

**PUBLIC INVOLVEMENT PLAN FOR**

**STATE OF NEW MEXICO IDENTIFICATION AND LISTING OF AQUEOUS FILM-FORMING FOAM (“AFFF”) CONTAINING  
PER- AND POLY-FLUOROALKYL SUBSTANCES (“PFAS”)  
AS HAZARDOUS WASTE UNDER THE HAZARDOUS WASTE ACT: NMSA 1978, 74-4-1, ET SEQ.,  
AS AMENDED JUNE 20, 2025,  
THE ADOPTION OF 20.13.3 NMAC REGULATING FIREFIGHTING FOAM CONTAINING INTENTIONALLY ADDED PFAS  
UNDER THE PER- AND POLY FLUOROALKYL SUBSTANCES PROTECTION ACT; NMSA 1978 74-15-1, ET SEQ.  
AND THE AMENDMENT OF 20.4.3 NMAC**

Prepared by:

Hazardous Waste Bureau  
New Mexico Environment Department  
Santa Fe, New Mexico  
November 2025  
February 10, 2026

## **I. Public Involvement Plan Overview**

The New Mexico Environment Department (NMED), Hazardous Waste Bureau (Bureau or HWB) developed this Public Involvement Plan (PIP) for rulemaking activities related to identification and listing of Aqueous Film-Forming Foam (AFFF) containing Per- and Poly-fluoroalkyl Substances (PFAS) as hazardous waste in the State of New Mexico; and regulating firefighting foam containing intentionally added PFAS within the State of New Mexico. These regulations are being developed to incorporate into the New Mexico Administrative Code (NMAC) revisions to the New Mexico Hazardous Waste Act (HWA, NMSA 74-4 1978) and for promulgation of regulations implementing the *Per- and Poly-Fluoroalkyl Substances Protection Act* (HB 212), that were both signed into law on June 20, 2025. Additionally, NMED is proposing an amendment to 20.4.3 NMAC to correct a typographical error in the existing rule.

This PIP provides public participation opportunities and information regarding the requested rulemaking before the New Mexico Environmental Improvement Board (EIB) as required by statute and regulation, and also as the Bureau determines to facilitate participation by the affected community. This PIP provides public participation opportunities and information needed for the community to engage in rulemaking, enforcement, and policy development. This plan also identifies information about affected communities and resources needed by NMED to incorporate public participation into the decision-making process. This PIP is developed in accordance with NMED's Public Participation Policy (Policy 07-13) and incorporates the requirements of the Policy, as well as applicable regulatory and statutory public participation requirements.

Implementation will involve multiple stages of public participation, including rulemaking hearings, stakeholder meetings, and opportunities for comment on the regulatory schemes outlined in the proposed rule and amendments. Public participation activities required by statute or regulation are mandatory and subject to deadlines set forth by EIB rulemakings. NMED will supplement required activities with additional outreach to ensure transparency.

The Environmental Improvement Act, at NMSA 1978, § 74-1-9, and the Environmental Improvement Board (EIB) rulemaking procedures, at 20.1.1 NMAC, require public participation as part of the process for rule adoption. The Bureau will meet the public participation requirements for the rule adoption process throughout the state by adhering to this PIP, which includes all the applicable policy, regulatory and statutory public participation requirements.

In developing this PIP, community participation needs statewide were assessed to ensure appropriate promotion of public outreach by identifying whether there is a combination of demographic factors (e.g., low income, minority, limited English proficiency, linguistically isolated households) that may affect public participation actions. This assessment identifies community outreach needs based on the type of activity and potential effects to communities, and addresses the provision of public access to information about the rule adoption process.

To the extent possible, public participation and informational activities related to implementation of this PIP will be held within the timelines outlined below. Public notice activities are subject to statutory or regulatory deadlines.

Draft documents and the announcement of a hearing conducted by the EIB will be made

available for 60-days to allow for public review and notification to provide comments at the hearing. The proposed regulations have state-wide impact to a relatively large community of Spanish speakers. Therefore, based on the information in the Demographic Summary of this PIP (see Section IV), the Department will provide pertinent information in both English and Spanish in public meeting notices, public comment notices, and other announcements (radio broadcasts, brochures, signs, postcards, fact sheets, etc.), as necessary. The proposed regulations are applicable state-wide. As such, the Department will provide public meeting notices, public comment notices, and other pertinent information in English, and Spanish. Other language translation will be provided, as the Department can reasonably accommodate, in coordination with the Department’s Tribal Liaison and/or Non-Discrimination Coordinator, and upon request, allowing two weeks advance notice. During public comment periods, relevant documents may be reviewed on the Department’s website, provided upon request by email/hard copy, or reviewed during normal business hours in hard copy at any NMED field office.

