Health, Equity and Environmental Impacts (HEEI) Regulation NMAC 20.11.72

ISSUING AGENCY: Albuquerque-Bernalillo Air Quality Control Board NMAC 20.11.72.1

REGULATION SCOPE NMAC 20.11.72.2

This regulation applies to any applicant seeking a permit for an emissions source subject to Chapter 20.11.41 NMAC, 20.11.42 NMAC, 20.11.60 NMAC and 20.11.61 NMAC.

Health, Equity and Environmental Impacts process evaluates the cumulative or disparate impacts of air emissions

to enable the Department to develop a more complete understanding of current and future affects of permitting

actions on our health, safety and wellbeing of communities in Bernalillo County and City of Albuquerque.

STATUTORY AUTHORITY NMAC 20.11.72.3

- New Mexico Control Act NMSA 1978, 74-2-3, 74-2-5(B):
- Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5, Section 4 and 5;
- Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque, 1994, 9-5-1-4.

Pre-Application Requirement

NMAC 20.11.72.8

Upon applicant request

Applicant contacts the department in writing to request a pre-application meeting for information regarding the contents of the health, equity and environment impact analysis process.

Disparate Impacts Screening

NMAC 20.11.72.9.A Disparate Impacts Screening Summary

The Applicant shall evaluate the census block group in which the facility is proposed and all contiguous census block groups using the most current EJ data base, such as EPA's EJScreen, or data approved for use by the **New Mexico Department** of Health to determine whether the proposed operation will be located in a census block or contiguous to a census

block that is an

overburdened community

NMAC 20.11.72.9.A.1

Department shall deny

Overburdened Community

any permit application when located in an overburdened community or contiguous to an overburdened community; or when that block group or contiguous block group that is at the maximum concentration level found in Bernalillo County for any of the following:

- air toxics cancer risk
- air toxics hazard index
- concentration of any criteria pollutant

NMAC 20.11.72.9.B

permit is denied

or continues

HEEI Analysis and Report

If the Department is not required to deny the permit application pursuant to the Disparate Impact Screening but the proposed operation is in an area considered overburdened, the applicant shall prepare a HEEI Analysis & Report, as required by this section.

NMAC 20.11.72.9.C

Health, Equity and Environmental Impact Analysis and Report

NMAC 20.11.72.9.C Applicant provides the county percentage, block group percentage and value for:

- Particulate Matter (PM 2.5) • % of non-English • Ozone (ppb)
- Diesel Particulate
- Air Toxics Cancer Risk Air Toxics Respiratory Hazard Index
- Traffic Proximity & Volume
- Lead Paint Indicator Superfund Proximity
- RMP Proximity
- Hazardous Waste Proximity • Underground storage tank indicato
- roliferation of emissions Wastewater Discharge compliance history **Indicators** emission controls &
- % population non-White % population in Poverty

Public Hearing

NMAC 20.11.72.9.D

Hearing on Applicant **HEEI Report**

The Department shall hold a public hearing on the Applicant's HEEI report consistent with requirements of 20.11.41.15 NMAC, as well as; 1) applicant will pay for expenses of **Public Information** Hearing; and 2) community testimony, research and data will be given consideration for the same weight as technical expertise given by Department and Applicant.

HEEI Report Review

NMAC 20.11.72.9.E

HEEI Report Application Review

Permit will be denied if facility will: 1) increase the air toxics cancer risk score or increases the risk beyond 5 in 1,000,000; or 2) increase the air toxics hazard index score above the County average or ncreases the hazard index by a value of 1.0: or 3) increase the diesel particulate matter concentration by 5% over the block average or ncreases beyond the County average; or 4) increase the local concentration of 24**hour PM2.5** by 3 micrograms per meter cubed

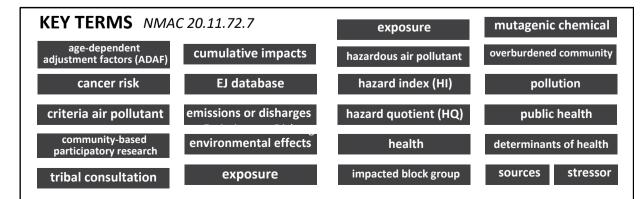
NMAC 20.11.41.13.A

Pre-Application Permit Contents

- Health, Equity and **Environmental Impacts Analysis and Process**
- Approved emission factors and control efficiencies
- Air dispersion modeling guidelines
- Department policies
- Air quality permit fees
- Public notice requirements
- Regulatory timelines

REGULATORY OBJECTIVE NMAC 20.11.72.6

Consistent with the Department's authority to prevent and abate air pollution, the Department will ensure that the health, environmental and equity impacts of combined air emissions sources are considered and addressed by the Departments permitting process such that no neighborhood or population group bears the disproportionate health impacts of air pollution or disproportionate concentration of emitting facilities and that all permitting complies with the goals of the National Integrated Urban Air Toxics Strategy and in the furtherance of environmental justice.



NMAC 20.11.72.10

speaking >5 age

% population with no

high-school diploma

% population ages 16-64

unemployed

• % population ages

<5 and >64

Life expectancy at birth

Quality of Life Impacts

odor • dust • noise

measures

HEEI Public Participation & Notice for Opportunity to Comment

• English/Spanish for all posting & mailings • Post on project property • Mail to all residents within 100 feet of project • Post in three other conspicuous places • Post on all social media accounts • Provide copy to all local neighborhood associations • Post on website and other easily accessible locations • Posed on all social media accounts • Mail to Sandia Pueblo and Isleta Pueblo, with tribal consultation.

AIR DISPERSION MODELING NMAC 20.11.72.9.F

Any air dispersion modeling is to be unmitigated and in accordance with up-to-date **U.S. EPA guidelines.** Modeling must include: 1) **grid spacing <25 meters** at the fenceline, 2) three-year background concentration for comparison with criteria pollutants, 3) use of data for source specific emissions: a) If existing source, must use data from Continuous Monitoring Emissions System or stack testing, b) if source is new, must rely on data from vendor and stack test data from similar facilities. 4) AP-42 emission factors un-allowed unless proven lack of alternative, 6) diesel particulate matter from traffic, 7) NAAQS-based cumulative impacts assessment.

