



## **Public Involvement Plan**

New Mexico Environment Department

Air Quality Bureau, Planning Section

Project: Sunland Park Attainment Plan

Planning timeframe: November 2020 – August 2021

Project Planner: Armando Paz

Approval: \_\_\_\_\_  
Elizabeth Bisbey-Kuehn, Chief, Air Quality Bureau

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

## Purpose

The New Mexico Environment Department (“NMED” or “Department”) developed this Public Involvement Plan (“Plan”) to provide public participation opportunities and information that may be needed to participate in the Sunland Park Nonattainment State Implementation Plan project (“SLP NAA SIP”). The SLP NAA SIP is being undertaken pursuant to the Clean Air Act, which requires NMED to develop a SIP to bring areas in the State which exceed the 8-hour primary National Ambient Air Quality Standard (“NAAQS”) for ozone, back into attainment. The 2015 ozone NAAQS was set at 70 parts per billion (ppb). Sunland Park, New Mexico, in Doña Ana County, was designated as a marginal nonattainment area, effective August 3, 2018.

The Air Quality Bureau (“AQB” or “Bureau”) has developed this Plan to increase transparency regarding the planning and decision-making processes. This Plan integrates information about potentially affected communities and identifies resources needed by the Bureau to successfully incorporate community participation activities into the decision-making process. The Plan identifies the NMED staff and resources needed to accomplish these activities.

In developing this Plan, community participation needs in the incorporated boundaries of Sunland Park were assessed to ensure appropriate promotion of public outreach, by identifying whether there is a combination of environmental and demographic factors (e.g., low-income community, minority community, limited English proficient individuals, linguistically isolated households, etc.) that may impact public participation. This assessment identifies community outreach needs, provides for public access opportunities beyond statutory requirements, and supports the provision of adequate public access to information about the SLP NAA SIP.

The SLP NAA SIP may require public participation throughout different stages of planning and decision-making. The Bureau will follow this Plan, designed to ensure nondiscriminatory access to all applicable public participation opportunities related to policy, regulatory actions and statutory requirements.

## Project Overview

The SLP NAA SIP is being undertaken pursuant to Clean Air Act (“CAA”) Section 107(d), which requires the U.S. Environmental Protection Agency (“EPA”) to promulgate initial area designations for areas of the country with respect to primary and secondary NAAQS. Based on these designations, state planning and emissions control requirements for ozone are determined under Subpart 2 of part D of Title 1 of the CAA.

The SLP NAA SIP is a multi-year planning effort, beginning in August 2018 and continuing through August 3, 2021 when the final SIP revision is due to EPA. Outreach efforts will include opportunity to comment on documentation required by EPA and public hearings to incorporate those documents into the New Mexico SIP.

## Contacts

The following are the contacts for this action. These contacts will be included in public notices and outreach materials.

### **Project and Public Involvement Plan contacts:**

Armando Paz

Air Quality Bureau  
2301 Entrada del Sol  
Las Cruces, NM 88001  
(575) 449-2983  
[armando.paz@state.nm.us](mailto:armando.paz@state.nm.us)

Neal Butt  
Air Quality Bureau  
525 Camino de los Marquez  
Santa Fe, New Mexico 87505  
(505) 476-4317  
[neal.but@state.nm.us](mailto:neal.but@state.nm.us)

**Website:**

Outreach materials and notices will include links to the following website:

<https://www.env.nm.gov/air-quality/ozone/>

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

The Bureau will provide Spanish interpretation services upon request at all public meetings, including public hearings, and will also include information in public notices about how persons may request interpretation services, as well as, accommodations for persons with disabilities. If any person requires an auxiliary aid (e.g., accommodations for persons who are disabled) to participate in any aspect of the Initiative, they may contact one of the project contacts above, preferably 14 days prior to the end of any given public comment period. TDD or TTY users may access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users, 1-800-659-8331.

