



Public Involvement Plan

New Mexico Environment Department

Air Quality Bureau, Planning Section

Project: Proposed Repeal of 20.2.20 NMAC, *Lime Manufacturing Plants – Particulate Matter*

Planning timeframe: November 2018

Project Planner: Neal Butt

Approval: _____

A handwritten signature in blue ink, appearing to read "EBisbey-Kuehn", is written over a horizontal line.

Elizabeth Bisbey-Kuehn, Chief, Air Quality Bureau

Date: _____

A handwritten date "7/31/18" in blue ink is written over a horizontal line.

Purpose

The New Mexico Environment Department (NMED) developed this Public Involvement Plan (Plan) to provide public participation opportunities and information that may be needed to participate in the proposed revision to the New Mexico State Implementation Plan (SIP) regarding the repeal of 20.2.20 NMAC and associated hearing before the Environmental Improvement Board (EIB), which may affect the public in New Mexico in general, and the City of Belen, in particular. The Air Quality Bureau (Bureau) encourages the public to learn about and get involved in regulatory and other planning opportunities and has developed this Plan to increase transparency regarding the planning and decision-making processes. This Plan integrates information about potentially affected communities and identifies resources needed by the Bureau to successfully incorporate community participation activities into the decision-making process. The Plan identifies the NMED staff and resources needed to accomplish these activities.

In developing this Plan, community participation needs, in proximity to the only facility affected by the proposed repeal, were assessed to ensure appropriate promotion of public outreach, by identifying whether there is a combination of environmental and demographic factors (e.g., low-income community, minority community, limited English proficient individuals, linguistically isolated households, etc.) that may impact public participation. This assessment identifies community outreach needs, provides for public access opportunities beyond statutory requirements, and supports the provision of adequate public access to information about the proposed repeal.

The proposed repeal may require public participation throughout different stages of planning and decision-making. The Bureau will follow this Plan, specifically designed to ensure nondiscriminatory access to all applicable public participation opportunities related to policy, regulatory actions and statutory requirements.

Project Overview

New Mexico rule 20.2.20 NMAC, *Lime Manufacturing Plants – Particulate Matter* has been identified as one of several regulations that should be evaluated for potential repeal. An analysis of the rule found that the cited particulate matter (PM) emission standards for lime manufacturing plants were incorporated from the federal *Standards of Performance for Lime Manufacturing Plants* (NSPS Subpart HH). Since 20.2.20 NMAC was first adopted on November 15, 1978, NSPS Subpart HH has changed substantively (49 FR 18080, 4/26/84), while the State rule has not. The Department has determined that the repeal of this rule will not result in a violation of any state or federal air quality standards.

20.2.20 NMAC is a statewide rule (except for Bernalillo County and Tribal lands), so it potentially affects all communities within the jurisdiction of the Bureau. However, the only facility affected by 20.2.20 NMAC is the Lhoist NA lime hydrating plant in Belen, Valencia County. Stakeholders were first made aware of the Bureau's intent to repeal this rule on May 11, 2015 in an announcement sent via listserv, and posted on the Bureau's Proposed Regulations web page (<https://www.env.nm.gov/air-quality/proposed-regs/>).

A more detailed description of this project is available for download at <https://www.env.nm.gov/air-quality/proposed-regs/>, or in hard copy at the Bureau's main office, 525 Camino de los Marquez, Santa Fe, New Mexico, 87505.

Contacts

The public is encouraged to contact Bureau or NMED staff at any time with questions or comments regarding this Plan or the project itself, or for help in accessing public participation opportunities.

Project and Public Involvement Plan contact:

Neal Butt, Environmental Analyst

Air Quality Bureau

525 Camino de los Marquez

Santa Fe, New Mexico 87505

(505) 476-4317

Neal.butt@state.nm.us

Website:

Outreach materials and notices will include links to the following website:

<https://www.env.nm.gov/air-quality/proposed-regs/>

Non-English Language Speaker Assistance and Accommodations:

The Bureau will include information about how persons may request non-English speaker language assistance and accommodations for persons with disabilities. If any person requires non-English speaker language assistance, assistance for an interpreter or auxiliary aid (e.g., accommodations for persons who are disabled) to participate in review of this report, please contact the Project contact, preferably 14 days prior to the end of the public comment period. TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

Community Description / LEP Analysis

To address potential or existing environmental justice areas, Bureau staff completed an initial screening of the potentially affected community, using the EJSCREEN tool developed by the EPA. This tool helps identify communities with demographic factors which may benefit from a variety of approaches for notification and outreach communication.

