



# NMED Public Participation Policy Policy 07-13

## Public Involvement Plan for Notice of a Remediation Plan

Lovington 66  
424 South Main  
Lovington, New Mexico

Approved:

**Dana Bahar**

Dana Bahar  
Chief, Petroleum Storage Tank Bureau

Digitally signed by Dana Bahar  
Date: 2020.08.03 16:44 -06'00'

Date: \_\_\_\_\_

Petroleum Storage Tank Bureau  
August 21, 2020

## 1. Public Involvement Plan (PIP) Overview

The New Mexico Environment Department (“NMED” or “Department”), Petroleum Storage Tank Bureau (“PSTB” or “Bureau”) developed this Public Involvement Plan (“PIP”) for the Remediation Plan review for the Lovington 66 site located at 424 South Main, Lovington, 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 Remediation Plan. The PIP identifies the PSTB staff and resources needed to accomplish these activities.

The remediation planning process may require 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 remediation planning process.

As much as possible, public participation and informational activities related to the remediation 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 Lovington 66 site is in Lovington, New Mexico is located in an area that has a large community of Spanish speakers. Therefore, the PSTB will provide information 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)   | August 21, 2020                                  |
| Public Comment Period for PIP  | Ongoing  |
| PIP Revision   | As necessary                                     |
| Posting of Revised PIP   | Within 21 days of receipt of substantial comment |
| Public Notice of Planned Submission of Draft Final Remediation Plan by PSTB including availability of language assistance services | August 21, 2020                                  |
| Submittal of Draft Final Remediation Plan  | August 28, 2020                                  |
| Posting of Draft Final Remediation Plan (PSTB website and offices) , Public Comment Period Begins                                  | August 28, 2020                                  |
| Second Public Notice of Submission of Draft Final Remediation Plan and Posting of a Notice at the Site                             | September 4, 2020                                |
| Public Comment Period for Draft Remediation Plan Ends  | September 25, 2020                               |
| Incorporation of Comments and Preparation of Final Remediation Plan  | TBD  |

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

## 2. Contacts

Bureau contact for this PIP and the Remediation Plan is:

Tim Noger  
Project Manager  
NMED Petroleum Storage Tank Bureau  
2905 Rodeo Park Drive East, Building 1  
Santa Fe, NM 87505  
Work Cell Phone: (505) 372-8150  
E-mail: tim.noger@state.nm.us

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

The Bureau will include information about how 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 will be directed to the PSTB contact listed above, and if possible, allow at least 14 days prior to the end of the comment review period.

The New Mexico Relay Network numbers will also be provided in public notices for the hearing or speech impaired: 1-800-659-1779 (voice) and 1-800-659-8331 (TTY).

### ***Department 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, in 1976 to ensure safe management and disposal of household, municipal and industrial waste generated nationwide. 42 U.S.C. § 6901 *et. seq.*, 42 U.S.C. § 6921 *et. seq.*

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

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

Where a release has occurred which requires a final remediation plan, owners and operators of petroleum storage tanks shall develop such a plan which includes public notice that meets the requirements of paragraph (10) of subsection D of 20.5.119.1923 NMAC, and subsection B of 20.5.119.1928 NMAC. For state-lead sites, the NMED’s contractor will develop and implement the Final Remediation Plan.

The Department may provide for public participation in the review process as the Department deems appropriate or for public meetings when there is significant public interest as provided for in subsection D of 20.5.119.1924 NMAC. If 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 Lovington 66 site is a former gas station and is located at 424 South Main, Lovington, New Mexico. The site is bounded by Highway 83/Avenue D to the south, Main Street to the east, Avenue C to the north and a commercial property to the west. Southeast of the site, across Highway 83, is an Allsup’s convenience store and self-service gasoline station, the Allsup’s #19, which is also a leaking underground storage tank site with release id# 1943. An old self-service gasoline station, now vacant property, is located south of the site across Highway 83. The

original Lovington 66 building has been demolished and underground storage tanks (USTs) were removed in November 1991. Currently a McDonald's restaurant is located on the property. The Lovington 66 was located on the southern portion of the property, which is now the parking lot and part of the drive-through area for the McDonald's restaurant.

In November 1991, five underground storage tanks that contained unleaded gasoline, diesel fuel, and used oil were removed, including the associated product piping and fuel dispensers. Hydrocarbon contamination was observed in the location of the dispensers and the diesel tank. It was determined that a release likely occurred from overfills at the USTs and dispensers.

