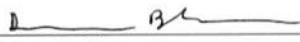




# NMED Public Participation Policy Policy 07-13

## Public Involvement Plan for Notice of a Remediation Plan

A Market Place  
1536 East River Road  
Belen, New Mexico

Approved:   
Dana Bahar  
Chief, Petroleum Storage Tank Bureau

Date: 9/6/2018

Petroleum Storage Tank Bureau  
August 24, 2018

# 1. Public Involvement Plan (PIP) Overview

The New Mexico Environment Department (“NMED” or “Department”), Petroleum Storage Tank Bureau (“PSTB”) developed this Public Involvement Plan (“PIP”) to provide public participation opportunities and information needed to facilitate public participation in the Remediation Plan review for the A Market Place site located at 1536 East River Road, Belen, New Mexico.

The PSTB has developed this PIP to provide public participation opportunities and information to facilitate the public’s participation in the remediation planning process related to this site.

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

The remediation planning process requires public participation throughout different stages. The PSTB will meet the public participation requirements for the planning 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 is conducted 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 affect 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 planning process.

As much as possible, public participation and informational activities related to the planning 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 remediation planning process, public comments may be submitted to the PSTB prior to the PSTB’s determination that the Remediation Plan is acceptable. Upon a determination that the Remediation Plan is acceptable, the PSTB will implement the Remediation Plan.

The A Market Place site is in Belen in an area which has a relatively large community of Spanish speakers. Therefore, the PSTB will provide informational notices in both English and Spanish.

As deemed necessary based on knowledge of the surrounding community, arrangements may be made for translation services. At any time during the planning process, the Remediation Plan and relevant documents may be reviewed at either of the repositories listed.

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

<b>Activity</b>	<b>Dates</b>
Posting of PIP (PSTB website and office)	November 15, 2018
Public Comment Period for PIP	Ongoing
PIP Revision	January 7, 2019
Posting of Revised PIP	Within 21 days of receipt of substantial comment
Public Notice of Planned Submission of Draft Remediation Plan	January 3, 2019
Submittal of Draft Remediation Plan	January 10, 2019
Posting of Notice of Draft Remediation Plan (Release Site)	January 8, 2019
Second Public Notice of Submission of Draft Remediation Plan	January 17, 2019
Public Comment Period for Draft Remediation Plan	February 7, 2019
Incorporation of Comments and Preparation of Final Remediation Plan	TBD

The Chief of the PSTB 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 remediation planning process, site, or this PIP, please contact:

Jack Dickey  
Geoscientist Supervisor  
NMED Petroleum Storage Tank Bureau  
121 Tijeras Avenue NE, Suite 1000  
Albuquerque, New Mexico 87102  
Tel (505) 222-9563  
E-mail: [jack.dickey@state.nm.us](mailto:jack.dickey@state.nm.us)

### ***Non-English Language Speaker Assistance and Accommodations***

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

Persons requiring non-English Language Speaker Assistance, assistance for an interpreter or auxiliary aid (e.g., accommodations for persons who are disabled) to participate in the planning process should be directed to contact the PSTB, allowing at least 14 days prior to the end of the comment review period.

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***

Public notices will include links to the following websites:

New Mexico Environment Department - <https://www.env.nm.gov/>

Petroleum Storage Tank Bureau - [https://www.env.nm.gov/petroleum\\_storage\\_tank/](https://www.env.nm.gov/petroleum_storage_tank/)

### **3. Regulatory Framework for Public Participation**

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

In 1984, Congress added Subtitle I to the SWDA, which required the U.S. Environmental Protection Agency (“EPA”) to develop a comprehensive regulatory program for Underground Storage Tank (“UST”) systems storing petroleum or certain hazardous substances to protect the environment and human health from UST releases. 42 U.S.C. §6991 *et. seq.* In 1988, the EPA promulgated the UST regulations (40 CFR Part 280) and the regulations for state program approval (40 CFR Part 281). State program approval (SPA) delegates the primary responsibility of implementing the federal UST program to individual states in lieu of the EPA. NMED PSTB currently has SPA from EPA.

