santa Fe Trail (alternativamente 411 S. State Capital Street), Sante Fe, Nuevo México 87501. Detalles de la audiencia, incluyendo el numero de la sala de reuniones y cómo participar de forma virtual, estarán disponibles en el Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés) calendario de eventos en https://www.env.nm.gov/events-calendar/, debajo de la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para más información, comuníquese con la administradora de la EIB llamando al (505) 660-4305 o en pamela.jones@env.nm.gov.

El propósito de la audiencia es que la EIB considere y tome las medidas necesarias respecto a la Petición del NMED en la que solicita a la EIB la derogación y sustitución 20.2.71 NMAC, Cuotas de Emisiones de Permiso de Operación, y 20.2.75 NMAC, Cuotas de Permiso de Construcción. La petición, declaración de motivos (adjunto a la petición como Anexo A), normas de reemplazo propuestas 20.2.71 NMAC y 20.2.75 NMAC (adjunto a la petición como Anexos B y C), y las reglas actuales 20.2.71 NMAC 20.2.75 NMAC con los cambios propuestos mostrados en rojo (adjunto a la petición como Anexos D y E) están disponibles en el sito web de asuntos archivados de NMED en https://www.env.nm.gov/opf/docketed-matters/. Para acceder a estos documentos, haga clic en "Junta de Mejora Ambiental" para mostrar la lista desplegable de asuntos ante el EIB, después haga clic en "EIB 25-77 (R): En El Asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción" para mostrar la lista desplegable de todos los documentos presentados en relación con este asunto. Copias de la petición, declaración de motivos, las normas de sustitución también se pueden obtener contactando Eric Peters al (505) 629-5299 o eric.peters@env.nm.gov, o en todas las oficinas del NMED en todo el estado.

El propósito de las reglas de sustitución 20.2.71 NMAC y 20.2.75 NMAC es para asegurar que las emisiones y las cuotas de permiso de construcción del NMED son suficiente para cubrir los costos razonables del Programa de Permisos de Operación Titulo V y del Programa de Permisos de Construcción de NMED. La EIB está autorizada a adoptar las normas propuestas de conformidad con la Ley de Mejora Ambiental, Sección 74-1-8(A)(4), y la Ley de Control de la Calidad del Aire, NMSA 1978, Secciones 74-2-1 a 17. El horario de cuotas por emisiones de los permisos de operación del Titulo V debe ser coherente con las disposiciones de la Sección 502(b)(3) de las enmiendas de 1990 a la Ley Federal de Aire Limpio, esto exige que las fuentes que requieren un permiso de operación paguen cuotas suficientes para cubrir todos los costos directos e indirectos razonables del desarrollo y la administración del programa estatal de permisos de operación conforme al Titulo V. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7 (B)(7). El horario de las cuotas de permiso de construcción debe ser suficientes para cubrir los costos razonables de revisión y tramitación de cualquier solicitud de dicho permiso, así como la implementación y el cumplimiento de los términos y condiciones del permiso, excluyendo los gastos judiciales u otros gastos asociados a una acción coercitiva. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7(B)(6).

20.2.71 NMAC establece un horario de cuotas por emisiones para las fuentes que deben obtener un permiso de conformidad con el Titulo V, según lo estipulado en la norma 20.2.70 de NMAC, Permisos de Operación. El horario especifica la cuota anual por emisiones para cada contaminante sujeto a pago, expresada en dólares por tonelada de emisiones permitidas. La regla de sustitución 20.2.71 NMAC revisa la definición actual de contaminante sujeto a cuota, agregando materia particulada de 10 micrómetros o menos de diámetro ("PM10") y materia particulada de 2.5

micrómetros o menos de diámetro ("PM2.5") y eliminando mercurio y partículas totales en suspensión; reduce las toneladas máximas utilizadas en el cálculo de la cuota para cada contaminante sujeto a cuota; establece que se cobrará una cuota por PM10 o PM2.5, no ambas, dependiendo de cuál tenga la mayor tasa de emisión permitida; aumenta el monto en dólares por tonelada utilizado en el cálculo de la cuota para cada contaminante sujeto a cuota; establece una cuota por pago tardío por no pagar oportunamente las cuotas anuales de emisión; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.71 NMAC se presentará a la Agencia de Protección Ambiental de los Estados Unidos ("EPA" por sus siglas en inglés) como una revisión del Programa de Permisos de Operación Título V de Nuevo México.

Similarmente, 20.2.75 NMAC establece un horario de cuotas de permisos de construcción para avisos de intención, permisos para construir o modificar una fuente, revisiones de permisos de construcción y revisiones técnicas de permisos de construcción existentes bajo 20.2.72 NMAC, Permisos de Construcción, y 20.2.73 NMAC, Requisitos de Aviso de Intención e Inventario de Emisiones. El horario incluye un esquema de puntos basado en la complejidad para varias acciones y un costo por punto, que se multiplica por la suma de todos los puntos aplicables a una acción de permiso determinada para determinar la cuota de permiso requerida. El horario también incluye una cuota anual para fuentes a las que ya se les ha emitido un permiso de construcción. La regla propuesta de sustitición 20.2.75 NMAC revisa el calendario de puntos basado en la complejidad actual, aumentando los puntos para ciertas acciones y agregando puntos para avisos de intención; incrementa el costo por punto utilizado para calcular las cuotas de permisos; aumenta la cuota anual para fuentes que ya han recibido un permiso de construcción e instituye una cuota anual para fuentes que han presentado un aviso de intención; establece una multa por pago tardío de las cuotas anuales; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.75 NMAC será enviada a la EPA como una revisión del Plan de Implementación Estatal de Nuevo México.

La audiencia se llevará a cabo de conformidad con 20.1.1 NMAC, Procedimientos de Reglamentación – Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-9; la Ley de Control de Calidad del Aire, NMSA 1978, Sección 74-2-6; las órdenes emitidas por el oficial de audiencias designado por la EIB; y otros procedimientos aplicables.

PARTICIPACIÓN PÚBLICA: Las audiencias y reuniones de la EIB están abiertas al público y se anima al público en general a participar. Todas las personas interesadas tendrán una oportunidad razonable de participar presentando un aviso de intención de presentar testimonio técnico, presentando un registro de comparecencia o participando como miembros del público. "Testimonio técnico" se refiere a testimonios científicos, de ingeniería, económicos o especializados, pero no incluye argumentos legales, comentarios generales o declaraciones de política o posición sobre los asuntos tratados en la audiencia. "Público en general" incluye a cualquier persona que asista a una audiencia y no haya presentado un aviso de intención de presentar testimonio técnico.

Cualquier miembro del público podrá testificar en la audiencia. Toda persona que preste testimonio en la audiencia estará sujeta a contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten su credibilidad. Toda persona que asista a la audiencia tendrá derecho a realizar el contrainterrogatorio que sea necesario para una divulgación completa y veraz de los asuntos tratados en la audiencia. Todos los testimonios se tomarán bajo juramento o afirmación, que podrá realizarse en masa o de forma individual.

TESTIMONIO TÉCNICO: Cualquier persona que desee presentar testimonio técnico en la audiencia debe presentar un aviso de intención por escrito al Administrador del EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB que Programa la Audiencia, Nombra al Funcionario de la Audiencia y Establece Ciertas Fechas de Presentación (emitida el 23 de Diciembre de 2025), disponible en el sitio web de asuntos archivados de NMED, y deberá ser parte. El aviso de intención deberá: (1) identificar a la persona para la cual testificarán los testigos; (2) identificar a cada testigo técnico que la persona tenga la intención de presentar y declarar las cualificaciones de ese testigo, incluyendo una descripción de su formación educativa y experiencia laboral; (3) si la audiencia se llevará a cabo en múltiples lugares, indicar el o los lugares donde estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada al cambio regulatorio propuesto; y (6) enumerar y adjuntar todos los documentos que se prevé que dicha persona presente en la audiencia, incluida cualquier declaración propuesta de motivos para la adopción de las normas. Cualquier persona que presente un aviso de intención deberá entregar una copia al NMED.

REGISTRO DE COMPARECENCIA: Cualquier persona puede presentar un registro de comparecencia como parte. El registro de comparecencia deberá presentarse ante la administradora de la EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB sobre la Programación de Audiencias, del Funcionario de Audiencias Designado y la Fijación de Determinadas Fechas de Presentación (emitida el 23 de Diciembre de 2025).

COMENTARIOS PÚBLICOS: El público en general podrá testificar mediante comentarios públicos por escrito o de forma oral en la audiencia. Quienes deseen presentar una declaración por escrito para que conste en actas, en lugar de prestar testimonio oral en la audiencia, deberán presentarla antes de la audiencia o durante la misma. Quienes deseen presentar comentarios públicos por escrito antes de la audiencia pueden hacerlo en línea en https://nmed.commentinput.com/?id=t8BRr4m76, envíe por correo electrónico el comentario público por escrito a pamela.jones@env.nm.gov, o envíe un comunicado público por correo postal al Administrador de la EIB, Departamento de Medio Ambiente de Nuevo México – Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Además, cada día de la audiencia se proporcionará oportunidad para que el público general preste testimonio oral. No se requiere aviso previo del público general para presentar testimonio no técnico en la audiencia. El público en general también puede presentar exhibiciones no técnicas en relación con su comentario público por escrito o testimonio oral, siempre que las exhibiciones no sean excesivamente repetitivas del testimonio y cumplan con 20.1.1.402 NMAC. El funcionario de audiencias designado determinará el proceso y los horarios para que el público general preste testimonio durante la audiencia.

ACCESIBILIDAD: Las personas que necesiten servicios de interpretación de idiomas o que tengan alguna discapacidad y requieran un lector, amplificador, intérprete calificado de lenguaje de señas u otra forma de ayuda o servicio auxiliar para asistir o participar en la audiencia deben comunicarse con el Administrador del EIB al menos 14 días antes de la audiencia o lo antes posible al (505) 660-4305 o pamela.jones@env.nm.gov. Para acceder a este número a través de Relay New Mexico marque 711, o llame al (800) 659-8331 (TTY) o al (800) 659-1779 (voz).

AVISO DE NO DISCRIMINACIÓN: El NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigen las leyes y regulaciones aplicables. El NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas sobre los requisitos de no discriminación implementados por 40 CFR Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, en su forma enmendada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas a la Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede comunicarse con: Kate Cardenas, coordinadora de no discriminación, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. Si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede comunicarse con la coordinadora de no discriminación identificada anteriormente o visite https://www.env.nm.gov/non-employee-discrimination-complaint-page/ para aprender cómo y dónde presentar una queja por discriminación.

From: Jones, Pamela, ENV
To: Miller, Ken, ENV
Subject: list
Date: Wednesday, January 14, 2026 3:18:23 PM
Attachments: EIB Mailing List.doc

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De Baca County Commissioners
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Molycorp Inc.
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Questa, NM 87556

Claudia Mitchell, Environmental Specialist
Pueblo of Acoma Environment Dept.
P.O. Box 309
Pueblo of Acoma, NM 87034

From:	Miller, Ken, ENV
To:	lcs@nmlegis.gov
Cc:	Polgar, Brian, ENV; Peters, Eric, ENV; Butt, Neal, ENV; Paz, Armando, ENV
Subject:	New Mexico Environmental Improvement Board Notice of Rulemaking Hearing to Consider the Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees, EIB 25-77 (R)
Date:	Tuesday, January 13, 2026 11:48:37 AM
Attachments:	Hearing_Notice_EIB_25-77_Repeal_and_Replace_Parts_71_and_75_English.pdf Hearing_Notice_EIB_25-77_Repeal_and_Replace_Parts_71_and_75_Spanish.pdf

Good morning,

Pursuant to the State Rules Act (NMSA 1978, § 14-4-5.2(A)), the attached notice is being provided to the New Mexico Legislative Council for distribution to appropriate interim and standing legislative committees. Please let me know if you have any questions regarding this matter.

Thank you,

Ken Miller, P.G. | Environmental Analyst
NMED Air Quality Bureau | www.env.nm.gov/air-quality/
kenneth.miller@env.nm.gov | (505) 629-8673

Science | Innovation | Collaboration | Compliance

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER THE PROPOSED REPEAL AND REPLACEMENT OF 20.2.71 NMAC – OPERATING PERMIT EMISSIONS FEES AND 20.2.75 NMAC – CONSTRUCTION PERMIT FEES, EIB 25-77 (R)

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on March 23, 2026, at 9:00 a.m. to consider EIB 25-77 (R) – In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately three days. The EIB may deliberate and make a decision on the proposed regulatory changes at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person component will be held at the New Mexico State Capitol, 490 Old Santa Fe Trail (alternatively 411 S. State Capital Street), Santa Fe, New Mexico 87501. Hearing details, including the meeting room number and how to participate virtually, will be available on the New Mexico Environment Department ("NMED") events calendar at https://www.env.nm.gov/events-calendar/, under the calendar entry corresponding to the hearing start date. For more information, contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

The purpose of the hearing is for the EIB to consider and take possible action on a petition by NMED requesting that the EIB repeal and replace 20.2.71 NMAC, Operating Permit Emissions Fees, and 20.2.75 NMAC, Construction Permit Fees. The petition, statement of reasons (attached to the petition as Exhibit A), proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC (attached to the petition as Exhibits B and C), and current rules 20.2.71 NMAC and 20.2.75 NMAC with proposed changes shown in redline fashion (attached to the petition as Exhibits D and E) are available on NMED's docketed matters website at https://www.env.nm.gov/opf/docketed-matters/. To access these documents, click on "Environmental Improvement Board" to display the drop-down list of matters before the EIB, then click on "EIB 25-77 (R): In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees" to display the drop-down list of all documents filed in conjunction with this matter. Copies of the petition, statement of reasons, and proposed replacement rules can also be obtained by contacting Eric Peters at (505) 629-5299 or eric.peters@env.nm.gov, or at any of NMED's offices statewide.

The purpose of proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC is to ensure that NMED's emissions and construction permit fees are sufficient to cover the reasonable costs of NMED's Title V Operating Permit Program and Construction Permit Program. The EIB is authorized to adopt the proposed rules pursuant to the Environmental Improvement Act, Section 74-1-8(A)(4), and the Air Quality Control Act, NMSA 1978, Sections 74-2-1 to 17. The schedule of Title V operating permit emissions fees must be consistent with the provisions of Section 502(b)(3) of the 1990 amendments to the federal Clean Air Act, which requires sources that are required to obtain an operating permit to pay fees sufficient to cover all reasonable direct and indirect costs of developing and administering the state's Title V Operating Permit Program. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(7). The schedule of construction permit fees must be sufficient to cover the reasonable costs of reviewing and acting upon any application for such permit and implementing and enforcing the terms and conditions of the permit, excluding any court costs or other costs associated with an enforcement action. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(6).

20.2.71 NMAC establishes a schedule of emissions fees for sources required to obtain a Title V permit under 20.2.70 NMAC, Operating Permits. The schedule specifies the annual emissions fee for each fee pollutant expressed in dollars per ton of allowable emissions. Proposed replacement rule 20.2.71 NMAC revises the current definition of fee pollutant, adding particulate matter 10 micrometers or less in diameter ("PM10") and particulate matter 2.5 micrometers or less in diameter ("PM2.5") and removing mercury and total suspended particulate matter; reduces the maximum tons used in the fee calculation for each fee pollutant; provides that a fee shall be assessed for either PM10 or PM2.5, not both, depending on which has the higher allowable emission rate; increases the dollar per ton amount used in the fee calculation for each fee pollutant; establishes a late fee for failing to timely pay annual emissions fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.71 NMAC will be submitted to the U.S. Environmental Protection Agency ("EPA") as a revision to New Mexico's Title V Operating Permit Program.

Similarly, 20.2.75 NMAC establishes a schedule of construction permit fees for notices of intent, permits to construct or modify a source, construction permit revisions, and technical reviews of existing construction permits under 20.2.72 NMAC, Construction Permits, and 20.2.73 NMAC, Notice of Intent and Emissions Inventory Requirements. The schedule includes a complexity-based points schedule for various actions and a cost per point, which is multiplied by the sum of all the points applicable to a given permitting action to determine the required permit fee. The schedule also includes an annual fee for sources that have already been issued a construction permit. Proposed replacement rule 20.2.75 NMAC revises the current complexity-based points schedule, increasing the points for certain actions and adding points for notices of intent; increases the cost per point used to calculate permit fees; increases the annual fee for sources that have already been issued a construction permit and institutes an annual fee for sources that have filed a notice of intent; establishes a late fee for failing to timely pay annual fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.75 NMAC will be submitted to EPA as a revision to the New Mexico State Implementation Plan.

The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; the Air Quality Control Act, NMSA 1978, Section 74-2-6; orders issued by the hearing officer appointed by the EIB; and other applicable procedures.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

TECHNICAL TESTIMONY: Any person who wishes to present technical testimony at the hearing must file a written notice of intent with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025), available on NMED's docketed matters website, and shall be a party. The notice of intent shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules. Any person who files a notice of intent shall serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025).

PUBLIC COMMENT: The general public may submit a written public comment or testify orally at the hearing. A member of the general public who wishes to submit a written public comment as a statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment online at https://nmed.commentinput.com/?id=t8BRr4m76, email the written public comment to pamela.jones@env.nm.gov, or mail the written public comment to EIB Administrator, New Mexico Environment Department – Harold Runnels Building, P.O. Box 5469, Santa Fe, New Mexico 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required for the general public

to present non-technical testimony at the hearing. The general public may also offer non-technical exhibits in connection with their written public comment or oral testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: Persons requiring language interpretation services or having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact the EIB Administrator at least 14 days prior to the hearing or as soon as possible at (505) 660-4305 or pamela.jones@env.nm.gov. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice).

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 CFR 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: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, New Mexico 87502, (505) 827-2855, nd.coordinator@env.nm.gov. 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 https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

JUNTA DE MEJORA AMBIENTAL DE NUEVO MÉXICO AVISO DE AUDIENCIA DE REGLAMENTACIÓN PARA CONSIDERAR LA PROPUESTA DE DEROGACIÓN Y SUSTITUCIÓN DE 20.2.71 NMAC – CUOTAS DE EMISIONES DE PERMISO DE OPERACIÓN Y 20.2.75 NMAC – CUOTAS DE PERMISO DE CONSTRUCCIÓN, EIB 25-77 (R)

La Junta de Mejora Ambiental de Nuevo México ("EIB" por sus siglas en inglés) llevará a cabo una audiencia pública que comenzará el 23 de Marzo de 2026 a las 9:00a.m. para considerar la EIB 25-77 (R) – En el asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Permiso de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción. La audiencia durará el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos, y se espera que dure aproximadamente tres días. La EIB puede deliberar y podrá tomar una decisión sobre los cambios regulatorios propuestos al concluir la audiencia o puede convocar a una reunión después de la audiencia para considerar medidas sobre la propuesta.

La audiencia se llevará a cabo en un formato híbrido para permitir la participación tanto en persona como virtual. El componente presencial se llevará a cabo en la capital del estado de Nuevo México, 490 Old Santa Fe Trail (alternativamente 411 S. State Capital Street), Sante Fe, Nuevo México 87501. Detalles de la audiencia, incluyendo el numero de la sala de reuniones y cómo participar de forma virtual, estarán disponibles en el Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés) calendario de eventos en https://www.env.nm.gov/events-calendar/, debajo de la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para más información, comuníquese con la administradora de la EIB llamando al (505) 660-4305 o en pamela.jones@env.nm.gov.

El propósito de la audiencia es que la EIB considere y tome las medidas necesarias respecto a la Petición del NMED en la que solicita a la EIB la derogación y sustitución 20.2.71 NMAC, Cuotas de Emisiones de Permiso de Operación, y 20.2.75 NMAC, Cuotas de Permiso de Construcción. La petición, declaración de motivos (adjunto a la petición como Anexo A), normas de reemplazo propuestas 20.2.71 NMAC y 20.2.75 NMAC (adjunto a la petición como Anexos B y C), y las reglas actuales 20.2.71 NMAC 20.2.75 NMAC con los cambios propuestos mostrados en rojo (adjunto a la petición como Anexos D y E) están disponibles en el sito web de asuntos archivados de NMED en https://www.env.nm.gov/opf/docketed-matters/. Para acceder a estos documentos, haga clic en "Junta de Mejora Ambiental" para mostrar la lista desplegable de asuntos ante el EIB, después haga clic en "EIB 25-77 (R): En El Asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción" para mostrar la lista desplegable de todos los documentos presentados en relación con este asunto. Copias de la petición, declaración de motivos, las normas de sustitución también se pueden obtener contactando Eric Peters al (505) 629-5299 o eric.peters@env.nm.gov, o en todas las oficinas del NMED en todo el estado.

El propósito de las reglas de sustitución 20.2.71 NMAC y 20.2.75 NMAC es para asegurar que las emisiones y las cuotas de permiso de construcción del NMED son suficiente para cubrir los costos razonables del Programa de Permisos de Operación Titulo V y del Programa de Permisos de Construcción de NMED. La EIB está autorizada a adoptar las normas propuestas de conformidad con la Ley de Mejora Ambiental, Sección 74-1-8(A)(4), y la Ley de Control de la Calidad del Aire, NMSA 1978, Secciones 74-2-1 a 17. El horario de cuotas por emisiones de los permisos de operación del Titulo V debe ser coherente con las disposiciones de la Sección 502(b)(3) de las enmiendas de 1990 a la Ley Federal de Aire Limpio, esto exige que las fuentes que requieren un permiso de operación paguen cuotas suficientes para cubrir todos los costos directos e indirectos razonables del desarrollo y la administración del programa estatal de permisos de operación conforme al Titulo V. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7 (B)(7). El horario de las cuotas de permiso de construcción debe ser suficientes para cubrir los costos razonables de revisión y tramitación de cualquier solicitud de dicho permiso, así como la implementación y el cumplimiento de los términos y condiciones del permiso, excluyendo los gastos judiciales u otros gastos asociados a una acción coercitiva. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7(B)(6).

20.2.71 NMAC establece un horario de cuotas por emisiones para las fuentes que deben obtener un permiso de conformidad con el Titulo V, según lo estipulado en la norma 20.2.70 de NMAC, Permisos de Operación. El horario especifica la cuota anual por emisiones para cada contaminante sujeto a pago, expresada en dólares por tonelada de emisiones permitidas. La regla de sustitución 20.2.71 NMAC revisa la definición actual de contaminante sujeto a cuota, agregando materia particulada de 10 micrómetros o menos de diámetro ("PM10") y materia particulada de 2.5

micrómetros o menos de diámetro ("PM2.5") y eliminando mercurio y partículas totales en suspensión; reduce las toneladas máximas utilizadas en el cálculo de la cuota para cada contaminante sujeto a cuota; establece que se cobrará una cuota por PM10 o PM2.5, no ambas, dependiendo de cuál tenga la mayor tasa de emisión permitida; aumenta el monto en dólares por tonelada utilizado en el cálculo de la cuota para cada contaminante sujeto a cuota; establece una cuota por pago tardío por no pagar oportunamente las cuotas anuales de emisión; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.71 NMAC se presentará a la Agencia de Protección Ambiental de los Estados Unidos ("EPA" por sus siglas en inglés) como una revisión del Programa de Permisos de Operación Título V de Nuevo México.

Similarmente, 20.2.75 NMAC establece un horario de cuotas de permisos de construcción para avisos de intención, permisos para construir o modificar una fuente, revisiones de permisos de construcción y revisiones técnicas de permisos de construcción existentes bajo 20.2.72 NMAC, Permisos de Construcción, y 20.2.73 NMAC, Requisitos de Aviso de Intención e Inventario de Emisiones. El horario incluye un esquema de puntos basado en la complejidad para varias acciones y un costo por punto, que se multiplica por la suma de todos los puntos aplicables a una acción de permiso determinada para determinar la cuota de permiso requerida. El horario también incluye una cuota anual para fuentes a las que ya se les ha emitido un permiso de construcción. La regla propuesta de sustitición 20.2.75 NMAC revisa el calendario de puntos basado en la complejidad actual, aumentando los puntos para ciertas acciones y agregando puntos para avisos de intención; incrementa el costo por punto utilizado para calcular las cuotas de permisos; aumenta la cuota anual para fuentes que ya han recibido un permiso de construcción e instituye una cuota anual para fuentes que han presentado un aviso de intención; establece una multa por pago tardío de las cuotas anuales; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.75 NMAC será enviada a la EPA como una revisión del Plan de Implementación Estatal de Nuevo México.

La audiencia se llevará a cabo de conformidad con 20.1.1 NMAC, Procedimientos de Reglamentación – Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-9; la Ley de Control de Calidad del Aire, NMSA 1978, Sección 74-2-6; las órdenes emitidas por el oficial de audiencias designado por la EIB; y otros procedimientos aplicables.

PARTICIPACIÓN PÚBLICA: Las audiencias y reuniones de la EIB están abiertas al público y se anima al público en general a participar. Todas las personas interesadas tendrán una oportunidad razonable de participar presentando un aviso de intención de presentar testimonio técnico, presentando un registro de comparecencia o participando como miembros del público. "Testimonio técnico" se refiere a testimonios científicos, de ingeniería, económicos o especializados, pero no incluye argumentos legales, comentarios generales o declaraciones de política o posición sobre los asuntos tratados en la audiencia. "Público en general" incluye a cualquier persona que asista a una audiencia y no haya presentado un aviso de intención de presentar testimonio técnico.

Cualquier miembro del público podrá testificar en la audiencia. Toda persona que preste testimonio en la audiencia estará sujeta a contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten su credibilidad. Toda persona que asista a la audiencia tendrá derecho a realizar el contrainterrogatorio que sea necesario para una divulgación completa y veraz de los asuntos tratados en la audiencia. Todos los testimonios se tomarán bajo juramento o afirmación, que podrá realizarse en masa o de forma individual.

TESTIMONIO TÉCNICO: Cualquier persona que desee presentar testimonio técnico en la audiencia debe presentar un aviso de intención por escrito al Administrador del EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB que Programa la Audiencia, Nombra al Funcionario de la Audiencia y Establece Ciertas Fechas de Presentación (emitida el 23 de Diciembre de 2025), disponible en el sitio web de asuntos archivados de NMED, y deberá ser parte. El aviso de intención deberá: (1) identificar a la persona para la cual testificarán los testigos; (2) identificar a cada testigo técnico que la persona tenga la intención de presentar y declarar las cualificaciones de ese testigo, incluyendo una descripción de su formación educativa y experiencia laboral; (3) si la audiencia se llevará a cabo en múltiples lugares, indicar el o los lugares donde estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada al cambio regulatorio propuesto; y (6) enumerar y adjuntar todos los documentos que se prevé que dicha persona presente en la audiencia, incluida cualquier declaración propuesta de motivos para la adopción de las normas. Cualquier persona que presente un aviso de intención deberá entregar una copia al NMED.

REGISTRO DE COMPARECENCIA: Cualquier persona puede presentar un registro de comparecencia como parte. El registro de comparecencia deberá presentarse ante la administradora de la EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB sobre la Programación de Audiencias, del Funcionario de Audiencias Designado y la Fijación de Determinadas Fechas de Presentación (emitida el 23 de Diciembre de 2025).

COMENTARIOS PÚBLICOS: El público en general podrá testificar mediante comentarios públicos por escrito o de forma oral en la audiencia. Quienes deseen presentar una declaración por escrito para que conste en actas, en lugar de prestar testimonio oral en la audiencia, deberán presentarla antes de la audiencia o durante la misma. Quienes deseen presentar comentarios públicos por escrito antes de la audiencia pueden hacerlo en línea en https://nmed.commentinput.com/?id=t8BRr4m76, envíe por correo electrónico el comentario público por escrito a pamela.jones@env.nm.gov, o envíe un comunicado público por correo postal al Administrador de la EIB, Departamento de Medio Ambiente de Nuevo México – Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Además, cada día de la audiencia se proporcionará oportunidad para que el público general preste testimonio oral. No se requiere aviso previo del público general para presentar testimonio no técnico en la audiencia. El público en general también puede presentar exhibiciones no técnicas en relación con su comentario público por escrito o testimonio oral, siempre que las exhibiciones no sean excesivamente repetitivas del testimonio y cumplan con 20.1.1.402 NMAC. El funcionario de audiencias designado determinará el proceso y los horarios para que el público general preste testimonio durante la audiencia.

ACCESIBILIDAD: Las personas que necesiten servicios de interpretación de idiomas o que tengan alguna discapacidad y requieran un lector, amplificador, intérprete calificado de lenguaje de señas u otra forma de ayuda o servicio auxiliar para asistir o participar en la audiencia deben comunicarse con el Administrador del EIB al menos 14 días antes de la audiencia o lo antes posible al (505) 660-4305 o pamela.jones@env.nm.gov. Para acceder a este número a través de Relay New Mexico marque 711, o llame al (800) 659-8331 (TTY) o al (800) 659-1779 (voz).

AVISO DE NO DISCRIMINACIÓN: El NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigen las leyes y regulaciones aplicables. El NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas sobre los requisitos de no discriminación implementados por 40 CFR Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, en su forma enmendada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas a la Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede comunicarse con: Kate Cardenas, coordinadora de no discriminación, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. Si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede comunicarse con la coordinadora de no discriminación identificada anteriormente o visite https://www.env.nm.gov/non-employee-discrimination-complaint-page/ para aprender cómo y dónde presentar una queja por discriminación.

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Public Involvement Plan

New Mexico Environment Department

Air Quality Bureau, Planning Section

Project: Operating (Part 71) and Construction (Part 75) Fees Rule Revision

Planning timeframe: December 2025 – May 2026

Project Planners: Ken Miller and Armando Paz

Approval: DocuSigned by: Cindy Hollenberg 8C5B75B327A8482... _____ Date: 1/12/2026

Cindy Hollenberg, Chief, Air Quality Bureau

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Purpose

The New Mexico Environment Department ("NMED" or "Department") developed this Public Involvement Plan ("Plan") to provide public participation opportunities and information that may be needed to participate in the operating and construction fees rule revision project. The operating and construction fees rule revision project is being undertaken pursuant to the Clean Air Act, 40 CFR Part 70, which requires NMED to periodically assess the operating and construction fee schedules to determine whether they are reasonable in sustaining the permit program's administrative and operational duties under Parts 71 and 75, respectively.

The Air Quality Bureau ("AQB" or "Bureau") has developed this Plan to increase transparency regarding the planning and decision-making processes. This Plan integrates information about potentially affected communities and identifies resources needed by the Bureau to successfully incorporate community participation activities into the decision-making process. The Plan identifies the NMED staff and resources needed to accomplish these activities.

In developing this Plan, community participation needs were assessed to ensure appropriate promotion of public outreach, by identifying whether there is a combination of environmental and demographic factors (e.g., low-income community, minority community, limited English proficient individuals, linguistically isolated households, etc.) that may impact public participation. This assessment identifies community outreach needs, provides for public access opportunities beyond statutory requirements, and supports the provision of adequate public access to information about the operating and construction fees rule revision project.

The operating and construction fees rule revision project may require public participation throughout different stages of planning and decision-making. The Bureau will follow this Plan, designed to ensure nondiscriminatory access to all applicable public participation opportunities related to policy, regulatory actions and statutory requirements.

Project Overview

The operating and construction fees rule revision project is being undertaken pursuant to Clean Air Act ("CAA"), 40 CFR Part 70, which requires the Department to assess fees to determine if the revenue will be sufficient to sustain projected expenditures to successfully implement the permit programs administrative and operational obligations under Parts 71 and 75, respectively.

The operating and construction fees rule revision project is a planning effort, beginning in December 2025 and continuing through May 2026 when the final SIP revision will be submitted to EPA for construction fees. Outreach efforts will include opportunity to comment on documentation required by EPA and public hearings to incorporate those documents into the New Mexico SIP for construction fees.

Contacts

The following are the contacts for this action. These contacts will be included in public notices and outreach materials.

Project and Public Involvement Plan contacts:

NMED Exhibit 44_000002

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Ken Miller
Air Quality Bureau
8801 Horizon Blvd.
Albuquerque, NM 87113
(505) 629-8673
kenneth.miller@env.nm.gov

Armando Paz
Air Quality Bureau
2301 Entrada del Sol
Las Cruces, NM 88001
(505) 629-3242
armando.paz@env.nm.gov

Website:

Outreach materials and notices will include links to the following website:

https://www.env.nm.gov/air-quality/proposed-regs/#fees

Non-English Language Speaker Assistance and Accommodations:

The Bureau will provide Spanish interpretation services upon request at all public meetings, including public hearings, and will also include information in public notices about how persons may request interpretation services, as well as, accommodations for persons with disabilities. If any person requires an auxiliary aid (e.g., accommodations for persons who are disabled) to participate in any aspect of the Initiative, they may contact one of the project contacts above, preferably 14 days prior to the end of any given public comment period. TDD or TTY users may access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users, 1-800-659-8331.

Community Description / LEP Analysis

To address potential or existing environmental justice areas, Bureau staff completed an initial screening of the potentially affected communities, using the US Census Bureau website as a data resource. This resource helps identify communities with demographic factors which may benefit from a variety of approaches for notification and outreach communication.

Table 1, below, summarizes the demographics of potentially affected communities analyzed using the five-year American Community Survey US Census Bureau website data, including the proportion of limited English proficiency individuals.

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Table 1: Potentially affected communities and their estimated demographics. Statistics are derived from American Community Survey reports (2019-2023) via the US Census Bureau Data Website.

Potentially Affected Communities	Total number of households	Per capita income	Minority population (%)	Linguistically Isolated Households* (%)	Predominant Language in Linguistically Isolated Households	LEP Individuals† (%)
USA	127,482,865	$43,289	41.8%	4.2%	Spanish	8.4%
New Mexico	825,021	$34,823	63.5%	5.2%	Spanish	8.7%

* Linguistically Isolated Households are those in which no one 14 and over speaks English "very well," or speaks English only.
† Limited English Proficient Individuals are those that speak a language other than English at home **and** who speak English "less than very well."

The results of this screening suggest that attention should be paid to the linguistic and logistical needs of the low income, minority, linguistically isolated and limited English proficiency populations in New Mexico. The results of the initial screening indicate that the per capita income is approximately 80 percent the U.S. mean per capita income and minority populations represent the majority of residents. In addition, New Mexico has a comparable percentage of linguistically isolated households, of which all speak Spanish, and a correspondingly high percentage of limited English proficient individuals, relative to the U.S. average.

Historically, participation by LEP individuals in New Mexico-led permit hearings has been frequent and is very important for the Bureau to incorporate the linguistic and communication needs of these communities when conducting public outreach and participation activities, to foster and support further participation by these communities.

An additional consideration is the low per capita income. The Bureau will consider transportation needs and typical work schedule issues when arranging public meetings and public hearings.

To help accomplish this, the Bureau will translate all public notices into Spanish. Spanish interpretation services will be provided upon request at all public meetings and public hearings. The following are average costs associated with various services:

Costs associated with translation: $1,000
Costs associated with providing a translator: $2,500-5,000, depending on the length of the proceeding
Costs for a court reporter: $2,000

The Bureau strives to make public participation efforts as inclusive as possible within budget and time limitations. The Department will use in-house translation and interpretation services whenever possible; however, contracted services may sometimes be necessary. Further, the Bureau will strive to schedule public meetings and public hearings during non-work hours when possible.

The operating and construction fees rule revision project is very important to the State, local governments, and industry. Increased fees will reasonably economically impact the stationary sources of air pollution. The operating and construction fees rule revision project is important to the Department to not only meet federal requirements, but also to carry out its mission of protecting the air quality for

NMED Exhibit 44_000004

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the residents of New Mexico. Neighborhood residents and environmental organizations should view this planning effort as important for protecting their health as well.

Details of Outreach Activities

Based on the demographics outlined above, the history of public involvement for related projects, and projected impacts to potentially affected communities, the Bureau will provide important documents and public notices in Spanish as well as English. All notices will include information on how to request other communication assistance through NMED.

The following table offers information on how the public will be invited to participate in this project. In-person hybrid virtual meetings and hearings will be utilized to facilitate public engagement.

Table 2: Timeline of initial public involvement opportunities. Note that dates may be approximate. Notices will contain final dates, and specific locations and times. Following the initial planning period, a second, similar timeline will be added for the final SIP revisions.

Date(s)	Activity	Venue / Location	Time	Language service
Dec 23, 2025	Email announcing public informational meetings on Parts 71 & 75	AQB ListServs	n/a	English and Spanish
Jan 8, 2026	Email providing links to public informational meetings on Parts 71 & 75	AQB Listservs	n/a	English and Spanish
Jan 15 & 22, 2026	Public informational meetings on Parts 71 & 75	Webex virtual meeting platform	1/15/26 4- 6 PM – 1/22/26 6-8 PM	English with Spanish interpretive services upon request
Jan 11-13, 2026	Public notice of rulemaking hearing (Parts 71 & 75)	Albuquerque Journal, Carlsbad Current Argus, New Mexico Register, Tri-City Record	n/a	English and Spanish
Jan 13, 2026	Email providing public notice of rulemaking hearing (Parts 71 & 75)	AQB ListServs	n/a	English and Spanish
March 23, 2026	Public Hearing before the Environmental Improvement Board	Hybrid in-person/virtual hearing	9:00 AM	English with Spanish interpretive services

NMED Exhibit 44_000005

Public notices and outreach materials will direct the public that they can receive email updates through NMED's listserv by signing up electronically at https://public.govdelivery.com/accounts/NMED/subscriber/new, then choosing which topics they are most interested in. This project will periodically send updates to the AQB *Regulatory and SIP Announcements* listservs and other AQB listservs.

The following web sites provide access to the official notices electronically, per the publication outlets described above:

Albuquerque Journal
https://www.abqjournal.com/

Carlsbad Current Argus
https://www.currentargus.com/

New Mexico Register
https://www.srca.nm.gov/nmac-home/new-mexico-register/

Tri-City Record
https://www.tricityrecordnm.com/

Notices will be sent to the 23 active land grants listed below:

- Abiquiu
- Anton Chico
- Atrisco
- Cañon de Camué
- Cebolleta
- Chililí
- Cristóbal de la Serna
- Cubero
- Don Fernando de Taos
- Juan Bautista Baldez
- Manzano
- San Antonio de Las Huertas
- San Antonio del Rio Colorado
- San Joaquín del Rio de Chama
- San Miguel del Bado
- Santa Barbara
- Santo Domingo de Cundiyó
- Santo Tomas Apóstol del Río de Trampas
- Tajiqu
- Tecolote
- Tierra Amarillia
- Town of Tomé
- Town of Torreón

Notices will be sent to the five Council of Governments (COGs) and two Economic Development Districts listed below:

- Northwest NM COGs
- North Central NM Economic Development District
- Mid-Region COGs
- Eastern Plains COGs
- Southwest NM COGs

- Southeastern NM Economic Development District
- South Central COGs

Notices will be sent to the 25 Pueblos, Nations, and Tribes listed below:

- Acoma
- Cochiti
- Isleta
- Jemez
- Laguna
- Nambe
- Ohkay Owingeh (San Juan)
- Picuris
- Pojoaque
- San Felipe
- San Ildefonso
- Sandia
- Santa Ana
- Santa Clara
- Kewa (Santo Domingo)
- Taos
- Tesuque
- Zia
- Zuni
- Ysleta del Sur
- Navajo Nation
- Navajo Nation Council
- Jicarilla Apache
- Mescalero Apache
- Fort Sill Apache

Document Repositories

The following is a list of locations where copies of relevant documents will be available to the community. Public notices and outreach materials will inform the public of these locations, as appropriate:

NMED District I Field Office – Albuquerque
121 Tijeras Ave. NE
STE 1000
Albuquerque, NM 87102-3400
Phone (505) 222-9500

Air Quality Bureau (in District II)
525 Camino de los Marquez
Santa Fe, New Mexico 87505
(505) 476-4300

NMED District III Field Office – Las Cruces
2301 Entrada del Sol
Las Cruces, NM 88001
(575) 288-2050

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/proposed-regs/#fees

From:	Miller, Ken, ENV
To:	nmlandgrantcouncil@unm.edu
Cc:	Polgar, Brian, ENV; Peters, Eric, ENV; Butt, Neal, ENV; Paz, Armando, ENV
Subject:	New Mexico Environmental Improvement Board Notice of Rulemaking Hearing to Consider the Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees, EIB 25-77 (R)
Date:	Tuesday, January 13, 2026 1:56:11 PM
Attachments:	Hearing_Notice_EIB_25-77_Repeal_and_Replace_Parts_71_and_75_English.pdf Hearing_Notice_EIB_25-77_Repeal_and_Replace_Parts_71_and_75_Spanish.pdf

Good afternoon,

The attached notice is being provided to the New Mexico Land Grant Council for distribution to the representatives of all active land grants in New Mexico. Please let me know if you have any questions regarding this matter.

Thank you,

Ken Miller, P.G. | Environmental Analyst
NMED Air Quality Bureau | www.env.nm.gov/air-quality/
kenneth.miller@env.nm.gov | (505) 629-8673

Science | Innovation | Collaboration | Compliance

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER THE PROPOSED REPEAL AND REPLACEMENT OF 20.2.71 NMAC – OPERATING PERMIT EMISSIONS FEES AND 20.2.75 NMAC – CONSTRUCTION PERMIT FEES, EIB 25-77 (R)

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on March 23, 2026, at 9:00 a.m. to consider EIB 25-77 (R) – In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately three days. The EIB may deliberate and make a decision on the proposed regulatory changes at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person component will be held at the New Mexico State Capitol, 490 Old Santa Fe Trail (alternatively 411 S. State Capital Street), Santa Fe, New Mexico 87501. Hearing details, including the meeting room number and how to participate virtually, will be available on the New Mexico Environment Department ("NMED") events calendar at https://www.env.nm.gov/events-calendar/, under the calendar entry corresponding to the hearing start date. For more information, contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

The purpose of the hearing is for the EIB to consider and take possible action on a petition by NMED requesting that the EIB repeal and replace 20.2.71 NMAC, Operating Permit Emissions Fees, and 20.2.75 NMAC, Construction Permit Fees. The petition, statement of reasons (attached to the petition as Exhibit A), proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC (attached to the petition as Exhibits B and C), and current rules 20.2.71 NMAC and 20.2.75 NMAC with proposed changes shown in redline fashion (attached to the petition as Exhibits D and E) are available on NMED's docketed matters website at https://www.env.nm.gov/opf/docketed-matters/. To access these documents, click on "Environmental Improvement Board" to display the drop-down list of matters before the EIB, then click on "EIB 25-77 (R): In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees" to display the drop-down list of all documents filed in conjunction with this matter. Copies of the petition, statement of reasons, and proposed replacement rules can also be obtained by contacting Eric Peters at (505) 629-5299 or eric.peters@env.nm.gov, or at any of NMED's offices statewide.

The purpose of proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC is to ensure that NMED's emissions and construction permit fees are sufficient to cover the reasonable costs of NMED's Title V Operating Permit Program and Construction Permit Program. The EIB is authorized to adopt the proposed rules pursuant to the Environmental Improvement Act, Section 74-1-8(A)(4), and the Air Quality Control Act, NMSA 1978, Sections 74-2-1 to 17. The schedule of Title V operating permit emissions fees must be consistent with the provisions of Section 502(b)(3) of the 1990 amendments to the federal Clean Air Act, which requires sources that are required to obtain an operating permit to pay fees sufficient to cover all reasonable direct and indirect costs of developing and administering the state's Title V Operating Permit Program. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(7). The schedule of construction permit fees must be sufficient to cover the reasonable costs of reviewing and acting upon any application for such permit and implementing and enforcing the terms and conditions of the permit, excluding any court costs or other costs associated with an enforcement action. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(6).

20.2.71 NMAC establishes a schedule of emissions fees for sources required to obtain a Title V permit under 20.2.70 NMAC, Operating Permits. The schedule specifies the annual emissions fee for each fee pollutant expressed in dollars per ton of allowable emissions. Proposed replacement rule 20.2.71 NMAC revises the current definition of fee pollutant, adding particulate matter 10 micrometers or less in diameter ("PM10") and particulate matter 2.5 micrometers or less in diameter ("PM2.5") and removing mercury and total suspended particulate matter; reduces the maximum tons used in the fee calculation for each fee pollutant; provides that a fee shall be assessed for either PM10 or PM2.5, not both, depending on which has the higher allowable emission rate; increases the dollar per ton amount used in the fee calculation for each fee pollutant; establishes a late fee for failing to timely pay annual emissions fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.71 NMAC will be submitted to the U.S. Environmental Protection Agency ("EPA") as a revision to New Mexico's Title V Operating Permit Program.

Similarly, 20.2.75 NMAC establishes a schedule of construction permit fees for notices of intent, permits to construct or modify a source, construction permit revisions, and technical reviews of existing construction permits under 20.2.72 NMAC, Construction Permits, and 20.2.73 NMAC, Notice of Intent and Emissions Inventory Requirements. The schedule includes a complexity-based points schedule for various actions and a cost per point, which is multiplied by the sum of all the points applicable to a given permitting action to determine the required permit fee. The schedule also includes an annual fee for sources that have already been issued a construction permit. Proposed replacement rule 20.2.75 NMAC revises the current complexity-based points schedule, increasing the points for certain actions and adding points for notices of intent; increases the cost per point used to calculate permit fees; increases the annual fee for sources that have already been issued a construction permit and institutes an annual fee for sources that have filed a notice of intent; establishes a late fee for failing to timely pay annual fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.75 NMAC will be submitted to EPA as a revision to the New Mexico State Implementation Plan.

The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; the Air Quality Control Act, NMSA 1978, Section 74-2-6; orders issued by the hearing officer appointed by the EIB; and other applicable procedures.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

TECHNICAL TESTIMONY: Any person who wishes to present technical testimony at the hearing must file a written notice of intent with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025), available on NMED's docketed matters website, and shall be a party. The notice of intent shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules. Any person who files a notice of intent shall serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025).

PUBLIC COMMENT: The general public may submit a written public comment or testify orally at the hearing. A member of the general public who wishes to submit a written public comment as a statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment online at https://nmed.commentinput.com/?id=t8BRr4m76, email the written public comment to pamela.jones@env.nm.gov, or mail the written public comment to EIB Administrator, New Mexico Environment Department – Harold Runnels Building, P.O. Box 5469, Santa Fe, New Mexico 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required for the general public

to present non-technical testimony at the hearing. The general public may also offer non-technical exhibits in connection with their written public comment or oral testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: Persons requiring language interpretation services or having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact the EIB Administrator at least 14 days prior to the hearing or as soon as possible at (505) 660-4305 or pamela.jones@env.nm.gov. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice).

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 CFR 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: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, New Mexico 87502, (505) 827-2855, nd.coordinator@env.nm.gov. 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 https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

JUNTA DE MEJORA AMBIENTAL DE NUEVO MÉXICO AVISO DE AUDIENCIA DE REGLAMENTACIÓN PARA CONSIDERAR LA PROPUESTA DE DEROGACIÓN Y SUSTITUCIÓN DE 20.2.71 NMAC – CUOTAS DE EMISIONES DE PERMISO DE OPERACIÓN Y 20.2.75 NMAC – CUOTAS DE PERMISO DE CONSTRUCCIÓN, EIB 25-77 (R)

La Junta de Mejora Ambiental de Nuevo México ("EIB" por sus siglas en inglés) llevará a cabo una audiencia pública que comenzará el 23 de Marzo de 2026 a las 9:00a.m. para considerar la EIB 25-77 (R) – En el asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Permiso de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción. La audiencia durará el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos, y se espera que dure aproximadamente tres días. La EIB puede deliberar y podrá tomar una decisión sobre los cambios regulatorios propuestos al concluir la audiencia o puede convocar a una reunión después de la audiencia para considerar medidas sobre la propuesta.

La audiencia se llevará a cabo en un formato híbrido para permitir la participación tanto en persona como virtual. El componente presencial se llevará a cabo en la capital del estado de Nuevo México, 490 Old Santa Fe Trail (alternativamente 411 S. State Capital Street), Sante Fe, Nuevo México 87501. Detalles de la audiencia, incluyendo el numero de la sala de reuniones y cómo participar de forma virtual, estarán disponibles en el Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés) calendario de eventos en https://www.env.nm.gov/events-calendar/, debajo de la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para más información, comuníquese con la administradora de la EIB llamando al (505) 660-4305 o en pamela.jones@env.nm.gov.

El propósito de la audiencia es que la EIB considere y tome las medidas necesarias respecto a la Petición del NMED en la que solicita a la EIB la derogación y sustitución 20.2.71 NMAC, Cuotas de Emisiones de Permiso de Operación, y 20.2.75 NMAC, Cuotas de Permiso de Construcción. La petición, declaración de motivos (adjunto a la petición como Anexo A), normas de reemplazo propuestas 20.2.71 NMAC y 20.2.75 NMAC (adjunto a la petición como Anexos B y C), y las reglas actuales 20.2.71 NMAC 20.2.75 NMAC con los cambios propuestos mostrados en rojo (adjunto a la petición como Anexos D y E) están disponibles en el sito web de asuntos archivados de NMED en https://www.env.nm.gov/opf/docketed-matters/. Para acceder a estos documentos, haga clic en "Junta de Mejora Ambiental" para mostrar la lista desplegable de asuntos ante el EIB, después haga clic en "EIB 25-77 (R): En El Asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción" para mostrar la lista desplegable de todos los documentos presentados en relación con este asunto. Copias de la petición, declaración de motivos, las normas de sustitución también se pueden obtener contactando Eric Peters al (505) 629-5299 o eric.peters@env.nm.gov, o en todas las oficinas del NMED en todo el estado.

El propósito de las reglas de sustitución 20.2.71 NMAC y 20.2.75 NMAC es para asegurar que las emisiones y las cuotas de permiso de construcción del NMED son suficiente para cubrir los costos razonables del Programa de Permisos de Operación Titulo V y del Programa de Permisos de Construcción de NMED. La EIB está autorizada a adoptar las normas propuestas de conformidad con la Ley de Mejora Ambiental, Sección 74-1-8(A)(4), y la Ley de Control de la Calidad del Aire, NMSA 1978, Secciones 74-2-1 a 17. El horario de cuotas por emisiones de los permisos de operación del Titulo V debe ser coherente con las disposiciones de la Sección 502(b)(3) de las enmiendas de 1990 a la Ley Federal de Aire Limpio, esto exige que las fuentes que requieren un permiso de operación paguen cuotas suficientes para cubrir todos los costos directos e indirectos razonables del desarrollo y la administración del programa estatal de permisos de operación conforme al Titulo V. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7 (B)(7). El horario de las cuotas de permiso de construcción debe ser suficientes para cubrir los costos razonables de revisión y tramitación de cualquier solicitud de dicho permiso, así como la implementación y el cumplimiento de los términos y condiciones del permiso, excluyendo los gastos judiciales u otros gastos asociados a una acción coercitiva. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7(B)(6).

20.2.71 NMAC establece un horario de cuotas por emisiones para las fuentes que deben obtener un permiso de conformidad con el Titulo V, según lo estipulado en la norma 20.2.70 de NMAC, Permisos de Operación. El horario especifica la cuota anual por emisiones para cada contaminante sujeto a pago, expresada en dólares por tonelada de emisiones permitidas. La regla de sustitución 20.2.71 NMAC revisa la definición actual de contaminante sujeto a cuota, agregando materia particulada de 10 micrómetros o menos de diámetro ("PM10") y materia particulada de 2.5

micrómetros o menos de diámetro ("PM2.5") y eliminando mercurio y partículas totales en suspensión; reduce las toneladas máximas utilizadas en el cálculo de la cuota para cada contaminante sujeto a cuota; establece que se cobrará una cuota por PM10 o PM2.5, no ambas, dependiendo de cuál tenga la mayor tasa de emisión permitida; aumenta el monto en dólares por tonelada utilizado en el cálculo de la cuota para cada contaminante sujeto a cuota; establece una cuota por pago tardío por no pagar oportunamente las cuotas anuales de emisión; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.71 NMAC se presentará a la Agencia de Protección Ambiental de los Estados Unidos ("EPA" por sus siglas en inglés) como una revisión del Programa de Permisos de Operación Título V de Nuevo México.

Similarmente, 20.2.75 NMAC establece un horario de cuotas de permisos de construcción para avisos de intención, permisos para construir o modificar una fuente, revisiones de permisos de construcción y revisiones técnicas de permisos de construcción existentes bajo 20.2.72 NMAC, Permisos de Construcción, y 20.2.73 NMAC, Requisitos de Aviso de Intención e Inventario de Emisiones. El horario incluye un esquema de puntos basado en la complejidad para varias acciones y un costo por punto, que se multiplica por la suma de todos los puntos aplicables a una acción de permiso determinada para determinar la cuota de permiso requerida. El horario también incluye una cuota anual para fuentes a las que ya se les ha emitido un permiso de construcción. La regla propuesta de sustitición 20.2.75 NMAC revisa el calendario de puntos basado en la complejidad actual, aumentando los puntos para ciertas acciones y agregando puntos para avisos de intención; incrementa el costo por punto utilizado para calcular las cuotas de permisos; aumenta la cuota anual para fuentes que ya han recibido un permiso de construcción e instituye una cuota anual para fuentes que han presentado un aviso de intención; establece una multa por pago tardío de las cuotas anuales; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.75 NMAC será enviada a la EPA como una revisión del Plan de Implementación Estatal de Nuevo México.

La audiencia se llevará a cabo de conformidad con 20.1.1 NMAC, Procedimientos de Reglamentación – Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-9; la Ley de Control de Calidad del Aire, NMSA 1978, Sección 74-2-6; las órdenes emitidas por el oficial de audiencias designado por la EIB; y otros procedimientos aplicables.

PARTICIPACIÓN PÚBLICA: Las audiencias y reuniones de la EIB están abiertas al público y se anima al público en general a participar. Todas las personas interesadas tendrán una oportunidad razonable de participar presentando un aviso de intención de presentar testimonio técnico, presentando un registro de comparecencia o participando como miembros del público. "Testimonio técnico" se refiere a testimonios científicos, de ingeniería, económicos o especializados, pero no incluye argumentos legales, comentarios generales o declaraciones de política o posición sobre los asuntos tratados en la audiencia. "Público en general" incluye a cualquier persona que asista a una audiencia y no haya presentado un aviso de intención de presentar testimonio técnico.

Cualquier miembro del público podrá testificar en la audiencia. Toda persona que preste testimonio en la audiencia estará sujeta a contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten su credibilidad. Toda persona que asista a la audiencia tendrá derecho a realizar el contrainterrogatorio que sea necesario para una divulgación completa y veraz de los asuntos tratados en la audiencia. Todos los testimonios se tomarán bajo juramento o afirmación, que podrá realizarse en masa o de forma individual.

TESTIMONIO TÉCNICO: Cualquier persona que desee presentar testimonio técnico en la audiencia debe presentar un aviso de intención por escrito al Administrador del EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB que Programa la Audiencia, Nombra al Funcionario de la Audiencia y Establece Ciertas Fechas de Presentación (emitida el 23 de Diciembre de 2025), disponible en el sitio web de asuntos archivados de NMED, y deberá ser parte. El aviso de intención deberá: (1) identificar a la persona para la cual testificarán los testigos; (2) identificar a cada testigo técnico que la persona tenga la intención de presentar y declarar las cualificaciones de ese testigo, incluyendo una descripción de su formación educativa y experiencia laboral; (3) si la audiencia se llevará a cabo en múltiples lugares, indicar el o los lugares donde estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada al cambio regulatorio propuesto; y (6) enumerar y adjuntar todos los documentos que se prevé que dicha persona presente en la audiencia, incluida cualquier declaración propuesta de motivos para la adopción de las normas. Cualquier persona que presente un aviso de intención deberá entregar una copia al NMED.

REGISTRO DE COMPARECENCIA: Cualquier persona puede presentar un registro de comparecencia como parte. El registro de comparecencia deberá presentarse ante la administradora de la EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB sobre la Programación de Audiencias, del Funcionario de Audiencias Designado y la Fijación de Determinadas Fechas de Presentación (emitida el 23 de Diciembre de 2025).

COMENTARIOS PÚBLICOS: El público en general podrá testificar mediante comentarios públicos por escrito o de forma oral en la audiencia. Quienes deseen presentar una declaración por escrito para que conste en actas, en lugar de prestar testimonio oral en la audiencia, deberán presentarla antes de la audiencia o durante la misma. Quienes deseen presentar comentarios públicos por escrito antes de la audiencia pueden hacerlo en línea en https://nmed.commentinput.com/?id=t8BRr4m76, envíe por correo electrónico el comentario público por escrito a pamela.jones@env.nm.gov, o envíe un comunicado público por correo postal al Administrador de la EIB, Departamento de Medio Ambiente de Nuevo México – Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Además, cada día de la audiencia se proporcionará oportunidad para que el público general preste testimonio oral. No se requiere aviso previo del público general para presentar testimonio no técnico en la audiencia. El público en general también puede presentar exhibiciones no técnicas en relación con su comentario público por escrito o testimonio oral, siempre que las exhibiciones no sean excesivamente repetitivas del testimonio y cumplan con 20.1.1.402 NMAC. El funcionario de audiencias designado determinará el proceso y los horarios para que el público general preste testimonio durante la audiencia.

ACCESIBILIDAD: Las personas que necesiten servicios de interpretación de idiomas o que tengan alguna discapacidad y requieran un lector, amplificador, intérprete calificado de lenguaje de señas u otra forma de ayuda o servicio auxiliar para asistir o participar en la audiencia deben comunicarse con el Administrador del EIB al menos 14 días antes de la audiencia o lo antes posible al (505) 660-4305 o pamela.jones@env.nm.gov. Para acceder a este número a través de Relay New Mexico marque 711, o llame al (800) 659-8331 (TTY) o al (800) 659-1779 (voz).

AVISO DE NO DISCRIMINACIÓN: El NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigen las leyes y regulaciones aplicables. El NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas sobre los requisitos de no discriminación implementados por 40 CFR Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, en su forma enmendada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas a la Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede comunicarse con: Kate Cardenas, coordinadora de no discriminación, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. Si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede comunicarse con la coordinadora de no discriminación identificada anteriormente o visite https://www.env.nm.gov/non-employee-discrimination-complaint-page/ para aprender cómo y dónde presentar una queja por discriminación.

From:	Miller, Ken, ENV
To:	Williams, Evan; Cave, Dewey; Chancey, Sandy; priscillalucero@swnmcog.org; Armijo, Jay; Abeyta, Monica; Dora.Batista
Cc:	Polgar, Brian, ENV; Peters, Eric, ENV; Butt, Neal, ENV; Paz, Armando, ENV
Subject:	New Mexico Environmental Improvement Board Notice of Rulemaking Hearing to Consider the Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees, EIB 25-77 (R)
Date:	Tuesday, January 13, 2026 2:30:03 PM
Attachments:	Hearing_Notice_EIB_25-77_Repeal_and_Replace_Parts_71_and_75_English.pdf Hearing_Notice_EIB_25-77_Repeal_and_Replace_Parts_71_and_75_Spanish.pdf

Good afternoon,

The attached notice is being provided for awareness purposes to all Councils of Governments and Economic Development Districts in New Mexico. Please let me know if you have any questions regarding this matter.

Thank you,

Ken Miller, P.G. | Environmental Analyst
NMED Air Quality Bureau | www.env.nm.gov/air-quality/
kenneth.miller@env.nm.gov | (505) 629-8673

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NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER THE PROPOSED REPEAL AND REPLACEMENT OF 20.2.71 NMAC – OPERATING PERMIT EMISSIONS FEES AND 20.2.75 NMAC – CONSTRUCTION PERMIT FEES, EIB 25-77 (R)

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on March 23, 2026, at 9:00 a.m. to consider EIB 25-77 (R) – In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately three days. The EIB may deliberate and make a decision on the proposed regulatory changes at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person component will be held at the New Mexico State Capitol, 490 Old Santa Fe Trail (alternatively 411 S. State Capital Street), Santa Fe, New Mexico 87501. Hearing details, including the meeting room number and how to participate virtually, will be available on the New Mexico Environment Department ("NMED") events calendar at https://www.env.nm.gov/events-calendar/, under the calendar entry corresponding to the hearing start date. For more information, contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

The purpose of the hearing is for the EIB to consider and take possible action on a petition by NMED requesting that the EIB repeal and replace 20.2.71 NMAC, Operating Permit Emissions Fees, and 20.2.75 NMAC, Construction Permit Fees. The petition, statement of reasons (attached to the petition as Exhibit A), proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC (attached to the petition as Exhibits B and C), and current rules 20.2.71 NMAC and 20.2.75 NMAC with proposed changes shown in redline fashion (attached to the petition as Exhibits D and E) are available on NMED's docketed matters website at https://www.env.nm.gov/opf/docketed-matters/. To access these documents, click on "Environmental Improvement Board" to display the drop-down list of matters before the EIB, then click on "EIB 25-77 (R): In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees" to display the drop-down list of all documents filed in conjunction with this matter. Copies of the petition, statement of reasons, and proposed replacement rules can also be obtained by contacting Eric Peters at (505) 629-5299 or eric.peters@env.nm.gov, or at any of NMED's offices statewide.

The purpose of proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC is to ensure that NMED's emissions and construction permit fees are sufficient to cover the reasonable costs of NMED's Title V Operating Permit Program and Construction Permit Program. The EIB is authorized to adopt the proposed rules pursuant to the Environmental Improvement Act, Section 74-1-8(A)(4), and the Air Quality Control Act, NMSA 1978, Sections 74-2-1 to 17. The schedule of Title V operating permit emissions fees must be consistent with the provisions of Section 502(b)(3) of the 1990 amendments to the federal Clean Air Act, which requires sources that are required to obtain an operating permit to pay fees sufficient to cover all reasonable direct and indirect costs of developing and administering the state's Title V Operating Permit Program. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(7). The schedule of construction permit fees must be sufficient to cover the reasonable costs of reviewing and acting upon any application for such permit and implementing and enforcing the terms and conditions of the permit, excluding any court costs or other costs associated with an enforcement action. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(6).

20.2.71 NMAC establishes a schedule of emissions fees for sources required to obtain a Title V permit under 20.2.70 NMAC, Operating Permits. The schedule specifies the annual emissions fee for each fee pollutant expressed in dollars per ton of allowable emissions. Proposed replacement rule 20.2.71 NMAC revises the current definition of fee pollutant, adding particulate matter 10 micrometers or less in diameter ("PM10") and particulate matter 2.5 micrometers or less in diameter ("PM2.5") and removing mercury and total suspended particulate matter; reduces the maximum tons used in the fee calculation for each fee pollutant; provides that a fee shall be assessed for either PM10 or PM2.5, not both, depending on which has the higher allowable emission rate; increases the dollar per ton amount used in the fee calculation for each fee pollutant; establishes a late fee for failing to timely pay annual emissions fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.71 NMAC will be submitted to the U.S. Environmental Protection Agency ("EPA") as a revision to New Mexico's Title V Operating Permit Program.

Similarly, 20.2.75 NMAC establishes a schedule of construction permit fees for notices of intent, permits to construct or modify a source, construction permit revisions, and technical reviews of existing construction permits under 20.2.72 NMAC, Construction Permits, and 20.2.73 NMAC, Notice of Intent and Emissions Inventory Requirements. The schedule includes a complexity-based points schedule for various actions and a cost per point, which is multiplied by the sum of all the points applicable to a given permitting action to determine the required permit fee. The schedule also includes an annual fee for sources that have already been issued a construction permit. Proposed replacement rule 20.2.75 NMAC revises the current complexity-based points schedule, increasing the points for certain actions and adding points for notices of intent; increases the cost per point used to calculate permit fees; increases the annual fee for sources that have already been issued a construction permit and institutes an annual fee for sources that have filed a notice of intent; establishes a late fee for failing to timely pay annual fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.75 NMAC will be submitted to EPA as a revision to the New Mexico State Implementation Plan.

The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; the Air Quality Control Act, NMSA 1978, Section 74-2-6; orders issued by the hearing officer appointed by the EIB; and other applicable procedures.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

TECHNICAL TESTIMONY: Any person who wishes to present technical testimony at the hearing must file a written notice of intent with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025), available on NMED's docketed matters website, and shall be a party. The notice of intent shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules. Any person who files a notice of intent shall serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025).

PUBLIC COMMENT: The general public may submit a written public comment or testify orally at the hearing. A member of the general public who wishes to submit a written public comment as a statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment online at https://nmed.commentinput.com/?id=t8BRr4m76, email the written public comment to pamela.jones@env.nm.gov, or mail the written public comment to EIB Administrator, New Mexico Environment Department – Harold Runnels Building, P.O. Box 5469, Santa Fe, New Mexico 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required for the general public

to present non-technical testimony at the hearing. The general public may also offer non-technical exhibits in connection with their written public comment or oral testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: Persons requiring language interpretation services or having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact the EIB Administrator at least 14 days prior to the hearing or as soon as possible at (505) 660-4305 or pamela.jones@env.nm.gov. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice).

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 CFR 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: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, New Mexico 87502, (505) 827-2855, nd.coordinator@env.nm.gov. 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 https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

JUNTA DE MEJORA AMBIENTAL DE NUEVO MÉXICO AVISO DE AUDIENCIA DE REGLAMENTACIÓN PARA CONSIDERAR LA PROPUESTA DE DEROGACIÓN Y SUSTITUCIÓN DE 20.2.71 NMAC – CUOTAS DE EMISIONES DE PERMISO DE OPERACIÓN Y 20.2.75 NMAC – CUOTAS DE PERMISO DE CONSTRUCCIÓN, EIB 25-77 (R)

La Junta de Mejora Ambiental de Nuevo México ("EIB" por sus siglas en inglés) llevará a cabo una audiencia pública que comenzará el 23 de Marzo de 2026 a las 9:00a.m. para considerar la EIB 25-77 (R) – En el asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Permiso de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción. La audiencia durará el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos, y se espera que dure aproximadamente tres días. La EIB puede deliberar y podrá tomar una decisión sobre los cambios regulatorios propuestos al concluir la audiencia o puede convocar a una reunión después de la audiencia para considerar medidas sobre la propuesta.

La audiencia se llevará a cabo en un formato híbrido para permitir la participación tanto en persona como virtual. El componente presencial se llevará a cabo en la capital del estado de Nuevo México, 490 Old Santa Fe Trail (alternativamente 411 S. State Capital Street), Sante Fe, Nuevo México 87501. Detalles de la audiencia, incluyendo el numero de la sala de reuniones y cómo participar de forma virtual, estarán disponibles en el Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés) calendario de eventos en https://www.env.nm.gov/events-calendar/, debajo de la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para más información, comuníquese con la administradora de la EIB llamando al (505) 660-4305 o en pamela.jones@env.nm.gov.

El propósito de la audiencia es que la EIB considere y tome las medidas necesarias respecto a la Petición del NMED en la que solicita a la EIB la derogación y sustitución 20.2.71 NMAC, Cuotas de Emisiones de Permiso de Operación, y 20.2.75 NMAC, Cuotas de Permiso de Construcción. La petición, declaración de motivos (adjunto a la petición como Anexo A), normas de reemplazo propuestas 20.2.71 NMAC y 20.2.75 NMAC (adjunto a la petición como Anexos B y C), y las reglas actuales 20.2.71 NMAC 20.2.75 NMAC con los cambios propuestos mostrados en rojo (adjunto a la petición como Anexos D y E) están disponibles en el sito web de asuntos archivados de NMED en https://www.env.nm.gov/opf/docketed-matters/. Para acceder a estos documentos, haga clic en "Junta de Mejora Ambiental" para mostrar la lista desplegable de asuntos ante el EIB, después haga clic en "EIB 25-77 (R): En El Asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción" para mostrar la lista desplegable de todos los documentos presentados en relación con este asunto. Copias de la petición, declaración de motivos, las normas de sustitución también se pueden obtener contactando Eric Peters al (505) 629-5299 o eric.peters@env.nm.gov, o en todas las oficinas del NMED en todo el estado.

El propósito de las reglas de sustitución 20.2.71 NMAC y 20.2.75 NMAC es para asegurar que las emisiones y las cuotas de permiso de construcción del NMED son suficiente para cubrir los costos razonables del Programa de Permisos de Operación Titulo V y del Programa de Permisos de Construcción de NMED. La EIB está autorizada a adoptar las normas propuestas de conformidad con la Ley de Mejora Ambiental, Sección 74-1-8(A)(4), y la Ley de Control de la Calidad del Aire, NMSA 1978, Secciones 74-2-1 a 17. El horario de cuotas por emisiones de los permisos de operación del Titulo V debe ser coherente con las disposiciones de la Sección 502(b)(3) de las enmiendas de 1990 a la Ley Federal de Aire Limpio, esto exige que las fuentes que requieren un permiso de operación paguen cuotas suficientes para cubrir todos los costos directos e indirectos razonables del desarrollo y la administración del programa estatal de permisos de operación conforme al Titulo V. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7 (B)(7). El horario de las cuotas de permiso de construcción debe ser suficientes para cubrir los costos razonables de revisión y tramitación de cualquier solicitud de dicho permiso, así como la implementación y el cumplimiento de los términos y condiciones del permiso, excluyendo los gastos judiciales u otros gastos asociados a una acción coercitiva. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7(B)(6).

20.2.71 NMAC establece un horario de cuotas por emisiones para las fuentes que deben obtener un permiso de conformidad con el Titulo V, según lo estipulado en la norma 20.2.70 de NMAC, Permisos de Operación. El horario especifica la cuota anual por emisiones para cada contaminante sujeto a pago, expresada en dólares por tonelada de emisiones permitidas. La regla de sustitución 20.2.71 NMAC revisa la definición actual de contaminante sujeto a cuota, agregando materia particulada de 10 micrómetros o menos de diámetro ("PM10") y materia particulada de 2.5

micrómetros o menos de diámetro (“PM2.5”) y eliminando mercurio y partículas totales en suspensión; reduce las toneladas máximas utilizadas en el cálculo de la cuota para cada contaminante sujeto a cuota; establece que se cobrará una cuota por PM10 o PM2.5, no ambas, dependiendo de cuál tenga la mayor tasa de emisión permitida; aumenta el monto en dólares por tonelada utilizado en el cálculo de la cuota para cada contaminante sujeto a cuota; establece una cuota por pago tardío por no pagar oportunamente las cuotas anuales de emisión; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.71 NMAC se presentará a la Agencia de Protección Ambiental de los Estados Unidos (“EPA” por sus siglas en inglés) como una revisión del Programa de Permisos de Operación Título V de Nuevo México.

Similarmente, 20.2.75 NMAC establece un horario de cuotas de permisos de construcción para avisos de intención, permisos para construir o modificar una fuente, revisiones de permisos de construcción y revisiones técnicas de permisos de construcción existentes bajo 20.2.72 NMAC, Permisos de Construcción, y 20.2.73 NMAC, Requisitos de Aviso de Intención e Inventario de Emisiones. El horario incluye un esquema de puntos basado en la complejidad para varias acciones y un costo por punto, que se multiplica por la suma de todos los puntos aplicables a una acción de permiso determinada para determinar la cuota de permiso requerida. El horario también incluye una cuota anual para fuentes a las que ya se les ha emitido un permiso de construcción. La regla propuesta de sustitición 20.2.75 NMAC revisa el calendario de puntos basado en la complejidad actual, aumentando los puntos para ciertas acciones y agregando puntos para avisos de intención; incrementa el costo por punto utilizado para calcular las cuotas de permisos; aumenta la cuota anual para fuentes que ya han recibido un permiso de construcción e instituye una cuota anual para fuentes que han presentado un aviso de intención; establece una multa por pago tardío de las cuotas anuales; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.75 NMAC será enviada a la EPA como una revisión del Plan de Implementación Estatal de Nuevo México.

La audiencia se llevará a cabo de conformidad con 20.1.1 NMAC, Procedimientos de Reglamentación – Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-9; la Ley de Control de Calidad del Aire, NMSA 1978, Sección 74-2-6; las órdenes emitidas por el oficial de audiencias designado por la EIB; y otros procedimientos aplicables.

PARTICIPACIÓN PÚBLICA: Las audiencias y reuniones de la EIB están abiertas al público y se anima al público en general a participar. Todas las personas interesadas tendrán una oportunidad razonable de participar presentando un aviso de intención de presentar testimonio técnico, presentando un registro de comparecencia o participando como miembros del público. “Testimonio técnico” se refiere a testimonios científicos, de ingeniería, económicos o especializados, pero no incluye argumentos legales, comentarios generales o declaraciones de política o posición sobre los asuntos tratados en la audiencia. “Público en general” incluye a cualquier persona que asista a una audiencia y no haya presentado un aviso de intención de presentar testimonio técnico.

Cualquier miembro del público podrá testificar en la audiencia. Toda persona que preste testimonio en la audiencia estará sujeta a contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten su credibilidad. Toda persona que asista a la audiencia tendrá derecho a realizar el contrainterrogatorio que sea necesario para una divulgación completa y veraz de los asuntos tratados en la audiencia. Todos los testimonios se tomarán bajo juramento o afirmación, que podrá realizarse en masa o de forma individual.

TESTIMONIO TÉCNICO: Cualquier persona que desee presentar testimonio técnico en la audiencia debe presentar un aviso de intención por escrito al Administrador del EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB que Programa la Audiencia, Nombra al Funcionario de la Audiencia y Establece Ciertas Fechas de Presentación (emitida el 23 de Diciembre de 2025), disponible en el sitio web de asuntos archivados de NMED, y deberá ser parte. El aviso de intención deberá: (1) identificar a la persona para la cual testificarán los testigos; (2) identificar a cada testigo técnico que la persona tenga la intención de presentar y declarar las cualificaciones de ese testigo, incluyendo una descripción de su formación educativa y experiencia laboral; (3) si la audiencia se llevará a cabo en múltiples lugares, indicar el o los lugares donde estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada al cambio regulatorio propuesto; y (6) enumerar y adjuntar todos los documentos que se prevé que dicha persona presente en la audiencia, incluida cualquier declaración propuesta de motivos para la adopción de las normas. Cualquier persona que presente un aviso de intención deberá entregar una copia al NMED.

REGISTRO DE COMPARECENCIA: Cualquier persona puede presentar un registro de comparecencia como parte. El registro de comparecencia deberá presentarse ante la administradora de la EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB sobre la Programación de Audiencias, del Funcionario de Audiencias Designado y la Fijación de Determinadas Fechas de Presentación (emitida el 23 de Diciembre de 2025).

COMENTARIOS PÚBLICOS: El público en general podrá testificar mediante comentarios públicos por escrito o de forma oral en la audiencia. Quienes deseen presentar una declaración por escrito para que conste en actas, en lugar de prestar testimonio oral en la audiencia, deberán presentarla antes de la audiencia o durante la misma. Quienes deseen presentar comentarios públicos por escrito antes de la audiencia pueden hacerlo en línea en https://nmed.commentinput.com/?id=t8BRr4m76, envíe por correo electrónico el comentario público por escrito a pamela.jones@env.nm.gov, o envíe un comunicado público por correo postal al Administrador de la EIB, Departamento de Medio Ambiente de Nuevo México – Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Además, cada día de la audiencia se proporcionará oportunidad para que el público general preste testimonio oral. No se requiere aviso previo del público general para presentar testimonio no técnico en la audiencia. El público en general también puede presentar exhibiciones no técnicas en relación con su comentario público por escrito o testimonio oral, siempre que las exhibiciones no sean excesivamente repetitivas del testimonio y cumplan con 20.1.1.402 NMAC. El funcionario de audiencias designado determinará el proceso y los horarios para que el público general preste testimonio durante la audiencia.

ACCESIBILIDAD: Las personas que necesiten servicios de interpretación de idiomas o que tengan alguna discapacidad y requieran un lector, amplificador, intérprete calificado de lenguaje de señas u otra forma de ayuda o servicio auxiliar para asistir o participar en la audiencia deben comunicarse con el Administrador del EIB al menos 14 días antes de la audiencia o lo antes posible al (505) 660-4305 o pamela.jones@env.nm.gov. Para acceder a este número a través de Relay New Mexico marque 711, o llame al (800) 659-8331 (TTY) o al (800) 659-1779 (voz).

AVISO DE NO DISCRIMINACIÓN: El NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigen las leyes y regulaciones aplicables. El NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas sobre los requisitos de no discriminación implementados por 40 CFR Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, en su forma enmendada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas a la Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede comunicarse con: Kate Cardenas, coordinadora de no discriminación, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. Si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede comunicarse con la coordinadora de no discriminación identificada anteriormente o visite https://www.env.nm.gov/non-employee-discrimination-complaint-page/ para aprender cómo y dónde presentar una queja por discriminación.

From:	Miller, Ken, ENV
To:	Miller, Ken, ENV
Cc:	Polgar, Brian, ENV; Peters, Eric, ENV; Butt, Neal, ENV; Paz, Armando, ENV; Melendrez, Carman, ENV
Subject:	New Mexico Environmental Improvement Board Notice of Rulemaking Hearing to Consider the Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees, EIB 25-77 (R)
Date:	Tuesday, January 13, 2026 3:50:27 PM
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Good afternoon,

The attached notice is being provided for awareness purposes to the leaders and environmental directors of all Nations, Pueblos and Tribes in New Mexico. Please let me know if you have any questions regarding this matter.

Thank you,

Ken Miller, P.G. | Environmental Analyst
NMED Air Quality Bureau | www.env.nm.gov/air-quality/
kenneth.miller@env.nm.gov | (505) 629-8673

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NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING TO CONSIDER THE PROPOSED REPEAL AND REPLACEMENT OF 20.2.71 NMAC – OPERATING PERMIT EMISSIONS FEES AND 20.2.75 NMAC – CONSTRUCTION PERMIT FEES, EIB 25-77 (R)

The New Mexico Environmental Improvement Board ("EIB") will hold a public hearing beginning on March 23, 2026, at 9:00 a.m. to consider EIB 25-77 (R) – In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees. The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately three days. The EIB may deliberate and make a decision on the proposed regulatory changes at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person component will be held at the New Mexico State Capitol, 490 Old Santa Fe Trail (alternatively 411 S. State Capital Street), Santa Fe, New Mexico 87501. Hearing details, including the meeting room number and how to participate virtually, will be available on the New Mexico Environment Department ("NMED") events calendar at https://www.env.nm.gov/events-calendar/, under the calendar entry corresponding to the hearing start date. For more information, contact the EIB Administrator at (505) 660-4305 or pamela.jones@env.nm.gov.

The purpose of the hearing is for the EIB to consider and take possible action on a petition by NMED requesting that the EIB repeal and replace 20.2.71 NMAC, Operating Permit Emissions Fees, and 20.2.75 NMAC, Construction Permit Fees. The petition, statement of reasons (attached to the petition as Exhibit A), proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC (attached to the petition as Exhibits B and C), and current rules 20.2.71 NMAC and 20.2.75 NMAC with proposed changes shown in redline fashion (attached to the petition as Exhibits D and E) are available on NMED's docketed matters website at https://www.env.nm.gov/opf/docketed-matters/. To access these documents, click on "Environmental Improvement Board" to display the drop-down list of matters before the EIB, then click on "EIB 25-77 (R): In the Matter of Proposed Repeal and Replacement of 20.2.71 NMAC – Operating Permit Emissions Fees and 20.2.75 NMAC – Construction Permit Fees" to display the drop-down list of all documents filed in conjunction with this matter. Copies of the petition, statement of reasons, and proposed replacement rules can also be obtained by contacting Eric Peters at (505) 629-5299 or eric.peters@env.nm.gov, or at any of NMED's offices statewide.

The purpose of proposed replacement rules 20.2.71 NMAC and 20.2.75 NMAC is to ensure that NMED's emissions and construction permit fees are sufficient to cover the reasonable costs of NMED's Title V Operating Permit Program and Construction Permit Program. The EIB is authorized to adopt the proposed rules pursuant to the Environmental Improvement Act, Section 74-1-8(A)(4), and the Air Quality Control Act, NMSA 1978, Sections 74-2-1 to 17. The schedule of Title V operating permit emissions fees must be consistent with the provisions of Section 502(b)(3) of the 1990 amendments to the federal Clean Air Act, which requires sources that are required to obtain an operating permit to pay fees sufficient to cover all reasonable direct and indirect costs of developing and administering the state's Title V Operating Permit Program. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(7). The schedule of construction permit fees must be sufficient to cover the reasonable costs of reviewing and acting upon any application for such permit and implementing and enforcing the terms and conditions of the permit, excluding any court costs or other costs associated with an enforcement action. See Air Quality Control Act, NMSA 1978, Section 74-2-7(B)(6).

20.2.71 NMAC establishes a schedule of emissions fees for sources required to obtain a Title V permit under 20.2.70 NMAC, Operating Permits. The schedule specifies the annual emissions fee for each fee pollutant expressed in dollars per ton of allowable emissions. Proposed replacement rule 20.2.71 NMAC revises the current definition of fee pollutant, adding particulate matter 10 micrometers or less in diameter ("PM10") and particulate matter 2.5 micrometers or less in diameter ("PM2.5") and removing mercury and total suspended particulate matter; reduces the maximum tons used in the fee calculation for each fee pollutant; provides that a fee shall be assessed for either PM10 or PM2.5, not both, depending on which has the higher allowable emission rate; increases the dollar per ton amount used in the fee calculation for each fee pollutant; establishes a late fee for failing to timely pay annual emissions fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.71 NMAC will be submitted to the U.S. Environmental Protection Agency ("EPA") as a revision to New Mexico's Title V Operating Permit Program.

Similarly, 20.2.75 NMAC establishes a schedule of construction permit fees for notices of intent, permits to construct or modify a source, construction permit revisions, and technical reviews of existing construction permits under 20.2.72 NMAC, Construction Permits, and 20.2.73 NMAC, Notice of Intent and Emissions Inventory Requirements. The schedule includes a complexity-based points schedule for various actions and a cost per point, which is multiplied by the sum of all the points applicable to a given permitting action to determine the required permit fee. The schedule also includes an annual fee for sources that have already been issued a construction permit. Proposed replacement rule 20.2.75 NMAC revises the current complexity-based points schedule, increasing the points for certain actions and adding points for notices of intent; increases the cost per point used to calculate permit fees; increases the annual fee for sources that have already been issued a construction permit and institutes an annual fee for sources that have filed a notice of intent; establishes a late fee for failing to timely pay annual fees; and confirms administrative compliance costs for enforcement of New Mexico's air quality regulations. If adopted, replacement rule 20.2.75 NMAC will be submitted to EPA as a revision to the New Mexico State Implementation Plan.

The hearing will be conducted in accordance with 20.1.1 NMAC, Rulemaking Procedures – Environmental Improvement Board; the Environmental Improvement Act, NMSA 1978, Section 74-1-9; the Air Quality Control Act, NMSA 1978, Section 74-2-6; orders issued by the hearing officer appointed by the EIB; and other applicable procedures.

PUBLIC PARTICIPATION: The EIB's hearings and meetings are open to the public, and the general public is encouraged to participate. All interested persons will be given a reasonable opportunity to participate by filing a notice of intent to present technical testimony, filing an entry of appearance, or participating as a member of the general public. "Technical testimony" means scientific, engineering, economic or other specialized testimony, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing. "General public" includes any person attending a hearing who has not submitted a notice of intent to present technical testimony.

Any member of the general public may testify at the hearing. Any person who provides testimony at the hearing is subject to cross-examination on the subject matter of his or her testimony and matters affecting his or her credibility. Any person attending the hearing is entitled to conduct such cross-examination as may be required for a full and true disclosure of matters at issue in the hearing. All testimony will be taken under oath or affirmation which may be accomplished in mass or individually.

TECHNICAL TESTIMONY: Any person who wishes to present technical testimony at the hearing must file a written notice of intent with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025), available on NMED's docketed matters website, and shall be a party. The notice of intent shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; (3) if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present; (4) include a copy of the direct testimony of each technical witness in narrative form; (5) include the text of any recommended modifications to the proposed regulatory change; and (6) list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules. Any person who files a notice of intent shall serve a copy on NMED.

ENTRY OF APPEARANCE: Any person may file an entry of appearance as a party. The entry of appearance shall be filed with the EIB Administrator no later than February 20, 2026, in accordance with the EIB's Order Scheduling Hearing, Appointing Hearing Officer and Setting Certain Filing Dates (issued December 23, 2025).

PUBLIC COMMENT: The general public may submit a written public comment or testify orally at the hearing. A member of the general public who wishes to submit a written public comment as a statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing or submit it at the hearing. Those wishing to submit a written public comment prior to the hearing may submit the written public comment online at https://nmed.commentinput.com/?id=t8BRr4m76, email the written public comment to pamela.jones@env.nm.gov, or mail the written public comment to EIB Administrator, New Mexico Environment Department – Harold Runnels Building, P.O. Box 5469, Santa Fe, New Mexico 87502. Additionally, there will be an opportunity each day of the hearing for oral testimony from members of the general public. No prior notification is required for the general public

to present non-technical testimony at the hearing. The general public may also offer non-technical exhibits in connection with their written public comment or oral testimony, so long as the exhibits are not unduly repetitious of the testimony and comply with 20.1.1.402 NMAC. The appointed hearing officer shall determine the process and times for the general public to testify during the hearing.

ACCESSIBILITY: Persons requiring language interpretation services or having a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact the EIB Administrator at least 14 days prior to the hearing or as soon as possible at (505) 660-4305 or pamela.jones@env.nm.gov. To access this number via Relay New Mexico dial 711, or call (800) 659-8331 (TTY) or (800) 659-1779 (voice).

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 CFR 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: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, New Mexico 87502, (505) 827-2855, nd.coordinator@env.nm.gov. 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 https://www.env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

JUNTA DE MEJORA AMBIENTAL DE NUEVO MÉXICO AVISO DE AUDIENCIA DE REGLAMENTACIÓN PARA CONSIDERAR LA PROPUESTA DE DEROGACIÓN Y SUSTITUCIÓN DE 20.2.71 NMAC – CUOTAS DE EMISIONES DE PERMISO DE OPERACIÓN Y 20.2.75 NMAC – CUOTAS DE PERMISO DE CONSTRUCCIÓN, EIB 25-77 (R)

La Junta de Mejora Ambiental de Nuevo México ("EIB" por sus siglas en inglés) llevará a cabo una audiencia pública que comenzará el 23 de Marzo de 2026 a las 9:00a.m. para considerar la EIB 25-77 (R) – En el asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Permiso de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción. La audiencia durará el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos, y se espera que dure aproximadamente tres días. La EIB puede deliberar y podrá tomar una decisión sobre los cambios regulatorios propuestos al concluir la audiencia o puede convocar a una reunión después de la audiencia para considerar medidas sobre la propuesta.

La audiencia se llevará a cabo en un formato híbrido para permitir la participación tanto en persona como virtual. El componente presencial se llevará a cabo en la capital del estado de Nuevo México, 490 Old Santa Fe Trail (alternativamente 411 S. State Capital Street), Sante Fe, Nuevo México 87501. Detalles de la audiencia, incluyendo el numero de la sala de reuniones y cómo participar de forma virtual, estarán disponibles en el Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés) calendario de eventos en https://www.env.nm.gov/events-calendar/, debajo de la entrada del calendario correspondiente a la fecha de inicio de la audiencia. Para más información, comuníquese con la administradora de la EIB llamando al (505) 660-4305 o en pamela.jones@env.nm.gov.

El propósito de la audiencia es que la EIB considere y tome las medidas necesarias respecto a la Petición del NMED en la que solicita a la EIB la derogación y sustitución 20.2.71 NMAC, Cuotas de Emisiones de Permiso de Operación, y 20.2.75 NMAC, Cuotas de Permiso de Construcción. La petición, declaración de motivos (adjunto a la petición como Anexo A), normas de reemplazo propuestas 20.2.71 NMAC y 20.2.75 NMAC (adjunto a la petición como Anexos B y C), y las reglas actuales 20.2.71 NMAC 20.2.75 NMAC con los cambios propuestos mostrados en rojo (adjunto a la petición como Anexos D y E) están disponibles en el sito web de asuntos archivados de NMED en https://www.env.nm.gov/opf/docketed-matters/. Para acceder a estos documentos, haga clic en "Junta de Mejora Ambiental" para mostrar la lista desplegable de asuntos ante el EIB, después haga clic en "EIB 25-77 (R): En El Asunto de la Propuesta de Derogación y Sustitución de 20.2.71 NMAC – Cuotas de Emisiones de Operación y 20.2.75 NMAC – Cuotas de Permiso de Construcción" para mostrar la lista desplegable de todos los documentos presentados en relación con este asunto. Copias de la petición, declaración de motivos, las normas de sustitución también se pueden obtener contactando Eric Peters al (505) 629-5299 o eric.peters@env.nm.gov, o en todas las oficinas del NMED en todo el estado.

El propósito de las reglas de sustitución 20.2.71 NMAC y 20.2.75 NMAC es para asegurar que las emisiones y las cuotas de permiso de construcción del NMED son suficiente para cubrir los costos razonables del Programa de Permisos de Operación Titulo V y del Programa de Permisos de Construcción de NMED. La EIB está autorizada a adoptar las normas propuestas de conformidad con la Ley de Mejora Ambiental, Sección 74-1-8(A)(4), y la Ley de Control de la Calidad del Aire, NMSA 1978, Secciones 74-2-1 a 17. El horario de cuotas por emisiones de los permisos de operación del Titulo V debe ser coherente con las disposiciones de la Sección 502(b)(3) de las enmiendas de 1990 a la Ley Federal de Aire Limpio, esto exige que las fuentes que requieren un permiso de operación paguen cuotas suficientes para cubrir todos los costos directos e indirectos razonables del desarrollo y la administración del programa estatal de permisos de operación conforme al Titulo V. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7 (B)(7). El horario de las cuotas de permiso de construcción debe ser suficientes para cubrir los costos razonables de revisión y tramitación de cualquier solicitud de dicho permiso, así como la implementación y el cumplimiento de los términos y condiciones del permiso, excluyendo los gastos judiciales u otros gastos asociados a una acción coercitiva. Véase Ley de Control de la Calidad del Aire, NMSA 1978, Sección 74-2-7(B)(6).

20.2.71 NMAC establece un horario de cuotas por emisiones para las fuentes que deben obtener un permiso de conformidad con el Titulo V, según lo estipulado en la norma 20.2.70 de NMAC, Permisos de Operación. El horario especifica la cuota anual por emisiones para cada contaminante sujeto a pago, expresada en dólares por tonelada de emisiones permitidas. La regla de sustitución 20.2.71 NMAC revisa la definición actual de contaminante sujeto a cuota, agregando materia particulada de 10 micrómetros o menos de diámetro ("PM10") y materia particulada de 2.5

micrómetros o menos de diámetro ("PM2.5") y eliminando mercurio y partículas totales en suspensión; reduce las toneladas máximas utilizadas en el cálculo de la cuota para cada contaminante sujeto a cuota; establece que se cobrará una cuota por PM10 o PM2.5, no ambas, dependiendo de cuál tenga la mayor tasa de emisión permitida; aumenta el monto en dólares por tonelada utilizado en el cálculo de la cuota para cada contaminante sujeto a cuota; establece una cuota por pago tardío por no pagar oportunamente las cuotas anuales de emisión; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.71 NMAC se presentará a la Agencia de Protección Ambiental de los Estados Unidos ("EPA" por sus siglas en inglés) como una revisión del Programa de Permisos de Operación Título V de Nuevo México.

Similarmente, 20.2.75 NMAC establece un horario de cuotas de permisos de construcción para avisos de intención, permisos para construir o modificar una fuente, revisiones de permisos de construcción y revisiones técnicas de permisos de construcción existentes bajo 20.2.72 NMAC, Permisos de Construcción, y 20.2.73 NMAC, Requisitos de Aviso de Intención e Inventario de Emisiones. El horario incluye un esquema de puntos basado en la complejidad para varias acciones y un costo por punto, que se multiplica por la suma de todos los puntos aplicables a una acción de permiso determinada para determinar la cuota de permiso requerida. El horario también incluye una cuota anual para fuentes a las que ya se les ha emitido un permiso de construcción. La regla propuesta de sustitición 20.2.75 NMAC revisa el calendario de puntos basado en la complejidad actual, aumentando los puntos para ciertas acciones y agregando puntos para avisos de intención; incrementa el costo por punto utilizado para calcular las cuotas de permisos; aumenta la cuota anual para fuentes que ya han recibido un permiso de construcción e instituye una cuota anual para fuentes que han presentado un aviso de intención; establece una multa por pago tardío de las cuotas anuales; y confirma los costos administrativos de cumplimiento para la aplicación de las regulaciones de calidad del aire de Nuevo México. Si se adopta, la regla de sustitución 20.2.75 NMAC será enviada a la EPA como una revisión del Plan de Implementación Estatal de Nuevo México.

La audiencia se llevará a cabo de conformidad con 20.1.1 NMAC, Procedimientos de Reglamentación – Junta de Mejora Ambiental; la Ley de Mejora Ambiental, NMSA 1978, Sección 74-1-9; la Ley de Control de Calidad del Aire, NMSA 1978, Sección 74-2-6; las órdenes emitidas por el oficial de audiencias designado por la EIB; y otros procedimientos aplicables.

PARTICIPACIÓN PÚBLICA: Las audiencias y reuniones de la EIB están abiertas al público y se anima al público en general a participar. Todas las personas interesadas tendrán una oportunidad razonable de participar presentando un aviso de intención de presentar testimonio técnico, presentando un registro de comparecencia o participando como miembros del público. "Testimonio técnico" se refiere a testimonios científicos, de ingeniería, económicos o especializados, pero no incluye argumentos legales, comentarios generales o declaraciones de política o posición sobre los asuntos tratados en la audiencia. "Público en general" incluye a cualquier persona que asista a una audiencia y no haya presentado un aviso de intención de presentar testimonio técnico.

Cualquier miembro del público podrá testificar en la audiencia. Toda persona que preste testimonio en la audiencia estará sujeta a contrainterrogatorio sobre el tema de su testimonio directo y sobre cuestiones que afecten su credibilidad. Toda persona que asista a la audiencia tendrá derecho a realizar el contrainterrogatorio que sea necesario para una divulgación completa y veraz de los asuntos tratados en la audiencia. Todos los testimonios se tomarán bajo juramento o afirmación, que podrá realizarse en masa o de forma individual.

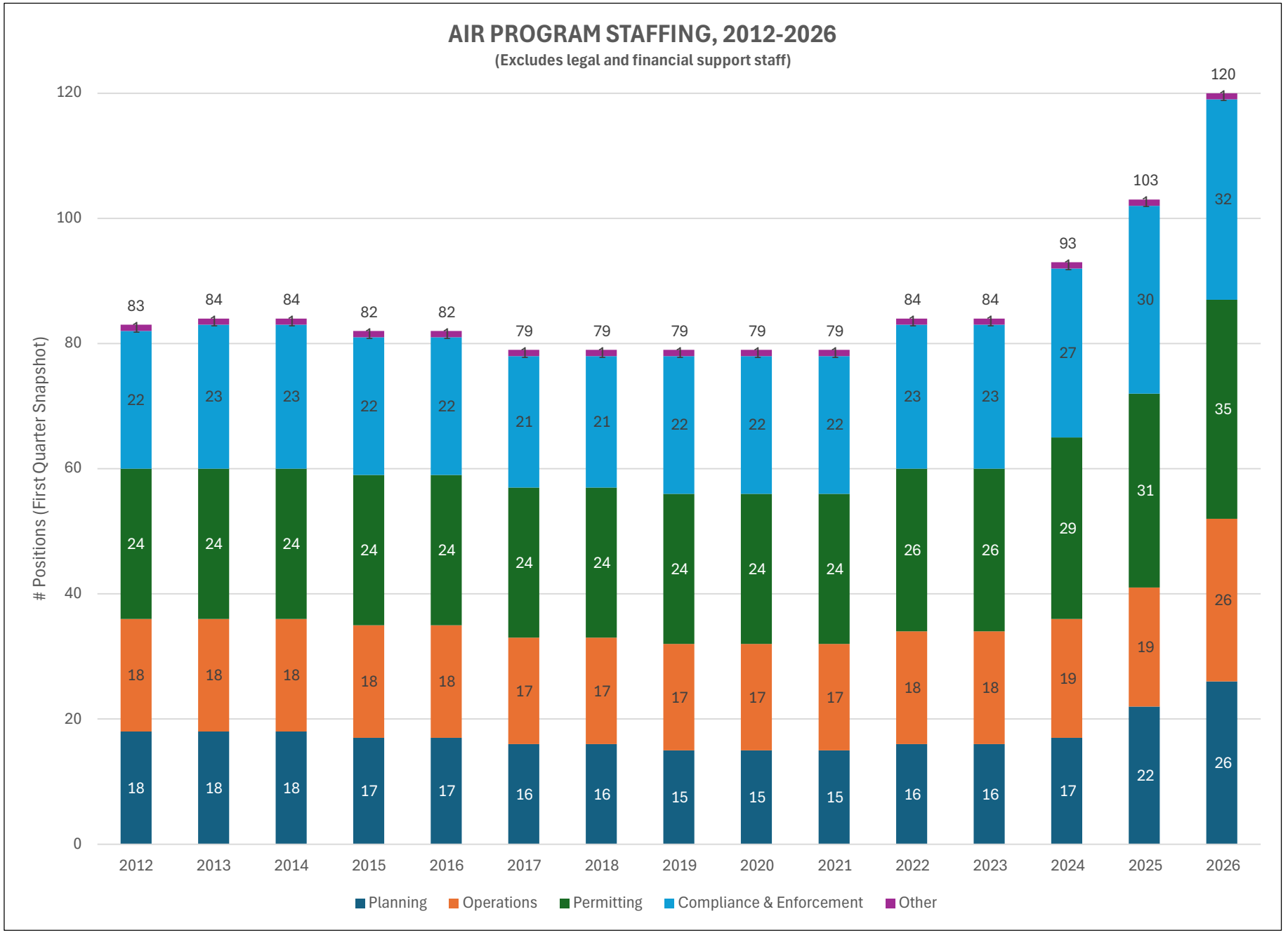
TESTIMONIO TÉCNICO: Cualquier persona que desee presentar testimonio técnico en la audiencia debe presentar un aviso de intención por escrito al Administrador del EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB que Programa la Audiencia, Nombra al Funcionario de la Audiencia y Establece Ciertas Fechas de Presentación (emitida el 23 de Diciembre de 2025), disponible en el sitio web de asuntos archivados de NMED, y deberá ser parte. El aviso de intención deberá: (1) identificar a la persona para la cual testificarán los testigos; (2) identificar a cada testigo técnico que la persona tenga la intención de presentar y declarar las cualificaciones de ese testigo, incluyendo una descripción de su formación educativa y experiencia laboral; (3) si la audiencia se llevará a cabo en múltiples lugares, indicar el o los lugares donde estarán presentes los testigos; (4) incluir una copia del testimonio directo de cada testigo técnico en forma narrativa; (5) incluir el texto de cualquier modificación recomendada al cambio regulatorio propuesto; y (6) enumerar y adjuntar todos los documentos que se prevé que dicha persona presente en la audiencia, incluida cualquier declaración propuesta de motivos para la adopción de las normas. Cualquier persona que presente un aviso de intención deberá entregar una copia al NMED.

REGISTRO DE COMPARECENCIA: Cualquier persona puede presentar un registro de comparecencia como parte. El registro de comparecencia deberá presentarse ante la administradora de la EIB a más tardar el 20 de Febrero de 2026, de conformidad con la Orden del EIB sobre la Programación de Audiencias, del Funcionario de Audiencias Designado y la Fijación de Determinadas Fechas de Presentación (emitida el 23 de Diciembre de 2025).

COMENTARIOS PÚBLICOS: El público en general podrá testificar mediante comentarios públicos por escrito o de forma oral en la audiencia. Quienes deseen presentar una declaración por escrito para que conste en actas, en lugar de prestar testimonio oral en la audiencia, deberán presentarla antes de la audiencia o durante la misma. Quienes deseen presentar comentarios públicos por escrito antes de la audiencia pueden hacerlo en línea en https://nmed.commentinput.com/?id=t8BRr4m76, envíe por correo electrónico el comentario público por escrito a pamela.jones@env.nm.gov, o envíe un comunicado público por correo postal al Administrador de la EIB, Departamento de Medio Ambiente de Nuevo México – Harold Runnels Building, P.O. Box 5469, Santa Fe, NM 87502. Además, cada día de la audiencia se proporcionará oportunidad para que el público general preste testimonio oral. No se requiere aviso previo del público general para presentar testimonio no técnico en la audiencia. El público en general también puede presentar exhibiciones no técnicas en relación con su comentario público por escrito o testimonio oral, siempre que las exhibiciones no sean excesivamente repetitivas del testimonio y cumplan con 20.1.1.402 NMAC. El funcionario de audiencias designado determinará el proceso y los horarios para que el público general preste testimonio durante la audiencia.

ACCESIBILIDAD: Las personas que necesiten servicios de interpretación de idiomas o que tengan alguna discapacidad y requieran un lector, amplificador, intérprete calificado de lenguaje de señas u otra forma de ayuda o servicio auxiliar para asistir o participar en la audiencia deben comunicarse con el Administrador del EIB al menos 14 días antes de la audiencia o lo antes posible al (505) 660-4305 o pamela.jones@env.nm.gov. Para acceder a este número a través de Relay New Mexico marque 711, o llame al (800) 659-8331 (TTY) o al (800) 659-1779 (voz).

AVISO DE NO DISCRIMINACIÓN: El NMED no discrimina por motivos de raza, color, nacionalidad, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigen las leyes y regulaciones aplicables. El NMED es responsable de coordinar los esfuerzos de cumplimiento y recibir consultas sobre los requisitos de no discriminación implementados por 40 CFR Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, en su forma enmendada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas a la Educación de 1972 y la Sección 13 de las Enmiendas a la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede comunicarse con: Kate Cardenas, coordinadora de no discriminación, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, 505-827-2855, nd.coordinator@env.nm.gov. Si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede comunicarse con la coordinadora de no discriminación identificada anteriormente o visite https://www.env.nm.gov/non-employee-discrimination-complaint-page/ para aprender cómo y dónde presentar una queja por discriminación.



NMED Exhibit 48_000001

Air Quality Bureau Staffing History and Expansion Since 2012

The following table presents the number of authorized positions in the Air Quality Bureau ("AQB") in the first quarter of each calendar year. (Note that numbers may be slightly different at the beginning or end of each fiscal year.) The last two rows calculate the growth from 2012 to 2023, which was stagnant, and growth since 2023, which reflects recent efforts to begin addressing AQB's staffing deficiencies.

First Quarter of Calendar Year	Planning Section	Operations Section	Permitting Section	C&E Section	AQB Total (including Bureau Chief)
2012	18	18	24	22	83
2013	18	18	24	23	84
2014	18	18	24	23	84
2015	17	18	24	22	82
2016	17	18	24	22	82
2017	16	17	24	21	79
2018	16	17	24	21	79
2019	15	17	24	22	79
2020	15	17	24	22	79
2021	15	17	24	22	79
2022	16	18	26	23	84
2023	16	18	26	23	84
2024	17	19	29	27	93
2025	22	19	31	30	103
2026*	26	26	35	32**	120
Growth 2012-2023	-2 (-11%)	+0 (+0%)	+2 (+8%)	+1 (+5%)	+1 (+1%)
Growth 2023-2026	+10 (+63%)	+8 (+44%)	+9 (+35%)	+9 (+39%)	+36 (+43%)

* The authorized positions for 2026 shown here account for the 9 new positions for fiscal year 2026 included in the Department's realistic expansion plan shown in the table below.

** This number, as of January 2026, includes the Environmental Protection Compliance & Enforcement Bureau (EPCEB), including the Bureau Chief, whose salary is currently paid for by Air Quality fees. Currently, Air Quality represents 100% of that bureau. EPCEB has requested that the three Radiation Control positions currently on EPCEB's organizational chart return to the Radiation Control Bureau, as they are not compliance & enforcement-related. This leaves only Air Quality personnel currently in EPCEB.

Air Quality Bureau Further Expansion Needs and Planning

The following table summarizes the additional AQB staffing needs expressed in the testimony of Cindy Hollenberg (**NMED Exhibit 16**).

Planning Section		**Operations Section**		**Permitting Section**	
Unit	**#**	**Unit**	**#**	**Unit**	**#**
SBEAP	4	Monitoring	3	Major Source	3
Control Strategies	16	QA	2	Minor Source	11
Modeling	3	Administrative Assistance	2	Technical Services	2
		Business Operations	1		
		Technology	5		
Planning Total	**23**	**Operations Total**	**13**	**Permitting Total**	**16**
AQB Total = 52*					

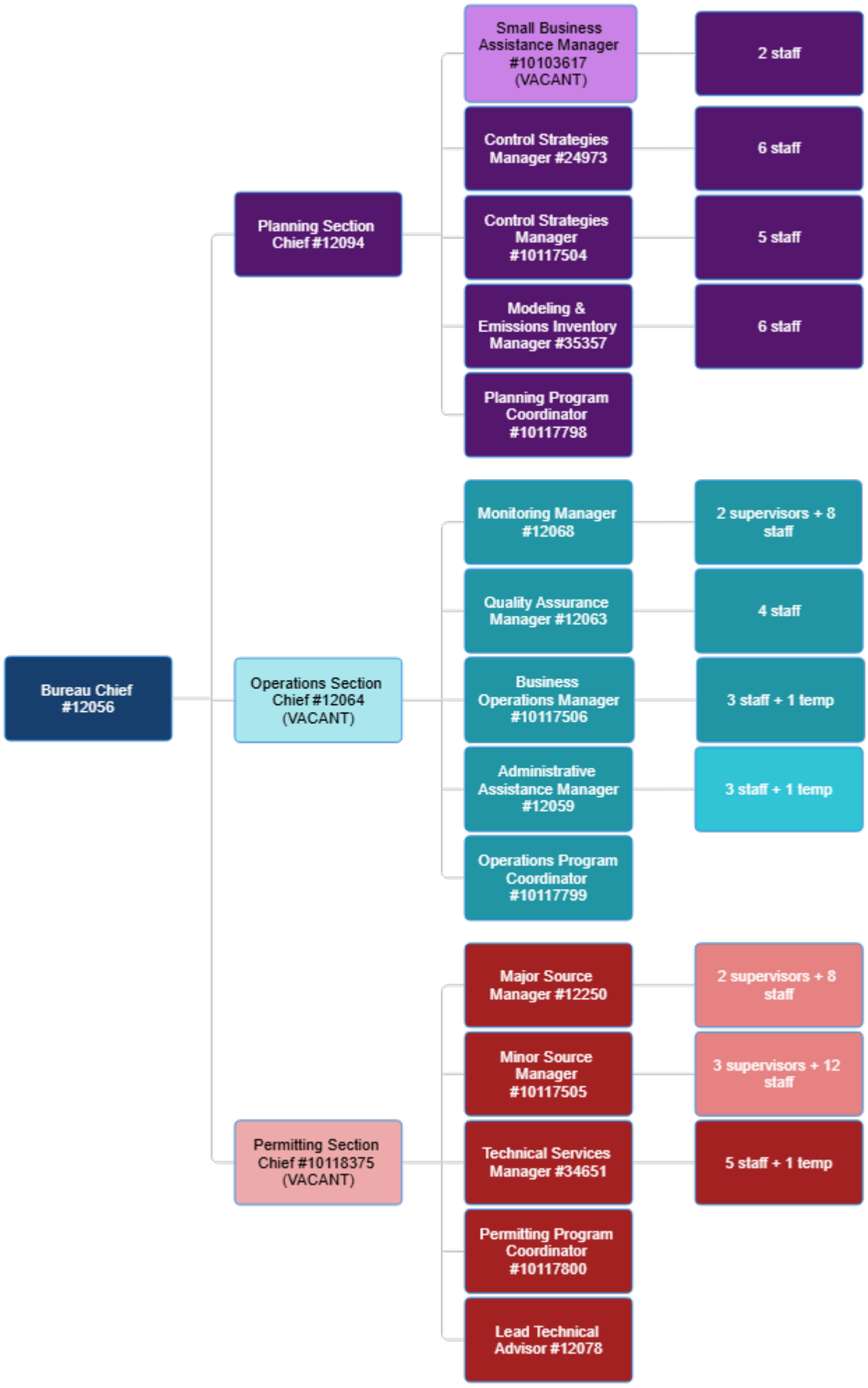
*AQB/EPCEB also need 6 additional support staff, including 3 attorneys and 3 additional financial analysts, who would be outside the two bureaus and are not included in this figure.

As explained in the testimony of Brian Polgar (**NMED Exhibit 65**), the Department's cost projections do not include additional FTEs for fiscal year 2027, due to the expected shortfall in budget. Additionally, although AQB needs 52 new positions (plus 6 support staff outside the two bureaus) to completely fulfill its mission (and EPCEB requires even more), the Department focused on reasonableness in its projections – for both its fee proposal and for the logistics of creating and filling new positions in the Department. The following table summarizes the realistic outlook, used in the projections, for creating and filling new AQB positions through fiscal year 2030. This table excludes new EPCEB Air Quality positions.

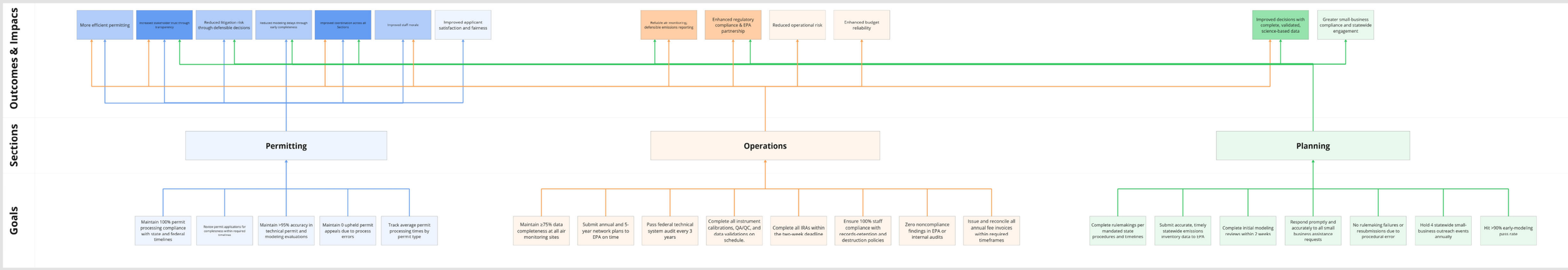
Fiscal Year	**# New Positions to be Created and Filled in AQB**			
	Planning Section	**Operations Section**	**Permitting Section**	**Total**
2026	3	4	2	**9**
2027	0	0	0	**0**
2028	2	0	5	**7**
2029	6	0	3	**9**
2030	0	10	0	**10**
Total	**11**	**14**	**10**	**35**

Air Quality Bureau Organizational Chart as of February 20, 2026

(lighter colors indicate at least one vacancy)



Cross-Section Dependability in the Air Quality Bureau



Please note: Color intensity reflects the degree of cross-section collaboration.

Current New Mexico State-Wide SIP Approved Regulations

Current EPA-Approved Regulations in the New Mexico SIP

If any link in the outlines below do not connect to the appropriate table, you can scroll down to the tables and click on the link to the regulation you are looking for. If a link in the table does not go to the regulation you are looking for, please send a message to Bill Deese at deese.william@epa.gov with information about the missing or incorrect link--do not attach a file to your message -- Bill will not open a message with an attached file. If you have any questions about a regulation for a state, send a message to the EPA Region 6 State contact person listed at the Find a Regional Contact for Air Quality SIPs/FIPs/TIPs EPA Page <https://www.epa.gov/air-quality-implementation-plans/find-regional-contact-air-quality-sipsfipstips#r6> **or to Bill Deese at deese.william@epa.gov.**

In the tables below, under each section number is a NMc or NMd number of the EPA Approval of the section. The New Mexico SIP History in this web site contains information about each NMc and NMd EPA Approval.

New Mexico State-Wide SIP-Approved Regulations Background Information <https://epa.gov/air-quality-implementation-plans/new-mexico-state-wide-sip-approved-regulations-background>

New Mexico Administrative Code, Title 20 - Environmental Protection, Chapter 2 - Air Quality (Statewide) (20.2 NMAC)

State citation	Title/subject	State submittal/effective date	EPA approval date	Explanation
NM State Part 1(20.2.1 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-1-air-quality>, NMd61	General Provisions, SIP effective September 22, 2015 (NMd61)	1/23/2015	7/24/2015, 80 FR 43966	
NM State Part 2(20.2.2 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-2-air-quality>, NMd55	Definitions, SIP effective February 25, 2015 (NMd55)	8/31/2009	1/26/2015 80 FR 3884	The following definitions are state specific and are not being approved into the SIP: G. "Carbon dioxide" M. "Greenhouse gas" O. "Hydrofluorocarbons" S. "Methane" V. "Nitrous oxide" AA. "Perfluorocarbons" AN. "Sulfur hexafluoride"

State citation	Title/subject	State submittal/effective date	EPA approval date	Explanation
NM State Part 3(20.2.3 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-3-ambient-air>, NMd33, NMd80	Ambient Air Quality Standards, SIP effective August 15, 2011 (NMd33) and October 18, 2019 (NMd80)	NMd33, 9/6/2006, NMd80, submitted 11/16/2018	NMd33, 7/15/11, 76 FR 41698, NMd80, 9/18/2019, 84 FR 49062	NOT in SIP effective October 18, 2019 (NMd80): 20.2.3.109, TOTAL SUSPENDED PARTICULATES
NM State Part 5(20.2.5 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-5-source>, NMc66	Source Surveillance, SIP effective November 25, 1997 (NMc66)	11/30/1995	9/26/1997, 62 FR 50514	
NM State Part 7(20.2.7 NMAC), NMd22 <https://epa.gov/air-quality-implementation-plans/new-mexico-state-part-7-excess-emissions-sip-effective-november-13>	Excess Emissions, SIP effective November 13, 2009 (NMd22) to April 2, 2023	7/10/2008	9/14/2009, 74 FR 46910	

State citation	Title/subject	State submittal/effective date	EPA approval date	Explanation
NM State Part 7(20.2.7 NMAC), NMd88 <https://epa.gov/air-quality-implementation-plans/new-mexico-state-part-7-excess-emissions-sip-effective-april-3>	Excess Emissions, SIP effective April 3, 2023 (NMd88)	7/10/2008 10/13/2016	9/14/2009, 74 FR 46910 3/3/2013, 88 FR 13320	Sections 20.2.7.6(B) NMAC, 20.2.7.110(B)(15) NMAC, 20.2.7.111 NMAC, 20.2.7.112 NMAC, 20.2.7.113 NMAC, 20.2.7.115 NMAC, and 20.2.7.116 NMAC are no longer in SIP effective April 3, 2023. Regulations.gov docket EPA-R06-OAR-2016-0676
NM State Part 8(20.2.8 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-8-emissions>, NMc66	Emissions Leaving New Mexico, SIP effective November 25, 1997 (NMc66)	11/30/1995	9/26/1997, 62 FR 50514	
NM State Part 10(20.2.10 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-10-woodwaste>, NMc66	Woodwaste Burners, SIP effective November 25, 1997 (NMc66)	11/30/1995	9/26/1997, 62 FR 50514	

State citation	Title/subject	State submittal/effective date	EPA approval date	Explanation
NM State Part 11(20.2.11 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-11-asphalt-process>, NMc66	Asphalt Process Equipment, SIP effective November 25, 1997 (NMc66)	11/30/1995	9/26/1997, 62 FR 50514	
NM State Part 13(20.2.13 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-13-gypsum>, NMc66	Gypsum Processing Plants, SIP effective November 25, 1997 (NMc66)	11/30/1995	9/26/1997, 62 FR 50514	
NM State Part 14(20.2.14 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-14-particulate>, NMc66	Particulate Emissions From Coal Burning Equipment, SIP effective November 25, 1997 (NMc66)	11/30/1995	9/26/1997, 62 FR 50514	

State citation	Title/subject	State submittal/effective date	EPA approval date	Explanation
NM State Part 15(20.2.15 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-15-pumice-mica-and>, NMc66	Pumice, Mica and Perlite Process Equipment, SIP effective November 25, 1997 (NMc66)	11/30/1995	9/26/1997, 62 FR 50514	
NM State Part 16(20.2.16 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-16-nonferrous>, NMc66	Nonferrous Smelters (New and Existing)-Particulate Matter, SIP effective November 25, 1997 (NMc66)	11/30/1995	9/26/1997, 62 FR 50514	
NM State Part 17(20.2.17 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-17-nonferrous>, NMc66	Nonferrous Smelters (Existing)-Particulate Matter, SIP effective November 25, 1997 (NMc66)	11/30/1995	9/26/1997, 62 FR 50514	

State citation	Title/subject	State submittal/effective date	EPA approval date	Explanation
NM State Part 18(20.2.18 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-18-oil-burning>, NMc66	Oil Burning Equipment-Particulate Matter, SIP effective November 25, 1997 (NMc66)	11/30/1995	9/26/1997, 62 FR 50514	
NM State Part 19(20.2.19 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-19-potash-salt-or>, NMc66	Potash, Salt, or Sodium Sulfate Processing Equipment-Particulate Matter, SIP effective November 25, 1997 (NMc66)	11/30/1995	9/26/1997, 62 FR 50514	
NM State Part 20(20.2.20 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-20-lime>, NMc66	Lime Manufacturing Plants-Particulate Matter	11/30/1995	9/26/1997, 62 FR 50514 Removed from SIP 9/21/2020, 85 FR 59194	Part 20 approved by EPA September 26, 1997 (62 FR 50518) at 52.1620(c)(66) SIP effective November 25, 1997. Part 20 removed from New Mexico State SIP September 21, 2020 (85 FR 59154) SIP effective October 21, 2020, Regulations.gov docket EPA-R06-OAR-2018-0856 [NM081].

State citation	Title/subject	State submittal/effective date	EPA approval date	Explanation
NM State Part 21(20.2.21 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-21-fugitive>, NMc66	Fugitive Particulate Matter Emissions from Nonferrous Smelters, SIP effective November 25, 1997 (NMc66)	11/30/1995	9/26/1997, 62 FR 50514	
NM State Part 22(20.2.22 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-22-fugitive>, NMc66	Fugitive Particulate Matter Emissions from Roads within the Town of Hurley, SIP effective November 25, 1997 (NMc66)	11/30/1995	9/26/1997, 62 FR 50514	
NM State Part 30(20.2.30 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-30-kraft-mills>, NMc66	Kraft Mills, SIP effective November 25, 1997 (NMc66)	11/30/1995	9/26/1997, 62 FR 50514	

State citation	Title/subject	State submittal/effective date	EPA approval date	Explanation
NM State Part 31(20.2.31 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-31coal-burning>, NMc66	Coal Burning Equipment-Sulfur Dioxide, SIP effective November 25, 1997 (NMc66)	11/30/1995	9/26/1997, 62 FR 50514	
NM State Part 32(20.2.32 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-32-coal-burning>, NMc66	Coal Burning Equipment-Nitrogen Dioxide, SIP effective November 25, 1997 (NMc66)	11/30/1995	9/26/1997, 62 FR 50514	
NM State Part 33(20.2.33 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-33-gas-burning>, NMc66	Gas Burning Equipment-Nitrogen Dioxide, SIP effective November 25, 1997 (NMc66)	11/30/1995	9/26/1997, 62 FR 50514	

State citation	Title/subject	State submittal/effective date	EPA approval date	Explanation
NM State Part 34(20.2.34 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-34-oil-burning>, NMc66	Oil Burning Equipment-Nitrogen Dioxide, SIP effective November 25, 1997 (NMc66)	11/30/1995	9/26/1997, 62 FR 50514	
NM State Part 40(20.2.40 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-40-sulfuric-acid>, NMc66	Sulfuric Acid Production Units-Sulfur Dioxide, Acid Mist and Visible Emissions, SIP effective November 25, 1997 (NMc66)	11/30/1995	9/26/1997, 62 FR 50514	
NM State Part 41(20.2.41 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-41-nonferrous>, NMc66	Nonferrous Smelters-Sulfur, SIP effective November 25, 1997 (NMc66) to present	11/30/1995	9/26/1997, 62 FR 50514	

State citation	Title/subject	State submittal/effective date	EPA approval date	Explanation
NM State Part 60(20.2.60 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-60-open-burning>, NMd44	Open Burning, SIP effective December 27, 2012 (NMd44) to present	12/31/2003	11/27/2012, 77 FR 70693	
NM State Part 61(20.2.61 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-61-smoke-and>, NMc66	Smoke and Visible Emissions, SIP effective November 25, 1997 (NMc66) to present	11/30/1995	9/26/1997, 62 FR 50514	
NM State Part 65(20.2.65 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-65-smoke>, NMd44	Smoke Management, SIP effective December 27, 2012 (NMd44	12/31/2003	11/27/2012, 77 FR 70693	

State citation	Title/subject	State submittal/effective date	EPA approval date	Explanation
NM State Part 66(20.2.66 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-66cotton-gins>, NMd40	Cotton Gins, SIP effective August 13, 2012 (NMd40) to present	4/7/2005	6/13/2012, 77 FR 35273	

State citation	Title/subject	State submittal/effective date	EPA approval date	Explanation
NM State Part 72(20.2.72 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-72-construction>, NMd48	Construction Permits, SIP effective April 10, 2013 (NMd48)	9/6/2006	3/11/2013, 78 FR 15296	The SIP includes NMED's letter dated 11/7/2012, which commits the NMED Air Quality Bureau to providing notification on the NMED's website of all second 30-day public comment periods provided for under paragraph B of 20.2.72.206. NOT in SIP: the definitions of "Accelerated review", "Affiliate", "Conflict of interest", "Interested party" and "Qualified outside firm" in 20.2.72.7; subsection (B)(15) of 20.2.72.203; subsection (H) of 20.2.72.208; 20.2.72.221; 20.2.72.400-20.2.72.499; and 20.2.72.502. References to 20.2.77, 20.2.78, and 20.2.82 are approved for Part 72 only; underlying and related regulations for referred Parts NOT in SIP.

State citation	Title/subject	State submittal/effective date	EPA approval date	Explanation
NM State Part 73(20.2.73 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-part-73-notice-intent-and-emissions-inventory>, NMd44	Notice of Intent and Emissions Inventory Requirements, SIP effective December 27, 2012 (NMd44) to present	7/6/2011	11/27/2012, 77 FR 70693	
NM State Part 74(20.2.74 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-74-permits>, NMc60	Permits—Prevention of Significant Deterioration, SIP effective September 14, 2015 (NMd60) to present	7/11/2014	7/14/2015, 80 FR 40915	Revisions to 20.2.74.7(AZ)(2)(a) NMAC submitted 1/8/2013, effective 2/6/2913, are NOT part of SIP. 20.2.74.7(AZ)(2)(a) NMAC submitted 5/23/2011, effective 6/3/2011, remains SIP approved.

State citation	Title/subject	State submittal/effective date	EPA approval date	Explanation
NM State Part 75(20.2.75 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-75-construction>, NMd38	Construction Permit Fees, SIP effective May 29, 2012 (NMd38)	12/1/2003	3/29/2012, 77 FR 18923	NOT in SIP: subsection (B) of 20.2.75.10 and subsection (D) of 20.2.75.11. References to 20.2.70, 20.2.71, 20.2.72.400-20.2.72.499, 20.2.77, 20.2.78, 20.2.82, and 20.2.X are approved for Part 75 only; underlying and related regulations for referred Parts NOT in SIP.
NM State Part 79(20.2.79 NMAC), NMd47 <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-79-permits>	Permits—Nonattainment Areas, SIP effective February 21, 2013 (NMd47) to December 15, 2022	6/3/2011	1/22/2013, 78 FR 4339	
NM State Part 79(20.2.79 NMAC), NMd87 <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-79-permits-0>	Permits—Nonattainment Areas, SIP effective December 16, 2022 (NMd87)	8/21/2021	11/16/2022, 87 FR 68632	

State citation	Title/subject	State submittal/effective date	EPA approval date	Explanation
NM State Part 80(20.2.80 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-80-stack-heights>, NMc66	Stack Heights, SIP effective November 25, 1997 (NMc66)	11/30/1995	9/26/1997, 62 FR 50514	
NM State Part 81(20.2.81 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-81-western>, NMd44	Western Backstop Sulfur Dioxide Trading Program, SIP effective December 27, 2012 (NMd44)	7/6/2011	11/27/2012, 77 FR 70693	
NM State Part 99(20.2.99 NMAC) <https://epa.gov/air-quality-implementation-plans/new-mexico-sip-nm-except-bernalillo-county-part-99-transportation>, NMd57	Transportation Conformity, SIP effective July 20, 2015 (NMd57)	7/11/2014	6/18/2015, 80 FR 34835	

**********end New Mexico State Outline**********y8g***

Last updated on March 31, 2025

Ozone Precursor Rule
Fact Sheet

MAY 2021

Why is the rule needed?

The rule addresses "ozone precursors"— volatile organic compounds (VOCs), and oxides of nitrogen (NOx). These two gases combine to create ground-level ozone.

- The American Lung Association describes breathing ozone as a "sunburn to the lungs" that can cause breathing issues, asthma attacks, as well as respiratory and cardiovascular attacks.

Some areas of New Mexico are experiencing a dangerous rise in ground-level ozone concentrations, which can cause serious health effects. We must work swiftly to reduce this pollutant. The proposed rule provides clear, consistent, and effective regulations that industry can comply with and regulators can enforce.

- Lowering ozone levels will help protect against the dangerous breathing complications, asthma attacks, and heart failure related to this type of pollution.
- Nearly 200,000 New Mexicans contracted COVID-19 throughout the pandemic. Symptoms of COVID-19 are further exacerbated by poor air quality.

How will the rule improve air quality?

- The new rule will reduce volatile organic compounds (VOCs) by approximately 106,420 tons (212,840,000 pounds), and oxides of nitrogen (NOx) by approximately 23,148 tons (46,296,000 pounds).
- Those emissions reductions are equivalent to taking 8 million passenger vehicles off the road every year.
- Lowering ozone levels will also reduce smog, improve air quality, and create clearer visibility for our skies.

Who does the rule apply to?

The new rule applies to emissions sources in the oil and gas sector, with no exemptions.

- 100% of all oil and gas operations in counties with high ozone levels are covered under these rules. No grandfathering in or out; no loopholes.
- The largest polluters have the strictest emission control requirements.

By the numbers

Estimated annual emissions reductions of:

- 106,420 tons of VOCs
- 23,148 tons of NOx
  - Equivalent to taking 8 million cars off the road every year
- 200,000 to 425,000 tons of methane
  - Equivalent to the amount of energy required to power 1.2 millions homes every year

100% coverage

- Applies to all 50,000+ wells and associated equipment operated by 535 companies in the subject counties

2+ years in the making

- 15,000+ hours of staff time
- 1,000+ people attended public meetings across the state
- 524 comments received on 2020 draft
- $1 million+ in contract support from scientists & ozone researchers

NMED Exhibit 53_000001

How is the rule innovative?

- The rule encourages operators to stop venting and flaring emissions (which is often inconsistent and inefficient), and use fuel cells or other technologies instead. Fuel cells chemically convert methane and volatile organic compounds (VOCs) to electricity, which can then be used to power equipment on the well pad, power microgrids, or even sold to utilities.

- The rule incentivizes use and development of new technologies for leak detection and repair such as remote monitoring via satellite, plane, or airship, to increase the accuracy and speed of reporting.

How does the rule compare?

Our proposed ozone rule embraces the use of new and innovative approaches and technologies that are more protective of public health and the environment than those currently found in federal and state rules.

How does the rule support environmental justice?

This rule will directly address and reduce ozone levels in the most affected communities, protecting our most vulnerable populations from negative health impacts. Our most polluted regions include Chaves, Doña Ana, Eddy, Lea, Rio Arriba, San Juan, Sandoval, and Valencia counties. Nearly 800,000 New Mexicans (38%) live in these counties. A majority of residents are Hispanic and Latino, and the poverty rates are significantly higher than the national average.

What happens next?

Once voted on and approved by the Environmental Improvement Board following the public hearing, the rule is anticipated to go into effect in March 2022.

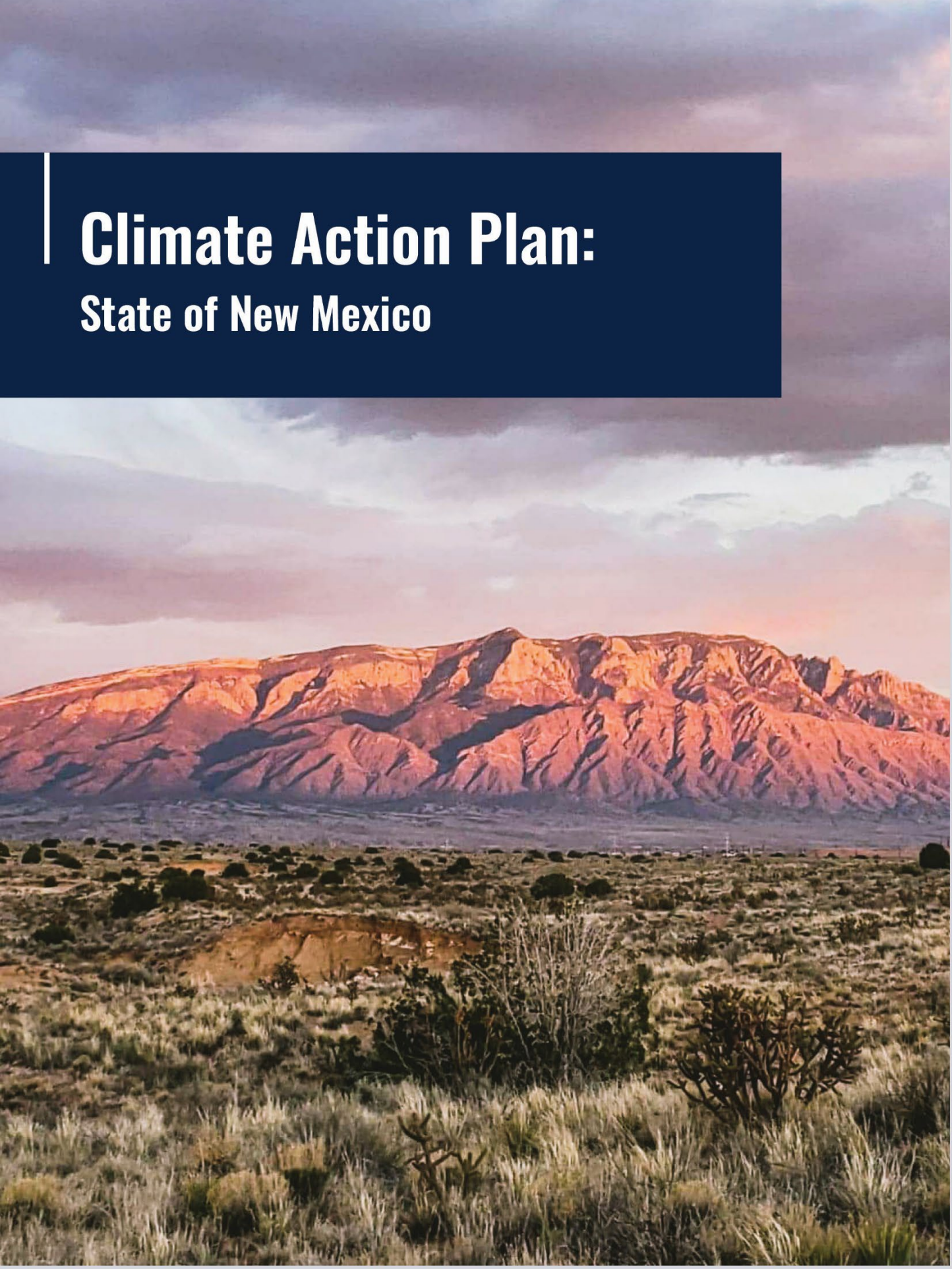


Read the full proposed rule here.
Subscribe to receive email updates here.
Visit our website here.

NMED Exhibit 53_000002

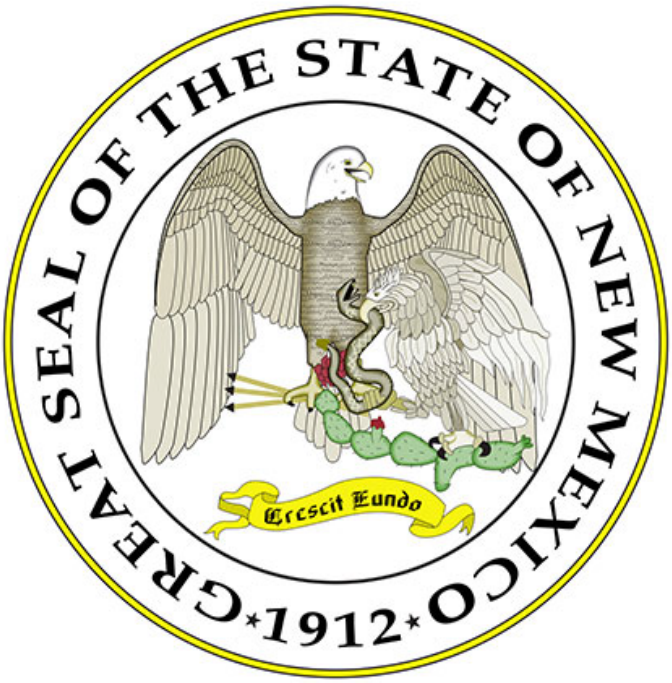
Climate Action Plan:

State of New Mexico



December 2025

NMED Exhibit 54_000001



Climate Action Plan

State of New Mexico

New Mexico Environmental Department
and the
Energy, Minerals and Natural Resources Department

December 2025

This Climate Action Plan has been funded in part by the United States Environmental Protection Agency's (EPA's) Climate Pollution Reduction Grant Program under assistance agreement 5D-02F3610-0 to the New Mexico Environment Department (NMED) and the Innovation in State Government Fund (SB 83 2025).

NMED maintains the most current version of this Climate Action Plan on the State of New Mexico's Climate Action Planning website (https://www.climateaction.nm.gov/cap/).



Courtesy: New Mexico True.

Acknowledgements

Thank you to the following individuals, agencies, bureaus, departments, and organizations whose efforts made this Climate Action Plan possible. A very special thank you to the hundreds of residents of the state of New Mexico who volunteered their time and energy during the community outreach efforts. Your input has been invaluable.

Climate Action Planning Team

- Michelle Miano, Environmental Protection Division Director, NMED
- Rebecca "Puck" Stair, Energy Conservation and Management Division Director, EMNRD
- Rachel Finkelstein, Climate Policy Bureau Chief, EMNRD
- Claudia Borchert, Climate Change Bureau Chief, NMED
- Becky Smith, Community Engagement and Support Section Manager, NMED
- Amy Rosebrough, Climate Action Program Coordinator, NMED
- Phillip King, Climate Action Plan Coordinator, EMNRD
- Richard Kirschner, Climate Action Plan Analyst, EMNRD
- Corina Michelle Gomez, Climate Action Planning Scientist, NMED
- Mark Edwards, Greenhouse Gas Emissions Inventory Specialist, NMED
- Robert Gomez, Sustainability and Resilience Officer, EMNRD
- Tess Ngochi, Resilience Coordinator, EMNRD
- Evan Rogers, Economist, EMNRD
- Jessica Hejny, Control Strategies Manager, NMED
- Brecken Scott, Assistant General Counsel, NMED
- Dylan Villescas, Assistant General Counsel, NMED
- Christopher Hall, Assistant General Counsel, EMNRD
- Nina Riggio, Intern, NMED

Contractors and Consultants

- Community Connects Consulting, LLC
- Eastern Research Group, Inc. (ERG)
- Metropolitan Group, LLC
- Vox Optima, LLC

NMED Exhibit 54_000003

State Agencies, Municipalities, and Tribal Governments

- City of Albuquerque
- City of Gallup
- City of Santa Fe
- City of Las Vegas
- Housing New Mexico–New Mexico Mortgage Finance Authority
- New Mexico Department of Agriculture
- New Mexico Department of Transportation
- New Mexico Department of Workforce Solutions
- New Mexico Economic Development Department
- New Mexico Energy, Minerals and Natural Resources Department
- New Mexico Environment Department
- New Mexico Indian Affairs Department
- New Mexico Inter-Tribal Resource Advisory Council
- New Mexico Public Education Department
- New Mexico Public Regulation Commission
- New Mexico State Land Office
- New Mexico State Personnel Office
- New Mexico Sustainable Economy Task Force and Advisory Council
- New Mexico Office of the Governor
- Pueblo of Santa Ana
- Pueblo of Sandia
- Pueblo de San Ildefonso
- Pueblo of Tesuque
- Rio Metro Regional Transit District
- Silver City Community Development Department
- Southwest New Mexico Council of Governments
- Town of Bernalillo

Organizations

- Amigos Bravos
- Center for the New Energy Economy
- Chainbreaker Collective, Santa Fe
- Concerned Citizens of Wagon Mound and Mora County
- Connect New Mexico
- Earth Care
- Interfaith Power & Light
- Gila Resources Information Project
- Navajo Nation Climate Change Program
- New Mexico Cattle Growers' Association
- New Mexico Climate Masters
- New Mexico Compost Coalition
- New Mexico Healthy Soils Working Group
- New Mexico Oil and Gas Association
- New Mexico Renewable Energy Transmission Authority
- Southwest Energy Efficiency Project
- Quay County Health Council, Quay County
- Sierra Club Rio Grande Chapter
- Somos Un Pueblo Unido
- Sovereign Energy
- Together for Brothers, Albuquerque
- University of New Mexico ARID Institute
- University of New Mexico Office of Sustainability
- WildEarth Guardians
- Youth United for Climate Crisis Action

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Abbreviations

Abbreviation	Meaning
AAS	Associate of Applied Science
ABC	Associated Builders and Contractors
ACS	American Community Survey
AFW	agriculture, forests, and wilderness
AGRU	acid gas removal unit
AHJ	authority having jurisdiction
AML	Abandoned Mine Land
AMLER	Abandoned Mine Land Economic Revitalization
AMM	abandoned mine methane
ASAP	All Stations Accessibility Program
BAU	business as usual
BenMAP	Environmental Benefits Mapping and Analysis Program
BEV	battery electric vehicle
CAFE	Corporate Average Fuel Economy
C&E	Compliance and Enforcement Division, New Mexico Environment Department
CAP	Climate Action Plan
CAT	Climate Action Team
CCB	Climate Change Bureau
CCIA	Clean Communities Investment Accelerator
CDC	Centers for Disease Control and Prevention
CDL	commercial driver's license
CEED	Community Energy Efficiency Development
CEPCI	Chemical Engineering Plant Cost Index
CETS	Comprehensive Energy Transition Strategy
CFI	Charging and Fueling Infrastructure
CH_4	methane
CIG	Capital Investment Grant
CMAQ	Congestion Mitigation and Air Quality
CMM	coal mine methane
CNM	Central New Mexico
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalents

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COBRA	CO–Benefits Risk Assessment
COD	commercial operation date
CPEC	clean peak energy certificate
CPRG	Climate Pollution Reduction Grant
CPS	Clean Peak Standard
CSPP	Community Scale Pilot Project
CUF	Climate United Fund
DACC	Doña Ana Community College
DCFC	direct current fast charger
DER	distributed energy resource
DLR	dynamic line rating
DOE	U.S. Department of Energy
DOL	U.S. Department of Labor
DOT	U.S. Department of Transportation
E3	Energy and Environmental Economics, Inc.
ECAM	Energy Conservation and Management Division
EERE	Energy Efficiency and Renewable Energy
EIA	U.S. Energy Information Administration
EIB	Environmental Improvement Board
EIR	Energy Infrastructure Reinvestment
eGRID	Emissions & Generation Resource Integrated Database
EMNRD	New Mexico Energy, Minerals and Natural Resources Department
ENMU	Eastern New Mexico University
EO	Executive Order
EOR	enhanced oil recovery
EPA	U.S. Environmental Protection Agency
EPR	extended producer responsibility
EQIP	Environmental Quality Incentives Program
ERA	Energy Improvements in Rural or Remote Areas
ERG	Eastern Research Group, Inc.
ESS	energy storage system
ETA	Energy Transition Act
EUEA	Efficient Use of Energy Act
EV	electric vehicle
EVSE	Electric Vehicle Supply Equipment
FCEV	fuel cell electric vehicle
FMPP	Farmers Market Promotion Program
FTA	Federal Transit Administration
FTE	full-time equivalent
FY	fiscal year
GAO	Global Airborne Observatory
GCCS	gas collection and control system
GET	grid-enhancing technology
GHG	greenhouse gas

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GHGI	Greenhouse Gas Inventory
GHGRP	Greenhouse Gas Reporting Program
GHP	geothermal heat pump
GIS	geographic information system
GSD	General Services Department
GW	gigawatt
GWh	gigawatt-hour
GWP	global warming potential
HAP	hazardous air pollutant
HEAR	Home Electrification and Appliance Rebate
HER	Home Energy Rebate
HFC	hydrofluorocarbon
HVAC	heating, ventilation, and air conditioning
IAD	New Mexico Indian Affairs Department
ICE	internal combustion engine
IECC	International Energy Conservation Code
IET	Integrated Education and Training
IIJA	Infrastructure Investment and Jobs Act
IPCC	Intergovernmental Panel on Climate Change
IPPU	industrial processes and product use
IRA	Inflation Reduction Act
IRAC	New Mexico Inter-Tribal Resource Advisory Council
IRC	Internal Revenue Code
IRS	Internal Revenue Service
ITC	investment tax credit
JTA	Job Training Albuquerque
LAMP	Local Agriculture Market Program
LDES	long-duration energy storage
LDV	light-duty vehicle
LEAD	Low-Income Energy Affordability Data
LEDA	Local Economic Development Act
LFG	landfill gas
LFPP	Local Food Promotion Program
LIDAC	Low-Income and Disadvantaged Community
LWCF	Land and Water Conservation Fund
$/MTCO$_2$e	dollars per metric ton of carbon dioxide equivalents reduced
MERP	Methane Emissions Reduction Program
MFA	Mortgage Finance Authority
MMT	million metric tons
MMTCO$_2$e	million metric tons of carbon dioxide equivalent
MOVES	Motor Vehicle Emission Simulator
MPPEP	Meat and Poultry Processing Expansion Program
MSHA	Mine Safety and Health Administration
MT	metric tons

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$MTCO_2e$	metric tons of carbon dioxide equivalent
MVD	New Mexico Motor Vehicle Division
MW	megawatt
MWh	megawatt-hour
MXD	mixed-use development
MY	model year
NAAQS	National Ambient Air Quality Standards
NABCEP	North American Board of Certified Energy Practitioners
NCIF	National Clean Investment Fund
NGDISM	Natural Gas Distribution Infrastructure Safety and Modernization
NM	New Mexico
NMAC	New Mexico Administrative Code
NMBCTC	New Mexico Building and Construction Trade Council
NMDA	New Mexico Department of Agriculture
NMDOH	New Mexico Department of Health
NMDOT	New Mexico Department of Transportation
NMDWS	New Mexico Department of Workforce Solutions
NMED	New Mexico Environment Department
NMEDD	New Mexico Economic Development Department
NMHED	New Mexico Higher Education Department
NMICC	New Mexico Independent Community Colleges
NMPED	New Mexico Public Education Department
NMSA	New Mexico Statutes Annotated
NMSU	New Mexico State University
NMVES	New Mexico Vehicle Emissions Standards
NNMC	Northern New Mexico College
N_2O	nitrous oxide
NO_x	nitrogen oxides
NPT	Nations, Pueblos, and Tribes
NREL	National Renewable Energy Laboratory
O&G	oil and gas
O&M	operation and maintenance
OCD	New Mexico Oil Conservation Division
OSE	New Mexico Office of the State Engineer
PBR	performance-based regulation
PCAP	Priority Climate Action Plan
PFC	perfluorocarbon
PFEEWC	Public Facilities Energy Efficiency and Water Conservation
PHEV	plug-in hybrid electric vehicle
PLC	Programmable Logic Controls
PM	particulate matter
PNM	Public Service Company of New Mexico
PRC	Public Regulation Commission
PSP	Permian Strategic Partnership

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PSPS	public safety power shutoff
PTC	production tax credit
PV	photovoltaic
RAID	Recycling and Illegal Dumping
RCP	Reconnecting Communities Pilot
RCPP	Regional Conservation Partnership Program
REAP	Rural Energy for America Program
REC	renewable energy certificate
RETA	Renewable Energy Transmission Authority
RFSP	Regional Food System Partnerships
RIP	Rural Infrastructure Program
ROW	right-of-way
RPS	renewable portfolio standard
SBTC	Sustainable Building Tax Credit
SCMN	Soil Carbon Monitoring and Research Network
SEDS	State Energy Data System
SERC	Sustainable Energy Resources for Consumers
SFCC	Santa Fe Community College
SGR	State of Good Repair
SLO	State Land Office
SO_2	sulfur dioxide
STBG	Surface Transportation Block Grant
STC	State Transportation Commission
SWIFR	Solid Waste Infrastructure for Recycling
TAP	Transportation Alternatives Program
TAX	New Mexico Taxation and Revenue Department
TEP	transportation electrification plan
TREC	Training for Residential Energy Contractors
UNM	University of New Mexico
U.S.	United States
USDA	U.S. Department of Agriculture
USFS	U.S. Forest Service
VAPG	Value-Added Producer Grant
VMT	vehicle miles traveled
VOC	volatile organic compound
VPP	virtual power plant
WAGE	Workforce Alliance for Green Energy
WAP	Weatherization Assistance Program
WARM	Waste Reduction Model
WIOA	Workforce Innovation and Opportunity Act
ZEV	zero-emission vehicle

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Executive Summary

New Mexico, a land rich in natural beauty and cultural diversity, faces significant and undeniable risks from a changing climate. New Mexicans recognize the threats posed by rising temperatures, prolonged and severe droughts, increasingly frequent wildfires, deadly flash flooding, and decreasing freshwater availability to the livelihoods and futures of all who call this place home, and to New Mexico's environment and economy.

In recognition of these threats, New Mexico set a target six years ago to reduce greenhouse gas emissions 45% by 2030 (compared to 2005 emissions) in Executive Order 2019-003. New Mexico subsequently set a goal to achieve net-zero emissions by 2050, while building the workforce to support transformative clean and advanced energy and investing in infrastructure development to make communities more resilient during these transformative times.

For the past several years, New Mexico has been measuring its progress in meeting these targets. As a result of receiving federal and state funding – including the Climate Pollution Reduction Grant and the Innovation in State Government Fund – the Climate Change Task Force co-chair agencies Environment Department (NMED) and Energy, Minerals and Natural Resources Department (EMNRD) are able to deliver this master state Climate Action Plan to not only measure where we are, but create a roadmap and policy pathway for state agencies to achieve the targets.

As seen in the newest 2023 greenhouse gas emissions inventory, our progress is remarkable. New Mexico's greenhouse gas emissions have fallen 8% in just two years, since 2021. This is an especially notable achievement given that oil and gas production surged by 46% and 40%, respectively, during the same period. And electricity-related emissions between 2021 and 2023 fell by 36% despite a 17% increase in generation. These are positive trends, and the ultimate proof that environmental and economic progress can work together.

NMED, EMNRD, and its agency partners (the Climate Action Plan team) built on a strong foundation of past and ongoing efforts to chart a policy pathway forward that enables the state to continue its trajectory to achieve its emissions reduction targets through 45 different actions, or measures. The Climate Action Plan team then evaluated each of these measures through multiple lenses, including health benefits, agency costs, workforce needs, implementation authority and timelines, impacts to low-income and disadvantaged communities, projected greenhouse gas emissions reductions, and funding opportunities from innovative and equitable transition opportunities, including workforce training made possible by the Job Training Incentive Program and local infrastructure upgrades and clean transportation opportunities from investments in the Community Benefit Fund.

Throughout this year-long process, the Climate Action Plan team recognized that attaining our greenhouse gas emissions reduction targets, workforce needs, and developing the infrastructure

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required to support this work necessitates a bold, concerted strategy and sustained, collaborative action among all stakeholders. As you will see, the Climate Action Plan proposes ambitious ideas with the understanding that individual measures and timelines will inevitably face challenges—and, in some cases, barriers that cannot be fully overcome. However, this did not deter our team from selecting strong measures, many of which were requested and shaped by communities across New Mexico. The analyses and estimates included in this Plan represent the best available information at this time. Implementing agencies should review the assumptions against their resource needs and adjust as necessary before implementing.

The result is this: a master state Climate Action Plan that presents 45 economy-wide emission reduction measures that will put New Mexico on track to meet our 2030 target and achieve an 82% reduction in greenhouse gas emissions by 2050 relative to 2005 levels with carbon offsets to account for the target remainder to achieve net zero emissions. Beyond the forecasted greenhouse gas emission reductions, the state expects the measures outlined in the Climate Action Plan to also generate a wide range of co-benefits, including new job opportunities, better infrastructure and other positive impacts for New Mexico's communities and economy – with benefits expected to far exceed agency costs.

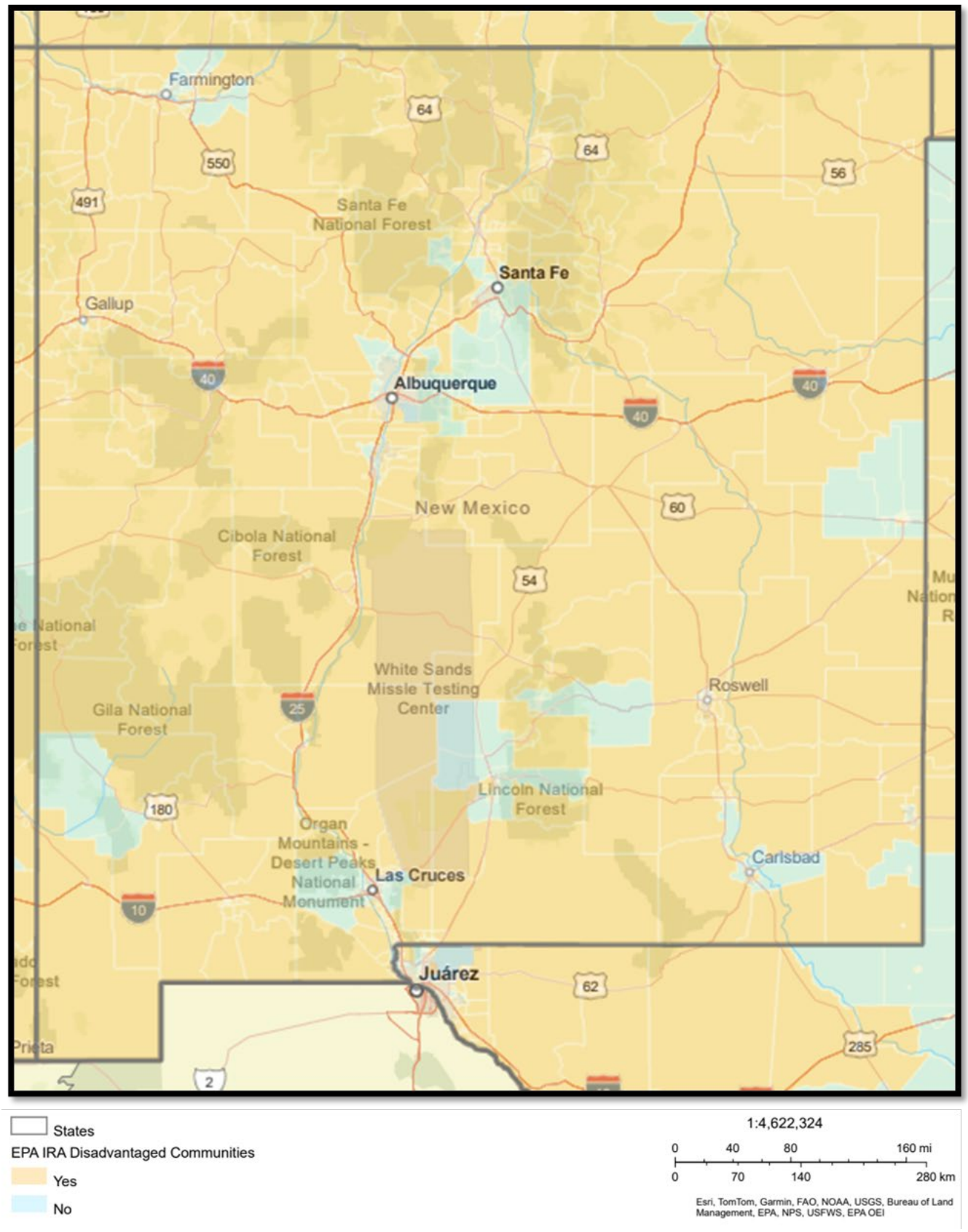
Moreover, it is important to identify and support the communities that will be hit first and worst by the impacts of climate change and to ensure that policies, programs, and investments proposed in the Climate Action Plan benefit all New Mexicans equitably. The CAP Team utilized the federal term "Low-Income and Disadvantaged Communities (LIDAC)" in this Climate Action Plan, while recognizing that this term may not reflect the nuances of the communities of New Mexico. The use of the term LIDAC and LIDAC benefits analysis in the plan refers to the census tracts defined by this federal term and displayed in the map in Figure 1, while acknowledging that engaging with and supporting overly burdened communities go beyond federal datasets.

For all New Mexicans, successful implementation of the CAP depends on strong coordination among NMED, EMNRD, implementing agencies, and their partners. To maintain the critical momentum of initiatives and ensure New Mexico meets our emissions reduction targets while continuing to grow our economy, the state must proactively continue to invest in these kinds of measures.

As implementation progresses, NMED and EMNRD will closely monitor outcomes and update the CAP as needed to address emerging challenges, integrate new climate action strategies, and maximize gross emissions reductions, thereby minimizing reliance on carbon offsets to reach net zero emissions by 2050. Through continued collaboration, adaptive management, and a shared commitment to innovation, this plan will position our communities to lead in climate action and resilience for decades to come.

NMED Exhibit 54_000019

Figure 1. New Mexico LIDAC Map



NMED Exhibit 54_000020



1 Introduction

1.1 Climate Action Plan (CAP) Overview

This Climate Action Plan (CAP) is the result of direct collaboration between the New Mexico Environment Department (NMED) and the New Mexico Energy, Minerals and Natural Resources Department (EMNRD). NMED and EMNRD coordinated efforts, pooled resources, and designated scientists, coordinators, and analysts to create the Climate Action Plan Team (CAP Team).

The CAP builds upon the New Mexico Priority Climate Action Plan and joins other state plans aiming to protect New Mexicans from the effects of climate change through proactive planning and concerted collaboration, such as the New Mexico 50-Year Water Action Plan from the New Mexico Interstate Stream Commission, the Climate Adaptation and Resilience Plan from EMNRD, and the Carbon Reduction Program from the New Mexico Department of Transportation (NMDOT). This work aligns with the greater initiatives that the State of New Mexico is undertaking, such as the Comprehensive Energy Transition Strategy (CETS), the creation of a circular economy, the establishment of the Innovation in State Government Fund, and proactive workforce development (as described in the New Mexico Department of Workforce Solutions' (NMDWS's) inaugural report, *Building New Mexico's Infrastructure and Climate-Ready Workforce*).

1.2 CAP Purpose and Scope

1.2.1 Purpose

The New Mexico CAP is a strategic roadmap to reduce greenhouse gas (GHG) emissions and build a healthier, more resilient, and more equitable future. This plan lays out actions to meet the state's target to reduce GHG emissions by 45% by 2030 (compared to 2005 emissions) as established in Executive Order (EO) 2019-003; achieve net-zero emissions by 2050; and support the goals in EO 2024-152 to build New Mexico's workforce to foster the clean energy transition, invest in infrastructure, and make communities more resilient.

The CAP clearly defines the actions necessary to meet these state emission reduction goals and balances the needs of urban and rural communities, as well as the needs of state, local, and Tribal governments throughout the state.

1.2.2 Goals

- Cut GHG emissions by 45% by 2030 and reach net-zero GHG emissions by 2050
- Improve public health and air quality
- Promote economic growth through clean energy jobs and career pathways
- Ensure benefits reach all New Mexicans

NMED Exhibit 54_000021

1.2.3 Emissions Snapshot

- GHG emission reductions (2005–2023): 21%
- Top-emitting sectors: industry, transportation, agriculture, and electricity generation. These sectors account for almost 90% of total GHG emissions.

1.2.4 Components

The CAP includes the following components:

- New Mexico's 2023 GHG inventory and projections
- Quantified emission reductions, co-pollutant reductions, and costs by measure
- Benefits analysis
- Implementation timelines and a review of authority to implement
- Cost estimates and funding options
- A workforce planning analysis
- A summary of outreach and engagement efforts
- A plan for meeting New Mexico's emission reduction targets
- A cost-benefit analysis

1.2.5 Scope

Aligned with established national and subnational GHG accounting methodologies, this plan accounts for Scope 1 and Scope 2 emissions, while excluding Scope 3. Scope 1 emissions are greenhouse gases emitted from a primary source such as vehicles, buildings, or industrial facilities. Scope 2 emissions are indirect greenhouse gas emissions associated with the purchase of electricity, steam, heat, or cooling. Scope 3 emissions are associated with downstream activities such as usage of sold products, processing of sold products, transportation and distribution of products, and so forth. Scope 3 emissions from one entity are generally the Scope 1 and 2 emissions of another entity. Limiting the analysis to Scopes 1 and 2 provides a focused assessment of emission sources within New Mexico's direct jurisdiction and capacity for action.

The actions and strategies outlined in the CAP address emissions from every major sector of New Mexico's economy. These sectors, and descriptions of the areas within each sector addressed by the CAP, are:

Industry

- Oil and gas emissions

Transportation

- Vehicle emissions
- Vehicle miles traveled (VMT)

Agriculture

- Cropland and soil management
- Local food systems

Electricity Generation

- Transmission and generation
- Grid modernization
- Electricity generation incentives

Commercial and Residential Buildings

- Building energy efficiency
- Electric Vehicle Supply Equipment (EVSE) accessibility
- Construction waste
- Geothermal energy

NMED Exhibit 54_000022

Waste and Materials

- Waste prevention and management
- Wastewater management
- Household appliances
- Materials

Natural and Working Lands

- Wildfire reduction
- Restoration and conservation

1.3 Approach to Developing the CAP

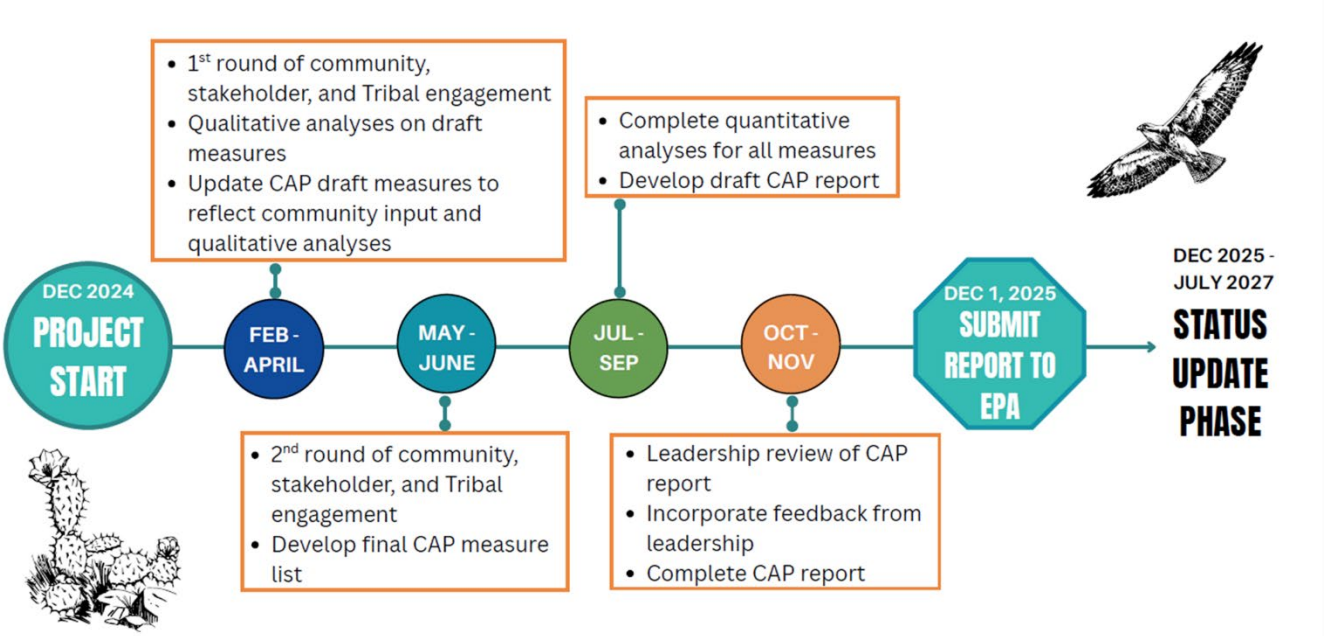
The development of the CAP was guided by two key methodologies: **scientific research** and **iterative, community-responsive engagement**. These principles formed the foundation of the measure selection process, which was based on the following five criteria:

1. **Impact of emission reductions.** The magnitude and timeline of expected GHG emission reductions.
2. **Feasibility of implementation.** The complexity of and timeline for securing the necessary authority to implement a new measure if it does not already exist.
3. **Cost and availability of funding.** The cost-effectiveness of emission reductions and the availability of funding for each measure.
4. **Transformative impact.** The potential impact on New Mexico's economy, workforce, environment, health, and communities, with priority given to overly burdened communities. The CAP references "Low-Income and Disadvantaged Communities (LIDACs)," a term defined by EPA for the purposes of assessing impacts and promoting meaningful engagement in the development of plans funded by CPRG. For more on community coordination and outreach, see section 1.4.4 and for a definition of LIDAC and a LIDAC Identification Map, see the Executive Summary.
5. **Community values.** The alignment of measures with community priorities and values, gathered through continuous and responsive engagement, with a focus on ensuring accessibility to and representation of overly burdened communities.

This strategic approach to measure selection supported a systematic and inclusive development process. Figure 2 illustrates the key phases and milestones of the CAP development timeline.

NMED Exhibit 54_000023

Figure 2. Timeline of NM CAP Development



Building on this framework, the development of the CAP was not solely a technical exercise, but also a collaborative effort deeply rooted in broad community and stakeholder engagement. Section 1.4 details the extensive measures undertaken to gather diverse perspectives and crucial technical feedback, ensuring the plan is both scientifically sound and also reflective of the values and priorities of New Mexicans. The CAP Team aimed to balance and include the highly variable priorities and opinions across stakeholder groups throughout the state using the coordination and outreach approach detailed below.

1.4 Coordination and Outreach

To ensure the CAP provides a healthy, secure, and prosperous future for all New Mexicans, the CAP Team actively sought input from a wide range of voices. Tribal governments provided important assistance to the CAP Team. The CAP Team also received extensive assistance from state agencies, municipalities, community organizations, and community members.

1.4.1 State Agency Coordination and Outreach

State Climate Action Teams (CATs), composed of various state agencies and relevant external entities, were formed to develop sector-specific measures. These CATs provided invaluable technical and policy expertise for the transportation, industry, electricity, and natural and working lands sectors. Table 1 outlines the CATs and their respective participating state agencies.

NMED Exhibit 54_000024

Table 1. Participating Agencies in CATs

CAT	Participating State Agencies
Transportation	New Mexico Energy, Minerals and Natural Resources Department (EMNRD); New Mexico Department of Transportation (NMDOT); New Mexico Environment Department (NMED); General Services Department (GSD); Taxation and Revenue Department (TAX); New Mexico Department of Workforce Solutions (NMDWS); New Mexico Public Education Department (NMPED)
Industry	EMNRD, NMED, NMDWS, New Mexico Public Regulation Commission (PRC)
Electricity	EMNRD, PRC, New Mexico Renewable Energy Transmission Authority (RETA)
Natural and working lands	EMNRD, NMED, New Mexico Economic Development Department (NMEDD), New Mexico Indian Affairs Department (IAD), New Mexico Department of Agriculture (NMDA)

For the sectors not covered by a dedicated CAT, such as buildings and waste and materials, individual meetings were held with relevant agencies to ensure comprehensive plan development.

1.4.2 Tribal Government Coordination and Outreach

The CAP Team collaborated with Nations, Pueblos, and Tribes (NPTs) primarily through the New Mexico Inter-Tribal Resource Advisory Council (IRAC). The CAP Team attended two IRAC meetings to present updates and solicit feedback, focusing on measures that directly impact Tribal communities. These discussions aimed to optimize benefits and mitigate potential negative impacts of the CAP.

The CAP Team also held in-person and virtual meetings with staff of NPTs to further discuss the CAP's development and explore collaboration opportunities. A meeting was held with the Navajo Nation Climate Change Program in Window Rock, Arizona, in February 2025, to exchange information on climate initiatives and potential partnerships.

Additionally, the City of Albuquerque coordinates monthly meetings for all Climate Pollution Reduction Grant (CPRG) recipients in New Mexico, which include the Navajo Nation; Pueblo of Sandia; Pueblo of Santa Ana; and Pueblo Coalition of Tesuque, which includes Nambé Pueblo, Picuris Pueblo, and Pueblo de San Ildefonso. The CAP Team used these meetings to provide updates on the CAP and facilitate mutual support and collaboration among participating entities.

1.4.3 Municipality Coordination and Outreach

The CAP Team worked closely with the City of Albuquerque, which was concurrently developing a climate action plan for its metropolitan statistical area under the CPRG. This collaboration involved sharing information on community outreach, engagement strategies, and workforce data.

The CAP Team also invited other municipalities to collaborate; the cities of Gallup, Las Vegas, and Silver City accepted. Their feedback on local priorities and beneficial climate actions was crucial in developing a plan that serves the state's diverse communities.

NMED Exhibit 54_000025

1.4.4 Community Coordination and Outreach

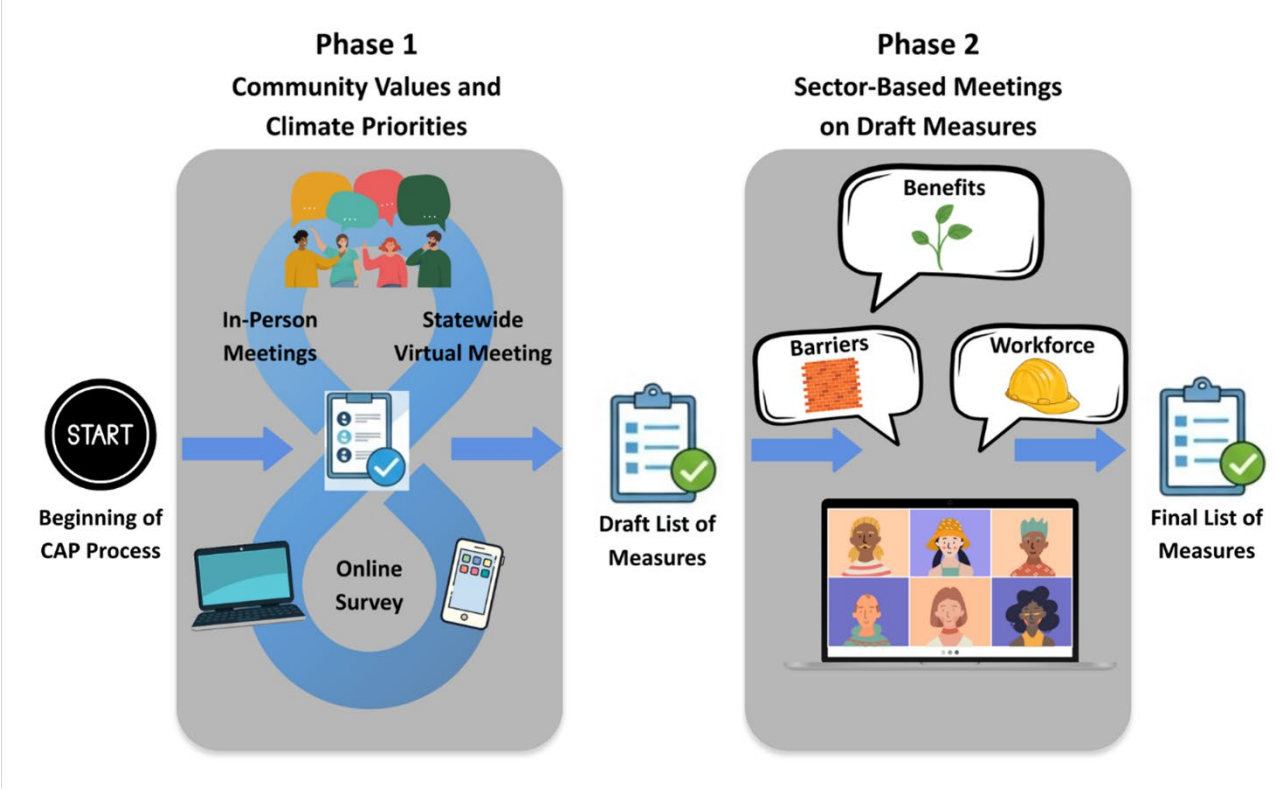
Integrating community values and priorities, while ensuring representation of voices from overly burdened communities, was a fundamental component of the CAP's development. Recognizing that effective climate action varies across different regions within New Mexico, the team sought direct input from community members and the organizations that serve them.

To guide this process, the CAP Team held listening sessions with community organizations to shape a robust engagement strategy. This feedback led to the adoption of five core principles:

1. **Reciprocity.** Engagement is a partnership, not a transaction.
2. **Accessibility.** Ensuring resources and opportunities are available to all, especially historically underrepresented communities.
3. **Cultural responsiveness.** Tailoring outreach to meet the unique linguistic, communication, and cultural needs of diverse communities.
4. **Collaboration and co-creation.** Involving community voices early and often to build processes based on a shared vision.
5. **Relationship-centered communication.** Prioritizing two-way communication that listens as much as it speaks.

With these five principles as a guide, the community outreach and engagement process was designed to be iterative and responsive, with two distinct phases of feedback.

Figure 3. Community Outreach and Engagement Process for the CAP



Phase 1 focused on gathering foundational input on community values and priorities. This phase included an online survey, in-person meetings, and a virtual meeting to ensure broad access. The in-

person meetings were held in Gallup, Hobbs, Silver City, Tucumcari, Las Vegas, and Albuquerque. All of these communities are largely classified as LIDACs within or around the city or town limits, as shown by the LIDAC Identification Map in the Executive Summary. The virtual meeting and online survey allowed community members from across the state to provide input on the CAP, which directly informed the development of the initial draft list of measures.

Phase 2 encouraged community members to provide iterative feedback on the draft measures. A series of virtual sector-based meetings allowed community members to review how their initial input was incorporated and to discuss potential benefits, barriers, or workforce implications of specific measures in their communities. The CAP Team then used this feedback to refine the final list of measures for the CAP. Members of the public, community-based organizations, advocacy organizations, industry, academia, city, state and Tribal government representatives, and many others participated in these meetings, and contributed a wide range of expertise and lived experience to the process.

Appendix B summarizes all of the input received from community members during the CAP Team's outreach and engagement efforts.

Additionally, the CAP Team conducted one-on-one virtual meetings with representatives from community organizations, community colleges, universities, trade associations, and unions to address specific workforce considerations. More details can be found in Section 6.

NMED Exhibit 54_000027



2 Greenhouse Gas (GHG) Inventory

The Greenhouse Gas Inventory (GHGI) Team developed a sector-based, statewide inventory of major sources of GHG emissions within New Mexico for calendar year 2023. This inventory includes the seven GHGs commonly required by standard accounting protocols: carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF_6), and nitrogen trifluoride (NF_3). The GHGI Team calculated emissions of CO_2 from a biogenic origin for certain sectors, but these are reported separately from other gases and are not included in the emissions totals. The inventory encompasses all major sectors, including industry, transportation, agriculture, electricity generation, buildings, waste and materials management, and natural and working lands. Methodological decisions, assumptions, and data sources are documented below to ensure transparency and reproducibility.

The full 2023 inventory—along with a detailed methodology—will be available as a separate report on NMED's Climate Change Bureau's website in early 2026: https://www.env.nm.gov/climate-change-bureau/greenhouse-gas-emissions-inventories/.

2.1 Inventory Methodology



Shiprock at sunset. Photo Credit: iStock.

The GHGI Team developed this inventory in alignment with established best practices for state-level inventories, drawing primarily from the U.S. Environmental Protection Agency's (EPA's) *Inventory of U.S. Greenhouse Gas Emissions and Sinks* (*U.S. GHG Inventory*) and the *2006 IPCC Guidelines for National Greenhouse Gas Inventories* (including the IPCC 2019 Refinement). The New Mexico 2023 emissions inventory uses 100-year global warming potentials (GWPs) from *The Fifth Assessment Report of the United Nations Intergovernmental Panel on Climate Change*. The GHGI Team calculated emissions primarily using activity data combined with appropriate emission factors, prioritizing U.S.-specific factors where available. Where deviations from these standard methods were necessary, they are explicitly noted.

The GHGI Team excluded emissions from the Four Corners Generating Station because it is located on the Navajo Nation and therefore is not subject to state of New Mexico regulatory authority. This approach is consistent with the methodology used by Energy and Environmental Economics, Inc. (E3)

during the development of New Mexico's 2018 and 2021 emissions inventories and, therefore, facilitates an accurate comparison of emissions between years.

While the GHGI Team excluded Four Corners Generating Station emissions from the 2023 emissions inventory, other emissions occurring on Tribal land are included. The GHGI Team adopted this approach because it is consistent with the methods used by E3 during the development of previous emissions inventories.

The GHGI Team quantified emissions and removals from the natural and working lands sector to provide a complete picture of the state's GHG fluxes; however, those emissions are not included in the overall gross emissions totals. This approach follows standard practice in state-level inventories, reflecting the unique characteristics of this sector—including significant interannual variability, methodological complexity, and uncertainty in data and models—and is consistent with New Mexico's previous inventories.

2.1.1 Industry: Oil and Gas

The GHGI Team calculated emissions from five categories for the oil and gas industry. The five categories include four key industry segments (onshore exploration and production, gathering and boosting, natural gas processing, and transmission compression) and inactive oil and gas wells. The GHGI Team used data from the NMED Air Quality Bureau's emissions inventory, which provided both emissions data and activity data. In addition, the GHGI Team made extensive use of data submitted under EPA's Greenhouse Gas Reporting Program Subpart W and Subpart C, other EPA data, measurement studies, and oil and gas well and production data from the EMNRD Oil Conservation Division (OCD). Where appropriate, the GHGI Team used facility-specific data, but some facilities did not have emissions data available. When facility-specific data were not available, the GHGI Team used available data to calculate average emission factors (by emission source and industry segment) to apply to the facilities without data. Detailed information regarding methods and results is available in a separate report.

2.1.2 Industry: Industrial Fuel Combustion

The industrial fuel combustion sector includes emissions from combustion of fossil fuels for energy purposes outside of the oil and gas industry. The GHGI Team calculated emissions using default emission factors from EPA's *U.S. GHG Inventory*.

The annual fuel consumption data, by fuel type, were obtained from the U.S. Energy Information Administration's (EIA's) State Energy Data System (SEDS) for 2023 for New Mexico. The GHGI Team broke the EIA fuel consumption data by end-use sector (e.g., industrial, commercial, residential, and transportation) and adjusted the fuel quantities be consistent with the methodology used in the *U.S. GHG Inventory.* For example, the GHGI Team deducted the quantity of fuels used for non-energy purposes within the industrial sector and adjusted the sectoral allocation of fuels to match the national totals used in the *U.S. GHG Inventory*.

The GHGI Team made additional adjustments to prevent the same emissions from being included in multiple inventory sectors (i.e., "double-counting"). For example, natural gas quantities used as lease and plant fuel were deducted from the industrial sector, as these fuel quantities were accounted for in the oil and gas sector. Similarly, EIA's distillate fuel and gasoline data for the industrial sector includes off-highway fuel use for construction, agriculture, logging, and commercial sectors. Therefore,

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emissions from the nonroad sector (from gasoline and distillate fuel) and from the commercial sector (from gasoline) were deducted from industrial fuel combustion emissions to avoid double-counting. Finally, emissions from combined heat and power plants located within two industrial facilities were deducted from the industrial fuel combustion emissions to avoid double-counting with the electricity generation sector. The 2023 annual GHG estimates from industrial fossil fuel combustion for New Mexico are presented in Table 2.

2.1.3 Industry: Industrial Processes and Product Use

The industrial processes and product use (IPPU) sector includes emissions from industrial processes and from the use of products containing GHGs. This sector includes emissions only from industrial processes and products used for non-energy-related purposes. Emissions from fuel use for energy-related purposes are accounted for in the industrial fuel combustion sector.

The GHGI Team estimated emissions for the IPPU sector by multiplying the ratio of New Mexico to national IPPU emissions from the 1990–2022 *U.S. GHG Inventory* with the national IPPU emissions from the 1990–2023 *U.S. GHG Inventory*. The 2023 GHG emissions from IPPU for New Mexico are presented in Table 2.

2.1.4 Industry: Coal Mining and Abandoned Mines

This sector includes emissions from active and abandoned coal mines. Coal mine methane (CMM) includes emissions from underground and surface mining activities and post-mining activities, and accounts for CH_4 that is recovered and used. Abandoned mine methane (AMM) includes vented emissions from abandoned coal mines and accounts for CH_4 recovery projects at abandoned mines.

The GHGI Team estimated annual CMM emissions using mine-level data from the Mine Safety and Health Administration (MSHA), EIA's annual coal production data, and GHG emission factors from the *U.S. GHG Inventory*. The MSHA data indicated that there were no active underground mines in New Mexico in 2023. The GHGI Team estimated annual AMM emissions by multiplying the ratio of New Mexico to national AMM emissions from the 1990–2022 *U.S. GHG Inventory* with the national AMM emissions from the 1990–2023 *U.S. GHG Inventory*. The CMM and AMM emissions are presented in Table 2.

2.1.5 Transportation

The GHGI Team quantified emissions from the New Mexico transportation sector by summing the total CO_2, CH_4, and N_2O emissions from transportation fuel consumed within the state, by mode. The GHGI Team combined different approaches, using both high-level (top-down) and detailed (bottom-up) data to develop New Mexico GHG emissions estimates for the transportation sector. Note that the transportation sector accounting also includes GHG emissions from nonroad vehicles and equipment used in other end-use sectors (e.g., industry, buildings, agriculture).

To calculate statewide emissions from on-road vehicles—passenger cars, light-duty trucks, medium- and heavy-duty trucks, buses, and motorcycles—the GHGI Team derived New Mexico-specific allocation factors using EPA's National Emissions Inventory and the latest version of the Motor Vehicle Emission Simulator (MOVES) model (MOVES5), then applied these factors to national activity and emissions data from the 1990–2023 *U.S. GHG Inventory* by vehicle category. The GHGI Team used MOVES5 to estimate New Mexico-specific CH_4 and N_2O emissions for on-road vehicles, by category.

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To quantify aircraft emissions within the state, the GHGI Team developed New Mexico-specific CO_2 allocation factors for both commercial and other aircrafts using EIA's SEDS jet fuel consumption data and applied these factors to national CO_2 emissions estimates for aircrafts from the 1990–2023 *U.S. GHG Inventory*. SEDS jet fuel consumption data accounts for all jet fuel sold or loaded onto aircrafts in the state. As jet fuel accounts for the majority of aviation fuel consumed by aircrafts in New Mexico, the GHGI Team used jet fuel, rather than aviation gasoline consumption, to calculate appropriate New Mexico allocation factors.

The GHGI Team assumed no commercial marine activity occurred within the state. For rail, the GHGI Team sourced emission data from EPA's Emissions Modeling Platform and interpolated 2023 values for New Mexico using 2020 and 2026 values. For nonroad vehicles and equipment, the team directly modeled New Mexico CO_2, CH_4, and N_2O emissions using EPA's MOVES5.

Together, these methods ensured a consistent, transparent, and New Mexico-specific accounting of transportation sector GHG emissions. These methods offer additional insight into the sources of transportation emissions in New Mexico compared to the methods used in previous state inventories; however, the *total* emissions from the sector can be directly compared between years.

2.1.6 Agriculture

The agriculture sector includes emissions from livestock and managed soils (e.g., fertilizer application or management options). Table 2 presents the summed CO_2 emissions from urea fertilization application and field burning of agricultural residues, CH_4 emissions from livestock enteric fermentation, direct and indirect N_2O emissions from agricultural soil management, and both CH_4 and direct and indirect N_2O emissions associated with livestock manure management storage and treatment. Emissions from fossil fuel combustion (e.g., non-highway farm equipment) are not included in the emissions total for the agriculture sector.

The GHGI Team sourced emissions data from the 1990-2023 *U.S. GHG Inventory by State*, consistent with previous inventories. In 2023, nearly 90% of total agriculture sector emissions were associated with N_2O emissions from agricultural soil management and CH_4 emissions from livestock enteric fermentation (56% and 32%, respectively). Almost all (98%) emissions from livestock in New Mexico, both enteric fermentation and manure management, are associated with beef and dairy cattle. Emissions from managed soils in New Mexico are dominated (87%) by direct and indirect N_2O emissions from grasslands, versus those from croplands.

2.1.7 Electricity Generation

The GHGI Team quantified emissions from electricity generation by summing emissions from power plants in New Mexico. This production-based approach is consistent with New Mexico's past inventories. It aligns with Intergovernmental Panel on Climate Change (IPCC) and EPA guidance, though consumption-based accounting may be reported as a supplemental metric. In 2023, New Mexico generated more electricity than it used. Total in-state generation, including Tribally-owned plants, was 39.3 million megawatt-hours (MWh), while in-state consumption was 28.3 million MWh. The surplus electricity was exported to neighboring states.

The GHGI Team calculate emissions using data from the 2023 version of EPA's Emissions & Generation Resource Integrated Database (eGRID). According to eGRID, New Mexico had 140 active electric generating plants in 2023. One facility—the 1.6 gigawatt (GW) coal-fired Four Corners Generating

NMED Exhibit 54_000031

Station—was excluded because it is located on the Navajo Nation and therefore falls under Tribal authority, not state authority. Excluding Four Corners, total in-state generation was 31.8 million MWh, primarily from wind (46.9%), natural gas (44.5%), and solar (7.7%). All other energy generation sources—including biomass, geothermal, hydropower, oil, and energy released from battery storage—each contributed less than 0.5%.

The GHGI Team summed fossil CO_2, CH_4, and N_2O emissions from each power plant. Biomass CO_2 emissions were quantified separately but excluded from the totals presented in Table 2.

New Mexico has three combined heat and power plants. For these facilities, only emissions associated with electricity generation were included in the electric power sector; emissions associated with heating were attributed to the commercial buildings sector. While it is common to assign generators that primarily serve commercial or industrial facilities to those respective sectors, the GHGI Team included them in the electric power sector for consistency with past inventories.

2.1.8 Buildings: Residential

The residential buildings sector includes emissions from the stationary combustion of fossil fuels and wood in private households. The residential sector excludes institutional living quarters, such as college and university dormitories and long-term care facilities, which are accounted for in the commercial sector. Common stationary combustion uses include space heating, water heating, cooking, and clothes drying.

The GHGI Team quantified emissions by multiplying the quantity of each fuel type by its standard emission factor. The team obtained data on residential fuel use in New Mexico in 2023 from EIA's SEDS 1960–2023 state-level consumption estimates. In 2023, residential stationary fuel use was primarily natural gas (79% by energy content), with smaller contributions from wood (12%) and propane (10%). Distillate fuel oil and kerosene each accounted for less than 0.1%.

The GHGI Team calculated emissions of fossil CO_2, CH_4, and N_2O from each fuel type. Biomass CO_2 emissions from wood were quantified separately but excluded from the totals in Table 2. Emission factors for all fuels and GHGs—except biomass CO_2 from wood—were taken from EPA's *U.S. GHG Inventory*. The emission factor for biomass CO_2 from wood was taken from the latest version of EPA's Emission Factors Hub.

2.1.9 Buildings: Commercial

The commercial buildings sector includes emissions from the stationary combustion of fossil fuels and wood in service-providing facilities such as businesses; federal, state, and local governments; and other private and public organizations, such as religious, social, or fraternal groups. The commercial sector also includes institutional living quarters, such as college and university dormitories and long-term care facilities, as well as sewage treatment facilities. Common stationary combustion uses include space heating, water heating, cooking, and running a wide variety of other equipment.

The GHGI Team quantified emissions by multiplying the quantity of each fuel type by its standard emission factor. Commercial fuel use in New Mexico in 2023 was obtained from EIA's SEDS 1960–2023 state-level consumption estimates. According to SEDS, commercial stationary fuel use was primarily natural gas (82% by energy content), with smaller contributions from motor gasoline (6%), propane (5%), distillate fuel oil (4%), and wood energy (3%). Ethanol and kerosene each accounted for less than 0.5%.

NMED Exhibit 54_000032

The GHGI Team made two adjustments to avoid double-counting with other sectors. First, the team deducted emissions from motor gasoline and ethanol because the SEDS commercial sector data includes fuel use for lawn and garden care, logging, railroad maintenance, and public non-highway vehicles, all of which are accounted for in the transportation sector.

Second, the SEDS commercial data includes fuel used by generators that produce electricity and/or useful thermal output primarily to support commercial activities. In New Mexico, three such plants exist: one wind plant with no emissions, and two natural gas combined heat and power plants at the University of New Mexico and New Mexico State University. To avoid double-counting with the electric power sector, the GHGI Team deducted emissions from the two natural gas combined heat and power plants as reported by eGRID. Only the portion of emissions attributable to electricity generation was deducted; emissions associated with heat production remain in the commercial sector.

The GHGI Team calculated emissions of fossil CO_2, CH_4, and N_2O from each fuel type. Biomass CO_2 emissions from wood were quantified separately but excluded from the totals in Table 2. Emission factors for all fuels and GHGs—except biomass CO_2 from wood—were taken from EPA's *U.S. GHG Inventory*. The emission factor for biomass CO_2 from wood was taken from the latest version of EPA's Emission Factors Hub.

2.1.10 Waste and Materials Management

The waste and materials management sector includes emissions from solid waste, wastewater, and composting. The solid waste category includes only CH_4 emissions from municipal solid waste landfills and industrial waste landfills, as biogenic CO_2 emissions are not counted in the GHGI. The wastewater category includes CH_4 and N_2O emissions from both domestic and industrial wastewater sources; additionally, composting also includes CH_4 and N_2O emissions from composting activities. These emissions were taken from disaggregated state-level data for New Mexico based on the 1990–2023 *U.S. GHG Inventory*, consistent with previous inventories in the state. The *U.S. GHG Inventory* also includes a category for emissions from anaerobic digestion at biogas facilities; however, because New Mexico did not have any of these facilities in operation as of 2023, emissions from this source were not quantified.

The GHGI Team quantified emissions for the waste and materials management sector by category in Table 2 by summing the emissions for municipal solid waste landfills, industrial landfills, domestic and industrial wastewaters, and composting by year from 1990 through 2023 as provided in the disaggregated data in the 1990–2023 *U.S. GHG Inventory*. The municipal solid waste landfill and combined domestic and industrial wastewater categories comprised approximately 77% and 22% of emissions in this sector; emissions from industrial landfills and composting accounted for less than 1% of emissions in the waste sector in 2023. Based on historical data from the 1990-2023 U.S. GHG Inventory, these trends by category have held relatively constant over time.

2.1.11 Natural and Working Lands

The natural and working lands sector includes CH_4 and N_2O emissions and carbon stock changes from croplands, grasslands, forest lands, settlements, and wetlands. Table 2 presents the summed CO_2 equivalent emissions from croplands, grasslands, forest lands, settlements, and wetlands. CO_2 emissions from forest fires are not explicitly reported in the emissions total for the natural and working lands sector because they are implicitly included in the net emissions from forest land. This is

consistent with the treatment of wildfire emissions in the prior New Mexico's previous GHG emissions inventories.

The GHGI Team sourced emissions data from the 1990-2023 *U.S. GHG Inventory by State*, consistent with previous New Mexico inventories. In 2023, nearly 95% of net natural and working land sector emissions were associated with grassland emissions and forest land emissions (79% and 15%, respectively). Grassland emissions are primarily (81%) from forest aboveground biomass converted to grassland aboveground biomass and grassland mineral soils remaining grassland mineral soils. Emissions from forest lands in New Mexico are primarily (70%) from changes in forest carbon stocks in aboveground biomass, which implicitly includes CO_2 emissions from forest fires.

2.2 Inventory Results

Table 2 presents statewide GHG emissions by sector for the 2005 base-year inventory (developed as part of the 2021 inventory effort), the 2021 interim-year inventory, and the 2023 current-year inventory. Results are reported in million metric tons of carbon dioxide equivalent ($MMTCO_2e$). Changes in 2023 emissions relative to 2005 and 2021 are also shown.

Emissions are reported for all major sectors, including industry, transportation, agriculture, electricity generation, buildings, and waste and materials management. Subsector details are included for industry and buildings. Net emissions from natural and working lands is reported separately.

Table 2. Summary of Statewide Annual Emissions

Sector	2005 Base Emissions ($MMTCO_2e$)	2021 Interim Emissions ($MMTCO_2e$)	2023 Current Emissions ($MMTCO_2e$)	Change Relative to 2005 (%)	Change Relative to 2021 (%)
Industry	47.72	40.43	37.53	-21%	-7%
Oil and gas	*38.82*	*34.39*	*34.34*	*-12%*	*-<1%*
Industrial fuel combustion	*4.68*	*3.63*	*1.59*	*-66%*	*-56%*
Industrial processes and product use	*2.53*	*1.48*	*1.52*	*-40%*	*+3%*
Coal mining and abandoned mines	*1.69*	*0.93*	*0.08*	*-95%*	*-91%*
Transportation	15.85	16.77	17.24	+9%	+3%
Agriculture	11.15	10.25	10.07	-10%	-2%
Electricity generation	16.33	10.31	6.60	-60%	-36%
Buildings	4.07	4.15	4.05	-<1%	-2%

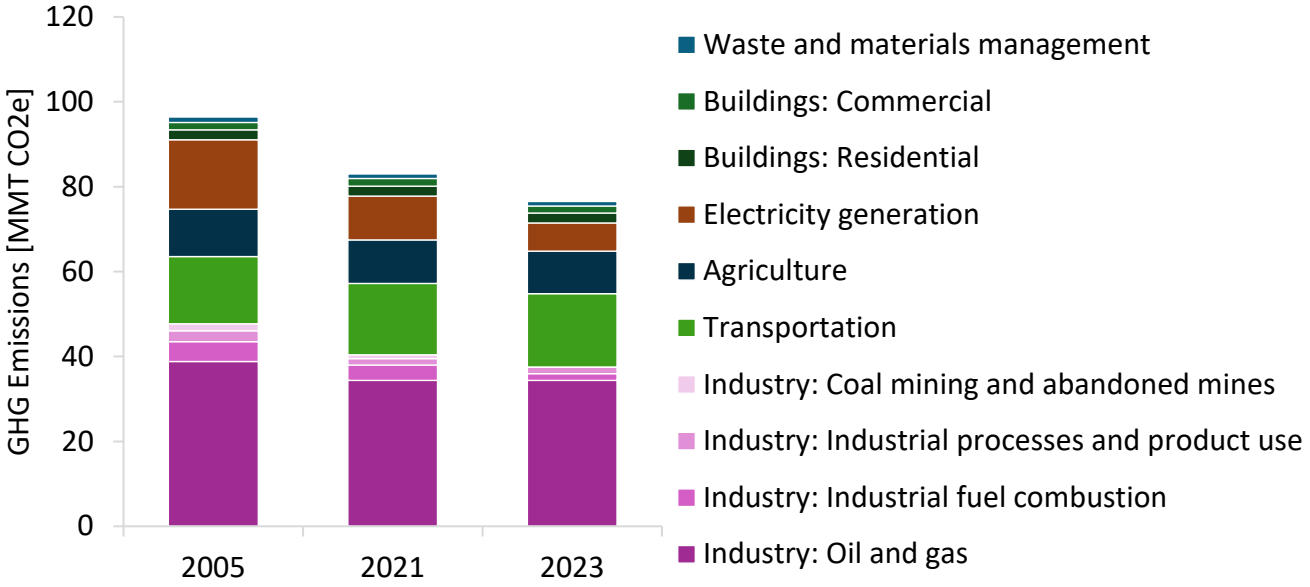
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Sector	2005 Base Emissions ($MMTCO_2e$)	2021 Interim Emissions ($MMTCO_2e$)	2023 Current Emissions ($MMTCO_2e$)	Change Relative to 2005 (%)	Change Relative to 2021 (%)
Residential	*2.37*	*2.36*	*2.35*	*-1%*	*-<1%*
Commercial	*1.70*	*1.79*	*1.70*	*-0%*	*-5%*
Waste and materials management	1.32	1.06	1.05	-21%	-8%
Total	**96.44**	**82.97**	**76.54**	**-21%**	**-8%**
Natural and working lands	9.57	2.95	6.44	-33%	+118%

2.3 Inventory Trends and Analysis

Between 2021 and 2023, electricity-related emissions fell by 36% despite a 17% increase in generation. This decrease was primarily driven by the 2022 closure of the San Juan Generating Station, New Mexico's only remaining coal-fired plant, aside from the Four Corners Generating Station. Coal generation fell to 0%, while electricity generation from natural gas, solar, and wind each rose by roughly 40% over the period.

Figure 4. Statewide Annual Emissions: 2005, 2021, and 2023



Between 2021 and 2023, industry-related emissions fell by 7%, despite increases of 46% and 40% in oil and gas production, respectively. This decrease was largely due to a 56% decrease in emissions from industrial fuel combustion and a 91% decrease in emissions from coal mining and abandoned mines. For industrial fuel combustion, the majority of the decrease can be attributed to CO_2 emissions from petroleum fuel combustion. For 2023, the GHGI Team adjusted distillate fuel and motor gasoline

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quantities to avoid double-counting with the nonroad transportation sector. This adjustment was not made for 2021 and, therefore, is the main reason for the 56% decrease in reported emissions. For coal mining and abandoned mines, the decrease in emissions can be attributed to the San Juan mine in New Mexico. This underground mine was operational in 2021 but not in 2023.

Between 2021 and 2023, natural and working lands emissions increased by 118%. This sector is tracked separately and excluded from the statewide totals. The increase in emissions for natural and working lands is due to recalculations that are occurring as the 1990-2023 *U.S. GHG Inventory by State* incorporates updated data. Between the 1990–2021 and 1990–2023 editions of the *U.S. GHG Inventory*, EPA incorporated updates to croplands remaining croplands, land converted to forest land, and land converted to flood land that had a major impact on New Mexico natural and working land emissions. Additionally, New Mexico experienced the largest fire in state history in 2022 (the Hermit's Peak/Calf Canyon fire), totaling nearly three quarters of a million acres burned, or about 100 times more than the previous year.[1] This unprecedented increase in acres burned corresponded to a large increase in forest land remaining forest land emissions.

[1] New Mexico Department of Energy, Minerals, and Natural Resources, *2022 Annual Report: Energy, Minerals, and Natural Resources Department* (n.d.), accessed September 25, 2025, https://www.emnrd.nm.gov/officeofsecretary/wp-content/uploads/sites/2/EMNRD_AnnualReport_2022_final.pdf.

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3 Near-Term and Long-Term GHG Reduction Targets

New Mexico Governor Michelle Lujan Grisham's Executive Order on Addressing Climate Change and Energy Waste Prevention (EO 2019-003) directs New Mexico "to achieve a statewide reduction in greenhouse gas emissions of at least 45% by 2030 as compared to 2005 levels."[2]

Subsequently, Governor Lujan Grisham also added a long-term target of reaching net-zero GHG emissions by 2050. There are many strategies that can be used to reach these targets. For purposes of the CAP, the CAP Team utilized an implementation strategy of at least an 80% reduction in gross GHG emissions below 2005 levels by 2050, coupled with no more than a 20% reliance on carbon offsets. This implementation strategy was set for the purpose of the CAP only.



Rio Grande Gorge Bridge over the Rio Grande. Photo Credit: iStock.

[2] New Mexico Office of the Governor, "Executive Order on Addressing Climate Change and Energy Waste Prevention," 2019, https://www.governor.state.nm.us/wp-content/uploads/2019/01/EO_2019-003.pdf.

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The CAP Team recognizes that challenges exist with the use of carbon offsets, including valid concerns related to equity and quality assurance. It is important to note that the CAP is a living document that will be updated and improved on an ongoing basis to reflect advances in climate mitigation strategies and technologies, as well as additional feedback and input from participating communities. Additionally, when integrating carbon offsets into the CAP, the CAP Team encourages best practices for utilizing offsets, such as prioritizing emissions reductions in disadvantaged communities before utilizing offsets or mitigation transfers, and using an established, certified registry to vet offset credits or mitigation transfer accounting.

While there are many strategies that can be used to reach the New Mexico targets, for the first time, the state has a roadmap of climate pollution reduction measures to implement as in this CAP as a way to actually and practically achieve New Mexico's near- and long-term targets.

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4 BAU GHG Emission Projections

This section presents the business-as-usual (BAU) GHG emission projections for New Mexico. Included are both near-and long-term projections consistent with the near- and long-term GHG emission reduction targets presented in Section 3. Projections are presented by sector in alignment with the GHG inventory in Section 2.

4.1 BAU Projections Methodologies

The CAP Team used the "current policy" projection scenario that E3 developed for New Mexico's 2021 GHGI as a baseline against which to compare the emissions projections associated with implementing all CAP measures. The current policy scenario is relevant for the CAP projections; there are no significant recent changes to state policy that impact the applicability of this scenario as a BAU comparator. Table 3 shows the assumptions E3 used to develop "current policy" projections.

Table 3. Key Assumptions from E3 Current Policy Scenario

Sector	Strategy	Expressed as	Current Policy
Buildings	Building shell efficiency	Efficient shell sales share	100% of new and retrofit building shells meet the International Energy Conservation Code (IECC) 2018 building codes
	Building electrification	Electric heat pump sales share	14% heat pump sales by 2030, 48% by 2050 (consistent with EPA analysis of the electrification effects of the Inflation Reduction Act)
	Appliance efficiency (non–heating, ventilation, and air conditioning (HVAC))	Efficient appliance sales share	100% efficient sales for lighting and appliances by 2030
Industry	Efficiency	Efficiency increase relative to baseline projection	None

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Sector	Strategy	Expressed as	Current Policy
Transportation	Corporate Average Fuel Economy (CAFE) standards	Light-duty vehicle (LDV) fuel economy	CAFE extension (model year 2021–2026 extension)
	Smart growth	LDV VMT reduction	None
	Vehicle electrification	Share of zero-emission vehicle (ZEV) deliveries	LDV ZEV sales consistent with Advanced Clean Cars II and Advanced Clean Trucks: 82% new LDV delivered to New Mexico are electric by 2031
Low-emission fuels	Biofuels blend	Share of conventional fuel use met with biofuels	Fuels blended as needed to meet the New Mexico Clean Transportation Fuel Program standard after including reductions associated with ZEV sales: 20% reductions in carbon intensity of fuels by 2030; 30% by 2040
Clean electricity	Clean electricity generation	Share of renewable/zero-emission generation	50% renewable portfolio standard (RPS) by 2030; 100% clean electricity by 2045
Non-combustion (industrial processes, agriculture, waste)	Industrial processes	HFC reductions	17% reduction by 2030; 29% by 2050 (based on downscaling of EPA Significant New Alternatives Policy Program rules)
	Natural and working lands	Reduction in forest/soil emissions	None
	Waste	CH_4 emissions captured	None
	Agriculture	CH_4 and N_2O reductions	None
Oil and gas	Equipment improvements	Reduced fuel combustion and CH_4 emissions	Reductions consistent with data from 2025 and 2030 emissions forecast: 18% reductions relative to 2021 levels by 2030

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The CAP Team modified the E3 current policy scenario slightly to account for and incorporate the following:

1. Updated the 2023 GHG emissions inventory as described in Section 2.
2. Updated electricity generation projections using forecast electricity demand from E3, but accounted for updated emission factors based on utilities' current progress toward the state RPS.
3. Updated transportation emission projections to account for additional, updated expected benefits from the Clean Transportation Fuel Program.

4.2 BAU Projections Results

Table 4 presents GHG emissions by sector for 2005 (base year), 2023 (most recent inventory year), 2030 (near-term projection), and 2050 (long-term projection).

Table 4. GHG Emissions and Emission Projections by Sector

Sector	2005 Base Year Emissions ($MMTCO_2e$)	2023 Inventory Year Emissions ($MMTCO_2e$)	Short-Term (2030) BAU Projection ($MMTCO_2e$)	Long-Term (2050) BAU Projection ($MMTCO_2e$)
Industry	47.72	37.53	32.04	31.54
Oil and gas	*38.82*	*34.34*	*29.19*	*29.19*
Industrial fuel combustion	*4.68*	*1.59*	*1.47*	*1.17*
Industrial processes and product use	*2.53*	*1.52*	*1.30*	*1.09*
Coal mining and abandoned mines	*1.69*	*0.08*	*0.08*	*0.08*
Transportation	15.85	17.24	12.82	8.05
Agriculture	11.15	10.07	10.07	10.07
Electricity generation	16.33	6.60	4.64	0
Buildings	4.07	4.05	3.72	2.76
Residential	*2.37*	*2.35*	*2.05*	*1.22*
Commercial	*1.70*	*1.70*	*1.67*	*1.54*
Waste and materials management	1.32	1.05	1.05	1.05
Total	**96.44**	**76.54**	**64.35**	**53.47**

NMED Exhibit 54_000041



5 GHG Emission Reduction Measures and Implementation Scenario Projections

5.1 GHG Emission Reduction Measures Summary

The NM CAP includes a quantitative analysis of 45 discrete GHG emission reduction measures across six sectors of the state's GHG emissions inventory. In addition to the 45 measures described in detail in Section 5.3, the CAP Team also considered the potential impacts of measures from New Mexico's Priority Climate Action Plan (PCAP). While some of the measures from the NM PCAP directly overlap with measures in this CAP, others were considered additional to the CAP measures and have been included in the Implementation Scenario described in Section 5.2. The PCAP measures included in the CAP are:

- Clean I-40 Transportation Corridor (transportation sector)
- Clean Truck Incentive Program (transportation sector)
- Efficient and Clean Operations for Schools—Buses (transportation sector)
- Efficient and Clean Operations for Schools—Buildings (buildings sector)
- Community Energy Efficiency Development (buildings sector)

Combined with reductions expected under current policies, the CAP Team expects this collection of emission reduction measures to result in annual GHG emission reductions of approximately 11.7 million $MTCO_2e$ in 2030 (representing a 45.4% reduction from the 2005 baseline emissions) and annual GHG emission reductions of approximately 36.2 million $MTCO_2e$ in 2050 (representing an 82.0% reduction from the 2005 baseline emissions). This puts New Mexico on track to reach the emission reduction goal of a 45% reduction by 2030 in comparison to the 2005 baseline, with carbon offsets being required by 2050 to reach net-zero. Table 5 presents a summary of the portfolio of GHG emission reduction measures in the NM CAP. Note that the emission reductions shown in Table 5 include the contributions of the PCAP measures described above to show the cumulative reductions of the full Implementation Scenario. Emission reductions from the PCAP measures are not included in the sector-specific summary tables for the measures discussed in Section 5.3.

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Table 5. Summary of the Portfolio of GHG Emission Reduction Measures in the NM CAP

Sector	Estimated GHG Emission Reductions in 2030 Compared to BAU ($MMTCO_2e$)	Estimated GHG Emission Reductions in 2050 Compared to BAU ($MMTCO_2e$)
Industry	9.03	29.88
Transportation	0.77	1.74
Agriculture, Forests, and Wilderness*	0.60	0.92
Electricity Generation	0.35	0.20
Commercial and Residential Buildings	0.20	2.69
Waste and Materials Management	0.69	0.72
Total	**11.65**	**36.15**

* "Agriculture, Forests, and Wilderness" refers to the collection of measures addressing emissions from the Agriculture and Natural and Working Lands sectors of the GHG emissions inventory described in Section 2 and will be used to describe this single sector of measures going forward in this plan.

The CAP Team also evaluated the potential of an economy-wide measure (a cap-and-invest program that targets GHG emissions across multiple sectors) that presents an alternative scenario of GHG emission reductions. This measure and its potential implementation aim to achieve similar reductions to those estimated from the sector-specific measures through a different approach and mechanism. As a result, the estimated emission reductions from the cap-and-invest measures are redundant to those from the sector-specific measures and are not included in the Implementation Scenario described in the following section. The potential impacts and costs are described in Section 5.3.7 for informational purposes only.

The NM CAP also includes 13 "enabling" measures. While these measures do not directly result in future GHG emission reductions, they facilitate and support the implementation of one or more of the 45 measures that contribute to future GHG emission reductions or one or more measures accounted for in the BAU scenario. These measures and their potential benefits are described in Section 5.3.8.

5.2 Implementation Scenario Projections

Figure 5 presents the cumulative GHG emission reductions from the measures included in this CAP based on the assumptions, analyses, and implementation scenarios described in Section 5.3. The figure presents reductions by sector relative to the BAU projections of future emissions discussed in Section 4. Historical emissions are shown for context, and because the 2005 emission year serves as the baseline for New Mexico's GHG emission targets in 2030 and 2050, as discussed in Section 3.

As shown in the figure, New Mexico will meet its 2030 emission reduction target of a 45% reduction from the 2005 baseline. The projected emissions in 2050 represent an 82% reduction from the 2005 baseline.

NMED Exhibit 54_000043

Figure 5. GHG Emissions and Projected Emission Reductions from the Implementation Scenario

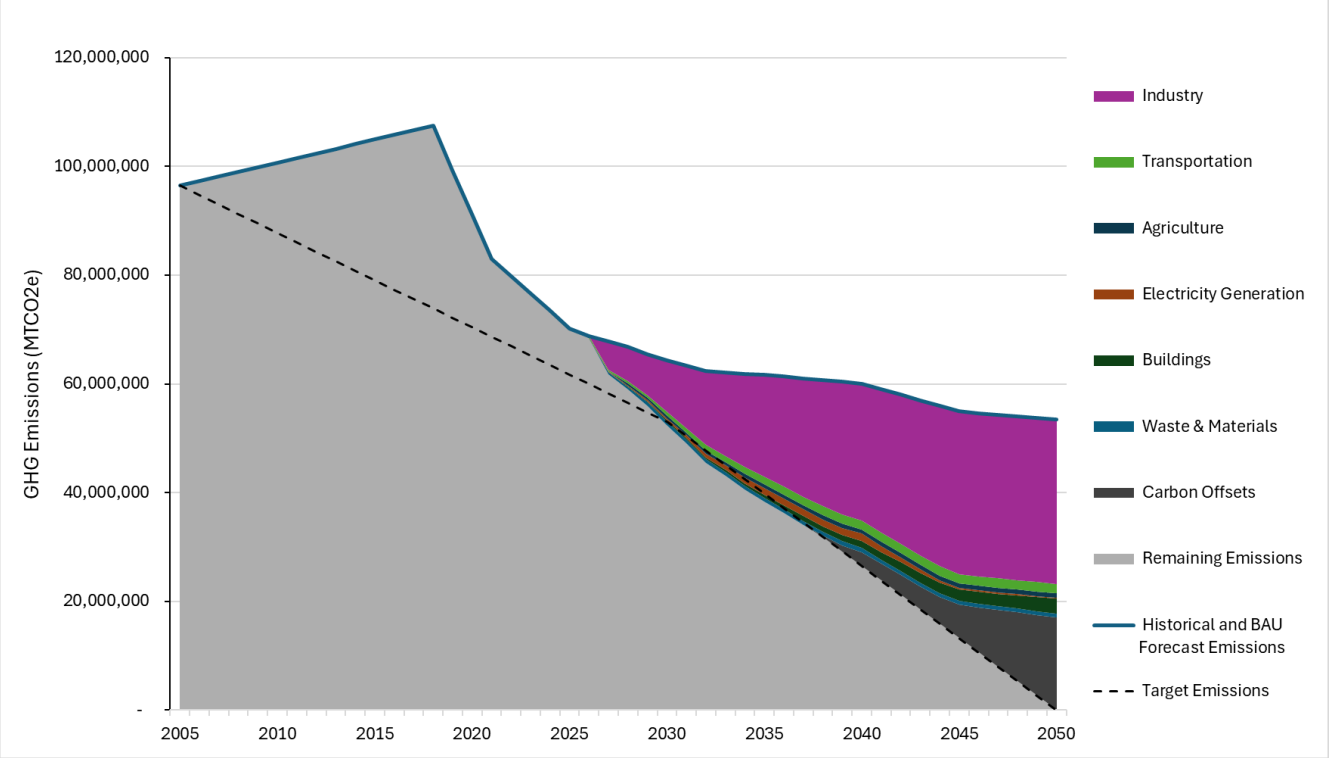


Table 6 presents the sector-specific "remaining emissions" from the implementation scenario depicted above for the short-term and long-term GHG reduction target years (2030 and 2050, respectively). The table also presents sector-specific emissions from the base inventory year (2005) and the most recent inventory year (2023) for context.

Table 6. Implementation Scenario Emissions by Sector

Sector	Base Year Emissions (2005) ($MMTCO_2e$)	Most Recent Inventory Year Emissions (2023) ($MMTCO_2e$)	Short Term Implementation Scenario Year (2030) ($MMTCO_2e$)	Long-Term Implementation Scenario Year (2050) ($MMTCO_2e$)
Industry	47.72	37.53	23.01	1.66
Transportation	15.85	17.24	12.05	6.31
Agriculture, Forests, and Wilderness	11.15	10.07	9.47	9.15
Electricity Generation	16.33	6.60	4.29	0
Commercial and Residential Buildings	4.07	4.05	3.52	0.07
Waste and Materials Management	1.32	1.05	0.36	0.33
Total	**96.44**	**76.54**	**52.70**	**17.32**

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5.3 GHG Emission Reduction Measures

This section of the NM CAP presents a summary of the 45 GHG emission reduction measures the CAP Team quantitatively analyzed. The measures are organized and presented within the primary sector in which future GHG emission reductions are projected. Each sector-specific section includes a table summarizing the individual measures contained within the sector and their associated future GHG emission reductions for 2030 and 2050 (presented as annual emission reductions as compared to the BAU scenario). These are best estimate GHG emission reductions, with associated limitations and assumptions described for each measure. Following these summary tables is a detailed discussion of each GHG emission reduction measure, including the following content:

- Brief description of the measure
- Implementation authority and responsibilities
- Implementation timeline and milestones
- Metrics for tracking progress
- Quantified emission reductions
- Measure costs
- Intersection with other funding availability
- Benefits analysis

In numerous sectors, there are measures the CAP Team analyzed but did not include in the cumulative total GHG emission reductions associated with the implementation scenario. In some cases, this decision was due to measures playing an enabling role (i.e., they support the implementation of one or more of the other measures) and a desire to avoid possible double-counting. In other cases, the measure impacts a source of GHG emissions that is not currently included in New Mexico's baseline GHG emissions inventory. In all such cases, these measures are presented under a header that reads "Additional Measures That Do Not Contribute Additional GHG Emission Reductions as Part of the Implementation Scenario."

Intersection with Other Funding Availability

Appendix C provides a comprehensive summary of over 90 possible funding sources that the State of New Mexico, implementing agencies, and the private sector could potentially leverage to support the implementation of the full suite of measures included in the CAP. Each of the measures reviewed in this section include references to specifically numbered funding sources, each of which is discussed in greater detail in Appendix C.

The section closes with a discussion of the economy-wide measures and the additional 13 enabling measures included in the CAP.

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5.3.1 Industry Measures

The NM CAP includes seven measures in the industrial sector. Table 7 summarizes these measures and their individual and collective estimated costs, GHG emission reductions, and monetized benefits through 2050. A discussion of each measure follows.

Table 7. Summary of Estimated Costs, GHG Emission Reductions, and Monetized Benefits for Industry Measures

Measure Number and Name	Cumulative Cost Through 2050 (Thousand $)	Cumulative GHG Reduction Through 2050 (MTCO2e)	Cost per MTCO2e Reduced ($/MTCO2e)	Monetized Social Benefit of GHG Reduction Through 2050 (Thousand $)	Monetized Value of Cumulative Health Benefits Through 2050 (Thousand $)
Measure I-1: Transition Oil and Gas Equipment to Electric Infrastructure	$869	146,236,763	$0.01	$48,042,414	$9,283,091
Measure I-2: Carbon Capture and Sequestration—Combustion	$3,258	123,631,020	$0.03	$41,038,129	$8,592,876
Measure I-3: Carbon Capture and Sequestration—Acid Gas Removal Units	$3,258	31,191,410	$0.10	$10,154,454	Not calculated
Measure I-4: Increased Monitoring and Methane Plume Investigation	$47,718	69,169,815	$0.69	$22,266,982	$214,612
Measure I-5: Building on Success of Ozone Precursor Rule	$977	12,441,873	$0.08	$4,041,404	$18,679

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Measure Number and Name	Cumulative Cost Through 2050 (Thousand $)	Cumulative GHG Reduction Through 2050 (MTCO2e)	Cost per MTCO2e Reduced ($/MTCO2e)	Monetized Social Benefit of GHG Reduction Through 2050 (Thousand $)	Monetized Value of Cumulative Health Benefits Through 2050 (Thousand $)
Measure I-6: Plug Inactive Wells	$524,553	49,801	$10,533	$16,201	$243
Measure I-7: Compliance Implementation	$263,372	128,873,007	$2	$40,308,538	$2,236,288
Total	**$844,005**	**511,593,688**	**$2**	**$165,868,122**	**$20,345,789**

Measure I-1: Transition Oil and Gas Equipment to Electric Infrastructure

This measure reduces combustion CO_2 emissions, the largest source of CO_2 emissions in the oil and gas industry in New Mexico, by electrifying fuel combustion infrastructure. Electricity could be provided by the grid or from on-site generation through renewable or zero-emission methods. The measure aims to replace 50% of natural gas-powered engines and turbines, primarily compressor drivers, with electric equipment in the production, gathering and boosting, natural gas processing, and transmission industry segments. While industry has started this transition, emphasizing the continued replacement of compressor drivers and other combustion equipment can significantly lower emissions.

Implementation Authority and Responsibilities

NMED will be the agency responsible for implementing this measure.

The New Mexico Environmental Improvement Board (EIB) was created by New Mexico's Environmental Improvement Act, New Mexico Statutes Annotated (NMSA) 1978, Sections 74-1-1 to 74-1-18, to promulgate regulations protecting the environment in New Mexico, including New Mexico's Air Quality Control Act, NMSA 1978, Sections 74-2-1 to 74-2-17. NMED implements the regulations adopted under the Air Quality Control Act.

To implement a measure involving electrification NMED would need to initiate a rulemaking in front of the EIB.

Implementation Timeline and Milestones

NMED will implement this measure with initial rule development taking place over two years and equipment replacement over 12 years. To meet the GHG emissions reductions targets, NMED will have to implement the measure from 2026 through 2039. Beyond 2039, costs are entirely tied to operation and maintenance (O&M) of new equipment. The objective of this measure is to achieve a 50% reduction by 2039 in combustion CO_2 emissions from engines and turbines in the production, gathering and boosting, natural gas processing, and transmission segments compared to 2023. Table 8 outlines the anticipated implementation timeline and milestones for Measure I-1.

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Table 8. Measure I-1 Implementation Timeline and Milestones

Timeline	Milestones
2026–2027	Develop and finalize rulemaking to require electrification of 50% of engines and turbines in the production, gathering and boosting, natural gas processing, and transmission industry segments.
2028	Begin installation of electric equipment.
2039	Finish electrifying 50% of engines and turbines in the production, gathering and boosting, natural gas processing, and transmission industry segments.
2040–2050	Operate and maintain electric equipment through end of life.

Metrics for Tracking Progress

NMED will track progress for Measure I-1 using indicators such as the percentage of natural gas-driven engines and turbines in the New Mexico production, gathering and boosting, natural gas processing, and transmission industry segments that have been electrified. NMED will collect annual data from operators on electrification progress.

Quantified Emission Reductions

The CAP Team estimated emission reductions from Measure I-1 using a goal of electrifying 50% of engines and turbines in the New Mexico production, gathering and boosting, natural gas processing, and transmission segments by 2039, compared to the 2023 baseline. For purposes of GHG estimation, this analysis assumes 50% of the electricity required to power the electrified equipment will come from the grid, while the other 50% will be provided by on-site solar energy generation and battery storage. While this analysis focuses on solar energy for on-site generation, other zero-emission methods such as wind, geothermal, or small modular reactors could also provide equivalent reductions in CO_2 emissions. These assumptions are meant to provide a reference point and are not meant to be prescriptive.

The CAP Team used year 2023 combustion emissions data as the baseline for this measure. The CAP Team assumed all 2023 combustion emissions from the gathering and boosting, natural gas processing, and transmission segments are from engines and turbines and calculated the portion of combustion emissions from the production segment produced by engines. The analysis only accounts for electrification of existing engines and turbines as of the 2023 baseline and does not account for installation of new equipment. Additionally, the CAP Team assumed all engines and turbines in New Mexico use natural gas as fuel and applied a linear trend in the number of engines and turbines electrified from 0% in 2027 to 50% in 2039.

For the portion of electrified equipment that will be powered using on-site solar generation, the CAP Team assumed a 100% reduction in emissions compared to existing fuel-powered equipment. For the electrified equipment that will be powered by grid electricity, the CAP Team estimated CO_2 and CH_4 emission reductions by accounting for the reduction of natural gas use from electrification and the corresponding increase in grid electricity use. For grid electricity, the CAP Team developed emission increase estimates by projecting eGRID's total output emission rates for New Mexico's electricity grid

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out to 2050 under a BAU scenario. While additional grid electricity generates some emissions, the overall effect is a net reduction compared with BAU fossil fuel use.

The CAP Team estimated emissions for other pollutants using multiple methods. The CAP Team estimated N_2O emissions based on the ratio of N_2O to CO_2 emissions calculated using emission factors for stationary combustion sources from EPA's 2025 GHG Emission Factors Hub.[3] The CAP Team calculated nitrogen oxides (NO_x) and sulfur dioxide (SO_2) emission reductions from reducing natural gas use through pollutant-to-CO_2 emission ratios developed from EPA AP-42 emission factors for natural gas–fired engines and turbines; data on 4-stroke lean-burn and 4-stroke rich-burn engines were available from prior analyses of New Mexico's oil and gas industry.[4] The CAP Team also estimated NO_x and SO_2 emission increases from grid electricity based on projected eGRID total output emission rates. Emission factors for carbon monoxide (CO), volatile organic compounds (VOCs), and particulate matter (PM) were not available from eGRID. Table 9 shows the estimated annual emission reductions for Measure I-1 as compared to BAU emissions.

Table 9. Measure I-1 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	1,223,197.5	8,178,633.2	117,681,145.4
CH_4	13,651.6	54,669.3	956,225.5
N_2O	2.3	15.4	220.1
CO_2e	1,630,630.0	9,811,985.7	146,236,762.6
Other Pollutants			
CO	Not calculated	Not calculated	Not Calculated
NO_x	21,542.5	88,485.1	Not Calculated
SO_2	0.0	50.7	Not Calculated
VOCs	Not calculated	Not calculated	Not Calculated
PM_{10}	Not calculated	Not calculated	Not Calculated
$PM_{2.5}$	Not calculated	Not calculated	Not Calculated

Measure Costs

The CAP Team estimates the total implementation cost for Measure I-1 is approximately $869,000. This cost represents the financial commitment of the state of New Mexico but does not reflect

[3] U.S. Environmental Protection Agency, *2025 GHG Emission Factors Hub* (2025), https://www.epa.gov/system/files/documents/2025-01/ghg-emission-factors-hub-2025.pdf.

[4] U.S. Environmental Protection Agency, *AP-42, Compilation of Air Pollutant Emissions Factors from Stationary Sources, Chapter 3.1: Stationary Gas Turbines* (2000), https://www.epa.gov/sites/default/files/2020-10/documents/c03s01.pdf; U.S. Environmental Protection Agency, *AP-42, Compilation of Air Pollutant Emissions Factors from Stationary Sources, Chapter 3.2: Natural Gas-Fired Reciprocating Engines* (2024), https://www.epa.gov/system/files/documents/2024-10/c03s02_2024-update_0.pdf.

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expenditures by private entities, utilities, and other partners to replace combustion equipment. Given that the implementing agency (NMED) recently expanded its rulemaking unit, the costs to the state of New Mexico reflect four additional full-time equivalent (FTE) state employees over two years for NMED to develop a new rule governing equipment electrification. Rulemaking costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. Costs to the state for ongoing compliance and enforcement of this measure are reflected in Measure I-7. Table 10 presents the estimated implementation costs for Measure I-1. All costs are presented in current-year dollars and do not account for future inflation.

Table 10. Measure I-1 Cost Estimates

Cost Component	Estimated Implementation Cost
Capital costs and O&M costs	$0
Program/policy implementation and administration costs	$869,000
NMED employees	*$869,000*
Total	**$869,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure I-1. (Appendix C provides details on these sources, organized by funding source number.)

- Advanced Energy Project Credit (Funding Source 21)
- Energy Infrastructure Reinvestment (EIR) Program (Funding Source 56)
- Carbon Oxide Sequestration Credit (Funding Source 58)
- Natural Gas Distribution Infrastructure Safety and Modernization (NGDISM) Grant Program (Funding Source 60)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- Advanced Energy Manufacturing Tax Credit (through the Internal Revenue Service [IRS]) (Funding Source 44)
- Advanced Energy Manufacturing Tax Credit (through EMNRD) (Funding Source 52)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Delivering electricity to rural areas and modernizing grid infrastructure not only decreases emissions but also provides needed infrastructure benefits to communities that rely on the oil and gas industry to attract additional economic investments and provide long-term stability. Investments in infrastructure is a priority the CAP Team consistently heard from constituents in Southeast New Mexico.

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As New Mexico is the nation's second largest producer of crude oil and one of the top 10 states for natural gas production,[5] the state is well positioned to institute meaningful controls and reductions surrounding oil and gas CO_2 emissions through infrastructure electrification, carbon capture and sequestration (I-2 and I-3), and reuse of captured CO_2 for enhanced oil recovery (EOR) (I-2 and I-3).

Reducing oil and gas CO_2 emissions in New Mexico would provide numerous economic and environmental benefits that will lead to improved conservation and reduced air pollution, which will subsequently lead to increased public health and climate resilience outcomes. Infrastructure electrification will also supplement and diversify the opportunities available to the region's workforce.

Economic Benefits

- **Added infrastructure.** Many of the regions known for oil and gas production do not readily have access to infrastructure needed to support additional industries. The infrastructure resulting from this measure could assist in this effort, which in turn could open the door to additional economic opportunities.

Public Health Benefits

- **Health benefits.** Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using EPA's CO–Benefits Risk Assessment (COBRA) screening model and found that Measure I-1 would benefit the state of New Mexico between $140 million and $150 million of monetized health impacts in 2030 and between $840 million and $890 million of monetized health impacts in 2050.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $48 billion between 2026 and 2050.

LIDAC Benefits

Decreased oil and gas carbon dioxide (CO_2) emissions will improve public health and lower the energy burden in LIDACs. More specifically, it will provide:

- **Reduced exposure to pollution.** Because LIDACs are more likely to be located closer to pollution sources or not have the resources to reduce pollution burden, they are disproportionately exposed to oil and gas CO_2 emissions.[6] Reducing oil and gas emissions could cause a decrease in exposure to harmful air pollution, resulting in improved community and public health in LIDACs. Specifically, a reduction in exposure to particulate matter (PM) through electrification would improve the respiratory health of the general population in LIDACs and lead to better long-term public health outcomes.[7]

Disbenefits

Potential disbenefits from this measure include:

[5] U.S. Energy Information Administration, "New Mexico State Energy Profile," July 17, 2025, https://www.eia.gov/state/print.php?sid=NM.
[6] American Lung Association, "Disparities in the Impact of Air Pollution," 2023, https://www.lung.org/clean-air/outdoors/who-is-at-risk/disparities.
[7] American Lung Association, "Disparities in the Impact of Air Pollution."

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- **Job loss.** Reducing oil and gas CO_2 emissions by shifting toward electrifying infrastructure has the potential to reduce the existing workforce within the oil and gas industry, which is extremely important to the economy of New Mexico. However, NMDWS has accounted for a potential shift in employment in its Workforce Innovation and Opportunity Act (WIOA), which is federal legislation that requires states to strategically align their core workforce development programs to coordinate the needs of both job seekers and employers and ensure competitiveness in the global economy through four-year state plans (further discussed in the Workforce Planning Analysis). NMDWS plans to counteract the exit of oil and gas workforce personnel. Additionally, implementing carbon capture technology and electrifying infrastructure will create jobs, potentially counteracting other losses in the oil and gas sector.[8]

LIDAC Disbenefits

Disbenefits for LIDACs involve job loss and unequal access to benefits related to education and training:

- **Job loss.** As mentioned in this measure's associated benefits analysis, reduction in oil and gas CO_2 emissions through electrification of infrastructure could lead to fluctuations in the job force. Local communities often rely heavily on energy infrastructure to support their economy, especially in New Mexico, as the state is the second top producer in crude oil and a top 10 producer in natural gas.[9] As a result, LIDACs, which are disproportionately located closer to polluting oil and gas facilities, could experience job loss and shift from emissions reductions, with potential negative economic implications.[10] However, New Mexico could take counteractive measures in the form of transitional assistance and educational resources for individuals. For example, through the Energy Transition Act (ETA), New Mexico provided direct assistance to displaced workers from the San Juan Generating Station, including monetary support and offers of educational and other resources.[11] Moreover, additional electric infrastructure can attract additional diverse economic opportunities, as the state's fossil fuel reserves deplete.
- **Unequal access to benefits.** Any loss of jobs and requirement for job force migration due to the reduction of CO_2 emissions in oil and gas will require workers to migrate to other occupations. While the state of New Mexico has planned for this by providing resources through the Workforce Innovation and Opportunity Act (WIOA), it remains unclear how accessible these benefits will be to LIDACs.[12] Considering the reliance of LIDAC economies on oil and gas operations located nearby, engagement and inclusion of LIDAC in workforce development initiatives will be key to ensuring their ability to receive adequate training and other resources to

[8] New Mexico Department of Workforce Solutions, *New Mexico Workforce Innovation and Opportunity Act: Combined State Plan Program Years 2024-2027* (2024), https://www.dws.state.nm.us/Portals/0/DM/Partners/WIOA_Plan_PYs_2024-2027.pdf.
[9] U.S. Energy Information Administration, "New Mexico State Energy Profile."
[10] Environmental Defense Fund, "Study Explores Demographics of Communities Living Near Oil and Gas Wells," Environmental Defense Fund, June 21, 2022, https://www.edf.org/media/study-explores-demographics-communities-living-near-oil-and-gas-wells.
[11] Sarita Nair and Marcos Martinez, "Energy Transition Act Update," New Mexico Department of Workforce Solutions, July 2023, https://www.nmlegis.gov/handouts/ALFC%20071823%20Item%204%20ETA%20Update%20-%20July%202023.pdf.
[12] New Mexico Department of Workforce Solutions, *New Mexico Workforce Innovation and Opportunity Act: Combined State Plan Program Years 2024-2027*.

compensate for any job loss or needed job migration. Additionally, there will be job opportunities associated with the new electrification infrastructure that include construction, maintenance, and operation positions.

Measure I-2: Carbon Capture and Sequestration—Combustion

This measure reduces combustion CO_2 emissions, the largest source of CO_2 emissions in the oil and gas industry in New Mexico, through carbon capture and sequestration. The measure supports both installing carbon capture equipment and injecting the captured CO_2 for sequestration, with emphasis on controlling combustion CO_2 emissions from the production, gathering and boosting, natural gas processing, and transmission industry segments.

Implementation Authority and Responsibilities

This measure will be implemented jointly by NMED and EMNRD OCD.

The New Mexico Environmental Improvement Board (EIB) was created by New Mexico's Environmental Improvement Act, New Mexico Statutes Annotated (NMSA) 1978, Sections 74-1-1 to 74-1-18, to promulgate regulations protecting the environment in New Mexico, including New Mexico's Air Quality Control Act, NMSA 1978, Sections 74-2-1 to 74-2-17. NMED implements the regulations adopted under the Air Quality Control Act.

EMNRD OCD will support implementing this measure through overseeing subsurface injection and wells. New Mexico does not yet have Class VI (carbon injection) well primacy under the federal Safe Drinking Water Act, but OCD is in the process of obtaining primacy from EPA, which will allow this measure to be implemented locally.

NMED will support implementing this measure through overseeing air emissions.

Implementation Timeline and Milestones

NMED and OCD will implement this measure from 2026 through 2044. This timeframe assumes four years will be needed at the beginning to develop primacy for Class VI wells and provide time for companies to begin installing carbon capture equipment. This measure will achieve a 45% reduction by 2044 in combustion CO_2 emissions from natural gas-powered engines and turbines in the production, gathering and boosting, natural gas processing, and transmission segments compared to 2023. This reduction is in addition to the reductions from Measure I-1. Carbon capture and storage will begin in 2030, and the final carbon capture and sequestration equipment will be installed in 2044. Table 11 outlines the anticipated implementation timeline and milestones for Measure I-2.

Table 11. Measure I-2 Implementation Timeline and Milestones

Timeline	Milestones
2026–2029	Develop Class VI well primacy and begin installing carbon capture and sequestration equipment.
2030	Begin carbon capture and storage.
2044	Finish installing carbon capture and sequestration equipment to reduce CO_2 emissions by 45%.

Metrics for Tracking Progress

NMED and OCD will track progress for Measure I-2 using indicators such as the capacity of carbon capture and sequestration equipment that has been installed relative to baseline year 2023 emissions. Data on equipment installation will be collected annually from operators subject to carbon capture and storage requirements.

Quantified Emission Reductions

The CAP Team estimated emission reductions from Measure I-2 based on a goal of reducing combustion CO_2 emissions from natural gas-powered engines and turbines in the New Mexico production, gathering and boosting, natural gas processing, and transmission segments by 45% compared to the 2023 baseline by 2044. The CAP Team used 2023 combustion emission data for these segments as baseline emissions for CO_2 and CH_4. The analysis assumes the first emission reductions will occur in 2030 and will increase linearly through 2044 as additional carbon capture and storage equipment is installed.

The CAP Team estimated emissions for N_2O based on the ratio of N_2O to CO_2 emissions calculated using emission factors for stationary combustion sources from EPA's 2025 GHG Emission Factors Hub.[13] The CAP Team estimated reductions for other co-pollutant emissions using pollutant-to-CO_2 emission ratios developed from EPA AP-42 emission factors for natural gas–fired engines and turbines; data on 4-stroke lean-burn and 4-stroke rich-burn engines were available from prior analyses of New Mexico's oil and gas industry.[14]

The estimate only accounts for capture and storage of emissions from existing combustion equipment as of the 2023 baseline and does not account for emissions from new equipment. Additionally, it assumes all relevant combustion equipment uses natural gas as fuel. Table 12 presents the estimated annual emission reductions for Measure I-2 as compared to BAU emissions.

Table 12. Measure I-2 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	490,718.0	7,360,769.9	103,050,778.8
CH_4	3,280.2	49,202.3	688,832.9
N_2O	0.9	13.9	194.2
CO_2e	588,719.1	8,830,787.1	123,631,019.6
Other Pollutants			
CO	17,260.0	86,300.1	Not Calculated
NO_x	15,927.3	79,636.6	Not Calculated

[13] U.S. Environmental Protection Agency, *2025 GHG Emission Factors Hub*.

[14] U.S. Environmental Protection Agency, *AP-42, Compilation of Air Pollutant Emissions Factors from Stationary Sources, Chapter 3.1: Stationary Gas Turbines*; U.S. Environmental Protection Agency, *AP-42, Compilation of Air Pollutant Emissions Factors from Stationary Sources, Chapter 3.2: Natural Gas-Fired Reciprocating Engines*.

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Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
SO_2	9.1	45.6	Not Calculated
VOCs	1,227.5	6,137.3	Not Calculated
PM_{10}	164.1	820.6	Not Calculated
$PM_{2.5}$	164.1	820.6	Not Calculated

Measure Costs

The CAP Team estimates the total implementation cost for Measure I-2 is $3.3 million. This cost represents the financial commitment of the state of New Mexico but does not reflect expenditures by private entities, utilities, and other partners to meet carbon capture and storage requirements. The costs to the state of New Mexico reflect 1.5 FTE state employees over three years for NMED to develop a rule, 1.5 FTE state employees over three years for EMNRD to finalize the Class VI well primacy process, and one FTE state employee for EMNRD over 21 years for program implementation and administration. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. Table 13 presents the estimated implementation costs for Measure I-2. All costs are presented in current-year dollars and do not account for future inflation.

Table 13. Measure I-2 Cost Estimates

Cost Component	Estimated Implementation Cost
Capital costs and O&M costs	$0
Program/policy implementation and administration costs	$3,258,000
NMED employees	*$489,000*
EMNRD employees	*$2,769,000*
Total	**$3,258,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure I-2. (Appendix C provides details on these sources, organized by funding source number.)

- Solid Waste Facility Grant Fund (Funding Source 90)
- Methane Emissions Reduction Program (MERP) (Funding Source 57)
- Advanced Energy Project Credit (Funding Source 21)
- Orphaned Well Site Plugging, Remediation, and Restoration Program (Funding Source 59)
- NGDISM Grant Program (Funding Source 60)
- Brownfields Program (Funding Source 61)
- Brownfields Program: Revolving Loan Fund Grants (Funding Source 65)
- Brownfields Program: Job Training Grants (Funding Source 64)
- Brownfields Program: Assessment Grants (Funding Source 63)
- EIR Program (Funding Source 66)

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- Advanced Energy Manufacturing Tax Credit (through the IRS) (Funding Source 44)
- Advanced Energy Manufacturing Tax Credit (through EMNRD) (Funding Source 52)

Benefits

Economic Benefits

- **Job creation.** Enforcing a reduction in CO_2 emissions for the oil and gas industry could create jobs through constructing carbon capture infrastructure, as well as O&M for these facilities. Many of the jobs needed to ensure carbon capture technology infrastructure is constructed and maintained properly require a skilled workforce trained through occupational programs and on-the-job training. These jobs could provide higher wages in the long term.[15]
- **Improved productivity.** Technological efforts like EOR could lead to increased productivity for oil and gas production. While primary and secondary recovery of production in oil reservoirs can recover 20–40% of the original oil present in the reservoir, EOR can recover 30–60%.[16] This technique is extremely valuable for maximizing profit from mature oil fields and existing reservoirs. By increasing the productivity and the lifetimes of existing and mature oil fields and reservoirs through EOR, there could be a shift toward maximizing existing oil reserves and away from the expensive and environmentally taxing practice of drilling and tapping new reservoirs.[17]

Environmental Benefits

- **Land conservation.** As mentioned above, implementing EOR could reduce the practice of drilling into new reservoirs by maximizing current oil fields. Additionally, reduced air pollution through carbon capture technology and electrification could reduce ecosystem disruptions. Combined, efforts to reduce oil and gas CO_2 emissions could help ensure parcels of land and ecosystems that have been untouched remain that way, and that disrupted land and ecosystems are minimally impacted by continued operations.

Public Health Benefits

- **Health benefits**. Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using COBRA and found that Measure I-2 would benefit the state of New Mexico with between $107 million and $120 million of monetized health impacts in 2030 and between $790 million and $875 million of monetized health impacts in 2050.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $41 billion between 2026 and 2050.

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[15] Whitney Jones et al., "Direct Air Capture Workforce Development: Opportunities by Occupation," Rhodium Group, October 12, 2023, https://rhg.com/research/direct-air-capture-workforce-development/.
[16] U.S. Department of Energy, "Enhanced Oil Recovery," U.S. Department of Energy, accessed September 17, 2025, https://www.energy.gov/fecm/enhanced-oil-recovery.
[17] Alchemy Team, "Declining Well Productivity and the Implications for EOR," Alchemy Sciences, August 15, 2025, https://www.alchemysciencesinc.com/post/declining-well-productivity-and-the-implications-for-eor; Tidal Petroleum, "Drilling Cost," Tidal Petroleum, accessed September 17, 2025, https://www.tidalpetroleum.com/processes/drilling-cost; Kevin Haynes, "The Dangers of Oil and Gas Well Drilling," Kherkher Garcia LLP, October 23, 2023, https://www.kherkhergarcia.com/the-dangers-oil-and-gas-well-drilling/.

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Measure I-3: Carbon Capture and Sequestration—Acid Gas Removal Units

This measure reduces CO_2 emissions from acid gas removal units (AGRUs) in the oil and gas industry using carbon capture and sequestration. This measure differs from Measure I-2 in that AGRUs already produce concentrated CO_2 streams that are currently vented into the atmosphere. This measure would inject and sequester those streams. Because of these features, AGRUs represent a potentially simplified option for CO_2 sequestration, which this measure reflects.

Implementation Authority and Responsibilities

This measure will be implemented jointly by NMED and EMNRD OCD.

The New Mexico Environmental Improvement Board (EIB) was created by New Mexico's Environmental Improvement Act, New Mexico Statutes Annotated (NMSA) 1978, Sections 74-1-1 to 74-1-18, to promulgate regulations protecting the environment in New Mexico, including New Mexico's Air Quality Control Act, NMSA 1978, Sections 74-2-1 to 74-2-17. NMED implements the regulations adopted under the Air Quality Control Act.

EMNRD OCD is authorized under the Oil and Gas Act, NMSA 1978, Section 70-2-6, to have jurisdiction, authority, and control over the conservation of oil and gas. The Oil Conservation Commission is empowered to make and enforce rules to carry out the purposes of the Oil and Gas Act, NMSA 1978, Section 70-2-11. OCD is authorized to regulate waste from exploring, developing, producing, or storing oil and gas (NMSA 1978, Section 70-2-12). OCD is also authorized to limit the waste of CH_4 by venting and flaring under the New Mexico Administrative Code (NMAC), Sections 19.15.27.1 to 19.15.27.9 and 19.15.28. Unauthorized releases of CH_4 gas are prohibited and must be reported per 19.15.29 NMAC.

EMNRD OCD will support measure implementation through overseeing subsurface injection and wells.

NMED will support implementing this measure through overseeing air emissions.

Implementation Timeline and Milestones

NMED and OCD will implement this measure from 2026 through 2041. This timeframe assumes a year will be needed at the beginning to develop and finalize a rulemaking for carbon capture and storage requirements. This analysis assumes injection wells for this measure will be Class II wells, for which New Mexico already has primacy. Injections will begin in 2027, with a goal of injecting 95% of AGRU emissions by 2041. Table 14 outlines the anticipated implementation timeline and milestones for Measure I-3.

Table 14. Measure I-3 Implementation Timeline and Milestones

Timeline	Milestones
2027	Begin injections.
2041	Inject 95% of AGRU CO_2 emissions by 2041.

Metrics for Tracking Progress

NMED and OCD will track progress for Measure I-3 using metrics such as the percentage of AGRU CO_2 emissions that are injected or the number of AGRUs that are capturing and injecting emissions relative

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to baseline year 2023 emissions. Data on CO_2 injections will be collected annually from operators subject to carbon capture and storage requirements.

Quantified Emission Reductions

The CAP Team estimated emission reductions from Measure I-3 based on a goal of reducing AGRU CO_2 emissions from the New Mexico natural gas processing segment by 95% by 2041. The CAP Team used 2023 AGRU emissions data for the natural gas processing segment as baseline emissions for CO_2. The analysis assumes the first emission reductions will occur in 2027 and will increase linearly through 2041 as additional CO_2 injections take place.

AGRUs are not a significant source of CH_4, N_2O, or other pollutants, except for CO_2. Therefore, only CO_2 emission reductions were estimated for this measure. The analysis only accounts for capture and storage of CO_2 emissions from existing AGRUs as of the 2023 baseline and does not account for emissions from new AGRUs. Table 15 outlines the quantified emission reductions for Measure I-3 as compared to BAU emissions.

Table 15. Measure I-3 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	489,277.0	1,834,788.8	31,191,409.8
CH_4	N/A	N/A	N/A
N_2O	N/A	N/A	N/A
CO_2e	489,277.0	1,834,788.8	31,191,409.8
Other Pollutants			
CO	N/A	N/A	Not Calculated
NO_x	N/A	N/A	Not Calculated
SO_2	N/A	N/A	Not Calculated
VOCs	N/A	N/A	Not Calculated
PM_{10}	N/A	N/A	Not Calculated
$PM_{2.5}$	N/A	N/A	Not Calculated

Measure Costs

The CAP Team estimates the total implementation cost for Measure I-3 is approximately $3.3 million. This cost represents the financial commitment of the state of New Mexico but does not reflect expenditures by private entities, utilities, and other partners to meet carbon capture and storage requirements. The costs to the state of New Mexico reflect 3 FTE state employees each for NMED and EMNRD to develop a rule over one year and one FTE state employee for EMNRD over 24 years for program implementation and administration. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. Table 16 presents the estimated implementation costs for Measure I-3.

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Table 16. Measure I-3 Cost Estimates

Cost Component	Estimated Implementation Cost
Capital costs and O&M costs	$0
Program/policy implementation and administration costs	$3,258,000
NMED employees	*$326,000*
EMNRD employees	*$2,932,000*
Total	**$3,258,000**

Intersection with Other Funding Availability

The CAP Team did not identify any applicable funding sources for this measure.

Benefits

Environmental Benefits

- **Air pollution reduction.** Implementing carbon capture and acid gas unit technology could decrease the level of CO_2, acid gases, and PM in the air from oil and gas emissions. In one study, carbon capture technology reduced harmful air pollutants such as PM by up to 90%, and SO_2 by up to 99%.[18] Separately, a single facility in the Permian Basin was noted to have the capacity to permanently capture around 175,000 metric tons of CO_2 and 75,000 metric tons of hydrogen sulfide annually.[19] Increased efforts in capture could result in measurable and beneficial reductions in air pollution and an associated decrease of respiratory issues and environmental hazards like acid rain.[20]

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $10.1 billion between 2026 and 2050.

[18] Clean Air Task Force, "Air Pollutant Reductions From Carbon Capture," Clean Air Task Force, December 1, 2023, https://www.catf.us/resource/air-pollutant-reductions-carbon-capture/.
[19] Hart Energy Staff, "Piñon Midstream's Dark Horse Begins Treating Sour Gas in Permian's Delaware | Hart Energy," Hart Energy, October 13, 2021, https://www.hartenergy.com/exclusives/pinon-midstreams-dark-horse-begins-treating-sour-gas-permians-delaware-196728.
[20] Clean Air Task Force, "Air Pollutant Reductions From Carbon Capture"; Terry Gibb, "Acid Rain Reductions Means Accepting Trade-Offs," Michigan State University Extension, April 17, 2013, https://www.canr.msu.edu/news/acid_rain_reductions_means_accepting_trade_offs.

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Measure I-4: Increased Monitoring and Methane Plume Investigation

This measure establishes a comprehensive program to monitor for and investigate sources of CH_4 plumes in the oil and gas industry. The program involves monthly airplane flyovers to identify CH_4 releases, ensuring all sources are monitored repeatedly over time. This program also expands current efforts to investigate the CH_4 releases and notify companies to fix the cause of the releases.

Implementation Authority and Responsibilities

This measure will be implemented by EMNRD OCD and the Public Regulation Commission's Pipeline Safety Bureau. NMED will assist with implementation after NMED implements measure I-5 (below).

EMNRD OCD is authorized under the Oil and Gas Act, NMSA 1978, Section 70-2-6, to have jurisdiction, authority, and control over the conservation of oil and gas. The Oil Conservation Commission is empowered to make and enforce rules to carry out the purposes of the Oil and Gas Act, NMSA 1978, Section 70-2-11. OCD is authorized to regulate waste from the exploration, development, production, or storage of oil and gas (NMSA 1978, Section 70-2-12). OCD is also authorized to limit the waste of CH_4 by venting and flaring (19.15.27.1 to 19.15.27.9 and 19.15.28 NMAC). Unauthorized releases of CH_4 gas are prohibited and must be reported per 19.15.29 NMAC.

The New Mexico Public Regulation Commission Pipeline Safety Bureau enforces federal and state pipeline safety regulations in order to provide for the safe operation of natural gas and hazardous liquid facilities; investigates intrastate pipeline incidents and accidents that take place in New Mexico; and is responsible for licensing crude oil, natural gas, and oil and gas product pipelines.

Implementation Timeline and Milestones

EMNRD OCD will implement this measure from 2026 through 2050, with a goal of reducing the number of monthly CH_4 "super-emitter events" occurring in New Mexico over time. This measure will use the definition of super-emitter event used by EPA for the Methane Super Emitter Program, which defines a super-emitter event as "any emissions event that is located at or near an oil and gas facility… and that is detected using remote detection methods and has a quantified emission rate of 100 kg/hr of methane or greater."[21] This measure assumes New Mexico's data management system for air quality permitting and compliance and enforcement will be updated and implementation of a program for increased monitoring and investigation of CH_4 plumes will begin in 2026. Implementation of the monitoring program will last through the remainder of the timeframe. Table 17 outlines the anticipated implementation timeline and milestones for Measure I-4.

[21] Model Rule—Emission and Work Practice Standards, 40 CFR § 60.5388c (2024), https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-60/subpart-OOOOc/subject-group-ECFRf102895f7dad2ff/section-60.5388c.

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Table 17. Measure I-4 Implementation Timeline and Milestones

Timeline	Milestones
2026	Update data management system and begin implementation of program for increased monitoring and CH_4 plume investigation.
2044–2050	Achieve and maintain an event rate of 10 or fewer events per month detected in monthly flyovers.

Metrics for Tracking Progress

EMNRD OCD will track progress for Measure I-4 using metrics such as the number of CH_4 super-emitter events detected annually and the number of leaks fixed. Data will be collected during monthly airplane flyover monitoring carried out by the state of New Mexico as part of this measure. The number of CH_4 super-emitter events per year is expected to start high and decline over time.

Quantified Emission Reductions

The CAP Team estimated an average super-emitter event emission rate (380 kg CH_4/hr) and number of events per month for year 2026 (280 events per month) based on data published by Carbon Mapper for CH_4 plumes from oil and gas facilities in New Mexico collected by the Global Airborne Observatory (GAO) in 2023 and 2024.[22] The CAP Team calculated the average number of super-emitter events detected each day by the GAO during its flyovers (56 events per day) and assumed five days per month of monitoring for this measure. GAO data are the only data published by Carbon Mapper for New Mexico that were collected using airplane-mounted equipment, so the CAP Team only considered GAO data for this measure.

The number of super-emitter events detected is predicted to decline from 280 events per month in 2026 to 10 events per month in 2044 to 2050. Additionally, the average event duration is expected to decline from an assumed four days per event in 2026 to one day per event in 2038 to 2050, as facilities are expected to resolve leaks more quickly because of this measure. The CAP Team multiplied these average values to calculate CH_4 emissions per event and total annual CH_4 emissions from super-emitter events. Emissions are expected to decline proportionally as the number of events and event durations decrease. The CAP Team calculated annual CH_4 emission reductions from this measure as the difference between estimated 2026 super-emitter emissions and estimated super-emitter emissions for each later year in the timeframe.

Since CH_4 super-emitter events from the oil and gas industry are a result of natural gas leaks, the CAP Team estimated emission reductions for CO_2 and VOCs based on average ratios of CO_2 to CH_4 and VOC to CH_4 in natural gas. Impacts on emissions of other pollutants were not calculated since they are expected to be negligible. Table 18 outlines the quantified emission reductions for Measure I-4 as compared to BAU emissions.

[22] Carbon Mapper, "Carbon Mapper Data [2022-2025]," accessed August 18, 2025, https://data.carbonmapper.org/.

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Table 18. Measure I-4 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	1,288.3	3,279.9	62,613.9
CH_4	47,715.8	121,478.4	2,319,033.6
N_2O	N/A	N/A	N/A
CO_2e	1,423,220.4	3,623,336.2	69,169,815.2
Other Pollutants			
CO	N/A	N/A	Not Calculated
NO_x	N/A	N/A	Not Calculated
SO_2	N/A	N/A	Not Calculated
VOCs	30,220.0	76,936.3	Not Calculated
PM_{10}	N/A	N/A	Not Calculated
$PM_{2.5}$	N/A	N/A	Not Calculated

Measure Costs

The CAP Team estimates the total implementation cost for Measure I-4 is approximately $47.7 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners. Capital costs include payments to external parties to conduct monthly airplane flyovers, while administrative costs reflect 10 FTE state employees for EMNRD over 24 years for program implementation and updating of New Mexico's data management system for air quality permitting and compliance and enforcement. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607.

Table 19. Measure I-4 Cost Estimates

Cost Component	Estimated Implementation Cost
Capital costs	$21,600,000
Program/policy implementation and administration costs	$26,118,000
EMNRD employees	*$26,066,000*
Total	**$47,718,000**

Intersection with Other Funding Availability

The CAP Team did not identify any specifically-applicable funding sources for this measure.

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Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

This benefits analysis incorporates benefits from measures I-4 through I-7.

New Mexico is the nation's second largest producer of crude oil and one of the top 10 states for natural gas production. New Mexico is well positioned to institute meaningful controls on the oil and gas industry's CH_4 emissions by increasing CH_4 plume monitoring and investigation, plugging inactive wells, and increasing enforcement and reduction mandates for equipment that exceeds current emission standards.

Reducing CH_4 emissions in oil and gas industries in New Mexico would provide numerous economic, environmental, and public health benefits, including job creation and important air pollution reductions that will lead to increased climate resilience and improved public health outcomes.

Economic Benefits

- **Job creation.** Reducing CH_4 emissions in oil and gas operations through increasing monitoring, enacting stricter enforcement, and plugging inactive and abandoned wells could generate manufacturing, engineering, construction, and monitoring jobs. Between 2021 and 2024, CH_4 mitigation industry offices in New Mexico grew by 58%, which is significantly higher than the national average of 39% during the same period. The median wage for CH_4 mitigation service jobs can reach as high as $145,000 per year.[23] There is significant room for growth in CH_4 mitigation as NMED and EPA recently found that approximately 60% of inspected oil and gas facilities in the Permian Basin in Texas were noncompliant with current emissions regulations.[24] Additionally, a study in 2021 found that the timely plugging of New Mexico's abandoned and inactive wells could create 65,337 jobs and inject $4.1 billion into wages, salaries, and benefits.[25] Increasing the number of high-wage CH_4 mitigation service jobs in New Mexico could reduce emissions of GHGs, including CH_4, while contributing to the state's economy.

Environmental Benefits

- **Air pollution reduction.** According to the Environmental Defense Fund, New Mexico emits 1 MMT of CH_4 every year through oil and gas operations.[26] CH_4 is 28 times more potent than CO_2

[23] Datu Research, "U.S. Methane Mitigation Industry: Growing Strong," 2025, https://static1.squarespace.com/static/63f65dfd8aed646290d75b8b/t/681e25feba4bad4b5105a6ac/1746806276711/2025+Datu+Analysis+Methane+Mitigation+Industry.pdf; Roz Brown, "New Mexicos Methane Mitigation Jobs Beat National Average," Public News Service, 2025, https://www.publicnewsservice.org/2025-02-26/energy-policy/new-mexicos-methane-mitigation-jobs-beat-national-average/a95463-1.

[24] New Mexico Environment Department, "EPA and the NMED Find Potential Air Quality Violations at 60% of Permian Basin Oil and Gas Facilities Inspected," 2024, https://www.env.nm.gov/wp-content/uploads/2024/07/2024-07-03-COMMS-EPA-and-the-NMED-find-potential-air-quality-violations-at-60-of-Permian-Basin-oil-and-gas-facilities-inspect.pdf.

[25] Western Environmental Law Center, "Groups Petition Oil Conservation Commission to Take Action to Stop Growth of Staggering $8 Billion Oil and Gas Cleanup Gap," June 2024, https://westernlaw.org/groups-petition-oil-conservation-commission-to-take-action-to-stop-growth-of-staggering-8-billion-oil-and-gas-cleanup-gap/.

[26] Environmental Defense Fund, "New Mexico Oil & Gas Data," accessed September 18, 2025, https://www.edf.org/nm-oil-gas/.

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at trapping heat.[27] Combined with other toxic pollutants, CH_4 emissions and the associated formation of ground-level ozone through oil and gas operations can cause dangerous air pollution with adverse health effects. Implementing measures that reduce CH_4 emissions in oil and gas operations, such as heightened surveillance and enforcement, could reduce the burden of air pollution and associated climate and health impacts, including asthma, heart disease, and even all-cause mortality.[28]

Public Health Benefits

- **Improved respiratory health.** CH_4 is a precursor to the formation of ground-level ozone, a harmful air pollutant and the main ingredient in smog. Ozone can cause acute and chronic respiratory health issues, ranging from a simple cough to the aggravation of lung diseases like asthma, emphysema, and chronic bronchitis.[29] As stated above, scientists at the Environmental Defense Fund recently found that oil and gas CH_4 emissions across New Mexico have reached 1 MMT per year, surpassing prior estimates.[30] Major contributing factors for this increase include production surges and insufficient management of leaks and venting.[31] The reduction of CH_4 emissions through increased monitoring and enforcement, along with plugging leaks and abandoned wells, could lead to lower levels of ground-level ozone formation and improved respiratory health outcomes.
- **Health benefits**. Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using COBRA and found that Measure I-4 would benefit the state of New Mexico with $3.3 million of monetized health impacts in 2030 and $25 million of monetized health impacts in 2050.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $22.3 billion between 2026 and 2050.

LIDAC Benefits

Decreased oil and gas methane emissions will provide increased levels of public health and decreased energy burden in LIDACs. Specifically, LIDACs will benefit from this measure in the following ways:

- **Reduced exposure to pollution.** New Mexico's high rate of methane emissions could lead to the formation of ground-level ozone, dangerous air pollution that can lead to adverse health effects. LIDACs' increased proximity to oil and gas operations and limited access to resources to mitigate effects associated with these operations means they are disproportionately exposed to this pollution.[32] New Mexico's goals for reducing methane emissions will benefit LIDACs greatly by reducing exposure of dangerous pollutants from oil and gas operations that can cause adverse

[27] U.S. Environmental Protection Agency, "Importance of Methane," 2025, https://www.epa.gov/gmi/importance-methane.
[28] World Health Organization, "Air Quality, Energy and Health," 2025, https://www.who.int/teams/environment-climate-change-and-health/air-quality-energy-and-health/health-impacts.
[29] U.S. Environmental Protection Agency, "Health Effects of Ozone and Particulate Matter," Other Policies and Guidance, 2025, https://www.epa.gov/advance/health-effects-ozone-and-particulate-matter.
[30] Environmental Defense Fund, "New Mexico Oil & Gas Data."
[31] Environmental Defense Fund, "New Mexico Oil & Gas Data."
[32] Environmental Defense Fund, "Study Explores Demographics of Communities Living Near Oil and Gas Wells."

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health impacts, including respiratory issues, inflammation, disease, and even all-cause mortality.[33]

- **Remediation of environmental hazards.** The decrease of methane emissions through plugging inactive and abandoned wells could remediate environmental hazards present in LIDACs, including the potential for contaminated water and soil.[34] Additionally, the plugging of wells in proximity to LIDACs could allow for the opportunity to transform land previously used in oil and gas operations into community spaces. These revitalization projects have the potential to provide numerous benefits to the economy, environment, and surrounding communities.[35] For example, a former oil and gas well pad was converted into a campground at Carlsbad National Park, New Mexico.[36] Efforts to reduce methane emissions through increased monitoring and enforcement will enhance revitalization projects and existing outdoor spaces by lessening local pollutant disruption and the formation of smog in ecosystems.

Disbenefits

Potential disbenefits from this measure include:

- **Job loss.** Reducing CH_4 emissions in the oil and gas industry could reduce the existing oil and gas workforce. NMDWS has accounted for this potential shift in employment in the WIOA and plans to counteract the job loss of oil and gas workforce personnel by providing programs and resources to migrate and transition the workforce toward clean energy sectors.

LIDAC Disbenefits

No disbenefits were identified in this analysis.

Measure I-5: Building on Success of Ozone Precursor Rule

This measure formalizes the NMED's ability to reduce CH_4 emissions from the oil and gas industry by implementing a super-emitter monitoring program to identify and respond to large methane leaks, while imposing additional requirements for pneumatic controllers. NMED participation in a super-emitter monitoring program increases investigation of CH_4 releases reported by third parties, with a goal of reducing the number of annual CH_4 super-emitter events occurring in New Mexico over time. New equipment regulations will aim to eliminate all CH_4 emissions from pneumatic controllers by requiring replacement of existing pneumatic

Implementation Authority and Responsibilities

This measure will be implemented by NMED (in addition to other agencies as noted in Measure I-4).

[33] American Lung Association, "Disparities in the Impact of Air Pollution"; World Health Organization, "Air Quality, Energy and Health."
[34] Environmental Defense Fund, "Plugging Orphan Wells across the United States," October 14, 2021, https://www.edf.org/orphanwellmap.
[35] Clement Lau, "Transforming Oil Fields into Parks: A Cornerstone of Just Transition," Open Space, June 2024, https://www.nrpa.org/blog/transforming-oil-fields-into-parks-a-cornerstone-of-just-transition/.
[36] Associated Press, *Oil Well Pad Converted into Campsite at NM National Park*, September 25, 2020, https://apnews.com/article/camping-parks-national-parks-new-mexico-caves-b8139c82ef4a3063ac3577fc57af4a8b.

The New Mexico Environmental Improvement Board (EIB) was created by New Mexico's Environmental Improvement Act, New Mexico Statutes Annotated (NMSA) 1978, Sections 74-1-1 to 74-1-18, to promulgate regulations protecting the environment in New Mexico, including New Mexico's Air Quality Control Act, NMSA 1978, Sections 74-2-1 to 74-2-17. NMED implements the regulations adopted under the Air Quality Control Act.

To implement this measure NMED would need to initiate a rulemaking in front of the EIB.

Implementation Timeline and Milestones

NMED will implement Measure I-5 from 2026 through 2050.

NMED will take one year to finalize rulemaking for the super-emitter monitoring program in 2026 and implementation will last through the remainder of the period.

NMED will take three years to finalize a rulemaking requiring replacement of all pneumatic controllers with zero-bleed controllers. The current state regulation requires replacement of many pneumatic controllers by 2030. Therefore, installation of zero-bleed controllers due to the new regulation will begin in 2031 and continue over three years.

Table 20. Measure I-5 Implementation Timeline and Milestones

Timeline	Milestones
2026	Develop and finalize rulemaking for a CH_4 super-emitter monitoring program and begin developing a new regulation for pneumatic controllers.
2028	Finalize rulemaking for pneumatic controllers.
2031–2033	Replace all pneumatic controllers with zero-bleed controllers.
2041–2050	Achieve and maintain an event rate of 10 or fewer events per month reported by third parties.

Metrics for Tracking Progress

NMED, will track progress for the super-emitter monitoring program using metrics such as the number of CH_4 super-emitter events reported to the program annually by third parties and the number of leaks fixed. Super emitter events are large leaks or releases of methane located at or near an oil and natural gas facility with an emission rate of 100 kilograms per hour of methane or greater, as measured by certified third parties. The number of reported CH_4 super-emitter events per year is expected to decline consistently over time. The implementing agency will track progress for the new pneumatic controller requirements by calculating the percentage of pneumatic controllers that have been replaced with zero-bleed controllers.

Quantified Emission Reductions

The CAP Team estimated an average super-emitter event emission rate (450 kg CH_4/hr) based on Carbon Mapper data for CH_4 plumes from oil and gas facilities in New Mexico for 2022 through 2025.[37] This emission rate is higher than the estimated average emission rate for Measure I-4 because the CAP Team considered Carbon Mapper data from all data collection methods for Measure I-5, while

[37] Carbon Mapper, "Carbon Mapper Data [2022-2025]."

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Measure I-4 considered only data collected using aerial monitoring. Airplane monitoring data are more representative for Measure I-4 since the implementing agencies will conduct monitoring using airplane flyovers. However, monitoring data for the super-emitter monitoring program will be submitted by third parties, which use a variety of monitoring techniques.

The CAP Team also assumed the number of super-emitter events identified under Measure I-5 will be lower than the number of events for Measure I-4 because Measure I-5 relies only on voluntary third-party reporting of events. Conversely, Measure I-4 will rely on prescribed monitoring carried out directly or contracted by the implementing agencies, which is expected to be more consistent than voluntary third-party monitoring.

The CAP Team calculated CH_4 emissions per event and total annual CH_4 emissions predicted from super-emitter events reported through the super-emitter monitoring program using estimates for average emission rate and monthly events reported. The CAP Team predicted that the number of super-emitter events reported by third parties will decline from 30 events per month in 2026 to 10 events per month in 2044 through 2050. Emissions are expected to decline proportionally as the number of events decreases. The CAP Team estimated total annual CH_4 emission reductions from this measure as the difference between 2026 emissions and emissions for each later year in the timeframe. The CAP Team used the same methods for estimating CO_2 and VOC emission reductions from the super-emitter monitoring program as were used for Measure I-4, and reductions for other pollutants were not calculated.

The CAP Team estimated emission reductions from replacing pneumatic controllers with zero-bleed controllers based on the assumption that the first controllers will be replaced in 2031 and the final controllers will be replaced by 2033 to achieve 100% elimination of pneumatic controller emissions in New Mexico. This estimation assumes one-third of the CH_4-emitting pneumatic controllers remaining in New Mexico as of 2030 will be replaced each year between 2031 and 2033 and that all controllers can be replaced with zero-bleed controllers. Projected pneumatic controller emissions for 2030 from the New Mexico 2020 Oil and Gas GHGI report were treated as baseline emissions for these calculations.[38] Table 21 presents the estimated annual emission reductions for Measure I-5 as compared to BAU emissions.

Table 21. Measure I-5 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	58.8	1,653.6	30,634.3
CH_4	2,177.3	23,448.2	416,484.5
N_2O	N/A	N/A	N/A
CO_2e	64,941.7	700,408.6	12,441,873.3
Other Pollutants			

[38] Eastern Research Group, Inc., *New Mexico Oil and Gas Greenhouse Gas Emissions Inventory for Year 2020* (2022), https://cloud.env.nm.gov/resources/_translator.php/YjMwMmZhMWY5NjEwMGMyMWQwZDkzODk5NV8xNzc2NjE~.pdf.

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Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
CO	N/A	N/A	Not Calculated
NO_x	N/A	N/A	Not Calculated
SO_2	N/A	N/A	Not Calculated
VOCs	1,378.9	14,850.5	Not Calculated
PM_{10}	N/A	N/A	Not Calculated
$PM_{2.5}$	N/A	N/A	Not Calculated

Measure Costs

The CAP Team estimates the total implementation cost for Measure I-5 is $1 million. This cost represents the financial commitment of the state of New Mexico but does not reflect expenditures by other entities to conduct flyovers or replace pneumatic controllers. The costs of this measure to the state of New Mexico reflect two FTE state employee for NMED developing the new rule requiring zero-bleed controllers over two years and five FTE state employees for NMED developing the CH_4 super-emitter monitoring program over a year. Rulemaking costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. Costs to the state for ongoing compliance and enforcement for this measure are reflected in Measure I-7. Table 22 presents the estimated implementation costs for Measure I-5.

Table 22. Measure I-5 Cost Estimates

Cost Component	Estimated Implementation Cost
Capital costs	$0
Program/policy implementation and administration costs	$977,000
NMED employees	*$977,000*
Total	**$977,000**

Intersection with Other Funding Availability

The CAP Team did not identify any specifically-applicable funding sources for this measure.

Benefits

The benefits analysis related to Measure I-5 is incorporated into the benefits analysis presented with Measure I-4. Specific to Measure I-5, the CAP Team measured health impacts due to criteria air pollutants:

Public Health Benefits

- **Health benefits**. Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using COBRA and found that Measure I-5 would benefit the state of New Mexico with $150,000 of monetized health impacts in 2030 and $2.3 million of monetized health impacts in 2050.

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Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $4 billion between 2026 and 2050.

Measure I-6: Plug Inactive Wells

This measure expands current efforts to plug inactive oil and gas wells across New Mexico. The measure supports identifying and locating wells considered to be orphaned and plugging them to eliminate emissions. All orphaned wells in New Mexico will be plugged under this measure.

Implementation Authority and Responsibilities

EMNRD OCD will be the implementing agency for this measure.

OCD is authorized under the Oil and Gas Act, NMSA 1978, Section 70-2-6, to have jurisdiction, authority, and control over the conservation of oil and gas. The Oil Conservation Commission is empowered to make and enforce rules to carry out the purposes of the Oil and Gas Act, NMSA 1978, Section 70-2-11. OCD is authorized to regulate waste from the exploration, development, production, or storage of oil and gas (NMSA 1978, Section 70-2-12). OCD is also authorized to limit the waste of CH_4 by venting and flaring under 19.15.27.1 to 19.15.27.9 and 19.15.28 NMAC. Unauthorized releases of CH_4 gas are prohibited and must be reported per 19.15.29 NMAC.

Implementation Timeline and Milestones

The OCD will implement this measure from 2026 through 2039, with initial efforts to secure funding and expand the well plugging process taking place over two years and well plugging taking place over 12 years.

Table 23. Measure I-6 Implementation Timeline and Milestones

Timeline	Milestones
2026–2027	Secure funding and develop an expanded well plugging process.
2028	Begin plugging additional wells.
2039	Finish plugging all currently identified unplugged inactive wells.

Metrics for Tracking Progress

OCD will track progress for Measure I-6 using metrics such as the number of unplugged inactive oil and gas wells plugged each year and the percentage of wells that have been plugged. Data on well plugging progress will be tracked by the state of New Mexico as the well plugging efforts take place.

Quantified Emission Reductions

The CAP Team estimated emission reductions from Measure I-6 using a goal of plugging all existing orphaned oil and gas wells in New Mexico. The CAP Team estimated the number of orphaned oil and

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gas wells to be 1,700 based on a 2025 policy spotlight on orphaned wells.[39] The same report indicates OCD achieved well plugging rates of 100 wells plugged per year as of fiscal year (FY) 2024, up from 30 to 50 wells per year in prior years. This analysis expects well plugging rates will continue to increase and assumes a rate of 150 wells plugged per year throughout the measure's implementation period.[40] At 150 wells plugged per year, it would take 12 years to plug all known orphaned wells.

The CAP Team estimated annual CH_4 emission reductions using the estimated number of wells plugged each year and a per-well CH_4 emission factor calculated from abandoned wells in the Permian Basin in Texas.[41] The CAP Team estimated emission reductions for CO_2 and VOCs using average parameters for natural gas composition. The CAP Team did not calculate emission reductions for other pollutants since they are expected to be negligible. Table 24 presents the estimated annual emission reductions for Measure I-6 as compared to BAU emissions.

Table 24. Measure I-6 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	0.7	2.9	50.1
CH_4	23.9	95.4	1669.5
N_2O	N/A	N/A	N/A
CO_2e	711.4	2,845.8	49,801.2
Other Pollutants			
CO	N/A	N/A	Not Calculated
NO_x	N/A	N/A	Not Calculated
SO_2	N/A	N/A	Not Calculated
VOCs	15.1	60.4	Not Calculated
PM_{10}	N/A	N/A	Not Calculated
$PM_{2.5}$	N/A	N/A	Not Calculated

Measure Costs

The CAP Team estimates the total implementation cost for Measure I-6 is approximately $524.6 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners. The CAP Team calculated the cost to plug orphaned wells using data from the 2025 policy spotlight on orphaned

[39] New Mexico Legislative Finance Committee, *Policy Spotlight: Orphaned Wells* (2025), 18, https://www.nmlegis.gov/handouts/ALFC%20062425%20Item%204%20Policy%20Spotlight%20Orphaned%20Wells.pdf.
[40] New Mexico Legislative Finance Committee, *Policy Spotlight: Orphaned Wells*, 17.
[41] Amy Townsend-Small and Jacob Hoschouer, "Direct Measurements from Shut-in and Other Abandoned Wells in the Permian Basin of Texas Indicate Some Wells Are a Major Source of Methane Emissions and Produced Water," *Environmental Research Letters* 16, no. 5 (2021): 054081, https://doi.org/10.1088/1748-9326/abf06f.

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wells; the total cost ($510 million) includes the average cost to plug a well ($220,000 per well) and the average cost for well site remediation and reclamation ($80,000 per well) for 1,700 orphaned wells.[42] Administrative costs reflect one FTE state employee for EMNRD developing the expanded process for identifying and plugging wells and conducting oversight of the program over 14 years and 10 FTE state employees for EMNRD implementing the well plugging process over 12 years. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. Table 25 presents the estimated implementation costs for Measure I-6.

Table 25. Measure I-6 Cost Estimates

Cost Component	Estimated Implementation Cost
Capital costs	$510,000,000
Program/policy implementation and administration costs	$14,553,000
EMNRD employees	*$14,553,000*
Total	**$524,553,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure I-6. (Appendix C provides details on these sources, organized by funding source number.)

- Bipartisan Infrastructure Law (Funding Source 95)

Benefits

The benefits analysis related to Measure I-6 is incorporated into the benefits analysis presented with Measure I-4. Specific to Measure I-6, the CAP Team measured health impacts due to criteria air pollutants:

Public Health Benefits

- **Health benefits.** Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using COBRA and found that Measure I-6 would benefit the state of New Mexico with $3,400 of monetized health impacts in 2030 and $19,700 of monetized health impacts in 2050.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $16.2 million between 2026 and 2050.

[42] New Mexico Legislative Finance Committee, *Policy Spotlight: Orphaned Wells*.

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Measure I-7: Compliance Implementation

This measure increases New Mexico's capability to ensure compliance with and enforce upon existing and future regulations for the oil and gas industry. The measure improves compliance and enforcement efforts by increasing staffing, allowing for additional compliance activities (e.g., inspections, targeting efforts, review of compliance documentation) and follow-through with related enforcement actions.

Implementation Authority and Responsibilities

This measure will be implemented jointly by NMED Compliance and Enforcement Division (C&E) and EMNRD OCD.

NMED is authorized under the Environmental Improvement Act, NMSA 1978, Sections 74-1-1 to 74-1-17, to enforce rules, regulations, and orders promulgated by the EIB, including the Oil and Gas Sector Ozone Precursor Pollutants Rule (20.2.50.1 to 20.2.50.128 NMAC). This rule sets emission standards and imposes requirements on oil and gas owners or operators to install and/or replace certain types of technology and controls. The objective of these requirements is to reduce emissions of ozone precursor pollutants (VOCs and NO_x) from sources located at well sites, tank batteries, certain types of stations, and natural gas processing plants (20.2.50.1 to 20.2.50.128 NMAC). NMED's Compliance and Enforcement Division will be lead from NMED for this measure.

EMNRD OCD is authorized under the Oil and Gas Act, NMSA 1978, Section 70-2-6, to have jurisdiction, authority, and control over the conservation of oil and gas. The Oil Conservation Commission is empowered to make and enforce rules to carry out the purposes of the Oil and Gas Act, NMSA 1978, Section 70-2-11. OCD is authorized to regulate wastes from the exploration, development, production, or storage of oil and gas (NMSA 1978, Section 70-2-12). OCD is also authorized to limit the waste of CH_4 by venting and flaring under 19.15.27.1 to 19.15.27.9 and 19.15.28 NMAC. Unauthorized releases of CH_4 gas are prohibited and must be reported per 19.15.29 NMAC.

Implementation Timeline and Milestones

NMED C&E and OCD will implement this measure from 2026 through 2050, with initial recruitment and hiring efforts taking place in the first year and increased compliance and enforcement efforts being carried out thereafter.

Table 26. Measure I-7 Implementation Timeline and Milestones

Timeline	Milestones
2026	Recruit and hire additional compliance and enforcement staff.
2027	Begin conducting more inspections and reviews of annual compliance reports, as well as carrying out resulting enforcement actions.
2028–2050	Maintain increased compliance and enforcement efforts for current and future rules.

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Metrics for Tracking Progress

NMED C&E and OCD will track progress for Measure I-7 using compliance rates with the Ozone Precursor Rule and Methane Waste Rules as an indicator. The CAP Team predicts that as compliance and enforcement efforts increase, compliance rates with the current rules will also improve. Compliance rates will be estimated annually based on the percentage of compliance activities (i.e., inspection, compliance report review) resulting in a follow-on enforcement action.

Quantified Emission Reductions

The CAP Team calculated emission reductions from Measure I-7 using the emission reductions projected for the Ozone Precursor Rule and Methane Waste Rules for 2025 and 2030 as part of the New Mexico 2005 Oil and Gas GHGI report.[43] The CAP Team compared actual 2023 CH_4 and CO_2 emissions by emission source to the projected emissions for the CH_4 and CO_2 for the Ozone Precursor Rule and Methane Waste Rules. The CAP Team found that CH_4 emissions for 2023 were approximately 10% higher than projected, while CO_2 emissions from associated gas were 36% higher than projected (assuming a linear emissions trend). The Ozone Precursor Rule is assumed not to impact CO_2 emissions, and associated gas venting and flaring is the only source with CO_2 emissions impacted by the Methane Waste Rules. Since emissions for 2023 were higher than projected, the CAP Team estimated that the projected emissions will be achieved two years later than originally predicted, meaning reductions originally projected for 2025 will be achieved by 2027, and 2030 projections will be achieved in 2032.

The CAP Team estimated emission reductions for NO_x and VOC based on ratios of NO_x and VOC emissions reductions to CH_4 reductions. These ratios were calculated based on projected NO_x and VOC reductions from the Ozone Precursor Rule[44] and projected CH_4 emission reductions from the New Mexico 2005 Oil and Gas GHGI.[45] Table 27 presents the estimated annual emission reductions for Measure I-7 as compared to BAU emissions.

Table 27. Measure I-7 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	370,236.0	369,678.0	8,876,457.0
CH_4	162,321.1	170,261.9	4,026,729.9
N_2O	Not calculated	Not calculated	Not calculated
CO_2e	5,207,404.2	5,443,483.3	128,873,006.6
Other Pollutants			
CO	Not calculated	Not calculated	Not Calculated
NO_x	12,304.5	12,906.5	Not Calculated

[43] Eastern Research Group, Inc., *New Mexico Oil and Gas Greenhouse Gas Emissions Inventory for Year 2005* (2024), https://cloud.env.nm.gov/resources/_translator.php/ZDI3MjZlOTYyZjQzOGRlZGM5MDk0MDhmM18xNzcyMDk~.pdf.
[44] Mike Pring et al., *Emissions Inventory Reductions*, Memorandum (Eastern Research Group, Inc., 2021), https://www.env.nm.gov/wp-content/uploads/sites/2/2021/06/Emission-Inventory-Reductions-06-08-2021.pdf.
[45] Eastern Research Group, Inc., *New Mexico Oil and Gas Greenhouse Gas Emissions Inventory for Year 2005*.

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Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
SO_2	Not calculated	Not calculated	Not Calculated
VOCs	77,152.8	80,927.1	Not Calculated
PM_{10}	Not calculated	Not calculated	Not Calculated
$PM_{2.5}$	Not calculated	Not calculated	Not Calculated

Measure Costs

The CAP Team estimates the total implementation cost for Measure I-7 is approximately $263.4 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners. The CAP Team estimated costs by assuming that 101 FTE state employees will be hired between 2026 and 2028 to work on compliance and enforcement activities through 2050. This includes 66 FTE employees for NMED, 30 FTE employees for EMNRD, and 5 FTE employees for PRC. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607.

Table 28. Measure I-7 Cost Estimates

Cost Component	Estimated Implementation Cost
Capital costs	$0
Program/policy implementation and administration costs	$263,372,000
NMED employees	*$172,142,000*
EMNRD employees	*$78,197,000*
PRC employees	*$13,033,000*
Total	**$263,372,000**

Intersection with Other Funding Availability

The CAP Team did not identify any applicable funding sources for this measure.

Benefits

The benefits analysis related to Measure I-7 is incorporated into the benefits analysis presented with Measure I-4. Specific to Measure I-7, the CAP Team measured health impacts due to criteria air pollutants:

Public Health Benefits

- **Health benefits**. Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using COBRA and found that Measure I-2 would benefit the state of New Mexico with between $88 million and $94 million of monetized health impacts in 2030 and between $135 million and $143 million of monetized health impacts in 2050.

NMED Exhibit 54_000074

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $40.3 billion between 2026 and 2050.

NMED Exhibit 54_000075



5.3.2 Transportation Measures

The NM CAP includes five measures in the transportation sector. The CAP Team developed the measures to achieve two targets: reducing the total vehicle miles traveled (VMT) and reducing emissions from the vehicles themselves. Table 29 summarizes these measures and their individual and collective estimated costs, GHG emission reductions, and monetized benefits through 2050. A discussion of each measure follows.

Table 29. Summary of Estimated Costs, GHG Emission Reductions, and Monetized Benefits for Transportation Measures

Measure Number and Name	Cumulative Cost Through 2050 (Thousand $)	Cumulative GHG Reduction Through 2050 (MTCO2e)	Cost per MTCO2e Reduced ($/MTCO2e)	Monetized Social Benefit of GHG Reduction Through 2050 (Thousand $)	Monetized Value of Cumulative Health Benefits Through 2050 (Thousand $)
Measure T-1: Expand and Improve Public Transit	$8,146	1,201,087	$7	$367,188	$5,499
Measure T-2: Expand and Improve Access and Safety for Active Transportation	$536,446	9,989,131	$54	$3,144,918	$65,218
Measure T-3: Support Transit-Oriented Development by Reassessing Land Use	$13,586	9,324,898	$1	$2,956,545	$40,784
Measure T-4: Reduce State Employee Vehicle Miles Traveled	$202,256	1,511,580	$134	$449,156	$5,818

NMED Exhibit 54_000076

Measure Number and Name	Cumulative Cost Through 2050 (Thousand $)	Cumulative GHG Reduction Through 2050 (MTCO2e)	Cost per MTCO2e Reduced ($/MTCO2e)	Monetized Social Benefit of GHG Reduction Through 2050 (Thousand $)	Monetized Value of Cumulative Health Benefits Through 2050 (Thousand $)
Measure T-5: Expand Zero Emission Vehicle (ZEV) Infrastructure and Equipment	$1,489,250	9,807,574	$152	$3,309,630	Not calculated[46]
Subtotal	**$2,249,683**	**31,834,270**	**$71**	**$10,227,438**	**$117,319**

Measure T-1: Expand and Improve Public Transit

This measure lowers VMT by funding public transportation infrastructure, with a preference for zero-emission technology, and funding expanded transit service while improving safety, accessibility, efficiency, and resiliency. By developing intercity and rural transit methods, the implementing agency will provide access to public transit for more residents and provide opportunities for further travel than previously possible. This measure also seeks to expand the frequency of service of the New Mexico Rail Runner Express commuter rail line.

Implementation Authority and Responsibilities

NMDOT is the lead implementing agency for this measure. However, transit agencies throughout the State control their own routes, schedules and local funding contribution. State authority for the NMDOT-related transit measures flows from the Public Mass Transportation Act, NMSA 1978, Sections 67-3-67 to 67-3-70, which allows NMDOT to enter into cooperative agreements with the federal government and New Mexico state and local governmental entities regarding, “the planning, design, construction, maintenance or supervision of any public mass transportation program or system, or the operation thereof, in this state.” This language gives NMDOT the authority to work toward the transit measures listed. NMDOT uses various sources of federal funding that may have limitations or restrictions depending on the project.

Implementation Timeline and Milestones

This measure would be implemented over 25 years, from 2026 to 2050. The implementing agency, with NMDOT partners as referenced above, would seek available state and federal funding opportunities to support the projects and programs.

In order to achieve the projected emission reduction goals, this measure needs to adopt the aspirational goals that by 2040, 40% of all trips in New Mexico will be made using public

[46] The CAP team did not calculate monetized value of cumulative health benefits for T-5 but did calculate annual benefits for 2050 in Table 43. Additionally, annual benefits were calculated at a more granular scale for the NMVES rulemaking in 2023, and we expect this measure to yield similarly significant benefits (https://www.env.nm.gov/opf/docketed-matters/).

NMED Exhibit 54_000077

transportation, and by 2030 and 2050, respectively, the public fleets will transition to 25% and 60% zero-emission vehicles (ZEV), respectively. Approaching this ambitious ridership goal statewide would require a major behavioral shift and significant investment to improve the frequency and connectivity of transit service in the state. A lower ridership outcome could potentially be offset in other ways; for example, by transitioning a larger share of public transit fleets to alternatively-fueled vehicles and ZEVs. Additionally, transitioning to ZEVs at the rates of the stated goals may be a challenging task due to a myriad of electric transit vehicle manufacturer (TVM) and transit agency issues. Table 30 shows the implementation timeline and milestones for Measure T-1.

Table 30. Measure T-1 Implementation Timeline and Milestones

Timeline	Milestones
2026	Begin feasibility, planning routes, construction, and implementation for an expansion of public transit and increased service for NM Rail Runner Express. Issue first grants and revolving funds.
2030	25% of public transit fleet are transitioned to ZEVs
2040	Reach goal of 40% usage of public transit for individual trips made in a year.
2050	60% of public transit fleet are transitioned to ZEVs

Metrics for Tracking Progress

Progress on Measure T-1 will be measured by public transit passenger trips, modal split data as reported by the American Community Survey (US Census Bureau), VMT reduced by utilizing public transit, and percentage of public transit fleets transitioned to ZEVs. Data will be collected every year from the appropriate source with NMDOT assistance. The data collected will be used to evaluate efficiency and the effectiveness of public transportation improvements this measure implements, and metrics like average-occupancy VMT reduction can be compared from year to year to show improvement.

Quantified Emission Reductions

While this measure offers various pathways to reducing emissions, the CAP Team estimated emission reductions from Measure T-1 based on the transition of individual car trips into trips using public transit. The CAP Team estimated the decrease in individual vehicle usage based on a linear interpolation of data from the most recent statewide report on public transportation use in 2018[47] to the goal of 40% usage of public transportation by 2040. The current usage rates of the public transit options in New Mexico were recorded in terms of trips, VMT reduced, CO_2 emissions reduced (U.S. tons), which is then converted to metric tons, and gas consumption reduced (gal).[48] The CAP Team

[47] U.S. Department of Transportation, *New Mexico Transportation by the Numbers* (2020), 2, https://www.bts.gov/sites/bts.dot.gov/files/states2020/New_Mexico.pdf.
[48] New Mexico Department of Transportation, *Transit and Rail Division Report* (2025), 1–4, https://api.realfile.rtsclients.com/PublicFiles/f260a66b364d453e91ff9b3fedd494dc/023cf1b5-9a31-4333-8343-04b4ea66e336/0.

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then used these measurements to calculate the emissions reduced by 2030 and 2050 assuming a linear increase in annual public transit usage (Table 31).

The analysis assumes that all trips that are being reduced are average occupancy, meaning that each trip taken using public transit equals a reduction of one average-occupant vehicle trip. Additional reductions are contributed from the transition of the public fleet to ZEVs with a 25% goal in 2030 and 60% goal in 2050 with a linear interpolation between those goals.



New Mexico Rail Runner Express commuter train railways in Albuquerque. Photo Credit: iStock.

Table 31. Measure T-1 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	Not calculated	Not calculated	Not calculated
CH_4	Not calculated	Not calculated	Not calculated
N_2O	Not calculated	Not calculated	Not calculated
CO_2e	61,422.6	34,202.1	1,201,086.6
Other Pollutants			
CO	781.4	435.1	Not Calculated
NO_x	19.7	11.0	Not Calculated
SO_2	2.7	1.5	Not Calculated
VOCs	91.1	50.7	Not Calculated
PM_{10}	1.8	1.0	Not Calculated
$PM_{2.5}$	1.6	0.9	Not Calculated

Measure Costs

As shown in Table 32, the CAP Team estimates that the total implementation cost for Measure T-1 is approximately $8.1 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners. The program implementation and administrative costs include paying three dedicated FTEs from NMDOT but importantly do not include other implementation and administrative costs required for

NMED Exhibit 54_000079

meeting the public transportation ridership and public fleet transition goals set forth in this measure. Public transportation ridership depends on multiple factors including service frequency, reliability, and convenience, and the optimal mix of these and other elements varies across New Mexico's diverse communities. NMDOT has performed gap analyses and developed plans to address transit needs across New Mexico and is best positioned to determine the level of additional funding needed to achieve this measure's goals and to identify the most effective allocation of those funds.

Currently, the only state funds utilized for the direct provision of public transit in New Mexico are for the NMDOT Park and Ride bus service. For reference, in FY 2024, the state/NMDOT expended approximately $9 million on that service. NMDOT administers federal funding to a range of general and specialized transit programs in New Mexico. In FY 2025, the Federal Transit Administration apportioned $78.5 million to New Mexico for NMDOT to administer.[49]

The CAP Team estimated that 3 FTE state employees from NMDOT would be needed to implement this measure over the 25-year implementation period resulting in a cost of approximately $8.15 million over 25 years. This cost is based on the average total annual compensation for state employees in FY 2024, which was $108,607. Responsibilities for these positions include the development and improvement of public transportation service options via redesigning or supporting the redesigning of routes to increase efficiency, creating or supporting the creation of new routes to include more of New Mexico's geography, increasing or supporting the increase of public transportation fleet capacity, and constructing or supporting the construction of new or improved infrastructure, such as bus and other transit hubs for ride sharing, carpooling, and other shared transit.

Table 32. Measure T-1 Cost Estimates

Cost Component	Estimated Implementation Cost
Program implementation and administration costs	$8,146,000
NMDOT employees	*$8,146,000*
Total	**$8,146,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure T-1. (Appendix C provides details on these sources, organized by funding source number.)

- 5303/5304 Metropolitan & Statewide Planning Programs (Funding Source 78)
- 5307 Urbanized Area Formula Grant (Funding Source 77)
- 5309 Fixed Guideway Capital Investment Grants Program (CIG) (Funding Source 70)
- 5310 Enhanced Mobility of Seniors & Individuals with Disabilities Program (Funding Source 76)
- 5311 Formula Grants for Rural Areas (Funding Source 73)
- 5337 State of Good Repair (SGR) Formula Grants Program (Funding Source 74)
- 5339 Buses and Bus Facilities Competitive Program (Funding Source 68)
- 5339 Buses and Bus Facilities Formula Program (Funding Source 69)

[49] Federal Transit Administration, "FY 2025 Fully Year Apportionments State Totals," May 5, 2025, https://www.transit.dot.gov/funding/apportionments/fy-2025-full-year-apportionments-state-totals.

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- 5339(c) Low or No Emission Grant Program (Low-No Program) (Funding Source 67)
- All Stations Accessibility Program (ASAP) (Funding Source 81)
- Clean Communities Investment Accelerator (CCIA) (Funding Source 79)
- New Mexico's Clean Transportation Fuel Program Credits (Funding Source 99)
- Community Benefit Fund (Funding Source 94)
- Congestion Mitigation and Air Quality (CMAQ) Improvement Program (Funding Source 71)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- Energy Improvements in Rural or Remote Areas (ERA) Program (Funding Source 22)
- EIR Program (Funding Source 66)
- Innovative Coordinated Access and Mobility Grants (Funding Source 80)
- RCP Grant Program (Funding Source 82)
- Rail Vehicle Replacement Program (Funding Source 75)
- Surface Transportation Block Grant (STBG) Program (Funding Source 72)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Investing in public transportation delivers a wide range of benefits for New Mexico, including job creation, improved access to services, cost savings for riders, reduced traffic congestion, lower air pollution, and improved traffic safety. Together, these outcomes contribute to a more connected, efficient, and safe infrastructure.

Economic Benefits

- **Job creation.** Investing in urban and rural public transit generates jobs across project phases, including planning and development, construction, operation, maintenance, and other support services. According to the American Public Transportation Association, for every $1 billion invested in public transportation operations, 17,900 jobs are created.[50] Additionally, enhanced public transit availability connects workers to jobs that otherwise may be inaccessible or less attractive due to transportation barriers.
- **Access to transportation.** Expanding public transportation improves mobility for people who cannot drive or prefer not to drive. It can also connect these individuals to essential services such as healthcare, education, and economic opportunities, reducing existing disparities.[51] Microtransit (public app-enabled shared-ride service that makes public transport more flexible and responsive) can particularly improve access and efficiency in low-density areas where fixed-route options are not operationally feasible. For example, the North Central Regional Transit

[50] Economic Development Research Group, "Economic Impact of Public Transportation Investment: 2020 Update," American Public Transportation Association, 2020, https://www.apta.com/wp-content/uploads/APTA-Economic-Impact-Public-Transit-2020.pdf.

[51] Michelle Del Rio et al., "Transportation Matters: A Health Impact Assessment in Rural New Mexico," *International Journal of Environmental Research and Public Health* 14, no. 6 (2017): 629, https://doi.org/10.3390/ijerph14060629.

NMED Exhibit 54_000081

District's "MyBlue" service in northern New Mexico allows riders in rural communities such as Taos and Española to request on-demand trips through a mobile app or by phone.[52]

- **Potential cost savings.** Using public transportation is more affordable than driving a personal vehicle. On average, public transportation riders can save more than $13,000 per year by using public transit instead of driving.[53]
- **Decreased traffic congestion.** Increasing public transportation use helps take cars off the road and ease traffic, saving drivers both time and fuel. According to a 2025 report from TRIP, a national transportation research nonprofit, traffic congestion costs New Mexico motorists an estimated $1.2 billion annually in lost time, wasted fuel, and the cost of traffic crashes.[54]

Environmental Benefits

- **Air pollution reductions.** Increased public transit usage directly cuts down on VMT, reducing emissions of harmful pollutants such as NO_x, PM, and CO_2. EPA notes that mobile sources, like cars and trucks, are among the largest contributors to air pollution, with tailpipe emissions linked to respiratory and cardiovascular health issues.[55] Improving New Mexico's public transit systems to shift toward ZEVs will further reduce emissions of these harmful pollutants.

Public Health Benefits

- **Health benefits.** Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using COBRA and found that Measure T-1 would benefit the state of New Mexico with between $271,000 and $368,000 of monetized health impacts in 2030 and between $233,000 and $310,000 of monetized health impacts in 2050.
- **Public and community health.** Expanding and improving public transit encourages walking and cycling to transit stops, reduces reliance on private vehicles, and creates safer, more accessible streets and green spaces that boost physical activity, improve air quality, reduce stress, and strengthen community well-being.
- **Injury and traffic collision reduction.** Expanding public transit contributes to increased traffic safety and reduces rates of fatal and serious collisions. In 2023, New Mexico recorded 4.97 pedestrian fatalities per 100,000 population, the highest rate among all U.S. states.[56] This underscores the need for expanded public transit options to reduce pedestrian risk. Construction of Albuquerque's Rapid Transit Line led to an 8.2% decrease in collision count. On Albuquerque's Central Avenue (former Route 66), vehicle volume decreased by 28.6%, leading

[52] Lisa Losada-Rojas and Adrianna Fragozo-Alvernia, "Best Practices for Rural Microtransit," New Mexico Department of Transportation, August 2024, https://api.realfile.rtsclients.com/PublicFiles/f260a66b364d453e91ff9b3fedd494dc/5c17efbe-67d3-499e-9769-b35df1ddab63/Report_Best%20Practices%20for%20Rural%20Microtransit_NMDOT_UNM.pdf.
[53] Jared Bonina and Matthew Dickens, *Transit Savings Grow As Auto Costs and Gas Prices Increase*, with Ward McCarragher (American Public Transportation Association, 2023), https://www.apta.com/wp-content/uploads/APTA-POLICY-BRIEF-Transit-Savings-09.27.2023.pdf.
[54] TRIP, "New Mexico Transportation by the Numbers: Meeting the State's Need for Safe, Smooth, and Efficient Mobility," January 2025, https://tripnet.org/wp-content/uploads/2025/01/TRIP_New_Mexico_Transportation_by_the_Numbers_Report_January_2025.pdf.
[55] U.S. Environmental Protection Agency, "Learn About How Mobile Source Pollution Affects Your Health | US EPA," Mobile Source Pollution, September 17, 2025, https://www.epa.gov/mobile-source-pollution/learn-about-how-mobile-source-pollution-affects-your-health.
[56] National Highway Traffic Safety Administration, "FARS Encyclopedia: States - Pedestrians," NHTSA, 2023, https://www-fars.nhtsa.dot.gov/states/statespedestrians.aspx?utm.

NMED Exhibit 54_000082

to a reduction of 57.1% in the per-vehicle rate of fatal and serious collisions.[57] In the U.S., public transportation has one-tenth the traffic casualty rate of automobile travel.[58]

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $367 million between 2026 and 2050.

LIDAC Benefits

Expanding and improving public transit in New Mexico brings important benefits to LIDACs. Increasing reliable regional transit helps connect these communities to essential services and jobs. At the same time, shifting to zero-emission transit options helps reduce air pollution in high-traffic corridors such as main streets and town centers, where LIDACs are often located, improving air quality and public health.

Specifically, LIDACs will benefit from this measure in the following ways:

- **Increased access to transportation in LIDACs.** Many residents in LIDACs rely heavily on transit or older vehicles. Still, around 38% of rural New Mexicans who live outside regional transit districts do not have access to intercity bus or rail services.[59] Expanding reliable regional transit services is important for connecting these residents to essential services such as healthcare facilities, educational institutions, social services, and employment opportunities in neighboring towns and cities.[60] This highlights the critical role of expanded transportation access in improving mobility and quality of life in underserved communities.
- **Reduced exposure to pollution.** LIDACs are disproportionately affected by pollution from vehicle emissions, as they are often situated near busy transportation corridors.[61] Expanding public transit networks and transitioning to zero-emission modalities reduces the number of air-polluting vehicles on the road, improving air quality in the high-traffic areas often inhabited by LIDACs.
- **Decreased cost burden.** LIDACs often pay a disproportionate amount of their income toward transportation. In 2022, low-income households spent an estimated 30% of their after-tax

[57] Esther Marie Bia and Nicholas N. Ferenchak, "Impact of Bus Rapid Transit Construction and Infrastructure on Traffic Safety: A Case Study From Albuquerque, New Mexico," *Transportation Research Record* 2676, no. 9 (2022): 110–19, https://doi.org/10.1177/03611981221085532.

[58] Ben Shapiro and Sebastien Castellanos, "Multimodal Transportation for a Joyful and Equitable Future in New Mexico," World Resources Institute, September 29, 2023, https://www.nmlegis.gov/handouts/TIRS 092923 Item 3 WRI RMI New Mexico Presentation.pdf.

[59] New Mexico Department of Transportation, *Connect New Mexico: Statewide Public Transportation Plan* (New Mexico Department of Transportation, 2025), 1–38, https://api.realfile.rtsclients.com/PublicFiles/f260a66b364d453e91ff9b3fedd494dc/d795bd8f-86fc-4c8d-82fe-74045e49445a/Connect%20New%20Mexico%20DRAFT.pdf.

[60] New Mexico Department of Transportation, *Connect New Mexico: Statewide Public Transportation Plan*.

[61] U.S. Environmental Protection Agency, *Transportation and Environmental Justice*, EPA-420-F-22-008 (U.S. Environmental Protection Agency Office of Transportation and Air Quality, 2022), https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P10144Y3.pdf&utm.

NMED Exhibit 54_000083

income on transportation, while those in the highest fifth spent 12%.[62] Expanding public transit benefits LIDACs by providing affordable and reliable mobility options to access essential destinations, such as school and work, while reducing the overall transportation cost burden on households.

Disbenefits

There are no disbenefits associated with this measure.

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Displacement.** As public transit expands and improves, particularly in urban corridors like the Albuquerque Rapid Transit line and the Rail Runner service areas, it is important to keep in mind the potential for transit-induced displacement, especially as it affects low-income residents. Displacement can occur due to construction of fixed-route paths for commuter routes in residential areas. Additionally, displacement can also occur as transit improvements raise property values and rents, displacing low-income residents and small businesses. To address this risk, the Connect New Mexico Statewide Public Transportation Plan recommends equitable expansion. This can include affordable housing preservation, anti-displacement zoning, and community engagement in transit planning.

Measure T-2: Expand and Improve Access and Safety for Active Transportation

This measure reduces VMT by investing in bicycle and pedestrian infrastructure that is safe, accessible, and compliant with the Americans with Disabilities Act, with a focus on LIDACs. State funding for municipal and regional active transportation projects is guided by municipal and regional active transportation plans and state funding program requirements. Active transportation projects on state and U.S. highways are guided by the upcoming Active Transportation Plan, which updates the NM Prioritized Statewide Bicycle Network Plan and builds upon the Pedestrian Safety Plan, while integrating Complete Streets concepts as per the Complete Streets Strategic Plan. The measure also establishes an electric mobility point-of-sale incentive program to encourage active transportation by providing vouchers to individuals and businesses for purchasing e-bikes, e-cargo bikes, and e-scooters. Incentivizing e-mobility transportation will help reduce the number of short trips (less than 5 miles) driven by internal combustion engine (ICE) vehicles.

Implementation Authority and Responsibilities

NMDOT will lead the implementation of this measure. With respect to the active transportation and alternative modes of transit measures, NMDOT's authority does not rest on a specific statute or act. Such authority primarily emerges from NMDOT's powers to own and control its right-of-way (as found throughout Chapter 67, such as in NMSA 1978, Section 67-3-40, which provides authority for control of state highways). These powers allow NMDOT to include multimodal features within the design and construction of state highways.

[62] U.S. Department of Transportation Bureau of Transportation Statistics, "The Household Cost of Transportation: Is It Affordable?," 2023, https://www.bts.gov/data-spotlight/household-cost-transportation-it-affordable.

NMED Exhibit 54_000084

Further, the New Mexico State Transportation Commission (STC) was created in Article V, Section 14, of the New Mexico Constitution, which provided its authority, both sole and shared with NMDOT, in NMSA 1978, Chapter 67, Article 3. Among other powers and duties, the STC has the authority to "determine all matters of policy for the department" (NMSA 1978, Section 67-3-2(D)) and has "charge of all policy matters pertaining to the expenditure of the state road fund in the construction, improvement, and maintenance of state highways and bridges in the state." Thus, the STC has broad authority to set policy for transportation matters, including multimodal transportation issues. For example, Commission Policy 66, Bicycle, Pedestrian and Equestrian Policy, sets a policy "to incorporate safe and convenient bicycle, pedestrian and equestrian facilities into state transportation facilities unless exceptional circumstances exist."

NMDOT also has the authority to set the specifications for local road/transportation facility projects funded by NMDOT through the Transportation Project Fund, created by NMSA 1978, Section 67-3-78, or the Local Government Road Fund, created by NMSA 1978, Section 67-3-28.2. Through these funding programs, NMDOT can require local entities receiving the funds to include multimodal aspects in the design of funded transportation facilities.

Implementation Timeline and Milestones

NMDOT will continue implementation of the statewide Target Zerovision and will codify Complete Streets principles into its practices. The implementing agency(ies) will also implement the electromobility incentive program in 2026 and continue implementation through 2050. Funding will support up to 10,000 e-mobility purchases per year. Bicycle facility construction, as outlined in NMDOT's Prioritized Statewide Bicycle Network Plan, will also take place during the same 25-year timeframe. Each bike facility construction project is expected to take approximately one year to complete after the project has been initiated. Table 33 shows the implementation timeline and milestones for Measure T-2.

Table 33. Measure T-2 Implementation Timeline and Milestones

Timeline	Milestones
2026	The state adopts a Target Zero vision and codifies Complete Streets principles into its practices; the first round of electromobility funding is initiated, and construction on the bicycle facility network begins.
2050	The last round of electric-mobility funding is initiated, and construction is completed on the bicycle facility network.

NMED Exhibit 54_000085

Metrics for Tracking Progress



Taking a break to watch the sunrise on the North Diversion Channel bike path in Albuquerque, NM. Photo Credit: Morgan Crooks.

Progress on Measure T-2 will be tracked separately for e-mobility purchases and for bicycle facility construction. For e-mobility purchases, NMDOT and partners referenced above will report the total dollar amount of funds expended during the fiscal year. The total dispersed funding amount will be used to determine the total number of e-bikes purchased on a yearly basis. Bike facility construction will also be tracked and reported by NMDOT and partners on a yearly basis, and they will report the total miles of bike lanes constructed and bike facilities constructed during the relevant year. The New Mexico Prioritized Statewide Bicycle Network Plan identifies 1,520 miles of Tier 1 highways and 3,894 miles of Tier 2 highways that would greatly benefit from the installation of bike facilities during rehabilitation or reconstruction projects. NMDOT and partners will collect data annually from grantees and relevant agencies, with responsibilities clearly assigned to ensure consistency and long-term availability. They will select metrics to provide transparency, demonstrate economic and environmental outcomes, and communicate meaningful results to stakeholders, including local communities and policymakers.

Quantified Emission Reductions

The CAP Team estimated emission reductions from Measure T-2 based on the total reduction in VMT by ICE vehicles that result from e-mobility adoption. The CAP Team assumed that e-mobility adoption would offset a percentage of VMT for vehicle trips of 5 miles or less. A Rocky Mountain Institute study[63] showed that aggressive electromobility adoption can reduce the number of trips that are 5 miles or less by 9% to 16% depending on the length of the trip. The CAP Team assumes that emission reductions for Measure T-2 will result from e-mobility adoption and increased bike usage from bike lane construction.

The CAP Team's analysis assumes that the incentive program will provide $5 million in annual point-of-sale incentives, which will reduce the cost of electric mobility equipment (e-bikes, e-scooters, e-cargo bikes, etc.) by $500 per unit sold. This amount of funding can support 10,000 e-mobility purchases per year, which, if fully utilized, will reduce the VMT for short trips (under 5 miles) by approximately 2.5% annually.

The CAP Team used the annual VMT reduction to calculate the GHG reductions. To estimate GHG emission reductions on a per-mile basis for a standard ICE vehicle, the CAP Team used emission statistics from the Bureau of Transportation Statistics,[64] as well as studies done by Argonne National

[63] Bryn Grunwald et al., "Helping Cities Accelerate E-Bike Adoption," Rocky Mountain Institute, January 23, 2025, https://rmi.org/helping-cities-accelerate-e-bike-adoption/.

[64] Bureau of Transportation Statistics, "Estimated U.S. Average Vehicle Emissions Rates per Vehicle by Vehicle Type Using Gasoline, Diesel, and Electric," U.S. Department of Transportation, 2025, https://www.bts.gov/content/estimated-national-average-vehicle-emissions-rates-vehicle-vehicle-type-using-gasoline-and.

NMED Exhibit 54_000086

Laboratory on air pollutants from vehicle operations.[65] Table 34 shows the estimated annual emission reductions for Measure T-2 as compared to BAU emissions.

Table 34. Measure T-2 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	Not Calculated	Not Calculated	Not Calculated
CH_4	Not Calculated	Not Calculated	Not Calculated
N_2O	Not Calculated	Not Calculated	Not Calculated
CO_2e	339,646.3	365,882.2	9,989,130.5
Other Pollutants			
CO	3,496.2	3,766.3	Not Calculated
NO_x	146.7	158.1	Not Calculated
SO_2	5.1	5.5	Not Calculated
VOCs	203.1	218.8	Not Calculated
PM_{10}	25.7	27.7	Not Calculated
$PM_{2.5}$	22.8	24.6	Not Calculated

Measure Costs

The total implementation cost for Measure T-2 is estimated to be approximately $536.4 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions made by outside entities. The capital costs represent the total estimated cost of constructing over 5,000 miles of buffered bike lanes and bike facilities along Tier 1 and Tier 2 roads. Capital costs do not include ongoing maintenance costs for the bike lanes.

The program implementation and administrative costs include $5 million annual funding for the electric mobility incentive program for the full 25-year implementation period for a total of $125 million, and two dedicated FTE employees from NMDOT to operate the incentive program over 25 years totaling $5.43 million. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607.

The CAP Team also estimated that 1 FTE state employee from NMDOT will be needed to implement the electric mobility incentive program over the 25-year implementation period. Responsibilities for this position include managing point-of-sale fund distribution, fund management, and supporting point-of-sale agreements with e-mobility vendors. The CAP Team has also estimated that 1 FTE state employee from NMDOT will be needed to develop a database for existing bike and pedestrian facilities in New Mexico, update and maintain the database as bike and pedestrian facilities are built, and

[65] Hao Cai et al., "Updated Emission Factors of Air Pollutants from Vehicle Operations in GREETTM Using MOVES," Argonne National Laboratory, September 2013, https://greet.anl.gov/files/vehicles-13.

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implement state funded active transportation grants to municipalities over the 25-year implementation period. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. The CAP Team has assumed that these costs are separate from the $5 million annual funding allocation. Table 35 shows the estimated implementation costs for Measure T-2.

All costs are presented in current-year dollars and do not account for future inflation.

Table 35. Measure T-2 Cost Estimates

Cost Component	Estimated Implementation Cost
Capital costs	$406,016,000
Program/policy implementation and administration costs	$130,430,000
NMDOT Employees	*$5,430,000*
Total	**$536,446,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure T-2. (Appendix C provides details on these sources, organized by funding source number.)

- Community Benefit Fund (Funding Source 94)
- ERA Program (Funding Source 22)
- National Clean Investment Fund (NCIF) Climate United Fund (CUF) (Funding Source 25)
- CMAQ Improvement Program (Funding Source 61)
- STBG Program (Funding Source 62)
- CCIA (Funding Source 69)
- RCP Grant Program (Funding Source 82)
- Transportation Alternatives Program (TAP) (Funding Source 83)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- New Mexico's Clean Transportation Fuel Program Credits (Funding Source 99)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Expanding and improving active transportation infrastructure in New Mexico not only supports local economies and reduces traffic congestion, but also delivers meaningful environmental, public health, and safety benefits for communities statewide.

Economic Benefits

- **Increased retail and local business activity.** Expanding and improving access to active transportation, such as biking and walking infrastructure, trails, and pedestrian-friendly urban design, can bring meaningful gains to local businesses. Bike paths and trails for active transportation can bring steady pedestrian traffic to nearby shops, food vendors, and services.

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Trail networks in Gallup, New Mexico, have brought $17 million in new spending to the area.[66] Many studies have found that people who use active transportation spend as much as, or more than, those who drive.[67] An online survey outreach effort conducted in 2018 for the New Mexico Prioritized Statewide Bicycle Network Plan found that 80% of all respondents go on all-day or multi-day recreational bike rides, with 85% of those riders spending an average of $59 per day.[68] Research shows that cyclists and pedestrians visit nearby businesses more frequently and are more likely to return than people who travel in automobiles.[69] While bicycles require less maintenance costs than vehicles, this measure will increase e-bicycle purchases and maintenance, increasing revenue for local businesses.

- **Decreased traffic congestion.** Expanding active transportation infrastructure, such as networks for walking and biking, can alleviate traffic congestion by shifting short-distance trips away from automobiles. This leads to reduced fuel consumption, less wasted time for commuters, and increased productivity and efficiency.

Environmental Benefits

- **Increased aesthetics and green infrastructure.** Using landscaping, public art, lighting, street furniture, and other design enhancements, bike and pedestrian infrastructure can transform previously unattractive or bland urban corridors into attractive, livable public spaces. Along with being visually pleasing, street trees, native landscaping, and vegetated buffers are features that can create microhabitats for birds, pollinators, and beneficial insects, enhancing urban biodiversity.[70]

Public Health Benefits

- **Health benefits.** Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using COBRA and found that Measure T-2 would benefit the state of New Mexico with between $2.4 million and $3.6 million of monetized health impacts in 2030 and between $4 million and $5.9 million of monetized health impacts in 2050.
- **Air pollution reductions.** Conventional transportation activities contribute significantly to smog and poor air quality from PM, NO_x, and VOCs.[71] According to the American Lung Association, particle pollution and ozone are a threat to human health, increasing the risk of premature birth, causing or worsening lung and heart disease, and shortening lives.[72] Expanding and improving active transportation opportunities in New Mexico would foster substitution of vehicle trips with

[66] Headwater Economics and New Mexico Outdoor Recreation Division, "Outdoor Recreation and New Mexico's Economy," Economic Development Department, 2020, https://edd.newmexico.gov/wp-content/uploads/2021/06/20HE_NM_Outdoor_Rec_Report_R3_BP_web-1.pdf.
[67] Dillon Fitch-Polse and Swati Agarwal, "The Benefits of Active Transportation Interventions: A Review of the Evidence," *Journal of Transport and Land Use* 18, no. 1 (2025): 77–122, https://doi.org/10.5198/jtlu.2025.2468.
[68] New Mexico Department of Transportation, "New Mexico Prioritized Statewide Bicycle Network Plan," 2018, https://www.bhinc.com/wp-content/uploads/2018/09/NM-Bike-Plan-Public-Review-Draft-September-2018.pdf.
[69] Rachel MacCleery et al., *Active Transportation and Real Estate: The next Frontier* (Urban Land Institute, 2016), https://uli.org/wp-content/uploads/ULI-Documents/Active-Transportation-and-Real-Estate-The-Next-Frontier.pdf.
[70] Alessandro Filazzola et al., "The Contribution of Constructed Green Infrastructure to Urban Biodiversity: A Synthesis and Meta-Analysis," *Journal of Applied Ecology* 56, no. 9 (2019): 2131–43, https://doi.org/10.1111/1365-2664.13475.
[71] U.S. Environmental Protection Agency, "Smog, Soot, and Other Air Pollution from Transportation," Overviews and Factsheets, Transportation, Air Pollution, and Climate Change, September 10, 2015, https://www.epa.gov/transportation-air-pollution-and-climate-change/smog-soot-and-other-air-pollution-transportation.
[72] American Lung Association, "Health Impact of Air Pollution," 2025, https://www.lung.org/research/sota/health-risks.

bicycle and pedestrian trips, which would lower particle emissions, improve air quality, and reduce harmful effects linked to air pollution.[73]

- **Injury reduction**. Expanding and improving active transportation infrastructure (such as sidewalks, crosswalks, and protected bike lanes) provides safety benefits in New Mexico by reducing pedestrian and cyclist injuries and fatalities. New Mexico's Pedestrian Safety Action Plan aims to reduce the state's pedestrian fatality rate (the highest in the country, as of 2023) by investing in well-designed cycling and walking infrastructure.[74,75]
- **Public and community health.** Biking and walking infrastructure supports public health by providing more opportunities for activity and exercise. According to the Centers for Disease Control and Prevention, only about one in four adults meets the physical activity guidelines for aerobic and muscle-strengthening activities.[76] New Mexico's active transportation projects promote a healthy lifestyle by helping incorporate physical activity into daily life, improving mental health and quality of life.[77]

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $3.1 billion between 2026 and 2050.

LIDAC Benefits

Expanding and improving active transportation infrastructure provides a range of benefits for LIDACs by reducing household costs, enhancing environmental quality, and increasing personal mobility and public health. Specifically, LIDACs will benefit from this measure in the following ways:

- **Household savings.** Expanding and improving options for active transportation can provide a significant amount of savings, especially for LIDACs. On average, transportation costs are the second largest portion of an individual's income, and this cost burden falls the hardest on low-income families.[78] Low-income households spent 30% of their after-tax income on transportation in 2022.[79] The annual cost of owning and operating a motor vehicle is estimated to be $8,500, while the annual cost for bicycle ownership and maintenance is less than $200.[80] Offering affordable transportation options such as electric mobility options as reliable and practical alternatives can reduce reliance on personal vehicles and ease the financial burden of

[73] New Mexico Department of Transportation, "New Mexico Prioritized Statewide Bicycle Network Plan."
[74] National Highway Traffic Safety Administration, "FARS Encyclopedia: States - Pedestrians."
[75] New Mexico Department of Transportation, "Pedestrian Safety Action Plan," April 2021, https://hsc.unm.edu/medicine/departments/emergency-medicine/_docs/look-for-me-resources/nmdot.draftpedestriansafetyactionplan_.pdf.
[76] U.S. Centers for Disease Control and Prevention, "Why Should People Be Active?," Active People, Healthy Nation, August 11, 2025, https://www.cdc.gov/active-people-healthy-nation/php/why-be-active/index.html.
[77] U.S. Department of Transportation, "Active Transportation," Office of the Under Secretary for Policy, January 23, 2025, https://www.transportation.gov/mission/office-secretary/office-policy/active-transportation/active-transportation.
[78] New Mexico Department of Transportation, "New Mexico Prioritized Statewide Bicycle Network Plan."
[79] U.S. Department of Transportation Bureau of Transportation Statistics, "The Household Cost of Transportation: Is It Affordable?"
[80] New Mexico Department of Transportation, "New Mexico Prioritized Statewide Bicycle Network Plan."

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transportation. New Mexico is further facilitating this transition by providing a rebate of $1,200 for low-income residents toward e-bike purchases.[81]

- **Reduced exposure to pollution.** LIDACs are disproportionally exposed to traffic-related pollution.[82] Expanding active transportation in these areas reduces vehicle emissions and enhances environmental quality and livability.[83] By providing safe, attractive options for walking and cycling for all New Mexicans, the transportation emissions in those communities decreases, providing more equitable access to healthy, livable neighborhoods.
- **Mobility and independence.** Infrastructure that prioritizes pedestrians and cyclists empowers residents, particularly youths, seniors, those without vehicles, and other LIDAC populations, to move freely and safely within their communities, reducing isolation and improving overall health.
- **Job and service access.** Improving bike and pedestrian networks increases access to employment centers, schools, public transit stops, and healthcare services, especially in areas where disadvantaged populations reside.[84]

Disbenefits

Potential disbenefits from this measure include:

- **Reduced vehicle lane or parking capacity.** A potential disbenefit of expanding active transportation infrastructure is the reduction of vehicle lanes or parking capacity, which can raise concerns about traffic flow and driver convenience. However, New Mexico is actively mitigating these impacts by incorporating design approaches that reallocate space while maintaining vehicle access and parking. For example, in the city of Truth or Consequences, NMDOT redesigned a two-lane street to include a multi-use path without eliminating parking.[85] Thoughtful planning can balance the needs of all users.

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Gentrification and displacement.** In some areas, improving walkability and cycling access can raise property values, potentially pricing out existing residents. New Mexico can plan to mitigate this by focusing on equitable planning, affordable housing policy, and maintaining engagement with the communities where active transportation projects are built.

[81] E-Bike Rebates, Senate Bill 343, 56th New Mexico Legislature (2023), https://www.nmlegis.gov/Sessions/23%20Regular/bills/senate/SB0343.HTML.
[82] Yoo Min Park and Mei-Po Kwan, "Understanding Racial Disparities in Exposure to Traffic-Related Air Pollution: Considering the Spatiotemporal Dynamics of Population Distribution," *International Journal of Environmental Research and Public Health* 17, no. 3 (2020): 908, https://doi.org/10.3390/ijerph17030908.
[83] Andrew Glazener and Haneen Khreis, "Best Practices for Air Quality and Active Transportation," in *Traffic-Related Air Pollution*, ed. Haneen Khreis et al. (Elsevier, 2020), https://doi.org/10.1016/B978-0-12-818122-5.00016-8.
[84] New Mexico Department of Transportation, "Pedestrian Safety Action Plan."
[85] Ami Evans, "Truth or Consequences Paving and Road Diet Project," *New Mexico Department of Transportation*, 2021, https://www.dot.nm.gov/project/truth-or-consequences-paving-and-road-diet-project/.

Measure T-3: Support Transit-Oriented Development by Reassessing Land Use

This measure lowers VMT by promoting mixed-use development (MXD) projects to be located near major transit hubs and by placing state offices near major transit hubs. The measure brings essential services to a central, accessible location, providing opportunities for community members and those near transit to work and shop within the MXD projects with fewer driving trips. The measure is designed to create alternative transportation options, ensuring residents have the choice to use public transit instead of relying solely on vehicle ownership. Targeting urban areas for this measure will enhance the effectiveness of VMT reduction while targeting rural areas will be less effective.

Implementation Authority and Responsibilities

The New Mexico General Services Department will lead the implementation of the requirement to locate state offices near transit hubs. The lead implementing agency for the grant program will be determined through the execution of an enabling measure (EM-6).

The New Mexico General Services Department and its major divisions were created under the General Services Department Act, NMSA 1978, Section 9-17-3. The purpose of the General Services Department is to "make state government more efficient and responsive through consolidating certain state government service functions; and to establish a single, unified department to administer laws relating to services for governmental entities; and to perform other duties as provided by law" (NMSA 1978, Section 9-17-2). The secretary of the General Services Department may adopt rules and regulations necessary to carry out its duties (NMSA 1978, Section 9-17-5). The Facilities Management Division in the General Services Department was formally created under the Property Control Act (NMSA 1978, Sections 15-3B-1 to 15-3B-23). As detailed at NMSA 1978, Section 15-3B-4, the Facility Management Division's powers and duties include:

(1) assign the use or occupancy of state buildings and lands under its jurisdiction to the state agency or political subdivision that may make the best and highest beneficial use of the property;
(2) regulate the use or occupancy of buildings and real property under its jurisdiction and make reasonable requirements for the continuation of that use or occupancy;…
(6) control the lease or rental of space in private buildings by state executive agencies…

Through acquisitions, the Facilities Management Division aims to place employees in buildings that already exist near specific rail or transportation (mass transit) hubs, including bus lines. For the Facilities Management Division to implement a measure requiring that state offices be located near transit hubs and necessary resources, the governor would likely need to issue an Executive Order, or the General Services Department would need to undertake a rulemaking to formally establish the directive.

Implementation Timeline and Milestones

The implementing agency(ies) will implement this measure from 2028 through 2038, with biennial grants supporting MXD construction projects over 10 years. The grant program will take six months to develop. Each MXD project will be completed two years after the award is granted, allowing one year

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for planning and one year for construction. Table 36 shows the anticipated implementation timeline and milestones for Measure T-3.

Table 36. Measure T-3 Implementation Timeline and Milestones

Timeline	Milestones
2028	Execute enabling measure EM-6, develop the grant program, and issue the first round of MXD incentive funding.
2030	The first MXD construction project is complete, and the second round of MXD incentive funding begins.
2036	The final round of MXD incentive funding begins.
2038	The final MXD construction project is complete.

Metrics for Tracking Progress

The implementing agency(ies) will track progress on Measure T-3 using indicators such as the number of MXD construction projects completed, the amount of incentive funding awarded, and the utilization rates of the completed MXD construction projects. The implementing agency(ies) will track and report metrics on an annual basis, collecting data from grantees and relevant agencies, with responsibilities clearly assigned to ensure consistency and long-term availability. The implementing agency(ies) will select metrics to provide transparency, demonstrate economic and environmental outcomes, and communicate meaningful results to stakeholders, including local communities and policymakers.

Quantified Emission Reductions

The CAP Team estimated emission reductions from Measure T-3 based on the total reduction in VMT that is expected to result from community members working and shopping at local MXD construction projects. Based on a recent study on how MXD optimizes VMT reduction, the CAP Team assumed that MXD construction projects reduce urban VMT by 33% and rural VMT by 9%.[86] The CAP Team assumed that the construction process is an enabling action necessary to facilitate Measure T-3 implementation and did not evaluate the GHG emissions resulting from the MXD construction process.

