

STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD



IN THE MATTER OF PROPOSED REPEAL OF
20.2.20 NMAC – *Lime Manufacturing Plants – Particulate Matter*

Air Quality Bureau
Environmental Protection Division
New Mexico Environment Department,

No. EIB 18-07 (R)

Petitioner

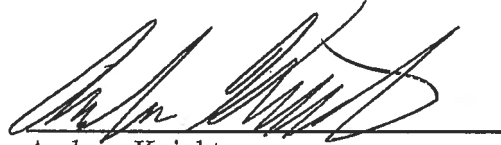
PETITION FOR REGULATORY CHANGE

Pursuant to 20.1.1 NMAC - *Rulemaking Procedures*, the Air Quality Bureau (“Bureau”) in the Environmental Protection Division of the New Mexico Environment Department hereby petitions the Environmental Improvement Board (“Board”), to repeal 20.2.20 NMAC – *Lime Manufacturing Plants – Particulate Matter*. The Board is authorized to repeal this regulation by the Environmental Improvement Act, NMSA 1978, Section 74-1-8 (2000) and the Air Quality Control Act, NMSA 1978, Section 74-2-5 (2007). A statement of the reasons for the regulatory change is attached to this petition. A copy of 20.2.20 NMAC is attached as Attachment A, in redline/strikeout format.

The Bureau requests that the Board schedule the hearing in this matter for November 2018 during its regular meeting. The Bureau anticipates that the hearing regarding the proposed amendments will take approximately one hour.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT
OFFICE OF GENERAL COUNSEL

A handwritten signature in black ink, appearing to read 'Andrew Knight', is written over a solid horizontal line.

Andrew Knight
Assistant General Counsel
121 Tijeras Ave. NE, Suite 1000
Albuquerque, NM 87102-3400
Telephone (505) 222-9540
Andrew.Knight@state.nm.us

STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED REPEAL OF:
20.2.20 NMAC – *Lime Manufacturing Plants – Particulate Matter*

EIB 18-07 (R)

STATEMENT OF REASONS

The New Mexico Environment Department (“Department”) proposes to repeal 20.2.20 NMAC, *Lime Manufacturing Plants – Particulate Matter* (“Part 20”).

The *Improving Environmental Permitting* report completed by the Department in 2012 identified Part 20 as one of several rules that should be evaluated for potential revision or repeal. Part 20 established State particulate matter emissions limits for lime manufacturing plants and lime hydrators (effective 12/21/78). There are two federal rules that also regulate lime manufacturing, but not lime hydrators: 40 CFR 60, Subpart HH, *Standards of Performance for Lime Manufacturing Plants* (“NSPS Subpart HH”) and 40 CFR 63, Subpart AAAAA, *National Emissions Standards for Hazardous Air Pollutants for Lime Manufacturing Plants* (“NESHAP Subpart AAAAA”). Due to a remand by the U.S. Court of Appeals (49 FR 18080, 4/26/84), NSPS Subpart HH has been changed substantively since 1978 when Part 20 was first adopted, but the State rule has not been amended to incorporate these changes. If Part 20 were repealed, an affected facility would still need to comply with federal requirements, which are protective of air quality standards. Currently, there are no facilities in New Mexico under the jurisdiction of the Department subject to either NSPS Subpart HH or NESHAP Subpart AAAAA.

There is one facility (Lhoist) in New Mexico subject to the Part 20 requirements for lime hydrators. A repeal of Part 20 would eliminate the particulate matter emissions limit for lime hydrators (not to exceed 0.15 pounds per ton of lime feed), but the existing lime hydrator would still be required to comply with its permitted emissions limits. The proposed repeal would also eliminate the respective particulate matter emissions limits for new lime manufacturing plants and existing lime manufacturing plants and the opacity limit for new lime manufacturing plants. However, any newly constructed lime manufacturing plant would still be required to comply with the applicable portions of NSPS Subpart HH and NESHAP Subpart AAAAA and demonstrate compliance with all applicable New Mexico and national ambient air quality standards (“NMAAQs” and “NAAQS”, respectively).