Soils at the site consist of beds of off-white caliche of varied hardness and permeability, mixed with inconsistent gravel, sand, and sandstone layers to about 55 feet, grading into the water-bearing Ogallala formation, which consists of medium to fine grained sand with silt and fine clay to total depth of borings at around 75 feet. Depth to groundwater ranges from 58 to 65 feet, and groundwater flow is to the southeast at a hydraulic gradient of approximately 0.0042 feet/foot. Since early 2008 groundwater levels have declined about 5 feet.

During the most recent monitoring/ non-aqueous-phase-liquid (NAPL) bailing event in 2018, the NAPL plume covered an area of about 18,000 square feet and extended from the site underneath Highway 83/Avenue D to the Allsups #19. It is likely that the contamination from the Lovington 66 site is comingled with contamination at the Allsups #19 site. Product thickness on-site averages 6.5 feet in four wells: W-1, W-2 and W-3 and MPE-1. Off-site at the Allsups #19, product thickness is 0.38 feet in W-3 and 4.45 feet in W-14. A total of 25.84 gallons of NAPL was recovered via hand bailing during the most recent bailing event in June 2018.

The dissolved phase plume apart from benzene, toluene, ethylbenzene, and xylenes (BTEX) includes Methyl tert-butyl ether (MTBE) and 1,2-dichloroethane (EDC), and covers an area of about 200,000 square feet. In March of 2018 the highest dissolved phase benzene concentration was 12,000 µg/L in monitoring well W-8. EDC was at 600 µg/L in W-19, which is located 720 feet downgradient from the site. The EDC plume is undefined downgradient of W-19 towards the southeast.

Since July 1991 investigation/remediation at the site, apart from groundwater monitoring, has included excavation of about 600 cubic yards of contaminated soil in December 1991, a NAPL bail-down test in November 2007, and Dual Phase Extraction (DPE) pilot tests in 2015. The site was designated a state lead site on November 1, 2018.

A request for proposals to conduct investigation and remediation activities and related corrective action at the Lovington 66 was posted, and, through a PSTB procurement evaluation process, a contract has been awarded.

Investigation activities will be done to complete site characterization and will include baseline groundwater monitoring. Information and data collected from the site investigation will be used to develop subsequent work plans for the development of a final remediation plan (FRP); quarterly groundwater monitoring; and the installation, operation, and maintenance of the future remediation system.

## 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.

According to the EJSCREEN ACS Summary Report for 2013 to 2017 (see Attachment 1), there are 4,099 households within a 4-mile radius from the facility (i.e., affected community); the minority percentage for the affected community is 70 percent, with the Hispanic population accounting for 68 percent and the Black, American Indian, Other Race, and Two or More Races category of the non-Hispanic population accounting for the other two percent of the minority population. The percentage of persons that communicate in a language other than English (non-English) at home is 49 percent. The percent of linguistically isolated households is 7.6%. The per capita income for the affected community is \$23,460 as compared to the national per capita income of \$31,786. These results indicate that for the affected community, the percentage of Spanish language communication (49 percent) is considerable (i.e., greater than the state percentage of 26.4% or the national percentage of 13.5%). Additionally, the EJ Screen report indicates that of the linguistically isolated households in the affected area, 100% speak Spanish.

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 and the Limited English Proficiency ("LEP") analysis (see Attachment 2), the PSTB will provide the same information in Spanish and English when conducting public outreach and participation activities, and when providing public notices and other announcements (brochures, signs, mailings, etc.) for the Lovington 66 site. The PSTB will 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 (front window of the Mc Donald's Restaurant, 424 South Main) that also describe public information repositories.

## 5. Detailed Public Participation and Outreach Activities for Remediation Plan, Lovington 66

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 action for the Lovington 66 site are detailed below.

### **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. This notice is provided prior to the submission of the Remediation Plan and informs the public that the PSTB will be reviewing the Plan. 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 for English to Spanish translation.