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

Owners and operators of petroleum storage tanks where a release has occurred, which requires a Final Remediation Plan, shall develop a Final Remediation Plan which includes public notice that meets the requirements of paragraph (10) of subsection D of 20.5.119.1923 NMAC, and paragraph B of 20.5.119.1928 NMAC.

The Department may provide for public participation in the review process as the Department deems appropriate or when there is significant public interest as provided for in subsection D of 20.5.119.1924 NMAC. In the event that an informal public meeting, public hearing or other form of public participation is conducted, the Department may postpone its decision on the Final Remediation Plan until after a public hearing or meeting is held and a determination is made. Any public hearing or meeting that is held due to significant public interest shall be held within 60 days of determining that there is significant public interest.

#### ***Facility Background***

The A Market Place site at 1536 East River Road, Belen currently houses an auto repair/tire shop. Petroleum fuel related contamination was originally found in 1995 during NMDOT road construction. No remedial activities have occurred at the site to date. The responsible party is unknown. A Market Place has been designated as a State Lead site. The NMED PSTB has contracted AECOM to provide remedial activities at the site.

As of the April 2018 groundwater monitoring event, depth to water at this site ranged from 4.30 feet to 5.10 feet below ground surface. Groundwater elevations declined by an average of 0.08 foot since February 2018 and groundwater flowed at an approximate gradient of 0.0006 ft/ft to the

southeast, consistent with historic conditions.

Groundwater monitoring has been on-going since 1996. The last monitoring event at the site was performed in April 2018. Dissolved benzene found in groundwater samples collected at monitor wells MW-3 and MW-4 continues to be the primary contaminant of concern at the site. Dissolved volatile organic compound contaminants have not been detected in groundwater samples collected at monitor wells MW-2, MW-6, or MW-7 since at least September 2010.

The planned remediation strategy consists of installation of borings to inject BOS 200®. The BOS 200® injections are intended to remove the recalcitrant benzene using an activated carbon injectate enhanced with nutrients to encourage volatile organic compound degrading microbial activity in the subsurface.

## 4. Affected Communities and Stakeholders

To provide for adequate public participation opportunities and meaningful involvement of persons in the planning 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 consideration of a Remediation Plan for a petroleum storage tank site.

The EJSCREEN ACS Summary Report (Attachment 1) indicates, there are 448 households within a 1-mile radius (i.e., affected community) from the site; the minority percentage for the affected community is 58%, with the Hispanic population accounting for 53%, Black accounting for 1%, American Indian accounting for 3% and a mix of two or more races accounting for 1% each of the minority population. 12% of the population reports as some other race. The percentage of persons that communicate in a language other than English (non-English) at home is 29%. The percentage of linguistically isolated households is 4.2%. The per capita income for the affected community is \$23,741 as compared to the national per capita income of \$28,930. These results indicate that for the affected community, the percentage of Spanish language communication (2.9%) is not greater than the state or national percentage.

To help incorporate the language and communication needs of this community when conducting public outreach and participation activities (see Attachment 2), the PSTB will provide the same information in Spanish and English in public comment notices and other announcements (brochures, signs, mailings, etc.) and strive to make public participation efforts as inclusive as possible within PSTB budget and time limitations.

For example, as much as possible, mass communication methods will be used in addition to public notices in appropriate newspapers or mailings, as many residents in the affected community may not have regular access to newspapers or daily postal service and may rely on publicly posted notices. Informational flyers shall be posted at the site that also describe public information repositories.

It is important for the PSTB to consider the linguistic and communication needs of the affected community when providing notice of submission of Remediation Plans. Based on the EJSCREEN results, the PSTB will provide information in Spanish and English when providing such notices for the A Market Place site.

## 5. Detailed Public Participation and Outreach Activities

The PSTB evaluates all public comments, places the comments in the administrative files for the remedial action, and incorporates public input into the PSTB's comments on Remediation Plans as appropriate.

