



NMED Public Participation Policy Policy 07-13

Public Involvement Plan for Solid Waste Facility Permit Application

Deming/Luna County Transfer Station
5470 NM Highway 549 SE
Deming, New Mexico

Approved: _____

A digital signature of Joan M. Snider, appearing as a grey rectangular box with a blue scribble.

Digitally signed by Joan M. Snider
Date: 2021.02.16 16:11:50 -07'00'

Joan M. Snider
Chief, Solid Waste Bureau

Date: 02/16/2021

Solid Waste Bureau
February 2021

1. Public Involvement Plan (PIP) Overview

The New Mexico Environment Department (Department), Solid Waste Bureau (Bureau) developed this Public Involvement Plan (PIP) for the Solid Waste Facility Permit Application Evaluation for Deming/Luna County Transfer Station (“DLCTS”) located at 5470 NM Highway 549 SE, Deming, Luna County, New Mexico.

The Bureau encourages the public to learn about and get involved in regulatory decision-making opportunities for DLCTS. The purpose of this PIP is to provide public participation opportunities and information that may be needed to participate in the permitting process related to this site.

This PIP integrates information about the community and identifies resources needed by the Bureau to successfully incorporate community participation activities into the decision-making process for the permitting process. The PIP identifies the Department staff and resources needed to accomplish these activities.

The permitting process may require public participation throughout different stages. The Bureau will meet the public participation requirements for the permitting process by following this PIP, which includes all applicable policy, regulatory and statutory public notice and participation requirements.

In developing this PIP, community participation needs at the site 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 (refer to Element 4 of this PIP). This assessment identifies community outreach needs and provides for public access opportunities above and beyond statutorily mandated requirements, and underscores the provision of adequate public access to information about the permitting process.

As much as possible, public participation and informational activities related to the permitting process 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 this permitting process, public comments may be submitted to the Bureau prior to the Bureau’s determination that the Application is administratively complete. Upon a determination that the Application is administratively complete, the Department must hold a public hearing prior to a decision on the Application. In accordance with the Solid Waste Act (NMSA 1978, Section 74-9-23(B)), the Bureau must provide notice of the mandatory public hearing on a Solid Waste Facility Permit Application within 60 days of deeming an application administratively complete. Public hearings afford the public the opportunity to participate in the permitting process by providing sworn testimony and/or public comments (both written and verbal) before a hearing officer, who will then prepare a hearing report and recommendation to the NMED Secretary regarding the fate of the Permit Application.

As deemed necessary based on knowledge of the surrounding community, arrangements may be

made for interpretation services during the hearings, and arrangements may be requested for obtaining services for persons with disabilities. At any time during the permitting process, the Application and relevant documents may be reviewed at the repository identified in Element 5 of this document.

More detailed information about planned Bureau outreach is available in this PIP.

Activity	Dates
Public notice of filing of Application with Solid Waste Bureau (notice performed by Applicant)	October 2020
Distribute PIP (website and repository)	February 2021
Public notice of hearing on Permit Application (notice performed by Solid Waste Bureau)	Within 60 days of Application administrative completeness determination (date of administrative completeness to be determined, but estimated to occur in late 2021 or early 2022)

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

2. Contacts

If you have questions about the permitting process, site, or this PIP, please contact:

Erica Gordan
Water Resource Professional III
NMED Solid Waste Bureau
P.O. Box 5469, 1190 St. Francis Drive
Santa Fe, New Mexico 87502
Telephone: 505-670-2018
Fax: 505-827-2902
E-mail: erica.gordan@state.nm.us

Non-English Language Speaker Assistance and Accommodations

Non-English speakers may call the Bureau contact listed in this PIP and request language assistance services, such as an interpreter, so they can learn more about the permitting process. Services may be arranged for translation of documents for public hearings, for interpreters during public hearings, and for obtaining services for persons with disabilities. A phone-based interpretation service may be available for languages other than English.

If any person requires non-English Language Speaker Assistance, assistance for an interpreter or auxiliary aid (e.g., accommodations for persons who are disabled) to participate in public hearings related to the permitting process, should be directed to contact the Bureau, allowing at least 14 days prior to the hearing date:

Erica Gordan
Permit Section Manager
NMED Solid Waste Bureau
P.O. Box 5469, 1190 St. Francis Drive
Santa Fe, New Mexico 87502
Telephone: 505-670-2018
Fax: 505-827-2902
E-mail: erica.gordan@state.nm.us

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).

Department Websites

New Mexico Environment Department - <https://www.env.nm.gov/>
Solid Waste Bureau - <https://www.env.nm.gov/solid-waste/>

3. Regulatory Framework for Public Participation

There are existing federal and state laws governing the management of solid waste. 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 municipal and industrial waste generated nationwide. Responsibility for management of solid waste has been delegated from the federal government to the states. The State of New Mexico enacted the New Mexico Solid Waste Act in 1990 (NMSA 1978, §§ 74-9-1 to -43). The Solid Waste Act promotes several objectives, including establishment of a comprehensive solid waste management program in New Mexico, adoption of regulations pertaining to the management of solid waste, issuance of permits for construction and operation of solid waste facilities, and protection of public health, safety, and welfare. Solid waste management regulations have been promulgated and revised on several occasions by the Environmental Improvement Board; the current regulations are contained in the New Mexico Administrative Code (NMAC) at 20.9.2 through 20.9.10 NMAC and are referred to as the Solid Waste Rules (Rules). The most recent comprehensive revisions to the Solid Waste Rules were adopted in 2007.

