



# NMED Public Participation Policy Policy 07-13

## Public Involvement Plan for Solid Waste Facility Permit Application

CITY OF TUCUMCARI  
P.O. Box 1188  
215 East Center Street  
Tucumcari, New Mexico  
88401

DocuSigned by:  
Approved   
8FDB385241A4EB  
Shirlene Sitton  
Chief, Solid Waste Bureau

Solid Waste Bureau  
July 2024

# 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 Renewal Application for the City of Tucumcari Landfill (CTLF) located within the eastern part of the NW ¼ of Section 5, Township 11 North, Range 31 East, Quay County, New Mexico.

The Bureau encourages the public to learn about and get involved in regulatory decision-making opportunities for CTLF. 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 Department 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. The site for CTLF is in a part of the state with a relatively large community of Spanish speakers, and the Bureau will provide pertinent information in both English and Spanish in public hearing notices and related announcements.

The hearing will be held in-person and remotely using internet video conferencing technology.

As deemed necessary based on knowledge of the surrounding community, arrangements may be made for interpretation services during the hearing, 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.

<b>Activity</b>	<b>Dates</b>
Public notice of filing of Application with Solid Waste Bureau (notice performed by Applicant)	May 2024
Distribute PIP (website and repository)	July 2024
Notice of Completeness Determination	To Be Determined (TBD)
Notice of Docketing and Appointment of Hearing Officer	TBD
Notice of Public Hearing on Permit Application (in English and Spanish) –	TBD
Public Hearing Location: TBD	TBD

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:

Daniele Berardelli  
Permit Section Manager  
NMED Solid Waste Bureau  
P.O. Box 5469  
Santa Fe, New Mexico 87502  
Telephone: 505-670-2018  
Fax: 505-827-2902  
E-mail: [daniele.berardelli@state.nm.us](mailto:daniele.berardelli@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:

Daniele Berardelli  
Permit Section Manager  
NMED Solid Waste Bureau  
P.O. Box 5469  
Santa Fe, New Mexico 87502  
Telephone: 505-670-2018  
Fax: 505-827-2902  
E-mail: [daniele.berardelli@state.nm.us](mailto:daniele.berardelli@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

Both federal and state laws govern 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 has completed 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 Department 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 Department posts hearing notices on NMED's website.

It is common practice to provide notice of Permit Application hearings in both English and Spanish. Spanish versions of the notice are translated from English into Spanish by a certified translator. When appropriate, notice is provided 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***

CTLF is an existing solid waste facility that was originally permitted in 2005 and is operating pursuant to its current NMED Solid Waste Facility Permits, SWM 062024 & SWM 062024(SP), issued by NMED on May 31, 2005. CTLF is publicly owned and operated by the City of Tucumcari, New Mexico. CTLF meets the definition of "landfill" under the New Mexico Solid Waste Rules. The Permit Renewal Application was received by the Bureau on May 31, 2024.

The City of Tucumcari is seeking a permit to allow acceptance of municipal solid waste and construction and demolition debris, and two special wastes: offal and petroleum contaminated soils. The facility currently operates from 8:00 a.m. to 4:00 p.m. Monday through Friday, and from 12:00 p.m. to 4:00 p.m. on the first Saturday only of each month. The facility is closed on Sunday and holidays. CTLF anticipates the receipt of approximately 35 tons of solid waste 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 U.S. Environmental Protection Agency (EPA) has developed the Environmental Justice Screening and Mapping Tool (Version 2.2) (“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 permit issuance for a solid waste facility.

An “EJScreen Community Report” was generated using EJScreen for the area within a 4-mile radius of the current City of Tucumcari Landfill. The following information was obtained from the Report:

- Total population: 3,222
- Number of households: 1,167
- Per capita income: \$21,751
- Per capita income, USA (obtained from U.S. Census Bureau QuickFacts)<sup>2</sup>: \$41,261
- Proportion people of color population: 61 percent
  - Proportion Hispanic population: 58 percent
  - Proportion Black population: 1 percent
  - Proportion American Indian population: 1 percent
  - Proportion Non-Hispanic Asian population: 0 percent
  - Other race alone: 0 percent
  - Two or more races alone: 0 percent

Information from the 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 4 percent. The linguistically isolated population in New Mexico is 6 percent; the linguistically isolated population in the United States is 5 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 2), the Bureau will provide information in Spanish and English when providing public announcements, such as for the notice of the public hearing on the Permit Application.

