Ozone Precursor Rule
Fact Sheet
MAY 2021

NMED New Mexico Environment Department

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

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.

May 2021	Sept 2021	Oct 2021 – Jan 2022	Feb 2022	Anticipated March 2022
NMED files rule with EIB	Rule goes before EIB in public hearing	Parties file post-hearing briefs, hearing officer prepares final report	EIB deliberates and votes	Rule goes into effect

Read the full proposed rule here.
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