Because Part 20 is part of the New Mexico State Implementation Plan or “SIP”, the Department is required to make a demonstration of noninterference under Section 110(l) of the Clean Air Act, to the EPA, that the proposed repeal will not negatively affect the attainment or maintenance of any NAAQS. This is referred to as a “110(l) demonstration”, and has been submitted to EPA for approval. The key aspects of this 110(l) demonstration include that:

1. It is not necessary for Part 20 to be part of the SIP in order to maintain the NAAQS.
2. There are no existing lime manufacturing plants in New Mexico under the jurisdiction of the Department subject to NSPS Subpart HH or NESHAP Subpart AAAAA; therefore, none would be affected by the repeal of Part 20.
3. The only source currently subject to Part 20 is Lhoist North America (formerly known as Chemical Lime Co.) located in Belen, NM, which is permitted to operate a lime hydrator, but does not operate a kiln. The Air Quality Bureau recently updated the dispersion modeling analysis for this facility and verified that the facility will not cause a violation of the NAAQS, as permitted and constructed.
4. This source’s potential to emit for particulate matter is based on a permit limit, which is federally enforceable via SIP-approved 20.2.72 NMAC, *Construction Permits* (“Part 72”). If Part 20 were repealed, a permit would still be required for the Lhoist facility because uncontrolled particulate matter emissions are estimated to be greater than the 10 pounds per hour or 25 tons per year permitting thresholds proscribed by Part 72. In addition, a permit would still be necessary to specifically limit emissions of toxic air pollutants (quick lime and hydrated lime) as required by Part 72. Should Lhoist apply for a permit revision, Part 72 would still require the applicant to show compliance with the NAAQS. Therefore, a repeal of Part 20 would not allow emissions from the facility to interfere with attainment or maintenance of the NAAQS.

A copy of Part 20 is attached as Attachment A in redline-strikeout format.

If a hearing is granted in this matter, the Department will present (in its Notice of Intent to present technical testimony) a more detailed analysis of the proposed repeal of 20.2.20 NMAC.

1 TITLE 20 ENVIRONMENTAL PROTECTION
2 CHAPTER 2 AIR QUALITY (STATEWIDE)
3 PART 20 LIME MANUFACTURING PLANTS - PARTICULATE MATTER
4

5 ~~20.2.20.1~~ — ~~ISSUING AGENCY: Environmental Improvement Board.~~
6 ~~[11/30/95; 20.2.20.1 NMAC — Rn, 20 NMAC 2.20.100 10/31/02]~~
7

8 ~~20.2.20.2~~ — ~~SCOPE: All geographic areas within the jurisdiction of the Environmental Improvement Board.~~
9 ~~[11/30/95; 20.2.20.2 NMAC — Rn, 20 NMAC 2.20.101 10/31/02]~~
10

11 ~~20.2.20.3~~ — ~~STATUTORY AUTHORITY: Environmental Improvement Act, NMSA 1978, section 74-1-~~
12 ~~8(A)(4) and (7), and Air Quality Control Act, NMSA 1978, sections 74-2-1 et seq., including specifically, section~~
13 ~~74-2-5(A), (B) and (C).~~
14 ~~[11/30/95; 20.2.20.3 NMAC — Rn, 20 NMAC 2.20.102 10/31/02]~~
15

16 ~~20.2.20.4~~ — ~~DURATION: Permanent.~~
17 ~~[11/30/95; 20.2.20.4 NMAC — Rn, 20 NMAC 2.20.103 10/31/02]~~
18

19 ~~20.2.20.5~~ — ~~EFFECTIVE DATE: November 30, 1995.~~
20 ~~[11/30/95; 20.2.20.5 NMAC — Rn, 20 NMAC 2.20.104 10/31/02]~~
21 ~~[The latest effective date of any section in this Part is 10/31/02.]~~
22

23 ~~20.2.20.6~~ — ~~OBJECTIVE: The objective of this Part is to establish particulate matter emission standards for~~
24 ~~lime manufacturing plants.~~
25 ~~[11/30/95; 20.2.20.6 NMAC — Rn, 20 NMAC 2.20.105 10/31/02]~~
26

27 ~~20.2.20.7~~ — ~~DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC (Definitions), as used in this~~
28 ~~Part:~~