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

*The owner/operator [for this state-lead site, the PSTB] is required to provide notice in the following manner:*

*(a) owners and operators [the PSTB] shall publish 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 Hobbs Sun News] 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 [424 South Main, Lovington];

(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 3 Roswell office located at 1914 W. Second, Roswell, New Mexico 88201]; 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 [Tim Noger] at the petroleum storage tank bureau, New Mexico environment Department, or a district office [2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505] 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, owners and operators [the PSTB] shall also mail by certified mail a copy of the legal notice [in English and Spanish] 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 Lovington 66 Site**

The PSTB will also perform the following public participation and outreach activities during the review phase of the planning process for the Lovington 66 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 3 Roswell office located at **1914 W. Second, Roswell, New Mexico 87102**. Due to the Covid-19 public health crisis, arrangements to view a hardcopy of the FRP in one of the offices must be made 48 hours in advance. In addition, the Remediation Plan, the PIP, and all applicable data may be viewed at the following website:  
<https://cloud.env.nm.gov/waste/pages/search.php?search=%21collection2252&k=7d0eb4c3a6>

2. **Electronic Posting of Public Notice:** The PSTB will post the notice and the PIP on the

PSTB's portion of NMED's website

([https://www.env.nm.gov/petroleum\\_storage\\_tank/reports-and-lists/](https://www.env.nm.gov/petroleum_storage_tank/reports-and-lists/)). 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 the PSTB for speakers of languages other than English.

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

## Public Outreach Preliminary Screen (EJSCREEN)

**Facility:** Lovington 66  
**Location:** 424 South Main, Lovington, NM 88260  
**Buffer:** 4-mile  
**Date:** 2013 - 2017

|  |          |
|--|----------|
| Total population within 4-mile radius*:  | 13,864   |
| Total population age 5+ years within 4-mile radius*:                                 | 12,542   |
| Number of households within 4-mile radius*:  | 4,099    |
| Per capita income within 4-mile radius*:   | \$23,245 |
| Per capita income, USA:  | \$31,786 |
| Percent minority population within 4-mile radius*(population reporting one race):    | 70%      |
| Percent minority population by race within 4-mile radius*:                           |          |
| Hispanic:  | 68%      |
| Black Alone:   | 1%       |
| American Indian Alone:   | 0%       |
| Non-Hispanic Asian Alone:  | 0%       |
| Pacific Islander Alone:  | 0%       |
| Other Race Alone:  | 0%       |
| Two or More Races Alone  | 1%       |
| <i>Sum:</i>  | 70%      |
| Percent linguistically isolated households within 4-mile radius**:                   | 7.6%     |
| Percent linguistically isolated households by language within 4-mile radius:         |          |
| Spanish***:  | 100%     |
| Other Indo-European languages:   | 0%       |
| Other Asian-Pacific Island languages:  | 0%       |
| Other languages:   | 0%       |
| <i>Sum:</i>  | 100%     |
| Population age 5+ yrs. speaking English "less than very well" within 4-mile radius*: | 17%      |

\*: From EJSCREEN ACS Summary Report

\*\* : 312 linguistically isolated households /4,099 total households X 100 = 7.6% linguistically isolated households

\*\*\*: 312 households /312 linguistically isolated households

Detail may not sum to total due to rounding.



Location: User-specified point center at 32.944184, -103.348909  
 Ring (buffer): 4-miles radius  
 Description: Lovington 66

| Summary of ACS Estimates             | 2013 - 2017 |
|--------------------------------------|-------------|
| Population                           | 13,864      |
| Population Density (per sq. mile)    | 264         |
| Minority Population                  | 9,688       |
| % Minority                           | 70%         |
| Households                           | 4,099       |
| Housing Units                        | 4,681       |
| Housing Units Built Before 1950      | 446         |
| Per Capita Income                    | 23,460      |
| Land Area (sq. miles) (Source: SF1)  | 52.54       |
| % Land Area                          | 100%        |
| Water Area (sq. miles) (Source: SF1) | 0.09        |
| % Water Area                         | 0%          |

