



Secretary James C. Kenney
New Mexico Environment Department

Director Bruce Baizel
Compliance and Enforcement
New Mexico Environment Department

December 16, 2025

Re: Chevron and Exxon prolong New Mexico's ozone crisis

Dear Secretary Kenney and Director Baizel,

We write to you again seeking enforcement action against the worst violators of our air pollution regulations. Even with a permitting scheme that allows oil and gas operators to emit tens of millions of pounds of pollution, operators violate emissions laws with no consequences. Last year, Chevron and ExxonMobil emitted nearly two-thirds of all illegal air pollution in New Mexico, fueling the ongoing ozone health crisis in the Permian Basin. These two oil giants are responsible for most of the illegal air pollution in our state; yet they have faced no legal consequences. What is more, all of these illegal pollutants were emitted in the Permian Basin, where unchecked pollution from the oil and gas industry has led to some of the highest ozone levels in the country, forcing residents to breathe unhealthy air on a regular basis. NMED has a legal obligation to ensure oil companies comply with the law. If NMED is going to permit Chevron and ExxonMobil to operate in New Mexico, it must ensure that these corporations do not violate our laws and exploit our communities and environment.

According to your own data, Chevron¹ and ExxonMobil² released more than 63% of all [illegal air emissions reported in our state](#) from [October 2024 through September 2025](#).³ During that time period, Chevron illegally emitted nearly 1.8 million pounds of harmful air pollutants in New Mexico and ExxonMobil illegally emitted more than half a million pounds. More than 99.6% of these excess emissions were either volatile organic compounds

¹ Including Chevron USA Midland and Chevron USA Houston.

² Through its subsidiary, XTO Energy. See <https://www.xtoenergy.com/>.

³ All calculations in this letter are based on analysis of all emissions events included in NMED's "Excess Emissions Report, October, 2025." These emissions, self reported by industry, violate the terms of permits issued by NMED. The report lists emissions by event rather than date, and includes some events that started before the one-year period analyzed in this letter but were reported during that period. Most likely, the report is also missing emissions data for emissions events which started during that one-year period but ended at a later date. Consequently, this analysis is an accurate representation of NMED's data for this period, but an imperfect representation of illegal emissions which occurred precisely from October 1, 2024, until September 30, 2025.

(VOCs) or nitrogen oxides (NOx). Both pollutants are directly harmful to the respiratory system and are major contributors to the formation of ozone, which reduces people’s ability to breathe, scars the lungs, and causes chest pain, congestion and coughing. Many VOCs are also carcinogenic and dangerous to the organs and nervous system.

NMED-issued permits for facilities operated by these two companies allow tens of millions of pounds of air pollutants to contaminate our air each year. Nonetheless, these companies violate the already-high limits in their permits with many hundreds of thousands of pounds of *additional* contaminants.⁴ These emissions intensify the pollution burden in the Permian Basin. Eddy and Lea counties are in the 95th–100th percentile for national levels of ozone, with ozone levels that violate EPA’s health-based National Ambient Air Quality Standards. Ozone levels continue to worsen, and NMED fails to act.

Top ten illegal emitters in New Mexico (Oct 2024 to Sept 2025)

#	Company (Parent Company)	Sites in Violation	Pounds of Illegal Pollution	Percent of Total Illegal Pollution
1	Chevron USA Inc. – Midland (Chevron)	25	1,764,349	48.8%
2	XTO Energy Inc. (ExxonMobil)	39	507,559	14.0%
3	Matador Production Company (Matador)	17	239,528	6.6%
4	Versado Gas Processors (Targa Resources)	5	239,148	6.6%
5	EOG Resources Inc – Midland (EOG Resources)	2	159,745	4.4%
6	Frontier Field Services, LLC (S. Ute Tribe)	2	112,966	3.1%
7	Targa Northern Delaware LLC (Targa Resources)	5	105,634	2.9%
8	DCP Operating Company LP (Phillips 66)	7	95,448	2.6%
9	Coterra Energy Operating Co (Coterra)	1	92,260	2.6%
10	El Paso Natural Gas Company (Kinder Morgan)	2	53,004	1.5%
	<i>Total of top 10 illegal emitters</i>	<i>105</i>	<i>3,369,641</i>	<i>93.1%</i>
13	Chevron USA Inc. – Houston (Chevron)	1	30,465	0.8%

As the above chart shows, in the last year, Chevron USA Midland alone is responsible for more illegal air pollution (48.8%) than the rest of the top 10 polluters *combined* (44.3%). Even more stark, that single company is responsible for more than 64% of all reported illegal VOC emissions; and in October and November 2024, it was responsible for 89% and 94%, respectively, of all illegal emissions.⁵

⁴ See 20.2.7.109 NMAC (“[A]n excess emission is a violation of the air quality regulation or permit condition and may be subject to an enforcement action.”)

⁵ Percentages based on excess emissions events that ended during those months.

In the last year, 26 sites owned and operated by Chevron have illegally emitted in NM:

1,791,752 pounds of air pollution	<i>49.6% of all illegal air pollution in NM</i>
1,784,633 pounds of VOCs	<i>65.5% of all illegal VOCs</i>

While Chevron is the top illegal air polluter in our state, ExxonMobil is the second worst illegal air polluter. XTO Energy, owned by ExxonMobil, is responsible for 46% of all reported illegal NOx emissions in the last year, making it a substantial driver of ozone pollution.

In the last year, 39 sites owned and operated by ExxonMobil have illegally emitted in NM:

507,559 pounds of air pollution	<i>14.0% of all illegal air pollution in NM</i>
67,017 pounds of NOx	<i>46.0% of all illegal NOx</i>
306,742 pounds of VOCs	<i>11.3% of all illegal VOCs</i>

These two giant corporations—together, worth more than \$700 billion dollars⁶—play a large part in the ongoing ozone health crisis in the southeast corner of New Mexico. Inexplicably, NMED has failed to take any enforcement action against them.

This failure to enforce the law is one more way in which NMED has failed in its statutory duty to prevent or abate air pollution, and its constitutional duty to protect our beautiful and healthful environment. NMED must act now to enforce our laws and protect New Mexicans' health and environment.

Sincerely,

Lavran Johnson, Gail Evans, and Colin Cox
THE CENTER FOR BIOLOGICAL DIVERSITY

Sharon Wilson, Executive Director
OILFIELD WITNESS

Haley Jones, Executive Director
CITIZENS CARING FOR THE FUTURE

Esperanza Chairez, Policy Campaign Manager
YOUTH UNITED FOR CLIMATE CRISIS ACTION

⁶ According to Forbes, Chevron has assets totaling \$256.9 billion and Exxon has assets totaling \$453.5 billion. See <https://www.forbes.com/companies/chevron/>; <https://www.forbes.com/companies/exxon-mobil/>.

CC:

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