The CAP Team's analysis assumed $2.5 million in biennial funding over 10 years to incentivize MXD construction projects in urban and rural transportation hubs. The CAP Team assumed that the full expenditure of program funding would facilitate a 33% reduction in urban VMT and a 9% reduction in rural VMT, resulting in an annual reduction of 4.4 billion VMT after the final MXD construction project is complete.

The CAP Team used the annual VMT reduction to calculate the GHG reductions. To estimate GHG emission reductions on a per-mile basis for a standard ICE vehicle, the CAP Team used emission statistics from the Bureau of Transportation Statistics,[87] as well as studies done by Argonne National

[86] Justice P. Tuffour et al., "Do Mixed-Use Developments Optimize VMT and Emissions Reduction? Evidence from 36 Regions," *Transportation Research Part D: Transport and Environment* 147 (October 2025): 104944, https://doi.org/10.1016/j.trd.2025.104944.

[87] Bureau of Transportation Statistics, "Estimated U.S. Average Vehicle Emissions Rates per Vehicle by Vehicle Type Using Gasoline, Diesel, and Electric."

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Laboratory on air pollutants from vehicle operations.[88] Table 37 shows the estimated annual emission reductions for Measure T-3 as compared to BAU emissions.

Table 37. Measure T-3 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	Not Calculated	Not Calculated	Not Calculated
CH_4	Not Calculated	Not Calculated	Not Calculated
N_2O	Not Calculated	Not Calculated	Not Calculated
CO_2e	244,268.5	263,136.9	9,324,898.1
Other Pollutants			
CO	2,514.4	2,708.7	Not Calculated
NO_x	105.5	113.7	Not Calculated
SO_2	3.7	4.0	Not Calculated
VOCs	146.0	157.3	Not Calculated
PM_{10}	18.5	19.9	Not Calculated
$PM_{2.5}$	16.4	17.7	Not Calculated

Measure Costs

The CAP Team estimated the total implementation cost for Measure T-3 at approximately $13.6 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions made by outside entities. The program implementation and administrative costs include $2.5 million biennial funding for the MXD incentive program during the 10-year implementation period for a total of $12.5 million, and paying one dedicated FTE from GSD to manage the grant program through 10 years for a total of $1.09 million. The total costs represent the total estimated costs to incentivize MXD construction projects within major urban and rural transit hubs and do not include the construction costs required to complete each MXD construction project.

The CAP Team estimated that 1 FTE state employee from GSD will be needed to implement the MXD grant program during the 10-year implementation period. Responsibilities for this position include reviewing grant applications, managing awards, and supporting the development of project agreements. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. The CAP Team assumed that these costs are separate from the $2.5 million biennial funding allocation. Table 38 shows the estimated implementation costs for Measure T-3.

All costs are presented in current-year dollars and do not account for future inflation.

[88] Cai et al., "Updated Emission Factors of Air Pollutants from Vehicle Operations in GREETTM Using MOVES."

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Table 38. Measure T-3 Cost Estimates

Cost Component	Estimated Implementation Cost
Program/policy implementation and administration costs	$13,586,000
GSD employees	*$1,086,000*
Total	**$13,586,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure T-3. (Appendix C provides details on these sources, organized by funding source number.)

- Community Benefit Fund (Funding Source 94)
- ERA Program (Funding Source 22)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- New Mexico's Clean Transportation Fuel Program Credits (Funding Source 99)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Transit-oriented development is an urban development strategy focused on creating compact, mixed-use, pedestrian- and bicycle-friendly developments clustered around public transportation.[89] New Mexico has a number of existing public transit systems (such as the Rail Runner and Albuquerque Rapid Transit) that could benefit from transit-oriented development. Additionally, a recent proposal for a potential Albuquerque Rapid Rail system identified 295 sites near proposed stations or in downtown Albuquerque where transit-oriented development could be implemented.[90]

By encouraging development in the areas around public transit stations and locating state offices near public transportation hubs, government support for transit-oriented development could create a number of benefits for commuters and local residents. Importantly, an option for public transit does not force any individual to utilize public transit, but rather ensures that this option is available for non-vehicle owners.

Economic Benefits

- **Job creation.** Investment in public transportation for transit-oriented development creates jobs in construction and transportation,[91] while investment in affordable housing around

[89] Benjamin Lopez, *Albuquerque Rapid Rail: A Preliminary Proposal* (2024), https://www.nmlegis.gov/handouts/TIRS%20102524%20Item%205%20Albuquerque%20Rapid%20Rail%20Preliminary%20Proposal.pdf.
[90] Lopez, *Albuquerque Rapid Rail: A Preliminary Proposal*.
[91] Nadine Fogarty, *Opportunities for RMRTD to Foster Regional Economic Development Benefits from Transit in the Albuquerque Region* (Strategic Economics, 2015), https://www.riometro.org/DocumentCenter/View/241/White-Paper-Economic-Development-Potential-of-Transit-PDF.

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transportation hubs creates jobs in construction, engineering, and related industries.[92] Additionally, transit-oriented development creates hubs for commercial activity and increases foot traffic around public transit stations, which can create and sustain jobs in retail, restaurants, and other local businesses.[93] Requiring state offices to be located near transit hubs would further increase foot traffic and commercial activity.

- **Access to transportation.** One of the key components of transit-oriented development is building higher-density housing within walking distance of public transportation.[94] By incentivizing the development of housing near public transportation and by ensuring that development is friendly to pedestrians and bikers, transit-oriented development can improve access to existing public transportation.[95]
- **Decreased traffic congestion.** Transit-oriented development can reduce the need for driving by concentrating development within walking distance (half a mile) or biking distance (2 miles) of public transportation, which reduces automobile traffic congestion.[96] Supporting transit-oriented development can also reduce traffic congestion by creating more job opportunities near residential areas. For example, there is more housing than job opportunities on the west side of the Rio Grande in Albuquerque (the Westside), which contributes to long commutes across the river and increased congestion. Increasing job opportunities near public transit stations in the Westside could help reduce commute times and congestion.[97]

Environmental Benefits

- **Air pollution reductions.** Automobiles emit CO, SO_2, PM, and other air pollutants.[98] Air pollution is a risk for all-cause mortality and is linked to adverse health outcomes such as stroke, heart disease, and lung cancer.[99] By incentivizing development near transit hubs and encouraging residents and commuters to walk, bike, or use public transportation, transit-oriented development can reduce local air pollution from motor vehicles.[100]

Public Health Benefits

- **Health benefits.** Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using COBRA and found that Measure T-3 would benefit the state of New Mexico with between $1.7 million and $2.6 million of monetized health impacts in 2030 and between $2.9 million and $4.2 million of monetized health impacts in 2050.
- **Public and community health.** Transit-oriented development can increase exercise for residents and commuters by encouraging walking and biking as opposed to driving. Transit-oriented

[92] New Mexico Legislature, "Agency Bill Analysis for SB349," February 13, 2025, https://www.nmlegis.gov/Sessions/25%20Regular/AgencyAnalysis/SB0349_419.pdf.
[93] Bernalillo County, *Bernalillo County: International Sunport Station Area Sector Development Plan* (2009), https://www.mrcog-nm.gov/DocumentCenter/View/2866/Bernalillo-County---International-Sunport-Station-Area-Plan-PDF?bidId=.
[94] Bernalillo County, *Bernalillo TOD Plan: A Community Vision for Transit Oriented Development* (2007), https://www.mrcog-nm.gov/DocumentCenter/View/2871/Bernalillo-TOD-Plan---A-Community-Vision-for-Transit-Oriented-Development-PDF.
[95] Bernalillo County, *Bernalillo County: International Sunport Station Area Sector Development Plan*.
[96] Bernalillo County, *Bernalillo TOD Plan: A Community Vision for Transit Oriented Development*.
[97] Lopez, *Albuquerque Rapid Rail: A Preliminary Proposal*.
[98] U.S. Environmental Protection Agency, "Smart Growth and Transportation," Overviews and Factsheets, January 2021, https://19january2021snapshot.epa.gov/smartgrowth/smart-growth-and-transportation.
[99] World Health Organization, "Air Quality, Energy and Health."
[100] U.S. Environmental Protection Agency, "Smart Growth and Transportation."

development facilitates active transportation by encouraging increased interconnectivity of streets and by encouraging high-density development near residential neighborhoods and transit hubs.[101]

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $2.9 billion between 2026 and 2050.

LIDAC Benefits

The anticipated benefits from supporting transit-oriented development could help LIDACs as well as being beneficial for other communities. Increased foot traffic around public transit hubs could support local businesses in LIDACs. The potential for reduced transportation costs and greater access to public transportation could be particularly beneficial for lower income New Mexicans.

LIDACs will also benefit from transit-oriented development in the following ways:

- **Increased safety for pedestrians.** New Mexico had the highest per capita pedestrian fatality rate in the nation in 2024: 4.4 deaths per 100,000, more than double the national rate of 2.1 deaths per 100,000.[102] Furthermore, research shows that LIDAC residents are overrepresented among victims of pedestrian traffic accidents.[103] Supporting transit-oriented development could help to reduce pedestrian traffic accidents in New Mexico, both by encouraging the use of public transportation instead of cars and by encouraging the development of pedestrian infrastructure, such as sidewalks, crosswalks, and bike lanes.
- **Reduced exposure to pollution.** LIDACs are often located in areas of higher traffic. A 2013 study by the University of New Mexico found that 16% of New Mexico's population lived within 500 meters of roads with more than 25,000 vehicle trips per day, and that residents of LIDACs were more likely to be located near busy roads.[104] Locating state offices near public transit and incentivizing development near public transit hubs could increase the use of public transportation and decrease motor vehicle use, thereby reducing exposure to air pollution, like criteria pollutants, in LIDACs.

Disbenefits

Potential disbenefits from this measure include:

- **Increased burdens on local resources.** Residents sometimes oppose high-density development in or near their communities, including transit-oriented development, due to concerns about increased traffic, longer lines at stores, and increased burdens on public resources such as local

[101] Bernalillo County, *Bernalillo County: International Sunport Station Area Sector Development Plan*.
[102] Governors Highway Safety Association, *Pedestrian Traffic Fatalities by State: 2024 Preliminary Data* (2025), https://www.ghsa.org/sites/default/files/2025-07/Pedestrian%20Traffic%20Fatalities%20by%20State%20-%202024%20Data%20-%207.10.25.pdf.
[103] *Exploring Risk Factors to Disparities in Pedestrian and Bicyclist Fatalities and Serious Injuries*, with Bahar Dadashova et al. (Federal Highway Administration: Office of Safety Research and Development, 2024), application/pdf, https://doi.org/10.21949/1521546.
[104] Karen Wentworth, "Potential Exists for Widespread Exposure to Harmful Vehicle Emissions," October 30, 2013, https://news.unm.edu/news/potential-exists-for-widespread-exposure-to-harmful-vehicle-emissions.

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schools.[105] In addition, some communities value the visual appearance of buildings which are not always valued by new developers, but high-density housing can retain the character of an area while ensuring those without vehicles have access to places like those that do own vehicles. Continued support for community outreach could help to address local concerns about transit-oriented development. The CAP also includes an enabling measure (EM-6) that seeks to create a cross-agency task force for reassessing land use to optimize GHG emission reductions across all sectors. This task force would have an advisory group composed of representatives from the sovereign NPTs. It will also include representatives from municipalities, and nonprofits, as well as other community members, to ensure that the work is equitable and aligned with community needs. The inclusion of an advisory group for the task force could help decrease this potential disbenefit.

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Increased housing costs.** Transit-oriented development can lead to higher housing costs and rents in LIDACs, increasing the financial burdens and potentially displacing members of those communities.[106] Previous plans and studies for transit-oriented development in New Mexico have emphasized the need to ensure access to affordable housing in the areas being developed.[107] New Mexico should continue to consider the need for affordable housing around transit-oriented development. Additionally, New Mexico has existing programs to protect existing affordable housing and to build income-restricted housing.[108]
- **Lack of community involvement.** Planning processes for transit-oriented development sometimes fail to adequately involve community members and key stakeholders, particularly in LIDACs.[109] The New Mexico Department of Finance and Administration offers resources to support local government planning and community engagement efforts, and state law encourages municipalities and counties to create comprehensive plans for land use.[110]

[105] Transportation Research Board and National Academies of Sciences, Engineering, and Medicine, *Transit-Oriented Development in the United States: Experiences, Challenges, and Prospects* (Transportation Research Board, 2004), 23360, https://doi.org/10.17226/23360.

[106] Housing Matters, "How Transit-Oriented Development Can Promote Equitable, Healthy Communities," February 24, 2021, https://housingmatters.urban.org/research-summary/how-transit-oriented-development-can-promote-equitable-healthy-communities.

[107] Mid-Region Council of Governments, "The Los Lunas Station Area Plan," 2008, https://www.mrcog-nm.gov/DocumentCenter/View/2867/Los-Lunas-Station-Area-Plan-Summary-PDF?bidId=.

[108] City of Albuquerque Planning Department, "Anti-Displacement Toolbox," accessed September 23, 2025, https://compplan.abq-zone.com/anti-displacement-toolbox?utm.

[109] Jonathan Chenchar, *Barriers to Transit-Oriented Development in Portland, OR* (2023), https://friends.org/sites/default/files/2023-05/Barriers%20to%20Transit-Oriented%20Development%20in%20Portland%20OR.pdf; Planning for Hazards: Land Use Solutions for Colorado., "Community Engagement," accessed September 23, 2025, https://planningforhazards.colorado.gov/community-engagement.

[110] New Mexico Department of Finance and Administration, "Community Planning," accessed September 23, 2025, https://www.nmdfa.state.nm.us/local-government/community-planning/.

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Measure T-4: Reduce Employee Vehicle Miles Traveled

This measure focuses on reducing VMT by employees statewide by encouraging employers across sectors to allow remote work or hybrid as appropriate; or convenient office locations subsidizing transit passes and bike repairs for employees, as needed, and counting commute time via transit as productive hours to encourage the use of public transit. This measure analyzes the impact of implementing these practices for state employees, as a use case.

Implementation Authority and Responsibilities

Utilizing state employees as a use case, this measure as applied to employees of that state of New Mexico that would require direction from the executive branch and recognizes that remote or hybrid work options compared to an in-office work requirement decreases the amount of employee vehicle miles traveled; opportunities and resources will be provided for virtual NMDOT meetings to reduce travel along with alternative work sites and flexible scheduling to reduce commuting distances for in-person work based on NMDOT's Carbon Reduction Strategy.[111]

Subsidizing bike repairs and transit passes for state employees would need to be implemented by the New Mexico Health Care Authority, and, requesting that commute time via transit count as productive hours, would need to be implemented by the New Mexico State Personnel Board. The New Mexico State Personnel Board was created by New Mexico's Personnel Act, NMSA 1978, Sections 10-9-1 to 10-9-25, to "promulgate regulations to effectuate the Personnel Act.

Implementation Timeline and Milestones

As shown in Table 39, the under the state use case, the agencies will implement Measure T-4 starting in 2027 and continue through 2050, with reviews each year to ensure that employees have access to use public or active transit to get to work or remote work opportunities. Changes can be made in the budget allocation to adjust for employees' commuting behaviors appropriately.

Table 39. Measure T-4 Implementation Timeline and Milestones

Timeline	Milestones
2027	The implementing agencies begin implementing transit pass subsidies; the executive branch provides remote and remote work flexibility, as well as limiting commute time as much as possible by office location siting
2027–2050	Continue measure implementation and survey employees to track changes in commute behavior.

[111] New Mexico Department of Transportation, *NMDOT Carbon Reduction Strategy* (Transportation Project Advisory Committee, 2023), 26, https://www.elpasompo.org/media/TransportationProjectAdvisoryCommittee/Items/2023/NOVEMBER/Item%2007.pdf.

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Metrics for Tracking Progress

The implementing agencies will track progress on Measure T-4 by collecting data on public transit usage rates and VMT by state employees. Data will be collected every year from relevant agencies, like NMDOT. The data collected will be used to show the progression and effectiveness of the measure, and metrics like VMT will be compared from year to year to show improvement. The implementing agencies will conduct a survey to collect data about commuting behaviors and will track the changes observed as the measure is implemented.



People boarding an ABQ RIDE bus. Photo Credit: ABQ RIDE.

Quantified Emission Reductions

The CAP Team estimated emission reductions from Measure T-4 based on the transition of individual car trips into trips using public or active transit. To get the emission reduction from the expected BAU, the percentage of passenger vehicle trips that are for commuting was multiplied by the percentage of state employees to the employed population in New Mexico,[112] and this result was subtracted from the BAU emissions. The proportion of driving trips nationally that are work commutes is 22%.[113] The CAP Team used this proportion combined with the percentage of New Mexico state employees in the employed population to get the percentage of trips reduced by implementing Measure T-4. The CAP Team then multiplied the percentage of trips reduced by the BAU emissions to estimate emission reductions from Measure T-4.

This analysis assumes that once the transit and bike subsidies have been implemented, and once remote work, hybrid work or appropriate office location has been approved, these benefits will be adopted by employees. The analysis assumes that employees will use transit passes and bike repair subsidies, utilize remote work opportunities twice a week, and work from an office location that requires the least amount of commute time for the most number of employees. Table 40 shows the estimated annual emission reductions for Measure T-4 as compared to BAU emissions.

Table 40. Measure T-4 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	Not Calculated	Not Calculated	Not Calculated
CH_4	Not Calculated	Not Calculated	Not Calculated

[112] Michael Maciag, "States With Most Government Employees: Totals and Per Capita Rates," *Governing*, March 21, 2014, https://www.governing.com/archive/states-most-government-workers-public-employees-by-job-type.html.
[113] foundation for Traffic Safety, *American Driving Survey: 2022*, Driver Behavior & Performance Research Brief (2023), https://aaafoundation.org/wp-content/uploads/2023/09/202309_2022-AAAFTS-American-Driving-Survey-Brief_v3.pdf.

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Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
N_2O	Not Calculated	Not Calculated	Not Calculated
CO_2e	86,374.6	21,596.2	1,511,580.4
Other Pollutants			
CO	868.5	82.4	Not Calculated
NO_x	39.5	0.5	Not Calculated
SO_2	0.7	0.2	Not Calculated
VOCs	27.1	1.7	Not Calculated
PM_{10}	1.5	<0.1	Not Calculated
$PM_{2.5}$	1.3	<0.1	Not Calculated

Measure Costs

As shown in Table 41, the total implementation cost for Measure T-4 is approximately $202.3 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions made by outside entities. The cost includes the costs of public transit passes, bike/active transit repairs, and program implementation. About 93% of the program costs would go toward giving state employees fully subsidized transit passes at a rate of $270 per month.[114] The rest of the program costs are the annual allowance for fully subsidized bike repairs. The program costs assume maximum subsidization and that all employees will use both forms of subsidies.

The program implementation cost is estimated at $5 million, or about 2% of the total estimated measure cost, which will cover the salaries of two full-time employees over 25 years, one working under the HCA agency and the other working under the SPO agency, based on an average annual total compensation of $108,607. The responsibilities of full-time staff include surveying employees to collect data on commuting behavior, adjusting the budget for subsidies to match commuting behavior, and allocating funds to employees to cover transit passes and bike/active transit repairs.

All costs are presented in current-year dollars and do not account for future inflation.

Table 41. Measure T-4 Cost Estimates

Cost Component	Estimated Implementation Cost
Program/policy implementation and administration costs	$202,256,000
HCA employees	*$2,715,000*
SPO employees	*$2,715,000*
Total	**$202,256,000**

[114] Erisa Administrative Services, Inc., *Transit and Parking Guide* (n.d.), 1, https://www.mybenefitsnm.com/Documents/Transportation_Parking_Guide_2021.pdf.

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure T-4. (Appendix C provides details on these sources, organized by funding source number.)

- ERA Program (Funding Source 22)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

This measure aims to reduce VMT among state workers by offering more flexible, sustainable commuting options and remote work opportunities. Reducing VMT among state employees can decrease transportation costs, lower emissions, and improve employee well-being.

Economic Benefits

- **Improved productivity.** Providing opportunities and resources for remote work allows employees to reclaim time previously spent commuting. In 2023, the mean travel time to work in New Mexico was 23 minutes, with Torrence County as an outlier with a mean commute time of 37 minutes.[115] Avoiding travel time to work can provide a meaningful impact on productivity, which can be tied to enhanced job performance and lower stress.[116] Additionally, if employees can count commuting time as productive time when using public and active transportation, this will incentivize VMT reduction as it encourages healthier travel modes. Research has shown that those who commute via walking or cycling report greater happiness and satisfaction and are notably more productive at work.[117]
- **Household cost savings.** Encouraging the use of public transit or active transportation and expanding opportunities for remote work can provide household cost savings. By working remotely at least half the time, employees can save between $2,500 and $4,000 per year due to reduced costs for travel, parking, and food.[118] Additional savings can be achieved through decreased reliance on private vehicles and corresponding reductions in maintenance and repair costs. New Mexico's strategy for subsidizing bike repairs and transit passes encourages these alternate modes, reducing VMT and providing further cost savings for state employees. Savings on transportation allows New Mexicans to invest more in their local communities.

Environmental Benefits

- **Air pollution reductions.** By taking advantage of opportunities for remote work, New Mexico state employees can contribute to meaningful reductions in air pollution. Each 1% reduction in the number of on-site employees translates to a nearly 1% decrease in VMT.[119] Additional VMT

[115] Mid-Region Council of Governments, "Commute Flow of Workers by County," 2022, https://www.mrcog-nm.gov/203/Commuting.
[116] CivicWell, "Benefits of Maintaining Telework Policies," June 30, 2020, https://civicwell.org/civic-news/benefits-of-maintaining-telework-policies/.
[117] Nadine C. Page and Viktor O. Nilsson, "Active Commuting: Workplace Health Promotion for Improved Employee Well-Being and Organizational Behavior," *Frontiers in Psychology* 7 (2016): 1994, https://doi.org/10.3389/fpsyg.2016.01994.
[118] CivicWell, "Benefits of Maintaining Telework Policies."
[119] New Mexico Environment Department and New Mexico Energy, Minerals, and Natural Resources Department, "Priority Climate Action Plan," State of New Mexico, March 1, 2024, https://www.epa.gov/system/files/documents/2024-03/new-mexico-priority-climate-action-plan.pdf.

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reductions are achieved with this measure by providing the option to work at the closest duty stations. Reducing vehicle emissions of harmful pollutants such as NO_x, $PM_{2.5}$, and VOCs supports New Mexico's ambient air quality.

Public Health Benefits

- **Health benefits.** Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using COBRA and found that Measure T-4 would benefit the state of New Mexico with between $400,000 and $500,000 of monetized health impacts in 2030 and between $8,000 and $10,000 of monetized health impacts in 2050.
- **Public and community health.** Providing the option to work at the closest duty station reduces the VMT of state employees while making active modes of transportation more feasible due to closer proximity to job sites for employees. When employees travel shorter distances, they are more likely to integrate active modes into their commute. Increased opportunities for active commuting can improve employees' physical health by incorporating regular movement and exercise into their daily routines.[120] Beyond individual benefits, reducing VMT by increasing the feasibility of walking and cycling supports safer streets and fosters healthier communities across New Mexico.[121]
- **Improved mental health.** Reducing VMT can improve mental health by lowering commute-related stress and freeing up time for recreational activities. When employees make shorter or fewer commutes, they have reduced exposure to traffic congestion, which is linked to higher rates of anxiety and depression, and they have increased opportunities for physical activity. Studies show that employees with shorter or more active commutes report greater life satisfaction and well-being.[122]

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $449 million between 2026 and 2050.

LIDAC Benefits

LIDACs will benefit from this measure in the following ways:

- **Air pollution reductions.** LIDACs are disproportionally exposed to traffic-related pollution.[123] Reducing state employee vehicle miles traveled through remote work, transit use, and active transportation lowers transportation-related air pollution.

Disbenefits

There are no statewide disbenefits associated with this measure.

[120] Frédéric Dutheil et al., "Protective Effect on Mortality of Active Commuting to Work: A Systematic Review and Meta-Analysis," *Sports Medicine* 50, no. 12 (2020): 2237–50, https://doi.org/10.1007/s40279-020-01354-0.
[121] Georges Benjamin and Deborah Hubsmith, *Promoting Active Transportation: An Opportunity for Public Health* (American Public Health Association, n.d.), https://www.saferoutespartnership.org/sites/default/files/pdf/The_Final_Active_Primer.pdf.
[122] Kiron Chatterjee et al., "Commuting and Wellbeing: A Critical Overview of the Literature with Implications for Policy and Future Research," *Transport Reviews* 40, no. 1 (2020): 5–34, https://doi.org/10.1080/01441647.2019.1649317.
[123] Park and Kwan, "Understanding Racial Disparities in Exposure to Traffic-Related Air Pollution."

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LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Decrease in local spending.** A reduction in employee vehicle miles traveled, driven in part by increased remote work, can decrease weekday foot traffic in employment areas. This decrease in foot traffic may negatively affect local businesses and residents in LIDACs who may depend on spending from these workers.

Measure T-5: Expand Zero-Emission Vehicle (ZEV) Infrastructure and Equipment

This measure expands upon existing regulations that reduce vehicle emissions, supports the development of electric vehicle (EV) charging infrastructure and equipment, and creates programs to further the adoption of ZEVs. The measure extends the New Motor Vehicle Emissions Standards (NMVES) to require 100% of new vehicles delivered to New Mexico to be electric by 2035 and increases the carbon intensity reduction target for the Clean Transportation Fuel Program from 30% by 2040 to 50% by 2050. This measure also establishes the electrification of New Mexico's alternative fuel corridors through the installation of direct current fast chargers (DCFCs) and expands point-of-sale incentive programs for light-duty ZEVs and scrap-and-replace programs for commercial vehicles. The measure establishes either a fee on retail delivery services or a road usage fee for the state of New Mexico to fund charging network development and creates opportunities for collecting data from these publicly funded charging networks. Projects are prioritized to promote ZEV adoption across urban and rural areas of New Mexico.

Implementation Authority and Responsibilities

This measure will require implementation by various state agencies.

The EIB is the board created by New Mexico's Environmental Improvement Act, NMSA 1978, Sections 74-1-1 to 74-1-17, to promulgate regulations protecting the environment in New Mexico.

New Mexico Environment Department

NMED is authorized under the Environmental Improvement Act, NMSA 1978, Sections 74-1-1 to 74-1-17, to enforce rules, regulations, and orders promulgated by the EIB, including the New Motor Vehicle Emission Standards under 20.2.91 NMAC. Such rules establish NMED's authority to administer associated programs, determine regulated entities' compliance, and take enforcement action when needed. NMED would need to initiate further rulemaking to implement measures seeking to expand 20.2.91 NMAC to have the requisite authority to enforce more stringent thresholds than those that currently exist.

Also, under the Environmental Improvement Act, the EIB is the entity that will be required to adopt the rules needed to increase targets for annual carbon intensity reduction under the Clean Transportation Fuel Program. Pursuant to the Environmental Improvement Act, NMSA 1978, Section 74-1-18, the EIB is required to promulgate rules to implement a clean transportation fuel standard program no later than July 1, 2026. Per the statute, a required component of the program is to establish a fuel standard to annually decrease the carbon intensity of transportation fuels used in the state (NMSA 1978, Section

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74-1-18(C)(1)). The EIB is in an active rulemaking to consider rules proposed by NMED as of December 2025.

New Mexico Public Electric Utilities

The New Mexico Legislature has mandated that the state's public electric utilities must file applications with the New Mexico Public Regulation Commission (PRC) to expand transportation electrification in their service territories. The initial applications were required in 2021, and utilities must file additional applications "upon request by the [PRC], but no more frequently than every two years" (NMSA 1978, Section 62-8-12). Pursuant to statute, "'transportation electrification' means the use of electricity from external sources to power all or part of passenger vehicles, trucks, buses, trains, boats or other equipment that transport goods or people" (NMSA 1978, Section 62-8-12 (E)(2)). The PRC in 2023 promulgated the "Transportation Electrification Rule," which requires the utilities to file their transportation electrification plans (TEPs) with the PRC every three years. The TEPs must include strategies and measures aimed at expanding transportation electrification among low-income customers and underserved communities; strategies and measures for expanding transportation electrification across multiple EV classes, including personal and commercial EVs; and forecasts for meeting new load growth associated with EV charging infrastructure with renewable energy (17.9.574.11 NMAC).

Energy, Minerals and Natural Resources Department

The New Mexico Legislature has provided incentives for charging and fueling station infrastructure. In a program administered through EMNRD, New Mexico provides tax incentives to building owners for the construction of a new residential or commercial sustainable building or the renovation of an existing commercial building so that it is EV-ready. A tax credit is also available to building owners who install energy-conserving products, including an EV charger, at an existing residential or commercial building. Certain other criteria must also be met to receive a tax credit for an EV-ready building or installation of an EV charger. For a new building, the amount of the tax credit depends on the certification level the building has achieved in the LEED or Build Green New Mexico rating systems and the qualified occupied square footage of the building. For the installation of an EV charger in an existing building, the amount of the tax credit depends on whether the owner or occupants are low-income. NMSA 1978, Section 7-2-18.32 is the sustainable building income tax credit for individual taxpayers. NMSA 1978, Section 7-2A-28.1 is the sustainable building income tax credit for corporate taxpayers.

The statutes give EMNRD the authority to issue rules regarding the eligibility certification for the 2021 Sustainable Building Tax Credit (SBTC). The department promulgated rules for the certification process: 3.3.35 NMAC for individual taxpayers and 3.4.22 NMAC for corporate taxpayers.

NMSA 1978, Section 7-2-18.38 provides for the Clean Car Income Tax Credit for individual taxpayers. The income tax credit for individual taxpayers is available for purchases or new leases of at least three years made on or after the effective date of this section and before January 1, 2030. For a previously owned motor vehicle to be eligible for the tax credit, the vehicle must have a model year at least two years prior to the calendar year in which the taxpayer purchased or leased the vehicle.

NMSA 1978, Sections 7-2-18.37 and 7-2A-19.2 provide for the Clean Car Charging Unit Income Tax Credit for individual and corporate taxpayers, respectively. (Taxpayers who claim the SBTC for the costs of purchasing or installing an EV charging unit or fuel cell charging unit are not eligible to claim this tax

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credit.) The income tax credit for both individual and corporate taxpayers is: $25,000 for a DCFC or fuel-cell charging unit, or the cost to purchase and install the direct unit, whichever is less; and $400 for all other EV charging units, or the cost to purchase and install the EV charging unit, whichever is less.

These statutes authorize EMNRD to issue rules regarding the eligibility certification for the Clean Car Income Tax Credit and Clean Car Charging Unit Income Tax Credit. EMNRD subsequently promulgated rules for the certification process: 3.3.37 NMAC for individual taxpayers and 3.4.24 NMAC for corporate taxpayers.

The New Mexico Legislature also created within EMNRD the New Mexico Energy Conservation and Management Division (ECAM) the position of "state alternative fuel program manager," charged with promoting, coordinating, and monitoring the implementation of state clean alternative fuel transportation programs; coordinating and directing the provisions of the Alternative Fuel Acquisition Act (formerly the Alternative Fuel Conversion Act, at NMSA 1978, Sections 13-1B-1 to 13-1B-7); and mobilizing and coordinating necessary resources and expertise from government, educational institutions, and the private sector to assist in clean alternative fuel transportation programs and projects (NMSA 1978, Section 9-5A-8).

New Mexico Taxation and Revenue Department

The New Mexico Taxation and Revenue Department and/or Regulation and Licensing Department would need statutory authority from the New Mexico Legislature to establish a fee on delivery services or create a road usage fee to fund charging network equipment. The statute could detail the flow of funds to NMDOT or EMNRD.

New Mexico Department of Transportation

Measures involving EV charging are already in process. NMDOT's authority derives mainly from federal National Electric Vehicle Infrastructure and American Rescue Plan Act funding, distributed through the Federal Highway Administration. However, NMDOT also relies on NMSA 1978, Section 67-3-28, which gives NMDOT the authority to enter into cooperative agreements. Still, EV projects could benefit from legislation authorizing public-private partnerships.

Implementation Timeline and Milestones

Measure T-5 extends the existing NMVES rule to require 100% of new vehicles delivered to the state of New Mexico to be EVs by 2035. The current rule requires 82% of new vehicles delivered to the state for sale to be EVs by 2031 with flexibility mechanisms for auto manufacturers to meet that target. Extending the rule would require two years of rulemaking. Expanded ZEV incentives and new point-of-sale incentives to scrap and replace commercial vehicles will be available from 2026 through 2050 to accelerate the rate of EV adoption. The New Mexico Taxation and Revenue Department and/or Regulation and Licensing Department will first determine which is most appropriate for New Mexico, a fee on retail delivery services or a road usage fee to fund charging network equipment, and the resulting rulemaking will take two years to complete. Table 42 outlines the anticipated implementation timeline and milestones for Measure T-5.

Table 42. Measure T-5 Implementation Timeline and Milestones

Timeline	Milestones
2026	Point-of-sale incentives are applied for ZEV and EV charger purchases; the first alternative fuel corridor DCFC is installed; and the rulemaking process begins to establish a fee on retail delivery services or to create a road usage fee.
2027	Initiate NMVES rulemaking amendment for the Clean Transportation Fuel Program, and initiate scrap-and-replace program.
2031	82% of new light-duty vehicles delivered are EVs.
2035	100% of new vehicles delivered are EVs.
2036	The final alternative fuel corridor DCFC is installed.
2040	Increase carbon intensity reduction to 30%.
2050	Increase carbon intensity reduction to 50%. Point-of-sale incentive funding is exhausted, and the program concludes.

Metrics for Tracking Progress

The implementing agency(ies) will track progress on Measure T-5 using indicators such as the number of DCFCs installed along the alternative fuel corridors, the usage of those chargers, the annual delivery of ZEVs, and the total funding expended for point-of-sale ZEV and EV charger purchases. The number of accessible public EV chargers will be compared to the population of EVs in New Mexico each year to ensure that infrastructure is sufficient to meet demands. The ideal charger to vehicle ratio is one public charger for every 10 vehicles as reported by the 2025 HERE-SBD EV Index Report,[124] and four DCFC stations every 50 miles on interstate highways as previously required by the Federal Highway Administration's National Electric Vehicle Infrastructure grant program.[125] The implementing agency(ies) will track and report metrics on an annual basis, collecting data from grantees and relevant agencies, with responsibilities clearly assigned to ensure consistency and long-term availability. The implementing agency(ies) will select metrics to provide transparency, demonstrate economic and environmental outcomes, and communicate meaningful results to stakeholders, including local communities and policymakers.

Quantified Emission Reductions

To estimate emission reductions for Measure T-5, the CAP Team projected the percentage of EVs in the total light-duty vehicle fleet each year. Projections of the percentage of EVs in the total fleet population were based on New Mexico's future goal of achieving 100% EV deliveries for new vehicles by 2035. The CAP Team measured the current state of EVs in the light-duty vehicle fleet[126] to determine the initial percentage, and then used that as the starting point for a linear interpolation.

[124] HERE, "The HERE-SBD EV Index 2025," 2025, https://www.here.com/ev-index-2025.
[125] Electrification Coalition, "National Electric Vehicle Infrastructure (NEVI) Program Updated Guidance," August 20, 2025, https://electrificationcoalition.org/resource/national-electric-vehicle-infrastructure-nevi-program-updated-guidance/.
[126] Alliance for Automotive Innovation, "Economic Insights: Autos Drive New Mexico Forward," 2023, https://www.autosinnovate.org/resources/insights/nm.

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Electric cars charging. Photo Credit: iStock.

Under the BAU scenario, 82% of new vehicles delivered to the state are expected to be EVs by 2031. The CAP Team assumed a flat 82% rate after 2031 in the BAU scenario. The CAP Team assumed linear growth from 2024 to 2031 (for BAU) and from 2024 to 2035 (for the proposed EV adoption plan) to estimate the annual percentages. The CAP Team used the difference in the percentages of EVs between BAU and the proposed plan to calculate the reduction in emissions, employing EPA's MOVES 5.0 to model emissions for 2030 and 2050. Since the change in EV percentages between BAU and the proposed plan would emerge after 2030, there is no difference in emission reduction for that year.

The CAP Team assumed that the proposed policy will be fully and automatically adopted and that new car customers will purchase accordingly. The CAP Team also assumed that the vehicle population will increase linearly each year by 0.5%, with the new vehicles on the road phasing out the oldest vehicles. MOVES 5.0 assumes that, for any calendar year, the oldest vehicles being used are 40 years old, and that any cars older than that can be lumped in together with the 40-year-old cars, since their emission output and behavior would be similar. Table 43 shows the estimated annual emission reductions for Measure T-5 as compared to BAU emissions.

Table 43. Measure T-5 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	0.0	974,513.4	9,259,992.8
CH_4	0.0	27.9	256.7
N_2O	0.0	20.9	100.7
CO_2e	0.0	980,757.4	9,807,574.4
Other Pollutants			
CO	0.0	7,539.4	Not Calculated
NO_x	0.0	171.8	Not Calculated
SO_2	0.0	38.5	Not Calculated
VOCs	0.0	669.1	Not Calculated
PM_{10}	0.0	23.9	Not Calculated
$PM_{2.5}$	0.0	21.2	Not Calculated

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Measure Costs

The CAP Team estimated the total implementation cost for Measure T-5 at approximately $1.49 billion. This cost represents the financial commitment of the state of New Mexico and does not account for contributions made by outside entities. The total cost to the state of New Mexico includes program and policy implementation costs, administration costs, and operating revenue. Operating revenue includes the revenue from delivery service fees, or, alternatively, the revenue from the road usage fees. Program implementation, policy implementation, and administration costs include the total funding amount to support EV and EV charging station purchases aligned with 100% EV deliveries by 2035, as well as salaries for 7.5 FTEs to administer the program funds and oversee progress.

The CAP Team estimated that 7.5 FTEs will be needed to implement the incentive programs over the 25-year implementation period. 5 FTEs will be employed by NMED, 1 will be employed by EMNRD, and 1.5 will be employed by TRLD. The 5 FTEs employed by NMED and the 1.5 FTEs employed by TRLD will only be employed during the first 2.5 years of the program. The 1 FTE employed by EMNRD will be employed throughout the entire 25-year implementation period. Responsibilities for these positions include reviewing grant applications, managing awards, and supporting the development of project agreements. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. Table 44 shows the estimated implementation costs for Measure T-5.

Table 44. Measure T-5 Cost Estimates

Cost Component	Estimated Implementation Cost
Program/policy implementation and administration costs	$2,607,719,000
NMED employees	*$13,576,000*
EMNRD employees	*$2,715,000*
TRLD employees	*$4,073,000*
Operating revenue	-$1,118,469,000
Total	**$1,489,250,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure T-5. (Appendix C provides details on these sources, organized by funding source number.)

- 5303/5304 Metropolitan & Statewide Planning Programs (Funding Source 78)
- 5307 Urbanized Area Formula Grant (Funding Source 77)
- 5311 Formula Grants for Rural Areas (Funding Source 73)
- 5337 SGR Formula Grants Program (Funding Source 64)
- 5339 Buses and Bus Facilities Competitive Program (Funding Source 68)
- 5339 Buses and Bus Facilities Formula Program (Funding Source 69)
- 5339(c) Low-No Program (Funding Source 57)
- Advanced Energy Manufacturing Tax Credit (through the IRS) (Funding Source 44)
- Advanced Energy Manufacturing Tax Credit (through EMNRD) (Funding Source 52)

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- Alternative Fuel Vehicle Refueling Property Credit (Funding Source 23)
- Charging and Fueling Infrastructure (CFI) Grants—Community Program (Funding Source 24)
- CCIA (Funding Source 69)
- Community Benefit Fund (Funding Source 94)
- CMAQ Improvement Program (Funding Source 61)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- ERA Program (Funding Source 22)
- EIR Program (Funding Source 66)
- NCIF CUF (Funding Source 25)
- Public Service Company of New Mexico (PNM) EV Charger Rebates (Funding Source 86)
- SBTC (Funding Source 26)
- Xcel Electric EV Supply Infrastructure (Funding Source (101)
- El Paso Electric (Funding Source 100)
- Charging Unit Tax Credit (Funding Source 85)
- Clean Car Tax Credit (Funding Source 84)
- STBG Program (Funding Source 62)
- New Mexico's Clean Transportation Fuel Program Credits (Funding Source 99)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

The transition to ZEVs in New Mexico will create high-quality jobs, reduce fuel and maintenance expenses, reduce localized air pollution, and stimulate the economy.

Economic Benefits

- **Job creation.** Transitioning New Mexico to ZEVs is already fueling job growth. In 2023, the clean vehicles sector in New Mexico added 1,073 new jobs, growing 9.5% while the gas/diesel vehicles sector grew 1%.[127] This trend is expected to continue. Many of the new jobs are in electrical component manufacturing and charging infrastructure construction, which require well-paid electricians and electrical engineers, resulting in average wages 50% higher than those of the jobs they replace.[128] Building out charging stations across the United States could create over 160,000 jobs by 2032, with nearly 50% (78,000) of them in electrical installation, maintenance, and repair, and the remainder in charger assembly, general construction, planning/design, and operations.[129] Additionally, the NMVES requires that82% of model year (MY) 2032 new vehicles delivered for sale in the state be ZEVs.[130] This will be a driver in increasing jobs in the clean vehicle sector. The International Energy Agency estimates that for every $1 million invested in

[127] E2, "Clean Jobs New Mexico 2024," November 26, 2024, https://e2.org/reports/clean-jobs-new-mexico-2024/.
[128] Sophie Tolomiczenko et al., "New Mexico Advanced Clean Cars II Program," Natural Resources Defense Council, July 2023, https://www.erm.com/globalassets/nm_acc_ii_report_final_12jul23.pdf.
[129] Anh Bui et al., "Charging up America: The Growth of United States Electric Vehicle Charging Infrastructure Jobs," ed. Amy Smorodin, The International Council on Clean Transportation, January 2024, https://theicct.org/wp-content/uploads/2024/01/ID-28-%E2%80%93-U.S.-infra-jobs-report-letter-70112-ALT-v6.pdf.
[130] New Mexico Environment Department, "New Motor Vehicle Emissions Standards (Advanced Clean Cars II/Advanced Clean Trucks)," Climate Change Bureau, April 9, 2025, https://www.env.nm.gov/climate-change-bureau/transportation/.

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charging infrastructure, 12 new jobs are created. By comparison, the manufacturing of ICE vehicles creates an average of 7.2 jobs for every $1 million invested.[131] New Mexico's strategy to establish a fee on delivery services (such as UberEats or FedEx) to fund charging network development can bolster job creation. This strategy has been successfully deployed in Colorado, which has brought in more than $160 million in the first two years, and in Minnesota, which is expected to bring in more than $59 million in the first year and nearly $65 million in the second year after implementation.[132,133]

- **Increased cost savings.** New Mexico plans to offer point-of-sale incentives that help individuals scrap older fossil fuel commercial vehicles and replace them with ZEV models. By combining these incentives with support for charging infrastructure investments, New Mexico will reduce both upfront and operating costs for consumers looking to transition to ZEVs. EV drivers also see substantial fuel cost savings: in Albuquerque, EV drivers paid approximately $0.61 per gallon equivalent for charging in March 2024, while gasoline cost $3.16 per gallon—a price difference that would result in average savings of $988 per year per vehicle.[134] The average ZEV purchased in MY 2027 will provide nearly $14,000 in lifetime fuel and maintenance savings, while the average ZEV purchased in MY 2030 is projected to provide lifetime savings of up to $16,800.[135] Cost savings also extend to the operation of public fleet vehicles. For example, electric school buses in New Mexico provide annual recurring expense reductions of $8,000 to $15,000 per bus, with potential savings of $180,000 over the 12-year lifespan of each bus.[136] In Albuquerque, trash collection vehicles powered by compressed natural gas may provide over half a million dollars in annual fuel cost savings relative to diesel fuel.[137] A 2023 report indicates that replacing older light-duty fleet vehicles with EVs as they retire over the next decade could collectively save New Mexico's state and local governments $149 million.[138]
- **Decreased energy costs.** Transitioning to ZEVs is projected to reduce overall energy costs for both households and businesses. According to Environmental Resources Management's *New Mexico Advanced Clean Cars II Program* report, additional electricity demand from light-duty vehicle charging could generate net utility revenue, enabling a potential reduction in electricity

[131] IEA, *Sustainable Recovery* (Paris, 2020), https://www.iea.org/reports/sustainable-recovery.
[132] Alex Brown, "New Road Fees for Amazon and Other Delivery Vehicles Supercharge State Transportation Funds," American Planning Association, August 2024, https://www.planning.org/planning/2024/aug/new-road-fees-for-amazon-and-others-supercharge-state-transportation-funds/.
[133] CDM Smith, *Retail Delivery Fee Analysis*, SB 21-260 (Washington State Joint Transportation Committee, 2024), https://leg.wa.gov/media/kqojsh4i/retaildeliveryfeeanalysis_finalreport.pdf.
[134] David Reichmuth et al., *State Benefits of Electric Vehicles* (Union of Concerned Scientists, 2024), https://doi.org/10.47923/2024.12615.
[135] Tolomiczenko et al., "New Mexico Advanced Clean Cars II Program."
[136] Healthy Climate New Mexico and NMVC Action Fund, "Electric or Diesel School Buses? A Direct Comparison," 2024, https://www.nmlegis.gov/handouts/STTC 103124 Item 8 Compare Diesel to Electric.pdf.
[137] City of Albuquerque, "City of Albuquerque Announces Arrival of New Trash Collection Vehicles Powered by Alternative Fuel," City of Albuquerque, 2025, https://www.cabq.gov/solidwaste/news/city-of-albuquerque-announces-arrival-of-new-trash-collection-vehicles-powered-by-alternative-fuel.
[138] Tony Dutzik et al., "Electric Vehicles Save Money for Government Fleets," *Environment America*, June 26, 2023, https://environmentamerica.org/resources/electric-vehicles-save-money-for-government-fleets/.

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rates of up to 1.8%. This translates to annual savings of approximately $24 per household and $185 per commercial customer by 2050.[139]

- **Increased activity for local businesses.** Expanded charging hubs not only encourage EV drivers to spend time and money at nearby businesses while they charge, but also make the surrounding areas more attractive for business investment and tourism. One study found that installing one public EV charging station increased annual spending at nearby businesses by between 0.8% and 1.4%.[140] With EVs projected to make up more than 26% of vehicles by 2035,[141] New Mexico has an opportunity to boost local spending by establishing partnerships to build DCFC stations along major corridors, improving statewide coverage and encouraging EV travelers and tourists to stop and spend in the local economy.

Public Health Benefits

- **Improved respiratory health.** Transitioning to ZEVs will reduce the number of cars emitting PM and criteria air pollutants and will contribute to cleaner air and improved respiratory health. Additionally, transitioning from ICE vehicles to ZEVs shifts energy demand to New Mexico's electric grid, where renewable energy is the leading source, with wind accounting for 37% of generation in 2024, followed by natural gas, coal, and solar.[142] All of New Mexico's new electricity generation capacity added in 2024 and 2025 is from solar and related battery energy storage systems,[143] further reducing well-to-wheel emissions and supporting air quality improvement from the transition to ZEVs. Similarly, by transitioning New Mexico's public fleets to less carbon intensive fuels, agencies can reduce local air pollutants that drive health burdens, especially $PM_{2.5}$ and VOCs. PM and VOCs cause respiratory and cardiovascular issues and are linked to different types of cancer.[144,145] A report from the American Lung Association estimates that achieving 100% electrified passenger vehicle sales and a non-combustion power grid in New Mexico by 2035 could prevent 5,210 asthma attacks and avoid 194 premature deaths by 2050.[146]
- **Noise pollution reductions.** Noise pollution can significantly impact the quality of life of people living in cities or near high-traffic corridors, contributing to problems like high blood pressure, hearing loss, sleep disruption, and lost productivity.[147] Adopting ZEVs and reducing the use of carbon-intensive fuels in public fleets (for example, by swapping diesel buses and trucks for

[139] New Mexico Environment Department, "New Motor Vehicle Emissions Standards (Advanced Clean Cars II/Advanced Clean Trucks)."
[140] Yunhan Zheng et al., "Effects of Electric Vehicle Charging Stations on the Economic Vitality of Local Businesses," *Nature Communications* 15, no. 1 (2024): 7437, https://doi.org/10.1038/s41467-024-51554-9.
[141] Charles Satterfield et al., *Electric Vehicle Sales and the Charging Infrastructure Required Through 2035* (Edison Electric Institute, 2024), https://www.eei.org/-/media/Project/EEI/Documents/Issues-and-Policy/Electric-Transportation/EV-Forecast-Infrastructure-Report.pdf.
[142] U.S. Energy Information Administration, "Profile Analysis," U.S. States, 2024, https://www.eia.gov/state/analysis.php.
[143] U.S. Energy Information Administration, "Profile Analysis."
[144] Union of Concerned Scientists, "Cars, Trucks, Buses and Air Pollution," Reports & Multimedia Explainer, September 15, 2023, https://www.ucs.org/resources/cars-trucks-buses-and-air-pollution.
[145] Katlyn E. McGraw et al., "Exposure to Volatile Organic Compounds and Blood Pressure in NHANES 2011 to 2018," *Hypertension* 82, no. 1 (2025): 136–48, https://doi.org/10.1161/HYPERTENSIONAHA.124.23695.
[146] American Lung Association, *Driving to Clean Air: Health Benefits of Zero-Emission Cars and Electricity* (2023), https://www.lung.org/getmedia/9e9947ea-d4a6-476c-9c78-cccf7d49ffe2/ala-driving-to-clean-air-report.pdf.
[147] OAR US EPA, "Clean Air Act Title IV - Noise Pollution," Collections and Lists, June 3, 2015, https://www.epa.gov/clean-air-act-overview/clean-air-act-title-iv-noise-pollution.

electric or compressed natural gas options) can reduce noise pollution. Running electric buses can reduce noise pollution by 50% to 65% compared to diesel counterparts.[148]

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $3.3 billion between 2026 and 2050.

LIDAC Benefits

LIDACs will benefit from this measure in the following ways:

- **Reduced exposure to pollution.** LIDAC neighborhoods are disproportionately exposed to tailpipe emissions due to their proximity to main streets and town corridors.[149] By fostering a transition to ZEVs and requiring the electrification of 82% of new vehicles sold by 2032, New Mexico works toward reducing localized exhaust pollution, such as PM, that contributes to asthma, heart disease, and premature deaths and disproportionally affects LIDACs.[150]
- **Targeted job training.** As part of the New Mexico Department of Transportation's electric vehicle (EV) infrastructure deployment plan, the state aims to expand apprenticeship programs, training opportunities, networking, and other resources to support workforce development within LIDACs.[151] The statewide plan to transition to ZEVs notes the importance of leveraging LIDAC and disadvantaged business contracting goals to help ensure that LIDACs benefit from job creation and training opportunities tied to building and maintaining EV charging stations.[152]
- **Stimulate local businesses.** Transitioning to ZEVs and expanding ZEV infrastructure in New Mexico's LIDACs can have a positive economic effect on nearby businesses, increasing economic development in rural areas. A 2024 study found that installing a single charging station can increase annual spending at nearby establishments by 0.8% to 1.4%, providing a boost to businesses in LIDACs.[153] New Mexico's National Electric Vehicle Infrastructure deployment strategy intentionally targets multifamily housing, rural, tribal, and low-income areas for charger

[148] Alok Jain and Stephen Draexler, "Background Paper: Comparative Analysis of Bus Technologies for Fleet Renewal," Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH, 2023, https://changing-transport.org/wp-content/uploads/2023_Comparative-analysis-of-bus-technologies_v2.pdf.

[149] Rohit Jaikumar et al., *Determining the Impact of Zero Emissions Vehicles on Traffic-Related Air Pollution Exposure in Disadvantaged Communities.* (U.S. Department of Transportation, 2023), https://chem.tti.tamu.edu/wp-content/uploads/2024/06/Determining-the-Impact-of-Zero-Emissions-Vehicles-on-Traffic-Related-Air-Pollution-Exposure-in-Disadvantaged-Communities.pdf.

[150] U.S. Department of Energy, "Alternative Fuels Data Center: Zero Emission Vehicle (ZEV) Sales Requirements and Low Emission Vehicle (LEV) Standards," 2023, https://afdc.energy.gov/laws/12932; Elena Krieger et al., *Equity-Focused Climate Strategies for New Mexico* (PSE Healthy Energy, 2021), https://www.psehealthyenergy.org/wp-content/uploads/2021/08/Equity-Focused-Climate-Strategies_New-Mexico_Report.pdf.

[151] New Mexico Department of Transportation, *New Mexico 2024 Electric Vehicle Infrastructure Deployment Plan Update* (2024), https://api.realfile.rtsclients.com/PublicFiles/f260a66b364d453e91ff9b3fedd494dc/d5b4d437-7c40-483a-a24d-6b22aefe07e2/NEW%20MEXICO%202024%20ELECTRIC%20VEHICLE%20INFRASTRUCTURE%20DEPLOYMENT%20PLAN%20UPDATE%2009-01-24.pdf.

[152] New Mexico Department of Transportation, *New Mexico 2024 Electric Vehicle Infrastructure Deployment Plan Update*.

[153] Zheng et al., "Effects of Electric Vehicle Charging Stations on the Economic Vitality of Local Businesses."

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placement.[154] This fosters opportunities for businesses in LIDACs to attract new customers and increase sales.

Disbenefits

Potential disbenefits from this measure include:

- **Energy security and reliability concerns.** Large-scale EV adoption has the potential to stress local electricity grids, particularly during peak charging times. New Mexico's deployment plan addresses this by outlining the need for phased upgrades to grid infrastructure in some parts of the state to accommodate the added demand on the system.[155] Utilities in New Mexico are aware of load issues and are planning for worst-case charging scenarios to ensure the electric grid remains reliable and does not exceed capacity.
- **Upfront costs.** Transitioning New Mexico to ZEVs and less carbon-intensive fuels may have higher upfront costs for both procurement and infrastructure. For example, electric school buses cost approximately $352,000 (up to $420,000), compared to an estimated $103,000 for diesel school buses.[156] To address the higher upfront costs, the New Mexico legislature appropriated $60 million to the Public Schools Facilities Authority for electric vehicle charging infrastructure and electric school buses through the Community Benefits Fund. New Mexico is also leveraging federal funding such as EPA's Clean School Bus Program and Inflation Reduction Act tax.[157]

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Digital and transportation divide.** Many ZEV incentives, rebates, and charging maps require internet access, digital literacy, and sometimes smartphone apps. LIDAC residents with limited internet access or information may miss out on rebates and other incentives for replacing fossil fuel-powered vehicles.[158] An additional challenge for LIDACs transitioning to ZEVs is that ZEVs generally have higher upfront costs than internal combustion vehicles.[159] New Mexico is working to address these barriers through targeted investments, community engagement, and educational initiatives, while prioritizing charging station deployment in LIDACs, including in multifamily housing and Tribal lands, and incorporating community feedback directly into planning efforts.[160]
- **Unequal access to benefits.** A national analysis of public EV charging stations found that LIDACs have 64% fewer public charging stations and experience significantly more reliability issues than

[154] New Mexico Department of Transportation, *New Mexico 2024 Electric Vehicle Infrastructure Deployment Plan Update*.
[155] New Mexico Department of Transportation, "New Mexico EV Infrastructure Deployment Plan," August 1, 2023, https://climateprogramportal.org/wp-content/uploads/2025/02/New-Mexico-FY-2024-Approved-Plan.pdf.
[156] Liu, *Electric or Alternative Fuel School Buses*, Fiscal Impact Report HB 32, with Rep. Sariñana et al. (Legislative Finance Committee, 2025), https://www.nmlegis.gov/Sessions/25 Regular/firs/HB0032.PDF.
[157] Charles Goodmacher et al., "Allowing Electric School Buses as an Option," July 24, 2024, https://www.nmlegis.gov/(X(1)S(110l4qddm3j3vidkfxfwi1rk))/handouts/TIRS 072424 Item 5 Electric School Buses.pdf.
[158] Lawrence A. Palinkas et al., "A Co-Created, Community-Informed Model for Electric Vehicle Adoption in Disadvantaged Communities," *Transportation Research Part D: Transport and Environment* 146 (September 2025): 104853, https://doi.org/10.1016/j.trd.2025.104853.
[159] Cox Automotive Inc., "EV Market Monitor – July 2025," August 2025, https://www.coxautoinc.com/insights-hub/ev-market-monitor-july-2025/.
[160] New Mexico Department of Transportation, *New Mexico 2024 Electric Vehicle Infrastructure Deployment Plan Update*.

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non-LIDAC areas, primarily related to hardware and technical failures.[161] To prevent the continuation of this trend within the state, New Mexico is strategically identifying and prioritizing LIDACs to ensure these areas benefit from expanded and maintained charging infrastructure.[162]

[161] Qiao Yu et al., "Equity and Reliability of Public Electric Vehicle Charging Stations in the United States," *Nature Communications* 16, no. 1 (2025): 5291, https://doi.org/10.1038/s41467-025-60091-y.
[162] New Mexico Department of Transportation, *New Mexico 2024 Electric Vehicle Infrastructure Deployment Plan Update*.



5.3.3 Agriculture, Forests, and Wilderness Measures

The NM CAP includes five measures in the agriculture, forests, and wilderness (AFW) sector. Table 45 summarizes these measures and their individual and collective estimated costs, GHG emission reductions, and monetized benefits through 2050. A discussion of each measure follows.

Table 45. Summary of Estimated Costs, GHG Emission Reductions, and Monetized Benefits for AFW Measures

Measure Number and Name	Cumulative Cost Through 2050 (Thousand $)	Cumulative GHG Reduction Through 2050 (MTCO2e)	Cost per MTCO2e Reduced ($/MTCO2e)	Monetized Social Benefit of GHG Reduction Through 2050 (Thousand $)	Monetized Value of Cumulative Health Benefits Through 2050 (Thousand $)
Measure AFW-1: Mitigate Carbon Emissions through Agricultural Practices	$6,516	16,286,222	$0.40	$5,190,687	Not calculated
Subtotal	$6,516	16,286,222	$0.40	$5,190,687	Not calculated
Other Strategies for Which Emission Reductions Are Not Included in Implementation Scenario Calculations					
Measure AFW-2: Restore and Conserve Natural and Working Lands	$50,090	178,259	$281	$58,049	Not calculated
Measure AFW-3: Increase Urban Canopies by 5% by 2040	$90,516	10,140,422	$9	$3,454,106	Not calculated
Measure AFW-4: Reduce and Mitigate Wildfires	Not calculated	4,779,770	Not calculated	$1,502,706	Not calculated

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Measure Number and Name	Cumulative Cost Through 2050 (Thousand $)	Cumulative GHG Reduction Through 2050 (MTCO2e)	Cost per MTCO2e Reduced ($/MTCO2e)	Monetized Social Benefit of GHG Reduction Through 2050 (Thousand $)	Monetized Value of Cumulative Health Benefits Through 2050 (Thousand $)
Measure AFW-5: Reduce Greenhouse Gases from Food Systems	Not calculated	Not calculated	Not calculated	Not calculated	Not calculated
Subtotal	**$140,606**	**15,098,451**	**$9**	**$5,014,862**	**Not calculated**

Measure AFW-1: Mitigate Carbon Emissions Through Agricultural Practices

This measure supports using agricultural practices that mitigate carbon emissions, including soil health management, reduced- or no-till farming, cover cropping, nitrogen management, manure and feed management for livestock, energy efficiency, organic soil amendments (e.g., biochar, compost), and on-farm energy production where appropriate. This measure supports expanding the New Mexico Healthy Soil Program, which provides grants to on-the-ground projects to improve soil health.

Implementation Authority and Responsibilities

NMDA will be the lead implementing agency for this measure. The following authorities are in place or needed to implement the measure.

The Healthy Soil Act authorizes NMDA to implement measures supporting the use of agricultural practices that "increase soil organic matter, aggregate stability, microbiology and water retention to improve the health, yield and profitability of the soils of the state." NMDA's Healthy Soil Program provides grants to ranchers, farmers, and land managers to adopt such practices, including cover cropping, reduced tillage, compost application, and improved grazing (see NMSA 1978, Section 76-25-3(B). These soil health practices can mitigate agricultural greenhouse gas emissions. The Healthy Soil Act also directs NMDA to promote and support forms of land management that increase soil organic matter. Through the Healthy Soil Program, NMDA can support the use of biochar to reuse organic waste and sequester carbon in soil.

The Heathy Soil Act also identifies one of the soil health principles as "minimizing soil disturbance on cropland and minimizing external inputs" (NMSA 1978, Section 76-25-2(H)(2)). Section 76-25-4(E)(2) directs NMDA to prioritize in-state sourcing of the resources needed for the Healthy Soil Program. Together, these sections authorize NMDA to support voluntary adoption of organic soil amendments in lieu of synthetic fertilizer applications and promote the use of local manuresheds for organic fertilizers within the state.

NMDA has no specific authority or programs related to on-farm energy production, but it could support efforts from other executive agencies in New Mexico to implement on-farm energy

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production, such as NMED's Clean Transportation Fuels Program.[163] On-farm energy production could be promoted by new legislation from the New Mexico Legislature. ECAM is authorized under NMSA 1978, Section 9-5A-3 (A)(4). The duties of ECAM are to plan, administer, review, provide technical assistance on, and monitor state and federal energy conservation and alternative energy technology programs, as well as administering laws and regulations pertaining to geothermal resources (NMSA 1978, Section 9-5A-4 (B)).

To adopt a measure to accelerate the use of enteric CH_4-reducing feed additives and alternative manure management at livestock operations and dairies, state agencies would need enabling legislative authority and new funding sources. Incentivizing dairies through state investment to foster buy in and support from producers and industry. NMED would act as an implementing agency for the manure management actions; through NMED's groundwater quality discharge permitting program, it has the authority to require Nutrient Management Plans from dairies or agricultural facilities with a discharge permit that is discharging onto a field growing crops ("cropping"). Nutrient Management Plans already allow farmers to be credited with certain alternative manure management practices in terms of tracking nutrients (e.g., nitrogen) that impact groundwater quality, but those practices are not required by NMED or state regulations at this time.

Implementation Timeline and Milestones

NMDA and other state agency partners will implement this measure through voluntary, incentive-based programs from 2026 through 2050. New Mexico expects to complete construction of on-farm energy production by 2035, allowing 10 years for funding, site design, and anaerobic digester construction. Table 46 outlines the anticipated implementation timeline and milestones for Measure AFW-1.

Table 46. Measure AFW-1 Implementation Timeline and Milestones

Timeline	Milestones
2028	NMDA and livestock industry begin collaboration on creating a circular economy for fertilizer manure. Livestock anaerobic digesters projects begin planning and construction with support from state funding. Feed additives are promoted in beef and dairy cattle diets through voluntary incentives.
2030	Operation of new compost manure management systems on on-feed beef and dairy cow farms begins.
2035	Anaerobic digesters begin operation. Solid storage systems on on-feed beef and dairy cow farms are transitioned to compost manure management systems through state incentives.
2050	Through development of market, 300,000 acres of cropland can adopt compost or manure fertilizer, and additional Natural Resources Conservation Service conservation practices are implemented.

[163] https://www.env.nm.gov/climate-change-bureau/clean-fuel-program/

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Metrics for Tracking Progress

NMDA will track progress for Measure AFW-1 using indicators such as the amount of synthetic nitrogen fertilizer purchased, the amount of energy produced at farms, manure compost sold, and waste management census data. NMDA will collect data annually from grantees and relevant agencies, with responsibilities clearly assigned to ensure consistency and long-term availability. NMDA will select metrics to provide transparency, demonstrate economic and environmental outcomes, and communicate meaningful results to stakeholders, including local communities and policymakers.

Quantified Emission Reductions

The CAP Team estimated emission reductions from Measure AFW-1 for three agricultural practices: cropland soil management, livestock feed additive, and livestock waste management.



Rows of chile in a field near Hatch, New Mexico. Photo Credit: iStock.

The CAP Team estimated cropland fertilizer management using the carbon management and emissions tool COMET-Planner.[164] The CAP Team assumed replacing synthetic fertilizer with composted and manure fertilizer, implementing no-till or strip-till practices, and adding non-legume seasonal cover crops would reduce BAU cropland emissions. COMET-Planner was designed by Colorado State University in partnership with the U.S. Department of Agriculture (USDA) and its Natural Resources Conservation Service. Emission reduction coefficients were largely derived using a sample-based approach and model runs in COMET-Farm, which utilizes USDA entity-scale GHG inventory methods. Coefficients were generalized by multi-county regions defined by USDA Major Land Resource Areas. Emissions estimates represent field emissions only, including those associated with soils and woody biomass as appropriate, and do not include off-site emissions, such as those from transportation, manufacturing, or processing. The COMET-Planner Report contains more information on quantification methods.[165]

Measure AFW-1 reduces the BAU emissions from livestock waste management by transitioning the current waste management practices for on-feed beef and dairy cows to practices with lower emissions such as anaerobic digestion and composting. Additionally, some dairy farms can transition to anaerobic digestion systems that also create energy for on- or off-farm use.

[164] "COMET-Planner," accessed September 21, 2025, http://www.comet-planner.com/.

[165] *COMET-Planner: Carbon and Greenhouse Gas Evaluation for NRCS Conservation Practice Planning* (Colorado State University, 2024), https://storage.googleapis.com/comet-planner-public-assets/fiftyStates/pdfs/COMET-PlannerReport.pdf.

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This measure reduces the BAU emissions from livestock enteric fermentation by implementing feed additives into on-feed beef and dairy cattle diets. Emission reductions were analyzed using 3-NOP and monensin for dairy and beef cattle, respectively.[166,167]

To reflect project development timelines, the CAP Team applied a 10-year lag between funding and full operation of anaerobic digesters. The cropland fertilizer management practice is expected to stagger implementation starting in 2028 as more compostable materials become available. The transition of waste management systems to compost is expected to be implemented starting in 2030 to allow for funding and planning on the farms.

The CAP Team quantified reductions for both near-term (2030) and long-term (2050) targets, held constant all costs and assumptions over the analysis period, and did not incorporate inflation. Table 47 outlines the quantified emission reductions for Measure AFW-1 compared to BAU emissions.

Table 47. Measure AFW-1 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	3,108.0	103,510.0	1,624,607.0
CH_4	17,230.6	25,119.7	537,751.6
N_2O	1.2	37.5	521.3
CO_2e	468,669.2	791,988.9	16,286,222.5
Other Pollutants			
CO	N/A	N/A	Not Calculated
NO_x	N/A	N/A	Not Calculated
SO_2	N/A	N/A	Not Calculated
VOCs	N/A	N/A	Not Calculated
PM_{10}	N/A	N/A	Not Calculated
$PM_{2.5}$	N/A	N/A	Not Calculated

Measure Costs

Administering this measure will require a commitment equivalent to 3 FTEs from NMDA over a 20-year period. Responsibilities for this position include reviewing grant applications, managing awards, and supporting the development of project agreements. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. This cost represents

[166] Kirby Krogstad, "3-NOP (Bovaer™) Receives FDA Approval," *Buckeye Dairy News*, May 31, 2024, https://dairy.osu.edu/newsletter/buckeye-dairy-news/volume-26-issue-3/3-nop-bovaer%E2%84%A2-receives-fda-approval.

[167] U.S. Department of Agriculture, *Quantifying Greenhouse Gas Fluxes in Agriculture and Forestry: Methods for Entity-Scale Inventory* (USDA, 2024), https://www.usda.gov/sites/default/files/documents/USDA-Methods-Report-2024.pdf.

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the financial commitment of the state of New Mexico but does not reflect expenditures by private entities, utilities, and other partners.

Table 48 presents the estimated implementation costs for Measure AFW-1. All costs are presented in current-year dollars and do not account for future inflation.

Table 48. Measure AFW-1 Cost Estimates

Cost Component	Estimated Implementation Cost
Program/policy implementation and administration costs	$6,516,000
NMDA employees	*$6,516,000*
Total	**$6,516,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure AFW-1. (Appendix C provides details on these sources, organized by funding source number.)

- Soil Carbon Monitoring and Research Network (Funding Source 14)
- USDA's Regional Conservation Partnership Program (RCPP) (Funding Source 11)
- U.S. Climate Alliance Technical Assistance Fund (Funding Source 55)
- U.S. Forest Service (USFS) Community Wildfire Defense Grants (Funding Source 1)
- Bureau of Land Management Fuels Management and Community Fire Assistance Program (Funding Source 2)
- Wildfire Prepared Act (Funding Source 3)
- Community Benefit Fund (Funding Source 94)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Supporting the use of agricultural practices that mitigate carbon emissions and improve soil health will generate a host of economic, environmental, and public health co-benefits. Soil health management is the primary driver of generating co-benefits from this strategy thanks to its ability to expand ecosystem services that underpin agricultural productivity, ecological health, stormwater management, and water quality.

Economic Benefits

- **Lower drinking water treatment costs.** Improved nutrient management reduces the presence in water systems of certain nutrients that can be harmful when consumed, such as nitrates and phosphorous. For drinking water treatment facilities, that means a lessened need for costly water treatment procedures to remove excess nutrients.[168] Additionally, improving soil health

[168] Chuan Tang et al., "The Costs and Benefits of Nutrient Reduction Programs," Iowa State University Center for Agricultural and Rural Development, *Agricultural Policy Review*, 2018, https://agpolicyreview.card.iastate.edu/fall-2018/costs-and-benefits-nutrient-reduction-programs.

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supports soil's ability to filter pollutants from freshwater before they arrive at drinking water treatment facilities.

- **Energy independence for farms.** Support for on-farm energy production reduces farms' reliance on the larger electricity grid system, ensuring stable access to energy at reduced cost.[169]
- **Improved agricultural productivity and resilience.** Healthy soil is linked to increased farm productivity and stability.[170] Improved soil quality protects plants from extreme weather, such as floods and drought, and supports the development of plants' natural resistance to disease and pests.[171]
- **Decreased costs for farms.** Improving soil quality reduces the need for costly inputs to farm production, decreasing farm costs. Encouraging substitution of organic soil amendments, like manure, for synthetic fertilizers through on-farm nutrient recycling may also help to cut input costs. Reduced tillage practices lessen the need for fuel, labor, equipment, and other costs required for traditional land preparation. USDA estimates that a farmer who transitions from conventional tillage to no-till practices can save about $17 per acre on fuel alone annually.[172]

Environmental Benefits

- **Reduced nutrient loads in freshwater systems protect ecosystems.** Reducing excess nutrient loads can help to protect against the rapid development of excessive algae and macrophytes in freshwater systems.[173] Excessive algae and macrophytes can kill or sicken aquatic life by releasing harmful toxins, depleting oxygen levels, and blocking sunlight.
- **Healthier ecosystems.** Healthy soil provides habitat for soil microbes, supporting biodiversity and species stability.[174]
- **Reduced waste**. Developing circular economy systems for organic fertilizers, such as manuresheds, repurposes resources that would otherwise be disposed of as waste from agricultural production.
- **Improved stormwater management**. Healthy soil acts like a sponge, absorbing stormwater. Stormwater absorption helps reduce the occurrence of minor environmentally disruptive events, such as excessive runoff from agricultural land and soil erosion, as well as major events such as floods.
- **Freshwater retention.** Healthy soil reduces water evaporation, conserving precious freshwater resources.[175] Additionally, no-till and low-till farming practices help to retain soil moisture.[176]

[169] Sustainable Agriculture Research and Education, "Sustainable Production and Use of On-Farm Energy," 2017, https://www.sare.org/resources/sustainable-production-and-use-of-on-farm-energy/.
[170] New Mexico Healthy Soil Working Group, "The Many Benefits of Healthy Soil," September 7, 2019, https://www.nmhealthysoil.org/benefits/.
[171] New Mexico Healthy Soil Working Group, "The Many Benefits of Healthy Soil."
[172] Elizabeth Creech, "Save Money on Fuel with No-Till Farming," Farmers.Gov, November 21, 2022, https://www.farmers.gov/blog/save-money-on-fuel-with-no-till-farming.
[173] New Mexico Environment Department, "Nutrient Assessment," 2025, https://www.env.nm.gov/surface-water-quality/nutrients/.
[174] Mark J. Kopecky, "Maximizing Biodiversity," *NM Healthy Soil Working Group*, June 27, 2021, https://www.nmhealthysoil.org/2021/06/27/maximizing-biodiversity/.
[175] New Mexico Healthy Soil Working Group, "The Many Benefits of Healthy Soil."
[176] John O. Idowu, "Tillage Management," New Mexico State University, 2024, https://icsmp.nmsu.edu/tillage.html.

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Public Health Benefits

- **Reduced exposure to health hazards stemming from excess nutrient loads in freshwater.** Excess nutrient loads can lead to the rapid development of toxic algae and macrophytes in freshwater systems.[177] Human exposure to dangerous algae and macrophytes can cause illnesses ranging from minor to serious. Healthy soils reduce nutrient runoff into water systems, reducing risks to public health from algae and macrophytes.
- **Reduced exposure to waterborne illnesses.** Harmful waterborne diseases and microorganisms are most commonly transmitted to New Mexico residents through drinking water and recreational water, such as lakes, streams, and swimming pools.[178] Though public drinking water treatment facilities and recreational pools are monitored for harmful contaminants such as waterborne illnesses and organisms, private wells and swimming pools may be inadequately monitored for health hazards. Healthy soil helps to filter out, trap, and break down harmful contaminants, preventing them from reaching water systems. Additionally, practices that reduce agricultural runoff help decrease pollutants originating from farm production that might otherwise enter private wells or recreational water.
- **Improved nutritional value of food.** Improved soil health is linked to more nutritious food and forage crops, supporting the health of people who consume the food.[179,180]
- **Secure access to healthy food.** Improving the health of agricultural soil creates more stable and resilient food systems thanks to healthy soil's ability to bolster crop health and guard against environmental hazards such as flooding and drought. Food and forage that are growing in healthy soil systems are more likely to withstand extreme weather events and disease.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $6.1 billion between 2026 and 2050.

LIDAC Benefits

This measure will primarily affect agricultural and working lands, which are largely located in rural areas. Rural areas are often, especially in New Mexico, considered LIDACs, as they face disproportionate economic and environmental challenges compared to urban areas. Additionally, rural areas have higher proportions of marginalized demographic groups and limited access to certain services—such as healthcare, transportation, and educational resources—compared to urban areas. Given that most agricultural and working lands are in rural areas, the CAP Team expects that identified benefits will tend to be distributed to LIDACs. Below, the CAP Team describe benefits that will particularly affect LIDACs.

- **Improved access to nutritious food.** Improvements to soil quality are linked to greater nutritional value of food crops and meat products.[181] LIDACs often face barriers to accessing

[177] New Mexico Environment Department, "Nutrient Assessment."
[178] NM Health, "Water Quality," 2025, https://www.nmhealth.org/about/erd/eheb/wqp/.
[179] New Mexico State University, "Soil Health," accessed September 23, 2025, https://icsmp.nmsu.edu/soil.html.
[180] New Mexico Healthy Soil Working Group, "The Many Benefits of Healthy Soil."
[181] David R. Montgomery et al., "Soil Health and Nutrient Density: Preliminary Comparison of Regenerative and Conventional Farming," *PeerJ* 10 (January 2022): e12848, https://doi.org/10.7717/peerj.12848.

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nutritious food, contributing to health disparities. Improving the nutritional value of food products will allow low-income and food-insecure groups to improve their nutritional intake without making changes to their dietary habits. Improving nutritional intake in LIDACs can mitigate the risk of chronic illnesses, which disproportionately affect members of LIDACs.[182,183] Decreased incidence of chronic illnesses improves residents' quality of life and decreases healthcare costs burdening LIDACs.

- **Protection from waterborne illness.** Nutrient filtration services provided by healthy soil reduce the frequency and severity of harmful algal blooms, preventing adverse health impacts and avoiding additional healthcare costs to LIDACs. Children and elderly people are especially at risk of adverse health impacts from harmful algal blooms.[184] Low-income people whose health is affected by harmful algal blooms may be at further risk of adverse health outcomes due to barriers to accessing healthcare services such as unreliable transportation or lack of health insurance.

Disbenefits

Potential disbenefits from this measure include:

- **Increased costs to agricultural producers.** Agricultural producers may face upfront costs and operational risks to implement new practices that require investing in specialized equipment or services. Additionally, some practices may require ongoing annual expenses. For example, agricultural producers may need to purchase seeds for cover crops on an ongoing basis or make additional passes over the fields. Establishing appropriate incentives programs will be essential for producer adoption of these strategies. The following measures in the AWF sector do not contribute additional GHG emission reductions as part of the implementation scenario.

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Increased costs to agricultural producers.** Agricultural producers may face upfront costs to implement new practices that necessitate investment in specialized equipment or services. Additionally, some practices may require ongoing annual expenses. For example, agricultural producers may need to purchase seeds for cover crops on an ongoing basis or make additional passes over the fields. The CAP Team expects that increased expenses experienced by producers may be outweighed by increased yields and available incentive programs. The establishment of

[182] U.S. Department of Health and Human Services, "Access to Foods That Support Healthy Dietary Patterns," Healthy People 2030, 2025, https://odphp.health.gov/healthypeople/priority-areas/social-determinants-health/literature-summaries/access-foods-support-healthy-dietary-patterns#:~:text=Consistent%20evidence%20demonstrates%20that%20a,children%20and%20adolescents%20as%20well.

[183] Shayla N. M. Durfey et al., "Neighborhood Disadvantage and Chronic Disease Management," *Health Services Research* 54, no. Suppl 1 (2019): 206–16, https://doi.org/10.1111/1475-6773.13092.

[184] National Institute of Environmental Sciences, "Algal Blooms," National Institute of Environmental Health Sciences, March 28, 2025, https://www.niehs.nih.gov/health/topics/agents/algal-blooms.

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carbon markets could also offset increased costs of practices that increase carbon sequestration.

Additional Measures That Do Not Contribute Additional GHG Emission Reductions as Part of the Implementation Scenario

The following measures in the AFW sector do not contribute additional GHG emission reductions as part of the implementation scenario. Table 49 provides additional details about these measures.

Table 49. Measures in the AFW Sector That Do Not Contribute Additional GHG Emission Reductions as Part of the Implementation Scenario

Measure	Rationale for Not Including GHG Emissions as Part of Total Reductions Presented in the Implementation Scenario
Measure AFW-2: Restore and Conserve Natural and Working Lands	Emissions from the natural and working lands sector are not included in New Mexico's baseline emissions inventory.
Measure AFW-3: Increase Urban Canopies by 5% by 2040	Emissions from the natural and working lands sector are not included in New Mexico's baseline emissions inventory.
Measure AFW-4: Reduce and Mitigate Wildfires	
Measure AFW-5: Reduce Greenhouse Gases from Food Systems	Emissions from food systems are not part of New Mexico's baseline emissions inventory.

Measure AFW-2: Restore and Conserve Natural and Working Lands

This measure incorporates landscape-scale restoration that supports native plant communities, carbon storage, and drought mitigation on natural and working lands. This restoration includes planting permanent vegetative cover on abandoned and currently mined lands and highly disturbed areas, such as brownfields.

Implementation Authority and Responsibilities

All the agencies on the State's 30 by 30 Committee will have responsibility to implement this measure.

New Mexico EO 2021-052 names seven agencies, including EMNRD and NMDA, to constitute the 30 by 30 Committee. 30 by 30 agencies administer several programs that retore and conserve natural and working lands, several of which receive regular funding from the Land of Enchantment Legacy (LOE) Fund. These programs include the Forest and Watershed Restoration Act (EMNRD), the Natural Heritage Conservation Act (EMNRD), the Healthy Soil Act (NMDA), Noxious Weed Management (NMDA), support for Soil and Water Conservation Districts (NMDA), the Outdoor Reclamation and Wildlife Conservation Acts (DGF), and the River Stewardship Programs (NMED).

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Implementation Timeline and Milestones

Applicable agencies will implement Measure AFW-2 from 2028 through 2040 by growing LOE-funded programs. New Mexico expects to restore 200 acres of disturbed lands every three years. Table 50 outlines the anticipated implementation timeline and milestones for Measure AFW-2.

Table 50. Measure AFW-2 Implementation Timeline and Milestones

Timeline	Milestones
2028	Begin work restoring lands by establishing durable conservation protections and/or planting permanent vegetative cover.
2040	Reach restoration of lands goal of 10,000 acres.

Metrics for Tracking Progress

NMDA and EMNRD will track progress for Measure AFW-2 by collecting data on conservation and restoration projects completed through Land of Enchantment Legacy Fund Program, including acreage treated. Agencies will select this and other metrics to provide transparency, demonstrate economic and environmental outcomes, and communicate meaningful results to stakeholders, including local communities and policymakers.



Apache plume. Photo Credit: iStock.

Quantified Emission Reductions

The CAP Team estimated emission reductions from Measure AFW-2 in COMET-Planner based on an analysis of the projected restored acres of abandoned and currently mined lands and of highly disturbed areas.[185] Reductions from Measure AFW-2 are not included in the cumulative reductions because natural and working land emissions are not included in the net GHG inventory total.

COMET-Planner was designed by Colorado State University in partnership with USDA and the Natural Resource Conservation Service. The CAP Team largely derived emission reduction coefficients using a sample-based approach and model runs in COMET-Farm, which uses USDA entity-scale GHG inventory methods. Coefficients were generalized by multicounty regions defined by USDA Major Land Resource Areas. Emissions estimates represent field emissions only, including those associated with soils and woody biomass as appropriate, and do not include off-site emissions, such as those from

[185] "COMET-Planner."

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transportation, manufacturing, or processing. The COMET-Planner Report contains more information on quantification methods.[186]

The CAP Team quantified reductions for both near-term (2030) and long-term (2050) targets, held constant all costs assumptions over the analysis period, and did not incorporate inflation. Table 51 outlines the quantified emission reductions for Measure AFW-2.

Table 51. Measure AFW-2 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	2,097.2	10,485.8	178,258.6
CH_4	N/A	N/A	N/A
N_2O	N/A	N/A	N/A
CO_2e	2,097.2	10,485.8	178,258.6
Other Pollutants			
CO	N/A	N/A	Not Calculated
NO_x	N/A	N/A	Not Calculated
SO_2	N/A	N/A	Not Calculated
VOCs	N/A	N/A	Not Calculated
PM_{10}	N/A	N/A	Not Calculated
$PM_{2.5}$	N/A	N/A	Not Calculated

Measure Costs

The CAP Team estimates the total implementation cost for Measure AFW-2 is approximately $50 million over 12 years. The CAP Team estimated capital costs based on a 2013 study by EMNRD.[187] These costs represent the financial commitment of the state of New Mexico and do not account for contributions or expenditures by private entities, utilities, or other partners.

In addition to direct project funding, administering this measure will require a commitment equivalent to 0.5 FTEs from the state of New Mexico over a 20-year period. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. The CAP Team has assumed these costs to be separate from the $49 million funding allocation.

Table 52 presents the estimated implementation costs for Measure AFW-2. All costs are presented in current-year dollars and do not account for future inflation.

[186] *COMET-Planner: Carbon and Greenhouse Gas Evaluation for NRCS Conservation Practice Planning*.
[187] New Mexico Energy, Minerals, and Natural Resources Department, "Guidance for Estimating Reclamation Costs for Part 3 - Minimal Impact Exploration and Minimal Impact Mining and Part 4 - Regular Exploration Permit Applications," 2013, https://www.emnrd.nm.gov/mmd/wp-content/uploads/sites/5/MMD_Part3FAGuidelines_Sept2013.pdf.

Table 52. Measure AFW-2 Cost Estimates

Cost Component	Estimated Implementation Cost
Capital costs	$49,004,000
Program/policy implementation and administration costs	$1,086,000
NM employees (multiple agencies)	*$1,086,000*
Total	**$50,090,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure AFW-2. (Appendix C provides details on these sources, organized by funding source number.)

- Abandoned Mine Land Program (Funding Source 5)
- Arbor Day Foundation (Funding Source 7)
- Brownfields Program (Funding Source 61)
- Brownfields Program: Revolving Loan Fund Grants (Funding Source 65)
- Brownfields Program: Job Training Grants (Funding Source 64)
- Brownfields Program: Assessment Grants (Funding Source 63)
- Bureau of Land Management Fuels Management and Community Fire Assistance Program (Funding Source 2)
- Community Benefit Fund (Funding Source 94)
- New Mexico Community Forestry Assistance Grant Program (Funding Source 6)
- New Mexico Land and Water Conservation Fund (LWCF) Program (Funding Source 4)
- Soil Carbon Monitoring and Research Network (Funding Source 14)
- U.S. Climate Alliance Technical Assistance Fund (Funding Source 55)
- USDA Conservation Reserve Program (Funding Source 9)
- USDA Environmental Quality Incentives Program (EQIP) (Funding Source 10)
- USFS Community Wildfire Defense Grants (Funding Source 1)
- USDA RCPP (Funding Source 11)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Landscape-scale restoration projects offer a variety of environmental and economic benefits stemming from soil systems improvement, water systems protection, and wildfire risk reduction.

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Economic Benefits

- **Job creation and revenue generation.** Restoration projects directly generate revenues and employment for New Mexico communities in sectors that support restoration work, including scientific, technical, and construction fields.[188]
- **Stimulates local spending.** In addition to the direct jobs and revenues generated by restoration projects, conservation and restoration also help promote long-term economic growth and development by stimulating spending on outdoor recreation and attracting business investments and new residents to New Mexico. In 2023, New Mexico's outdoor recreation industry supported 29,182 jobs and generated $3.2 billion in economic output.[189] Evidence also suggests that businesses and highly skilled workers often decide to locate in areas with high quality of life, such as areas with natural amenities.[190,191]
- **Improved productivity.** Improved soil quality supports improved crops and other agricultural production on agricultural and working lands.[192,193] Improved soil quality also protects plants from extreme weather, such as floods and drought, and supports the development of plants' natural resistance to disease and pests.[194] Finally, restoration projects help to reduce erosion, protecting farmland from degradation and ensuring long-term productivity.
- **Economic stability.** Disruptions to business operations due to dangerous conditions, such as wildfires and flooding, can result in major economic losses. For example, in 2022, claims related to business interruptions due to the Hermit's Creek/Calf Canyon wildfires totaled $1 million dollars.[195] Landscape-scale restoration projects help reduce the risk of natural disasters that can disrupt economic activity, including both wildfires and flooding events.

Environmental Benefits

- **Improved soil quality.** Native grasslands often have deep and extensive root systems that enhance soil structure and deposit valuable organic matter into soil systems, improving their fertility and water-holding capacity.[196] Additionally, restoration practices can help prevent erosion, thus preserving soil resources.
- **Watershed protection.** Landscape-scale restoration helps improve soil's water infiltration and retention. When native plants are incorporated into restoration efforts, they further improve

[188] Headwater Economics, "The Economic Benefits of Southern New Mexico's Natural Assets," 2010, https://headwaterseconomics.org/wp-content/uploads/NMreport_FINAL.pdf.
[189] Connor Franks et al., "Outdoor Recreation Satellite Account, U.S. and States, 2023," Bureau of Economic Analysis, 2023, https://www.bea.gov/sites/default/files/2024-11/orsa1124_0.pdf.
[190] Hyungjo Hur and Keumseok Koh, "Why and Where Do Highly Educated Workers Relocate? A National-Level Analysis across U.S. Census Regions," *Sustainability* 15, no. 2 (2023): 1423, https://doi.org/10.3390/su15021423.
[191] David Salvesen and Henry Renski, *The Importance of Quality of Life in the Location Decisions of New Economy Firms* (Center for Urban and Regional Studies, 2003), https://www.researchgate.net/publication/228494438_The_importance_of_quality_of_life_in_the_location_decisions_of_new_economy_firms.
[192] John Idowu et al., "Soil Health—Importance, Assessment, and Management," NM State, December 2019, https://pubs.nmsu.edu/_circulars/CR694B/.
[193] New Mexico Healthy Soil Working Group, "The Many Benefits of Healthy Soil."
[194] New Mexico Healthy Soil Working Group, "The Many Benefits of Healthy Soil."
[195] Strategic Technology Institute, Inc., *Hermit's Peak/Calf Canyon Fires: 2024 Actuarial Report of the Claim Liability Forecast Estimate* (Federal Emergency Management Agency, 2024), https://www.fema.gov/sites/default/files/documents/fema_hpcc_actuarial-report-of-hpcc-liability.pdf.
[196] Idowu et al., "Soil Health—Importance, Assessment, and Management."

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soil's nutrient and water uptake ability.[197] Water retention minimizes soil erosion, preventing sedimentation in rivers and reservoirs and allowing water to infiltrate underground aquifers. Nutrient retention prevents excess nutrients from entering water systems, where they can cause harmful algal blooms and eutrophication in surface waters.

- **Supports biodiversity**. Incorporating a diverse array of native species into natural and working lands restoration projects creates rich habitat for local pollinators, birds, and animals. Additionally, landscape-scale restoration projects help reduce erosion, protecting habitat for microorganisms that live in soil systems.
- **Improved stormwater management**. Landscape-scale restoration projects support healthy soil systems. Healthy soil acts like a sponge, absorbing stormwater. Stormwater absorption helps reduce the occurrence of minor environmentally disruptive events, such as excessive runoff from agricultural land and soil erosion, as well as major events such as floods.
- **Wildfire risk reduction.** Landscape-scale restoration projects help reduce the risk of wildfires, which pose severe risks to human health.[198] Uncontrolled wildfires can cause a host of negative environmental impacts, including air and water contamination and habitat destruction.

Public Health Benefits

- **Improved respiratory health.** Restoration projects support healthy soil systems, which help prevent dust storms. Dust storms create hazardous driving conditions and can greatly exacerbate health issues for individuals with respiratory conditions.[199]
- **Wildfire risk reduction.** Landscape-scale restoration projects help reduce the risk of wildfires, which pose severe risks to human health.[200] Wildfire prevention protects the public from risks to respiratory health, water contamination, burn injuries, and more.
- **Reduced exposure to health hazards stemming from excess nutrient loads in freshwater.** Landscape-scale restoration projects help to prevent excess nutrients from running off natural and working lands and entering water systems, where they pose risks to human health. Excess nutrient loads can lead to the rapid development of toxic algae and macrophytes in freshwater systems.[201] Human exposure to dangerous algae and macrophytes can cause illnesses ranging from minor to serious.
- **Reduced exposure to waterborne illnesses.** Harmful waterborne diseases and microorganisms are most commonly transmitted to New Mexico residents through exposure to contaminated surface water.[202] Inadequately monitored waters, often including private wells and swimming pools, may be at a higher risk of containing contaminants that cause waterborne illnesses. Restoration projects support healthy soil systems that filter out, trap, and break down harmful contaminants, preventing them from reaching water systems and protecting public health.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages

[197] Idowu et al., "Soil Health—Importance, Assessment, and Management."
[198] U.S. Forest Service, "Collaborative Forest Landscape Restoration Program 15-Year Accomplishment Report," January 2025, https://www.fs.usda.gov/sites/default/files/fs_media/fs_document/CFLRP-15-year-report.pdf.
[199] Idowu et al., "Soil Health—Importance, Assessment, and Management."
[200] U.S. Forest Service, "Collaborative Forest Landscape Restoration Program 15-Year Accomplishment Report."
[201] New Mexico Environment Department, "Nutrient Assessment."
[202] NM Health, "Water Quality."

such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $5.8 million between 2026 and 2050.

LIDAC Benefits

Landscape-scale restoration projects will be implemented on agricultural and working lands, which again are typically located in areas considered to be LIDACs. Below, the CAP Team describes benefits that will particularly affect these communities. Rural economic stimulus. Historically, rural economies have relied on traditional industry sectors, including agriculture, manufacturing, and mining, many of which have offered shrinking numbers of jobs over the last two decades in the United States. Landscape-scale land restoration projects will directly create new jobs in less traditional industry sectors including scientific, technical, and construction fields.

- **Improvements in rural quality of life.** Landscape-scale land restoration projects will create long-term natural amenities, mostly in low-income rural areas. Natural amenities help to raise community wellbeing by improving mood, encouraging physical activity, and providing recreational opportunities to residents.[203] Natural amenities also help to increase property values and attract new residents and businesses, boosting economic prosperity in rural areas.
- **Wildfire prevention and mitigation measures disproportionately affect poor communities.** Landscape-scale restoration projects help to reduce the risk of dangerous wildfires by reducing vegetative overcrowding in forests.[204] Research suggests that lower income communities in the western United States are at the greatest risk of experiencing a wildfire.[205] Given the elevated risks for low-income areas, prevention and mitigation of wildfire will likely disproportionately benefit these vulnerable populations.
- **Protection from flooding events in vulnerable communities.** LIDACs tend to have greater exposure to flooding events and are disproportionately affected by the negative effects of flooding in the short and long terms.[206] Landscape-scale restoration projects help to improve stormwater management, reducing the risk of dangerous flooding events and protecting LIDACs from flooding events.

Disbenefits

Potential disbenefits from this measure include:

- **Implementation costs.** Landscape-scale restoration implementation will impose additional costs on landowners. Costs will vary depending on the practices implemented, acreage covered, and unique geographic properties. Despite the costs associated with landscape-scale restoration projects, the benefits of implementation are often much higher. Establishing carbon markets could provide additional opportunities to offset implementation costs.
- **Uncertain outcomes.** Landscape-scale restoration projects may vary in effectiveness depending on geographic location and climate conditions. Though some conditions, like rainfall, are difficult to plan for, NMED will work to support New Mexico communities in project planning to prioritize

[203] Marcia P. Jimenez et al., "Associations between Nature Exposure and Health: A Review of the Evidence," *International Journal of Environmental Research and Public Health* 18, no. 9 (2021): 4790, https://doi.org/10.3390/ijerph18094790.
[204] U.S. Forest Service, "Collaborative Forest Landscape Restoration Program 15-Year Accomplishment Report."
[205] Matthew Robert Auer and Benjamin Evan Hexamer, "Income and Insurability as Factors in Wildfire Risk," *Forests* 13, no. 7 (2022): 1130, https://doi.org/10.3390/f13071130.
[206] Chris Smith, "The Unequal Impacts of Flooding," *Headwaters Economics*, October 2, 2023, https://headwaterseconomics.org/natural-hazards/unequal-impacts-of-flooding/.

implementing projects with high chances of success through utilizing data-driven site-selection and prioritization, community-focused collaborative planning, and adaptive management and monitoring.

- **Strain on local resources.** Landscape-scale restoration requires skilled workers, specialized tools, and complex coordination. Some New Mexico communities, especially in rural or low-income areas, may have limited resources to implement restoration plans. NMDA will help support implementation by working with communities to connect them to technical and financial resources.

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Costs associated with restoration projects.** Given that most natural and working lands are in rural areas, which are typically low-income, cost burdens associated with landscape-scale restoration projects may fall disproportionately on LIDACs. NMED will work to connect LIDACs with support services, including technical support and financial resources. The establishment of carbon markets could offset the costs of restoration projects that sequester carbon.
- **Limits to land resources.** Land set aside for landscape-scale restoration work is likely to be located primarily in rural areas, which are typically low-income compared to urban communities. Land set aside for restoration work may have limited availability for other uses or further development. NMED will help to support LIDACs in prioritizing appropriate land parcels for development. Additionally, we expect benefits associated with land restoration to outweigh limitations associated with land restoration.

Measure AFW-3: Increase Urban Canopies by 5% by 2040

This measure reduces GHGs by expanding urban canopies. Tree planting programs in urban areas increase carbon sequestration capacity, decrease energy demand, and increase quality of life, while prioritizing lower income and disadvantaged communities. This measure would expand volunteer planting programs in urban communities.

Implementation Authority and Responsibilities

EMNRD will be the lead implementing agency for this measure. The New Mexico State Forestry Division is established within EMNRD by NMSA 1978, Section 9-51-3 (A)(3), and is tasked with enforcing and administering laws and regulations relating to forestry on lands within the state by NMSA 1978, Section 9-5A-4 (C). The director of the Forestry Division is the State Forester, pursuant to the state's Forest Conservation Act at NMSA 1978, Section 68-2-3. The Forestry Division of EMNRD is "responsible for the conservation of forests and forest resources and the prevention and suppression of forest fires on all nonfederal, nonmunicipal lands in the state" pursuant to NMSA 1978, Section 68-2-8 (A). The Forest Conservation Act also authorizes the Forestry Division to *conduct urban and community forestry and establish and support nurseries.*

Implementation Timeline and Milestones

EMNRD will implement this measure from 2027 through 2040 by consistent investment in urban tree planting programs, program administration, and program development through outreach, education, and organizational assistance. New Mexico expects to plant 4.2 million trees by 2040 with a focus on climate-ready trees best adapted to thrive in distinct regions within the State. This analysis measures

the benefits through 2050 of tree plantings occurring from 2027 to 2040; planting activities could continue past 2040. Table 53 outlines the anticipated implementation timeline and milestones for Measure AFW-3.

Table 53. Measure AFW-3 Implementation Timeline and Milestones

Timeline	Milestones
2027	Begin planting program.
2040	4.2 million trees planted in urban areas.

Metrics for Tracking Progress

EMNRD will track progress for Measure AFW-3 using indicators such as the number of trees planted and the total area of urban tree canopy. EMNRD will select metrics to provide transparency, demonstrate economic and environmental outcomes, and communicate meaningful results to stakeholders, including local communities and policymakers.

Quantified Emission Reductions

The CAP Team estimated emission reductions from Measure AFW-3 based on the planting of trees in urban areas (open space and low-, medium-, and high-intensity developed areas) as defined by i-Tree Landscape.[207] The CAP Team assumed that emission reductions from this measure would include the carbon sequestered and removed, as well as the resulting avoided GHG and co-pollutant emissions. Emission reduction calculation methods are continuously improving and include uncertainty. Reductions from Measure AFW-3 are not included in the cumulative reductions because natural and working land emissions are not included in the net GHG inventory total.



Urban canopy in Albuquerque. Photo Credit: iStock.

The CAP Team developed emission reduction estimates by using the USFS i-Tree Planting Tool[208] to model sequestered and avoided emissions from planting trees in urban areas. Total annual plantings were grouped in urban open space and low-, medium-, and high-intensity developed areas. Developed area trees were further evenly split into trees planted on the north, south, east, or west sides of buildings to model the varied effects of shading on buildings and the associated changes in building energy use. All urban trees were assumed to be planted 0–59 feet from the nearest building, while open space trees were assumed to be planted greater than 60 feet from the nearest building. The CAP Team assumed pinyon pines, ponderosa pines, and multiple juniper species would be planted in equal amounts. The CAP Team quantified reductions for both near-term (2030) and long-term (2050) targets,

[207] "Data - References - i-Tree Landscape," I-Tree Landscape, accessed September 21, 2025, https://landscape.itreetools.org/references/data/.
[208] "Home - i-Tree Planting Calculator," accessed September 21, 2025, https://planting.itreetools.org/.

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held constant all costs over the analysis period, and did not incorporate inflation. Table 54 outlines the quantified emission reductions for Measure AFW-3 as compared to BAU emissions.

Table 54. Measure AFW-3 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	28,342.7	1,266,955.7	10,140,422.0
CH_4	N/A	N/A	N/A
N_2O	N/A	N/A	N/A
CO_2e	28,342.7	1,266,955.7	10,140,422.0
Other Pollutants			
CO	N/A	N/A	Not Calculated
NO_x	3.5	175.6	Not Calculated
SO_2	0.5	25.2	Not Calculated
VOCs	N/A	N/A	Not Calculated
PM_{10}	N/A	N/A	Not Calculated
$PM_{2.5}$	0.5	28.1	Not Calculated

Measure Costs

The CAP Team estimates the total implementation cost for Measure AFW-3 is approximately $90.5 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners. Funding is assumed to be provided at $5.6 million annually over a 20-year period for planting trees and for the administration costs of supporting 3 FTEs from the state of New Mexico over the same period to administer the measure. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. The CAP Team has assumed these administrative costs to be separate from the $5.6 million annual funding allocation.

Table 55 presents the estimated implementation costs for Measure AFW-3. All costs are presented in current-year dollars and do not account for future inflation.

Table 55. Measure AFW-3 Cost Estimates

Cost Component	Estimated Implementation Cost
Capital costs	$84,000,000
Program/policy implementation and administration costs	$6,516,000
EMNRD employees	*$6,516,000*

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Cost Component	Estimated Implementation Cost
Total	**$90,516,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure AFW-3. (Appendix C provides details on these sources, organized by funding source number.)

- USDA RCPP (Funding Source 11)
- U.S. Climate Alliance Technical Assistance Fund (Funding Source 55)
- LWCF Program (Funding Source 4)
- New Mexico Community Forestry Assistance Grant Program (Funding Source 6)
- Arbor Day Foundation (Funding Source 7)
- Community Benefit Fund (Funding Source 94)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Urban forests beautify cities while also providing a host of economic, environmental, and public health benefits.

Economic Benefits

- **Job creation.** Expanding urban forests would create jobs in tree planting, maintenance, and landscaping. Growth in these sectors would also indirectly stimulate additional economic expansion by creating demand for goods and services in supporting sectors, such as firms that provide tools and equipment for landscaping.
- **Decreased energy costs.** Tree canopies provide cooling shade that lowers surrounding temperatures and reduces local demand for cooling measures such as air conditioning and fans, reducing household costs related to cooling. Evidence suggests that urban green spaces, such as forests, can reduce the energy demand of nearby buildings by up to 10%.[209]
- **Increased property values.** Properties located near tree-lined streets or green spaces like parks often see a boost to their values. One recent study found that homes adjacent to parks may see an increase in property value of up to 10%.[210]
- **Boost to local businesses.** Trees provide shade to streets, making them more walkable and attractive. Businesses located along tree-lined streets may see increased foot traffic compared to unshaded streets, which could result in more sales.
- **Stormwater management.** Trees intercept and absorb excess stormwater. They also filter fertilizers, pesticides, animal waste, and other pollutants from stormwater runoff.[211] Trees'

[209] Sijie Zhu et al., "Numerical Simulation to Assess the Impact of Urban Green Infrastructure on Building Energy Use: A Review," *Building and Environment* 228 (January 2023): 109832, https://doi.org/10.1016/j.buildenv.2022.109832.
[210] John L. Crompton and Sarah Nicholls, "Impact on Property Values of Distance to Parks and Open Spaces: An Update of U.S. Studies in the New Millennium," *Journal of Leisure Research* 51, no. 2 (2020): 127–46, https://doi.org/10.1080/00222216.2019.1637704.
[211] U.S. Environmental Protection Agency, "Benefits of Trees and Vegetation," Overviews and Factsheets, March 29, 2024, https://www.epa.gov/heatislands/benefits-trees-and-vegetation.

absorption of excess stormwater and water filtration services reduces the need of communities to invest in costly urban drainage systems and lowers the risk of damaging flooding events.[212]

- **Increased energy resilience.** Urban canopies help mitigate the effects of extreme weather, such as flooding events and heat waves, decreasing strains on and damages to energy infrastructure.

Environmental Benefits

- **Increased green space.** Tree canopies provide habitat for many species, including birds, small mammals, and insects. Increasing tree canopies supports biodiversity and ecological functions.
- **Improved air quality and decreased GHG emissions.** Trees decrease the demand for energy used for cooling, thereby decreasing the production of associated air pollutants.[213] Additionally, airborne pollutants such as PM, NO_x, and SO_2 sometimes deposit onto tree leaves, which remove the pollutants from the air that is in circulation. Evidence suggests that tall and dense vegetation, such as stands of trees, can decrease downwind air pollutants by around 30%.[214]
- **Increased aesthetics.** Urban trees and forests improve quality of life by contributing to improved aesthetics in urban communities. These green spaces support a sense of beauty and serenity among community members and visitors.
- **Temperature regulation.** Tree canopies provide cooling shade that lowers surrounding temperatures. One review of 308 studies suggested urban forests are, on average, about 3 degrees Fahrenheit cooler than non-green urban spaces.[215] Cooling tree canopies buffer ecosystems against extreme heat, which can put stress on local vegetation and animals, even displacing certain species.[216,217]
- **Water quality improvements.** Trees and vegetation absorb and filter excess stormwater and runoff, resulting in improved water quality. Urban trees filter fertilizers, pesticides, animal waste, and other pollutants from stormwater runoff.[218]
- **Noise pollution reductions.** Chronic exposure to noisy environments can result in sleep disturbances, stress, high blood pressure, and even cardiovascular disease. Additionally, noise pollution can affect ecosystems by disrupting communication and behaviors within wild species. Urban trees help to absorb, deflect, and scatter sound waves, lessening the impacts of noise pollution.

[212] U.S. Environmental Protection Agency, "Using Trees and Vegetation to Reduce Heat Islands," Overviews and Factsheets, 2016, https://19january2017snapshot.epa.gov/heat-islands/using-trees-and-vegetation-reduce-heat-islands.
[213] U.S. Environmental Protection Agency, "Using Trees and Vegetation to Reduce Heat Islands."
[214] Parikshit Deshmukh et al., "The Effects of Roadside Vegetation Characteristics on Local, Near-Road Air Quality," *Air Quality, Atmosphere & Health* 12, no. 3 (2019): 259–70, https://doi.org/10.1007/s11869-018-0651-8.
[215] Teri Knight et al., "How Effective Is 'Greening' of Urban Areas in Reducing Human Exposure to Ground-Level Ozone Concentrations, UV Exposure and the 'Urban Heat Island Effect'? An Updated Systematic Review," *Environmental Evidence* 10, no. 1 (2021): 12, https://doi.org/10.1186/s13750-021-00226-y.
[216] Quezia Ramalho et al., "Evidence of Stronger Range Shift Response to Ongoing Climate Change by Ectotherms and High-Latitude Species," *Biological Conservation* 279 (March 2023): 109911, https://doi.org/10.1016/j.biocon.2023.109911.
[217] Jim Robbins, "With Temperatures Rising, Can Animals Survive the Heat Stress?," Yale School of the Environment, March 19, 2020, https://e360.yale.edu/features/with-temperatures-rising-can-animals-survive-the-heat-stress.
[218] U.S. Environmental Protection Agency, "Benefits of Trees and Vegetation."

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Public Health Benefits

- **Public and community health.** Green spaces create opportunities for community members to engage in physical activity. Additionally, evidence suggests that interacting with natural spaces reduces blood pressure, lowers heart rate, and improves immune system function.[219]
- **Improved respiratory health.** Trees improve air quality, lowering incidence and severity of respiratory illnesses, such as asthma, and cardiovascular disease, that are exacerbated by air pollutants.
- **Heat stress reduction.** Tree canopies cool communities through their shade and evapotranspiration, which lower surrounding surface and air temperatures and decrease the effects of heat-induced illnesses on community members. Evapotranspiration, in combination with shading, can reduce peak summer temperatures by up to 9 degrees Fahrenheit.[220] Urban tree cover is linked to reduced mortality from heat stress.
- **Improved mental health.** Access to natural spaces is linked to reduced stress and improved mental health. Studies suggest exposure to forests can lower measures of anxiety, depression, anger, confusion, and fatigue, as well as decreasing mental health complaints.[221]
- **Reduced exposure to the hazards related to flooding.** Urban trees and forests help mitigate the effects of flooding events thanks to trees' ability to absorb excess stormwater. Reduced flooding incidence and severity reduces the likelihood community members will be injured during a flood or contract waterborne illnesses due to exposure to floodwater.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $3.4 billion between 2026 and 2050.

LIDAC Benefits

The urban greening initiative intends to prioritize LIDACs. Given this prioritization, the CAP Team expects that many of the benefits described in this measure's associated benefits analysis will be allocated primarily to LIDACs in urban parts of the state and main streets and town centers in less populated areas. Below, we describe benefits that we expect will disproportionately affect LIDACs.

- **Air pollutant emission reductions.** LIDACs are often located near major roads, industrial zones, and other sources of air pollution emissions and their populations are disproportionately affected by air pollution.[222] Urban trees help to remove pollutants from air circulation, protecting LIDACs from the negative impacts of air pollution on public and environmental health.

[219] Carlos Cobreros et al., "Improving Psychological Well-Being in Urban University Districts through Biophilic Design: Two Cases in Mexico," *Sustainability* 15, no. 7 (2023): 5703, https://doi.org/10.3390/su15075703.
[220] U.S. Environmental Protection Agency, "Using Trees and Vegetation to Reduce Heat Islands."
[221] Kathleen L. Wolf et al., "Urban Trees and Human Health: A Scoping Review," *International Journal of Environmental Research and Public Health* 17, no. 12 (2020): 4371, https://doi.org/10.3390/ijerph17124371.
[222] American Lung Association, "Disparities in the Impact of Air Pollution."

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- **Heat relief.** Research suggests that LIDACs often have less vegetation and experience hotter temperatures than non-LIDAC communities.[223] Furthermore, LIDAC residents often have limited access to air conditioning. Tree canopies provide cooling through canopy shade and evapotranspiration, limiting the need for costly cooling measures like air conditioning and protecting LIDAC residents from health effects related to heat.
- **Improved stormwater management.** LIDACs may have outdated or insufficient infrastructure in place to manage stormwater. This increases the risk of flooding, which can threaten public health, damage properties, and disrupt economic activities. LIDACs are more likely to be exposed to flooding and are disproportionately affected by flooding in the short and long terms.[224,225]
- **Improvement of mental and physical health.** LIDAC residents report experiencing physical and mental health benefits from spending time outdoors in green spaces, but they also often report having limited access to safe, easily accessible, and desirable green spaces.[226] Expanding urban canopies in LIDACs will improve these communities' ability to connect with nature and get the associated mental and physical health benefits.
- **Property value and community investment.** LIDACs often grapple with low property values and disinvestment. Proximity to green spaces typically increases property values, which can increase local tax revenues and allow LIDCAs to expand local services. Additionally, shade provided by tree canopies can improve walkability and attractiveness of streets. Businesses along tree-lined streets may see increased sales due to foot traffic, boosting revenues and attracting outside investment.

Disbenefits

No Statewide disbenefits were identified by the CAP Team.

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Green gentrification.** Despite urban canopies being linked to many economic, environmental, and health benefits, they can also be drivers of "green gentrification." Green gentrification is a sociocultural phenomenon in which green initiatives increase the attractiveness of LIDACs, setting in motion market forces that lead to substantial renovations and contribute to increases in housing prices that ultimately displace the low-income residents the green initiatives were intended to benefit. Marginalized long-time residents of communities experiencing green gentrification report feeling a lower sense of community, a diminished sense of belonging in green spaces, and lesser use of green spaces compared to newcomers to the community.[227] Green gentrification can be mitigated by implementation of local policies aimed at combating

[223] Bev Wilson, "Urban Heat Management and the Legacy of Redlining," *Journal of the American Planning Association* 86, no. 4 (2020): 443–57, https://doi.org/10.1080/01944363.2020.1759127.
[224] Eric Tate et al., "Flood Exposure and Social Vulnerability in the United States," *Natural Hazards* 106, no. 1 (2021): 435–57, https://doi.org/10.1007/s11069-020-04470-2.
[225] Susan L. Cutter et al., "Social Vulnerability to Environmental Hazards," *Social Science Quarterly* 84, no. 2 (2003): 242–61, https://doi.org/10.1111/1540-6237.8402002.
[226] Justine S. Sefcik et al., "Perceptions of Nature and Access to Green Space in Four Urban Neighborhoods," *International Journal of Environmental Research and Public Health* 16, no. 13 (2019): 2313, https://doi.org/10.3390/ijerph16132313.
[227] Na'Taki Osborne Jelks et al., "Green Gentrification and Health: A Scoping Review," *International Journal of Environmental Research and Public Health* 18, no. 3 (2021): 907, https://doi.org/10.3390/ijerph18030907.

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displacement. Additionally, the introduction of additional greenery will help to ease disparities in access to natural spaces in low-income communities.[228]

Measure AFW-4: Reduce and Mitigate Wildfires

This measure works to undertake landscape-scale wildfire reduction and mitigation in high-risk and high-priority areas in forests and watersheds throughout New Mexico. Activities including fuel reduction, controlled burns, pest management, reforestation projects, and biomass utilization enhance forest resiliency against wildfires, pests, and diseases and promote carbon sequestration in forest ecosystems. Management strategies that support fire-adapted forests can combat the increased the risk of high severity fires from the history of fire suppression and climate change.

Implementation Authority and Responsibilities

EMNRD will be the lead implementing agency for this measure. The New Mexico State Forestry Division is established within EMNRD by NMSA 1978, Section 9-51-3 (A)(3), and is tasked with enforcing and administering laws and regulations relating to forestry on lands within the state by NMSA 1978, Section 9-5A-4(C). The director of the Forestry Division is the State Forester, pursuant to the state's Forest Conservation Act at NMSA 1978, Section 68-2-3, and the Forestry Division of EMNRD is "responsible for the conservation of forests and forest resources and the prevention and suppression of forest fires on all nonfederal, nonmunicipal lands in the state," pursuant to NMSA 1978, Section 68-2-8(A). The Forest Conservation Act also authorizes the Forestry Division to:

"(1) conserve forests and forest resources;
(2) maintain and improve forest health;
(3) prevent, control and suppress forest fires;
(4) conduct forest fire suppression rehabilitation and repair;
(5) conduct post-fire slope stabilization, erosion control, riparian restoration, seeding and reforestation of burned areas;
(6) research forestry and forest fires;
(7) prescribe uses of fires;
(8) conduct urban and community forestry;
(9) establish and support nurseries;
(10) furnish forestry and forest fire-related technical advice to the people of the state, including technical advice and projects related to the mitigation of or adaptation to changing climatic conditions; and
(11) provide financial, technical and related assistance to local governments to organize, train and equip local firefighters to prevent, control and suppress forest fires threatening the natural resources of rural forest areas or communities."

NMSA 1978, Section 68-2-8 (A)(1)-(11). NMDA provides indirect support through administration of its grant programs, including:

- NMDA's Noxious Weed Management Grant, enabled by Noxious Weed Management Act.

[228] Jenny Rowland-Shea et al., "Confronting Racial and Economic Disparities in the Destruction and Protection of Nature in America," Center for American Progress, 2020, https://www.americanprogress.org/article/the-nature-gap/.

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- NMSA 1978, Sections 76-7D-1 to 76-7D-6.
- NMDA's District Opportunities Grant, enabled by the Soil and Water Conservation District Act.
- NMSA 1978, Sections 73-20-25 through 73-20-48.
- NMDA's support is informal and does not require authorities.

Implementation Timeline and Milestones

EMNRD will implement this measure from 2026 through 2050, with the expansion of forest management activities that New Mexico has previously engaged in.

Metrics for Tracking Progress

EMNRD will track progress for Measure AFW-4 using indicators such as forest health, intensity of wildfires, forest density, and acres of forest burned from wildfires. EMNRD will collect data annually from grantees and relevant agencies, with responsibilities clearly assigned to ensure consistency and long-term availability. EMNRD will select metrics to provide transparency, demonstrate economic and environmental outcomes, and communicate meaningful results to stakeholders, including local communities and policymakers.

Quantified Emission Reductions

The CAP Team calculated N_2O and CH_4 emission reductions from Measure AFW-4 but did not include them in the total estimated reductions because natural and working land emissions are not included in the net GHG inventory total. CO_2 forest fire emission data has a high level of uncertainty and was not calculated, which is consistent with the New Mexico GHG emissions inventory.



Wildfires in the Organ Mountains of New Mexico. Photo Credit: iStock.

The CAP Team estimated N_2O and CH_4 emission reductions using the 2022 Midnight Fire in New Mexico as a case study for the success of forest management practices in reducing the fire severity and impact of naturally caused wildfires.[229] This measure assumes improved forest management activities would decrease the wildfire severity from high to low for one-third of the area of impact, which is projected to have an emission reduction of 19%. The forest management practices included in this measure can reduce the severity of wildfires[230] and allow for improved carbon sequestration.[231] The total benefits of this measure could not be

[229] Caballero-Reynolds, Marci, "Fire Management: Thinning, Prescribed Fire, and Managing Wildfire for Resource Benefit Reduce Severity of the Midnight Fire," U.S. Fish and Wildlife Service, September 2024, https://www.fws.gov/sites/default/files/documents/2024-10/thinning-prescribed-fire-and-managing-wildfire-for-resource-benefit-reduces-severity-of-the-midnight-fire_final-1.pdf.

[230] Kimberley T. Davis et al., "Tamm Review: A Meta-Analysis of Thinning, Prescribed Fire, and Wildfire Effects on Subsequent Wildfire Severity in Conifer Dominated Forests of the Western US," *Forest Ecology and Management* 561 (June 2024): 121885, https://doi.org/10.1016/j.foreco.2024.121885.

[231] Ethan Yackulic et al., "Rising from the Ashes: Treatments Stabilize Carbon Storage in California's Frequent-Fire Forests," *Frontiers in Forests and Global Change* 8 (September 2025), https://doi.org/10.3389/ffgc.2025.1498430.

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accurately captured in an emissions analysis due to the high level of uncertainty in forest emission calculations.

Table 56. Measure AFW-4 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	Not Calculated	Not Calculated	Not Calculated
CH_4	4,595.2	4,595.2	105,689.4
N_2O	298.7	298.7	6,869.7
CO_2e	207,816.1	207,816.1	4,779,769.9
Other Pollutants			
CO	Not Calculated	Not Calculated	Not Calculated
NO_x	Not Calculated	Not Calculated	Not Calculated
SO_2	Not Calculated	Not Calculated	Not Calculated
VOCs	Not Calculated	Not Calculated	Not Calculated
PM_{10}	Not Calculated	Not Calculated	Not Calculated
$PM_{2.5}$	Not Calculated	Not Calculated	Not Calculated

Measure Costs

The CAP Team did not estimate costs associated with Measure AFW-4. It is expected that the current activities under the current New Mexico Forestry Division budget for forest management would produce this measure's emission reductions.

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure AFW-4. (Appendix C provides details on these sources, organized by funding source number.)

- Advanced Energy Project Credit (Funding Source 21)
- Solid Waste Infrastructure for Recycling Grants (Funding Source 87)
- Solid Waste Management Grants (Funding Source 88)
- Recycling and Illegal Dumping Fund (Funding Source 89)
- Rural Infrastructure Revolving Loan Program (Funding Source 91)
- Clean and Beautiful Program (Funding Source 92)
- W.K. Kellogg Foundation's Good Food, Strong and Equitable Food Systems (Funding Source 16)
- COMET-Farm (Funding Source 15)
- USDA Local Agriculture Market Program (LAMP) (Funding Source 12)
- USDA Rural Energy for America Program (REAP) (Funding Source 32)
- USDA RCPP (Funding Source 11)
- USDA EQIP (Funding Source 10)
- Community Benefit Fund (Funding Source 94)

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- Western Sustainable Agriculture Research and Education Program (Funding Source 56)
- NMDA Healthy Soil Program (Funding Source 8)
- NMDA Noxious Weed Management Grant (Funding Source 96)
- NM Finance Authority's Water Trust Board (WTB) Water Project Fund (Funding Source 97)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Landscape-scale wildfire reduction and mitigation practices—in combination with initiatives to enhance forest resilience against wildfires, pests, and diseases— can positively contribute to protection of New Mexico communities from costly and dangerous wildfires that affect forest ecosystems.

Economic Benefits

- **Cost savings related to fire prevention and suppression.** Wildfire suppression is costly. In 2024, the Indios and Blue 2 wildfires burned over 20 square miles of New Mexico land and cost over $28 million to control.[232] Expanding fuel reduction, prescribed burns, and fire management planning across landscapes prevents wildfires, reducing the need for costly fire suppression measures.
- **Protection of infrastructure and property.** Wildfires can cause extensive damage to valuable infrastructure and property. Claim losses related to home and building repairs, replacement, and outdoor infrastructure due to damages from the 2022 Hermit's Creek/Calf Canyon wildfires totaled $771 million.[233] Claims related to government infrastructure and projects totaled an additional $273 million, while vehicles and equipment totaled $75 million. Measures that reduce the frequency and severity of wildfires and mitigate damages will help reduce cost burdens associated with repairing and replacing costly infrastructure and property damaged or destroyed by wildfires.
- **Reduced water supply and storage costs.** Loss of vegetation and changes to soil properties due to wildfires can lead to substantial deposits of sediments and debris in drinking water reservoirs, increasing costs related to water treatment, reduced water supply capacity, debris and sediment removal, and erosion control measures.[234] Recent research suggests costs associated with water supply damage could equal or exceed the direct costs of wildfires (e.g., destruction of property and natural resources).[235]
- **Job creation.** Implementing landscape-scale wildfire reduction and mitigation measures in high-risk and high-priority areas in forests and watersheds throughout New Mexico will support the creation of jobs in forest and watershed management, as well as wildfire prevention and

[232] Patrick Lohmann, "NM Wildfires Grow to 12,000 Acres and $28 Million Estimated Cost," *Source New Mexico*, May 29, 2024, https://sourcenm.com/briefs/nm-wildfires-grow-to-12000-acres-and-28-million-estimated-cost/.
[233] Strategic Technology Institute, Inc., *Hermit's Peak/Calf Canyon Fires: 2024 Actuarial Report of the Claim Liability Forecast Estimate*.
[234] Austin Troy et al., "The True Cost of Wildfire in the Western U.S.," Western Forestry Leadership Coalition, August 2022, https://www.thewflc.org/sites/default/files/TrueCostofWildfire.pdf.
[235] François-Nicolas Robinne et al., "Scientists' Warning on Extreme Wildfire Risks to Water Supply," *Hydrological Processes* 35, no. 5 (2021): e14086, https://doi.org/10.1002/hyp.14086.

mitigation. Additionally, protecting natural areas and working forests creates job opportunities in industry sectors that depend on forest resources, such as outdoor recreation and forestry.[236]

- **Improved economic resilience.** Wildfires result in dangerous conditions, evacuation orders, utility disruptions, and more issues that can impact businesses' ability to operate. Disruptions to business operations can result in major economic losses. In 2022, claims related to business interruptions due to the Hermit's Creek/Calf Canyon wildfires totaled $1 million.[237] Measures to prevent and mitigate wildfires can eliminate or shorten disruptions to business operations resulting from wildfires, potentially saving communities millions in losses.
- **Preservation of home insurance access in high-risk areas.** In response to the heightened frequency and severity of wildfires, home insurance providers in New Mexico have reportedly begun increasing policy premiums or canceling policies completely.[238] Measures to reduce the risk of property damage from wildfire could improve the business case for home insurance companies to continue to insure New Mexico homes at lower rates, providing economic security to families and communities across the state. Insurance providers could also offer financial incentives to communities that invest in fire mitigation efforts in the form of insurance discounts for policyholders within the boundaries of areas recognized for their wildfire mitigation actions, like the Firewise program administered by the National Fire Protection Association in collaboration with USFS.[239]

Environmental Benefits

- **Improved forest health and biodiversity.** The NM CAP includes measures that seek to improve the resilience of forests against wildfires, pests, and diseases. These measures will enhance forest health by reducing tree mortality, preventing outbreaks of pests and disease that threaten to destabilize ecosystems, and preserving biodiversity by creating rich habitat for plant and animal species.[240]
- **Protection of air quality.** Wildfires release substantial amounts of harmful contaminants into the air, such as CO, HAPs, and PM.[241] Reducing wildfire frequency and limiting fire durations and scales will reduce harmful smoke and airborne contaminants released into the local atmosphere. Improvements to forest resilience also lessen forest overcrowding, which limits flammable vegetation and decreases releases of harmful air contaminants into air systems.
- **Protection of water quality.** Loss of vegetation and changes to soil properties due to wildfires often results in increased volumes of water moving over land surface during storms, leading to

[236] Anne Bradley and The Nature Conservancy, "Creating Resilient Forests in the Jemez Mountains," *US Nature4Climate*, September 17, 2021, https://usnature4climate.org/creating-resilient-forests-in-the-jemez-mountains/.
[237] Strategic Technology Institute, Inc., *Hermit's Peak/Calf Canyon Fires: 2024 Actuarial Report of the Claim Liability Forecast Estimate*.
[238] Patrick Lohmann, "Why the State's Insurance Regulator Thinks SB81 Will Save New Mexicans' Homes from Wildfire," *Source New Mexico*, February 25, 2025, https://sourcenm.com/2025/02/25/why-the-states-insurance-regulator-thinks-sb81-will-save-new-mexicans-homes-from-wildfire/.
[239] Rob Galbraith, *The Power of Insurance Incentives to Promote Fire Adapted Communities*, International Association of Wildland Fire, 2017, https://www.iawfonline.org/article/the-power-of-insurance-incentives-to-promote-fire-adapted-communities/.
[240] Whitebark Institute, "Forest Health and Resilience," February 16, 2024, https://whitebarkinstitute.org/forest-health-resilience/.
[241] OAR U.S. Environmental Protection Agency, "Why Wildfire Smoke Is a Health Concern," Overviews and Factsheets, August 13, 2019, https://www.epa.gov/wildfire-smoke-course/why-wildfire-smoke-health-concern.

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flooding, erosion, and the deposit of debris, sediments, ash, and other pollutants to surrounding surface water.[242] Measures to reduce and mitigate wildfire will limit the deposit of harmful contaminants and sediments into water systems. Additionally, improvements to forest resilience will help to preserve the hydraulic properties and stability of soil following a wildfire, helping reduce harmful runoff and sediment deposits.

- **Ecological resilience.** Measures that prevent or limit wildfires or support forest health create more resilient forest ecosystems thanks to increased species diversity, robust health among species, and improved ecosystem functionality.[243] Healthy forests recover more quickly from disturbance and better maintain their ecological functions in the face of harsh conditions such as drought or pest infestations.

Public Health Benefits

- **Lower risk of post-fire flooding and water contamination.** Wildfires remove vegetation and alter soil properties, allowing more water to flow over the land surface during storms and increasing susceptibility to flooding. Following a wildfire, flood risk remains high until destroyed vegetation is restored. Experts estimate this process can take up to five years.[244] Flooding poses major risks to public health, including risk of drowning and injury, exposure to dangerous debris and contaminants present in post-fire surface water, and exposure to waterborne diseases. Wildfire reduction and mitigation will decrease risks of flooding, protecting the public from the health risks associated with flooding.
- **Improved respiratory health.** Wildfires release harmful contaminants into the air, which can exacerbate existing respiratory illnesses like asthma and cause new ones like bronchitis. Wildfire smoke exposure can increase mortality and morbidity and is associated with an increase in hospital visits for respiratory illnesses.[245,246] Wildfire reduction and mitigation will decrease risks of exposure to harmful air contaminants, reducing risks to the public's respiratory health. In addition, improvements to forest resilience lessen forest overcrowding, limiting flammable vegetation and releasing less harmful air contaminants that can exacerbate respiratory illnesses.
- **Reduced disruptions to critical services.** Wildfires create barriers to access to key services, such as healthcare and transportation services, through displacement and destruction of infrastructure.[247] New Mexico residents are sometimes temporarily displaced during wildfires due to a need to flee or evacuate their communities to avoid the substantial risks associated with wildfire encroachment. Displaced individuals are often left far from their usual service providers, including doctors, pharmacists, teachers, and transportation operators. Additionally, displaced individuals are often without necessary resources or identification documents to

[242] U.S. Geological Survey, "Water Quality After Wildfire," Water Quality After Wildlife, April 11, 2023, https://www.usgs.gov/mission-areas/water-resources/science/water-quality-after-wildfire.
[243] Whitebark Institute, "Forest Health and Resilience."
[244] Federal Emergency Management Agency, "Flood Risks Increase After Fires," 2020, https://www.fema.gov/sites/default/files/documents/fema_flood-after-fire_factsheet_nov20.pdf.
[245] Colleen E. Reid et al., "Critical Review of Health Impacts of Wildfire Smoke Exposure," *Environmental Health Perspectives* 124, no. 9 (2016): 1334–43, https://doi.org/10.1289/ehp.1409277.
[246] Sofia L. Vega et al., "Wildfire Smoke Exposure and Cause-Specific Hospitalization in Older Adults," *JAMA Network Open* 8, no. 4 (2025): e257956, https://doi.org/10.1001/jamanetworkopen.2025.7956.
[247] Kailong Ji and Tierra S. Bills, "Wildfire Recovery and Resilience Strategies for Resource-Constrained and Vulnerable Communities," *UCLA Institute of Transportation Studies*, February 28, 2025, https://www.its.ucla.edu/publication/wildfire-recovery-and-resilience-strategies-for-resource-constrained-and-vulnerable-communities/.

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access key services. Barriers to critical services access may remain in place for prolonged periods following wildfires due to damages to infrastructure, prolonged staffing shortages due to displacement, supply chain disruptions, and more.[248] Wildfire prevention and mitigation will protect individuals from disruptive evacuations and damage, reducing disruptions to critical services.

- **Reduced strain on healthcare and emergency services.** Wildfires can lead to a surge in demand for emergency services and healthcare services due to increased risk of respiratory distress, burns, and property damage.[249] At the same time, wildfires can lead to reduced supply of emergency and healthcare services due to worker displacement, facility closures or destruction, damage to infrastructure, supply chain disruptions, and preoccupation with evacuation support.[250] Wildfire prevention and mitigation will reduce strains on healthcare and emergency services, protecting New Mexicans' access to prompt medical and emergency service provision.
- **Reduction in mental health events.** Studies suggest wildfire smoke exposure is associated with increased emergency room visits for mental health–related issues. Reducing exposure to wildfire smoke by preventing and mitigating wildfires will protect New Mexicans from the negative mental health impacts of wildfires.[251]

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $1.5 billion between 2026 and 2050.

LIDAC Benefits

Rural areas contain larger tracts of undeveloped land, such as forested and protected natural areas, that are likely candidates for landscape-scale restoration projects. As such, we expect the benefits outlined in this measure's associated benefits analysis to be distributed primarily to rural areas. Rural areas are often, though not always, considered LIDACs as they face disproportionate economic and environmental challenges compared to urban areas. Additionally, rural areas have higher proportions of marginalized demographic groups and limited access to certain services such as healthcare, transportation, and educational resources compared to urban areas. Below, we describe benefits that will particularly affect LIDACs.

LIDACs will benefit from this measure in the following ways:

- **Improved access to critical services among vulnerable communities.** LIDAC members may rely disproportionately heavily on critical services that can be disrupted by wildfire, such as healthcare services, transportation services, housing assistance, and nutrition assistance. Disruptions in access to these services may disproportionately impact the health and economic well-being of certain communities such as disabled, elderly, and low-income populations. Efforts

[248] Ji and Bills, "Wildfire Recovery and Resilience Strategies for Resource-Constrained and Vulnerable Communities."
[249] Attila J Hertelendy et al., "Seasons of Smoke and Fire: Preparing Health Systems for Improved Performance before, during, and after Wildfires," *The Lancet Planetary Health* 8, no. 8 (2024): e588–602, https://doi.org/10.1016/S2542-5196(24)00144-X.
[250] Ji and Bills, "Wildfire Recovery and Resilience Strategies for Resource-Constrained and Vulnerable Communities."
[251] Youn Soo Jung et al., "Fine Particulate Matter From 2020 California Wildfires and Mental Health–Related Emergency Department Visits," *JAMA Network Open* 8, no. 4 (2025): e253326, https://doi.org/10.1001/jamanetworkopen.2025.3326.

to prevent and mitigate wildfire will help to protect access to critical services, ensuring vulnerable populations are able to meet household needs.

- **Wildfire prevention and mitigation measures disproportionately benefit poor communities.** Research suggests that lower income communities in the western United States are at the greatest risk of experiencing wildfires.[252] Given the elevated risks for low-income, rural areas, prevention and mitigation of wildfire will likely disproportionately benefit these vulnerable populations.
- **Protection of insurance access among communities poorly positioned to prepare for and recover from natural disasters.** In response to heightened frequency and severity of wildfires, home insurance providers in New Mexico have reportedly begun increasing policy premiums or canceling policies completely.[253] Recent evidence suggests that lower income Americans are at an elevated risk of homeowner insurance policy cancellation, rising premiums, and wildfire.[254] Residents in at-risk low-income communities are also more likely to experience barriers to natural disaster preparedness and recovery due to financial constraints and high prevalence of factors that can impede individuals' ability to take action such as age, disability, language barriers, and lack of transportation. Heightened barriers to preparedness are associated with knock-on negative impacts to insurance access and premiums, leaving vulnerable community members exceptionally exposed to the economic impacts of wildfire. Wildfire prevention and mitigation will reduce wildfire risk in LIDACs, protecting vulnerable populations' access to affordable home insurance.
- **Protection from flooding events in vulnerable communities.** LIDACs tend to have greater exposure to flooding events and are disproportionately affected by the negative effects of flooding in the short and long terms.[255] Wildfire removes vegetation and alters soil properties, allowing more water to flow over land surface during storms and creating conditions that increase flooding risks. Preventing and mitigating wildfire helps to avoid flood-prone conditions, protecting LIDACs from flooding events. Additionally, improvements to forest resilience will help to preserve the hydraulic properties and stability of soil following a wildfire, helping to protect LIDACs from excessive runoff that contributes to flooding.
- **Protection of vulnerable communities from poor air quality.** Low-income communities have higher prevalences of respiratory illness than richer communities, making them especially vulnerable to air pollutants that exacerbate respiratory illness.[256] Wildfire reduction and mitigation will decrease community exposure to harmful air contaminants, reducing risks to the respiratory health of vulnerable LIDAC members. Additionally, improvements to forest resilience will lessen forest overcrowding, limiting flammable vegetation and reducing the release of harmful air contaminants that can exacerbate respiratory illnesses.

Disbenefits

Potential disbenefits from this measure include:

[252] Auer and Hexamer, "Income and Insurability as Factors in Wildfire Risk."
[253] Lohmann, "Why the State's Insurance Regulator Thinks SB81 Will Save New Mexicans' Homes from Wildfire."
[254] Auer and Hexamer, "Income and Insurability as Factors in Wildfire Risk."
[255] Smith, "The Unequal Impacts of Flooding."
[256] Dean E. Schraufnagel and Ann M. Schraufnagel, "The Influence of Social and Economic Conditions on Respiratory Health," in *Achieving Respiratory Health Equality: A United States Perspective*, ed. Juan Carlos Celedón (Springer International Publishing, 2017), https://doi.org/10.1007/978-3-319-43447-6_3.

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- **Cost of land management.** Landscape-scale wildfire reduction practices will impose additional costs on landowners. Costs will vary depending on the practice implemented, acreage covered, and unique geographic properties. Despite the costs associated with landscape-scale wildfire reduction and forest resilience practices, the benefits of implementation are often much higher. For example, EMNRD estimates that prescribed burns typically costs under $200 per acre and cutting trees ranges from $500 to $2,000 per acre, whereas wildfire suppression typically costs between $100,000 and $1 million per day.[257]
- **Short-term smoke exposure.** When prescribed burns are incorporated into landscape-scale wildfire reduction plans, surrounding communities will face reduced air quality on days when controlled burns take place. In contrast to wildfires, however, prescribed burns can be planned for days when impacts to surrounding air quality will be the lowest possible. They also help prevent more intense wildfires that would cause much more severe and widespread negative impacts to air quality.[258]

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Increase in community cost burdens.** Lower income communities in the western United States are at the greatest risk of wildfire compared to more affluent communities.[259] Prioritizing high-risk areas for landscape-scale wildfire reduction and mitigation programs may place undue financial burdens on at-risk lower income communities if they are responsible for program implementation costs. Costs may be fully or partially borne by state government, which would reduce burdens on LIDACs.

Measure AFW-5: Reduce Greenhouse Gases from Food Systems

This measure aims to reduce GHGs from food production, processing, packaging, transportation, storage, retail, and food preparation through local food production and processing, organic waste and food waste prevention, and composting. This measure supports funding for projects that buy local food from disadvantaged and emerging farmers, distribute food to underserved communities, and provide financial and technical assistance to local food producers. Additionally, New Mexico aims to enhance in-state meat processing capacity to offset emissions from imported foods.

Implementation Authority and Responsibilities

NMDA will be the lead implementing agency for this measure.

NMDA has existing authorities to implement measures focused on local food systems, including expanding local food production and enhancing in-state meat processing capacity. The Agricultural Market Development Act of 1979 (NMSA 1978, Sections 76-20-1 to 76-20-5) empowers NMDA to assist in market development and expansion, collect and disseminate market information, and work with

[257] Laura McCarthy and AnnaLinden Weller, "House Bill 57: Prescribed Burning Act Fact Sheet," New Mexico Energy, Minerals, and Natural Resources Department, January 19, 2021, https://www.emnrd.nm.gov/sfd/wp-content/uploads/sites/4/PrescribedBurningActFactSheet011921.pdf.
[258] McCarthy and Weller, "House Bill 57: Prescribed Burning Act Fact Sheet."
[259] Auer and Hexamer, "Income and Insurability as Factors in Wildfire Risk."

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producers, consumers, and distributors of food products to improve and maintain an efficient system of distribution and marketing (NMSA 1978, Section 76-20-3). Furthermore, House Bill 2 of the 2025 New Mexico Legislative Session included a special appropriation for NMDA to assist state meat processors in adapting new meat processing technologies for proper disposal of meat processing byproducts, and for equipment (New Mexico Local Meat Processing Grant).[260]

Implementation Timeline and Milestones

NMDA will implement this measure from 2026 through 2050. New Mexico's Food, Hunger, and Agriculture Program supports the intersection of economic development in the state's food and agricultural sectors with increased food security.[261] Expansion in funding for this program and others will have immediate impacts on the implementation of this measure.



A vendor sells vegetables at the Santa Fe Farmers Market. Photo Credit: iStock.

Metrics for Tracking Progress

NMDA will track progress for Measure AFW-5 using indicators from the state's Food Initiative Dashboard, from institutional procurement through the NM Grown Program, and from other developing data sources. NMDA will collect data annually from grantees and relevant agencies, with responsibilities clearly assigned to ensure consistency and long-term availability. NMDA will select metrics to provide transparency, demonstrate economic and environmental outcomes, and communicate meaningful results to stakeholders, including local communities and policymakers.

Quantified Emission Reductions

The CAP Team did not estimate emission reductions from Measure AFW-5 due to the unavailability of food system and supply-chain emission data which is consistent with the scope of the New Mexico GHG Inventory. The benefits of this measure could not be accurately captured in an emissions analysis.

Measure Costs

The CAP Team did not estimate costs associated with Measure AFW-5.

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure AFW-5. (Appendix C provides details on these sources, organized by funding source number.)

- Advanced Energy Project Credit (Funding Source 21)
- ERA Program (Funding Source 22)
- EIR Program (Funding Source 66)

[260] GENERAL APPROPRIATION ACT OF 2025, HB (2025), https://www.nmlegis.gov/Legislation/Legislation?chamber=H&legType=B&legNo=2&year=25.
[261] "Food, Hunger, and Agriculture Program - New Mexico EDD," accessed September 21, 2025, https://edd.newmexico.gov/food/.

- Solid Waste Infrastructure for Recycling Grants (Funding Source 87)
- Solid Waste Management Grants (Funding Source 88)
- Recycling and Illegal Dumping Fund (Funding Source 89)
- Rural Infrastructure Revolving Loan Program (Funding Source 91)
- Clean and Beautiful Program (Funding Source 92)
- Recycling Partnership (Funding Source 93)
- W.K. Kellogg Foundation's Good Food, Strong and Equitable Food Systems (Funding Source 16)
- COMET-Farm (Funding Source 15)
- USDA Meat and Poultry Processing Expansion Program (MPPEP) (Funding Source 13)
- USDA LAMP (Funding Source 12)
- USDA REAP (Funding Source 32)
- USDA RCPP (Funding Source 11)
- USDA EQIP (Funding Source 10)
- Western Sustainable Agriculture Research and Education Program (Funding Source 56)
- Community Benefit Fund (Funding Source 94)
- NMEDD Healthy Food Financing Fund (HFFF) (Funding Source 98)
- New Mexico Local Meat Processing Grant (Funding Source 103)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Investing in local food systems offers a wide range of economic, environmental, and public health benefits that strengthen communities, support sustainability, and improve quality of life.

Economic Benefits

- **Job creation.** Investing in local food systems generates employment across the entire supply chain—including food production, processing, packaging, transportation, storage, retail, and preparation.[262]
- **Resilient local economy.** Local food producers tend to be small and mid-sized farms, which tend to use more diverse cropping systems than large farms.[263] Farms that use diverse cropping systems are more adaptable to climate stressors like drought and flooding.[264] This resilience leads to more stable crop yields, which helps protect farm revenues.[265]
- **Investment in small and mid-sized food producers.** Increasing funding for projects that source food from emerging farmers strengthens New Mexico's agricultural base and supports local producers.

[262] Econsult Solutions, Inc., "Greater Good: The Economic Case for More Local, Resilient, and Equitable Food Systems," Center for Good Food Purchasing, December 11, 2023, https://goodfoodpurchasing.org/wp-content/uploads/2024/03/Greater-Good-Jobs-Study-Report_FINAL.pdf.
[263] Vincent Ricciardi et al., "Higher Yields and More Biodiversity on Smaller Farms," *Nature Sustainability* 4, no. 7 (2021): 651–57, https://doi.org/10.1038/s41893-021-00699-2.
[264] Farmers Magazine, "The Importance of Crop Diversity in Resilient Farming," *Farmers Magazine*, March 8, 2024, https://farmersmag.co.za/2024/03/the-importance-of-crop-diversity-in-resilient-farming/.
[265] Farmers Magazine, "The Importance of Crop Diversity in Resilient Farming."

- **Transportation cost savings.** Shortening the distance food travels to markets reduces fuel consumption, vehicle maintenance, and labor costs. Fewer VMTs also lessen wear on road infrastructure, lowering maintenance expenses.
- **Supply chain resilience.** Localized food systems are less vulnerable to global disruptions, ensuring more stable access to food during emergencies or market fluctuations.[266,267]

Environmental Benefits

- **Air pollution reductions.** With food traveling shorter distances, transportation-related emissions, including GHGs and other pollutants, are significantly reduced.
- **Noise pollution reductions.** Fewer transport vehicles on the road results in lower noise levels in communities.
- **Cold chain efficiency.** Shorter supply chains improve cold storage logistics, reducing energy use and spoilage, which contributes to lower GHG emissions.[268]
- **Biodiversity conservation.** Diverse cropping systems and sustainable practices on small farms help preserve native species and ecosystems, enhancing ecological resilience.[269]

Public Health Benefits

- **Access to healthy food.** Increasing funding for projects that distribute food to underserved communities will improve access to healthy food for New Mexico residents. Additionally, small and mid-sized farms tend to implement multi-cropping practices that are more resilient in the face of stressful climatic conditions, such as drought and flooding, than large farms. Resilient farms produce more robust and stable yields, protecting New Mexico residents' access to healthy food products.
- **Improved respiratory health.** Vehicles emit harmful pollutants such as PM, NO_x, CO, and VOCs. Efforts that reduce total vehicles needed to bring food products to market will also reduce air pollutant emissions associated with vehicle travel. Reducing emissions of harmful air pollutants decreases incidence of respiratory illnesses, resulting in fewer hospital visits.[270]
- **Safer roads.** Reducing the need for total VMT to deliver food products will reduce the risk of roadway collisions.[271]
- **Traceability and Transparency.** Local food systems make it easier to track food origins and production practices, enhancing food safety and consumer trust.

[266] Econsult Solutions, Inc., "Greater Good: The Economic Case for More Local, Resilient, and Equitable Food Systems."
[267] IPES-Food, *Food from Somewhere: Building Food Security and Resilience* (2024), https://ipes-food.org/wp-content/uploads/2024/06/FoodFromSomewhere.pdf.
[268] Food Forward NDCs, "Reducing Emissions from Energy Use in Food Storage, Cold Chains, Transport and Processing," February 20, 2024, https://foodforwardndcs.panda.org/food-supply-chains/reducing-emissions-from-energy-use-in-food-storage-cold-chains-transport-and-processing/.
[269] Austin Price, "Diversified Agriculture Is a Win-Win for Both People and the Environment," *Berkeley Food Institute*, April 23, 2024, https://food.berkeley.edu/from-the-field/diversified-agriculture-is-a-win-win-for-both-people-and-the-environment/.
[270] David L Buckeridge et al., "Effect of Motor Vehicle Emissions on Respiratory Health in an Urban Area.," *Environmental Health Perspectives* 110, no. 3 (2002): 293–300, https://doi.org/10.1289/ehp.02110293.
[271] Currey et al., "Vehicle-Miles Traveled (VMT) Impacts on the Environment, Human Health, and Fiscal Health," State Smart Transportation Initiative, 2015, https://ssti.us/wp-content/uploads/sites/1303/2015/06/Ganson-VMT-Impacts-on-the-Environment-Human-Health-and-Fiscal-Health-Working-Paper-1.pdf.

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LIDAC Benefits

Reducing GHG emissions from food production and processing will involve a shift to localized production and processing along with implementation of more sustainable, lower-emitting farming practices. These changes will primarily affect rural communities, where agricultural production is concentrated. Many rural communities in New Mexico are considered LIDACs because they are disproportionately low-income and have limited access to resources including food and healthcare.

LIDACs will benefit from this measure in the following ways:

- **Benefits to the regional economy.** Shifting to local food production and processing to reduce emissions will increase revenues to local producers and create local jobs in food production and processing. Farmers and local food producers make a larger share of consumer spending on food when selling locally, as they benefit from a shorter supply chain and fewer intermediaries.[272] Increased revenue and spending on local food will also create jobs—a 2014 study of Wisconsin estimated that 2.2 jobs were created for every $100,000 in local food sales.[273]
- **Improved access to food.** Food access issues disproportionately affect LIDACs and those living in rural areas.[274,275] In rural communities, this contributes to the documented higher rates of disease and chronic illness.[276] Local food production can improve access to a wider variety of food in rural areas, as well as reducing negative health effects from contaminants and preservative use associated with longer food transportation times.

Disbenefits

Potential disbenefits from this measure include:

- **Land and water use pressure.** Expanding small farms to meet growing demand may lead to land conversion and increased water use, increasing competition among agricultural producers, residents, and other sectors. If not managed sustainably, this conversion could also threaten natural habitats and ecosystems.

LIDAC Disbenefits

- **Negative impacts associated with meat processing operations.** The potential for environmental harm and public health risks related to meat processing may disproportionately affect LIDACs if they are in rural areas. Additionally, to the extent that workers in meat processing plants are

[272] Kate Danaher et al., "Harvesting Opportunity: The Power of Regional Food System Investments to Transform Communities," ed. Andrew Dumont et al., Federal Reserve Bank of St. Louis, 2017, https://www.thecommonmarket.org/assets/uploads/reports/Harvesting_Opportunity.compressed.pdf.
[273] Ceri Jenkins et al., "Local Food and Economic Development," Mayors Innovation Project, March 2014, https://highroad.wisc.edu/wp-content/uploads/sites/1368/2020/04/2014-Local-Food-and-Economic-Development-A-Guide-for-Local-Governments.pdf.
[274] The Annie E. Casey Foundation, "Food Deserts in America: Understanding The Impact on Communities with Limited Food Access," The Annie E. Casey Foundation, February 14, 2021, https://www.aecf.org/blog/food-deserts-in-america.
[275] Michelle Schmitt et al., "The 2023 Limited Supermarket Access Analysis Update," *Reinvestment Fund*, n.d., accessed September 18, 2025, https://www.reinvestment.com/insights/limited-supermarket-access-analysis/.
[276] Rural Health Information Hub, "Rural Hunger and Access to Healthy Food Overview," Rural Health Information Hub, April 16, 2025, https://www.ruralhealthinfo.org/topics/food-and-hunger.

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from LIDACs, they may face hazardous conditions and labor exploitation, with high injury rates and limited protections.[277]

[277] Sean M. Smith, "How Safe Are the Workers Who Process Our Food?," Monthly Labor Review, July 2017, https://www.bls.gov/opub/mlr/2017/article/how-safe-are-the-workers-who-process-our-food.htm.

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5.3.4 Electricity Generation Measures

The NM CAP includes 14 measures in the electricity generation sector. Table 57 summarizes these measures and their individual and collective estimated costs, GHG emission reductions, and monetized benefits through 2050. A discussion of each measure follows. With the exception of Measures E-3 (Scale Zero- and One-Percent Interest Energy Loans) and E-7 (Strengthen Geothermal Policy and Market Deployment), all measures in the electricity generation sector that the CAP Team analyzed show zero expected GHG emission reductions in the year 2050 due to the assumption that the electric grid will be 100% decarbonized. Measures E-3 and E-7 both have components that contribute to the reduction of fossil-fuel-based building heating, which accounts for both of these measures showing expected GHG emission reductions in the year 2050.

Table 57. Summary of Estimated Costs, GHG Emission Reductions, and Monetized Benefits for Electricity Generation Measures

Measure Number and Name	Cumulative Cost Through 2050 (Thousand $)	Cumulative GHG Reduction Through 2050 (MTCO2e)	Cost per MTCO2e Reduced ($/MTCO2e)	Monetized Social Benefit of GHG Reduction Through 2050 (Thousand $)	Monetized Value of Cumulative Health Benefits Through 2050 (Thousand $)
Measure E-1: Incentivize Clean Energy Hubs	$101,086	86,373	$1,170	$26,688	$3,321
Measure E-2: Provide Clean Energy Grants for Nations, Pueblos, and Tribes	$460,272	899,209	$512	$272,364	$71,967
Measure E-3: Scale Zero- and One-Percent Interest Energy Loans	$220,272	6,534,983	$34	$2,035,813	$105,582
Measure E-4: Launch a Long-Duration Energy Storage Pilot	$35,450	15,508	$2,286	$4,581	$18,138
Measure E-5: Incentivize Distributed Wind Generation	$375,272	2,585,000	$145	$786,402	$62,770

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Measure Number and Name	Cumulative Cost Through 2050 (Thousand $)	Cumulative GHG Reduction Through 2050 (MTCO2e)	Cost per MTCO2e Reduced ($/MTCO2e)	Monetized Social Benefit of GHG Reduction Through 2050 (Thousand $)	Monetized Value of Cumulative Health Benefits Through 2050 (Thousand $)
Measure E-6: Provide Community Energy Storage Grants	$11,076	181,567	$61	$55,100	$776
Measure E-7: Strengthen Geothermal Policy and Market Deployment	$80,430	6,090,337	$13	$1,894,237	$50,455
Subtotal	**$1,283,858**	**16,392,979**	**$78**	**$5,075,185**	**$313,010**
Other Strategies for Which Emission Reductions Are Not Included in Implementation Scenario Calculations					
Measure E-8: Advance Geothermal Resource Development	$53,258	Not calculated	Not calculated	Not calculated	Not calculated
Measure E-9: Expand Transmission, Generation, and Storage of Renewable Electricity	$8,689	Not calculated	Not calculated	Not calculated	Not calculated
Measure E-10: Support Right-of-Way (ROW) Interstate Transmission	$122,352	Not calculated	Not calculated	Not calculated	Not calculated
Measure E-11: Develop Regulatory Structures to Support Virtual Power Plants (VPPs)	$4,779	Not calculated	Not calculated	Not calculated	Not calculated
Measure E-12: Support Grid-Enhancing Technology (GET) Development	$4,344	Not calculated	Not calculated	Not calculated	Not calculated
Measure E-13: Pass a Clean Peak Standard and Establish Virtual Power Plant Programs	$3,000	Not calculated	Not calculated	Not calculated	Not calculated
Measure E-14: Enable Microgrids	$200,272	Not calculated	Not calculated	Not calculated	Not calculated

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Measure Number and Name	Cumulative Cost Through 2050 (Thousand $)	Cumulative GHG Reduction Through 2050 (MTCO2e)	Cost per MTCO2e Reduced ($/MTCO2e)	Monetized Social Benefit of GHG Reduction Through 2050 (Thousand $)	Monetized Value of Cumulative Health Benefits Through 2050 (Thousand $)
Subtotal	**$396,694**	**Not calculated**	**Not calculated**	**Not calculated**	**Not calculated**

Measure E-1: Incentivize Clean Energy Hubs

This measure establishes clean energy hubs on former mine lands and brownfields, creating new opportunities for communities. Through grants and revolving funds, the measure supports the cleanup and reuse of these underutilized sites, the deployment of renewable energy projects, and the implementation of workforce training. Projects are structured to deliver economic benefits for local residents, ensure accountability in how funds are used, and address long-standing environmental justice concerns. By targeting former mine lands and brownfields, the measure helps transform areas once tied to pollution or decline into sources of clean power, good jobs, and healthier, more resilient communities.

Implementation Authority and Responsibilities

The New Mexico State Land Office (SLO) will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation.

The New Mexico Constitution created the office of the State Commissioner of Public Lands (the State Land Commissioner) in the state's executive department, separate and apart from the Governor's Office. The State Land Commissioner is the head of the statutorily enabled SLO, pursuant to NMSA 1978, Section 19-1-1. SLO has established a renewable energy office to advance the production and development of renewable energy on state lands, pursuant to NMSA 1978, Section 19-1-25. State statutes also give SLO the authority to enter into leases of state lands for the development of geothermal energy resources, under NMSA 1978, Sections 19-13-1 to -28. Large-scale renewable energy projects require extensive transmission lines and often must pass through state trust lands; SLO implemented the Cultural Properties Protection Rule, 19.2.24 NMAC, in 2022 to improve Tribal consultation and require cultural surveys before ground-disturbing activities may occur on state trust lands. This rule has helped identify portions of projects that may threaten sensitive cultural resources and has provided a process for SLO and renewable energy companies to find alternate transmission routes through state trust lands that still satisfy a project's goals when necessary.

Implementation Timeline and Milestones

The implementing agency(ies) will carry out this measure from 2026 through 2047, with annual grants and revolving funds provided over a 20-year period. New Mexico expects to complete clean energy hub installations two years after each award of annual funding, allowing one year for site remediation

and one year for renewable energy construction. Table 58 outlines the anticipated implementation timeline and milestones for Measure E-1.

Table 58. Measure E-1 Implementation Timeline and Milestones

Timeline	Milestones
2026	Issue first grants/revolving funds.
2028	First renewable energy installations operational. Implement first workforce training programs.
2045	Issue last grants/revolving funds.
2047	Last renewable energy installations operational. Implement all workforce training programs.

Metrics for Tracking Progress

To track progress on Measure E-1, the implementing agency(ies) will monitor indicators such as the number of clean energy hubs established, acres of former mine lands or brownfields remediated, renewable energy capacity installed, and participants trained through workforce programs. The implementing agency(ies) will collect data annually from grantees and relevant agencies, assigning responsibilities to ensure consistency and long-term availability. The implementing agency(ies) will select metrics that provide transparency, demonstrate economic and environmental outcomes, and communicate meaningful results to interested parties, including local communities and policymakers.

Quantified Emission Reductions

The CAP Team estimated emission reductions from Measure E-1 based on electricity generation from new solar photovoltaic (PV) and wind installations supported through program funding. The CAP Team assumed that electricity generated by these projects will offset BAU grid electricity, resulting in avoided GHG and co-pollutant emissions. The CAP Team treated other components of the measure, including workforce training and site remediation, as enabling actions that do not directly reduce emissions.

The CAP Team assumed $5 million in annual funding over 20 years, with 55% dedicated to renewable energy deployment. These resources were allocated evenly to solar PV and wind, with solar modeled as community-scale systems and wind as a mix of commercial- and large-class turbines. The CAP Team estimated capital costs for both technologies based on recent studies by the National Renewable Energy Laboratory (NREL),[278,279] and calculated expected generation using the average 2023 capacity factors for solar PV (0.23) and wind (0.39) in New Mexico. Based on these assumptions, measure funding is sufficient to deploy 16 MW of new solar PV and 5 MW of new wind corresponding to 31,000 and 18,000 MWh of annual generation, respectively. To reflect project development timelines, the CAP

[278] Tyler Stehly et al., *Cost of Wind Energy Review: 2024 Edition*, NREL/PR-5000-91775 (National Renewable Energy Laboratory, 2024), https://docs.nrel.gov/docs/fy25osti/91775.pdf.
[279] Vignesh Ramasamy et al., *U.S. Solar Photovoltaic System and Energy Storage Cost Benchmarks, With Minimum Sustainable Price Analysis: Q1 2023*, NREL/TP-7A40-87303 (National Renewable Energy Laboratory, 2023), https://docs.nrel.gov/docs/fy23osti/87303.pdf; Stehly et al., *Cost of Wind Energy Review: 2024 Edition*.

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Team applied a two-year lag between funding and full operation, which assumes one year for site remediation and one year for construction.

The CAP Team developed emission reduction estimates by projecting eGRID's non-baseload output emission rates for New Mexico's electricity grid out to 2050 under a BAU scenario. Emission factors for CO, VOCs, and PM were not available from eGRID. The CAP Team quantified reductions for both near-term (2030) and long-term (2050) targets, held contant all costs and generation assumptions over the analysis period, and did not incorporate inflation. Table 59 outlines the quantified emission reductions for Measure E-1 as compared to BAU emissions.

Table 59. Measure E-1 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	2,566.0	0.0	86,280.9
CH_4	<0.1	0.0	1.7
N_2O	<0.1	0.0	0.2
CO_2e	2,568.7	0.0	86,373.1
Other Pollutants			
CO	Not calculated	Not calculated	Not Calculated
NO_x	11.1	0.0	Not Calculated
SO_2	0.6	0.0	Not Calculated
VOCs	Not calculated	Not calculated	Not Calculated
PM_{10}	Not calculated	Not calculated	Not Calculated
$PM_{2.5}$	Not calculated	Not calculated	Not Calculated

Measure Costs

The CAP Team estimates the total implementation cost for Measure E-1 at approximately $101.1 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners. Funding will be provided at $5 million annually over a 20-year period, with resources allocated across three primary components: site remediation (35%), deployment of renewable energy projects (55%), and workforce training (10%). Funding for renewable energy projects will cover capital costs associated with installation, but will not include ongoing O&M expenses.

In addition to direct project funding, the administration of this measure will require a commitment equivalent to 0.5 FTEs from the state of New Mexico over a 20-year period. Responsibilities for this position include reviewing grant applications, managing awards, and supporting the development of project agreements. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. These costs are assumed to be separate from the $5 million annual funding allocation.

Table 60 presents the estimated implementation costs for Measure E-1. All costs are presented in current-year dollars and do not account for future inflation.

Table 60. Measure E-1 Cost Estimates

Cost Component	Estimated Implementation Cost
Capital costs	$90,000,000
O&M costs	$10,000,000
Program/policy implementation and administration costs	$1,086,000
EMNRD employees	*$1,086,000*
Total	**$101,086,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure E-1. (Appendix C provides details on these sources, organized by funding source number.)

- Community Benefit Fund (Funding Source 94)
- Advanced Energy Project Credit (Funding Source 21)
- ERA Program (Funding Source 22)
- NCIF CUF (Funding Source 25)
- Clean Electricity Investment Tax Credit (Funding Source 45)
- Clean Electricity Low-Income Communities Bonus Credit Amount Program (Funding Source 38)
- Cost Recovery for Qualified Clean Energy Facilities, Property, and Technology (Funding Source 39)
- EIR Program (Funding Source 66)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- Energy Community Tax Credit Bonus (Funding Source 41)
- Geothermal Electricity Generation Tax Credit (Funding Source 46)
- Brownfields Program (Funding Source 61)
- Brownfields Program: Revolving Loan Fund Grants (Funding Source 65)
- Brownfields Program: Job Training Grants (Funding Source 64)
- Brownfields Program: Assessment Grants (Funding Source 63)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Repurposed mine lands and brownfields would provide a variety of economic, environmental, and public health benefits, including job creation, increased energy reliability, and reduced exposure to environmental hazards.

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Economic Benefits

- **Job creation.** New Mexico's Abandoned Mine Land Program estimates that there are over 15,000 abandoned legacy mines in New Mexico.[280] With one study finding that each megawatt of renewable energy generation creates roughly four direct jobs and 10.64 direct and indirect jobs in communities that were once economically prosperous due to mining, redeveloping these sites for renewable energy would provide an opportunity for economic revitalization through job creation.[281] Furthermore, studies have documented that the construction and operation of solar, wind, and other clean energy facilities rely on local labor markets,[282] so redevelopment would help transition local jobs that were once in mining toward renewable energy.[283]
- **Economic development.** Renewable energy development in brownfields and former mines could generate economic benefits across New Mexico's economy, including revenue to renewable energy companies, construction companies, manufacturers, environmental cleanup companies, local homeowners, and the state, in the form of tax revenue.[284] A study of 48 brownfields found that the cleanup of these sites generated $29 to $97 million in additional local tax revenue, compared to the $12.4 million invested in the sites. This investment also benefited cleanup, manufacturing, construction, and development companies.[285] Additionally, an EPA study found that property values increased by 5–15% following brownfield cleanup.[286] By transforming an unused brownfield or former mine into a site with renewable energy infrastructure, projects will generate economic activity across New Mexico.

Environmental Benefits

- **Increased energy reliability.** Repurposing former mines and brownfields into renewable energy sites improves local energy reliability. As renewable energy is incorporated into the existing grid, the grid becomes more diverse and reliable.[287] More specifically, the electricity will increase as New Mexico furthers its energy transition and cars, household appliances, and heating systems need more electricity. Brownfields and former mines often have ideal weather conditions for renewable solar or wind energy production, given intense sunlight or unsheltered windy environments. Additionally, EPA estimates that mines and brownfields in the United States could supply 1.3 million megawatts of solar energy with the potential to power 200 million homes

[280] New Mexico Energy, Minerals and Natural Resources Department, "Abandoned Mine Land Program," Mining and Minerals Division, accessed September 22, 2025, https://www.emnrd.nm.gov/mmd/abandoned-mine-land-program/.
[281] Michael Goggin, "Transmission and Jobs," *Americans for a Clean Energy Grid*, July 27, 2020, https://cleanenergygrid.org/transmission-and-jobs/.
[282] U.S. Environmental Protection Agency, *Shining Light on a Bright Opportunity: Developing Solar Energy on Abandoned Mine Lands* (2011), https://semspub.epa.gov/work/HQ/176032.pdf.
[283] U.S. Environmental Protection Agency, *Shining Light on a Bright Opportunity: Developing Solar Energy on Abandoned Mine Lands*.
[284] U.S. Environmental Protection Agency, *Shining Light on a Bright Opportunity: Developing Solar Energy on Abandoned Mine Lands*.
[285] Northwest New Mexico Council of Governments, "Northwest New Mexico Brownfields Assessment Coalition," accessed September 22, 2025, https://www.nwnmcog.org/nwnm-brownfields-assessment-coalition.html.
[286] The Nature Conservancy, *Mining the Sun: Transforming Mine Lands and Brownfields into Clean Energy Hubs* (2024), https://www.nature.org/content/dam/tnc/nature/en/documents/Mining_the_Sun_Report_Final_5.23.24.pdf.
[287] U.S. Department of Energy, "Energy Reliability and Resilience," accessed September 22, 2025, https://www.energy.gov/eere/energy-reliability-and-resilience.

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annually.[288] Mines and brownfields could provide the additional space for renewable energy generation, offering the extra capacity and reliability that New Mexico's grid would need.

Public Health Benefits

- **Health benefits.** Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using COBRA and found that Measure E-1 would benefit the state of New Mexico with between $122,000 and $132,000 of monetized health impacts in 2030.
- **Reduced exposure to environmental hazards.** Brownfields and former mines can pose environmental hazards due to the presence of toxins such as lead, asbestos, animal waste, heavy metals, and other contaminants.[289] Communities located near brownfield sites may be exposed to these contaminants through water or soil. By transforming and cleaning up these sites for renewable energy generation development, New Mexico would reduce the risk of environmental toxins and their negative impacts on local communities and ecosystems. These negative impacts can include damage to the brain, nerves, organs, and bones, as well as reproductive and birth defects.[290]

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $27 million between 2026 and 2050.

LIDAC Benefits

LIDACs will benefit in the following ways:

- **Remediation of environmental hazards.** A study of brownfields across the United States revealed that, on average, 55.2% of the population living within a half mile of a brownfield are racial minorities, and 22.1% of the population is below the poverty line.[291] Since environmental contamination can differ significantly across sites, proximity to brownfield sites does not necessarily describe the populations most affected by toxins. However, these data provide an overview of populations that could be at the highest risk of exposure to environmental toxins. LIDACs are disproportionately burdened by potentially dangerous environmental hazards,[292] and the cleaning of these sites for renewable energy generation development would disproportionately benefit these communities.

Disbenefits

No potential disbenefits were identified for this measure:

[288] The Nature Conservancy, *Mining the Sun*.
[289] New Mexico MainStreet, "Brownfield Programs Support Historic Preservation and Community Revitalization," March 15, 2024, https://www.nmmainstreet.org/rebuild-places/how-brownfield-programs-support-historic-preservation-and-community-revitalization-in-new-mexico-mainstreet-districts/.
[290] U.S. Environmental Protection Agency, "Environmental Contaminants Often Found at Brownfield Sites," February 2025, https://www.epa.gov/system/files/documents/2025-02/for-web.pdf.
[291] U.S. Environmental Protection Agency, "Population Surrounding 27,030 Brownfield Sites," September 2020, https://www.epa.gov/sites/default/files/2015-09/documents/webpopulationbrownfieldsites.9.28.15.pdf.
[292] Marilyn V. Howarth and Arnold R. Eiser, "Environmentally Mediated Health Disparities," *The American Journal of Medicine* 136, no. 6 (2023): 518–22, https://doi.org/10.1016/j.amjmed.2023.02.008.

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LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Resistance to infrastructure development.** Local communities, especially LIDACs near former mines and brownfields, may be opposed to infrastructure development due to exclusion in decision-making, unfair benefits, or concerns of worse environmental conditions due to dislodged toxins.[293] New Mexico could manage this concern by intentionally involving LIDACs and surrounding communities in decision-making.[294]

Measure E-2: Provide Clean Energy Grants for Nations, Pueblos, and Tribes

This measure provides grants to each of New Mexico's 23 federally recognized Nations, Pueblos, and Tribes (NPTs), along with their service providers, to strengthen Tribal energy sovereignty and resilience while advancing clean energy development. Funding supports projects that modernize the electric grid, expand renewable energy deployment, and improve siting and permitting processes in alignment with New Mexico's climate and environmental justice goals. By investing directly in Tribally-led initiatives, the measure ensures benefits remain within Tribal communities, builds local capacity to manage energy resources, and creates a stronger foundation for long-term energy independence and more resilient Tribal communities statewide.

Implementation Authority and Responsibilities

ECAM will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation. ECAM was established pursuant to NMSA 1978, Section 9-5A-3(A)(4). Its duties are to plan, administer, review, provide technical assistance, and monitor state and federal energy conservation and alternative energy technology programs (NMSA 1978, Section 9-5A-4(B)).

In 2025, the New Mexico Legislature also created the Community Benefit Fund to fund projects to reduce GHGs; increase electric grid capacity, resilience, or reliability through grid modernization; increase electricity from renewable energy resources and energy efficiency; reduce the use of combustion engine vehicles; and help public entities purchase EVs and EV charging infrastructure, among other purposes. (See NMSA 1978, Section 6-4-37.)

Implementation Timeline and Milestones

The implementing agency will administer this measure from 2026 through 2036, providing $46 million in annual grants for 10 years to support renewable energy projects across 23 federally recognized Tribal governments. Renewable energy installations will come online one year after funding is awarded, with the first installations operational in 2027 and the final installations completed in 2036.

[293] The Nature Conservancy, *Mining the Sun*.

[294] Shih-Chieh Chien and Charles Knoble, "Uneven Burdens: The Intersection of Brownfields, Pollution, and Socioeconomic Disparities in New Jersey, USA," *Sustainability* 16, no. 23 (2024): 10535, https://doi.org/10.3390/su162310535.

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Table 61. Measure E-2 Implementation Timeline and Milestones

Timeline	Milestones
2026	Issue first grants.
2027	First renewable energy installations operational.
2035	Issue last grants.
2036	Last renewable energy installations operational.

Metrics for Tracking Progress

To track progress on Measure E-2, the implementing agency(ies) will monitor indicators such as the number of clean energy grants awarded to NPTs, the amount of solar PV and wind energy capacity installed through funded projects, and improvements made to energy infrastructure. The implementing agency(ies) will collect data annually from grantees, Tribal governments, and relevant service providers, assigning responsibilities to ensure consistency, accuracy, and long-term availability of data. The implementing agency(ies) will select metrics that provide transparency; demonstrate economic, environmental, and energy sovereignty outcomes; and communicate meaningful results to interested parties. Where necessary, the implementing agency(ies) will establish data sharing agreements or reporting protocols with grantees to ensure that information is collected consistently year over year and remains accessible for long-term tracking.

Quantified Emission Reductions

The CAP Team estimated emission reductions from Measure E-2 based on electricity generation from new solar PV and wind installations supported through program funding. Electricity generated by these projects was assumed to offset BAU grid electricity, thereby avoiding GHG and co-pollutant emissions. Other components of the measure, including grid modernization, community resilience, and siting and permitting, were treated as enabling actions that do not directly reduce emissions.

The CAP Team assumed $46 million in annual funding over 10 years, with 67% dedicated to renewable energy deployment. These resources were allocated evenly to solar PV and wind, with solar modeled as community-scale systems and wind as a mix of commercial- and large-class turbines. Capital cost estimates for both technologies were drawn from recent studies by NREL,[295] while the expected generation was calculated using the average 2023 capacity factors for solar PV (0.23) and wind (0.39) in New Mexico. Based on these assumptions, measure funding is sufficient to deploy 87 MW of new solar PV and 30 MW of new wind corresponding to 170,000 and 100,000 MWh of annual generation, respectively. To reflect project development timelines, the team applied a one-year lag between funding and full operation.

The CAP Team developed emission reduction estimates by projecting eGRID's non-baseload output emission rates for New Mexico's electricity grid out to 2050 under a BAU scenario. Emission factors for CO, VOCs, and PM were not available from eGRID. Reductions were quantified for both near-term (2030) and long-term (2050) targets. All costs and generation assumptions were held constant over the analysis period, and inflation was not considered.

[295] Ramasamy et al., *U.S. Solar Photovoltaic System and Energy Storage Cost Benchmarks, With Minimum Sustainable Price Analysis: Q1 2023*; Stehly et al., *Cost of Wind Energy Review: 2024 Edition*.

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Table 62. Measure E-2 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	38,152.6	0.0	898,249.6
CH_4	0.7	0.0	17.3
N_2O	0.1	0.0	1.8
CO_2e	38,193.4	0.0	899,209.4
Other Pollutants			
CO	Not calculated	Not calculated	Not Calculated
NO_x	164.5	0.0	Not Calculated
SO_2	8.7	0.0	Not Calculated
VOCs	Not calculated	Not calculated	Not Calculated
PM_{10}	Not calculated	Not calculated	Not Calculated
$PM_{2.5}$	Not calculated	Not calculated	Not Calculated

Measure Costs

The total implementation cost for Measure E-2 is estimated at approximately $460 million. This cost represents the state of New Mexico's financial commitment and does not include contributions or expenditures by private entities, utilities, or other partners. Funding will be provided at $46 million annually ($2 million for each of New Mexico's 23 federally recognized NPTs) over a 10-year period, with resources allocated across renewable energy projects (67%) and other related aspects such as grid modernization, community resilience, and siting and permitting (33%). Funding for renewable energy projects will be split equally between solar PV and wind, and will cover capital costs associated with installation, but will not include ongoing O&M expenses.

In addition to direct project funding, the administration of this measure will require a commitment equivalent to 0.25 FTEs from the state of New Mexico over a 10-year period. Responsibilities for this position include program initiation, application review, and grant awards. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. These costs are assumed to be separate from the $46 million annual funding allocation.

All costs are presented in current-year dollars and do not account for future inflation.

Table 63. Measure E-2 Cost Estimates

Cost Component	Estimated Implementation Cost
Capital costs	$460,000,000
Program/policy implementation and administration costs	$272,000

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Cost Component	Estimated Implementation Cost
EMNRD employees	*$272,000*
Total	**$460,272,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure E-2. (Appendix C provides details on these sources, organized by funding source number.)

- Community Benefit Fund (Funding Source 94)
- Advanced Energy Project Credit (Funding Source 21)
- ERA Program (Funding Source 22)
- NCIF CUF (Funding Source 25)
- SBTC (Funding Source 26)
- Clean Electricity Investment Tax Credit (Funding Source 45)
- Clean Electricity Low-Income Communities Bonus Credit Amount Program (Funding Source 38)
- Cost Recovery for Qualified Clean Energy Facilities, Property, and Technology (Funding Source 39)
- EIR Program (Funding Source 66)
- USDA REAP (Funding Source 32)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- Grid Resilience Formula Program for States and Tribes (Funding Source 40)
- Geothermal Electricity Generation Tax Credit (Funding Source 46)
- Renewable Energy Production Tax Credit (Funding Source 47)
- Community Energy Efficiency Development (CEED) Block Grant (Funding Source 49)
- Electric Grid Modernization Grant Program (Funding Source 51)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

NPTs often pay higher-than average electricity rates, have a higher-than-average proportion of unelectrified homes, and experience higher-than-average electricity reliability issues.[296] By promoting tribal energy sovereignty through clean energy grants, New Mexico will help address these issues while providing benefits to NPTs, including generating revenue, lowering electricity costs, creating local jobs, increasing climate resilience, protecting cultural resources, and reducing community health impacts from extreme heat and localized air pollution.

Economic Benefits

- **Job creation.** Developing clean energy projects could create construction and operations jobs for NPTs. For example, the 55 MW Kayenta solar farm developed by the Navajo Tribal Utility

[296] U.S. Department of Energy, *Tribal Electricity Access and Reliability: Report to Congress* (2023), https://www.energy.gov/sites/default/files/2024-01/EXEC-2023-000952%20-%20Tribal%20Electricity%20Access%20Reliability%20Report%20to%20Congress%20%28Final%20Draft%20-%20Clean%29-signed%20by%20S1.pdf.

Authority supplies electricity to 36,000 homes within the Navajo Nation, employed 90% Navajo people during construction with $9 million in wages, and created five full-time jobs after construction.[297]

- **Decreased energy costs and economic development.** Clean energy grants could lead to economic development and decreased energy costs for NPTs. Grants could enable NPTs to invest in renewable energy generation in their communities, lessening the need for costly grid and transmission infrastructure and enabling the opportunity to sell energy back to the grid through a power purchase agreement. For example, Picuris Pueblo was able to use funds generated from a 1 MW solar project to provide residents with a $700 subsidy in its first year, on top of paying back a loan taken out to fund its construction.[298] Additionally, a 1 MW solar project involving the Northern Cheyenne Tribe is expected to provide roughly $50,000 a year in energy savings, half of which will go into a fund to upkeep and onload energy system investments while half will go to Tribal members.[299] Furthermore, the construction of renewable energy generation, like wind and solar, often has high upfront costs and low operating costs[300] By decreasing these costs through grants, NPTs could pass on lower energy costs to consumers.
- **Community independence.** Frequent federal turnover, complex regulatory frameworks, lack of capacity, and lack of consistency in tribal consultations all reduce NPTs' ability to exercise their sovereignty.[301] Funding for clean energy development can enable NPTs to develop, own, and manage their own energy supply, increasing their energy independence and reducing reliance on outside entities and the centralized grid.

Environmental Benefits

- **Increased climate resilience.** Installing renewable energy projects could provide NPTs with increased resilience to impacts from extreme weather events. For example, a low-carbon microgrid in the Blue Lake Rancheria Tribe in California kept a facility designated as a Red Cross Evacuation Center running during several grid outages.[302] Additionally, in the city of Española, NM, the city hall building heated by geothermal energy was the only building in town to remain heated during a cold weather pattern.[303] Increased installation of renewable energy projects in NPTs, made possible by grants, will increase the ability to maintain critical functions during unplanned outages, such as those caused by extreme weather.

[297] Ted McDermott, "Renewable Energy Projects Power up in Tribal Nations," Trellis, June 9, 2022, https://trellis.net/article/renewable-energy-projects-power-tribal-nations/.
[298] Les Rubin et al., "Advancing Energy Equity & Justice with Community Leaders," Sandia National Laboratories, October 24, 2023, https://www.sandia.gov/app/uploads/sites/82/2023/10/PR2023_204_Rubin_Thompson_Lewis_Equity-Resilience.pdf.
[299] U.S. Environmental Protection Agency, "Population Surrounding 27,030 Brownfield Sites."
[300] New Mexico Legislative Finance Committee, *Economics of Power Generation* (2017), https://www.nmlegis.gov/entity/lfc/Documents/Natural_Resources/071417%20Power%20Generation%20Brief_LFC%20July%202017%20Hearing.pdf.
[301] Daniel Raimi and Alana Davicino, "Securing Energy Sovereignty: A Review of Key Barriers and Opportunities for Energy-Producing Native Nations in the United States," *Energy Research & Social Science* 107 (January 2024): 103324, https://doi.org/10.1016/j.erss.2023.103324.
[302] Blue Lake Rancheria Tribal Office, *Blue Lake Rancheria Microgrid Project Fact Sheet* (2018), https://bluelakerancheria-nsn.gov/wp-content/uploads/2018/11/BLR_Microgrid_FactSheet.pdf.
[303] Project Innerspace, *The Future of Geothermal in New Mexico: A Land of Geothermal Enchantment* (2025), https://projectinnerspace.org/resources/Future-of-Geothermal-in-New-Mexico.pdf.

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- **Cultural preservation.** Dedicated grants will allow NPTs to lead the development of funded renewable energy projects. By doing so, NPTs can ensure throughout the planning and development process that cultural resources are protected and that sacred land sites or critical ecosystems remain minimally disturbed. For example, the Alaska Native Village of Igiugig learned to operate a tidal generator without harming migrating salmon in the river.[304]

Public Health Benefits

- **Health benefits**. Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using COBRA and found that Measure E-2 would benefit the state of New Mexico with between $2.9 million and $4.8 million of monetized health impacts in 2030.
- **Public and community health**. Many NPTs have higher-than-average proportions of unelectrified homes.[305] For example, the Navajo Nation estimates 10% of its members do not have reliable electricity access.[306] As heat waves increase in frequency and intensity, these residents are more vulnerable to heat-related health impacts, such as dehydration and heat stroke.[307] Reliable access to electricity through local energy generation and microgrids could reduce these impacts by ensuring appliances, such as air conditioning or refrigerators, and medical devices continue to operate. Additionally, new clean energy development could encourage energy transition for off-grid houses that have historically relied on coal-fired power, diesel generators, or traditional cookstoves that emit PM and other pollutants that lower local air quality.[308] This energy transition would improve local air quality and reduce exposure to harmful air pollutants.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $272 million between 2026 and 2050.

LIDAC Benefits

All benefits to LIDACs from this measure are described in the benefits analysis above for this measure.

Disbenefits

Potential disbenefits from this measure include:

- **Job loss.** Transitioning to clean energy could result in a loss of oil and gas jobs, which are disproportionately located in rural areas in New Mexico where there is less access to jobs in other industries.[309] Some of New Mexico's NPTs rely on fossil fuels to generate revenue and

[304] Kate Barnes, "'Right Relation' with Earth Requires Tribal Energy Sovereignty," MacArthur Foundation, November 18, 2024, https://www.macfound.org/press/perspectives/right-relation-with-earth-requires-tribal-energy-sovereignty.
[305] U.S. Department of Energy, *Tribal Electricity Access and Reliability*.
[306] Sabrina Curtis et al., *The Roosevelt Project: Accelerating an Equitable Clean Energy Transition in New Mexico* (MIT Center for Energy and Environmental Policy Research, 2022), https://ceepr.mit.edu/wp-content/uploads/2022/12/2022-The-Roosevelt-Project-New-Mexico-Case-Study.pdf.
[307] U.S. Environmental Protection Agency, "What Climate Change Means for New Mexico," August 2016, https://19january2017snapshot.epa.gov/sites/production/files/2016-09/documents/climate-change-nm.pdf.
[308] Lori Bird et al., "Distributed Energy Resources as an Equity Asset: Lessons Learned from Deployments in Disadvantaged Communities," *IEEE Power and Energy Magazine* 22, no. 4 (2024): 64–74, https://doi.org/10.1109/MPE.2024.3399175.
[309] Curtis et al., *The Roosevelt Project: Accelerating an Equitable Clean Energy Transition in New Mexico*.

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provide high-quality jobs. Job losses could be reduced over time by jobs generated through clean energy projects. Additional investment and planning, such as that spurred by New Mexico's WIOA, could also help job loss by connecting job seekers to employment, education, training, and support services in industries with high demand.[310] New Mexico NPTs also have existing programs and partnerships to align workforce development activities within their regions, which could be leveraged to further support clean energy workers in NPTs.[311]

LIDAC Disbenefits

All potential disbenefits to LIDACs from this measure are described in the analysis above for this measure

Measure E-3: Scale Zero- and One-Percent Interest Energy Loans

This measure expands access to zero- and one-percent interest loans to support clean energy generation, energy storage, ZEV infrastructure, and energy efficiency upgrades across New Mexico. Loans are available to NPTs. They are also available to educational agencies and municipalities, helping institutions finance projects that reduce energy costs and emissions. The measure is structured so that loan repayments do not exceed the utility bill savings generated by the projects, ensuring budget neutrality for participants. By lowering the cost of capital, the measure enables broader adoption of clean energy technologies, reduces financial barriers, and accelerates the state's transition to a cleaner energy future.

Implementation Authority and Responsibilities

ECAM will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation. ECAM was established pursuant to NMSA 1978, Section 9-5A-3(A)(4). Its duties are to plan, administer, review, provide technical assistance, and monitor state and federal energy conservation and alternative energy technology programs (NMSA 1978, Section 9-5A-4(B)).

In 2025, the New Mexico Legislature also created the Community Benefit Fund to fund projects to reduce GHGs; increase electric grid capacity, resilience or reliability through grid modernization; increase electricity from renewable energy resources and energy efficiency; reduce the use of combustion engine vehicles; and help public entities purchase EVs and EV charging infrastructure, among other purposes. (See NMSA 1978, Section 6-4-37.)

Implementation Timeline and Milestones

The implementing agency(ies) will administer this measure from 2026 through 2036, providing $22 million in annual loans for 10 years, totaling $220 million. Renewable energy installations will come online one year after loans are awarded, with the first installations operational in 2027 and the final installations completed in 2036. Energy-efficiency upgrades will follow the same schedule, beginning in 2027 and concluding in 2036.

[310] New Mexico Department of Workforce Solutions, *New Mexico Workforce Innovation and Opportunity Act (WIOA) Combined State Plan, Program Years 2024-2027* (2024), https://www.dws.state.nm.us/Portals/0/DM/Partners/WIOA_Plan_PYs_2024-2027.pdf.

[311] New Mexico Department of Workforce Solutions, *New Mexico Workforce Innovation and Opportunity Act (WIOA) Combined State Plan, Program Years 2024-2027*.

Table 64. Measure E-3 Implementation Timeline and Milestones

Timeline	Milestones
2026	Issue first loans.
2027	First renewable energy installations operational. Complete first energy efficiency upgrades.
2035	Issue last loans.
2036	Last renewable energy installations operational. Complete last energy efficiency upgrades.

Metrics for Tracking Progress

The implementing agency(ies) will track progress on Measure E-3 using indicators such as the number and total value of zero- and one-percent interest loans issued; the types of clean energy, storage, or efficiency projects financed; and the number of participating educational agencies, municipalities, and NPTs. The agency(ies) will collect data annually from loan recipients and financial administrators, assigning responsibilities to ensure consistency and long-term availability. Metrics will provide transparency, demonstrate economic and environmental outcomes, and communicate meaningful results to interested parties.

Quantified Emission Reductions

The CAP Team estimated emission reductions from Measure E-3 based on (i) electricity generation from new solar PV and wind installations and (ii) reductions in electricity and natural gas use from energy efficiency upgrades in municipal and institutional buildings. Electricity generated or saved through these projects was assumed to offset BAU grid electricity, resulting in avoided GHG and co-pollutant emissions. Natural gas savings were assumed to avoid emissions from BAU fossil fuel use. Adding energy storage alongside new solar PV and wind installations was assumed to increase the capacity factor for both technologies. ZEV infrastructure was treated as an enabling action that does not directly reduce emissions.

The CAP Team assumed $22 million in annual funding over 10 years, allocated evenly to solar PV, wind, energy storage, energy efficiency upgrades, and ZEV infrastructure. Solar was modeled as community-scale systems and wind as a mix of commercial- and large-class turbines. For solar PV and wind, capital cost estimates were drawn from recent studies by NREL.[312] Expected generation was calculated using average 2023 capacity factors for solar PV (0.23) and wind (0.39) in New Mexico, with a 5% increase attributed to energy storage (resulting in effective capacity factors of 0.28 and 0.44, respectively). For energy efficiency upgrades, the CAP Team applied savings-weighted average total costs from recent Lawrence Berkeley National Laboratory studies: 3.4¢/kWh saved for electricity and $0.37/therm saved

[312] Ramasamy et al., *U.S. Solar Photovoltaic System and Energy Storage Cost Benchmarks, With Minimum Sustainable Price Analysis: Q1 2023*; Stehly et al., *Cost of Wind Energy Review: 2024 Edition*.

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for natural gas.[313] To reflect project development timelines, the team applied a one-year lag between funding and full operation.

For electricity, the CAP Team developed emission reduction estimates by projecting eGRID's non-baseload output emission rates for New Mexico's electricity grid out to 2050 under a BAU scenario. Emission factors for CO, VOCs, and PM were not available from eGRID. For natural gas, the CAP Team developed emission reduction estimates by applying emission factors to projected savings. The team used emission factors from EPA's *Inventory of U.S. Greenhouse Gas Emissions and Sinks* for GHGs and from EPA's AP-42, fifth edition, for other pollutants. Reductions were quantified for both near-term (2030) and long-term (2050) targets. All costs and generation assumptions were held constant over the analysis period, and inflation was not considered.

Table 65. Measure E-3 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	210,023.7	156,294.2	6,520,560.4
CH_4	9.1	15.6	370.7
N_2O	0.4	0.3	13.0
CO_2e	210,401.0	156,843.6	6,534,983.0
Other Pollutants			
CO	43.9	109.7	Not Calculated
NO_x	688.3	130.6	Not Calculated
SO_2	34.1	0.8	Not Calculated
VOCs	2.9	7.2	Not Calculated
PM_{10}	4.0	9.9	Not Calculated
$PM_{2.5}$	4.0	9.9	Not Calculated

Measure Costs

The total implementation cost for Measure E-3 is estimated at approximately $220 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners. Funding will be provided at $22 million annually over a 10-year period, with resources allocated equally across five primary components: solar PV, wind, energy storage, ZEV infrastructure, and energy efficiency upgrades to

[313] Ian Hoffman et al., *The Cost of Saving Electricity Through Energy Efficiency Programs Funded by Utility Customers: 2009–2015* (Lawrence Berkeley National Laboratory, 2018), https://eta-publications.lbl.gov/sites/default/files/cose_final_report_20200429.pdf; Steve Schiller et al., *Cost of Saving Natural Gas through Efficiency Programs Funded by Utility Customers: 2012-2017* (Lawrence Berkeley National Laboratory, 2020), https://eta-publications.lbl.gov/sites/default/files/cose_natural_gas_final_report_20200513.pdf.

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municipal buildings. Funding for renewable energy projects will cover capital costs associated with installation, but will not include ongoing O&M expenses.

In addition to direct project funding, the administration of this measure will require a commitment equivalent to 0.25 FTEs from the state of New Mexico over a 10-year period. Responsibilities for this position include program initiation and loan administration. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. These costs are assumed to be separate from the $22 million annual funding allocation.

All costs are presented in current-year dollars and do not account for future inflation.

Table 66. Measure E-3 Cost Estimates

Cost Component	Estimated Implementation Cost
Capital costs	$220,000,000
Program/policy implementation and administration costs	$272,000
EMNRD employees	*$272,000*
Total	**$220,272,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure E-3. (Appendix C provides details on these sources, organized by funding source number.)

- Community Benefit Fund (Funding Source 94)
- ERA Program (Funding Source 22)
- Alternative Fuel Vehicle Refueling Property Credit (Funding Source 23)
- CFI Grants—Community Program (Funding Source 24)
- NCIF CUF (Funding Source 25)
- SBTC (Funding Source 26)
- USDA RCPP (Funding Source 11)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- Electric Grid Modernization Grant Program (Funding Source 51)
- New Mexico Climate Investment Center (Funding Source 102)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Zero- and one-percent loans could accelerate the deployment of clean energy infrastructure in New Mexico, providing numerous economic and environmental benefits, including job creation, decreased household costs, air pollution reduction, and energy resilience.

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Economic Benefits

- **Job creation.** New Mexico's clean energy industries employed over 13,000 workers in 2023, with about 3,400 jobs in solar, 1,200 jobs in wind, and 6,500 jobs in energy efficiency.[314] Zero- and one-percent interest loans could make it easier for communities to afford to finance investments in clean energy infrastructure and energy efficiency projects. Those investments could create local jobs in construction, electrical work, and other services related to the building and installation of clean energy infrastructure and energy efficiency projects.
- **Decreased household costs.** Zero- and one-percent interest loans for ZEV infrastructure in New Mexico could increase the number of EV charging stations available across the state. As of November 2024, New Mexico only had 326 charging stations with 793 ports, compared to an average of 516 stations with 1,617 ports in comparable states.[315] Greater access to EV charging stations could increase the adoption of EVs in the state, which NMED estimated saves consumers more than $7,000 over 10 years compared to traditional vehicles due to zero fuel and lower maintenance costs.[316]
- **Decreased energy costs.** Clean energy projects such as wind and solar have relatively low operating costs, and zero- and one-percent interest loans could reduce the cost of financing the upfront capital costs of clean energy projects.[317] These cost savings could be passed on to households and businesses in the form of lower energy bills. Lower financing costs for energy efficiency projects could also facilitate greater investment in energy efficiency, which could reduce energy bills by decreasing the amount of energy needed by households and businesses. For example, a 2021 update to New Mexico's building energy code was expected to reduce energy costs for new single-family homes by an average of $402 a year.[318]
- **Increased energy resilience.** Zero- and one-percent interest loans could increase investment in energy storage projects, which could help to mitigate energy reliability concerns related to intermittent clean energy production. For example, the Edwards Sanborn Solar and Energy Storage project in California combines a large utility-scale solar array with a battery energy storage system to mitigate intermittency issues.[319] Additionally, loans could increase investment in energy efficiency upgrades, which would reduce baseline energy consumption in the state and therefore make the state's power grid more resilient to temporary increases in energy demand, such as during a heat wave.

[314] U.S. Department of Energy, *Energy Employment by State 2024* (2024), https://www.energy.gov/sites/default/files/2024-09/USEER%202024%20States_0913.pdf.
[315] New Mexico Legislative Finance Committee, *New Mexico's Public Light-Duty Electric Vehicle Charging Infrastructure* (2024), https://www.nmlegis.gov/Entity/LFC/Documents/Program_Evaluation_Reports/ALFC%20120924%20Item%2018%20Policy%20Spotlight%20EV%20Charging%20Infrastructure%20FINAL%20SUBMITTED.pdf.
[316] New Mexico Environment Department, "Advanced Clean Cars II, Advanced Clean Trucks, and Heavy-Duty Omnibus," n.d., accessed September 18, 2025, https://cloud.env.nm.gov/resources/_translator.php/NoP4Wd1EyorPC~sl~BWz~sl~H2+PXdCQEKefUZ7Ou8Vgq~sl~x2ZYzqa1zexRjUOtr97~sl~EtViq8FeLTyGF6VgLbKGFek~sl~iVEx5lSfjzjIGBA2~sl~lFKo+H8yUo3H0qYeqBAH+YzXvaH.pdf.
[317] New Mexico Legislative Finance Committee, *Economics of Power Generation*.
[318] New Mexico Energy, Minerals and Natural Resources Department, "Energy Efficiency," accessed September 18, 2025, https://www.emnrd.nm.gov/ecmd/energy-efficiency/.
[319] Earth Observatory, "Solar and Batteries Go Big in the Desert," January 2024, https://earthobservatory.nasa.gov/images/152404/solar-and-batteries-go-big-in-the-desert.

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Environmental Benefits

- **Air pollution reductions.** Traditional automobiles and power plants using fossil fuels emit air pollutants such as SO_2 and PM in addition to contributing to GHG emissions.[320] By facilitating investment in clean energy generation, ZEV infrastructure, and energy efficiency upgrades, zero- and one-percent interest loans could help to reduce air pollution in New Mexico by reducing the state's reliance on traditional automobiles and fossil fuel power plants. A reduced reliance on these pollutant sources could increase public health outcomes, including decreased incidence of asthma, heart disease, and even all-cause mortality.[321]

Public Health Benefits

- **Health** benefits. Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using COBRA and found that Measure E-3 would benefit the state of New Mexico with between $8.3 and $9.2 of monetized health impacts in 2030 and between $3.1 million and $4 million of monetized health impacts in 2050.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $2 billion between 2026 and 2050.

LIDAC Benefits

LIDACs will benefit from this measure in the following ways:

- **Economic development.** Clean energy infrastructure loans with 0% and 1% interest could help increase investment and create jobs in LIDACs. New Mexico's clean energy industries employed over 13,000 workers in 2023, with about 3,400 jobs in solar, 1,200 jobs in wind, and 6,500 jobs in energy efficiency.[322] Because rural communities typically have more available undeveloped land, rural LIDACs could benefit from investment in utility-scale clean energy projects that create jobs, tax revenue, and additional funding from renewable energy developers for community projects.[323]
- **Energy burden reduction.** LIDACs are often located in energy-burdened parts of New Mexico, areas where households spend a large portion of their income on energy utilities. Households in these areas with incomes below the federal poverty line spend about 16% of their income on energy-related costs, compared to a statewide average of 3%.[324] However, LIDACs also have substantial potential for clean energy generation, with one estimate from EMNRD suggesting that low- and moderate-income households have 42% of the state's potential for rooftop

[320] U.S. Environmental Protection Agency, "Smart Growth and Transportation"; U.S. Environmental Protection Agency, "Power Plants and Neighboring Communities," Data and Tools, March 2025, https://www.epa.gov/power-sector/power-plants-and-neighboring-communities.
[321] World Health Organization, "Air Quality, Energy and Health."
[322] U.S. Department of Energy, *Energy Employment by State 2024*.
[323] National Renewable Energy Laboratory, "SLOPE Stories: SLOPE Informs Grid Modernization and Transportation Planning in New Mexico," SLOPE: State and Local Planning for Energy, 2025, https://maps.nrel.gov/slope/stories/nm.
[324] National Renewable Energy Laboratory, "SLOPE Stories: SLOPE Informs Grid Modernization and Transportation Planning in New Mexico."

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solar.[325] Loans with 0% and 1% interest, such as those offered by the New Mexico Climate Investment Center, could help LIDACs take advantage of rooftop solar potential and other distributed energy resources that could reduce the energy burden in their communities. Low-cost financing for energy efficiency upgrades could also reduce the energy burden of LIDACs by reducing the total amount of energy LIDACs need.

- **Reduced exposure to pollution.** LIDACs in New Mexico are disproportionately exposed to air pollution. New Mexico has 27 large stationary emission sources with over 10,000 people living within 3 miles; seven of these emission sources are in particularly vulnerable communities, including the Rio Grande Generating Station and Rio Bravo Generating Station.[326] Additionally, a 2013 study by the University of New Mexico found that 16% of New Mexico's population lived within 500 meters of roads with more than 25,000 vehicle trips per day, and that overburdened communities were more likely than others to be near busy roads in the United States.[327] By facilitating investment in clean energy infrastructure and zero-emissions vehicle infrastructure, 0% and 1% interest loans could reduce air pollution exposure and associated negative public health outcomes in LIDACs by reducing the demand for power from traditional power plants and increasing the adoption rate of zero-emissions vehicles.

Disbenefits

Potential disbenefits from this measure include:

- **Job loss.** Increased investment in clean energy infrastructure could result in direct job losses in traditional fuel power plants, traditional fuel infrastructure, and the oil and gas industry, as well as indirect job losses in services for those industries. To mitigate this disbenefit, New Mexico has several workforce programs to help workers displaced by the energy transition. For example, the Displaced Worker Assistance Fund is designed to support displaced power workers.[328] New Mexico also offers workforce programs as part of the Energy Transition Act (ETA), such as a direct payment program, wage differential program, direct training program, and apprenticeship program.[329]

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Job loss.** Job losses due to the clean energy transition could have a substantial impact on LIDACs. A recent study of oil and gas workers in New Mexico found that a sizeable portion of workers for the industry have particularly low incomes; about 20% of workers reported making less than $25,000 annually from the industry.[330] A 2023 assessment found that out of a group of more

[325] New Mexico Grid Modernization Advisory Group, *Whitepaper Series #10: Low and Moderate Income Programs to Modernize the Grid* (2021), https://www.emnrd.nm.gov/ecmd/wp-content/uploads/sites/3/LMIPrograms_1.30.21.pdf.
[326] Gabriel Pacyniak et al., *Climate, Health, and Equity Implications of Large Facility Pollution Sources in New Mexico*, Research Paper No. 2023-01 (University of New Mexico School of Law, 2023), https://www.ssrn.com/abstract=4354671.
[327] Wentworth, "Potential Exists for Widespread Exposure to Harmful Vehicle Emissions."
[328] New Mexico Department of Workforce Solutions, "Energy Transition Act," accessed September 18, 2025, https://www.dws.state.nm.us/ETA.
[329] New Mexico Department of Workforce Solutions, *New Mexico Workforce Innovation and Opportunity Act (WIOA) Combined State Plan, Program Years 2024-2027*.
[330] Shannon Sanchez-Youngman et al., *Southeastern New Mexico Oil and Gas Workforce Study* (University of New Mexico Center for Social Policy, 2024), https://csp.unm.edu/assets/documents/executive-summary-se-nm-oil-and-gas-workforce-study-2.pdf.

than 400 displaced energy workers in New Mexico, 43% were Native American.[331] Through the ETA, New Mexico provided direct assistance to the displaced workers from the San Juan Generating Station, including monetary support and offers of educational and other resources.[332] New Mexico can continue to mitigate the impacts of worker displacement in LIDACs and other communities through the programs established by the ETA, including the direct payment program, wage differential program, direct training program, and apprenticeship program.[333]

- **Resistance to infrastructure development.** LIDACs in New Mexico might be resistant to clean energy infrastructure development in their communities. Two recent proposals for solar and battery storage projects in the state have faced significant community resistance over concerns about battery fires, impact on local water resources, increased traffic, and other potentially negative impacts.[334] Because the 0% and 1% interest loans would go to NPTs, educational institutions, and municipalities rather than directly to developers, the loans could allow for greater community involvement that could help to reduce resistance. The state could also provide educational resources or other support to address community concerns about clean energy infrastructure.

Measure E-4: Launch a Long-Duration Energy Storage Pilot

This measure establishes a pilot program to evaluate emerging long-duration energy storage (LDES) technologies capable of providing storage for 10+ hours, suitable for New Mexico's climate and energy landscape. Technologies may include gravity-based storage, molten rock thermal storage, and hydrogen, among others. The pilot will consider site-specific factors, nominal duration, average round-trip efficiency, capacity, life cycle emissions, cost, and community impacts.

LDES is an important enabling tool to bring larger percentages of variable renewable energy generators onto the grid while maintaining grid reliability. While LDES represents a broad category of nascent technologies, there are existing examples of LDES deployment, including California Energy Commission's LDES grant program.

Implementation Authority and Responsibilities

ECAM will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation.

EMNRD was tasked with developing a grid modernization roadmap and grant program, pursuant to NMSA 1978, Section 71-11-1, and the state legislature funded the grant program by establishing the Grid Modernization Grant Fund in the state treasury with NMSA 1978, Section 71-11-2. For purposes of this statute, grid modernization projects include advanced metering infrastructure and energy storage systems and microgrids that support circuit-level grid stability, power quality, reliability, or resiliency or

[331] Nair and Martinez, "Energy Transition Act Update."
[332] Nair and Martinez, "Energy Transition Act Update."
[333] New Mexico Department of Workforce Solutions, *New Mexico Workforce Innovation and Opportunity Act (WIOA) Combined State Plan, Program Years 2024-2027*.
[334] Pat Davis, "Solar Projects in Central New Mexico Face Opposition from Nearby Residents," December 4, 2024, https://nm.news/2024/12/04/solar-projects-in-central-new-mexico-face-opposition-from-nearby-residents/.

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provide temporary backup energy supply, among other options (NMSA 1978, Section 71-11-1(G)(2)(a) and (b)). EMNRD promulgated rules for the Grid Modernization Grant Program at 17.9.588.1 NMAC.

In 2025, the legislature also created the Community Benefit Fund to fund projects to reduce GHGs; increase electric grid capacity, resilience, or reliability through grid modernization; increase electricity from renewable energy resources and energy efficiency; reduce the use of combustion engine vehicles; and help public entities purchase EVs and EV charging infrastructure, among other purposes. (See NMSA 1978, Section 6-4-37.)

In parallel with the grid modernization roadmap and grant program, the state legislature also enacted statutes enabling the PRC to approve or request grid modernization and advanced grid technology projects from the state's public electricity utilities, pursuant to NMSA 1978, Section 62-18-13. When considering projects for approval, the legislature directed the PRC to consider (among other factors) whether the projects are designed to contribute to the reduction of air pollution, including GHGs, and whether they are consistent with the state's grid modernization planning process and priorities (NMSA 1978, Section 62-8-13(B)(4) and (7)). For purposes of this statute as well, grid modernization projects include advanced metering infrastructure and energy storage systems and microgrids that support circuit-level grid stability, power quality, reliability, or resiliency or provide temporary backup energy supply, among other options. The PRC is in the midst of a rulemaking to establish what will be the Grid Modernization and Integrated Distribution Planning rule at 19.9.587 NMAC.

Implementation Timeline and Milestones

The state of New Mexico anticipates implementing this measure beginning in 2026 and through 2030, with the potential for follow-on pilot programs to address other LDES deployment barriers based on the results at the 2030 conclusion of the initial pilot.

Table 67. Measure E-4 Implementation Timeline and Milestones

Timeline	Milestones
2026	Establish LDES program.
2027	Release notification for funding opportunity and select LDES project(s).
2028	Achieve commercial operation date (COD) for LDES project(s).
2030	Release findings from LDES pilot program.

Metrics for Tracking Progress

Implementing agency(ies) will track progress on Measure E-4 using indicators such as the number of LDES proposal submissions by technology and storage duration, cost of proposed LDES by technology ($/MW), performance metrics for installed pilot LDES project(s) (e.g., round-trip efficiency), and transmission system impacts (e.g., reduced congestion costs).

Quantified Emission Reductions

The CAP Team modeled GHG emissions and select criteria air pollutants for this measure assuming the installation of 4 MW of LDES capacity based on program funding levels. LDES are assumed to have a

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45% asset utilization factor, which includes both charging and discharging.[335] Using only the discharge portion of the asset utilization factor results in annual LDES production of 9,000 MWh. The CAP Team assumed that LDES displaces a portion of total electricity output emissions identified from eGRID data. As the electricity grid becomes cleaner and approaches 2050 zero emissions targets, the annual emission reductions associated with installed LDES system decreases. Emissions reductions for Measure E-4 are modest due to the scale of the pilot program, but enable larger reductions aligned with RPS targets by encouraging further LDES deployment.

Table 68. Measure E-4 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	1,212.4	0.0	15,492.0
CH_4	<0.1	0.0	0.3
N_2O	<0.1	0.0	<0.1
CO_2e	1,213.7	0.0	15,508.3
Other Pollutants			
CO	Not calculated	Not calculated	Not calculated
NO_x	0.9	0.0	Not calculated
SO_2	<0.1	0.0	Not calculated
VOCs	Not calculated	Not calculated	Not calculated
PM_{10}	Not calculated	Not calculated	Not calculated
$PM_{2.5}$	Not calculated	Not calculated	Not calculated

Measure Costs

The total implementation cost for Measure E-4 is estimated at approximately $35 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners. In estimating costs, the CAP Team used average capital costs of three awarded projects from the California Energy Commission's LDES grant program that meet New Mexico's criteria for exceeding 10 hours of storage duration. These projects include zinc-bromine energy storage systems (ESS), iron-air ESS, and vanadium flow and zinc hybrid cathode ESS technologies.[336] The CAP Team excluded energy storage O&M costs to the system owner and utility cost savings resulting from reduced renewable energy curtailment as well as transmission and distribution system optimizations.

[335] "Net-Zero Power: Long-Duration Energy Storage for a Renewable Grid | McKinsey," accessed September 22, 2025, https://www.mckinsey.com/capabilities/sustainability/our-insights/net-zero-power-long-duration-energy-storage-for-a-renewable-grid#/.

[336] California Energy Commission, "Long Duration Energy Storage Program," California Energy Commission, current-date, https://www.energy.ca.gov/programs-and-topics/programs/long-duration-energy-storage-program.

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In addition to direct project funding, the administration of this measure will require a commitment equivalent to 0.5 FTEs from the state of New Mexico over a 4-year pilot period. Responsibilities for this position include reviewing grant applications, managing awards, and supporting the development of project agreements. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. These costs are assumed to be separate from the $35 million grant funding allocation.

Table 69. Measure E-4 Cost Estimates

Cost Component	Estimated Implementation Cost
Capital costs	$35,233,000
Program/policy implementation and administration costs	$217,000
EMNRD employees	*$217,000*
Total	**$35,450,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure E-4. (Appendix C provides details on these sources, organized by funding source number.)

- Community Benefit Fund (Funding Source 94)
- Advanced Energy Project Credit (Funding Source 21)
- ERA Program (Funding Source 22)
- NCIF CUF (Funding Source 25)
- SBTC (Funding Source 26)
- Clean Electricity Investment Tax Credit (Funding Source 45)
- Clean Electricity Low-Income Communities Bonus Credit Amount Program (Funding Source 38)
- Cost Recovery for Qualified Clean Energy Facilities, Property, and Technology (Funding Source 39)
- EIR Program (Funding Source 66)
- Solid Waste Infrastructure for Recycling Grants (Funding Source 87)
- USDA REAP (Funding Source 32)
- USDA RCPP (Funding Source 11)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

An LDES pilot project program will demonstrate the initial benefits of this technology. Once the results of the pilot are confirmed, the technology can be curated and scaled to expand benefits. In widespread applications, LDES can increase the utilization of renewable energy while reducing a state's reliance on

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peaker plants.[337] This transition will reduce emissions and increase energy independence in New Mexico.

Economic Benefits

- **Job creation.** Deploying LDES technologies can create employment opportunities in engineering, construction, operations, and maintenance. National clean energy policy and funding, such as the Inflation Reduction Act, have already catalyzed tens of thousands of new battery storage and solar jobs around the country,[338] suggesting similar benefits are achievable in New Mexico with targeted investments and a strong workforce. For example, the energy storage market is projected to grow at a 19% annual rate between 2025 and 2032.[339] Pilot programs and long-term storage solutions can establish feasibility and stimulate the local economy when implemented.
- **Increased energy resilience.** Energy storage projects enhance grid stability during extreme weather, wildfires, and peaks in demand.[340] New Mexico is particularly vulnerable to these events, especially in rural and Tribal areas. Establishing grid stability is important for rural and Tribal communities that may see power outages during extreme weather events that take extended time to resolve. Creating a microgrid in these areas that combines solar power and storage systems can keep critical functions like communications, clinics, and charging infrastructure running during and following extreme weather events.[341]
- **Household savings.** Households adding LDES with solar PV systems can often save money on their electricity bills. A recent study found that 60% of households can reduce their energy bill by an average of 15% after installing LDES with a solar PV system.[342] This allows individuals to save or spend on other essential household items while decreasing emissions and reducing blackouts.
- **Educational and training opportunities.** Piloting advanced energy storage technologies in New Mexico can serve as a cornerstone for enhancing clean energy curricula at technical colleges and universities. New Mexico is currently developing training programs that can help those in the oil and gas industry transition to clean energy jobs, such as LDES installation and maintenance. NMDWS has created the WIOA combined state plan that is aimed at counteracting the loss in certain industries with training and resources to transition to clean energy jobs.[343]

[337] PSE Healthy Energy, *New Mexico Peaker Power Plants: Energy Storage Replacement Options* (2020), https://www.psehealthyenergy.org/wp-content/uploads/2020/01/New-Mexico.pdf.
[338] Climate Power, *One Year of Our Clean Energy Boom* (2023), https://climatepower.us/wp-content/uploads/sites/23/2023/07/Clean-Energy-Boom-Anniversary-Report-1.pdf.
[339] NenPower, "What Are the Projected Job Growth Rates in the Energy Storage Sector over the next Decade," December 23, 2024, https://nenpower.com/blog/what-are-the-projected-job-growth-rates-in-the-energy-storage-sector-over-the-next-decade/.
[340] ESS Inc., "Winter Grid Resiliency Needs Long-Duration Energy Storage," February 7, 2024, https://essinc.com/winter-grid-resiliency-needs-long-duration-energy-storage/.
[341] Kit Carson Electric Cooperative, *Kit Carson Electric Microgrid Project – Strengthening Energy Resilience in Northern New Mexico: Distributed Battery Storage for Wildfire Mitigation and Reliability* (2025), https://kitcarson.com/wp-content/uploads/2025/03/Kit-Carson-Electric-Microgrid-Project-.pdf.
[342] Tao Sun et al., "Solar and Battery Can Reduce Energy Costs and Provide Affordable Outage Backup for US Households," *Nature Energy* 10, no. 8 (2025): 1025–40, https://doi.org/10.1038/s41560-025-01821-w.
[343] State of New Mexico, "Department of Workforce Solutions," New Mexico Climate Change Action, accessed September 18, 2025, https://www.climateaction.nm.gov/dws/; New Mexico Department of Workforce Solutions, *New Mexico Workforce Innovation and Opportunity Act (WIOA) Combined State Plan, Program Years 2024-2027*.

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Environmental Benefits

- **Reduced water consumption and environmental contaminants.** Energy storage solutions will reduce the state's reliance on gas peaker plants,[344] thus reducing its reliance on the fossil fuel industry, which consumes large quantities of water.[345] "Produced water" is a byproduct of oil and gas production, containing both known and unknown chemicals, making it unsuitable for release into the environment.[346]

Public Health Benefits

- **Health** benefits. Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using COBRA and found that Measure E-4 would benefit the state of New Mexico with between $6,300 and $6,700 of monetized health impacts in 2030.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $4.6 million between 2026 and 2050.

LIDAC Benefits

LIDACs will benefit from this measure in the following ways:

- **Energy cost burden.** Piloting long-duration energy storage (LDES) within or near LIDACs can reduce the cost burden of utilities. New Mexico has a community solar program available to Public Service Company of New Mexico (PNM) customers that allocates energy toward low-income homes, reducing costs for subscribers.[347] When combined with LDES, this could further decrease costs and reliance on peaker plants, reducing emissions in LIDAC areas.[348]
- **Local control over energy resources.** Piloting LDES within or near LIDACs gives these communities agency over their energy systems. Pairing LDES with community solar can increase energy security while reducing emissions and improving health. Power outages due to climate-related events have doubled over the past 20 years. Storms can cause increased demand on the grid and downed power lines, which can take longer to repair in rural and disadvantaged communities. Adding household or utility LDES can keep critical infrastructure running during these outages and save lives during emergencies.[349]
- **Reduced exposure to environmental hazards.** New Mexico communities, especially Tribal and disadvantaged communities, are disproportionally located near peaker plants, which tend to be older and high emitters of PM and other pollutants.[350] Currently, the majority of New Mexico's

[344] PSE Healthy Energy, *New Mexico Peaker Power Plants: Energy Storage Replacement Options*.
[345] Kevin Hendricks, "Landmark New Mexico Oil Pollution Lawsuit Appealed to State Supreme Court - Santa Fe Reporter," Santa Fe Reporter, July 1, 2025, https://sfreporter.com/news/landmark-new-mexico-oil-pollution-lawsuit-appealed-to-state-/.
[346] New Mexico State University, "Facts," New Mexico Produced Water Research Consortium, accessed September 19, 2025, https://nmpwrc.nmsu.edu/resources/facts-1.html.
[347] PNM, "Community Solar Additional Information," accessed September 19, 2025, https://www.pnm.com/communitysolar-details.
[348] PSE Healthy Energy, *New Mexico Peaker Power Plants: Energy Storage Replacement Options*.
[349] ESS Inc., "Winter Grid Resiliency Needs Long-Duration Energy Storage."
[350] PSE Healthy Energy, *New Mexico Peaker Power Plants: Energy Storage Replacement Options*.

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11 peaker plants are in majority low-income areas.[351] A study of Washington State's four natural gas peaker plants found that replacing them with wind energy and energy storage systems would reduce Pacific State Energy's emissions by 14% and save between $4 million and $10 million in healthcare costs.[352] An analysis of New Mexico's peaker plants found that several would be hard to replace due to their long run-hours, high-capacity factors, and young age, but several are inefficient and older, making them prime candidates for retirement.[353]

Disbenefits

The CAP Team did not identify any statewide disbenefits.

LIDAC Disbenefits

One potential disbenefit to LIDACs from this measure is:

- **High upfront costs and access equity.** While researchers have found that 60% of households could save on energy each month by installing LDES and solar photovoltaic systems, the same researchers also noted that high upfront costs could be barrier of entry for low-income households.[354] LIDACs, in many cases, do not have access to these systems due to high upfront costs surrounding development and installation. It will be important to keep this in mind when installing systems, making LDES available in similar ways to community solar and allowing members to opt in without paying the upfront cost. As stated above, PNM's community solar program must reserve at least 30% of its capacity for low-income customers and service organizations.[355] Enacting similar provisions around LDES would minimize barriers for households in LIDACs.

Measure E-5: Incentivize Distributed Wind Generation

This measure incentivizes distributed wind generation projects across New Mexico, with a focus on delivering enhanced community benefits. Funding provides financial incentives for wind projects of varying sizes, with incentive levels adjusted based on the total installed capacity of each system. By supporting distributed wind generation, the measure expands opportunities for clean power in rural and local settings, reduces reliance on fossil fuels, and contributes to statewide renewable energy goals. The measure also ensures that benefits, such as local economic development and improved energy resilience, are shared directly with the communities where projects are located.

Implementation Authority and Responsibilities

ECAM will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation.

[351] PSE Healthy Energy, "Replacing Peaker Plants with Energy Storage in New Mexico," October 2024, https://www.psehealthyenergy.org/work/opportunities-for-replacing-peaker-plants-with-energy-storage-in-new-mexico/.
[352] Bethel Tarekegne et al., "Analysis of Energy Justice and Equity Impacts from Replacing Peaker Plants with Energy Storage," *2022 IEEE Electrical Energy Storage Application and Technologies Conference* (Austin, TX, USA), IEEE, November 8, 2022, 1–5, https://doi.org/10.1109/EESAT55007.2022.9998034.
[353] PSE Healthy Energy, *New Mexico Peaker Power Plants: Energy Storage Replacement Options*.
[354] Sun et al., "Solar and Battery Can Reduce Energy Costs and Provide Affordable Outage Backup for US Households."
[355] PNM, "Community Solar Additional Information."

EMNRD was tasked with developing a grid modernization roadmap and grant program, pursuant to NMSA 1978, Section 71-11-1, and the state legislature funded the grant program by establishing the Grid Modernization Grant Fund in the state treasury with NMSA 1978, Section 71-11-2. For purposes of this statute, grid modernization projects include advanced metering infrastructure and energy storage systems and microgrids that support circuit-level grid stability, power quality, reliability, or resiliency or provide temporary backup energy supply, among other options (NMSA 1978, Section 71-11-1 (G)(2)(a) and (b). EMNRD promulgated rules for the Grid Modernization Grant Program at 17.9.588.1 NMAC.

In 2025, the legislature also created the Community Benefit Fund to fund projects to reduce GHGs; increase electric grid capacity, resilience, or reliability through grid modernization; increase electricity from renewable energy resources and energy efficiency; reduce the use of combustion engine vehicles; and help public entities purchase EVs and EV charging infrastructure, among other purposes. (See NMSA 1978, Section 6-4-37.)

In parallel with the grid modernization roadmap and grant program, the state legislature also enacted statutes enabling the PRC to approve or request grid modernization and advanced grid technology projects from the state's public electricity utilities, pursuant to NMSA 1978, Section 62-18-13. When considering projects for approval, the legislature directed the PRC to consider (among other factors) whether the projects are designed to contribute to the reduction of air pollution, including GHGs, and whether they are consistent with the state's grid modernization planning process and priorities (NMSA 1978, Section 62-8-13(B)(4) and (7)). For purposes of this statute as well, grid modernization projects include advanced metering infrastructure and energy storage systems and microgrids that support circuit-level grid stability, power quality, reliability, or resiliency or provide temporary backup energy supply, among other options. The PRC is in the midst of a rulemaking to establish what will be the Grid Modernization and Integrated Distribution Planning rule at 19.9.587 NMAC.

Implementation Timeline and Milestones

The implementing agency(ies) will administer this measure from 2026 through 2036, issuing annual incentives that begin at $30 million and increase to $45 million in 2031, covering up to 30% of total project costs. The agency(ies) will issue the final incentives in 2035. Wind installations will come online one year after incentives are awarded, with the first installations operational in 2027 and the last completed in 2036.

Table 70. Measure E-5 Implementation Timeline and Milestones

Timeline	Milestones
2026	Issue first incentives, with an annual cap of $30 million.
2027	First wind installations operational.
2031	Increase annual incentive cap to $45 million.
2035	Issue last incentives.
2036	Last wind installations operational.

Metrics for Tracking Progress

The implementing agency(ies) will track progress on Measure E-5 using indicators such as the number of distributed wind projects funded, total installed capacity, and community benefits achieved,

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including local economic development and enhanced energy resilience. The agency(ies) will collect data annually from grantees and project developers, assigning responsibilities to ensure consistency and long-term availability. Metrics will provide transparency; demonstrate economic, environmental, and energy outcomes; and communicate meaningful results to interested parties.

Quantified Emission Reductions

The CAP Team estimated emission reductions from Measure E-5 based on electricity generation from new wind installations supported through program funding. Electricity generated by these projects was assumed to offset BAU grid electricity, resulting in avoided GHG and co-pollutant emissions.

The CAP Team assumed $30 million annually for the first five years and $45 million annually for the next five years, representing 30% of total project costs. Wind was modeled as a mix of commercial- and large-class turbines. Capital cost estimates were drawn from a recent study by NREL,[356] while expected generation was calculated using the average 2023 capacity factor for wind in New Mexico (0.39). Based on these assumptions, measure funding is sufficient to deploy 250 MW of new wind corresponding to 830,000 MWh of annual generation. To reflect project development timelines, the team applied a one-year lag between funding and full operation.

The CAP Team developed emission reduction estimates by projecting eGRID's non-baseload output emission rates for New Mexico's electricity grid out to 2050 under a BAU scenario. Emission factors for CO, VOCs, and PM were not available from eGRID. Reductions were quantified for both near-term (2030) and long-term (2050) targets. All costs and generation assumptions were held constant over the analysis period, and inflation was not considered.

Table 71. Measure E-5 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	92,207.4	0.0	2,582,241.0
CH_4	1.8	0.0	49.7
N_2O	0.2	0.0	5.2
CO_2e	92,305.9	0.0	2,585,000.2
Other Pollutants			
CO	Not calculated	Not calculated	Not Calculated
NO_x	397.6	0.0	Not Calculated
SO_2	21.1	0.0	Not Calculated
VOCs	Not calculated	Not calculated	Not Calculated
PM_{10}	Not calculated	Not calculated	Not Calculated
$PM_{2.5}$	Not calculated	Not calculated	Not Calculated

[356] Stehly et al., *Cost of Wind Energy Review: 2024 Edition*.

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Measure Costs

The total implementation cost for Measure E-5 is estimated at approximately $375 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners. Funding will be provided at $30 million annually for the first five years and $45 million annually for the next five years, covering up to 30% of total project costs. Funding will cover capital costs associated with installation but will not include ongoing O&M expenses.

In addition to direct project funding, the administration of this measure will require a commitment equivalent to 0.25 FTEs from the state of New Mexico over a 10-year period. Responsibilities for this position include issuing incentives to eligible projects and reviewing projects to ensure community benefits. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. These costs are assumed to be separate from the annual funding allocation.

All costs are presented in current-year dollars and do not account for future inflation.

Table 72. Measure E-5 Cost Estimates

Cost Component	Estimated Implementation Cost
Capital costs	$375,000,000
Program/policy implementation and administration costs	$272,000
EMNRD employees	*$272,000*
Total	**$375,272,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure E-5. (Appendix C provides details on these sources, organized by funding source number.)

- Community Benefit Fund (Funding Source 94)
- Advanced Energy Project Credit (Funding Source 21)
- Clean Electricity Investment Tax Credit (Funding Source 45)
- Clean Electricity Low-Income Communities Bonus Credit Amount Program (Funding Source 38)
- Cost Recovery for Qualified Clean Energy Facilities, Property, and Technology (Funding Source 39)
- Energy Community Tax Credit Bonus (Funding Source 41)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- Energy Efficiency Revolving Loan Fund (Funding Source 50)
- ERA Program (Funding Source 22)
- EIR Program (Funding Source 66)
- NCIF CUF (Funding Source 25)
- Renewable Electricity Production Tax Credit (Funding Source 37)
- Renewable Energy Production Tax Credit (Funding Source 47)
- SBTC Program (Funding Source 26)

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- USDA REAP (Funding Source 32)
- USDA RCPP (Funding Source 11)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

By facilitating greater investment in distributed wind projects in New Mexico, a distributed wind tax credit could provide benefits such as job creation, decreased energy costs, increased energy resilience, and air pollution reductions.

Economic Benefits

- **Job creation.** The wind energy industry in New Mexico employed over 1,000 workers in 2020, and according to one estimate by NREL, the state's wind industry could grow to nearly 2,000 workers by 2030.[357] A tax credit for distributed wind projects in New Mexico could accelerate this job growth and help to create a wide variety of local jobs related to the construction and operation of distributed wind, including construction, engineering, and wind technician occupations.[358]
- **Decreased energy costs.** Wind turbines have lower operating costs than coal- and natural-gas-powered plants.[359] New Mexico has also had lower renewable energy costs than most other states in the United States; in 2021 costs were 19.8% below the national average.[360] By helping to offset and lessen the burden of upfront capital costs, a tax credit for distributed wind projects could increase the deployment of distributed wind resources and lower energy costs for households and businesses.
- **Increased energy resilience.** Distributed energy resources can increase energy reliability during unexpected grid disruptions, and this type of resilience is becoming more important as climate change increases the frequency and intensity of natural disasters.[361] A distributed wind tax credit could therefore increase the resiliency of New Mexico's energy system by incentivizing communities to build localized wind energy generation they could rely on in the event of a grid outage.

Environmental Benefits

- **Air pollution reductions.** Power plants using traditional fuels emit air pollutants such as SO_2 and PM in addition to contributing to GHG emissions.[362] Peaker power plants, which generally only operate during peak electricity demand, are particularly high-emitting contributors to local air

[357] National Renewable Energy Laboratory, "New Mexico's Clean Energy Jobs Potential Through 2030," 2022, https://docs.nrel.gov/docs/fy22osti/82206.pdf.
[358] Kelly Yaker, "Wind Career Map Shows Wind Industry Career Opportunities, Paths," National Renewable Energy Laboratory, February 25, 2015, https://www.nrel.gov/manufacturing/news/program/2015/16474.
[359] New Mexico Legislative Finance Committee, *Economics of Power Generation*.
[360] Danielle Casey, "New Mexico Is Home to Some of the Lowest Renewable Energy Costs in the U.S.," Albuquerque Regional Economic Alliance, January 11, 2021, https://www.abq.org/2021/01/22/nmrenewableenergy/.
[361] Emma Elgqvist et al., "Energy Exchange Pre-Conference Workshop: Distributed Energy Technologies for Resilience and Cost Savings," National Renewable Energy Laboratory, August 19, 2019, https://docs.nrel.gov/docs/fy19osti/74625.pdf; Sarah Gledhill, "Understanding the Value of Distributed Energy Resources," Yale Environment Review, March 20, 2023, https://environment-review.yale.edu/understanding-value-distributed-energy-resources.
[362] U.S. Environmental Protection Agency, "Power Plants and Neighboring Communities."

pollution.[363] By facilitating investment in distributed wind resources, tax credits could help to reduce air pollution in New Mexico by reducing the state's reliance on fossil fuel and peaker power plants.

Environmental Benefits

- **Health benefits.** Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using COBRA and found that Measure E-5 would benefit the state of New Mexico with between $2.9 million and $3.1 million of monetized health impacts in 2030.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $786 million between 2026 and 2050.

LIDAC Benefits

Distributed wind resources could be highly beneficial to LIDACs. The potential for decreased energy costs and less local air pollution could benefit LIDACs that are disproportionately burdened by these factors. Distributed wind could also facilitate greater community involvement in the planning process compared to larger-scale energy projects, helping to provide power to rural communities that have limited access to utilities.

LIDACs will benefit from this measure in the following ways:

- **Energy burden reduction.** LIDACs are often located in energy-burdened parts of New Mexico. However, these areas typically have significant potential for distributed wind resources; a National Renewable Energy Laboratory study found that in 2022, it was economically viable to build over 48 gigawatts (GW) of front-of-the-meter and behind-the-meter distributed wind resources in low and middle income communities in New Mexico, enough power for more than 14 million homes.[364] A distributed wind tax credit could help LIDACs to take advantage of this potential and reduce their disproportionate energy burden.
- **Community involvement and independence.** LIDACs might be skeptical of larger wind projects due to inequitable benefits from prior energy and infrastructure projects in their communities.[365] Distributed wind projects, however, are generally smaller and more locally oriented than utility-scale wind projects.[366] This could allow for greater community involvement in the planning process and ensure that benefits such as job creation are retained locally.

[363] PSE Healthy Energy, *New Mexico Peaker Power Plants: Energy Storage Replacement Options*.
[364] Wind Energy Technology Offices, "Top 10 Things You Didn't Know About Wind Power," U.S. Department of Energy, August 21, 2024, https://www.energy.gov/eere/wind/articles/top-10-things-you-didnt-know-about-wind-power; Kevin McCabe et al., *Distributed Wind Energy Futures Study*, NREL/TP-7A40-82519, 1868329, MainId:83292 (2022), NREL/TP-7A40-82519, 1868329, MainId:83292, https://doi.org/10.2172/1868329.
[365] Clara Houghteling et al., *Expanding the Baseline: Community Perspectives on Equity in Land-Based Wind Energy Development and Operations*, NREL/TP--5000-88903, 2326202, MainId:89682 (2024), NREL/TP--5000-88903, 2326202, MainId:89682, https://doi.org/10.2172/2326202.
[366] U.S. Department of Energy, "Distributed Wind," accessed September 19, 2025, https://www.energy.gov/eere/wind/distributed-wind.

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Community-scale distributed wind could also benefit rural LIDACs that currently do not have access to utilities, increasing the independence of those communities.[367]

- **Reduced exposure to pollution.** LIDACs in New Mexico are disproportionately exposed to air pollution. New Mexico has 27 large stationary emission sources with over 10,000 people living within 3 miles, seven of which are in particularly vulnerable communities; examples include the Rio Grande Generating Station and the Rio Bravo Generating Station.[368] Air pollution is a risk for all-cause mortality and is linked to adverse health outcomes such as stroke, heart disease, and lung cancer.[369] By facilitating investment in clean energy infrastructure, a distributed wind tax credit could reduce exposure to local air pollution and improve public health in LIDACs by reducing the demand for power from traditional power plants.

Disbenefits

Potential disbenefits from this measure include:

- **Job loss.** Increased investment in distributed wind could result in direct and indirect job losses in fossil-fuel-related occupations. To mitigate this disbenefit, New Mexico has several workforce programs to help workers displaced by the energy transition. For example, the Displaced Worker Assistance Fund is designed to support displaced power workers.[370] New Mexico also offers several workforce programs as part of the ETA, such as a direct payment program, wage differential program, direct training program, and apprenticeship program.[371]
- **Energy security and reliability concerns.** Changes in wind conditions can cause inconsistent energy production from turbines—specifically, underproduction when wind conditions are inadequate. Imperfect forecasting of wind conditions can therefore cause inefficiencies in energy markets. For example, if wind conditions are underforecasted, a utility might pay for higher-cost energy from other sources to service the grid but then end up with extra energy because there was more wind power available than expected.[372] New Mexico is focused on increasing energy storage capabilities to address energy reliability concerns like these. A roadmap released by the New Mexico Grid Modernization Advisory Group recommends that the state support the deployment of energy storage projects.[373] Similarly, the New Mexico Renewable Energy Transition Authority has studied the market status and anticipated demand for energy storage in the state.[374] Continued focus on this subject could ensure that events causing energy market inefficiency will be mitigated while maximizing grid reliability.

[367] Houghteling et al., *Expanding the Baseline*.
[368] Pacyniak et al., *Climate, Health, and Equity Implications of Large Facility Pollution Sources in New Mexico*.
[369] World Health Organization, "Air Quality, Energy and Health."
[370] New Mexico Department of Workforce Solutions, "Energy Transition Act."
[371] New Mexico Department of Workforce Solutions, *New Mexico Workforce Innovation and Opportunity Act (WIOA) Combined State Plan, Program Years 2024-2027*.
[372] K. Parks et al., *Wind Energy Forecasting: A Collaboration of the National Center for Atmospheric Research (NCAR) and Xcel Energy*, NREL/SR-5500-52233, 1027161 (2011), NREL/SR-5500-52233, 1027161, https://doi.org/10.2172/1027161.
[373] New Mexico Energy, Minerals and Natural Resources Department, *New Mexico Grid Modernization Roadmap* (n.d.), accessed September 19, 2025, https://www.emnrd.nm.gov/ecmd/wp-content/uploads/sites/3/GridModernizationRoadmap_FINAL_FOR_PUBLICATION-1.pdf.
[374] ICF, *New Mexico In-State Energy Storage: Market Status and Anticipated Growth* (New Mexico Renewable Energy and Transmission Authority, 2022), https://nmreta.com/wp-content/uploads/2022/10/RETA-Energy-Storage_-0922.pdf.

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LIDAC Disbenefits

One potential disbenefit to LIDACs from this measure is:

- **Job loss.** Job losses due to the clean energy transition could have a substantial impact on LIDACs. A recent study of oil and gas workers in New Mexico found that a sizeable portion of workers for the industry have particularly low incomes: about 20% of workers reported making less than $25,000 annually from the industry.[375] A 2023 assessment found that out of a group of more than 400 displaced energy workers in New Mexico, 43% were Native American.[376] Through the ETA, New Mexico provided direct assistance to the displaced workers from the San Juan Generating Station, including monetary support and offers of educational and other resources.[377] New Mexico can continue to mitigate the impacts of worker displacement in LIDACs and other communities through programs established by the ETA, including the direct payment program, wage differential program, direct training program, and apprenticeship program.[378]

Measure E-6: Provide Community Energy Storage Grants

This measure establishes a grant program to fund community-scale distributed ESS. The program will support community resilience by incorporating ESS into new or existing microgrids, improving electricity reliability and affordability, particularly for rural and underserved communities. Program benefits will reduce household energy burdens and deliver economic benefits through improved reliability, while reducing reliance on fossil fuel backup power generation.

Implementation Authority and Responsibilities

ECAM will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation.

EMNRD was tasked with developing a grid modernization roadmap and grant program, pursuant to NMSA 1978, Section 71-11-1, and the state legislature funded the grant program by establishing the Grid Modernization Grant Fund in the state treasury with NMSA 1978, Section 71-11-2. For purposes of this statute, grid modernization projects include advanced metering infrastructure and energy storage systems and microgrids that support circuit-level grid stability, power quality, reliability, or resiliency or provide temporary backup energy supply, among other options (NMSA 1978, Section 71-11-1 (G)(2)(a) and (b)). EMNRD promulgated rules for the Grid Modernization Grant Program at 17.9.588.1 NMAC.

In 2025, the legislature also created the Community Benefit Fund to fund projects to reduce GHGs; increase electric grid capacity, resilience, or reliability through grid modernization; increase electricity from renewable energy resources and energy efficiency; reduce the use of combustion engine vehicles;

[375] Sanchez-Youngman et al., *Southeastern New Mexico Oil and Gas Workforce Study*.
[376] Nair and Martinez, "Energy Transition Act Update."
[377] Nair and Martinez, "Energy Transition Act Update."
[378] New Mexico Department of Workforce Solutions, *New Mexico Workforce Innovation and Opportunity Act (WIOA) Combined State Plan, Program Years 2024-2027*.

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and help public entities purchase EVs and EV charging infrastructure, among other purposes. (See NMSA 1978, Section 6-4-37.)

In parallel with the grid modernization roadmap and grant program, the state legislature also enacted statutes enabling the PRC to approve or request grid modernization and advanced grid technology projects from the state's public electricity utilities, pursuant to NMSA 1978, Section 62-18-13. When considering projects for approval, the legislature directed the PRC to consider, among other factors, whether the projects are designed to contribute to the reduction of air pollution, including GHGs, and whether they are consistent with the state's grid modernization planning process and priorities (NMSA 1978, Section 62-8-13(B)(4) and (7)). For purposes of this statute as well, grid modernization projects include advanced metering infrastructure and energy storage systems and microgrids that support circuit-level grid stability, power quality, reliability, or resiliency or provide temporary backup energy supply, among other options. The PRC is in the midst of a rulemaking to establish what will be the Grid Modernization and Integrated Distribution Planning rule at 19.9.587 NMAC.

Implementation Timeline and Milestones

The state of New Mexico anticipates implementing this measure from 2028 to 2033, with the program releasing an annual notice of funding opportunities and distributing funds annually to selected projects. New Mexico expects the grant program to result in installed and operational projects the year following a grant award. The success of Measures E-11 (Develop Regulatory Structures to Support Virtual Power Plants [VPPs]) and E-13 (Pass a Clean Peak Standard and Establish Virtual Power Plant Programs) are expected to improve the economics of ESS, reducing the need for supplemental grant funding beyond this five-year period.

Table 73. Measure E-6 Implementation Timeline and Milestones

Timeline	Milestones
2028	Launch grant program.
2029	Commence operations of first grant-funded ESS.
2032	Sunset program.
2033	Commence operations of last grant-funded ESS.

Metrics for Tracking Progress

Implementing agency(ies) will track progress on Measure E-6 using indicators such as annual and cumulative dollar amount of grants awarded, annual and cumulative ESS capacity (MW) installed, and socioeconomic data for the customers served by the ESS-enabled microgrids (e.g., number of low-income customers, vulnerable customers, critical facilities, and household energy burden).[379]

Quantified Emission Reductions

The CAP Team modeled GHG emissions and select criteria air pollutants for this measure by estimating that 94 MW of ESS capacity would be installed based on program funding levels. ESS are assumed to

[379] Pacific Gas and Electric Company, *Microgrid Incentive Program (MIP) Handbook* (2025), https://www.pge.com/assets/pge/docs/save-energy-and-money/rebate-and-incentives/PGE-MIP-Handbook.pdf.

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have a 17% capacity factor.[380] This results in annual ESS production increasing by 27,000 MWh for each year of the program, ending in a steady state of 137,000 MWh of production annually through 2050. The CAP Team assumed that ESS displaces a portion of total electricity output emissions identified from eGRID data. As the electricity grid becomes cleaner and approaches 2050 zero emissions targets, the annual emission reductions associated with installed ESS decrease.

Table 74. Measure E-6 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	7,505.5	0.0	181,376.5
CH_4	0.1	0.0	3.5
N_2O	<0.1	0.0	0.4
CO_2e	7,513.4	0.0	181,567.4
Other Pollutants			
CO	Not calculated	Not calculated	Not Calculated
NO_x	5.3	0.0	Not Calculated
SO_2	0.3	0.0	Not Calculated
VOCs	Not calculated	Not calculated	Not Calculated
PM_{10}	Not calculated	Not calculated	Not Calculated
$PM_{2.5}$	Not calculated	Not calculated	Not Calculated

Measure Costs

The CAP Team estimated the total implementation cost for Measure E-6 to be $11 million. This cost represents the financial commitment of the state of New Mexico for ESS development (i.e., capital costs) and excludes the ESS O&M costs borne by system owners; it does not account for contributions or expenditures by private entities, utilities, or other partners for other microgrid components and services. Grant funding is assumed to be provided at approximately $2.2 million per year over a 5-year period. The CAP Team estimated capital costs by scaling the California Public Utility Commission's Community Microgrid Enablement Program costs to New Mexico using population.

In addition to direct project funding, the administration of this measure will require a commitment equivalent to 0.5 FTEs from the state of New Mexico over a 5-year period. Responsibilities for this position include reviewing grant applications, managing awards, and supporting the development of project agreements. Administrative costs are based on the average total annual compensation for

[380] National Renewable Energy Laboratory, "Utility-Scale Battery Storage," 2025, https://public.tableau.com/views/2024CMTS/TechSummary?:embed=y&:toolbar=no&Technology=Utility-Scale%20Battery%20Storage&Core%20Metric%20Parameter=CAPEX,Fixed%20O%26M,Variable%20O%26M,OCC&:embed=y&:showVizHome=n&:bootstrapWhenNotified=y&:apiID=handler0.

state employees in FY 2024, which was $108,607. These costs are assumed to be separate from the $2.2 million annual funding allocation.

Table 75. Measure E-6 Cost Estimates

Cost Component	Estimated Implementation Cost
Capital costs	$10,804,000
Program/policy implementation and administration costs	$272,000
EMNRD employees	*$272,000*
Total	**$11,076,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure E-6. (Appendix C provides details on these sources, organized by funding source number.)

- Community Benefit Fund (Funding Source 94)
- Advanced Energy Project Credit (Funding Source 21)
- ERA Program (Funding Source 22)
- NCIF CUF (Funding Source 25)
- SBTC (Funding Source 26)
- Energy Efficiency Revolving Loan Fund (Funding Source 50)
- Clean Electricity Investment Tax Credit (Funding Source 45)
- Clean Electricity Low-Income Communities Bonus Credit Amount Program (Funding Source 38)
- Cost Recovery for Qualified Clean Energy Facilities, Property, and Technology (Funding Source 39)
- EIR Program (Funding Source 66)
- USDA REAP (Funding Source 32)
- Climate Smart Communities Initiative (Funding Source 53)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- Energy Community Tax Credit Bonus (Funding Source 41)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

The funding of distributed energy storage projects will create jobs, decrease energy costs, encourage energy independence, increase climate resilience, and reduce exposure to environmental hazards.

Economic Benefits

- **Job creation.** Energy storage tax credits will contribute to job creation in New Mexico's clean energy sector by reducing the monetary barrier for distributed energy storage installation. More specifically, these tax credits will encourage more residents to install energy storage like solar batteries, thereby increasing the amount of distributed energy storage project construction and creating engineering, construction, and maintenance job opportunities. From 2020 to 2022,

occupations in transmission, distribution, and storage grew from 14,287 to 17,233 in New Mexico.[381] Battery storage jobs in particular are estimated to increase by 595 to 1,409 from 2020 to 2030.[382]

- **Decreased energy costs.** Energy storage tax credits will directly reduce New Mexicans' costs to install energy storage systems by covering a portion of their upfront costs. As mentioned above, tax credits would therefore encourage more residents to install distributed energy storage. Beyond installation costs, distributed energy storage can help reduce energy costs in communities by facilitating the sale of electricity back to the grid or by reducing utility day-to-day costs.[383] Households and companies experience these savings by storing energy that can be used later during peak demand—and therefore more expensive—times of day. Distributed energy storage also allows residents to sell electricity back to the grid during high-demand and high-price periods, further reducing their energy costs.[384] Incentivizing distributed energy storage projects could reduce overall grid energy consumption and lower energy production costs for households, businesses, and utilities.
- **Energy independence.** Funding for distributed energy storage projects in New Mexico's communities will encourage energy independence, maximizing microgrid capacity and empowering households and businesses to take further control of their energy usage. Households and businesses will be incentivized to install energy storage systems, allowing them to store energy for when they need it most.[385] As a result, consumers will directly reduce their reliance on the centralized grid and create localized energy independence.

Environmental Benefits

- **Increased climate resilience.** In an extreme weather event, a centralized grid and any interconnected communities become vulnerable to power failures caused by damage to transmission lines or power plants.[386] The funding of distributed energy storage projects will increase climate resilience by increasing the number of resilient and decentralized microgrids with independent energy storage, making systems less vulnerable to outages caused by natural disasters.[387]

[381] U.S. Department of Energy, *U.S. Energy and Employment Report - 2023: New Mexico* (2023), https://www.energy.gov/sites/default/files/2023-06/USEER23-NM-v2.pdf.
[382] National Renewable Energy Laboratory, "New Mexico's Clean Energy Jobs Potential Through 2030."
[383] U.S. Department of Energy, "Distributed Energy Resources for Resilience," accessed September 22, 2025, https://www.energy.gov/femp/distributed-energy-resources-resilience.
[384] Kyle Richmond-Crosset and Zach Greene, "How Distributed Energy Resources Can Lower Power Bills, Raise Revenue in US Communities," World Resources Institute, September 30, 2022, https://www.wri.org/insights/distributed-energy-resources-explained-us.
[385] Grid-Scape, "The Quiet Energy Revolution: How Distributed Energy Resources (DERs) Are Redefining Power and Why You Should Care," October 25, 2024, https://grid-scape.com/the-quiet-energy-revolution-how-distributed-energy-resources-ders-are-redefining-power-and-why-you-should-care/.
[386] Grid-Scape, "The Quiet Energy Revolution: How Distributed Energy Resources (DERs) Are Redefining Power and Why You Should Care."
[387] IEEE, "Distributed Energy Resources (DERs) Help Power Grid Resilience," IEEE Technology for a Sustainable Climate, accessed September 22, 2025, https://sustainable-climate.ieee.org/news/resilient-energy-grid/.

Public Health Benefits

- **Health benefits**. Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using COBRA and found that Measure E-6 would benefit the state of New Mexico with between $39,000 and $42,000 of monetized health impacts in 2030.
- **Reduced exposure to environmental hazards.** Distributed energy storage systems can reduce reliance on peaker plants, which are high-powered gas- and oil-fueled plants that function to meet infrequent peaks in electricity.[388] These plants are typically less efficient and emit more health-harming pollutants than conventional power plants.[389] New Mexico currently has 11 functional peaker plants, some of which could be eligible for replacement by clean energy resources, including and aided by distributed energy storage.[390] The funding of distributed energy storage projects in New Mexico could reduce the need for peaker plants, reducing New Mexicans' exposure to health-harming localized pollution.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $55 million between 2026 and 2050.

LIDAC Benefits

LIDACs will benefit from this measure in the following ways:

- **Energy burden reduction.** New Mexico households under the federal poverty line spend a larger portion of their annual income than the rest of the state. However, as mentioned in this measure's associated benefits analysis, residents and businesses can save on energy costs directly by taking advantage of energy storage tax credits and by using their distributed energy storage systems to sell energy back to utilities during times of peak demand.[391] Thus, the funding of distributed energy storage projects via energy storage tax credits will decrease energy costs and reduce the energy burden for New Mexican LIDACs.
- **Community independence.** Increased construction of distributed energy storage projects facilitated by energy storage tax credits will promote LIDAC independence through the strengthening of microgrids and decreased reliance on the centralized grid. Energy storage systems such as batteries can be paired with other distributed energy resources to reduce electricity costs, promote fuel savings, and capture excess energy, all contributing to stronger grid independence for communities. These benefits are especially pertinent for Tribal lands, where there are still 54,200 people without access to any electricity.[392] Since many Tribal lands are isolated, they often face costly and unreliable electricity supply.[393] Increased funding for distributed energy storage projects could help to increase grid independence for NPTs.

[388] PSE Healthy Energy, "Energy Storage Peaker Plant Replacement Project," October 2024, https://www.psehealthyenergy.org/work/energy-storage-peaker-plant-replacement-project/.
[389] PSE Healthy Energy, "Energy Storage Peaker Plant Replacement Project."
[390] PSE Healthy Energy, "Energy Storage Peaker Plant Replacement Project."
[391] Richmond-Crosset and Greene, "How Distributed Energy Resources Can Lower Power Bills, Raise Revenue in US Communities."
[392] Bird et al., "Distributed Energy Resources as an Equity Asset."
[393] Bird et al., "Distributed Energy Resources as an Equity Asset."

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- **Reduced exposure to pollution.** As mentioned in this measure's associated benefits analysis, distributed energy storage systems can reduce reliance on peaker plants, which are high-powered gas- and oil-fueled plants that function to meet infrequent peaks in electricity.[394] New Mexico currently has 11 peaker plants, and the funding of distributed energy storage projects could encourage the replacement of older plants.[395] This could be particularly beneficial to LIDACs, as peaker plants are disproportionately located in LIDACs and expose communities to localized pollutants with corresponding negative public health outcomes.[396]
- **Targeted job training.** Battery storage jobs are estimated to increase in number from 2020 to 2030 in New Mexico, rising by 595 to 1,409.[397] This increase, especially where funded projects are in LIDACs, could encourage targeted job training in clean energy occupations for the LIDAC workforce.

Disbenefits

No potential disbenefits were identified for this measure.

LIDAC Disbenefits

One potential disbenefit to LIDACs from this measure is:

- **Access inequity.** While many households will experience the benefits of funding and tax credits for distributed energy storage projects, LIDACs may still not be able to afford the upfront costs of energy storage projects despite available tax credits. For example, California established an incentive program for distributed energy resources aimed at low-income and environmentally overburdened communities in 2017; however, the program's incentives were underused as it failed to properly account for additional financial burdens facing underserved populations.[398] New Mexico could avoid such result by choosing to mitigate inequities in access to distributed energy storage for LIDACs by considering any additional financial burdens prior to any allocation of funding or tax credits.

[394] PSE Healthy Energy, "Energy Storage Peaker Plant Replacement Project."
[395] PSE Healthy Energy, "Energy Storage Peaker Plant Replacement Project."
[396] Elena M. Krieger et al., "A Framework for Siting and Dispatch of Emerging Energy Resources to Realize Environmental and Health Benefits: Case Study on Peaker Power Plant Displacement," *Energy Policy* 96 (September 2016): 302–13, https://doi.org/10.1016/j.enpol.2016.05.049; Seth Mullendore, "Mapping the Inequities of Fossil Peaker Power Plants," *Clean Energy Group*, April 21, 2022, https://www.cleanegroup.org/mapping-the-inequities-of-fossil-peaker-power-plants/.
[397] National Renewable Energy Laboratory, "New Mexico's Clean Energy Jobs Potential Through 2030."
[398] Will McNamara et al., "Seeking Energy Equity through Energy Storage," *The Electricity Journal* 35, no. 1 (2022): 107063, https://doi.org/10.1016/j.tej.2021.107063.

Measure E-7: Strengthen Geothermal Policy and Market Deployment

This measure strengthens geothermal policy and expands market deployment across the state, creating a foundation for long-term clean energy growth. It clarifies heat ownership, streamlines permitting, and enables the reuse of depleted or abandoned oil and gas wells. The measure identifies priority leasing areas, establishes geothermal Special Economic Zones, and proactively plans transmission to support new projects. By setting a 1 GW deployment goal by 2035 and offering grants, loans, and incentives for commercial projects and geothermal-powered data centers, the measure promotes utility heating and cooling efficiency, workforce training, and public education, helping communities access reliable, low-carbon geothermal energy.

Implementation Authority and Responsibilities

ECAM will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation.

The Geothermal Resources Development Act delegates to ECAM the authority to regulate the exploration, development, and production of geothermal resources on public and private land in New Mexico (NMSA 1978, Section 71-9-5(A)). This statute replaced the repealed Geothermal Resources Conservation Act, which had placed authority for geothermal regulation within OCD. Currently, geothermal power is regulated by both the rules promulgated by ECAM pursuant to the Geothermal Resources Development Act and the extant Geothermal Power rule promulgated by OCD pursuant to the Geothermal Resources Conservation Act (19.11.1.1 NMAC and 19.14.1.1 NMAC)—and ECAM is in the process of repealing both and replacing them with an updated Geothermal Resources rule.

Implementation Timeline and Milestones

The implementing agency(ies) will administer this measure beginning in 2030 with $15 million in funding over the first five years and $10 million over the next five years, split 60/40 with Measure E-8. By 2030, the agency(ies) will complete foundational actions to enable geothermal development, including clarifying heat ownership in state law, streamlining legal definitions, establishing frameworks for reuse of depleted oil and gas wells, identifying priority leasing areas, completing transmission planning, publishing a developer toolkit, expanding grant and loan programs, implementing targeted incentives, adopting a regulatory goal of 1 GW of geothermal capacity by 2035, and forming federal partnerships to catalyze deployment on federal lands. Potential federal partnerships may include collaboration with the U.S. Department of Energy (DOE) to advance research and demonstration projects, coordination with USFS and the Bureau of Land Management to facilitate leasing and permitting on federal lands, and engagement with other agencies to align geothermal development with environmental and cultural resource protections.

The first geothermal plants and thermal energy networks will become operational in 2031, following resource exploration, permitting, financing, and construction. Installed geothermal capacity and connected buildings will then scale up linearly to meet 2035 goals of 1 GW of geothermal capacity on the grid and geothermal heating and cooling for 2% of residential and commercial buildings. By 2035, the agency(ies) will also expand geothermal-specific apprenticeships and workforce training and improve utility efficiency through geothermal heating and cooling.

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Table 76. Measure E-7 Implementation Timeline and Milestones

Timeline	Milestones
2030	▪ Clarify heat ownership in state law and regulations. ▪ Streamline and simplify legal definitions of geothermal energy. ▪ Establish framework for geothermal reuse of depleted or abandoned oil and gas wells. ▪ Identify priority leasing areas and create geothermal Special Economic Zones. ▪ Complete transmission planning for geothermal electricity projects. ▪ Publish developer toolkit. ▪ Expand grant and revolving fund to include commercial and private sector projects on state lands. ▪ Establish targeted grants and loans for geothermal power and industrial process heat. ▪ Implement incentives for geothermal-powered data centers. ▪ Update public education materials and improve outreach for funding opportunities. ▪ Adopt regulatory goal of 1 GW of geothermal energy on the New Mexico grid by 2035. ▪ Establish federal partnerships to catalyze geothermal deployment on federal lands. ▪ Authorize utilities to build, own, and operate thermal energy networks.
2031	▪ First geothermal plants become operational. ▪ First thermal energy networks become active.
2035	▪ Meet regulatory goal of 1 GW of geothermal energy. ▪ Thermal energy networks reach 2% of residential and commercial buildings. ▪ Improve utility efficiency with expanded geothermal heating and cooling. ▪ Expand geothermal-specific apprenticeships and workforce training programs.

Metrics for Tracking Progress

The implementing agency(ies) will track progress on Measure E-7 using indicators such as the number of geothermal projects initiated, total installed geothermal capacity, priority leasing areas designated, permits approved or streamlined, and Special Economic Zones established. The agency(ies) will also monitor workforce training activities, public education efforts, and progress toward the 1 GW deployment goal and the geothermal heating and cooling goal for 2% of residential and commercial buildings. Data will be collected annually from project developers, grantees, and relevant permitting or regulatory agencies, with responsibilities assigned to ensure consistency and long-term availability. Metrics will provide transparency; demonstrate economic, environmental, and energy outcomes; and communicate meaningful results to interested parties.

Quantified Emission Reductions

The CAP Team estimated emission reductions from Measure E-7 based on (i) electricity generation from new geothermal electric plants and (ii) reductions in electricity, natural gas, and propane use from geothermal heating and cooling. Electricity generated or saved through these projects was

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assumed to offset BAU grid electricity, resulting in avoided GHG and co-pollutant emissions. Natural gas and propane savings were assumed to avoid emissions from BAU fossil fuel use.

The CAP Team assumed that installed geothermal electric capacity on the New Mexico grid will scale up linearly starting in 2031 until it reaches 1 GW in 2035. Expected generation was calculated using the 2023 capacity factor for the Lighting Dock Geothermal Plant (0.21), New Mexico's only active geothermal electric plant, as reported in the latest version of eGRID. The CAP Team assumed that thermal energy networks would scale up linearly starting in 2031 until 2% of all residential and commercial buildings are connected to a thermal energy network in 2035. Data on the heating and cooling needs of residential and commercial buildings were taken from the latest versions of the Residential Energy Consumption Survey and Commercial Buildings Energy Consumption Survey.[399] To reflect project development timelines, the team applied a one-year lag between funding and full operation.

For electricity, the CAP Team developed emission reduction estimates by projecting eGRID's non-baseload output emission rates for New Mexico's electricity grid out to 2050 under a BAU scenario. Emission factors for CO, VOCs, and PM were not available from eGRID. For natural gas and propane, the CAP Team developed emission reduction estimates by applying emission factors to projected savings. The team used emission factors from EPA's *Inventory of U.S. Greenhouse Gas Emissions and Sinks* for GHGs and from EPA's AP-42, fifth edition, for other pollutants. Reductions were quantified for both near-term (2030) and long-term (2050) targets. All costs and generation assumptions were held constant over the analysis period, and inflation was not considered.

Table 77. Measure E-7 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	0.0	45,803.2	6,081,662.2
CH_4	0.0	4.7	185.9
N_2O	0.0	0.1	12.4
CO_2e	0.0	45,972.7	6,090,337.3
Other Pollutants			
CO	0.0	22.8	Not Calculated
NO_x	0.0	37.4	Not Calculated
SO_2	0.0	0.2	Not Calculated
VOCs	0.0	2.0	Not Calculated

[399] U.S. Energy Information Administration, "2020 Residential Energy Consumption Survey Data," State Data, Consumption & Expenditures, June 13, 2023, https://www.eia.gov/consumption/residential/data/2020/index.php?view=state#ce; U.S. Energy Information Administration, "2018 Commercial Buildings Energy Consumption Survey Data," Consumption & Expenditures, December 21, 2022, https://www.eia.gov/consumption/commercial/data/2018/index.php?view=consumption#e1-e11.

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Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
PM_{10}	0.0	2.9	Not Calculated
$PM_{2.5}$	0.0	2.8	Not Calculated

Measure Costs

The total implementation cost for Measure E-7 is estimated at approximately $80 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners. Funding will be provided at $9 million annually for the first five years and $6 million annually for the next five years. Program costs will likely include grants, loans, incentives, and revolving funds; workforce training; outreach; and consultant fees for specialized projects such as the developer toolkit. Implementation costs do not include the cost of the geothermal plants themselves, but cover supporting activities described above such as resource exploration and policy implementation.

In addition to direct project funding, the administration of this measure will require a commitment equivalent to 5 FTEs from the state of New Mexico over a 10-year period. Responsibilities for these positions include establishing and managing the geothermal program. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607.

All costs are presented in current-year dollars and do not account for future inflation.

Table 78. Measure E-7 Cost Estimates

Cost Component	Estimated Implementation Cost
Program/policy implementation and administration costs	$80,430,000
EMNRD employees	*$5,430,000*
Total	**$80,430,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure E-7. (Appendix C provides details on these sources, organized by funding source number.)

- Community Benefit Fund (Funding Source 94)
- Advanced Energy Project Credit (Funding Source 21)
- ERA Program (Funding Source 22)
- NCIF CUF (Funding Source 25)
- DOE Geothermal Technologies Office Funding (Funding Source 33)
- Geothermal Projects Revolving Loan Fund (Funding Source 36)
- Renewable Electricity Production Tax Credit (Funding Source 37)
- Clean Electricity Investment Tax Credit (Funding Source 45)
- Clean Electricity Low-Income Communities Bonus Credit Amount Program (Funding Source 38)

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- Cost Recovery for Qualified Clean Energy Facilities, Property, and Technology (Funding Source 39)
- EIR Program (Funding Source 66)
- Solid Waste Facility Grant Fund (Funding Source 90)
- USDA REAP (Funding Source 32)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- Geothermal Electricity Generation Tax Credit (Funding Source 46)
- Geothermal Projects Development Fund (Funding Source 35)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

New Mexico's fast-tracking of policy and market developments to enhance exploration and permitting for geothermal energy will advance deployment of geothermal energy resources and provide numerous benefits, including increased energy resiliency and efficiency, job creation, and land conservation in New Mexico.

Economic Benefits

- **Job creation.** This measure will provide incentives for exploratory drilling for potential geothermal energy sites, creating jobs for geothermal exploration and technological advancement. New Mexico's workforce is particularly well positioned to build the workforce needed for this drilling, as 61% of the state's oil and gas workforce are employed in high-relevance occupations with skills that can transfer to geothermal energy.[400]
- **Economic development.** New Mexico has some of the highest potential for deploying geothermal-powered data centers in the country, possessing several locations where high geothermal potential overlaps with fiber nodes.[401] Supporting the development of this sector and examining the use of clean transition tariffs to connect large new industrial loads to renewable energy supplies could bring additional revenue to New Mexico's economy. Geothermal energy may also allow existing industries that consume thermal energy to reduce their carbon footprints. For example, New Mexico counties that are home to dairy processing facilities are prime candidates for direct use applications of subsurface geothermal heat.[402]

Environmental Benefits

- **Land conservation.** Geothermal facilities typically require less infrastructure and less land than other energy sources. For example, a typical geothermal facility occupies 1,500 m^2 per MWh compared to 40,000 m^2 per MWh for a coal-fired power plant or 68,000 m^2 per MWh for solar PV energy.[403] Prioritizing and incentivizing the development of geothermal facilities over other energy sources could mean New Mexico can meet its GHG reduction goals while continuing to support the conservation of natural landscapes and key wildlife habitats.

[400] Project Innerspace, *The Future of Geothermal in New Mexico*.
[401] Ben King et al., "The Potential for Geothermal Energy to Meet Growing Data Center Electricity Demand," March 11, 2025, https://rhg.com/research/geothermal-data-center-electricity-demand/.
[402] Project Innerspace, *The Future of Geothermal in New Mexico*.
[403] Project Innerspace, *The Future of Geothermal in New Mexico*.

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Public Health Benefits

- **Health benefits**. Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using COBRA and found that Measure E-7 would benefit the state of New Mexico with between $461,000 and $529,000 of monetized health impacts in 2050.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $1.9 billion between 2026 and 2050.

LIDAC Benefits

Incentivization of geothermal energy through policy and market development could provide increased energy independence and a potential source of revenue for LIDACs. Specifically, LIDACs will benefit from this measure in the following ways:

- **Community independence.** As significant land holders in New Mexico, the development of geothermal energy on Nations', Tribes', and Pueblos' (NPTs') lands could provide new revenue streams through royalties, land leases, and generated electricity for NPT-owned utilities. Policy surrounding the development of new geothermal facilities, particularly when coupled with training programs, could also provide access to high-paying jobs for the NPT workforce. Several NPTs in New Mexico have conducted feasibility assessments and found viable sites for geothermal potential.[404] Further exploration, incentivization, and development of geothermal on NPTs' lands could support overall NPT sovereignty and energy independence.

Disbenefits

Potential disbenefits from this measure include:

- **Surface and groundwater contamination.** Drilling for and operating geothermal power plants can pose a risk to water quality, though that risk is smaller than the risk from oil and gas production. Drilling operations can increase erosion, resulting in higher sediment loads that pollute nearby surface waters.[405] Any malfunctions or failure in equipment could result in the release of geothermal brine, accessory fuels, and lubricants used by the plant, which could contaminate surface or ground water with heavy metals and other pollutants. However, New Mexico can reduce any potential impacts by putting significant effort into proper siting, installation, and monitoring, especially during any exploratory drilling.
- **Chance of induced earthquakes.** Many geothermal energy systems require injection of fluids into the subsurface, which can cause stress that results in small earthquakes (also known as induced seismicity). Only 20% of U.S. geothermal fields have experienced some type of impact from this reinjection. Injection depth, injection pressure, system type, and rock and fluid temperatures all factor into the likelihood of inducted seismicity. This risk can be reduced through careful site characterization, informed design of fluid circulation systems, and controlled injection rates.[406] Additionally, New Mexico plans to implement monitoring protocols that pause

[404] Project Innerspace, *The Future of Geothermal in New Mexico*.
[405] Project Innerspace, *The Future of Geothermal in New Mexico*.
[406] Project Innerspace, *The Future of Geothermal in New Mexico*.

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or shut down operations for a site safety assessment if earthquakes of a certain magnitude are registered.[407]

LIDAC Disbenefits

One potential disbenefit to LIDACs from this measure is:

- **Damage to religious, cultural, or environmentally significant sites.** Surface features of geothermal activity, such as fumaroles and hot springs, are sometimes held by NPTs as sacred sites.[408] Geothermal development, including exploratory drilling, could damage or result in the loss of these sites. Similarly, geothermal facilities could disturb or impact sacred lands or essential ecosystems. Collaborative planning, community consultation, and environmental impact assessments could help mitigate impacts and reduce disturbance to these areas.[409]

Additional Measures That Do Not Contribute Additional GHG Emission Reductions as Part of the implementation Scenario

The following measures in the electricity generation sector are "enabling" measures: they do not directly result in emission reductions on their own, but they enable the implementation of other measures in the CAP or the BAU scenario. Table 79 provides details about these measures.

Table 79. Measures in the Electricity Generation Sector That Do Not Contribute Additional GHG Emission Reductions as Part of the Implementation Scenario

Measure	Rationale for Not Including GHG Emissions as Part of Total Reductions Presented in the Implementation Scenario
Measure E-8: Advance Geothermal Resource Development	Enables the implementation of Measure E-7 (Strengthen Geothermal Policy and Market Deployment).
Measure E-9: Expand Transmission, Generation, and Storage of Renewable Electricity	Enables emission reductions by decreasing the amount of electricity from fossil fuel electricity generators. Emission reductions are not calculated for this measure because the BAU emissions forecast already includes a 50% RPS by 2030 and a 100% RPS by 2050.
Measure E-10: Support Right-of-Way (ROW) Interstate Transmission	
Measure E-11: Develop Regulatory Structures to Support Virtual Power Plants (VPPs)	Enables emission reductions by decreasing the amount of electricity from fossil fuel electricity generators. The emission reductions calculated for this measure are only provided for reference: they are not included in the cumulative GHG emission reductions associated with the implementation scenario because

[407] Richard Kirschner, "EMNRD, Personal Communication."
[408] Project Innerspace, *The Future of Geothermal in New Mexico*.
[409] Project Innerspace, *The Future of Geothermal in New Mexico*.

	the BAU emissions forecast already includes a 50% RPS by 2030 and a 100% RPS by 2050.
Measure E-12: Support Grid-Enhancing Technology (GET) Deployment	Enables emission reductions by decreasing the amount of electricity from fossil fuel electricity generators. Emission reductions are not calculated for this measure because the BAU emissions forecast already includes a 50% RPS by 2030 and a 100% RPS by 2050.
Measure E-13: Pass a Clean Peak Standard and Establish Virtual Power Plant Programs	
Measure E-14: Enable Microgrids	Related to Measures E-3 (Scale Zero- and One-Percent Interest Energy Loans) and E-5 (Incentivize Distributed Wind Generation).

Measure E-8: Advance Geothermal Resource Development

This measure advances the development of enhanced and advanced geothermal energy as a key component of New Mexico's clean energy future. It streamlines exploration and facility permitting to reduce project delays, establishes incentives for exploratory geothermal drilling, and requires that subsurface data be shared with the state to strengthen public resource mapping and analysis. The measure also develops a statewide geothermal resource map to identify priority sites for development and directs the PRC to evaluate clean transition tariffs that connect large industrial loads, such as data centers, to reliable, long-term renewable energy supplies.

Implementation Authority and Responsibilities

ECAM will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation.

The Geothermal Resources Development Act delegates to ECAM the authority to regulate the exploration, development, and production of geothermal resources on public and private land in New Mexico (NMSA 1978, Section 71-9-5(A)). This statute replaced the repealed Geothermal Resources Conservation Act, which had placed authority for geothermal regulation within OCD. Currently, geothermal power is regulated by both the rules promulgated by ECAM pursuant to the Geothermal Resources Development Act and the extant Geothermal Power rule promulgated by OCD pursuant to the Geothermal Resources Conservation Act (19.11.1.1 NMAC and 19.14.1.1 NMAC)—and ECAM is in the process of repealing both and replacing them with an updated Geothermal Resources rule.

Implementation Timeline and Milestones

The implementing agency(ies) will administer this measure beginning in 2030, with $6 million in funding over the first five years and $4 million over the next five years. By 2030, the agency(ies) will streamline exploration permitting, issue incentives for exploratory drilling, and complete a preliminary geothermal resource map. By 2035, the agency(ies) will streamline facility permitting, finalize a comprehensive geothermal resource map, and complete the PRC's review of clean transition tariffs.

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Table 80. Measure E-8 Implementation Timeline and Milestones

Timeline	Milestones
2030	▪ Streamline exploration permitting. ▪ Issue incentives for exploratory drilling. ▪ Complete preliminary geothermal resource map.
2035	▪ Streamline facility permitting. ▪ Complete a comprehensive geothermal resource map. ▪ Complete PRC review of clean transition tariffs.

Metrics for Tracking Progress

The implementing agency(ies) will track progress on Measure E-8 using indicators such as the number of geothermal exploration and development projects initiated, exploratory drilling completed, permits approved or streamlined, subsurface data submitted to the state, and the use of the statewide geothermal resource map for project siting. The agency(ies) will also monitor evaluations of clean transition tariffs and the connection of industrial loads to geothermal and other renewable energy sources. Data will be collected annually from developers, permitting agencies, and the PRC, with responsibilities assigned to ensure consistency and long-term availability. Metrics will provide transparency; demonstrate economic, environmental, and energy outcomes; and communicate results to interested parties.

Quantified Emission Reductions

Measure E-8 is an enabling measure that does not directly reduce emissions. Its actions—including fast-tracking exploration and facility permitting, establishing incentives for exploratory geothermal drilling, developing a statewide geothermal resource map, and examining the use of clean transition tariffs—support the geothermal deployment described in Measure E-7. All associated emission reductions are quantified under Measure E-7.

Measure Costs

The total implementation cost for Measure E-8 is estimated at approximately $53 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners. Funding will be provided at $6 million annually for the first five years and $4 million annually for the next five years. Program costs will likely include incentives for exploratory drilling and consultant fees for specialized projects such as the development of the statewide geothermal resource map.

In addition to direct project funding, the administration of this measure will require a commitment equivalent to 3 FTEs from the state of New Mexico over a 10-year period. Responsibilities for these positions include establishing and managing the geothermal program. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607.

All costs are presented in current-year dollars and do not account for future inflation.

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Table 81. Measure E-8 Cost Estimates

Cost Component	Estimated Implementation Cost
Program/policy implementation and administration costs	$53,258,000
EMNRD employees	*$3,258,000*
Total	**$53,258,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure E-8. (Appendix C provides details on these sources, organized by funding source number.)

- Community Benefit Fund (Funding Source 94)
- Clean Electricity Investment Tax Credit (Funding Source 45)
- Clean Electricity Low-Income Communities Bonus Credit Amount Program (Funding Source 38)
- Cost Recovery for Qualified Clean Energy Facilities, Property, and Technology (Funding Source 39)
- DOE Geothermal Technologies Office Funding (Funding Source 33)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- EIR Program (Funding Source 66)
- Geothermal Electricity Generation Tax Credit (Funding Source 46)
- Geothermal Projects Revolving Loan Fund (Funding Source 36)
- NCIF CUF (Funding Source 25)
- Renewable Electricity Production Tax Credit (Funding Source 37)
- SBTC (Funding Source 26)
- Training for Residential Energy Contractors (TREC) (Funding Source 48)
- USDA RCPP (Funding Source 11)
- Geothermal Projects Development Fund (Funding Source 35)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

New Mexico is uniquely situated to deploy a variety of conventional and emerging technologies that use geothermal energy, including geothermal heat pumps, power generation from hydrothermal systems and advanced geothermal systems, direct use and direct heating, and low-temperature industrial heating and cooling. In analyzing benefits for this measure, the CAP Team considered the impacts of increasing the deployment of these technologies.

Economic Benefits

- **Job creation.** The development of geothermal power plants will create jobs throughout all project phases, including exploration, construction, and operations. On average, O&M jobs for geothermal facilities provide 0.25 permanent jobs and four temporary construction jobs per megawatt of capacity. Many of the jobs needed to expand geothermal energy required a skilled

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workforce, which will provide access to higher wages than in other occupations.[410] Further job creation opportunities surrounding the transferable skills of oil and gas workers are described in the geothermal policy and market development measure.

- **Economic development.** Geothermal energy systems often produce fluids or brines that are rich in dissolved rare earth minerals like lithium and boron.[411] These criterial minerals can be extracted to generate additional revenue for power plants. Further economic development opportunities, specifically involving data centers, are described with Measure E-7.
- **Increased energy resiliency.** Geothermal energy is less susceptible to weather disruptions than other kinds of renewable energy, and unlike them it can be generated consistently year-round. Geothermal power plants typically have a capacity factor of 90% or higher, meaning that they are generating electricity 90% of the time.[412] This capacity factor is much higher than the factors for other renewable energy sources like solar (20%) or wind (45%).[413] A higher capacity factor also reduces the need for substantial transmission infrastructure upgrades compared to solar and wind.[414]

Environmental Benefits

- **Water quality and efficiency improvements.** Geothermal plants expel little to no thermal pollution to surface waters, unlike power plants of other types; they also use far less water than those other types.[415] Replacing fossil fuel power plants with geothermal energy will not only result in less thermal pollution within New Mexico waters, but also less water usage by the energy sector.

Public Health Benefits

- **Air pollution reductions.** Geothermal energy emits less air pollutants than energy from other sources. Compared to fossil fuel power plants, geothermal plants emit 97% less sulfur compounds, which cause acid rain.[416] They also emit significantly less PM and other pollutants including NOx and CH_4. For example, in one study, a New Mexico coal plant emitted 11,430 times more SO_2 and 4,667 times more nitrous oxides per MWh than an average geothermal power plant.[417] Replacing fossil fuel power plants with geothermal energy facilities could result in improved local air quality and reduced exposure to harmful air pollutants for residents in New Mexico. Reduced exposure to pollutants associated with fossil fuel power plants could lead to decreased incidence in asthma, heart disease, or even all-cause mortality.[418]

[410] Project Innerspace, *The Future of Geothermal in New Mexico*.
[411] Project Innerspace, *The Future of Geothermal in New Mexico*.
[412] U.S. Department of Energy, "Geothermal FAQs," Energy.Gov, accessed July 16, 2025, https://www.energy.gov/eere/geothermal/geothermal-faqs.
[413] Project Innerspace, *The Future of Geothermal in New Mexico*.
[414] Project Innerspace, *The Future of Geothermal in New Mexico*.
[415] Project Innerspace, *The Future of Geothermal in New Mexico*.
[416] U.S. Energy Information Administration, "Geothermal Explained: Geothermal Energy and the Environment," December 2022, https://www.eia.gov/energyexplained/geothermal/geothermal-energy-and-the-environment.php.
[417] Project Innerspace, *The Future of Geothermal in New Mexico*.
[418] World Health Organization, "Air Quality, Energy and Health."

LIDAC Benefits

Increased deployment of geothermal energy can provide clean, reliable energy to rural and low-income communities while diversifying economic development opportunities. LIDACs will benefit from this measure in the following ways:

- **Rural economic development.** Geothermal resource potential in New Mexico aligns with several of the state's poorer rural counties, particularly in the south and southwestern portions of the state.[419] As noted in this measure's associated benefits analysis, installing and operating geothermal power plants results in 0.25 permanent jobs and four temporary construction jobs for every megawatt of capacity installed.[420] The location of geothermal development could provide local jobs to LIDAC workforces, especially where transferrable skills between oil and gas occupations could be used.
- **Energy burden reduction.** Direct use and geothermal heat pumps can reduce electricity costs through the reduction of fuel and stress on the grid. Deployed at large scales, this reduction in fuel use and need for infrastructure investments could reduce the cost of electricity for all grid consumers, even those who cannot afford to install geothermal heat pumps.[421] This reduction in energy cost would be especially beneficial to LIDACs.
- **Air pollution reduction.** As mentioned above, an increase in geothermal energy would reduce stress on the centralized grid. As a result, there could be a decreased need for peaker plants, which function during times of high demand and are known not to be cost- or energy-efficient. Eleven natural gas and oil peaker plants currently function to help meet statewide peak electricity demand in New Mexico.[422] Any reduction in use of peaker plants would decrease localized air pollution in LIDAC areas near plants and improve public health outcomes, including decreased incidence of asthma, heart disease, and even all-cause mortality.[423] All-cause mortality refers to the total number of deaths from any cause within a population, providing a broad measure of overall mortality risk.

Disbenefits

This measure's potential disbenefits are similar to those of Measure E-7, including potential damage through surface and groundwater contamination.

LIDAC Disbenefits

This measure's potential disbenefits are similar to Measure E-7's, including potential damage to religious, cultural, or environmentally significant sites.

[419] Project Innerspace, *The Future of Geothermal in New Mexico*.
[420] Project Innerspace, *The Future of Geothermal in New Mexico*.
[421] Xiaobing Liu et al., *Grid Cost and Total Emissions Reductions Through Mass Deployment of Geothermal Heat Pumps for Building Heating and Cooling Electrification in the United States* (Oak Ridge National Laboratory, 2023), https://info.ornl.gov/sites/publications/Files/Pub196793.pdf.
[422] PSE Healthy Energy, *New Mexico Peaker Power Plants: Energy Storage Replacement Options*.
[423] World Health Organization, "Air Quality, Energy and Health."

NMED Exhibit 54_000205

Measure E-9: Transmission, Generation, and Storage Targets

This measure deploys new electricity transmission infrastructure statewide to promote the development of new renewable generation and energy storage. Implementing agency(ies) will develop updated permitting processes to reduce transmission project development risk.

This measure includes the deployment of 6 GW of transmission capacity, 11 GW of renewable generation, and 12 GWh of new energy storage (including 3 GWh of LDES with more than 10 hours of discharge capacity). The 6 GW of transmission capacity goal aligns with RETA's 2020 Transmission Study, which proposed three transmission collector plans, each with the goal of supporting 5.9 GW of capacity by 2030.

Implementation Authority and Responsibilities

EMNRD will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation.

Additional legislative action is needed to give the PRC authority to promulgate rules for the targets established in the legislation regarding transmission, generation, and storage. Following such legislation, the PRC would have the authority to conduct rule-making to effectuate the intent of the legislation; EMNRD will support this process and serve as the lead implementing agency for this measure.

Implementation Timeline and Milestones

This measure will be implemented from 2026 through 2050 and aligns with the mandates established by New Mexico's RPS, as outlined in Table 82.

Table 82. Measure E-9 Implementation Timeline and Milestones

Timeline	Milestones
2026	Commence COD for SunZia transmission project.
2030	Achieve ETA mandate that investor-owned utilities and rural electric cooperatives in New Mexico achieve a 50% RPS.
2045	Achieve ETA-mandated 100% zero-carbon electricity goal for investor-owned utilities.
2050	Achieve ETA-mandated 100% zero-carbon electricity goal for rural electric cooperatives.

Metrics for Tracking Progress

Implementing agency(ies) will track progress on Measure E-9 using indicators such as total transmission capacity (GW) originating in the state, annual new interconnected renewable energy capacity (GW), annual energy storage generation (GWh), and annual new interconnected LDES capacity (GW).

NMED Exhibit 54_000206

Quantified Emission Reductions

The CAP Team did not model GHG emissions and criteria air pollutants as part of this measure because the reductions are already accounted in the BAU emissions forecast as part of the RPS goals, which include 50% clean electricity by 2030 and 100% by 2045/2050.

Measure Costs

The CAP Team estimated the total implementation cost for Measure E-9 to be $8.7 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners.



Electricity Transmission Infrastructure. Photo Credit: iStock.

The administration of this measure will require a commitment equivalent to 4 FTEs from the state of New Mexico over a 20-year period. Responsibilities for this position include updating permitting processes, ongoing program administration, and providing outreach and technical support. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607.

Table 83. Measure E-9 Cost Estimates

Cost Component	Estimated Implementation Cost
Program/policy implementation and administration costs	$8,689,000
EMNRD employees	*$8,689,000*
Total	**$8,689,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure E-9. (Appendix C provides details on these sources, organized by funding source number.)

- Community Benefit Fund (Funding Source 94)
- Zero-Emission Nuclear Power Production Credit (Funding Source 42)
- Alternative Fuel Vehicle Refueling Property Credit (Funding Source 23)
- CFI Grants—Community Program (Funding Source 24)
- Clean Hydrogen Production Credit (Funding Source 43)
- Clean Electricity Low-Income Communities Bonus Credit Amount Program (Funding Source 38)
- Cost Recovery for Qualified Clean Energy Facilities, Property, and Technology (Funding Source 39)
- Geothermal Electricity Generation Tax Credit (Funding Source 46)
- ERA Program (Funding Source 22)
- EIR Program (Funding Source 66)

NMED Exhibit 54_000207

- Advanced Energy Manufacturing Tax Credit (through the IRS) (Funding Source 44)
- Advanced Energy Manufacturing Tax Credit (through EMNRD) (Funding Source 52)
- NCIF CUF (Funding Source 25)
- SBTC (Funding Source 26)
- USDA RCPP (Funding Source 11)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- Renewable Energy Production Tax Credit (Funding Source 47)
- Electric Grid Modernization Grant Program (Funding Source 51)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

New Mexico's planned construction of 6 GW of transmission capacity, 10 GW of renewable energy generation, and 6 GW of energy storage along with strategies to attract and retain low-risk investments will lead to large-scale job creation, positive environmental outcomes, energy diversification, and decreased costs for consumers.

Economic Benefits

- **Job creation.** Increasing intrastate electricity transmission and generation will create jobs in construction, maintenance, and engineering. Indirect jobs in other industries will also be created. The deployment of 6 GW of transmission capacity, along with 10 GW of renewable energy generation and 6 GW of energy storage, increases demand for new energy projects and therefore increases demand for workers. According to Americans for a Clean Energy Grid, 100 GW of transmission capacity creates between 520,000 and 720,000 direct jobs and between 1.4 and 1.9 million direct and indirect jobs.[424] Each megawatt of renewable energy generation creates roughly four direct jobs and 10.64 direct and indirect jobs.[425] While these estimates remain broad and may not account for New Mexico-specific factors, the development of intrastate transmission capacity and renewable energy generation and storage will create valuable opportunities for the clean energy workforce, supporting New Mexico's economy.
- **Decreased energy costs.** Increasing New Mexico's renewable energy generation and transmission capacity will decrease energy costs. New Mexico's ETA aims to make New Mexico a national leader in clean energy, reducing costs for consumers and providing tens of millions of dollars for the economy.[426] With specific efforts toward attracting private investment for new renewable energy generation and transmission projects, the diversification of energy sources will lead to lower energy costs and a decreased energy burden for consumers.
- **Energy independence.** Construction of renewable energy transmission and generation projects will significantly increase New Mexico's energy independence by diversifying its energy portfolio. Electricity generation in New Mexico primarily consists of wind, natural gas, and coal, accounting

[424] Goggin, "Transmission and Jobs."
[425] Goggin, "Transmission and Jobs."
[426] New Mexico Legislative Finance Committee, "Energy Transition on San Juan County," July 23, 2023, https://www.nmlegis.gov/Handouts/ALFC%20071823%20Item%204%20Strategic%20Plan%20for%20Expending%20Energy%20Transition%20Act%20(ETA)%20Funds.pdf; Conservation Voters New Mexico, "The Energy Transition Act (ETA) – Myths & Facts," January 19, 2021, https://cvnm.org/the-energy-transition-act-eta-myths-facts/.

NMED Exhibit 54_000208

for 37%, 29%, and 21% of total electricity generation, respectively.[427] By encouraging investment in new renewable energy generation projects and increasing transmission capacity, New Mexico's already diversified energy portfolio will be further insulated from market volatility or geopolitical events that could affect energy markets.[428]

- **Increased energy resilience.** Increased investment in renewable energy generation facilities and transmission capacity will increase energy resilience. With more sources of electricity connected across a larger transmission network, the power grid will be better equipped to meet peak demand and handle disruptions. A power grid with more generation sources and greater transmission capacity will better allow New Mexico's communities to access power during unexpected disruptions such as extreme weather events. During Winter Storm Uri in 2021, the Texas heat wave in 2019, and the bomb cyclone in late 2017, a strengthened grid with additional transmission capacity and diversified energy generation could have saved $1 billion, $75 million, and $30 million, respectively.[429]

Environmental Benefits

- **Air pollution reduction.** Adding 10 GW of renewable energy generation will reduce air pollution. Studies have concluded that wind and solar energy, two popular examples of renewable energy sources, reduce CO_2 emissions by replacing fossil fuel outputs.[430] One study found that if 35% of electricity were generated using wind and solar power in the western United States, CO_2 emissions would be reduced by 25–45%.[431] Additionally, adding 6 GW of energy storage systems would reduce emissions by decreasing the need for and potentially replacing older "peaker plants." Eleven natural gas and oil peaker power plants currently function to help meet statewide peak electricity demand in New Mexico.[432]

Public Health Benefits

- **Reduced exposure to environmental hazards.** A decrease in emissions from fossil fuels resulting from 10 GW of renewable energy generation will reduce public health impacts of environmental hazards in New Mexico's communities. Less exposure to emissions from traditional power sources such as coal-powered facilities will lead to fewer health outcomes associated with air pollution, such as asthma, heart disease, and even all-cause mortality.[433]

[427] U.S. Energy Information Administration, "New Mexico State Energy Profile."
[428] U.S. Department of Energy, "Energy Independence and Security," accessed September 22, 2025, https://www.energy.gov/eere/energy-independence-and-security.
[429] Michael Goggin, *Transmission Makes the Power System Resilient to Extreme Weather* (2021), https://acore.org/wp-content/uploads/2021/07/GS_Resilient-Transmission_proof.pdf.
[430] A. Razmjoo et al., "A Technical Analysis Investigating Energy Sustainability Utilizing Reliable Renewable Energy Sources to Reduce CO 2 Emissions in a High Potential Area," *Renewable Energy* 164 (February 2021): 46–57, https://doi.org/10.1016/j.renene.2020.09.042.
[431] Susan Tierney and Lori Bird, "Setting the Record Straight About Renewable Energy," World Resources Institute, May 12, 2020, https://www.wri.org/insights/setting-record-straight-about-renewable-energy.
[432] Will McNamara, *Issue Brief: Energy Storage To Replace Peaker Plants* (Sandia National Laboratories, 2020), https://www.sandia.gov/app/uploads/sites/163/2022/04/Issue-Brief-2020-11-Peaker-Plants.pdf; PSE Healthy Energy, *New Mexico Peaker Power Plants: Energy Storage Replacement Options*.
[433] World Health Organization, "Air Quality, Energy and Health."

LIDAC Benefits

Efforts to increase investment and construction in energy transmission capacity and renewable energy generation and storage will lead to reduced costs, positive environmental outcomes, and job creation for LIDACs. Specifically, LIDACs will benefit from this measure in the following ways:

- **Reduced energy burden.** Currently, New Mexico households under the federal poverty line spend a disproportionate amount of their annual income on energy costs in comparison to the state average. By diversifying energy sources and increasing transmission capacity, this measure could increase access to different sources and thus reduce consumer energy burden—specifically for LIDACs and households that fall below the federal poverty line.
- **Reduced pollution exposure.** LIDACs are more likely to be in proximity to fossil-fuel-related operations and thus are at greater risk of pollution exposure compared to other communities.[434] Increasing transmission capacity and renewable energy generation in New Mexico will decrease reliance on fossil fuels, leading to a decrease in emissions and pollution. This decrease could specifically benefit LIDACs that are close to fossil fuel facilities and operations.
- **Targeted job training.** As mentioned in this measure's associated benefits analysis, the planned construction of 6 GW of transmission capacity, 10 GW of renewable energy generation, and 6 GW of energy storage will spur large-scale job creation.[435] Many of these jobs, while requiring training and education, could be made available to LIDACs through targeted job training in relevant communities. For an example of such an effort, the closure of the San Juan Generating Station caused many members of the Navajo Nation to lose their jobs. As a result, the New Mexico Department of Workforce Solutions and the Economic Development Department are being encouraged to work with the Indian Affairs Department to ensure workforce training programs are accessible to NPTs.[436]

Disbenefits

Potential disbenefits from this measure include:

- **Job loss.** The planned construction of 10 GW of renewable energy generation will decrease reliance on fossil fuels and potentially lead to job loss in occupations associated with fossil fuel industries. For example, approximately 450 jobs were lost in the city of Farmington when the Public Service Company of New Mexico closed the coal-powered San Juan Generating Station in 2022.[437] NMDWS has accounted for this potential shift in employment in its WIOA combined state plan and plans to counteract the loss of these occupations by providing programs and resources to transition the workforce toward other relevant clean energy sectors.[438]

LIDAC Disbenefits

One potential disbenefit to LIDACs from this measure is:

- **Resistance to infrastructure development.** New Mexico plans to facilitate technical assistance and outreach to communities that have anti-transmission ordinances. For example, LIDACs in

[434] American Lung Association, "Disparities in the Impact of Air Pollution."
[435] Goggin, "Transmission and Jobs."
[436] New Mexico Legislative Finance Committee, "Energy Transition on San Juan County."
[437] New Mexico Legislative Finance Committee, "Energy Transition on San Juan County."
[438] State of New Mexico, "Department of Workforce Solutions"; New Mexico Department of Workforce Solutions, *New Mexico Workforce Innovation and Opportunity Act (WIOA) Combined State Plan, Program Years 2024-2027*.

Roosevelt and Quay counties oppose plans for a transmission line corridor running through their area to connect future wind farms to the grid.[439] To achieve 6 GW of transmission capacity construction, it will be necessary to work with LIDAC voices to determine the best steps to achieve this goal.

- **Job loss.** A reduction in reliance on fossil-fuel-related operations through the construction and use of 10 GW of renewable energy generation will reduce the number of fossil-fuel-energy-related jobs. Additionally, local communities often rely heavily on energy infrastructure to support their economy, especially in New Mexico, as the state was the second top producer of crude oil and one of the largest producers of natural gas in 2024.[440] As a result, LIDACs, which are disproportionately closer to oil and gas facilities, could experience job loss.

Measure E-10: Support Right-of-Way (ROW) Interstate Transmission

This measure develops financial incentives and expedites permitting pathways for transmission along existing ROWs, streamlining the process of building new electric transmission lines within established corridors. This approach will focus on existing infrastructure, like highways or existing transmission routes, to deliver rapid project approval and avoid lengthy negotiations or permitting delays.

Permitting presents significant barriers to the development of new transmission capacity. Developing projects in existing ROWs can remove barriers and shorten the development timeline.

Electricity transmission investment tax credits (ITCs) have been proposed at the federal level in 2019[1] and 2023,[1] providing 15% and 30% ITCs respectively. ITCs often include criteria to ensure alignment of projects that claim the credit with program goals. These can include use of existing ROWs and other New Mexico priorities.

Implementation Authority and Responsibilities

New Mexico RETA will be the lead implementing entity for this measure; other agencies or external entities may be required to support its implementation.

This measure directs RETA to implement financial incentives and expedited permitting pathways for transmission along existing ROWs. Because RETA is responsible for oversight, the agency is tasked with determining which entities to collaborate with – including NMDOT, PRC, SLO, and EMNRD – to advance the development of transmission infrastructure within established corridors.

Implementation Timeline and Milestones

This measure will be implemented from 2026 through 2050, with the implementation of the primary ITC component occurring in 2030.

[439] Ron Warnick, "Comments on Transmission Corridor Extended," *The Eastern New Mexico News*, February 18, 2025, https://www.easternnewmexiconews.com/story/2025/02/19/news/comments-on-transmission-corridor-extended/230123.html; "Climate & Economic Justice Screening Tool," accessed September 22, 2025, https://edgi-govdata-archiving.github.io/j40-cejst-2/en/#10.54/33.9269/-103.4179.

[440] U.S. Energy Information Administration, "New Mexico State Energy Profile."

NMED Exhibit 54_000211

Table 84. Measure E-10 Implementation Timeline and Milestones

Timeline	Milestones
2026	Introduce expedited permitting bill.
2027	Pass expedited permitting bill.
2028	Introduce ITC bill.
2029	Pass ITC bill.
2030	Implement ITC.

Metrics for Tracking Progress

Implementing agency(ies) will track progress on Measure E-10 using indicators such as percent total transmission capacity (GW) located in ROWs originating in the state, number of projects submitted for ITC, and miles of operational electricity transmission located in ROWs.

Quantified Emission Reductions

The CAP Team did not model GHG emissions or criteria air pollutants as part of this measure because it enables the reductions that are already accounted in the BAU emissions forecast as part of the RPS goals, which include 50% clean electricity by 2030 and 100% by 2045/2050. Additionally, Measure E-10 enables the buildout of transmission covered as part of Measure E-9.

Measure Costs

The CAP Team evaluated a range of potential ITC values based on previously proposed federal 15%[441] and 30%[442] ITCs for transmission. The CAP Team applied a 15% ITC to the transmission capital costs that were calculated for Measure E-9, resulting in a total program cost of $122 million.

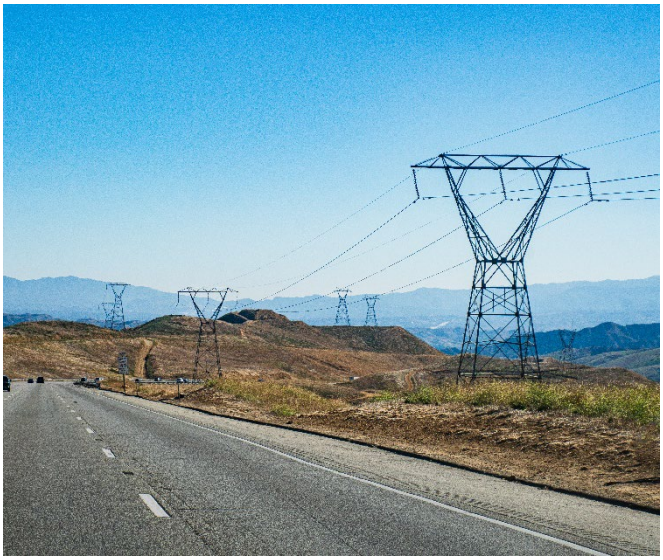
The CAP Team also considered permitting fees and timelines that apply to state, local, and federal authorities having jurisdiction (AHJs). The state took special consideration of permitting fees and timelines that apply to NPT's AHJs. Permit fees and timelines vary by AHJ and are project-specific, considering existing ROWs, proximity to sensitive ecosystems or facilities, and AHJ supportiveness. For example, SunZia's September 2015 update to the New Mexico Legislature showed an estimated six years for federal permitting and one year for state permitting, with COD in 2020.[443] The project is now targeting COD in 2026. While expedited state permitting is important to ensure that projects are bankable and quicker to deploy, the CAP Team did not model the cost impact of state efforts to reduce permitting fees and timelines, because the federal government controls a significant majority of the permitting timeline. State permitting fees, and any subsequent proposed reductions in those fees, are

[441] American Council on Renewable Energy, *Transmission Tax Credit One-Pager* (2020), https://acore.org/wp-content/uploads/2020/10/ACORE-Transmission-ITC-One-Pager.pdf.
[442] "Legislation to Build a More Resilient, Reliable Electric Grid Introduced | U.S. Senator Martin Heinrich of New Mexico," June 5, 2023, https://www.heinrich.senate.gov/newsroom/in-the-news/legislation-to-build-a-more-resilient-reliable-electric-grid-introduced.
[443] Wray, "SunZia Southwest Transmission Project," n.d., https://eplanning.blm.gov/eplanning-ui/project/2011785/510.

NMED Exhibit 54_000212

likely a de minimis portion of the overall project cost. Other permitting processes and their associated fees at the federal, local, and tribal levels are outside state control and are not considered.

In addition to ITC costs, the administration of this measure will require a commitment equivalent to 1 FTEs from the state of New Mexico over a 20-year period. Responsibilities for this position include supporting ITC legislative efforts and ongoing ITC program administration. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. These costs are assumed to be separate from the $120 million total ITC costs.



Electricity transmission infrastructure sited in a ROW. Photo Credit: iStock.

Table 85. Measure E-10 Cost Estimates

Cost Component	Estimated Implementation Cost
Program/policy implementation and administration costs	$122,352,000
EMNRD employees	*$2,172,000*
Total	**$122,352,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure E-10. (Appendix C provides details on these sources, organized by funding source number.)

- Community Benefit Fund (Funding Source 94)
- Zero-Emission Nuclear Power Production Credit (Funding Source 42)
- Alternative Fuel Vehicle Refueling Property Credit (Funding Source 23)
- CFI Grants—Community Program (Funding Source 24)
- Clean Hydrogen Production Credit (Funding Source 43)
- Clean Electricity Low-Income Communities Bonus Credit Amount Program (Funding Source 38)
- Cost Recovery for Qualified Clean Energy Facilities, Property, and Technology (Funding Source 39)
- Geothermal Electricity Generation Tax Credit (Funding Source 46)
- ERA Program (Funding Source 22)
- EIR Program (Funding Source 66)
- Advanced Energy Manufacturing Tax Credit (through the IRS) (Funding Source 44)
- Advanced Energy Manufacturing Tax Credit (through EMNRD) (Funding Source 52)
- NCIF CUF (Funding Source 25)
- SBTC (Funding Source 26)

NMED Exhibit 54_000213

- USDA RCPP (Funding Source 11)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- Renewable Energy Production Tax Credit (Funding Source 47)
- Electric Grid Modernization Grant Program (Funding Source 51)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Prioritization and research of interstate transmission development along existing ROWs will decrease overall energy costs, increase energy resilience during extreme weather events and unplanned outages, increase land preservation, preserve ecosystems, and reduce the risk of exposure to wildfires and associated hazards.

Economic Benefits

- **Decreased energy costs.** During the development of transmission lines, concerns about environmental and cultural impacts, private land rights, and compensation can lead to drawn-out and costly permitting processes.[444] However, development in existing ROWs faces less opposition: the land has already been disturbed and residents and communities are used to existing infrastructure. By using existing ROWs for development and studying where new transmission infrastructure would encounter the fewest barriers, transmission construction costs will be reduced. These cost savings during development, combined with diversified energy supply through increased transmission, could lead to decreased energy costs.
- **Increased energy resilience.** Using existing ROWs to develop interstate transmission could lead to increased energy resilience through the interconnection and regionalization of power grids. For example, increased transmission connections between the Texas power grid and the southeastern United States would have lessened the monetary and public health impacts of outages during Winter Storm Uri in 2021.[445] In the context of extreme weather events and unexpected outages, the development of interstate transmission to aid interconnection of power grids can lead to decreased risk of health emergencies related to power outages, specifically during extreme weather events.

Environmental Benefits

- **Mitigated aesthetic impacts.** Prioritizing and incentivizing interstate transmission through existing ROWs will mitigate aesthetic impacts across New Mexico's communities. A report published by USFS outlines measures to mitigate the visual impacts of utility-scale projects and includes guidance on using existing access roads for construction and avoiding development in visually sensitive areas.[446] By prioritizing interstate transmission through existing ROWs, New Mexico's transmission development will mitigate the risk of visual impacts and preserve aesthetics for New Mexico's residents and visitors.

[444] Americans for a Clean Energy Grid, *State Policies to Advance Transmission Modernization and Expansion* (2024), https://cleanenergygrid.org/wp-content/uploads/2024/09/ACEG_State-Policies-to-Advance-Transmission.pdf.
[445] Goggin, *Transmission Makes the Power System Resilient to Extreme Weather*.
[446] Joseph J Donaldson, "Mitigating Visual Impacts of Utility-Scale Energy Projects," *Visual Resource Stewardship Conference Proceedings*, U.S. Department of Agriculture, 2018, https://www.fs.usda.gov/nrs/pubs/gtr/gtr-nrs-p-183papers/23-donaldson-VRS-gtr-p-183.pdf.

- **Land conservation.** Prioritization of interstate transmission development in existing ROWs will increase land conservation efforts across New Mexico. The construction of transmission lines can lead to wildlife habitat loss and disruption, ecosystem degradation, and increased wildfire risk.[447] Prioritizing development in existing ROWs where the environment has already been disturbed mitigates the environmental risks associated with transmission development in undisturbed areas. For instance, large corridors of land do not need to be cleared to accommodate new transmission lines because existing highway and railway corridors are used instead.

Public Health Benefits

- **Reduced exposure to wildfires.** As mentioned above, the development of transmission capacity can lead to increased wildfire risk: sparks from power lines can ignite fires, especially in dry or forested regions.[448] Wildfires present an environmental hazard and threat to New Mexicans in terms of direct life-threatening impacts and long-term health impacts from smoke exposure.[449] Prioritizing interstate transmission development in existing ROWs will reduce wildlife risk, in that it will require utilities to maintain vegetation in ROWs and thus leave fewer trees and less brush to fuel or ignite wildfires.[450] Thus, New Mexicans will have reduced exposure to wildfires and wildfire smoke, promoting improvements in health outcomes.

LIDAC Benefits

LIDACs will benefit from this measure in the following ways:

- **Energy burden reduction.** Prioritizing development of interstate transmission in existing ROWs could reduce the energy burden for LIDACs. Developing interstate transmission lines in existing ROWs will facilitate diversification of energy sources through the interconnection of power grids. Diversifying energy sources can increase competition among utilities, increase reliance on renewable energy, and reduce energy market volatility, leading to cost reductions for consumers.[451] LIDACs will experience energy savings disproportionately, as they spend a larger percentage of their income on energy.

[447] Stop Maryland Piedmont Reliability Project, "Environmental Impact of High-Voltage Transmission Lines," September 25, 2024, https://stopmprp.com/what-is-at-stake/f/environmental-impact-of-high-voltage-transmission-lines.
[448] Stop Maryland Piedmont Reliability Project, "Environmental Impact of High-Voltage Transmission Lines."
[449] Kamal J. Maji et al., "Impact of the 2022 New Mexico, US Wildfires on Air Quality and Health," *Science of The Total Environment* 946 (October 2024): 174197, https://doi.org/10.1016/j.scitotenv.2024.174197; National Aeronautics and Space Administration, "Extreme Weather and Climate Change," NASA Science, accessed September 22, 2025, https://science.nasa.gov/climate-change/extreme-weather/.
[450] Bureau of Land Management, "Permanent Instruction Memorandum 2025-007: Routine Operations and Maintenance to Reduce Fire Risk on Electric Utility Rights-of-Way and Required Fire Prevention and Control Stipulations," April 9, 2025, https://www.blm.gov/policy/pim2025-007.
[451] Lazar Gitelman et al., "Diversification as a Method of Ensuring the Sustainability of Energy Supply within the Energy Transition," *Resources* 12, no. 2 (2023): 19, https://doi.org/10.3390/resources12020019; Clare McDougall, "Diversifying Your Energy Sources: Why And How To Do It," *My Money Cottage*, 2025, https://mymoneycottage.com/diversifying-your-energy-sources-why-and-how-to-do-it/.

- **Job creation.** The planned development of interstate transmission could create construction, engineering, and manufacturing jobs.[452] As LIDACs are disproportionately close to ROWs like high-transit corridors, they may be more local than other residents to new job opportunities.[453]
- **Support for community-led projects.** Researching ways to develop interstate transmission barrier-free will involve outreach to local communities and educating them on the benefits that interstate transmission could bring to their communities. This process could encourage support for benefits like job creation in LIDACs and lead to community involvement in interstate transmission development.[454]

Disbenefits

Potential disbenefits from this measure include:

- **Increased safety and security risk.** The development of transmission capacity along existing ROWs, including railways, highways, and pipelines, could lead to heightened safety and security risks. These include the risk of automobile and train collision hazards from downed transmission infrastructure, improper grounding leading to shock risk, and the potential for terrorist attacks on multiple forms of energy at once.[455] New Mexico can navigate these potential risks by carefully and preemptively addressing risks in the planning of any infrastructure in existing ROWs.

LIDAC Disbenefits

One potential disbenefit to LIDACs from this measure is:

- **Resistance to infrastructure development.** While development of interstate transmission could play a pivotal role in job creation for LIDACs while minimally affecting the environment, concerns related to aesthetics and land preservation could lead to resistance to infrastructure development. The U.S. Forest Service has published information on ways to mitigate the visual impacts of utility-scale construction projects.[456] This information can help to inform residents and reduce resistance to infrastructure development in communities, particularly LIDACs near ROWs.

[452] Goggin, "Transmission and Jobs."
[453] David Karas, "Highway to Inequity: The Disparate Impact of the Interstate Highway System on Poor and Minority Communities in American Cities," *New Visions for Public Affairs* 7 (2015), https://filetransfer.nashville.gov/portals/0/sitecontent/Planning/docs/trans/EveryPlaceCounts/1_Highway%20to%20Inequity.pdf; Mark Barna, "Freight Routes Harm Health of Nearby Residents: People of Color, Low Incomes Disproportionately Harmed," *The Nation's Health* 52, no. 8 (2022), https://www.thenationshealth.org/content/52/8/13.1.
[454] Grace Adcox et al., *Lines That Connect Us: Reimagining Transmission Development Through Community Partnership and Benefits Sharing* (2025), https://www.filesforprogress.org/reports/DFP_Lines_That_Connect_Us.pdf Donaldson (2018). "Mitigating Visual Impacts of Utility-Scale Energy Projects.
[455] U.S. Government Accountability Office, "GAO-08-347R Transmission Lines Along Transportation Rights of Way," February 1, 2008, https://www.gao.gov/assets/gao-08-347r.pdf; Camille Norton et al., "Reimagining Highway Rights-of-Way as Transmission Corridors," National Association of State Energy Officials, February 2025.
[456] Donaldson, "Mitigating Visual Impacts of Utility-Scale Energy Projects."

Measure E-11: Develop Regulatory Structures to Support Virtual Power Plants (VPPs)

This measure supports the deployment of distributed energy resources (DERs), and the VPPs that manage groups of interconnected DERs, by ensuring DERs and VPPs are incorporated into PRC energy planning processes. Namely, PRC updates will support compensation to VPPs for the grid services that they provide, including peak demand reduction, frequency regulation, and voltage support. This measure dovetails with Measure E-13, which seeks to establish a Clean Peak Standard that will further bolster the market for VPPs.

This measure also includes the development of performance-based regulations (PBRs) by the PRC. New Mexico passed revenue decoupling as its first PBR as part of the 2019 Efficient Use of Energy Act, although no utility has filed a motion to implement this strategy as of 2025. Revenue decoupling reduces utilities' incentives to focus on throughput, as compared to efficiency. The CAP Team assessed multiyear rate plans as the primary additional PBR strategy for this measure.

To further incentivize DER deployment, this measure considers grants, revolving funds, and community awareness activities with a focus on LIDACs.

Implementation Authority and Responsibilities

EMNRD will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation.

Additional legislative action is needed to confirm the authority of the New Mexico PRC to establish a Virtual Power Plant program. Following such legislation, the PRC would have the authority to promulgate rules to effectuate the intent of the legislation.

Implementation Timeline and Milestones

This measure will be implemented from 2027 through 2050, with the VPP launching and opening enrollment in 2028 and additional PBRs being implemented by regulated utilities in 2030.

Table 86. Measure E-11 Implementation Timeline and Milestones

Timeline	Milestones
2027	Establish VPP program.
2028	Launch and open enrollment for VPP program.
2028	Propose additional PBRs.
2029	Approve additional PBRs.
2030	Achieve ECAM-forecasted DER deployed capacity.
2030	Begin use of PBR strategies by regulated utilities.

Metrics for Tracking Progress

Implementing agency(ies) will track progress on Measure E-11 using indicators such as total VPP capacity participating in the program (MW), number of participating utilities per PBR strategy, market

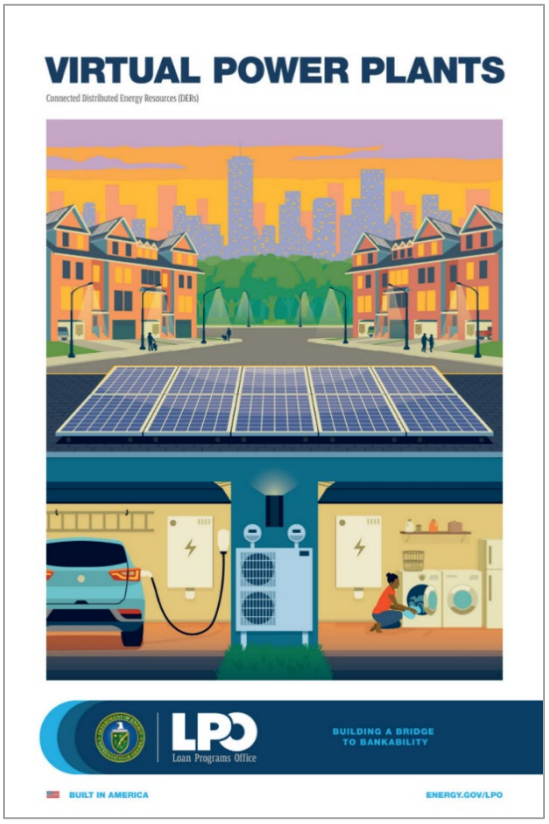
NMED Exhibit 54_000217

share of participating utilities by PBR strategy, number of VPP dispatch events, and VPP annual energy discharged during dispatch events (MWh).

Quantified Emission Reductions

The CAP Team modeled GHG emissions for reference but has not included those results in the overall CAP reductions because the measure enables the reductions that are already accounted in the BAU emissions forecast as part of the RPS goals, which include 50% clean electricity by 2030 and 100% by 2045/2050.

The CAP Team calculated GHG emissions by applying a capacity factor to the annual capacity of VPPs (estimated by ECAM through modeling) to establish total annual VPP production, which is estimated to be 1,600 MWh in 2030 and 2,390 MWh in 2050. The CAP Team accounted for additional VPP production based on ESS installed by other measures, resulting in an additional 2,370 MWh in 2030 and 3,690 MWh in 2050. The CAP Team then applied non-baseload generator emission factors to VPP production to derive metric tons of CO_2, CH_4, and N_2O. The CAP Team estimates this measure would result in GHG emission reductions of approximately 1,375 $MTCO_2e$ in 2030. Given the assumed 100% decarbonization of the grid by 2050, the CAP Team assumes no GHG emission reductions associated with this measure in 2050.



Example components of a residential VPP. Photo Credit: U.S. Department of Energy

Measure Costs

The total implementation cost for Measure E-11 is estimated at approximately $4.8 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners.

The administration of this measure will require a commitment equivalent to 2 FTEs from the state of New Mexico over a 22-year period. Responsibilities for this position include initiating and providing ongoing support of the VPP program and PBRs. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607.

Table 87. Measure E-11 Cost Estimates

Cost Component	Estimated Implementation Cost
Program/policy implementation and administration costs	$4,779,000
EMNRD employees	*$4,779,000*
Total	**$4,779,000**

NMED Exhibit 54_000218

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure E-11. (Appendix C provides details on these sources, organized by funding source number.)

- Community Benefit Fund (Funding Source 94)
- Advanced Energy Project Credit (Funding Source 21)
- CCIA (Funding Source 69)
- Clean Electricity Investment Tax Credit (Funding Source 45)
- Clean Electricity Low-Income Communities Bonus Credit Amount Program (Funding Source 38)
- Cost Recovery for Qualified Clean Energy Facilities, Property, and Technology (Funding Source 39)
- Electric Grid Modernization Grant Program (Funding Source 51)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- ERA Program (Funding Source 22)
- EIR Program (Funding Source 66)
- Grid Resilience Formula Program for States and Tribes (Funding Source 40)
- NCIF CUF (Funding Source 25)
- USDA RCPP (Funding Source 11)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

The planned incentivization and funding of distributed energy resources, smart grid technologies, and energy storage will lead to various economic *and* environmental benefits including job creation, reduced energy costs, energy independence, increased energy resilience, and reduced air pollution.

Economic Benefits

- **Job creation.** New Mexico's planned incentivization of distributed energy resources, smart grid technologies, and energy storage will create jobs in construction, engineering, maintenance, and beyond. Additionally, partnering with the PRC to design goals regarding distributed energy project timelines and MW installed may also create jobs. One study demonstrated that each MW installed of residential solar created 26.6 jobs, while commercial solar installations created 19.1 jobs and utility solar installations created 2.1 jobs for each MW installed.[457] Additionally, in 2023, clean energy jobs in New Mexico grew by 6.1%, 2.5 times faster than economy-wide jobs in the state. New Mexico also ranked first nationally in energy efficiency job growth at 7%.[458] Therefore, an increase in efforts to develop distributed energy resources, smart grid technologies, and energy storage will lead to an expansion of the already growing energy efficiency and clean energy workforce.

[457] Freeing Energy, "Energy Fact – Residential Solar Installations Create the Most Jobs per Megawatt," 2020, https://www.freeingenergy.com/facts/jobs-solar-installation-residential-utility-g207/.
[458] E2, "REPORT: New Mexico Among Fastest-Growing for Clean Energy Jobs Again, Surges Over 13,000 Jobs," November 26, 2024, https://e2.org/releases/report-new-mexico-among-fastest-growing-for-clean-energy-jobs-again-surges-over-13000-jobs/.

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- **Decreased energy costs.** The introduction and promotion of smart grid technologies, distributed energy resources, and plans for compensating energy storage could lead to decreased energy costs. In many cases, distributed energy resources can reduce energy bills by either a) using individual energy resources like rooftop solar to reduce reliance on grid energy, or b) selling excess energy from distributed energy resources back to utilities during peak demand.[459] These methods reduce overall energy costs for New Mexicans.
- **Energy independence.** Distributed energy resources and energy storage systems can increase communities' energy independence by reducing reliance on more traditional and centralized power grids. Through monetary incentives, households and communities will be able to feasibly localize energy production and consumption through systems like solar, wind, and batteries. Therefore, communities will have greater control over energy production and consumption at the local level, reducing overall reliance on centralized utilities and grids. Energy independence can also provide benefits during extreme weather events. During inclement weather or unexpected electricity outage at the larger grid level, distributed energy resources and associated microgrids will allow communities and households to access energy for longer periods, increasing safety to residents.[460]

Environmental Benefits

- **Air pollution reductions.** Distributed energy resources and smart grid technologies can be optimized to reduce air pollution. If energy storage and distributed energy resources produce enough energy and are utilized during periods of peak demand, use of polluting energy plants, or peaker plants, will be reduced. The waning usage of New Mexico's 11 natural gas- or oil-powered peaker plants will reduce localized air pollution, including co-pollutants like particulate matter, leading to better public health outcomes.[461]

LIDAC Benefits

LIDACs will benefit from this measure in the following ways:

- **Energy burden reduction.** Currently, households below the federal poverty line spend a higher proportion of their annual income on energy costs in comparison to the state average. As mentioned in this measure's associated benefits analysis, increased access to distributed energy resources, smart grid technologies, and energy storage can lead to decreased energy costs through a reduced dependence on the centralized grid.[462] Because LIDACs are disproportionately burdened by energy costs, any reduction in energy costs from increased use of distributed energy resources, smart grid technologies, or energy storage would greatly benefit them by reducing their energy burden.
- **Community independence.** The incentivization and promotion of distributed energy resources, smart grid technologies, and energy storage in LIDACs could lead to reduced dependence on the

[459] Richmond-Crosset and Greene, "How Distributed Energy Resources Can Lower Power Bills, Raise Revenue in US Communities."
[460] U.S. Department of Energy, "Distributed Energy Resources for Resilience."
[461] Richmond-Crosset and Greene, "How Distributed Energy Resources Can Lower Power Bills, Raise Revenue in US Communities"; Krieger et al., "A Framework for Siting and Dispatch of Emerging Energy Resources to Realize Environmental and Health Benefits"; PSE Healthy Energy, *New Mexico Peaker Power Plants: Energy Storage Replacement Options*.
[462] Richmond-Crosset and Greene, "How Distributed Energy Resources Can Lower Power Bills, Raise Revenue in US Communities."

centralized power grid.[463] This type of energy and community independence will be made accessible to LIDACs through grants, revolving funds, and community awareness activities aimed at deploying these technologies in communities.

- **Targeted job training.** New Mexico plans to specifically target LIDACs that are electrifying their energy consumption with incentives for deploying behind-the-meter and smart grid technologies. In doing so, the construction of distributed energy resources, smart grid technologies, and energy storage will create jobs that are local to those LIDACs. As mentioned in this measure's associated benefits analysis, solar energy installation is just one example of a distributed energy resource that will create a significant number of jobs.[464] In LIDACs, new jobs could lead to opportunities for targeted training, further contributing to LIDAC economies.

Disbenefits

Potential disbenefits from this measure include:

- **Job loss.** A decreased dependence on natural gas, oil, and coal energy production could lead to job loss in those sectors. However, job creation will also occur in clean energy and energy efficiency industries. Additionally, New Mexico's Department of Workforce Solutions (NMDWS) has accounted for this potential shift in employment in its Workforce Innovation and Opportunity Act (WIOA) combined state plan.[465] The plan describes how the state aims to counteract the loss of occupations by providing programs and resources to migrate and transition the workforce toward growing energy sectors.

LIDAC Disbenefits

One potential disbenefit to LIDACs from this measure is:

- **Resistance to infrastructure development.** While New Mexico intends to incentivize and fund LIDACs that are electrifying their energy consumption, there could still be resistance to infrastructure development in these communities. For example, some communities could be concerned about the visual impact of solar or wind energy generation. The U.S. Forest Service has published guidance on how to best develop utility-scale projects with the least aesthetic interference.[466] New Mexico can reduce resistance to infrastructure development by ensuring any funded projects have minimal visual impact and educating LIDACs on the benefits that distributed energy resources, smart grid technologies, and energy storage would bring to their communities.

[463] Grid-Scape, "The Quiet Energy Revolution: How Distributed Energy Resources (DERs) Are Redefining Power and Why You Should Care."
[464] Freeing Energy, "Energy Fact – Residential Solar Installations Create the Most Jobs per Megawatt."
[465] New Mexico Department of Workforce Solutions, *New Mexico Workforce Innovation and Opportunity Act (WIOA) Combined State Plan, Program Years 2024-2027*.
[466] Donaldson, "Mitigating Visual Impacts of Utility-Scale Energy Projects."

Measure E-12: Support Grid-Enhancing Technology (GET) Deployment

This measure supports the development of a plan to integrate advanced conductors and other GETs on new and existing transmission routes. The measure prioritizes understanding future transmission needs, evaluating the role of GETs in addressing transmission constraints, establishing GET standards, and requiring utility reporting.

Examples of GETs include:

- Dynamic line ratings (DLR)
- Advanced power flow controls
- Topology optimization
- Advanced flexible transformers

GETs provide transmission utilities with quick-to-deploy options that add significant capacity to existing lines at a fraction of the cost of developing new transmission lines or reconductoring existing lines. GETs provide additional visibility and control to utilities, helping to mitigate operational risks including sparking wildfires during high wind events, reducing public safety power shutoffs (PSPS), and reducing unplanned outages.

Implementation Authority and Responsibilities

EMNRD will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation.

In parallel with the grid modernization roadmap and grant program, the state legislature also enacted statutes enabling the PRC to approve or request grid modernization and advanced grid technology projects from the state's public electricity utilities, pursuant to NMSA 1978, Section 62-18-13. When considering projects for approval, the legislature directed the PRC to consider, among other factors, whether the projects are designed to contribute to the reduction of air pollution, including GHGs, and whether they are consistent with the state's grid modernization planning process and priorities (NMSA 1978, Section 62-8-13(B)(4) and (7)). For purposes of this statute as well, grid modernization projects include advanced metering infrastructure and energy storage systems and microgrids that support circuit-level grid stability, power quality, reliability, or resiliency or provide temporary backup energy supply, among other options. The PRC is in the midst of a rulemaking to establish what will be the Grid Modernization and Integrated Distribution Planning rule at 19.9.587 NMAC.

Implementation Timeline and Milestones

This measure will be implemented from 2027 through 2050, with the first GETs deployed as part of this program reaching commercial operation in 2030. Note that utility-proposed GET deployment may be implemented before the PRC establishes the broader program.

NMED Exhibit 54_000222

Table 88. Measure E-12 Implementation Timeline and Milestones

Timeline	Milestones
2027	Begin PRC GET deployment proceeding.
2028	Approve GET deployment program by PRC.
2029	Deploy GETs by regulated transmission utilities.
2030	Achieve GET COD.

Metrics for Tracking Progress

Implementing agency(ies) will track progress on Measure E-12 using indicators such as the number of transmission miles with operational GETs, added capacity from deployed GETs (MW, by type of GET), and total GETs planned and deployed investment value ($, by type of GET).

Proposed utility reporting includes hosting capacity maps, carbon intensity projections, and in-state energy consumption data.

Quantified Emission Reductions

The CAP Team did not model GHG emissions or criteria air pollutants as part of this measure because it enables the reductions that are already accounted in the BAU emissions forecast as part of the RPS goals, which include 50% clean electricity by 2030 and 100% by 2045/2050. Additionally, Measure E-12 enables the buildout of transmission capacity covered as part of Measure E-9.



Electric grid infrastructure. Photo Credit: iStock.

Measure Costs

The total implementation cost for Measure E-12 is estimated at approximately $4.3 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners.

The administration of this measure will require a commitment equivalent to 2 FTEs from the state of New Mexico over a 20-year period. Responsibilities for this position include supporting GETs rulemakings and ongoing program administration. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607.

NMED Exhibit 54_000223

Table 89. Measure E-12 Cost Estimates

Cost Component	Estimated Implementation Cost
Program/policy implementation and administration costs	$4,344,000
EMNRD employees	*$4,344,000*
Total	**$4,344,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure E-12. (Appendix C provides details on these sources, organized by funding source number.)

- Community Benefit Fund (Funding Source 94)
- Advanced Energy Project Credit (Funding Source 21)
- ERA Program (Funding Source 22)
- NCIF CUF (Funding Source 25)
- EIR Program (Funding Source 66)
- USDA RCPP (Funding Source 11)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- Grid Resilience Formula Program for States and Tribes (Funding Source 40)
- Electric Grid Modernization Grant Program (Funding Source 51)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Investing in GETs offers wide-ranging benefits for New Mexico's economy, environment, and communities. By improving the efficiency and capacity of the existing grid, these technologies can lower energy costs, attract new businesses, create jobs, and enable the continued expansion of renewable energy. They also strengthen grid reliability and resilience, helping to reduce the frequency and impact of power outages while protecting public health. Although implementation may involve short-term costs, the long-term benefits of GETs far outweigh these challenges, positioning New Mexico for a more affordable, sustainable, and reliable energy future.

Economic Benefits

- **Increased energy affordability.** GETs maximize electricity transmission across existing systems,[467] thereby maximizing the value of the existing grid and improving access to lower-cost electricity. Studies have found that using GETs could reduce wholesale energy costs nationwide

[467] U.S. Department of Energy Office of Electricity, "Grid-Enhancing Technologies: From Research and Development to Reality," November 13, 2023, https://www.energy.gov/oe/articles/grid-enhancing-technologies-research-and-development-reality-0.