|  | 2013 - 2017<br>ACS Estimates | Percent | MOE (±) |
|--|------------------------------|---------|---------|
| <b>Population by Race</b>              |                              |         |         |
| Total                                  | 13,864                       | 100%    | 443     |
| Population Reporting One Race          | 13,605                       | 98%     | 887     |
| White                                  | 12,246                       | 88%     | 437     |
| Black                                  | 188                          | 1%      | 137     |
| American Indian                        | 37                           | 0%      | 24      |
| Asian                                  | 0                            | 0%      | 12      |
| Pacific Islander                       | 0                            | 0%      | 12      |
| Some Other Race                        | 1,134                        | 8%      | 265     |
| Population Reporting Two or More Races | 260                          | 2%      | 92      |
| Total Hispanic Population              | 9,440                        | 68%     | 444     |
| Total Non-Hispanic Population          | 4,424                        |         |         |
| White Alone                            | 4,176                        | 30%     | 209     |
| Black Alone                            | 113                          | 1%      | 81      |
| American Indian Alone                  | 22                           | 0%      | 24      |
| Non-Hispanic Asian Alone               | 0                            | 0%      | 12      |
| Pacific Islander Alone                 | 0                            | 0%      | 12      |
| Other Race Alone                       | 32                           | 0%      | 35      |
| Two or More Races Alone                | 81                           | 1%      | 85      |
| <b>Population by Sex</b>               |                              |         |         |
| Male                                   | 6,904                        | 50%     | 240     |
| Female                                 | 6,960                        | 50%     | 295     |
| <b>Population by Age</b>               |                              |         |         |
| Age 0-4                                | 1,322                        | 10%     | 131     |
| Age 0-17                               | 4,393                        | 32%     | 210     |
| Age 18+                                | 9,472                        | 68%     | 266     |
| Age 65+                                | 1,399                        | 10%     | 102     |



Location: User-specified point center at 32.944184, -103.348909  
 Ring (buffer): 4-miles radius  
 Description: Lovington 86

|  | 2013 - 2017<br>ACS Estimates | Percent | MOE (±) |
|--|------------------------------|---------|---------|
| <b>Population 25+ by Educational Attainment</b>            |                              |         |         |
| Total  | 7,798                        | 100%    | 246     |
| Less than 9th Grade  | 1,121                        | 14%     | 123     |
| 9th - 12th Grade, No Diploma                               | 1,167                        | 15%     | 113     |
| High School Graduate                                       | 2,524                        | 32%     | 144     |
| Some College, No Degree                                    | 2,256                        | 29%     | 133     |
| Associate Degree   | 528                          | 7%      | 63      |
| Bachelor's Degree or more                                  | 728                          | 9%      | 82      |
| <b>Population Age 5+ Years by Ability to Speak English</b> |                              |         |         |
| Total  | 12,542                       | 100%    | 385     |
| Speak only English   | 6,394                        | 51%     | 281     |
| Non-English at Home <sup>1,2,3,4</sup>                     | 6,148                        | 49%     | 302     |
| <sup>1</sup> Speak English "very well"                     | 4,074                        | 32%     | 247     |
| <sup>2</sup> Speak English "well"                          | 756                          | 6%      | 119     |
| <sup>3</sup> Speak English "not well"                      | 859                          | 7%      | 125     |
| <sup>4</sup> Speak English "not at all"                    | 458                          | 4%      | 108     |
| <sup>3,4</sup> Speak English "less than well"              | 1,318                        | 11%     | 149     |
| <sup>2,3,4</sup> Speak English "less than very well"       | 2,074                        | 17%     | 164     |
| <b>Linguistically Isolated Households*</b>                 |                              |         |         |
| Total  | 312                          | 100%    | 70      |
| Speak Spanish  | 312                          | 100%    | 69      |
| Speak Other Indo-European Languages                        | 0                            | 0%      | 12      |
| Speak Asian-Pacific Island Languages                       | 0                            | 0%      | 12      |
| Speak Other Languages                                      | 0                            | 0%      | 12      |
| <b>Households by Household Income</b>                      |                              |         |         |
| Household Income Base                                      | 4,099                        | 100%    | 111     |
| < \$15,000   | 408                          | 10%     | 75      |
| \$15,000 - \$25,000  | 331                          | 8%      | 65      |
| \$25,000 - \$50,000  | 1,076                        | 26%     | 90      |
| \$50,000 - \$75,000  | 853                          | 21%     | 88      |
| \$75,000 +   | 1,431                        | 35%     | 90      |
| <b>Occupied Housing Units by Tenure</b>                    |                              |         |         |
| Total  | 4,099                        | 100%    | 111     |
| Owner Occupied   | 2,945                        | 72%     | 103     |
| Renter Occupied  | 1,154                        | 28%     | 97      |
| <b>Employed Population Age 16+ Years</b>                   |                              |         |         |
| Total  | 9,863                        | 100%    | 283     |
| In Labor Force   | 5,825                        | 59%     | 217     |
| Civilian Unemployed in Labor Force                         | 448                          | 5%      | 87      |
| Not In Labor Force   | 4,038                        | 41%     | 189     |