The PSTB's plans for facilitating public participation in the remediation planning for the A Market Place site include the following:

- Newspaper publication in the Valencia County News-Bulletin. *Note: There are no Spanish language newspapers of general circulation in Valencia County.*
- Distribute by certified mail a copy of the legal notice to adjacent property owners
- Post a notice at the release site
- Post the notice on the PSTB's portion of NMED's website

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

The Petroleum Storage Tank Regulations, 20.5.119.1923.D (10) NMAC, as detailed below, address notices to be provided by the owner or operator (*for this state-lead site, the PSTB*) to the public regarding the submission of a Remediation Plan for public comment. Notice is provided prior to the submission of the Remediation Plan and informs the public that the PSTB will be reviewing the Plan. All notices of submission of a Remediation Plan will be provided in both English and Spanish. The PSTB will provide notice of the submission of a Remediation Plan in English and Spanish. Spanish-language notices will be translated from English into Spanish by a translator certified by the American Translators Association.

The **bolded information in brackets** is responsive to the regulatory requirements *in italics* below.

*The owner/operator [the PSTB] is required to provide notice in the following manner:*

*(a) owners and operators [the PSTB] shall publish [in English and Spanish] a legal notice of the submission or planned submission of the final remediation plan at least twice in a paper of general circulation [Legal Section of the Classified Ads of the Valencia County News-Bulletin] in the county in which soil or water has been contaminated by the release; the first notice shall appear within one week of, but not later than, the day of submission of the final remediation plan to the Department; the second publication of this notice shall occur no later than seven days after the date the remediation plan is submitted to the Department, and owners and operators shall submit two certified affidavits of publication from the newspaper to the Department within 21 days after the date the final remediation plan is submitted;*

*(b) the notice shall contain the information specified in this section including the following:*

*(i) a statement that a remediation plan has been submitted to the Department proposing actions to remediate a release of petroleum products;*

(ii) *the name and physical address of the site at which the release occurred and the names and physical addresses of properties where any part of the remediation system will be located, using adequate identification of the properties, including street addresses if applicable [1536 East River Road, Belen, New Mexico];*

(iii) *a statement that a copy of the remediation plan and all data and modeling related to the remediation plan, if applicable, can be viewed at the Department's [PSTB's] main office [located at 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505] and at the Department's field office for the area in which the release occurred [District 1 Albuquerque office located at 121 Tijeras Avenue, NE, Suite 1000, Albuquerque, New Mexico 87102]; and*

(iv) *a statement that public comments on the plan must be delivered, within 21 days of the publication of the second notice, to the owner or operator's assigned project manager at the petroleum storage tank bureau, New Mexico environment Department, or a district office [District 1 Albuquerque office located at 121 Tijeras Avenue, NE, Suite 1000, Albuquerque, New Mexico 87102] if approved by the Department, and to the secretary of the Environment Department;*

(c) *within seven days of the date a remediation plan is submitted to the Department, [the PSTB] shall also mail by certified mail a copy of the legal notice to adjacent property owners; and*

(d) *owners and operators [the PSTB] shall post a notice [in English and Spanish] of the submission of the remediation plan at the release site within seven days of the submission of the remediation plan; the notice shall contain the information specified in this subsection and shall be at least 8.5 inches by 11 inches in size and prominently displayed in a location where it is likely to be seen by members of the public for a continuous period until the remediation plan is approved and implemented; public comments must be received by the Department within 21 days of the date of the second publication of the public notice;*

### ***Proposed Public Participation and Outreach Activities for the A Market Place Site***

The PSTB will perform the following public participation and outreach activities during the review phase of the planning process for the A Market Place site remediation:

1. **Information Repository:** A copy of the Remediation Plan and the PIP will be made available for public review at the PSTB's main office at **2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505** and at the NMED District 1 Albuquerque office located at **121 Tijeras Avenue NE, Suite 1000, Albuquerque, New Mexico 87102**. In addition, the Remediation Plan, PIP, and relevant documents may be viewed at the following website:

<https://cloud.env.nm.gov/waste/pages/search.php?search=%21collection1919&k=54e98e5c06>

2. **Electronic Posting of Public Notice:** The PSTB will post the notice and PIP on the PSTB's portion of NMED's website ([https://www.env.nm.gov/petroleum\\_storage\\_tank/](https://www.env.nm.gov/petroleum_storage_tank/)). Electronically-posted notices will be provided in English and Spanish.