## 5. Detailed Public Participation and Outreach Activities for Solid Waste Facility Permit Application, City of Tukumcari Landfill

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 plans for facilitating public participation in the permitting action for the City of Tukumcari Landfill 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 provided 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.
  - 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 a 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 the county where the facility is proposed to be constructed, operated or closed; this notice appeared 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 was also 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 the Permit Application is administratively complete, the Department 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.
  - 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 a municipality with a population of 2,500 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 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 certified translator. Notice will be provided at least 30 days prior to a hearing.

### ***Proposed Public Participation & Outreach Activities for the City of Tucumcari Landfill***

The Applicant completed the required public notice for the Application in May 2024. The Department will perform the following public participation and outreach activities during the review phase of the permitting process for the CTLF Permit Renewal Application:

**Information Repository:** A copy of the draft Permit Application is available for public review at the New Mexico Environment Department District 1 Office, 121 Tijeras Avenue, NE, Suite 1000, Albuquerque, NM 87102. An electronic copy of the Permit Application will be posted for public review through the NMED website at: [Permitting and Registration \(nm.gov\)](https://www.nmed.nm.gov/Permitting-and-Registration). [Scroll to the bottom and look](#) for the “Public Involvement Plans” heading and select the application link for the City of Tucumcari Landfill.

The following public participation and outreach activities will be performed during the hearing phase (i.e., after the Permit Renewal Application is deemed administratively complete) of the permitting process for the CTLF.

#### **1. Mailing of Hearing Notice:**

- a. The Department will provide notice by certified mail to property owners of record within one-half mile of the facility. As required by 20.9.3.17.C NMAC, the Applicant will obtain property ownership information from the Bernalillo County Assessor and will submit this information to the Bureau.
- b. The Department 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:
  - Quay County Commissioners
  - Quay County Manager
  - San Miguel County Commissioners
  - San Miguel County Manager
  - City of Tucumcari
  - Bureau of Land Management
  - New Mexico State Land Office

- New Mexico Department of Game and Fish
  - Bureau of Reclamation
  - NMDOT District 4
- c. The Department 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 an application for a solid waste facility based on available Bureau records, etc.).
  - d. The Department 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.
  - e. 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 Quay County Sun 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 Department 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 Department 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. **Electronic Posting of Hearing Notice:** The Department will post the hearing notice on the NMED website. Electronically-posted notices will be provided in English and Spanish.

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. Further, the Department will provide notice of the Permit Application hearing at least 30 days prior to the hearing.

### ***Hearing Location and Scheduling***

The public hearing for the City of Tucumcari Landfill will be held in-person and remotely using an internet video conferencing platform on a date, time and place to be determined once the Application is deemed administratively complete. In the event the Hearing Officer determines that a hearing will require more than one day 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***

Should unexpected events prevent the public hearing from being held as scheduled after issuance of the hearing notice, the Department will use a variety of methods to inform the public of the postponement of the hearing. The Department may notify the public by postal mailings, e-mails, PSAs, and website postings.

