



## **New Mexico Environment Department Petroleum Storage Tank Bureau**

### **Public Involvement Plan (PIP)**

Meeting: Environmental Improvement Board meeting to hear amendment proposals of 20.5 NMAC

Timeframe:

Meeting Planner: Michael Ortiz

Approval:

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Michael Ortiz, Bureau Chief  
Petroleum Storage Tank Bureau  
New Mexico Environment Department

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Date

## Element 1 – Public Involvement Plan (PIP) Overview

The New Mexico Environment Department (NMED or Department), Petroleum Storage Tank Bureau (Bureau) developed this Public Involvement Plan (PIP) to increase transparency regarding the planning, decision-making, and rulemaking process of amending Part 101 through 124 of Title 20 Chapter 5 (20.5 NMAC) of the New Mexico Administrative Code. 20.5 NMAC contains the regulations for aboveground and underground storage tank systems that contain petroleum and fractions thereof and, additionally, underground storage tank systems that contain hazardous substances. The Bureau is required to petition for a hearing with the Environmental Improvement Board (“EIB”) that consists of six members appointed by the Governor. Once a hearing date is approved and the hearing is held, the EIB reviews the amendments and either adopts them or rejects them.

The purpose of this PIP is to provide information about the Environmental Improvement Board hearing and public participation opportunities and information that may be needed for New Mexicans to participate in the rulemaking and hearings related to amendments to 20.5 NMAC. This PIP integrates information about potentially affected communities and identifies resources needed by the Petroleum Storage Tank Bureau and the Environmental Improvement Board to incorporate community participation activities into the decision-making process for the amendments to 20.5 NMAC. The PIP identifies the Department staff and resources needed to accomplish these activities.

The Environmental Improvement Board hearing regarding amendments to 20.5 NMAC may require public participation throughout different stages. The Bureau will meet the public participation requirements for Environmental Improvement Board hearing rules by following this PIP, which includes the applicable policy, regulatory and statutory public participation requirements.

In developing this PIP, community participation needs were assessed to ensure appropriate promotion of public outreach by identifying whether there is a combination of environmental and demographic factors (i.e., low-income community, minority community, limited English proficiency individuals, Linguistically Isolated Households, etc.) that may impact public participation. Hence, this assessment identifies community outreach opportunities for participation and provides for those opportunities.

As much as possible, public participation and informational activities related to Radiation Technical Advisory Council meetings will be held within the timelines outlined in the table below. This timeline is tentative and subject to change; activities subject to statutory or regulatory deadlines are noted.

In the timeline for Environmental Improvement Board hearing to review amendments to 20.5 NMAC, 60 days are allotted for formal public review and comments, and there will be at least a seven-day advanced notice for the public meetings, including posting the meeting information on the Department’s website <https://www.env.nm.gov/events-calendar/>. The Environmental Improvement Board hearing to review proposed changes to 20.5 NMAC Fees will impact the entire, non-tribal government portion of the state, which includes a community of 5.2% Spanish-speakers whose English-speaking ability is “less than well”<sup>1</sup>. The Bureau will provide pertinent information in both English and Spanish in public meeting notices, public comment notices, and other announcements.<sup>1</sup>

The Bureau plans to conduct at least **one virtual and three in-person public meetings**. Interpretation during the meetings and accommodations or services for persons with disabilities will be arranged to the extent possible, as requested. During public comment periods, documents may be reviewed at the repositories listed. Details about planned Bureau outreach are provided in this PIP.

As much as possible, public participation and informational activities related to the rulemaking will be held within the timelines outlined in the table below. This timeline is tentative and subject to change; activities subject to statutory or regulatory deadlines are noted.

This PIP is a “living” document that may be amended after considering public comments and feedback. The Bureau Chief provides final approval of the PIP and amendments.

**Table 1. Schedule of Public Participation and Stakeholder Outreach Activities**

<b>Activity</b>	<b>Dates</b>
Development of PIP for 20.5 NMAC proposal and Limited English Proficiency Analysis	April 2, 2026
NMED webpage <a href="https://www.env.nm.gov">https://www.env.nm.gov</a> updated with relevant information	April 2, 2026
PIP posted on PSTB webpage at: <a href="#">Regulations Revisions 2026</a>	April 7, 2026
Tribal Outreach and Engagement	ongoing
Notice of Public Stakeholder Meetings posted on PSTB website and on the NMED public calendar	April 7, 2026
PIP Revision	As necessary
Posting of Revised PIP	As necessary

<sup>1</sup> US Environmental Protection Agency EIScreen ACS Summary Report for New Mexico, August 19, 2023.