The Solid Waste Bureau of NMED is responsible for oversight of the solid waste management program in New Mexico, including permitting of solid waste facilities, registration of small facilities and commercial waste haulers, enforcement, and training of certified solid waste facility operators. The Solid Waste Bureau reviews solid waste facility Permit Applications to assess compliance with the requirements of the Solid Waste Act and Rules. As part of the Permit Application process, Applicants are required to submit Vulnerable Area Assessments (VAA) for initial Permit Applications for landfills or transformation facilities, or for modifications of existing landfill permits that result in vertical or lateral expansion of the facility. VAAs examine the area within a four-mile radius of the geographic center of a facility and consider the economic status of households, population, and the number of regulated facilities. If the area surrounding a facility is deemed a “vulnerable area”, then additional community involvement actions must be taken in accordance with 20.9.3.8.D NMAC. Additional actions include a public meeting regarding the solid waste facility permitting action and preparation of a Community Impact Assessment if the NMED Secretary determines that there is significant community opposition to the proposed facility or existing facility expansion.

Once the Bureau completes its review of the Permit Application, the Application is deemed administratively complete, and the Application is moved into the hearing phase of the permitting process. As required by the Solid Waste Act, the Department holds public hearings on all Permit Applications for solid waste facilities. Deeming an Application “administratively complete” does not mean that the Permit Application will be approved or a Permit will be issued without conditions. Rather, it simply means that it is the appropriate time for the NMED Secretary to determine whether the Permit Application should be issued, issued with conditions, or denied after considering all testimony and comments provided by the Bureau, Applicant, and any other interested parties or persons at a formal public hearing.

The Bureau provides notice of public hearings in accordance with all applicable statutory and regulatory requirements. In accordance with the Solid Waste Act, notice is provided by the following methods: written notice is provided to adjacent property owners, nearby governmental

entities (municipalities, counties, tribes, and pueblos), and persons who make requests for public notice regarding specific Permit Applications; notice is published in a local newspaper as a legal advertisement and at another place in the newspaper designed to provide effective notice; and notice is posted at multiple locations in the vicinity of the facility. In accordance with the Publication of Notice Act (NMSA 1978, § 14-11-10.2), the Bureau posts hearing notices on NMED's website.

In addition to the notice actions required by statute, the Bureau typically provides notice of Permit Application hearings by several optional methods, including mailing of written notice to individuals who participated in the most recent prior Permit Application hearing for a facility, notice posting in the Bureau's Santa Fe office, issuance of public service announcements to local radio stations regarding the upcoming hearing, and distribution of notice flyers to customers of the solid waste facility (in the case of existing facilities).

It is common practice of the Solid Waste Bureau to perform notice of Permit Application hearings in both English and Spanish. Spanish versions of the notice are translated from English into Spanish by a qualified translator. When appropriate, the Bureau also typically provides notice in additional languages pertinent to the population in the vicinity of a solid waste facility. As an example, the Bureau used a Navajo-language certified court interpreter to translate public service announcements from English into the Navajo language and record the announcements on CD for distribution to Navajo chapters and Navajo-language radio stations in the vicinity of McKinley County Transfer Station.

Facility Background

Universal Waste Systems Inc. is seeking to renew the existing solid waste facility permit for Deming/Luna County Transfer Station located at 5470 NM Highway 549 SE, Deming, New Mexico. The current permit for the facility was issued in October 2001. The initial Permit Renewal Application was received by the Bureau on October 15, 2020. Deming/Luna County Transfer Station is currently permitted to accept municipal solid waste and recyclable materials. Waste is loaded into transfer trailers and is delivered to Butterfield Regional Landfill for disposal. Recyclable materials are transported to off-site recyclers and processors.

Universal Waste Systems Inc. is seeking permit renewal to allow continued acceptance of municipal solid waste and recyclable materials at the facility. The facility operates seven days per week and currently receives approximately 45 tons of municipal solid waste and recyclables per day.

4. Affected Communities and Stakeholders

To provide for adequate public participation opportunities and meaningful involvement of persons in the permitting 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 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 encourage the community's involvement in the public process for environmental activities or actions. In this case, the activity is the consideration of permit issuance for a solid waste facility.

An "ACS Summary Report" was generated using EJSCREEN for the area within a 4-mile radius of Deming/Luna County Transfer Station. The following information was obtained from the ACS Summary Report:

- Total population: 10,962
- Number of households: 4,133
- Per capita income: \$17,050
- Per capita income, USA (obtained from "2015-2019 American Community Survey 5-Year Estimates"): \$34,103
- Proportion minority population: 73 percent
 - Proportion Hispanic population: 69.5 percent
 - Proportion Black population: 1.9 percent
 - Proportion American Indian population: 0.4 percent
 - Proportion Non-Hispanic Asian population: 0.8 percent
 - Proportion of persons identifying as two or more races: 0.7 percent

Additional information was provided by the "EJSCREEN Report (Version 2019)" that was also generated using EJSCREEN for the area within a 4-mile radius of the Deming/Luna County Transfer Station facility.