***Attachment 1: Preliminary Screening (EJSCREEN)***



# EJScreen Community Report

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

## Quay County, NM

4 miles Ring Centered at 35.211308,-103.678156  
Population: 3,222  
Area in square miles: 50.26

A3 Landscape



June 10, 2024  
City of Tucuman Landfill  
1:36,112  
0 0.38 0.75 1.5 mi  
0 0.5 1 2 km  
EPA, HERE, Garmin, Mapbox

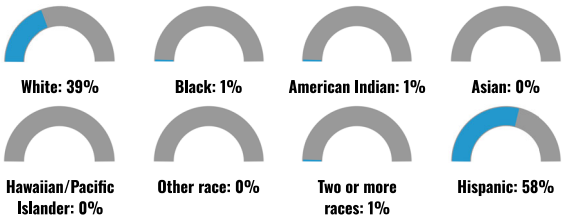
### LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
English	69%
Spanish	30%
French, Haitian, or Cajun	1%
Total Non-English	31%

### COMMUNITY INFORMATION



### BREAKDOWN BY RACE



### BREAKDOWN BY AGE



### LIMITED ENGLISH SPEAKING BREAKDOWN



Notes: Numbers may not sum to totals due to rounding. Hispanic population can be of any race. Source: U.S. Census Bureau, American Community Survey (ACS) 2017-2021. Life expectancy data comes from the Centers for Disease Control.

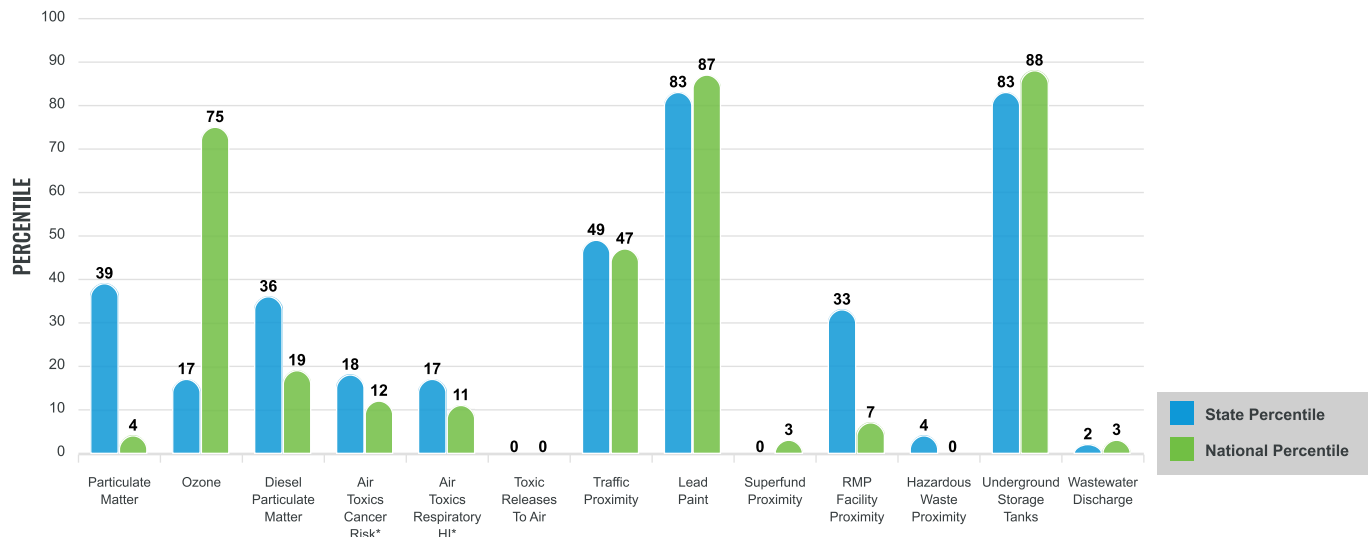
## Environmental Justice & Supplemental Indexes

The environmental justice and supplemental indexes are a combination of environmental and socioeconomic information. There are thirteen EJ indexes and supplemental indexes in EJScreen reflecting the 13 environmental indicators. The indexes for a selected area are compared to those for all other locations in the state or nation. For more information and calculation details on the EJ and supplemental indexes, please visit the [EJScreen website](#).