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by over $5 billion annually.[468] Furthermore, GETs can remove the need for large-scale, costly infrastructure projects by expanding capacity within the existing grid.

- **Economic development.** About one-third of new manufacturers, artificial intelligence companies, factories, and data centers choose not to establish sites in New Mexico due to the inability to access the grid quickly.[469] The implementation of grid-modernizing technologies, including GETs, would minimize congestion and allow more companies to readily access the grid, leading to job creation, increased revenue, and tax generation as companies establish sites in New Mexico.[470]
- **Job creation.** Expanding the use of GETs would require jobs in construction, operations, and maintenance. At the national level, GET projects are estimated to create approximately 330,000 short-term and 20,000 long-term jobs.[471] Continuing to support grid modernization efforts such as the expansion of GET could thus support job growth in New Mexico.

Environmental Benefits

- **Increased use of renewable energy.** Increased grid capacity from GETs would allow New Mexico to continue adding renewable energy to the grid and support increased electric demand from cars, appliances, heating systems, and other electric appliances. At the national level, GETs could double the amount of renewables that can be added to the grid before new large-scale transmission lines are needed.[472] Supporting technologies like these could help New Mexico prepare for increased renewable energy supply.
- **Increased energy resilience.** New Mexico customers have experienced longer power outages on average since 2018.[473] However, GETs identify and maximize capacity within the existing grid, respond to real-time changes, and quickly reroute power when there is an outage to better meet consumer demands.[474] Incorporation of these technologies can contribute to a more reliable grid.

Public Health Benefits

- **Improved community health.** Improvements in energy reliability through GETs, specifically a reduction in the length and frequency of power outages, could benefit community health. Often, access to critical services, such as schools, transportation services, and grocery stores, is disrupted during outages. Outages can also lead to long durations without heating or cooling, loss of access to electricity-dependent medical equipment or medication, and food loss, which can lead to health problems like temperature-related illnesses, CO poisoning, sleep problems,

[468] Neil Chatterjee, "Grid Technology Could Save Billions but for a Policy Vacuum," Utility Dive, March 25, 2024, https://www.utilitydive.com/news/grid-technology-could-save-billions-Chatterjee/711068/.
[469] New Mexico Energy Conservation and Management Division, *Energy Grid Update* (2025), https://www.emnrd.nm.gov/ecmd/wp-content/uploads/sites/3/ECAM-Electric-Grid-Modernization-Update-1.10.25.pdf.
[470] New Mexico Energy Conservation and Management Division, *Energy Grid Update*.
[471] The Brattle Group, "Grid-Enhancing Technologies Shown to Double Regional Renewable Energy Capacity, According to Study by Brattle Consultants - Brattle," February 1, 2021, https://www.brattle.com/insights-events/publications/grid-enhancing-technologies-shown-to-double-regional-renewable-energy-capacity-according-to-study-by-brattle-consultants/.
[472] The Brattle Group, "Grid-Enhancing Technologies Shown to Double Regional Renewable Energy Capacity, According to Study by Brattle Consultants - Brattle."
[473] New Mexico Energy Conservation and Management Division, *Energy Grid Update*.
[474] U.S. Department of Energy Office of Electricity, "Grid-Enhancing Technologies."

and gastrointestinal illness.[475] Grid modernization projects that make the grid more resilient and reliable during extreme weather and power outages could reduce the negative impacts of outages on community health.

LIDAC Benefits

LIDACs will benefit from this measure in the following ways:

- **Energy burden reduction.** As discussed previously, implementing GETs increases the capacity and resilience of the grid and allows for an increased distribution of low-cost energy. Cost savings are particularly important for LIDACs, which tend to spend a much higher share of their income on energy. Because LIDACs are disproportionately burdened by energy costs, reducing overall costs through grid modernization techniques could benefit these groups the most.
- **Energy resilience.** Rural communities experience power outages more often than non-rural communities. According to a U.S. Census Bureau housing survey, 35.4% of rural households were completely without power at least once in 2023, compared to only 22.8% of urban households.[476] New Mexico's plan to implement GETs would improve the reliability of the grid, reducing the frequency and duration of power outages.[477] Rural communities, many of which are low-income in New Mexico, could therefore disproportionally benefit from this measure.
- **Improved community health.** As mentioned above, rural communities experience more frequent power outages.[478] Outages can reduce access to critical services such as healthcare and grocery stores and cause health problems like temperature-related illnesses, CO poisoning, sleep problems, and gastrointestinal illness.[479] Because GETs could reduce the frequency and duration of outages, low-income communities could see community health benefits.

Disbenefits

Potential disbenefits from this measure include:

- **Increased energy costs for customers.** Utilities could increase electricity rates to fund GET projects.[480] However, these costs will be short term, and since GETs work within the existing grid, any temporary increase in energy costs would be much less than the cost for alternative major infrastructure projects.

LIDAC Disbenefits

One potential disbenefit to LIDACs from this measure is:

- **Increased energy costs.** Utilities may need to increase electricity rates to fund projects associated with GETs.[481] This increase could disproportionately affect low-income households that spend a larger portion of their income on energy.[482] However, this increase in rates would

[475] Joan A. Casey et al., "Power Outages and Community Health: A Narrative Review," *Current Environmental Health Reports* 7, no. 4 (2020): 371–83, https://doi.org/10.1007/s40572-020-00295-0.
[476] Patrick Madamba, "About 1 in 4 Households Experienced a Power Outage in the Span of a Year," U.S. Census Bureau, Census.Gov, October 2, 2024, https://www.census.gov/library/stories/2024/10/power-outages.html.
[477] U.S. Department of Energy Office of Electricity, "Grid-Enhancing Technologies."
[478] Madamba, "About 1 in 4 Households Experienced a Power Outage in the Span of a Year."
[479] EFICAA, "The Impact of Electrical Power Outages," accessed September 22, 2025, https://www.eficaa.com/the-impact-of-electrical-power-outages; Casey et al., "Power Outages and Community Health."
[480] New Mexico Energy Conservation and Management Division, *Energy Grid Update*.
[481] New Mexico Energy Conservation and Management Division, *Energy Grid Update*.
[482] New Mexico Energy Conservation and Management Division, *Energy Grid Update*.

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be temporary and eventually be offset by lower electricity prices from the grid's expanded capacity.

Measure E-13: Pass a Clean Peak Standard and Establish Virtual Power Plant Programs

This measure establishes a Clean Peak Standard to mandate the use of clean energy technologies to meet peak energy demand. Additionally, the measure establishes a regulatory framework for the implementation of VPP programs that facilitate the deployment of DERs that will help meet the goals of the Clean Peak Standard. This measure is a key enabler of the DER and VPP deployment described as part of Measure E-11. To avoid double-counting, DERs and VPPs are addressed as part of E-11 only.

Implementation Authority and Responsibilities

EMNRD will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation.

Additional legislative action is needed to confirm the authority of the PRC to establish a Virtual Power Plant program. Following such legislation, the PRC would have the authority to promulgate rules to effectuate the intent of the legislation.

Implementation Timeline and Milestones

This measure will be implemented from 2027 through 2050, with the establishment of a VPP program in 2027 followed by the launch of the Clean Peak Standard in 2030.

Table 90. Measure E-13 Implementation Timeline and Milestones

Timeline	Milestones
2027	Establish VPP program.
2028	Launch and open enrollment for VPP program.
2028	Introduce Clean Peak Standard to PRC.
2029	Approve Clean Peak Standard by PRC.
2030	Launch Clean Peak Standard program.

Metrics for Tracking Progress

Implementing agency(ies) will track progress on Measure E-13 using indicators such as the number of clean peak energy certificates (CPECs) generated by resource type, the number of qualified clean peak generators by resource type, cost of CPECs by resource type, alternative compliance payments by utility. These are additional to the indicators outlined for Measure E-11 that cover the deployment of DERs and VPPs.

Quantified Emission Reductions

The CAP Team did not model GHG emissions or criteria air pollutants as part of this measure because it enables the reductions that are already accounted in the BAU emissions forecast as part of the RPS goals, which include 50% clean electricity by 2030 and 100% by 2045/2050.

Measure Costs

The CAP Team used the existing Massachusetts Clean Peak Standard as a representative example to develop cost estimates. The Massachusetts Department of Energy Resources budgeted $150,000 per year for professional services to manage portions of the Clean Peak Standard program. The CAP Team used this budget figure as the assumed annual program administration cost of New Mexico's Clean Peak Standard program, whether that program uses consulting services (for some or all the period of analysis) or uses New Mexico government FTEs to administer the program. The CAP Team applied this assumed annual program administration cost over a 20-year period.

Table 91. Measure E-13 Cost Estimates

Cost Component	Estimated Implementation Cost
Program/policy implementation and administration costs	$3,000,000
Total	**$3,000,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure E-13. (Appendix C provides details on these sources, organized by funding source number.)

- Advanced Energy Project Credit (Funding Source 21)
- ERA Program (Funding Source 22)
- NCIF CUF (Funding Source 25)
- EIR Program (Funding Source 66)
- USDA RCPP (Funding Source 11)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- Electric Grid Modernization Grant Program (Funding Source 51)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

VPPs are collections of small-scale energy resources, such as batteries or EVs, that can be aggregated and coordinated to provide energy to the grid and manage energy demand, especially during peak demand periods.[483] They can be used to support compliance with a Clean Peak Standard, which requires an increasing percentage of energy during peak demand periods to be met with clean energy. The benefits of establishing a Clean Peak Standard and supporting VPPs are described below.

Economic Benefits

- **Increased energy affordability**. Establishing VPPs and passing a Clean Peak Standard could help lower costs for New Mexicans. A Clean Peak Standard could support the expansion of affordable, renewable energy sources. In Massachusetts, the first state to pass a Clean Peak Standard,

[483] Liz Martin and Kevin Brehm, "Clean Energy 101: Virtual Power Plants," RMI, January 10, 2023, https://rmi.org/clean-energy-101-virtual-power-plants/.

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ratepayers are expected to save over $400 million in the first 10 years of the program.[484] Furthermore, New Mexico's proposal to establish VPPs could help save consumers money since consumers who participate in VPPs typically receive direct compensation.[485]

Environmental Benefits

- **Increased use of renewable energy.** Implementing a Clean Peak Standard would require peak electricity demand to be met with an increased percentage of renewable energy.[486] This standard will support New Mexico's transition to using more clean energy. Additionally, VPPs would support New Mexico's clean energy transition by allowing small-scale energy resources to power the grid, reducing the state's reliance on fossil fuels.[487]
- **Increased energy resilience**. New Mexico's planned establishment of VPPs like those in the Massachusetts Clean Peak Standard program could increase energy resilience. VPPs manage and reduce peak demand and can be designed to compensate customers who share their energy with the grid during peak demand times. A similar program in New Mexico could further enhance grid reliability, as consumers would be incentivized to share and conserve energy during high-demand periods.[488] Furthermore, a Clean Peak Standard in New Mexico would encourage peak energy demand to be met with an increased share of renewable energy, which could improve energy reliability by encouraging energy storage and diversifying the energy sources that can meet peak demand.[489]

Public Health Benefits

- **Improved public health.** Passing a Clean Peak Standard and establishing VPPs would improve public health by reducing reliance on New Mexico's peaker plants. Peaker plants are power plants that activate during peak energy demand periods. New Mexico has 11 peaker plants, the majority of which burn gas.[490] A Clean Peak Standard in New Mexico would reduce reliance on these peaker plants, instead requiring that peak demand is met with clean energy. This requirement would reduce reliance on peaker plants and any associated GHG and NO_x emissions that can cause adverse health impacts, including respiratory infection, heart attacks, or asthma attacks.[491]

[484] Samantha Hall, "The Massachusetts Clean Peak Energy Standard," *Evolution Sustainability Group*, April 20, 2020, https://evolutionsg.com/the-massachusetts-clean-peak-energy-standard/.
[485] Martin and Brehm, "Clean Energy 101."
[486] Lindsey Paulk, "Unlocking the Value of Clean Peak Standard for Energy Storage in Massachusetts," Energy Toolbase, February 28, 2025, https://www.energytoolbase.com/blog/energy-storage/unlocking-the-value-of-clean-peak-standard-for-energy-storage-in-massachusetts/.
[487] June Kim, "How Virtual Power Plants Are Shaping Tomorrow's Energy System | MIT Technology Review," MIT Technology Review, February 7, 2024, https://www.technologyreview.com/2024/02/07/1087836/how-virtual-power-plants-are-shaping-tomorrows-energy-system/.
[488] Massachusetts Department of Energy Resources, "Clean Peak Energy Standard History of Program Development," Mass.Gov, accessed September 22, 2025, https://www.mass.gov/info-details/clean-peak-energy-standard-history-of-program-development#general-information.
[489] Paulk, "Unlocking the Value of Clean Peak Standard for Energy Storage in Massachusetts."
[490] PSE Healthy Energy, "Energy Storage Peaker Plant Replacement Project."
[491] U.S. Environmental Protection Agency, "Human Health & Environmental Impacts of the Electric Power Sector," Overviews and Factsheets, February 6, 2025, https://www.epa.gov/power-sector/human-health-environmental-impacts-electric-power-sector.

LIDAC Benefits

LIDACs will benefit from this measure in the following ways:

- **Energy burden reduction.** A Clean Peak Standard could help lower energy costs by requiring that New Mexico's utilities use an increasing percentage of renewable energy to meet peak demand loads.[492] VPPs directly compensate participating households through bill savings, direct payments, or other rewards. For example, a VPP in California, 40% of whose participants are low-income, provides annual savings of up to $300 per participant.[493] Reducing energy costs is particularly important for low-income households, as low-income households are disproportionately burdened by high energy burdens.[494]
- **Energy resilience.** Rural communities, many of which are low-income in New Mexico, experience power outages more often than non-rural communities. According to a U.S. Census Bureau housing survey, 35.4% of rural households were completely without power at least once in 2023, compared to only 22.8% of urban households.[495] As mentioned in this measure's associated benefits analysis, New Mexico's plan to establish VPP programs and a Clean Peak Standard would improve the reliability of the grid by helping manage peak demand periods and by expanding the use of renewable energy during peak demand periods. Improvements in energy reliability from this measure could therefore disproportionally benefit LIDACs.
- **Improved community health.** As mentioned above, rural communities experience more frequent power outages.[496] Outages can reduce access to critical services, such as healthcare and grocery stores. Outages can also cause health issues, such as temperature-related illnesses, CO poisoning, sleep problems, and gastrointestinal illness,[497] resulting from a lack of heating or cooling, inability to use electrically powered medical equipment, and food loss.[498] The ability of VPPs and a Clean Peak Standard to improve energy reliability and stabilize the grid could thus provide substantial health benefits for low-income communities. Additionally, a Clean Peak Standard, supported by VPPs, could help reduce public health risks in LIDACs by reducing the state's reliance on peaker plants. Air pollution from power plants poses health risks, including risk of cardiac and respiratory illness.[499] Most of New Mexico's peaker plants are in rural areas, and many plants have high shares of low-income and minority populations living nearby. For example, within a three-mile radius of a peaker plant in Doña Ana, New Mexico, 49% of the population is considered low-income and 82% of the population is non-white.[500] A Clean Peak Standard could reduce reliance on peaker plants during periods of peak demand and cut emissions, lowering associated health risks for nearby communities.

[492] Hall, "The Massachusetts Clean Peak Energy Standard."
[493] Kevin Brehm et al., *Virtual Power Plants, Real Benefits* (RMI, 2023), https://rmi.org/insight/virtual-power-plants-real-benefits/.
[494] National Renewable Energy Laboratory, "SLOPE Stories: SLOPE Informs Grid Modernization and Transportation Planning in New Mexico."
[495] Madamba, "About 1 in 4 Households Experienced a Power Outage in the Span of a Year."
[496] Madamba, "About 1 in 4 Households Experienced a Power Outage in the Span of a Year."
[497] Casey et al., "Power Outages and Community Health."
[498] EFICAA, "The Impact of Electrical Power Outages."
[499] World Health Organization, "Air Quality, Energy and Health."
[500] PSE Healthy Energy, *New Mexico Peaker Power Plants: Energy Storage Replacement Options*.

Disbenefits

No disbenefits were identified in this analysis.

LIDAC Disbenefits

No disbenefits to LIDACs were identified in this analysis.

Measure E-14: Enable Microgrids

This measure enables the development of renewable generation and battery-storage-fed microgrids in NPTs and rural communities through targeted grants and tax credits. By supporting microgrids, the measure increases access to reliable, locally controlled energy that can operate independently during grid outages, enhancing resilience in areas that often face higher vulnerability to service disruptions. Investments in microgrids also expand opportunities for clean energy deployment in communities that may lack access to large-scale infrastructure, reducing dependence on fossil fuels. The measure helps ensure that rural and Tribal communities benefit directly from the transition to a more resilient and sustainable energy system.

Implementation Authority and Responsibilities

ECAM will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation.

In parallel with the grid modernization roadmap and grant program, the state legislature also enacted statutes enabling the PRC to approve or request grid modernization and advanced grid technology projects from the state's public electricity utilities, pursuant to NMSA 1978, Section 62-18-13. When considering projects for approval, the legislature directed the PRC to consider, among other factors, whether the projects are designed to contribute to the reduction of air pollution, including GHGs, and whether they are consistent with the state's grid modernization planning process and priorities (NMSA 1978, Section 62-8-13(B)(4) and (7)). For purposes of this statute as well, grid modernization projects include advanced metering infrastructure and energy storage systems and microgrids that support circuit-level grid stability, power quality, reliability, or resiliency or provide temporary backup energy supply, among other options. The PRC is in the midst of a rulemaking to establish what will be the Grid Modernization and Integrated Distribution Planning rule at 19.9.587 NMAC.

Implementation Timeline and Milestones

The implementing agency(ies) will administer this measure from 2026 through 2035, providing $20 million in annual grants for 10 years, totaling $200 million. The first grants will be issued in 2026 and the final grants in 2035.

Table 92. Measure E-14 Implementation Timeline and Milestones

Timeline	Milestones
2026	Issue first grants.
2035	Issue last grants.

NMED Exhibit 54_000231

Metrics for Tracking Progress

The implementing agency(ies) will track progress on Measure E-14 using indicators such as the number of microgrids developed, the renewable generation and battery storage capacity installed, and the number of rural and tribal communities served. The agency(ies) will collect data annually from grantees, project developers, and relevant local or tribal authorities, assigning responsibilities to ensure consistency and long-term availability. Metrics will provide transparency; demonstrate economic, environmental, and energy resilience outcomes; and communicate meaningful results to interested parties.

Quantified Emission Reductions

Measure E-14 is an enabling measure that does not directly reduce emissions. Its actions support the incorporation of distributed renewables, as described in Measures E-3 and E-5. All associated emission reductions are quantified under those measures.

Measure Costs

The total implementation cost for Measure E-14 is estimated at approximately $200 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners. Funding will be provided at $20 million annually over a 10-year period.

In addition to direct project funding, the administration of this measure will require a commitment equivalent to 0.25 FTEs from the state of New Mexico over a 10-year period. Responsibilities for this position include application review and grant awards. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. These costs are assumed to be separate from the $20 million annual funding allocation.

All costs are presented in current-year dollars and do not account for future inflation.

Table 93. Measure E-14 Cost Estimates

Cost Component	Estimated Implementation Cost
Capital costs	$200,000,000
Program/policy implementation and administration costs	$272,000
EMNRD employees	*$272,000*
Total	**$200,272,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure E-14. (Appendix C provides details on these sources, organized by funding source number.)

- Community Benefit Fund (Funding Source 94)
- Advanced Energy Project Credit (Funding Source 21)
- ERA Program (Funding Source 22)
- CFI Grants—Community Program (Funding Source 24)
- NCIF CUF (Funding Source 25)

- SBTC (Funding Source 26)
- Energy Efficiency Revolving Loan Fund (Funding Source 50)
- Clean Electricity Investment Tax Credit (Funding Source 45)
- Clean Electricity Low-Income Communities Bonus Credit Amount Program (Funding Source 38)
- Cost Recovery for Qualified Clean Energy Facilities, Property, and Technology (Funding Source 39)
- EIR Program (Funding Source 66)
- USDA REAP (Funding Source 32)
- USDA RCPP (Funding Source 11)
- CCIA (Funding Source 69)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- Grid Resilience Formula Program for States and Tribes (Funding Source 40)
- Energy Community Tax Credit Bonus (Funding Source 41)
- Geothermal Electricity Generation Tax Credit (Funding Source 46)
- Electric Grid Modernization Grant Program (Funding Source 51)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Renewable energy installation, microgrids, and energy storage can require high initial costs for installation. However, grants and tax credits for NPTs and rural communities to install renewable generation and battery-storage-fed microgrids will help bridge the energy access gap while providing additional economic, resilience, and health benefits, including decreased energy costs, job creation, increased climate resilience, and positive public health outcomes.

All benefits to LIDACs from this measure are described in the benefits analysis for this measure.

Economic Benefits

- **Decreased energy costs.** Microgrids paired with renewable energy generation can provide communities with energy savings. For example, the Blue Lake Rancheria Tribe's Low-Carbon Community Microgrid installed a 420 kW PV solar array with a 500 kW/950 kWH Tesla Powerpack storage that saved the community $150,000 in electricity costs (a 25% savings) in its first year of operation.[501] Grants and tax credits would make installations like these more accessible to New Mexico's communities and decrease energy costs for consumers.
- **Economic development.** Renewable energy projects that connect to the grid can provide additional revenue for communities. For example, the Picuris Pueblo Community Solar project installed a 1 MW solar project that provides power directly to Kit Carson Electric Cooperative grid and pays the Pueblo for each KW generated. The project has provided a subsidy of $700 per household per year during its initial operation. This subsidy was the surplus of payments from electricity being sold minus any loan payments left over from installation costs.[502] The Pueblo is currently pursuing funding to install a solar microgrid project to further reduce electricity costs for tribal household members.

[501] Blue Lake Rancheria Tribal Office, *Blue Lake Rancheria Microgrid Project Fact Sheet*.
[502] Rubin et al., "Advancing Energy Equity & Justice with Community Leaders."

- **Increased energy access.** Tribal and rural communities are more likely to be power deficient and may lack centralized grid connections. The installation of microgrids or energy storage can be a cost-competitive alternative to grid-based electrification in remote areas.[503] For example, the Navajo Tribal Utility Authority has installed over 500 PV of solar and wind generators to electrify remote homes and reduce the need for diesel generators.[504] For rural communities with grid connections, microgrids and storage could also improve energy access by providing power during unplanned power outages, such as those caused by extreme weather events.
- **Job creation**. The creation of jobs related to the installation and maintenance of renewable energy, microgrids, and battery storage can provide Tribal and rural communities with employment opportunities. For example, one study estimates New Mexico will need between 900 and 1,700 jobs to support battery energy storage by 2030, compared to the 300 jobs reported in the state in 2020.[505] Planned and targeted job training and financial incentives will be particularly important to ensure equitable access to these new jobs.[506]

Environmental Benefits

- **Increased climate resilience.** A key feature of a microgrid is its ability to operate when the main grid is disrupted. By nature, microgrids have sources close to loads, which means they are less vulnerable to disruption from severe weather or other natural disasters.[507] Increased development in microgrids through tax credits and grants would allow communities to continue to power critical functions, such as communications and medical services, during an outage.

Public Health Benefits

- **Public and community health**. Rural and tribal communities with no grid connection or unreliable connections typically rely on diesel generators to provide energy.[508] Providing energy storage and renewable energy generation through tax credits and grants could reduce the use of diesel and reliance on generators. As a result, communities would be less exposed to diesel exhaust, which can cause or exacerbate respiratory issues.[509]

Disbenefits

No disbenefits were identified in this analysis.

LIDAC Disbenefits

No disbenefits to LIDACS were identified in this analysis.

[503] Bird et al., "Distributed Energy Resources as an Equity Asset."
[504] Bird et al., "Distributed Energy Resources as an Equity Asset."
[505] National Renewable Energy Laboratory, "New Mexico's Clean Energy Jobs Potential Through 2030."
[506] Bird et al., "Distributed Energy Resources as an Equity Asset."
[507] Stan Atcitty, "An Introduction to Microgrids and Energy Storage," Sandia National Laboratories, 2022, https://www.energy.gov/sites/default/files/2022-08/3_Stan-Atcitty_Microgrids-and-Energy-Storage.pdf.
[508] Bird et al., "Distributed Energy Resources as an Equity Asset."
[509] U.S. Environmental Protection Agency, "Learn About Impacts of Diesel Exhaust and the Diesel Emissions Reduction Act," 2025, https://www.epa.gov/dera/learn-about-impacts-diesel-exhaust-and-diesel-emissions-reduction-act.

NMED Exhibit 54_000234



5.3.5 Commercial and Residential Buildings Measures

The NM CAP includes seven measures in the commercial and residential buildings sector. Table 94 summarizes these measures and their individual and collective estimated costs, GHG emission reductions, and monetized benefits through 2050. A discussion of each measure follows.

Table 94. Summary of Estimated Costs, GHG Emission Reductions, and Monetized Benefits for Commercial and Residential Buildings Measures

Measure Number and Name	Cumulative Cost Through 2050 (Thousand $)	Cumulative GHG Reduction Through 2050 (MTCO2e)	Cost per MTCO2e Reduced ($/MTCO2e)	Monetized Social Benefit of GHG Reduction Through 2050 (Thousand $)	Monetized Value of Cumulative Health Benefits Through 2050 (Thousand $)
Measure B-1: Update Building Codes	$0	9,024,317	Not calculated	Not calculated	Not calculated
Measure B-2: Electrify Appliances	$27,152	18,795,151	$1	$6,287,231	$70,326,613
Measure B-3: Improve Energy Affordability and Reliability	$55,527	319,163	$174	$101,852	$3,853
Measure B-4: Improve Residential Weatherization Program Eligibility	$29,742	13,447	$2,212	$4,225	$285
Measure B-5: Incentivize Whole-Home Electrification	$30,272	123,456	$245	$41,735	$1,755
Subtotal	**$142,693**	**28,275,534**	**$5**	**$6,435,043**	**$70,332,506**
Other Strategies for Which Emission Reductions Are Not Included in Implementation Scenario Calculations					
Measure B-6: Improve Transportation Equity in Multifamily Housing	$9,992	Not calculated	Not calculated	Not calculated	Not calculated

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Measure Number and Name	Cumulative Cost Through 2050 (Thousand $)	Cumulative GHG Reduction Through 2050 (MTCO2e)	Cost per MTCO2e Reduced ($/MTCO2e)	Monetized Social Benefit of GHG Reduction Through 2050 (Thousand $)	Monetized Value of Cumulative Health Benefits Through 2050 (Thousand $)
Measure B-7: Pilot Community-Scale Geothermal Networks	$300	Not calculated	Not calculated	Not calculated	Not calculated
Subtotal	**$10,292**	**Not calculated**	**Not calculated**	**Not calculated**	**Not calculated**

Measure B-1: Update Building Codes

This measure ensures that New Mexico's building and energy codes are among the nation's leading codes and will remain so as energy efficiency technologies evolve. As a supplement to the state's energy codes, this measure includes EV-Ready Standards for New Mexico Buildings that require infrastructure for the future installation of EVSE be installed during the construction of single-family detached houses, duplexes, townhouses, and multifamily buildings.

The International Energy Conservation Code (IECC) is updated on a three-year cycle, with the latest version being released in 2024. New Mexico adopted the prior 2021 IECC on July 30, 2024. The New Mexico Building Decarbonization Roadmap proposed that the state "automatically update the building codes within 1-year after International Energy Conservation Code release." This measure assumes that New Mexico adopts each subsequent IECC update within 1-year. With the 2024 update, the IECC expanded language for EV-capable, EV-ready, and EVSE-installed infrastructure, further acknowledging this critical link between the building and transportation sectors.

Implementation Authority and Responsibilities

ECAM will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation.

14.7.2 NMAC and 14.7.3 NMAC adopt the 2021 Commercial Building Code and 2021 Residential Building Code, respectively. 14.7.6 NMAC establishes minimum standards for energy conservation for residential construction in New Mexico. 14.7.9 NMAC establishes minimum standards for energy conservation for commercial construction in New Mexico. Under the Construction Industries Licensing Act, the Construction Industries Division of the New Mexico Regulation and Licensing Department is tasked with "adopt[ing] all building codes and minimum standards…so that the public welfare is protected" (NMSA 1978, Section 60-13-9). In 2024, the Construction Industries Division adopted the 2021 IECC for both new residential and new commercial construction. The IECC requires compliance with energy efficiency building standards, the inclusion of infrastructure to support the subsequent installation of EV charging equipment in parking spaces and garages, and the inclusion of EV and EV-

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capable parking spaces (in new commercial builds), among other energy efficiency standards. See 14.7.6 and 14.7.9 NMAC.

Implementation Timeline and Milestones

This measure will begin in 2025 and extend through 2050. During that 25-year implementation period, New Mexico will adopt each new version of the IECC one year after its release, based on the three-year IECC update cadence. Table 95 outlines the anticipated implementation timeline and milestones for Measure B-1.

Table 95. Measure B-1 Implementation Timeline and Milestones

Timeline	Milestones
2026	Adopt 2024 IECC.
2027	Release of 2027 IECC.
2028	Adopt 2027 IECC.
2030	Release of 2030 IECC, with assumed EVSE requirement.
2031	Adopt 2030 IECC.
2033–2048	Continued cycle of IECC release followed by New Mexico adoption.

Metrics for Tracking Progress

Implementing agency(ies) will track progress on Measure B-1 using indicators such as the number of residential and commercial construction permits and the year of IECC adoption relative to release date.

Quantified Emission Reductions

The CAP Team modeled GHG emissions using the DOE Office of Energy Efficiency and Renewable Energy's report *Energy Savings Analysis: 2024 IECC for Residential Buildings*.[510] The report provides CO_2 emission reductions by climate zone for residential buildings. While New Mexico includes a diverse array of climate zones, there are limited data available for the number of residential housing units by climate zone, so the CAP Team used CO_2 emission reductions for climate zone 7, which best aligns with emission reductions achieved in previous code cycles.



Modern multifamily housing units. Photo Credit: iStock.

The DOE analysis finds that the 2024 IECC reduces CO_2 emissions by 6.3% as compared to the 2021 IECC. The use of this figure provides a conservative estimate, given that 47% of New Mexico's housing stock was built before 1980, and 30% was built from 1980 to 1999. Given New Mexico's relatively old

[510] Office of Energy Efficiency and Renewable Energy, *Energy Savings Analysis: 2024 IECC for Residential Buildings* (U.S. Department of Energy, 2024), https://www.energycodes.gov/sites/default/files/2024-12/2024_IECC_Determination_TSD.pdf.

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housing stock, the majority of the housing stock can be expected to perform significantly worse than newer construction that has been built under the 2021 IECC. While older housing stock is often less efficient, this can be counterbalanced by the fact that older stock often lacks modern appliances that increase electricity consumption, most notably central air conditioning.

The CAP Team used an annual rate of new home construction of 1.5% to establish the rate at which New Mexico homes trigger the IECC in any given year. This does not consider a net increase in new residential housing units and is applied to the existing housing stock. Given that the state does not have jurisdiction over NPT lands, the CAP Team excluded 9% of the housing stock from the analysis—the percentage assumed to be on NPT lands. The CAP Team applied similar assumptions to commercial buildings.

Emission reductions for the EV-ready infrastructure portion of this measure are accounted for in the transportation sector Measure T-6, given that emission reductions occur when EV use offsets the use of ICE vehicles.

Table 96 shows the estimated annual emission reductions for Measure B-1 as compared to BAU emissions.

Table 96. Measure B-1 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	43,875.3	967,722.4	9,024,317.5
CH_4	1.1	23.6	223.0
N_2O	0.2	4.5	43.8
CO_2e	43,965.8	969,583.0	9,049,238.0
Other Pollutants			
CO	Did not calculate	Did not calculate	Not Calculated
NO_x	Did not calculate	Did not calculate	Not Calculated
SO_2	Did not calculate	Did not calculate	Not Calculated
VOCs	Did not calculate	Did not calculate	Not Calculated
PM_{10}	Did not calculate	Did not calculate	Not Calculated
$PM_{2.5}$	Did not calculate	Did not calculate	Not Calculated

Measure Costs

The total implementation cost for Measure B-1 is estimated to be zero. This represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners. The CAP Team did not include program administration costs, given the existing program for adopting IECC updates and existing local code enforcement programs.

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Table 97 shows the estimated implementation costs for Measure B-1. All costs are presented in current-year dollars and do not account for future inflation.

Table 97. Measure B-1 Cost Estimates

Cost Component	Estimated Implementation Cost
Program/policy implementation and administration costs	$0
Total	**$0**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure B-1. (Appendix C provides details on these sources, organized by funding source number.)

- Community Benefit Fund (Funding Source 94)
- Credit for Builders of New Energy-Efficient Homes (Funding Source 17)
- New Mexico Energy$mart Program (Funding Source 19)
- Weatherization Assistance Program Innovation Grants (Funding Source 20)
- ERA Program (Funding Source 22)
- NCIF CUF (Funding Source 25)
- SBTC (Funding Source 26)
- EIR Program (Funding Source 66)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- TREC (Funding Source 42)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Building and energy code updates create jobs, improve energy efficiency, increase energy and climate resilience, and lead to reductions in energy use, negative health outcomes, and overall costs for residents and businesses.

Economic Benefits

- **Job creation.** Updated building codes lead to increased demand for construction workers, electricians, plumbers, HVAC technicians, energy modelers, solar installers, architects, engineers, and code compliance experts, among others, to meet new code requirements.[511] Additionally, updated building codes can reduce residential and commercial utility bill costs. This reduction in utility bill costs leads to increased disposable income for consumers, fueling business expansion and ultimately additional jobs.[512] New code requirements to support EV-ready infrastructure will

[511] U.S. Department of Energy, "Growing the Green Buildings Workforce," June 2022, https://www.energy.gov/eere/buildings/articles/workforce-development-fact-sheet-growing-green-buildings-workforce.
[512] Victor Salcido et al., *Cost-Effectiveness of the 2021 IECC for Residential Buildings in New Mexico* (Pacific Northwest National Laboratory, 2021), https://www.energycodes.gov/sites/default/files/2021-07/NewMexicoResidentialCostEffectiveness_2021.pdf.

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also increase demand for EV charger manufacturers and suppliers, installation and maintenance companies, and software developers for energy management systems and smart charging solutions, with more than 160,000 new jobs in the United States predicted by 2032, according to the International Council on Clean Transportation.[513] As of July 30, 2024, New Mexico adopted the 2021 IECC as amended by the state, which establishes the minimum required energy efficiency standards for construction.[514,515] A study commissioned by DOE in 2021 estimated that adoption of the 2021 IECC in New Mexico would result in 231 new jobs created in the first year and 6,564 jobs created over 30 years.[516] Continuing to align with modern building codes like IECC will ensure that New Mexico continues to see these benefits. Expanding codes beyond the IECC will likely benefit New Mexico even further.

- **Decreased energy costs.** Updated building and energy codes lead to building improvements such as better insulation, more efficient heating and cooling systems, and more efficient windows and doors. These improvements in turn lead to lower energy consumption and lower monthly utility bills for residential and commercial buildings.[517] The DOE estimated that New Mexico's adoption of the 2021 IECC with state amendments in 2024 would decrease annual residential and commercial consumer costs by $383 (21.9%) and $138, respectively, per 1,000 square feet.[518] Statewide, New Mexico's adoption of the 2021 IECC is projected to save $1,891,000 in energy costs in the first year and $645,200,000 over 30 years.[519]
- **Increased energy resiliency.** Energy-efficient buildings and homes use less electricity for heating, cooling, lighting, and other purposes, which reduces the demand for energy from the grid. This is especially beneficial during peak hours (e.g., mornings and evenings) or extreme weather events, when demand for energy is often at its highest.[520] Due to the reduced demand for power from the grid, the risk of power outages decreases. Additionally, homes outfitted with solar technology and battery storage can sell extra electricity back to the grid and store power for use during peak hours, which also reduces reliance on power plants and the grid.[521] The 2021 IECC

[513] Anh Bui et al., "New Study Estimates Over 160,000 Jobs to Be Created by U.S. Electric Vehicle Charging Infrastructure Buildout by 2032," *International Council on Clean Transportation*, January 23, 2024, https://theicct.org/pr-new-study-estimates-over-160000-jobs-to-be-created-by-uss-ev-charging-infrastructure-buildout-jan24/.
[514] 2021 New Mexico Commercial Energy Conservation Code, Title 14 Chapter 7 Part 9 (2021), 14, https://www.srca.nm.gov/parts/title14/14.007.0009.html.
[515] 2021 New Mexico Residential Energy Conservation Code, Title 14 Chapter 7 Part 6 (2021), https://www.srca.nm.gov/parts/title14/14.007.0006.html.
[516] Salcido et al., *Cost-Effectiveness of the 2021 IECC for Residential Buildings in New Mexico*.
[517] U.S. Environmental Protection Agency, "Local Energy Efficiency Benefits and Opportunities," Overviews and Factsheets, July 5, 2017, https://www.epa.gov/statelocalenergy/local-energy-efficiency-benefits-and-opportunities.
[518] U.S. Department of Energy, "New Mexico: Building Energy Codes Program," accessed September 22, 2025, https://www.energycodes.gov/status/states/new-mexico.
[519] Salcido et al., *Cost-Effectiveness of the 2021 IECC for Residential Buildings in New Mexico*.
[520] U.S. Department of Energy, *Building Energy and Resilience Codes* (2024), https://www.energycodes.gov/sites/default/files/2024-05/Resilience%20and%20Building%20Energy%20Codes_Final_4.10.24.pdf.
[521] Emily Walker, "Your Guide to Home Batteries in 2025," EnergySage, August 5, 2025, https://www.energysage.com/energy-storage/.

also includes provisions for EV-ready infrastructure. These provisions help anticipate and plan for future increases in energy demand and improve grid flexibility and resilience.[522]

Public Health Benefits

- **Improved public and community health.** From 1980 to 2024, New Mexico experienced 38 extreme weather events (18 droughts, seven severe storms, one tropical cyclone, and 12 wildfires) that each produced losses exceeding $1 billion. The frequency of such events is increasing.[523] Updated building and energy codes result in more buildings and infrastructure that can withstand extreme weather events and associated power outages, thereby reducing negative outcomes for building occupants.[524] Buildings perform differently during power disruptions and can experience reductions in temperature control and ventilation.[525] These impacts increase health risks to building occupants and can lead to CO poisoning, heat-related illness, respiratory disease, cardiovascular disease, and death, among other outcomes.[526] In one DOE study, researchers found that implementation of the 2021 IECC makes buildings safer to live in during power outages, reducing heat-related and cold-related deaths by 80% and 30%, respectively.[527] Improvements in building codes therefore may lead to safer and more comfortable homes and businesses during power outages caused by extreme weather such as heat waves, winter storms, or hurricanes.[528]

LIDAC Benefits

LIDACs will benefit from this measure in the following ways:

- **Job creation.** As mentioned in this measure's associated benefits analysis, updated building codes lead to increased demand for construction workers; electricians; plumbers; heating, ventilation, and air conditioning (or HVAC) technicians; energy modelers; solar installers; architects; engineers; and code compliance experts, among others, to meet new code requirements.[529] These types of jobs are often local, non-exportable, and accessible without a four-year degree, making them ideal for LIDAC workers. Additionally, many of the state's efforts

[522] Andrea Brown, "Construction Industries Commission Votes to Adopt New Energy Efficient Building Codes That Support Electric Vehicle Infrastructure," *New Mexico Regulations & Law Department*, January 25, 2024, https://www.rld.nm.gov/2024/01/25/construction-industries-commission-votes-to-adopt-new-energy-efficient-building-codes-that-support-electric-vehicle-infrastructure/.
[523] Adam B. Smith, "U.S. Billion-Dollar Weather and Climate Disasters, 1980 - Present (NCEI Accession 0209268)," NOAA National Centers for Environmental Information, 2020, https://doi.org/10.25921/STKW-7W73.
[524] Joseph Sollod, "National Labs Study Finds Updated Building Energy Codes Save Lives in Face of Intensifying Climate Hazard," ICC, July 25, 2023, https://www.iccsafe.org/building-safety-journal/bsj-dives/national-labs-study-finds-updated-building-energy-codes-save-lives-in-face-of-intensifying-climate-hazards/.
[525] Ellen Franconi et al., *Enhancing Resilience in Buildings Through Energy Efficiency*, PNNL-32737 (Pacific Northwest National Laboratory, 2023), https://www.energycodes.gov/sites/default/files/2023-07/Efficiency_for_Building_Resilience_PNNL-32727_Rev1.pdf.
[526] Casey et al., "Power Outages and Community Health."
[527] Sollod, "National Labs Study Finds Updated Building Energy Codes Save Lives in Face of Intensifying Climate Hazard."
[528] U.S. Department of Energy, "Saving Energy and Money with Building Energy Codes in the United States," Energy.Gov, accessed September 23, 2025, https://www.energy.gov/eere/buildings/saving-energy-and-money-building-energy-codes-united-states.
[529] U.S. Department of Energy, "Growing the Green Buildings Workforce."

to provide training in these professions in line with building code updates include free and online courses,[530] which are accessible to LIDACs, especially rural communities.

- **Improved public and community health.** Building code updates allow for improved indoor temperature and humidity regulation and therefore reduce the risk of illness (e.g., asthma, heat-related illness, respiratory symptoms due to mold) in households. LIDACs are particularly vulnerable to negative health outcomes such as asthma.[531] By reducing health risks, updated and modern buildings codes will therefore disproportionately benefit LIDACs as they tend to have higher incidence of environment-related illnesses. An indirect benefit of reduced illness is that workers will not have to miss work as often to care for themselves or sick family members. This benefit is especially important for LIDACs, as 39% of the lowest wage workers in the United States receive paid sick leave compared to 96% of the highest-wage workers.[532] Additionally, medical bills are more burdensome for LIDACs as their income is lower, and therefore any building ventilation-related illness is more likely to cause financial hardship for LIDACs.
- **Emissions reductions.** Updated energy codes that encourage installation of EV-ready infrastructure in residential buildings will make EV ownership more feasible and increase EV use statewide, including in LIDACs. Greater reliance on EVs instead of gas-powered vehicles in LIDACs could reduce the amount of airborne co-pollutants that residents are exposed to, such as PM and VOCs. LIDACs will also benefit from reduced co-pollutants from gas-powered vehicles since LIDACs tend to be near highways and are more vulnerable to air pollution than other communities.[533]
- **Decreased energy costs and household cost savings.** Homes built according to updated energy codes are expected to use less energy for heating, cooling, and lighting, thereby reducing monthly utility bills for homeowners. This benefit is particularly poignant for LIDACs as New Mexican households below the federal poverty level spend a disproportionate amount of their annual income on energy costs than the statewide average. Updated codes also reduce the need for homeowners to purchase equipment such as dehumidifiers or fans, which reduces the economic burden for LIDACs who may have less financial resources for those purchases.

Disbenefits

Potential disbenefits from this measure include:

- **Increased upfront costs.** Implementation of New Mexico's new building codes requires higher construction standards and EV-ready infrastructure to improve energy efficiency and sustainability; this is predicted to increase new home construction costs by 10% to 20%.[534] These

[530] New Mexico Energy, Minerals, and Natural Resources Department, "Sustainable Education for Advanced Buildings," Energy Conservation and Management, accessed September 23, 2025, https://www.emnrd.nm.gov/ecmd/seab/.
[531] Tyra C. Bryant-Stephens et al., "Housing and Asthma Disparities," *Journal of Allergy and Clinical Immunology* 148, no. 5 (2021): 1121–29, https://doi.org/10.1016/j.jaci.2021.09.023.
[532] Elise Gould and Hilary Wething, "New Data Show That Access to Paid Sick Days Remains Vastly Unequal: Amid Federal Inaction, 61% of Low-Wage Workers Are without Paid Sick Days," Economic Policy Institute, September 21, 2023, https://www.epi.org/blog/new-data-show-that-access-to-paid-sick-days-remains-vastly-unequal-amid-federal-inaction-61-of-low-wage-workers-are-without-paid-sick-days/.
[533] Elisabeth Currit, "Disproportionate Exposure to Air Pollution for Low-Income Communities in the United States," *Ballard Brief* 2022, no. 2 (2022), https://scholarsarchive.byu.edu/ballardbrief/vol2022/iss2/6.
[534] Patrick M. Brenner, "The Hidden Costs of New Mexico's New Building Codes: A Threat to Affordable Housing," *Southwest Public Policy Institute*, August 13, 2024, https://southwestpolicy.com/the-hidden-costs-of-new-mexicos-new-building-codes-a-threat-to-affordable-housing/.

cost increases may exacerbate the existing affordable housing challenges in New Mexico. To mitigate affordable housing concerns, the state legislature allocated $125 million to the New Mexico Finance Authority and $50 million to the New Mexico Housing Trust Fund, which encourages an increase in affordable housing.[535]

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Increased upfront costs.** As mentioned in the "Measure B-1: Update Building Codes" section, implementing new building and energy codes is predicted to increase new home construction costs by 10–20%.[536] Additional construction costs will exacerbate affordable housing concerns in New Mexico, which disproportionately affect LIDACs as homebuying costs continue to rise nationally and in New Mexico.[537] In fact, from 2018 to 2022, the median home sale price in New Mexico increased 53%, from $200,000 to $306,000, and it was $353,000 in 2024.[538] In New Mexico, the median household income is $58,722, and 43.2% of households earn less than $50,000 annually,[539] indicating a large proportion of the state's population may be overburdened by increasing housing costs resulting from updated building and energy codes. To mitigate affordable housing concerns, the state legislature allocated $125 million to the New Mexico Finance Authority and $50 million to the New Mexico Housing Trust Fund, both of which support an increase in the availability of affordable housing.[540,541] Continued investment in affordable housing will help mitigate affordability concerns that may result from the adoption of certain building codes.

[535] Brenner, "The Hidden Costs of New Mexico's New Building Codes."
[536] Brenner, "The Hidden Costs of New Mexico's New Building Codes."
[537] Joint Center for Housing Studies, *2025 The State of the Nations Housing* (Harvard University, 2025), https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard_JCHS_The_State_of_the_Nations_Housing_2025.pdf.
[538] Housing New Mexico, "New Mexico Mortgage Finance Authority Announces Findings from Housing Needs Report, $84.6 Million in Funding and an Updated Brand for the State's Housing Authority," July 24, 2024, https://housingnm.org/about-us/news/new-mexico-mortgage-finance-authority-announces-findings-from-housing-needs-report-84.6-million-in-funding-and-an-updated-brand-for-the-states-housing-authority.
[539] Housing New Mexico, "New Mexico Mortgage Finance Authority Announces Findings from Housing Needs Report, $84.6 Million in Funding and an Updated Brand for the State's Housing Authority."
[540] New Mexico Legislative Finance Committee, *Report to the Fifty-Seventh Legislature, First Session, Volume 3* (2025), https://www.nmlegis.gov/Entity/LFC/Documents/Session_Publications/Budget_Recommendations/fy26%20vol3%20for%20web.pdf.
[541] New Mexico Legislative Finance Committee, *LFC Recommends $10.8 Billion Budget* (2025), https://www.nmlegis.gov/Entity/LFC/Documents/Session_Publications/Budget_Recommendations/fy26%20press%20packet.pdf.

Measure B-2: Electrify Appliances

This measure aims to electrify one third of the space and water heating in commercial buildings, single-family residential buildings, and multifamily residential buildings by 2035. To achieve this, implementing agency(ies) will establish legislation that requires an equitable decarbonization of New Mexico's natural gas infrastructure system. This measure also empowers community-serving institutions (including local government agencies, schools, and other entities without tax liability) to electrify their buildings, supporting decarbonization and enabling further investments to achieve resilience goals like providing warming and cooling centers. Lastly, the measure supports these actions through the development of a technical assistance dashboard that will include a best practices and case study repository for building owners and recipients of grants/rebates.

Electrifying space and water heating in buildings addresses the largest source of building sector emissions. Currently 23% of New Mexico homes and 15% of commercial buildings use electricity for heating. Decarbonizing natural gas utility operations by transitioning from gas sales to thermal energy sales has been established as a viable transition pathway. Under this new model, utilities would continue to own distribution infrastructure to serve existing customers but would deliver a networked working fluid (e.g., water) that allows heat pumps in each customer's building to transfer heat to meet their heating and cooling demands at a much greater efficiency and without combustion emissions. In developing this measure, the CAP Team did not consider alternative gas delivery options such as renewable natural gas, hydrogen, or others given their relatively high cost, other implementation barriers, and limited emission reduction capability.

Technical assistance dashboards have been deployed by numerous states and localities to aggregate resources for various types of building owners and residents. These resources can speed and expand adoption.

Implementation Authority and Responsibilities

EMNRD will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation.

The Energy Efficiency and Renewable Energy Bonding Act, NMSA 1978, Section 6-21D-7, creates an energy efficiency assessment revolving fund to perform energy efficiency assessments.

EMNRD is also authorized to implement the Energy Savings Performance Contract Program in New Mexico by the Energy Efficiency and Renewable Energy Bonding Act (EERE), NMSA 1978, 6-21D-3, and by the Public Facilities Energy Efficiency and Water Conservation Act (PFEEWC), NMSA 1978, 6-23-1 to 6-23-10.

The EERE program authorizes the New Mexico Finance Authority to issue up to $20 million in bonds backed by the state's Gross Receipts Tax to make loans to state agencies and public schools for eligible renovation work. Under the program, bonds can only be issued if EMNRD finds that the energy cost savings that will result from the renovations will be greater than the amount of the debt service due on those bonds. Participating agencies pay this debt service via a "capture" from their operating budgets of 90% of the amount of expected energy utility bill savings.

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The PFEEWC program is a similar innovative funding mechanism for energy-efficient facility upgrades. Like the EERE program, it requires an investment-grade energy audit of the proposed project to be certified by EMNRD. Unlike the EERE program, the PFEEWC program is available to all public entities including state agencies, public school districts, institutions of higher education, and local governments. Under the PFEEWC program, a public entity contracts with an established energy service company on New Mexico's State Price Agreement to perform the investment-grade energy audit, and the energy cost savings identified in the audit are guaranteed to the public entity. Currently, the State Price Agreement is being renewed. EMNRD would certify the audit and conduct annual monitoring of the energy savings achieved pursuant to the PFEEWC program guidelines.

Implementation Timeline and Milestones

This measure will be implemented from 2026 to 2050. Table 98 outlines the anticipated implementation timeline and milestones for the measure.

Table 98. Measure B-2 Implementation Timeline and Milestones

Timeline	Milestones
2027	Release of 2027 IECC.
2030	Release of 2030 IECC.
2030	Pass legislation for equitable decarbonization of natural gas infrastructure.
2033	Release of 2033 IECC.
2035	Achieve electrification of space and water heating in one third of New Mexico buildings.
2050	Achieve decarbonized natural gas infrastructure.

Metrics for Tracking Progress

Implementing agency(ies) will track progress on Measure B-2 using indicators such as the annual natural gas sales (therms) by customer class (e.g., residential and commercial), annual heat pump and heat pump hot water heater sales, total number of natural gas meter connections by year, and number of publicly accessible heating and cooling centers by region.



Residential heat pump. Photo Credit: iStock.

Quantified Emission Reductions

The CAP Team modeled GHG emissions using New Mexico's 2021 forecasted emissions and input energy by subsector and fuel type. To account for the increase in electric heat use from current levels (23% of homes,[542] 15% of commercial

[542] *New Mexico Building Decarbonization Roadmap* (n.d.).

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buildings), to the 33% target for 2035, the team reduced inputs for other energy sources in the model. The CAP Team modeled the equitable decarbonization of natural gas infrastructure by reducing the remaining natural gas heating in homes and commercial buildings to zero by 2050, following a linear glide path that reflects the aforementioned decarbonization transition of natural gas utilities' business model.

Emission reductions were not separately calculated for tax-exempt buildings, as those are assumed to be included in the commercial building sector.

Table 99 shows the estimated annual emission reductions for Measure B-2 as compared to BAU emissions.

Table 99. Measure B-2 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	132,009.9	1,665,315.4	18,669,123.8
CH_4	50.9	270.1	3,859.0
N_2O	0.3	3.5	41.1
CO_2e	133,548.2	1,674,503.1	18,795,150.6
Other Pollutants			
CO	36,755.0	547,469.0	Not Calculated
NO_x	8.4	125.4	Not Calculated
SO_2	551.3	8,212.0	Not Calculated
VOCs	5,053.8	75,277.0	Not Calculated
PM_{10}	6,983.5	104,019.1	Not Calculated
$PM_{2.5}$	5,237.6	78,014.3	Not Calculated

Measure Costs

The total implementation cost for Measure B-2 is estimated to be approximately $27 million. This cost represents the only assumed financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners for space and water heating retrofits or gas infrastructure decarbonization.

The administration of this measure will require a commitment equivalent to 10 FTEs from the state of New Mexico over a 25-year period. Responsibilities for this position include supporting equitable decarbonization legislation and ongoing program administration. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607.

Table 100 shows the estimated implementation costs for Measure B-2. All costs are presented in current-year dollars and do not account for future inflation.

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Table 100. Measure B-2 Cost Estimates

Cost Component	Estimated Implementation Cost
Program/policy implementation and administration costs	$27,152,000
EMNRD employees	*$27,152,000*
Total	**$27,152,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure B-2. (Appendix C provides details on these sources, organized by funding source number.)

- Community Benefit Fund (Funding Source 94)
- Credit for Builders of New Energy-Efficient Homes (Funding Source 17)
- Energy Efficient Commercial Buildings Deduction (Funding Source 18)
- New Mexico Energy$mart Program (Funding Source 19)
- Weatherization Assistance Program Innovation Grants (Funding Source 20)
- ERA Program (Funding Source 22)
- NCIF CUF (Funding Source 25)
- SBTC (Funding Source 26)
- Home Electrification and Appliance Rebates (HEAR) and Home Energy Rebate (HER) Programs (Funding Source 27)
- Energy Efficiency Revolving Loan Fund (Funding Source 50)
- Solar for All Program (Funding Source 29)
- Local Solar Access Fund (Funding Source 30)
- Residential Clean Energy Tax Credit (Funding Source 31)
- EIR Program (Funding Source 66)
- USDA REAP (Funding Source 32)
- USDA RCPP (Funding Source 11)
- USDA EQIP (Funding Source 10)
- CCIA (Funding Source 69)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- TREC (Funding Source 42)
- CEED Block Grant (Funding Source 43)
- Geothermal Ground-Coupled Heat Pump Income Tax Credit (Funding Source 34)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

This measure will benefit New Mexico by increasing household savings, creating jobs, improving air quality, and improving public health.

Economic Benefits

- **Household savings.** This measure focuses on supporting the transition from gas and oil appliances to electric appliances (such as heat pumps, heat pump water heaters, and induction stoves) in residential, commercial, and public buildings. Electric appliances are often more energy efficient and reduce energy use, so households in New Mexico may save on utility bills as they electrify their homes.[543,544] One study predicts that households in New Mexico that use electric resistance, fuel oil, or propane would save $385 annually on average by switching to modern, electric heating sources such as heat pumps.[545] These savings, however, vary by location. In warmer climates, heat pumps will help save around 30% on energy bills, while in cooler climates, electric heating bills can be roughly equivalent to gas heating bills.[546] Savings can increase when households take advantage of grants or rebates. This measure suggests developing a technical assistance dashboard to support grant and rebate recipients. This dashboard could help New Mexicans access available funding for electric appliances, thereby increasing the number of households that benefit from electric appliance savings.
- **Job creation.** Electrification requires electricians, plumbers, and HVAC workers to install new appliances in residential, commercial, and public buildings. In fact, electrification is estimated to create around 1,500 installation jobs in New Mexico.[547]

Environmental Benefits

- **Improved air quality.** Burning gas, propane, and fuel oil in heating, cooling, and other appliances emit pollutants like ammonia, SO_2, and VOCs.[548] These pollutants react with particles in the air to form PM, which contributes to poor air quality. Across the United States, fully electrifying households would reduce PM by more than 300,000 tons every year.[549] Supporting the transition to electric appliances in New Mexico would therefore help reduce PM pollution and improve air quality across the state.

Public Health Benefits

- **Improved health.** Nationwide, gas stoves are linked to about 13% of asthma cases in children.[550] Replacing gas stoves with induction stoves, which do not use gas, could help reduce the risk of asthma in children. This measure can also help improve health by reducing PM exposure, which can lead to adverse health impacts such as decreased lung function, increased respiratory

[543] U.S. Department of Energy, "Appliances and Electronics," Energy.Gov, accessed September 23, 2025, https://www.energy.gov/energysaver/appliances-and-electronics.
[544] U.S. Department of Energy, "Home Upgrades," Energy.Gov, accessed September 23, 2025, https://www.energy.gov/save/home-upgrades.
[545] Rewiring America, "New Mexico: Benefits of Household Electrification," n.d., https://www.rewiringamerica.org/research/household-report.
[546] Neil Kolwey and David Petroy, "Benefits of Heat Pumps for Southwest Homes," *Southwest Energy Efficiency Project (SWEEP)*, May 18, 2022, https://www.swenergy.org/directory/sw-heat-pump-study-may-2022/.
[547] Rewiring America, "New Mexico: Benefits of Household Electrification."
[548] Wael Kanj et al., *Breathe Easy* (Rewiring America, 2024), https://a-us.storyblok.com/f/1021068/x/3c121cf7ec/breathe-easy-health-benefits-from-electrification.pdf.
[549] Kanj et al., *Breathe Easy*.
[550] Colm Quinn, "Reality Check: Gas Stoves Are a Health and Climate Problem," *RMI*, February 15, 2023, https://rmi.org/gas-stoves-health-climate-asthma-risk/.

symptoms, and aggravated asthma.[551] Facilitating the transition to electric appliances can thus benefit public health through reduced indoor gas exposure and reduced PM pollution.

- **Health benefits**. Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using COBRA and found that Measure B-2 would benefit the state of New Mexico with between $260 million and $537 million of monetized health impacts in 2030 and between $6.2 billion and $11.9 billion of monetized health impacts in 2050.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $6.3 billion between 2026 and 2050.

LIDAC Benefits

LIDACs will benefit from this measure in the following ways:

- **Energy burden reduction.** Households that switch to electric appliances can save on utility bills because electric appliances are more energy efficient than traditional oil or gas appliances.[552,553] While the amount of savings varies by location,[554] it is estimated that 49% of the households in New Mexico that save money by electrifying appliances are low- and moderate-income.[555] Savings on utility bills from switching to electric household appliances can particularly benefit LIDACs, as low-income New Mexicans spend a higher proportion of their income on energy bills compared to high-income residents.[556]
- **Increased access to information.** As part of this measure, New Mexico aims to develop a technical assistance dashboard that includes best practices and case studies for recipients of electrification grants and rebates. This dashboard will ensure New Mexican households, businesses, and municipalities can obtain important information related to accessing and managing grants and rebates and installing and operating energy-efficient technologies. An electrification technical assistance dashboard would likely be particularly beneficial to low-income individuals, municipalities, and NPTs who often face barriers in applying for and managing government funding.[557,558] Developing a dashboard will thus help make electrification more accessible to low-income New Mexicans and LIDACs.
- **Improved public health.** Reducing oil and gas appliances in buildings by switching to electric appliances reduces air pollution because burning oil and gas releases compounds that react in

[551] U.S. Environmental Protection Agency, "Health and Environmental Effects of Particulate Matter (PM)," May 23, 2025, https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm.
[552] U.S. Department of Energy, "Appliances and Electronics."
[553] U.S. Department of Energy, "Home Upgrades."
[554] Kolwey and Petroy, "Benefits of Heat Pumps for Southwest Homes."
[555] Rewiring America, "New Mexico: Benefits of Household Electrification."
[556] PSE Healthy Energy, *Residential Energy Cost Burdens* (2021), https://www.psehealthyenergy.org/wp-content/uploads/2023/04/NM-Res-Energy-Costs.pdf.
[557] U. S. Government Accountability Office, "Communities Rely on Federal Grants, But May Have Challenges Accessing Them," June 7, 2023, https://www.gao.gov/blog/communities-rely-federal-grants-may-have-challenges-accessing-them.
[558] General Services Administration, "Understanding Tribal Nations Experiences Accessing Federal Grants," accessed September 23, 2025, https://www.performance.gov/cx/life-experiences/understanding-tribal-experiences-accessing-grants/.

NMED Exhibit 54_000249

the air to form PM.[559] Across the United States, PM levels tend to be higher in low-income communities, putting them at an elevated risk for respiratory illnesses and other health impacts.[560,561] Supporting an equitable transition to electric appliances in buildings can therefore reduce PM exposure, particularly benefiting LIDACs that are disproportionately impacted by this type of pollution.

Disbenefits

Potential disbenefits from this measure include:

- **Cost of electric appliances.** Certain electric appliances can have higher upfront costs than their gas or oil counterparts. For example, induction stoves can cost $300 to $600 more than gas or other electric stoves in New Mexico.[562] This additional upfront cost may make the cost of electrification prohibitive to some households. However, state-supported incentive and rebate programs can decrease the cost of electric appliances, making electrification more appealing for New Mexicans.

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Cost of electric appliances.** As mentioned previously, certain electric appliances can have higher upfront costs than their gas or oil counterparts. For example, induction stoves can cost between $300 to $600 more than gas or other electric stoves.[563] High upfront costs may create additional barriers for low-income households and public buildings to install energy-efficient electric appliances. However, New Mexico is committed to ensuring equity in the electrification process, as demonstrated by the submeasure to establish legislation that requires an equitable decarbonization of New Mexico's natural gas infrastructure system. Furthermore, grants and rebate programs can help lower the upfront cost of electric appliances, making them more accessible for all New Mexicans.

Measure B-3: Improve Energy Affordability and Reliability

This measure improves energy affordability and reliability for NPTs, with a focus on remote communities. It ensures that building-related energy projects, such as home weatherization and heat pump installation, are accessible to Tribal citizens. By making these resources available, the measure helps reduce household energy costs and supports more reliable access to efficient heating and cooling, directly benefiting the day-to-day energy needs of Tribal communities.

[559] Kanj et al., *Breathe Easy*.
[560] Harvard T.H. Chan School of Public Health, "Racial, Ethnic Minorities and Low-Income Groups in U.S. Exposed to Higher Levels of Air Pollution," January 12, 2022, https://hsph.harvard.edu/news/racial-ethnic-minorities-low-income-groups-u-s-air-pollution/.
[561] U.S. Environmental Protection Agency, "Health and Environmental Effects of Particulate Matter (PM)."
[562] Megan Gleason, "Electric Appliances and Technology Could Help Mitigate Climate Change but Are Costly," *Source New Mexico*, June 20, 2022, https://sourcenm.com/2022/06/20/electric-appliances-and-technology-could-help-mitigate-climate-change-but-are-costly/.
[563] Gleason, "Electric Appliances and Technology Could Help Mitigate Climate Change but Are Costly."

Implementation Authority and Responsibilities

EMNRD will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation.

The New Mexico Mortgage Finance Authority (MFA) is authorized to implement DOE's Weatherization Program in New Mexico by the state of New Mexico's EO 97-01.

The CEED Block Grant Act, NMSA 1978, Section 62-17A-2 (A), defines "affordable housing" to mean residential housing primarily for low-income persons or housing that is affordable to low-income persons based on assessed value, rent, or estimated mortgage. "Energy efficiency" means measures that target efficient energy consumer behavior, equipment, or devices and result in a decrease in energy consumption without reducing the amount or quality of energy services and includes health and safety measures that use efficient equipment or devices to improve indoor air or drinking water quality (NMSA 1978, Section 62-17A-2 (F)).

Implementation Timeline and Milestones

The implementing agency(ies) will administer this measure from 2026 through 2035, completing building-related projects over a 10-year period. The agency(ies) will weatherize approximately 900 homes annually and install heat pumps in 100 of those homes each year, beginning with the first projects in 2026. By 2035, the cumulative totals will reach 9,000 weatherized homes and 1,000 homes with heat pumps.

Table 101 outlines the anticipated implementation timeline and milestones for the measure.

Table 101. Measure B-3 Implementation Timeline and Milestones

Timeline	Milestones
2026	Complete first building-related projects, including weatherizing 900 homes and installing heat pumps in 100 of those homes.
2035	Complete last building-related projects, including weatherizing a cumulative total of 9,000 homes and installing heat pumps in 1,000 of those homes.

Metrics for Tracking Progress

The implementing agency(ies) will track progress on Measure B-3 using indicators such as the number and types of building-related energy projects completed, the number of tribal households served, and reductions in household energy costs. The agency(ies) will collect data annually from grantees, tribal governments, and relevant service providers, assigning responsibilities to ensure consistency and long-term availability. Metrics will provide transparency; demonstrate economic, environmental, and energy outcomes; and communicate meaningful results to interested parties.

Quantified Emission Reductions

In estimating emission reductions for Measure B-3, the CAP Team assumed that 900 homes per year would undergo weatherization, with 100 of those also installing a heat pump, and that the program would reach 9,000 homes over 10 years.

NMED Exhibit 54_000251

The CAP Team assumed annual GHG abatements of 1.56 $MTCO_2e$ per home per year for weatherization and an additional 1.57 $MTCO_2e$ per home per year for heat pump installation, based on a previous analysis conducted as part of New Mexico's PCAP. Reductions in NO_x, SO_2, VOCs, and $PM_{2.5}$ were also drawn from the PCAP and scaled to this measure.

Table 102 shows the estimated annual emission reductions for Measure B-3 as compared to BAU emissions.

Table 102. Measure B-3 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	Not calculated	Not calculated	Not calculated
CH_4	Not calculated	Not calculated	Not calculated
N_2O	Not calculated	Not calculated	Not calculated
CO_2e	7,784.5	15,568.9	319,162.9
Other Pollutants			
CO	Not calculated	Not calculated	Not Calculated
NO_x	6.9	13.8	Not Calculated
SO_2	0.4	0.8	Not Calculated
VOCs	<0.1	0.1	Not Calculated
PM_{10}	Not calculated	Not calculated	Not Calculated
$PM_{2.5}$	<0.1	0.1	Not Calculated

Measure Costs

The total implementation cost for Measure B-3 is estimated at approximately $56 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners. Funding will be provided at $5.5 million annually over a 10-year period, covering the cost of weatherizing 900 homes and installing heat pumps in 100 homes per year.

In addition to direct project funding, the administration of this measure will require a commitment equivalent to 0.25 FTEs from the state of New Mexico over a 10-year period. Responsibilities for this position include ensuring that all building-related energy projects and funding sources are available to and easily accessible by tribal citizens. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. These costs are assumed to be separate from the $5.5 million annual funding allocation.

Table 103 shows the estimated implementation costs for Measure B-3. All costs are presented in current-year dollars and do not account for future inflation.

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Table 103. Measure B-3 Cost Estimates

Cost Component	Estimated Implementation Cost
Capital costs	$55,255,000
Program/policy implementation and administration costs	$272,000
EMNRD employees	*$272,000*
Total	**$55,527,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure B-3. (Appendix C provides details on these sources, organized by funding source number.)

- Solar for All Program (Funding Source 29)
- USDA REAP (Funding Source 32)
- 5339(c) Low-No Program (Funding Source 57)
- 5339 Buses and Bus Facilities Competitive Program (Funding Source 68)
- 5339 Buses and Bus Facilities Formula Program (Funding Source 69)
- CCIA (Funding Source 69)
- EIR Program (Funding Source 66)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- CEED Block Grant (Funding Source 43)
- New Solar Market Development Tax Credit (Funding Source 28)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

In this CAP, New Mexico aims to make building-related energy projects and funding accessible to NPT citizens, which will decrease energy costs, support local workforce development, and improve energy resilience. This measure specifically supports NPT communities.

All benefits to LIDACs from this measure are described in the analysis for this measure.

Economic Benefits

- **Decreased energy costs.** This measure will increase access to energy efficient building upgrades like heat pump installations and home weatherization improvements. Increased energy efficiency can lead to decreased energy use and costs. Weatherization, for example, can reduce household energy bills by approximately $210 to $250 per year.[564]

[564]Housing New Mexico, "Energy Smart Weatherization Program," accessed September 23, 2025, https://housingnm.org/programs/home-rehabilitation-and-weatherization/energymart-weatherization-assistance.

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- **Workforce development.** NPT communities in particular experience higher unemployment rates than the general population.[565] In 2022, the total Tribal unemployment rate in New Mexico was 8% (compared to a 6% statewide rate); the Jicarilla Apache Nation reported the highest unemployment rate at 19%.[566] Increased access to building-related energy projects like heat pump installations and home weatherization improvements will increase the demand for installation and maintenance projects in the area, therefore creating job opportunities in NPT communities.[567] Training and workforce development programs will also follow from an increase in energy projects and funding in NPT communities, which can improve the economic outlook for NPT citizens.
- **Improved resilience.** Improving the energy efficiency of residential buildings improves their ability to withstand extreme weather conditions or extreme changes in temperature. During power outages, energy efficient buildings can maintain livable conditions for longer periods of time, leading to enhanced comfort and safety.[568]

Public Health Benefits

- **Health benefits**. Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using COBRA and found that Measure B-3 would benefit the state of New Mexico with between $61,000 and $67,000 of monetized health impacts in 2030 and between $260,000 and $286,000 of monetized health impacts in 2050.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $102 million between 2026 and 2050.

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **High upfront costs.** Certain energy efficient upgrades have high upfront costs, which could be a barrier for adopting these upgrades in low-income tribal communities. Programs like the ones discussed in this measure can help offset upfront costs in tribal areas. Also, the savings from efficiency upgrades often exceed the cost of installation.[569]

[565] Julie Larranaga, *Tribal Population and Employment Status Data* (New Mexico Department of Workforce Solutions, 2024), https://www.dws.state.nm.us/Portals/0/DM/LMI/Tribal_Population_Employment_Status_Data_2024.pdf.
[566] Larranaga, *Tribal Population and Employment Status Data*.
[567] Mitch Brown et al., *Clean Energy Employment Impacts and Occupational Analyses: Building Envelope & Electrification Upgrades*, NREL/SR--5500-86711, DOE/GO--102023-5940, 1995182 (2023), NREL/SR--5500-86711, DOE/GO--102023-5940, 1995182, https://doi.org/10.2172/1995182.
[568] Rohini Srivastava, "Ignoring Resilience Benefits Limits Growth of Energy Efficiency Programs," *American Council for an Energy-Efficient Economy (ACEEE)*, March 5, 2024, https://www.aceee.org/blog-post/2024/03/ignoring-resilience-benefits-limits-growth-energy-efficiency-programs.
[569] Kathleen Hogan, "Getting It Right: Weatherization and Energy Efficiency Are Good Investments," *U.S. Department of Energy Office of Energy Efficiency & Renewable Energy*, August 10, 2015, https://www.energy.gov/eere/articles/getting-it-right-weatherization-and-energy-efficiency-are-good-investments.

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Measure B-4: Improve Residential Weatherization Program Eligibility

This measure prepares homes and schools for full weatherization by addressing structural, health, and safety issues that would otherwise prevent participation in weatherization programs. It scales up a pre-weatherization incentive program for low-income New Mexicans by supporting structural repairs and home health remediation. By enabling previously deferred or ineligible homes to access weatherization, energy efficiency upgrades, electrification, and renewable generation incentives, the measure ensures that more households can benefit from reduced energy costs, improved comfort, and safer, healthier living environments across the state.

Implementation Authority and Responsibilities

EMNRD will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation.

NMSA 1978, Section 62-17A-3 (B)(4), enables ECAM to approve and enter into contracts to implement selected community energy efficiency projects, provided that the contracts shall include project performance measures, penalties, or other provisions that ensure the successful completion of the projects in accordance with Article IX, Section 14 of the New Mexico Constitution (the state's Anti-Donation Clause) and shall require reporting on project performance, energy savings, and non-energy benefits resulting from the energy efficiency measures.

The CEED Block Grant Act defines "affordable housing" to mean residential housing primarily for low-income persons or housing that is affordable to low-income persons based on assessed value, rent, or estimated mortgage (NMSA 1978, Section 62-17A-2 (A)). "Energy efficiency" means measures that target efficient energy consumer behavior, equipment, or devices and result in a decrease in energy consumption without reducing the amount or quality of energy services and includes health and safety measures that use efficient equipment or devices to improve indoor air or drinking water quality (NMSA 1978, Section 62-17A-2 (F)).

Implementation Timeline and Milestones

The implementing agency(ies) will administer this measure from 2026 through 2030, issuing annual incentives to support pre-weatherization projects in homes and schools. The agency(ies) will complete pre-weatherization projects in 200 homes and two schools each year, beginning with the first projects in 2026. By 2030, the cumulative total will reach 1,000 homes and 10 schools, with all pre-weatherization projects completed by that time.

Table 104 outlines the anticipated implementation timeline and milestones for the measure.

Table 104. Measure B-4 Implementation Timeline and Milestones

Timeline	Milestones
2026	Issue first incentives. Complete pre-weatherization projects in 200 homes and two schools.
2027–2029	Issue additional incentives. Complete pre-weatherization projects in an additional 200 homes and two schools each year.

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Timeline	Milestones
2030	Issue final incentives. Complete pre-weatherization projects in an additional 200 homes and two schools, for a cumulative total of 1,000 homes and 10 schools.

Metrics for Tracking Progress

The implementing agency(ies) will track progress on Measure B-4 using indicators such as the number of homes and schools receiving pre-weatherization support and the types of structural or health-related improvements completed. The agency(ies) will collect data annually from grantees, program administrators, and relevant service providers, assigning responsibilities to ensure consistency and long-term availability. Metrics will provide transparency; demonstrate economic, environmental, and health outcomes; and communicate meaningful results to interested parties.

Quantified Emission Reductions

In estimating emission reductions for Measure B-4, the CAP Team assumed that 200 homes and two public schools per year would undergo pre-weatherization. Over five years, the program would reach 1,000 homes and 10 schools. Following assumptions from New Mexico's PCAP, it was assumed that 90% of these homes and schools would complete weatherization, with one in nine also installing a heat pump. Pre-weatherization was assumed to account for 25% of the resulting emission reductions.

The CAP Team assumed annual GHG abatements of 1.56 $MTCO_2e$ per home per year for weatherization and an additional 1.57 $MTCO_2e$ per home per year for heat pump installation, based on the PCAP analysis. To assess the GHG abatement potential for schools, these values were scaled up based on the average school size and average home size in New Mexico. Reductions in NO_x, SO_2, VOCs, and $PM_{2.5}$ were also drawn from the PCAP and scaled accordingly.

Table 105 shows the estimated annual emission reductions for Measure B-4 as compared to BAU emissions.

Table 105. Measure B-4 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	Not calculated	Not calculated	Not calculated
CH_4	Not calculated	Not calculated	Not calculated
N_2O	Not calculated	Not calculated	Not calculated
CO_2e	584.7	584.7	13,447.1
Other Pollutants			
CO	Not calculated	Not calculated	Not Calculated
NO_x	1.7	8.6	Not Calculated
SO_2	0.1	0.5	Not Calculated

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Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
VOCs	<0.1	0.1	Not Calculated
PM_{10}	Not calculated	Not calculated	Not Calculated
$PM_{2.5}$	<0.1	<0.1	Not Calculated

Measure Costs

As shown in Table 106, the total implementation cost for Measure B-4 is estimated at approximately $30 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners. Funding will be provided at $5.4 million annually over a five-year period and will cover the cost of pre-weatherizing 200 homes and two schools per year.

In addition to direct project funding, the administration of this measure will require a commitment equivalent to 0.25 FTEs from the state of New Mexico over a five-year period. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. These costs are assumed to be separate from the $5.4 million annual funding allocation.

All costs are presented in current-year dollars and do not account for future inflation.

Table 106. Measure B-4 Cost Estimates

Cost Component	Estimated Implementation Cost
Capital costs	$27,038,000
Program/policy implementation and administration costs	$2,704,000
EMNRD employees	*$2,704,000*
Total	**$29,742,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure B-4. (Appendix C provides details on these sources, organized by funding source number.)

- Community Benefit Fund (Funding Source 94)
- Credit for Builders of New Energy-Efficient Homes (Funding Source 17)
- Energy Efficient Commercial Buildings Deduction (Funding Source 18)
- New Mexico Energy$mart Program (Funding Source 19)
- Weatherization Assistance Program Innovation Grants (Funding Source 20)
- ERA Program (Funding Source 22)
- NCIF CUF (Funding Source 25)
- SBTC (Funding Source 26)
- HEAR and HER Programs (Funding Source 27)
- New Solar Market Development Tax Credit (Funding Source 28)
- Energy Efficiency Revolving Loan Fund (Funding Source 50)

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- Solar for All Program (Funding Source 29)
- Local Solar Access Fund (Funding Source 30)
- Residential Clean Energy Tax Credit (Funding Source 31)
- EIR Program (Funding Source 66)
- CCIA (Funding Source 69)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- CEED Block Grant (Funding Source 43)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Weatherization programs often require buildings and homes to have sound structure, health, and no major safety concerns to qualify. For example, buildings and homes with serious issues (i.e., roof leaks, unstable structures, mold) are often disqualified from weatherization programs, and repairs would have to be made before a structure qualifies or the weatherization process can begin. This measure scales up pre-weatherization incentive programs for low-income New Mexicans. Low-income communities and individuals in New Mexico would benefit from this measure because it expands access to weatherization programs by ensuring homes and buildings can meet weatherization standards.

All benefits to LIDACs from this measure are described in the analysis for this measure.

Economic Benefits

- **Decreased energy costs.** This measure will allow more New Mexicans to qualify for weatherization programs, and weatherization often results in energy cost savings as homes become more energy efficient. New Mexicans participating in the Energy$mart Weatherization Program, which provides free energy-saving repairs to eligible homeowners and renters, have had a 27% average energy savings per home since 2010. These energy savings equate to average annual savings on utility expenses of $210 to $250.[570] These savings are especially beneficial to LIDACs, as LIDACs often dedicate a higher percentage of their income to energy and utility costs.[571]
- **Increased energy efficiency.** This measure will enable more New Mexicans to live in weatherized, energy-efficient homes. It is estimated that since 2010, each home in New Mexico weatherized through the Energy$mart Program has saved 21.7 metric tons of carbon annually, a total carbon savings of 218,148 metric tons. It is also estimated that New Mexico homes weatherized through the program save a combined total of approximately 58,000 gallons of water daily due to the installation of low-flow devices.[572] As LIDAC households are more likely to

[570] Housing New Mexico, "Energy Smart Weatherization Program."
[571] Megan Nedzinski et al., *The Climate Impact of Retrofits: Embodied and Operational Emissions in Weatherization* (2022), https://vermontintegratedarchitecture.com/wp-content/uploads/1-0613_0868_000287-NEDZINSKI.pdf.
[572] Housing New Mexico, "Energy Smart Weatherization Program."

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live in energy-inefficient homes and have a high energy burden, this measure would likely benefit these communities.[573]

Public Health Benefits

- **Health benefits**. Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using COBRA and found that Measure B-4 would benefit the state of New Mexico with between $15,000 and $17,000 of monetized health impacts in 2030 and between $162,000 and $179,000 of monetized health impacts in 2050.
- **Improved public health outcomes.** Weatherizing homes has been shown to have non-energy-related health impacts. Benefits of weatherized homes and schools include reduced thermal stress (from both heat and cold), increased comfort, and reduced exposure to toxic chemicals (i.e., lead and mold). Other health benefits include reductions in cold-related illnesses, hypertension, heart-related illness, headaches, discomfort, stress, and respiratory conditions such as asthma and chronic obstructive pulmonary disease. Additionally, weatherized homes can improve sleep quality and can reduce stress by lowering utility bills.[574,575] These impacts would be especially beneficial to LIDACs who are disproportionally burdened by environmental health–related issues, such as air pollution, and high rates of asthma.[576,577]

Environmental Benefits

- **Remediation of environmental hazards.** Pre-weatherization initiatives address underlying environmental health hazards in homes and schools such as mold, presence of asbestos, outdated wiring, inadequate combustion venting, and structural concerns.[578] Immigrants and marginalized populations are more likely to live in deteriorating homes, with outdated infrastructure that has not been properly maintained.[579] For example, it is estimated that half of rental housing units in the United States have health hazards and that roughly two-thirds of these units with hazards are rented by low-income households.[580] Thus, New Mexico's pre-weatherization incentive program, which helps remediate environmental hazards and safety concerns, would likely benefit LIDAC households in particular.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages

[573] Maria Correa, "A Resource for Energy-Burdened Communities," September 6, 2023, https://www.nrdc.org/bio/maria-correa/resource-energy-burdened-communities.
[574] Maddie Koolbeck et al., "Health and Home: The Underrated Benefit of Weatherization Services," Slipstream, March 30, 2022, https://slipstreaminc.org/blog/health-benefits-weatherization.
[575] Washington State Department of Commerce, "Weatherization Plus Health," July 31, 2025, https://www.commerce.wa.gov/weatherization/weatherization-plus-health/.
[576] Northeast Waste Management Officials' Association, "Low Income and Disadvantaged Communities (LIDAC)," accessed September 23, 2025, https://www.newmoa.org/programs/lidac/.
[577] D. D'Alessandro and L. Appolloni, "Housing and Health: An Overview," *Annali Di Igiene: Medicina Preventiva E Di Comunita* 32, no. 5 Supple 1 (2020): 17–26, https://doi.org/10.7416/ai.2020.3391.
[578] National Association of State Energy Officials, "Weatherization Readiness: NASEO Programs," accessed September 23, 2025, https://boxes.naseo.org/weatherization-readiness.
[579] D'Alessandro and Appolloni, "Housing and Health."
[580] Rocky Mountain Institute, *Beneficial Electrification For Low-Income Communities* (n.d.), https://rmi.org/wp-content/uploads/2023/03/beneficial_electrification_low_income_communities.pdf.

such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $4.2 million between 2026 and 2050.

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Increased environmental burdens.** Weatherization can generate waste from the disposal of construction materials and debris. Across the United States, LIDACs experience high levels of exposure to these environmental burdens, as hazardous waste disposal facilities are disproportionately concentrated in low-income communities.[581] For example, coal ash (commonly used in construction and manufacturing, including the manufacturing of concrete, drywall, and bricks) is one of the United States' largest toxic industrial waste streams and is commonly associated with significant health and environmental concerns. Although this measure may generate waste, NMED monitors and controls the generation, storage, transportation, and disposal of waste in the state.[582] For example, NMED manages and monitors the type of industrial waste from construction and demolition (C&D) commonly associated with weatherization. The agency does this through permits, enforcement of regulations, and outreach.

Measure B-5: Incentivize Whole-Home Electrification

This measure builds on the success of New Mexico's SBTC to incentivize and facilitate whole-home electrification across New Mexico. It provides targeted rebates and support programs, ensuring that LIDACs can easily participate. By making the process straightforward and accessible, the measure helps households transition from fossil-fuel-based systems to electric heating, cooling, and appliances, reducing energy costs, lowering GHG emissions, and supporting a cleaner, more efficient building stock statewide.

Implementation Authority and Responsibilities

EMNRD will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation.

ECAM is authorized under NMSA 1978, Section 9-5A-3 (A)(4). The duties of ECAM are to plan, administer, review, provide technical assistance on, and monitor state and federal energy conservation and alternative energy technology programs, as well as to administer laws and regulations pertaining to geothermal resources (NMSA 1978, Section 9-5A-4 (B)).

The SBTC applies to both new and existing residential and commercial buildings (NMSA 1978, Sections 7-2-18.32 and 7-2A-28.1). If EMNRD determines that the building owner meets the requirements of the subsection, EMNRD may issue certificates of eligibility and tax credits in an aggregate amount not to exceed $1 million for new sustainable commercial buildings; $2 million for new sustainable residential

[581] Morgan Sherburne, "Targeting Minority, Low-Income Neighborhoods for Hazardous Waste Sites," *University of Michigan News*, January 19, 2016, https://news.umich.edu/targeting-minority-low-income-neighborhoods-for-hazardous-waste-sites/.
[582] New Mexico Environment Department, "Waste Management," accessed September 23, 2025, https://www.env.nm.gov/waste/.

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buildings, not including manufactured housing; $250,000 for new sustainable residential buildings that are manufactured housing; $1 million for sustainable renovations to existing large commercial buildings; and $2.9 million for installation of energy-conserving products in existing commercial and residential buildings. (If the aggregate limit for any particular category is not claimed in any taxable year, the unclaimed credit amounts can be added to the aggregate limit of another category.)

Implementation Timeline and Milestones

The implementing agency(ies) will administer this measure from 2026 through 2035, issuing annual tax credits with a funding cap of $3 million per year, totaling $30 million over 10 years. The agency(ies) will electrify 150 homes each year, beginning with the first homes in 2026. By 2035, the cumulative total will reach 1,500 electrified homes.

Table 107 outlines the anticipated implementation timeline and milestones for the measure.

Table 107. Measure B-5 Implementation Timeline and Milestones

Timeline	Milestones
2026	Issue first tax credits. Electrify 150 homes.
2027–2034	Issue additional tax credits. Electrify an additional 150 homes each year.
2035	Issue final tax credits. Electrify an additional 150 homes, for a cumulative total of 1,500 homes.

Metrics for Tracking Progress

The implementing agency(ies) will track progress on Measure B-5 using indicators such as the number of homes receiving whole-home electrification incentives, the number of LIDAC households participating, types of electrification upgrades installed (e.g., heating, cooling, appliances), and estimated reductions in energy costs. The agency(ies) will collect data annually from grantees, program administrators, and service providers, assigning responsibilities to ensure consistency and long-term availability. Metrics will provide transparency; demonstrate economic, environmental, and energy outcomes; and communicate meaningful results to interested parties.

Quantified Emission Reductions

The CAP Team estimated emission reductions for Measure B-5 by accounting for decreased natural gas and propane use from home electrification and the corresponding increase in electricity use. While additional electricity generation produces some emissions, the overall effect is a net reduction compared with BAU fossil fuel use.

The CAP Team assumed $3 million in annual funding over 10 years. At an average home electrification cost of $20,000 (from the literature),[583] this level of funding would support 150 homes per year. In New Mexico, 62% of homes use utility gas as their primary heating fuel and 7% use propane.[584]

[583] Kenneth Rosen et al., *New York Building Electrification and Decarbonization Costs* (New York Association of REALTORS, 2022), https://nyelectrificationfacts.com/wp-content/uploads/2022/12/NY-Building-Electrification-Cost_Full-Report_6.22.2022.pdf.

[584] U.S. Census Bureau, "American Community Survey 5-Year Data (2009-2023)," December 12, 2024, https://www.census.gov/data/developers/data-sets/acs-5year.html.

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Applying this ratio, the CAP Team assumed that of the 150 homes electrified each year, 135 would use natural gas and 15 would use propane. Household energy use was sourced from the latest version of the Residential Energy Consumption Survey.[585] The analysis assumed full electrification—including electrification of space heating, water heating, clothes drying, cooking, and other uses. For simplicity, it also assumed equal efficiency between fossil fuel and electric appliances.

For natural gas and propane, the CAP Team developed emission reduction estimates by applying emission factors to projected savings. The team used emission factors from EPA's *Inventory of U.S. Greenhouse Gas Emissions and Sinks* for GHGs and from EPA's AP-42, fifth edition, for other pollutants. For electricity, the CAP Team developed emission increase estimates by projecting eGRID's total output emission rates for New Mexico's electricity grid out to 2050 under a BAU scenario. Emission factors for CO, VOCs, and PM were not available from eGRID. Reductions were quantified for both near-term (2030) and long-term (2050) targets. All costs and generation assumptions were held constant over the analysis period, and inflation was not considered.

Table 108 shows the estimated annual emission reductions for Measure B-5 as compared to BAU emissions.

Table 108. Measure B-5 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	684.4	13,465.5	122,823.0
CH_4	0.2	1.4	17.6
N_2O	<0.1	<0.1	0.4
CO_2e	692.9	13,518.4	123,456.3
Other Pollutants			
CO	1.0	4.8	Not Calculated
NO_x	0.8	10.9	Not Calculated
SO_2	-0.1	0.1	Not Calculated
VOCs	0.1	0.6	Not Calculated
PM_{10}	0.2	0.8	Not Calculated
$PM_{2.5}$	0.2	0.8	Not Calculated

Measure Costs

As shown in Table 109, the total implementation cost for Measure B-5 is estimated at approximately $30 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners. Funding will

[585] U.S. Energy Information Administration, "2020 Residential Energy Consumption Survey Data."

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be provided at $3 million annually over a 10-year period and will cover the cost of electrifying 150 homes per year.

In addition to direct project funding, the administration of this measure will require a commitment equivalent to 0.25 FTEs from the state of New Mexico over a 10-year period. Responsibilities for this position include establishing the tax credit, developing a targeted incentive program for LIDACs, and ensuring the process is straightforward and easily accessible to all. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607. These costs are assumed to be separate from the $3 million annual funding allocation.

All costs are presented in current-year dollars and do not account for future inflation.

Table 109. Measure B-5 Cost Estimates

Cost Component	Estimated Implementation Cost
Capital costs	$30,000,000
Program/policy implementation and administration costs	$272,000
EMNRD employees	*$272,000*
Total	**$30,272,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure B-5. (Appendix C provides details on these sources, organized by funding source number.)

- Weatherization Assistance Program Innovation Grants (Funding Source 20)
- ERA Program (Funding Source 22)
- NCIF CUF (Funding Source 25)
- SBTC (Funding Source 26)
- HEAR and HER Programs (Funding Source 27)
- Solar for All Program (Funding Source 29)
- Residential Clean Energy Tax Credit (Funding Source 31)
- EIR Program (Funding Source 66)
- CCIA (Funding Source 69)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- CEED Block Grant (Funding Source 43)
- New Solar Market Development Tax Credit (Funding Source 28)
- Geothermal Ground-Coupled Heat Pump Income Tax Credit (Funding Source 34)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

New Mexico's SBTC program offers tax credits to New Mexicans for energy efficiency and electrification upgrades to new and existing homes and buildings. Building upon the success of the

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SBTC to ensure that New Mexicans have access to programs that facilitate whole-home electrification would further economic, environmental, and public health benefits to New Mexicans.[586]

Economic Benefits

- **Job creation.** Ensuring New Mexicans have access to programs that facilitate whole-home electrification could result in the creation of construction and home-repair-related jobs. For example, the 25C Energy Efficiency Home Improvement Credit program is a federal program similar to the SBTC. This program provides tax credits for energy efficiency upgrades, such as installation of heat pumps, efficient air conditioning units, and efficient water heaters. The program is estimated to support approximately 240,000 jobs.[587,588] Expanding access to home-electrification programs in New Mexico would also likely result in job creation because the state's clean energy workforce is rapidly expanding, growing by 6.1% in 2023. In fact, in 2023, the clean energy industry made up 19.4% of all energy jobs in New Mexico, with the majority of the workforce being in construction and professional services.[589] Supporting household energy efficiency adoption would continue to support this growing industry.
- **Improved energy efficiency and household cost savings**. Expanding the SBTC program would support energy-efficient alternatives for those building new homes. Improved energy efficiency also results in direct cost savings for households via reduced utility bills. For example, under SBTC, when New Mexicans transition from an air conditioning system to an electric heat pump, electric incentives cover some of the incremental cost of this upgrade. Electric appliances are especially cost effective compared to gas, which also can have variable pricing. It is estimated that electric homes in New Mexico spend about 30% less per year on heating (including hot water) compared to gas-powered home. In terms of new builds, installing electric heat pumps and heat pump water heaters into new homes also eliminates the need for gas pipes, reducing initial building costs. In fact, it is estimated that, over a 15-year period, an all-electric home is cheaper to build and operate compared to a traditional gas-powered home.

Environmental Benefits

- **Emissions reduction.** Home electrification can reduce emissions. For example, under New Mexico's existing SBTC program, it is estimated that transitioning New Mexican homes to electric heating reduced their carbon impacts by roughly 60%. Electric heat pumps are more energy efficient and reduce carbon emissions compared to traditional air conditioning systems.[590]

Public Health Benefits

- **Health benefits**. Based on criteria air pollutant reductions, the CAP Team performed a health benefits analysis (Appendix D) using COBRA and found that Measure B-5 would benefit the state

[586] Tammy Fiebelkorn, "Sustainable Building Tax Credit an Enormous Benefit for Existing Homes in New Mexico," *Southwest Energy Efficiency Project*, November 6, 2023, https://www.swenergy.org/new-mexico-sustainable-home-tax-credit-2023/.
[587] Internal Revenue Service, "Energy Efficient Home Improvement Credit (25C)," 2024, https://www.irs.gov/pub/irs-pdf/p5967.pdf.
[588] Rewiring America, "The Small but Mighty Federal Tax Credit That Supports 240,000 Jobs Nationwide," March 10, 2025, https://www.rewiringamerica.org/research/energy-efficient-home-improvement-tax-credit-jobs.
[589] E2, "Clean Jobs New Mexico 2024."
[590] Kolwey and Petroy, "Benefits of Heat Pumps for Southwest Homes."

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of New Mexico with between $12,000 and $20,000 of monetized health impacts in 2030 and between $191,000 and $248,000 of monetized health impacts in 2050.

- **Improved health.** Electrifying homes can have public health benefits. For example, switching to electric kitchen and cooking appliances can result in reduced air pollutants and reduced safety concerns, as traditional gas appliances can leak harmful pollutants, including CH_4.[591] In general, it is estimated that electrifying households in the United States would lead to about $40 billion in health benefits each year. For example, nationwide home electrification would prevent 3,400 premature deaths, reduce hospitalizations and emergency room visits by 1,300 cases, and result in 220,000 fewer asthma attacks and 670,000 fewer reduced-activity or missed workdays for Americans annually.[592]

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $41.7 million between 2026 and 2050.

LIDAC Benefits

New Mexico's Sustainable Building Tax Credit (SBTC) program offers tax credits to New Mexicans for energy efficiency and electrification upgrades to new and existing homes and buildings. Building upon the success of the SBTC to ensure New Mexicans have access to programs that facilitate whole-home electrification would further economic, environmental, and public health benefits to LIDACs. Additionally, developing targeted incentive programs (e.g., rebates) for LIDACs and ensuring processes are straightforward and easily accessible would further benefit LIDACs.

LIDACs will benefit from this measure in the following ways:

- **Household cost savings.** Cost savings initiatives for electrification that are specifically geared toward LIDACs will help households save money on these upgrades. For example, the SBTC program offers double incentives and tax credits for low-income New Mexicans or those living in affordable housing for improving energy efficiency such as installing energy-efficient products.[593] Another example is the Community Energy Efficiency Development (CEED) Block Grant program, which provides block grants to local and tribal governments and facilitates partnering with community organizations. These grants provide funding for energy-efficient improvements for low-income households aimed at decreasing energy use, utility bills, and GHG emissions.[594] Expanding access to energy-efficient incentives such as SBTC or CEED is particularly beneficial for LIDACs, where energy efficiency improvements are often cost-prohibitive.[595]
- **Decreased energy costs.** Home electrification results in decreased household energy costs. For example, it is estimated that all-electric homes in New Mexico spend about 30% less per year on

[591] Kolwey and Petroy, "Benefits of Heat Pumps for Southwest Homes."
[592] Kanj et al., *Breathe Easy*.
[593] Fiebelkorn, "Sustainable Building Tax Credit an Enormous Benefit for Existing Homes in New Mexico."
[594] New Mexico Energy, Minerals and Natural Resources Department, "CEED Program," New Mexico Energy, Minerals and Natural Resources Department, accessed September 23, 2025, https://www.emnrd.nm.gov/ecmd/ceed/.
[595] NCSL, "Low-Income/Renter Energy Efficiency Toolkit," January 10, 2024, https://www.ncsl.org/energy/low-income-renter-energy-efficiency-toolkit.

heating (including hot water) compared to gas-powered homes.[596] These savings are especially beneficial to LIDACs, which spend a greater proportion of their income on energy costs.[597,598] Improving access to incentive programs will ensure LIDACs can implement energy efficiency upgrades, helping reduce their energy burden.

- **Increased accessibility to funding.** Even with electrification programs in place, LIDACs can be dissuaded from taking advantage of programs that are overly complex to navigate, require burdensome paperwork, have unclear eligibility requirements, and are slow to process rebates. These reasons are often why, despite states investing roughly $9 billion annually in these programs, only about 0.5–3% of households utilize such programs. Furthermore, compared to moderate-income Americans, low-income Americans are one-third as likely to receive incentives for energy efficiency improvements.[599] Therefore, programs that specifically seek to ensure processes are straightforward and easily accessible would be especially beneficial to LIDACs.
- **Improved public health outcomes.** Developing incentive programs for LIDACs to support the accessibility of home electrification would likely benefit public health outcomes in these communities. Electrification replaces fuel-burning appliances, which are a key source of combustion pollution and can cause respiratory, cardiovascular, neurological, and prenatal health concerns. Additionally, children with gas stoves in their homes can also experience poor health outcomes, as they are 42% more likely to be experience asthma symptoms and 24% more likely to be diagnosed with asthma compared to children without gas stoves in their homes.[600] As LIDACs generally experience greater baseline health burdens[601,602] and higher exposure to indoor and outdoor pollutants,[603] home electrification would likely be especially beneficial from a public health perspective for these communities.

Disbenefits

Potential disbenefits from this measure include:

- **Upfront costs.** The SBTC can cover the entire upfront cost of home electrification or significantly reduce the cost. For example, the affordable housing and low-income rebate covers 100% of product and installation costs for ENERGY STAR windows and doors, up to $1,000, while the

[596] Kolwey and Petroy, "Benefits of Heat Pumps for Southwest Homes."
[597] Starnes Electric, "The Connection Between Electrical Appliances and Sustainability: What the Industry Doesn't Talk About," February 14, 2025, https://starneselectricllc.com/the-connection-between-electrical-appliances-and-sustainability-what-the-industry-doesnt-talk-about/undefined.
[598] Rocky Mountain Institute, *Beneficial Electrification For Low-Income Communities*.
[599] Jack Teener et al., "Reforming Energy Efficiency Programs to Increase Heat Pump Adoption," *RMI*, March 26, 2025, https://rmi.org/reforming-energy-efficiency-programs-to-increase-heat-pump-adoption/.
[600] Rocky Mountain Institute, *Beneficial Electrification For Low-Income Communities*.
[601] Peter Cunningham, "Why Even Healthy Low-Income People Have Greater Health Risks Than Higher-Income People," September 27, 2018, https://doi.org/10.26099/y2gb-wa98.
[602] Yeonwoo Kim et al., "Socioeconomic Disparities in Health Outcomes in the United States in the Late 2010s: Results from Four National Population-Based Studies," *Archives of Public Health* 81, no. 1 (2023): 15, https://doi.org/10.1186/s13690-023-01026-1.
[603] Elisabeth Currit, "Disproportionate Exposure to Air Pollution for Low-Income Communities in the United States," Ballard Brief, 2022, https://ballardbrief.byu.edu/issue-briefs/disproportionate-exposure-to-air-pollution-for-low-income-communities-in-the-united-states.

standard rebate covers 50% of product and installation costs, up to $500. Even with assistance from SBTC, the remaining costs of electrification may be a barrier for some.[604]

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Increased environmental burdens**. Home electrification can result in waste generation associated with disposing of old appliances, debris, and construction materials, as well as the associated environmental impacts of building new appliances. LIDACs are at increased exposure to these environmental burdens, as hazardous waste disposal facilities are disproportionately concentrated in low-income communities. New Mexico could combat some of the environmental burden of home electrification by supporting safe disposal practices of these materials and facilitating recycling of old appliances.
- **Upfront costs.** While incentive programs for LIDACs for home electrification would have significant benefits, they would also likely include some upfront costs. Even with programs in place, electrification may not be financially feasible for LIDACs.[605,606] Therefore, programs that aim to cover a higher proportion or all of the associated costs would be especially beneficial for LIDACs.

Additional Measures That Do Not Contribute Additional GHG Emission Reductions as Part of the Implementation Scenario

The following measures in the commercial and residential buildings sector do not contribute additional GHG emission reductions as part of the implementation scenario. Table 110 provides additional details about these measures.

Table 110. Measures in the Commercial and Residential Buildings Sector That Do Not Contribute Additional GHG Emission Reductions as Part of the Implementation Scenario

Measure	Rationale for Not Including GHG Emissions as Part of Total Reductions Presented in the Implementation Scenario
Measure B-6: Improve Transportation Equity in Multifamily Housing	Installing EVSE in buildings does not directly reduce emissions; this measure enables emission reductions from ZEVs, and those reductions are captured in Measure T-5.
Measure B-7: Pilot Community-Scale Geothermal Networks	This measure enables the equitable decarbonization of natural gas infrastructure in Measure B-2 as the primary assumed pathway for existing natural gas utilities to decarbonize their operations.

[604] Fiebelkorn, "Sustainable Building Tax Credit an Enormous Benefit for Existing Homes in New Mexico."
[605] Rebecca Jimenez-Ward, "Toxic Legacies of Hazardous Waste and the Fight for Environmental Justice," *The National Wildlife Federation Blog*, June 10, 2025, https://blog.nwf.org/2025/06/toxic-legacies-of-hazardous-waste-and-the-fight-for-environmental-justice/.
[606] Carmen Ross, "People of Color Live Disproportionately Close to Superfund Sites," UAB Institute for Human Rights Blog, January 15, 2021, https://sites.uab.edu/humanrights/2021/01/15/people-of-color-live-disproportionately-close-to-superfund-sites/.

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Measure B-6: Improve Transportation Equity in Multifamily Housing

This measure promotes transportation equity by incentivizing the installation of EVSE, or EV chargers, in new and existing multifamily housing, which makes up 16% of New Mexico's housing stock. Providing access to EVSE for residents of multifamily housing lowers the barrier for residents to transition from ICE vehicles to EVs. This measure supplements EV-ready infrastructure installations for multifamily buildings and other building types as part of new construction and major modernizations, addressed in Measure B-1.

Implementation Authority and Responsibilities

EMNRD will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation.

14.7.2 NMAC and 14.7.3 NMAC adopt the 2021 Commercial Building Code and 2021 Residential Building Code, respectively. 14.7.6 NMAC establishes minimum standards for energy conservation for residential construction in New Mexico. 14.7.9 NMAC establishes minimum standards for energy conservation for commercial construction in New Mexico. Under the Construction Industries Licensing Act, the Construction Industries Division of the New Mexico Regulation and Licensing Department is tasked with "adopt[ing] all building codes and minimum standards…so that the public welfare is protected" (NMSA 1978, Section 60-13-9). In 2024, the Construction Industries Division adopted the 2021 IECC for both new residential and new commercial construction. The IECC requires compliance with energy efficiency building standards, the inclusion of infrastructure to support the subsequent installation of EV charging equipment in parking spaces and garages, and the inclusion of EV and EV-capable parking spaces (in new commercial builds), among other energy efficiency standards. See 14.7.6 and 14.7.9 NMAC.

Implementation Timeline and Milestones

This measure will be implemented from 2027 to 2050, with varying timelines for EVSE installed as part of new construction projects and retrofits. Based on the assumption that the 2030 IECC code will require EVSE for new construction, new construction projects are only considered from 2027 to 2030.

Table 111 outlines the anticipated implementation timeline and milestones for the measure.

Table 111. Measure B-6 Implementation Timeline and Milestones

Timeline	Milestones
2027	Launch program.
2030	Release of IECC 2030 with updated EVSE requirements for new construction.
2030–2050	Retrofit EVSE installations continue.

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Metrics for Tracking Progress

Implementing agency(ies) will track progress on Measure B-6 using indicators such as the number of multifamily housing buildings participating in the program for new construction and retrofits, the total number of housing units represented by participating buildings, the number of EVSE installed, and socio-economic data for residents of participating buildings.



EV charging at multifamily housing. Photo Credit: iStock.

Quantified Emission Reductions

As shown in Table 112, the CAP Team did not estimate GHG emission reductions for Measure B-6. EVSE enables emission reductions when EVs are used in place of ICE vehicles, but EVSE does not reduce emissions on its own.

Table 112. Measure B-6 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	Not calculated	Not calculated	Not calculated
CH_4	Not calculated	Not calculated	Not calculated
N_2O	Not calculated	Not calculated	Not calculated
CO_2e	Not calculated	Not calculated	Not calculated
Other Pollutants			
CO	Not calculated	Not calculated	Not Calculated
NO_x	Not calculated	Not calculated	Not Calculated
SO_2	Not calculated	Not calculated	Not Calculated
VOCs	Not calculated	Not calculated	Not Calculated
PM_{10}	Not calculated	Not calculated	Not Calculated
$PM_{2.5}$	Not calculated	Not calculated	Not Calculated

Measure Costs

The total implementation cost for Measure B-6 is estimated at approximately $10.0 million. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, or other partners.

The administration of this measure will require a commitment equivalent to 4 FTEs from the state of New Mexico over a 23-year period. Responsibilities for this position include supporting AHJs to streamline permitting of multifamily housing, which is the primary incentive for installing EVSE.

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Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607.

Table 113 shows the estimated implementation costs for Measure B-6.

Table 113. Measure B-6 Cost Estimates

Cost Component	Estimated Implementation Cost
Program/policy implementation and administration costs	$9,992,000
EMNRD employees	*$9,992,000*
Total	**$9,992,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure B-6. (Appendix C provides details on these sources, organized by funding source number.)

- Alternative Fuel Vehicle Refueling Property Credit (Funding Source 23)
- CCIA (Funding Source 69)
- CEED Block Grant (Funding Source 43)
- Credit for Builders of New Energy-Efficient Homes (Funding Source 17)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- ERA Program (Funding Source 22)
- EIR Program (Funding Source 66)
- HEAR and HER Programs (Funding Source 27)
- NCIF CUF (Funding Source 25)
- PNM EV Charger Rebates (Funding Source 76)
- Residential Clean Energy Tax Credit (Funding Source 31)
- SBTC (Funding Source 26)
- Charging Unit Tax Credit (Funding Source 85)
- Clean Car Tax Credit (Funding Source 84)
- TREC (Funding Source 42)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

In this CAP, New Mexico aims to promote transportation equity by incentivizing EVSE in multifamily housing, which will lead to job creation, household cost savings, increased access to transportation, air pollution reductions, increased climate resilience, and improved respiratory health for New Mexicans.

Economic Benefits

- **Job creation.** Financially incentivizing EVSE in multifamily housing will increase demand for EVSE and support infrastructure installation and maintenance, which will create jobs across many industries and skill levels. For instance, rebates and tax credits for EVSE installation will increase demand for electricians, construction workers, and software developers, who are all needed to

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design and install EVSE.[607] Besides creating short-term construction and installation jobs, EVSE incentives will also increase the number of long-term jobs for professionals such as maintenance technicians, customer service representatives, and marketers. One study by the International Council on Clean Transportation estimates that in the United States, 160,000 jobs related to EV charging infrastructure will be created by 2032.[608]

- **Household cost savings.** Enabling home charging in multifamily housing via EVSE incentives makes EV charging more accessible, thereby reducing barriers for residents to own EVs. Although EVs can have a higher purchase price than gas-powered vehicles, EVs are cheaper to own over a seven-year period after accounting for all costs, including purchase price, fuel costs, and maintenance costs.[609] A 2025 analysis reported that total net savings associated with owning an EV can range from more than $2,000 for a compact car to more than $8,000 for a mid-size sport utility vehicle.[610] Since EVs are cheaper to operate than gas vehicles, residents with EVs will be able to save money on fuel. In fact, one study reported that EV drivers spend 60% less each year on fuel than gas-powered vehicle drivers,[611] and another source estimated that driving an EV saves drivers $950 per year on fuel costs compared to driving a gas-powered vehicle.[612] If they have EV chargers available at home, residents can also avoid public charging fees.[613] In addition to fuel savings, EVs tend to have lower maintenance costs than gas-powered vehicles. On a per-mile basis, EV maintenance costs are approximately 40% lower than those for gas-powered vehicles.[614] By reducing the barriers to EV ownership, EVSE incentives allow New Mexicans to benefit from the financial benefits of EV ownership.

Environmental Benefits

- **Access to clean transportation.** Incentivizing EVSE in multifamily housing increases residents' access to EVSE. With improved access to EVSE, charging becomes more convenient and affordable, thus making EV ownership a more attractive and feasible transportation option for multifamily housing residents. One 2024 survey of 1,567 multifamily housing tenants found that 67% of residents would consider getting an EV if they had EV charging available in their building.[615] The same survey reported that multifamily housing residents are 2.5 times more

[607] Bui et al., "New Study Estimates Over 160,000 Jobs to Be Created by U.S. Electric Vehicle Charging Infrastructure Buildout by 2032."
[608] Bui et al., "New Study Estimates Over 160,000 Jobs to Be Created by U.S. Electric Vehicle Charging Infrastructure Buildout by 2032."
[609] Dan Wilkins and Nick Nigro, *Comparing the Cost of Owning the Most Popular Vehicles in the United States: 2025 Update* (Atlas Public Policy, 2025), https://atlaspolicy.com/wp-content/uploads/2025/07/Comparing-the-Cost-of-Owning-the-Most-Popular-Vehicles-in-the-United-States-2025-Update.pdf.
[610] Wilkins and Nigro, *Comparing the Cost of Owning the Most Popular Vehicles in the United States: 2025 Update*.
[611] Courtney Lindwall, "Electric vs. Gas Cars: Is It Cheaper to Drive an EV?," NRDC, July 21, 2025, https://www.nrdc.org/stories/electric-vs-gas-cars-it-cheaper-drive-ev.
[612] Tom Bowen, "Cost Analysis of EV Home Charging vs. Public Charging | Qmerit," Qmerit, October 27, 2023, https://qmerit.com/blog/comparing-long-term-cost-analysis-of-ev-home-charging-vs-public-charging/.
[613] Kelly Kneeland et al., *Electric Vehicle Charging Access for Renters: A Guide to Questions, Strategies, and Possible Next Steps* (Urban Sustainability Directors Network, 2020), https://www.usdn.org/uploads/cms/documents/usdn_evchargingaccess_updatedreport_final_11.18.20.pdf.
[614] Lindwall, "Electric vs. Gas Cars."
[615] SWTCH, "New Survey Reveals U.S. Multifamily Residents Are 2.5x More Likely to Own an EV If They Have Charging at Home," September 4, 2024, https://swtchenergy.com/blog/news/new-survey-reveals-u-s-multifamily-residents-are-2-5x-more-likely-to-own-an-ev-if-they-have-charging-at-home/.

likely to own an EV if they have chargers available at home.[616] For those who cannot afford to own an EV or who only need to use a car occasionally, increased access to EVSE in multifamily housing can facilitate the growth of EV car-sharing services.

- **Air pollution reductions.** If EV charging stations become more accessible in multifamily housing, more residents will be able to drive EVs rather than gas-powered vehicles. Since EVs do not directly produce any tailpipe emissions during their operation, the expanded use of EVs will reduce emissions that contribute to poor air quality, such as emissions of CO, nitrogen dioxide, PM, and VOCs.[617] Therefore, air quality in New Mexico's communities will improve if increased access to EVSE chargers facilitates increased adoption of EVs.
- **Increased climate resilience.** Vehicle-to-grid technology built into some EVSE can help feed energy back into the grid during power outages, helping to stabilize the grid and increasing communities' resilience to climate change-related weather events.[618] Additionally, EVSE can be integrated with New Mexico's renewable energy projects, such as solar panel installations, which reduces reliance on energy from the grid and enhances grid stability.[619]

Public Health Benefits

- **Improved respiratory health.** EVs do not emit pollutants from their tailpipe, which significantly reduces residents' exposure to air pollution. Pollutants from gas-powered vehicles (such as PM, NO_x, and VOCs) are associated with respiratory diseases like asthma, chronic obstructive pulmonary disease, and bronchitis.[620] Expanded access to EVSE will encourage more New Mexicans to switch to EVs, thereby reducing vehicle pollution and the incidence of these respiratory health outcomes. One study by the American Lung Association reported that New Mexico's ZEV sales policies will avoid 5,210 asthma attacks and 194 premature deaths over a 30-year period, assuming 100% of vehicles sold are electric by 2035.[621] Other policies that promote use of ZEVs—like those that incentivize EVSE in multifamily housing—would also be expected to reduce negative respiratory health outcomes by making EV adoption more feasible.

LIDAC Benefits

LIDACs will benefit from this measure in the following ways:

- **Increased access to clean transportation.** Incentivizing EVSE in multifamily housing will make clean transportation access more equitable in New Mexico. EV owners tend to be mostly high income, since barriers such as high upfront costs and access to charging prevent many low-

[616] SWTCH, "New Survey Reveals U.S. Multifamily Residents Are 2.5x More Likely to Own an EV If They Have Charging at Home."
[617] California Air Resources Board, "Car & Bus Exposure Studies," accessed September 23, 2025, https://ww2.arb.ca.gov/resources/documents/car-bus-exposure-studies.
[618] Clean Energy Works, "Driving Energy Forward: An Introduction to Vehicle-to-Grid (V2G)," December 5, 2024, https://www.cleanenergyworks.org/2024/12/05/driving-energy-forward-an-introduction-to-vehicle-to-grid-v2g/.
[619] Dan Nordloh, "EV Charging with Renewable Energy in Commercial Applications," Faith Tech, June 28, 2023, https://www.faithtechinc.com/news-and-insights/blog/ev-charging-with-renewable-energy-in-commercial-and-industrial-applications/.
[620] Samuel Wallbanks et al., "Impact of Environmental Air Pollution on Respiratory Health and Function," *Physiological Reports* 12, no. 16 (2024): e70006, https://doi.org/10.14814/phy2.70006.
[621] American Lung Association, *Driving to Clean Air: Health Benefits of Zero-Emission Cars and Electricity*.

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income households from purchasing an EV.[622] As of 2020, nearly 60% of EV owners have annual incomes above $100,000.[623] Targeting multifamily housing for EVSE incentivization will support EV adoption among low-income households since EV owners generally charge at their residences, and the majority (86%) of multifamily housing is occupied by renters rather than owners, and renters in New Mexico are more likely to be low-income compared to owners.[624] Supporting multifamily housing units with EVSE installation will reduce barriers to EV charging access in LIDACs and make EV ownership more feasible and equitable. By supporting EV infrastructure in shared housing, New Mexico will empower more families to drive clean and affordable EVs. As mentioned previously, increased access to EVSE in multifamily housing can also encourage the growth of EV car-sharing services in LIDACs, so even those who do not own an EV will benefit.

- **Workforce development.** Financially incentivizing EVSE in multifamily housing will increase the demand for EVSE and support clean energy workforce development in communities with multifamily housing, many of which are LIDACs. LIDACs often face systemic barriers to employment, including limited access to transportation, available jobs, education, and job training.[625] Overall, labor force participation in New Mexico is lower than the national average, and was estimated to be 57% in July 2023.[626] Increased demand for EV infrastructure installation and maintenance will create jobs across many industries and skill levels such as electricians, constructions workers, software developers, maintenance technicians, customer service representatives, and other professions that are needed to install EV chargers.[627] As discussed previously, incentives for EVSE in multifamily housing will also increase access to EV transportation in LIDACs, which will reduce barriers to education, job training, and other resources that may be needed for stable employment.
- **Emission reductions.** Incentivizing EVSE in multifamily housing will encourage increased reliance on EVs rather than gas-powered vehicles, thereby reducing local tailpipe emissions that contribute to air pollution. LIDACs will particularly benefit from reduced emissions because they tend to be located close to pollution sources like highways, industrial areas, and power plants, meaning they tend to have worse air quality than non-LIDAC areas.[628] In fact, about 63% of the

[622] Scott Hardman et al., "A Perspective on Equity in the Transition to Electric Vehicles," *MIT Science Policy Review* 2 (August 2021), https://doi.org/10.38105/spr.e10rdoaoup.
[623] Inspire, "Who Owns EVs Today? EV Ownership Trends and Changes 2021 EV Consumer Behavior Report Rundown," January 2, 2023, https://inspireadvancedtransportation.com/industry/who-owns-evs-today-ev-ownership-trends-and-changes-2021-ev-consumer-behavior-report-rundown/.
[624] Stephanie Gonzales and Sonja Unrau, "2025 New Mexico Housing Needs Assessment," New Mexico Mortgage Finance Authority, 2025, https://www.nmlegis.gov/handouts/MFA%20072125%20Item%202%20-%20Statewide%20Housing%20Needs%20Assessment.pdf.
[625] Lisa N. Huynh, "Employment Barriers within Low- and Moderate-Income Communities : Monthly Labor Review : U.S. Bureau of Labor Statistics," Bureau of Labor Statistics, March 2020, https://www.bls.gov/opub/mlr/2020/beyond-bls/employment-barriers-within-low-and-moderate-income-communities.htm.
[626] New Mexico Legislative Finance Committee, *Despite Benefits, Poverty Persists* (2023), https://www.nmlegis.gov/Entity/LFC/Documents/Program_Evaluation_Reports/Progress%20Report%20-%20Costs%20and%20Stacking%20Income%20Support.pdf.
[627] Bui et al., "New Study Estimates Over 160,000 Jobs to Be Created by U.S. Electric Vehicle Charging Infrastructure Buildout by 2032."
[628] Currit, "Disproportionate Exposure to Air Pollution for Low-Income Communities in the United States," 2022.

population living within 3 miles of pollution sources in New Mexico are low-income residents, and 44% of that population are people of color.[629]

- **Improved respiratory health.** Given reductions in tailpipe emissions facilitated by increased EV use, communities may be less exposed to harmful air pollution. This decrease is especially important for LIDACs because disparities in socioeconomic determinants like income, education level, and smoking prevalence lead to higher prevalence of respiratory diseases in LIDACs.[630] By incentivizing EVSE in multifamily housing, New Mexico can accelerate EV adoption and directly reduce air pollutants that disproportionately burden LIDACs.
- **Household cost savings.** Enabling home charging in multifamily housing via EVSE incentives reduces barriers for residents to own EVs. After accounting for all costs—including purchase price, fuel costs, and maintenance costs—owning and driving an EV instead of a gas-powered vehicle can save car owners thousands of dollars over the length of time that they have the car.[631] A 2025 analysis reported that total net savings associated with owning an EV can range from more than $2,000 for a compact car to more than $8,000 for a mid-size sport utility vehicle.[632] EVs are cheaper to operate than gas-powered vehicles over time; EV drivers are estimated to spend 60% less on fuel than drivers of gas-powered vehicles;[633] and another source estimates that driving an EV saves drivers $950 per year on fuel costs compared to driving gas-powered vehicles.[634] These fuel savings are especially beneficial for low-income residents, who are reported to spend a substantial portion of their income on transportation and gas.[635] In fact, in 2022, households with less than $25,000 in income that owned at least one vehicle spent 38% of their after-tax income on transportation.[636]

Disbenefits

Potential disbenefits from this measure include:

- **Environmental challenges.** If EVSE incentives for multifamily housing lead to increased use of EVs in New Mexico, air and water contamination could result from increased reliance on the lithium-ion batteries used to power EVs. To manufacture lithium-ion batteries, materials like cobalt, lithium, and nickel are extracted from the earth, usually via environmentally harmful methods that require large amounts of water and energy.[637] For example, the production of enough lithium to power 100 cars requires about two million tons of water.[638] Disposal and end-

[629] Scott Wyland, "Report: State's Biggest Polluters Disproportionately Affecting Disadvantaged," Santa Fe New Mexican, February 19, 2023, https://www.santafenewmexican.com/news/local_news/report-states-biggest-polluters-disproportionately-affecting-disadvantaged/article_e7830604-a631-11ed-9905-9b1da7d728f5.html.
[630] Adam W. Gaffney et al., "Socioeconomic Inequality in Respiratory Health in the US From 1959 to 2018," *JAMA Internal Medicine* 181, no. 7 (2021): 968–76, https://doi.org/10.1001/jamainternmed.2021.2441.
[631] Wilkins and Nigro, *Comparing the Cost of Owning the Most Popular Vehicles in the United States: 2025 Update*.
[632] Wilkins and Nigro, *Comparing the Cost of Owning the Most Popular Vehicles in the United States: 2025 Update*.
[633] Lindwall, "Electric vs. Gas Cars."
[634] Bowen, "Cost Analysis of EV Home Charging vs. Public Charging | Qmerit."
[635] U.S. Department of Transportation Bureau of Transportation Statistics, "The Household Cost of Transportation: Is It Affordable?"
[636] U.S. Department of Transportation Bureau of Transportation Statistics, "The Household Cost of Transportation: Is It Affordable?"
[637] Anton Vorina and Klementina Klepej, "The Impact of Electric Vehicles on the Environment," *EMAN 2024 – Economics and Management: How to Cope With Disrupted Times*, 2024, 229–39, https://doi.org/10.31410/EMAN.2024.229.
[638] Vorina and Klepej, "The Impact of Electric Vehicles on the Environment."

of-life management for EVSE and EV parts also present new challenges in preventing environmental damage. If parts like cables, batteries, or other electronics are not properly disposed of, contaminants can leach into the water and soil in the environment.[639] To mitigate impacts of improper lithium-ion battery disposal, New Mexico can consider adopting programs that support responsible disposal or recycling of EV batteries.

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Increased environmental burdens.** Low-income communities and communities of color are often targeted for incinerator and landfill locations, and policies like redlining have also encouraged building waste facilities in these communities.[640] Therefore, LIDACs are disproportionately impacted by their proximity to waste facilities and the environmental pollution caused by those facilities. Since increased use of EVs facilitated by EVSE incentives may lead to more lithium-ion batteries being disposed of at waste sites, the LIDACs located near the waste sites may experience increased water and soil contamination from the heavy metals in EV batteries. Additionally, lithium-ion batteries in landfills increase the risk of landfill fires, which also damage and pollute the environment.[641]

Measure B-7: Pilot Community-Scale Geothermal Networks

This measure will establish a pilot program for standalone or interconnected community-scale geothermal networks in the public ROW that enable residents and businesses to opt in to connect to a shared geothermal ground loop to heat and cool their buildings. The pilot will support the scaling of geothermal networks by demonstrating new utility business models. It will also document best practices and identify customer benefits.

These networks connect diverse building types and allow heat pumps to efficiently heat and cool individual buildings, while also sharing heat between buildings with different load profiles. Geothermal network projects can be delivered as part of new planned communities, as a replacement for or addition to existing natural gas distribution infrastructure owned by the utility, or by other means.

Implementation Authority and Responsibilities

EMNRD will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation.

The Geothermal Resources Development Act delegates to ECAM the authority to regulate the exploration, development, and production of geothermal resources on public and private land in New Mexico (NMSA 1978, Section 71-9-5(A)). This statute replaced the repealed Geothermal Resources Conservation Act, which had placed authority for geothermal regulation within OCD. Currently,

[639] Vorina and Klepej, "The Impact of Electric Vehicles on the Environment."
[640] Celine Young, "Q&A: Addressing the Environmental Justice Implications of Waste," Environmental and Energy Study Institute, May 14, 2021, https://www.eesi.org/articles/view/qa-addressing-the-environmental-justice-implications-of-waste.
[641] Institute for Energy Research, "Environmental Impacts of Lithium-Ion Batteries," May 11, 2023, https://www.instituteforenergyresearch.org/renewable/environmental-impacts-of-lithium-ion-batteries/.

geothermal is regulated by the rules promulgated by ECAM pursuant to the Geothermal Resources Development Act, as well as by the extant Geothermal Power rule promulgated by OCD pursuant to the Geothermal Resources Conservation Act (19.11.1.1 NMAC and 19.14.1.1 NMAC)—and ECAM is in the process of repealing both and replacing them with an updated Geothermal Resources rule.

Implementation Timeline and Milestones

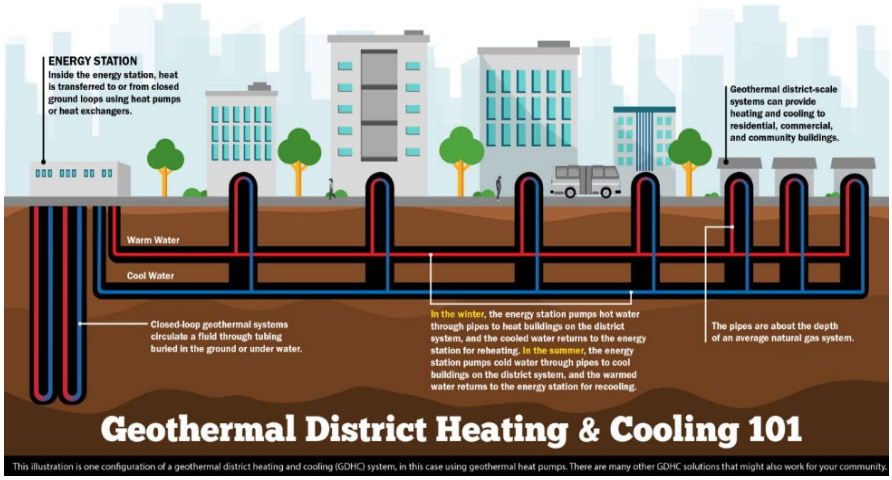
This measure will be implemented from 2026 to 2030. The milestones in Table 114 reflect the PRC process for establishing a program to direct a natural gas utility to develop a pilot community-scale networked geothermal project. The table also shows the project development timeline. Projects delivered by other means (e.g., master-planned community new construction) may follow different timelines.

Table 114. Measure B-7 Implementation Timeline and Milestones

Timeline	Milestones
2026	Submit program filing to the PRC.
2026	PRC approves the program.
2027	Complete project permitting.
2028	Commence construction.
2029	Begin operation.
2030	Release program report and other resources to encourage deployment of additional systems.

Metrics for Tracking Progress

The implementing agency(ies) will track progress on Measure B-7 using indicators such as the number of geothermal networks, the number of customers connected to geothermal networks (by customer type), and the energy use intensity of customers before and after connecting to a geothermal network.



Geothermal district heating and cooling diagram. Photo Credit: U.S. Department of Energy

Quantified Emission Reductions

As shown in Table 115, the CAP Team did not estimate GHG emission reductions for Measure B-7. The team assumed that GHG emission reductions from Measure B-7 are de minimis given the limited scale of a pilot geothermal network and the associated conditioned gross square footage of connected buildings, although emission reductions are expected to be approximately 60% for

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participating customers.[642] The broader adoption of geothermal networks that will be enabled by this pilot is a key method for achieving the emission reductions that the CAP Team calculated for Measure B-2, to equitably decarbonize New Mexico's natural gas infrastructure system.

Table 115. Measure B-7 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	Not calculated	Not calculated	Not calculated
CH_4	Not calculated	Not calculated	Not calculated
N_2O	Not calculated	Not calculated	Not calculated
CO_2e	Not calculated	Not calculated	Not calculated
Other Pollutants			
CO	Not calculated	Not calculated	Not Calculated
NO_x	Not calculated	Not calculated	Not Calculated
SO_2	Not calculated	Not calculated	Not Calculated
VOCs	Not calculated	Not calculated	Not Calculated
PM_{10}	Not calculated	Not calculated	Not Calculated
$PM_{2.5}$	Not calculated	Not calculated	Not Calculated

Measure Costs

The CAP Team used cost data from a similar pilot geothermal network project being developed in Massachusetts by a natural gas utility. The CAP Team used the Massachusetts project's third-party evaluator costs ($300,000) as a proxy for program administration costs, which represents the only financial commitment of the state of New Mexico.

Table 116 shows the estimated implementation costs for Measure B-7.

Table 116. Measure B-7 Cost Estimates

Cost Component	Estimated Implementation Cost
Program/policy implementation and administration costs	$300,000
Total	**$300,000**

[642] "Geothermal Pilot Reference Guide," accessed September 17, 2025, https://www.eversource.com/residential/save-money-energy/clean-energy-options/geothermal-energy/geothermal-pilot-reference-guide.

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Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure B-7. (Appendix C provides details on these sources, organized by funding source number.)

- Community Benefit Fund (Funding Source 94)
- Energy Efficient Commercial Buildings Deduction (Funding Source 18)
- Weatherization Assistance Program Innovation Grants (Funding Source 20)
- ERA Program (Funding Source 22)
- NCIF CUF (Funding Source 25)
- SBTC (Funding Source 26)
- HEAR and HER Programs (Funding Source 27)
- Residential Clean Energy Tax Credit (Funding Source 31)
- DOE Geothermal Technologies Office Funding (Funding Source 33)
- Geothermal Projects Revolving Loan Fund (Funding Source 36)
- Renewable Electricity Production Tax Credit (Funding Source 37)
- Clean Electricity Investment Tax Credit (Funding Source 45)
- Cost Recovery for Qualified Clean Energy Facilities, Property, and Technology (Funding Source 39)
- EIR Program (Funding Source 66)
- USDA REAP (Funding Source 32)
- USDA RCPP (Funding Source 11)
- CCIA (Funding Source 69)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- Geothermal Electricity Generation Tax Credit (Funding Source 46)
- CEED Block Grant (Funding Source 43)
- Geothermal Ground-Coupled Heat Pump Income Tax Credit (Funding Source 34)
- Geothermal Projects Development Fund (Funding Source 35)
- New Mexico Climate Investment Center (Funding Source 102)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

As part of this CAP, New Mexico aims to pilot new community-scale geothermal networks through shared geothermal closed loop systems. This measure will result in multiple benefits, including job creation, decreased energy costs, increased energy and climate resilience, and public and community health improvements.

Economic Benefits

- **Job creation.** Geothermal energy projects create construction jobs for tasks such as drilling and installation, as well as jobs related to the O&M of the new geothermal system. Geothermal power systems create 1.5 to 2.5 jobs per installed megawatt—more than wind energy (1.0 to 1.5 jobs per installed megawatt) and solar energy (0.5 to 1.0 jobs per installed megawatt).[643]

[643] Justin Barner, "What Are the Economic Impacts of Geothermal Energy on Local Communities and Beyond?," *Greenfield*, 2025, https://greenfieldesg.com/what-are-the-economic-impacts-of-geothermal-energy/.

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According to a recent report by Project InnerSpace, achieving New Mexico's goal of reaching 5 GW of installed geothermal system capacity by 2040 would create 2,000 construction jobs, 125 O&M jobs, and 750 indirect jobs.[644]

- **Decreased energy costs.** Heat pumps used in geothermal energy systems move heat rather than generate it, so they use less electricity than conventional HVAC systems. In fact, geothermal systems produce four to six times as much heating or cooling than the amount of electricity they use.[645] Since they do not rely on fossil fuel combustion, geothermal systems and heat pumps can reduce energy costs by up to 50%.[646] Specifically, utility bills for heating can be reduced by 55% to 75% and cooling bills can be reduced by 30% to 50%.[647] Additionally, in community-scale geothermal networks like those New Mexico aims to implement, multiple buildings can connect to a shared network of ground pipes, which reduces the per-unit cost of installation and equipment redundancy. While initial costs to install geothermal systems may be higher than those for other systems, geothermal operational costs are $10 to $20 per megawatt hour compared to $30 to $50 per megawatt hour for natural gas systems.[648]
- **Increased energy resilience.** Community-scale geothermal networks use local underground heat to heat and cool buildings in the network rather than relying on centralized power grids or gas pipelines for energy. This results in a decrease in grid demand and therefore a decrease in the risk of power outages caused by surges in demand, especially during peak times like hot summer afternoons.[649] Additionally, as they are often independent of centralized power grids and natural gas infrastructure, geothermal systems are not affected by volatile fuel markets, gas shortages, pipeline explosions, or other factors that may cause disruptions in energy production.

Environmental Benefits

- **Increased climate resilience.** Community-scale geothermal networks provide heating and cooling services all the time, regardless of the season or weather. Even during extreme weather events that may disrupt conventional power supply and distribution processes, communities served by geothermal energy systems will still have heating and cooling. This is especially beneficial for communities in New Mexico that are vulnerable to droughts and wildfires, which can strain or damage the power grid.[650,651,652]

[644] Project Innerspace, *The Future of Geothermal in New Mexico*.
[645] Energy Catalyst Tech, "Geothermal Cost Savings and Benefits," accessed September 23, 2025, https://energycatalysttech.com/geothermal-cost-savings-and-benefits/.
[646] Lauren Reeg et al., "Clean Energy 101: Geothermal Heat Pumps," *RMI*, March 29, 2023, https://rmi.org/clean-energy-101-geothermal-heat-pumps/.
[647] Energy Catalyst Tech, "Geothermal Cost Savings and Benefits."
[648] Barner, "What Are the Economic Impacts of Geothermal Energy on Local Communities and Beyond?"
[649] Liu et al., *Grid Cost and Total Emissions Reductions Through Mass Deployment of Geothermal Heat Pumps for Building Heating and Cooling Electrification in the United States*.
[650] Soroush Vahedi et al., "Wildfire and Power Grid Nexus in a Changing Climate," *Nature Reviews Electrical Engineering* 2, no. 4 (2025): 225–43, https://doi.org/10.1038/s44287-025-00150-0.
[651] Smith, "U.S. Billion-Dollar Weather and Climate Disasters, 1980 - Present (NCEI Accession 0209268)."
[652] Joanna Wendel, "Extreme Heat, Hurricanes, Wildfires: How Summer's Extremes Disrupt the Power Grid," Pacific Northwest National Laboratory, July 29, 2024, https://www.pnnl.gov/news-media/extreme-heat-hurricanes-wildfires-how-summers-extremes-disrupt-power-grid.

Public Health Benefits

- **Public and community health.** Since geothermal systems reduce emissions of air pollutants such as nitrogen dioxide, SO_2, and PM, they contribute to reducing the incidence of health outcomes associated with air pollution exposure, like respiratory and cardiovascular disease.[653] Additionally, in geothermal networks, heat pumps move heat underground rather than into the atmosphere around buildings, which helps mitigate high temperatures in urban environments.[654] While geothermal systems do not actively cool outdoor environments or prevent extreme heat, they help reduce urban heat island effects by not adding excess heat to the atmosphere. As a result, compared to other systems, geothermal energy networks may help curb the incidence of negative health outcomes like heat illness, dehydration, and even death, which are all associated with heat exposure.[655]

LIDAC Benefits

By definition, community-scale geothermal networks exist at the community level and directly benefit the communities where they are implemented. Deploying community-scale geothermal systems in LIDACs will benefit the LIDACS in the following ways:

- **Job creation.** Community-scale geothermal systems create jobs related to drilling, pipefitting, and infrastructure maintenance, among other needs. Many geothermal installation and maintenance jobs are hands-on and local, meaning if these systems are deployed in LIDACs, community members will have more job opportunities available to them. LIDACs experience higher unemployment rates than the general population; about 20% of New Mexicans living below the poverty level were considered unemployed in 2022, compared to 3% of residents living at or above the poverty level.[656] Therefore, a community-scale geothermal network installed in a LIDAC has the potential to significantly impact the local unemployed population more than it would in a non-LIDAC. Additionally, rural New Mexico communities based around oil and gas industries experience higher employment instability, and therefore would benefit from new sustainable job opportunities resulting from geothermal network installations.[657] Although many oil and gas industry skills are transferable to the geothermal industry, free training on geothermal heat pumps and zero-energy buildings is available from EMNRD, which can be particularly useful for LIDAC workers who may not have financial resources to pay for training themselves.[658]
- **Air pollution reductions.** LIDACs are more likely to be historically marginalized and face underinvestment, resulting in less clean energy infrastructure, more pollution, and less energy-

[653] Envirotech Geothermal, "How Geothermal Energy Promotes Public Health," March 10, 2025, https://envirotechgeo.com/how-geothermal-energy-promotes-public-health/.
[654] Bryant Jones and Anine Pedersen, "Public Health Benefits of Geothermal," November 8, 2023, https://geothermal.org/our-impact/blog/public-health-benefits-geothermal.
[655] Jones and Pedersen, "Public Health Benefits of Geothermal."
[656] New Mexico Department of Workforce Solutions, "New Mexico 2024 State of the Workforce," September 2024, https://www.dws.state.nm.us/Portals/0/DM/LMI/State_of_the_Workforce_2024.pdf.
[657] Project Innerspace, *The Future of Geothermal in New Mexico*.
[658] Project Innerspace, *The Future of Geothermal in New Mexico*.

efficient housing.[659] Fossil fuel facilities are known to disproportionately impact LIDACs via emission of co-pollutants such as PM and SO_2, which are associated with negative health impacts like asthma and cardiovascular disease.[660,661] Community-scale geothermal networks provide clean energy to heat and cool buildings without burning fossil fuels and may therefore reduce LIDACs' exposure to localized air pollution from fossil fuel facilities. LIDACs are also more likely to use inefficient heating and cooling systems powered by fossil fuels,[662] so replacing those older systems with geothermal networks can specifically benefit LIDACs by reducing indoor air pollution in those communities.

- **Increased climate resilience.** New Mexico LIDACs are more vulnerable than other communities to the impacts of climate change—including extreme heat, drought, flooding, and wildfires—because of various factors including housing discrimination and limited access to resilient infrastructure.[663] Community-scale geothermal networks offer a powerful solution by providing clean, reliable, and locally sourced heating and cooling through shared infrastructure. These systems are especially well-suited for multifamily housing, rental units, and public housing developments, where residents are more likely to have low incomes and limited control over energy systems.[664]
- **Energy burden reduction.** Low-income households experience energy burdens three times higher than the average household.[665] Therefore, the reduction in monthly utility bills afforded by geothermal networks that was mentioned in the section titled "Measure B-7: Pilot Community-Scale Geothermal Networks" is highly beneficial for LIDACs compared to other communities. Additionally, the shared infrastructure afforded by community-scale geothermal systems disperses the cost of installation and maintenance, making geothermal networks affordable and accessible for renters, multifamily housing, and public housing developments.

Disbenefits

Potential disbenefits from this measure include:

- **Increased upfront costs.** While geothermal systems reduce energy costs in the long term, initial drilling and installation costs can be expensive.[666] Initial costs to install geothermal energy

[659] Gabe Pacyniak and Tammy Fiebelkorn, *Energy Equity: Bringing the Benefits of Our Fight against Climate Change to Frontline Communities* (2023), https://www.nmlegis.gov/handouts/WNR%20100323%20Item%2013%20SWEEP%20UNM%20Energy%20Equity.pdf.
[660] Timothy Q. Donaghy et al., "Fossil Fuel Racism in the United States: How Phasing out Coal, Oil, and Gas Can Protect Communities," *Energy Research & Social Science* 100 (June 2023): 103104, https://doi.org/10.1016/j.erss.2023.103104.
[661] Adrian Hedden, "New Mexico People of Color Most Impacted by Oil and Gas, Study Says," *USA Today*, June 23, 2022, https://www.usatoday.com/story/news/2022/06/23/new-mexico-people-of-color-most-impacted-by-oil-and-gas-study-says/65362321007/.
[662] Rajat Shrestha and Devashree Saha, "Fossil Fuel-Producing Communities Often Face Multiple Health and Socioeconomic Burdens," *Insights*, December 11, 2023, https://www.wri.org/insights/disadvantaged-energy-communities-analysis.
[663] Michael Jensen and Molly Taylor, *The State of Climate Action in New Mexico: A Call to Action* (Conservation Voters New Mexico, 2024), https://www.climateactionnownm.org/_files/ugd/8f3caf_c767a82abe2943709ba954b4e6abcd7d.pdf.
[664] Housing New Mexico, *2024 New Mexico Affordable Housing Needs Assessment* (Housing New Mexico, n.d.), accessed September 23, 2025, https://housingnm.org/uploads/documents/2024_Housing_Needs_Assessment_Key_Findings.pdf.
[665] Office of Energy Efficiency and Renewable Energy, "Low-Income Household Energy Burden Varies Among States – Efficiency Can Help In All of Them," U.S. Department of Energy, December 2018, https://www.energy.gov/sites/prod/files/2019/01/f58/WIP-Energy-Burden_final.pdf.
[666] Barner, "What Are the Economic Impacts of Geothermal Energy on Local Communities and Beyond?"

systems are estimated at $2,500 to $5,000 per megawatt, compared to $1,000 to $3,000 per megawatt for natural gas system initial installation costs.[667] Additionally, 30% to 50% tax credits are available from the federal government and non-taxable entities can receive cash payment for converting to geothermal energy.[668] New Mexico is working to provide additional support through the Geothermal Projects Development Fund, which will increase from $5 million to $15 million.[669]

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Increased upfront costs.** The high initial costs for drilling, infrastructure installation, and system modifications associated with geothermal network implementation can be a large burden on LIDACs, which often lack access to credits, financing, and public investments to support energy projects.[670] LIDACs risk exclusion from the benefits afforded by geothermal networks if they do not receive targeted funding or other financial assistance to initially install geothermal networks in their communities. To help alleviate this burden, New Mexico has programs like the New Mexico Climate Investment Center and the CEED Block Grants that provide financing for clean energy projects.[671,672] Additionally, the state sets aside a portion of its energy efficiency program budgets specifically for low-income residents and provides double the amount of sustainable building tax credits to low-income residents.[673]

[667] Barner, "What Are the Economic Impacts of Geothermal Energy on Local Communities and Beyond?"
[668] Energy Catalyst Tech, "Geothermal Cost Savings and Benefits."
[669] Project Innerspace, *The Future of Geothermal in New Mexico*.
[670] Rachel Jacobson and Samantha Jacoby, "States Should Spur Use of 'Direct Pay' Tax Credits to Advance Clean Energy in Low-Income Communities," September 26, 2024, https://www.cbpp.org/sites/default/files/9-26-24climate.pdf.
[671] New Mexico Climate Investment Center, "New Mexico Climate Investment Center," accessed September 23, 2025, https://nmclimateinvestmentcenter.org/.
[672] Pacyniak and Fiebelkorn, *Energy Equity: Bringing the Benefits of Our Fight against Climate Change to Frontline Communities*.
[673] Pacyniak and Fiebelkorn, *Energy Equity: Bringing the Benefits of Our Fight against Climate Change to Frontline Communities*.



5.3.6 Waste and Materials Measures

NM's CAP includes seven measures in the waste and materials sector. Table 117 summarizes these measures and their individual and collective estimated costs, GHG emission reductions, and monetized benefits through 2050. A discussion of each measure follows.

Table 117. Summary of Estimated Costs, GHG Emission Reductions, and Monetized Benefits for Waste and Material Measures

Measure Number and Name	Cumulative Cost Through 2050 (Thousand $)	Cumulative GHG Reduction Through 2050 (MTCO2e)	Cost per MTCO2e Reduced ($/MTCO2e)	Monetized Social Benefit of GHG Reduction Through 2050 (Thousand $)	Monetized Value of Cumulative Health Benefits Through 2050 (Thousand $)
WM-1: Waste Prevention and Diversion	$731,265	1,109,300	$659	$365,252	Not Calculated
WM-2: Organic Waste Prevention and Diversion	$696,638	234,500	$2,971	$73,357	Not Calculated
WM-3: Methane Recovery	$4,435	14,215,500	$0.31	$4,448,351	Not Calculated
WM-4: Reduce Wastewater Methane Emissions	$5,756	718,722	$8	$232,802	Not Calculated
WM-5: Promote Building Reuse	$159,047	158,964	$1,001	$53,033	Not Calculated
Subtotal	**$1,597,141**	**16,436,986**	**$97**	**$5,172,794**	**Not Calculated**
Other Strategies for Which Emission Reductions Are Not Included in Implementation Scenario Calculations					
WM-6: Refrigerant Gas Removal and Disposal	$4,086	168,000	$24	$52,349	Not Calculated

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Measure Number and Name	Cumulative Cost Through 2050 (Thousand $)	Cumulative GHG Reduction Through 2050 (MTCO2e)	Cost per MTCO2e Reduced ($/MTCO2e)	Monetized Social Benefit of GHG Reduction Through 2050 (Thousand $)	Monetized Value of Cumulative Health Benefits Through 2050 (Thousand $)
WM-7: Promote Low-Embodied Carbon Construction Materials	$4,865	227,650	$21	$71,571	Not Calculated
Subtotal	**$8,951**	**395,650**	**$23**	**$123,920**	**Not Calculated**

Measure WM-1: Waste Prevention and Diversion

This measure implements a statewide waste prevention and recycling standardization toolkit for all waste streams generated throughout New Mexico, including domestic, commercial, agricultural, industrial, and construction/demolition wastes. This measure also includes the statewide development and implementation of extended producer responsibility (EPR) recycling programs for three specific waste streams: mattresses, tires, and lithium-ion batteries.

Implementation Authority and Responsibilities

The NMED Resource Recovery Bureau will be the lead implementing agency responsible for this measure.

Under the Environmental Improvement Act, NMED is delegated the power to enforce regulations to regulate the environment in New Mexico, as well as rules and orders promulgated by the EIB (NMSA 1978, Section 74-1-6(F)). Additionally, NMED is delegated the power to enforce environmental management and consumer protection laws for which NMED is responsible (NMSA 1978, Section 74-1-6(F)). NMED is specifically delegated the power to enforce rules and standards in solid waste (NMSA 1978, Sections 74-1-7(A)(4) and (14)).

Under the Solid Waste Act, the EIB is required to promulgate regulations for solid waste (NMSA 1978, Sections 74-9-8 to -10). Under New Mexico's solid waste regulations, NMED administers the permitting and registration requirements for solid waste and composting facilities (20.9.3.27 NMAC and 20.9.3.28 NMAC). Facility owners and operators must obtain registration to accept and process compost if not already included in the owner or operator's NMED solid waste permit (20.9.3.27 NMAC and 20.9.3.28 NMAC). Owners and operators are further required to update their registration with NMED to reflect any material change in their operations (20.9.3.27 NMAC). NMED is delegated the power to enforce these regulations and other requirements for solid waste as set out under the Solid Waste Act and in the NMAC (NMSA 1978, Section 74-9-36).

Implementation Timeline and Milestones

This measure will be implemented from 2026[674] through 2050 by NMED through initial waste prevention and recycling toolkit development; subsequent investments in upgrades to waste prevention and recycling infrastructure; and toolkit program administration and development through outreach, education, and organizational assistance. This measure assumes that toolkit program implementation begins in 2027 and for the first five years assumes an initial effectiveness of 50%[675] as the toolkit program is further developed and refined based on public and industry feedback. This assumption does not include the specific EPR recycling programs which are assumed to be consistently effective (100%) at recycling these materials.

Table 118. Measure WM-1 Implementation Timeline and Milestones

Timeline	Milestones
2026	Develop statewide waste prevention and recycling standardization toolkit.
2027–2031	Release and begin implementation of statewide waste prevention and recycling toolkit. It is assumed that initially the toolkit program will be 50% effective as lessons are learned and the toolkit program is optimized.
2032–2050	Achieve goal of 100% effectiveness for the statewide waste prevention and recycling toolkit.
2027–2050	Achieve 100% effectiveness of EPR programs immediately upon implementation.

Metrics for Tracking Progress

To track progress for Measure WM-1, NMED will track indicators such as the amount of waste (by mass) that is recycled, composted, or landfilled through public programs (e.g., by municipalities) and review, collect records from private industry sources as available. These quantities can be used to estimate the amount of waste generated statewide and amounts of waste reduced over time. These quantities can then be used to estimate GHG emissions and emission reductions. Additionally, the agency(ies) implementing EPR programs must track mass or unit quantities to determine the effectiveness of these programs at increasing the collection of materials, which can also be used to estimate GHG emission reductions.

Quantified Emission Reductions

For Measure WM-1, this analysis assumes that the reductions in GHG emissions will be achieved through a combination of decreasing the amount of waste generated and the amount of waste that is landfilled; indirect emission reductions realized from recycling by preventing materials acquisition and processing are not quantified in the waste and materials sector and are accounted for in other sectors.

[674] The toolkit development is assumed to occur in 2026 and take one year before actual implementation (i.e., before waste/emission reductions occur).

[675] The percentage of the expected recycling/source reduction rate (e.g., if the program expects to increase recycling by 20%, then the program is assumed to be 50% effective at that goal for the first five years, or 20% × 50% = 10% recycling rate).

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For this reason, the primary reductions from recycling were assumed to come from diverting organics from landfills for composting. For the EPR recycling programs, this measure only assumes that the mattress EPR could reduce GHG emissions from the waste sector. EPR recycling programs for tires and lithium-ion batteries would not directly reduce GHG emissions from the waste sector as these components do not degrade in landfills to generate GHGs.



Person placing cup in recycling bin. Photo Credit: iStock.

Reducing the amount of waste generated and increasing the amount of organic waste recycled or diverted for composting reduces GHG emissions from landfills. In the case of increasing organic waste diversion, and thereby increasing composting, a net increase in N_2O emissions could occur; however, an overall decrease in GHG emissions is expected from composting diverted organic waste compared to landfilling that waste over time. Additionally, reducing the number of mattresses that are landfilled also reduces GHG emissions over time as the biodegradable components within mattresses (e.g., textiles, wood) are not converted to these gases. These impacts, in addition to those from the diversion and source reduction of waste from the statewide waste toolkit program, were modeled from 2027 to 2050 using the EPA Landfill Gas Emissions Model (LandGEM) tool.[676]

Table 119. Measure WM-1 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	Not calculated	Not calculated	Not calculated
CH_4	530.0	3,010.0	42,360.0
N_2O	-3.5	-4.9	-125.4
CO_2e	13,400.0	79,900.0	1,109,300.0
Other Pollutants			
CO	Not calculated	Not calculated	Not Calculated
NO_x	Not calculated	Not calculated	Not Calculated
SO_2	Not calculated	Not calculated	Not Calculated
VOCs	Not calculated	Not calculated	Not Calculated
PM_{10}	Not calculated	Not calculated	Not Calculated

[676] U.S. Environmental Protection Agency, "Landfill Gas Emissions Model (LandGEM)," May 2025, https://www.epa.gov/land-research/landfill-gas-emissions-model-landgem.

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Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
$PM_{2.5}$	Not calculated	Not calculated	Not Calculated

Measure Costs

The total implementation cost for WM-1 is estimated at approximately $731,265,000. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, municipalities/counties, or other partners. O&M costs include costs to operate and maintain the toolkit and EPR programs and potential infrastructure costs (i.e., capital costs for waste management equipment, site development). The administration cost includes 1 FTE per year from 2026 through 2050 for NMED for program marketing and support, which is based on the average total annual compensation for state employees in FY 2024 of $108,607. To present the cost in 2025 dollars, the CAP Team used an annual escalation rate of 3%. The cost for programs development in 2026 was assumed to be reflective of the total annual cost of programs implementation in 2027. While cost savings from preserving landfill airspace and potential profits from recycling recovered lithium-ion batteries could be realized during this period, these savings would be recouped by solid waste facility owners and operators (i.e., municipalities/counties, private entities) and not to the state of New Mexico.

Table 120. Measure WM-1 Cost Estimates

Cost Component	Estimated Implementation Cost
Operating and maintenance costs	$727,064,000
Program/policy implementation and administration costs	$4,201,000
NMED employees	*$4,201,000*
Total	**$731,265,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure WM-1. (Appendix C provides details on these sources, organized by funding source number.)

- Advanced Energy Project Credit (Funding Source 21)
- ERA Program (Funding Source 22)
- Solid Waste Infrastructure for Recycling Grants (Funding Source 87)
- Solid Waste Management Grants (Funding Source 88)
- Recycling and Illegal Dumping Fund (Funding Source 89)
- Solid Waste Facility Grant Fund (Funding Source 90)
- Rural Infrastructure Revolving Loan Program (Funding Source 91)
- Clean and Beautiful Program (Funding Source 92)
- Recycling Partnership (Funding Source 93)
- W.K. Kellogg Foundation's Good Food, Strong and Equitable Food Systems (Funding Source 16)
- USDA RCPP (Funding Source 11)

- USDA EQIP (Funding Source 10)
- Outdoor Learning Start Up Grants (Funding Source 54)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Developing a statewide waste reduction curriculum, including programming and toolkits, and assembling EPR recycling programs will enable job creation, educational and training opportunities, waste reduction, reduced exposure to environmental hazards, and public and community health benefits.

Economic Benefits

- **Educational and training opportunities.** In 2022, a nationwide survey found that only 72% of participants knew that plastic bottles, jugs, and jars could be recycled. The results of this survey determined that localized recycling education could increase recycling and decrease contamination.[677] Creating statewide standardization for recycling through toolkits and programs could increase households' and businesses' knowledge and ability to recycle and reduce waste.
- **Job creation.** In 1993, New Mexico set a goal to reach a 50% recycling rate by 2000, or 50% diversion rate of waste from landfills toward composting, recycling, or reuse. However, in 2015, New Mexico's overall recycling rate was only 19%.[678] Additionally, the recycling industry supported 1,780 direct, indirect, and induced jobs in 2024.[679] If a 50% recycling rate were reached, the New Mexico Recycling Coalition estimates that it would create 9,000 direct, indirect, and induced jobs in related to collections, processing, remanufacturing, and reuse.[680] The development and implementation of waste reduction toolkits and programs could increase recycling practices, creating jobs associated with processing recycled materials.

Environmental Benefits

- **Waste reduction.** In 2015, the state recycling rate was only 19%, falling below the national average by 16%.[681] Consequently, this meant that 81% of waste, including potentially recyclable products, ended up in landfills, incinerators, or the environment. Landfills are the third-highest source of human-related CH_4 emissions, accounting for roughly 14% of national CH_4 emissions in 2022. Additionally, CH_4 is 28 times more potent than CO_2 at trapping heat.[682] Through the

[677] Bob Gaetjens, "Recycle Coach Survey Reveals More Education Needed," Waste Today, November 30, 2022, https://www.wastetodaymagazine.com/news/education-consumer-waste-recycling-contamination-survey/.
[678] Alex Truelove et al., *The State of Recycling in New Mexico* (2018), https://publicinterestnetwork.org/wp-content/uploads/2022/07/New20Mexico.pdf.
[679] Recycled Materials Association, *Economic Impact Study: U.S.-Based Recycled Materials Industry 2024* (2025), https://www.recycledmaterials.org/wp-content/uploads/rema-econmic_impact_executive_summary_2024.pdf.
[680] New Mexico Recycling Coalition, *Interim Committee Report on HM51 'Study Solid Waste Recycling* (2014), https://www.nmlegis.gov/handouts/WNR%20120214%20Item%203%20New%20Mexico%20Recycling%20Coalition%20Report.pdf.
[681] Truelove et al., *The State of Recycling in New Mexico*.
[682] U.S. Environmental Protection Agency, "Importance of Methane."

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development of recycling partnerships, recycling rates will increase, and a lesser share of waste will end up in landfills, incinerators, or the environment.

Public Health Benefits

- **Reduced exposure to environmental hazards.** Many products end up in waste streams simply because consumers don't know how to get rid of them. This can be amended by developing an EPR program that puts the responsibility back on the producer of the product, the most knowledgeable entity. For products like mattresses, lithium-ion batteries, and tires, this would increase recycling rates and decrease landfill use. For example, Connecticut, one of the country's leaders in EPR, diverted more than 84% of tires and 63% of mattresses by implementing EPR programs.[683] These programs are especially important for lithium-ion batteries, which use rare materials and can cause damage, like fires, if thrown into normal waste streams.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $365 million between 2026 and 2050.

LIDAC Benefits

LIDACs will benefit from this measure in the following ways:

- **Remediation of environmental hazards.** As mentioned in this measure's associated benefits analysis, increased recycling practices through newly developed partnerships and toolkits could lead to increased rates of recycling and less waste ending up in landfills, incinerators, or the environment from improper disposal. These impacts could reduce exposure of environmental hazards from incinerators and improperly handled waste. By federal regulation, landfills are currently required to have plastic or clay lining; however, these often have leaks and can result in the release of leachate, a harmful liquid produced by landfill sites that can damage ecosystems.[684] Additionally, according to the 2018 *State of Recycling in New Mexico* report, recycling rates in McKinley County, a LIDAC county with a 30.1% poverty rate, were as low as 2%.[685] As a result, LIDACs could benefit from the remediation of environmental hazards associated with increased recycling efforts and reduced waste in landfills that will come with recycling partnerships and toolkits.
- **Targeted job training.** Mentioned in this measure's associated benefits analysis, an increase in the practice of recycling through partnerships, and toolkits could lead to as many as 9,000 direct, indirect, and induced jobs.[686] The creation of jobs presents the opportunity for targeted job training in LIDACs. For example, Prewitt, a town in McKinley County, supports roughly 600 jobs

[683] Global Action Partnership for EPR, "Tackling Tire Waste: EPR Solutions and Success Stories," 2024, https://gap-epr.prevent-waste.net/tackling-tire-waste-epr-solutions-and-success-stories/; Northwest Product Stewardship Council, "EPR in Connecticut: 4 Success Stories," 2017, https://productstewardship.net/news/epr-connecticut-4-success-stories.
[684] Kayla Vasarhelyi, "The Hidden Damage of Landfills," 2021, https://www.colorado.edu/ecenter/2021/04/15/hidden-damage-landfills.
[685] Rachel Moskowitz, "Poverty in New Mexico: 2019," *Labor Market Review*, February 2021, 10–11, https://www.dws.state.nm.us/Portals/0/DM/LMI/Poverty_in_NM_2019.pdf; Truelove et al., *The State of Recycling in New Mexico*.
[686] New Mexico Recycling Coalition, *Interim Committee Report on HM51 'Study Solid Waste Recycling*.

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in manufacturing and energy generation, many of which are from McKinley Paper, a leader in recycled paper manufacturing.[687] Targeted job training would be especially relevant to LIDACs in McKinley County, where current recycling practices are far below desired levels.

- **Support for community-led projects.** The development of recycling partnership programs could lead to localized and community-led recycling partnerships within LIDACs. For example, the Village of Los Lunas has seen success in implementing a community glass recycling program. Partnering with a local glass crusher manufacturer and encouraging a high rate of resident participation, Los Lunas found ways to capitalize on selling and reusing glass byproducts.[688] Localized partnerships and guidance on recycling could reduce contamination rates and increase material recovery, and a community-led recycling partnership could lead to a growth in recycling by LIDACs.

Disbenefits

No disbenefits from this measure were identified.

LIDAC Disbenefits

No disbenefits to LIDACs from this measure were identified.

Measure WM-2: Organic Waste Prevention and Diversion

This measure involves the implementation of a holistic statewide program focused on increasing the rate of organic waste and food waste prevention and diversion. This program implements initiatives that increase organic waste and food waste source reduction and diversion practices, promote food donation through tax incentives, provide food donation safety guidance, and implement possible mandatory donation and reporting requirements, while encouraging organic waste processing infrastructure development at all scales through providing education, resources, and funding.

Implementation Authority and Responsibilities

The NMED Resource Recovery Bureau will be the lead implementing agency responsible for this measure. The NMED Food Safety Program will support the Resource Recovery Bureau.

Under the Environmental Improvement Act, NMED is delegated the power to enforce regulations to regulate the environment in New Mexico, as well as rules and orders promulgated by the EIB (NMSA 1978, Section 74-1-6(F)). Additionally, NMED is delegated the power to enforce environmental management and consumer protection laws for which NMED is responsible (NMSA 1978, Section 74-1-6(F)). NMED is specifically delegated the power to enforce rules and standards in solid waste (NMSA 1978, Sections 74-1-7(A)(4) and (14)).

Under the Solid Waste Act, the EIB is required to promulgate regulations for solid waste (NMSA 1978, Sections 74-9-8 to -10). Under New Mexico's solid waste regulations, NMED administers the permitting and registration requirements for solid waste and composting facilities (20.9.3.27 NMAC and 20.9.3.28 NMAC). Facility owners and operators must obtain registration to accept and process compost if not

[687] New Mexico Recycling Coalition, *Interim Committee Report on HM51 'Study Solid Waste Recycling*.
[688] Waste Advantage Magazine, "Recycling Case Study: It Takes a Village," April 30, 2016, http://wasteadvantagemag.com/recycling-case-study-it-takes-a-village/.

already included in the owner or operator's NMED solid waste permit (20.9.3.27 NMAC and 20.9.3.28 NMAC). Owners and operators are further required to update their registration with NMED to reflect any material change in their operations (20.9.3.27 NMAC). NMED is delegated the power to enforce these regulations and other requirements for solid waste as set out under the Solid Waste Act and in the NMAC (NMSA 1978, Section 74-9-36).

Implementation Timeline and Milestones

NMED will implement this measure from 2027 through 2050 by consistently investing in upgrades to organic waste diversion and recycling infrastructure (e.g., composting); implementing donation policies (i.e., tax incentives, safety guidance, possible donation/reporting requirements); and developing and administrating programs through outreach, education, and organizational assistance. This measure assumes program and donation policy implementation begins in 2027, and for the first five years the CAP Team assumes an initial organic waste source reduction effectiveness of 50%[689] as these initiatives are further developed and public and industry stakeholders engage. This assumption does not apply to increases in organic waste diversion or donation practices, which were assumed to be 100% effective initially based on the results of programs observed in other states.[690,691,692]

Table 121. Measure WM-2 Implementation Timeline and Milestones

Timeline	Milestones
2027–2031	Implement statewide organic food waste diversion program with food donation incentives and requirements. It is assumed that initially these programs will be 50% effective at source reduction as lessons are learned and programs and infrastructure are optimized.
2032–2050	Achieve 100% source reduction effectiveness for statewide organic food waste diversion program and infrastructure.

Metrics for Tracking Progress

For Measure WM-2, NMED will track indicators such as the amount of organic food waste (by mass) that is collected, composted, or landfilled through public programs (e.g., municipalities) and review, collect records from private industry sources as available. These quantities can be used to estimate the amount of organic food waste generated statewide as well as the amount of organic food waste reduced over time. These quantities can then be used to estimate GHG emissions. Additionally, the agency(ies) implementing food donation programs must track mass or unit quantities for donated food to determine if these programs do increase the collection of these materials, which can also be used to estimate GHG emission reductions.

[689] The percentage of the expected source reduction rate (e.g., if the program expects to increase source reduction by 10%, then the program is assumed to be 50% effective at that goal for the first five years, or 10% × 50% = 5% reduction rate).
[690] Meg Wilcox, "New Law on Surplus Food: Is It Helping Food Banks?," *Food Bank News*, June 24, 2025, https://foodbanknews.org/new-law-on-surplus-food-is-it-helping-calif-food-banks/.
[691] Connecticut Department of Energy & Environmental Protection, *2023 Solid Waste Disposal & Diversion Report* (2025), https://portal.ct.gov/-/media/deep/reduce_reuse_recycle/data/2023/diversion_report_2025-final.pdf?rev=78610edcd6684ae59b1f206c1d05cbee&hash=F926D538AA54875F9F1BB76259695F1D.
[692] California Department of Resources Recycling and Recovery (CalRecycle), *2022 State of Disposal and Recycling Report*, DRRR-2024-1731 (2024).

Quantified Emission Reductions



People placing food in a donation box. Photo Credit: iStock.

For Measure WM-2, this analysis assumes that these reductions in GHG emissions will be achieved through a combination of decreasing the amount of organic food waste generated and the amount of organic food waste that is landfilled. This measure also assumes that as part of the overall organic waste reduction and diversion initiative, increases in food donation and composting will also occur, which have their own GHG emission reductions. This analysis assumes that organic waste reductions and diversion would primarily occur within the food waste stream and that reduction and diversion efforts would produce different impacts depending on the generator (i.e., residential, food service, or food retail). Based on data from EPA's 2019 Wasted Food Report,[693] the CAP Team assumed baseline percentages, by mass, for management pathways used to handle food waste by generator; the CAP Team then assumed that these rates would change based on the impacts of this measure. Increases in food waste diversion (composting), source reduction, and food donation were assumed for each generator, and these changes drove the estimated emission reductions for this measure. For both source reduction and food donation, the CAP Team assumed that increases in these rates would prevent landfill-based emissions, and that all donated food would be consumed (i.e., no waste generation). In the case of increasing food waste diversion (composting), a net increase in N_2O emission could occur; however, an overall decrease in GHG emissions is expected from composting this waste compared to landfilling. Emission reductions from source reduction and food donation were estimated using data from EPA's Waste Reduction Model (WARM).[694]

[693] U.S. Environmental Protection Agency, *2019 Wasted Food Report*, EPA 530-R-23-005 (2023), https://www.epa.gov/system/files/documents/2024-04/2019-wasted-food-report_508_opt_ec_4.23correction.pdf.

[694] U.S. Environmental Protection Agency, *Documentation for Greenhouse Gas Emission and Energy Factors Used in the Waste Reduction Model (WARM), Management Practices Chapters*, EPA-530-R-23-018 (12/2023, n.d.), https://nepis.epa.gov/Exe/ZyNET.exe/P101982A.TXT?ZyActionD=ZyDocument&Client=EPA&Index=2016+Thru+2020&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C16thru20%5CTxt%5C00000039%5CP101982A.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL.

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Table 122. Measure WM-2 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	Not calculated	Not calculated	Not calculated
CH_4	330.0	370.0	8839.6
N_2O	-0.7	-0.6	-15.4
CO_2e	8,700.0	9,800.0	234,500.0
Other Pollutants			
CO	Not calculated	Not calculated	Not Calculated
NO_x	Not calculated	Not calculated	Not Calculated
SO_2	Not calculated	Not calculated	Not Calculated
VOCs	Not calculated	Not calculated	Not Calculated
PM_{10}	Not calculated	Not calculated	Not Calculated
$PM_{2.5}$	Not calculated	Not calculated	Not Calculated

Measure Costs

The total implementation cost for WM-2 is estimated at approximately $696,638,000. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, municipalities/counties, or other partners. O&M costs include costs of program operations and capital and operational costs for organic waste processing infrastructure. Administrative and policy development costs are included as 1 FTE per year for NMED, which is based on the average total annual compensation for state employees in FY 2024 of $108,607. To present the cost in 2025 dollars, the CAP Team used an annual escalation rate of 3%. While cost savings are possible with this measure due to landfill airspace recovery, these savings would be realized by the solid waste facility owners and operators (i.e., municipalities/counties and private entities) and not by the state of New Mexico.

Table 123. Measure WM-2 Cost Estimates

Cost Component	Estimated Implementation Cost
Operating and maintenance costs	$692,552,000
Program/policy implementation and administration costs	$4,086,000
NMED employees	*$4,086,000*
Total	**$696,638,000**

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Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure WM-2. (Appendix C provides details on these sources, organized by funding source number.)

- EIR Program (Funding Source 66)
- Solid Waste Infrastructure for Recycling Grants (Funding Source 87)
- Solid Waste Management Grants (Funding Source 88)
- Recycling and Illegal Dumping Fund (Funding Source 89)
- Solid Waste Facility Grant Fund (Funding Source 90)
- Rural Infrastructure Revolving Loan Program (Funding Source 91)
- Clean and Beautiful Program (Funding Source 92)
- Recycling Partnership (Funding Source 93)
- W.K. Kellogg Foundation's Good Food, Strong and Equitable Food Systems (Funding Source 16)
- USDA LAMP (Funding Source 12)
- USDA RCPP (Funding Source 11)
- USDA EQIP (Funding Source 10)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Expanding access and opportunity for organic waste prevention and diversion programs and expanding the state's capacity to process organic waste will result in economic, environmental, and public health benefits across New Mexico.

Economic Benefits

- **Increased green jobs.** New Mexico's strategy to divert organic waste through investments in composting and waste diversion programs will create a variety of jobs. Composting facilities in the United States support at least four times more jobs per ton of organic waste than landfills or incinerators.[695] These facilities employ a wide range of professionals, including scientists, inspectors, technicians, drivers, supervisors, manual laborers, administrative staff, and processors. Expanding food recovery programs is another effective strategy for diverting organic waste that can further support job growth in areas such as operations and logistics, organizational support, and communications.[696]
- **Revenue generation and cost savings.** Increasing compost production in New Mexico will likely increase revenues at composting facilities. In New Mexico, there are 56 registered operational compost facilities, 21 of which are run by municipal programs such as wastewater treatment programs.[697] These municipal facilities can generate revenue by selling compost in bulk to government agencies, residents, and businesses.[698] By investing in composting and organic

[695] Brenda Platt et al., *Stop Trashing the Climate* (Institute for Local Self-Reliance, 2008), https://ilsr.org/wp-content/uploads/2008/06/fullreport_stoptrashingtheclimate.pdf.
[696] Food Rescue Hero, "How to Start a High-Impact Food Rescue," 2024, https://foodrescuehero.org/how-to-start-a-high-impact-food-rescue/.
[697] SCS Engineers, *Compost Generation and Use in New Mexico: A Study Commissioned by the New Mexico Department of Agriculture's Healthy Soil Program* (2025), https://nmdeptag.nmsu.edu/media/pdf/hsp-2025-compost-study.pdf.
[698] SCS Engineers, *NMDA Healthy Soil Program Compost Study*.

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waste processing programs and infrastructure, New Mexico can support revenue growth at these facilities. This measure also recommends tax incentives for food donation initiatives, so organizations or individuals may also financially benefit from tax savings. Some states have already implemented incentive programs like this. Pennsylvania, for example, offers tax credits valued at 55% of the total value of the donation. Research has shown that donations increase after a state enacts a tax incentive for donated food, so implementing financial incentives for food recovery and diversion programs can bring tax benefits to donors while also reducing waste and expanding food access across the state.[699]

Environmental Benefits

- **Waste reduction.** A study conducted by NMDA's Healthy Soil Program found that 970,000 tons of organic waste each year ends up in a landfill.[700] Implementing strategies to divert organic waste, including organic waste prevention, composting, and food recovery programs, can help extend the lives of landfills in New Mexico by reducing the total amount of organic waste received.
- **Reduced emissions.** When organic waste decomposes in landfills under anerobic conditions, it produces CH_4, a potent GHG that has about 80 times the warming power of CO_2 over 20 years.[701] By diverting organic waste from landfills through composting, GHG emissions from landfills can be reduced by up to 26%.[702] Therefore, increasing organic waste diversion through composting offers an opportunity to reduce landfill emissions and contribute to New Mexico's air quality and emissions reduction goals.
- **Soil health improvements.** Composted organic waste improves soil structure by increasing the soil's microorganisms and water holding capacity. With healthier soil, less chemical fertilizer is required, resulting in higher and healthier crop yields and less runoff. Compost also minimizes soil erosion by adding organic matter to the soil, which improves soil structure and cohesion.[703]

Public Health Benefits

- **Access to food.** This measure supports the diversion of organic waste by promoting and incentivizing food donation. Existing programs have shown that food donation programs can both reduce waste and help those in need. For example, Los Alamos County strives for zero waste by providing residents with services to donate fresh produce and nonperishables.[704] The county then distributes these donations to local schools, churches, and nonprofits. Financial incentives have proven to be effective at increasing food donation rates. At the federal level, food donations increased by 137% after a federal tax incentive expanded to cover more

[699] Brian Choi et al., *Food Loss and Waste: Snapshot of Food Donation Laws* (The Network for Public Health Law, 2024), https://www.networkforphl.org/wp-content/uploads/2024/08/Food-Loss-and-Waste-Snapshot-of-Food-Donation-Laws.pdf.
[700] SCS Engineers, *NMDA Healthy Soil Program Compost Study*.
[701] Ellie Garland and Olivia Alves, "Waste Methane 101: Driving Emissions Reductions from Landfills," June 14, 2023, 101, https://rmi.org/waste-methane-101-driving-emissions-reductions-from-landfills/.
[702] Lihini De Silva and Rebecca L. C. Taylor, "If You Build It, Will They Compost? The Effects of Municipal Composting Services on Household Waste Disposal and Landfill Emissions," *Environmental and Resource Economics* 87, no. 3 (2024): 761–89, https://doi.org/10.1007/s10640-023-00834-x.
[703] SCS Engineers, *NMDA Healthy Soil Program Compost Study*.
[704] Los Alamos County Government, "Zero Waste Los Alamos," 2025, https://www.losalamosnm.us/Services/Trash-and-Recycling/Zero-Waste-Los-Alamos.

businesses.[705] Supporting and expanding food diversion and donation programs across the state can reduce waste while enhancing food security.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D) which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $73.4 million between 2026 and 2050.

LIDAC Benefits

LIDACs will benefit from this measure in the following ways:

- **Increased access to food.** New Mexico's plan to support organic waste diversion by promoting food donation programs will increase access to food among LIDACs facing food insecurity. New Mexico has the fourth highest rate for childhood food insecurity and the seventh highest rate for overall food insecurity among U.S. states.[706] Counties in New Mexico with a larger LIDAC population demonstrate a higher prevalence of food insecurity. The top five food-insecure counties in New Mexico include between 85% and 100% LIDACs.[707] Developing and expanding food diversion programs in LIDACs can help reduce food insecurity in these communities.
- **Improved air and water quality.** In the United States, 54% of landfills are located within 1 mile of communities that exceed the national average for percent people of color or percent low income.[708] This statistic means the adverse impacts associated with living near a landfill tend to disproportionately impact LIDACs. Increased emissions and liquid byproducts from landfills lead to higher prevalence of respiratory issues, aches, and eye problems in surrounding populations.[709] Reducing organic waste through efforts such as composting and donating food will reduce the impacts of landfill methane emissions and landfill water pollution on LIDACs.

Disbenefits

No disbenefits from this measure were identified.

LIDAC Disbenefits

No disbenefits to LIDACS were identified in this analysis.

[705] Choi et al., *Food Loss and Waste: Snapshot of Food Donation Laws*.
[706] Roadrunner Food Bank of America, "Map the Meal Gap," 2025, https://www.rrfb.org/learn/hunger-research/map-the-meal-gap/.
[707] Roadrunner Food Bank of America, "Map the Meal Gap."
[708] Preet Bains et al., *Trashing the Climate: Methane from Municipal Landfills* (Environmental Integrity Project, 2023), https://environmentalintegrity.org/wp-content/uploads/2023/05/Trashing-the-Climate-report-5.18.23.pdf.
[709] Prince O. Njoku et al., "Health and Environmental Risks of Residents Living Close to a Landfill: A Case Study of Thohoyandou Landfill, Limpopo Province, South Africa," *International Journal of Environmental Research and Public Health* 16, no. 12 (2019): 2125, https://doi.org/10.3390/ijerph16122125.

Measure WM-3: Methane Recovery

This measure aims to increase CH_4 recovery at landfill sites throughout New Mexico. This objective involves improving CH_4 recovery at landfill sites with existing landfill gas collection and control systems (GCCSs) by optimizing gas collection efficiency and implementing early gas collection within the active/working face areas of open landfills. Additionally, this measure provides an estimate for how much emissions could be reduced by installing GCCSs and implementing gas collection optimization practices and early collection at landfill sites that do not currently have GCCSs or use those practices.

Implementation Authority and Responsibilities

NMED will be the lead implementing agency responsible for this measure.

Under the state's Clean Transportation Fuel Standard rulemaking pursuant to NMSA 1978, Section 74-1-18, low carbon fuels used for transportation, such as electricity and renewable natural gas, may be eligible for clean fuels credits and associated infrastructure. This will both reduce emissions and support needed infrastructure.

Implementation Timeline and Milestones

New Mexico landfill owners and operators with existing GCCSs will implement this measure from 2027 through 2050 by consistently investing in upgrades to their on-site infrastructure. For landfill owners and operators without an existing GCCS, an initial implementation period consisting of feasibility studies, design, construction, and startup of a GCCS is assumed to take between 2027 and 2029.

Table 124. Measure WM-3 Implementation Timeline and Milestones

Timeline	Milestones
2027–2050	Install automated wellheads at existing wells and implement early gas collection at landfills that already collect landfill gas (LFG).
2027–2029	Feasibility study, design, construct, and start up new GCCSs at sites without preexisting systems (including implementing automated wellheads and early LFG collection).

Metrics for Tracking Progress

To track progress for Measure WM-3, landfill owners and operators will track indicators such as the amount of waste (by mass) that is landfilled annually, as well the amount of LFG collected (e.g., by volume) from wellfields and the amount that is destroyed by flaring or other beneficial use, if applicable. These quantities can be used to estimate the amount of LFG generated statewide, as well LFG reductions over time. These quantities, and site-specific LFG metrics, can then be used to estimate GHG emissions and reductions from landfills over time.

Quantified Emission Reductions

For Measure WM-3, this analysis estimated the waste-in-place currently at landfills across New Mexico and projected waste that could be landfilled in New Mexico by 2050.



Methane gas well at a recycling landfill. Photo Credit: iStock.

The CAP Team developed waste-in-place estimates using data for New Mexico landfills from EPA's Greenhouse Gas Reporting Program (GHGRP).[710] The CAP Team assumed that landfills in New Mexico that report to GHGRP represented virtually all landfills contributing to waste sector emissions. GHGRP data were also used to determine the proportion of LFG emissions already collected and treated (i.e., flared) and those that were not. The CAP Team assumed that the two primary ways to increase CH_4 recovery for destruction were implementing automated wellhead tuning systems on existing wells to increase collection efficiency and to perform early collection of LFG in active areas of the landfill that are not currently required per federal regulations.

The CAP Team used default waste generation rates from EPA's State Inventory and Projection Tool[711] coupled with past and expected population data to estimate waste generated per capita, then extrapolated landfilling rates through 2050. The CAP Team then used EPA's LandGEM tool to model landfilling rates from 2024 to 2050[712] and estimate CH_4 generation during this period. To account for LFG collection, destruction, and oxidation through overlying cover and other mechanisms, the CAP Team multiplied the CH_4 generation estimate by reduction factors to estimate CH_4 emissions from landfills and the potential reductions based on this measure through 2050.

[710] U.S. Environmental Protection Agency, "2023 Greenhouse Gas Emissions from Large Facilities," Greenhouse Gas Reporting Program, 2023, https://ghgdata.epa.gov/ghgp/main.do#/facility/?q=Find%20a%20Facility%20or%20Location&st=&bs=&et=&fid=&sf=11001100&lowE=-20000&highE=23000000&g1=1&g2=1&g3=1&g4=1&g5=1&g6=0&g7=1&g8=1&g9=1&g10=1&g11=1&g12=1&s1=1&s2=1&s3=1&s4=1&s5=1&s6=1&s7=1&s8=1&s9=1&s10=1&s201=1&s202=1&s203=1&s204=1&s301=1&s302=1&s303=1&s304=1&s305=1&s306=1&s307=1&s401=1&s402=1&s403=1&s404=1&s405=1&s601=1&s602=1&s701=1&s702=1&s703=1&s704=1&s705=1&s706=1&s707=1&s708=1&s709=1&s710=1&s711=1&s801=1&s802=1&s803=1&s804=1&s805=1&s806=1&s807=1&s808=1&s809=1&s810=1&s901=1&s902=1&s903=1&s904=1&s905=1&s906=1&s907=1&s908=1&s909=1&s910=1&s911=1&si=&ss=&so=0&ds=E&yr=2022&tr=current&cyr=2022&ol=0&sl=0&rs=ALL.

[711] U.S. Environmental Protection Agency, "State Inventory and Projection Tool," February 2025, https://www.epa.gov/statelocalenergy/state-inventory-and-projection-tool.

[712] U.S. Environmental Protection Agency, "Landfill Gas Emissions Model (LandGEM)."

NMED Exhibit 54_000298

Table 125. Measure WM-3 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	Not calculated	Not calculated	Not calculated
CH_4	24,100.0	21,000.0	526,500.0
N_2O	Not calculated	Not calculated	Not calculated
CO_2e	650,700.0	567,000.0	14,215,500.0
Other Pollutants			
CO	Not calculated	Not calculated	Not Calculated
NO_x	Not calculated	Not calculated	Not Calculated
SO_2	Not calculated	Not calculated	Not Calculated
VOCs	Not calculated	Not calculated	Not Calculated
PM_{10}	Not calculated	Not calculated	Not Calculated
$PM_{2.5}$	Not calculated	Not calculated	Not Calculated

Measure Costs

The total implementation cost for WM-3 is estimated at approximately $4,434,000. This cost represents the financial commitment of the state of New Mexico and does not account for other contributions or expenditures by private entities, utilities, municipalities/counties, or other partners. This cost assumed 1 FTE per year for 2026 and 2027 for rulemaking development and 1 FTE per year from 2026 through 2050 for NMED for program administration each at an average total annual compensation for state employees in FY 2024 of $108,607. To present the cost in 2025 dollars, the CAP Team used an annual escalation rate of 3%. The CAP Team assumed that the capital costs and O&M costs with installing and managing methane recovery systems, such as automated wellhead control systems and early gas collection systems, were incurred solely by landfill owners and operators; thus, at no cost to the state of New Mexico. It is possible that implementing agency(ies) could bear some of the capital and O&M costs for landfill owners and operators using grants and other assistance programs to facilitate GCCS installation and implementation; however, these options were not considered in this analysis.

Table 126. Measure WM-3 Cost Estimates

Cost Component	Estimated Implementation Cost
Program/policy implementation and administration costs	$4,434,000
NMED employees	*$4,434,000*
Total	**$4,434,000**

NMED Exhibit 54_000299

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure WM-3. (Appendix C provides details on these sources, organized by funding source number.)

- Advanced Energy Project Credit (Funding Source 21)
- ERA Program (Funding Source 22)
- Renewable Electricity Production Tax Credit (Funding Source 37)
- Clean Electricity Investment Tax Credit (Funding Source 45)
- Clean Electricity Low-Income Communities Bonus Credit Amount Program (Funding Source 38)
- Cost Recovery for Qualified Clean Energy Facilities, Property, and Technology (Funding Source 39)
- EIR Program (Funding Source 66)
- Solid Waste Infrastructure for Recycling Grants (Funding Source 87)
- Solid Waste Management Grants (Funding Source 88)
- Recycling and Illegal Dumping Fund (Funding Source 89)
- Solid Waste Facility Grant Fund (Funding Source 90)
- Rural Infrastructure Revolving Loan Program (Funding Source 91)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Investing in and supporting CH_4 recovery projects in landfills to generate electricity will create jobs, decrease energy costs, and remediate the impacts of localized pollution, leading to positive economic, environmental, and public health outcomes.

Economic Benefits

- **Job creation.** Supporting efforts to institute CH_4 recovery projects in landfills will create jobs associated with the design, construction, and operation of energy recovery systems. More specifically, these projects could involve engineers, equipment vendors, construction firms, and utilities. Most costs for these projects are for hiring personnel locally, which leads to economic benefits for the surrounding communities. EPA estimates that any given landfill gas energy project could create anywhere from approximately 10 to 42 direct jobs and 32 to 152 indirect jobs.[713] This job creation would benefit New Mexico and its communities.
- **Decreased energy costs.** An increase in CH_4 recovery and energy production through landfills could decrease costs for businesses and municipalities, which then could be passed on to households. For example, local governments or waste facilities could generate additional revenue by selling gas or energy generated from CH_4 recovery back to the grid to consumers or utilities.[714] A full build-out of New Mexico's biogas industry would produce an estimated 10.6 billion cubic feet of recovered CH_4 and enough electricity to power 114,305 households in New

[713] U.S. Environmental Protection Agency, "Benefits of Landfill Gas Energy Projects," Overviews and Factsheets, 2025, https://www.epa.gov/lmop/benefits-landfill-gas-energy-projects.
[714] U.S. Environmental Protection Agency, "Benefits of Landfill Gas Energy Projects."

NMED Exhibit 54_000300

Mexico each year (based on average annual electricity usage).[715] While only nine biogas capture systems are currently operational out of a potential 116, any additional systems could aid in diversifying energy supply to New Mexico's grid, decreasing costs for utilities, municipalities, and potentially consumers while extending energy reliability and accessibility.

- **Increased revenue.** Methane captured at landfill sites can be recycled and classified as a clean fuel within the New Mexico Clean Transportation Fuel Program (CTFP). Clean fuels generate credits in the CTFP marketplace for the entities responsible for their generation or, in this case, recovery. These credits can then be sold to entities in a deficit, bringing them into good standing and providing landfill operators with a new revenue stream.

Environmental Benefits

- **Pollution reduction.** Constructing CH_4 recovery projects in landfills could reduce localized air pollution in New Mexico. One study found that across 70 landfills in the United States, CH_4 emissions were on median 77% higher than GHGRP national estimates.[716] Using captured CH_4 from recovery infrastructure in landfills for energy could relieve the need for fossil-fuel-related energy sources and the generation of associated air pollutants.[717]

Public Health Benefits

- **Improved respiratory health.** CH_4 emissions from landfills can lead to the formation of ground-level ozone, or smog. Smog can lead to acute or chronic respiratory health issues, ranging from a simple cough to lung diseases like asthma, emphysema, and chronic bronchitis.[718] Reducing CH_4 emissions by investing in CH_4 recovery projects in landfills could improve air quality, leading to positive public health outcomes and improved respiratory health.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $4.5 billion between 2026 and 2050.

LIDAC Benefits

Landfill methane recovery will benefit LIDACs in the following ways:

- **Reduced energy burden.** An increase in landfill methane recovery projects in New Mexico could lead to a decrease in energy prices, energy burden, and localized pollution in LIDACs. As mentioned in this measure's associated benefits analysis, methane recovery projects have the potential to increase revenue and savings for waste management facilities and local municipalities.[719] With the potential to power electricity for 114,305 households annually, New

[715] American Biogas Council, "New Mexico Biogas and Energy Potential," accessed September 18, 2025, https://americanbiogascouncil.org/resources/state-profiles/new-mexico/.
[716] Leah Burrows, "EPA Underestimates Methane Emissions from Landfills, Urban Areas," May 1, 2024, https://seas.harvard.edu/news/2024/05/epa-underestimates-methane-emissions-landfills-urban-areas.
[717] U.S. Environmental Protection Agency, "Frequent Questions about Landfill Gas," Overviews and Factsheets, 2025, https://www.epa.gov/lmop/frequent-questions-about-landfill-gas.
[718] U.S. Environmental Protection Agency, "Health Effects of Ozone and Particulate Matter."
[719] U.S. Environmental Protection Agency, *Landfill Gas Energy. A Guide to Developing and Implementing Greenhouse Gas Reduction Programs* (2012), https://archive.epa.gov/epa/sites/production/files/2015-08/documents/landfill_methane_utilization_0.pdf.

NMED Exhibit 54_000301

Mexico's biogas capture systems can become a major electricity source in the state.[720] Because households below the federal poverty line in New Mexico spend a disproportionate amount of their income on energy, any energy savings passed on through municipalities or waste management facilities would have a greater benefit to low-income households.[721]

Disbenefits

No disbenefits from this measure were identified.

LIDAC Disbenefits

No disbenefits to LIDACS were identified in this analysis.

Measure WM-4: Reduce Wastewater Methane Emissions

This measure reduces CH_4 emissions from both domestic and industrial wastewater sources. For domestic sources, this measure involves two key actions: upgrading existing centralized treatment plants to include biogas recovery and utilization and connecting homes with septic systems to centralized plants equipped for the same. For industrial sources, this measure involves upgrading wastewater treatment processes to include anaerobic treatment with biogas recovery, followed by a final aerobic treatment stage.

Implementation Authority and Responsibilities

NMED would be the lead implementing agency responsible for this measure.

Coordination between the EIB and New Mexico's Water Quality Control Commission will likely be needed to ensure the Commission's biosolids regulations (and other regulations) are consistent with the EIB's wastewater methane emissions regulations.

Under the state's Clean Transportation Fuel Standard rulemaking pursuant to NMSA 1978, Section 74-1-18, low carbon fuels used for transportation, such as electricity and renewable natural gas, may be eligible for clean fuels credits and associated infrastructure. This will both reduce emissions and support needed infrastructure.

Implementation Timeline and Milestones

Domestic and industrial wastewater treatment facility owners and operators will implement this measure from 2026 through 2050 by consistently investing in upgrades to domestic and industrial wastewater treatment facilities and other infrastructure.

[720] American Biogas Council, "New Mexico Biogas and Energy Potential."
[721] National Renewable Energy Laboratory, "SLOPE Stories: SLOPE Informs Grid Modernization and Transportation Planning in New Mexico."

Table 127. Measure WM-4 Implementation Timeline and Milestones

Timeline	Milestones
2026	Begin investing in upgrades to domestic and industrial wastewater treatment sources.
2027–2050	Continue consistent investments in upgrades to domestic and industrial wastewater treatment sources.

Metrics for Tracking Progress

To track progress for Measure WM-4, NMED will track indicators such as the total amount of biodegradable organic material present in the wastewater (known as biochemical oxygen demand or chemical oxygen demand), the volume of wastewater flow (in millions of gallons per day) treated by domestic and industrial wastewater treatment facilities that include biogas recovery and utilization, and the proportion of domestic wastewater that is treated at publicly or privately owned treatment works versus in septic systems. These indicators can be used to estimate CH_4 emissions.

Quantified Emission Reductions

For Measure WM-4, the CAP Team estimated emissions reductions based on an analysis of wastewater treatment emissions reductions required for the state to meet its 2050 emission reductions goals.[722] This estimate is a 40% reduction in CH_4 emissions in 2050 from 2021 levels. The analysis assumes that these reductions will be achieved through a combination of adding biogas capture and utilization to existing centralized wastewater treatment facilities and publicly or privately owned treatment works, transitioning septic system treatment to centralized treatment and publicly or privately owned treatment works with biogas recovery and use by developing new or upgrading existing centralized wastewater treatment plants and publicly or privately owned treatment works to treat septic system capacity, and upgrading industrial wastewater treatment facilities to conduct anaerobic treatment with biogas recovery followed by aerobic treatment.

Table 128. Measure WM-4 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	N/A	N/A	N/A
CH_4	543.6	1,751.6	25,668.7
N_2O	N/A	N/A	N/A
CO_2e	15,219.8	49,044.0	718,722.5
Other Pollutants			
CO	N/A	N/A	Not Calculated

[722] Sharad Bharadwaj et al., *New Mexico Greenhouse Gas Emissions Inventory and Forecast: 2021 Emissions Inventory and 2030-2050 Forecast* (2024).

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
NO_x	N/A	N/A	Not Calculated
SO_2	N/A	N/A	Not Calculated
VOCs	N/A	N/A	Not Calculated
PM_{10}	N/A	N/A	Not Calculated
$PM_{2.5}$	N/A	N/A	Not Calculated

Measure Costs

The CAP Team estimated that implementation of this measure will cost NMED $5,756,000 for administration of the program between 2026-2050. The CAP Team assumed this measure will require 1.5 FTEs from NMED over the first two years (2026-2027) to manage the rulemaking process and 2 administrative FTEs from NMED in each of the 25 years of project implementation. Rulemaking and administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607.

All costs are presented in current-year dollars and do not account for future inflation.

Table 129. Measure WM-4 Cost Estimates

Cost Component	Estimated Implementation Cost (2025 Dollars)
Cost to NMED for administration	$5,756,000
Total	**$5,756,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure WM-4. (Appendix C provides details on these sources, organized by funding source number.)

- Advanced Energy Project Credit (Funding Source 21)
- ERA Program (Funding Source 22)
- EIR Program (Funding Source 66)
- NCIF CUF (Funding Source 25)
- Solid Waste Infrastructure for Recycling Grants (Funding Source 87)
- Solid Waste Management Grants (Funding Source 88)
- Recycling and Illegal Dumping Fund (Funding Source 89)
- Solid Waste Facility Grant Fund (Funding Source 90)
- Rural Infrastructure Revolving Loan Program (Funding Source 91)
- USDA RCPP (Funding Source 11)
- USDA EQIP (Funding Source 10)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Investing and supporting CH_4 recovery projects in wastewater treatment facilities to generate electricity will create jobs and decrease energy costs, leading to positive economic, environmental, and public health outcomes.

Economic Benefits

Methane recovery projects in wastewater treatment facilities will lead to benefits in LIDACs:

- **Job creation.** Supporting efforts to institute CH_4 recovery projects in wastewater treatment facilities will create jobs associated with the design, construction, and operation of energy recovery systems. More specifically, these projects could involve engineers, equipment vendors, construction firms, and utilities. The American Biogas Council has estimated that a full build-out of potential biogas capture systems across waste management facilities in New Mexico could create as many as 6,246 temporary construction jobs and 302 long-term operational occupations.[723] While this job creation estimate is not specific to biogas capture systems in wastewater treatment facilities, the creation of jobs related to constructing CH_4 recovery infrastructure at any scale would benefit New Mexico and its communities.
- **Decreased energy costs.** An increase in CH_4 recovery and associated energy production in wastewater treatment facilities could decrease costs for businesses and municipalities, which could then be passed on to households. For example, local governments or waste facilities could generate additional revenue by selling gas or energy generated from CH_4 recovery back to grid to consumers or utilities.[724] A full build-out of New Mexico's biogas industry would produce an estimated 10.6 billion cubic feet of recovered CH_4 and enough electricity to power 114,305 households each year while filtering up to 200 million gallons of wastewater per day.[725] There are currently six wastewater biogas capture systems in operation out of a potential 20. Additional CH_4 recovery systems in wastewater treatment facilities could aid in supplying and diversifying New Mexico's energy grid and decreasing costs for utilities, municipalities, and potentially consumers while extending energy reliability and accessibility.

Environmental Benefits

- **Pollution reduction.** Recently, studies found that municipal wastewater treatment facilities release twice as much CH_4 as originally thought by EPA.[726] The American Biogas Council estimates that at full capacity, New Mexico's biogas capture system could process 200 million gallons per day of wastewater.[727] This equates to between 0.6 and 10.1 metric tons per day of recovered CH_4, since the median amount of CH_4 generated from wastewater treatment ranges

[723] American Biogas Council, "New Mexico Biogas and Energy Potential."
[724] U.S. Environmental Protection Agency, *Landfill Gas Energy. A Guide to Developing and Implementing Greenhouse Gas Reduction Programs*.
[725] American Biogas Council, "New Mexico Biogas and Energy Potential."
[726] Colton Poore, "Wastewater Sector Emits Nearly Twice as Much Methane as Previously Thought," *Princeton Engineering*, February 28, 2023, https://engineering.princeton.edu/news/2023/02/28/wastewater-sector-emits-nearly-twice-much-methane-previously-thought.
[727] American Biogas Council, "New Mexico Biogas and Energy Potential."

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from 0.8 to 13.3 grams per cubic meter of water.[728] Besides being a potent GHG, CH_4 can also cause the formation of ground-level ozone, a major component of smog.[729] This type of localized air pollution can cause health issues like asthma, heart diseases, or even mortality.[730] Additionally, the potential energy generating capacity of CH_4 capture in wastewater treatment facilities could create valuable energy and relieve the need for fossil-fuel-related sources of energy and the associated generation of air pollutants.[731]

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $233 million between 2026 and 2050.

LIDAC Benefits

- **Reduced exposure to pollution.** Waste management facilities, including wastewater treatment, are disproportionately located near low-income communities.[732] As a result, the development of methane recovery projects in wastewater treatment facilities will be greatly beneficial to LIDACs by decreasing exposure to localized pollution and increasing energy creation, as mentioned in the analysis for methane recovery projects in landfills. Methane emissions can lead to the formation of ground-level ozone, or smog.[733] Because of the increased likelihood that landfills and wastewater treatment facilities are in LIDACs, the level of methane emissions and associated formation of smog could be higher than other New Mexican communities.[734] Thus, any reduction in these emissions through investment in and support of methane recovery projects would specifically benefit LIDACs by reducing exposure to air pollution and any associated negative health impacts, including asthma, heart disease, or even all-cause mortality.[735]

Disbenefits

No disbenefits from this measure were identified.

LIDAC Disbenefits

No disbenefits to LIDACS were identified in this analysis.

[728] Cuihong Song et al., "Methane Emissions from Municipal Wastewater Collection and Treatment Systems," *Environmental Science & Technology* 57, no. 6 (2023): 2248–61, https://doi.org/10.1021/acs.est.2c04388.
[729] U.S. Environmental Protection Agency, "Health Effects of Ozone and Particulate Matter."
[730] World Health Organization, "Air Quality, Energy and Health."
[731] U.S. Environmental Protection Agency, "Frequent Questions about Landfill Gas."
[732] Renee Skelton, "The Environmental Justice Movement," August 14, 2025, https://www.nrdc.org/stories/environmental-justice-movement.
[733] U.S. Environmental Protection Agency, "Health Effects of Ozone and Particulate Matter."
[734] Skelton, "The Environmental Justice Movement."
[735] World Health Organization, "Air Quality, Energy and Health."

Measure WM-5: Promote Building Reuse

This measure examines the potential reduction in GHG emissions by promoting building reuse across the state of New Mexico. This initiative focuses on reducing construction and demolition debris (C&D) waste by avoiding excess construction and demolition for new and renovated buildings, which also preserves the embodied energy of existing buildings and lowers the carbon footprint associated with new construction.

Implementation Authority and Responsibilities

EMNRD, with its existing authorities related to the SBTC; the New Mexico Regulation and Licensing Department, with its existing authorities related to the environmental building code; NMDOT; and GSD do not need further authority to implement a measure to support the use of low-embodied carbon construction materials. NMDOT, in conjunction with the STC, has the authority to implement a measure related to low-embodied carbon construction materials under NMSA 1978, Chapter 67-3-14(B), which states that "[t]he state transportation commission may also make rules and regulations governing the method of construction, improvement and maintenance of state highways and bridges and compel compliance with the laws, rules and regulations relating to state highways and bridges." The STC would need to enact a policy regarding low-embodied carbon construction materials, or a policy directing NMDOT to develop guidelines on such materials. It is worth noting that NMDOT has a materials lab and works with new and experimental roadway construction materials and processes. There is no specific statutory authority for this measure; rather, it flows from NMDOT's various authorities to build and maintain the state highway system.

Implementation Timeline and Milestones

The implementing agencies will implement this measure from 2026 through 2050 by consistently investing in efforts to optimize program infrastructure, program administration, and program development through outreach, education, and organizational assistance.

Table 130. Measure WM-5 Implementation Timeline and Milestones

Timeline	Milestones
2026	Enact a policy direction and develop guidelines on low-embodied carbon construction materials.
2027–2031	Begin implementing a building reuse program. It was assumed that initially there would be a 25% reduction rate.
2032–2036	Achieve 50% reduction rate in the program.
2037–2050	Achieve 75% reduction rate in the program.[736]

[736] The CAP Team also assumed that this participation rate would reach a maximum of 75% participation due to the inevitability of buildings not fitting certain siting or functional use criteria for an intended use, which will require some buildings to be demolished instead of reused.

NMED Exhibit 54_000307

Metrics for Tracking Progress

To track progress for Measure WM-5, the implementing agency(ies) will track indicators such as the number of buildings that were demolished, renovated, or built based on publicly available permitting data. The implementing agency(ies) can use the number of these permits and their details, such as data on the type of construction/demolition, size/area, or intended use (e.g., commercial, multifamily) to estimate the amount of C&D generated statewide and determine if reductions are occurring. The implementing agency(ies) can then estimate the quantity of C&D (in mass) and estimate GHG emissions and potential GHG reductions over time.

Quantified Emission Reductions



Albuquerque Civic Plaza. Courtesy: New Mexico Department of Tourism, Mark Nohl.

For Measure WM-5, this analysis assumes that the implementing agency(ies) will achieve reductions in GHG emissions by decreasing the amount of C&D waste generated from constructing new buildings and demolishing existing ones. While preserving the embodied carbon within existing buildings can also reduce GHG emissions by avoiding the use of new products and products associated with production and transportation, the CAP Team did not quantify nor factor in the embodied carbon in existing buildings in this analysis, and these sources were not included in existing waste and materials sector emissions. Thus, the CAP Team only quantified the emissions generated from or reduced by landfilling C&D. The disposal of C&D waste in landfills is anticipated to generate limited GHG emissions based on the estimated degradable carbon content.[737] The CAP Team estimated the potential emission reductions associated with this measure based on preventing C&D from being landfilled. Significant emission reductions from preserving embodied carbon in existing buildings is possible; however, those cannot be subtracted from existing waste and material sector emissions.

To estimate emission reductions from this measure, the CAP Team estimated the amount, by mass, of building-specific C&D that is generated annually within New Mexico. The CAP Team then estimated the impact that a building reuse program would have on the generation rate of this waste, assuming that a building reuse program would achieve varying levels of effectiveness over time. The CAP Team also assumed that because of the inevitability of new C&D of existing buildings, that this program could achieve a maximum reduction rate of 75% for building-related C&D generation. The CAP Team estimated the amount of C&D expected to be generated annually through 2050, and using default parameters from GHGRP rules, used LandGEM[738] to estimate the expected CH_4 gas generation rates

[737] Municipal Solid Waste Landfills, 40 CFR Part 98 Subpart HH, https://www.ecfr.gov/current/title-40/part-98/subpart-HH.
[738] U.S. Environmental Protection Agency, "Landfill Gas Emissions Model (LandGEM)."

NMED Exhibit 54_000308

annually through 2050. Using GHGRP data,[739] the CAP Team estimated the amount of CH_4 oxidized, collected, and treated at landfills with LFG GCCS and at those without these systems.

Table 131. Measure WM-5 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	Not calculated	Not calculated	Not calculated
CH_4	45.0	510.0	5,887.6
N_2O	Not calculated	Not calculated	Not calculated
CO_2e	1,216.1	13,770.0	158,964.0
Other Pollutants			
CO	Not calculated	Not calculated	Not Calculated
NO_x	Not calculated	Not calculated	Not Calculated
SO_2	Not calculated	Not calculated	Not Calculated
VOCs	Not calculated	Not calculated	Not Calculated
PM_{10}	Not calculated	Not calculated	Not Calculated
$PM_{2.5}$	Not calculated	Not calculated	Not Calculated

Measure Costs

The total implementation cost for WM-5 is estimated at approximately $159,047,000. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, municipalities/counties, or other partners. O&M costs include costs to operate the program and potential infrastructure maintenance; this also includes any potential capital costs (e.g., waste management equipment, site development). The implementation and administration costs includes 1 FTE per year for NMRLD, NMDOT, and GSD with each FTE being equal to the average total annual compensation for state employees in FY 2024 of $108,607. To present the cost in 2025 dollars, the CAP Team used an annual escalation rate of 3%. While landfill airspace capacity recovery and those potential savings are possible, these would be incurred by solid waste facility owners and operators (e.g., municipalities, counties, private entities) and not the state of New Mexico.

[739] U.S. Environmental Protection Agency, "2023 Greenhouse Gas Emissions from Large Facilities."

Table 132. Measure WM-5 Cost Estimates

Cost Component	Estimated Implementation Cost
Operational and maintenance	$146,789,000
Program/policy implementation and administration costs	$12,258,000
NMRLD employees	*$4,086,000*
NMDOT employees	*$4,086,000*
GSD employees	*$4,086,000*
Total	**$159,047,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure WM-5. (Appendix C provides details on these sources, organized by funding source number.)

- Solid Waste Infrastructure for Recycling Grants (Funding Source 87)
- Solid Waste Management Grants (Funding Source 88)
- Recycling and Illegal Dumping Fund (Funding Source 89)
- Solid Waste Facility Grant Fund (Funding Source 90)
- Clean and Beautiful Program (Funding Source 92)
- Recycling Partnership (Funding Source 93)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Incentives to repurpose unused buildings rather than constructing new structures will likely benefit New Mexicans by lowering construction costs, reducing waste, and increasing the availability of affordable housing.

Economic Benefits

- **Lower construction costs.** Primarily due to increasing housing shortages, adaptive reuse of buildings has become more prevalent. These projects often cost less than new construction, with estimated cost savings of 12–15% compared to new construction. Furthermore, developers can take advantage of federal tax credits to save more on the construction of adaptive reuse projects.[740]
- **Affordable and stable housing.** Median rent in New Mexico has increased by more than double the overall U.S. rate over the past seven years, with a shortage in the housing inventory serving

[740] Joel Fuoss, "Project Profile: How Adaptive Use Can Help Solve Affordable Housing Shortage, Environmental Issues," Urban Land, October 25, 2024, https://urbanland.uli.org/project-profile-how-adaptive-use-can-help-solve-affordable-housing-shortage-environmental-issues.

as a substantial reason.[741] Although the state is working on addressing this issue, incentives that encourage the adaptive reuse of unused or underused buildings provide additional opportunities to create more housing options, which may increase the supply of housing and decrease rents. Relaxing certain zoning restrictions and requirements also decreases barriers to converting unused buildings into residential facilities.[742]

- **Job creation.** Reducing the disposal of C&D materials through deconstruction and selective demolition may create new jobs and other economic opportunities related to recycling.[743]

Environmental Benefits

- **Waste reduction.** In 2018, C&D activities generated 600 million tons of waste in the United States, more than two times the amount of municipal waste generated in the same year. Of the 600 million tons generated, approximately 144 million tons were sent to landfills.[744] Although both new construction and renovations contribute to C&D debris, reuse of buildings uses fewer materials and generally produces less debris than new construction. In fact, demolition waste represents over 90% of all C&D waste, while construction represents less than 10%.[745] Incentivizing adaptive reuse projects in New Mexico will reduce waste as more structures are repurposed instead of demolished. In addition to the environmental benefit of reducing waste, adaptive reuse can result in savings of up to 20–30% in waste management costs.[746]

Public Health Benefits

- **Noise pollution reductions.** Noise pollution from construction can negatively affect the health and well-being of nearby residents.[747] Reducing the number of old structures being demolished and new construction lessens the high noise levels created by heavy machinery.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $53 million between 2026 and 2050.

LIDAC Benefits

Programs incentivizing the reuse and conversion of buildings would benefit New Mexico LIDACs in several ways. Converting whole buildings to affordable or workforce housing would provide more

[741] Alex Horowitz et al., "Restrictive Regulations Fuel New Mexico's Housing Shortage," Pew, January 21, 2025, https://www.pew.org/en/research-and-analysis/articles/2025/01/21/restrictive-regulations-fuel-new-mexicos-housing-shortage.
[742] Robbie Sequeira, "Cities Cut Red Tape to Turn Unused Office Buildings into Housing," *Source New Mexico*, November 25, 2024, https://sourcenm.com/2024/11/25/cities-cut-red-tape-to-turn-unused-office-buildings-into-housing/.
[743] U.S. Environmental Protection Agency, "Sustainable Management of Construction and Demolition Materials," Overviews and Factsheets, January 16, 2025, https://www.epa.gov/smm/sustainable-management-construction-and-demolition-materials.
[744] U.S. Environmental Protection Agency, *Advancing Sustainable Materials Management: 2018 Fact Sheet* (2020), https://www.epa.gov/sites/default/files/2021-01/documents/2018_ff_fact_sheet_dec_2020_fnl_508.pdf.
[745] U.S. Environmental Protection Agency, "Sustainable Management of Construction and Demolition Materials."
[746] Brian Weber, "Why Developers Are Turning to Adaptive Reuse: The Economic Alternative to New Construction," *Weber Murphy Fox*, June 6, 2025, https://wmf-inc.com/adaptive-reuse-the-economic-alternative-to-new-construction/.
[747] Mostafa Mir et al., "Construction Noise Effects on Human Health: Evidence from Physiological Measures," *Sustainable Cities and Society* 91 (April 2023): 104470, https://doi.org/10.1016/j.scs.2023.104470.

affordable and stable housing for low-income New Mexicans. Providing knowledge repositories to help local and Tribal governments update their zoning codes should they so choose will help reduce the burdens of taking on such conversion projects. Initiatives that reduce construction and demolition (C&D) waste will likely directly benefit New Mexicans in LIDACs because many landfills are in LIDACs.

LIDACs will benefit from this measure in the following ways:

- **Affordable and stable housing.** In New Mexico, rents and homelessness rates have increased faster than the national averages over the past few years.[748] With high office vacancy rates and housing shortages in many urban areas in New Mexico, incentives to convert buildings to residences can create more opportunities for affordable housing, which is likely to benefit low-income New Mexicans. A recent analysis showed that Albuquerque and Santa Fe could add hundreds of dormitory-style small apartments with community facilities such as kitchens and bathrooms. The expected rent of $700 to $800 per month would make these apartments affordable for individuals earning about 50% of the median income in these areas.[749] Incentivizing and replicating projects such as these can therefore help New Mexico increase access to affordable housing, which would particularly benefit low-income New Mexicans.
- **Waste reduction.** Demolition of structures and new construction produce C&D waste, some of which is sent to landfills. As demolition activities create 90% of total U.S. C&D waste, adaptive reuse of buildings has the potential for significant reductions in the amount of C&D debris generated.[750] Many New Mexico landfills permitted to accept industrial waste are located in LIDAC areas.[751] Reducing the amount of C&D debris through incentivizing the adaptive reuse of buildings can reduce the amount of material disposed of in landfills, conserve landfill space, and potentially lead to fewer landfills.[752] These impacts will benefit LIDACs living in areas near waste facilities.
- **Reduced exposure to pollution.** Due to the low amount of organic matter in C&D waste, air emissions from C&D debris are generally less of a concern than those from municipal waste. However, certain C&D waste can produce hydrogen sulfide gas, which has strong odors and can have certain health effects like eye, throat, and lung irritation.[753,754] Thus, a reduction in the amount of C&D waste sent to landfills located in LIDACs could reduce the amount of air pollution LIDAC residents are exposed to.

Disbenefits

NMED did not identify any disbenefits of this measure.

[748] Alex Horowitz and Tushar Kansal, "Co-Living Buildings in Albuquerque and Santa Fe Could Improve Housing Affordability," Pew, August 5, 2025, https://pewtrsts.org/4frnoSr.
[749] Horowitz and Kansal, "Co-Living Buildings in Albuquerque and Santa Fe Could Improve Housing Affordability."
[750] U.S. Environmental Protection Agency, "Sustainable Management of Construction and Demolition Materials."
[751] New Mexico Environment Department, "New Mexico Landfills Permitted to Accept Special Waste," February 12, 2025, https://www.env.nm.gov/solid-waste/wp-content/uploads/sites/17/2025/02/SWB_02-12-2025-Special-Waste-LF-List.pdf.
[752] U.S. Environmental Protection Agency, "Sustainable Management of Construction and Demolition Materials."
[753] Agency for Toxic Substances and Disease Registry, "Landfill Gas Primer - An Overview for Environmental Health Professionals," November 2001, https://www.atsdr.cdc.gov/hac/landfill/html/ch2a.html.
[754] U.S. Environmental Protection Agency, "Basic Information about Landfill Gas," Overviews and Factsheets, September 12, 2025, https://www.epa.gov/lmop/basic-information-about-landfill-gas.

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LIDAC Disbenefits

No disbenefits to LIDACS were identified in this analysis.

Additional Measures That Do Not Contribute Additional GHG Emission Reductions as Part of the Implementation Scenario

The following measures in the waste and materials sector are those that do not contribute additional GHG emission reductions as part of the implementation scenario. Table 133 provides additional details about these measures.

Table 133. Measures in the Waste and Materials Sector that Do Not Contribute Additional GHG Emission Reductions as Part of the Implementation Scenario

Measure	Rationale for Not Including GHG Emissions as Part of Total Reductions Presented in the Implementation Scenario
WM-6: Refrigerant Gas Removal and Disposal	Fugitive refrigerant emissions associated with household appliances are not included in New Mexico's baseline GHG emissions inventory.
WM-7: Promote Low-Embodied Carbon Construction Materials	Embodied carbon from construction materials is not included in New Mexico's baseline GHG emissions inventory.

Measure WM-6: Refrigerant Gas Removal and Disposal

This measure promotes proper refrigerant gas removal and disposal from used appliances at their end-of-life to reduce fugitive refrigerant emissions and assesses the potential impact of a statewide program focusing on this objective.

Implementation Authority and Responsibilities

NMED would be the lead implementing agency responsible for this measure.

NMED would likely need statutory authority from the legislature to implement measures seeking to develop training programs for proper removal and disposal of refrigerant gases. With statutes in place for this measure, NMED could then initiate a rulemaking with the EIB to further detail the measures in regulation, as may be appropriate.

Implementation Timeline and Milestones

NMED will implement this measure from 2027 through 2050 by consistently investing in upgrades to administration and infrastructure for recycling and managing used appliances (i.e., white goods) at their end-of-life to reduce fugitive refrigerant emissions. This initiative involves efforts to optimize recovery infrastructure, program administration, and program development through outreach, education, and organizational assistance.

Table 134. Measure WM-6 Implementation Timeline and Milestones

Timeline	Milestones
2027–2050	Program implementation

Metrics for Tracking Progress

To track progress for Measure WM-6, NMED will track indicators such as the number/amount of appliances (by mass and/or by unit) recovered through public programs (e.g., municipalities) and review, collect records from private industry sources as available. The implementing agency(ies) can use these data to estimate the additional number/amount of appliances recovered from these programs statewide. The implementing agency(ies) can then estimate GHG emissions prevented by estimating the quantities of refrigerants recovered. Refrigerants in appliances can consist of multiple types of compounds with varying GWPs.

Quantified Emission Reductions

For Measure WM-6, this analysis assumes that reductions in GHG emissions will be achieved by increasing the recovery of appliances containing refrigerants that, if mismanaged, can leak these compounds into the atmosphere and contribute to climate change. Such appliances are required to be staged separately and examined to make sure that refrigerants have been removed prior to landfilling. Importantly, the CAP Team determined that emission reductions from this measure would not contribute to emission reductions in the overall implementation scenario because emissions of refrigerants from appliance disposal are not included in the GHG inventory.



Old refrigerators at a Recycling Center. Photo Credit: iStock.

Although GHG reductions from this measure will not count toward cumulative portfolio reductions, the CAP Team estimated that a program to increase the recovery and proper disposal of refrigerants has broader emission reduction implications across all sectors. To estimate emission reductions from this measure, the CAP Team estimated the number of appliances containing refrigerants in New Mexico that could be expected to increase in recovery based on other recovery programs in the state.[755] Then, using 2021 data from EPA's Responsible Appliance Disposal program,[756] the CAP Team estimated the typical received mix of appliances (e.g., percentages of refrigerators, freezers, air conditioning units), and estimated the quantity, by mass, of refrigerants in these appliance types. Each appliance type was assumed to contain a specific blend of refrigerants. The masses of these compounds within these

[755] NMR Group, Inc. and Cadmus Group, Inc., *The Massachusetts Appliance Turn-in Program—Secondary Market and Appliance Disposal Report* (2011).

[756] U.S. Environmental Protection Agency, *15 Year Anniversary of the Responsible Appliance Disposal (RAD) Program* (2021), https://www.epa.gov/system/files/documents/2021-12/epa-rad-15-year-anniversary-report.pdf.

NMED Exhibit 54_000314

blends were then multiplied by their respective GWP[757] to estimate emission reductions annually through 2050 from recovery.

Table 135. Measure WM-6 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	Not calculated	Not calculated	Not calculated
CH_4	Not calculated	Not calculated	Not calculated
N_2O	Not calculated	Not calculated	Not calculated
CO_2e	7,100.0	6,800.0	168,000.0
Other Pollutants			
CO	Not calculated	Not calculated	Not Calculated
NO_x	Not calculated	Not calculated	Not Calculated
SO_2	Not calculated	Not calculated	Not Calculated
VOCs	Not calculated	Not calculated	Not Calculated
PM_{10}	Not calculated	Not calculated	Not Calculated
$PM_{2.5}$	Not calculated	Not calculated	Not Calculated

Measure Costs

The total implementation cost for WM-6 is estimated at approximately $4,086,000. This cost represents the financial commitment of the state of New Mexico and does not account for contributions or expenditures by private entities, utilities, municipalities/counties, or other partners. Implementation and administration costs included 1 FTE per year from 2027 through 2050, which is based on the average total annual compensation for state employees in FY 2024 of $108,607. This FTE would be incurred by NMED to provide program support, training, and other necessary functions to achieve measure objectives. To present the cost in 2025 dollars, the CAP Team used an annual escalation rate of 3%. The CAP Team assumed that capital costs and operational and maintenance costs would be incurred by municipalities, counties, and private entities that provide this service. Additionally, potential cost savings, such as from landfill airspace capacity recovery, would also be benefits incurred by the municipality, county, or private landfill owner or operator and were not considered for the state of New Mexico.

[757] Intergovernmental Panel On Climate Change, *Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change* (2007), https://www.ipcc.ch/site/assets/uploads/2020/02/ar4-wg1-sum_vol_en.pdf.

NMED Exhibit 54_000315

Table 136. Measure WM-6 Cost Estimates

Cost Component	Estimated Implementation Cost
Program/policy implementation and administration costs	$4,086,000
NMED employees	*$4,086,000*
Total	**$4,086,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure WM-6. (Appendix C provides details on these sources, organized by funding source number.)

- Advanced Energy Project Credit (Funding Source 21)
- ERA Program (Funding Source 22)
- Solid Waste Infrastructure for Recycling Grants (Funding Source 87)
- Solid Waste Management Grants (Funding Source 88)
- Recycling and Illegal Dumping Fund (Funding Source 89)
- Solid Waste Facility Grant Fund (Funding Source 90)
- Rural Infrastructure Revolving Loan Program (Funding Source 91)
- Clean and Beautiful Program (Funding Source 92)
- Recycling Partnership (Funding Source 93)
- USDA REAP (Funding Source 32)
- USDA EQIP (Funding Source 10)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

The development of a training program for the proper removal and disposal of refrigerant gases in common household appliances—as well as home, business, and industrial air conditioning units—will lead to job creation and meaningful waste reduction.

Economic Benefits

- **Job creation.** The development of a training program to support the proper removal and disposal of refrigerant gases from household appliances will create jobs in compliance and recycling occupations. Jobs may include trainers and technicians who are certified in proper refrigerant disposal methods.[758] In 2020, the entire recycling and zero-waste processing industry created as many as 1.17 jobs per 1,000 tons of recycled material were. This is an average of nine times as many jobs as trash processing creates.[759] While this statistic is not specific to household

[758] U.S. Environmental Protection Agency, "Stationary Refrigeration Safe Disposal Requirements," Other Policies and Guidance, March 11, 2025, https://www.epa.gov/section608/stationary-refrigeration-safe-disposal-requirements.
[759] Eco-Cycle, "Jobs & Economic Benefits of Zero Waste," accessed September 18, 2025, https://ecocycle.org/learn-about-zero-waste/jobs-and-economic-benefits/.

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appliance refrigerant, it proves that recycling and zero-waste programs lead to job creation and economic benefits.

Public Health Benefits

- **Improved hazardous waste management.** The development of training materials and a program for the recycling of household appliances and their dangerous pollutants will provide widespread opportunities for education and training, leading to improved hazardous waste management. More specifically, the implementation of training could make it easier for New Mexicans to learn and practice safe methods for recycling household appliances. Using Massachusetts as an example, some states publish resources on best practices for recycling hazardous products and allow users to search for specific products.[760] Waste management workers could also benefit greatly from a unified effort to create training materials for handling dangerous and pollutant-filled household appliances. Apart from the significant GWP that the improper disposal of refrigerant gas poses, localized exposure to hydrofluorocarbons can cause health problems ranging from irritated skin and eyes to potential cardiac arrest.[761]

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $52.3 million between 2026 and 2050.

LIDAC Benefits

LIDACs will benefit from this measure in the following ways:

- **Targeted job training.** The development of structured training for the removal and proper disposal of refrigerant gases in household appliances and air conditioners could provide job training for LIDACs. As previously defined in this measure's associated benefits analysis, the development and implementation of educational and training programs surrounding refrigerant disposal and removal will create some jobs.[762] While the scale of this job creation remains uncertain at this time, New Mexico possesses a unique opportunity to cater training toward LIDACs and provide targeted job training for any needed refrigerant gas disposal and removal occupations, especially where recycling, landfills, or waste management facilities are located near or in LIDACs, as they disproportionately are.[763]

Disbenefits

No disbenefits were identified in this analysis.

LIDAC Disbenefits

No disbenefits to LIDACS were identified in this analysis.

[760] Massachusetts Department of Environmental Protection, "Safely Manage Hazardous Household Products," Mass.Gov, accessed September 18, 2025, https://www.mass.gov/info-details/safely-manage-hazardous-household-products.
[761] Air Ideal, "HFC Refrigerants: A Crash Course on Their Usage," December 27, 2023, https://airideal.com/hfc-refrigerants-a-crash-course-on-their-usage/.
[762] U.S. Environmental Protection Agency, "Stationary Refrigeration Safe Disposal Requirements"; Eco-Cycle, "Jobs & Economic Benefits of Zero Waste."
[763] Skelton, "The Environmental Justice Movement."

Measure WM-7: Promote Low-Embodied Carbon Construction Materials

This measure supports the use of low-embodied carbon construction materials in public buildings across the state. It provides guidance, resources, and best practices to help agencies and project teams select materials with fewer GHG emissions over their life cycle. By promoting the adoption of these materials in publicly funded construction projects, the measure reduces the carbon footprint of state and local infrastructure while advancing more sustainable, climate-conscious building practices.

Implementation Authority and Responsibilities

EMNRD and NMDOT will be the lead implementing agencies for this measure; other agencies or external entities may be required to support its implementation.

EMNRD, with its existing authorities related to the sustainable building tax credit, the Regulation and Licensing Department, with its existing authorities related to the environmental building code, together with the New Mexico Department of Transportation, and General Services Department, do not need further authority to implement a measure to support and provide guidance on the use of low-embodied carbon construction materials. NMDOT in conjunction with the State Transportation Commission (STC), has the authority to implement a measure related to low-embodied carbon construction materials under NSMA 1978, Chapter 67-3-14(B), which provides in part that "[t]he state transportation commission may also make rules and regulations governing the method of construction, improvement and maintenance of state highways and bridges and compel compliance with the laws, rules and regulations relating to state highways and bridges." The STC would need to enact a policy regarding low-embodied carbon construction materials, or a policy directing NMDOT to develop guidelines on such materials. It is worth noting that the NMDOT has a materials lab and does work with new and experimental roadway construction materials and processes. There is no specific statutory authority for this; rather, it flows from NMDOT's various authorities to build and maintain the state highway system.

Implementation Timeline and Milestones

The implementing agency(ies) will administer this measure beginning in 2026 by developing guidance on the use of low-embodied carbon construction materials, including guidance documents, standards, outreach materials, and training workshops, as well as providing technical support. The agency(ies) will finalize guidance in 2027 and begin using low-embodied carbon materials in all new construction and major renovation projects starting in 2028. Thereafter, the agency(ies) will continue to update guidance and standards and provide refresher workshops.

Table 137. Measure WM-7 Implementation Timeline and Milestones

Timeline	Milestones
2026	Begin funding. Begin developing guidance on the use of low-embodied carbon construction materials.
2027	Finalize guidance on the use of low-embodied carbon construction materials.

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Timeline	Milestones
2028	Start using low-embodied carbon construction materials in all new construction and major renovation projects.

Metrics for Tracking Progress

The implementing agency(ies) will track progress on Measure WM-7 using indicators such as the number of building projects using low-embodied carbon materials, the types and quantities of materials selected, and estimated reductions in life cycle GHG emissions. The agency(ies) will collect data annually from project teams, public agencies, and relevant oversight bodies. These metrics will provide transparency, demonstrate environmental and economic outcomes, and communicate meaningful results to interested parties.

Quantified Emission Reductions

The CAP Team estimated emission reductions for Measure WM-7 assuming a 1% annual turnover of gross square footage in New Mexico's public buildings through new construction and major renovations. The CAP Team assumed that starting in 2028, all such projects would use low-embodied carbon materials, allowing a two-year lag to finalize regulations and guidance.

Based on literature case studies, the CAP Team conservatively applied a 19% reduction in embodied carbon[764] to annual baseline emissions by primary building use type (e.g., office, education, public assembly, public order and safety), using data from the Carbon Leadership Forum Benchmark Explorer.[765] This measure was assumed to cover all public buildings, including government offices, public schools and higher education institutions, libraries, police and fire stations, and other community facilities. Co-pollutant reductions were not calculated due to insufficient data.

Table 138. Measure WM-7 Quantified Emission Reductions as Compared to BAU Emissions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	Not Calculated	Not Calculated	Not Calculated
CH_4	Not Calculated	Not Calculated	Not Calculated
N_2O	Not Calculated	Not Calculated	Not Calculated
CO_2e	9,897.8	9,897.8	227,650.3
Other Pollutants			
CO	Not Calculated	Not Calculated	Not Calculated
NO_x	Not Calculated	Not Calculated	Not Calculated

[764] Matt Jungclaus et al., *Reducing Embodied Carbon in Buildings: Low-Cost, High-Value Opportunities* (RMI, 2021), https://rmi.org/wp-content/uploads/dlm_uploads/2021/08/Embodied_Carbon_full_report.pdf.
[765] Manuel Chafart et al., "CLF Benchmark Explorer," version 1.0, Carbon Leadership Forum, 2025, https://wblca-benchmark-explorer.carbonleadershipforum.org.

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Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
SO_2	Not Calculated	Not Calculated	Not Calculated
VOCs	Not Calculated	Not Calculated	Not Calculated
PM_{10}	Not Calculated	Not Calculated	Not Calculated
$PM_{2.5}$	Not Calculated	Not Calculated	Not Calculated

Measure Costs

The CAP Team estimated the total implementation cost for Measure WM-7 to be approximately $2 million. This cost represents the financial commitment of the state of New Mexico and does not include contributions or expenditures by private entities, utilities, or other partners. Funding will be provided at $500,000 annually for the first two years to develop guidance documents and standards, conduct outreach and training workshops, and provide technical support; and $50,000 each year thereafter through 2050 to update guidance materials and standards and provide refresher workshops.

In addition to direct project funding, the administration of this measure will require a commitment equivalent to 1 FTEs from the state of New Mexico over the duration of the program. Administrative costs are based on the average total annual compensation for state employees in FY 2024, which was $108,607.

All costs are presented in current-year dollars and do not account for future inflation.

Table 139. Measure WM-7 Cost Estimates

Cost Component	Estimated Implementation Cost
Program/policy implementation and administration costs	$4,865,000
EMNRD employees	*$2,498,000*
Total	**$4,865,000**

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure WM-7. (Appendix C provides details on these sources, organized by funding source number.)

- Credit for Builders of New Energy-Efficient Homes (Funding Source 17)
- ERA Program (Funding Source 22)
- USDA REAP (Funding Source 32)
- USDA RCPP (Funding Source 11)
- USDA EQIP (Funding Source 10)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

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Supporting and providing guidance on the use of low-embodied carbon construction materials like recycled steel, timber, and other biobased materials will provide training opportunities, increase manufacturing productivity, decrease air pollution, and reduce waste.[766]

Economic Benefits

- **Educational and training opportunities.** Supporting and providing guidance on the use of low-embodied carbon construction materials will increase educational and training opportunities for architects, engineers, and construction workers. Any educational and training opportunities would emphasize the importance of understanding the climate impacts of construction materials and teach architects, engineers, and construction workers the value of minimizing buildings' climate impacts. Existing courses, like the ones listed by the U.S. Green Building Council, offer examples as to how guidance programming could help New Mexico's building workforce build knowledge and apply it to upcoming projects.[767] Educational courses like these could make architects, engineers, and construction workers more valuable to private firms and developers, increasing wages and opportunities for work.[768]
- **Increased manufacturing productivity.** Supporting the use of low-embodied carbon construction materials will provide manufacturing benefits and a decreased carbon footprint. While roughly 15% of global GHG emissions are associated with the production of construction materials, manufacturers could simultaneously lower their operating costs and GHG emissions by addressing embodied carbon, increasing productivity by reusing materials while reducing the need for energy. This measure could help manufacturers consistently meet market demand, access new markets, and access opportunities to pass savings on to consumers.[769]

Environmental Benefits

- **Conservation of natural resources.** The most effective strategy for reducing embodied carbon in construction is to renovate or convert existing structures. Retrofits and renovations reuse and repurpose existing materials, requiring fewer new materials to be used.[770] These types of projects can revitalize previously abandoned or run-down buildings while reducing embodied carbon by up to 75% compared to building from scratch.[771] Renovations may have the added benefit of improved aesthetics while keeping the original feel or style of a building or neighborhood.
- **Air pollution reduction.** By reducing the use of fossil fuels used in construction, using low-embodied carbon construction materials can reduce additional harmful air pollutants associated

[766] Alex Boury, "Low Carbon Building Materials in Construction," April 17, 2024, https://www.theaccessgroup.com/en-gb/blog/con-low-carbon-building-materials-in-construction/.
[767] American Training Solutions, "Embodied Carbon: Incorporating Climate-Friendly Materials in Residential Projects," June 12, 2025, https://www.usgbc.org/education/sessions/embodied-carbon-incorporating-climate-friendly-materials-residential-projects-0.
[768] Greenplaces, "Why Sustainability in Architecture Can't Wait: The Blueprint for a Low-Carbon Future," July 2021, https://greenplaces.com/articles/why-sustainability-in-architecture-cant-wait-the-blueprint-for-a-low-carbon-future/.
[769] U.S. Environmental Protection Agency, "C-MORE: Construction Material Opportunities to Reduce Emissions," Overviews and Factsheets, August 2025, https://www.epa.gov/greenerproducts/cmore; Jungclaus et al., *Reducing Embodied Carbon in Buildings: Low-Cost, High-Value Opportunities*.
[770] Helen Morphew, "The Practical and Environmental Benefits of Renovation Over New Build," BSE 3D, July 5, 2024, https://www.bse3d.com/blog/the-practical-and-environmental-benefits-of-renovation-over-new-build.
[771] RPS Group, "Embodied Carbon: What It Is and How to Tackle It," accessed September 18, 2025, https://www.rpsgroup.com/services/environment/sustainability-and-climate-resilience/what-is-embodied-carbon/.

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with burning fossil fuels, including PM, VOCs, SO_2, and NO_X.[772] These pollutants can cause respiratory distress or illness, cardiovascular disease, and even premature death.[773] In 2023, a study found that builders and designers could reduce the carbon footprint of new home construction by using affordable, code-compliant, and low-embodied carbon materials. Low-embodied carbon construction may also reduce the use of some harmful chemicals. For example, finishing materials, such as insulation, varnishes, sealants, and new furniture can release VOCs. VOCs can cause headaches, nausea, and fatigue, and worsen respiratory tract problems such as asthma.[774]

- **Waste reduction.** Supporting the use of low-embodied carbon construction materials will reduce waste created by C&D projects in New Mexico. In 2018, 600 million tons of C&D debris were generated in the United States, more than twice the amount of municipal solid waste generated. Out of this debris, 145 million tons were sent to landfills.[775] However, using low-embodied carbon construction materials increases material efficiency and optimizes designs, resulting in more durable and deconstructable spaces. This can lengthen a building's useful life and better facilitate its end-of-life management, including demolition.[776] This intentional process of promoting reuse in construction through low-embodied carbon construction programming could reduce construction waste in New Mexico.

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $71.6 million between 2026 and 2050.

LIDAC Benefits

LIDACs will benefit from this measure in the following ways:

- **Reduced exposure to environmental hazards.** Reducing construction debris by providing guidance and support on the use of low-embodied carbon construction materials will reduce LIDAC exposure to environmental hazards. Stormwater runoff has potential to greatly disturb ecosystems, especially when mixed with waste materials found on construction sites.[777] Any sort of water source pollution from construction debris has potential to create an environmental hazard for the surrounding community. Unfortunately, LIDACs are often disproportionately

[772] Sienna Bishop, "Air Quality Monitoring in Construction Zones: Minimizing Health Risks and Enhancing Sustainability," *Clarity Movement Co.*, June 28, 2023, https://www.clarity.io/blog/air-quality-monitoring-in-construction-zones-minimizing-health-risks-enhancing-sustainability.
[773] Savannah Bertrand, *Fact Sheet: Climate, Environmental, and Health Impacts of Fossil Fuels* (Environmental and Energy Study Institute, 2021), https://www.eesi.org/papers/view/fact-sheet-climate-environmental-and-health-impacts-of-fossil-fuels-2021.
[774] U.S. Environmental Protection Agency, "Volatile Organic Compounds' Impact on Indoor Air Quality," Overviews and Factsheets, July 24, 2025, https://www.epa.gov/indoor-air-quality-iaq/volatile-organic-compounds-impact-indoor-air-quality.
[775] U.S. Environmental Protection Agency, "Sustainable Management of Construction and Demolition Materials."
[776] Audrey Rempher et al., "Embodied Carbon 101: Building Materials," March 27, 2023, https://rmi.org/embodied-carbon-101/.
[777] Path Light Pro, "Sources of Stormwater Runoff Pollution On Construction Sites -," April 30, 2024, https://www.pathlightpro.com/sources-of-stormwater-runoff-pollution-on-construction-sites/.

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impacted by flooding, drainage, and water pollution concerns.[778] As a result, a reduction in potential contaminants through the usage of low-embodied carbon construction materials will benefit LIDACs with respect to their exposure to environmental hazards.

Disbenefits

No disbenefits to were identified in this analysis.

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Unequal access to benefits.** Guidance toward using low-embodied carbon construction materials will encourage the design of construction with durability in mind. By focusing on durability through design, buildings will attain a longer lifetime, require fewer repairs, and be constructed with efficiency in mind, including the exclusion of energy-intensive mechanical systems that come with high embodied carbon footprints.[779] However, durable construction may increase housing prices, and the process of gentrification could occur in previously older neighborhoods with run-down buildings. More specifically, "green gentrification" is the process of an urban area becoming more environmentally friendly and attracting higher income residents, driving up property prices and the cost of living while driving out lower income residents.[780] As a result, "green gentrification" could act as a barrier to LIDACs experiencing the benefits of low-embodied carbon construction. New Mexico could confront this issue by implementing policy that prevents lower income residents from being pushed out of these areas, like the "Green Justice Zones" implemented in Providence, Rhode Island, in 2020.[781]

[778] Ryan D. Eaves, "Incorporating Environmental Justice into Future Stormwater Decision-Making," IECA News Center, January 9, 2024, https://news.ieca.org/incorporating-environmental-justice-into-future-stormwater-decision-making/.
[779] Rempher et al., "Embodied Carbon 101: Building Materials."
[780] Robert F. Smith, "Green Gentrification: Urban Renewal or Environmental Exclusion," *Robert F. Smith*, August 17, 2023, https://robertsmith.com/blog/green-gentrification/.
[781] Smith, "Green Gentrification."



5.3.7 Economy-Wide Measure (Alternative Implementation Scenario)

As an alternative implementation path compared to the measures above, the NM CAP includes one economy-wide measure, a cap-and-invest program. The cap-and-invest program is a market-based alternative to implementing the specific electricity and industrial measures presented in the CAP. Revenue generated from a cap-and-invest program can be used to support measures across all sectors in the CAP. Table 140 summarizes this measure and its estimated costs, GHG emission reductions, and monetized benefits through 2050. A discussion of the measure follows.

Table 140. Summary of Estimated Costs, GHG Emission Reductions, and Monetized Benefits for Cap-and-Invest Measure

Measure Number and Name	Cumulative Cost Through 2050 (Thousand $)	Cumulative GHG Reduction Through 2050 (MTCO2e)	Cost per MTCO2e Reduced ($/MTCO2e)	Monetized Social Benefit of GHG Reduction Through 2050 (Thousand $)	Monetized Value of Cumulative Health Benefits Through 2050 (Thousand $)
EW-1: Establish a Cap-and-Invest Program	$90,000	315,202,614	$0.29	$827,079,586	Not calculated
Subtotal	**$90,000**	**315,202,614**	**$0.29**	**$827,079,586**	**Not calculated**

Measure EW-1: Establish a Cap-and-Invest Program

This measure establishes a cap-and-invest program designed to reduce CO_2 and CH_4 emissions in the electricity generation, oil and gas, and industrial (other) sectors. A declining limit (cap) based on a 2023 emissions baseline is set on total emissions in the covered sectors. The emissions threshold for entities subject to the cap-and-invest program is 10,000 $MTCO_2e$ annually. Starting in 2030 and continuing through 2050, the cap is reduced annually to ensure steady progress toward the state's climate goal. Based on the cap for a given year, allowances representing one $MTCO_2e$ of emissions are auctioned by the implementing agency(ies) to covered entities. Covered entities must hold an allowance for every $MTCO_2e$ they emit. Revenue generated from allowance purchases is available to the implementing agency(ies) to invest in activities to be determined by rule.

Implementation Authority and Responsibilities

The EIB is the board created by New Mexico's Environmental Improvement Act (NMSA 1978, Sections 74-1-1 to 74-1-17). NMED is delegated the power under the Environmental Improvement Act to

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enforce such promulgated regulations, as well as rules and orders promulgated by the EIB (NMSA 1978, Section 74-1-6(F)). Under these authorities, NMED would likely need legislation to initiate a rulemaking with the EIB to promulgate regulations and implement a cap-and-invest program.

Implementation Timeline and Milestones

If enacted, NMED would be charged with design and develop the cap-and-invest program between 2026 and 2029. The program development process will include steps such as establishing the legal framework and legal authority for the program, designing the program's architecture, finalizing the rule governing the program, building the administrative and technical infrastructure necessary to operationalize the program (e.g., establishing an auction platform and emissions tracking system), determining an investment strategy for allowance revenue collected, and continuously conducting stakeholder engagement and public outreach. The first reduction in the cap will occur in 2030, and reductions will continue through 2050.

Table 141. Measure EW-1 Implementation Timeline and Milestones

Timeline	Milestones
2026	Begin rulemaking hearing for cap-and-invest program.
2029	Finalize program architecture and rule governing the cap-and-invest program.
2030	First year cap reduces.
2031–2050	Cap continues to decrease.

Metrics for Tracking Progress

To track progress on Measure EW-1, the implementing agency(ies) will monitor emission reductions achieved by the measure over time, which will be available through the program's emissions tracking system; annual and cumulative allowance purchases and revenue generated from allowance purchases, which will be available through the program's auction platform; and investments made from revenue generated by auction sales.

Quantified Emission Reductions

The CAP Team estimated emissions reductions from Measure EW-1 based on annual linear reduction factors[782] applied to a 2023 baseline of CO_2 and CH_4 emissions for entities that emit 10,000 $MTCO_2e$ in the electricity generation, oil and gas, and industrial (other) sectors. The proposed cap-and-invest program only covers CO_2 and CH_4 emissions. Emissions reductions occur between 2030 and 2050 (a 21-year period). The CAP Team used an annual linear reduction factor of 4.7619% for the electricity generation sector, which results in carbon-free electricity by the end of 2050. An annual linear reduction factor of 2% in the emissions cap was applied to both the oil and gas and industrial (other) sectors, which results in a 42% reduction in emissions in 2050 in each of these sectors.

[782] In a cap-and-invest program, the annual linear reduction factor is applied to the baseline emissions cap and results in a consistent decline in the emissions cap over time. For example, if a state's baseline emission cap is 100 million $MTCO_2e$ and the annual linear reduction factor is 2%, the cap is reduced by 2 million $MTCO_2e$ each year.

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The Reeves Generating Station in Albuquerque, New Mexico. Photo Credit: iStock.

Baseline emissions for this cap-and-invest program are based on New Mexico's 2023 GHG emissions inventory presented in Section 2 of this plan. Baseline emissions in the electricity generation sector are associated with 19 generating units in New Mexico that have emissions greater than 10,000 $MTCO_2e$. Baseline emissions in the oil and gas sector are associated with operators that emit 10,000 $MTCO_2e$ across the production (79 operators), gathering and boosting (52 operators), processing (30 operators), and transmission (26 operators) segments. In the industrial (other) sector, emissions are not available by individual entity or facility. To determine baseline emissions in this sector, the CAP Team assumed 50% of total sector emissions are associated with entities that emit at least 10,000 $MTCO_2e$. Business as usual emissions for covered entities is assumed to be the same as the 2023 baseline and constant between 2030 and 2050.

Estimated cumulative emission reductions achieved through the cap-and-invest program through 2030 and 2050, respectively, are presented in Table 142.

Table 142. Measure EW-1 Quantified Cumulative Emission Reductions

Pollutant	Estimated Annual Emission Reductions (Metric Tons)		
	2030	2050	Cumulative
GHGs			
CO_2	1,123,282.7	23,588,923.0	259,473,303.6
CH_4	8,095.0	169,994.9	1,869,943.3
N_2O	Not calculated	Not calculated	Not calculated
CO_2e	1,364,513.5	28,654,769.4	315,202,614.2
Other Pollutants			
CO	Not calculated	Not calculated	Not Calculated
NO_x	314.9	6,611.8	Not Calculated
SO_2	89.4	1,876.3	Not Calculated
VOCs	Not calculated	Not calculated	Not Calculated
PM_{10}	Not calculated	Not calculated	Not Calculated
$PM_{2.5}$	Not calculated	Not calculated	Not Calculated

* The CAP Team estimated emissions reductions for NO_x and SO_2 for the electricity sector only due to available data.

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Measure Costs

The total cost to NMED to develop the cap-and-invest program/rule and administer the program is estimated at approximately $90 million. The CAP Team assumed a cost of $3.6 million per year between 2026 and 2029 to develop and finalize a rulemaking for the cap-and-invest program, and $3.6 million per year between 2030 and 2050 to administer the program.[783] This results in $14,400,000 to develop and finalize the rulemaking for the program between 2026 and 2029, and $75,600,000 to administer the program between 2030 and 2050.

All costs are presented in 2025 dollars and do not account for future inflation.

Table 143. Measure EW-1 Cost Estimates

Cost Component	Estimated Implementation Cost
Costs incurred by NMED to develop and finalize the rulemaking for the program	$14,400,000
Costs incurred by NMED to administer the program	$75,600,000
Total Cost	**$90,000,000**

Intersection with Other Funding Availability

The CAP Team did not identify any applicable funding sources for this measure.

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

A cap-and-invest program sets a firm limit on GHG emissions, while generating revenue through the sale of allowances. This approach not only drives reductions in pollution and related health risks but also creates resources to invest in clean energy, economic development, and community benefits.

Economic Benefits

- **Job creation in non-polluting industries**. Cap-and-invest policies tend to cause a reallocation of employment from one sector to another, as opposed to net job gains or losses. As jobs are lost in polluting industries, such as fossil fuel power plants, they may be replaced by new jobs in non-polluting industries, such as renewable energy.[784] Program revenues may be used to assist with

[783] Annual administration costs for the cap-and-invest program are assumed to cover two to three full-time employees at NMED, as well as costs to run and maintain the allowance auction, maintain the allowance and emission tracking systems, publish data, and answer questions. $3.6 million per year is consistent with program administration costs associated with the Regional Greenhouse Gas Initiative (https://www.rggi.org/sites/default/files/Uploads/RGGI-Inc-Documents/Budgets-Finances/RGGI_2024_Budget_Website.pdf). The CAP Team assumed the same $3.6 million/annually to develop the cap-and-invest program between 2026 and 2029.

[784] Marc Hafstead and Lauren Dunlap, "Carbon Pricing 106: Effects on Employment," Resources for the Future, May 2020, https://media.rff.org/documents/Carbon_Pricing_106.pdf.

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the transition to jobs in non-polluting industries.[785] In addition, jobs may be created to reduce emissions in sectors such as oil and gas (related to electrification of ICE processes, for example).

- **Energy independence.** The cap-and-invest program promotes energy independence directly by making less pollution-intensive energy production more competitive. In addition, program revenue may be reinvested in renewable energy and climate adaptation, which further advances efforts toward energy independence.[786]
- **Increased energy resilience.** To the extent that program revenue is reinvested in resilience measures, a carbon pricing program can increase energy resilience.

Environmental Benefits

- **Air pollution reductions.** By limiting overall emissions, and reducing limits over time, the cap-and-invest program will reduce environmental impacts of co-pollutants, such as damage to vegetation and crops through ozone and nutrient deposition, harm to aquatic ecosystems through nutrient enrichment, and corrosion of buildings and monuments.[787]

Public Health Benefits

- **Reduced exposure to environmental hazards.** Cap-and-invest programs will reduce emissions of co-pollutants. Co-pollutants, such as PM, are known to cause adverse health impacts such as asthma, heart attacks, and decreased lung function.[788]

Benefit of GHG Reduction

Based on the cumulative reduction in CO_2e, the societal benefit of this measure, calculated using the Social Cost of Carbon (Appendix D), which reflects the monetized value of avoided climate damages such as reduced health impacts, agricultural losses, infrastructure risks, and environmental degradation, is estimated at $827 billion between 2026 and 2050.

LIDAC Benefits

LIDACs will benefit from this measure in the following ways:

- **Emission reductions.** By limiting overall emissions and reducing limits over time, a cap-and invest program will reduce the environmental impacts of co-pollutants. To the extent that polluting industries are in or near LIDACs, the benefits will be greater for LIDACs than for other communities.
- **Carbon dividends benefit low-income households**. Carbon dividends from cap-and-invest programs can redistribute the program revenues back to households through low-income tax credits and low-income energy assistance programs. The dollar amount of carbon dividends will likely exceed the increased cost of energy and other goods and services for low- and middle-income households.[789]

[785] Next Gen Carbon Emission Pricing Plan, Senate Bill 393, 54th New Mexico Legislature (2019), https://www.nmlegis.gov/Sessions/19%20Regular/bills/senate/SB0393.pdf.
[786] Next Gen Carbon Emission Pricing Plan.
[787] U.S. Environmental Protection Agency, "Criteria Air Pollutants," accessed September 22, 2025, https://www.epa.gov/criteria-air-pollutants.
[788] U.S. Environmental Protection Agency, "Health and Environmental Effects of Particulate Matter (PM)."
[789] Marc Hafstead, "Carbon Pricing 102: Revenue Use Options," Resources for the Future, Stptember 2019, https://media.rff.org/documents/Carbon_Pricing_Explainer_102.pdf.

Disbenefits

Potential disbenefits include:

- **Increased GHG emissions.** Cap-and-invest policies may have the unintended consequence of firms deciding to relocate emissions-related production to states or countries with less stringent emissions regulations, which may result in no change (or an increase) in overall GHG emissions. However, data indicates that declines in industry and fossil fuel-fired power plants in states with similar existing programs are more likely due to shifting power generation mixes and regional petroleum economics and geology.[790] Policymakers can consider this possibility when designing a program to reduce the likelihood of "leakage," using existing guidance developed by other states with similar programs.[791]

LIDAC Disbenefits

Potential disbenefits and LIDAC disbenefits from this measure include:

- **Job loss.** Decisions by firms to reduce or relocate production may lay off workers. These job loss impacts may be anticipated and addressed through New Mexico's workforce transition strategies. For example, the Energy Transition Workforce Equity project commits $1.5 million to develop and expand New Mexico's qualified clean energy workforce capacity. In addition, the ETA Displaced Worker Assistance Fund was established to support New Mexico residents who were displaced or terminated due to the abandonment of New Mexico facilities producing electricity that resulted in displacement of at least 40 workers.[792] NMDWS is devoting resources and planning to facilitate the transition of oil and gas workers toward clean energy sectors.[793]
- **Increased energy prices.** Firms may choose to pass on the costs of compliance with a cap-and-invest market programs to consumers (e.g., through higher energy prices). However, these impacts may be offset through redistributions of program revenue, especially to low-income consumers.
- The California Independent Emissions Market Advisory Committee (IEMAC) estimates that the state's cap-and-trade program has increased the 2023 electricity rates charged by Pacific Gas and Electric (PG&E) by four percent but is not a significant overall driver of electricity retail prices. They also estimate that cap-and-trade compliance increased 2023 natural gas prices by eight percent and gasoline prices by five percent or 26 cents per gallon. However, in all cases, the program generates carbon market revenues that can offset energy affordability impact on energy consumers while still reducing fossil fuel use. These include a bi-annual "climate credit" on consumers' utility bills.[794]

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[790] U.S. EPA, "Data Sets | US EPA," accessed December 1, 2025, https://www.epa.gov/ghgreporting/data-sets.

[791] The Washington Department of Ecology, "Review of Best Practices for Avoiding Leakage (Report to the Legislature on EITE Allocation for 2035-2050)," May 1, 2025, https://ecology.wa.gov/getattachment/821f10d5-23f6-4eba-b005-0056aa157d8c/Document-1-Review-of-best-practice-policies-for-avoiding-leakage-May-1-2025.pdf.

[792] State of New Mexico, "Department of Workforce Solutions."

[793] New Mexico Department of Workforce Solutions, *New Mexico Workforce Innovation and Opportunity Act (WIOA) Combined State Plan, Program Years 2024-2027*.

[794] Meredith Fowlie and Douglas Burtraw, "Chapter 1: Assessing the Affordability Implications of California's GHG Cap and Trade Program [Draft]," in *2025 Annual Report of the Independent Emissions Market Advisory Committee* (California Environmental Protection Agency, 2025), https://calepa.ca.gov/wp-content/uploads/2025/01/Chapter-1-Assessing-the-Affordability-Implications-of-Californias-GHG-Cap-and-Trade-Program.pdf.

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- WA-ECY estimates that for Washington state, the Climate Commitment Act will have an overall gasoline price impact of between one and three percent on that state's gasoline prices as businesses adapt to the policy.[795]
- Both California and Washington are part of Petroleum Administration for Defense District 5 (PADD5 – West Coast).[796] The PADD5 fuel market is distinct from other U.S. PADD regions because of its relative isolation from other U.S. refining centers, like the Gulf Coast, and global refining centers, like Asia and Europe.[797] This makes fuel consumers relatively more dependent on local refineries than in an area like New Mexico. New Mexico consumers to a greater degree can purchase fuel from out-of-state refineries that are not subject to cap-and-trade regulations.
- Like California and Washington, however, cap and trade requirements for a cleaner transportation fuel mix would encourage the production, import, or dispensing for use in New Mexico of cleaner transportation fuels that earn credits under the Clean Transportation Fuel Program (CTFP).[798] The CTFP could thus help offset costs under a cap-and-trade program as the two programs complement one another.

[795] Washington State Department of Ecology, "Economic Impacts of Washington's Climate Policies," https://ecology.wa.gov/air-climate/climate-commitment-act/cap-and-invest/economic-impacts.
[796] U.S. Energy Information Administration, "Petroleum Administration for Defense Districts," https://www.eia.gov/petroleum/weekly/includes/padds.php.
[797] U.S. Energy Information Administration, *West Coast Transportation Fuel Markets* (2015), https://www.eia.gov/analysis/transportationfuels/padd5/pdf/transportation_fuels.pdf.
[798] New Mexico Environment Department, "Clean Transportation Fuel Program," 2025.



5.3.8 Enabling Measures

The measures described in this section do not have a direct impact on GHG emission reductions. Rather, these measures support or "enable" the implementation and/or full effectiveness of other measures that do contribute directly to GHG emission reductions.

Measure EM-1: Climate Information Hub

This measure establishes an online climate information hub to connect governments, organizations, and individuals with information, resources, and knowledge on climate strategies. The hub would serve as a central space to share successful programs, find project partners and supporters, identify funding sources, scale up projects, align infrastructure, and crowdsource information. The hub, if built on an ArcGIS platform, could include dashboards with graphs, tables, stories, and maps to allow users to easily access the information they need. By facilitating coordination and communication across climate actors in New Mexico, the hub would support the advancement of climate action across the state.

Implementation Authority and Responsibilities

NMED and EMNRD do not need further authority to work on the Climate Information Hub and Community and Tribal CAP Templates enabling actions with the resources provided by CPRG.

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure EM-1. (Appendix C provides details on these sources, organized by funding source number.)

- Climate Smart Communities Initiative (Funding Source 53)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

A climate information hub could provide opportunities for sharing information about climate initiatives and funding opportunities, enabling communities to learn about measures they could implement to increase their climate resilience and discover funding opportunities to support those measures. Information hubs have been beneficial for New Mexico in other contexts. For example, New Mexico Highlands University created an information hub to provide helpful information and resources to New Mexicans impacted by the 2022 Hermit Peak/Calf Canyon fire.[799] A climate information hub would likely have the following economic and environmental benefits:

[799] New Mexico Forest and Watershed Restoration Institute, "Hermit's Peak/Calf Canyon Fire Resources," accessed September 22, 2025, https://hermits-peak-calf-canyon-fire-resources-nmhu.hub.arcgis.com/.

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Economic Benefits

- **Access to climate funding.** A centralized climate information hub could help governments and nonprofits in New Mexico identify and access additional private and public funding sources for climate initiatives, which could reduce the financial burden of those initiatives on households (or the cost burdens that households would bear if communities were forced to forgo certain climate initiatives) and support climate action in the state.
- **Improved productivity.** In order to access funding opportunities, communities must be aware of those opportunities and their requirements.[800] Applying for grants, particularly federal grants, can also be a time-consuming process.[801] A climate information hub would make it easier for communities to discover funding opportunities, and would reduce the time and resources that communities spend searching for and applying for grants and leverage legislative funding dedicated to that purpose.
- **Educational and training opportunities.** Communication barriers between state agencies, as well as between governments, nonprofits, and other stakeholders, are common. By gathering information on climate initiatives in New Mexico and facilitating the exchange of ideas between stakeholders, a climate information hub could help stakeholders learn about existing strategies that work well and could be implemented in other communities in the state.

Environmental Benefits

- **Increased climate resilience.** By helping governments and nonprofits in New Mexico find out about climate programs and funding opportunities, a centralized climate information hub could help communities identify and implement strategies to increase their climate resilience. This could help communities in New Mexico prepare for future challenges from climate impacts by supporting strategies such as improving water supply resilience, improving the reliability of energy infrastructure, and increasing access to shade. An information hub could also connect individuals with essential services and information related to disaster recovery and prevention. The Hermit's Peak/Half Canyon Fire Resources Hub, for example, centralizes fire resources for individuals and families. It includes resources such as a signup link for text and email emergency alerts and links to fact sheets on various topics, including mental health resources.[802]

LIDAC Benefits

A climate information hub could benefit LIDACs in a number of ways:

- **Access to funding opportunities.** Private grant funding in New Mexico has been unevenly distributed in the past, with rural counties receiving significantly less funding. Of the 33 counties in New Mexico, 11 counties (most of which were rural) received less than $100,000 from foundation grants in 2015, and an additional nine counties received no grant money from foundations that year.[803] A centralized platform with climate programs and funding opportunities available in New Mexico could increase awareness in LIDACs of those programs

[800] "The Road to Climate Resilience: Navigating the World of Grant Funding," accessed September 22, 2025, https://blog.aem.eco/the-road-to-climate-resilience-navigating-grant-funding-the-world-of-grant-funding.
[801] National Council of Nonprofits, "Improving Access to Federal Grants for Underserved Communities," 2023, https://www.councilofnonprofits.org/files/media/documents/2023/ncn-federal-grants-hearing-testimony-5-2-2023.pdf.
[802] New Mexico Forest and Watershed Restoration Institute, "Hermit's Peak/Calf Canyon Fire Resources."
[803] New Mexico Association of Grantmakers, "Philanthropy in New Mexico," 2018, https://www.taoscf.org/wp-content/uploads/2019/04/Philanthropy-in-New-Mexico-2018.pdf.

and reduce the time burden of finding relevant funding opportunities, which in turn could lead to more funding flowing to LIDACs for programs that will help increase their climate resilience. Because LIDACs in New Mexico are expected to be disproportionately affected by climate impacts,[804] simplifying and coordinating access to funding opportunities will be essential in ensuring LIDACs have adequate funding for climate mitigation, adaptation, and resilience programs.

- **Support for community-led projects**. LIDACs have fewer resources than other communities to develop and support community-led projects. A climate information hub could provide examples of successful projects in other communities that LIDACs could seek to implement in their own communities. The hub could also help LIDACs discover funding opportunities that they might otherwise not learn about, which could help LIDACs access the resources they need to support community-led projects.

Disbenefits

No potential disbenefits were identified in this analysis:

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Unequal access to benefits.** LIDACs face numerous barriers to accessing grant money that a climate information hub by itself might not address. Applying for federal grants and managing the funding from those grants can be burdensome.[805] LIDACs can also struggle to obtain grant funding, even from grants that specifically prioritize low-income or overburdened communities.[806,807] However, New Mexico offers support through the Federal Grants Bureau for state agencies, as well as Tribal and local governments, to apply for and manage federal grants.[808] Including information on the climate information hub about grant application support resources, such as the Federal Grants Bureau, could help ensure that LIDACs would be able to access the funding opportunities on the hub.
- **Digital divide.** Because the climate information hub would be an online resource, households and communities with limited access to the internet might struggle to access this resource. Only 80% of households in New Mexico had access to some form of internet subscription in 2021, compared to 87% in United States as a whole that year.[809] In some communities in the state, less than 50% of households had broadband access in 2021.[810] New Mexico is attempting to address

[804] *New Mexico Climate Adaptation and Resilience Plan*, with R. Finkelstein et al. (New Mexico Energy Minerals and Natural Resources Department, Climate Policy Bureau, 2024), https://cloud.env.nm.gov/resources/_translator.php/NzgyYTRmNGNiNGYzNTQ2MTRiOWNiN2I5MV8xODMwNzk~.pdf.
[805] U. S. Government Accountability Office, "Communities Rely on Federal Grants, But May Have Challenges Accessing Them."
[806] Eric Stokan et al., "Neediest Areas Are Being Shortchanged On Government Funds − Even With Programs Designed To Benefit Poor Communities," *The Conversation*, May 6, 2024, https://theconversation.com/neediest-areas-are-being-shortchanged-on-government-funds-even-with-programs-designed-to-benefit-poor-communities-221848.
[807] General Services Administration, "Understanding Tribal Nations Experiences Accessing Federal Grants."
[808] New Mexico Department of Finance and Administration, "Federal Grants Bureau," accessed September 23, 2025, https://www.nmdfa.state.nm.us/infrastructure-planning-and-development-division/federal-grants-bureau/.
[809] New Mexico State University Center for Community Analysis, "The Digital Divide in New Mexico," accessed September 23, 2025, https://cca.nmsu.edu/dashboards-list/digital-divide.html.
[810] New Mexico State University Center for Community Analysis, "The Digital Divide in New Mexico."

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its digital divide; in 2021, the state created the Office of Broadband Access and Expansion and appropriated $100 million to establish the Connect New Mexico Fund.[811] To ensure equal access to the climate information hub, New Mexico could continue its efforts to bridge the state's digital divide and work directly with communities to ensure they have access to information from the hub.

Measure EM-2: Community and Tribal CAP Templates

This measure supports the development of CAP templates for New Mexico's Nations, Pueblos, and Tribes to develop their own plans and accelerate climate action in their sovereign lands. The measure supports CAP templates for municipalities and other local governments to implement action at the local level. This measure assists entities with limited resources in creating plans that increase community resilience, reduce GHG emissions, and advance climate equity.

Implementation Authority and Responsibilities

NMED and EMNRD do not need further authority to work on the Climate Information Hub and Community and Tribal CAP Templates enabling actions with the resources provided by CPRG.

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure EM-2. (Appendix C provides details on these sources, organized by funding source number.)

- USDA RCPP (Funding Source 11)
- Climate Smart Communities Initiative (Funding Source 53)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Local CAPs can help Nations, Pueblos, and Tribes (NPTs), mitigate their emissions and deliver a variety of local environmental, health, and economic benefits.[812] Local CAPs can deliver the same results for New Mexico communities. Over 700 local jurisdictions in the United States have climate or sustainability plans, including several in New Mexico.[813] While a number of CAP templates can be found online,[814] templates specific to the context and needs of NPTs and communities in New Mexico could improve planning and outreach.

[811] New Mexico Department of Information Technology, "New Mexico Broadband Program," accessed September 23, 2025, https://www.doit.nm.gov/programs/broadband/.
[812] Washoe County, Nevada, "Benefits of Climate Action," accessed September 23, 2025, https://washoecounty.gov/sustainability/Climate-Action-Planning/climate-action-plan-introduction/benefits-of-climate-action-intro.php.
[813] ICLEI USA, "Atlas of Sustainability Action Planning," accessed September 23, 2025, https://icleiusa.org/atlas-of-sustainability-action-planning/.
[814] U.S. Department of Energy, "Low Carbon Pilot - Action Plan Templates," accessed September 23, 2025, https://betterbuildingssolutioncenter.energy.gov/low-carbon-pilot-action-plan-templates.

Economic Benefits

- **Reduced planning costs.** NPTs and communities that develop CAPs often work with consulting firms,[815] local universities,[816] government agencies,[817] and other organizations[818] to develop those plans. Publicly available templates specific to New Mexico could streamline the CAP development process for NPTs and New Mexico communities by reducing the amount of outside support needed and by improving collaboration between organizations. Location-specific templates have successfully supported CAP development in other places.[819]

Environmental Benefits

- **Increased climate resilience.** The process of creating a local CAP can involve extensive outreach to residents and stakeholders.[820] This outreach could increase awareness of local climate vulnerabilities in NPTs and in New Mexico communities.[821] Outreach could also strengthen relationships between stakeholders in communities and identify local climate vulnerabilities that statewide climate plans and initiatives might not address, leading to customized adaptations that address local needs.
- **Establishing goals and actionable strategies.** A key component of a CAP is setting goals to reduce emissions and increase climate resilience, as well as deciding on strategies to meet those goals.[822] Local CAPs can help NPTs and New Mexico communities set specific goals that are measurable, time-bound, and obtainable, such as developing public climate dashboards or planting a certain number of trees by the end of a specific year.[823] CAP templates for NPTs and New Mexico communities that encourage clear goals and strategies could help these communities develop effective local CAPs, which could help them deliver environmental and other benefits to their residents.

[815] City of Bellevue, Washington, "Environmental Stewardship Plan 2021-2025," 2020, https://bellevuewa.gov/sites/default/files/media/pdf_document/2020/Bellevue%20Enviornmental%20Stewardship%20Plan_Adopted.pdf.
[816] City of Austin, "Austin Climate Equity Plan," 2021, https://www.austintexas.gov/sites/default/files/files/Sustainability/Climate%20Equity%20Plan/Climate%20Equity%20Plan%20Full%20Document__FINAL.pdf.
[817] Montgomery County Consortium of Communities, "Montco Climate Action 2050: A Local Climate Action Plan for Montgomery County, Pennsylvania," 2024, https://www.montgomerycountypa.gov/DocumentCenter/View/48772/MCA2050.
[818] City of Albuquerque, *One Albuquerque: Climate Action Plan* (2021), https://www.cabq.gov/sustainability/documents/2021-climate-action-plan.pdf.
[819] City of East Palo Alto, *2030 Climate Action Plan and Adaptation Strategies* (2023), https://www.cityofepa.org/sites/default/files/fileattachments/public_works/page/23694/epa_2030_community_climate_action_plan_adaptation_strategies.pdf.
[820] City of Albuquerque, *One Albuquerque: Climate Action Plan*.
[821] Town of Ossining, "Climate Vulnerability Assessment and Adaptation Plan," 2025, https://www.townofossiningny.gov/cms/component/content/article/465-climate-vulnerability-assessment-and-adaption-plan?catid=11&Itemid=101.
[822] U.S. Environmental Protection Agency, "Local Climate Action Framework: A Step-by-Step Implementation Guide," January 2017, https://19january2017snapshot.epa.gov/statelocalclimate/local-climate-action-framework-step-step-implementation-guide_.html.
[823] Washoe County, Nevada, "Benefits of Climate Action."

LIDAC Benefits

LIDACs will benefit from this measure in the following ways:

- **Community independence.** LIDACs typically have less access to the necessary resources for climate planning.[824] Providing Tribal CAP templates and templates for New Mexico communities could make it easier for LIDACs within these entities to create their own local CAPs, allowing them to set goals and strategies that address their specific climate vulnerabilities. Local CAPs also often involve significant outreach to local residents,[825] which can ensure LIDACs are more directly involved in the CAP process.[826]
- **Support for community-led projects.** Local CAPs could help LIDACs plan community-led projects that would provide environmental, public health, economic, and other benefits targeted to LIDACs. For example, the CAP for the city of Las Cruces has a strategy to accelerate renewable energy adoption and reduce the energy burden for low- and middle-income households that includes specific details about who is responsible for the strategy, where the money will come from, and metrics for measuring success.[827] The planning process could also help LIDACs identify existing initiatives in their communities that could be integrated into their CAPs, which could potentially allow those projects to receive more resources and be more effective.

Disbenefits

No potential disbenefits were identified in this analysis.

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Unequal access to benefits.** While having CAP templates could reduce the resources needed to create local CAPs, LIDACs may still potentially need additional support. For example, developing a local GHG emissions inventory is a key part of creating a local CAP.[828] While some jurisdictions can create their own inventories,[829] other communities rely on nonprofits[830] or consulting firms[831] to help with creating those inventories, which could potentially be challenging for

[824] Anne N. Junod et al., *Climate Planning Has Left Out Disabled People in Rural Areas. Here's How to Fix That.* (Urban Institute, 2023), https://www.urban.org/urban-wire/climate-planning-has-left-out-disabled-people-rural-areas-heres-how-fix.
[825] City of Albuquerque, *One Albuquerque: Climate Action Plan*.
[826] City of Austin, "Austin Climate Equity Plan."
[827] City of Las Cruces, *How to Go Solar in Las Cruces* (2020), https://lascruces.gov/wp-content/uploads/2024/06/LC-Climate-Action-Plan-Report-July-2020.pdf.
[828] U.S. Environmental Protection Agency, "Local Climate Action Framework: A Step-by-Step Implementation Guide."
[829] City of Albuquerque, *Greenhouse Gas Inventory* (2020), https://www.cabq.gov/sustainability/documents/city-of-albuquerque-ghg-inventory-3.pdf.
[830] ICLEI USA, *2023 Community GHG Climate Action Plan* (Santa Fe County, New Mexico, 2023), https://www.santafecountynm.gov/uploads/documents/Exhibit_B_-_Santa_Fe_County_Climate_Action_Plan_I_Pages_1-211.pdf; ICLEI USA, "Ulster County, New York 2022 Inventory of Community-Wide Greenhouse Gas Emissions," accessed September 23, 2025, https://www.dropbox.com/scl/fo/0ejo79dk1d586khkwj7cf/AMkqpFGnHlhTkg_vCPRM4mM?dl=0&e=2&preview=Ulster+County+Community-Wide+Greenhouse+Gas+Emissions++Final.pdf&rlkey=z64s4glp9uhqzsz2h0c6h03l1&st=8w64fcxu.
[831] Washoe County, Nevada, "County Operations GHG Inventory," accessed September 23, 2025, https://washoecounty.gov/sustainability/Climate-Action-Planning/county-operations-climate-action-plan/county-operations-ghg-inventory.php.

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LIDACs to finance. Providing state funding to LIDACs for CAPs, in addition to the templates, could help ensure that LIDACs have the necessary resources to create their plans.

Measure EM-3: Set the Executive Order 2019-003 GHG Emissions Reduction Targets in Statute

This measure sets the governor's GHG emission reduction targets in statute, establishing them as legally binding requirements. It strengthens the state's authority to regulate emissions and increases the likelihood that the governor's targets will be achieved. For example, it allows statutes such as the Air Quality Control Act to define GHGs as air contaminants, providing a clearer basis for the state to develop regulation and policy to manage GHG emissions.

Implementation Authority and Responsibilities

To set Governor Lujan-Grisham's GHG reduction targets from EO 2019-003 into binding statute, the New Mexico Legislature would need to pass a law.

Intersection with Other Funding Availability

The CAP Team did not identify any applicable funding sources for this measure other than the Innovation in State Government funding.

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

In 2019, Governor Michelle Lujan Grisham issued an executive order setting an objective for New Mexico to reduce its GHG emissions to 45% below the state's 2005 emissions level by 2030.[832] The governor has also expressed that New Mexico's long-term climate goal is to achieve net-zero emissions. However, neither of these targets is established in statute that would ensure the order continues past the Lujan Grisham Administration.

Strengthening the statutory authority of New Mexico to regulate GHG emissions will make the state more accountable in meeting those targets and provide market certainty for clean energy industries and innovation during times of federal uncertainty, which could further facilitate climate action by the state.

Economic Benefits

- **Increased market certainty.** Creating a stable framework of policies and regulations that support investments in GHG emissions reductions can increase the market certainty of demand for those investments. Greater certainty in turn can lead to greater private investment in emissions reductions.[833] Setting the governor's GHG emissions reduction targets in statute would send a strong signal about the state's commitment to reducing emissions and would increase policy certainty and potentially increasing private investment in emissions reductions.

[832] New Mexico Office of the Governor, "Executive Order on Addressing Climate Change and Energy Waste Prevention."
[833] Colorado State University Center for the New Energy Economy., "State Brief: New Mexico," 2024, https://cnee.colostate.edu/wp-content/uploads/2024/09/State-Brief_NM_July_2024_FINAL-NEW-MAPS.pdf.

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LIDAC Benefits

LIDACs will benefit from this measure in the following ways:

- **Increased investment.** Setting the GHG emissions reduction targets in statute and increasing the state's statutory authority to regulate GHGs would send a stronger signal about the state's commitment to reducing its GHG emissions, which could increase market certainty for clean energy industries and make those industries more willing to invest in New Mexico. Market certainty would help to diversify the state's economy, addressing a key challenge for New Mexico's economy[834] that could be particularly beneficial for providing greater economic opportunity in LIDACs. For example, rural areas in the south and southwestern parts of New Mexico have a high potential for geothermal energy.[835] Low- and middle-income communities in the state also have 42% of the state's potential for rooftop solar[836] and over 33 GW of economically viable potential for behind-the-meter distributed wind resources.[837] Greater market certainty could increase investment in wind, solar, and geothermal energy, which would support economic development in LIDACs.

Disbenefits

No potential disbenefits from this measure were identified.

LIDAC Disbenefits

The CAP Team identified no potential disbenefits to LIDACs from this measure.

Measure EM-4: Mandatory GHG Emissions Reporting

This measure establishes mandatory GHG emissions reporting. This measure would help the state identify sectors, equipment, or processes that are high-emitting and inform policy decisions to reduce those emissions. This measure would help the state identify sectors, equipment, or processes that are high-emitting, and inform policy decisions to reduce those emissions.

Implementation Authority and Responsibilities

To affirm and expand the ability of NMED to ensure reporting of GHG emissions and establish new ones, NMED would need to build on its current GHG reporting rules before the EIB.

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure EM-4. (Appendix C provides details on these sources, organized by funding source number.)

- USDA RCPP (Funding Source 11)

[834] Brandon Gray, *New Mexico Industry Cluster Analysis* (New Mexico Legislative Finance Committee, 2024), https://www.nmlegis.gov/Entity/LFC/Documents/Revenue_Reports/Hearing%20Brief%20-%20Economic%20Industry%20Cluster%20Study.pdf.
[835] Project Innerspace, *The Future of Geothermal in New Mexico*.
[836] New Mexico Grid Modernization Advisory Group, *Whitepaper Series #10: Low and Moderate Income Programs to Modernize the Grid*.
[837] McCabe et al., *Distributed Wind Energy Futures Study*.

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Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

New Mexico has limited experience with state-level mandatory GHG emissions reporting requirements. In 2010, New Mexico established a rule (NMAC 20.2.300) requiring mandatory GHG emissions reporting for facilities that emit at least 10,000 metric tons of GHG per year.[838] However, a key section of the rule was repealed in 2012.[839] New Mexico continues to collect the GHG emissions inventory data to the extent it is able, and could choose expand the rule once again before the EIB to secure GHG emissions reporting in the state.

Mandatory GHG emissions reporting would provide valuable information about high-emitting sectors, equipment, and processes to New Mexico residents and policymakers. A state-level emissions reporting program will also ensure continuity of data availability without reliance on federal programs.

Economic Benefits

- **Improved productivity.** Businesses that are required to report their GHG emissions could potentially use the reporting process to identify operations that could be made more efficient (e.g., energy efficient). Businesses could target those processes to increase their efficiency, thereby reducing their operating costs.[840] Businesses not directly required to report GHG emissions could also potentially use the GHG emissions data reported by other entities to improve the efficiency of their own operations.[841]
- **Educational opportunities.** Publicly available and accurate data on GHG emissions from facilities in New Mexico could create educational opportunities for consumers in the state. For example, climate-conscious consumers could use the data to make more informed purchasing decisions and better align their consumption habits with their values.[842] Businesses could also use the data to credibly demonstrate their commitment to lowering their GHG emissions, which could make their products and services more attractive to climate-conscious consumers.[843]

Environmental Benefits

- **Increased climate resilience.** As analyses of GHG reporting requirements in other states have demonstrated, access to comprehensive and reliable data on GHGs emitted within a state can help policymakers develop climate policies that are tailored to the state's emissions profile.[844] Reliable, publicly available data on GHG emissions could help to build trust and confidence in

[838] New Mexico Register, "New Mexico Administrative Code 20.2.300," 2010, https://www.srca.nm.gov/wp-content/uploads/attachments/20.2.300new.pdf.
[839] New Mexico Register, "New Mexico Administrative Code 20.2.300."
[840] Washington State Department of Ecology, "Final Cost-Benefit and Least Burdensome Alternative Analysis," 2010, https://apps.ecology.wa.gov/publications/documents/1002037.pdf.
[841] Washington State Department of Ecology, "Final Cost-Benefit and Least Burdensome Alternative Analysis."
[842] Washington State Department of Ecology, "Final Cost-Benefit and Least Burdensome Alternative Analysis."
[843] Washington State Department of Ecology, "Final Cost-Benefit and Least Burdensome Alternative Analysis."
[844] New York State Department of Environmental Conservation, *Regulatory Impact Statement: 6 NYCRR Part 253, Mandatory Greenhouse Gas Reporting; 6 NYCRR Part 200, General Provisions* (2025), https://dec.ny.gov/sites/default/files/2025-03/ris_part253.pdf; Washington State Department of Ecology, "Final Cost-Benefit and Least Burdensome Alternative Analysis."

future climate policies,[845] increasing the likelihood of their success. Conversely, a lack of high-quality data on GHG emissions can lead to worse policy outcomes. For example, the European Union's Emissions Trading Scheme initially overallocated permits for emissions by a substantial margin due to a lack of accurate monitoring.[846]

LIDAC Benefits

Given that LIDACs in New Mexico are and will continue to be disproportionately affected by climate change,[847] the potential benefits of accurately measuring and reporting the GHG emissions of New Mexico facilities would be particularly beneficial to LIDACs.

LIDACs will benefit from this measure in the following ways:

- **Emissions reductions.** In 2023, New Mexico had 27 large stationary sources of emissions with more than 10,000 people living within 3 miles, and seven of those facilities were located in particularly overburdened communities that are more vulnerable to the effects of air pollution.[848] Additionally, stationary sources in New Mexico that emit between 10,000 and 25,000 tons of GHGs per year (which are only required to report GHG emissions as requested by the Department for each emissions inventory year rather than a rule making clear that GHG reporting is always required) also emit localized health-damaging air pollutants, contributing approximately 15% of SO_2 and 13% of NO_2 emissions in New Mexico in 2019.[849] Mandatory GHG emissions reporting at the state level could provide detailed, reliable data about the emissions profiles of facilities near LIDACs. Therefore, state and local leaders could be better informed about which facilities to focus air pollution reduction efforts on, including ensuring facilities near LIDACs are working toward improving community-level air quality.[850]
- **Support for community-led projects.** The data from mandatory GHG emissions reporting could help LIDACs better understand the GHG emissions and localized health-damaging co-pollutants from facilities near their communities, thereby supporting community-led projects to mitigate air pollution.

Disbenefits

Potential disbenefits from this measure include:

- **Regulatory burdens.** Requiring GHG emissions reporting from facilities that do not currently report their GHG emissions may increase regulatory costs for those businesses. For example, Washington state estimated in 2010 that the state's additional GHG emissions reporting requirements would cost businesses emitting 10,000 to 25,000 tons of GHGs somewhere

[845] Washington State Department of Ecology, "Final Cost-Benefit and Least Burdensome Alternative Analysis"; U.S. Environmental Protection Agency, *Regulatory Impact Analysis for the Mandatory Reporting of Greenhouse Gas Emissions Final Rule (GHG Reporting)* (2009), https://www.epa.gov/sites/default/files/2015-07/documents/regulatoryimpactanalysisghg.pdf.
[846] U.S. Environmental Protection Agency, *Regulatory Impact Analysis for the Mandatory Reporting of Greenhouse Gas Emissions Final Rule (GHG Reporting)*.
[847] *New Mexico Climate Adaptation and Resilience Plan*.
[848] Pacyniak et al., *Climate, Health, and Equity Implications of Large Facility Pollution Sources in New Mexico*.
[849] Pacyniak et al., *Climate, Health, and Equity Implications of Large Facility Pollution Sources in New Mexico*.
[850] New York State Department of Environmental Conservation, *Regulatory Impact Statement: 6 NYCRR Part 253, Mandatory Greenhouse Gas Reporting; 6 NYCRR Part 200, General Provisions*.

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between $1.4 million and $3.2 million per year.[851] Adjusted for inflation, that amount is equivalent to about $2.0 million to $4.7 million in 2025 dollars.[852] This analysis provides an estimate of the potential regulatory cost of reinstating NMAC 20.2.300, which applied the same 10,000 tons per year reporting threshold in New Mexico before it was repealed. NMED has a Small Business Environmental Assistance Program that assists small businesses with air quality compliance,[853] which could potentially be expanded to help mitigate the burden of GHG emissions reporting requirements on small businesses.

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Data access disparities.** Households and communities with limited access to the internet might struggle to access the GHG emissions data if it were only available online. Only 80% of households in New Mexico had access to some form of broadband in 2021, compared to 87% in the United States that year.[854] In some communities in the state, including some LIDACs, less than 50% of households had broadband access in 2021.[855] New Mexico is attempting to address its digital divide; in 2021, the state created the Office of Broadband Access and Expansion and appropriated $100 million to the newly established Connect New Mexico Fund.[856] To ensure equal access to GHG emissions data, New Mexico could continue its efforts to bridge the state's digital divide and work directly with communities to ensure they have access to the data.

Measure EM-5: Develop K-12 Statewide Climate Curriculum

This measure supports development of a statewide climate curriculum for New Mexico's K-12 students. The curriculum could cover the science of climate change; the sectors that contribute to it; and strategies for mitigation, adaptation, and resilience. Integrating climate knowledge into the state's curriculum will equip New Mexico's students with the knowledge they need to make informed, climate-friendly decisions.

Implementation Authority and Responsibilities

NMED's Climate Change Bureau and EMNRD do not need authority to develop K-12 curriculum about climate change.

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure EM-5. (Appendix C provides details on these sources, organized by funding source number.)

- Clean and Beautiful Program (Funding Source 92)
- Outdoor Learning Start Up Grants (Funding Source 54)

[851] Washington State Department of Ecology, "Final Cost-Benefit and Least Burdensome Alternative Analysis."
[852] Bureau of Labor Statistics, "CPI Inflation Calculator," 2025, https://www.bls.gov/data/inflation_calculator.htm.
[853] New Mexico Environment Department, "Small Business Environmental Assistance Program," accessed September 23, 2025, https://www.env.nm.gov/air-quality/small-biz-eap-2/.
[854] New Mexico State University Center for Community Analysis, "The Digital Divide in New Mexico."
[855] "Climate & Economic Justice Screening Tool"; New Mexico State University Center for Community Analysis, "The Digital Divide in New Mexico."
[856] New Mexico Department of Information Technology, "New Mexico Broadband Program."

- Arbor Day Foundation (Funding Source 7)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

A statewide K-12 climate curriculum could provide beneficial opportunities and skills for students, as well as long-term benefits for the state.

Economic Benefits

- **Educational and training opportunities.** In addition to teaching students about climate science, a well-designed climate curriculum can engage students in hands-on science education, create opportunities for local civic engagement, and help students develop critical thinking and analytical skills.[857] These opportunities and skills could help students succeed in both sustainability jobs and non-climate-related jobs.

Environmental Benefits

- **Air pollution reductions.** Research suggests that an increase in the number of high school students educated about climate change could lead to sizeable reductions in future carbon emissions.[858] Another report highlights that children can influence their parents' perception and understanding of climate change,[859] which could lead to additional reductions in carbon emissions. Given that sources of GHG emissions also often emit criteria air pollutants,[860] climate education initiatives could also lead to less air pollution in New Mexico overall.
- **Increased climate resilience.** Understanding climate dynamics encourages people, particularly younger people, to support climate action.[861] Providing people with an increased sense of personal agency on climate issues could help them increase climate resilience in their communities.
- **Waste reduction.** A comprehensive climate curriculum that includes education about waste reduction could expand upon and reinforce education on related environmental issues in New

[857] North American Association for Environmental Education, "Designing Effective Climate Change Education: Strategies for Deeper Learning and Positive Change," n.d., https://cdn.naaee.org/sites/default/files/inline-files/cce.messaging.guide_.pdf.
[858] Lauren Madden, *Report on K-12 Climate Change Education Needs in New Jersey* (2022), https://www.sustainablejerseyschools.com/fileadmin/media/Grants_and_Resources/Resources/climate-change-ed-online-Final.pdf.
[859] Julia Turner et al., "New Jersey's 2020 Student Learning Standards Update: A Case Study of Climate Change Education," accessed September 23, 2025, https://subjecttoclimate.nyc3.cdn.digitaloceanspaces.com/files/A%20Case%20Study%20of%20Climate%20Change%20Education%20-%20NJ%20.pdf.
[860] National Oceanic and Atmospheric Administration, "First-of-Its-Kind Dataset Connects Greenhouse Gases and Air Quality," September 25, 2024, https://research.noaa.gov/first-of-its-kind-dataset-connects-greenhouse-gases-and-air-quality/.
[861] Miloslav Kolenatý et al., "What Triggers Climate Action: The Impact of a Climate Change Education Program on Students' Climate Literacy and Their Willingness to Act," *Sustainability* 14, no. 16 (2022): 10365, https://doi.org/10.3390/su141610365.

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Mexico. Studies have shown that environmental education can facilitate the adoption of environmentally friendly behaviors, such as reducing water use and increasing recycling rates.[862]

LIDAC Benefits

A statewide climate curriculum could positively impact LIDACs. Opportunities for hands-on science education, local civic engagement, and analytical skills development could help empower students in LIDACs and improve their access to future opportunities. The potential long-term benefits of a statewide climate curriculum, such as reductions in air pollution and waste and increased climate resiliency, would also affect LIDACs because they are disproportionately impacted by environmental challenges and are expected to be disproportionately affected by climate challenges.[863]

LIDACs will benefit from this measure in the following ways:

- **School improvements.** LIDAC school districts in New Mexico have substantial room for improvement. For example, only 14% of New Mexican fourth graders from economically disadvantaged backgrounds met grade level reading proficiency in 2024. In 2021, 73% of New Mexico's K–12 students were considered economically disadvantaged.[864] Implementing a statewide climate curriculum could provide additional resources and new opportunities to students in LIDACs that could improve educational outcomes.
- **Support for community-led projects.** A statewide climate curriculum could foster and support community-led projects related to climate and waste reduction in LIDACs by involving students in those communities. Youth engagement in such projects can be an effective strategy to improve community outcomes. For example, a recent report by the Centers for Disease Control and Prevention about community engagement highlighted successful programs involving youths in overburdened communities to help address mental health and environmental challenges in those communities.[865]

Disbenefits

No potential disbenefits from this measure were identified.

LIDAC Disbenefits

Potential disbenefits to LIDACs from this measure include:

- **Unequal access to benefits.** One of the goals of New Jersey's comprehensive climate curriculum is to make sure lower income school districts receive the financial and logistical support needed to implement the new material.[866] This goal will also be important for New Mexico, as existing disparities in education access and outcomes in New Mexico's LIDACs, exacerbated by the

[862] Judith van de Wetering et al., "Does Environmental Education Benefit Environmental Outcomes in Children and Adolescents? A Meta-Analysis," *Journal of Environmental Psychology* 81 (June 2022): 101782, https://doi.org/10.1016/j.jenvp.2022.101782; North American Association for Environmental Education, "Stanford Analysis Reveals Wide Array of Benefits from Environmental Education," n.d., https://cdn.naaee.org/sites/default/files/inline-files/k-12_student_key_findings.pdf.

[863] *New Mexico Climate Adaptation and Resilience Plan*.

[864] Kids Count Data Center, "Fourth Graders Who Scored below Proficient Reading Level by Family Income," accessed December 1, 2025, https://datacenter.aecf.org/data/tables/5125-fourth-graders-who-scored-below-proficient-reading-level-by-family-income?loc=33&loct=2.

[865] Agency for Toxic Substances and Disease Registry, *Principles of Community Engagement—3rd Edition* (2025), https://hsc.unm.edu/population-health/_documents/principles-of-community-engagement_3rd-edition.pdf.

[866] Madden, *Report on K-12 Climate Change Education Needs in New Jersey*.

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COVID-19 pandemic, could prevent LIDACs from fully benefitting from a statewide climate curriculum.[867] The state does offer some resources to help school districts receive grant funding, such as the Student, School, and Family Support Bureau[868] as well as the New Mexico Catalog of Local Assistance Programs.[869] Dedicating state resources to support the implementation of a statewide climate curriculum, along with continued assistance via grant funding, could help ensure that LIDACs would fully benefit from this measure.

Measure EM-6: Create a Land Use Reassessment Task Force

This measure creates a cross-agency task force focused on land use planning. This committee would include representatives from NMED, EMNRD, NMEDD, NMDOT, SLO, and others. The primary task of the committee would be to conduct a land use study and to develop a state-specific framework for revising land use and transportation planning. The framework would consider topics such as housing density and diversity, methods to streamline permitting, incentives to equitably achieve the goals of the framework, zoning for renewable energy siting, funding for land use-focused positions in all departments represented in the committee, and the creation of a new agency to fill the role of a statewide planning division. In addition to the committee, this measure forms an advisory committee with representatives from the sovereign NPTs. It will also include representatives from municipalities, nonprofits, and other organizations to ensure the committee's work is equitable and reflects community needs and priorities.

Implementation Authority and Responsibilities

An executive order from New Mexico's governor or a state statute could create a cross-agency task force on land use. Either path would allow the governor or legislature to detail the task force's directives or requirements. The executive order or statute could also detail the structure, membership, roles, and duties of the advisory group within the task force.

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure EM-6. (Appendix C provides details on these sources, organized by funding source number.)

- ERA Program (Funding Source 22)
- USDA RCPP (Funding Source 11)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

[867] New Mexico Legislative Finance Committee, *Policy Spotlight: Successful School Practices* (2025), https://www.nmlegis.gov/(X(1)S(nszfj1hdkz35jb4m2np430zx))/handouts/ALFC%20012025%20Item%201%20LFC%20Policy%20Spotlight%20-%20School%20Practices%20-%20FINAL.pdf.

[868] New Mexico Public Education Department, "Student, School, and Family Support Bureau," New Mexico Public Education Department (NMPED), accessed September 23, 2025, https://web.ped.nm.gov/bureaus/student-school-and-family-support-bureau/.

[869] The Grant Plant, "Catalog of Local Assistance Programs," June 26, 2023, https://www.thegrantplantnm.com/opportunities/?_sfm_eligibility=schools.

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Establishing a cross-agency committee focused on land use allows the benefits of effective land use planning to be realized. The specific benefits of cross-agency collaboration are detailed below.

Benefits

- **Improved productivity.** Establishing a cross-agency committee with representatives from transportation, economic development, and natural resources agencies could improve the effectiveness of land use and transportation planning.[870] This committee would improve collaboration between state agencies and support the development of coordinated and holistic policy decisions. It also would allow for resource and data sharing,[871] and ensure that efforts in one agency are not duplicated in another. Developing a framework for revising land use and transportation planning would also expedite future land use and transportation planning efforts. Since the committee will develop this framework, it will include the diverse perspectives of all committee members.
- **Informed decision-making**. This measure includes provisions on conducting an up-to-date land use study and creating a state-specific framework for revising land use planning. A current land use study would provide accurate data and information needed to make evidence-based policy decisions. The framework would incorporate factors unique to the state of New Mexico to support state-specific, tailored policies and effective planning.

LIDAC Benefits

New Mexico plans to develop a cross-agency committee to conduct a land use study and develop a state-specific framework for revising land use and transportation planning. It also plans to form an advisory committee to ensure work completed under this committee is equitable and aligned with community needs.

LIDACs will benefit from this measure in the following way:

- **Increased community participation.** Establishing an advisory committee with representatives from municipalities, NPTs (should they choose to participate), and nonprofits will ensure the cross-agency committee incorporates community voices and that decisions reflect community priorities and needs. Increased community involvement has several benefits, including greater justice and equity in planning, increased willingness for community cooperation, increased behavioral changes among individuals in the community, and more resilient communities.[872] Community involvement in this committee is particularly important for LIDACs, since many have historically been unable to participate in environmental decision-making due to resource or information barriers.[873]

[870] Smart Growth America, "New Resource: U.S. Climate and Land Use Planning Guide," February 27, 2025, https://www.smartgrowthamerica.org/knowledge-hub/news/new-resource-u-s-climate-and-land-use-planning-guide/.
[871] Pierce County, "Interagency Coordination," accessed September 22, 2025, https://www.piercecountywa.gov/1721/Interagency-Coordination.
[872] Massimo Cattino and Diana Reckien, "Does Public Participation Lead to More Ambitious and Transformative Local Climate Change Planning?," *Current Opinion in Environmental Sustainability* 52 (October 2021): 100–110, https://doi.org/10.1016/j.cosust.2021.08.004.
[873] Sustainability Directory, "What Are Barriers to Public Participation?," April 20, 2025, https://climate.sustainability-directory.com/question/what-are-barriers-to-public-participation/.

Disbenefits

No disbenefits from this measure were identified.

LIDAC Disbenefits

No potential disbenefits to LIDACS were identified.

Measure EM-7: Renewable Portfolio Standard Enforcement Mechanism

This measure directs the PRC to develop an enforcement mechanism to increase adherence to the RPS schedule among investor-owned utilities. The RPS requires utilities to supply a certain percentage of energy through renewable sources by specific deadlines. This measure increases adherence to the schedule, ensuring that utilities meet renewable energy goals. This measure also explores opportunities for integrating time-stamped renewable energy certificates (RECs) into the RPS. Unlike traditional RECs, which track renewable energy generation and consumption on an annual basis, time-stamped RECs track renewable energy production and consumption in real time, providing a more accurate picture of renewable energy use and helping to align generation with demand.

Implementation Authority and Responsibilities

In the state's Renewable Energy Act (REA), NMSA 1978, Section 62-16-1 to -10, the legislature established the renewable portfolio standard for the state's public electric utilities, which requires stepped-up requirements for the percentage of each utility's electricity sales that must come from renewable energy up to 2045 when 100 percent of utility retail electricity sales in New Mexico must be supplied by zero-carbon resources. NMSA 1978, 62-16-4(A)(6). Additionally, the REA requires the PRC to consult with NMED to "ensure that the standard does not result in material increases to greenhouse gas emissions from entities not subject to commission oversight and regulation." NMSA 1978, Section 62-16-4 (B)(6).

Intersection with Other Funding Availability

The CAP Team did not identify any applicable funding sources for this measure.

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

New Mexico's RPS establishes targets for the percentage of clean electricity from public utilities, with an end target of 100% clean electricity by the beginning of 2045.[874] Creating an enforcement mechanism to ensure that investor-owned utilities meet the RPS schedule would incentivize compliance and increase renewable energy capacity in New Mexico. Using time-stamped, location-specific RECs could also increase renewable energy capacity in the state. To comply with the RPS on an annual basis, utilities in the state currently acquire RECs, which represent the rights to the

[874] New Mexico Public Regulation Commission, "NMAC 17.9.572.," 2023, https://www.srca.nm.gov/parts/title17/17.009.0572.html.

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environmental and social benefits of one megawatt of renewable energy.[875] Because utilities demonstrate compliance annually, they can use RECs from periods with excess clean energy to cover periods where non-clean energy sources are used.[876] New Mexico could switch to using time-stamped RECs to ensure that generation of clean electricity is matched with consumption.

Establishing an enforcement mechanism for the RPS and considering time-stamped RECs would have several benefits, including job creation, decreased energy costs, and air pollution reductions.

Economic Benefits

- **Job creation.** In 2023, there were more than 13,000 clean energy jobs in New Mexico, a 4.9% increase from 2022.[877] Clean energy job growth in the state is expected to remain strong. For example, New Mexico's solar industry employed about 3,400 workers in 2023,[878] but is projected to have 5,000 to 7,300 jobs in 2030.[879] Establishing an enforcement mechanism for the RPS would incentivize continued deployment of clean energy resources, which would continue to create clean energy jobs in New Mexico.
- **Decreased energy costs.** Utility-scale solar and wind had the lowest levelized costs of electricity in New Mexico in 2024 and distributed clean energy sources are cost competitive and are expected to continue decreasing in price.[880] Enforcing the RPS would bring down energy generation costs in the state by incentivizing the deployment of clean energy resources.

Environmental Benefits

- **Air pollution reductions.** Power plants using traditional fuels emit air pollutants such as SO_2 and PM, in addition to contributing to GHG emissions.[881] Peaker power plants, which generally only operate during peak electricity demand, are particularly high-emitting contributors to local air pollution.[882] Enforcing compliance with the RPS would reduce the state's reliance on fossil fuel and peaker power plants, which would reduce air pollution in New Mexico.

LIDAC Benefits

The benefits for LIDACs from establishing an enforcement mechanism for the Renewable Portfolio Standard (RPS) would largely overlap with the benefits for other communities. However, the benefits would address challenges that disproportionately impact LIDACs, such as high energy burdens and exposure to air pollution.

LIDACs will benefit from this measure in the following ways:

[875] U.S. Environmental Protection Agency, "Renewable Energy Certificates (RECs)," Overviews and Factsheets, March 21, 2025, https://www.epa.gov/green-power-markets/renewable-energy-certificates-recs; New Mexico Public Regulation Commission, "Renewable Energy," accessed August 30, 2025, https://www.prc.nm.gov/utilities/renewable-energy/.
[876] Nord Pool et al., "About Time: How Incorporating Timestamped Energy Certificates into Electricity Markets Could Accelerate the Energy Transition," 2023, https://www.nordpoolgroup.com/49b69a/globalassets/download-center/whitepaper/whitepaper-may-2023.pdf.
[877] U.S. Department of Energy, *Energy Employment by State 2024*.
[878] U.S. Department of Energy, *Energy Employment by State 2024*.
[879] National Renewable Energy Laboratory, "New Mexico's Clean Energy Jobs Potential Through 2030."
[880] National Renewable Energy Laboratory, "Cost of Electricity - Levelized Cost of Electricity," accessed September 23, 2025, https://maps.nrel.gov/slope.
[881] U.S. Environmental Protection Agency, "Power Plants and Neighboring Communities."
[882] PSE Healthy Energy, *New Mexico Peaker Power Plants: Energy Storage Replacement Options*.

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- **Energy burden reduction.** LIDACs are often located in energy burdened parts of New Mexico. Enforcing the RPS would incentivize greater deployment of clean energy resources in New Mexico, which would reduce energy costs for LIDACs.
- **Reduced exposure to air pollution.** LIDACs in New Mexico are disproportionately exposed to air pollution. New Mexico has 27 large stationary emission sources with over 10,000 people living within 3 miles, seven of which are in particularly vulnerable communities; examples include the Rio Grande Generating Station and the Rio Bravo Generating Station.[883] Air pollution is a risk for all-cause mortality and is linked to adverse health outcomes such as stroke, heart disease, and lung cancer.[884] An enforcement mechanism for the RPS would increase clean energy production in New Mexico and therefore reduce local air pollution in LIDACs.

Disbenefits

No disbenefits from this measure were identified.

LIDAC Disbenefits

Potential disbenefits to LIDACs include:

- **Job loss.** Job losses due to the clean energy transition could have a substantial impact on LIDACs. A recent study of oil and gas workers in New Mexico found that a sizeable portion of workers for the industry are particularly low income; about 20% of industry workers reported making less than $25,000 annually from the industry.[885] A 2023 assessment found that out of a group of more than 400 displaced energy workers in New Mexico, 43% were Native American.[886] Through the ETA, New Mexico provided direct assistance to these displaced workers, including monetary support and offers of educational and other resources.[887] New Mexico can continue to mitigate the impacts of worker displacement in LIDACs and other communities through programs established by the ETA, including the direct payment program, wage differential program, direct training program, and apprenticeship program.[888]
- **Energy security and reliability concerns.** Some clean energy resources, such as solar and wind, are intermittent due to variations in the amount of sunlight or wind available at any given time. Increased deployment of solar and wind energy in New Mexico as a result of REC enforcement could therefore raise reliability concerns. To address this, New Mexico is focused on increasing energy storage capabilities. For example, a roadmap released by the New Mexico Grid Modernization Advisory Group recommends that the state support the deployment of energy storage projects.[889] Similarly, the New Mexico Renewable Energy Transition Authority has studied the market status and the anticipated demand for energy storage in the state.[890] The state's continued focus on developing energy storage could help ensure grid reliability.

[883] Pacyniak et al., *Climate, Health, and Equity Implications of Large Facility Pollution Sources in New Mexico*.
[884] World Health Organization, "Air Quality, Energy and Health."
[885] Sanchez-Youngman et al., *Southeastern New Mexico Oil and Gas Workforce Study*.
[886] Nair and Martinez, "Energy Transition Act Update."
[887] Nair and Martinez, "Energy Transition Act Update."
[888] New Mexico Department of Workforce Solutions, *New Mexico Workforce Innovation and Opportunity Act (WIOA) Combined State Plan, Program Years 2024-2027*.
[889] New Mexico Energy, Minerals and Natural Resources Department, *New Mexico Grid Modernization Roadmap*.
[890] ICF, *New Mexico In-State Energy Storage: Market Status and Anticipated Growth*.

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Measure EM-8: Performance-Based Utility Regulation

This measure revisits the utility regulatory framework to ensure that utility incentives are aligned with the state's emission reduction and affordability objectives. This can be done by passing legislation to authorize the PRC to regulate utilities based on performance. Performance metrics can be designed to reflect state objectives to encourage utilities to adopt upgrades or changes that support a cleaner, more affordable energy system.

Implementation Authority and Responsibilities

EMNRD will be the lead implementing agency for this measure; other agencies or external entities may be required to support its implementation.

Additional legislative action is needed to confirm the authority of the PRC to establish performance-based utility regulations. Following such legislation, the PRC would have the authority to promulgate rules to effectuate the intent of the legislation.

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure EM-8. (Appendix C provides details on these sources, organized by funding source number.)

- Advanced Energy Project Credit (Funding Source 21)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Aligning utility incentives with emissions reductions and affordability objectives, such as through PBRs, offers a pathway to modernize utility supply and enable a faster transition to renewable energy use.

Economic Benefits

- **Greater energy efficiency and lowered costs**. Conventional models of utility regulation, such as the cost-of-service model in which revenues are based on operating costs, disincentivize cost-saving strategies and demand-side management strategies that would improve energy efficiency and reduce costs for ratepayers.[891] Under a performance-based model, however, those same strategies are incentivized and become more viable. These strategies, like rooftop solar, energy storage, and demand response, can therefore make utility pricing more affordable and improve energy efficiency.

[891] Daniel Shea, *Performance-Based Regulation: Harmonizing Electric Utility Priorities and State Policy* (National Conference of State Legislatures, 2023), https://www.ncsl.org/energy/performance-based-regulation-harmonizing-electric-utility-priorities-and-state-policy.

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- **Job creation**. PBRs can include measures related to clean energy goals, which could support the development of renewable energy sources.[892] This will create jobs related to renewable energy generation, which is already a fast-growing employment sector in the United States.[893]
- **Improved energy reliability.** A performance-based model can include measures related to system reliability. These measures can incentivize utilities to invest in grid modernization technologies or other upgrades that improve the reliability of the grid. In Illinois, for example, a performance-based model allowed utilities to invest in grid modernization projects that have drastically improved the reliability of the grid, preventing 11 million outages over a six-year period.[894]

Public Health Benefits

- **Reduction in health impacts from air pollution**. PBRs can prioritize clean energy transition goals. A faster transition away from fossil fuel use will decrease PM air pollution, which contributes to a host of respiratory illnesses and other diseases. A study of the health benefits of the Future Energy Jobs Act in Illinois, which aims to drive growth of renewable energy including through PBRs, models decreases in asthma attacks, cardiovascular episodes, workdays lost, and emergency room and hospital visits as a result of the Act.[895]

LIDAC Benefits

The benefits to LIDACs from revisiting utility incentives, including performance-based measures, are described below:

- **Reduction in energy costs.** Increased efficiency can reduce costs to low-income ratepayers, especially if affordability metrics are prioritized in a performance-based regulatory framework. This type of framework can reduce the energy burden on low-income households, which spend the highest percentage of their income on utility bills.
- **Improved energy reliability.** PBRs provide a way for regulators to prioritize utility access for under-resourced communities at higher risk of disconnection. In Illinois, for example, two major utility companies are required to reduce outages by 10% annually in 20 ZIP Codes with the highest disconnection rates. This requirement could reduce electricity disconnections by over 30% in disadvantaged areas in Illinois. By revising utility regulatory frameworks to incentivize energy reliability, this metric could improve reliability in LIDACs in New Mexico.[896]

Disbenefits

Potential disbenefits from this measure include:

[892] Jeffrey S Logan et al., *Next-Generation Performance-Based Regulation: Emphasizing Utility Performance to Unleash Power Sector Innovation*, NREL/TP-6A50-68512, 1392203 (2017), NREL/TP-6A50-68512, 1392203, https://doi.org/10.2172/1392203.

[893] U.S. Department of Energy, "Job Creation and Economic Growth," accessed September 23, 2025, https://www.energy.gov/eere/job-creation-and-economic-growth.

[894] Herman K. Trabish, "Performance-Based Regulation: Seeking the New Utility Business Model," Utility Dive, July 23, 2019, https://www.utilitydive.com/news/performance-based-regulation-seeking-the-new-utility-business-model/557934/.

[895] Kevin Steinberger, "The Health Benefits of the Illinois Future Energy Jobs Act," Natural Resources Defense Council, April 4, 2017, https://www.nrdc.org/resources/health-benefits-illinois-future-energy-jobs-act.

[896] National Consumer Law Center, "New Illinois Metric Is a Model for Reducing Utility Disconnections in Under-Resourced Communities," December 2022, https://www.nclc.org/wp-content/uploads/2022/12/IB_IL_Util_Disconnection_Model_final.pdf.

- **Reliance on utility providers to innovate**. Using PBRs to incentivize climate and affordability objectives allows utility companies to innovate.[897] Performance incentive mechanisms can provide rewards that are disproportionate to stakeholder benefits, prioritize certain management areas over others, or focus on short-term benefits, which may create perverse incentives for utility companies.[898] However, regulators can work on monitoring and evaluating performance and performance incentive mechanisms to ensure that utilities meet state objectives.

LIDAC Disbenefits

The CAP Team identified no disbenefits to LIDACs from this measure.

Measure EM-9: Permitting Backstop

This measure creates a permitting backstop to help move clean energy projects forward. If local siting entities do not rule on a project within a defined timeframe, such as one year, the siting authority will be transferred to the state. To be approved at the state level, the project will have to meet certain minimum requirements. The permitting process for clean energy projects can be time consuming and costly; this measure accelerates this process after a certain point to ensure these projects continue.

Implementation Authority and Responsibilities

Legislative action would be required to remove permitting from local authority after a certain timeframe and move the permitting process to the state. Following such legislation, the state entity determined to be responsible in serving as the permitting backstop would have the authority to rule on the proposed clean energy projects.

Intersection with Other Funding Availability

The CAP Team did not identify any applicable funding sources for this measure.

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Economic Benefits

- **Cost reduction.** A permitting backstop can reduce the costs of transitioning to renewable energy. If a project stalls, developers incur costs associated with time spent waiting for approval.[899] A survey by the Lawrence Berkeley National Laboratory found that most solar and

[897] Gennelle Wilson et al., "States Move Swiftly on Performance-Based Regulation to Achieve Policy Priorities," *RMI*, March 31, 2022, https://rmi.org/states-move-swiftly-on-performance-based-regulation-to-achieve-policy-priorities/.
[898] Melissa Whited et al., "Utility Performance Incentive Mechanisms: A Handbook for Regulators," Western Interstate Energy Board, March 9, 2015, https://www.synapse-energy.com/sites/default/files/Utility%20Performance%20Incentive%20Mechanisms%2014-098_0.pdf.
[899] Eric Lee Christensen et al., "Siting and Permitting Reform in Washington: A Report to the Washington Department of Commerce Under RCW 43.394.020(3)(a)," Beveridge & Diamond PC, June 2024, https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=Permitting+Reform+Beveridge++Diamond+2024-07-23.1_b12c257d-88ee-457c-af06-c676082ddcdb.pdf.

wind project delays occurred during the permitting process.[900] This measure streamlines the permitting process and ensures that permits are issued in a timely manner, removing costly delays.

- **Job creation.** Timely permitting allows projects to begin construction and operation sooner. These projects drive demand for clean energy jobs, which is a growing industry across the country.[901] Clean energy jobs in New Mexico grew by 5.9% in 2023, the third highest growth rate in the country.[902]

Environmental Benefits

- **Increased renewable energy production**. Implementing a permitting backstop is intended to move projects through permitting processes that have stalled, increasing renewable energy production and facilitating New Mexico's clean energy transition.[903]

LIDAC Benefits

The benefits to LIDACs from this measure include:

- **Reduced energy burden.** Permitting clean energy projects in a timely manner will accelerate the clean energy transition, providing faster access to more affordable energy.[904] Accelerating this transition will particularly benefit LIDAC households, as they experience disproportionately high energy burdens.[905] In New Mexico, households below the poverty line spend 16% of their household income annually on energy-related costs, while other households in the state spend just 3%.[906]
- **Revenue generation.** Revenues generated by renewable energy developments permitted by the state could benefit the communities they are based in, which are often rural.[907] These revenues could be used to fund town and municipal projects or lower taxes.

[900] Robi Nilson et al., "Survey of Utility-Scale Wind and Solar Developers Report," Lawrence Berkeley National Laboratory, 2024, https://eta-publications.lbl.gov/sites/default/files/w3s_developer_survey_report_-011824_version.pdf.
[901] Zuzana Dobrotková et al., *Jobs for a Livable Planet: Job Creation Potential of the Clean Energy Transition* (e Energy Sector Management Assistance Program, 2023), https://openknowledge.worldbank.org/server/api/core/bitstreams/e4a23bae-cebb-449b-a412-ba78212bd818/content.
[902] U.S. Department of Energy, "DOE Report Shows Clean Energy Jobs Grew at More Than Twice the Rate of Overall U.S. Employment," August 28, 2024, https://www.energy.gov/articles/doe-report-shows-clean-energy-jobs-grew-more-twice-rate-overall-us-employment.
[903] Elizabeth Weise and Suhail Bhat, "Renewable Energy: Why US Counties Often Ban Solar, Wind Power Plants," USA Today, February 4, 2024, https://www.usatoday.com/story/news/investigations/2024/02/04/us-counties-ban-renewable-energy-plants/71841063007/; Massachusetts Executive Office of Energy and Environmental Affairs, "Energy Infrastructure Siting and Permitting Reforms," accessed September 23, 2025, https://www.mass.gov/info-details/energy-infrastructure-siting-and-permitting-reforms.
[904] U.S. Department of Energy, "Reduced Energy Costs," accessed September 23, 2025, https://www.energy.gov/eere/reduced-energy-costs.
[905] Kayleigh Rubin et al., "1 in 7 Families Live in Energy Poverty. States Can Ease That Burden.," *RMI*, December 18, 2023, https://rmi.org/1-in-7-families-live-in-energy-poverty-states-can-ease-that-burden/.
[906] National Renewable Energy Laboratory, "SLOPE Stories: SLOPE Informs Grid Modernization and Transportation Planning in New Mexico."
[907] Brian Martucci, "Carrots, Sticks or Both: State Efforts to Combat Anti-Renewables NIMBYs," Utility Dive, August 22, 2024, https://www.utilitydive.com/news/states-renewable-energy-permitting-siting-incentives-wind-solar/724815/; Center For Rural Affairs, "Clean Energy Policy," accessed September 23, 2025, https://www.cfra.org/clean-energy-policy.

Disbenefits

No disbenefits from this measure were identified.

LIDAC Disbenefits

Potential LIDAC disbenefits from this measure include:

- **Community involvement.** A state-level permitting backstop may appear less preferable to local permitting because local permitting processes can better address community concerns.[908] However, with public engagement, state permits can still be designed with local participation to address community concerns.

Measure EM-10: Carbon Sequestration on Natural and Working Lands

This measure identifies and implements strategies for collecting carbon sequestration and emission data from natural and working lands in New Mexico. It also explores ways to use these data to improve land management practices. With a better understanding of how natural and working lands store and release carbon, policymakers can more effectively align policy with the state's climate goals.

Implementation Authority and Responsibilities

An executive order from New Mexico's governor or a state statute could direct and prioritize a cross-agency task force on land use. Either path would allow the governor or legislature to detail the task force's directives or requirements. The executive order or statute could also detail the structure, membership, roles, and duties of the advisory group within the task force.

The legislature has already provided for enforcement of the RPS schedule for electricity sector enabling actions, but legislative measures are needed to clarify certain aspects of the framework for RECs as applied to zero-carbon resources, and to possibly require some form of time stamp for RECs. Microgrid-enabling legislation successfully passed in the 2025 legislative session and will require compliance with RPS standards by 2040. EMNRD already is advocating measures adopting PBRs for utilities in future legislative sessions. ECAM has begun appearing before the PRC to advocate for the state's energy policies regarding utilities. Legislative action would be also required to remove permitting from local authority after a certain timeframe and move the permitting process to the state.

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure EM-10. (Appendix C provides details on these sources, organized by funding source number.)

- Advanced Energy Project Credit (Funding Source 21)
- ERA Program (Funding Source 22)
- NCIF CUF (Funding Source 25)
- EIR Program (Funding Source 66)
- Solid Waste Infrastructure for Recycling Grants (Funding Source 87)
- Solid Waste Management Grants (Funding Source 88)
- COMET-Farm (Funding Source 15)
- Soil Carbon Monitoring and Research Network (Funding Source 14)

[908] Martucci, "Carrots, Sticks or Both."

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- USDA REAP (Funding Source 32)
- USDA RCPP (Funding Source 11)
- USDA EQIP (Funding Source 10)
- U.S. Climate Alliance Technical Assistance Fund (Funding Source 55)
- Western Sustainable Agriculture Research and Education Program (Funding Source 56)
- New Mexico Community Forestry Assistance Grant Program (Funding Source 6)
- USDA Conservation Reserve Program (Funding Source 9)
- Community Benefit Fund (Funding Source 94)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

New Mexico has a high potential for carbon sequestration: the state spans more than 77 million acres of land, and over 90% of that land is rangeland and forested land.[909] However, there is currently a lack of detailed data on the baseline carbon status and sequestration potential of natural and working lands in New Mexico.[910] Collecting that data would aid the state in improving land management practices and sequestering more carbon.

Carbon sequestration and emissions data could be used to inform land management practices in New Mexico. Improved land management would have several environmental benefits, such as increased green space, reduced wildfire risk, improved soil health, and land conservation.

Environmental Benefits

- **Increased green space.** Urban trees and other urban green spaces contribute to carbon sequestration and provide benefits such as reduced stormwater runoff, improved air and water quality, and reduced energy use.[911] Carbon sequestration and emissions data could be used to identify urban areas that would benefit the most from increased green space.
- **Reduced wildfire risk.** Land that is overstocked with trees or brush is more vulnerable to wildfires, which reduces the long-term carbon sequestration potential of that land.[912] Data about long-term carbon sequestration potential and wildfire risk could reveal areas that have high carbon sequestration potential but are at risk of wildfires, allowing the state to address wildfire risk in those places.
- **Soil health improvements.** Soil health and carbon sequestration in soil are directly linked. An increase in soil carbon can improve soil structure, increase water infiltration, and make it easier

[909] Rajan Ghimire et al., "Carbon Sequestration through Sustainable Land Management Practices in Arid and Semiarid Regions: Insights from New Mexico," *Agrosystems, Geosciences & Environment* 7, no. 4 (2024): e70019, https://doi.org/10.1002/agg2.70019.
[910] Ghimire et al., "Carbon Sequestration through Sustainable Land Management Practices in Arid and Semiarid Regions."
[911] National Park Service, "Carbon Storage by Urban Forests," accessed September 23, 2025, https://www.nps.gov/articles/000/uerla-trees-carbon-storage.htm; New Mexico Energy, Minerals and Natural Resources Department, "Urban and Community Forestry Program," Forestry, accessed September 23, 2025, https://www.emnrd.nm.gov/sfd/urban-and-community-forestry/.
[912] California Air Resources Board, "Frequently Asked Questions: Wildfire Emissions," accessed September 23, 2025, https://ww2.arb.ca.gov/resources/documents/frequently-asked-questions-wildfire-emissions.

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for plants to access nutrients.[913] Carbon sequestration and emissions data for natural and working lands could help the state identify land where increased soil carbon would have the most benefit for soil health.

- **Land conservation.** New Mexico could use data on carbon sequestration and emissions from natural and working lands to identify and conserve land with high carbon sequestration potential. For example, the data could support existing land conservation efforts in New Mexico such as the Natural Lands Protection Act.[914]

LIDAC Benefits

Collecting and using carbon sequestration and emissions data from natural and working lands would benefit LIDACs in New Mexico. The benefits for LIDACs overlap with the benefits for other communities but could also address challenges that disproportionately impact LIDACs.

The benefits to LIDACs from this measure include:

- **Urban greening in LIDACs.** Urban LIDACs typically have less access to green space. Planting trees in urban LIDACs can have particularly beneficial cooling effects.[915] Carbon sequestration and emissions data from developed lands could help New Mexico to target urban greening initiatives to underserved communities that would benefit the most from urban greening.
- **Reduced wildfire risk.** Overburdened communities face steeper challenges in recovering from wildfires. For example, rural and underserved communities often lack home insurance to cover the cost of rebuilding, and the loss of economic opportunity due to wildfires can be particularly acute for LIDACs.[916] Data to support improved land management practices that reduce wildfire risk would benefit LIDACs.
- **Soil health improvements.** Most of the soil in New Mexico has a very limited amount of organic matter stored in it, which makes it susceptible to erosion.[917] Carbon sequestration and emissions data from natural and working lands could help New Mexico identify land that would benefit from measures to increase soil carbon and soil health. The data could support the New Mexico Healthy Soil Program, which is designed to benefit overburdened communities.[918]

Disbenefits

No potential disbenefits from this measure were identified.

[913] Will Fulwider et al., "How Much Do Soil Health Practices Increase Soil Carbon?," Crops and Soils, accessed September 23, 2025, https://cropsandsoils.extension.wisc.edu/articles/how-much-do-soil-health-practices-increase-soil-carbon/.
[914] New Mexico Energy, Minerals and Natural Resources Department, "Natural Heritage Conservation Act and Natural Lands Protection Act," accessed September 23, 2025, https://www.emnrd.nm.gov/sfd/carbon-sequestration-through-land-conservation/natural-heritage-conservation-act-and-natural-lands-protection-act/.
[915] Annie M Moore, "The Power of Parks: Environmental Justice in the Context of Green Space Accessibility and Distribution" (University of Michigan, 2021), https://deepblue.lib.umich.edu/bitstream/handle/2027.42/171276/Moore%2C%20Annie_Practicum.pdf; Weiqi Zhou et al., "Urban Tree Canopy Has Greater Cooling Effects in Socially Vulnerable Communities in the US," *One Earth* 4, no. 12 (2021): 1764–75, https://doi.org/10.1016/j.oneear.2021.11.010.
[916] Rachel Bean, "Wildfire Wednesdays #128: Vulnerability in Wildfire Risk Rating," *Greater Santa Fe Fireshed Coalition*, January 31, 2024, http://www.santafefireshed.org/blog2/2024/1/31/1wanuax6qf4p2uweiuejazrhfx5y5x.
[917] New Mexico State University, "Soil Health."
[918] New Mexico Healthy Soil Working Group, "New Mexico Healthy Soil Initiative," accessed September 23, 2025, https://www.nmhealthysoil.org/about-2/.

LIDAC Disbenefits

No potential disbenefits to LIDACS were identified.

Measure EM-11: Agrisolar and Ecovoltaics

This measure supports research and pilot projects that accelerate the implementation of agrisolar and ecovoltaics in New Mexico. Agrisolar and ecovoltaics present an opportunity to add renewable energy production to natural and working lands in a sustainable and ecologically friendly way. Research and pilot projects will help the state better understand opportunities and challenges associated with these two types of renewable energy projects.

Implementation Authority and Responsibilities

An executive order from New Mexico's governor or a state statute could direct and prioritize a cross-agency task force on land use. Either path would allow the governor or legislature to detail the task force's directives or requirements. The executive order or statute could also detail the structure, membership, roles, and duties of the advisory group within the task force.

The legislature has already provided for enforcement of the RPS schedule for electricity sector enabling actions, but legislative measures are needed to clarify certain aspects of the framework for RECs as applied to zero-carbon resources, and to possibly require some form of time stamp for RECs. Microgrid-enabling legislation successfully passed in the 2025 legislative session and will require compliance with RPS standards by 2040. EMNRD already is advocating measures adopting PBRs for utilities in future legislative sessions. ECAM has begun appearing before the PRC to advocate for the state's energy policies regarding utilities. Legislative action would be also required to remove permitting from local authority after a certain timeframe and move the permitting process to the state.

For efforts to accelerate the adoption of agrisolar and ecovoltaics via pilot projects or additional research, EMNRD likely does not require authority from additional enabling measures; however, they likely will require enabling measures from the legislature to provide funding. This also applies to efforts around carbon sequestration and emissions data on public lands.

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure EM-11. (Appendix C provides details on these sources, organized by funding source number.)

- Advanced Energy Project Credit (Funding Source 21)
- ERA Program (Funding Source 22)
- NCIF CUF (Funding Source 25)
- EIR Program (Funding Source 66)
- USDA REAP (Funding Source 32)
- USDA RCPP (Funding Source 11)
- U.S. Climate Alliance Technical Assistance Fund (Funding Source 55)
- Western Sustainable Agriculture Research and Education Program (Funding Source 56)
- Energy Efficiency and Conservation Block Grant Program (Funding Source 40)
- Community Benefit Fund (Funding Source 94)

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Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Land use presents a challenge in installing large amounts of solar capacity. Utility-scale solar projects generally require 5 to 7 acres per megawatt of generating capacity, and installation can require land grading and vegetation clearing.[919] Agrisolar and ecovoltaics, which refer to the co-location of solar panels with agriculture and ecosystems, are innovative fields of research that could help address land use concerns. Accelerating research in these fields could help New Mexico increase its clean energy production while conserving its land and potentially delivering a number of other co-benefits.

More research into and deployment of agrisolar and ecovoltaics could have several benefits for New Mexico, including job creation, decreased energy costs, improved productivity, air pollution reductions, and land conservation.