Public Stakeholder Meeting – Virtual only	May 4, 2026 8AM to 12 Noon Teams meeting
Public Stakeholder Meeting – Albuquerque + virtual	May 7, 2026 8AM to 12 Noon CNM Workforce Training Center, Albuquerque + Teams meeting
Public Stakeholder Meeting – Las Cruces + virtual	May 12, 2026 8AM to 12 Noon Gila Room, D3 District Office, Las Cruces + Teams meeting
Public Stakeholder Meeting - Roswell + virtual	May 13, 2026 8AM to 12 Noon CUB, Room 110, Eastern New Mexico University, Roswell + Teams meeting
Public Notice for the Proposed Rule Changes to 20.5 NMAC published in one newspaper of statewide general circulation	2026 TBD
Hearing notice published in the New Mexico Register	2026 TBD
Environmental Improvement Board Hearing	2026 TBD
If adopted, the amendments to 20.5 NMAC take effect	60 days after filing with State Records

## Element 2 – Bureau Contact Information

Department contact for questions regarding 20.5 NMAC, the proposed rules, public meetings, the Department’s website, or this PIP is:

Michael Ortiz  
New Mexico Environment Dept.  
2905 Rodeo Park Drive East, Bldg. 1  
Santa Fe, New Mexico 87505  
(505) 476-4397  
[michael.ortiz1@env.nm.gov](mailto:michael.ortiz1@env.nm.gov)

## 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 (i.e., deaf and/or non-English language interpreters) in public notices for meetings or hearings related to the Environmental Improvement Board hearing on reviewing amendments to 20.5 NMAC. Public notices will direct public requests for assistance to the Bureau contact, who will notify the Non-Discrimination Coordinator. Arrangements will be made by the Bureau for document translation, interpretation, or disability services related to the activity or proceeding as necessary. Following this process ensures the Bureau is directly informed about the request and allows the Department to track requests for disability assistance. The following numbers will be provided in public notices so that hearing-impaired callers can contact the Bureau and ask questions about the activity or proceeding: Toll-free numbers are available for TDD or TTY users to access the New Mexico Relay network (for deaf or hearing-impaired callers), 1-800-659-1779; TTY users: 1-800-659-8331.

## Department Websites

Postings of Outreach materials and notices, including links to the following website, with the Bureau’s public notices and PIP information:



PSTB’s website is here: [https://www.env.nm.gov/petroleum\\_storage\\_tank/](https://www.env.nm.gov/petroleum_storage_tank/)



Department's website is here: <https://www.env.nm.gov/>



A link to the meetings and associated materials are found at <https://www.env.nm.gov/events-calendar/>



More information about the Environmental Improvement Board may be found at <https://www.env.nm.gov/opf/environmental-improvement-board/>

The regulations for rule making may be reviewed on the New Mexico Commission of Public Records website State Records Center and Archives.



20.5 NMAC, Title 20 Chapter 5 of the New Mexico Administrative Code, Petroleum Storage Tank Regulations.

[www.env.nm.gov.petroleum\\_storage\\_tank/regulations-revisions-2026/](http://www.env.nm.gov.petroleum_storage_tank/regulations-revisions-2026/)

### Element 3 - Regulatory Background for Public Participation

There are existing federal and state laws governing the management of petroleum hydrocarbons. At a minimum, the public participation process for New Mexico's Petroleum Storage Tank Bureau consists of the following:

- Providing the public with the information and assistance necessary for meaningful involvement;
- Providing a central location of reports, studies, plans, and other documents;
- Maintaining a list of affected or interested parties and stakeholders; and
- Notifying stakeholders in a timely fashion prior to consideration of major decisions.