29 ~~A. "Commenced" means that an owner or operator has undertaken a continuous program of~~
30 ~~construction or that an owner or operator has entered into a binding contractual obligation to undertake and complete~~
31 ~~within a reasonable time a continuous program of construction.~~

32 ~~B. "Existing lime manufacturing plant" means any plant that produces lime by calcination that~~
33 ~~was constructed and operational, or at which construction was commenced, prior to May 3, 1977, and includes all~~
34 ~~crushers, conveyors, screens and other size classification units, hoppers, chutes and kilns.~~

35 ~~C. "Lime" means the product of the calcination process and includes, but is not limited to, calcitic~~
36 ~~lime, dolomitic lime, and dead burned dolomite.~~

37 ~~D. "Lime hydrator" means a unit used to produce hydrated lime.~~

38 ~~E. "Modification" means a physical change or change in the manner of operation which increases~~
39 ~~the amount of any air contaminant emitted by the lime manufacturing plant or which results in the emission of any~~
40 ~~air contaminant not previously emitted.~~

41 ~~F. "New lime manufacturing plant" means any plant that produces lime by calcination at which~~
42 ~~construction or modification was commenced on or after May 3, 1977, and includes all crushers, conveyors, screens~~
43 ~~and other size classification units, hoppers, chutes and kilns. New lime manufacturing plant also includes any plant~~
44 ~~which produces hydrated lime, the construction or modification of which was commenced on or after May 3, 1977.~~

45 ~~G. "Opacity" means the degree to which emissions reduce the transmission of light and obscure the~~
46 ~~view of an object in the background.~~

47 ~~H. "Part" means an air quality control regulation under Title 20, Chapter 2 of the New Mexico~~
48 ~~Administrative Code, unless otherwise noted; as adopted or amended by the Board.~~

49 ~~I. "Rotary lime kiln" means a unit with an inclined rotating drum which is used to produce lime~~
50 ~~from limestone by calcination.~~

51 ~~[11/30/95; 20.2.20.7 NMAC — Rn, 20 NMAC 2.20.107 10/31/02]~~
52

53 ~~20.2.20.8~~ — ~~AMENDMENT AND SUPERSESION OF PRIOR REGULATIONS: This Part amends and~~
54 ~~supersedes Air Quality Control Regulation ("AQCR") 509 — Lime Manufacturing Plants — Particulate Matter last~~
55 ~~filed November 21, 1978.~~

56 ~~A. All references to AQCR 509 in any other rule shall be construed as a reference to this Part.~~

1 ~~_____ B. _____ The amendment and supersession of AQCR 509 shall not affect any administrative or judicial~~
2 ~~enforcement action pending on the effective date of such amendment nor the validity of any permit issued pursuant~~
3 ~~to AQCR 509.~~

4 ~~[11/30/95; 20.2.20.8 NMAC Rn, 20 NMAC 2.20.106 10/31/02]~~
5

6 ~~20.2.20.9 _____ DOCUMENTS: Documents cited in this Part may be viewed at the New Mexico Environment~~
7 ~~Department, Air Quality Bureau, Runnels Building, 1190 Saint Francis Drive, Santa Fe, NM 87505 [2048 Galisteo~~
8 ~~St., Santa Fe, NM 87505].~~

9 ~~[11/30/95; 20.2.20.9 NMAC Rn, 20 NMAC 2.20.108 10/31/02]~~
10

11 ~~20.2.20.10 to 20.2.20.108 [RESERVED]~~
12

13 ~~20.2.20.109 _____ EMISSIONS LIMITATIONS - NEW PLANT: The owner or operator of a new lime~~
14 ~~manufacturing plant shall not permit, cause, suffer or allow emissions of particulate matter to the atmosphere to:~~

15 ~~_____ A. _____ Exceed 0.30 pounds per ton of limestone feed, or exhibit ten percent opacity or greater, from any~~
16 ~~lime kiln; or~~

17 ~~_____ B. _____ Exceed 0.15 pounds per ton of lime feed to any lime hydrator.~~

18 ~~[11/30/95; 20.2.20.109 NMAC Rn, 20 NMAC 2.20.109 10/31/02]~~
19

20 ~~20.2.20.110 _____ EMISSIONS LIMITATIONS - EXISTING PLANT: The owner or operator of an existing lime~~
21 ~~manufacturing plant shall not permit, cause, suffer or allow emissions of particulate matter to the atmosphere to~~
22 ~~exceed 10 pounds per hour from any rotary lime kiln.~~