Location: User-specified point center at 32.944184, -103.348909

Ring (buffer): 4-miles radius

Description: Lovington 08

|   | 2013 - 2017<br>ACS Estimates | Percent | MOE (±) |
|---|------------------------------|---------|---------|
| <b>Population by Language Spoken at Home*</b> |                              |         |         |
| Total (persons age 5 and above)               | 10,879                       | 100%    | 358     |
| English                                       | 5,453                        | 50%     | 397     |
| Spanish                                       | 5,372                        | 49%     | 364     |
| French  | 8                            | 0%      | 12      |
| 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%      | 12      |
| 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                           | 0                            | 0%      | 12      |
| Chinese                                       | 0                            | 0%      | 12      |
| Japanese                                      | N/A                          | N/A     | N/A     |
| Korean  | 0                            | 0%      | 12      |
| 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%      | 12      |
| Other Asian                                   | 0                            | 0%      | 12      |
| Tagalog                                       | 0                            | 0%      | 12      |
| 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%      | 12      |
| Hebrew  | N/A                          | N/A     | N/A     |
| African                                       | N/A                          | N/A     | N/A     |
| Other and non-specified                       | 46                           | 0%      | 35      |
| Total Non-English                             | 5,426                        | 50%     | 523     |

**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.

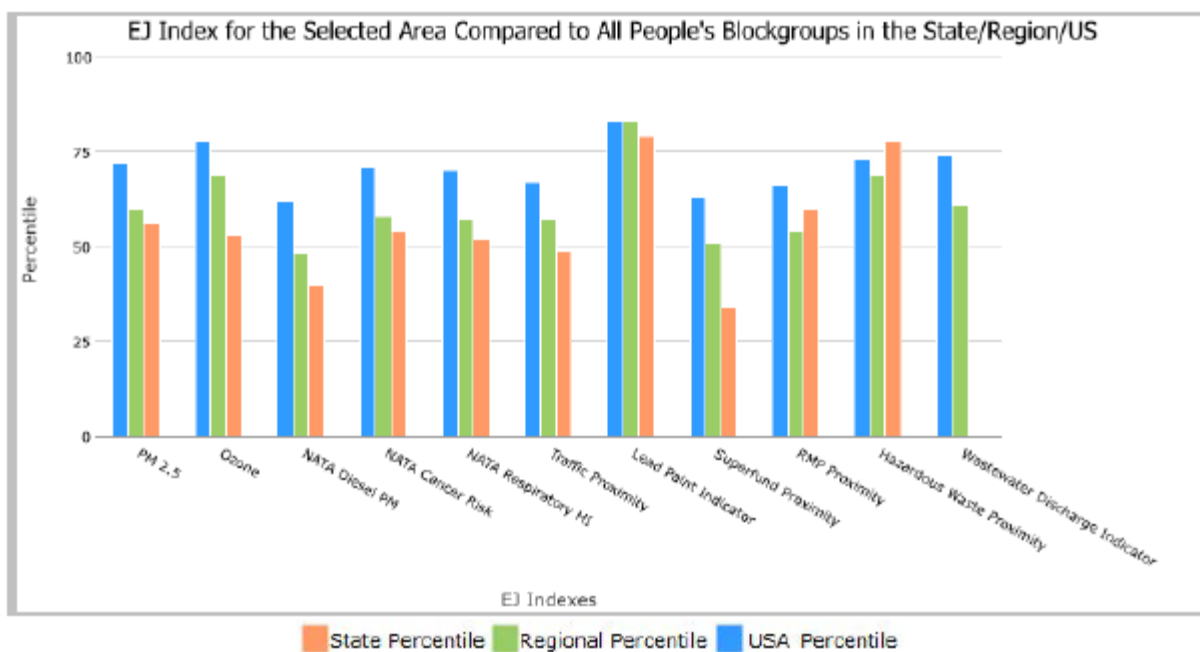
4 miles Ring Centered at 32.944184,-103.348909, NEW MEXICO, EPA Region 6