3. **Language Assistance Services:** Non-English speakers or readers will be directed in notices to call the PSTB contact listed in this PIP and request language assistance services, such as an interpreter, so they can learn more about the planning process. Services may be arranged by the PSTB for translation of documents, for interpreters, and for obtaining services for persons with disabilities. A phone-based interpretation service is available to PSTB for speakers of languages other than English.

***Attachment 1: EJSCREEN ACS Summary Report***

Location: User-specified point center at 34.653413, -106.741848  
 Ring (buffer): 1-mile radius  
 Description:

Summary of ACS Estimates		2012 - 2016
Population		1,079
Population Density (per sq. mile)		351
Minority Population		631
% Minority		58%
Households		448
Housing Units		520
Housing Units Built Before 1950		71
Per Capita Income		23,741
Land Area (sq. miles) (Source: SF1)		3.07
% Land Area		99%
Water Area (sq. miles) (Source: SF1)		0.05
% Water Area		1%

	2012 - 2016 ACS Estimates	Percent	MOE (±)
<b>Population by Race</b>			
Total	1,079	100%	417
Population Reporting One Race	1,055	98%	1,046
White	869	81%	388
Black	14	1%	72
American Indian	44	4%	177
Asian	3	0%	14
Pacific Islander	0	0%	11
Some Other Race	124	12%	384
Population Reporting Two or More Races	24	2%	57
Total Hispanic Population	576	53%	386
Total Non-Hispanic Population	503		
White Alone	448	42%	259
Black Alone	11	1%	72
American Indian Alone	29	3%	82
Non-Hispanic Asian Alone	3	0%	14
Pacific Islander Alone	0	0%	11
Other Race Alone	5	0%	21
Two or More Races Alone	7	1%	33
<b>Population by Sex</b>			
Male	548	51%	216
Female	531	49%	280
<b>Population by Age</b>			
Age 0-4	77	7%	127
Age 0-17	258	24%	201
Age 18+	821	76%	329
Age 65+	258	24%	148

**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) 2012 - 2016.

Location: User-specified point center at 34.653413, -106.741848

Ring (buffer): 1-mile radius

Description:

	2012 - 2016 ACS Estimates	Percent	MOE (±)
<b>Population 25+ by Educational Attainment</b>			
Total	763	100%	306
Less than 9th Grade	23	3%	60
9th - 12th Grade, No Diploma	77	10%	111
High School Graduate	286	38%	188
Some College, No Degree	281	37%	182
Associate Degree	79	10%	116
Bachelor's Degree or more	96	13%	126
<b>Population Age 5+ Years by Ability to Speak English</b>			
Total	1,002	100%	376
Speak only English	712	71%	320
Non-English at Home <sup>1+2+3+4</sup>	290	29%	262
<sup>1</sup> Speak English "very well"	228	23%	260
<sup>2</sup> Speak English "well"	46	5%	72
<sup>3</sup> Speak English "not well"	6	1%	41
<sup>4</sup> Speak English "not at all"	10	1%	34
<sup>3+4</sup> Speak English "less than well"	16	2%	42
<sup>2+3+4</sup> Speak English "less than very well"	62	6%	82
<b>Linguistically Isolated Households*</b>			
Total	19	100%	32
Speak Spanish	13	69%	30
Speak Other Indo-European Languages	6	31%	27
Speak Asian-Pacific Island Languages	0	0%	11
Speak Other Languages	0	0%	11
<b>Households by Household Income</b>			
Household Income Base	448	100%	134
< \$15,000	85	19%	99
\$15,000 - \$25,000	53	12%	76
\$25,000 - \$50,000	152	34%	102
\$50,000 - \$75,000	76	17%	115
\$75,000 +	83	18%	113
<b>Occupied Housing Units by Tenure</b>			
Total	448	100%	134
Owner Occupied	323	72%	153
Renter Occupied	125	28%	102
<b>Employed Population Age 16+ Years</b>			
Total	831	100%	302
In Labor Force	352	42%	223
Civilian Unemployed in Labor Force	48	6%	150
Not In Labor Force	479	58%	232