**Community Description / LEP Analysis**

To address potential or existing environmental justice areas, Bureau staff completed an initial screening of the potentially affected communities, using the EJSCREEN tool developed by the EPA. This tool helps identify communities with demographic factors which may benefit from a variety of approaches for notification and outreach communication.

Table 1, below, summarizes the demographics of potentially affected communities analyzed using the EJSCREEN tool, including the proportion of limited English proficiency individuals.

**Table 1:** Potentially affected communities and their estimated demographics. Statistics are derived from American Community Survey reports (2013-2017) via the EPA's EJScreen tool.

Potentially Affected Communities	Total number of households	Per capita income	Minority population (%)	Linguistically Isolated Households* (%)	Predominant Language in Linguistically Isolated Households	LEP Individuals† (%)
USA	120,049,636	\$30,642	39%	5.1%	Spanish	9%
New Mexico	770,435	\$25,257	62%	5.2%	Spanish	9%
Sunland Park	4,749	\$17,987	93%	28.4%	Spanish	37%

\* Linguistically Isolated Households are those in which no one 14 and over speaks English "very well," or speaks English only.

† Limited English Proficient Individuals are those that speak a language other than English at home **and** who speak English "less than very well."

The results of this screening suggest that attention should be paid to the linguistic and logistical needs of the low income, minority, linguistically isolated and limited English proficiency populations in Sunland Park. The results of the initial screening indicate that the per capita income is slightly above half the U.S. mean per capita income and minority populations represent an overwhelming majority of residents. In addition, Sunland Park has a significant percentage of linguistically isolated households (almost seven times the national average), of which all speak Spanish, and a correspondingly high percentage of limited English proficient individuals, relative to the U.S. average.

Historically, participation by LEP individuals in New Mexico-led rulemaking activities has generally been through organized environmental groups, such as Diné C.A.R.E. (Citizens Against Ruining our Environment), or Juntos: Our Air, Our Water, that participate in other non-regulatory issues, such as public meetings regarding VW Settlement Funds or issues related to the Four Corners Air Quality Group. Participation by Spanish-only stakeholders has recently been limited to Albuquerque/Bernalillo County. The Bureau arranged for live translation services at the public information meetings on the VW Settlement held in Albuquerque and Las Cruces in 2017. Members of Juntos attended the VW Settlement meeting in Albuquerque, advocating for the purchase of electric school buses. No Spanish-only speakers attended the meeting in Las Cruces. Public notices for the public meetings on the proposed TSP Repeal and Fugitive Dust Rule were provided in Spanish, but we did not receive any requests for translation for those meetings. Despite the historically infrequent participation by LEP individuals in similar proceedings, it is still important for the Bureau to incorporate the linguistic and communication needs of these communities when conducting public outreach and participation activities, to foster and support further participation by these communities.

An additional consideration is the low per capita income. The Bureau will consider transportation needs and typical work schedule issues when arranging for public meetings and public hearings.

To help accomplish this, the Bureau will translate all fact sheets and public notices into Spanish. Spanish interpretation services will be provided upon request at all public meetings and public hearings. The following are average costs associated with various services:

Costs associated with translation: \$1000

Costs associated with providing a translator: \$1000-3000, depending on the length of the proceeding  
Costs for a court reporter: \$2000

The Bureau strives to make public participation efforts as inclusive as possible within budget and time limitations. The Department will use in-house translation and interpretation services whenever possible; however, contracted services may sometimes be necessary. Further, the Bureau will strive to schedule public meetings and public hearings during non-work hours when possible; venue considerations will include proximity to public transportation.

The SLP NAA SIP is very important to the State, local governments, and industry. Nonattainment triggers more stringent nonattainment permitting requirements which could hamper economic development. The SLP NAA SIP is important to the Department to not only meet federal requirements, but also to carry out its mission of protecting the air quality for the State's citizens. Neighborhood citizens and environmental organizations should view this planning effort as important for protecting their health as well.

