John Waters
1308 W. Riverside
Carlsbad, NM 88220

September 22, 2021

Members,
Environmental Improvement Board
Santa Fe, NM

RE: Comments on the proposed Ozone Regulations

Dear Members of the Board,

Let me start by say that all of us want to eliminate the significant sources of pollution exceeding standards, whether it be Ozone or Methane or anything else. I want to switch gears for a moment and consider what is never mentioned or at least seriously considered.

To begin, an interesting question one should ask about Ozone in southern NM is, "Why is it when one looks at the average results (whether it be monthly, daily, or hourly) from the few monitoring stations, is the ozone concentration higher the closer you get to Santa Theresa, NM or El Paso, TX?"

This question should lead to another question, "is there any oil and gas development or major permitted Ozone emission sources between the Carlsbad Caverns NP sampling site or the NMED Holland Street Reservoir Site (where the high O_3 readings are recorded) and Santa Theresa (which is all upwind of this sampler)?" Answer to second question according to NM OCD and NMED is "no"

Ciudad Juarez, an industrial city of over 1.2 million with pre-1970's era pollution control and the City of El Paso (pop. 700,000) and are both immediately upwind of southern Eddy County. One might ask the City of Santa Theresa why they have sued their neighbors to the south over air quality?

For your consideration on ozone, I have provided two colorized fact-based maps.

The first attached map below is from actual NOAA air quality map website.[1] Note that El Paso has highest concentration of 61, Santa Theresa is second at 58, while Carlsbad is 54. Regardless of whether it is daily average, one hour max or 8-hour max ozone concentration, all say the same thing. The map clearly shows a higher concentration (yellowish color) of ozone emanating from the Juarez-El Paso metroplex and drifting with wind to the east-northeast direction. On this random day, Albuquerque is the highest reading at 63.

The data from second map comes straight from EPA, NMED, and NOAA websites and points out NMED permitted facilities, area wind direction, the sampling points with the non-attainment ozone readings, and the EPA Problem Ozone areas since 1979. The fact that there are numerous permitted sources means the state is probably doing their job watching the permittees and their emissions. Again, it is of great interest that both of the air sampling locations in south Eddy County are upwind of the vast majority of the NMED permitted sites. Also of interest is the lack of AQB permits, and NMED or other agency sampling points (upwind) between there and the Juarez/El Paso/ Las Cruces metroplex. One would also wonder as to why there are not NMED samplers located near Loving or Malaga, which are

well within the areas of permitted wells and other activity. Shouldn't competent rulemaking be based on the most complete data possible?

Finally, according to a 2018 study[2] done by the auto insurance industry, Las Cruces, El Paso, and Albuquerque rank in the top ten poorest air quality communities in the small and moderate sized category in the whole country. Am not quite sure why this didn't make the news, either. Again, where is the attention to the markedly worse ozone levels in these areas? Unfortunately, El Paso, Dona Ana, and Eddy Counties may be disadvantaged as neither state appears interested enough in or has the political courage to tackle the apparent largest contributor of air pollutants to the southwest US- Juarez, Mexico. New Mexicans might be better served if our state agencies focused on facts related to pollution coming across our southern border to help Sec. Kenney and Governor work with EPA to convince their counterparts in Mexico to initiate REAL pollution prevention and regulation programs down there.

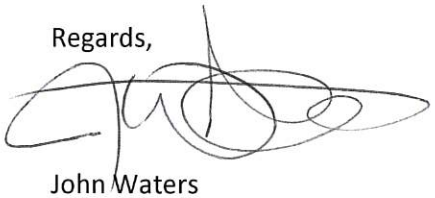
I respectfully request that instead of rushing these regulations through, the EIB remand this back to the NMED and OCD to collect more data in and all around the Delaware basin rather than depend on a faulty sampler located upwind of 99% of the activity of concern.

I furthermore recommend that the NMED and State of New Mexico place more samplers in Otero and Dona Ana Counties as well and work with El Paso and Hudspeth Counties in Texas (through the TNRCC) to monitor and track Ozone and Methane levels and their associated movements downwind.

I believe that before the state goes forward to cripple one of our area's most financially important industries, this data is needed to understand the actual presence and movement of these gasses throughout southern New Mexico.

Thank you for the time to consider my comments.