This PIP was developed by the Bureau and may be amended to address specific actions after considering public comments and feedback. The Chief of the Hazardous Waste Bureau will make the final approval of the PIP and amendments.

<b>Activity</b>	<b>Dates**</b>
<b>PUBLIC ENGAGEMENT &amp; COLLABORATION</b>	
Post PIP (NMED website and Rodeo Building)	November 2025, and as updated on February 10, 2026.
<b>Stakeholder engagement efforts</b>	Ongoing
Public announcements (radio, television, brochures, signs, postcards, factsheets, etc.)	As needed or requested
Informational public and stakeholder webinars	As needed or requested
Tribal Outreach and Consultation	Ongoing
<b>Public Comment Period for Proposed Regulations</b>	Through April 14, 2026
Petition EIB for Public Rulemaking Hearing	December 23, 2025
Publish Public Hearing Notice (at least 60 days prior to hearing) in accordance with 20.1.1.301(A) NMAC	February 10, 2026 - in accordance with 20.1.1.301(A) and (B) NMAC
<b>File Notice of Intent to Present Technical Testimony</b>	TBD in accordance with 20.1.1.302 NMAC
Submit adopted regulations to Records for Publication and make Effective for state purposes	TBD in accordance with State Rules Act (NMSA 1978, 14-4)
Public announcements (radio, television, brochures, signs,	TBD following effective date of rule in accordance with State Rules Act

postcards, factsheets, etc.)

(NMSA 1978, 14-4)

## II. Contacts

The Bureau contact for this rulemaking is:

JohnDavid Nance, Chief  
Hazardous Waste  
Bureau  
Rodeo Park Drive East, Building 1 Santa  
Fe, NM 87505

Phone: (505) 476-6000  
Fax: (505) 476-6030  
Email: [jd.nance@env.nm.gov](mailto:jd.nance@env.nm.gov)

Hazardous Waste Bureau hearing notices will include specific instructions for submitting comments related to the rulemaking.

### A. Non-English Language Speaker Assistance and Accommodations

The Bureau will include information, in English and Spanish, about how persons may request non-English speaker language assistance and accommodations for persons with disabilities (e.g., deaf and/or non- English language interpreters) in public notices for hearings related to the rule adoption. Public notices will direct public requests for assistance to the Bureau contact, who will notify the Department's 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. The following information will be provided in public notices so that hearing-impaired callers and persons with a disability can contact the Bureau and ask questions about the activity or proceeding:

Toll-free numbers are available for TDD or TDY users to access the New Mexico Relay Network at 1-800-659-1779 (voice English); 1-800-327-1857 (voice Spanish); TTY users: 1-800-659-8331. HWB public notices will include Bureau contact information for persons with a disability who require assistance or auxiliary aid to participate in this process.

The Department will send a notice in English and Spanish to the RCRAinfo email listserv announcing availability of the comment period for the draft regulations.

The Department will publish the Notice of comment period, in both English and Spanish.

### B. Department Websites

Public notices and outreach materials will include links to the following websites:

- New Mexico Environment Department – <https://www.env.nm.gov>
- Hazardous Waste Bureau -<https://www.env.nm.gov/hazardous-waste>
- NMED Public Notices: <https://www.env.nm.gov/public-notices/>
- NMED PFAS webpage: <https://www.env.nm.gov/pfas/>
- NMED Events Calendar: <https://www.env.nm.gov/events-calendar/>
- Public Comment Portal: <https://nmed.commentinput.com/comment/search>

### III. Regulatory Framework for Public Participation

A formal rulemaking process must take place before provisions of the proposed new rule and proposed amendments referenced in Section I if this PIPgo into effect. The rulemaking process includes public notice, a 60-day comment period, an Environmental Improvement Board (EIB) public hearing, EIB approval, and publishing the approved rule in the New Mexico Register. HB 212 directs the EIB to adopt rules regulating firefighting Foam containing intentionally added PFAS.. The HWA provides for the authority of the New Mexico Environmental Improvement Board to list and identify hazardous wastes. The authority to regulate AFFF containing PFAS as hazardous waste was specifically provided in HB 140 of the 2025 legislative session, which was signed into law by Governor Michelle Lujan Grisham.