**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)

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

Location: User-specified point center at 34.653413, -106.741848

Ring (buffer): 1-mile radius

Description:

	2012 - 2016 ACS Estimates	Percent	MOE (±)
<b>Population by Language Spoken at Home*</b>			
Total (persons age 5 and above)	N/A	N/A	N/A
English	N/A	N/A	N/A
Spanish	N/A	N/A	N/A
French	N/A	N/A	N/A
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	N/A	N/A	N/A
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	N/A	N/A	N/A
Chinese	N/A	N/A	N/A
Japanese	N/A	N/A	N/A
Korean	N/A	N/A	N/A
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	N/A	N/A	N/A
Other Asian	N/A	N/A	N/A
Tagalog	N/A	N/A	N/A
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	N/A	N/A	N/A
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	N/A	N/A	N/A
Total Non-English	N/A	N/A	N/A

**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) 2012 - 2016.

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

## Public Outreach Preliminary Screen (EJSCREEN)

**Facility:** A Market Place  
**Location:** 1536 East River Road, Belen, NM  
**Buffer:** 1 mile  
**Date:** August 24, 2018

Total population within 1-mile radius*:	1,079
Total population age 5+ years within 1-mile radius*:	1,002
Number of households within 1-mile radius*:	448
Per capita income within 1-mile radius*:	\$23,741
Per capita income, USA**:	\$28,930
Percent minority population within 1-mile radius*:	58%
Percent minority population by race within 1-mile radius*:	
Hispanic:	53.0%
Black:	1.0%
American Indian:	3.0%
Non-Hispanic Asian:	0.0%
Pacific Islander:	0.0%
Other race alone:	0.0%
Two or more races alone:	1.0%
<i>Sum:</i>	58.0%
Percent linguistically isolated households within 1-mile radius***:	4.2%
Percent linguistically isolated households by language within 1-mile radius****:	
Spanish:	2.9%
Other Indo-European languages:	1.3%
Other Asian-Pacific Island languages:	0.0%
Other languages:	0.0%
<i>Sum*****:</i>	4.2%
Population age 5+ yrs speaking English "less than very well" within 1-mile radius*:	6.0%

\* : From EJSCREEN ACS Summary Report

\*\* : From U.S. Census Bureau 2011-2015 American Community Survey 5-Year Estimates

\*\*\* # of Linguistically Isolated Households/Total # of Households From EJSCREEN ACS Summary Report

\*\*\*\*# of Single Language Linguistically Isolated Households/Total # of Households From EJSCREEN ACS Summary Report

