



# NMED Public Participation Policy Policy 07-13

## Public Involvement Plan for Solid Waste Facility Permit Application

Cerro Colorado Landfill  
18000 Cerro Colorado SW  
Albuquerque, New Mexico

Approved: *Auralie Ashley-Marx*      Date: *August 28, 2019*  
Auralie Ashley-Marx  
Chief, Solid Waste Bureau

Solid Waste Bureau  
August 2019

# 1. Public Involvement Plan (PIP) Overview

The New Mexico Environment Department (Department), Solid Waste Bureau (Bureau) developed this Public Involvement Plan (PIP) for the Solid Waste Facility Permit Application Evaluation for Cerro Colorado Landfill (“CCLF”) located at 18000 Cerro Colorado SW, Albuquerque, Bernalillo County, New Mexico.

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

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

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

In developing this PIP, community participation needs at the site were assessed to ensure appropriate promotion of public outreach by identifying whether there is a combination of environmental and demographic factors (i.e., low income community, minority community, limited English proficiency individuals, Linguistically Isolated Households, etc.) that may impact public participation (refer to Element 4 of this PIP). This assessment identifies community outreach needs and provides for public access opportunities above and beyond statutorily mandated requirements, and underscores the provision of adequate public access to information about the permitting process.

As much as possible, public participation and informational activities related to the permitting process will be held within the timelines outlined in the table below. This timeline is tentative and subject to change; activities subject to statutory or regulatory deadlines are noted.

In the timeline for this permitting process, public comments may be submitted to the Bureau prior to the Bureau’s determination that the Application is administratively complete. Upon a determination that the Application is administratively complete, the Department must hold a public hearing prior to a decision on the Application. In accordance with the Solid Waste Act (NMSA 1978, Section 74-9-23(B)), the Bureau must provide notice of the mandatory public hearing on a Solid Waste Facility Permit Application within 60 days of deeming an application administratively complete. Public hearings afford the public the opportunity to participate in the permitting process by providing sworn testimony and/or public comments (both written and verbal) before a hearing officer, who will then prepare a hearing report and recommendation to the NMED Secretary regarding the fate of the Permit Application. The site for CCLF is in a part of the state with a relatively large community of Spanish speakers, and the Bureau will provide pertinent information in both English and Spanish in public hearing notices and related announcements (e.g., public service announcements, flyers, etc.).

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

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

<b>Activity</b>	<b>Dates</b>
Public notice of filing of Application with Solid Waste Bureau (notice performed by Applicant)	June 2019
Distribute PIP (website and repository)	July 2019
Public notice of hearing on Permit Application (notice performed by Solid Waste Bureau)	Within 60 days of Application administrative completeness determination (date of administrative completeness to be determined)

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

## 2. Contacts

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

George Schuman  
Permit Section Manager  
NMED Solid Waste Bureau  
P.O. Box 5469, 1190 St. Francis Drive  
Santa Fe, New Mexico 87502  
Telephone: 505-827-2328 (M, T, Th); 505-222-9577 (W, F)  
Fax: 505-827-2902  
E-mail: [george.schuman@state.nm.us](mailto:george.schuman@state.nm.us)

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

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

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

George Schuman  
Permit Section Manager  
NMED Solid Waste Bureau  
P.O. Box 5469, 1190 St. Francis Drive  
Santa Fe, New Mexico 87502  
Telephone: 505-827-2328 (M, T, Th); 505-222-9577 (W, F)  
Fax: 505-827-2902  
E-mail: [george.schuman@state.nm.us](mailto:george.schuman@state.nm.us)

TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

### ***Department Websites***

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

### 3. Regulatory Framework for Public Participation

There are existing federal and state laws governing the management of solid waste. The United States Congress enacted the Resource Conservation and Recovery Act (RCRA), an amendment to the Solid Waste Disposal Act, in 1976 to ensure safe management and disposal of municipal and industrial waste generated nationwide. Responsibility for management of solid waste has been delegated from the federal government to the states. The State of New Mexico enacted the New Mexico Solid Waste Act in 1990 (NMSA 1978, §§ 74-9-1 to -43). The Solid Waste Act promotes several objectives, including establishment of a comprehensive solid waste management program in New Mexico, adoption of regulations pertaining to the management of solid waste, issuance of permits for construction and operation of solid waste facilities, and protection of public health, safety, and welfare. Solid waste management regulations have been promulgated and revised on several occasions by the Environmental Improvement Board; the current regulations are contained in the New Mexico Administrative Code (NMAC) at 20.9.2 through 20.9.10 NMAC and are referred to as the Solid Waste Rules (Rules). The most recent comprehensive revisions to the Solid Waste Rules were adopted in 2007.

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

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

The Bureau provides notice of public hearings in accordance with all applicable statutory and regulatory requirements. In accordance with the Solid Waste Act, notice is provided by the following methods: written notice is provided to adjacent property owners, nearby governmental entities (municipalities, counties, tribes, and pueblos), and persons who make requests for public

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

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

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

### ***Facility Background***

The City of Albuquerque is seeking to renew and modify the existing solid waste facility permit for Cerro Colorado Landfill located at 18000 Cerro Colorado SW, Albuquerque, Bernalillo County, New Mexico. The current permit for the facility was issued in June 2000. The initial Permit Renewal and Modification Application was received by the Bureau on June 20, 2019. Cerro Colorado Landfill is currently permitted to accept municipal solid waste (including scrap tires) and six non-hazardous special wastes: treated formerly characteristic hazardous waste; packing house and killing plant offal; sludge; industrial solid waste; spill of a chemical substance or commercial product; and petroleum-contaminated soil.

The City of Albuquerque is seeking permit renewal to allow continued acceptance of municipal solid waste and the aforementioned special wastes, and permit modification to allow a vertical expansion and acceptance of one additional special waste (special waste not otherwise specified). The facility operates seven days per week and currently receives approximately 1,700 tons of solid waste per day.

## 4. Affected Communities and Stakeholders

To provide for adequate public participation opportunities and meaningful involvement of persons in the permitting process, and to address potential or existing environmental justice areas, the affected communities must first be identified, informed about proposed environmental actions affecting the community, and invited to share their comments and concerns. The EJSCREEN tool developed by the U.S. Environmental Protection Agency (EPA) helps identify communities that are low income and minority populations that may benefit from a variety of approaches for notification and outreach communication. This information is used to help encourage the community's involvement in the public process for environmental activities or actions. In this case, the activity is the consideration of permit issuance for a solid waste facility.

An "ACS Summary Report" was generated using EJSCREEN for the area within a 4-mile radius of Cerro Colorado Landfill facility. The following information was obtained from the ACS Summary Report:

- Total population: 3,112
- Number of households: 43
- Per capita income: \$19,931
- Per capita income, USA (obtained from "2013-2017 American Community Survey 5-Year Estimates"): \$31,177
- Proportion minority population: 69 percent
  - Proportion Hispanic population: 54 percent
  - Proportion Black population: 5 percent
  - Proportion American Indian population: 4 percent
  - Proportion Non-Hispanic Asian population: 5 percent

Additional information was provided by the "EJSCREEN Report (Version 2018)" that was also generated using EJSCREEN for the area within a 4-mile radius of the Cerro Colorado Landfill facility.

Information from the EJSCREEN ACS Summary Report and EJSCREEN Report (Version 2018) was used to conduct an assessment (see Attachment 1 of this Plan) of the need for services targeted to individuals of limited English proficiency ("LEP"). The proportion of linguistically-isolated households, i.e., households in which no one 14 years or older speaks English "very well" at home, or speaks English only, is reported as 0 percent. The linguistically isolated population in New Mexico is 5 percent; the linguistically isolated population in the United states is 4 percent. The proportion of persons five years old or older within four miles of the site who speak English "less than very well" is 10.3 percent.

It is important for the Bureau to consider the linguistic and communication needs of the affected community when providing notice of public hearings on solid waste facility Permit Applications. Based on the EJSCREEN results and the LEP assessment (see Attachment 2 of this Plan), the Bureau will provide information in Spanish and English when providing public announcements, such as for notice of the public hearing for Cerro Colorado Landfill.