Public participation will occur primarily through:

- **Rulemaking hearings** requiring public notice, hearing officer procedures, and opportunities for oral/ written comments.
- **Public comment periods** of no less than 60 days for draft rules or amendments.
- **Notices in newspapers, online postings, and mailings** to interested parties, tribes, land grants, and stakeholders.
- **Final decisions and responses to comments** provided by the EIB or NMED.

### IV. EJSscreen Summary

To provide for adequate public participation opportunities and meaningful involvement of persons in the rulemaking process, and to address potential or existing environmental justice areas, the affected communities must first be identified, informed about proposed environmental actions affecting the community, and invited to share their comments and concerns. The NMED has developed the Archive Environmental Justice Screening and Mapping Tool (Version 2.3) (Archive EJScreen) which 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 encourage the community's involvement in the public process for environmental activities or actions. In this case, the activity is the consideration of changes to the HWMR, through rulemaking, for the purposes of listing and identifying AFFF containing PFAS as a hazardous waste.

An "EJScreen Community Report" was generated using Archive EJScreen for the State of New Mexico, as these rulemakings affect citizens, businesses and facilities statewide. The following information was obtained from the Report for the State of New Mexico:

- Total population: 2,135,810
- Per capita income, State of New Mexico (obtained from U.S. Census Bureau QuickFacts): \$34,823
- Per capita income, USA (obtained from U.S. Census Bureau QuickFacts): \$43,289
- Proportion people of color: 64 percent
- Proportion Hispanic/Latino population: 50 percent
- Proportion Black/African American population: 2 percent

- Proportion Asian population: 2 percent
- Proportion American Indian/Alaska Native population: 8 percent
- Proportion of Native Hawaiian/Other Pacific Islander population: 0 percent
- Other race (non-Hispanic, single race): 0 percent
- Two or more races (non-Hispanic): 2 percent

Information from the Archive EJScreen Community Report (see Attachment 1) was used to conduct an assessment of the need for services targeted to individuals of limited English proficiency (LEP). The percentage of linguistically-isolated households, i.e., all members age 14 years and over speak a non-English language and also speak English less than “very well” (have difficulty with English), is reported as 5 percent in New Mexico. The linguistically isolated population in the United States is 2 percent.

It is important for the Bureau to consider the linguistic and communication needs of the affected community when providing notice of public hearings on rulemakings. Based on the Archive EJScreen results and the LEP assessment (see Attachment 2), the Bureau will provide information in Spanish and English when providing public announcements, such as for the notice of the hearing with the Environmental Improvement Board.

## **V. Detailed Public Participation and Outreach Activities for Rulemaking**

The Bureau welcomes questions or comments at any time during the rulemaking process. The Bureau evaluates all public comments, places the comments in the administrative record for the rulemaking action, and incorporates public input into the Bureau’s comments on rulemaking as appropriate.

Decisions regarding rulemaking are not made by the Hazardous Waste Bureau. Rather, such decisions are made by the Environmental Improvement Board following a public hearing. The public is encouraged to participate in public hearings as formal parties providing technical testimony, through written or verbal public comments, or as observers. All testimony and comments provided at a public hearing are evaluated by a Hearing Officer, who prepares a written report and recommendation regarding rulemaking for the Board’s consideration.

The Bureau will conduct the following public participation and outreach activities associated with this rule adoption process, as detailed below:

- Postal mailings
- Radio announcements
- Newspaper publications

## **VI. Public Notice Requirements per Applicable Laws**

The Hazardous Waste Act, atNMSA 1978, § 74-4-5, addresses notice to be provided by the Bureau to the public regarding opportunity to submit data, views or arguments orally or in writing and to examine witnesses testifying at a public hearing. This notice is provided at least 60 days prior to the hearing date and informs the public regarding the rulemaking, where available copies of the proposed regulations may be obtained, and the time and place of the

hearing and manner in which interested persons may present their views.

The hearing shall be held in Santa Fe. The board will designate a hearing officer to take evidence at the hearing, and transcript shall be made of the hearing. During the hearing, the board shall give the weight it deems appropriate to all relevant facts and circumstances presented at the public hearing, including but not limited to the character and degree of injury to or interference with the environment or public health; and the technical practicability and economic reasonableness of the regulation. Any person heard or represented at the hearing shall be given written notice of the action of the board.