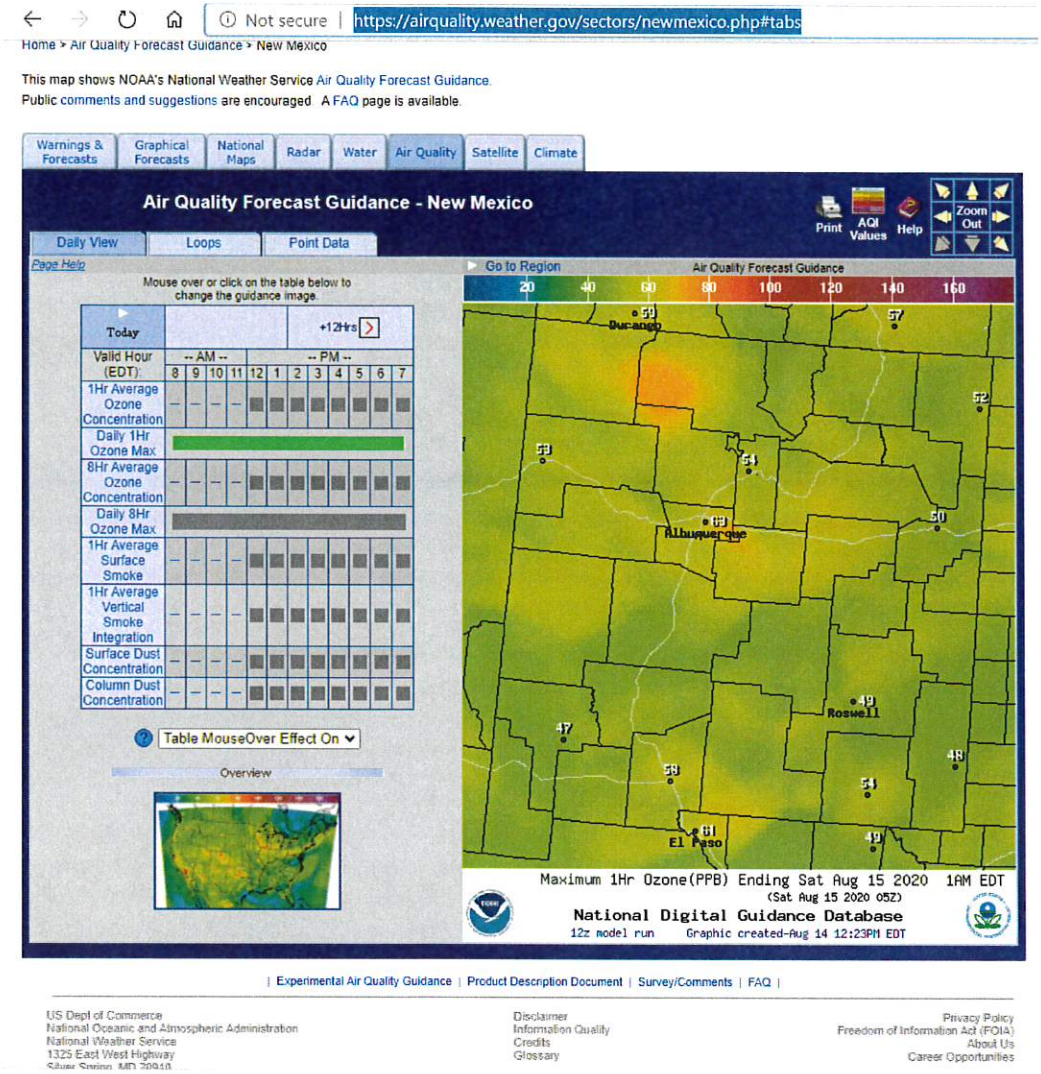
Regards,



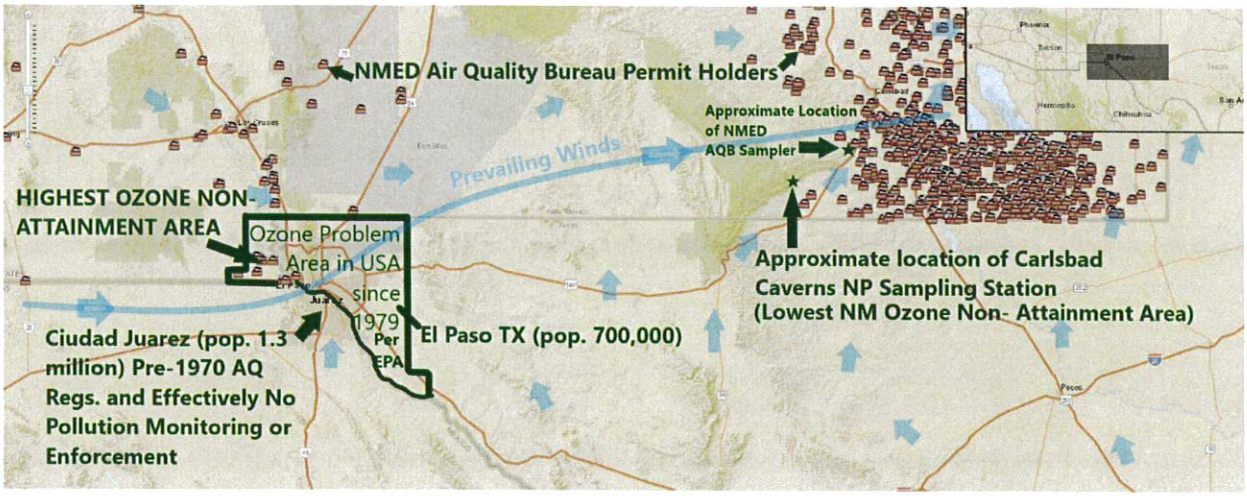
John Waters

Footnotes:

1. https://airquality.weather.gov/sectors/conus.php
2. https://www.buyautoinsurance.com/air-pollution-worst-cities/



Map 1: NOAA Website



Map 2: Prevailing winds and Ozone Non-attainment area adjacent to Juarez, Mexico and upwind of Eddy County