Information from the EJSCREEN ACS Summary Report and EJSCREEN Report (Version 2019) was used to conduct an assessment (see attachment) of the need for services targeted to individuals of limited English proficiency ("LEP"). The proportion of linguistically-isolated households, i.e., households in which no one 14 years or older speaks English "very well" at home, or speaks English only, is reported as 12.2 percent. The linguistically isolated population in New Mexico is 5 percent; the linguistically isolated population in the United States is 4 percent. The proportion of persons five years old or older within four miles of the site who speak English "less than very well" is 18.4 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 solid waste facility Permit Applications. Based on the EJSCREEN results and the LEP assessment (see attachment), the Bureau will provide information in Spanish and English when providing public announcements, such as for

notice of the public hearing for Deming/Luna County Transfer Station.

5. Detailed Public Participation and Outreach Activities for Solid Waste Facility Permit Application, Deming/Luna County Transfer Station

The Bureau welcomes questions or comments on solid waste facility permit applications at any time during the permitting process. The Bureau evaluates all public comments, places the comments in the administrative record for the permitting action, and incorporates public input into the Bureau's comments on Permit Applications as appropriate.

Decisions regarding issuance, issuance with conditions, or denial of solid waste facility Permit Applications are not made by the Solid Waste Bureau. Rather, such decisions are made by the NMED Secretary 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 Permit Application approval, approval with conditions, or denial for the Secretary's consideration.

The Bureau's plans for facilitating public participation in the permitting action for Deming/Luna County Transfer Station are detailed below.

Public Notice Requirements per Applicable Laws

The Solid Waste Act (NMSA 1978, § 74-9-22) and the Solid Waste Rules (20.9.3.8.G NMAC) address notice to be provided by the Applicant to the public regarding the submittal of a solid waste facility Permit Application. This notice is provided at the start of the permitting process and informs the public that the Bureau's review of a Permit Application has begun. It is common practice for Applicants to provide notice of the submittal of a Permit Application in English and Spanish. The Applicant is required to provide notice in the following manner:

1. Notice is provided by certified mail to the owners of record, as shown by the most recent property tax schedule, and tax-exempt entities of record, of all properties:
 - a. within 100 feet of the property on which the facility is located or proposed to be located if the facility is or will be in a Class A or Class H county or a municipality with a population of more than 2,500 persons; or
 - b. within one-half mile of the property on which the facility is located or proposed to be located if the facility is or will be in a Class B county or municipality with a population of 2,500 or less.
2. Notice is provided by certified mail to all municipalities and counties in which the facility is or will be located and to the governing body of any county, municipality, Indian tribe or pueblo when the boundary of the territory of the county, municipality, Indian tribe or pueblo is within 10 miles of the property on which the facility is proposed to be constructed, operated or closed.
3. Notice is provided to all parties and interested participants of record for a permit modification or renewal.
4. Notice is published once in a newspaper of general circulation in each county where the facility is proposed to be constructed, operated or closed; this notice shall appear in either

the classified or legal advertisements section of the newspaper and at one other place in the newspaper calculated to give the general public the most effective notice; notice also shall be provided to residents of each community that is or will be affected significantly by the existing or proposed solid waste facility at least once in one or more other media in a manner that effectively reaches a substantial number of members of each community, and where printed shall be printed in both English and Spanish.

5. Notice is posted in at least eight publicly accessible and conspicuous places, including the proposed or existing entrance to the property on which the facility is or is proposed to be located.

Note: The notice performed by the Applicant occurs before the Bureau receives a Permit Application and before the Bureau has an opportunity to determine if additional services are necessary to communicate with individuals of limited English proficiency (“LEP”).

After the determination that a Permit Application is administratively complete, the Bureau provides notice of public hearing. The Solid Waste Act (NMSA 1978, § 74-9-23(B)) addresses notice for solid waste facility Permit Application hearings. NMSA 1978, § 74-9-23(B) requires the performance of notice for a permit application hearing in the same manner as required in NMSA 1978, Section 74-9-22. Section 74-9-22 identifies the following actions for the performance of notice:

1. Notice must be provided by certified mail to the owners of record, as shown on the most recent property tax schedule, of all properties:
 - a. Within 100 feet of the property on which the facility is located (or proposed to be located) if the facility is (or will be) in a Class A or H county or a municipality with a population of more than 2,500 persons; or
 - b. Within ½ mile of the property on which the facility is located (or proposed to be located) if the facility is (or will be) in a county other than a Class A or H county or a municipality with a population of 2,500 persons or less.
2. Notice must be provided by certified mail to all municipalities and counties in which the facility is (or will be) located and to the governing body of any county, municipality, Indian tribe, or pueblo when the boundary of the territory of the county, municipality, Indian tribe, or pueblo is within a 10-mile radius of the property on which the facility is (or is proposed to be) constructed, operated or closed.
3. Notice must be published once in a newspaper of general circulation in each county in which the property on which the facility is (or is proposed to be) constructed, operated or closed is located. This notice must appear in either the classified or legal advertisements section of the newspaper and at one other place in the newspaper calculated to give the general public the most effective notice and, when appropriate, must be printed in both English and Spanish.
4. Notice must be posted in at least four publicly accessible and conspicuous places, including the proposed or existing facility entrance on the property on which the facility is (or is proposed to be) located.