Economic Benefits

- **Job creation.** New Mexico had about 3,400 solar energy jobs in 2023.[920] By 2030, the number of jobs is expected to grow to between 5,000 and 7,300.[921] New Mexico's 38.9 million acres of farmland creates opportunity for expanded solar resources through agrisolar and ecovoltaics,[922] and accelerated research and deployment could create and sustain jobs in solar.
- **Decreased energy costs.** The levelized cost of utility-scale solar in New Mexico was the lowest of any form of electricity production in the state in 2024, and smaller solar projects are also cost competitive and expected to continue decreasing in price.[923] Increasing solar electricity generation would bring down energy generation costs in the state; this process could be aided by agrisolar and ecovoltaics installations.
- **Improved productivity.** Agrisolar can produce electricity while benefiting the crops around the solar panels. Research in Arizona has shown that the interaction of solar panels and cropland creates a microenvironment around the solar panels that has higher humidity, lower daytime temperatures, and higher nighttime temperatures, increasing the efficiency of both crop and solar energy production.[924] Research has also shown that croplands have the highest median solar potential of any land cover type.[925] Accelerating research and deployment of agrisolar could therefore increase the productivity of farmland and solar energy production in New

[919] Solar Energy Industry Associations, "Land Use & Solar Development," 2025, https://seia.org/initiatives/land-use-solar-development/.
[920] U.S. Department of Energy, *United States Energy and Employment Report 2024* (2024), https://www.energy.gov/sites/default/files/2024-09/USEER%202024%20States_0913.pdf.
[921] National Renewable Energy Laboratory, "New Mexico's Clean Energy Jobs Potential Through 2030."
[922] National Agriculture Statistics Service, "Farms and Land in Farms – 2024," U.S. Department of Agriculture, February 14, 2025, https://www.nass.usda.gov/Statistics_by_State/Utah/Publications/News_Releases/2025/UT-Farm-Numbers-02142025.pdf.
[923] National Renewable Energy Laboratory, "Cost of Electricity - Levelized Cost of Electricity."
[924] New Mexico Healthy Soil Working Group, "Agri-Solar," NM Healthy Soil Working Group, November 2, 2023, https://www.nmhealthysoil.org/agri-solar/.
[925] Elnaz H. Adeh et al., "Solar PV Power Potential Is Greatest Over Croplands," *Scientific Reports* 9, no. 1 (2019): 11442, https://doi.org/10.1038/s41598-019-47803-3.

Mexico. This increase in crop yield and farmland productivity could potentially result in an increase in revenue for producers.

Environmental Benefits

- **Air pollution reductions.** Power plants using traditional fuels emit air pollutants such as SO_2 and PM, in addition to contributing to GHG emissions.[926] Peaker power plants, which generally only operate during peak electricity demand, are particularly high-emitting contributors to local air pollution.[927] Accelerating the implementation of agrisolar and ecovoltaics could help reduce air pollution in New Mexico by reducing the state's reliance on fossil fuel and peaker power plants.
- **Land conservation.** Further research on and deployment of agrisolar and ecovoltaics could increase land conservation in New Mexico. By co-locating solar panels with agriculture or ecosystems, agrisolar and ecovoltaics reduce competition for land and help conserve ecosystems.[928] There is also ongoing research into co-locating solar panels with pollinator habitats. One study showed that plants partially shaded by solar panels had similar levels of pollinator activity as a control group, and that the partially shaded plants bloomed later in the summer, which could benefit pollinators in arid climates.[929] Co-locating solar panels with pollinator habitats could further conserve land and create benefits from local ecosystem services.[930]

LIDAC Benefits

Accelerated research and deployment of agrisolar and ecovoltaics could benefit LIDACs in New Mexico in the following ways:

- **Energy burden reduction.** LIDACs are often located in energy-burdened parts of New Mexico, with households below the federal poverty line in New Mexico spending about 16% of their income on energy-related costs, compared to the statewide average of 3%.[931] Accelerated research and deployment of agrisolar and ecovoltaics could reduce energy costs in LIDACs, should they choose to participate, particularly in rural communities with a lot of farmland.
- **Improved productivity on small farms.** Small farms are typically less commercially viable than large farms, and small farms in New Mexico can face challenges such as lower crop productivity and capital constraints.[932] Agrisolar provides an additional revenue stream for farmers and can

[926] U.S. Environmental Protection Agency, "Power Plants and Neighboring Communities."
[927] PSE Healthy Energy, *New Mexico Peaker Power Plants: Energy Storage Replacement Options*.
[928] U.S. Department of Energy, "Agrivoltaics: Solar and Agriculture Co-Location," Energy.Gov, accessed September 23, 2025, https://www.energy.gov/eere/solar/agrivoltaics-solar-and-agriculture-co-location; Brian Naughton, "Harvest the Sun—Twice," *New Mexico Healthy Soil Working Group*, November 1, 2023, https://www.nmhealthysoil.org/2023/11/01/harvest-the-sun-twice/.
[929] Maggie Graham et al., "Partial Shading by Solar Panels Delays Bloom, Increases Floral Abundance during the Late-Season for Pollinators in a Dryland, Agrivoltaic Ecosystem," *Scientific Reports* 11, no. 1 (2021): 7452, https://doi.org/10.1038/s41598-021-86756-4.
[930] U.S. Department of Energy Solar Energy Technologies Office, "Buzzing Around Solar: Pollinator Habitat Under Solar Arrays," accessed September 23, 2025, https://www.energy.gov/eere/solar/articles/buzzing-around-solar-pollinator-habitat-under-solar-arrays.
[931] New Mexico Grid Modernization Advisory Group, *Whitepaper Series #10: Low and Moderate Income Programs to Modernize the Grid*; National Renewable Energy Laboratory, "SLOPE Stories: SLOPE Informs Grid Modernization and Transportation Planning in New Mexico."
[932] P. Vitale et al., "Farm Size and Agricultural Extension Programs: Insights from New Mexico's US Agriculture Census Data," *Journal of the NACAA* 18, no. 1 (2025), https://www.nacaa.com/file.ashx?id=bd6befe7-133a-407b-85d7-bab931457563.

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improve crop productivity in arid climates,[933] both of which could be particularly beneficial for small farmers in LIDACs.

- **Reduced exposure to air pollution.** LIDACs in New Mexico are disproportionately exposed to air pollution. New Mexico has 27 large stationary emission sources with over 10,000 people living within 3 miles, seven of which are in particularly vulnerable communities; examples include the Rio Grande Generating Station and the Rio Bravo Generating Station.[934] Air pollution is a risk for all-cause mortality and is linked to adverse health outcomes such as stroke, heart disease, and lung cancer.[935] More research and deployment of agrisolar and ecovoltaics could increase clean energy production in New Mexico and therefore reduce local air pollution in LIDACs.

Disbenefits

There are no potential disbenefits for this measure.

LIDAC Disbenefits

The CAP Team identified no potential disbenefits to LIDACs from this measure.

Measure EM-12: Data Center Workgroup

This measure establishes a data center workgroup focused on understanding the economic and environmental impacts of data centers in New Mexico. This interdisciplinary workgroup would include representatives from TAX, NMEDD, NMED, EMNRD, electric utilities, environmental advocacy groups, labor organizations, and industry stakeholders. This group will recommend policies and actions that will help the state balance the economic benefits of data centers with energy and water use issues.

Implementation Authority and Responsibilities

NMED and EMNRD do not need further authority to convene a data center workgroup through the Climate Change Task Force.

Intersection with Other Funding Availability

The following list identifies potentially available funding sources to support the implementation of Measure EM-12. (Appendix C provides details on these sources, organized by funding source number.)

- ERA Program (Funding Source 22)

Benefits

In this section, the CAP Team presents qualitative and quantitative benefits for this measure. This is not an inclusive list of all potential benefits, but the CAP Team expects long-term cumulative benefits will outweigh the cumulative costs.

Understanding the impact of data centers is becoming increasingly important as the demand for data center computing rapidly increases and facilities look to expand or open data centers in New

[933] U.S. Department of Energy Solar Energy Technologies Office, "The Potential of Agrivoltaics for the U.S. Solar Industry, Farmers, and Communities," April 17, 2023, https://www.energy.gov/eere/solar/articles/potential-agrivoltaics-us-solar-industry-farmers-and-communities; New Mexico Healthy Soil Working Group, "Agri-Solar."
[934] Pacyniak et al., *Climate, Health, and Equity Implications of Large Facility Pollution Sources in New Mexico*.
[935] World Health Organization, "Air Quality, Energy and Health."

Mexico.[936] While data centers can provide jobs and economic growth in New Mexico, data centers use a significant amount of energy and water. A 100,000-square-foot center, for example, uses about 20 megawatts of power.[937] In 2023, data centers represented 4.4% of electricity consumption in the Unted States, up from 1.9% in 2018.[938] A Meta data center in Los Lunas, New Mexico, reported in 2020 that they used 153,000 gallons of water per day, and a proposed data center in Santa Teresa expects to use 7.2 million gallons of water every year.[939] Balancing the economic benefit of these centers with their environmental impact is becoming an important challenge. States such as Washington have also developed working groups to address this emerging issue.[940] The benefits of developing a working group are described below.

Benefits

- **Improved efficiency.** Developing a workgroup to evaluate the impacts of data centers on New Mexico's economy, tax revenue, energy use, and environment will enhance the state's capacity to develop policy and actions that address these impacts. The proposed workgroup will include representatives from various state agencies, electric utilities, environmental advocacy groups, labor organizations, and industry stakeholders. This diverse group of representatives will have expertise in various issues related to data centers, the economy, and the environment. A workgroup that brings these experts together will provide a forum for sharing ideas, data, and resources, improving the ability of the state to develop informed policy and action.[941] Furthermore, because data centers represent a rapidly growing and changing industry, having a group of experts and stakeholders convened will support timely and effective policy response.
- **Improved policy development.** Assessing the impacts of data centers will help New Mexico develop evidence-based policy, allowing for more efficient and effective policymaking.[942] Establishing this workgroup will ensure that policy or action related to data centers is based on expert analysis and stakeholder input. However, it is important to ensure the data center workgroup considers all stakeholders, including members of the sovereign NPTs. It is also important to include municipalities, and the public, so that recommendations are equitable and aligned with community needs.

[936] Algernon D'Ammassa, "Data Center Boom Puts New Mexico's Power Grid — and Climate Goals — to the Test," *Albuquerque Journal*, August 17, 2025, https://www.abqjournal.com/business/article_9c83c6bd-a56c-4c88-9caa-a0f6603ce38e.html.
[937] Mary Zhang, "Data Center Power: A Comprehensive Overview of Energy," Dgtl Infra, March 25, 2024, https://dgtlinfra.com/data-center-power/.
[938] Arman Shehabi et al., *2024 United States Data Center Energy Usage Report* (Lawrence Berkely National Laboratory, 2025), https://doi.org/10.71468/P1WC7Q.
[939] New Mexico Environment Department and ERG, *New Mexico Strategic Water Supply Feasibility Study* (2024), https://www.env.nm.gov/wp-content/uploads/2024/11/NMED-Revised-Draft-Feasibility-Study-112224.pdf; Diego Mendoza-Moyers, "Water Use Figures Unveiled for Controversial New Mexico Data Center," El Paso Matters, September 10, 2025, https://elpasomatters.org/2025/09/10/project-jupiter-data-center-santa-teresa-new-mexico-el-paso-texas-water-electricity/.
[940] Lisa Stiffler, "Washington Work Group to Weigh Data Center Pros and Cons," GeekWire, February 4, 2025, https://www.geekwire.com/2025/amid-ai-boom-gov-ferguson-creates-workgroup-to-study-impact-of-data-centers-in-washington-state/.
[941] Pierce County, "Interagency Coordination."
[942] Evidence-Based Policymaking Collaborative, *Principles of Evidence-Based Policymaking* (2016), https://www.urban.org/sites/default/files/publication/99739/principles_of_evidence-based_policymaking.pdf.

- **Sustainable economic growth.** Data centers in New Mexico are expected to create jobs. For instance, a proposed data center in Santa Teresa is expected to create 1,000 jobs.[943] However, as discussed above, data centers use significant amounts of energy and water. The workgroup proposed in this measure will develop recommendations that consider how to balance the positive economic impacts of data centers with environmental concerns. Focused on New Mexico's unique conditions, the group will support sustainable economic growth in the state.
- **Improved energy and water conservation**. As mentioned above, two main concerns with the growth of data centers are their water and energy use. Developing a group to evaluate these issues, gather stakeholder input, and recommend policy and actions is an important first step in ensuring that data center growth does not compromise the state's energy or water security.

LIDAC Benefits

LIDACs will benefit from this measure in the following way:

- **Mitigate negative impacts of data centers.** Without planning, data centers may negatively impact the resources, specifically energy and water, of their local communities. Utilities may need to invest in additional infrastructure to meet the energy demands of data centers, which can lead to higher energy rates among the local community.[944] Since data centers nationally are frequently located in low-income areas where property values are lower,[945] these cost increases can disproportionately impact residents, who tend to spend a higher proportion of their income on energy.[946] Furthermore, data centers sometimes need to use backup diesel generators,[947] which generate pollutants that are harmful to human health in the local community. Low-income areas are already often disproportionately burdened by air pollution impacts, so a data center in a low-income area could exacerbate existing health problems.[948] However, establishing a working group focused on planning and mitigating these impacts can help protect low-income communities from the adverse environmental and economic impacts of data centers. This measure benefits low-income New Mexicans by supporting policy development that minimizes burdens while allowing communities to still benefit from the economic benefits of data centers, such as job creation.

Disbenefits

No disbenefits were identified.

LIDAC Disbenefits

The CAP Team identified no disbenefits from this measure.

[943] New Mexico Office of the Governor, "Governor Announces Partnership with BorderPlex Digital - Digital Infrastructure Campus Represents $5 Billion Investment in Santa Teresa; Expected to Create 1,000 Jobs," Office of the Governor - Michelle Lujan Grisham, February 25, 2025, https://www.governor.state.nm.us/2025/02/25/governor-announces-partnership-with-borderplex-digital-digital-infrastructure-campus-represents-5-billion-investment-in-santa-teresa-expected-to-create-1000-jobs/.

[944] Grant Gutierrez et al., "Who Pays for the Cloud? The Hidden Costs of Rising Data Center Demand," Carbon Direct, May 20, 2025, https://www.carbon-direct.com/insights/who-pays-for-the-cloud-the-hidden-costs-of-rising-data-center-demand.

[945] Naomi Slagowski and Christopher DesAutels, "Environmental and Community Impacts of Large Data Centers - Gradient," Gradient, 2024, https://gradientcorp.com/trend_articles/impacts-of-large-data-centers/.

[946] National Renewable Energy Laboratory, "SLOPE Stories: SLOPE Informs Grid Modernization and Transportation Planning in New Mexico."

[947] Slagowski and DesAutels, "Environmental and Community Impacts of Large Data Centers - Gradient."

[948] American Lung Association, "Disparities in the Impact of Air Pollution."

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6 Workforce Planning Analysis

New Mexico's CAP will pave the way for a vibrant and future-ready workforce, creating job opportunities across existing and emerging industries and occupations. This section provides an analysis of the jobs required and place-based strategies to ensure that an adequate workforce is available to meet these needs. The analysis begins by reviewing CAP strategies and submeasures that are expected to have workforce impacts, determining the potentially affected labor market areas in relation to the measures, identifying key industries and occupations, and compiling data on current and projected employment. Using this information, the analysis identifies industries and occupations that are expected to be highly impacted by implementation of the CAP to understand where shortages may be anticipated. The CAP Team conducted interviews with key stakeholders to gather information on current and planned training programs and initiatives, explore challenges in meeting workforce needs, and discuss recommendations for actions to address the challenges. (See Appendix B for more information about stakeholder outreach).

The workforce planning analysis assembles available occupational data, identifies highly impacted occupations, documents relevant training programs and initiatives, and presents finding of outreach. The analysis addresses impacts specific to NPTs and LIDACs, specific geographic regions as appropriate, and the state. The goal of this analysis is to improve NMED's understanding of greater economic development opportunities for the state through the implementation of CAP measures, including higher-paying jobs, reduced delays in confronting labor shortages, decreases in unemployment, and avenues for connecting employers to workers.

6.1 Part 1: Potential Workforce Shortages

6.1.1 Strategies and Submeasures with Workforce Impacts

A review of CAP strategies and submeasures identified which of these would be expected to lead to significant workforce impacts. As a first step in our analysis, Table 144 shows each submeasure and whether workforce impacts are expected from it. The "Workforce Impact" column indicates whether each submeasure is expected to have an impact on New Mexico's workforce. For example, EW-1, which would implement a cap-and-invest program, is not expected to have significant impacts, whereas I-1 to I-3, which include electrification of oil and gas infrastructure, are expected to have significant impacts. The analysis that follows is restricted to submeasures that are expected to have workforce impacts. Impacts related to enabling actions are not included in this table, as those are primarily related to government and legislative action and their expected workforce impacts are accounted for in the submeasures that they support.

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6.1.2 Relevant Labor Market Areas

To further delineate our analysis, Table 144 lists potentially affected labor market areas associated with each submeasure where workforce impacts are anticipated. The table lists statewide impacts for a labor market area based primarily on statewide efforts prescribed within submeasures and the ability of workforce to migrate based on opportunities. Submeasures pertaining to oil and gas operations are tagged with Northwest and Southeast labor market areas, as oil and gas operations are concentrated in the San Juan and Permian basins in those regions. Additionally, potential impacts on NPTs and LIDACs are highlighted based on descriptions of the submeasures. For example, E-3, which enables microgrids for rural and tribal communities, will directly impact workforces in LIDACs[949] and NPTs.

Table 144. NM CAP Submeasures and Corresponding Workforce and Demographic Impact

Sector	Submeasure Code	Workforce Impact	Labor Market Area
Economy-wide	EW-1	No	
Industry	I-1 to I-3	Yes	Statewide, Northwest, Southeast
	I-4 to I-7	Yes	Statewide, Northwest, Southeast
Electricity	E-1	Yes	Statewide, LIDACs
	E-2	Yes	NPTs
	E-3	Yes	NPTs, Statewide, LIDACs
	E-4	No	
	E-5	Yes	Statewide
	E-6	Yes	Statewide
	E-7	Yes	Statewide
	E-8	Yes	Statewide
	E-9	Yes	Statewide
	E-10	No	
	E-11	Yes	Statewide, LIDACs
	E-12	Yes	Statewide
	E-13	Yes	Statewide
	E-14	Yes	NPTs, LIDACs
Transportation	T-1	Yes	Statewide, LIDACs
	T-2	Yes	NPTs, Statewide, LIDACs
	T-3	Yes	Statewide
	T-4	Yes	Statewide
	T-5	Yes	Statewide
Agriculture	AFW-1	No	
	AFW-2	Yes	Statewide, LIDACs
	AFW-3	Yes	Statewide
	AFW-4	Yes	Statewide, LIDACs

[949] New Mexico Environment Department and New Mexico Energy, Minerals, and Natural Resources Department, "Priority Climate Action Plan."

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Sector	Submeasure Code	Workforce Impact	Labor Market Area
	AFW-5	Yes	Statewide, LIDACs
Buildings	B-1	Yes	Statewide
	B-2	Yes	Statewide
	B-3	No	
	B-4	Yes	LIDACs
	B-5	Yes	Statewide
	B-6	Yes	Statewide
	B-7	Yes	Statewide
Waste	WM-1	Yes	Statewide
	WM-2	Yes	Statewide
	WM-3	Yes	Statewide
	WM-4	Yes	Statewide
	WM-5	Yes	Statewide
	WM-6	No	
	WM-7	No	

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6.1.3 Key Industries and Priority Occupations

To understand which occupations will be impacted by the CAP, specific occupations and industries are mapped to submeasures based on the descriptions and potential for workforce impact. Table 145 shows each potentially impacted occupation and the relevant submeasures and industries. This mapping shows that the demand for electrical engineers, electricians, engineering technicians, and construction laborers could be greatest through CAP implementation, based on the number of relevant submeasures mapped to those occupations.

Table 145. Key Industries and Priority Occupations Impacted by NM CAP Submeasures

Occupation	Relevant Submeasure Codes	Industries
Agricultural equipment operators	AFW-5	Agriculture
Agricultural inspectors	AFW-5	Agriculture
Architects, except landscape and naval	E-9, E-12, E-13, E-5, T-5, B-4	Construction, utilities, public transportation
Bus and truck mechanics and diesel engine specialists	T-1	Public transportation
Carpenters	B-4	Construction
Civil engineers	I-4 to I-7, E-9, E-12, E-13, E-5, T-3, T-5	Construction, utilities, public transportation
Compliance officers	I-4 to I-7, WM-2	Construction, utilities, waste management
Conservation scientists and foresters	AFW-4, AFW-2, AFW-3, WM-1, WM-2, WM-3	Conservation, agriculture
Cost estimators	B-4, B-5, WM-2	Construction, utilities, waste management
Drafters	B-4	Construction, utilities
Electrical engineers	I-1 to I-3, E-9, E-11, E-12, E-13, E-2, E-7, E-8, E-3, E-14, E-5, E-6, T-1, T-5, B-1, B-2, B-5, B-6, B-7	Construction, utilities, public transportation
Electricians	I-1 to I-3, E-9, E-11, E-12, E-13, E-2, E-7, E-8, E-3, E-14, E-5, E-6, T-1, T-5, B-1, B-2, B-5, B-6, B-7	Construction, utilities, public transportation
Engineering technologists and technicians, except drafters	I-1 to I-3, E-9, E-11, E-12, E-13, E-2, E-7, E-8, E-3, E-14, E-5, E-6, T-1, T-5, B-1, B-2, B-5, B-6, B-7	Construction, utilities, public transportation
Environmental engineers	AFW-4, AFW-2, AFW-3, AFW-5, B-2, WM-1, WM-2, WM-3, WM-4	Conservation, utilities, waste management

Occupation	Relevant Submeasure Codes	Industries
Environmental scientists and specialists, including health	AFW-4, AFW-2, AFW-3, AFW-5, B-2, B-7, WM-1, WM-2, WM-3, WM-4	Conservation, utilities, waste management
Environmental science and protection technicians, including health	AFW-4, AFW-2, AFW-3, AFW-5, B-2, WM-1, WM-2, WM-3, WM-4	Conservation, utilities, waste management
Farmworkers and laborers	AFW-5	Agriculture
Forest and conservation workers	AFW-4, AFW-2, AFW-3, AFW-5, WM-1, WM-2	Conservation, waste management
Construction laborers	I-1 to I-3, I-4 to I-7, E-9, E-11, E-12, E-13, E-2, E-7, E-8, E-3, E-14, E-5, E-6, T-3, T-5, B-1, B-2, B-4, B-5, B-6, B-7, WM-2, WM-3, WM-4	Construction, utilities, public transportation, waste management
Maintenance and repair workers, general	B-4	Construction
Petroleum engineers	I-1 to I-3, I-4 to I-7	Construction, utilities
Plumbers, pipefitters, and steamfitters	B-2, B-7	Construction, utilities
Electrical power-line installers and repairers	T-1, T-5, B-1, B-2	Utilities, public transportation
Rail car repairers	T-1	Public transportation
Rail-track laying and maintenance equipment operators	T-1	Public transportation
Railroad conductors and yardmasters	T-1	Public transportation
Railroad brake, signal, and switch operators and locomotive filers	T-1	Public transportation
Bus drivers, school	T-1	Public transportation
Bus drivers, transit and intercity	T-1	Public transportation
Urban and regional planners	T-1, T-2, T-3, B-7	Construction, public transportation
Wind turbine service technicians	E-5	Utilities

NMED Exhibit 54_000366

6.1.4 Current Workforce

Available data on New Mexico's overall workforce, as well as industry- and occupation-level data, assist in understanding the workforce supply relevant to the CAP. Below, data on trends and projections (where available) for the NPTs, state, relevant industries and occupations, and LIDAC labor force are presented as a foundation for understanding potential shortages.

6.1.4.1 Statewide Labor Force and Employment

A high-level view of the statewide labor market provides context for more detailed analysis of industry- and occupation-level trends. The 2024–2027 WIOA State Plan describes an "inverted" labor market, with over 30,000 more vacancies than unemployed people looking for work in 2023.[950] According to Bureau of Labor Statistics data on statewide labor force and unemployment between 2014 and 2024, the overall labor force grew, and unemployment declined, apart from deviations during the COVID-19 pandemic (Figure 6).

Figure 6. Labor Force and Unemployment Rate in New Mexico (2014–2024)[951]

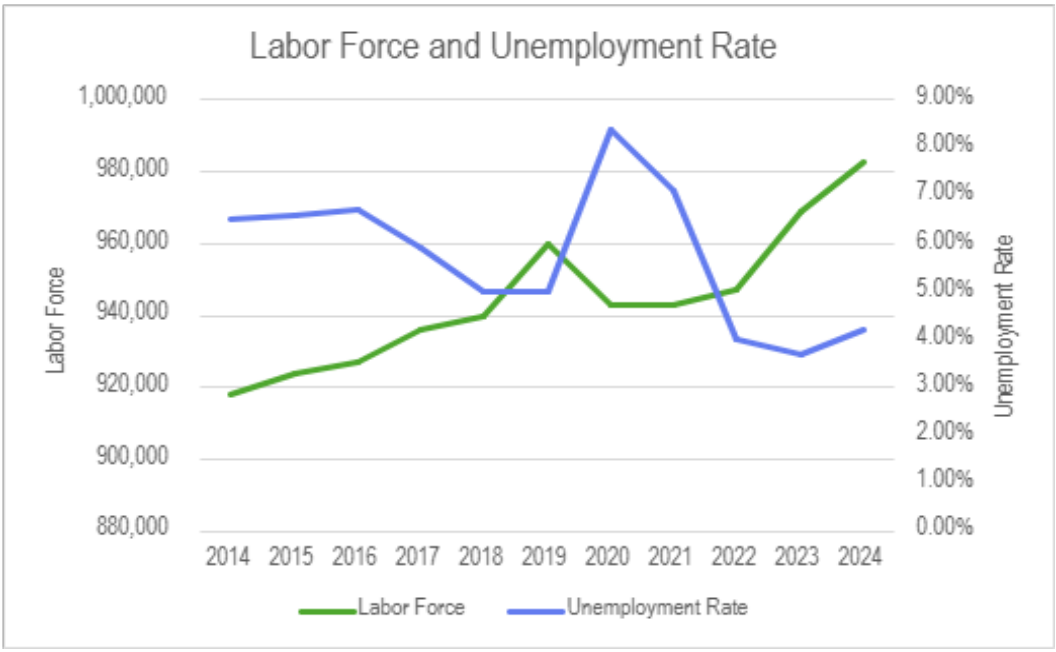


Table 146 provides additional context for the statewide labor force totals and unemployment rates shown above. From 2014 to 2024, New Mexico's labor force increased by 65,000 and unemployment decreased by 19,000.[952] Additionally, while New Mexico's labor participation rate (percentage of the working-age population that is employed or seeking employment) remained relatively steady from 57.3% in 2014 to 57.7% in 2024, the unemployment rate decreased from 6.5% in 2014 to 4.2% in 2024. A slight increase in labor force participation rate and decrease in unemployment rate indicate growth in the statewide economy, as a larger percentage of the labor force has become employed. The 2024–2027 State WIOA Plan projects 11.6% growth in employment between 2020 and 2030, with the highest

[950] New Mexico Department of Workforce Solutions, *New Mexico Workforce Innovation and Opportunity Act (WIOA) Combined State Plan, Program Years 2024-2027*.
[951] Bureau of Labor Statistics, "State Employment and Unemployment Archived News Releases," Bureau of Labor Statistics, 2025, https://www.bls.gov/bls/news-release/laus.htm.
[952] Bureau of Labor Statistics, "State Employment and Unemployment Archived News Releases."

rate of growth in the Northern region, and the highest numeric growth in the Central region (which includes Albuquerque).[953]

Table 146. Population, Labor Force, and Employment Statistics for New Mexico, 2014–2024

	Civilian Non-Institutionalized Population[954]	Labor Force	Labor Force Participation Rate	Unemployment	Unemployment Rate
2014	1,601,000	918,000	57.3%	60,000	6.5%
2015	1,604,000	924,000	57.6%	61,000	6.6%
2016	1,610,000	927,000	57.6%	62,000	6.7%
2017	1,625,000	936,000	57.6%	55,000	5.9%
2018	1,633,000	940,000	57.6%	47,000	5.0%
2019	1,642,000	960,000	58.5%	48,000	5.0%
2020	1,653,000	943,000	57.0%	79,000	8.4%
2021	1,671,000	943,000	56.4%	67,000	7.1%
2022	1,676,000	947,000	56.5%	38,000	4.0%
2023	1,690,000	969,000	57.3%	36,000	3.7%
2024	1,705,000	983,000	57.7%	41,000	4.2%
Change from 2014–2024	**104,000**	**65,000**		**-19,000**	

6.1.4.2 Highlighted Industry and Occupational Labor Force and Employment

Within the broader context of statewide trends, Table 147 presents industries that are relevant to CAP submeasures and employment trends from 2014 to 2024.[955,956] Available data showed a gain of 6,844 jobs, or 8.1%, for these 16 industries, while total employment in New Mexico increased by 9.3% in the same period. The largest industry increases in employment were in heavy and civil engineering construction at 3,491 jobs, construction of buildings at 1,759 jobs, and waste management and remediation services at 1,877 jobs. Conversely, the largest declines were in support activities for mining at 1,714 jobs, support activities for agriculture and forestry at 787 jobs, and transit and ground passenger transportation at 589 jobs. The 16 industries represented about 10.8% and 10.6% of New Mexico's employment in 2014 and 2024, respectively.

[953] New Mexico Department of Workforce Solutions, *New Mexico Workforce Innovation and Opportunity Act (WIOA) Combined State Plan, Program Years 2024-2027*.

[954] Refers to individuals residing in New Mexico who are aged 16 and older and are not active-duty members of the U.S. Armed Forces and are not confined to or living in correctional facilities (e.g., prisons) or residential care facilities (e.g., skilled nursing homes).

[955] Bureau of Labor Statistics, "Quarterly Census of Employment and Wages," Bureau of Labor Statistics, 2025, https://www.bls.gov/cew/.

[956] Bureau of Labor Statistics, "OES Home," Bureau of Labor Statistics, 2024, https://www.bls.gov/oes/.

NMED Exhibit 54_000368

Table 147. Selected Industry Employment in New Mexico from 2014 to 2024

NAICS	Industry	2014 Employment	2019 Employment	2024 Employment
111000	Crop production	3,054	3,399	2,904
112000	Animal production	5,357	5,183	4,220
113000	Forestry and logging	ND[957]	42	27
115000	Support activities for agriculture and forestry	2,753	2,360	1,966
211000	Oil and gas extraction	5,462	4,366	4,844
213000	Support activities for mining	17,454	17,663	15,740
221000	Utilities	4,419	4,222	4,337
236000	Construction of buildings	9,861	11,885	11,620
237000	Heavy and civil engineering construction	8,631	11,507	12,122
324000	Petroleum and coal products manufacturing	787	1,033	ND
482000	Rail transportation	ND	ND	ND
484000	Truck transportation	8,082	8,897	8,511
485000	Transit and ground passenger transportation	2,514	2,186	1,925
486000	Pipeline transportation	215	613	590
531000	Real estate	6,481	7,087	6,931
562000	Waste management and remediation services	2,422	3,342	4,299
	Subtotal (where available)	**84,982**	**91,787**	**91,036**
	Total, all industries	**788,000**	**823,570**	**860,880**

Table 148 presents data on occupations relevant to CAP measures, including employment, median hourly wage, location quotient, percent change over the past 10 years, and projected growth from 2022 to 2032.[958] Projected growth is an estimate of how many job openings will be available in 2032 compared to 2022.[959,960] Location quotients are a measure of the concentration of an occupation in an area relative to a larger region (in this case, the United States). A larger location quotient indicates that an occupation has a higher share of employment in the area, or New Mexico, than the national average.[961] For example, occupations surrounding oil and gas, including derrick operators, rotary drill operators, service unit operators, and roustabouts, all have a location quotient higher than 8.00, indicating a high concentration of these occupations relative to the national average. While location quotients provide context on the concentration of certain industries' occupations in New Mexico,

[957] ND: Not Disclosable—data do not meet Bureau of Labor Statistics (BLS) or state agency disclosure standards.
[958] Bureau of Labor Statistics, "OES Home."
[959] U.S. Department of Labor, "Labor Market Projections," Projections Central, 2025, https://projectionscentral.org/home.
[960] New Mexico Department of Workforce Solutions, "Employment Projections," New Mexico Department of Workforce Solutions, 2023, https://www.dws.state.nm.us/en-us/Researchers/Data/Employment-Projections.
[961] Bureau of Labor Statistics, "About OEWS Charts and Maps," Bureau of Labor Statistics, 2025, https://www.bls.gov/oes/about_charts.htm.

projected growth can be used to provide information on which occupations are expected to grow. Additionally, median hourly wage provides data on which occupations could provide the most value for New Mexico's workforce in potential future growth. The statewide median hourly wage is $22.05, while the weighted average by employment for median hourly wage of impact occupations in Table 148 is $28.76.

Table 148. Selected Occupational 2024 Employment, Median Hourly Wage, Location Quotient, and Projected Growth in New Mexico, 2022–2032

SOC Code	Occupation	2024 Employment	Median Hourly Wage	Location Quotient	5Y % Change	10Y % Change	2022–2032 Projected Growth
11-9141	Property, real estate, and community association managers	1,310	$28.99	0.79	29.7%	95.5%	8.6%
13-1041	Compliance officers	2,620	$32.52	1.18	69%	84.5%	7.9%
13-1051	Cost estimators	980	$33.19	0.8	-3%	25.6%	5.5%
13-2031	Budget analysts	710	$47.88	2.7	22.4%	9.2%	8.8%
13-2041	Credit analysts	90	$37.00	0.24	-35.7%	-30.8%	**
13-2072	Loan officers	970	$34.95	0.6	-37.4%	-31.2%	9.5%
13-2081	Tax examiners and collectors, revenue agents	180	$26.61	0.62	0%	-35.7%	**
13-2082	Tax preparers	340	$18.30	0.83	-8.1%	36%	9.1%
17-1011	Architects, except landscape and naval	720	$37.05	1.16	100%	41.2%	11.8%
17-1022	Surveyors	210	$36.15	0.7	-30%	-38.2%	13.3%
17-2011	Aerospace engineers	1,940	$67.20	5.07	218%	181.2%	**
17-2021	Agricultural engineers	**	**	**	**	**	**
17-2051	Civil engineers	1,400	$50.29	0.71	-6.7%	30.8%	10.7%
17-2071	Electrical engineers	1,580	$69.16	1.5	18.8%	25.4%	11.2%
17-2072	Electronics engineers, except computer	980	$58.56	1.87	16.7%	-22.8%	9.5%
17-2081	Environmental engineers	480	$49.89	2.27	26.3%	-22.6%	14.3%
17-2171	Petroleum engineers	390	$56.74	3.64	2.6%	77.3%	14.3%
17-3011	Architectural and civil drafters	340	$28.39	0.56	-52.8%	-38.2%	7.9%
17-3023	Engineering technologists and technicians, except drafters	1,070	$39.70	2.07	-13%	-26.7%	8.3%
17-3031	Surveying and mapping technicians	550	$26.81	**	-31.3%	-12.7%	10.2%
19-1031	Conservation scientists and foresters	390	$34.85	2.72	77.3%	85.7%	7.1%
19-2041	Environmental scientists and specialists, including health	1,160	$38.10	2.44	-8.7%	22.1%	11.3%
19-3051	Urban and regional planners	410	$32.01	**	-24.1%	13.9%	12.5%

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SOC Code	Occupation	2024 Employment	Median Hourly Wage	Location Quotient	5Y % Change	10Y % Change	2022–2032 Projected Growth
19-4042	Environmental science and protection technicians, including health	460	$27.85	2.08	-11.5%	**	15.2%
19-5011	Occupational health and safety specialists and technicians	1,000	$38.38	1.4	4.2%	**	23.6%
45-2011	Agricultural inspectors	120	$25.22	1.71	33.3%	50%	7.1%
45-2091	Agricultural equipment operators	190	$17.05	1.11	-60.4%	216.7%	13.9%
45-2092	Farmworkers and laborers, crop, nursery, and greenhouse	1,670	$14.27	1.15	6.4%	-31.3%	6.1%
45-2093	Farmworkers, farm, ranch, and aquacultural animals	400	$15.54	2.01	8.1%	60%	-3%
45-4011	Forest and conservation workers	**	$17.53	**	**	**	6.3%
47-2031	Carpenters	3,220	$25.00	0.83	-13.7%	-3.9%	9.5%
47-2061	Construction laborers	10,530	$18.52	1.78	-0.9%	4.3%	14.1%
47-2081	Drywall and ceiling tile installers	490	$25.23	1.05	-26.9%	-5.8%	11.2%
47-2111	Electricians	5,090	$27.35	1.23	24.8%	46.3%	17.1%
47-2141	Painters, construction, and maintenance	1,280	$22.07	1.02	29.3%	1.6%	10.9%
47-2151	Pipelayers	180	$20.51	0.95	63.6%	-25%	8.3%
47-2152	Plumbers, pipefitters, and steamfitters	2,900	$28.68	1.14	26.6%	36.8%	12%
47-2161	Plasterers and stucco masons	350	$22.70	3.01	-20.5%	-16.7%	11.1%
47-2181	Roofers	1,070	$21.36	1.4	-15.1%	28.9%	12.6%
47-4011	Construction and building inspectors	610	$30.04	0.8	19.6%	24.5%	3.4%
47-4061	Rail-track laying and maintenance equipment operators	90	$35.80	0.94	**	-25%	**
47-5011	Derrick operators, oil and gas	1,070	$28.94	17.39	0%	39%	21.4%
47-5012	Rotary drill operators, oil and gas	650	$41.13	8.86	-37.5%	-43%	22%
47-5013	Service unit operators, oil and gas	2,080	$27.92	8.44	-13%	20.2%	20.2%
47-5071	Roustabouts, oil and gas	3,320	$23.35	13.13	-21.7%	-9.8%	24.3%
49-2095	Electrical and electronics repairers, powerhouse, substation, and relay	150	$34.89	1.17	7.1%	-16.7%	**

NMED Exhibit 54_000372

SOC Code	Occupation	2024 Employment	Median Hourly Wage	Location Quotient	5Y % Change	10Y % Change	2022–2032 Projected Growth
49-3031	Bus and truck mechanics and diesel engine specialists	1,630	$24.86	1.01	-15.1%	-8.9%	9.8%
49-3043	Rail car repairers	120	$29.69	1.13	**	-33.3%	**
49-9041	Industrial machinery mechanics	2,730	$28.57	1.16	-7.1%	64.5%	23.5%
49-9051	Electrical power line installers and repairers	1,100	$37.82	1.59	50.7%	31%	9.1%
49-9071	Maintenance and repair workers, general	9,230	$20.13	1.08	9.5%	17.7%	14.6%
49-9081	Wind turbine service technicians	150	$30.96	2.35	0%	**	30%
51-8013	Power plant operators	130	$47.45	0.77	-58.1%	**	-6.3%
51-8092	Gas plant operators	250	$45.22	2.83	-21.9%	-46.8%	-7.7%
51-8093	Petroleum pump system operators, refinery operators, and gaugers	400	$32.40	2.05	-51.2%	-58.3%	10.9%
53-3051	Bus drivers, school	1,910	$22.23	0.88	**	**	5.4%
53-3052	Bus drivers, transit and intercity	680	$20.89	0.82	23.6%	**	12.5%
53-3053	Shuttle drivers and chauffeurs	1,430	$16.59	1.11	**	**	16.1%
53-4022	Railroad brake, signal, and switch operators and locomotive firers	140	$31.37	2.05	**	**	**
53-4031	Railroad conductors and yardmasters	380	$33.39	1.59	216.7%	35.7%	**
	Total, impact occupations	**76,020**	**$28.76***				
	Total, all occupations	**860,880**	**$22.05**			**9.3%**	**13.1%**

* Weighted average of occupations

** Indicates that an estimate from the Bureau of Labor Statistics Occupational Employment and Wage Statistics (OEWS) is not available

Certain high-impact occupations, such as wind turbine technicians and electricians, maintain higher projected growth rates and surpass the statewide average projected job opening rate at 30% and 17.1%, respectively. This projected growth from 2022 to 2032 is consistent with CAP submeasures and New Mexico's broader electrification and energy transition efforts. Additionally, some high-impact occupations with lower projected growth rates, such as compliance officers or conservation scientists and foresters, have experienced steep growth trends from 2014 to 2024. While these occupations have lower projected growth rates of 7.9% and 7.1%, respectively, each grew at 84.5% and 85.7% from 2014 to 2024. This suggests that although occupations may be in high workforce demand to achieve submeasures, previous and recent occupational growth could be enough to satisfy demand.

6.1.4.3 LIDAC Labor Force and Employment

NMDWS collects data on labor force, employment, and unemployment for counties in New Mexico. Table 149 presents statistics for LIDACs identified in New Mexico's PCAP and LIDACs compiled by block group IDs at the county level, including current and past trends for counties containing LIDACs.[962,963] The second column displays the number of LIDACs in each county, while the third displays this number as a percentage of total communities in the county. Los Alamos is the only county that does not contain a LIDAC. Bernalillo County contains the largest number of LIDACs at 213; however, this county is the most populous in New Mexico, and LIDACs only account for 45.51% of the county's communities. LIDACs make up 100% of the communities in Catron, Cibola, Colfax, De Baca, Guadalupe, Harding, Hidalgo, Luna, Mora, Quay, Rio Arriba, Roosevelt, San Miguel, Sierra, Taos, Torrance, and Union counties. Nine of these 17 counties have experienced a negative change in employment over the past 10 years. Additionally, the New Mexico Department of Health (NMDOH) classifies counties into metropolitan, small metro, mixed urban/rural, and rural counties. Ten of the 17 counties are considered rural, six are mixed urban/rural, and one is metropolitan.[964]

Table 149. New Mexico LIDACs by County Labor Force and Employment Statistics, 2014–2024

County	LIDACs	LIDAC % of All Communities	2024 Labor Force	2024 Employment	2024 Unemployment	Change in Employment (2014–2024)
Bernalillo	213	45.5%	352,287	339,850	12,437	11%
Catron	5	100%	1,082	1,025	57	-6%
Chaves	46	86.8%	28,444	27,391	1,053	4.9%
Cibola	23	100%	9,297	8,827	470	4.6%
Colfax	16	100%	4,766	4,552	214	-18%
Curry	21	48.8%	21,466	20,812	654	-1%
De Baca	2	100%	536	516	20	-37%
Dona Ana	117	72.7%	102,677	98,011	4,666	10.2%
Eddy	30	68.2%	31,562	30,634	928	4.7%

[962] New Mexico Environment Department and New Mexico Energy, Minerals, and Natural Resources Department, "Priority Climate Action Plan."
[963] New Mexico Environment Department and New Mexico Energy Conservation and Management Division, "Priority Climate Action Plan Appendix L," March 1, 2024, https://www.climateaction.nm.gov/wp-content/uploads/2024/09/NM-PCAP-Appendix-L-%E2%80%93-New-Mexico-Census-Tract-Block-Groups-Identified-by-EPA-as-LIDAC.xlsx.
[964] New Mexico Department of Health, "Metropolitan, Small Metro, Mixed Urban/Rural and Rural New Mexico Counties," November 2014, https://ibis.doh.nm.gov/contentfile/docs/CHA/UrbanRuralCounties.pdf.

County	LIDACs	LIDAC % of All Communities	2024 Labor Force	2024 Employment	2024 Unemployment	Change in Employment (2014–2024)
Grant	22	88%	10,810	10,391	419	-12.6%
Guadalupe	4	100%	1,518	1,462	56	-2.5%
Harding	1	100%	378	365	13	26.7%
Hidalgo	3	100%	1,251	1,191	60	-41.3%
Lea	43	70.5%	35,374	34,269	1,105	14%
Lincoln	8	34.8%	8,425	8,027	398	-2.4%
Los Alamos	0	0%	13,909	13,678	231	68.6%
Luna	19	100%	10,043	8,600	1,443	-1.1%
McKinley	52	83.9%	23,211	22,039	1,172	0.2%
Mora	5	100%	1,462	1,382	80	-31.7%
Otero	34	56.7%	24,421	23,420	1,001	-0.8%
Quay	12	100%	3,407	3,278	129	7%
Rio Arriba	30	100%	16,175	15,576	599	2%
Roosevelt	16	100%	8,200	7,921	279	0.5%
Sandoval	31	35.2%	76,933	74,135	2,798	28.2%
San Juan	63	61.8%	50,216	48,109	2,107	-9.9%
San Miguel	31	100%	10,531	10,081	450	-1.7%
Santa Fe	42	37.2%	74,665	72,097	2,568	2.7%
Sierra	12	100%	4,200	3,966	234	8.2%
Socorro	12	85.7%	6,160	5,900	260	-3.5%
Taos	30	100%	15,606	14,950	656	7.1%
Torrance	12	100%	6,284	5,963	321	17.2%
Union	4	100%	1,376	1,332	44	-24.9%
Valencia	39	70.9%	33,539	32,202	1,337	16%

Table 150 presents compiled labor force, employment, unemployment, and unemployment rates for the 17 counties in Table 149 that have 100% LIDACs. From 2014 to 2024, labor force, employment and unemployment across these 17 counties decreased. Additionally, the unemployment rates of 8.83% in 2014 and 5.33% in 2024 are higher than the statewide averages of 6.5% in 2014 and 4.2% in 2024 (Table 146).

Table 150. Compiled New Mexico LIDAC Labor Force and Employment Statistics

Year	Labor Force	Employment	Unemployment	Unemployment Rate
2014	100,239	91,936	8,843	8.8%
2024	96,112	90,987	5,125	5.3%

Statistics from Table 149 and Table 150 indicate that due to labor force and employment decreases, LIDACs may face unique economic challenges that statewide labor statistics do not show. More specifically, the concentration of LIDACs in rural counties and associated labor force and employment

decreases show that while workforce may be increasing in other regions of the state, growth in the rural workforce is stunted and even shrinking in some places. Additionally, while the unemployment rate decreased from 2014 to 2024 across counties with LIDACs, rates in these counties are still higher than the statewide average and indicate a potential lack of access to occupational training and educational opportunities.

6.1.4.4 NPT Labor Force and Employment

The U.S. Census Bureau publishes five-year estimates of Tribal statistics based on results from the ACS.[965] Table 151 shows data from the last two five-year spans (2015 to 2023) on labor force, employment, and unemployment in NPTs. In most cases, employment increased for NPTs from 2015 to 2023. Out of 20 NPTs, 16 had increasing trends in employment from 2015 to 2023. These sixteen NPTs represent 79.55% of the total NPT labor force in New Mexico.

Table 151. New Mexico NPT Labor Force and Employment Statistics, 2015–2023

Tribal Nation	2019–2023 Labor Force	2019–2023 Employment	2019–2023 Unemployment	Change in Employment (2015–2023)
Santa Clara Pueblo	5,004	4,824	180	4.5%
Ohkay Owingeh	2,679	2,477	202	15.4%
Taos Pueblo	2,381	2,055	326	-8.6%
Pueblo of Sandia	2,171	2,028	143	-12.7%
Pueblo of Isleta	1,919	1,831	88	12.6%
Pueblo of Laguna	2,020	1,703	317	27.8%
Mescalero Apache Tribe	1,464	1,295	169	-6.7%
Pueblo of Pojoaque	1,931	1,823	108	18.8%
Pueblo of San Felipe	1,461	1,267	194	7.4%
Jicarilla Apache Nation	1,552	1,430	122	27.8%
Pueblo of Acoma	1,223	1,207	16	9.9%
Santo Domingo Pueblo	1,460	1,338	122	32%
Picuris Pueblo	954	885	69	14.4%
Pueblo de San Ildefonso	1,057	1,019	38	6.7%
Pueblo of Jemez	1,033	994	39	22.5%
Nambé Pueblo	752	682	70	15.2%
Pueblo de Cochiti	677	618	59	1.6%
Pueblo of Tesuque	509	438	71	7.1%
Pueblo of Santa Ana	531	509	22	86.4%
Pueblo of Zia	348	315	33	-5.1%

Table 152 presents compiled labor force, employment, and unemployment rates for the 20 NPTs in Table 151. From 2015 to 2023, both labor force and employment across the 20 NPTs increased; however, the unemployment rate remained higher than the statewide average. Unemployment rates

[965] U.S. Census Bureau, "American Community Survey (ACS)," Census.Gov, September 4, 2025, https://www.census.gov/programs-surveys/acs.html.

of 9.2% from 2015 to 2019 and 7.7% from 2019 to 2023 were still higher than any statewide averages from 2015 to 2023, which ranged from 6.6% to 3.7% (Table 146).

Table 152. Compiled New Mexico NPT Labor Force and Employment Statistics

Year Range	Labor Force	Employment	Unemployment	Unemployment Rate
2015–2019	29,063	26,378	2,685	9.2%
2019–2023	31,126	28,738	2,388	7.7%

Tables 152 and 153 highlight distinct economic challenges within NPTs, revealing higher unemployment rates than those reflected in statewide labor statistics. Specifically, these figures show that approximately 20% of the NPT workforce faces underutilization or barriers to stable employment. These disparities suggest a potential need for increased access to specialized occupational training and educational resources to fully support workforce development.

6.1.5 Occupations Needed for CAP Implementation

Starting from the list of potentially impacted industries and occupations, this analysis identifies the occupations associated with CAP strategies and submeasures expected to have the greatest workforce impacts. Strategies and submeasures were assigned ratings of low, medium, or high, based on an understanding of the scope of each submeasure. For example, Measure E-9, which sets forth the goal of deploying 6 GW of transmission capacity, 10 GW of renewable energy generation, and 6 GW or energy storage, received a high impact rating for its potential to create large-scale workforce demand for electricians, renewable energy construction, architects, civil engineers, and more.[966] The ratings were used to compile the list of highly impacted occupations and associated industries in Table 153.

Table 153. Occupations and Industries Highly Impacted by NM CAP Submeasures

Highly Impacted Occupations and Associated Industries	
Architects, except landscape and naval	Construction, utilities, public transportation
Architectural and civil drafters	Construction, utilities, public transportation
Bus and truck mechanics and diesel engine specialists	Public transportation
Bus drivers, school	Public transportation
Bus drivers, transit and intercity	Public transportation
Carpenters	Construction
Civil engineers	Construction, utilities, public transportation
Compliance officers	Construction, utilities, waste management
Conservation scientists and foresters	Conservation, agriculture
Construction laborers	Construction, utilities, public transportation, waste management
Cost estimators	Construction, waste management

[966] Goggin, “Transmission and Jobs.”

Highly Impacted Occupations and Associated Industries	
Electrical engineers	Construction, utilities, public transportation
Electrical power line installers and repairers	Utilities, power line installers
Electricians	Construction, utilities, public transportation
Engineering technologists and technicians, except drafters	Construction, utilities, public transportation, waste management
Environmental engineers	Conservation, utilities, waste management
Environmental science and protection technicians, including health	Conservation, utilities, waste management
Environmental scientists and specialists, including health	Conservation, utilities, waste management
Forest and conservation workers	Conservation, waste management
Maintenance and repair workers, general	Construction
Petroleum engineers	Utilities
Plumbers, pipefitters, and steamfitters	Construction, utilities
Railroad brake, signal, and switch operators and locomotive firers	Public transportation
Railroad conductors and yardmasters	Public transportation
Rail-track laying and maintenance equipment operators	Public transportation
Wind turbine service technicians	Construction, utilities

6.1.6 Potential Workforce Shortages and Challenges

While the statistics presented above indicate that New Mexico's broader labor force and economy is steadily growing and has rebounded since the COVID-19 pandemic, regional constraints and challenges remain in NPTs, LIDACs, and rural areas. For example, statewide trends show that labor force participation has remained steady and the unemployment rate has decreased, while higher than average unemployment rates are coupled with labor force decreases in tribal, rural, and lower income counties, indicating a potential lack of regional occupational and educational opportunities in these areas.

6.1.6.1 Shortages in CAP Occupations

Within these broader trends, shortages in specific occupations and industries relevant to the CAP were identified through review of previous reports and in stakeholder interviews. (See Appendix B for more information about the stakeholder outreach process.) Based on previous reports and interviews, shortages already exist in many of the occupations expected to be highly impacted by the CAP. More specifically, respondents agreed that workforce shortages in construction trades, clean energy occupations, and transportation already exist. Shortages were noted for the following occupations:

- Electricians
- Plumbers
- Carpenters

- Renewable energy technicians in solar, wind and geothermal
- Bus drivers
- Mechanics
- Educators

Occupations on this list can be referenced with associated industries in Table 153. The last occupation on this list, educators, is included due to its importance in contributing to shortages in other occupations. The lack of educational opportunity was identified as a challenge to addressing workforce shortages in the New Mexico WIOA 2024–27 Plan[967] and by several stakeholders, as described in more detail below. The New Mexico PCAP highlighted the increased need for workers in the building trades, especially trained electricians.[968] Electrification of transportation and the build-out of EV charging station infrastructure will contribute to this increased demand.

6.1.6.2 Barriers and Challenges to Addressing Shortages

Organizations and agencies that support workforce development report encountering structural and systemic barriers, limited training and instructional capacity, rural and demographic barriers, challenges to industry engagement and compliance, and challenges to coordination. Below, we discuss key ideas shared by experts.

6.1.6.3 Structural and Systemic Barriers to Workforce Development

- **Funding instability and misalignment.** Many programs struggle with short-term funding cycles (e.g., one-year grants) that do not align with program durations or needs. For example, one workforce development expert expressed that short-term grant funding limits educational organizations' ability to hire new staff due to uncertainty about future financial resources.[969] Similarly, other experts expressed a need for long-term, predictable funding for programs that provide wraparound resources, including financial aid and childcare, for students participating in workforce training programs.[970] Interview respondents also generally reported that students enrolled in non-credit workforce training programs face disproportionate financial challenges, as they are not eligible for key financial aid like Pell Grants and Opportunity Scholarships.
- **Regulatory and legal constraints.** Some organizations expressed dissatisfaction with regulations and legal policies that limit public-private collaboration and complicate worker training and recruitment. Representatives of the New Mexico Oil and Gas Association reported a desire to contribute to public initiatives via public-private partnerships with state agencies to foster workforce development in New Mexico. Public–private partnerships, however, are greatly limited under the New Mexico state constitution's anti-donation clause, a part of New Mexico's constitution that constrains the use of future and current funds held by state and local government.[971] Some interview respondents mentioned Occupational Safety and Health

[967] New Mexico Department of Workforce Solutions, *New Mexico Workforce Innovation and Opportunity Act (WIOA) Combined State Plan, Program Years 2024-2027*.
[968] New Mexico Environment Department and New Mexico Energy, Minerals, and Natural Resources Department, "Priority Climate Action Plan."
[969] Breezy Gutierrez, Senior Manager of the New Mexico Public Education Department's College and Readiness Bureau
[970] Dr. Amber Gallup, PhD, and Dené Shelton of the New Mexico Higher Education Department's Adult Education Division
[971] Jeremy Farris, "The Anti-Donation Clause: What It Does, What It Does Not Do, & the Risks of Living without It," State Ethics Commission LFC Meeting, December 10, 2024,

Administration regulations as limiting factors for training and recruitment in high-risk occupations, since they delay on-site access to training for younger students, increase regulatory burdens on training providers, and limit flexibility in training program design. Finally, one expert on workforce development in the trades highlighted licensing barriers, such as being current on child support payments, that can prevent trained individuals from obtaining or renewing professional licenses in the trades.[972]

- **Data and tracking limitations.** Many respondents reported a lack of data collection around program outcomes. Data tracking issues were most prominent at higher education institutions. Two workforce development experts in the higher education sector highlighted challenges to data collection, including a lack of data integration between credit and non-credit systems.[973] One of those experts expressed that non-credit workforce training programs typically do not collect information about students' social security data, improving training accessibility for some students but complicating federal reporting and outcome tracking.[974] The expert also emphasized the importance of clear labor market data, encompassing program outcomes, to guide program development.

6.1.6.4 Limitations to Training and Instructional Capacity

- **Instructor and educator shortages.** Many interview respondents across various industry sectors highlighted a severe shortage of qualified trainers across the state, limiting the size and quality of workforce training programs. An expert in apprenticeships emphasized the need for journeymen to train apprentices in trades such as electrical work and carpentry.[975]
- **Disconnects between training programs and industry needs.** Some interview respondents reported a disconnect between workforce training opportunities and industry needs. One workforce development expert reported a pattern of miscommunication about expectations surrounding training programs between academic institutions and industry.[976] Employees at NMDWS shared that occupational training programs, such as those for journeyman electricians, require lengthy timelines that do not align with employer urgency.[977] Additionally, they indicated that businesses often cannot afford to send existing employees for certification or licensing programs.
- **Limited recognition of emerging occupations.** Educational institutions and regulatory agencies can be slow to recognize emerging industries, including renewable energy technologies, delaying implementation of desirable workforce training programs. For example, one expert in apprenticeships drew our attention to the solar technician occupation, which, although in

https://www.nmlegis.gov/handouts/ALFC%20120924%20Item%2011%202024-12-05%20Farris%20on%20Anti-Donation%20Clause.pdf.

[972] Greta Schouman, Vice President of Apprenticeship at Associated Builders and Contractors of New Mexico

[973] Dr. Monique Anair, PhD, Director of Workforce Development at Santa Fe Community College and Dr. Vanessa Hawker, PhD, Executive Director of the New Mexico Independent Community Colleges (NMICC)

[974] Dr. Vanessa Hawker, PhD, Executive Director of the New Mexico Independent Community Colleges (NMICC)

[975] Greta Schouman, Vice President of Apprenticeship at ABC of New Mexico

[976] Breezy Gutierrez, Senior Manager of the New Mexico Public Education Department's College and Readiness Bureau

[977] Raquel Gomez, NMDWS Special Projects Coordinator, Veronica Alonzo, NMDWS WIOA Program Manager, and Heather Stone, NMDWS Energy and Infrastructure Program Coordinator

demand among industries and prospective students, is not yet recognized as an apprenticeable occupation by the U.S. Department of Labor (DOL).[978]

6.1.6.5 Rural and Demographic Barriers

- **Rural workforce gaps.** Interview respondents reported that workforce training programs and employment opportunities are often concentrated in urban areas. Licensed workers, instructors, and trainees often must travel long distances to reach job sites, classrooms, and skill-building experiences.
- **Economic and social constraints.** Many workers face barriers that prevent them from engaging in workforce training or participating in the labor market, including challenges to childcare, reliable transportation, food security, and stable housing. The New Mexico Clean Energy Workforce Development Study similarly found that prospective workers seeking training face a number of financial and logistical barriers.[979] These challenges disproportionately affect residents in rural and Tribal communities who already experience geographic barriers to program and employment access. Two experts in adult education reported insufficient and inconsistent funding for wraparound programs that help students overcome these challenges to securing basic needs.[980] They also highlighted the need for flexible training programs, such as evening training programs. Additionally, an expert in workforce development for rural and immigrant communities reported that many workers experience time availability barriers to enrolling in training programs due to overemployment (i.e. the need to work multiple low-wage jobs to make ends meet).[981]
- **Language and accessibility barriers.** The New Mexico economy is highly dependent on immigrant labor. One expert in immigrant workforce development highlighted the need for multi-language workforce training opportunities and increased funding for English education programs, including adult literacy classes.[982] This expert also emphasized the need for adult educational programs and rural or remote training opportunities to support difficult-to-reach populations, which echoes a finding in the New Mexico Clean Energy Workforce Development Study.[983] This expert also shared that some occupations that will be needed to implement CAP measures lack local training programs. Other programs, such as commercial driver's license (CDL) licensing programs, require baseline levels of educational attainment for program enrollment, such as high school or high school equivalent completion.

6.1.6.6 Challenges to Industry Engagement and Compliance

- **Limited employer buy-in.** Some interview respondents mentioned that industry employers are under-investing in trainees. For example, one expert in workforce development in the trades noted resistance to hiring apprentices within industry, particularly in contexts where mandated apprentice-to-journeyman ratios are required.[984] Another expert in trades workforce

[978] Greta Schouman, Vice President of Apprenticeship at ABC of New Mexico
[979] Lia Abeita Sanchez et al., "New Mexico Clean Energy Workforce Development Study," New Mexico Department of Workforce Solutions, June 2020, https://www.dws.state.nm.us/Portals/0/DM/LMI/NM_Clean_Energy_Workforce_Report.pdf.
[980] Dr. Amber Gallup, PhD, and Dené Shelton of the New Mexico Higher Education Department's Adult Education Division
[981] Marcela Díaz, Executive Director of Somos Un Pueblo Unido
[982] Marcela Díaz, Executive Director of Somos Un Pueblo Unido
[983] Sanchez et al., "New Mexico Clean Energy Workforce Development Study."
[984] Green Initiatives Supervisor Troy Cucchiara at Housing New Mexico

development also echoed an unwillingness within industry to take on apprentices in the trades, including carpentry, plumbing, and mechanics.[985]

- **Insufficient program oversight and enforcement.** Regulatory agencies have limited capacity to oversee and enforce regulatory requirements related to workforce training programs. For example, one expert reported an inability by NMDWS to enforce ratios of apprentices and journeymen on electrical generation projects due to limited enforcement staffing, penalizing law-abiding employers and creating safety concerns for apprentices.[986] He also called attention to out-of-state "paper programs," where employers bring in out-of-state employees who have work credentials on paper but are poorly trained. Paper program employees take up valuable work opportunities for licensed professionals and apprentices in New Mexico, and create unsafe working conditions due to poor safety training at work sites.
- **Unclear pathways to well-paid employment.** Many interview respondents reported disconnects between training programs and employment outcomes. Two adult education experts noted a disconnect between training and employment outcomes in highly impacted occupations served by Integrated Education and Training (IET) programs, highlighting improving educational outcomes but continuously weak job placement outcomes.[987] In a similar vein but speaking specifically about trades, an expert in apprenticeship criticized a proliferation of short-term, low-quality training programs for apprentices that fail to lead to meaningful employment in New Mexico.[988] Finally, an expert in rural, immigrant, and hard-to-reach workforce highlighted a lack of job placement following workforce training programs and apprenticeships as disproportionately affecting rural communities.[989] Unclear pathways to well-paid employment discourage participation in training programs for highly impacted occupations. Low wages and lack of employment can also cause trained workers to switch occupations. This expert mentioned, for example, that transit bus drivers often leave their occupation for higher-paying solid waste jobs, despite a reported shortage of bus drivers in New Mexico.

6.1.6.7 Challenges to Coordination

- **Siloing of agencies and organizations.** Government agencies and other organizations are often "siloed," meaning they do not work collaboratively or share information with others. Many interview respondents described observing information siloing amongst state agencies, industry establishments, and higher education institutions. Respondents feel that siloing reduces efficiency of workforce development programs and initiatives and leads to wasteful duplication of efforts. One workforce development expert in higher education expressed a need to "break away from the silo to stimulate opportunity."[990] Representatives from both EMNRD ECAM and NMDWS highlighted a need for increased coordination and integration to improve the efficiency of workforce development programs and initiatives.[991]

[985] Brian Condit, Executive Director for New Mexico Building and Construction Trade Council (NMBCTC)
[986] Brian Condit, Executive Director for NMBCTC
[987] Dr. Amber Gallup, PhD, and Dené Shelton of the New Mexico HED's Adult Education Division
[988] Greta Schouman, Vice President of Apprenticeship at ABC of New Mexico
[989] Marcela Díaz, Executive Director of Somos Un Pueblo Unido
[990] Dr. Vanessa Hawker, PhD, Executive Director of the NMICC
[991] Raquel Gomez, NMDWS Special Projects Coordinator, Veronica Alonzo, NMDWS WIOA Program Manager, Heather Stone, NMDWS Energy and Infrastructure Program Coordinator, and a staff member with EMNRD specializing in clean energy and economic development

- **Duplications of efforts.** Some respondents described duplicative efforts as a drag on resources dedicated to workforce development. For example, one workforce development expert identified a duplication of workforce training efforts between NMDWS and NMPED: "There is room for improvement in collaboration between the two organizations. For example, NMDWS has WIOA and runs pre-apprenticeship programs, while NMPED has millions of dollars from senators to allocate and carry out workforce training."[992] She highlighted the need to identify opportunities to combine efforts collaboratively and streamline efforts.
- **Dissemination of information.** Dissemination of information is key to raising awareness about workforce development programs among partner agencies and organizations, as well as the New Mexico labor force. Interview respondents generally highlighted the need for regular cross-agency communication to share information and coordinate workforce development efforts. Additionally, some respondents suggested informational campaigns to raise public awareness of workforce needs and opportunities, especially in rural areas.

6.2 Part 2: Solutions and Partnerships to Address Workforce Shortages

The CAP requires an analysis of how lead organizations partner with other state agencies and local workforce development boards to align workforce funding priorities with areas of growth anticipated from CAP implementation. Part 2 presents a review of overarching initiatives at the state level that support workforce development relevant to the CAP, followed by information about existing and planned initiatives and recommendations for facilitating workforce development necessary for successful implementation of the CAP.

6.2.1 Measurable Goals

New Mexico is at the forefront of energy transition and developing a workforce to support the energy transition. New Mexico Governor Grisham signed EO 2024-152, "Building New Mexico's Workforce to Foster the Clean Energy Transition, Infrastructure Investments, and Resilient Communities," in September 2024, putting NMDWS at the lead of the initiative in collaboration and partnership with 11 other agencies and divisions.[993] The articulated goal is for partnering agencies to collectively facilitate and support the training of 2000 workers in infrastructure and climate-ready professions by the end of 2026. EO 2024-152 requires NMDWS to produce an annual report including workforce data, investments, and participation in programs that address workforce needs in relevant sectors. Specific programs and initiatives also have training goals, which are provided below where available.

The executive order is implemented in relation to New Mexico's WIOA Statewide Plan for 2024–2027.[994] WIOA is federal legislation that requires states to strategically align their core workforce development programs to coordinate the needs of both job seekers and employers and ensure competitiveness in the global economy through four-year state plans.[995] The New Mexico WIOA Plan

[992] Breezy Gutierrez, Senior Manager of the New Mexico Public Education Department's College and Readiness Bureau
[993] Executive Order 2024-152, https://www.governor.state.nm.us/wp-content/uploads/2024/09/Executive-Order-2024-152.pdf.
[994] New Mexico Department of Workforce Solutions, *New Mexico Workforce Innovation and Opportunity Act (WIOA) Combined State Plan, Program Years 2024-2027*.
[995] U.S. Department of Labor, "Workforce Innovation and Opportunity Act," DOL, accessed September 19, 2025, https://www.dol.gov/agencies/eta/wioa.

for 2024–2027 emphasizes construction, energy transition, and climate resilience as priority sectors, which allows funding to be used in those sectors.

6.2.2 Key Partners

Workforce development efforts relevant to implementing the CAP are supported by a wide variety of stakeholders, including federal and state agencies, universities and community colleges, unions, nonprofit organizations, and private industry. As mentioned above, EO 2024-152 puts the NMDWS in a coordination role on clean energy and infrastructure workforce initiatives, with other state agencies and the regional workforce boards required to report quarterly on funding, programs, and progress. Coordination across state agencies specifically related to clean energy workforce needs is facilitated through quarterly meetings of the Workforce Alliance for Green Energy (WAGE), hosted by EMNRD. The goals of WAGE are:

- Collaboration and knowledge sharing
- Identification of challenges and opportunities
- Raising public awareness and support
- Policy development and implementation

Information is presented below on relevant initiatives and programs led by state agencies; higher education institutions; apprenticeship programs; and regional, local or other types of organizations. The summaries below draw from previous efforts to catalog relevant workforce initiatives, including the New Mexico Clean Energy Workforce Development Study,[996] the workforce analysis in the PCAP,[997] and information provided by Lotus Engineering and Sustainability in support of the Albuquerque PCAP Workforce Analysis,[998] as well as information collected during interviews and through online research.

6.2.2.1 New Mexico State Agencies

NMDWS. In addition to coordinating workforce initiatives, NMDWS administers the WIOA grants from DOL and works with the state's four workforce development boards (North, East, Southwest, and Central), which include representatives from business, labor, and community organizations.

- **Building, Energizing, and Connecting through Apprenticeships.** NMDWS is piloting this program to provide participants in the Temporary Assistance for Need Families program with assistance, training, and stipends to pursue infrastructure and clean energy jobs. In May 2025, NMDWS awarded $750,000 to seven projects to establish and deliver pre-apprenticeship opportunity programs in clean energy and infrastructure development:[999]
    - NewSpace Nexus: Semiconductor manufacturing
    - Northern New Mexico College: Carpentry
    - Associated General Contractors of New Mexico: Construction

[996] Sanchez et al., "New Mexico Clean Energy Workforce Development Study."
[997] New Mexico Environment Department and New Mexico Energy, Minerals, and Natural Resources Department, "Priority Climate Action Plan."
[998] Lotus Engineering & Sustainability, "Landscape Review of ABQ/New Mexico Clean Energy Workforce Trends, Initiatives, and Gaps," March 20, 2025.
[999] New Mexico Department of Workforce Solutions, "NMDWS Expands Career Pathways with Major Pre-Apprenticeship Programs in Aerospace, STEM, and Infrastructure," New Mexico Department of Workforce Solutions, May 15, 2025, http://www.dws.state.nm.us/en-us/News/Latest-News/nmdws-expands-career-pathways-with-major-pre-apprenticeship-programs-in-aerospace-stem-and-infrastructure.

  - Associated Builders and Contractors (ABC) Inc., NM Chapter: Construction
  - Santa Fe Community College: Broadband and clean energy
  - STEM Boomerang LLC: High-performance computing
- **Energy Transition Workforce Equity Project.** This project supports NMDWS's efforts to develop and expand New Mexico's qualified clean energy workforce capacity. The $1.5 million grant from the Families and Workers Fund will support systemic, coordinated, and regular convenings of a diversity of employers, educational institutions, community-based organizations, state agencies, and policymakers. The goals are to develop and expand training programs to equip individuals with skills needed for clean energy infrastructure jobs and related industries, and to prioritize diversity and inclusion by creating pathways for underrepresented groups.[1000]

New Mexico Higher Education Department (NMHED). NMHED provides financial, academic and policy oversight and support for all the state's public universities, colleges, and state-sponsored adult education programs, which are discussed in relation to the CAP in more detail below.

EMNRD. EMNRD's ECAM supports the development and deployment of solutions to maximize New Mexico's renewable energy resources and improve energy efficiency and transportation standards.

- **TREC.** EMNRD has partnered with NMDWS and Santa Fe Community College to offer training for HVAC, electricians, plumbers, energy auditors, and home performance contractors, with a goal to train 280 certified contractors in four years.

NMDOT. NMDOT builds and maintains New Mexico's roads and infrastructure.

- **Industry Credential Pipeline Program.** In partnership with NMDWS, NMDOT's Industry Credential Pipeline Program will help connect job seekers to career opportunities within the transportation industry through a series of pipeline programs that prepare individuals for roles in planning, engineering, finance, budgeting, economics, CDL, and geographic information systems (GIS).[1001]

NMEDD. NMEDD has several programs that can support workforce development needs related to CAP implementation.

- **Job Training Incentive Program.** Funds classroom and on-the-job training for newly created jobs in expanding or relocating businesses for up to six months; reimburses 50% to 90% of employee wages and may reimburse custom training at a New Mexico public educational institution.
- **Office of International Trade.** Supports job creation, retention, and expansion by assisting New Mexico companies pursuing opportunities in the competitive global marketplace.
- **Office of Strategy, Science and Technology.** Connects innovation infrastructure to the commercial market and strives to lead and execute programs that encourage and enable the startup, growth, and relocation of technology-based industries in and to New Mexico by

[1000] New Mexico Department of Workforce Solutions, "NMDWS Receives $1.5 Million Grant for Energy Transition Workforce Equity," New Mexico Department of Workforce Solutions, August 16, 2024, http://www.dws.state.nm.us/en-us/News/Latest-News/nmdws-receives-15-million-grant-for-energy-transition-workforce-equity.
[1001] New Mexico Department of Transportation, "State Agencies Partner to Build New Industry Credential Pipeline Program," July 9, 2024, https://www.dot.nm.gov/blog/2024/07/09/state-agencies-partner-to-build-new-industry-credential-pipeline-program/.

focusing on growing and diversifying existing technology companies, rapidly commercializing technologies, and promoting research and development in emerging technologies.

- **Office of Justice, Equity, Diversity and Inclusion.** Works to directly address systemic inequities and barriers to entry for New Mexican business owners and entrepreneurs through programs and business tools to support the growth of socially and economically disadvantaged businesses.
- **Local Economic Development Act (LEDA).** Gives NMEDD the authority to administer grants to local governments. The LEDA program assists in expanding or relocating businesses that stimulate economic development and produce public benefits. NMEDD considers economic development projects that demonstrate significant community impact and support, a focus on rural and underserved areas of New Mexico, increased wages and job creation, significant new capital investment, and environmentally sustainable outcomes.

6.2.2.2 Higher Education

Higher education institutions across the state are active in advancing workforce development relevant to the CAP. In this section, we explore adult education programs as well as college and university programs. Later, we touch on apprenticeship programs.

Adult Education

As mentioned above, NMHED supports and oversees the state-sponsored adult education programs and all the state's public colleges and universities. Adult education programs prepare adult learners for the workforce, especially for high-demand occupations. IET programs are structured programs where adult learners participate in contextualized adult education or literacy services while completing workforce training and preparation activities aligned to a specific career or job goal. NMHED has developed numerous IET programs relevant to the CAP. NMHED staff provided information on existing IET programs that are relevant to occupations highly impacted by the CAP, summarized in Table 154.

Table 154. Integrated Education and Training Programs Relevant to Highly Impacted Occupations

Name of Program	Credit/Non-Credit	Partners	Students per Cohort
Albuquerque Adult Learning Center Basic Solar Fundamentals (Solar) IET	Credit	North American Board of Certified Energy Practitioners (NABCEP)	6
Catholic Charities Heavy Equipment Operator IET	Non-credit	National Center for Construction Education and Research	10
Clovis Community College CDL IET	Non-credit	New Mexico Department of Transportation (NMDOT) New Mexico Motor Vehicle Division (MVD)	4
Clovis Community College Welding IET	Credit	American Welding Society	4
Doña Ana Community College (DACC) CDL IET	Non-credit	J.J. Keller CDL and Entry-Level Driver Training, NMDOT MVD, American Association of Motor Vehicle Administrators	10

Name of Program	Credit/Non-Credit	Partners	Students per Cohort
Eastern New Mexico University (ENMU)—Ruidoso Core Construction Trades IET	Credit	Occupational Safety and Health Administration, National Center for Construction Education and Research	16
Gordon Bernell Charter School Mixed Construction Trades IET	Non-credit	National Center for Construction Education and Research	6
Luna Community College Welding IET		American Welding Society	
Mesalands Community College Wind Energy IET	Non-credit	New Mexico Corrections Department	12
New Mexico Junior College CDL IET	Non-credit	NMDOT MVD	6
Northern New Mexico College (NNMC) Construction Specialist IET	Credit	MC3 Pre-Apprenticeship Program, Workforce Innovation Network Skilled Trades Sector Partner, NNMC Student Support Center, U.A. Local 412 Plumbers and Pipefitters Union	15
NNMC Electrical IET	Credit	New Mexico Corrections Department	15
NNMC Wildland Fire Training IET	Credit	National Wildland Fire Coordinating Group	15
Santa Fe Community College (SFCC) Automotive Maintenance and Light Repair Technician IET	Credit	Automotive Service Excellence, Workforce Innovation Network	25
SFCC Facilities Maintenance Technician (HVAC and Plumbing Technologies) IET	Credit	Occupational Safety and Health Administration, Workforce Innovation Network	25
University of New Mexico (UNM)–Gallup CDL—Class A IET	Non-credit	NMDOT MVD	8
UNM–Gallup CDL—Class B IET	Non-credit	NMDOT MVD	8
UNM–Los Alamos Welding IET	Non-credit	American Welding Society	8
UNM–Taos CDL—IET	Non-credit	NMDOT MVD	5
Youth Development Institute CDL—IET	Non-credit	NMDOT MVD	6

Colleges and Universities

New Mexico is home to 29 higher education institutions, including eight independent community colleges and 10 branch campuses offering certificates and two-year associate degrees; four tribal colleges; and seven four-year institutions offering bachelor's, master's and doctoral degree programs. Community colleges in particular play a central role in training and credentialing for clean energy jobs. The 2020 NMDWS New Mexico Clean Energy Workforce Development Study presented a list of clean energy program offerings across these institutions.[1002] This information is presented in Table 155 below. In addition, the CAP Team requested information from community colleges about programs relevant to occupations expected to be highly impacted by the CAP. The CAP Team received responses from two colleges, Central New Mexico Community College and San Juan College (see Section 6.3 for additional details).

Table 155. New Mexico Higher Education Clean-Energy Focused Credentials and Degrees

Institution	Program Title	Credential Type	Category
Central New Mexico (CNM) Community College	Electrical Trades: Photovoltaic Systems	Certificate, Associate of Applied Science (AAS) degree	Solar technology
SFCC	Solar Technology	Certificate, AAS	Solar technology
UNM–Los Alamos	Applied Technology: Solar Technology Concentration	AAS	Solar technology
New Mexico State University (NMSU)–DACC	Solar Energy Technology	Certificate	Solar technology
NMSU–Alamogordo	Photovoltaic Grid Tie	Certificate	Solar technology
NNMC	Electromechanical Engineering: Solar Concentration	Bachelor's Degree	Solar technology
Clovis Community College	Industrial Tech: Wind Concentration	Certificate, AAS	Wind energy
Mesalands Community College	Wind Energy Tech	Certificate, AAS	Wind energy
SFCC	Sustainable Technologies: Biofuels	Certificate, AAS	Biofuels
SFCC	Sustainable Technologies	Certificate, AAS	Energy technology
NMSU–Alamogordo	Renewable Energy	Certificate, AAS	Energy technology
NMSU–Grants	Energy Technology	Certificate	Energy technology
NMSU–DACC	Environmental and Energy Technologies	AAS	Energy technology

[1002] Sanchez et al., "New Mexico Clean Energy Workforce Development Study."

Institution	Program Title	Credential Type	Category
UNM–Taos	Construction Technology: Green Technology	Certificate	Energy technology
NNMC	Renewable Energy	AAS	Energy technology
San Juan College	Tribal Energy Management	AAS	Energy technology
Navajo Technical University	Energy Systems	AAS	Energy technology
Western NMU	Electrical Technology—Environmental Electrician	Certificate, AAS	Energy technology
ENMU	Electronics Engineering Technology, Renewable Energy	Bachelor of Science degree; Bachelor of Applied Arts and Sciences degree (online)	Energy technology
SFCC	Building Operator: Energy Efficiency	Certificate	Energy conservation/ evaluation/auditing
SFCC	Building Performance Analyst/ Home Energy Rater	Certificate	Energy conservation/ evaluation/auditing
NMSU–DACC	Energy Auditing & Energy Conservation	Certificate	Energy conservation/ evaluation/auditing
San Juan College	Hydrogen Technology (in development)	Certificate, AAS	Hydrogen power
San Juan College	Replacing and Recycling Lithium-Ion Batteries (in development)	Certificate, AAS	Lithium-ion battery recycling
NMSU–Grants	Smart Grid	Certificate	Smart grid and microgrid
SFCC	Electrical, Smart Grid, and Microgrid Technologies	Certificate	Smart grid and microgrid
San Juan College	Electric Vehicle Technician (in development)	Certificate, AAS	Electric vehicle technician
NMSU–DACC	Water Technology	Certificate, EPA Associate	Water conservation and treatment

Institution	Program Title	Credential Type	Category
SFCC	Water Treatment Operations	Certificate, AAS	Water conservation and treatment
SFCC	Water Conservation Technology	AAS	Water conservation and treatment
San Juan College	Water Security and Sustainability (in development)	Certificate, AAS	Water conservation and treatment
SFCC	Green Building Construction & Green Building Systems	Certificate, AAS	Green building construction
CNM	Sustainable Building Technology	Certificate	Green building construction
NMSU–Carlsbad	Building Construction Technology (green revision)	Certificate, AAS	Green building construction
UNM–Gallup	Construction Technology (green revision)	Certificate, AAS	Green building construction
UNM–Taos	Construction Technology: Green Technology	Certificate	Green building construction
San Juan College[1003]	Natural Gas Compression Technology	AAS	Energy technology
San Juan College[1004]	Electric Vehicle and Fuel Cell	Certificate	Electric vehicle technician

In addition to the structured programs listed above, colleges and universities may work directly with companies to build training courses for their employees. For example, UNM's continuing education program works with individual companies to tailor and deliver courses specific to company requirements, and consults for businesses and employers on training and development of organizational solutions.[1005] CNM established CNM Ingenuity in 2014 to provide accelerated educational and training opportunities in key workforce areas including technology and healthcare, wraparound support for aspiring entrepreneurs, and cooperative ventures to foster economic

[1003] This program was independently identified by the CAP Team. It is not included in the 2020 NMDWS New Mexico Clean Energy Workforce Development Study. We have included it in our table due to its relevance to occupations impacted by the CAP.

[1004] This program was independently identified by the CAP Team. It is not included in the 2020 NMDWS New Mexico Clean Energy Workforce Development Study. We have included it in our table due to its relevance to occupations impacted by the CAP.

[1005] University of New Mexico Custom Training and Programs, "UNM Continuing Education," Custom Training, accessed September 19, 2025, https://ce.unm.edu/custom-programs/index.html.

development and job creation.[1006] CNM Ingenuity offers training across sectors, including CDL, construction, trades, and utilities. Since CNM Ingenuity's establishment in 2014, their programs and support services have positively impacted hundreds of individuals in New Mexico and beyond.[1007]

6.2.2.3 Apprenticeship Programs

Many of the occupations that will see increased workforce needs to implement the CAP have apprenticeship programs.[1008] Apprenticeships are offered through a wide range of organizations, including businesses, employer and industry associations, labor-management organizations, workforce development agencies, two-and four-year colleges, the military, community-based organizations, and economic development organizations. Apprenticeships typically combine paid on-the-job training with classroom instruction. Table 156 includes information about currently available apprenticeship programs relevant to the CAP high-impact occupations. Support for apprenticeship programs is provided through NMDWS and DOL. New apprenticeship programs may be developed to meet evolving workforce needs. For example, the International Brotherhood of Electrical Workers Local Union 611 may expand its apprenticeship program for electrification of transportation.[1009] Additionally, an interview respondent specializing in trades apprenticeships noted that the New Mexico State Apprenticeship Council is exploring options to expand apprenticeship opportunities for heavy equipment operators.[1010] Both this respondent and another who specializes in workforce development in clean energy sectors indicated market interest in clean energy apprenticeships, particularly solar.[1011] They mentioned that initial steps have been taken to expand opportunities for registered apprenticeships in clean energy and that they anticipated efforts to establish apprenticeships were likely to continue, pending the availability of program development funding.

Table 156. Current Apprenticeship and Career Pathway Programs for Highly Impacted Occupations

Program	Sponsors	Links
Carpenter	Association of Builders and Contractors (ABC), Inc., New Mexico Chapter; Associated General Contractors (AGC) of New Mexico, Multi-Trade Apprenticeship Program; Southwest Carpenter and Affiliated Trades Joint Apprenticeship and Training Committee	https://abcnm.org/ https://www.agc-nm.org/ https://www.wsctf.org/
CDL driver	San Juan College	https://www.sanjuancollege.edu/

[1006] CNM Ingenuity, Inc, "CNM Ingenuity, Inc," accessed September 19, 2025, https://www.cnmingenuity.org/.
[1007] CNM, "Impact," *CNM Ingenuity, Inc*, 2025, https://www.cnmingenuity.org/impact/.
[1008] New Mexico Department of Workforce Solutions, "Current Career Pathway Programs," New Mexico Department of Workforce Solutions, accessed September 19, 2025, https://www.dws.state.nm.us/en-us/Job-Seekers/Explore-Career-Options/Apprenticeship/Current-Career-Pathway-Programs.
[1009] New Mexico Environment Department and New Mexico Energy, Minerals, and Natural Resources Department, "Priority Climate Action Plan."
[1010] Greta Schouman, Vice President of Apprenticeship at ABC of New Mexico
[1011] Michael Leon Guerrero, Coordinator for the Center on Civic Policy's EmPower New Mexico coalition

Program	Sponsors	Links
Construction craft laborer	ABC, Inc., New Mexico Chapter; AGC of New Mexico, Multi-Trade Apprenticeship Program; New Mexico Laborers Training and Apprenticeship Trust Fund; Gridworks, Inc.	https://abcnm.org/ https://www.agc-nm.org/ https://www.gridworks.com/
Electrician	ABC, Inc., New Mexico Chapter; New Mexico Joint Apprenticeship and Training Committee for the Electrical Industry; Southern New Mexico Independent Electrical Contractors, Inc.; Northern New Mexico Independent Electrical Contractors, Inc.; Powerline Technologies; Gridworks, Inc.	https://abcnm.org/ https://www.nmjatc.org/ https://www.snmiec.org/ https://nnmiec.org/apprenticeship/ https://plti.tech/ https://www.gridworks.com/
Environmental operator	PNM San Juan	https://careers.txnmenergy.com/
Field and laboratory technician	YeDoma Consultants, LLC	https://sites.google.com/akurta.com/yedoma/career
Industrial maintenance mechanic	Operating Engineers Local 953 Journeyman and Apprentice Training Trust Fund	https://www.operatingengineerstraining.com/
Lineman	Central NM Electric Coop.; City of Farmington; Continental Divide Electric; PNM Albuquerque; Springer Electric Cooperative, Inc.	https://cnmec.org/ http://www.fmtn.org/ https://www.cdec.coop/lineworker-school https://careers.txnmenergy.com/ https://www.springercoop.com/
Maintenance technician	City of Farmington	http://www.fmtn.org/
Plumber	ABC, Inc., New Mexico Chapter; Albuquerque Plumbing, Heating, and Cooling; Southwest Piping Institute	https://abcnm.org/ https://www.abqplumb.com/ https://www.southwestpipinginstitute.org/

Program	Sponsors	Links
Pipefitter	Southwest Piping Institute	https://www.southwestpipinginstitute.org/
Power plant mechanic	PNM San Juan	https://careers.txnmenergy.com/
Substation electrician	PNM Albuquerque	https://careers.txnmenergy.com/

6.2.2.4 Regional and Local Programs

Additional workforce development efforts relevant to the CAP have been developed by regional workforce development boards, economic development agencies, and private sector organizations, as well as through partnerships between these and other organizations, such as:

- The **Eastern Area Workforce Development Board** supports apprenticeship training with electrical and automotive industries in collaboration with local electrical contractors, utility companies, auto dealers, small business development centers, and entrepreneurial training providers. These efforts are intended to secure and maintain a pipeline of labor market talent ready to build out EV charging infrastructure to support expanded adoption of EVs in the state.
- The **Northern Area Local Workforce Development Board** supports initiatives to expand programs that train workers on ICE vehicles with skills needed for EV maintenance, with support for tuition, fees, books, and exam certifications for the EV maintenance program.
- The **Northern New Mexico Workforce Integration Network** runs mobile training units, providing skilled trades and special construction projects training via a custom camper bus. The network partners with three local community colleges, two UNM satellite campuses, NMHED, and six industry associations and skilled trade unions.[1012]
- **Job Training Albuquerque (JTA)** is a workforce development program that provides opportunities for the local workforce to gain necessary skills to fill gaps and meet the workforce needs of existing and potential employers. JTA hosts free training programs for high-demand industries such as healthcare, information technology, and construction. JTA also offers solar trainings, including Solar Electric Basics, Solar NABCEP Associate Exam Preparation, Solar (PV) and the National Electric Code. JTA is a partnership between the City of Albuquerque and CNM Ingenuity.[1013]
- The **San Juan–Rio Grande Energized Watershed Engine** is a project led by UNM in partnership with two- and four-year higher education institutions, national laboratories, community groups, government organizations, and for-profit and nonprofit companies focused on solving the

[1012] Northern New Mexico Workforce Integration Network (WIN), "Mobile Training Unit," NNM-WIN, 2023, https://www.nnm-win.com/training-education/mobile-training-unit.
[1013] Job Training Albuquerque, "Home," Job Training Albuquerque, accessed September 19, 2025, https://jobtrainingabq.org/.

region's clean water and clean energy challenges. Initiatives of the project include workforce development, work-based learning, and a youth apprenticeship program.[1014,1015]

- The **Permian Strategic Partnership (PSP)** is an industry-led effort to improve the quality of life for Permian Basin residents through partnerships with federal, state, and local leaders to improve schools, roads, healthcare, and workforce. The PSP Workforce Development Committee partners with local school districts, community colleges, and other stakeholders to attract, develop, and retain workforce. PSP recently invested over $1 million to expand the CDL training program at New Mexico Junior College.

6.2.3 Recommendations

As mentioned previously, the CAP Team interviewed workforce development experts in New Mexico to hear their perspectives on how to improve workforce development for occupations that will be highly impacted by the CAP. Additionally, we reviewed key documents showcasing recommendations for improving workforce development in New Mexico. Interview respondents and documents suggest that critical improvements should be made to the following areas of workforce development:

- Program design and funding
- Inclusive and accessible training opportunities
- Coordination and communication
- Policy and enforcement

6.2.3.1 Program Design and Funding

- **Align funding duration with training timelines.** Many apprenticeship and certification programs take years to complete (e.g., four-year electrician apprenticeships). Workforce development experts highlighted that short-term government funding (e.g., one-year grants) often ends before trainees complete their programs, disrupting their progress and discouraging participation. Longer-term funding (three to five years) would allow programs to operate sustainably and support training enrollment and completion.
- **Invest in wraparound services.** Wraparound services provide students with the ability to meet their basic needs while in training programs. These services often include stipends, transportation, childcare, and housing. Existing programs that offer stipends and support services, such as the Government Results & Opportunity (GRO) Program,[1016] have shown high completion rates, suggesting that expansion of wraparound services will improve workers' ability to finish workforce training programs. The need for wraparound services for trainees was also highlighted in the New Mexico Clean Energy Workforce Development Study.[1017]
- **Expand funding for non-credit workforce programs.** Non-credit programs are flexible and responsive to industry needs. Funding for non-credit programs, however, is often scarce because non-credit students lack access to many financial aid resources, such as Pell Grants and Opportunity Scholarships. Community colleges and adult education leaders suggest expanding financial aid eligibility to non-credit programs to make them more accessible.

[1014] Energized Watershed, "About Us," Energized Watershed, July 8, 2025, https://energizedwatershed.org/.
[1015] Tracy Hatzler et al., "Water & Energy Workforce Insights: A Regional Path Forward," CNM Workforce Training Center, October 3, 2024, https://drive.google.com/file/d/1g0WA8XqE3mvIHr3XKTyM84L3_Ml5Jnea/view.
[1016] Mid-Region Council of Governments, NM, "Government Results and Opportunity (GRO) Program," accessed December 11, 2025, https://www.mrcog-nm.gov/673/Government-Results-Opportunity-Program.
[1017] Sanchez et al., "New Mexico Clean Energy Workforce Development Study."

- **Align training programs with industry needs.** Experts noted that training programs and industry expectations are sometimes mismatched. Improving alignment of training programs with industry needs will help meet industry demands while improving trainees' success in the job market. The New Mexico Clean Energy Workforce Development Study also notes the need to ensure that core industry competencies are included in curricula for industry-recognized credentials.[1018]
- **Invest in instructor capacity.** Instructor capacity was repeatedly named as a limiting factor for workforce development in New Mexico. Addressing shortages of qualified trainers, especially in rural areas, will increase New Mexicans' access to high-quality workforce training programs.

6.2.3.2 Inclusive and Accessible Training Programs

- **Engage unions and industry in training development.** Unions have robust apprenticeship programs and can help ensure training quality and safety. Several workforce development experts who specialize in trades stressed the importance of involving unions in workforce planning and avoiding politicization of training efforts. Experts also suggested that industry buy-in is critical to ensure apprentices are appropriately placed and supported throughout their training.
- **Develop multilingual training programs.** Many capable workers, especially immigrants, are unable to take part in workforce training programs due to English-only instruction or English language skills as a requirement for certification. Workforce development experts recommend offering multilingual training options and removing unnecessary language barriers for roles that do not require English fluency. They also suggested expansion of existing English as a second language classes.
- **Create rural satellite training centers.** Rural New Mexico often lacks access to training facilities and instructors due to its geographic remoteness. The creation of satellite training centers in rural areas would improve rural residents' ability to take part in workforce development programs.
- **Offer remote and flexible training opportunities.** Experts suggested that many New Mexicans are limited in their ability to attend classes due to transportation barriers and time constraints. Expanding offerings of evening classes and remote learning opportunities will allow time-poor and geographically isolated New Mexicans to take part in critical workforce training programs that address workforce shortages in highly impacted occupations. The need for flexible programs that provide specialized training through a combination of online and in-person coursework was also noted in the New Mexico Clean Energy Workforce Development Study.[1019]
- **Improve integration between non-credit and credit pathways.** Non-credit programs typically do not count toward degree programs, creating a "class system" in education. Adult education experts suggest building bridges between non-credit and credit programs so that non-credit students can earn credentials that stack toward degrees and, ultimately, career advancement.

6.2.3.3 Coordination and Communication

- **Strengthen collaboration.** New Mexico agencies, including NMDWS, NMPED, and NMHED, sometimes offer workforce development programs with overlapping goals. Interviewees recommended better coordination across agencies to streamline funding, program design, and

[1018] Sanchez et al., "New Mexico Clean Energy Workforce Development Study."
[1019] Sanchez et al., "New Mexico Clean Energy Workforce Development Study."

outreach. For example, respondents mentioned combining pre-apprenticeship efforts across agencies and encouraging regular attendance at cross-agency meetings to improve efficiency. The need for an aligned, comprehensive plan for clean energy workforce development and connecting K-12 education, post-secondary education, and regional workforce needs was also highlighted in the New Mexico Clean Energy Workforce Development Study.[1020]

- **Improve employer engagement.** Educators and workforce planners need stronger relationships with employers to ensure training aligns with job requirements. Some programs lack data on employment outcomes, and employers are not always involved in curriculum development. Building these connections would improve job placement and program relevance. The New Mexico Clean Energy Workforce Development Study suggested creating incentives to bring jobs and clean energy industries to communities to align with training programs and ensure that training leads to clear employment opportunities.[1021]
- **Increase awareness of existing and planned programs.** Many workers and communities are unaware of training opportunities, funding, and support services. Interview respondents recommended targeted outreach, especially in rural and immigrant communities, and partnerships with grassroots organizations to spread the word. The New Mexico Clean Energy Workforce Development Study noted the need for a statewide outreach program to increase awareness of the timeline for the transition to clean energy, the jobs that will be created through this transition, and the skills and certifications that will be needed.[1022]
- **Improve data tracking to guide program development.** Many programs, particularly non-credit and trades-focused educational programs, lack robust data systems to track student progress and employment. Collecting outcome metrics would allow workforce development experts to better evaluate program effectiveness and guide future investments. The New Mexico Clean Energy Workforce Development Study encouraged systematic analysis of data on demographics of students in clean energy training programs, and emphasized the need to provide incentives for programs to recruit demographics that are underrepresented based on race, socioeconomic status, or gender.[1023]

6.2.3.4 Policy and Enforcement

- **Enforce apprenticeship ratios and labor standards.** Interview respondents called for stronger enforcement of DOL standards during apprenticeships, especially the one-to-one journeyman-to-apprentice ratio, to ensure proper worker training and safety.
- **Address barriers to licensing and certification.** Certain requirements, like GEDs for CDL licenses, exclude many capable workers. Stakeholders suggest revisiting licensing requirements and offering alternative pathways to certification, especially for previously licensed workers and those with informal experience.
- **Support public-private partnerships.** New Mexico's constitution restricts public-private partnerships, limiting collaboration between state agencies and industry. Some workforce development experts on the industry side suggest that reforming this clause could unlock new opportunities for joint training initiatives and employer-sponsored programs.

[1020] Sanchez et al., "New Mexico Clean Energy Workforce Development Study."
[1021] Sanchez et al., "New Mexico Clean Energy Workforce Development Study."
[1022] Sanchez et al., "New Mexico Clean Energy Workforce Development Study."
[1023] Sanchez et al., "New Mexico Clean Energy Workforce Development Study."

6.3 Programs to Support Workforce Development in Occupations Highly Impacted by the CAP

Table 157, Table 158, and Table 159 provide details about specific workforce development programs and initiatives targeting occupations highly impacted by the CAP, offered at CNM, San Juan College, and Clovis Community College, respectively.

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Table 157. CNM Programs and Initiatives[1024]

Program/Initiative Title	Is this an existing or planned program?	Is this a credit or non-credit program or initiative?	Do you work with partner organizations on this program/initiative? If so, who are your partners?	Are there any specific goals associated with this program(s) or initiative(s) (e.g., number of individuals trained)?
Electric Lineworker Pre-Apprenticeship	Existing	Non-credit	Several, primarily the New Mexico Electric Utilities Supervisors Association	30 individuals trained per year
Electric Vehicle Safety Foundations	Existing	Non-credit	No	20 individuals trained per year
Airframe and Powerplant Test Prep	Existing	Non-credit	No	8 individuals trained per year
CDL	Existing	Non-credit	No	250 individuals trained per year
Transportation Industry Credential Pipeline Program	Existing	Non-credit	NMDOT	40 individuals trained per year
Solar Electric Basics	Existing	Non-credit	No	No
Diesel Equipment Aftertreatment Systems	Existing	Non-credit	No	No
Pathway to the Trades	Existing	Non-credit	Robert F. Kennedy Charter School	15 individuals trained per year
Backflow Prevention Assembly Tester	Planned	Non-credit	Albuquerque Bernalillo County Water Utility Authority	No
Structural Trades Apprenticeship	Existing	Non-credit	Sandia National Laboratories	Four-year training for 15 individuals
Electrician Apprenticeship	Planned	Non-credit	Sandia National Laboratories	Four-year training for 12 individuals
Pre-Architecture—AAS Degree	Existing	Credit	American Institute of Architects, UNM	82 learners (2024–2025 data), goal to increase enrollment, graduates, and transfers
Architecture Engineering Construction Modeling and Documentation A/E/C Doc Tech—AAS and Certificate of Completion	Existing	Credit	No	146 learners (2024–2025 data), goal to increase enrollment and graduates

[1024] Cells marked "N/A" indicate cells that were left blank by respondents.

Program/Initiative Title	Is this an existing or planned program?	Is this a credit or non-credit program or initiative?	Do you work with partner organizations on this program/initiative? If so, who are your partners?	Are there any specific goals associated with this program(s) or initiative(s) (e.g., number of individuals trained)?
Diesel Equipment Technology—AAS and Certificate of Completion	Existing	Credit	American Society of Employers (ASE)	36 learners (2024–2025 data)
Diesel Equipment Technology (DETC) Service Fundamentals Certificate	Planned	Credit	ASE	Proposing new certificate to start Fall 2026
Residential Carpentry Certification of Completion; Carpentry Technology AAS	Existing	Credit	No	153 learners (2024–2025 data), currently redesigning the program
Construction Management AAS, AS and Pre-Construction Certificate of Completion	Existing	Credit	UNM partnership	173 learners (2024–2025 data), launching competency-based education program in Fall 2025
Electrical Trades—Photovoltaic AAS, Programmable Logic Controls (PLC) AAS. PLC Solar Electric, Residential Wiring Certificate of Completion	N/A	Credit	N/A	335 learners (2024–2025 data)
Heating, Ventilating, Air Conditioning, and Refrigeration AAS, Certificate of Completion. Residential HVAC Certificate of Completion	Existing	Credit	HVAC Excellence Accreditation	125 learners (2024–2025 data)
Plumbing and Gas Fitting Certificate of Completion	Existing	Credit	N/A	38 learners (2024–2025 data)

Table 158. San Juan College Programs and Initiatives[1025]

Trades Addressed by Programs	Is this an existing or planned program?	Is this a credit or non-credit program/initiative?	Do you work with partner organizations on this program/initiative? If so, who are your partners?	Are there any specific goals associated with this program(s) or initiative(s) (e.g., number of individuals trained)?
Electricians	Existing	Credit	Multiple local, regional, and national companies	Approximately 50 students graduate per year, currently investigating ways to expand the program
Maintenance and repair occupations	Existing	Credit	Multiple local, regional, and national companies	Between 8 and 12 students graduate per year, program is marketed with goal of increasing enrollment
Renewable energy construction	Existing	Credit	Various companies	N/A
Electric vehicle program	Both existing and planned components	Non-credit	Mopar Career Automotive Program (MCAP), workforce development	Create adult learning opportunity
Agricultural engineers	Existing	Credit	Four-year institutions	N/A
Civil engineers	Existing	Credit	Four-year institutions	N/A
Electrical engineers	Existing	Credit	Four-year institutions	N/A
Environmental engineers	Existing	Credit	Four-year institutions	N/A
Environmental scientists	Existing	Credit	Four-year institutions	N/A
Environmental technicians	Existing	Credit	Four-year institutions	N/A
Forest and conservation workers	Existing	Credit	Four-year institutions	N/A

[1025] Cells marked "N/A" indicate cells that were left blank by respondents.

Trades Addressed by Programs	Is this an existing or planned program?	Is this a credit or non-credit program/initiative?	Do you work with partner organizations on this program/initiative? If so, who are your partners?	Are there any specific goals associated with this program(s) or initiative(s) (e.g., number of individuals trained)?
Petroleum engineers	Existing	Credit	Four-year institutions	N/A

Table 159. Clovis Community College Programs and Initiatives[1026]

Program/Initiative Title	Is this an existing or planned program?	Is this a credit or non-credit program/initiative?	Do you work with partner organizations on this program/initiative? If so, who are your partners?	Are there any specific goals associated with this program(s) or initiative(s) (e.g., number of individuals trained)?
Industrial Technology (Plant Operations/Equipment and Wind Energy)	Existing	Credit	No	18-month program consisting of three 16-week semesters and a one-month, 8-week summer; capacity is 16 students total; complete approximately 5 to 6 courses each semester; provides credentials in both plant operations and equipment and wind energy
Electrical Maintenance	Existing	Credit	No	1-year, part-time program (two 16-week semesters); program capacity is 16 students per cohort with a new cohort starting every fall; graduates about 4 to 6 students per year with anticipation of that number increasing; focuses on the electrical component of maintenance for production facilities and feeds directly into the Industrial Technology program for students looking to pursue stackable credentials in plant operations and wind energy
Electrical	Planned	Non-credit	Currently in progress	N/A

[1026] Cells marked "N/A" indicate cells that were left blank by respondents.

Program/Initiative Title	Is this an existing or planned program?	Is this a credit or non-credit program/initiative?	Do you work with partner organizations on this program/initiative? If so, who are your partners?	Are there any specific goals associated with this program(s) or initiative(s) (e.g., number of individuals trained)?
Class B license	Both existing and planned components	Non-credit	No	N/A
Automotive Technology	Existing	Credit	No	Two-year program that credentials students in chassis systems and power train systems; students can earn Automotive Service Excellence certificates in eight different areas; program provides general automotive maintenance and establishes a platform for those going into a specialized automotive maintenance areas; program capacity is 24 students; complete approximately 4 to 5 courses each semester
Welding	Existing	Credit	No	18-month program (three 16-week semesters); students earn American Welding Society industry credentials, entry level and advanced level. Program covers gas metal arc welding, and shielded metal arc welding. Program capacity is 32 total students at a time. Approximately 10 students per semester complete the program.

6.4 Interview Methods

The CAP Team conducted 11 interviews with 17 workforce development experts in New Mexico. Interviews captured the perspective of employees from the agencies listed below. Most interview respondents clarified that their statements represented their own personal opinions, and may not reflect the official stance of their employer.

- Santa Fe Community College
- Housing New Mexico
- New Mexico EMNRD
- NMICC
- NMPED
- New Mexico Oil and Gas Association
- ABC of New Mexico
- NMDWS
- NMBCTC
- NMHED
- Somos Un Pueblo Unido
- EmPower

The interviews were semi-structured discussions that loosely followed a set of pre-developed questions. The CAP Team tailored questions for each interview to the conversation at hand and varied the questions depending on the respondents' specific professional experience. The CAP Team took detailed notes of the information that each respondent shared. The team then used discussion notes to develop a list of key findings from each discussion and cross-cutting themes from all discussions. While we cannot guarantee the accuracy of any qualitative and quantitative findings that interview participants shared, our respondents' perceptions are guided by deep knowledge about workforce development in sectors that we expect to be highly impacted by the CAP. The findings from our discussions add nuance to the analysis and illustrate the breadth and magnitude of workforce impacts in New Mexico.



Appendix A. Comparison of New Mexico Climate Action Plan and Other Climate Action Plans within the State

This appendix provides a detailed comparative analysis of key strategies and initiatives outlined in a selection of municipal and Tribal climate action plans against the strategies and goals of the state of New Mexico's CAP. The analysis is organized by the economic sectors in the CAP: industry; electricity; buildings; natural and working lands; waste and materials; and transportation. The purpose of this comparison is to assess the degree of alignment, identify areas of synergy, and highlight potential gaps or unique approaches in local-level climate planning.

The municipal plans analyzed in this appendix are:

- **Albuquerque Priority Climate Action Plan (PCAP) (2024):** Albuquerque Metropolitan Statistical Area's comprehensive plan developed under EPA's Climate Pollution Reduction Grant.
- **Las Cruces (City) Climate Action Plan (2020):** A municipal climate action plan detailing 48 actions across sectors with GHG reduction targets (~19% by 2030, ~73% by 2050).
- **Los Alamos County Climate Action Plan (2024):** The first county-wide CAP with sector-based and consumption-based GHG inventories, interim emissions targets, and pathways to carbon neutrality.
- **Navajo Nation Climate Plan (2024):** Outlines the Navajo Nation's vision for climate change action and details strategies for natural resource management, including fire and erosion control. It also discusses the importance of cultural traditions and a commitment to engaging with the Navajo Nation Council.
- **Pueblo of Sandia PCAP (2024):** A Priority Climate Action Plan developed in partnership with Adelante Consulting, Inc. and funded by EPA under the Climate Pollution Reduction Grant. The plan includes a 2020 greenhouse gas (GHG) inventory, quantified GHG reduction measures, a benefits analysis, and a review of implementation authority.
- **Pueblo of Santa Ana PCAP (2024):** A Priority Climate Action Plan prepared under EPA's Climate Pollution Reduction Grant. It details the Pueblo's approach, a greenhouse gas inventory, GHG reduction measures, and a benefits analysis.
- **Pueblo of Tesuque Coalition PCAP (2024):** A Priority Climate Action Plan that contains measures specific to the following tribes within the coalition: Nambé, Picuris, San Ildefonso, and Tesuque.

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- **Santa Fe County Climate Action Plan (2023):** Developed in partnership with ICLEI (Local Governments for Sustainability) USA; includes an emissions inventory, wedge analysis, mitigation strategies, and Race to Zero alignment.

Each table in this appendix systematically compares these local plans with the state's plan, providing a data-driven foundation for understanding the collaborative landscape of climate action in New Mexico.

Table 160. Industry Sector CAP Comparison Chart

Jurisdiction	Oil and Gas CO2 Emissions Strategy	Oil and Gas Methane Emissions Strategy	Strategy Overlap
State of New Mexico	Measures I-1, I-2, I-3	Measures I-4, I-5, I-6, I-7	
Albuquerque	Not Directly Addressed	Not Directly Addressed	N/A
Las Cruces	Not Directly Addressed	Not Directly Addressed	N/A
Los Alamos County	Not Directly Addressed	Not Directly Addressed	N/A
Navajo Nation	Not Directly Addressed	Partially Addressed: Plan aims to create a database to track methane leaks and pressure releases with the goal of establishing stricter policies and regulations. Seeks to collaborate with European Space Agency or other space agencies to help monitor GHG emissions.	Partially Aligned: The Navajo Nation's recent actions to gain regulatory oversight align with the state's efforts to regulate the industry. Navajo Nation's plan is still in the early stages, and the state has already implemented specific, enforceable rules and established quantitative goals for emissions reductions. Both governments acknowledge that oil and gas emissions are a problem that needs to be addressed.
Pueblo of Nambé	Not Directly Addressed	Not Directly Addressed	N/A
Picuris Pueblo	Not Directly Addressed	Not Directly Addressed	N/A
Pueblo of Sandia	Not Directly Addressed	Not Directly Addressed	N/A
Pueblo de San Ildefonso	Not Directly Addressed	Not Directly Addressed	N/A
Pueblo of Santa Ana	Not Directly Addressed	Not Directly Addressed	N/A
Pueblo of Tesuque	Not Directly Addressed	Not Directly Addressed	N/A
Santa Fe County	Not Directly Addressed	Not Directly Addressed	N/A

Table 161. Electricity Sector CAP Comparison Chart

Jurisdiction	Transmission + Generation	Grid Modernization	Incentives	Strategy Overlap
State of New Mexico	Measures E-9, E-10	Measures E-11, E-12, E-13	Measures E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-14	
Albuquerque	Partially Addressed: Prioritizes local solar and energy storage. ▪ Supports PNM's decarbonization (zero-emissions power by 2040). ▪ Advances grid upgrade plans under NMSA 2024, Section 62-8-13. ▪ Community-scale projects: e.g., 1 MW microgrid in underserved neighborhoods.	Partially Addressed: Emphasizes grid modernization, adopts advanced conductors, dynamic ratings, smart-grid tools per NMSA 2024, Section 62-8-13 ABQ's CAP supports community-level grid enhancements and smart meters. ▪ Microgrids: The ABQ CAP Task Force recommends developing microgrids in low-income neighborhoods to reduce dependence on centralized generation and improve energy resilience. ▪ Distributed Solar: Emphasized through community solar programs and rooftop solar incentives. ▪ Battery Storage: Identified as a priority to enable grid flexibility and	Directly Addressed: Strong emphasis on expanding access to existing federal, state, and utility programs. These include rebates and incentives for home weatherization, heat pumps, and electric vehicles, many of which are referenced throughout the city's PCAP. ▪ The plan also promotes building energy retrofits, the development of public EV charging and solar infrastructure, and clean energy education campaigns specifically designed to reach and benefit frontline communities. ▪ The plan does not address geothermal, clean hubs, long-duration storage pilots, or distributed wind.	Partially Aligned: The city emphasizes local solar, energy storage, grid modernization, community-scale microgrids, and distributed energy resources, supporting resilience and decarbonization efforts. It also expands access to federal, state, and utility incentives for weatherization, EVs, and clean energy adoption. However, Albuquerque's plan does not address virtual power plants, geothermal integration, long-duration storage pilots, or clean energy hubs.

Jurisdiction	Transmission + Generation	Grid Modernization	Incentives	Strategy Overlap
		complement intermittent renewables. ▪ Community-Scale Infrastructure: One example project proposed is a 1 MW microgrid to create quality jobs and energy resilience in underserved neighborhoods. ▪ Focus on resilience in low- and moderate-income/frontline communities.		
Las Cruces	Directly addressed: Encourages on-site solar regeneration capacity near 8 MW by 2019; utilities developing Gas Transition Plan to move toward cleaner electricity generation.	Directly addressed: Las Cruces has the goal in place to decarbonize its grid, plans for electric utilities to support heat pumps, and has future plans for grid-responsive load management.	Directly addressed: Provides rebates for solar PV, HVAC, heat pumps, and low-income heat pumps (~$700 k). Advocates for state green energy policy, waste gasification, and encourages solar adoption by setting carbon goals (19% by 2030 and 73% by 2050).	Directly Aligned: The plan overlaps the state's behind-the-meter and distributed energy resources strategy, clean heat standard, and microgrid focus.
Los Alamos County	Directly Addressed: Aims to become a carbon-free electric provider by 2040. Investing in 170 MW of solar power and 80 MW of battery storage.	Directly addressed: Focuses on encouraging energy efficiency and electrification retrofits. Aims to enhance electric energy resiliency and reduce natural gas usage.	Directly addressed: Focuses on available tax incentives and rebates. Mentions using grants for "adaptation upgrades."	Directly Aligned: Los Alamos County's plan directly addresses the state's goals for renewable generation, grid modernization, and incentives. The county aims to achieve

Jurisdiction	Transmission + Generation	Grid Modernization	Incentives	Strategy Overlap
				carbon-free electricity by 2040, supported by significant investments in large-scale solar (170 MW) and battery storage (80 MW). It promotes energy efficiency, electrification retrofits, and resilience upgrades while leveraging tax incentives, rebates, and grants. Overall, alignment is strong, with partial coverage in advanced grid modernization elements.
Navajo Nation	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Aligned
Pueblo of Nambé	Directly Addressed: Plan calls for the installation of 3.7 kW solar photovoltaics on 6 homes to supplement electrical energy from residential buildings.	Not Directly Addressed	Not Directly Addressed	Partially Aligned: Pueblo of Nambe's plan describes the installation of renewable energy sources in the form of photovoltaics.
Picuris Pueblo	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Aligned

NMED Exhibit 54_000409

Jurisdiction	Transmission + Generation	Grid Modernization	Incentives	Strategy Overlap
Pueblo of Sandia	Directly Addressed: The Pueblo's plan includes a priority mitigation measure to install a commercial solar PV system. This is their primary strategy for increasing clean energy generation.	Indirectly Addressed: The Pueblo's plan notes that electrical lines, grid capacity, and utility authorities can limit the scope of their mitigation measures, showing an awareness of grid issues.	Indirectly Addressed: The Pueblo's plan seeks funding for its projects through various sources such as competitive grants, formula grants, and loans.	Strongly Aligned: The Pueblo's plan is aligned with the state in its pursuit of renewable energy generation and the reduction of GHG emissions, but it is much more limited in scope and does not address the broader transmission, grid modernization, or incentive policies that the state's plan covers.
Pueblo def San Ildefonso	Directly Addressed: Plan calls for the installation of five 10kW solar PVs for commercial buildings.	Not Directly Addressed	Not Directly Addressed	Partially Aligned: The Pueblo plans to install solar PVs on commercial buildings to reduce their GHG emissions overall but doesn't have items related to incentives or specific grid updates.
Pueblo of Santa Ana	Directly Addressed: Plan contains description of a 5 MW community solar project to power Pueblo residences and buildings. The plan focuses on local-scale renewable generation.	Indirectly Addressed: The described energy audits, weatherization, and efficiency upgrades improve demand-side efficiency. No mention of smart grids or VPPs in the plan.	Directly Addressed: Leverages federal & state incentives (Bureau of Indian Affairs Tribal Electrification, DOE, USDA); promotes EV adoption support, weatherization, recycling, and composting. Seeks grants to fund projects.	Strongly Aligned: Aligns with the state plan on renewables, modernization, and incentives, but at a smaller scale. The Pueblo focuses on community solar, efficiency, and EV adoption, while the state emphasizes large-scale transmission, storage, and grid technologies. Alignment is strongest on incentives.

Jurisdiction	Transmission + Generation	Grid Modernization	Incentives	Strategy Overlap
Pueblo of Tesuque	Partially Addressed: The Pueblo has plans to install 117 kW of solar PV system on the Tesuque Intergenerational Center rooftop and 797 kW solar PV on the Camel Rock Studios rooftop.	Not Directly Addressed	Not Directly Addressed	Partially Aligned: While the Pueblo has plans to establish renewables in the form of solar systems, it does not describe incentives or plan for grid modernization.
Santa Fe	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Aligned

Table **162**. Natural and Working Lands Sector CAP Comparison Chart

Jurisdiction	Wildfire Reduction	Croplands and Soils/ Local Food Systems	Restoration/ Conservation	Carbon Sequestration	Strategy Overlap
State of New Mexico	Measure AFW-1	Measure AFW-4	Measure AFW-2, AFW3	Measure AFW-5	
Albuquerque	Not Directly Addressed	Partially Addressed: Supports composting infrastructure, food scrap collection, and community gardening in underserved areas.	Not Directly Addressed	Partially Addressed: ▪ Green infrastructure and tree planting initiatives ▪ Plans to grow tree inventory from 15k→100k. Tree planting and green infrastructure are prioritized for cooling and air quality in frontline neighborhoods.	Partially Aligned: The urban tree canopy and food/compost systems in frontline communities are partially aligned; however, Albuquerque's does not include wildfire strategies, carbon sequestration tracking, and conservation or restoration efforts on natural or working lands.

Jurisdiction	Wildfire Reduction	Croplands and Soils/ Local Food Systems	Restoration/ Conservation	Carbon Sequestration	Strategy Overlap
Las Cruces	Not Directly Addressed	Partially Addressed: Las Cruces adopted the Urban Agriculture & Food Policy Plan, promoting urban gardens, local food access, and composting.	Directly Addressed: Promotes land conservation, native plant restoration, and urban green space expansion	Directly Addressed: Las Cruces's plan includes actions to strengthen landscape policies for shade canopy with native, drought-tolerant vegetation. The plan includes a full carbon sequestration strategy, supports urban tree plantings, supports land restoration, and encourages targeted greening in disadvantaged communities.	Strongly Aligned: Las Cruces's plan promotes land conservation, native plant restoration, and urban green spaces. It adopts an urban agriculture and food policy plan, promoting urban food gardens and composting.

Jurisdiction	Wildfire Reduction	Croplands and Soils/ Local Food Systems	Restoration/ Conservation	Carbon Sequestration	Strategy Overlap
Los Alamos County	Directly Addressed: Actively implementing strategies like forest management, fuel reduction, and community education to minimize wildfire risks. The plan also mentions fire protection strategies and a Fire Mitigation Plan.	Directly Addressed: The plan mentions supporting the local food system, including promoting the Los Alamos Farmers Market. It also includes a food waste prevention and diversion program.	Directly Addressed: Aims to "conserve water resources and increase urban green space." Promotes "urban forest stewardship and tree preservation" to restore and protect natural ecosystems.	Directly Addressed: Sets a goal to "improve local carbon sequestration." Promotes urban forest stewardship and tree preservation as a strategy.	Strongly Aligned: Both entities are strongly aligned in their commitment to reducing wildfire risk through active management and community engagement. The county's restoration efforts, which include urban forest stewardship and the expansion of green spaces, closely mirror the state's goals for ecosystem resilience. Additionally, the county's target for carbon sequestration aligns with the state's strategy for canopy expansion. Furthermore, the support for local food systems demonstrates partial alignment with the state's broader initiatives concerning cropland and soil management.

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Jurisdiction	Wildfire Reduction	Croplands and Soils/ Local Food Systems	Restoration/ Conservation	Carbon Sequestration	Strategy Overlap
Navajo Nation	Not Directly Addressed	Directly Addressed: Has the overarching goal of increasing reliance onNavajo Nation-based markets through analysis of "enhanced food sovereignty," encourages community gardening, and hopes to create commercial development for goods and services.	Indirectly Addressed: Plans to "Analyze impact of land restoration on net Navajo Nation GHGe" as a starting point.	Not Directly Addressed	Partially Aligned: Strong emphasis on food sovereignty and plans to conduct analyses of land restoration impacts but no mention of wildfire reduction policies or carbon sequestration through land management.
Pueblo of Nambé	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Aligned
Picuris Pueblo	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Aligned

Jurisdiction	Wildfire Reduction	Croplands and Soils/ Local Food Systems	Restoration/ Conservation	Carbon Sequestration	Strategy Overlap
Pueblo of Sandia	Indirectly Addressed: The Pueblo co-manages 36,924 acres of forest with the USFS, and its GHG inventory notes that the Agriculture, Forestry, and Other Land Use sector is a significant carbon sink, removing 3,568 MT of CO_2e in 2020. The plan acknowledges the "extreme and extended fire season" as an impact of climate change but does not outline specific strategies for wildfire reduction.	Not Directly Addressed	Not Directly Addressed	Directly Addressed: The Pueblo's GHG inventory notes that its Agriculture, Forestry, and Other Land Use sector is a carbon sink, removing 3,568 MT of CO_2e in 2020.	Partially Aligned: The Pueblo's plan is aligned with the state's goals by accounting for its natural carbon sequestration. However, the Pueblo's plan does not propose active strategies to manage these lands or mitigate related climate risks, which is a core component of the state's plan.
Pueblo de San Ildefonso	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Aligned

Jurisdiction	Wildfire Reduction	Croplands and Soils/ Local Food Systems	Restoration/ Conservation	Carbon Sequestration	Strategy Overlap
Pueblo of Santa Ana	Not Directly Addressed	Directly Addressed: The plan includes community composting, food waste prevention, recycling programs, and support for soil health in agriculture.	Not Directly Addressed	Not Directly Addressed: The plan focuses on soil health (compost use); the tree plantings are not explicitly quantified; no sequestration data systems.	Partially Aligned: Includes land-based strategies, mainly through composting, food waste reduction, and soil health efforts that echo New Mexico's goals for local food systems and carbon storage. The Pueblo's plan is more limited in scope, but is has strong alignment in small-scale community food and soil programs. .
Pueblo of Tesuque	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Aligned

Jurisdiction	Wildfire Reduction	Croplands and Soils/ Local Food Systems	Restoration/ Conservation	Carbon Sequestration	Strategy Overlap
Santa Fe County	Directly Addressed: Incorporates nature-based solutions, wildfire risk planning (e.g., wildland–urban interface zoning), and tree planting programs.	Directly Addressed: The plan has a "Food System" section that aims to strengthen connections within local food systems and ensure food security. It also aims to increase the city's procurement of New Mexico grown produce, increase community access to food outlets, and increase opportunities for local food producers to sell their food.	Directly Addressed: The plan emphasizes "Ecological Resilience" and aims to "restore native ecosystems' structure and function." It also has objectives to manage water demand and supply, including increasing the use of reclaimed water, residential graywater systems, and rain gardens. The plan also notes the importance of watershed protection.	Directly Addressed: The plan aims to increase carbon sequestration from plants and soils and determine a baseline of carbon sequestration levels. It mentions that efforts to sequester more carbon in plants and soil will need regional support.	Directly Aligned: The plan aligns with the overall state plan on wildfire, reforestation, and ecosystem restoration targets.

Table 163. Buildings Sector CAP Comparison Chart

Jurisdiction	Building Energy Efficiency	EVSE Accessibility	Geothermal	Strategy Overlap
State of New Mexico	Measure B-1, B-2, B-3, B-4, B-5	Measure B-6	Measure B-7	
Albuquerque	Directly Addressed: Local code updates and energy benchmarking have been directly addressed.	Directly Addressed: Plan addresses the need to expand public electric vehicle (EV) chargers and notes that	Not Directly Addressed	Strongly Aligned: The initiative is directly aligned with New Mexico's statewide priorities for energy efficiency

Jurisdiction	Building Energy Efficiency	EVSE Accessibility	Geothermal	Strategy Overlap
	Additionally, there is a focus on the expansion of public EV chargers with an emphasis on equity.	this expansion should be done with a focus on equity to ensure that all communities have access to this essential infrastructure.		and EV infrastructure. It supports the implementation of updated building codes, promotes energy benchmarking, and aims for the equitable expansion of public EV chargers. Geothermal development, a key state strategy, is not addressed locally.
Las Cruces	Directly Addressed: There is a strong focus on reducing energy demand from buildings through energy efficiency retrofits. This initiative encourages voluntary building upgrades, energy audits, and improved insulation. Additionally, it supports electrification and a reduction in natural gas use as outlined in Strategies BE1 and BE2.	Directly Addressed: Includes a goal to develop EVSE infrastructure citywide, recognizes the need to prioritize equitable access, and targets public EV charging in underserved areas and multifamily units.	Not Directly Addressed	Strongly Aligned: Shows strong alignment with New Mexico's statewide priorities in building energy efficiency and EV infrastructure, focusing on energy efficiency retrofits, voluntary upgrades, electrification, and equitable EVSE development.
Los Alamos County	Directly Addressed: The initiative is directly addressed by a goal that 50% of buildings meet net zero energy standards by the year 2040. It supports energy efficiency improvements and retrofits for electrification. Additionally, the plan aims to	Directly addressed: The plan has a goal to install 30 public charging stations by 2026 and aims to promote EV adoption by educating the community on available tax incentives and rebates and	Not Directly Addressed	Strongly Aligned: Los Alamos County demonstrates strong alignment with New Mexico's statewide priorities in building energy efficiency and EV infrastructure, aiming for 50% of buildings to reach net-zero energy by 2040, supporting

Jurisdiction	Building Energy Efficiency	EVSE Accessibility	Geothermal	Strategy Overlap
	significantly reduce the usage of natural gas.	addressing infrastructure barriers.		electrification retrofits, and expanding public charging stations. However, geothermal development is not addressed, resulting in partial overall alignment, with efforts focused primarily on efficiency, EV adoption, and waste diversion.
Navajo Nation	Indirectly Addressed: Plans to test pilot heat pump technology in a "volunteer home" to reduce reliance on traditional fuels.	Not Directly Addressed	Not Directly Addressed	Partially Aligned: Includes a plan to test pilot a heat pump and states a desire to switch to renewable technology instead of traditional fuels but no mention of geothermal (for the heat pump) or EVSE in buildings.
Pueblo of Nambé	Not Addressed	Not Addressed	Not Directly Addressed	Not Aligned
Picuris Pueblo	Directly Addressed: Plan calls for the implementation of pre-weatherization, weatherization, efficiency retrofit, electrification, and wood stove changeout in 20% of homes each year.	Not Addressed	Not Addressed	Partially Aligned: While this plan doesn't include geothermal or EVSE buildout on homes, it does call for electrification, weatherization, and overall efficiency upgrades of homes.
Pueblo of Sandia	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Aligned

Jurisdiction	Building Energy Efficiency	EVSE Accessibility	Geothermal	Strategy Overlap
Pueblo de San Ildefonso	Directly Addressed: Plans to weatherize 10 residential homes each year.	Not Directly Addressed	Not Directly Addressed	Partially Aligned: Plan includes implementation of a weatherization program for homes, but does not include plans for geothermal or EV setups in buildings.
Pueblo of Santa Ana	Directly Addressed: Energy audits, retrofits, and weatherization support; promotes efficient appliances and Tribal housing upgrades.	Not Directly Addressed	Not Directly Addressed	Partially Aligned: Emphasizes weatherization, retrofits, and affordability for tribal households. Overall, the strongest overlap is in building efficiency.
Pueblo of Tesuque	Directly Addressed: Plans to weatherize 10 homes per year when funding is obtained in 2025.	Not Directly Addressed	Not Directly Addressed	Partially Aligned: Contains explicit plans to weatherize homes but no mention of geothermal or EV setups in newly constructed buildings.
Santa Fe County	Directly Addressed: The plan adopts increasingly stringent building energy codes for new buildings on a three-year cycle. Aims to meet the 2030 Challenge of net-zero greenhouse gas emissions. Supports energy efficiency in new and existing buildings as the most cost-effective means of reducing carbon emissions.	Not Directly Addressed	Not Directly Addressed	Partially Aligned: Santa Fe County partially aligns with New Mexico's priorities in building energy efficiency, promoting net-zero goals, and energy-efficient buildings.

Table 164. Waste and Materials Sector CAP Comparison Chart

Jurisdiction	Waste Prevention through Diversion	Organic Waste Prevention through Diversion	Landfill and Wastewater Methane Recovery	Refrigerant Gas Removal and Disposal	Low-Embodied Carbon Strategy and Construction Materials	Strategy Overlap
State of New Mexico	Measure WM-1	Measure WM-2	Measure WM-3, WM-4	Measure WM-5	Measure WM-6, WM-7	
Albuquerque	Directly Addressed: Encourages zero-waste goals, education, increased recycling rates, and circular economy initiatives.	Directly Addressed: Supports expansion of composting programs, food waste reduction, and promotes food recovery.	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Partially Aligned: Focuses on zero-waste goals, education, increased recycling, and organic waste diversion through composting and food recovery programs.
Las Cruces	Directly Addressed: Las Cruces proposes waste reduction and recycling education campaigns, public outreach, and improved recycling programs.	Directly Addressed: Las Cruces calls for food waste diversion, community composting, and organics separation pilot programs. Includes support for composting infrastructure and education around food waste reduction.	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Partially Aligned: Las Cruces's waste strategy overlaps most clearly with the state's goals around food and organic waste, community-scale composting, and education.

Jurisdiction	Waste Prevention through Diversion	Organic Waste Prevention through Diversion	Landfill and Wastewater Methane Recovery	Refrigerant Gas Removal and Disposal	Low-Embodied Carbon Strategy and Construction Materials	Strategy Overlap
Los Alamos County	Directly Addressed: Plan includes municipal composting and food waste prevention coalition initiatives (4,500 tons/year). The county has a goal to increase solid waste diversion by 15% by 2030. The county aims to reduce waste and promote a circular economy.	Directly Addressed: The county has a goal to reduce food waste going to the landfill. Supports a food waste prevention and diversion program.	Not addressed	Not addressed	Not addressed	Partially Aligned: This plan shows a strong focus on organic waste and food diversion through municipal composting initiatives and programs to increase solid waste diversion.

Jurisdiction	Waste Prevention through Diversion	Organic Waste Prevention through Diversion	Landfill and Wastewater Methane Recovery	Refrigerant Gas Removal and Disposal	Low-Embodied Carbon Strategy and Construction Materials	Strategy Overlap
Navajo Nation	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Directly Addressed: Plan explicitly states that it wants to introduce alternative construction methods that are cleaner and more environmentally friendly and includes the initiative to pilot rammed earth techniques and bamboo construction materials.	Partially Aligned: Navajo Nation has a strong emphasis on reducing waste in the construction of buildings.
Pueblo of Nambé	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Aligned
Picuris Pueblo	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Aligned
Pueblo of Sandia	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Aligned
Pueblo de San Ildefonso	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Aligned

Jurisdiction	Waste Prevention through Diversion	Organic Waste Prevention through Diversion	Landfill and Wastewater Methane Recovery	Refrigerant Gas Removal and Disposal	Low-Embodied Carbon Strategy and Construction Materials	Strategy Overlap
Pueblo of Santa Ana	Partially Addressed: The Pueblo's plan promotes recycling programs and diversion efforts. It also contains an initiative to educate the community about waste diversion.	Directly Addressed: Strong focus on composting and food waste reduction; supports community-scale composting infrastructure.	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Partially Aligned: The plan is directly aligned on organic waste prevention and composting.
Pueblo of Tesuque	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	Not Aligned
Santa Fe County	Directly Addressed: The plan supports a "Sustainable Materials Management approach." It aims to achieve "zero waste," which means diverting at least 90% of waste from the landfill. It also promotes universal access to recycling programs.	Not Addressed	Indirectly Addressed: The plan mentions the need to decrease methane emissions from solid waste and wastewater treatment operations.	Not Addressed	Not Addressed	Partially Aligned: Santa Fe County is partially aligned with New Mexico's statewide waste and materials priorities, with a strong focus on organic diversion and a zero-waste approach that promotes recycling and sustainable materials management.

Table 165. Transportation Sector CAP Comparison Chart

Jurisdiction	Reduce Vehicle Miles Traveled: Expand Public Transit	Expand and Improve Access and Safety for Active Transportation	Support Transit Oriented Development by Reassessing Land Use	Reduce State Employee Vehicle Miles Traveled	Expand and Transition to Zero Emission Vehicle Infrastructure and Equipment	Strategy Overlap
State of New Mexico	Measure T-1	Measures T-2	Measure T-3	Measure T-4	Measure T-5	
Albuquerque	Directly Addressed: Albuquerque's transportation plan emphasizes a strong transit network. It also features significant investments in electric bus infrastructure to enhance public transportation efficiency and sustainability.	Directly Addressed: The plan includes over 400 miles of bike and pedestrian trails. Additionally, there is active planning underway to further enhance these facilities.	Directly Addressed: The plan includes transit-oriented development projects in the Uptown area. These projects focus on creating mixed-use spaces that are conveniently located near transit options.	N/A	Not Directly Addressed	Strongly Aligned: The plan focuses on public transit, active transportation, and transit-oriented development.

Jurisdiction	Reduce Vehicle Miles Traveled: Expand Public Transit	Expand and Improve Access and Safety for Active Transportation	Support Transit Oriented Development by Reassessing Land Use	Reduce State Employee Vehicle Miles Traveled	Expand and Transition to Zero Emission Vehicle Infrastructure and Equipment	Strategy Overlap
Las Cruces	Directly Addressed: The plan includes pilot programs for free rides. Las Cruces focuses on reducing vehicle miles traveled by expanding transit options. It proposes enhancing transit expansion, improving connectivity, and decreasing car dependency, especially for low-income residents.	Directly Addressed: The plan aims to implement bike lanes, sidewalks, and scooter/bike-sharing programs by 2025. Las Cruces has established a dedicated strategy to ensure safe and equitable active transportation infrastructure, focusing on bike lanes, sidewalks, and pedestrian safety in underserved communities.	Directly Addressed: The plan focuses on regional transit and land use coordination. Las Cruces intends to align land use with transit initiatives, aiming to minimize sprawl and promote mixed-use development near transit corridors.	N/A	Directly Addressed: Las Cruces is transitioning its municipal fleets and expanding EVSE citywide, prioritizing accessibility and equity. The city supports incentives and educational outreach initiatives to promote broader ZEV adoption. This includes adding public chargers and infrastructure for multifamily housing.	Strongly Aligned: Las Cruces overlaps with most of the state's priorities, particularly in transit, active transportation, EV infrastructure, and land use, though it lacks strategies for employee commute reduction and policy enforcement mechanisms.

Jurisdiction	Reduce Vehicle Miles Traveled: Expand Public Transit	Expand and Improve Access and Safety for Active Transportation	Support Transit Oriented Development by Reassessing Land Use	Reduce State Employee Vehicle Miles Traveled	Expand and Transition to Zero Emission Vehicle Infrastructure and Equipment	Strategy Overlap
Los Alamos County	Directly Addressed: The plan supports public transit and describes collaborating with NMDOT and others to study public transit in the county.	Directly Addressed: The plan has a goal to "increase walking, cycling, and other human-powered transportation" and to enhance trail systems.	Not Addressed	N/A	Directly Addressed: The plan has a goal to install 30 public charging stations by 2026. Addresses infrastructure barriers and promotes EV adoption through educating the community on available tax incentives and rebates.	Strongly Aligned: The plan supports public transit, active transportation, and EV infrastructure.
Navajo Nation	Indirectly Addressed: Navajo Nation plans to conduct an analysis of the potential impact of public transit on the reservation.	Not Addressed	Directly Addressed: Plans to promote “building upward for less land disturbance” with consideration of public transit and community trail/pathway developments.	N/A	Not Addressed	Partially Aligned: Navajo Nation is in the early stages of developing their public transit initiative and wants to incorporate “smart” growth with dense development.

Jurisdiction	Reduce Vehicle Miles Traveled: Expand Public Transit	Expand and Improve Access and Safety for Active Transportation	Support Transit Oriented Development by Reassessing Land Use	Reduce State Employee Vehicle Miles Traveled	Expand and Transition to Zero Emission Vehicle Infrastructure and Equipment	Strategy Overlap
Pueblo of Nambé	Directly Addressed: Plan includes the addition of an electric bus transit system.	Not Directly Addressed	Not Directly Addressed	N/A	Directly Addressed: Plan calls for the exploration of a community-owned network of EV charging stations, the creation of a partnership with Tesla (dealership facility is on the reservation), and the installation of two Level 2 chargers.	Partially Aligned: The Pueblo's plan includes the addition of an electric bus for public transit and consideration of a community-owned network for electric vehicle charging stations.
Picuris Pueblo	Indirectly Addressed: Plan includes buildout of local transit system infrastructure.	Not Directly Addressed	Not Directly Addressed	N/A	Directly Addressed: Climate plan includes the buildout of high efficiency EV charging ports to incentivize ownership.	Partially Aligned: Picuris Pueblo has plans to buildout their local public transit infrastructure and add high efficiency EV charging ports.

Jurisdiction	Reduce Vehicle Miles Traveled: Expand Public Transit	Expand and Improve Access and Safety for Active Transportation	Support Transit Oriented Development by Reassessing Land Use	Reduce State Employee Vehicle Miles Traveled	Expand and Transition to Zero Emission Vehicle Infrastructure and Equipment	Strategy Overlap
Pueblo of Sandia	Directly Addressed: The Pueblo's plan includes a priority mitigation measure to implement an electric transit bus service.	Not Directly Addressed	Not Directly Addressed	N/A	Directly Addressed: The Pueblo's plan includes installing 16 EV charging points as a priority mitigation measure. The goal is to reduce 944.2 MT of CO_2e from 2025 to 2030.	Partially Aligned: The Pueblo 's plan is aligned with the state's goals by focusing on electric transit and EV charging infrastructure. However, the Pueblo's plan is limited to these specific projects and does not address the broader policy and land-use initiatives found in the state's plan.
Pueblo de San Ildefonso	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	N/A	Indirectly Addressed: The plan calls for a feasibility assessment and funding strategy, followed by community engagement, and then installation of EV charging stations.	Partially Aligned: The Pueblo is in the early stages of developing plans to decrease emissions in the transportation sector.

Jurisdiction	Reduce Vehicle Miles Traveled: Expand Public Transit	Expand and Improve Access and Safety for Active Transportation	Support Transit Oriented Development by Reassessing Land Use	Reduce State Employee Vehicle Miles Traveled	Expand and Transition to Zero Emission Vehicle Infrastructure and Equipment	Strategy Overlap
Pueblo of Santa Ana	Not Directly Addressed	Not Directly Addressed	Not Directly Addressed	N/A	Directly Addressed: The Pueblo's plan includes an action to install publicly accessible EV charging stations and a specific action to transition its government fleet to electric vehicles.	Partially Aligned: The Pueblo of Santa Ana has strategies for ZEV infrastructure and fleet transition.
Pueblo of Tesuque	Directly Addressed: The Pueblo has plans to develop infrastructure for public transit to reduce VMT.	Not Directly Addressed	Not Directly Addressed	N/A	Directly Addressed: The Pueblo has plans to install EV charging ports to incentivize EV ownership.	Partially Aligned: The Pueblo has plans to develop public transit infrastructure and install EV chargers.

Jurisdiction	Reduce Vehicle Miles Traveled: Expand Public Transit	Expand and Improve Access and Safety for Active Transportation	Support Transit Oriented Development by Reassessing Land Use	Reduce State Employee Vehicle Miles Traveled	Expand and Transition to Zero Emission Vehicle Infrastructure and Equipment	Strategy Overlap
Santa Fe County	Directly Addressed: The county has a goal to "enhance the public transit system to increase usage." It acknowledges the need to collaborate with NMDOT and others on public transit.	Directly Addressed: The county has a goal to "increase walking, cycling, and other human-powered transportation." It aims to expand and improve walking and cycling trails.	Not Directly Addressed	N/A	Directly Addressed: The county promotes the transition to ZEVs as part of its climate goals. The county mentions that the greater adoption of electric vehicles can be enhanced through county and state actions. The county has a goal to ensure that publicly accessible electric vehicle charging stations are located within 5 miles of any part of Santa Fe.	Strongly Aligned: The plan supports more public transit, active transportation, and promotes EV usage among the population.

Identified Areas of Need for State Support

Albuquerque (City/Metropolitan Statistical Area)—Priority Climate Action Plan (PCAP)

The Albuquerque PCAP, a key component of the state's broader EPA-mandated Climate Pollution Reduction Grant (CPRG) initiative, presents several avenues for direct state involvement.

- **Financial and Programmatic Collaboration:** The plan's success hinges on the expansion of existing state programs. Specifically, the initiative for low-income residential decarbonization, relies on scaling up the **NM Energy Smart Program**, administered by the **New Mexico Mortgage Finance Authority (MFA)**. The State's role is to ensure these programs are sufficiently funded and accessible to support the plan's objectives.
- **Legislative and Regulatory Engagement:** The city advocates for state-level legislative action to create a more supportive policy environment. This includes:
    - Mandating the consistent and timely adoption of updated energy codes for new construction.
    - Establishing statewide standards for community solar programs and microgrids, with an emphasis on equitable access.
    - Enacting policies that incentivize urban infill and brownfield redevelopment to mitigate urban sprawl.

City of Las Cruces—Climate Action Plan (July 2020)

Las Cruces's plan identifies legislative and resource-based challenges that require state support.

- **Water Resource Management:** The plan underscores the necessity of intergovernmental coordination for effective water stewardship. Collaboration with the **New Mexico Office of the State Engineer (OSE)** is fundamental for implementing the city's water conservation strategies and ensuring they align with the state's broader water planning efforts.

Santa Fe County—Climate Action Plan (Feb–Jun 2023)

Santa Fe County's plan outlines a direct need for state policy reform to achieve its most ambitious climate goals.

- **State-Level Energy Policy Reform:** The county's goal of achieving 100% renewable energy is explicitly stated as requiring amendments to state legislation. This would involve engaging with the **Public Regulation Commission (PRC)** to advocate for:
    - Increases to the state's Renewable Portfolio Standard.
    - Expanded authority for community solar programs.
    - The removal of barriers for local clean energy generation.
- **Interagency Collaboration:** The plan's strategies for enhancing carbon sequestration in natural landscapes necessitate collaboration with state agencies such as the **New Mexico Forestry Division** at the **Energy, Minerals and Natural Resources Department (EMNRD)** to ensure cohesive land management and conservation efforts.

Los Alamos County—Climate Action Plan (Adopted Nov 2024)

The Los Alamos plan articulates a clear need for state-level grant support and the creation of a conducive policy environment.

- **Grant Funding and Program Support:** The county's proposal to expand its organic waste diversion programs is contingent upon securing funding.
- **Advocacy for Statewide Policy:** The county's legislative agenda directly supports state-level measures that would accelerate its climate goals. This includes advocating for:
    - Enabling policies for the electrification of buildings and appliances.
    - Continued support for renewable and emerging energy technologies.
    - Streamlined pathways for utilizing existing state-level incentives for energy efficiency retrofits.

Pueblo of Santa Ana—Priority Climate Action Plan (2024)

The Pueblo of Santa Ana's PCAP, a key component of the state's broader EPA Climate Pollution Reduction Grant (CPRG) initiative, presents a clear need for direct state involvement and financial support.

- **Financial and Programmatic Collaboration:** The plan's success is contingent on securing funding.
- **Self-Governance and Capacity Building:** The plan emphasizes a commitment to "self-governance, including capacity building, and engagement with the community." This approach would be significantly aided by state-level grants and technical assistance programs designed to promote Tribal energy sovereignty and resilience, which is a goal outlined in the State of New Mexico's CAP.

Pueblo of Sandia—Priority Climate Action Plan (2024)

The Pueblo of Sandia's PCAP, also funded by EPA under the Climate Pollution Reduction Grant, articulates a clear need for state support, primarily in funding and intergovernmental cooperation.

- **Implementation Funding:** The plan explicitly states that the CAP Implementation (when funding is received) will begin in October 2024, demonstrating its reliance on external financial support. The State's role is to provide resources, as New Mexico's plan mentions providing grants to NPTs.
- **Intergovernmental Cooperation:** The Pueblo of Sandia's location within the Albuquerque Metropolitan Area means its climate strategies, particularly those related to transportation and energy, would benefit from collaboration with state and regional agencies to ensure that they are integrated with broader, statewide efforts.

Navajo Nation—Climate Adaptation Plan (2018)

The Navajo Nation's plandoes not explicitly mention the state as a partner, however should that change, the state would stand ready to assist.

- **Financial and Technical Assistance:** The plan mentions receiving financial support from a Bureau of Indian Affairs Tribal Resiliency Grant and collaborating with external organizations. This aligns directly with the State of New Mexico's plan to "Support Tribal energy sovereignty through Tribal clean energy grants" and provide technical support to Tribal governments.

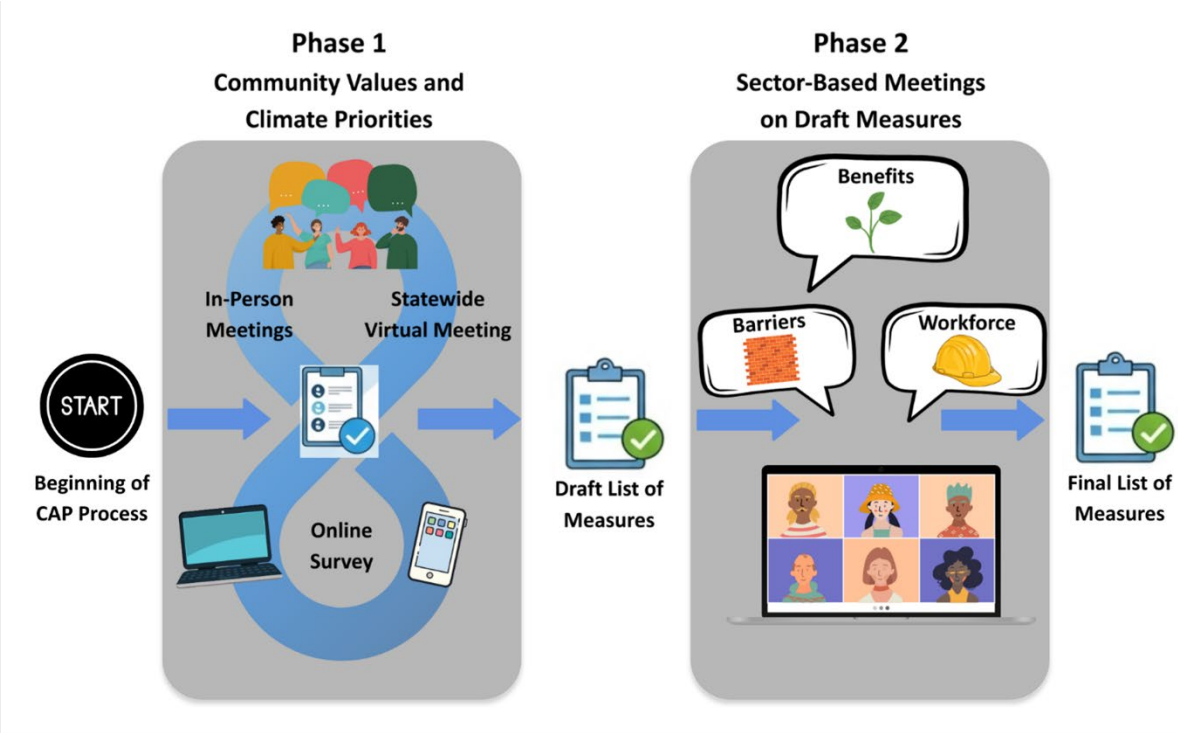
- **Legal and Regulatory Coordination:** The plan's strategies for water management, wildfire, and natural resource conservation would require coordination with state agencies such as the New Mexico Forestry Division of the Energy, Minerals and Natural Resources Department (EMNRD) to ensure cohesive management across shared jurisdictions. The plan's vision to have land and water free of toxic waste also highlights a need for collaborative enforcement and compliance.



Appendix B. Community Outreach and Engagement Input Summary

The community outreach and engagement process for the CAP was designed to be community-responsive and iterative to ensure that the CAP was built on community-backed values and priorities. Representation of voices from Low-Income and Disadvantaged Communities (LIDAC) was prioritized throughout the engagement process. Opportunities for engagement were split into two phases, as depicted in Figure 7.

Figure 7. Community Outreach and Engagement Process for the CAP



Phase 1: Focused on gathering foundational input on community values and priorities. This phase included an online survey, in-person meetings, and a virtual meeting to ensure broad access. The in-person meetings were held in Gallup, Hobbs, Silver City, Tucumcari, Las Vegas, and Albuquerque. The virtual meeting and online survey provided input from community members Statewide. The input gathered directly informed the development of the initial draft of measures.

Phase 2: Provided an opportunity for iterative feedback on the draft measures. A series of virtual sector-based meetings allowed community members to review how their initial input was incorporated

and to discuss potential benefits, barriers, or workforce implications of specific measures in their communities. This feedback was then integrated to refine the final list of measures for the CAP.

Summaries of the input received through the Phase-1 online survey, Phase-1 meetings, and Phase 2 meetings are included in this appendix.

Phase-1 Online Survey

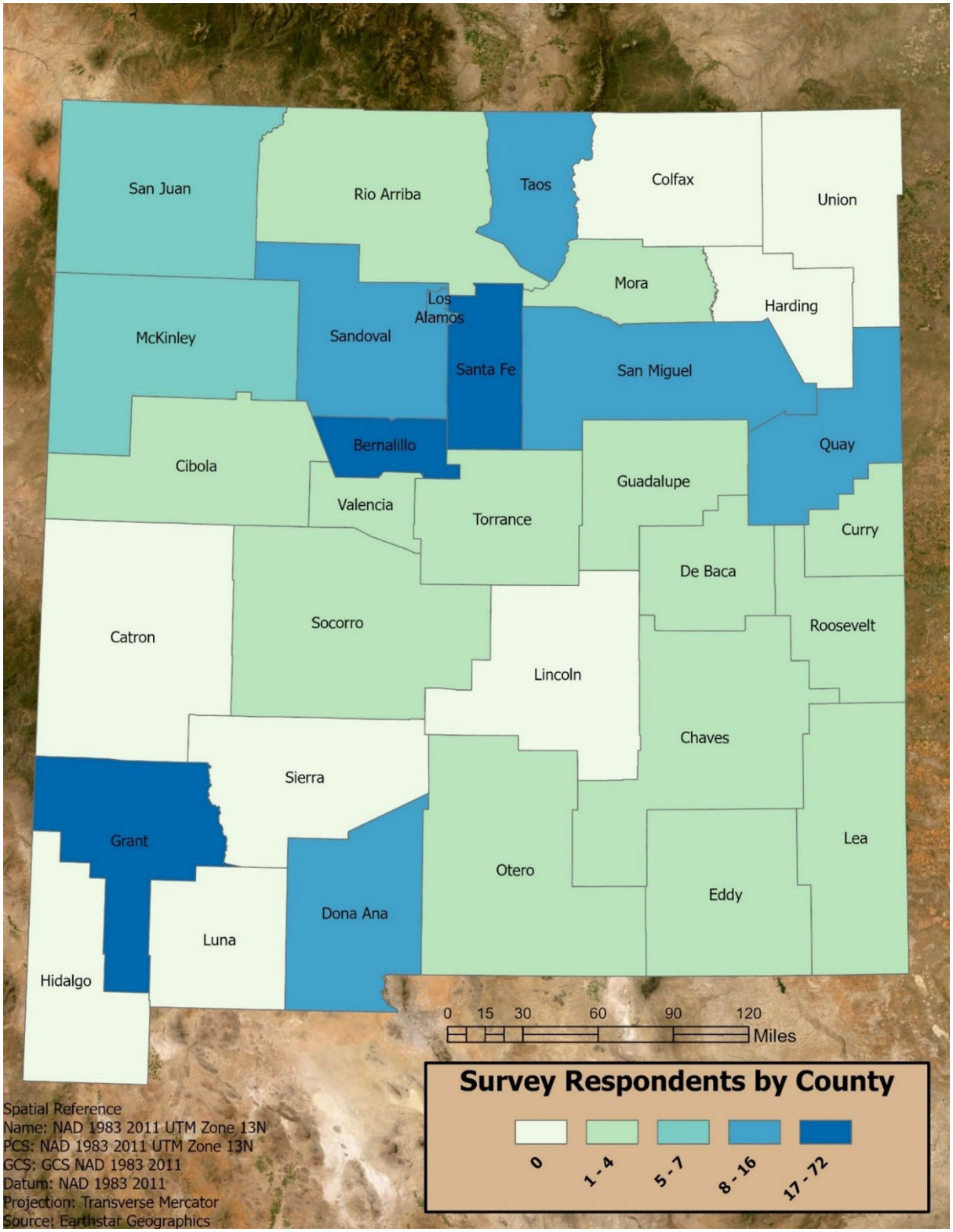
Purpose of Online Survey

The purpose of the online survey was to collect information on the community values and climate action priorities of community members across the state. The online survey was open concurrently with the Phase 1 meetings to reach community members who may not be able to attend the in-person meetings. This survey helped ensure that residents from diverse communities across New Mexico could fully participate in the climate action planning process through conveying their priorities for transportation; energy; waste management; building materials; agriculture, forests, and wilderness; and industry climate action strategies.

NMED Exhibit 54_000436

Respondent Locations Map

Figure 8. Map of Online Survey Respondents by County



NMED Exhibit 54_000437

Respondent Demographics

Figure 9. Outreach and Engagement Survey Results—Race/Ethnicity of Respondents

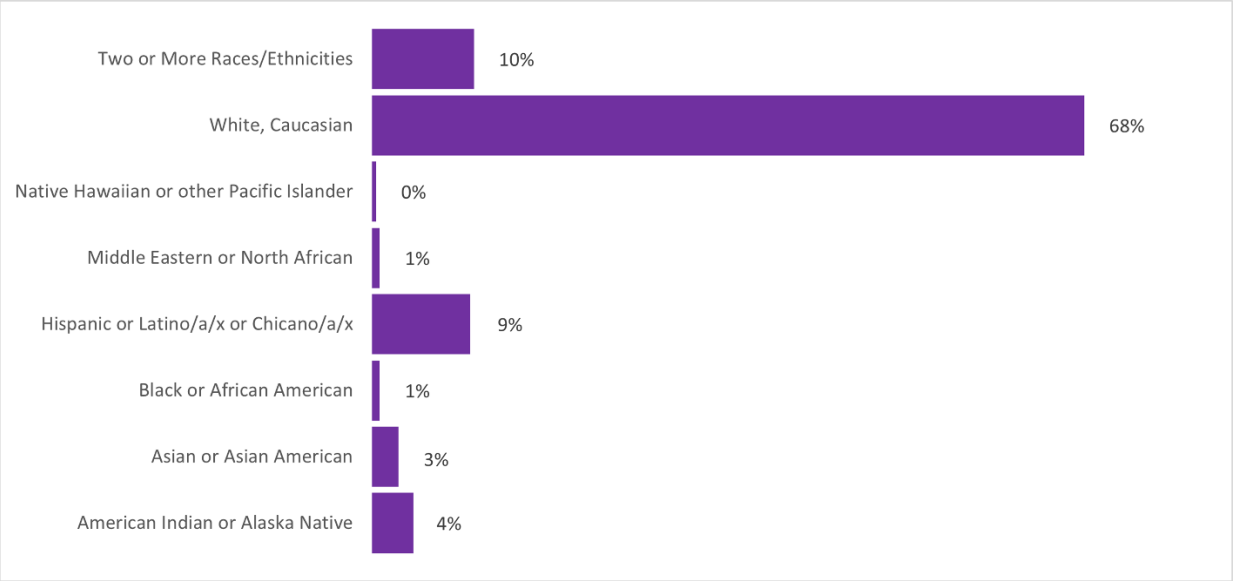
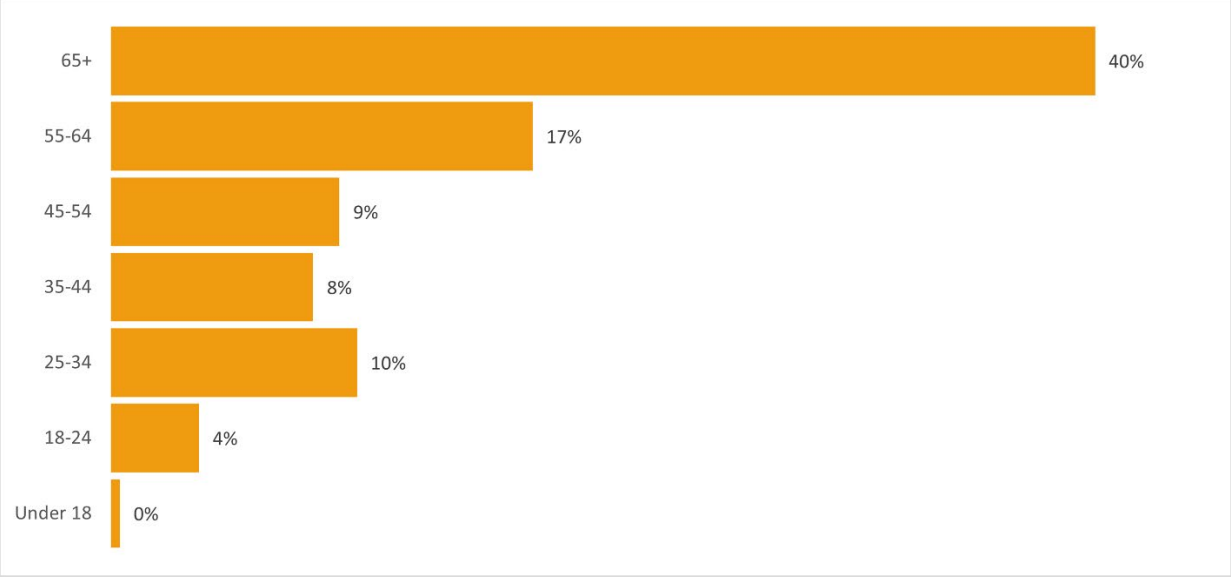


Figure 10. Outreach and Engagement Survey Results—Age of Respondents



The majority of respondents to the online survey were White/Caucasian and over the age of 65. According to the 2023 American Community Survey (ACS) 5-Year Estimates, 18.7% of the New Mexican population is over the age of 65 and 53.6% identifies as White. The next largest demographic represented in the online survey selected "Two or More Races/Ethnicities" and was between the ages of 55-64. Approximately 12.8% of the population in New Mexico is between the ages of 55 and 64 and 20.9% self-identify as "Two or More Races," according to the 2023 American Community Survey 5-Year Estimates. Data on gender was not collected.

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Online Survey Input Summary

Survey respondents were provided with proposed measures for each economic sector and asked to rank each as either "High Priority," "Medium Priority," "Low Priority," or "No Opinion/Need More Information." Not all respondents ranked each proposed measure.

Figure 11. Outreach and Engagement Online Survey—Results from Respondents on Proposed Industry Sector Measures

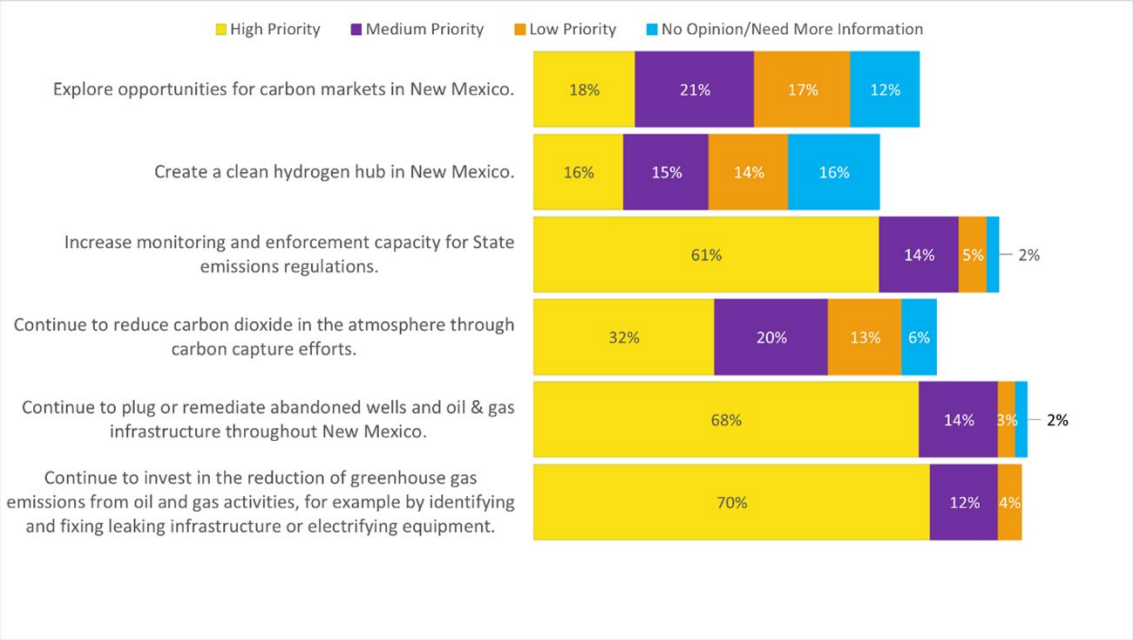


Figure 12. Outreach and Engagement Online Survey—Results from Respondents on Proposed Transportation Sector Measures

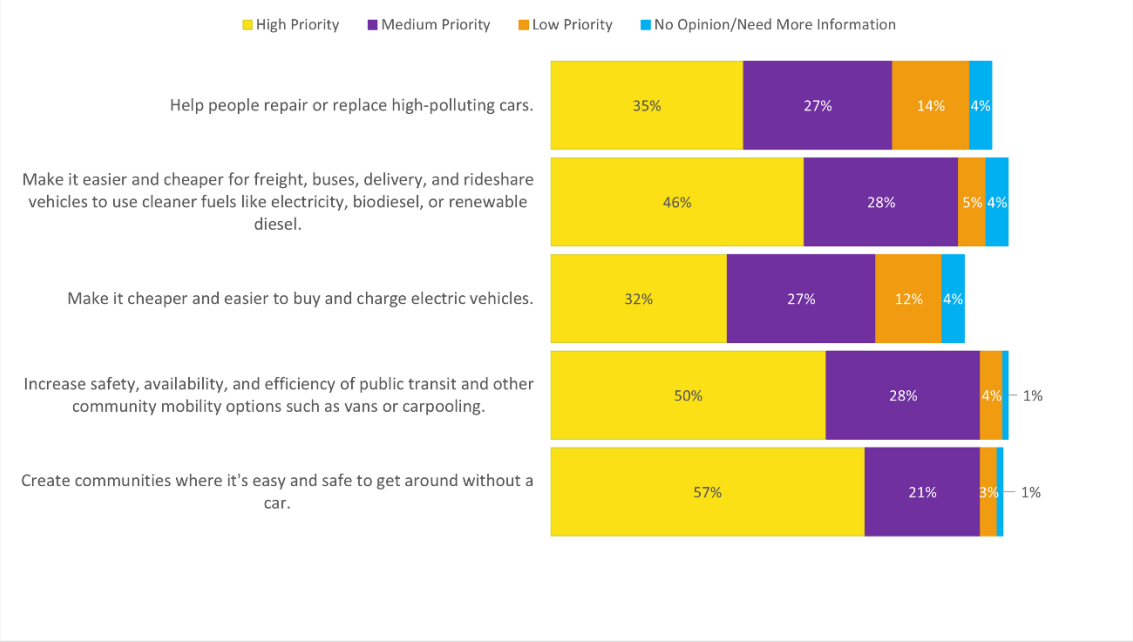


Figure 13. Outreach and Engagement Online Survey—Results from Respondents on Proposed Energy Sector Measures

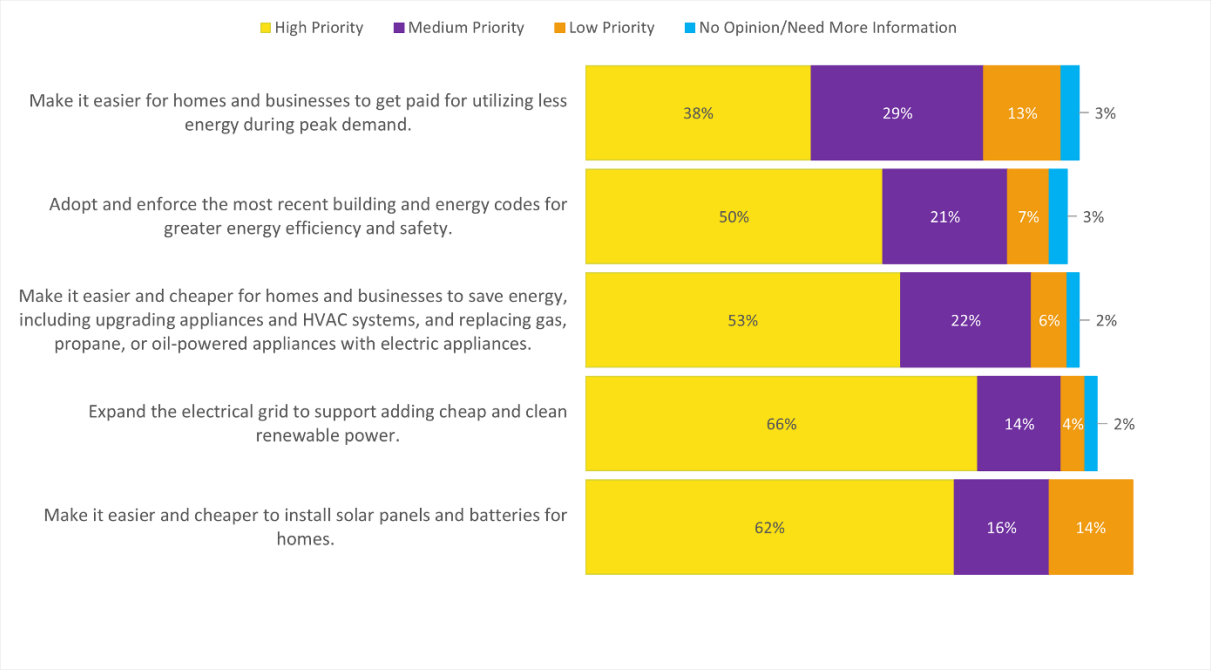


Figure 14. Outreach and Engagement Online Survey—Results from Respondents on Proposed Agriculture, Forests, and Wilderness Sector Measures

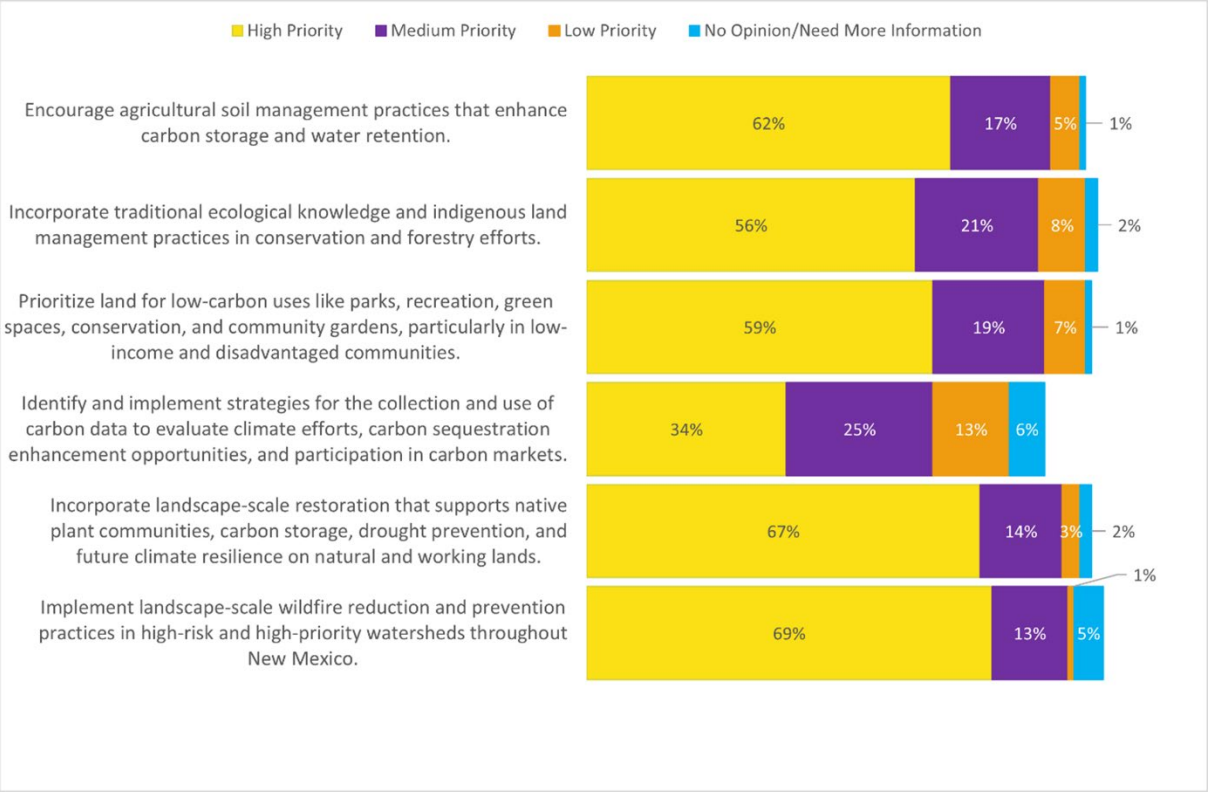
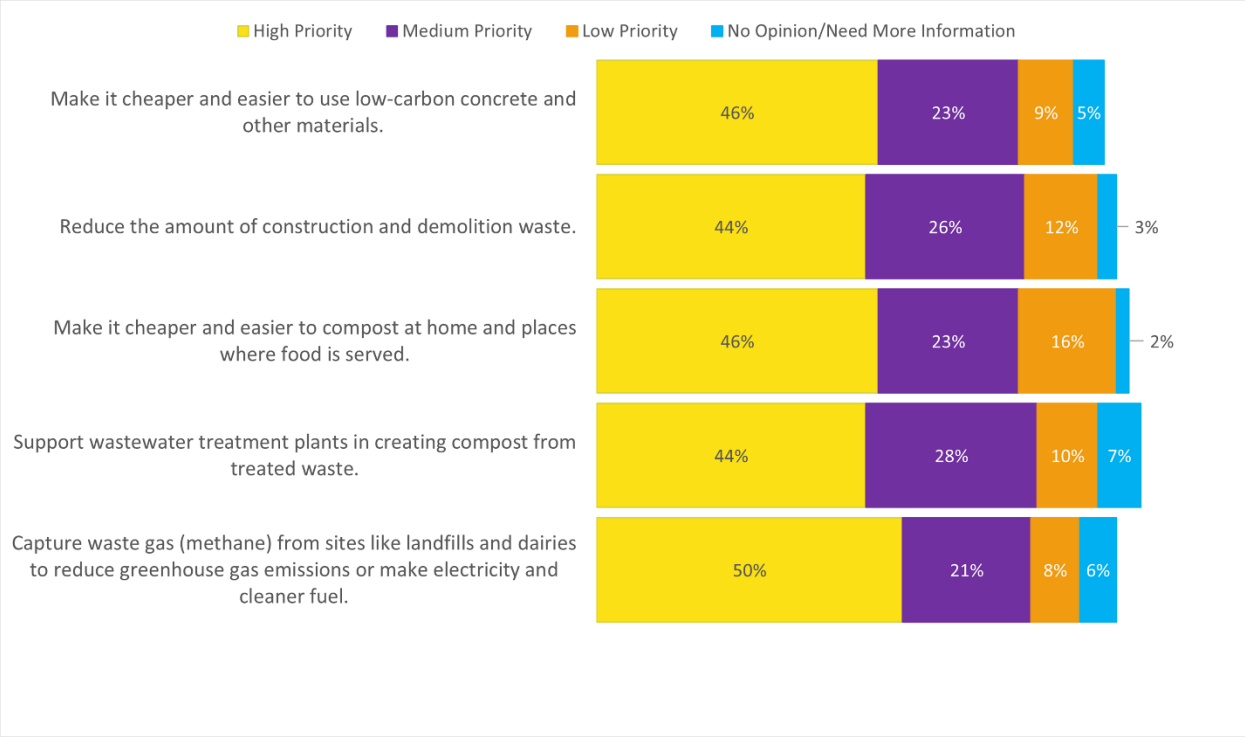


Figure 15. Outreach and Engagement Online Survey—Results from Respondents on Proposed Waste & Materials Sector Measures



Phase-1 Meetings

Purpose of Phase-1 Meetings

The CAP Team held seven community meetings across the state to gather information on the unique community values and climate action priorities within New Mexico. Six of the meetings were in-person and one was a statewide virtual meeting. All of the in-person meetings were held in communities largely classified as LIDAC within or around the city or town limits, as shown by the LIDAC Identification Map in the Executive Summary.

Table 166. Phase-1 Meeting Dates, Locations, and Attendance

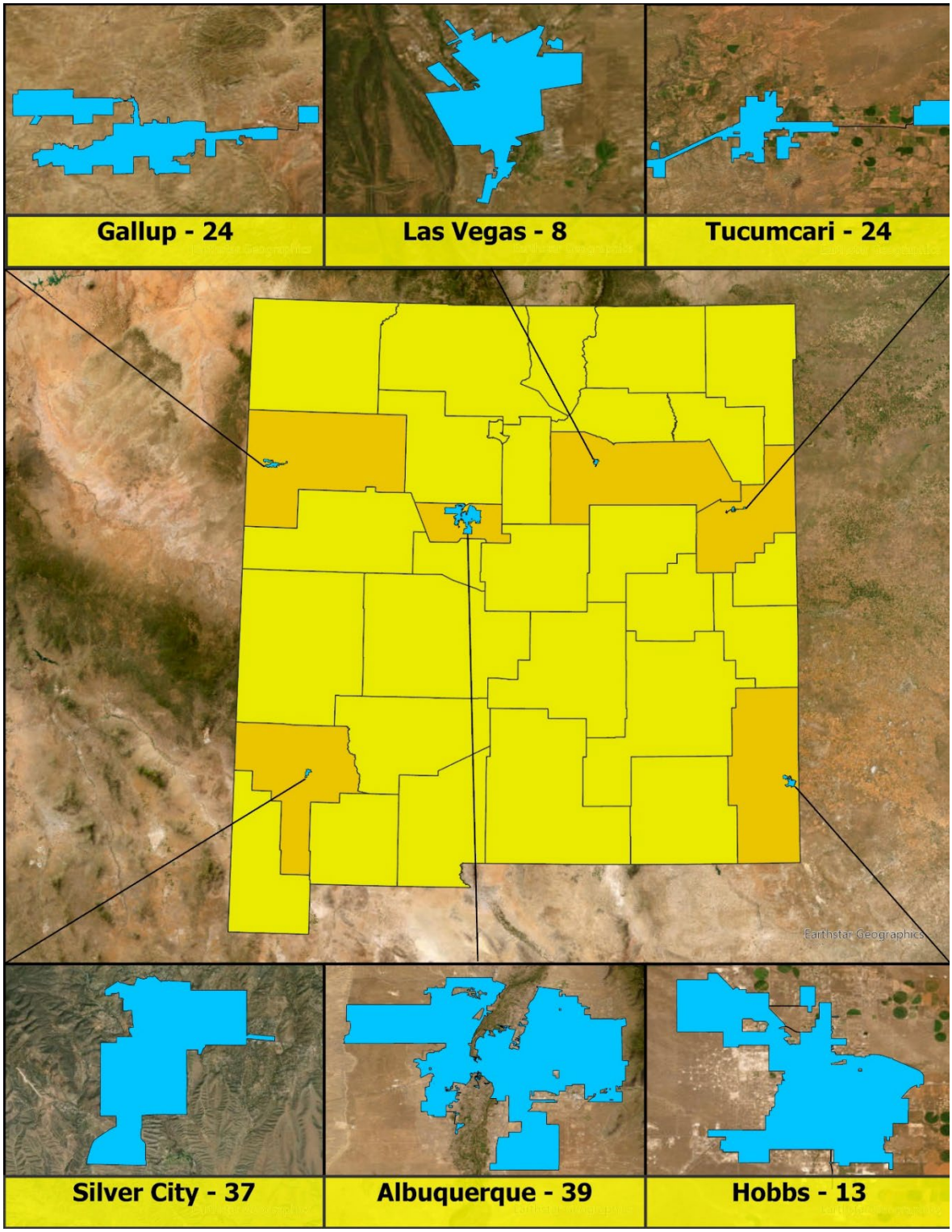
Meeting Date	Location	Attendance
February 20, 2025	Gallup, NM	24
February 27, 2025	Hobbs, NM	13
March 6, 2025	Tucumcari, NM	24
March 13, 2025	Silver City, NM	37
March 20, 2025	Las Vegas, NM	9
March 27, 2025	Albuquerque, NM	39
April 3, 2025	Statewide Virtual Meeting	71

The meetings gave the CAP Team an opportunity to explain the climate action planning processes and timelines, explore community values, and get input on the broad strategies being considered for the CAP. They included review of and discussion about potential climate strategies for transportation; energy; waste management; building materials; agriculture, forests, and wilderness; and industry. Together community members evaluated the pros and cons of strategies, missing considerations or opportunities to improve air quality, and workforce related issues and opportunities.

These meetings, in combination with the online survey, initiated the CAP Team's **community-responsive and iterative approach** to engagement throughout the CAP development process. The CAP Team was responsive to the community feedback through recording and reviewing all input, and incorporating feedback while developing a draft list of measures for the CAP. The draft list of measures would then be taken back to the communities for further input, which is detailed in section 10.1.3 below. In doing so, the CAP Team set up opportunities for iterative and meaningful engagement.

Meeting Locations Map

Figure 16. Map of Phase-1 Meetings Locations with Corresponding Attendance Numbers



Phase-1 Meetings Input Summary

During the in-person meetings, potential climate actions were presented to the participants for their consideration. Participants were given green, yellow, and red cards to represent support, ambivalence, and opposition, respectively. Participants held up their chosen card for each climate action as they were presented, and the results were tallied. Tables 168–172 show the level of support for climate actions within each sector at each meeting location. The "majority" column shows whether the majority of participants across all meeting locations voted in support, ambivalence, or opposition of a measure, as well as the average percentage of participants that voted within the majority across all meeting locations.

Table 167. Transportation Sector Climate Action Priorities at Phase-1 Meetings

Transportation Sector Strategy	Location	Date	Support	Ambivalent	Oppose	Majority
Create communities where it is easy and safe to get around without a car.	Gallup	2.20.25	56%	39%	5%	82% Support
	Hobbs	2.27.25	100%	0%	0%	
	Tucumcari	3.6.25	25%	15%	60%	
	Silver City	3.13.25	95%	5%	0%	
	Las Vegas	3.20.25	100%	0%	0%	
	Albuquerque	3.27.25	97%	0%	3%	
	Statewide Zoom	4.3.25	100%	0%	0%	
Increase safety, availability and efficiency of public transit	Gallup	2.20.25	90%	10%	0%	83% Support
	Hobbs	2.27.25	100%	0%	0%	
	Tucumcari	3.6.25	0%	33%	67%	
	Silver City	3.13.25	95%	5%	0%	
	Las Vegas	3.20.25	100%	0%	0%	
	Albuquerque	3.27.25	97%	3%	0%	
	Statewide Zoom	4.3.25	100%	0%	0%	

Transportation Sector Strategy	Location	Date	Support	Ambivalent	Oppose	Majority
Make it cheaper and easier to buy and charge electric vehicles.	Gallup	2.20.25	50%	35%	15%	61% Support
	Hobbs	2.27.25	69%	31%	0%	
	Tucumcari	3.6.25	0%	69%	31%	
	Silver City	3.13.25	76%	18%	6%	
	Las Vegas	3.20.25	100%	0%	0%	
	Albuquerque	3.27.25	70%	27%	3%	
	Statewide Zoom	4.3.25	64%	36%	0%	
Make it easier and cheaper for freight, buses, delivery, and ride share vehicles to use cleaner fuels.	Gallup	2.20.25	65%	25%	20%	66% Support
	Hobbs	2.27.25	69%	31%	0%	
	Tucumcari	3.6.25	0%	25%	75%	
	Silver City	3.13.25	91%	9%	0%	
	Las Vegas	3.20.25	86%	14%	0%	
	Albuquerque	3.27.25	84%	13%	3%	
	Statewide Zoom	4.3.25	70%	30%	0%	
Help people repair and replace high polluting cars.	Gallup	2.20.25	30%	59%	11%	60% Support
	Hobbs	2.27.25	100%	0%	0%	
	Tucumcari	3.6.25	0%	25%	75%	
	Silver City	3.13.25	47%	50%	3%	
	Las Vegas	3.20.25	86%	14%	0%	
	Albuquerque	3.27.25	59%	28%	13%	
	Statewide Zoom	4.3.25	100%	0%	0%	

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Table 168. Energy Sector Climate Action Priorities at Phase-1 Meetings

Energy Sector Strategy	Location	Date	Support	Ambivalent	Oppose	Majority
Make it easier and cheaper to install solar panels and batteries for homes.	Gallup	2.20.25	100%	0%	0%	65% Support
	Hobbs	2.27.25	0%	75%	25%	
	Tucumcari	3.6.25	0%	41%	59%	
	Silver City	3.13.25	94%	6%	0%	
	Las Vegas	3.20.25	100%	0%	0%	
	Albuquerque	3.27.25	92%	8%	0%	
	Statewide Zoom	4.3.25	71%	29%	0%	
Expand the electrical grid to support adding cheap and clean renewable power.	Gallup	2.20.25	100%	0%	0%	60% Support
	Hobbs	2.27.25	60%	20%	20%	
	Tucumcari	3.6.25	11%	33%	56%	
	Silver City	3.13.25	20%	80%	0%	
	Las Vegas	3.20.25	71%	29%	0%	
	Albuquerque	3.27.25	88%	12%	0%	
	Statewide Zoom	4.3.25	68%	32%	0%	
Make it easier and cheaper for homes and businesses to save energy including upgrading appliances and HVAC systems and replacing gas, propane, or oil powered appliances with electric appliances.	Gallup	2.20.25	100%	0%	0%	67% Support
	Hobbs	2.27.25	92%	8%	0%	
	Tucumcari	3.6.25	5%	28%	67%	
	Silver City	3.13.25	30%	70%	0%	
	Las Vegas	3.20.25	71%	29%	0%	
	Albuquerque	3.27.25	79%	21%	0%	
	Statewide Zoom	4.3.25	90%	10%	0%	

Energy Sector Strategy	Location	Date	Support	Ambivalent	Oppose	Majority
Adopt and enforce the most recent building and energy codes for greater energy and safety.	Gallup	2.20.25	100%	0%	0%	55% Support
	Hobbs	2.27.25	36%	18%	46%	
	Tucumcari	3.6.25	5%	15%	80%	
	Silver City	3.13.25	23%	61%	16%	
	Las Vegas	3.20.25	29%	57%	14%	
	Albuquerque	3.27.25	100%	0%	0%	
	Statewide Zoom	4.3.25	92%	0%	8%	
Make it easier for homes and businesses to get paid for utilizing less energy during peak demand.	Gallup	2.20.25	67%	33%	0%	69% Support
	Hobbs	2.27.25	75%	0%	25%	
	Tucumcari	3.6.25	21%	42%	37%	
	Silver City	3.13.25	81%	19%	0%	
	Las Vegas	3.20.25	86%	14%	0%	
	Albuquerque	3.27.25	88%	28%	0%	
	Statewide Zoom	4.3.25	67%	33%	0%	

Table 169. Agriculture, Forests, and Wilderness Sector Climate Action Priorities at Phase-1 Meetings

Agriculture, Forests, and Wilderness Sector Strategy	Location	Date	Support	Ambivalent	Oppose	Majority
Implement landscape-scale wildfire reduction and prevention practices in high-risk and high-priority watersheds throughout NM.	Gallup	2.20.25	71%	29%	0%	84% Support
	Hobbs	2.27.25	100%	0%	0%	
	Tucumcari	3.6.25	38%	25%	37%	
	Silver City	3.13.25	95%	5%	0%	
	Las Vegas	3.20.25	100%	0%	0%	
	Albuquerque	3.27.25	100%	0%	0%	
	Statewide Zoom	4.3.25	-	-	-	

Agriculture, Forests, and Wilderness Sector Strategy	Location	Date	Support	Ambivalent	Oppose	Majority
Incorporate landscape-scale restoration that supports native plant communities, carbon storage, drought prevention, and future climate resilience on natural and working lands.	Gallup	2.20.25	83%	17%	0%	83% Support
	Hobbs	2.27.25	100%	0%	0%	
	Tucumcari	3.6.25	16%	16%	68%	
	Silver City	3.13.25	100%	0%	0%	
	Las Vegas	3.20.25	100%	0%	0%	
	Albuquerque	3.27.25	100%	0%	0%	
	Statewide Zoom	4.3.25	-	-	-	
Identify and implement strategies for collection and use of carbon data to evaluate climate efforts, carbon sequestration opportunities, and participation in carbon markets.	Gallup	2.20.25	83%	17%	0%	50% Support
	Hobbs	2.27.25	50%	33%	12%	
	Tucumcari	3.6.25	0%	5%	95%	
	Silver City	3.13.25	96%	4%	0%	
	Las Vegas	3.20.25	43%	57%	0%	
	Albuquerque	3.27.25	29%	53%	18%	
	Statewide Zoom	4.3.25	-	-	-	
Prioritize land for low-carbon uses like parks, recreation, green spaces, conservation, and community gardens, particularly in low-income and disadvantaged communities.	Gallup	2.20.25	84%	17%	0%	74% Support
	Hobbs	2.27.25	62%	38%	0%	
	Tucumcari	3.6.25	0%	55%	45%	
	Silver City	3.13.25	96%	4%	0%	
	Las Vegas	3.20.25	100%	0%	0%	
	Albuquerque	3.27.25	100%	0%	0%	
	Statewide Zoom	4.3.25	-	-	-	

Agriculture, Forests, and Wilderness Sector Strategy	Location	Date	Support	Ambivalent	Oppose	Majority
Incorporate traditional ecological knowledge and indigenous land management practices in conservation and forestry efforts.	Gallup	2.20.25	100%	0%	0%	83% Support
	Hobbs	2.27.25	80%	20%	0%	
	Tucumcari	3.6.25	20%	40%	40%	
	Silver City	3.13.25	100%	0%	0%	
	Las Vegas	3.20.25	100%	0%	0%	
	Albuquerque	3.27.25	100%	0%	0%	
	Statewide Zoom	4.3.25	-	-	-	
Encourage agricultural soil management practices that enhance carbon storage and water retention.	Gallup	2.20.25	100%	0%	0%	80% Support
	Hobbs	2.27.25	92%	8%	0%	
	Tucumcari	3.6.25	0%	11%	88%	
	Silver City	3.13.25	100%	0%	0%	
	Las Vegas	3.20.25	86%	14%	0%	
	Albuquerque	3.27.25	100%	0%	0%	
	Statewide Zoom	4.3.25	-	-	-	

Table 170. Waste and Materials Sector Climate Action Priorities at Phase-1 Meetings

Waste and Materials Sector Strategy	Location	Date	Support	Ambivalent	Oppose	Majority
Capture waste gas (methane) from sites like landfills and dairies to reduce greenhouse gas emissions or make electricity and cleaner fuel.	Gallup	2.20.25	50%	50%	0%	64% Support
	Hobbs	2.27.25	100%	0%	0%	
	Tucumcari	3.6.25	0%	10%	90%	
	Silver City	3.13.25	94%	6%	0%	
	Las Vegas	3.20.25	100%	05	0%	
	Albuquerque	3.27.25	57%	43%	0%	
	Statewide Zoom	4.3.25	46%	54%	0%	

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Waste and Materials Sector Strategy	Location	Date	Support	Ambivalent	Oppose	Majority
Support wastewater treatment plants in creating compost from treated waste.	Gallup	2.20.25	0%	100%	0%	65% Support
	Hobbs	2.27.25	100%	0%	0%	
	Tucumcari	3.6.25	46%	8%	46%	
	Silver City	3.13.25	47%	29%	24%	
	Las Vegas	3.20.25	100%	0%	0%	
	Albuquerque	3.27.25	78%	17%	5%	
	Statewide Zoom	4.3.25	83%	17%	0%	
Make it easier to compost at home and places where food is served.	Gallup	2.20.25	100%	0%	0%	83% Support
	Hobbs	2.27.25	78%	22%	0%	
	Tucumcari	3.6.25	31%	44%	25%	
	Silver City	3.13.25	88%	12%	0%	
	Las Vegas	3.20.25	100%	0%	0%	
	Albuquerque	3.27.25	100%	0%	0%	
	Statewide Zoom	4.3.25	86%	14%	0%	
Reduce the amount of construction and demolition waste.	Gallup	2.20.25	100%	0%	0%	80% Support
	Hobbs	2.27.25	100%	0%	0%	
	Tucumcari	3.6.25	8%	77%	15%	
	Silver City	3.13.25	100%	0%	0%	
	Las Vegas	3.20.25	86%	0%	14%	
	Albuquerque	3.27.25	86%	14%	0%	
	Statewide Zoom	4.3.25	77%	15%	8%	

Waste and Materials Sector Strategy	Location	Date	Support	Ambivalent	Oppose	Majority
Make it easier and cheaper to use low-carbon concrete and other materials.	Gallup	2.20.25	0%	100%	0%	61% Support
	Hobbs	2.27.25	80%	20%	0%	
	Tucumcari	3.6.25	5%	17%	78%	
	Silver City	3.13.25	60%	40%	0%	
	Las Vegas	3.20.25	100%	0%	0%	
	Albuquerque	3.27.25	79%	21%	0%	
	Statewide Zoom	4.3.25	100%	0%	0%	

Table 171. Industry Sector Climate Action Priorities at Phase-1 Meetings

Industry Sector Strategy	Location	Date	Support	Ambivalent	Oppose	Majority
Continue to invest in the reduction of greenhouse gas emissions from oil and gas activities, for example by identifying and fixing leaking infrastructure or electrifying equipment.	Gallup	2.20.25	100%	0%	0%	78% Support
	Hobbs	2.27.25	79%	14%	7%	
	Tucumcari	3.6.25	0%	15%	85%	
	Silver City	3.13.25	93%	7%	0%	
	Las Vegas	3.20.25	86%	0%	14%	
	Albuquerque	3.27.25	90%	10%	0%	
	Statewide Zoom	4.3.25	100%	0%	0%	
Continue to plug or remediate abandoned wells and oil and gas infrastructure throughout NM.	Gallup	2.20.25	60%	40%	0%	60% Support
	Hobbs	2.27.25	60%	20%	20%	
	Tucumcari	3.6.25	17%	56%	27%	
	Silver City	3.13.25	100%	0%	0%	
	Las Vegas	3.20.25	86%	14%	0%	
	Albuquerque	3.27.25	50%	20%	30%	
	Statewide Zoom	4.3.25	50%	50%	0%	

Industry Sector Strategy	Location	Date	Support	Ambivalent	Oppose	Majority
Continue to reduce carbon dioxide in the atmosphere through carbon capture efforts.	Gallup	2.20.25	100%	0%	0%	49% Support
	Hobbs	2.27.25	100%	0%	0%	
	Tucumcari	3.6.25	0%	9%	91%	
	Silver City	3.13.25	29%	42%	29%	
	Las Vegas	3.20.25	71%	29%	0%	
	Albuquerque	3.27.25	0%	60%	40%	
	Statewide Zoom	4.3.25	44%	44%	12%	
Increase monitoring and enforcement capacity for state emissions regulations.	Gallup	2.20.25	100%	0%	0%	76% Support
	Hobbs	2.27.25	45%	45%	10%	
	Tucumcari	3.6.25	0%	0%	100%	
	Silver City	3.13.25	87%	13%	0%	
	Las Vegas	3.20.25	100%	0%	0%	
	Albuquerque	3.27.25	100%	0%	0%	
	Statewide Zoom	4.3.25	100%	0%	0%	
Create a clean hydrogen hub in NM.	Gallup	2.20.25	0%	100%	0%	49% Ambivalent
	Hobbs	2.27.25	83%	17%	0%	
	Tucumcari	3.6.25	12%	65%	23%	
	Silver City	3.13.25	13%	13%	74%	
	Las Vegas	3.20.25	43%	43%	14%	
	Albuquerque	3.27.25	38%	31%	31%	
	Statewide Zoom	4.3.25	0%	71%	29%	

Industry Sector Strategy	Location	Date	Support	Ambivalent	Oppose	Majority
Explore opportunities for carbon markets in NM.	Gallup	2.20.25	0%	100%	0%	54% Ambivalent
	Hobbs	2.27.25	33%	50%	17%	
	Tucumcari	3.6.25	6%	0%	94%	
	Silver City	3.13.25	13%	73%	14%	
	Las Vegas	3.20.25	43%	43%	14%	
	Albuquerque	3.27.25	0%	50%	50%	
	Statewide Zoom	4.3.25	9%	64%	27%	

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Phase-2 Meetings

Purpose of Phase-2 Meetings

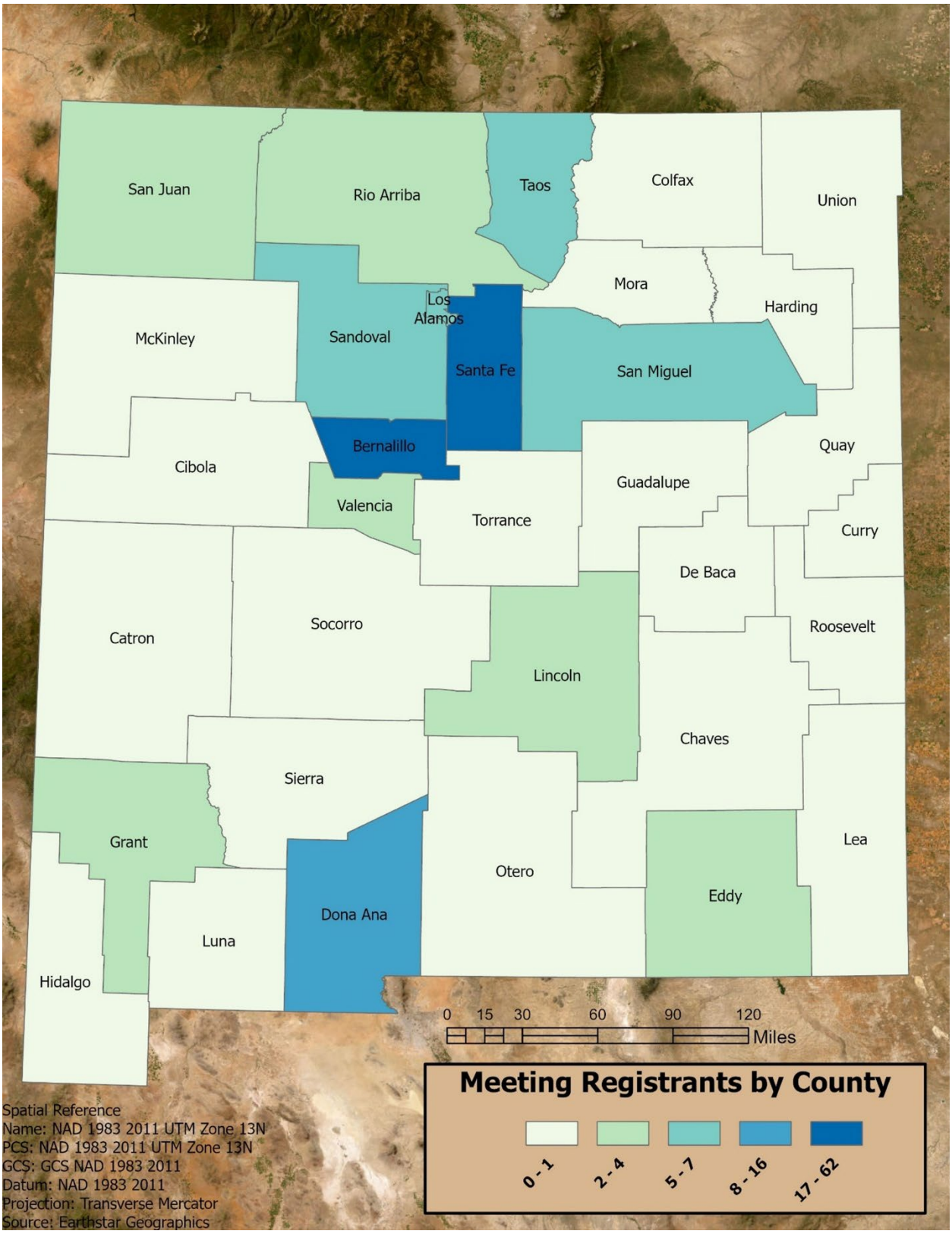
The CAP Team held five virtual community meetings to present and discuss draft climate action measures by sector. The CAP Team developed draft measures using direct input on community priorities gathered from the Online Survey and In-Person Meetings, which further reinforced the **community-responsive and iterative approach** of the Climate Action Plan. Technical experts were invited by staff to the community conversations to answer questions that community members raised. Community members were able to ask questions about the planning process and draft measures. They were also given opportunities to share information and perspectives about benefits and barriers to implementation of the measures in their communities, as well as workforce implications and requirements associated with implementing the measures.

Table 172. Phase-2 Meeting Dates, Registration, and Attendance

Meeting Date	Sector	Registration	Peak Attendance
May 13, 2025	Energy Sector	183	114
May 15, 2025	Industry Sector	136	80
May 27, 2025	Transportation Sector	193	71
May 29, 2025	Agriculture, Forests, and Wilderness Sector	183	84
June 3, 2025	Buildings & Waste and Materials Sectors	178	81

NMED Exhibit 54_000454

Figure 17. Map of Phase-2 Meeting Registrants by County



Phase-2 Community Input Summary

Extensive discussion at the Phase-2 meetings provided the CAP Team with valuable information on potential benefits, barriers, and workforce implications of the draft climate action measures. All feedback was recorded and considered thoroughly. A summary of the top supported draft measures, as well as non-exhaustive examples of how the community feedback from these meetings was incorporated into the final CAP is detailed in Table 173 and Table 174 below.

Table 173. Top Supported Measures in Each Sector

Sector	Top Supported Measure 1*	Top Supported Measure 2*
Energy Sector	Tribal Energy Sovereignty	Microgrids (E-14)
Industry Sector	Reduce O&G combustion and natural gas emissions (I-1 through I-7)	Identifying and Plugging Inactive or Abandoned Wells (I-6)
Transportation Sector	Expand and Improve Public Transit (T-1)	Reduce State Employee Vehicle Miles Traveled (T-4)
Agriculture, Forests, and Wilderness Sector	Expand Cropland and Soil Management (AFW-1)	Local Food Systems (AFW-5)
Buildings Sector	Building Electrification (B-2, B-5)	N/A
Waste and Materials Sector	Waste Prevention and Diversion (WM-1)	Low-Embodied Carbon Construction Materials (WM-7)

*Top supported measures were determined by assessing which measures garnered more discussion and written comments about support or benefits than concerns or barriers.

Table 174. Examples of Incorporation of Feedback into the Final CAP, by Sector

Sector	Feedback Received*	How Feedback was Incorporated
Energy Sector	**Regarding land use in the Energy Sector:** "The big missing piece is the conversation around land use and where these developments are appropriate or not. And the decisions that we are making when we're talking about utility scale renewable energy or even community scale solar or wind arrays and the environmental impact and the community impact."	The CAP Team developed an enabling measure (EM-6) to create a Land Use committee, tasked with developing a NM-specific land use framework.
Industry Sector	**Regarding abandoned well plugging and remediation:** "If I'm not mistaken, it's already enforced. And also right now, looking for a possibility or opportunity to increase the financial assurance to make sure that an operator has the ability to do the block and abandon by the end of the life of the well itself. So I am just wondering whether it is not enough, or something that the government is looking for more of."	The CAP Team incorporated consideration of well bonding requirements and current OCD-led, federally funded programs for plug/remediate work
Transportation Sector	**Regarding public transit safety:** "The legitimate safety issues of transit need to continue to be incorporated in the operational budgets." "I want to amplify the idea of including safety issues in budgeting—two of my friends who commute by Rail Runner have had a few dicey experiences." "What about security for both drivers and passengers? The train has security and some ABQ buses have security..."	The CAP Team explicitly included public transit safety for both passengers and personnel into the items prioritized for funding in Measure T-1.
Agriculture, Forests, and Wilderness Sector	**Regarding utilization of excess organic material from fuels reduction efforts:** "Utilization of liability biomass from fuels reduction efforts can be used as feedstock for a wide array of revenue producing, CO2 drawdown, ecosystem restoring circular economies."	The CAP Team added a Cropland and Soil Management submeasure to Measure AFW-1: "Incentives for production and use of biochar to reduce organic waste and sequester carbon in soil."

Buildings Sector	**Regarding the inclusion of schools and community buildings into the draft measures:** "I wish that I was seeing more in these measure and support for public schools/buildings" "Also other community centers, not just the government"	The CAP Team added language into Measure B-2 to include schools and other entities without tax liability.
Waste and Materials Sector	**Regarding workforce considerations:** "Conduct outreach to contractor and builder associations"	The CAP Team reached out to the Associated Builders and Contractors of New Mexico, as well as the New Mexico Building and Construction Trades Council to discuss workforce implications.

*Non-exhaustive list of feedback to demonstrate a few of the many updates the CAP Team made to the draft list of measures to incorporate the community feedback received at the virtual, sector-based meetings.



Appendix C. Funding Sources

This list includes all funding sources listed throughout the measure-specific funding sections. Numbers are linked to the numbers listed within the measure-specific sections.

1. The **U.S. Forest Service (USFS) Community Wildfire Defense Grants (Federal)**[1027] help the sovereign NPTs plan for and reduce wildfire risk. These grants are also available to communities. The program was launched in 2022 with $1 billion to be awarded through competitive grants over five years. Priority is given to communities that are in an area with high or very high wildfire hazard potential, are low income, or have been impacted by a severe disaster within the past 10 years that increased wildfire risk and/or hazard. Funds may be used to develop and revise community wildfire protection plans and implement projects described in a plan that is less than 10 years old.
2. The **Bureau of Land Management Fuels Management and Community Fire Assistance Program (Federal)**[1028] supports development of local capacities through assessment and planning, community and homeowner mitigation efforts, and implementation of fuels management treatments and activities. During the 2025 round, awards between $10,000 and $1 million were available to governments (city, county, Tribal, and state), nonprofit organizations, and public and private educational institutions.
3. Governor Lujan Grisham signed the **Wildfire Prepared Act (State)**[1029,1030] on March 21, 2025, with the aim of enhancing forest conservation and wildfire preparedness for structures and properties. The legislation creates funding for counties and municipalities to organize neighborhoods to modify structures, reduce hazardous fuels, and certify properties as wildfire prepared, and provides financial assistance for eligible property owners to implement necessary structural and property improvements to retrofit and harden their homes. The legislation will be implemented by the Energy, Mineral, and Natural Resources Department (EMNRD).

[1027] U.S. Forest Service, "Community Wildfire Defense Grant Program," US Forest Service, April 19, 2024, https://www.fs.usda.gov/managing-land/fire/grants/cwdg.
[1028] Bureau of Land Management, "Opportunity Listing - Fuels Management and Community Fire Assistance," accessed September 23, 2025, https://simpler.grants.gov/opportunity/c348b159-b14a-4fec-bd25-96abb55af23c.
[1029] "Bill Tracking in New Mexico - SB 33 (2025 Legislative Session)," FastDemocracy, accessed September 23, 2025, https://fastdemocracy.com/bill-search/nm/2025/bills/NMB00011065/.
[1030] Wildfire Prepared Act, 33 SB (2025), https://www.nmlegis.gov/Legislation/Legislation?chamber=S&legType=B&legNo=33&year=25.

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4. The **New Mexico Land and Water Conservation Fund (LWCF) Program (State)**[1031] is funded by the National Park Service and administered by the State Parks Division of EMNRD, which solicits applications on an annual basis. Eligible applicants include city, county, state, and Tribal entities. Projects must address a regional and/or statewide goal, objective, or action item (priority) as identified in the current Statewide Comprehensive Outdoor Recreation Plan. Scoring criteria include conservation and natural resource stewardship, and acquisition, protection, or restoration of a wetland. The 2025–2026 grant cap is $500,000, with requests to exceed the cap considered on a case-by-case basis. The LWCF grant award amount may not exceed 50% of the total project allowable expenses.
5. The U.S. Department of Interior **Abandoned Mine Land (AML) Program (Federal)**[1032] awards grants to states and Tribes to use a pre-set formula to address the hazards and environmental degradation posed by legacy coal mines. The most exemplary AML reclamation projects are honored with AML Reclamation Awards.[1033] There are five total AML Reclamation Awards that include one national award, one national award for small projects, and three region-based awards. In addition, the **Abandoned Mine Land Economic Revitalization (AMLER) Program (Federal)**[1034] supports strategies that return legacy coal mining sites to productive uses through economic and community development.
6. The **New Mexico Community Forestry Assistance Grant Program (State)**[1035] is administered by EMNRD's Forestry Division in cooperation with USFS. The program assists communities in developing and maintaining sustainable stewardship of urban and community forestry resources in New Mexico. Projects that support expanding equitable tree canopy cover and access for nature-deprived disadvantaged communities experiencing environmental justice issues receive higher priority.
7. The **Arbor Day Foundation**[1036] distributes trees and connects corporate partners, local governments, utility providers, and others to their network of tree professionals to support tree planting efforts on private properties as well as in public parks and green spaces. The foundation works with interested organizations to determine the most appropriate approach through partner- or expert-led programs.

[1031] EMNRD, "Land & Water Conservation Fund," accessed September 23, 2025, https://www.emnrd.nm.gov/spd/land-and-water-conservation-fund/.
[1032] U.S. Department of the Interior, "Reclaiming Abandoned Mine Lands | Office of Surface Mining Reclamation and Enforcement," accessed September 24, 2025, https://www.osmre.gov/programs/reclaiming-abandoned-mine-lands.
[1033] U.S. Department of the Interior, "Abandoned Mine Land Reclamation Awards | Office of Surface Mining Reclamation and Enforcement," accessed September 24, 2025, https://www.osmre.gov/programs/abandoned-mine-land-awards-program.
[1034] U.S. Department of the Interior, "Abandoned Mine Land Economic Revitalization (AMLER) Program | Office of Surface Mining Reclamation and Enforcement," accessed September 24, 2025, https://www.osmre.gov/programs/reclaiming-abandoned-mine-lands/amler.
[1035] New Mexico Energy, Minerals and Natural Resources Department, *Request for Proposals Issued by the State of New Mexico, Energy, Minerals and Natural Resources Department, Forestry Division for Urban and Community Forestry Projects* (2025), https://www.emnrd.nm.gov/sfd/wp-content/uploads/sites/4/UrbanForestry-CFA-_RFP_Final-9.10.25.pdf.
[1036] Arbor Day Foundation, "Community Tree Distributions," accessed September 24, 2025, https://www.arborday.org/our-work/community-tree-distributions.

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8. The **New Mexico Department of Agriculture Healthy Soil Program (State)**[1037] awards grants on an annual basis to implement on-the-ground projects incorporating soil health principles. Eligible applicants include local governmental entities with proven land management capacity to support healthy soil (Nations, Pueblos, and Tribes [NPTs]; acequias; land grants; soil and water conservation districts; New Mexico State University [NMSU] Cooperative Extension Service) and individual applicants (individuals, businesses, and nonprofits directly engaged in farming, ranching, and/or other forms of land management).
9. The **U.S. Department of Agriculture (USDA) Conservation Reserve Program (Federal)**[1038] encourages agricultural producers and landowners to convert highly erodible and other environmentally sensitive acreage to vegetative cover, such as native grasses, trees, and riparian buffers. Participants receive annual rental payments and cost-share assistance to establish long-term resource-conserving vegetative covers.
10. The **USDA Environmental Quality Incentives Program (EQIP) (Federal)**[1039] offers technical and financial assistance for working lands, including cropland, confined livestock and grazing, and non-industrial private forest land. EQIP supports producers who improve and sustain natural resources on their operation by implementing structural, vegetative, and management practices.
11. The **USDA Regional Conservation Partnership Program (RCPP) (Federal)**[1040] is a partner-driven approach to conservation that funds solutions to natural resource challenges on agricultural land through public–private partnerships. Partners must have experience, expertise, and capacity to manage the partnership and project, provide outreach to producers, and quantify the environmental outcomes of the project. USDA's goal is for partner contributions to equal or exceed USDA's investment in the project. RCPP projects must be carried out on agricultural or non-industrial private forest land or associated land on which the Natural Resources Conservation Service determines an eligible activity would help achieve conservation benefits.
12. The **USDA Local Agriculture Market Program (LAMP) (Federal)** encompasses several local and regional food system programs: the Farmers Market Promotion Program (FMPP), Local Food Promotion Program (LFPP), Regional Food System Partnerships (RFSP) Program, and Value-Added Producer Grant (VAPG). The FMPP[1041] promotes direct-to-consumer activities. The LFPP[1042] promotes intermediary supply chain activities. The RFSP program[1043] supports partnerships that connect public and private resources to plan and develop local or regional

[1037] New Mexico Department of Agriculture, "Healthy Soil Program," accessed September 24, 2025, https://nmdeptag.nmsu.edu/healthy-soil-program.html#gsc.tab=0.
[1038] U.S. Department of Agriculture, "Conservation Reserve Program (CRP) | Farm Service Agency," accessed September 24, 2025, https://www.fsa.usda.gov/resources/programs/conservation-reserve-program.
[1039] U.S. Department of Agriculture, "Environmental Quality Incentives Program (EQIP) | Natural Resources Conservation Service," accessed September 24, 2025, https://www.nrcs.usda.gov/sites/default/files/2022-10/EQIP-fact-sheet.pdf.
[1040] U.S. Department of Agriculture, "Regional Conservation Partnership Program (RCPP) | Natural Resources Conservation Service," September 11, 2025, https://www.nrcs.usda.gov/programs-initiatives/regional-conservation-partnership-program.
[1041] U.S. Department of Agriculture, "Farmers Market Promotion Program | Agricultural Marketing Service," Agricultural Marketing Service, accessed September 24, 2025, https://www.ams.usda.gov/services/grants/fmpp.
[1042] U.S. Department of Agriculture, "Local Food Promotion Program," Agricultural Marketing Service, accessed September 24, 2025, https://www.ams.usda.gov/services/grants/lfpp.
[1043] U.S. Department of Agriculture, "Regional Food System Partnerships," Agricultural Marketing Service, accessed September 24, 2025, https://www.ams.usda.gov/services/grants/rfsp.

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food systems. The VAPG program[1044] helps agricultural producers enter value-added activities to generate new products, create and expand marketing opportunities, and increase producer income. Each program has its own eligibility, schedule, and other requirements.

13. The **USDA Meat and Poultry Processing Expansion Program (MPPEP) (Federal)**[1045] provides grants to help eligible meat and poultry processors expand their capacity. The maximum award amount is $1 million or 50% of total project costs, whichever is less. The minimum award amount is $250,000, with a cost share of 50% of total project costs.
14. USDA established a **Soil Carbon Monitoring and Research Network (SCMN) (Federal)**[1046] under the Inflation Reduction Act (IRA). The goal of the SCMN is to collect field-based data to assess and track trends related to soil carbon sequestration associated with conservation programs and management practices on cropland, pastureland, and rangelands across the country.
15. **COMET-Farm (Federal)**[1047] is a web-based greenhouse gas accounting decision support tool that can be used to run a full greenhouse gas assessment for operations located in the contiguous United States. The tool is designed to do an entire greenhouse gas inventory within an entity, focusing on carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O) from major on-farm emission sources, in addition to CO_2 removal into biomass and carbon sinks within the farm gate.
16. An example of private foundation funding opportunities, the **W.K. Kellogg Foundation's Good Food, Strong and Equitable Food Systems**[1048] focus area supports efforts to address equitable access to good food and resources for small farmers, community farmers, and entrepreneurs of color across the food system. New Mexico is a priority area for the foundation, where they work with a coalition of community and government partners to improve childhood nutrition, enrich early learning environments, and help local agriculture flourish.[1049]
17. **Tax Credit for Builders of New Energy-Efficient Homes (Federal).** The U.S. Internal Revenue Service (IRS) provides a tax credit of up to $5,000 per home for eligible contractors who build new energy-efficient homes or for producers of qualified manufactured homes.[1050] Depending on the energy savings requirements that are met by the home as outlined in Internal Revenue Code (IRC) Section 45L,[1051] the credit is $1,000 or $2,000 for homes purchased before 2023 and up to $5,000 for homes purchased between 2023 and 2032. This credit may be claimed by any New Mexicans who are building new energy-efficient homes.

[1044] U.S. Department of Agriculture, "Value-Added Producer Grants," Rural Development, January 9, 2015, https://www.rd.usda.gov/programs-services/business-programs/value-added-producer-grants.
[1045] U.S. Department of Agriculture, "Meat and Poultry Processing Expansion Program," Rural Development, February 21, 2022, https://www.rd.usda.gov/programs-services/business-programs/meat-and-poultry-processing-expansion-program.
[1046] U.S. Department of Agriculture, "Soil Carbon Monitoring and Research Network," Natural Resources Conservation Service, accessed September 24, 2025, https://www.nrcs.usda.gov/about/priorities/inflation-reduction-act/soil-carbon-monitoring-and-research-network.
[1047] U.S. Department of Agriculture, "COMET-Farm," Natural Resources Conservation Service, accessed September 24, 2025, https://comet-farm.com/home.
[1048] W.K. Kellogg Foundation, "What We Fund," accessed September 24, 2025, https://www.wkkf.org/what-we-fund/.
[1049] W.K. Kellogg Foundation, "New Mexico Health Equity," accessed September 24, 2025, https://www.wkkf.org/where-we-work/new-mexico/.
[1050] Internal Revenue Service, "Credit for Builders of Energy-Efficient Homes," May 22, 2025, https://www.irs.gov/credits-deductions/credit-for-builders-of-energy-efficient-homes.
[1051] New Energy Efficient Home Credit, 26 USC 45L (2025), https://uscode.house.gov/view.xhtml?req=(title:26%20section:45L%20edition:prelim).

18. **Energy Efficient Commercial Buildings Deduction (Federal).** Under IRC Section 179D, the IRS provides a tax deduction to qualified commercial building owners who place an energy-efficient commercial building property or retrofit property in service.[1052] Additionally, designers of an energy-efficient commercial building property or retrofit property installed in buildings owned by certain tax-exempt groups such as Tribal governments may also claim this tax deduction. The property must be installed in buildings in the United States and installed as part of heating, cooling, and ventilation systems, interior lighting systems, hot water systems, or the building envelope, as part of a plan to reduce total annual energy costs for these systems by 25% compared to a reference building. The building must also be within the scope of the specified Reference Standard 90.1 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) and the Illuminating Engineering Society of North America. The deduction for a property placed in service in 2023 and after is the lesser of the installed property cost or the maximum savings per square foot, with the maximum set at $1.00 per square foot for a building with 50% energy savings. Increased maximum deductions are available to about five times the base savings if local wage and labor requirements are met.
19. **New Mexico Energy$mart Program (State).** The Weatherization Assistance Program (WAP), established in 1976 by the U.S. Department of Energy (DOE), is administered at the state and local level. In New Mexico, the New Mexico Mortgage Finance Authority (MFA) administers the New Mexico Energy$mart Program, which is part of the nationwide WAP.[1053] Through the program, New Mexico renters and homeowners can apply for free weatherization services to increase the energy efficiency of their homes and reduce energy costs. Households that receive Disability Income, Supplemental Security Income, and/or Temporary Assistance to Needy Families are automatically eligible for the program. If nobody in the household receives assistance from these programs, the household income must be at or below 200% of the federal poverty line to qualify for program services.[1054] New Mexico Energy$mart Program applications must be submitted to the MFA service provider in the household's local area. Since 2010, 10,388 New Mexico homes have been fully weatherized as part of the program, resulting in 27% average energy savings per home and annual average utilities savings of $210 to $250 per home.[1055] The New Mexico Energy$mart Program will allow more low-income households in New Mexico to prepare homes for full weatherization, which is one of the strategies for building energy efficiency presented in the New Mexico CAP.
20. **Weatherization Assistance Program Innovation Grants (Federal).** Within the WAP, funds are appropriated for competitive funding opportunities known as WAP Innovation grants, which are federal grants that offer greater flexibility for innovative projects beyond standard WAP funding. These innovation grants include the Enhancement and Innovation (E&I) grant, the Sustainable Energy Resources for Consumers (SERC) grant, and the Community Scale Pilot Project (CSPP) grant.[1056] WAP Innovation grants are available to WAP grantees, subgrantees,

[1052] Internal Revenue Service, "Credit for Builders of Energy-Efficient Homes."
[1053] Housing New Mexico, "Energy Smart Weatherization Program."
[1054] Housing New Mexico, "NM Home Repair and Energy Efficiency: Do I Qualify?," Housing New Mexico, 2025, https://housingnm.org/programs/home-rehabilitation-and-weatherization/energymart-weatherization-assistance/do-i-qualify.
[1055] Housing New Mexico, "Energy Smart Weatherization Program."
[1056] U.S. Department of Energy State & Community Energy Programs, "Weatherization Assistance Program Fact Sheet," July 2023, https://energyandhousing.wi.gov/Documents/Weatherization/weatherization-assistance-program-fact-sheet.pdf.

and other nonprofits. The availability of E&I funds each year is contingent upon total WAP appropriations.[1057] The purpose of E&I grants is to increase the number of weatherization-ready homes and promote renewable energy systems. Funds are available for SERC grants if the total fiscal year funds for WAP exceed $275 million. The DOE Secretary may designate up to 2% of total WAP funds for SERC grants.[1058] The total available amount for CSPP grants is $1.5 million. Grantees can apply for CSPP funds to conduct pilot community-scale projects.[1059] The WAP Innovation grants will allow more low-income households in New Mexico to prepare homes for full weatherization, which is one of the strategies for building energy efficiency presented in the New Mexico CAP.

21. **Advanced Energy Project Federal Tax Credit (Federal).** Individuals, businesses, and organizations that invest in qualifying advanced energy projects for industrial or manufacturing facilities may apply for a 6% tax credit through the DOE.[1060] If the project meets wage and apprenticeship requirements, they are eligible for a 30% tax credit. Qualifying projects include those that either (1) re-equip, expand, or establish an industrial or manufacturing facility for the production or recycling of a range of clean energy equipment and vehicles; (2) re-equip an industrial or manufacturing facility with equipment designed to reduce greenhouse gas emissions by at least 20%; or (3) re-equip, expand, or establish an industrial facility for the processing, refining, or recycling of critical materials.[1061] A total of $10 billion was allocated for the tax credit program via the IRA, with $4 billion of the total amount going toward projects in energy communities, which are communities with closed coal mines or plants.[1062] While the IRS allocated approximately all $10 billion of the available tax credits to winning awardees in 2024 and early 2025, awardees that do not meet project certification or that placed in service requirements within certain timescales will forfeit their allocations.[1063] Additionally, Congress may appropriate more funding for this tax credit program in the future. Therefore, New Mexico entities who missed the first allocation rounds but are interested in receiving an allocation in the future may monitor updates from the federal government on whether additional allocation rounds become available. These tax credits incentivize increased production of energy property, thereby facilitating implementation of energy improvement measures within New Mexico's buildings sector.
22. **Energy Improvements in Rural or Remote Areas (ERA) Grant (Federal).** The federal ERA program provides funding opportunities to communities with 10,000 or fewer people to

[1057] U.S. Department of Energy, "Weatherization Program Notice 24-8: Weatherization Assistance Program E&I Policy and Reporting," August 27, 2024, https://nascsp.org/wp-content/uploads/2024/08/wap-wpn-24-8.pdf.
[1058] U.S. Department of Energy, "Weatherization Program Notice 24-11: Weatherization Assistance Program Guidance for SERC Grants," April 3, 2025, https://www.energy.gov/sites/default/files/2025-04/wap-wpn-24-11-revised_040325.pdf.
[1059] Katy Kujawski and Sasha Tidwell, "Weatherization Assistance Program: SERC & Community Scale Pilot Project Grants Overview," U.S. Department of Energy, January 2022, https://www.energy.gov/sites/default/files/2022-02/serc_cspp_proposal-overview-presentation-updated.pdf.
[1060] Internal Revenue Service, "Advanced Energy Project Credit," Internal Revenue Service, September 17, 2025, https://www.irs.gov/credits-deductions/businesses/advanced-energy-project-credit.
[1061] Internal Revenue Service, "Advanced Energy Project Credit."
[1062] U.S. Department of the Treasury, "U.S. Department of the Treasury and IRS Announce $6 Billion in Tax Credit Allocations for the Second Round of the § 48C Qualifying Advanced Energy Project Tax Credit," January 10, 2025, https://home.treasury.gov/news/press-releases/jy2779.
[1063] U.S. Department of the Treasury, "U.S. Department of the Treasury and IRS Announce $6 Billion in Tax Credit Allocations for the Second Round of the § 48C Qualifying Advanced Energy Project Tax Credit."

improve the resilience, reliability, and affordability of their local energy systems.[1064] ERA program funding is available to Tribes, state and local government entities, nonprofit and for-profit entities, electric cooperatives, farming associations and cooperatives, labor unions, higher education institutions, and incorporated and unincorporated consortia. Funds available for awards in FY 2025 will be $2 million to $50 million per project, amounting to $400 million and 20 to 50 projects total.[1065] There is a 5% to 50% minimum cost share per project. While the application period for FY 2025 funding is now closed, prospective applicants can continue to monitor the DOE Office of Clean Energy Demonstrations website for future funding opportunity announcements from the ERA program. This program will improve energy affordability and reliability in Tribal communities, especially in remote areas, which is one of New Mexico CAP's priorities in the buildings sector.

23. **Alternative Fuel Vehicle Refueling Property Credit (Federal).** Per the IRA, an Alternative Fuel Vehicle Refueling Property Credit is available via the IRS.[1066] This tax credit is available to individuals and businesses who install qualified refueling or recharging property, including electric vehicle (EV) chargers at their home or business. To be eligible for the credit, the property must be installed in a low-income community census tract or non-urban census tract. For individuals, the credit is 30% of the cost of the property, up to $1,000 per item (e.g., per each EV charger), and for businesses, the credit is 6% of the cost of the property, up to $100,000 per item with elective pay options available for tax exempt entities. Businesses that meet labor and wage requirements receive 30% credit, up to $100,000 per item. Owners of investment properties may qualify for this credit and use it to install Electric Vehicle Supply Equipment (EVSE), if the housing is in a low-income or non-urban census tract. This credit is available for all equipment placed in service prior to July 1, 2026.
24. **Charging and Fueling Infrastructure (CFI) Grants—Community Program (Federal).** The CFI Grant Program administered by the U.S. Department of Transportation (DOT) has a track called the Community Charging and Alternative Fueling Grants Program (Community Program), which aims to fund EV charger and alternative fuel installation in public places such as public parking facilities, schools, and parks.[1067] The Infrastructure Investment and Jobs Act (IIJA) provides $1.25 billion over five years for Community Program grants available to state governments, local governments, federally recognized tribes and affiliated groups, planning and project organizations, transportation providers and operators, and U.S. territories. Federal cost-sharing for Community Program grants is up to 80%; applicants must pay the remaining 20%. The 2025 awards included 42 Community Program grants disbursed across the United States, four tribes were recipients.[1068] There is currently no notice of funding opportunity available. If future

[1064] U.S. Department of Energy, "Energy Improvements in Rural or Remote Areas," Energy.Gov, accessed September 24, 2025, https://www.energy.gov/oced/era.
[1065] U.S. Department of Energy Office of Clean Energy Demonstrations, "$400 Million in New Funding for America's Rural and Remote Communities," October 3, 2024, https://content.govdelivery.com/accounts/USDOEOCED/bulletins/3b9c430.
[1066] Internal Revenue Service, "Alternative Fuel Vehicle Refueling Property Credit," April 3, 2025, https://www.irs.gov/credits-deductions/alternative-fuel-vehicle-refueling-property-credit.
[1067] U.S. Department of Transportation, "Charging and Fueling Infrastructure Grant Program," ROUTES, 2024, https://www.transportation.gov/rural/grant-toolkit/charging-and-fueling-infrastructure-grant-program.
[1068] Federal Highway Administration, "Charging and Fueling Infrastructure Program Round 2 Grant Award Recipients," n.d., https://www.fhwa.dot.gov/environment/cfi/grant_recipients/round_2/cfi-awardees-round2.pdf.

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awards become available, grants will be announced on Grants.gov.[1069] The Community Program prioritizes grant awards for rural areas and low- and moderate-income communities with high percentages of multifamily housing, so multifamily housing communities in New Mexico with access to public spaces may benefit from these grants. Ultimately, these grants may help ensure all income levels and housing types can participate in the EV transition, which is an EVSE accessibility strategy in the New Mexico CAP.

25. **National Clean Investment Fund (NCIF) Climate United Fund (CUF) (Federal).** The CUF is one of three grant recipients under the NCIF program working to deliver funding for clean technology projects nationwide.[1070] The CUF received a $6.97 billion grant award through the U.S. Environmental Protection Agency's (EPA's) NCIF for a period of performance from April 1, 2024, to June 30, 2029.[1071] The CUF is a national nonprofit coalition that partners with other organizations to raise, invest, and manage funds for qualified projects across various economic sectors. Importantly, at least 60% of CUF's investments are in LIDACs, 20% of investments are in rural communities, and 10% of investments go to tribal communities. Multifamily housing and EV infrastructure are two of seven market segments targeted by the CUF; projects in these sectors in New Mexico may benefit from CUF funding opportunities. One of their funding opportunities, Climate United NEXT grants, are pre-development funding opportunities for nonprofit organizations, state and local governments, and higher education institutions to plan and finance early-stage clean energy projects, including green buildings projects.[1072] These grants are also available to the sovereign NPTs. Grants of up to $300,000 will be awarded over multiple rounds for a total of $30 million in grant funding available until 2029.
26. **Sustainable Building Tax Credit (SBTC) (State).** The SBTC for installation of energy-efficient products in existing homes and large commercial renovations or new construction projects is administered by EMNRD.[1073] Eligible energy-conserving products (including EV charging equipment and heat pumps) must meet ENERGY STAR certification or other specifications outlined in the application. There are similar specifications for new construction and large commercial renovation projects. The maximum amount of tax credits that can be disbursed each year is $7.15 million, so applications are approved on a first-come, first-served basis. There are no maximum credit limits for construction projects, but there are maximum credit limits for each eligible energy-conserving product. The maximum credit limit is higher for projects in low-income housing. For example, the maximum amount awarded for each installed

[1069] Federal Highway Administration, "Charging and Fueling Infrastructure Discretionary Grant Program," February 24, 2025, https://www.fhwa.dot.gov/environment/cfi/.
[1070] U.S. Environmental Protection Agency, "National Clean Investment Fund," July 10, 2023, https://www.epa.gov/greenhouse-gas-reduction-fund/national-clean-investment-fund.
[1071] Climate United Fund, "Climate United Program Plan," August 2024, https://www.epa.gov/system/files/documents/2024-08/ncif-workplan-cuf.pdf.
[1072] Climate United, "Climate United NEXT Program," Nonprofit, Climate United, accessed September 23, 2025, https://weareclimateunited.org/next-program.
[1073] New Mexico Energy, Minerals and Natural Resources Department, "Sustainable Building Tax Credit (SBTC)," New Mexico Energy, Minerals and Natural Resources Department, accessed September 23, 2025, https://www.emnrd.nm.gov/ecmd/tax-incentives/sustainable-building-tax-credit-sbtc/.

EV readiness product in non-low-income housing is $500, and the maximum amount awarded for each product in low-income housing is $1,000.[1074]

27. **Home Electrification and Appliance Rebates (HEAR) and Home Energy Rebate (HER) Programs (State).** The HEAR and HER Programs, administered at the state level by EMNRD's Energy Conservation and Management Division (ECAM), provide money directly to New Mexico homeowners for purchasing and installing energy-efficient appliances or technologies.[1075] New Mexico renters or homeowners with incomes less than 80% of area median income, or who participate in specific benefit programs, are eligible to receive rebates and can apply for the programs online. The purchased appliances or technologies must be installed by a program-certified installer and the maximum rebate per household is $14,000. The HEAR program launched on September 3, 2024, and the HER program launched on September 2, 2024, in New Mexico.[1076] Both programs will end approximately four years after launch (i.e., 2028), or when the funding has been exhausted, whichever is first.[1077] These rebates will directly support electrification of New Mexico homes and provide targeted incentives for LIDACs to adopt energy-efficient technologies.
28. **New Solar Market Development Tax Credit (State).** New Mexico individuals, corporations, or agricultural enterprises who purchased and installed a solar energy system on their property from March 1, 2020, through December 31, 2031, are eligible for the New Solar Market Development Tax Credit administered by EMNRD.[1078] The tax credit can be claimed for up to 10% of the costs of the solar energy system but cannot exceed $6,000. If an applicant installed a solar energy system in the years 2020 to 2023 and was previously denied the tax credit in any of those years due to the funding cap being reached, they are eligible to apply for the supplemental state tax credit before 2026.[1079] The supplemental tax credit funding cap is $20 million for systems installed in 2020 to 2023.[1080] Otherwise, for systems installed in 2024 and onward, the applicant can apply for and receive the new solar market development tax credit. The new tax credit funding cap is $30 million each tax year and applications are processed on a first-come, first-served basis each tax year.[1081] These tax credits will ensure that New Mexico

[1074] New Mexico Energy, Minerals, and Natural Resources Department, "Tax Credit Caps for Energy Conserving Products," December 2022, https://www.emnrd.nm.gov/ecmd/wp-content/uploads/sites/3/Tax-Credit-Caps-for-Energy-Conserving-Products-2022-12.pdf.
[1075] New Mexico Energy, Minerals and Natural Resources Department, "Home-Energy-Rebate-Program," FAQ, 2022, https://www.emnrd.nm.gov/ecmd/faq/home-energy-rebate-program/.
[1076] New Mexico Energy Conservation and Management Division, "Home Electrification and Appliance Rebates (HEAR)," Our Programs, 2024, https://clean.energy.nm.gov/programs/hear/.
[1077] New Mexico Energy Conservation and Management Division, "Home Electrification and Appliance Rebates (HEAR)."
[1078] New Mexico Energy, Minerals and Natural Resources Department, "Solar Market Development Tax Credit (SMDTC)," Tax Incentives, 2022, https://www.emnrd.nm.gov/ecmd/tax-incentives/solar-market-development-tax-credit-smdtc/; New Mexico Energy Conservation and Management Division and New Mexico Energy, Minerals, and Natural Resources Department, "User Guide: New Solar Market Development Tax Credit," 2024, https://www.emnrd.nm.gov/ecmd/wp-content/uploads/sites/3/User-Guide-NSMDTC-Supplemental.pdf.
[1079] New Mexico Energy, Minerals and Natural Resources Department, "Solar Market Development Tax Credit (SMDTC)."
[1080] New Mexico Energy, Minerals and Natural Resources Department, "New Solar Market Tax Credit Supplemental," Energy Conservation and Management, 2022, https://www.emnrd.nm.gov/ecmd/faq/faq2/.
[1081] New Mexico Energy, Minerals and Natural Resources Department, "New Solar Market Development Tax Credit Regular," Energy Conservation and Management, 2022, https://www.emnrd.nm.gov/ecmd/faq/faq1/.

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residents, residents of sovereign NPTs, and LIDACs, have access to building-related energy projects and funding, which supports New Mexico's buildings sector CAP strategies.

29. **Solar for All Program (Federal).** The EPA allocated $7 billion to fund solar energy systems for low-income households nationwide, and New Mexico received $156 million of those funds in April 2024.[1082] The state-level Solar for All program is administered by EMNRD. EMNRD is currently developing the program and expects to begin the application process in late 2025, with the first solar installations expected in 2026.[1083] Households that are at or below 80% of area median income, or participate in certain income assistance programs, are eligible to apply for the Solar for All program. They can access program funds via membership in a shared solar energy project or via funding for individual residential solar energy projects. The Solar for All funding will incentivize New Mexico LIDACs to adopt energy-efficient technologies for their buildings and will ensure that solar energy projects are available to low-income households. The future of this program is currently subject to ongoing litigation.
30. **Local Solar Access Fund (State).** New Mexico House Bill 128, signed by the governor in March 2025, established the Local Solar Access Fund within the New Mexico Finance Authority.[1084,1085] This fund provides grants to eligible counties, municipalities, school districts, land grants-merced, and residents of the sovereign NPTs to "plan, design, construct, purchase, install and equip solar energy systems used to power buildings and infrastructure."[1086] The New Mexico Finance Authority has until the end of 2025 to determine program details, such as the maximum amount of grant funding available to each eligible entity, but $60 million has been appropriated to the fund for FY 2026 and subsequent fiscal years.[1087] Grants available via the Local Solar Access Fund will incentivize New Mexico communities to install solar energy systems in their buildings, which is an energy-efficient technology that can also improve energy affordability.
31. **Residential Clean Energy Tax Credit (Federal).** The IRS provides a Residential Clean Energy Tax Credit that is available to homeowners or renters who install qualified clean energy property such as ENERGY STAR-rated geothermal heat pumps (GHPs) or solar water heaters.[1088] Homeowners and renters are eligible to claim 30% of the cost of the energy property if installed from 2022 through 2032, decreasing to 26% for property installed in 2033, and 22% for property installed in 2034.[1089] There is no aggregate funding cap or annual limit for this tax credit, except that for fuel cell property the credit is limited to $500 per half kilowatt of capacity. These credits will incentivize homeowners in New Mexico to install clean energy

[1082] New Mexico Energy, Minerals and Natural Resources Department, "Solar for All Program," Energy Conservation and Management, 2022, https://www.emnrd.nm.gov/ecmd/faq/solar-for-all-program/.
[1083] New Mexico Energy, Minerals and Natural Resources Department, "Solar for All Program."
[1084] New Mexico Finance Authority Act - Local Solar Access Fund, 128 HB, accessed December 1, 2025, https://www.nmlegis.gov/Sessions/25%20Regular/bills/house/HB0128.html.
[1085] NMFA Local Solar Access Fund, House Bill 128, New Mexico Legislature (2025), https://legiscan.com/NM/text/HB128/id/3065738.
[1086] NMFA Local Solar Access Fund.
[1087] NMFA Local Solar Access Fund.
[1088] Internal Revenue Service, "Residential Clean Energy Credit," July 3, 2025, https://www.irs.gov/credits-deductions/residential-clean-energy-credit.
[1089] Internal Revenue Service, "Residential Clean Energy Credit."

systems such as GHPs and will therefore increase local demand and infrastructure to support clean buildings.

32. **Rural Energy for America Program (REAP) (Federal).**[1090] USDA administers REAP, which provides grants and loans for rural small businesses and agricultural producers (including Tribally-owned and tribal member-owned businesses) to purchase or install renewable energy systems and energy efficiency improvements.[1091] Funds may be used for renewable energy systems such as biomass, geothermal, hydropower, hydrogen, wind generation, and solar generation. Funds may also be used for energy efficiency improvements such as HVAC, insulation, lighting, cooling or refrigeration units, doors and windows, pumps for sprinkler pivots, electric irrigation motors and replacement of energy-inefficient equipment. There is a maximum grant request size of $1 million for renewable energy systems and $500,000 for energy efficiency improvements.[1092] The estimated number of awards is 6,000 over fiscal years 2025 to 2027. USDA is no longer accepting applications for 2025 funding, but the application periods for 2026 and 2027 are still open. The total available funding via the IRA is $180 million per fiscal year, with $20 million per year specifically for underutilized renewable energy technology such as geothermal.[1093] Therefore, geothermal projects in New Mexico, including community-scale geothermal network projects, may benefit from dedicated funding pools and priority scoring if they apply to receive REAP funding, especially if located in rural areas.
33. **DOE Geothermal Technologies Office Funding (Federal).** The DOE Geothermal Technologies Office lists funding opportunities for geothermal research, development and deployment projects via prizes, competitions, small business programs, and community-focused opportunities.[1094] Although there are currently no open geothermal-related funding opportunities, New Mexicans are eligible for these federal opportunities and can apply for them when they become available.
34. **Geothermal Ground-Coupled Heat Pump Income Tax Credit (State).** The Geothermal Ground-Coupled Heat Pump Income Tax Credit aims to encourage the installation of high-efficiency GHPs and is open to applications from owners of New Mexico residences, businesses, or agricultural enterprises.[1095] This tax credit is similar to the residential clean energy tax credit

[1090] U.S. Department of Agriculture, "Rural Energy for America Program | Renewable Energy Systems & Energy Efficiency Improvement Loans & Grants in New Mexico," Rural Development, January 22, 2015, https://www.rd.usda.gov/programs-services/energy-programs/rural-energy-america-program-renewable-energy-systems-energy-efficiency-improvement-guaranteed-loans-9.

[1091] U.S. Department of Agriculture Rural Business-Cooperative Service, "Notice of Funding Opportunity for the Rural Energy for America Program for Fiscal Years 2025, 2026, and 2027," Federal Register, October 16, 2024, https://www.federalregister.gov/documents/2024/10/16/2024-23854/notice-of-funding-opportunity-for-the-rural-energy-for-america-program-for-fiscal-years-2025-2026.

[1092] U.S. Department of Agriculture, "Rural Energy for America Program: Renewable Energy Systems and Energy Efficiency Improvements Questions and Answers," May 31, 2023, https://www.rd.usda.gov/media/file/download/reap-renewable-energy-systems-faqs.pdf.

[1093] U.S. Department of Agriculture Rural Business-Cooperative Service, "Notice of Funding Opportunity for the Rural Energy for America Program for Fiscal Years 2025, 2026, and 2027."

[1094] Geothermal Resources Development Act, Pub. L. No. House Bill 91, 91 HB (2024), https://www.nmlegis.gov/Sessions/24%20Regular/final/HB0091.pdf.

[1095] New Mexico Energy, Minerals and Natural Resources Department, "Geothermal Ground-Coupled Heat Pump Income Tax Credit," Energy Conservation and Management, 2024, https://www.emnrd.nm.gov/ecmd/faq/geothermal-ground-coupled-heat-pump-income-tax-credit-7-2-18-24/.

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that is available to homeowners at the federal level.[1096] Enacted in 2025 by the New Mexico legislature as part of House Bill 218,[1097] this credit is available on a first-come, first-served basis for systems installed between 2024 and 2034. The credit covers 30% of the cost to install a GHP and cannot exceed $9,000 per taxpayer, with a maximum funding cap for the state of $4 million.[1098] This state-level incentive lowers upfront costs and increases adoption of geothermal energy systems, thereby increasing demand and infrastructure to support community-scale geothermal networks.

35. **Geothermal Projects Development Fund (State).** New Mexico House Bill 91, enacted in 2024, created the Geothermal Projects Development Fund in the state treasury and designated EMNRD to administer the fund.[1099] The fund provides grants of up to $250,000 to study costs and benefits of proposed geothermal projects. It also provides grants to finance geothermal project development. The fund is only available to the sovereign NPTs, as well as universities and political subdivisions, and has a total of $10 million appropriated from the state's general fund for FY 2025 and subsequent fiscal years.[1100] This state fund will help communities and developers navigate the planning, design, and construction of community-scale geothermal networks.
36. **Geothermal Projects Revolving Loan Fund (State).** New Mexico House Bill 91 also created the Geothermal Projects Revolving Loan Fund in the state treasury and designated EMNRD to administer the fund.[1101] Revolving loans may be paid out from the fund to political subdivisions, state universities, nonprofits, and private entities to finance geothermal development projects. The sovereign NPTs are also eligible for this funding. A total of $15 million has been appropriated from the state's general fund for FY 2025 and subsequent fiscal years.[1102] This state fund will reduce monetary barriers to community-scale geothermal network development in New Mexico.
37. **Renewable Electricity Production Tax Credit (Federal).** Per the IRA, a Renewable Electricity Production Tax Credit (PTC) is available via the IRS. The PTC supports the development of renewable energy projects (such as community-scale geothermal networks) by offering a $0.0275 per kilowatt hour (kWh) tax credit for electricity generated via wind, closed-loop biomass, and geothermal resources.[1103] A $0.015 per kWh tax credit is available for electricity generated via landfill gas, open-loop biomass, municipal solid waste, and small irrigation power resources. The PTC is available to businesses, utilities, and other organizations that own renewable energy facilities selling electricity to unrelated parties that were placed in service

[1096] Internal Revenue Service, "Residential Clean Energy Credit."
[1097] Tax Changes, House Bill 218, New Mexico Legislature (2025), https://www.nmlegis.gov/Sessions/25%20Regular/final/HB0218.pdf.
[1098] New Mexico Energy, Minerals and Natural Resources Department, "Geothermal Ground-Coupled Heat Pump Income Tax Credit."
[1099] Geothermal Resources Development Act.
[1100] Geothermal Resources Development Act.
[1101] Geothermal Resources Development Act.
[1102] Geothermal Resources Development Act.
[1103] U.S. Environmental Protection Agency, "Renewable Electricity Production Tax Credit Information," U.S. Environmental Protection Agency, December 10, 2024, https://www.epa.gov/lmop/renewable-electricity-production-tax-credit-information.

after December 31, 2021.[1104] Projects over 1 megawatt (MW) receive a $0.0055 or $0.003 per kWh base tax credit depending on the renewable energy type as outlined above; however, if they meet wage and apprenticeship requirements, projects over 1 MW qualify for the maximum $0.0275 or $0.015 per kWh credit, respectively.[1105,1106] The credit applies to the first 10 years of operation and does not have maximum amount restrictions. A direct pay option is available to non-taxable entities like local or tribal governments and nonprofits, and a bonus credit is available for projects within "energy communities," or those that have historically relied on fossil fuels and have high unemployment rates.[1107] By offsetting operational costs for a decade, the PTC will make renewable energy projects more economically attractive for developers, utilities, and municipalities in New Mexico.

38. **Clean Electricity Low-Income Communities Bonus Credit Amount Program (Federal).** The Clean Electricity Low-Income Communities Bonus Credit Amount Program increases the tax credit amount of the clean electricity investment tax credit described above using funds allocated by the IRS.[1108] The bonus tax credit is available to energy facilities with less than 5 MW of energy output. Facilities in LIDACs or on Tribal land are eligible for a 10% credit increase, and facilities that are part of qualified low-income residential building projects or low-income economic benefit projects are eligible for a 20% credit increase. Facilities must not emit any GHGs and must be non-combustion or non-gasification. Applications for the 2025 program year are no longer being accepted, but applications will be accepted each year from 2026 through 2032, with the application window opening the first week of February and closing the first week of August.
39. **Cost Recovery for Qualified Clean Energy Facilities, Property, and Technology (Federal).** Owners of qualified facilities, property, and energy storage technologies placed in service after 2024 are eligible for a tax deduction if the property is classified as five-year property via the modified accelerated cost recovery system under the IRA.[1109] This allows owners to claim deductions for the five-year depreciation or amortization of their asset. Qualifying facilities are defined in 26 U.S.C. Section 45Y(b)(1)(A), qualifying property is defined in 26 U.S.C. Section 48E(b)(2), and qualifying energy storage technology is defined in 26 U.S.C. Section 48E(c)(2). Owners can claim the deduction for their facility, property, or energy storage technology on IRS Form 4562.[1110]
40. **Grid Resilience Formula Program for States and Tribes (Federal).** The Grid Resilience Formula Program funds projects that support the strengthening of the power grid for extreme weather events and natural disasters, including updating old equipment, modeling, load management,

[1104] U.S. Environmental Protection Agency, "Renewable Electricity Production Tax Credit Information."
[1105] U.S. Environmental Protection Agency, "Renewable Electricity Production Tax Credit Information."
[1106] North Carolina Clean Energy Technology Center, "Renewable Electricity Production Tax Credit (PTC)," Database of State Incentives for Renewables and Efficiency, July 18, 2025, https://programs.dsireusa.org/system/program/detail/734.
[1107] U.S. Environmental Protection Agency, "Renewable Electricity Production Tax Credit Information."
[1108] Internal Revenue Service, "Clean Electricity Low-Income Communities Bonus Credit Amount Program," Internal Revenue Service, February 11, 2025, https://www.irs.gov/credits-deductions/clean-electricity-low-income-communities-bonus-credit-amount-program.
[1109] Internal Revenue Service, "Cost Recovery for Qualified Clean Energy Facilities, Property and Technology," Internal Revenue Service, November 26, 2024, https://www.irs.gov/credits-deductions/cost-recovery-for-qualified-clean-energy-facilities-property-and-technology.
[1110] Internal Revenue Service, *2024 Form 4562* (2024), https://www.irs.gov/pub/irs-pdf/f4562.pdf.

and preparation for disruptive events. The sovereign NPTs and the state are eligible for funding through the DOE's Grid Deployment Office and the National Energy Technology Laboratory.[1111] Funding is based on factors such as population, land area, probability and severity of disruptive events, and historical expenditures on mitigation efforts. The Grid Deployment Office has $2.3 billion in funding for the program over five years between 2022 and 2026, and funding cycles occur yearly. Grantees must provide a 15% cost match, and sub-grantees must provide a 100% cost match unless they have sold 4,000,000 megawatt hours (MWh) of electricity or less per year.[1112] This program can assist in funding projects that work to meet the CAP's grid modernization goals.

41. **Energy Community Tax Credit Bonus (Federal).** The IRS provides the Energy Community Tax Credit Bonus to clean energy projects in eligible energy communities, including brownfield sites, certain statistical areas based on unemployment rates, and census tracts where coal-powered facilities have recently been located.[1113] The base tax credit is 2% and increased by 10% if prevailing wage requirements are met.[1114] Much of New Mexico outside of the areas surrounding Santa Fe, Albuquerque, and El Paso are eligible under either the statistical area or coal facility closure categories. This bonus can incentivize the CAP's goals of implementing clean energy in former mine and brownfield sites and addressing environmental justice concerns.
42. **Zero-Emission Nuclear Power Production Credit (Federal).** The IRS provides a Zero-Emission Nuclear Power Production Credit under the IRA for electricity produced and sold by qualifying nuclear facilities. The base credit is $0.003/kWh and is modified based on the price of electricity or if the facility meets prevailing wage requirements.[1115] This credit is not applicable to advantage facilities whose reactor design was approved after 1993. This credit can incentivize renewable energy deployment goals in the CAP.
43. **Clean Hydrogen Production Credit (Federal).** The IRS provides a Clean Hydrogen Production Credit under the IRA to qualified clean hydrogen production facilities.[1116] The credit is up to $3.00/kilogram (kg) of clean hydrogen for the lowest emissions category but varies based on the carbon intensity of the production process.[1117] Facilities must satisfy prevailing wage requirements to be eligible for this credit. This credit can incentivize energy storage goals in the CAP.

[1111] U.S. Department of Energy, "Preventing Outages and Enhancing the Resilience of the Electric Grid Grants," U.S. Department of Energy, accessed September 24, 2025, https://www.energy.gov/gdo/preventing-outages-and-enhancing-resilience-electric-grid-grants.
[1112] U.S. Department of Energy, "Preventing Outages and Enhancing the Resilience of the Electric Grid Grants."
[1113] National Energy Technology Laboratory, "Energy Community Tax Credit Bonus," National Energy Technology Laboratory, 2024, https://arcgis.netl.doe.gov/portal/apps/experiencebuilder/experience/?id=a2ce47d4721a477a8701bd0e08495e1d.
[1114] Internal Revenue Service, "IRS Issues Guidance for Energy Communities and the Bonus Credit Program under the Inflation Reduction Act," Internal Revenue Service, March 22, 2024, https://www.irs.gov/newsroom/irs-issues-guidance-for-energy-communities-and-the-bonus-credit-program-under-the-inflation-reduction-act.
[1115] Internal Revenue Service, "Zero-Emission Nuclear Power Production Credit," Internal Revenue Service, August 16, 2025, https://www.irs.gov/credits-deductions/zero-emission-nuclear-power-production-credit.
[1116] Internal Revenue Service, "Clean Hydrogen Production Credit," Internal Revenue Service, May 29, 2025, https://www.irs.gov/credits-deductions/clean-hydrogen-production-credit.
[1117] U.S. Department of Energy, "Clean Hydrogen Production Tax Credit (45V) Resources," U.S. Department of Energy, January 3, 2025, https://www.energy.gov/articles/clean-hydrogen-production-tax-credit-45v-resources.

44. **Advanced Energy Manufacturing Tax Credit (Federal).** The IRS provides an Advanced Energy Manufacturing Tax Credit through the DOE to entities that invest in qualifying advanced energy projects, including projects that equip facilities to produce or recycle advanced energy property, reduce GHG emissions, or process critical materials.[1118] Eligible organizations include manufacturers and other entities re-equipping existing facilities to meet GHG emission goals. The base credit is 6% of a project and up to 30% if the facility meets prevailing wage requirements. The IRA allocates $10 billion to the credit and $4 billion is designated for projects in certain energy communities.[1119] The pre-defined list of energy communities includes much of western New Mexico. This credit is not available for projects involving processing and refining of non-renewable transportation fuels. This credit can support GHG emissions reductions goals and waste prevention measures in the CAP.
45. **Clean Electricity Investment Tax Credit (Federal).** The IRS provides a Clean Electricity Investment Tax Credit to taxpayers with a qualified facility (defined as a zero emissions facility) and energy service technology placed in service after the end of 2024.[1120] The base credit forgives 6% of the qualified investment and up to 30% if the facility meets prevailing wage requirements.[1121,1122] Investment and production credits (such as the Zero-Emission Nuclear Power Production Credit) cannot be claimed on the same facility. This credit will sunset in 2032 or when U.S. greenhouse gas emissions from electricity are 25% or lower than 2022 emissions. This credit can incentivize utilities and other organizations to meet New Mexico's emissions goals and explore energy storage possibilities outlined in the CAP.
46. **Geothermal Electricity Generation Tax Credit (State).** New Mexico provides an income tax credit for taxpayers with geothermal electricity generation.[1123] This credit is effective from 2025 to 2032. This credit is $0.015 per kWh of electricity generated in New Mexico by a geothermal facility. Additionally, the credit is capped at $5 million across the state. Taxpayers must apply to EMNRD for eligibility.[1124] This credit can incentivize geothermal energy production, aligning with the CAP's goals to focus on geothermal development and exploration to meet New Mexico's clean energy goals.
47. **Renewable Energy Production Tax Credit (State).** EMNRD provides a Renewable Energy Production Tax Credit for taxpayers with an interest in wind, biomass, or solar projects.[1125] The credit is $0.01/kWh for wind and biomass projects and averages $0.027/kWh for solar. This credit is available until 2026 for qualified electricity generators that were producing electricity

[1118] Internal Revenue Service, "Advanced Energy Project Credit."
[1119] Internal Revenue Service, "Advanced Energy Project Credit."
[1120] Internal Revenue Service, "Clean Electricity Investment Credit," Internal Revenue Service, May 29, 2025, https://www.irs.gov/credits-deductions/clean-electricity-investment-credit.
[1121] Additionally, there is a 10% credit for facilities meeting domestic content requirements for steel, iron, and manufactured products, and 10% for facilities located in an energy community.
[1122] Internal Revenue Service, "Clean Electricity Investment Credit."
[1123] New Mexico Energy, Minerals, and Natural Resources Department, "Form 7224.A Geothermal Electricity Generation Tax Credit," April 4, 2025, https://www.emnrd.nm.gov/ecmd/wp-content/uploads/sites/3/Geothermal-Electricity-Generation-Tax-Credit-Application-FINAL.pdf.
[1124] New Mexico Energy, Minerals, and Natural Resources Department, "Form 7224.A Geothermal Electricity Generation Tax Credit."
[1125] New Mexico Energy, Minerals and Natural Resources Department, "Renewable Energy Production Tax Credit (REPTC)," New Mexico Energy, Minerals and Natural Resources Department, accessed September 23, 2025, https://www.emnrd.nm.gov/ecmd/tax-incentives/renewable-energy-production-tax-credit-reptc/.

by January 1, 2018.[1126] This credit can incentivize renewable energy deployment goals in the CAP.

48. **Training for Residential Energy Contractors (TREC).** The TREC Program provides grants to states to train contractors involved in the installation of home energy efficiency and electrification improvements.[1127] EMNRD is expecting to receive $1,533,830 in funding for the TREC program in 2025, which can be used to provide training, upskilling, testing and certification, and resources to contractors.[1128] This funding can be used to meet CAP goals for renewable workforce development, including geothermal workforce development.
49. **Community Energy Efficiency Development (CEED) Block Grant (State).** EMNRD provides CEED grants for targeted energy upgrades in low-income households to reduce energy use, energy burden, and carbon intensity of energy consumption each fiscal year.[1129] NPTs, counties, and municipal governments are eligible for Type 1 projects that improve low-income residential buildings in underserved communities, and Housing New Mexico is eligible for Type 2 projects that improve low-income residential buildings across all of New Mexico. The state of New Mexico allocated $15 million to the CEED program in 2025.[1130] These grants can contribute to grid modernization and demand response goals from the CAP.
50. **Energy Efficiency Revolving Loan Fund (State).** EMNRD offers loans for energy efficiency audits, upgrades, and retrofits on buildings that are used for public or community benefit.[1131] Homeowners and building owners are eligible. Eligible organizations can apply by submitting an interest form to EMNRD.[1132,1133] EMNRD has over $5 million in funding from DOE for this loan program. Loans are typically between $250,000 and $1 million and have a fixed interest rate of 2%, which cannot exceed either the useful life of the project or 15 years. Eligible organizations also must contribute at least 5% of the project cost.[1134] These loans can allow building owners to upgrade technology to implement the CAP's demand response goals, including distributed energy planning and peak demand reduction. This Energy Efficiency Revolving Loan Fund will help implement New Mexico's CAP strategies to improve energy affordability and encourage the adoption of energy-efficient technologies, ultimately improving commercial building performance and reducing utility bills for businesses.

[1126] New Mexico Energy, Minerals and Natural Resources Department, "Renewable Energy Production Tax Credit (REPTC)."
[1127] Office of State and Community Energy Programs, "Training for Residential Energy Contractors Fact Sheet," U.S. Department of Energy, October 12, 2023, https://www.energy.gov/sites/default/files/2023-11/training-for-residential-energy-contractors_fact-sheet_nov2023.pdf.
[1128] New Mexico Department of Workforce Solutions, "Building New Mexico's Infrastructure and Climate-Ready Workforce," March 1, 2025, https://www.dws.state.nm.us/Portals/0/DM/BNMICRW_Inaugural_Report_2024.pdf.
[1129] New Mexico Energy, Minerals and Natural Resources Department, "CEED Program."
[1130] New Mexico Energy, Minerals and Natural Resources Department, "CEED Program."
[1131] New Mexico Energy, Minerals and Natural Resources Department, "Energy Efficiency Revolving Loan Fund," New Mexico Energy, Minerals and Natural Resources Department, accessed September 23, 2025, https://www.emnrd.nm.gov/ecmd/energyefficencyrevolvingloan/.
[1132] Applicants will need to complete a commercial energy audit that determines consumption, identifies peak demand, and recommends ways to reduce or redistribute peak consumption, estimating total savings potential if the recommended upgrades and retrofits are implemented.
[1133] A pre-existing audit may be used that fulfills those conditions and was completed after May 20, 2021 if the building did not change significantly in occupation or function, including additions and renovations.
[1134] New Mexico Energy, Minerals and Natural Resources Department, "Energy Efficiency Revolving Loan Fund."

51. **Electric Grid Modernization Grant Program (State).** EMNRD distributes grants for projects that support electric grid modernization research and development, including grid function, operation, and the integration of renewable resources.[1135] County and municipal governments, state agencies, educational institutions are eligible for funding. The sovereign NPTs are also eligible for this funding. Eligible organizations cannot be funded for different or multiple project types in the same year. The executive budget recommendation from the New Mexico Department of Finance and Administration recommends a $1 million allocation to EMNRD for FY 2026 grid modernization program grants.[1136] The program is conducted annually when funding is available, and applications are due June 1 of each year. These grants can be used to fund projects related to the CAP's grid modernization and demand response measures.
52. **Advanced Energy Manufacturing Tax Credit (State).** EMNRD provides Advanced Energy Manufacturing Credits to offset the cost of equipment needed to produce components for solar, wind, batteries, and critical minerals.[1137] This credit is typically 20% of equipment costs and up to $25 million per project. Eligible applicants must obtain a certificate of eligibility before procuring equipment, and must obtain a final certification from EMNRD within 12 months. There is a clawback provision if a facility stops operating for 180 days within a two-year period after receiving the credit.[1138] This ensures that EMNRD's Advanced Energy Manufacturing Credits are used on valuable projects, such as those that can aid in the CAP's prescribed renewable deployment.
53. The **Climate Smart Communities Initiative**[1139] is a public–private partnership that offers funding to local, regional, and tribal governments for projects that increase a community's climate resilience. Grants are typically approximately $100,000 over a 12-month period and provide access to additional resources such as training opportunities and technical experts. The funding could be used to help communities create local climate action plans.
54. **Outdoor Learning Start Up Grants (State)**[1140] are offered by the New Mexico Public Education Department to help expand access to outdoor education in the state's K-12 schools. In the most recent funding cycle, the program had up to $225,000 in total funding available, with up to $30,000 of funding available per applicant. This funding could help schools implement statewide K-12 climate change and waste reduction curricula through hands-on outdoor education activities.

[1135] New Mexico Energy, Minerals and Natural Resources Department, "Grid Modernization Grant Program," New Mexico Energy, Minerals and Natural Resources Department, accessed September 23, 2025, https://www.emnrd.nm.gov/ecmd/grid-modernization-grant-program/.
[1136] New Mexico Department of Finance and Administration, "Fiscal Year 2026 Executive Budget Recommendation Overview," December 16, 2024, https://www.nmdfa.state.nm.us/wp-content/uploads/2024/12/FY26-Exec-Rec-Budget-in-Brief-FINAL-12-17.pdf.
[1137] New Mexico Energy, Minerals and Natural Resources Department, "Advanced Energy Equipment Tax Credit," New Mexico Energy, Minerals and Natural Resources Department, accessed September 23, 2025, https://www.emnrd.nm.gov/ecmd/tax-incentives/advanced-energy-equipment-tax-credit/.
[1138] New Mexico Energy, Minerals and Natural Resources Department, "Advanced Energy Equipment Tax Credit."
[1139] Climate Smart Communities Initiative, "Helping Communities Prepare for the Future," Climate Smart Communities Initiative, accessed September 23, 2025, https://climatesmartcommunity.org/.
[1140] New Mexico Public Education Department, "Outdoor Learning Initiative," New Mexico Public Education Department, accessed September 23, 2025, https://web.ped.nm.gov/bureaus/math-and-science-bureau/outdoor-learning-initiative/.

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55. The **U.S. Climate Alliance Technical Assistance Fund**[1141] provides technical and policy support for members of the U.S. Climate Alliance like New Mexico. The fund has been used to support carbon inventories of natural and working lands in New Mexico[1142] in the past. It is likely that this source of funding could support future efforts by New Mexico to gather additional data on carbon sequestration and emissions for natural and working lands or other emission reductions projects.
56. The **Western Sustainable Agriculture Research and Education Program (Federal),**[1143] which is funded by USDA, offers funding to farmers, agriculture professionals, and researchers for projects that support a wide range of sustainable agriculture practices, including agrivoltaics.[1144] For a previous research grant from the program, the maximum budget for a project was $350,000, and projects were expected to span one to three years.[1145] The program could help fund research and demonstration projects for agrivoltaics in New Mexico.
57. **Methane Emissions Reduction Program (MERP) (Federal).** Through the IRA, EPA and DOE are providing up to $1.36 billion in federal funding for activities designed to measure and reduce CH_4 emissions from the oil and gas sector.[1146] The program has already provided states with $350 million in formula grants to support industry efforts to voluntarily reduce emissions at low-producing wells, monitor emissions, and conduct environmental restoration at well pads on non-federal Lands,[1147] and $850 million in competitive grants to small oil and gas operators, the sovereign NPTs, and other entities to reduce, monitor, measure, and quantify CH_4 emissions from the oil and gas sector.[1148] Financial and technical assistance is available to support activities such as preparing and submitting greenhouse gas reports, monitoring CH_4 emissions, and improving and deploying equipment to reduce emissions.
58. **Carbon Oxide Sequestration Credit (Federal).** The IRA outlines a tax credit for U.S. facilities that sequester amounts of carbon above certain thresholds. Facilities qualify for the credit if they

[1141] U.S. Climate Alliance, "Member Support," U.S. Climate Alliance, accessed September 23, 2025, https://usclimatealliance.org/member-support/.
[1142] U.S. Climate Alliance, *Natural and Working Lands Climate Action: A State Guide to Enhance the Sector's Contribution to State and National Climate Goals* (U.S. Climate Alliance, 2022), 83, https://usclimatealliance.org/wp-content/uploads/2022/11/USClimateAlliance_Guide_NWLStateGuide_NaturalandWorkingLandsandClimateAction_2022.pdf.
[1143] Western Sustainable Agriculture Research and Education, "Grants," Western Sustainable Agriculture Research and Education, accessed September 23, 2025, https://western.sare.org/grants/.
[1144] Sustainable Agriculture Research and Education, "Projects - SARE Grant Management System," Sustainable Agriculture Research Projects, accessed September 23, 2025, https://projects.sare.org/search-projects/?q&orderby=r&reg=0&st=0&g=0&yl=1988&yh=2025&pr%5B0%5D=solar%20energy&search_action=Search.
[1145] Western Sustainable Agriculture Research and Education, "Research and Education," Western Sustainable Agriculture Research and Education, accessed September 23, 2025, https://western.sare.org/grants/research-and-education/.
[1146] U.S. Environmental Protection Agency, "US Environmental Protection Agency and US Department of Energy Announce $850M to Reduce Methane Pollution from the Oil and Gas Sector," U.S. Environmental Protection Agency, December 20, 2024, https://www.epa.gov/newsreleases/us-environmental-protection-agency-and-us-department-energy-announce-850m-reduce.
[1147] U.S. Environmental Protection Agency, "Financial Assistance from the Methane Emissions Reduction Program," U.S. Environmental Protection Agency, January 27, 2025, https://www.epa.gov/inflation-reduction-act/financial-assistance-methane-emissions-reduction-program.
[1148] U.S. Environmental Protection Agency, "US Environmental Protection Agency and US Department of Energy Announce $850M to Reduce Methane Pollution from the Oil and Gas Sector."

meet the follow thresholds: (1) 1,000 metric tons of qualified carbon oxide[1149] per year for direct air capture facilities, (2) 18,750 metric tons of qualified carbon oxide per year for electricity-generating facilities, and (3) 12,500 metric tons of qualified carbon oxide per year for other facilities.[1150] The IRS has two credit values that facilities can qualify for under Section 45Q of the Internal Revenue Code. The first is $20 (inflated to $28.43 for 2025)[1151] per metric ton of qualified carbon oxide that is (1) captured by the taxpayer using carbon capture equipment originally placed in service at a qualified facility before the date of the enactment of the Bipartisan Budget Act (February 9, 2018), (2) disposed of by the taxpayer in secure geological storage, and (3) not used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project. The second is $10 ($14.21 for 2025)[1152] per metric ton of qualified carbon oxide that is (1) captured by the taxpayer using carbon capture equipment originally placed in service at a qualified facility before February 9, 2018 and (2) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project and disposed of by the taxpayer in secure geological storage.

59. **Orphaned Well Site Plugging, Remediation, and Restoration Program (Federal).** The IIJA has appropriated funds to the U.S. Department of the Interior to establish federal, state, and Tribal programs to address atmospheric pollution from orphaned oil and gas wells. This program has both formula and performance grants available, with approximately $72.3 million available to New Mexico via formula grants[1153] and up to $30 million via performance grants.[1154] To be eligible for the performance grants, states need to demonstrate increased spending on well plugging, remediation, and reclamation projects. For a state that does show this activity, the state is eligible for grants equal to the average annual expenditure during fiscal years 2010 to 2019, capped at $30 million total.[1155]
60. **Natural Gas Distribution Infrastructure Safety and Modernization (NGDISM) Grant Program (Federal).** The IIJA created the NGDISM program, which is designated $200 million a year for five years for municipality- or community-owned utilities to repair, rehabilitate, or replace natural gas distribution pipeline systems or portions thereof, or to acquire equipment to reduce incidents and fatalities and to avoid economic losses.[1156]

[1149] "Carbon oxide" refers to any chemical compound of carbon and oxygen. The two most common carbon oxides are carbon monoxide (CO) and carbon dioxide (CO_2).
[1150] Internal Revenue Service, "Credit for Carbon Oxide Sequestration," Federal Register, January 15, 2021, https://www.federalregister.gov/documents/2021/01/15/2021-00302/credit-for-carbon-oxide-sequestration.
[1151] Tax Notes, "Inflation Adjustment Factor Issued for Sequestration Credit," Tax Notes, May 12, 2025, https://www.taxnotes.com/research/federal/irs-guidance/notices/inflation-adjustment-factor-issued-sequestration-credit/7s65w.
[1152] Tax Notes, "Inflation Adjustment Factor Issued for Sequestration Credit."
[1153] Orphaned Wells Program Office, *Orphaned Wells Program Annual Report to Congress Fiscal Year 2024* (U.S. Department of the Interior, 2024), https://www.doi.gov/sites/default/files/documents/2024-11/fy-2024-owpo-annual-congressional-reportfinal-publishing.pdf.
[1154] U.S. Department of the Interior, "Performance Grant Programs," U.S. Department of the Interior, accessed September 23, 2025, https://www.doi.gov/performance-grants-0.
[1155] U.S. Department of the Interior, "Performance Grant Programs."
[1156] Pipeline and Hazardous Materials Safety Administration, "Natural Gas Distribution Infrastructure Safety and Modernization (NGDISM) Grant Program," Pipeline and Hazardous Materials Safety Administration, March 3, 2025, https://www.phmsa.dot.gov/about-phmsa/working-phmsa/grants/pipeline/natural-gas-distribution-infrastructure-safety-and-modernization-grants.

61. **Brownfields Program (Federal).** The IIJA also provides funds to EPA's Brownfields Program, with funds available to several types of entities, including sovereign NPTs, state, and local governments.[1157] **The following types of grants are available under the Brownfields Program:**
62. **Brownfields Program: Cleanup Grants (Federal).**[1158] Cleanup grants are available to applicants looking to address sites contaminated by petroleum and/or hazardous substances, pollutants, or contaminants. There are three categories for which funds are available, with awards up to either $500,000, $2 million, or $4 million, depending on category.[1159]
63. **Brownfields Program: Assessment Grants (Federal).**[1160] These grants provide funding for brownfield inventories, planning, environmental assessments, and community outreach. There are three types of assessment grants: community-wide, coalition, and community-wide for states and sovereign NPTs. For community-wide grants, which are often used to rehabilitate brownfield sites into productive reuse, applicants may request up to $500,0000. Coalition grant applicants for site assessment can request up to $1.5 million. These coalition grants are designed for one "lead" entity to partner with two to four other entities that do not have the capacity to apply for and manage their own EPA cooperative agreement and otherwise would not have access to Brownfields Grant resources.[1161] The coalitions then perform a minimum of two assessments for each partnering member's geographic area. Community-wide assessment grants for states and tribes are capped at $2 million, with applicants expected to assess a minimum of 10 brownfield sites and focus efforts on disadvantaged communities.
64. **Brownfields Program: Job Training Grants (Federal).**[1162] Job training grants help nonprofits, local governments, and other eligible organizations provide residents impacted by brownfields with environmental training. For FY 2025, EPA selected 16 communities to receive an aggregate $7.7 million in job training grants, with each recipient receiving a maximum of $500,000.[1163]
65. **Brownfields Program: Revolving Loan Fund Grants (Federal).**[1164] These grants provide recipients with funding to set up their own low-interest loan programs, providing loans and subgrants to carry out cleanup activities at brownfield sites. Applicants can apply for up to $1 million.[1165]

[1157] U.S. Environmental Protection Agency, "Brownfields Program - Eligibility," U.S. Environmental Protection Agency, August 5, 2025, https://www.epa.gov/brownfields/eligibility.
[1158] U.S. Environmental Protection Agency, "Brownfields Program - Types of Funding," U.S. Environmental Protection Agency, September 23, 2025, https://www.epa.gov/brownfields/types-funding.
[1159] U.S. Environmental Protection Agency, "Frequently Asked Questions for Multipurpose, Assessment, RLF, and Cleanup Grants," U.S. Environmental Protection Agency, September 3, 2024, https://www.epa.gov/system/files/documents/2024-08/fy25-faqs_9-3-24.pdf.
[1160] U.S. Environmental Protection Agency, "Brownfields Program - Types of Funding."
[1161] U.S. Environmental Protection Agency, "EPA Brownfields Assessment Grants - Program Overview," U.S. Environmental Protection Agency, August 2022, https://www.epa.gov/system/files/documents/2022-08/Program%20Overview_Assessment.pdf.
[1162] U.S. Environmental Protection Agency, "Brownfields Program - Types of Funding."
[1163] U.S. Environmental Protection Agency, "Applicants Selected for FY 2025 Brownfields Job Training Grants," U.S. Environmental Protection Agency, July 29, 2025, https://www.epa.gov/brownfields/applicants-selected-fy-2025-brownfields-job-training-grants.
[1164] U.S. Environmental Protection Agency, "Brownfields Program - Types of Funding."
[1165] U.S. Environmental Protection Agency, "Brownfields Revolving Loan Fund RLF Grants," U.S. Environmental Protection Agency, September 16, 2025, https://www.epa.gov/brownfields/brownfields-revolving-loan-fund-rlf-grants.

66. **Energy Infrastructure Reinvestment (EIR) Program (Federal).** EIR was created by the IRA and guarantees loans awarded by the DOE Loan Programs Office to projects that replace, repurpose, repower, or retool existing energy infrastructure to support the energy transformation and reduce air pollution.[1166] Eligibility criteria for EIR loans are broad and can include project developers, utility providers, or clean technology manufacturers, among others. Projects eligible for EIR loans include replacing retired energy infrastructure with clean energy infrastructure and building new facilities to use existing energy infrastructure for clean energy purposes. There is no minimum eligible project size, but typically only projects $100 million or larger receive loans due to application process and loan monitoring fixed costs.[1167] Prospective applicants are encouraged to contact the Loan Programs Office to set up a no-cost pre-application consultation.[1168] This program will likely help fund improvements to energy affordability and reliability in New Mexico, incentivize the adoption of energy-efficient technologies, and encourage retrofitting of older buildings, all of which are goals in New Mexico's CAP.[1169]
67. **5339(c) Low or No Emission Grant Program (Low-No Program) (Federal).** As part of the IIJA, the Federal Transit Administration (FTA) is administering the Low-No Program, which provides funding to state and local governments for the purchase or lease of zero-emission transit buses as well as acquisition, construction, and leasing of required supporting facilities such as recharging, refueling, and maintenance facilities.[1170] This grant can support New Mexico in expanding and modernizing its public transit bus network. The types of public transit buses eligible for purchase or lease under this grant include propane, compressed natural gas, hybrid-electric, hydrogen fuel-cell, and battery-electric buses.[1171] There is no minimum or maximum grant amount, with award sizes in FY 2024 ranging from $1.2 million to $99.5 million and $1.1 billion funded in total.[1172] Generally, the maximum federal share of the project cost is 80%, but is increased to 85% for transit buses that are compliant with the Clean Air Act or are accessible to people with disabilities. The federal share of the project cost is increased to 90% if the equipment and facilities are related to low- or zero-emission buses or are to make the facility accessible to people with disabilities.[1173] The FTA has introduced a streamlined requirement

[1166] U.S. Department of Energy, "Title 17 Energy Infrastructure Reinvestment (EIR) Financing," U.S. Department of Energy, accessed September 23, 2025, https://www.energy.gov/lpo/title-17-energy-infrastructure-reinvestment-eir-financing?nrg_redirect=474161.
[1167] U.S. Department of Energy, "Title 17 Energy Financing," U.S. Department of Energy, accessed September 23, 2025, https://www.energy.gov/lpo/title-17-energy-financing?nrg_redirect=460139.
[1168] U.S. Department of Energy, "Title 17 Energy Financing."
[1169] U.S. Department of Energy, "Energy Infrastructure Reinvestment Financing," U.S. Department of Energy, accessed September 23, 2025, https://www.energy.gov/lpo/energy-infrastructure-reinvestment-financing.
[1170] Federal Transit Administration, "Low or No Emission Grant Program - 5339(c)," Federal Transit Administration, accessed September 23, 2025, https://www.transit.dot.gov/lowno.
[1171] Federal Transit Administration, "FY 2025 Notice of Funding Opportunity: Low or No Emission Grant Program and the Grants for Buses and Bus Facilities Competitive Program," Federal Transit Administration, May 14, 2025, https://www.transit.dot.gov/notices-funding/fy-2025-notice-funding-opportunity-low-or-no-emission-grant-program-and-grants.
[1172] Federal Transit Administration, "FY 2025 Notice of Funding Opportunity: Low or No Emission Grant Program and the Grants for Buses and Bus Facilities Competitive Program."
[1173] Federal Transit Administration, "FY 2025 Notice of Funding Opportunity: Low or No Emission Grant Program and the Grants for Buses and Bus Facilities Competitive Program."

process for Tribal applicants requesting less than $1 million, making it faster and easier for tribes in New Mexico to secure funding for public transit bus projects.[1174] Importantly, federal public transportation law requires that any zero-emission project must use 5% of federal funds for workforce development, unless the applicant demonstrates that less or no funding is needed for this purpose.[1175]

68. **5339 Buses and Bus Facilities Competitive Program (Federal)**. In conjunction with the Low-No Program listed above, the FTA provides the 5339 Buses and Bus Facilities Competitive Program, which also makes federal resources available to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities.[1176] The maximum award amount is 10% of the total available funding for the fiscal year.[1177] For FY 2026, with $412 million available, the maximum award is $41.2 million.[1178,1179] In FY 2024, New Mexico received a $9.8 million award through the program, which funded renovations at the Jim West Regional Transit Center and enabled the South Central Regional Transit District to purchase a new hybrid-electric bus and construct a transit facility in Las Cruces.[1180] Though the typical federal share of project cost is 80%, this is increased to either 85% or 90% when certain criteria are met.[1181] New Mexico is encouraged to submit projects to both the Buses and Bus Facilities Competitive Program *and* the Low-No Program when practicable, and the FTA will decide under which program the project is awarded.[1182]
69. **5339 Buses and Bus Facilities Formula Program (Federal).** Alongside the two competitive grant programs listed above, the FTA is also providing the 5339 Buses and Bus Facilities Formula Program, which gives funding to states and transit agencies through a statutory formula to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities.[1183] This funding is for fixed route bus services, but the recipient may allocate amounts from this grant to subrecipients that are engaged in public transportation more generally.[1184] The program is authorized to provide $662 million across the United States in FY 2026,[1185] with

[1174] Federal Transit Administration, "Low or No Emission Grant Program - 5339(c)."
[1175] Federal Transit Administration, "FY 2025 Notice of Funding Opportunity: Low or No Emission Grant Program and the Grants for Buses and Bus Facilities Competitive Program."
[1176] Federal Transit Administration, "Grants for Buses and Bus Facilities Program," Federal Transit Administration, accessed September 23, 2025, https://www.transit.dot.gov/bus-program.
[1177] Federal Transit Administration, "FY 2025 Notice of Funding Opportunity: Low or No Emission Grant Program and the Grants for Buses and Bus Facilities Competitive Program."
[1178] Federal Transit Administration, "Fact Sheet: Buses and Bus Facilities Program," Federal Transit Administration, August 11, 2025, https://www.transit.dot.gov/funding/grants/fact-sheet-buses-and-bus-facilities-program.
[1179] Federal Transit Administration, "Fact Sheet: Buses and Bus Facilities Program."
[1180] Federal Transit Administration, "FY24 FTA Bus and Low- and No-Emission Grant Awards," Federal Transit Administration, July 26, 2024, https://www.transit.dot.gov/funding/grants/fy24-fta-bus-and-low-and-no-emission-grant-awards.
[1181] The maximum federal share of the project cost is 80% but is increased to 85% for transit buses that are compliant with the Clean Air Act or are accessible to people with disabilities, and 90% if the equipment and facilities are related to low- or zero-emission buses or are designed to make the facility accessible to people with disabilities.
[1182] Federal Transit Administration, "FY 2025 Notice of Funding Opportunity: Low or No Emission Grant Program and the Grants for Buses and Bus Facilities Competitive Program."
[1183] Federal Transit Administration, "Grants for Buses and Bus Facilities Formula Program - 5339(a)," Federal Transit Administration, accessed September 23, 2025, https://www.transit.dot.gov/funding/grants/busprogram.
[1184] Federal Transit Administration, "Grants for Buses and Bus Facilities Formula Program - 5339(a)."
[1185] Federal Transit Administration, "Fact Sheet: Buses and Bus Facilities Program."

each state guaranteed a $4 million dollar baseline allocation. The remaining funds are distributed through a formula that incorporates population, vehicle revenue miles, and operating cost data.[1186]

70. **5309 Fixed Guideway Capital Investment Grants Program (CIG) (Federal).** CIG is a competitive, discretionary grant under the IIJA which is also administered by the FTA. The CIG funds transit capital investments such as heavy rail, commuter rail, light rail, streetcars, and bus rapid transit.[1187] The program includes three project categories: New Starts, Small Starts, and Core Capacity projects.[1188,1189] The program is authorized for up to $4.6 billion for FY 2026, subject to Congressional appropriations.[1190] The Albuquerque Rapid Transit project received approximately $75 million in 5309 Small Starts funding, representing about 56% of the capital cost for the project.[1191]
71. **Congestion Mitigation and Air Quality (CMAQ) Improvement Program (Federal).** The CMAQ Improvement Program is continued by the IIJA to provide flexible funding for transportation projects and programs to help meet the standards of the Clean Air Act.[1192] CMAQ funds support state- and locally selected transportation projects that reduce mobile source emissions in both current and former areas designated by EPA to be in nonattainment of the NAAQS for ozone, CO, and/or PM.[1193] For FY 2026, $2.746 billion is available for the CMAQ program across the United States, with each state receiving at least 0.5% of total CMAQ apportionments, regardless of whether it has any nonattainment areas.[1194,1195] Many types of public transportation projects are eligible under the CMAQ program, including electric vehicles and charging stations, diesel engine replacements and retrofits, shared micromobility projects, and bicycle and pedestrian

[1186] Apportionment of Appropriations for Formula Grants, 49 § 5336 U.S.C. (2021), https://www.law.cornell.edu/uscode/text/49/5336.
[1187] Federal Transit Administration, "Capital Investment Grants Program - New Starts, Small Starts and Core Capacity Improvements," Federal Transit Administration, accessed September 23, 2025, https://www.transit.dot.gov/CIG.
[1188] New Starts includes projects for new fixed-guideway systems or extensions that cost $400 million or more or seek federal funding of $150 million or more. The maximum CIG share is 60%. Small Starts includes projects for new fixed-guideway systems, corridor-based systems, or extensions that cost less than $400 million and seek federal funding of less than $150 million. The maximum CIG share is 80%. Core Capacity includes projects that will increase capacity by 10% for existing fixed guideway systems that are at or over capacity or projected to be overcapacity in 10 years. The maximum CIG share is 80%.
[1189] Federal Transit Administration, "Capital Investment Program - About the Program," Federal Transit Administration, February 5, 2025, https://www.transit.dot.gov/funding/grant-programs/capital-investments/about-program.
[1190] Federal Transit Administration, "Fact Sheet: Capital Investment Grants Program," Federal Transit Administration, August 11, 2025, https://www.transit.dot.gov/funding/grants/fact-sheet-capital-investment-grants-program.
[1191] Federal Transit Administration, "Albuquerque Rapid Transit Project Albuquerque, New Mexico - Small Starts Project Development," February 8, 2018, https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/funding/grant-programs/capital-investments/69926/nm-albuquerque-rapid-transit-project-fy19-profile.pdf.
[1192] Federal Highway Administration, "Infrastructure Investment and Jobs Act - Congestion Mitigation and Air Quality (CMAQ) Improvement Program Fact Sheet," Federal Highway Administration, January 31, 2025, https://www.fhwa.dot.gov/infrastructure-investment-and-jobs-act/cmaq.cfm.
[1193] Federal Highway Administration, "Congestion Mitigation and Air Quality Improvement (CMAQ) Program," Federal Highway Administration, May 5, 2025, https://www.fhwa.dot.gov/environment/air_quality/cmaq/.
[1194] Federal Highway Administration, "Infrastructure Investment and Jobs Act - Congestion Mitigation and Air Quality (CMAQ) Improvement Program Fact Sheet."
[1195] Federal Highway Administration, "SAFETEA-LU Evaluation and Assessment Phase 1," Federal Highway Administration, May 28, 2025, https://www.fhwa.dot.gov/ENVIRonment/air_quality/cmaq/research/safetea-lu_phase_1/section_one.cfm.

facility construction. New Mexico's FY 2025 apportionment was over $13 million.[1196] New Mexico may transfer up to 50% of CMAQ funds to other federal aid programs for transportation.[1197]

72. **Surface Transportation Block Grant (STBG) Program (Federal).** The STBG program is another formula-based federal funding stream administered by the Federal Highway Administration, as reauthorized under the IIJA.[1198] The grant provides versatile funding that can be used for a wide range of transportation-related projects, including public transit such as intercity bus terminals, bus rapid transit corridors, or dedicated bus lanes.[1199] At least 55% of New Mexico's STBG funding must be set aside to specific urban and rural populations based on their relative share of the population, with the remaining 45% to be used in any area of the state.[1200] New Mexico's FY 2025 apportionment was $140 million of the $14.7 billion available.[1201,1202] For FY 2026, $14.975 billion is available for all states, although the sum apportioned to New Mexico is not yet known.[1203] New Mexico may transfer up to 50% of STBG funds to other federal aid programs for transportation.[1204]
73. **5311 Formula Grants for Rural Areas (Federal).** The 5311 Formula Grants for Rural Areas is an FTA program that provides capital, planning, and operating assistance to support public transportation in rural areas with populations of less than 50,000, where many residents often rely on public transit to reach their destinations.[1205] There is a required sub-award of at least 15% of the funding to go toward intercity bus services.[1206] Funds are available to states based on a formula that includes land area, population, revenue vehicle miles, and low-income individuals in rural areas. The federal share is 80% for capital projects, 50% for operating assistance, and 80% for Americans with Disabilities (ADA) non-fixed route paratransit

[1196] Federal Highway Administration, "Computation of Apportionments Among States and Programs for Fiscal Year (FY) 2025 Distribution of Each State's Apportioned Funds Among Programs: Congestion Mitigation and Air Quality Improvement (CMAQ) Program," Federal Highway Administration, February 13, 2025, https://www.fhwa.dot.gov/infrastructure-investment-and-jobs-act/comptables/table1p3-2.cfm.
[1197] Federal Highway Administration, "Infrastructure Investment and Jobs Act - Congestion Mitigation and Air Quality (CMAQ) Improvement Program Fact Sheet."
[1198] Federal Highway Administration, "Infrastructure Investment and Jobs Act - Surface Transportation Block Grant (STBG) Fact Sheet," Federal Highway Administration, January 31, 2025, https://www.fhwa.dot.gov/infrastructure-investment-and-jobs-act/stbg.cfm.
[1199] Federal Highway Administration, "Infrastructure Investment and Jobs Act - Surface Transportation Block Grant (STBG) Fact Sheet."
[1200] Federal Highway Administration, "Infrastructure Investment and Jobs Act - Surface Transportation Block Grant (STBG) Fact Sheet."
[1201] Federal Highway Administration, "Computations for Fiscal Year (FY) 2025 Surface Transportation Block Grant Program (STBG) Funds Suballocation of STBG Funds: Amount to Be Suballocated Within Each State," Federal Highway Administration, February 18, 2025, https://www.fhwa.dot.gov/infrastructure-investment-and-jobs-act/comptables/table4p1-1.cfm.
[1202] Federal Highway Administration, "Infrastructure Investment and Jobs Act - Surface Transportation Block Grant (STBG) Fact Sheet."
[1203] Federal Highway Administration, "Infrastructure Investment and Jobs Act - Surface Transportation Block Grant (STBG) Fact Sheet."
[1204] Federal Highway Administration, "Infrastructure Investment and Jobs Act - Surface Transportation Block Grant (STBG) Fact Sheet."
[1205] Federal Transit Administration, "Formula Grants for Rural Areas - 5311," Federal Transit Administration, accessed September 23, 2025, https://www.transit.dot.gov/rural-formula-grants-5311.
[1206] Federal Transit Administration, "Formula Grants for Rural Areas - 5311."

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service.[1207] There's no maximum grant amount, funding is determined by the apportionment formula, which changes slightly each fiscal year. In FY 2026, the FTA plans to apportion $857 million.[1208]

74. **5337 State of Good Repair (SGR) Formula Grants Program (Federal).** The SGR Formula Grant Program provides capital assistance for maintenance, replacement, and rehabilitation projects of high-intensity fixed guideway and bus systems to help transit agencies maintain equipment in a state of good repair in urbanized areas (areas with a population of 50,000 or more).[1209] Funding is apportioned based on statutory formulas; to date, only the urbanized area of Albuquerque has qualified for apportionment.[1210] The grant requires a local match minimum of 20% of the total expenditure. New Mexico received a total apportionment of $13.7 million in FY 2024. For FY 2026, $4.743 billion is available.[1211]
75. **Rail Vehicle Replacement Program (Federal).** The Rail Vehicle Replacement Program is a competitive grant within the FTA's SGR Program that provides funding for capital projects to replace rail rolling stock, including passenger-carrying vehicles and propulsion vehicles for rail-based public transportation.[1212] State and local government authorities in urbanized areas are eligible if they qualify for State of Good Repair Formula Funding.[1213] There is $300 million available for FY 2026 apportionment.[1214] The maximum share of the grant funding cannot exceed 50% of the net project cost, although another 30% can come from another federal funding source, meaning at least 20% has to come from non-federal funds.[1215]
76. **5310 Enhanced Mobility of Seniors & Individuals with Disabilities Program (Federal).** The 5310 Enhanced Mobility of Seniors & Individuals with Disabilities Program provides formula-based funding to states to meet the transportation needs of seniors and people with disabilities.[1216] The program, also administered through the FTA, requires a 20% local match for capital purchases, such as vehicles and wheelchair lifts, and a 50% local match for operating projects such as contracted paratransit services and mobility management operations.[1217] Other applicable projects include scheduling and routing IT systems.[1218] Projects eligible for this

[1207] Federal Transit Administration, "Formula Grants for Rural Areas - 5311."
[1208] Federal Transit Administration, "Fact Sheet: Formula Grants for Rural Areas," Federal Transit Administration, August 11, 2025, https://www.transit.dot.gov/funding/grants/fact-sheet-formula-grants-rural-areas.
[1209] Federal Transit Administration, "State of Good Repair Grants - 5337," Federal Transit Administration, accessed September 23, 2025, https://www.transit.dot.gov/funding/grants/state-good-repair-grants-5337.
[1210] New Mexico Department of Transportation, *Connect New Mexico: Statewide Public Transportation Plan*.
[1211] Federal Transit Administration, "Fact Sheet: State of Good Repair and Rail Vehicle Replacement Program," Federal Transit Administration, August 11, 2025, https://www.transit.dot.gov/funding/grants/fact-sheet-state-good-repair-and-rail-vehicle-replacement-program.
[1212] Federal Transit Administration, "Rail Vehicle Replacement Grants," Federal Transit Administration, accessed September 23, 2025, https://www.transit.dot.gov/grant-programs/rail-vehicle-replacement-grants.
[1213] Federal Transit Administration, "Rail Vehicle Replacement Grants."
[1214] Federal Transit Administration, "Fact Sheet: State of Good Repair and Rail Vehicle Replacement Program."
[1215] Federal Transit Administration, "Rail Vehicle Replacement Grants."
[1216] Federal Transit Administration, "Enhanced Mobility of Seniors & Individuals with Disabilities - Section 5310," Federal Transit Administration, accessed September 23, 2025, https://www.transit.dot.gov/funding/grants/enhanced-mobility-seniors-individuals-disabilities-section-5310.
[1217] Federal Transit Administration, "Enhanced Mobility of Seniors & Individuals with Disabilities - Section 5310."
[1218] Scheduling and routing IT systems include software platforms and technologies used to plan and manage transit vehicle trips. Federal Transit Administration, "Enhanced Mobility of Seniors & Individuals with Disabilities - Section 5310."

program must be in a local coordinated human service transportation plan.[1219] The FTA apportions funds to New Mexico using a formula based on the number of older adults and people with disabilities. Funds are available during the fiscal year of apportionment plus two additional years.[1220] In FY 2024, $3,136,629 was apportioned to New Mexico—a 66% increase over FY 2019.[1221]

77. **5307 Urbanized Area Formula Grant (Federal).** The 5307 Urbanized Area Formula Grant is another funding source aimed at public transportation expansion and improvement. The grant provides funding for transit capital, operating assistance, and transportation-related planning in urban areas with populations greater than 50,000.[1222] Funding is apportioned based on population, low-income population, and population density, and funds are available the year appropriated plus five subsequent years. New Mexico received $40.6 million in FY 2024, a 62% increase from FY 2019.[1223] These funds are distributed within the state in a variety of ways. Some are directly distributed and administered to agencies, some are based on agency performance, and some are administered through the New Mexico Department of Transportation (NMDOT) Transit and Rail Division.[1224] The local match must be at least 20% of the net project cost, 15% for the acquisition of vehicles, and 10% for the cost of vehicle-related equipment or facilities for the purpose of complying with the ADA and the Clean Air Act. However, the federal share may not exceed 50% of the net project cost of operating assistance.[1225]
78. **5303/5304 Metropolitan & Statewide Planning Programs (Federal).** The FTA also administers the 5303 Metropolitan Planning Program, which supports cooperative, continuous, and comprehensive regional planning conducted by Metropolitan Planning Organizations.[1226] Section 5304 (Statewide Planning) funds statewide-level planning efforts, including long-range transportation plans. These funds can be used to increase the safety and accessibility of transit projects and the mobility of people or to enhance the integration, connectivity, resiliency, and reliability of the transportation system.[1227] Funds are available for four years and are appropriated to New Mexico via a formula that includes the urbanized area population in proportion to the total urbanized area population for the nation. States receive at least 0.5% of

[1219] Coordinated public transit-human services transportation plans (coordinated plan) and locally developed, coordinated transportation plans that identify the transportation needs of individuals with disabilities, seniors, and people with low incomes, provides strategies for meeting those needs, and prioritizes transportation services for funding and implementation. Federal Transit Administration, *Circular 9070.1H*, Circular 9070.1H (Federal Transit Administration, 2024), https://www.transit.dot.gov/sites/fta.dot.gov/files/2024-09/C9070.1H-Circular-11-01-2024.pdf.
[1220] Federal Transit Administration, "Enhanced Mobility of Seniors & Individuals with Disabilities - Section 5310."
[1221] New Mexico Department of Transportation, *Connect New Mexico: Statewide Public Transportation Plan*.
[1222] Federal Transit Administration, "Urbanized Area Formula Grants - 5307," Federal Transit Administration, accessed September 23, 2025, https://www.transit.dot.gov/funding/grants/urbanized-area-formula-grants-5307.
[1223] New Mexico Department of Transportation, *Connect New Mexico: Statewide Public Transportation Plan*.
[1224] New Mexico Department of Transportation, *Connect New Mexico: Statewide Public Transportation Plan*.
[1225] Federal Transit Administration, "Urbanized Area Formula Grants - 5307."
[1226] Federal Transit Administration, "Metropolitan & Statewide Planning and NonMetropolitan Transportation Planning - 5303, 5304, 5305," Federal Transit Administration, accessed September 23, 2025, https://www.transit.dot.gov/funding/grants/metropolitan-statewide-planning-and-nonmetropolitan-transportation-planning-5303-5304.
[1227] Federal Transit Administration, "Metropolitan & Statewide Planning and NonMetropolitan Transportation Planning - 5303, 5304, 5305."

the total amount apportioned. For FY 2025, New Mexico received $649,966 under Section 5303 and $171,037 under Section 5304.[1228] Generally, the federal share is not to exceed 80% of the total cost of the project, although the share can be up to 100% for eligible planning activities that expand access to public transportation for communities with lower population densities or lower average incomes.[1229]

79. **Clean Communities Investment Accelerator (CCIA) (Federal)**. Grant recipients through EPA's CCIA program provide financial assistance for three broad project categories: distributed energy, net-zero buildings, and zero-emissions transportation. [1230] Focusing on this last project category, grant recipients detail efforts to increase EV charger access and EV usage/access in their individual workplans. All funding under the CCIA is oriented toward low-income and disadvantaged communities. In total, $6 billion is available for applicants, with community lenders typically able to receive up to $10 million maximum.
80. **Innovative Coordinated Access and Mobility Grants (Federal)**. These grants seek to improve access to public transportation by providing competitive funding to improve coordination of transportation services and non-emergency medical transportation services.[1231] There is a total of $25 million available for projects. State departments of transportation, local government entities operating public transportation services, and other eligible formula grant recipients of Enhanced Mobility of Seniors and Individuals with Disabilities funds can apply under this U.S. DOT program.[1232]
81. **All Stations Accessibility Program (ASAP) (Federal)**. This program makes funding available for projects aimed at repairing, improving, modifying, retrofitting, or relocating rail station infrastructure to make all public areas of rail stations accessible to people with disabilities. Eligible recipients include state and local government entities operating rail transportation systems. Funds through ASAP shall not exceed 80% of a project's capital expenditures.[1233] Total funding available through the program is set at $1.75 billion over five years.[1234]
82. **Reconnecting Communities Pilot (RCP) Grant Program (Federal)**. The IIJA established the RCP program to advance transportation connection projects that benefit and connect low-capacity

[1228] Federal Transit Administration, "Table 2. FY 2025 Section 5303 and 5304 Statewide and Metropolitan Planning Apportionments (Full Year)," Federal Transit Administration, May 5, 2025, https://www.transit.dot.gov/funding/apportionments/table-2-fy-2025-section-5303-and-5304-statewide-and-metropolitan-planning-0.
[1229] Federal Transit Administration, "Metropolitan & Statewide Planning and NonMetropolitan Transportation Planning - 5303, 5304, 5305."
[1230] U.S. Environmental Protection Agency, "Clean Communities Investment Accelerator," U.S. Environmental Protection Agency, August 21, 2025, https://www.epa.gov/greenhouse-gas-reduction-fund/clean-communities-investment-accelerator.
[1231] Federal Transit Administration, "Innovative Coordinated Access and Mobility Grants," Federal Transit Administration, accessed September 23, 2025, https://www.transit.dot.gov/funding/grants/grant-programs/access-and-mobility-partnership-grants.
[1232] Federal Transit Administration, "Fact Sheet: Innovative Coordinated Access & Mobility Pilot Program," Federal Transit Administration, August 11, 2025, https://www.transit.dot.gov/funding/grants/fact-sheet-innovative-coordinated-access-mobility-pilot-program.
[1233] Federal Transit Administration, "All Stations Accessibility Program," Federal Transit Administration, accessed September 23, 2025, https://www.transit.dot.gov/ASAP.
[1234] Federal Transit Administration, "Fact Sheet: All Stations Accessibility Program," Federal Transit Administration, August 11, 2025, https://www.transit.dot.gov/funding/grants/fact-sheet-all-stations-accessibility-program.

communities through grants that either study the benefits of or actively carry out projects to remove, retrofit, or mitigate the impacts of an existing facility in order to reconnect a community.[1235] The program offers an annual average of $50 million for planning grants and $150 million for construction grants that run from FY 2022 through FY 2026.[1236]

83. **Transportation Alternatives Program (TAP) (Federal).** The IIJA established the program as part of the STBG program. Under the program, smaller-scale transportation projects such as pedestrian, bicycle, and recreational trails can be funded to help New Mexico achieve the goal of improving access and safety for active transportation.
84. The **Clean Car Tax Credit (State)** is a personal and business income tax credit available for the purchase of new or used battery electric vehicles (BEVs), plug-in hybrid electric vehicles (PHEVs), or hydrogen fuel-cell electric vehicles (FCEVs). Buyers can receive up to $3,000 in credits for eligible vehicles purchased through 2029. To qualify, new vehicles must have a manufacturer suggested retail price of $55,000 or less, while pre-owned vehicles must be at least two years old with a purchase price of $25,000 or less. The program also supports buyers entering a new car lease of at least three years. The EV must be purchased or leased through a dealer licensed by the New Mexico Motor Vehicle Division, or a dealer located on tribal land within New Mexico.[1237] Buyers can apply for the credit through the EMNRD website.[1238]
85. The **Charging Unit Tax Credit (State)** is a personal and business income tax credit available for individuals who purchase or install a clean car charging unit between May 15, 2024, and December 31, 2029. Buyers can receive a $400 tax credit for Level 1 or 2 chargers, and up to $25,000 for direct current fast chargers (DCFCs) or fuel cell chargers.[1239] Buyers can apply for the credit through the EMNRD website.[1240]
86. **Public Service Company of New Mexico (PNM) EV Charger Rebates.** PNM offers rebates for residential, commercial, and multifamily building installations of EV chargers until 2026.[1241] PNM residential customers can receive up to $500 toward the purchase of a qualified EV charger, and up to $1,500 for installation assistance. Income-qualified residential customers can receive up to $750 toward the purchase, and up to $3,500 for installation assistance of an EV charger.[1242] For commercial customers, including chargers for workplace, fleet, and public use, PNM offers rebates up to $5,000 per port for installing Level 2 chargers and up to $50,000 for

[1235] U.S. Department of Transportation, "Reconnecting Communities Pilot (RCP) Grant Program," U.S. Department of Transportation, accessed September 23, 2025, https://www.transportation.gov/reconnecting.
[1236] U.S. Department of Transportation, "About RCP," U.S. Department of Transportation, January 31, 2025, https://www.transportation.gov/grants/reconnecting/about-rcp.
[1237] New Mexico Energy Conservation and Management Division, "Get Up to $3,000 Credit to Buy a Clean Car," October 2024, https://clean.energy.nm.gov/wp-content/uploads/2024/12/Clean_Car_Oct_2024-REVISED.pdf.
[1238] New Mexico Energy, Minerals and Natural Resources Department, "Clean Car and Charging Unit Tax Credit," New Mexico Energy, Minerals and Natural Resources Department, accessed September 23, 2025, https://www.emnrd.nm.gov/ecmd/clean-car-charging-unit-tax-credit/.
[1239] New Mexico Energy, Minerals and Natural Resources Department, "Clean Cars and Charging Units Tax Credits - FAQs," New Mexico Energy, Minerals and Natural Resources Department, accessed September 23, 2025, https://www.emnrd.nm.gov/ecmd/faq/clean-car-tax-credits/.
[1240] New Mexico Energy, Minerals and Natural Resources Department, "Clean Car and Charging Unit Tax Credit."
[1241] PNM, "PNM Electric Vehicle Program Updates," PNM Electric Vehicles, accessed September 23, 2025, https://www.pnmdriveelectric.com/updates.
[1242] PNM, "PNM Transportation Electrification Program Marketplace: Residential," PNM Transportation Electrification Program Marketplace, accessed September 23, 2025, https://ev.pnm.com/residential-ev-charger-rebates/.

installing a DCFC.[1243] For multifamily buildings, PNM provides rebates up to $5,000 per port for installing Level 2 chargers, increasing up to $10,000 per port for income-qualified communities.[1244]

87. **Solid Waste Infrastructure for Recycling (SWIFR) Grants (Federal).** EPA's SWIFR grants program funds projects focused on environmentally sound post-consumer materials management, data collection for waste reduction goals, infrastructure for waste reduction, the identification of end-markets for recycled products, and efforts to increase the diversion recycling rate. Tribal communities and/or NPTs are eligible. States, territories, and political subdivisions are also eligible.[1245] EPA estimates that the current round of SWIFR grants, focused on NPTs, will distribute $20,000,000 across approximately 20 assistance agreements, with at least one award in each EPA region. The minimum individual award will be $100,000 while the maximum will be $1,500,000.[1246] Project funding can be used over three years. EPA's current SWIFR applications close in December 2025, with a project commencement period from summer to fall 2026. [1247] NPTs in New Mexico can take advantage of SWIFR grant opportunities to enhance waste prevention and diversion, including landfill management, wastewater management, and CH_4 recovery projects.
88. **Solid Waste Management Grants (Federal).** USDA Rural Development Solid Waste Management Grants fund projects that provide technical assistance and training to improve planning and management of solid waste disposal sites. NPTs are eligible for this funding. Public bodies, nonprofits, and academic institutions in rural areas and towns with populations of 10,000 or fewer are also eligible.[1248,1249] Funds through this grant program can be used to evaluate landfill conditions for water contamination potential or to provide technical assistance on the maintenance and operation of landfills, ways to reduce waste in communities, and future uses of landfill sites. Projects must be completed within 12 months of funding and application periods open each October 1 to December 31. Grants are subject to the availability of funds. New Mexico could take advantage of this grant program to improve landfill management and enhance waste diversion and reduction efforts.
89. **Recycling and Illegal Dumping (RAID) Fund (State).** New Mexico's state-sponsored RAID grant program provides funding for the prevention and remediation of illegal dumping sites and

[1243] PNM, "PNM Transportation Electrification Program Marketplace: Commercial," PNM Transportation Electrification Program Marketplace, accessed September 23, 2025, https://ev.pnm.com/commercial/.
[1244] PNM, "PNM Electric Vehicle Charger Rebate Application," accessed September 23, 2025, https://apply4rebates.pnm.com/Apply/pnm.
[1245] U.S. Environmental Protection Agency, "Solid Waste Infrastructure for Recycling Grants for Political Subdivisions," U.S. Environmental Protection Agency, September 11, 2025, https://www.epa.gov/circulareconomy/solid-waste-infrastructure-recycling-grants-political-subdivisions.
[1246] U.S. Environmental Protection Agency, "Solid Waste Infrastructure for Recycling Grants for Tribes and Intertribal Consortia," U.S. Environmental Protection Agency, September 11, 2025, https://www.epa.gov/circulareconomy/solid-waste-infrastructure-recycling-grants-tribes-and-intertribal-consortia.
[1247] U.S. Environmental Protection Agency, "Solid Waste Infrastructure for Recycling Grants for Tribes and Intertribal Consortia."
[1248] Special consideration can be given to areas with populations of fewer than 5,500, regional, multistate, or national areas, and lower-income populations.
[1249] U.S. Department of Agriculture, "Solid Waste Management Grants in New Mexico | Rural Development," Rural Development U.S. Department of Agriculture, accessed September 23, 2025, https://www.rd.usda.gov/programs-services/water-environmental-programs/solid-waste-management-grants/nm.

promotes methods for reuse and recycling. NPTs are eligible for this funding. Municipalities, counties, solid waste authorities, land grant communities, and cooperative associations are also eligible.[1250] Around $800,000 total is available each fiscal year.[1251] Around two-thirds of available funding each fiscal year is allocated toward scrap tire abatement and recycling programs, while one-third is allocated to abatement of illegal dumping and recycling of other solid wastes. Projects are funded and must be completed within the fiscal year. Eligible organizations in New Mexico can take advantage of RAID grants to assist the development of more proactive recycling and waste diversion programs, including EPR programs for mattresses, tires, and lithium-ion batteries.

90. **Solid Waste Facility Grant Fund (State).** New Mexico's Solid Waste Facility grant program funds solid waste facilities' efforts to protect environmental and residential health, including environmental monitoring wells, equipment purchases for landfills, litter control mechanisms, site surveys, and engineering plans. Funding under this program is made available by revenues associated with Resource Recovery Bureau enforcement and is authorized by the New Mexico Solid Waste Act.[1252] Counties, municipalities, and solid waste authorities are eligible.[1253] Eligible entities in New Mexico can take advantage of Solid Waste Facility grants to encourage organic waste processing infrastructure and support the development of methane recovery projects in solid waste facilities.
91. **Rural Infrastructure Revolving Loan Program (State).** The Rural Infrastructure Program (RIP) provides low-interest loans to rural communities for water, wastewater, and solid waste projects, including wastewater treatment plant improvements, pollution control, and purchase of equipment. Mutual domestic associations and public entities serving under 20,000 residents or counties below 200,000 are eligible, and each eligible entity can receive up to $1.5 million annually in loans at a 1% rate over 20 years and $500,000 annually in grants.[1254] Through these loans and grants, eligible organizations in New Mexico can enhance waste management facilities, including equipment, methane recovery projects, and operating practices.
92. **Clean and Beautiful Program (State).** The New Mexico Tourism Department partners with eligible organizations to provide funding and technical assistance on litter eradication, waste reduction, and community beautification initiatives.[1255] NPTs are eligible for this funding each fiscal year. Municipalities, counties, and other units of government are eligible for funding cycles each fiscal year. Key initiatives relevant to this CAP's waste management goals through this grant program include (1) reducing waste through recycling, composting, and sustainable organics and materials management; (2) educating students; and (3) increasing program capacity, including through building coalitions with professional affiliations. New Mexico can

[1250] Organizations that are not eligible are encouraged to partner with and apply for grants with eligible organizations.
[1251] New Mexico Environment Department, "Grant Programs," New Mexico Environment Department, accessed September 23, 2025, https://www.env.nm.gov/solid-waste/grant-programs/.
[1252] New Mexico Environment Department, "Grant Programs."
[1253] Multiple eligible organizations can apply for funding together. Additionally, eligible organizations can partner with ineligible organizations to apply for funding.
[1254] New Mexico Environment Department, "Funding Opportunities," New Mexico Environment Department, accessed September 23, 2025, https://www.env.nm.gov/funding-opportunities/.
[1255] New Mexico Tourism Department, "New Mexico Clean and Beautiful," New Mexico True, accessed September 23, 2025, https://www.newmexico.org/industry/work-together/grants/clean-and-beautiful/.

take advantage of funding opportunities to develop education materials on recycling, increasing and promoting practices surrounding recycling and composting.

93. **Recycling Partnership.** The Recycling Partnership works with communities and recycling facilities specializing in materials recovery, processors, and secondary processors to improve access to collection services, operations, and processing for waste through various grant and technical assistance opportunities. Since its first distribution of a grant in 2014, the Recycling Partnership has provided nearly $50,000,000 to 370 communities.[1256] Currently, the Recycling Partnership offers General Materials Recovery Facilities Assistance Grants for publicly and privately owned facilities to increase throughput and capacity. New Mexico can take advantage of grants from the Recycling Partnership to improve and strengthen the capacity of New Mexico's current recycling efforts.
94. **Community Benefit Fund (State).** The Community Benefit Fund is a vehicle that funds projects to: (1) reduce greenhouse gas; (2) support electric grid modernization; (3) increase renewable energy electricity resources and efficiency; (4) reduce the use of combustion engine vehicles; (5) asses or reduce the impacts of climate change on the environment, agriculture, land, natural resources, and human health; (6) support public entities in purchasing electric vehicles and associated infrastructure; (7) support economic development to address the economic implications of climate change; and (8) provide worker trainings for the relevant industries involved in the Fund's objectives.[1257,1258,1259] The Community Benefit Fund promotes equitable investment across New Mexico among rural and underserved communities and is open to funding by distributions, appropriations, gifts, grants, donations and bequests made to the fund and income from investment of the fund.[1260]
95. **Bipartisan Infrastructure Law (Federal)**. Section 40601 of the Bipartisan Infrastructure Law includes a $4.7 billion investment to plug, remediate, and restore orphaned oil and gas wells to account for environmental hazards of orphaned wells. Funding may be used by federal, state, and Tribal fund recipients to plug orphaned wells, locate and prioritize wells, monitor air and water pollution, address impacts on disadvantaged communities, clean and restore contaminated areas, and restore native species and land.[1261] New Mexico's total grant eligibility is $72,260.163, with up to $25,000,000 during Phase 1.[1262]

[1256] The Recycling Partnership, "Recycling Grants," The Recycling Partnership, accessed September 23, 2025, https://recyclingpartnership.org/grants/.

Community Benefit Fund, 48 SB 6 (2025), https://www.nmlegis.gov/Legislation/Legislation?Chamber=S&LegType=B&LegNo=48&year=25.

New Mexico Senate Democrats, "Community Benefit Fund Advances to Deliver Opportunities for New Mexico Families and Communities," *New Mexico Senate Democrats*, February 8, 2025, https://www.nmsenate.com/community-benefit-fund-advances-to-deliver-opportunities-for-new-mexico-families-and-communities/.

[1259] Community Benefit Fund, Senate Bill 48, 57th New Mexico Legislature, (2025), https://www.nmlegis.gov/Legislation/Legislation?Chamber=S&LegType=B&LegNo=48&year=25.

[1260] New Mexico Senate Democrats, "Community Benefit Fund Advances to Deliver Opportunities for New Mexico Families and Communities."

[1261] Orphaned Wells Program Office, *Orphaned Wells Program Annual Report to Congress Fiscal Year 2024*.

[1262] "Biden-Harris Administration Invests $660 Million for States to Plug Orphaned Oil and Gas Wells through President's Investing in America Agenda | U.S. Department of the Interior," Press Release, July 10, 2023, https://www.doi.gov/pressreleases/biden-harris-administration-invests-660-million-states-plug-orphaned-oil-and-gas-wells.

96. **NMDA Noxious Weed Management Grant (State)**. The Noxious Weed Management Grant is a competitive grant for projects that improve the state's economy and environment by managing noxious weeds in New Mexico. The grants are funded through New Mexico's Land of Enchantment Legacy Fund, with a maximum grant award amount of $60,000. Eligible activities must include some form of mapping or on-the-ground treatment but can also include Early Detection and Rapid Response (EDRR), integrated weed management, and education/outreach.[1263]
97. **NM Finance Authority's Water Trust Board (WTB) Water Project Fund (State)**. The WTB provides annual grants and loans for water-related projects, with recent award cycles totaling about $160 million for 53 projects in 2024.[1264] Funding is drawn from the Water Project Fund and is limited to projects that support water storage, conveyance, treatment, conservation, flood mitigation, or watershed restoration. WTB funding is used for forest and watershed restoration treatments such as forest thinning and wildfire public safety when these activities directly protect water resources.[1265]
98. **NMEDD Healthy Food Financing Fund (HFFF) (State).** The HFFF supports the intersection of food-system economic development with increased food security across New Mexico. HFFF accepts applications to invest in food retailers, processors, food hubs/distributors, and climate-smart pre-production projects.[1266] Primary grants are available in three tiers: $150,000, $100,000, and $50,000. Even if applicants are not selected for one of the primary awards, they have the chance to receive technical assistance and a $20,000 grant.[1267]
99. **New Mexico's Clean Transportation Fuel Program (CTFP) Credits (State).** The CTFP creates a statewide carbon intensity standard for transportation fuels and establishes a marketplace to buy, trade, and sell credits based on whether fuels are above or below that standard.[1268] The program has been created to encourage the use of lower-carbon fuels and to reduce transportation emissions by 20% from 2018 levels by 2030 and 30% by 2040.[1269] Although the implementing regulations are still under development, the statute requires that rulemaking be initiated no later than July 1, 2026.[1270]

[1263] "Noxious Weed Grant Program," New Mexico Department of Agriculture, accessed November 27, 2025, https://nmdeptag.nmsu.edu/media/pdf/Noxious-Weed-Grant-Program.pdf.
[1264] New Mexico Finance Authority, "Update on Water Trust Board Activities and Funding," Nmlegis.Gov, accessed November 27, 2025, https://www.nmlegis.gov/handouts/ALFC%20051325%20Item%207%20-%20Water%20Board%20Trust%20Activities.pdf.
[1265] Water Trust Board, "Water Project Fund Project Management Policies," 2013.
[1266] *Healthy Food Financing Fund - New Mexico EDD*, March 29, 2023, https://edd.newmexico.gov/business-development/edd-programs-for-business/finance-development/healthy-food-financing-fund/.
[1267] NM Grown Admin, "Grant Funding Alert: New Mexico's Healthy Food Financing Fund Opens FY26 Grant Opportunity," *New Mexico Grown*, October 9, 2025, https://newmexicogrown.org/grant-and-funding-opportunities/2025/grant-funding-alert-new-mexicos-healthy-food-financing-fund-opens-fy26-grant-opportunity/.
[1268] N.M. Climate Change Bureau, *Clean Transportation Fuel Program*, n.d., accessed December 1, 2025, https://www.env.nm.gov/climate-change-bureau/clean-fuel-program/.
[1269] Katherine Reed, "Clean Fuels Welcomes New Mexico Clean Transportation Fuel Standard," *Clean Fuels Alliance America*, March 6, 2024, https://cleanfuels.org/clean-fuels-welcomes-new-mexico-clean-transportation-fuel-standard/.
[1270] N.M. Climate Change Bureau, *Clean Transportation Fuel Program*.

100. **El Paso Electric.** El Paso Electric offers a range of incentives for residential, commercial, and public EV charging installations through its Transportation Electrification Plan programs.[1271] Through the On-the-Hood Electric Vehicle Rebate Program, El Paso Electric will provide income-qualified residential customers with a $4,000 rebate on the purchase of a qualifying EV with a MSRP below $55,000.[1272] El Paso Electric also has special lower rates for EV drivers and offers a rebate of up to $1,800 on installation costs for 240-volt outlet chargers and up to $600 on qualifying Level 2 home chargers.[1273] Commercial programs are also available, with rebate amounts designed to cover 50% of upgrade costs or improvements for standard commercial projects, 70% for projects located in underserved communities, and 100% for schools, public transit, fleets, and multi-unit dwelling projects.[1274]
101. **Xcel Electric EV Supply Infrastructure (EVSI).** Xcel Energy provides a commercial program that offers customers electric vehicle infrastructure support. Through EVSI, Xcel Energy covers 100% of the EV infrastructure construction cost and manages 100% of the project.[1275] The EVSI equipment will be owned, installed, maintained, and paid for by Xcel Energy within a 10-year span. Xcel Energy guarantees operations for 10 years, at which point ownership is signed over to the customer.[1276]
102. **New Mexico Climate Investment Center (NMCIC) (State).** NMCIC is a 501(c)3 nonprofit financial institution that operates using a small amount of public money to attract and significantly leverage private sector money for investments in projects that reduce greenhouse gas emissions and energy burdens.[1277] NMCIC has been funded through various grants from the Energy Foundation, Thornburg Foundation, Albuquerque Community Foundation's Infinite Gesture Fund, and Invest in Our Future Foundation, as well as receiving a $10 million investment award from NM Finance Authority (NMFA) and another $10 million award from Coalition of Green Capital (CGC).[1278] NMCIC can provide financing and a small loan program for projects that reduce GHG emissions, increase energy or water efficiency, lower energy costs, or brings benefits to low-income and disadvantaged communities.[1279]

[1271] Stanton Street, "El Paso Electric's Transportation Electrification Plan Approved by NMPRC," accessed December 1, 2025, https://www.epelectric.com/news/el-paso-electrics-transportation-electrification-plan-approved-by-nmprc.
[1272] Stanton Street, "Electric Vehicle Incentives," accessed December 1, 2025, https://www.epelectric.com/new-mexico-ev/residential/ev-incentives.
[1273] Stanton Street, "Charging Programs," accessed December 1, 2025, https://www.epelectric.com/new-mexico-ev/residential/charging-programs.
[1274] Stanton Street, "EV Rebate Program," accessed December 1, 2025, https://www.epelectric.com/new-mexico-ev/commercial/commercial-ev-programs.
[1275] Xcel Energy, "New Mexico Commercial EV Program," accessed December 1, 2025, https://xcelnew.my.salesforce.com/sfc/p/#1U0000011ttV/a/R300000CnrnU/YJ9eMd8v8fwOvr2X4fVALSJQSel96DiYB7zf4w53jJ0.
[1276] Xcel Energy, "New Mexico Commercial EV Program."
[1277] *New Mexico Climate Investment Center | A Green Bank*, n.d., accessed December 1, 2025, https://nmclimateinvestmentcenter.org/.
[1278] "New Mexico Climate Investment Center," n.d., accessed December 1, 2025, https://nmclimateinvestmentcenter.org/wp-content/uploads/2025/02/nmcic-one-pager.pdf.
[1279] *Financing Programs | New Mexico Climate Investment Center*, n.d., accessed December 1, 2025, https://nmclimateinvestmentcenter.org/financing/.

103. **New Mexico Local Meat Processing Grant (State).** Up to $3 million is available to support meat processors across the state to strengthen local food systems. This will be available in the form of grants starting on July 1, 2026, and must be used by July 2029. The funds can be used to upgrade equipment to new technology, improve byproduct disposal, increase regulatory compliance, or improve the supply chain.[1280,1281]

[1280] GENERAL APPROPRIATION ACT OF 2025.

[1281] New Mexico Department of Agriculture, "Starting July 1: Up to $3M Available for NM Meat Processors," accessed December 1, 2025, https://nmdeptag.nmsu.edu/new-release/2025/starting-july-1-up-to-3-million-dollars-available-for-nm-meat-processors.html#gsc.tab=0.

NMED Exhibit 54_000492



Appendix D. COBRA Methodology

The U.S. Environmental Protection Agency's (EPA's) CO-Benefits Risk Assessment (COBRA) tool allows users to better understand how changes in air pollution from clean energy and fuel programs impact human health.[1282] In particular, COBRA estimates the incidence and economic value of the health benefits associated with these programs. Using COBRA, the CAP Team estimated health impacts for select measures for the years 2030 and 2050. The team modeled the impacts of reductions in four criteria air pollutants across New Mexico: (1) $PM_{2.5}$, (2) SO_2, (3) NO_x, and (4) VOCs. All results are presented in 2023 U.S. dollars.

To accurately estimate statewide health impacts in the future, the CAP Team imported custom population projections into COBRA using data from the University of New Mexico (UNM) and EPA's Environmental Benefits Mapping and Analysis Program (BenMAP).[1283,1284] COBRA requires population projections by age and county. While UNM has population projections for each county in New Mexico covering the years 2010 to 2050 in five-year increments, the data are not broken down by age group. The CAP Team used BenMAP population projections to calculate age group proportions in New Mexico and applied these proportions to the UNM data.

All health outcomes, other than those for mortality, are calculated as point estimates. The total monetized health benefits, however, are presented as a range because COBRA does not have point estimates for mortality and instead presents low and high incidence estimates. The low estimate of mortality is based on an evaluation of the impacts of $PM_{2.5}$ exposure on mortality by the Harvard T.H. Chan School of Public Health.[1285] The high estimate is based on a study of the impacts of $PM_{2.5}$ from the journal *Environmental Health Perspectives*.[1286] Presenting a low-to-high monetary benefits range is EPA's standard practice.[1287]

[1282] U.S. Environmental Protection Agency, "What Is COBRA?," Data and Tools, March 23, 2021, https://www.epa.gov/cobra/what-cobra.
[1283] University of New Mexico, "Population Projections: Geospatial and Population Studies," accessed September 26, 2025, https://gps.unm.edu/pop/population-projections.html.
[1284] U.S. Environmental Protection Agency, "Environmental Benefits Mapping and Analysis Program - Community Edition (BenMAP-CE)," Collections and Lists, March 14, 2014, https://www.epa.gov/benmap.
[1285] X. Wu et al., "Evaluating the Impact of Long-Term Exposure to Fine Particulate Matter on Mortality among the Elderly," *Science Advances* 6, no. 29 (2020): eaba5692, https://doi.org/10.1126/sciadv.aba5692.
[1286] C. Arden Pope et al., "Mortality Risk and Fine Particulate Air Pollution in a Large, Representative Cohort of U.S. Adults," *Environmental Health Perspectives* 127, no. 7 (2019): 077007, https://doi.org/10.1289/EHP4438.
[1287] U.S. Environmental Protection Agency, "COBRA Questions and Answers," Data and Tools, March 17, 2021, https://www.epa.gov/cobra/cobra-questions-and-answers.

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COBRA Results: Quantified Health Outcomes

Emission reductions under the various CAP measures reduce the incidence of respiratory and other health conditions compared to the incidence that would occur under a business-as-usual (BAU) scenario. The results presented below are annual results and therefore are not cumulative. Additionally, the results should be interpreted as reductions in outcomes, with the reductions specifically attributed to decreases in criteria air pollutant emissions caused by the measures in this CAP. For example, the outcome "school days missed" is an estimate of the number of additional days that New Mexico's youth would attend schooldays they would have missed due to respiratory conditions in the absence of the measure.

