



Secretary James Kenney
New Mexico Environment Department

Secretary Sarah Cottrell Propst
Energy, Minerals, and Natural Resources Departments

Stephanie Garcia Richard
New Mexico Commissioner of Public Lands

Bruce Baizel, General Counsel,
New Mexico Environment Department

Michelle Miano, Director
Environmental Protection Division
New Mexico Environment Department

Dylan Fuge, General Counsel and Acting Director
New Mexico Oil Conservation Division
Energy, Minerals, and Natural Resources Department

April 17, 2023

Dear Secretary Kenney, Secretary Propst, Commissioner Garcia Richard, Mr. Baizel, Director Miano, and Acting Director Fuge:

We write with great concern for the health and safety of children attending schools in Hobbs, Loving and Carlsbad in Eddy and Lea Counties. Due to heavy oil and gas production in the area, children who live in these counties breathe air that does not comply with federal health standards, the National Ambient Air Quality Standards (the NAAQS). Sadly, despite the risk to children's health, you continue to permit new oil and gas development at a rapid rate.

Almost all the elementary, middle and high schools in the area are surrounded by oil and gas wells and production facilities. The co-located Loving Elementary, Middle, and High Schools are surrounded by over 60 active wells within one square mile, along with a refinery. Hobbs Municipal School District has 13 elementaries, three middle schools, one high school and several alternative and tech schools; all but one of them are surrounded by oil and gas production, with some schools surrounded by over 100 active wells within a single square mile (see Edison, Jefferson, and Houston Elementary); Carlsbad Municipal School District has five elementary schools, two middle schools and one high school. All of them are surrounded by oil and gas wells and infrastructure within one square mile.

Maps of the area, obtained from OCD's geospatial hub, paint a very dark picture:

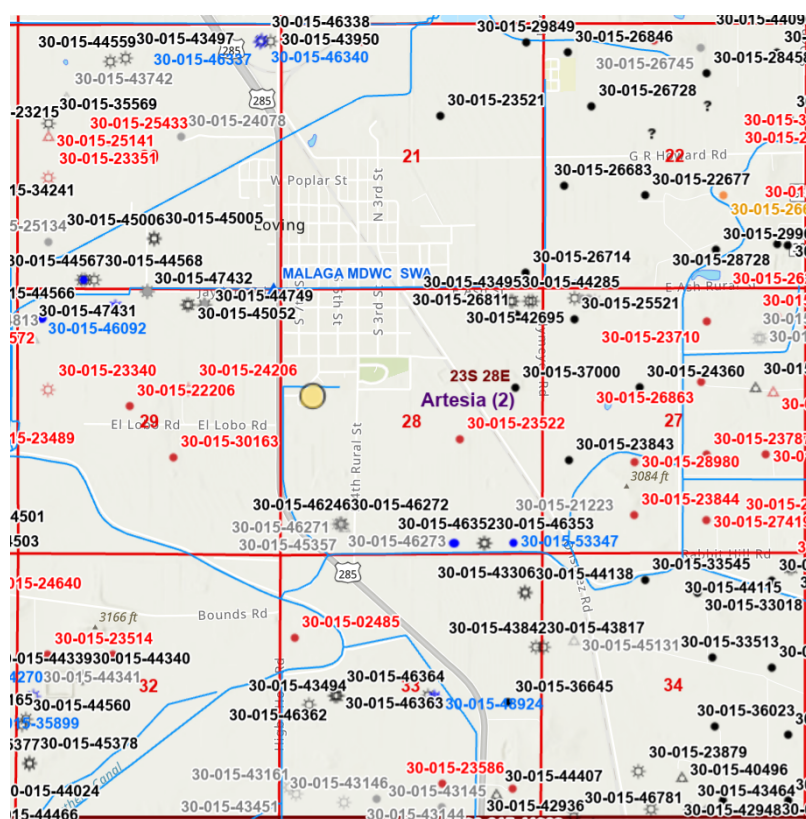
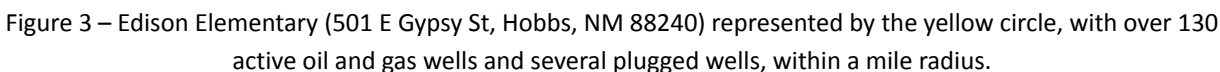
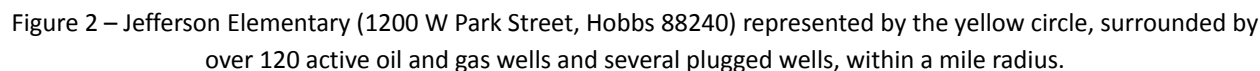


Figure 1 – Loving Schools (602 S 6th St, Loving, NM, 88256) represented by the yellow circle, surrounded by over 60 active oil and gas wells and several plugged wells within a mile.