Table 1, below, summarizes the demographics of potentially affected communities analyzed using the EJSCREEN tool, including the proportion of limited English proficiency persons.

Table 1: Potentially affected communities and their estimated demographics.

Potentially Affected Communities	Total number of households	Per capita income	Minority population (%)	Population speaking non-English at home (% of persons age 5 years +)	Limited-English Proficient Individuals (%) ‡	Linguistically isolated households (%)
USA	117,716,237	\$29,829	39%	21% a	7.8%	4.5%
Lhoist NA Facility – 4-mile radius	3,464	\$19,201	56%	31% b	6%	3.6%

*Largest percentage of language spoken in these households is Spanish.

‡ Limited English Proficient Individuals are those that speak a language other than English at home **and** who speak English “less than very well.”

a. 2012-2016

b. 2011-2015

The results of this screening suggest that attention should be paid to the low income and minority population surrounding the Lhoist facility, as well as the larger community of Belen. The results of the EJSCREEN Report and the American Community Survey (ACS) Summary Report indicate that Belen has a higher percentage of minorities and linguistically isolated households and a lower per capita income when compared to the State.

Over the past few years, the Bureau has noted that LEP individuals generally do not participate in New Mexico-led rulemaking activities. Participation by LEP individuals is generally through organized environmental groups, such as Diné C.A.R.E. (Citizens Against Ruining our Environment), or Juntos: Our Air, Our Water, that participate in other non-regulatory issues, such as public meetings regarding VW Settlement Funds or issues related to the Four Corners Air Quality Group. However, participation by Spanish-only stakeholders has recently been limited to Albuquerque/Bernalillo County. The Bureau arranged for live translation services at the public information meetings on the VW Settlement held in Albuquerque and Las Cruces in 2017. Members of Juntos attended the VW Settlement meeting in Albuquerque, advocating for the purchase of electric school buses. No Spanish-only speakers attended the meeting in Las Cruces. Public notices for the public meetings on the proposed TSP Repeal and Fugitive Dust Rule were provided in Spanish, but we did not receive any requests for translation for those meetings. Even though LEP individuals do not frequently participate in similar proceedings it is still important for the Bureau to try to incorporate the linguistic and communication needs of this community when conducting public outreach and participation activities. To help accomplish this, the Bureau has translated the Notice of Hearing into Spanish and will publish this alongside the English version in the Albuquerque Journal, the New Mexico Register, the NM Sunshine Portal and the Bureau webpage. The Bureau does not intend to translate additional documents into Spanish, unless requested. Should Spanish translation services be requested, the following are average costs associated with various portions of the proceedings:

Costs associated with translation: \$1000

Costs associated with providing a translator: \$1000-3000, depending on the length of the proceeding

Costs for a court reporter: \$2000

The Bureau strives to make public participation efforts as inclusive as possible within budget and time limitations. In addition, interpretation services will be made available upon request to the appropriate contact person listed in the “Contacts” section of this Plan.

Repealing 20.2.20 NMAC is important to the State, the Department and industry because 20.2.20 NMAC incorporates an outdated version of *the Standards of Performance for Lime Manufacturing Plants* (NSPS Subpart HH). The current version of NSPS HH has been incorporated by reference into 20.2.77 NMAC, *New Source Performance Standards*. Repealing this rule will clarify permitting requirements for lime manufacturing and lime hydrating, eliminating any confusion. Neighborhood citizens and environmental organizations may have concerns about relaxation of environmental protections and will be provided assurances that repeal will not endanger public health. Local government’s potential concerns about negative impact on local development will be addressed.

Details of Outreach Activities

The public may ask questions about this project at any time, regardless of the formal public comment period. However, to be included in the administrative record, comments solicited by public notices must be submitted during the noticed comment periods in accordance with the requirements of the public notice. Additionally, the public may request to review official project documents at the Bureau or through one of the document repositories listed below.

Based on the demographics outlined above, the history of public involvement for related projects, and projected impacts to potentially affected communities, no additional language support, beyond publishing notices in Spanish alongside the English version, is anticipated. Notices will include information on how to request additional materials in another language or how to request other communication assistance through NMED. Notices will be provided to the Indian tribes, pueblos and nations.

The following table offers information on how the public will be invited to participate in this project.

Table 2: Timeline of public involvement opportunities. Regulatory or statutory deadlines are in **bold**. Note that dates may be approximate. Notices will contain final dates, and specific locations and times.

