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SENATE MEMORIAL 8

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

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A MEMORIAL

REQUESTING THE ENERGY, MINERALS AND NATURAL RESOURCES
DEPARTMENT TO STUDY AND RECOMMEND LEGISLATION FOR ESTABLISHING
SETBACKS FOR OIL AND GAS FACILITIES.

WHEREAS, oil and gas facilities emit air pollutants that
are hazardous to human health and the environment; and

WHEREAS, these air pollutants include pollutants
designated by the environmental protection agency as hazardous
"criteria air pollutants", which are known or suspected to
cause serious human health effects or adverse environmental
effects; and

WHEREAS, human health risks from criteria air pollutants
emitted from oil and gas facilities include cancer, impacts to
the central nervous system and adverse respiratory effects; and

WHEREAS, the primary criteria air pollutants directly

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1 emitted from oil and gas facilities are particulate matter and
2 nitrogen oxides; and

3 WHEREAS, human health risks from particulate matter
4 include premature death in people with heart or lung disease,
5 nonfatal heart attacks, decreased lung function and increased
6 respiratory symptoms, and human health risks from nitrogen
7 oxides include swelling of tissues in the throat and upper
8 respiratory tract and reduced oxygenation of body tissues; and

9 WHEREAS, there is a reasonable degree of scientific
10 certainty that living in close proximity to oil and gas
11 facilities may result in increased human health risks from
12 elevated air pollution levels; and

13 WHEREAS, a 2021 study estimated that more than thirty-five
14 thousand New Mexico residents live within one thousand feet of
15 a well site regulated under the department of environment's
16 ozone precursor pollutants rule, and of those, over two
17 thousand seven hundred are children under the age of five; more
18 than four thousand five hundred are adults age sixty-five or
19 older; more than five thousand seven hundred are living in
20 poverty; and nineteen thousand are people of color, including
21 more than five thousand eight hundred Native Americans; and

22 WHEREAS, maps show that one hundred forty-four thousand
23 three hundred seventy-seven New Mexico residents and students
24 live or go to school within one-half mile of an oil and gas
25 facility, including seventy-one thousand seven hundred eighty-

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1 eight people of color and twenty-seven thousand nine hundred
2 seventy-five students at one hundred nineteen schools; and

3 WHEREAS, oil and gas facilities present a risk of harm to
4 the surrounding environment, including contamination of surface
5 waters; and

6 WHEREAS, pathways for contamination of surface waters,
7 rivers and streams include on-site spills and leakage; leaching
8 and improper disposal or treatment of wastewater; wastewater
9 storage systems that are aging or not properly designed,
10 constructed or monitored; wastewater storage systems that are
11 not properly closed or cleaned up; improper storage or disposal
12 of drilling and production wastes in pits; and storm water
13 runoff during construction or from established well pads; and

14 WHEREAS, establishing setbacks for new oil and gas
15 facilities to reduce proximity and exposure to humans and the
16 natural environment is a targeted strategy to protect public
17 health and the environment; and

18 WHEREAS, there is no authority under the Oil and Gas Act
19 to establish setbacks for oil and gas facilities;

20 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
21 OF NEW MEXICO that the energy, minerals and natural resources
22 department be requested to evaluate the risks to humans and the
23 environment from proximity to oil and gas facilities; and

24 BE IT FURTHER RESOLVED that the energy, minerals and
25 natural resources department be requested to consult with

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1 relevant stakeholders on such risks and how to mitigate those
2 risks by establishing setbacks for oil and gas facilities; and

3 BE IT FURTHER RESOLVED that the energy, minerals and
4 natural resources department be requested to recommend
5 legislation to the first session of the fifty-seventh
6 legislature to establish setbacks for oil and gas facilities;
7 and

8 BE IT FURTHER RESOLVED that a copy of this memorial be
9 transmitted to the secretary of energy, minerals and natural
10 resources.