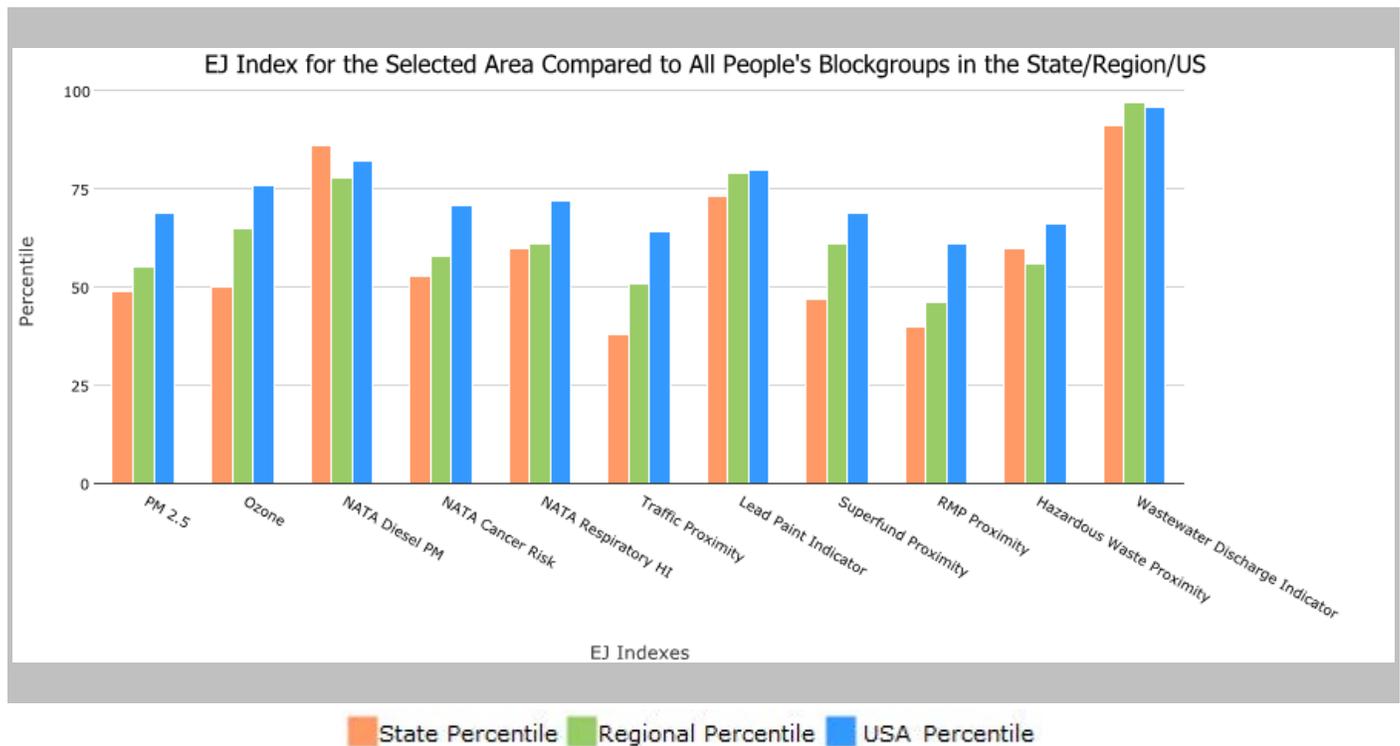
\*\*\*\*\* Sum may not match due to rounding

1 mile Ring Centered at 34.653413,-106.741848, NEW MEXICO, EPA Region 6

Approximate Population: 1,079

Input Area (sq. miles): 3.14

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
<b>EJ Indexes</b>			
EJ Index for PM2.5	49	55	69
EJ Index for Ozone	50	65	76
EJ Index for NATA* Diesel PM	86	78	82
EJ Index for NATA* Air Toxics Cancer Risk	53	58	71
EJ Index for NATA* Respiratory Hazard Index	60	61	72
EJ Index for Traffic Proximity and Volume	38	51	64
EJ Index for Lead Paint Indicator	73	79	80
EJ Index for Superfund Proximity	47	61	69
EJ Index for RMP Proximity	40	46	61
EJ Index for Hazardous Waste Proximity	60	56	66
EJ Index for Wastewater Discharge Indicator	91	97	96