NMSA 1978, § 74-9-23(B) requires additional actions associated with notice of hearing:

1. Notice must be provided to any person who makes a written request to the NMED for notice regarding a specific application.

2. Notice must be made within 60 days of the determination that an application is complete.

The Bureau will also provide notice at least 30 days prior to the hearing per NMED's Permit Procedures, 20.1.4 NMAC.

The Notice of Publication Act (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, § 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 qualified English-to-Spanish translator.

Additional Public Notice Activities

Although not required by the Solid Waste Act or Publication of Notice Act, the Bureau may also provide notice by additional methods to enhance the effectiveness of notice performed by required methods. Such methods include those provided by other media, in a manner that effectively reaches a substantial number of members of each community. Examples of other media include public service announcements, radio advertisements, inserts in bills for municipal services (e.g., waste disposal, water, sewer), and flyers for facility customers.

Proposed Public Participation and Outreach Activities for Deming/Luna County Transfer Station

The Applicant completed the required public notice for the Application in October 2020 (see timeline in Section 1 of this PIP). The Bureau will perform the following public participation and outreach activities during the review phase of the permitting process for the Deming/Luna County Transfer Station Permit Application:

1. **Information Repository:** An electronic copy of the draft Permit Application is available for public review through the NMED Solid Waste Bureau website (<https://www.env.nm.gov/solid-waste/environmental-justice/>).

The Bureau proposes to perform the following public participation and outreach activities during the hearing phase (i.e., after the Permit Application has been deemed administratively complete) of the permitting process for the Deming/Luna County Transfer Station Permit Application:

1. **Mailing of Hearing Notice:**
 - a. The Bureau will provide notice by certified mail to property owners of record within 100 feet of the facility (the facility is located within the Deming city limits; City of

Deming has a population exceeding 2,500 persons). As required by 20.9.3.17.C NMAC, the Applicant will obtain property ownership information from the Luna County Assessor and will submit this information to the Bureau.

- b. The Bureau will provide notice by certified mail to the municipality and county in which the facility is located, and to all municipalities, counties, tribes, and pueblos located within 10 miles of the facility. The following governmental entities will be notified:
 - Luna County
 - City of Deming
 - c. As there are no active land grants in Luna County, the Bureau will not provide notice to potentially interested land grants
 - d. The Bureau will provide notice by first class mail or e-mail to other potentially interested persons (e.g., federal or state government agencies, persons who attended the most recent hearing regarding a Permit Application for the facility based on available Bureau records, etc.).
 - e. The Bureau will provide notice by first class mail or e-mail to all persons who inform the Bureau that they have an interest in the pending Permit Application for the facility. Persons who inform the Bureau of their interest in a Permit Application will be added to an “interested persons mailing list” for the public hearing.
 - f. Mailed notices will be provided in English and Spanish.
2. **Publication of Hearing Notice:** The notice will be published once in a newspaper of general circulation in the county in which the facility is proposed to be located. The Deming Headlight will be used for notice publication. The notice will be published in the classified or legal advertisements section of the newspaper and as a display advertisement at another location in the newspaper. The notice will be published in English and Spanish.
 3. **Physical Posting of Hearing Notice in Vicinity of Facility:** The Bureau will post hearing notices at a minimum of four (4) publicly accessible and conspicuous places, including the facility entrance. Provided permission is obtained for notice posting, the Bureau will post notice at libraries, community centers, senior centers, government offices, and/or post offices. Physically-posted notices will be provided in English and Spanish.
 4. **Physical Posting of Hearing Notice in Solid Waste Bureau Office:** The Bureau will post the hearing notice in the reception area of the Solid Waste Bureau office suite in the Harold Runnels Building in Santa Fe. The posted notice will be provided in English and Spanish. Notice posting in the Bureau’s Santa Fe office suite allows members of the solid waste community and others visiting the Solid Waste Bureau office to be advised of upcoming hearings.
 5. **Electronic Posting of Hearing Notice:** The Bureau will post the hearing notice on the Solid Waste Bureau portion of NMED’s website. Electronically-posted notices will be provided in English and Spanish.
 6. **Public Service Announcement:** The Bureau will prepare a public service announcement (“PSA”). PSAs provide pertinent information on the upcoming hearing in short broadcasts and will be distributed to local radio stations for airing. The PSA will be provided in English and Spanish.
 7. **Hearing Flyers:** The Bureau will prepare hearing flyers for distribution to transfer station customers. The flyer will be written in English and Spanish and will inform transfer

station customers of the upcoming Permit Application hearing.

In accordance with the Solid Waste Act requirement, all required notice actions will be performed within 60 days of the date the Application is deemed administratively complete. All required notice actions will also be performed at least 30 days prior to the hearing. For the PSA, the Bureau will forward a list of recommended radio stations to the NMED Public Information Officer, who forwards the PSA to the stations. The Bureau will strive to distribute the PSA to radio stations approximately three weeks prior to the hearing and will request that the PSA be broadcast up to the date of the hearing.