Approximate Population: 13,864

Input Area (sq. miles): 50.26

Lovington 66

| Selected Variables                                      | State Percentile | EPA Region Percentile | USA Percentile |
|---|------------------|-----------------------|----------------|
| <b>EJ Indexes</b>                                       |                  |                       |                |
| EJ Index for PM2.5                                      | 56               | 60                    | 72             |
| EJ Index for Ozone                                      | 53               | 69                    | 78             |
| EJ Index for NATA <sup>*</sup> Diesel PM                | 40               | 48                    | 62             |
| EJ Index for NATA <sup>*</sup> Air Toxics Cancer Risk   | 54               | 58                    | 71             |
| EJ Index for NATA <sup>*</sup> Respiratory Hazard Index | 52               | 57                    | 70             |
| EJ Index for Traffic Proximity and Volume               | 49               | 57                    | 67             |
| EJ Index for Lead Paint Indicator                       | 79               | 83                    | 83             |
| EJ Index for Superfund Proximity                        | 34               | 51                    | 63             |
| EJ Index for RMP Proximity                              | 60               | 54                    | 66             |
| EJ Index for Hazardous Waste Proximity                  | 78               | 69                    | 73             |
| EJ Index for Wastewater Discharge Indicator             | N/A              | 61                    | 74             |



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.



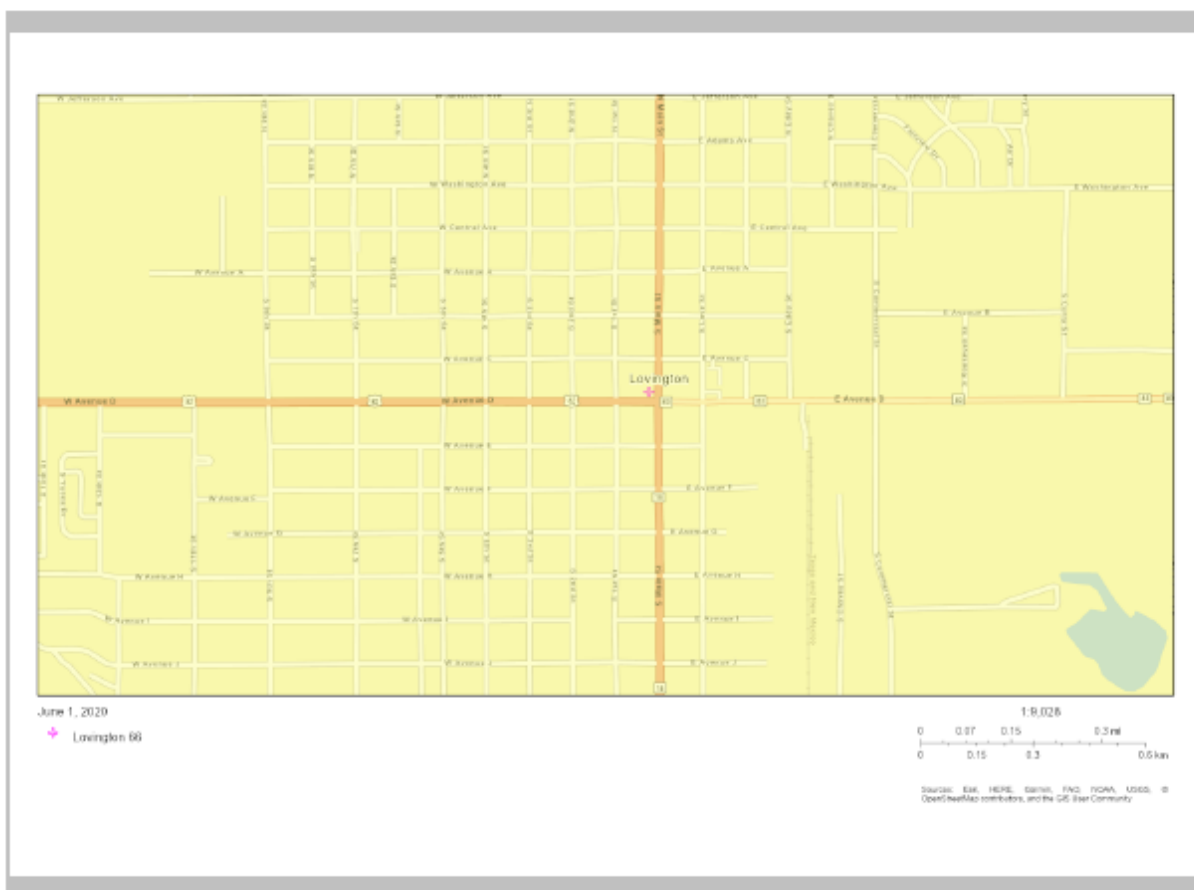


**4 miles Ring Centered at 32.944184,-103.348909, NEW MEXICO, EPA Region 6**

**Approximate Population: 13,864**

**Input Area (sq. miles): 50.26**

**Lovington 66**



| Sites reporting to EPA   |   |
|--|---|
| Superfund NPL  | 0 |
| Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF) | 1 |