23 ~~[11/30/95; 20.2.20.110 NMAC Rn, 20 NMAC 2.20.110 10/31/02]~~
24

25 ~~20.2.20.111 _____ EMISSION CONTROLS: Any person owning or operating a lime manufacturing plant shall~~
26 ~~equip and maintain all crushers, screens or other size classification units, hoppers and chutes with:~~

27 ~~_____ A. _____ Systems of enclosures, dust suppressant sprays and other measures as necessary to prevent the~~
28 ~~release of particulate matter emissions to the atmosphere; or~~

29 ~~_____ B. _____ Equip such process units with hoods, fans, and fabric filters, wet scrubbers or other collection and~~
30 ~~control systems approved by the Department as at least as effective to reduce particulate matter emissions to the~~
31 ~~atmosphere.~~

32 ~~[11/30/95; 20.2.20.111 NMAC Rn, 20 NMAC 2.20.111 10/31/02]~~
33

34 ~~20.2.20.112 _____ STACK REQUIREMENTS: The owner or operator of lime manufacturing plants shall not~~
35 ~~permit, cause, suffer or allow emissions of particulate matter to the atmosphere from a lime kiln or lime hydrator~~
36 ~~except through stacks equipped with sampling ports and platforms in such number, location and size to allow~~
37 ~~accurate sampling to be performed.~~

38 ~~[11/30/95; 20.2.20.112 NMAC Rn, 20 NMAC 2.20.112 10/31/02]~~
39

40 ~~20.2.20.113 _____ STACK TESTING: Compliance with 20.2.20.109 NMAC and 20.2.20.110 NMAC shall be~~
41 ~~determined consistent with the method for manual stack testing set forth by the US EPA at 40 CFR, Part 60,~~
42 ~~Appendix A, Methods 1 through 5, or any other method receiving prior approval from the Department. Upon~~
43 ~~request of the Department, the owner or operator of lime manufacturing plants shall perform stack testing according~~
44 ~~to the method stated above and report the results of such tests in the format and time period specified by the~~
45 ~~Department. The owner or operator shall inform the Department of the dates and times of such testing so that the~~
46 ~~Department may have opportunity to have an observer present during testing.~~

47 ~~[11/30/95; 20.2.20.113 NMAC Rn, 20 NMAC 2.20.113 10/31/02]~~
48

49 ~~20.2.20.114 _____ CONTINUOUS EMISSION MONITORS - NEW PLANTS: The owner or operator of a new~~
50 ~~lime manufacturing plant shall not permit, cause, suffer or allow operation of the new lime manufacturing plant~~
51 ~~unless the plant is equipped with continuous monitoring systems as specified in 40 CFR, Part 60, Subpart HH,~~
52 ~~Section 60.343.~~

53 ~~[11/30/95; 20.2.20.114 NMAC Rn, 20 NMAC 2.20.114 10/31/02]~~
54

55 HISTORY OF 20.2.20 NMAC:

1 **Pre-NMAC History:** The material in this part was derived from that previously filed with the Commission of
2 Public Records-State Records Center and Archives.
3 ACQR 509, Air Quality Control Regulation 509 - Lime Manufacturing Plants - Particulate Matter, 11/21/78.
4

5 **History of Repealed Material:** [RESERVED]
6 20.2.20 NMAC, Lime Manufacturing Plants – Particulate Matter, filed xx/xx/xx – Repealed effective xx/xx/xx.
7

8 **Other History:**
9 ACQR 509, Air Quality Control Regulation 509 - Lime Manufacturing Plants - Particulate Matter, 11/21/78, was
10 **renumbered** into first version of the New Mexico Administrative Code as 20 NMAC 2.20, Lime Manufacturing
11 Plants - Particulate Matter, filed 10/30/95.
12 20 NMAC 2.20, Lime Manufacturing Plants - Particulate Matter, filed 10/30/95, was **renumbered, reformatted**
13 **and replaced** by 20.2.20 NMAC, Lime Manufacturing Plants - Particulate Matter, effective 10/31/02.]