Hearing Location and Scheduling

Public hearings on solid waste facility Permit Applications are held in the general vicinity of the permitted facility and are scheduled to begin after typical daytime working hours (e.g., 6 p.m.). If deemed appropriate by NMED, however, a virtual hearing using an internet video conferencing platform may be used to conduct the hearing. The specific location and/or method for conducting the public hearing on the Permit Application for Deming/Luna County Transfer Station will be identified in the hearing notice. In the event the Bureau determines that a hearing will require more than one evening to complete, the hearing will continue on subsequent days, and the hearing start times on the initial day and subsequent days may be adjusted accordingly.

Contingency Plan for Unexpected Events

In the event unexpected events (e.g., inclement weather) prevent the public hearing from being held as scheduled, the Bureau will use a variety of methods to inform the public of the postponement of the hearing. The Bureau may notify the public by postal mailings, e-mails, PSAs, website postings and, if appropriate, will send staff to the scheduled hearing location to provide in-person notification of the need to reschedule the hearing.



Location: User-specified point center at 32.266455, -107.695285
 Ring (buffer): 4-miles radius
 Description: Deming/Luna County Transfer Station

Summary of ACS Estimates		2013 - 2017
Population		10,962
Population Density (per sq. mile)		258
Minority Population		8,043
% Minority		73%
Households		4,133
Housing Units		4,790
Housing Units Built Before 1950		521
Per Capita Income		17,050
Land Area (sq. miles) (Source: SF1)		42.44
% Land Area		100%
Water Area (sq. miles) (Source: SF1)		0.00
% Water Area		0%

	2013 - 2017 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	10,962	100%	549
Population Reporting One Race	10,861	99%	1,004
White	9,838	90%	538
Black	214	2%	93
American Indian	84	1%	66
Asian	92	1%	75
Pacific Islander	0	0%	12
Some Other Race	633	6%	220
Population Reporting Two or More Races	101	1%	180
Total Hispanic Population	7,614	69%	502
Total Non-Hispanic Population	3,348		
White Alone	2,919	27%	347
Black Alone	213	2%	93
American Indian Alone	45	0%	66
Non-Hispanic Asian Alone	92	1%	75
Pacific Islander Alone	0	0%	12
Other Race Alone	0	0%	12
Two or More Races Alone	79	1%	95
Population by Sex			
Male	5,621	51%	346
Female	5,341	49%	405
Population by Age			
Age 0-4	824	8%	165
Age 0-17	2,928	27%	278
Age 18+	8,034	73%	328
Age 65+	2,108	19%	175

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.
 N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2013 - 2017

Location: User-specified point center at 32.266455, -107.695285

Ring (buffer): 4-miles radius

Description: Deming/Luna County Transfer Station

	2013 - 2017 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	7,083	100%	298
Less than 9th Grade	1,254	18%	162
9th - 12th Grade, No Diploma	1,093	15%	135
High School Graduate	2,170	31%	198
Some College, No Degree	1,442	20%	177
Associate Degree	477	7%	152
Bachelor's Degree or more	1,124	16%	153
Population Age 5+ Years by Ability to Speak English			
Total	10,138	100%	476
Speak only English	4,653	46%	361
Non-English at Home ¹⁺²⁺³⁺⁴	5,485	54%	388
¹ Speak English "very well"	3,617	36%	331
² Speak English "well"	690	7%	128
³ Speak English "not well"	461	5%	132
⁴ Speak English "not at all"	717	7%	153
³⁺⁴ Speak English "less than well"	1,178	12%	189
²⁺³⁺⁴ Speak English "less than very well"	1,868	18%	217
Linguistically Isolated Households*			
Total	505	100%	107
Speak Spanish	505	100%	106
Speak Other Indo-European Languages	0	0%	12
Speak Asian-Pacific Island Languages	0	0%	12
Speak Other Languages	0	0%	12
Households by Household Income			
Household Income Base	4,133	100%	179
< \$15,000	1,227	30%	167
\$15,000 - \$25,000	686	17%	122
\$25,000 - \$50,000	935	23%	132
\$50,000 - \$75,000	663	16%	125
\$75,000 +	623	15%	126
Occupied Housing Units by Tenure			
Total	4,133	100%	179
Owner Occupied	2,290	55%	147
Renter Occupied	1,844	45%	159
Employed Population Age 16+ Years			
Total	8,373	100%	374
In Labor Force	4,089	49%	290
Civilian Unemployed in Labor Force	458	5%	170
Not In Labor Force	4,285	51%	293

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of anyrace.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS)

*Households in which no one 14 and over speaks English "very well" or speaks English only.