**4 miles Ring Centered at 32.944184,-103.348909, NEW MEXICO, EPA Region 6**
**Approximate Population: 13,864**
**Input Area (sq. miles): 50.26**
**Lovington 66**

| 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 $\mu\text{g}/\text{m}^3$ )                    | 6.16   | 6.15       | 42            | 8.37            | 3                  | 8.3      | 8           |
| Ozone (ppb)   | 48.1   | 50.4       | 15            | 39.4            | 93                 | 43       | 85          |
| NATA* Diesel PM ( $\mu\text{g}/\text{m}^3$ )                                | 0.0577 | 0.281      | 15            | 0.401           | <50th              | 0.479    | <50th       |
| NATA* Cancer Risk (lifetime risk per million)                               | 22     | 24         | 43            | 36              | <50th              | 32       | <50th       |
| NATA* Respiratory Hazard Index  | 0.26   | 0.32       | 32            | 0.45            | <50th              | 0.44     | <50th       |
| Traffic Proximity and Volume (daily traffic count/distance to road)         | 58     | 360        | 30            | 400             | 30                 | 750      | 26          |
| Lead Paint Indicator (% Pre-1960 Housing)                                   | 0.34   | 0.18       | 80            | 0.17            | 82                 | 0.28     | 65          |
| Superfund Proximity (site count/km distance)                                | 0.0088 | 0.14       | 5             | 0.081           | 4                  | 0.13     | 3           |
| RMP Proximity (facility count/km distance)                                  | 0.11   | 0.24       | 47            | 0.82            | 16                 | 0.74     | 18          |
| Hazardous Waste Proximity (facility count/km distance)                      | 0.41   | 0.46       | 74            | 0.75            | 58                 | 4        | 48          |
| Wastewater Discharge Indicator (toxicity-weighted concentration/m distance) | 0      | 130        | N/A           | 9.8             | 32                 | 14       | 37          |
| <b>Demographic Indicators</b>   |        |            |               |                 |                    |          |             |
| Demographic Index   | 54%    | 52%        | 54            | 44%             | 65                 | 36%      | 77          |
| Minority Population   | 70%    | 62%        | 62            | 51%             | 68                 | 39%      | 78          |
| Low Income Population   | 38%    | 42%        | 43            | 37%             | 54                 | 33%      | 63          |
| Linguistically Isolated Population  | 8%     | 5%         | 73            | 6%              | 72                 | 4%       | 79          |
| Population With Less Than High School Education                             | 29%    | 15%        | 84            | 16%             | 81                 | 13%      | 89          |
| Population Under 5 years of age   | 10%    | 6%         | 82            | 7%              | 76                 | 6%       | 83          |
| Population over 64 years of age   | 10%    | 16%        | 28            | 13%             | 42                 | 15%      | 32          |

\* 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.

June 01, 2020

3/3

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

## Limited English Proficiency ("LEP") Assessment

**Facility:** Lovington 66  
**Location:** 424 South Main, Lovington, NM 88260  
**Buffer:** 4 miles  
**Date:** 2013 - 2017

### **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*:                   | 7.6% |
| Percent linguistically isolated households by language within 4-mile radius*:       |      |
| Spanish:  | 100% |
| Other languages:  | 0%   |
| <i>Sum:</i>   |      |
| 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*: | 17%  |

\*: From "EJSCREEN ACS Report"

\*\*: From "EJSCREEN Report (version 2019)"

#### **Conclusions:**

- 1) Proportion of LEP persons (i.e., speaking English "less than very well" within four miles is greater than statewide and national proportions
- 2) Spanish is the only 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

Past public participation has been infrequent in response to notices of submission of remediation plans.

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

All Final 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 have a limited impact on the State's vital 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 is able to provide these additional services within budgetary constraints.

**LEP Services Plan**

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 based on the LEP analysis, as 100% of the LEP population speaks Spanish. The PSTB will provide further LEP services as requested.