The monetized health benefits and reductions in health outcomes in New Mexico from reduced criteria and precursor pollutants are displayed in Table 175 for 2030 and Table 176 for 2050. Total monetized impacts ranged between $208 million and $233 million in 2030 and $161 million and $186 million in 2050. The benefits are smaller in 2050 since the grid in our BAU scenario will have fewer emissions over time. Therefore, the impact of the measures will have a greater impact in 2030.

Table 175. Monetized Health Impacts and Cases in 2030 for Select Measures (in 2023 U.S. Dollars)

Measure	Health Impacts Low Estimate	Health Impacts High Estimate	Low Mortality Estimate	High Mortality Estimate	Acute Asthma Cases	School-days Missed	Workdays Missed
I-1	$139,278,866	$149,370,651	7.1	7.7	6,721.6	3,943.1	56.5
I-2	$107,635,300	$120,119,162	5.5	6.2	5,092.3	2,915.7	70.9
I-4	$3,293,603	$3,293,603	.2	.2	164.2	99.8	0.0
I-5	$150,283	$150,283	0.0	0.0	7.5	4.6	0.0
I-6	$3,436	$3,436	0.0	0.0	0.2	0.1	0.0
I-7	$87,891,300	$93,655,316	4.5	4.8	4,256.1	2,504.9	32.3
T-1	$271,105	$367,680	0.0	0.0	11.0	5.4	0.6
T-2	$2,401,496	$3,668,958	0.1	0.2	88.4	36.1	7.3
T-3	$1,727,038	$2,638,471	0.1	0.1	63.6	25.9	5.2
T-4	$407,137	$499,873	0.0	0.0	17.7	9.5	0.5
E-1	$122,243	$132,063	0.0	0.0	6.1	3.6	0.1
E-2	$2,911,743	$4,852,687	0.2	0.3	105.2	34.1	11.1
E-3	$8,341,225	$9,200,685	0.4	0.5	385.7	223.3	4.8
E-4	$6,252	$6,714	0.0	0.0	0.3	0.2	0.0
E-5	$2,927,997	$3,148,031	0.1	0.2	140.6	82.4	1.2
E-6	$38,927	$41,821	0.0	0.0	1.9	1.1	0.0
B-2	$260,227,165	$537,109,310	14.5	30.3	6,426.4	40.8	1,585.2
B-3	$60,900	$67,204	0.0	0.0	2.8	1.6	0.0
B-4	$15,325	$17,021	0.0	0.0	0.7	0.4	0.0
B-5	$12,641	$19,589	0.0	0.0	0.5	0.2	0.0

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Table 176. Monetized Health Impacts and Cases in 2050 for Select Measures (in 2023 U.S. Dollars)

Measure	Health Impacts Low Estimate	Health Impacts High Estimate	Low Mortality Estimate	High Mortality Estimate	Acute Asthma Cases	School-days Missed	Workdays Missed
I-1	$836,906,768	$892,798,407	33.9	36.4	24,621.9	14,934.7	228.6
I-2	$790,378,609	$874,563,804	32.1	35.9	22,749.8	13,459.9	350.8
I-4	$25,136,877	$25,136,877	1.0	1.0	770.0	485.5	0.0
I-5	$2,341,729	$2,341,729	0.1	0.1	71.5	45.0	0.0
I-6	$19,734	$19,734	0.0	0.0	0.6	0.4	0.0
I-7	$134,711,777	$142,854,247	5.5	5.8	3,978.5	2,421.3	33.3
T-1	$232,861	$309,641	0.0	0.0	5.6	0.0	2.8
T-2	$3,985,140	$5,873,502	0.2	0.3	87.0	0.2	36.2
T-3	$2,865,990	$4,224,058	0.1	0.2	62.6	0.1	26.0
T-4	$8,362	$9,818	0.0	0.0	0.2	0.0	0.1
E-3	$271,105	$367,680	0.0	0.0	11.0	5.4	0.6
E-7	$461,328	$528,750	0.0	0.0	12.3	7.0	0.3
B-2	$6,217,254,893	$11,945,968,566	270.5	524.8	90,383.0	568.7	23,609.4
B-3	$259,552	$285,693	0.0	0.0	7.2	4.3	0.1
B-4	$162,607	$179,266	0.0	0.0	4.5	2.7	0.1
B-5	$190,578	$248,284	0.0	0.0	4.7	2.4	0.2

Cumulative Health Impacts

The CAP Team calculated cumulative health impacts (2026 to 2050) for measures where health impacts were calculated in both 2030 and 2050. The results are shown in the first table in each sector. To estimate cumulative health impacts, the CAP Team used two methods. The first was a linear change between the 2030 and 2050 estimate. The second used the annual change of CO_2e to adjust the annual monetized health impact based on 2030 and 2050 values. The CAP Team used the second method when co-pollutant emission reductions are expected to be proportionate to CO_2e.

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Societal Benefit of GHG Reductions

To calculate the societal benefit of GHG reductions, the CAP Team used the EPA Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances.[1288] The CAP Team used the annual unrounded SC-CO2 (SCC) values from 2020 to 2050 with a 2% discount rate, after adjusting for inflation using the price indexes for personal consumption expenditures adjustment factor from the Bureau of Economic Analysis (Table 2.3.4).[1289] The CAP Team used the CO_2e reduced from each measure during each year that the measure would be in place until 2050 and multiplied that by the SCC.

[1288] *EPA Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances*, n.d.

[1289] "BEA Interactive Data Application," accessed December 1, 2025, https://apps.bea.gov/iTable/?reqid=19&step=2&isuri=1&categories=survey&_gl=1*1pckb8i*_ga*MTE5Njg1NDU5MC4xNzUyNzgxNTQ0*_ga_J4698JNNFT*czE3NTQ0MTM5MjEkbzUkZzEkdDE3NTQ0MTM5OTgkajQzJGwwJGgw#eyJhcHBpZCI6MTksInN0ZXBzIjpbMSwyLDMsM10sImRhdGEiOltbImNhdGVnb3JpZXMiLCJTdXJ2ZXkiXSxbIk5JUEFfVGFibGVfTGlzdCIsIjY0Il0sWyJGaXJzdF9ZZWFyIiwiMjAxNiJdLFsiTGFzdF9ZZWFyIiwiMjAyNSJdLFsiU2NhbGUiLCIwIl0sWyJTZXJpZXMiLCJRIl1dfQ==.

U.S. Department of the Interior
Bureau of Land Management

BLM AIR RESOURCES TECHNICAL REPORT FOR OIL AND GAS DEVELOPMENT IN NEW MEXICO, OKLAHOMA, TEXAS, AND KANSAS

2024

Mission statement

The Bureau of Land Management sustains the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

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1. INTRODUCTION

The purpose of this document is to present, discuss, and summarize technical information regarding air quality, air quality-related values, greenhouse gas (GHG) emissions, and climate trends relative to air resources within the Bureau of Land Management (BLM) New Mexico State Office (NMSO) planning areas (New Mexico, Oklahoma, Texas, and Kansas). Much of the information contained in this document is directly related to air quality in the context of oil and gas development; other information is generalized air quality data that can be applied to other development scenarios and assessments. This information can then be incorporated by reference into National Environmental Policy Act (NEPA) documents, such as leasing-level documents, and site-specific documents, such as Applications for Permit to Drill (APDs), as necessary.

Because the BLM manages extensive land holdings in New Mexico, more of its activities are centered there than in other areas. The BLM has jurisdiction over mineral rights on federal lands managed by other agencies and on split estate lands in Kansas, Texas, and Oklahoma. Wherever possible, information for those states is included.

1.1 UPDATES, ADDITIONS, AND CHANGES FROM THE PREVIOUS REPORT

This section provides a list of updates, additions, and changes to the air resources technical report since the previous report.

- Fixed/edited minor grammar, spelling, formatting, and typographical errors
- Added most recent design values for 2024 (Sections 3.1 through 3.9)
- Added nonattainment tables for New Mexico and the other states within the BLM NMSO area of operations (Oklahoma, Kansas, and Texas) (Section 3.11)
- Added Tribal emissions data to National Emissions Inventory (NEI) data (Section 4)
- Added hazardous air pollutants (HAPs) data for select counties in Texas, Oklahoma, and Kansas (Section 4.1.6)
- Added BLM Carlsbad Field Office (CFO) cumulative hazardous air pollutant modeling discussion (Section 5.4)
- Adjusted discussion of 2017 Colorado Air Resources Management Modeling Study (CARMMS) 2.0 northern New Mexico modeling study (Section 6.2)
- Added BLM CFO photochemical air quality modeling discussion (Section 6.4)
- Updated the BLM Farmington Field Office (FFO) reasonably foreseeable development (RFD) scenario to the updated RFD for oil and gas in the BLM FFO (Engler 2025) and the BLM Rio Puerco Field Office (RPFO) RFD (2019 RFD) (Crocker and Glover 2019) (Section 7.1)
- Added well count and spud data for available field offices for 2024 (Section 7.2)
- Added the estimated ultimate recoveries (EURs) for Oklahoma, Texas, and Kansas (Section 7.2)
- Added Earth Surface Mineral Dust Source Investigation (EMIT) soil and climate data (Section 7.3)
- Added Class I areas and Interagency Monitoring for the Protection of Visual Environments (IMPROVE) monitor sites for Texas and Colorado (Section 8.2)

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- Updated visibility extinction trends figures for 2023 (Section 8.2)
- Added the nitrogen and sulfur deposition values for the Class I areas (Section 8.3)
- Removed former Section 11.2, Council on Environmental Quality NEPA Guidance
- Removed former Section 11.3, Greenhouse Gases in NEPA
- Removed former Section 11.4, Monetized Impacts from Greenhouse Gas Emissions
- Removed discussion of Executive Orders (EOs) 13990 and 14008
- Modified several GHG-related sections, updating language and incorporating the 2024 GHG Database (BLM 2025)

1.2 AIR RESOURCES

Air quality, GHGs, and climate are components of air resources that may be affected by BLM applications, activities, and resource management. Therefore, the BLM must consider and analyze the potential effects of BLM and BLM-authorized activities on air resources as part of the planning and decision-making process. In particular, the activities surrounding oil and gas development are likely to have impacts related to air resources.

2 AIR QUALITY REGULATORY ANALYSIS

The Clean Air Act (CAA), as amended, is the primary authority for the regulation and protection of air quality in the United States. The Federal Land Policy and Management Act (FLPMA) also charges the BLM with the responsibility to protect air and atmospheric values. Additionally, each state, Tribal, or local government holds additional authority for regulating air quality within their unique jurisdiction.

2.1 CLASS I, II, AND III AREAS AND THE CLEAN AIR ACT

All areas of the United States not specifically classified as Class I by the CAA are considered Class II for air quality. Class I areas are afforded the highest level of protection by the CAA and include all international parks, national wilderness areas and national memorial parks greater than 5,000 acres, and national parks greater than 6,000 acres that were in existence on August 7, 1977. Moderate amounts of air quality degradation are allowed in Class II areas. Although the CAA allows for designation of Class III areas where greater amounts of degradation would be allowed, no areas have been designated as such by the U.S. Environmental Protection Agency (EPA). Figure 1 shows the Class I areas in New Mexico and the surrounding states. Air quality in a given area is determined by comparing monitored air pollution levels using air monitoring equipment operated in accordance with federal regulatory standards with national ambient air quality standards (NAAQS) for six regulated air pollutants defined in the CAA. In some cases, states have set their own ambient air quality standards in accordance with provisions of the CAA.

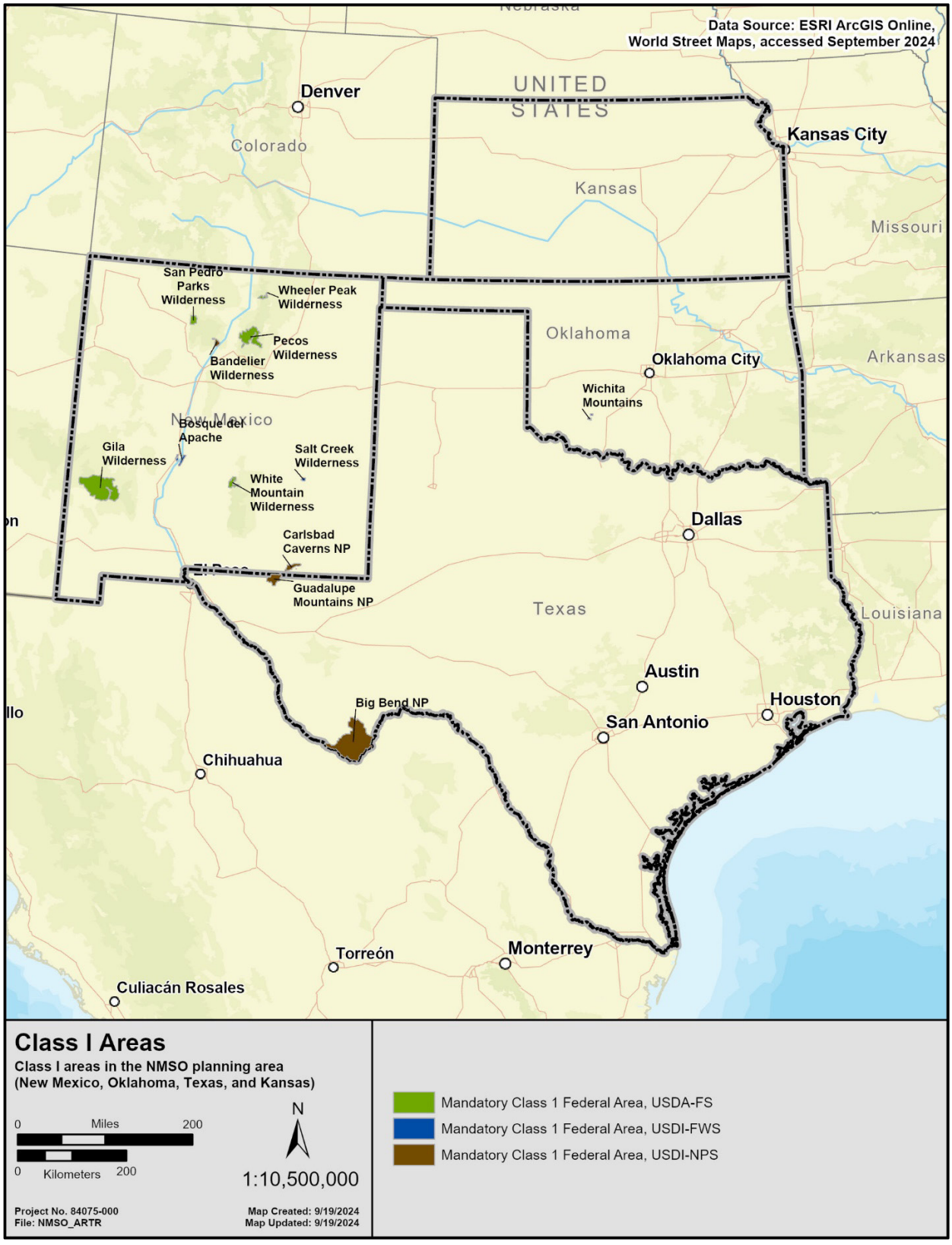


Figure 1. Class 1 areas.

2.2 FEDERAL LAND POLICY AND MANAGEMENT ACT

The FLPMA of 1976 (43 United States Code [U.S.C.] §§ 1701–1785), often referred to as the BLM Organic Act, provides most of the BLM's legislated authority, direction policy, and basic management guidance. This Act outlines the BLM role as a multiple-use land management agency and provides for management of the public lands under principles of multiple-use and sustained yield. The Organic Act directs public lands to be managed "in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values" (Section 102 [43 U.S.C. § 1701] (a) (8)). To fulfill this responsibility, BLM land use plans ensure "compliance with applicable pollution control laws, including state and federal air, water, noise, or other pollution standards or implementation plans" (Section 202 [43 U.S.C. § 1712] (a)(8)). Accordingly, BLM leases and operating permits for fossil fuels require compliance with all state and federal air pollution standards. FLPMA also gives the BLM authority to revoke or suspend any BLM-authorized activity that is found to be in violation of regulations applicable to public lands and/or in noncompliance with applicable state or federal air quality standards or implementation plans, thus ensuring that the BLM can provide for compliance with applicable air quality standards, regulations, and implementation plans (Section 302(c) [43 U.S.C. § 1732]). When authorizing activities, the BLM assumes full compliance with applicable state and federal air quality requirements and emissions standards, and related equipment and performance standards in effect at the time.

2.3 NATIONAL ENVIRONMENTAL POLICY ACT

The NEPA of 1969 (42 U.S.C. § 4321 et seq.) ensures that information on the potential environmental and human impact of federal actions is available to public officials and citizens before decisions are made and before actions are taken. One of the purposes of NEPA is to "promote efforts which will prevent or eliminate damage to the environment and biosphere" and to promote human health and welfare. NEPA requires that agencies prepare a detailed statement on the environmental impact of the proposed action for major federal actions expected to significantly affect the quality of the human environment (Section 102(C) [42 U.S.C. § 4321]). In addition, agencies are required, to the fullest extent possible, to use a "systematic, interdisciplinary approach" in planning and decision-making processes that may have an impact on the environment (Section 102(A) [43 U.S.C. § 4321]).

2.4 ADDITIONAL GUIDANCE

Other guidance and policies are useful for the BLM in managing air resources, although not required by law. Such guidance includes the following:

- The 2010 Federal Land Managers Air Quality Related Values Work Group (FLAG) report
- *2023 BLM Specialist Report on Annual Greenhouse Gas Emissions and Climate Trends* (BLM Specialist Report) (BLM 2024a)
- 2024 GHG Database (BLM 2025)
- The Mineral Leasing Act of 1920 (30 U.S.C. § 181 et seq.)
- BLM guidance for conducting air quality general conformity determinations (Instruction Memorandum No. 2013-025 – *Guidance for Conducting Air Quality General Conformity Determinations* [BLM 2012] and BLM Information Bulletin 2014-084 – *Issuance of the Bureau of Land Management Fact Sheet on the Air Quality General Conformity Rule* [BLM 2014])

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For detailed information on many of these laws and policies and their relationship to mitigation of climate trends, refer to Section 2.0 of the BLM Specialist Report (BLM 2024a).

2.5 FEDERAL RULES

The EPA has the primary responsibility for regulating atmospheric emissions, including six nationally regulated air pollutants defined in the CAA. These pollutants, referred to as criteria pollutants, are carbon monoxide (CO); nitrogen dioxide (NO_2) (and nitrogen oxides[1] [NO_x]); ozone (O_3); particulate matter (PM) smaller than 2.5 micrometers in diameter ($PM_{2.5}$) and PM smaller than 10 micrometers in diameter (PM_{10}); sulfur dioxide (SO_2) (and sulfur oxides [SO_x]); and lead (Pb).

The EPA New Source Performance Standards (NSPS) rules, under 40 Code of Federal Regulations (C.F.R.) § 60, are designed to regulate criteria air pollutant and O_3 precursor emissions, as well as GHG emissions. The EPA NSPS regulations that are most likely to have applicability to oil and gas operations are as follows:

- Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.
- Subpart Kb – Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.
- Subpart OOOO (amended) – Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015.
- Subpart OOOOa – Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced after September 18, 2015 and on or Before December 6, 2022.
- Subpart OOOOb – Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After December 6, 2022.
- Subpart OOOOc – Emissions Guidelines for Greenhouse Gas Emissions from Existing Crude Oil and Natural Gas Facilities Constructed on or Before December 6, 2022.

Other relevant NSPS requirements under 40 C.F.R. § 60 include the following:

- Subpart GG – Standards of Performance for Stationary Gas Turbines
- Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
- Subpart K – Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978
- Subpart Ka – Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984

[1] The nitrogen oxide family of compounds includes nitric oxide (NO), NO_2, nitrous acid (HNO_2), and nitric acid (HNO_3).

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- Subpart Kb – Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquids) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984
- Subpart Kc – Standards of Performance for Storage Vessels (Including Petroleum Liquids) for Which Construction, Reconstruction, or Modification Commenced After July 2, 2024
- Subpart KKK – Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011
- Subpart KKKK – Standards of Performance for Stationary Combustion Turbines
- Subpart TTTT – Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units for Which Construction Commenced after January 8, 2014. Subpart repeal proposed by EPA on June 17, 2025.
- Subpart TTTTa - Standards of Performance for Greenhouse Gas Emissions for Modified Coal-Fired Steam Electric Generating Units and New Construction and Reconstruction Stationary Combustion Turbine Electric Generating Units. Subpart repeal proposed by EPA on June 17, 2025.

Rules that apply in addition to the EPA's rules include the Waste Prevention, Production Subject to Royalties, and Resource Conservation Rule—also known as the Waste Prevention Rule—finalized by the BLM in April 2024. This rule is currently under review (BLM 2024b).

2.6 STATE RULES

Regulation and enforcement of the NAAQS has been delegated to the states by the EPA. Both the NAAQS and the New Mexico Ambient Air Quality Standards (NMAAQS) are shown in Table 1. Texas has state property line standards for SO_2 and certain non-criteria pollutants. Other than the addition of a 30-minute SO_2 state property line standard, which varies by county, there are no differences between state standards and the NAAQS in Texas. Oklahoma and Kansas do not have state standards that differ from the NAAQS.

The regulatory authority for air quality in New Mexico is the New Mexico Environment Department (NMED) Air Quality Bureau (NMED 2024a), except in Bernalillo County and on Tribal lands. The City of Albuquerque/Bernalillo Air Quality Division has authority over air quality in Bernalillo County.
The regulatory authority for air quality in Kansas is the Kansas Department of Health and Environment, Bureau of Air (Kansas Department of Health and Environment 2024). The regulatory authority for air quality in Oklahoma is the Oklahoma Department of Environmental Quality (ODEQ), Air Quality Division (AQD) (ODEQ 2024). The regulatory authority for air quality in Texas is the Texas Commission on Environmental Quality (TCEQ), Air Division (TCEQ 2024a).

Table 1. NAAQS and NMAAQS

Pollutant	NAAQS Primary Standards		NAAQS Secondary Standards		NMAAQS Level (Averaging Time)
	Level	Averaging Time	Level	Averaging Time	
CO	9 ppm (10 mg/m^3)	8-hour*	None	N/A	8.7 ppm (N/A)
	35 ppm (40 mg/m^3)	1-hour*	None	N/A	13.1 ppm (N/A)
Pb	0.15 $\mu g/m^3$	Rolling 3-month average†	0.15 $\mu g/m^3$	Rolling 3-month average†	None (N/A)
NO_2 (or NO_x)	53 ppb (100 $\mu g/m^3$)	Annual (arithmetic average)	53 ppb (100 $\mu g/m^3$)	Annual (arithmetic average)	50 ppb (N/A)
	100 ppb (188 $\mu g/m^3$)	1-hour‡	None	N/A	100 ppb (24-hour)
PM_{10}	150 $\mu g/m^3$	24-hour§	150 $\mu g/m^3$	24-hour§	N/A§§
$PM_{2.5}$	9.0 $\mu g/m^3$	Annual¶ (arithmetic average)	15.0 $\mu g/m^3$	Annual¶ (arithmetic average)	N/A§§
	35 $\mu g/m^3$	24-hour#	35 $\mu g/m^3$	24-hour#	N/A§§
O_3	0.070 ppm (137 $\mu g/m^3$)	8-hour**	0.070 ppm (137 $\mu g/m^3$)	8-hour**	None (N/A)
SO_2 (or SO_x)	75 ppb (196 $\mu g/m^3$)	1-hour††	10 ppb‡‡	Annual	0.02 ppm (annual)¶¶ 0.10 ppm (24-hour) ¶¶

Source: EPA (2025); New Mexico Administrative Code (N.M.A.C.) 20.2.3

Notes:

N/A = not applicable

$\mu g/m^3$ = micrograms per cubic meter

mg/m^3 = milligrams per cubic meter

ppb = parts per billion

ppm = parts per million

* Not to be exceeded more than once per year

† Not to be exceeded

‡ To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 100 ppb (effective January 22, 2010).

§ Not to be exceeded more than once per year on average over 3 years

¶ To attain this standard, the 3-year average of the weighted annual mean $PM_{2.5}$ concentrations from single or multiple community-oriented monitors must not be exceeded.

To attain this standard, the 3-year average of the 98th percentile of 24-hour concentrations at each population-oriented monitor within an area must not exceed 35 $\mu g/m^3$ (effective December 17, 2006).

** To attain this standard, the 3-year average of the fourth-highest daily maximum 8-hour average O_3 concentrations measured at each monitor within an area over each year must not exceed 0.070 ppm.

†† To attain this standard, the 3-year average of the 99th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 75 ppb.

‡‡ Annual mean, averaged over 3 years

§§ The New Mexico Environmental Improvement Board repealed the total suspended particle NMAAQS in N.M.A.C. 20.2.3, Ambient Air Quality Standards effective November 30, 2018; therefore, total suspended particles will no longer be reported. A determination was made that the current state and federal air quality standards for PM_{10} and $PM_{2.5}$ are sufficiently protective of public health and that that the repeal of the total suspended particles standard will not result in deterioration of air quality.

¶¶ For additional standards of air quality related to sulfur compounds in specific areas such as Chino Mines Company smelter furnace stack at Hurley and the Pecos-Permian basin intrastate air quality control region, see N.M.A.C. 20.2.3.

On May 25, 2021, in accordance with Governor Michelle Lujan Grisham's EO 2019-003 (January 29, 2019), the New Mexico Energy, Minerals and Natural Resources Department (EMNRD) announced the release of the New Mexico Oil Conservation Division (NMOCD) Statewide Natural Gas Capture Requirements (Waste Prevention Rule), New Mexico Administrative Code (N.M.A.C.) 19.15.27.9, as part of the New Mexico statewide enforceable regulatory framework to secure reductions in oil and gas sector emissions and to prevent natural gas waste from new and existing sources. Key provisions include prohibition of unnecessary venting and flaring of waste natural gas where it is technically feasible to route the gas to a pipeline or to use this gas for some other beneficial purpose (such as on-site fuel consumption). In all cases, operators must flare rather than vent natural gas except where this is technically infeasible or would pose a safety risk. These provisions will reduce VOC emissions due to stringent limitations on natural gas venting, which results in uncombusted VOC emissions. Additionally, it proposes that natural gas be recovered and reused rather than flared, which would result in reductions of VOC, NO_X, CO, SO_2, GHG, and PM emissions.

The NMED has developed the Oil and Natural Gas Regulation for Ozone Precursors (N.M.A.C. 20.2.50), which was published on July 26, 2022, with an effective date of August 5, 2022. Approximately 50,000 wells and associated equipment will be subject to this regulation. It is anticipated that the regulation will annually reduce VOC emissions by 106,420 tons, nitrogen oxide (NO) emissions by 23,148 tons, and CH_4 emissions by 200,000 to 425,000 tons. The regulation includes emissions reduction requirements for compressors, engines and turbines, liquids unloading, dehydrators, heaters, pneumatics, storage tanks, and pipeline inspection gauge launching and receiving. The regulation also encourages operators to stop venting and flaring and use fuel cell technology to convert CH_4 to electricity at the well site and incentivizes new technology for leak detection and repair.

3 CRITERIA AIR POLLUTANTS

The EPA has the primary responsibility for regulating criteria air pollutants (CO, NO_2 [or NO_X], O_3, $PM_{2.5}$, PM_{10}, SO_2 [or SO_X], and Pb). The CAA charges the EPA with establishing and periodically reviewing the NAAQS for each criteria pollutant. Table 1 shows the current primary and secondary NAAQS and averaging time for each pollutant, as well as the New Mexico-specific NMAAQS for select pollutants. Primary standards are set to protect the public health with a margin of safety, and secondary standards are meant to protect environmental concerns such as air quality related values (AQRVs) (visibility, vegetation injury, etc.).

3.1 MONITORING DATA AND DESIGN VALUES

Criteria pollutants are monitored throughout various parts of the country. Monitors measure concentrations of pollutants in the atmosphere, and the results are often presented in parts per million (ppm) or micrograms per cubic meter ($\mu g/m^3$). The EPA and States periodically analyze and review monitor locations, discontinuing monitoring at locations where pollutant concentrations have been well below the standards and adding monitors in areas where pollutant concentrations may be approaching

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air quality standards. Air quality data collected from state, local, and Tribal monitoring agencies at outdoor monitors can be obtained from the EPA Air Data webpage and interactive tool (EPA 2025b). Most air monitors are situated to measure air quality in both neighborhoods and industrial areas. A few stations are situated in rural areas by various federal agencies to monitor air quality conditions and trends at national parks and other public lands and to identify background concentrations away from major emission sources.

Another type of monitoring data is *annual average concentration(s)* measured at air monitors, which is then translated to an annual design value to be consistent with the individual NAAQS (as shown in Table 1). A design value is a statistic representing the monitored concentration of a given pollutant in a given location, expressed in the manner of its standard, which can be compared with the NAAQS. Design values are normally updated annually and posted to the EPA Air Quality Design Value website. These design values are intended for informational use only and do not constitute a regulatory determination by the EPA as to whether an area has attained an NAAQS.

3.2 OZONE AND VOLATILE ORGANIC COMPOUNDS

Ground-level O_3 is not emitted directly into the air but is created by chemical reactions between precursors—NO_x and VOCs—in the presence of sunlight (Figure 2). Whereas O_3 and NO_2 are criteria air pollutants, VOCs are not. Figure 2 uses a graphical representation to show how O_3 is created in the atmosphere.

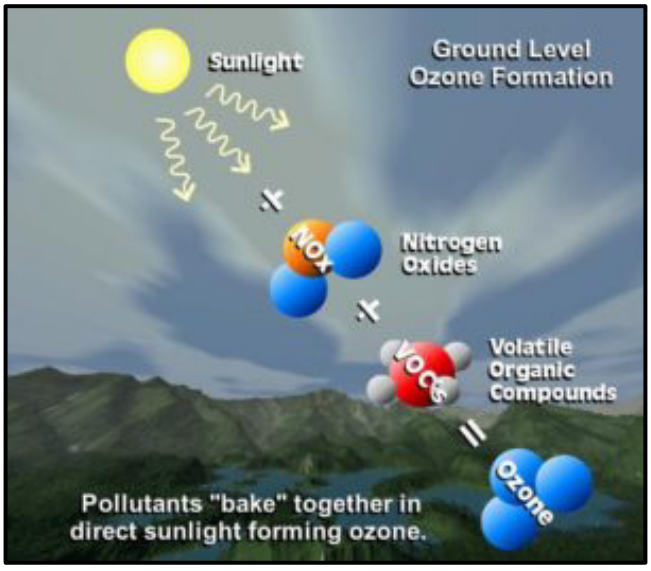


Figure 2. O_3 formation, image courtesy of NASA.

VOCs are organic chemical compounds whose composition makes it possible for them to evaporate under normal atmospheric conditions of temperature and pressure (EPA 2025c). Although there are no NAAQS for VOCs, these are regulated by the EPA to prevent the formation of O_3, a constituent of photochemical smog. Many VOCs are also HAPs. Inhalation of VOCs can cause difficulty breathing, nausea, and damage to the central nervous system and other organs. Some VOCs are also air toxins that can be carcinogenic. VOCs are components of natural gas and may be emitted from well drilling, operations, equipment leaks, valves, pipes, and pneumatic devices. Additionally, VOCs are emitted from

a variety of sources, such as refineries, oil and gas production equipment, consumer products, and natural (biogenic) sources, such as trees and plants.

Specifically, VOCs are emitted during well drilling and operations as exhaust from internal combustion engines. VOCs may be emitted from hydraulically fractured oil and gas wells during fracturing and refracturing of the wells. In the hydraulic fracturing process, a mixture of water, chemicals, and proppant is pumped into a well at extremely high pressures to fracture rock and allow oil and gas to flow from the geological formation. During one stage of well completion, fracturing fluids, water, and reservoir gas come to the surface at high velocity and volume (flowback). This flowback mixture contains VOCs, CH_4, benzene, ethylbenzene, and n-hexane; some or all the flowback mixture may be vented, flared, or captured. The typical flowback process lasts from 3 to 10 days, so there is potential for significant VOC emissions from this stage of the well completion process. Most new oil and gas wells drilled today use the hydraulic fracturing process.

O_3 is most likely to reach unhealthy levels on hot, sunny days but can still reach high levels during colder months. O_3 can also be transported long distances by wind (EPA 2025d).

People most at risk from breathing air containing O_3 include people with asthma, children, older adults, and people who are active outdoors, especially outdoor workers. In addition, people with certain genetic characteristics and people with reduced intake of certain nutrients, such as vitamins C and E, are at greater risk from O_3 exposure (EPA 2025e). Deficiencies of vitamin E, a fat-soluble nutrient, are uncommon in developed countries but do occur in individuals with conditions that prevent the body from adequately absorbing fats (e.g., chronic pancreatitis, cholestasis, cystic fibrosis, primary biliary, cirrhosis, Crohn's disease, or short bowel syndrome). Vitamin C deficiency and scurvy are rare in developed countries, as overt deficiency symptoms occur only if vitamin C intake falls below approximately 10 milligrams per day for many weeks; however, vitamin C deficiency can still occur in people with limited food variety or those with intestinal problems such as ulcerative colitis or Crohn's disease. Children are at greatest risk from exposure to O_3 because their lungs are still developing and they are more likely to be active outdoors when O_3 levels are high, which increases their exposure. Children are also more likely than adults to have asthma (EPA 2025e).

Depending on the level of exposure, breathing O_3 can trigger a variety of health problems. Effects of O_3 inhalation can include coughing and sore or scratchy throat; difficulty breathing deeply and vigorously and pain when taking deep breaths; inflammation of and damage to the airways; increased susceptibility to lung infections; aggravation of lung diseases such as asthma, emphysema, and chronic bronchitis; and an increase in the frequency of asthma attacks. Some of these effects have been found even in healthy people, but effects are more serious in people with lung diseases such as asthma. O_3 exposure may lead to increased school absences, medication use, visits to doctors and emergency rooms, and hospital admissions. Long-term exposure to O_3 is linked to aggravation of asthma and is likely to be one of many causes of asthma development. Studies in locations with elevated O_3 concentrations also report associations of O_3 with deaths from respiratory causes (EPA 2025e). Asthma often starts during childhood when the immune system is still developing. Multiple factors may work together to cause asthma. These factors include allergens in the environment that affect babies or young children, including cigarette smoke and certain germs; viral infections that affect breathing; and family history, such as a parent (in particular, a mother) who has asthma. Common triggers for asthma include indoor allergens, such as dust mites, mold, and pet dander or fur; outdoor allergens, such as pollens and mold; emotional stress; physical activity (although with treatment, most individuals can still be active); infections, such as colds, influenza (flu), or COVID-19; certain medicines, such as aspirin, which may

cause serious breathing problems in people with severe asthma; poor air quality (such as high levels of O_3); or very cold air (National Heart, Lung, and Blood Institute 2024).

The environmental effects of O_3 include damaging sensitive vegetation and ecosystems. In particular, O_3 harms sensitive vegetation during the growing season (EPA 2024a). Plant species that are sensitive to O_3 in terms of growth effects include trees found in many areas of the United States, such as black cherry (*Prunus serotina*), quaking aspen (*Populus tremuloides*), tulip poplar (*Liriodendron tulipifera*), white pine (*Pinus strobus*), ponderosa pine (*Pinus ponderosa*) and red alder (*Alnus rubra*). When sufficient O_3 enters the leaves of a sensitive plant, it can reduce photosynthesis, which is the process by which plants convert sunlight to energy to live and grow. O_3 can also slow a plant's growth and increase its risk of disease, damage from insects, effects of other pollutants, and damage from severe weather. The effects of O_3 on individual plants can then have negative impacts on ecosystems, including loss of species diversity, changes to the specific assortment of plants present in a forest, changes to habitat quality, and changes to water and nutrient cycles (EPA 2024a).

3.2.1 OZONE TRENDS

Nationally, O_3 concentrations at urban and rural sites decreased 26% from 1980 to 2023 (EPA 2023a) and 12% from 2000 to 2023 (EPA 2023b). The increase of O_3-depleting substance (ODS) concentrations caused the large O_3 decline observed from 1980 to the mid-1990s. Since the late 1990s, concentrations of ODS have been declining due to the successful implementation of the Montreal Protocol on Substances that Deplete the Ozone Layer (National Oceanic and Atmospheric Administration [NOAA] 2018). The long-term decrease is also likely driven by reductions in global emissions of substances that lead to the formation of O_3, such as O_3 precursors VOCs and NO_x. From 1980 to 2023, anthropogenic emissions of VOCs and NO_x decreased by 58% and 75%, respectively (EPA 2023b). From 2000 to 2023, anthropogenic emissions of VOCs and NO_x decreased by 26% and 69%, respectively (EPA 2023b). Nevertheless, some areas still experience O_3 exceedances as discussed in Section 3.9. Weather conditions have a significant role in the formation of O_3, which is most readily formed on warm summer days when there is stagnation. Conversely, O_3 production is more limited when it is cloudy, cool, rainy, or windy. EPA uses a statistical model to adjust for the variability in seasonal O_3 concentrations due to weather to provide a more accurate assessment of the underlying trend in O_3 caused by emissions; however, long periods are often required to distinguish between weather effects and the effect of changes in pollutant emissions. Table 2 shows the O_3 trends for all the available counties and monitoring sites in New Mexico and select monitoring stations within the BLM NMSO area of operations (Oklahoma, Kansas, and Texas). Only those counties with monitoring completed in the last 10 years are included in Table 2. Of the eight New Mexico counties in the major oil and gas basin (Eddy, Lea, Rio Arriba, Sandoval, San Juan, McKinley, Chaves, and Roosevelt Counties), three (Chaves, McKinley, and Roosevelt Counties) do not have available O_3 trend data. Table 2 shows that O_3 trends vary between counties.

Table 2. Local 8-Hour O_3 Trends

State/County	Site ID	2013–2015 Design Value (ppm)	2014–2016 Design Value (ppm)	2015–2017 Design Value (ppm)	2016–2018 Design Value (ppm)	2017–2019 Design Value (ppm)	2018–2020 Design Value (ppm)	2019–2021 Design Value (ppm)	2020–2022 Design Value (ppm)	2021–2023 Design Value (ppm)	2022–2024 Design Value (ppm)
New Mexico											
Bernalillo	350011012	0.064	0.064	0.067	0.069	0.071	0.071	0.072	0.073	0.072	0.072
	350010023	0.066	0.065	0.067	0.070	0.070	0.070	0.068	0.069	0.069	0.071
	350010029	0.066	0.065	0.065	0.066	0.067	0.067	0.066	0.067	0.066	0.065
	350012022	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Doña Ana	350130021	0.072	0.072	0.072	0.074	0.077	0.078	0.080	0.081	0.079	0.072
	350130008	0.066	0.066	0.068	0.068	0.070	0.070	0.072	0.076	0.076	0.076
	350130020	0.067	0.066	0.068	0.071	0.073	0.072	0.070	0.071	0.070	0.070
	350130022	0.072	0.068	0.072	0.074	0.076	0.074	0.075	0.075	0.072	N/A
	350130023	0.065	0.065	0.066	0.067	0.070	0.070	0.070	0.066	0.067	0.069
Eddy	350151005	0.069	0.067	0.068	0.074	0.079	0.078	0.077	0.077	0.078	0.079
	350150010	N/A	N/A	N/A	N/A	N/A	N/A	0.074	0.077	0.078	0.080
Grant	350171003	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Lea	350250008	0.067	0.066	0.067	0.070	0.071	0.068	0.066	0.066	0.071	0.072
Luna	350290003	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rio Arriba	350390026	N/A	0.064	0.065	0.067	0.067	0.065	0.064	0.064	0.063	0.063
Sandoval	350431001	0.065	0.064	0.065	0.068	0.068	0.070	0.068	0.070	0.067	0.068
San Juan	350450018	0.067	0.066	0.068	0.070	0.069	0.068	0.068	0.070	0.070	0.068
	350450020	N/A	N/A	N/A	N/A	N/A	0.067	0.068	0.068	0.067	0.066
	350451005	0.063	0.062	0.064	0.069	0.069	0.069	0.068	0.067	0.067	0.067
	350450009	0.064	0.062	0.064	0.069	0.068	0.066	0.063	0.064	0.065	0.067
Santa Fe	350490021	0.064	0.063	0.063	0.066	0.066	0.068	0.066	0.067	0.065	0.066

NMED Exhibit 55_000022

State/County	Site ID	2013–2015 Design Value (ppm)	2014–2016 Design Value (ppm)	2015–2017 Design Value (ppm)	2016–2018 Design Value (ppm)	2017–2019 Design Value (ppm)	2018–2020 Design Value (ppm)	2019–2021 Design Value (ppm)	2020–2022 Design Value (ppm)	2021–2023 Design Value (ppm)	2022–2024 Design Value (ppm)
Valencia	350610008	0.066	0.064	0.065	0.067	0.068	0.069	0.066	0.066	0.063	0.065
Oklahoma											
Tulsa	401430178	0.065	0.063	0.064	0.065	0.066	0.065	0.064	0.066	0.073	0.073
Caddo	400159008	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Canadian	400170101	0.068	0.065	0.065	0.069	0.070	0.067	0.065	0.067	0.070	0.071
Cleveland	400270049	0.067	0.066	0.066	0.068	0.068	0.066	0.064	0.066	0.069	0.072
Comanche	400310651	0.069	0.065	0.064	0.066	0.068	0.067	0.065	0.066	0.068	0.070
Creek	400370144	0.065	0.064	0.063	0.065	0.066	0.065	0.063	0.065	0.067	0.069
Dewey	400430860	0.067	0.065	0.065	0.068	0.067	0.065	0.061	0.064	0.066	0.069
McClain	400871074	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0.071	0.073
Oklahoma	401090033	0.070	0.067	0.067	0.068	N/A	N/A	N/A	N/A	N/A	N/A
	401090096	0.067	0.065	0.067	0.067	0.068	0.065	0.065	0.067	0.069	0.072
	401091037	0.069	0.068	0.069	0.070	0.069	0.069	0.068	0.070	0.071	0.072
Pittsburg	401210415	0.064	0.060	0.060	0.063	0.065	0.063	0.062	0.062	0.067	0.067
Kansas											
Sedgwick	201730010	0.068	0.065	0.063	0.063	0.063	0.061	0.060	0.064	0.066	0.066
Sumner	201910002	0.067	0.064	0.064	0.063	0.063	0.061	0.061	0.063	0.065	0.065
Trego	201950001	0.066	0.063	0.061	0.061	0.061	0.060	0.060	0.062	0.065	0.067
Texas											
El Paso	481410044	0.068	0.067	0.069	0.071	0.074	0.074	0.071	0.069	0.068	0.070
Gregg	481830001	0.068	0.066	0.065	0.065	0.065	0.063	0.062	0.061	0.065	0.066
Denton	481210034	0.083	0.080	0.079	0.075	0.073	0.072	0.074	0.076	0.079	0.080
Galveston	481671034	0.073	0.076	0.077	0.074	0.076	0.074	0.072	0.070	0.074	0.077

NMED Exhibit 55_000023

State/County	Site ID	2013–2015 Design Value (ppm)	2014–2016 Design Value (ppm)	2015–2017 Design Value (ppm)	2016–2018 Design Value (ppm)	2017–2019 Design Value (ppm)	2018–2020 Design Value (ppm)	2019–2021 Design Value (ppm)	2020–2022 Design Value (ppm)	2021–2023 Design Value (ppm)	2022–2024 Design Value (ppm)
Montgomery	483390078	0.073	0.072	0.074	0.075	0.076	0.074	0.073	0.072	0.071	0.075
Nueces	483550025	0.065	0.064	0.062	0.061	0.061	0.061	0.062	0.062	0.063	0.063
Victoria	484690003	0.064	0.065	0.065	N/A	N/A	N/A	0.061	0.060	0.060	0.062
Tarrant	484390075	0.076	0.072	0.071	0.070	0.073	0.075	0.075	0.076	0.078	0.082
	484391002	0.080	0.074	0.072	0.071	0.072	0.072	0.072	0.077	0.080	0.083
	484392003	0.076	0.073	0.073	0.074	0.074	0.073	0.072	0.072	0.075	0.080
	484393009	0.078	0.075	0.075	0.076	0.075	0.076	0.074	0.076	0.079	0.081
	484393011	0.067	0.065	0.067	0.069	0.070	N/A	N/A	0.072	0.074	0.077
Travis	484530020	0.068	0.066	0.067	0.066	0.066	0.065	0.063	0.064	0.067	0.068

Source: EPA (2025f)

Note: N/A = not available due to lack of monitoring data

NMED Exhibit 55_000024

3.3 NITROGEN DIOXIDE

NO_2 is both a criteria pollutant and an indicator for the NO_x family of NO compounds that are ground-level O_3 precursors. The NO family of compounds, a group of highly reactive gases, includes NO, NO_2, nitrous acid (HNO_2), and nitric acid (HNO_3). The primary source of NO_x nationally is the burning of fuel. The excess air required for complete combustion of fuels introduces atmospheric nitrogen into the combustion reactions at high temperatures and produces NO_x. Breathing air with a high concentration of NO_2 can cause adverse respiratory impacts in both healthy people and those with asthma (EPA 2025g). High concentration of NO_2 can irritate airways in the human respiratory system. Such exposures over short periods can aggravate respiratory diseases, particularly asthma, leading to respiratory symptoms. Longer exposures to elevated concentrations of NO_2 may contribute to the development of asthma and potentially increase susceptibility to respiratory infections. People with asthma and lung cancer, as well as children and the elderly, are generally at greater risk for the health effects of NO_2. NO_2 exposure has also been strongly associated with heart and lung harm, affected pregnancy and birth outcomes, and was likely associated with increased risk of kidney and neurological harm, autoimmune issues, and cancer (American Lung Association 2023). NO_2 and other NO_x interact with water, oxygen, and other chemicals in the atmosphere to produce acid rain. High levels of NO_2 are also harmful to vegetation, damaging foliage, decreasing growth, and reducing crop yields (Rowland et al. 1985).

3.3.1 NITROGEN DIOXIDE TRENDS

Nationally, NO_2 concentrations decreased substantially (66% reduction) from 1980 to 2023 due to improvements in motor vehicle emissions controls, with a 40% decrease occurring from 2000 to 2023. In the southwest region (Arizona, New Mexico, Colorado, and Utah), NO_2 concentrations decreased 17% between 2010 and 2023; in the south (Texas, Oklahoma, Kansas, Arkansas, Louisiana, and Mississippi), NO_2 concentrations decreased 23% between 2010 and 2023. The EPA expects NO_2 concentrations will continue to decrease (EPA 2023c). Table 3 and Table 4 show the NO_2 trends for all the available counties and monitoring sites in New Mexico and select monitoring stations within the BLM NMSO area of operations (Oklahoma, Kansas, and Texas). Only those counties with monitoring completed in the last 10 years are included in Table 3 and Table 4. Of the eight New Mexico counties in the major oil and gas basin (Eddy, Lea, Rio Arriba, Sandoval, San Juan, McKinley, Chaves, and Roosevelt Counties), only Eddy, Lea, and San Juan Counties have NO_2 trend data available. Table 3 and Table 4 show that NO_2 trends vary between counties.

NMED Exhibit 55_000025

Table 3. Local Annual NO_2 Trends

State/County	Site ID	2015 Design Value (ppb)	2016 Design Value (ppb)	2017 Design Value (ppb)	2018 Design Value (ppb)	2019 Design Value (ppb)	2020 Design Value (ppb)	2021 Design Value (ppb)	2022 Design Value (ppb)	2023 Design Value (ppb)	2024 Design Value (ppb)
New Mexico											
Bernalillo	350011023	11	10	10	10	9	8	8	9	8	8
	350010029	N/A	N/A	N/A	N/A	9	8	8	7	7	7
	350012022	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	10
Doña Ana	350130021	7	7	6	7	7	8	8	8	8	7
	350130022	4	5	4	5	5	6	7	6	7	6
Eddy	350151005	2	2	3	5	5	5	5	5	5	5
Lea	350250008	5	4	4	5	5	5	4	4	5	6
Luna	350290003	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
San Juan	350450009	11	10	10	10	10	10	9	9	9	9
	350450018	6	6	6	6	5	6	6	6	6	5
	350450020	N/A	N/A	1	1	1	1	1	1	1	1
	350451005	5	5	N/A	3	3	3	3	3	2	3
Oklahoma											
Canadian	400170101	5	5	5	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Grady	400510065	N/A	4	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Tulsa	401431127	8	7	7	7	7	6	7	7	6	6
Oklahoma	401091037	N/A	N/A	N/A	N/A	N/A	5	5	5	4	4
	401090033	7	7	7	7	N/A	N/A	N/A	N/A	N/A	N/A
	401090097	N/A	17	16	13	12	11	13	13	12	12
Kansas											
Sedgwick	201730010	7	7	7	8	6	6	7	6	6	N/A

State/County	Site ID	2015 Design Value (ppb)	2016 Design Value (ppb)	2017 Design Value (ppb)	2018 Design Value (ppb)	2019 Design Value (ppb)	2020 Design Value (ppb)	2021 Design Value (ppb)	2022 Design Value (ppb)	2023 Design Value (ppb)	2024 Design Value (ppb)
Sumner	201910002	4	4	3	3	3	3	3	3	3	5
Trego	201950001	2	1	3	2	1	1	2	2	2	2
Texas											
Galveston	481671034	3	3	2	2	3	3	2	2	3	3
Montgomery	483390078	3	3	3	3	2	2	3	3	3	4
El Paso	481410055	11	11	N/A	N/A	10	13	14	13	15	13
Karnes	482551070	N/A	N/A	N/A	N/A	N/A	3	3	3	4	3
Gregg	481830001	4	4	3	4	3	3	3	3	2	2
Denton	481210034	6	5	5	6	6	5	6	7	5	5
Travis	484530014	4	4	5	5	5	N/A	3	3	4	5

Source: EPA (2025f)

Note: N/A = not available due to lack of monitoring data

NMED Exhibit 55_000027

Table 4. Local 1-Hour NO_2 Trends

State/County	Site ID	2013–2015 Design Value (ppb)	2014–2016 Design Value (ppb)	2015–2017 Design Value (ppb)	2016–2018 Design Value (ppb)	2017–2019 Design Value (ppb)	2018–2020 Design Value (ppb)	2019–2021 Design Value (ppb)	2020–2022 Design Value (ppb)	2021–2023 Design Value (ppb)	2022–2024 Design Value (ppb)
New Mexico											
Bernalillo	350010023	44	43	44	45	45	43	43	43	43	43
	350010029	N/A	N/A	N/A	N/A	N/A	N/A	37	36	36	36
	350012022	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Doña Ana	350130021	44	46	45	45	45	47	47	48	48	47
	350130022	40	40	40	40	41	43	45	46	46	46
Eddy	350151005	19	19	20	23	27	29	29	31	31	32
Lea	350250008	N/A	N/A	N/A	34	35	35	32	31	31	35
Luna	350290003	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
San Juan	350450009	36	35	35	34	34	33	32	31	33	35
	350450018	33	28	N/A	N/A	N/A	23	23	24	22	23
	350450020	N/A	N/A	N/A	N/A	N/A	N/A	4	4	4	4
	350451005	34	33	N/A	N/A	N/A	24	23	22	20	19
Oklahoma											
Canadian	400170101	N/A	39	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Tulsa	401431127	39	39	38	37	37	N/A	N/A	N/A	37	34
Oklahoma	401090097	N/A	N/A	N/A	45	N/A	N/A	N/A	43	44	N/A
	401090033	45	45	44	43	N/A	N/A	N/A	N/A	N/A	N/A
	401091037	N/A	N/A	N/A	N/A	N/A	N/A	N/A	37	34	31
Kansas											
Sedgwick	201730010	39	38	N/A	N/A	N/A	36	36	36	36	N/A
Sumner	201910002	23	23	N/A	N/A	N/A	22	22	25	25	23

NMED Exhibit 55_000028

State/County	Site ID	2013–2015 Design Value (ppb)	2014–2016 Design Value (ppb)	2015–2017 Design Value (ppb)	2016–2018 Design Value (ppb)	2017–2019 Design Value (ppb)	2018–2020 Design Value (ppb)	2019–2021 Design Value (ppb)	2020–2022 Design Value (ppb)	2021–2023 Design Value (ppb)	2022–2024 Design Value (ppb)
Trego	201950001	N/A	N/A	5	6	N/A	N/A	N/A	N/A	N/A	8
Texas											
Galveston	*481671034*	31	31	30	29	28	25	25	26	N/A	N/A
Montgomery	*483390078*	27	27	27	26	24	22	19	22	22	24
Tarrant	*484390075*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	41	41	N/A
	484391002	46	44	44	43	44	44	46	48	49	48
	484391053	N/A	N/A	N/A	43	42	41	42	44	45	N/A
	484392003	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	42
	484393009	43	42	40	38	38	41	40	40	39	38
	484393011	37	37	36	35	N/A	N/A	N/A	N/A	37	37
El Paso	481410055	55	53	N/A	N/A	N/A	N/A	55	56	56	N/A
Gregg	481830001	23	23	21	20	18	18	16	16	18	20
Karnes	482551070	N/A	N/A	N/A	N/A	N/A	N/A	N/A	25	25	27
Denton	481210034	35	32	31	32	33	34	33	34	N/A	N/A
Travis	484530014	32	31	30	30	31	N/A	N/A	N/A	N/A	N/A

Source: EPA (2025f)

Note: N/A = not available due to lack of monitoring data

NMED Exhibit 55_000029

3.4 CARBON MONOXIDE

CO, a colorless and odorless gas, is produced from the incomplete burning of carbon-containing compounds such as fossil fuels; it forms when there is not enough oxygen to produce carbon dioxide (CO_2). The greatest sources of CO for outdoor air are cars, trucks, and other vehicles or machinery that burn fossil fuels.

Breathing air with a high concentration of CO reduces the amount of oxygen that can be transported in the bloodstream to critical organs like the heart and brain. This can cause specific complications in people who have some types of heart disease as they are especially vulnerable to the effects of CO when exercising or under increased stress. For these individuals, short-term exposure to elevated CO may be accompanied by angina, a type of chest pain caused by reduced blood flow to the heart. Other symptoms of carbon monoxide exposure include headache, nausea, rapid breathing, weakness, exhaustion, dizziness, and confusion. At extremely high levels, CO can cause hypoxia (severe oxygen deficiency) that can lead to brain damage and death due to asphyxiation. Very high levels of CO are not likely to occur outdoors (EPA 2025h).

3.4.1 CARBON MONOXIDE TRENDS

Nationally, CO concentrations decreased 88% from 1980 to 2023 due to improvements in motor vehicle emissions controls, with a 65% decrease from 2000 to 2023. Monitored CO concentrations in the southwest region (New Mexico, Arizona, Colorado, and Utah) decreased 34% between 2010 and 2023. Monitored CO concentrations in the south region (Texas, Oklahoma, Kansas, Arkansas, Louisiana, and Mississippi) decreased 19% between 2010 and 2023 (EPA 2023d). Table 5 and Table 6 show the CO trends for all the available counties and monitoring sites in New Mexico and select monitoring stations within the BLM NMSO area of operations (Oklahoma, Kansas, and Texas). Only those counties with monitoring completed in the last 10 years are included in Table 5 and Table 6. CO trend data are not available for any of the eight New Mexico counties in the major oil and gas basin (Eddy, Lea, Rio Arriba, Sandoval, San Juan, McKinley, Chaves, and Roosevelt Counties). Table 5 and Table 6 show that CO trends vary between counties.

NMED Exhibit 55_000030

Table 5. Local 8-Hour CO Trends

State/County	Site ID	2014–2015 Design Value (ppm)	2015–2016 Design Value (ppm)	2016–2017 Design Value (ppm)	2017–2018 Design Value (ppm)	2018–2019 Design Value (ppm)	2019–2020 Design Value (ppm)	2020–2021 Design Value (ppm)	2021–2022 Design Value (ppm)	2022–2023 Design Value (ppm)	2023–2024 Design Value (ppm)
New Mexico											
Bernalillo	350010023	1.4	1.4	1.2	1.0	1.0	1.0	0.9	0.9	0.9	0.8
	350012022	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1.7
	350010029	1.2	1.9	1.9	1.0	0.9	0.9	1.0	1.7	1.7	1.3
Oklahoma											
Tulsa	401431127	1.1	1.6	1.6	1.0	1.0	0.9	0.9	0.8	1.0	1.0
Oklahoma	401090097	0.9	1.1	1.3	1.6	1.6	1.4	1.4	1.3	1.3	1.4
	401091037	0.9	0.9	0.9	0.8	0.8	1.4	1.4	1.1	0.9	1.2
Kansas											
Wyandotte	202090021	1.2	1.2	1.4	1.4	1.1	1.1	1.1	1.1	0.8	0.6
Texas											
El Paso	481410044	2.4	2.4	2.6	2.6	2.4	2.4	2.6	2.6	2.0	3.0
Tarrant	484391053	1.0	1.1	1.1	1.1	1.2	1.2	1.2	1.2	1.7	1.7
Travis	484531068	N/A	0.6	1.3	1.3	1.8	1.8	1.6	1.4	1.5	1.5

Source: EPA (2025f)

Note: N/A = not available due to lack of****** monitoring data

NMED Exhibit 55_000031

Table 6. Local 1-Hour CO Trends

State/County	Site ID	2014–2015 Design Value (ppm)	2015–2016 Design Value (ppm)	2016–2017 Design Value (ppm)	2017–2018 Design Value (ppm)	2018–2019 Design Value (ppm)	2019–2020 Design Value (ppm)	2020–2021 Design Value (ppm)	2021–2022 Design Value (ppm)	2022–2023 Design Value (ppm)	2023–2024 Design Value (ppm)
New Mexico											
Bernalillo	350010023	1.7	1.9	1.9	1.7	1.9	1.9	1.3	1.4	1.4	1.2
	350012022	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2.2
	350010029	2.8	2.4	2.2	2.2	1.9	3.7	3.7	3.3	3.3	2.9
Oklahoma											
Tulsa	401431127	1.6	2.4	2.4	1.4	1.4	1.4	1.4	1.2	1.5	1.5
Oklahoma	401090097	1.8	1.8	1.8	1.8	1.8	1.7	1.7	1.9	1.9	1.9
	401091037	2.9	2.9	1.3	1.0	1.0	2.6	2.6	1.2	1.0	1.8
Kansas											
Wyandotte	202090021	1.8	1.8	1.9	1.9	1.8	1.5	1.7	1.7	1.3	1.0
Texas											
El Paso	481410044	4.4	4.4	4.2	5.0	5.0	3.8	4.1	4.1	4.1	4.8
Tarrant	484391053	1.6	1.6	1.6	1.8	1.8	1.8	1.9	1.9	3.7	3.7
Travis	484531068	N/A	0.8	2.2	2.3	2.4	2.4	2.2	2.1	2.5	2.5

Source: EPA (2025f)

Note: N/A = not available due to lack of monitoring data

NMED Exhibit 55_000032

3.5 PARTICULATE MATTER

PM, also known as particle pollution, is a complex mixture of extremely small particles and liquid droplets. PM is made up of a number of components, including acids (such as nitrates and sulfates), organic chemicals, metals, and soil or dust particles. PM is measured and regulated according to particle size. Sources of PM include industrial processes, power plants, vehicle exhaust, fugitive dust, construction activities, home heating, and fires. PM_{10} particles derive primarily from crushing, grinding, or abrasion of surfaces. $PM_{2.5}$ particles derive primarily from the incomplete combustion of fuel sources and secondarily formed aerosols. Smaller particles are associated with more negative health effects, including respiratory and cardiovascular problems, because they can become more deeply embedded in the lungs and some may even get into the bloodstream (EPA 2025i). Many scientific studies have linked breathing PM to serious health problems, including aggravated asthma, increased respiratory symptoms, difficult or painful breathing, chronic bronchitis, decreased lung function, nonfatal heart attacks, irregular heartbeat, and premature death. In adults, long-term particle pollution is linked to worsening of heart disease, atherosclerosis, and chronic obstructive pulmonary disease; higher risk of developing diabetes or fatal lung cancer; impaired cognitive functioning; and increased risk of Parkinson's disease, Alzheimer's disease, or other dementias (American Lung Association 2023). PM is a major cause of reduced visibility. It can stain and damage stone and other materials, including culturally important objects, such as monuments and statues (EPA 2025j). Airborne dust can also deposit on snow. This dust deposition accelerates snowmelt by reducing albedo through surface darkening and enhanced snow grain growth (Skiles and Painter 2016). The degree of advanced snowmelt during each water year has a linear relationship with the amount of dust loading on the snowpack, which can affect the availability of late season water in areas dependent on snowmelt to fill their watersheds.

Dust (windblown or from surface disturbance) has also been linked to health effects resulting from pathogens that live in the soil. Valley fever is an infection caused by *Coccidioides*, a fungus that lives in thermic, aridic soil (Dulin 2015). Thermic soil is found in hot, arid areas with limited rainfall, high summer temperatures, and few freezes. Aridic soil can be found in areas where the soil is dry for more than half the year and, when it is wet, it is wet for fewer than 90 consecutive days (Pennsylvania State University 1998). Valley fever is endemic to the southwestern United States. The fungus is transmitted by the inhalation of airborne arthrospores, which can be lofted by the wind after the soil is disturbed. The spores are usually found in the soil at a depth of 2 to 8 inches and have an incubation period of 1 to 4 weeks before symptoms present themselves. Most cases of valley fever are asymptomatic, but the primary symptoms are similar to influenza, tuberculosis, and pneumonia and include cough, fatigue, fever, and chest pains. Patients who are over age 65, immuno-compromised, pregnant, or African American/Filipino are at a higher risk of developing a more serious form of the infection that can attack the bones, joints, skin, brain, and lymph nodes.

3.5.1 PARTICULATE MATTER TRENDS

Nationally, $PM_{2.5}$ concentrations decreased 37% from 2000 to 2023. In that same period, PM_{10} concentrations decreased 36% nationally. In the southwest region (New Mexico, Arizona, Colorado, and Utah), $PM_{2.5}$ concentrations decreased 14% from 2010 to 2023, and PM_{10} concentrations increased 14% during the same period. For the southern region encompassing Texas, Oklahoma, Kansas, Arkansas, Louisiana, and Mississippi, $PM_{2.5}$ concentrations decreased 10% and PM_{10} concentrations increased 19% between 2010 and 2023 (EPA 2023e, 2023f).

NMED Exhibit 55_000033

PM_{10} design values are available and presented only as average estimated exceedance values for the available counties and monitoring sites in New Mexico and select monitoring stations within the BLM NMSO area of operations (Oklahoma, Kansas, and Texas) (Table 7). Although exceedances are presented, the information listed in this PM_{10} design value report is intended for informational use only and does not constitute a regulatory determination by EPA as to whether an area has attained an NAAQS. PM_{10} monitored outdoor air quality data can be obtained from the EPA Air Data webpage and interactive tool (EPA 2025b). Table 8 and Table 9 show the $PM_{2.5}$ trends for all the available counties and monitoring sites in New Mexico and select monitoring stations within the BLM NMSO area of operations (Oklahoma, Kansas, and Texas). Only those counties with monitoring completed in the last 10 years are included in Table 7, Table 8, and Table 9. Of the eight New Mexico counties in the major oil and gas basin (Eddy, Lea, Rio Arriba, Sandoval, San Juan, McKinley, Chaves, and Roosevelt Counties), only Lea and San Juan Counties have available $PM_{2.5}$ trend data. Table 8 and Table 9 show that $PM_{2.5}$ trends vary between counties.

Table 7. Local 24-Hour PM_{10} Exceedance Trends

State/ County	Site ID	2013–2015 Average Estimated Exceedances	2014–2016 Average Estimated Exceedances	2015–2017 Average Estimated Exceedances	2016–2018 Average Estimated Exceedances	2017–2019 Average Estimated Exceedances	2018–2020 Average Estimated Exceedances	2019–2021 Average Estimated Exceedances	2020–2022 Average Estimated Exceedances	2021–2023 Average Estimated Exceedances	2022–2024 Average Estimated Exceedances
New Mexico											
Bernalillo	350010023	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	350010026*	0.0	0.7	0.7	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	350010026*	0.0	0.7	0.7	0.7	0.0	0.0	0.7	1.4	1.4	N/A
	350010029	N/A	0.0	0.0	0.0	0.0	1.0	2.3	5.4	5.7	7.5
	350011012	N/A	N/A	N/A	N/A	N/A	N/A	0.0	0.0	0.0	0.0
	350011013	N/A	N/A	N/A	N/A	N/A	N/A	0.0	0.3	0.3	0.7
	350012022	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1.0
Doña Ana	350130021*	7.1	5.1	1.3	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	350130021*	7.1	5.1	1.3	0.4	0.7	0.3	3.7	5.1	6.9	7.5
	350130016*	N/A	N/A	N/A	0.0	0.0	0.0	0.0	0.0	N/A	N/A
	350130016*	7.7	4.3	0.3	0.0	0.0	0.0	1.4	4.4	5.8	9.1
	350130019*	4.0	1.3	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	350130019*	4.0	1.3	N/A	0.0	0.0	0.0	1.3	2.3	2.7	4.0
	350130020*	5.5	3.5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	350130020*	5.5	3.5	N/A	N/A	0.0	0.0	2.7	4.0	4.4	5.1
	350130024*	4.1	1.3	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	350130024*	4.1	1.3	N/A	0.0	0.0	0.0	1.0	1.3	1.7	N/A
Luna	350290003	4.0	1.3	N/A	0.0	0.0	0.3	1.3	4.4	4.7	5.1
	350290003	4.0	1.3	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
San Juan	350451005	N/A	N/A	N/A	N/A	N/A	0.3	0.3	3.0	3.0	3.0
	350450019	2.2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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State/ County	Site ID	2013–2015 Average Estimated Exceedances	2014–2016 Average Estimated Exceedances	2015–2017 Average Estimated Exceedances	2016–2018 Average Estimated Exceedances	2017–2019 Average Estimated Exceedances	2018–2020 Average Estimated Exceedances	2019–2021 Average Estimated Exceedances	2020–2022 Average Estimated Exceedances	2021–2023 Average Estimated Exceedances	2022–2024 Average Estimated Exceedances
Santa Fe	350490020*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	350490020*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Oklahoma											
Tulsa	401431127	0.0	0.0	0.0	0.0	0.0	0.0	N/A	N/A	0.0	0.0
Oklahoma	401091037	N/A	N/A	N/A	N/A	N/A	0.3	0.3	0.3	N/A	N/A
	401090035	N/A	N/A	N/A	0.0	0.0	0.0	N/A	N/A	N/A	N/A
Kansas											
Sedgwick	201730010	0.3	0.3	0.0	0.0	0.0	0.0	N/A	N/A	N/A	N/A
Sumner	201910002	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0.8	N/A	N/A
Trego	201950001	N/A	N/A	N/A	N/A	N/A	N/A	1.1	2.2	1.9	1.4
Sherman	201810003	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2.2	1.9	1.8
Texas											
Galveston	481670004	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	N/A	N/A
Tarrant	484393010	0.0	0.0	0.0	0.0	N/A	N/A	N/A	N/A	N/A	N/A
El Paso	481410057	6.7	0.0	0.0	0.0	0.0	2.2	4.2	0.0	0.0	14.8
Gregg	482030002	0.0	0.0	0.0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Nueces	483550034	0.0	0.0	N/A	N/A	N/A	N/A	2.0	2.0	2.0	N/A
Dallas	481130061	N/A	N/A	N/A	N/A	N/A	N/A	0.0	0.0	0.0	0.0
Travis	484530020	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	N/A	N/A

Source: EPA (2025f)

Notes: The level of the 1987 24-hour PM_{10} NAAQS is 150 µg/m^3. The NAAQS metric is the annual estimated number of exceedances, averaged over 3 consecutive years. Only valid average estimated exceedance values are shown.

N/A = not available due to lack of monitoring data.

*Co-located monitors with same Site ID

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Table 8. Local Annual $PM_{2.5}$ Trends

State/ County	Site ID	2013–2015 Design Value (µg/m³)	2014–2016 Design Value (µg/m³)	2015–2017 Design Value (µg/m³)	2016–2018 Design Value (µg/m³)	2017–2019 Design Value (µg/m³)	2018–2020 Design Value (µg/m³)	2019–2021 Design Value (µg/m³)	2020–2022 Design Value (µg/m³)	2021–2023 Design Value (µg/m³)	2022–2024 Design Value (µg/m³)
New Mexico											
Bernalillo	350011012	N/A	N/A	N/A	N/A	N/A	3.9	4.4	4.5	4.2	3.8
	350010023	6.2	6.1	5.8	5.3	5.2	5.2	5.4	5.5	5.2	5.0
	350010029	7.5	7.1	6.8	7.1	6.8	7.3	8.0	8.4	8.0	7.7
	350010026	N/A	N/A	N/A	N/A	N/A	N/A	7.3	7.7	7.4	6.4
	350011013	N/A	N/A	N/A	N/A	N/A	7.0	8.0	8.4	7.8	6.7
	350012022	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	8.2
Doña Ana	350130021	N/A	N/A	9.0	8.3	7.6	7.9	8.4	8.9	8.6	8.7
	350130016	N/A	N/A	7.3	7.8	7.6	7.8	7.9	8.1	7.5	7.4
	350130022	N/A	N/A	N/A	N/A	N/A	N/A	6.4	5.9	5.6	5.8
	350130025	5.6	5.0	5.2	5.2	5.2	5.2	5.5	5.5	5.0	4.4
Lea	350250008	N/A	7.1	7.5	7.6	N/A	7.0	6.5	6.3	6.6	6.5
Santa Fe	350490021	N/A	N/A	N/A	N/A	N/A	3.7	4.3	4.3	N/A	N/A
San Juan	350450019	4.1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Taos	350550005	N/A	N/A	N/A	N/A	N/A	5.7	5.6	5.5	4.9	4.0
Oklahoma											
Pittsburg	401210415	N/A	N/A	7.8	N/A	N/A	N/A	8.2	8.1	8.3	8.3
Tulsa	401431127	8.8	8.7	8.6	9.2	8.8	8.3	8.1	8.2	8.8	8.6
Cleveland	400270049	N/A	8.4	7.9	8.1	8.5	8.8	9.1	9.1	9.3	N/A
Comanche	400310651	N/A	7.5	7.1	6.9	7.0	6.8	7.0	7.0	7.1	6.8
Dewey	400430860	N/A	N/A	N/A	N/A	N/A	6.7	6.7	6.7	6.9	7.0

NMED Exhibit 55_000037

State/ County	Site ID	2013–2015 Design Value (µg/m³)	2014–2016 Design Value (µg/m³)	2015–2017 Design Value (µg/m³)	2016–2018 Design Value (µg/m³)	2017–2019 Design Value (µg/m³)	2018–2020 Design Value (µg/m³)	2019–2021 Design Value (µg/m³)	2020–2022 Design Value (µg/m³)	2021–2023 Design Value (µg/m³)	2022–2024 Design Value (µg/m³)
Kay	400710604	N/A	N/A	N/A	7.7	7.6	7.7	8.5	8.7	9.0	8.6
Oklahoma	401090097	N/A	N/A	N/A	N/A	N/A	8.3	8.8	8.9	9.1	8.8
	401090035	N/A	N/A	N/A	7.7	7.6	7.6	7.6	7.7	N/A	8.3
	401091037	8.6	8.1	7.8	8.0	8.2	8.5	8.9	8.8	N/A	8.2
Kansas											
Sedgwick	201730010	8.7	8.1	N/A	N/A	N/A	N/A	N/A	N/A	9.7	N/A
Sumner	201910002	7.8	7.4	7.0	7.2	7.4	7.7	8.4	8.7	N/A	N/A
Trego	201950001	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	6.8
Texas											
Denton	481210034	N/A	N/A	N/A	N/A	N/A	N/A	N/A	7.5	7.7	7.8
Montgomery	483390078	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	10.7
Tarrant	484391002	9.8	8.9	8.4	8.2	8.5	9.0	9.2	9.1	8.9	9.1
	484391006	10.0	9.2	8.7	N/A	N/A	N/A	8.9	8.9	9.6	9.4
	484391053	N/A	N/A	N/A	8.6	8.5	8.4	8.5	8.5	8.7	8.9
El Paso	481410044	9.9	9.4	8.9	9.1	8.8	8.8	8.9	9.2	9.0	9.6
Harrison	481830002	9.0	8.8	8.6	8.5	8.4	8.4	N/A	9.4	9.5	9.5
Nueces	483550032	10.1	9.9	9.3	9.1	9.0	8.8	8.2	8.1	8.4	9.1
Dallas	481130069	9.4	8.8	8.6	8.9	9.2	8.9	8.4	8.2	8.9	9.6
Travis	484530021	9.2	9.6	9.6	9.8	9.8	9.6	9.5	9.2	9.3	9.7

Source: EPA (2025f)

Note: N/A = not available due to lack of monitoring data

NMED Exhibit 55_000038

Table 9. Local 24-Hour $PM_{2.5}$ Trends

State/ County	Site ID	2013–2015 Design Value (µg/m³)	2014–2016 Design Value (µg/m³)	2015–2017 Design Value (µg/m³)	2016–2018 Design Value (µg/m³)	2017–2019 Design Value (µg/m³)	2018–2020 Design Value (µg/m³)	2019–2021 Design Value (µg/m³)	2020–2022 Design Value (µg/m³)	2021–2023 Design Value (µg/m³)	2022–2024 Design Value (µg/m³)
New Mexico											
Bernalillo	350011012	N/A	N/A	N/A	N/A	N/A	11	13	14	11	9
	350010023	18	19	17	15	13	14	15	15	13	12
	350010029	18	19	18	19	19	20	21	21	19	20
	350010024	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	350010026	N/A	N/A	N/A	N/A	N/A	N/A	20	21	19	16
	350011013	N/A	N/A	N/A	N/A	N/A	19	22	23	20	17
	350012022	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	24
Doña Ana	350130021	N/A	N/A	27	27	24	19	21	22	21	24
	350130016	N/A	N/A	20	22	22	21	21	20	19	19
	350130022	N/A	N/A	N/A	N/A	N/A	N/A	18	18	17	19
	350130025	13	11	12	12	12	12	13	14	13	13
Lea	350250008	N/A	17	15	16	16	17	17	19	20	19
San Juan	350450019	11	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Santa Fe	350490021	N/A	N/A	N/A	N/A	N/A	9	11	14	N/A	N/A
Taos	350550005	N/A	N/A	N/A	N/A	N/A	16	16	16	15	13
Oklahoma											
Pittsburg	401210415	20	18	18	21	22	22	22	24	23	20
Tulsa	401431127	20	21	20	23	22	21	22	22	23	20
Cleveland	400270049	N/A	19	17	18	19	21	23	23	22	20
Comanche	400310651	N/A	18	15	16	16	17	18	18	18	16

NMED Exhibit 55_000039

State/ County	Site ID	2013–2015 Design Value (µg/m³)	2014–2016 Design Value (µg/m³)	2015–2017 Design Value (µg/m³)	2016–2018 Design Value (µg/m³)	2017–2019 Design Value (µg/m³)	2018–2020 Design Value (µg/m³)	2019–2021 Design Value (µg/m³)	2020–2022 Design Value (µg/m³)	2021–2023 Design Value (µg/m³)	2022–2024 Design Value (µg/m³)
Dewey	400430860	N/A	N/A	N/A	N/A	N/A	16	18	18	20	19
Kay	400710604	N/A	N/A	N/A	18	18	19	24	25	26	22
Oklahoma	401090035	N/A	N/A	N/A	18	17	17	16	16	19	17
	401090097	N/A	N/A	N/A	N/A	N/A	19	21	21	21	19
	401091037	21	19	17	18	19	20	22	22	21	19
Kansas											
Sedgwick	201730010	23	22	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Sumner	201910002	22	21	17	16	17	20	23	25	N/A	21
Wyandotte	202090021	20	20	21	25	N/A	N/A	26	N/A	N/A	N/A
Texas											
Denton	481210034	N/A	N/A	N/A	N/A	N/A	N/A	N/A	20	20	21
Galveston	481671034	N/A	20	22	22	22	24	21	23	21	22
Montgomery	483390078	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	25
Tarrant	484391002	22	19	17	18	18	20	21	23	22	25
	484391006	22	19	17	18	18	21	21	24	25	25
	484391053	N/A	N/A	N/A	18	18	20	21	23	22	22
El Paso	481410044	29	25	23	24	24	24	24	22	22	N/A
Harrison	481830002	20	17	17	18	18	20	N/A	N/A	N/A	N/A
Nueces	483550032	26	25	24	25	24	25	23	23	22	26
Dallas	481130069	21	19	18	20	20	22	19	19	19	22
Travis	484530021	22	19	20	22	23	22	22	22	22	26

Source: EPA (2025f)

Note: N/A = not available due to lack of monitoring data

NMED Exhibit 55_000040

3.6 SULFUR DIOXIDE

SO_2 is one of a group of highly reactive gases known as oxides of sulfur, commonly referred to as SO_x. The largest sources of SO_2 emissions nationwide are from fossil fuel combustion at power plants (73%) and other industrial facilities (20%). Smaller sources of SO_2 emissions include industrial processes, such as extracting metal from ore, and the burning of high-sulfur fuels by locomotives, large ships, and nonroad equipment. SO_2 is linked with a number of adverse effects on the respiratory system, including wheezing, shortness of breath, chest tightness, and reduced lung function. People with asthma, particularly children, are sensitive to these effects of SO_2. At high concentrations, gaseous SO_x can harm trees and plants by damaging foliage and decreasing growth. SO_2 and other SO_x can contribute to acid rain, which can harm sensitive ecosystems (EPA 2025k).

3.6.1 SULFUR DIOXIDE TRENDS

Nationally, SO_2 concentrations decreased 87% from 2000 to 2023, and substantial decreases (95% reduction) have occurred since 1980 due to implementation of federal rules requiring reductions in SO_2 emissions from power plants and other large sources of SO_2. In the southwest region, SO_2 concentrations decreased 94% between 2010 and 2023. In the southern region (Texas, Oklahoma, Kansas, Arkansas, Louisiana, and Mississippi), SO_2 concentrations decreased 66% between 2010 and 2023 (EPA 2023g). Table 10 shows the SO_2 trends for all the available counties and monitoring sites in New Mexico and select monitoring stations within the BLM NMSO area of operations (Oklahoma, Kansas, and Texas). Only those counties with monitoring completed in the last 10 years are included in Table 10. Of the eight New Mexico counties in the major oil and gas basin (Eddy, Lea, Rio Arriba, Sandoval, San Juan, McKinley, Chaves, and Roosevelt Counties), only San Juan County has available SO_2 trend data. Table 10 show that SO_2 trends vary between counties.

NMED Exhibit 55_000041

Table 10. Local 1-Hour SO_2 Trends

State/County	Site ID	2013–2015 Design Value (ppb)	2014–2016 Design Value (ppb)	2015–2017 Design Value (ppb)	2016–2018 Design Value (ppb)	2017–2019 Design Value (ppb)	2018–2020 Design Value (ppb)	2019–2021 Design Value (ppb)	2020–2022 Design Value (ppb)	2021–2023 Design Value (ppb)	2022–2024 Design Value (ppb)
New Mexico											
Bernalillo	350010023	5	6	5	5	4	4	3	3	2	2
	350012022	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Grant	350171003	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
San Juan	350450009	5	3	2	2	2	1	1	1	1	N/A
	350451005	13	8	N/A	N/A	N/A	N/A	N/A	8	4	N/A
Oklahoma											
Tulsa	401431127	12	6	6	4	3	3	2	3	3	3
Garfield	400470555	N/A	N/A	N/A	N/A	48	40	34	31	33	41
Kay	400710604	34	33	29	29	28	26	24	20	14	7
Oklahoma	401091037	3	3	3	3	2	2	1	1	1	1
Kansas											
Sumner	201910002	6	5	4	4	4	3	3	3	3	3
Trego	201950001	5	5	3	3	N/A	N/A	N/A	N/A	N/A	2
Texas											
Hutchinson	482331073	N/A	N/A	N/A	N/A	209	185	183	163	140	113
El Paso	481410044	9	N/A	N/A	N/A	N/A	N/A	N/A	6	5	5
Gregg	481830001	46	35	30	37	41	49	45	35	23	14
Galveston	482570005	13	11	9	9	8	7	7	10	13	9
Nueces	483550025	N/A	4	4	4	6	6	5	3	3	4
Travis	484530014	5	4	4	3	3	N/A	N/A	N/A	N/A	N/A

Source: EPA (2025f)

Note: N/A = not available due to lack of monitoring data

NMED Exhibit 55_000042

3.7 NATIONAL TRENDS

The EPA estimates nationwide emissions of ambient air pollutants and the pollutants from which they are formed (their precursors) based on actual monitored readings or engineering calculations of the amounts and types of pollutants emitted by vehicles, factories, and other sources. Table 11 shows that emissions of the common air pollutants and their precursors have been reduced substantially since 1980.

Table 11. National Percentage Changes in Emissions

Pollutant	1980 vs. 2023	1990 vs. 2023	2000 vs. 2023	2010 vs. 2023
CO	−76	−71	−59	−28
Pb	−99	−88	−78	−36
NO_x	−75	−73	−69	−55
VOC	−58	−46	−26	−5
Direct PM_{10}	−62	−27	−24	−14
Direct $PM_{2.5}$	Not available	−28	−35	−11
SO_2	−94	−93	−90	−76

Source: EPA (2024b)

Note: A negative percentage means that concentrations have decreased.

3.8 LEAD

Pb is a metal found naturally in the environment as well as in manufactured products. The major sources of lead emissions have historically been from fuels in on-road motor vehicles (such as cars and trucks) and industrial sources. As a result of EPA regulatory efforts to remove lead from gasoline, emissions of lead from the transportation sector declined by 95% between 1980 and 1999, and levels of lead in the air decreased by 94% during the same period. Major sources of lead emissions to the air today are ore and metals processing and piston-engine aircraft using leaded aviation gasoline (EPA 2025l). Depending on the level of exposure, lead can adversely affect the nervous system, kidney function, immune system, reproductive and developmental systems, and the cardiovascular system. Lead exposure also affects the oxygen-carrying capacity of the blood. Lead can accumulate in the body over time, where it is stored in bones along with calcium. The lead effects most likely to be encountered in current populations are neurological effects in children. Infants and young children are especially sensitive to lead exposures, which may contribute to behavioral problems, learning deficits, lowered IQ, and hyperactivity. Children are also at an increased risk of slowed growth, hearing problems, and anemia. Adults exposed to lead can suffer from cardiovascular effects, decreased kidney function, and both male and female reproductive issues.

3.9 NEW MEXICO DESIGN VALUES

The most recent design values for the measured criteria pollutants from those monitoring stations in New Mexico with 2024 design values are provided in Table 12 through Table 20, and only those counties with monitoring completed in the last 10 years are included. These design values are compared with the NAAQS and NMAAQS for those New Mexico counties with available data. Rural counties, such as

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Table 12. 2022–2024 8-Hour O_3 Design Values, New Mexico

County	Site ID	Design Value (ppm)*	NAAQS (ppm)	Exceed NAAQS?
Bernalillo	350011012	0.072	0.070	Yes
	350010023	0.071	0.070	No
	350010029	0.065	0.070	No
Doña Ana	350130021	0.072	0.070	Yes
	350130008	0.076	0.070	Yes
	350130020	0.070	0.070	No
	350130023	0.069	0.070	No
Eddy	350151005	0.079	0.070	Yes
	350150010	0.080	0.070	Yes
Lea	350250008	0.072	0.070	Yes
Rio Arriba	350390026	0.063	0.070	No
Sandoval	350431001	0.068	0.070	No
San Juan	350450018	0.068	0.070	No
	350450020	0.066	0.070	No
	350451005	0.067	0.070	No
	350450009	0.067	0.070	No
Santa Fe	350490021	0.066	0.070	No
Valencia	350610008	0.065	0.070	No

Source: EPA (2025f)

* Annual fourth-highest daily maximum 8-hour concentration averaged over 3 years

Table 13. 2024 Annual NO_2 Design Values, New Mexico

County	Site ID	Design Value (ppb)	NAAQS (ppb)*	Exceed NAAQS?
Bernalillo	350011023	8	53	No
	350010029	7	53	No
	350012022	10	53	No
Doña Ana	350130021	7	53	No
	350130022	6	53	No
Eddy	350151005	5	53	No
Lea	350250008	6	53	No

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County	Site ID	Design Value (ppb)	NAAQS (ppb)*	Exceed NAAQS?
San Juan	350450009	9	53	No
	350450018	5	53	No
	350450020	1	53	No
	350451005	3	53	No

Source: EPA (2025f)

* Not to be exceeded during the year

Table 14. 2022–2024 1-Hour NO_2 Design Values, New Mexico

County	Site ID	Design Value (ppb)*	NAAQS (ppb)	Exceed NAAQS?
Bernalillo	350010023	43	100	No
	350010029	36	100	No
Doña Ana	350130021	47	100	No
	350130022	46	100	No
Eddy	350151005	32	100	No
Lea	350250008	35	100	No
San Juan	350450009	35	100	No
	350450018	23	100	No
	350450020	4	100	No
	350451005	19	100	No

Source: EPA (2025f)

* 98th percentile, averaged over 3 years

Table 15. 2023–2024 8-Hour CO Design Values, New Mexico

County	Site ID	Design Value (ppm)	NAAQS (ppm)*	Exceed NAAQS?
Bernalillo	350010023	0.8	9	No
	350012022	1.7	9	No
	350010029	1.3	9	No

Source: EPA (2025f)

* Not to be exceeded more than once per year

Table 16. 2023–2024 Design Values, 1-Hour CO

County	Site ID	Design Value (ppm)	NAAQS (ppm)*	Exceed NAAQS?
Bernalillo	350010023	1.2	35	No
	350012022	2.2	35	No
	350010029	2.9	35	No

Source: EPA (2025f)

* Not to be exceeded more than once per year

Table 17. 2022–2024 24-Hour PM_{10} Average Estimated Exceedances, New Mexico

County	Site ID	Average Estimated Exceedances	NAAQS (µg/m³)*	Exceed NAAQS?†
Bernalillo	350010029	7.5	150	Yes
	350010023	0.0	150	No
	350011012	0.0	150	No
	350011013	0.7	150	No
	350012022	1.0	150	No
Doña Ana	350130021	7.5	150	Yes
	350130016	9.1	150	Yes
	350130019	4.0	150	Yes
	350130020	5.1	150	Yes
Luna	350290003	5.1	150	Yes
San Juan	350451005	3.0	150	No

Source: EPA (2025f)

* Not to be exceeded more than once per year on average over 3 years

† The NMAAQS for total suspended particulates, which was used as a comparison for PM_{10} and $PM_{2.5}$, was repealed as of November 30, 2018. The NAAQS still apply.

Table 18. 2022–2024 Annual $PM_{2.5}$ Design Values, New Mexico

County	Site ID	Design Value (µg/m³)*	NAAQS (µg/m³)	Exceed NAAQS?†
Bernalillo	350011012	3.8	9	No
	350010023	5.0	9	No
	350010029	7.7	9	No
	350010026	6.4	9	No
	350011013	6.7	9	No
	350012022	8.2	9	No
Doña Ana	350130021	8.7	9	No
	350130016	7.4	9	No
	350130022	5.8	9	No
	350130025	4.4	9	No
Lea	350250008	6.5	9	No
Taos	350550005	4.0	9	No

Source: EPA (2025f)

* Annual mean averaged over 3 years

† The NMAAQS for total suspended particulates, which was used as a comparison for PM_{10} and $PM_{2.5}$, was repealed as of November 30, 2018. The NAAQS still apply.

NMED Exhibit 55_000046

Table 19. 2022–2024 24-Hour $PM_{2.5}$ Design Values, New Mexico

County	Site ID	Design Value (µg/m³)*	NAAQS (µg/m³)	Exceed NAAQS?†
Bernalillo	350011012	9	35	No
	350010023	12	35	No
	350010029	20	35	No
	350010026	16	35	No
	350011013	17	35	No
	350012022	24	35	No
Doña Ana	350130021	24	35	No
	350130016	19	35	No
	350130022	19	35	No
	350130025	13	35	No
Lea	350250008	19	35	No
Taos	350550005	13	35	No

Source: EPA (2025f)

Note: Many rural counties have no monitoring data and are assumed under the CAA to be in attainment. $PM_{2.5}$ monitor stations currently show installed locations in the planning area (San Juan County); however, the monitor status of these stations shows invalid data and cannot be used to represent design values.

* 98th percentile, averaged over 3 years

† The NMAAQS for total suspended particulates, which was used as a comparison for PM_{10} and $PM_{2.5}$, was repealed as of November 30, 2018. The NAAQS still apply.

Table 20. 2022–2024 1-Hour SO_2 Design Values, New Mexico

County	Site ID	Design Value (ppb)*	NAAQS (ppb)	Exceed NAAQS?
Bernalillo	350010023	2	75	No

Source: EPA (2025f)

Note: Although there are no NAAQS for hydrogen sulfide (H_2S), New Mexico has set a 1-hour standard for H_2S at 0.010 ppm for all areas of the state outside of the area within 5 miles of the Pecos-Permian Air Quality Control Region and a 0.5-hour standard for H_2S at 0.100 ppm within the Pecos-Permian Air Quality Control Region and 0.030 ppm for municipal boundaries and within 5 miles of municipalities with populations greater than 20,000 in areas of the state outside the area within 5 miles of the Pecos-Permian Air Quality Control Region (see Table 62).

* 99th percentile of 1-hour daily maximum concentrations, averaged over 3 years

McKinley County, may not have existing monitors and, therefore, no data are available; other counties, such as San Juan County, may have monitors that record only certain pollutants. Design values are typically used to designate and classify nonattainment areas, as well as to assess progress toward meeting the NAAQS. Therefore, when the design values exceed the NAAQS or NMAAQS, actions may be taken to reassess the designations of these areas.

3.10 OKLAHOMA, KANSAS, AND TEXAS DESIGN VALUES

The most recent design values for the measured criteria pollutants from monitoring stations in Oklahoma, Kansas, and Texas with 2024 design values are provided in Table 12 through Table 20, and

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only those counties with monitoring completed in the last 10 years are included. The counties with the most potential for oil and gas development, or that are representative of these areas, are provided, and these design values are compared with the NAAQS. Rural counties may not have existing monitors and, therefore, no data are available; other counties may have monitors that record only certain pollutants. Design values are typically used to designate and classify nonattainment areas, as well as to assess progress toward meeting the NAAQS. Therefore, when the design values exceed the NAAQS, actions may be taken to reassess the designations of these areas.

Table 21. 2022–2024 8-Hour O_3 Design Values, Oklahoma, Kansas, and Texas

County	Site ID	Design Value (ppm)*	NAAQS (ppm)	Exceed NAAQS?
Oklahoma				
Creek	400370144	0.069	0.070	No
Pittsburg	401210415	0.067	0.070	No
Tulsa	401430178	0.073	0.070	No
Canadian	400170101	0.071	0.070	No
Cleveland	400270049	0.072	0.070	Yes
Comanche	400310651	0.070	0.070	Yes
Dewey	400430860	0.069	0.070	No
McClain	400871074	0.073	0.070	Yes
Oklahoma	401090096	0.072	0.070	Yes
	401091037	0.072	0.070	Yes
Kansas				
Sedgwick	201730010	0.066	0.070	No
Sumner	201910002	0.065	0.070	No
Trego	201950001	0.067	0.070	No
Texas				
Galveston	481671034	0.077	0.070	Yes
Montgomery	483390078	0.075	0.070	Yes
Tarrant	484390075	0.082	0.070	Yes
	484391002	0.083	0.070	Yes
	484392003	0.080	0.070	Yes
	484393009	0.081	0.070	Yes
	484393011	0.077	0.070	Yes
El Paso	481410044	0.070	0.070	No
Gregg	481830001	0.066	0.070	No
Denton	481210034	0.080	0.070	No
Nueces	483550025	0.063	0.070	No

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County	Site ID	Design Value (ppm)*	NAAQS (ppm)	Exceed NAAQS?
Victoria	484690003	0.062	0.070	No
Travis	484530020	0.068	0.070	No

Source: EPA (2025f)

* Annual fourth-highest daily maximum 8-hour concentration averaged over 3 years

Table 22. 2024 Annual NO_2 Design Values, Oklahoma, Kansas, and Texas

County	Site ID	Design Value (ppb)	NAAQS (ppb)*	Exceed NAAQS?
Oklahoma				
Tulsa	401431127	6	53	No
Oklahoma	401091037	4	53	No
	401090097	12	53	No
Kansas				
Sumner	201910002	5	53	No
Trego	201950001	2	53	No
Texas				
Galveston	481671034	3	53	No
Montgomery	483390078	4	53	No
El Paso	481410055	13	53	No
Karnes	482551070	3	53	No
Gregg	481830001	2	53	No
Denton	481210034	5	53	No
Travis	484530014	5	53	No

Source: EPA (2025f)

* Not to be exceeded during the year

Table 23. 2022–2024 1-Hour NO_2 Design Values, Oklahoma, Kansas, and Texas

County	Site ID	Design Value (ppb)*	NAAQS (ppb)	Exceed NAAQS?
Oklahoma				
Tulsa	401431127	34	100	No
Oklahoma	401091037	31	100	No
Kansas				
Sumner	201910002	23	100	No
Trego	201950001	8	100	No
Texas				
Montgomery	*483390078*	24	100	No

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County	Site ID	Design Value (ppb)*	NAAQS (ppb)	Exceed NAAQS?
Tarrant	*484391002*	48	100	No
	484392003	42	100	No
	484393009	38	100	No
	484393011	37	100	No
Gregg	481830001	20	100	No
Karnes	482551070	27	100	No

Source: EPA (2025f)

* 98th percentile, averaged over 3 years

Table 24. 2023–2024 8-Hour CO Design Values, Oklahoma, Kansas, and Texas

County	Site ID	Design Value (ppm)	NAAQS (ppm)*	Exceed NAAQS?
Oklahoma				
Tulsa	401431127	1.0	9	No
Oklahoma	401090097	1.4	9	No
	401091037	1.2	9	No
Kansas				
Wyandotte	202090021	0.6	9	No
Texas				
El Paso	481410044	3.0	9	No
Tarrant	484391053	1.7	9	No
Travis	484531068	1.5	9	No

Source: EPA (2025f)

* Not to be exceeded more than once per year

Table 25. 2023–2024 1-Hour CO Design Values, Oklahoma, Kansas, and Texas

County	Site ID	Design Value (ppm)	NAAQS (ppm)*	Exceed NAAQS?
Oklahoma				
Tulsa	401431127	1.5	35	No
Oklahoma	401090097	1.9	35	No
	401091037	1.8	35	No
Kansas				
Wyandotte	202090021	1.0	35	No
Texas				
El Paso	481410044	4.8	35	No
Tarrant	484391053	3.7	35	No

County	Site ID	Design Value (ppm)	NAAQS (ppm)*	Exceed NAAQS?
Travis	484531068	2.5	35	No

Source: EPA (2025f)

* Not to be exceeded more than once per year

Table 26. 2022–2024 24-Hour PM_{10} Average Estimated Exceedances, Oklahoma, Kansas, and Texas

County	Site ID	Average Estimated Exceedances	NAAQS (µg/m³)*	Exceed NAAQS?
Oklahoma				
Tulsa	401431127	0.0	150	No
Kansas				
Trego	201950001	1.4	150	No
Sherman	201810003	1.8	150	No
Texas				
El Paso	481410057	14.8	150	Yes
Dallas	481130061	0.0	150	No

Source: EPA (2025f)

* Not to be exceeded more than once per year on average over 3 years

Table 27. 2022–2024 Annual $PM_{2.5}$ Design Values, Oklahoma, Kansas, and Texas

County	Site ID	Design Value (µg/m³)*	NAAQS (µg/m³)	Exceed NAAQS?
Oklahoma				
Pittsburg	401210415	8.3	9	No
Tulsa	401431127	8.6	9	No
Comanche	400310651	6.8	9	No
Dewey	400430860	7.0	9	No
Kay	400710604	8.6	9	No
Oklahoma	401090097	8.8	9	No
	401090035	8.3	9	No
	401091037	8.2	9	No
Kansas				
Trego	201950001	6.8	9	No
Texas				
Denton	481210034	7.8	9	No
Montgomery	483390078	10.7	9	Yes

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County	Site ID	Design Value (µg/m³)*	NAAQS (µg/m³)	Exceed NAAQS?
Tarrant	484391002	9.1	9	Yes
	484391006	9.4	9	Yes
	484391053	8.9	9	No
El Paso	481410044	9.6	9	No
Harrison	481830002	9.5	9	No
Nueces	483550032	9.1	9	No
Dallas	481130069	9.6	9	No
Travis	484530021	9.7	9	No

Source: EPA (2025f)

* Annual mean averaged over 3 years

Table 28. 2022–2024 24-Hour $PM_{2.5}$ Design Values, Oklahoma, Kansas, and Texas

County	Site ID	Design Value (µg/m³)*	NAAQS (µg/m³)	Exceed NAAQS?
Oklahoma				
Pittsburg	401210415	20	35	No
Tulsa	401431127	20	35	No
Cleveland	400270049	20	35	No
Comanche	400310651	16	35	No
Dewey	400430860	19	35	No
Kay	400710604	22	35	No
Oklahoma	401090035	17	35	No
	401090097	19	35	No
	401091037	19	35	No
Kansas				
Sumner	201910002	21	35	No
Texas				
Denton	481210034	21	35	No
Galveston	481671034	22	35	No
Montgomery	483390078	25	35	No
Tarrant	484391002	25	35	No
	484391006	25	35	No
	484391053	22	35	No
Nueces	483550032	26	35	No
Dallas	481130069	22	35	No

County	Site ID	Design Value (µg/m³)*	NAAQS (µg/m³)	Exceed NAAQS?
Travis	484530021	26	35	No

Source: EPA (2025f)

* 98th percentile, averaged over 3 years

Table 29. 2022–2024 1-Hour SO_2 Design Values, Oklahoma, Kansas, and Texas

County	Site ID	Design Value (ppb)*	NAAQS (ppb)	Exceed NAAQS?
Oklahoma				
Tulsa	401431127	3	75	No
Garfield	400470555	41	75	No
Kay	400710604	7	75	No
Oklahoma	401091037	1	75	No
Kansas				
Sumner	201910002	3	75	No
Trego	201950001	2	75	No
Texas				
El Paso	481410044	5	75	No
Gregg	481830001	14	75	No
Galveston	482570005	9	75	No
Nueces	483550025	4	75	No

Source: EPA (2025f)

* 99th percentile of 1-hour daily maximum concentrations, averaged over 3 years

3.11 GENERAL CONFORMITY AND NONATTAINMENT

If the concentration of one or more criteria pollutants in a geographic area is found to violate the NAAQS, the area may be classified as a **nonattainment** area. Areas with concentrations of criteria pollutants that are below the levels established by the NAAQS are considered either **attainment** or unclassifiable areas. Areas for which available data are not sufficient to make an attainment status designation are listed as unclassifiable. When a state submits a request to the EPA to redesignate a nonattainment area as an attainment area, it must submit a maintenance plan that demonstrates that the area can maintain the air quality standard for at least 10 years following the effective date of redesignation. An EPA-approved maintenance plan will allow the EPA to redesignate the area as an attainment area. While the plan is being drafted and until it is approved, the area is classified as a maintenance area.

To eliminate or reduce the severity and number of NAAQS violations in nonattainment areas and to achieve expeditious attainment of the NAAQS, the EPA promulgated the Conformity Rule. 40 C.F.R. § 93, Subpart B. The Conformity Rule applies to federal actions and environmental analyses completed after March 15, 1994, in nonattainment and maintenance areas. This rule contains a variety of substantive and procedural requirements to show conformance with both the NAAQS and state implementation plans (SIPs).

Section 176(c) of the CAA prohibits federal agencies from taking actions in nonattainment and maintenance areas unless the emissions from the actions conform to the SIP or Tribal implementation plan for the area. Federal actions must be evaluated for conformity to the local SIP if the project 1) is within an EPA-designated nonattainment or maintenance area, 2) would result in emissions above the de minimis threshold quantities of criteria pollutants listed in 40 C.F.R. § 93, 3) is not a listed exempt action, and 4) has not been accounted for in an EPA-approved SIP.

The Conformity Rule requires that all federal actions in a nonattainment area must demonstrate conformity with the SIP for the pollutant in question. If the agency can demonstrate that emissions for the action will fall below certain established levels, known as de minimis, then no further analysis is necessary. To establish a de minimis claim, an emissions inventory for the project is required. In the case of O_3, the emissions inventory would include NO_x and VOCs. If emissions are projected to be above de minimis levels, a formal Conformity Determination may be required.

3.11.1 NEW MEXICO

Nonattainment designation is classified on six levels depending on the design value and pollutant, with the lowest level starting at marginal and increasing in severity: marginal, moderate, serious, severe-15, severe-17, and extreme. Higher levels reflect increasing difficulty in controlling pollution and stricter regulatory requirements. For example, a severe-15 designation typically applies to areas with very high pollution levels that must meet tighter deadlines and more stringent controls to improve air quality. Nonattainment areas in New Mexico are provided in Table 30.

Table 30. New Mexico Nonattainment Areas by County

County	Full/Partial County	Pollutant	Level	Standard	Location Description
Doña Ana	Partial	O_3	Marginal	2015 8-hour O_3	Sunland Park
Doña Ana	Partial	PM_{10}	Moderate	1987 PM_{10}	Anthony
Grant	Partial	SO_2	Maintenance	1978 SO_2	Phelps Dodge Chino Copper Smelter
Bernalillo*	N/A	N/A	N/A	N/A	N/A

Source: EPA (2025m)

Note: N/A = not applicable

* Bernalillo County is currently designated by the EPA as an attainment area for all air pollutants identified in the NAAQS. However, in 1978 it was designated as a moderate nonattainment area for CO (Ecosphere Environmental Services 2018). The County remained under this designation until 1996, when it was redesignated as an attainment area under limited maintenance for CO. In 2016, after 20 years without violations of the CO standards, the County was redesignated from a limited maintenance area to an attainment area.

More details on the New Mexico nonattainment and maintenance areas and areas exceeding the NAAQS are as follows:

- **O_3 nonattainment area in Doña Ana County (Sunland Park, New Mexico, southwest of the BLM CFO planning area, south of Las Cruces):** In 1995, the EPA declared a 42-square-mile region in the southeast corner of the county on the border of Texas and Mexico as a marginal nonattainment area for the 1-hour O_3 standard. The nonattainment area included the cities of Sunland Park, Santa Teresa, and La Union, New Mexico. The 1-hour O_3 standard was revoked by

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the EPA in 2004 with the adoption of the new 8-hour O_3 standard. Due to the revocation of the 1979 1-hour O_3 standard and based on monitoring data, Sunland Park was designated as an attainment area for the 1997 8-hour O_3 standard (0.080 ppm).

In October 2015, the EPA lowered the NAAQS for O_3 to 0.070 ppm. As a result, in 2016, the NMED recommended that the EPA designate a portion of Doña Ana County near Sunland Park, New Mexico, as a nonattainment area. Based on 2014 through 2016 O_3 monitoring data, the EPA designated the Sunland Park area in southern Doña Ana County as a marginal nonattainment area for 2015 O_3 NAAQS on June 18, 2018, with an attainment deadline of August 3, 2021 (*Federal Register* 83:25776) (NMED 2020). On November 30, 2021 (*Federal Register* 86:67864), the EPA expanded the marginal nonattainment area that previously covered only the Sunland Park area in Doña Ana County to include El Paso County, Texas, and renamed the marginal nonattainment designated area as the El Paso-Las Cruces, TX-NM nonattainment area.

On December 6, 2018 (*Federal Register* 83:6299), the EPA published the Nonattainment Area SIP Requirements rule that establishes the minimum elements that must be included in all nonattainment SIPs, including the requirements for New Mexico Nonattainment New Source Review (NNSR) permitting. On August 10, 2021, the NMED submitted a SIP to the New Mexico NNSR permitting program to address the requirements of the 2015 8-hour O_3 NAAQS. On November 16, 2022, the EPA approved this SIP, which updated the NNSR permitting program for the 2015 8-hour O_3 NAAQS (*Federal Register* 87:51041, 86:57388).

- **O_3 Design Value Exceedance in Eddy and Lea Counties (Carlsbad, New Mexico):** In May 2025, new design values for NAAQS were published by the EPA for various counties throughout the United States. The monitor at 2811 Holland Street in Eddy County showed an 8-hour O_3 exceedance of 79 parts per billion (ppb) and the monitor at 2320 North Jefferson Street in Lea County showed an 8-hour O_3 exceedance of 72 ppb (EPA 2025f). These areas have not been formally declared nonattainment areas by the EPA through the State's recommendation but may be designated as nonattainment areas in the future.

  New Mexico Statutes Annotated 1978, § 74-2-5, directs the NMED to develop plans that may include regulations that are more stringent than federal rules for areas of the state in which ambient monitoring shows O_3 levels at or above 95% of the NAAQS to control NO_x and VOC emissions to provide for attainment and maintenance of the standard. The NMOCD Statewide Natural Gas Capture Requirements (Waste Prevention Rule) (N.M.A.C. 19.15.27.9) and NMED Oil and Natural Gas Regulation for Ozone Precursors (N.M.A.C. 20.2.50.1) are recent regulations reducing NO_x, VOC, and CH_4 emissions. The 2015 8-hour primary NAAQS for O_3 is 0.070 ppm (70 ppb); 95% of the O_3 NAAQS is 0.067 ppm (67 ppb). This form of the standard requires averaging of 3 years of monitoring data for the fourth-highest 8-hour average, using the most recent year's data to determine the design value. For New Mexico, six counties show 3-year averages (2022–2024) of O_3 levels at or above 95% of the NAAQS or exceeding the NAAQS (EPA 2025f):

  - Bernalillo County (72 ppb)
  - Doña Ana County (76 ppb)
  - Eddy County (80 ppb)
  - Lea County (72 ppb)
  - Sandoval County (68 ppb)
  - San Juan County (68 ppb)

In April 2019, the NMED entered the Ozone Advance Program for the entirety of San Juan (northwestern New Mexico), Lea (southeastern New Mexico), and Eddy (southeastern New Mexico) Counties and for the portion of Doña Ana County that excludes the Sunland Park nonattainment area (south-central New Mexico). O_3 levels in Rio Arriba, Sandoval, Santa Fe, and Valencia Counties either currently exceed or recently have exceeded 95% of the 2015 8-hour O_3 NAAQS (67 ppb) and could soon violate this standard. The Ozone Advance Path Forward and outreach efforts include the following nine counties: Chaves, Doña Ana, Eddy, Lea, Rio Arriba, San Juan, Santa Fe, Sandoval, and Valencia. Although Chaves County does not have O_3 monitors, the NMED includes it in the Ozone Advance Program planning effort as it is part of the Permian Basin with oil and gas emissions that contribute to high O_3 levels in Lea and Eddy Counties. The efforts under the Ozone Advance Program may benefit these areas by potentially 1) reducing O_3 as well as other air pollutants, 2) ensuring continued healthy O_3 levels, 3) maintaining the O_3 NAAQS and helping the Sunland Park nonattainment area attain the 2015 Ozone NAAQS, 4) avoiding violations of the NAAQS that could lead to a future nonattainment designation, 5) increasing public awareness about O_3 as an indirect air pollutant, and 6) targeting limited resources toward actions to address O_3 problems quickly. The NMED goal is to implement measures and programs to reduce O_3 in the near term and, ultimately, to effect changes that will protect community well-being into the future. The NMED will work together and in coordination with stakeholders and the public to proactively pursue this goal (NMED 2022).

- **PM_{10} nonattainment area in Anthony, New Mexico (west of the BLM CFO planning area, south of Las Cruces):** The State of New Mexico submitted the Anthony PM_{10} SIP to the regional EPA headquarters on November 8, 1991. This area was designated as a nonattainment area for PM_{10} by the EPA in 1991. The nonattainment area is bounded by Anthony quadrangle, Anthony, New Mexico-Texas. SE/4 La Mesa 15-minute quadrangle, N32 00 – W106 30/7.5, Sections 35 and 36, Township 26 South, Range 3 East as limited by the New Mexico-Texas state line on the south. The site is in Doña Ana County, which submitted a Natural Events Action Plan for PM_{10} exceedances to the EPA in December 2000. However, Anthony, New Mexico, still exceeds the NAAQS for PM_{10}. Therefore, the EPA has not redesignated the state PM_{10} nonattainment area at this time and has not indicated its plans to do so (NMED 2024b).
- The NMED Air Quality Bureau developed a Fugitive Dust Control Rule (N.M.A.C. 20.2.23) in conjunction with a Dust Mitigation Plan to abate certain controllable sources in Doña Ana and Luna Counties. Mitigation plans are required by the EPA in areas where recurring natural events (in this case, high winds resulting in blowing dust) cause exceedances of the health-based national standards for PM. The NMED developed a single mitigation plan for Doña Ana and Luna Counties and updated this plan on March 10, 2021 (NMED 2021a). The Dust Mitigation Plan and the associated Fugitive Dust Control Rule enhance existing local dust control ordinances and provide coverage where there are gaps. The NMED Air Quality Bureau Fugitive Dust Control Rule was published in conjunction with the original Dust Mitigation Plan and became effective on January 1, 2019. The rule applies to sources of fugitive dust that are not required to obtain a construction permit from the Air Quality Bureau, including areas greater than 1.0 acre that are disturbed by construction/demolition activities and earthmoving. Control measures are required to stabilize surfaces to ensure emissions are not crossing the property line or exceeding opacity limits. Control measures listed in the rule (NMED 2021a) include the following:
    - Watering and/or applying dust suppressant to unpaved surfaces
    - Limiting on-site vehicle speeds
    - Prohibiting activities during high winds

- Watering exposed areas before high winds
- Planting trees or shrubs as a windbreak
- Revegetating disturbed areas with native plants

- **SO_2 Maintenance Area in Grant County (west of the BLM CFO planning area, at the Arizona border):** This maintenance area is at the Phelps Dodge Chino Copper Smelter in Grant County. The maintenance area is defined as a 3.5-mile-radius region around the smelter. The maintenance area also includes high-elevation areas within an 8-mile radius. The State of New Mexico submitted a SIP to the regional EPA headquarters in August 1978. The New Mexico Air Quality Bureau submitted a redesignation plan to the EPA in February 2003 seeking to redesignate this portion of Grant County, New Mexico, from nonattainment to attainment for the SO_2 NAAQS. The redesignation plan reported that air monitoring data for this area revealed values lower than the NAAQS for SO_2. The February 2003 submittal also included a contingency measures plan that consisted of monitoring measures and a maintenance plan for this area to ensure that attainment of the SO_2 NAAQS would be maintained through permitting and the applicable SIP rules. The redesignation plan was approved by the EPA in September 2003. The Grant County SO_2 Limited Maintenance Plan was submitted to the EPA in November 2013 to fulfill the second 10-year maintenance plan requirement under Section 175A(b) of the CAA to ensure maintenance of the 1971 SO_2 NAAQS through 2025 and was approved by the EPA on July 18, 2014 (NMED 2024b).

3.11.2 TEXAS

Nonattainment areas in Texas are provided in Table 31.

Table 31. Texas Nonattainment Areas by County

County	Full/Partial County	Pollutant	Level*	Standard	Location Description
Anderson	Partial	SO_2	N/A	2010 SO_2	Freestone and Anderson Counties
Bexar	Full	O_3	Serious	2015 8-hour O_3	San Antonio
Brazoria†	Full	O_3	Severe-15	2008 8-hour O_3	Houston-Galveston-Brazoria
Brazoria†	Full	O_3	Serious	2015 8-hour O_3	Houston-Galveston-Brazoria
Chambers†	Full	O_3	Severe-15	2008 8-hour O_3	Houston-Galveston-Brazoria
Chambers†	Full	O_3	Serious	2015 8-hour O_3	Houston-Galveston-Brazoria
Collin‡	Full	O_3	Severe-15	2008 8-hour O_3	Dallas-Fort Worth
Collin‡	Full	O_3	Serious	2015 8-hour O_3	Dallas-Fort Worth
Collin	Partial	Pb	Maintenance	2008 Pb	Frisco
Dallas‡	Full	O_3	Severe-15	2008 8-hour O_3	Dallas-Fort Worth
Dallas‡	Full	O_3	Serious	2015 8-hour O_3	Dallas-Fort Worth
Denton‡	Full	O_3	Severe-15	2008 8-hour O_3	Dallas-Fort Worth
Denton‡	Full	O_3	Serious	2015 8-hour O_3	Dallas-Fort Worth

County	Full/Partial County	Pollutant	Level*	Standard	Location Description
El Paso[§]	Full	O_3	Marginal	2015 8-hour O_3	El Paso-Las Cruces, TX-NM
El Paso[§]	Partial	PM_{10}	Moderate	1987 PM_{10}	El Paso County
El Paso[§]	Partial	CO	Maintenance	1971 CO	El Paso
Ellis[¶]	Full	O_3	Severe-15	2008 8-hour O_3	Dallas-Fort Worth
Ellis[¶]	Full	O_3	Serious	2015 8-hour O_3	Dallas-Fort Worth
Fort Bend[†]	Full	O_3	Severe-15	2008 8-hour O_3	Houston-Galveston-Brazoria
Fort Bend[†]	Full	O_3	Serious	2015 8-hour O_3	Houston-Galveston-Brazoria
Freestone	Partial	SO_2	N/A	2010 SO_2	Freestone and Anderson Counties
Galveston[†]	Full	O_3	Severe-15	2008 8-hour O_3	Houston-Galveston-Brazoria
Galveston[†]	Full	O_3	Serious	2015 8-hour O_3	Houston-Galveston-Brazoria
Hardin[§, #]	Full	O_3	Maintenance	1997 8-hour O_3	Beaumont-Port Arthur
Harris[†]	Full	O_3	Severe-15	2008 8-hour O_3	Houston-Galveston-Brazoria
Harris[†]	Full	O_3	Serious	2015 8-hour O_3	Houston-Galveston-Brazoria
Howard	Partial	SO_2	N/A	2010 SO_2	Howard County
Hutchinson	Partial	SO_2	N/A	2010 SO_2	Hutchinson County
Jefferson[§, #]	Full	O_3	Maintenance	1997 8-hour O_3	Beaumont-Port Arthur
Johnson[¶]	Full	O_3	Severe-15	2008 8-hour O_3	Dallas-Fort Worth
Johnson[¶]	Full	O_3	Serious	2015 8-hour O_3	Dallas-Fort Worth
Kaufman[¶]	Full	O_3	Severe-15	2008 8-hour O_3	Dallas-Fort Worth
Kaufman[¶]	Full	O_3	Serious	2015 8-hour O_3	Dallas-Fort Worth
Liberty[†]	Full	O_3	Severe-15	2008 8-hour O_3	Houston-Galveston-Brazoria
Montgomery[†]	Full	O_3	Severe-15	2008 8-hour O_3	Houston-Galveston-Brazoria
Montgomery[†]	Full	O_3	Serious	2015 8-hour O_3	Houston-Galveston-Brazoria
Navarro	Partial	SO_2	N/A	2010 SO_2	Navarro County
Orange[§, #]	Full	O_3	Maintenance	1997 8-hour O_3	Beaumont-Port Arthur
Panola	Partial	SO_2	N/A	2010 SO_2	Rusk and Panola Counties
Parker[¶]	Full	O_3	Severe-15	2008 8-hour O_3	Dallas-Fort Worth
Parker[¶]	Full	O_3	Serious	2015 8-hour O_3	Dallas-Fort Worth
Rockwall[¶]	Full	O_3	Severe-15	2008 8-hour O_3	Dallas-Fort Worth
Rusk	Partial	SO_2	N/A	2010 SO_2	Rusk and Panola Counties
Tarrant[‡]	Full	O_3	Severe-15	2008 8-hour O_3	Dallas-Fort Worth
Tarrant[‡]	Full	O_3	Serious	2015 8-hour O_3	Dallas-Fort Worth

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County	Full/Partial County	Pollutant	Level*	Standard	Location Description
Titus	Partial	SO_2	N/A	2010 SO_2	Titus County
Victoria	Full	O_3	Maintenance	1979 1-hour O_3	Victoria
Waller[†]	Full	O_3	Severe-15	2008 8-hour O_3	Houston-Galveston-Brazoria
Wise	Full	O_3	Severe-15	2008 8-hour O_3	Dallas-Fort Worth
Wise	Full	O_3	Serious	2015 8-hour O_3	Dallas-Fort Worth

Source: EPA (2025m)

* Classification levels are based on the worst-case general conformity level.

† Greenbook also lists the revoked 1979 1-hour O_3 level (severe-17) and 1997 8-hr O_3 level (severe-15) for this county (EPA 2025m).

‡ Greenbook also lists the revoked 1979 1-hour O_3 level (serious) and 1997 8-hr O_3 level (serious) for this county (EPA 2025m).

§ Greenbook also lists the revoked 1979 1-hour O_3 level (serious) for this county (EPA 2025m).

¶ Greenbook also lists the revoked 1997 8-hour O_3 level (serious) for this county (EPA 2025m).

The Beaumount-Port Arthur area is designated as a maintenance area for 1979 1-hour O_3 and 1997 8-hour O_3 standards until 2032, according to TCEQ (EPA 2025m).

3.11.3 KANSAS

Nonattainment areas in Kansas are provided in Table 32.

Table 32. Kansas Nonattainment Areas by County

County	Full/Partial County	Pollutant	Level*	Standard	Location Description
Johnson	Full	O_3	Maintenance	1979 1-hour O_3	Kansas City, Missouri-Kansas
Saline	Partial	Pb	N/A	2008 Pb	Saline County
Wyandotte[1]	Full	O_3	Maintenance	1979 1-hour O_3	Kansas City, Missouri-Kansas

Source: EPA (2025m)

* Classification levels are based upon the worst-case general conformity level.

3.11.4 OKLAHOMA

There are currently no nonattainment areas for any criteria pollutant in the state of Oklahoma.

4 NATIONAL EMISSIONS INVENTORY DATA

The NEI data present the emissions of each criteria pollutant by national, state, county, and Tribal areas for major source sectors. National emissions trends are reported in the *2020 National Emissions Inventory and Trends Report* (2020 NEI Report) (EPA 2023h). The NEI data are updated every 3 years, with new emissions inventory data incurring a 2- to 3-year data gathering period for final use. The most recent NEI data are for 2020 and were released in March 2023. Emissions data are expressed in tons per

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year or total volume of pollutant released to the atmosphere. Emissions data are useful in comparing source categories to determine which industries or practices are contributing the most to the general level of pollution in an area.

The anthropogenic sectors mentioned in the report are defined as follows:

(1) Electricity generation is fuel combustion from electric utilities.

(2) Fossil fuel combustion is fuel combustion from industrial boilers, internal combustion engines, and commercial/institutional or residential use.

(3) Industrial processes include manufacturing of chemicals, metals, and electronics; storage and transfer operations; pulp and paper production; cement manufacturing; petroleum refineries; and oil and gas production.

(4) On-road vehicles includes both gasoline- and diesel-powered vehicles for on-road use.

(5) Nonroad equipment includes gasoline- and diesel-powered equipment for nonroad use, as well as planes, trains, and ships.

(6) Road dust includes dust from both paved and unpaved roads.

Presentation of emissions data by source sector provides a better understanding of the activities that contribute to criteria pollutant emissions.

NEI data by pollutant (CO, NO_x, PM_{10} and $PM_{2.5}$, SO_2, and VOCs) for the major sources within New Mexico, Kansas, Oklahoma, and Texas can be found in Appendix D.

The 2020 NEI data are broken down into the following emission source categories:

- Solvents – consumer and commercial solvent use, degreasing, dry cleaning, graphic arts, industrial surface coating and solvent use, and non-industrial surface coating
- Mobile sources – aircraft, commercial marine vessels, locomotives, nonroad equipment, and on-road vehicles
- Industrial processes – cement manufacturing, chemical manufacturing, ferrous metals, mining, not elsewhere classified, nonferrous metals, oil and gas production, petroleum refineries, pulp and paper, and storage and transfer
- Fires – agricultural field burning, prescribed burning, and wildfires
- Biogenic sources – vegetation and soil
- Fuel combustion – institutional, electric generation, industrial boilers, internal combustion engines, and residential (for biomass, coal, natural gas, oil)
- Agriculture – crops and livestock dust, fertilizer application, and livestock waste
- Dust – construction dust, paved road dust, and unpaved road dust

The figures below show the 2020 NEI VOC, NO_X, CO, PM_{10}, $PM_{2.5}$, and SO_2 emissions for the states of New Mexico, Texas, Oklahoma, and Kansas, showing the estimated percentage of total emissions from each of the applicable emission source categories above.

4.1 2020 NATIONAL EMISSIONS INVENTORY DATA

Total emissions within the United States and the BLM NMSO area of operations are reported in Table 33 and are based on 2020 NEI data (EPA 2023h). Table 34 reports total emissions within each county in New Mexico (EPA 2023h).

Table 33. 2020 NEI Air Pollutant Emissions in Tons per Year for the United States and BLM NMSO States

State	NO_X	CO	VOC	PM_{10}	$PM_{2.5}$	SO_2	HAPs
United States	**8,814,608**	**66,065,689**	**46,140,059**	**16,761,114**	**5,815,036**	**1,838,518**	**5,964,882**
New Mexico	201,629	616,567	712,766	130,768	43,642	89,168	105,537
Kansas	199,314	927,620	698,701	500,208	146,908	14,794	128,527
Texas	963,226	4,070,107	4,355,399	1,549,000	362,101	248,177	470,542
Oklahoma	239,316	1,236,732	1,190,095	503,476	142,324	34,886	131,286

Source: EPA (2023h). NEI data accessed September 13, 2024.

Note: Table reports both biogenic and human-caused emissions. Values may not always sum correctly if queried on demand as the NEI database updates its emissions periodically with newer emission information. Values include summaries for each county, including combustion, industrial, on-road/nonroad, and miscellaneous sectors. New Mexico emissions include Tribal emissions from the Four Corners Power Plant in San Juan County. There are no Tribal emissions for Texas, Kansas, and Oklahoma.

Table 34. 2020 NEI Air Pollutant Emissions in Tons per Year for New Mexico Counties

County	NO_X	CO	VOC	PM_{10}	$PM_{2.5}$	SO_2	HAPs
New Mexico counties in the major oil and gas basin	**121,973**	**219,286**	**394,308**	**46,439**	**13,331**	**87,162**	**45,798**
Chaves	5,008	13,034	17,379	4,038	975	1,202	3,234
Eddy	26,808	45,159	101,008	7,325	2,305	35,502	11,764
Lea	32,702	46,128	126,317	6,245	2,295	46,579	13,507
McKinley	7,019	13,292	20,054	5,140	1,179	444	3,558
Rio Arriba	12,423	26,303	53,474	3,632	919	61	4,829
Roosevelt	1,580	5,156	7,683	2,977	695	238	2,003
Sandoval	4,106	20,065	16,604	8,413	1,885	140	2,618
San Juan	32,327	50,149	51,789	8,669	3,078	2,996	4,285
Remaining New Mexico counties	**70,813**	**392,123**	**317,947**	**84,038**	**30,182**	**1,913**	**59,541**
Bernalillo	14,644	72,054	15,944	21,064	5,189	360	3,504
Catron	1,697	36,857	40,085	4,063	2,924	264	6,328
Cibola	3,515	5,416	16,147	1,411	410	13	2,961

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County	NO_X	CO	VOC	PM_{10}	$PM_{2.5}$	SO_2	HAPs
Colfax	2,688	7,911	17,859	1,575	390	10	2,656
Curry	2,292	5,737	6,867	4,297	1,014	28	1,727
De Baca	2,271	5,322	5,086	972	414	22	1,344
Doña Ana	6,768	25,244	12,564	5,467	1,655	92	2,491
Grant	1,881	35,427	21,961	5,118	2,966	255	3,603
Guadalupe	2,853	5,082	6,040	775	208	5	1,722
Harding	752	1,831	5,146	289	68	1	1,359
Hidalgo	1,654	3,013	8,324	538	157	6	1,381
Lincoln	1,790	10,708	15,386	2,597	857	54	2,755
Los Alamos	382	2,211	1,872	909	216	3	319
Luna	2,586	5,988	5,773	1,282	386	40	1,119
Mora	1,071	40,549	17,277	4,531	3,359	244	2,528
Otero	2,017	11,108	22,883	3,989	824	19	3,435
Quay	1,988	5,359	6,092	1,395	354	8	1,704
San Miguel	1,825	15,740	15,886	2,752	1,239	86	3,170
Santa Fe	3,792	31,445	11,567	7,790	2,535	116	2,338
Sierra	1,254	5,771	11,519	755	232	11	2,108
Socorro	2,598	28,870	20,726	3,469	2,244	192	4,181
Taos	1,052	10,897	11,208	3,375	1,000	39	1,623
Torrance	4,738	6,979	7,769	1,611	447	12	1,922
Union	1,402	4,293	9,522	2,202	496	10	2,240
Valencia	3,303	8,311	4,444	1,812	598	23	1,022

Source: EPA (2023h). NEI data accessed September 13, 2024.

Note: Table reports both biogenic and human-caused emissions. Values may not always sum correctly if queried on demand as the NEI database updates its emissions periodically with newer emission information. Values include summaries for each county, including combustion, industrial, on-road/nonroad, and miscellaneous sectors. San Juan County emissions include Tribal emissions (Four Corners Power Plant). Totals may not sum exactly due to rounding..

According to the 2020 NEI data, the largest anthropogenic source of NO_X, SO_2, and VOCs in New Mexico was oil and gas sources (Table 35). Criteria air pollutant emissions in 2008 differed from those in 2020. NO_x increased from 197,830 tons in 2008 to 201,629 tons in 2020, and SO_2 increased from 24,669 to 89,168 tons over the same period. However, from 2008 to 2020, PM_{10} decreased from 821,631 to 130,768 tons, $PM_{2.5}$ decreased from 101,998 to 43,643 tons, CO decreased from 813,515 to 616,567 tons, and VOCs decreased from 1,315,442 to 712,166 tons. Emissions from natural sources (biogenics) decreased from 1,499,241 tons in 2008 to 416,849 tons in 2020, while criteria air pollutant emissions from oil and gas sources increased from 15,451 to 513,566 tons (EPA 2023h).

Table 35. 2020 Air Pollutant Emissions in Tons per Year by Source, New Mexico

Source	CO	NH_3	NO_x	PM_{10}	$PM_{2.5}$	SO_2	VOC
Area sources*	10,322	83,628	2,218	97,936	15,646	434	32,364
Oil and gas sources	100,695	4	67,956	2,171	2,005	83,175	257,560
Nonroad mobile	64,346	15	20,430	969	925	72	5,730
On-road mobile	139,109	794	39,531	2,195	1,115	77	10,074
Point sources	79,958	1,128	50,508	9,741	9,273	2,824	28,385
VOC refueling	5	0	2	0	0	0	5,745
Natural sources (biogenics)	64,591	0	16,459	0	0	0	335,799
Forest wildfires	146,933	2,417	2,196	15,120	12,811	1,164	34,718
Prescribed fires	9,554	158	162	1,000	848	82	2,264
Miscellaneous	0	0	0	0	0	0	0
Tribal[†]	1,054	7	2,167	1,636	1,019	1,340	127
Total for New Mexico	**616,567**	**88,151**	**201,629**	**130,768**	**43,643**	**89,168**	**712,766**

Source: EPA (2023h). NEI data accessed September 13, 2024.

* Includes all area sources except biogenic (natural) sources, forest wildfires, and prescribed fires

[†] Tribal emissions are from the Four Corners Power Plant in San Juan County.

According to the 2020 NEI data, the largest anthropogenic source of NO_x and VOCs in Texas was oil and gas sources (Table 36). Criteria air pollutant emissions in 2008 differed from those in 2020. NO_x decreased from 1,717,979 tons in 2008 to 963,226 tons in 2020, SO_2 decreased from 619,281 to 247,177 tons, PM_{10} decreased from 2,514,908 to 1,549,000 tons, $PM_{2.5}$ decreased from 462,178 to 362,101 tons, CO decreased from 5,601,235 to 4,070,107 tons, and VOC decreased from 6,028,204 to 4,355,399 tons. Emissions from natural sources (biogenics) decreased from 4,687,170 tons in 2008 to 2,777,116 tons in 2020, and criteria air pollutant emissions from oil and gas sources decreased from 1,789,026 to 1,686,327 tons (EPA 2023h).

Table 36. 2020 Air Pollutant Emissions Tons per Year by Source, Texas

Source	CO	NH_3	NO_x	PM_{10}	$PM_{2.5}$	SO_2	VOC
Area sources*	256,981	518,847	66,505	1,391,488	233,612	46,988	336,696
Oil and gas sources	188,033	31	236,288	3,237	3,220	47,556	1,207,962
Nonroad mobile	905,234	106	101,950	7,584	7,162	981	67,042
On-road mobile	1,172,835	7,595	210,029	15,969	6,575	805	66,713
Point sources	183,664	7,054	199,302	23,251	20,378	142,378	53,842
VOC refueling	65	1	84	8	7	11	39,449
Natural sources (biogenics)	334,168	0	103,142	0	0	0	2,339,806

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Source	CO	NH_3	NO_x	PM_{10}	$PM_{2.5}$	SO_2	VOC
Forest wildfires	80,902	1,330	1,572	8,654	7,337	745	19,224
Prescribed fires	944,525	15,545	15,125	98,088	83,129	7,783	223,470
Miscellaneous	3,700	11	29,229	721	681	930	1,195
Total for Texas	**4,070,107**	**550,520**	**963,226**	**1,549,000**	**362,101**	**247,177**	**4,355,399**

Source: EPA (2023h). NEI data accessed September 13, 2024.

* Includes all area sources except biogenic (natural) sources, forest wildfires, and prescribed fires

According to the 2020 NEI data, oil and gas sources were not the largest anthropogenic source for any criteria air pollutant in Kansas (Table 37). Criteria air pollutant emissions in 2008 differed from those in 2020. NO_x decreased from 357,510 tons in 2008 to 199,314 tons in 2020, SO_2 decreased from 118,860 to 14,794 tons, PM_{10} decreased from 866,070 to 500,208 tons, $PM_{2.5}$ decreased from 193,662 to 146,908 tons, CO decreased from 1,355,031 to 927,620 tons, and VOCs decreased from 771,768 to 698,701 tons. Emissions from natural sources (biogenics) decreased from 688,504 tons in 2008 to 513,882 tons in 2020, while criteria air pollutant emissions from oil and gas sources increased from 854 to 113,371 tons (EPA 2023h).

Table 37. 2020 Air Pollutant Emissions Tons per Year by Source, Kansas

Source	CO	NH_3	NO_x	PM_{10}	$PM_{2.5}$	SO_2	VOC
Area sources*	52,710	202,936	7,664	418,547	71,697	3,568	71,332
Oil and gas sources	33,055	22	22,337	603	603	124	56,627
Nonroad mobile	116,899	12	38,572	2,257	2,150	164	9,495
On-road mobile	177,881	890	34,667	1,918	966	68	11,847
Point sources	47,909	1,049	41,931	6,672	6,115	4,424	7,846
VOC refueling	14	0	7	0	0	0	9,090
Natural sources (biogenics)	70,723	0	37,290	0	0	0	405,869
Forest wildfires	9,605	155	232	1,095	934	101	2,323
Prescribed fires	418,824	6,318	16,612	69,116	64,443	6,345	124,272
Miscellaneous	0	0	2	0	0	0	0
Total for Kansas	**927,620**	**211,382**	**199,314**	**500,208**	**146,908**	**14,794**	**698,701**

Source: EPA (2023h). NEI data accessed September 13, 2024.

* Includes all area sources except biogenic (natural) sources, forest wildfires, and prescribed fires

According to the 2020 NEI data, the largest anthropogenic source of VOCs in Oklahoma was oil and gas sources (Table 38). Criteria air pollutant emissions in 2008 differed from those in 2020. NO_x decreased from 463,786 tons in 2008 to 239,316 tons in 2020, SO_2 decreased from 148,620 to 34,886 tons, PM_{10} decreased from 809,138 to 503,476 tons, $PM_{2.5}$ decreased from 168,525 to 142,324 tons, CO decreased from 1,736,048 to 1,236,732 tons, and VOCs decreased from 1,356,316 to 1,190,095 tons. Emissions from natural sources (biogenics) decreased from 1,045,049 tons in 2008 to 822,989 tons in 2020, and

criteria air pollutant emissions from oil and gas sources decreased from 322,241 to 276,709 tons (EPA 2023h).

Table 38. 2020 Air Pollutant Emissions Tons per Year by Source, Oklahoma

Source	CO	NH_3	NO_x	PM_{10}	$PM_{2.5}$	SO_2	VOC
Area sources*	58,170	184,623	14,030	420,628	71,617	19,298	72,465
Oil and gas sources	45,423	0	46,040	1,134	1,106	958	182,048
Nonroad mobile	176,121	15	26,395	1,699	1,612	287	15,394
On-road mobile	252,943	1,355	50,832	3,026	1,423	131	17,525
Point sources	70,607	1,553	64,174	13,467	12,045	8,498	24,813
VOC refueling	28	0	3	1	1	0	15,235
Natural sources (biogenics)	71,737	0	25,174	0	0	0	726,078
Forest wildfires	62,451	1,034	1,309	6,756	5,724	606	14,861
Prescribed fires	499,242	8,186	11,291	56,763	48,794	5,108	121,674
Miscellaneous	10	0	68	2	2	0	2
Total for Oklahoma	**1,236,732**	**196,766**	**239,316**	**503,476**	**142,324**	**34,886**	**1,190,095**

Source: EPA (2023h). NEI data accessed September 13, 2024.

* Includes all area sources except biogenic (natural) sources, forest wildfires, and prescribed fires

According to the 2020 NEI data, the largest anthropogenic source of CO, NO_x, and VOCs in the San Juan Basin (McKinley, Sandoval, San Juan, and Rio Arriba Counties) was oil and gas (Table 39). Criteria air pollutant emissions in 2008 differed from those in 2020. NO_x decreased from 57,085 tons in 2008 to 55,875 tons in 2020, SO_2 decreased from 13,146 to 3,641 tons, PM_{10} decreased from 221,003 tons to 25,854 tons, $PM_{2.5}$ decreased from 25,868 tons to 7,061 tons, CO emissions decreased from 147,491 to 109,809 tons, and VOCs decreased from 209,861 to 143,021 tons. Emissions from natural sources (biogenics) decreased from 229,692 tons in 2008 to 81,279 tons in 2020, while criteria air pollutant emissions from oil and gas sources increased from 2,309 to 116,232 tons (EPA 2023h). The NEI data by source for each county in the San Juan Basin are presented in Appendix A.

Table 39. 2020 Air Pollutant Emissions Tons per Year by Source, San Juan Basin

Source	CO	NH_3	NO_x	PM_{10}	$PM_{2.5}$	SO_2	VOCs
Area sources*	2,064	5,605	322	20,805	2,989	34	4,571
Oil and gas sources	33,662	0	22,582	287	283	289	59,129
Nonroad mobile	7,469	2	2,978	128	124	4	737
On-road mobile	25,162	146	6,826	362	193	14	1,763
Point sources	26,724	206.829	20,758	3,900	3,158	3,266	7,443
VOC refueling	0	0	0	0	0	0	924
Natural sources (biogenics)	11,304	0	2,336	0	0	0	67,639

Source	CO	NH_3	NO_x	PM_{10}	$PM_{2.5}$	SO_2	VOCs
Forest wildfires	3,039	51	64	330	279	30	723
Prescribed fires	385	6	9	42	35	4	92
Miscellaneous	0	0	0	0	0	0	0
Total for San Juan Basin	**109,809**	**6,017**	**55,875**	**25,854**	**7,061**	**3,641**	**143,021**

Source: EPA (2023h). NEI data accessed September 13, 2024.

Note: New Mexico point source emissions include Tribal emissions from San Juan County.

* Includes all area sources except biogenic (natural) sources, forest wildfires, and prescribed fires

According to the 2020 NEI data, the largest anthropogenic source of CO, NO_x, SO_2, and VOCs in the Permian Basin (Eddy, Chaves, Lea, and Roosevelt Counties) was oil and gas (Table 40). Criteria air pollutant emissions in 2008 differed from those in 2020. NO_X increased from 31,514 tons in 2008 to 66,098 tons in 2020, SO_2 increased from 9,995 to 83,521 tons, CO increased from 98,963 to 109,477 tons, and VOCs increased from 165,371 to 252,387 tons. However, PM_{10} decreased from 100,800 to 20,585 tons, and $PM_{2.5}$ decreased from 13,332 to 6,270 tons. Emissions from natural sources (biogenics) decreased from 198,891 tons in 2008 to 38,958 tons in 2020, while criteria air pollutant emissions from oil and gas sources increased from 12,974 to 389,973 tons (EPA 2023h). The NEI data by source for each county in the Permian Basin are presented in Appendix A.

Table 40. 2020 Air Pollutant Emissions Tons per Year by Source, Permian Basin

Source	CO	NH_3	NO_x	PM_{10}	$PM_{2.5}$	SO_2	VOCs
Area sources*	1,731	26,246	503	16,733	2,786	162	7,755
Oil and gas sources	63,937	3	43,049	1,838	1,689	82,882	196,575
Nonroad mobile	5,131	0	1,257	78	72	10	498
On-road mobile	15,136	88	3,422	213	100	7	999
Point sources	14,521	161	15,632	1,560	1,485	444	15,366
VOC refueling	0	0	0	0	0	0	1,635
Natural sources (biogenics)	7,549	0	2,201	0	0	0	29,208
Forest wildfires	906	14	19	99	83	9	215
Prescribed fires	566	9	15	64	55	7	136
Miscellaneous	0	0	0	0	0	0	0
Total for Permian Basin	**109,477**	**26,521**	**66,098**	**20,585**	**6,270**	**83,521**	**252,387**

Source: EPA (2023h). NEI data accessed September 13, 2024.

* Includes all area sources except biogenic (natural) sources, forest wildfires, and prescribed fires

4.1.1 VOLATILE ORGANIC COMPOUND EMISSIONS

According to the 2020 NEI data, biogenic sources, fires, industrial processes, mobile sources, and solvents were the largest source categories for VOC emissions for the states of New Mexico, Texas, Oklahoma, and Kansas (Figure 3) (EPA 2023h).

The 2020 NEI data for the BLM New Mexico portion of the San Juan Basin (San Juan, Rio Arriba, Sandoval, and McKinley Counties) indicate that biogenic sources and fuel combustion accounted for 47.7% and 3.0% of total VOC emissions, respectively (EPA 2023h). Industrial processes accounted for 43.7%, of which approximately 95.3% was from oil and gas sources.

The 2020 NEI data for the BLM New Mexico portion of the Permian Basin (Eddy, Lea, Chaves, and Roosevelt Counties) indicate that biogenic sources and fuel combustion accounted for 11.6% and 2.7% of total VOC emissions, respectively (EPA 2023h). Industrial processes accounted for 81.5%, of which approximately 95.5% was from oil and gas sources.

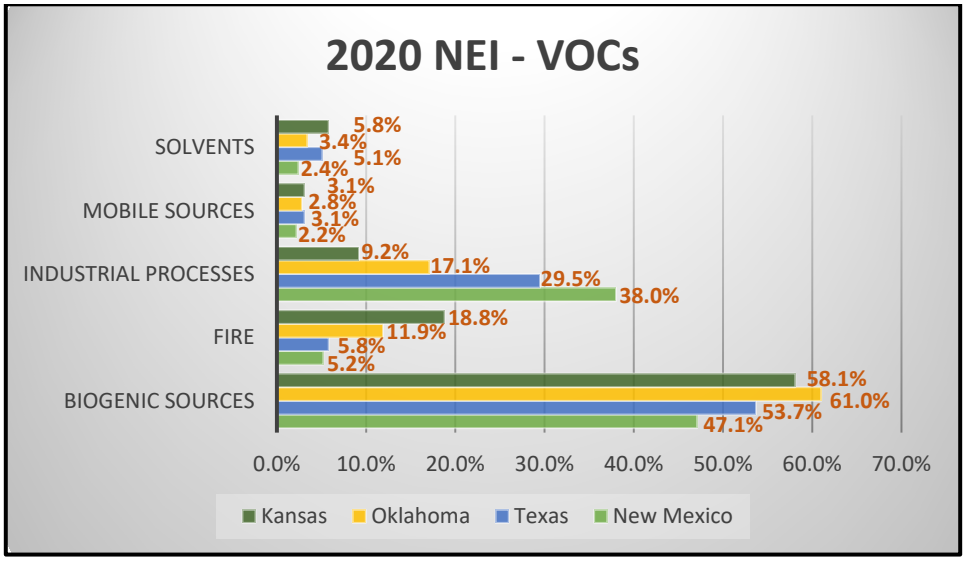


Figure 3. Largest contributors, by percentage, to total VOC emissions in Kansas, Oklahoma, Texas, and New Mexico, 2020 NEI data.

4.1.2 NITROGEN OXIDES EMISSIONS

According to the 2020 NEI data, fuel combustion, biogenic sources, fires, industrial processes, and mobile sources were the largest source categories for total NO_x emissions for the states of New Mexico, Texas, Oklahoma, and Kansas (Figure 4) (EPA 2023h).

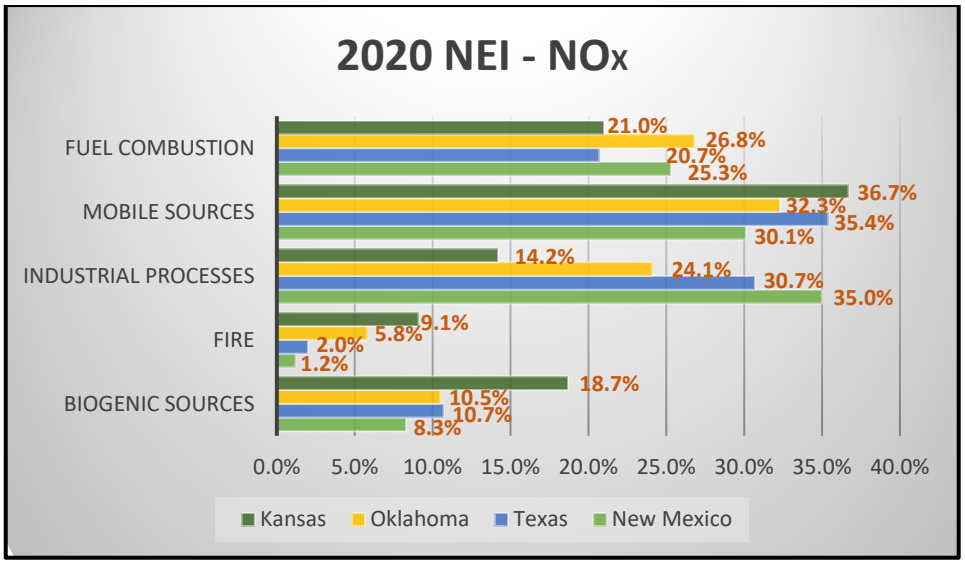


Figure 4. Largest contributors, by percentage, to total NO_X emissions in Kansas, Oklahoma, Texas, and New Mexico, 2020 NEI data.

The 2020 NEI data for the BLM New Mexico portion of the San Juan Basin (San Juan, Rio Arriba, Sandoval, and McKinley Counties) indicate that fuel combustion and mobile sources accounted for 34.6% and 18.3% of total NO_x emissions, respectively (EPA 2023h). Industrial processes accounted for 42.5%, of which approximately 98.9% was from oil and gas sources.

The 2020 NEI data for the BLM New Mexico portion of the Permian Basin (Eddy, Lea, Chaves, and Roosevelt Counties) indicate that fuel combustion and mobile sources accounted for 23.6% and 7.1% of total NO_x emissions, respectively (EPA 2023h). Industrial processes accounted for 65.8%, of which approximately 98.9% was from oil and gas sources.

4.1.3 CARBON MONOXIDE EMISSIONS

According to the 2020 NEI data, fuel combustion, biogenic sources, fires, industrial processes, and mobile sources were the largest source categories for CO emissions for the states of New Mexico, Texas, Oklahoma, and Kansas (Figure 5) (EPA 2023h).

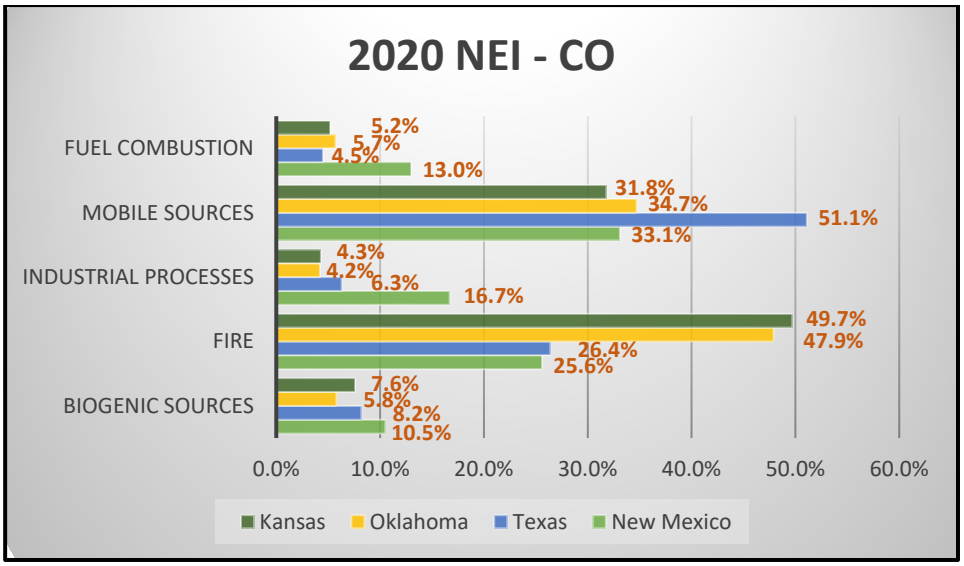


Figure 5. Largest contributors, by percentage, to total CO emissions in Kansas, Oklahoma, Texas, and New Mexico, 2020 NEI data.

The 2020 NEI data for the BLM New Mexico portion of the San Juan Basin (San Juan, Rio Arriba, Sandoval, and McKinley Counties) indicate that fuel combustion and mobile sources accounted for 23.6% and 30.0% of total CO emissions, respectively (EPA 2023h). Industrial processes accounted for 31.2%, of which approximately 99.2% was from oil and gas sources.

The 2020 NEI data for the BLM New Mexico portion of the Permian Basin (Eddy, Lea, Chaves, and Roosevelt Counties) indicate that fuel combustion and mobile sources accounted for 13.3% and 18.5% of total CO emissions, respectively (EPA 2023h). Industrial processes accounted for 59.2%, of which approximately 98.7% was from oil and gas sources.

4.1.4 PARTICULATE MATTER

According to the 2020 NEI data, dust sources, fuel combustion, agriculture, fires, industrial processes, and mobile sources were the largest source categories for PM_{10} and $PM_{2.5}$ emissions for the states of New Mexico, Texas, Oklahoma, and Kansas (Figure 6 and Figure 7) (EPA 2023h).

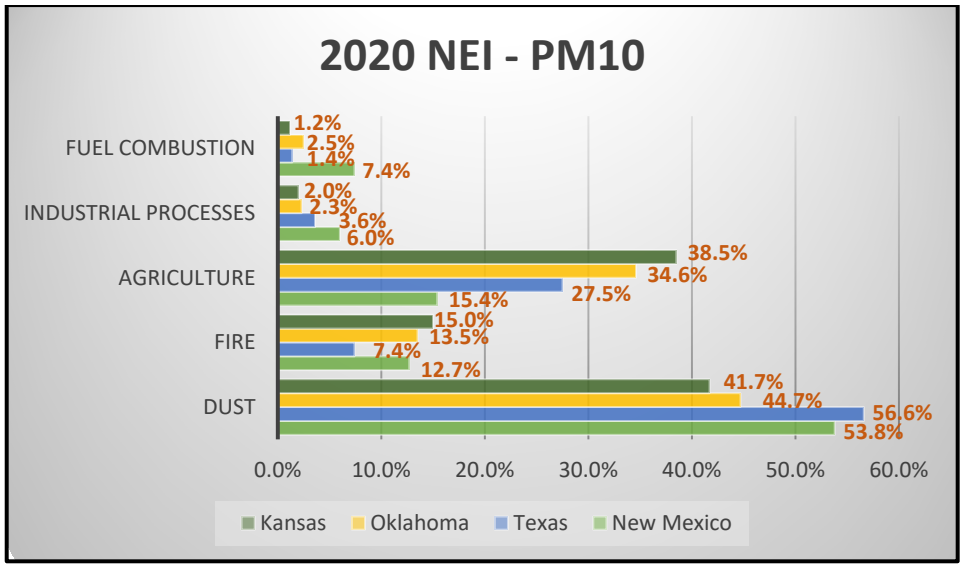


Figure 6. Largest contributors, by percentage, to total PM_{10} emissions in Kansas, Oklahoma, Texas, and New Mexico, 2020 NEI data.

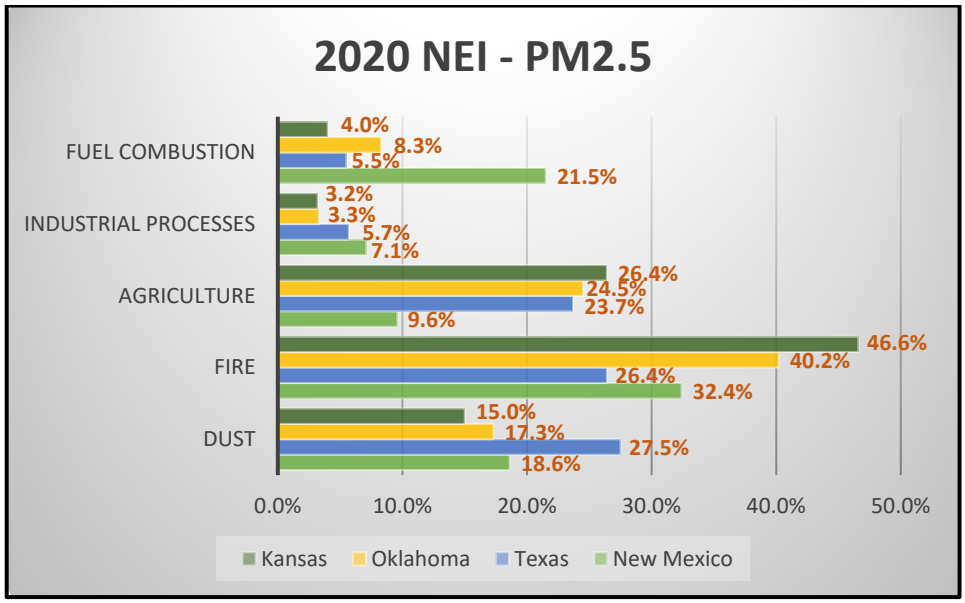


Figure 7. Largest contributors, by percentage, to total $PM_{2.5}$ emissions in Kansas, Oklahoma, Texas, and New Mexico, 2020 NEI data.

The 2020 NEI data for the BLM New Mexico portion of the San Juan Basin (San Juan, Rio Arriba, Sandoval, and McKinley Counties) indicate that dust, fires, and fuel combustion accounted for 66.8%, 1.6%, and 9.2% of total PM_{10} emissions, respectively (EPA 2023h). Industrial processes accounted for 11.7%, of which approximately 10.1% was from oil and gas sources. Dust, fires, and fuel combustion accounted for 30.3%, 5.4%, and 35.3%, respectively, of total $PM_{2.5}$ emissions. Industrial processes accounted for 10.5%, of which approximately 44.6% was from oil and gas sources.

The 2020 NEI data for the BLM New Mexico portion of the Permian Basin (Eddy, Lea, Chaves, and Roosevelt Counties) indicate that dust and agriculture accounted for 47.6% and 27.1% of total PM_{10}

emissions, respectively (EPA 2023h). Industrial processes accounted for 14.0%, of which approximately 63.6% was from oil and gas sources. Dust and agriculture accounted for 17.4% and 18.3%, respectively, of total $PM_{2.5}$ emissions. Industrial processes accounted for 31.5%, of which approximately 85.6% was from oil and gas sources.

4.1.5 SULFUR DIOXIDE EMISSIONS

According to the 2020 NEI data, fuel combustion, fires, industrial processes, and mobile sources were the largest source categories for SO_2 emissions for the states of New Mexico, Texas, Oklahoma, and Kansas (Figure 8) (EPA 2023h).

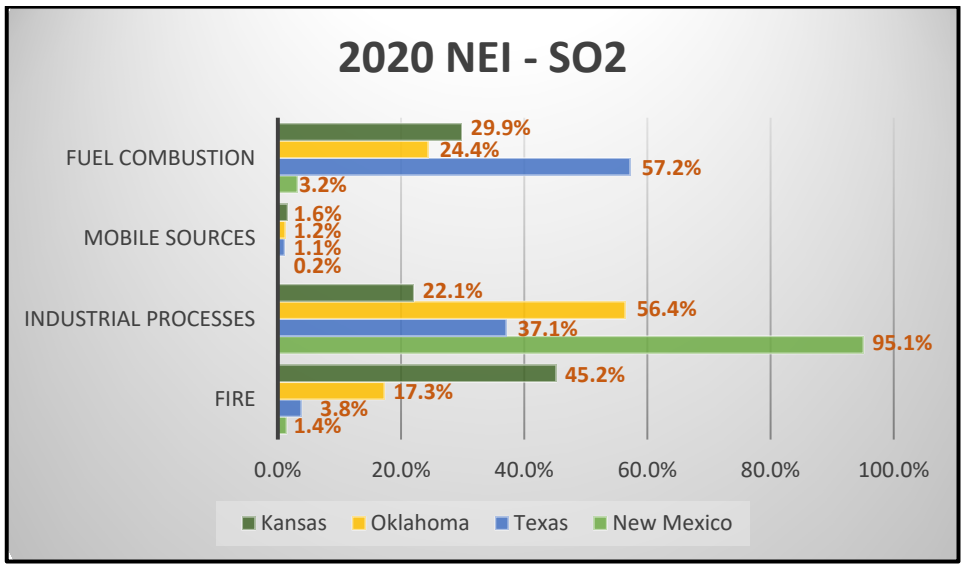


Figure 8. Largest contributors, by percentage, to total SO_2 emissions in Kansas, Oklahoma, Texas, and New Mexico, 2020 NEI data.

The 2020 NEI data for the BLM New Mexico portion of the San Juan Basin (San Juan, Rio Arriba, Sandoval, and McKinley Counties) indicate that fuel combustion and fires accounted for 83.7% and 1.5% of total SO_2 emissions, respectively (EPA 2023h). Industrial processes accounted for 13.3%, of which approximately 94.8% came from oil and gas sources.

The 2020 NEI data for the BLM New Mexico portion of the Permian Basin (Eddy, Lea, Chaves, and Roosevelt Counties) indicate that fuel combustion accounted for 0.5% of total SO_2 emissions (EPA 2023h). Industrial processes accounted for 99.4%, of which approximately 99.8% was from oil and gas sources.

4.1.6 HAZARDOUS AIR POLLUTANTS

According to the 2020 NEI data, biogenics, fuel combustion, fires, industrial processes, and mobile sources were the largest source categories for HAP emissions for the states of New Mexico, Texas, Oklahoma, and Kansas (Figure 9) (EPA 2023h). The NEI HAP emissions by state and county are summarized in Table 41, Table 42, and Table 43.

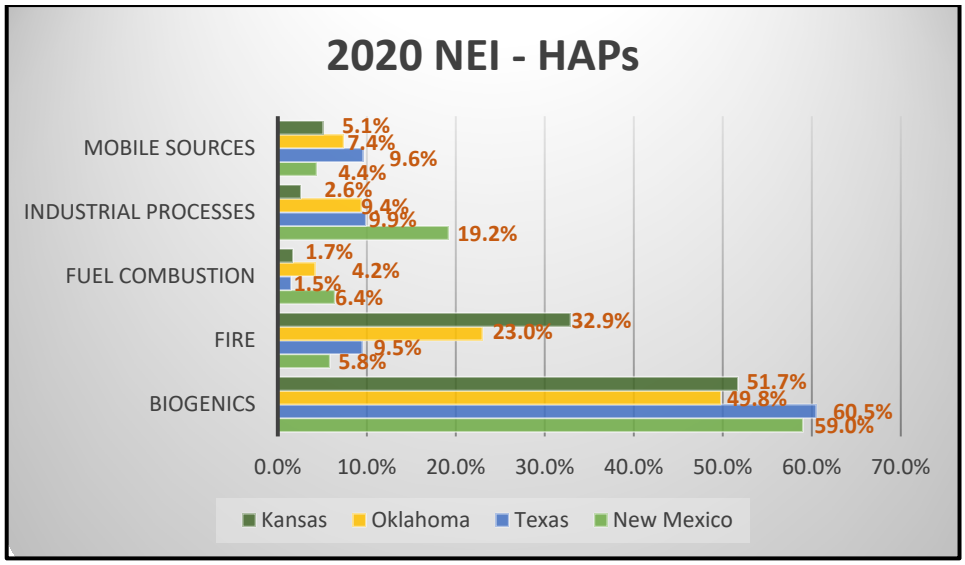


Figure 9. Largest contributors, by percentage, to total HAP emissions in Kansas, Oklahoma, Texas, and New Mexico, 2020 NEI data.

Table 41. HAPs in Tons per Year for BLM NMSO States

State	Acetaldehyde	Benzene	Ethylbenzene	Formaldehyde	Hexane	Methanol	Naphthalene	Toluene	Xylenes	Total HAPs
Kansas	20,514.77	2,736.95	613.791	22,799.94	1,390.88	57,983.92	820.83	4,523.74	2,542.30	128,527
Texas	47,402.85	17,442.72	3896.0755	73,172.96	9,553.91	219,649.11	3,188.44	29,293.32	16,091.20	470,542
Oklahoma	15,708.77	3,299.96	915.802	25,065.93	1,824.73	58,314.69	1,642.04	6,977.34	4,849.26	131,286
New Mexico	11,803.29	4,170.10	489.919	26,168.15	1,221.89	47,572.00	593.74	4,486.80	1,925.96	105,537

Source: EPA (2023h). NEI data accessed September 13, 2024.

Note: New Mexico emissions include Tribal emissions from San Juan County. Total HAPs may not equal the sum of the listed HAPs, as only select HAPs are presented.

Table 42. HAPs in Tons per Year for New Mexico Counties

County	Acetaldehyde	Benzene	Ethylbenzene	Formaldehyde	Hexane	Methanol	Naphthalene	Toluene	Xylenes	Total HAPs
New Mexico counties in the major oil and gas basin	***4,335.8***	***3,370.6***	***226.1***	***15,437.0***	***828.6***	***14,897.8***	***124.9***	***2,486.6***	***777.6***	***45,798.5***
Chaves	346.2	40.6	18.0	583.0	21.9	1,798.6	7.0	90.7	32.9	3,234.0
Eddy	905.6	1,389.9	56.6	5,485.7	242.2	1,668.7	27.4	810.0	219.8	11,764.0
Lea	1,038.2	1,663.1	77.5	5,888.2	377.9	2,124.0	27.9	997.8	255.4	13,507.0
McKinley	428.2	27.4	11.1	637.8	18.0	2,169.5	11.7	73.7	37.0	3,558.5
Rio Arriba	604.0	40.1	12.1	1,075.1	34.9	2,783.1	8.5	80.6	46.9	4,829.0
Roosevelt	218.1	12.8	3.4	285.6	5.4	1,276.8	4.0	26.8	11.8	2,003.0
Sandoval	325.0	44.8	21.3	461.0	30.3	1,261.8	18.7	147.0	68.7	2,618.0
San Juan	470.5	151.9	26.1	1,020.6	98.0	1,815.3	19.7	260.0	105.1	4,285.0
Remaining New Mexico counties	***7,447.0***	***783.8***	***264.0***	***10,636.2***	***392.8***	***32,661.5***	***460.5***	***1,993.9***	***1,144.6***	***59,540.5***
Bernalillo	349.7	147.4	97.2	368.7	121.4	479.2	55.9	654.9	340.5	3,504.0

NMED Exhibit 55_000073

County	Acetaldehyde	Benzene	Ethylbenzene	Formaldehyde	Hexane	Methanol	Naphthalene	Toluene	Xylenes	Total HAPs
Catron	926.8	63.2	1.0	1,501.8	7.7	3,448.4	66.4	53.0	32.1	6,327.6
Cibola	371.8	11.7	5.2	578.4	8.2	1,872.4	5.8	35.0	18.6	2,961.4
Colfax	335.3	9.7	3.9	532.2	5.5	1,680.7	3.8	24.3	13.6	2,655.6
Curry	178.0	12.3	6.4	183.0	11.6	1,003.5	4.4	47.0	21.2	1,726.9
De Baca	160.5	8.1	1.3	227.1	2.2	887.3	5.6	12.1	7.1	1,343.7
Doña Ana	264.8	50.5	33.3	312.2	55.2	1,033.1	20.0	235.1	111.5	2,490.9
Grant	515.9	64.1	5.7	760.4	13.6	1,816.3	61.8	80.4	44.5	3,603.3
Guadalupe	186.3	5.3	2.9	257.7	5.1	1,208.9	2.7	19.5	11.7	1,721.8
Harding	134.8	34.2	1.7	186.1	0.8	909.3	0.3	19.7	64.3	1,359.1
Hidalgo	157.9	3.3	1.6	217.2	2.6	964.8	1.5	10.4	5.8	1,381.4
Lincoln	348.0	19.7	5.2	532.9	7.7	1,681.7	13.7	40.2	22.0	2,755.4
Los Alamos	41.9	5.3	2.8	52.8	4.3	149.9	2.0	19.1	8.6	319.0
Luna	128.7	9.8	6.2	180.2	13.0	663.8	3.6	41.7	21.1	1,118.9
Mora	375.0	60.4	2.4	555.9	8.3	1,151.7	61.9	55.5	34.5	2,528.1
Otero	498.5	20.2	11.1	804.0	14.5	1,858.3	7.6	75.0	35.7	3,435.2
Quay	196.3	6.9	3.5	261.4	5.7	1,149.5	3.4	23.3	12.9	1,704.3
San Miguel	402.3	33.3	7.5	558.1	11.0	1,900.8	24.7	60.3	32.8	3,169.9
Santa Fe	300.0	69.4	28.7	357.1	39.2	876.0	36.4	198.0	102.9	2,337.6
Sierra	257.9	11.1	6.5	372.8	9.0	1,336.6	2.8	41.2	23.6	2,108.5
Socorro	538.2	49.2	3.6	772.4	10.3	2,464.3	48.9	57.9	33.3	4,181.4
Taos	225.6	21.9	7.3	301.2	9.4	871.3	11.9	50.3	25.8	1,623.3
Torrance	211.3	11.8	4.7	306.4	7.5	1,270.9	5.1	30.8	16.8	1,922.0
Union	229.7	36.4	2.7	313.3	2.4	1,509.8	3.0	27.5	64.5	2,240.0

NMED Exhibit 55_000074

County	Acetaldehyde	Benzene	Ethylbenzene	Formaldehyde	Hexane	Methanol	Naphthalene	Toluene	Xylenes	Total HAPs
Valencia	111.8	18.5	11.5	142.8	16.6	472.8	6.9	81.4	39.1	1,021.5

Source: EPA (2023h). NEI data accessed September 13, 2024.

Note: New Mexico emissions include Tribal emissions from the Four Corners Power Plant in San Juan County. Total HAPs may not equal the sum of the listed HAPs, as only select HAPs are presented. Totals may not sum exactly due to rounding.

Table 43. HAPs in Tons per Year for Oklahoma, Texas, and Kansas Counties

County	Acetaldehyde	Benzene	Ethylbenzene	Formaldehyde	Hexane	Methanol	Naphthalene	Toluene	Xylenes	Total HAPs
Oklahoma										
Alfalfa	180.9	38.5	4.5	541.9	11.0	648.4	7.2	29.6	28.6	1,595.1
Beaver	155.3	13.3	5.6	272.7	6.7	809.3	5.0	19.3	36.3	1,379.6
Beckham	114.8	24.3	7.5	244.3	34.1	451.5	8.3	51.0	54.1	1,071.2
Blaine	187.0	44.7	5.5	550.7	23.6	544.2	9.6	43.6	108.2	1,637.7
Cleveland	162.7	64.8	40.9	206.4	52.5	494.9	27.5	271.8	144.8	1,817.2
Caddo	189.3	32.5	8.3	291.7	19.5	845.0	14.3	65.0	90.9	1,657.1
Canadian	226.8	74.1	26.7	559.4	56.0	648.5	18.8	184.9	238.4	2,289.2
Cimarron	126.0	4.2	1.9	175.1	4.0	792.3	0.6	12.0	7.0	1,158.3
Coal	179.8	36.7	2.4	309.7	10.1	563.9	25.8	35.1	23.9	1,293.9
Creek	260.5	57.9	15.3	372.4	21.8	929.2	39.1	109.4	60.5	2,084.4
LeFlore	386.6	47.3	8.5	556.5	16.9	1,585.2	36.6	79.4	43.5	2,963.0
Comanche	197.9	44.5	16.8	276.3	28.2	642.9	32.5	126.6	68.4	1,711.9
Custer	128.8	22.5	7.5	270.6	22.3	495.6	8.4	51.3	96.2	1,183.6
Dewey	139.3	24.0	3.5	296.0	10.2	543.2	12.3	26.9	61.4	1,189.8
Ellis	148.1	26.1	3.2	389.6	8.6	660.3	5.9	21.1	39.1	1,374.2
Garvin	172.4	75.0	11.1	354.4	70.2	647.9	19.2	95.3	84.0	1,691.9

NMED Exhibit 55_000075

County	Acetaldehyde	Benzene	Ethylbenzene	Formaldehyde	Hexane	Methanol	Naphthalene	Toluene	Xylenes	Total HAPs
Grady	261.2	64.8	14.7	674.1	45.5	806.4	19.8	106.7	170.0	2,402.3
Harper	78.9	5.9	2.1	110.1	6.5	414.7	2.9	11.3	17.5	672.9
Hughes	308.3	64.9	4.8	569.4	17.3	874.4	48.2	66.0	41.1	2,206.6
Jackson	98.4	8.8	3.6	143.7	6.9	457.2	2.7	24.7	11.9	810.5
Kingfisher	242.1	70.5	42.5	821.7	26.5	673.7	8.3	56.4	126.8	2,234.5
Oklahoma	251.6	181.8	128.7	344.0	191.8	595.7	59.9	854.4	488.9	4,075.0
Major	171.5	32.1	4.1	308.4	14.9	575.7	17.9	32.9	54.0	1,315.7
McClain	116.9	68.6	10.3	234.3	17.6	423.6	12.8	82.5	100.6	1,172.4
Roger Mills	149.7	31.6	4.4	438.8	17.5	546.4	8.4	27.2	83.4	1,395.5
Payne	161.7	50.9	12.7	232.5	34.4	526.4	28.0	98.1	55.2	1,370.8
Pittsburg	477.3	96.8	13.7	808.7	34.2	1,370.2	74.4	151.9	94.4	3,489.9
Seminole	171.9	41.3	6.8	273.3	39.4	677.1	22.7	57.0	46.3	1,453.9
Woods	184.7	38.0	4.4	502.0	12.1	663.9	13.6	34.5	42.2	1,608.3
Woodward	133.4	21.3	5.3	210.9	20.2	599.0	11.4	38.2	35.6	1,150.4
Texas										
Nueces	221.5	133.4	57.4	363.3	275.7	928.4	14.4	370.9	240.0	3,724.9
Andrews	84.8	245.5	10.3	190.2	10.5	421.2	2.3	179.1	37.2	1,215.2
Burleson	179.0	45.8	6.8	270.8	18.3	787.0	10.9	48.0	25.1	1,465.5
Cherokee	348.7	28.3	6.6	482.8	14.6	1,807.3	14.1	53.0	36.9	2,915.6
Comal	145.1	36.2	21.8	197.4	37.2	607.6	23.4	131.8	79.0	1,556.6
Calhoun	497.6	136.0	19.5	720.6	75.1	1,029.5	110.5	194.7	121.3	3,660.1
Culberson	148.7	260.4	24.1	600.0	6.0	787.0	1.0	209.0	103.9	2,170.8
Cochran	79.5	16.7	1.0	113.1	2.0	475.3	0.6	14.6	4.8	752.1

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County	Acetaldehyde	Benzene	Ethylbenzene	Formaldehyde	Hexane	Methanol	Naphthalene	Toluene	Xylenes	Total HAPs
Delta	73.5	4.0	0.9	100.8	1.7	382.2	2.2	6.4	4.1	593.9
Denton	159.7	86.1	71.7	251.9	158.8	675.9	11.9	447.0	266.0	2,883.3
Gaines	175.4	134.3	7.0	264.5	10.1	988.0	2.4	108.1	28.1	1,830.6
Galveston	112.4	81.3	50.4	188.1	117.6	482.1	26.4	239.4	185.8	2,079.3
Grayson	179.8	53.4	21.6	263.2	36.7	797.9	14.4	138.0	81.1	1,820.8
Guadalupe	143.4	41.6	19.8	226.0	31.1	625.0	20.5	111.1	64.4	1,558.2
Hemphill	89.9	13.1	5.5	142.5	13.7	414.9	2.4	22.0	40.0	777.8
Houston	514.3	51.2	3.8	727.9	9.8	2,308.4	46.9	54.1	34.7	3,972.9
Hutchinson	110.3	24.2	7.6	167.5	62.8	499.4	11.8	49.5	31.6	1,140.0
Jackson	255.2	32.0	5.2	364.0	9.5	1,145.2	13.0	39.9	22.5	1,985.1
Jasper	320.8	32.0	7.1	442.4	11.7	1,728.8	10.2	49.2	30.0	2,756.2
Karnes	191.3	271.7	32.5	621.0	34.2	687.4	4.7	220.8	120.9	2,302.2
Kenedy	286.1	54.7	16.6	420.3	28.7	1,303.0	19.3	122.7	71.9	2,542.4
Lee	148.6	18.8	4.4	209.5	8.1	695.3	7.6	28.3	16.9	1,265.2
Victoria	277.3	51.8	13.6	402.7	88.7	1,089.9	22.8	97.2	58.9	2,387.3
Live Oak	185.6	64.9	11.4	343.8	25.4	824.8	8.9	76.6	51.2	1,695.4
Loving	70.5	800.5	44.6	582.1	15.0	186.4	1.5	594.0	177.4	2,509.9
Reeves	191.0	1,244.5	79.0	1,346.3	54.9	611.8	5.9	923.9	329.3	4,900.9
Winkler	49.8	160.3	8.5	175.6	4.8	203.5	2.1	122.0	33.7	783.1
McMullen	175.4	83.9	12.0	358.1	12.6	805.0	3.3	70.6	41.1	1,603.7
Montgomery	416.9	79.0	51.5	581.9	113.8	2,025.9	18.2	319.5	188.3	4,394.1
Martin	115.7	917.5	28.1	305.0	7.9	508.2	2.5	617.4	107.3	2,703.0
Midland	98.6	1,282.2	54.1	371.6	59.6	279.8	11.0	948.9	210.5	3,614.1

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County	Acetaldehyde	Benzene	Ethylbenzene	Formaldehyde	Hexane	Methanol	Naphthalene	Toluene	Xylenes	Total HAPs
Sabine	245.2	20.2	4.8	339.3	7.9	1,194.1	13.7	37.1	23.5	1,989.4
San Augustine	263.9	53.9	3.5	442.0	8.0	1,210.9	17.3	43.9	85.0	2,245.0
San Jacinto	257.9	23.1	5.8	357.2	11.6	1,308.4	13.8	42.8	25.2	2,148.2
Shelby	335.8	46.0	5.1	484.3	13.8	1,600.8	27.7	52.1	51.9	2,790.5
Tarrant	235.4	204.9	171.9	397.2	454.7	710.0	21.5	1,174.7	652.1	6,005.9
Trinity	338.4	35.1	4.3	474.4	8.3	1,508.8	31.6	45.3	28.8	2,635.3
Walker	307.8	21.8	10.2	422.3	13.0	1,628.9	12.9	57.5	40.2	2,639.2
Washington	202.6	62.0	12.7	340.7	13.1	867.1	14.5	86.7	56.6	1,777.0
Wise	166.8	55.0	16.6	344.5	32.1	632.8	7.8	91.5	59.4	1,545.8
Zapata	232.1	34.8	9.0	385.8	15.1	1,042.4	4.1	55.2	39.4	1,898.5
Kansas										
Sedgwick	242.7	105.5	79.4	333.7	287.8	644.8	37.4	535.6	266.8	3,332.4
Decatur	57.6	2.3	0.9	77.5	1.3	338.3	0.7	6.1	2.9	507.8
Morton	68.6	8.3	0.9	114.3	3.3	371.1	0.8	8.0	17.2	618.8
Meade	87.2	3.8	1.2	129.0	2.2	511.1	0.8	8.2	6.8	776.2
Finney	125.3	17.1	9.1	188.9	15.6	647.9	2.8	57.8	45.5	1,224.7
Franklin	97.0	13.3	4.9	134.9	8.7	434.4	7.5	34.0	18.5	820.7
Greely	55.2	2.0	0.8	75.0	1.4	328.0	0.2	5.0	3.0	500.8
Lane	61.1	1.6	0.6	85.2	1.2	372.6	0.2	4.0	1.9	548.2
Logan	58.0	2.5	1.3	81.8	1.9	351.9	0.5	7.7	4.3	530.4
Montgomery	98.0	28.3	7.2	152.8	34.7	412.8	8.6	62.1	38.7	945.1
Norton	77.1	4.3	1.3	105.9	2.2	446.0	2.2	9.8	5.0	680.1
Sherman	71.2	3.9	2.2	100.0	49.6	428.5	1.5	13.2	8.5	713.3

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County	Acetaldehyde	Benzene	Ethylbenzene	Formaldehyde	Hexane	Methanol	Naphthalene	Toluene	Xylenes	Total HAPs
Stevens	83.8	12.9	1.7	181.6	6.0	422.7	0.5	14.7	39.7	802.6
Stanton	64.9	4.1	0.7	94.8	2.3	371.3	0.3	6.1	14.2	585.3
Sumner	192.5	20.7	5.1	264.9	13.9	834.3	7.4	36.6	22.7	1,467.4
Trego	65.9	3.5	2.0	96.3	3.0	446.6	1.2	11.7	7.2	660.8
Woodson	363.5	51.5	5.3	334.3	5.3	512.0	8.6	30.4	9.1	1,536.8
Cheyenne	65.5	3.2	1.0	93.8	1.7	395.8	0.3	6.4	4.3	599.2

Source: EPA (2023h). NEI data accessed September 13, 2024. Total HAPs may not equal the sum of the listed HAPs, as only select HAPs are presented.

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5 HAZARDOUS AIR POLLUTANTS

Currently, there are 187 specific pollutants and chemical groups known as HAPs. The list has been modified over time. HAPs are chemicals or compounds that are known or suspected to cause cancer or other serious health effects, such as compromises to immune and reproductive systems, birth defects, developmental disorders, or adverse environmental effects, that may result from either chronic (long-term) and/or acute (short-term) exposure. CAA Sections 111 and 112 establish mechanisms for controlling HAPs from stationary sources, and the EPA is required to control emissions of the 187 HAPs. The U.S. Congress amended the federal CAA in 1990 to address a number of air pollutants that are known to cause or may reasonably be anticipated to cause adverse effects on human health or adverse environmental effects.

Ambient air quality standards do not exist for HAPs; however, the CAA requires control measures for HAPs. Mass-based emissions limits and risk-based exposure thresholds have been established as significance criteria to require maximum achievable control technologies (MACT) under the EPA promulgated National Emissions Standards for Hazardous Air Pollutants (NESHAPs) for 96 industrial source classes. NESHAPs are issued by the EPA to limit the release of specified HAPs from specific industrial sectors. These standards are technology based, meaning that they represent the MACT that are economically feasible for an industrial sector.

NESHAPs for Oil and Natural Gas Production and Natural Gas Transmission and Storage were published by the EPA on June 17, 1999. These NESHAPs were directed toward major sources and intended to control benzene, toluene, ethylbenzene, and mixed xylenes (BTEX) and n-hexane. An additional NESHAP for Oil and Natural Gas Production Facilities, which was directed toward area sources, was published on January 3, 2007, and specifically addresses benzene emissions from triethylene glycol dehydration units. The EPA issued a final rule revising the NESHAP rule, effective October 15, 2012. The final rule includes revisions to the existing leak detection and repair requirements and established emission limits reflecting MACT for uncontrolled emission sources in oil and gas production and natural gas transmission and storage (*Federal Register* 77[159]:49490).

The EPA NESHAPs that are most likely to have applicability to oil and gas operations (in addition to the NESHAPs common/general provisions) are as follows:

- NESHAP Subpart HH – National Emission Standard for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities
- NESHAP Subpart ZZZZ - National Emission Standard for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

Note that several of the NSPSs that are potentially applicable to oil and gas operations (listed in Section 2) also regulate emissions of VOCs, a component of which includes HAP emissions. Although the NSPS rules are not designed to directly regulate HAP emissions, control of VOCs results in the co-benefit of HAP reductions.

The CAA defines a major source for HAPs to be one emitting 10 tons per year (tpy) of any single HAP or 25 tpy of any combination of HAPs. Under state regulations, a construction or operating permit may be required for any major source, though some exceptions apply. In New Mexico, these regulations are N.M.A.C. 20.2.70 and 20.2.73; in Texas, the regulation is 30 Texas Administrative Code (T.A.C.) § 122; in Kansas, the regulation is Kansas Administrative Regulations (K.A.R.) 28-19-500; and in Oklahoma, the

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regulation is Oklahoma Register 252-100-7. Within its definition of a major source in the above-referenced regulations, the State of New Mexico includes the following language:

> *Hazardous emissions from any oil or gas exploration or production well (with its associated equipment) and hazardous emissions from any pipeline compressor or pump station shall not be aggregated with hazardous emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources. (N.M.A.C. 20.2.70.7 R (1)(a))*

In other words, in determining a major source, each oil and gas exploration and production well must be considered singularly. Kansas, Texas, and Oklahoma regulations include similar language.

The State of New Mexico incorporates federal NESHAPs for pollutants through updates to N.M.A.C. 20.2.78, which adopts 40 C.F.R. § 61, and incorporates federal NESHAPs for source categories through updates to N.M.A.C. 20.2.82, which adopts 40 C.F.R. § 63. Similarly, Texas incorporates federal NESHAPs for both 40 C.F.R. § 61 and 40 C.F.R. § 63 through updates to 30 T.A.C. § 113. Kansas incorporates federal NESHAPs by adopting 40 C.F.R. § 61 through updates to K.A.R. 28-19-735 and incorporates NESHAP source categories at 40 C.F.R. § 63 through updates to K.A.R. 28-19-750. Oklahoma incorporates both 40 C.F.R. § 61 and 40 C.F.R. § 63 through Oklahoma Register 252-100-41-2 and the Oklahoma Administrative Code Appendix Q.

Although HAPs do not have federal air quality standards, some states have established "thresholds" to evaluate human exposure for potential chronic inhalation illness and cancer risks. There are no applicable federal or state ambient air quality standards for assessing potential HAP impacts to human health, and monitored background concentrations are rarely available. Therefore, reference concentrations (RfCs) for chronic inhalation exposures and reference exposure levels (RELs) for acute inhalation exposures can be applied as evaluation criteria (Table 44). Both the RfC and REL guideline values are for noncancer effects.

Table 44. HAP RELs and RfCs

HAPs	Acute RELs*	Noncancer Chronic RfC†	Inhalation Unit Risk†
Benzene	27	30	7.8E-06
Toluene	5,000	5,000	N/A
Ethylbenzene	22,000	1,000	2.5E-06
Xylenes	8,700	100	N/A
n-Hexane	180,000	700	N/A
Formaldehyde	55	9.8‡	1.3E-05

Note: N/A = not applicable

* Values referenced from EPA (2021a)

† Values referenced from EPA (2024c)

‡ There is no RfC for formaldehyde. The Agency for Toxic Substances and Disease Registry chronic minimal risk level of 0.008 ppm was used and converted to µg/m^3.

5.1 COLORADO STATE UNIVERSITY HAZARDOUS AIR POLLUTANT MODELING STUDY

Potential health risks associated with HAPs released into the air from oil and gas operations have been evaluated by review of existing emissions data, air quality monitoring, and modeling studies. For example, a 2019 health assessment study (ICF and Colorado State University [CSU] 2019) included on-site air monitoring for 47 VOCs (including HAPs) during various stages of well development and production at oil and gas extraction facilities in Colorado. The study used tracer gas controlled-release sampling to develop calculated emission rates during various stages of well development and production for well pads of various sizes and at various locations in Colorado. Acetylene was released at a controlled, constant rate while samples were collected in canisters downwind of the well pads. The samples collected were analyzed in a laboratory for acetylene and 47 other VOC species, including a number of HAPs such as acetaldehyde and BTEX, to determine the concentration of each species. The ratio of the known acetylene release rate to the measured downwind sample concentration was then used to calculate emission rates of each VOC species for each sample. Dispersion modeling with the American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) was then performed in which rings of receptors were established at various distances from 300 to 2,000 feet from the center of the well pads to estimate short- and long-term chemical air concentrations. The maximum results of the dispersion modeling for each distance were then used in EPA Air Pollutants Exposure Model (APEX) to compare the calculated exposure levels from each scenario and each distance against acute, subchronic, and chronic exposure standards for each VOC species.

Results of the study indicate that acute (1-hour) exposures were below guideline levels (hazard index below 1, indicating short-term health impacts are unlikely to occur) for most chemicals. At the 500-foot distance, for a small number of chemicals (including benzene, toluene, and ethyltoluenes), the highest estimated acute exposures exceeded guideline levels at the most exposed (downwind) locations, in isolated cases by a factor of 10 or more, particularly during flowback activities at smaller well pads. Flowback is defined in the study as the period after the entire well is fracked and the plugs are drilled out to enable the flow of fracking fluid, water, oil, and natural gas to the surface (ICF and CSU 2019).

For a relatively small number of development scenarios, those highest predicted acute exposures decreased rapidly with distance but remained above guideline levels out to 2,000 feet (ICF and CSU 2019). Flowback occurs during well completion when fracturing fluids, water, and reservoir gas come to the surface at high velocity and volume and contain a mixture of VOCs, CH_4, benzene, ethylbenzene, and n-hexane. As noted by the study, the identification of these estimated exceedances of acute health guidelines (hazard index above 1) is highly conservative, and the highest exposures occur rarely (ICF and CSU 2019). Subchronic modeled hazard indices were generally lower than acute modeled hazard indices. Most subchronic (multi-day/lasting less than 1 year) exposures were below subchronic guideline levels (all exposures at the 500-foot distance and beyond) during development activities, although subchronic exposures slightly above guideline levels for combined exposures to multiple chemicals were noted during fracking at distances out to 800 feet. As with acute exposure estimates, the study noted that the subchronic exposure estimates are also conservative (ICF and CSU 2019).

Chronic exposure was estimated for production operations, development and operations, and long flowback operations. Exposures at the 500-foot distance for the flowback periods were far below guideline levels for individual chemicals and only slightly above guideline levels for combined exposures to multiple chemicals (ICF and CSU 2019). The chronic exposures during production operations were generally the lowest, relative to guideline levels, from all modeled scenarios. At the 500-foot distance from the facility, all chronic exposures during production activities were below guideline levels, and the average incremental lifetime cancer risk from chronic benzene exposure was 5 in 1 million or less

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(dropping below 1 in 1 million before the 2,000-foot distance). When estimates of chronic exposure included exposure to development activities occurring sequentially with exposure to production activities, exposures were only slightly higher than those estimated during the production activities alone.

The hazard index for chronic health impacts was 1 or less, often by more than an order of magnitude, at receptors that were 2,000 feet from the modeled well pad scenarios (ICF and CSU 2019). Table 45 summarizes cancer risks over a lifetime of exposure during oil and gas production operations (ICF and CSU 2019).

Table 45. Cancer Risks Over a Lifetime of Exposure During Production Operations of Oil and Gas Activities

Distance (feet)	Average Incremental Lifetime Cancer Risk	Maximum Exposed Individual Cancer Risk
300	10 in 1 million	N/A
400	N/A	10 in 1 million
500	4 in 1 million	7 in 1 million
1,400	1 in 1 million	N/A
2,000	N/A	1 in 1 million

Source: ICF and CSU (2019)

Note: N/A = not applicable

In summary, simulated cancer risks to average individuals were below 1 in 1 million at distances of 1,400 feet from the well pads, 4 in 1 million at 500 feet from the well pads, and 10 in 1 million at 300 feet from the well pads. Risks to maximum exposed individuals were below 1 in 1 million at 2,000 feet from the well pads, 7 in 1 million at 500 feet from the well pads, and 10 in 1 million at 400 feet from the well pads (ICF and CSU 2019).

5.2 AIR TOXICS SCREENING ASSESSMENT

The EPA developed AirToxScreen as a screening tool for state, local, and Tribal air agencies. AirToxScreen summarizes the EPA's ongoing review of air toxics in the United States, and the results help the EPA and other agencies identify which pollutants, emission sources, and places they may wish to study further to better understand any possible risks to public health from air toxics. AirToxScreen is the successor to the National Air Toxics Assessment (NATA). In May 2024, EPA began rolling out the results of the 2020 AirToxScreen; however, the 2020 results are not complete, and the 2019 AirToxScreen results are presented and discussed below.

AirToxScreen calculates concentration and risk estimates from a single year of emissions data using meteorological data for that same year. The risk estimates assume a person breathes these emissions each year over a lifetime (approximately 70 years). AirToxScreen then provides quantitative estimates of potential cancer risk and five classes of noncancer hazards (grouped by organ/system: immunological, kidney, liver, neurological, and respiratory) associated with chronic inhalation exposure to real-world toxics. The 2019 AirToxScreen assessment includes emissions, ambient concentrations, and exposure estimates for about 181 of the 188 CAA air toxics plus diesel PM. For about 140 of these air toxics (those with health data based on long-term exposure), the assessment estimates cancer risks, noncancer health effects, or both. The assessment includes noncancer health effects for diesel PM.

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AirToxScreen potential cancer risk values represent statistical probabilities of developing cancer over a lifetime. AirToxScreen noncancer hazards are expressed as a ratio of an exposure concentration to an RfC associated with observable adverse health effects (i.e., a hazard quotient). “For a given air toxic, exposures at or below the RfC (i.e., hazard quotients are 1 or less) are *not* likely to be associated with adverse health effects. As exposures increase above the RfC (i.e., hazard quotients are greater than 1), the potential for adverse effects also increases” (EPA 2024d).

RfCs are indicators defined by the EPA as the daily inhalation concentrations at which no long-term adverse health impacts are expected. Short-term (1-hour) HAP concentrations are compared with acute RELs. RELs are defined as concentrations at or below which no adverse health effects are expected (California Office of Environmental Health Hazard Assessment 2023). The primary air toxics of concern for oil and gas operations are BTEX, formaldehyde, and n-hexane.

It is important to note that AirToxScreen focuses solely on exposures from inhalation of outdoor ambient air. The AirToxScreen framework does not address inhalation from indoor ambient air, estimate human exposure to chemicals via ingestion or through dermal contact, or account for exposures that may take place via other mechanisms.

In addition, although AirToxScreen reports results at the census tract level, average risk estimates are far more uncertain at this level of spatial resolution than at the county or state level. To analyze air toxics in smaller areas, such as census blocks or in suspected “hotspots,” other tools such as site-specific monitoring and local-scale assessments should be used (EPA 2024d). AirToxScreen results are best used to focus on patterns and ranges of risks across the country. Additional AirToxScreen limitations can be reviewed at https://www.epa.gov/AirToxScreeN/Airtoxscreen-limitations.

In accordance with the AirToxScreen Technical Support Document (EPA 2024e), AirToxScreen is consistent with the EPA definition of a cumulative risk assessment, as stated in the EPA Framework for Cumulative Risk Assessment (EPA 2003:6), as “an analysis, characterization, and possible quantification of the combined risks to health or the environment from multiple agents or stressors.” Table 46 shows the cancer risk (per million) and noncancer risk (hazard index) for the United States, Texas, Oklahoma, Kansas, and New Mexico from 2018 through 2019. Table 47 shows the cancer risk (per million) and noncancer risk (hazard index) for all the New Mexico counties from 2018 through 2019 (EPA 2023i, 2024e). For the eight New Mexico counties in the major oil and gas basin, the EPA has determined that for the four counties in the BLM FFO (San Juan, Sandoval, Rio Arriba, and McKinley), the total cancer risk is a maximum of 18.72 in 1 million. The maximum contribution of the oil and gas industry to the cancer risk in the BLM FFO is 2.06 in 1 million. The EPA has determined that for Eddy and Lea Counties, the total cancer risk is a maximum of 22.25 in 1 million. The maximum contribution of the oil and gas industry to the cancer risk in Eddy and Lea Counties is 3.91 in 1 million. The total cancer risk is a maximum of 27.03 in 1 million for the remaining New Mexico counties, and the maximum contribution of the oil and gas industry to the cancer risk is 0.40 in 1 million. The total cancer risk is within the acceptable range of risk published by the EPA of 100 in 1 million as discussed in the National Contingency Plan, 40 C.F.R. § 300.430.

Table 46. Total Cancer Risk and Noncancer Respiratory Hazard from Existing HAP Emissions for United States and BLM NMSO States

United States and NMSO States	Respiratory Hazard Index			Total Cancer Risk (per million)			Oil and Gas Cancer Risk (per million)		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
United States	0.36	0.32	0.31	28.68	25.00	25.50	0.15	0.19	0.12
Kansas	0.33	0.30	0.28	24.76	21.61	21.70	0.13	0.15	0.10
Oklahoma	0.39	0.34	0.30	28.96	24.70	24.85	0.55	0.64	0.34
Texas	0.35	0.29	0.30	31.33	25.81	28.13	0.27	0.32	0.30
New Mexico	0.24	0.21	0.22	20.27	17.57	19.10	0.24	0.33	0.34

Source: EPA (2023i, 2024e)

Table 47. Total Cancer Risk and Noncancer Respiratory Hazard from Existing HAP Emissions for New Mexico Counties

New Mexico Counties	Respiratory Hazard Index			Total Cancer Risk (per million)			Oil and Gas Cancer Risk (per million)		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
New Mexico Counties in Major Oil and Gas Basin*									
Chaves	0.23	0.21	0.24	19.49	17.37	19.16	0.14	0.20	0.15
Eddy	0.24	0.22	0.23	21.41	20.09	22.25	2.25	3.38	3.91
Lea	0.23	0.20	0.21	20.27	18.30	20.16	2.15	2.86	3.05
McKinley	0.13	0.12	0.12	12.12	10.50	11.12	0.01	0.01	0.01
Rio Arriba	0.15	0.13	0.13	13.55	11.67	12.28	0.03	0.06	0.04
Roosevelt	0.17	0.15	0.15	15.46	13.71	14.63	0.02	0.04	0.03
Sandoval	0.24	0.21	0.22	20.29	17.37	18.72	0.01	0.01	0.01
San Juan	0.29	0.30	0.28	17.57	17.10	17.56	1.73	2.21	2.06
Remaining New Mexico Counties									
Bernalillo	0.32	0.28	0.29	25.09	21.40	23.01	0.00	0.00	0.00

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New Mexico Counties	Respiratory Hazard Index			Total Cancer Risk (per million)			Oil and Gas Cancer Risk (per million)		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Catron	0.13	0.14	0.09	11.52	11.07	9.84	0.00	0.00	0.00
Cibola	0.15	0.12	0.12	12.89	10.66	11.19	0.00	0.00	0.00
Colfax	0.12	0.12	0.10	11.01	10.41	10.27	0.02	0.03	0.08
Curry	0.19	0.17	0.18	16.44	14.59	15.53	0.00	0.00	0.00
De Baca	0.16	0.15	0.15	14.86	13.28	14.38	0.01	0.01	0.02
Doña Ana	0.26	0.22	0.23	26.40	22.31	27.03	0.00	0.00	0.00
Grant	0.14	0.11	0.11	13.13	10.94	11.74	0.00	0.00	0.00
Guadalupe	0.15	0.13	0.13	13.72	11.86	12.58	0.00	0.00	0.00
Harding	0.12	0.11	0.11	11.82	10.69	11.37	0.36	0.40	0.34
Hidalgo	0.18	0.15	0.15	16.20	13.38	14.45	0.00	0.00	0.00
Lincoln	0.12	0.10	0.10	11.72	9.93	10.54	0.00	0.00	0.00
Los Alamos	0.13	0.11	0.11	12.08	10.49	11.16	0.00	0.00	0.00
Luna	0.20	0.17	0.18	17.40	14.61	16.34	0.00	0.00	0.00
Mora	0.10	0.09	0.09	10.04	8.98	9.18	0.00	0.00	0.00
Otero	0.16	0.14	0.14	16.07	13.68	14.42	0.00	0.00	0.00
Quay	0.16	0.14	0.14	14.71	12.68	13.76	0.01	0.01	0.01
San Miguel	0.13	0.12	0.11	12.37	10.88	11.45	0.00	0.00	0.00
Santa Fe	0.18	0.16	0.16	16.45	14.21	14.75	0.00	0.00	0.00
Sierra	0.17	0.14	0.14	15.25	12.89	13.73	0.00	0.00	0.00
Socorro	0.15	0.13	0.13	13.65	11.92	12.32	0.00	0.00	0.00
Taos	0.14	0.12	0.11	12.25	10.69	11.20	0.00	0.00	0.00
Torrance	0.13	0.12	0.12	12.61	10.88	11.48	0.00	0.00	0.00
Union	0.12	0.11	0.11	11.76	10.76	11.27	0.19	0.22	0.17

New Mexico Counties	Respiratory Hazard Index			Total Cancer Risk (per million)			Oil and Gas Cancer Risk (per million)		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Valencia	0.22	0.19	0.19	17.45	15.06	16.01	0.00	0.00	0.00

Source: EPA (2023i, 2024e)

*These eight counties are where parcels are regularly nominated for BLM New Mexico Quarterly Oil and Gas Lease Sales.

Table 48. Total Cancer Risk and Noncancer Respiratory Hazard from Existing HAP Emissions for Oklahoma, Texas, and Kansas Counties

County	Respiratory Hazard Index			Total Cancer Risk (per million)			Oil and Gas Cancer Risk (per million)		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Oklahoma									
Alfalfa	0.38	0.39	0.24	24.13	22.62	19.10	4.14	4.87	0.69
Beaver	0.20	0.17	0.17	16.80	14.44	15.52	0.46	0.67	0.46
Beckham	0.26	0.23	0.21	20.18	17.64	18.08	1.02	1.25	0.32
Caddo	0.28	0.26	0.23	22.05	19.37	19.74	0.80	0.92	0.47
Cleveland	0.38	0.33	0.30	27.98	24.31	24.97	0.50	0.47	0.36
Canadian	0.36	0.33	0.28	26.24	23.02	23.03	1.60	1.69	0.78
Cimarron	0.13	0.13	0.12	13.03	11.86	12.49	0.06	0.09	0.07
Comanche	0.30	0.26	0.25	24.01	20.65	21.89	0.18	0.23	0.09
Coal	0.41	0.34	0.31	28.58	23.42	23.70	0.90	1.25	0.73
Creek	0.41	0.36	0.29	28.97	25.07	24.32	0.41	0.65	0.24
Blaine	0.31	0.30	0.23	22.51	20.11	19.61	1.98	2.44	1.14
Le Flore	0.50	0.38	0.34	34.04	27.14	27.22	0.48	0.57	0.45
Custer	0.28	0.25	0.22	21.34	18.73	18.92	0.81	1.03	0.49
Dewey	0.27	0.29	0.20	20.19	19.42	17.51	1.32	1.62	0.62
Ellis	0.26	0.24	0.18	19.39	17.19	16.59	2.02	2.44	0.46
Garvin	0.35	0.31	0.28	25.77	22.19	23.57	1.59	1.76	1.47

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County	Respiratory Hazard Index			Total Cancer Risk (per million)			Oil and Gas Cancer Risk (per million)		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Grady	0.35	0.33	0.28	25.26	22.44	22.65	2.02	2.15	1.49
Harper	0.25	0.19	0.18	18.75	15.47	16.13	0.79	0.98	0.40
Hughes	0.44	0.35	0.30	29.74	23.91	23.63	0.97	1.43	0.78
Jackson	0.26	0.22	0.22	20.81	17.86	18.99	0.06	0.08	0.07
Kingfisher	0.39	0.38	0.28	25.79	23.40	21.76	3.84	4.33	1.41
Oklahoma	0.39	0.35	0.32	29.33	25.47	26.14	0.63	0.63	0.37
Major	0.31	0.29	0.23	21.75	19.63	18.96	1.48	1.84	0.62
McClain	0.34	0.31	0.28	25.42	22.23	23.12	1.30	1.32	1.43
Roger Mills	0.25	0.23	0.20	19.42	17.22	17.19	1.54	1.86	0.64
Payne	0.33	0.31	0.28	24.97	21.79	22.44	0.66	0.92	0.42
Pittsburg	0.50	0.39	0.33	33.13	26.52	26.28	0.53	0.63	0.56
Seminole	0.38	0.32	0.27	27.38	22.73	22.77	1.04	1.58	0.72
Woods	0.36	0.37	0.24	23.21	21.97	18.85	3.30	4.01	0.67
Woodward	0.26	0.23	0.19	19.53	17.05	17.01	0.43	0.55	0.16
Texas									
Nueces	0.26	0.20	0.19	21.58	16.40	18.01	0.07	0.07	0.03
Andrews	0.24	0.20	0.21	21.03	18.76	19.59	2.63	3.44	2.46
Burleson	0.28	0.23	0.24	24.51	19.57	22.15	0.73	0.93	1.33
Calhoun	0.27	0.19	0.19	27.19	23.82	23.17	0.27	0.27	0.11
Cherokee	0.37	0.31	0.30	30.37	25.44	26.86	0.39	0.52	0.64
Comal	0.31	0.22	0.23	25.53	19.13	21.16	0.07	0.07	0.04
Culberson	0.17	0.14	0.15	16.09	13.49	14.77	0.03	0.05	0.03
Cochran	0.17	0.16	0.16	16.41	14.87	15.66	1.08	1.32	1.07

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County	Respiratory Hazard Index			Total Cancer Risk (per million)			Oil and Gas Cancer Risk (per million)		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Denton	0.38	0.32	0.33	31.55	25.97	29.43	0.21	0.19	0.39
Gaines	0.22	0.18	0.19	20.70	18.57	18.54	3.28	3.92	2.31
Galveston	0.32	0.53	0.46	29.03	27.23	25.84	0.17	0.20	0.05
Grayson	0.34	0.28	0.27	27.41	22.31	23.66	0.27	0.33	0.16
Guadalupe	0.30	0.22	0.24	24.92	18.87	21.14	0.20	0.21	0.15
Hemphill	0.30	0.21	0.22	20.14	15.94	16.55	1.30	1.61	0.69
Houston	0.37	0.31	0.30	30.32	26.61	26.47	0.26	0.35	0.31
Hutchinson	0.22	0.20	0.20	17.40	15.64	16.57	0.24	0.26	0.53
Jackson	0.31	0.21	0.22	23.01	18.25	21.07	0.65	0.74	0.27
Jasper	0.41	0.37	0.35	33.52	29.26	31.00	0.66	0.72	0.21
Karnes	0.37	0.29	0.24	28.30	22.44	22.60	6.02	5.74	3.42
Kenedy	0.26	0.18	0.17	20.90	15.97	17.03	0.57	0.54	0.25
Lee	0.28	0.21	0.22	24.10	20.15	20.83	0.40	0.57	0.59
Loving	0.32	0.34	0.24	28.92	30.71	29.04	10.31	14.92	11.54
Winkler	0.25	0.22	0.22	21.62	19.20	20.75	3.09	3.74	3.44
Martin	0.25	0.21	0.22	23.21	20.87	23.43	4.15	5.57	6.16
Midland	0.28	0.24	0.24	26.11	24.39	25.94	5.16	6.90	6.51
Upton	0.23	0.18	0.20	20.33	16.74	18.52	1.50	1.73	1.26
Reeves	0.27	0.26	0.25	24.01	23.73	29.46	5.09	7.56	11.12
Victoria	0.36	0.26	0.28	30.98	25.85	27.00	0.52	0.66	0.15
Live Oak	0.28	0.20	0.20	23.33	17.96	19.41	1.32	1.32	0.66
McMullen	0.31	0.22	0.22	23.74	18.27	19.79	2.19	2.27	1.59
Montgomery	0.39	0.32	0.34	36.07	29.94	34.81	0.15	0.21	0.10

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County	Respiratory Hazard Index			Total Cancer Risk (per million)			Oil and Gas Cancer Risk (per million)		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Sabine	0.44	0.38	0.36	33.39	28.86	29.95	0.27	0.42	0.61
San Augustine	0.43	0.39	0.35	33.24	29.08	31.12	1.09	1.45	2.63
San Jacinto	0.38	0.33	0.32	31.25	29.65	29.55	0.30	0.48	0.16
Shelby	0.43	0.38	0.35	34.10	29.16	31.20	1.45	1.73	2.37
Tarrant	0.37	0.32	0.34	33.54	27.68	31.82	0.43	0.42	0.83
Trinity	0.38	0.33	0.31	31.83	27.33	27.40	0.09	0.15	0.13
Walker	0.39	0.31	0.31	32.00	28.33	29.53	0.09	0.14	0.09
Washington	0.30	0.23	0.24	24.80	19.69	21.89	0.73	0.93	0.44
Wise	0.35	0.30	0.34	25.96	21.43	24.58	1.14	0.99	1.97
Zapata	0.34	0.21	0.22	28.04	18.97	21.44	1.41	1.36	0.96
Kansas									
Sedgwick	0.38	0.34	0.34	27.62	24.96	24.97	0.06	0.06	0.04
Decatur	0.16	0.14	0.14	14.61	12.70	13.62	0.07	0.10	0.06
Morton	0.16	0.15	0.15	14.26	13.08	13.72	0.36	0.42	0.37
Stevens	0.21	0.19	0.20	16.31	14.76	15.72	0.85	0.91	0.87
Stanton	0.16	0.15	0.15	14.33	13.13	13.79	0.40	0.49	0.40
Finney	0.21	0.18	0.18	16.87	14.45	15.78	0.45	0.50	0.46
Franklin	0.33	0.32	0.25	23.62	21.09	20.06	0.27	0.33	0.21
Greeley	0.14	0.13	0.13	13.47	12.13	12.93	0.20	0.38	0.12
Lane	0.16	0.14	0.14	15.02	12.95	14.15	0.21	0.35	0.18
Logan	0.18	0.15	0.16	15.04	13.19	14.30	0.09	0.12	0.09
Montgomery	0.36	0.35	0.31	26.14	23.14	22.98	0.64	0.81	0.54
Norton	0.17	0.15	0.15	15.38	13.33	14.33	0.04	0.06	0.04

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County	Respiratory Hazard Index			Total Cancer Risk (per million)			Oil and Gas Cancer Risk (per million)		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Woodson	0.37	0.34	0.31	25.34	20.75	20.61	1.07	1.34	0.86
Meade	0.21	0.17	0.17	16.93	14.25	15.37	0.19	0.28	0.17
Sherman	0.15	0.13	0.14	13.68	12.16	13.11	0.13	0.18	0.15
Sumner	0.30	0.26	0.25	22.74	19.49	19.95	0.40	0.40	0.21
Trego	0.17	0.14	0.25	15.52	13.29	14.50	0.09	0.13	0.11
Cheyenne	0.14	0.13	0.13	13.32	11.81	12.91	0.85	0.26	0.35

Source: EPA (2023i, 2024e)

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The total risk for the noncancer respiratory hazard index is estimated from a variety of factors from inhalation of air toxics nationwide, in both urban and rural areas. For example, background concentrations include pollutants that exist in the air that do not come from specific sources and may be derived from a natural source (biogenic) or from distance sources or pollutants that persist in the environment due to a long half-life. Background concentrations can explain pollutant concentrations found even without recent human-caused emissions. Oil and gas cancer risks are estimated from emissions from oil and gas operations such as emissions from individual well locations and production equipment such as pumps, dehydrators, tanks, and engines. Total cancer risk for the state of New Mexico (19.1 cases per million) was less than that of the United States (25.5 cases per million) (see Table 46). In addition, the respiratory noncancer hazard quotient values were consistently lower for the state of New Mexico (0.22) than for the nation (0.31).

All eight counties (Chaves, Eddy, Lea, McKinley, Rio Arriba, Sandoval, San Juan, and Roosevelt) had cancer risk values and total hazard quotients less than those of the United States, with all total hazard quotients reported being less than 1.0.

5.3 FARMINGTON FIELD OFFICE AND PECOS DISTRICT OFFICE HAZARDOUS AIR POLLUTANT MODELING

The U.S. Court of Appeals for the Tenth Circuit in *Diné Citizens Against Ruining Our Env't v. Haaland,* 59 F.4th 1016, 1047 (10th Cir. 2023), hereafter Diné CARE II*,* directed the BLM to analyze cumulative HAPs emissions for the San Juan Basin in its oil and gas leasing under NEPA,[2] and the BLM has also created the same analysis for the BLM Pecos District Office (PDO). The BLM's *Cumulative Hazardous Air Pollutant Modeling – Final Report* (Ramboll and BLM 2023) and the BLM's *Summary of Cumulative Oil and Gas Hazardous Air Pollutant Analysis for the Pecos District Office* (BLM 2024c), incorporated by reference and summarized below, detail the modeling methods used and the results of the modeling. The tables below also include information for the BLM FFO, incorporated from the BLM's *Summary of Cumulative Oil and Gas Hazardous Air Pollutant Analysis* for the BLM FFO (BLM 2024d).

The BLM's western United States HAP photochemical modeling assessment was prepared to support the BLM's analysis of cumulative oil and gas impacts to public health from HAPs originating from oil and gas production in Colorado, Montana, New Mexico, North Dakota, South Dakota, Utah, and Wyoming (states where the BLM commonly authorizes federal activities for fossil energy development). The Diné CARE II Court specifically mentioned five HAPs—benzene, toluene, ethylbenzene, mixed xylenes, and n-hexane—as applying to oil and gas development activities based on the NESHAPs, see 43 C.F.R. § 63. The modeling assessment evaluated emissions from existing federal, new federal, and non-federal oil and gas sources and includes six key HAPs—benzene, toluene, ethylbenzene, xylene, n-hexane, and formaldehyde—because these compounds are common in the oil and gas sector and consistent with regulatory requirements described in the EPA's NSPS, see 43 C.F.R. § 60, and NESHAPs. HAP emissions in this study include emission sources associated with wellsite exploration, wellsite production, and midstream sources (Ramboll and BLM 2023). The modeling analysis evaluated air quality out to a future year of 2032[3] using data from the 2028 Western Regional Air Partnership (WRAP)/Western Air Quality Study (WAQS) modeling platform, the EPA SPECIATE 5.14 speciation profiles, the EPA's 2016v2 emissions modeling platform (EPA 2022a), and the BLM oil and gas development projections to quantify

[2] The CAA defines a HAP as "any air pollutant" of which "emissions, ambient concentrations, bioaccumulation or deposition of the substance are known to cause or may reasonably be anticipated to cause adverse effects to human health or adverse environmental effect;" see 42 U.S.C. § 7412.

[3] EPA's 2016v2 modeling platform (EPA 2022a), the most advanced dataset at the time of model development, includes emissions for the years 2016, 2023, 2026, and 2032. Future year 2032 was used in this modeling assessment.

NMED Exhibit 55_000092

and apportion federal and non-federal oil and gas emissions (Ramboll and BLM 2023). The model output allows the BLM to compare concentrations of HAPs to calculated risk-based thresholds in order to provide the hard look at the effects on public health required by NEPA.

Carcinogenic and noncarcinogenic chronic risks from modeled oil and gas concentrations were calculated for future year 2032. The emissions inventory for the BLM PDO was based on Annual Energy Outlook (AEO) oil and gas projections for the Permian Basin. These projections describe the reasonably foreseeable oil and gas development anticipated to occur within the Permian Basin by 2032 and reflect the best currently available information. Health-based inhalation thresholds and cancer unit risk estimate threshold values were obtained from the weight of evidence for carcinogenicity under the 2005 EPA cancer guidelines (without revisions) (EPA 2021b, 2022b). A residency exposure adjustment factor was applied to the cancer inhalation risk by multiplying the annual modeled concentration by the cancer unit risk factor and multiplying this product by an applicable exposure adjustment factor. The residency exposure adjustment factor[4] is computed by taking the average residency of the county where development is proposed (Table 49) and dividing that by the length of exposure over an assumed 70-year life span. For example, for Eddy County, the residency exposure adjustment factor would be 15.0/70. All other values in Table 49 and Table 50 are raw model outputs with no adjustment applied.

Table 49. United States, State, and County Residency Information

United States/State/*County*	**Residency (years)**
United States	13.4
New Mexico	15.9
Bernalillo	13.1
Catron	19.8
Chaves	14.9
Cibola	16.9
Colfax	15.1
Curry	12.6
De Baca	15.0
Dona Ana	13.2
Eddy	15.0
Grant	15.2
Guadalupe	18.9
Harding	15.7
Hidalgo	15.9
Lea	14.0
Lincoln	14.3
Los Alamos	13.4

[4] EPA's Exposure Assessment Tools by Routes – Inhalation; https://www.epa.gov/expobox/exposure-assessment-tools-routes-inhalation.

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United States/State/*County*	Residency (years)
Luna	14.7
McKinley	18.5
Mora	22.1
Otero	13.2
Quay	15.6
Rio Arriba	19.8
Roosevelt	14.1
Sandoval	14.1
San Juan	15.5
San Miguel	18.3
Santa Fe	14.3
Sierra	15.9
Socorro	17.9
Taos	17.6
Torrance	16.1
Union	16.4
Valencia	16.1

Source: U.S. Census Bureau (2023)

Table 50 shows the oil and gas cancer risk from federal sources (existing and new) and from all mineral designations together from the combination of benzene, ethylbenzene, and formaldehyde. The risk analysis was performed only for these three HAPs because these pollutants had EPA-provided non-zero unit risk estimate values based on the weight-of-evidence approach (EPA 2021b). The non-adjusted (70-year) cancer risk from all oil and gas sources for all New Mexico counties is less than 30 in 1 million (maximum of 27.48 in San Juan County). The maximum total oil and gas residency exposure-adjusted cancer risk for all New Mexico counties, as described above, is below 6.15 in 1 million.

Risk characterization is a description of the nature and, often, magnitude of human risk, including resulting uncertainties. Risk characterization is accomplished by integrating information from the components of the risk assessment and synthesizing an overall conclusion about risk that is complete, informative, and useful for decision makers (EPA 2000). A “bright line” in risk characterization refers to a threshold value that separates acceptable and unacceptable levels of risk. It is regarded as a clear and unambiguous limit used to determine whether a particular level of exposure to a hazardous substance is safe. Bright lines were not used in the analysis of the cumulative oil and gas HAP results to determine if a particular risk level was acceptable or not, as no such construct for risk exists within the CAA framework akin to the NAAQS (that is, there are no NAAQS against which to compare modeled HAP concentrations). Rather, values or ranges of values published by the EPA (e.g., AirToxScreen [NATA] or 40 C.F.R. § 300.430 [Remedial Investigation/Feasibility Study]) were used to provide useful context to risk estimates associated with the cumulative oil and gas HAP study. As described in the BLM’s *Cumulative Hazardous Air Pollutants Modeling – Final Report* (Ramboll and BLM 2023), while no explicit risk thresholds are available, EPA uses a 1 in 1 million and 100 in 1 million risk for context (EPA 2022b).

As a result, both the 70-year cancer risk and the adjusted cancer risk in Table 50 are within the contextual range published by the EPA. It is important to note that the cancer risks estimated by this assessment only consider cumulative oil and gas sources and six common oil and gas HAPs. While the cumulative oil and gas contribution is within the contextual range published by the EPA (1 in 1 million and 100 in 1 million), additional HAPs from non-oil and gas sources could increase the overall risk in the project area. This modeling assessment looked at cumulative oil and gas sources to address the Court's holding in regard to analysis of cumulative HAP emissions. It was beyond the scope of this modeling assessment to determine cumulative HAP values from non-oil and gas sources.

Table 50. Estimated Cancer Risk from 2032 Oil and Gas Production in New Mexico by Mineral Designation

County	Cancer Risk* from Existing Federal Wells (per million)	Cancer Risk* from New Federal Wells (per million)	Cancer Risk* from Total Federal Wells (per million)	Cancer Risk* from Non-federal Wells (per million)	Cancer Risk* from Cumulative Oil and Gas Production (per million)	Adjusted Cancer Risk† From Cumulative Oil and Gas Production (per million)
BLM CFO						
Chaves‡	0.20 to 2.51	0.07 to 1.54	0.26 to 3.95	0.20 to 3.53	0.46 to 7.48	0.10 to 1.59
Eddy	0.20 to 6.91	0.08 to 2.95	0.28 to 7.57	0.22 to 8.95	0.51 to 15.10	0.11 to 3.24
Lea	0.45 to 4.65	0.25 to 4.86	0.72 to 7.10	0.79 to 6.46	1.61 to 13.11	0.32 to 2.62
BLM FFO						
McKinley§	0.04 to 0.84	0.02 to 0.55	0.06 to 1.39	0.05 to 0.88	0.11 to 2.21	0.03 to 0.58
Rio Arriba¶	0.29 to 15.51	0.13 to 2.75	0.42 to 18.26	0.25 to 4.27	0.67 to 21.74	0.19 to 6.15
Sandoval§	0.12 to 2.76	0.07 to 3.11	0.19 to 5.87	0.13 to 3.91	0.32 to 9.60	0.06 to 1.93
San Juan	0.07 to 16.70	0.04 to 4.02	0.11 to 20.72	0.09 to 7.18	0.20 to 27.48	0.04 to 6.09
BLM RPFO						
Bernalillo	0.10 to 0.20	0.06 to 0.12	0.16 to 0.32	0.12 to 0.20	0.28 to 0.52	0.05 to 0.10
Cibola	0.03 to 0.10	0.02 to 0.06	0.04 to 0.16	0.04 to 0.11	0.08 to 0.27	0.02 to 0.07
Torrance	0.11 to 0.17	0.06 to 0.10	0.18 to 0.28	0.14 to 0.24	0.32 to 0.47	0.07 to 0.11
Valencia	0.07 to 0.14	0.04 to 0.09	0.12 to 0.23	0.09 to 0.16	0.21 to 0.39	0.05 to 0.09
BLM RFO						
Curry	0.19 to 0.30	0.13 to 0.18	0.32 to 0.47	0.33 to 0.52	0.64 to 0.99	0.12 to 0.18
De Baca	0.19 to 0.48	0.10 to 0.24	0.29 to 0.70	0.24 to 0.70	0.52 to 1.40	0.11 to 0.30
Guadalupe	0.16 to 0.25	0.09 to 0.14	0.25 to 0.39	0.19 to 0.37	0.44 to 0.76	0.12 to 0.20
Lincoln	0.11 to 0.44	0.05 to 0.11	0.16 to 0.56	0.14 to 0.48	0.29 to 0.93	0.06 to 0.19
Quay	0.15 to 0.29	0.12 to 0.16	0.28 to 0.45	0.26 to 0.43	0.54 to 0.88	0.12 to 0.20
Roosevelt	0.22 to 0.62	0.15 to 0.32	0.36 to 0.93	0.45 to 12.8	0.87 to 13.45	0.18 to 2.71

County	Cancer Risk* from Existing Federal Wells (per million)	Cancer Risk* from New Federal Wells (per million)	Cancer Risk* from Total Federal Wells (per million)	Cancer Risk* from Non-federal Wells (per million)	Cancer Risk* from Cumulative Oil and Gas Production (per million)	Adjusted Cancer Risk† From Cumulative Oil and Gas Production (per million)
BLM Las Cruces DO						
Doña Ana	0.05 to 0.11	0.03 to 0.05	0.08 to 0.15	0.08 to 0.23	0.16 to 0.34	0.03 to 0.06
Grant	0.03 to 0.05	0.02 to 0.03	0.05 to 0.08	0.05 to 0.07	0.09 to 0.15	0.02 to 0.03
Hidalgo	0.02 to 0.04	0.01 to 0.02	0.04 to 0.06	0.03 to 0.06	0.07 to 0.12	0.02 to 0.03
Luna	0.04 to 0.06	0.02 to 0.03	0.06 to 0.09	0.06 to 0.31	0.12 to 0.40	0.02 to 0.08
Otero	0.09 to 0.42	0.04 to 0.11	0.13 to 0.53	0.12 to 0.36	0.25 to 0.89	0.05 to 0.17
Sierra	0.04 to 0.10	0.02 to 0.05	0.05 to 0.15	0.05 to 0.13	0.11 to 0.29	0.02 to 0.07
BLM SFO						
Catron	0.02 to 0.05	0.01 to 0.03	0.03 to 0.07	0.03 to 0.06	0.07 to 0.13	0.02 to 0.04
Socorro	0.04 to 0.12	0.02 to 0.07	0.06 to 0.19	0.06 to 0.16	0.12 to 0.35	0.03 to 0.09
BLM TFO						
Colfax	0.14 to 0.30	0.10 to 0.13	0.25 to 0.43	0.22 to 0.54	0.48 to 0.85	0.10 to 0.18
Harding	0.14 to 0.18	0.10 to 0.13	0.25 to 0.30	0.22 to 0.28	0.48 to 0.58	0.11 to 0.13
Los Alamos	0.27 to 0.27	0.13 to 0.13	0.40 to 0.40	0.25 to 0.25	0.66 to 0.66	0.13 to 0.13
Mora	0.17 to 0.28	0.10 to 0.13	0.26 to 0.41	0.20 to 0.26	0.47 to 0.67	0.15 to 0.21
San Miguel	0.16 to 0.22	0.09 to 0.12	0.25 to 0.33	0.18 to 0.29	0.43 to 0.62	0.11 to 0.16
Santa Fe	0.16 to 0.36	0.10 to 0.15	0.27 to 0.52	0.18 to 0.29	0.44 to 0.81	0.09 to 0.16
Taos	0.26 to 0.43	0.12 to 0.17	0.38 to 0.60	0.24 to 0.35	0.61 to 0.93	0.15 to 0.23
Union	0.11 to 0.16	0.11 to 0.13	0.24 to 0.28	0.22 to 0.26	0.46 to 0.54	0.11 to 0.13

Notes: SFO = Socorro Field Office; TFO = Taos Field Office; RFO = Roswell Field Office; Las Cruces DO = Las Cruces District Office

*Cancer risk from emissions of benzene, ethylbenzene, and formaldehyde

†Adjusted residency risk based on residency factors by county from Table 49

‡Chaves County is split between the BLM CFO and the BLM RFO but presented in the BLM CFO.

§McKinley County and Sandoval County are split between the BLM FFO and the BLM RPFO but presented in the BLM FFO.

¶Rio Arriba County is split between the BLM FFO and the BLM TFO but presented in the BLM FFO.

AirToxScreen is consistent with the EPA's definition of a cumulative risk assessment. The contribution, based on the EPA's most recent AirToxScreen results (2019), of the oil and gas industry to the cancer risk in New Mexico counties ranged from 0 to 3.91 in 1 million, and overall in the state of New Mexico was 0.34 in 1 million (EPA 2024e). While not paired in time, the BLM's cumulative oil and gas study showed the contribution of the oil and gas industry to cancer risk (ca. 2032) statewide will range from 0.02 to 6.15 in 1 million. While different methods were used by EPA and the BLM to determine cumulative oil and gas contributions and this could result in inconsistencies when comparing the data, the overall trend projects cumulative oil and gas contribution will be steady to slightly decreasing between 2019 and

ca. 2032. The overall HAPs trend could be further affected by projected declines in other sectors from increased electrification, equipment efficiency, and renewable technologies for electricity generation (U.S. Energy Information Administration [EIA] 2025). To have an entirely consistent analysis between the BLM and the EPA would require the BLM to project the entire NEI forward to a common future year (2032 in the BLM study) and use the Community Multiscale Air Quality Modeling System (CMAQ) model with the unique chemical mechanism within the CMAQ used in AirToxScreen. To the BLM's knowledge, in the nearly 30-year history of the EPA's NATA, of which AirToxScreen is a part, a future-year projection for NATA has never been attempted. Therefore, using the AirToxScreen results described above, if one were to add the risk values for the respective counties from the EPA's and the BLM's modeling (which would not be scientifically valid given the varying methodologies), the addition of the other source categories places the total risk from other sources, in addition to future projections of HAPs impacts from oil and gas development, still well within the 1 in 1 million and 100 in 1 million risk range.

Table 51 through Table 57 show the hazard quotients (HQs) for each compound and the hazard index (HI). EPA estimates chronic noncancer HQs by dividing a chemical's estimated long-term exposure concentration by the RfC for that chemical for each field office. Chronic noncancer hazards from multiple air toxics were assessed by calculating an HI through the summation of individual HAP HQs that share similar adverse health effects, resulting in a target organ-specific HI representing the risk to a specific organ or organ system. An HQ or HI value less than 1 indicates that the exposure is not likely to result in adverse noncancer effects (EPA 2022b; Ramboll and BLM 2023). Statewide HQ and HI values are below 1 for all mineral designations except for Rio Arriba and San Juan Counties, indicating that cumulative oil and gas-source exposure is not likely to result in adverse noncancer effects.
The maximum HIs from total oil and gas production for Rio Arriba and San Juan Counties are 0.1679 and 0.2082, respectively. It is important to note that the noncancer risks estimated by this assessment only consider cumulative oil and gas sources and the six common oil and gas pollutants. While the cumulative oil and gas contribution is below 1, additional HAPs from non-oil and gas sources could increase the overall risks in the project area. This modeling assessment looked at cumulative oil and gas sources to address the Court's holding in regard to analysis of cumulative HAP emissions. It was beyond the scope of this modeling assessment to determine cumulative HAP values from non-oil and gas sources.

Table 51. Estimated HQs and HI from ca. 2032 Oil and Gas Production in the BLM CFO by Mineral Designation

	HQ						HI
Source	**Benzene**	**Toluene**	**Ethylbenzene**	**Xylene**	**n-Hexane**	**Formaldehyde**	
Chaves County							
Existing federal	<0.0001 to 0.0008	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0001	Range is <0.0001	0.0015 to 0.0181	0.0015 to 0.0191
New federal	<0.0001 to 0.0019	Range is <0.0001	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0004	0.0005 to 0.0085	0.0005 to 0.0109
Total federal	<0.0001 to 0.0026	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0002	<0.0001 to 0.0004	0.0019 to 0.0263	0.002 to 0.0294
Non-federal	<0.0001 to 0.0017	Range is <0.0001	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0004	0.0015 to 0.0259	0.0015 to 0.027
Total	*0.0001 to 0.0034*	*Range is <0.0001*	*Range is <0.0001*	*<0.0001 to 0.0003*	*<0.0001 to 0.0005*	*0.0034 to 0.0522*	*0.0035 to 0.0564*

				HQ			HI
Source	**Benzene**	**Toluene**	**Ethylbenzene**	**Xylene**	**n-Hexane**	**Formaldehyde**	
Eddy County							
Existing federal	<0.0001 to 0.0039	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0004	<0.0001 to 0.0006	0.0015 to 0.0470	0.0016 to 0.0516
New federal	<0.0001 to 0.0037	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0001	<0.0001 to 0.0008	0.0005 to 0.0162	0.0006 to 0.0208
Total federal	<0.0001 to 0.0052	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0005	<0.0001 to 0.0008	0.0021 to 0.0528	0.0021 to 0.0563
Non-federal	<0.0001 to 0.0043	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0004	<0.0001 to 0.0008	0.0017 to 0.0632	0.0017 to 0.0679
Total	*0.0001 to 0.0069*	*Range is <0.0001*	*Range is <0.0001*	*<0.0001 to 0.0007*	*<0.0001 to 0.0009*	*0.0037 to 0.1066*	*0.0039 to 0.1145*
Lea County							
Existing federal	0.0001 to 0.0014	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0002	<0.0001 to 0.0002	0.0033 to 0.0353	0.0034 to 0.0361
New federal	0.0002 to 0.012	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0002	<0.0001 to 0.0029	0.0015 to 0.0156	0.0018 to 0.0309
Total federal	0.0004 to 0.0127	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0003	<0.0001 to 0.003	0.0049 to 0.0491	0.0054 to 0.0511
Non-federal	0.0003 to 0.0016	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0002	<0.0001 to 0.0003	0.0057 to 0.0477	0.006 to 0.0496
Total	*0.0008 to 0.0133*	*Range is <0.0001*	*Range is <0.0001*	*<0.0001 to 0.0003*	*<0.0001 to 0.003*	*0.0111 to 0.0968*	*0.0121 to 0.1007*

Note: HQ and HI values may vary slightly due to the rounding of these very small values.

Table 52. Estimated HQs and HI from ca. 2032 Oil and Gas Production in the BLM FFO by Mineral Designation

				HQ			HI
Source	**Benzene**	**Toluene**	**Ethylbenzene**	**Xylene**	**n-Hexane**	**Formaldehyde**	
McKinley County							
Existing federal	<0.0001 to 0.0003	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0003 to 0.0060	0.0003 to 0.0064
New federal	<0.0001 to 0.0005	Range is <0.0001	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0001	0.0001 to 0.0033	0.0002 to 0.0040
Total federal	<0.0001 to 0.0008	Range is <0.0001	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0002	0.0004 to 0.0093	0.0004 to 0.0103
Non-federal	<0.0001 to 0.0005	Range is <0.0001	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0002	0.0003 to 0.0060	0.0004 to 0.0067
Total	*<0.0001 to 0.0012*	*Range is <0.0001*	*Range is <0.0001*	*<0.0001 to 0.0001*	*<0.0001 to 0.0003*	*0.0007 to 0.0150*	*0.0008 to 0.0167*

NMED Exhibit 55_000098

				HQ			HI
Source	**Benzene**	**Toluene**	**Ethylbenzene**	**Xylene**	**n-Hexane**	**Formaldehyde**	
Rio Arriba County							
Existing federal	<0.0001 to 0.0046	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0005	<0.0001 to 0.0021	0.0022 to 0.1130	0.0022 to 0.1203
New federal	<0.0001 to 0.0035	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0003	<0.0001 to 0.0007	0.0009 to 0.0168	0.0010 to 0.0214
Total federal	<0.0001 to 0.0071	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0007	<0.0001 to 0.0022	0.0031 to 0.1271	0.0032 to 0.1372
Non-federal	<0.0001 to 0.0033	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0004	<0.0001 to 0.0005	0.0019 to 0.0311	0.0019 to 0.0353
Total	*0.0002 to 0.0083*	*Range is <0.0001*	*<0.0001 to 0.0001*	*<0.0001 to 0.0009*	*<0.0001 to 0.0022*	*0.0049 to 0.1564*	*0.0051 to 0.1679*
Sandoval County							
Existing federal	<0.0001 to 0.0017	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0002	<0.0001 to 0.0004	0.0009 to 0.0186	0.0009 to 0.0209
New federal	<0.0001 to 0.0046	Range is <0.0001	<0.0001 to 0.0001	<0.0001 to 0.0006	<0.0001 to 0.0007	0.0005 to 0.0155	0.0005 to 0.0215
Total federal	<0.0001 to 0.0054	Range is <0.0001	<0.0001 to 0.0001	<0.0001 to 0.0007	<0.0001 to 0.0011	0.0014 to 0.0341	0.0014 to 0.0414
Non-federal	<0.0001 to 0.0026	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0003	<0.0001 to 0.0005	0.001 to 0.0257	0.001 to 0.0291
Total	*<0.0001 to 0.0079*	*Range is <0.0001*	*<0.0001 to 0.0002*	*<0.0001 to 0.0010*	*<0.0001 to 0.0016*	*0.0023 to 0.0598*	*0.0024 to 0.0705*
San Juan County							
Existing federal	<0.0001 to 0.0055	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0006	<0.0001 to 0.0010	0.0005 to 0.1210	0.0006 to 0.1282
New federal	<0.0001 to 0.005	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0006	<0.0001 to 0.0008	0.0003 to 0.0220	0.0003 to 0.0285
Total federal	<0.0001 to 0.0082	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0009	<0.0001 to 0.0011	0.0008 to 0.1430	0.0008 to 0.1534
Non-federal	<0.0001 to 0.0037	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0004	<0.0001 to 0.0006	0.0006 to 0.0516	0.0006 to 0.0563
Total	*<0.0001 to 0.0107*	*Range is <0.0001*	*<0.0001 to 0.0001*	*<0.0001 to 0.0012*	*<0.0001 to 0.0015*	*0.0014 to 0.1946*	*0.0015 to 0.2082*

Note: HQ and HI values may vary slightly due to the rounding of these very small values.

NMED Exhibit 55_000099

Table 53. Estimated HQs and HI from ca. 2032 Oil and Gas Production in the RPFO by Mineral Designation

	HQ						HI
Source	**Benzene**	**Toluene**	**Ethylbenzene**	**Xylene**	**n-Hexane**	**Formaldehyde**	
Bernalillo County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0008 to 0.0015	0.0008 to 0.0015
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0004 to 0.0008	0.0004 to 0.0009
Total federal	<0.0001 to 0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0012 to 0.0023	0.0012 to 0.0024
Non-federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0008 to 0.0015	0.0009 to 0.0015
Total	*<0.0001 to 0.0002*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0020 to 0.0037*	*0.0021 to 0.004*
Cibola County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0002 to 0.0008	0.0002 to 0.0008
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0001 to 0.0004	0.0001 to 0.0004
Total federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0003 to 0.0011	0.0003 to 0.0012
Non-federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0003 to 0.0008	0.0003 to 0.0009
Total	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0006 to 0.0020*	*0.0006 to 0.0021*
Torrance County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0008 to 0.0013	0.0009 to 0.0013
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0004 to 0.0007	0.0005 to 0.0008
Total federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0013 to 0.0020	0.0014 to 0.0021
Non-federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0010 to 0.0018	0.0011 to 0.0019
Total	*0.0001 to 0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0023 to 0.0034*	*0.0025 to 0.0036*
Valencia County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0006 to 0.0011	0.0006 to 0.0011

NMED Exhibit 55_000100

				HQ			HI
Source	**Benzene**	**Toluene**	**Ethylbenzene**	**Xylene**	**n-Hexane**	**Formaldehyde**	
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0003 to 0.0006	0.0003 to 0.0007
Total federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0009 to 0.0017	0.0009 to 0.0017
Non-federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0007 to 0.0011	0.0007 to 0.0012
Total	*<0.0001 to 0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0015 to 0.0028*	*0.0016 to 0.0029*

Note: HQ and HI values may vary slightly due to the rounding of these very small values.

Table 54. Estimated HQs and HI from ca. 2032 Oil and Gas Production in the Roswell Field Office by Mineral Designation

				HQ			HI
Source	**Benzene**	**Toluene**	**Ethylbenzene**	**Xylene**	**n-Hexane**	**Formaldehyde**	
Curry County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0014 to 0.0022	0.0014 to 0.0023
New federal	<0.0001 to 0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0009 to 0.0012	0.0010 to 0.0013
Total federal	0.0001 to 0.0002	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0023 to 0.0034	0.0024 to 0.0036
Non-federal	0.0001 to 0.0002	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0024 to 0.0037	0.0025 to 0.0039
Total	*0.0002 to 0.0004*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0046 to 0.0071*	*0.0049 to 0.0075*
De Baca County							
Existing federal	<0.0001 to 0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0014 to 0.0035	0.0015 to 0.0036
New federal	<0.0001 to 0.0002	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0007 to 0.0016	0.0007 to 0.0018
Total federal	<0.0001 to 0.0003	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0021 to 0.0051	0.0022 to 0.0054
Non-federal	<0.0001 to 0.0002	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0017 to 0.0051	0.0018 to 0.0053
Total	*0.0002 to 0.0005*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0038 to 0.0101*	*0.004 to 0.0107*
Guadalupe County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0012 to 0.0019	0.0012 to 0.0019

				HQ			HI
Source	**Benzene**	**Toluene**	**Ethylbenzene**	**Xylene**	**n-Hexane**	**Formaldehyde**	
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0006 to 0.0010	0.0006 to 0.0011
Total federal	<0.0001 to 0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0018 to 0.0029	0.0019 to 0.0030
Non-federal	<0.0001 to 0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0014 to 0.0027	0.0015 to 0.0028
Total	*0.0001 to 0.0002*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0032 to 0.0055*	*0.0033 to 0.0058*
Lincoln County							
Existing federal	<0.0001 to 0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0008 to 0.0033	0.0008 to 0.0034
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0004 to 0.0008	0.0004 to 0.0009
Total federal	<0.0001 to 0.0002	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0012 to 0.0041	0.0012 to 0.0043
Non-federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0010 to 0.0036	0.0010 to 0.0037
Total	*<0.0001 to 0.0002*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0021 to 0.0068*	*0.0022 to 0.0071*
Quay County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0011 to 0.0022	0.0012 to 0.0022
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0009 to 0.0011	0.0009 to 0.0012
Total federal	<0.0001 to 0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0020 to 0.0032	0.0021 to 0.0034
Non-federal	<0.0001 to 0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0019 to 0.0031	0.0020 to 0.0033
Total	*0.0002 to 0.0003*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0039 to 0.0064*	*0.0041 to 0.0067*
Roosevelt County							
Existing federal	<0.0001 to 0.0002	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0016 to 0.0047	0.0017 to 0.0048
New federal	<0.0001 to 0.0002	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0010 to 0.0022	0.0011 to 0.0024
Total federal	0.0001 to 0.0004	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0026 to 0.0068	0.0027 to 0.0071
Non-federal	0.0001 to 0.0097	Range is <0.0001	<0.0001 to 0.0001	<0.0001 to 0.0011	<0.0001 to 0.0024	0.0032 to 0.0837	0.0034 to 0.0955

	HQ						HI
Source	**Benzene**	**Toluene**	**Ethylbenzene**	**Xylene**	**n-Hexane**	**Formaldehyde**	
Total	*0.0003 to 0.0101*	*Range is <0.0001*	*<0.0001 to 0.0001*	*<0.0001 to 0.0011*	*<0.0001 to 0.0025*	*0.0061 to 0.0882*	*0.0066 to 0.1004*

Note: HQ and HI values may vary slightly due to the rounding of these very small values.

Table 55. Estimated HQs and HI from ca. 2032 Oil and Gas Production in the Las Cruces District Office by Mineral Designation

	HQ						HI
Source	**Benzene**	**Toluene**	**Ethylbenzene**	**Xylene**	**n-Hexane**	**Formaldehyde**	
Doña Ana County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0004 to 0.0008	0.0004 to 0.0008
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0002 to 0.0003	0.0002 to 0.0004
Total federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0006 to 0.0011	0.0006 to 0.0012
Non-federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0006 to 0.0018	0.0006 to 0.0018
Total	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0012 to 0.0025*	*0.0012 to 0.0026*
Grant County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0002 to 0.0004	0.0003 to 0.0004
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0001 to 0.0002	0.0001 to 0.0002
Total federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0004 to 0.0006	0.0004 to 0.0006
Non-federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0003 to 0.0005	0.0004 to 0.0006
Total	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0007 to 0.0011*	*0.0007 to 0.0011*
Hidalgo County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0002 to 0.0003	0.0002 to 0.0003
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0001	0.0001 to 0.0002
Total federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0003 to 0.0004	0.0003 to 0.0005
Non-federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0002 to 0.0004	0.0003 to 0.0005

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				HQ			HI
Source	**Benzene**	**Toluene**	**Ethylbenzene**	**Xylene**	**n-Hexane**	**Formaldehyde**	
Total	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0005 to 0.0009*	*0.0005 to 0.0009*
Luna County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0003 to 0.0005	0.0003 to 0.0005
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0001 to 0.0002	0.0002 to 0.0002
Total federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0004 to 0.0007	0.0005 to 0.0007
Non-federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0004 to 0.0024	0.0004 to 0.0024
Total	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0009 to 0.003*	*0.0009 to 0.0031*
Otero County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0006 to 0.0031	0.0007 to 0.0032
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0003 to 0.0008	0.0003 to 0.0008
Total federal	<0.0001 to 0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0009 to 0.0039	0.0010 to 0.0041
Non-federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0009 to 0.0026	0.0009 to 0.0027
Total	*<0.0001 to 0.0002*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0018 to 0.0065*	*0.0019 to 0.0068*
Sierra County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0003 to 0.0008	0.0003 to 0.0008
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0001 to 0.0004	0.0001 to 0.0004
Total federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0004 to 0.0011	0.0004 to 0.0012
Non-federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0004 to 0.0010	0.0004 to 0.001
Total	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0008 to 0.0021*	*0.0008 to 0.0022*

Note: HQ and HI values may vary slightly due to the rounding of these very small values.

Table 56. Estimated HQs and HI from ca. 2032 Oil and Gas Production in the Socorro Field Office by Mineral Designation

	HQ						HI
Source	**Benzene**	**Toluene**	**Ethylbenzene**	**Xylene**	**n-Hexane**	**Formaldehyde**	
Catron County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0002 to 0.0003	0.0002 to 0.0004
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	<0.0001 to 0.0002	<0.0001 to 0.0002
Total federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0002 to 0.0005	0.0003 to 0.0005
Non-federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0002 to 0.0004	0.0002 to 0.0005
Total	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0005 to 0.0009*	*0.0005 to 0.001*
Socorro County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0003 to 0.0009	0.0003 to 0.0010
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0001 to 0.0005	0.0002 to 0.0005
Total federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0004 to 0.0014	0.0005 to 0.0014
Non-federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0004 to 0.0012	0.0004 to 0.0013
Total	*<0.0001 to 0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0008 to 0.0026*	*0.0009 to 0.0027*

Note: HQ and HI values may vary slightly due to the rounding of these very small values.

Table 57. Estimated HQs and HI from ca. 2032 Oil and Gas Production in the Taos Field Office by Mineral Designation

	HQ						HI
Source	**Benzene**	**Toluene**	**Ethylbenzene**	**Xylene**	**n-Hexane**	**Formaldehyde**	
Colfax County							
Existing federal	<0.0001 to 0.0002	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0011 to 0.0023	0.0011 to 0.0023
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0007 to 0.0010	0.0008 to 0.0010
Total federal	<0.0001 to 0.0002	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0018 to 0.0032	0.0019 to 0.0033
Non-federal	<0.0001 to 0.0013	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0015 to 0.0020	0.0016 to 0.0032

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				HQ			HI
Source	**Benzene**	**Toluene**	**Ethylbenzene**	**Xylene**	**n-Hexane**	**Formaldehyde**	
Total	*0.0002 to 0.0014*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0034 to 0.0052*	*0.0036 to 0.0056*
Harding County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0011 to 0.0013	0.0011 to 0.0014
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0007 to 0.0009	0.0008 to 0.0009
Total federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0019 to 0.0022	0.0019 to 0.0023
Non-federal	<0.0001 to 0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0016 to 0.0020	0.0017 to 0.0022
Total	*0.0002 to 0.0002*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0034 to 0.0042*	*0.0036 to 0.0044*
Los Alamos County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0020 to 0.0020	0.0021 to 0.0021
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0009 to 0.0009	0.0010 to 0.0010
Total federal	0.0001 to 0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.003 to 0.003	0.0031 to 0.0031
Non-federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0019 to 0.0019	0.0019 to 0.0019
Total	*0.0002 to 0.0002*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0048 to 0.0048*	*0.0050 to 0.0050*
Mora County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0012 to 0.0021	0.0013 to 0.0022
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0007 to 0.0009	0.0007 to 0.0010
Total federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0019 to 0.0030	0.002 to 0.0031
Non-federal	<0.0001 to 0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0015 to 0.0019	0.0015 to 0.0020
Total	*0.0001 to 0.0002*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0034 to 0.0049*	*0.0036 to 0.0051*
San Miguel County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0012 to 0.0016	0.0012 to 0.0017

				HQ			HI
Source	**Benzene**	**Toluene**	**Ethylbenzene**	**Xylene**	**n-Hexane**	**Formaldehyde**	
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0006 to 0.0009	0.0007 to 0.0009
Total federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0018 to 0.0024	0.0019 to 0.0025
Non-federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0013 to 0.0021	0.0014 to 0.0022
Total	*0.0001 to 0.0002*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0032 to 0.0045*	*0.0033 to 0.0047*
Santa Fe County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0012 to 0.0027	0.0013 to 0.0028
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0007 to 0.0011	0.0008 to 0.0011
Total federal	<0.0001 to 0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0019 to 0.0038	0.0020 to 0.0040
Non-federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0013 to 0.0021	0.0013 to 0.0022
Total	*0.0001 to 0.0002*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0032 to 0.0059*	*0.0034 to 0.0062*
Taos County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0020 to 0.0032	0.0020 to 0.0033
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0008 to 0.0012	0.0009 to 0.0013
Total federal	<0.0001 to 0.0002	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0028 to 0.0044	0.0029 to 0.0046
Non-federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0018 to 0.0026	0.0018 to 0.0027
Total	*0.0001 to 0.0002*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0046 to 0.0068*	*0.0047 to 0.0071*
Union County							
Existing federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0008 to 0.0012	0.0008 to 0.0012
New federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0008 to 0.0009	0.0008 to 0.0010
Total federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0017 to 0.0021	0.0018 to 0.0021
Non-federal	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	Range is <0.0001	0.0015 to 0.0019	0.0017 to 0.0020

	HQ						HI
Source	**Benzene**	**Toluene**	**Ethylbenzene**	**Xylene**	**n-Hexane**	**Formaldehyde**	
Total	*0.0002 to 0.0002*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*Range is <0.0001*	*0.0032 to 0.0040*	*0.0034 to 0.0041*

Note: HQ and HI values may vary slightly due to the rounding of these very small values.

5.4 CARLSBAD FIELD OFFICE CUMULATIVE HAZARDOUS AIR POLLUTANTS MODELING

The *BLM Carlsbad Field Office Cumulative Hazardous Air Pollutants Modeling - Final Report* (Ramboll 2025a), incorporated by reference and summarized below, details the modeling methods used and the results of the modeling. The report presents a modeling study of the cumulative HAPs originating from oil and gas production in the BLM CFO air resources planning area and the rest of the Permian Basin outside the BLM CFO. The study employed photochemical modeling to estimate the cumulative ambient air concentrations of six key HAPs (i.e., BTEX, n-hexane, and formaldehyde) and compares them to health-based thresholds. The emissions inventory development and photochemical modeling of HAPs were based on the same modeling platform developed for the BLM CFO for a ca. 2032 future year to assess the air quality impacts of oil and gas development and other cumulative sources on criteria pollutant air concentrations and air quality related values (Ramboll 2024).

As discussed in Section 5.3, there has been previous HAPs modeling completed for the FFO and PDO HAPs modeling, with the BLM's *Cumulative Hazardous Air Pollutant Modeling – Final Report* (Ramboll and BLM 2023), the BLM's *Summary of Cumulative Oil and Gas Hazardous Air Pollutant Analysis for the Pecos District Office* (BLM 2024c), and BLM's *Summary of Cumulative Oil and Gas Hazardous Air Pollutant Analysis* for the BLM FFO (BLM 2024e). The difference between HAPs modeling results of the previous modeling and the 2025 CFO HAPs modeling can be attributed to the differences in inputs and assumptions. The 2025 CFO HAPs modeling used EPA 2016v3 emissions inventory whereas the prior models used 2016v2 emissions inventory. Furthermore, they used different grid spacing, with the 2025 CFO HAPs modeling using a 4-kilometer (km) grid spacing and the previous modeling using a 12-km grid. The expected 2023 RFD well counts from previous modeling were increased in the 2025 CFO HAPs modeling which most likely contributes to the larger differences in the modeling results.

The BLM CFO criteria pollutant photochemical air quality modeling included four emission scenarios; however, of these four scenarios, two emission scenarios, namely Scenario 1 (Base Reasonable Foreseeable Development [Base RFD] scenario) and Scenario 4 (Annual Energy Outlook [AEO] Southwest Forecast scenario) were modeled in the *BLM Carlsbad Field Office Cumulative Hazardous Air Pollutants Modeling - Final Report* (Ramboll 2025a) to assess the HAP impacts. The HAP modeling and analysis methods are discussed in Section 3 of the *BLM Carlsbad Field Office Cumulative Hazardous Air Pollutants Modeling - Final Report*, and the results are provided in Section 4 and the appendices of that report. The modeling platforms from the BLM 2032 Cumulative HAPs Modeling Study (Ramboll 2024) and the BLM CFO Photochemical Air Quality Modeling Study (Ramboll and BLM 2023) were the starting points for this analysis.

Table 58 summarizes the maximum HAP concentrations and associated hazard/risk estimates for Scenario 1 across each mineral designation within the BLM CFO planning area. For new federal sources, formaldehyde exhibited the highest concentration among all HAPs, with a maximum value of 0.702 ppb observed in Eddy County, New Mexico. This is followed by n-hexane, which had a peak concentration of 0.266 ppb, also in Lea County. The remaining HAPs showed their maximum concentrations in grid cells in

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Eddy County, New Mexico. The total HI for new federal sources was 0.095, while the maximum total cancer risk was 12.58 per million, primarily driven by formaldehyde.

For existing federal sources, the maximum concentrations for all six HAPs were observed in Lea County, New Mexico. Formaldehyde again dominated with a peak concentration of 0.193 ppb, contributing significantly to the hazard (HQ of 2.42E-02) and cancer risk (3.09 per million). Benzene followed, with a concentration of 0.067 ppb, contributing an HQ of 7.10E-03 and a cancer risk of 1.66 per million. The remaining HAPs had lower concentrations, and their contributions to hazard and risk metrics were minor. The total HI for existing federal sources was 0.034, and the total cancer risk was 4.81 per million.

For non-federal sources, which include emissions from the Permian Basin in Texas, the highest cumulative concentrations were often observed outside the BLM CFO planning area boundaries (Figures C-13 through C-18), with the exception of n-hexane, whose maximum concentration was in Lea County, New Mexico. Within the BLM CFO planning area, the highest maximum concentrations for formaldehyde and benzene were 0.638 and 0.226 ppb, respectively. These compounds contributed substantially to the overall hazard and cancer risk estimates, with formaldehyde accounting for an HQ of 7.99E-02 and a cancer risk of 10.19 per million. The maximum total HI for non-federal sources was 0.095, and the total cancer risk was 13.21 per million, the highest among the three mineral designations.

When all three mineral designations were combined, formaldehyde and n-hexane remained the top two dominant HAPs, with maximum concentrations of 1.483 and 0.696 ppb, respectively. Formaldehyde accounted for an HQ of 1.86E-01 and a cancer risk of 23.68 per million, which was significantly higher than for other HAPs. Benzene, with a concentration of 0.266 ppb, contributed an HQ of 2.83E-02 and a cancer risk of 6.63 per million. The total cancer risk for all combined sources was 28.3 per million. The total HI for all combined sources was 0.209, which was well below the threshold of 1, suggesting a low likelihood of non-cancer health effects within the BLM CFO planning area.

Table 59 presents the cumulative results, which both combine contributions from all three mineral designations and account for lateral boundary condition influences, including HAPs transported from neighboring states. Formaldehyde (1.483 ppb) and n-hexane (0.777 ppb) were the most prominent HAPs in the cumulative totals. The cumulative HI (0.214) and HQs for individual HAPs were well below 1, indicating a low likelihood of non-cancer health effects within the BLM CFO planning area. The combined maximum cumulative cancer risk was 29.31 per million, with formaldehyde being the largest contributor.

Table 58. Maximum HAP Concentrations and Associated Hazards and Risks in the BLM CFO Planning Area by Mineral Designation in Scenario 1

Compound	Concentration in ppb (county)	HQ (individual compounds) and HI (total)*	Risk (1 in 1 million)
New Federal BLM CFO			
Formaldehyde	0.702 (Eddy)	8.80E-02	11.21
Benzene	0.056 (Eddy)	5.93E-03	1.39
Toluene	0.034 (Lea)	2.59E-05	N/A
Ethylbenzene	0.005 (Lea)	6.75E-05	0.05
Xylene	0.013 (Lea)	5.58E-04	N/A

Compound	Concentration in ppb (county)	HQ (individual compounds) and HI (total)*	Risk (1 in 1 million)
n-Hexane	0.266 (Lea)	1.34E-03	N/A
Total*	**1.037**	**0.095**	**12.58**
Existing Federal BLM CFO			
Formaldehyde	0.193 (Lea)	2.42E-02	3.09
Benzene	0.067 (Lea)	7.10E-03	1.66
Toluene	0.043 (Lea)	3.26E-05	N/A
Ethylbenzene	0.006 (Lea)	8.82E-05	0.07
Xylene	0.017 (Lea)	7.50E-04	N/A
n-Hexane	0.036 (Lea)	1.79E-03	N/A
Total*	**0.683**	**0.034**	**4.81**
Non-federal, includes Permian Basin			
Formaldehyde	0.638	7.99E-02	10.19
Benzene	0.226	2.41E-02	5.64
Toluene	0.112	8.41E-05	N/A
Ethylbenzene	0.012	1.68E-04	0.13
Xylene	0.041	1.76E-03	N/A
n-Hexane	0.294	1.48E-03	N/A
Total*	1.091	0.095	13.21
All (mineral designations combined for three counties)			
Formaldehyde	1.483	1.86E-01	23.68
Benzene	0.266	2.83E-02	6.63
Toluene	0.132	9.97E-05	N/A
Ethylbenzene	0.014	2.02E-04	0.15
Xylene	0.046	2.01E-03	N/A
n-Hexane	0.696	3.51E-03	N/A
Total*	**2.326**	**0.209**	**28.30**

* Total represents the maximum value of the summed concentrations of all HAPs within a single grid cell. It does not correspond to the sum of the maximum concentrations of individual HAPs across all grid cells because the maximum values do not occur at the same grid cells among all HAPs.

Note: N/A = not applicable

Table 59. Cumulative Maximum HAP Concentrations and Associated Hazards and Risks in the BLM CFO Planning Area in Scenario 1

Compound	Concentration (ppb)	HQ (individual compounds) and HI (total*)	Risk (1 in 1 million)
Formaldehyde	1.483	1.86E-01	23.68
Benzene	0.277	2.95E-02	6.90
Toluene	0.138	1.04E-04	N/A
Ethylbenzene	0.018	2.58E-04	0.19
Xylene	0.049	2.14E-03	N/A
n-Hexane	0.777	3.91E-03	N/A
Total*	**2.478**	**0.214**	**29.31**

* Total represents the maximum value of the summed concentrations of all HAPs within a single grid cell. It does not correspond to the sum of the maximum concentrations of individual HAPs across all grid cells.

Note: N/A = not applicable

Table 60 summarizes the maximum HAP concentrations and associated hazard/risk estimates for Scenario 4 across each mineral designation within the BLM CFO planning area. For new federal sources, formaldehyde exhibited the highest concentration among all HAPs, with a maximum value of 0.96 ppb observed in Eddy County, New Mexico. This is followed by n-hexane, which had a peak concentration of 0.344 ppb, observed in Lea County, New Mexico and benzene, which had a peak concentration of 0.073 ppb, observed in Eddy County, New Mexico. The remaining HAPs showed their maximum concentrations in grid cells in Lea County, New Mexico. The total HI for new federal sources was 0.130, while the maximum total cancer risk was 17.05 per million, primarily driven by formaldehyde.

For existing federal sources, the maximum concentrations for all six HAPs were observed in Lea County, New Mexico. Formaldehyde again dominated with a peak concentration of 0.249 ppb, contributing significantly to the hazard (HQ of 3.12E-02) and cancer risk (3.98 per million). Benzene followed, with a concentration of 0.086 ppb, contributing an HQ of 9.14E-03 and a cancer risk of 2.14 per million. The remaining HAPs had lower concentrations, and their contributions to hazard and risk metrics were minor. The total HI for existing federal sources was 0.044, and the total cancer risk was 6.21 per million.

For non-federal sources, which include emissions from the Permian Basin in Texas, the highest cumulative concentrations were often observed outside the BLM CFO planning area boundaries (Ramboll 2025a:Figures C-31 through C-36), with the exception of n-hexane, whose maximum concentration was in Lea County, New Mexico. Within the BLM CFO planning area, the highest maximum concentrations for formaldehyde and benzene were 0.837 and 0.232 ppb, respectively. These compounds contributed substantially to the overall hazard and cancer risk estimates, with formaldehyde accounting for an HQ of 1.05E-01 and a cancer risk of 13.37 per million. The maximum total HI for non-federal sources was 0.122, and the total cancer risk was 16.79 per million, the highest among the three mineral designations.

When all three mineral designations were combined, formaldehyde and n-hexane remained the top two dominant HAPs with maximum concentrations of 1.992 and 0.899 ppb, respectively. Formaldehyde accounted for an HQ of 2.50E-01 and a cancer risk of 31.81 per million, which was significantly higher than for other HAPs. Benzene, with a concentration of 0.285 ppb, contributed an HQ of 3.03E-02 and a cancer risk of 7.09 per million. The total cancer risk for all combined sources was 37.33 per million.

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The total HI for all combined sources was 0.278, which was well below the threshold of 1, suggesting a low likelihood of non-cancer health effects within the CFO planning area.

Table 60. Maximum HAP Concentrations and Associated Hazards and Risks in the BLM CFO Planning Area by Mineral Designation in Scenario 4

Compound	Concentration in ppb (county)	HQ (individual compounds) and HI (total)*	Risk (1 in 1 million)
New Federal BLM CFO			
Formaldehyde	0.960 (Eddy)	1.20E-01	15.33
Benzene	0.073 (Eddy)	7.80E-03	1.82
Toluene	0.045 (Lea)	3.38E-05	N/A
Ethylbenzene	0.006 (Lea)	9.01E-05	0.07
Xylene	0.018 (Lea)	7.67E-04	N/A
n-Hexane	0.344 (Lea)	1.73E-03	N/A
Total*	**1.392**	**0.130**	**17.05**
Existing Federal BLM CFO			
Formaldehyde	0.249 (Lea)	3.12E-02	3.98
Benzene	0.086 (Lea)	9.14E-03	2.14
Toluene	0.056 (Lea)	4.21E-05	N/A–
Ethylbenzene	0.008 (Lea)	1.17E-04	0.09
Xylene	0.024 (Lea)	1.03E-03	N/A
n-Hexane	0.459 (Lea)	2.31E-03	N/A
Total*	**0.881**	**0.044**	**6.21**
Non-federal, which includes Permian Basin			
Formaldehyde	0.837	1.05E-01	13.37
Benzene	0.232	2.47E-02	5.78
Toluene	0.116	8.76E-05	N/A
Ethylbenzene	0.012	1.77E-04	0.13
Xylene	0.043	1.85E-03	N/A
n-Hexane	0.379	1.91E-03	N/A
Total*	**1.396**	**0.122**	**16.79**
All (mineral designations combined for three counties)			
Formaldehyde	1.992	2.50E-01	31.81
Benzene	0.285	3.03E-02	7.09
Toluene	0.146	1.10E-04	N/A
Ethylbenzene	0.018	2.60E-04	0.20

Compound	Concentration in ppb (county)	HQ (individual compounds) and HI (total)*	Risk (1 in 1 million)
Xylene	0.053	2.29E-03	N/A
n-Hexane	0.899	4.53E-03	N/A
Total*	**3.055**	**0.278**	**37.33**

* Total represents the maximum value of the summed concentrations of all HAPs within a single grid cell. It does not correspond to the sum of the maximum concentrations of individual HAPs across all grid cells because the maximum values do not occur at the same grid cells among all HAPs.

Note: N/A = not applicable

Table 61 presents the cumulative results, which combine contributions from all three mineral designations and account for lateral boundary condition influences, including HAPs transported from neighboring states. Formaldehyde (1.992 ppb) and n-hexane (1.007 ppb) were the most prominent HAPs in the cumulative totals. The cumulative HI (0.283) and HQs for individual HAPs were well below 1, indicating a low likelihood of non-cancer health effects within the BLM CFO planning area.
The combined maximum cumulative cancer risk was 38.64 per million, with formaldehyde being the largest contributor. The AEO Southwest Forecast scenario (Scenario 4) had the highest emissions across all four scenarios.

Table 61. Cumulative Maximum HAP Concentrations and Associated Hazards and Risks in the BLM CFO Planning Area in Scenario 4

Compound	Conc. (ppb)	HQ (individual compounds) and HI (total)*	Risk (1 in a million)
Formaldehyde	1.992	2.50E-01	31.81
Benzene	0.298	3.18E-02	7.43
Toluene	0.167	1.26E-04	N/A
Ethylbenzene	0.023	3.32E-04	0.25
Xylene	0.065	2.82E-03	N/A
n-Hexane	1.007	5.07E-03	N/A
Total*	**3.261**	**0.283**	**38.64**

* Note that "Total" represents the maximum value of the summed concentrations of all HAPs within a single grid cell. It does not correspond to the sum of the maximum concentrations of individual HAPs across all grid cells

Note: N/A = not applicable

5.5 HYDROGEN SULFIDE

Hydrogen sulfide (H_2S) is a colorless flammable gas with a rotten egg smell that is a naturally occurring by-product of oil and gas development in some areas, including the New Mexico portion of the Permian Basin. H_2S is both an irritant and a chemical asphyxiant with effects on both oxygen utilization and the central nervous system. Its health effects can vary depending on the level and duration of exposure. Effects may range from eye, nose, and throat irritation to dizziness, headaches, and nausea. High concentrations can cause shock, convulsions, inability to breathe, extremely rapid unconsciousness, coma, and death. Effects can occur within a few breaths and possibly a single breath.

H_2S was originally included in the list of Toxic Air Pollutants defined by Congress in the 1990 amendments to the CAA. It was later determined that H_2S was included through a clerical error, and it was removed by Congress from the list. H_2S was addressed under the accidental release provisions of the CAA. Congress also tasked the EPA with assessing the hazards to public health and the environment from H_2S emissions associated with oil and gas extraction. That report was published in October 1993 (EPA 1993).

H_2S was added to the Emergency Planning and Community Right-to-Know Act list of toxic chemicals in 1993. In 1994, the EPA issued an administrative stay of reporting requirements for H_2S while further analysis was conducted. The administrative stay was lifted, and Toxic Release Inventory reporting due in July 2013 for calendar year 2012 emissions required reporting of H_2S.

Although there are no NAAQS for H_2S, a number of states, especially those with significant oil and gas production, have set standards at the state level. Table 62 summarizes these standards for states under the BLM NMSO area of operation.

Table 62. State Ambient Air Quality Standards for H_2S

State	Standard	Averaging time	Remarks
Kansas	None	N/A	N/A
Oklahoma	200 ppb (0.2 ppm)	24-hour	N/A
New Mexico	0.010 ppm (10 ppb)	1-hour*	Statewide except in the Pecos-Permian Basin Intrastate Air Quality Control Region‡
	0.100 ppm (100 ppb)	0.5-hour†	Pecos-Permian Basin Intrastate Air Quality Control Region
	0.030 ppm (30 ppb)	0.5-hour	Within municipal boundaries and within 5 miles of municipalities with a population greater than 20,000 in the Pecos-Permian Basin Air Quality Control Region
Texas	0.08 ppm (80 ppb)	0.5-hour	If downwind concentration affects a property used for residential business or commercial purposes
	0.12 ppm (120 ppb)	0.5-hour	If downwind concentration affects only property not normally occupied by people

Source: Skrtic (2006)

Note: N/A = not applicable

* The Pecos-Permian Basin Intrastate Air Quality Control Region is composed of Quay, Curry, De Baca, Roosevelt, Chaves, Lea, and Eddy Counties in New Mexico.

† Not to be exceeded more than once per year.

‡ Pecos-Permian Basin intrastate air quality control region has a 0.5-hour standard of 0.10 ppm.

The NMED has no routine monitors for H_2S. However, a one-time study in 2002 sheds some light on the levels that can be expected near oil and gas facilities (Skrtic 2006). These readings are averaged over 3-minute periods and are not comparable with the standard, which has longer averaging periods. The New Mexico data indicate that ambient concentrations of H_2S at the sampling locations, which included both oil and gas facilities and sites without oil and gas facilities, are at least an order of magnitude greater than 0.11 to 0.33 ppb, which are the ambient levels of H_2S that can be expected in urban areas. The ambient levels recorded at the two sites without expected sources of H_2S—Indian Basin Hilltop, no facility, and Carlsbad City Limits, Tracy-A—both averaged 7 ppb, indicating that H_2S

concentrations in this part of New Mexico are higher than normal urban background levels (Skrtic 2006) (Table 63).

H_2S levels measured at flaring, tank storage, and well drilling sites, averaging from approximately 100 to 200 ppb, are significantly elevated compared with usual background H_2S concentrations in this area of New Mexico (Skrtic 2006). Although these concentrations generally produce a nuisance due to odors that may translate into headaches, nausea, and sleep disturbances if exposure is constant, one study found central nervous system, respiratory system, and ear, nose, and throat symptoms were associated with annual average H_2S levels ranging from 7 to 27 ppb (Skrtic 2006). Overall, the data show that concentrations of H_2S vary widely, even at similar facilities; at one compressor/dehydrator, the average concentration over the course of monitoring was 4 ppb, whereas at another, the average was 1,372 ppb. The data further demonstrate that H_2S is present, often at elevated levels, at oil and gas facilities (Skrtic 2006).

Table 63. Summary of Monitoring Data from New Mexico Study

Facility Type	H_2S Concentration Measured at Monitoring Site (ppb)	
	Range	Average
Indian Basin hilltop, no facility	5–8	7
Indian Basin compressor station	3–9	6
Indian Basin active well drilling site	7–190	114
Indian Basin flaring, production, and tank storage site	4–1,200	203
Marathon Indian Basin refining and tank storage site	2–370	16
Carlsbad city limits, near 8 to 10 wells and tank storage sites	5–7	6
Carlsbad city limits, Tracy-A	5–8	7
Compressor station, dehydrators – Location A	4–5	4
Compressor station, dehydrators – Location B	2–15,000	1,372
Huber flare/dehydrating facility	4–12	77
Snyder oil well field	2–5	4
Empire Abo gas processing plant	1–1,600	300
Navajo oil refinery	3–14	7–8

Source: Skrtic (2006)

In Oklahoma, routine monitoring downwind of two refineries in Tulsa showed H_2S levels that were within state standards but above normal background levels. The levels of H_2S in both neighborhoods, although not very high, are nevertheless above the EPA RfC of 1.4 ppb and are elevated well above normal background levels of 0.11 to 0.33 ppb. It is possible that continuous exposure to these levels poses health risks. Although the ODEQ is monitoring H_2S levels, there is no concurrent community health or exposure study investigating the health effects of chronic exposure to these levels of H_2S (Skrtic 2006). In Texas, which has 12 routine monitors, H_2S levels generally ranged from 0.1 to 5 ppb. One monitor at a compressor station, however, showed frequent levels exceeding the state standard of 0.8 ppm (Skrtic 2006). In December 2005, the last month for which the data have been validated by the TCEQ, 20% of the hourly readings exceeded the state standard of 0.8 ppm. Chronic exposure to such

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levels, generally considered a nuisance due to odor, has also been shown to adversely affect human health (Skrtic 2006).

6 AIR QUALITY MODELING

Traditional air quality modeling generally falls into three categories: 1) near-field dispersion modeling is applied to criteria pollutants, HAPs, and AQRVs, where a small to medium number of sources are involved to cover an area within 50 km of a proposed project; 2) far-field or transport modeling is used to provide regional assessments of cumulative and incremental impacts at distances greater than 50 km; and 3) photochemical modeling may be used for large-scale projects with a large number of sources or with complex issues including O_3 and secondary particulate impacts.

6.1 NEW MEXICO OZONE ATTAINMENT INITIATIVE PHOTOCHEMICAL MODELING STUDY

The State of New Mexico initiated the New Mexico Ozone Attainment Initiative (OAI) Photochemical Modeling Study (New Mexico OAI Study) in the spring of 2018 to address the high O_3 concentrations in the state, protect the O_3 attainment status of the state, and ensure health and welfare of the residents of the state for future generations (NMED 2021b). Based on the WRAP/WAQS Comprehensive Air Quality Model with extensions (CAMx) 2014 36/12-km modeling platform, a CAMx 2014 36/12/4-km O_3 modeling platform was developed with the 4-km domain focused on New Mexico and adjacent states. The New Mexico OAI Study also looked at 2028 future-year base case modeling and oil and gas control sources. The 2028 oil and gas control strategy reduced oil and gas NO_x emissions by approximately 21,000 tpy (or by 64% compared to the 2028 base case) and reduced oil and gas VOC emissions by approximately 53,000 tpy (or by 46% compared to the 2028 base case) (NMED 2021b). This study has been incorporated by reference.

6.1.1 2028 OZONE MODELING RESULTS

The 2028 base case and 2028 oil and gas control strategy modeling results followed EPA guidance, which recommended using a current year design value based on an average of three O_3 design values centered on the base modeling year (2014 in the New Mexico OAI Study). As a result, this part of the New Mexico OAI Study used a current year design value from 2012 through 2016.

To develop the 2028 O_3 future-year design values for the specific scenarios, the current year design value (2012–2016, average of three design values over 5 years) was scaled by relative response factors (RRFs), which are model-derived scaling factors. In the New Mexico OAI Study, the RRFs are the ratio of the 2028 future scenario (base case or oil and gas control strategy scenario) over the 2014v2 base case CAMx O_3 results (RRF = Σ Model2028 / Σ Model2014). This method allowed for the development of a projected 2028 O_3 future-year design value for the respective scenarios (base case or oil and gas control strategy). The current 2012 through 2016 O_3 design values for sites in the counties in the major oil and gas basins of New Mexico (Eddy, Lea, Rio Arriba, Sandoval, San Juan, McKinley, Chaves, and Roosevelt Counties) range from 61.0 to 71.0 ppb. The 2028 base case had future O_3 design value reductions ranging from 2.0 to 5.6 ppb in the oil and gas New Mexico counties, including reductions of 2.3 ppb at Carlsbad in Eddy County, 2.0 ppb at Hobbs in Lea County, 5.6 ppb at Bernalillo in Sandoval County, and 2.2 and 3.3 ppb at Bloomfield and Navajo Lake, respectively, in San Juan County. The 2028 base case future O_3 design values in the oil and gas New Mexico counties ranged from 58.4 to 66.7 ppb. The 2028 oil and gas control strategy saw future O_3 design value reductions ranging from 0.3 to 0.8 ppb, including reductions of 0.3 ppb at Carlsbad, 0.7 ppb at Hobbs, 1.5 and 0.8 ppb at Navajo Lake and Bloomfield, respectively, and 0.3 ppb at Bernalillo, compared to the 2028 base case. The 2028 projected oil and gas

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control strategy O_3 design values in the oil and gas New Mexico counties ranged from 58.1 to 66.4 ppb. Using this method and following EPA guidance, all 2028 projected O_3 future design values at monitoring sites in New Mexico were below the 2015 NAAQS for O_3 of 70 ppb using the 2012 through 2016 design value (NMED 2021b).

With the recent upward trend in O_3 values in southeastern New Mexico, the New Mexico OAI Study also looked at more recent design values (2015–2019 and 2017–2019). A similar method to that described above was used to determine the future 2015 through 2019 and 2017 through 2019 design values; however, it should be noted that because the New Mexico OAI Study used the CAMx 2014v2 base case results as the denominator in the RRF equation (RRF = Σ Model2028 / Σ Model2014) to develop 2028 O_3 future design value projections, any emission changes (increase or decreases) between 2014 and the end of the 2010 decade will not be accounted for (e.g., increases in oil and gas source emissions and decreases in mobile source emissions). This will result in uncertainties and will likely overstate the 2028 O_3 future design values in the Permian Basin emissions, as emissions from oil and gas sources were higher at the end of the 2010 decade than in 2014 (NMED 2021b).

The current 2015 through 2019 O_3 design values at the sites in the oil and gas New Mexico counties selected for this sensitivity test ranged from 62.0 to 79 ppb and included Carlsbad (79 ppb), Hobbs (71 ppb), Bernalillo (69 ppb), Bloomfield (69 ppb), and Navajo (70 ppb). The 2028 base case had future O_3 design value reductions ranging from 1.7 to 6.6 ppb, including reductions of 2.5 ppb at Carlsbad, 2.1 ppb at Hobbs, 2.3 ppb at Navajo Lake, 5.8 ppb at Bernalillo, and 3.4 ppb at Bloomfield. The 2028 projected base case O_3 design values at all sites in the oil and gas New Mexico counties selected for this sensitivity test ranged from 61.0 to 71.2 ppb. Note that the 2015 through 2019 future O_3 design value had one monitoring site (Carlsbad) that exceeded the 2015 NAAQS for O_3 at 71.2 ppb. The 2028 oil and gas control strategy had future O_3 design value reductions ranging from 0.0 to 1.5 ppb, including reductions of 0.3 ppb at Carlsbad, 0.7 ppb at Hobbs, 0.8 ppb at Coyote Ranger District, 0.3 ppb at Bernalillo, 0.8 ppb at Bloomfield, and 1.5 ppb at Navajo Lake, compared to the 2028 base case. The 2028 projected oil and gas control strategy O_3 design values at all New Mexico sites selected for this sensitivity test ranged from 60.5 to 70.9 ppb. Emission controls in the 2028 oil and gas control strategy were sufficient to reduce the 2028 future O_3 value at Carlsbad (70.9 ppb) to below the NAAQS for O_3 (NMED 2021b).

The current 2017 through 2019 O_3 design values at all sites in the oil and gas New Mexico counties selected for this sensitivity test ranged from 66.0 to 79.0 ppb and included Carlsbad (79.0 ppb), Hobbs (71.0 ppb), Coyote Ranger District (67.0 ppb), Bloomfield (68.0 ppb), Navajo Lake (69.0 ppb) and Bernalillo (68.0 ppb). The 2028 base case had future O_3 design value reductions ranging from 2.1 to 6.7 ppb, including reductions of 2.6 ppb at Carlsbad, 2.1 ppb at Hobbs, 2.3 ppb at Navajo Lake, 5.9 ppb at Bernalillo, 3.4 ppb at Bloomfield, and 3.4 ppb at Coyote Ranch District. The 2028 projected base case O_3 design values at all sites in the oil and gas New Mexico counties selected for this sensitivity test ranged from 61.9 to 76.4 ppb. Note that the 2017 through 2019 future O_3 design value had one monitoring site in the oil and gas New Mexico counties (Carlsbad, 76.4 ppb) and one other monitoring site in Doña Ana County (Desert View, 71.6 ppb) that exceeded the 2015 NAAQS for O_3. The 2028 oil and gas control strategy had future O_3 design value reductions ranging from 0.0 to 1.5 ppb, including reductions of 0.4 ppb at Carlsbad, 0.8 ppb at Hobbs, 1.5 ppb at Navajo Lake, 0.3 ppb at Bernalillo, 0.9 ppb at Bloomfield, and 0.8 ppb at Coyote Ranch District, compared to the 2028 base case. The 2028 projected oil and gas control strategy O_3 design values at all sites in the oil and gas New Mexico counties selected for this sensitivity test ranged from 61.4 to 76.0 ppb. The 2028 future design value at Carlsbad of 76.0 ppb (with the oil and gas control strategy) exceeds the 2008 and 2015 NAAQS for O_3. However, as mentioned above, the design of this sensitivity study will result in uncertainties and will likely

overstate the 2028 O_3 future design values in the Permian Basin, as emissions from oil and gas sources were higher at the end of the 2010 decade than in 2014 (NMED 2021b). The final part of the New Mexico OAI Study investigated source apportionment and was conducted to determine the contributions of source sectors to 2028 future-year O_3 design values under the oil and gas control strategy scenario. One investigation involved international emissions. The speciated modeled attainment test (SMAT) O_3 projection tool was run without the contributions of international anthropogenic emissions for current 2012 through 2016, 2015 through 2019, and 2017 through 2019 design values. In New Mexico, international anthropogenic emissions contributed from 11 to 26 ppb to the projected 2028 future design values. The Bloomfield site, in the northern part of the state and in San Juan County, had reductions of 13.8 ppb, 14.5 ppb, and 14.6 ppb, respectively. Bloomfield, which had not produced a projected 2028 O_3 exceedance for either the 2008 or 2015 NAAQS for O_3 under the current 2017 through 2019 design value scenario (68 ppb), was below 50 ppb for a future design value under all three design value scenarios (2012–2016, 2015–2019, and 2017–2019). The Carlsbad site had reductions of 20.3 ppb, 21.7 ppb, and 23.2 ppb, respectively. Carlsbad, which had produced a projected 2028 exceedance for both the 2008 and 2015 NAAQS for O_3 under the current 2017 through 2019 design value scenario, was below 55 ppb for a future design value under all three design value scenarios (2012–2016, 2015–2019, and 2017–2019) (NMED 2021b).

6.2 CARMMS 2.0 NORTHERN NEW MEXICO MODELING STUDY

The CAMx photochemical grid model is used in the CARMMS 2.0 to assess the air quality and AQRV impacts associated with BLM-authorized mineral development on federal lands within the BLM Colorado and the BLM FFO planning areas. CARMMS 2.0 uses data from the modeling platform of WAQS from the Intermountain West Data Warehouse for the 2011 base year and 2025 future-year air quality modeling and has adopted a two-way nested 12/4-km horizontal resolution domain. Three 2025 future-year oil and gas levels were developed for a range of potential outcomes: a high-development scenario, a low-development scenario, and a medium-development scenario (which is a mitigated version of the high-development scenario where additional emission controls were applied). Additional information on CARMMS 2.0 methodology can be found in the CARMMS 2.0 *Air Impact Assessment for BLM Farmington Field Office Oil and Gas Development Report* (BLM and Ramboll 2018), incorporated by reference. The estimated emissions, air quality, and AQRV impacts from oil and gas development from the Mancos Shale modeled in CARMMS 2.0 (BLM and Ramboll 2018) are used to estimate impacts from development by the BLM FFO in the Air Impact Assessment for *BLM Farmington Field Office Oil and Gas Development Report* (BLM and Ramboll 2018), incorporated by reference. In CARMMS 2.0, 74% of Mancos Shale gas well activity is assumed to occur in New Mexico, with the remaining Mancos Shale gas well activity occurring in Colorado. All Mancos Shale oil well activity is assumed to occur in New Mexico. Most Mancos Shale activity in New Mexico occurs in the BLM FFO; a small portion of the southeastern part of Mancos Shale activity is outside the BLM FFO (in the BLM RPFO). The Mancos Shale was treated as a separate source group in the CARMMS 2.0 modeling, and air quality and AQRV impacts from the Mancos Shale were separately quantified, enabling this analysis for the BLM FFO.

The updated RFD for oil and gas in the BLM FFO (Engler 2025) estimates that there could be an additional 1,000 (federal and non-federal) wells drilled within the BLM FFO by 2054, of which 680 would be federal (Engler 2025). In addition, the BLM RPFO RFD (2019 RFD) estimates that an additional 200 wells could be built within the analysis area by 2039, of which 129 would be federal (Crocker and Glover 2019). Combined, there would be an estimated 1,200 wells drilled within the New Mexico portion of the San Juan Basin by 2054, with an average of 55 wells per year (of which 37 would be federal) between 2025 and 2039, an average of 45 wells per year (of which 30 would be federal) between 2040 and 2044, and an average of 10 wells per year (of which eight would be federal) between

2045 and 2054. The RFD scenarios attempt to predict the development scenario without factoring in economics and demand; therefore, the predicted numbers may not represent actual development. In contrast, CARMMS 2.0 modeling estimates that between 2016 and 2025 there will be 2,756 new oil and gas wells for the high scenario and 1,378 new oil and gas wells for the low scenario in the Mancos Shale in New Mexico.

CARMMS 2.0 predicts that an additional 178 total wells under the low scenario and an additional 1,556 total wells under the high scenario would be developed by 2025 compared to those predicted by the RFDs. As a result, the low and high scenarios of CARMMS 2.0 well development estimates are conservatively high relative to those in the RFDs. Therefore, the low scenario can be used to represent a conservative estimate of federal and planning area-wide impacts through 2025.

The NAAQS for O_3 is defined as the 3-year average of the fourth-highest daily maximum 8-hour (DMAX8) O_3 concentration. Because CARMMS 2.0 only uses 1 year of meteorology (2011), the 2025 fourth-highest DMAX8 O_3 concentration was used as a pseudo-NAAQS comparison metric. For the 2011 base case, there were vast regions where the modeled fourth-highest DMAX8 O_3 level exceeded the NAAQS (all source groups). In the 2025 high-, low-, and medium-development scenarios, the amount of area showing O_3 exceedances decreased from the 2011 base case, with the 2025 O_3 levels being lower than the 2011 O_3 levels in almost all areas. The large contribution of natural emissions (natural wildfires) to the modeled fourth-highest DMAX8 O_3 concentrations was noted in the analysis. Maximum O_3 contributions to the 2025 fourth-highest DMAX8 O_3 from the BLM FFO were 1.7 ppb, 0.9 ppb, and 1.0 ppb for the 2025 high-, low-, and medium-development scenarios, respectively. Maximum contributions of the BLM FFO to the fourth-highest DMAX8 O_3 level above the current NAAQS for O_3 (71.0 ppb and higher) for the 2025 high-, low-, and medium-development scenarios were 2.01%, 0.84%, and 0.90%, respectively (BLM and Ramboll 2017).

There are two NAAQS for $PM_{2.5}$, one for a 24-hour averaging time that is expressed as a 3-year average of the 98th percentile value in a year with a threshold of 35 $\mu g/m^3$, and an annual average over 3 years with a threshold of 12 $\mu g/m^3$. With a complete year of modeling results, the 98th percentile corresponds to the eight highest daily $PM_{2.5}$ concentrations in a year. The modeling of the differences between the 2025 scenarios and the 2011 base case (all sources) showed decreases of $PM_{2.5}$ concentrations in most of the domain but also increases in a number of regions, including Denver, eastern Utah, and central and northwestern New Mexico. Maximum $PM_{2.5}$ contributions to the eight highest daily $PM_{2.5}$ concentrations were 0.8, 0.4, and 0.4 $\mu g/m^3$ in the 2025 high-, low-, and medium-development scenarios, respectively. Compared to 2011, 2025 annual $PM_{2.5}$ concentrations for all sources were lower in most of the domain but higher in a number of regions, including near Denver. Maximum contributions to the annual average $PM_{2.5}$ concentrations for the BLM FFO were 0.3, 0.1, and 0.1 $\mu g/m^3$ in the 2025 high-, low-, and medium-development scenarios, respectively. Maximum contributions to the second highest daily average PM_{10} for the BLM FFO were 2.7, 1.3, and 1.1 $\mu g/m^3$ in the 2025 high-, low-, and medium-development scenarios, respectively (BLM and Ramboll 2017).

The 1-hour NO_2 concentrations for the 2011 and 2025 emission scenarios (all sources) indicated increases at various regions throughout the domain, including large increases in New Mexico and northern and eastern Arizona. Maximum contributions to the 1-hour NO_2 concentrations for the BLM FFO were 5.8, 3.0, and 3.2 $\mu g/m^3$ in the 2025 high-, low-, and medium-development scenarios, respectively. Maximum contributions to the annual average NO_2 concentrations for the BLM FFO were 1.5, 0.8, and 0.9 $\mu g/m^3$ in the 2025 high-, low-, and medium-development scenarios, respectively (BLM and Ramboll 2017).

Contributions of the CAA Prevention of Significant Deterioration (PSD) pollutant concentrations across all PSD Class I and sensitive Class II areas due to emissions from the BLM FFO for each development scenario were also estimated. Contributions of BLM FFO emissions to PSD pollutant concentrations at Class I and sensitive Class II areas for the 2025 high-, low-, and medium-development scenarios can be found in the *Air Impact Assessment for BLM Farmington Field Office Oil and Gas Development Report* (BLM and Ramboll 2017) and have been incorporated by reference. All BLM FFO contributions were below the PSD Class I and sensitive Class II pollutant increments at the high-, low-, and medium-development scenarios.

In summary, the CARMMS 2.0 low-development scenario, which represents a conservative estimate of federal impacts through 2025, did not exceed the indicator thresholds for any of the NAAQS, the PSD Class I or Class II increment thresholds, the sulfur deposition threshold, the change in visibility threshold at any Class I area, or the thresholds for acid-neutralizing capacity at sensitive lakes. The low-development scenario exceeded the indicator threshold for change in visibility at one Class II area, the Aztec Ruins National Monument, and exceeded the nitrogen deposition threshold at Mesa Verde National Park, San Pedro Parks Wilderness, Weminuche Wilderness, Aztec Ruins National Monument, Chama River Canyon Wilderness, South San Juan Wilderness, and Cruces Basin Wilderness.
The CARMMS 2.0 high-development scenario did not exceed any of the PSD Class I or Class II increment thresholds, the change in visibility threshold at Class I areas, the sulfur deposition threshold, or the thresholds for acid-neutralizing capacity at sensitive lakes. It exceeded the NAAQS indicator thresholds for O_3, annual average $PM_{2.5}$, and annual average NO_2; the change in visibility threshold at one Class II area, Aztec Ruins National Monument; and the nitrogen deposition threshold at Bandelier Wilderness, Mesa Verde National Park, San Pedro Parks Wilderness, Weminuche Wilderness, Aztec Ruins National Monument, Chama River Canyon Wilderness, Cruces Basin Wilderness, Dome Wilderness, Monte Vista National Wildlife Refuge, South San Juan Wilderness, and Sandia Mountain Wilderness.

6.3 2032 BLM REGIONAL CRITERIA AIR POLLUTANT PHOTOCHEMICAL MODELING STUDY

The BLM developed a photochemical model using the CAMx photochemical modeling platform and 12-km grid spacing to assess the impacts of oil and gas development and coal production and other cumulative sources on air quality in the western United States (Utah, Colorado, New Mexico, Wyoming, Montana, North Dakota, and South Dakota). The modeling analysis evaluated air quality and AQRVs out to a future year of ca. 2032 using data from the WRAP/WAQS modeling platform, the EPA's 2016v2 emissions modeling platform (EPA 2022b), and the BLM oil and gas development projections to quantify and apportion federal and non-federal oil and gas emissions (Ramboll 2024). The photochemical modeling was conducted using a scenario that included coal, oil and gas development, and natural and other anthropogenic emissions, representative of the cumulative sources around the year 2032. Additional methodology can be found in the *BLM Western US Photochemical Air Quality Modeling for 2032* (Ramboll 2024), incorporated by reference. Future modeling will include counties in Texas, Oklahoma, and Kansas, but currently these are modeled on a case-by-case basis. Specific county data are not available; however, a general discussion of Texas and Kansas is included below as they are part of the extended modeled domain.

The modeled cumulative concentrations of O_3 ranged between 50 and 65 ppb in New Mexico, with the higher concentrations in the San Juan Basin and isolated regions on the western side of the state (Ramboll 2024). The modeled values did not lead to any O_3 NAAQS exceedances in the state, including for the Pecos District or Farmington area. Modeled Farmington area O_3 cumulative concentrations ranged from 55 to 65 ppb (highest value of 64.4 ppb), while the those of the Carlsbad area ranged from 50 to 60 ppb. The largest contributions to O_3 were due to the modeled boundary conditions, followed by

other anthropogenic sources (i.e., those not including oil, gas, or coal source groups) and natural sources. Kansas modeled values did not lead to any O_3 NAAQS exceedances in the state. Modeled O_3 cumulative concentrations over Kansas ranged between 40 and 65 ppb, with the higher concentrations on the east side of the state and lower concentrations on the west side of the state. The model domain also included most of Texas (excluding the southern and eastern counties). O_3 cumulative concentrations over the modeled portion of Texas ranged between 45 and 80 ppb, with the higher concentrations in the southeastern, eastern, and mid-northern portions and along the western edge of the state; lower concentrations were generally in the western to central part of the state. Most of the modeled portion of Texas had concentrations that did not exceed 70 ppb, except for one location in northeast Texas (near Dallas). Oklahoma modeled values did not lead to any O_3 NAAQS exceedances in the state. Results show that the O_3 cumulative concentrations over Oklahoma ranged between 45 and 60 ppb, with the higher concentrations on the east side of the state and lower concentrations in the middle and western parts of the state.

The 1-hour NO_2 modeled cumulative concentrations showed the highest concentrations over the San Juan Basin (highest value of 60.0 ppb); the El Paso and Dallas, Texas, area; and the Permian Basin. The modeled values did not lead to any 1-hour NO_2 NAAQS exceedances in New Mexico, including for the Pecos District (values ranged from 0.50 to 50 ppb) or Farmington area (values ranged from 0.5 to 60 ppb). The largest contributions to 1-hour NO_2 were due to federal, non-federal, and Tribal oil and gas development. For Kansas, the 1-hour NO_2 modeled cumulative concentrations were highest over eastern and southern Kansas. Values ranged from less than 2 ppb to 30 ppb across Kansas, and the modeled values did not lead to any 1-hour NO_2 NAAQS exceedances in Kansas. For Texas, the 1-hour NO_2 modeled cumulative concentrations were highest over northeast, southeast, and west Texas, excluding the southern and eastern portions of Texas that were not included in the model. Values ranged from less than 2 ppb to 60 ppb across Texas, and the modeled values did not lead to any 1-hour NO_2 NAAQS exceedances in the modeled portion of Texas. For Oklahoma, the 1-hour NO_2 modeled cumulative concentrations were highest concentrations in central Oklahoma. Values ranged from 2 to 30 ppb across Oklahoma, and the modeled values did not lead to any 1-hour NO_2 NAAQS exceedances in Oklahoma.

The annual NO_2 modeled cumulative concentrations showed the highest concentrations over the San Juan Basin (highest value of 23.9 ppb); the Dallas, Texas, area; and the Permian Basin. The modeled values did not lead to any annual NO_2 NAAQS exceedances in New Mexico, including for the Pecos District (values ranged from 0.1 to 15 ppb) or Farmington area (values ranged from 0.1 to 24 ppb). The largest contributions to annual NO_2 were due to federal, non-federal, and Tribal oil and gas development. For Kansas, the annual NO_2 modeled cumulative concentrations were highest over eastern and southern Kansas. Values ranged from less than 2 ppb to 15 ppb across Kansas, and the modeled values did not lead to any annual NO_2 NAAQS exceedances in Kansas. For Texas, the annual NO_2 modeled cumulative concentrations were highest over west, northeast, and southeast Texas, excluding the southern and eastern portions of Texas that were not included in the model. Values ranged from less than 2 ppb to 23 ppb across Texas, and the modeled values did not lead to any annual NO_2 NAAQS exceedances in the modeled portion of Texas. For Oklahoma, the annual NO_2 modeled cumulative concentrations were highest over northeast and central Oklahoma. Values ranged from less than 2 ppb to 15 ppb across Oklahoma, and the modeled values did not lead to any annual NO_2 NAAQS exceedances in Oklahoma.

The 24-hour $PM_{2.5}$ modeling showed a gradient from northwest to southeast, with higher $PM_{2.5}$ concentrations on the southeast side of New Mexico. The largest 24-hour $PM_{2.5}$ concentration in the state was 47.2 $\mu g/m^3$ in Socorro County (primarily due to wildfires). As a result, the modeled values

exceeded the 24-hour $PM_{2.5}$ NAAQS in Socorro County but nowhere else in New Mexico. The largest contributors to 24-hour $PM_{2.5}$ were wildfires and non-coal, oil, or gas anthropogenic sources. Annual $PM_{2.5}$ modeled values showed that cumulative concentrations over New Mexico led to an annual $PM_{2.5}$ NAAQS exceedance in the Albuquerque area based on the new $PM_{2.5}$ NAAQS standard of 9.0 $\mu g/m^3$, but nowhere else in New Mexico was the NAAQS exceeded. Cumulative annual $PM_{2.5}$ concentrations were highest near Albuquerque (9.2 $\mu g/m^3$) and were due to other anthropogenic sources (i.e., those not including oil, gas, or coal source groups) and generally less than 4 $\mu g/m^3$ within the rest of New Mexico. Farmington area annual $PM_{2.5}$ cumulative concentrations ranged from 0.7 to 6 $\mu g/m^3$, while those for the Carlsbad area ranged from 0.7 to 4 $\mu g/m^3$. The largest contributors to annual $PM_{2.5}$ were anthropogenic and wildfire sources. For Kansas, the 24-hour $PM_{2.5}$ modeling showed a gradient from west to east across the state, with higher $PM_{2.5}$ concentrations on the east side of Kansas. Values ranged from 4 $\mu g/m^3$ in western Kansas to 25 $\mu g/m^3$ in eastern Kansas. The modeled values did not lead to any $PM_{2.5}$ NAAQS exceedances in Kansas. Annual $PM_{2.5}$ modeled values showed that cumulative concentrations over Kansas led to an annual $PM_{2.5}$ NAAQS exceedance over the Kansas City area based on the new $PM_{2.5}$ NAAQS standard of 9.0 $\mu g/m^3$, but nowhere else in the state was the NAAQS exceeded. Cumulative annual $PM_{2.5}$ concentrations were highest on the east side of the state, with lower concentrations on the west side of Kansas. Values ranged from less than 2 $\mu g/m^3$ in the western part of Kansas to 10 $\mu g/m^3$ on the east side of the state. For Texas, the 24-hour $PM_{2.5}$ modeling showed a gradient from west to east across the state, with higher $PM_{2.5}$ concentrations on the east side of the modeled portion of Texas. Values ranged from 2 $\mu g/m^3$ in western Texas to 25 $\mu g/m^3$ in eastern Texas. The 24-hour $PM_{2.5}$ modeled values did not lead to any 24-hour $PM_{2.5}$ NAAQS exceedances in the modeled portion of Texas. Cumulative annual $PM_{2.5}$ concentrations were highest on the east side of Texas, with lower concentrations on the west side of the state. Values ranged from less than 2 $\mu g/m^3$ in the western part of Texas to 10 $\mu g/m^3$ on the east side of the state. Annual $PM_{2.5}$ modeled values did not lead to any NAAQS exceedances in the modeled portion of the state, except for potentially around the Houston area. For Oklahoma, the 24-hour $PM_{2.5}$ modeling showed a gradient from west to east across the state, with higher $PM_{2.5}$ concentrations on the east side of Oklahoma. Values ranged from 2 $\mu g/m^3$ in western Oklahoma to 80 $\mu g/m^3$ in eastern Oklahoma. The largest 24-hour $PM_{2.5}$ concentration in the state was around 80 $\mu g/m^3$ in Latimer, Haskell, and Le Flore Counties. As a result, the modeled values exceeded the 24-hour $PM_{2.5}$ NAAQS in Latimer, Haskell, and Le Flore Counties, Oklahoma, but nowhere else in Oklahoma was the NAAQS exceeded. Annual $PM_{2.5}$ modeled values showed cumulative concentrations over Oklahoma led to an annual $PM_{2.5}$ NAAQS exceedance over the Sequoyah County area based on the new $PM_{2.5}$ NAAQS standard of 9.0 $\mu g/m^3$ and potential exceedances in the Osage County and Tulsa County area, but nowhere else in the state was the NAAQS exceeded. Cumulative annual $PM_{2.5}$ concentrations were highest on the east side of the state, with lower concentrations on the west side of Oklahoma. Values ranged from less than 2 $\mu g/m^3$ in the western part of Oklahoma to 12 $\mu g/m^3$ on the north and east side of the state.

The 24-hour PM_{10} cumulative concentrations showed PM_{10} NAAQS exceedances in a few grid cells in southwestern New Mexico (primarily due to wildfires), but nowhere else in the state, including in the Pecos District, was the NAAQS exceeded. PM_{10} cumulative concentrations over most of New Mexico ranged between 2 and 30 $\mu g/m^3$, with smaller areas of concentrations between 30 and 150 $\mu g/m^3$. Farmington area 24-hour PM_{10} cumulative concentrations ranged from 2 to 30 $\mu g/m^3$, while those of the Carlsbad area ranged from 5 to 50 $\mu g/m^3$. The largest contributors to annual PM_{10} were wildfires and other anthropogenic sources (i.e., those not including oil, gas, or coal source groups). For Kansas, the 24-hour PM_{10} modeling showed a gradient from west to east across the state, with higher PM_{10} concentrations on the south and east side of Kansas. Values ranged from 20 $\mu g/m^3$ in western Kansas to 150 $\mu g/m^3$ in southern Kansas. The modeled values did not lead to any 24-hour PM_{10} NAAQS exceedances in Kansas. For Texas, the 24-hour PM_{10} modeling showed a gradient from west to east

across the state, with higher PM_{10} concentrations on the east side of the modeled portion of Texas. Values range from 10 µg/m^3 in western Texas to 150 µg/m^3 in eastern Texas. The 24-hour $PM_{2.5}$ modeled values did not lead to any 24-hour PM_{10} NAAQS exceedances in the modeled portion of Texas. For Oklahoma, the 24-hour PM_{10} modeling showed a gradient from west to east across the state, with higher PM_{10} concentrations on the east side of Oklahoma. Values ranged from 10 µg/m3 in western Oklahoma to 200 µg/m3 in eastern Oklahoma, although most of eastern Oklahoma was below 200 µg/m^3. The modeled values showed that cumulative concentrations over Oklahoma led to a 24-hour PM_{10} exceedance over the Pittsburg County area, but nowhere else in the state was the NAAQS exceeded.

The 1-hour SO_2 modeled cumulative concentrations over New Mexico did not lead to any 1-hour SO_2 NAAQS exceedances. Most of the state had concentrations that did not exceed 10 ppb, except for a few southeastern counties (e.g., Eddy, Lea, and Roosevelt Counties) where concentrations ranged from 5 to 69 ppb. The Farmington area 1-hour SO_2 cumulative concentrations ranged from <0.1 to 5 ppb. The largest contributors to 1-hour SO_2 concentrations in New Mexico were oil and gas activities and wildfires. The 3-hour SO_2 modeled cumulative concentrations showed no exceedances of the 3-hour SO_2 NAAQS in the state of New Mexico. Farmington area 3-hour SO_2 cumulative concentrations ranged from <0.1 to 5 ppb, while those of the Carlsbad area ranged from <0.1 to 69 ppb. The largest contributors to the 3-hour SO_2 concentrations in New Mexico were oil and gas activities, other anthropogenic sources (i.e., those not including oil, gas, or coal source groups), and wildfires. For Kansas, the 1-hour SO_2 modeled cumulative concentrations did not lead to any 1-hour SO_2 NAAQS exceedances. Most of Kansas had concentrations that did not exceed 5 ppb. The 3-hour SO_2 modeled cumulative concentrations in Kansas showed no exceedances of the 3-hour SO_2 NAAQS. Most of Kansas had concentrations that did not exceed 10 ppb, except for one location in south-central Kansas. For Texas, the 1-hour SO_2 modeled cumulative concentrations over the modeled portion of the state did not lead to any 1-hour SO_2 NAAQS exceedances. All of the modeled portion of Texas had concentrations that did not exceed 20 ppb. The 3-hour SO_2 modeled cumulative concentrations in Texas showed no exceedances of the 3-hour SO_2 NAAQS. None of the modeled portion of Texas had concentrations that exceeded 20 ppb. For Oklahoma, the 1-hour SO_2 modeled cumulative concentrations did not lead to any 1-hour SO_2 NAAQS exceedances. All of Oklahoma had concentrations that did not exceed 20 ppb. The 3-hour SO_2 modeled cumulative concentrations in Oklahoma showed no exceedances of the 3-hour SO_2 NAAQS. No part of Oklahoma had concentrations that exceeded 20 ppb.

The 1-hour CO modeled cumulative concentrations over New Mexico did not lead to any 1-hour CO NAAQS exceedances. Most of the state had concentrations less than 5 ppm, although Socorro County had concentrations up to 10 ppm. Farmington area 1-hour CO cumulative concentrations ranged from 0.1 to 3 ppm, while those of the Carlsbad area ranged from 0.1 to 3 ppm. The 8-hour CO modeled cumulative concentrations over New Mexico did not lead to any 8-hour CO NAAQS exceedances. Most of the state had concentrations less than 5 ppm, although Socorro County had concentrations up to 6.9 ppm. Farmington area 8-hour CO cumulative concentrations ranged from 0.1 to 0.8 ppm, while those of the Carlsbad area ranged from 0.1 to 1.0 ppm. The higher 1-hour and 8-hour CO concentrations were in the same location as the PM_{10} peak, indicating that natural sources (likely fires) were responsible for the higher 1-hour and 8-hour CO concentrations in this area (Ramboll 2024). For Kansas, the 1-hour CO modeled cumulative concentrations did not lead to any 1-hour CO NAAQS exceedances. Most of Kansas had concentrations less than 5 ppm, although a couple of locations in southwestern and south-central Kansas had concentrations to up 10 ppm. The 8-hour CO modeled cumulative concentrations over Kansas led to an exceedance of the 8-hour CO NAAQS over southwestern Kansas, but nowhere else in the state was the NAAQS exceeded. Most of Kansas had concentrations less than 5 ppm, although southwestern Kansas had concentrations up to 20 ppm (Ramboll 2024). For Texas, the

1-hour CO modeled cumulative concentrations over the modeled portion of Texas did not lead to any 1-hour CO NAAQS exceedances. All modeled portions of the state had concentrations less than 5 ppm. The 8-hour CO modeled cumulative concentrations over the modeled portion of Texas did not lead to an exceedance of the 8-hour CO NAAQS and were less than 3 ppm (BLM and EMPSi 2023). For Oklahoma, the 1-hour CO modeled cumulative concentrations did not lead to any 1-hour CO NAAQS exceedances. Most of Oklahoma had concentrations less than 5 ppm, although a couple locations in western and central Oklahoma had concentrations to up 8 ppm. The 8-hour CO modeled cumulative concentrations over Oklahoma did not lead to an exceedance of the 8-hour CO NAAQS. Oklahoma had concentrations less than 3 ppm, although eastern Oklahoma had concentrations up to 5 ppm. Additional modeling results can be found in the *BLM Western US Photochemical Air Quality Modeling for 2032* (Ramboll 2024).

Cumulative annual nitrogen deposition over most of New Mexico varied between around 1 and 6 kilograms of nitrogen per hectare per year (kg N/ha-year) and showed a gradient from west to east. Nitrogen deposition in the west side of the state generally ranged from 1 to 4 kg N/ha-year (although higher deposition was present in a few grid cells in San Juan County), and the eastern part of New Mexico had nitrogen deposition generally between 2 and 6 kg N/ha-year. Nitrogen critical loads for the Class I areas in the New Mexico analysis area range from 3.0 to 7.54 kg N/ha. The cumulative average nitrogen deposition ranged from 1.2 kg N/ha-year at Petrified Forest National Park to 2.7 kg N/ha-year at Carlsbad Caverns National Park. None of the areas exceed the critical load thresholds for cumulative average nitrogen deposition. The largest contributors to the cumulative average nitrogen deposition were other anthropogenic sources (i.e., those not including oil, gas, or coal source groups), which ranged from 40% to 60% of the total, depending on the area of interest. The cumulative maximum nitrogen deposition values in all Class I areas of interest were below their critical loads for atmospheric nitrogen deposition, except for Carlsbad Caverns National Park. Cumulative annual sulfur deposition over most of New Mexico ranged between 0.1 and 2.0 kilograms of sulfur per hectare per year (kg S/ha-year), with higher concentrations between 1 and 4 kg S/ha-year (although a few grid cells had concentrations between 4 and 9 kg S/ha-year in Roosevelt, Eddy, and Lea Counties) in the southeastern part of the state. For total sulfur deposition, the 5 kg/ha-year threshold published by Fox et al. (1989) is used as critical load for each area of interest. The cumulative average sulfur deposition ranged from 0.1 kg S/ha-year at Petrified Forest National Park/Great Sand Dunes National Park to 1.8 kg S/ha-year at Carlsbad Caverns National Park. None of the areas exceeded the critical load thresholds for cumulative average and maximum sulfur deposition. The largest contributors to sulfur deposition in New Mexico were oil and gas non-federal and existing federal sources (Ramboll 2024).

Visibility impacts in New Mexico are discussed in Section 5.3.3 of the *BLM Western US Photochemical Air Quality Modeling for 2032* (Ramboll 2024). The cumulative visibility design values were calculated by Software for Model Attainment Test- Community Edition (SMAT-CE) and presented in Table 5.3-20 of the BLM Regional Criteria Air Pollutant Modeling Study. The future-year design values for both haze index (in deciviews [dv]) and the corresponding light extinction (in inverse megameters) are provided for both the 20% clearest days and most impaired days (MID). The area with the highest cumulative values in ca. 2032 for the MID was Salt Creek Wilderness. This was also the only area in this table that had visibility design values for the MID that were projected to be above (by 1.6 dv) the uniform rate of progress toward the 2064 visibility goals.

The contribution to the cumulative design value (as light extinction) for both the 20% best and MID, respectively, are presented in Table 5.3-21 and Table 5.3-22 of the BLM Regional Criteria Air Pollutant Modeling Study. During the MID, the contributions of natural sources were small, while wildfire contributions ranged between 1% and 9%. The maximum impacts were observed at Bandelier

Wilderness. The contributions from oil and gas sectors to visibility impacts were usually less than 4%, except for the existing federal oil and gas from the rest of New Mexico, which contributed up to 17% of the total light extinction at Carlsbad Caverns National Park. Among the coal source groups, coal electric generating units (EGUs) affected Class I areas the most, with contributions between 1% and 4%. Impacts from other anthropogenic sources (both inside and outside the state) had significant impacts between 13% and 44%. This is not unexpected given the large number of urban and industrial emissions typically associated with this group. The maximum impact from this sector occurred at Salt Creek Wilderness.

Table 64, Table 65, and Table 66 show ca. 2032 state total oil and gas activity estimates by mineral designation, ca. 2032 state total oil and gas activity estimates for federal existing and new activities, and ca. 2032 emission inventory estimates by state and mineral designation and by new and existing activity for federal emissions from the BLM Regional Criteria Air Pollutant Modeling Study (Ramboll 2024:Appendix A). Figures showing maps of county-level ca. 2032 oil and gas activity by well type and mineral designation for oil production, gas production, active well count, and spuds (drilled wells) in the seven Intermountain West states are also available in the BLM Regional Criteria Air Pollutant Modeling Study (Ramboll 2024:Appendix A).

Table 64. Modeled Federal Existing and New ca. 2032 Oil and Gas Activity by Mineral Ownership and State

State	Existing Wells	New Wells
Oil production (million barrels per year)		
Colorado	4	17
Montana	4	16
North Dakota	12	43
New Mexico	38	96
South Dakota	0	1
Utah	2	15
Wyoming	18	89
Gas production (billion cubic feet per year)		
Colorado	210	267
Montana	9	17
North Dakota	26	89
New Mexico	661	241
South Dakota	1	0
Utah	106	35
Wyoming	668	736
Well count (number of wells)		
Colorado	11,918	2,894
Montana	3,908	1,993
North Dakota	1,247	1,441

State	Existing Wells	New Wells
New Mexico	33,663	13,019
South Dakota	110	30
Utah	8,757	2,784
Wyoming	28,729	9,047
Spud count (number of spuds)		
Colorado	-	223
Montana	-	153
North Dakota	-	150
New Mexico	-	1,001
South Dakota	-	2
Utah	-	214
Wyoming	-	627

Source: Appendix A in Ramboll (2024)

Table 65. Modeled ca. 2032 (new plus existing) Oil and Gas Emissions by State and Mineral Designation

State	Criteria Air Pollutant Emissions (short tons per year)					
	NO_x	VOC	CO	SO_2	$PM_{2.5}$	PM_{10}
Federal (excluding Tribal)						
Colorado	10,150	36,565	8,456	199	246	250
Montana	3,592	15,952	4,688	269	87	87
North Dakota	13,580	34,843	15,398	10,129	1,435	1,586
New Mexico	52,216	94,069	119,401	19,118	2,353	2,380
South Dakota	282	1,273	204	7	21	21
Utah	10,113	117,584	9,540	288	489	489
Wyoming	27,956	148,617	14,149	4,598	1,139	1,139
Tribal						
Colorado	8,339	1,035	6,863	15	82	87
Montana	639	2,343	836	23	12	12
North Dakota	8,177	38,035	12,793	3,217	258	278
New Mexico	5,528	13,646	16,972	44	279	285
South Dakota	23	1	8	0	2	2
Utah	5,449	26,535	5,670	185	267	267
Wyoming	269	1,370	254	464	12	12

State	Criteria Air Pollutant Emissions (short tons per year)					
	NO_x	VOC	CO	SO_2	$PM_{2.5}$	PM_{10}
Non-federal						
Colorado	28,363	68,325	28,615	290	835	863
Montana	5,250	25,733	6,708	418	100	100
North Dakota	85,737	412,034	136,940	31,448	2,232	2,383
New Mexico	33,790	46,998	50,228	18,898	1,201	1,214
South Dakota	390	1,792	269	10	53	53
Utah	3,763	30,953	3,651	156	189	189
Wyoming	8,870	46,817	4,730	1,419	408	408
Totals						
Colorado	46,851	105,925	43,934	504	1,164	1,200
Montana	9,482	44,027	12,232	711	199	199
North Dakota	107,494	484,912	165,131	44,794	3,925	4,247
New Mexico	91,533	154,713	186,601	38,059	3,833	3,880
South Dakota	695	3,066	482	18	77	77
Utah	19,325	175,071	18,861	629	944	944
Wyoming	37,096	196,804	19,133	6,481	1,559	1,559

Source: Appendix A in Ramboll (2024)

Table 66. Modeled ca. 2032 "New" Oil and Gas Emissions: Federal (excluding Tribal), Tribal, and Combined

State	Criteria Air Pollutant Emissions (short tons per year)					
	NOx	VOC	CO	SO_2	$PM_{2.5}$	PM_{10}
Federal (excluding Tribal)						
Colorado	4,734	25,215	3,701	103	150	152
Montana	2,328	8,055	3,071	160	55	55
North Dakota	8,705	24,805	11,250	6,447	912	1,008
New Mexico	13,922	35,214	26,608	4,028	492	499
South Dakota	169	491	84	4	13	13
Utah	2,420	71,667	1,995	28	121	121
Wyoming	19,331	118,696	7,417	3,208	584	584
Tribal						
Colorado	1,865	292	1,509	4	22	23
Montana	208	765	329	11	5	5

State	Criteria Air Pollutant Emissions (short tons per year)					
	NOx	VOC	CO	SO_2	$PM_{2.5}$	PM_{10}
North Dakota	5,260	27,248	9,813	2,036	161	173
New Mexico	2,305	6,975	5,477	20	78	80
South Dakota	14	0	5	0	1	1
Utah	1,904	15,803	1,925	34	90	90
Wyoming	149	421	139	288	7	7
Non-federal						
Colorado	28,363	68,325	28,615	290	835	863
Montana	5,250	25,733	6,708	418	100	100
North Dakota	85,737	412,034	136,940	31,448	2,232	2,383
New Mexico	33,790	46,998	50,228	18,898	1,201	1,214
South Dakota	390	1,792	269	10	53	53
Utah	3,763	30,953	3,651	156	189	189
Wyoming	8,870	46,817	4,730	1,419	408	408
Combined federal (including Tribal)						
Colorado	6,598	25,508	5,210	108	172	175
Montana	2,536	8,819	3,400	172	60	60
North Dakota	13,965	52,053	21,063	8,483	1,073	1,181
New Mexico	16,227	42,190	32,084	4,048	569	579
South Dakota	183	491	90	4	15	15
Utah	4,324	87,470	3,920	62	212	212
Wyoming	19,480	119,117	7,557	3,496	591	591

Source: Appendix A in Ramboll (2024)

6.4 BLM CARLSBAD FIELD OFFICE PHOTOCHEMICAL AIR QUALITY MODELING

The BLM CFO air modeling study was based on projected oil and gas development potential presented in the most recent RFD scenario prepared for the BLM CFO (Engler 2023) and three other scenarios that provide a range of development potential across the BLM CFO planning area over a 20-year time horizon (2023 to 2043) from federal and non-federal sources. Engler (2023) presents a base RFD scenario, a low RFD scenario, and a high RFD scenario. A fourth scenario, which estimated a higher level of oil and gas development than Engler's high RFD scenario, was also developed as part of the study (Ramboll 2025b). The spud count and oil and gas production projections by scenario are summarized in Section 2.3.5 of the BLM CFO Air Resources Technical Support Document (ARTSD) (Ramboll and EMPS 2025).

A Permian Basin-wide 2032 future-year oil and gas emissions inventory, including nonpoint and point sources, was developed for Permian Basin counties in New Mexico and Texas. The ca. 2032 BLM CFO emissions inventories for criteria air pollutants, VOCs, and HAPs were then developed for each of the

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four scenarios. The emission inventories included emissions controls for all on-the-books regulatory programs, including those required under the 2022 Oil and Natural Gas Regulation for Ozone Precursors final rule. See N.M.A.C. 20.2.50. The BLM CFO ARTSD summarizes the ca. 2032 Permian Basin-wide emissions inventory and the emissions inventories for criteria air pollutants, VOCs, and HAPs for each of the four scenarios (Ramboll and EMPS 2025:Tables 2-11 through 2-16).

Photochemical modeling was then conducted for each scenario using a regional photochemical grid model to estimate potential ca. 2032 future impacts on air quality and AQRVs within the planning area and nearby Class I areas of interest. The photochemical modeling included oil and gas development, natural sources, and other anthropogenic emissions representative of the cumulative (all) sources for year 2032. The modeling domain encompassed the BLM CFO and the rest of southeastern New Mexico, most of the Permian Basin, and the cities of El Paso, Texas, and Ciudad Juarez, Mexico. This allowed the BLM to assess the air quality and AQRV impacts from all sources in the region and to understand the contributions of pollutant concentrations from a variety of source categories. These source categories included existing federal oil and gas development in the BLM CFO, new federal oil and gas development in the BLM CFO, non-federal oil and gas development in the BLM CFO, oil and gas development in the Texas portion of the Permian Basin, other anthropogenic sources in the BLM CFO, anthropogenic sources and fires originating in Mexico, anthropogenic sources in the remainder of the modeling domain, natural emissions (except lightning NO_X), wildfires, and lightning NO_X.

The full modeling results are detailed in Chapter 5 of the BLM CFO Photochemical Air Quality Modeling Study (Ramboll 2025b). A summary of the results from new federal and cumulative (all) sources are provided in Chapter 2 of the BLM CFO ARTSD (Ramboll and EMPS 2025). As shown in those sections, the 2032 modeling study projected that criteria air pollutant concentrations would be below the current NAAQS and NMAAQS in the BLM CFO and at the Class I areas of interest for all criteria pollutants except 1-hour SO_2 under all four scenarios. The SO_2 concentrations were modeled to substantially exceed the 1-hour SO_2 NAAQS in the BLM CFO planning area but not in the Class I areas of interest. The high 1-hour SO_2 concentrations were due to SO_2 emissions from gas processing plants in the BLM CFO as listed in the EPA 2032 modeling platform (Ramboll and EMPS 2025).

Modeled nitrogen and sulfur deposition values were below critical loads at all Class I areas of interest under all four scenarios. New federal oil and gas was modeled to contribute up to 4% of the total light extinction at modeled Class I areas of interest except for Salt Creek Wilderness, where new federal oil and gas contributed up to 10% of total light extinction under the highest scenario (Scenario 4). These values were similar across scenarios. The impact of O_3 exposure on trees, plants, and ecosystems often is assessed using a seasonal index known as a W126 index. The modeled W126 values from cumulative (all) sources exceeded the threshold of 6 ppm-hours specified by the National Park Service for ponderosa pine (second harvest) in Guadalupe Mountains National Park; it did not exceed the threshold of 9.6 ppm-hours for ponderosa pine (first harvest). The maximum new federal oil and gas development contribution was 0.46 ppm-hours at Guadalupe Mountains National Park under the base RFD scenario and 0.61 ppm-hours under the highest scenario (Scenario 4). The boundary conditions outside the modeling domain were the largest contributor to the W126 index (Ramboll and EMPS 2025).

Cumulative HAPs modeling and a discussion of potential downstream health effects from the combustion of oil and gas produced from the BLM CFO's federal mineral estate were also prepared (Ramboll and EMPS 2025:Chapters 3 and 4). As shown in those sections, the non-cancer and cancer risk under all four scenarios was found to be below the contextual risk defined by EPA as 1 in 1 million and 100 in 1 million, respectively. Furthermore, GHG emissions from the development, transport, and downstream combustion of oil and gas produced in the planning area were estimated for the four

scenarios based on projected annual oil and gas activity from 2023 to 2043 (Ramboll and EMPS 2025:Chapter 5).

6.5 FOUR CORNERS AIR QUALITY TASK FORCE

In 2002, the NMED and local governments convened to sign an Early Action Compact for O_3 under an EPA program that required commitment for state and local action to resolve O_3 issues prior to a nonattainment designation. In 2005, the States of Colorado and New Mexico convened a group of stakeholders, then known as the Four Corners Air Quality Task Force (FCAQTF), to address air quality issues in the Four Corners region in light of continued energy development and growth in the region and consider options for mitigating air pollution. A report detailing a wide range of mitigation options was published in November 2007 (FCAQTF 2007).

In 2008, its task complete, the group became known as the Four Corners Air Quality Group (FCAQG) and continued as a forum for discussion of existing air quality issues and potential solutions. The FCAQG is currently composed of more than 100 members and 150 interested parties representing a wide range of perspectives on air quality in the Four Corners region. Members include private citizens; public interest groups; universities; industry; state, Tribal, and local governments; and federal agencies. The BLM has been an active participant from the beginning and maintains a representative on the steering committee. The most recent FCAQG meeting was in person and virtually on November 7 and 8, 2023, in Durango, Colorado. For more information visit the FCAQG at the NMED website at https://www.env.nm.gov/air-quality/four-corners-air-quality-group/.

6.6 AIR QUALITY MODELING FOR TEXAS

Numerous reports on air quality modeling projects done by and for the TCEQ, including modeling done for the several Texas county nonattainment areas, can be accessed on the Air Division website (TCEQ 2024a). The TCEQ has convened advisory groups in southeast Texas and Dallas-Fort Worth to assist the agency in addressing photochemical modeling issues.

7 OIL AND GAS SINGLE-WELL EMISSIONS

The per-well emissions factors (GHGs and non-GHGs) are estimated by phase (well development and production operations) on an annual basis. An emissions factor is a value that relates the quantity of a pollutant released into the atmosphere with an activity that generates the pollutant. They are typically expressed in units of weight or mass (e.g. pounds, kg, tons) per activity (e.g. duration of equipment operation, construction of an oil or gas well). Emissions factors are the basis for developing emissions inventories that are used for air quality management decisions. The BLM uses emissions inventories to evaluate the change to county-level emissions, compare NEPA alternatives, and provide input to air quality models if modeling is warranted. Emissions factors may change over time due to new emissions regulations, development of control technologies, or data and information improvements for emissions.

Air pollutant emissions from oil and gas activities occur during construction and operations of a well. Construction-related emissions occur from the use of heavy machinery during pad construction, drilling, testing and completion, venting and flaring, interim reclamation, and vehicles. Construction emissions are typically a one-time occurrence. Operations-related emissions occur from well workovers, pump engines, heaters, tanks, truck loading, fugitive leaks, pneumatics, dehydrators, compressor engines, reclamation, and vehicle traffic. Emissions from operational activities occur throughout the life of a well.

Several factors may influence actual emissions including location, geological formation, well depth, equipment used, supporting infrastructure, and other factors.

7.1 FIELD OFFICE

7.1.1 FARMINGTON FIELD OFFICE

The updated RFD for the BLM FFO predicts fewer wells drilled and lower production values compared to the previous RFD. Based on this, no additional modeling was completed, and the existing modeling is considered conservative because the previous RFD was used in the 2032 BLM Western Regional Modeling.

The BLM FFO emissions estimates were developed from the BLM Single Oil and Gas Well Emission Inventory Tool. The BLM Single Oil and Gas Well Emission Inventory Tool uses the EPA Compilation of Air Pollutant Emissions Factors (AP-42), EPA Motor Vehicle Emission Simulator (MOVES), EPA Exhaust and Crankcase Emission Factors for Nonroad Engine Modeling – Compression-Ignition, and other sources. The tool has also been modified to account for San Juan Basin gas profiles, typical project details, and recent EMNRD and NMED rules and regulations (Waste Prevention Rule [43 C.F.R §§ 3160 and 3170] and Ozone Precursor Rule [N.M.A.C. 20.2.50]). Production data from the Standard & Poor's Global database (commercial source), including an estimate of the total potential mineral yield, or EUR, and the associated decline rates were included in the BLM Single Oil and Gas Well Emission Inventory Tool. Single-well estimates and associated production data were based on horizontal drilling (Max Emissions from Oil and Gas Scenarios–Single Well Emissions in the San Juan Basin). The horizontal oil emissions were based on the deep oil with high gas scenario. The horizontally drilled single-well emissions could be used in cases when well types are unknown, such as during leasing, providing a conversative estimate for vertically drilled wells. This information provides an estimate of emissions based on typical development occurring in New Mexico, but actual emissions from the development of any given well may differ. Table 67 summarizes horizontally drilled single-well emissions for the BLM FFO and BLM RPFO. The BLM FFO and BLM RPFO calculate project-specific emissions on a project-specific basis. A weighted average single-well emissions estimate based on project-specific data is currently being developed to be used for future lease sales.

Table 67. BLM FFO and BLM RPFO Horizontal Single-Well Emissions

Well Type	Total Emissions (tons per year)						
	CO	NO_x	PM_{10}	$PM_{2.5}$	SO_2	VOCs	HAPs
Single-well construction/ development phase	3.69	14.50	9.45	1.48	0.0008	1.07	0.02
Single-well operation phase	5.75	2.54	4.35	0.56	0.0013	12.19	0.49
Single-well total	**9.44**	**17.04**	**13.80**	**2.04**	**0.0021**	**13.26**	**0.51**

Source: BLM Single Oil and Gas Well Emission Inventory Tool.