The Notice of Publication Act, at NMSA 1978, § 14-11-2, further requires that legal notices be published in daily, tri-weekly, semi-weekly, or weekly newspapers of general circulation that can be obtained by single copy in the county in which the notice is required to be published. Such newspapers, if published daily, must have been published in the county continuously and without interruption during the six-month period prior to the publication of notice; if published tri-weekly, semi-weekly, or weekly, the newspapers must have been published in the county continuously and without interruption for 26 consecutive weeks prior to the publication of notice. NMSA 1978, Section 14-11-10.2 requires state agencies to post their notices on agency websites.

Hearing notices will be provided in both English and Spanish. Spanish-language notices are translated from English into Spanish by a certified translator.

## **VII. Postal Mailing or E-Mailing of Notices to Persons on the Facility-Specific Mailing List**

The Hazardous Waste Bureau maintains a facility mailing list for both hazardous waste generators and permitted hazardous waste management facilities that includes individuals and local, state and federal government and tribal agencies interested in RCRA-related facility activities. The Bureau maintains contact information which is updated or supplemented, if additional information becomes available. New hazardous waste generators are added to the list as identified.

## **VIII. Notices in the State Newspaper and Local Newspapers**

Public notices that are required to be published in state and local newspapers will be published in English and Spanish in the New Mexico Register and the Albuquerque Journal, which is the newspaper of general circulation including regional editions. There are no Spanish Language newspapers in New Mexico.

## **IX. Public Notices**

Public notice for the EIB hearing related to the rulemaking is required by both statute and regulation. Public notices are mailed to persons included on the hazardous waste mailing list, published in the appropriate news source, and broadcast as public service announcements on radio pending availability, and posted on the Hazardous Waste Bureau website and at NMED's online compendium of public notices. Notifications will be issued in Spanish and English and will provide general information about the rule adoption hearing, contact information, and, if

held, the time and location of public informational meetings.

## **X. Public Comment Periods**

The New Mexico Rule Adoption regulations at 20.1.1 NMAC requires a minimum of 60-day public notice of a hearing before the EIB in accordance with 20.1.1.301 NMAC.

## **XI. Other Outreach**

Other means of outreach such as flyers announcing public comment periods and/or public meetings or hearings may be posted in locations throughout the community (e.g., local businesses, schools, libraries) and on the Department's website, at the discretion of HWB after consideration of public interest and input.

## **XII. Site Repositories**

During public comment periods, in addition to information being posted on the Hazardous Waste Bureau website, copies of relevant documents will be accessible in print at the following locations:

### NMED Hazardous Waste Bureau

Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505  
505-476-6000

### NMED Headquarters:

Harold Runnels Building 1190 St. Francis Dr. Suite N4050 Santa Fe, NM 87505  
Ph: 505-827-2855 1-800-219-6157

### NMED District I:

**Rio Rancho**-4359 Jager Drive NE, Suite B Rio Rancho, NM 87144 Ph: 505-771-5980  
**Clovis**-100 E Manana, Unit 3 Clovis, NM 88101 Ph: 575-762-3728  
**Gallup**-1720 East Aztec Avenue Gallup, NM 87301 Ph #1: (505) 470-2473 Ph #2: (505) 670-5754  
**Milan**-708 Uranium Ave. Milan, NM 87021 Ph: 505-209-4042  
**Los Lunas**-475 Courthouse Rd SE, Suite B Los Lunas, New Mexico 87031 Ph: 505-841-5280  
**Tucumcari**-113 W Center Tucumcari, NM 88401 Ph: 575-461-1671

### NMED District II:

**Santa Fe**-2540 Camino Edward Ortiz Santa Fe, NM 87507 Ph: 505-827-1840  
**Española**-912 N. Railroad Avenue Espanola, NM 87532 Ph: 505-753-7256  
**Farmington**-1800 E 30th St, Suite B Farmington, NM 87401 Ph: 505-566-9741  
**Las Vegas**-2538 Ridgerunner Road Las Vegas, NM 87701 Ph: 505-454-2801  
**Raton**-1277A S 2nd Street Raton, NM 87740 Ph: 575-445-3621  
**Taos**-145 Roy Road, Suite B Taos, NM 87571 Ph: 575-758-8808

NMED District III:

**Las Cruces**-2301 Entrada Del Sol Las Cruces, NM 88001 Ph: 575-288-2050

**Alamogordo**-811 E First St, Suite D, Alamogordo, NM 88310 Ph: 575-437-7115

**Carlsbad**-406 N Guadalupe, Suite C Carlsbad, NM 88220 Ph: 575-885-9023

**Hobbs**-2120 N Alto Hobbs, NM 88240 Ph: 575-397-6910

**Roswell**-1914 W 2nd Roswell, NM 88201 Ph: 575-624-6046

**Ruidoso**-1216 Mechem Dr., Bldg 2 Ruidoso, NM 88345 Ph: 575-258-3272

**Silver City**-3082 32nd Street Bypass, Suite D Silver City, NM 88061 Ph: 575-388-1934

**Deming**-918 E. Pear Street Deming, NM 88030 Ph: 505-670-5112

**ATTACHMENT 1: Preliminary Screening  
(Archive EJSCREEN)**

EJScreen Multisite Report

This report summarizes environmental and socioeconomic information for user-defined areas, and combines that data into environmental justice and supplemental indexes.

State of New Mexico Statistics:-

Area in Square Miles: 121,697

Population (ACS Survey 2023):2,114,317

Environmental and Socioeconomic Indicators Data EJAM Report

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
POLLUTION AND SOURCES					
Particulate Matter (PM 2.5 in ug/m3)	6.25	7.55	28	8.45	7
Ozone (ppb)	65.6	73.1	11	61.8	73
Nitrogen Dioxide (NO2)	8.2	7.7	58	7.8	56
Diesel Particulate Matter (ug/m3)	0.194	0.204	55	0.191	62
Toxic Releases to Air	31	3,400	25	4,600	14
Traffic Proximity and Volume (daily traffic count/distance to road)	740,000	1,600,000	37	1,700,000	47
Lead Paint Indicator (% pre-1960s housing)	0.17	0.20	64	0.3	45
Superfund Proximity (site count/km distance)	0.30	0.52	72	0.39	76
RMP Proximity (facility count/km distance)	0.25	0.55	40	0.57	48
Hazardous Waste Proximity (facility count/km distance)	1.2	1.1	64	3.5	49
Underground Storage Tanks (UST) indicator	2.5	2.7	65	3.6	66
Wastewater Discharge Indicator (toxicity-weighted concentration/distance)	1,000,000	11,000	99	700,000	99
Drinking Water Non-Compliance	5.0	1.04	96	2.2	90
SOCIOECONOMIC INDICATORS					
Demographic Index USA	1.92	1.41	81	1.34	76
Supplemental Demographic Index USA	1.84	1.27	72	1.64	66
% Low Income	38%	24%	79	30%	68
% in limited English-speaking Households	5%	2%	85	5%	76
% Unemployed	6%	5%	74	6%	68
% with Less Than High School Education	13%	8%	79	11%	67
% under Age 5	5%	5%	61	5%	58
% over Age 64	18%	16%	63	18%	58
% People of Color	64%	32%	89	40%	74

Environmental Justice & Supplemental Indexes

The environmental justice and supplemental indexes are a combination of environmental and socioeconomic information. For each of the environmental indicators in EJScreen, there is an EJ Index and a Supplemental EJ Index. The indexes for a selected area are compared to those for all other locations in the state or nation.

EJ INDEXES

The EJ indexes help users screen for potential EJ concerns. To do this, the EJ index combines data on low income and people of color populations with a single environmental indicator.

SELECTED VARIABLES	PERCENTILE IN STATE	PERCENTILE IN USA
<b>EJ INDEXES</b>		
Particulate Matter EJ Index	78	30
Ozone EJ Index	81	91
Nitrogen Dioxide (NO2) EJ Index	74	72
Diesel Particulate Matter EJ Index	76	68
Toxic Releases to Air EJ Index	78	24
Traffic Proximity and Volume EJ Index	75	58
Lead Paint EJ Index	71	62
Superfund Proximity EJ Index	68	69
RMP Proximity EJ Index	65	56
Hazardous Waste Proximity EJ Index	71	57
Underground Storage Tanks EJ Index	71	70
Wastewater Discharge EJ Index	77	70
Drinking Water Non-Compliance EJ Index	86	78
<b>SUPPLEMENTAL EJ INDEXES</b>		
Particulate Matter Supplemental EJ Index	72	17
Ozone Supplemental EJ Index	72	91
Nitrogen Dioxide (NO2) Supplemental EJ Index	66	67
Diesel Particulate Matter Supplemental EJ Index	69	59
Toxic Releases to Air Supplemental EJ Index	70	13
Traffic Proximity and Volume Supplemental EJ Index	67	46
Lead Paint Supplemental EJ Index	62	46
Superfund Proximity Supplemental EJ Index	60	59
RMP Proximity Supplemental EJ Index	56	40
Hazardous Waste Proximity Supplemental EJ Index	63	43
Underground Storage Tanks Supplemental EJ Index	64	59
Wastewater Discharge Supplemental EJ Index	68	58
Drinking Water Non-Compliance Supplemental EJ Index	84	73