Date(s)	Activity	Venue / Location	Time	Language service
July, 2018	Notice – Public Involvement Plan	Web repository	n/a	English; Spanish upon request
July, 2018	Notice – Public information meetings offered	Web repository; Listserv; Albuquerque Journal Additional outreach contacts.	n/a	English; Spanish upon request
August	Public Information meeting (if requested)	Belen Community Center, 100 S. Main St., Belen, New Mexico 87002. Phone: (505) 966-2730.	5:30-7:00 p.m.	English; Spanish interpretation available upon request
30 days after notice of PIM offer (8/22/18)	Stakeholder comments / PIM request due			
July 6, 2018	File <i>Petition for Regulatory Change</i>	website	n/a	English
July 27, 2018	EIB meeting to request hearing	New Mexico State Capitol Building 490 Old Santa Fe Trail Santa Fe, NM 87501	9:30 am	English; Spanish interpretation available upon request
Various	Notice – Hearing (Subsection A of 14-4-5.2 NMSA 1978)	ABQ Journal - legal	n/a	English and Spanish
		August 26, 2018		
		NM Legislative Council Service August 28, 2018		English
		lcs@nmlegis.gov		
		NM Sunshine Portal August 28, 2018		English and Spanish
		sunshine.portal@state.nm.us		
		NM Register August 28, 2018		English and Spanish
		Valencia County News Bulletin August 23, 2018		English
August	Submit notification of proposed regulatory change to Small Business	Listserv – SIP/Regulatory Updates		English
		Web repository		English
		“Provide to the Public” (See Subsection E of Section 14-4-2 NMSA 1978 for distribution)		English

	Regulatory Advisory Commission (SBRAC)		
October 28, 2018	Public comments due		
November 9, 2018	File <i>Notice of Intent</i> to present technical testimony with EIB Administrator		English
November 30	Hearing before the EIB		English; Spanish translation services available upon request
December 4, 2018 (within 15 days after adoption)	File rule repeal with SRC (Subsection D of Section 14-4-5 NMSA 1978)	State Records Center	English
“Within 15 days after adoption”	““Provide to the Public’ the adopted rule” (Subsection D of Section 14-4-5 NMSA 1978)	See Subsection E of Section 14-4-2 NMSA 1978 for distribution	English; Spanish translation services available upon request
At the time the agency adopts a rule	““Provide to the Public’ a <i>Concise Explanatory Statement</i> containing: A. the date the agency adopted the rule; B. a reference to the specific statutory or other authority authorizing the rule; and C. any findings required by a provision of law for adoption of the rule.” (Section 14-4-5.5 NMSA 1978)	See Subsection E of Section 14-4-2 NMSA 1978 for distribution	English; Spanish translation services available upon request
	Submit proposed SIP revision to EPA		English

To receive email updates through NMED's listserv, sign up electronically at <https://public.govdelivery.com/accounts/NMED/subscriber/new>, then choose which topics you are most interested in. This project will periodically send updates to the AQB *Regulatory and SIP Announcements*.

The following web sites provide access to the official notices electronically, per the publication outlets described above:

Albuquerque Journal
<http://legals.abqjournal.com/>

New Mexico Register
<http://164.64.110.134/nmac/>

Valencia County News Bulletin
www.news-bulletin.com

Because of the project's potential impact on specific communities, notifications will also be sent to the following entities:

City of Belen, NM
Administration
City Hall
100 S Main Street
Belen, NM 87002
Phone: 505-966-2730
Fax: 505-864-8408

Valencia County, NM
Administration
County Office
444 Luna Ave
P.O. Box 1119
Los Lunas, NM
Phone: 505-866-2001

Land Grants within a 4-mile radius of Lhoist NA include Tome, Belen and Belen – Casa Colorado. Notices to land grants will be sent to the New Mexico Land Grant Council contact.
NM Land Grant Council
1829 Sigma Chi Rd SE
Albuquerque NM 87106
nmlandgrantcouncil@unm.edu

Document Repositories

The following is a list of locations where copies of relevant documents will be available to the community:

Public Involvement Plan: Proposed Repeal of 20.2.20 NMAC, *Lime Manufacturing Plants – Particulate Matter*. Version: 7/30/18

Air Quality Bureau
525 Camino de los Marquez
Santa Fe, New Mexico 87505
(505) 476-4300

NMED District I Field Office
Albuquerque
121 Tijeras Ave. NE
STE 1000
Albuquerque, NM 87102-3400
Phone (505) 222-9500

NMED District II Field Office
Las Vegas
2538 Ridge Runner Road
Las Vegas, New Mexico 87701
Phone (505) 454-2800

Electronic copies are available at:

<https://www.env.nm.gov/air-quality/proposed-regs/>