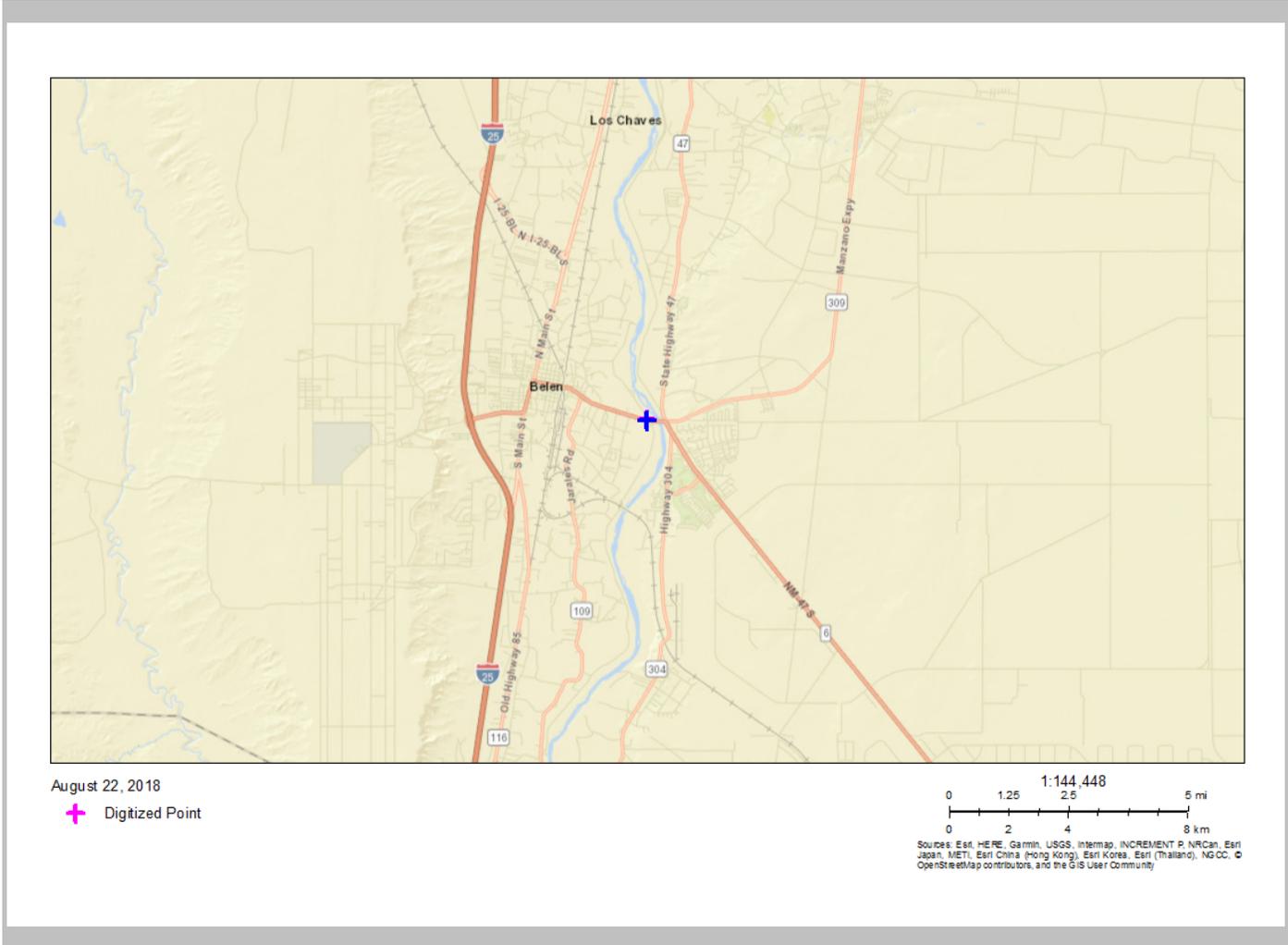


This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective 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.

1 mile Ring Centered at 34.653413,-106.741848, NEW MEXICO, EPA Region 6

Approximate Population: 1,079

Input Area (sq. miles): 3.14



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

## EJSCREEN Report (Version 2018)



1 mile Ring Centered at 34.653413,-106.741848, NEW MEXICO, EPA Region 6

Approximate Population: 1,079

Input Area (sq. miles): 3.14

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
<b>Environmental Indicators</b>							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$ )	5.82	6.25	27	9.55	1	9.53	2
Ozone (ppb)	50	49.7	40	40.4	96	42.5	90
NATA* Diesel PM ( $\mu\text{g}/\text{m}^3$ )	1.28	0.473	94	0.721	80-90th	0.938	70-80th
NATA* Cancer Risk (lifetime risk per million)	32	32	47	42	<50th	40	<50th
NATA* Respiratory Hazard Index	1.3	1.4	57	1.8	<50th	1.8	<50th
Traffic Proximity and Volume (daily traffic count/distance to road)	17	290	21	320	23	600	23
Lead Paint Indicator (% Pre-1960 Housing)	0.2	0.19	66	0.18	70	0.29	51
Superfund Proximity (site count/km distance)	0.022	0.13	31	0.07	40	0.12	26
RMP Proximity (facility count/km distance)	0.028	0.22	25	0.8	3	0.72	4
Hazardous Waste Proximity (facility count/km distance)	0.14	0.39	60	0.86	36	4.3	31
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0.4	2.1	93	0.38	97	30	94
<b>Demographic Indicators</b>							
Demographic Index	53%	52%	52	44%	63	36%	75
Minority Population	58%	61%	45	51%	59	38%	72
Low Income Population	47%	43%	58	38%	65	34%	74
Linguistically Isolated Population	4%	5%	58	6%	60	4%	69
Population With Less Than High School Education	13%	15%	49	17%	48	13%	61
Population Under 5 years of age	7%	6%	63	7%	54	6%	64
Population over 64 years of age	24%	15%	84	13%	91	14%	88

