



# Environmental Justice in the Clovis Ethanol Permit Process



Richard Goodyear  
Manager

New Mexico Air Permit Programs  
([Richard.Goodyear@state.nm.us](mailto:Richard.Goodyear@state.nm.us))

# Background

- **Governor's Executive Order –  
18 November 2005**
- **Establishes a framework for addressing and implementing environmental justice at the state level of government. The Executive Order has four goals that affect the issuance of air quality permits.**

# Executive Order Goals

- 1) **Provide meaningful opportunities for involvement to all people regardless of race, color, ethnicity, religion, income, or education level in decisions that may affect environmental quality and public health.**
- 2) **Ensure that all publicly disseminated information is available in Spanish and in English and, as appropriate, in tribal languages.**

# Executive Order Goals - 2

- 3) Utilize available environmental and public health data to address impacts in low-income communities and communities of color as well as in determining siting, permitting, compliance, enforcement, and remediation of existing and proposed industrial and commercial facilities.**
  
- 4) Environmental justice shall be accomplished within the bounds of and consistent with the Department's existing statutory and regulatory authority.**

# Clovis Ethanol Plant

- **110-million-gallon-a-year ethanol plant co-located with ConAgra's existing Peavey Co. West grain handling facility at Clovis, NM**

# Clovis Ethanol Plant EJ Issues Claimed

- **Impact the Hispanic and Black communities more than any other (NAACP involvement)**
- **Adverse affects on nearby residents and school (1/2 mile) and a hospital (2 miles)**
- **77% of the children at that school came from low income and minority families**

# Implementation of E.O. - 1

## 1) Meaningful Participation

- Public meeting, 12 Dec 06
- Public hearing, 11 Jan 07
- Application documents available at Clovis office

## 2) Information in multiple languages

- Hearing notice in Spanish
- Offered translation service at hearing

# Implementation of E.O. - 2

## **3) Use environmental & health data to determine impact**

- **No standard to determine if air emissions will cause adverse impact regarding EJ**
- **Air dispersion modeling demonstrated that plant emissions would not cause adverse health impact on anyone outside the property**



# Implementation of E.O. - 3

## **4) Accomplish E.O. objectives within existing authority (statute & regs)**

- Deny a NSR permit only if requested action will not comply with federal or state air quality regulations**
- Air regulations do not address zoning or land use**
- May impose reasonable restrictions and limitations not related to pollutant emissions**

# Clovis Ethanol EJ Permit Conditions

- **Store dry distiller grain soluble material, DDGS, in an enclosure that prevents wind erosion, water erosion, DDGS escape, and DDGS-contaminated water from escaping**
- **Construct and operate retention ponds to ensure that they are not a source of VOC and H<sub>2</sub>S emissions nor a source of odors**
- **Increase the height of the RTO stack(s) from 50 to 100 feet**

# Clovis Ethanol EJ Permit Conditions

- **Initial emissions test to confirm minor source status for HAPs**
- **Conduct semi-annual public meetings for 5 years after permit issuance regarding actual emissions and permit compliance**
- **Modify the permit for the co-located grain handling facility to reduce fugitive dust**

# Epilogue

- **Cabinet Secretary's order to issue permit, 25 May 07**
- **Citizens appeal the order based on a confusing public notice and on environmental justice**
- **NM Environmental Improvement Board (EIB) hearing, Sept 07**
- **EIB refused to rule on EJ issue and remanded case to Environment Department for another hearing, 8 Jan 08**
- **Applicant withdrew application, 25 Jan 08**

# NM Environment Department EJ Webpage

- <http://www.nmenv.state.nm.us/Justice/>