### 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.

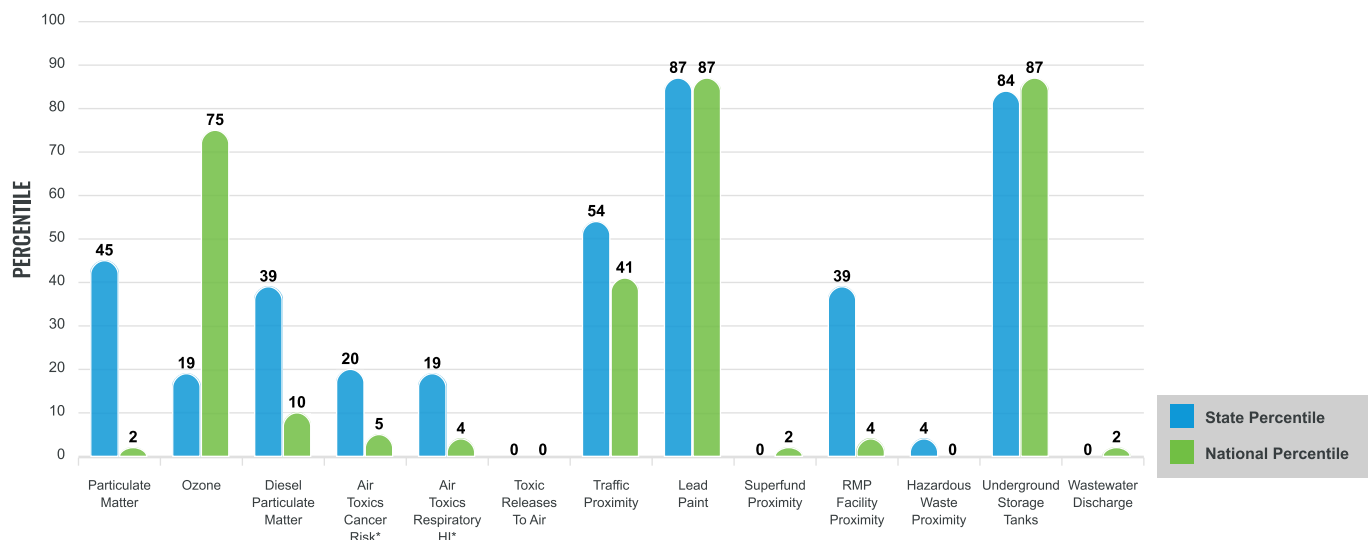
#### EJ INDEXES FOR THE SELECTED LOCATION



### SUPPLEMENTAL INDEXES

The supplemental indexes offer a different perspective on community-level vulnerability. They combine data on percent low-income, percent linguistically isolated, percent less than high school education, percent unemployed, and low life expectancy with a single environmental indicator.

#### SUPPLEMENTAL INDEXES FOR THE SELECTED LOCATION



These percentiles provide perspective on how the selected block group or buffer area compares to the entire state or nation.

Report for 4 miles Ring Centered at 35.211308,-103.678156

# EJScreen Environmental and Socioeconomic Indicators Data

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
<b>POLLUTION AND SOURCES</b>					
Particulate Matter ( $\mu\text{g}/\text{m}^3$ )	4.48	5.16	30	8.08	1
Ozone (ppb)	61.2	64.7	12	61.6	51
Diesel Particulate Matter ( $\mu\text{g}/\text{m}^3$ )	0.0604	0.194	29	0.261	5
Air Toxics Cancer Risk* (lifetime risk per million)	10	18	1	25	1
Air Toxics Respiratory HI*	0.1	0.21	4	0.31	1
Toxic Releases to Air	0	29	0	4,600	0
Traffic Proximity (daily traffic count/distance to road)	20	84	44	210	24
Lead Paint (% Pre-1960 Housing)	0.56	0.19	90	0.3	77
Superfund Proximity (site count/km distance)	0.0057	0.14	0	0.13	1
RMP Facility Proximity (facility count/km distance)	0.023	0.15	27	0.43	2
Hazardous Waste Proximity (facility count/km distance)	0.01	0.73	3	1.9	0
Underground Storage Tanks (count/km <sup>2</sup> )	14	3.3	94	3.9	93
Wastewater Discharge (toxicity-weighted concentration/m distance)	3.8E-09	0.47	1	22	1
<b>SOCIOECONOMIC INDICATORS</b>					
Demographic Index	54%	51%	56	35%	78
Supplemental Demographic Index	20%	17%	65	14%	78
People of Color	61%	62%	46	39%	73
Low Income	48%	40%	63	31%	78
Unemployment Rate	3%	7%	40	6%	41
Limited English Speaking Households	4%	6%	61	5%	72
Less Than High School Education	18%	14%	69	12%	78
Under Age 5	5%	5%	60	6%	55
Over Age 64	19%	19%	60	17%	65
Low Life Expectancy	25%	19%	95	20%	92