Note: Max Emissions from Oil and Gas Scenarios - Single Well Emissions in the San Juan Basin

7.1.2 PECOS DISTRICT OFFICE

The RFD scenario for oil and gas in the BLM CFO (Engler 2023) projects that, on average, 980 oil and gas wells would be completed within the BLM CFO planning area each year over the 20-year scenario (2023–

2043), for approximately 19,600 new wells (federal and non-federal), most of which are expected to be horizontally drilled. Of this, at least 12,500 wells in the BLM CFO planning area alone would be federal (Engler 2023). BLM CFO well spud projections by year vary from 1,208 new federal and non-federal well spuds (770 federal) in 2023 to 769 new federal and non-federal well spuds (490 federal) in 2043. The BLM CFO planning area encompasses Lea and Eddy Counties and portions of Chaves County. The BLM CFO RFD does not account for future well development in the BLM Roswell Field Office (RFO) portion of the BLM PDO planning area (which encompasses portions of Chaves and Roosevelt Counties); therefore, well projections for the BLM RFO planning area were extracted from the BLM PDO RFD (Engler et al. 2012; Engler and Cather 2014). The BLM PDO RFD projects that 800 oil and gas wells would be completed within the BLM PDO each year for the 20-year scenario (2015–2035), for a total of approximately 16,000 new wells (federal and non-federal), most of which are expected to be horizontally drilled. Based on the review of cumulative production volumes through 2010 (see Summary Table 1 [page 49] in Engler et al. [2012]), most of the production has occurred in Eddy and Lea Counties, and development in Chaves and Roosevelt Counties represents approximately 4% of the cumulative production volumes for the BLM PDO planning area. Assuming that this proportion of development in Chaves and Roosevelt Counties relative to the larger BLM PDO planning area remains relatively stable in the future, the number of projected wells from the BLM PDO RFD that are likely to occur within Chaves and Roosevelt Counties would be approximately 640. When combined, the total number of projected wells for the BLM PDO planning area is 20,240 (including 19,600 wells in the BLM CFO and 640 wells in the BLM RFO). BLM PDO RFD projections over a 20-year period show well development with an average of 1,012 wells per year (of which at least 625 would be federal).

The BLM PDO emissions estimates were developed from the BLM Single Oil and Gas Well Emission Inventory Tool. The BLM Single Oil and Gas Well Emission Inventory Tool uses the EPA AP-42, EPA MOVES, EPA Exhaust and Crankcase Emission Factors for Nonroad Engine Modeling – Compression-Ignition, and other sources. The tool has also been modified to account for Permian Basin gas profiles, typical project details, and recent EMNRD and NMED rules and regulations (Waste Prevention Rule and Ozone Precursor Rule). Production data from the Standard & Poor's Global database (commercial source), including an estimate of the total potential mineral yield, or EUR, and the associated decline rates were included in the BLM Single Oil and Gas Well Emission Inventory Tool. Single-well estimates and associated production data were based on horizontal drilling. The horizontally drilled single-well emissions could be used in cases when well types are unknown, such as during leasing, providing a conversative estimate for vertically drilled wells. This information provides an estimate of emissions based on typical development occurring in New Mexico, but actual emissions from the development of any given well may differ. Table 68 summarizes horizontally drilled single-well emissions for the BLM PDO based on updated, project-averaged travel distances and paved verses unpaved measurements.

Table 68. BLM PDO Horizontally Drilled Single-Well Emissions

Phase	Total Emissions (tons per year)						
	CO	NO_x	PM_{10}	$PM_{2.5}$	SO_2	VOCs	HAPs
Single-well construction/ development phase	3.16	13.21	2.73	0.75	1.11E-02	0.69	0.02
Single-well operation phase	1.21	0.97	1.40	0.51	4.50E-03	10.53	0.93
Single-well total	4.37	14.18	4.13	1.26	1.56E-02	11.21	**0.95**

Source: BLM Single Oil and Gas Well Emission Inventory Tool

7.1.3 OKLAHOMA FIELD OFFICE

Table 69 presents the current single-well emissions estimates for the BLM Oklahoma Field Office (OFO) from the *Reasonably Foreseeable Development Scenario – Kansas, Oklahoma, and Texas* (BLM 2016) and *Oklahoma, Kansas and Texas BLM Record of Decision and Approved Resource Management Plan* (BLM 2020).

Table 69. BLM OFO Single-Well Emissions

Factor Type	Total Emissions (tons per year)						
	CO	NO_x	PM_{10}	$PM_{2.5}$	SO_2	VOCs*	HAPs
Single-well oil emission factors†	2.06	4.53	0.58	0.27	0.12	4.46	0.31
Single-well gas emission factors†	1.87	5.53	0.67	0.33	0.11	0.77	0.06

Source: BLM (2016, 2020).

* VOC emissions at the operational phase represent uncontrolled emissions and estimate potential emissions representing the contribution for "one oil well" from the emissions at storage tanks, gathering facilities, etc. However, federally enforceable regulations, such as NSPS Subparts OOOO and OOOOa, require emission reduction of VOCs from well completions following hydraulic fracturing or refracturing and storage tanks with emissions greater than 6 tpy after federally enforceable controls. Therefore, actual emissions from the one-well scenario are likely to be lower than represented.

† The representative well used to calculate emissions is a horizontal oil well. Emissions for vertical wells were not used from this analysis due to current predominance in horizontal technological drilling methods and because presenting horizontal oil wells emissions estimates represents a more conservative summary of emissions compared with emissions from a vertical well, with the exception of SO_2, which could be four to five times greater in a vertical well scenario. However, SO_2 emissions are still estimated to be within the same magnitude and less than 1 tpy of SO_2 emissions per well. Estimated emissions from a typical horizontal gas well are higher for the criteria pollutants PM_{10}, $PM_{2.5}$, and NO_x. However, estimated emissions from horizontal oil wells are higher for CO, VOC, and HAP emissions. Because the overall magnitude of emissions from oil wells is estimated to be higher than gas wells in terms of total criteria pollutant emissions, an oil well is evaluated for the purpose of this analysis.

7.1.4 ADDITIONAL INFORMATION REGARDING SINGLE-WELL EMISSION FACTORS

The single-well emissions in this document can be used to estimate emissions for all project types. Over time, calculators may be developed, or single-well emissions may be modified to capture new or more regionally specific oil and gas development parameters (through ongoing modeling efforts associated with Resource Management Plan revisions), or new project-specific calculators may emerge (such as those related to oil and gas leasing, e.g., the lease sale emissions tool). As new or more refined tools become available, they may be used to make emissions projections as warranted.

7.2 WELL COUNTS

The number of active wells can vary greatly from year to year; in addition, counts are not static or logarithmic by nature. Well count data can be obtained from many sources, such as state oil and gas commission databases, university and research databases, and proprietary databases, as well as public federal databases. The sources reporting well counts may also differ in reporting methods. Reporting of well counts may include various types of wells such as active, new, temporarily abandoned, and inactive (shut in or temporarily abandoned). For the purposes of this report, the BLM uses the Petroleum Recovery Research Center, Automated Fluid Minerals Support System (AFMSS) and state oil and gas well count reporting. Table 70 show the active wells within each field office (NMOCD 2025).

Table 70. Active Wells

Field Office	Total (federal and non-federal)	Federal
BLM PDO	48,868	28,383
BLM FFO	21,843	15,624
BLM RFO	2,729	1,325
BLM CFO	45,957	27,058

Source: NMOCD (2025).

To facilitate quantification, most project-level analyses tend to assume that all wells would be developed concurrently and in the same year, though it is possible that future potential development would not occur in this manner. Table 71 provides past well spud data (BLM 2024e). The BLM chose to report well spud data instead of completion data based on technical expertise of the petroleum engineers within the BLM.

Table 71. Past and Present Well Spud Data

	Number of BLM Well Spuds							
Region	**2017**	**2018**	**2019**	**2020**	**2021**	**2022**	**2023**	**2024**
BLM CFO	522	650	785	823	1,150	1,195	1,431	1,601
BLM RFO	3	9	6	1	3	7	13	10
BLM PDO*	525	659	791	824	1,153	1,202	1,444	1,611
BLM FFO – Federal	34	24	14	8	24	39	19	39
BLM FFO – Indian	33	19	19	3	25	32	16	23
BLM RPFO – Federal	0	0	0	0	1	1	0	0
BLM RPFO – Indian	0	0	0	0	0	1	0	1
BLM FFO and BLM RPFO†	67	43	33	11	50	73	35	63
Oklahoma	10	14	12	4	5	13	6	8
Texas	0	7	5	7	8	18	6	9
Kansas	0	0	0	1	0	0	0	0

Source: BLM (2024e)

* Total of BLM CFO and BLM RFO

† Total of BLM FFO and BLM RPFO

The EURs summarized in Table 72 are generated by performing decline curve analyses of existing production within each field district. To calculate the volumes of oil, natural gas, and water expected to be produced from future parcels, the projected number of wells are multiplied by the EURs of oil, natural gas, and produced water per well.

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Table 72. EURs for New Mexico

Basin	Average Production Lifetime (years)	Well Type	Oil EUR (bbl)	Gas EUR (mcf)
San Juan Basin	30	Horizontal	592,354	1,777,000
		Vertical	10,044	406,555
	20	Horizontal	520,243	1,561,000
		Vertical	9,108	334,678
Permian Basin	30	Horizontal	359,533	1,190,311
		Vertical	51,404	197,934
	20	Horizontal	347,292	1,189,482
		Vertical	51,183	196,268

Note: bbl = barrels; mcf = thousand cubic feet. Data from the integrated air resource tool, using Standard & Poor's global data, except for San Juan Basin horizontal oil and gas EUR values which are taken from the Updated BLM FFO RFD (New Mexico Tech 2025).

Table 73. EURs for Oklahoma, Texas, and Kansas

State	Average Production Lifetime (years)	Well Type	Oil EUR (bbl)	Gas EUR (mcf)
Oklahoma	30	Horizontal	119,621	1,601,688
		Vertical	119,621	1,601,688
	20	Horizontal	114,942	1,596,018
		Vertical	114,942	1,596,018
Texas	30	Horizontal	325,305	1,834,632
		Vertical	325,305	1,834,632
	20	Horizontal	324,861	1,829,617
		Vertical	324,861	1,829,617

State	Average Production Lifetime (years)	Well Type	Oil EUR (bbl)	Gas EUR (mcf)
Kansas	30	Horizontal	42,707	376,752
		Vertical	42,707	376,752
	20	Horizontal	38,091	328,910
		Vertical	38,091	328,910

Note: bbl = barrels; mcf = thousand cubic feet. Data from the integrated air resource tool, using Standard & Poor's global data.

7.3 EMIT SOIL AND CLIMATE DATA

Table 74 shows the surface and climate data for various locations, for use in EMIT for cities across New Mexico, Oklahoma, Texas, and Kansas.

Table 74. EMIT Soil and Climate Data

Location (Station)	Soil Silt Content (%)	Soil Moisture Content (%)*	Average Temperature (degrees Fahrenheit)†	Days with Precipitation >0.01 inch†	Fastest wind gust (miles per hour)‡	Solar Radiation (kilowatt-hours/square meter/day)§
San Juan Basin (Farmington Regional Airport USW00023090)	8.5¶	7.9	53.2	60.3	60	6.5–7.4
Permian Basin (Carlsbad USC00291469)	10.0#	7.9	64.4	45.8	60	6.5–7.4
Taos (Northeast NM USC00298668)	8.5¶	7.9	48.5	61.0	60	6.0–7.4
Las Cruces (Southwest NM USC00298535)	8.5¶	7.9	63.2	47.1	60	>7.0
Albuquerque (Central NM USW00023050)	8.5¶	7.9	57.9	56.1	60	6.5–7.4
Socorro (Central NM USC00298387)	8.5¶	7.9	57.5	53.7	60	>6.5

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Location (Station)	Soil Silt Content (%)	Soil Moisture Content (%)*	Average Temperature (degrees Fahrenheit)†	Days with Precipitation >0.01 inch†	Fastest wind gust (miles per hour)‡	Solar Radiation (kilowatt-hours/square meter/day)§
Roswell (Southeast NM USC00297605)	10.0#	7.9	59.4	42.9	60	7.0–7.4
Woods County, Oklahoma (North OK USC00340193)	8.5¶	7.9	58.6	65.4	60	5.5–6.4
Ellis County, Oklahoma (Northwest OK USC00340332)	8.5¶	7.9	56.7	63.4	60	6.0–6.4
McCurtain, Oklahoma (Southeast OK USC00340567)	8.5¶	7.9	59.5	101.9	60	4.5–5.4
Clark County, Kansas (South KS USC00140365)	8.5¶	7.9	56.9	64.1	60	5.5–6.4
Andrews County, Texas (East TX USC00410248)	8.5¶	7.9	64.9	38.9	60	7.0–7.4
Jim Wells County, Texas (South TX USW00012932)	8.5¶	7.9	72.8	81.4	60	5.0–5.4

Notes: The select area terrain and vegetation is sloped with small scrub (less than 10 feet tall). The percentage of paved primary and secondary road lengths is calculated per project.

* AP-42:Table 11.9-3

† Monthly Climate Normals 1991–2020: https://www.ncei.noaa.gov/access/us-climate-normals/#dataset=normals-monthly&timeframe=30&location=NM

‡ 60 miles per hour should be used unless better data are available.

§ https://wecanfigurethisout.org/ENERGY/Web_notes/Solar/Solar_Thermal_Heat_Storage_Files/Map%20of%20US%20Direct%20Normal%20Solar%20Irradiance%20-%202018%20-%20NREL.pdf

¶ AP-42:Table 13.2.2-1

Silt content from National Cooperative Soil Survey - Kermit Series; soil type in southern New Mexico and southwestern Texas

8 AIR QUALITY-RELATED VALUES

AQRVs are resources sensitive to air quality and can include a wide variety of atmospheric chemistry-related indicators. AQRVs include visibility and specific scenic, cultural, physical, biological, ecological, and recreational resources identified for a particular area. The NAAQS secondary standards are promulgated to ensure non-health related air quality impacts, such as AQRVs, are protected. The BLM can reasonably rely on compliance with the secondary NAAQS to prevent adverse impacts to these resources. Monitoring and modeling of AQRVs help to provide a level of protection to sensitive areas such as Class I parks and wilderness areas. Congress established certain national parks and wilderness areas as mandatory Class I areas where only a small amount of air quality degradation is allowed. Defined by the CAA, Class I areas include national parks greater than 6,000 acres, wilderness areas and national memorial parks greater than 5,000 acres, and international parks. These areas must have been in existence at the time the CAA was passed by Congress in August 1977.

The goal of Class I management is to protect natural conditions, rather than the conditions when first monitored. That is, if initial monitoring in a Class I area identifies human-caused changes, appropriate actions should be taken to remedy them to move toward a more natural condition. The goal of Class I management is to protect not only resources with immediate aesthetic appeal (i.e., sparkling clean streams) but also unseen ecological processes (such as natural biodiversity and gene pools) (U.S. Forest Service [USFS] et al. 2000). The FLAG issued a revised Phase 1 report in 2010 (USFS et al. 2010). This report was developed as a tool to provide consistent approaches to the analysis of the effects of air pollution on AQRVs. The FLAG report focuses on three areas of potential impact: visibility, aquatic and terrestrial effects of wet and dry pollutant deposition, and terrestrial effects of O_3. This report is structured to address these same three areas of potential impact. The requirement to assess impacts to AQRVs is established in the PSD rules. PSD is a permitting program for new and modified major sources of air pollution that are in attainment areas. The majority of facilities that the BLM analyzes are not a major source of emissions.

The BLM goals include managing jurisdictional field office activities and development to protect and improve air quality and, within the scope of the BLM authority, minimize emissions that cause or contribute to violations of air quality standards or that negatively impact AQRVs (e.g., acid deposition, visibility).

8.1 PREVENTION OF SIGNIFICANT DETERIORATION

Although the PSD rule is only applicable to major stationary sources of air pollution, a PSD increment analysis can provide a useful measure for estimating how a new source of pollution would likely impact regional air quality. A PSD increment is the additional amount of pollution allowed in an area while preventing air quality in the airshed from deteriorating to the level set by the NAAQS. The NAAQS is a maximum allowable concentration ceiling, whereas a PSD increment is the maximum allowable increase in concentration allowed to occur above a baseline concentration for a pollutant within the PSD area boundary. The baseline concentration for a pollutant is defined as the ambient concentration existing at the time that the first complete PSD permit application affecting the boundary is submitted. An analysis for PSD-applicable sources must be provided to the state agency with jurisdiction to ensure that new emissions, in conjunction with other applicable emissions increases and decreases within an area, will not cause or contribute to a violation of any applicable NAAQS or PSD increment. Significant deterioration occurs when the amount of new pollution exceeds the applicable PSD increment.
An official PSD increment analysis is the sole responsibility of the respective air district. Any subsequent

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analysis performed for NEPA purposes will be used for informational purposes only. PSD increments for Class I and Class II areas are listed in Table 75.

Table 75. PSD Increments

Pollutant	Period	Maximum Allowable Increase ($\mu g/m^3$)	
		Class I	Class II
SO_2	3-hour	25	512
	24-hour	5	91
	Annual	2	20
NO_2	Annual	2.5	25
PM_{10}	24-hour	8	30
	Annual	4	17
$PM_{2.5}$	24-hour	2	9
	Annual	1	4

Source: 40 C.F.R. § 52 Subpart C, Chapter 1

8.2 VISIBILITY

Pollution in the atmosphere can impair scenic views by degrading the contrast, colors, and distance an observer is able to see. Visibility can be assessed in terms of the distance that a person can distinguish a large dark object on the horizon and is measured as the standard visual range in miles. Visibility is of greatest concern in Class I areas, which are afforded the highest level of air quality protection by the CAA. Average natural visual range conditions for Class I areas can be found in the FLAG report (USFS et al. 2010). Visibility impairment is a result of regional haze, which is caused by the accumulation of pollutants from multiple sources in a region. Emissions from industrial and natural sources may undergo chemical changes in the atmosphere to form particles of a size that scatter or absorb light and result in reductions in visibility.

The EPA and other agencies have been monitoring visibility in national parks and wilderness areas since 1988. In 1999, the EPA announced a major effort to improve air quality in national parks and wilderness areas. The Regional Haze Rule—see 40 C.F.R. § 51, Subpart P, Protection of Visibility—calls for state and federal agencies to work together to improve visibility in 156 national parks and wilderness areas.

The rule requires the states, in coordination with the EPA, National Park Service (NPS), U.S. Fish and Wildlife Service (USFWS), USFS, and other interested parties, to develop and implement air quality protection plans to reduce the pollution that causes visibility impairment. The first state plans for regional haze were due in December 2007. States, Tribes, and five multijurisdictional regional planning organizations worked together to develop the technical basis for these plans. Comprehensive periodic revisions to these initial plans were due July 31, 2021, again in 2028, and every 10 years thereafter (EPA 2025n). As of August 25, 2022, 15 states failed to submit 2021 regional haze plans to the EPA by both the first and second deadlines, July 31, 2021, and August 15, 2022. Therefore, New Mexico and 14 other states are included in the Findings of Failure to Submit (EPA 2023j). States implement the Regional Haze Program through SIPs in accordance with the Regional Haze Rule.

Texas proposed a 2021 regional haze SIP revision that is designed to address regional haze in Big Bend and Guadalupe Mountains National Parks in Texas and Class I areas outside Texas that may be affected by emissions from within the state. On June 30, 2021, the commission adopted the 2021 regional haze SIP revision (Project No. 2019-112-SIP-NR). The SIP revision demonstrates compliance with the regional haze requirements of Section 169A of the CAA and the Regional Haze Rule for the second planning period (TCEQ 2024b). On December 18, 2024, the commission approved adoption of the executive director's recommended 2025 Regional Haze Progress Report (Non-Rule Project No. 2024-007-OTH-NR) for the second planning period. This progress report contains the core federal Regional Haze Rule (40 C.F.R. § 51.308) requirements, including: the status of the state's control strategies included in the 2021 Regional Haze SIP Revision for achieving reasonable progress goals; a summary of the emissions reductions; assessment of significant changes in human-made emissions; and a determination of the adequacy of the current implementation plan elements and strategies and a declaration to the EPA concerning whether a SIP revision is needed (TCEQ 2025).

As part of the process of developing the Oklahoma 2021 regional haze SIP, the ODEQ AQD identified 12 facilities in Oklahoma and 21 sources in neighboring states (including sources in Texas) that are reasonably anticipated to impact visibility conditions at the Wichita Mountains Wilderness Area and asked these states to consider the potential impact of the sources identified within their states for further analysis as part of the process for developing their 2021 regional haze SIP. The SIP was submitted to EPA Region 6 on August 9, 2022 (ODEQ AQD 2022).

In 1985, the EPA initiated a network of monitoring stations to measure impacts to visibility in Class I wilderness areas. These monitors are known as the IMPROVE monitors and exist in some but not all Class I wilderness areas. Table 76 shows the Class I areas in the BLM NMSO area of operations and whether they have an IMPROVE monitor and, if not, which monitor is considered representative for that area. There are no Class I areas in Kansas.

Table 76. Class I Areas and IMPROVE Monitors

State	Class I Area	Agency	IMPROVE
New Mexico	Bandelier	NPS	Yes
	Bosque del Apache	USFWS	Yes
	Carlsbad Caverns	NPS	Guadalupe Mountains
	Gila	USFS	Yes
	Pecos	USFS	Wheeler Peak
	Salt Creek	USFWS	Yes
	San Pedro Parks	USFS	Yes
	Wheeler Peak	USFS	Yes
	White Mountain	USFS	Yes
Texas	Big Bend	NPS	Yes
	Guadalupe Mountains	NPS	Yes
Colorado	Mesa Verde	NPS	Yes
	Weminuche	USFS	Yes

Visibility is monitored using methodologies established by the IMPROVE program. The particulates that contribute to haze are collected on filters at each IMPROVE site. Samples are then measured to determine how visibility is impacted over time and by which pollutants.

A deciview is a unit of measurement to quantify human perception of visibility. It is derived from the natural logarithm of the atmospheric light extinction coefficient. A 1-dv change is roughly the smallest perceptible change in visibility. Because visibility at any one location is highly variable throughout the year, it is characterized by three groupings: the clearest 20% days, average 20% days, and haziest 20% days. Visibility degradation is primarily due to sulfates, nitrates, and PM in the atmosphere, with contributions from both anthropogenic and natural sources. Measuring progress in air pollution control can be challenging because natural sources largely beyond human control such as dust storms and wildfires can produce significant visibility impairment over large areas for days to weeks at a time. Under the auspices of the 2017 Regional Haze Rule revisions, the EPA proposed a new visibility tracking—MID—to better characterize visibility conditions and trends. The MID are those with the most impairment from anthropogenic sources, whereas the haziest grouping now better represents days with haze from natural sources. Total haze on the MID is used to track progress toward Regional Haze Rule goals. Comparing trends in the 20% haziest days with the 20% MID provides a method to assess impacts from episodic events, like wildfires, which have greatly affected visibility throughout the western United States in recent years (Burke et al. 2021). More information about the EPA impairment framework can be found at http://vista.cira.colostate.edu/Improve/impairment/.

Also required by the Regional Haze Rule, reasonable progress goals must provide for an improvement in visibility for the 20% most anthropogenically impaired days relative to baseline visibility conditions and ensure no degradation in visibility for the 20% clearest days relative to baseline visibility conditions (EPA 2019). Model simulations were used by the EPA to project visibility by using the baseline for each Class I area as the average visibility (in dv) for the years 2014 through 2017. The visibility conditions in these years are the benchmark for the "provide for an improvement" and "no degradation" requirements. A line drawn from the end of the 2000 through 2004 baseline period to 2064 (dv/year) shows a uniform, linear rate of progress, or glidepath, between these two points. The glidepath represents the amount of visibility improvement needed in each implementation period; there is no rule requirement to be on or below the glidepath. Results for the Class I areas in the BLM FFO showed improving visibility trends for both the base (2014–2017) and future-year (2028) deciview values on the 20% clearest and MID. Results for the Class I areas in the BLM CFO show improving visibility trends for both the base (2014–2017) and future-year (2028) deciview values on the 20% clearest and MID, although some locations show 2028 projections above the linear uniform rate of progress value of the glidepath. More information can be found in the *Technical Support Document for EPA's Updated 2028 Regional Haze Modeling* (EPA 2019), incorporated by reference.

Visibility information can be found at the Federal Land Managers Environmental Database (FED) (FED Cooperative Institute for Research in the Atmosphere [CIRA] 2025). Figure 10 through Figure 20 illustrate visibility trends based on air monitoring data for the IMPROVE sites in the BLM NMSO area of operation for the clearest, haziest, and most impaired categories (FED CIRA 2025). Note that peaks such as those seen for Bandelier National Monument in 2000 may be accounted for by the occurrence of large wildfires. A downward sloping line means less reduction of visibility and therefore an improvement. Figure 24 through Figure 26 illustrate visibility trends based on air monitoring data for the IMPROVE sites at Class I areas in Colorado potentially affected by sources in northwestern New Mexico. In most cases, visibility trends have been flat or improving. Implementation of best available retrofit technology (BART) strategies as required under the Regional Haze Rule over the next few years should result in further improvements.

Trends for Class I areas affected by sources in northern New Mexico (see Figure 11, Figure 14, and Figure 15) are similar to trends for Class I areas in southern New Mexico (see Figure 10, Figure 12, Figure 13, Figure 16 and Figure 17). Although visibility on worst days at Guadalupe Mountains National Park may have diminished, a careful analysis of fire activity in the area would be necessary to draw conclusions about the cause of some peaks in recent years (CSU 2020).

A qualitative discussion of visibility impacts from oil and gas development in the *Farmington Resource Management Plan with Record of Decision* concludes that for the scenario modeled, which projected greater development than has occurred, there could potentially be significant impacts to visibility at Mesa Verde National Park, a Class I area in southwestern Colorado (BLM 2003). Occasional impacts to San Pedro Parks (northern New Mexico) and Weminuche (southern Colorado) Wilderness Areas were also thought possible. However, visibility trends shown for San Pedro Parks, Mesa Verde, and Weminuche indicate that visibility on the best days has been flat to improving and visibility on the worst days has shown little change over the period of record.

Visibility modeling performed for the BLM CFO area is discussed further in Section 6.3.

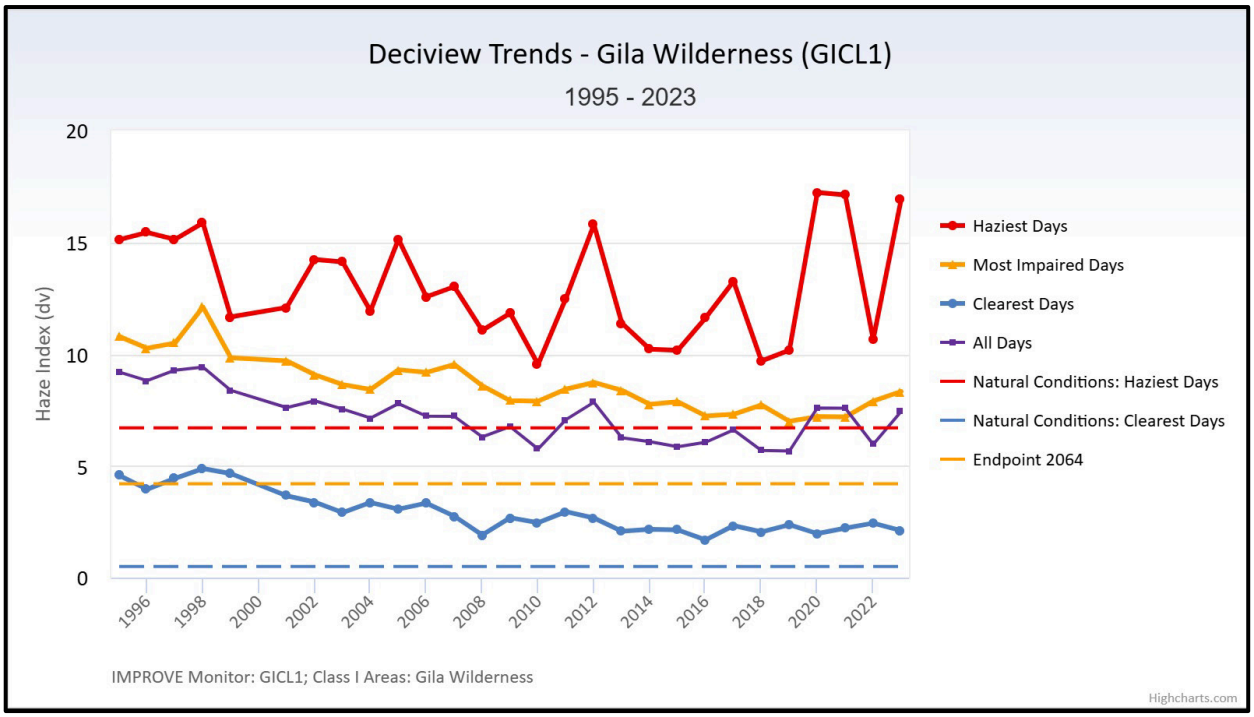


Figure 10. Visibility extinction trends for Gila Wilderness Area, New Mexico (FED CIRA 2025).

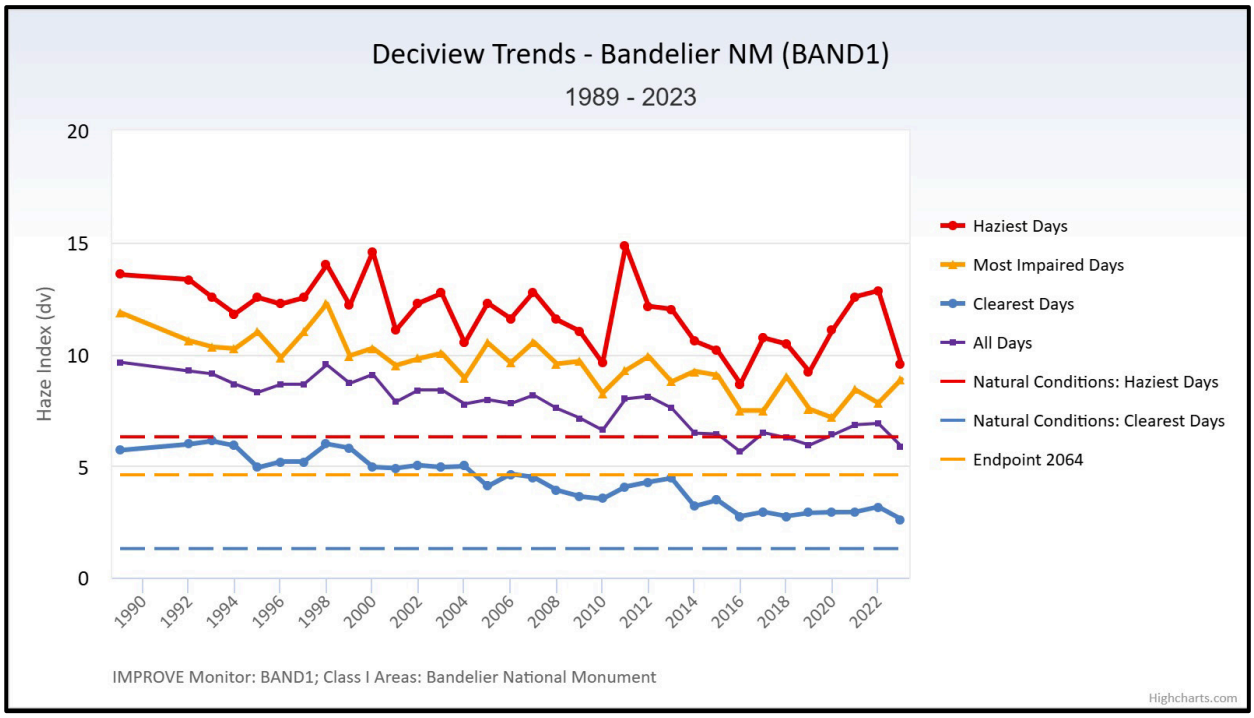


Figure 11. Visibility extinction trends for Bandelier National Monument, New Mexico (FED CIRA 2025).

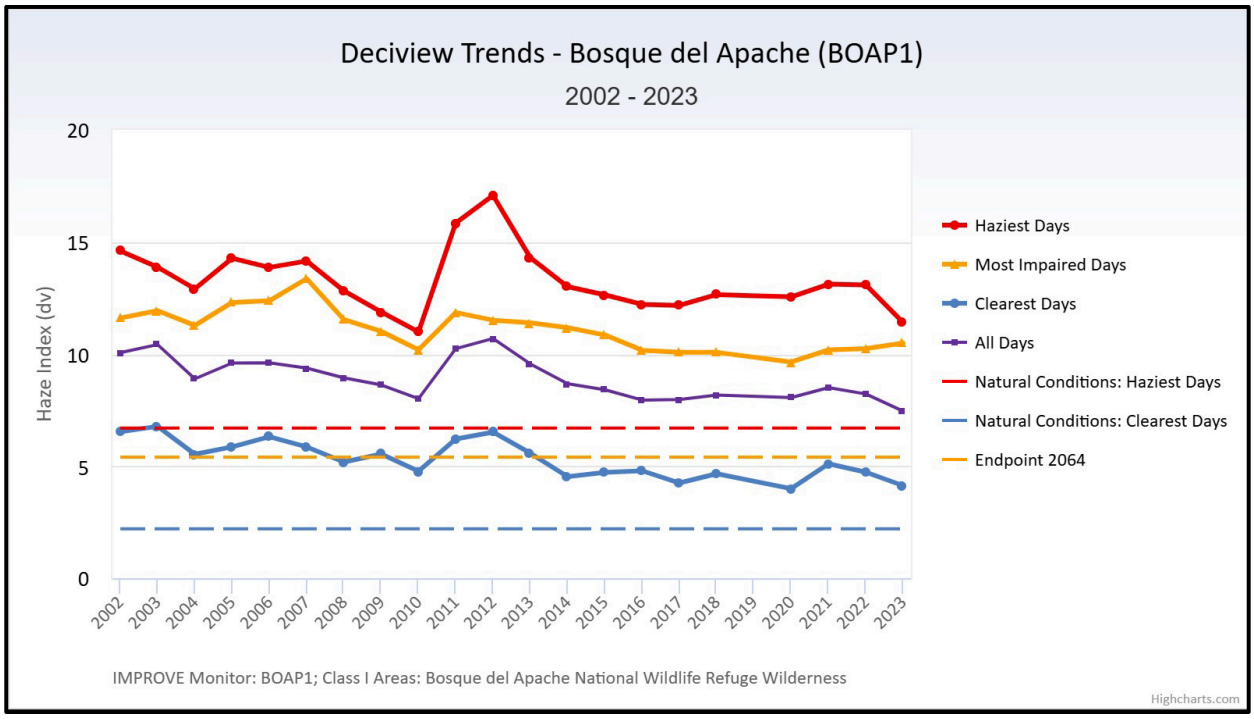


Figure 12. Visibility extinction trends for Bosque del Apache, New Mexico (FED CIRA 2025).

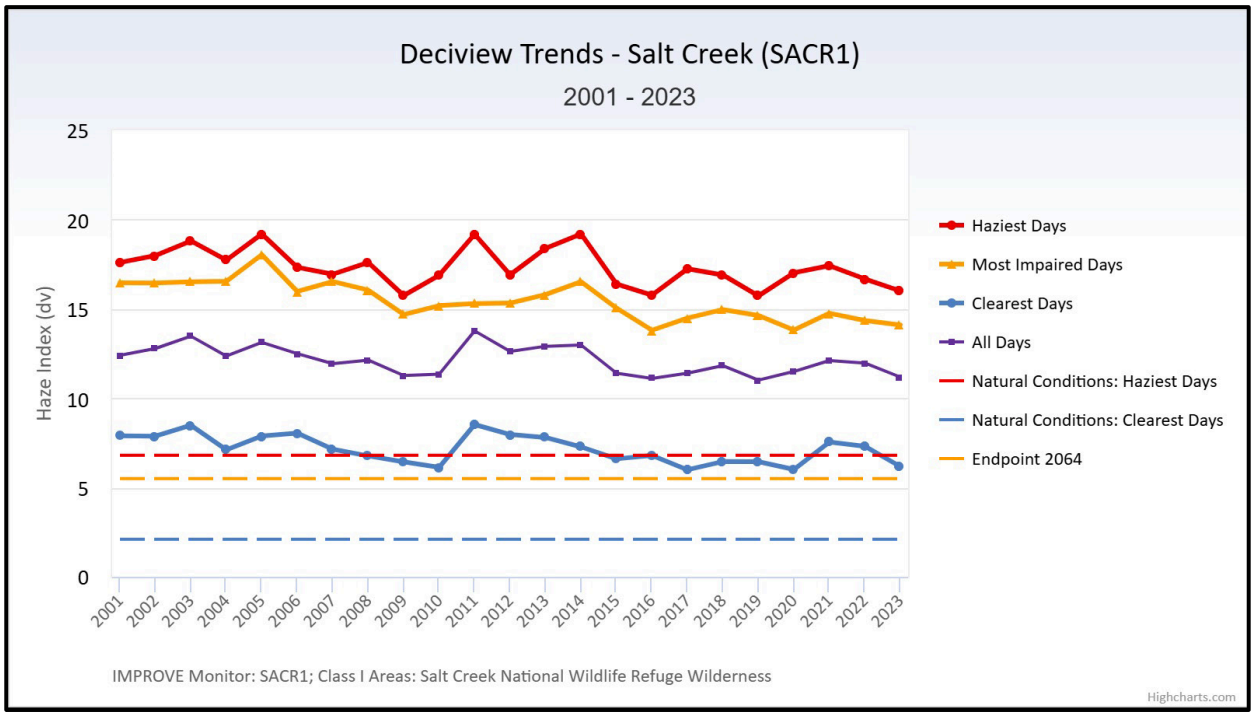


Figure 13. Visibility extinction trends for Salt Creek, New Mexico (FED CIRA 2025).

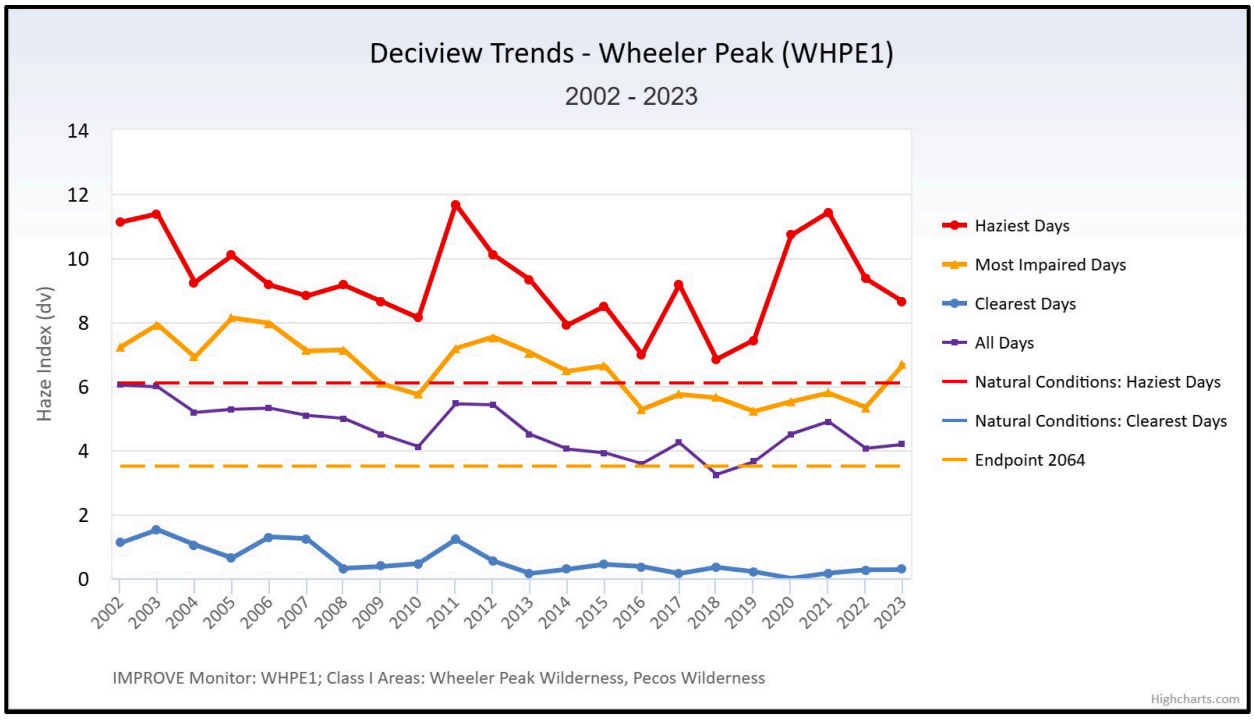


Figure 14. Visibility extinction trends for Wheeler Peak, New Mexico (FED CIRA 2025).

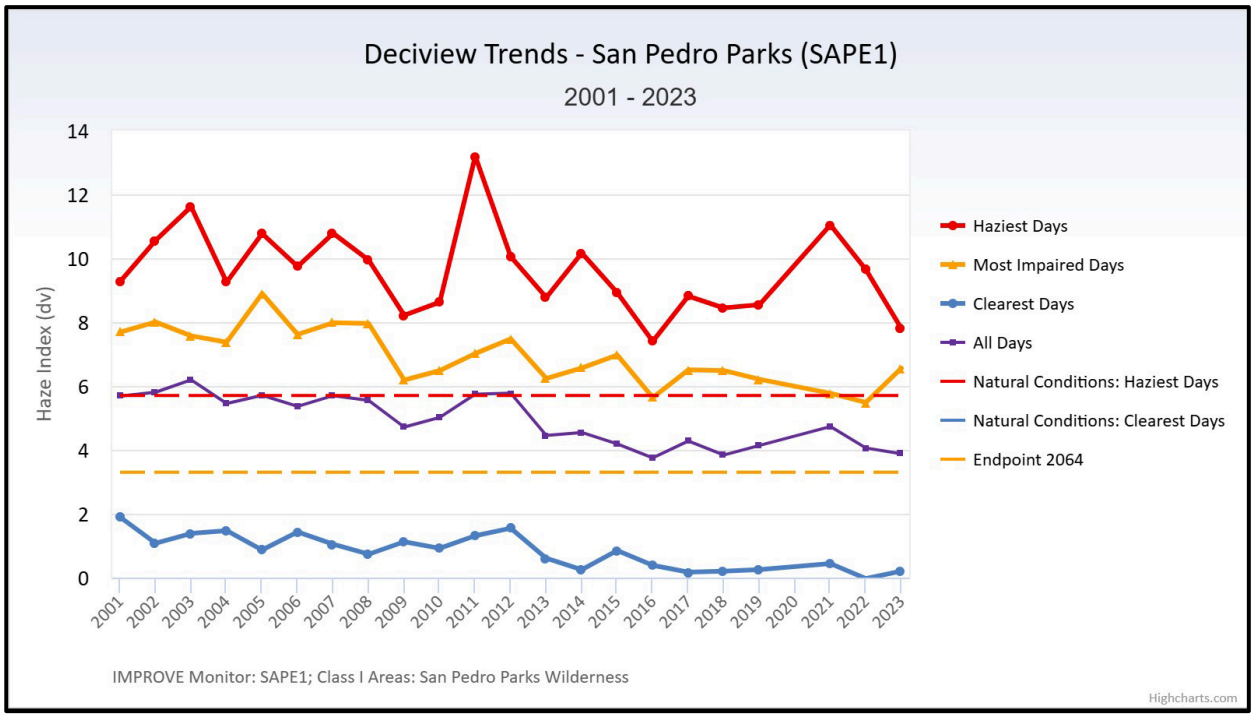


Figure 15. Visibility extinction trends for San Pedro Parks, New Mexico (FED CIRA 2025).

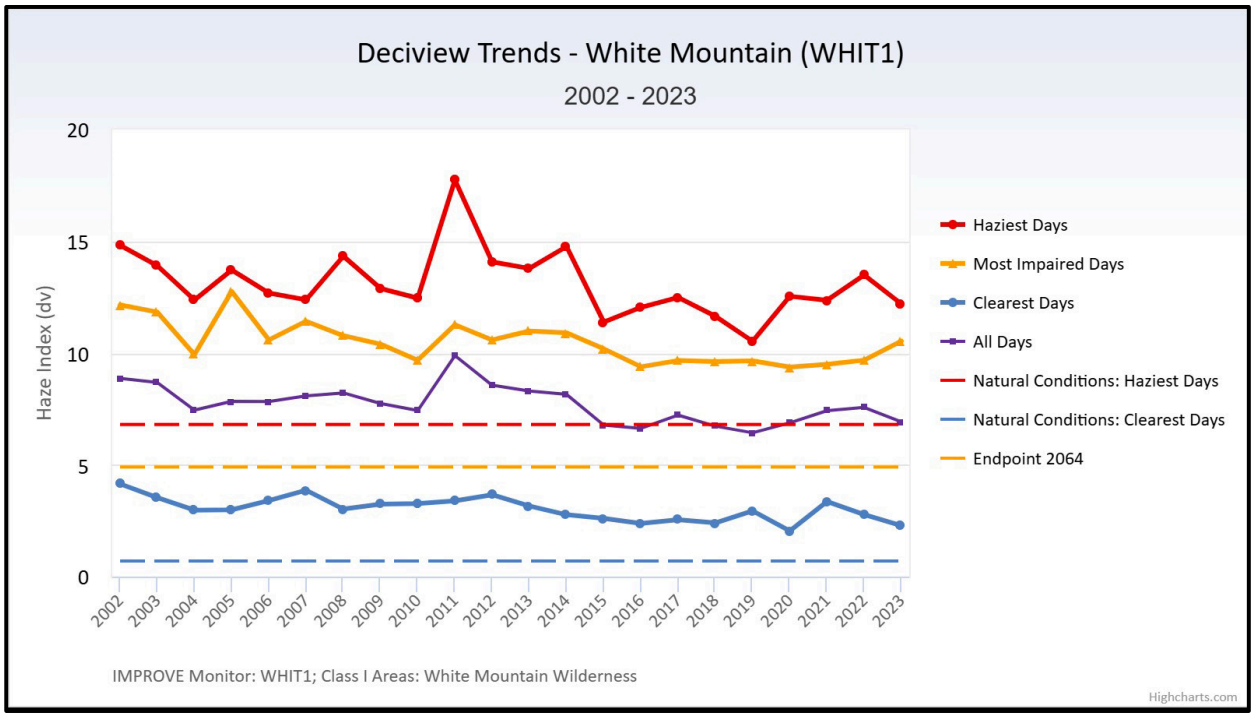


Figure 16. Visibility extinction trends for White Mountain, New Mexico (FED CIRA 2025).

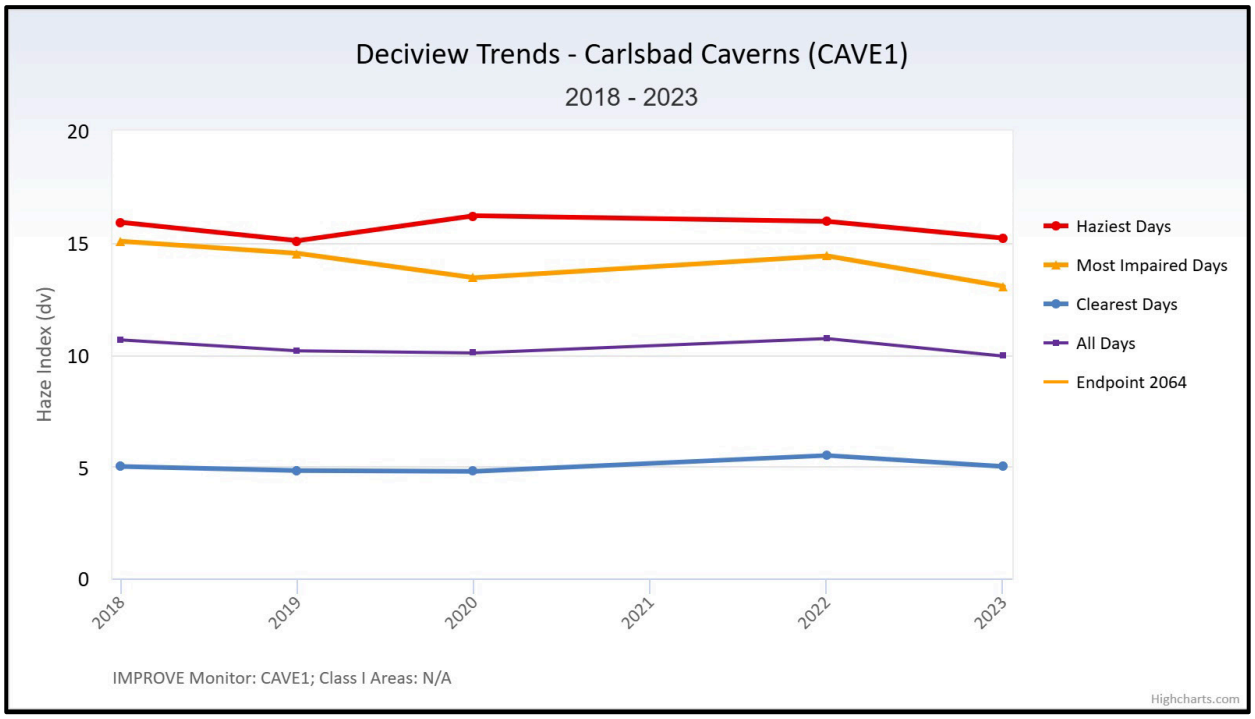


Figure 17. Visibility extinction trends for Carlsbad Caverns National Park, New Mexico (FED CIRA 2025).

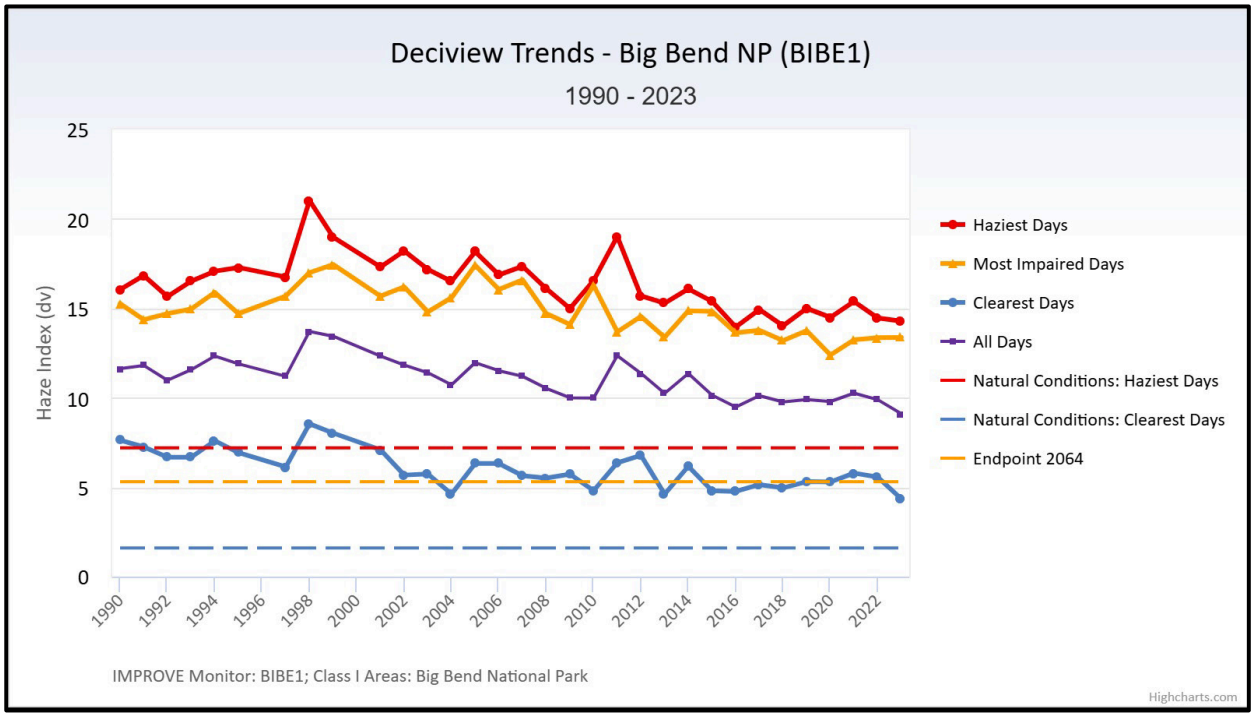


Figure 18. Visibility extinction trends for Big Bend National Park, Texas (FED CIRA 2025).

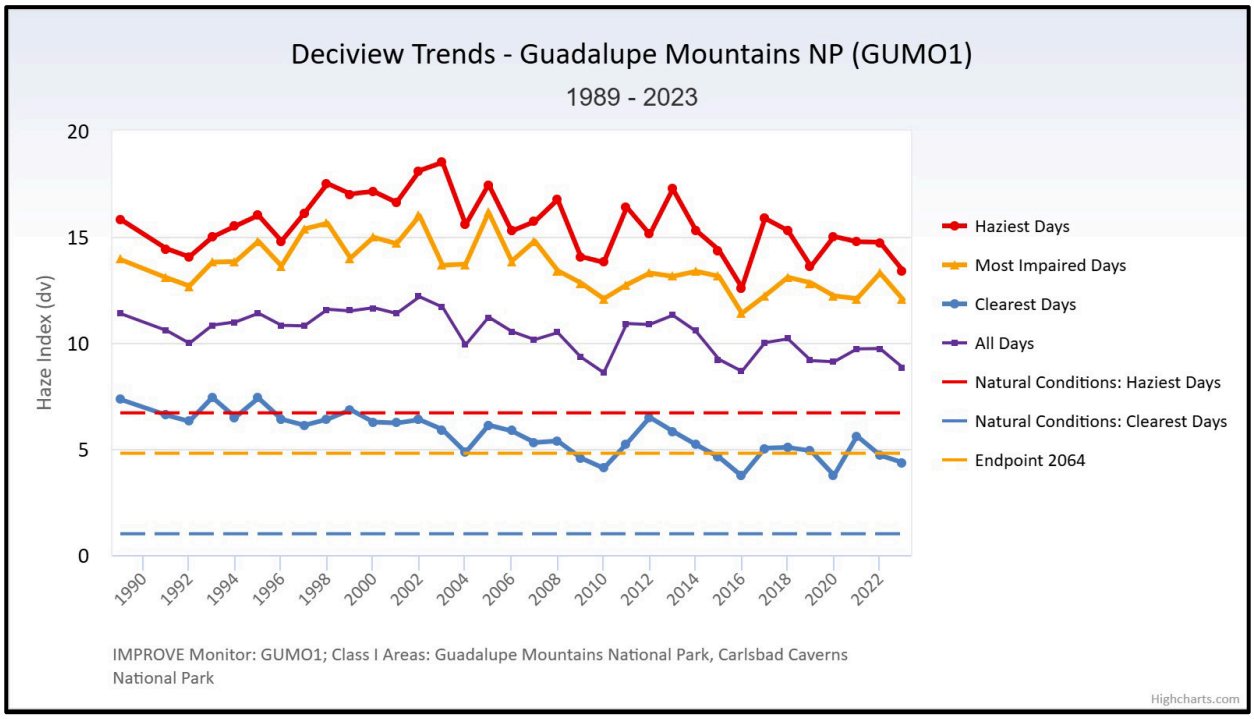


Figure 19. Visibility extinction trends for Guadalupe Mountains National Park, Texas (FED CIRA 2025).

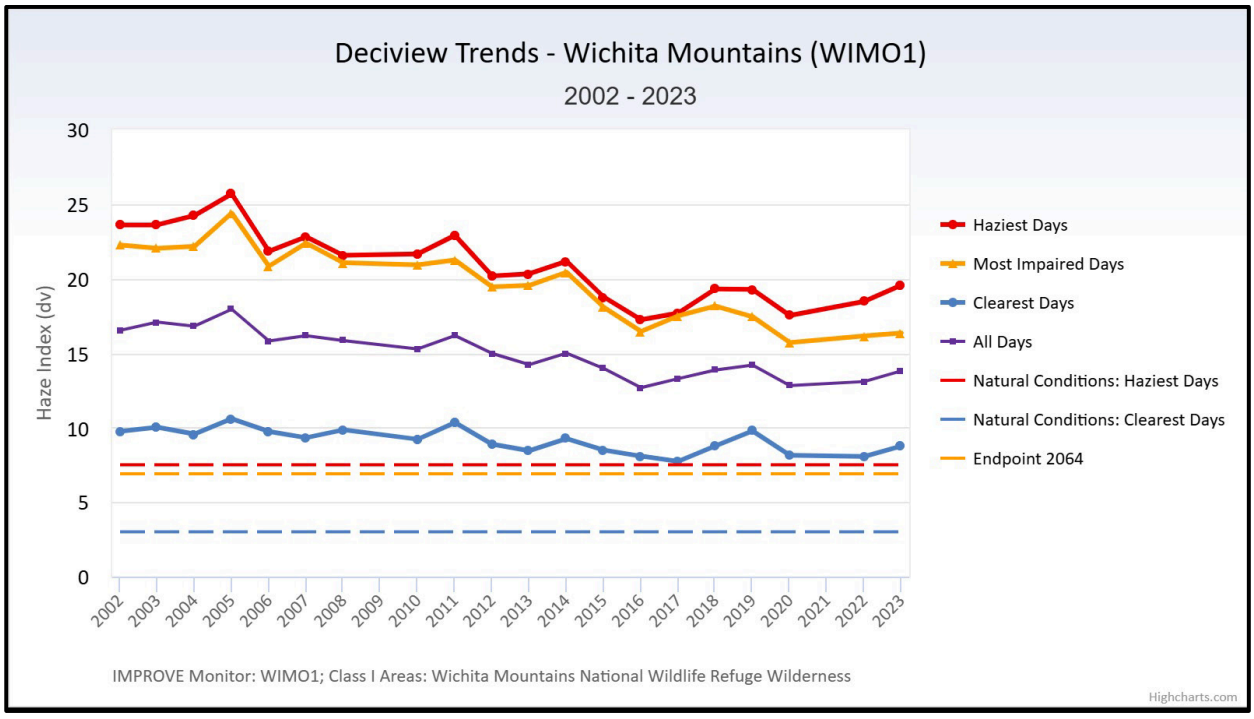


Figure 20. Visibility extinction trends for Wichita Mountains, Oklahoma (FED CIRA 2025).

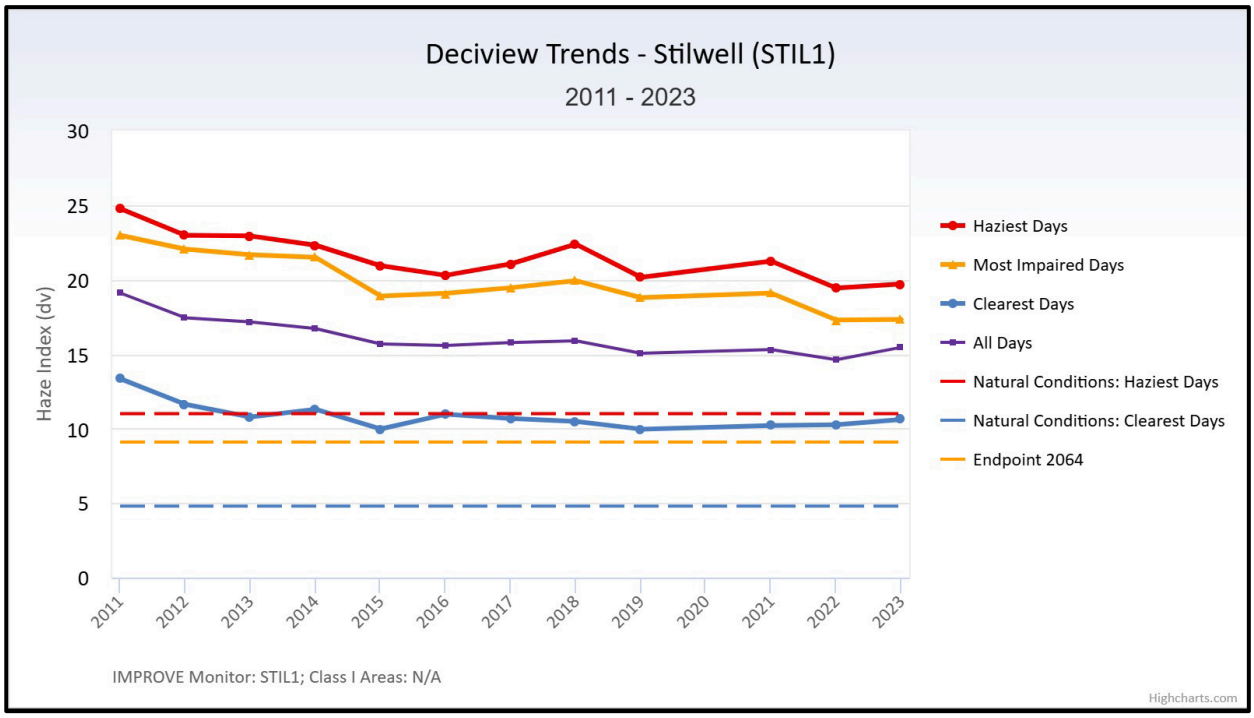


Figure 21. Visibility extinction trends for Kay County (Stilwell), Oklahoma (FED CIRA 2025).

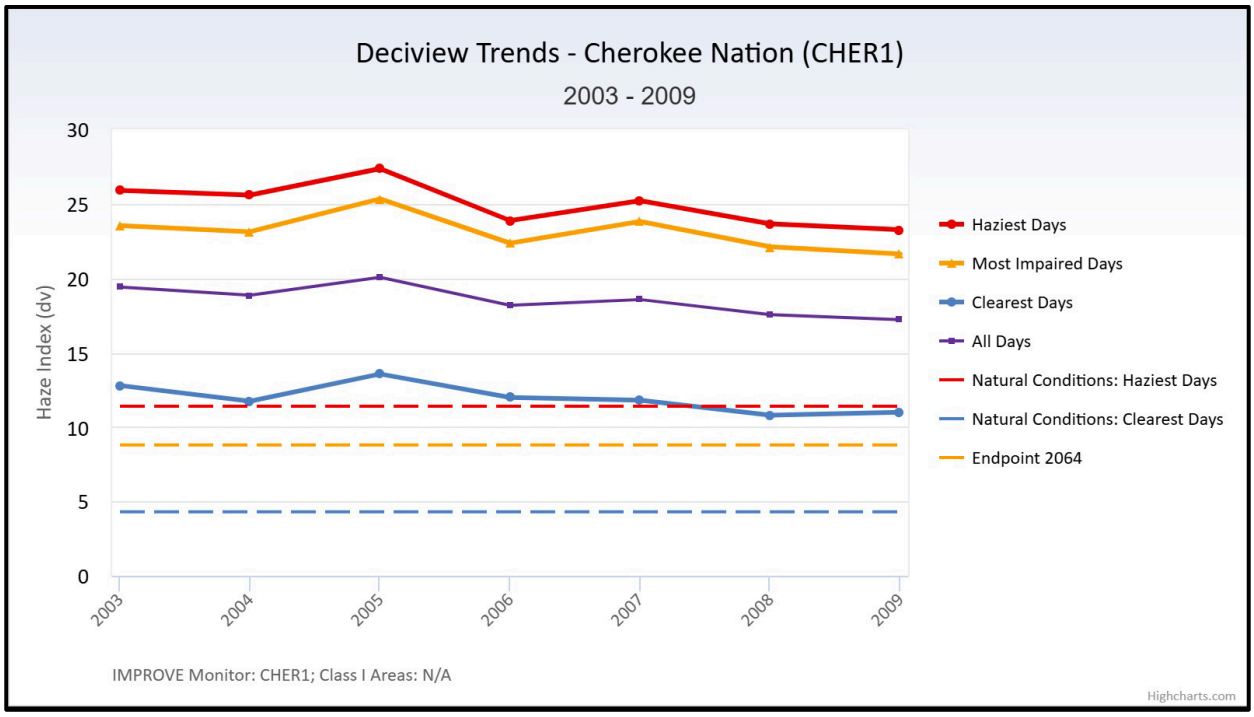


Figure 22. Visibility extinction trends for Kay County (Cherokee Nation), Oklahoma (FED CIRA 2025).

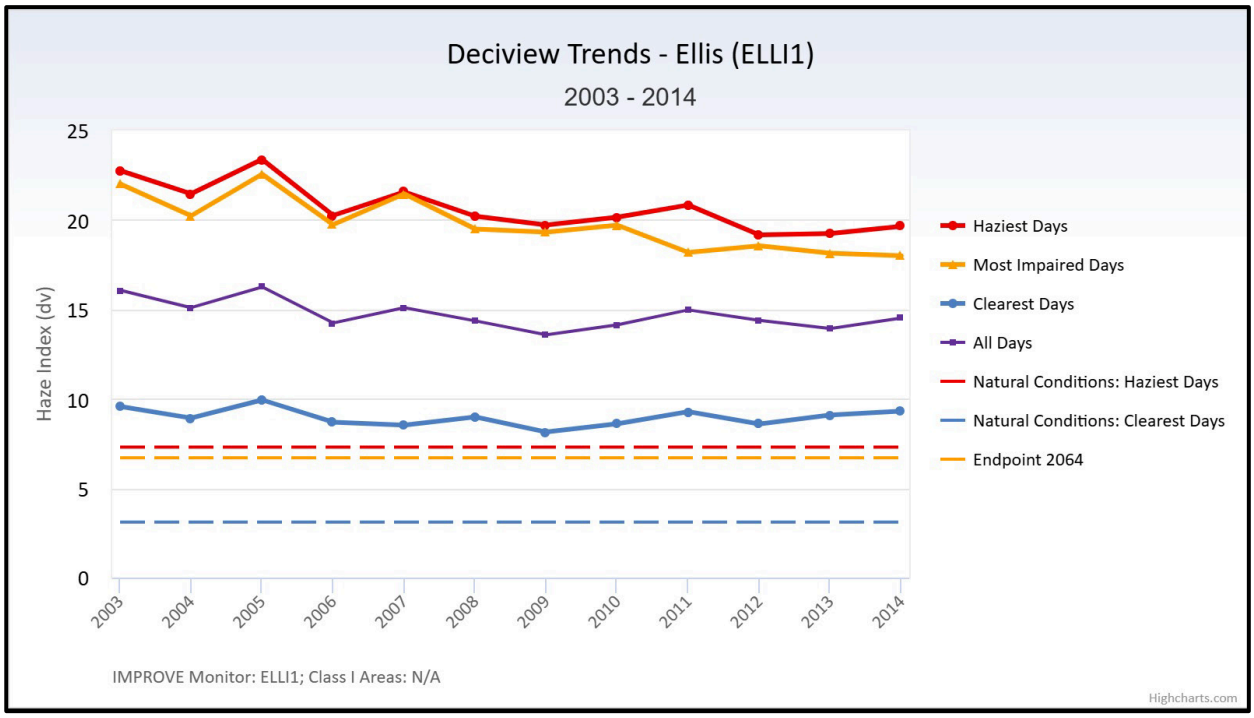


Figure 23. Visibility extinction trends for Ellis County, Oklahoma (FED CIRA 2025).

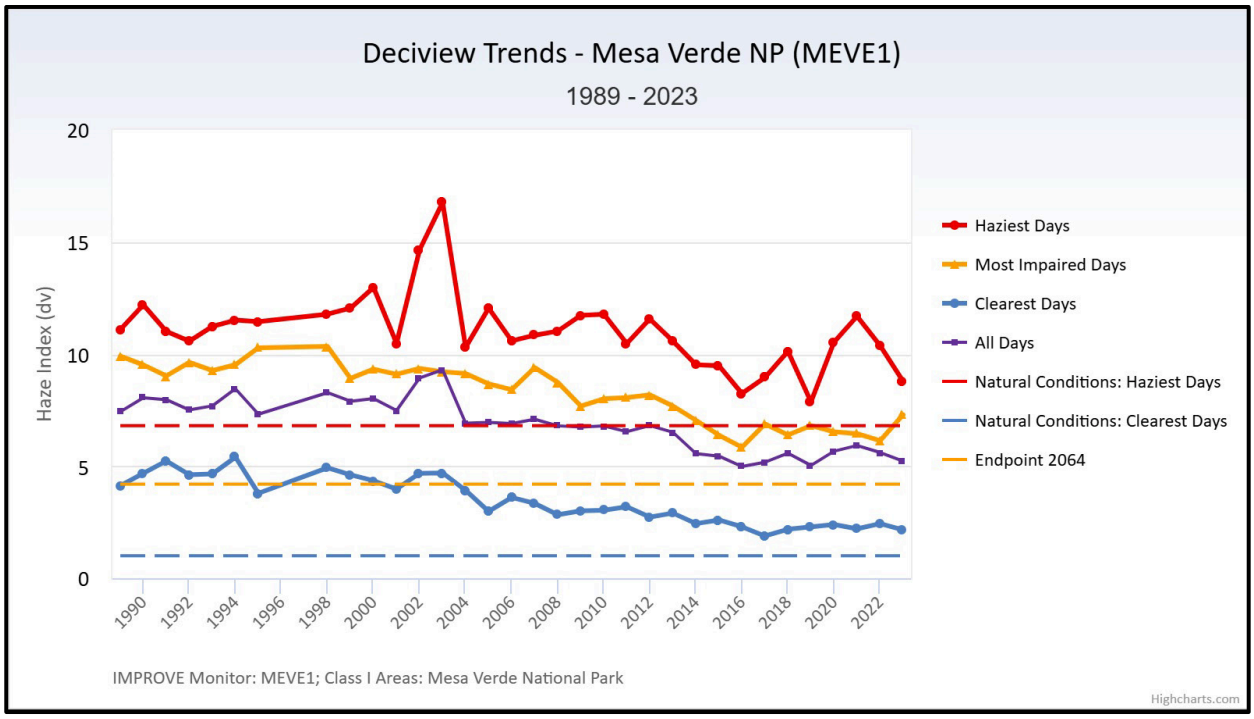


Figure 24. Visibility extinction trends at Class I areas affected by sources in northwestern New Mexico – Mesa Verde National Park, Colorado (FED CIRA 2025).

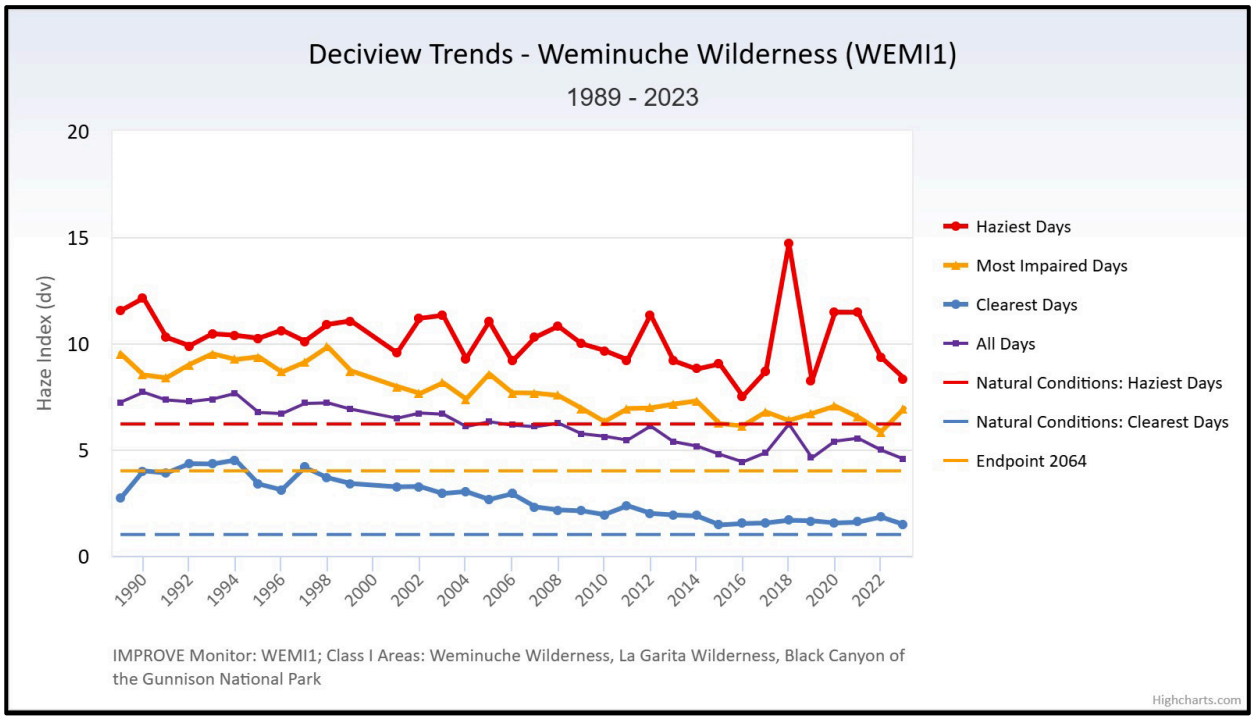


Figure 25. Visibility extinction trends at Class I areas affected by sources in northwestern New Mexico – Weminuche Wilderness, Colorado (FED CIRA 2025).

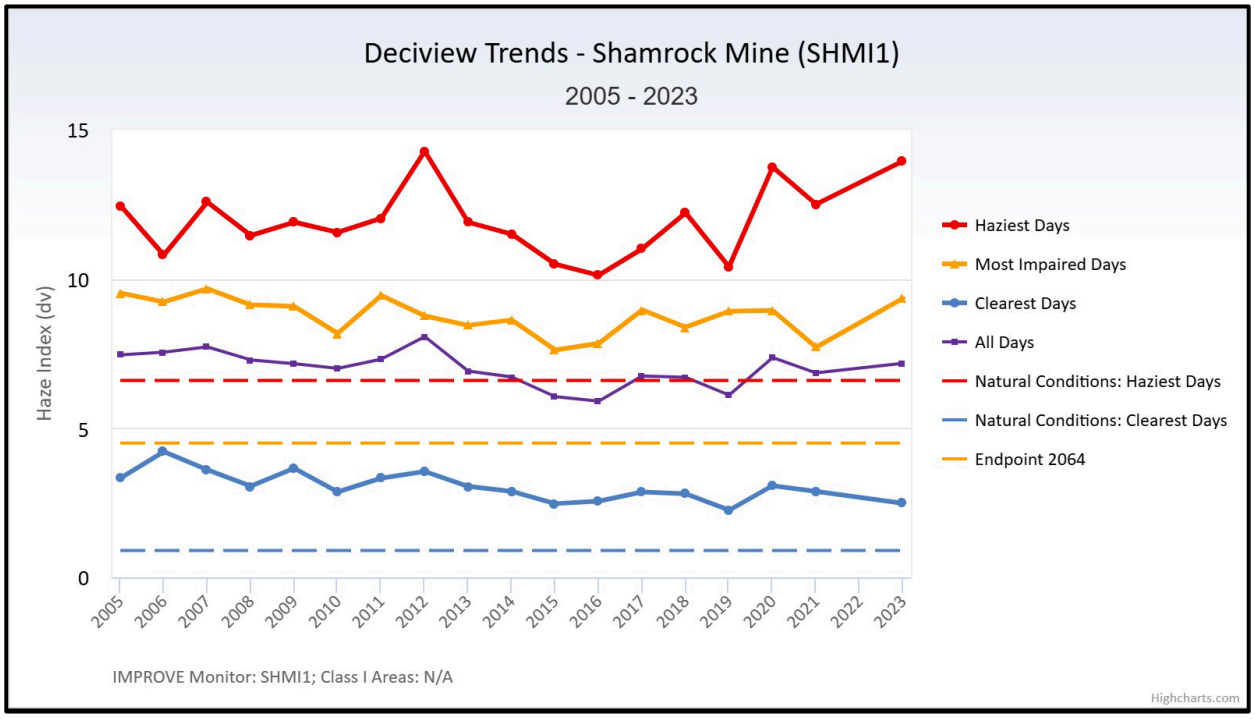


Figure 26. Visibility extinction trends at Class I areas affected by sources in northwestern New Mexico – La Plata County (Shamrock Mine), Colorado (FED CIRA 2025).

Additional monitoring can be found in the *National Atmospheric Deposition Program 2022 Annual Summary* (National Atmospheric Deposition Program [NADP] 2023).

8.3 WET AND DRY POLLUTANT DEPOSITION

Atmospheric deposition occurs when gaseous and particulate air pollutants are deposited on the ground, water bodies, or vegetation. The pollutants may settle as dust or be washed from the atmosphere in rain, fog, or snow. When air pollutants such as sulfur and nitrogen are deposited into ecosystems, they may cause acidification or enrichment of soils and surface waters. Atmospheric nitrogen and sulfur deposition may affect water chemistry, resulting in impacts to aquatic vegetation, invertebrate communities, amphibians, and fish. Deposition can also cause chemical changes in soils that alter soil microorganisms, plants, and trees. Excess nitrogen from atmospheric deposition can stress ecosystems by favoring some plant species and inhibiting the growth of others.

In general, the soils in New Mexico have a high acid-neutralizing capacity and surface water is scarce, resulting in minimal impacts in this area. Also, the EPA Acid Rain Program has resulted in greatly reduced levels of the most damaging pollutants. There are currently two active wet deposition monitors in New Mexico: Mayhill and Bandelier National Monument. In addition, monitors near the New Mexico border at Mesa Verde National Park in Colorado and Guadalupe Mountains National Park in Texas may shed some light on conditions in New Mexico. Data can be accessed through the NADP at https://nadp.slh.wisc.edu/networks/national-trends-network/. Wet deposition data are also available for monitoring sites in Kansas, Oklahoma, and Texas at this website (NADP 2024).

The EPA has operated the Clean Air Status and Trends Network (CASTNET) since 1991 to provide data to assess trends in air quality, deposition, and ecological effects due to changes in air emissions. Sites are in areas where urban influences are minimal. There are currently two CASTNET observation sites in New Mexico, three in Texas, two in Kansas, and one in Oklahoma. There is also a CASTNET site at Mesa Verde National Park in the Four Corners region. National maps of pollutant concentrations can be found at https://www3.epa.gov/castnet/airconc.html. These maps show that New Mexico and most of the western states have much lower concentrations of all monitored pollutants than the eastern states and Southern California. Nitrates are somewhat elevated in eastern Kansas and eastern Oklahoma, but this is likely associated with agricultural activities rather than oil and gas development. The maps also show that the trend over the past 30 years has been for decreases in all pollutants in most areas of the country. As an example, Figure 27 and Figure 28 show particulate nitrate and sulfate levels for 2000 and 2023 (EPA 2025o). All areas of the eastern United States have shown significant improvement, with an overall 73% reduction in wet sulfate deposition from 2000–2002 to 2020–2022. Between 2000–2002 and 2020–2022, the Northeast and Mid-Atlantic experienced a 78% reduction in wet sulfate deposition, and the south-central region experienced a 44% reduction. SO_2 emissions reductions and the consequent decrease in the formation of sulfates that are transported long distances have resulted in significantly reduced sulfate deposition in the Northeast. The sulfate reductions documented in the region, particularly across New England and portions of New York, were also affected by SO_2 emissions reductions in eastern Canada. Wet deposition of inorganic nitrogen decreased an average of 29% in the Mid-Atlantic and 37% in the Northeast but stayed neutral in the Rocky Mountain and north and south-central regions from 2000–2002 to 2020–2022. These neutral trends in the Rocky Mountain and north and south-central regions reflect increases in wet deposition of reduced nitrogen, combined with decreases in deposition of oxidized nitrogen between 2000 and 2022. Reductions in nitrogen deposition recorded since the early 1990s have been less pronounced than those for sulfur. Emissions from other source categories (e.g., mobile sources, agriculture, biomass burning, and manufacturing) contribute to air concentrations and deposition of nitrogen. The reduction in total sulfur deposition (wet plus dry) in

the eastern United States was 82% from 2000–2002 to 2020–2022, a change of similar magnitude to that of wet sulfate deposition. In the south-central region, total sulfur deposition experienced a 51% reduction. Total NO_X deposition decreased 59% in the East and 40% in the south-central region. In contrast, total deposition of NH_X increased by an average of 43% in the East and 91% in the south-central region from 2000–2002 to 2020–2022 (EPA 2024f). Figure 29 through Figure 32 show the total nitrate and total dry and wet sulfur deposition trends through 2021. These trends in deposition levels are discussed in depth in the 2025 CASTNET annual network plan (EPA 2025p), *CASTNET 2021 Annual Report* (EPA 2021c) and *CASTNET 2023 Annual Report* (EPA 2025q).

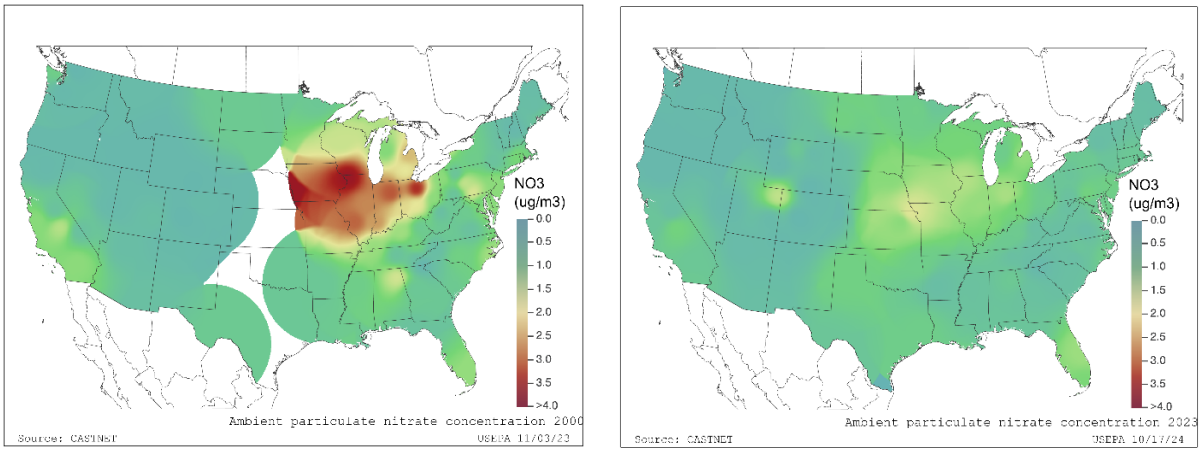


Figure 27. Particulate nitrate in 2000 (left) and 2023 (right) (EPA 2025q).

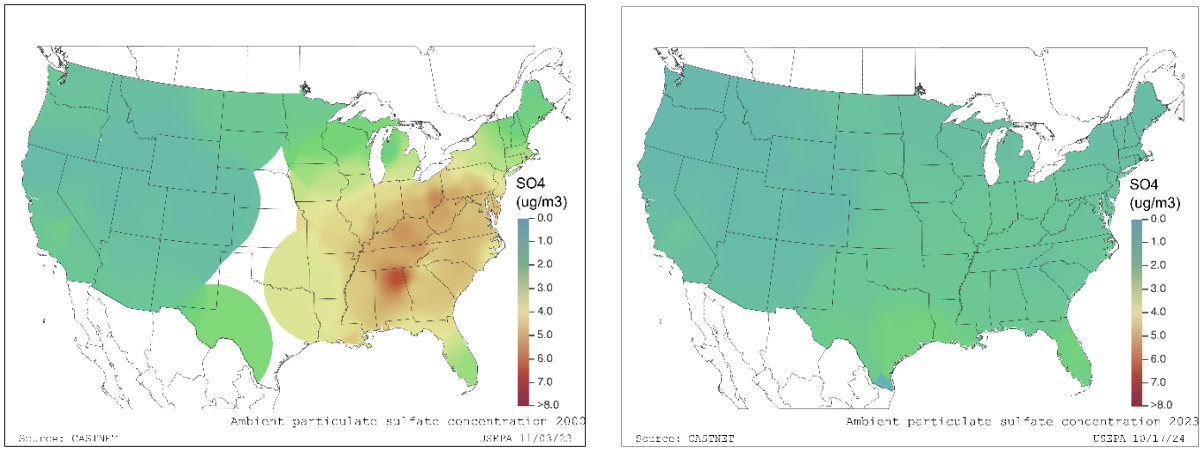


Figure 28. Particulate sulfate in 2000 (left) and 2023 (right) (EPA 2025q).

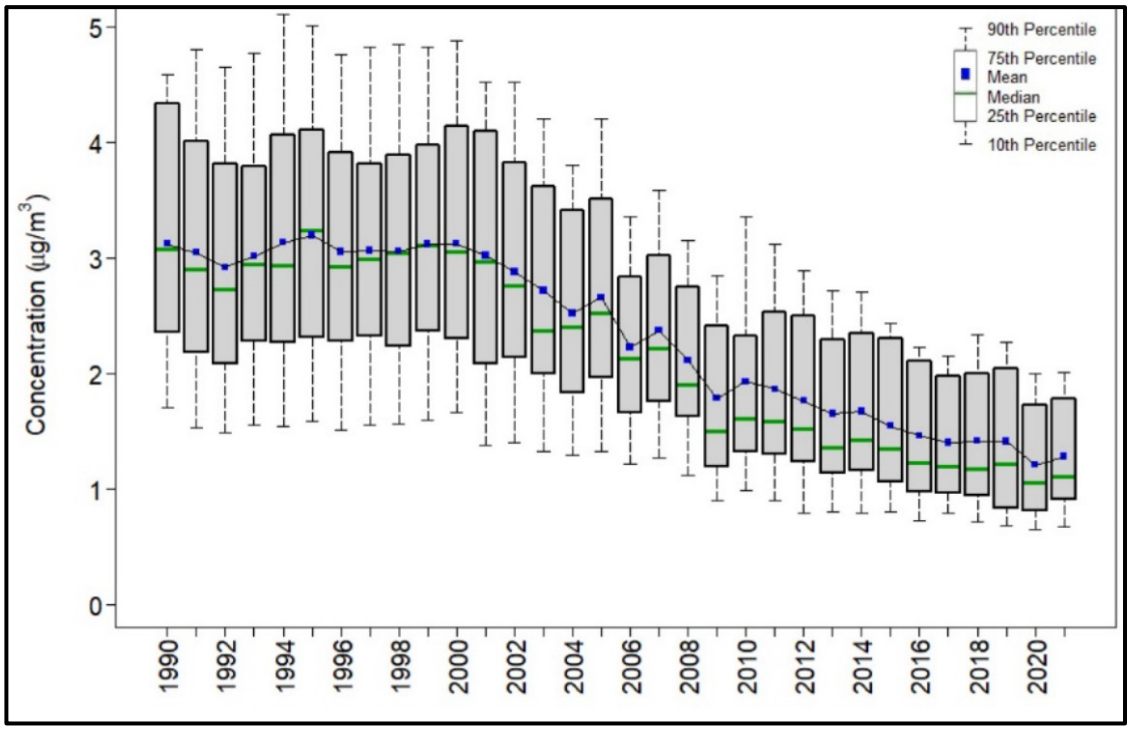


Figure 29. Annual mean total nitrate concentration, eastern reference sites, 1990–2021 (EPA 2021c).

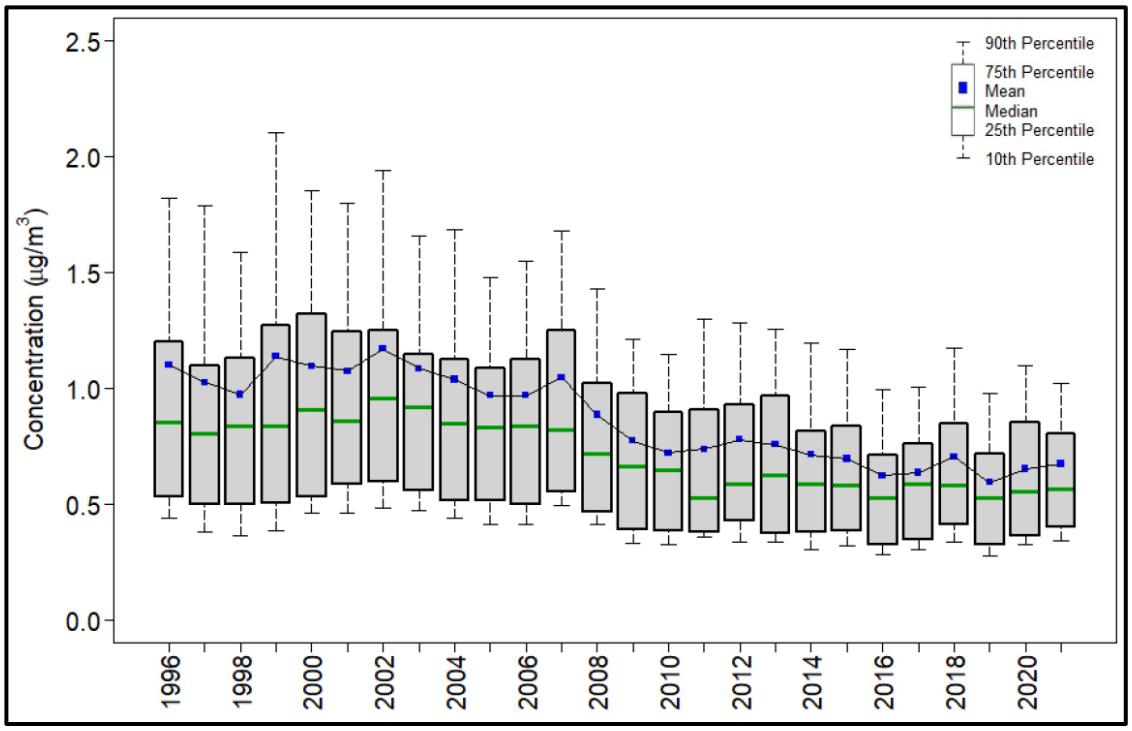


Figure 30. Annual mean total nitrate concentration, western reference sites, 1996–2021 (EPA 2021c).

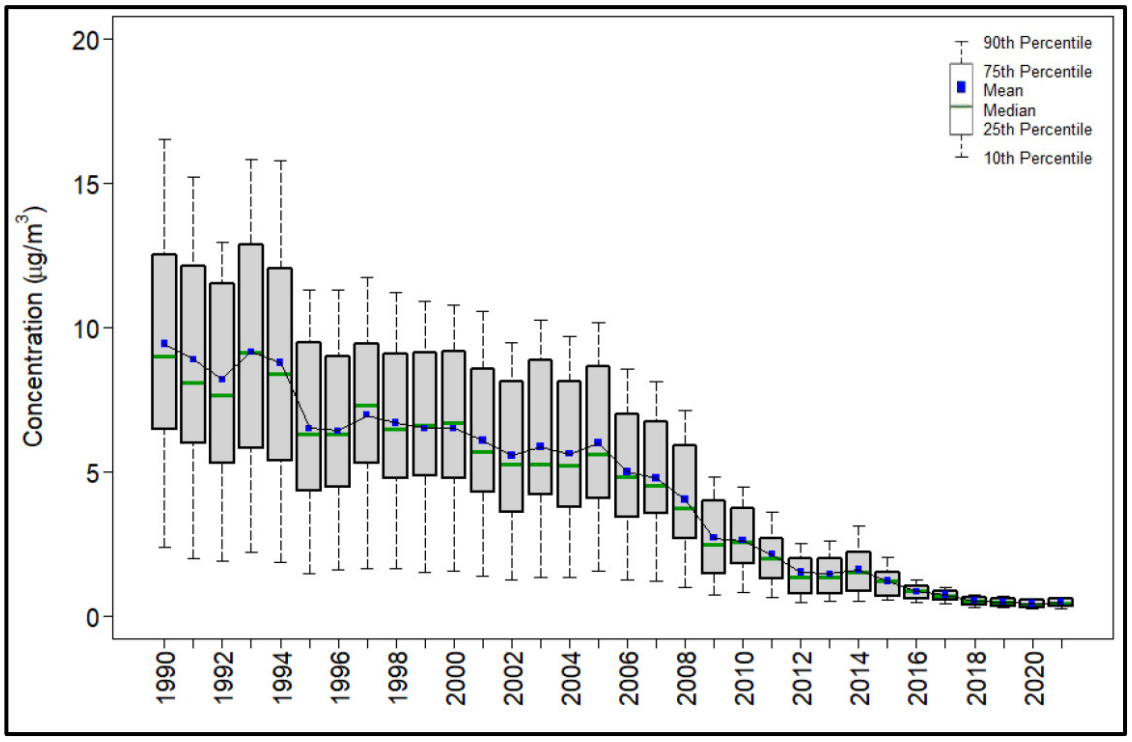


Figure 31. Annual mean SO_2 concentration, eastern reference sites, 1990–2021 (EPA 2021c).

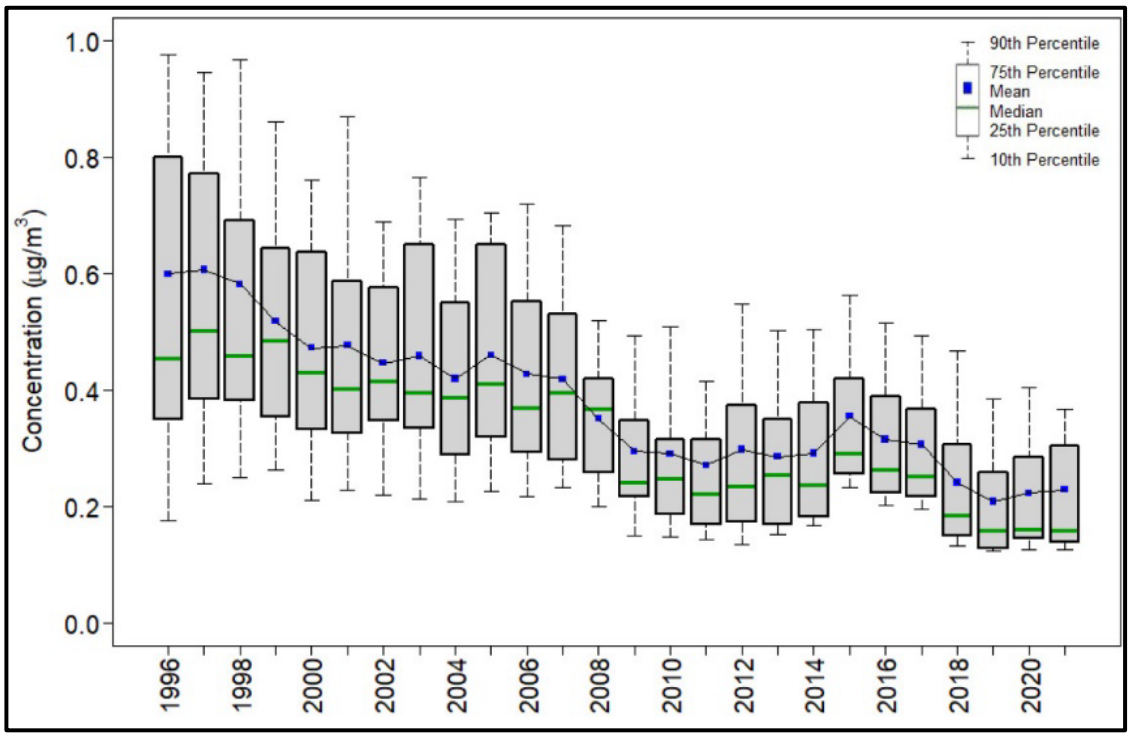


Figure 32. Annual mean SO_2 concentration, western reference sites, 1996–2021 (EPA 2021c).

The NPS also monitors and evaluates deposition to identify the national parks and monuments that are most at risk and to determine where conditions are declining or improving (NPS 2022). Nitrogen

deposition conditions, which are 5-year averages from 2018 through 2022, were fair to poor, though trend data were unavailable for many locations (Table 77). Sulfur deposition conditions were good to poor with trend data also unavailable for most locations. Additional deposition information can be found at http://www.nationalforestairqualityconditions.com/ for USFS lands.

Table 77. Nitrogen and Sulfur Deposition Conditions at Class I Areas

State	Class I Area	Nitrogen (conditions/trend)	Nitrogen Deposition*† (kg/ha/yr)	Sulfur (conditions/trend)	Sulfur Deposition*† (kg/ha/yr)
New Mexico	Bandelier National Monument	Fair / Relatively unchanging	2.7	Good / Improving	0.7
	Bosque del Apache National Wildlife Refuge	N/A	N/A	N/A	N/A
	Carlsbad Caverns National Park	Poor / N/A	2.0	Poor / N/A	1.0
	Gila Wilderness	Poor / N/A	1.7	Good / N/A	0.5
	Pecos Wilderness	Poor / N/A	1.8	Good / N/A	0.5
	Salt Creek Wilderness	N/A	N/A	N/A	N/A
	San Pedro Parks Wilderness	N/A	N/A	N/A	N/A
	Wheeler Peak Wilderness	N/A	N/A	N/A	N/A
	White Mountain Wilderness	N/A	N/A	N/A	N/A
Texas	Big Bend National Park	Poor / Relatively unchanging	2.3	Fair / Relatively unchanging	1.1
	Guadalupe Mountains National Park	Poor / Relatively unchanging	2.6	Fair / Relatively unchanging	1.3
Oklahoma	Wichita Mountains Wilderness	N/A	N/A	N/A	N/A
Colorado	Mesa Verde National Park	Fair / Relatively unchanging	2.3	Good / Improving	0.6
	Weminuche Wilderness	N/A	N/A	N/A	N/A

Source: NPS (2022)

Note: N/A = not available due to lack of monitoring data

* The NPS sulfur and nitrogen deposition benchmarks are good (<1.0 kilogram per hectare per year [kg/ha/yr]), fair (1.1–2.9 kg/ha/yr), and poor (>3.0 kg/ha/yr).

† These values are based on the 5-year average (2018–2022) maximum estimated kilograms per hectare per year of wet sulfur and nitrogen deposition compared to NPS deposition benchmarks (NPS 2022).

9 PAST, PRESENT, AND REASONABLY FORESEEABLE FUTURE ACTIONS

More specific information about sources in New Mexico oil and gas producing regions that have the greatest impacts on air quality and GHGs is included below. The Department of Interior defines affected environment as "the environmental conditions that would prevail in the absence of the implementation of the proposed action or action alternatives. It includes any reasonably foreseeable environmental trends and planned actions in the area to be affected by implementation of the proposed action or action alternatives"—see 516 Departmental Manual (DM) 1, *U.S. Department of the Interior Handbook of National Environmental Policy Act Implementing Procedures* page 23 (DOI 2025).

9.1 CURRENT AND REASONABLY FORESEEABLE CONTRIBUTIONS TO CUMULATIVE EFFECTS

A list of major sources (sources emitting more than 100 tpy of CO, VOC, NO_x, SO_2, $PM_{2.5}$, or PM_{10}) in New Mexico, Kansas, Oklahoma, and Texas can be found in Appendix D. Any of these sources may contribute to cumulative effects within a local or regional context. All major sources represent emissions from the 2020 NEI Report (EPA 2023h).

10 CLIMATE, CLIMATE TRENDS, AND GREENHOUSE GASES

The BLM Specialist Report (BLM 2024a) presents the estimated emissions of GHGs attributable to fossil fuels produced on land and mineral estate managed by the BLM and will be referenced throughout this report. The BLM Specialist Report is focused on estimating GHG emissions from coal, oil, and gas development that is occurring and is projected to occur on the federal onshore mineral estate.
The report includes a summary of emissions estimates from reasonably foreseeable federal fossil fuel development and production over the next 12 months, as well as longer-term assessments of potential federal fossil fuel GHG emissions and the anticipated climate trend resulting from the cumulative global GHG burden. The report can provide context by disclosing cumulative impacts of GHG emissions from fossil fuel energy leasing and development authorizations on the federal onshore mineral estate relative to several emission scopes and base years. A detailed discussion of climate trend science and predicted impacts (Section 4.0), including past and present climate impacts (Section 4.2) and climate trends in select states with BLM-authorized fossil fuels (Section 4.4), as well as the existing and reasonably foreseeable GHG emissions associated with BLM actions (Section 7.0), are included in the BLM Specialist Report.

10.1 CLIMATE AND CLIMATE TRENDS

Climate refers to atmospheric conditions (e.g., temperature, humidity, pressure, precipitation, solar radiation, wind) at a particular location averaged over a long period of time. Climatologists commonly use 30-year averages of variables, such as temperature and precipitation, as benchmarks for historical comparison and climate trend assessment. NOAA National Centers for Environmental Information (NCEI) Climate Normals are 3-decade averages of climatological variables, including temperature and precipitation, updated every 10 years, with the 1991–2020 U.S. Climate Normals dataset serving as the latest release. It contains average daily and monthly temperature, precipitation, snowfall, heating and cooling degree days, frost/freeze dates, and growing degree days calculated from observations at approximately 15,000 stations (NCEI 2023a). Climate Normals representative for each field office are found in the Climate Normals section of Appendix C. Prevailing wind information is also presented in wind roses in Appendix C but is available only for airports with continuous measurements. Wind roses are polar plots that visually present wind speed and direction.

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Trend analysis is a technique used to estimate future conditions based on historical trends. The main assumption behind trend analysis is that what happened in the past is expected to happen in the future. Average temperature and precipitation and trend information for each New Mexico, Kansas, Oklahoma, and Texas climate division is compiled from the Climate at a Glance website (NCEI 2024a). The averages for the most recent climate normal period (1991–2020) are also presented for comparison to the average of all data from 1895 to 2024. Graphical representation of historical annual total precipitation (1895–2024) and trends and historical annual average temperature (1895–2024) and trends are provided in Appendix C.

The driver for the buildup of heat within the climate system is best described in terms of radiative forcing (RF). The term describes the energy balance (i.e., equilibrium), or the difference between solar radiation absorbed by Earth and the energy radiated back to space that will occur given the heliophysics of the sun-earth system and the basic laws of thermodynamics.

Earth's climate system is complex and interwoven in ways that are not yet fully understood. There are several known climate feedback mechanisms that add uncertainty in terms of timing (fast and slow feedbacks) and overall sensitivity within the evaluation of the climate system. Sensitivity refers to the amount of positive or negative feedback that occurs in response to a given forcing. The feedbacks and processes connecting RF to a climate response can operate on a wide range of time scales. Reaching temperature equilibrium in response to anthropogenic activities (emissions and land use changes) takes decades or longer because some of the climate components—in particular, the oceans—are slow to respond due to their large thermal masses and the long time scale of circulation between the ocean surface and the deep ocean. Some of the latest available climate feedback research indicates that relatively small changes in RF can initiate strong responses in some feedback components. This suggests that some of these mechanisms, and the climate in general, may have a higher sensitivity than is currently understood. As with the forcing components, there are also positive and negative feedback mechanisms, and there is a relatively wide range of uncertainty concerning estimates of climate sensitivity that leaves the subject open to further investigation. Section 4.1 of the BLM Specialist Report provides additional information on climate forcing and feedback.

10.2 GREENHOUSE GASES

Anthropogenic GHGs are commonly emitted air pollutants that include CO_2, CH_4, nitrous oxide (N_2O), and several fluorinated species of gases such as hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). CO_2 is by far the most abundant, and more than two-thirds of human-made CO_2 emissions in the United States come primarily from the transportation and electricity production sectors. CH_4 from human activities accounts for approximately 10% of total U.S. GHG emissions and results primarily from agriculture and natural gas and petroleum systems. N_2O emissions from agriculture, fuel combustion, and industrial sources account for approximately 7% of the U.S. total GHG emissions. Sections 3.1 through 3.3 of the BLM Specialist Report provide more details on these three GHG pollutants.

Atmospheric concentrations of naturally emitted GHGs have varied for millennia, and Earth’s climate fluctuated accordingly. However, since the beginning of the industrial revolution around 1750, human activities have significantly increased GHG concentrations and introduced human-made compounds that act as GHGs in the atmosphere. Concentrations of CO_2, CH_4, and N_2O are now substantially higher than concentrations found in various ice cores dating back to the past 800,000 years. From preindustrial times until today, the global average concentrations of CO_2, CH_4, and N_2O in the atmosphere have increased by around 51%, 166%, and 25%, respectively. Table 78 shows the average global

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concentrations of CO_2, CH_4, and N_2O in 1750, 2011, and 2024. Atmospheric concentrations of GHGs are reported in ppm and ppb. Section 4.1 of the BLM Specialist Report provides additional information on historical GHG estimates and the NOAA-published Annual Greenhouse Gas Index (AGGI). The AGGI was developed to provide an easily understood standard for expressing the climate-warming influence of long-lived GHGs. Specifically, the AGGI is the ratio of the total direct climate forcing from measured long-lived GHG concentrations compared to the 1990 baseline year. The AGGI for 2023 was 1.52, which corresponds to a CO_2 equivalent atmospheric concentration of 534 ppm. This represents a 52% increase to climate forcing since 1990 and a 1.6% increase over 2022 levels. Whereas the AGGI does not predict the amount Earth's climate has warmed, it does provide a measure of the effect of GHG emissions on the climate system.

Table 78. Average Global Concentrations of GHGs in Select Years

Greenhouse Gas	Preindustrial 1750	2011	2024	Increase 1750–2024
CO_2	278 ppm	391 ppm	425 ppm*	53%
CH_4	722 ppb	1,803 ppb	1,930 ppb†	167%
N_2O	270 ppb	324 ppb	338 ppb†	25%

* The atmospheric CO_2 concentration is the 2024 annual average at the Mauna Loa, Hawaii, station (NOAA 2025). The global atmospheric CO_2 concentration, computed using an average of sampling sites across the world, was 423 ppm in 2024 (NOAA 2025).

† The values presented for CH_4 and N_2O are global 2024 annual average mole fractions (NOAA 2025).

10.3 OTHER GASES, ATMOSPHERIC AEROSOLS, AND PARTICULATES

Several gases do not have a direct effect on climate trends but indirectly affect the absorption of radiation by impacting the formation or destruction of GHGs. These gases include CO, NO_X, and non-CH_4 VOCs. Fossil fuel combustion and industrial processes account for most emissions of these indirect GHGs. Unlike other GHGs, these gases are short-lived in the atmosphere.

Atmospheric aerosols (PM) also contribute to climate trends. Aerosols directly affect climate by scattering and absorbing radiation (aerosol-radiation interactions) and indirectly affect climate by altering cloud properties (aerosol-cloud interactions). PM_{10} typically originates from natural sources and settles out of the atmosphere in hours or days. $PM_{2.5}$ often originates from human activities such as fossil fuel combustion. These so-called fine particles can exist in the atmosphere for several weeks and have local short-term impacts on climate. Aerosols can also act as cloud condensation nuclei, the particles upon which cloud droplets form.

Light-colored particles, such as sulfate aerosols, reflect and scatter incoming solar radiation, having a mild cooling effect, while dark-colored particles (often referred to as soot or black carbon) absorb radiation and have a warming effect (NASA 2010). There is also the potential for black carbon to deposit on snow and ice, altering the surface albedo (or reflectivity), and enhancing melting (Kang et al. 2020).

10.4 THE NATURAL GREENHOUSE EFFECT

The natural greenhouse effect is critical to the discussion of climate trends. The greenhouse effect refers to the process by which GHGs in the atmosphere absorb heat energy radiated by Earth's surface. Water vapor is the most abundant GHG, followed by CO_2, CH_4, N_2O, and several trace gases. Each of these

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GHGs exhibit a particular "heat trapping" effect, which retains additional heat in the atmosphere that would otherwise be radiated into space. The greenhouse effect is responsible for Earth's warm atmosphere and temperatures suitable for life on Earth. Different GHGs can have different effects on Earth's warming due to their ability to absorb energy (radiative efficiency) and how long they stay in the atmosphere (lifetime). Without the natural greenhouse effect, the average surface temperature of Earth would be about zero degrees Fahrenheit (°F). Water vapor is often excluded from the discussion of GHGs and climate trends since its atmospheric concentration is largely dependent upon temperature rather than being emitted by specific sources.

11 GREENHOUSE GAS REGULATORY ANALYSIS

11.1 FEDERAL RULES

Originally, the NSPS OOOOa – Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced after September 18, 2015, and on or Before December 6, 2022, draft and rule were promulgated to regulate VOCs and GHG (CH_4) emissions from specific sources within the oil and natural gas industry, which would have included new, modified, and reconstructed compressors, pneumatic controllers, pneumatic pumps, storage vessels, well completions, fugitive emissions from well sites and compressor stations, and equipment leaks at natural gas processing plants. NSPS OOOO – Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced after August 23, 2011, and on or Before September 18, 2015, requires reduction of VOCs from well completion operations and storage tanks constructed after August 23, 2011. NSPS OOOOa requires reduction of VOCs from well completion operations from new or refractured hydraulically fractured wells and requires reduction of storage tank emissions by 95% for tanks constructed after September 18, 2015, with emissions greater than 6 tpy of VOCs (which has the co-benefit of reducing CH_4 emissions as well). NSPS OOOOa also imposes semiannual leak detection and repair requirements for the collection of fugitive emission components at well sites constructed after September 18, 2015, that produce more than 15 barrels of oil equivalent (boe) per day. NSPS OOOOa also requires scheduled maintenance and/or emission control devices for reciprocating and centrifugal compressor venting at compressor stations and includes provisions to limit emissions from natural gas pneumatic devices and pumps. In September 2018 and August 2019, the EPA proposed changes to the rule to modify, amend, and/or rescind requirements for the 2012 and 2016 NSPS for the oil and gas industry, which have been incorporated into the final rule as of September 14, 2020. Following the 2020 amendment to OOOO and OOOOa, fugitive emissions monitoring is required only for those wells producing greater than 15 boe per day. These provisions aim to reduce fugitive emissions of VOCs at oil and gas facilities.

On March 8, 2024, the EPA published a final rule, NSPS OOOOb—Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After December 6, 2022, that will sharply reduce emissions of CH_4 and other harmful air pollution from oil and natural gas operations—including, for the first time, from existing sources nationwide. The final action includes NSPS to reduce CH_4 and smog-forming VOCs from new, modified, and reconstructed sources. It also includes emissions guidelines, which set procedures for states to follow as they develop plans to limit CH_4 from existing sources (Subpart OOOOc). In May 2024, the EPA notified petitioners that it is granting reconsideration on two aspects of its final NSPS OOOOb in response to petitions from industry. The reconsideration will address narrow technical issues raised by industry petitioners related to monitoring and emergency operations for flares that were included in the final rule, which was published March 8, 2024. Through the reconsideration process, the EPA intends to propose and take public comment on minor changes to the final rule in response to these petitions. Together, 40 C.F.R. §

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60, Subparts OOOO thru OOOOc, serve to control CH_4 emissions from oil and natural gas industry sources by requiring reduced emissions completions ("green" completions) on new hydraulically fractured gas wells as well as emissions controls on pneumatic controllers, pumps, storage vessels, and compressors. The EPA estimates the updated rules will avoid 58 million tons of CH_4 emissions, 16 million tons of VOCs, and approximately 590,000 tons of air toxics until 2038. On July 28, 2025, the EPA issued an interim final rule to extend certain compliance deadlines associated with NPS OOOOb and NPS OOOOc. In this interim final rule, the EPA is establishing more practical timelines for owners and operators of new and modified oil and natural gas sources nationwide. The agency is also extending the deadline for states to submit plans under the 2024 Emissions Guidelines, which aim to reduce CH_4 emissions from hundreds of thousands of existing sources across the country.

11.2 PREVENTION OF SIGNIFICANT DETERIORATION AND TITLE V

GHGs became regulated pollutants on January 2, 2011, under the PSD and Title V Operating Permit programs because of their contribution to global climate trend effects. These gases absorb energy emitted from Earth's surface and re-emit a larger portion of the heat back to Earth, rather than allowing the heat to escape into space, than would be the case under more natural conditions. The EPA GHG Tailoring Rule (40 C.F.R. §§ 51, 52, 70, et al.) set initial emissions thresholds for PSD and Title V permitting based on carbon dioxide equivalent (CO_2e). These thresholds apply to stationary sources that emit greater than 100,000 tons CO_2e per year (e.g., power plant, landfill) or modifications of major sources with a resulting emissions increase greater than 75,000 tons CO_2e per year. However, it is important to note that PSD requirements only apply to GHG emissions from sources that are otherwise required to obtain a PSD permit because they have the potential to emit large amounts of conventional pollutants.

In addition to the Tailoring Rule, the EPA requires reporting of GHGs from facilities with stationary sources that emit 25,000 tons of CO_2e per year or more in the United States. The Mandatory Reporting Rule (40 C.F.R. § 98, Subpart C) does not require control of GHGs; it only requires that sources above the threshold levels monitor and report emissions. Facilities used for injecting CO_2 for geological sequestration must report net emissions regardless of quantity (40 C.F.R. § 98, Subpart RR). This provides a basis for future EPA policy decisions and regulatory initiatives regarding GHGs. Section 2 of the BLM Specialist Report provides additional regulations and policies for GHGs (BLM 2024a).

12 GREENHOUSE GAS EMISSIONS

Common air emissions related to oil and gas activities include CO_2, CH_4, and N_2O. Other industries emit more potent GHGs, including several fluorinated species of gases, such as HFCs, PFCs, and SF_6. CO_2 is emitted from the combustion of fossil fuels (oil, natural gas, and coal), solid waste, and trees and wood products and as a result of other chemical reactions (e.g., manufacture of cement). The production and transport of coal, natural gas, and oil emit CH_4, which can also be emitted from coal mining operations, naturally occurring coal CH_4 seepages, releases/leaks from the oil and gas industry, livestock and other agricultural practices, and the decay of organic waste in municipal solid waste landfills. Agricultural and industrial activities emit N_2O, as does the combustion of fossil fuels and solid waste. Fluorinated gases are powerful GHGs that are emitted from a variety of industrial processes and are often used as substitutes for ODS (i.e., chlorofluorocarbons [CFCs], hydrochlorofluorocarbons [HCFCs], and halons), but they are typically not emitted from oil and gas operations. SF_6 is the most potent (highest radiative efficiency) GHG known and is typically used as an insulator in circuit breakers, gas-insulated substations,

and switchgear used in the transmission system to manage the high voltages carried between power-generating stations and customer load centers.

The impact of a given GHG depends both on its RF and how long it lasts in the atmosphere. Each GHG varies with respect to its concentration in the atmosphere and the amount of outgoing radiation absorbed by the gas relative to the amount of incoming radiation it allows to pass through (i.e., RF). Different GHGs also have different atmospheric lifetimes. Some, such as CH_4, react in the atmosphere relatively quickly (on the order of 12 years); others, such as CO_2, typically last for hundreds of years or longer. Climate scientists have calculated a factor for each GHG that accounts for these effects and, when applied, results in CO_2e emissions. This factor is discussed in more detail in the EPA's *Inventory of U.S. Greenhouse Gas Emissions and Sinks, 1990–2022* (EPA Inventory) (EPA 2024g).

Conversion factors for the 20-year time horizon were used to convert the different GHG emissions into CO_2e. CO_2e account for changes in radiative properties, atmospheric lifetimes, and indirect contributions of the different gases. The atmospheric lifetimes and conversion factors for the major GHGs over the 20-year and 100-year time horizons are listed in Table 79.

Table 79. Conversion Factors for CO_2e

Greenhouse Gas	Conversion Factors for 20-Year Time Horizon	Conversion Factors for 100-Year Time Horizon
CO_2	1	1
CH_4	Fossil origin: 82.5 Nonfossil origin: 79.7	Fossil origin: 29.8 Nonfossil origin: 27.0
N_2O	273	273
Select HFCs	N/A	HFC-32: 771 HFC-134a: 4,144
SF_6	N/A	N/A

Sources: EPA (2024g, 2024m, 2025r)*****

Note: N/A = not applicable

12.1 NATIONAL GREENHOUSE GAS EMISSIONS BY SECTOR

It is useful to compare the relative and absolute contributions to climate trends of different GHG emissions, as well as emissions from different regions and countries or sources and sectors. There are several different metrics that can be used for this comparison. A GHG emissions inventory is used to identify and quantify the anthropogenic GHG emissions from different regions and countries or sources and sectors. Using a conversion factor, GHG emissions are often reported in terms of CO_2e.

The EPA publishes the EPA Inventory annually (EPA 2024g). The lowest GHG emissions since reporting began, 6,026.0 million metric tons (megatonnes) (Mt) CO_2e, occurred in 2020, and the peak GHG emissions, 7,477.4 Mt CO_2e, occurred in 2005. The largest source of GHG emissions from human activities in the United States is from burning of fossil fuels for electricity, heat, and transportation. Total gross U.S. emissions decreased by 3.0% from 1990 to 2022; down from a high of 15.2% above 1990 levels in 2007. The latest national GHG emissions are for calendar year 2022, in which total gross U.S. GHG emissions were reported at 6,343.2 Mt CO_2e, representing an increase of approximately 0.2% from the previous year and corresponding to an increase of 14.4 Mt CO_2e from 2021. Net emissions (including

sinks) were 5,489.0 Mt CO_2e in 2022. Net emissions increased by 1.3% from 2021 to 2022 and decreased by 16.7% from 2005 to 2022. Between 2021 and 2022, the increase in total GHG emissions was driven largely by an increase in CO_2 emissions from fossil fuel combustion across most end-use sectors due in part to increased energy use from the continued rebound of economic activity after the height of the coronavirus (COVID-19) pandemic. The CO_2 emissions from fossil fuel combustion increased by 1.0%, CO_2 emissions form natural gas use increased by 5.2%, and CO_2 emissions from petroleum increased by 0.9% from 2021 to 2022. Carbon sequestration in the land use, land-use change, and forestry sector offset 14.5% of total emissions in 2022 (EPA 2024g). Figure 5.4 in Section 5.3 of the BLM Specialist Report provides an illustration of U.S. GHG emissions (Mt/year) from fossil fuel combustion between 1990 through 2022 (BLM 2024a).

Section 5.3, Table 5-1 of the BLM Specialist Report further breaks down GHG emissions by major source category and shows GHG trends from 1990 to 2022. The pollutant categories reported in the annual inventory report include CO_2, CH_4, N_2O, HFCs, PFCs, SF_6, and nitrogen trifluoride (NF_3); source categories vary for each pollutant. The primary GHG emitted by human activities in the United States was CO_2, representing approximately 79.7% of total 2022 GHG emissions on a GWP-weighted basis. The largest source of CO_2 and of overall GHG emissions in 2022 was fossil fuel combustion (4,699 Mt). CH_4 emissions from all sectors (760.8 Mt) accounted for 11.1% of U.S. emissions in 2022. The major sources of CH_4 include natural gas systems, enteric fermentation and manure management associated with domestic livestock, and decomposition of wastes in landfills. N_2O emissions accounted for 6.1% of total GHG emissions in 2022 (398.8 Mt). The agricultural sector, including fertilizers and soil management and manure management, was the largest source of N_2O emissions (BLM 2024a).

The energy sector includes three different subcategories—coal mining, natural gas and petroleum systems, and fossil fuel combustion. The emissions itemized under the coal mining and natural gas and petroleum systems subcategories include emissions for all U.S. sources in each of the categories and are not differentiated by mineral ownership (i.e., federal, state, or private minerals). In 2022, GHG emissions from the coal mining subcategory were 46.1 Mt, a decrease of 2.1% from the previous year (BLM 2024a). The coal mining sector includes emissions from underground mining, surface mining, and post-mining activities. In 2022, GHG emissions from the natural gas and petroleum systems subcategory were 271.3 Mt, a decrease of 4.2% from the previous year. The natural gas and petroleum systems sector includes emissions from oil and gas exploration, production, and processing, as well as other sources. In 2022, the total GHG emissions from the fossil fuel combustion subcategory were 4,699.4 Mt, up 1.0% from the previous year. The fossil fuel combustion sector includes emissions from the use of fossil fuels in transportation, electricity generation, industry, and residential use. Approximately 82% (5,199.8 Mt) of the total emissions was from the energy sector, primarily fossil fuel combustion for transportation and electricity generation (BLM 2024a).

12.2 GLOBAL, NATIONAL, STATE, AND COUNTY GREENHOUSE GAS EMISSIONS

Global and national annual GHG emissions and projections, as well as state annual GHG emissions, are discussed in Section 5.0 of the BLM Specialist Report (BLM 2024a) and calculated in the 2024 GHG Database (BLM 2025). The global, national, and state annual gross GHG emissions are presented in Table 80. Global emissions were obtained from the Emissions Database for Global Atmospheric Research (EDGAR) (EDGAR 2025). National emissions are from the EPA Inventory (EPA 2024g) and Section 5.3, Table 5-1 of the BLM Specialist Report. State emissions for 2022 are from the 2024 GHG Database (BLM 2025) and the EPA interactive tool, the Greenhouse Gas Inventory Data Explorer (EPA 2024h). State emissions for 1990, 2005, and 2017 through 2021 are available in Table 5-2, Section 5.5 of the BLM Specialist Report. Note that national- and state-level data are not yet available for 2023 and 2024.

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Table 80. Annual Global, National, and State Gross GHG Emissions (CO_2e) for 2022

Area	CO_2e (Mt)
Global	53,786.00
Global fossil fuel CO_2	38,522.00
United States	6,343.20
United States fossil fuel CO_2	4,699.40
New Mexico	75.84
New Mexico fossil fuel CO_2	46.74
Oklahoma	133.48
Oklahoma fossil fuel CO_2	82.11
Kansas	109.01
Kansas fossil fuel CO_2	59.27
Texas	873.11
Texas fossil fuel CO_2	594.82

Sources: BLM (2025); EDGAR (2025); EPA (2024g, 2024h [retrieved September 16, 2024]).

County-level GHG emissions information for New Mexico is available in the 2020 NEI and from the EPA Facility Level Information on GHG Tool (FLIGHT) (EPA 2023h, 2024i). The NEI includes emissions data for mobile sources, prescribed fires, and wildfires, whereas FLIGHT includes emissions data for major industrial facilities. Although FLIGHT emissions data are updated annually, the 2020 reporting year is shown here to match the 2020 NEI data. The combined county-level anthropogenic GHG emissions from the NEI and FLIGHT datasets are provided in Table 81. At the county level, emissions information is not readily available for residential, commercial, agriculture, and fugitive sources, but these sources account for the difference in state and county total emissions shown in Table 80 and Table 81. Detailed emissions from all source types for each county are also provided in Appendix A.

Table 81. County-Level GHG Emissions (CO_2e) for the 2020 Reporting Year, New Mexico Counties in the Major Oil and Gas Basin

County	Data Source	CO_2 (tons)	CH_4 (tons)	N_2O (tons)	20-year Total CO_2e (tons)	100-year Total CO_2e (tons)
Chaves	NEI	384,360	30	6	**388,360**	**386,802**
	FLIGHT	84,247	40	48	**100,651**	**98,543**
Total		**468,607**	**70**	**54**	**489,011**	**485,345**
Eddy	NEI	607,292	59	6	**1,231,284**	**1,197,081**
	FLIGHT	844,135	649	1,222	**676,468**	**674,254**
Total		**1,451,427**	**708**	**1,228**	**1,907,752**	**1,871,335**
Lea	NEI	671,095	42	7	**951,197**	**947,621**
	FLIGHT	4,162,410	1,940	2,327	**1,801,179**	**1,703,262**

County	Data Source	CO_2 (tons)	CH_4 (tons)	N_2O (tons)	20-year Total CO_2e (tons)	100-year Total CO_2e (tons)
Total		**4,833,505**	**1,982**	**2,334**	**2,752,376**	**2,650,883**
McKinley	NEI	942,776	68	10	**25,325**	**24,797**
	FLIGHT	760,371	1,858	3,251	**1,086,609**	**1,082,134**
Total		**1,703,147**	**1,926**	**3,261**	**1,111,934**	**1,106,931**
Rio Arriba	NEI	284,211	76	4	**827,552**	**820,271**
	FLIGHT	21,223	10	12	**35,952,691**	**33,902,872**
Total		**305,434**	**86**	**16**	**36,780,243**	**34,723,143**
Sandoval	NEI	1,076,013	85	13	**35,320**	**34,582**
	FLIGHT	32,530	16	21	**388,360**	**386,802**
Total		**1,108,543**	**101**	**34**	**423,680**	**421,384**
San Juan	NEI	812,711	138	13	**613,868**	**610,774**
	FLIGHT	14,220,175	38,896	67,852	**1,231,284**	**1,197,081**
Total		**15,032,886**	**39,034**	**67,865**	**1,845,152**	**1,807,855**
Roosevelt	NEI	168,213	44	3	**4,985,031**	**4,855,493**
	FLIGHT	29,251	14	18	**951,197**	**947,621**
Total		**197,464**	**58**	**21**	**5,936,228**	**5,803,114**

Sources: EPA (2023h, 2024i)

12.3 NATIONAL GREENHOUSE GAS EMISSIONS GREENHOUSE GAS REPORTING PROGRAM

The Greenhouse Gas Reporting Program (GHGRP) is codified by regulation (40 C.F.R. § 98) and requires reporting of GHG data and other relevant information from large GHG emission sources, fuel and industrial gas suppliers, and CO_2 injection sites in the United States. In total, 41 categories are covered by the program. Facilities are generally required to submit annual reports under 40 C.F.R. § 98 if

- GHG emissions from covered sources exceed 25,000 tons (t) CO_2e per year;
- the supply of certain products would result in over 25,000 t CO_2e of GHG emissions if those products were released, combusted, or oxidized; or
- the facility receives 25,000 t or more of CO_2 for underground injection.

The reported data are usually made available to the public in October of each year. It should be noted that the GHGRP does not represent total U.S. GHG emissions but provides facility-level data for large sources of direct emissions, thus representing most of U.S. GHG emissions. The GHGRP data collected from direct emitters represent about half of all U.S. emissions. When including GHG information reported to the GHGRP by suppliers, emissions coverage reaches approximately 85% to 90% (EPA 2024j). The EPA Inventory contains information on all GHG emissions sources and sinks in the United States (EPA 2024g). For more information, please visit https://www.epa.gov/ghgreporting.

12.3.1 COMPRESSOR ENGINES AND STATIONS (MIDSTREAM) REPORTED GREENHOUSE GAS EMISSIONS

Compressor engines link the natural gas pipeline infrastructure that transports natural gas from its source to points of consumption. Table 82 shows the GHG emissions from transmission compressor stations and gas plants for each state where the BLM NMSO has mineral estate (from FLIGHT). Some gas plants and compressor stations emissions may not be reported to FLIGHT because emissions from the plant or station do not exceed the EPA GHG reporting threshold. Additionally, there are gathering compression stations that are not considered point sources under the Mandatory Reporting Rule and are instead reported under the oil and gas gathering and boosting industry segment.

Table 82. 2022 Midstream GHG from Gas Plants and Compressor Stations

State	Number of Reporting Transmission Compressor Stations*	Total GHG Emissions from Reporting Compressor Stations (Mt CO_2e)*	% U.S. Total Reported Compressor Station GHG Emissions*	Number of Reporting Gas Plants**	Total GHG Emissions from Reporting Gas Plants (Mt CO_2e)**	% U.S. Total Reported Gas Plant GHG Emissions**
New Mexico	17	0.74	2.11%	24	3.60	6.10%
Texas	112	5.90	16.86%	208	27.00	45.76%
Oklahoma	20	0.54	1.54%	45	2.50	4.24%
Kansas	22	0.60	1.71%	5	0.70	1.19%

Source: EPA (2024i). Data accessed September 17, 2024.

*Selected petroleum and natural gas systems and natural gas transmission/compression for transmission compressor station values. Total United States GHG emissions from reporting compressor stations is 35 Mt CO2e.

**Selected petroleum and natural gas systems and natural gas processing for gas plants values. Total United States GHG emissions from reporting gas plants is 59 Mt CO2e.

Emissions from the United States oil and gas point sources, which include natural gas processing, natural gas transmission and compression, onshore natural gas transmission pipelines, natural gas local distribution companies, underground natural gas storage, and liquified natural gas storage totaled 109 Mt CO_2e in 2022, which was about 4.04% of the total 2,695 Mt CO_2e emissions reported to EPA for the United States in 2022 (EPA 2024i). Emissions from the onshore oil and gas gathering and boosting segment, which includes compressor stations, meter stations, gathering pipelines, and other miscellaneous midstream oil and gas support facilities, totaled 86 Mt CO_2e in 2022 (EPA 2024i).

12.3.2 REFINERIES (MIDSTREAM) REPORTED GREENHOUSE GAS EMISSIONS

Crude oil produced throughout the BLM NMSO area of operations is transported by pipeline or tanker truck to refineries where the oil is processed into various types of fuel. Table 83 shows the GHG emissions from refineries in each BLM NMSO state.

There are three refineries in New Mexico: one in Jamestown (Gallup Refinery), one in Artesia, and one in Lovington. Kansas has three refineries, Oklahoma has five refineries, and Texas has 31 refineries. Transportation and processing of crude oil and petroleum products result in emissions of various HAPs, criteria pollutants, and GHGs. In 2022, GHG emissions from refineries (total of 135 reporting) accounted

for 164 Mt CO_2e emitted, which is 6.09% of the 2022 total of 2,695 Mt CO_2e emissions reported to EPA (EPA 2024j).

Table 83. 2022 GHG Emissions from Refineries

State	Number of Reporting Refineries	Total GHG Emissions from Reporting Refineries (Mt CO_2e)	% U.S. Total Reported Refinery GHG Emissions
New Mexico	3	0.79n	0.48
Texas	31	55.00	32.73
Oklahoma	5	4.40	2.48
Kansas	3	3.20	1.88

Source: EPA (2024i)

12.3.3 OTHER MAJOR INDUSTRIES GENERATING GREENHOUSE GAS EMISSIONS

Potash mining is another major industry in the BLM CFO planning area. The two potash minerals mined in New Mexico are sylvite (potassium chloride) and langbeinite (potassium-magnesium sulfate). The minerals are mined from two underground mines and one solution mine that involve federal potassium leases in southeastern New Mexico. Potash production produces emissions of various HAPs, criteria pollutants, and GHGs. In 2015, potash mines in southeastern New Mexico emitted 97,140 t CO_2e collectively. This is 0.002% of total U.S. GHG emissions (EPA 2023h). In 2016, CO_2e emissions from other major industries decreased significantly, as some facilities discontinued reporting GHG emissions for valid reasons: operations had ceased, operations were changed such that a process or operation no longer met the reporting criteria, the entire facility or supplier was merged into another facility or supplier that already reports to the GHGRP, the facility reported emissions or quantity of GHG supplied of less than 15,000 t CO_2e for 3 consecutive years, or the facility reported emissions or quantity of GHG supplied of less than 25,000 t CO_2e for 5 consecutive years. For example, in 2019, the reported emissions from intrepid potash were only 8,109 t CO_2e, which is 0.0001% of total U.S. GHG emissions. As of 2021, 0 t CO_2e were reported.

Coal mining and coal-fired power generation are major industries in San Juan County, New Mexico. Coal production produces emissions of various HAPs, criteria pollutants, and GHGs. In 2022, the San Juan Mine reported 0.37 Mt CO_2e, whereas data for the Navajo Mine were not available. In 2022, underground coal mining in the United States contributed 26.5 Mt CO_2e, which is 0.42% of total U.S. GHG emissions (EPA 2024j).

The 2020 NEI data for San Juan County include emissions from the San Juan Generating Station near Waterflow, New Mexico, and the Four Corners Power Plant on Navajo Nation land in Fruitland, New Mexico. Both were major sources under the PSD program and subject to BART requirements to comply with the Regional Haze Rule. Two EGUs at the San Juan Generating Station were shut down in December 2017, and new selective catalytic reduction (SCR) technology was installed on the two remaining EGUs. The 2020 NEI data take into account the EGU shutdowns and the new SCR system technology; subsequently, the San Juan Generating Station was closed in September 2022, removing all EGUs associated with this facility. Two EGUs have been shut down at the Four Corners Power Plant, and the remaining two EGUs had SCR technology installed in 2018. The shutdown of San Juan Generating Station and two EGUs at the Four Corners Power Plant and the installation of SCR technology at the Four Corners Power Plant are expected to result in significant emissions reductions.

In Texas, EGUs in O_3 nonattainment areas (Beaumont-Port Arthur, Dallas-Fort Worth, and Houston-Galveston-Brazoria) are required to limit NO_x emissions from utility boilers, auxiliary steam boilers, stationary gas turbines, and duct burners under 30 T.A.C. § 117(c). The Texas-proposed regional haze SIP did not require BART-eligible EGUs to install controls because the State of Texas determined the impact of each plant's emissions did not significantly degrade visibility in a Class I area or facilities had already reduced emissions or shut down units. On December 16, 2014, the EPA proposed to partially disapprove the Texas regional haze SIP and also proposed a Federal Implementation Plan to require SO_2 emissions reductions at 15 Texas BART-eligible sources.

In Oklahoma, Tulsa Public Service Company of Oklahoma retired one coal-fired EGU in Oologah, Oklahoma, and installed a dry sorbent injection system on a second coal-fired EGU in April 2016. These actions resulted in a 78% reduction in SO_2 emissions and an 81% reduction in NO_2 emissions. A second EGU will be shut down by December 31, 2026, to meet the requirements of the Regional Haze Rule.

In 2011, EPA disapproved the Oklahoma SIP revision regarding controls at the Oklahoma Gas and Electric Sooner and Muskogee Units and the American Electric Power (AEP)–Public Service Company of Oklahoma (PSO) Northeastern Plant Units 3 and 4. The EPA determined that dry scrubber control technology was needed at these units to meet Regional Haze Rule requirements. The disapproval was challenged by the State of Oklahoma, upheld by the courts, and has been appealed to the Supreme Court by the State of Oklahoma. Oklahoma submitted a SIP revision in 2013 that was approved by the EPA in March 2014, which revises the BART determination for AEP-PSO Units 3 and 4. The revised determination includes short-term compliance with emissions limits, shutdown of one of the units by April 16, 2016, and shutdown of the other unit by December 31, 2026.

In Kansas, emissions at four coal-fired EGUs were significantly reduced as a result of the Regional Haze Rule. At the Kansas City Power and Electric La Cygne Power Plant, an SCR system was installed on both units, and air scrubbers were installed. These actions resulted in an 83% reduction in NO_x emissions and an 82% reduction in SO_2 emissions. Installing low-NO_x burners and switching to natural gas combustion at the Westar Energy Jeffrey Energy Center coal-fired EGUs resulted in an 82% reduction in NO_x emissions and a 34% reduction in SO_2 emissions. In addition, the EPA has issued final carbon pollution standards for power plants that set CO_2 limits for new gas-fired combustion turbines and CO_2 emission guidelines for existing coal, oil- and gas-fired steam generating units, securing important climate benefits and protecting public health (NSPS TTTTa).

13 CLIMATE TREND PROJECTIONS

13.1 STATE CLIMATE TRENDS AND OBSERVATIONS

The NOAA NCEI released its climate summaries by state in 2022. The key messages bulleted below in Sections 13.4.1.1 through 13.1.1.4 represent climate summary information for each state within the BLM NMSO area of operations. More detailed climate discussions for each state can be found through the State Climate Summaries webpage (NOAA 2022). Section 4.4 of the BLM Specialist Report also discusses the climate indicators, impacts, and trends, including NOAA precipitation and temperature data, specific to states where the BLM conducts most of its fossil fuel authorizations (BLM 2024a).

13.1.1 NEW MEXICO

- Average annual temperature has increased by almost 2°F since the beginning of the twentieth century, and the number of extremely hot days and warm nights has also increased.
- The summer monsoon rainfall, which provides much needed water for agricultural and ecological systems, varies greatly from year to year.
- Droughts are a serious threat in this water-scarce state. Precipitation is highly variable from year to year and decade to decade. Unlike many areas of the United States, New Mexico has not experienced an upward trend in the frequency of extreme precipitation events (Frankson, Kunkel, Stevens, and Easterling 2022).

13.1.2 OKLAHOMA

- Average annual temperature has increased by about 0.6°F since the beginning of the twentieth century. Winter warming has been characterized by the occurrence of extremely cold days being much below average since 1990.
- Precipitation can vary greatly from year to year in this region of transition from humid to semi-arid conditions. The frequency of 2-inch extreme precipitation events has increased since 1985, with the highest number of events occurring in 2015.
- The agricultural economy of Oklahoma makes the state particularly vulnerable to droughts, several of which have occurred in recent years. In addition to devastating impacts on the agricultural economy, severe droughts also increase the risk of wildfires (Frankson, Kunkel, Stevens, Champion, et al. 2022).

13.1.3 KANSAS

- Average annual temperature has increased about 1.5°F since the beginning of the twentieth century, with greater warming in the winter and spring than in the summer and fall. The number of very cold nights has been much below average since 1990.
- Precipitation has varied greatly from year to year in this region of transition from humid conditions in the east of the state to semi-arid conditions in the west. The frequency of extreme precipitation events has been highly variable but shows a general increase; the number of 2-inch precipitation events was well above average in 2015 through 2020.
- Due to the state's geography, which allows cold, dry air from the north to combine with warm, moist air from the Gulf of America, severe thunderstorms are common in Kansas. Some of these thunderstorms can produce large hail, high winds, and tornadoes.
- The agricultural economy of Kansas makes the state vulnerable to droughts and heat waves, several of which occurred in the 1930s, 1950s, and in recent years (Frankson, Kunkel, Stevens, Easterling, Lin, et al. 2022).

13.1.4 TEXAS

- Mean annual temperature has increased by almost 1.5˚F since the beginning of the twentieth century.

NMED Exhibit 55_000169

- Precipitation is widely variable across Texas, with normal amounts ranging from less than 10 inches in the far west to more than 60 inches in the extreme southeast.
- Texas is consistently ranked in the top 10 states affected by extreme events. From 1900 through 2020, Texas endured more than 85 tropical storms and hurricanes (about three storms every 4 years) (Runkle et al. 2022).

13.2 NEW MEXICO GREENHOUSE GAS TRENDS

Overall, total New Mexico statewide gross GHG emissions are expected to decrease (Energy and Environmental Economics, Inc. [E3] 2020). The *New Mexico Greenhouse Gas (GHG) Emissions Inventory and Forecast* (E3 2020) projects the following for year 2030 in New Mexico for emissions produced within the state (i.e., production-based emissions):

- Gross GHG emissions of 96.6 Mt CO_2e—an increase of 22% relative to 2005 and a decrease 15% relative to 2018. New Mexico emissions are more than twice the national average of GHG emissions per capita. High per-capita emissions for New Mexico are largely the result of a GHG-intensive oil and gas industry, which makes up a significant portion of the overall GHG emissions profile.
- Top sources of GHG emissions are transportation fuel use (15.4 Mt CO_2e,), electricity generation (12.9 Mt CO_2e), and oil and gas (fugitive and fuel emissions) (32.5 Mt CO_2e). GHG emissions from transportation fuel and electricity generation decrease from 2005 estimates, but GHG emissions from oil and gas increase.
- Approximately 43 Mt CO_2e are projected as a result of oil and natural gas production, processing, transmission, and distribution. This is 44.5% of the gross New Mexico emissions, a slight decrease compared with the relative contribution of oil and gas production in 2018 (53.0%), and an increase compared with the relative contribution of oil and gas production in 2005 (25.0%).

All scenarios show a significant rise in emissions from 2005 to 2018, as well as a significant drop from 2018 to 2023, driven primarily by the NSPS for the oil and gas sector (E3 2020). Additional projections of emissions for New Mexico, Texas, Oklahoma, and Kansas are found in Section 7 of the BLM Specialist Report (Figure 7-1 and 7-2), which is discussed in more detail in Sections 16.1 and 16.2 of this report.

13.3 CUMULATIVE CLIMATE TREND SUMMARY

Existing conditions of climate trends in any given location are the result of numerous complex factors, both natural and human caused. Natural factors contributing to the current condition of air resources include existing climate resulting from long-term atmospheric weather patterns, soil types, and vegetation types. Anthropogenic factors contributing to the current condition of air resources include long-term human habitation, growing human populations, transportation methods and patterns, recreational activities, economic patterns, and the presence of power plants and other industrial sources. The presence of natural resource (primarily oil and natural gas) extraction and processing on some BLM lands also affects air quality and GHG emissions.

The EIA 2025 AEO (EIA 2025) projects that U.S. total energy consumption will decline through 2040 before gradually increasing toward 2050, reflecting the interplay between efficiency gains, electrification, and changing demand dynamics. Despite efficiency improvements, population and

economic growth ultimately drive the overall energy use higher by mid-century. Production of natural gas and petroleum liquids will continue to rise—driven largely by international demand and expanded export capacity—keeping the United States a net exporter through 2050. Specifically, natural gas production increases modestly from about 40 quads in 2024 to approximately 43.5 quads by 2050, while oil production grows through the mid-2020s before leveling off. Renewables remain the fastest-growing U.S. energy source, with wind and solar generation expected to surge—wind and solar together are projected to reach over 4,200 terrawatt-hours by 2050, compared with around 1,000 terrawatt-hours in 2025. As the electricity sector shifts toward renewables, natural gas-fired generation holds steady for a decade before beginning a pronounced decline in the early 2030s, dropping nearly 37% by 2039 to about 22.7 billion cubic feet per day and then stabilizing. Consequently, energy-related CO_2 emissions are projected to continue declining, reaching 33% to 35% below 2005 levels by 2050 in the AEO reference case. Further discussion of past, present, and projected global and state GHG emissions can be found in Chapter 5 of the BLM Specialist Report (BLM 2024a).

14 GREENHOUSE GAS ANALYSIS AND METHODOLOGIES

As stated, the BLM Specialist Report presents the estimated emissions of GHGs attributable to fossil fuels produced on land and mineral estate managed by the BLM. Fossil fuel extraction, construction, and operation (well development), and processing and end-use production activities all contribute to air pollutants and GHG emissions in the BLM FFO, BLM RFO, and BLM CFO areas, especially San Juan, northwest Sandoval, Eddy, Lea, and Chaves Counties, as well as in parts of Oklahoma, Kansas, and Texas. This includes midstream sources from the natural gas compressor stations and pipelines, gas plants, and petroleum refining as well as final downstream end-use by the consumer. Coal mining is also occurring in the BLM FFO and BLM OFO areas. Potash mining in the BLM CFO area also contributes to air contaminant and GHG emissions.

The BLM Specialist Report contains estimates of both direct and indirect (including downstream combustion) emissions from BLM-authorized fossil fuel development on the federal mineral estate for the three primary GHGs of concern (CO_2, CH_4, and N_2O). In addition, the estimated emissions are aggregated at different scales for comparison with emissions reports and inventories completed by other entities at state, national, and global scales and for relevant industrial sectors.

14.1 DIRECT AND INDIRECT OIL AND GAS EMISSIONS

The term direct is used to describe emissions from fossil fuel mineral development and production-related activities authorized by the BLM that typically take place on leased acres of the federal mineral estate. Direct emissions could result from a variety of activities, such as lease exploration, access road construction, well pad or coal mine development, well drilling and completions, recurring maintenance and production equipment operations, and site reclamation.

Indirect emissions occur as a consequence of the authorized action and can include activities such as the processing, transportation, and any end-use combustion of the fossil fuel mineral products. They are a consequence of the produced fossil fuels but occur downstream from the point of production on federal lands and/or are outside of BLM approval authority. End-use emissions make up most of GHG emissions related to federal energy resource development. The sum of the direct and indirect GHG emissions from fossil fuel mineral production is also known as a life cycle assessment (LCA).

The emissions estimates are also presented at two cumulative scales: geographic and temporal. The geographic cumulative scale is the entire onshore federal mineral estate managed by the BLM.

The temporal cumulative scales include estimated emissions from total federal onshore mineral production projected for the next 12 months, the life-of-project emissions estimates associated with the 12-month projections, and the long-term emissions from the portion of energy demand estimated to be met from the federal mineral estate out to year 2050 using data from the EIA. The estimates provide a baseline for comparing emissions from BLM-authorized development with those of the broader economy (national and global) and illustrate the degree to which federal fossil fuel mineral development contributes to projected GHG emissions and therefore to climate trends.

To account for the full LCA, estimates of projected emissions are included on both a short-term and long-term basis. The short-term estimates are based on RFD trends derived from leasing and production statistics, and the long-range estimates are based on the analysis of energy market dynamics developed by the EIA in its AEO report. Together, the estimates are designed to provide relevant, well-supported, and factual information that is intended to fully account for GHG emissions from BLM authorizations to develop the federal mineral estate (BLM 2024a).

Section 6.1 of the BLM Specialist Report contains emission factors and production data applying a combination of published LCA data, other studies and statistics, and assumptions for each fossil fuel type. In general, this means that the total federal GHG burden on the environment is best described by the end use, or downstream combustion portion of the disclosed accounting, plus any fugitive emissions that result from fossil mineral processes prior to end use. Some of the referenced LCA sources contain estimates for systemic losses of CH_4 (i.e., fugitive emissions), such that when these data are available the BLM back-calculates the fugitive losses from the direct emissions to more fully provide transparency for emissions resulting from BLM-authorized development.

The end-use phase emissions for coal, oil, and gas (assumed combustion) are estimated using EPA emissions factors from Tables C-1 and C-2 of 40 C.F.R. § 98, Subpart C, as shown in Tables 6-2, 4-7, and 4-9 of the BLM Specialist Report. The EPA factors were chosen to represent the downstream portion of these life-cycle emissions since they provide a relatively straightforward basis for estimating the consumption of each fuel for which the actual downstream transformation or use is relatively unknown compared to the assumptions and specificity used in the referenced LCA data.

Fossil fuel production is the primary input used in the LCA methodology and generally in this report. The BLM uses data and statistics from the EIA and the Department of the Interior Office of Natural Resources Revenue (ONRR), both of which provide production accounting services for domestic fossil fuel minerals to estimate report year emissions on a fiscal year basis (when such data exist). Details on the coal, oil, and gas emission factors are in Sections 6.2, 6.4, and 6.5 of the BLM Specialist Report. Table 84 through Table 87 present emissions data from reasonably foreseeable projects involving federal fossil fuel production and authorizations from BLM NMSO area of operation.

Table 84. Emissions from Reasonably Foreseeable Projected 12-Month Projects Involving Federal Fossil Fuel Production and Authorizations in New Mexico

BLM-Authorized	Direct (Mt CO_2e/year)	Indirect (Mt CO_2e/year)	Combustion (Mt CO_2e/year)	Total Mt (CO_2e/year)	Life-of-Project (Mt CO_2e)
Existing Federal Production					
Coal	0.00	0.00	0.00	0.00	0.00
Oil	29.99	24.74	176.21	230.94	1,967.41
Gas	11.05	28.05	106.25	145.35	1,331.41

BLM-Authorized	Direct (Mt CO_2e/year)	Indirect (Mt CO_2e/year)	Combustion (Mt CO_2e/year)	Total Mt (CO_2e/year)	Life-of-Project (Mt CO_2e)
Total	41.04	52.79	282.46	376.29	3,298.82
Permitted but Not Yet Developed Oil, Gas, and Coal Leases					
Coal	0.00	0.00	0.00	0.00	0.00
Oil	22.83	18.84	134.17	175.84	539.40
Gas	6.13	15.56	58.94	80.63	256.37
Total	28.96	34.40	193.11	256.47	795.77
Potential New Leases in the Next 12 Months					
Coal	0.00	0.00	0.00	0.00	0.00
Oil	2.57	2.12	15.12	19.81	60.79
Gas	0.69	1.75	6.64	9.08	28.89
Total	3.26	3.87	21.76	28.89	89.68
Total Projected Emissions by Mineral Type					
Coal	0.00	0.00	0.00	0.00	0.00
Oil	55.39	45.70	325.50	426.59	2,567.60
Gas	17.87	45.36	171.83	235.06	1,616.67
Total	73.26	91.06	497.33	661.65	4,184.27

Source: BLM (2025). Information can be found on the tab labeled emis at https://docs.google.com/spreadsheets/d/1ozP2Bf-0GSp--gVoxPodO3e7HfAYS8lNUM5qjaRotXY/edit?usp=sharing.

Table 85. Emissions from Reasonably Foreseeable Projected 12-Month Projects Involving Federal Fossil Fuel Production and Authorizations in Kansas

BLM-Authorized	Direct (Mt CO_2e/year)	Indirect (Mt CO_2e/year)	Combustion (Mt CO_2e/year)	Total Mt (CO_2e/year)	Life-of-Project (Mt CO_2e)
Existing Federal Production					
Coal	0.00	0.00	0.00	0.00	0.00
Oil	0.00	0.00	0.03	0.03	0.51
Gas	0.01	0.03	0.12	0.17	2.74
Total	**0.01**	**0.03**	**0.15**	**0.19**	**3.25**
Permitted but Not Yet Developed Oil, Gas, and Coal Leases					
Coal	0.00	0.00	0.00	0.00	0.00
Oil	0.00	0.00	0.00	0.00	0.03
Gas	0.00	0.00	0.00	0.00	0.03
Total	**0.00**	**0.00**	**0.00**	**0.00**	**0.06**

BLM-Authorized	Direct (Mt CO_2e/year)	Indirect (Mt CO_2e/year)	Combustion (Mt CO_2e/year)	Total Mt (CO_2e/year)	Life-of-Project (Mt CO_2e)
Potential New Leases in the Next 12 Months					
Coal	0.00	0.00	0.00	0.00	0.00
Oil	0.00	0.00	0.02	0.02	0.13
Gas	0.00	0.01	0.02	0.03	0.14
Total	**0.00**	**0.01**	**0.04**	**0.05**	**0.27**
Total Projected Emissions by Mineral Type					
Coal	0.00	0.00	0.00	0.00	0.00
Oil	0.00	0.00	0.05	0.05	0.67
Gas	0.01	0.04	0.14	0.19	2.91
Total	**0.01**	**0.04**	**0.19**	**0.24**	**3.58**

Source: BLM (2025). Information can be found on the tab labeled emis at https://docs.google.com/spreadsheets/d/1ozP2Bf-0GSp--gVoxPodO3e7HfAYS8lNUM5qjaRotXY/edit?usp=sharing.

Table 86. Emissions from Reasonably Foreseeable Projected 12-Month Projects Involving Federal Fossil Fuel Production and Authorizations in Texas

BLM-Authorized	Direct (Mt CO_2e/year)	Indirect (Mt CO_2e/year)	Combustion (Mt CO_2e/year)	Total Mt (CO_2e/year)	Life-of-Project (Mt CO_2e)
Existing Federal Production					
Coal	0.00	0.00	0.00	0.00	0.00
Oil	0.01	0.01	0.07	0.07	1.44
Gas	0.17	0.44	1.67	2.73	28.67
Total	**0.18**	**0.45**	**1.74**	**2.37**	**30.11**
Permitted but Not Yet Developed Oil, Gas, and Coal Leases					
Coal	0.00	0.00	0.00	0.00	0.00
Oil	0.17	0.14	1.01	1.69	8.24
Gas	0.06	0.15	0.58	1.03	3.55
Total	**0.23**	**0.29**	**1.59**	**2.11**	**11.79**
Potential New Leases in the Next 12 Months					
Coal	0.00	0.00	0.00	0.00	0.00
Oil	0.05	0.04	0.28	0.14	2.29
Gas	0.02	0.04	0.16	0.08	0.99
Total	**0.07**	**0.08**	**0.44**	**0.59**	**3.28**
Total Projected Emissions by Mineral Type					
Coal	0.00	0.00	0.00	0.00	0.00

BLM-Authorized	Direct (Mt CO_2e/year)	Indirect (Mt CO_2e/year)	Combustion (Mt CO_2e/year)	Total Mt (CO_2e/year)	Life-of-Project (Mt CO_2e)
Oil	0.23	0.19	1.36	1.78	11.97
Gas	0.25	0.63	2.41	3.29	33.21
Total	**0.48**	**0.82**	**3.77**	**5.07**	**45.18**

Source: BLM (2025). Information can be found on the tab labeled emis at https://docs.google.com/spreadsheets/d/1ozP2Bf-0GSp--gVoxPodO3e7HfAYS8lNUM5qjaRotXY/edit?usp=sharing.

Table 87. Emissions from Reasonably Foreseeable Projected 12-Month Projects Involving Federal Fossil Fuel Production and Authorizations in Oklahoma

BLM-Authorized	Direct (Mt CO_2e/year)	Indirect (Mt CO_2e/year)	Combustion (Mt CO_2e/year)	Total Mt (CO_2e/year)	Life-of-Project (Mt CO_2e)
Existing Federal Production					
Coal	0.00	0.00	0.00	0.00	0.00
Oil	0.03	0.02	0.17	0.69	2.40
Gas	0.05	0.14	0.52	0.82	8.34
Total	**0.08**	**0.16**	**0.69**	**0.93**	**10.74**
Permitted but Not Yet Developed Oil, Gas, and Coal Leases					
Coal	0.00	0.00	0.00	0.00	0.00
Oil	0.02	0.02	0.14	0.15	0.55
Gas	0.02	0.05	0.20	0.24	1.10
Total	**0.04**	**0.07**	**0.34**	**0.45**	**1.65**
Potential New Leases in the Next 12 Months					
Coal	0.00	0.00	0.00	0.00	0.00
Oil	0.02	0.01	0.10	0.13	0.40
Gas	0.01	0.04	0.14	0.18	0.79
Total	**0.03**	**0.05**	**0.24**	**0.32**	**1.19**
Total Projected Emissions by Mineral Type					
Coal	0.00	0.00	0.00	0.00	0.00
Oil	0.07	0.05	0.41	0.53	3.35
Gas	0.08	0.23	0.86	1.17	10.23
Total	**0.15**	**0.28**	**1.27**	**1.70**	**13.58**

Source: BLM (2025). Information can be found on the tab labeled emis at https://docs.google.com/spreadsheets/d/1ozP2Bf-0GSp--gVoxPodO3e7HfAYS8lNUM5qjaRotXY/edit?usp=sharing.

14.2 COAL, OIL, AND GAS PRODUCTION

Estimates of production (or downstream/end-use) GHG emissions depend on projected oil and gas production volumes. The BLM does not direct or regulate the end use of produced oil or gas. The challenge for estimating downstream emissions comes with understanding when and how oil and gas would be distributed and used for energy. It can be reasonably assumed that oil and gas produced on leases would be combusted primarily for electricity generation, transportation, industry, agriculture, commercial, and residential uses. From this assumption, the BLM provides potential GHG emissions estimates using currently available GHG emissions data. Section 6.2 (Coal) Table 6-6 (Federal Coal Production [tons]), Section 6.4 (Crude Oil) Table 6-9 (Federal Oil Production [bbl]), and Section 6.5 (Natural Gas) Table 6-11 (Federal Gas Production [Mcf]) of the BLM Specialist Report present emissions for year 2023 from BLM coal, crude oil, and gas leasing authorizations, which are based on ONRR records of actual coal, oil, and gas production (BLM 2024a). These tables show the total U.S. coal, oil, and gas production (federal and non-federal) and ONRR production data from the United States, federal authorizations, and the BLM NMSO area of operation to illustrate the percentage of federal coal relative to the U.S. total (percent U.S. total) and the percentage of federal coal, oil, and gas that comes from the various federal producing states (percent federal). The end-use phase emissions for coal, oil, and gas (assumed combustion) are shown in BLM Specialist Report Tables 6-2, 6-8, and 6-10 and ONRR production data.

14.3 UNCERTAINTIES OF GREENHOUSE GAS CALCULATIONS

Section 6.8 of the BLM Specialist Report discusses uncertainties that could impact the GHG estimates. The BLM acknowledges that operational diversity, product variations, and broad geographic distribution of the federal mineral estate introduces some uncertainty into the simplifying assumptions and approximation methodologies used to estimate emissions for the BLM Specialist Report, which could have relatively small impacts, while other uncertainties could have a larger impact on the estimates. The best available data were used and presented for the emissions estimates in this report, and as new information becomes available, the BLM will continue to improve and revise its emissions estimates, methodologies, and assumptions as appropriate. Ultimately, these estimates are subject to many influences that are largely beyond BLM practical control. Section 6.8 of the BLM Specialist Report discusses these uncertainties in more detail.

15 OIL AND GAS SINGLE-WELL GREENHOUSE GAS EMISSIONS

15.1 FIELD OFFICE

15.1.1 FARMINGTON FIELD OFFICE

The GHG single-well emission factors in Table 88 use the same methodology discussed in Section 7.1.1.

Table 88. BLM FFO and BLM RPFO Horizontal Single-Well GHG Emissions

Phase	Total Emissions (metric tons per year)			
	CO_2	CH_4	N_2O	CO_2e
Single-well construction/ development phase	1,607.50	0.66	0.013	1,630.72

Phase	Total Emissions (metric tons per year)			
	CO_2	CH_4	N_2O	CO_2e
Single-well operation phase	937.31	5.40	0.002	1,099.03
Single-well total	**2,544.81**	**6.06**	**0.015**	**2,729.75**

Source: BLM Single Oil and Gas Well Emission Inventory Tool

Note: These are the maximum emissions from oil and gas scenarios – single-well emissions in the San Juan Basin.

15.1.2 PECOS DISTRICT OFFICE

The GHG single-well emission factors in Table 89 use the same methodology discussed in Section 7.1.2.

Table 89. BLM PDO Horizontal Single-Well GHG Emissions

Phase	Total Emissions (metric tons per year)				
	CO_2	CH_4	N_2O	100-yr CO_2e	20-yr CO_2e
Single-well construction/ development phase	1,686.74	0.45	1.34E-02	1,703.89	1,727.76
Single-well operation phase	358.51	1.41	2.18E-03	401.07	475.28
Single-well total	**2,045.25**	**1.86**	**1.56E-02**	**2,104.96**	**2,203.05**

Source: BLM Single Oil and Gas Well Emission Inventory Tool

15.1.3 OKLAHOMA FIELD OFFICE

The GHG single-well emission factors in Table 90 use the GHG Lease Sale Tool default emissions for a deep oil/high gas scenario.

Table 90. BLM OFO Horizontal Oil Single-Well GHG Emissions

Phase	Total Emissions (metric tons per year)			
	CO_2	CH_4	N_2O	CO_2e
Single-well construction/ development phase	1,767.40	1.010	0.0140	1,801.32
Single-well operation phase	1,113.70	16.860	0.0030	1,616.95
Single-well total	**2,881.10**	**17.870**	**0.0170**	**3,418.27**

Source: BLM Single Oil and Gas Well Emission Inventory Tool

16 GREENHOUSE GAS EMISSIONS AND PROJECTIONS FROM BLM-AUTHORIZED ACTIONS

The estimates presented here provide direct and indirect GHG emissions estimates for the existing federal fossil fuel production. Existing emissions estimates show the GHGs emitted from the assumed consumption of each fossil fuel based on production statistics from the previous fiscal year for all producing wells and mines. The projected emissions include both short- and long-term estimates based on the methodologies discussed in Chapter 6 of the BLM Specialist Report.

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16.1 SHORT TERM

Table 7-1 of the BLM Specialist Report presents the emissions from coal production on the federal mineral estate in fiscal year (FY) 2023, which result from multiplying the representative emission factors from Tables 6-1 (Coal Production Emissions Factors and Statistics), 6-3 (Derived Downstream Coal Emissions Factors), and 6-4 (Coal Transport Emissions Factors) in the BLM Specialist Report by the state-specific shipping and production data contained in Tables 6-5 (Coal Transport Data) and 6-6 (Federal Coal Production [tons]). The short-term emissions projections (12-month and life-of-project) from reasonably foreseeable coal production in the eight states where federal coal is presently being produced are also included in the BLM Specialist Report as Table 7-2 (Federal Coal Emissions - Projected 12-Months [Mt]) and Table 7-3 (Federal Coal Emissions - Projected Short-Term Life-of-Project [Mt]).

Table 7-4 (Federal Oil Emissions - Held-By-Production Lands 2023 [Mt]) of the BLM Specialist Report shows the FY 2023 held-by-production emissions from oil production on the federal mineral estate. The emissions are calculated by multiplying the emission factors from Tables 6-8 (GHG Emissions Factors for Federal Oil Production [tonnes/bbl]) of the BLM Specialist Report by the state-specific production amounts from emission factors Table 6-9 (Federal Oil Production [bbl]) of the same report.

Table 7-11 (Federal Gas Emissions - Held-By-Production Lands 2023 [Mt]) of the BLM Specialist Report shows the FY 2023 held-by-production emissions from gas production on the federal mineral estate. The emissions are calculated by multiplying the emission factors from Table 6-10 (GHG Emissions Factors for Federal Gas Production [tonnes/Mcf]) of the BLM Specialist Report by the state-specific production amounts from Table 6-11 (Federal Gas Production [Mcf]). These estimates include emissions from the full oil and gas life cycle, including emissions arising from activities outside of BLM jurisdiction (such as emissions associated with refining and processing). The emissions from oil and gas projected APD approvals and leasing within the next 12 months on both a maximum annual and life-of-project basis are also included in the BLM Specialist Report. Figure 7-1 of the BLM Specialist Report also shows the cumulative sum of all the state series (i.e., the federal sum), which is also displayed in the BLM Specialist Report Table 7-18 (Federal Summary - Projected Short-Term Life-of-Project Emissions [Mt]).

The 2023 BLM Specialist Report is still the most recent published report. However, the GHG data has been updated in the 2024 GHG Database, and Figure 33 through Figure 36 show an annualized timeline of the projected short-term life-of-project CO_2e emissions from existing producing wells and projected wells from new APDs and leasing (12 months) for each state within the BLM NMSO area of operation from the 2024 GHG Database (BLM 2025).

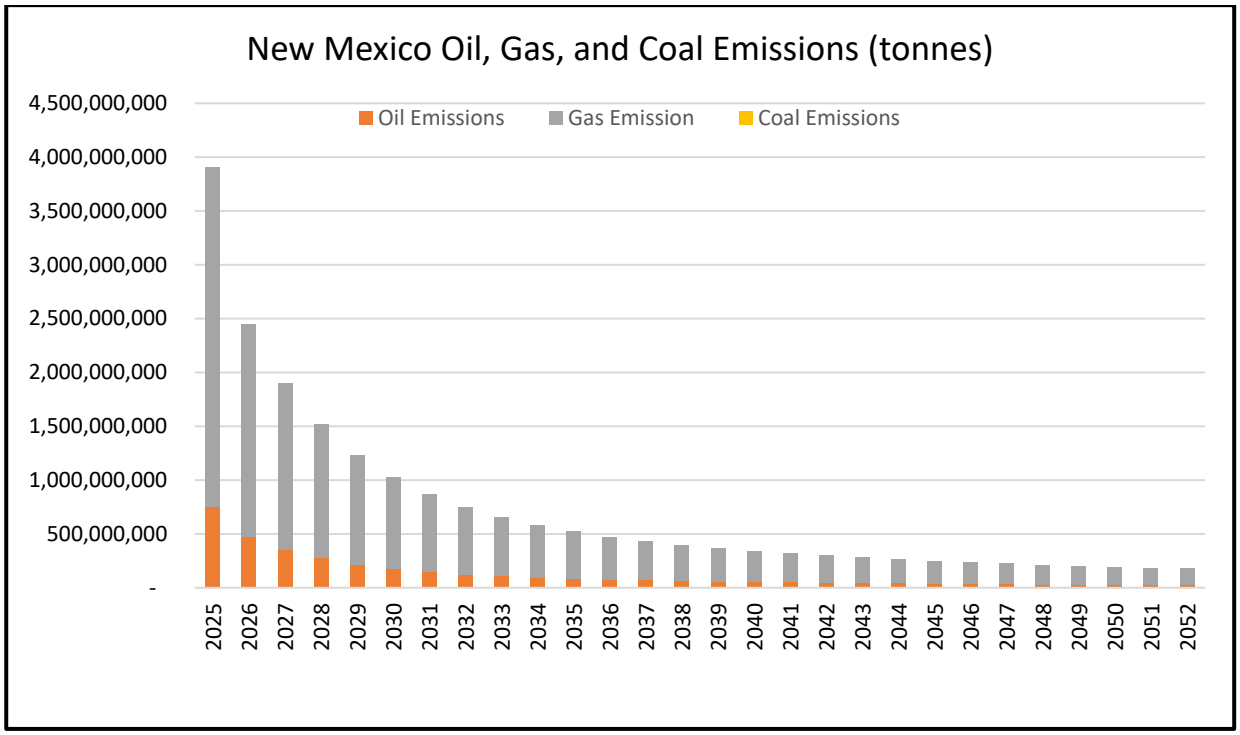


Figure 33. Projected New Mexico oil, gas, and coal CO_2e emissions (metric tons) (BLM 2025).

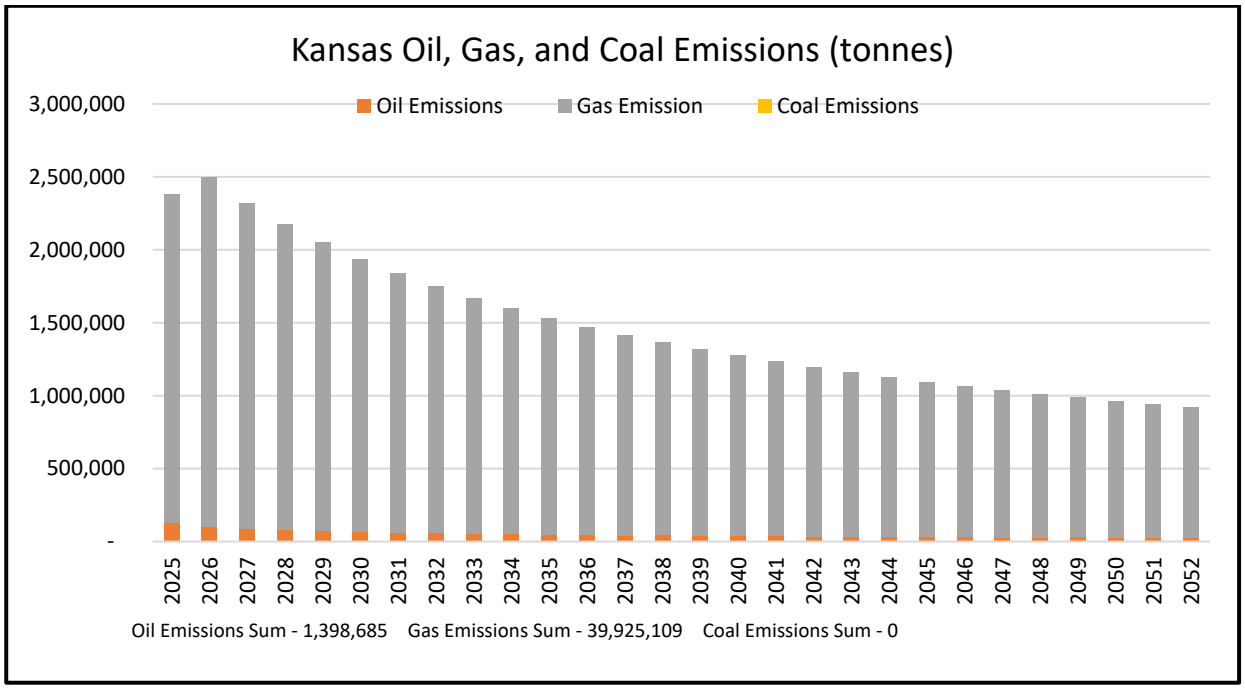


Figure 34. Projected Kansas oil, gas, and coal CO_2e emissions (metric tons) (BLM 2025).

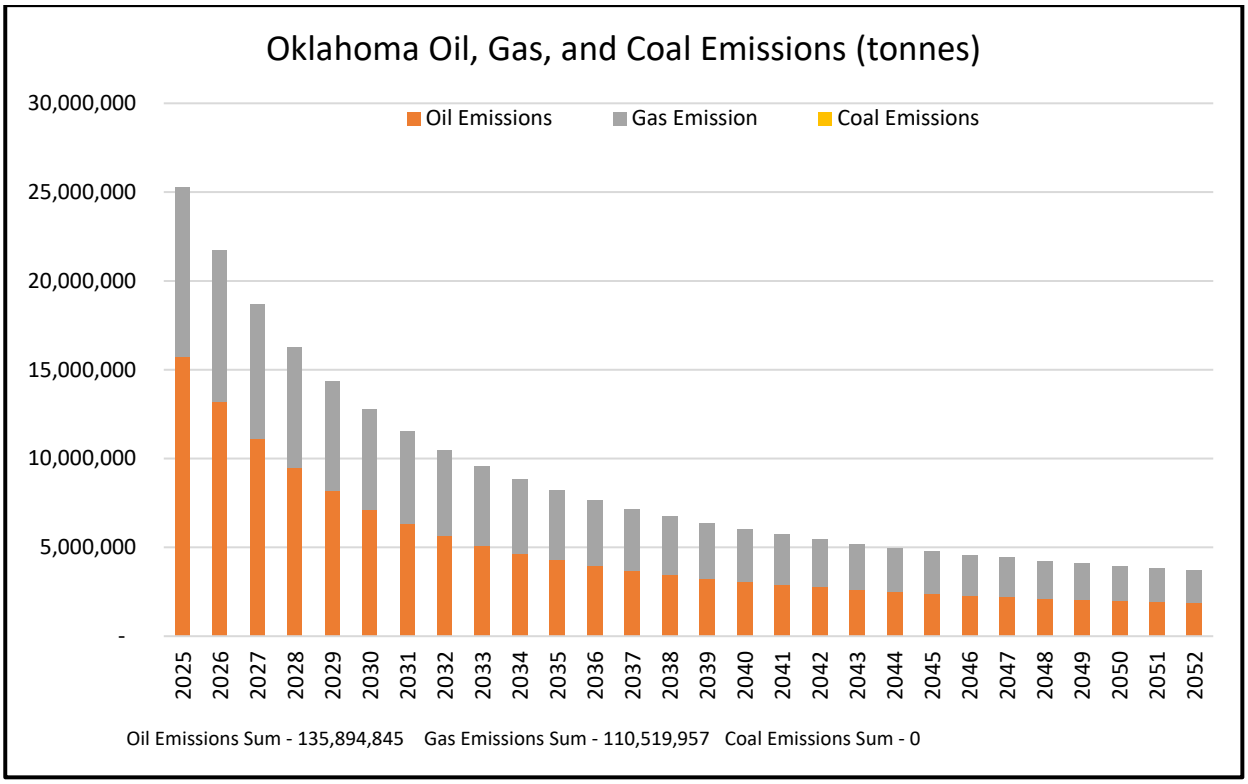


Figure 35. Projected Oklahoma oil, gas, and coal CO_2e emissions (metric tons) (BLM 2025).

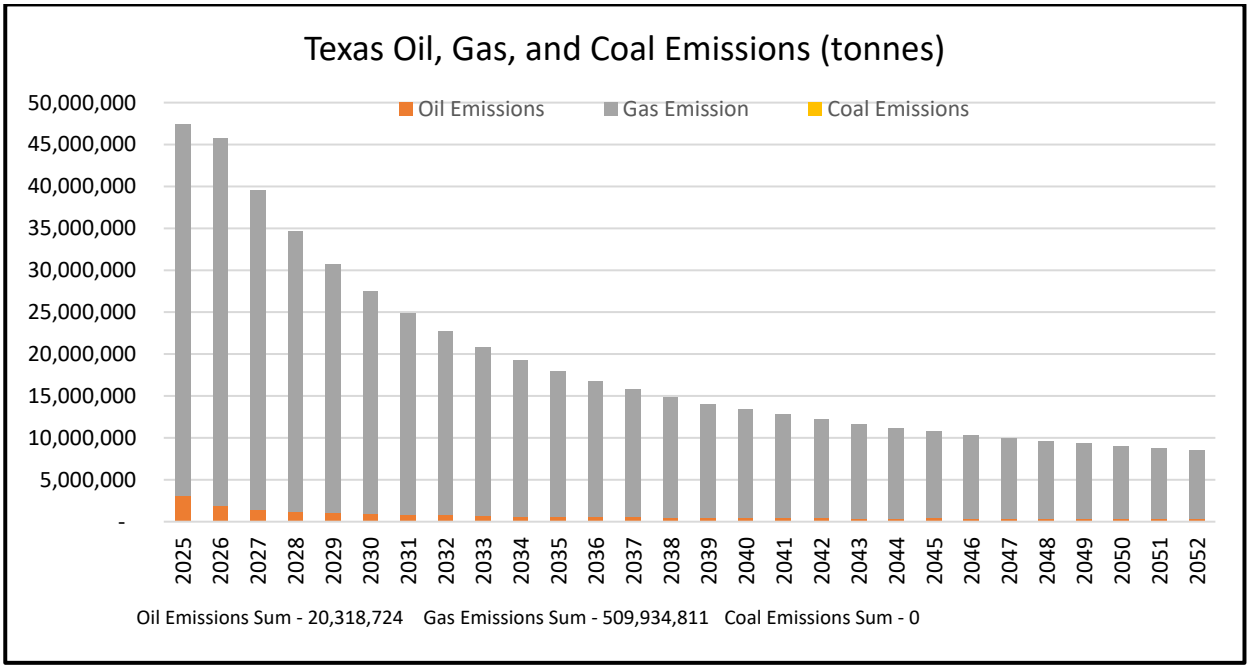


Figure 36. Projected Texas oil, gas, and coal CO_2e emissions (metric tons) (BLM 2025).

16.2 LONG-TERM PROJECTED TRENDS

The BLM Specialist Report also discusses long-term projected annual trends in federal fossil fuel production, energy values, and GHG emissions to year 2050 based on data obtained from the EIA AEO report (EIA 2023). The BLM Specialist Report provides access to most of the AEO cases, as these explore a variety of market conditions, including varying production, price, and overall economic growth rates, and the AEO scenario selection controls in Figure 7-2 (Long-Term Onshore Federal Mineral Emissions [Mt CO_2e]) of the BLM Specialist Report can be used to view the projected emissions from federal fossil fuel production. Table 7-19 of the BLM Specialist Report provides the long-term cumulative sums of production, energy values, and GHG emissions projected out to year 2050 for the AEO reference case. GHG emissions data for future projections for all growth scenarios are available in the BLM Specialist Report (BLM 2024a).

The 2024 GHG Database also provides the current long-term cumulative sums of production, energy values, and GHG emissions. At the national level, these long-term projections estimate that there will be emissions of 18,538 Mt CO_2e from federal oil and gas combined and 23,818 Mt CO_2e from all federal fossil fuel minerals (oil, gas, and coal) (Table 91). Current GHG emissions data for future projections for all growth scenarios are available in the 2024 GHG Database (BLM 2025).

Table 91. Estimated Projected Long-Term Oil and Gas GHG Emissions from Federal Leases

Area	Oil (Mt CO_2e per year)	Gas (Mt CO_2e per year)	Coal (Mt CO_2e per year)	Total (Mt CO_2e per year)
BLM total	8,967	9,571	5,280	23,818
New Mexico	7,078	5,244	N/A	12,322
Oklahoma	6	24	N/A	30
Kansas	1	5	N/A	6
Texas	2	78	N/A	80

Source: BLM (2025). Information can be found in column AJ of tab eia at https://docs.google.com/spreadsheets/d/1ozP2Bf-0GSp--gVoxPodO3e7HfAYS8lNUM5qjaRotXY/edit?usp=sharing.

Note: N/A = not applicable

17 GHG EMISSIONS ANALYSIS

17.1 NATURAL GAS SYSTEMS AND PETROLEUM SYSTEMS

Within the fossil fuel combustion sector in 2022, the contribution by fuel type shows that petroleum represents 44.5% of the fuel type, natural gas 36.3%, and coal 19.1% as shown in Section 3.1 Table 3-5 of the EPA Inventory (EPA 2024g).

The EPA Inventory (EPA 2024g) describes natural gas systems and petroleum systems as two of the major sources of U.S. GHG emissions. The inventory identifies the major contributions of natural gas and petroleum systems as total CO_2 and CH_4 emissions. Natural gas and petroleum systems do not produce noteworthy amounts of any other GHGs.

Within the category of natural gas systems, the EPA identifies emissions occurring during distinct stages of operation, including field production, processing, transmission and storage, and distribution. Petroleum systems sub-activities include production field operations, crude oil transportation, and crude oil refining. Within natural gas and petroleum systems, the BLM has authority to regulate those field production operations that are related to oil and gas measurement and prevention of waste (via leaks, spills, and unauthorized flaring and venting).

Total GHG emissions (CH_4, CO_2, and N_2O) from natural gas systems in 2022 were 209.7 Mt CO_2e, a decrease of 17% from 1990 and a decrease of 0.3% from 2021, both primarily due to decreases in CH_4 emissions. Of the overall GHG emissions (209.7 Mt CO_2e), 83% was CH_4 emissions as expressed as CO_2e (173.1 Mt CO_2e), 17% was CO_2 emissions (36.5 Mt), and less than 0.1% was N_2O emissions as expressed as CO_2e (0.15 Mt CO_2e) (EPA 2024g).

CH_4 and CO_2 emissions from natural gas systems include those resulting from normal operations, routine maintenance, and system upsets. Emissions from normal operations include natural gas engine and turbine uncombusted exhaust, flaring, and leak emissions from system components. Routine maintenance emissions originate from pipelines, equipment, and wells during repair and maintenance activities. Pressure surge relief systems and accidents can lead to system upset emissions. In the EPA reported data, emissions of N_2O from flaring activities are included, with most of the emissions occurring in the processing and production segments. Note that in the EPA reported data, CO_2 emissions exclude all combustion emissions (e.g., engine combustion) except for flaring CO_2 emissions.

Section 3.7 of the EPA Inventory provides a characterization of the six emission subcategories of natural gas systems: exploration, production (including gathering and boosting), processing, transmission and storage, distribution, and post-meter (EPA 2024g). Each of the segments is described, and the different factors affecting CH_4, CO_2, and N_2O emissions are discussed.

Total GHG emissions (CH_4, CO_2, and N_2O) from petroleum systems in 2022 were 61.6 Mt CO_2e, an increase of 4% from 1990, primarily due to increases in CO_2 emissions. Since 2021, total emissions from petroleum systems decreased by 15%. Of the overall GHG emissions (61.6 Mt CO_2e), 22.0 Mt were CO_2 emissions, 39.6 Mt CO_2e were CH_4 emissions, and 0.05 Mt CO_2e were N_2O emissions from petroleum systems. In 2022, U.S. oil production was 163% higher than in 2010 and 7% higher than in 2021 (EPA 2024g).

CH_4 emissions from petroleum systems are primarily associated with onshore and offshore crude oil production, transportation, and refining operations. During these activities, CH_4 is released to the atmosphere as emissions from leaks, venting (including emissions from operational upsets), and flaring. Note that in the EPA reported data, petroleum systems CO_2 emissions exclude all combustion emissions (e.g., engine combustion) except for flaring CO_2 emissions. All combustion CO_2 emissions (except for flaring) are accounted for in the fossil fuel combustion category. Emissions of N_2O from petroleum systems are primarily associated with flaring.

Section 3.6 of the EPA Inventory provides a characterization of the four emission subcategories of petroleum systems: exploration, production (including well drilling, testing, and completion), crude oil transportation, and crude oil refining. Each of the segments is described, and the different factors affecting CH_4, CO_2, and N_2O emissions are discussed.

Table 92 displays GHG emissions (CO_2, CH_4, and N_2O) related to natural gas systems, petroleum systems, and coal mining; CO_2 emissions listed represent those that are not otherwise captured in the fossil fuel

combustion category. The natural gas and petroleum subsectors are the stages of production outlined in Table 92.

Table 92. 2022 GHG Emissions for Oil and Gas Subsectors and Coal Mining

Sector	Subsector	2022 GHG Emissions (Mt CO_2e)				% of U.S. Total Gross GHGs
		CO_2	CH_4*	N_2O	Total Gross GHGs	
U.S. total		**5,053.0**	**702.4**	**389.7**	**6,343.2**[¶]	**100**
Natural gas systems	Total	36.5	173.1	0.2	209.7	3.31
	Exploration[†]	<0.05	0.2	<0.05	0.2	0.00
	Production field operations	8.6	89.7	<0.05	98.3	1.55
	Onshore production	N/A	46.2	N/A	N/A	NE
	Offshore production	N/A	0.6	N/A	N/A	NE
	Gathering and boosting[‡]	N/A	42.8	N/A	N/A	NE
	Processing	26.7	15.1	<0.05	41.8	0.66
	Transmission and storage	1.2	39.6	<0.05	40.7	0.64
	Post-meter	<0.05	13.4	NO	13.4	0.21
	Distribution	<0.05	15.2	NO	15.3	0.24
Petroleum systems	Total	22.0	39.6	<0.05	61.6	0.97
	Exploration[†]	0.3	0.1	0.0001	0.4	0.01
	Production field operations	18.8	38.6	0.04	57.4	0.90
	Crude oil transportation	<0.05	0.2	NE	0.2	0.00
	Crude refining	2.9	0.7	0.008	3.6	0.06
Coal mining	–	2.5	43.6[§]	NE	46.1	0.73

Source: EPA (2024g:Table 2-1)

Notes: NE = not estimated; NO = not occurring; N/A = not applicable

* Values represent CH_4 emitted to the atmosphere. CH_4 that is captured, flared, or otherwise controlled (and not emitted to the atmosphere) has been calculated and removed from emission totals.

[†] Includes well drilling, testing, and completions.

[‡] Includes gathering and boosting station routine vented and leak sources, gathering pipeline leaks and blowdowns, and gathering and boosting station episodic events.

[§] Does not include data from abandoned coal mines.

[¶] Includes U.S. emissions of four additional minor classes of GHGs not listed here (HFC, PFCs, SF_6, and NF_3).

In summary, CO_2 is produced during the burning of fossil fuels to run internal combustion engines that may be used in drilling, transportation, pumping, and compression. CO_2 may be a significant component of natural gas, especially coal-bed CH_4, and is vented during field operations or processing. CO_2 is also used in enhanced oil production processes and may be released or escape to the atmosphere during those processes. CH_4 is the primary component of natural gas and is released to the atmosphere during

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both oil and gas production, either intentionally during production when it cannot be captured, or accidentally through leaks and fugitive emissions.

Emissions from production (including gathering and boosting) accounted for 52% of CH_4 emissions and 23% of CO_2 emissions from natural gas systems in 2022. Emissions from gathering and boosting and pneumatic controllers in onshore production accounted for most of the production segment CH_4 emissions in 2022. Within gathering and boosting, the largest sources of CH_4 were compressor exhaust slip, compressor venting and leaks, and tanks. Flaring emissions accounted for most of the CO_2 emissions from production, with the highest emissions coming from flare stacks at gathering stations, miscellaneous onshore production flaring, and tank flaring. CH_4 emissions from production increased by 38% from 1990 to 2022, due primarily to increases in emissions from pneumatic controllers (due to an increase in the number of controllers, particularly in the number of intermittent bleed controllers) and increases in emissions from compressor exhaust slip in gathering and boosting. CH_4 emissions decreased 3% from 2021 to 2022 due to decreases in emissions from pneumatic controllers and liquids unloading. CO_2 emissions from production increased by approximately a factor of 2.6 from 1990 to 2022 due to increases in emissions at flare stacks in gathering and boosting and miscellaneous onshore production flaring and decreased 8% from 2021 to 2022 due primarily to decreases in emissions at flare stacks in miscellaneous onshore production flaring and tank venting. N_2O emissions from production were 36.9 times higher in 2022 than in 1990 and 17.5 times higher in 2022 than in 2021. The increase in N_2O emissions from 1990 to 2022 and from 2021 to 2022 was primarily due to increases in emissions from condensate tank flaring (EPA 2024g).

Production emissions accounted for 86% of the total CO_2 emissions (including leaks, vents, and flaring) from petroleum systems in 2022. The principal sources of CO_2 emissions were associated gas flaring, miscellaneous production flaring, and oil tanks with flares. In 2022, these three sources together accounted for 96% of the CO_2 emissions from production. In 2022, CO_2 emissions from production were 3.1 times higher than in 1990, due to increases in flaring emissions from associated gas flaring, miscellaneous production flaring, and tanks. Overall, in 2022, production segment CO_2 emissions decreased by 8% from 2021 levels primarily due to decreases in associated gas flaring in the Williston Basin and oil tanks with flares. Production emissions accounted for 84% of the total N_2O emissions from petroleum systems in 2022. The principal sources of N_2O emissions were oil tanks with flares and associated gas flaring, accounting for 90% of N_2O emissions from the production segment in 2022. In 2022, N_2O emissions from production were 8.0 times higher than in 1990 and were 3.5 times higher than in 2021 (EPA 2024g).

Distribution system CH_4 emissions in 2022 were 70% lower than 1990 levels and 1% lower than 2021 emissions. Annual CO_2 emissions from this segment were less than 0.1 Mt CO_2e across the time series. CH_4 emissions from the post-meter segment accounted for approximately 8% of emissions from natural gas systems in 2022. Post-meter CH_4 emissions increased by 65% from 1990 to 2022 and increased by less than 3% from 2021 to 2022, due to increases in the number of residential houses using natural gas and increased natural gas consumption at industrial facilities and power plants. CO_2 emissions from post-meter accounted for less than 0.01% of total CO_2 emissions from natural gas systems.

18 MITIGATION

Section 10.0 of the BLM Specialist Report discusses various forms of mitigation, including controlling emissions (best management practices [BMPs]), preventing emissions, and offsetting emissions (carbon sequestration, plugging orphaned and abandoned wells, energy substitution, carbon capture, and compensatory mitigation). In addition to controlling or preventing emissions, strategies to offset

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emissions could be used to align BLM decision-making with the goal of achieving net-zero emissions by 2050. Much of the current policy on mitigating emissions in the United States comes from individual states and municipalities, as well as market forcing that results when institutions move assets and future investments away from fossil fuel projects (BLM 2024a).

The EPA Natural Gas STAR Program was established in 1993 to identify and share information on cost-effective ways to mitigate CH_4 emissions from oil and gas operations, demonstrating that it is possible to achieve important reductions in CH_4 emissions while also enhancing safety, improving performance, increasing natural gas supplies, and saving money (EPA 2024k). These reductions can help to control not only GHGs but also VOCs, which contribute to O_3 formation. Each year, partners submitted reports documenting their previous year's CH_4 emission reduction activities. In 2022, the EPA transitioned the Natural Gas STAR Partnership, ending the partnership agreements and annual reporting elements of the program while retaining a focus on technology transfer and stakeholder engagement. The EPA continues to collaborate with operators through the Natural Gas STAR Program providing a framework for technical support and stakeholder engagement, as well as sharing information on the EPA Natural Gas STAR website about opportunities for reducing CH_4 emissions from the oil and gas industry. Since the inception of the program cumulative through 2020, partners have eliminated 1.72 trillion cubic feet of CH_4 emissions by implementing 150 cost-effective technologies and practices.

The Natural Gas STAR Methane Challenge Partnership is a voluntary program founded by the EPA in 2016 in collaboration with oil and natural gas companies. The program recognizes companies that make specific and transparent commitments to reduce CH_4 emissions. Throughout the course of this partnership, more than 70 companies from all segments of the industry—production, gathering and boosting, transmission and storage, and distribution—were program partners. Given recent regulatory efforts in the oil and gas sector and the passage of the Inflation Reduction Act providing a new approach for CH_4 reduction, EPA ended the Methane Challenge Partnership at the end of 2023, following publication of the sixth Methane Challenge Report for Calendar Year 2022 data (reporting season 2023) (EPA 2024l). In addition, as part of the Inflation Reduction Act, a new program called the Methane Emissions Reduction Program has been started. The Methane Emissions Reduction Program will provide $1.36 billion in financial and technical assistance through multiple funding opportunities, establishes a Waste Emissions Charge for CH_4, and requires the EPA to revise the GHGRP subpart W regulations for the oil and gas sector.

The BLM has two infrared cameras that are being used to detect leaks and fugitive emissions. BLM inspectors carry these cameras into the field and have been able to alert operators of equipment requiring repair or maintenance. At this time, the cameras are being used in an advisory rather than a regulatory role.

Cumulatively, it is expected that future levels of criteria pollutant, VOC, HAP, and GHG emissions related to oil and gas operations would be lower than current levels due to the aforementioned factors. However, there will be increases in emissions associated with reasonably foreseeable oil and gas development and future potential development of leases.

Although it is beyond the scope of this report to detail the wide range of mitigation strategies available, it must be noted that, for the most part, these strategies must be applied on a case-by-case basis at the project level.

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20 APPENDICES

20.1 APPENDIX A NATIONAL EMISSIONS INVENTORY (NEI)

20.2 APPENDIX B AIRTOXSCREEN RESULTS

20.3 APPENDIX C CLIMATE NORMALS, WIND ROSES, AND TRENDS

20.4 APPENDIX D MAJOR SOURCES (NEI)

NMED Exhibit 55_000196

Air Quality Program Position Creation Plan, FY26-FY30

FY	Bureau	Position Classification	# to Create
2026	AQB	Manager, Env Science - Permitting Section Chief	1
2026	AQB	Senior Environmental Scientist - Emissions Inventory	1
2026	AQB	Environmental Scientist - Emissions Inventory	1
2026	AQB	Senior Environmental Scientist - Technical Operations	1
2026	AQB	Program Manager	3
2026	AQB	Senior Business Operations Analysts	2
FY26 AQB Totals			**9**
2026	EPCEB	Program Manager	1
2026	EPCEB	Manager, Air Protection - C&E Section Chief	1
2026	EPCEB	Air Protection Professional - Inspections	3
2026	EPCEB	Senior Air Protection Professional - Inspections	2
2026	EPCEB	Supervisor, Air Protection - Inspections	2
FY26 EPCEB Totals			**9**
FY26 AQB & EPCEB Combined Totals			**18**
2027	AQB	Associate Air Protection Professional - Outreach & Education	2
2027	AQB	Lead Air Protection Professional - Monitoring	3
2027	AQB	Air Protection Professional - Minor Source Permitting	3
FY27 AQB Totals			**8**
2027	EPCEB	Air Protection Professional - All units	3
2027	EPCEB	Senior Air Protection Professional - All units	3
2027	EPCEB	Supervisor, Air Protection - All Units	3
FY27 EPCEB Totals			**9**
FY27 AQB & EPCEB Combined Totals			**17**
2028	AQB	Senior Air Protection Professional - Permitting	3
2028	AQB	Air Protection Professional - Permitting	2
FY28 AQB Totals			**5**
2028	EPCEB	Supervisor, Air Protection	1
2028	EPCEB	Lead Air Protection Professional, Part 50 Inspections	1
2028	EPCEB	Associate Air Protection Professional	2
2028	EPCEB	Air Protection Professional	2
2028	EPCEB	Senior Air Protection Professional	4
FY28 EPCEB Totals			**10**
FY28 AQB & EPCEB Combined Totals			**15**
2029	AQB	Supervisor, Air Protection - Control Strategies	1
2029	AQB	Senior Air Protection Professional - Control Strategies	3
2029	AQB	Lead Air Protection Professional - Photochemical modelers	2
FY29 AQB Totals			**6**
2029	EPCEB	Lead Air Protection Professional - Investigations	1
2029	EPCEB	Supervisor, Air Protection - Investigations	1
2029	EPCEB	Associate Air Protection Professional - Investigations	1
2029	EPCEB	Air Protection Professional	4
2029	EPCEB	Senior Air Protection Professional	1
FY29 EPCEB Totals			**8**
FY29 AQB & EPCEB Combined Totals			**14**
2030	AQB	Manager, Air Protection - Technical Operations	1
2030	AQB	Supervisor, Air Protection - Modeling	1
2030	AQB	Program Manager, Grants coordinator - Operations	1
2030	AQB	Air Protection Professional - Monitoring	2
2030	AQB	Senior Air Protection Professional - Monitoring	2
FY30 AQB Totals			**7**
2030	EPCEB	Supervisor, Air Protection	1
2030	EPCEB	Lead Air Protection Professional	2
2030	EPCEB	Associate Air Protection Professional	3
2030	EPCEB	Air Protection Professional	2
2030	EPCEB	Senior Air Protection Professional	2
FY30 EPCEB Totals			**10**
FY30 AQB & EPCEB Combined Totals			**17**
FY26-FY30 AQB & EPCEB Combined Totals			**81**

STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED REPEAL AND REPLACEMENT OF 20.2.71 NMAC – *OPERATING PERMIT EMISSIONS FEES* AND 20.2.75 NMAC – *CONSTRUCTION PERMIT FEES*

No. EIB 25-77(R)

New Mexico Environment Department,

Petitioner.

NEW MEXICO ENVIRONMENT DEPARTMENT
TECHNICAL TESTIMONY OF BUREAU CHIEF BRET ANDERSON

I. INTRODUCTION AND QUALIFICATIONS

My name is Bret Anderson, and I serve as Bureau Chief of the Environmental Protection Compliance and Enforcement Bureau ("EPCEB") in the Compliance and Enforcement Division at the New Mexico Environment Department ("Department"). In this role, I am responsible for oversight of compliance and enforcement functions for the Air Quality, Climate Change, and Radiation Control Program within EPCEB.

My responsibilities include planning and prioritizing air compliance and enforcement activities, overseeing the EPCEB budget, and ensuring fulfillment of all U.S. Environmental Protection Agency ("EPA") reporting and performance requirements associated with New Mexico's delegated authority for Air Quality Compliance and Enforcement functions for the Department. I work in close coordination with the Department's existing Air Quality Bureau to ensure regulated entities operate in compliance with air quality permit conditions and applicable state and federal regulations.

I hold a Bachelor of Science degree in Geography with specializations in Climatology and Environmental Studies from the University of Nebraska–Lincoln and a Master of Science degree in Computer Information Systems from Bellevue University in Nebraska. I have worked in the field of air quality for thirty-two (32) years at both state and federal government levels, including seven years in the Air Planning Branch at EPA Region 7 and nearly two years at EPA's Office of Air Quality Planning and Standards. I joined the Department in 2025 as the Bureau Chief of the EPCEB following my retirement from the United States Government. My full educational and professional background is set forth in my résumé, marked and attached as **NMED Exhibit 58**.

I present this written testimony on behalf of the Department in support of the Department's Petition for Regulatory Change to Repeal and Replace 20.2.71 NMAC, *Operating Permit Emissions Fees*, and 20.2.75 NMAC, *Construction Permit Fees* ("Petition") (filed Dec. 3, 2025), in the form of the text of recommended modifications set forth in 20.2.71 NMAC, *Operating Permit Emissions Fees*, **NMED Exhibit 1** (clean) and **NMED Exhibit 2** (redline) ("Revised Part 71") and 20.2.75 NMAC, *Construction Permit Fees*, **NMED Exhibit 4** (clean) and **NMED Exhibit 5** (redline) ("Revised Part 75"), for the Board's adoption in place of the regulatory changes proposed in the Petition as 20.2.71 NMAC and 20.2.75 NMAC, Petition, Exhibits B and C (clean), respectively, and Exhibits D and E (redline), respectively (filed Dec. 3, 2025).

II. CLEAN AIR ACT, STATE IMPLEMENTATION PROGRAMS, AND DELEGATION OF CLEAN AIR ACT PROGRAMS

The repeal and replace of Parts 71 and 75 is not just connected to legal requirements at the state level, but is connected to legal requirements at the federal level as well. Specifically, the Department petitioned the Environmental Improvement Board ("Board") to authorize the Department to submit Revised Part 71 to the EPA for approval as a proposed revision to the State

of New Mexico's Title V Permit Program, and to submit Revised Part 75 to EPA for incorporation into the State of New Mexico's State Implementation Plan (excluding 20.2.75.10(B) NMAC and 20.2.75.11(E) NMAC, which are state-only provisions).

A. Overview of Section 110 of the Clean Air Act

Section 110 of the Clean Air Act ("CAA"), codified at 42 U.S.C. § 7410, establishes the framework for State Implementation Plans ("SIPs") to achieve, maintain, and enforce National Ambient Air Quality Standards ("NAAQS") for both primary (health-based) and secondary (welfare-based) standards. Section 110 requires states to develop and submit plans to the EPA Administrator, ensuring that air quality control measures are implemented across designated regions. It emphasizes cooperative federalism, where states take primary responsibility for air pollution control, subject to EPA oversight and approval.

Section 110 is divided into subsections that outline plan submission timelines, content requirements, EPA review processes, and mechanisms for federal intervention if states fail to act. Key requirements under Section 110 include enforceability, interstate coordination, resource adequacy – meaning both financial resources and personnel resources, and flexibility for states to tailor plans to local needs while meeting federal standards.

B. Infrastructure SIPs Under Section 110

Infrastructure SIPs are a specific type of SIP submission required under Section 110(a)(1) and (2). These are foundational plans that states must submit within three years (or a shorter period if prescribed by EPA) after the promulgation or revision of any NAAQS. They ensure that states have the basic "infrastructure" – including legal authority, funding and personnel resources, and programs – in place to implement, maintain, and enforce the NAAQS. Unlike attainment or maintenance SIPs for nonattainment areas (covered under other CAA parts like Part D),

infrastructure SIPs apply statewide and focus on the structural elements needed for overall state compliance with federal requirements.

C. Key Requirements for Infrastructure SIPs (Section 110(a)(1) and (2))

Section 110(a)(1) mandates that states adopt and submit SIPs after reasonable notice and public hearings. These plans must cover each air quality control region (or portion) within the state and provide for the implementation, maintenance, and enforcement of primary and secondary NAAQS.

Section 110(a)(2) details the mandatory elements that infrastructure SIPs must include. These are often referred to as the "infrastructure elements" and form a checklist for EPA review. The core elements or "checklist" for infrastructure SIPs consist of:

- (A) Enforceable Emission Limitations and Control Measures: The SIP must include enforceable limits and other measures (e.g., schedules, timetables, economic incentives like marketable permits or emission auctions) necessary to meet CAA requirements.
- (B) Ambient Air Quality Monitoring/Data System: A program for monitoring air quality, compiling data, and making it available to the EPA.
- (C) Program for Enforcement of Control Measures: Includes enforcement of measures, regulation of new or modified stationary sources to ensure NAAQS attainment, and a permitting program as required under Parts C (Prevention of Significant Deterioration, PSD) and D (Nonattainment New Source Review).
- (D) Interstate Transport: Prohibits emissions that significantly contribute to nonattainment or interfere with maintenance in other states (often divided into "prongs" for significant contribution, interference with maintenance, and prevention of significant deterioration/visibility). Also addresses international transport under Sections 115 and 126.

- (E) Adequate Resources and Authority: Assurances that the state (or local agencies) has adequate personnel, funding, and legal authority to carry out the plan. Includes requirements for state boards under Section 128 and prohibitions on conflicts of interest.
- (F) Stationary Source Monitoring System: Requirements for sources to install, maintain, and replace emission monitoring equipment, with periodic reporting to the state.
- (G) Emergency Powers: Authority comparable to the EPA's under Section 303 to address air pollution emergencies endangering public health.
- (H) Future SIP Revisions: Provisions for revising the SIP in response to new or revised NAAQS, improved control methods, or EPA-identified inadequacies.
- (I) Nonattainment Area Plan Requirements: In areas designated nonattainment, the SIP must meet Part D requirements before approving major new or modified sources.
- (J) Consultation, Public Notification, PSD, and Visibility Protection: Requirements for consultation with government officials (Section 121), public notification of air quality issues (Section 127), and meeting PSD and visibility protection under Part C.
- (K) Air Quality Modeling and Data Submission: Permitting decisions must be based on air quality modeling, with data submitted to the EPA.
- (L) Permitting Fees: Major stationary sources must pay fees to cover permit review and enforcement costs until a state fee program is approved under Title V.
- (M) Consultation with Local Governments: Consultation with local political subdivisions during plan development.

These elements ensure a comprehensive framework for air quality management. EPA guidance, such as the 2013 memorandum on infrastructure SIP elements, provides further interpretation, emphasizing that submissions must demonstrate how existing state programs satisfy

these requirements (**NMED Exhibit 59**). If a state fails to submit a complete infrastructure SIP, the EPA may issue a finding of failure, triggering sanctions or federal implementation plans (FIPs) under Section 110(c).

D. Delegation of Programs Under the Act in the Context of Section 110

Section 110 includes provisions for delegating authority to implement and enforce SIPs or related programs, reflecting the CAA's emphasis on state and local primacy while allowing federal oversight. Delegation ensures efficient administration but does not relieve the delegating entity of ultimate responsibility.

Prevention of Significant Deterioration (PSD) and Other Permitting Programs: Under Section 110(a)(2)(C) and (J), infrastructure SIPs must include PSD programs for new and modified sources. If a state lacks an approved PSD program, the EPA may retain authority via a Federal Implementation Plan ("FIP"), but states can request delegation to administer the federal PSD program on EPA's behalf. This delegation allows states to issue PSD permits under federal rules until their SIP is fully approved.

Broader Delegation Context: While Section 110 focuses on SIP-related delegation, it ties into other CAA sections. For instance, EPA can delegate authority for programs like New Source Performance Standards ("NSPS") under Section 111 or National Emission Standards for Hazardous Air Pollutants ("NESHAP") under Section 112, often as part of or alongside SIP approvals. However, delegation requires the delegated entity to have equivalent enforcement powers and does not transfer EPA's ultimate oversight.

In practice, delegation agreements are formalized through memoranda of agreement ("MOAs") between EPA and states/local agencies, specifying responsibilities, reporting, and revocation conditions. If a state or local entity fails to perform, the EPA can resume authority.

Section 110(a)(2)(E)(i) of the CAA states a SIP must contain:

> necessary assurances that the State (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the State or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof).

Clean Air Act Section 110(a)(2)(E)(i) requires that each EPA-approved SIP provide necessary assurances that the State will maintain adequate personnel, funding, and legal authority to carry out SIP implementation and enforcement responsibilities per 42 U.S.C. § 7410(a)(2)(E)(i). This requirement reflects EPA's expectation that delegated air programs must be supported by sufficient compliance monitoring, reporting review, and enforcement capacity to ensure that regulatory requirements are implemented in practice and remain enforceable as a practical matter. The Department's requested fee adjustments are therefore directly linked to maintaining the staffing and operational resources necessary to fulfill New Mexico's SIP obligations, meet federal performance expectations, and sustain effective oversight of regulated stationary sources.

III. ENVIRONMENTAL PROTECTION COMPLIANCE AND ENFORCEMENT BUREAU ACTIVITIES

As Bureau Chief of the EPCEB, I support the Department's mission to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations. A core component of this mission is ensuring that environmental requirements are implemented in a manner that is enforceable as a practical matter and that compliance determinations reflect actual operating conditions at regulated facilities.

EPCEB is responsible for compliance monitoring and enforcement functions for the Air Quality, Climate Change, and Radiation Control Bureaus. With respect to air quality, EPCEB works in close coordination with the Air Quality Bureau to ensure that air quality permits, regulations, and plans approved by the State and the EPA are implemented consistently and effectively. Together, the Air Quality Bureau and EPCEB fulfill New Mexico's delegated authority under the CAA as described in Section II by ensuring that regulatory requirements translate into measurable compliance outcomes.

My duties include prioritizing planning for air quality compliance and enforcement activities, overseeing EPCEB's budget, and ensuring that all EPA reporting, oversight, and performance requirements associated with delegated programs are met. This includes implementation of the CAA Stationary Source Compliance Monitoring Strategy ("CMS") (**NMED Exhibit 60**), which establishes expectations for inspection coverage, monitoring, data evaluation, and enforcement response.

The scope and complexity of EPCEB's responsibilities have increased significantly in the last five years. Growth in the number of regulated entities, increased facility complexity, and expanded monitoring and reporting requirements have increased the workload associated with compliance monitoring and enforcement. EPCEB also must address compliance assurance and monitoring, and enforcement related to 20.2.50 NMAC, *Oil and Gas Sector – Ozone Precursor Pollutants* ("Part 50"), a rule the Board adopted in 2022 to addresses the precursor pollutants to ozone (volatile organic compounds and oxides of nitrogen).

EPCEB's role is to ensure that economic growth occurs within the framework established by state and federal environmental laws. Predictable, timely, and consistent compliance oversight benefits both the public and the regulated community by providing clarity, accountability, and a

level playing field. Effective enforcement also supports the integrity of the permitting process by ensuring that permit conditions are meaningful and enforceable.

EPCEB's ability to meet these obligations depends on stable and adequate funding. Compliance monitoring and enforcement functions are labor-intensive and require experienced staff with technical, legal, and regulatory expertise. Without sufficient resources, EPCEB must rely on administrative mechanisms like tolling agreements to keep delaying compliance cases to manage workload, resulting in extended timelines for inspections, compliance determinations, and enforcement case resolution. This has caused frustration expressed tIo the Department by the regulated community as at times, the Department is so delayed in resolving an enforcement action, that the conditions for the entity at issue have completely changed.

The requested fee changes are necessary to support staffing and resources required to carry out EPCEB's delegated responsibilities. Without adequate funding, EPCEB cannot sustain current levels of service, meet federal performance expectations, or maintain the inspection, monitoring, and enforcement activities necessary to protect air quality in New Mexico. However, with adequate funding, EPCEB can stabilize staffing, reduce backlogs, strengthen compliance outcomes, and continue to support economic activity in a manner that is protective, consistent, and legally defensible.

IV. Air Quality Compliance and Enforcement Section

The Air Quality Compliance and Enforcement Section ("Air C&E Section") became part of the Compliance and Enforcement Division in July 2025. The Air C&E Section has an authorized strength of thirty-one (31) full-time equivalents ("FTE"). The Air C&E Section is organized by

core program function, consisting of compliance inspections, compliance reporting, and enforcement.

The Air C&E Section serves as the primary operational oversight function in coordination with the Air Quality Bureau. The Air C&E Section provides the Air Quality Bureau with the mechanisms necessary to determine whether regulated stationary sources operate in compliance with applicable CAA requirements, state statutes, and implementing regulations. In this role, the Air C&E Section functions as the "eyes and ears" of the Air Quality Bureau by translating permit conditions and regulatory requirements into observable, verifiable compliance determinations.

A. Clean Air Act Stationary Source Compliance Monitoring Strategy (CMS)

The purpose and goals of the Air C&E Section are embodied in the CMS (**NMED Exhibit 60**). The CMS establishes a structured, risk-based framework used by the EPA and delegated state agencies to evaluate compliance at regulated facilities. The CMS guides the Air C&E Section as to how facilities are selected for monitoring, the compliance tools that are applied, and the frequency and intensity of monitoring activities. For example, the CMS recommends that Title V facilities be inspected at a frequency of every two years and that synthetic minor sources with potential emissions within 80% ("SM-80") of Title V applicability thresholds be inspected at a frequency of every five years. A "synthetic" minor source is a source that has the physical and operational capability to emit major amounts but is not considered major source because the owner or operator has accepted an enforceable limitation.

The CMS does not require equal treatment of all sources. Instead, it prioritizes facilities based on emissions magnitude, toxicity, operational complexity, compliance history, and potential impacts to nearby communities. This approach allows resources to be directed toward sources that present the greatest potential risk to public health and the environment.

The purpose of the CMS is to ensure that air quality requirements are enforceable as a practical matter and that compliance determinations reflect actual operating conditions rather than theoretical design assumptions. The CMS is intended to prevent compliance only on paper, detect routine or concealed excess emissions, and identify situations where monitoring, recordkeeping, or reporting is insufficient to demonstrate continuous compliance. In this way, the CMS supports effective oversight and accountability under the CAA.

Implementation of the CMS relies on a combination of compliance monitoring tools, including on-site inspections, stack testing, continuous or parametric monitoring, and review of records and reports. EPA places particular emphasis on monitoring approaches that are continuous or frequent enough to correspond with the nature of applicable emission limits, particularly for sources with continuous operations or high potential to emit. Records and operational data are central to compliance determinations and often identify violations that are not evident from testing alone. The CMS also recognizes the increasing role of emerging monitoring technologies, including remote sensing and optical gas imaging, in identifying potential noncompliance.

The CMS establishes a direct linkage between compliance monitoring activities and enforcement. Information obtained through inspections, testing, data review, and other monitoring activities is used to assess compliance trends, identify systemic deficiencies, and determine appropriate enforcement responses. Enforcement actions may range from informal corrective actions to formal civil enforcement, depending on the nature and extent of the violations identified. This alignment between monitoring, data evaluation, and enforcement promotes consistent, transparent, and effective implementation of air quality requirements.

CMS implementation includes several ongoing federal oversight components. CMS plans are submitted or revised annually on a federal fiscal year basis. States maintain records

documenting compliance monitoring activities and outcomes. Each year, the Air C&E Section and EPA Region 6 review compliance monitoring results and update the CMS plan as necessary. In addition, EPA Region 6 periodically conduct in-depth evaluations of New Mexico's compliance monitoring programs through the State Review Framework ("SRF") process.

The Air C&E Section's functional organization supports CMS implementation by aligning program responsibilities with specific compliance tools. Compliance inspections focus on on-site evaluation of facility operations and equipment. Compliance reporting functions manage the intake, review, and evaluation of monitoring data, test notifications, and required reports used to determine compliance status. Enforcement functions are responsible for case development, legal sufficiency, and resolution of identified violations. This functional separation improves efficiency, consistency, and accountability while strengthening the linkage between monitoring activities and enforcement outcomes.

B. Air Quality Inspections Unit

The Air Quality Inspections Unit is responsible for evaluating compliance with state and federal air quality requirements under the New Mexico Air Quality Control Act, NMSA 1978 Sections 74-2-1 through -17 ("State Air Act") and the CAA. The Unit conducts inspections of permitted and registered stationary sources across the state, including major sources subject to Title V, synthetic minor sources, minor sources, and oil and gas facilities operating under general construction permits or registrations. Its overarching role is to verify that emission limits, operational requirements, and monitoring obligations are being met in practice, not just on paper.

The inspections process is multifaceted. The process begins with planning what facilities will be on the inspections list for a given year. Individual inspectors are then assigned facilities by

the Air Quality Inspections Unit Supervisor. The individual inspector will pull all information from the Department databases related to the facility over the previous two years, review any reports submitted to the Department over the previous two years, conduct an on-site inspection by traveling out to the facility location, review records on site and any records they request after the on-site inspection, conduct closing conferences with regulated entities either in person or in a virtual meeting to close out their inspection, and issue enforcement documents or memos if needed.

Additionally, the inspections program is also responsible for complaint investigations. Inspectors field complaints in shift rotation by following up with public phone calls or receiving emails. Inspectors will call the person filing a complaint to gather information, conduct research to identify and contact the suspected violator by utilizing GIS and the Department's TEMPO database, request and review documentation from the suspected violator, if needed, conduct an on-site investigation at the suspected site; and occasionally issue an enforcement document, memo, or formal warning letter. Complaints can range from simple neighboring disputes, fugitive dust complaints, and historically several complaints have led to multimillion dollar penalties for significant permit violations. The inspections group has averaged 220 complaint investigations a year (**NMED Exhibit 61**).

In 2021, there were 823 facilities on the Department's CMS list, and by 2025, that number had risen to 1308 – a 62.9% increase (**NMED Exhibit 62**). Contrast this with inspection numbers completed between years 2021 and 2025. In 2021, the inspections program completed 53 inspections, but by 2025 the number had been reduced to 28 (**NMED Exhibit 63**). Put another way, the number of facilities on the CMS list grew by approximately 60% between 2021 and 2025, while the number of inspections completed decreased by nearly 50% during that time.

The facilities on the CMS list consist of Title V and synthetic minor (SM-80) sources only.[1] The CMS list does not apply to any other emission sources for which the Department is also required to ensure regulatory compliance. A number of facilities that hold Notices of Intent ("NOIs") due to their smaller potential to emit ("PTE"), will not fall within the SM-80 category and thus not be part of the traditional CMS category list. A subset of these sources that hold NOIs emit ozone precursors and are not normally prioritized for inspections due to their low PTE. Collectively they have the potential to contribute to ozone formation, thus having a viable compliance surveillance program becomes an important capability to help avoid a potential ozone non-attainment designation. In recent years the Air Quality Program has added non-traditional CMS sources to the annual CMS inspection plan. This happens when the Department receives resident complaints that concentrate in one or more source sectors, necessitating dedication of EPCEB's inspection resources to assess the compliance status of sources that fall within that category.

Currently, the inspections program consists of one unit supervisor and four FTE. Authorized staffing levels for inspections consists of one program manager, one unit supervisor, and eight inspectors. Current staffing levels explain the low inspection count in 2025, as the Department does not have the resources to meet its inspection requirements. In 2021, 65 facilities on the CMS list were overdue for inspection; however, by 2025 the number of facilities overdue for inspection rose to 247, constituting a 280% increase. The inspections group currently averages 277 hours per inspection, or an average of approximately 7.3 inspections a year per inspector. These figures reflect the demands of modern air quality inspections, including pre-inspection

[1] This refers to a facility where the restricted emission limits are set at 80% or more of the major source threshold.

analysis, permit and emissions review, travel, on-site inspection activities, records evaluation, and post-inspection documentation. Under the current structure, these demands contribute directly to reduced inspection coverage and increasing CMS backlogs. These conditions required the Department to request and obtain EPA Region 6 approval of an alternative CMS approach (**NMED Exhibit 64**). In 2023, the Air Program proposed changing the inspection frequency of a subset of compressor stations classified as major sources to five years and a subset of SM-80 sources to eight years. This was due to the growing inspections backlog. On the current trajectory assuming no growth in the facilities on the CMS list, the inspections group (assuming 5 inspectors) will have to complete 39 inspections per year per inspector to maintain pace with our CMS targets.

EPA's CMS framework emphasizes not only inspection frequency, but inspection quality, technical competency, and the strategic use of limited resources. The Department's experience over the past several years demonstrates that the existing inspection structure does not adequately support these objectives under current workload conditions.

The inspections group estimates that the length of time to complete the entire inspections process has increased 32% since 2021 and the page count of inspection reports has increased 41% over the same time. Our internal assessment indicates that this is the result of several factors. First, there is an increase in regulatory complexity of sources subject to both state and federal requirements. Second, our internal processes for inspections preparation and documentation have expanded considerably since 2021. Addressing the inspection backlog requires both increased staffing and continued evaluation of internal processes to improve efficiency while maintaining inspection quality, which will not occur unless the Department's proposal is adopted.

The inspections program has operated at or below 50 percent of authorized staffing for an extended period. Current staffing consists of one supervisor and four inspectors, compared to an

authorized level of one program manager, one supervisor, and eight inspectors. The average inspector experience level is less than two years. This combination of limited staffing and limited experience constrains the program's ability to distribute inspections efficiently and consistently across the regulated universe.

In the past, the difficulty of attracting and retaining experienced staff has taken a significant toll on the ability of the Department to meet inspections obligations. The state's salary structure has historically been less competitive than industry, and the TEMPO database and lack of IT infrastructure creates frustration with new staff, who are not trained on archaic systems. And, with so few inspectors, the workload is overwhelming and without any relief in sight has a direct negative impact to staff moral and retention efforts. However, over the past two years, the Department has positioned itself to address these issues. This has included addressing its salary structure by appropriately aligning its salaries to ensure proper compensation, and working with the State Personnel Office to create a new job classification series for "Air Protection Professionals" that allows for a broader and more qualified pool of applicants. The Department has created an internal tracking system to ensure that while it continues to seek funding for a replacement for TEMPO that at least there is the ability to track compliance and enforcement actions in an interim software system that is not Microsoft Access.

That said, approval of this rulemaking is critical to ensure that the Department can ensure sufficient staff and resources to meet its obligations given the volume of work – that final "work satisfaction" piece. Due to this significant challenge, the inspections group has been at 50% or below of authorized strength for the latter half of 2025 into 2026. Authorized strength is total number of FTEs authorized for a given program. The average level of experience of the inspections staff is just shy of two years.

EPCEB requires twenty-seven FTEs over the next five years for the inspections program. Twenty of the FTEs will be source inspectors, two drone operation specialists, and five supervisors. These staffing levels represent the minimum needed to return inspection coverage to CMS expectations, reduce overdue inspections, and ensure that high-risk sources receive appropriate oversight. The inspections group structure will, in part, address shortcomings in the current structure by organizing inspection staff around functional areas that reflect inspection complexity and technical requirements. Rather than assigning all inspections to generalist staff, the structure supports specialization, allowing inspectors to develop expertise in specific source categories and inspection types. This approach increases efficiency, improves inspection quality, and aligns with CMS principles that emphasize risk-based and technically sound compliance monitoring.

By grouping inspections by source type and inspection function, the Department improves its ability to prioritize higher-risk facilities, conduct more consistent inspections, and make effective and efficient use of staff time. Specialization also supports training and mentorship, reduces duplication of effort, and improves the defensibility of inspection findings.

C. Compliance Reporting Unit

Compliance reporting is a core component of the Department's oversight framework and is essential to ensuring that regulated facilities comply with applicable environmental laws and regulations. Compliance reporting encompasses the activities used to determine whether a facility is operating in accordance with permit conditions and regulatory requirements.

The EPCEB Compliance Reporting Unit collects, reviews, and evaluates reports that regulated entities are required to submit pursuant to air quality permit conditions, federal regulations, and state regulations. These reports include, but are not limited to: Annual Compliance

Certifications; Semi-Annual Monitoring Reports (Title V program requirements (20.2.70 NMAC)); reports required under Maximum Achievable Control Technology, National Emission Standards for Hazardous Air Pollutants, and New Source Performance Standards; New Mexico Administrative Code reports; excess emission reports, including affirmative defense documentation; and stack test notifications, protocols, and final reports.

Rather than relying only on the inspections, the Compliance Reporting Unit verifies compliance through systematic review of submitted data. This includes comparing reported emissions and operating data with permit limits, validating calculations and methodologies, identifying deviations, exceedances, or reporting failures, and flagging inconsistencies across reporting periods or between multiple reporting submissions.

The Unit is also responsible for data management and recordkeeping through the Air Quality Bureau Compliance Reporting ("AQBCR") application. These responsibilities include tracking reporting deadlines and late submissions, preparing compliance review documents using standardized templates, and drafting Post-Inspection Notifications ("PINs") and Areas of Concern ("AOCs") when potential violations are identified. This process transforms "paper compliance" into enforceable documentation. In addition, the Unit responds to citizen air quality complaints received by the Department and logs them into the Environmental Notification Tracking System ("ENTS"), including conducting follow-up as necessary.

The Compliance Reporting Unit also manages the Asbestos Access Database for implementation of the federal Asbestos NESHAP, which establishes work practice requirements to minimize asbestos fiber release during renovation, demolition, and waste disposal activities. The Unit processes NESHAP notifications for demolition and renovation projects involving institutional, commercial, public, and multi-unit residential buildings. When notifications are

properly submitted and processed, an Acknowledgement of Receipt ("AOR") is issued to the contractor.

In addition, the Unit manages the AQBCR data that serves as the official compliance record for facilities regulated by the Air Quality Bureau. These data are routinely reported to the EPA through the Integrated Compliance Information System–Air ("ICIS-Air") and are reflected in Enforcement and Compliance History Online ("ECHO"). The unit evaluates reported information for relevance and accuracy, identifies systemic compliance issues, and analyzes potential solutions.

The Compliance Reporting Unit also provides regulatory coordination, particularly for Title V facilities. The Unit develops and implements standardized reporting forms for each Title V facility submitting Annual Compliance Certifications and Semi-Annual Monitoring Reports. These standardized formats are essential to maintaining consistent, reliable compliance reviews and preserving an accurate compliance history.

Although the Unit was originally established to review records for the purpose of determining regulatory compliance, its central functions have developed and grown in to also providing guidance and technical assistance. This includes responding to reporting questions from regulated entities and consultants, training facilities on the Department's electronic reporting systems, and providing guidance to help prevent noncompliance.

The Compliance Reporting Unit functions as the central hub for compliance documentation—ensuring that regulated facilities accurately document, report, and demonstrate compliance with environmental requirements, and that regulators have reliable, usable data to support oversight and enforcement when necessary.

The Compliance Reporting Unit program authorized strength is seven FTEs, one supervisor, and one program manager. The workload of the compliance reporting group has

increased significantly as the nature of air quality regulations have evolved. In 2021, the reports program received 101 Annual Compliance Certifications and 188 Semi-Annual Monitoring Reports. By 2025, the numbers had increased to 141 and 273 for Annual Compliance Certifications and Semi-Annual Monitoring Reports, respectively.

Between 2021 and 2025, the Air Quality Bureau experienced a significant and measurable increase in stack testing activity and associated compliance oversight workload. In 2021, the Reports Group received 110 stack test notifications; by 2025, that number had risen to 1,512 notifications, representing more than a tenfold increase. A stack test notification can be for multiple emission units at the same facility. Over the same period, the number of emission units subject to regulatory stack testing requirements under NSPS Subpart JJJJ, Maximum Achievable Control Technology ("MACT") Subpart ZZZZ, and 20.2.50.113 NMAC increased from approximately 474 units in 2021 to 6,706 units in 2025. These numbers likely have some emission units counted more than once because some units can be subject to both JJJJ and ZZZZ requirements; however, these numbers clearly demonstrate growth in emission units subject to source testing requirements over time. This growth is driven in part by the phased-in applicability of Part 50, which requires emissions testing for engines and turbines operating 500 hours per year or more, thereby steadily expanding the population of units subject to annual compliance demonstrations. To address this rapid increase in required testing and ensure effective regulatory oversight, AQB contracted with an external engineering firm to witness a select number of stack tests on behalf of the Department. EPCEB expanded that effort in autumn 2025 and commissioned development of a formal stack test observation training course for Air Compliance and Enforcement personnel, strengthening the Department's capacity to verify test quality, ensure

enforceable results, and respond to the growing volume of compliance data generated by these regulatory programs.

EPCEB require an additional twelve total FTE and will be adding them over the next five years in consideration of budget in the compliance reporting group. Five will be part of a dedicated source testing group to more effectively manage the dramatic increase in stack test notifications experienced. Three positions will be added to more effectively manage excess emission reports, Annual Compliance Certifications, and Semi-Annual Monitoring Reports. EPCEB will also have at least one position to act as a data steward for the immense volume of air compliance information submitted to the Bureau. These positions are necessary to manage the increased reporting volume, ensure timely compliance determinations, and maintain accurate compliance data reported to EPA systems such as ICIS-Air and ECHO.

D. Air Enforcement Unit

The Air Enforcement Unit performs tasks related to enforcement of the CAA, as delegated to the Department by the EPA, and the State Air Act and the rules promulgated pursuant to the Act.

The tasks involved in ensuring regulated entities operate their facilities and assets according to the CAA and State Air Act include but are not limited to:

Review areas of concern referred from the inspections staff. Based on that review, Enforcement Unit case managers will draft and issue tolling agreements which, if both parties sign, results in an agreement that allows the Air Enforcement Unit to maintain case discovery within the statute of limitations and allows regulated entities more time to negotiate a case settlement. If the regulated party does not choose to sign the tolling agreement the Enforcement Unit Case Manager would then issue an Administrative Order of Compliance. Enforcement Unit case managers may

issue Information Requests to collect additional information as needed; Notices of Violation and Notices of Corrective action to officially notify regulated entities of potential violations; and settlement offers and compliance orders to negotiate and resolve cases.

Enforcement staff also monitor consent decree activity when the consent decree agreement is between the EPA, the Department, and regulated entities with physical assets in New Mexico. A consent decree is a court-approved settlement between the government and regulated entity that resolves a lawsuit without a trial, and thus becomes legally binding and enforceable through further court action. Before issuance, consent decree drafts must be reviewed to ensure the violations and penalties are represented appropriately and signed by the Department Secretary and the Department's General Counsel. Any modifications to the consent decree must be reviewed by Enforcement Unit staff and signed by the Department Secretary and the Department's General Counsel. Any reports submitted to the Department as a requirement of a consent decree are reviewed by Enforcement Unit staff for detection of new or repeat violations.

The civil penalty policy allows regulated entities to conduct environmental audits. Regulated entities must first enter into an agreement with the Department. Then the regulated entities can begin the audit and submit results monthly to the Department. Enforcement Unit staff review the monthly environmental audit reports and accept or reject the reports and the corrective actions. An environmental audit may be followed with enforcement actions.

Within the past year, the Department has implemented a new initiative known as the Credible Evidence Letters (CEL) program. This effort uses satellite-detected methane plume imagery to identify potential emissions associated with permitted facilities. When a plume is matched to a facility, the Department sends an inquiry letter to the facility owner to ensure that

appropriate actions have been taken to address any leaking equipment, consistent with the requirements of NMAC 20.2.50 (“Part 50”).

The CEL program also supports improved compliance with applicable federal requirements, including EPA’s New Source Performance Standards for the oil and natural gas sector under the NSPS Subpart OOOO series. By prompting timely investigation and corrective action, these inquiries can help ensure that fugitive emissions and equipment leaks are identified and addressed consistent with federal leak detection and repair expectations. The Enforcement Unit manages this process with outside contract assistance.

Enforcement Unit staff review Alternative Compliance Plans and route them for public comment and coordinate publication with the applicant. Enforcement staff review public comments and either approve or deny the Alternative Compliance Plans after review.

The enforcement program is currently at authorized strength of eight FTE, including one supervisor and one program manager. The length of time necessary to develop an enforcement case and successfully bring it forward varies significantly due to the complexity unique to each case. Since 2021, the enforcement case load has doubled. There were 37 total cases in 2021 which increased to 74 by 2025. In 2026, there are 138 active enforcement cases currently. Of the 138 cases, 103 of the cases are under tolling agreements. Tolling agreements are legal tools that pause the statute of limitations and require agreement by both the Department and the regulated entity. The high percentage of cases under tolling agreements reflects the volume and complexity of enforcement work relative to available staff resources. Reliance on tolling agreements preserves the State’s enforcement authority, but it also indicates that enforcement personnel must manage legal timelines carefully while addressing a growing caseload.

As described in Section II, effective enforcement capacity is a core component of EPA's delegation of CAA authority to the State. Sustaining a centralized and adequately staffed Enforcement Unit ensures that New Mexico continues to meet EPA expectations for timely and effective enforcement. EPCEB anticipates adding to the Enforcement Unit seven FTEs in the coming five years. Five enforcement case managers will be added, one audit/consent decree specialist, and one permitting expert.

The EPCEB's permitting expert will serve as the Bureau's liaison to Air Quality Bureau Permitting Section to enhance communication between the compliance and permitting programs and will lead investigations involving potential attempts by regulated entities to circumvent both PSD (20.2.74 NMAC) and Title V (20.2.70 NMAC) permitting requirements.

E. Changes to Fees are Essential to EPCEB's Efforts

These amendments to the fee regulations are necessary to ensure timely case resolution, maintain enforcement authority within statutory timelines, and meet EPA expectations for delegated enforcement programs. The requested fee alignments are necessary to support staffing and resources required to address increased workload across compliance monitoring, inspections, reporting, and enforcement. As discussed, workload has increased due to growth in permitting actions, increased facility complexity, additional regulations and a growing backlog. EPCEB supports continued economic growth in New Mexico by protection of New Mexico's air quality and helps to avoid nonattainment designation of the Permian Basin as previously highlighted by my colleague from the Air Quality Bureau Chief Cindy Hollenberg. To support that growth in a protective and responsible manner, EPCEB must expand staffing and program capacity to meet changing conditions, evolving technologies, and increased regulatory demands. Program responsibilities include increased monitoring and verification, additional inspections, expanded

compliance assistance, audit oversight, internal process improvements, and more comprehensive response to public concerns.

V. The Future of Air Quality Compliance and Enforcement in New Mexico

The scope and scale of air quality compliance and enforcement activities will continue to expand as the number of regulated sources increases and as existing sources become more complex. Growth is occurring across multiple industrial sectors, including oil and gas, power generation and data centers. These sectors involve higher throughput, more continuous operations, and increasingly sophisticated control systems, all of which increase the volume of monitoring data, compliance determinations, and enforcement actions required to maintain effective oversight.

Traditional compliance and enforcement approaches, centered exclusively on periodic on-site inspections and manual data review, are no longer sufficient to address the volume and complexity of current and future sources. While on-site inspections remain a core component of implementing the CMS and non-CMS responsibilities, EPCEB must adapt its methods to ensure that monitoring frequency, data evaluation, and enforcement response remain commensurate with the nature of applicable emission limits and operational profiles of regulated facilities.

EPCEB will need to increasingly rely on advanced monitoring and evaluation technologies to supplement and enhance traditional inspection activities. Remote sensing tools, including satellite-based methane detection, aerial surveys, and drone-mounted monitoring equipment, provide the ability to screen large numbers of facilities, identify potential noncompliance, and prioritize on-site inspections based on risk. These tools improve efficiency by directing finite inspection resources to facilities and operating conditions that warrant closer review.

Data analytics is an important tool for managing increased monitoring, reporting, and enforcement demands while maintaining consistency, transparency, and accountability. Within the framework of the CMS, data analytics supports risk-based prioritization of compliance monitoring activities. By integrating information such as emissions magnitude, permit complexity, compliance history, monitoring results, and proximity to communities, EPCEB can more effectively identify facilities that warrant increased oversight. This approach allows limited inspection and enforcement resources to be focused where the potential for noncompliance and public health impact is greatest.

Data analytics also improves the evaluation of continuous and parametric monitoring data submitted by regulated entities. Automated screening of monitoring data allows EPCEB to identify exceedances, operational anomalies, and sustained operation near emission limits in a timely manner. This capability supports earlier compliance determinations and reduces the reliance on periodic reviews that may not capture ongoing compliance issues.

Data analytics also enhances the use of remote sensing technologies, including satellite-based methane detection, aerial surveys, and optical gas imaging. Analytical tools allow detections to be associated with permitted facilities and equipment, support prioritization of follow-up inspections or information requests, and identify repeat or persistent emission issues over time. This approach strengthens inspection targeting and supports timely intervention.

In support of inspections, data analytics improves inspection planning by identifying historical compliance issues, equipment or processes with elevated risk, and areas requiring focused review. Following inspections, analytics supports tracking of corrective actions and identification of recurring deviations, improving the effectiveness of enforcement responses.

Data analytics also supports enforcement case development by establishing timelines of deviations, identifying patterns of repeated or ongoing noncompliance, and supporting consistent development of enforcement theories. These tools improve efficiency and consistency while preserving professional judgment and legal sufficiency.

At the program level, data analytics supports internal management and federal oversight by tracking inspection coverage, enforcement timelines, and compliance trends. This information supports EPA reporting requirements, State Review Framework evaluations, and continuous program improvement.

The use of data analytics and artificial intelligence will also become increasingly important as monitoring, reporting, and recordkeeping requirements expand. Automated review of large datasets, including continuous monitoring data, stack test results, and operational records, allows for earlier identification of trends, anomalies, and potential violations that may not be apparent through manual review alone. These tools support more timely compliance determinations and more targeted enforcement actions. These tools enhance staff capability but do not replace professional judgment or required field verification. These are tools already being used by regulated entities – and the only way that the Department will continue to be able to meet expectations of the permitted community is to continue ensuring that it can keep up.

In addition to technology, EPCEB will continue to evaluate the use of contracted resources to augment core program functions as needed. Contracted support can expand capacity for observing stack tests, conducting specialized inspections, and supporting enforcement case development under EPCEB oversight. Contracting allows the EPCEB to respond to workload surges and specialized technical needs while maintaining program control, consistency, and legal sufficiency.

Effective implementation of compliance for the CMS and non-CMS entities depends not only on staffing levels and tools, but also on the technical proficiency and consistency of staff performing compliance monitoring and enforcement functions. As air quality programs and regulated sources become more complex, EPCEB must expand and formalize training to ensure that compliance determinations and enforcement actions are technically sound, consistent, and legally defensible.

Training must extend beyond general orientation and focus on core concepts that directly affect enforceability. This includes instruction in air quality permitting fundamentals and, in particular, what constitutes a permit condition that is practically enforceable. Inspectors and enforcement staff must understand how permit conditions are structured, how monitoring and recordkeeping requirements support enforceability, and how ambiguity or insufficient specificity can limit the ability to determine compliance. This knowledge is essential to identifying deficiencies during inspections and to developing enforcement actions that withstand legal review.

Advanced air permitting concepts are also necessary for effective compliance oversight. Facilities increasingly operate under complex permits that include multiple emission units, alternative operating scenarios, synthetic minor limits, plantwide applicability limits, and flexible compliance provisions. Training in these concepts allows compliance and enforcement staff to evaluate real-world operations against permit terms, identify circumvention risks, and understand how operational changes may affect applicability and compliance status.

Understanding control technologies is another critical component of training. Compliance determinations frequently depend on whether control equipment is operated and maintained consistent with permit and regulatory requirements. Inspectors and enforcement staff must understand the basic operation, limitations, and failure modes of common air pollution control

technologies, including combustion controls, capture systems, flares, scrubbers, and monitoring devices. This knowledge improves inspection quality and supports accurate interpretation of monitoring data and records.

Training must also address standards of evidence used in enforcement. Enforcement staff must be able to distinguish between information sufficient for screening or prioritization and evidence necessary to support a formal enforcement action. Instruction in documentation practices, data reliability, chain of custody, and use of records and monitoring data is essential to developing enforcement cases that are consistent, timely, and defensible. These concepts directly support the CMS requirement that monitoring results translate into appropriate enforcement responses.

As new tools such as remote sensing, data analytics, and automated data screening are integrated into the program, training is required to ensure these tools are applied appropriately and consistently. Staff must understand the capabilities and limitations of these technologies, how they inform inspection targeting and compliance determinations, and how their outputs are incorporated into the enforcement process without substituting for professional judgment or required field verification.

Continued investment in structured training supports CMS implementation and non-CMS activities by improving consistency across inspections, strengthening the linkage between monitoring and enforcement, and reducing variability in compliance determinations. Training also improves efficiency by reducing rework, minimizing delays in enforcement case development, and improving coordination between compliance inspections, compliance reporting, and enforcement functions.

Adapting to future compliance and enforcement demands requires both modernization and flexibility. Effective use of technology and contracted resources does not replace the need for

experienced inspectors and enforcement staff. Rather, these tools extend the reach of existing staff, improve efficiency, and strengthen the linkage between monitoring activities and enforcement outcomes. Continued investment in staffing, technology, and operational capacity is necessary to ensure that air quality requirements remain enforceable as a practical matter as the regulated universe continues to grow.

VI. Impacts of Fees on Compliance and Enforcement

Without the approved updates to the fee regulations alignments, EPCEB will be required to reduce costs. Cost reductions would directly result in reduced program capacity and a reduction in already anemic services provided to both regulated entities and the public. The inability to fill vacancies and add new positions would result in continued staffing shortages, further reducing inspection coverage, extending enforcement timelines and missed deadlines, limiting monitoring activities, and delaying compliance determinations. FY27 budget projections show that EPCEB will have a shortfall of $1.1 million in its Title V Fund (SRF09200) and Construction Fund (SRF63100) in the salary and benefits category, affecting the capacity of EPCEB to backfill for existing positions when they become vacant.

Per CAA Section 110(a)(2)(E)(i), delegated States must provide assurances to EPA that the State has sufficient legal capacity, funding, and personnel to implement a delegated CAA program. Reduced capacity with the Board rejecting the Department's fee proposal would affect EPCEB's ability to meet federal performance expectations associated with New Mexico's delegated Clean Air Act program and ensure compliance with state regulations such as Part 50. Failure to maintain inspection coverage, enforcement timeliness, and data integrity places federal funding at risk and undermines the State's ability to carry out required monitoring, compliance and enforcement

activities. Insufficient monitoring and compliance data would impair attainment determinations, and the State's ability to demonstrate adequate protection of public health and the environment.

Public concerns and complaints would experience even longer response times and reduced follow-up. Compliance outreach to regulated entities on Department regulations will not occur. And, the Department's backlog will continue to grow without any technological upgrades, decreasing its ability to recruit and retain employees.

Regulated entities would also experience impacts. Requests for alternative compliance plans would take longer to resolve. Enforcement cases would remain open for extended periods. Needed updates to regulations, guidance, and internal systems would be delayed, limiting the Department's ability to improve regulatory efficiency and consistency to the regulated community.

With adequate funding, EPCEB can stabilize staffing, reduce backlogs, improve program performance, and strengthen compliance and enforcement outcomes. Without adequate funding, EPCEB cannot sustain current service levels and would be required to reduce program capacity. Approval of the requested fee updates allows EPCEB to move forward in meeting its state and federal responsibilities while continuing to support economic activity in a manner that protects New Mexico's air quality.

Fiscal year	Section	Inspections	Compliance Reports	Enforcement	Total
2026	1	0	0	0	1
2027		0	0	0	0
2028	1	9	8	1	19
2029		10	1	2	13
2030		7	2	4	13
TOTAL	**2**	**26**	**11**	**7**	**46**

Bret A. Anderson

Professional Experience

***New Mexico Air Environment Department (NMED), Environmental Protection Compliance and Enforcement Bureau* (August 2025 – Present)**

***Position:* Bureau Chief (40 hours/week)**

Selected Duties:

- **Serves as leader of the Environmental Protection Compliance and Enforcement Bureau.**
    - Oversee daily operations of compliance and enforcement functions of the Air Quality, Radiation Control, and Climate Change Bureaus
    - Guide development of enforcement cases including regulatory interpretation, setting evidentiary standards, and help guide case settlement terms.
    - Manage EPCEB budget and contracts
    - Develop training standards for air quality compliance and enforcement staff
    - Supervise section supervisors and program area managers

***Department of the Interior, Bureau of Land Management (BLM),* Air Resources Management Program (July 2022 – August 2025)**

***Position:* National Air Resources Program Manager (Permanent) & National Air Quality Modeler (acting) (GS-1301-14, Physical Scientist-Air) (40 hours/week)**

Selected Duties:

- **Serves as senior staff expert and program manager for air resources (air quality and greenhouse gas emissions) activities throughout the BLM.**
    - Provides nation-wide leadership for BLM in air resources management, greenhouse gas emissions, and climate science areas.
        - Serves as bureau air program regulatory and policy expert on air quality regulations.
        - Develop air resources program annual operations budget, annual work plans, and performance milestones to help meet BLM and Department of Interior goals and objectives.

        - Coordinates the work of BLM air personnel and directs the work of contractors.
        - Supervises work of experienced senior professionals working for the BLM Air Resources Management Program.
        - Identify training needs of BLM air personnel and facilitate training opportunities.
        - Identify air program deficiencies and develop short- and longer-term plans for program development.
        - Identify air quality needs of other programs such as BLM fire and aviation management and wilderness programs, cultivate cross-programmatic relationships, and develop plans for delivering air quality services to other BLM programs.
        - Evaluate air analysis planning procedures and implement corrective actions as needed.
        - Develops, coordinates, and drafts national guidelines and policy materials on air quality and greenhouse gases (GHGs).

- Provides authoritative advice on air resource and greenhouse gases to all levels of the agency, including Departmental and Directorate level management.
    - Serves as bureau's primary liaison and interagency representative to federal, state, non-governmental organizations on air quality and climate applications and management.
- Develop air quality modeling study designs to support BLM National Environmental Policy Act (NEPA) activities and court mandated analyses.
    - Develop statements of work, project budgets, and timelines to meet programmatic goals and deadlines.
    - Perform air quality modeling for BLM NEPA projects as needed.
        - Near field modeling for criteria and hazardous air pollutants for oil, gas, and coal projects.
        - Meteorological modeling for regional photochemical modeling to support resource planning activities for future potential fossil fuel extraction authorization activities.
- Develop project plans, assign work tasks, and provide technical, policy, and administrative support to program areas managed.
- Assist U.S. Department of Justice and Department of Interior/Office of the Solicitor, and BLM senior leadership on litigation response to critical NEPA litigation matters.
    - Designed and implemented critical review of litigation case history involving BLM and air quality and greenhouses.

        - Recommended changes to BLM analytical procedures to address identified deficiencies.
        - Implemented internal training program for BLM air personnel to address air quality concepts identified in litigation review.
    - Developed BLM response to Dine II 'cumulative hazardous air pollutants (HAPs)' decision from US 10th Circuit Court of Appeals (Farmington, NM)
        - Developed BLM study design for bureau-wide cumulative oil and gas HAPs.
            - Supervised development of tools for presentation and visualization of HAP's analysis results for bureau-wide use.
            - Facilitated development of analysis work products for specific BLM field units to assist in ongoing NEPA obligations considering Dine II ruling implications.
    - Developed BLM response to Western Organization of Resource Councils II (WORC II) decision from Montana District Court regarding 'downstream air quality' considerations from coal extraction under NEPA.
- Provides input into development of performance elements on annual performance evaluations for air program personnel as requested.
- Provides technical, policy, and administrative support and counsel to air program personnel as requested.
- Reviews and evaluate BLM's air resources guidance documents and make recommendations to the Director on the existing and/or new policy.
    - Review planning documents to assure adequacy of air quality and GHG analyses and make recommendations when the adequacy of air quality and GHG analyses are not met.
    - Cultivates interagency relationships (federal and state air quality agencies) to facilitate advancement of mutual goals in relationship to BLM land use planning efforts.
    - Evaluate air analysis planning procedures for BLM Federal Land Policy and Management Act (FLPMA) and NEPA obligations and implement corrective actions as needed.
    - Serves as bureau air program regulatory and policy expert on air quality regulations. Prepare interagency comments on EPA air regulations and Council on Environmental Quality (CEQ) NEPA regulations and negotiate alternatives where appropriate.

        - Provides authoritative advice on air resources and GHGs to all levels of the agency, including Departmental and Directorate level management.

    - Develop air quality modeling study designs to support BLM NEPA activities and court mandated analyses.
        - Develop statements of work, project budgets, and timelines to meet programmatic goals and deadlines.
            - Designed air quality impact studies for Carlsbad and Farmington Field Office Resource Management Plans.
    - Serves as bureau's primary liaison and interagency representative to federal, state, non-governmental organizations on air quality and climate applications and management.

USDA Forest Service, National Forest Systems, Biological and Physical Resources Staff, **Air Resources Management Program (May 2010 – July 2022) (40 hours/week)**

Position: **Coordinator, Atmospheric Modeling and Regional Haze Programs (GS-1301-13, Physical Scientist)**

Selected Duties:

- **Served as coordinator of Forest Service atmospheric modeling and regional haze programs.**
    - Served as USFS air program regulatory and policy expert on air quality regulations.
        - Provided counsel to National Forest Systems and State and Private Forestry on air regulations of national importance.
        - Negotiated changes to PM, Ozone, and Regional Haze Regulations with mid and senior level EPA leaders,
        - Prepare interagency comments on EPA air quality regulations.
    - Coordinated regional haze program for USFS.
        - Reviewed regional haze state implementation plans revisions, prepare comments, and negotiate with States and EPA to enhance protections from air pollution for natural resources managed by the USFS.
    - Coordinated atmospheric modeling program for USFS.
        - Developed national guidance on the application of air quality models for assessing terrestrial and biological

impacts of air pollution on natural resources managed by the USFS.

- Adapted advances in plume-rise algorithms for use in dispersion simulations of smoke from wildland fires.
- Serve as co-chair of the Interagency Workgroup on Air Quality Models and chair of long-range transport modeling subcommittee.
    - Cooperated with EPA on the performance analysis of long-range transport models used by federal land management agencies
    - Assisted EPA on development of guidance and regulation concerning the application of long range air quality models.
- Expert witness for USFS on air quality modeling issues for threatened and endangered species litigation matters (2012-2013).
- Conducted sub-kilometer numerical meteorological model simulations in complex terrain and nitrogen deposition modeling to support court settlement with USFS.
- Provided international technical assistance to Thailand government (December 2010 – October 2011) for Map Ta Phut Industrial Estate SO_2 modeling study.

***USDA Forest Service, State and Prive Forestry, Landscapes and Partnerships Staff*, Interagency Wildland Fire Air Quality Response Program (IWFAQRP) (June 2020 – January 2021, July 2021 – March 2022) (40 hours/week)**

***Position*: Meteorologist/Technology Transfer Specialist (GS-1301-13) (Detail)**

Selected Duties:

- Meteorologist providing mid-term numerical meteorological forecast products to support operations for air resource advisors (ARA) deployed on wildland fire response, prescribed fire planners, and fire weather meteorologists.
- Developed custom numerical forecast products based upon user needs, focusing upon fire weather (e.g. lightning/thunderstorm potential, meteorological factors influencing fuel conditions, and smoke dispersion) using the Weather Research and Forecasting model (WRF).
- Developed internet based forecast portal for delivery of point forecast products.
- Meteorology instructor for IWFAQRP teaching cadre.

- Air resource advisor deployed to provide meteorological and smoke transport predictions on wildland fires for Hermit's Peak/Calf Canyon Complex Fire (New Mexico, May 2022), Boundary Fire (Idaho, September 2021), Mullen Fire (Wyoming, September - October 2020), Mendocino Complex Fire (California, August 2018), and Montana Decision Support (September 2017).
- Co-chair, Interagency Council for Advancing Meteorological Services, Fire Weather Working Group

***USDA Forest Service, National Forest Systems, Biological and Physical Resources Staff*, Air Resources Management Program (October 2012 – January 2013 and May 2018 – September 2018) (40 hours/week)**

***Position*: Acting US Forest Service National Air Program Leader (GS0-1301-14)(detail)**

- Provided leadership for USFS national air program.
- Developed annual budget and collaborated on development of national strategic plan for USFS national air program.
- Coordinated development of agenda and travel management package for in-person executive team meetings.

***United States Environmental Protection Agency, Office of Air Quality Planning and Standards,* Air Quality Modeling Group (October 2009 – May 2010) (40 hours/week)**

***Position:* Physical Scientist (GS-1301-13)**

Selected Duties:

- **Served as lead scientist for EPA long range transport (LRT) modeling program.**
  - Assisted development of EPA modeling guidance for implementation of the new $PM_{2.5}$, SO_2, and NO_2 NAAQS.
  - Developed new methods for statistical performance evaluations of long range trans; models.
  - Developed national modeling guidance for the application of LRT models.
  - Assisted EPA Regional Offices in developing technical support and response to comments documents for controversial major source air quality permits.

***United States Environmental Protection Agency Region 7*, Air Planning and Development Branch (February 2002 – October 2009)**

***Position:* Lead Regional Modeler (GS-1301-14 (2008-2009) and GS-1301-13 (2002-2008)) Environmental Scientist)**

Selected Duties:

- **Served as coordinator of regional atmospheric modeling and air quality data analysis programs.**
  - Planned and executed regional modeling studies for $PM_{2.5}$, Ozone (O_3), Regional Haze (RH), and NEPA programs.
  - Executed meteorological and chemical transport models (MM5, CAMx, CMAQ) in support of state implementation plan development for RH and O_3 programs.
  - Conducted regional climate modeling studies of current and future climate conditions. (RegCM3, MM5).
    - Developed dynamic downscaling technique of CCSM 3.0 and ECHAM5 data for MM5 regional climate simulations.
  - Developed and delivered atmospheric modeling training seminars (numerical weather modeling, photochemical modeling, and LRT modeling) for USEPA and participating state and federal agencies.
  - Served as incident meteorologist/modeler on regional incident command team (RICT) for emergency response.
  - Performed long range transport modeling simulations utilizing Lagrangian particle/puff modeling systems (HYSPLIT and FLEXPART) for evaluation of air quality impacts of wildland and prescribed fires.

- Served as expert witness regarding atmospheric modeling and deposition of lead for Superfund cost recovery project.
- Develop code enhancements for atmospheric dispersion models.
  - Developed MM5 V3 to ECMWF GRIB formatter for MM5-FLEXPART.
  - Incorporated Emanuel convective parameterization scheme for MM5-FLEXPART.
  - Incorporated Briggs plume rise algorithms in MM5-FLEXPART for wildfire simulations.
  - Updated MM5-FLEXPART to include online particle clustering, particle age spectra, flux planes, enhanced wet deposition algorithms.
  - Designed and coded software prototypes of the Mesoscale Model Interface (MMIF), MMIFStat, and CALMET2NCF programs for processing, analyzing performance, and visualization of prognostic and diagnostic meteorological data for use in EPA regulatory air quality models.
- Designed and coordinated regional data analysis projects
  - Performed receptor modeling studies utilizing Positive Matrix Factorization (PMF) of speciated aerosol data
  - Performed climatological analyses Kansas City and St. Louis Ozone utilizing principal components and cluster analysis for development of synoptic climatology database of patterns during ozone monitoring season.
  - Developed trajectory based climatological analysis utilizing Patterns in Atmospheric Transport History (PATH) algorithm for Kansas City and St. Louis ozone and fine particulate matter climatological characterization.
  - Developed statistical O_3 forecast system for Kansas City and St. Louis metropolitan areas.

- **Interagency Personnel Act Assignment to Central Region Air Planning Association (CENRAP) (November 2004 – October 2006)**
  - Serve as senior technical advisor to CENRAP
    - Designed and coordinate data analysis project in support of regional haze control strategy development projects.
    - Assisted development of strategic plans for regional modeling and data analysis efforts.
    - Developed and manage work plans for regional modeling and data analysis projects.
    - Performed statistical and spatiotemporal analysis of speciated aerosol data to enhance understanding of the regional and temporal nature of aerosols and their impact upon formation of regional haze.

        - Performed regional meteorological and chemical transport modeling in support of regional haze implementation plan development.

- **Environmental Scientist(GS-1301-13) (detail) to United States Fish and Wildlife Service Air Quality Branch (January 2006 – May 2006)**
    - Provide modeling/technical assistance to USFWS Air Quality Branch
        - Assisted with technical evaluation of the 2005 BlueSky West Demonstration Project (USFS smoke transport modeling framework). Provide meteorological and air quality modeling support for evaluation of modeling framework.
        - Designed MS Windows based regional photochemical modeling system (demonstration project) to enhance penetration of newer modeling technologies into the State/Federal Modeling Community.
        - Developed the prototype software for the meteorological model performance evaluation for the CALMET diagnostic meteorological model (MMIFstat).
        - Lead LRT model evaluation effort of the CALPUFF modeling system for development of revisions to Interagency Workgroup on Air Quality Modeling (IWAQM) recommendations.

***Nebraska Dept. of Environmental Quality, Air Quality Division, Program Planning and Development Unit*, (July 1994 – February 2002) (40 hours/week)**

Position: **Environmental Program Specialist, State Modeling Coordinator**
Selected Duties:

- Served as Nebraska state permit modeling coordinator.
    - Performed and reviewed dispersion modeling analyses in support of Prevention of Significant Deterioration of Air Quality (PSD) construction permitting air toxics, NEPA, and state implementation programs.
    - Developed state modeling guidance for permitting and air toxics programs.
    - Drafted air construction permits for major and minor sources of air quality.
    - Conducted air compliance inspections for CMS sources and complaint investigations
    - Served as technical/modeling expert for Prevention of Significant Deterioration (PSD) enforcement cases.
        - Provided modeling expert witness deposition for US vs. Iowa Beef Processors (IBP).
        - Developed PSD regulatory enforcement case for US vs. IBP, served as liaison/consultant from Nebraska to USEPA/DOJ on case.
    - Conducted annual monitoring network reviews, developed $PM_{2.5}$ and IMPROVE monitoring network for Nebraska.

- Served as Nebraska Regional Modeling Coordinator
    - Served as co-chair of CENRAP Regional Modeling Workgroup
        - Developed long range plans and budget estimates for CENRAP modeling projects.
        - CENRAP representative for national planning organization modeling and data analysis working groups. Provided liaison to other planning organizations.
        - Provided meteorological modeling support for CENRAP modeling activities.

Education

Bellevue University
M.S. Computer Information Systems, June 1999

University of Nebraska-Lincoln
B.S. Geography, Specializations in Climatology and Environmental Studies, May 1991

Training

- COMET/METED Online Curriculum on Fire Weather, NCAR, 2020.
- QUIC-Urban Model, Los Alamos National Lab, 2008.
- Weather Research and Forecasting Model (WRF) Training Session, NCAR, 2004
- PM Model Performance Evaluation Methods, CENRAP RPO, 2004
- CALPUFF Lagrangian puff modeling system, USEPA/CENRAP RPO, 2003.
- Community Multiscale Air Quality Modeling/SMOKE Training, UC-Riverside, 2002
- Community Multiscale Air Quality Modeling System (CMAQ), USEPA, 2001.
- NCAR/Penn State MM5 Modeling Training Session, NCAR, 2001.
- Comprehensive Air Quality Model with Extensions (CAMx) Training, Environ, 2000.
- Sparse Matrix Operator Kernel for Emissions (SMOKE), MCNC, 2000.
- NCAR/PSU MM5 Modeling Training, Alpine Geophysics, January 1999.

Skills

- FORTRAN 77/90, C/C++, and Visual Basic programming languages
- Python, Javascript, and HTML Languages
- Unix/Linux OS
- Matlab/GNU Octave, Gridded Analysis Display System (GrADS), NCAR Command Language (NCL) scripting languages
- R, SAS, SPSS, and SYSTAT statistical packages

Models

- Numerical Weather Models: Weather Research and Forecasting (WRF-ARW) and National Center for Atmospheric Research/Pennsylvania State University Mesoscale Model (MM5 Version 5) prognostic meteorological models
- Diagnostic Weather Model: CALMET
- Photochemical Grid Models: CMAQ, CAMx, CALGRID, SCICHEM
- Long Range Transport Dispersion Models: Second Order Closure Puff Model (SCIPUFF), California Puff Model (CALPUFF), HYSPLIT, FLEXPART
- Emergency Response/Dense Gas Modeling Systems: QUIC-Urban, Hazard Prediction Assessment Capability (HPAC), DEGADIS, CAMEO

- Gaussian Dispersion Models: AMS/EPA Dispersion Model (AERMOD), Industrial Source Complex (ISC) Model

Honors

- USDA Certificate of Merit for contributions to air quality modeling for NEPA, regional haze and regulatory support, 2015.
- USEPA Silver Medal for NEPA Interagency Oil and Gas Air Quality Memorandum of Understanding, 2013.
- USEPA Bronze Medal for contributions to the AERMOD model development group, 2009.
- USEPA Bronze Medal for development of the Mesoscale Model Interface Program (MMIF), 2008.
- USEPA Region 7 Superior Achievement Award for state assistance on chemical transport modeling projects, 2007.
- USEPA Region 7 Scientific and Technical Contribution Award for regional modeling and air quality data analysis activities, 2003-2004.
- USEPA Region 7 State and Federal Partnership Award for ozone designations and Kansas City Ozone Modeling Study, 2004-2005.
- USEPA Region 7 Superior Achievement Award for Receptor Modeling Analyses, 2004.

Publications

Journal and Book Articles

Graw R. L., Anderson B.A. (2022) Strategies to reduce wildfire smoke in frequently impacted communities in south-western Oregon. *International Journal of Wildland Fire* **31**, 1155-1166.

Goodrick, S.L., Tarnay, L.W., Anderson, B.A., Coen, J.H., Furman, J.H., Linn, R.R., Riggan, P.J., and Schmidt, C.C., 2022. Fire Behavior and Heat Release as Source Conditions for Smoke Modeling, Wildland Fire Smoke in the United States: A Scientific Assessment, Springer, 52-81.

Ferrero, E., Alessandrini, S., Anderson, B., Tomasi, E., Jimenez, P., & Meech, S., 2019. Lagrangian simulation of smoke plume from fire and validation using ground-based lidar and aircraft measurements. *Atmospheric Environment*, *213*, 659-674.

Anderson, B.A., and Brode, R.W., 2010: Evaluation of Four Langrangian Models Against the Cross-Appalachian and European Tracer Experiments. Air Pollution Modeling and its Applications XX. Springer, 87-93.

Touma, J.S., Isakov, V., Cimorelli, A.J., Brode, R.W., and B.A. Anderson, 2007: Using Prognostic Model-Generated Meteorological Output in the AERMOD Dispersion Model: An Illustrative Application in Philadelphia, PA, *J. of Air & Waste Mgmt*, 57, 586-595.

Reports and Guidance

Reassessment of the Interagency Workgroup on Air Quality Modeling (IWAQM) Phase 2 Report: Revisions to Phase 2 Recommendations (EPA-454/R-16-007), 2016.

Interagency Workgroup on Air Quality Modeling Phase 3 Summary Report: Long Range Transport and Air Quality Related Values (EPA-454/P-15-003), 2015.

Federal Land Managers' Near Field Deposition Modeling Guidance, USFS, 2014.

Documentation of the Evaluation of CALPUFF and Other Long Range Transport Models Using Tracer Field Experiment Data (EPA-454/R-12-003), 2012.

Federal Land Managers' CALPUFF Reviewers Guide, USFS, 2011.

Assessment of the "VISTAS" Version of the CALPUFF Modeling System (EPA-454/R-08-007), 2008.

Technical Issues Related to CALPUFF Near-Field Applications, EPA Model Clearinghouse Memorandum, EPA, September 26, 2008.

Clarification of Regulatory Status of CALPUFF for Near-field Applications, USEPA Model Clearinghouse Memorandum, EPA, August 13, 2008.

Analysis of the April 12-13, 2003 Kansas City Ozone Exceedances, USEPA Region 7, 2004.

Overview of the Regional Haze Program, Nebraska Department of Environmental Quality, Lincoln, NE, 2001.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

SEP 13 2013

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

MEMORANDUM

SUBJECT: Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)

FROM: Stephen D. Page, Director Michael Goodin for
Office of Air Quality Planning and Standards

TO: Regional Air Directors, Regions 1 – 10

The purpose of this memorandum is to distribute non-binding guidance from the U.S. Environmental Protection Agency on the requirements of certain provisions of the Clean Air Act (CAA) titled, "Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)."

Sections 110(a)(1) and 110(a)(2) of the CAA direct each state to develop and submit to the EPA a plan that provides for the implementation, maintenance, and enforcement of the national ambient air quality standards (NAAQS). [1] Moreover, section 110(a)(1) requires that each state make a new SIP submission within 3 years after promulgation of a new or revised primary or secondary NAAQS, for approval into the existing SIP to assure that the SIP meets the applicable requirements for such new or revised NAAQS. This type of SIP submission is commonly referred to as an "infrastructure SIP."

The attached guidance, developed with the benefit of extensive written comments from state and local air agencies on a draft version, provides advice on the development of infrastructure SIPs for the 2008 ozone NAAQS, the 2010 nitrogen dioxide NAAQS, the 2010 sulfur dioxide NAAQS, and the 2012 fine particulate matter ($PM_{2.5}$) NAAQS, as well as infrastructure SIPs for new or revised NAAQS promulgated in the future. This guidance does not address CAA section 110(a)(2)(D)(i)(I), which concerns interstate pollution transport affecting attainment and maintenance of the NAAQS. The EPA expects to issue guidance in the future with respect to section 110(a)(2)(D)(i)(I).

Section 110(a)(1) directs each state to make an infrastructure SIP submission to the EPA within 3 years of promulgation of a new or revised NAAQS,[2] after reasonable notice and public hearing.[3] Section

[1] These CAA sections and this guidance may also apply, as appropriate under the Tribal Authority Rule in 40 CFR Part 49, to an Indian tribe that receives a determination of eligibility for treatment as a state for purposes of administering a tribal air quality management program under section 110(a) of the CAA. This memorandum and the guidance uses the term "air agency" to refer to a state or tribe that develops and submits an infrastructure SIP, except when quoting or paraphrasing a CAA section or EPA regulation that uses the term "state."

[2] The Administrator may specify a shorter period.

NMED Exhibit 59_000001

110(a)(2) specifies the substantive elements that infrastructure SIP submissions need to address, as appropriate, for EPA approval. Many of the elements listed in section 110(a)(2) relate to the general information and authorities that constitute the basic structural requirements for a SIP needed for an air agency's overall air quality management program to be effective – elements that have been required to be in place since the initial SIPs were submitted in response to the CAA of 1970. Other elements listed in section 110(a)(2) relate to SIP requirements that have been added in successive amendments to the CAA since 1970. Although the 110(a)(2) requirements do not explicitly distinguish among the different criteria pollutants or different NAAQS, the structural SIP provisions needed to meet these requirements may depend on the particular new or revised NAAQS whose promulgation has triggered the requirement for a new infrastructure SIP submission. For example, a new or revised NAAQS may be accompanied by new ambient monitoring requirements tailored to that NAAQS or new prevention of significant deterioration program requirements. Overall, the requirement for a new infrastructure SIP submission provides an opportunity for the air agency, the public and the EPA to review the basics of the air quality management program in light of each new or revised NAAQS.

We acknowledge that air agencies continue to express concerns about the EPA's issuance of timely guidance to assist their efforts to implement a new or revised NAAQS. Our goal in providing the attached guidance document is to provide air agencies with recommendations in order to develop infrastructure SIPs that will meet the CAA requirements for recently promulgated NAAQS. The EPA will work to assist air agencies in the development and completion of these infrastructure SIPs so they may be submitted as soon as possible.

The attached guidance is also intended to provide comprehensive recommendations for infrastructure SIPs for new or revised NAAQS promulgated in the future. Our expectation is that this guidance will help to address the timeliness concerns expressed by air agencies and serve as guidance to address infrastructure SIP requirements for future NAAQS. As a result, the EPA intends that air agencies may continue to rely on this guidance for preparing infrastructure SIP submissions necessary for future NAAQS revisions, until such time as this guidance is supplemented or replaced by future guidance. Moreover, as air agencies and the EPA develop and act upon infrastructure SIP submissions through notice-and-comment rulemaking, the EPA anticipates that additional clarity will be provided about the best means to meet the statutory requirements.

Although this guidance provides recommendations for the development and review of infrastructure SIPs for multiple NAAQS, we are not recommending whether an air agency should or should not make a single infrastructure SIP submission to address requirements for more than one NAAQS simultaneously. Air agencies should consult with the appropriate EPA Regional Office for advice regarding combining infrastructure SIP submissions for multiple NAAQS.

Please share this guidance with the air agencies in your Region.

For Further Information

If you have any questions concerning this guidance, please contact H. Lynn Dail, at (919) 541-2363, *dail.lynn@epa.gov*, or Lisa Sutton, at (919) 541-3450, *sutton.lisa@epa.gov*.

Attachment

[3] The EPA's rules provide that a public hearing must be offered by the air agency, but is only required if a request is made.



Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)

September 2013

List of Selected Acronyms and Abbreviations

AERMOD	American Meteorological Society/EPA Regulatory Model
AMTIC	Ambient Monitoring Technology Information Center
AQI	Air Quality Index
CAA	Clean Air Act
CMAQ	Community Multi-scale Air Quality [Model]
CAMx	Comprehensive Air Quality Model with Extensions
CFR	Code of Federal Regulations
CSAPR	Cross-State Air Pollution Rule
EPA	Environmental Protection Agency
EGU	Electric generating unit
FIP	Federal implementation plan
FR	Federal Register
GHG	Greenhouse gases
IBR	Incorporation by reference
NAAQS	National Ambient Air Quality Standards
NO_2	Nitrogen dioxide
NOAA	National Oceanic and Atmospheric Administration
NPS	National Park Service
NSR	New Source Review
OAQPS	Office of Air Quality Planning and Standards
Pb	Lead
$PM_{2.5}$	Fine particulate matter
ppm	Parts per million
PSD	Prevention of significant deterioration
RAVI	Reasonably Attributable Visibility Impairment
SHL	Significant harm level
SIP	State implementation plan (also, if indicated by the context, a tribal implementation plan)
SO_2	Sulfur dioxide
SSM	Startup, shutdown, and malfunction
TAR	Tribal Authority Rule
TIP	Tribal Implementation Plan
UBR	Unavoidable breakdown rule
$\mu g/m^3$	Micrograms per cubic meter

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Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)

I. Introduction

Under Clean Air Act (CAA) sections 110(a)(1) and 110(a)(2), each state[1] is required to submit a state implementation plan (SIP)[2] that provides for the implementation, maintenance, and enforcement of each primary or secondary national ambient air quality standard (NAAQS). Moreover, section 110(a)(1) and section 110(a)(2) require each state to make this new SIP submission within 3 years after promulgation of a new or revised NAAQS.[3] This type of SIP submission is commonly referred to as an "infrastructure SIP."

Section 110(a)(1) generally directs each state to submit an infrastructure SIP to the U.S. Environmental Protection Agency after reasonable notice and public hearing.[4] Section 110(a)(2) specifies the substantive elements these submissions need to address, as applicable, for the EPA's approval. The subsections of section 110(a)(2) list a variety of requirements, some of which address authority, some of which address substantive requirements, and some of which consist of a combination of authority and substantive requirements. The conceptual purpose of an

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[1] These CAA sections and this guidance may also apply, as appropriate under the Tribal Authority Rule (TAR) in 40 CFR part 49, to an Indian tribe that receives a determination of eligibility for treatment as a state for purposes of administering a tribal air quality management program under section 110(a) of the CAA. Tribes should look to the TAR and engage their respective EPA Regional Offices in discussing how this guidance may impact the development and approvability of their tribal implementation plans (TIPs). We encourage states to provide outreach and engage in discussions with tribes about their SIPs as they are being developed.

[2] In the CAA and in this guidance, "plan," "SIP," and "TIP" may, depending on context, refer either to (i) all or part of the existing state (or tribal) implementation plan (*i.e.*, the collection of all submissions previously approved by the EPA as meeting CAA requirements) or (ii) a submission that adds to or modifies the existing plan as directed by section 110(a)(l).

[3] The Administrator may specify a shorter period.

[4] The EPA rules provide that a public hearing must be offered by the air agency but is only required if a request is made.

infrastructure SIP submission is to assure that the air agency's[5] SIP contains the necessary structural requirements for the new or revised NAAQS, whether by establishing that the SIP already contains the necessary provisions, by making a substantive SIP revision to update the SIP, or both. Overall, the infrastructure SIP submission process provides an opportunity for the responsible air agency, the public, and the EPA to review the basic structural requirements of the air agency's air quality management program in light of each new or revised NAAQS.

This non-binding guidance[6] provides recommendations for air agencies' development and the EPA's review of infrastructure SIPs for the 2008 ozone primary and secondary NAAQS,[7] the 2010 primary nitrogen dioxide (NO_2) NAAQS,[8] the 2010 primary sulfur dioxide (SO_2) NAAQS,[9] and the 2012 primary fine particulate matter ($PM_{2.5}$) NAAQS,[10] as well as

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[5] This guidance uses the term "air agency" to generally refer to a state, territory, or tribe that develops and submits an infrastructure SIP or TIP, except when quoting or paraphrasing a CAA section or a EPA regulation that uses the term "state."

[6] None of the recommendations contained in this guidance are binding or enforceable against any person, and no part of the guidance or the guidance as a whole constitutes final agency action that could injure any person or represent the consummation of agency decision making. Only final actions taken to approve or disapprove SIP submissions that implement any of the recommendations in this guidance would be final actions for purposes of CAA section 307(b). Therefore, this guidance is not judicially reviewable. This document is not a rule or regulation, and the guidance it contains may not apply to a particular situation based upon the individual facts and circumstances. This guidance does not change or substitute for any law, regulation, or other legally binding requirement and is not legally enforceable. The use of non-mandatory language such as "guidance," "recommend," "may," "should," and "can" is intended to describe the EPA's policies and recommendations. Mandatory terminology such as "must" and "required" is intended to describe controlling legal requirements under the terms of the CAA and the EPA regulations. Neither such language nor anything else in this document is intended to or does establish legally binding requirements in and of itself.

[7] The EPA revised the levels of the primary and secondary 8-hour ozone standards to 0.075 parts per million (ppm). 40 CFR 50.15. 73 FR 16436 (March 27, 2008).

[8] The EPA revised the primary NO_2 standard by adding a 1-hour level of 100 parts per billion (ppb), while retaining the previous annual primary and secondary standards. 40 CFR 50.11(b) and (f). 75 FR 6474 (February 9, 2010). The EPA has also recently reviewed the air quality criteria and the secondary NAAQS for nitrogen oxides and sulfur oxides and retained the current NO_2 and SO_2 secondary standards, 77 FR 20218 (April 3, 2012).

[9] On June 2, 2010, the EPA established a new 1-hour SO_2 standard at a level of 75 ppb. 40 CFR 50.17. This rule also provided for the automatic future revocation of the previous annual and 24-hour SO_2 NAAQS for most areas following 1 year after designation under the new NAAQS. 40 CFR 50.4(e). The previous 3-hour secondary standard remains in place indefinitely. 40 CFR 50.5. 75 FR 35520 (June 22, 2010). The EPA has also recently reviewed the air quality criteria and the secondary NAAQS for nitrogen oxides and sulfur oxides and retained the current NO_2 and SO_2 secondary standards, 77 FR 20218 (April 3, 2012).

[10] The EPA revised the annual $PM_{2.5}$ standard by lowering the level to 12.0 micrograms per cubic meter ($\mu g/m^3$). 78 FR 3086 (January 15, 2013).

infrastructure SIPs for new or revised NAAQS promulgated in the future. As a result, air agencies may continue to rely on this guidance for developing infrastructure SIPs for future new or revised NAAQS until this guidance is supplemented or replaced by future guidance. This guidance does not address section 110(a)(2)(D)(i)(I), which concerns interstate pollution transport affecting attainment and maintenance of the NAAQS. The EPA expects to issue guidance in the future with respect to this section of the CAA.

Section II of this document provides general guidance for the development of infrastructure SIPs, and section III presents guidance on the individual elements (and sub-elements) that constitute an infrastructure SIP.

II. General Guidance on Infrastructure SIPs

Which elements of CAA 110(a)(2) affect infrastructure SIPs?

Infrastructure SIP elements are addressed in portions of section 110(a)(2) of the CAA. Under this section, states are required to develop and maintain an air quality management program that meets various basic structural requirements, including, but not limited to: enforceable emission limitations; an ambient monitoring program; an enforcement program; air quality modeling capabilities; and adequate personnel, resources, and legal authority.

Although, as stated in section I of this document, infrastructure SIPs are required to be submitted within 3 years after the promulgation of a new or revised NAAQS, the EPA interprets section 110(a)(2) to exclude two elements that could not be governed by the 3-year submission deadline of section 110(a)(1). Both these elements pertain to part D, in title I of the CAA, which addresses SIP requirements and submission deadlines for designated nonattainment areas for a NAAQS. Therefore, the following elements are considered by the EPA to be outside the scope of infrastructure SIP actions: (1) section 110(a)(2)(C) to the extent that it refers to permit programs (known as "nonattainment new source review") under part D; and (2) section 110(a)(2)(I) in its entirety, which addresses SIP revisions for nonattainment areas. Both these elements pertain to SIP revisions that collectively are referred to as a nonattainment SIP or an attainment plan, which would be due by the dates statutorily prescribed under subparts 2 through 5 under part D, extending as far as 10 years following area designations for some elements. Because the CAA directs states to submit these plan elements on a separate schedule, the EPA does not believe it is necessary for states to include these elements in the infrastructure SIP submission due 3 years after adoption or revision of a NAAQS. While an infrastructure SIP submission is not expected to meet the requirements for a nonattainment SIP, the scope of an infrastructure SIP does not exclude geographical areas that have been designated nonattainment for the new or revised NAAQS or an earlier NAAQS for the same pollutant. Sections 110(a)(1) and 110(a)(2) reflect the congressional intent that each air agency have an air quality program, covering all

geographical areas of the state, that includes the specified air agency authorities, requirements, and activities.

The infrastructure SIP submission requirement does not move up the date for any required submission of a part D plan for areas designated nonattainment for the new NAAQS. However, in order to cover all parts of the state or area of Indian country, an infrastructure SIP submission may reference pre-existing SIP emission limits or other rules contained in part D plans for the predecessor to the relevant new or revised NAAQS. It may also include recently adopted emission limits that are intended to be part of the not-yet-submitted part D plan for the new or revised NAAQS. To avoid confusion about the legal effect of the EPA's action on an infrastructure SIP submission, we intend to make clear in each final action that EPA approval of the infrastructure SIP submission is solely with regard to whether the submission meets particular infrastructure SIP required elements (as opposed to nonattainment SIP elements). This means that the EPA may approve a submission as meeting the air agency's obligation under section 110(a)(1) and 110(a)(2) stemming from the particular new or revised NAAQS, without necessarily determining whether the submission meets the applicable requirements for nonattainment SIPs under part D of title I of the CAA for the same or any other NAAQS. An approval on this basis will make the referenced or newly submitted SIP emission limits or other rules federally enforceable, and will make clear that there has been no disapproval of an applicable required SIP submission and thus that there is no federal implementation plan (FIP) obligation stemming from CAA section 110(a)(1) or (2).[11]

Developing and Submitting an Infrastructure SIP Submission

Upon the promulgation of a new or revised NAAQS, the infrastructure SIP process should begin with the air agency's review of the adequacy of its existing SIP provisions for

[11]In general, a finding by the EPA that an air agency has failed to submit a complete SIP or an action by the EPA to disapprove a SIP or SIP element initiates a FIP obligation, if the submission is required by the CAA. Mandatory sanctions would not apply under CAA section 179 because the failure to submit a SIP is neither with respect to a submission that is required under CAA title I part D nor in response to a SIP call under CAA section 110(k)(5). Some of the sections of this guidance document address FIP implications on individual elements more specifically.

purpose of meeting the infrastructure SIP requirements for the new or revised NAAQS. In order to develop an infrastructure SIP submission, an air agency may cite existing EPA-approved provisions and/or adopt new or revised statutory authorities and regulations, as necessary, in order to address each element of the infrastructure SIP. Further, with respect to a given NAAQS, an air agency may elect to make multiple submissions; each addressing some but not all elements or sub-elements of section 110(a)(2) so long as those submissions meet all of the infrastructure requirements in the aggregate. An air agency may also elect to make one submission to address infrastructure SIP requirements for multiple NAAQS, if it represents the submission as such during its adoption process and in its transmittal to the EPA. Of course, such a submission to address multiple NAAQS should establish how the air agency believes that the SIP meets each of the requirements of section 110(a)(2), as applicable, for each of the relevant NAAQS.

It is important that the SIP submission demonstrate the authority of the responsible air agency (or agencies, if responsibility for implementation is shared, *e.g.*, between state and local agencies) to implement the new or revised NAAQS that has triggered the need for the infrastructure SIP submission. This can be an issue for approval if an older underlying legal authority enumerates specific ambient standards by pollutant, indicator, averaging period, level, and/or date of promulgation but does not include the new or revised NAAQS in its list. Air agencies are encouraged to discuss any situations of this type with their respective EPA Regional Offices.

We encourage each air agency to consult with the appropriate EPA Regional Office, to consider the completeness of the submission, and to consider how the submission satisfies the applicable EPA regulations governing approval of infrastructure SIP submissions in 40 CFR part 51 ("Requirements for Preparation, Adoption, and Submittal of Implementation Plans"). The regulations are referenced in this document, some with overlapping provisions across subparts, and include the following:

- Subpart A – Air Emissions Reporting Requirements
- Subpart F – Procedural Requirements
- Subpart G – Control Strategy
- Subpart H – Prevention of Air Pollution Emergency Episodes

- Subpart I – Review of New Sources and Modifications
- Subpart J – Ambient Air Quality Surveillance
- Subpart K – Source Surveillance
- Subpart L – Legal Authority
- Subpart M – Intergovernmental Consultation
- Subpart O – Miscellaneous Plan Content Requirements
- Subpart P – Protection of Visibility
- Subpart Q – Reports

Once the air agency has made one or more infrastructure SIP submissions, the EPA will evaluate the submission(s) for completeness. The EPA's criteria for determining completeness of a SIP submission are codified at 40 CFR part 51 appendix V and are discussed in a later subsection of this guidance. An air agency's familiarity with the EPA's regulatory completeness criteria will benefit the air agency during the process of developing an approvable submission.

The EPA's review can be expedited if a SIP submission includes a detailed explanation of how the existing EPA-approved SIP in combination with any newly submitted provisions meets each of the applicable requirements of section 110(a)(2). The EPA expects the submissions to include a description of the correlation between each infrastructure element and an equivalent set of statutory, regulatory, and/or non-regulatory provisions, as appropriate, that are part of or (for some elements) are referred to by the existing SIP or the new submission. (Refer to section III for more detail on submission requirements for each individual element.) When an air agency's infrastructure SIP submission more clearly identifies the CAA element(s) being met by the SIP and how they are met, the EPA can more easily determine whether the submission is complete and approvable with respect to that element.

Certifications

Where an air agency determines that the provisions in or referred to by its existing EPA-approved SIP are adequate with respect to a given infrastructure SIP element (or subelement) even in light of the promulgation of a new or revised NAAQS, the air agency may make a SIP submission in the form of a certification. This type of infrastructure SIP submission may, *e.g.*,

take the form of a letter to the EPA from the Governor or her/his designee containing a "certification" (or declaration) that the already-approved SIP contains or references provisions that satisfy all or some of the requirements of section 110(a)(2), as applicable, for purposes of implementing the new or revised NAAQS. In such a case, the submission would not need to include a paper copy of the relevant pre-existing provisions (*e.g.*, rules or statutes).[12] Rather, the certification submission should provide citations to the state, local, or tribal statutes, regulations, or non-regulatory measures, as appropriate, in or referenced by the already EPA-approved SIP that meet particular infrastructure SIP element requirements and should include an explanation as to how those existing provisions meet the relevant requirements. The air agency should consult with its EPA Regional Office on the wording of this type of infrastructure SIP submission prior to making its submission. As for any other SIP submission, an air agency (unless the EPA has approved a request for parallel processing) would need to provide reasonable notice and

[12] In contrast, where an air agency's infrastructure SIP submission seeks the EPA's approval of or references a new provision (*e.g.*, a rule or statute) that has not already been approved, or submitted for approval, into the SIP, a complete SIP submission should include at least one hard copy and an exact duplicate electronic version of the adopted provisions (unless otherwise agreed to by the air agency and the Regional Office). Memorandum dated April 6, 2011, from Janet McCabe, titled "Regional Consistency for the Administrative Requirements of State Implementation Plans and the Use of Letter Notices." The EPA is investigating means to provide for states a method to transmit SIP submissions electronically with no requirement for paper copy submissions.

opportunity for comment prior to submitting a certification SIP submission to the EPA.[13] This "reasonable notice and public hearing" requirement for approvable infrastructure SIP submissions appears at sections 110(a)(1) and the introductory text of section 110(a)(2), and it has much the same wording as the more generally applicable procedural requirement at section 110(l) of the CAA ("Plan Revisions"). *See* CAA sections 110(a)(1) and (2) and 110(l). Compliance with this procedural requirement is verified through an additional certification by the air agency that a public hearing (if one was requested) was held in accordance with the EPA's regulatory procedural requirements for public hearings.[14] *See* 40 CFR 51.102 and 40 CFR part 51, appendix V, paragraph 2.1(g).

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[13] The EPA regulations at 40 CFR part 51 appendix V provide that a public hearing must always be offered and that a hearing must be held if requested. The EPA has received comment that when all of the elements in an existing infrastructure SIP were previously subject to a public comment process, including the opportunity for public hearing(s), when they were first submitted for the EPA's approval and incorporation into the SIP, no public comment requirements should apply to a "certification" infrastructure submission. The EPA believes this suggested interpretation is inconsistent with the plain text of section 110(a)(1) of the CAA. Section 110(a)(1) first provides that "[e]ach State shall, *after reasonable notice and public hearings*, adopt and submit to the Administrator, within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a [primary NAAQS] (or any revision thereof) … a plan [*i.e.*, infrastructure SIP] which provides for implementation, maintenance, and enforcement of such primary standard." The clause "after reasonable notice and public hearings" is most naturally read as imposing that procedure on the immediately following phrase, "adopt and submit," the direct object of which is the infrastructure SIP itself. The suggested interpretation would instead apply the phrase "after reasonable notice and public hearings" to SIP revisions submitted before the promulgation of the new or revised primary NAAQS, despite the complete absence of a reference to those earlier SIP revisions in section 110(a)(1). Any possible residual ambiguity is removed by the last sentence of section 110(a)(1), which requires an infrastructure SIP for a secondary NAAQS to be considered (unless a separate public hearing is provided) "at the hearing required by the first sentence of this paragraph." The only possible interpretation of this sentence is that there must be an opportunity for public hearing for the infrastructure SIPs for both the primary and secondary NAAQS. This is a reasonable interpretation because it informs the public that the SIP is being revised and allows for comment as to whether the air agency's earlier approved regulations also satisfy the relevant obligation stemming from the promulgation of the new or revised NAAQS. Furthermore, the next footnote explains that the EPA has recently clarified procedures for providing notice and opportunity for comment that reduce the burden on air agencies while still assuring adequate notice to the public.

[14] Additional guidance regarding how an air agency may submit a SIP or a SIP revision can be found in a memorandum dated April 6, 2011, from Janet McCabe, Deputy Assistant Administrator, Office of Air and Radiation, to Regional Administrators, titled "Regional Consistency for the Administrative Requirements of State Implementation Plans and the Use of 'Letter Notices'." Refer also to a memorandum dated Nov. 22, 2011, jointly from Janet McCabe, Deputy Assistant Administrator, Office of Air and Radiation, and Becky Weber, Director, Air and Waste Management Division, Region 7, to Air Division Directors, Regions 1-10, titled "Guidelines for Preparing Letters Submitting State Implementation Plans (SIPs) to EPA and for Preparing Public Notices for SIPs." These guidance memos identify certain streamlining approaches that are available to an air agency, depending on the situation.

As with any SIP submission, the EPA's review can be expedited if a SIP certification submission includes a detailed explanation of how the existing SIP meets each of the applicable requirements of section 110(a)(2). This should include a description of the correlation between each infrastructure element and an equivalent set of statutory, regulatory, and/or non-regulatory provisions, as appropriate, that are part of or are referenced by the existing SIP. When an air agency's infrastructure certification submission more clearly identifies the CAA element(s) being met by the SIP and how they are met, the EPA can more easily determine whether the submission is complete and approvable with respect to that element.

Determining Completeness of an Infrastructure SIP Submission

Section 110(k)(2) directs the EPA to take final action on a SIP submission within 1 year after the submission is determined to be complete under section 110(k)(l). If the EPA makes an affirmative finding that a SIP submission is complete, the date of the finding establishes the "completeness date" for the submission. If, however, the EPA makes no affirmative completeness finding, then the submission is deemed complete by operation of law on the date 6 months after the submission date. A finding that an infrastructure SIP submission is complete does not necessarily mean that the submission is approvable; the completeness review only addresses whether the air agency has provided information sufficient to commence formal EPA review for approvability. Refer to 40 CFR part 51 appendix V ("Criteria for Determining the Completeness of Plan Submissions").

Historically, when reviewing infrastructure SIP submissions, the EPA has operated on the basis that the elements and sub-elements of section 110(a)(2) for a given NAAQS are, for the most part, severable.[15] The EPA may elect to make a finding of failure to submit in whole or in part, based upon whether a state has made a complete infrastructure SIP submission for the relevant elements of section 110(a)(2). For a state that has not made any infrastructure SIP

[15] See, *e.g.*, 76 FR 81371 (December 28, 2011), "Approval and Promulgation of Implementation Plans; Texas; Infrastructure and Interstate Transport Requirements for the 1997 Ozone and the 1997 and 2006 $PM_{2.5}$ NAAQS, Final Rule," where the EPA approved severable portions of infrastructure SIP revisions submitted by Texas.

submission, the EPA generally will make a finding with respect to all of the relevant elements.[16] For a state that has made a SIP submission but whose submission is incomplete for some of the relevant elements, the EPA generally will issue a finding of failure to submit only with respect to those elements. This separation makes clear what mandatory EPA duty subsequently exists with respect to each element or subelement. If the EPA has made separate findings as to the completeness of submissions for two or more elements (and sub-elements), the 12-month statutory deadline for EPA action to approve or disapprove the elements for which the air agency has made a complete submission and the 24-month statutory deadline for EPA action to promulgate FIPs for incomplete elements would apply separately. The EPA intends to continue its practice of acting on infrastructure SIP elements together or separately, as appropriate.

Any SIP submission is deemed by operation of law to be complete six months after submission, unless the EPA has before that date made an affirmative finding that the submission is complete or incomplete. Any inconsistency between the scope of the submission as described in the pre-submission public notice of the SIP submission and the actual submission, or between the description of the scope of the submission in the transmittal letter to the EPA and the actual substantive coverage of the submission can create ambiguity as to which infrastructure SIP elements in fact have been submitted and thus are capable of becoming complete by operation of law (and triggering a deadline for the EPA's action) and which have in fact not yet been submitted.[17] To provide clarity for all parties, air agencies should be very clear and accurate in the wording of their public notices and transmittal letters. It is also advisable for the air agency to discuss this wording with its EPA Regional Office before submission. On its part, an EPA Regional Office, in receipt of a submission with any inconsistencies of the type described, should consider steps it can take or ask the air agency to take prior to the six-month point in order to avoid the creation of ambiguity or an incorrect result as to which SIP elements have actually

[16] Under the TAR, a tribe is not subject to deadlines for certain planning requirements (including submission of infrastructure SIPs). *See* 63 FR 7254 (Feb. 12, 1998) for more information.

[17] The EPA's experience is that the existence of a FIP for PSD or regional haze may increase the risk of such inconsistencies occurring inadvertently. FIP-related aspects are discussed in more detail in the next section of this guidance.

been submitted and are complete and consequently subject to a statutory deadline for the EPA action.

Section 2.3 of 40 CFR part 51 appendix V waives certain completeness requirements if the EPA has granted an air agency request for parallel processing of the submission. Under the parallel processing approach, the EPA proposes to approve a draft SIP submission so that final approval can be given more quickly after the final adoption of any new measures as state, local, or tribal law and conclusion of the public comment process normally required for any SIP submission. The EPA intends to grant requests for parallel processing of infrastructure SIP submissions if (1) the only missing elements of completeness are final state adoption of rules or other provisions and/or conclusion of the public comment process for the SIP submission, including evidence thereof as specified in section 2.3 of appendix V, and (2) the schedule provided by the air agency for the conclusion of the adoption process and/or the public comment process for the SIP submission is reasonably expeditious.[18] In such a case, the EPA generally would also either make a finding of completeness for the submission or allow it to become complete by operation of law. If both these conditions are not met, the EPA will not grant the parallel processing request. However, the EPA generally will not make a finding of failure to submit a complete SIP but may be required to do so if under a court order.

Effect of a Federal Implementation Plan on an Infrastructure SIP

The CAA directs states to submit SIPs to the EPA for approval. In some cases, and for various reasons, the EPA may have previously determined that an air agency had not satisfied a SIP requirement, and so accordingly promulgated a FIP to address the gap in the SIP. The infrastructure SIP process can be affected when an air agency is currently subject to a FIP that is related to an infrastructure SIP element. Therefore, this section describes the potential impact of pre-existing FIPs on the infrastructure SIP process. This explanation is relevant not only for air

[18] With regard to the 1992 EPA Memorandum from John Calcagni, Air Quality Management Division, OAQPS, to EPA Air Division Directors, Regions I through X, "State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (Act) Deadlines," October 29, 1992, note that the EPA no longer considers the section titled "Requests for Parallel Process to Meet Act Deadlines" to be its guidance for infrastructure SIPs that are submitted with requests for parallel processing.

agencies that currently have a FIP in effect but also for air agencies that may be subject to a FIP in the future.

The EPA's obligation to promulgate a FIP is set out in section 110(c) of the CAA. A FIP may be triggered if the EPA takes any of the following actions: (1) the EPA finds that a state has failed to make a required SIP submission; (2) the EPA finds that a required submission was incomplete; or (3) the EPA disapproves a required SIP submission in whole or in part. If the EPA takes one of these actions, section 110(c) obligates the EPA to promulgate a FIP within 2 years of the action, a deadline that is commonly referred to as a "FIP clock." In order to remove the EPA's FIP obligation, the state must make a SIP submission that meets the applicable CAA requirements and is approved by the EPA prior to the EPA's promulgation of a FIP. Whenever the EPA promulgates a FIP for a state air agency, the FIP rulemaking will identify the specific CAA provisions that required the promulgation of the FIP, and the FIP will be codified in the appropriate section of 40 CFR part 52.

Under the TAR, a tribe is not subject to deadlines for planning requirements (including submission of infrastructure SIPs).[19] In general, the concept of failure to submit a complete implementation plan does not apply in tribal situations, and there is no FIP clock started if a tribe has not submitted an infrastructure TIP. Under the TAR, in the absence of an approved tribal implementation plan the EPA will promulgate a FIP for one or more infrastructure SIP elements when and if it is necessary and appropriate to do so. For example, the EPA has promulgated new source review FIPs to govern permitting of sources in Indian country.

If the EPA has promulgated a FIP, then this means that the EPA has previously determined that the air agency's SIP did not meet some CAA requirement as of the date of promulgation of that FIP. While the intent and effect of the FIP is to achieve the same air quality protection as the SIP should have achieved, it is the EPA's interpretation of sections 110(a)(1) and 110(a)(2) that the EPA cannot give "credit" for the FIP when determining whether an air agency has met any later obligations under these sections.

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[19] *See* 63 FR 7254 (February 12, 1998) for more information on the TAR.

As an example of a FIP that affects the infrastructure SIP submission process, we note that, for various reasons, several states do not have EPA-approved major source preconstruction permit programs in their SIPs for prevention of significant deterioration (PSD) as required by part C of title I of the CAA. The EPA has promulgated a set of PSD rules which establish authority for the EPA (or an air agency to which the EPA has delegated authority to administer the federal PSD program)[20] to issue preconstruction permits to major stationary sources in any area not covered by a PSD program in a SIP.[21] The EPA has also promulgated FIPs for each area without a SIP-approved PSD program, indicating that this set of federal PSD rules applies in that area.[22] Such a PSD FIP may be relevant to infrastructure Element C, Element J, Element D(i)(II), and the portion of Element D(ii) related to notification to other states. As another example, the EPA has promulgated full or partial FIPs to address reasonably attributable visibility impairment (RAVI) and regional haze for some air agencies.[23] A RAVI FIP or a regional haze FIP may be relevant to Element D(i)(II). These linkages are further discussed in the section pertaining to each of these elements.

The infrastructure SIP process will vary to some extent depending on whether or not the air agency's SIP submission purports to, and actually does, satisfy infrastructure SIP requirements that are currently being met by means of a FIP, as explained in the following paragraphs.

Consider an air agency that is currently subject to a FIP that is relevant to certain infrastructure SIP elements makes a submission and states in a general way in the transmittal letter that the submission satisfies all elements of CAA section 110(a)(2), or if it specifically states that the submission satisfies the elements to which the FIP is relevant, the EPA would

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[20] The EPA is planning on extending the opportunity for delegation of new source review permitting to qualified tribes.

[21] *See* 40 CFR 52.21; Prevention of Significant Deterioration of Air Quality.

[22] *See, e.g.*, 40 CFR 52.738 for the PSD program applicable to sources in Illinois.

[23] Some of these regional haze FIPs relied on the Cross-State Air Pollution Rule (CSAPR), which was subsequently vacated by the U.S. Court Appeals for the D.C. Circuit. *EME Homer City Generation, L.L.P. v. EPA,* 696 F.3d 7 (D.C. Cir. 2012). The Supreme Court has accepted the EPA's petition for it to review the D.C. Circuit's decision. Air agencies should consult with their EPA Regional Offices regarding the current status of this litigation and the implications if any for infrastructure SIP submissions.

evaluate whether the submission, in fact, contains existing or new substantive provisions to address the section 110(a)(2) requirement presently covered by the FIP. If the submission does not substantively address the elements or sub-elements presently covered by the FIP, then the EPA Regional Office should encourage the air agency to clarify its intentions as to which elements have been submitted. The air agency might then clarify that it has made no submission for certain elements, in which case the EPA would not make a finding of complete submission for those elements and those elements could not become complete by operation of law. (The EPA may make a finding of failure to submit for those elements.) In the absence of such a clarification, the EPA Regional Office should determine that the air agency has failed to make a complete submission for those elements. Such a finding generally would create an obligation for the EPA to adopt a FIP within 24 months. However, based on the PSD FIP example and to the extent that the SIP deficiency is addressed by continuing to implement the existing PSD FIP, the EPA would have no additional FIP obligation under section 110(c) and the air agency would not have to take any further action for the current FIP-based permitting process to continue operating. Mandatory sanctions would not apply under CAA section 179 because such a finding of failure to submit a complete SIP was made neither with respect to a submission that is required under CAA title I part D nor in response to a SIP call under CAA section 110(k)(5).

To provide further clarity, consider how the following three scenarios may prompt differing EPA actions.

First scenario. Under this scenario, the transmittal letter for the infrastructure SIP submission makes clear that the submission is not intended to satisfy certain elements that can be addressed by continuing to apply the FIP. In this situation, the EPA would make a completeness finding that extends only to the SIP elements actually submitted by the air agency, and a finding that other relevant applicable elements were not submitted.[24] The EPA would be required to take action only on the elements that were submitted, within 12 months after those elements have been determined to be complete. The overall infrastructure SIP would not be approvable with

[24] If, instead, the submission that clearly addressed only some required elements has become complete at the 6-month point by operation of law, the EPA would still consider the air agency to not have made a complete submission for the missing elements.

respect to the elements that were not submitted, and thus the EPA could only partially approve the overall infrastructure SIP.[25]

Second scenario. Under the second scenario, suppose the air agency makes a SIP submission that references the existence of a PSD FIP and asserts that the existence of the FIP is a sufficient basis for EPA approval of the submission with respect to these elements. The EPA would not consider the existence of the PSD FIP, even if referenced in the submission, as meeting completeness or approvability criteria for these elements. This is because a FIP is not a state plan and thus cannot serve to satisfy the state's obligation to submit a SIP. The EPA's action on the SIP submission would indicate that the air agency has not met the underlying statutory obligations in section 110(a)(2) with respect to Elements C and J. However, when the SIP deficiency is being addressed by the existing PSD FIP, the EPA would have no additional FIP obligation under section 110(c) and the state would not have to take any further action for the current FIP-based permitting process to continue operating. In this example, the EPA may be able to approve a state-developed SIP later, if the air agency develops and submits a SIP meeting all statutory and regulatory requirements relevant to Elements C and J.

Third scenario. Under this scenario, the transmittal letter for the infrastructure SIP submission explicitly or implicitly indicates that the submission is intended to satisfy all required elements (including the elements that may be addressed by continuing to apply the existing PSD FIP), and the 6-month point has passed without any clarification by the air agency or any finding by the EPA Regional Office regarding completeness. In this situation, the EPA will generally treat the submission as having been intended to address all the required elements and to be complete for all elements. The 12-month clock for EPA action on the submission would apply to all elements and the EPA would proceed to disapprove the submission for the same elements with respect to the subject NAAQS that were previously addressed in the context of earlier NAAQS by the FIP. However, similar to the first scenario in which the SIP deficiency has

[25] *Note*: Because an infrastructure SIP is not a required plan submission under part D of title I of the CAA, disapproval of (or a finding of failure to submit) an infrastructure SIP or element thereof does not trigger mandatory sanctions under CAA section 179, unless the submission was required in response to a SIP call under section 110(k)(5) of the CAA.

already been addressed, to the extent that the existing FIP addresses the deficiency, the EPA would have no additional FIP obligation under section 110(c) and the state would not have to take any further action for the current FIP-based permitting process to continue operations. As in the first scenario, the EPA may be able to approve a state-developed SIP later, if the air agency develops and submits a SIP meeting all statutory and regulatory requirements relevant to Elements C and J.

For some state air agencies and some sources in Indian country, there are RAVI or regional haze FIPs in place that may be relevant to the subelement of Element D(i)(II) related to interference with measures by another state to protect visibility. This subelement is sometimes referred to as the "visibility transport" prong or simply, as "prong 4." While fully approved RAVI and regional haze SIPs can be relied upon in satisfying this subelement, as explained later in this document, it may be possible in some cases for the element to be satisfied even if there is a FIP in place. Air agencies in this situation should read the section on Element D(i)(II) and consult with their respective EPA Regional Offices on this aspect of their infrastructure SIP submission.

If a new submission in fact does address the substance of the element or subelement covered by a FIP, the EPA would review the submission and may approve the infrastructure SIP. The EPA may also withdraw the FIP that had been addressing that element or subelement for previous NAAQS, if all relevant CAA requirements are met by the SIP.

III. Guidance on Individual Infrastructure SIP Elements

The EPA interprets section 110(a)(1) and section 110(a)(2) to require infrastructure SIP submissions to meet the elements of section 110(a)(2), as applicable. As described in section II, the EPA interprets the portion of section 110(a)(2)(C) that pertains to a permitting program that applies to nonattainment NSR within nonattainment areas, and the requirements of section 110(a)(2)(I) that pertain to the specific requirements for attainment plans for designated nonattainment areas, to be outside the scope of the infrastructure SIP requirements because of the separate statutory schedules for area designations and submission of attainment plans provided elsewhere in the CAA. With respect to the remaining elements of section 110(a)(2), subsections (A) through (M), the CAA imposes an obligation on states to address those elements, as appropriate, within the 3-year infrastructure SIP submission deadline. This section provides recommendations to air agencies about how to make infrastructure SIP submissions to meet these remaining relevant elements, as applicable.

Element A – Section 110(a)(2)(A): Emission Limits and Other Control Measures

> *Each such plan shall –*
>
> *(A) include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this Chapter.*

To satisfy Element A, an air agency's submission should identify existing EPA-approved SIP provisions or new SIP provisions that the air agency has adopted and submitted for EPA approval that limit emissions of pollutants relevant to the subject NAAQS, including precursors of the relevant NAAQS pollutant where applicable. Emissions limitations and other control measures needed to attain the NAAQS in areas designated nonattainment for that NAAQS will be due on a different schedule from the section 110 infrastructure elements and will be reviewed and acted upon with regard to approvability for the specific purposes of such an attainment plan under CAA title I part D through a separate process at a later time. *See* "Which elements of CAA

110(a)(2) affect infrastructure SIPs?" in section II of this guidance for additional discussion of this distinction.

There are two issues that relate to Element A for which we are providing general guidance. These are whether air agencies would need to correct the following in order for the EPA to approve their infrastructure SIP submissions: (1) previously approved emissions limitations that may treat startup, shutdown, and malfunction (SSM) events inconsistently with the CAA as interpreted by our longstanding guidance on excess emissions (the EPA's SSM Policy) and more recently by multiple courts; and (2) previously approved SIP provisions for "director's variance" or "director's discretion" that purport to allow revisions to or exemptions from SIP emission limitations with limited public process or without requiring further approval by the EPA.[26] The guidance provided here is consistent with the EPA interpretations articulated in provisions in several recent EPA final actions on SIPs.[27, 28]

In recent infrastructure SIP actions, the EPA has drawn an important distinction with respect to SSM issues and director's discretion issues in this particular context. The EPA does not interpret section 110(a)(2) to require air agencies and the EPA to address potentially deficient

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[26] For further description of EPA's SSM Policy, *see*, *e.g.*, a memorandum dated September 20, 1999, titled, "State Implementation Plans: Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown," from Steven A. Herman, Assistant Administrator for Enforcement and Compliance Assurance, and Robert Perciasepe, Assistant Administrator for Air and Radiation. Also, the EPA issued a proposed action on February 12, 2013, titled "State Implementation Plans: Response to Petition for Rulemaking; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction." This rulemaking responds to a petition for rulemaking filed by the Sierra Club that concerns SSM provisions in 39 states' SIPs. It clarifies and restates the EPA's SSM SIP policy.

[27] *See*, *e.g.*, a SIP call issued to Utah (72 FR 21639, Apr. 18, 2010) concerning treatment of malfunction events under Utah's "unavoidable breakdown rule" (UBR). The EPA determined that Utah's SIP was substantially inadequate because its UBR allowed operators of CAA-regulated facilities to avoid enforcement actions when they suffer an unexpected and unavoidable equipment malfunction. In this SIP call, the EPA called on Utah to promulgate a new UBR that conforms to the EPA's interpretation of the CAA. Litigants maintained that the SIP call was arbitrary and capricious and asked the Tenth Circuit Court to vacate it. The Court denied the petition for review of the Utah SIP call. *U.S. Magnesium, LLC v. EPA*, U.S. Court of Appeals, No. 09-1269, January 14, 2011.

[28] As another example that presents the EPA's position on infrastructure SIPs with respect to this issue, *see* the preamble language in the final rule published in the *Federal Register* on July 13, 2011 (76 FR 41075), "Approval and Promulgation of Air Quality Implementation Plans; Illinois; Indiana; Michigan; Minnesota; Ohio; Wisconsin; Infrastructure SIP Requirements for the 1997 8-Hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards." In section II of the preamble, the EPA described at length the position summarized in this guidance regarding existing provisions related to excess emissions during periods of SSM and existing provisions related to "director's variance" or "director's discretion."

pre-existing SIP provisions of these types in the context of acting on an infrastructure SIP submission. The EPA considers this a reasonable interpretation of the CAA in such a context. The EPA notes that it has alternative tools in the CAA to address existing SIP deficiencies of this type, in appropriate circumstances.

However, any "new" provisions in the infrastructure SIP submission that are relevant to SSM (*e.g.*, any newly created enforcement discretion provisions, affirmative defense provisions, or special emissions limitations that apply during SSM periods but that have not already been approved by the EPA) should be consistent with the EPA's policy on what types of SSM provisions are permissible in SIPs under the CAA. For instance, new provisions as part of an approvable SIP submission cannot allow an air director the discretion to determine whether an instance of excess emissions is a violation of an emission limitation, because such a determination could bar the EPA and citizens from enforcing applicable requirements. Similarly, new provisions in a SIP for the exercise of enforcement discretion with regard to SSM events may only apply to state or tribal government personnel so that they do not limit enforcement by the EPA or citizens. Excess emissions, including those occurring during SSM periods, might prevent attainment and maintenance of the NAAQS and compliance with other applicable CAA requirements. The EPA views all periods of excess emissions as violations of the applicable emission limitation. Therefore, if an infrastructure SIP contains provisions that have not already been approved by the EPA, and that impermissibly exempt from enforcement excess emissions that may occur at a facility during SSM periods or that otherwise are inconsistent with the EPA's interpretation of the CAA as outlined in its SSM Policy, the EPA will not propose to fully approve the submission as meeting section 110(a)(1) and (2) requirements.

With regard to "director's discretion" to revise emission limits, any "new" provisions in the infrastructure SIP submission (*i.e.*, provisions that have not already been approved by the EPA) should be consistent with the EPA's interpretation of the CAA as expressed in its policy regarding director's discretion.[29]

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[29] *See* 77 FR 34309 and 34311 (June 11, 2012). "Approval and Promulgation of Implementation Plans; Tennessee; 110(a)(1) and (2) Infrastructure Requirements for the 1997 Annual and 2006 24-Hour Fine Particulate National Ambient Air Quality Standards, Proposed Rule."

The EPA will continue to consider for approval, as it has in recent final SIP actions,[30] SIPs that provide for a limited affirmative defense to civil penalties for excess emissions occurring during properly demonstrated and documented malfunction periods.

In summary, the EPA in recent final actions on infrastructure SIP submissions has maintained that the CAA does not require that new infrastructure SIP submissions address *existing* potentially inadequate provisions concerning SSM or director's discretion in order to be approved as meeting the CAA section 110(a)(1) and (2) requirements triggered by the new or revised NAAQS. The EPA's stated position has been that it can approve an infrastructure SIP submission, even if the infrastructure SIP may incorporate by reference previously approved SIP provisions that are or may not be consistent with the EPA's SSM Policy and its policy on director's discretion to revise emission limits. The EPA articulated this position in a number of infrastructure SIP actions taken in 2011, noting in the preambles for those actions that existing provisions for SSM and director's discretion may be dealt with separately, outside the context of acting on an air agency's new infrastructure SIP submission.[31] However, if an air agency submits an infrastructure SIP submission that would create a *new* SIP provision related to SSM that is inconsistent with the EPA's interpretation of the requirements of the CAA, the EPA may disapprove it. We intend to continue this practice and affirm it as part of this guidance.

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[30] *See* 75 FR 68989 at 68992 (November 10, 2010), "Approval and Promulgation of Implementation Plans; Texas: Excess Emissions During Startup, Shutdown, Maintenance, and Malfunction Activities." In *Luminant Generation Co. v. EPA*, No. 10-60934, 2012 WL 4841615 (5th Cir. 2012), the Court upheld the EPA's approval of an affirmative defense for malfunctions and disapproval of an affirmative defense provision in a SIP submission that pertained to "planned activities," which included startup, shutdown, and maintenance. The EPA disapproved this provision, in part because it provided an affirmative defense for maintenance. The Court rejected challenges to the EPA's disapproval of this provision, holding that under *Chevron* step 2, the EPA's interpretation of the CAA was reasonable. *See* also the *Federal Register* notice signed on February 12, 2013, restating the EPA's policy on affirmative defense provisions and proposing 36 SIP calls to correct affirmative defense and other SSM-related SIP provisions.

[31] As one example of preamble language that presents the EPA's position on infrastructure SIPs with respect to this issue, *see* the final rule published in the *Federal Register* on July 13, 2011 (76 FR 41075), "Approval and Promulgation of Air Quality Implementation Plans; Illinois; Indiana; Michigan; Minnesota; Ohio; Wisconsin; Infrastructure SIP Requirements for the 1997 8-Hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards." In section II of the preamble, the EPA described at length the position summarized here regarding existing provisions related to excess emissions during periods of SSM and existing provisions related to "director's variance" or "director's discretion."

Element B – Section 110(a)(2)(B): Ambient Air Quality Monitoring/Data System

Each such plan shall –

(B) provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to –

(i) monitor, compile, and analyze data on ambient air quality, and

(ii) upon request, make such data available to the Administrator.

To meet Element B requirements, the best practice for an air agency submitting an infrastructure SIP would be to submit, for inclusion into the SIP (if not already part of the SIP), the statutory or regulatory provisions that provide the air agency or official with the authority and responsibility to perform the actions listed in the bullets below along with a narrative explanation of how the provisions meet the requirements of this element.[32]

- Monitor air quality for the relevant NAAQS pollutant(s) at appropriate locations in accordance with the EPA's ambient air quality monitoring network requirements. *See* the EPA's Ambient Monitoring Technology Information Center (AMTIC) website, 40 CFR part 53 ("Ambient Air Monitoring Reference and Equivalent Methods"), and 40 CFR part 58 ("Ambient Air Quality Surveillance"). *See* also 40 CFR 51.190 (referencing 40 CFR part 58).[33]
- Submit data to the EPA's Air Quality System (AQS) in a timely manner in accordance with 40 CFR part 58. Under 40 CFR part 58, subpart B ("Monitoring Network"), for example, *see* 40 CFR 58.16 ("Data submittal and archiving requirements").
- Provide to the EPA Regional Office information regarding air quality monitoring activities, including a description of how the air agency has complied with monitoring requirements, and an explanation of any proposed changes to the network.

[32] The EPA recognizes that some air agencies may have general authorizing provisions that do not specifically enumerate specific activities but do implicitly authorize the air agency to perform such activities, in which case inclusion of those provisions would meet the intent of this best practice.

[33] Note that despite the recent reorganization of 40 CFR part 58 without a corresponding conforming update of the cross-reference to part 58 in 40 CFR 51.190, all requirements under part 58 must still be met.

Submission of annual monitoring network plans consistent with the EPA's ambient air monitoring regulations is one way of providing this information. Under 40 CFR part 58, subpart B, *see*, *e.g.*, 40 CFR 58.10 ("Annual monitoring network plan and periodic network assessment").

- Obtain the EPA's approval of any planned changes to monitoring sites or to the network plan, consistent with applicable requirements in 40 CFR 58.14 ("System Modification").

If an air agency chooses not to include the relevant statute or regulation in its SIP, then the air agency should provide a reference or citation to the authority provisions along with a narrative explanation of how the provisions meet the requirements of this element, as well as a copy of the relevant authority to accompany the SIP as required by 40 CFR 51.231.

For any new or revised NAAQS, the infrastructure SIP submission should provide assurance that the state will meet changes in monitoring requirements related to the new or revised NAAQS.

Element C – Section 110(a)(2)(C): Programs for Enforcement of Control Measures and for Construction or Modification of Stationary Sources.

Each such plan shall –

(C) include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D of this Subchapter.

This element consists of three sub-elements; enforcement, state-wide regulation of new and modified minor sources and minor modifications of major sources; and preconstruction permitting of major sources and major modifications in areas designated attainment or unclassifiable for the subject NAAQS as required by CAA title I part C (*i.e.*, the major source

PSD program).[34,35] While this section outlines the general requirements for approvability of an infrastructure SIP with respect to Element C, air agencies previously subject to FIPs with respect to this element for major source PSD in the context of earlier NAAQS have the option, as discussed in more detail below and in Section II: "Which elements of CAA 110(a)(2) affect infrastructure SIPs?", to remain subject to those FIPs as the remedy for infrastructure SIP deficiencies for a new or revised NAAQS.

Enforcement: To satisfy this subelement, an infrastructure SIP submission should identify the statutes, regulations, or other provisions in the existing SIP (or new provisions that are submitted as part of the infrastructure SIP to be incorporated into the SIP) that provide for enforcement of those emission limits and control measures that the air agency has identified in its submission for purposes of satisfying Element A (Emissions limits and other control measures).

Regulation of minor sources and minor modifications: To satisfy the subelement for pre-construction regulation of the modification and construction of minor stationary sources and the minor modification of major stationary sources, an infrastructure SIP submission should identify the existing EPA-approved SIP provisions and/or include new provisions that govern the minor source pre-construction program that regulates emissions of the relevant NAAQS pollutant(s). The EPA rules addressing SIP requirements for pre-construction regulatory programs that apply to minor sources and minor modifications are at 40 CFR sections 51.160 through 51.164.

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[34] The terms "major" and "minor" categorize a stationary source or a modification of a stationary source, for NSR applicability purposes, in terms of an annual emissions rate (tons per year) or change in annual emission rate for a pollutant. The pre-construction minor NSR program generally applies to minor stationary sources and minor modification projects at major stationary sources. A major "stationary source" is defined in the applicable PSD or nonattainment NSR regulations. Some air agencies exempt small minor sources and modifications from pre-construction regulatory requirements.

[35] As explained in section II of this document, the EPA considers evaluation of permit provisions that implement CAA title I part D (the major source nonattainment NSR program) to generally be outside the scope of infrastructure SIP actions. Hence, to address the sub-element regarding major source permitting, only the major source permitting program applicable in areas designated attainment or unclassifiable is an issue. In contrast, because part D does not impose any special requirements for permitting of minor sources in nonattainment areas, the infrastructure SIP due 3 years after a new or revised NAAQS should address Element C with regard to minor sources in unclassifiable, attainment, and nonattainment areas, without regard to designation.

Preconstruction PSD permitting of major sources:[36] To satisfy the subelement regarding the PSD program required by CAA title I part C, an infrastructure SIP submission should demonstrate that one or more air agencies has the authority to implement a comprehensive PSD permit program under CAA title I part C, for all PSD-subject sources located in areas that are designated attainment or unclassifiable for one or more NAAQS. The infrastructure SIP submission should also identify the existing SIP provisions that govern the major source PSD program. As explained in more detail below, to be approvable the infrastructure SIP submission should also address any new or revised PSD permitting program requirements for which the deadline for SIP submissions has passed as of the date of EPA's proposed action on the infrastructure submission.

The SIP permitting provisions that implement CAA title I part C (the PSD program) govern preconstruction review and permitting of any new or modified major stationary sources of air pollutants regulated under the CAA (as well as any precursors to the formation of those pollutants when identified for regulation by the Administrator) in areas designated as attainment or unclassifiable. The EPA rules providing the minimum requirements for approvable PSD programs can be found generally at 40 CFR 51.166 (general provisions for PSD programs approved in SIPs) and 40 CFR 51.307 (specific provisions pertaining to new source review for potential impacts on air quality related values in Class I areas).

The EPA interprets Element C to mean that each infrastructure SIP submission for a particular NAAQS would need to demonstrate that the air agency has a complete PSD permitting program in place covering the requirements for all regulated NSR pollutants, including greenhouse gases (GHG), in order to demonstrate that the SIP meets Element C.[37]

Element C requires that each infrastructure SIP contain a permitting program "as required by part C." CAA title I part C is applicable to all pollutants subject to regulation under the CAA. *See, e.g.*, CAA section 165(a)(4). There is no specific language in the last clause of Element C

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[36] The discussion here of the PSD portion of Element C also applies in full to the PSD portion of Element J.

[37] *See, e.g.*, 77 FR 64737 (October 23, 2012), "Partial Approval and Partial Disapproval of Air Quality State Implementation Plans; Nevada; Infrastructure Requirements for Ozone and Fine Particulate Matter."

that restricts its application to only those provisions of CAA title I part C that pertain to the particular new or revised NAAQS addressed by the particular infrastructure SIP action. Because the scope of CAA title I part C is comprehensive (covering all pollutants subject to regulation under the CAA, including GHG), the EPA likewise reads the unrestricted reference to CAA title I part C in Element C to mean that this provision has the same scope as CAA title I part C itself. Thus, an infrastructure SIP submission for any one of the recently revised NAAQS must be "comprehensive" in that it would need to meet all CAA title I part C requirements for other regulated NSR pollutants as well.

The broad scope of Element C with respect to major source PSD permitting raises the question of how the EPA will proceed when the timing of requirements for multiple, related SIP submissions (*e.g.*, for mandatory PSD SIP revisions) impacts the ability of the air agency and the EPA to address certain substantive issues in the infrastructure SIP submission in a reasonable fashion. It is appropriate for the EPA to take into consideration the timing of related requirements for SIP submissions in determining what an air agency can reasonably be expected to have addressed in an infrastructure SIP submission for a NAAQS at the time when the EPA acts on such submission. The EPA does not consider it reasonable to interpret Element C to require the EPA to propose to disapprove an air agency's infrastructure SIP submission because the air agency had not submitted a PSD permitting program revision that was not yet due as of the date of EPA's proposed action. Because it would be unreasonable to propose such a disapproval, the EPA likewise does not consider it reasonable to take final disapproval action under such circumstances. In other words, the EPA interprets these CAA sections to allow the EPA to approve an infrastructure SIP submission for the major source PSD permitting subelement of Element C (and Element J) provided that the EPA has already approved or is simultaneously approving the air agency's SIP submission(s)[38] with respect to all structural PSD permitting program revision requirements that were due under the EPA regulations or the CAA on or before the date of the EPA's proposed action on the infrastructure SIP submission. To adopt a different approach, by which the EPA could not act on an infrastructure SIP or at least

[38] These submissions may be submitted separately or together with the infrastructure SIP submission on which the EPA is proposing action.

could not approve an infrastructure SIP whenever there was any impending revision to the PSD permitting program regulations required by another collateral rulemaking action, would result in regulatory gridlock and make it impracticable or impossible for the EPA to act on infrastructure SIPs if the EPA had recently revised its PSD permitting regulations but the submission required by such revisions was not yet due. The EPA believes that such an outcome would be an unreasonable reading of the statutory process for the infrastructure SIPs contemplated in sections 110(a)(1) and (2).

Consequently, the EPA generally plans to proceed as follows. The EPA may propose to approve an infrastructure SIP submission with respect to the major source PSD permitting subelement of Element C if the air agency has submitted, in a timely manner, all structural PSD permitting program provisions for which the SIP submission deadline has passed as of the date of the proposed approval.[39] Subject to consideration of public comments on the proposed action, the EPA believes it may proceed to fully approve an infrastructure submission with respect to Element C if all such structural PSD permitting program submissions have been or are being simultaneously fully approved into the SIP. The EPA does not intend to treat any structural PSD permitting program requirement for which the SIP submission deadline falls *after* the date of the EPA's proposed action on the infrastructure SIP as a required criterion for approval of the infrastructure SIP. The PSD permitting program revisions treated in this manner may include not only those related to the new or revised NAAQS whose promulgation has triggered the need for a new infrastructure SIP submission but also those related to any other regulated NSR pollutants as required by CAA title I part C and 40 CFR part 51.166.[40]

If an air agency lacks a PSD permitting program in its existing EPA-approved SIP addressing all regulated NSR pollutants, and it is already subject to a FIP, then major stationary

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[39] Structural PSD program provisions include provisions necessary for the PSD program to address all regulated sources and NSR pollutants, including GHG. Structural PSD program provisions do not include provisions which under 40 CFR 51.166 are at the option of the air agency, such as the option for air agencies to provide grandfathering of complete permit applications with respect to the 2012 $PM_{2.5}$ NAAQS.

[40] *See, e.g.*, "Approval and Promulgation of Implementation Plans; Mississippi: New Source Review – Prevention of Significant Deterioration; Fine Particulate Matter ($PM_{2.5}$) National Ambient Air Quality Standards," 77 FR 59095 (September 26, 2012), a recent infrastructure SIP approval action that addressed a state's PSD SIP status with respect to the 2008 $PM_{2.5}$ NSR Rule.

sources within its jurisdiction are subject to the federal PSD permitting requirements in 40 CFR 52.21. Some air agencies are subject to a FIP for PSD permitting of all regulated NSR pollutants, and fewer air agencies are subject to a FIP for PSD permitting that is limited to particular pollutants (such as GHG). For sources subject to a pre-existing FIP for PSD permitting, either the EPA Regional Office issues PSD permits or, in instances where federal authority is delegated by the EPA Regional Office to it, the state or local air agency issues the PSD permits under the FIP (and tribes might be delegated in the same manner in the future). The EPA recognizes that some states have indicated a preference to operate under an EPA-administered PSD permitting program. Many air agencies have for some time been delegated the authority to implement a PSD FIP program. Other states have implemented their SIP-approved PSD permitting program. When an area is already subject to a FIP for PSD permitting (whether or not a state, local, or tribal air agency has been delegated federal authority to implement the PSD FIP), the air agency may choose to continue to rely on the PSD FIP to have permits issued pursuant to the FIP. If so, the EPA could not fully approve the infrastructure SIP submission with respect to Element C; however, the EPA anticipates that there would be no adverse consequences to the air agency or to sources from this lack of full approval of the infrastructure SIP. Mandatory sanctions would not apply under CAA section 179 because the failure to submit a PSD SIP is neither with respect to a submission that is required under CAA title I part D, nor in response to a SIP call under CAA section 110(k)(5). This relationship between a pre-existing FIP and the EPA's action on an infrastructure SIP element is also explained in section II of this document.

The EPA has maintained that the CAA allows the EPA to approve infrastructure SIP submissions that do not implement the NSR Reform Rules promulgated mainly in 2002.[41] We articulated this position in a number of infrastructure SIP final actions taken in 2011, noting in the preambles for those actions that existing SIP provisions for PSD programs that have not

[41] The NSR rules have undergone a series of improvements over many years. Significant reforms were promulgated in a rulemaking commonly referred to as the "2002 NSR Reform Rules," which were published in the *Federal Register* at 67 FR 80186 (December 31, 2002).

addressed the NSR Reform Rules may be dealt with separately, outside the context of acting on a state's infrastructure SIP.[42]

Air agencies may wish to reduce the need to amend their major source PSD rules after each new or revised NAAQS by writing them so that their coverage of pollutants and NAAQS automatically updates with the promulgation of a new or revised NAAQS, and/or so that the specific PSD program requirements automatically update to stay matched with the federal PSD program requirements in 40 CFR 52.21. Depending on state or tribal law provisions, it may be possible to do one or both of these through the use of "rolling" incorporation by reference (IBR). An advantage of the rolling IBR approach is that it enables air agencies to quickly implement requirements of the CAA that may be immediately applicable to regulated sources upon the effective date of the new or revised NAAQS and before the deadline for air agencies to make infrastructure SIP submissions to the EPA. For example, one of the PSD program requirements is the requirement under section 165(a)(3) of the CAA that a permit applicant show it will not cause or contribute to a violation of any NAAQS. This requirement generally[43] applies to any NAAQS in effect on the date a PSD permit decision is issued and is not deferred until an infrastructure SIP submission is due. Where permissible under state or tribal law, a rolling IBR approach is advisable to enable air agencies to implement this type of CAA requirement immediately upon the effective date of a NAAQS, thus ensuring that there is a mechanism in place for regulated sources in the state or an area of Indian country to meet CAA requirements resulting from a new or revised NAAQS as soon as it becomes applicable.