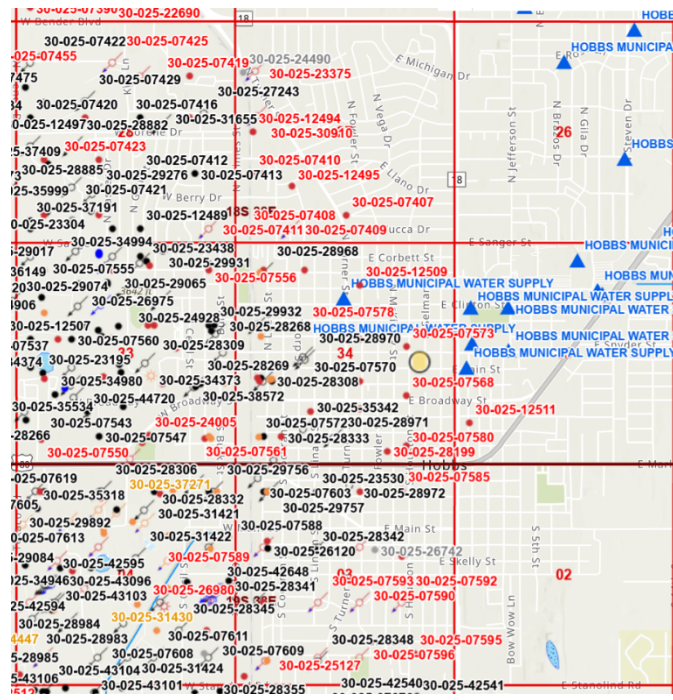


Figure 4 – Houston Elementary (300 N Houston St, Hobbs NM 88240) represented by the yellow circle, with over 120 active oil and gas wells and even more plugged wells, within a mile radius.

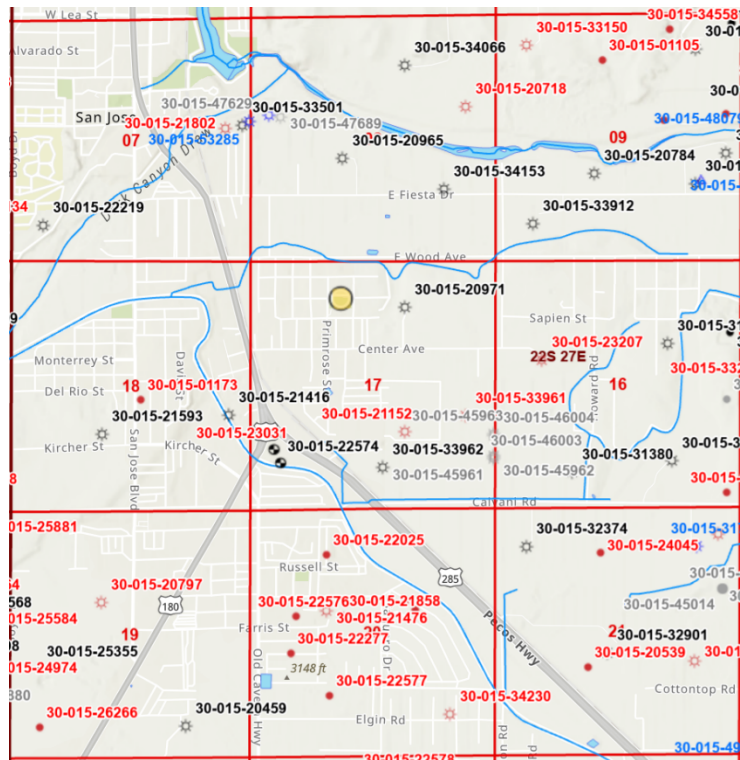


Figure 5 – Desert Willow Elementary (2100 Primrose St, Carlsbad, NM 88220) represented by the yellow circle, with over 20 active oil and gas wells and even more plugged wells, within a mile radius.

Children are being poisoned while they are at school. Children are also being poisoned while they participate in school athletic events. The irony that the oil and gas industry provides funding to these schools, while simultaneously poisoning the children who attend them, is dark, to say the least.

NMED is not fulfilling responsibility to enforce the Air Quality Control Act, which requires the prevention or abatement of air pollution and compliance with National Ambient Air Quality Standards (the “NAAQS”), *see* NMSA 1978 § 74-2-1 *et seq.*, along with the enforcement of NMED rules intended to improve air quality. *See* 20.2.50 *et seq.* NMAC. OCD is not fulfilling its responsibility under the Oil and Gas Act and implementing rules intended to prevent venting and flaring. *See* 19.15.27 *et seq.* NMAC.

We also remind you that New Mexico’s Constitution guarantees a beautiful and healthful environment and mandates the control of pollution. *See* Art. XX, Sec. 21, NM Constitution. As executive agencies, you are the statutory delegates of the legislature to carry out this duty.

In order to begin to comply with your constitutional and statutory duties, we ask that you do the following:

1. Immediately inspect the wells near the schools in Hobbs, Carlsbad and Loving School Districts, and enforce compliance with your rules concerning air quality and venting and flaring;
2. Cease permitting new oil and gas development within at least a mile of any schools in Lea and Eddy County;
3. Initiate a rulemaking to establish health-buffer zones (i.e. set-backs) to ensure that no new oil and gas development occurs within a distance of at least a mile of places frequented by people, and phase out existing wells that are already within the health-buffer zone.

Last month we wrote to you and asked you to protect the children who attend the Lybrook Elementary School in Counselor, New Mexico, which is surrounded by oil and gas wells, and requested a meeting with you in Counselor. We now add to that request a meeting with you in Carlsbad, New Mexico where we can tour the schools in Eddy and Lea Counties and seek your input on how to begin to protect the children in heavy oil and gas producing regions of our State.

Thank you very much.

Sincerely,

/s/ gail evans

Gail Evans
Senior Attorney
Center for Biological Diversity

/s/ Soni Grant

Soni Grant
Campaigner
Center for Biological Diversity

/s/ Kayley Shoup

Director
Citizens Caring for the Future

/s/ Pastor Dave Rogers

CC:

New Mexico Department of Health Secretary Patrick Allen