## Details of Outreach Activities

Based on the demographics outlined above, the history of public involvement for related projects, and projected impacts to potentially affected communities, the Bureau will provide important documents and public notices in Spanish as well as English. All notices will include information on how to request other communication assistance through NMED.

The following table offers information on how the public will be invited to participate in this project. Based on Governor Lujan Grisham's Executive Public Health Order 2020-073, in response to the COVID-19 pandemic, limiting mass gatherings of no more than 5 people; the bureau will provide outreach and public participation opportunities through virtual meetings/hearings.

**Table 2:** Timeline of initial public involvement opportunities. Note that dates may be approximate. Notices will contain final dates, and specific locations and times. Following the initial planning period, a second, similar timeline will be added for the final SIP revisions.

Date(s)	Activity	Venue / Location	Time	Language service
<b>January – February 2021</b>	Publish announcements for public meetings for NNSR Part 79 & 179B	Las Cruces Sun News; Albuquerque Journal; Santa Fe New Mexican	n/a	English and Spanish
<b>January – February 2021</b>	Email announcements for public meetings for NNSR Part 79 & 179B	AQB ListSery; Sunland Park local government; Doña Ana County government	n/a	English
<b>January – February 2019</b>	Press release to local radio stations serving Sunland Park		n/a	English and Spanish

Date(s)	Activity	Venue / Location	Time	Language service
March 2021	Public education meetings to introduce NNSR Part 79 & 179B	Virtual meetings	variable – including some evenings	English with Spanish interpretive services
April– May 2021	Publish announcements for public hearing (SIP revision)	Las Cruces Sun News; Albuquerque Journal; Santa Fe New Mexican	n/a	English and Spanish
April– May 2021	Email announcements for public hearing (SIP revision)	AQB ListServ; Sunland Park local government; Doña Ana County government	n/a	English
April– May 2021	Press release to local radio stations serving Sunland Park		n/a	English and Spanish
July 2021	Public Hearing	Virtual hearing	TBD	English with Spanish interpretive services

Public notices and outreach materials will direct the public that they can receive email updates through NMED's listserv by signing up electronically at <https://public.govdelivery.com/accounts/NMED/subscriber/new>, then choosing which topics they are most interested in. This project will periodically send updates to the AQB *Regulatory and SIP Announcements, Border Air Quality Announcements, and Ozone Attainment Initiative* listservs.

The following web sites provide access to the official notices electronically, per the publication outlets described above:

Las Cruces Sun News  
[legals@lcsun-news.com](mailto:legals@lcsun-news.com)

Albuquerque Journal  
[legals@abqpubco.com](mailto:legals@abqpubco.com)

Santa Fe New Mexican  
[legals@sfnewmexican.com](mailto:legals@sfnewmexican.com)

The land grants near Sunland Park: Mesilla Civil Colony, Doña Ana Bend Colony, Refugio Civil Colony, and Santo Tomas de Yturbide. Notices to land grants will be sent to the New Mexico Land Grant Council contact:

NM Land Grant Council  
1829 Sigma Chi Rd SE  
Albuquerque NM 87106  
[nmlandgrantcouncil@unm.edu](mailto:nmlandgrantcouncil@unm.edu)

## Document Repositories

The following is a list of locations where copies of relevant documents will be available to the community. Public notices and outreach materials will inform the public of these locations, as appropriate:

NMED District I Field Office – Albuquerque  
121 Tijeras Ave. NE  
STE 1000  
Albuquerque, NM 87102-3400  
Phone (505) 222-9500

Air Quality Bureau (in District II)  
525 Camino de los Marquez  
Santa Fe, New Mexico 87505  
(505) 476-4300

NMED District III Field Office – Las Cruces  
2301 Entrada del Sol  
Las Cruces, NM 88001  
(575) 288-2050

Electronic copies will be available at the following link, which will be included in public notices and outreach materials as appropriate:

<https://www.env.nm.gov/air-quality/dona-ana-2/>