The United States Congress enacted the Resource Conservation and Recovery Act (RCRA), an amendment to the Solid Waste Disposal Act, in 1976 to ensure safe management and disposal of household, municipal and industrial waste generated nationwide. 42 U.S.C. § 6901 *et. seq.*, 42 U.S.C. § 6921 *et. seq.*

In 1984, Congress added Subtitle I to the Solid Waste Disposal Act, which required the U.S. Environmental Protection Agency ("EPA") to develop a comprehensive regulatory program for Underground Storage Tank ("UST") systems storing petroleum or certain hazardous substances to protect the environment and human health from UST releases. 42 U.S.C. §

6991 et. seq. In 1988, the EPA promulgated the UST regulations (40 CFR Part 280) and the regulations for state program approval (“SPA”) (40 CFR Part 281). SPA delegates the primary responsibility of implementing the federal UST program to individual states in lieu of the EPA. NMED PSTB currently has SPA from EPA.

New Mexico’s Petroleum Storage Tank regulations, 20.5 NMAC, are promulgated pursuant to the provisions of the Hazardous Waste Act, Sections 74-4-1 through 74-4-14 NMSA 1978; the Ground Water Protection Act, Sections 74-6B-1 through 74-6B-14 NMSA 1978; and the general provisions of the Environmental Improvement Act, Sections 74-1-1 through 74-1-17 NMSA 1978.

No known laws or regulations require the outreach covered by this PIP. The Bureau is providing for public participation in addition to what is required by law.

#### IV. Location and Demographics of the Community and Stakeholder Groups

To provide for adequate public participation opportunities and meaningful involvement of people within the regulated community and public at large, the affected communities must first be identified, informed about proposed environmental actions affecting the community, and invited to share their comments and concerns. The EJSCREEN tool developed by the U.S. Environmental Protection Agency (EPA) helps identify communities that are low income and minority populations that may benefit from a variety of approaches for notification and outreach communication. This information is used to help plan for the community’s involvement in the public process for environmental activities or actions.

## Preliminary Screening Results for the Affected Community

Category	New Mexico	USA
Total population	2,114,371	334,914,896
Total number of households	856,580	131,332,360
People of Color (%)	60.9%	38.4
Hispanic (any race)(%)	48.6%	19.4%
Percentage of the population by race. Do not include percentage reporting two or more races.	Population reporting one race: White..... 47.5% Black..... 2% American Indian.....9.3% -Aztec: 0.1% -Navajo: 6% -Other: 3.2% Asian..... 1.8% Pacific Islander .....0.2% Some Other Race: 13%	Population reporting one race: White..... 60.5% Black..... 12.1% American Indian: .... 1%  Asian..... 6% Pacific Islander ..... 0.2% Some Other Race: ...7.4%
Non-English Languages Spoken at Home (%)	31.7%	22.5%
Limited English households (%)	5.3%	4.4%
LEP individuals (%)	9.1%	8.7%
Languages by percentage in Limited English-Speaking Breakdown	Spanish ..... 14.5% Other Indo-European languages ..... 6.4% Asian-Pacific Island languages ..... 17.2% Other languages..... 14.2%	Spanish ..... 19.2% Other Indo-European languages ..... 14.8% Asian-Pacific Island languages ..... 22.6% Other languages..... 14.3%
Linguistically isolated households (%)	5.3%	4.4%
Per capita income	35,510	43,313

Data taken from the U.S. Census Bureau, 2023 American Community Survey (ACS) 1-Year Estimates

### Element 5 - Public Participation and Outreach Activities

The Petroleum Storage Tank Bureau’s rulemaking project is applicable statewide, and thus this PIP addresses public engagement and outreach, rule development, and hearing participation for the entire state. Based on the LEP report discussed above, the Department will seek to provide basic information about public involvement opportunities in both English and Spanish. This information will include how to request materials in Spanish or another language, or to speak with Department staff through an interpreter.

The Bureau will conduct the following outreach activities during this rule-making process:

- Placement of this PIP on the Bureau website and in the nearby NMED PSTB office
- Postal mailing notices
- Newspaper notices
- Notice posted on NMED website

Newspapers to be utilized in the notification process include:

- Statewide circulation: Albuquerque Journal, Las Cruces Sun News, and Roswell Daily Record

Local, state, and federal government agencies, tribal entities, and land grant officials have notification of the rule making process through Statewide newspaper circulation notices.