\*Diesel particulate matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. 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. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: <https://www.epa.gov/haps/air-toxics-data-update>.

## Sites reporting to EPA within defined area:

Superfund .....	0
Hazardous Waste, Treatment, Storage, and Disposal Facilities .....	0
Water Dischargers .....	22
Air Pollution .....	17
Brownfields .....	2
Toxic Release Inventory .....	1

## Other community features within defined area:

Schools .....	0
Hospitals .....	0
Places of Worship .....	25

## Other environmental data:

Air Non-attainment .....	No
Impaired Waters .....	Yes

Selected location contains American Indian Reservation Lands* .....	No
Selected location contains a "Justice40 (CEJST)" disadvantaged community .....	Yes
Selected location contains an EPA IRA disadvantaged community .....	Yes

Report for 4 miles Ring Centered at 35.211308,-103.678156

## EJScreen Environmental and Socioeconomic Indicators Data

HEALTH INDICATORS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Low Life Expectancy	25%	19%	95	20%	92
Heart Disease	8.3	6.2	90	6.1	87
Asthma	10.4	10.3	60	10	64
Cancer	6.4	5.7	68	6.1	52
Persons with Disabilities	26.3%	16.6%	92	13.4%	96

CLIMATE INDICATORS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Flood Risk	0%	9%	0	12%	0
Wildfire Risk	0%	58%	0	14%	0

CRITICAL SERVICE GAPS					
INDICATOR	VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Broadband Internet	41%	22%	86	14%	95
Lack of Health Insurance	7%	9%	41	9%	52
Housing Burden	No	N/A	N/A	N/A	N/A
Transportation Access	Yes	N/A	N/A	N/A	N/A
Food Desert	Yes	N/A	N/A	N/A	N/A

Report for 4 miles Ring Centered at 35.211308,-103.678156



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

## **Attachment 2: Limited-English Proficiency (“LEP”) Assessment**

Facility: City of Tucumcari Landfill

Location: 35°12'40.71"N, 103°40'41.36"W (Eastern part of the NW ¼ of Section 5, Township 11 North, Range 31 East, Quay County, New Mexico)

Buffer: 4 miles

Date: June 10, 2024

### **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 “EJScreen Community Report”).

1. The percentage of limited English-speaking households in the affected community is 4%.
2. The percentage of limited English-speaking households in New Mexico is 6%.
3. Spanish is the only non-English language spoken by LEP persons in the affected community.
4. Historical participation: Based on historical records, thirty-nine individuals are listed as interested parties. Each has been sent notice of the permit renewal application by first class U.S. mail. Hearing on the original landfill permit application in March 2005. Numerous community members attended the hearing and opposed permit issuance.

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

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

This determination is based on the performance of 34 permit application hearings from September 2011 to the 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 (Northwestern 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 and Importance of the Activity or Service Provided by the Program**

All solid waste facilities are required by the 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 persons and entities. The record created at the hearing is then forwarded to the Secretary of NMED for his 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 established 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 waste disposal is conducted in a consistent manner throughout the State.

#### **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 permit application 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 area surrounding the proposed facility. Although the program's contact with LEP individuals has not been frequent, the proportion of LEP individuals within 4 miles of the facility is significant. The Bureau is not planning to provide further LEP services at this time, however, if the Bureau receives requests for additional LEP services from members of the community, the Bureau will reconsider providing additional LEP services.