Location: User-specified point center at 32.266455, -107.695285

Ring (buffer): 4-miles radius

Description: Deming/Luna County Transfer Station

	2013 - 2017 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	8,457	100%	485
English	3,944	47%	477
Spanish	4,469	53%	473
French	0	0%	29
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	0	0%	17
Yiddish	N/A	N/A	N/A
Other West Germanic	N/A	N/A	N/A
Scandinavian	N/A	N/A	N/A
Greek	N/A	N/A	N/A
Russian	N/A	N/A	N/A
Polish	N/A	N/A	N/A
Serbo-Croatian	N/A	N/A	N/A
Other Slavic	N/A	N/A	N/A
Armenian	N/A	N/A	N/A
Persian	N/A	N/A	N/A
Gujarathi	N/A	N/A	N/A
Hindi	N/A	N/A	N/A
Urdu	N/A	N/A	N/A
Other Indic	N/A	N/A	N/A
Other Indo-European	13	0%	29
Chinese	10	0%	20
Japanese	N/A	N/A	N/A
Korean	0	0%	17
Mon-Khmer, Cambodian	N/A	N/A	N/A
Hmong	N/A	N/A	N/A
Thai	N/A	N/A	N/A
Laotian	N/A	N/A	N/A
Vietnamese	0	0%	17
Other Asian	2	0%	17
Tagalog	0	0%	17
Other Pacific Island	N/A	N/A	N/A
Navajo	N/A	N/A	N/A
Other Native American	N/A	N/A	N/A
Hungarian	N/A	N/A	N/A
Arabic	0	0%	17
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	20	0%	20
Total Non-English	4,514	53%	680

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2013 - 2017.

*Population by Language Spoken at Home is available at the census tract summary level and up.

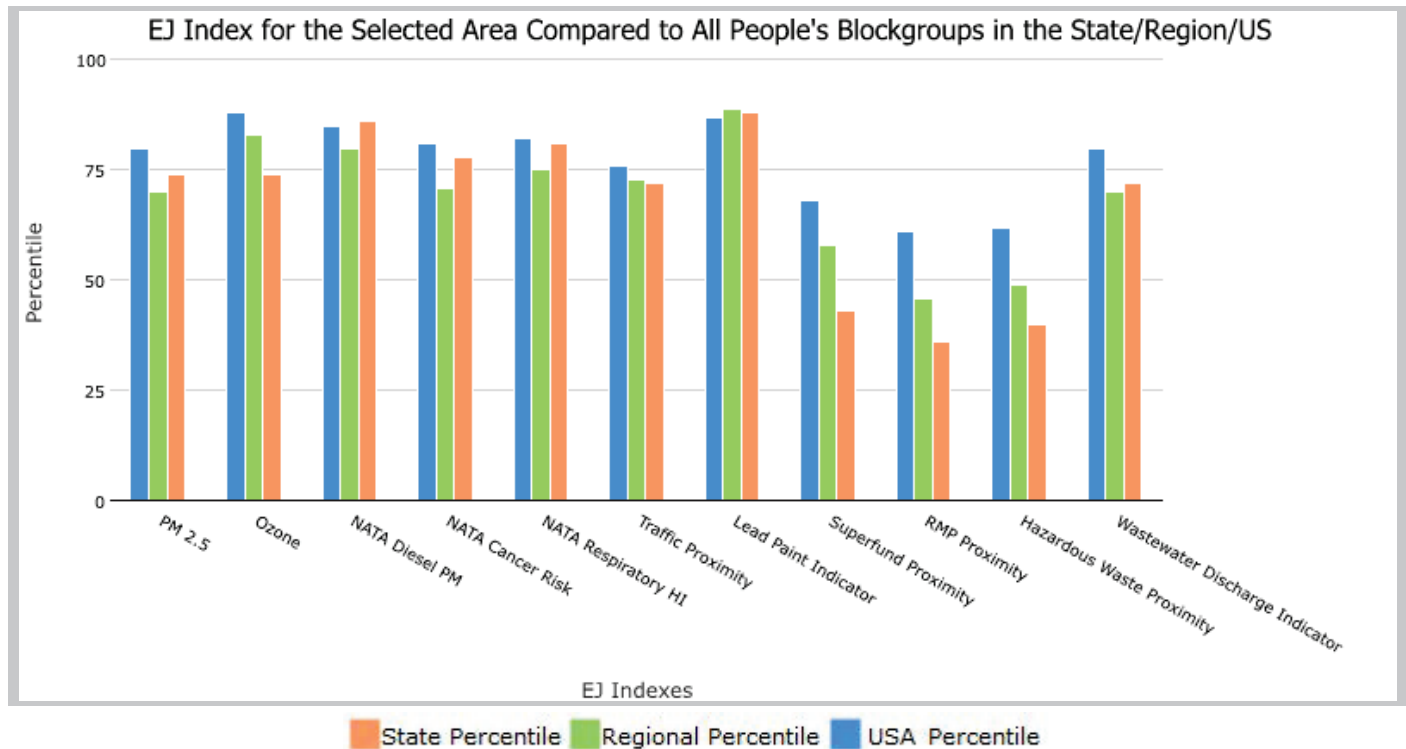
4 miles Ring Centered at 32.266455,-107.695285, NEW MEXICO, EPA Region 6

Approximate Population: 10,962

Input Area (sq. miles): 50.26

Deming/Luna County Transfer Station

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	74	70	80
EJ Index for Ozone	74	83	88
EJ Index for NATA* Diesel PM	86	80	85
EJ Index for NATA* Air Toxics Cancer Risk	78	71	81
EJ Index for NATA* Respiratory Hazard Index	81	75	82
EJ Index for Traffic Proximity and Volume	72	73	76
EJ Index for Lead Paint Indicator	88	89	87
EJ Index for Superfund Proximity	43	58	68
EJ Index for RMP Proximity	36	46	61
EJ Index for Hazardous Waste Proximity	40	49	62
EJ Index for Wastewater Discharge Indicator	72	70	80