NMED is planning three in-person meetings and one virtual public meeting as follows:

**Virtual Meeting:**

**Monday, May 4, 2026** | 8:00 a.m. – 12:00 p.m. (MT)

Hosted via Microsoft Teams

Access link available at:

[https://www.env.nm.gov/petroleum\\_storage\\_tank/regulations-revisions-2026/](https://www.env.nm.gov/petroleum_storage_tank/regulations-revisions-2026/)

**Albuquerque (In-Person & Virtual):**

**Thursday, May 7, 2026** | 8:00 a.m. – 12:00 p.m.

CNM Workforce Training Center, Room 101

5600 Eagle Rock Ave NE, Albuquerque, NM

[https://www.env.nm.gov/petroleum\\_storage\\_tank/regulations-revisions-2026/](https://www.env.nm.gov/petroleum_storage_tank/regulations-revisions-2026/)

**Las Cruces (In-Person & Virtual):**

**Tuesday, May 12, 2026** | 8:00 a.m. – 12:00 p.m.

NMED District 3 Office, Gila Conference Room

2301 Entrada del Sol, Las Cruces, NM

[https://www.env.nm.gov/petroleum\\_storage\\_tank/regulations-revisions-2026/](https://www.env.nm.gov/petroleum_storage_tank/regulations-revisions-2026/)

**Roswell (In-Person & Virtual):**

**Wednesday, May 13, 2026** | 8:00 a.m. – 12:00 p.m.

Eastern New Mexico University (ENMU), Campus Union Building

Multi-Room 110

52 University Blvd., Roswell, NM

[https://www.env.nm.gov/petroleum\\_storage\\_tank/regulations-revisions-2026/](https://www.env.nm.gov/petroleum_storage_tank/regulations-revisions-2026/)

These Petroleum Storage Tank Bureau meetings will provide stakeholders with information standards and the 20.5 NMAC rulemaking process with an opportunity to provide input. The public meetings process will provide opportunities for state and local officials to engage with community members on the range of critical environmental, natural resources and human health considerations involved in the rulemaking process in amending 20.5 NMAC.

Interested community members do not need to wait for a formal public comment period to contact the Department. However, the Department emphasizes that to be included in the administrative record, the public must submit comments about the proposed standards during the noticed comment periods, and in accordance with the public notice.

Communication with pueblos and tribes will be made through the Agency's Tribal Liaison in fulfillment of the Department's Tribal Communication and Collaboration Policy.

The Department will develop factsheets on the amendments to 20.5 NMAC in both English and Spanish that briefly explain what is happening relative to outreach, rule development, and next steps.

#### **Postal Mailing or E-Mailing of Notices to Persons on the Mailing List**

The Bureau solicits interested parties' names and contact information with all public notices. The Bureau maintains those names when provided by interested parties on a Mailing List and provides the individuals with information about regulatory activities for rule making. Individuals, organizations, and other interested parties are added to the mailing list as requested. All public notices will contain a statement directing interested individuals to contact the Bureau Contact for this rule making amendment to be added to the mailing list.

Other means of outreach, such as fliers announcing public comment periods or public meetings, or hearings, maybe in locations throughout the community (e.g., local businesses, schools, libraries) and on the Department's website, at the Bureau's discretion after consideration of public interest and input. Stakeholders may choose to receive project notices by email by signing up at <https://public.govdelivery.com/accounts/NMED/subscriber/new>.

#### **PIP Contingency Plan**

During a public health emergency or other unforeseen events outside the control of the Department, the Department will make every effort to ensure the public remains involved in and informed of the decision making and rulemaking processes. The purpose of this PIP Contingency Plan is to address circumstances when public spaces are closed because of potential human exposure risks. The Department will attempt to identify and utilize alternate methods of document delivery to the public and public viewing when conventional methods and locations are unavailable. When it is unsafe to use the physical PIP and document repositories, the Department will consider utilizing electronic delivery methods deemed appropriate for the rule making. While operating under the PIP Contingency Plan, the PN-2 will include a statement specifying that the PIP Contingency Plan is in effect and that "instead of placing a copy of the PIP for this rule making in a public location, NMED will make the PIP available to the community by

sending the PIP by email or US mail to any community member requesting a copy. An individual may request a copy of the PIP utilizing the Bureau's contact information in this public Notice. Please specify how you would like the document delivered when making such a request. If you request a copy of a PIP, you will receive a revised PIP should the PIP be updated in the future. During the times of potential human exposure risks and the resultant implementation of this PIP Contingency Plan, public meetings and hearings will only be held when or through means by which the Department can ensure the public's health and safety and this PIP can be fully followed.

### **Attachments**

- LEP Assessment
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