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[42] As one example of the preamble language that presents the EPA's position on infrastructure SIPs with respect to the issue of NSR Reform, *see* the final rule published in the *Federal Register* on July 13, 2011, "Approval and Promulgation of Air Quality Implementation Plans; Illinois; Indiana; Michigan; Minnesota; Ohio; Wisconsin; Infrastructure SIP Requirements for the 1997 8-Hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards." 76 FR 41075. In section II of the preamble, the EPA applied the described position to existing provisions for PSD programs in light of the "NSR Reform Rules" that we promulgated mainly in 2002; *see* 67 FR 80186 (Dec. 31, 2002).

[43] In some circumstances, the EPA has authorized "grandfathering" of pending PSD permit applications. *See* 78 FR 3086, January 15, 2012.

Elements D(i)(I) and (II) – Section 110(a)(2)(D)(i): Interstate Pollution Transport

> *Each such plan shall –*
>
> *(D) contain adequate provisions –*
>
> *(i) prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will –*
>
> *(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard, or*
>
> *(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C of this subchapter to prevent significant deterioration of air quality or to protect visibility.*

Section 110(a)(2)(D)(i) contains two subsections: (D)(i)(I) and (D)(i)(II). Section 110(a)(2)(D)(i)(I) addresses any emissions activity in one state that contributes significantly to nonattainment, or interferes with maintenance, of the NAAQS in another state. The EPA sometimes refers to these requirements as prong 1 (significant contribution to nonattainment) and prong 2 (interference with maintenance). Neither prong 1 nor prong 2 is addressed in this guidance. This guidance does not modify any prior statements by the EPA with respect to prongs 1 and 2 and does not address, discuss, or in any way alter any requirements set forth in either prong.

Element D(i)(II) requires SIPs to include provisions prohibiting any source or other type of emissions activity in one state from interfering with measures required of any other state to prevent significant deterioration of air quality or from interfering with measures required of any other state to protect visibility (referring to visibility in Class I areas). The EPA sometimes refers to these requirements under subsection 110(a)(2)(D)(i)(II) as prong 3 (interference with PSD) and prong 4 (interference with visibility protection). The EPA interprets section 110(a)(2) to require air agencies to address prong 3 and prong 4 as part of each infrastructure SIP submission.

Prong 3: Under section 110(a)(2)(D)(i)(II), SIPs would need to have provisions prohibiting emissions that would interfere with measures required to be in any other air agency's

SIP under part C of the CAA to prevent significant deterioration of air quality. Because part C requires an air agency's PSD permitting program to address all pollutants subject to regulation under the CAA, the EPA interprets prong 3 to mean that the infrastructure SIP submission should have provisions to prevent emissions of any regulated pollutant from interfering with any other air agency's comprehensive PSD permitting program, in addition to the new or revised NAAQS that is the subject of the infrastructure submission. Moreover, the infrastructure SIP should address the potential for such interference by sources throughout the jurisdiction of the air agency.

One way to meet prong 3 ("interference with PSD"), specifically with respect to those in-state sources and pollutants that are subject to PSD permitting, is through an air agency's confirmation in its infrastructure SIP submission that new major sources and major modifications are subject to a comprehensive EPA-approved PSD permitting program in the SIP that applies to all regulated NSR pollutants and that satisfies the requirements of the EPA's PSD implementation rule(s), as discussed above for purposes of Element C. This is because in order to be approved by the EPA, a major source PSD permitting program would need to fully consider source impacts on air quality in other states.

In-state sources not subject to PSD for any one or more of the pollutants subject to regulation under the CAA because they are in a nonattainment area for a NAAQS related to those particular pollutants may also have the potential to interfere with PSD in an attainment or unclassifiable area of another state. The EPA cannot ignore this potential when reviewing an infrastructure SIP for this prong. The EPA will consider and may rely on an air agency's EPA-approved nonattainment NSR provisions in determining whether a SIP satisfies prong 3 with respect to sources located in areas subject to nonattainment NSR for any one or more pollutants

and thus not subject to PSD permitting for those NAAQS pollutants. [44] SIP revisions to address nonattainment NSR requirements for any new or revised NAAQS are, however, due on a separate timeframe under section 172(b) of the CAA and are not subject to the timeframe for submission of infrastructure SIPs under section 110(a)(1). Therefore, a fully approved nonattainment NSR program with respect to any previous NAAQS may generally be considered by the EPA as adequate for purposes of meeting the requirement of prong 3 with respect to sources and pollutants subject to such program. Also, if an air agency makes a submission indicating that it issues permits pursuant to 40 CFR part 51 appendix S in a nonattainment area because a nonattainment NSR program for a particular NAAQS pollutant has not yet been approved by the EPA for that area, that permitting program may generally be considered by the EPA as adequate for purposes of meeting the requirements of prong 3 with respect to sources and pollutants subject to such program. Such reliance for infrastructure purposes would not constitute approval under CAA title I part D, and the EPA will explain this in the preambles to any proposed or final actions that rely on this rationale to support the conclusion that prong 3 is satisfied.

For an air agency without an EPA-approved major source PSD program and/or, where required, an EPA-approved nonattainment NSR program, it may still be possible for the EPA to also find, given the facts of the situation, that other SIP provisions and/or physical condition are adequate to prohibit interference with other air agencies' measures to prevent significant deterioration of air quality.

Prong 4: Under section 110(a)(2)(D)(i)(II), an infrastructure SIP submission cannot be approved with respect to prong 4 (visibility transport) until the EPA has issued final approval of SIP provisions that the EPA has found to adequately address any contribution of that state's

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[44] Refer, *e.g.*, to a memorandum issued by William T. Harnett, Director, OAQPS/AQPD, "Guidance for State Implementation Plan (SIP) Submissions to Meet Current Outstanding Obligations Under Section 110(a)(2)(D)(i) for the 8-Hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards," dated August 15, 2006. According to that 2006 Harnett memo, in section 5, "[t]he implementation of a PSD and NNSR permitting program in each state serves to prevent significant deterioration in neighboring states and thus largely satisfies the requirements of section 110(a)(2)(D)(i)(II) of the CAA." Nevertheless, nonattainment-related provisions, although identified in section 110(a)(2) of the CAA, are considered by the EPA to be outside the scope of infrastructure SIP actions, as discussed in section II of this guidance.

sources to impacts on visibility program requirements in other states. The EPA interprets this prong to be pollutant-specific, such that the infrastructure SIP submission need only address the potential for interference with protection of visibility caused by the pollutant (including precursors) to which the new or revised NAAQS applies. Carbon monoxide does not affect visibility, so an infrastructure SIP for any future new or revised NAAQS for carbon monoxide need only state this fact in order to meet prong 4. Significant impacts from lead (Pb) emissions from stationary sources are expected to be limited to short distances from the source and most, if not all, Pb stationary sources are located at distances from Class I areas such that visibility impacts would be negligible. Although Pb can be a component of coarse and fine particles, Pb generally comprises a small fraction of coarse and fine particles. Furthermore, when evaluating the extent to which Pb could impact visibility, Pb-related visibility impacts were found to be insignificant (*e.g.,* less than 0.10 percent).[45] Although we anticipate that Pb emissions will contribute only negligibly to visibility impairment in Class I areas, the air agency's submission of an infrastructure SIP for a new or revised Pb NAAQS should include an explanation in support of the air agency's conclusion (and, if appropriate, should include control measures in its submission to limit impacts in other states).

One way in which prong 4 may be satisfied for any relevant NAAQS is through an air agency's confirmation in its infrastructure SIP submission that it has an approved regional haze SIP that fully meets the requirements of 40 CFR 51.308 or 51.309. 40 CFR 51.308 and 51.309 specifically require that a state participating in a regional planning process include all measures needed to achieve its apportionment of emission reduction obligations agreed upon through that process. *See,* for example, 40 CFR 51.308(d)(3)(ii). A fully approved regional haze SIP will ensure that emissions from sources under an air agency's jurisdiction are not interfering with measures required to be included in other air agencies' plans to protect visibility. However, if the air agency has submitted a 5-year progress report SIP that indicates that the regional haze SIP is deficient with respect to ensuring reasonable progress toward natural visibility conditions in a

[45] Memorandum from Mark Schmidt, OAQPS, "Ambient Pb's Contribution to Class I Area Visibility Impairment," June 17, 2011.

Class I area in another state, the infrastructure SIP submission would need to explain how nevertheless the overall SIP satisfies prong 4.

After the next round of regional haze SIPs become due in 2018, the EPA may find it appropriate to supplement the guidance provided here regarding the relationship between regional haze SIPs and prong 4.

A number of air agencies do not have fully approved regional haze SIPs in place and instead have FIPs in place, which cannot be relied upon to satisfy prong 4.[46] The presence of a regional haze FIP does not necessarily require disapproval of the infrastructure SIP for prong 4. A state air agency may elect to satisfy prong 4 by providing, as an alternative to relying on its regional haze SIP alone, a demonstration in its infrastructure SIP submission that emissions within its jurisdiction do not interfere with other air agencies' plans to protect visibility. Such an infrastructure SIP submission would need to include measures to limit visibility-impairing pollutants and ensure that the reductions conform with any mutually agreed regional haze reasonable progress goals for mandatory Class I areas in other states.[47]

If the EPA determines the SIP to be incomplete or partially disapproves an infrastructure SIP submission for prong 4, a FIP obligation will be created. If a FIP or FIPs are already in effect that correct all regional haze SIP deficiencies, there will be no additional practical consequences from the partial disapproval for the affected air agency, the sources within its jurisdiction, or the

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[46] Some approved regional haze SIPs have relied on the fact that electric generating units (EGUs) in the state must comply with a FIP previously promulgated by the EPA as part of the CSAPR to satisfy best achievable retrofit technology requirements for EGUs. In this limited way, if a regional haze SIP of this type has itself been approved by the EPA, it is possible for FIP provisions to be taken into account by the EPA in determining whether an infrastructure SIP may be approved for prong 4.

[47] As examples of the possibility that an infrastructure SIP submission can satisfy prong 4 even though the regional haze SIP has not been fully approved, *see*: (i) "Approval and Promulgation of State Implementation Plans; State of Colorado; Interstate Transport of Pollution Revisions for the 1997 8-Hour Ozone and 1997 PM2.5 NAAQS: 'Interference With Visibility' Requirement – Final Rule", 76 FR 22036 (April 20, 2011); and (ii) "Approval and Promulgation of Implementation Plans; Kentucky; 110(a)(1) and (2) Infrastructure Requirements for the 2008 8-Hour Ozone National Ambient Air Quality Standards – Final Rule," 78 FR 14681 (March 7, 2013). In the first action, the EPA approved the infrastructure SIP submission with respect to prong 4 without having approved a regional haze SIP, based on the state's demonstration that it does not interfere with other states' measures to protect visibility through their regional haze SIPs. In the second proposed action, the EPA approved Kentucky's submission with respect to prong 4 based on the partial approval of its regional haze SIP and its CSAPR SIP.

EPA. The EPA will not be required to take further action with respect to prong 4 because the FIP already in place would satisfy the requirements with respect to prong 4. In addition, unless the infrastructure SIP submission is required in response to a SIP call under CAA section 110(k)(5), mandatory sanctions under CAA section 179 would not apply because the deficiencies are not with respect to a submission that is required under CAA title I part D. Nevertheless, the EPA continues to encourage all air agencies that may be subject to full or partial FIPs for regional haze requirements to consider adopting additional SIP provisions that would allow the EPA to fully approve the regional haze SIP and thus to withdraw the FIP and approve the infrastructure SIP with respect to prong 4.

Element D(ii) – Section 110(a)(2)(D)(ii): Interstate Pollution Abatement and International Air Pollution

> *Each such plan shall –*
>
> *(D) contain adequate provisions –*
>
> *(ii) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement).*

Element D(ii) is satisfied when an infrastructure SIP ensures compliance with the applicable requirements of CAA sections 126(a), 126(b) and (c), and 115.

Interstate Pollution Abatement:

> *Sec. 126. (a) Each applicable implementation plan shall –*
>
> *(1) require each major proposed new (or modified) source –*
>
> *(A) subject to part C (relating to significant deterioration of air quality) or*
>
> *(B) which may significantly contribute to levels of air pollution in excess of the national ambient air quality standards in any air quality control region outside the State in which such source intends to locate (or make such modification), to provide written notice to all nearby States the air pollution levels of which may be affected by such source at least sixty days prior to the date on which commencement of construction is to be permitted by the State providing notice, and*
>
> *(2) identify all major existing stationary sources which may have the impact described in paragraph (1) with respect to new or modified sources and provide notice to all nearby States of the identity of such sources not later than three months after the date of enactment of the Clean Air Act Amendments of 1977.*

Under section 126(a)(1) of the CAA, each SIP would need to contain provisions requiring each new or modified major source required by CAA title I part C to be subject to PSD to notify neighboring air agencies of potential impacts from the source. Consistent with EPA's interpretation of part C with respect to the requirements of Element C, the notification requirements apply to potential impacts from all PSD-regulated pollutants, not only the new or revised NAAQS for which the infrastructure SIP submission is being made. Section 126(a)(1) also requires that each SIP contain provisions requiring each new or modified major source to provide similar notification if it may significantly contribute to levels of pollution in excess of a NAAQS in any air quality control region outside of the state in which the source is located.

Air agencies with PSD programs that have been approved into their SIPs should already have a regulatory provision in place, consistent with 40 CFR 51.166(q)(2)(iv), which requires the permitting authority to notify air agencies whose lands may be affected by emissions from that source. Inasmuch as the information that the permitting authority provides to other air agencies is submitted by the source to the permitting authority, the EPA considers the notification by the permitting authority to satisfy the requirement of CAA section 126(a)(1)(A) that a new or modified major source subject to part C notify neighboring air agencies of its potential downwind impact.

A state that is subject to a FIP for its PSD program may not have an infrastructure SIP that satisfies Element D(ii) with respect to section 126(a)(1) of the CAA, depending on the scope of the gap in the SIP that led to the PSD FIP. Where some or all pollutants in a state are subject to a PSD FIP, the EPA may find the infrastructure SIP submission to be incomplete with respect to Element D(ii) and could not fully approve the infrastructure SIP submission with respect to Element D(ii) if the approved SIP has no other provision meeting the notification requirements of section 126(a)(1). Nonetheless, as noted above, the EPA anticipates that there would be no adverse consequences to the air agency or to sources within its jurisdiction from this lack of full approval. The EPA would not likely be required to take further action with respect to notification under this element, because the federal PSD rules should fully address the notification issue through the requirements of 40 CFR 52.21(q) and 40 CFR 124.10(c)(vii) and thus satisfy the FIP

requirement triggered by the disapproval of the infrastructure SIP.[48] In addition, unless the infrastructure SIP submission is required in response to a SIP call under CAA section 110(k)(5), mandatory sanctions under CAA section 179 would not apply because the deficiencies are not with respect to a submission that is required under CAA title I part D.

The EPA notes that the requirement stated in CAA section 126(a)(2) was a one-time obligation on states that does not apply to the EPA's review of infrastructure SIP submissions.

Interstate Pollution Abatement:

> *Section 126...*
>
> *(b) Any State or political subdivision may petition the Administrator for a finding that any major source or group of stationary sources emits or would emit any air pollutant in violation of the prohibition of section 110(A)(2)(D)(ii) or this section. Within 60 days after receipt of any petition under this subsection and after public hearing, the Administrator shall make such a finding or deny the petition.*
>
> *(c) Notwithstanding any permit which may have been granted by the State in which the source is located (or intends to locate), it shall be a violation of [this section and] the applicable implementation plan in such State –*
>
> *(1) for any major proposed new (or modified) source with respect to which a finding has been made under subsection (b) to be constructed or to operate in violation of [this section and] the prohibition of section 110(a)(2)(D)(ii) or this section, or*
>
> *(2) for any major existing source to operate more than three months after such finding has been made with respect to it.*
>
> *The Administrator may permit the continued operation of a source referred to in paragraph (2) beyond the expiration of such three-month period if such source complies with such emission limitations and compliance schedules (containing increments of progress) as may be provided by the Administrator to bring about compliance with the requirements contained in section 110(a)(2)(D)(ii) as expeditiously as practicable, but in no case later than three years after the date of such finding. Nothing in the preceding sentence shall be construed to preclude any such source from being eligible for an enforcement order under section 113(d) after the expiration of such period during which the Administrator has permitted continuous operation.*

[48] 40 CFR part 124, including 124.10(c)(vii), provides for EPA notification to states whose lands may be affected by emissions from the source and applies to all federal PSD permits issued in accordance with 40 CFR 52.21.

Please note that the EPA has concluded that the cross-reference in CAA section 126(b) to CAA section 110(a)(2)(D)(ii) is a scrivener's error and that Congress intended to refer to section 110(a)(2)(D)(i). *See Appalachian Power Co. v. EPA, 249 F.3d -1032, 1040-44 (D.C. Cir. 2001).* Section 110(a)(2)(D)(i), in short, prohibits any source or emissions activity in a state from emitting any amount of air pollutant which will contribute significantly to nonattainment or interfere with maintenance of the NAAQS in another state. (42 U.S.C. § 7410.)

The required content of an infrastructure SIP with respect to Element D(ii) is affected by sections 126(b) and 126(c) of the CAA only if: (1) the Administrator has, in response to a petition, made a finding under section 126(b) of the CAA that emissions from a source or sources within the air agency's jurisdiction emit prohibited amounts of air pollution relevant to the new or revised NAAQS for which the infrastructure SIP submission is being made; and (2) under section 126(c) of the CAA, the Administrator has required the source or sources to cease construction, cease or reduce operations, or comply with emissions limitations and compliance schedule requirements for continued operation. Where appropriate, the EPA recommends that an infrastructure SIP submission concerning section 126(c) include a statement to the following effect: "No source or sources within the state [or tribal area] are the subject of an active finding under section 126 of the CAA with respect to the particular NAAQS at issue." Otherwise, where a source or sources within the air agency's jurisdiction are subject to such a finding and there are substantive SIP requirements imposed by the Administrator under section 126(c) of the CAA, then we encourage the air agency to consult with its EPA Regional Office.

International Air Pollution:

> *Sec. 115. (a) Whenever the Administrator, upon receipt of reports, surveys or studies from any duly constituted international agency has reason to believe that any air pollutant or pollutants emitted in the United States cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare in a foreign country or whenever the Secretary of State requests him to do so with respect to such pollution which the Secretary of State alleges is of such a nature, the Administrator shall give formal notification thereof to the Governor of the State in which such emissions originate.*
>
> *(b) The notice of the Administrator shall be deemed to be a finding under section 110(a)(2)(H)(ii) which requires a plan revision with respect to so much of the applicable implementation plan as is inadequate to prevent or eliminate the endangerment referred to in subsection (a). Any foreign country so affected by*

such emission of pollutant or pollutants shall be invited to appear at any public hearing associated with any revision of the appropriate portion of the applicable implementation plan.

Section 115 of the CAA authorizes the Administrator to require a state to revise its SIP under certain conditions to alleviate international transport into another country. Because of the appearance of the phrase "applicable requirements of section[]…115" in Element D(ii), the EPA interprets this requirement to be NAAQS-specific. That is, when acting on an infrastructure SIP submission for a new or revised NAAQS, the EPA will look to whether the Administrator has made a finding with respect to emissions of the particular NAAQS pollutant and its precursors, if applicable. Where appropriate, the EPA recommends that infrastructure SIP submission requirements concerning section 115 include a statement to the following effect: "There are no final findings under section 115 of the CAA against this state [or tribal area] with respect to the particular NAAQS at issue." If there are one or more final findings under section 115 of the CAA, then we encourage the air agency to consult with its EPA Regional Office.

Element E – Section 110(a)(2)(E): Adequate Resources and Authority, Conflict of Interest, and Oversight of Local Governments and Regional Agencies

Each such plan shall –

(E) provide (i) necessary assurances that the State (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the State or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof), (ii) requirements that the State comply with the requirements respecting State boards under section 128, and (iii) necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provision.

Subelement (i): The SIP should provide necessary assurances[49] that the air agency has adequate personnel and funding to implement the relevant NAAQS. In accordance with the EPA's regulations at 40 CFR part 51, subpart M (“Intergovernmental Consultation”), the infrastructure SIP submission should identify the organizations that will participate in developing, implementing, and enforcing the EPA-approved SIP provisions related to the new or revised NAAQS and thus require resources for doing so. The infrastructure SIP submission should identify the responsibilities of such organizations and include related agreements among the organizations. For compliance with section 110(a)(2)(E), *see* 40 CFR 51.240 ("General plan requirements"). Also, in accordance with the EPA's regulations at 40 CFR part 51, subpart O (“Miscellaneous Plan Content Requirements”), the infrastructure SIP submission should describe the resources that are available to these organizations for carrying out the SIP. Resources to be described should include: (1) those available to these organizations as of the date of infrastructure SIP submission; (2) those considered necessary during the 5 years following infrastructure SIP submission; and (3) projections regarding acquisition of the described resources. For compliance with section 110(a)(2)(E) with respect to resources, *see* 40 CFR 51.280 ("Resources").

Further, the infrastructure SIP submission should assure that the responsible state, local, and/or regional agencies, or a tribal authority, have adequate authority under statutes, rules, and regulations to carry out SIP obligations with respect to the relevant NAAQS. *See* the EPA's regulations at 40 CFR part 51, subpart L ("Legal Authority") and subpart O. In accordance with the EPA's regulations at subpart L, the infrastructure SIP submission should show that the responsible organizations have the legal authority to carry out the provisions identified in the SIP submission.

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[49] As with any SIP submission, the EPA’s review can be expedited if a SIP submission for this element includes a detailed explanation of how the existing SIP (supplemented by any new provisions included in the submission) meets each of the applicable requirements of section 110(a)(2)(E)(i). This should include a description of the correlation between the requirements of this element and an equivalent set of statutory, regulatory, and/or non-regulatory provisions, as appropriate. When an air agency’s infrastructure submission more clearly identifies each CAA element being met by the SIP submission and explains how it is met, the EPA can more easily determine whether the submission is complete and approvable with respect to that element.

In accordance with 40 CFR 51.231, the infrastructure SIP submission should identify the provisions of law or regulations that the air agency determines provide the necessary authority, and the air agency should submit copies of those laws or regulations with the infrastructure SIP submission. If an official, legal copy of a particular law or regulation has already been provided to the EPA in an earlier SIP submission, that copy only needs to be referenced with sufficient specificity to avoid ambiguity, rather than a new copy submitted.[50] For compliance with section 110(a)(2)(E) with respect to legal authority, *see* 40 CFR 51.230 and 40 CFR 51.231.

Having reviewed and approved air agency SIP submissions with respect with this element, the EPA expects that it would be unusual for air agencies to need to make SIP revisions regarding personnel, funding, or legal authority in order to satisfy this subelement. However, for any new or revised NAAQS, the air agency should explain in the infrastructure SIP submission how resources and personnel and legal authority are adequate and provide any additional assurances needed to meet changes in resource requirements by the new or revised NAAQS.

Subelement (ii):

State Boards:

The infrastructure SIP submission (possibly in combination with earlier submissions already approved by the EPA) would need to include the statutory or regulatory provisions that impose the requirements mandated by CAA section 128 pertaining to certain boards, bodies, and personnel involved in approving permits or enforcement orders. Because CAA section 110(a)(2)(e)(ii) directs states to “provide requirements that the state comply with the

[50] Refer to a memorandum dated November 22, 2011, jointly from Janet McCabe, Deputy Assistant Administrator, Office of Air and Radiation, and Becky Weber, Director, Air and Waste Management Division, Region 7, to Air Division Directors, Regions 1-10, titled "Guidelines for Preparing Letters Submitting State Implementation Plans (SIPs) to EPA and for Preparing Public Notices for SIPs."

requirements respecting state boards under section 128,"[51] the provisions that implement CAA section 128 would need to be contained within the SIP. That is, the EPA would not approve an infrastructure SIP submission that only provides a narrative description of existing air agency laws, rules, and regulations that are not approved into the SIP to address CAA section 128 requirements. If an existing rule regarding conflict of interest and disclosure requirements has been adopted under the authority of a state or tribal law, the rule would need to be included in the SIP submission, but the authorizing law would not. If the state or tribal law is self-executing and there is no rule that could be included in the SIP, then the law would need to be incorporated into the SIP. Inclusion of an existing law in the SIP does not prevent the state legislature or tribal council from amending that law at a later date as a matter of state law, although eventually the EPA-approved SIP will need to be updated with any such amendment in order to revise the federally enforceable SIP.

All air agencies are subject to the provisions of CAA section 128. However, if there is no board or body authorized to approve permits or enforcement orders under the CAA, then a negative declaration to that effect may serve to satisfy the "board or body" requirements under paragraph (a)(1) of CAA section 128. It is the EPA's stated interpretation that a multi-member board or body that has authority under state or tribal law to hear appeals of CAA permits or

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[51] *Sec. 128. (a) Not later than the date one year after the date of the enactment of this section, each applicable implementation plan shall contain requirements that –*

(1) any board or body which approves permits or enforcement orders under this Act shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under this Act, and

(2) any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed.

A State may adopt any requirements respecting conflicts of interest for such boards or bodies or heads of executive agencies, or any other entities which are more stringent than the requirements of (paragraphs (1) and (2), and the Administrator shall approve any such more stringent requirements submitted as part of an implementation plan.

enforcement orders is considered to have authority to "approve" those permits or enforcement orders. Accordingly, the requirements of section 128(a)(1) related to public interest and limitations on sources of income are applicable to such a board or body and would need to be met through provisions incorporated into the SIP.[52,53]

The provisions of section 128(a)(2), which concern disclosure of potential conflicts of interest, would need to be substantively met by provisions incorporated into the SIP, regardless of whether it is a board, some other body, or the head of an executive agency that has responsibility for approving permits or enforcement orders in that state or an area of Indian country. It is the EPA's stated interpretation that a multi-member board or body that has authority under state or tribal law to hear appeals of CAA permits or enforcement orders is considered to have authority to "approve" those permits or enforcement orders. Accordingly, the requirement of section 128(a)(2) related to disclosure is applicable to such a board or body and would need to be met through provisions incorporated into the SIP.

In 1978, the EPA issued a guidance memorandum recommending ways air agencies could meet the requirements of section 128, including suggested interpretations of certain terms in section 128.[54] EPA has not issued further guidance or regulations of general applicability on the subject since that time. However, as part of its actions on several infrastructure SIP submissions, the EPA has more recently proposed certain interpretations of section 128 as applied to these specific submissions, invited comment on these interpretations, and finalized its actions. Within those actions, EPA has thus provided additional interpretation of the terms of section 128 given specific facts and circumstances, consistent with the statutory requirements.

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[52] The EPA expressed this interpretation in a proposed action on the infrastructure SIP for Arizona. June 27, 2012. "Partial Approval and Disapproval of Air Quality Implementation Plans; Arizona: Infrastructure Requirement for Ozone and Fine Particulate Matter." 77 FR 38239. This action was finalized on November 5, 2012, 77 FR 66398.

[53] "Approval and Promulgation of State Implementation Plans; Hawaii Infrastructure Requirements for the 1997 8-Hour Ozone and the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards." 77 FR 47530 (August 9, 2012). The EPA's action on the infrastructure SIP for Arizona referenced the proposal for this action on the infrastructure SIP for Hawaii.

[54] *See* Memorandum from David O. Bickart to Regional Air Directors, "Guidance to States for Meeting Conflict of Interest Requirements of Section 128," Suggested Definitions, March 2, 1978.

See, e.g., EPA's proposed (77 FR 44555, July 30, 2012) and final (77 FR 66398, November 5, 2012) actions on an infrastructure SIP submission from Arizona. Unlike the recommendations of the 1978 guidance memorandum, in this action the EPA interpreted the term "state board" to exclude an individual official. As in the 1978 guidance memorandum, in this action the EPA interpreted the requirement regarding representation of the public interest and limitations on income to apply to a board that does not issue permits and compliance orders but does hear appeals of permits and compliance orders. The EPA notes that air agencies in different jurisdictions may have very different organizational structures and very different allocations of authorities and responsibilities with respect to permits and enforcement orders. Thus, the EPA recommends that air agencies consult with their respective EPA Regional Offices about the most appropriate method for assuring that the requirements of section 110(a)(2)(E)(ii) and section 128 are met in that jurisdiction under the relevant facts and circumstances.

Subelement (iii): The infrastructure SIP submission should provide necessary assurances[55] that the state retains responsibility for ensuring adequate implementation of SIP obligations with respect to relevant NAAQS. A state may authorize a local or regional agency to carry out the SIP or a portion of the SIP within that agency's jurisdiction, if the SIP demonstrates that the local agency has the necessary legal authority. However, in these cases the infrastructure SIP submission needs to also provide assurances that the state air agency retains responsibility for ensuring adequate implementation of the SIP. Under subpart L, *see* 40 CFR 51.232 ("Assignment of legal authority to local agencies").

[55] As with any SIP submission, the EPA's review can be expedited if a SIP submission for this element includes a detailed explanation of how the existing SIP meets each of the applicable requirements of section 110(a)(2)(E)(i). This should include a description of the correlation between the requirements of this element and an equivalent set of statutory, regulatory, and/or non-regulatory provisions, as appropriate, that are part of the existing SIP. When an air agency's infrastructure submission more clearly identifies each CAA element being met by the SIP submission and explains how the element is met, the EPA can more easily determine whether the submission is complete and approvable with respect to that element.

Element F – Section 110(a)(2)(F): Stationary Source Monitoring and Reporting

> *Each such plan shall –*
>
> *(F) require, as may be prescribed by the Administrator –*
>
> *(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources,*
>
> *(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and*
>
> *(iii) correlation of such reports by the State agency with any emission limitations or standards established pursuant to this Chapter, which reports shall be available at reasonable times for public inspection.*

Subelement (i): The EPA's rules regarding how SIPs would need to address requirements for source monitoring are contained in 40 CFR 51.212 ("Testing, inspection, enforcement, and compliance"). This EPA regulation requires SIPs to provide for a program of periodic testing and inspection of stationary sources, to provide for the identification of allowable test methods, and to exclude any provision that would prevent the use of any credible evidence of noncompliance. The infrastructure SIP submission should describe the air agency's program for source testing, reference the statutory authority for the air agency's program, and certify the absence of any provision preventing the use of any credible evidence.

Subelement (ii): To address periodic reporting requirements, the infrastructure SIP submission should include air agency requirements providing for periodic reporting of emissions and emissions-related data by sources to the air agency, as required by the following emissions reporting requirements: 40 CFR 51.211 ("Emissions reports and recordkeeping"); 40 CFR sections 51.321 through 51.323 ("Source Emissions and State Action Reporting"); and the EPA's Air Emissions Reporting Rule, 40 CFR part 51, subpart A ("Air Emissions Reporting Requirements").[56] We note that the section 51.321 requirement that emissions reports from states be made through the appropriate EPA Regional Office has been superseded in practice, as these data are now to be reported electronically through a centralized data portal pursuant to 40 CFR

[56] 40 CFR sections 51.321 through 51.323 nominally address emission reporting but merely cross-reference to subpart A.

51.45(b), which refers to the website *http://www.epa.gov/ttn/chief* for the latest information on data reporting procedures. However, states should consult with the appropriate EPA Regional Office as they prepare and submit these data. All states have existing periodic source reporting of emissions and emission inventory reporting practices. Thus for any new or revised NAAQS, the infrastructure SIP may be able to certify existing authority and commitments and provide any additional assurance needed to meet changes in reporting and inventory requirements associated with the new or revised NAAQS.

Subelement (iii): The infrastructure SIP submission should reference and describe existing air agency requirements that have been approved into the SIP by the EPA, or include air agency requirements being newly submitted, that provide for the following: (1) correlation[57] by the air agency of emissions reports by sources with applicable emission limitations or standards; and (2) the public availability of emission reports by sources. Under 40 CFR part 51 subpart G, 40 CFR 51.116 ("Data availability"), contains the requirements for correlating data. Correlation with applicable emissions limitations or standards is relevant only for those reports of source emissions that reflect the test method(s) and averaging period(s) specified in applicable emission limitations or standards. Thus, source reports of annual, ozone season, or summer day emissions used by the air agency to create the annual and triennial emission inventory submission to the EPA under 40 CFR part 51 subpart A in general would not need to be correlated with specific emission limitations or standards, as many sources do not have applicable emission limitations defined for those averaging periods. However, if the sources have applicable emissions limitations that are defined for these averaging periods, then they would need to be correlated.

[57] As defined in 40 CFR 51.116(c), the term "correlated" means "presented in such a manner as to show the relationship between measured or estimated amounts of emissions and the amounts of such emissions allowable under the applicable emission limitations or other measures."

Element G – Section 110(a)(2)(G): Emergency Powers

Each such plan shall –

(G) provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority.

Section 303 of the CAA provides authority to the EPA Administrator to seek a court order to restrain any source from causing or contributing to emissions that present an "imminent and substantial endangerment to public health or welfare, or the environment." The EPA has interpreted section 110(a)(2)(G) as imposing two basic requirements for purposes of an infrastructure SIP submission.

To meet Element G requirements, the best practice for an air agency submitting an infrastructure SIP would be to submit, for inclusion into the SIP (if not already part of the SIP), the statutory or regulatory provisions that provide the air agency or official with authority comparable to that of the EPA Administrator under section 303 (*see, e.g.*, 40 CFR 51.230(c)), along with a narrative explanation of how they meet the requirements of this element.[58] If an air agency chooses not to include the relevant statute or regulation in its SIP, then the air agency should provide a reference or citation to the authority provisions, along with a narrative explanation of how the provisions meet the requirements of this element, as well as a copy of the relevant authority to accompany the SIP as required by 40 CFR 51.231.

The air agency is also required to submit, for approval into the SIP (if not already part of the SIP), an adequate contingency plan to implement the air agency's emergency episode authority. This can be met by submitting a plan that meets the applicable requirements of 40 CFR part 51, subpart H (40 CFR 51.150 through 51.153) ("Prevention of Air Pollution Emergency Episodes") for the relevant NAAQS if the NAAQS is covered by those regulations.

The EPA's subpart H regulations provide specific ambient levels for contingency plan purposes for most NAAQS. In the case of the 2006 $PM_{2.5}$ NAAQS, for which the EPA has not

[58] The EPA recognizes that some air agencies may have general authorizing provisions that do not specifically enumerate specific activities but do implicitly authorize the air agency to perform such activities, in which case inclusion of those provisions would meet the intent of this best practice.

yet promulgated regulations that provide the ambient levels to classify different priority levels, the EPA has recommended these levels through guidance.[59]

Subpart H includes criteria for classification of areas into priority regions, based on ambient air concentrations of the particular pollutant being addressed. The currently applicable priority classifications for regions for each state can be found in 40 CFR part 52 subparts B through DDD (*see* sections titled "Classification of Regions"). As noted above, the air agency's infrastructure SIP submission would need to include the contingency plan, if one is required and has not yet been approved by the EPA. If an area is classified as a Priority I, IA, or II region for a specified pollutant, then the infrastructure SIP should contain an emergency contingency plan meeting the specific requirements of 40 CFR 51.151 and 51.152, as appropriate, with respect to that pollutant. For such areas, the infrastructure submission should demonstrate that the air agency's existing EPA-approved SIP already contains an adequate contingency plan, if that is the case; otherwise, the submission should include the substantive SIP revisions necessary to meet the emergency contingency plan requirements with respect to that pollutant.

Specifically, if an area is classified as a Priority I region for a specified pollutant, the area's contingency plan (with respect to that pollutant) would need to include provisions that trigger actions to prevent air quality concentrations from reaching a "significant harm level" (SHL), which represents an imminent and substantial endangerment to public health. *See* 40 CFR 51.151 and the more detailed explanation below. Each implementation plan for a Priority I, IA, or II region would need to include a contingency plan that provides for taking certain specified actions. Specifically, 40 CFR sections 51.152(b) and (c) state that:

> *(b) Each contingency plan for a Priority I region must provide for the following:*
>
> *(1) Prompt acquisition of forecasts of atmospheric stagnation conditions and of updates of such forecasts as frequently as they are issued by the National Weather Service.*
>
> *(2) Inspection of sources to ascertain compliance with applicable emission control action requirements.*

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[59] *See* a memorandum from William T. Harnett, Director, Air Quality Policy Division, OAQPS, to Regional Air Division Directors, Regions I through X, "Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 2006 Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS)." (September 25, 2009).

> *(3) Communications procedures for transmitting status reports and orders as to emission control actions to be taken during an episode stage, including procedures for contact with public officials, major emission sources, public health, safety, and emergency agencies and news media.*
>
> *(c) Each plan for a Priority IA and II region must include a contingency plan that meets, as a minimum, the requirements of paragraphs (b)(1) and (b)(2) of this section. Areas classified as Priority III do not need to develop episode plans.*

To satisfy a Priority I, IA, or II region's contingency plan requirements under 40 CFR 51.152(b)(1) regarding forecasts of atmospheric stagnation conditions, an infrastructure SIP submission may cite existing ambient monitoring and forecasting networks (such as *AIRNow*).[60]

Areas that maintain air quality at ambient levels lower that the concentrations listed in sections 51.150(b), (c), and (d), with respect to the pollutants listed, are classified as Priority III regions. These areas are subject to the requirements of CAA Element G. However, according to 40 CFR 51.152(c), areas classified as Priority III regions are not required to develop emergency episode plans, which the EPA has interpreted to mean the contingency plans otherwise required under Element G.

In a final rulemaking signed on December 14, 2012, to revise the $PM_{2.5}$ NAAQS, the EPA retained the pre-existing level of 500 $\mu g/m^3$, 24-hour average, for the Air Quality Index (AQI) value of 500 and did not establish an SHL for $PM_{2.5}$.[61] In addition, there is currently no established SHL for Pb. For those pollutants for which there is an SHL, the SHL is an important part of air pollution Emergency Episode Plans. Even in the absence of an SHL, the EPA believes that the central components of a contingency plan would be to reduce emissions from the source(s) at issue (if necessary by curtailing operations of Pb or $PM_{2.5}$ sources) and public communication as needed. In addition, if an air agency believes, based on its inventory of Pb or

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[60] The EPA, in partnership with National Oceanic and Atmospheric Administration (NOAA), National Park Service (NPS), and tribal, state, and local agencies, developed the *AIRNow* website (*see* http://www.airnow.gov) to provide easy public access to national air quality information. The website offers daily AQI forecasts as well as real-time AQI conditions for over 300 cities across the U.S. and provides links to more detailed state and local air quality websites.

[61] *See* 78 FR 3086 (January 15, 2013), "National Ambient Air Quality Standards for Particulate Matter." The published version is posted at http://www.gpo.gov/fdsys/pkg/FR-2013-01-15/pdf/2012-30946.pdf.

$PM_{2.5}$ sources and historic ambient monitoring data, that it does not need a more specific contingency plan beyond having authority to restrain any source from causing or contributing to an imminent and substantial endangerment, then the air agency could provide such a detailed rationale as part of its SIP submission. Additionally, because smoke from fires has the potential to be the cause of extremely high levels of $PM_{2.5}$, the EPA recommends that air quality-triggered responses incorporated into an Emergency Episode Plan for $PM_{2.5}$ be developed through a collaborative process working with state and tribal air quality, forestry, and agricultural agencies, federal land management agencies, private land managers, and the public.

An episode in which concentrations of NO_2 or SO_2 approach the SHL is likely to be due to a single facility's equipment malfunction. Accordingly, as part of a SIP to satisfy a Priority I region's contingency plan requirements, an infrastructure SIP submission for an NO_2 NAAQS or an SO_2 NAAQS may specify the facility-specific or equipment-specific measures to be taken in the event of an air pollution emergency.

In accordance with 40 CFR 51.152(d)(1) and (2), the Administrator may either: (i) exempt portions of a Priority I, IA, or II region that have been designated as attainment or unclassifiable under section 107 of the CAA from the requirements of 40 CFR 51.152 to develop an emergency episode contingency plans, or (ii) limit the requirements pertaining to emission control actions in Priority I regions to certain areas or to certain major sources. Air agencies interested in such an exemption or limitation in appropriate circumstances should contact their respective EPA Regional Offices.

Appendix L to 40 CFR part 51 provides example regulations that air agencies could use to develop contingency plans and inform decisions concerning air pollution emergency episodes. The example regulations provided in appendix L reflect generally recognized ways of preventing air pollution from reaching levels that would cause imminent and substantial endangerment to the health of persons located within affected areas. States with Priority I, IA, or II areas are directed by subpart H to have emergency episode contingency plans that contain alert levels for SO_2, PM_{10}, carbon monoxide, NO_2, and ozone, but air agencies are not required to adopt the appendix L example regulations.

Element H – Section 110(a)(2)(H): SIP Revisions

> *Each such plan shall –*
>
> *(H) provide for revision of such plan –*
>
> *(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and*
>
> *(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this chapter.*

To demonstrate that the requirements under Element H are met, the best practice for an air agency submitting an infrastructure SIP would be to submit, for inclusion into the SIP (if not already part of the SIP), the statutory or regulatory provisions that provide the air agency or official with the authority to perform the following actions along with a narrative explanation of how they meet the requirements of this element: (1) revise its section 110 plan from time to time as may be necessary to take into account revisions of such primary or secondary NAAQS or the availability of improved or more expeditious methods of attaining such standards; and (2) revise the plan in the event the Administrator finds the plan to be substantially inadequate to attain the NAAQS or otherwise meet all applicable CAA requirements.[62]

If an air agency chooses not to include the relevant statute or regulation in its SIP, then the air agency should provide a reference or citation to the authority provisions, along with a narrative explanation of how the provisions meet the requirements of this element, as well as a copy of the relevant authority to accompany the SIP as required by 40 CFR 51.231. More information may be found under 40 CFR part 51, subpart F ("Procedural Requirements"), specifically, 40 CFR 51.104 ("Revisions").

[62] The EPA recognize that some air agencies may have general authorizing provisions that do not specifically enumerate specific activities but do implicitly authorize the air agency to perform such activities, in which case inclusion of those provisions would meet the intent of this best practice.

Element I – Section 110(a)(2)(I): Plan Revisions for Nonattainment Areas

> *Each such plan shall –*
>
> *(I) in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D of this subchapter (relating to nonattainment areas).*

As noted earlier in this document, the EPA does not expect infrastructure SIP submissions to address subsection 110(a)(2)(I). The specific SIP submissions for designated nonattainment areas, as required under CAA title I part D, are subject to a different submission schedule[63] than those for section 110 infrastructure elements and will be reviewed and acted upon through a separate process. Air agencies do not need to address Element I in an infrastructure SIP submission. For clarity's sake, to better inform the public comment process on the SIP submission, the air agency may wish to clearly state that Element I is not being addressed and reiterate in the infrastructure SIP submission that, according to the EPA's interpretation of the CAA this element does not need to be addressed in the context of an infrastructure SIP submission.

Element J – Section 110(a)(2)(J): Consultation with Government Officials, Public Notification, and PSD and Visibility Protection

> *Each such plan shall –*
>
> *(J) meet the applicable requirements of section 121 (relating to consultation), section 127 (relating to public notification), and part C (relating to prevention of significant deterioration of air quality and visibility protection)....*

This element contains four separable sub-elements: consultation with identified officials on certain air agency actions; public notification; prevention of significant deterioration; and visibility protection.

Consultation with identified officials on certain actions:

[63] These elements are typically referred to as nonattainment SIP or attainment plan elements and are due by the dates prescribed under subparts 2 through 5 of part D, extending as far as 10 years following designation for some elements.

Sec. 121. In carrying out the requirements of this Act requiring applicable implementation plans to contain –

(1) any transportation controls, air quality maintenance plan requirements or preconstruction review of direct sources of air pollution, or

(2) any measure referred to –

(A) in part D (pertaining to nonattainment requirements), or

(B) in part C (pertaining to prevention of significant deterioration),

and in carrying out the requirements of section 113(d) (relating to certain enforcement orders), the State shall provide a satisfactory process of consultation with general purpose local governments, designated organizations of elected officials of local governments and any Federal land manager having authority over Federal land to which the State plan applies, effective with respect to any such requirement which is adopted more than one year after the date of enactment of the Clean Air Act Amendments of 1977 as part of such plan. Such process shall be in accordance with regulations promulgated by the Administrator to assure adequate consultation. The Administrator shall update as necessary the original regulations required and promulgated under this section (as in effect immediately before the date of the enactment of the Clean Air Act Amendments of 1990) to ensure adequate consultation. Only a general purpose unit of local government, regional agency, or council of governments adversely affected by action of the Administrator approving any portion of a plan referred to in this subsection may petition for judicial review of such action on the basis of a violation of the requirements of this section.

The infrastructure SIP submission would need to show that there is an established process for consultation with general-purpose local governments, designated organizations of elected officials of local governments, and any federal land manager having authority over federal land to which the plan applies, consistent with CAA section 121, which lists the specific types of actions for which such consultation is required. If the relevant statute is self-executing such that there is no associated regulation or other documents such as a memorandum of understanding, then the statute would need to be included in the SIP. If a regulation or other document meeting the CAA requirements exists, then the regulation or other document would need to be included in the SIP submission, and the authorizing statute should be referenced but the statute is not required to be part of the EPA-approved SIP. Under the requirements of 40 CFR 51.240, the SIP would need to identify organizations "that will participate in developing, implementing, and enforcing the plan and the responsibilities of such organizations." The plan should also include

any related agreements or memoranda of understanding among the organizations. *See* subpart M ("Intergovernmental Consultation").

Public Notification:

> *Section 127. (a) Each State plan shall contain measures which will be effective to notify the public during any calendar [year] on a regular basis of instances or areas in which any national primary ambient air quality standard is exceeded or was exceeded during any portion of the preceding calendar year to advise the public of the health hazards associated with such pollution, and to enhance public awareness of the measures which can be taken to prevent such standards from being exceeded and the ways in which the public can participate in regulatory and other efforts to improve air quality. Such measures may include the posting of warning signs on interstate highway access points to metropolitan areas or television, radio, or press notices or information.*
>
> *(b) The Administrator is authorized to make grants to States to assist in carrying out the requirements of subsection (a).*

The infrastructure SIP submission would need to show that the air agency does the following: regularly notifies the public of instances or areas in which the new or revised primary NAAQS was exceeded; advises the public of the health hazards associated with such exceedances; and enhances public awareness of measures that can prevent such exceedances and of ways in which the public can participate in regulatory and other efforts to improve air quality. 40 CFR 51.285 ("Public notification"), repeats the language of CAA section 127.

Prevention of significant deterioration: The approvability of an air agency's PSD program is essential to the approvability of an infrastructure SIP submission with respect to CAA section 110(a)(2)(J). The requirements for Element J in relation to a comprehensive PSD permitting program are the same as described earlier in this document with respect to Element C. Generally, every PSD-related requirement of Element C applies, including the requirement that the PSD permitting program address all regulated pollutants. Please refer to that section.

Visibility protection: Under 40 CFR part 51 subpart P, implementing the visibility requirements of CAA title I, part C, states are subject to requirements for RAVI, new source review for possible impacts on air quality related values in Class I areas, and regional haze planning. Specific requirements stemming from these CAA sections are codified at 40 CFR

part 51 subpart P. However, when the EPA establishes or revises a NAAQS, these requirements under part C do not change. The EPA believes that there are no new visibility protection requirements under part C as a result of a revised NAAQS. Therefore, there are no newly applicable visibility protection obligations pursuant to Element J after the promulgation of a new or revised NAAQS. Air agencies do not need to address the visibility subelement of Element J in an infrastructure SIP submission. For clarity's sake, to better inform the public comment process on the SIP submission, the air agency may wish to clearly state that the visibility subelement of Element J is not being addressed, and reiterate in the submission that according to EPA's interpretation of the CAA this element does not need to be addressed.

Element K – Section 110(a)(2)(K): Air Quality Modeling and Submission of Modeling Data

> *Each such plan shall –*
>
> *(K) provide for –*
>
> *(i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and*
>
> *(ii) the submission, upon request, of data related to such air quality modeling to the Administrator.*

To meet Element K, the best practice would be for an air agency to submit, for inclusion into the SIP (if not already part of the SIP), the statutory or regulatory provisions that provide the air agency or official with the authority to perform the following actions along with a narrative explanation of how the provisions meet the requirements of this element[64]: (1) conduct air quality modeling to predict the effect on ambient air quality of any emissions of any air pollutant for which a NAAQS has been promulgated, and (2) provide such modeling data to the EPA Administrator upon request.

[64] The EPA recognizes that some air agencies may have general authorizing provisions that do not specifically enumerate specific activities but do implicitly authorize the air agency to perform such activities, in which case inclusion of those provisions would meet the intent of this best practice.

If an air agency chooses not to include the relevant statute or regulations in its SIP, then the air agency should provide a reference or citation to the authority provisions, along with a narrative explanation of how they meet the requirements of this element, as well as a copy of the relevant authority to accompany the SIP as required by 40 CFR 51.231.

Element L – Section 110(a)(2)(L): Permitting Fees

> *Each such plan shall –*
>
> *(L) require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this chapter, a fee sufficient to cover –*
>
> *(i) the reasonable costs of reviewing and acting upon any application for such a permit, and*
>
> *(ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action),*
>
> *until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under subchapter V of this chapter.*

Currently, every state has an EPA-approved fee program under CAA title V. However, this fee program is not required to be part of the EPA-approved SIP. The infrastructure SIP should provide citations to the regulations providing for collection of permitting fees under the state's EPA-approved Title V permit program. These citations to the EPA-approved title V regulations will not cause the title V program to be treated as part of the EPA-approved SIP, and the EPA will not re-review the title V program itself in the context of reviewing infrastructure SIP submissions. *See* 40 CFR 70.9 ("Fee determination and certification") and 40 CFR part 70, appendix A ("Approval Status of State and Local Operating Permits Programs"). If the state title V program fees cover all CAA permitting, implementation, and enforcement for new and modified major sources as well as existing major sources, this reference to the title V program will satisfy this element. If a state's approved title V permit program fees do not cover the reasonable costs of reviewing and acting upon applications for PSD and NNSR permits for major

sources[65] (along with the reasonable costs of implementing and enforcing the terms and conditions of PSD and NNSR permits), then the air agency should contact its Regional Office regarding what needs to be in the submission to fulfill this Element.

Element M – Section 110(a)(2)(M): Consultation and Participation by Affected Local Entities

> *Each such plan shall –*
>
> *(M) provide for consultation and participation by local political subdivisions affected by the plan.*

To satisfy Element M, the SIP should provide for consultation with affected local political subdivisions. As part of an infrastructure SIP submission, an air agency may simply identify its policies or procedures that allow and promote such consultation. For example, the infrastructure SIP submission may cite a policy wherein the air agency, before adopting or amending a plan, policy, or program, will consult with the regional planning coalition composed of local political subdivisions potentially affected by the action and explain how such information is used in the development of a SIP submission to the EPA for approval into the SIP. The normal public hearing process prior to adoption and submission of a SIP revision may also be cited as a component of the provisions for consultation, since leaders of political subdivisions have the opportunity to participate in that public process.

For Further Information

If you have any questions concerning this guidance, please contact Mr. H. Lynn Dail, by telephone at (919) 541-2363, or by email at *dail.lynn@epa.gov*, or Ms. Lisa Sutton, by telephone at (919) 541-3450 or by email at *sutton.lisa@epa.gov*.

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[65] Substantive NNSR provisions will not be reviewed as part of the EPA's action on the infrastructure SIP submission. *See* discussion in Section II, "Which elements of CAA 110(a)(2) affect infrastructure SIPs?"

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 0 4 2016

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Issuance of the Clean Air Act Stationary Source Compliance Monitoring Strategy

FROM: David A. Hindin
Director
Office of Compliance

TO: Regional Compliance/Enforcement Division Directors

Attached is a copy of the revised Clean Air Act Stationary Source Compliance Monitoring Strategy (CAA CMS). In replacing the 2014 CMS, this strategy has been revised to take into account a recently released EPA Office of Inspector General (OIG) report concerning the CAA compliance monitoring program. The CMS also has been revised to expand the strategy to apply to the EPA Regions that have direct implementation authority in Indian country and territories of the United States.

The OIG report *Clean Air Act Facility Evaluations are Conducted, but Inaccurate Data Hinder EPA Oversight and Public Awareness* (No.16-P-0164; May 3, 2016; https://www.epa.gov/office-inspector-general/report-clean-air-act-facility-evaluations-are-conducted-inaccurate-data) documented that CAA evaluations are generally being conducted and completed in accordance with the CMS. However, in its report, the OIG also noted that the CMS did not provide specific instruction on how long compliance monitoring reports (CMRs) should be retained. To address this concern, the OIG provided the following recommendation: *"Update the EPA's CMS to specify the length of time that states and local air districts should retain evaluation records."* In response to this recommendation, we agreed as a Corrective Action to revise the CMS accordingly by October 1, 2016. The attached CMS which includes recommended retention time frames for CMRs satisfies this Corrective Action. See Page 16 of the strategy. The revised CMS recommends that delegated agencies retain CMRs in accordance with their respective policies, processes, and requirements or, in the absence of such directives, consistent with EPA records policy.

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In revising the CMS to address the above concern identified by the OIG, we also have taken the opportunity to extend the CMS to include the EPA Regions that have direct implementation in Indian country and territories of the United States. This extension establishes for the applicable Regions the same recommended evaluation frequencies for the CMS universe of sources located in Indian country and territories for which they have direct implementation responsibilities.

The revisions to this strategy reflect feedback from the Regions, the national and regional CAA organizations, as well as individual state and local agencies. Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes, we provided Tribal governments with delegated authority the opportunity to comment on the revisions. I appreciate your Region's continued efforts in working with your delegated agencies to ensure the CMS is being implemented, and your efforts to now follow the minimum evaluation frequencies for CMS sources in Indian country for which the Region has CAA direct implementation.

Please share this revised strategy (https://www.epa.gov/compliance/clean-air-act-stationary-source-compliance-monitoring-strategy) with your counterpart at all state, local, tribal, and territorial agencies in your Region. If you or your staff has any questions concerning the CAA CMS, please contact Robert Lischinsky at 202-564-2628 or at lischinsky.robert@epa.gov.

Attachment

cc: Cynthia Giles, Assistant Administrator, OECA
Susan Shinkman, Director, OCE
Betsy Smidinger, Deputy Director, OC
Mamie R. Miller, Associate Director, OC
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Regional Enforcement Coordinators (I-X)
Regional Air Enforcement Managers (I-X)
Gwendolyn Spriggs, OECA Audit Follow Up Coordinator
Mary Sullivan Douglass, NACAA
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CLEAN AIR ACT
STATIONARY SOURCE COMPLIANCE MONITORING STRATEGY
October 2016

DISCLAIMER

The discussion in this document is intended solely as guidance. This document is not a regulation. It does not impose legally binding requirements on the United States Environmental Protection Agency (EPA), States, federally-recognized Indian tribes, or the regulated community. This policy does not confer legal rights or impose legal obligations upon any member of the public. The general description provided here may not apply to a particular situation based on the circumstances. Interested parties are free to raise questions and objections about the substance of this policy and the appropriateness of the application of this policy to a particular situation. EPA retains the discretion to adopt approaches on a case-by-case basis that differ from those described in this policy where appropriate. This document may be revised periodically without public notice. EPA welcomes public input on this document at any time.

Please direct questions concerning this policy to Robert Lischinsky of the Monitoring, Assistance, and Media Programs Division in the Office of Compliance at (202) 564-2628 or at Lischinsky.robert@epa.gov.

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ACRONYMS

ACS	Annual Commitment System
CAA	Clean Air Act
CMS	Compliance Monitoring Strategy
CEM	Continuous Emissions Monitoring
CMR	Compliance Monitoring Report
ECHO	Enforcement and Compliance History Online
EPA	Environmental Protection Agency
FCE	Full Compliance Evaluation
HON	Hazardous Organic NESHAP
HPV	High Priority Violator
ICIS	Integrated Compliance Information System
ICR	Information Collection Request
MACT	Maximum Available Control Technology
MDR	Minimum Data Requirement
NACAA	National Association of Clean Air Agencies
NESHAP	National Emission Standards for Hazardous Air Pollutants
NPMG	National Program Managers Guidance
NPMS	National Performance Measures Strategy
NSPS	New Source Performance Standards
NSR	New Source Review
OC	Office of Compliance
OECA	Office of Enforcement and Compliance Assurance
PCE	Partial Compliance Evaluation
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
QA	Quality Assurance
SM	Synthetic Minor
SIP	State Implementation Plan
SRF	State Review Framework

CLEAN AIR ACT STATIONARY SOURCE COMPLIANCE MONITORING STRATEGY
October 2016

I. INTRODUCTION

● The Clean Air Act (CAA) Stationary Source Compliance Monitoring Strategy (CMS) was last revised in July 2014. The EPA revised the CMS to provide increased flexibility to states, local government agencies, federally-recognized Indian tribes (tribes) and territories of the United States to maximize resources and expand coverage of regulated facilities with the most potential for significant impact on human health and the environment. Such flexibility included an expanded set of tools for determining compliance and took into account opportunities created by advanced monitoring technologies such as geospatial measurement of air pollution, fence-line monitoring, infrared cameras, and photoionization detectors.

● The CMS is a dynamic, evolving document as the Agency obtains additional input from the delegated agencies and assesses their experiences in implementing compliance monitoring programs. The CMS also reflects continued feedback from regional state/local air organizations as well as other oversight mechanisms such as the EPA State Review Framework (SRF), the Office of Inspector General (OIG) evaluations as well as the Government Accountability Office evaluations.

● Since the 2014 CMS revision, the OIG released a report documenting that CAA evaluations were found to generally be conducted and completed in accordance with the CMS. See *Clean Air Act Facility Evaluations are Conducted, but Inaccurate Data Hinder EPA Oversight and Public Awareness* (No. 16-P-0164; May 3, 2016; https://www.epa.gov/office-inspector-general/report-clean-air-act-facility-evaluations-are-conducted-inaccurate-data).

● As part of the overall OIG review of CAA evaluations, the OIG noted that the 2014 CMS provided guidance that compliance monitoring reports (CMRs) should be maintained as a record of compliance monitoring activities. However, the OIG also noted the CMS did not provide specific instruction on how long to retain the CMRs and recommended the CMS be updated to specify a retention period.

● As a result of the OIG recommendation, the CMS includes a specified time frame for retaining CMRs. In revising the CMS to account for the OIG review, the EPA is taking this opportunity to update the document to reflect current policies and practices, as well as to recognize the increased emphasis to integrate Next Generation Compliance into compliance monitoring activities. Through this revised CMS, EPA continues to encourage utilization of next generation approaches and innovative compliance monitoring activities to promote and enhance compliance within the regulated community. Such approaches include advanced monitoring, electronic reporting, and expanded transparency to more effectively and efficiently identify and address potential noncompliance.

● In addition, the CMS has been extended to include the EPA Regions that have direct implementation authority in Indian country and territories of the United States.

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● With this revision, the CMS continues to have a focus on the primary goals of compliance monitoring which include:

- assessing and documenting compliance with permits and regulations,
- supporting the enforcement process through evidence collection and case development,
- monitoring compliance with enforcement orders and decrees,
- deterring noncompliance, and
- providing feedback to permit and rule writers to develop permits and regulations that can be more effectively and efficiently implemented.

● The major elements of the CMS are as follows:

(1) Emphasis is placed on Title V major sources and a limited subset of synthetic minor sources.

(2) Minimum frequencies for compliance evaluations to be conducted by states/locals/tribes/territories are recommended for making compliance determinations at facilities covered by the policy. However, alternative evaluation frequencies may be negotiated with the Regions to enable states/locals/tribes/territories to address important local compliance issues. Regarding the minimum frequencies, the time frames are based on Federal fiscal year, not state fiscal year or calendar year. While CMS plans and commitments of states/locals/tribes/territories are developed consistent with the EPA planning process, the policy still allows flexibility in planning compliance evaluations.

(3) The policy explicitly recognizes that a variety of tools ranging from self-certifications to traditional stack tests are available and should be used to evaluate compliance. The use of all such tools can help achieve efficiencies and reduce expenses. It further recognizes that, in limited circumstances, on-site visits may not be necessary to evaluate the compliance status of a facility given the wide range of self-reported information such as Title V annual compliance certifications, deviation reports, and semi-annual monitoring reports. However, to ensure a compliance presence in the field, a minimum frequency for on-site visits is recommended.

(4) Three types of compliance monitoring are provided to encompass all of the means used to make a compliance determination. The compliance monitoring types are Full Compliance Evaluations (FCEs); Partial Compliance Evaluations (PCEs); and Investigations.

(5) We recognize that there are advantages to the Regions and states/locals/tribes/territories in developing CMS plans annually and encourage the Regions and states/locals/tribes/territories to continue with that frequency, as appropriate. The minimum frequency is once every two years unless otherwise negotiated with the Region and approved by the Office of Enforcement and

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Compliance Assurance/Office of Compliance (OECA/OC).

(6) Evaluation and oversight is through the establishment and use of the SRF as the tool for the Regions to conduct oversight of compliance and enforcement programs of the states/locals/tribes/territories that would include in-depth evaluations of CMS implementation.

● Through the establishment of the three compliance monitoring types and the recognition of the variety of compliance monitoring tools available to evaluate compliance beyond the traditional on-site evaluations, the CAA CMS promotes the use of flexibility in developing alternative CMS plans. However, electronic reporting and the use of new technologies and advanced emissions monitoring create additional compliance monitoring opportunities and provide the potential to collect a wider array of compliance information. It is important that states/locals/tribes/territories be able to utilize these new technologies and information to target and assess compliance. EPA encourages states/locals/tribes/territories to make compliance monitoring and enforcement information available to the public where feasible and appropriate.

● The CMS provides for a broader range of compliance monitoring activities and encourages the use of next generation approaches and tools, as appropriate, to allow agencies to further focus on their most significant environmental concerns and pollution problems in the most efficient manner.

II. GOALS OF THE COMPLIANCE MONITORING STRATEGY

● The five major goals are as follows:

(1) Provide national consistency in developing stationary source air compliance monitoring programs, while at the same time provide states/locals/tribes/territories with flexibility to address local air pollution and compliance concerns.

(2) Improve communication between states/locals/tribes/territories and Regions on stationary source air compliance monitoring programs, and enhance EPA oversight of these programs.

(3) Provide a framework for developing stationary source air compliance monitoring programs that focuses on achieving measurable environmental results.

(4) Provide a mechanism for recognizing and utilizing the wide range of tools available for evaluating and determining compliance.

(5) Establish a consistent level of evaluation coverage and environmental and public health protection by all delegated agencies, including EPA where EPA has direct implementation authority.

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III. OVERALL PROCESS

- The overall process is described below:

(1) CMS plans are submitted based upon the Federal fiscal year for discussion with and approval by the Regions. Alternative CMS plans (as discussed in Section VII) are to be forwarded by the Regions to OC for review prior to regional approval. During the discussion of the CMS plans, Regions should share their priorities and focus areas with their states/locals/tribes/territories to optimize resources, avoid duplication of effort, and provide opportunities for collaboration. CMS plans for the EPA Regions with direct implementation authority in Indian country and territories will be satisfied via the EPA Annual Commitment System (ACS) process. Alternative regional CMS plans are to also be forwarded to OC for approval.

(2) Each year, the Regions incorporate the CMS plans into the ACS. Separate commitments should be made for states/locals/tribes/territories and the Regions that are consistent with the OECA National Program Managers (NPM) Guidance and any identified OECA CAA National Initiatives.

(3) States/locals/tribes/territories and Regions maintain records of their compliance monitoring activities, and enter facility-specific compliance and enforcement data in the national air compliance and enforcement data system, ICIS-Air.

(4) Each year, states/locals/tribes/territories and Regions review the results of the compliance monitoring activities and prepare an annual update to the plan as necessary. Major redirections should be discussed as they arise.

(5) Regions conduct in-depth evaluations of the overall compliance monitoring program of the state/local/tribe/territory utilizing SRF. Headquarters conducts evaluations of the Regional programs as part of routine oversight activities. Regions may also conduct oversight or joint evaluations to obtain insight into the quality of state/local/tribe/territory-led evaluations.

IV. SCOPE OF POLICY

- EPA recognizes that states/locals/tribes/territories perform additional compliance monitoring activities beyond those addressed by this policy. This policy is not designed to preclude those activities, which may be statutorily driven by individual states/locals/tribes/territories, but focuses on federally enforceable requirements for the following source categories: (1) Title V major sources (as defined in CAA §501(2)); and

(2) synthetic minor sources that emit or have the potential to emit (PTE) at or above 80 percent of the Title V major source threshold (SM-80s).

For purposes of this policy, PTE means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or

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operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable or legally and practicably enforceable by an air pollution control agency of a state/local/tribe/territory.

The 80 percent threshold was selected to ensure that those facilities that either have the potential to emit or actually emit pollutants close to the major source threshold are evaluated periodically. This enables states/locals/tribes/territories to focus resources on those facilities that are most environmentally significant. In determining whether a synthetic minor source falls within the scope of this policy, all facilities with the potential to emit at or above the 80 percent threshold are included regardless of whether their actual emissions are lower. If a state/local/tribe/territory does not differentiate facilities based on potential to emit, all synthetic minors should be designated as SM-80s.

● This policy also recognizes that some Regions have direct implementation of the CAA in Indian country and territories. The CMS recommended minimum evaluation frequencies for Title V major and SM-80 sources are applicable to such Regions to establish a consistent level of evaluation coverage and environmental and public health protection by all delegated agencies, including the EPA where EPA has direct implementation authority.

● Please note that this policy does not include the following specific CAA programs:

- 40 CFR Part 60 Standards of Performance for New Residential Wood Heaters (Wood Heater NSPS)
- 40 CFR Part 63 National Emission Standard for Asbestos (Asbestos NESHAP)
- 40 CFR Part 63 Area Sources
- 42 USCA Section 7412(r) Prevention of Accidental Releases
- 40 CFR Part 98 Mandatory Greenhouse Gas Reporting Rule
- 42 USCA Section 7651 Acid Deposition Control

V. COMPLIANCE MONITORING TYPES

● States/locals/tribes/territories and Regions are encouraged to use a variety of techniques to determine compliance, and utilize the full range of self-monitoring information stemming from the 1990 CAA Amendments. They also are encouraged, when feasible, to use advanced emissions/pollutant detection technology and electronic reporting.

- In support of the EPA strategy of Next Generation Compliance (https://www.epa.gov/compliance/next-generation-compliance), the CMS recognizes today's challenges require a modern approach to compliance monitoring and promotes to, the fullest extent possible, the use of new and emerging monitoring and information technologies as well as increased transparency. Through modern and innovative approaches, EPA and the

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delegated agencies are better able to protect public health and the environment.

● Compliance monitoring activities, as discussed below, encompass all of the means used to make a facility specific compliance determination. These activities can include both on-site compliance evaluations and off-site record reviews. The activities can be initiated based on a variety of factors such as the CMS plan of a state/local/tribe/territory, priorities of the state/local/tribe/territory, citizen tips and complaints, or for cause.

● Consistent with this approach, there are three types of compliance monitoring: Full Compliance Evaluations (FCEs), Partial Compliance Evaluations (PCEs), and Investigations. Each of these types of compliance monitoring is defined below:

(1) Full Compliance Evaluations

A Full Compliance Evaluation (FCE) is a comprehensive evaluation to assess compliance of the facility as a whole and resulting in a compliance determination. For the purposes of this policy, "facility" is used in the broadest sense of the term incorporating all regulated emission units within the facility. An FCE addresses all regulated pollutants at all regulated emission units. Furthermore, an FCE addresses the current compliance of each emission unit, as well as the continuing ability of the facility to maintain compliance at each emission unit.

An FCE includes the following:

- A review of all required reports or other documents, and to the extent necessary, the underlying records. This includes all monitored data reported to the regulatory agency (e.g., continuous emissions monitoring system (CEM) and continuous parameter monitoring reports, malfunction reports, excess emission reports). It also includes a review of Title V self-certifications, semi-annual monitoring and periodic monitoring reports, and any other reports required by permit.

- An assessment of control device and process operating conditions as appropriate. An on-site visit to make this assessment may not be necessary based upon factors such as the availability of continuous emission and periodic monitoring data, compliance certifications, and deviation reports. The implementation of Next Generation Compliance will assist in compliance monitoring by allowing, whenever suitable, innovative and modern approaches that go beyond single facility on-site evaluations. Examples of regulated facilities that may not require an on-site visit to assess compliance include, but are not limited to, a gas-fired compressor station, a boiler in a large office or apartment building, a peaking station, and a gas turbine. However, decisions on whether an on-site evaluation is not necessary should be made on a facility-specific basis.

- A visible emission observation as needed.

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- A review of facility records and operating logs.

- An assessment of process parameters such as feed rates, raw material compositions, and process rates.

- An assessment of control equipment performance parameters (e.g., water flow rates, pressure drop, temperature, and electrostatic precipitator power levels).

- A stack test where there is no other means for determining compliance with the emission limits. In determining whether a stack test is necessary, states/locals/tribes/territories should consider factors such as: size of emission unit; time elapsed since last stack test; results of that test and margin of compliance; condition of control equipment; and availability and results of associated monitoring data.

- A stack test whenever a state/local/tribe/territory deems it appropriate.

For additional guidance on conducting stack tests, please see the April 27, 2009 Clean Air Act National Stack Testing Guidance at: http://www.epa.gov/compliance/resources/policies/monitoring/caa/stacktesting.pdf

- Where appropriate and feasible, the utilization of advanced monitoring technologies to detect and document emissions and record ambient conditions. The use of advanced emissions/pollutant detection technology is valuable as a screening tool to identify pollution problems and better focus field activities on the pollutant, process, and equipment of concern. It also may be useful to identify and measure noncompliance. Examples of such technologies include infrared cameras, fenceline monitors, sensor network-based leak detection systems, mobile methane monitors, and photoionization detectors. The use of advanced emissions and pollutant detection technology that, for example, find pollution that was previously "invisible" can assist states/locals/tribes/territories and Regions to more effectively target and monitor compliance and protect communities.

An FCE should be completed within the Federal fiscal year in which the commitment is made. However, flexibility is provided in the case of extremely large, complex facilities (hereafter referred to as mega-sites). Regulatory agencies may take up to three Federal fiscal years to complete an FCE at a mega-site, provided the agency is conducting frequent on-site visits or PCEs throughout the entire evaluation period.

In reviewing the required records and reports necessary to complete an FCE, regulatory agencies may use discretion in determining whether to review the documentation on hand, or wait until the most recent records/reports become available. For example, an agency may complete an FCE on October 15 by

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reviewing a facility's annual compliance certification that was submitted on September 1 of the prior fiscal year. The agency need not delay completion of the FCE by waiting until the annual certification for the present fiscal year is submitted the following September 1. In another example, a facility's annual certification is submitted on April 1 of each year. On March 1, an agency would be able to complete an FCE at the facility by reviewing the annual certification submitted the previous April 1. However, in this situation, the agency may prefer to wait one month to complete the FCE in order to review the most current certification rather than review a certification that is eleven months old.

An FCE may be done piecemeal through a series of PCEs. States/locals/tribes/territories and Regions may wish to institute internal processes to review compliance monitoring files to ensure that FCEs have been completed at a given facility. If instituted, such processes should be designed in such a way that reviews are conducted throughout the year, rather than at the end of the year. This ensures that FCEs are reported in a timely manner to the national database, and the public has access to the most current information on compliance status.

An on-site FCE should be conducted by an authorized inspector. EPA employees and individuals of states/locals/tribes/territories authorized to conduct evaluations on behalf of EPA using EPA Federal inspector credentials should be conducting evaluations consistent with appropriate federal requirements. See EPA Order 3500.1 (*Training Requirements for EPA Personnel Who Are Authorized to Conduct Civil Compliance Inspections/Field Investigations and EPA Inspector Supervisors*); EPA Order 3510 (*EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities*); and the CAA stationary source training requirements. An authorized inspector may include an approved third party.[1] Inspectors conducting evaluations for states/locals/tribes/territories should be compliant with their respective agency policies and processes. An off-site FCE should be conducted by an authorized inspector or other credible regulator (e.g., an individual designated by the EPA or state/local/tribe/territory with sufficient knowledge, training, and experience to assess compliance).

(2) Partial Compliance Evaluations

A Partial Compliance Evaluation (PCE) is a documented compliance evaluation conducted for the purpose of making a compliance determination and focusing on

1 For issues concerning the use of authorized representatives for compliance monitoring activities under the Clean Air Act *see United States v. Stauffer Chem. Co.*, 464 U.S. 165 (January 10, 1984); M. Alushin and E. Reich Memorandum to Regional Counsels, et al, *Use of Contractors to Conduct Clean Air Act Inspections after the Supreme Court's Decision in United States v. Stauffer Chemical (*February 22, 1984); *and* D. Kling Memorandum to Regional Federal Facilities Senior and Program Managers, *Clarification on the Use of Contract Inspectors for EPA's Federal Facility Compliance Inspections/Evaluations* (September 19, 2006). *See also*, Guidance for Issuing Federal EPA Inspector Credentials to Employees of Contractors to Conduct Inspections on Behalf of EPA, (May 31, 2013); Guidance for Issuing Federal EPA Inspector Credentials to Senior Environmental Employment Program Enrollees to Conduct Inspections on Behalf of EPA, (September 30, 2013).

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a subset of processes, regulated pollutants, regulatory requirements, or emission units at a given facility. Examples of specific activities include, but are not limited to, the following:

- conduct source performance tests, sampling, and monitoring;
- visible emission observations;
- case development evaluation, including evaluation of responses to formal information requests (e.g., CAA § 114);
- consent decree follow-up;
- Continuous Monitoring System Quality Assurance (QA) Audit;
- review of facility reports or documents such as Quarterly Excess Emission Reports and semi-annual deviation reports;
- review of facility records and operating logs, testing/sampling plans, and monitoring data;
- review of relevant process, emissions, and inventory information;
- review of facility-specific fenceline and ambient monitoring;
- ambient environmental screening using advanced monitoring technologies for a group of facilities or geographic area of interest for use in subsequent compliance evaluations.

Depending on the nature and scope of the PCE, the actions taken and observations should be included in a compliance monitoring report (CMR), or as a notation in the facility file.

A PCE may be conducted solely for the purpose of evaluating a specific aspect of a facility, or combined over the course of a Federal fiscal year (or up to three Federal fiscal years at mega-sites) to satisfy the requirements of an FCE. For example, a PCE could be used effectively to assess compliance with the Hazardous Organic NESHAP (HON) Maximum Available Control Technology (MACT) requirements if that is the primary area of concern at a chemical manufacturing facility. If at some point later in the year, the regulatory agency decided an FCE was necessary, the agency could combine the results of the MACT evaluation with subsequent evaluations focusing on the balance of CAA requirements.

PCEs are generally less time-consuming and resource-intensive than FCEs in that they are targeted evaluations used to assess compliance with targeted programs, standards, and/or processes. As a result, PCEs can be a useful tool in screening for and identifying non-compliance in a cost-effective manner.

An on-site PCE should be conducted by an authorized inspector. EPA employees and individuals of states/locals/tribes/territories authorized to conduct evaluations on behalf of EPA using EPA Federal inspector credentials should be conducting evaluations consistent with appropriate federal requirements. See EPA Order 3500.1 (*Training Requirements for EPA Personnel Who Are Authorized to Conduct Civil Compliance Inspections/Field Investigations and EPA Inspector*

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Supervisors); EPA Order 3510 (*EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities*); and the CAA stationary source training requirements. An authorized inspector may include an approved third party. Inspectors conducting evaluations for states/locals/tribes/territories should be compliant with their respective agency policies and processes. An off-site PCE should be conducted by an authorized inspector or other credible regulator (e.g., an individual designated by the EPA or state/local/tribe/territory with sufficient knowledge, training, and experience to assess compliance).

(3) Investigations

An Investigation can be distinguished from the other two compliance monitoring types in that, generally, it is limited to a portion of a facility, is more resource intensive, and involves a more in-depth assessment of a particular issue. It usually is based on information discovered during an FCE, or as the result of a targeted industry, regulatory, or statutory initiative. Also, an Investigation often requires the use and analysis of information not available in EPA data systems. It is best used when addressing issues that are difficult to evaluate during a routine FCE because of time constraints, the type of preliminary field work required, and/or the level of technical expertise needed to determine compliance.

Examples of this type of compliance monitoring are the in-depth New Source Review/Prevention of Significant Deterioration (NSR/PSD) and New Source Performance Standards (NSPS) reviews conducted by EPA of the pulp, utility, and petroleum refining industries. These investigations were initiated following analyses of publicly available information on growth within the industries, and a comparison of this information to data maintained by the regulatory agencies on the number of NSR/PSD permits issued during the same time frame. The analyses indicated that many facilities failed to obtain the necessary permits. As a result, the facilities had not controlled pollutant emissions as required, and thus realized significant economic benefits. These efforts resulted in significant enforcement actions protecting human health and the environment.

For a more complete definition of an Investigation, see "MOA Guidance (Air Program) Clarification and National Performance Measures Strategy (NPMS) Pilot" from Eric Schaeffer and Elaine Stanley to MOA Coordinators, Enforcement Coordinators, and RS&T Coordinators (October 26, 1998). See also, "Implementing the National Performance Measures Strategy – Second Phase (Attachment J)" from Steven A. Herman to Regional Administrators, Deputy Regional Administrators, and Regional Enforcement Division Directors and Coordinators (December 23, 1999).

VI. CLEAN AIR ACT COMPLIANCE AND ENFORCEMENT PROGRAM

CAA BASE PROGRAM COVERAGE

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● Generally, the EPA base stationary source compliance and enforcement program encompasses air pollution problems for the following CAA programs:

- NSPS
- NESHAP
- MACT
- 40 CFR Part 63 Area Sources
- NSR/PSD
- State Implementation Plans (SIPs) and CAA §111(d) approved plans
- Title V Operating Permit
- Stratospheric Ozone Protection
- 42 USCA §7412(r) Prevention of Accidental Releases
- 40 CFR Part 98 Mandatory Greenhouse Gas Reporting Rule
- 42 USCA Section 7651 Acid Deposition Control

However, this policy does not include the specific CAA programs listed in Section IV.

EVALUATION FREQUENCIES:

● As stated above (Section IV), states/locals/tribes/territories may perform additional compliance monitoring activities beyond those addressed by this policy. However, this policy focuses on federally enforceable requirements for Title V major sources and SM-80s. These sources may be subject to many, if not all, of the individual CAA programs.

● Minimum frequencies are recommended as guidance for states/locals/tribes/territories when developing stationary source air compliance monitoring programs:

(1) An FCE should be conducted, at a minimum, once every two Federal fiscal years at all Title V major sources except those classified as mega-sites. For mega-sites, an FCE should be conducted, at a minimum, once every three Federal fiscal years.
Each Region, in consultation with affected states/locals/tribes/territories, has the flexibility to define and identify mega-sites as it deems appropriate within the Region. However, this universe of facilities is expected to be small. When identifying mega-sites, the Regions should consider the following factors: the number and types of emission units; the volume and character of pollutants emitted; the number and types of control and monitoring systems; the number of applicable regulatory requirements; the availability of monitoring data; the degree of difficulty in determining compliance at individual units and at the entire facility; and the footprint of the facility. Examples of industries that may have qualifying facilities are petroleum refining, integrated steel manufacturing, chemical manufacturing, and pharmaceutical production.

(2) An FCE should be conducted, at a minimum, once every five Federal fiscal

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years at SM-80s.

(3) In those limited circumstances where it has been determined on a case-by-case basis that an on-site visit is not necessary to complete an FCE (see Section V), an on-site visit should still be conducted, at a minimum, once every five Federal fiscal years at all Title V major sources to ensure a compliance presence in the field, verify record reviews, observe modifications or new construction, and identify any major permit deviations.

● In those years when an FCE is not conducted, states/locals/tribes/territories should continue to review annual compliance certifications, and the underlying reports supporting those certifications (e.g., semi-annual and periodic monitoring reports, continuous emission and continuous parametric monitoring reports, and malfunction and excess emission reports).

● The above minimum evaluation frequencies are applicable to those Regions which have direct implementation of the CAA in Indian country and territories.

● When implementing the CAA base program and Agency policies outside of Indian country and territories, the Regions will continue to maintain expertise and a minimum level of activity consistent with the resources available; monitor the level and quality of effort by the states/locals/tribes/territories; and participate in national and region-specific initiatives that may require greater EPA involvement. The Regions will continue to focus on those activities that are directed to widespread noncompliance, will yield the greatest environmental benefit due to the potential for significant emission reductions, and are not duplicative of efforts by states/locals/tribes/territories. They also will monitor implementation of enforcement orders and consent decrees.

OECA NATIONAL ENFORCEMENT INITIATIVES

Background on Priority-Setting Process

● In collaboration with the states/locals/tribes/territories, EPA defines and selects national enforcement initiatives (NEIs) through the use of several screening factors and criteria. Using such information, EPA determines if significant environmental benefits can be gained, or if risks to human health or the environment can be reduced through focused EPA action. EPA also looks to uncover identifiable and important patterns of noncompliance. Furthermore, the Agency analyzes whether the environmental and human health risks or the patterns of noncompliance are sufficient in scope and scale such that EPA is best suited to take action, and whether it is appropriate for EPA to take lead responsibility.

● Using the above information to define the scope and nature of environmental problems that warrant heightened resource and commitment levels on a Federal level for a designated period of time, there are currently several NEIs with an air program component. For additional information, please visit the EPA NEI website at

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https://www.epa.gov/enforcement/national-enforcement-initiatives. The Agency has determined that Federal attention focused on these programs results in greater deterrence and a higher level of compliance by the regulated community.

Evaluation Frequencies

● In implementing the NEIs, EPA provides an enhanced Federal presence to address the widespread non-compliance in the identified problem areas.

● Pursuant to the CMS, no minimum evaluation frequencies have been established for states/locals/tribes/territories with respect to compliance evaluations associated with the NEIs. However, the Agency does encourage participation by the states/locals/tribes/territories in EPA compliance and enforcement activities within the NEIs. Participation in such activities may be considered as a factor when evaluating a proposed alternative CMS Plan submitted by an agency. (See Section VII.)

● In carrying out the NEIs, EPA will continue to share with the states/locals/tribes/territories the compliance monitoring and enforcement experience gained, the results achieved, and the lessons learned. While engaging with the states/locals/tribes/territories in capacity building efforts, the Agency also will share all major next generation advances. It is the EPA goal that modern, advanced approaches employed to change industry behavior and improve compliance will assist in transferring the work covered by the NEIs back to the CAA base program.

VII. ALTERNATIVES TO THE RECOMMENDED EVALUATION FREQUENCIES

● States/locals/tribes/territories may develop with Regional approval alternatives to the recommended evaluation frequencies. Alternatives may be developed on a facility-by-facility basis or for an entire source category. However, in determining whether an alternative frequency is appropriate, the following factors should be considered:

Sources

- Compliance history;
- Location of facility;
- Potential environmental impact;
- Operational practices (e.g., whether operation is steady state or seasonal); and
- Use of control equipment.

Programs of States/Locals/Tribes/Territories

- Identified deficiencies in the overall compliance monitoring program of a state/local/tribe/territory (e.g., temporary resource constraints such as budget shortfall or position vacancy). The agency should be able to discuss what steps are being taken to address and resolve such deficiencies.
- Identified local air pollution and compliance concerns/priorities for which

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resources are needed to be directed (e.g., air toxics PCEs at secondary aluminum facilities). The agency should be able to provide a timeframe for when such concerns/priorities will be addressed.
- Assistance provided to other states/locals/tribes/territories (e.g., leading multistate/local initiatives; lending expertise; training new inspectors).

EPA National Enforcement Initiatives
- Participation by a state/local/tribe/territory in such activities.

● Prior to granting regional approval to alternatives, the Regions should submit alternative CMS plans to Headquarters (Office of Compliance) for review. This enables Headquarters to track alternatives and maintain national consistency as appropriate.

● For those Regions with direct implementation of the CAA in Indian country and territories, Headquarter approved alternative plans may be implemented and will be assessed using the same factors listed above.

VIII. ELEMENTS OF THE CMS PLAN

● CMS plans of the state/local/tribe/territory are a building block in the OECA NPM Guidance process, and should be finalized so they can be summarized and incorporated into the Regional ACS commitments. Therefore, they should be completed prior to the beginning of the Federal fiscal year.

● A separate CMS plan is not necessary if Regions and states/locals/tribes/territories wish to continue using other formally negotiated documents (e.g., Enforcement Agreements, Performance Partnership Agreements, and Categorical Grant Agreements), provided these documents contain the same level of detail discussed below. If this approach is selected, the negotiated document should provide confirmation of adherence with the CMS policy, serve as a suitable substitute for a separate CMS plan, and be reflected in ICIS-Air. If the negotiated document is serving as an alternative CMS plan, it is to be shared with Headquarters (Office of Compliance). (See Section VII.)

● The content of CMS plans will vary depending upon whether states/locals/tribes/territories develop and negotiate alternatives to the recommended evaluation frequencies.

● In those instances where states/locals/tribes/territories meet the recommended evaluation frequencies and do not develop and negotiate alternative approaches, the plan should include the following elements:

(1) A facility-specific list (including the ICIS-Air Programmatic ID) of all Title V major sources. The list should identify by Federal fiscal year those facilities for which an FCE will be conducted. It should also identify those for which an on-site visit will be conducted.

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(2) A facility-specific list (including the ICIS-Air Programmatic ID) of all synthetic minor sources and a list of those facilities covered by the policy (SM-80s). It also should identify by Federal fiscal year those facilities for which an FCE will be conducted.

(3) A description of how a state/local/tribe/territory will address any identified program deficiencies in its compliance monitoring program. These deficiencies can stem from evaluations conducted internally, or by outside organizations such as EPA pursuant to the SRF process.

● In those instances where the states/locals/tribes/territories propose alternatives to the recommended evaluation frequencies, states/locals/tribes/territories should provide a more detailed plan. In addition to the above elements, states/locals/tribes/territories should include a rationale describing: (1) why it is not necessary to evaluate specific facilities or source categories subject to the recommended evaluation frequencies; and (2) why it is appropriate to substitute other facilities.

● If at the end of the first year, states/locals/tribes/territories anticipate or know that they will be unable to meet their two year commitments by the end of the second year, they should notify the Region and revise their CMS plan accordingly.

● As noted earlier, CMS plans for the Regions with direct implementation in Indian country and territories will be satisfied via the ACS process. If implementing an alternative plan, the Regions should provide similar information as listed above.

IX. COMPLIANCE MONITORING REPORTS

● CMRs may continue to be formatted as deemed appropriate. However, the following basic elements should be addressed in the reports:

(1) General information: date, compliance monitoring type (i.e., FCE, PCE, or Investigation), and official submitting the report.
(2) Facility information: facility name, location, mailing address, facility contact and phone number, Title V designation and mega-site designation.
(3) Applicable requirements: all applicable requirements including regulatory requirements and permit conditions.
(4) Inventory and description of regulated emission units and processes.
(5) Information on previous enforcement actions.
(6) Compliance monitoring activities: processes and emission units evaluated; on-site observations, including documentation of observed deficiencies; whether compliance assistance was provided and if so, nature of assistance; any action taken by facility to come back into compliance during on-site visit.
(7) Observations and recommendations relayed to the facility during the compliance evaluation. Please note, this does not apply to information traditionally reserved for enforcement case files.

In providing the above information, states/locals/tribes/territories should reference or

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attach other relevant documents as appropriate to avoid duplication. For example, the relevant section of a Title V permit could be attached to the compliance monitoring report rather than rewriting all of the applicable requirements.

● CMRs should be maintained and made available to the Regions upon request. Regions shall maintain similar files of regional activities and provide Headquarters with access upon request.

● State/locals/tribes/territories should retain their CMRs in accordance with their respective agency policies, processes, and requirements. In the absence of any such directives, the following retention timeframes are recommended consistent with EPA records policy:

- CMRs documenting evaluations that do not lead to enforcement: 5 years.
- CMRs documenting evaluations that lead to a civil administrative enforcement action: 10 years after closure of the enforcement file.
- CMRs documenting evaluations that lead to a civil judicial or criminal enforcement action: 20 years after closure of the enforcement file.

● Example CMRs documenting FCEs are posted for review by states/locals/tribes/territories on the EPA Enforcement and Compliance History Online (ECHO) website at: https://echo.epa.gov/srf_comp_mon_reports

These example reports are provided to: (1) assist inspectors in efficiently writing complete CMRs; thereby, reducing time spent writing reports and maximizing time available for field presence; and (2) improve the quality and completeness of CMRs so they can serve as valuable tools for documenting non-compliance, as well as foundations upon which to proceed with successful enforcement actions.

X. REPORTING

● To collect compliance information in a consistent format that allows EPA to evaluate and compare compliance monitoring programs, Regions and states/locals/tribes/territories will need to:

- Continue to maintain records of compliance monitoring activities, and enter facility-specific compliance and enforcement data in ICIS-Air on a routine basis. In accordance with the Source Compliance and State Action Reporting Information Collection Request (ICR), all data (except for stack test date and results, as noted below) is to be reported within 60 days.

  - Any applicable source that begins operations is to be reported into ICIS-Air and given a CMS indicator and appropriate frequency flag. Those CMS facilities that have been permanently shut down are to have their CMS flags removed so they will not show as "active on CMS plan" in ICIS-Air.

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- If a state/local/tribe/territory negotiates an alternative plan, which allows the agency to shift resources from Title V majors and/or SM-80s to other sources not addressed by the policy (e.g., minors), all relevant Minimum Data Requirements (MDRs) are to be reported to ICIS-Air for all sources in the alternative plan.

- Report "Federally Reportable Violations" (FRVs) and "High Priority Violations" (HPVs) in accordance with current EPA policies.

- Utilize the following compliance monitoring types to report activities at the facility level in ICIS-Air:
    - Full Compliance Evaluations
    - Partial Compliance Evaluations
    - Investigations

- FCEs are to be reported into ICIS-Air as either on-site or off-site. Off-site FCEs are to be reported only when states/locals/tribes/territories are able to complete an FCE without having to conduct an on-site visit to assess control devices and process operating conditions. Completion of an FCE without conducting an on-site visit is limited to a small universe of facilities and source categories. (See Section V.)

- Although PCEs are to be reported by the Regions, they generally are not an MDR for states/locals/tribes/territories and reporting of these actions is voluntary. A PCE becomes an MDR for states/locals/tribes/territories when the PCE is part of an alternative plan and/or when the PCE leads to discovery of an HPV. States/locals/tribes/territories may wish to report PCEs to capture the full range of their compliance monitoring activities.

- To assist in PCE reporting, the following specific PCE activities may be reported into ICIS-Air:
    - Off-site PCE
    - On-site PCE
    - On-site Record/Report Review
    - On-site Monitoring/Sampling
    - On-site Interview
    - On-site Fenceline/Ambient Monitoring
    - On-site Visible Emission Observation
    - On-site CEMS/CMS Audit
    - On-site Stack Test
    - Title V Annual Compliance Certification Review

- Report the following information for all Title V annual compliance certification reviews in ICIS-Air:
    - date due;
    - date received;

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- whether deviations were reported by the facility;
- date reviewed; and
- results (i.e., violations)

- Please note: Regions shall enter the first three data elements for each Title V compliance certification unless otherwise negotiated with states/locals/tribes/territories.

- Enter the date and results of all stack tests in ICIS-Air within 120 days of completion of the test.

● The CMS status in ICIS-Air will automatically change to "overdue" if an FCE is not completed:

(1) within the recommended evaluation frequencies, or
(2) in accordance with negotiated alternatives that extend the recommended evaluation frequencies.

● Standard CMS reports are available in ICIS-Air for retrieving, reviewing, and analyzing the quality of the CMS reported data (e.g., *CMS Report*, *FCE Coverage at Majors Report*, *FCE Coverage at 80% SMs Report*, and *Total Number of State-Local CAA FCEs by CMS Source Category*). These reports provide access to detailed facility-specific information such as source classification, operating status, the last Full Compliance Evaluation (FCE) reported, and the CMS status (which indicates whether a facility included in a CMS plan is overdue for an FCE). The Regions and delegated agencies should review the data provided in these reports as part of the regular communications to discuss data quality issues.

● The Regions are to use the ACS system for the tracking of performance data against agreed-upon regional performance commitments. In addition to Region-specific performance information, the ACS is also used to provide information on state/local/tribal-specific contributions to commitments.

● Only the Regions are required to establish ACS commitments for the OECA CAA national enforcement initiatives. These ACS commitments do not apply to the state/local/tribal agencies.

● EPA developed ICIS-Air to accommodate the above reporting for program management and oversight. The Agency also designed ICIS-Air with the capabilities to improve data analysis and information in the future. Efforts are continuing to advance Next Generation Compliance and modernize our approach to environmental protection to make reporting easier. For example, EPA is engaged in ongoing efforts with the states/locals/tribes through the E-Enterprise initiative to facilitate increased electronic reporting in order to have more accurate, complete and timely information while minimizing reporting burden.

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XI. EVALUATION/OVERSIGHT

● The primary reason for revising CMS in 2001 was to address deficiencies identified by the EPA Inspector General with respect to lack of oversight and inconsistent implementation of the policy by the Agency. Hence, it is essential that EPA provide adequate oversight of the policy.

● At the end of each Federal fiscal year, the Regions shall evaluate whether the states/locals/tribes/territories met their commitments, and in those cases where they did not, determine why and what adjustments need to be made for the following year. EPA Headquarters shall in turn conduct a similar analysis nationally assisted by data reported to ICIS-Air. This information should be transmitted back to the appropriate officials in a timely manner so that they can make mid-course corrections in their program if necessary.

● In FY 2004, OECA implemented the SRF. The SRF is a multi-program effort developed in collaboration with the Environmental Council of the States and NACAA (as well as other state media associations) to evaluate performance in the air, water, and hazardous waste compliance and enforcement programs. It is built upon a common set of data metrics, which are verified and reviewed annually and provide a summary of trends and past year performance of state activities in comparison to overall program goals, national averages, and data entry requirements. There are five nationally consistent review elements: Data, Inspections/Evaluations, Violations, Enforcement, and Penalties. The SRF provides a useful building block upon which to analyze the effectiveness of compliance and enforcement programs. This baseline analysis is based on media-specific guidance such as the CMS for the air program. While CMS provides the national performance expectations for the delegated agencies, the SRF is the instrument used to consistently assess their performance.

The CAA SRF reviews will enable Regions to evaluate whether:

- States/locals/tribes/territories conduct and accurately report FCEs, and that such reported evaluations meet the definition of an FCE as provided in Section V above.

- States/locals/tribes/territories identify and document violations and provide sufficient documentation to determine whether violations meet the definition of an FRV and/or HPV.

- State/locals/tribes/territories fully report compliance monitoring/enforcement activities and outcomes in ICIS-Air consistent with Section X above.

- Compliance monitoring commitments have been successfully completed and whether such commitments are in the CMS Plan or other formally negotiated document as discussed in Section VIII above.

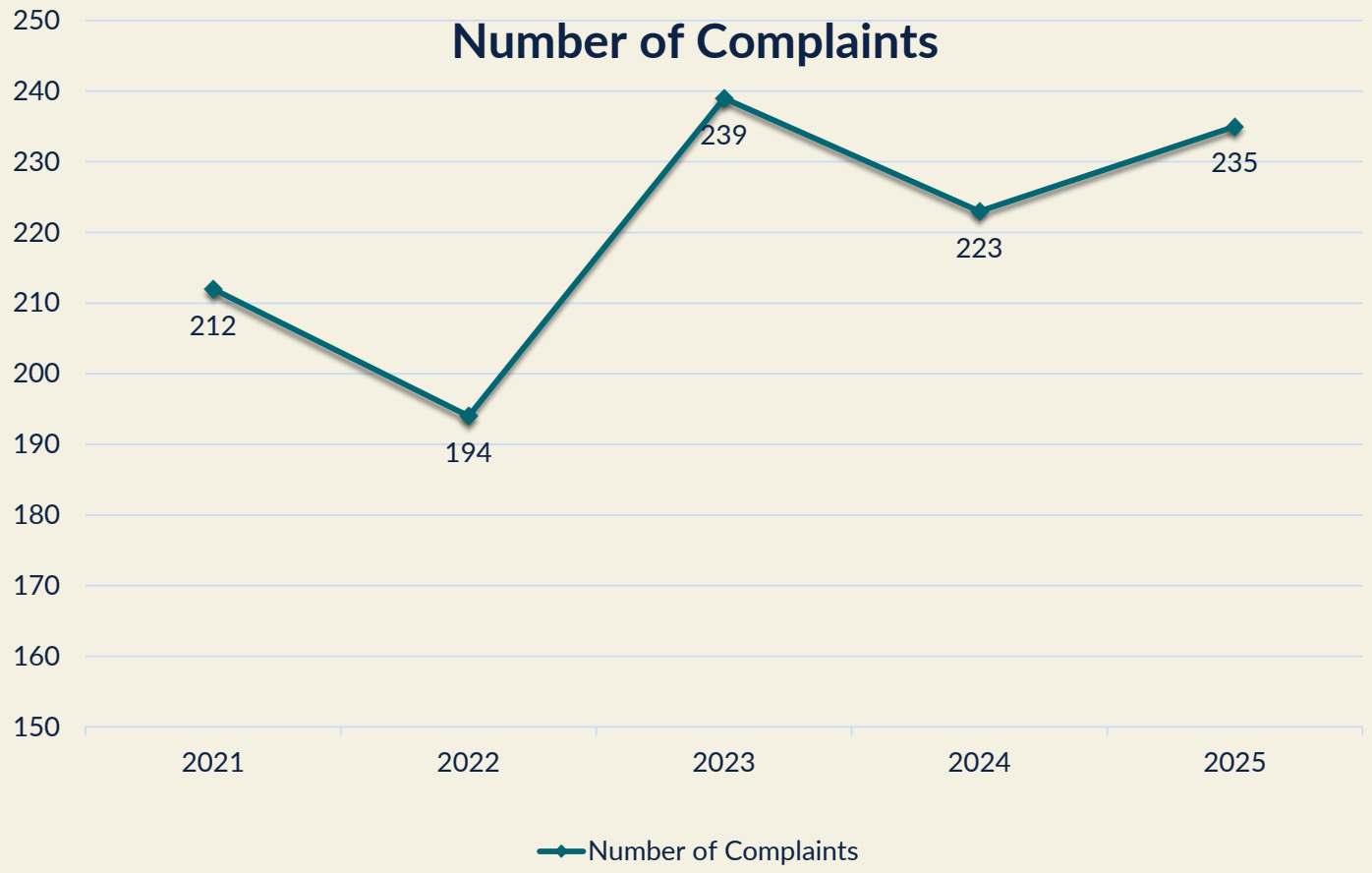
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- To assist Regions in conducting an SRF review, guidance and documentation is available at: https://echo.epa.gov/srf_help

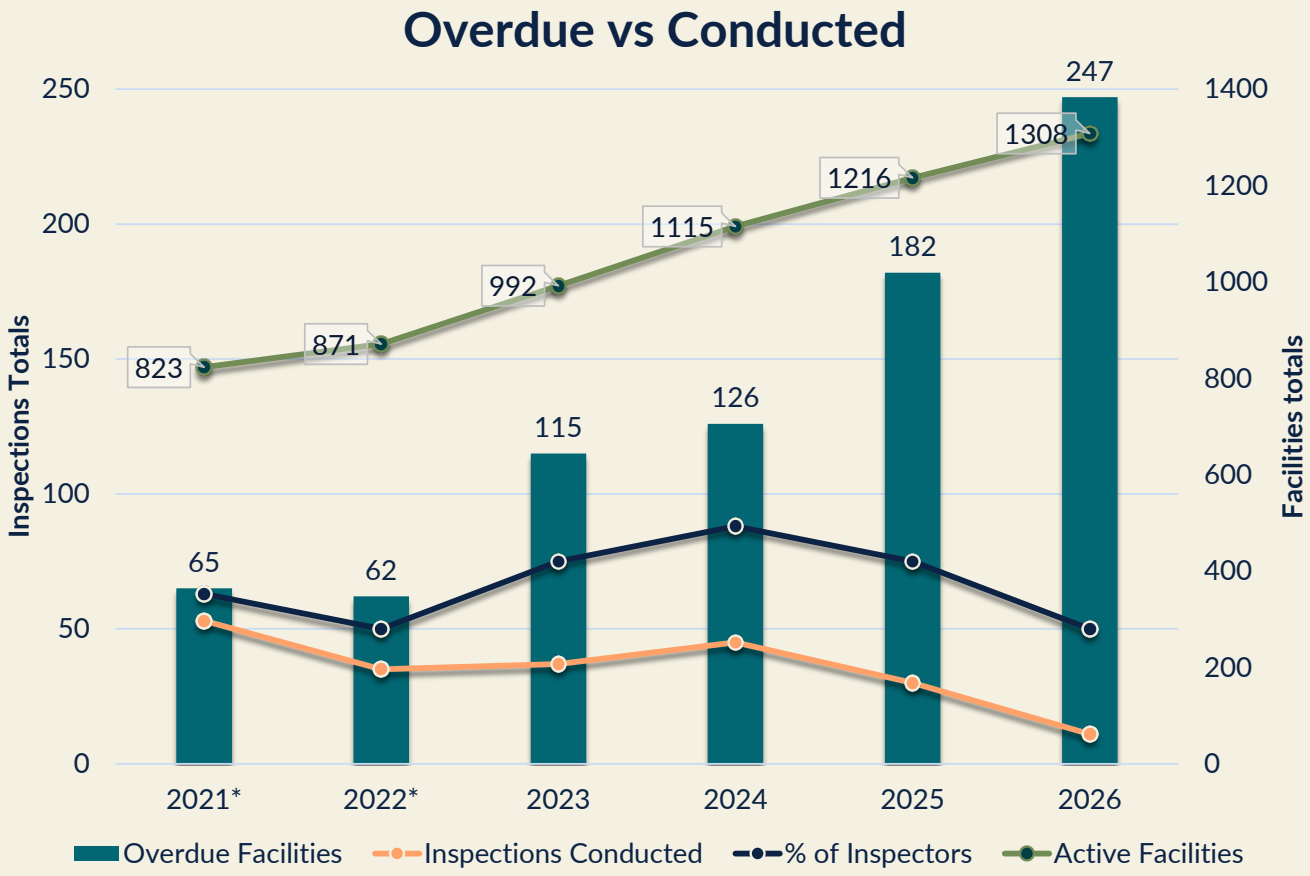
- Headquarters shall conduct evaluations of each Region, and use the information to: monitor implementation of the policy; identify program deficiencies and successes; establish national trends; compare programs; and develop new national initiatives. To the extent possible, Headquarters will inform Regions in advance of the criteria that will be used in evaluating Regional programs.

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Complaints Totals



CMS Growth Chart



NMED Exhibit 62_000001

Number of Inspections



SENT VIA EMAIL WITH READ RECEIPT REQUEST

December 19, 2023

Mr. Steve Thompson
Branch Chief
Enforcement and Compliance Assurance Division
U.S. EPA Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102
Thompson.Steve@epa.gov

Re: State of New Mexico Air Compliance Monitoring Strategy (CMS) Plan for Federal Fiscal Year 2024

Dear Steve Thompson,

I am pleased to present the proposed State of New Mexico ("State") Compliance Monitoring Strategy ("CMS") Plan for the federal fiscal year beginning October 1, 2023 ("FFY 2024"). This Plan has been developed in accordance with US EPA's October 4, 2016 CMS Policy document. The State's proposed FFY 2024 CMS Plan for air quality inspections at regulated facilities is outlined below and in the attached spreadsheet tables.

The State proposes the majority of inspections in FFY 2024 at Title V Major ("Major") and Synthetic Minor > 80% ("SM>80") facilities (traditional CMS). The State also proposes an alternative portion to the FFY 2024 CMS Plan, to address facilities not included in the CMS Universe (i.e., not Major or SM>80). In addition, the State is likely to request additional alternative facilities be added to the FFY 2024 CMS Plan in the next few months, based on ongoing discussions with EPA and the New Mexico Environment Department Secretary's Office regarding co-inspections of non-CMS oil and gas facilities (mostly tank batteries).

Total FCEs proposed:	122
Major FCEs proposed:	56
SM80 FCEs proposed:	61
Alternative FCEs proposed:	5

FFY 2024 CMS Plan from the Traditional CMS Universe

For FFY 2024, the traditional portion of the State's CMS plan will prioritize Major facilities based on the elapsed time since the previous inspection. This will ensure that the State continues to reduce the backlog of overdue FCEs at Major sources. SM>80 facilities will also be prioritized first by how overdue they are for inspection. In addition, the State has included a group of newer SM>80 oil and gas (O&G) sites (in lieu of more overdue **non**-oil and gas facilities) as part of continued efforts to address ozone concerns in the State.

FFY 2024 CMS Plan for Alternative Sources (not in the traditional CMS Universe)

As part of the FFY 2024 CMS Plan, the State is proposing FCEs at 5 sites not currently in the CMS Universe – 3 aggregate facilities (crushers) and 2 asphalt plants. The State has received multiple citizen complaints about these

facilities or companies. (Some of the State's proposed SM>80 FCEs are operated by the same companies.) The State plans to perform multiple FCEs (alternative and traditional) at the same time where possible, increasing efficiency during this effort to address companies with ongoing complaints.

Additional Changes Proposed

Beyond prioritizing Major Sources and certain SM>80 Sources and adding 5 additional alternative sources, the State proposes several other changes that will help address the current backlog of overdue inspections. The proposed changes include (1) changing inspection frequency for certain sources; (2) removing certain sources from the Major Source universe, based on PTE or actual emissions; and (3) streamlining the inspection process. Each proposed change is discussed in greater detail below.

(1) Proposed Inspection Frequency Changes

The State is aware of the backlog of overdue FCEs in both the Major and SM>80 CMS Universes. To better address this backlog and focus CMS inspection efforts on those sources of most concern, the State proposes moving a portion of Major compressor stations, some landfills and Major sources not currently operating to a 5-year FCE frequency and a subset of the SM>80 Universe to an 8-year FCE frequency.

Major Compressor Stations / Landfills

Many Major compressor stations in the State are operating at reduced capacities due to decreased natural gas production since the time they were originally permitted, which reduces their actual emissions even though their PTE exceeds major source level. In addition, many operators permit their sites at a maximum potential operating capacity even though it is unlikely they will operate at those levels. Finally, many of the compressor stations operating in the State are more than 5 miles from any city or town.

The State identified 77 compressor stations, pump stations, or booster stations within the CMS Major Universe. The State then evaluated these sources to determine their distance from the closest city as well as their 5-year history for emissions-related violations. Among the 77 compressor stations, 48 are 5 or more miles from the nearest city or town. Of those 48, four had emissions-related potential violations or areas of concern ("AOC") within the last 5 years. The State proposes moving the remaining 44 Major source compressor stations to a 5-year FCE frequency. Some of those 44 are already on a 4-year frequency based on past years' CMS requests. The spreadsheet showing the analysis and the 44 proposed stations is included as an attachment. If a facility on the 5-year reduced frequency has an emissions-related violation or AOC in the future, the State will return the source to a 2-year FCE frequency.

The State also proposes a 5-year FCE frequency for 5 landfills (see below for more information.)

SM>80 GCP Sources

The State proposes moving a portion of the SM>80 CMS Universe to an 8-year FCE frequency. The State offers a generic NSR permit as a minor source permitting option for various industries (General Construction Permit, or "GCP"). These include a GCP-2 for aggregate (crusher) facilities, a GCP-3 for concrete batch plants, a GCP-5 for asphalt production facilities, and a GCP-O&G for oil and gas facilities. The State proposes moving all GCP-2, 3, and 5 sources currently in the CMS SM>80 Universe to an 8-year FCE frequency.

The permit application process for the GCP-2, 3, and 5 permits requires the operator to meet certain pre-defined

NMED Exhibit 64_000002

requirements and certify a PTE below 95 tpy for criteria pollutants and VOC. These permits also limit the sources to daylight hours and have a yearly operating limit of 4,380 hours. Based on the operating hour limit and the PTE of 95 tpy, these sources have been considered SM>80. In order to assess actual emissions, the State randomly selected 21 of these sources (6 GCP-2; 10 GCP-3; 5 GCP-5) and reviewed both permitting materials and 2020 emissions inventories. (In 2021, the State requested emission inventories listing 2020 actual emissions for minor sources.)

Of the 21 GCP sources reviewed, at least 2 are not currently operating, with their equipment relocated to Colorado. The State anticipates this percentage (9.5%) of non-operating GCP-2, 3, and 5 sources to be roughly accurate or lower than the actual statewide percentage. Five of the 19 remaining sources had no 2020 emissions inventory data AND no PTE data available. Of the 14 remaining sources, 13 submitted 2020 emission data. None of the 13 reported actual emissions greater than 54 tpy, and 12 of the 13 reported actual 2020 emissions below 35 tpy. There is limited PTE data available based on GCP permit applications and notifications. However, 9 of the 14 facilities had some PTE data available (GCP-2 and 3 only). Two of those 9 reported PTE above 80 tpy for NOx (due to generators). The remaining 7 reported PTE below 80 tpy for criteria pollutants and VOC.

The State anticipates that the majority of GCP-2, 3, and 5 sources have actual emissions well below 80 tpy for criteria pollutants and VOC, as well as actual PTE (where available) below 80 tpy. Even when PTE is reported above 80 tpy, actual emissions are likely lower since very few of these facilities operate for the full allotment of 4,380 permitted hours in any year. Also, as stated above, the State anticipates at least 10% of GCP-2, 3, and 5 permit holders are not currently operating in New Mexico. Therefore, the State maintains that increasing the FCE frequency for these sources to 8 years allows for our limited resources to be applied to those sources with greater potential for environmental or human health harm. This change would also allow the State to focus more on oil and gas facilities, as they account for roughly 80% of our permitted facilities.

As of the December 4, 2023 ICIS CMS report, there are 131 GCP-2, 3, or 5 facilities in the CMS SM>80 Universe. As new GCP-2, 3, or 5 permits are issued or added to the ICIS CMS SM>80 Universe, they will also be placed on an 8-year FCE frequency. The State will monitor complaints and compliance history for these facilities as some may warrant a 5-year FCE frequency.

Major Sources Not Currently Operating

The State currently utilizes a highly streamlined offsite FCE process for sources known or discovered to be not operating but maintaining their air permits. This process includes obtaining time-stamped photographic proof that facilities are not operating (generally through blinded connections, pressure / temperature gauges, and removed equipment). The State requests as part of this process to place all Major sources found to be not operating on a 5-year FCE frequency. As soon as the State becomes aware that such a Major source is operating, it will be placed back on the appropriate FCE frequency.

(2) Proposed Major Source Universe Removals

There are 3 air curtain incinerators (ACIs) and 13 landfills currently included in the State's Major CMS Universe. These 16 sites are required to have Title V permits based on federal regulations. However, EPA's 2016 CMS Guidance document makes clear that Major source determinations shall be based on PTE or actual emissions. The State has been designating any source operating under a Title V permit as a CMS Major regardless of PTE. These sources were evaluated to determine both their PTE based on most recent permit application and their actual

NMED Exhibit 64_000003

emissions based on recent emissions inventories.

The 3 ACIs have PTE and actual emissions well below major source levels. The State proposes to remove the CMS Major tag from these sources as they do not meet the definition of major source as included in the 2016 CMS Guidance document.

Twelve of the 13 landfills have both PTE and actual emissions below major source levels. Of those 12, four have gas digesters permitted and installed. The State will remove the CMS Major tag from the remaining 8 landfills (those with emissions / PTE below major source that do not currently require gas digesters). As stated above, the State proposes all 5 landfills remaining in the CMS Major Universe be placed on a 5-year FCE frequency. Although the 4 landfills with gas digesters do not technically meet the definition of major source in the 2016 CMS Guidance document, the State sees environmental benefit in leaving those sites in the CMS Major Universe.

(3) Proposed Streamlining of the FCE Process

The State is currently performing a major streamlining and revision of our FCE process to reduce the time involved in each FCE. This will include eliminating duplicative checklists, streamlining many federal regulatory checklists, and focusing efforts on determining overall compliance rather than minute details associated with permit or regulatory requirements. Although some of these changes are already incorporated, the State anticipates fully incorporating this process within FFY 2024. This will allow one inspector to perform more FCEs than in past years. The State will also continue to assign multiple FCEs where feasible and limit travel time by assigning FCEs based on employee location. In addition, the State continues to address inspector vacancies and anticipates increasing the number of inspectors by at least 3 positions during FFY 2024. Our goal for this streamlining is to allow each inspector to complete at least 18 - 20 inspections per year – less if the inspector is very new or if several assigned facilities are complex facilities. With the current inspections staff of 5 inspectors plus a “working supervisor,” this should put the State close to meeting the proposed CMS plan of 122 facilities. Adding new staff should ensure that we reach our goal for FFY 2024.

Overall CMS Universe Data (as of September 5, 2023 ICIS report)

The September 5, 2023 ICIS CMS report (upon which this Plan is based) lists 146 sources in the State’s CMS Major Universe. This includes the 8 landfills and 3 ACIs that we plan to update in ICIS to remove the CMS Major tag. In addition, there are 4 sources currently designated as Mega Source in ICIS. These are very large and complex facilities, and the State plans to complete FCEs at these sites every 4 years, while performing PCEs (Partial Compliance Evaluations) at least every 2 years. The September 2023 ICIS report lists 965 SM>80 facilities. Last year’s report from the same time listed 843 SM>80 facilities. This continues a trend of significant growth in the State’s SM>80 Universe, most of which is attributable to the oil and gas industry. The State continues to investigate and correct data issues around SM>80 identification as well as CMS Start Dates.

The vast majority of the State’s regulated entities (CMS and non-CMS) are oil and gas-related. As such, 78 of the 122 facilities included in the FFY 2024 CMS Plan proposal are oil and gas-related (64%). Within the scheduled FCEs in this Plan, 66% of the Major sources and 68% of the SM>80 sources are oil and gas-related.

The State recognizes the significant backlog of overdue FCEs in both the Major and SM>80 Universes, as well as the challenge presented by continued growth of the SM>80 Universe. In addition to the altered FCE frequencies requested in the FFY 2024 CMS Plan proposal, the State continues to address this issue in multiple ways.

1. The Inspections unit now has 8 funded inspector positions and 2 management positions, and the State is currently proposing to add additional funded inspector positions (as well as other Compliance & Enforcement positions). For many years (despite the growth in permitted facilities) the State had 7 funded inspector positions and 1 manager. As the State has acknowledged in previous years, it is difficult to maintain 100% staffing in the Inspections Unit. There are currently three vacant inspector positions; however, the Bureau is awaiting permission to make offers to candidates already selected, and interviews will occur shortly for the final inspector position. If there is no attrition, the 10 positions currently in the Inspections unit should be 100% filled by spring of 2024. In addition, the State is in the process of increasing salaries, which should help reduce staff turnover. In general, more experienced inspectors are more efficient than newer inspectors.
2. As discussed above, the State is performing a major overhaul of the FCE process to increase efficiency and allow each inspector to perform more FCEs in a year. This process has already begun and has increased efficiency. But the major gains will likely come in the first half of 2024 as the FCE process is further adjusted and more federal and state regulatory checklists are streamlined.
3. Air Quality Bureau Compliance and Enforcement management is evaluating methods to address the large number of SM>80 oil and gas facilities, most of which are permitted under the GCP-O&G. Since this is a generic permit, it should be possible to perform multiple FCEs at the same time, with the onsite portion performed on the same trip. Preliminary research and discussion suggest that somewhere between 4-10 such inspections could be performed at the same time, depending primarily on the ability of the individual inspector.

The State welcomes the opportunity to discuss the proposed FFY 2024 CMS Plan proposal and schedule with you in more detail. If you have any questions, please contact me at (505) 699-4608 or Brian Polgar at (505) 629-3466.

Sincerely,

Cindy Hollenberg Digitally signed by Cindy Hollenberg
Date: 2023.12.19 13:53:45 -07'00'

Cindy Hollenberg
Compliance and Enforcement Section Chief

Cc: Elizabeth Bisbey-Kuehn, Chief, NMED – Air Quality Bureau
Diana Lundelius, U.S. EPA Region 6
Brian Polgar, Inspections Manager, NMED – Air Quality Bureau

Attachments as MS Excel Workbook with five sheets:

1) CMS FFY 2024 Overall Schedule
2) CMS FFY 2024 Title V – Major Sources Schedule
3) CMS FFY 2024 Synthetic Minor > 80% Sources Schedule
4) CMS FFY 2024 Alternative Sources
5) Major Compressor Station Analysis

NMED Exhibit 64_000005

STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED REPEAL AND REPLACEMENT OF 20.2.71 NMAC – *OPERATING PERMIT EMISSIONS FEES* AND 20.2.75 NMAC – *CONSTRUCTION PERMIT FEES*

No. EIB 25-77(R)

New Mexico Environment Department,

Petitioner.

NEW MEXICO ENVIRONMENT DEPARTMENT
TECHNICAL TESTIMONY OF SECTION CHIEF BRIAN POLGAR

I. INTRODUCTION AND QUALIFICATIONS

My name is Brian Polgar, and I am the Planning Section Chief of the Air Quality Bureau ("AQB"), which is part of the Environmental Protection Division of the New Mexico Environment Department ("Department"). I hold a Bachelor of Science degree in biological sciences from the University of Maryland, College Park. I have been with the AQB since November 28, 2020, when I joined as a staff level air compliance inspector. After about a half-year, I received a promotion into the management team of the Inspections Unit, where I remained until mid-2024. I served as the Acting Compliance and Enforcement Section Chief from July 22, 2024, until January 18, 2025, when I became the Planning Section Chief. In this role, I manage the Planning Section of the AQB, which includes overseeing multiple units handling regulatory and rulemaking activities; emissions inventories; air dispersion modeling; smoke management; and small business assistance. The Planning Section provides support to the Air Quality Program, which includes both the AQB and the Air Quality Section ("AQ C&E") of the Environmental Protection Compliance and Enforcement Bureau ("EPCEB") that is part of the newly formed Compliance and Enforcement

Division. These groups work together to implement and administer the Department's Air Quality Program, which contains the Title V Program and the Construction Program[1].

My resume is provided as **NMED Exhibit 66** and outlines my professional experience and education.

Since becoming Planning Section Chief, I have worked extensively on the financial analysis described in my testimony and have been heavily involved in the Department's preparation for this hearing.

I present this written testimony on behalf of the Department in support of the Department's Petition for Regulatory Change to Repeal and Replace 20.2.71 NMAC, *Operating Permit Emissions Fees*, and 20.2.75 NMAC, *Construction Permit Fees* ("Petition") (filed Dec. 3, 2025), in the form of the text of recommended modifications set forth in 20.2.71 NMAC, *Operating Permit Emissions Fees*, **NMED Exhibit 1** (clean) and **NMED Exhibit 2** (redline) ("Revised Part 71") and 20.2.75 NMAC, *Construction Permit Fees*, **NMED Exhibit 4** (clean) and **NMED Exhibit 5** (redline) ("Revised Part 75"), for the Board's adoption in place of the regulatory changes proposed in the Petition as 20.2.71 NMAC and 20.2.75 NMAC, Petition, Exhibits B and C (clean), respectively, and Exhibits D and E (redline), respectively (filed Dec. 3, 2025).

The purpose of my testimony is to present and explain the fiscal information and financial analysis supporting the fees proposed in Revised Part 71 and Revised Part 75. Fees must be set at levels sufficient to cover the reasonable direct and indirect costs of the Department's Air Quality Program. See generally, **NMED Exhibit 16** (Technical Testimony of Air Quality Bureau Chief

[1] The Title V Program covers major sources, which at the most basic level, are those sources emitting or permitted to emit more than 100 tons per year of a regulated air pollutant. The Construction Program covers all other sources of air pollution. In other words, any facility that is a source of air emissions and is not in the Title V Program is covered by the Construction Program.

Cindy Hollenberg). Costs for the Air Quality Program are significantly more than just the cost of issuing air quality permits. The Air Quality Program relies almost exclusively on fees collected under 20.2.71 NMAC and 20.2.75 NMAC to cover these costs.

In this hearing, the Department respectfully requests that the Environmental Improvement Board ("Board") approve the Department's Petition for Regulatory Change to Repeal and Replace 20.2.71 NMAC, *Operating Permit Emissions Fees*, and 20.2.75 NMAC, *Construction Permit Fees* ("Petition") to set fees at levels sufficient to cover the reasonable direct and indirect costs of administering the Air Quality Program in accordance with federal and state law. As my testimony will demonstrate, the current fees are not sufficient to fully cover these costs.

My testimony will not address the budgeting process, appropriations, or financial oversight of the Air Quality Program. These subjects are covered in the testimony of Secretary C. James Kenney (**NMED Exhibit 8**) and Air Quality Bureau Chief Cindy Hollenberg (**NMED Exhibit 16**). Instead, my testimony will focus on projected costs and revenues, and demonstrate that the proposed fees are sufficient to cover projected costs of the necessary expansion of the Air Quality Program to fulfill its mission. The fiscal analysis laid out in my testimony is supported by the testimony of Air Quality Bureau Chief Cindy Hollenberg and Environmental Protection Compliance & Enforcement Bureau Chief Bret Anderson (**NMED Exhibit 57**), who address the need for Air Quality Program expansion and provide the justifications for expected future increases in expenditures. Therefore, my testimony will not address the justifications for the projected cost numbers.

All the fiscal information and numbers presented in my testimony and supporting exhibits are based upon New Mexico's state fiscal year, which runs from July 1 through June 30. For example, fiscal year 2025 covers July 1, 2024, through June 30, 2025. Both 20.2.71 NMAC and

20.2.75 NMAC require fees based on calendar years, while the Department's financial reporting and budgeting are based on fiscal years.

My testimony will walk through the fiscal analysis the Department conducted to determine a fee structure sufficient to cover the projected costs of the necessary expansion of the Air Quality Program over the next five years to fulfill its mission. The foundation on which the Department built this analysis is the historical costs, revenues, and fund balances for the Department's two Air Quality Program funds, with a special focus on fiscal year ("FY") 2025 – the most recent complete state fiscal year. Secretary Kenney described the special funds – the Title V Special Revenue Fund (SRF 09200) ("Title V Fund") and the Construction Special Revenue Fund (SRF 63100) ("Construction Fund"). Following the discussion of historical data, I will discuss the process used to project costs and revenues for the two funds moving forward, as well as the projected amounts. The projected costs are based upon input from Department financial staff, as well as Air Quality Program needs and considerations described in the testimony of Air Quality Bureau Chief Hollenberg (**NMED Exhibit 16**), and Environmental Protection Compliance & Enforcement Bureau Chief Anderson (**NMED Exhibit 57)**. Then, I will present a "business as usual" scenario based on current costs and no increase in fees to demonstrate the dire need for increased Air Quality Program fees to sustain the Air Quality Program's current capacities and meet even status quo operations. Finally, I will discuss and present the analysis of projected costs and revenues over five years (July 1, 2025 – June 30, 2030) demonstrating that the fees in the revised rules are sufficient to cover the projected costs of the necessary expansion of the Air Quality Program over that period.

II. HISTORICAL COSTS, REVENUES, AND FUND BALANCES

This part of my testimony will address historical costs, revenues, and fund balances for the two Air Quality Program funds, as well as providing background information on these topics as

they inform the Department's projection.

The New Mexico Office of the State Auditor ("OSA") publishes annual audit results towards the end of each calendar year which cover all state agencies. For reference, the entire FY25 OSA audit of the Department's financial statements is included as **NMED Exhibit 67**.[2] The Department has historically used these yearly audits to track revenues, costs, and fund balances for the Air Quality Program. Thus, the Department used them to inform its financial analysis for this rulemaking.

As stated above, New Mexico's fiscal year is July 1 through June 30 of the subsequent year, with the year designated by the year in which the fiscal year ends. So FY25 started on July 1, 2024, and ended on June 30, 2025.

A. Title V Fund Emissions Fee Revenue

Revenue for the Title V Fund derives entirely from emissions fees from major sources, *i.e.*, the highest emitting stationary sources under federal and state law. The Department invoices owners or operators required to obtain a Title V Operating Permit under 20.2.70 NMAC for emissions fees annually, as specified in 20.2.71 NMAC. The emissions fees are based on the relevant year's per ton fee amount and the allowable emissions in tons of each fee pollutant[3] (as indicated on the permit) for each source. While 20.2.71 NMAC has a separate, higher fee for

[2] As the FY25 OSA audit of the Department is 99 pages, most of which are not pertinent to the Air Quality Program, and the other years' reports are similar, only the 2025 report is included in its entirety as an exhibit.

[3] Under the current definition in 20.2.71.7(C) NMAC, "fee pollutant" means: (1) sulfur dioxide, nitrogen dioxide, carbon monoxide, total suspended particulate matter, volatile organic compounds, and mercury; and (2) any hazardous air pollutant that is subject to any standard promulgated pursuant to section 112 of the federal act. In Revised Part 71, "fee pollutant" means: (1) sulfur dioxide, nitrogen dioxide, carbon monoxide, PM10, PM2.5, and volatile organic compounds; and (2) any hazardous air pollutant that is subject to any standard promulgated pursuant to section 112 of the federal act.

Hazardous Air Pollutants ("HAP"), the Department has not collected revenue under this fee in 12 years. This is because the higher HAP fee only applies to facilities that **only** qualify as a major source based on allowable HAPs, as defined in 20.2.70 NMAC (*i.e.*, facilities that do not already qualify as a major source due to the amount of other regulated pollutants). No current facilities regulated by the Department qualify as such and, as stated above, it has been 12 years since this separate, higher HAP fee applied to any Department regulated source. For owners or operators subject to Title V emissions fees, the Department also charges for emissions above annual allowable emission limits (*i.e.*, excess emissions). Pursuant to 20.2.71.113(A)(1) NMAC, the Department must invoice owners or operators for Title V emissions fees by April 1 of each year, and owners or operators must pay these fees by June 1 of each year. To distinguish these fees from the fees collected pursuant to 20.2.75 NMAC, I will refer to fees collected under 20.2.71 NMAC as "emissions fees."

B. Construction Fund Fee Revenue

Revenue for the Construction Fund derives primarily from application review fees and annual fees for owners or operators subject to fees under 20.2.75 NMAC. Currently, annual fees are paid by owners or operators holding a construction permit (*i.e.*, New Source Review or General Construction Permit ("GCP")) who do not pay Title V emissions fees. Thus, owners or operators who pay Title V emissions fees do not also pay a construction permit annual fee even though almost all sources holding a Title V permit also hold a construction permit.[4] The Department sends invoices for construction permit annual fees by mid-January of each year with a due date of February 28. Permit application review fees vary and are calculated based on the points schedule

[4] According to 20.2.75.11(E) NMAC, construction permit annual fees are not assessed to "sources which are assessed an annual fee in accordance with 20.2.71 NMAC".

discussed in the testimony of Air Quality Bureau Chief Hollenberg (**NMED Exhibit 16)**.[5] The Department invoices, and applicants pay for application review fees throughout the fiscal year as owners or operators submit applications. Currently, owners or operators submitting a notice of intent ("NOI") application under 20.2.73 NMAC pay only a $500 filing fee when submitting that particular type of application. Under the current rule (20.2.75 NMAC), NOI facilities pay no annual fee even though these facilities require ongoing compliance work and incur similar costs as facilities required to obtain a permit (**NMED Exhibit 16** at 26-27). Finally, administrative compliance costs are deposited into the Construction Fund.

C. Title V Fund and Construction Fund Costs

Section 74-2-15 of the Air Quality Control Act creates the "state air quality permit fund" as the depository for "all fees collected by the department pursuant to Section 74-2-7 NMSA 1978."[6] This section of the law establishes that money in this fund covers the costs of all aspects of the Air Quality Program, including rulemakings, emission inventories, modeling, monitoring, permitting, and implementing and enforcing permits. NMSA 1978, § 74-2-7. Segregating the fees deposited into this fund into the Title V Fund and the Construction Fund allows for separation of Title V revenues and expenditures since, according to the Clean Air Act, Title V program costs must be covered by Title V revenues.

Direct and indirect costs are discussed by Air Quality Bureau Chief Hollenberg (**NMED**

[5] Applications are assigned a total point value based on the point-based fee schedule in 20.2.75.11(A) NMAC. The sum of all the points for a given application is multiplied by the current cost per point (proposed to increase to $585 in Revised Part 75), resulting in a total dollar amount that is listed on the invoice the Department sends to the owner/operator (or, for certain types of applications, must be paid at the time the application is submitted to the Department).

[6] Although Section 74-2-15 of the Air Quality Control Act refers to a "state air quality permit fund," as a practical matter the "state air quality permit fund" is made up of two separate special revenue funds – the Title V Fund and the Construction Fund.

Exhibit 16). Three Department spending categories are important to my testimony and the fiscal information discussed. These three categories are: 1) employee salary and benefits; 2) non-salary costs, including utilities, equipment, materials, travel costs, vehicle costs, and more; and 3) contract spending (*i.e.*, outside or non-Department contractors). Employee salary and benefit spending is designated as the "200s Category", non-salary or other spending is designated as the "400s Category", and contract spending is designated as the "300s Category." These number designations will be used at times in my testimony and are present in the analyses and exhibits discussed later.

D. Historical Costs, Revenues, and Fund Balances (with special focus on FY25)

NMED Exhibit 68 presents data from the OSA reports spanning FY2012-FY2025, and lists by fiscal year the beginning fund balance, revenues, expenditures/transfers (*i.e.*, costs), ending fund balances, and net change in the fund balances (*i.e.*, ending fund balance minus beginning fund balance). The data is presented for each fund separately and the two funds combined. Cases where the net change in fund balance is a decrease are indicated by red text and the numbers being in parentheses.

Based on the OSA annual audit results, between fiscal years 2012 and 2024, combined revenue into the two Air Quality Program funds exceeded combined expenditures each year except FY2017.[7] **NMED Exhibit 68**. The largest exceedances occurred from FY21 through FY24, with an average exceedance of nearly $4.5 million per fiscal year over these four years, resulting in

[7] In FY17, the New Mexico legislature swept money from both Air Quality Program funds, which shows as an expenditure/transfer in the OSA audits and leads to expenditures being greater than revenues for this year. The money swept from the Title V Fund was returned in FY21, while the money swept from the Construction Fund was not returned. Based on the return of the Title V funds, the OSA audits record a large increase in revenue for the Title V Fund in FY21. The United States Environmental Protection Agency ("EPA") assisted the Department's effort to recoup the Title V funds, but EPA would not assist with the Construction Fund money.

consistent year-over-year increases in both fund balances during this timeframe.

The story changes in FY25, when both the Title V Fund and the Construction Fund balances decreased for the first time in at least five years. Based on the FY25 OSA audit, the Title V Fund decreased by $922,604, starting FY25 with a fund balance of $7,994,989 and ending FY25 with a fund balance of $7,072,385. Adjusting the OSA audit data to reflect revenues only from fees collected under 20.2.75 NMAC, the Construction Fund decreased $1,049,470 in FY25. The adjusted starting FY25 Construction Fund balance is $18,859,773 and the adjusted FY25 ending balance is $17,810,303.[8] For comparison, in FY24 the Title V Fund balance increased by $924,164; the adjusted Construction Fund balance increased by approximately $3.7 million.

Now I will dive a little deeper into the numbers for FY25 since they cover the most recent complete fiscal year and serve as the starting point for the other analyses that will be discussed below. First, let us discuss revenue. Based on the OSA audit, in FY25 (July 1, 2024 – June 30, 2025) the Department collected $3,997,332 in emissions fees for the Title V Fund. **NMED Exhibit 67** at 74. For the Construction Fund, the Department collected FY25 Air Quality Program revenue of $12,061,200[9], of which $11,516,752 derived from fees assessed under 20.2.75 NMAC. The

[8] This adjusted FY25 ending fund balance for the Construction Fund is required to ensure this analysis only considers revenues from fees collected under 20.2.75 NMAC. The adjustment removes revenues from the OSA audit data that are collected either from administrative compliance costs (in FY24 and FY25) or motor vehicle registration fees (only in FY25; these will be discussed in footnote 9). The adjusted FY25 fund balance numbers listed here are used throughout this analysis and differ from the numbers reported in the OSA data. **NMED Exhibit 68** shows both the original numbers reported in the OSA reports and the adjusted numbers.

[9] The FY25 OSA audit reports total Construction Fund revenues of $12,568,160. However, this amount includes some money which is not really Air Quality Program money. As stated in the OSA report, motor vehicle manufacturing registration fees are tracked in the Construction Fund (63100). **NMED Exhibit 67** at 38. Department financial staff reported that this amount is approximately $505,151. The "Investment Earnings" of $1,809 reported in the FY25 OSA audit for 63100 are also a part of the motor vehicle manufacturing registration fees tracking. Removing this portion of the reported revenue leaves $12,061,200.

remaining $544,448 is from administrative compliance costs and is designated as "Other Revenue" in the FY25 OSA report. **NMED Exhibit 67** at 25. Now, let us move to costs.

While costs are reported as "expenditures/transfers" in the OSA audits, the Department needed more detailed cost numbers than those in the audits. Therefore, in early September 2025, Department financial staff provided actual FY25 spending amounts for the two Air Quality Program funds. Based on this data, in FY25 the Department spent $12,383,973 on salary and benefits for Air Quality Program staff funded from the two Air Quality Program funds. This excludes the amount covered by federal funds and is actual expenditures (*i.e.*, no actual expenditures occur while positions are vacant). In FY25, the Department spent $2,211,754 on other costs not part of salary/benefits and not contracted to third parties (like travel, utilities, office and field equipment and supplies, materials, etc.). In FY25, the Department spent $2,850,872 on contracted services, including services for hearings, assistance with permit reviews, assistance with database upgrades, and development of tasks and projects to help the Department carry out the mission of the Air Quality Program. In total, the Department spent $17,446,599 on Air Quality Program staffing and activities in FY25 from the two Air Quality Program funds. FY25 actual non-contract spending (*i.e.*, 200s and 400s) is outlined in Table 1 below.

Table 1: Department Air Quality Program FY25 Actual Non-Contract Spending by Fund

Category	Which Fund?		
	Title V Fund	Construction Fund	Both Funds
FY25 AQB Employee Salary/Benefits (200s Category)	$3,092,681	$5,986,492	$9,079,173
FY25 AQB Non-salary costs (400s Category)	$282,212	$766,241	$1,048,454
FY25 AQ C&E Employee Salary/Benefits (200s Category)	$1,548,500	$1,756,300	$3,304,800
FY25 AQ C&E Non-salary costs (400s Category)	$545,100	$618,200	$1,163,300

Since salary costs are a large portion of the FY25 actual costs, I am going to discuss Air Quality Program staffing at the end of FY25 (*i.e.*, June 30, 2025). An AQB organizational chart from late June 2025, which includes compliance and enforcement positions that have since moved to AQ C&E and EPCEB, lists 121 technical and administrative positions. **NMED Exhibit 69**. While AQ C&E positions now reside within the EPCEB, these positions will continue to be funded from the Title V Fund and Construction Fund. Of those 121 positions, 108 are funded solely from the Air Quality Program funds, while the remaining 13 (monitoring and quality assurance positions) are funded 60% from federal funds and 40% from the state (*i.e.*, Air Quality Program) funds. In addition to those 121 positions, Air Quality Program funds pay for four financial staff and three attorneys. Of the 121 positions on the AQB org chart, nine are vacant positions that are newly created and had never been filled as of late June 2025.

In order to highlight recent increased costs and lay the foundation for the analysis to be discussed below, Tables 2 and 3 below summarize the FY24 and FY25 revenues, costs, and fund balances for the two Air Quality Program funds. These tables show a spending increase in FY25 compared to FY24 as the Department began increasing staffing and activity to more fully implement the Air Quality Program in accordance with priorities explained by Secretary Kenney, Bureau Chief Hollenberg, and Bureau Chief Anderson. As the tables show, the fund balance in both the Title V Fund and the Construction Fund decreased in FY25 due to costs exceeding revenues for that fiscal year (*i.e.*, the numbers inside parentheses with the negative sign and in red font).

Table 2: FY24 and FY25 Costs, Revenues, and Fund Balances for the Title V Fund

Title V Fund	**FY24**	**FY25**
Beginning Fund Balance	$7,070,825	$7,994,989
Cost from OSA audits	$2,825,439	$4,919,936
Revenue from OSA audits	$3,749,603	$3,997,332
Ending Fund Balance	$7,994,989	$7,072,385
Fund Balance Change	$924,164	(-$922,604)

Table 3: FY24 and FY25 Costs, Revenues, and Adjusted Fund Balances for the Construction Fund

Construction Fund	**FY24**	**FY25**
Adjusted Beginning Fund Balance	$15,167,721	$18,859,773
Cost from OSA audits	$6,877,608	$12,566,222
Adjusted Revenue (20.2.75 NMAC fees only)	$10,569,660	$11,516,752
Adjusted Ending Fund Balance	$18,859,773	$17,810,303
Adjusted Fund Balance Change	$3,692,052	(-$1,049,470)

E. Fund Balances and Reserve Levels

While the fund balances at the end of FY25 may seem large at face value (despite the nearly $2 million decrease in fund balance across both Air Quality Program funds), this is a necessary situation. As discussed above, the Department collects a significant portion of yearly revenue for the two Air Quality Program funds in the second half of the fiscal year, while the Department pays for expenses throughout the fiscal year. For the Construction Fund, application review fees come in throughout the fiscal year, but the annual fee payments, which account for more than half of revenue into the fund, are not due until February 28 of each year – eight months into the fiscal year. For the Title V Fund, annual emissions fee payments are not due until June 1 of each year, just one month before the end of the fiscal year. As explained in the testimony of Secretary James Kenney (**NMED Exhibit 8**), maintaining healthy fund balances is important to successfully planning future year program budgets given the state budgeting framework. In addition, the

Department's Chief Financial Officer, Miranda Ntoko, provided the following statement regarding fund balances and budgeting:

> The budgetary process requires that agencies show a fund balance healthy enough to fund the anticipated expenditures for every budget request. Special Revenue funds are especially scrutinized by the Department of Finance and Administration and the Legislative Finance Committee to ensure the agency's budget, as approved during the budget process, is backed by actual cash (*i.e.*, the amount in the fund) and in small part by a demonstrable history of revenue generation through fees or other sources. (**NMED Exhibit 70**)

III. FUTURE YEAR PROJECTED COSTS AND REVENUES

Now that we have examined and understand the historical numbers, I am going to discuss the cost and revenue projections for future years. Following this, I will present the analyses and numbers demonstrating the need for the proposed fees and how those proposed fees cover the projected costs of administering the Air Quality Program. To evaluate and determine an appropriate fee structure, the Department needed projections of costs and revenues for each fund over the five-year period from June 1, 2025, through June 30, 2030 (*i.e.*, FY26-FY30). The next part of my testimony will describe the overall process for these projections and provide some numbers.

A. FY26-FY30 Projected Costs

First, the Department needed to determine the projected costs of the necessary expansion of the Air Quality Program to minimally meet program needs as described by Bureau Chief Hollenberg and Bureau Chief Anderson. To this end, the Department developed a comprehensive five-year projection of costs based on current and projected future spending. The cost estimate covers FY26-FY30 and is based on fiscal years rather than calendar years. This five-year analysis is included as **NMED Exhibit 71**, and it includes projected revenues and charts which I will discuss later. Now, let us focus on the cost projections.

This cost estimate is fund-specific, lists AQB and AQ C&E separately, and includes as a

starting point actual FY25 spending amounts for non-contract spending provided by Department financial staff. As discussed above, there are three main areas of spending within the Air Quality Program budgets: 1) employee salary and benefits (the 200s Category); 2) non-salary costs (the 400s Category), including utilities, equipment, materials, travel costs, vehicle costs, and more; and 3) contract spending (the 300s Category).

1. Projected Contract Spending

Air Quality Program contract spending is projected at $8,000,000 per year for each year of the analysis, due to the increasing needs of the Air Quality Program as outlined in the testimony of Cindy Hollenberg (**NMED Exhibit 16**). While this amount is an increase over FY25 actual contract spending ($2,850,872), the Department's FY25 contract spending was limited due to Department of Finance and Administration restrictions during that fiscal year. In **NMED Exhibit 71**, projected contract spending is entirely accounted for in the AQB sections in the rows labeled "Air Program Contracts (300s)" (*i.e.*, rows 4, 36, and 68).[10] Within the AQB sections, $1,600,000 is "charged" to the Title V Fund while the remaining $6,400,000 is "charged" to the Construction Fund. These numbers are unchanged through the five fiscal years of this analysis. Remember, this cost projection is not part of the state's formal budgeting process, nor a plan for how the Department intends to spend or track costs/expenditures. Instead, the Department projected Air Quality Program costs in future years specifically for this analysis to determine an appropriate and sufficient fee structure. For purposes of the analysis, the Department projects $8,000,000 per year for contract spending and the projected cost is split 20% to the Title V Fund and 80% to the

[10] Currently, all contract spending is attributed to AQB even if services are provided to AQ C&E, so this is accurate although not fully reflective of the real-world use of the funding. In addition, breaking these amounts into AQB and AQ C&E within each fund has no effect on the overall analysis discussed in my testimony.

Construction Fund as an assumption based on emissions data.[11]

2. Projected Non-Contract Spending

In **NMED Exhibit 71**, the FY25 actual non-contract spending amounts are shown in the FY26 column (*i.e.*, column B) in the rows labeled "Prev. Year …" (*i.e.*, rows 2, 5, 12, 15, 34, 37, 44, 47, 66, 69, 76, and 79). All staffing costs as of the end of FY25 (including Air Quality Program attorneys and financial staff) are included in the FY25 actual spending amount (*i.e.*, the 200s Category) used in the cost projection as the starting point for FY26 costs. In subsequent fiscal years (*i.e.*, FY27-FY30), the cells in the "Prev. Year…" rows are the sum of the previous year's projected costs in each category (*i.e.*, 200s are salary/benefits and 400s are other, non-salary costs). The new costs for each fiscal year are presented in other labeled rows (*i.e.*, rows 6, 7, 9, 16, 17, 19, and 20 on the Title V Fund page) within each fiscal year. The projected new costs for the 200s and 400s in the future years are based on an increase in staffing, which is discussed below, to address Air Quality Program needs.

Due to increasing demands on the Air Quality Program as described in the testimonies of Bureau Chief Hollenberg (**NMED Exhibit 16**) and Bureau Chief Anderson (**NMED Exhibit 57)**, the Department developed a plan mapping out the creation of 81 new positions in the AQB and AQ C&E over the five-year period from July 1, 2025, through June 30, 2030 (*i.e.*, FY26-FY30) ("Original Position Creation Plan"). Remember that while AQ C&E now resides in the newly created Compliance and Enforcement Division, all AQ C&E staff within that Division will continue to be funded from the Air Quality Program fees. The Original Position Creation Plan

[11] While there is some flexibility in how these costs can be allocated between the funds, the Title V Fund cannot support much more than 20% of this projected cost without proposing a higher per ton fee than $85. In addition, based on the 2023 emission inventory (further discussed in Footnote 13), 19.7% of total reported emissions derived from sources holding a Title V permit (**NMED Exhibit 20**).

generally spreads these 81 new positions evenly over the next five fiscal years. Of these 81 new positions, the Department has already filled nine since July 1, 2025, the start of FY26.

Department financial staff provided estimated costs for the 81 new positions included in the Department's Original Position Creation Plan. **NMED Exhibit 72**. Projected salary costs are estimated based on the midpoint of the State Personnel Office ("SPO") pay band for each position. Projected costs for employee benefits like medical insurance, retirement benefits and pension, as well as payroll taxes, are calculated using a rate of 40% of salary, which, according to Department financial staff, represents an approximate average of these costs. These amounts are designated as "New Salary/Benefits Cost (200s)" in **NMED Exhibit 71**. Each new employee requires equipment, software licenses, basic supplies, training, etc., which are projected at $9,500 per new employee, the amount the Department generally uses to project these costs for new positions. These amounts are designated as "Other Costs Increase – New Staff (400s)" in **NMED Exhibit 71**. The Original Position Creation Plan includes $250,000 for new vehicles, as well as increased travel costs of $175,000, which are required for the new employees. These amounts are designated "Travel Costs Increase – New Staff (400s)" and "Vehicle Costs – New Staff (400s)" in **NMED Exhibit 71** and are spread evenly over the five years. Finally, the Original Position Creation Plan designates how much of each new position's costs are covered by each fund, SRF63100 (Construction Fund) and SRF09200 (Title V Fund). This varies depending on position and activity but is commonly set at 80% Construction Fund and 20% Title V Fund.

To make the estimated cost of the Original Position Creation Plan more accurate, the Department modified the plan to account for some predicted costs and realities with staffing as we will now discuss. This "Modified Position Creation Plan" is included as **NMED Exhibit 73**. First, as part of the state budgeting process each year the legislature and governor consider annual pay

raises for all state employees. When the legislature and governor approve pay raises state-wide, Air Quality Program employee raises are funded from the Air Quality Program funds. Since state employees have received annual raises of approximately 3.6% on average for the last eight years, the Department added an assumed 3% increase to salary costs each year to account for the likely continuation of these raises. This is designated "Legislative Raises 3%" in **NMED Exhibit 71**. Second, the Department added a 10% vacancy discount (*i.e.*, reduction in labor costs) to all new positions given the natural ebb and flow of the workforce. This is designated "10% Vacancy Disc on NEW Labor" in **NMED Exhibit 71**. In addition to the natural ebb and flow of the workforce, the projected salary and benefit costs for new employees in the original cost estimate assumed all new positions would be filled for the entire fiscal year, which is not realistic. Finally, the Department added a 10% increase to salary and benefit costs for all current positions in FY27 to account for a likely transfer of all existing air program staff to the new Air Protection Professional Job Series being implemented by SPO. This is designated "10% Increase for Air Protection" in **NMED Exhibit 71**. The following paragraph will explain this adjustment and new job series in more detail.

Effective August 2, 2025, SPO transitioned all state employees to a new job classification architecture (**NMED Exhibit 74**) and updated salary schedule (**NMED Exhibit 75)** As part of this transition, SPO created a new Job Title, Air Protection Professional. Historically, all technical, non-managerial positions within AQB (before the divide to EPCEB) were classified into different levels (associated with different pay band levels) of the Environmental Scientist and Specialist series. As part of the transition to the new classification architecture, SPO replaced that job series with the Environmental Scientist series and all Air Quality Program positions were transferred into an equivalent level of that series. The Air Protection Professional series is structured similarly to

the Environmental Scientist series, but each level in the Air Protection Professional series is one pay band higher than the corresponding level in the Environmental Scientist series. While no existing positions have been transferred to, or new positions created in the Air Protection Professional series as of February 4, 2026, the Department expects that all air program positions will eventually transfer to the Air Protection Professional series. This action would move all technical employees and managers up one level into a higher pay band. Therefore, as stated above, the Department applied a 10% increase to salary/benefit costs for existing positions in FY27 to account for this new classification category. The Department used 10% as a conservative upward estimate of costs (meaning the actual adjustment may be higher). Although the timing of this change and the actual salary increases are uncertain, within the SPO system, generally each pay band is 10-15% higher than the next level down. Also, all proposed positions for FY27-FY30 in the Original Position Creation Plan are in the Air Protection Professional series to account for this imminent transition.

As stated earlier, the Original Position Creation Plan generally spaced the creation of new positions in the Air Quality Program evenly across FY26-FY30. However, given the current fiscal situation and projected end of FY26 fund balances for the two Air Quality Program funds, it is unlikely the Department will be able to create new positions during the remainder of FY26. In addition, current fiscal uncertainty will likely limit the Department's ability to create new positions in FY27. Once the Revised Part 71 and Revised Part 75 are adopted and revenues increase (future year revenue projections are discussed below), the Department expects to be able to resume creating and filling the new positions. Therefore, in the Modified Position Creation Plan the Department adjusted the cost estimate in the Original Position Creation Plan by moving all non-filled positions originally scheduled for FY26 and all positions scheduled in FY27 to FY28-FY30.

While it is possible some positions could be created in FY27 upon adoption of the Department's revised rules and changed fees, the Department views the described approach as the most realistic projection for the costs associated with the creation of the new positions. This adjustment does not significantly affect the overall end of FY30 projected costs but does move some costs from the earlier fiscal years to later fiscal years.

3. Total Projected Costs

The five-year cost projection includes the labor costs as projected in the Modified Position Creation Plan for FY26-FY30 for salary/benefits (200s) and non-salary costs (400s). The five-year projected costs for FY26-FY30 are provided in **NMED Exhibit 71**. The spreadsheet lists costs for AQB and AQ C&E separately, and shows costs for the Construction Fund, the Title V Fund, and both funds combined. For reference, the total projected costs for each fiscal year are listed in Table 4 below. FY26 projected spending is increased over actual FY25 spending due to the increase in staffing that has already occurred in FY26 and the need for significant contract work to fulfill the Air Quality Program responsibilities, as outlined in the testimony of Air Quality Bureau Chief Hollenberg (**NMED Exhibit 16**).

Table 4: Projected Air Quality Program Costs, FY26-FY30

Fiscal Year	Title V Fund	Construction Fund	Both Funds
FY26	$7,442,756	$16,699,624	$24,142,379
FY27	$8,128,242	$17,959,073	$26,087,315
FY28	$8,837,090	$21,319,595	$30,156,686
FY29	$9,442,510	$24,544,016	$33,986,526
FY30	$10,291,007	$27,839,541	$38,130,549

B. FY26-FY30 Projected Revenue

The Department also needed the ability to project revenues from fees for the five-year period to establish a fee structure sufficient to cover the projected costs of administering the Air Quality Program. At the highest level, this involved multiplying the proposed fee amount by the estimated yearly count for each activity subject to a fee. More details on this will be presented in the following paragraphs.

For FY26, the Department bases its projections on the current fee amounts since the revised rules will not be effective until June 2026 at the earliest, which is well after the FY26 annual billing cycle. For FY27, the Department bases its projections on the new fee amounts in the revised rules. Finally, for FY28-FY30, the projections are based on the new fee amounts plus a 3% per year increase to account for projected annual adjustments based on the Consumer Price Index ("CPI"). Historically, the Department adjusted fees yearly based on increases in the CPI. The revised rules reset the fees in 2027 to the proposed amounts, then resume the CPI adjustments in 2028. Over the last three years (2024-2026), annual CPI increases in emissions and permit fees averaged 3.06% and ranged from 2.5% to 3.7%. The following paragraphs provide more detail on the revenue projections for each of the two Air Quality Program funds.

The Department created a revenue calculation spreadsheet, included as **NMED Exhibit 76**. This calculation tool allowed quick evaluation of revenue projections associated with various possible fee amounts. This will be discussed in more detail below in Section V.

As discussed earlier, Title V Fund revenue is based upon the allowable tons of pollutants on Title V permits (with prorated reductions for shutdowns exceeding 60 days) and actual excess emissions, both in tons. Multiplying this number by the fee per ton yields an overall dollar amount. For FY26, the fee per ton is $40.59. If the revised rules are adopted, the fee per ton will increase

to $85 for FY27 billing (which will occur in early spring of 2027) and be changed annually starting in 2028 by the increase, if any, in the CPI. As stated above, for the revenue projections the Department included a 3% annual increase to the proposed per ton fee in FY28-FY30 to estimate future CPI increases.

To estimate annual Title V Fund revenue for FY27-FY30, the Department used 109,916 tons, calculated as follows: tons of pollutants billed in 2024 during normal annual invoicing (100,251) + excess emissions billed in 2024 (621) + allowable particulate matter 10 microns or less ("PM10") on Title V permits at the end of 2024 (9,044).[12] Allowable PM10 is added since the Department did not bill for any particulate matter in 2024 but will do so moving forward if the revised rules are adopted. Since Title V allowable emissions have decreased steadily over the past 13 years, the Department used the most recent 2024 numbers for allowable PM10 emissions. Finally, the Department needed to adjust the projected revenue for the proposed cap of 3,000 tons in Revised Part 71, Section 111(A)(7). To estimate the revenue effect of the 3,000-ton cap, the Department simulated the effects of this cap on 2024 Title V revenue. Applying the 3,000-ton cap to the 2024 allowable Title V PM10 emissions and per ton fee results in approximately a 2.6% reduction in the Title V revenue collected. Therefore, the Department applied a 2.6% reduction adjustment to the projected Title V revenue in FY27-FY30 (since the cap will not be in effect for FY26). Based on these assumptions and calculations, the projected revenue for FY27-FY30 in this analysis is that year's projected Title V emissions fee times 109,916 tons, then minus the 2.6% adjustment described above. The projected emissions fee revenue for each fiscal year is shown in row 25 labeled "Revenue from Fees" in **NMED Exhibit 71**.

[12] As discussed in Air Quality Bureau Chief Hollenberg's testimony, owner/operators will only be billed for the larger of their allowable PM10 or PM2.5 emissions, which will almost always be PM10 since PM10 includes the smaller PM2.5 particles. **NMED Exhibit 16** at 31.

As discussed earlier, Construction Fund revenue currently derives from annual fees for construction permits and review fees for construction permit and NOI applications. In addition, Revised Part 75 institutes an annual fee for NOIs and increases the fee (by increasing the points) for modeling reviews, in addition to increasing the points for a GCP-Oil & Gas registration to thirty and adding NOI applications to the points schedule at ten points. Therefore, to project overall revenue for this fund, the Department needed to estimate the following annual numbers: total application review points (excluding points for GCP-Oil & Gas registration applications, which are projected separately), active construction permits, active NOIs, GCP-Oil & Gas registration applications (excluding administrative revisions which are processed without a charge), NOI applications (excluding administrative revisions which are processed without a charge), and modeling reviews. All these estimated numbers are discussed below and included in **NMED Exhibit 71**.

For the total number of application review points, the Department averaged annual activity from 2021 through 2024 and calculated 1,373 points billed per year (excluding the GCP-Oil & Gas). This accounts for all construction permit application review points other than the GCP-Oil & Gas. For the number of billable GCP-Oil & Gas registration applications (excluding administrative revisions) and the number of billable NOI applications (excluding administrative revisions), the Department averaged annual activity from 2022 through 2024 and calculated 743 billable GCP-Oil & Gas registration applications per year and 367 billable NOI applications per year. The numbers for GCP-Oil & Gas registration applications and NOI applications are based on three-year averages rather than the four-year average used to estimate application review points to better account for recent growth in the number of applications submitted in these two categories. For the number of active construction permits and NOIs (for annual fee revenue calculations), the

Department used 2,600 construction permits and 3,400 NOIs, which are rounded estimates based on mid-to-late 2025 counts. For the number of modeling reviews, the Department used 18, which is the number of reviews performed in 2023. These numbers are assumed steady throughout the five years of the analysis, and this is discussed in more detail below. Based on these assumptions and calculations, the projected revenue is the product of that year's projected fee amount times the appropriate number from the above list. The individual projected amounts and the total per fiscal year are presented in **NMED Exhibit 76**. The total projected Construction Fund revenue for each fiscal year is also shown in row 56 labeled "Revenue from Fees" in **NMED Exhibit 71**.

Since the new fees and changes will not be effective until FY27, the Department projected FY26 revenues in a different manner. In FY26, the Department anticipates collecting around $4.1 million in emissions fees (under the currently existing fee structure) for the Title V Fund. This estimate is based on 100,872 tons since the Department will not charge for PM in the FY26 billing, which will occur under the existing version of 20.2.71 NMAC. So, the 9,044 tons of PM10 used in the FY27-FY30 revenue projections are excluded from the FY26 projection. The per ton fee used for the FY26 projection is the actual 2026 amount, $40.59. Multiplying $40.59 per ton times 100,872 tons equals $4,094,394. The Department rounded the FY26 Title V revenue projection to $4,100,000 since the estimate occurred in the later part of 2025 prior to knowing specifics about the calendar year 2025 numbers for allowable PM10. For the Construction Fund, in FY26 the Department anticipates collecting around $11.9 million from fees (under the currently existing fee structure). This is a rounded estimate of a 3% increase (for CPI) to the FY25 adjusted actual Construction Fund revenue discussed earlier[13], and represents a compromise of the general trend

[13] $11,516,572 (adjusted FY25 Construction Fund revenue) times 1.03 (3% CPI increase) equals $11,862,069, which is rounded to $11,900,000.

of increased Construction Fund revenue in recent years with the uncertainty of future projections.

1. FY26-FY30 Projected Revenue

The projected revenues for FY26-FY30 are provided in **NMED Exhibit 71**. The spreadsheet lists projected revenues for the Construction Fund, the Title V Fund, and both funds combined. For reference, the total projected revenues from fees are listed in Table 5 below by fund and source.

Table 5: Projected Air Program Revenues From Fees, FY26-FY30

Source	FY26	FY27	FY28	FY29	FY30
Title V Fund					
Emissions fees	$4,100,000	$9,099,946	$9,372,944	$9,654,132	$9,943,756
Construction Fund					
NSR Annual Fees	$---	$7,280,000	$7,498,400	$7,723,352	$7,955,053
NOI Annual Fees	$---	$2,380,000	$2,451,400	$2,524,942	$2,600,690
NOI Application Review Fees	$---	$2,145,000	$2,209,350	$2,275,631	$2,343,899
GCP-Oil & Gas Application Review Fees	$---	$13,045,500	$13,436,865	$13,839,971	$14,255,170
Other Application Review Fees	$---	$803,205	$827,301	$852,120	$877,684
New Modeling Review Revenue	$---	$157,950	$162,689	$167,569	$172,596
Total Construction Fund	$11,900,000	$25,811,655	$26,586,005	$27,383,585	$28,205,092
Both Funds					
Total	$16,000,000	$34,911,601	$35,958,949	$37,037,717	$38,148,848

C. Cost and Revenue Projection Uncertainty

While future year cost and revenue projections are required to determine a proposed fee structure, these projections are uncertain as it is impossible to predict the future. Thus, to be as accurate as possible the Department made reasonable estimates and data-supported assumptions regarding the many factors affecting future costs and revenues, but undoubtedly some or all of these estimates and assumptions will differ from future reality. The Department made these estimates and assumptions to reasonably estimate future costs and revenues in order to determine a fee structure sufficient to cover the costs of administering the Air Quality Program for purposes of this rulemaking. Moving forward, the Department will continue to evaluate actual revenue and cost numbers yearly, and will propose future changes to the Air Quality Program fees if supported by these annual evaluations.

The cost projections incorporate estimates of annual salary increases, vacancy discounts, and a one-time salary increase for the expected transition to the new Air Protection Professional job series. The Modified Position Creation Plan on which the cost projections are based includes an adjustment to the timing of position creation reflecting limits based on the current fiscal situation. Future year differences from these estimates and adjustments will change the actual future year costs relative to the projections. Other uncertainties in the cost projections for which no adjustments are made include inflationary effects on utilities, supplies, and other non-salary costs; potential and unpredictable changes to projected employee benefits costs, like changes in insurance premiums or retirement contributions; potential changes in the timing of the new position creation and when those positions are actually filled; and changes to contract spending in future years. Any of these factors could lead to actual future year costs being higher or lower than projected.

For the Title V Fund, the revenue projections incorporate estimates of future CPI increases as well as unchanging allowable emissions and a constant 2.6% reduction in Title V revenue due to the 3,000-ton cap in Revised Part 71. For the Construction Fund, the revenue projections incorporate estimates of future CPI increases and unchanging application activity and active facility counts in the Construction Permit program. While the allowable emissions, application activity, and active facility counts will likely change in future years, there is no way to know in which direction or how much any individual number will change. Likewise, there is no way to predict the actual future movement of the CPI.

For instance, the Department considers it likely that some owners/operators will cancel their NOIs with the imposition of the new NOI annual fee. Likewise, the increase in the points for the GCP-Oil & Gas registration could lead to changes in the number of those applications. In addition, adding the NOI application to the points schedule at 10 points could lead to a decrease in the number of those applications and a corresponding increase in the number of construction permit applications. Within the Title V program, owners/operators could lower their allowable emissions in future years in response to the higher per ton fee, causing actual revenue to be less than projected revenue. Future changes in allowable Title V emissions could also change the actual amount of revenue reduction associated with the 3,000-ton cap for the Title V Fund. As a final example, New Mexico's oil and gas production, which has increased dramatically over the past 10-15 years, could increase, stagnate, or even decrease in coming years, which would affect all the Construction Program application activity and active facility numbers that determine projected revenue as well as potentially the Title V allowable emissions. Considering all of the unknowns around future emissions, application activity, and facility counts, the Department opted to use steady numbers for future revenue projections and as previously noted will continue to monitor

changing conditions in future years.

IV. BUSINESS AS USUAL SCENARIO (NO FEE CHANGES)

Before we consider the five-year projection and comparison of projected costs and revenues, let us discuss what happens if the Department cannot adjust the fees collected under 20.2.71 NMAC and 20.2.75 NMAC. This analysis is based on the FY25 ending fund balances presented above in Section II.D. This analysis starts with actual FY25 non-contract spending and assumes contract spending remains at $8,000,000 per year moving forward. Salary/benefit costs for new FY26 positions already filled as of January 2026 are included in this analysis, as are 3% annual raises for all staff since these are dictated by the legislature, but no other future position creation costs or salary increases due to the expected transition to the new Air Protection Professional job series are included. This represents a business as usual scenario or a projection of the continuation of current spending over the next five years. Revenue projections for this analysis are based on the current fee structure and include annual 3% CPI increases.

In other words, this business as usual scenario projects what happens if the proposed fee adjustments are not adopted and assumes the Air Quality Program's necessary expansion would be halted. This would have extensive negative effects for New Mexico's air quality, Department employees, the regulated community, and the public as the Department could not sufficiently fund or implement its Air Quality Program. The projected spending and revenues for FY26 under the business as usual scenario are presented in **NMED Exhibit 77** and are summarized in Table 6 below. **NMED Exhibit 77** includes graphs presenting the projected costs, projected revenues, and projected fiscal year ending fund balances in visual form.

Table 6: FY26 Projected Costs, Revenues, Shortfalls, and Fund Balances - Air Quality Program Funds

	Title V Fund	Construction Fund	Both Funds
FY26 Beginning Fund Balance	$7,072,385	$17,810,303	$24,882,688
Projected Costs	$7,404,135	$16,545,140	$23,949,274
Projected Revenue	$4,100,000	$11,900,000	$16,000,000
Projected Shortfall (Revenue-Costs)	(-$3,304,135)	(-$4,645,140)	(-$7,949,274)
Projected FY26 Ending Fund Balance	$3,768,250	$13,165,163	$16,933,414

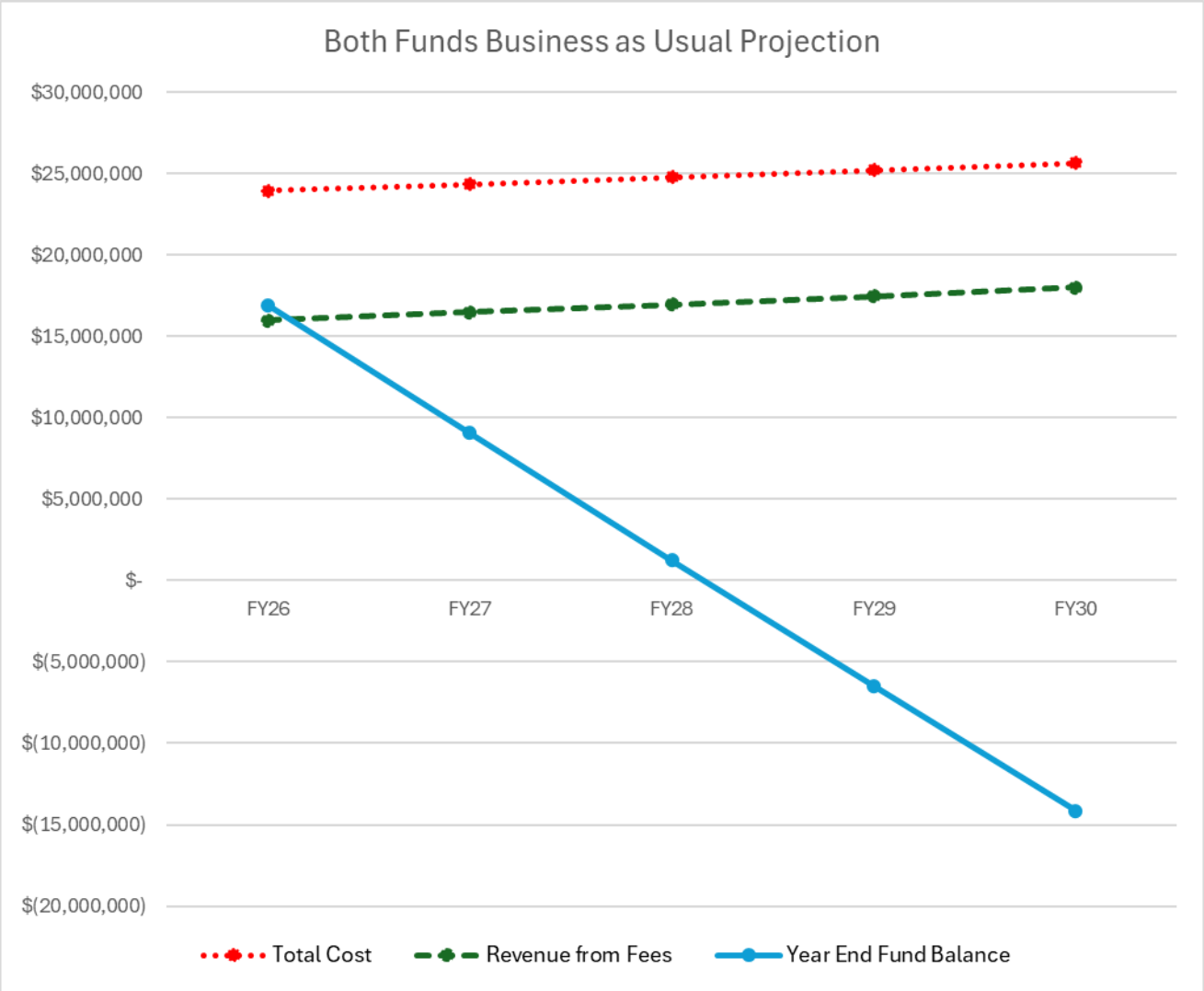
As Table 6 above and **NMED Exhibit 77** demonstrate, the Department faces a revenue shortfall in FY26 of nearly $8,000,000 across both Air Quality Program funds in the business as usual scenario. As **NMED Exhibit 77** also illustrates, in this business as usual scenario the shortfall continues in future fiscal years and results in both funds draining their reserves. This scenario projects Title V Fund exhaustion in FY28 (which begins July 1, 2027) and Construction Fund exhaustion in FY29.

If Revised Part 71 and Revised Part 75 are not adopted, the drastic cost cutting measures and budgeting limitations required to avoid fund exhaustion would likely start in FY27 (which begins in about 3 months on July 1, 2026) and would negatively affect the functioning of the Department's Air Quality Program, as well as New Mexico's air quality. This business as usual scenario projection demonstrates the urgency and need for the Board to adopt the Department's revised rules with fee changes since the current fees do not support the current status quo, much less the increased needs of the Air Quality Program as reflected in the cost projections described earlier and the testimony of Bureau Chief Anderson (**NMED Exhibit 57)** and Bureau Chief Hollenberg **(NMED Exhibit 16).**

As a visual summary, below is a chart pulled from **NMED Exhibit 77** which presents this

business as usual scenario with numbers for both funds totaled. **NMED Exhibit 77** contains this chart as well as a separate chart for each air program fund considered independently.

Combined Cost, Revenue, and Fund Balance Projections Under the Business as Usual Scenario



The Board's adoption of the revised rules will not alter the FY26 projections since the changed fees will not take effect until the FY27 billing cycle (in early 2027). While the actual FY26 spending and revenue numbers will likely vary somewhat from the projected amounts, there is little doubt there will be a shortfall in the current fiscal year (*i.e.*, costs will exceed revenues). However, the Air Quality Program funds can absorb the projected FY26 shortfall with a projected

end of FY26 combined fund balance of $16,933,414 (versus a starting FY26 amount of $24,882,688). While this represents a significant decrease in the Air Quality Program fund balances, as will be explained below, the fee changes in the Department's revised rules will fully cover the Air Quality Program's future projected costs, and the fund balances will recover sufficiently over the coming years.

V. FIVE-YEAR ANALYSIS OF PROJECTED COSTS AND REVENUES

Now that all the background is laid out, let us examine the five-year projection (FY26-FY30) of Air Quality Program costs and revenues based on the proposed fees and projected costs. The Department needed to determine a proposed fee structure sufficient to cover the projected costs. The revenue calculation spreadsheet (**NMED Exhibit 76**) allowed the Department to evaluate the potential revenue collected under different fee scenarios over FY26-FY30. The revenue calculation spreadsheet contains built-in formulas to automatically calculate and apply the estimated 3% CPI adjustment to fees in FY28-FY30 based upon the amount entered for FY27. So, changing a fee amount in the FY27 column (labeled as "C") of the revenue calculation spreadsheet (**NMED Exhibit 76**) changes all subsequent years and the overall projected revenue. The targeted amount of revenue required in FY30 is the total projected costs in FY30 to ensure the proposed fee structure sufficiently covers the projected costs of administering the Air Quality Program.

As discussed earlier in Section III.B. about revenue projections and the revenue calculation spreadsheet (**NMED Exhibit 76**), many numbers were held constant, including facility and application counts, and allowable Title V emission levels. In addition, the proposed points for the GCP-Oil and Gas registration application (proposed at 30 points) and the NOI application (proposed at 10 points) are also unchanging. My testimony already explained the reasoning for the facility/application counts and allowable Title V emissions being held constant. The proposed

point changes for the GCP-Oil and Gas registration and NOI applications are held constant since they are set based on a comparison of those actions with other permitting actions, as discussed in the testimony of Air Quality Bureau Chief Hollenberg (**NMED Exhibit 16**).

In the Title V Fund, changing the per ton fee in FY27 changed the projected revenue since the projected revenue is the product of the estimated tons number (held constant at 109,916 tons) times the per ton fee. Comparing the projected FY30 revenue associated with different per ton fee amounts with the projected FY30 Title V Fund costs allowed the Department to determine an appropriate FY27 per ton fee. The Department determined that setting the Title V emission fee to $85 per ton in FY27 generates sufficient revenue to cover the projected costs for the Title V Fund (see Section V.A. below).

For the Construction Fund, the Department selected a fee scenario that equitably and fairly spreads the projected cost recovery across sources covered by 20.2.75 NMAC, including NOI facilities. Since the proposed changes to the point schedule as well as the facility and activity counts are held constant, only the construction permit annual fee, the NOI annual fee, and the per point fee could vary. For the new NOI annual fee, the Department targeted approximately 25% of the construction permit annual fee, based on emissions and the newness of the NOI annual fee. In the 2023 emissions inventory[14], NOI facilities accounted for roughly 32.5% of the total reported emissions and 40.5% of the non-Title V reported emissions (*i.e.*, the minor source emissions). **NMED Exhibit 20**. The Department settled on 25% of the proposed construction permit annual fee as the target since the NOI annual fee is new and permitted facilities generally require more

[14] The 2023 emissions inventory, submitted in early 2024, is the most recent year for which the Department has minor source emissions data. Major (*i.e.*, Title V) sources submit emissions inventory data yearly, but currently the Department only collects minor source emissions data (along with major source emissions data) every three years.

Department work than NOI facilities. While evaluating different construction permit annual fee and per point fee amounts, the Department aimed to maintain a similar percentage increase over the current amount for both fees. Both the proposed construction permit annual fee ($2,800) and the proposed per point fee ($585) are roughly 9% higher than the current amounts ($2,564 and $539, respectively).[15] The proposed $700 NOI annual fee is 25% of $2,800, the proposed construction permit annual fee. Comparing the projected FY30 revenue associated with different fee amounts for the construction permit annual fee, the NOI annual fee, and the per point fee with the projected FY30 Construction Fund costs allowed the Department to determine appropriate FY27 fees (see Section V.B. below).

While there are literally infinite options for how the fees could be set, the Department views the fees in the revised rules as a fair, reasonable, and equitable means of collecting the required revenue to account for projected costs associated with Air Quality Program needs as set forth in Bureau Chief Hollenberg and Bureau Chief Anderson's testimony. The following two sections go into detail on the projections for each fund. All charts and numbers below are pulled from **NMED Exhibit 71**.

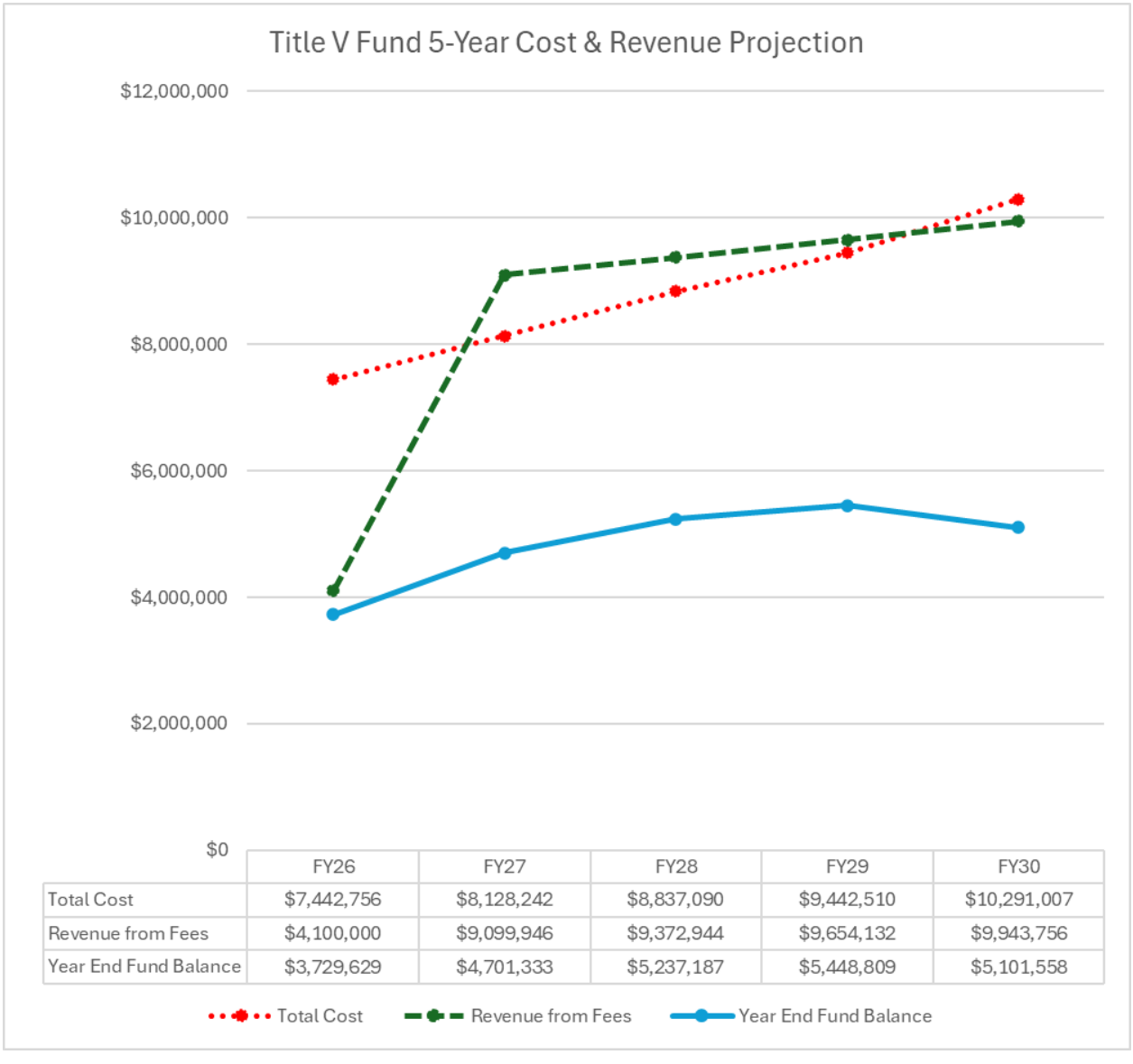
A. Title V Fund Five-Year Projection

Below is a chart with an embedded data table presenting the projected costs, revenues, and end of fiscal year fund balances for the Title V Fund from FY26 through FY30. The revenue shortfall in FY26 is discussed above in the section covering the business as usual scenario. Projected revenues exceed projected costs for FY27-FY29, allowing some recovery of the fund

[15] The proposed increase above the 2026 actual fee amounts is 9.20% for the construction permit annual fee and 8.53% for the per point fee. When the analysis was conducted in late 2025, the percentages were 9.12% and 8.74%, respectively, based on an estimated calculation of what the 2026 CPI adjustment would be.

balance following the FY26 shortfall. In FY30, the projected costs are $347,251 more than the projected revenues, representing a slight projected shortfall. Given that this is a five-year projection and there are numerous uncertainties and unknowns ahead, the Department considers this a reasonable projection demonstrating that costs will be recovered through fee revenue. In addition, as stated above, the Department will evaluate yearly actual cost and revenue amounts moving forward and will propose future changes if warranted.

FY26-FY30 Cost, Revenue, and Fund Balance Projections for the Title V Fund

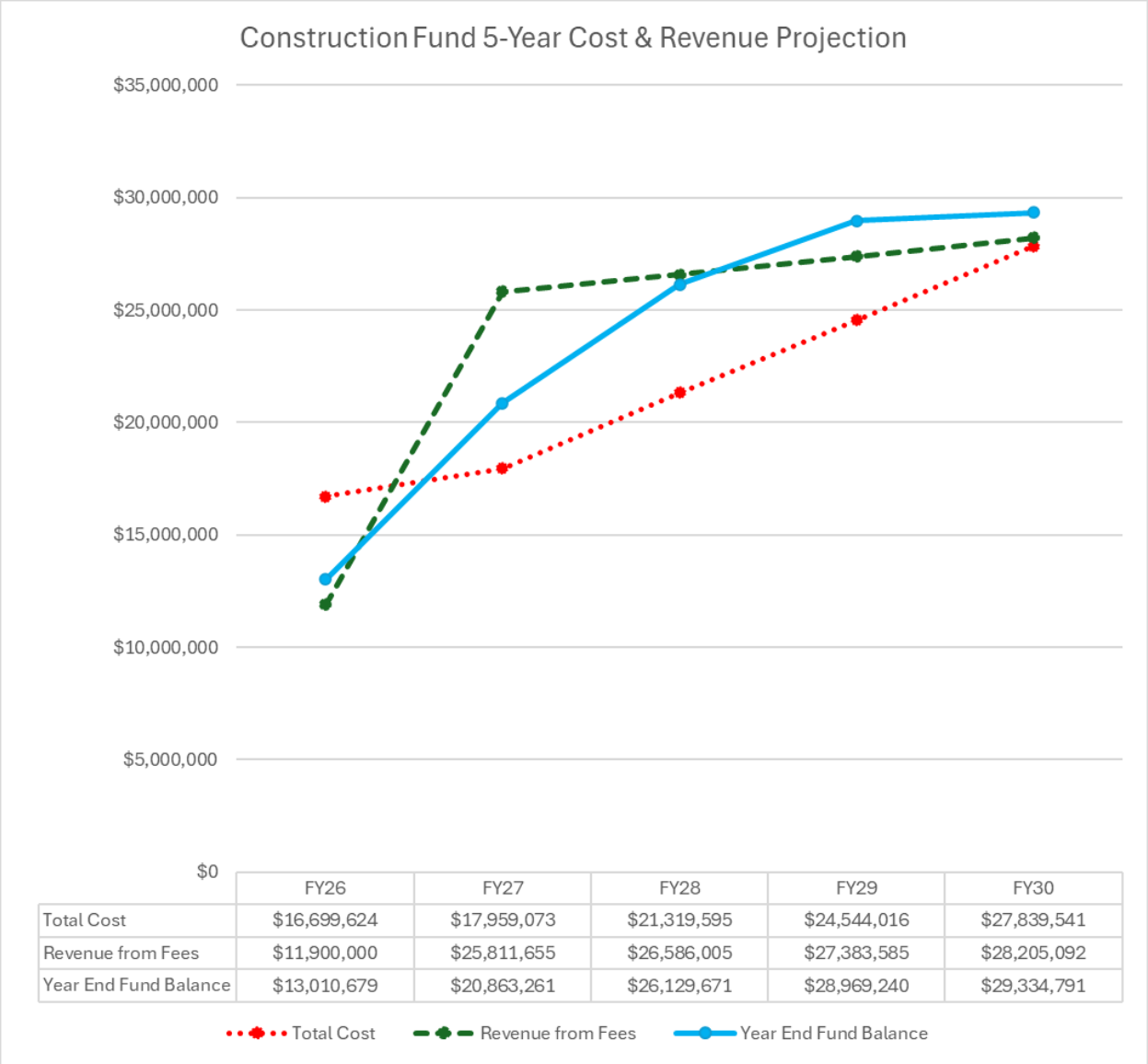


	FY26	FY27	FY28	FY29	FY30
Total Cost	$7,442,756	$8,128,242	$8,837,090	$9,442,510	$10,291,007
Revenue from Fees	$4,100,000	$9,099,946	$9,372,944	$9,654,132	$9,943,756
Year End Fund Balance	$3,729,629	$4,701,333	$5,237,187	$5,448,809	$5,101,558

B. Construction Fund Five-Year Projection

Below is a chart with an embedded data table presenting the projected costs, revenues, and end of fiscal year fund balances for the Construction Fund from FY26 through FY30. The revenue shortfall in FY26 is discussed above in the section covering the business as usual scenario. Projected revenues exceed projected costs for FY27-FY29, allowing the fund balance to recover from the FY26 shortfall. In FY30, the projected costs are $365,551 less than the projected revenue from fees, representing a slight exceedance. Similar to the reasoning listed above for the Title V Fund, the Department considers this a reasonable projection demonstrating that revenues from the proposed fees will cover costs for the Construction Fund.

FY26-FY30 Cost, Revenue, and Fund Balance Projections for the Construction Fund



	FY26	FY27	FY28	FY29	FY30
Total Cost	$16,699,624	$17,959,073	$21,319,595	$24,544,016	$27,839,541
Revenue from Fees	$11,900,000	$25,811,655	$26,586,005	$27,383,585	$28,205,092
Year End Fund Balance	$13,010,679	$20,863,261	$26,129,671	$28,969,240	$29,334,791

VI. CONCLUSION

My testimony presents the fiscal analysis supporting the Department's revised rules. I worked extensively on this analysis with assistance from Department financial staff and AQB staff. My testimony explained background information; presented historical data on costs, revenues, and fund balances; and described the methodology for the FY26-FY30 cost and revenue projections the Department relied on to determine a fee structure sufficient to cover the reasonable direct and

indirect costs of administering the Air Quality Program. My testimony also presents overall results of the analysis demonstrating that the projected revenue collected under the proposed fee structure covers the projected costs of the Air Quality Program over the next five fiscal years (*i.e.*, FY26-FY30). Finally, as stated multiple times in my testimony, the Department will monitor the actual revenues and costs moving forward to ensure the proposed fees sufficiently fund the Air Quality Program.

One main conclusion of my testimony and the fiscal analysis is that the current fees and associated revenues are no longer sufficient to fund even the current costs of the Air Quality Program. Without a change to the Air Quality Program fees, the Department faces a severe fiscal shortfall requiring significant spending cuts and severe limits to the Department's ability to protect New Mexico's air quality. The second main conclusion of my testimony is that Revised Part 71 and Revised Part 75 contain changes to the Air Quality Program fees that address the current shortfall and cover the projected future costs of Air Quality Program staffing and activities.

The Department respectfully requests the Board adopt Revised Part 71 and Revised Part 75 based on the evidence and testimony presented.

BRIAN POLGAR

505.629-3466 brian.polgar@env.nm.gov

EXPERIENCE

JANUARY 18, 2025 TO CURRENT

PLANNING SECTION CHIEF, AIR QUALITY BUREAU, NMED

Program and staff management of Air Quality Bureau (AQB) Planning Section. The Planning Section of the Air Quality Bureau includes the Control Strategies, Dispersion Modeling, Emissions Inventory, and Small Business Assistance Programs.
Direct and indirect supervision of over 20 staff and managers.
Served as Air Quality Bureau Chief (Manager on Duty) as needed.
Perform employee and manager evaluations for staff as required according to state rules.

JULY 24, 2024 TO JANUARY 17, 2025

ACTING COMPLIANCE AND ENFORCEMENT SECTION CHIEF, AIR QUALITY BUREAU, NMED

Served as Acting C&E Section Chief and Enforcement Unit Manager in addition to Inspections management responsibilities, as outlined under Compliance Inspections Manager job below. Due to vacancy, also served as Enforcement Unit Manager.
Program and staff management / organization of AQB Compliance and Enforcement Section.
Directly supervised managers and (due to vacancies in management team) staff within the Compliance and Enforcement Section of the AQB, which contains 3 separate units, each with 2 managers/supervisors and at least 6 staff. Direct and indirect supervision of more than 20 staff and managers.
Performed employee and manager evaluations for staff as required according to state rules.
Organized and planned (including state/NMED purchasing rules) a third-party training/certification for C&E staff on use of newly acquired Optical Gas Imaging cameras.
Served as Air Quality Bureau Chief (Manager on Duty) as needed.
Enforcement case and other C&E related meetings with EPA/DOJ, industry representatives/lawyer, staff, and upper NMED management.
Review enforcement work and documents, including Settlement Offers, Briefs, Term Sheets, Stipulated and Signed Final Compliance Orders, Administrative Compliance Orders, and penalty calculations.

AUGUST 20, 2022 TO JULY 23, 2024

COMPLIANCE INSPECTIONS MANAGER, STAFF MANAGER, AIR QUALITY BUREAU, NMED

Program and staff management / organization of AQB Compliance Inspections unit.
Direct supervision, training, and mentoring of staff level compliance inspector positions and an ESS-Supervisor, including onsite FCEs as needed.
Recruitment, interview, and hiring / onboarding responsibilities for Inspections Unit.
Research and prepare CMS FFY FCE lists and draft letters presenting plans to EPA. Research and response to EPA questions. Assign/track FCEs to maximize inspections performed with our limited resources. Ongoing work, planning, and meetings to address AQB's backlog of overdue FCEs.

- For FFY 2024, research and prepare an alternative CMS proposal designed to address inspection backlog and focus resources on those sources of most concern to environmental and human health.

Manage AQB complaints rotation and staff, including participating in the rotation as needed.
Plan, coordinate, and implement a new method to handle FLIR video complaints submitted to the Department by a non-profit.
Handled Reports Unit management duties for about 1 year, including NOI asbestos database / questions, AQBCR Admin duties, and reports staff training / communications.
Ongoing communication / meetings with public, EPA, regulated industry, AQB management, direct reports, and supervisors.
Review / correct / finish (if needed) report packages and enforcement documentation for FCEs drafted by ESS-A and ESS-O inspectors, as well as an ESS-Supervisor.
Handle special requests (performing some and delegating / managing some), including IPRAs and short-notice, major assignments from the Office of the Secretary.
Research permits, federal and state regulations, Title V reports, stack tests, and other materials to evaluate compliance of specific facilities with regulatory requirements as well as broader implications for Inspections Unit planning and scheduling.

JULY 10, 2021 TO AUGUST 19, 2022

COMPLIANCE INSPECTIONS SUPERVISOR, ESS – SUPERVISOR, AIR QUALITY BUREAU, NMED

Promoted to Compliance Inspections Supervisor after 7 months as ESS-A level inspector.
Immediately and voluntarily took on responsibilities of vacant Inspections Staff Manager position, including training and supervision of new ESSA inspector, and various program / project management duties.
Investigated / researched multiple facilities identified during EPA Flyover videos, confirmed potential violations, and wrote PINs / AOC forms.
For other duties, see Compliance Inspections Manager above (duties were nearly identical across the 2 positions.)

NOVEMBER 28, 2020 TO JULY 9, 2021

ENVIRONMENTAL SCIENTIST & SPECIALIST – ADVANCED (AIR COMPLIANCE INSPECTOR), AIR QUALITY BUREAU, NMED

Perform Full Compliance Evaluations (FCEs) of permitted facilities to determine compliance with permit and regulatory conditions. Completed 9 FCEs of Title V and SM>80 facilities in first 7 months as ESS-A Inspector.
Research permits, federal and state regulations, Title V reports, stack tests, and other materials to evaluate compliance of specific facilities with regulatory requirements.
Draft and finalize permit / regulatory checklists, inspection reports, and enforcement documents (PINs and AOC forms).
Addressed citizen and other air quality related complaints as part of AQB complaints duty rotation.
First major project - complaint-based thorough offsite investigation of VHCC Gallup facility which resulted in enforcement action.
Clearly communicate with the public, co-workers, supervisors, and the regulated community on an ongoing basis.
Other special projects as requested.
Promoted to Supervisor of Inspections Unit.

NMED Exhibit 66_000002

OCTOBER 2013 TO MARCH 2020 (AWAY FROM THIS JOB JUNE 2015 – JUNE 2016)

GENERAL MANAGER, DOODLET'S, SANTA FE, NM

Managed 8-11 staff and the daily sales floor / back office operations.
Maintained close to 10% yearly growth and almost $1.5 million revenue (record sales/revenue for 4 years running).
Prioritized multiple tasks; efficiently and smoothly transitioned from office operations / duties to sales floor and customer interaction.
Prepared oral presentations, written communication, and SOPs for staff training. Worked one-on-one with staff as needed for training purposes.
Managed social media, website and monthly email newsletter campaign.
Analyzed budgetary considerations of staffing, buying, marketing, etc.
Performed and audited bookkeeping; handled payroll, A/R, and A/P; and oversaw $100,000-$200,000 inventory.
Recruited, interviewed, hired, trained, and (if needed) terminated employees.
Evaluated employees and handled yearly performance reviews.
Prepared and analyzed P&L, Balance Sheet, and other financial reports.
Communicated with diverse customers and staff.
Used Intuit QuickBooks and POS to monitor inventory, prepare POs, receive merchandise, write checks to fill invoices, manage vendors, create items, and more.

AUGUST 2015 TO JUNE 2016

PARAEDUCATOR, CAPE HENLOPEN SCHOOL DISTRICT, DELAWARE

One-on-one with a Kindergarten boy with Down's Syndrome.
With him in all classes assisting with communication, teaching and behavior.

MAY 2013 TO MAY 2014

TEACHER/COUNSELOR, CHILDREN'S ADVENTURE COMPANY, SANTA FE, NM

Full-time during summer of 2013; Part-time from Aug 2013-May 2014 (20-25 hours/week)
Taught, monitored, and protected up to 20 children in various activities, including hiking, swimming, science activities, gardening and more.
Utilized positive reinforcement and language in all communications.
Interacted with parents providing positive or negative updates on children.

NOVEMBER 2010 TO JULY 2012

PART TIME TEACHER, KING KAUMUALII ELEMENTARY SCHOOL, LIHUE, HI

Part-time position (17 hours per week)
Taught students in small group, classroom, or one-on-one settings.
Designed curriculum / prepared lessons for a science enrichment class.
Managed classrooms / led instruction with 25-30 students.

JUNE 2009 TO JUNE 2010

SALES, APEX ESSENTIALS, FORT COLLINS, CO

Set up, broke down and ran high-paced fundraising sales in hospitals.
Communicated with diverse people providing superb customer service.
Coordinated, trained and supervised volunteers assisting with the sales.

NOVEMBER 2008 TO MAY 2009

NMED Exhibit 66_000003

LEAD CASHIER, GOODWILL INDUSTRIES, PORTLAND, OR

Supervised 5-10 cashiers/sales people and managed the retail sales floor.
Trained new cashiers in register operation and sales floor duties.
Used patience and a positive attitude when resolving customer complaints.
Suggested and implemented a more efficient tracking method to ensure that all team members were completing their daily sales floor and recovery duties.

FEBRUARY 2003 TO MAY 2007

OPERATIONS MANAGER, CARRYOURMENU.COM, COLUMBIA, MD

Managed operations, office and supervised 15-20 staff for a restaurant delivery service.
Adjusted closing technique increasing the efficiency of nightly procedures.
Maintained daily Excel databases for 15+ drivers and $10,000+ in sales.
Handled up to $2000 cash and performed driver financial reconciliations.
Directed up to 15 drivers simultaneously via phone insuring efficient, timely and successful delivery of 100+ orders per shift.
Interacted with customers positively and proactively to provide service or address complaints.
Recruited, interviewed, hired, trained and terminated employees.

AUGUST 1999 TO APRIL 2001

RESEARCH ASSISTANT, SCIREGS INTERNATIONAL, INC., COLUMBIA, MD

20 hours/week. I assisted with the performance of research on packaging materials for prescription drugs and consulting work regarding drug master files and other FDA submissions. Performed statistical analyses on lab data. Prepared statistical presentations and reports for submission to FDA.
Publication: C.J. Taborsky et. al. Permeation of unit-dose blister market containers under USP and ICH conditions. Pharmaceutical Technology 24(8):38-42. Jan 2000.

FEBRUARY 1999 TO FEBRUARY 2003

OWNER/OPERATOR, BP'S FURNITURE SERVICE, COLUMBIA, MD / PORTLAND, OR

Started and maintained a furniture repair / handyman sole proprietorship.
Performed in-home diagnosis and repair of furniture and home issues.
Researched, approached, and obtained new clients or individual customers.
Maintained financial databases tracking costs and daily revenue.
Billed clients, performed inventory and accounting audits, and filed taxes.

JUNE 1996 TO JUNE 1999

STAFF SCIENTIST, KARCH & ASSOCIATES, INC, WASHINGTON DC

Analyzed toxicological, epidemiological, environmental and other data for use in risk assessments, clean-up level determinations and the evaluation of possible human health effects from chemical exposures.
Worked individually with minimal supervision before bringing prepared materials to a team and coordinating to produce a finished product.
Prepared oral, written and PowerPoint presentations explaining complex data / conclusions to lawyers, regulatory officers and others.
Compiled data from different studies and tests in original spreadsheets or databases to analyze and evaluate dose and contamination levels.

NMED Exhibit 66_000004

Researched and wrote technical reports presenting large amounts of scientific data and summarizing analyses, ideas and conclusions.
Completed a review and analysis of regulations, testing procedures, ASTM and other standards, and legal policies surrounding implantable medical devices and the biocompatibility of materials in such devices.
Earned the fastest promotion to Staff Scientist in the company's history.
Independently researched and prepared a bimonthly literature review analyzing all data and research related to a specific polymer and its possible health effects.
Coordinated an ongoing review/analysis of data related to PCBs.

MAY 1995 TO JUNE 1996

RESEARCH ASSISTANT, NATIONAL INSTITUTE OF MENTAL HEALTH, NATIONAL INSTITUTES OF HEALTH, BETHESDA, MD

This was a 15 hour/week job at the National Institute of Mental Health (NIH) studying the effects of lactation on stress responses.
I collected and analyzed data from animal lab testing and human clinical trials. Used imaging and statistical software.

FEBRUARY 1994 TO JUNE 1996

LAB ASSISTANT, UNIVERSITY OF MARYLAND, COLLEGE PARK, MD

This was a 15 hour/week job assisting a professor at the University of Maryland perform sexual selection research on stalk-eyed flies.
I maintained the fly populations, collected and analyzed data, coordinated on conclusions, and prepared graphs and other materials for reports.

EDUCATION

MAY 1996

BACHELOR OF SCIENCE, BIOLOGICAL SCIENCES, UNIVERSITY OF MARYLAND, COLLEGE PARK

NMED Exhibit 66_000005

STATE OF NEW MEXICO

NEW MEXICO ENVIRONMENT DEPARTMENT

FINANCIAL STATEMENTS AND SUPPLEMENTARY INFORMATION

YEAR ENDED JUNE 30, 2025

NEW MEXICO ENVIRONMENT DEPARTMENT
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NEW MEXICO ENVIRONMENT DEPARTMENT
OFFICIAL ROSTER
JUNE 30, 2025

Office of the Secretary

James C. Kenney, Cabinet Secretary

John Rhoderick, Deputy Cabinet Secretary of Administration

Danielle Gilliam, Deputy Cabinet Secretary of Operations

Division Directors

Heather Benavidez, Administrative Services Division Director

Todd Hochman, Information Technology Director - Interim

Rick Shean, Resource Protection Division Director

Jonas Armstrong, Water Protection Division Director

William Schaedla, Environmental Health Division Director

Michelle Miano, Environmental Protection Director

INDEPENDENT AUDITORS' REPORT

Mr. James C. Kenney, Cabinet Secretary
New Mexico Environment Department and
Mr. Joseph M. Maestas, P.E., New Mexico State Auditor
Santa Fe, New Mexico

Report on the Audit of the Financial Statements

Opinions

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, the aggregate remaining fund information, and the budgetary comparisons for the general fund and major special revenue funds of the New Mexico Environment Department (the Department), as of and for the year ended June 30, 2025, and the related notes to the financial statements, which collectively comprise the Department's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Department, as of June 30, 2025, and the respective changes in financial position, and, where applicable, cash flows thereof and the respective budgetary comparisons for the general fund and major special revenue funds for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Department and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Emphasis of Matters

Reporting Entity

As discussed in Note 2, the financial statements of the Department are intended to present the financial position and changes in financial position and cash flows of only that portion of the governmental activities, business-type activities, each major fund, the aggregate remaining fund information, and the budgetary comparisons for the general fund and major special revenue funds of the State of New Mexico that is attributable to the transactions of the Department. They do not purport to, and do not present fairly the financial position of the State of New Mexico as of June 30, 2025, and the changes in the financial position and cash flows for the year then ended, in accordance with accounting principles generally accepted in the United States of America. Our opinions are not modified with respect to this matter.

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Change in Accounting Principle

As discussed in Note 2 to the financial statements, the Department adopted the provisions of Governmental Accounting Standards Board (GASB) Statement No. 101, *Compensated Absences*, as of July 1, 2024. Accordingly, the beginning net position for the governmental activities has been restated to reflect this change in accounting principle. Our opinions are not modified with respect to this matter.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Department's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with GAAS, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Department's basic financial statements. The combining nonmajor fund financial statements, the Supplemental Schedule of Capital Appropriations, the Supplemental Schedule of Special Appropriations, and the Supplementary Schedule of Joint Powers Agreements as required by 2.2.2 NMAC, are presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with GAAS. In our opinion, the combining nonmajor fund financial statements, the Supplemental Schedule of Capital Appropriations, the Supplemental Schedule of Special Appropriations, and the Supplementary Schedule of Joint Powers Agreements are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Information

Management is responsible for the other information included in the annual report. The other information comprises the Official Roster and Exit Conference but does not include the basic financial statements and our auditors' report thereon. Our opinions on the basic financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Mr. James C. Kenney, Cabinet Secretary
New Mexico Environment Department and
Mr. Joseph M. Maestas, P.E., New Mexico State Auditor

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated December 1, 2025, on our consideration of the Department's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Department's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Department's internal control over financial reporting and compliance.

CliftonLarsonAllen LLP

CliftonLarsonAllen LLP

Albuquerque, New Mexico
December 1, 2025

NMED Exhibit 67_000008

Executive Summary

The management of the State of New Mexico Environment Department (the Department) is pleased to present the *Management's Discussion and Analysis (MD&A)* of its financial statements for the fiscal year ended June 30, 2025. This overview and analysis summarize the Department's financial activities and operations for the stated fiscal year 2025 which is the period between July 1, 2024, and June 30, 2025 *(FY25).* This report is provided for consumers of financial information including state legislators, citizens, federal entities, and the public. It contains a synopsis of operational highlights for the programs within the Department in accordance with the laws it is charged to administer and enforce.

The Department encourages readers to consider the MD&A information in conjunction with the financial statements.

Overview of the Financial Statements

This discussion and analysis are intended to serve as an introduction to the Department's basic financial statements, which include three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements.

Government-wide Financial Statements. The government-wide financial statements are designed to be corporate-like in that the governmental and business-type activities are consolidated into columns that add to a total for the primary government and consist of a Statement of Net Position and a Statement of Activities. These statements should report all of the assets, liabilities, revenues, expenses and gains and losses of the government. Both statements distinguish between the governmental and business-type activities of the primary government.

The government-wide financial statements of the Department are divided into two categories:

Governmental Activities. Most of the Department's basic services are included in the governmental activities. State appropriations, federal grants and special revenue fund appropriations finance the Department's activities. The funds included in Governmental Activities for the Department are the General Operating Fund, various special revenue and capital project funds, and various federal grant activities. The Department has classified five funds as major funds: the General Fund, the State Air Quality Permit Fund, the Corrective Action Fund, the Severance Tax Bonds, and the GF Capital Outlay.

Business-type Activities. The Department's Wastewater Facility Construction Loan Fund, the Clean Water Administrative Fund, and the Rural Infrastructure Revolving Loan Fund comprise the Department's business-type activities. The Wastewater Facility Construction Loan Fund and the Rural Infrastructure Revolving Loan Fund provide low-interest rate loans to communities throughout the state for water and wastewater treatment and delivery infrastructure projects. The Clean Water Administrative Fund is used to administer the Wastewater Facility Construction Loan Fund.

Fund Financial Statements. Fund financial statements consist of a series of statements that focus on information about the major governmental and enterprise funds. Governmental fund financial statements are prepared using the current financial resources measurement focus and the modified accrual basis of accounting. Proprietary fund financial statements (enterprise funds) are prepared using the economic resources measurement focus and the accrual basis of accounting. The fund financial statements are similar to the financial statements presented in the previous accounting model. Emphasis here is on the major funds in either the governmental or business-type categories. Non-major funds (by category) or fund type are summarized into a single column. The Department has two types of funds: governmental funds and proprietary funds.

Governmental Funds. Most of the Department's services are included in governmental funds, which focus on (a) how cash and other financial assets that can be readily converted to cash flow in and out, and (b) the balances left at year-end that are available for spending. The governmental fund statements provide a detailed short-term view and help the user determine the status of financial resources available to be spent soon, to finance the Department's programs. Since this information does not include the additional long-term focus of the government-wide statements, reconciliation between the government-wide statements and the fund financial statements is provided for governmental-type activities.

Proprietary Funds. The Wastewater Facility Construction Loan Fund, the Clean Water Administrative Fund, and the Rural Infrastructure Fund have been classified as proprietary funds. The funds provide low interest loans to communities throughout the State for water and wastewater treatment and delivery infrastructure projects. Proprietary funds, like the government-wide statements, provide both long and short-term information.

Notes to the Financial Statements. The notes to the financial statements consist of notes that provide information that is essential to a user's understanding of the basic financial statements.

Per the New Mexico Office of the State Auditor under 2.2.2 NMAC (the State Auditor Rule), the Statement of Revenues and Expenditures – Budget to Actuals for non-major funds are no longer required to be included separately in the presentation of the financial statements. The budgetary comparisons statements for only the general fund and major special revenue funds that have legally adopted annual budgets will be presented in the financial statements.

Department Highlights

The Department's mission is to protect and restore the environment, and to foster a healthy and prosperous New Mexico for present and future generations. NMED is committed to providing clear articulation of the agency's goals, standards and expectations in a professional manner so that employees and the public can make informed decisions and be actively involved in setting priorities. Additionally, NMED promotes environmental awareness through the practice of open and direct communication and sound decision-making by carrying out the mandates and initiatives of the Department in a fair and consistent manner.

During fiscal year 2025, the Department officially stood up a new program – the Environmental Health Program (P571) increasing NMED`s budgetary programs to five, officially delineating Environmental Protection from Environmental Health programs. Through these programs, which include the Resource Management Division (P567), Water Protection Division (P568), Resource Protection Division (P569), and Environmental Protection Division (P570), and newly added Environmental Health program (P571), the Department was able to administer and enforce the state and federal laws with which it is charged.

As the department closes out fiscal year 2025, the beginning of fiscal year 2026 will initiate and create a sixth program, Compliance and Enforcement. This move aims to carve out the agency's existing regulatory compliance and enforcement function, ensuring it is empowered both fiscally and programmatically as the agency strives to fulfill its mission.

Following is a summation of the five budgetary programs during fiscal year 2025 and their purposes within the Department:

Resource Management Division (P567)

The Resource Management Division (P567) serves as the operational and strategic backbone of the New Mexico Environment Department (NMED), integrating leadership, communication, legal, technology, and administrative infrastructure to support the agency's mission. It encompasses the Office of the Secretary, Communications, General Counsel, Information Technology, Public Facilitation, Strategic Initiatives, and Administrative Services. Collectively, these offices drive transparent governance, effective policy implementation, stakeholder engagement, and internal modernization. The Office of the Secretary provides strategic direction and cross-government coordination; Communications enhances public trust and access to information; General Counsel ensures legal compliance and representation; Information Technology safeguards and modernizes digital operations; Public Facilitation upholds transparency through impartial hearings and public participation; and Strategic Initiatives leads legislative, environmental justice, and cross-agency collaboration efforts. The Administrative Services Division delivers core financial management, procurement, grant oversight, workforce development, and facilities administration through its Financial Services Bureau and Employee Operations and Facilities units. Within Employee Operations, the Human Resources Bureau provides comprehensive support for the NMED workforce through payroll management, compensation and classification analysis, recruitment, and organizational development. It also leads labor relations and negotiations, employee policy administration, professional development, and workplace health and safety programs. Together, these entities ensure fiscal integrity, operational efficiency, technological resilience, and a well-supported workforce, positioning NMED to sustain and advance environmental and public health outcomes statewide.

Accomplishments –

In FY25, the Resource Management Division advanced major initiatives that strengthened workforce capacity, operational efficiency, and fiscal transparency across NMED.

- Through two large-scale recruitment efforts, the 2024 NMED Rapid Hire event and participation in the Governor's February 2025 Rapid Hire event—the Department successfully filled over sixty positions, achieving the lowest vacancy rate of the current administration and the highest rate of filled positions in the agency's history, at approximately 650 full-time employees. These efforts significantly enhanced workforce stability and program delivery.

- Concurrently, NMED initiated a comprehensive review of its compliance and enforcement structure, setting the stage for FY26 implementation of a refined operational model that delineates licensing, permitting, and inspection activities from compliance and enforcement functions to improve accountability and service delivery.
- The Department also launched Project Velocity, a cornerstone initiative of NMED's Strategic Digital Infrastructure effort, which leverages AI-driven technologies to modernize records management, digitize and categorize legacy documents, and enable intelligent search and workflow automation across the agency.
- The Department initiated structural budget reforms by beginning the deconstruction of the P802 program—previously used to house Special Revenue Funds—and transitioning to a program-level budget submission process within BFM. These changes simplify fund management, improve budget transparency, and more accurately reflect NMED's operational scale and resource utilization.

Water Protection Division (P568)

The Water Protection Division ("WPD") is comprised of the Construction Programs Bureau ("CPB"); Drinking Water Bureau ("DWB"); Ground Water Quality Bureau ("GWQB") and Surface Water Quality Bureau ("SWQB").

The program is responsible for overseeing water infrastructure systems and water quality issues throughout the state. It regulates the quality of New Mexico's ground and surface water resources to ensure clean and safe water supplies are available now and, in the future, to support domestic, agricultural, economic, and recreational activities; ensures that drinking water throughout the state is clean and healthy; that wastewater systems are designed and constructed to meet regulatory standards; and that public funds appropriated to design and construct these systems are appropriately utilized.

Accomplishments –

- In FY25, the Division's Surface Water Quality Bureau achieved several accomplishments in protecting New Mexico's surface waters including: (1) completed the Rio Chama and Sacramento Mountains water quality surveys and uploaded the data to EPA's national water quality database to make it publicly available; (2) initiated the Upper Canadian, Lower Canadian, Dry Cimarron, and Middle Rio Grande water quality surveys; (3) revised the Comprehensive Assessment and Listing Methodology (CALM), including refined lake nutrient assessment protocols, used for New Mexico's biennial assessment of water quality data; (4) solicited public review and comment on the CALM with a concurrent "Call for Data" from external entities and stakeholders to help update New Mexico's impaired waters list; (5) received WQCC and EPA approval of TMDLs for 27 streams and rivers in the Upper Rio Grande watershed and Santa Cruz Lake; (6) participated in two WQCC rulemaking hearings regarding third-party petitions to amend the water quality standards and adopt copper criteria for waters on the Pajarito Plateau and revise the aquatic life use and associated criteria for a portion of Sandia Canyon; (10) revised the SWQB Quality Assurance Project Plan (QAPP) for Water Quality Management Programs and SWQB Quality Management Plan (QMP) for Environmental Information Operations to reflect updated EPA standards; (11) launched the Watershed Protection Assistance Program to provide mini-grants (up to $75,000) for projects that directly or indirectly contribute to improving surface water quality, riparian habitat or aquatic habitat; (12) submitted a Nonpoint Source Success Story for improved water quality in the Rito de Los Indios of the Valles Caldera National Preserve as a result of restoration projects in the watershed; and (13) developed draft regulations for a new state permitting program for surface water discharges and solicited feedback from the Surface Water Advisory Panel and Tribal Environmental Directors.
- In FY25, the Division achieved significant progress with the passing of SB-21 during the 2025 legislative session. SB-21 created the New Mexico Pollution Discharge Elimination Act and modified the New Mexico Water Quality Act. SB-21 filled a critical gap left by the US Supreme Court Sackett decision by ensuring protection of surface water in New Mexico as "surface waters of the state". SB-21 obligates the Water Quality Control Commission to create rules for a state surface water quality permitting program and create rules for the Neglected Contaminated Sites Program. SB-21 created the Neglected Contaminated Site Fund to allow for the cleanup of sites without responsible parties. SB-21 modified the Water Quality Management fund to accept monies from various sources in addition to fees. SB-21 also defined the liability for releases of water contaminants and defenses thereof.
- The Division's Ground Water Quality Bureau also continued major progress on administering a number of clean-up and permitting actions. A major accomplishment of FY25 includes the successful listing of the Carlisle Village Cleaners site on the united States Environmental Protection Agency's National Priority List. GWQB continued proactive evaluation of current and former drycleaning operations to investigate possible contamination of chlorinated solvents that are harmful to human health.

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- In FY25, the Division's Construction Programs Bureau supported dozens of communities with water and wastewater infrastructure investments, including processing 6444 disbursements totaling over $38.44 million and executing 10 CWSRF loans totaling $26.44 million for wastewater projects and three Emerging Contaminant Grants totaling $2.18 million. The first three CWSRF loans executed in FY26 were to the City of Santa Fe for a total of $151 million for water, wastewater and solid waste projects. CPB also executed one stormwater grant in the amount of $1.03 million. The RIP program received a $10 million (FY24) dollar infusion of cash from the legislature to help with funding for small rural communities, with an additional $15 million in the 2025 Regular Session. In FY25, the Bureau executed 38 new Rural Infrastructure Program (RIP) loans and grant/loan funding packages during SFY25 for $19.06 million. The RIP Program also has $335,000 in loans and subsidy pending with 2 different communities and $2.5 million planned for 2 additional communities. NMED CPB was assigned administration responsibilities for 135 new capital outlay projects during the 2025 regular session, for a combined $80.91 million. No funding was provided by the legislature to cover administrative costs associated with these projects.
- In FY25, Division's Drinking Water Bureau began a major expansion of the Utility Operator Certification Program (UOCP). The first phase created new positions and launched hiring to build internal staffing capacity. The Bureau also achieved a historic milestone in regionalization. In June 2025, Peñasco MDWCA and Rodarte MDWCA voted to form the La Jicarita Domestic Water Alliance, the first regional water entity in New Mexico created under the Regional Water System Resiliency Act of 2023. The Bureau also supported communities during emergencies and acute operational challenges. DWB provided ongoing assistance to the Ruidoso area after severe flooding tied to post-fire impacts. The Bureau assisted Melody Ranch Water Company, a small private utility in Torrance County that serves 77 households and about 200 residents. With its only well producing just 5 gallons per minute, down from 15, the system struggled to maintain service, causing pressure loss, outages, and reliance on hauled water. Because the system is privately owned, it does not qualify for state infrastructure grants, which limited available solutions. DWB staff, working with the New Mexico Rural Water Association, stabilized operations, oversaw pump repairs, and began evaluating long-term options such as interconnection with nearby utilities. These actions kept safe water available to residents and positioned the community to pursue permanent fixes. The Bureau also assisted the Town of Estancia by coordinating a multi-agency work group to stabilize operations, address compliance issues, and restore eligibility. By July 25, 2025, Estancia returned to compliance, clearing the way for $4.5 million in Water Trust Board funding to drill a new well and improve infrastructure.

Resource Protection Division (P569)

This Division is comprised of the Department of Energy Oversight ("DOE-OB"); Hazardous Waste Bureau (HWB); Petroleum Storage Tank Bureau ("PSTB") and the Solid Waste Bureau ("SWB").

The program protects public health and the environment by ensuring that solid waste and recyclable materials are properly transported, managed, handled and disposed; operations that generate, manage, store, process, transport, or dispose of hazardous wastes do so in a responsible manner; petroleum storage tanks are managed to prevent releases and petroleum contaminated sites are cleaned up; and Department of Energy operations in New Mexico are performed in a conscientious manner.

Accomplishments –

In FY25, the Legislature passed HB140 (AFFF as Hazardous Waste) and HB291 (Circular Economy/RAID Act amendments), providing the basis for rule implementation.

- The DOE Oversight Bureau (DOEOB) continues independent monitoring at federal facilities, ensuring protection of surrounding communities and environments. At WIPP, DOEOB oversees air and radiation monitoring and adjusted sampling methods to align with facility practices. At Sandia, groundwater, soil vapor, stormwater, and air monitoring continued, with program reviews underway to refine sampling. At LANL, DOEOB expanded groundwater and stormwater monitoring in chromium and RDX plumes, initiated radiological sampling at White Rock Canyon Springs, and broadened biota studies to include PFAS in fish and wildlife. New real-time stormwater monitoring tools were added to strengthen watershed oversight. Across all sites, DOEOB maintained ambient air and direct radiation monitoring to track potential releases and legacy contamination from historic weapons activities.
- The Hazardous Waste Bureau conducted 105 inspections, eight WIPP audits, and multiple enforcement actions, while issuing key permit renewals and modifications, including PFAS requirements at WSMR. The HWB continues oversight of NMED's litigation for delineating/remediating PFAS contamination at Department of Defense installations.
- The Solid Waste Bureau hosted a total of 7 multiple-day Recycling, Composting, Landfill, and Transfer Station certification classes for on-site Operators (3 classes more than the regulatory requirement of 4 classes per year). Twenty-one New Mexico entities were awarded $800,000 in RAID grant funding to assist with the shredding of scrap tires at local landfills, provide funding for amnesty events in the state for scrap tire disposal, fund afterschool education on proper recycling for NM youth, and to improve access to recycling throughout the state. The Outreach section also initiated their Environmental Protection Agency (EPA) Solid Waste Infrastructure for Recycling (SWIFR) Grant in FY25 by undertaking a request for proposal (RFP) to select a contractor to assist with the updating of the New Mexico State Solid Waste Plan, performing a state-wide solid waste characterization, seeking public input on materials management, and updating the yearly solid waste report with improved data collection methods. The goal of this effort will be to show progress toward the National Recycling and Food Loss and Waste Reduction Goals as well as increasing the state's ability to advance a Circular Economy for materials while also supporting the state-led implementation of developed plans to advance post-consumer materials management.
- The Petroleum Storage Tank Bureau (PSTB) continued its mission to protect groundwater and public health through remediation, compliance, and prevention activities. The Bureau paid approximately $12.1 million in claims for remedial actions at 180 leaking petroleum storage tank sites and approved $12.8 million in corrective action workplans, resulting in five sites achieving No Further Action status after meeting groundwater standards. PSTB also received 33 new confirmed release notifications and investigated 172 suspected releases identified through enhanced testing requirements. To strengthen prevention and compliance, staff conducted 740 underground storage tank (UST) inspections and 240 aboveground storage tank (AST) inspections, achieving overall compliance rates of 63% and 55%, respectively. The Bureau enforced delivery prohibition regulations by red tagging four tanks for significant violations and initiated efforts to address approximately 133 facilities with tanks under long-term closure or delivery prohibition, ensuring continued regulatory oversight and environmental protection statewide.

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Environmental Protection Program (P570)

This program is comprised of the Air Quality Bureau (AQB), the Radiation Control Bureau (RCB) and the Climate Change Bureau (CCB). The AQB protects the citizens of the state from air pollution and ensures that all applicable regulated sources of air pollution comply with emission limitations. AQB maintains and operates 20 air monitoring sites throughout the state and makes this information available on our online air monitoring network, which is utilized by the public, academia, environmental groups, and other state and federal agencies. RCB protects the public non-federal radiation workers from the harmful effects of radiation through six different programs, including the Radiation and Chemical Advocacy Office (RCAO) that assists nuclear workers who have become ill because of the occupational exposures received while working for contractors or subcontractors of Department of Energy (DOE) facilities or in the uranium mining and milling industries throughout New Mexico. CCB supports the state to achieve its goal to reduce greenhouse gas emissions by at least 45% below 2005 by 2030 levels as described in Executive Order 2019-03, Addressing Climate Change and Energy Waste. CCB implements critical emission reduction strategies, such as the Clean Vehicle Rules and Clean Transportation Fuel Program and actively supports the New Mexico Climate Change Task Force.

Accomplishments –

- In FY25 EPD implemented core air quality control program activities, including absorbing a continued increase in oil and gas permit review, conducting a rulemaking to meet its federal regional haze requirements to reduce visual impairments in national parks and wilderness areas due to air pollution and continued implementation of rules to reduce volatile organic compounds (VOC) and oxides of nitrogen (NOx) emissions in the oil and gas industry, and conducted joint inspections with U.S. EPA Region 6 to address non-compliance .

- After passage of HB41, EPD embarked on rulemaking preparations for the Clean Transportation Fuel Program, including convening a Clean Fuels Advisory Committee, conducting over 1300 hours of public and stakeholder outreach and intensive coordination with other jurisdictions with clean fuels programs.

- EPD issued its latest Greenhouse Gas Inventory, launching the most accurate of greenhouse gas emissions by sector to date, and kicked off development of its Comprehensive Climate Action Plan – a set of science-based measures designed to assist the state to reach its greenhouse gas reduction goals. EPD also continued implementing the New Motor Vehicle Emission Standards, including launching the Large Entity Reporting Requirement (LERR). Under the LERR, EPD has obtained information from large fleet owners about the number of medium and heavy-duty vehicles in the state to continue planning for the transition to low and zero emissions options.

- EPD successfully implemented a new electronic licensing system for the Radiation Control Bureau's Medical Imaging and Radiation Therapy Program to assist new and renewing licenses while more easily interfacing with EPD program staff.

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Environmental Health Division (P571)

The Environmental Health Division (EHD) regulates New Mexico businesses, products, and services to prevent adverse impacts on public health and the environment. EHD has regulatory oversight over commercially prepared foods, manufactured foods, public swimming pools, spas, onsite wastewater systems, hemp-finished products, and adult use and medical edible cannabis products in New Mexico. The Division additionally works to ensure that all employees in New Mexico have a safe and healthful workplace. EHD consists of the Cannabis and Hemp Bureau, Environmental Health Bureau, and Occupational Health and Safety Bureau.

Accomplishments –

- The Cannabis and Hemp Bureau (CHB) continued to see steady permitting activity in FY25, successfully permitting five new cannabis edible manufacturers and four new hemp manufacturing facilities. CHB worked with legislators to develop new statutory provisions to give CHB the authority to regulate Hemp derived products at retail and prohibit the use of synthetic cannabinoids in Hemp edibles and inhalable products, with work continuing in FY26.

- The Occupational Health and Safety Bureau (OHSB) responded to more than 1,000 reports of unsafe working conditions in FY25 including 98 complaints of exposure to high temperatures. OHSB conducted 204 enforcement inspections in FY25, an increase of more than 50 percent over the prior year and assessed more than $2.4 million in penalties for 351 violations of the Occupational Health and Safety Act. The Bureau also provided onsite assistance in hazard correction to 150 employers, including 102 to small businesses with 25 or fewer employees.

- In FY25, the Environmental Health Bureau (EHB) continued its critical role in safeguarding public health through comprehensive permitting, inspection, and partnership activities across food, liquid waste, and public aquatic programs. The Bureau regulated 8,019 permitted food facilities—an increase of 3% from the prior year—conducted 10,492 inspections, and issued 4,276 temporary event permits, reflecting continued growth in New Mexico's food industry. EHB strengthened interagency partnerships to address food insecurity, including implementation of the Shared Tables Standard Operating Procedure in collaboration with the Public Education Department, and partnerships with Roadrunner Food Bank and the Department of Game and Fish to enhance the Hunters for the Hungry program. The Liquid Waste Program reviewed 5,281 applications and issued 4,273 permits, maintaining consistent service levels. The Public Aquatic Venue Program oversaw 1,028 facilities, conducted 1,219 inspections, reviewed more than 20 construction permit applications, permitted 10 new venues, and issued 14 notices of violation for unpermitted construction. While the Bureau continues to face operational challenges resulting from limited revenues and outdated fee structures, EHB initiated a comprehensive assessment of its funding model—unchanged for more than two decades—to evaluate solvency and ensure continuity of operations for follow-up in FY26. The Bureau also expanded workforce training, with 13 new staff achieving Certified Pool Operator credentials, and maintained active collaboration with the CDC's Council for the Model Aquatic Health Code while leading statewide investigations into recreational water illnesses such as Legionella and Cryptosporidium. These efforts reflect EHB's sustained commitment to regulatory excellence, public health protection, and continuous improvement in service delivery.

Financial Highlights

The Department's FY25 financial portfolio included 30 funds comprised of governmental and proprietary funds. Two new funds were created. The motor vehicle manufacturing registration fee fund 70810 and the cannabis, food and hemp permit fees fund 70820. Fund 70820 was created to better track permit fees associated with cannabis, food and hemp. Both funds are non-reverting. The governmental funds included five major funds: the General Fund (06400), the State Air Quality Permit Fund (63100), the Corrective Action Fund (99000), the Severance Tax Bonds (89200), and the GL Capital Outlay (93100). The proprietary funds include three major funds: the Wastewater Facility Construction Loan Fund (12100), the Clean Water Administrative Fund (32700), and the Rural Infrastructure Revolving Loan Fund (33700). The special revenue funds made up the remainder of the Department's financial portfolio for the year.

During FY25, the Department recorded total net position of $606,287,025, which represents an increase of $54,272,338, or a 9.8% increase from FY24. The Department's governmental net position increased by $35,171,132, while the business-type net position increased by $19,101,206 over FY24. The business-type activities operating revenue for FY25 was $9,908,398 and the non-operating income was $9,192,808.

Budgetary Highlights

The Department's general fund appropriation (06400 Operating Fund) decreased by $13,545,045 over the prior year, primarily due to changes in special appropriations. Federal sources were budgeted at $23 million more than the prior fiscal year primarily due to a $13.9 Million-dollar multiyear federal grant (a significant amount of which was budgeted in FY25), and a few others that came in higher than FY24. Unspent balances of active grants will be carried forward to FY26. These changes continue to demonstrate the significant impact of federal funding on the Department's operations.

Analysis of Individual Balances and Transactions

During FY25, both governmental and business-type activities reflected an overall increase in net revenue, primarily attributable to additional operating grants received during the fiscal year. The Department continued its strategic practice of maximizing the use of special revenue and federal funds where allowable under grant and statutory provisions.

The State of New Mexico Legislature mandated a 3% compensation increase for all state employees but did not allocate sufficient funding to fully support this increase. Legislative allocations were distributed using a formula proportional to each agency's General Fund appropriation. Because the General Fund represents the smallest portion of NMED's overall budget, the Department is required to absorb a significant unfunded portion of this increase using other fund sources—primarily federal and special revenue funds. As these other sources do not increase in response to legislative compensation mandates, the result functions effectively as a reduction, or "cut," to the Department's operating and programmatic capacity, creating challenges for work units where other sources of funding are not available.

NMED fully supports increased compensation for its employees and remains committed to ensuring that staff are fairly compensated. However, the Department continues to bring attention to the structural funding imbalance created by the current legislative allocation formula, which disadvantages agencies like NMED that rely predominantly on federal and special revenue funds to sustain their operations.

Financial Analysis of the Department as a Whole

Net Position. Table A-1 summarizes the Department's net position for the fiscal year ending June 30, 2025. Net position for the Governmental Activities and Business-type Activities was $145,141,508 and $461,145,517, respectively. The total Department's net position for fiscal year 2025 is $606,287,025, which is an increase over the previous fiscal year.

Table A-1
The Department's Net Position

	Governmental Activities		Business-Type Activities		Total	
	2025	2024	2025	2024	2025	2024
Assets						
Current and						
Other Assets	$ 234,653,256	$ 189,821,374	$ 250,654,290	$ 238,643,453	$ 485,307,546	$ 428,464,827
Capital and Non-						
current Assets	20,851,897	19,286,421	210,491,227	203,400,862	231,343,124	222,687,283
Total Assets	255,505,153	209,107,795	461,145,517	442,044,315	716,650,670	651,152,110
Liabilities						
Current Liabilities	25,957,833	23,790,183	-	4	25,957,833	23,790,187
Long-Term Liabilities	84,405,812	75,347,236	-	-	84,405,812	75,347,236
Total Liabilities	110,363,645	99,137,419	-	4	110,363,645	99,137,423
Net Position						
Net Investment						
in Capital Assets	9,530,028	5,755,853	-	-	9,530,028	5,755,853
Restricted	204,774,886	166,951,494	461,145,517	442,044,311	665,920,403	608,995,805
Unrestricted	(69,163,406)	(62,736,971)	-	-	(69,163,406)	(62,736,971)
Total Net Position	$ 145,141,508	$ 109,970,376	$ 461,145,517	$ 442,044,311	$ 606,287,025	$ 552,014,687

Changes in Net Position. Table A-2 summarizes the Department's changes in net position for the fiscal year ending June 30, 2025. The Department's changes in net position for fiscal year 2025 was $57,486,820, compared to $98,135,070 for fiscal year 2024. Program revenues for governmental activities increased by $5,383,333 when compared to fiscal year 2024. Program revenues for business-type activities decreased by $6,347,435 when compared to fiscal year 2024. The total change in net position was primarily due to an increase in charges for services and transfers.

Table A-2
Changes in the Department's Net Position

	Governmental Activities		Business-Type Activities		Total	
	2025	2024	2025	2024	2025	2024
Revenues						
Program Revenues						
Charges for Services	$ 34,506,838	$ 28,830,399	$ 1,084,694	$ 1,281,145	$ 35,591,532	$ 30,111,544
Operating Grants & Contributions	35,001,620	35,294,726	11,465,016	17,616,000	46,466,636	52,910,726
General Revenues						
Transfers, Net	7,299,112	1,600,267	3,467,408	(1,114,243)	10,766,520	486,024
Other	21,631,939	20,708,054	-	-	21,631,939	20,708,054
Bond Proceeds/ Appropriations	121,574,480	152,801,871	-	-	121,574,480	152,801,871
Investment Income	172,543	125,925	8,823,704	7,778,767	8,996,247	7,904,692
Loss on Disosal of Capital Assets	(1,057,064)	-	-	-	(1,057,064)	-
Total Revenues	219,129,468	239,361,242	24,840,822	25,561,669	243,970,290	264,922,911
Expenses						
Governmental/Business-Type	180,743,854	165,404,408	5,739,616	1,383,433	186,483,470	166,787,841
Total Expenses	180,743,854	165,404,408	5,739,616	1,383,433	186,483,470	166,787,841
Changes in Net Position	38,385,614	73,956,834	19,101,206	24,178,236	57,486,820	98,135,070
Beginning Net Position, As Previously Reported	109,970,376	36,013,542	442,044,311	417,866,075	552,014,687	453,879,617
Restatement - GASB 101	(3,214,482)	-	-	-	(3,214,482)	-
Beginning Net Position, As Restated	106,755,894	36,013,542	442,044,311	417,866,075	548,800,205	453,879,617
Ending Net Position	$ 145,141,508	$ 109,970,376	$ 461,145,517	$ 442,044,311	$ 606,287,025	$ 552,014,687

Capital Assets and Debt Administration

As of June 30, 2025, the Department's net investment in capital assets was $9,530,028. This amount represents a net increase of $3,774,175 (including additions, deletions, and depreciation) compared to fiscal year 2024.

As of June 30, 2025, the Department's total compensated absences liability was approximately $7.4 million; this is an increase of $3,919,902 compared to fiscal year 2024. The amount is expected to be paid from the general fund and special revenue funds. The amount expected to be paid within one year is $5,179,888.

As of June 30, 2025, the Department's total lease liability was approximately $11.3 million; this is a decrease of approximately $2.2 million compared to fiscal year 2024. The amount expected to be paid within one year is $1,419,203.

As of June 30, 2025, the Department's total pollution remediation liability was approximately $65.7 million; this is an increase of $7,347,373 compared to fiscal year 2024. The amount expected to be paid within one year is $1,959,554.

Economic Factors and Next Year's Budget Outlook

The Department is reliant on a nominal appropriation of general fund used to support operating activities and provide matching funds to federal awards. Accordingly, one-time funding allocations for special and capital projects are significantly reliant on general fund appropriations. The sources of inflows to the general fund can be volatile and subject to national and international economic factors, dependent upon the government's ability to collect taxes and fees for services based on current and projected economic activities.

In the current public fiscal environment, the State Legislature—responsible for annual operating and capital appropriations—has typically exercised restraint in authorizing new recurring funding commitments based on revenue forecasts and overall income flows to the State. To stimulate utilization of Department-administered financing programs, NMED has lowered interest rates on certain loans supporting capital projects, thereby encouraging increased investment in environmental infrastructure and other business-type assets.

The Department remains concerned about the sustainability of future federal funding and the pressure that may place upon the agency's other sources of funding (special revenue funds and general fund). Changes in federal administration priorities and funding allocations present a significant ongoing risk to NMED's operational stability, as a substantial portion of the Department's programs and staffing depend on federal funds to run programs, including primacy programs.

Contacting the Department's Financial Management

The financial report is designed to provide citizens, taxpayers, customers, legislators, investors and creditors with a general overview of the Department finances and to demonstrate the Department's accountability for the money it receives. If you have any questions about this report or need additional information, please contact:

New Mexico Environment Department
Administrative Services Division – Financial Services Bureau
1190 St. Francis Drive
PO Box 5469
Santa Fe, NM 87502-5469
www.env.nm.gov

NEW MEXICO ENVIRONMENT DEPARTMENT
STATEMENT OF NET POSITION
JUNE 30, 2025

	Primary Government		
	Governmental Activities	Business-Type Activities	Total
ASSETS			
Investment in State General Fund Investment Pool	$ 218,160,121	$ 233,637,763	$ 451,797,884
Receivables:			
Due from Federal Government	10,814,908	229,627	11,044,535
Due from Other State Agencies	1,974,764	-	1,974,764
Due from Other State Entities	534,163	-	534,163
Other Receivables, Net	1,347,768	-	1,347,768
Loan Receivables, Net	-	226,653,304	226,653,304
Loan Interest Receivables	-	474,848	474,848
Administrative Fee Receivables	-	149,975	149,975
Other Assets	1,821,532	-	1,821,532
Capital Assets:			
Capital Assets not Being Depreciated	3,635,233	-	3,635,233
Capital Assets, net of Depreciation and Amortization	17,216,664	-	17,216,664
Total Assets	255,505,153	461,145,517	716,650,670
LIABILITIES			
Accounts Payable	18,467,571	-	18,467,571
Accrued Payroll Liabilities	1,904,396	-	1,904,396
Due to Federal Government	54	-	54
Due to State General Fund	600	-	600
Other Liabilities	48,256	-	48,256
Unearned Revenues	5,536,956	-	5,536,956
Pollution Remediation Liability:			
Due Within One Year	1,959,554	-	1,959,554
Due in More Than One Year	63,724,550	-	63,724,550
Long-Term Debt Liability:			
Due Within One Year	1,419,203	-	1,419,203
Due in More Than One Year	9,902,666	-	9,902,666
Compensated Absences:			
Due Within One Year	5,179,888	-	5,179,888
Due in More Than One Year	2,219,951	-	2,219,951
Total Liabilities	110,363,645	-	110,363,645
NET POSITION			
Net Investment in Capital Assets	9,530,028	-	9,530,028
Restricted for Specific Purposes	204,774,886	461,145,517	665,920,403
Unrestricted Deficit	(69,163,406)	-	(69,163,406)
Total Net Position	$ 145,141,508	$ 461,145,517	$ 606,287,025

See accompanying Notes to Financial Statements.

NEW MEXICO ENVIRONMENT DEPARTMENT
STATEMENT OF ACTIVITIES
YEAR ENDED JUNE 30, 2025

Functions/Programs	Expenses	Program Revenue: Charges for Services	Program Revenue: Operating Grants and Contributions	Program Revenue: Capital Grants and Contributions
PRIMARY GOVERNMENT				
GOVERNMENTAL ACTIVITIES				
Resource Management Division	$ 18,079,524	$ -	$ 3,505,767	$ -
Water Protection Division	42,745,763	-	8,288,754	-
Resource Protection Division	27,768,166	-	5,384,475	-
Environmental Protection Division	19,347,572	-	3,751,653	-
Environmental Health Division	16,925,844	-	3,282,060	-
Other Environmental Initiatives	55,639,275	34,506,838	10,788,911	-
Interest Expense	237,710	-	-	-
Total Governmental Activities	180,743,854	34,506,838	35,001,620	-
BUSINESS-TYPE ACTIVITIES				
12100/32700 - Clean Water State Revolving Fund	4,918,061	832,772	11,465,016	-
33700 - Rural Infrastructure Revolving Fund	821,555	251,922	-	-
Total Business-Type Activities	5,739,616	1,084,694	11,465,016	-
Total Primary Government	$ 186,483,470	$ 35,591,532	$ 46,466,636	$ -

See accompanying Notes to Financial Statements.

NEW MEXICO ENVIRONMENT DEPARTMENT
STATEMENT OF ACTIVITIES (CONTINUED)
YEAR ENDED JUNE 30, 2025

Functions/Programs (Continued)	Net (Expense) Revenue and Changes in Net Position Primary Government Governmental Activities	Business-Type Activities	Total
PRIMARY GOVERNMENT			
GOVERNMENTAL ACTIVITIES			
Resource Management Division	$ (14,573,757)	$ -	$ (14,573,757)
Water Protection Division	(34,457,009)	-	(34,457,009)
Resource Protection Division	(22,383,691)	-	(22,383,691)
Environmental Protection Division	(15,595,919)	-	(15,595,919)
Environmental Protection Division	(13,643,784)	-	(13,643,784)
Other Environmental Initiatives	(10,343,526)	-	(10,343,526)
Interest Expense	(237,710)	-	(237,710)
Total Governmental Activities	(111,235,396)	-	(111,235,396)
BUSINESS-TYPE ACTIVITIES			
12100/32700 - Clean Water State Revolving Fund	-	7,379,727	7,379,727
33700 - Rural Infrastructure Revolving Fund	-	(569,633)	(569,633)
Total Business-Type Activities	-	6,810,094	6,810,094
Total Primary Government	(111,235,396)	6,810,094	(104,425,302)
GENERAL REVENUES AND TRANSFERS			
General Fund Appropriations	97,945,840	-	97,945,840
Severance Tax Bond Appropriations	23,628,640	-	23,628,640
Petroleum Products Loading Fee	21,631,939	-	21,631,939
Investment Earnings	172,543	8,823,704	8,996,247
Loss on Disposal of Capital Assets	(1,057,064)	-	(1,057,064)
Transfers from Other Agencies	11,496,158	-	11,496,158
Transfers to Other Agencies	(98,219)	-	(98,219)
Transfers - INTRA Agency	(3,467,408)	3,467,408	-
Reversions FY25	(631,419)	-	(631,419)
Total General Revenues and Transfers	149,621,010	12,291,112	161,912,122
CHANGE IN NET POSITION	38,385,614	19,101,206	57,486,820
Net Position - Beginning of Year, As Previously Reported	109,970,376	442,044,311	552,014,687
Restatement - GASB 101	(3,214,482)	-	(3,214,482)
Net Position - Beginning of Year, As Restated	106,755,894	442,044,311	548,800,205
NET POSITION - END OF YEAR	$ 145,141,508	$ 461,145,517	$ 606,287,025

See accompanying Notes to Financial Statements.

NEW MEXICO ENVIRONMENT DEPARTMENT
BALANCE SHEET – GOVERNMENTAL FUNDS
JUNE 30, 2025

	Major Funds						
	06400 General Fund	63100 State Air Quality Permit Fund	99000 Corrective Action Fund	89200 Severance Tax Bonds	93100 GF Capital Outlay	Nonmajor Governmental Funds	Total Governmental
ASSETS							
Investment in State General Fund Investment Pool	$ 21,638,356	$ 19,280,731	$ 26,215,291	$ 2,326,790	$103,143,395	$ 45,555,590	$ 218,160,153
Due from Federal Government	10,721,308	-	-	-	-	93,600	10,814,908
Due from Other State Agencies	-	-	1,790,858	-	-	183,906	1,974,764
Due from Other State Entities	534,163	-	-	-	-	-	534,163
Other Assets	1,821,500	-	-	-	-	32	1,821,532
Other Receivables, Net	6,008	2,615	-	-	-	1,339,145	1,347,768
Total Assets	$ 34,721,335	$ 19,283,346	$ 28,006,149	$ 2,326,790	$103,143,395	$ 47,172,273	$ 234,653,288
LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES							
LIABILITIES							
Investment in State General Fund Investment Pool Overdraft	$ -	$ -	$ -	$ -	$ -	$ 32	$ 32
Accounts Payable	13,485,886	4,860	1,290,463	2,381,936	879,694	424,732	18,467,571
Accrued Payroll Liabilities	1,904,396	-	-	-	-	-	1,904,396
Due to Federal Government	-	-	-	-	-	54	54
Due to State General Fund	600	-	-	-	-	-	600
Other Liabilities	31,309	-	16,947	-	-	-	48,256
Unearned Revenues	5,243,256	-	-	-	-	293,700	5,536,956
Total Liabilities	20,665,447	4,860	1,307,410	2,381,936	879,694	718,518	25,957,865
DEFERRED INFLOWS OF RESOURCES UNAVAILABLE REVENUE	3,029,522	2,615	-	-	-	319,800	3,351,937
FUND BALANCES							
Restricted	10,402,620	19,275,871	26,698,739	-	102,263,701	46,133,955	204,774,886
Nonspendable - Prepaid Expenses	1,821,500	-	-	-	-	-	1,821,500
Unassigned (Deficit)	(1,197,754)	-	-	(55,146)	-	-	(1,252,900)
Total Fund Balances	11,026,366	19,275,871	26,698,739	(55,146)	102,263,701	46,133,955	205,343,486
Total Liabilities, Deferred Inflows of Resources, and Fund Balances	$ 34,721,335	$ 19,283,346	$ 28,006,149	$ 2,326,790	$103,143,395	$ 47,172,273	$ 234,653,288

See accompanying Notes to Financial Statements.

NEW MEXICO ENVIRONMENT DEPARTMENT
RECONCILIATION OF THE BALANCE SHEET – GOVERNMENTAL FUNDS
TO THE STATEMENT OF NET POSITION
JUNE 30, 2025

Total Funds Balance - Governmental Funds (Governmental Fund Balance Sheet)	$	205,343,486
Amounts reported for governmental activities in the statement of net position are different because:		
Capital assets used in governmental activities are not financial resources, and therefore are not reported in the funds.		
Cost of Capital Assets		34,643,927
Accumulated Depreciation and Amortization		(13,792,030)
Total Capital Assets		20,851,897
Deferred Inflows of Resources - Unavailable Revenue		3,351,937
Long-term and certain other liabilities are not due and payable in the current period, and therefore are not reported as liabilities in the funds.		
Long-term and other liabilities at year-end consist of:		
Pollution Remediation Obligations		(65,684,104)
Long-Term Debt		(11,321,869)
Compensated Absences Payable		(7,399,839)
Total Long-Term and Other Liabilities		(84,405,812)
Net Position of Governmental Activities (Statement of Net Position)	$	145,141,508

See accompanying Notes to Financial Statements.

NEW MEXICO ENVIRONMENT DEPARTMENT
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES – GOVERNMENTAL FUNDS
YEAR ENDED JUNE 30, 2025

	Major Funds						
	06400 General Fund	63100 State Air Quality Permit Fund	99000 Corrective Action Fund	89200 Severance Tax Bonds	93100 GF Capital Outlay	Nonmajor Governmental Funds	Total Governmental
REVENUES							
Environmental Fees	$ 14,216	$ 12,021,903	$ 709,377	$ -	$ -	$ 21,761,342	$ 34,506,838
Petroleum Products Loading Fee	-	-	21,631,939	-	-	-	21,631,939
Federal Grant Revenue	31,303,863	-	-	-	-	-	31,303,863
Investment Earnings	-	1,809	-	-	-	168,020	169,829
Interest on Loans	-	-	-	-	-	2,714	2,714
Other Revenue	100,000	544,448	6,208	-	-	-	650,656
Total Revenues	31,418,079	12,568,160	22,347,524	-	-	21,932,076	88,265,839
EXPENDITURES							
Current:							
Resource Management Division	16,690,545	-	-	-	-	-	16,690,545
Water Protection Division	34,611,331	-	-	-	-	-	34,611,331
Resource Protection Division	16,008,457	-	10,492,426	-	-	646,420	27,147,303
Environmental Protection Division	18,988,063	-	-	-	-	-	18,988,063
Environmental Health Division	16,611,334	-	-	-	-	-	16,611,334
Other Environmental Initiatives	17,171,032	-	-	22,180,619	16,517,234	62,262	55,931,147
Debt Service:							
Interest Payments	237,710	-	-	-	-	-	237,710
Principal Payments	1,931,648	-	-	-	-	-	1,931,648
Capital Outlay	5,911,248	-	-	-	-	131,642	6,042,890
Total Expenditures	128,161,368	-	10,492,426	22,180,619	16,517,234	840,324	178,191,971
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	(96,743,289)	12,568,160	11,855,098	(22,180,619)	(16,517,234)	21,091,752	(89,926,132)
OTHER FINANCING SOURCES (USES)							
General Fund Appropriation	35,004,400	-	-	-	55,941,440	7,000,000	97,945,840
Transfers In - Other Agencies	11,400,600	-	-	-	95,558	-	11,496,158
Transfers In - STB	-	-	-	23,628,640	-	-	23,628,640
Transfers Out - Other Agencies	-	-	-	-	(98,219)	-	(98,219)
Transfers - INTRA Agency	45,831,760	(12,566,222)	(9,667,863)	-	(5,000,000)	(22,065,083)	(3,467,408)
Debt Proceeds - Leases	669,671	-	-	-	-	-	669,671
Reversions - FY25	(1)	-	-	-	(631,418)	-	(631,419)
Total Other Financing Sources (Uses)	92,906,430	(12,566,222)	(9,667,863)	23,628,640	50,307,361	(15,065,083)	129,543,263
NET CHANGE IN FUND BALANCES	(3,836,859)	1,938	2,187,235	1,448,021	33,790,127	6,026,669	39,617,131
Fund Balances - Beginning of Year	14,863,225	19,273,933	24,511,504	(1,503,167)	68,473,574	40,107,286	165,726,355
FUND BALANCES - END OF YEAR	$ 11,026,366	$ 19,275,871	$ 26,698,739	$ (55,146)	$ 102,263,701	$ 46,133,955	$ 205,343,486

See accompanying Notes to Financial Statements.

NEW MEXICO ENVIRONMENT DEPARTMENT
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES – GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES
YEAR ENDED JUNE 30, 2025

Net Changes in Fund Balances - Total Governmental Funds (Statement of Revenues, Expenditures, and Changes in Fund Balances)	$	39,617,131
Amounts reported for governmental activities in the statement of activities are different because:		
In the statement of activities, certain operating expenses - compensated absences (sick and annual leave) are measured by the amounts earned during the year. In the governmental funds, however, expenditures for these items are measured by the amounts of financial resources used (essentially, the amounts actually paid).		
Increase in Compensated Absences for the Fiscal Year		(705,420)
Increase in the Pollution Remediation Liability for the Fiscal Year		(7,347,373)
Net effect of various transactions involving capital assets		(110,342)
Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation and amortization expense. In the current period, these amounts were:		
Capital Outlay		6,042,890
Depreciation and Amortization Expense		(3,047,229)
Excess of Capital Outlay Over Depreciation and Amortization Expense		2,995,661
Transfers/Adjustments for Purchase of Assets		(373,121)
Deferred Inflows of Resources - Unavailable Revenue		3,047,101
The issuance of long-term debt (leases) provides current financial resources to governmental funds, which the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. The following represents the changes in long-term debt for the fiscal year:		
Principal Payments on Lease Liability		1,931,648
Proceeds from Debt Issuance - Leases		(669,671)
Change in Net Position of Governmental Activities (Statement of Activities)	$	38,385,614

See accompanying Notes to Financial Statements.

NEW MEXICO ENVIRONMENT DEPARTMENT
STATEMENT OF REVENUES AND EXPENDITURES – MAJOR GOVERNMENTAL FUNDS - BUDGET AND ACTUAL (BUDGETARY BASIS)
YEAR ENDED JUNE 30, 2025

	GENERAL FUND - TOTAL			
	Budgeted Amounts		Actual Amounts	Variance From Final Budget
	Original	Final	(Budgetary Basis)	Positive (Negative)
REVENUES				
Federal Funds	$ 93,235,600	$ 94,003,890	$ 31,303,863	$ (62,700,027)
General Fund	34,404,400	34,404,400	35,004,400	600,000
Intra-Agency Transfers	53,629,500	65,594,200	57,232,360	(8,361,840)
Other	1,065,000	1,308,100	114,216	(1,193,884)
Total Revenues	182,334,500	195,310,590	123,654,839	(71,655,751)
BUDGETED FUND BALANCE	39,119,241	41,572,655	-	(41,572,655)
Total Revenues and Budgeted Fund Balance	$ 221,453,741	$ 236,883,245	123,654,839	$ (113,228,406)
P567 EXPENDITURES				
Personal Services and Employee Benefits	$ 11,459,800	$ 13,441,801	11,905,805	$ 1,535,996
Contractual Services	1,301,500	2,167,609	1,518,638	648,971
Other	6,644,700	7,544,698	4,895,796	2,648,902
Total P567 Expenditures	$ 19,406,000	$ 23,154,108	18,320,239	$ 4,833,869
P568 EXPENDITURES				
Personal Services and Employee Benefits	$ 28,231,000	$ 28,819,942	19,376,605	$ 9,443,337
Contractual Services	43,714,300	44,166,602	12,072,179	32,094,423
Other	21,022,800	21,053,248	3,363,732	17,689,516
Total P568 Expenditures	$ 92,968,100	$ 94,039,792	34,812,516	$ 59,227,276
P569 EXPENDITURES				
Personal Services and Employee Benefits	$ 16,165,500	$ 16,165,500	12,449,750	$ 3,715,750
Contractual Services	3,579,400	4,789,400	2,523,062	2,266,338
Other	1,736,100	1,736,100	1,477,476	258,624
Total P569 Expenditures	$ 21,481,000	$ 22,691,000	16,450,288	$ 6,240,712

See accompanying Notes to Financial Statements.

NEW MEXICO ENVIRONMENT DEPARTMENT
STATEMENT OF REVENUES AND EXPENDITURES – MAJOR GOVERNMENTAL FUNDS - BUDGET AND ACTUAL (BUDGETARY BASIS) (CONTINUED)
YEAR ENDED JUNE 30, 2025

	GENERAL FUND - TOTAL (CONTINUED)			
	Budgeted Amounts		Actual Amounts	Variance From Final Budget
P-570 EXPENDITURES				
Personal Services and Employee Benefits	$ 16,623,200	$ 17,123,200	$ 14,567,382	$ 2,555,818
Contractual Services	2,225,200	7,279,200	2,066,646	5,212,554
Other	5,015,800	6,141,190	5,097,735	1,043,455
Total P-570 Expenditures	$ 23,864,200	$ 30,543,590	21,731,763	$ 8,811,827
P-571 EXPENDITURES				
Personal Services and Employee Benefits	$ 16,172,800	$ 16,770,400	$ 15,087,239	$ 1,683,161
Contractual Services	397,000	609,810	199,232	410,578
Other	2,415,300	1,871,890	1,369,704	502,186
Total P-571 Expenditures	$ 18,985,100	$ 19,252,100	16,656,175	$ 2,595,925
CAPITAL/SPECIAL APPROPRIATION EXPENDITURES				
Personal Services and Employee Benefits	$ 5,974,710	$ 4,844,166	3,412,163	$ 1,432,003
Contractual Services	25,201,319	27,679,757	11,325,761	16,353,996
Other	13,573,312	14,678,732	4,663,916	10,014,816
Total Capital/Special Appropriation Expenditures	$ 44,749,341	$ 47,202,655	19,401,840	$ 27,800,815
ALL EXPENDITURES				
Personal Services and Employee Benefits	$ 94,627,010	$ 97,165,009	76,798,944	$ 20,366,065
Contractual Services	76,418,719	86,692,378	29,705,518	56,986,860
Other	50,408,012	53,025,858	20,868,359	32,157,499
Other Financing Uses	-	-	-	-
Total All Expenditures	$ 221,453,741	$ 236,883,245	127,372,821	$ 109,510,424
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES			(3,717,982)	
LEASE DEBT PROCEEDS (NOT BUDGETED)			669,671	
LEASE CAPITAL EXPENSE (NOT BUDGETED)			(669,671)	
REQUEST TO PAY PRIOR YEAR BILLS				
FY24 Bills Paid in FY25			(118,876)	
REVERSIONS TO INTRA AGENCY FUND (NOT BUDGETED)			(1)	
NET CHANGE IN FUND BALANCE			$ (3,836,859)	

See accompanying Notes to Financial Statements.

NEW MEXICO ENVIRONMENT DEPARTMENT
STATEMENT OF REVENUES AND EXPENDITURES – MAJOR GOVERNMENTAL FUNDS - BUDGET AND ACTUAL (BUDGETARY BASIS) (CONTINUED)
YEAR ENDED JUNE 30, 2025

	STATE AIR QUALITY PERMIT FUND (63100)			
	Budgeted Amounts		Actual Amounts	Variance From Final Budget
	Original	Final	(Budgetary Basis)	Positive (Negative)
REVENUES				
Federal Funds	$ -	$ -	$ -	$ -
General Fund	-	-	-	-
Other State Funds	9,091,900	9,091,900	12,568,160	3,476,260
Inter-Agency Transfers	-	-	-	-
Total Revenues	9,091,900	9,091,900	12,568,160	3,476,260
BUDGETED FUND BALANCE	1,425,400	7,217,054	-	(7,217,054)
Total Revenues and Budgeted Fund Balance	$ 10,517,300	$ 16,308,954	12,568,160	$ (3,740,794)
EXPENDITURES				
Personal Services and Employee Benefits	$ -	$ -	-	$ -
Contractual Services	-	-	-	-
Other	-	-	-	-
Other Financing Uses	10,517,300	16,308,954	12,566,222	3,742,732
Total Expenditures	$ 10,517,300	$ 16,308,954	12,566,222	$ 3,742,732
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES			1,938	
NET CHANGE IN FUND BALANCE			$ 1,938	

See accompanying Notes to Financial Statements.

NEW MEXICO ENVIRONMENT DEPARTMENT
STATEMENT OF REVENUES AND EXPENDITURES – MAJOR GOVERNMENTAL FUNDS - BUDGET AND ACTUAL (BUDGETARY BASIS) (CONTINUED)
YEAR ENDED JUNE 30, 2025

	CORRECTIVE ACTION FUND (99000)			
	Budgeted Amounts		Actual Amounts	Variance From Final Budget
	Original	Final	(Budgetary Basis)	Positive (Negative)
REVENUES				
Federal Funds	$ -	$ -	$ -	$ -
General Fund	-	-	-	-
Other State Funds	11,311,800	11,311,800	22,347,524	11,035,724
Inter-Agency Transfers	-	-	-	-
Total Revenues	11,311,800	11,311,800	22,347,524	11,035,724
BUDGETED FUND BALANCE	12,090,000	12,090,000	-	(12,090,000)
Total Revenues and Budgeted Fund Balance	$ 23,401,800	$ 23,401,800	22,347,524	$ (1,054,276)
EXPENDITURES				
Personal Services and Employee Benefits	$ -	$ -	-	$ -
Contractual Services	4,990,000	2,935,000	2,239,107	695,893
Other	7,100,000	9,155,000	7,952,254	1,202,746
Other Financing Uses	11,311,800	11,311,800	9,667,863	1,643,937
Total Expenditures	$ 23,401,800	$ 23,401,800	19,859,224	$ 3,542,576
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES			2,488,300	
REQUEST TO PAY PRIOR YEAR BILLS				
FY24 Bills Paid in FY25			(301,065)	
NET CHANGE IN FUND BALANCE			$ 2,187,235	

See accompanying Notes to Financial Statements.

NEW MEXICO ENVIRONMENT DEPARTMENT
STATEMENT OF NET POSITION – PROPRIETARY FUNDS
JUNE 30, 2025

	ENTERPRISE FUNDS			
	12100 Wastewater Facility Construction Loan Fund	32700 Clean Water Administrative Fund	33700 Rural Infrastructure Revolving Loan Fund	Total
ASSETS				
CURRENT ASSETS				
Investments in State General Fund				
Investment Pool	$ 213,943,555	$ 5,989,555	$ 13,704,653	$ 233,637,763
Receivables				
Due from Federal Government	229,627	-	-	229,627
Loan Receivables (Completed Projects)	14,562,344	-	1,599,733	16,162,077
Loan Interest Receivables	342,672	-	132,176	474,848
Administrative Fee Receivables	-	149,975	-	149,975
Total Current Assets	229,078,198	6,139,530	15,436,562	250,654,290
NONCURRENT ASSETS				
Loan Receivables (Projects in Process)	55,693,450	-	805,610	56,499,060
Loan Receivables (Completed Projects)	137,138,959	-	17,231,439	154,370,398
Allowance for Uncollectible Accounts	-	-	(378,231)	(378,231)
Total Noncurrent Assets	192,832,409	-	17,658,818	210,491,227
Total Assets	421,910,607	6,139,530	33,095,380	461,145,517
LIABILITIES				
Due to State General Fund	-	-	-	-
Total Liabilities	-	-	-	-
NET POSITION				
Restricted for Specific Purposes	421,910,607	6,139,530	33,095,380	461,145,517
Total Net Position	$ 421,910,607	$ 6,139,530	$ 33,095,380	$ 461,145,517

See accompanying Notes to Financial Statements.

NEW MEXICO ENVIRONMENT DEPARTMENT
STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET POSITION – PROPRIETARY FUNDS
YEAR ENDED JUNE 30, 2025

	ENTERPRISE FUNDS			
	12100 Wastewater Facility Construction Loan Fund	32700 Clean Water Administrative Fund	33700 Rural Infrastructure Revolving Loan Fund	Total
REVENUES				
Interest on Loans	$ 398,373	$ -	$ 251,922	$ 650,295
Debt Service Fees	-	434,399	-	434,399
Total Revenues	398,373	434,399	251,922	1,084,694
OPERATING INCOME	398,373	434,399	251,922	1,084,694
NONOPERATING REVENUES (EXPENSES)				
General Fund Appropriation	-	-	-	-
Federal Grant Revenue	11,465,016	-	-	11,465,016
Grants to Other Organizations	(4,918,061)	-	(821,555)	(5,739,616)
Interest on Investments	8,083,779	191,821	548,104	8,823,704
Transfers In - Other Agencies (CU-NMFA)	-	-	-	-
Transfers Out - Other Agencies	-	-	-	-
Transfers - Intra-Agency	4,324,098	(465,308)	(391,382)	3,467,408
Total Nonoperating Revenues (Expenses)	18,954,832	(273,487)	(664,833)	18,016,512
CHANGES IN NET POSITION	19,353,205	160,912	(412,911)	19,101,206
Total Net Position - Beginning of Year	402,557,402	5,978,618	33,508,291	442,044,311
TOTAL NET POSITION - END OF YEAR	$ 421,910,607	$ 6,139,530	$ 33,095,380	$ 461,145,517

See accompanying Notes to Financial Statements.

NEW MEXICO ENVIRONMENT DEPARTMENT
STATEMENT OF CASH FLOWS – PROPRIETARY FUNDS
YEAR ENDED JUNE 30, 2025

	ENTERPRISE FUNDS			
	12100 Wastewater Facility Construction Loan Fund	32700 Clean Water Administrative Fund	33700 Rural Infrastructure Revolving Loan Fund	Total
CASH FLOWS PROVIDED (USED) BY OPERATING ACTIVITIES				
Cash Received on Repayment of Loan Principal	$ 13,925,547	$ -	$ 1,456,994	$ 15,382,541
Cash Received on Interest from Loans	624,607	-	285,508	910,115
Cash Received for Debt Service Fees	-	453,473	-	453,473
Cash Payments Made to Borrowers	(22,020,101)	-	(1,497,235)	(23,517,336)
Net Cash Provided (Used) by Operating Activities	(7,469,947)	453,473	245,267	(6,771,207)
CASH FLOWS PROVIDED (USED) BY NONCAPITAL FINANCING ACTIVITIES				
Grant Proceeds - EPA	11,235,389	-	-	11,235,389
Grants to Other Organizations	(4,918,061)	-	(821,555)	(5,739,616)
Transfers In - Appropriations	-	-	-	-
Transfers Out - Other Agencies	-	-	-	-
Intra Agency Transfers	4,324,098	(465,308)	(391,382)	3,467,408
Net Cash Provided (Used) by Noncapital Financing Activities	10,641,426	(465,308)	(1,212,937)	8,963,181
CASH FLOWS PROVIDED (USED) BY INVESTING ACTIVITIES				
Interest Payments Received from STO	8,083,779	191,821	548,104	8,823,704
Net Cash Provided (Used) by Investing Activities	8,083,779	191,821	548,104	8,823,704
NET INCREASE (DECREASE) IN CASH	11,255,258	179,986	(419,566)	11,015,678
Investments in State General Fund Investment Pool - Beginning of Year	202,688,297	5,809,569	14,124,219	222,622,085
INVESTMENTS IN STATE GENERAL FUND INVESTMENT POOL - END OF YEAR	$ 213,943,555	$ 5,989,555	$ 13,704,653	$ 233,637,763

See accompanying Notes to Financial Statements.

NEW MEXICO ENVIRONMENT DEPARTMENT
STATEMENT OF CASH FLOWS – PROPRIETARY FUNDS (CONTINUED)
YEAR ENDED JUNE 30, 2025

	ENTERPRISE FUNDS (CONTINUED)			
	12100 Wastewater Facility Construction Loan Fund	32700 Clean Water Administrative Fund	33700 Rural Infrastructure Revolving Loan Fund	Total
RECONCILIATION OF CHANGES IN NET POSITION TO NET CASH PROVIDED (USED) BY OPERATING ACTIVITIES				
Operating Income	$ 398,373	$ 434,399	$ 251,922	$ 1,084,694
Change in Assets and Liabilities:				
Loans Receivable	(8,095,725)	-	(40,246)	(8,135,971)
Loan Interest Receivable	227,409	-	33,591	261,000
Administrative Fee Receivable	-	19,074	-	19,074
Due to State General Fund	(4)	-	-	(4)
Net Cash Provided (Used) by Operating Activities	$ (7,469,947)	$ 453,473	$ 245,267	$ (6,771,207)

See accompanying Notes to Financial Statements.

NOTE 1 DEFINITION OF REPORTING ENTITY

The New Mexico Environment Department (the Department) was created on July 1, 1991, under the Department of Environment Act Laws of 1991, Chapter 25, Section 9-7A-1. The Department is a cabinet department of the executive branch of government. The chief executive of the Department is the Secretary, who is appointed by the Governor with the consent of the senate and serves in the Governor's executive cabinet. These financial statements include all funds and activities for which the Department's Secretary has oversight responsibility. The Department was formed for the purpose of preserving, protecting, and perpetuating the State of New Mexico's water, air, and land. The Department also protects the safety and health of the State's people by regulating, monitoring, and inspecting public facilities and establishments.

The functions of the Department are administered through the following programs:

Resource Management Program (P567)

The Resource Management Program provides overall executive leadership and administrative, legal, and information management support to all Department staff, the public, and oversight and regulatory bodies. This support allows the Department to operate in the most knowledgeable, efficient, and cost-effective manner so that the public can receive the information it needs to hold the Department accountable.

Water Protection Program (P568)

The purpose of the Water Protection Program is to protect and preserve the ground, surface, and drinking resources of the state for present and future generations through monitoring, sampling, and permitting processes. In addition, the program helps communities develop sustainable and secure water, wastewater, and solid waste infrastructure through funding, technical assistance, and project oversight.

Resource Protection Program (P569)

The purpose of the Resource Protection Program is to protect the air, land, groundwater, surface water, and public health through monitoring and regulatory oversight of hazardous and solid waste generation, transportation, disposal, and storage; prevention of releases of petroleum products; and monitoring and sampling at past and present U.S. Department of Energy facilities located in New Mexico.

Environmental Protection Program (P570)

The Environmental Protection Program protects New Mexico's air quality, public health and ensures safe and healthful working conditions for employees. The program provides regulatory oversight for food service and food processing facilities, liquid waste treatment and disposal, public swimming pools and baths, and mosquito abatement. It also protects the environment through specific programs that provide public outreach and education and regulatory oversight of treatment with medical radiation and disposal of radioactive material including transportation to the Waste Isolation Pilot Plant. The program also provides public outreach and education about radon in homes and public buildings.

NMED Exhibit 67_000038

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Environmental Health Program (P571)

The purpose of the Environmental Health Program is to regulate New Mexico businesses, products, and services to prevent adverse impacts on public health and the environment. The program has regulatory oversight over commercially prepared foods, manufactured foods, public swimming pools, spas, onsite wastewater systems, hemp-finished products, and adult use and medical edible cannabis products in New Mexico.

Recently Issued and Adopted Accounting Standards

GASB Statement No. 101, Compensated Absences, issued June 2022 and was adopted by the Office with its fiscal year ending June 30, 2025. Statement No. 101 defines a compensated absence as leave for which employees may receive one or more (a) cash payments when the leave is used for time off; (b) other cash payments, such as payment for unused leave upon termination of employment; or (c) noncash settlements, such as conversion to postemployment benefits. With respect to transition, the implementation of a new authoritative pronouncement is considered a change in accounting principle in accordance with the provisions of GASB Statement No. 100. See Note 20 for changes to the Department's current year financial statements.

Use of Estimates in Preparing Financial Statements

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Financial Reporting Entity

The financial statements for the Department have been prepared in accordance with Generally Accepted Accounting Principles (GAAP) in the United States of America, as applied to governmental units. The Governmental Accounting Standards Board (GASB) is the standard-setting body for governmental accounting and financial reporting. The GASB periodically updates its codification of the existing Governmental Accounting and Financial Reporting Standards, which, along with subsequent GASB pronouncements (Statements and Interpretations), constitute GAAP for governmental units. The more significant of these accounting policies are described below.

The government-wide financial statements consist of the statement of net position and the statement of activities. These statements report information on all non-fiduciary activities of the Department. The Department does not have any fiduciary activities

The statement of activities demonstrates the degree to which the direct expenditures of a function are offset by program revenues. Direct expenditures are those that are clearly identifiable with a specific Department's function. Program revenues include charges to customers who purchase, use, or directly benefit from goods or services provided by the Department, such as permit fees and remediation monitoring. Program revenues also include grants and contributions that are restricted to meeting the operational or capital

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Financial Reporting Entity (Continued)

requirements of a particular function. Indirect expenditures are allocated based on a prorated measure of direct expenditures.

Net position is restricted when constraints placed on it are either externally imposed or are imposed by constitutional provisions or enabling legislation. Internally imposed designations of resources are not presented as restricted net position. It is the Department's policy to apply disbursements first to restricted resources and then to nonrestricted. Restricted resources arising from enabling legislation means the restrictions are legally enforceable. Legally enforceable means a government can be compelled by an external party to use resources only for purposes specified by legislation.

The net cost (by function) is normally covered by general revenues (intergovernmental revenues, interest income, etc.). The Department does not currently employ indirect cost allocation systems.

This government-wide focus is more on the sustainability of the Department as an entity and the change in aggregate financial position resulting from the activities of the fiscal period.

The fund financial statements emphasis is on the major fund in the governmental category.

The governmental fund statements are presented on current financial resources and modified accrual basis of accounting. This presentation is deemed appropriate to (a) demonstrate legal compliance, (b) demonstrate the source and use of liquid resources, and (c) demonstrate how the Department's actual experience conforms to the budget or fiscal plan. Since the governmental fund statements are presented on a different measurement focus and basis of accounting than the government-wide statements' governmental column, a reconciliation is presented on the page following each statement, which briefly explains the adjustment necessary to transform the fund-based financial statements into the governmental column on the government-wide presentation.

The Department is a "department" of the State of New Mexico and will be included in any statewide Annual Comprehensive Financial Report. In accordance with the criteria set forth in GASB Codification for determining component units, the Department does not have any component units.

When an expense is incurred for purposes for which both restricted and unrestricted resources are available, the Department first uses restricted resources, then unrestricted resources.

The Department administers the Clean Water State Revolving Loan Fund (the Fund) pursuant to Title VI of the Federal Water Quality Act of 1987, which consists of the Clean Water Administrative Fund (32700) and the Wastewater Facility Construction Loan Fund (12100). The Environmental Protection Agency (EPA) requires the Department to submit

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Financial Reporting Entity (Continued)

an annual report on the Fund. As a result, the Department issues a separate set of financial statements consisting of these two funds of the Department.

Basis of Presentation – Fund Accounting

The accounts of the Department are organized on the basis of funds, each of which is considered a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund balance, revenues, and expenditures. The various funds are summarized by type in the accompanying financial statements. The following fund types are used by the Department:

Governmental Fund Types – All governmental fund types are accounted for on a spending or financial flow measurement focus.

Due to their spending measurement focus, expenditure recognition for governmental fund types is limited to exclude amounts represented by noncurrent liabilities. Since they do not affect net current assets, such long-term amounts are not recognized as governmental fund type expenditures or fund liabilities.

The Department reports the following major governmental funds:

General Fund (06400) – The General Fund is the operating fund of the Department. It is used to account for all operating activities of the Department, except those requiring other governmental fund types. The General Fund is a reverting fund. Source of funding: General fund appropriation, federal grant revenue and other revenues.

State Air Quality Permit Fund (63100) – Created by State Statute NMSA 1978, Section 74-2-15. The fund is to be used for paying the reasonable costs of (1) reviewing and acting upon any application for a permit; (2) permits issued; (3) emissions and ambient monitoring; (4) preparing applicable regulations or guidance; (5) modeling, analysis and demonstrations; and (6) preparing inventories and tracking emissions. The Department established SHARE Fund No. 70810 to track motor vehicle manufacturing registration fees. The activities of SHARE Fund No. 70810 are reported in this fund. This fund is nonreverting.

Corrective Action Fund (99000) – Created by State Statute 74-6B-7. This Special Revenue fund is intended to provide for financial assurance coverage requirements by federal law and shall be used by the division to take corrective action in response to a release, to pay for the costs of a minimum site assessment in excess of ten thousand dollars, to pay the State's share of federal leaking underground storage tank trust fund cleanup costs as required by the Federal Resource Conservation and Recovery Act and to make payments to or on behalf of owners and operators in accordance with Section 74-6B-13. This fund is nonreverting.

GF Capital Outlay (93100) – This fund was established to account for Capital Outlay projects utilizing General Fund Appropriations. The fund is reverting.

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Basis of Presentation – Fund Accounting (Continued)

Severance Tax Bonds (89200) – This Capital Project fund was established to account for the sale of severance tax bonds to provide funds for various waste handling projects. The fund is a reverting fund. Source of funding: severance tax bonds.

The Department reports the following nonmajor governmental funds:

Special Revenue Funds – Special revenue funds account for the proceeds of revenue sources that are limited to specific expenditures. These revenue sources must provide a "substantial" amount (defined as 50% or more) of the funding accounted for in a special revenue fund. The standard further limits the use of this fund to expenditures that are not related to capital outlay or debt service.

Proprietary Fund Types – The focus of Proprietary Fund measurement is based upon determination of operating income, changes in net position, financial position, and cash flows. The generally accepted accounting principles applicable are those similar to business in the private sector.

Enterprise Funds – Enterprise Funds are required to account for operations for which a fee is charged to external users for goods and services and the activity is (a) financed with debt that is solely secured by a pledge of the net revenues; (b) has third party requirements that the cost of providing services, including capital costs, be recovered with fees and charges; or (c) has pricing policy designed for the fees and charges to recover similar costs.

These funds are accounted for using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenditures are recorded when a liability is incurred, regardless of the timing of related cash flows.

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Basis of Presentation – Fund Accounting (Continued)

Proprietary funds distinguish operating revenues and expenditures from nonoperating items. Operating revenues and expenditures generally result from providing services and producing and delivering goods regarding a proprietary fund's principal ongoing operations. The principal operating revenues of the funds are interest on loans made to municipalities for water projects and other projects. Operating expenditures include administrative expenditures required to manage and operate the fund. All revenues and expenditures not meeting this definition are reported as nonoperating revenues and expenditures.

The Department reports the following major proprietary funds:

Wastewater Facility Construction Loan Fund (12100) – Created by State Statute 74-6A-4. The fund is a revolving loan fund used to provide low-cost financial assistance to local authorities to construct or modify wastewater facilities. The net position balance is restricted by state statute for future loans. This fund is nonreverting.

Clean Water Administrative Fund (32700) – Created by State Statute 74-6A-4.1. The Clean Water Administrative Fund is a dedicated fund, and all money in the Clean Water Administrative Fund is appropriated to the Department to be used solely to administer the Wastewater Facility Construction Loan Fund. The net position balance is restricted by state statute for administering the Wastewater Facility Construction Loan Fund. This fund is nonreverting.

Rural Infrastructure Revolving Loan Fund (33700) – Created by State Statute 75-1-3. The fund is a revolving loan fund used to make loans and grants to local authorities, individually or jointly, for water supply facilities. The net position balance is restricted by state statute for future loans. This fund is nonreverting.

Basis of Accounting

Government-wide Financial Statements. The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

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NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Basis of Accounting (Continued)

Governmental Fund Financial Statements. The governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized when they have been earned and they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the Department considers federal revenues to be available if they are collected within 90 days of the end of the current fiscal period. The Department considers all other revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting.

The financial activities of the Department are recorded in individual funds, each of which is deemed to be a separate accounting entity. The Department uses fund accounting to report on its financial position and results of operations. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities. A fund is a separate accounting entity with a self-balancing set of accounts.

Federal funds are recorded as revenues when expenditures have been incurred on behalf of one or more of the Department's federal award programs and when all eligibility requirements have been met. Special appropriations are recorded as revenues when they are available. Major revenue sources susceptible to accrual include petroleum products loading fee, permit fees for air emission discharge, underground storage tank fees, food and pool permit fees, hazardous waste permits and generator fees. These sources are recorded when available and when revenues are determinable. Bond proceeds are recognized when all eligibility requirements have been met.

Budgets and Budgetary Accounting

The state Legislature makes annual appropriations to the Department. Annual appropriations lapse at fiscal year-end unless otherwise specified in the legislation. Legal compliance is monitored through the establishment of a budget and a financial control system that permits a budget to actual expenditure comparison. Expenditures may not legally exceed appropriations for each budget at the category level. Budgeted category amounts may be amended upon approval from the Budget Division of the State of New Mexico Department of Finance and Administration (DFA) within the limitations as specified in the General Appropriation Act.

Per the General Appropriation Act, Laws of 2025, Chapter 160, Section 3, item K, "For the purpose of administering the General Appropriation Act of 2025, the state of New Mexico shall follow the modified accrual basis of accounting for governmental funds in accordance with the manual of model accounting practices issued by the department of finance and administration." The budget is adopted on the modified accrual basis of accounting except for accounts payable accrued at the end of the year that do not get paid by the statutory deadline per Section 6-10-4 NMSA 1978.

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NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Budgets and Budgetary Accounting (Continued)

Those accounts payable that do not get paid timely must be paid out of the next year's budget. Encumbrances related to single year appropriations lapse at year end. Appropriation periods are sometimes for periods in excess of twelve months (multiple-year appropriations). When multiple-year appropriation periods lapse, the authority for the budget also lapses and encumbrances can no longer be charged to that budget. The legal level of budgetary control is at the appropriation program level (A-Code, P-Code, and Z-Code). A-Codes pertain to capital outlay appropriations (general obligation/severance tax or state general fund). P-Codes pertain to program operating funds. Z-Codes pertain to special appropriations.

Interfund Transactions

Transfers which, because of budgetary or legal restrictions, must be expended by funds other than the fund initially receiving the revenue are recorded as operating transfers in (out) under the other financing sources (uses) category. See Note 8 for a summary of these transactions.

Modified Accrual

In applying the "susceptible to accrual" concept to intergovernmental revenues pursuant to GASB Codification, the provider should recognize liabilities and expenditures and the recipient should recognize receivables and revenues when the applicable eligibility requirements, including time requirements, are met. Resources transmitted before the eligibility requirements are met, under most circumstances, should be reported as advances by the provider and unearned revenue by the recipient.

Receivables

Petroleum Storage Tank Bureau. The Petroleum Storage Tank Bureau has a database of receivable balances from various prior periods which are deemed uncollectible due to their age. The database is being reviewed for possible fixes aimed at enhancing reporting and data output from the system. This, the Department hopes will enhance ongoing efforts to address said balance.

However, the Department has an ongoing project to investigate and resolve all outstanding balances. Collection efforts have been successful in some of the resolved cases. In other cases, the Bureau determined that the balances were uncollectible. This effort is still ongoing and is estimated to take three to five years before completion.

Capital Assets

Capital assets are recorded at historical cost and depreciated over their estimated useful lives (with no salvage value). Donated capital assets are recorded at their estimated acquisition value at the time of acquisition. Additions, improvements, and other capital outlays exceeding $5,000 that significantly extend the useful life of an asset are capitalized per Section 12-6-10 NMSA 1978. The significant threshold related to aggregate capital asset acquisition is $200,000. Costs for repairs and maintenance are expensed as incurred.

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Capital Assets (Continued)

Estimated useful life is management's estimate of how long the asset is expected to meet service demands. Straight-line depreciation is used based on the following estimated useful lives in years:

Reportable IT Maintenance	5
Reportable IT Services	5
Furniture and Fixtures	7
Data Processing Equipment	5
Machinery and Equipment	5
Right-to-Use Lease Equipment	Up to 12
Library and Museum	7
Automotive	5
Buildings and Structures	27 ½
Right-to-Use Lease Buildings	Up to 20

Leases

Leasee

The Department is a lessee for noncancellable leases of equipment. The Department recognizes a lease liability and an intangible right-to-use lease asset (lease asset) in the applicable governmental activities in the government-wide financial statements. The Department recognizes lease liabilities with an initial, individual value of $25,000 or more.

At the commencement of a lease, the Department initially measures the lease liability at the present value of payments expected to be made during the lease term. Subsequently, the lease liability is reduced by the principal portion of lease payments made. The lease asset is initially measured as the initial amount of the lease liability, adjusted for lease payments made at or before the lease commencement date, plus certain initial direct costs. Subsequently, the lease asset is amortized on a straight-line basis over its useful life.

Key estimates and judgments related to leases include how the Department determines (1) the discount rate it uses to discount the expected lease payments to present value, (2) lease term, and (3) lease payments.

- The Department uses the interest rate charged by the lessor as the discount rate. When the interest rate charged by the lessor is not provided, the Department generally uses its estimated incremental borrowing rate, as established by the New Mexico State Controller, as the discount rate for leases.
- The lease term includes the noncancellable period of the lease.
- Lease payments included in the measurement of the lease liability are composed of fixed payments.

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Leases (Continued)

Leasee (Continued)

The Department monitors changes in circumstances that would require a remeasurement of its lease and will remeasure the lease asset and liability if certain changes occur that are expected to significantly affect the amount of the lease liability.

Lease assets are reported with other capital assets and lease liabilities are reported with long- term debt on the statement of net position.

Compensated Absences

The liability for compensated absences reported in the government-wide fund statements consists of leave that has not been used that is attributable to services already rendered, accumulates and is more likely than not to be used for time off or otherwise paid in cash or settled through noncash means. The liability also includes amounts for leave that has been used for time off but has not yet been paid in cash or settled through noncash means and certain other types of leave.

Accrued vacation up to 240 hours is recorded in the statement of net position at 100% of the employee's hourly wage. In addition, accrued sick leave over 600 and up to 720 hours (less the amount classified as current) is recorded in the statement of net position at 50% of the employee's hourly wage. Compensatory time is accrued at a rate of one and one-half hours for each hour of employment for which overtime compensation is required for those employees covered by the Fair Labor Standards Act (FLSA). Employees exempt from coverage by FLSA earn one hour of compensatory time for each overtime hour. The accrual for compensated absences is calculated at pay rates in effect at June 30, 2025 and includes direct and incremental salary related payments, such as the employees' share of social security taxes.

Deferred Outflows/Inflows of Resources

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The Department did not have any items that qualified for reporting in this category as of June 30, 2025.

In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period and so will not be recognized as an inflow of resources (revenue) until that time. Under the modified accrual basis of accounting, deferred inflows of resources also include revenues not collected within the availability period after the fiscal year-end. The Department has reported deferred inflows of resources related to unavailable revenues for grants and receivables as of June 30, 2025. These amounts are deferred and will be recognized as an inflow of resources in the period that amounts become available.

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Pension Plan

The Department, as part of the primary government of the State of New Mexico, is a contributing employer to a cost-sharing multiple employer defined benefit pension plan administered by the Public Employees Retirement Association (PERA). Overall, the total pension liability exceeds plan net position resulting in a net pension liability. The state has determined the state's share of the net pension liability to be a liability of the state as a whole, rather than any agency or department of the state and will not be reported in the department or agency level financial statements of the state. All required disclosures will be presented in the Annual Comprehensive Financial Report (ACFR) of the State of New Mexico. Information concerning the net pension liability, pension expense, and pension related deferred inflows and outflows of resources of the primary government will be contained in the State General Fund and the ACFR and will be available, when issued, from the Office of State Controller, Room 166, Bataan Memorial Building, 407 Galisteo Street, Santa Fe, New Mexico 87501.

Other Postemployment Benefits

The Department, as part of the primary government of the State of New Mexico, is a contributing employer to a cost-sharing multiemployer defined benefit postemployment health care plan that provides comprehensive group health insurance for persons who have retired from certain public service positions in the state of New Mexico. The other postemployment benefits (OPEB) Plan is administered by the Retiree Health Care Authority of the State of New Mexico. Overall, total OPEB liability exceeds OPEB Plan net position resulting in a net OPEB liability. The state has determined the state's share of the net OPEB liability to be a liability of the state as a whole, rather than any agency or department of the state and the liability will not be reported in the department or agency level financial statements of the state. All required disclosures will be presented in the ACFR of the State of New Mexico and will be available, when issued, from the Office of the State Controller, Room 166, Bataan Memorial Building, 407 Galisteo Street, Santa Fe, New Mexico, 87501.

Net Position

The government-wide financial statements utilize a net position presentation. Net position is categorized as investment in capital assets (net of related debt), restricted, and unrestricted.

Net Investment in Capital Assets

Net investment in capital assets reflects the portion of net position which are associated with nonliquid, capital assets less outstanding capital asset related debt. The net related debt is the debt less the outstanding liquid assets and any associated unamortized cost.

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Net Position (Continued)

Restricted

Restricted assets are liquid assets generated from revenues but not bond proceeds which have third-party (statutory, bond covenant or granting agency) limitations on their use. Of the reported restricted assets on the government-wide statement of net position, all are restricted by enabling legislation. Specific purposes of restrictions are for statutory requirements, loans on water and wastewater projects and special revenue funds. According to underground storage tank regulation section 1507(A), "the Department shall maintain a reserve of one million dollars ($1,000,000) in the fund for the costs of taking first and second priority emergency corrective action."

Unrestricted

Unrestricted assets represent assets that do not have third-party limitations on their use. The Department has an unrestricted deficit as of June 30, 2025 as a result of certain long-term liabilities that are to be funded as they become due rather than when they are incurred.

Tax Abatements

The Department does not abate taxes and has not been materially impacted by any tax abatement agreements entered into by other governmental entities.

Fund Balances

In the governmental fund financial statements, fund balances are classified as nonspendable, restricted, committed, assigned, or unassigned. Restricted represents those portions of fund balance where constraints placed on the resources are either externally imposed or imposed by law through constitutional provisions or enabling legislation. Committed fund balance represents amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the Legislative and Executive branches of the State. Assigned fund balance is constrained by the Legislature's and Executive Branch's intent to be used for specific purposes or, in some cases, by legislation.

When an expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available, the Department considers restricted funds to have been spent first. When an expenditure is incurred for which committed, assigned, or unassigned fund balances are available, the Department considers amounts to have been spent first out of committed funds, then assigned funds, and finally unassigned funds. See additional information about fund balances below.

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Fund Balances (Continued)

Restricted – Government Fund Financial Statements

The following table identifies the funds that are affected by enabling legislation and the respective balances:

RESTRICTED - MAJOR FUNDS

Fund	Description	Enabling Legislation	Restricted Fund Balance
06400	General Fund	Various	$ 10,402,620
63100	State Air Quality Permit Fund	NM 74-2-15	19,275,871
93100	GF Capital Outlay	Various	102,263,701
99000	Corrective Action Fund	NM 74-6B-7	26,698,739
		Subtotal, Restricted-Major Funds	158,640,931

RESTRICTED - OTHER GOVERNMENTAL FUNDS

Fund	Description	Enabling Legislation	Restricted Fund Balance
02600	Recycling & Illegal Dumping Fund	NM 74-13-19	3,362,477
06600	Voluntary Remediation Fund	NM 74-4G-11	96,032
09200	Air Quality Title V Fund	NM 74-2-15	7,072,385
10980	Nuclear Workers Assistance Fund	NM 74-1-17	79,756
11900	Brownfields Cleanup Revolving Loan Fund	NM 74-4G-11.1	2,469,940
24800	Responsible Parties Fund	NM 74-6B-7	173,339
33900	Hazardous Waste Fund	NM 74-4-4.5	10,367,934
34100	Water Quality Management Fund	NM 74-6-5.2	6,394,925
56700	Water Conservation Fund	NM 74-1-13	5,779,512
58400	Public Water Supply System Operator and Public Wastewater Operator Fund	NM 61-33-5	208,893
59200	Radiation Protection Fund	NM 74-3-5.1	3,060,848
63200	Solid Waste Facility Grant Fund	NM 74-9-41	115,563
68130	Environmental Health Fund	NM 74-1-2	1,857,950
68440	LW Disposal System Assistance	NM 74-1-15.1	968,919
78300	Solid Waste Permit Fees	NM 74-9-8(I)	214,065
95700	Hazardous Waste Emergency Fund	NM 74-4-8	2,602,294
98700	Radiologic Technology Fund	NM 61-4E-10	577,234
98900	Storage Tank Fund	NM 74-4-4.8	731,889
		Subtotal, Restricted-Other	46,133,955
		Total - All Governmental Funds	$ 204,774,886

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Short-Term Debt

The Department did not have any short-term debt activity during the year.

Eliminations

Interfund eliminations have not been made in the aggregation of the governmental fund financial statements. Interfund transfers and due to/due from amounts shown in the governmental financial statements are eliminated in the government-wide statement of net position and statement of activities.

Cash and Cash Equivalents

For purposes of the statement of cash flows, the proprietary fund types consider all highly-liquid investments within a maturity of three months or less when purchased to be cash equivalents.

Prepaid Items

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both the government-wide and fund financial statements. The cost of prepaid items is recorded as expenditures/expenses when consumed rather than when purchased. In the governmental funds, reported prepaid items are classified as nonspendable fund balance. Prepaid items are reported as other assets.

NOTE 3 INVESTMENTS IN STATE GENERAL FUND INVESTMENT POOL

Compliant with Statute 6-10-3 (NMSA 1978), and to optimize state cash management and investment practices, funds of various state agencies are deposited in the State General Fund Investment Pool (SGFIP). This pool is managed by the New Mexico State Treasurer’s Office (STO). Claims on the SGFIP are reported as financial assets by the various agencies investing in the SGFIP.

The comprehensive cash reconciliation model, which compares aggregated agency claims on the SGFIP to the resources held by the State Treasurer's Office, has been completed for fiscal year 2025. This process has been previously reviewed and analyzed annually by the IPAs that conduct audits of the General Fund, the Department of Finance and Administration, and the State of New Mexico's Annual Financial Report. These reviews have confirmed the process is sound and that the Department is fully compliant with reconciliation requirements.

As of June 30, 2025, resources in the pool matched the claims of the corresponding business units on those resources. All claims, as recorded in SHARE, shall be honored at face value.

NMED Exhibit 67_000051

NOTE 3 INVESTMENTS IN STATE GENERAL FUND INVESTMENT POOL (CONTINUED)

At June 30, 2025, the Department had $451,797,884 invested in the SGFIP.

Interest Rate Risk – The New Mexico State Treasurer's Office has an investment policy that limits investment maturities to five years or less on allowable investments. This policy is means of managing exposure to fair value losses arising from increasing interest rates. This policy is reviewed and approved annually by the New Mexico State Board of Finance.

Credit Risk – The New Mexico State Treasurer pools are not rated.

The New Mexico State Treasurer's Office audited financial statements can be obtained from the State Treasurer, Office of the State Treasurer, PO Box 5135, Santa Fe, New Mexico 87505.

NOTE 4 OTHER RECEIVABLES

Brownfields Cleanup Revolving Loan Fund (11900)	$	879,045
Hazardous Waste Fund (33900)		138,500
Radiation Protection Fund (59200)		301,600
Environmental Health Fund (68130)		20,000
General Fund (06400)		6,008
State Air Quality Permit Fund (63100)		2,615
Total Other Receivables, Net	$	1,347,768

The Brownfields Cleanup Revolving Loan Fund provides loans from federal grant proceeds to various parties to carry out cleanup activities at Brownfields sites. On June 30, 2025, the fund consisted of two loans with private parties:

- One loan was in repayment and had a principal balance of $193,086 Payments began June 30, 2017 in equal monthly installments of $8,777. Payments will be made over 10 years, with a final payment due May 15, 2027. This receivable is considered fully collectible.
- One loan was in repayment and had a principal balance of $685,958. Payments began in 2020. The Department amended the loan term during the fiscal year 2022. Payments are to be made over 10 years in equal monthly installments of $8,030 with final payment due June 15, 2032. This receivable is considered fully collectible.

NOTE 4 OTHER RECEIVABLES (CONTINUED)

The Storage Tank Permit Fee is a $100 annual fee charged on each underground storage tank. The tank fees are invoiced May 1 and are due July 1 for the next fiscal year. A past-due notice is sent in October and a late fee of 25% of the unpaid amount is charged. The Hazardous Waste Fund is composed of various permit and corrective action fees for permitted facilities.

Other receivables represent other various fee and permit related receivables, which are considered fully collectible.

NOTE 5 CONSTRUCTION AND MORTGAGE LOANS

Construction and mortgage loans represent interest-bearing funds advanced to various municipalities and water control districts within the state to construct or modify wastewater or water supply facilities. Construction loans represent those projects still under construction. Interest is accrued on loans in the construction phase. Upon completion, accrued interest is either paid or added to the principal balance of the mortgage loan. The mortgage loans represent completed projects, and the Department is receiving payments of principal and interest.

The allowance for uncollectible accounts is based on estimated collectible balances using an analysis of an aging of outstanding accounts and historical collection experience. For Fund 12100, no provision for uncollectible accounts has been made as all loans are current and management believes that all loans will be repaid according to the loan terms. The Department may not forgive a loan without Legislative approval.

Construction and mortgage loans as of June 30, 2025, consist of the following:

	(12100) Wastewater Facility Construction Loan Fund	(33700) Rural Infrastructure Revolving Loan Fund	Total
Construction Loans in Progress	$ 55,693,450	$ 805,610	$ 56,499,060
Mortgage Loans on Completed Projects, Noncurrent and Current	151,701,303	18,831,172	170,532,475
Accrued Interest	342,672	132,176	474,848
Allowance for Uncollectible Accounts	-	(378,231)	(378,231)
Total	$ 207,737,425	$ 19,390,727	$ 227,128,152

The above loans are secured by pledged revenues of the borrower's water and sewer systems and bear interest at rates ranging from 0% to 3% per annum. Construction loans in process are transferred to mortgage loans upon completion of the project.

NOTE 5 CONSTRUCTION AND MORTGAGE LOANS (CONTINUED)

Mortgage loans are paid in annual installments, including interest, ranging from $1,000 to $1,921,489 through January 8, 2048, in the Wastewater Facility Construction Loan Fund and $100 to $133,048 through January 14, 2040 monthly and annual installments in the Rural Infrastructure Revolving Loan Fund.

The following is a schedule of future annual payments including principal, interest, and administrative fee as of June 30, 2025:

(12100) Wastewater Facility Construction Loan Fund

Year Ending June 30,	Principal Repayments	Interest Payments	Fee Payments	Total
2026	$ 14,352,940	$ 532,381	$ 229,733	$ 15,115,054
2027	14,090,482	441,373	203,263	14,735,118
2028	12,466,481	356,556	176,417	12,999,454
2029	12,031,314	289,445	149,162	12,469,921
2030	10,807,380	229,430	123,797	11,160,607
2031-2035	40,991,812	566,855	342,081	41,900,748
2036-2040	27,891,020	185,939	92,162	28,169,121
2041-2045	12,361,062	41,545	9,789	12,412,396
2046-2050	5,071,484	6,188	1,401	5,079,073
2051-2055	1,637,328	559	49	1,637,936
Completed Projects Totals	$ 151,701,303	$ 2,650,271	$ 1,327,854	$ 155,679,428

(33700) Rural Infrastructure Revolving Loan Fund

Year Ending June 30,	Principal Repayments	Interest Payments	Fee Payments	Total
2026	$ 1,616,977	$ 257,944	$ -	$ 1,874,921
2027	1,618,437	232,933	-	1,851,370
2028	1,502,591	205,486	-	1,708,077
2029	1,437,699	183,089	-	1,620,788
2030	1,451,263	158,525	-	1,609,788
2031-2035	5,792,863	509,569	-	6,302,432
2036-2040	4,193,263	196,249	-	4,389,512
2041-2045	1,218,079	31,197	-	1,249,276
Completed Projects Totals	$ 18,831,172	$ 1,774,992	$ -	$ 20,606,164

NOTE 5 CONSTRUCTION AND MORTGAGE LOANS (CONTINUED)

The following is a detailed summary of major borrowers and loan balances for construction and mortgage loans as of June 30, 2025.

Construction loans in progress:

Community	(12100) Wastewater Facility Construction Loan Fund	(33700) Rural Infrastructure Revolving Loan Fund	Total
Los Alamos	$ 24,615,451	$ -	$ 24,615,451
Roswell	9,163,623	-	9,163,623
Bloomfield	7,570,101	-	7,570,101
Gallup	4,778,825	-	4,778,825
Socorro	3,105,598	-	3,105,598
Tucumcari	2,425,348	-	2,425,348
Santa Fe	1,623,969	-	1,623,969
Springer	877,938	-	877,938
Hatch	644,700	-	644,700
Camino Real Regional Utility Authority	186,057	-	186,057
Anthony	167,170	-	167,170
Middle Rio Grande Conservancy Distric	126,501	-	126,501
Other Communities	408,169	805,610	1,213,779
Total	$ 55,693,450	$ 805,610	$ 56,499,060

NOTE 5 CONSTRUCTION AND MORTGAGE LOANS (CONTINUED)

Mortgage loans on completed projects:

Community	(12100) Wastewater Facility Construction Loan Fund	(33700) Rural Infrastructure Revolving Loan Fund	Total
Farmington	$ 19,093,428	$ -	$ 19,093,428
Grants	16,124,310	-	16,124,310
Portales	15,948,000	356,821	16,304,821
Hobbs	15,537,153	-	15,537,153
Los Lunas	13,296,124	-	13,296,124
Carlsbad	13,151,923	-	13,151,923
Socorro	10,044,805	-	10,044,805
Los Alamos County	9,992,528	-	9,992,528
Angel Fire	8,981,626	-	8,981,626
El Valle de Los Ranchos Water & Sanitation District	4,020,188	198,746	4,218,934
Aztec	3,711,150	-	3,711,150
Las Vegas	3,535,208	-	3,535,208
Santa Rosa	2,285,233	428,858	2,714,091
Lovington	1,681,236	-	1,681,236
Clovis	1,541,360	-	1,541,360
Belen	1,433,726	639,920	2,073,646
Espanola	1,374,996	-	1,374,996
Taos	1,209,669	-	1,209,669
Peralta	1,178,680	1,382,823	2,561,503
Southern Sandoval County Arroyo Flood Control	1,119,039	-	1,119,039
Dona Ana County	1,108,412	-	1,108,412
Rio Arriba County	883,969	-	883,969
Roswell	780,000	-	780,000
Estancia Valley Solid Waste Authority	588,305	594,110	1,182,415
Bayard	508,245	-	508,245
Chama	506,803	911,168	1,417,971
Tijeras	363,662	-	363,662
Cuba	283,290	38,542	321,832
Other Communities	1,418,235	14,280,184	15,698,419
Total	$ 151,701,303	$ 18,831,172	$ 170,532,475

NOTE 6 DUE FROM AND DUE TO OTHER FUNDS

Due from and due to other funds are amounts due from and to other funds within the Department. A significant portion of these balances during the year represents the differences between the amounts transferred from the Special Revenue Funds and the Clean Water Administrative Fund to the General Fund and the amounts expended in the General Fund on behalf of the Special Revenue Funds. As of June 30, 2025, the Department did not have any amounts due from/to other funds as the amounts were transferred as of the year end.

NOTE 7 DUE FROM AND DUE TO OTHER STATE AGENCIES/ENTITIES

Transactions that occur among state agencies legislative mandate, exchange transactions, and other situations are accounted for in the financial statements which make up the due from and due to other state agencies. The due from other state agencies balance on June 30, 2025 consists of the following:

NMED Fund	Agency	Business Unit No.	Other Agency's Fund No.	Amount
Due From Other State Agencies				
	Governmental Funds:			
56700	Due from NMTRD for Water Conservation Fee (B)	33300	82800	$ 183,906
99000	Due from NMTRD for Petroleum Products Loading Fee (A)	33300	82800	1,790,858
	Total Governmental Funds			$ 1,974,764

The Department did not have amounts due to other state agencies. Transactions that occur among other state entities exchange transactions and other situations are accounted for in the financial statements which make up the due from and due to other state entities. The due from other state entities balance consists of reimbursements for drinking water set-asides for small water systems and on June 30, 2025 consist of the following:

NMED Fund	Entity	Other Entity's Business Unit	Amount
Due From Other State Entities			
06400	Due from the NMFA for DWSRF Set-Aside Pass-Throughs (C)	38500	$ 534,163
			$ 534,163

The Department did not have amounts due to other state entities.

(A) TRD collects the petroleum product loading fee which is transferred to the Department for the Corrective Action Fund. The June distribution was not received by year-end.

NOTE 7 DUE FROM AND DUE TO OTHER STATE AGENCIES/ENTITIES (CONTINUED)

(B) New Mexico Taxation and Revenue Department (TRD) collects monthly taxes for every 1,000 gallons of water pumped out of the ground for drinking water use. The Department receives this tax as a monthly distribution to the Water Conservation Fund. The June distribution was not received by year-end.

(C) The New Mexico Financial Authority (NMFA) receives an annual capitalization grant for the Drinking Water State Revolving Loan Fund (DWSRF). NMFA passes the set asides through to the Department from each capitalization grant.

NOTE 8 TRANSFERS

Intra-Agency transfers as of June 30, 2025 are as follows:

	Transfers In	Transfers Out
Governmental Funds Intra-Agency Transfers:		
General Fund - 06400	$ 44,299,168	$ -
Special Revenue Funds:		
02600	-	152,834
06600	-	24,386
09200	-	4,919,936
11900	-	242,998
24800	-	193,542
33900	-	5,042,617
34100	-	1,249,883
56700	-	2,243,804
58400	-	40,736
59200	-	2,693,492
63100	-	12,566,222
68130	-	4,354,577
68440	-	12,000
78300	-	33,250
95700	-	280,644
98700	-	288,597
98900	-	291,787
99000	-	9,667,863
Total	$ 44,299,168	$ 44,299,168
Proprietary Funds Intra-Agency Transfers:		
06400	$ 1,532,592	$ -
12100	5,000,000	675,902
93100	-	5,000,000
32700	-	465,308
33700	-	391,382
Total*	$ 6,532,592	$ 6,532,592

NOTE 8 TRANSFERS (CONTINUED)

*Proprietary Funds Intra-Agency Transfers Out are included with Transfers - INTRA Agency on the statement of revenues, expenses, and changes in fund net position.

Intra-Agency transfers occur primarily from special revenue funds to the general operating fund since certain revenues are recorded in the special revenue funds, but related expenditures are budgeted and incurred through the general operating fund. All transfers are routine and consistent with fund activity.

Transfers from Other Agencies as of June 30, 2025 are as follows:

NMED Fund	Agency	Other Agency's Fund	Description	Amount
93100	State General Fund - 34101	85300	General Fund Capital Appropriations	$ 55,941,440
06400	State General Fund - 34101	85300	General Fund Appropriation	35,004,400
06400	Dept. of Finance & Administration - 34100	62000	Compensation Package	870,600
06400	Department of Justice - 30500	54400	Special Appropriations	6,700,000
06400	Dept. of Finance & Administration - 34100	00900	Special Appropriations	2,340,000
06400	Dept. of Finance & Administration - 34100	01010	Special Appropriations	240,000
06400	Dept. of Finance & Administration - 34100	82940	Land of Enchantment Distribution	1,250,000
93100	Dept. of Finance & Administration - 34100	93100	Reauthorization	95,558
34100	State General Fund - 34101	85300	General Fund Appropriation	7,000,000
89200	Board of Finance - 34103	89200	Severance Tax Bond Appropriations	23,628,640
			Total Government Fund Transfers from Other Agencies	$ 133,070,638

Transfers to Other Agencies as of June 30, 2025 are as follows:

NMED Fund	Agency	Other Agency's Fund	Description	Amount
93100	Dept. of Finance & Administration - 34100	93100	To transfer cash balance to LGD (Project H4085)	$ 98,219
			Total Government Fund Transfers to Other Agencies	$ 98,219

NOTE 9 CAPITAL ASSETS

A summary of changes in capital assets owned by the Department is as follows:

	Balance, June 30, 2024	Additions	Deletions	Transfers/ Adjustments	Balance, June 30, 2025
Capital Assets:					
Furniture and Fixtures	$ 370,245	$ 617,897	$ -	$ -	$ 988,142
Data Processing Equipment	2,395,783	78,375	(16,247)	1,684,573	4,142,484
Machinery and Equipment	5,195,690	539,352	(1,031,649)	-	4,703,393
Library and Museum	35,511	-	-	-	35,511
Automotive	17,620	373,121	-	(373,121)	17,620
Buildings and Structures	60,745	-		-	60,745
Projects in Process	1,655,220	3,764,474	(99,888)	(1,684,573)	3,635,233
Total Capital Assets	9,730,814	5,373,219	(1,147,784)	(373,121)	13,583,128
Right-to-Use Lease Asset:					
Equipment	351,112	73,480	(13,178)	-	411,414
Buildings	17,973,430	596,191	(2,999,874)	-	15,569,747
Total Lease Assets	18,324,542	669,671	(3,013,052)	-	15,981,161
Accumulated Depreciation:					
Furniture and Fixtures	(251,360)	(21,542)	-	-	(272,902)
Data Processing Equipment	(657,308)	(332,795)	16,247	-	(973,856)
Machinery and Equipment	(3,312,616)	(431,210)	1,031,181	-	(2,712,645)
Library and Museum	(35,511)	-	-	-	(35,511)
Automotive	(17,620)	-	-	-	(17,620)
Buildings and Structures	(13,462)	(2,876)	-	-	(16,338)
Total Accumulated Depreciation	(4,287,877)	(788,423)	1,047,428	-	(4,028,872)
Less: Right-to-Use Lease Asset: Amortization					
Equipment	(175,444)	(92,276)	13,178	-	(254,542)
Buildings	(4,916,419)	(1,888,123)	2,043,166	-	(4,761,376)
Total Accumulated Amortization	(5,091,863)	(1,980,399)	2,056,344	-	(5,015,918)
Net Capital Assets	$ 18,675,616	$ 3,274,068	$ (1,057,064)	$ (373,121)	$ 20,519,499

Depreciation and amortization expense for the year ended June 30, 2025 was allocated to the following:

Resource Management Division	$ 405,206
Water Protection Division	840,279
Resource Protection Division	659,070
Environmental Protection Division	460,984
Environmental Health Division	403,283
Total Depreciation and Amortization Expense by Program	$ 2,768,822

NOTE 9 CAPITAL ASSETS (CONTINUED)

The Corrective Action Fund tracks fixed assets separately. A summary of assets owned by the Corrective Action Fund is as follows:

	Balance, June 30, 2024	Additions	Deletions	Transfers/ Adjustments	Balance, June 30, 2025
Capital Assets:					
Machinery and Equipment	$ 5,045,039	$ -	$ (8,365)	$ -	$ 5,036,674
Buildings and Structures	42,964	-	-	-	42,964
Total Capital Assets	5,088,003	-	(8,365)	-	5,079,638
Accumulated Depreciation:					
Machinery and Equipment	(4,434,234)	(278,407)	8,365		(4,704,276)
Buildings and Structures	(42,964)	-	-	-	(42,964)
Total Accumulated Depreciation	(4,477,198)	(278,407)	8,365	-	(4,747,240)
Net Capital Assets	$ 610,805	$ (278,407)	$ -	$ -	$ 332,398

Depreciation expense for the year ended June 30, 2025 was allocated to the following:

Resource Protection Division	$ 278,407
Total Depreciation Expense by Program	$ 278,407

NOTE 10 LEASES

The Department leases equipment as well as certain operating and office facilities for various terms under long-term, noncancelable lease agreements. The leases expire at various dates through 2041 and provide various renewal options. Interest rates range from 0.50% to 3.70%.

Total future minimum lease payments under lease agreements are as follows:

	Governmental Activities	
Year Ending June 30,	Principal	Interest
2026	$ 1,419,203	$ 214,803
2027	1,390,778	186,171
2028	1,171,995	158,742
2029	959,991	139,114
2030	684,300	122,427
2031-2035	3,541,961	370,012
2036-2040	1,742,960	91,553
2041-2045	410,681	3,005
Total	$ 11,321,869	$ 1,285,827

NOTE 10 LEASES (CONTINUED)

A summary of changes in lease liability for the year ended June 30 is as follows:

	Balance, June 30, 2024	Additions	Deletions	Balance, June 30, 2025	Due in One Year
Lease Liability	$ 13,530,568	$ 669,671	$ (2,878,370)	$ 11,321,869	$ 1,419,203

NOTE 11 COMPENSATED ABSENCES

The following is a summary of compensated absences of the Department for the year ended June 30, 2025:

	Restated Balance, June 30, 2024	Additions		Deletions	Balance, June 30, 2025	Due in One Year
Compensated Absences	$ 6,694,419	$ 705,420	*	$ -	$ 7,399,839	$ 5,179,888

* The change in the compensated absences liability is presented as a net change.

NOTE 12 POLLUTION REMEDIATION OBLIGATIONS

Governmental Accounting Standards Board Statement No. 49, *Accounting and Financial Reporting for Pollution Remediation Obligations (GASB 49)*, provides guidance in estimating and reporting the potential costs of pollution remediation. The standard excludes pollution prevention or control obligations with respect to current operations, and future pollution remediation activities that are required upon retirement of an asset, such as landfill closure and post closure care. While GASB 49 does not require the Department to search for pollution, it does require the Department to reasonably estimate and report a remediation liability when any of the following obligating events has occurred:

- Pollution poses an imminent danger to the public and the Department is compelled to take action,
- The Department is found in violation of a pollution related permit or license,
- The Department is named, or has evidence that it will be named, as a responsible party by a regulator,
- The Department is named, or has evidence that it will be named, in a lawsuit to enforce a cleanup, or
- The Department commences or legally obligates itself to conduct remediation activities.

The following details the nature of the identified sites, the methodology used in the estimate, and the estimated liability.

Leaking Petroleum Storage Tanks (LPST)

The Department oversees cleanups of LPST sites and reimburses eligible parties from the PST corrective action fund, which has paid for the vast majority of LPST cleanups. The corrective action fund is intended to provide for financial assurance coverage and shall be used by the Department to the extent revenues are available to make payments on behalf of owners and operators for corrective action in accordance with Section 74-6B-13 NMSA. However, per section 74-6B-7: 1) when revenues are limited and the fund can no longer be approved as a financial responsibility mechanism, priorities for expenditures from the fund shall be based on financial need, 2) nothing in this section authorizes payments or commitments for payments in excess of the funds available, and 3) within 60 days after receipt of notification that the corrective action fund has become incapable of paying assured corrective actions, the owner or operator shall obtain alternative financial assurance acceptable to the Department. The nature of the majority of LPST sites includes other identified responsible parties or sites in which there is not an imminent danger to the public health or environment and is limited as noted in Section 74-6B-7 to available funds in the corrective action fund and the Department has not recorded a remediation liability related to these sites as of June 30, 2025. However, for priority 1 State Lead sites in which there is an imminent danger to the public health or environment and the Department has obligated itself to begin remediation clean-up activities as a result of an unwilling or unable property owner, the Department has estimated the clean up to cost approximately $1,210,923 as of June 30, 2025.

NMED Exhibit 67_000063

NOTE 12 POLLUTION REMEDIATION OBLIGATIONS (CONTINUED)

Superfund

The Superfund Oversight Section of the Department assists the United States Environmental Protection Agency (EPA) in characterization of inactive hazardous waste sites; identifies sites which warrant remedial or removal action under Superfund (CERCLA); and oversees remedial activities and provides management assistance to EPA at Superfund sites listed on the National Priorities List (NPL). There are currently 16 listed Superfund sites in New Mexico which are in various stages of investigation and remediation. The Department is the lead agency for six of the 16 Superfund sites. One of the 15 listed Superfund sites was placed on the NPL in April 2016. There are four Operable Units on the site currently in ongoing investigations in which no financial obligation exists to the Department. The Department has not been named the lead agency for the remaining nine Superfund funds. As of June 30, 2025, these 10 sites are excluded from the estimated pollution remediation liability.

The primary objective of the Superfund Oversight Section is to address releases or threatened releases of hazardous substances that pose an imminent or substantial endangerment to public health and safety or the environment. The major functions of the Superfund Program are to investigate and evaluate the release or threatened release of hazardous substances and identify responsible parties and remediate sites on the National Priorities List to ensure protection of human health and the environment.

The pollution remediation liability for Superfund sites was calculated by estimating the remediation liabilities for active sites in New Mexico. Sites for which one or more Potentially Responsible Parties is performing or funding the investigation and cleanup were excluded from the estimate. In cases where a viable potential responsible party has not been identified, federal funds will cover 100% of the investigation costs and 90% of the cleanup costs for up to 10 years. The state must assure payment of 10% of the cleanup costs for the first 10 years and 100% of the costs for any cleanup actions required beyond 10 years. Although there is no cost share requirement for sites where removal actions are performed, the state is responsible for 100% of post removal operation and maintenance.

Site estimates were based on budget projections to cover necessary activities for the upcoming fiscal year, along with estimated costs for future years and phases, plus direct salaries and benefits. For sites or phases without budget projections, Superfund Program and Project Managers estimated costs for the Superfund phases of investigation and cleanup based on experience with similar sites. Site estimates may change drastically from one year to another as the investigations continue or remediation progresses. The estimate is subject to change due to price changes, technology changes, changes in applicable laws and regulations, or other unforeseen conditions. The Department does not expect any recoveries from other responsible parties that would reduce this liability. As of June 30, 2025, the estimated pollution remediation liability for Superfund sites totals $64,473,181.

NMED Exhibit 67_000064

NOTE 12 POLLUTION REMEDIATION OBLIGATIONS (CONTINUED)

Superfund (Continued)

	Balance, June 30, 2024	Additions	Deletions	Balance, June 30, 2025
SUPERFUND				
Amount Due Within One Year	$ 1,748,082	$ 2,047,401	$ (1,835,929)	$ 1,959,554
Amount Due in More Than One Year	55,206,752	7,306,875	-	62,513,627
Total Superfund Oversight Remediation Liabilities	$ 56,954,834	$ 9,354,276	$ (1,835,929)	$ 64,473,181
LEAKING TANKS				
Amount Due Within One Year	$ -	$ -	$ -	$ -
Amount Due in More Than One Year	1,381,897	1,210,923	(1,381,897)	1,210,923
Total Leaking Tanks Remediation Liabilities	$ 1,381,897	$ 1,210,923	$ (1,381,897)	$ 1,210,923
TOTAL POLLUTION REMEDIATION LIABILITY				
Amount Due Within One Year	$ 1,748,082	$ 2,047,401	$ (1,835,929)	$ 1,959,554
Amount Due in More Than One Year	56,588,649	8,517,798	(1,381,897)	63,724,550
Grand Total Pollution Remediation Liability	$ 58,336,731	$ 10,565,199	$ (3,217,826)	$ 65,684,104

This liability is paid from the Department's special revenue funds and the general fund.

NOTE 13 REVERSIONS

In accordance with statute Section 6-5-10(A) NMSA 1978, all unreserved, undesignated fund balances in reverting funds and accounts as reflected in the central accounting system as of June 30 shall revert. The Department did have reversions to the State General Fund in the amount of $600 for FY25. These payables may be adjusted within 45 days of the release of this audit by the New Mexico Office of the State Auditor.

NOTE 14 PETROLEUM PRODUCTS LOADING FEES

The following is the summary of the petroleum products loading fees received from the New Mexico Department of Taxation and Revenue, recorded in the Corrective Action Fund (99000).

Petroleum Products Loading Fees	$ 21,631,939

NOTE 15 PENSION PLAN – PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

Plan Description

Substantially all of the Department's full-time employees participate in a public employee retirement system authorized under the Public Employees' Retirement Act (Chapter 10, Article 11, NMSA 1978). The Public Employees Retirement Association (PERA) is the administrator of the plan, which is a cost-sharing multiple-employer defined benefit retirement plan. The plan provides for retirement benefits, disability benefits, survivor benefits, and cost-of-living adjustments to plan members and beneficiaries. PERA issues a separate, publicly available financial report that includes financial statements and required supplementary information for the plan. That report may be obtained by writing to PERA, P.O. Box 2123, Santa Fe, New Mexico 87504-2123. The report is also available on PERA's website.

Funding Policy

Plan members are required to contribute 9.92% of their gross salary. The Department is required to contribute 18.24% of the gross covered salary. The contribution requirements of plan members and the Department are established in state statute under Chapter 10, Article 11, NMSA 1978. The requirements may be amended by acts of the legislature. The Department's contribution to PERA for the fiscal year ending June 30, 2025 was $10,596,513, which is equal to the amount of the required contribution for the fiscal year.

NOTE 16 POSTEMPLOYMENT BENEFITS – STATE RETIREE HEALTH CARE PLAN

Plan Description

The Department contributes to the New Mexico Retiree Health Care Fund; a cost-sharing multiemployer defined benefit postemployment healthcare plan administered by the New Mexico Retiree Health Care Authority (RHCA). The RHCA provides health care insurance and prescription drug benefits to retired employees of participating New Mexico government agencies, their spouses, dependents, and surviving spouses and dependents. The RHCA Board was established by the Retiree Health Care Act (Chapter 10, Article 7C, NMSA 1978). The Board is responsible for establishing and amending benefit provisions of the healthcare plan and is also authorized to designate optional and/or voluntary benefits like dental, vision, supplemental life insurance, and long-term care policies.

Eligible retirees are: 1) retirees who make contributions to the fund for at least five years prior to retirement and whose eligible employer during that period of time made contributions as a participant in the RHCA plan on the person's behalf, unless that person retires before the employer's RHCA effective date, in which the event the time period required for employee and employer contributions shall become the period of time between the employer's effective date and the date of retirement; 2) retirees defined by the Act who retired prior to July 1, 1990; 3) former legislators who served at least two years; and 4) former governing authority members who served at least four years.

The RHCA issues a publicly available stand-alone financial report that includes financial statements and required supplementary information for the postemployment healthcare plan. That report and further information can be obtained by writing to the Retiree Health Care Authority at 6300 Jefferson St. NE, Suite 150, Albuquerque, New Mexico 87109.

NOTE 16 POSTEMPLOYMENT BENEFITS – STATE RETIREE HEALTH CARE PLAN (CONTINUED)

Funding Policy

The Retiree Health Care Act (Section 10-7C-13 NMSA 1978) authorizes the RHCA Board to establish the monthly premium contributions that retirees are required to pay for healthcare benefits. Each participating retiree pays a monthly premium according to a service-based subsidy rate schedule for the medical plus basic life plan plus an additional participation fee of five dollars if the eligible participant retired prior to the employer's RHCA effective date or is a former legislator or former governing authority member. Former legislators and governing authority members are required to pay 100% of the insurance premium to cover their claims and the administrative expenses of the plan. The monthly premium rate schedule can be obtained from the RHCA or viewed on their website.

The Retiree Health Care Act (Section 10-7C-15 NMSA 1978) is the statutory authority that establishes the required contributions of participating employers and their employees. During the fiscal year ended June 30, 2025, the statute required each participating employer to contribute 2.00% of each participating employee's annual salary; each participating employee was required to contribute 1.00% of their salary.

The RHCA plan is financed on a pay-as-you-go basis. The employer, employee and retiree contributions are required to be remitted to the RHCA on a monthly basis. The statutory requirements for the contributions can be changed by the New Mexico State Legislature.

The employer, employee and retiree contributions are required to be remitted to the RHCA monthly. The statutory requirements for the employer and employee contributions can be changed by the New Mexico State Legislature. Employers that choose to become participating employers after January 1, 1998 are required to make contributions to the RHCA fund in the amount determined to be appropriate by the board.

The Department's contribution to the RHCA for the year ended June 30, 2025 was $1,101,572, which is equal to the required contribution for the year.

NOTE 17 COMMITMENTS

Corrective Action Fund (99000)

The Corrective Action Fund uses only single site contracts. Workplans are submitted and approved for all site work. The workplans will be paid for as contractors submit claims for work performed. The Department plans to pay for projects completed under the workplans from revenues received by the Corrective Action Fund from the New Mexico Taxation and Revenue Department for petroleum products loading fees.

NOTE 17 COMMITMENTS (CONTINUED)

Loan Commitments

Wastewater Loan Construction Fund – As of June 30, 2025, the Department has executed binding commitments to disburse $55,187,738 for future loans.

Rural Infrastructure Loan Fund – As of June 30, 2025, the Department has executed binding commitments to disburse $10,601,200 for future loans.

NOTE 18 CONTINGENT LIABILITIES (CLAIMS AND JUDGMENTS)

The Department, as a State Agency defined in the New Mexico Tort Claims Act, is insured through the Risk Management Division of the General Services Department of the State of New Mexico. The Risk Management Division pays annual premiums for coverage provided in the following areas:

- Liability and civil rights protection for claims made by others against the State of New Mexico;
- Coverage to protect the State of New Mexico's property and assets; and
- Fringe benefit coverage for State of New Mexico employees.

In the case of civil actions or claims against the Department for financial damages, the Department's certificate of insurance with Risk Management does not cover claims for back wages but does cover civil rights claims for other compensatory damages.

The Department is subject to various legal proceedings, claims, and liabilities, including employee claims, which arise in the ordinary course of the Department's operations. In the opinion of the Department's management and in-house legal counsel, the ultimate resolution of the above matters will not have a material adverse impact on the financial position or results of operations of the Department.

NOTE 19 RISK MANAGEMENT

The Department is exposed to various risks of loss for which the Department carries insurance with the State of New Mexico Risk Management Division (i.e., auto, employee fidelity bond, general liability, civil rights and foreign jurisdiction, money and securities, property and workers' compensation). Settled claims did not exceed coverage in any of the past three fiscal years.

NOTE 20 RESTATEMENT OF BEGINNING NET POSITION

Change in Accounting Principle

Effective July 1, 2024, the Department implemented GASB Statement No. 101, *Compensated Absences*. This statement updated the recognition and measurement guidance for compensated absences and associated salary-related payments and amended certain previously required disclosures. As a result of the implementation of this standard, the compensated absences liability as of July 1, 2024, was understated by $3,214,482 in the governmental activities. The effect of the implementation of this standard is shown in the table below.

	Governmental Activities
Net Position, as Previously Reported at June 30, 2024	$ 109,970,376
Implementation of GASB Statement No. 101	(3,214,482)
Net Position, as Restated, at July 1, 2024	$ 106,755,894

NOTE 21 OTHER

The Department will issue the Single Audit Report under separate cover. This report will be forthcoming once the final version of the Uniform Guidance Compliance Supplement has been officially released.

NEW MEXICO ENVIRONMENT DEPARTMENT
NONMAJOR GOVERNMENTAL FUNDS DESCRIPTIONS
JUNE 30, 2025

SPECIAL REVENUE FUNDS. The purpose of the Special Revenue Funds is to account for the proceeds of specific revenue sources that are legally restricted to expenditures for specified purposes.

Recycling and Illegal Dumping Fund (02600) – Established by the Department to comply with Recycling and Illegal Dumping Act, NMSA 1978, Section 74-13-19. The purpose of this fund is for abatement of tire dumps; reprocessing, transportation or recycling of scrap tires; providing annual retread rebates; and carrying out the provisions of the Recycling and Illegal Dumping Act. This fund is nonreverting.

Voluntary Remediation Fund (06600) – Created by State Statute NMSA 1978, Section 74-4G-11. The purpose of this fund is to account for fees and oversight payments collected pursuant to regulation adopted by the Secretary of the Environment Department pursuant to the provisions of the Voluntary Remediation Act. This fund is nonreverting.

Air Quality Title V Fund (09200) – Established by the Department to comply with the Air Quality Control Act, Chapter 74, Article 2. The purpose of the fund is to establish and administer an air quality permit program. This fund is nonreverting.

Nuclear Workers Assistance Fund (10980) – Created by State Statute NMSA 1978, Section 74-1-17. This fund was established for administration of a program to assist nuclear workers seeking claims under the federal Energy Employees Occupation Illness Compensation Program Act of 2000, 42 USC 7384 et seq. This fund is nonreverting.

Brownfields Cleanup Revolving Loan Fund (11900) – Created by State Statute NMSA 1978, Section 74-4G-11.1. The fund was established to account for the Brownfields Cleanup Revolving Loan Fund. The funds are obtained through a grant from the Environmental Protection Agency. The funds are for the repayments of loans and interest. Income is accrued on the balance of the fund. This fund is nonreverting.

