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**HOUSE BILL 386**

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

**INTRODUCED BY**

**Mimi Stewart**

**AN ACT**

**RELATING TO THE ENVIRONMENT; PROVIDING FOR RULES ON EMISSIONS FROM OIL AND GAS OPERATIONS THAT ARE AT LEAST AS STRINGENT OR MORE STRINGENT THAN FEDERAL STANDARDS.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. Section 74-2-5 NMSA 1978 (being Laws 1967, Chapter 277, Section 5, as amended) is amended to read:**

**"74-2-5. DUTIES AND POWERS-- ENVIRONMENTAL IMPROVEMENT BOARD-- LOCAL BOARD. --**

**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 regulations consistent with the Air Quality Control Act**

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1 to attain and maintain national ambient air quality standards  
2 and prevent or abate air pollution, including regulations  
3 prescribing air standards, within the geographic area of the  
4 environmental improvement board's jurisdiction or the local  
5 board's jurisdiction, or any part thereof; and

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

12 C. Regulations adopted by the environmental  
13 improvement board or the local board may:

14 (1) include regulations to protect visibility  
15 in mandatory class I areas to prevent significant  
16 deterioration of air quality and to achieve national ambient  
17 air quality standards in nonattainment areas; provided that  
18 such regulations:

19 (a) shall be no more stringent than but  
20 at least as stringent as required by the federal act and  
21 federal regulations pertaining to visibility protection in  
22 mandatory class I areas, pertaining to prevention of  
23 significant deterioration and pertaining to nonattainment  
24 areas; and

25 (b) shall be applicable only to sources

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1 subject to such regulation pursuant to the federal act;

2 (2) prescribe standards of performance for  
3 sources and emission standards for hazardous air pollutants  
4 that, except as provided in [~~Paragraph (3) of~~] this  
5 subsection:

6 (a) shall be no more stringent than but  
7 at least as stringent as, required by federal standards of  
8 performance; and

9 (b) shall be applicable only to sources  
10 subject to such federal standards of performance;

11 (3) include regulations governing emissions  
12 from solid waste incinerators that shall be at least as  
13 stringent as, and may be more stringent than, any applicable  
14 federal emission limitations;

15 (4) include regulations governing emissions  
16 from exploration, development, extraction, production,  
17 treatment, separation, processing, storage, transport,  
18 refining or sale of unrefined hydrocarbons, field gas, natural  
19 gas, natural gas liquids, condensate or carbon dioxide that  
20 shall be at least as stringent as, and may be more stringent  
21 than, any applicable federal standards or limitations;

22 [~~(4)~~] (5) require notice to the department or  
23 the local agency of the intent to introduce or permit the  
24 introduction of an air contaminant into the air within the  
25 geographical area of the environmental improvement board's

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1 jurisdiction or the local board's jurisdiction; and  
2 [~~(5)~~] (6) require any person emitting any air  
3 contaminant to:

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

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

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

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

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

16 D. Any regulation adopted [~~under~~] pursuant to this  
17 section shall be consistent with federal law, if any, relating  
18 to control of motor vehicle [~~emission~~] emissions.

19 E. In making its regulations, the environmental  
20 improvement board or the local board shall give weight it  
21 deems appropriate to all facts and circumstances, including  
22 but not limited to:

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

25 (2) the public interest, including the social

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1 and economic value of the sources and subjects of air  
2 contaminants; and

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