\* 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](http://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.

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

## Limited English Proficiency ("LEP") Assessment

**Facility:** A Market Place  
**Location:** 1536 East River Road, Belen, NM  
**Buffer:** 1 mile  
**Date:** August 24, 2018

**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 1-mile radius***:	4.2%
Percent linguistically isolated households by language within 1-mile radius****:	
Spanish:	2.9%
Other Indo-European languages:	1.3%
Other Asian-Pacific Island languages:	0.0%
Other languages:	0.0%
Sum*****:	4.2%
Percent linguistically isolated population, New Mexico**:	5%
Percent linguistically isolated population, USA**:	5%
Population age 5+ yrs speaking English "less than very well" within 1-mile radius*:	6.0%

\* : From "EJSCREEN ACS Report"

\*\* : From "EJSCREEN Report (Version 2017)"

\*\*\* # of Linguistically Isolated Households/Total # of Households From EJSCREEN ACS Summary Report

\*\*\*\*# of Single Language Linguistically Isolated Households/Total # of Households From EJSCREEN ACS Summary Report

\*\*\*\*\* Sum may not match due to rounding

**Conclusions:**

- 1) Proportion of LEP persons within one mile is somewhat less than the statewide and national proportions.
- 2) Spanish is the primary non-English language spoken by LEP persons.
- 3) Historical participation: Not applicable (new remediation plan notice).

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

**Frequency Assessment ("frequent" / "occasional" / "not frequent"):**

Not frequent

This determination based on the lack of response to past notices of submission by the public.

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

All Remediation Plans for PSTB sites are required by the NM Petroleum Storage Tank regulations to be made available for review prior to their finalization and implementation. The Remediation Plans are reviewed by the PSTB to assess compliance with regulatory requirements and to evaluate their technical adequacy. The Remediation Plan is approved after the PSTB's review is complete, any inadequacies are addressed, and the public comments are evaluated and addressed as appropriate.

The Remediation Plan review is deemed by the PSTB to be "important" to NMED, the affected community, and the State of New Mexico. Remediation Plan review is important to the NMED because it establishes site-specific requirements that must be met to ensure protection of public health, welfare, and the environment. Remediation Plan review is important to the affected community because poorly implemented or poorly operated remediation activities have the potential to pose a public nuisance and adversely affect the quality of life of people living in the vicinity of the leaking petroleum storage tank site. Remediation Plan review is important to the State of New Mexico because implementation of effective remedial actions ensures that leaking petroleum tank sites will limit their effect on the State's limited groundwater resources.

**Factor 4: Resources Available to NMED and Associated Costs**

In accordance with regulatory requirements, the PSTB posts notices of submission in both English and Spanish and utilizes the services of a certified translator for creation of the 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 PSTB has been able to provide these additional services within budgetary constraints.

The PSTB plans to provide notice of submission of Remediation Plans in both English and Spanish, which is consistent with statutory requirements and program practice and is appropriate as the majority of the LEP population speaks Spanish. As the PSTB's contact with LEP individuals has not been frequent and the proportion of LEP individuals within one mile of the facility is only slightly greater than the statewide data, the PSTB is not planning to provide further LEP services at this time. However, the PSTB will reconsider this decision if members of the affected community contact the Bureau to request additional LEP services.