Responsible Parties Fund (24800) – Created by State Statute NMSA 1978, Section 74-6B-7 for removing leaking underground storage tanks. This fund is nonreverting.

Hazardous Waste Fund (33900) – Created by State Statute NMSA 1978, Section 74-4-4.5. The purpose of the fund is to meet necessary expenditures in the administration and operation of the hazardous waste program. This fund is nonreverting.

Water Quality Management Fund (34100) – Created by State Statute NMSA 1978, Section 74-6-5.2. The fund was established for administering the regulation adopted by the Water Quality Control Commission. This fund is nonreverting.

Water Conservation Fund (56700) – Created by State Statute NMSA 1978, Section 74-1-13. It was established for administration of a public water supply program to (1) test public water supplies, (2) perform vulnerability assessments, (3) implement new requirements of the Utility Operators Certification Act, and (4) provide training for all public water supply operators. This fund is nonreverting. Source of funding: Fees through New Mexico Taxation and Revenue Department. This fund is nonreverting.

NMED Exhibit 67_000070

SPECIAL REVENUE FUNDS (CONTINUED)

Public Water Supply System Operator and Public Wastewater Operator Fund (58400) – Created by State Statute NMSA 1978, Section 61-33-5. The fund shall be used solely for administering and enforcing the Utility Operators Certification Act. Fees collected shall be deposited with the state treasurer in the "public water supply system operator and public wastewater facility operator fund", hereby created. The fund shall be administered by the Department. Money in the fund shall be retained by the Department for use, subject to appropriation by the legislature. Balances in the fund at the end of any fiscal year shall not revert to the General Fund but shall accrue to the credit of the fund. Earnings on the fund shall be credited to the fund. This fund is nonreverting.

Radiation Protection Fund (59200) – Created by State Statute NMSA 1978, Section 74-3-5.1. The fund was established to carry out provisions of the Radiation Protection Act. Source of funding: Fees and licenses. This fund is nonreverting.

Solid Waste Facility Grant Fund (63200) – Created by NMSA 1978, Section 74-9-41. The Solid Waste Facility Grant Fund was administratively established to administer grants to New Mexico counties and municipalities to construct solid waste facilities. This fund is nonreverting.

Penalties Fund (65200) – It is used to account for settlements, penalties, fees, and reimbursements. The civil penalties are required to be paid to the general fund and are transferred, or reverted, monthly to the State General Fund. In future years, the penalties may go directly to the State General Fund. Statutory authority for this fund is related to the statutes which create the revenue streams; Air Quality Control Act and Occupational Health and Safety Act (OSHA) penalties (NMSA 1978 50-9-24 and 74-2-12).

Environmental Health Fund (68130) – Created by State Statute NMSA 1978, Section 74-1-8. The fund consists of fees collected from the regulation of on-site liquid waste systems (Section 74-1-15.1 NMSA 1978) and water recreation facilities pursuant to the Environmental Improvement Act (Section 74-1-16 NMSA 1978), food establishments pursuant to the Food Service Sanitation Act (Section 25-1-5 NMSA 1978) and hemp pursuant to the Hemp Manufacturing Act (Section 76-24-8 NMSA 1978). Money in the fund is subject to appropriation by the legislature to the department for the administration of regulations pertaining to liquid waste, water recreation facilities, food service sanitation and hemp. The Department established SHARE Fund No. 70820 to track permit fees associated with cannabis, food and hemp. The activities of SHARE Fund No. 70820 are reported in this fund. This fund is nonreverting.

Liquid Waste Disposal System Assistance Fund (68440) – Created by State Statute NMSA 1978, Section 74-1-15.1. Money in the fund is appropriated to the department for the sole purpose of assisting indigent individuals or households that qualify for funding to accomplish one of the following purposes where there is a real or potential negative impact to public health or water quality from on-site liquid waste disposal system effluent: (1) to pay for a liquid waste disposal system to replace a cesspool or other failed or improper on-site liquid waste disposal system; (2) to purchase, install or maintain an advanced treatment system as required by the Environmental Improvement Act or regulations issued pursuant to that act; (3) to pay for the decommissioning and removal of a cesspool or other failed or improper on-site liquid waste disposal system; or (4) to pay for all or a portion of the connection fees in order to connect an individual or household to a centralized wastewater collection and treatment system. The fund is nonreverting.

SPECIAL REVENUE FUNDS (CONTINUED)

Solid Waste Permit Fees (78300) – Created by State Statute NMSA 1978, Section 74-9-8I. The Solid Waste Act is to administer the Solid Waste Penalty Fees. The Statute established an applicant fee schedule for processing permit applications that is based on costs of application review incurred by the division. This fund is nonreverting.

ARRA Fund (89000)
The Department ARRA Special Revenue Fund was administratively created by New Mexico Department of Finance and Administration and is used to account for the activity related to the funding provided by the federal government under the American Recovery and Reinvestment Act. This fund is nonreverting. All activity is segregated to ensure:

- Funds are awarded and distributed in a prompt, fair and reasonable manner;
- The recipients and uses of all funds are transparent to the public. The public benefits of these funds are reported clearly, accurately and in a timely manner;
- Funds are used for authorized purposes and instances of fraud, waste, error and abuse are mitigated;
- Projects funded under this Act avoid unnecessary delays and cost overruns; and
- Program goals are achieved, including specific program outcomes and improved results on broader economic indicators.

Hazardous Waste Emergency Fund (95700) – Created by State Statute NMSA 1978, Section 74-4-8. This fund shall be used for cleanup of hazardous substance incidents, disposal of hazardous substance and necessary repairs to, or replacement of, state property and may be used for the State's share of any response action taken under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. This fund is nonreverting.

Radiologic Technology Fund (98700) – Created by State Statute NMSA 1978, Section 61-14E-10. The purpose of the fund is to meet necessary expenditures incurred in the enforcement of the Medical Radiation Health and Safety Act. The Act established standards and requirements for the education and training of persons operating medical equipment emitting ionizing radiation. Source of funding: Fees. This fund is nonreverting.

Storage Tank Fund (98900) – Created by State Statute NMSA 1978, Section 74-4-4.8. The sole purpose of the fund is to meet necessary expenditures in the administration and operation of the underground storage tank program: specifically, to (1) review and act upon applications for the registration of underground storage tanks, (2) review and act upon applications for the certification of tank installers, and (3) implement and enforce any provision of the Hazardous Waste Act applicable to underground storage tanks and tank installers, including standards for the installation, operation and maintenance of underground storage tanks and for the certification of tank installers. This fund is nonreverting.

NMED Exhibit 67_000072

NEW MEXICO ENVIRONMENT DEPARTMENT
COMBINING BALANCE SHEET – NONMAJOR GOVERNMENTAL FUNDS
JUNE 30, 2025

	SPECIAL REVENUE FUNDS				
	02600	06600	09200	10980	11900
	Recycling and Illegal Dumping Fund	Voluntary Remediation Fund	Air Quality Title V Fund	Nuclear Workers Assistance Fund	Brownfields Cleanup Revolving Loan Fund
ASSETS					
Investment in State General Fund Investment Pool	$ 3,697,925	$ 96,032	$ 7,072,385	$ 79,756	$ 1,590,895
Due from Federal Government	-	-	-	-	-
Due from Other State Agencies	-	-	-	-	-
Due from Other State Entities	-	-	-	-	-
Other Assets	-	-	-	-	-
Other Receivables, Net	-	-	-	-	879,045
Total Assets	$ 3,697,925	$ 96,032	$ 7,072,385	$ 79,756	$ 2,469,940
LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES					
LIABILITIES					
Investment in State General Fund Investment Pool Overdraft	$ -	$ -	$ -	$ -	$ -
Accounts Payable	335,448	-	-	-	-
Due to Federal Government	-	-	-	-	-
Unearned Revenues	-	-	-	-	-
Total Liabilities	335,448	-	-	-	-
DEFERRED INFLOWS OF RESOURCES	-	-	-	-	-
FUND BALANCES					
Restricted	3,362,477	96,032	7,072,385	79,756	2,469,940
Assigned	-	-	-	-	-
Unassigned (Deficit)	-	-	-	-	-
Total Fund Balances	3,362,477	96,032	7,072,385	79,756	2,469,940
Total Liabilities, Deferred Inflows of Resources, and Fund Balances	$ 3,697,925	$ 96,032	$ 7,072,385	$ 79,756	$ 2,469,940

NEW MEXICO ENVIRONMENT DEPARTMENT
COMBINING BALANCE SHEET – NONMAJOR GOVERNMENTAL FUNDS (CONTINUED)
JUNE 30, 2025

	SPECIAL REVENUE FUNDS				
	24800	33900	34100	56700	58400
	Responsible Parties Fund	Hazardous Waste Fund	Water Quality Management Fund	Water Conservation Fund	Public Water Supply System Operator and Public Wastewater Facility Operator Fund
ASSETS					
Investment in State General Fund Investment Pool	$ 173,339	$ 10,204,334	$ 6,484,209	$ 5,595,606	$ 208,893
Due from Federal Government	-	93,600	-	-	-
Due from Other State Agencies	-	-	-	183,906	-
Due from Other State Entities	-	-	-	-	-
Other Assets	-	-	-	-	-
Other Receivables, Net	-	138,500	-	-	-
Total Assets	$ 173,339	$ 10,436,434	$ 6,484,209	$ 5,779,512	$ 208,893
LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES					
LIABILITIES					
Investment in State General Fund Investment Pool Overdraft	$ -	$ -	$ -	$ -	$ -
Accounts Payable	-	-	89,284	-	-
Due to Federal Government	-	-	-	-	-
Unearned Revenues	-	-	-	-	-
Total Liabilities	-	-	89,284	-	-
DEFERRED INFLOWS OF RESOURCES	-	68,500	-	-	-
FUND BALANCES					
Restricted	173,339	10,367,934	6,394,925	5,779,512	208,893
Assigned	-	-	-	-	-
Unassigned (Deficit)	-	-	-	-	-
Total Fund Balances	173,339	10,367,934	6,394,925	5,779,512	208,893
Total Liabilities, Deferred Inflows of Resources, and Fund Balances	$ 173,339	$ 10,436,434	$ 6,484,209	$ 5,779,512	$ 208,893

NEW MEXICO ENVIRONMENT DEPARTMENT
COMBINING BALANCE SHEET – NONMAJOR GOVERNMENTAL FUNDS (CONTINUED)
JUNE 30, 2025

	SPECIAL REVENUE FUNDS					
	59200	63200	65200	68130	68440	78300
	Radiation Protection Fund	Solid Waste Facility Grant Fund	Penalties Fund	Environmental Health Fund	LW Disposal System Assistance	Solid Waste Permit Fees
ASSETS						
Investment in State General Fund Investment Pool	$ 3,010,548	$ 115,563	$ -	$ 1,837,950	$ 968,919	$ 214,065
Due from Federal Government	-	-	-	-	-	-
Due from Other State Agencies	-	-	-	-	-	-
Due from Other State Entities	-	-	-	-	-	-
Other Assets	-	-	32	-	-	-
Other Receivables, Net	301,600	-	-	20,000	-	-
Total Assets	$ 3,312,148	$ 115,563	$ 32	$ 1,857,950	$ 968,919	$ 214,065
LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES						
LIABILITIES						
Investment in State General Fund Investment Pool Overdraft	$ -	$ -	$ 32	$ -	$ -	$ -
Accounts Payable	-	-	-	-	-	-
Due to Federal Government	-	-	-	-	-	-
Unearned Revenues	-	-	-	-	-	-
Total Liabilities	-	-	32	-	-	-
DEFERRED INFLOWS OF RESOURCES	251,300	-	-	-	-	-
FUND BALANCES						
Restricted	3,060,848	115,563	-	1,857,950	968,919	214,065
Assigned	-	-	-	-	-	-
Unassigned (Deficit)	-	-	-	-	-	-
Total Fund Balances	3,060,848	115,563	-	1,857,950	968,919	214,065
Total Liabilities, Deferred Inflows of Resources, and Fund Balances	$ 3,312,148	$ 115,563	$ 32	$ 1,857,950	$ 968,919	$ 214,065

NEW MEXICO ENVIRONMENT DEPARTMENT
COMBINING BALANCE SHEET – NONMAJOR GOVERNMENTAL FUNDS (CONTINUED)
JUNE 30, 2025

	SPECIAL REVENUE FUNDS				
	89000	95700	98700	98900	
	ARRA Fund	Hazardous Waste Emergency Fund	Radiologic Technology Fund	Storage Tank Fund	Total All Nonmajor Funds
ASSETS					
Investment in State General Fund Investment Pool	$ 54	$ 2,602,294	$ 577,234	$ 1,025,589	$ 45,555,590
Due from Federal Government	-	-	-	-	93,600
Due from Other State Agencies	-	-	-	-	183,906
Due from Other State Entities	-	-	-	-	-
Other Assets	-	-	-	-	32
Other Receivables, Net	-	-	-	-	1,339,145
Total Assets	$ 54	$ 2,602,294	$ 577,234	$ 1,025,589	$ 47,172,273
LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES					
LIABILITIES					
Investment in State General Fund Investment Pool Overdraft	$ -	$ -	$ -	$ -	$ 32
Accounts Payable	-	-	-	-	424,732
Due to Federal Government	54	-	-	-	54
Unearned Revenues	-	-	-	293,700	293,700
Total Liabilities	54	-	-	293,700	718,518
DEFERRED INFLOWS OF RESOURCES	-	-	-	-	319,800
Fund Balances					
Restricted	-	2,602,294	577,234	731,889	46,133,955
Assigned	-	-	-	-	-
Unassigned (Deficit)	-	-	-	-	-
Total Fund Balances	-	2,602,294	577,234	731,889	46,133,955
Total Liabilities, Deferred Inflows of Resources, and Fund Balances	$ 54	$ 2,602,294	$ 577,234	$ 1,025,589	$ 47,172,273

NEW MEXICO ENVIRONMENT DEPARTMENT
COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES – NONMAJOR GOVERNMENTAL FUNDS
YEAR ENDED JUNE 30, 2025

	SPECIAL REVENUE FUNDS				
	02600	06600	09200	10980	11900
	Recycling and Illegal Dumping Fund	Voluntary Remediation Fund	Air Quality Title V Fund	Nuclear Workers Assistance Fund	Brownfields Cleanup Revolving Loan Fund
REVENUES					
Environmental Fees	$ 1,034,909	$ 10,625	$ 3,997,332	$ 1,856	$ -
Investment Earnings	-	-	-	-	64,055
Interest on Loans	-	-	-	-	2,714
Total Revenues	1,034,909	10,625	3,997,332	1,856	66,769
EXPENDITURES					
Resource Protection Division	646,420	-	-	-	-
Other Environmental Initiatives	-	-	-	-	-
Capital Outlay	-	-	-	-	-
Total Expenditures	646,420	-	-	-	-
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	388,489	10,625	3,997,332	1,856	66,769
OTHER FINANCING SOURCES (USES)					
General Fund Appropriation	-	-	-	-	-
Transfers - INTRA Agency	(152,834)	(24,386)	(4,919,936)	-	(242,998)
Reversions - FY25	-	-	-	-	-
Total Other Financing Sources (Uses)	(152,834)	(24,386)	(4,919,936)	-	(242,998)
NET CHANGE IN FUND BALANCES	235,655	(13,761)	(922,604)	1,856	(176,229)
Fund Balances - Beginning of Year	3,126,822	109,793	7,994,989	77,900	2,646,169
FUND BALANCES - END OF YEAR	$ 3,362,477	$ 96,032	$ 7,072,385	$ 79,756	$ 2,469,940

NEW MEXICO ENVIRONMENT DEPARTMENT
COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES – NONMAJOR GOVERNMENTAL FUNDS (CONTINUED)
YEAR ENDED JUNE 30, 2025

	SPECIAL REVENUE FUNDS				
	24800	33900	34100	56700	58400
	Responsible Parties Fund	Hazardous Waste Fund	Water Quality Management Fund	Water Conservation Fund	Public Water Supply System Operator and Public Wastewater Facility Operator Fund
REVENUES					
Environmental Fees	$ 159,508	$ 4,611,449	$ 633,390	$ 2,915,719	$ 58,980
Investment Earnings	-	-	-	-	5,685
Interest on Loans	-	-	-	-	-
Total Revenues	159,508	4,611,449	633,390	2,915,719	64,665
EXPENDITURES					
Resource Protection Division	-	-	-	-	-
Other Environmental Initiatives	-	-	62,262	-	-
Capital Outlay	-	-	131,642	-	-
Total Expenditures	-	-	193,904	-	-
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	159,508	4,611,449	439,486	2,915,719	64,665
OTHER FINANCING SOURCES (USES)					
General Fund Appropriation	-	-	7,000,000	-	-
Transfers - INTRA Agency	(193,542)	(5,042,617)	(1,249,883)	(2,243,804)	(40,736)
Reversions - FY25	-	-	-	-	-
Total Other Financing Sources (Uses)	(193,542)	(5,042,617)	5,750,117	(2,243,804)	(40,736)
NET CHANGE IN FUND BALANCES	(34,034)	(431,168)	6,189,603	671,915	23,929
Fund Balances - Beginning of Year	207,373	10,799,102	205,322	5,107,597	184,964
FUND BALANCES - END OF YEAR	$ 173,339	$ 10,367,934	$ 6,394,925	$ 5,779,512	$ 208,893

NEW MEXICO ENVIRONMENT DEPARTMENT
COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES – NONMAJOR GOVERNMENTAL FUNDS (CONTINUED)
YEAR ENDED JUNE 30, 2025

	SPECIAL REVENUE FUNDS					
	59200	63200	65200	68130	68440	78300
	Radiation Protection Fund	Solid Waste Facility Grant Fund	Penalties Fund	Environmental Health Fund	LW Disposal System Assistance	Solid Waste Permit Fees
REVENUES						
Environmental Fees	$ 3,006,155	$ -	$ -	$ 3,108,017	$ 183,800	$ 37,199
Investment Earnings	65,526	4,466	-	1,753	26,535	-
Interest on Loans	-	-	-	-	-	-
Total Revenues	3,071,681	4,466	-	3,109,770	210,335	37,199
EXPENDITURES						
Resource Protection Division	-	-	-	-	-	-
Other Environmental Initiatives	-	-	-	-	-	-
Capital Outlay	-	-	-	-	-	-
Total Expenditures	-	-	-	-	-	-
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	3,071,681	4,466	-	3,109,770	210,335	37,199
OTHER FINANCING SOURCES (USES)						
General Fund Appropriation	-	-	-	-	-	-
Transfers - INTRA Agency	(2,693,492)	-	-	(4,354,577)	(12,000)	(33,250)
Reversions - FY25	-	-	-	-	-	-
Total Other Financing Sources (Uses)	(2,693,492)	-	-	(4,354,577)	(12,000)	(33,250)
NET CHANGE IN FUND BALANCES	378,189	4,466	-	(1,244,807)	198,335	3,949
Fund Balances - Beginning of Year	2,682,659	111,097	-	3,102,757	770,584	210,116
FUND BALANCES - END OF YEAR	$ 3,060,848	$ 115,563	$ -	$ 1,857,950	$ 968,919	$ 214,065

NEW MEXICO ENVIRONMENT DEPARTMENT
COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES – NONMAJOR GOVERNMENTAL FUNDS (CONTINUED)
YEAR ENDED JUNE 30, 2025

	SPECIAL REVENUE FUNDS				
	89000	95700	98700	98900	
	ARRA Fund	Hazardous Waste Emergency Fund	Radiologic Technology Fund	Storage Tank Fund	Total All Nonmajor Funds
REVENUES					
Environmental Fees	$ -	$ 1,362,673	$ 209,664	$ 430,066	$ 21,761,342
Investment Earnings	-	-	-	-	168,020
Interest on Loans	-	-	-	-	2,714
Total Revenues	-	1,362,673	209,664	430,066	21,932,076
EXPENDITURES					
Resource Protection Division	-	-	-	-	646,420
Other Environmental Initiatives	-	-	-	-	62,262
Capital Outlay	-	-	-	-	131,642
Total Expenditures	-	-	-	-	840,324
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	-	1,362,673	209,664	430,066	21,091,752
OTHER FINANCING SOURCES (USES)					
General Fund Appropriation	-	-	-	-	7,000,000
Transfers - INTRA Agency	-	(280,644)	(288,597)	(291,787)	(22,065,083)
Reversions - FY25	-	-	-	-	-
Total Other Financing Sources (Uses)	-	(280,644)	(288,597)	(291,787)	(15,065,083)
NET CHANGE IN FUND BALANCES	-	1,082,029	(78,933)	138,279	6,026,669
Fund Balances - Beginning of Year	-	1,520,265	656,167	593,610	40,107,286
FUND BALANCES - END OF YEAR	$ -	$ 2,602,294	$ 577,234	$ 731,889	$ 46,133,955

NEW MEXICO ENVIRONMENT DEPARTMENT
SCHEDULE 1 – SUPPLEMENTAL SCHEDULE OF CAPITAL APPROPRIATIONS
YEAR ENDED JUNE 30, 2025

Severance Tax Bonds Projects - Fund 89200

Laws	Chapter	Amount Authorized	Amount Re/De-Authorized	Art in Public Places	Amount Available	Expenditures Reported Prior Years (Unaudited)	Expenditures Reported Current Year	Accumulated Amount Reverted	06/30/25 Balance Available
2021	138	$ 35,868,613	$ (7,178,812)	$ (19,600)	$ 28,670,201	$ (17,292,900)	$ (10,081,333)	$ (1,295,968)	$ -
2022	52/53	57,653,438	(4,850,000)	(6,900)	52,796,538	(9,561,834)	(9,978,909)	(123,447)	33,132,348
2023	203	6,105,900	(2,895,225)	-	3,210,675	(645,405)	(999,887)	(2,681)	1,562,702
2024	66	4,128,331	(425,508)	-	3,702,823	-	(1,120,490)	(1,054)	2,581,279
2025	158	10,028,723	-	-	10,028,723	-	-	-	10,028,723
Total Severance Tax Bond		$ 113,785,005	$ (15,349,545)	$ (26,500)	$ 98,408,960	$ (27,500,139)	$ (22,180,619)	$ (1,423,150)	$ 47,305,052

General Fund Capital Outlay Projects - Fund 93100

2023	199	$ 73,599,699	$ (5,824,134)	$ (130,310)	$ 67,645,255	$ (7,573,973)	$ (11,611,315)	$ (631,418)	$ 47,828,549
2024	66	66,893,531	(75,000)	(68,060)	66,750,471	-	(4,905,919)	-	61,844,552
2025	159 (158)	86,530,478	-	(49,450)	86,481,028	-	-	-	86,481,028
Total General Fund		$ 227,023,709	$ (5,899,134)	$ (247,820)	$ 220,876,755	$ (7,573,973)	$ (16,517,234)	$ (631,418)	$ 196,154,130

NEW MEXICO ENVIRONMENT DEPARTMENT
SCHEDULE 2 – SUPPLEMENTAL SCHEDULE OF SPECIAL APPROPRIATIONS
YEAR ENDED JUNE 30, 2025

Description	Project Number	Authority	Appropriation Period	SHARE Fund	Total Original Appropriation	Expenditures Reported Prior Years (Unaudited)	Current Year Expenditures	Encumbrances	Current Year Reversion Amount	Remaining Balance at 06/30/25
Surface Water Projects*	ZF3511	Laws 2019, Chapter 271	2022-2026	06400	$ 10,000,000	$ 1,559,232	$ 3,204,878	$ -	$ -	$ 5,235,890
Gold King Mine	ZF5078	GAA 2023, Chapter 210, Section 5, Item 152	2021-2025	06400	2,500,000	656,236	1,843,764	-	-	-
NM Water System	ZG1047	GAA 2023, Chapter 210, Section 7, Item 37	2022-2025	06400	10,000,000	6,558,361	3,441,639	-	-	-
(C-2) Digital Documentation	ZG7043	GAA 2023, Chapter 210, Section 5, Item 155	2023-2025	06400	500,000	-	500,000	-	-	-
Economic Development Project (NMED Portion)	ZH5077	GAA 2023, Chapter 210, Section 5, Item 58MOU no 23-521-0300-003	2023-2027	06400	3,690,000	1,183,774	891,017	-	-	1,615,209
Climate Change Action**	ZH5141	GAA 2023, Chapter 210, Section 5, Item 140	2023-2025	06400	4,000,000	728,933	2,460,289	-	-	810,778
Business Operation Improvements	ZH5144	GAA 2023, Chapter 210, Section 5, Item 143	2023-2025	06400	1,350,000	853,392	496,608	-	-	-
Small Water system support	ZH5149	GAA 2023, Chapter 210, Section 5, Item 146	2023-2025	06400	1,000,000	-	999,999	-	1	-
Superfund Haz Waste Clean Up	ZH5150	GAA 2023, Chapter 210, Section 5, Item 149	2023-2026	06400	2,839,700	107,232	1,836,033	-	-	896,435
Surface Water permitting program	ZH5153	GAA 2023, Chapter 210, Section 5, Item 150	2023-2025	06400	680,000	110,796	569,204	-	-	-
FY24 OIT Enterprise	ZH7036	GAA 2023, Chapter 210, Section 5, Item 156	2023-2025	06400	1,600,000	1,430,615	169,385	-	-	-
Enforcing compliance on polluters	ZI5144	L24 C69 S5 I144	2024-2025	06400	1,000,000	-	1,000,000	-	-	-
Surface water permitting program	ZI5145	L24 C69 S5 I145 | L25 C160 S5 I198	2024-2026	06400	600,000	-	112,313	-	-	487,687
Contaminant exposure prevention	ZI5146	L24 C69 S5 I146	2024-2026	06400	1,000,000	-	1,000,000	-	-	-
Digitization system implementation	ZI7040	L24 C69 S7 I40	2024-2026	06400	1,600,000	-	219,845	-	-	1,380,155
Cloud migration & app modernization	ZI7041	L24 C69 S7 I41	2024-2026	06400	490,000	-	398,617	-	-	91,383
Working group for methane regulation	ZI9D205	L24 C69 S9 I17(21)(a)	2024-2027	06400	240,000	-	-	-	-	240,000
Superfund Terrero mine site clean up	ZJ5206	L25 C160 S5 I206	2025-2027	06400	5,700,000	-	562			5,699,438
Land of Enchantment Distribution	S7004	NMSA 75-12-2	2025-2026	06400	1,250,000	-	257,687	-	-	992,313
Total General Fund					50,039,700	13,188,571	19,401,840	-	1	17,449,288
Infrastructure revolving loan Fund	ZH5145	Law of 2023, 1S, Chapter 210	2023-2026	33700	10,000,000	-	-	-	-	10,000,000
Transfer to Water Quality Management Fund	ZI5152	L24 C69 S5 I152 | L25 C160 S5 I207	2024-2026	34100	7,000,000	-	605,075	-	-	6,394,925
Total Other Fund					17,000,000	-	605,075	-	-	16,394,925
Total All Funds					$ 67,039,700	$ 13,188,571	$ 20,006,915	$ -	$ 1	$ 33,844,213

*$5,235,890 of the $17,449,288 Total General Fund related to the Surface Water Projects is not restricted as it is recorded as unearned revenue.

**$810,778 of the $17,449,288 Total General Fund related to the Climate Change Action is not restricted as it is recorded as a prepaid item.

NMED Exhibit 67_000082

NEW MEXICO ENVIRONMENT DEPARTMENT
SCHEDULE 3 – SUPPLEMENTAL SCHEDULE OF JOINT POWERS AGREEMENTS
YEAR ENDED JUNE 30, 2025

	Participants	Dates of Agreement		Amount	Amount	Audit
		Beginning	Ending	Applicable	Contributed	Responsibility
The purpose of this agreement is to support EPA Region 6 long-term goals of cleanup of TRONOX Mines, Uranium	EMNRD & NMED	7/1/1993	N/A	$ -	$ -	NMED

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INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

Mr. James C. Kenney, Cabinet Secretary
New Mexico Environment Department and
Mr. Joseph M. Maestas, P.E., New Mexico State Auditor
Santa Fe, New Mexico

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, the aggregate remaining fund information, and the budgetary comparisons of the general fund and major special revenue funds of the New Mexico Environment Department (the Department), as of and for the year ended June 30, 2025, and the related notes to the financial statements, which collectively comprise the Department's basic financial statements and have issued our report thereon dated December 1, 2025.

Report on Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Department's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Department's internal control. Accordingly, we do not express an opinion on the effectiveness of the Department's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as described in the accompanying schedule of findings and responses, we identified certain deficiencies in internal control that we consider to be material weaknesses and significant deficiencies.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. We consider the deficiencies described in the accompanying schedule of findings and responses as items 2025-001, 2025-002, and 2025-005 to be material weaknesses.

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A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the deficiencies described in the accompanying schedule of findings and responses as items 2025-003 and 2025-004 to be significant deficiencies.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Department's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* and which are described in the accompanying schedule of findings and responses as items 2025-006, 2025-007, and 2025-008.

Department's Response to Findings

Government Auditing Standards requires the auditor to perform limited procedures on the Department's response to the findings identified in our audit and described in the accompanying schedule of findings and responses. The Department's response was not subjected to the other auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on the response.

Purpose of This Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

CliftonLarsonAllen LLP

CliftonLarsonAllen LLP

Albuquerque, New Mexico
December 1, 2025

NEW MEXICO ENVIRONMENT DEPARTMENT
SCHEDULE OF FINDINGS AND RESPONSES
YEAR ENDED JUNE 30, 2025

Section I – Summary of Auditors' Results

Financial Statements

1. Type of auditors' report issued: Unmodified
2. Internal control over financial reporting:
   - Material weakness(es) identified? ____x____ yes _____ no
   - Significant deficiency(ies) identified? ____x____ yes _____ none reported
3. Noncompliance material to financial statements noted? _____ yes ____x____ no

Section II – Financial Statement Findings

2025 – 001 (2020 – 001) Internal Control Over Financial Reporting

Type of Finding:

- Material Weakness in Internal Control over Financial Reporting

Condition: Numerous audit schedules and journal entries were provided untimely and also beyond the Department's audit representation letter to DFA certifying audit readiness as of September 1.

Management's Progress for Repeated Findings: Management failed to implement adequate controls to resolve the finding from the prior year.

Criteria or specific requirement: According to NMSA 1978 §6.-5-2, the Financial Control Division (the division) shall issue a manual of model accounting practices containing the procedures and policies. State agencies shall comply with the model accounting practices established by the division, and the administrative head of each state agency shall ensure that the model accounting practices are followed. According to FIN 16 General Accounting Practices in the Manual of Model Accounting Practices, all reporting of financial information must be timely, complete and accurate, to the state agency's management and to oversight agencies and entities.

Effect: State agency's management and other agencies and entities are not able to rely on the financial information presented by the Department due to untimely, incomplete, and inaccurate financial reporting. The Department is not in compliance with applicable financial reporting policies and requirements of the State.

Cause: The Department has experienced staff turnover as well as vacancies in key positions which did not allow for sufficient review and posting of financial transactions especially at year-end close.

Recommendation: We recommend the Department implement effective policies, procedures, and controls to ensure financial information is timely, complete, and accurate. This should entail a monthly review process of significant balance sheet accounts as well as a year-end review process of all accounts to ensure transactions are properly captured and reported in the accounting records. We recommend the Department provide training to its employees on the requirements set forth in the Manual of Model Accounting Practices as well as any other DFA instructions related to fiscal year-end close.

NMED Exhibit 67_000087

Section II – Financial Statement Findings (Continued)

2025 – 001 (2020 – 001) Internal Control Over Financial Reporting (Continued)

Views of responsible officials and planned corrective actions: The department faced significant attrition in FY25 with considerable impact on its readiness for the audit. Existing staff continued to perform as hiring efforts were under way. As the department continues its recruitment and training efforts and process standardization, new staff are building on their knowledge of the agency and its operations. This will ensure timely audit readiness for the FY26 audit season.

Recruitment is an agency wide initiative with the assistance of the Human Resources Bureau. The CFO is responsible for ensuring compliance with the deadline.

Section II – Financial Statement Findings (Continued)

2025 – 002 Revenues and Receivables

Type of Finding:

- Material Weakness in Internal Control over Financial Reporting

Condition: During our audit, we noted the following issues related to the Department's revenues and receivables.

- As a result of our audit procedures of the accounts receivable, an audit adjustment was required to decrease the accounts receivable and related revenues by $1,962,300 in fund 59200 for monies collected in June 2025 related to fiscal year 2026 licensure fees.
- During our audit procedures of the unearned revenues, we noted that the Department improperly recognized revenues in the amount of $134,900 in fund 59200 for monies collected in June 2025 related to fiscal year 2026 licensure fees. An audit adjustment was not posted to reverse this transaction.

Criteria or specific requirement: According to NMSA 1978 §6.-5-2, the Financial Control Division (the division) shall issue a manual of model accounting practices containing the procedures and policies. State agencies shall comply with the model accounting practices established by the division, and the administrative head of each state agency shall ensure that the model accounting practices are followed. According to FIN 16 General Accounting Practices in the Manual of Model Accounting Practices, all reporting of financial information must be timely, complete and accurate, to the state agency's management and to oversight agencies and entities. According to 20.3.16 NMAC Fees for Licensure of Radioactive Materials, after July 1, 2024, there will be no proration, and:

(1) new licensees must pay the full amount of annual fees, regardless of the month of license issuance;
(2) existing licensees must pay the full amount of annual fees on July 1 of each year, regardless of the anniversary date of license issuance; and
(3) licensees who terminate their licenses will not receive a refund of annual fees paid.

Effect: State agency's management and other agencies and entities are not able to rely on the financial information presented by the Department due to untimely, incomplete, and inaccurate financial reporting. The Department is not in compliance with applicable financial reporting policies and requirements of the State.

Cause: The Department did not consider the fiscal year in which the licensure fees apply to when recording the revenues and receivables.

Section II – Financial Statement Findings (Continued)

2025 – 002 Revenues and Receivables (Continued)

Recommendation: We recommend the Department implement effective policies, procedures, and controls to ensure financial information is timely, complete, and accurate. This should entail a monthly review process of significant balance sheet accounts as well as a year-end review process of all accounts to ensure transactions are properly captured and reported in the accounting records. We recommend the Department provide training to its employees on the requirements set forth in the Manual of Model Accounting Practices as well as any other DFA instructions related to fiscal year-end close. Specific to revenues and receivables, we recommend the Department review state statutes related to the assessment and collection of fees to ensure proper revenue recognition in accordance with GASB pronouncements.

Views of responsible officials and planned corrective actions: The Accounts Receivable process will be updated and moved within the GL bureau to ensure proper coordination and internal controls regarding revenue recognition and accounts receivable set up. The statutes guiding all fees will be reviewed to ensure any changes are captured and implemented as written.

The CFO, GL manager and program staff who work in the Accounts Receivable unit will work to ensure timely and proper implementation of updated policy and procedure. Timeline: Fiscal year ended June 30, 2026.

NMED Exhibit 67_000090

Section II – Financial Statement Findings (Continued)

2025 – 003 (2022 – 003) Capital Assets

Type of Finding:

- Significant Deficiency in Internal Control over Financial Reporting

Condition: During our audit, we noted the following issues related to the Department's capital assets.

- During our review of capital asset deletions, there were three disposals in the approximate amount of $247.4K that were incorrectly identified as disposals by the Department. For 1 of 3 disposals, the Department disposed of the asset in fiscal year 2024. For 2 of 3 disposals, the Department maintained possession of the assets as of June 30, 2025.

- For 2 of 16 Capital Assets Certifications Forms, at least one signature is missing on the forms.

Management's Progress for Repeated Findings: Management did not fully implement adequate controls to resolve the finding from the prior year.

Criteria or specific requirement: According to NMSA 1978 §6.-5-2, the Financial Control Division (the division) shall issue a manual of model accounting practices containing the procedures and policies. State agencies shall comply with the model accounting practices established by the division, and the administrative head of each state agency shall ensure that the model accounting practices are followed. According to FIN 16 General Accounting Practices in the Manual of Model Accounting Practices, all reporting of financial information must be timely, complete and accurate, to the state agency's management and to oversight agencies and entities. According to 2.2.2 NMAC, agencies shall conduct an annual physical inventory of chattels and equipment on the inventory list at the end of each fiscal year in accordance with the requirements of Section 12-6-10 NMSA 1978. The agency shall certify the correctness of the inventory after the physical inventory. This certification shall be provided to the agency's auditors. The IPA shall audit the inventory listing for correctness and compliance with the requirements of the Audit Act.

Effect: State agency's management and other agencies and entities are not able to rely on the financial information presented by the Department due to untimely, incomplete, and inaccurate financial reporting. The Department is not in compliance with applicable financial reporting policies and requirements of the state.

Cause: Staff turnover.

Recommendation: We recommend the Department implement effective policies, procedures, and controls to ensure financial information related to capital assets is timely, complete, and accurate. This should entail a year-end review process of the assets certified by the bureaus to the Department's depreciation report.

Section II – Financial Statement Findings (Continued)

2025 – 003 (2022 – 003) Capital Assets (Continued)

Views of responsible officials and planned corrective actions: The assets in question changed location. Due to miscommunication, it was assumed they were to be disposed and hence removed from the capital asset system. While the assets were reinstated, the department recognizes this needs to be addressed. The capital assets coordinators within each program will be identified, communication will robust to ensure there is no misunderstanding, and the asset certification forms will ensure the process is done, timely and accurately. This will help ensure that all assets meant for disposal are truly meant to be disposed of. The Chief Financial Officer and GL manager will work to ensure the disposal process is updated and related staff are trained on the process. Timeline: Fiscal year ended June 30, 2026.

2025 – 004 (2024 – 003) Untimely Board of Finance Draw Down Reimbursements

Type of Finding:

- Significant Deficiency in Internal Control over Financial Reporting

Condition: During our audit, we noted the fund 89200 used for reporting capital projects funding with funding from the severance tax bonds, which are drawn down on a reimbursement basis from the Board of Finance reported a deficit of approximately $55.1K due to reimbursement requests related to fiscal year 2025 not processed and submitted by the July 31 deadline.

Management's Progress for Repeated Findings: Management did not fully implement adequate controls to resolve the finding from the prior year.

Criteria or specific requirement: According to the Year End Closing Instructions FY25 issued by DFA, "Agencies must send fiscal year 2025 draw requests for Severance Tax and General Obligation Bond appropriations to Board of Finance (BOF) by 5:00 p.m. on July 31, 2025."

Effect: Noncompliance with the statewide closing instructions, in addition, the Department is at risk of not being reimbursed for expiring appropriations if not submitted by the deadline.

Cause: The Department has experienced staff turnover as well as vacancies in key positions which did not allow for sufficient review and posting of financial transactions especially at year-end close.

Recommendation: We recommend the Department implement effective policies, procedures, and controls to ensure financial information is timely, complete, and accurate.

Views of responsible officials and planned corrective actions: The Construction Program Bureau has experienced staffing issues that have had impacts on the overall administration of the program. The state rolled out a new system for submitting severance tax bonds and this contributed to the year-end issues. The department will continue to ensure the team works with the Department of Finance and Administration to understand any potential challenges with the reimbursement system. The CFO will perform adequate follow-up with the program to ensure the draws are timely and accurate. Timeline: Fiscal year ended June 30, 2026.

Section II – Financial Statement Findings (Continued)

2025 – 005 Interfund Transfers

Type of Finding:

- Material Weakness in Internal Control over Financial Reporting

Condition: During our audit, we noted the following issues related to the Department's interfund transfers.

- The Department did not provide us with the updated Indirect Cost Revenue Recognition Policy until we performed our audit procedures.
- The Department implemented the Indirect Cost Revenue Recognition Policy effective July 1, 2024. However, the policy was not approved by the Department until June 27, 2025.
- As a result of our audit procedures of the transfers between the general fund and the special revenue funds, an audit adjustment of approximately $3 million was required to true up the interfund transfers for year-end activity.
- The Department did not provide the Indirect Cost Revenue Recognition Policy to the Environmental Protection Agency (EPA) for review and approval.

Criteria or specific requirement: According to NMSA 1978 §6.-5-2, the Financial Control Division (the division) shall issue a manual of model accounting practices containing the procedures and policies. State agencies shall comply with the model accounting practices established by the division, and the administrative head of each state agency shall ensure that the model accounting practices are followed. According to FIN 16 General Accounting Practices in the Manual of Model Accounting Practices, all reporting of financial information must be timely, complete and accurate, to the state agency's management and to oversight agencies and entities. According to the Indirect Cost Rate Agreement between the Department and the EPA, the fixed rate contained in this agreement is based on the organizational structure and the accounting system in effect at the time the proposal was submitted. Changes in the organizational structure or changes in the method of accounting for costs which affect the amount of reimbursement resulting from use of the rate in this agreement require the prior approval of the authorized representative of the responsible negotiation agency. Failure to obtain such approval may result in subsequent audit disallowances.

Effect: State agency's management and other agencies and entities are not able to rely on the financial information presented by the Department due to untimely, incomplete, and inaccurate financial reporting. The Department is not in compliance with applicable financial reporting policies and requirements of the State. The Department may have subsequent audit disallowances from the EPA.

Cause: The Department has experienced staff turnover as well as vacancies in key positions which did not allow for sufficient review and posting of financial transactions especially at year-end close.

Recommendation: We recommend the Department implement effective policies, procedures, and controls to ensure financial information is timely, complete, and accurate. We recommend the Department provide the EPA with the Indirect Cost Revenue Recognition Policy for its review and approval.

Section II – Financial Statement Findings (Continued)

2025 – 005 Interfund Transfers

Views of responsible officials and planned corrective actions: The department disclosed in its MD&A the fact that the indirect cost policy was updated and provided the policy upon request. Since the policy was signed at the end of June, it is currently effective in FY26, and the finding should be resolved next year from a timing standpoint.

Section III – Section 12-6-5 NMSA 1978 Findings

2025 – 006 State Law Compliance (Other Matters)

Condition: During our audit, we noted the following issue related to state law compliance.

- Funds 06400 and 63100 have a balance in 241900 Stale Dated Wts. of $230 and $4,860, respectively.

Criteria or specific requirement: According to FIN 2.14 Stale Date/Escheatment of Warrant of the New Mexico Department of Finance and Administration's Manual of Model Accounting Practices, the agency should clear the balance in 241900 every month and the balance should be zero at the end of the fiscal year.

Effect: Noncompliance with state law.

Cause: The Department has experienced staff turnover as well as vacancies in key positions which did not allow for sufficient review and posting of financial transactions especially at year-end close.

Recommendation: We recommend the Department implement effective policies, procedures, and controls to ensure compliance with state laws.

Views of responsible officials and planned corrective actions: The department has made efforts to reconcile all balance sheet accounts and will ensure that no account is left unreconciled by year end.

The Chief Financial Officer and GL Manager will continue to work together to reconcile all accounts as needed. A detailed General ledger account reconciliation has been created and this procedure will be shared once more with the rest of the finance team to ensure timely and complete account reconciliations. Timeline: Fiscal year ended June 30, 2026.

Section III – Section 12-6-5 NMSA 1978 Findings (Continued)

2025 – 007 Cash Management (Other Matters)

Condition: During our audit, we noted the following issue related to cash management.

- For 1 of 22 cash receipts, the Department did not deposit the money into the state treasury before the close of the next succeeding business day after the receipt of the money. The cash receipt is a total of $30.

Criteria or specific requirement: According to NMSA 1978, Section 6-10-3, all public money in the custody or under the control of any state official or agency obtained or received by any official or agency from any source, except as in Section 6-10-54 NMSA 1978 provided, shall be paid into the state treasury. It is the duty of every official or person in charge of any state agency receiving any money in cash or by check, draft, or otherwise for or on behalf of the state or any agency thereof from any source, except as in Section 6-10-54 NMSA 1978 provided, to forthwith and before the close of the next succeeding business day after the receipt of the money to deliver or remit it to the state treasurer.

Effect: Noncompliance with state law.

Cause: The Department has experienced staff turnover as well as vacancies in key positions which did not allow for sufficient review and posting of financial transactions especially at year-end close.

Recommendation: We recommend the Department implement effective policies, procedures, and controls to ensure compliance with state laws.

Views of responsible officials and planned corrective actions: The department has procedures and policies that guide the deposit process. As new staff join the team, training will be done to reiterate the state statute, MAPs guidance and internal process guiding receipt and deposit of funds.

CFO and GL Manager will be responsible for organizing the training.

Section III – Section 12-6-5 NMSA 1978 Findings (Continued)

2025 – 008 Vehicles and Fuel Cards (Other Matters)

Condition: During our audit, we noted the following issue related to vehicles and fuel cards.

- For 1 of 3 bureaus, the March 2025 vehicle reconciliation did not have a bureau vehicle coordinator signature nor date. Additionally, one transaction in the month of March 2025 for the bureau identified a discrepancy related to the driver not completely filling out the vehicle usage log and the use of premium fuel.

Criteria or specific requirement: According to the 1.5.3.19 NMAC Use of Fuel Credit Cards, each agency shall establish use requirements and parameters on their fleet. Such parameters will include multiple daily transactions, number of gallons purchased at one (1) time, limit dollars per transaction, off hour transactions, non-fuel transactions, and unauthorized purchases (soda, candy, etc.). (2) Transactions that cannot be justified must be investigated with a formal report summarizing the findings with recommendations. According to the Department's Use of State-owned Vehicles Policy, each Division is responsible for implementing vehicle maintenance schedules and procedures that ensure the safe and continued operation of NMED-owned state vehicles. Each Bureau shall create and maintain documentation which reflects compliance with NMED's vehicle maintenance schedules and procedures.

Effect: Noncompliance with state law.

Cause: The Department has experienced staff turnover as well as vacancies in key positions which did not allow for sufficient review and posting of financial transactions especially at year-end close.

Recommendation: We recommend the Department implement effective policies, procedures, and controls to ensure compliance with state laws.

Views of responsible officials and planned corrective actions: The Department lost its fleet coordinator and GL Manager in FY25. These are positions tasked with doing a monthly reconciliation and coordination with the divisions to ensure compliance in processes and procedure related to fleet management and usage. The GL Manager position was filled at the end of the year and an offer is pending for the fleet coordinator. These actions will ensure better review agency wide to ensure compliance.

The CFO and GL Manager will ensure this is addressed.

NEW MEXICO ENVIRONMENT DEPARTMENT
SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS
YEAR ENDED JUNE 30, 2025

Finding	Status
Section II – Financial Statement Findings	
2024 – 001 Internal Control Over Financial Reporting	Repeated/Modified
2024 – 002 Capital Assets	Repeated/Modified
2024 – 003 Untimely Board of Finance Draw Down Reimbursements	Repeated/Modified
Section IV – Other Findings	
None	

NMED Exhibit 67_000098

NEW MEXICO ENVIRONMENT DEPARTMENT
EXIT CONFERENCE
JUNE 30, 2025

An exit conference was held with the Department on December 1, 2025. The conference was held in a closed meeting to preserve the confidentiality of the audit information prior to the official release of the financial statements by the State Auditor. In attendance were:

NEW MEXICO ENVIRONMENT DEPARTMENT

Danielle Gilliam	Deputy Cabinet Secretary of Operations
Heather Benavidez	ASD Director
Miranda Ntoko	Chief Financial Officer
John Rhoderick	Deputy Cabinet Secretary of Administration

CLIFTONLARSONALLEN LLP

Matt Bone, CPA, CGFM, CGMA	Engagement Principal
Jane Tinker, CPA	Engagement Director

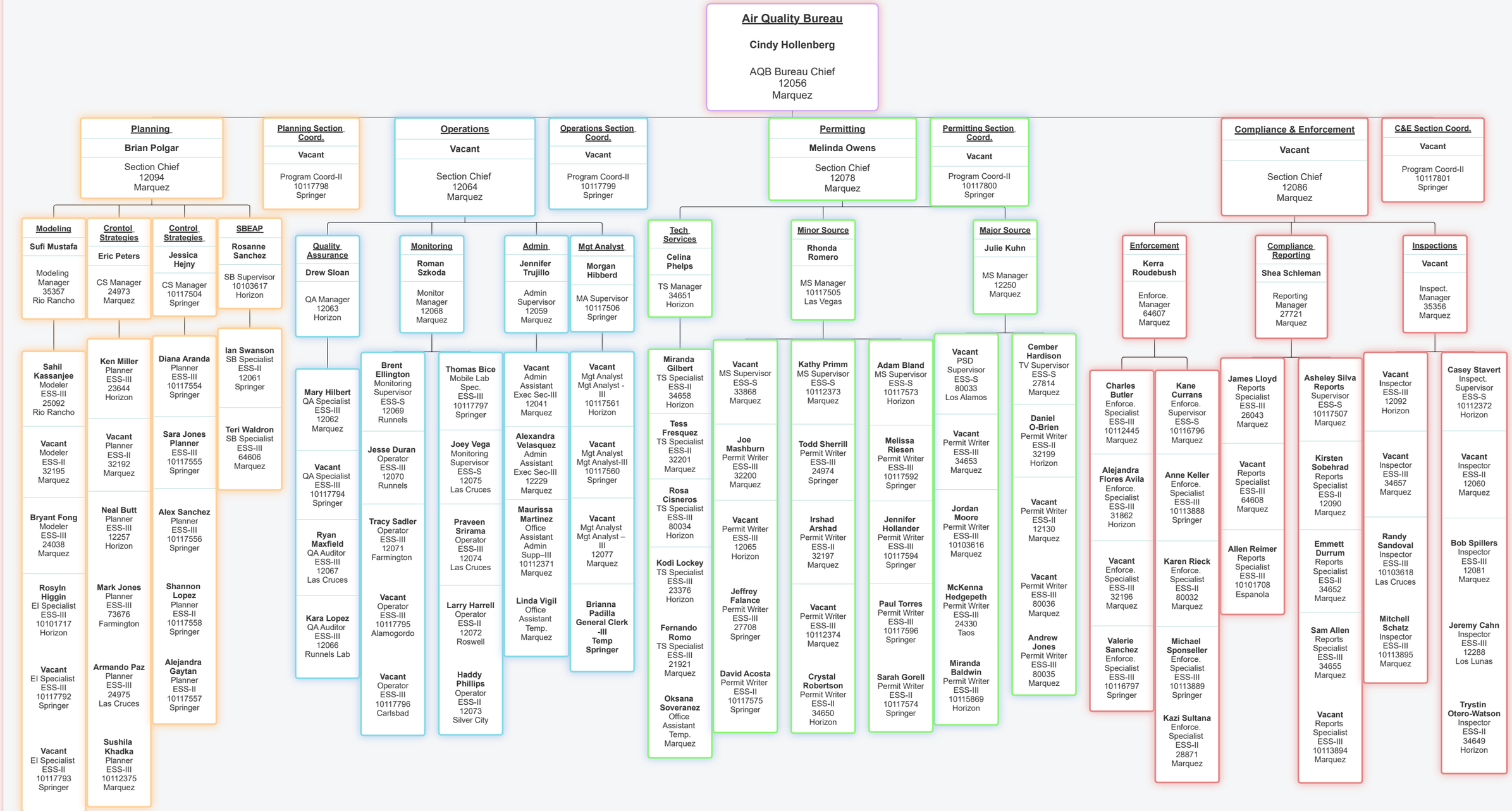
CliftonLarsonAllen LLP assisted in the preparation of the financial statements presented in this report. The Department's management has reviewed and approved the financial statements and related notes and they believe that their records adequately support the financial statements.

NMED Exhibit 67_000099

Summary of Audited NMED Financial Statements for Fiscal Years 2012-2025

Title V Fund (SRF 09200):																	
	FY12	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**	**FY19**	**FY20**	**FY21**	**FY22**	**FY23**	**FY24**	**FY24 (Adjusted)**	**FY25**	**FY25 (Adjusted)**
Beginning Fund Balance	$ 3,363,733	$ 4,884,686	$ 6,551,733	$ 7,219,635	$ 7,212,090	$ 6,686,952	$ 3,339,977	$ 2,862,025	$ 2,391,991	$ 1,362,275	$ 5,745,917	$ 6,101,272	$ 7,070,825	$ 7,070,825	$ 7,994,989	$ 7,994,989
Revenues	$ 5,066,902	$ 5,326,952	$ 5,119,200	$ 4,995,802	$ 5,083,095	$ 5,045,802	$ 5,147,562	$ 4,415,401	$ 4,627,947	$ 7,295,725	$ 4,330,991	$ 4,216,145	$ 3,749,603	$ 3,749,603	$ 3,997,332	$ 3,997,332
Expenditures/Transfers	$ 3,545,949	$ 3,659,905	$ 4,451,298	$ 5,003,347	$ 5,608,233	$ 8,392,777	$ 5,625,514	$ 4,885,435	$ 5,657,663	$ 2,912,083	$ 3,975,636	$ 3,246,592	$ 2,825,439	$ 2,825,439	$ 4,919,936	$ 4,919,936
Ending Fund Balance	$ 4,884,686	$ 6,551,733	$ 7,219,635	$ 7,212,090	$ 6,686,952	$ 3,339,977	$ 2,862,025	$ 2,391,991	$ 1,362,275	$ 5,745,917	$ 6,101,272	$ 7,070,825	$ 7,994,989	$ 7,994,989	$ 7,072,385	$ 7,072,385
Net Change	$ 1,520,953	$ 1,667,047	$ 667,902	$ (7,545)	$ (525,138)	$ (3,346,975)	$ (477,952)	$ (470,034)	$ (1,029,716)	$ 4,383,642	$ 355,355	$ 969,553	$ 924,164	$ 924,164	$ (922,604)	$ (922,604)
Construction Permit Fund (SRF 63100):																
	FY12	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**	**FY19**	**FY20**	**FY21**	**FY22**	**FY23**	**FY24**	**FY24 (Adjusted)**	**FY25**	**FY25 (Adjusted)**
Beginning Fund Balance	$ 1,813,710	$ 1,847,241	$ 2,157,210	$ 2,037,586	$ 2,263,175	$ 3,008,685	$ 832,938	$ 3,486,958	$ 5,334,270	$ 8,128,484	$ 8,425,089	$ 11,440,648	$ 15,167,721	$ 15,167,721	$ 19,273,933	$ 18,859,773
Revenues	$ 2,308,534	$ 2,886,189	$ 2,885,058	$ 3,130,766	$ 3,263,681	$ 2,898,990	$ 4,535,948	$ 4,755,344	$ 5,739,923	$ 6,177,772	$ 7,436,525	$ 8,798,448	$ 10,983,820	$ 10,569,660	$ 12,568,160	$ 11,516,752
Expenditures/Transfers	$ 2,275,003	$ 2,576,220	$ 3,004,682	$ 2,905,177	$ 2,518,171	$ 5,074,737	$ 1,881,927	$ 2,908,032	$ 2,945,709	$ 5,881,167	$ 4,420,966	$ 5,071,375	$ 6,877,608	$ 6,877,608	$ 12,566,222	$ 12,566,222
Ending Fund Balance	$ 1,847,241	$ 2,157,210	$ 2,037,586	$ 2,263,175	$ 3,008,685	$ 832,938	$ 3,486,958	$ 5,334,270	$ 8,128,484	$ 8,425,089	$ 11,440,648	$ 15,167,721	$ 19,273,933	$ 18,859,773	$ 19,275,871	$ 17,810,303
Net Change	$ 33,531	$ 309,969	$ (119,624)	$ 225,589	$ 745,510	$ (2,175,747)	$ 2,654,020	$ 1,847,312	$ 2,794,214	$ 296,605	$ 3,015,559	$ 3,727,073	$ 4,106,212	$ 3,692,052	$ 1,938	$ (1,049,470)
Combined Air Program Funds (SRF 09200 + SRF 63100):																
	FY12	**FY13**	**FY14**	**FY15**	**FY16**	**FY17**	**FY18**	**FY19**	**FY20**	**FY21**	**FY22**	**FY23**	**FY24**	**FY24 (Adjusted)**	**FY25**	**FY25 (Adjusted)**
Beginning Fund Balance	$ 5,177,443	$ 6,731,927	$ 8,708,943	$ 9,257,221	$ 9,475,265	$ 9,695,637	$ 4,172,915	$ 6,348,983	$ 7,726,261	$ 9,490,759	$ 14,171,006	$ 17,541,920	$ 22,238,546	$ 22,238,546	$ 27,268,922	$ 26,854,762
Revenues	$ 7,375,436	$ 8,213,141	$ 8,004,258	$ 8,126,568	$ 8,346,776	$ 7,944,792	$ 9,683,510	$ 9,170,745	$ 10,367,870	$ 13,473,497	$ 11,767,516	$ 13,014,593	$ 14,733,423	$ 14,319,263	$ 16,565,492	$ 15,514,084
Expenditures/Transfers	$ 5,820,952	$ 6,236,125	$ 7,455,980	$ 7,908,524	$ 8,126,404	$ 13,467,514	$ 7,507,441	$ 7,793,467	$ 8,603,372	$ 8,793,250	$ 8,396,602	$ 8,317,967	$ 9,703,047	$ 9,703,047	$ 17,486,158	$ 17,486,158
Ending Fund Balance	$ 6,731,927	$ 8,708,943	$ 9,257,221	$ 9,475,265	$ 9,695,637	$ 4,172,915	$ 6,348,983	$ 7,726,261	$ 9,490,759	$ 14,171,006	$ 17,541,920	$ 22,238,546	$ 27,268,922	$ 26,854,762	$ 26,348,256	$ 24,882,688
Net Change	$ 1,554,484	$ 1,977,016	$ 548,278	$ 218,044	$ 220,372	$ (5,522,722)	$ 2,176,068	$ 1,377,278	$ 1,764,498	$ 4,680,247	$ 3,370,914	$ 4,696,626	$ 5,030,376	$ 4,616,216	$ (920,666)	$ (1,972,074)

June 2025 Air Quality Bureau Organization Chart



From: Ntoko, Miranda, ENV
To: Polgar, Brian, ENV
Cc: Miano, Michelle, ENV
Subject: Fund balance-Air program
Date: Thursday, February 5, 2026 5:44:54 PM
Attachments: image002.png

Hello Brian,
Here`s some verbiage on the need for a health fund balance as requested.

The budgetary process requires that agencies show a fund balance healthy enough to fund the anticipated expenditures for every budget request. Special Revenue funds are especially scrutinized by the Department of Finance and Administration and the Legislative Finance Committee to ensure the agency's budget, as approved during the budget process, is backed by actual cash (i.e., the amount in the fund) and in small part by a demonstrable history of revenue generation through fees or other sources

Thank you,

Miranda Ntoko
ASD Deputy Dir of Finance & Budget/CFO
NM Environment Department
1190 St. Francis Drive, Suite S-4103
Santa Fe, NM 87505

Cell: (505) 699-9176
Email: Miranda.Ntoko@env.nm.gov

Work schedule:
Mon-Thur: 9am-5:30pm
Fridays: 9:am-3:30pm



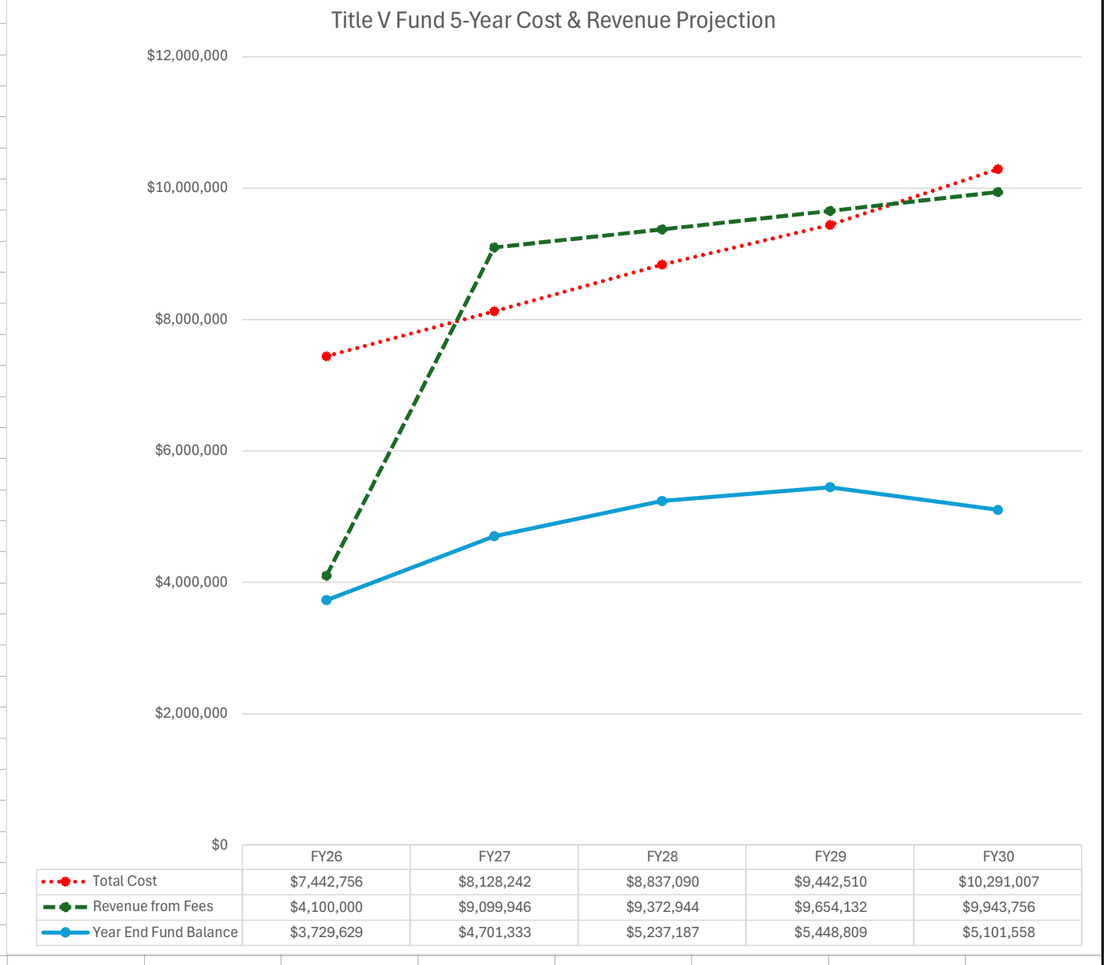
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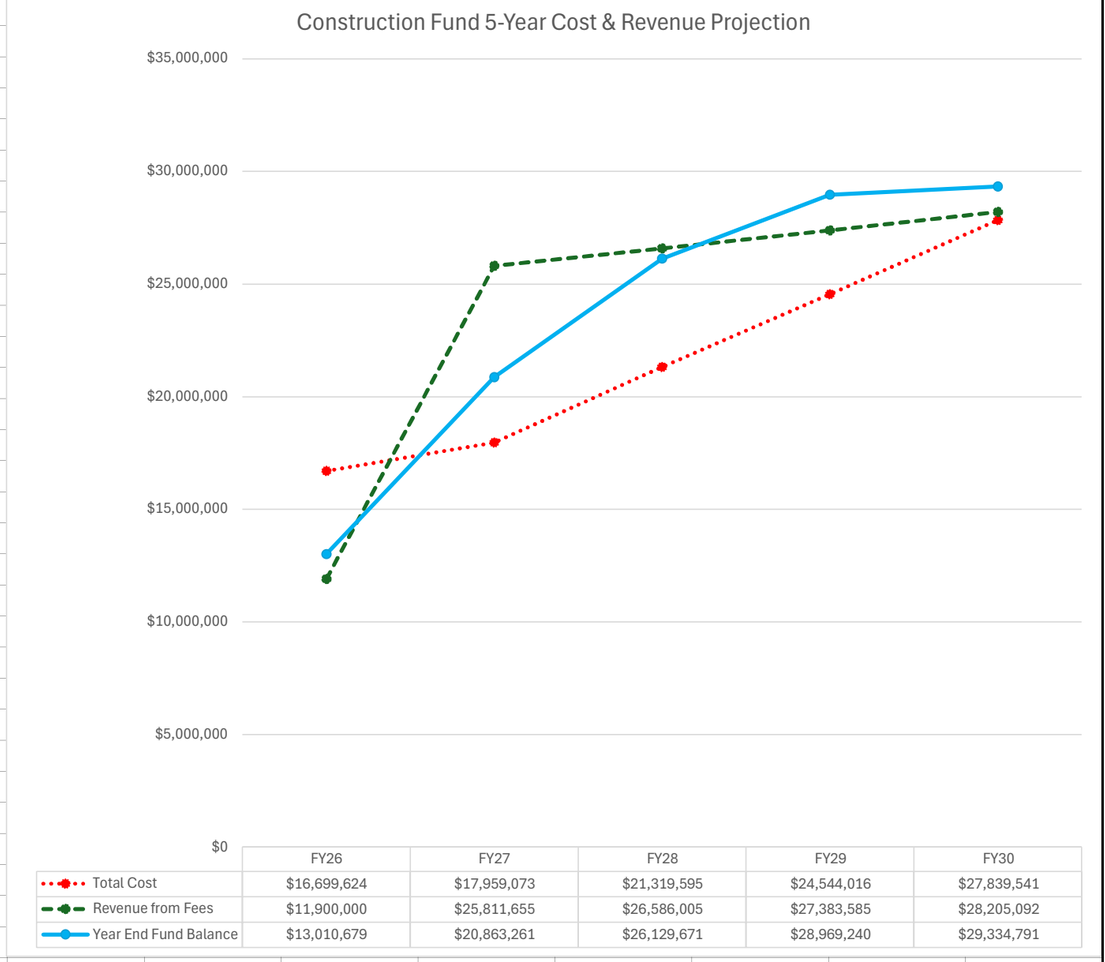
5-Year Cost and Revenue Projection for NMED's Title V and Construction Funds

	A	B	C	D	E	F
1	**Title V Fund (SRF09200)**	**FY26**	**FY27**	**FY28**	**FY29**	**FY30**
2	Prev. Year AQB Employee Salary/Benefits (200s)	$3,092,681	$3,359,402	$3,806,202	$3,983,777	$4,275,839
3	Legislative Raises AQB 3%	$92,780	$100,782	$114,186	$119,513	$128,275
4	Air Program Contracts (300s)	$1,600,000	$1,600,000	$1,600,000	$1,600,000	$1,600,000
5	Prev Year AQB Non-Salary Costs (400s)	$282,212	$305,172	$312,172	$323,922	$342,322
6	AQB Other Costs Increase - New Staff (400s)	$15,960	$0	$4,750	$11,400	$19,000
7	AQB New Salary/Benefit Costs (200s)	$193,267	$0	$70,432	$191,721	$308,550
8	10% Increase for Air Protection		$346,018			
9	AQB Travel Costs Increase - New Staff (400s)	$7,000	$7,000	$7,000	$7,000	$7,000
10	10% Vacancy Disc on NEW Labor	$19,327	$0	$7,043	$19,172	$30,855
11	AQB Total	$5,264,574	$5,718,375	$5,907,699	$6,218,161	$6,650,131
12	Prev. Year AQC&E Employee Salary/Benefits (200s)	$1,548,500	$1,614,181	$1,828,868	$2,300,041	$2,563,749
13	Legislative Raises AQC&E 3%	$46,455	$48,425	$54,866	$69,001	$76,912
14	AQC&E Contracts (300s)	**All contracts counted above in Air Program Contracts**				
15	Prev Year AQC&E Non-Salary Costs (400s)	$545,100	$564,000	$581,000	$629,350	$660,600
16	AQC&E Other Costs Increase - New Staff (400s)	$1,900	$0	$31,350	$14,250	$21,850
17	AQC&E New Salary/Benefit Costs (200s)	$21,363	$0	$462,564	$216,340	$334,183
18	10% Increase for Air Protection		$166,261			
19	AQC&E Travel Costs Increase - New Staff (400s)	$7,000	$7,000	$7,000	$7,000	$7,000
20	Vehicle Costs - New Staff (400s)	$10,000	$10,000	$10,000	$10,000	$10,000
21	10% Vacancy Disc on NEW Labor	$2,136	$0	$46,256	$21,634	$33,418
22	AQC&E Total	$2,178,181	$2,409,868	$2,929,391	$3,224,349	$3,640,876
23	Total Cost	$7,442,756	$8,128,242	$8,837,090	$9,442,510	$10,291,007
24	Estimated Begaining Fund Balance	$7,072,385	$3,729,629	$4,701,333	$5,237,187	$5,448,809
25	Revenue from Fees	$4,100,000	$9,099,946	$9,372,944	$9,654,132	$9,943,756
26	Year End Fund Balance	$3,729,629	$4,701,333	$5,237,187	$5,448,809	$5,101,558
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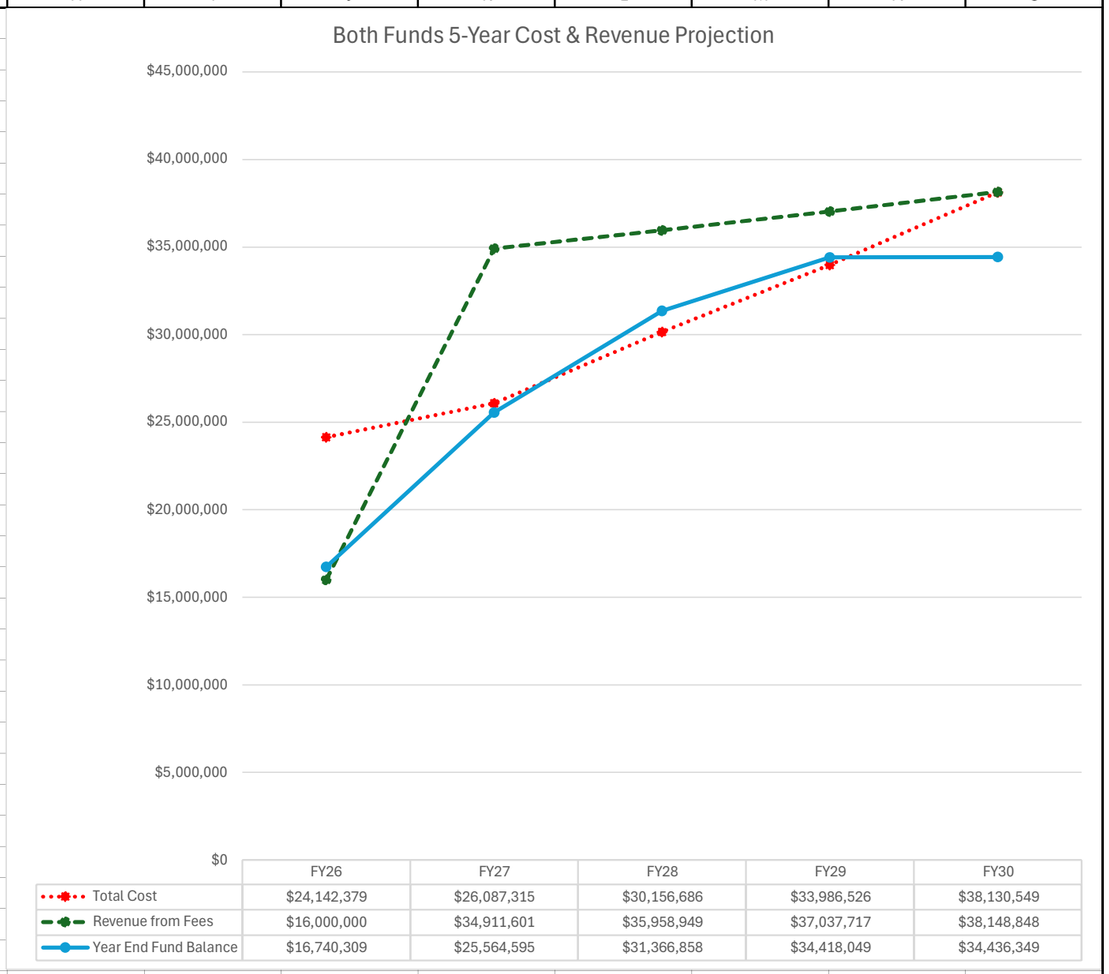
5-Year Cost and Revenue Projection for NMED's Title V and Construction Funds

	A	B	C	D	E	F	G
33	**Construction Fund (SRF63100)**	**FY26**	**FY27**	**FY28**	**FY29**	**FY30**	
34	Prev. Year AQB Employee Salary/Benefits (200s)	$5,986,492	$6,861,847	$7,774,473	$8,770,468	$10,072,711	
35	Legislative Raises AQB 3%	$179,595	$205,855	$233,234	$263,114	$302,181	
36	Air Program Contracts (300s)	$6,400,000	$6,400,000	$6,400,000	$6,400,000	$6,400,000	
37	Prev Year AQB Non-Salary Costs (400s)	$766,241	$858,081	$886,081	$975,831	$1,077,931	
38	AQB Other Costs Increase - New Staff (400s)	$63,840	$0	$61,750	$74,100	$76,000	
39	AQB New Salary/Benefit Costs (200s)	$773,067	$0	$847,512	$1,154,588	$1,234,198	
40	10% Increase for Air Protection		$706,770				
41	AQB Travel Costs Increase - New Staff (400s)	$28,000	$28,000	$28,000	$28,000	$28,000	
42	10% Vacancy Disc on NEW Labor	$77,307	$0	$84,751	$115,459	$123,420	
43	AQB Total	$14,119,929	$15,060,554	$16,146,299	$17,550,642	$19,067,602	
44	Prev. Year AQC&E Employee Salary/Benefits (200s)	$1,756,300	$1,885,895	$2,136,719	$4,194,346	$5,837,173	
45	Legislative Raises AQC&E 3%	$52,689	$56,577	$64,102	$125,830	$175,115	
46	AQC&E Contracts (300s)	**All contracts counted above in Air Program Contracts**					
47	Prev Year AQC&E Non-Salary Costs (400s)	$618,200	$693,800	$761,800	$978,950	$1,156,200	
48	AQC&E Other Costs Increase - New Staff (400s)	$7,600	$0	$149,150	$109,250	$101,650	
49	AQC&E New Salary/Benefit Costs (200s)	$85,451	$0	$2,215,028	$1,685,552	$1,593,112	
50	10% Increase for Air Protection		$194,247				
51	AQC&E Travel Costs Increase - New Staff (400s)	$28,000	$28,000	$28,000	$28,000	$28,000	
52	Vehicle Costs - New Staff (400s)	$40,000	$40,000	$40,000	$40,000	$40,000	
53	10% Vacancy Disc on NEW Labor	$8,545	$0	$221,503	$168,555	$159,311	
54	AQC&E Total	$2,579,695	$2,898,519	$5,173,296	$6,993,373	$8,771,939	
55	Total Cost	$16,699,624	$17,959,073	$21,319,595	$24,544,016	$27,839,541	
56	Estimated Begaining Fund Balance	$17,810,303	$13,010,679	$20,863,261	$26,129,671	$28,969,240	
57	Revenue from Fees	$11,900,000	$25,811,655	$26,586,005	$27,383,585	$28,205,092	
58	Year End Fund Balance	$13,010,679	$20,863,261	$26,129,671	$28,969,240	$29,334,791	
59							
60							
61							
62							
63							
64							



5-Year Cost and Revenue Projection for NMED's Title V and Construction Funds

	A	B	C	D	E	F	G
65	**Both Funds**	**FY26**	**FY27**	**FY28**	**FY29**	**FY30**	
66	Prev. Year AQB Employee Salary/Benefits (200s)	$9,079,173	$10,221,249	$11,580,675	$12,754,244	$14,348,550	
67	Legislative Raises AQB 3%	$272,375	$306,637	$347,420	$382,627	$430,456	
68	Air Program Contracts (300s)	$8,000,000	$8,000,000	$8,000,000	$8,000,000	$8,000,000	
69	Prev Year AQB Non-Salary Costs (400s)	$1,048,454	$1,163,254	$1,198,254	$1,299,754	$1,420,254	
70	AQB Other Costs Increase - New Staff (400s)	$79,800	$0	$66,500	$85,500	$95,000	
71	AQB New Salary/Benefit Costs (200s)	$966,334	$0	$917,943	$1,346,309	$1,542,748	
72	10% Increase for Air Protection		$1,052,789				
73	AQB Travel Costs Increase - New Staff (400s)	$35,000	$35,000	$35,000	$35,000	$35,000	
74	10% Vacancy Disc on NEW Labor	$96,633	$0	$91,794	$134,631	$154,275	
75	AQB Total	$19,384,503	$20,778,929	$22,053,998	$23,768,803	$25,717,733	
76	Prev. Year AQC&E Employee Salary/Benefits (200s)	$3,304,800	$3,500,076	$3,965,587	$6,494,388	$8,400,922	
77	Legislative Raises AQC&E 3%	$99,144	$105,002	$118,968	$194,832	$252,028	
78	AQC&E Contracts (300s)	**All contracts counted above in Air Program Contracts**					
79	Prev Year AQC&E Non-Salary Costs (400s)	$1,163,300	$1,257,800	$1,342,800	$1,608,300	$1,816,800	
80	AQC&E Other Costs Increase - New Staff (400s)	$9,500	$0	$180,500	$123,500	$123,500	
81	AQC&E New Salary/Benefit Costs (200s)	$106,814	$0	$2,677,593	$1,901,892	$1,927,295	
82	10% Increase for Air Protection		$360,508				
83	AQC&E Travel Costs Increase - New Staff (400s)	$35,000	$35,000	$35,000	$35,000	$35,000	
84	Vehicle Costs - New Staff (400s)	$50,000	$50,000	$50,000	$50,000	$50,000	
85	10% Vacancy Disc on NEW Labor	$10,681	$0	$267,759	$190,189	$192,729	
86	AQC&E Total	$4,757,876	$5,308,387	$8,102,688	$10,217,722	$12,412,816	
87	Total Cost	$24,142,379	$26,087,315	$30,156,686	$33,986,526	$38,130,549	
88	Estimated Begaining Fund Balance	$24,882,688	$16,740,309	$25,564,595	$31,366,858	$34,418,049	
89	Revenue from Fees	$16,000,000	$34,911,601	$35,958,949	$37,037,717	$38,148,848	
90	Year End Fund Balance	$16,740,309	$25,564,595	$31,366,858	$34,418,049	$34,436,349	
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Original Position Creation Plan for FY26-FY30 Showing Projected Costs to NMED's Title V and Construction Funds

FY	Bureau	Position Classification	Pay Band	Salary Mid-Point	# to Create	Position Salary	Position Benefits	Total Cost	200s Cost to SRF09200	200s Cost to SRF63100	400s Cost to SRF09200	400s Cost to SRF63100
2026	AQB	Manager, Env Science - Permitting Section Chief	12	$58.47	1	$ 122,085.36	$ 48,834.14	$ 170,919.50	$ 34,183.90	$ 136,735.60	$ 1,900.00	$ 7,600.00
2026	AQB	Senior Environmental Scientist - Emissions Inventory	10	$44.21	1	$ 92,310.48	$ 36,924.19	$ 129,234.67	$ 25,846.93	$ 103,387.74	$ 1,900.00	$ 7,600.00
2026	AQB	Environmental Scientist - Emissions Inventory	9	$40.19	1	$ 83,916.72	$ 33,566.69	$ 117,483.41	$ 23,496.68	$ 93,986.73	$ 1,900.00	$ 7,600.00
2026	AQB	Senior Environmental Scientist - Technical Operations	10	$44.21	1	$ 92,310.48	$ 36,924.19	$ 129,234.67	$ 10,338.77	$ 41,355.10	$ 760.00	$ 3,040.00
2026	AQB	Program Manager	8	$36.54	3	$ 76,295.52	$ 30,518.21	$ 320,441.18	$ 64,088.24	$ 256,352.95	$ 5,700.00	$ 22,800.00
2026	AQB	Senior Business Operations Analysts	6	$30.20	2	$ 63,057.60	$ 25,223.04	$ 176,561.28	$ 35,312.26	$ 141,249.02	$ 3,800.00	$ 15,200.00
FY26 AQB Totals					**9**			**$ 1,043,874.72**	**$ 193,266.78**	**$ 773,067.13**	**$ 15,960.00**	**$ 63,840.00**
2026	EPCEB	Program Manager	8	$36.54	1	$ 76,295.52	$ 30,518.21	$ 106,813.73	$ 21,362.75	$ 85,450.98	$ 1,900.00	$ 7,600.00
2026	EPCEB	Manager, Air Protection - C&E Section Chief	13	$67.24	1	$ 140,397.12	$ 56,158.85	$ 196,555.97	$ 39,311.19	$ 157,244.77	$ 1,900.00	$ 7,600.00
2026	EPCEB	Air Protection Professional - Inspections	10	$44.21	3	$ 92,310.48	$ 36,924.19	$ 387,704.02	$ 77,540.80	$ 310,163.21	$ 5,700.00	$ 22,800.00
2026	EPCEB	Senior Air Protection Professional - Inspections	11	$50.84	2	$ 106,153.92	$ 42,461.57	$ 297,230.98	$ 59,446.20	$ 237,784.78	$ 3,800.00	$ 15,200.00
2026	EPCEB	Supervisor, Air Protection - Inspections	12	$58.47	2	$ 122,085.36	$ 48,834.14	$ 341,839.01	$ 68,367.80	$ 273,471.21	$ 3,800.00	$ 15,200.00
FY26 EPCEB Totals					**9**			**$ 1,330,143.70**	**$ 266,028.74**	**$ 1,064,114.96**	**$ 17,100.00**	**$ 68,400.00**
FY26 AQB & EPCEB Combined Totals					**18**			**$ 2,374,018.42**	**$ 459,295.52**	**$ 1,837,182.09**	**$ 33,060.00**	**$ 132,240.00**
2027	AQB	Associate Air Protection Professional - Outreach & Education	8	$36.54	2	$ 76,295.52	$ 30,518.21	$ 213,627.46	$ -	$ 213,627.46	$ -	$ 19,000.00
2027	AQB	Lead Air Protection Professional - Monitoring	12	$58.47	3	$ 122,085.36	$ 48,834.14	$ 512,758.51	$ 102,551.70	$ 410,206.81	$ 5,700.00	$ 22,800.00
2027	AQB	Air Protection Professional - Minor Source Permitting	10	$44.21	3	$ 92,310.48	$ 36,924.19	$ 387,704.02	$ -	$ 387,704.02	$ -	$ 28,500.00
FY27 AQB Totals					**8**			**$ 1,114,089.98**	**$ 102,551.70**	**$ 1,011,538.28**	**$ 5,700.00**	**$ 70,300.00**
2027	EPCEB	Air Protection Professional - All units	10	$44.21	3	$ 92,310.48	$ 36,924.19	$ 387,704.02	$ 38,770.40	$ 348,933.61	$ 2,850.00	$ 25,650.00
2027	EPCEB	Senior Air Protection Professional - All units	11	$50.84	3	$ 106,153.92	$ 42,461.57	$ 445,846.46	$ 44,584.65	$ 401,261.82	$ 2,850.00	$ 25,650.00
2027	EPCEB	Supervisor, Air Protection - All Units	12	$58.47	3	$ 122,085.36	$ 48,834.14	$ 512,758.51	$ 51,275.85	$ 461,482.66	$ 2,850.00	$ 25,650.00
FY27 EPCEB Totals					**9**			**$ 1,346,308.99**	**$ 134,630.90**	**$ 1,211,678.09**	**$ 8,550.00**	**$ 76,950.00**
FY27 AQB & EPCEB Combined Totals					**17**			**$ 2,460,398.98**	**$ 237,182.60**	**$ 2,223,216.37**	**$ 14,250.00**	**$ 147,250.00**
2028	AQB	Senior Air Protection Professional - Permitting	11	$50.84	3	$ 106,153.92	$ 42,461.57	$ 445,846.46	$ 44,584.65	$ 401,261.82	$ 2,850.00	$ 25,650.00
2028	AQB	Air Protection Professional - Permitting	10	$44.21	2	$ 92,310.48	$ 36,924.19	$ 258,469.34	$ 25,846.93	$ 232,622.41	$ 1,900.00	$ 17,100.00
FY28 AQB Totals					**5**			**$ 704,315.81**	**$ 70,431.58**	**$ 633,884.23**	**$ 4,750.00**	**$ 42,750.00**
2028	EPCEB	Supervisor, Air Protection	12	$58.47	1	$ 122,085.36	$ 48,834.14	$ 170,919.50	$ 34,183.90	$ 136,735.60	$ 1,900.00	$ 7,600.00
2028	EPCEB	Lead Air Protection Professional, Part 50 Inspections	12	$58.47	1	$ 122,085.36	$ 48,834.14	$ 170,919.50	$ -	$ 170,919.50	$ -	$ 9,500.00
2028	EPCEB	Associate Air Protection Professional	8	$36.54	2	$ 76,295.52	$ 30,518.21	$ 213,627.46	$ 42,725.49	$ 170,901.96	$ 3,800.00	$ 15,200.00
2028	EPCEB	Air Protection Professional	10	$44.21	2	$ 92,310.48	$ 36,924.19	$ 258,469.34	$ 51,693.87	$ 206,775.48	$ 3,800.00	$ 15,200.00
2028	EPCEB	Senior Air Protection Professional	11	$50.84	4	$ 106,153.92	$ 42,461.57	$ 594,461.95	$ 118,892.39	$ 475,569.56	$ 7,600.00	$ 30,400.00
FY28 EPCEB Totals					**10**			**$ 1,408,397.76**	**$ 247,495.65**	**$ 1,160,902.11**	**$ 17,100.00**	**$ 77,900.00**
FY28 AQB & EPCEB Combined Totals					**15**			**$ 2,112,713.57**	**$ 317,927.23**	**$ 1,794,786.34**	**$ 21,850.00**	**$ 120,650.00**
2029	AQB	Supervisor, Air Protection - Control Strategies	12	$58.47	1	$ 122,085.36	$ 48,834.14	$ 170,919.50	$ 34,183.90	$ 136,735.60	$ 1,900.00	$ 7,600.00
2029	AQB	Senior Air Protection Professional - Control Strategies	11	$50.84	3	$ 106,153.92	$ 42,461.57	$ 445,846.46	$ 89,169.29	$ 356,677.17	$ 5,700.00	$ 22,800.00
2029	AQB	Lead Air Protection Professional - Photochemical modelers	12	$58.47	2	$ 122,085.36	$ 48,834.14	$ 341,839.01	$ 68,367.80	$ 273,471.21	$ 3,800.00	$ 15,200.00
FY29 AQB Totals					**6**			**$ 958,604.98**	**$ 191,721.00**	**$ 766,883.98**	**$ 11,400.00**	**$ 45,600.00**
2029	EPCEB	Lead Air Protection Professional - Investigations	12	$58.47	1	$ 122,085.36	$ 48,834.14	$ 170,919.50	$ -	$ 170,919.50	$ -	$ 9,500.00
2029	EPCEB	Supervisor, Air Protection - Investigations	12	$58.47	1	$ 122,085.36	$ 48,834.14	$ 170,919.50	$ -	$ 170,919.50	$ -	$ 9,500.00
2029	EPCEB	Associate Air Protection Professional - Investigations	8	$36.54	1	$ 76,295.52	$ 30,518.21	$ 106,813.73	$ -	$ 106,813.73	$ -	$ 9,500.00
2029	EPCEB	Air Protection Professional	10	$44.21	4	$ 92,310.48	$ 36,924.19	$ 516,938.69	$ 103,387.74	$ 413,550.95	$ 7,600.00	$ 30,400.00
2029	EPCEB	Senior Air Protection Professional	11	$50.84	1	$ 106,153.92	$ 42,461.57	$ 148,615.49	$ -	$ 148,615.49	$ -	$ 9,500.00
FY29 EPCEB Totals					**8**			**$ 1,114,206.91**	**$ 103,387.74**	**$ 1,010,819.17**	**$ 7,600.00**	**$ 68,400.00**
FY29 AQB & EPCEB Combined Totals					**14**			**$ 2,072,811.89**	**$ 295,108.73**	**$ 1,777,703.16**	**$ 19,000.00**	**$ 114,000.00**
2030	AQB	Manager, Air Protection - Technical Operations	13	$67.24	1	$ 140,397.12	$ 56,158.85	$ 196,555.97	$ 39,311.19	$ 157,244.77	$ 1,900.00	$ 7,600.00
2030	AQB	Supervisor, Air Protection - Modeling	12	$58.47	1	$ 122,085.36	$ 48,834.14	$ 170,919.50	$ 34,183.90	$ 136,735.60	$ 1,900.00	$ 7,600.00
2030	AQB	Program Manager, Grants coordinator - Operations	8	$36.54	1	$ 76,295.52	$ 30,518.21	$ 106,813.73	$ 21,362.75	$ 85,450.98	$ 1,900.00	$ 7,600.00
2030	AQB	Air Protection Professional - Monitoring	10	$44.21	2	$ 92,310.48	$ 36,924.19	$ 258,469.34	$ 51,693.87	$ 206,775.48	$ 3,800.00	$ 15,200.00
2030	AQB	Senior Air Protection Professional - Monitoring	11	$50.84	2	$ 106,153.92	$ 42,461.57	$ 297,230.98	$ 59,446.20	$ 237,784.78	$ 3,800.00	$ 15,200.00
FY30 AQB Totals					**7**			**$ 1,029,989.52**	**$ 205,997.90**	**$ 823,991.62**	**$ 13,300.00**	**$ 53,200.00**
2030	EPCEB	Supervisor, Air Protection	12	$67.24	1	$ 140,397.12	$ 56,158.85	$ 196,555.97	$ 39,311.19	$ 157,244.77	$ 1,900.00	$ 7,600.00
2030	EPCEB	Lead Air Protection Professional	12	$58.47	2	$ 122,085.36	$ 48,834.14	$ 341,839.01	$ 68,367.80	$ 273,471.21	$ 3,800.00	$ 15,200.00
2030	EPCEB	Associate Air Protection Professional	8	$36.54	3	$ 76,295.52	$ 30,518.21	$ 320,441.18	$ 64,088.24	$ 256,352.95	$ 5,700.00	$ 22,800.00
2030	EPCEB	Air Protection Professional	10	$44.21	2	$ 92,310.48	$ 36,924.19	$ 258,469.34	$ 51,693.87	$ 206,775.48	$ 3,800.00	$ 15,200.00
2030	EPCEB	Senior Air Protection Professional	11	$50.84	2	$ 106,153.92	$ 42,461.57	$ 297,230.98	$ 59,446.20	$ 237,784.78	$ 3,800.00	$ 15,200.00
FY30 EPCEB Totals					**10**			**$ 1,414,536.48**	**$ 282,907.30**	**$ 1,131,629.18**	**$ 19,000.00**	**$ 76,000.00**
FY30 AQB & EPCEB Combined Totals					**17**			**$ 2,444,526.00**	**$ 488,905.20**	**$ 1,955,620.80**	**$ 32,300.00**	**$ 129,200.00**

Modified Position Creation Plan for FY26-FY30 Showing Projected Costs to NMED's Title V and Construction Funds

FY	Bureau	Position Classification	Pay Band	Salary Mid-Point	# to Create	Position Salary	Position Benefits	Total Cost	200s Cost to SRF09200	200s Cost to SRF63100	400s Cost to SRF09200	400s Cost to SRF63100
2026	AQB	Manager, Env Science - Permitting Section Chief	12	58.47	1	$ 122,085.36	$ 48,834.14	$ 170,919.50	$ 34,183.90	$ 136,735.60	$ 1,900.00	$ 7,600.00
2026	AQB	Senior Environmental Scientist - Emissions Inventory	10	44.21	1	$ 92,310.48	$ 36,924.19	$ 129,234.67	$ 25,846.93	$ 103,387.74	$ 1,900.00	$ 7,600.00
2026	AQB	Environmental Scientist - Emissions Inventory	9	40.19	1	$ 83,916.72	$ 33,566.69	$ 117,483.41	$ 23,496.68	$ 93,986.73	$ 1,900.00	$ 7,600.00
2026	AQB	Senior Environmental Scientist - Technical Operations	10	44.21	1	$ 92,310.48	$ 36,924.19	$ 129,234.67	$ 10,338.77	$ 41,355.10	$ 760.00	$ 3,040.00
2026	AQB	Program Manager	8	36.54	3	$ 76,295.52	$ 30,518.21	$ 320,441.18	$ 64,088.24	$ 256,352.95	$ 5,700.00	$ 22,800.00
2026	AQB	Senior Business Operations Analysts	6	30.2	2	$ 63,057.60	$ 25,223.04	$ 176,561.28	$ 35,312.26	$ 141,249.02	$ 3,800.00	$ 15,200.00
FY26 AQB Totals					**9**			**$ 1,043,874.72**	**$ 193,266.78**	**$ 773,067.13**	**$ 15,960.00**	**$ 63,840.00**
2026	EPCEB	Program Manager	8	36.54	1	$ 76,295.52	$ 30,518.21	$ 106,813.73	$ 21,362.75	$ 85,450.98	$ 1,900.00	$ 7,600.00
FY26 EPCEB Totals					**1**			**$ 106,813.73**	**$ 21,362.75**	**$ 85,450.98**	**$ 1,900.00**	**$ 7,600.00**
FY26 AQB & EPCEB Combined Totals					**10**			**$ 1,150,688.45**	**$ 214,629.53**	**$ 858,518.12**	**$ 17,860.00**	**$ 71,440.00**
2027	AQB	N/A (No New Positions in FY27)	---	---	---	$ -	$ -	$ -	$ -	$ -	$ -	$ -
FY27 AQB Totals					**0**			**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
2027	EPCEB	N/A (No New Positions in FY27)	---	---	---	$ -	$ -	$ -	$ -	$ -	$ -	$ -
FY27 EPCEB Totals					**0**			**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
FY27 AQB & EPCEB Combined Totals					**0**			**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
2028	AQB	Senior Air Protection Professional - Permitting	11	50.84	3	$ 106,153.92	$ 42,461.57	$ 445,846.46	$ 44,584.65	$ 401,261.82	$ 2,850.00	$ 25,650.00
2028	AQB	Associate Air Protection Professional - Outreach & Education	8	36.54	2	$ 76,295.52	$ 30,518.21	$ 213,627.46	$ -	$ 213,627.46	$ -	$ 19,000.00
2028	AQB	Air Protection Professional - Permitting	10	44.21	2	$ 92,310.48	$ 36,924.19	$ 258,469.34	$ 25,846.93	$ 232,622.41	$ 1,900.00	$ 17,100.00
FY28 AQB Totals					**7**			**$ 917,943.26**	**$ 70,431.58**	**$ 847,511.68**	**$ 4,750.00**	**$ 61,750.00**
2028	EPCEB	Supervisor, Air Protection	12	58.47	1	$ 122,085.36	$ 48,834.14	$ 170,919.50	$ 34,183.90	$ 136,735.60	$ 1,900.00	$ 7,600.00
2028	EPCEB	Manager, Air Protection - C&E Section Chief	13	67.24	1	$ 140,397.12	$ 56,158.85	$ 196,555.97	$ 39,311.19	$ 157,244.77	$ 1,900.00	$ 7,600.00
2028	EPCEB	Air Protection Professional - Inspections	10	44.21	3	$ 92,310.48	$ 36,924.19	$ 387,704.02	$ 77,540.80	$ 310,163.21	$ 5,700.00	$ 22,800.00
2028	EPCEB	Senior Air Protection Professional - Inspections	11	50.84	2	$ 106,153.92	$ 42,461.57	$ 297,230.98	$ 59,446.20	$ 237,784.78	$ 3,800.00	$ 15,200.00
2028	EPCEB	Lead Air Protection Professional, Part 50 Inspections	12	58.47	1	$ 122,085.36	$ 48,834.14	$ 170,919.50	$ -	$ 170,919.50	$ -	$ 9,500.00
2028	EPCEB	Air Protection Professional - All units	10	44.21	3	$ 92,310.48	$ 36,924.19	$ 387,704.02	$ 38,770.40	$ 348,933.61	$ 2,850.00	$ 25,650.00
2028	EPCEB	Associate Air Protection Professional	8	36.54	2	$ 76,295.52	$ 30,518.21	$ 213,627.46	$ 42,725.49	$ 170,901.96	$ 3,800.00	$ 15,200.00
2028	EPCEB	Air Protection Professional	10	44.21	2	$ 92,310.48	$ 36,924.19	$ 258,469.34	$ 51,693.87	$ 206,775.48	$ 3,800.00	$ 15,200.00
2028	EPCEB	Senior Air Protection Professional	11	50.84	4	$ 106,153.92	$ 42,461.57	$ 594,461.95	$ 118,892.39	$ 475,569.56	$ 7,600.00	$ 30,400.00
FY28 EPCEB Totals					**19**			**$ 2,677,592.74**	**$ 462,564.24**	**$ 2,215,028.49**	**$ 31,350.00**	**$ 149,150.00**
FY28 AQB & EPCEB Combined Totals					**26**			**$ 3,595,536.00**	**$ 532,995.83**	**$ 3,062,540.17**	**$ 36,100.00**	**$ 210,900.00**
2029	AQB	Supervisor, Air Protection - Control Strategies	12	58.47	1	$ 122,085.36	$ 48,834.14	$ 170,919.50	$ 34,183.90	$ 136,735.60	$ 1,900.00	$ 7,600.00
2029	AQB	Air Protection Professional - Minor Source Permitting	10	44.21	3	$ 92,310.48	$ 36,924.19	$ 387,704.02	$ -	$ 387,704.02	$ -	$ 28,500.00
2029	AQB	Senior Air Protection Professional - Control Strategies	11	50.84	3	$ 106,153.92	$ 42,461.57	$ 445,846.46	$ 89,169.29	$ 356,677.17	$ 5,700.00	$ 22,800.00
2029	AQB	Lead Air Protection Professional - Photochemical modelers	12	58.47	2	$ 122,085.36	$ 48,834.14	$ 341,839.01	$ 68,367.80	$ 273,471.21	$ 3,800.00	$ 15,200.00
FY29 AQB Totals					**9**			**$ 1,346,308.99**	**$ 191,721.00**	**$ 1,154,588.00**	**$ 11,400.00**	**$ 74,100.00**
2029	EPCEB	Lead Air Protection Professional - Investigations	12	58.47	1	$ 122,085.36	$ 48,834.14	$ 170,919.50	$ -	$ 170,919.50	$ -	$ 9,500.00
2029	EPCEB	Supervisor, Air Protection - Investigations	12	58.47	1	$ 122,085.36	$ 48,834.14	$ 170,919.50	$ -	$ 170,919.50	$ -	$ 9,500.00
2029	EPCEB	Supervisor, Air Protection - Inspections	12	58.47	2	$ 122,085.36	$ 48,834.14	$ 341,839.01	$ 68,367.80	$ 273,471.21	$ 3,800.00	$ 15,200.00
2029	EPCEB	Senior Air Protection Professional - All units	11	50.84	3	$ 106,153.92	$ 42,461.57	$ 445,846.46	$ 44,584.65	$ 401,261.82	$ 2,850.00	$ 25,650.00
2029	EPCEB	Associate Air Protection Professional - Investigations	8	36.54	1	$ 76,295.52	$ 30,518.21	$ 106,813.73	$ -	$ 106,813.73	$ -	$ 9,500.00
2029	EPCEB	Air Protection Professional	10	44.21	4	$ 92,310.48	$ 36,924.19	$ 516,938.69	$ 103,387.74	$ 413,550.95	$ 7,600.00	$ 30,400.00
2029	EPCEB	Senior Air Protection Professional	11	50.84	1	$ 106,153.92	$ 42,461.57	$ 148,615.49	$ -	$ 148,615.49	$ -	$ 9,500.00
FY29 EPCEB Totals					**13**			**$ 1,901,892.38**	**$ 216,340.19**	**$ 1,685,552.20**	**$ 14,250.00**	**$ 109,250.00**
FY29 AQB & EPCEB Combined Totals					**22**			**$ 3,248,201.38**	**$ 408,061.18**	**$ 2,840,140.20**	**$ 25,650.00**	**$ 183,350.00**
2030	AQB	Manager, Air Protection - Technical Operations	13	67.24	1	$ 140,397.12	$ 56,158.85	$ 196,555.97	$ 39,311.19	$ 157,244.77	$ 1,900.00	$ 7,600.00
2030	AQB	Supervisor, Air Protection - Modeling	12	58.47	1	$ 122,085.36	$ 48,834.14	$ 170,919.50	$ 34,183.90	$ 136,735.60	$ 1,900.00	$ 7,600.00
2030	AQB	Program Manager, Grants coordinator - Operations	8	36.54	1	$ 76,295.52	$ 30,518.21	$ 106,813.73	$ 21,362.75	$ 85,450.98	$ 1,900.00	$ 7,600.00
2030	AQB	Lead Air Protection Professional - Monitoring	12	58.47	3	$ 122,085.36	$ 48,834.14	$ 512,758.51	$ 102,551.70	$ 410,206.81	$ 5,700.00	$ 22,800.00
2030	AQB	Air Protection Professional - Monitoring	10	44.21	2	$ 92,310.48	$ 36,924.19	$ 258,469.34	$ 51,693.87	$ 206,775.48	$ 3,800.00	$ 15,200.00
2030	AQB	Senior Air Protection Professional - Monitoring	11	50.84	2	$ 106,153.92	$ 42,461.57	$ 297,230.98	$ 59,446.20	$ 237,784.78	$ 3,800.00	$ 15,200.00
FY30 AQB Totals					**10**			**$ 1,542,748.03**	**$ 308,549.61**	**$ 1,234,198.43**	**$ 19,000.00**	**$ 76,000.00**
2030	EPCEB	Supervisor, Air Protection	12	67.24	1	$ 140,397.12	$ 56,158.85	$ 196,555.97	$ 39,311.19	$ 157,244.77	$ 1,900.00	$ 7,600.00
2030	EPCEB	Lead Air Protection Professional	12	58.47	2	$ 122,085.36	$ 48,834.14	$ 341,839.01	$ 68,367.80	$ 273,471.21	$ 3,800.00	$ 15,200.00
2030	EPCEB	Supervisor, Air Protection - All Units	12	58.47	3	$ 122,085.36	$ 48,834.14	$ 512,758.51	$ 51,275.85	$ 461,482.66	$ 2,850.00	$ 25,650.00
2030	EPCEB	Associate Air Protection Professional	8	36.54	3	$ 76,295.52	$ 30,518.21	$ 320,441.18	$ 64,088.24	$ 256,352.95	$ 5,700.00	$ 22,800.00
2030	EPCEB	Air Protection Professional	10	44.21	2	$ 92,310.48	$ 36,924.19	$ 258,469.34	$ 51,693.87	$ 206,775.48	$ 3,800.00	$ 15,200.00
2030	EPCEB	Senior Air Protection Professional	11	50.84	2	$ 106,153.92	$ 42,461.57	$ 297,230.98	$ 59,446.20	$ 237,784.78	$ 3,800.00	$ 15,200.00
FY30 EPCEB Totals					**13**			**$ 1,927,294.99**	**$ 334,183.15**	**$ 1,593,111.84**	**$ 21,850.00**	**$ 101,650.00**
FY30 AQB & EPCEB Combined Totals					**23**			**$ 3,470,043.02**	**$ 642,732.75**	**$ 2,827,310.27**	**$ 40,850.00**	**$ 177,650.00**



State Personnel Office

Classification Plan

Fiscal Year 2025

December 12, 2025

State of New Mexico

State Personnel Board

Dylan K. Lange, Director, State Personnel Office

NMED Exhibit 74_000001

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Introduction

State Personnel Board Rule 1.7.3.8(A) NMAC requires the State Personnel Office Director, pursuant to direction from the Board, to establish, maintain and, in conjunction with state agencies, administer a classification plan for all positions throughout the classified service. State Personnel Board Rule 1.7.3.7 NMAC defines "classification plan" as a document developed by the Director and approved annually by the Board, that describes the Board's classification philosophy and is the foundation for ensuring consistent application of the philosophy.

In addition to the classification philosophy and the methods used to ensure its consistent application, this Classification Plan provides a brief history of the State Personnel Office classification system, recent changes and goals for the classification system.

Classification Philosophy and Classification System Objectives

The classification philosophy of the State Personnel Office is to provide a uniform and flexible classification system that meets the needs of its customers and allows state agencies to recruit, retain, and motivate a quality workforce to provide efficient and effective services to all New Mexicans.

In support of this philosophy, the objectives of State Personnel Office's classification system are to:

- Systematically group jobs into occupationally and quantifiably distinct classifications based on similarities in duties, responsibilities, and requirements; and
- Ensure all classified service positions are assigned to their appropriate classification; and
- Be adaptable to change; and
- Establish a clear process for implementing classification studies.

History of the Classification System

The Personnel Act of 1961 established a system of personnel administration "based solely on qualification and ability" intended to "provide greater economy and efficiency to the management of state affairs." NMSA 1979, Section 10-9-2. In the context of the time, and as an alternative to the political spoils system it replaced, the Personnel Act, and the State Personnel Board Rules that implement it, have been extremely successful in creating and maintaining a public service employment system for New Mexico State government for the last 50 years.

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Over those decades, adjustments were made to the classification system as necessary. A major reclassification project in 2001 ("NM.HR.2001") significantly reduced the number of classifications that existed at the time, eliminating numerous superfluous and overlapping classification titles, many of which were being used to enable the promotion or retention of just a single employee. At the same time, however, based on the federal government's Standard Occupation Classification system ("SOC"), which the New Mexico State Legislature had adopted as the best-known classification practice at the time, NM.HR.2001 also incorporated three job levels into each classification as per the SOC system, regardless of whether three job levels existed in the classified service. The vast majority of job classifications within the State had, and have, only one level, where the work performed by the single-level position accomplishes the full range of responsibilities of the job. As a result, a good number of classifications continued to go unused after NM.HR.2001.

In 2010, a new classification descriptor format was adopted to include job knowledge, skills, and minimum qualifications, which did not exist prior to that time. In addition, a supervisory level was added across existing job families to prevent perceived abuse of the supervisory pay differential.

In 2016, the State Personnel Office began a focused effort to improve the competitiveness of New Mexico classified service jobs in certain market sectors. A series of classification studies in support of a new classification structure that organizes classifications into occupation-based job families was implemented. The ten job families, approved by the State Personnel Board, and implemented were:

- Architecture
- Attorney
- Business
- Corrections
- Engineer, Surveyor & Water Resources
- Healthcare, Healthcare Physicians
- Information Technology
- Peace Officers
- Scientist
- Social Services

In 2024, an overall review of the classification system was performed. The New Mexico State Personnel Office (SPO), the Legislative Finance Committee (LFC), and the Department of Finance and Administration (DFA) supported the study across five core areas: Personnel Act Review, Process Review, Benefits and Compensation Benchmark Analysis, Job Classification Review, and Stakeholder Engagement and an Employee Survey. A Job Architecture initiative was recommended; this can be defined as a framework for organizing and structuring jobs or a logical system for organizing like jobs together. It supports the job analysis process, facilitates identifying professional development needs, makes career paths clearer for employees, improves workforce data reporting and analysis, and makes benchmarking compensation to the external market easier. Key components of Job

Architecture include Job Families, Job Sub-Families, Career tracks, Job Levels, and Job Titles. Career tracks enable employees to understand their career mobility within an agency, a division, and a classification series.

After Job Architecture was implemented on August 2nd, 2025, the total number of classifications was 847.

See Appendix A-E for all final Job Architecture implementation documents and the complete job catalog.

Looking Ahead: Job Architecture & Classification

Overall, the changes that were implemented from the new job architecture framework are designed to modernize the HR system, improve classification accuracy, and enhance the overall talent experience in the State of New Mexico. The State Personnel Office maintains that this is a foundation that is not person or employee-specific but rather position/role-specific. Ongoing standards that were established and maintained during the implementation, resolve that changes to titles and title assignments were/are based on responsibilities defined in the documented classification descriptors, not an individual's performance, education, experience, or longevity in a role. All employees were/are aligned to a level consistent with the position's current scope of work. Responsibilities and reporting relationships were not redefined as part of the implementation of the new framework.

As we look ahead, the SPO compensation and classification division are excited to build upon the foundational elements implemented by the Job Architecture initiative. This new system has streamlined classification processes, making them more transparent and consistent across the organization. By clearly defining roles and responsibilities, a more structured and equitable framework that supports career development and progression now exists. The title glossary, along with career track leveling, presents Human Resource professionals with a system for identifying the needs of their agency. Supporting guidance on the identification of the correct title and level is now available before a change request is made. See Review of Job Architecture Components Table 1.

Table 1. Job Architecture Components

Category	Components
Job Family	-Highest-level organizing of work type -Jobs are first organized in job family group based on the broad nature of work performed
Job Subfamily	-Sub-category organizing of jobs within a Job Family -Jobs will be organized in job sub-families based on the specific nature of work performed
Career Track	-Jobs Categorized based on Career Track -Management jobs (people managers), Professionals (individual contributors), Support or Technical job.
Job Level	-Organize by Job's Level within its Career Track

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Category	Components
	-Descriptors and qualifiers are defined for each level from entry to the most senior, in both managerial and non-managerial career tracks
Job Title	-Job Relates to its Classification of All Above Elements -Multiple positions / employees can be linked to one job, helping standardize the titles

These advancements will not only improve operational efficiency but also foster a positive and inclusive workplace culture. By utilizing the new system to its full potential, the goal of attracting, developing, and retaining a diverse and talented workforce can be achieved.

Ensuring Consistent Application

It is the State Personnel Office's overarching goal to maintain the integrity of the classification system by consistently applying the classification philosophy and carrying out the classification system objectives. The State Personnel Office does this through rigorous job analysis, detailed classification descriptor design, individualized position assignment, and meticulous classification studies.

Job Analysis

The purpose of job analysis is to determine the essential functions of a job. The State Personnel Office is responsible for conducting job analysis for all positions in the classified service.

The job analysis process involves analytic, systematic, detailed collection, examination, and interpretation of information about each job's tasks and responsibilities. The State Personnel Office does this through a combination of interviews with subject matter experts ("SMEs") and managers. Typically, SMEs are incumbents currently performing the tasks associated with the job. They are selected by an agency as the people with the most knowledge in the performance of the essential duties of the classification. The State Personnel Office will request the SMEs to describe the functions of the job, their current job tasks, and any knowledge or skills their current job tasks require. Additional communication with agency management and human resources representatives concerning the functions of the job may also be sought.

The job analysis process not only identifies the essential functions of each job, which is critical to creating a methodical classification system, it also provides agency human resources with updated and reliable job information. This enables agencies to make better employment and management decisions, save money, increase productivity, comply with federal and state law requirements, and take a systematic approach to the selection of qualified candidates.

Job Evaluation

The goal of the job evaluation review committee is to establish the relative importance of jobs to the classified service or, in other words, to understand the value of each job's work to the employer.

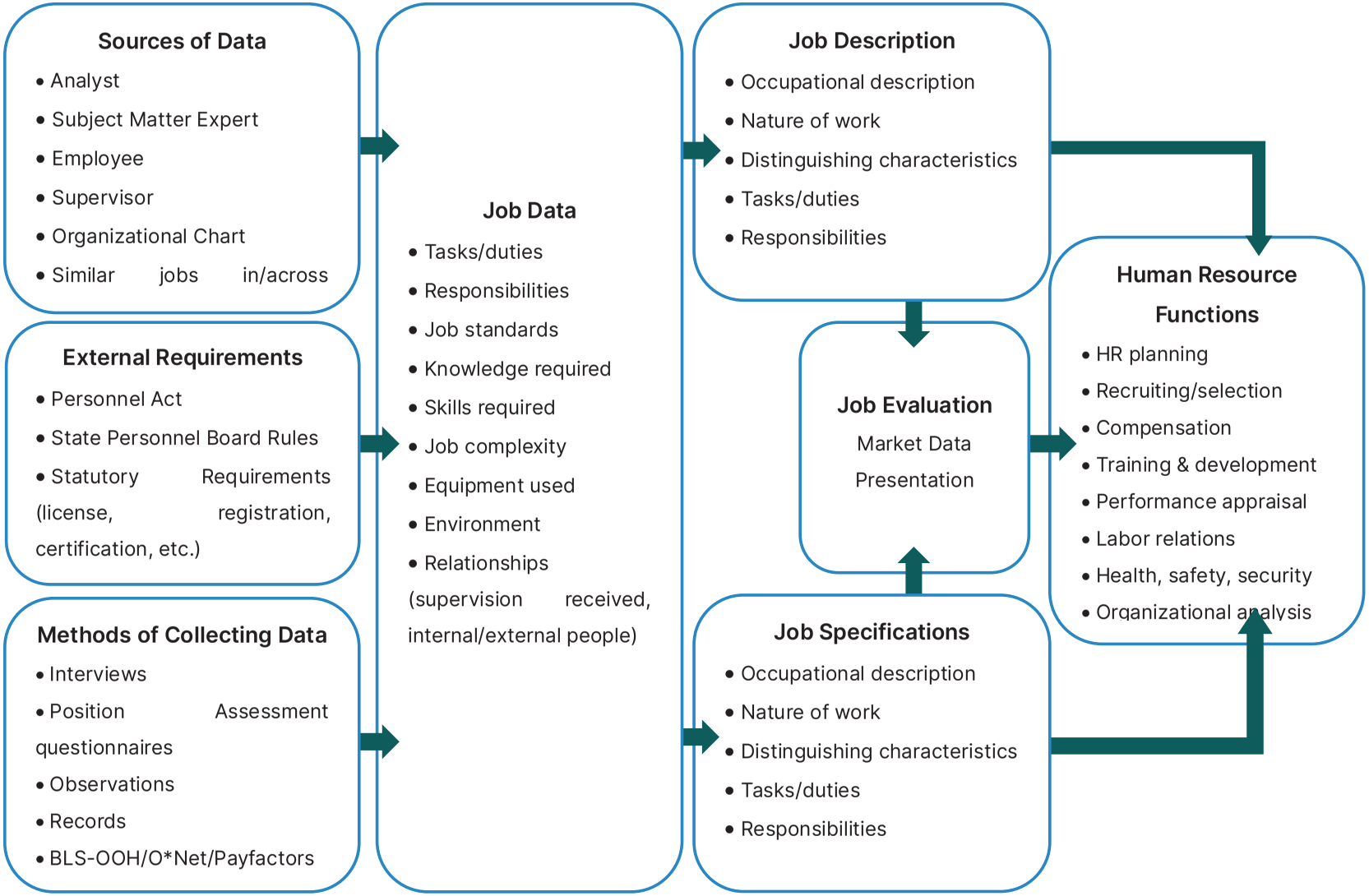
The State Personnel Office is responsible for conducting a job evaluation review for all new classifications in the New Mexico classified service. The State Personnel Office appoints a job

NMED Exhibit 74_000008

evaluation committee to review the process to establish all newly created or revised classifications. See State Personnel Board Rule 1.7.4.9(A) NMAC.

NMED Exhibit 74_000009

The Process: Classification Development and Job Analysis



NMED Exhibit 74_000010

Classifications and Classification Descriptors

Utilizing job analysis and job data, the State Personnel Office groups jobs into occupationally and quantifiably distinct classifications based on similarities in job responsibilities and requirements, with the goal of appropriately capturing and categorizing the work being performed throughout the classified service.

Job classification descriptors are written to provide a comprehensive understanding of each occupation's purpose, nature of work, distinguishing characteristics, and minimum and recommended qualifications. As the direct product of job analysis, classification descriptors provide management with the tools to accomplish many human resources functions. Depending on Agency utilization, a proper classification descriptor can guide managers in determining the applicable duties and responsibilities to assign a position or employee, as well as in designing an employee's performance appraisal and career development plan. Classification descriptors, along with performance history, can be used to develop recruitment strategies for job postings and as benchmarking tools to measure job applicants against.

The **distinguishing characteristics** provide detailed examples of work performed in the occupation. Where there is more than one level in each classification, the examples of work performed are intended to be cumulative for each higher level of work.

Recommended education and experience for full performance describe the education and experience one would generally expect to find in an employee who can perform the full range of duties and responsibilities on the first day on the job. These qualities are not minimum qualification requirements and serve only as a guide to managers for recruitment, selection, placement, performance appraisals, and career development.

The **minimum qualifications** indicate the minimum education and experience requirements to be hired into the job. Where applicable, the statutory requirements describe the licensure, certification, diploma, or other legally required criteria necessary to be hired into the classification.

The **conditions of employment** outline specific qualifications, such as licensure, that may be necessary for a given role at a certain agency. These conditions may vary depending on each agency's utilization of the classification unlike minimum qualifications that are standard across agencies. The **working conditions** describe the environment and stresses reasonably expected in the occupation. The default **FLSA Status** (Fair Labor Standards Act Status) describes the classification's recommended FLSA designation under the Act and the statutes and rules of the Federal Department of Labor.

The **established date** is when the State Personnel Board adopted the job classification. And the **revised date** is when the job classification descriptor was subsequently approved by the Board following the most recent revision or modification.

NMED Exhibit 74_000011

Position Assignment

Position assignment refers to the assignment of a classified service position to a particular classification.

The State Personnel Director is required, in conjunction with state agencies, to ensure that each position in the classified service is assigned to the classification that best represents the duties assigned by the employer and performed by the employee. See State Personnel Board Rule 1.7.3.9(A) NMAC.

The placement of a particular job within a particular occupational classification (and at any of its levels) is based solely upon the way an agency utilizes the position, and the way work is organized within an agency, such as the duties that management assigns to a particular function to carry out a part of its mission. Under the new Job Architecture for the classified service, employees who manage people will be categorized under the Management track. These managers must oversee people, not programs. Contract employees or 1099 employees cannot be included in the count of full-time employees that a manager is required to supervise

Classification Changes

There are several mechanisms by which changes can be made to classification descriptors and classifications, keeping the classification system responsive to the needs of state agencies.

The State Personnel Office Director can authorize the deletion of unused classification descriptors and revisions to existing classification descriptors. *See* State Personnel Board Rule 1.7.3.8(C) NMAC.

An Agency can also request a classification study. Classification studies are typically requested when a classification no longer adequately captures the work being performed. An agency may also request a classification review or classification re-evaluation. Not only are classification reviews and evaluations already part of the classification study process, but that initial review and evaluation is conducted with the input of the agency. *See* State Personnel Board Rule 1.7.3.8(E) NMAC.

Some common reasons for conducting classification studies include:

- Substantial changes in the type of work or essential functions being performed by a classification;
- Changes in organizational relationships and responsibilities, including industry and technology evolution;
- Changes in professional certification/credential requirements (e.g., licensure) for a classification; and
- Creation or identification of a new job, the duties and responsibilities of which are not captured by existing classifications.

Classification studies are performed by the State Personnel Office's Compensation & Classification Division.

Prior to the implementation of a new classification or classification descriptor, the State Personnel Office Director is required to provide affected parties with an opportunity to comment on the addition or revision. See State Personnel Board Rule 1.7.3.8(D) NMAC.

The State Personnel Board establishes a new or revised classification through the review, approval, and adoption of the corresponding new or revised classification descriptor. See State Personnel Board Rule 1.7.3.8(B) NMAC.

Employees affected by a classification study will be assigned to the new classification best representing the job performed on a date determined by the State Personnel Director. See State Personnel Board Rule 1.7.3.10 NMAC.

NMED Exhibit 74_000013

Appendix A: Job Families & Sub-Families, Job Leveling Guide

Job Family	Job Sub-Family
Administrative Operations	Administrative Support, Customer Service, Internships, Marketing & Communications, Program Management
Architecture, Engineering, Planning	Design & Construction, Engineering
Arts, Culture, Education, Library Sciences	Art, Museum & History, Education & Instructional Support, Library & Archive Management
Business Operations	Data Analytics, Economic Development, Operations & Process Improvement, Project Management & Analysis
Facilities & Maintenance	Custodial Services, Facility Operations, Fleet Management, Maintenance Operations, Real Estate & Property Management
Finance	Accounting, Audit, Budget, Financial Planning & Analysis, Insurance & Claims, Procurement, Tax & Revenue
Healthcare & Social Services	Behavioral & Mental Health, Healthcare Administration, Medical Records & Information Management, Patient Care, Pharmacy, Laboratory & Radiologic Sciences, Rehabilitation Therapy, Social Services
Human Resources	Benefits, Classification & Compensation, Employee & Labor Relations, General HR, HR Technology, Talent Acquisition, Training & Development

NMED Exhibit 74_000014

Job Family	Job Sub-Family
Information Technology	Application Development, Database Administration, IT Project Management, IT Quality Assurance, IT Security, Risk & Compliance, IT Support, Network Administration, Systems Administration
Legal & Compliance	Compliance & Risk Management, Legal Services, Legal Support
Life & Physical Sciences	Compliance & Risk Management, Legal Services, Legal Support
Natural Resource Management	Conservation & Sustainability, Forestry, Livestock & Wildlife Management, Natural Resources Protection & Enforcement
Public Safety	Corrections, Emergency Management, Forensic Science, Law Enforcement, Safety & Security
Skilled Trades	Aircraft & Spaceport Operations, Crafts & Trades, Food Services, Transportation Operations

NMED Exhibit 74_000015

Appendix B: Job Title Glossary

Common Title	Definition
Administrator	Manages, operates, runs and/or controls an area of business operations or program infrastructure support. Serves as the day-to-day process owner of an area of business operations or program infrastructure support. Oversees the ongoing administration of a component of a program, a technology or a system. May work independently or be responsible for organizing people and resources efficiently so as to direct activities towards a common goal or objective. May provide input to the initial development of programs or systems initially, and is then charged with implementation, monitoring, maintaining or administering the process, program or technology. Works with management to plan and develop methods and procedures for the ongoing administration of area of responsibility.
Advocate	Promotes appropriate social services related causes. Resolves complaints by listening to individuals and their families; directs individuals to appropriate resources; assists with presenting facts and circumstances to support individual needs; assists with developing acceptable resolutions and follows up on outcomes.
Agent	Legally empowered to act on behalf of another person or an entity. May be employed to represent a client in negotiations and other dealings with third parties. May be given decision-making authority. May require specialized certifications and/or licensing from a professional organization(s).
Aide	Performs routine assignments that provide basic non-technical, non-clerical support to a department. Work is typically of a service-worker nature. Typically requires entry level education or experience.
Analyst	Applies knowledge and logical skills to complete a wide range of tasks, including regularly adapting methods to complete duties and responsibilities within its function, while continuing to develop proficiency in the discipline. Activities are typically quantitatively focused.
Assistant	Performs routine administrative tasks, such as customer service, record keeping, filing, etc. This job title definition does not apply when used with management positions (e.g., Assistant Director).
Auditor	Examines and verifies the performance of the organization's financial, operational, managerial, and/or information processes and systems to identify risks and areas for improvement.
Clerk	Uses knowledge of a functional area(s) to provide general office support, including filing, entering data, coding records, making routine calculations, producing standardized reports and other administrative tasks.

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Common Title	Definition
Consultant	Applies subject matter expert in a discipline, and possibly related function(s) /discipline(s); provides advice to individuals or the organization; serves as the initial point of contact for advice.
Coordinator	Organizes activities and operations for a program process or service under direct guidelines. Coordination often requires regular facilitation of outcomes across agencies. Duties are guided by significant precedent but uses both practical experience and educational knowledge to complete tasks.
Counselor	Conducts assessment and develops plan of action to assist customers find quality health and human services. May provide information regarding inspection services, human development services, schools, public transportation, employment opportunities and neighborhoods.
Designer	Creates and often executes plans for tangible or intangible objects such as, products, processes, media, graphics, services, and experiences, using advanced research methods to solve problems and assess the clients and audience needs.
Developer	Codes and develops software applications. Works as part of a development team in the design of software applications. Conducts requirement analysis, documents technical specifications, and writes, reviews, and debugs code. Recommends product revisions or enhancements based on user feedback. Develops and maintains documentation of user manuals.
Educator	Develops education plans and direct education for specific employees, employee groups, or the greater organization. *(See also Instructor)*.
Generalist	Exhibits a wide array of knowledge on a variety of subjects, or broad understanding of a program area.
Investigator	Examines and analyzes information to uncover facts, resolve issues, and support legal, financial, or administrative processes. Gathers evidence, conducts interviews, and employs various investigative techniques to elucidate activities, behaviors, or financial transactions that may be complex, concealed, or illegal.
Inspector	Uses established guidelines, policies, practices, and regulations to examine operations, processes, and outputs against established industry, legal, quality standards. May also advise on quality compliance, provide input to area of specialization. Prepares and presents reports of findings and recommendations. Keeps the organization up-to-date

NMED Exhibit 74_000017

Common Title	Definition
	and compliant on the latest standards, codes, requirements. Often requires specialized certifications and/or licensing from a professional organization(s).
Instructor	Educates and trains on non-technical topics. Leads and instructs exercises for an individual or group of individuals.
Liaison	Develops relationships through personal contact and outreach efforts. Provides education and support and functions as a bridge between stakeholder groups and the government, striving to improve service. Collaborates to develop strategies to improve access to care and customer service.
Mechanic	Repairs and maintains machinery, transportation vehicles, or other mechanical devices.
Officer	Represents the organization in a specialized area and is often tasked with inspection and administrative enforcement of standards and regulations. This title can represent executives along with positions that traditionally use this title as an industry standard (e.g., Correctional Officer, Safety Officer).
Operator	Uses of a variety of manual and automatic machines and performs a variety of tasks where operations and sequence are specified by standard procedures.
Practitioner	Provides direct patient care in a skilled and effective manner, utilizing appropriate technical and decision-making skills.
Program Manager	Manages a major program with external interfaces to communities served. Responsible for program development, ongoing administration, and resource management.
Project Manager	Takes day-to-day of projects, frequently from original concept through final implementation. Defines project scope and objectives. Develops detailed work plans, schedules, project estimates, resource plans, and status reports. Conducts project meetings and is responsible for project tracking and analysis. Ensures adherence to quality standards and reviews project deliverables. Provides technical and analytical guidance to project team. Recommends and takes action to direct the analysis and solutions of problems. Incumbent might also be company's expert in a technical/business area.

NMED Exhibit 74_000018

Common Title	Definition
Representative	Serves as the initial point of contact for the work group/agency/department/organization to internal and external customers.
Specialist	Demonstrates specialized knowledge in a functional area. Regularly provides in-depth insight, advisory services and expertise to other professionals, management, and external contacts in an assigned functional area. Some exceptions may apply for positions that traditionally use this title as an industry standard (e.g., IT Security Specialist, Occupational Health & Safety Specialist)
Steward	Assists in performing administrative tasks, defining procedures, policies, and requirements of a department or business unit. Typically, requires strong knowledge of the business requirements and policies / processes of the department and work on a day-to-day basis within a business unit.
Technician	Provides technical support, conducts tests, assesses data, and may operate specialized equipment. Depending on the field, may work independently or under the direction of a professional. Positions with this title require a combination of basic knowledge, technical expertise, and manual skill typically attained through a technical degree program or certification from an accredited technical institute.
Technologist	Provides care in a skilled and effective manner and utilizes appropriate equipment, technologies, processes, and decision-making skills.
Therapist	Evaluates patients and develops interventional treatment plans that include a full range of treatment procedures and modalities. Treatment plans are designed to restore patients to the highest possible functional level. A bachelor's degree or higher from an accredited college or university and licensure are typically required.
Trainer	Designs and develops targeted training programs for specific functions or departments within an organization. This position typically requires recognized certifications in the relevant area of specialty, underscoring a high level of expertise and authority in professional settings.
Worker	Performs routine assignments that provide basic non-technical, non-clerical support to a department or function. Positions using this title typically require a high school diploma or GED and on-the-job training.

NMED Exhibit 74_000019

Common Level Indicators

For jobs that manage other employees, the level indicators should be added at the beginning of the job title, followed by a comma, and then the primary area for which the position is responsible. For jobs that do not manage other employees but manage a department or program, the level indicator should be added at the end of the job title after the primary area for which the position is responsible for.

Level Indicator	Definition
Associate	An entry-level individual contributor role that meets the standard requirements of a specialized job.
Deputy	A leadership role that acts as a substitute for the senior figure within an organization.
Director	A leadership role responsible for establishing strategic plans and objectives within its discipline and can make final decisions on administrative, employee or operational matters and ensures effective achievement of objectives. Works to identify and approve key business drivers and supports programs/processes/tools/designs for a job family.
Executive	A leadership role responsible for all operations associated with a given field. Sets strategies and oversees operations by directing senior management on the project goals. Applies highly advanced knowledge of a specific field. Demonstrates expert level of knowledge in area of specialization and regularly provides in-depth insight, advisory services and subject matter expertise to other professionals and management. Typically has Directors and above levels as direct reports.
Lead	An individual contributor role that provides process and technical leadership to a group of employees. Frequently provides senior-level expertise and performs escalated or more highly complex work of a similar nature to that for which they are overseeing.
Manager	A leadership role that accomplishes work objectives through the management of direct reports, including both internal and external staff. This role involves planning, organizing, integrating, coordinating, and controlling the activities of

NMED Exhibit 74_000020

Level Indicator	Definition
	others, providing direct day-to-day management to professionals and/or skilled support staff. Held accountable for the performance of people, services, systems, programs, projects, and resources and have the authority to change their direction, objectives, and assignments to meet performance and business needs. Works within specified guidelines and makes decisions regarding daily priorities and the application of technical/business processes within established guidelines for a work group or segment of a department. A people manager is responsible for setting the overall direction of staff members and holding staff accountable to department policies and objectives. A process manager is responsible for overseeing the efficiency and performance of processes and/or operations. These managers may not oversee the work of employees.
Senior	An individual contributor role that provides advanced job knowledge and exercises independent judgment. Recommends solutions for problems of moderate complexity. This title abbreviation should be added to the end of the job title followed by the primary skill set that designates the focus of the job.
Supervisor	An entry-level management role which regularly provides day-to-day direction of task-oriented work in alignment with departmental procedures and objectives, while performing escalated or more highly complex work of a similar nature to that which they oversee. (*According to SPO Board Rules, directs the work of two or more other employees.*)

NMED Exhibit 74_000021

Leveling Criteria

Leveling Criteria	Definition
Education & Experience	Years of related **experience and/or professional degree requirements** that are necessary to fulfill job responsibilities.
Job Knowledge & Technical Competence	The **knowledge and area of expertise required** to perform the job successfully.
Decision Making & Impact	The ability to **analyze situations and reach productive decisions** while consulting with the appropriate parties, when necessary, to identify the key concerns and/or issues to be addressed to make the best decision at the Agency or State level. Also refers to the level of impact the decision(s) have to the team, department, areas, or the Agency or State's success and includes whether roles have Agency or State-wide decision-making authority and budgetary impact.
Complexity & Independent Judgement	The **level of autonomy to make decisions**, and the degree to which the individual needs to identify and create solutions and serve as a reliable resource for other employees regarding an area of expertise. Also refers to the depth of understanding needed to complete required job tasks, complexity of budgetary responsibilities, reliance on tools/resources, the nature of standardized and non-standardized work, and the nature of problem solving required.
Teamwork & Leadership	**Responsibility for people development**, including supervision, training, and performance management, to build and maintain effective working relationships with others inside and outside of the State and Agencies. The ability to collaborate with teammates, leaders, and external stakeholders to achieve goals and resolve conflicts.

NMED Exhibit 74_000022

Appendix C: Career Tracks

Management Career Track				
Level Criteria	**M1** **Supervisor**	**M2** **Manager**	**M3** **Senior Manager**	**M4** **Executive Manager**
Experience & Education	Typically requires a secondary education and a bachelor's degree or equivalent. Has 2 or more years of relevant experience, with at least one year of experience serving in a lead role. Alternatively, an equivalent combination of education, training, and/or experience. Specific positions may require certifications and/or licensures.	Typically requires a secondary education and a bachelor's degree or equivalent. Has 4 or more years of relevant experience, with 2 years of prior supervisory experience. Alternatively, an equivalent combination of education, training, and/or experience. Specific positions may require certifications and/or licensures.	Typically requires a secondary education and a bachelor's degree or equivalent. An advanced degree may be required. Has 6 or more years of experience, with 3 years of prior supervisory experience in the area of specialization. Alternatively, an equivalent combination of education, training, and/or experience. Specific positions may require certifications and/or licensures.	Typically requires a secondary education and a bachelor's degree or equivalent. An advanced degree may be required. Has 10 or more years of experience in the area of specialization. Previous senior management experience required. Alternatively, an equivalent combination of education, training, and/or experience. Specific positions may require certifications and/or licensures.

NMED Exhibit 74_000023

Management Career Track				
Level Criteria	**M1** **Supervisor**	**M2** **Manager**	**M3** **Senior Manager**	**M4** **Executive Manager**
Job Knowledge & Technical Competence	Requires knowledge of a function or body of work required to supervise the work of a team or work group. Requires specialized knowledge of technical or operational practices within an assigned discipline. Applies advanced knowledge of the process in order to effectively supervise daily operations.	Requires knowledge of basic management approaches, such as work scheduling, prioritizing, coaching and process execution. Requires advanced knowledge of a technical or operational practices within an assigned discipline. Applies advanced knowledge of aligned field and process in order to effectively manage operations.	Requires mastery-level job knowledge and technical skill within a specific discipline or area, or broad expertise across multiple related disciplines. Requires broad management and leadership knowledge to lead teams. Requires understanding of how to support growth and development of direct reports. Applies advanced technical knowledge to solve complex matters within an agency-wide / multiple functions or a process across the State.	Requires mastery-job level knowledge and technical skill within a specific discipline or area of broad expertise across multiple disciplines. Requires extensive understanding of how to lead others across the Agency.

NMED Exhibit 74_000024

Management Career Track				
Level Criteria	**M1** **Supervisor**	**M2** **Manager**	**M3** **Senior Manager**	**M4** **Executive Manager**
Decision Making & Impact	Decisions focus on the routine situations that have established policies and procedures and do not require cross-functional coordination. May be responsible for implementing strategic plans. Has minimal impact on the long-term success of the area supervised.	Decisions focus on moderately complex situations that frequently have established policies and procedures and may include cross-functional coordination. Has direct impact on the immediate or short-term operational results of the area managed. Results have moderate strategic impact on the area managed. May have budgetary responsibility.	Decisions focus on complex, long-term issues that require cross-functional coordination. Results have a substantial impact on the long-term success of the area directed. Develops new processes, standards, or operational plans in support of assigned area. Establishes key elements of tactical and operational plans with direct impact on the on the long-term success of the area managed. Has budgetary accountability.	Directs activities that have substantial impact on the achievement of Agency-wide results. Significant authority on developing and implementing new processes and policies.

NMED Exhibit 74_000025

Management Career Track				
Level Criteria	**M1** **Supervisor**	**M2** **Manager**	**M3** **Senior Manager**	**M4** **Executive Manager**
Complexity & Independent Judgment	Identifies, defines, and addresses problems with solutions that are not immediately evident, but typically not complex. Performs escalated and/or more complex work of similar nature to the work the position oversees / supervises. Exercises independent judgment using defined policies and procedures to solve basic issues. Sets goals and determines how to accomplish defined results with some guidelines. Manager provides broad guidance and overall guidance.	Problems and issues faced are vague, may not be standard, and may require understanding of a broader set of issues ranging from low to moderate complexity. Problems are typically solved by drawing from prior experience. Exercises independent judgment using defined policies/procedures to determine appropriate(s) for moderately complex issues. Small to medium budgetary responsibility with low complexity.	Problems faced are often complex, non-standard, and require extensive analysis. Conducts appropriate information gathering to understand problems. Owns the strategic and operational direction of an assigned area. Exercises independent judgment across assigned area of responsibilities to determine appropriate action(s) for complex, and sometimes highly complex, issues. Possibly partners with executive-level leadership, primarily in own function(s).	Strategically directs department or large units. Problems faced are often complex, non-standard, and require extensive investigation and analysis. Exercises independent judgment across multiple functions or agency responsibilities to determine appropriate actions(s) for highly complex agency-wide issues. Regularly partners with executive-level leadership, primarily in own function(s). Develops budgets and resources to meet strategic and operational targets.

NMED Exhibit 74_000026

Management Career Track				
Level Criteria	**M1** **Supervisor**	**M2** **Manager**	**M3** **Senior Manager**	**M4** **Executive Manager**
Complexity & Independent Judgment (cont.)	Must adhere to an established budget with limited complexity.		Typically has oversight over a medium-to-large budget with relatively high complexity.	

NMED Exhibit 74_000027

Management Career Track				
Level Criteria	**M1** **Supervisor**	**M2** **Manager**	**M3** **Senior Manager**	**M4** **Executive Manager**
Teamwork & Leadership	Provides day-to-day work direction for employees in a singular group. Typically supervises not less than 3 full-time employees. Has input on employment decisions. Maintains steady workflow and productivity and resolves operational decisions to achieve operational targets, service standards, etc. Explains policies, standards, and processes to others. Collaborates with direct reports and teammates as needed to complete work and achieve goals.	Leads, directs, and reviews the work of employees to accomplish operational plans and results. Manages employees or a process in a work unit or single function, department, or program. Typically supervises not less than 4 direct full-time experienced professionals or supervisors (May also manage or oversee indirect reports). Has input on employment decisions. May have the authority to hire, discharge, advance, or promote.	Typically oversees a large team that consists of managers, supervisors, and their associated activities. Regularly receives high-level direction and feedback from senior leadership in the form of objectives and established strategy. Oversees and has responsibility for a single department or portions of multiple departments. Provides strategic leadership while accomplishing work through others.	Manages a range of job families and/or functions that include multiple teams led by Managers/Senior Managers. Primarily focus of the role is on proactive strategic leadership rather than day-to-day operational execution but may be directly involved in the most complex operational issues. Collaborates with direct reports, teammates, executive management, external stakeholders, and high-level officials as needed to complete work and achieve goals.

NMED Exhibit 74_000028

Management Career Track				
Level Criteria	**M1** **Supervisor**	**M2** **Manager**	**M3** **Senior Manager**	**M4** **Executive Manager**
Teamwork & Leadership (cont.)		Responsibilities also include coaching and development, skill assessment, performance review, promotional decisions, and pay actions for employees. Collaborates with direct reports, teammates, and senior leaders as needed to complete work and achieve goals.	Implements the strategic vision of a department or agency-wide function. Oversees the implementation of operational policies and develops operational strategies.	

NMED Exhibit 74_000029

Professional Career Track					
Level Criteria	**P1** **Entry**	**P2** **Intermediate**	**P3** **Senior**	**P4** **Lead/Specialist**	**P5** **Principal**
Experience & Education	Typically requires secondary education and a bachelor's degree or equivalent years of experience. Has 0-2 years of relevant experience or an equivalent combination of education, training, and/or experience.	Typically requires secondary education and a bachelor's degree or equivalent years of experience. Has 2 or more years of relevant experience or an equivalent combination of education, training, and/or experience.	Typically requires secondary education and a bachelor's degree or equivalent years of experience. Has 4 or more years of relevant experience or an equivalent combination of education, training, and/or experience.	Typically requires a secondary education and a bachelor's degree or equivalent years of experience. Has 6 or more years of relevant experience or an equivalent combination of education, training, and/or experience.	Typically requires at least a master's degree in a related field or an equivalent combination of education and experience. Has 8 or more years of relevant experience or an equivalent combination of education, training, and/or experience.

NMED Exhibit 74_000030

Professional Career Track					
Level Criteria	**P1** **Entry**	**P2** **Intermediate**	**P3** **Senior**	**P4** **Lead/Specialist**	**P5** **Principal**
Job Knowledge & Technical Competence	Routine or narrow knowledge required to perform job tasks. Resolves routine issues with minimal interpretation of policies and guidelines. Basic familiarity with knowledge area and the associated technologies, services, and practices.	Moderate depth of knowledge required to perform job tasks. Occasionally consults additional process or knowledge resources. Applies moderate level of knowledge, skills, and practices to perform a variety of assignments. Continues to develop higher level knowledge and skills in own area.	Comprehensive knowledge required to perform job tasks. Seasoned professional with advanced applied experience. Applies advanced skills to knowledge areas within function. Not yet considered an expert.	Demonstrates mastery of processes applicable to role. Regularly provides guidance to associates in the use of new technologies, theories, concepts, and techniques.	Demonstrates expert-level knowledge and technical skills within specific discipline or area. Regularly provides guidance and mentorship to associates in the use of new technologies, theories, concepts, and techniques. Recognized as an expert in the field and sought after for advice and guidance.

NMED Exhibit 74_000031

Professional Career Track					
Level Criteria	**P1** **Entry**	**P2** **Intermediate**	**P3** **Senior**	**P4** **Lead/Specialist**	**P5** **Principal**
Decision Making & Impact	Makes decisions regarding own work within defined parameters. Contributes to the completion of routine tasks and deliverables. Seeks new assignments to enhance on-the-job learning and development. Regularly contributes useful ideas from own work area/team within defined parameters.	Makes decisions regarding own work often in ambiguous situations. Makes recommendations in own function and area of expertise. Contributes to significant milestones associated with a project or activity.	Makes decisions on moderately complex issues regarding project components and tasks. Often makes process improvements.	Makes decisions on complex issues regarding project components and advanced tasks. Contributes to development of new principles and concepts.	Makes decisions on complex to highly complex issues regarding work approach for project components and completion of team tasks and responsibilities. Regularly makes decisions under minimal guidance that have a significant impact on the agency's financial and business operations. Advises one or more areas, programs, or functions and provides recommendations to senior leaders on matters of significance.

NMED Exhibit 74_000032

Professional Career Track					
Level Criteria	**P1** **Entry**	**P2** **Intermediate**	**P3** **Senior**	**P4** **Lead/Specialist**	**P5** **Principal**
Complexity & Independent Judgment	Work assignments are often straightforward and not complex. With direct guidance, responsible for working on basic assignments and projects. Follows standard policies, techniques, and practices. Delivers information and collaborates on problems and issues within defined parameters.	Works on problems of moderate complexity. Uses independent judgment within defined policies and practices. Problems faced are often procedural and straightforward.	Works on diverse yet standard problems ranging from moderate to complex. Regularly exercises independent judgment on matters of significance. Makes recommendations to management on approach/options to accomplish objectives.	Develops solutions to most often standard and at-times non-standard problems that require the use of ingenuity and creativity. Uses independent judgment requiring in-depth evaluation of variable factors. Problems may be undefined and require advanced analysis.	Develops solutions to non-standard, complex problems that require use of ingenuity and creativity to address complex complications. Uses independent judgment requiring in-depth evaluation of variable factors. Serves as reliable resource for other employees in area of expertise.

NMED Exhibit 74_000033

Professional Career Track					
Level Criteria	**P1** **Entry**	**P2** **Intermediate**	**P3** **Senior**	**P4** **Lead/Specialist**	**P5** **Principal**
Teamwork & Leadership	Works with direct supervision on new and routine assignments. Jobs at this level are focused on professional development. Collaborates with teammates and supervisors and seeks assistance as needed to achieve goals.	Works under general supervision on new assignments. May train new and/or developing professional or support employees. Collaborates with teammates and entry-level management as needed to complete work and achieve goals.	Works independently with limited supervision. Work is evaluated upon completion to ensure results and objectives have been met. Mentors and supports entry-level or support employees. Collaborates with teammates mid-level management, and potentially senior leaders as needed to complete work and achieve goals.	Works independently under general supervision. Regularly trains and mentors professional employees. Responsible for guidance and delegation of work. May provide input into performance reviews and corrective action for professional employees. Collaborates with teammates, senior leaders, and potentially external stakeholders as needed to complete work and achieve goals.	Leads highly complex project or activities in an assigned area; responsibility may extend to additional areas. Requires ability to communicate with leadership regarding matters of significant importance to the Agency and/or State. Collaborates with teammates, senior leaders, and external stakeholders as needed to complete work and achieve results.

NMED Exhibit 74_000034

Technical Career Track				
Level Criteria	**T1** **Entry**	**T2** **Intermediate**	**T3** **Senior**	**T4** **Lead**
Experience & Education	Entry level; minimal education and/or experience needed. Vocational training may be needed based on given area. May require certifications and licensure to provide technical or skilled services.	High School Diploma or vocational degree. Typically, 1 to 3 years of experience or any combination of training and/or experience. May require certifications and licensures to provide technical or skilled services.	High School Diploma or vocational degree. Typically, 3 to 5 years of experience or any combination of training and/or experience. May require certifications and licensures to provide technical or skilled services.	High School Diploma or vocational degree. Typically, more than 5 years of experience or any combination of training and/or experience. May require certifications and licensures to provide technical or skilled services.

NMED Exhibit 74_000035

Technical Career Track				
Level Criteria	**T1** **Entry**	**T2** **Intermediate**	**T3** **Senior**	**T4** **Lead**
Job Knowledge & Technical Competence	General knowledge; performs standard, non-specialized duties and tasks. Normally receives detailed instructions on work, approach, and priorities. Direction and guidance are regularly provided.	Working knowledge and understanding; performs a variety of standard and non-standard tasks. Works under moderate supervision using established procedures.	Advanced knowledge and expertise of detailed aspects of the job; performs a variety of complex duties. Works under general guidance and broad objectives. Has considerable discretion to address complex issues.	Comprehensive knowledge and expertise of all aspects of job; performs a variety of complex duties. Independently prioritizes tasks and responsibilities of self and team. Serves as an escalation point/advisor for resolving complex issues.

NMED Exhibit 74_000036

Technical Career Track				
Level Criteria	**T1** **Entry**	**T2** **Intermediate**	**T3** **Senior**	**T4** **Lead**
Decision Making & Impact	Works within clearly defined work parameters and/or well-defined tasks, established deadlines, quality standards, and priorities. Solves technical challenges within defined parameters and escalates as needed. Makes decisions based on specific instructions, standard practices, and established procedures which generally require little or no supervision. Work impacts typically limited to own area; errors may cause simple rework and/or correction.	Makes routine and non-routine decisions with some latitude but may still be subject to approval. Solves basic to moderately complex technical challenges. May make recommendations for solving problems of moderate complexity and importance. Work impacts the achievement of overall objective/task.	Work is varied, and the employee needs to be adaptable to respond to these changes, use independent judgment, and manage priorities. Has some latitude in responding and prioritizing non-routine issues. Solves complex technical challenges. Makes decisions that are guided by precedents, policies, and objectives. May provide guidance to less experienced employees.	Works with team to lead in accomplishment more complex tasks and resolving day-to-day technical/procedural challenges. Requires constant response to changing circumstances and using new information to adjust approach and quickly respond to new needs. Solves highly complex technical challenges. Makes decisions that are guided by precedents, policies, and objectives; regularly makes decisions and recommendations on complex issues affecting a broad area.

NMED Exhibit 74_000037

Technical Career Track				
Level Criteria	**T1** **Entry**	**T2** **Intermediate**	**T3** **Senior**	**T4** **Lead**
Decision Making & Impact (cont.)			Work significantly impacts the achievement of overall objective/task.	Work significantly impacts achievement of overall objectives/task.

NMED Exhibit 74_000038

Technical Career Track				
Level Criteria	**T1** **Entry**	**T2** **Intermediate**	**T3** **Senior**	**T4** **Lead**
Complexity & Independent Judgment	Routine and/or well documented work, requiring minimal independent judgement. Addresses problems that are generally solved by following clear directions and procedures and by identifying opportunities for process improvements.	Work is semi-routine in nature requiring some independent judgement. Follows precedents and procedures; may set priorities and organize work within general guidelines. Seeks assistance when confronted with difficult and/or unpredictable situations. Work progress is monitored by supervisor/manager.	Moderately complex work often requiring independent judgement to resolve. Collaborates with others to solve complex technical challenges. Sets goals and determines how to accomplish defined results with some guidelines. Supervisor or manager provides broad guidance and overall direction.	Assumes ownership, leads advanced and highly specialized duties that require independent initiative and judgement. Regularly works on new projects/tasks. Sets goals and determines how to accomplish defined results with some guidelines. Provides broad guidance and overall direction.

NMED Exhibit 74_000039

Technical Career Track				
Level Criteria	**T1** **Entry**	**T2** **Intermediate**	**T3** **Senior**	**T4** **Lead**
Teamwork & Leadership	Works under close supervision and/or within established policies, practices, and established quality and safety checks. Work typically reviewed/ assessed by others. Direction and guidance are regularly provided.	Works under general supervision; instructions given for routine work and detailed instructions given for new activities and special assignments. Work periodically reviewed by others for compliance, quality and accuracy. Elevates questions, problems, and significant challenges to more senior employees for direction or subject matter expertise.	Works under limited supervision, no instructions needed on routine work and general instructions given on new lines of work or special assignments. Regularly checks own work and possibly the work of others. Has considerable discretion to address complex procedures.	Works under general guidance; often oversees work or serves as lead technical expert in complex area and/or project. Regularly checks own work and possibly the work of others. May provide updates to management regarding team or operational performance, work progress, and quality.

NMED Exhibit 74_000040

Support Career Track				
Level Criteria	**S1** **Entry**	**S2** **Intermediate**	**S3** **Senior**	**S4** **Lead/Specialist**
Experience & Education	Typically requires a high school diploma, GED certificate or equivalent experience. Has 0-2 years of experience or an equivalent combination of education and/or experience. May require certifications and licensures needed for specific support services.	Typically requires a high school diploma, GED certificate. Has 2 or more years of experience or an equivalent combination of education and/or experience. May require certification and licensures needed for specific support services.	Typically requires a high school diploma, GED certificate or associate's degree. Has 4 or more years of experience, or an equivalent combination of education and/or experience. May require certification and licensures for specific support services.	Typically requires a high school diploma, GED certificate or associate's degree. Bachelor's degree preferred. Has 5 or more years of experience or an equivalent combination of education and/or experience. May require certification and licensures for specific support services.

NMED Exhibit 74_000041

Support Career Track				
Level Criteria	**S1** **Entry**	**S2** **Intermediate**	**S3** **Senior**	**S4** **Lead/Specialist**
Job Knowledge & Technical Competence	With guidance, develops knowledge to complete responsibilities for a single area or group of closely related tasks. Applies basic knowledge of equipment, tools, systems, controls, procedures, and/or essential regulations to complete assigned work.	With minimal guidance, has full knowledge of the responsibilities for a single area or group of closely related tasks. Applies basic to intermediate knowledge of equipment, tools, systems, controls, procedures, and/or essential regulations to complete assigned work.	Has full knowledge of the responsibilities for a single area or group of closely related tasks. Applies advanced knowledge of equipment, tools, systems, controls, procedures, and/or essential regulations to complete assigned work. May identify new approaches to improve efficiencies around routine work.	Has full knowledge of responsibilities for a single technical area or group of related tasks. Applies expert agency or state-wide knowledge and understanding of the operational environment to develop highly responsive, effective customized solutions.

NMED Exhibit 74_000042

Support Career Track				
Level Criteria	**S1** **Entry**	**S2** **Intermediate**	**S3** **Senior**	**S4** **Lead/Specialist**
Decision Making & Impact	Work is guided by well-defined tasks, established deadlines, quality standards, and priorities. Solves basic administrative and operational challenges within defined parameters and escalates, as needed. Routinely seeks guidance from peers and supervisors to complete work.	Work is guided by well-defined tasks, established deadlines, quality standards, and priorities. Solves basic to moderately complex and administrative and operational challenges. Seeks guidance on non-routine tasks and issues.	Work is varied every day, and the employee needs to be adaptable to respond to these changes and to use independent judgement and management priorities. Solves complex administrative and operational challenges. Seeks guidance on complex tasks and issues.	Work requires constant response to changing circumstances and using new information to adjust approach and quickly respond to new needs. Solves highly complex and administrative and operational challenges. Makes non-routine and high impact decisions, escalating matters as necessary. Decisions typically have a significant impact on operations. Leads to the resolution of complex issues.

NMED Exhibit 74_000043

Support Career Track				
Level Criteria	**S1** **Entry**	**S2** **Intermediate**	**S3** **Senior**	**S4** **Lead/Specialist**
Decision Making & Impact (cont.)				Work impacts cross-department administrative operations. May contribute to policy and procedure enhancements.

NMED Exhibit 74_000044

Support Career Track				
Level Criteria	**S1** **Entry**	**S2** **Intermediate**	**S3** **Senior**	**S4** **Lead/Specialist**
Complexity & Independent Judgment	Works on assignments that are standard and structured; work requires minimal independent judgement. Refers questions, problems, and issues to more senior employees for direction or subject matter expertise. Addresses problems that are routine, somewhat repetitive, and generally solved by following clear directions and procedures.	Completes basic to moderately complex administrative assignments; work involves minimal problem resolution. Follows precedents and procedures. May set priorities and organize work within general guidelines. Seeks assistance when confronted with difficult and / or unpredictable situations. Work progress is monitored by a supervisor or manager.	Handles advanced and complex administrative assignments requiring independent initiative and judgement. Assists lower-level employees in resolving escalated issues. Collaborates and with business professionals and management to solve complex support challenges.	Addresses administrative problems that are highly varied, complex, and often non-reoccurring, requiring employees input and innovative techniques to resolve issues. Regularly works on new assignments and projects that require the application of independent judgment / interpretation of policies and procedures.

NMED Exhibit 74_000045

Support Career Track				
Level Criteria	**S1** **Entry**	**S2** **Intermediate**	**S3** **Senior**	**S4** **Lead/Specialist**
Teamwork & Leadership	Works under close supervision and/or within established guidelines with minimal opportunity for deviation. Normally receives detailed instructions on work, approach, and priorities. Direction and guidance are regularly provided.	Works under moderate supervision using established procedures. Plans and prioritizes own work; requires instructions on new assignments or highly-complex activities only. Evaluates questions, problems, and significant challenges to more senior employees for direction or subject matter expertise.	Works under general guidance and broad objectives. Has considerable discretion to address complex procedures. Regularly checks own work; may review the work of others.	Independently prioritizes tasks and responsibilities of self and team. Serves as an escalation point/advisor for resolving complex issues; regularly checks the work of others. Sets goals and determines how to accomplish defined results with some guidelines. Provides broad guidance and overall direction.

NMED Exhibit 74_000046

Appendix D: Job Catalog

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
R9011B	Associate Computer Operator	Administrative Operations	Administrative Support	Technical	T1 – Entry	C1
R9011O	Computer Operator	Administrative Operations	Administrative Support	Technical	T2 – Intermediate	C2
AOAX40	Manager, Administrative Support	Administrative Operations	Administrative Support	Management	M2 – Manager	C9
AORX40	Manager, Public Records	Administrative Operations	Administrative Support	Management	M2 – Manager	C8
R9199O	Office Support Clerk	Administrative Operations	Administrative Support	Support	S2 – Intermediate	C2
R6011A	Senior Administrative Assistant	Administrative Operations	Administrative Support	Support	S3 – Senior	C4
AOAX45	Senior Manager, Administrative Support	Administrative Operations	Administrative Support	Management	M3 – Senior Manager	C10
B3011O	Senior Office Support Clerk	Administrative Operations	Administrative Support	Support	S3 – Senior	C3
R6011S	Supervisor, Administrative Support	Administrative Operations	Administrative Support	Management	M1 – Supervisor	C8
R9011S	Supervisor, Computer Operations	Administrative Operations	Administrative Support	Management	M1 – Supervisor	C4
R9199S	Supervisor, Office Support	Administrative Operations	Administrative Support	Management	M1 – Supervisor	C4

NMED Exhibit 74_000047

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
R40311	Associate Motor Vehicle Representative	Administrative Operations	Customer Service	Support	S1 – Entry	C3
CCIL23	Consumer Investigative Representative	Administrative Operations	Customer Service	Support	S2 – Intermediate	C7
R4051O	Customer Service Representative	Administrative Operations	Customer Service	Support	S2 – Intermediate	C2
AOCX40	Manager, Customer Service	Administrative Operations	Customer Service	Management	M2 – Manager	C11
R4032S	Manager, Motor Vehicle Division	Administrative Operations	Customer Service	Management	M2 – Manager	C8
R40312	Motor Vehicle Representative	Administrative Operations	Customer Service	Support	S2 – Intermediate	C4
R4051A	Senior Customer Service Representative	Administrative Operations	Customer Service	Support	S3 – Senior	C3
AOCX45	Senior Manager, Customer Service	Administrative Operations	Customer Service	Management	M3 – Senior Manager	C12
R40320	Senior Motor Vehicle Representative	Administrative Operations	Customer Service	Support	S3 – Senior	C5
R4051S	Supervisor, Customer Service	Administrative Operations	Customer Service	Management	M1 – Supervisor	C6
R4030S	Supervisor, Motor Vehicle Division	Administrative Operations	Customer Service	Management	M1 – Supervisor	C6
FIGC15	Grants Analyst	Administrative Operations	Grants Administration	Professional	P2 – Intermediate	C7

NMED Exhibit 74_000048

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
FIGX40	Manager, Grants	Administrative Operations	Grants Administration	Management	M2 – Manager	C11
FIGX45	Senior Manager, Grants	Administrative Operations	Grants Administration	Management	M3 – Senior Manager	C12
FIGS35	Supervisor, Grants	Administrative Operations	Grants Administration	Management	M1 – Supervisor	C10
SGCI17	College Undergraduate Intern	Administrative Operations	Internships	Support	S1 – Entry	C2
SGGI20	Graduate School Intern	Administrative Operations	Internships	Support	S1 – Entry	C3
SGHI87	High School Intern	Administrative Operations	Internships	Support	S1 – Entry	C1
J3041A	Editor	Administrative Operations	Marketing & Communications	Professional	P2 – Intermediate	C6
J1024A	Graphic Designer	Administrative Operations	Marketing & Communications	Professional	P2 – Intermediate	C4
AOMX40	Manager, Marketing & Communications	Administrative Operations	Marketing & Communications	Management	M2 – Manager	C12
X30514	Manager, Museum Publications	Administrative Operations	Marketing & Communications	Management	M2 – Manager	C10
AOPX40	Manager, Public Relations	Administrative Operations	Marketing & Communications	Management	M2 – Manager	C10
J3054	Marketing Coordinator	Administrative Operations	Marketing & Communications	Professional	P2 – Intermediate	C7

NMED Exhibit 74_000049

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
B2031O	Public Relations Coordinator	Administrative Operations	Marketing & Communications	Professional	P2 – Intermediate	C4
J3053	Senior Editor	Administrative Operations	Marketing & Communications	Professional	P3 – Senior	C8
AOMX45	Senior Manager, Marketing & Communications	Administrative Operations	Marketing & Communications	Management	M3 – Senior Manager	C13
B2031A	Senior Public Relations Coordinator	Administrative Operations	Marketing & Communications	Professional	P3 – Senior	C6
AOMS35	Supervisor, Marketing & Communications	Administrative Operations	Marketing & Communications	Management	M1 – Supervisor	C9
B2031S	Supervisor, Public Relations	Administrative Operations	Marketing & Communications	Management	M1 – Supervisor	C8
X50000	Manager, Program Management	Administrative Operations	Program Management	Management	M2 – Manager	C12
B90401	Program Coordinator	Administrative Operations	Program Management	Professional	P2 – Intermediate	C6
AOPM15	Program Manager	Administrative Operations	Program Management	Professional	P2 – Intermediate	C8
AOPX45	Senior Manager, Program Management	Administrative Operations	Program Management	Management	M3 – Senior Manager	C13
B90402	Senior Program Coordinator	Administrative Operations	Program Management	Professional	P3 – Senior	C7
AOPM20	Senior Program Manager	Administrative Operations	Program Management	Professional	P3 – Senior	C9

NMED Exhibit 74_000050

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
X40000	Supervisor, Program Management	Administrative Operations	Program Management	Management	M1 – Supervisor	C11
AREP30	Architect	Architecture, Engineering, & Planning	Design & Construction	Professional	P2 – Intermediate	C9
ENSI17	Associate Geomatics Professional	Architecture, Engineering, & Planning	Design & Construction	Technical	T1 – Entry	C9
T40111	Building Inspector	Architecture, Engineering, & Planning	Design & Construction	Technical	T2 – Intermediate	C7
M50540	Construction Inspector	Architecture, Engineering, & Planning	Design & Construction	Professional	P2 – Intermediate	C8
X30111	Construction Project Manager	Architecture, Engineering, & Planning	Design & Construction	Professional	P2 – Intermediate	C10
ENSP23	Geomatics Professional	Architecture, Engineering, & Planning	Design & Construction	Technical	T2 – Intermediate	C10
T40112	Lead Building Inspector	Architecture, Engineering, & Planning	Design & Construction	Technical	T4 – Lead	C9
ENSX35	Manager, Geomatics	Architecture, Engineering, & Planning	Design & Construction	Management	M2 – Manager	C13
AEPX40	Manager, Planning	Architecture, Engineering, & Planning	Design & Construction	Management	M2 – Manager	C10
F3051A	Planner	Architecture, Engineering, & Planning	Design & Construction	Professional	P2 – Intermediate	C7
AEPW15	Public Works Inspector	Architecture, Engineering, & Planning	Design & Construction	Technical	T2 – Intermediate	C8

NMED Exhibit 74_000051

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
AREX46	Senior Architect	Architecture, Engineering, & Planning	Design & Construction	Professional	P3 – Senior	C12
T4011A	Senior Building Inspector	Architecture, Engineering, & Planning	Design & Construction	Technical	T3 – Senior	C8
AECP20	Senior Construction Project Manager	Architecture, Engineering, & Planning	Design & Construction	Professional	P3 – Senior	C11
AEPX45	Senior Manager, Planning	Architecture, Engineering, & Planning	Design & Construction	Management	M3 – Senior Manager	C11
AEPL20	Senior Planner	Architecture, Engineering, & Planning	Design & Construction	Professional	P3 – Senior	C8
T4011S	Supervisor, Building Inspections	Architecture, Engineering, & Planning	Design & Construction	Management	M1 – Supervisor	C10
M5054S	Supervisor, Construction Inspections	Architecture, Engineering, & Planning	Design & Construction	Management	M1 – Supervisor	C9
AECS35	Supervisor, Construction Project Management	Architecture, Engineering, & Planning	Design & Construction	Management	M1 – Supervisor	C12
ENSX30	Supervisor, Geomatics	Architecture, Engineering, & Planning	Design & Construction	Management	M1 – Supervisor	C11
F3051S	Supervisor, Planning	Architecture, Engineering, & Planning	Design & Construction	Management	M1 – Supervisor	C9
ENET13	Associate Engineering Technician	Architecture, Engineering, & Planning	Engineering	Technical	T1 – Entry	C3
ENEP20	Engineer Graduate	Architecture, Engineering, & Planning	Engineering	Professional	P1 – Entry	C8

NMED Exhibit 74_000052

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
ENEP23	Engineer Intern	Architecture, Engineering, & Planning	Engineering	Professional	P2 – Intermediate	C10
ENET15	Engineering Technician	Architecture, Engineering, & Planning	Engineering	Technical	T2 – Intermediate	C4
ENEX40	Executive Manager, Engineering	Architecture, Engineering, & Planning	Engineering	Management	M4 – Executive Manager	C14
ENEP30	Lead Engineer	Architecture, Engineering, & Planning	Engineering	Professional	P4 – Lead / Specialist	C12
ENET20	Lead Engineering Technician	Architecture, Engineering, & Planning	Engineering	Technical	T4 – Lead	C8
ENET23	Lead Senior Engineering Technician	Architecture, Engineering, & Planning	Engineering	Technical	T4 – Lead	C9
ENEX30	Manager, Engineering	Architecture, Engineering, & Planning	Engineering	Management	M2 – Manager	C12
ENTS23	Manager, Engineering Technician Services	Architecture, Engineering, & Planning	Engineering	Management	M2 – Manager	C10
ENEP26	Senior Engineer	Architecture, Engineering, & Planning	Engineering	Professional	P3 – Senior	C11
ENET17	Senior Engineering Technician	Architecture, Engineering, & Planning	Engineering	Technical	T3 – Senior	C6
ENEX35	Senior Manager, Engineering	Architecture, Engineering, & Planning	Engineering	Management	M3 – Senior Manager	C13
ENTS26	Senior Manager, Engineering Technician Services	Architecture, Engineering, & Planning	Engineering	Management	M3 – Senior Manager	C11

NMED Exhibit 74_000053

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
ENTS20	Supervisor, Engineering Technician Services	Architecture, Engineering, & Planning	Engineering	Management	M1 – Supervisor	C9
ENEX52	Executive Manager, Senior Executive Engineering	Architecture, Engineering, & Planning	Engineering Executive Management	Management	M4 – Executive Manager	C16
ENEX46	Senior Manager, Executive Engineering	Architecture, Engineering, & Planning	Engineering Executive Management	Management	M3 – Senior Manager	C15
F3091O	Anthropologist	Arts, Culture, Education, & Library Sciences	Art, Museum & History	Professional	P2 – Intermediate	C4
F30926	Archeologist	Arts, Culture, Education, & Library Sciences	Art, Museum & History	Professional	P2 – Intermediate	C7
J1011O	Art Director	Arts, Culture, Education, & Library Sciences	Art, Museum & History	Professional	P2 – Intermediate	C5
I4012O	Curator	Arts, Culture, Education, & Library Sciences	Art, Museum & History	Professional	P3 – Senior	C7
J1027O	Exhibit Designer	Arts, Culture, Education, & Library Sciences	Art, Museum & History	Technical	T2 – Intermediate	C4
F30931	Historian	Arts, Culture, Education, & Library Sciences	Art, Museum & History	Professional	P2 – Intermediate	C7
F40520	Interpretive Ranger	Arts, Culture, Education, & Library Sciences	Art, Museum & History	Professional	P2 – Intermediate	C4
F3091S	Manager, Anthropology	Arts, Culture, Education, & Library Sciences	Art, Museum & History	Management	M2 – Manager	C7
ACCX40	Manager, Cultural Programs	Arts, Culture, Education, & Library Sciences	Art, Museum & History	Management	M2 – Manager	C10

NMED Exhibit 74_000054

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
ACMC15	Museum Conservator	Arts, Culture, Education, & Library Sciences	Art, Museum & History	Professional	P3 – Senior	C6
V7099O	Museum Fabricator	Arts, Culture, Education, & Library Sciences	Art, Museum & History	Technical	T2 – Intermediate	C4
V4199O	Museum Preparator	Arts, Culture, Education, & Library Sciences	Art, Museum & History	Technical	T2 – Intermediate	C4
I4013O	Museum Registrar	Arts, Culture, Education, & Library Sciences	Art, Museum & History	Professional	P2 – Intermediate	C5
J1011A	Senior Art Director	Arts, Culture, Education, & Library Sciences	Art, Museum & History	Professional	P3 – Senior	C6
ACCX45	Senior Manager, Cultural Programs	Arts, Culture, Education, & Library Sciences	Art, Museum & History	Management	M3 – Senior Manager	C11
ACCS35	Supervisor, Cultural Programs	Arts, Culture, Education, & Library Sciences	Art, Museum & History	Management	M1 – Supervisor	C8
I4012S	Supervisor, Curation	Arts, Culture, Education, & Library Sciences	Art, Museum & History	Management	M1 – Supervisor	C8
J1027S	Supervisor, Exhibit Design	Arts, Culture, Education, & Library Sciences	Art, Museum & History	Management	M1 – Supervisor	C8
V7099S	Supervisor, Museum Fabrication	Arts, Culture, Education, & Library Sciences	Art, Museum & History	Management	M1 – Supervisor	C6
I3023	Assistive Technology Consultant	Arts, Culture, Education, & Library Sciences	Education & Instructional Support	Technical	T2 – Intermediate	C5
B9039B	Associate Education Administrator	Arts, Culture, Education, & Library Sciences	Education & Instructional Support	Professional	P1 – Entry	C7

NMED Exhibit 74_000055

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
I30221	Blindness Skills Instructor	Arts, Culture, Education, & Library Sciences	Education & Instructional Support	Professional	P2 – Intermediate	C5
B9039A	Education Administration Specialist	Arts, Culture, Education, & Library Sciences	Education & Instructional Support	Professional	P4 – Lead / Specialist	C10
B9039O	Education Administrator	Arts, Culture, Education, & Library Sciences	Education & Instructional Support	Professional	P2 – Intermediate	C8
ACEX50	Executive Manager, Educational Programs	Arts, Culture, Education, & Library Sciences	Education & Instructional Support	Management	M4 – Executive Manager	C13
I9031O	Instructional Coordinator	Arts, Culture, Education, & Library Sciences	Education & Instructional Support	Professional	P2 – Intermediate	C4
I90311	Learning Management System Administrator	Arts, Culture, Education, & Library Sciences	Education & Instructional Support	Professional	P2 – Intermediate	C7
B9039S	Manager, Educational Programs	Arts, Culture, Education, & Library Sciences	Education & Instructional Support	Management	M2 – Manager	C11
I9031A	Senior Instructional Coordinator	Arts, Culture, Education, & Library Sciences	Education & Instructional Support	Professional	P3 – Senior	C5
ACEX45	Senior Manager, Educational Programs	Arts, Culture, Education, & Library Sciences	Education & Instructional Support	Management	M3 – Senior Manager	C12
I3023S	Supervisor, Assistive Technology	Arts, Culture, Education, & Library Sciences	Education & Instructional Support	Management	M1 – Supervisor	C6
I9031S	Supervisor, Instructional Coordination	Arts, Culture, Education, & Library Sciences	Education & Instructional Support	Management	M1 – Supervisor	C7
I9041A	Teacher Assistant	Arts, Culture, Education, & Library Sciences	Education & Instructional Support	Support	S1 – Entry	C1

NMED Exhibit 74_000056

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
I4011O	Archivist	Arts, Culture, Education, & Library Sciences	Library & Archive Management	Professional	P2 – Intermediate	C5
I4021A	Librarian	Arts, Culture, Education, & Library Sciences	Library & Archive Management	Professional	P2 – Intermediate	C7
I4031A	Library Technician	Arts, Culture, Education, & Library Sciences	Library & Archive Management	Support	S2 – Intermediate	C2
I4021S	Supervisor, Library Services	Arts, Culture, Education, & Library Sciences	Library & Archive Management	Management	M1 – Supervisor	C8
Q20101	Economic Development Coordinator	Business Operations	Economic Development	Professional	P2 – Intermediate	C7
F3011O	Economist	Business Operations	Economic Development	Professional	P2 – Intermediate	C10
BOEB15	Employment Business Consultant	Business Operations	Economic Development	Support	S2 – Intermediate	C6
X52010	Manager, Economic Development	Business Operations	Economic Development	Management	M2 – Manager	C12
X40125	Manager, Economics	Business Operations	Economic Development	Management	M2 – Manager	C13
Q20102	Senior Economic Development Coordinator	Business Operations	Economic Development	Professional	P3 – Senior	C9
F3011A	Senior Economist	Business Operations	Economic Development	Professional	P3 – Senior	C11
BOEX45	Senior Manager, Economic Development	Business Operations	Economic Development	Management	M3 – Senior Manager	C13

NMED Exhibit 74_000057

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
X60125	Senior Manager, Economics	Business Operations	Economic Development	Management	M3 – Senior Manager	C14
F30111	Senior Utilities Economist	Business Operations	Economic Development	Professional	P3 – Senior	C12
F3011S	Supervisor, Economics	Business Operations	Economic Development	Management	M1 – Supervisor	C12
C1199B	Associate Business Operations Analyst	Business Operations	Operations & Process Improvement	Professional	P1 – Entry	C4
DDAA26	Associate Data Analyst	Business Operations	Operations & Process Improvement	Professional	P1 – Entry	C7
C20501	Associate Retirement Coordinator	Business Operations	Operations & Process Improvement	Professional	P1 – Entry	C3
C1199O	Business Operations Analyst	Business Operations	Operations & Process Improvement	Professional	P2 – Intermediate	C5
DDAA30	Data Analyst	Business Operations	Operations & Process Improvement	Professional	P2 – Intermediate	C9
X70000	Executive Manager, Business Operations	Business Operations	Operations & Process Improvement	Management	M4 – Executive Manager	C12
BORX50	Executive Manager, Retirement	Business Operations	Operations & Process Improvement	Management	M4 – Executive Manager	C12
DDAA40	Lead Data Analyst	Business Operations	Operations & Process Improvement	Professional	P4 – Lead / Specialist	C11
BOBX40	Manager, Business Operations	Business Operations	Operations & Process Improvement	Management	M2 – Manager	C9

NMED Exhibit 74_000058

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
BODX40	Manager, Data Analytics	Business Operations	Operations & Process Improvement	Management	M2 – Manager	C14
BOQX40	Manager, Quality Assurance	Business Operations	Operations & Process Improvement	Management	M2 – Manager	C11
BORX40	Manager, Retirement	Business Operations	Operations & Process Improvement	Management	M2 – Manager	C9
C11111	Process Improvement Specialist	Business Operations	Operations & Process Improvement	Professional	P4 – Lead / Specialist	C11
BOQA15	Quality Assurance Analyst	Business Operations	Operations & Process Improvement	Professional	P2 – Intermediate	C5
C20502	Retirement Coordinator	Business Operations	Operations & Process Improvement	Professional	P2 – Intermediate	C4
C1199A	Senior Business Operations Analyst	Business Operations	Operations & Process Improvement	Professional	P3 – Senior	C6
D2031A	Senior Data Analyst	Business Operations	Operations & Process Improvement	Professional	P3 – Senior	C10
X60000	Senior Manager, Business Operations	Business Operations	Operations & Process Improvement	Management	M3 – Senior Manager	C10
BODX45	Senior Manager, Quality	Business Operations	Operations & Process Improvement	Management	M3 – Senior Manager	C12
BORX45	Senior Manager, Retirement	Business Operations	Operations & Process Improvement	Management	M3 – Senior Manager	C11
BORC20	Senior Retirement Coordinator	Business Operations	Operations & Process Improvement	Professional	P3 – Senior	C5

NMED Exhibit 74_000059

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
C1199S	Supervisor, Business Operations	Business Operations	Operations & Process Improvement	Management	M1 – Supervisor	C8
BODS35	Supervisor, Data Analytics	Business Operations	Operations & Process Improvement	Management	M1 – Supervisor	C13
C2050S	Supervisor, Retirement	Business Operations	Operations & Process Improvement	Management	M1 – Supervisor	C7
BOLA15	Legal Analyst	Business Operations	Project Management & Analysis	Professional	P2 – Intermediate	C6
BOPM15	Project Manager	Business Operations	Project Management & Analysis	Professional	P2 – Intermediate	C10
BOPX45	Senior Manager, Project Management	Business Operations	Project Management & Analysis	Management	M3 – Senior Manager	C12
C2011O	Accountant	Finance	Accounting	Professional	P2 – Intermediate	C5
R3031O	Associate Financial Coordinator	Finance	Accounting	Support	S1 – Entry	C2
C20100	Certified Public Accountant	Finance	Accounting	Professional	P5 – Principal	C9
C2099O	Financial Coordinator	Finance	Accounting	Support	S2 – Intermediate	C3
FIAX40	Manager, Accounting	Finance	Accounting	Management	M2 – Manager	C11
C3900	Principal Accountant	Finance	Accounting	Professional	P5 – Principal	C9

NMED Exhibit 74_000060

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
C2011A	Senior Accountant	Finance	Accounting	Professional	P3 – Senior	C6
D2011A	Senior Actuary	Finance	Accounting	Professional	P3 – Senior	C10
C2099A	Senior Financial Coordinator	Finance	Accounting	Support	S3 – Senior	C4
FIAX45	Senior Manager, Accounting	Finance	Accounting	Management	M3 – Senior Manager	C12
C2011S	Supervisor, Accounting	Finance	Accounting	Management	M1 – Supervisor	C9
C2099S	Supervisor, Finance Support	Finance	Accounting	Management	M1 – Supervisor	C6
FAAD15	Auditor	Finance	Audit	Professional	P2 – Intermediate	C7
FAAX50	Executive Manager, Audit	Finance	Audit	Management	M4 – Executive Manager	C13
C2061O	Financial Examiner	Finance	Audit	Professional	P2 – Intermediate	C7
C20123	Lead State Auditor	Finance	Audit	Professional	P4 – Lead / Specialist	C10
FAAX40	Manager, Audit	Finance	Audit	Management	M2 – Manager	C11
X52012	Manager, State Audit	Finance	Audit	Management	M2 – Manager	C12

NMED Exhibit 74_000061

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
C2061A	Senior Financial Examiner	Finance	Audit	Professional	P3 – Senior	C8
FAAX45	Senior Manager, Audit	Finance	Audit	Management	M3 – Senior Manager	C12
C20122	Senior State Auditor	Finance	Audit	Professional	P3 – Senior	C9
C20121	State Auditor	Finance	Audit	Professional	P2 – Intermediate	C8
M50520	State Investigator	Finance	Audit	Professional	P2 – Intermediate	C7
FAAS35	Supervisor, Audit	Finance	Audit	Management	M1 – Supervisor	C9
M5052S	Supervisor, State Investigations	Finance	Audit	Management	M1 – Supervisor	C8
C2031O	Budget Analyst	Finance	Budget	Professional	P2 – Intermediate	C6
C9002	Lead Budget Analyst	Finance	Budget	Professional	P4 – Lead / Specialist	C9
FBFX40	Manager, Budget & Finance	Finance	Budget	Management	M2 – Manager	C11
C9003	Principal Budget Analyst	Finance	Budget	Professional	P5 – Principal	C10
C2031A	Senior Budget Analyst	Finance	Budget	Professional	P3 – Senior	C7

NMED Exhibit 74_000062

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
FBFS35	Supervisor, Budget & Finance	Finance	Budget	Management	M1 – Supervisor	C10
X53032	Executive Manager, Budget & Finance	Finance	Finance Executive Management	Management	M4 – Executive Manager	C13
X33032	Senior Manager, Budget & Finance	Finance	Finance Executive Management	Management	M3 – Senior Manager	C12
FAFX50	Executive Manager, Financial Analysis	Finance	Financial Planning & Analysis	Management	M4 – Executive Manager	C13
FPPX50	Executive Manager, Payroll	Finance	Financial Planning & Analysis	Management	M4 – Executive Manager	C13
B3031A	Financial Analysis Specialist	Finance	Financial Planning & Analysis	Professional	P4 – Lead / Specialist	C9
C2051O	Financial Analyst	Finance	Financial Planning & Analysis	Professional	P2 – Intermediate	C6
Q3031O	Investment Manager	Finance	Financial Planning & Analysis	Professional	P4 – Lead / Specialist	C11
B3031S	Manager, Financial Analysis	Finance	Financial Planning & Analysis	Management	M2 – Manager	C10
Q3031S	Manager, Investments	Finance	Financial Planning & Analysis	Management	M2 – Manager	C14
FIPX40	Manager, Payroll	Finance	Financial Planning & Analysis	Management	M2 – Manager	C11
FIPC15	Payroll Coordinator	Finance	Financial Planning & Analysis	Professional	P2 – Intermediate	C7

NMED Exhibit 74_000063

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
FIPC25	Payroll Specialist	Finance	Financial Planning & Analysis	Professional	P4 – Lead / Specialist	C10
Q3031A	Principal Investment Manager	Finance	Financial Planning & Analysis	Professional	P5 – Principal	C13
C2051A	Senior Financial Analyst	Finance	Financial Planning & Analysis	Professional	P3 – Senior	C8
X63032	Senior Manager, Financial Analysis	Finance	Financial Planning & Analysis	Management	M3 – Senior Manager	C12
FIPX45	Senior Manager, Payroll	Finance	Financial Planning & Analysis	Management	M3 – Senior Manager	C12
FIPC20	Senior Payroll Coordinator	Finance	Financial Planning & Analysis	Professional	P3 – Senior	C9
C2051S	Supervisor, Financial Analysis	Finance	Financial Planning & Analysis	Management	M1 – Supervisor	C9
FIPS35	Supervisor, Payroll	Finance	Financial Planning & Analysis	Management	M1 – Supervisor	C10
C1031B	Associate Claims Adjuster	Finance	Insurance & Claims	Support	S1 – Entry	C1
C10323	Associate Insurance Adjuster	Finance	Insurance & Claims	Professional	P1 – Entry	C7
CPCU23	Associate Insurance Underwriter	Finance	Insurance & Claims	Professional	P1 – Entry	C6
C1031O	Claims Adjuster	Finance	Insurance & Claims	Support	S2 – Intermediate	C3

NMED Exhibit 74_000064

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
R9041O	Claims Clerk	Finance	Insurance & Claims	Support	S2 – Intermediate	C1
C10324	Insurance Adjuster	Finance	Insurance & Claims	Professional	P2 – Intermediate	C8
CPCU26	Insurance Underwriter	Finance	Insurance & Claims	Professional	P2 – Intermediate	C8
C1031A	Senior Claims Adjuster	Finance	Insurance & Claims	Support	S3 – Senior	C4
R9041A	Senior Claims Clerk	Finance	Insurance & Claims	Support	S3 – Senior	C4
C1031S	Supervisor, Claims Adjustment	Finance	Insurance & Claims	Management	M1 – Supervisor	C7
CPCS30	Supervisor, Insurance Underwriting	Finance	Insurance & Claims	Management	M1 – Supervisor	C10
C1023B	Associate Purchasing Coordinator	Finance	Procurement	Professional	P1 – Entry	C4
C10241	IT Procurement Specialist	Finance	Procurement	Professional	P4 – Lead / Specialist	C11
X10140	Manager, Procurement	Finance	Procurement	Management	M2 – Manager	C11
FPUX40	Manager, Procurement Coordination	Finance	Procurement	Management	M2 – Manager	C11
FPPC15	Procurement Coordinator	Finance	Procurement	Professional	P2 – Intermediate	C8

NMED Exhibit 74_000065

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
C10035	Procurement Specialist	Finance	Procurement	Professional	P4 – Lead / Specialist	C10
C1023O	Purchasing Coordinator	Finance	Procurement	Professional	P2 – Intermediate	C5
FPPX45	Senior Manager, Procurement	Finance	Procurement	Management	M3 – Senior Manager	C12
FPPC20	Senior Procurement Coordinator	Finance	Procurement	Professional	P3 – Senior	C9
C1023A	Senior Purchasing Coordinator	Finance	Procurement	Professional	P3 – Senior	C7
R5081A	Senior Stock Clerk	Finance	Procurement	Support	S3 – Senior	C2
R5081O	Stock Clerk	Finance	Procurement	Support	S2 – Intermediate	C1
FICS35	Supervisor, Contract Management	Finance	Procurement	Management	M1 – Supervisor	C11
C1023S	Supervisor, Purchasing	Finance	Procurement	Management	M1 – Supervisor	C9
R5081S	Supervisor, Stock & Inventory	Finance	Procurement	Management	M1 – Supervisor	C4
CRCA23	Associate Royalty Compliance Auditor	Finance	Tax & Revenue	Professional	P1 – Entry	C6
FRAG10	Associate Tax & Revenue Examiner	Finance	Tax & Revenue	Support	S1 – Entry	C3

NMED Exhibit 74_000066

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
C20131	Associate Tax Auditor	Finance	Tax & Revenue	Professional	P1 – Entry	C5
C2081B	Associate Tax Collection Coordinator	Finance	Tax & Revenue	Support	S1 – Entry	C3
FTRE25	Lead Tax & Revenue Examiner	Finance	Tax & Revenue	Support	S4 – Lead / Specialist	C12
C20134	Lead Tax Auditor	Finance	Tax & Revenue	Professional	P4 – Lead / Specialist	C10
CRCX35	Manager, Royalty Compliance Audit	Finance	Tax & Revenue	Management	M2 – Manager	C10
CRCA26	Royalty Compliance Auditor	Finance	Tax & Revenue	Professional	P2 – Intermediate	C7
CRCA30	Senior Royalty Compliance Auditor	Finance	Tax & Revenue	Professional	P3 – Senior	C8
FRAG20	Senior Tax & Revenue Examiner	Finance	Tax & Revenue	Support	S3 – Senior	C5
C20133	Senior Tax Auditor	Finance	Tax & Revenue	Professional	P3 – Senior	C8
C2081A	Senior Tax Collection Coordinator	Finance	Tax & Revenue	Support	S3 – Senior	C5
C2013S	Supervisor, Tax	Finance	Tax & Revenue	Management	M1 – Supervisor	C9
FTRX40	Supervisor, Tax & Revenue	Finance	Tax & Revenue	Management	M1 – Supervisor	C10

NMED Exhibit 74_000067

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
FRAG15	Tax & Revenue Examiner	Finance	Tax & Revenue	Support	S2 – Intermediate	C4
C20132	Tax Auditor	Finance	Tax & Revenue	Professional	P2 – Intermediate	C7
C2081O	Tax Collection Coordinator	Finance	Tax & Revenue	Support	S2 – Intermediate	C4
C20700	Tax Information & Policy Specialist	Finance	Tax & Revenue	Professional	P3 – Senior	C7
HBHT20	Associate Behavioral Health Therapist	Healthcare & Social Services	Behavioral & Mental Health	Professional	P1 – Entry	C8
G1014B	Associate Mental Health Counselor	Healthcare & Social Services	Behavioral & Mental Health	Professional	P1 – Entry	C4
HSBH15	Behavioral Health Coordinator	Healthcare & Social Services	Behavioral & Mental Health	Support	S3 – Senior	C8
HBHX30	Behavioral Health Program Manager	Healthcare & Social Services	Behavioral & Mental Health	Professional	P4 – Lead / Specialist	C10
HBHT23	Behavioral Health Therapist	Healthcare & Social Services	Behavioral & Mental Health	Professional	P2 – Intermediate	C9
HCPY30	Clinical Psychologist	Healthcare & Social Services	Behavioral & Mental Health	Professional	P3 – Senior	C11
HSBX50	Executive Manager, Behavioral Health	Healthcare & Social Services	Behavioral & Mental Health	Management	M4 – Executive Manager	C13
HCPY35	Lead Clinical Psychologist	Healthcare & Social Services	Behavioral & Mental Health	Professional	P4 – Lead / Specialist	C12

NMED Exhibit 74_000068

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
HPSX46	Manager, Psychiatry	Healthcare & Social Services	Behavioral & Mental Health	Management	M2 – Manager	C20
G1014O	Mental Health Counselor	Healthcare & Social Services	Behavioral & Mental Health	Professional	P2 – Intermediate	C5
HCPY40	Prescribing Psychologist	Healthcare & Social Services	Behavioral & Mental Health	Professional	P4 – Lead / Specialist	C14
HPMH30	Psychiatric Nurse Practitioner	Healthcare & Social Services	Behavioral & Mental Health	Professional	P3 – Senior	C14
HBHX35	Senior Manager, Behavioral Health	Healthcare & Social Services	Behavioral & Mental Health	Management	M3 – Senior Manager	C12
G1014A	Senior Mental Health Counselor	Healthcare & Social Services	Behavioral & Mental Health	Professional	P3 – Senior	C8
HBHT26	Supervisor, Behavioral Health	Healthcare & Social Services	Behavioral & Mental Health	Management	M1 – Supervisor	C10
G1014S	Supervisor, Mental Health Counseling	Healthcare & Social Services	Behavioral & Mental Health	Management	M1 – Supervisor	C9
HCNP30	Advanced Practice Nurse	Healthcare & Social Services	Direct Care	Professional	P3 – Senior	C13
HLSU11	Associate Certified Nursing Assistant	Healthcare & Social Services	Direct Care	Technical	T1 – Entry	C3
HCRX35	Associate Manager, Nursing	Healthcare & Social Services	Direct Care	Management	M1 – Supervisor	C13
HNDC10	Associate Patient Care Assistant	Healthcare & Social Services	Direct Care	Support	S1 – Entry	C2

NMED Exhibit 74_000069

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
HCRN17	Associate Registered Nurse	Healthcare & Social Services	Direct Care	Professional	P1 – Entry	C7
HNSU13	Certified Nursing Assistant	Healthcare & Social Services	Direct Care	Technical	T2 – Intermediate	C4
HDAT11	Dental Assistant	Healthcare & Social Services	Direct Care	Technical	T2 – Intermediate	C3
HDHY20	Dental Hygienist	Healthcare & Social Services	Direct Care	Technical	T3 – Senior	C9
HDPD35	Dentist	Healthcare & Social Services	Direct Care	Professional	P4 – Lead / Specialist	C14
HNUX40	Executive Manager, Nutrition	Healthcare & Social Services	Direct Care	Management	M4 – Executive Manager	C11
P9021O	Home Caregiver	Healthcare & Social Services	Direct Care	Support	S2 – Intermediate	C2
HNDC15	Lead Patient Care Assistant	Healthcare & Social Services	Direct Care	Support	S4 – Lead / Specialist	C6
HCRN30	Lead Registered Nurse	Healthcare & Social Services	Direct Care	Professional	P4 – Lead / Specialist	C11
HLPN15	Licensed Practical Nurse/Vocational Nurse	Healthcare & Social Services	Direct Care	Technical	T2 – Intermediate	C5
HCRX40	Manager, Nursing	Healthcare & Social Services	Direct Care	Management	M2 – Manager	C13
HNUX26	Manager, Nutrition	Healthcare & Social Services	Direct Care	Management	M2 – Manager	C9

NMED Exhibit 74_000070

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
HPRO46	Manager, Programmatic Physician	Healthcare & Social Services	Direct Care	Management	M2 – Manager	C17
HNUT17	Nutritionist	Healthcare & Social Services	Direct Care	Professional	P2 – Intermediate	C6
HNDC11	Patient Care Assistant	Healthcare & Social Services	Direct Care	Support	S2 – Intermediate	C3
HHOP40	Physician	Healthcare & Social Services	Direct Care	Professional	P4 – Lead / Specialist	C19
HPPA30	Physician Assistant	Healthcare & Social Services	Direct Care	Professional	P3 – Senior	C13
HHOP46	Principal Physician	Healthcare & Social Services	Direct Care	Professional	P5 – Principal	C20
HPRO35	Programmatic Physician	Healthcare & Social Services	Direct Care	Professional	P5 – Principal	C15
HDIE23	Registered Dietitian	Healthcare & Social Services	Direct Care	Professional	P2 – Intermediate	C10
HCRN20	Registered Nurse	Healthcare & Social Services	Direct Care	Professional	P2 – Intermediate	C9
HCRS26	Registered Nurse Supervisor	Healthcare & Social Services	Direct Care	Professional	P5 – Principal	C11
HCRX46	Senior Manager, Nursing	Healthcare & Social Services	Direct Care	Management	M3 – Senior Manager	C14
HNUX30	Senior Manager, Nutrition	Healthcare & Social Services	Direct Care	Management	M3 – Senior Manager	C10

NMED Exhibit 74_000071

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
HNUT20	Senior Nutritionist	Healthcare & Social Services	Direct Care	Professional	P3 – Senior	C7
HNDC13	Senior Patient Care Assistant	Healthcare & Social Services	Direct Care	Support	S3 – Senior	C4
HCRN23	Senior Registered Nurse	Healthcare & Social Services	Direct Care	Professional	P3 – Senior	C10
HLPS17	Supervisor, Licensed Practical Nurse/Licensed Vocational Nurse	Healthcare & Social Services	Direct Care	Management	M1 – Supervisor	C7
HNUS23	Supervisor, Nutrition	Healthcare & Social Services	Direct Care	Management	M1 – Supervisor	C7
HNDS15	Supervisor, Patient Care	Healthcare & Social Services	Direct Care	Management	M1 – Supervisor	C8
HPRO40	Supervisor, Programmatic Physician	Healthcare & Social Services	Direct Care	Management	M1 – Supervisor	C16
V9082O	Adaptive Equipment Technician	Healthcare & Social Services	Healthcare Administration	Technical	T2 – Intermediate	C2
R6013B	Associate Medical Secretary	Healthcare & Social Services	Healthcare Administration	Support	S1 – Entry	C1
HMMX50	Executive Manager, Medicaid Medical Officer	Healthcare & Social Services	Healthcare Administration	Management	M4 – Executive Manager	C14
HMPX50	Executive Manager, Medical Programs	Healthcare & Social Services	Healthcare Administration	Management	M4 – Executive Manager	C13
K9099O	Healthcare Program Coordinator	Healthcare & Social Services	Healthcare Administration	Professional	P2 – Intermediate	C5

NMED Exhibit 74_000072

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
E2111O	Healthcare Surveyor	Healthcare & Social Services	Healthcare Administration	Professional	P2 – Intermediate	C7
HMHX40	Hospital Administrator	Healthcare & Social Services	Healthcare Administration	Professional	P5 – Principal	C13
HSHX40	Manager, Health Services	Healthcare & Social Services	Healthcare Administration	Management	M2 – Manager	C11
HSPX40	Manager, Healthcare Programs	Healthcare & Social Services	Healthcare Administration	Management	M2 – Manager	C11
HSML15	Medical Licensing Coordinator	Healthcare & Social Services	Healthcare Administration	Professional	P2 – Intermediate	C4
R6013O	Medical Secretary	Healthcare & Social Services	Healthcare Administration	Support	S2 – Intermediate	C2
F10435	Public Health Data Scientist	Healthcare & Social Services	Healthcare Administration	Professional	P4 – Lead / Specialist	C10
K9099A	Senior Healthcare Program Coordinator	Healthcare & Social Services	Healthcare Administration	Professional	P3 – Senior	C7
E2111A	Senior Healthcare Surveyor	Healthcare & Social Services	Healthcare Administration	Professional	P3 – Senior	C8
HSPX45	Senior Manager, Healthcare Programs	Healthcare & Social Services	Healthcare Administration	Management	M3 – Senior Manager	C12
HMMX45	Senior Manager, Medicaid Medical Officer	Healthcare & Social Services	Healthcare Administration	Management	M3 – Senior Manager	C13
HMPX45	Senior Manager, Medical Programs	Healthcare & Social Services	Healthcare Administration	Management	M3 – Senior Manager	C12

NMED Exhibit 74_000073

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
R6013A	Senior Medical Secretary	Healthcare & Social Services	Healthcare Administration	Support	S3 – Senior	C3
K9099S	Supervisor, Healthcare Programs	Healthcare & Social Services	Healthcare Administration	Management	M1 – Supervisor	C9
E2111S	Supervisor, Healthcare Surveyor	Healthcare & Social Services	Healthcare Administration	Management	M1 – Supervisor	C9
K2071O	Medical Records Clerk	Healthcare & Social Services	Medical Records & Information Management	Support	S2 – Intermediate	C2
K20811	Medical Records Coder	Healthcare & Social Services	Medical Records & Information Management	Support	S2 – Intermediate	C5
K2071A	Senior Medical Records Clerk	Healthcare & Social Services	Medical Records & Information Management	Support	S3 – Senior	C3
K2071S	Supervisor, Medical Records	Healthcare & Social Services	Medical Records & Information Management	Management	M1 – Supervisor	C7
HPHX35	Manager, Pharmacy	Healthcare & Social Services	Pharmacy, Laboratory & Radiologic Sciences	Management	M2 – Manager	C14
HRAS23	Manager, Radiology	Healthcare & Social Services	Pharmacy, Laboratory & Radiologic Sciences	Management	M2 – Manager	C9
HCLT15	Medical Laboratory Technician	Healthcare & Social Services	Pharmacy, Laboratory & Radiologic Sciences	Technical	T2 – Intermediate	C4
HCLT17	Medical Laboratory Technologist	Healthcare & Social Services	Pharmacy, Laboratory & Radiologic Sciences	Professional	P2 – Intermediate	C5
HPHR23	Pharmacist	Healthcare & Social Services	Pharmacy, Laboratory & Radiologic Sciences	Professional	P4 – Lead / Specialist	C12

NMED Exhibit 74_000074

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
HPTV13	Pharmacy Technician	Healthcare & Social Services	Pharmacy, Laboratory & Radiologic Sciences	Technical	T2 – Intermediate	C3
HPLE11	Phlebotomist	Healthcare & Social Services	Pharmacy, Laboratory & Radiologic Sciences	Technical	T2 – Intermediate	C2
HRAD20	Radiologic Technologist	Healthcare & Social Services	Pharmacy, Laboratory & Radiologic Sciences	Professional	P2 – Intermediate	C5
HPHX40	Senior Manager, Pharmacy	Healthcare & Social Services	Pharmacy, Laboratory & Radiologic Sciences	Management	M3 – Senior Manager	C15
HPTV15	Senior Pharmacy Technician	Healthcare & Social Services	Pharmacy, Laboratory & Radiologic Sciences	Technical	T3 – Senior	C5
HCLS23	Supervisor, Medical Laboratory Technology	Healthcare & Social Services	Pharmacy, Laboratory & Radiologic Sciences	Management	M1 – Supervisor	C8
HPHR30	Supervisor, Pharmacy	Healthcare & Social Services	Pharmacy, Laboratory & Radiologic Sciences	Management	M1 – Supervisor	C13
HMHX35	Executive Manager, Rehabilitation Therapy	Healthcare & Social Services	Rehabilitation Therapy	Management	M4 – Executive Manager	C14
HOTV17	Occupational Therapy Assistant	Healthcare & Social Services	Rehabilitation Therapy	Technical	T2 – Intermediate	C6
HPHY23	Physical Therapist	Healthcare & Social Services	Rehabilitation Therapy	Professional	P2 – Intermediate	C10
HPHV11	Physical Therapy Aide	Healthcare & Social Services	Rehabilitation Therapy	Technical	T1 – Entry	C2
HPHV17	Physical Therapy Assistant	Healthcare & Social Services	Rehabilitation Therapy	Technical	T2 – Intermediate	C7

NMED Exhibit 74_000075

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
HREA13	Recreational Therapist	Healthcare & Social Services	Rehabilitation Therapy	Professional	P2 – Intermediate	C3
HREA10	Recreational Therapy Aide	Healthcare & Social Services	Rehabilitation Therapy	Technical	T1 – Entry	C1
HRET17	Respiratory Therapist	Healthcare & Social Services	Rehabilitation Therapy	Professional	P2 – Intermediate	C6
HREA15	Senior Recreational Therapist	Healthcare & Social Services	Rehabilitation Therapy	Professional	P3 – Senior	C5
HOTP26	Supervisor, Occupational Therapy	Healthcare & Social Services	Rehabilitation Therapy	Management	M1 – Supervisor	C12
HPHY26	Supervisor, Physical Therapy	Healthcare & Social Services	Rehabilitation Therapy	Management	M1 – Supervisor	C11
HRES17	Supervisor, Recreational Therapy	Healthcare & Social Services	Rehabilitation Therapy	Management	M1 – Supervisor	C6
HRTS23	Supervisor, Respiratory Therapy	Healthcare & Social Services	Rehabilitation Therapy	Management	M1 – Supervisor	C9
HSLP26	Supervisor, Speech & Language Pathology	Healthcare & Social Services	Rehabilitation Therapy	Management	M1 – Supervisor	C9
G3013	Adult Protective Services Case Worker	Healthcare & Social Services	Social Services	Professional	P2 – Intermediate	C6
G3015	Adult Protective Services Clinical Consultant	Healthcare & Social Services	Social Services	Professional	P4 – Lead / Specialist	C9
SCIW20	Associate Child Protective Services Case Worker	Healthcare & Social Services	Social Services	Professional	P1 – Entry	C4

NMED Exhibit 74_000076

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
G1091B	Associate Health Educator	Healthcare & Social Services	Social Services	Professional	P1 – Entry	C4
G1011B	Associate Mental Health & Substance Abuse Counselor	Healthcare & Social Services	Social Services	Professional	P1 – Entry	C3
HSCW15	Case Work Aide	Healthcare & Social Services	Social Services	Support	S2 – Intermediate	C4
SCIW23	Case Worker	Healthcare & Social Services	Social Services	Professional	P2 – Intermediate	C7
G2011O	Chaplain	Healthcare & Social Services	Social Services	Professional	P2 – Intermediate	C5
SICW23	Child Protective Services Case Worker	Healthcare & Social Services	Social Services	Professional	P2 – Intermediate	C7
X30691	Children Youth & Family Program Coordinator	Healthcare & Social Services	Social Services	Professional	P2 – Intermediate	C8
G1092O	Corrections Case Worker	Healthcare & Social Services	Social Services	Support	S2 – Intermediate	C5
HSCR15	Corrections Records Coordinator	Healthcare & Social Services	Social Services	Support	S2 – Intermediate	C4
X70691	Executive Manager, Social Services	Healthcare & Social Services	Social Services	Management	M4 – Executive Manager	C13
G10601	Family Assistance Analyst	Healthcare & Social Services	Social Services	Professional	P2 – Intermediate	C3
G1091O	Health Educator	Healthcare & Social Services	Social Services	Professional	P2 – Intermediate	C5

NMED Exhibit 74_000077

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
HSHC15	Housing Stability Coordinator	Healthcare & Social Services	Social Services	Professional	P2 – Intermediate	C7
GVSX26	Lead Veteran Service Officer	Healthcare & Social Services	Social Services	Support	S4 – Lead / Specialist	C7
G3017	Manager, Adult Protective Services Case Work	Healthcare & Social Services	Social Services	Management	M2 – Manager	C11
SCMX40	Manager, Child Protective Services Case Work	Healthcare & Social Services	Social Services	Management	M2 – Manager	C11
HSOX40	Manager, Ombudsman	Healthcare & Social Services	Social Services	Management	M2 – Manager	C10
X50691	Manager, Social Services	Healthcare & Social Services	Social Services	Management	M2 – Manager	C10
G1023O	Mental Health & Substance Abuse Counselor	Healthcare & Social Services	Social Services	Professional	P2 – Intermediate	C4
G42023	Ombudsman	Healthcare & Social Services	Social Services	Professional	P2 – Intermediate	C7
R4061O	Public Assistance Representative	Healthcare & Social Services	Social Services	Support	S2 – Intermediate	C3
G1015O	Rehabilitation Counselor	Healthcare & Social Services	Social Services	Professional	P2 – Intermediate	C5
G50111	Residential Services Representative	Healthcare & Social Services	Social Services	Support	S2 – Intermediate	C4
I3021B	Self-Enrichment Instructor	Healthcare & Social Services	Social Services	Support	S2 – Intermediate	C2

NMED Exhibit 74_000078

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
G30130	Senior Adult Protective Services Case Worker	Healthcare & Social Services	Social Services	Professional	P3 – Senior	C7
SICW26	Senior Child Protective Services Case Worker	Healthcare & Social Services	Social Services	Professional	P3 – Senior	C8
G1092A	Senior Corrections Case Worker	Healthcare & Social Services	Social Services	Support	S3 – Senior	C6
HSCR20	Senior Corrections Records Coordinator	Healthcare & Social Services	Social Services	Support	S3 – Senior	C6
G10602	Senior Family Assistance Analyst	Healthcare & Social Services	Social Services	Professional	P3 – Senior	C6
G1091A	Senior Health Educator	Healthcare & Social Services	Social Services	Professional	P3 – Senior	C6
SRMX46	Senior Manager, Child Protective Services	Healthcare & Social Services	Social Services	Management	M3 – Senior Manager	C12
HSSX45	Senior Manager, Social Services	Healthcare & Social Services	Social Services	Management	M3 – Senior Manager	C11
G1011A	Senior Mental Health & Substance Abuse Counselor	Healthcare & Social Services	Social Services	Professional	P3 – Senior	C6
R4061A	Senior Public Assistance Representative	Healthcare & Social Services	Social Services	Support	S3 – Senior	C4
G1015A	Senior Rehabilitation Counselor	Healthcare & Social Services	Social Services	Professional	P3 – Senior	C6
G1093A	Senior Social Services Assistant	Healthcare & Social Services	Social Services	Support	S3 – Senior	C3

NMED Exhibit 74_000079

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
B9151A	Senior Social Services Coordinator	Healthcare & Social Services	Social Services	Support	S3 – Senior	C7
G1022A	Senior Social Worker	Healthcare & Social Services	Social Services	Professional	P3 – Senior	C6
I3025	Sign Language Interpreter	Healthcare & Social Services	Social Services	Technical	T2 – Intermediate	C9
G1093O	Social Services Assistant	Healthcare & Social Services	Social Services	Support	S2 – Intermediate	C2
B9151O	Social Services Coordinator	Healthcare & Social Services	Social Services	Support	S2 – Intermediate	C5
G10701	Social Services Quality Assurance Analyst	Healthcare & Social Services	Social Services	Professional	P2 – Intermediate	C7
G1022O	Social Worker	Healthcare & Social Services	Social Services	Professional	P2 – Intermediate	C5
G3013S	Supervisor, Adult Protective Services Case Work	Healthcare & Social Services	Social Services	Management	M1 – Supervisor	C9
SIHS26	Supervisor, Case Work	Healthcare & Social Services	Social Services	Management	M1 – Supervisor	C9
SPCS26	Supervisor, Child Protective Services Case Work	Healthcare & Social Services	Social Services	Management	M1 – Supervisor	C9
G1060S	Supervisor, Family Assistance Program	Healthcare & Social Services	Social Services	Management	M1 – Supervisor	C7
G1091S	Supervisor, Health Education	Healthcare & Social Services	Social Services	Management	M1 – Supervisor	C7

NMED Exhibit 74_000080

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
G1023S	Supervisor, Mental Health & Substance Abuse Counseling	Healthcare & Social Services	Social Services	Management	M1 – Supervisor	C8
G42S26	Supervisor, Ombudsman	Healthcare & Social Services	Social Services	Management	M1 – Supervisor	C9
R4061S	Supervisor, Public Assistance Programs	Healthcare & Social Services	Social Services	Management	M1 – Supervisor	C6
G1015S	Supervisor, Rehabilitation Counseling	Healthcare & Social Services	Social Services	Management	M1 – Supervisor	C9
G15S11	Supervisor, Residential Services	Healthcare & Social Services	Social Services	Management	M1 – Supervisor	C7
B9151S	Supervisor, Social Services	Healthcare & Social Services	Social Services	Management	M1 – Supervisor	C9
HSSQ35	Supervisor, Social Services Quality Assurance	Healthcare & Social Services	Social Services	Management	M1 – Supervisor	C8
G1022S	Supervisor, Social Work	Healthcare & Social Services	Social Services	Management	M1 – Supervisor	C9
X30321	Supervisor, WIC Program Management	Healthcare & Social Services	Social Services	Management	M1 – Supervisor	C9
GVSO20	Veteran Service Officer	Healthcare & Social Services	Social Services	Support	S3 – Senior	C5
GVSO17	Veteran Service Representative	Healthcare & Social Services	Social Services	Support	S2 – Intermediate	C3
R90321	WIC Office Support Clerk	Healthcare & Social Services	Social Services	Support	S3 – Senior	C2

NMED Exhibit 74_000081

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
LINT52	Language Interpreter	Healthcare & Social Services	Social Services	Technical	T2 – Intermediate	C5
C1072O	Classification & Compensation Analyst	Human Resources	Classification & Compensation	Professional	P2 – Intermediate	C8
C1072A	Senior Classification & Compensation Analyst	Human Resources	Classification & Compensation	Professional	P3 – Senior	C9
HRLR15	Labor Relations Administrator	Human Resources	Employee & Labor Relations	Professional	P2 – Intermediate	C7
RELR26	Lead Labor Relations Administrator	Human Resources	Employee & Labor Relations	Professional	P4 – Lead / Specialist	C9
RSPL01	Senior Labor Relations Administrator	Human Resources	Employee & Labor Relations	Professional	P3 – Senior	C8
HRLS35	Supervisor, Labor Relations	Human Resources	Employee & Labor Relations	Management	M1 – Supervisor	C10
RHRG17	Associate Human Resources Generalist	Human Resources	General HR	Professional	P1 – Entry	C5
RHRX40	Executive Manager, Human Resources	Human Resources	General HR	Management	M4 – Executive Manager	C12
RHRC15	Human Resources Assistant	Human Resources	General HR	Support	S2 – Intermediate	C4
RHRG20	Human Resources Generalist	Human Resources	General HR	Professional	P2 – Intermediate	C6
RHRG26	Lead Human Resources Generalist	Human Resources	General HR	Professional	P4 – Lead / Specialist	C8

NMED Exhibit 74_000082

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
RHRX35	Manager, Human Resources	Human Resources	General HR	Management	M2 – Manager	C10
RHRX26	Principal Human Resources Generalist	Human Resources	General HR	Professional	P5 – Principal	C9
RHRG23	Senior Human Resources Generalist	Human Resources	General HR	Professional	P3 – Senior	C7
RHRX36	Senior Manager, Human Resources	Human Resources	General HR	Management	M3 – Senior Manager	C11
RHRX30	Supervisor, Human Resources	Human Resources	General HR	Management	M1 – Supervisor	C9
C1071B	Associate Recruiter	Human Resources	Talent Acquisition	Professional	P1 – Entry	C3
C1071O	Recruiter	Human Resources	Talent Acquisition	Professional	P2 – Intermediate	C5
C1071A	Senior Recruiter	Human Resources	Talent Acquisition	Professional	P3 – Senior	C6
C1071S	Supervisor, Recruitment	Human Resources	Talent Acquisition	Management	M1 – Supervisor	C7
HRTD25	Lead Training & Development Coordinator	Human Resources	Training & Development	Professional	P4 – Lead / Specialist	C8
C1073A	Senior Training & Development Coordinator	Human Resources	Training & Development	Professional	P3 – Senior	C7
HRTS35	Supervisor, Training	Human Resources	Training & Development	Management	M1 – Supervisor	C9

NMED Exhibit 74_000083

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
C1073O	Training & Development Coordinator	Human Resources	Training & Development	Professional	P2 – Intermediate	C5
IDAD20	Associate IT Application Developer	Information Technology	Application Development	Professional	P1 – Entry	C8
IDAD23	IT Application Developer	Information Technology	Application Development	Professional	P2 – Intermediate	C10
IDAX30	Manager, IT Applications	Information Technology	Application Development	Management	M2 – Manager	C13
IDAD26	Senior IT Application Developer	Information Technology	Application Development	Professional	P3 – Senior	C11
IDAX35	Senior Manager, IT Applications	Information Technology	Application Development	Management	M3 – Senior Manager	C14
IDAS26	Supervisor, IT Applications	Information Technology	Application Development	Management	M1 – Supervisor	C12
IDAT20	Data Steward	Information Technology	Data Analytics	Professional	P2 – Intermediate	C10
IDAT35	Manager, Data Science	Information Technology	Data Analytics	Management	M2 – Manager	C13
IDAT31	Senior Data Scientist	Information Technology	Data Analytics	Professional	P3 – Senior	C11
IDAS40	Supervisor, Data Science	Information Technology	Data Analytics	Management	M1 – Supervisor	C12
ITDA20	Associate IT Database Administrator	Information Technology	Database Administration	Professional	P1 – Entry	C9

NMED Exhibit 74_000084

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
IDAT30	Data Engineer	Information Technology	Database Administration	Professional	P2 – Intermediate	C10
ITDA23	IT Database Administrator	Information Technology	Database Administration	Professional	P2 – Intermediate	C10
IDTX35	Manager, Data Engineering	Information Technology	Database Administration	Management	M2 – Manager	C13
ITDX30	Manager, IT Database Administration	Information Technology	Database Administration	Management	M2 – Manager	C14
ITDA26	Senior IT Database Administrator	Information Technology	Database Administration	Professional	P3 – Senior	C11
ITDS26	Supervisor, IT Database Administration	Information Technology	Database Administration	Management	M1 – Supervisor	C12
IPPR23	Associate IT Project Manager	Information Technology	IT Project Management	Professional	P1 – Entry	C9
IPPR26	IT Project Manager	Information Technology	IT Project Management	Professional	P2 – Intermediate	C11
IXGS26	Manager, Information Technology	Information Technology	IT Project Management	Management	M2 – Manager	C11
IPPR30	Senior IT Project Manager	Information Technology	IT Project Management	Professional	P3 – Senior	C12
ITTS35	Supervisor, Information Technology	Information Technology	IT Project Management	Management	M1 – Supervisor	C10
IQAA20	Associate IT Quality Assurance Analyst	Information Technology	IT Quality Assurance	Professional	P1 – Entry	C8

NMED Exhibit 74_000085

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
IQAA23	IT Quality Assurance Analyst	Information Technology	IT Quality Assurance	Professional	P2 – Intermediate	C9
IQAX30	Manager, IT Quality Assurance	Information Technology	IT Quality Assurance	Management	M2 – Manager	C12
IQAA26	Senior IT Quality Assurance Analyst	Information Technology	IT Quality Assurance	Professional	P3 – Senior	C10
ICSC20	Associate IT Security Analyst	Information Technology	IT Security, Risk & Compliance	Professional	P1 – Entry	C8
ICSX40	Executive Manager, IT Security	Information Technology	IT Security, Risk & Compliance	Management	M4 – Executive Manager	C14
ICSC23	IT Security Analyst	Information Technology	IT Security, Risk & Compliance	Professional	P2 – Intermediate	C9
ITSE15	IT Security Specialist	Information Technology	IT Security, Risk & Compliance	Professional	P4 – Lead / Specialist	C11
ICSS26	Manager, IT Security	Information Technology	IT Security, Risk & Compliance	Management	M2 – Manager	C12
ICSC26	Senior IT Security Analyst	Information Technology	IT Security, Risk & Compliance	Professional	P3 – Senior	C10
ICSX30	Senior Manager, IT Security	Information Technology	IT Security, Risk & Compliance	Management	M3 – Senior Manager	C13
IEUP13	Associate IT Support Technician	Information Technology	IT Support	Technical	T1 – Entry	C4
IEUP15	IT Support Technician	Information Technology	IT Support	Technical	T2 – Intermediate	C5

NMED Exhibit 74_000086

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
IEUX26	Manager, IT Support	Information Technology	IT Support	Management	M2 – Manager	C11
IEUP17	Senior IT Support Technician	Information Technology	IT Support	Technical	T3 – Senior	C7
IEUS20	Supervisor, IT Support	Information Technology	IT Support	Management	M1 – Supervisor	C9
IXGX35	Executive Manager, Information Technology	Information Technology	IT Technical Management	Management	M4 – Executive Manager	C14
IADD30	IT Architect	Information Technology	IT Technical Management	Professional	P4 – Lead / Specialist	C11
IBBA23	IT Business Analyst	Information Technology	IT Technical Management	Professional	P2 – Intermediate	C10
ITPM15	IT Technical Program Manager	Information Technology	IT Technical Management	Professional	P4 – Lead / Specialist	C12
IBBS30	Manager, IT Business Analytics	Information Technology	IT Technical Management	Management	M2 – Manager	C12
IADD35	Principal IT Architect	Information Technology	IT Technical Management	Professional	P5 – Principal	C12
IBBA26	Senior IT Business Analyst	Information Technology	IT Technical Management	Professional	P3 – Senior	C11
IXGX30	Senior Manager, Information Technology	Information Technology	IT Technical Management	Management	M3 – Senior Manager	C12
INEA20	Associate IT Network Administrator	Information Technology	Network Administration	Professional	P1 – Entry	C7

NMED Exhibit 74_000087

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
INEA23	IT Network Administrator	Information Technology	Network Administration	Professional	P2 – Intermediate	C9
INEX30	Manager, IT Network Administration	Information Technology	Network Administration	Management	M2 – Manager	C12
INEA26	Senior IT Network Administrator	Information Technology	Network Administration	Professional	P3 – Senior	C11
INEX35	Senior Manager, IT Network Administration	Information Technology	Network Administration	Management	M3 – Senior Manager	C14
ISSA20	Associate IT Systems Administrator	Information Technology	Systems Administration	Professional	P1 – Entry	C8
ITGT20	IT GIS Specialist	Information Technology	Systems Administration	Professional	P2 – Intermediate	C9
ISSA23	IT Systems Administrator	Information Technology	Systems Administration	Professional	P2 – Intermediate	C10
ISSX30	Manager, IT Systems Administration	Information Technology	Systems Administration	Management	M2 – Manager	C12
ITGT23	Senior IT GIS Specialist	Information Technology	Systems Administration	Professional	P3 – Senior	C10
ISSA26	Senior IT Systems Administrator	Information Technology	Systems Administration	Professional	P3 – Senior	C11
ISSX35	Senior Manager, IT Systems Administration	Information Technology	Systems Administration	Management	M3 – Senior Manager	C13
C1041O	Compliance Officer	Legal & Compliance	Compliance & Risk Management	Professional	P2 – Intermediate	C5

NMED Exhibit 74_000088

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
LCRX50	Executive Manager, Risk Management	Legal & Compliance	Compliance & Risk Management	Management	M4 – Executive Manager	C13
LCCX40	Manager, Compliance	Legal & Compliance	Compliance & Risk Management	Management	M2 – Manager	C10
LCTX40	Manager, Transportation Compliance	Legal & Compliance	Compliance & Risk Management	Management	M2 – Manager	C10
C1041A	Senior Compliance Officer	Legal & Compliance	Compliance & Risk Management	Professional	P3 – Senior	C7
LCCX45	Senior Manager, Compliance	Legal & Compliance	Compliance & Risk Management	Management	M3 – Senior Manager	C12
LCTX45	Senior Manager, Transportation Compliance	Legal & Compliance	Compliance & Risk Management	Management	M3 – Senior Manager	C12
C1041S	Supervisor, Compliance	Legal & Compliance	Compliance & Risk Management	Management	M1 – Supervisor	C9
LCTS35	Supervisor, Transportation Compliance	Legal & Compliance	Compliance & Risk Management	Management	M1 – Supervisor	C9
LCCO10	Associate Compliance Officer	Legal & Compliance	Compliance & Risk Management	Professional	P1 – Entry	C4
LCCO25	Lead Compliance Officer	Legal & Compliance	Compliance & Risk Management	Professional	P4 – Lead / Specialist	C8
G10801	Associate Disability Adjudicator	Legal & Compliance	Legal Services	Professional	P1 – Entry	C4
H1021B	Associate Hearing Officer	Legal & Compliance	Legal Services	Professional	P1 – Entry	C6

NMED Exhibit 74_000089

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
LLLA45	Attorney	Legal & Compliance	Legal Services	Professional	P3 – Senior	C11
G10802	Disability Adjudicator	Legal & Compliance	Legal Services	Professional	P2 – Intermediate	C5
LLLX45	Executive Manager, Attorney	Legal & Compliance	Legal Services	Management	M4 – Executive Manager	C15
H1021O	Hearing Officer	Legal & Compliance	Legal Services	Professional	P2 – Intermediate	C9
LCLA25	Lead Attorney	Legal & Compliance	Legal Services	Professional	P4 – Lead / Specialist	C12
LCAX40	Manager, Attorney	Legal & Compliance	Legal Services	Management	M2 – Manager	C13
H1022A	Mediator	Legal & Compliance	Legal Services	Professional	P2 – Intermediate	C6
G10803	Senior Disability Adjudicator	Legal & Compliance	Legal Services	Professional	P3 – Senior	C8
H1021A	Senior Hearing Officer	Legal & Compliance	Legal Services	Professional	P3 – Senior	C10
LCAX45	Senior Manager, Attorney	Legal & Compliance	Legal Services	Management	M3 – Senior Manager	C14
LLLS45	Supervisor, Attorney	Legal & Compliance	Legal Services	Management	M1 – Supervisor	C12
G1080S	Supervisor, Disability Adjudication	Legal & Compliance	Legal Services	Management	M1 – Supervisor	C9

NMED Exhibit 74_000090

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
G10501	Child Support Assistant	Legal & Compliance	Legal Support	Support	S2 – Intermediate	C3
R4031A	Court Clerk	Legal & Compliance	Legal Support	Support	S2 – Intermediate	C4
LLLC23	Law Clerk	Legal & Compliance	Legal Support	Support	S3 – Senior	C8
LCLC25	Lead Court Clerk	Legal & Compliance	Legal Support	Support	S4 – Lead / Specialist	C6
R6012O	Legal Assistant	Legal & Compliance	Legal Support	Support	S2 – Intermediate	C2
H2011O	Paralegal	Legal & Compliance	Legal Support	Support	S2 – Intermediate	C4
G10502	Senior Child Support Assistant	Legal & Compliance	Legal Support	Support	S3 – Senior	C5
R6012A	Senior Legal Assistant	Legal & Compliance	Legal Support	Support	S3 – Senior	C4
H2011A	Senior Paralegal	Legal & Compliance	Legal Support	Support	S3 – Senior	C7
R6012S	Supervisor, Legal Support	Legal & Compliance	Legal Support	Management	M1 – Supervisor	C7
F2041B	Associate Environmental Scientist	Life & Physical Sciences	Environmental & Natural Sciences	Professional	P1 – Entry	C7
F2042B	Associate Geoscientist	Life & Physical Sciences	Environmental & Natural Sciences	Professional	P2 – Intermediate	C8

NMED Exhibit 74_000091

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
F2041O	Environmental Scientist	Life & Physical Sciences	Environmental & Natural Sciences	Professional	P2 – Intermediate	C9
X70200	Executive Manager, Environmental Science	Life & Physical Sciences	Environmental & Natural Sciences	Management	M4 – Executive Manager	C14
F2042O	Geoscientist	Life & Physical Sciences	Environmental & Natural Sciences	Professional	P2 – Intermediate	C9
F2043A	Hydrologist	Life & Physical Sciences	Environmental & Natural Sciences	Professional	P3 – Senior	C11
X30200	Manager, Environmental Science	Life & Physical Sciences	Environmental & Natural Sciences	Management	M2 – Manager	C12
E2171O	Petroleum Specialist	Life & Physical Sciences	Environmental & Natural Sciences	Professional	P2 – Intermediate	C8
F2041A	Senior Environmental Scientist	Life & Physical Sciences	Environmental & Natural Sciences	Professional	P3 – Senior	C10
F2042A	Senior Geoscientist	Life & Physical Sciences	Environmental & Natural Sciences	Professional	P3 – Senior	C10
X50200	Senior Manager, Environmental Science	Life & Physical Sciences	Environmental & Natural Sciences	Management	M3 – Senior Manager	C13
E2171A	Senior Petroleum Specialist	Life & Physical Sciences	Environmental & Natural Sciences	Professional	P3 – Senior	C11
F2041S	Supervisor, Environmental Science	Life & Physical Sciences	Environmental & Natural Sciences	Management	M1 – Supervisor	C11
F2042S	Supervisor, Geoscience	Life & Physical Sciences	Environmental & Natural Sciences	Management	M1 – Supervisor	C11

NMED Exhibit 74_000092

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
E2171S	Supervisor, Petroleum	Life & Physical Sciences	Environmental & Natural Sciences	Management	M1 – Supervisor	C12
F2031B	Associate Chemist	Life & Physical Sciences	Laboratory Sciences	Professional	P1 – Entry	C3
F1022B	Associate Microbiologist	Life & Physical Sciences	Laboratory Sciences	Professional	P1 – Entry	C4
F2031O	Chemist	Life & Physical Sciences	Laboratory Sciences	Professional	P2 – Intermediate	C6
F1041A	Epidemiology Specialist	Life & Physical Sciences	Laboratory Sciences	Professional	P4 – Lead / Specialist	C11
X70250	Executive Manager, Laboratory	Life & Physical Sciences	Laboratory Sciences	Management	M4 – Executive Manager	C14
F4099O	Laboratory Technician	Life & Physical Sciences	Laboratory Sciences	Technical	T2 – Intermediate	C2
F1042O	Medical Scientist	Life & Physical Sciences	Laboratory Sciences	Professional	P2 – Intermediate	C6
F1022O	Microbiologist	Life & Physical Sciences	Laboratory Sciences	Professional	P2 – Intermediate	C5
F2031A	Senior Chemist	Life & Physical Sciences	Laboratory Sciences	Professional	P3 – Senior	C7
F1041O	Senior Epidemiologist	Life & Physical Sciences	Laboratory Sciences	Professional	P3 – Senior	C10
F1042A	Senior Medical Scientist	Life & Physical Sciences	Laboratory Sciences	Professional	P3 – Senior	C8

NMED Exhibit 74_000093

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
F2031S	Supervisor, Chemistry	Life & Physical Sciences	Laboratory Sciences	Management	M1 – Supervisor	C8
F1041S	Supervisor, Epidemiology	Life & Physical Sciences	Laboratory Sciences	Management	M1 – Supervisor	C12
F1042S	Supervisor, Medical Science	Life & Physical Sciences	Laboratory Sciences	Management	M1 – Supervisor	C9
F1022S	Supervisor, Microbiology	Life & Physical Sciences	Laboratory Sciences	Management	M1 – Supervisor	C7
F1023B	Associate Wildlife Biologist	Life & Physical Sciences	Zoological Sciences	Professional	P1 – Entry	C5
HVES40	Executive Manager, Veterinary Management	Life & Physical Sciences	Zoological Sciences	Management	M4 – Executive Manager	C13
F1023A	Senior Wildlife Biologist	Life & Physical Sciences	Zoological Sciences	Professional	P3 – Senior	C7
F1023S	Supervisor, Wildlife Biology	Life & Physical Sciences	Zoological Sciences	Management	M1 – Supervisor	C8
HVET35	Veterinarian	Life & Physical Sciences	Zoological Sciences	Professional	P5 – Principal	C11
F1023O	Wildlife Biologist	Life & Physical Sciences	Zoological Sciences	Professional	P2 – Intermediate	C6
NRAQ15	Air Protection Professional	Natural Resources Management	Conservation & Sustainability	Professional	P2 – Intermediate	C10
NRAQ10	Associate Air Protection Professional	Natural Resources Management	Conservation & Sustainability	Professional	P1 – Entry	C8

NMED Exhibit 74_000094

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
NRWA10	Associate Waste Resources Professional	Natural Resources Management	Conservation & Sustainability	Professional	P1 – Entry	C8
EWRP20	Associate Water Resources Professional	Natural Resources Management	Conservation & Sustainability	Professional	P1 – Entry	C8
F10310	Conservationist	Natural Resources Management	Conservation & Sustainability	Professional	P2 – Intermediate	C8
NRNX50	Executive Manager, Natural Resources	Natural Resources Management	Conservation & Sustainability	Management	M4 – Executive Manager	C13
F20411	Land Management Analyst	Natural Resources Management	Conservation & Sustainability	Professional	P2 – Intermediate	C8
NRAQ25	Lead Air Protection Professional	Natural Resources Management	Conservation & Sustainability	Professional	P4 – Lead / Specialist	C12
NRWA25	Lead Waste Resources Professional	Natural Resources Management	Conservation & Sustainability	Professional	P4 – Lead / Specialist	C12
EWRP30	Lead Water Resources Professional	Natural Resources Management	Conservation & Sustainability	Professional	P4 – Lead / Specialist	C12
NRAX40	Manager, Air Protection	Natural Resources Management	Conservation & Sustainability	Management	M2 – Manager	C13
NRNX40	Manager, Natural Resources	Natural Resources Management	Conservation & Sustainability	Management	M2 – Manager	C10
NRWX40	Manager, Waste Resources	Natural Resources Management	Conservation & Sustainability	Management	M2 – Manager	C13
EWRX40	Manager, Water Resources	Natural Resources Management	Conservation & Sustainability	Management	M2 – Manager	C13

NMED Exhibit 74_000095

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
B9121O	Natural Resources Representative	Natural Resources Management	Conservation & Sustainability	Support	S2 – Intermediate	C2
NRAQ20	Senior Air Protection Professional	Natural Resources Management	Conservation & Sustainability	Professional	P3 – Senior	C11
NRAX45	Senior Manager, Air Protection	Natural Resources Management	Conservation & Sustainability	Management	M3 – Senior Manager	C14
NRNX45	Senior Manager, Natural Resources	Natural Resources Management	Conservation & Sustainability	Management	M3 – Senior Manager	C11
NRWX45	Senior Manager, Waste Resources	Natural Resources Management	Conservation & Sustainability	Management	M3 – Senior Manager	C14
EWRX45	Senior Manager, Water Resources	Natural Resources Management	Conservation & Sustainability	Management	M3 – Senior Manager	C14
NRWA20	Senior Waste Resources Professional	Natural Resources Management	Conservation & Sustainability	Professional	P3 – Senior	C11
EWRP26	Senior Water Resources Professional	Natural Resources Management	Conservation & Sustainability	Professional	P3 – Senior	C11
NRAS35	Supervisor, Air Protection	Natural Resources Management	Conservation & Sustainability	Management	M1 – Supervisor	C12
NRCS35	Supervisor, Conservation	Natural Resources Management	Conservation & Sustainability	Management	M1 – Supervisor	C10
NRNS35	Supervisor, Natural Resources	Natural Resources Management	Conservation & Sustainability	Management	M1 – Supervisor	C9
NRWS35	Supervisor, Waste Resources	Natural Resources Management	Conservation & Sustainability	Management	M1 – Supervisor	C12

NMED Exhibit 74_000096

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
EWRX30	Supervisor, Water Resources	Natural Resources Management	Conservation & Sustainability	Management	M1 – Supervisor	C12
NRWA15	Waste Resources Professional	Natural Resources Management	Conservation & Sustainability	Professional	P2 – Intermediate	C10
EWRP23	Water Resources Professional	Natural Resources Management	Conservation & Sustainability	Professional	P2 – Intermediate	C10
S20101	Associate Livestock Inspector	Natural Resources Management	Livestock & Wildlife Management	Technical	T1 – Entry	C4
NRBI10	Brand Inspector	Natural Resources Management	Livestock & Wildlife Management	Technical	T1 – Entry	C4
SMPX46	Executive Manager, Meat & Poultry Inspections	Natural Resources Management	Livestock & Wildlife Management	Management	M4 – Executive Manager	C12
S2093O	Farm Worker	Natural Resources Management	Livestock & Wildlife Management	Technical	T2 – Intermediate	C3
NRFC15	Fish Culturist	Natural Resources Management	Livestock & Wildlife Management	Technical	T2 – Intermediate	C3
S2093A	Senior Farm Worker	Natural Resources Management	Livestock & Wildlife Management	Technical	T3 – Senior	C4
NRFC20	Senior Fish Culturist	Natural Resources Management	Livestock & Wildlife Management	Technical	T3 – Senior	C4
X53031	Senior Manager, Fish & Wildlife Management	Natural Resources Management	Livestock & Wildlife Management	Management	M3 – Senior Manager	C10
SMPX35	Senior Manager, Meat & Poultry Inspections	Natural Resources Management	Livestock & Wildlife Management	Management	M3 – Senior Manager	C11

NMED Exhibit 74_000097

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
S2093S	Supervisor, Farm Management	Natural Resources Management	Livestock & Wildlife Management	Management	M1 – Supervisor	C5
X23031	Supervisor, Fish & Wildlife Management	Natural Resources Management	Livestock & Wildlife Management	Management	M1 – Supervisor	C8
FSTR16	Forester	Natural Resources Management	Natural Resources & Land Management	Professional	P2 – Intermediate	C7
NRPX40	Manager, Parks	Natural Resources Management	Natural Resources & Land Management	Management	M2 – Manager	C8
S4011O	Parks Worker	Natural Resources Management	Natural Resources & Land Management	Technical	T2 – Intermediate	C2
FSTR26	Senior Forester	Natural Resources Management	Natural Resources & Land Management	Professional	P3 – Senior	C8
S4011A	Senior Parks Worker	Natural Resources Management	Natural Resources & Land Management	Technical	T3 – Senior	C3
NRPS35	Supervisor, Parks	Natural Resources Management	Natural Resources & Land Management	Management	M1 – Supervisor	C7
O2011B	Custodian	Property, Facilities & Maintenance	Custodial Services	Support	S2 – Intermediate	C1
V6011O	Laundry Service Worker	Property, Facilities & Maintenance	Custodial Services	Support	S2 – Intermediate	C1
PFCX40	Manager, Custodial Services	Property, Facilities & Maintenance	Custodial Services	Management	M2 – Manager	C9
O2011A	Senior Custodian	Property, Facilities & Maintenance	Custodial Services	Support	S3 – Senior	C2

NMED Exhibit 74_000098

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
V6011A	Senior Laundry Service Worker	Property, Facilities & Maintenance	Custodial Services	Support	S3 – Senior	C2
O2011S	Supervisor, Custodial Services	Property, Facilities & Maintenance	Custodial Services	Management	M1 – Supervisor	C3
V6011S	Supervisor, Laundry Services	Property, Facilities & Maintenance	Custodial Services	Management	M1 – Supervisor	C3
PCSB15	Boiler Operations Correctional Officer	Property, Facilities & Maintenance	Facility Operations	Technical	T3 – Senior	C5
PFFX50	Executive Manager, Facilities	Property, Facilities & Maintenance	Facility Operations	Management	M4 – Executive Manager	C13
PFFX40	Manager, Facilities	Property, Facilities & Maintenance	Facility Operations	Management	M2 – Manager	C10
V8099O	Plant Operator	Property, Facilities & Maintenance	Facility Operations	Technical	T2 – Intermediate	C6
PFFX45	Senior Manager, Facilities	Property, Facilities & Maintenance	Facility Operations	Management	M3 – Senior Manager	C11
V8099A	Senior Plant Operator	Property, Facilities & Maintenance	Facility Operations	Technical	T3 – Senior	C7
V8031A	Senior Water & Liquid Waste Treatment Operator	Property, Facilities & Maintenance	Facility Operations	Technical	T3 – Senior	C7
PFMS35	Supervisor, Correctional Facilities Maintenance	Property, Facilities & Maintenance	Facility Operations	Management	M1 – Supervisor	C8
PFFS35	Supervisor, Facilities	Property, Facilities & Maintenance	Facility Operations	Management	M1 – Supervisor	C8

NMED Exhibit 74_000099

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
V8099S	Supervisor, Plant Operations	Property, Facilities & Maintenance	Facility Operations	Management	M1 – Supervisor	C8
V8021S	Supervisor, Steam Plant & Boiler Plant	Property, Facilities & Maintenance	Facility Operations	Management	M1 – Supervisor	C7
U3023O	Auto Mechanic	Property, Facilities & Maintenance	Fleet Management	Technical	T2 – Intermediate	C3
UFLM23	Fleet Mechanic	Property, Facilities & Maintenance	Fleet Management	Technical	T2 – Intermediate	C4
PCSM15	Fleet Mechanic Correctional Officer	Property, Facilities & Maintenance	Fleet Management	Technical	T3 – Senior	C5
PFLC15	Fleet Services Coordinator	Property, Facilities & Maintenance	Fleet Management	Professional	P2 – Intermediate	C4
PFLX40	Manager, Fleet Services	Property, Facilities & Maintenance	Fleet Management	Management	M2 – Manager	C11
U3023A	Senior Auto Mechanic	Property, Facilities & Maintenance	Fleet Management	Technical	T3 – Senior	C5
UFLM26	Senior Fleet Mechanic	Property, Facilities & Maintenance	Fleet Management	Technical	T3 – Senior	C5
PFLC20	Senior Fleet Services Coordinator	Property, Facilities & Maintenance	Fleet Management	Professional	P3 – Senior	C7
U3023S	Supervisor, Auto Services	Property, Facilities & Maintenance	Fleet Management	Management	M1 – Supervisor	C6
UFMS30	Supervisor, Fleet Services	Property, Facilities & Maintenance	Fleet Management	Management	M1 – Supervisor	C8

NMED Exhibit 74_000100

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
U9042B	Associate Maintenance Technician	Property, Facilities & Maintenance	Maintenance Operations	Technical	T1 – Entry	C2
O3000	Cemetery Interment & Grounds Worker	Property, Facilities & Maintenance	Maintenance Operations	Support	S2 – Intermediate	C4
T2061A	Construction Worker	Property, Facilities & Maintenance	Maintenance Operations	Technical	T2 – Intermediate	C1
O3011O	Groundskeeper	Property, Facilities & Maintenance	Maintenance Operations	Support	S2 – Intermediate	C2
PCSA13	Maintenance Correctional Officer	Property, Facilities & Maintenance	Maintenance Operations	Technical	T2 – Intermediate	C4
U9042O	Maintenance Technician	Property, Facilities & Maintenance	Maintenance Operations	Technical	T2 – Intermediate	C3
PFGX40	Manager, Groundskeeping	Property, Facilities & Maintenance	Maintenance Operations	Management	M2 – Manager	C8
PMAX40	Manager, Maintenance	Property, Facilities & Maintenance	Maintenance Operations	Management	M2 – Manager	C10
T2141O	Painter	Property, Facilities & Maintenance	Maintenance Operations	Technical	T2 – Intermediate	C4
O3001	Senior Cemetery Interment & Grounds Worker	Property, Facilities & Maintenance	Maintenance Operations	Support	S3 – Senior	C5
O3011A	Senior Groundskeeper	Property, Facilities & Maintenance	Maintenance Operations	Support	S3 – Senior	C4
U9042A	Senior Maintenance Technician	Property, Facilities & Maintenance	Maintenance Operations	Technical	T3 – Senior	C4

NMED Exhibit 74_000101

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
O3003S	Supervisor, Cemetery Operations	Property, Facilities & Maintenance	Maintenance Operations	Management	M1 – Supervisor	C6
O3011S	Supervisor, Groundskeeping	Property, Facilities & Maintenance	Maintenance Operations	Management	M1 – Supervisor	C6
U9042S	Supervisor, Maintenance	Property, Facilities & Maintenance	Maintenance Operations	Management	M1 – Supervisor	C5
PFCC15	Commercial Real Estate Coordinator	Property, Facilities & Maintenance	Real Estate & Property Management	Professional	P2 – Intermediate	C9
PFPX40	Manager, Property Management	Property, Facilities & Maintenance	Real Estate & Property Management	Management	M2 – Manager	C11
C2021O	Real Estate Appraiser	Property, Facilities & Maintenance	Real Estate & Property Management	Professional	P2 – Intermediate	C6
CCRE30	Senior Commercial Real Estate Coordinator	Property, Facilities & Maintenance	Real Estate & Property Management	Professional	P3 – Senior	C11
CREX40	Senior Manager, Commercial Real Estate	Property, Facilities & Maintenance	Real Estate & Property Management	Management	M3 – Senior Manager	C12
C2021A	Senior Real Estate Appraiser	Property, Facilities & Maintenance	Real Estate & Property Management	Professional	P3 – Senior	C7
H2093A	Senior Title Examiner	Property, Facilities & Maintenance	Real Estate & Property Management	Support	S3 – Senior	C4
C2021S	Supervisor, Real Estate Appraisal	Property, Facilities & Maintenance	Real Estate & Property Management	Management	M1 – Supervisor	C9
H2093S	Supervisor, Title Examination	Property, Facilities & Maintenance	Real Estate & Property Management	Management	M1 – Supervisor	C5

NMED Exhibit 74_000102

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
H2093O	Title Examiner	Property, Facilities & Maintenance	Real Estate & Property Management	Support	S2 – Intermediate	C3
PCCS20	Correctional Captain	Public Safety	Corrections	Management	M1 – Supervisor	C8
PCEX46	Correctional Deputy Warden	Public Safety	Corrections	Management	M3 – Senior Manager	C11
PCCO15	Correctional Lieutenant	Public Safety	Corrections	Technical	T4 – Lead	C7
PCCS26	Correctional Major	Public Safety	Corrections	Management	M2 – Manager	C9
PCCO11	Correctional Officer	Public Safety	Corrections	Technical	T2 – Intermediate	C5
PCCO10	Correctional Officer Cadet	Public Safety	Corrections	Technical	T1 – Entry	C3
PCSW11	Correctional Officer Specialist	Public Safety	Corrections	Technical	T2 – Intermediate	C5
PCCO13	Correctional Sergeant	Public Safety	Corrections	Technical	T3 – Senior	C6
PCDX48	Executive Manager, Corrections	Public Safety	Corrections	Management	M4 – Executive Manager	C12
PSJX50	Executive Manager, Juvenile Justice Services	Public Safety	Corrections	Management	M4 – Executive Manager	C12
X63014	Executive Manager, Probation & Parole	Public Safety	Corrections	Management	M4 – Executive Manager	C12

NMED Exhibit 74_000103

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
G10951	Juvenile Corrections Officer	Public Safety	Corrections	Technical	T2 – Intermediate	C5
G10941	Juvenile Probation & Parole Officer	Public Safety	Corrections	Technical	T2 – Intermediate	C7
PSPP25	Lead Probation & Parole Officer	Public Safety	Corrections	Technical	T4 – Lead	C8
PCFX46	Manager, Corrections	Public Safety	Corrections	Management	M2 – Manager	C10
PSJX40	Manager, Juvenile Justice Services	Public Safety	Corrections	Management	M2 – Manager	C10
G10901	Probation & Parole Officer	Public Safety	Corrections	Technical	T2 – Intermediate	C6
PCAX52	Senior Executive Manager, Corrections	Public Safety	Corrections	Management	M5 – Senior Executive Manager*	C13
G10952	Senior Juvenile Corrections Officer	Public Safety	Corrections	Technical	T3 – Senior	C6
G10942	Senior Juvenile Probation & Parole Officer	Public Safety	Corrections	Technical	T3 – Senior	C8
X53012	Senior Manager, Corrections	Public Safety	Corrections	Management	M3 – Senior Manager	C11
PSJX45	Senior Manager, Juvenile Justice Services	Public Safety	Corrections	Management	M3 – Senior Manager	C11
G10902	Senior Probation & Parole Officer	Public Safety	Corrections	Technical	T3 – Senior	C7

NMED Exhibit 74_000104

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
PCMX30	Supervisor, Corrections	Public Safety	Corrections	Management	M1 – Supervisor	C8
G1095S	Supervisor, Juvenile Corrections	Public Safety	Corrections	Management	M1 – Supervisor	C8
G1094S	Supervisor, Juvenile Probation	Public Safety	Corrections	Management	M1 – Supervisor	C9
G1090S	Supervisor, Probation & Parole	Public Safety	Corrections	Management	M1 – Supervisor	C9
R50331	Associate Public Safety Dispatcher	Public Safety	Emergency Management	Support	S1 – Entry	C3
I11107	Dispatch Trainer	Public Safety	Emergency Management	Technical	T2 – Intermediate	C9
M40101	Emergency Management Coordinator	Public Safety	Emergency Management	Professional	P2 – Intermediate	C8
X45033	Executive Manager, Public Safety Communications	Public Safety	Emergency Management	Management	M4 – Executive Manager	C12
I11126	Fire Training Academy Instructor	Public Safety	Emergency Management	Technical	T2 – Intermediate	C8
M40102	Homeland Security Specialist	Public Safety	Emergency Management	Professional	P2 – Intermediate	C8
SWFT26	Lead Wildland Firefighter	Public Safety	Emergency Management	Technical	T4 – Lead	C7
I11X02	Manager, Dispatch Training	Public Safety	Emergency Management	Management	M2 – Manager	C11

NMED Exhibit 74_000105

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
PEMX40	Manager, Emergency Management	Public Safety	Emergency Management	Management	M2 – Manager	C11
X30795	Manager, Public Safety Dispatch	Public Safety	Emergency Management	Management	M2 – Manager	C10
R50332	Public Safety Dispatcher	Public Safety	Emergency Management	Support	S2 – Intermediate	C5
PEMX45	Senior Manager, Emergency Management	Public Safety	Emergency Management	Management	M3 – Senior Manager	C12
PSDX45	Senior Manager, Public Safety Dispatch	Public Safety	Emergency Management	Management	M3 – Senior Manager	C11
SWFT23	Senior Wildland Firefighter	Public Safety	Emergency Management	Technical	T3 – Senior	C5
PEMS35	Supervisor, Emergency Management	Public Safety	Emergency Management	Management	M1 – Supervisor	C10
R5033S	Supervisor, Public Safety Dispatch	Public Safety	Emergency Management	Management	M1 – Supervisor	C7
SWTX35	Wildland Fire Captain	Public Safety	Emergency Management	Management	M2 – Manager	C10
SWTX30	Wildland Fire Lieutenant	Public Safety	Emergency Management	Management	M1 – Supervisor	C9
SWFT20	Wildland Firefighter	Public Safety	Emergency Management	Technical	T2 – Intermediate	C3
M50550	Evidence Technician	Public Safety	Forensic Science	Technical	T2 – Intermediate	C5

NMED Exhibit 74_000106

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
X50251	Executive Manager, Forensic Toxicology	Public Safety	Forensic Science	Management	M4 – Executive Manager	C14
F4092O	Forensic Scientist	Public Safety	Forensic Science	Professional	P2 – Intermediate	C7
F4092B	Forensic Technician	Public Safety	Forensic Science	Technical	T2 – Intermediate	C3
PSFO25	Lead Forensic Scientist	Public Safety	Forensic Science	Professional	P4 – Lead / Specialist	C11
FSCR30	Senior Criminal Forensic Scientist	Public Safety	Forensic Science	Professional	P3 – Senior	C12
FS1X32	Senior Executive Manager, Criminal Forensic Science	Public Safety	Forensic Science	Management	M5 – Senior Executive Manager*	C15
F4092A	Senior Forensic Scientist	Public Safety	Forensic Science	Professional	P3 – Senior	C8
X40251	Senior Manager, Forensic Toxicology	Public Safety	Forensic Science	Management	M3 – Senior Manager	C13
FS6S42	Supervisor, Criminal Forensic Science	Public Safety	Forensic Science	Management	M1 – Supervisor	C14
F4092S	Supervisor, Forensic Science	Public Safety	Forensic Science	Management	M1 – Supervisor	C12
MPHP40	Certified Peace Officer Drug Inspector & Licensed Pharmacist	Public Safety	Law Enforcement	Professional	P4 – Lead / Specialist	C13
PEAG26	DOJ Special Agent	Public Safety	Law Enforcement	Technical	T3 – Senior	C10

NMED Exhibit 74_000107

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
PEA30S	DOJ Special Agent in Charge	Public Safety	Law Enforcement	Management	M2 – Manager	C11
I11X01	Manager, Law Enforcement Academy Instruction	Public Safety	Law Enforcement	Management	M2 – Manager	C11
I11101	Senior Law Enforcement Academy Instructor	Public Safety	Law Enforcement	Technical	T3 – Senior	C10
M50510	Special Agent	Public Safety	Law Enforcement	Technical	T2 – Intermediate	C8
M5051S	Supervisor, Special Agent	Public Safety	Law Enforcement	Management	M1 – Supervisor	C10
M3031B	Associate Conservation Officer	Public Safety	Natural Resources Protection & Enforcement	Professional	P1 – Entry	C4
M3031O	Conservation Officer	Public Safety	Natural Resources Protection & Enforcement	Professional	P2 – Intermediate	C6
PECX40	Conservation Officer Captain	Public Safety	Natural Resources Protection & Enforcement	Management	M2 – Manager	C11
PECX52	Conservation Officer Colonel	Public Safety	Natural Resources Protection & Enforcement	Management	M5 – Senior Executive Manager*	C14
PECS30	Conservation Officer Lieutenant	Public Safety	Natural Resources Protection & Enforcement	Management	M1 – Supervisor	C10
PECX46	Conservation Officer Major	Public Safety	Natural Resources Protection & Enforcement	Management	M3 – Senior Manager	C12
PECO26	Conservation Officer Program Manager	Public Safety	Natural Resources Protection & Enforcement	Professional	P3 – Senior	C8

NMED Exhibit 74_000108

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
PGFX50	Executive Manager, Conservation Officer	Public Safety	Natural Resources Protection & Enforcement	Management	M4 – Executive Manager	C13
PEPR40	Executive Manager, Park Ranger Services	Public Safety	Natural Resources Protection & Enforcement	Management	M4 – Executive Manager	C10
PEPR20	Law Enforcement Park Ranger	Public Safety	Natural Resources Protection & Enforcement	Professional	P2 – Intermediate	C4
PLBI25	Lead Livestock Inspector	Public Safety	Natural Resources Protection & Enforcement	Technical	T4 – Lead	C10
PSLI15	Livestock Inspector	Public Safety	Natural Resources Protection & Enforcement	Technical	T2 – Intermediate	C5
PGFX40	Manager, Conservation Officer	Public Safety	Natural Resources Protection & Enforcement	Management	M2 – Manager	C11
PLBX40	Manager, Livestock Inspection	Public Safety	Natural Resources Protection & Enforcement	Management	M2 – Manager	C12
PEPR30	Manager, Park Ranger Services	Public Safety	Natural Resources Protection & Enforcement	Management	M2 – Manager	C7
PEPT26	Park Ranger Trainer	Public Safety	Natural Resources Protection & Enforcement	Professional	P2 – Intermediate	C7
M3031A	Senior Conservation Officer	Public Safety	Natural Resources Protection & Enforcement	Professional	P3 – Senior	C8
PGFX55	Senior Executive Manager, Conservation Officer	Public Safety	Natural Resources Protection & Enforcement	Management	M5 – Senior Executive Manager*	C14
S20102	Senior Livestock Inspector	Public Safety	Natural Resources Protection & Enforcement	Technical	T3 – Senior	C7

NMED Exhibit 74_000109

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
PGFX45	Senior Manager, Conservation Officer	Public Safety	Natural Resources Protection & Enforcement	Management	M3 – Senior Manager	C12
PEPR35	Senior Manager, Park Ranger Services	Public Safety	Natural Resources Protection & Enforcement	Management	M3 – Senior Manager	C9
M3031S	Supervisor, Conservation Officer	Public Safety	Natural Resources Protection & Enforcement	Management	M1 – Supervisor	C9
S2010S	Supervisor, Livestock Inspection	Public Safety	Natural Resources Protection & Enforcement	Management	M1 – Supervisor	C8
POHH10	Associate Occupational Health & Safety Specialist	Public Safety	Safety & Security	Professional	P1 – Entry	C7
PSCI10	Associate Public Safety Audit & Compliance Investigator	Public Safety	Safety & Security	Technical	T1 – Entry	C6
PSCO10	Associate Public Safety Compliance Specialist	Public Safety	Safety & Security	Support	S1 – Entry	C4
M20211	Fire Inspector	Public Safety	Safety & Security	Technical	T2 – Intermediate	C9
PCSF11	Fire Inspector Correctional Officer	Public Safety	Safety & Security	Technical	T3 – Senior	C5
M20212	Fire Investigator	Public Safety	Safety & Security	Technical	T2 – Intermediate	C7
I1111O	Law Enforcement Trainer	Public Safety	Safety & Security	Technical	T2 – Intermediate	C5
PSLT25	Lead Law Enforcement Trainer	Public Safety	Safety & Security	Technical	T4 – Lead	C7

NMED Exhibit 74_000110

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
M9092O	Lifeguard	Public Safety	Safety & Security	Technical	T2 – Intermediate	C5
NRFX40	Manager, Fire Programs	Public Safety	Safety & Security	Management	M2 – Manager	C11
PSLX40	Manager, Law Enforcement Training	Public Safety	Safety & Security	Management	M2 – Manager	C12
POHX40	Manager, Occupational Health & Safety	Public Safety	Safety & Security	Management	M2 – Manager	C12
PPSX40	Manager, Public Safety	Public Safety	Safety & Security	Management	M2 – Manager	C11
M5053S	Manager, Public Safety Investigations	Public Safety	Safety & Security	Management	M2 – Manager	C10
PSSX40	Manager, Safety	Public Safety	Safety & Security	Management	M2 – Manager	C9
K9011O	Occupational Health & Safety Specialist	Public Safety	Safety & Security	Professional	P2 – Intermediate	C9
PSCI15	Public Safety Audit & Compliance Investigator	Public Safety	Safety & Security	Technical	T2 – Intermediate	C7
PSCO15	Public Safety Compliance Specialist	Public Safety	Safety & Security	Support	S2 – Intermediate	C5
M50530	Public Safety Investigator	Public Safety	Safety & Security	Professional	P2 – Intermediate	C7
M9032O	Security Guard	Public Safety	Safety & Security	Support	S2 – Intermediate	C2

NMED Exhibit 74_000111

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
PSMX45	Senior Manager, Fire Marshal	Public Safety	Safety & Security	Management	M3 – Senior Manager	C12
PSLX45	Senior Manager, Law Enforcement Training	Public Safety	Safety & Security	Management	M3 – Senior Manager	C13
POHX45	Senior Manager, Occupational Health & Safety	Public Safety	Safety & Security	Management	M3 – Senior Manager	C13
K9011A	Senior Occupational Health & Safety Specialist	Public Safety	Safety & Security	Professional	P3 – Senior	C10
PSCI20	Senior Public Safety Audit & Compliance Investigator	Public Safety	Safety & Security	Technical	T3 – Senior	C8
PSCO20	Senior Public Safety Compliance Specialist	Public Safety	Safety & Security	Support	S3 – Senior	C6
M5053A	Senior Public Safety Investigator	Public Safety	Safety & Security	Professional	P3 – Senior	C8
M9032A	Senior Security Guard	Public Safety	Safety & Security	Support	S3 – Senior	C3
I1111S	Supervisor, Law Enforcement Training	Public Safety	Safety & Security	Management	M1 – Supervisor	C9
K9011S	Supervisor, Occupational Health & Safety	Public Safety	Safety & Security	Management	M1 – Supervisor	C11
PSSS35	Supervisor, Safety	Public Safety	Safety & Security	Management	M1 – Supervisor	C8
M9032S	Supervisor, Security	Public Safety	Safety & Security	Management	M1 – Supervisor	C4

NMED Exhibit 74_000112

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
PSHC15	Safety & Health Consultant	Public Safety	Safety & Security	Professional	P2 – Intermediate	C5
PSHC20	Senior Safety & Health Consultant	Public Safety	Safety & Security	Professional	P3 – Senior	C7
PSHS35	Supervisor, Safety & Health Consult	Public Safety	Safety & Security	Management	M1 – Supervisor	C9
E40495	Aerospace Engineer	Skilled Trades	Aircraft & Spaceport Operations	Professional	P2 – Intermediate	C11
W20111	Aircraft Pilot	Skilled Trades	Aircraft & Spaceport Operations	Technical	T4 – Lead	C11
MRWP40	Helicopter Pilot	Skilled Trades	Aircraft & Spaceport Operations	Technical	T4 – Lead	C11
W2049X	Manager, Aerospace Operations	Skilled Trades	Aircraft & Spaceport Operations	Management	M2 – Manager	C10
X40495	Manager, Spaceport Operations & Maintenance	Skilled Trades	Aircraft & Spaceport Operations	Management	M2 – Manager	C12
U10681	Senior Aircraft Mechanic	Skilled Trades	Aircraft & Spaceport Operations	Technical	T3 – Senior	C11
SAOX45	Senior Manager, Air Operations	Skilled Trades	Aircraft & Spaceport Operations	Management	M3 – Senior Manager	C12
SSOX45	Senior Manager, Spaceport Operations	Skilled Trades	Aircraft & Spaceport Operations	Management	M3 – Senior Manager	C13
P5011O	Barber	Skilled Trades	Crafts & Trades	Technical	T2 – Intermediate	C2

NMED Exhibit 74_000113

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
T2031A	Carpenter	Skilled Trades	Crafts & Trades	Technical	T2 – Intermediate	C4
T2111O	Electrician	Skilled Trades	Crafts & Trades	Technical	T2 – Intermediate	C5
T2111B	Electrician Apprentice	Skilled Trades	Crafts & Trades	Technical	T1 – Entry	C3
PCSE15	Electrician Correctional Officer	Skilled Trades	Crafts & Trades	Technical	T3 – Senior	C6
PCSH15	HVAC Correctional Officer	Skilled Trades	Crafts & Trades	Technical	T3 – Senior	C6
U9021O	HVAC Technician	Skilled Trades	Crafts & Trades	Technical	T2 – Intermediate	C5
PCSL15	Locksmith Correctional Officer	Skilled Trades	Crafts & Trades	Technical	T3 – Senior	C6
V9121O	Paint Spray Technician	Skilled Trades	Crafts & Trades	Technical	T2 – Intermediate	C3
T21611	Plumber	Skilled Trades	Crafts & Trades	Technical	T2 – Intermediate	C5
PCSP15	Plumber Correctional Officer	Skilled Trades	Crafts & Trades	Technical	T3 – Senior	C6
T2111A	Senior Electrician	Skilled Trades	Crafts & Trades	Technical	T3 – Senior	C8
E2072A	Senior Electronics Technician	Skilled Trades	Crafts & Trades	Technical	T3 – Senior	C8

NMED Exhibit 74_000114

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
STPL2O	Senior Plumber	Skilled Trades	Crafts & Trades	Technical	T3 – Senior	C6
T2111S	Supervisor, Electrical Services	Skilled Trades	Crafts & Trades	Management	M1 – Supervisor	C9
T2161S	Supervisor, Plumbing	Skilled Trades	Crafts & Trades	Management	M1 – Supervisor	C8
V6052O	Tailor & Dressmaker	Skilled Trades	Crafts & Trades	Technical	T2 – Intermediate	C1
T21610	Unregistered Apprentice Plumber	Skilled Trades	Crafts & Trades	Technical	T1 – Entry	C3
N2012O	Cook	Skilled Trades	Food Services	Technical	T2 – Intermediate	C2
N3041O	Food Service Worker	Skilled Trades	Food Services	Technical	T2 – Intermediate	C1
N2012A	Senior Cook	Skilled Trades	Food Services	Technical	T3 – Senior	C3
N3041A	Senior Food Service Worker	Skilled Trades	Food Services	Technical	T3 – Senior	C2
N2012S	Supervisor, Food Services	Skilled Trades	Food Services	Management	M1 – Supervisor	C5
T4051B	Associate Highway Maintenance Worker	Skilled Trades	Transportation Operations	Technical	T1 – Entry	C2
W7051O	Heavy Equipment Operator	Skilled Trades	Transportation Operations	Technical	T2 – Intermediate	C4

NMED Exhibit 74_000115

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
T4051O	Highway Maintenance Worker	Skilled Trades	Transportation Operations	Technical	T2 – Intermediate	C3
SHMX40	Manager, Highway Maintenance	Skilled Trades	Transportation Operations	Management	M2 – Manager	C10
STOX40	Manager, Transportation Operations	Skilled Trades	Transportation Operations	Management	M2 – Manager	C11
W60550	School Bus Transportation Coordinator	Skilled Trades	Transportation Operations	Technical	T2 – Intermediate	C5
T2073A	Senior Heavy Equipment Operator	Skilled Trades	Transportation Operations	Technical	T3 – Senior	C5
T4051A	Senior Highway Maintenance Worker	Skilled Trades	Transportation Operations	Technical	T3 – Senior	C4
STOX45	Senior Manager, Transportation Operations	Skilled Trades	Transportation Operations	Management	M3 – Senior Manager	C12
W6041A	Senior Traffic Technician	Skilled Trades	Transportation Operations	Technical	T3 – Senior	C4
W6051A	Senior Transportation Inspector	Skilled Trades	Transportation Operations	Technical	T3 – Senior	C6
T4051S	Supervisor, Highway Maintenance	Skilled Trades	Transportation Operations	Management	M1 – Supervisor	C6
W6055S	Supervisor, School Bus Transportation	Skilled Trades	Transportation Operations	Management	M1 – Supervisor	C9
W6041S	Supervisor, Traffic Control	Skilled Trades	Transportation Operations	Management	M1 – Supervisor	C6

NMED Exhibit 74_000116

Job Code	Job Title	Job Family	Job Sub-Family	Career Track	Level	Grade
W6051S	Supervisor, Transportation Inspections	Skilled Trades	Transportation Operations	Management	M1 – Supervisor	C7
W6041O	Traffic Technician	Skilled Trades	Transportation Operations	Technical	T2 – Intermediate	C3
W6051O	Transportation Inspector	Skilled Trades	Transportation Operations	Technical	T2 – Intermediate	C5

NMED Exhibit 74_000117



State Personnel Office

Classification and Pay Listing

Effective August 2, 2025

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
C2011O	Accountant	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
V9082O	Adaptive Equipment Technician	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
G3013	Adult Protective Services Case Worker	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
G3015	Adult Protective Services Clinical Consultant	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
HCNP30	Advanced Practice Nurse	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
E40495	Aerospace Engineer	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
NRAQ15	Air Protection Professional	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
W20111	Aircraft Pilot	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
F3091O	Anthropologist	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
F30926	Archeologist	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
AREP30	Architect	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
I4011O	Archivist	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
J1011O	Art Director	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
I3023	Assistive Technology Consultant	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
NRAQ10	Associate Air Protection Professional	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
HBHT20	Associate Behavioral Health Therapist	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
C1199B	Associate Business Operations Analyst	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
HLSU11	Associate Certified Nursing Assistant	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
F2031B	Associate Chemist	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
SCIW20	Associate Child Protective Services Case Worker	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
C1031B	Associate Claims Adjuster	1	$15.00	$18.75	$22.50	$31,200	$39,000	$46,800
NRCH10	Associate Compliance Health & Safety Specialist	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
R9011B	Associate Computer Operator	1	$15.00	$18.75	$22.50	$31,200	$39,000	$46,800
M3031B	Associate Conservation Officer	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
DDAA26	Associate Data Analyst	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
G10801	Associate Disability Adjudicator	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
B9039B	Associate Education Administrator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
ENET13	Associate Engineering Technician	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
F2041B	Associate Environmental Scientist	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
R3031O	Associate Financial Coordinator	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
ENSI17	Associate Geomatics Professional	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
F2042B	Associate Geoscientist	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
G1091B	Associate Health Educator	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
H1021B	Associate Hearing Officer	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
T4051B	Associate Highway Maintenance Worker	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
RHRG17	Associate Human Resources Generalist	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
C10323	Associate Insurance Adjuster	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
CPCU23	Associate Insurance Underwriter	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
IDAD20	Associate IT Application Developer	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
ITDA20	Associate IT Database Administrator	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
INEA20	Associate IT Network Administrator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
IPPR23	Associate IT Project Manager	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
IQAA20	Associate IT Quality Assurance Analyst	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
ICSC20	Associate IT Security Analyst	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
IEUP13	Associate IT Support Technician	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
ISSA20	Associate IT Systems Administrator	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
S20101	Associate Livestock Inspector	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
U9042B	Associate Maintenance Technician	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
HCRX35	Associate Manager, Nursing	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
R6013B	Associate Medical Secretary	1	$15.00	$18.75	$22.50	$31,200	$39,000	$46,800
G1011B	Associate Mental Health & Substance Abuse Counselor	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
G1014B	Associate Mental Health Counselor	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
F1022B	Associate Microbiologist	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
R40311	Associate Motor Vehicle Representative	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
POHH10	Associate Occupational Health & Safety Specialist	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
HNDC10	Associate Patient Care Assistant	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
PSCI10	Associate Public Safety Audit & Compliance Investigator	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
PSCO10	Associate Public Safety Compliance Specialist	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
R50331	Associate Public Safety Dispatcher	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
C1023B	Associate Purchasing Coordinator	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291

NMED Exhibit 75_000003

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
C1071B	Associate Recruiter	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
HCRN17	Associate Registered Nurse	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
C20501	Associate Retirement Coordinator	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
CRCA23	Associate Royalty Compliance Auditor	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
FRAG10	Associate Tax & Revenue Examiner	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
C20131	Associate Tax Auditor	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
C2081B	Associate Tax Collection Coordinator	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
NRWA10	Associate Waste Resources Professional	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
EWRP20	Associate Water Resources Professional	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
F1023B	Associate Wildlife Biologist	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
LLLA45	Attorney	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
FAAD15	Auditor	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
U3023O	Auto Mechanic	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
P5011O	Barber	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
HSBH15	Behavioral Health Coordinator	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
HBHX30	Behavioral Health Program Manager	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
HBHT23	Behavioral Health Therapist	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
I30221	Blindness Skills Instructor	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
PCSB15	Boiler Operations Correctional Officer	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
NRBI10	Brand Inspector	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
C2031O	Budget Analyst	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
T40111	Building Inspector	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
C1199O	Business Operations Analyst	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
T2031A	Carpenter	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
HSCW15	Case Work Aide	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
SCIW23	Case Worker	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
O3000	Cemetery Interment & Grounds Worker	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
HNSU13	Certified Nursing Assistant	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
MPHP40	Certified Peace Officer Drug Inspector & Licensed Pharmacist	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
C20100	Certified Public Accountant	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320

NMED Exhibit 75_000004

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
G2011O	Chaplain	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
F2031O	Chemist	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
SICW23	Child Protective Services Case Worker	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
G10501	Child Support Assistant	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
X30691	Children Youth & Family Program Coordinator	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
C1031O	Claims Adjuster	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
R9041O	Claims Clerk	1	$15.00	$18.75	$22.50	$31,200	$39,000	$46,800
C1072O	Classification & Compensation Analyst	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
HCPY30	Clinical Psychologist	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
SGCI17	College Undergraduate Intern	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
PFCC15	Commercial Real Estate Coordinator	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
NRCH15	Compliance Health & Safety Specialist	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
C1041O	Compliance Officer	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
R9011O	Computer Operator	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
M3031O	Conservation Officer	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
PECX40	Conservation Officer Captain	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
PECX52	Conservation Officer Colonel	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
PECS30	Conservation Officer Lieutenant	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
PECX46	Conservation Officer Major	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
PECO26	Conservation Officer Program Manager	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
F10310	Conservationist	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
M50540	Construction Inspector	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
X30111	Construction Project Manager	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
T2061A	Construction Worker	1	$15.00	$18.75	$22.50	$31,200	$39,000	$46,800
CCIL23	Consumer Investigative Representative	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
N2012O	Cook	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
PCCS20	Correctional Captain	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
PCEX46	Correctional Deputy Warden	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
PCCO15	Correctional Lieutenant	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
PCCS26	Correctional Major	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320

NMED Exhibit 75_000005

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
PCCO11	Correctional Officer	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
PCCO10	Correctional Officer Cadet	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
PCSW11	Correctional Officer Specialist	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
PCCO13	Correctional Sergeant	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
G1092O	Corrections Case Worker	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
HSCR15	Corrections Records Coordinator	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
R4031A	Court Clerk	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
I4012O	Curator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
O2011B	Custodian	1	$15.00	$18.75	$22.50	$31,200	$39,000	$46,800
R4051O	Customer Service Representative	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
DDAA30	Data Analyst	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
IDAT30	Data Engineer	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
IDAT20	Data Steward	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
HDAT11	Dental Assistant	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
HDHY20	Dental Hygienist	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
HDPD35	Dentist	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
G10802	Disability Adjudicator	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
I11107	Dispatch Trainer	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
PEAG26	DOJ Special Agent	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
PEA30S	DOJ Special Agent in Charge	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
Q20101	Economic Development Coordinator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
F3011O	Economist	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
J3041A	Editor	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
B9039A	Education Administration Specialist	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
B9039O	Education Administrator	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
T2111O	Electrician	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
T2111B	Electrician Apprentice	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
PCSE15	Electrician Correctional Officer	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
M40101	Emergency Management Coordinator	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
BOEB15	Employment Business Consultant	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291

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Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
ENEP20	Engineer Graduate	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
ENEP23	Engineer Intern	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
ENET15	Engineering Technician	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
F2041O	Environmental Scientist	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
F1041A	Epidemiology Specialist	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
M50550	Evidence Technician	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
LLLX45	Executive Manager, Attorney	15	$68.40	$88.93	######	$142,280	$184,964	$227,648
FAAX50	Executive Manager, Audit	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
HSBX50	Executive Manager, Behavioral Health	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
X53032	Executive Manager, Budget & Finance	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
X70000	Executive Manager, Business Operations	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
PGFX50	Executive Manager, Conservation Officer	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
PCDX48	Executive Manager, Corrections	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
ACEX50	Executive Manager, Educational Programs	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
ENEX40	Executive Manager, Engineering	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
X70200	Executive Manager, Environmental Science	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
PFFX50	Executive Manager, Facilities	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
FAFX50	Executive Manager, Financial Analysis	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
X50251	Executive Manager, Forensic Toxicology	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
RHRX40	Executive Manager, Human Resources	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
IXGX35	Executive Manager, Information Technology	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
ICSX40	Executive Manager, IT Security	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
PSJX50	Executive Manager, Juvenile Justice Services	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
X70250	Executive Manager, Laboratory	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
SMPX46	Executive Manager, Meat & Poultry Inspections	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
HMMX50	Executive Manager, Medicaid Medical Officer	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
HMPX50	Executive Manager, Medical Programs	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
NRNX50	Executive Manager, Natural Resources	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
HNUX40	Executive Manager, Nutrition	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
PEPR40	Executive Manager, Park Ranger Services	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352

NMED Exhibit 75_000007

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
FPPX50	Executive Manager, Payroll	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
X63014	Executive Manager, Probation & Parole	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
X45033	Executive Manager, Public Safety Communications	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
HMHX35	Executive Manager, Rehabilitation Therapy	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
BORX50	Executive Manager, Retirement	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
LCRX50	Executive Manager, Risk Management	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
ENEX52	Executive Manager, Senior Executive Engineering	16	$75.75	$102.26	$128.77	$157,562	$212,709	$267,856
X70691	Executive Manager, Social Services	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
HVES40	Executive Manager, Veterinary Management	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
J1027O	Exhibit Designer	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
G10601	Family Assistance Analyst	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
S2093O	Farm Worker	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
B3031A	Financial Analysis Specialist	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
C2051O	Financial Analyst	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
C2099O	Financial Coordinator	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
C2061O	Financial Examiner	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
M20211	Fire Inspector	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
PCSF11	Fire Inspector Correctional Officer	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
M20212	Fire Investigator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
I11126	Fire Training Academy Instructor	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
NRFC15	Fish Culturist	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
UFLM23	Fleet Mechanic	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
PCSM15	Fleet Mechanic Correctional Officer	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
PFLC15	Fleet Services Coordinator	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
N3041O	Food Service Worker	1	$15.00	$18.75	$22.50	$31,200	$39,000	$46,800
F4092O	Forensic Scientist	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
F4092B	Forensic Technician	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
FSTR16	Forester	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
ENSP23	Geomatics Professional	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
F2042O	Geoscientist	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320

NMED Exhibit 75_000008

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
SGGI20	Graduate School Intern	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
FIGC15	Grants Analyst	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
J1024A	Graphic Designer	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
O3011O	Groundskeeper	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
G1091O	Health Educator	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
K9099O	Healthcare Program Coordinator	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
E2111O	Healthcare Surveyor	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
H1021O	Hearing Officer	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
W7051O	Heavy Equipment Operator	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
MRWP40	Helicopter Pilot	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
SGHI87	High School Intern	1	$15.00	$18.75	$22.50	$31,200	$39,000	$46,800
T4051O	Highway Maintenance Worker	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
F30931	Historian	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
P9021O	Home Caregiver	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
M40102	Homeland Security Specialist	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
HMHX40	Hospital Administrator	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
HSHC15	Housing Stability Coordinator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
RHRC15	Human Resources Assistant	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
RHRG20	Human Resources Generalist	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
PCSH15	HVAC Correctional Officer	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
U9021O	HVAC Technician	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
F2043A	Hydrologist	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
I9031O	Instructional Coordinator	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
C10324	Insurance Adjuster	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
CPCU26	Insurance Underwriter	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
F40520	Interpretive Ranger	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
Q3031O	Investment Manager	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
IDAD23	IT Application Developer	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
IADD30	IT Architect	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
IBBA23	IT Business Analyst	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352

NMED Exhibit 75_000009

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
ITDA23	IT Database Administrator	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
ITGT20	IT GIS Specialist	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
INEA23	IT Network Administrator	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
C10241	IT Procurement Specialist	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
IPPR26	IT Project Manager	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
IQAA23	IT Quality Assurance Analyst	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
ICSC23	IT Security Analyst	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
ITSE15	IT Security Specialist	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
IEUP15	IT Support Technician	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
ISSA23	IT Systems Administrator	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
ITPM15	IT Technical Program Manager	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
G10951	Juvenile Corrections Officer	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
G10941	Juvenile Probation & Parole Officer	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
HRLR15	Labor Relations Administrator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
F4099O	Laboratory Technician	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
F20411	Land Management Analyst	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
V6011O	Laundry Service Worker	1	$15.00	$18.75	$22.50	$31,200	$39,000	$46,800
LLLC23	Law Clerk	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
PEPR20	Law Enforcement Park Ranger	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
I1111O	Law Enforcement Trainer	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
NRAQ25	Lead Air Protection Professional	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
LCLA25	Lead Attorney	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
C9002	Lead Budget Analyst	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
T40112	Lead Building Inspector	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
HCPY35	Lead Clinical Psychologist	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
LCLC25	Lead Court Clerk	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
DDAA40	Lead Data Analyst	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
ENEP30	Lead Engineer	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
ENET20	Lead Engineering Technician	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
PSFO25	Lead Forensic Scientist	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159

NMED Exhibit 75_000010

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
RHRG26	Lead Human Resources Generalist	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
RELR26	Lead Labor Relations Administrator	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
PSLT25	Lead Law Enforcement Trainer	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
PLBI25	Lead Livestock Inspector	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
HNDC15	Lead Patient Care Assistant	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
PSPP25	Lead Probation & Parole Officer	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
HCRN30	Lead Registered Nurse	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
ENET23	Lead Senior Engineering Technician	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
C20123	Lead State Auditor	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
FTRE25	Lead Tax & Revenue Examiner	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
C20134	Lead Tax Auditor	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
HRTD25	Lead Training & Development Coordinator	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
GVSX26	Lead Veteran Service Officer	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
NRWA25	Lead Waste Resources Professional	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
EWRP30	Lead Water Resources Professional	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
SWFT26	Lead Wildland Firefighter	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
I90311	Learning Management System Administrator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
BOLA15	Legal Analyst	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
R6012O	Legal Assistant	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
I4021A	Librarian	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
I4031A	Library Technician	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
HLPN15	Licensed Practical Nurse/Vocational Nurse	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
M9092O	Lifeguard	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
PSLI15	Livestock Inspector	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
PCSL15	Locksmith Correctional Officer	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
PCSA13	Maintenance Correctional Officer	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
U9042O	Maintenance Technician	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
FIAX40	Manager, Accounting	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
AOAX40	Manager, Administrative Support	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
G3017	Manager, Adult Protective Services Case Work	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159

NMED Exhibit 75_000011

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
W2049X	Manager, Aerospace Operations	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
NRAX40	Manager, Air Protection	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
F3091S	Manager, Anthropology	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
LCAX40	Manager, Attorney	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
FAAX40	Manager, Audit	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
FBFX40	Manager, Budget & Finance	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
BOBX40	Manager, Business Operations	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
SCMX40	Manager, Child Protective Services Case Work	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
LCCX40	Manager, Compliance	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
PGFX40	Manager, Conservation Officer	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
PCFX46	Manager, Corrections	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
ACCX40	Manager, Cultural Programs	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
PFCX40	Manager, Custodial Services	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
AOCX40	Manager, Customer Service	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
BODX40	Manager, Data Analytics	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
IDTX35	Manager, Data Engineering	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
IDAT35	Manager, Data Science	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
I11X02	Manager, Dispatch Training	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
X52010	Manager, Economic Development	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
X40125	Manager, Economics	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
B9039S	Manager, Educational Programs	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
PEMX40	Manager, Emergency Management	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
ENEX30	Manager, Engineering	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
ENTS23	Manager, Engineering Technician Services	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
X30200	Manager, Environmental Science	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
PFFX40	Manager, Facilities	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
B3031S	Manager, Financial Analysis	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
NRFX40	Manager, Fire Programs	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
PFLX40	Manager, Fleet Services	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
ENSX35	Manager, Geomatics	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135

NMED Exhibit 75_000012

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
FIGX40	Manager, Grants	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
PFGX40	Manager, Groundskeeping	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
HSHX40	Manager, Health Services	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
HSPX40	Manager, Healthcare Programs	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
SHMX40	Manager, Highway Maintenance	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
RHRX35	Manager, Human Resources	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
IXGS26	Manager, Information Technology	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
Q3031S	Manager, Investments	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
IDAX30	Manager, IT Applications	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
IBBS30	Manager, IT Business Analytics	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
ITDX30	Manager, IT Database Administration	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
INEX30	Manager, IT Network Administration	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
IQAX30	Manager, IT Quality Assurance	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
ICSS26	Manager, IT Security	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
IEUX26	Manager, IT Support	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
ISSX30	Manager, IT Systems Administration	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
PSJX40	Manager, Juvenile Justice Services	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
I11X01	Manager, Law Enforcement Academy Instruction	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
PSLX40	Manager, Law Enforcement Training	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
PLBX40	Manager, Livestock Inspection	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
PMAX40	Manager, Maintenance	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
AOMX40	Manager, Marketing & Communications	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
R4032S	Manager, Motor Vehicle Division	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
X30514	Manager, Museum Publications	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
NRNX40	Manager, Natural Resources	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
HCRX40	Manager, Nursing	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
HNUX26	Manager, Nutrition	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
POHX40	Manager, Occupational Health & Safety	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
HSOX40	Manager, Ombudsman	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
PEPR30	Manager, Park Ranger Services	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909

NMED Exhibit 75_000013

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
NRPX40	Manager, Parks	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
FIPX40	Manager, Payroll	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
HPHX35	Manager, Pharmacy	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
AEPX40	Manager, Planning	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
X10140	Manager, Procurement	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
FPUX40	Manager, Procurement Coordination	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
X50000	Manager, Program Management	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
HPRO46	Manager, Programmatic Physician	17	$87.11	$117.60	$148.09	$181,197	$244,615	$308,034
PFPX40	Manager, Property Management	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
HPSX46	Manager, Psychiatry	20	######	$178.86	######	$275,577	$372,029	$468,481
AORX40	Manager, Public Records	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
AOPX40	Manager, Public Relations	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
PPSX40	Manager, Public Safety	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
X30795	Manager, Public Safety Dispatch	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
M5053S	Manager, Public Safety Investigations	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
BOQX40	Manager, Quality Assurance	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
HRAS23	Manager, Radiology	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
BORX40	Manager, Retirement	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
CRCX35	Manager, Royalty Compliance Audit	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
PSSX40	Manager, Safety	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
X50691	Manager, Social Services	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
X40495	Manager, Spaceport Operations & Maintenance	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
X52012	Manager, State Audit	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
LCTX40	Manager, Transportation Compliance	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
STOX40	Manager, Transportation Operations	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
NRWX40	Manager, Waste Resources	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
EWRX40	Manager, Water Resources	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
J3054	Marketing Coordinator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
H1022A	Mediator	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
HCLT15	Medical Laboratory Technician	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291

NMED Exhibit 75_000014

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
HCLT17	Medical Laboratory Technologist	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
HSML15	Medical Licensing Coordinator	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
K2071O	Medical Records Clerk	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
K20811	Medical Records Coder	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
F1042O	Medical Scientist	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
R6013O	Medical Secretary	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
G1023O	Mental Health & Substance Abuse Counselor	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
G1014O	Mental Health Counselor	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
F1022O	Microbiologist	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
R40312	Motor Vehicle Representative	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
ACMC15	Museum Conservator	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
V7099O	Museum Fabricator	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
V4199O	Museum Preparator	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
I4013O	Museum Registrar	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
B9121O	Natural Resources Representative	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
HNUT17	Nutritionist	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
K9011O	Occupational Health & Safety Specialist	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
HOTV17	Occupational Therapy Assistant	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
R9199O	Office Support Clerk	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
G42023	Ombudsman	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
V9121O	Paint Spray Technician	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
T2141O	Painter	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
H2011O	Paralegal	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
PEPT26	Park Ranger Trainer	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
S4011O	Parks Worker	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
HNDC11	Patient Care Assistant	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
FIPC15	Payroll Coordinator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
FIPC25	Payroll Specialist	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
E2171O	Petroleum Specialist	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
HPHR23	Pharmacist	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683

NMED Exhibit 75_000015

Classification Information			Hourly				Annually	
Job Code	**Job Title**	**Grade**	**Min/Hr**	**Mid/Hr**	**Max/Hr**	**Min/Yr**	**Mid/Yr**	**Max/Yr**
HPTV13	Pharmacy Technician	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
HPLE11	Phlebotomist	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
HPHY23	Physical Therapist	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
HPHV11	Physical Therapy Aide	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
HPHV17	Physical Therapy Assistant	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
HHOP40	Physician	19	$115.20	$155.53	$195.85	$239,632	$323,504	$407,375
HPPA30	Physician Assistant	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
F3051A	Planner	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
V8099O	Plant Operator	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
T21611	Plumber	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
PCSP15	Plumber Correctional Officer	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
HCPY40	Prescribing Psychologist	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
C3900	Principal Accountant	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
C9003	Principal Budget Analyst	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
RHRX26	Principal Human Resources Generalist	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
Q3031A	Principal Investment Manager	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
IADD35	Principal IT Architect	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
HHOP46	Principal Physician	20	######	$178.86	######	$275,577	$372,029	$468,481
G10901	Probation & Parole Officer	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
C11111	Process Improvement Specialist	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
FPPC15	Procurement Coordinator	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
C10035	Procurement Specialist	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
B90401	Program Coordinator	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
AOPM15	Program Manager	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
HPRO35	Programmatic Physician	15	$68.40	$88.93	######	$142,280	$184,964	$227,648
BOPM15	Project Manager	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
HPMH30	Psychiatric Nurse Practitioner	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
R4061O	Public Assistance Representative	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
F10435	Public Health Data Scientist	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
B2031O	Public Relations Coordinator	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291

NMED Exhibit 75_000016

Classification Information			Hourly				Annually	
Job Code	**Job Title**	**Grade**	**Min/Hr**	**Mid/Hr**	**Max/Hr**	**Min/Yr**	**Mid/Yr**	**Max/Yr**
PSCI15	Public Safety Audit & Compliance Investigator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
PSCO15	Public Safety Compliance Specialist	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
R50332	Public Safety Dispatcher	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
M50530	Public Safety Investigator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
AEPW15	Public Works Inspector	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
C1023O	Purchasing Coordinator	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
BOQA15	Quality Assurance Analyst	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
HRAD20	Radiologic Technologist	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
C2021O	Real Estate Appraiser	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
HREA13	Recreational Therapist	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
HREA10	Recreational Therapy Aide	1	$15.00	$18.75	$22.50	$31,200	$39,000	$46,800
C1071O	Recruiter	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
HDIE23	Registered Dietitian	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
HCRN20	Registered Nurse	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
HCRS26	Registered Nurse Supervisor	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
G1015O	Rehabilitation Counselor	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
G50111	Residential Services Representative	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
HRET17	Respiratory Therapist	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
C20502	Retirement Coordinator	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
CRCA26	Royalty Compliance Auditor	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
W60550	School Bus Transportation Coordinator	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
M9032O	Security Guard	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
I3021B	Self-Enrichment Instructor	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
C2011A	Senior Accountant	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
D2011A	Senior Actuary	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
R6011A	Senior Administrative Assistant	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
G30130	Senior Adult Protective Services Case Worker	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
NRAQ20	Senior Air Protection Professional	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
U10681	Senior Aircraft Mechanic	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
AREX46	Senior Architect	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683

NMED Exhibit 75_000017

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
J1011A	Senior Art Director	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
U3023A	Senior Auto Mechanic	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
C2031A	Senior Budget Analyst	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
T4011A	Senior Building Inspector	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
C1199A	Senior Business Operations Analyst	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
O3001	Senior Cemetery Interment & Grounds Worker	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
F2031A	Senior Chemist	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
SICW26	Senior Child Protective Services Case Worker	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
G10502	Senior Child Support Assistant	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
C1031A	Senior Claims Adjuster	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
R9041A	Senior Claims Clerk	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
C1072A	Senior Classification & Compensation Analyst	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
CCRE30	Senior Commercial Real Estate Coordinator	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
NRCH20	Senior Compliance Health & Safety Specialist	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
C1041A	Senior Compliance Officer	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
M3031A	Senior Conservation Officer	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
AECP20	Senior Construction Project Manager	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
N2012A	Senior Cook	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
G1092A	Senior Corrections Case Worker	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
HSCR20	Senior Corrections Records Coordinator	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
FSCR30	Senior Criminal Forensic Scientist	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
O2011A	Senior Custodian	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
R4051A	Senior Customer Service Representative	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
D2031A	Senior Data Analyst	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
IDAT31	Senior Data Scientist	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
G10803	Senior Disability Adjudicator	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
Q20102	Senior Economic Development Coordinator	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
F3011A	Senior Economist	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
J3053	Senior Editor	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
T2111A	Senior Electrician	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200

NMED Exhibit 75_000018

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
E2072A	Senior Electronics Technician	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
ENEP26	Senior Engineer	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
ENET17	Senior Engineering Technician	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
F2041A	Senior Environmental Scientist	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
F1041O	Senior Epidemiologist	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
PGFX55	Senior Executive Manager, Conservation Officer	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
PCAX52	Senior Executive Manager, Corrections	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
FS1X32	Senior Executive Manager, Criminal Forensic Science	15	$68.40	$88.93	######	$142,280	$184,964	$227,648
G10602	Senior Family Assistance Analyst	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
S2093A	Senior Farm Worker	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
C2051A	Senior Financial Analyst	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
C2099A	Senior Financial Coordinator	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
C2061A	Senior Financial Examiner	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
NRFC20	Senior Fish Culturist	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
UFLM26	Senior Fleet Mechanic	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
PFLC20	Senior Fleet Services Coordinator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
N3041A	Senior Food Service Worker	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
F4092A	Senior Forensic Scientist	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
FSTR26	Senior Forester	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
F2042A	Senior Geoscientist	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
O3011A	Senior Groundskeeper	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
G1091A	Senior Health Educator	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
K9099A	Senior Healthcare Program Coordinator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
E2111A	Senior Healthcare Surveyor	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
H1021A	Senior Hearing Officer	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
T2073A	Senior Heavy Equipment Operator	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
T4051A	Senior Highway Maintenance Worker	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
RHRG23	Senior Human Resources Generalist	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
I9031A	Senior Instructional Coordinator	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
IDAD26	Senior IT Application Developer	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159

NMED Exhibit 75_000019

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
IBBA26	Senior IT Business Analyst	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
ITDA26	Senior IT Database Administrator	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
ITGT23	Senior IT GIS Specialist	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
INEA26	Senior IT Network Administrator	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
IPPR30	Senior IT Project Manager	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
IQAA26	Senior IT Quality Assurance Analyst	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
ICSC26	Senior IT Security Analyst	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
IEUP17	Senior IT Support Technician	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
ISSA26	Senior IT Systems Administrator	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
G10952	Senior Juvenile Corrections Officer	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
G10942	Senior Juvenile Probation & Parole Officer	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
RSPL01	Senior Labor Relations Administrator	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
V6011A	Senior Laundry Service Worker	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
I11101	Senior Law Enforcement Academy Instructor	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
R6012A	Senior Legal Assistant	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
S20102	Senior Livestock Inspector	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
U9042A	Senior Maintenance Technician	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
FIAX45	Senior Manager, Accounting	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
AOAX45	Senior Manager, Administrative Support	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
SAOX45	Senior Manager, Air Operations	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
NRAX45	Senior Manager, Air Protection	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
LCAX45	Senior Manager, Attorney	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
FAAX45	Senior Manager, Audit	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
HBHX35	Senior Manager, Behavioral Health	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
X33032	Senior Manager, Budget & Finance	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
X60000	Senior Manager, Business Operations	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
SRMX46	Senior Manager, Child Protective Services	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
CREX40	Senior Manager, Commercial Real Estate	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
LCCX45	Senior Manager, Compliance	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
PGFX45	Senior Manager, Conservation Officer	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683

NMED Exhibit 75_000020

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
X53012	Senior Manager, Corrections	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
ACCX45	Senior Manager, Cultural Programs	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
AOCX45	Senior Manager, Customer Service	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
BOEX45	Senior Manager, Economic Development	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
X60125	Senior Manager, Economics	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
ACEX45	Senior Manager, Educational Programs	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
PEMX45	Senior Manager, Emergency Management	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
ENEX35	Senior Manager, Engineering	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
ENTS26	Senior Manager, Engineering Technician Services	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
X50200	Senior Manager, Environmental Science	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
ENEX46	Senior Manager, Executive Engineering	15	$68.40	$88.93	######	$142,280	$184,964	$227,648
PFFX45	Senior Manager, Facilities	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
X63032	Senior Manager, Financial Analysis	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
PSMX45	Senior Manager, Fire Marshal	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
X53031	Senior Manager, Fish & Wildlife Management	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
X40251	Senior Manager, Forensic Toxicology	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
FIGX45	Senior Manager, Grants	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
HSPX45	Senior Manager, Healthcare Programs	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
RHRX36	Senior Manager, Human Resources	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
IXGX30	Senior Manager, Information Technology	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
IDAX35	Senior Manager, IT Applications	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
INEX35	Senior Manager, IT Network Administration	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
ICSX30	Senior Manager, IT Security	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
ISSX35	Senior Manager, IT Systems Administration	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
PSJX45	Senior Manager, Juvenile Justice Services	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
PSLX45	Senior Manager, Law Enforcement Training	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
AOMX45	Senior Manager, Marketing & Communications	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
SMPX35	Senior Manager, Meat & Poultry Inspections	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
HMMX45	Senior Manager, Medicaid Medical Officer	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
HMPX45	Senior Manager, Medical Programs	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683

NMED Exhibit 75_000021

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
NRNX45	Senior Manager, Natural Resources	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
HCRX46	Senior Manager, Nursing	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
HNUX30	Senior Manager, Nutrition	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
POHX45	Senior Manager, Occupational Health & Safety	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
PEPR35	Senior Manager, Park Ranger Services	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
FIPX45	Senior Manager, Payroll	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
HPHX40	Senior Manager, Pharmacy	15	$68.40	$88.93	######	$142,280	$184,964	$227,648
AEPX45	Senior Manager, Planning	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
FPPX45	Senior Manager, Procurement	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
AOPX45	Senior Manager, Program Management	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
BOPX45	Senior Manager, Project Management	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
PSDX45	Senior Manager, Public Safety Dispatch	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
BODX45	Senior Manager, Quality	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
BORX45	Senior Manager, Retirement	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
HSSX45	Senior Manager, Social Services	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
SSOX45	Senior Manager, Spaceport Operations	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
LCTX45	Senior Manager, Transportation Compliance	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
STOX45	Senior Manager, Transportation Operations	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
NRWX45	Senior Manager, Waste Resources	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
EWRX45	Senior Manager, Water Resources	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
K2071A	Senior Medical Records Clerk	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
F1042A	Senior Medical Scientist	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
R6013A	Senior Medical Secretary	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
G1011A	Senior Mental Health & Substance Abuse Counselor	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
G1014A	Senior Mental Health Counselor	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
R40320	Senior Motor Vehicle Representative	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
HNUT20	Senior Nutritionist	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
K9011A	Senior Occupational Health & Safety Specialist	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
B3011O	Senior Office Support Clerk	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
H2011A	Senior Paralegal	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
S4011A	Senior Parks Worker	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
HNDC13	Senior Patient Care Assistant	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
FIPC20	Senior Payroll Coordinator	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
E2171A	Senior Petroleum Specialist	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
HPTV15	Senior Pharmacy Technician	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
AEPL20	Senior Planner	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
V8099A	Senior Plant Operator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
STPL20	Senior Plumber	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
G10902	Senior Probation & Parole Officer	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
FPPC20	Senior Procurement Coordinator	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
B90402	Senior Program Coordinator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
AOPM20	Senior Program Manager	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
R4061A	Senior Public Assistance Representative	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
B2031A	Senior Public Relations Coordinator	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
PSCI20	Senior Public Safety Audit & Compliance Investigator	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
PSCO20	Senior Public Safety Compliance Specialist	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
M5053A	Senior Public Safety Investigator	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
C1023A	Senior Purchasing Coordinator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
C2021A	Senior Real Estate Appraiser	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
HREA15	Senior Recreational Therapist	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
C1071A	Senior Recruiter	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
HCRN23	Senior Registered Nurse	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
G1015A	Senior Rehabilitation Counselor	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
BORC20	Senior Retirement Coordinator	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
CRCA30	Senior Royalty Compliance Auditor	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
M9032A	Senior Security Guard	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
G1093A	Senior Social Services Assistant	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
B9151A	Senior Social Services Coordinator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
G1022A	Senior Social Worker	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
C20122	Senior State Auditor	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320

NMED Exhibit 75_000023

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
R5081A	Senior Stock Clerk	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
FRAG20	Senior Tax & Revenue Examiner	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
C20133	Senior Tax Auditor	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
C2081A	Senior Tax Collection Coordinator	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
H2093A	Senior Title Examiner	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
W6041A	Senior Traffic Technician	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
C1073A	Senior Training & Development Coordinator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
W6051A	Senior Transportation Inspector	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
F30111	Senior Utilities Economist	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
NRWA20	Senior Waste Resources Professional	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
V8031A	Senior Water & Liquid Waste Treatment Operator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
EWRP26	Senior Water Resources Professional	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
SWFT23	Senior Wildland Firefighter	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
F1023A	Senior Wildlife Biologist	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
I3025	Sign Language Interpreter	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
G1093O	Social Services Assistant	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
B9151O	Social Services Coordinator	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
G10701	Social Services Quality Assurance Analyst	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
G1022O	Social Worker	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
M50510	Special Agent	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
C20121	State Auditor	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
M50520	State Investigator	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
R5081O	Stock Clerk	1	$15.00	$18.75	$22.50	$31,200	$39,000	$46,800
C2011S	Supervisor, Accounting	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
R6011S	Supervisor, Administrative Support	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
G3013S	Supervisor, Adult Protective Services Case Work	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
NRAS35	Supervisor, Air Protection	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
I3023S	Supervisor, Assistive Technology	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
LLLS45	Supervisor, Attorney	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
FAAS35	Supervisor, Audit	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320

NMED Exhibit 75_000024

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
U3023S	Supervisor, Auto Services	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
HBHT26	Supervisor, Behavioral Health	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
FBFS35	Supervisor, Budget & Finance	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
T4011S	Supervisor, Building Inspections	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
C1199S	Supervisor, Business Operations	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
SIHS26	Supervisor, Case Work	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
O3003S	Supervisor, Cemetery Operations	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
F2031S	Supervisor, Chemistry	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
SPCS26	Supervisor, Child Protective Services Case Work	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
C1031S	Supervisor, Claims Adjustment	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
C1041S	Supervisor, Compliance	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
R9011S	Supervisor, Computer Operations	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
NRCS35	Supervisor, Conservation	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
M3031S	Supervisor, Conservation Officer	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
M5054S	Supervisor, Construction Inspections	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
AECS35	Supervisor, Construction Project Management	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
FICS35	Supervisor, Contract Management	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
PFMS35	Supervisor, Correctional Facilities Maintenance	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
PCMX30	Supervisor, Corrections	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
FS6S42	Supervisor, Criminal Forensic Science	14	$59.48	$77.33	$95.17	$123,722	$160,839	$197,955
ACCS35	Supervisor, Cultural Programs	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
I4012S	Supervisor, Curation	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
O2011S	Supervisor, Custodial Services	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
R4051S	Supervisor, Customer Service	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
BODS35	Supervisor, Data Analytics	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
IDAS40	Supervisor, Data Science	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
G1080S	Supervisor, Disability Adjudication	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
F3011S	Supervisor, Economics	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
T2111S	Supervisor, Electrical Services	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
PEMS35	Supervisor, Emergency Management	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352

NMED Exhibit 75_000025

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
ENTS20	Supervisor, Engineering Technician Services	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
F2041S	Supervisor, Environmental Science	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
F1041S	Supervisor, Epidemiology	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
J1027S	Supervisor, Exhibit Design	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
PFFS35	Supervisor, Facilities	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
G1060S	Supervisor, Family Assistance Program	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
S2093S	Supervisor, Farm Management	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
C2099S	Supervisor, Finance Support	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
C2051S	Supervisor, Financial Analysis	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
X23031	Supervisor, Fish & Wildlife Management	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
UFMS30	Supervisor, Fleet Services	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
N2012S	Supervisor, Food Services	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
F4092S	Supervisor, Forensic Science	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
ENSX30	Supervisor, Geomatics	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
F2042S	Supervisor, Geoscience	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
FIGS35	Supervisor, Grants	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
O3011S	Supervisor, Groundskeeping	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
G1091S	Supervisor, Health Education	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
K9099S	Supervisor, Healthcare Programs	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
E2111S	Supervisor, Healthcare Surveyor	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
T4051S	Supervisor, Highway Maintenance	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
RHRX30	Supervisor, Human Resources	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
ITTS35	Supervisor, Information Technology	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
I9031S	Supervisor, Instructional Coordination	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
CPCS30	Supervisor, Insurance Underwriting	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
IDAS26	Supervisor, IT Applications	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
ITDS26	Supervisor, IT Database Administration	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
IEUS20	Supervisor, IT Support	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
G1095S	Supervisor, Juvenile Corrections	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
G1094S	Supervisor, Juvenile Probation	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320

NMED Exhibit 75_000026

Classification Information			Hourly				Annually	
Job Code	**Job Title**	**Grade**	**Min/Hr**	**Mid/Hr**	**Max/Hr**	**Min/Yr**	**Mid/Yr**	**Max/Yr**
HRLS35	Supervisor, Labor Relations	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
V6011S	Supervisor, Laundry Services	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
I1111S	Supervisor, Law Enforcement Training	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
R6012S	Supervisor, Legal Support	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
I4021S	Supervisor, Library Services	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
HLPS17	Supervisor, Licensed Practical Nurse/Licensed Vocational Nurse	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
S2010S	Supervisor, Livestock Inspection	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
U9042S	Supervisor, Maintenance	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
AOMS35	Supervisor, Marketing & Communications	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
HCLS23	Supervisor, Medical Laboratory Technology	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
K2071S	Supervisor, Medical Records	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
F1042S	Supervisor, Medical Science	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
G1023S	Supervisor, Mental Health & Substance Abuse Counseling	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
G1014S	Supervisor, Mental Health Counseling	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
F1022S	Supervisor, Microbiology	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
R4030S	Supervisor, Motor Vehicle Division	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
V7099S	Supervisor, Museum Fabrication	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
NRNS35	Supervisor, Natural Resources	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
HNUS23	Supervisor, Nutrition	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
K9011S	Supervisor, Occupational Health & Safety	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
HOTP26	Supervisor, Occupational Therapy	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
R9199S	Supervisor, Office Support	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
G42S26	Supervisor, Ombudsman	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
NRPS35	Supervisor, Parks	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
HNDS15	Supervisor, Patient Care	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
FIPS35	Supervisor, Payroll	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
E2171S	Supervisor, Petroleum	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
HPHR30	Supervisor, Pharmacy	13	$51.72	$67.24	$82.75	$107,584	$139,860	$172,135
HPHY26	Supervisor, Physical Therapy	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
F3051S	Supervisor, Planning	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320

NMED Exhibit 75_000027

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
V8099S	Supervisor, Plant Operations	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
T2161S	Supervisor, Plumbing	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
G1090S	Supervisor, Probation & Parole	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
X40000	Supervisor, Program Management	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
HPRO40	Supervisor, Programmatic Physician	16	$75.75	$102.26	$128.77	$157,562	$212,709	$267,856
R4061S	Supervisor, Public Assistance Programs	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
B2031S	Supervisor, Public Relations	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
R5033S	Supervisor, Public Safety Dispatch	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
C1023S	Supervisor, Purchasing	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
C2021S	Supervisor, Real Estate Appraisal	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
HRES17	Supervisor, Recreational Therapy	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
C1071S	Supervisor, Recruitment	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
G1015S	Supervisor, Rehabilitation Counseling	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
G15S11	Supervisor, Residential Services	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
HRTS23	Supervisor, Respiratory Therapy	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
C2050S	Supervisor, Retirement	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
PSSS35	Supervisor, Safety	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
W6055S	Supervisor, School Bus Transportation	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
M9032S	Supervisor, Security	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
B9151S	Supervisor, Social Services	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
HSSQ35	Supervisor, Social Services Quality Assurance	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
G1022S	Supervisor, Social Work	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
M5051S	Supervisor, Special Agent	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
HSLP26	Supervisor, Speech & Language Pathology	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
M5052S	Supervisor, State Investigations	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
V8021S	Supervisor, Steam Plant & Boiler Plant	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
R5081S	Supervisor, Stock & Inventory	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
C2013S	Supervisor, Tax	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
FTRX40	Supervisor, Tax & Revenue	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
H2093S	Supervisor, Title Examination	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520

NMED Exhibit 75_000028

Classification Information			Hourly				Annually	
Job Code	Job Title	Grade	Min/Hr	Mid/Hr	Max/Hr	Min/Yr	Mid/Yr	Max/Yr
W6041S	Supervisor, Traffic Control	6	$24.15	$30.20	$36.23	$50,248	$62,810	$75,372
HRTS35	Supervisor, Training	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
LCTS35	Supervisor, Transportation Compliance	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
W6051S	Supervisor, Transportation Inspections	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
NRWS35	Supervisor, Waste Resources	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
EWRX30	Supervisor, Water Resources	12	$44.97	$58.47	$71.96	$93,552	$121,617	$149,683
X30321	Supervisor, WIC Program Management	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
F1023S	Supervisor, Wildlife Biology	8	$29.23	$36.54	$43.84	$60,800	$76,000	$91,200
V6052O	Tailor & Dressmaker	1	$15.00	$18.75	$22.50	$31,200	$39,000	$46,800
FRAG15	Tax & Revenue Examiner	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
C20132	Tax Auditor	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
C2081O	Tax Collection Coordinator	4	$19.96	$24.96	$29.94	$41,527	$51,909	$62,291
C20700	Tax Information & Policy Specialist	7	$26.57	$33.22	$39.86	$55,273	$69,091	$82,909
I9041A	Teacher Assistant	1	$15.00	$18.75	$22.50	$31,200	$39,000	$46,800
H2093O	Title Examiner	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
W6041O	Traffic Technician	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
C1073O	Training & Development Coordinator	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
W6051O	Transportation Inspector	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
T21610	Unregistered Apprentice Plumber	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
GVSO20	Veteran Service Officer	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520
GVSO17	Veteran Service Representative	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
HVET35	Veterinarian	11	$39.11	$50.84	$62.57	$81,349	$105,754	$130,159
NRWA15	Waste Resources Professional	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
EWRP23	Water Resources Professional	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
R90321	WIC Office Support Clerk	2	$16.50	$20.63	$24.75	$34,320	$42,900	$51,480
SWTX35	Wildland Fire Captain	10	$35.36	$44.21	$53.05	$73,568	$91,960	$110,352
SWTX30	Wildland Fire Lieutenant	9	$32.15	$40.19	$48.23	$66,880	$83,600	$100,320
SWFT20	Wildland Firefighter	3	$18.15	$22.69	$27.22	$37,752	$47,190	$56,628
F1023O	Wildlife Biologist	5	$21.96	$27.45	$32.94	$45,680	$57,100	$68,520

NMED Exhibit 75_000029

FY26-FY30 Projected Revenue

	A	B	C	D	E	F
1	**Title V Fund (SRF 09200)**					
2		**FY26**	**FY27**	**FY28**	**FY29**	**FY30**
3	**Assumptions**					
4	Allowable Emissions (tons)	---	109,916	109,916	109,916	109,916
5	Downward Adjustment for 3,000 Ton Cap	---	-2.6%	-2.6%	-2.6%	-2.6%
6	Non-HAP Fee ($/ton)	---	$85.00	$87.55	$90.18	$92.88
7	**Projected Revenue**					
8	Total Emissions Fees	$4,100,000	$9,099,946	$9,372,944	$9,654,132	$9,943,756
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11	**Construction Fund (SRF63100)**					
12		**FY26**	**FY27**	**FY28**	**FY29**	**FY30**
13	**Assumptions**					
14	Application Review Points (Excluding GCP-O&G Registration and NOI Applications)	---	1373	1373	1373	1373
15	Cost Per point	---	$585.00	$602.55	$620.63	$639.25
16	GCP-O&G Registration Applications @ 30 Points Each	---	743	743	743	743
17	NOI Applications @ 10 Points Each	---	367	367	367	367
18	Modeling Reviews @ 30 Points Each	---	18	18	18	18
19	Active Construction Permits	---	2600	2600	2600	2600
20	Construction Permit Annual Fee	---	$2,800.00	$2,884.00	$2,970.52	$3,059.64
21	Active NOIs	---	3400	3400	3400	3400
22	NOI Annual Fee	---	$700.00	$721.00	$742.63	$764.91
23	**Projected Revenue**					
24	Application Review Fees (Excluding GCP-O&G Registration and NOI Applications)	---	$803,205	$827,301	$852,120	$877,684
25	GCP-O&G Registration Application Review Fees	---	$13,045,500	$13,436,865	$13,839,971	$14,255,170
26	NOI Application Review Fees	---	$2,145,000	$2,209,350	$2,275,631	$2,343,899
27	New Modeling Review Revenue	---	$157,950	$162,689	$167,569	$172,596
28	Construction Permit Annual Fees	---	$7,280,000	$7,498,400	$7,723,352	$7,955,053
29	NOI Annual Fees	---	$2,380,000	$2,451,400	$2,524,942	$2,600,690
30	Total Construction Permit Fees	$11,900,000	$25,811,655	$26,586,005	$27,383,585	$28,205,092
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33	**Both Funds**					
34		**FY26**	**FY27**	**FY28**	**FY29**	**FY30**
35	**Projected Revenue**					
36	Total Emissions and Construction Permit Fees	$16,000,000	$34,911,601	$35,958,949	$37,037,717	$38,148,848

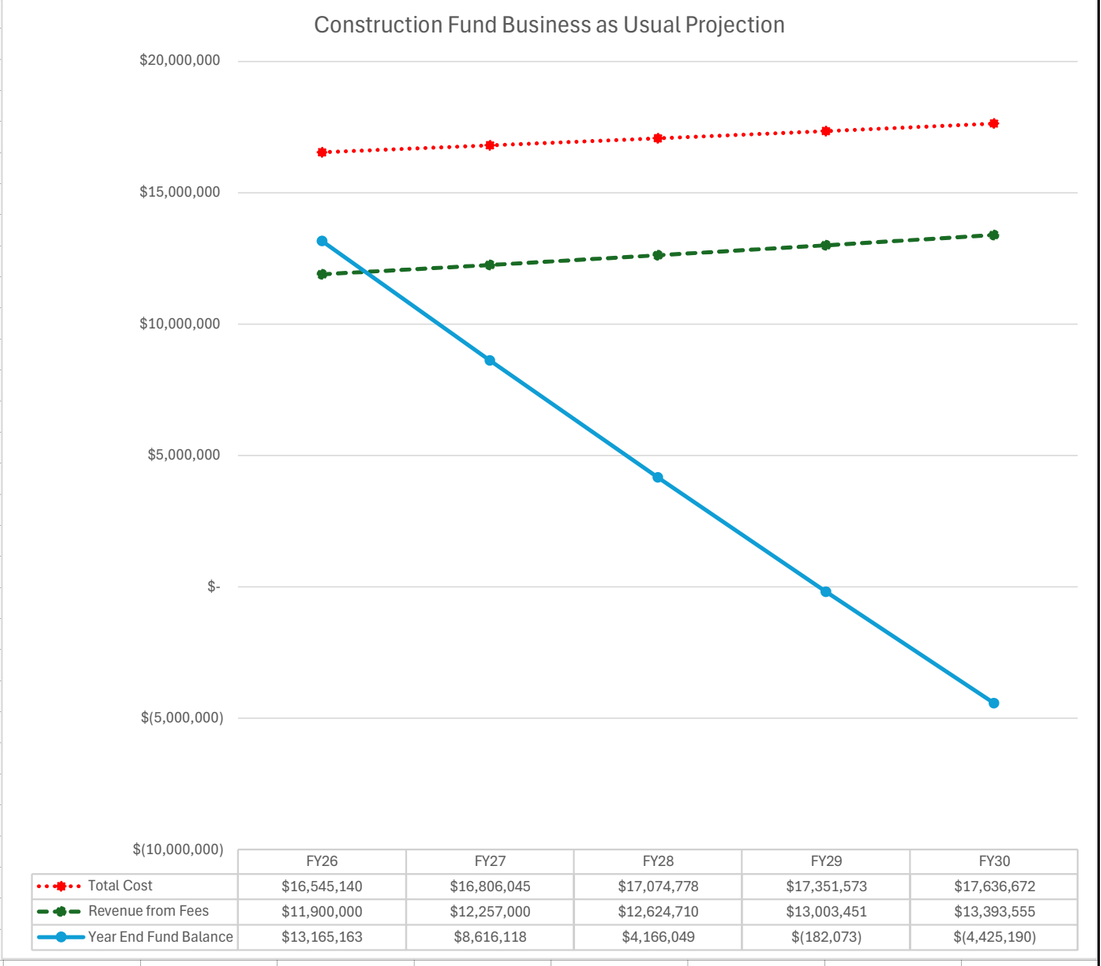
Business as Usual Projection for NMED's Title V and Construction Funds

	A	B	C	D	E	F
1	**Title V Fund (SRF09200)**	**FY26**	**FY27**	**FY28**	**FY29**	**FY30**
2	Prev. Year AQB Employee Salary/Benefits (200s)	$ 3,092,681	$ 3,344,544	$ 3,444,881	$ 3,548,227	$ 3,654,674
3	Legislative Raises AQB 3%	$ 92,780	$ 100,336	$ 103,346	$ 106,447	$ 109,640
4	Air Program Contracts (300s)	$ 1,600,000	$ 1,600,000	$ 1,600,000	$ 1,600,000	$ 1,600,000
5	Prev Year AQB Non-Salary Costs (400s)	$ 282,212	$ 296,272	$ 296,272	$ 296,272	$ 296,272
6	AQB Other Costs Increase - New Staff (400s)	$ 14,060	$ -	$ -	$ -	$ -
7	AQB New Salary/Benefit Costs (200s)	$ 159,083	$ -	$ -	$ -	$ -
8	AQB Travel Costs Increase - New Staff	$ -	$ -	$ -	$ -	$ -
9	AQB Total	$ 5,240,817	$ 5,341,153	$ 5,444,500	$ 5,550,946	$ 5,660,587
10	Prev. Year AQC&E Employee Salary/Benefits (200s)	$ 1,548,500	$ 1,616,318	$ 1,664,807	$ 1,714,752	$ 1,766,194
11	Legislative Raises AQC&E 3%	$ 46,455	$ 48,490	$ 49,944	$ 51,443	$ 52,986
12	AQC&E Contracts (300s)	**All contracts counted above in Air Program Contracts**				
13	Prev Year AQC&E Non-Salary Costs (400s)	$ 545,100	$ 547,000	$ 547,000	$ 547,000	$ 547,000
14	AQC&E Other Costs Increase - New Staff (400s)	$ 1,900	$ -	$ -	$ -	$ -
15	AQC&E New Salary/Benefit Costs (200s)	$ 21,363	$ -	$ -	$ -	$ -
16	AQC&E Travel Costs Increase - New Staff	$ -	$ -	$ -	$ -	$ -
17	Vehicle Costs - New Staff	$ -	$ -	$ -	$ -	$ -
18	AQC&E Total	$ 2,163,318	$ 2,211,807	$ 2,261,752	$ 2,313,194	$ 2,366,180
19	Total Cost	$ 7,404,135	$ 7,552,960	$ 7,706,251	$ 7,864,140	$ 8,026,767
20	Estimated Beginning Fund Balance	$ 7,072,385	$ 3,768,250	$ 438,290	$ (2,918,271)	$ (6,302,231)
21	Revenue from Fees	$ 4,100,000	$ 4,223,000	$ 4,349,690	$ 4,480,181	$ 4,614,586
22	Year End Fund Balance	$ 3,768,250	$ 438,290	$ (2,918,271)	$ (6,302,231)	$ (9,714,411)
23	Revenue Gap	$ (3,304,135)	$ (3,329,960)	$ (3,356,561)	$ (3,383,960)	$ (3,412,180)
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Business as Usual Projection for NMED's Title V and Construction Funds

	A	B	C	D	E	F
33	**Construction Fund (SRF63100)**	**FY26**	**FY27**	**FY28**	**FY29**	**FY30**
34	Prev. Year AQB Employee Salary/Benefits (200s)	$ 5,986,492	$ 6,802,418	$ 7,006,491	$ 7,216,686	$ 7,433,186
35	Legislative Raises AQB 3%	$ 179,595	$ 204,073	$ 210,195	$ 216,501	$ 222,996
36	Air Program Contracts (300s)	$ 6,400,000	$ 6,400,000	$ 6,400,000	$ 6,400,000	$ 6,400,000
37	Prev Year AQB Non-Salary Costs (400s)	$ 766,241	$ 822,481	$ 822,481	$ 822,481	$ 822,481
38	AQB Other Costs Increase - New Staff (400s)	$ 56,240	$ -	$ -	$ -	$ -
39	AQB New Salary/Benefit Costs (200s)	$ 636,332	$ -	$ -	$ -	$ -
40	AQB Travel Costs Increase - New Staff	$ -	$ -	$ -	$ -	$ -
41	AQB Total	$ 14,024,900	$ 14,228,972	$ 14,439,167	$ 14,655,668	$ 14,878,663
42	Prev. Year AQC&E Employee Salary/Benefits (200s)	$ 1,756,300	$ 1,894,440	$ 1,951,273	$ 2,009,811	$ 2,070,106
43	Legislative Raises AQC&E 3%	$ 52,689	$ 56,833	$ 58,538	$ 60,294	$ 62,103
44	AQC&E Contracts (300s)	**All contracts counted above in Air Program Contracts**				
45	Prev Year AQC&E Non-Salary Costs (400s)	$ 618,200	$ 625,800	$ 625,800	$ 625,800	$ 625,800
46	AQC&E Other Costs Increase - New Staff (400s)	$ 7,600	$ -	$ -	$ -	$ -
47	AQC&E New Salary/Benefit Costs (200s)	$ 85,451	$ -	$ -	$ -	$ -
48	AQC&E Travel Costs Increase - New Staff	$ -	$ -	$ -	$ -	$ -
49	Vehicle Costs - New Staff	$ -	$ -	$ -	$ -	$ -
50	AQC&E Total	$ 2,520,240	$ 2,577,073	$ 2,635,611	$ 2,695,906	$ 2,758,009
51	Total Cost	$ 16,545,140	$ 16,806,045	$ 17,074,778	$ 17,351,573	$ 17,636,672
52	Estimated Beginning Fund Balance	$ 17,810,303	$ 13,165,163	$ 8,616,118	$ 4,166,049	$ (182,073)
53	Revenue from Fees	$ 11,900,000	$ 12,257,000	$ 12,624,710	$ 13,003,451	$ 13,393,555
54	Year End Fund Balance	$ 13,165,163	$ 8,616,118	$ 4,166,049	$ (182,073)	$ (4,425,190)
55	Revenue Gap	$ (4,645,140)	$ (4,549,045)	$ (4,450,068)	$ (4,348,122)	$ (4,243,117)
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Business as Usual Projection for NMED's Title V and Construction Funds

	A	B	C	D	E	F
65	**Both Funds**	**FY26**	**FY27**	**FY28**	**FY29**	**FY30**
66	Prev. Year AQB Employee Salary/Benefits (200s)	$ 9,079,173	$ 10,146,963	$ 10,451,372	$ 10,764,913	$ 11,087,860
67	Legislative Raises AQB 3%	$ 272,375	$ 304,409	$ 313,541	$ 322,947	$ 332,636
68	Air Program Contracts (300s)	$ 8,000,000	$ 8,000,000	$ 8,000,000	$ 8,000,000	$ 8,000,000
69	Prev Year AQB Non-Salary Costs (400s)	$ 1,048,454	$ 1,118,754	$ 1,118,754	$ 1,118,754	$ 1,118,754
70	AQB Other Costs Increase - New Staff (400s)	$ 70,300	$ -	$ -	$ -	$ -
71	AQB New Salary/Benefit Costs (200s)	$ 795,414	$ -	$ -	$ -	$ -
72	AQB Travel Costs Increase - New Staff	$ -	$ -	$ -	$ -	$ -
73	AQB Total	$ 19,265,717	$ 19,570,125	$ 19,883,667	$ 20,206,614	$ 20,539,250
74	Prev. Year AQC&E Employee Salary/Benefits (200s)	$ 3,304,800	$ 3,510,758	$ 3,616,080	$ 3,724,563	$ 3,836,300
75	Legislative Raises AQC&E 3%	$ 99,144	$ 105,323	$ 108,482	$ 111,737	$ 115,089
76	AQC&E Contracts (300s)	**All contracts counted above in Air Program Contracts**				
77	Prev Year AQC&E Non-Salary Costs (400s)	$ 1,163,300	$ 1,172,800	$ 1,172,800	$ 1,172,800	$ 1,172,800
78	AQC&E Other Costs Increase - New Staff (400s)	$ 9,500	$ -	$ -	$ -	$ -
79	AQC&E New Salary/Benefit Costs (200s)	$ 106,814	$ -	$ -	$ -	$ -
80	AQC&E Travel Costs Increase - New Staff	$ -	$ -	$ -	$ -	$ -
81	Vehicle Costs - New Staff	$ -	$ -	$ -	$ -	$ -
82	AQC&E Total	$ 4,683,558	$ 4,788,880	$ 4,897,363	$ 5,009,100	$ 5,124,189
83	Total Cost	$ 23,949,274	$ 24,359,006	$ 24,781,029	$ 25,215,714	$ 25,663,439
84	Estimated Beginning Fund Balance	$ 24,882,688	$ 16,933,414	$ 9,054,408	$ 1,247,778	$ (6,484,304)
85	Revenue from Fees	$ 16,000,000	$ 16,480,000	$ 16,974,400	$ 17,483,632	$ 18,008,141
86	Year End Fund Balance	$ 16,933,414	$ 9,054,408	$ 1,247,778	$ (6,484,304)	$ (14,139,601)
87	Revenue Gap	$ (7,949,274)	$ (7,879,006)	$ (7,806,629)	$ (7,732,082)	$ (7,655,298)
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MICHELLE T. MIANO

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WORK EXPERIENCE

Director, Environmental Protection Division

New Mexico Environment Department

January 2023 - current Albuquerque, NM

- Oversee all aspects of the New Mexico Environment Department's Environmental Protection Division, which includes the Air Quality, and Radiation Control, and Climate Change Bureaus.
- Develop and oversee implementation of strategies, including policy and legislative proposals, and manage Division budget.

Senior Attorney

Barnhouse Keegan Solimon & West LLP

Oct 2016 – January 2023 Albuquerque, NM

- Litigated against State of Texas to secure the ability of Tribal client to continue bingo operations.
- Filed amicus brief in U.S. Supreme Court on behalf of *amicus curiae* to support constitutionality of Indian Child Welfare Act.
- Drafted petitions for writ of certiorari against government defendants resulting in grants of the petitions by the New Mexico Court of Appeals.
- Litigated and tried breach of trust case in the U.S. Court of Federal Claims resulting in significant findings of liability in clients' favor.
- Assisted in creating Section 17 holding company for Tribally-owned bank in Southern California to deliver services to Tribal members and the larger community.

Associate Counsel

New Mexico State Land Office

Sep 2015 - Sep 2016 Santa Fe, NM

- Led enforcement action against oil and gas company after discovery of oil spill on New Mexico State Trust Lands.
- Defended Commissioner of Public Lands in legal action challenging denial of permit to use State water resources for oil and gas drilling purposes.
- Drafted memoranda analyzing legal issues presented by the Commissioner of Public Lands and General Counsel.

Staff Attorney

Advocates for Community and Environment

Sep 2014 - Sep 2015 El Prado, NM

- Litigated NEPA issues against Southern Nevada Water Authority's (SNWA) proposal to pump billions of gallons of water per year from rural Nevada and Utah to Las Vegas, which SNWA ultimately abandoned.
- Litigated on behalf of historic rural livestock owners seeking to secure ability to graze livestock on U.S. Forest Service lands.

EDUCATION

Juris Doctor

University of New Mexico School of Law

May 2014

Albuquerque, NM

Awards

- Albert E. Utton Natural Resources Law Award (2014)
- D.C. Semester at U.S. Environmental Protection Agency (2013)
- James E. Sperling Memorial Scholarship Award (2013)
- Association of Public Interest Law Summer Fellowship Award (2012)

Bachelor of Arts
Writing Seminars

Johns Hopkins University

May 2007

Baltimore, MD