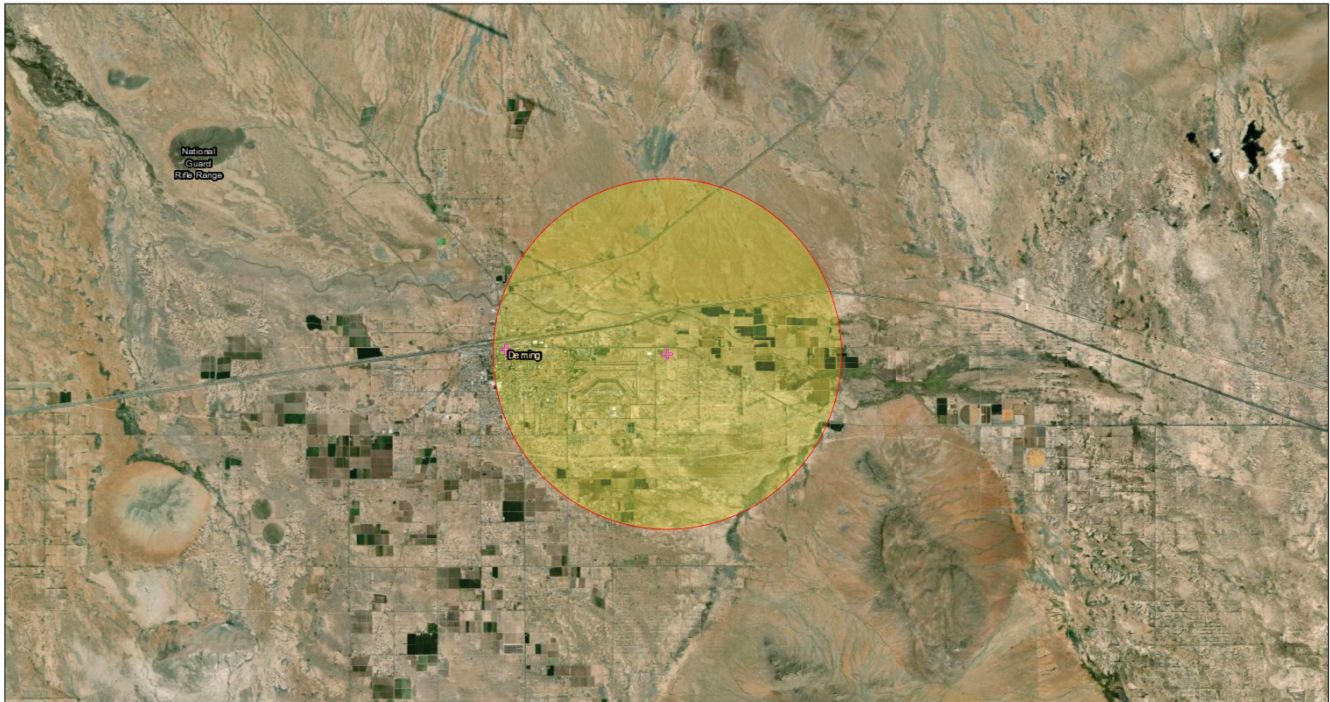
This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

4 miles Ring Centered at 32.266455,-107.695285, NEW MEXICO, EPA Region 6

Approximate Population: 10,962

Input Area (sq. miles): 50.26

Deming/Luna County Transfer Station



Sites reporting to EPA	
Superfund NPL	0
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	0

EJSCREEN Report (Version 2019)



4 miles Ring Centered at 32.266455,-107.695285, NEW MEXICO, EPA Region 6

Approximate Population: 10,962

Input Area (sq. miles): 50.26

Deming/Luna County Transfer Station

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Environmental Indicators							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$)	5.96	6.15	35	8.37	2	8.3	6
Ozone (ppb)	48.3	50.4	21	39.4	94	43	86
NATA* Diesel PM ($\mu\text{g}/\text{m}^3$)	0.496	0.281	80	0.401	60-70th	0.479	60-70th
NATA* Cancer Risk (lifetime risk per million)	26	24	61	36	<50th	32	<50th
NATA* Respiratory Hazard Index	0.39	0.32	73	0.45	<50th	0.44	<50th
Traffic Proximity and Volume (daily traffic count/distance to road)	150	360	49	400	51	750	43
Lead Paint Indicator (% Pre-1960 Housing)	0.25	0.18	74	0.17	76	0.28	57
Superfund Proximity (site count/km distance)	0.011	0.14	12	0.081	7	0.13	5
RMP Proximity (facility count/km distance)	0.013	0.24	4	0.82	0	0.74	0
Hazardous Waste Proximity (facility count/km distance)	0.017	0.46	8	0.75	1	4	1
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	2.4E-05	130	61	9.8	46	14	48
Demographic Indicators							
Demographic Index	68%	52%	73	44%	80	36%	87
Minority Population	73%	62%	65	51%	71	39%	80
Low Income Population	61%	42%	79	37%	83	33%	88
Linguistically Isolated Population	12%	5%	86	6%	82	4%	87
Population With Less Than High School Education	33%	15%	89	16%	85	13%	92
Population Under 5 years of age	8%	6%	67	7%	58	6%	68
Population over 64 years of age	19%	16%	70	13%	82	15%	75

* The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <https://www.epa.gov/national-air-toxics-assessment>.