Note: Diesel particulate matter index is from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States.

SELECTED VARIABLES	VALUE
<b>BREAKDOWN BY RACE</b>	
% Hispanic or Latino	50%
% Black or African American (non-Hispanic, single race)	2%
% Asian (non-Hispanic, single race)	2%
% American Indian and Alaska Native (non-Hispanic, single race)	8%
% Native Hawaiian and Other Pacific Islander (non-Hispanic, single race)	0%
% Other race (non-Hispanic, single race)	0%
% Two or more races (non-Hispanic)	2%
% White (non-Hispanic, single race)	36%
<b>BREAKDOWN BY GENDER</b>	
% Male	50%
% Female	50%
<b>LIMITED ENGLISH SPEAKING BREAKDOWN</b>	
%Spanish lang (as %of limited English hhlds)	79%
%Other Indo-European lang (as %of limited English hhlds)	2%
%Asian-Pacific Island lang (as %of limited English hhlds)	4%
%Other lang (as %of limited English hhlds)	14%

This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the Air Toxics Data Update can be found at: <https://www.epa.gov/haps/air-toxics-data-update>

## ***Attachment 2: Limited English Proficiency Assessment***

## **Attachment 2:**

### **Limited-English Proficiency (LEP) Assessment**

State-wide Rulemaking

Buffer: 0 miles

Date: May 22, 2025

#### **Factor 1: The Number and Proportion of LEP Individuals Eligible to be Served or Likely to be Encountered in the Community of Concern**

(See Attachment 1 “Archive EJScreen Community Report”).

1. The percentage of limited English-speaking households in New Mexico is 5%.
2. Spanish is the only non-English language spoken by 79% of LEP persons in New Mexico.
4. Historical participation: A rulemaking hearing took place on December 20, 2019. At that time, public comment was invited but none was offered. Multiple written comments were received by the Bureau..

#### **Factor 2: Frequency with which LEP Individuals Come in Contact with the Program**

Frequency Assessment (“frequent” / “occasional” / “not frequent”) – occasional

This determination is based on the performance of approximately 800 compliance evaluation inspections from May 2015 to the present. In approximately 50 cases, the Bureau determined that language interpretation services might be required during the inspection to service LEP persons and provided such services. LEP services were provided utilizing Spanish-speaking staff involved with the inspection process, and by bringing additional Spanish-speaking staff to an inspection in a small number of cases.

#### **Factor 3: Nature and Importance of the Activity or Service Provided by the Program**

The Hazardous Waste Act requires notice for a public hearing when considering adoption of regulations.

The rulemaking activity is deemed by the Hazardous Waste Bureau to be “important” to NMED and the State of New Mexico. The rulemaking activity is important to NMED because these regulations are necessary to properly enforce provisions of the Hazardous Waste Act, as revised June 2025, designating AFFF containing PFAS as a hazardous waste. The rulemaking is important to the impacted community because these regulations ensure protection of public health, welfare, and the environment.

#### **Factor 4: Resources Available to NMED for LEP Services and Associated Costs**

In accordance with statutory requirements, public notice for permit hearings is conducted in both English and Spanish, and the services of a certified translator are used for creation of Spanish-language notices. This translation cost is included in the Bureau’s annual budget requests. As the need for additional translation/interpretation services has typically been limited, the Bureau has been able to provide these additional services within budgetary constraints.

**LEP Services Plan:**

Notice of the rulemaking hearing will be provided in both English and Spanish, which is consistent with statutory requirements and past practice and is appropriate given the demographic characteristics of the State of New Mexico. Although the program's contact with LEP individuals has been occasional, the proportion of LEP individuals in the State of New Mexico is significant. If the Bureau receives requests for additional LEP services from members of the community, the Bureau will reconsider providing additional LEP services.