For additional information, see: www.epa.gov/environmentaljustice

EJSCREEN is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJSCREEN outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.

Public Outreach Preliminary Screen (EJSCREEN)

Facility: Deming/Luna County Transfer Station
Location: 5470 NM Highway 549 SE, Deming, NM
Buffer: 4 miles
Date: December 17, 2020

Total population within 4-mile radius*:	10,962
Total population age 5+ years within 4-mile radius*:	10,138
Number of households within 4-mile radius*:	4,133
Per capita income within 4-mile radius*:	\$17,050
Per capita income, USA**:	\$34,103
Percent minority population within 4-mile radius*:	73%
Percent minority population by race within 4-mile radius*:	
Hispanic:	69.5%
Black:	1.9%
American Indian:	0.4%
Non-Hispanic Asian:	0.8%
Pacific Islander:	0.0%
Other race alone:	0.0%
Two or more races alone:	0.7%
<i>Sum:</i>	73.4%
Percent linguistically isolated households within 4-mile radius*:	12.2%
Percent linguistically isolated households by language within 4-mile radius*:	
Spanish:	12.2%
Other Indo-European languages:	0.0%
Other Asian-Pacific Island languages:	0.0%
Other languages:	0.0%
<i>Sum:</i>	12.2%
Population age 5+ yrs speaking English "less than very well" within 4-mile radius*:	18.4%

* : From EJSCREEN ACS Summary Report

** : From U.S. Census Bureau 2015-2019 American Community Survey 5-Year Estimates

Completed 12-17-2020, GS

Limited English Proficiency ("LEP") Assessment

Facility: Deming/Luna County Transfer Station
Location: 5470 NM Highway 549 SE, Deming, NM
Buffer: 4 miles
Date: December 17, 2020

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

Percent linguistically isolated households within 4-mile radius*:	12.2%
Percent linguistically isolated households by language within 4-mile radius*:	
Spanish:	12.2%
Other Indo-European languages:	0.0%
Other Asian-Pacific Island languages:	0.0%
Other languages:	0.0%
<i>Sum:</i>	12.2%
Percent linguistically isolated population, New Mexico**:	5%
Percent linguistically isolated population, USA**:	4%
Population age 5+ yrs speaking English "less than very well" within 4-mile radius*:	18.4%

* : From "EJSCREEN ACS Summary Report"

** : From "EJSCREEN Report (Version 2019)"

Conclusions:

- 1) Proportion of LEP persons within four miles is considerably higher than statewide and national proportions.
- 2) Spanish is the only non-English language spoken by LEP persons.
- 3) Historical participation: Historical participation in permit actions for this facility is limited. One person filed as a party and provided technical testimony at the August 2001 hearing; this person emphasized the need for an adequate recycling program at the transfer station. One other member of the public provided comment at the 2001 hearing.

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

Frequency Assesment ("frequent" / "occasional" / "not frequent"):

Not frequent

This determination is based on the performance of 28 permit application hearings from September 2011 to present. In two cases, the Bureau determined that language interpretation services might be required at the hearing to service LEP persons and provided such services. Interpretation services were used in one instance (Southwest Landfill LLC), but the interpreter at the other hearing (Northeastern New Mexico Regional Landfill) was dismissed after one day as hearing attendees were not utilizing the service. Historically, interpretation services have been needed for one other facility (Camino Real Landfill).

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

All solid waste facilities are required by the NM Solid Waste Act to obtain a permit prior to construction and operation. Permit applications are reviewed by the Solid Waste Bureau to assess compliance with regulatory and statutory requirements. Once the application is deemed "administratively complete", a mandatory hearing is held to gather testimony and comment from all interested parties and persons. The record created at the hearing is then forwarded to the Secretary for his/her consideration and determination regarding permit issuance.

The permitting activity is deemed by the Solid Waste Bureau to be "important" to NMED, the impacted community, and the State of New Mexico. The permitting activity is important to NMED because the permit establishes site-specific requirements that must be met to ensure protection of public health, welfare, and the environment. The permitting activity is important to the impacted community because poorly-operated solid waste facilities have the potential to pose a public nuisance and adversely affect the quality of life of people living in the vicinity of the facility. The permitting activity is important to the State of New Mexico because establishment of effective permits ensures that solid waste facilities will not impact the State's limited groundwater resources and that waste disposal is conducted in a consistent manner throughout the State.

Factor 4: Resources Available to NMED and Associated Costs

In accordance with statutory requirements, the Solid Waste Bureau conducts public notice for permit hearings in both English and Spanish, and utilizes the services of a qualified translator 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:

The Bureau plans to provide notice of the permit application hearing in both English and Spanish, which is consistent with statutory requirements and program practice, and is appropriate as the entire LEP population speaks Spanish. Although the proportion of LEP individuals within four miles of the facility is considerably greater than the statewide data, the program's contact with LEP individuals has been infrequent. Thus, the Bureau is not planning to provide further LEP services at this time. The Bureau, however, will reconsider this decision if members of the affected community contact the Bureau to request additional LEP services.