## **5. Detailed Public Participation and Outreach Activities for Solid Waste Facility Permit Application, Cerro Colorado Landfill**

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

Decisions regarding issuance, issuance with conditions, or denial of solid waste facility Permit Applications are not made by the Solid Waste Bureau. Rather, such decisions are made by the NMED Secretary following a public hearing. The public is encouraged to participate in public hearings as formal parties providing technical testimony, through written or verbal public comments, or as observers. All testimony and comments provided at a public hearing are evaluated by a Hearing Officer, who prepares a written report and recommendation regarding Permit Application approval, approval with conditions, or denial for the Secretary's consideration.

The Bureau's plans for facilitating public participation in the permitting action for Cerro Colorado Landfill are detailed below.

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

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

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



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

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

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

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

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

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

1. Notice must be provided to any person who makes a written request to the NMED for notice regarding a specific application.
2. Notice must be made within 60 days of the determination that an application is complete.

The Notice of Publication Act (NMSA 1978, § 14-11-2) further requires that legal notices be published in daily, tri-weekly, semi-weekly, or weekly newspapers of general circulation that can be obtained by single copy in the county in which the notice is required to be published. Such newspapers, if published daily, must have been published in the county continuously and without interruption during the six-month period prior to the publication of notice; if published tri-weekly, semi-weekly, or weekly, the newspapers must have been published in the county continuously and without interruption for 26 consecutive weeks prior to the publication of notice. NMSA 1978, § 14-11-10.2 requires state agencies to post their notices on agency websites.

Hearing notices will be provided in both English and Spanish. Spanish-language notices are translated from English into Spanish by a translator certified by the American Translators Association for English to Spanish translation.

### ***Additional Public Notice Activities***

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

### ***Proposed Public Participation and Outreach Activities for Cerro Colorado Landfill***

The Applicant completed the required public notice for the Application in June 2019 (see timeline in Section 1 of this PIP). The Bureau will perform the following public participation and outreach activities during the review phase of the permitting process for the Cerro Colorado Landfill Permit Application:

1. **Information Repository:** A copy of the draft Permit Application is available for public review at the New Mexico Environment Department District 1 office, 121 Tijeras Avenue NE, Suite 1000, Albuquerque, NM 87102.

The Bureau proposes to perform the following public participation and outreach activities during the hearing phase (i.e., after the Permit Application has been deemed administratively complete) of the permitting process for the Cerro Colorado Landfill Permit Application:

1. **Mailing of Hearing Notice:**
  - a. The Bureau will provide notice by certified mail to property owners of record within 100 feet of the facility. As required by 20.9.3.17.C NMAC, the Applicant will obtain property ownership information from the Bernalillo County Assessor and will submit this information to the Bureau.
  - b. The Bureau will provide notice by certified mail to the municipality and county in which the facility is located, and to all municipalities, counties, tribes, and pueblos located within 10 miles of the facility. The following governmental entities will be notified:

- Bernalillo County
  - Valencia County
  - City of Albuquerque
  - Pueblo of Isleta
  - Pueblo of Laguna
  - To'Hajiilee Navajo Chapter
- c. The Bureau will provide notice by first class mail or e-mail to potentially interested land grants. The following land grant will be notified:
    - Atrisco Land Grant
  - d. The Bureau will provide notice by first class mail or e-mail to other potentially interested persons (e.g., federal or state government agencies, persons who attended the most recent hearing regarding a Permit Application for the facility based on available Bureau records, etc.).
  - e. The Bureau will provide notice by first class mail or e-mail to all persons who inform the Bureau that they have an interest in the pending Permit Application for the facility. Persons who inform the Bureau of their interest in a Permit Application will be added to an "interested persons mailing list" for the public hearing.
  - f. Mailed notices will be provided in English and Spanish.
2. **Publication of Hearing Notice:** The notice will be published once in a newspaper of general circulation in the county in which the facility is proposed to be located. The Albuquerque Journal will be used for notice publication. The notice will be published in the classified or legal advertisements section of the newspaper and as a display advertisement at another location in the newspaper. The notice will be published in English and Spanish.
  3. **Physical Posting of Hearing Notice in Vicinity of Facility:** The Bureau will post hearing notices at eight (8) publicly accessible and conspicuous places, including the facility entrance. Provided permission is obtained for notice posting, the Bureau will post notice at libraries, community centers, senior centers, government offices, and/or post offices. Physically-posted notices will be provided in English and Spanish.
  4. **Physical Posting of Hearing Notice in Solid Waste Bureau Office:** The Bureau will post the hearing notice in the reception area of the Solid Waste Bureau office suite in the Harold Runnels Building in Santa Fe. The posted notice will be provided in English and Spanish. Notice posting in the Bureau's Santa Fe office suite allows members of the solid waste community and others visiting the Solid Waste Bureau office to be advised of upcoming hearings.
  5. **Electronic Posting of Hearing Notice:** The Bureau will post the hearing notice on the Solid Waste Bureau portion of NMED's website. Electronically-posted notices will be provided in English and Spanish.
  6. **Public Service Announcements:** The Bureau will prepare public service announcements ("PSA") of 30 and 60-second lengths. The PSAs provide pertinent information on the upcoming hearing in short broadcasts, and will be distributed to local radio stations for airing. PSAs will be provided in English and Spanish.
  7. **Hearing Flyers:** The Bureau will prepare hearing flyers for distribution to landfill customers. The flyer will be written in English and Spanish and will inform landfill customers of the upcoming Permit Application hearing.

In accordance with the Solid Waste Act requirement, all required notice actions will be performed

within 60 days of the date the Application is deemed administratively complete. Although not required by statute or rule, the Bureau will also strive provide notice of the Permit Application hearing (with the exception of PSAs) approximately 30 days prior to the hearing. For PSAs, the Bureau will forward a list of recommended stations to the NMED Public Information Officer, who forwards the PSAs to the stations. The Bureau will strive to distribute the PSAs to radio stations approximately three weeks prior to the hearing, and will request that PSAs be broadcast up to the date of the hearing.

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

All public hearings on solid waste facility Permit Applications are held in the general vicinity of the permitted facility and are scheduled to begin after typical daytime working hours (e.g., 6 p.m.). The specific location for the public hearing on the Permit Application for Cerro Colorado Landfill will be identified in the hearing notice. In the event the Bureau determines that a hearing will require more than one evening to complete, the hearing will continue on subsequent days, and the hearing start times on the initial day and subsequent days may be adjusted accordingly.

### ***Contingency Plan for Unexpected Events***

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

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

## Public Outreach Preliminary Screen (EJSCREEN)

**Facility:** Cerro Colorado Landfill  
**Location:** 18000 Cerro Colorado SW, Albuquerque, NM  
**Buffer:** 4 miles  
**Date:** July 19, 2019

Total population within 4-mile radius*:	3,112
Total population age 5+ years within 4-mile radius*:	2,961
Number of households within 4-mile radius*:	43
Per capita income within 4-mile radius*:	\$19,931
Per capita income, USA**:	\$31,177
Percent minority population within 4-mile radius*:	69%
Percent minority population by race within 4-mile radius*:	
Hispanic:	54.3%
Black:	4.7%
American Indian:	3.5%
Non-Hispanic Asian:	4.8%
Pacific Islander:	0.0%
Other race alone:	0.1%
Two or more races alone:	1.5%
Sum:	69.0%
Percent linguistically isolated households within 4-mile radius*:	0.0%
Percent linguistically isolated households by language within 4-mile radius*:	
Spanish:	0.0%
Other Indo-European languages:	0.0%
Other Asian-Pacific Island languages:	0.0%
Other languages:	0.0%
Sum:	0.0%
Population age 5+ yrs speaking English "less than very well" within 4-mile radius*:	10.3%

\* : From EJSCREEN ACS Summary Report

\*\* : From U.S. Census Bureau 2013-2017 American Community Survey 5-Year Estimates

Completed 7-19-19, GS

Location: User-specified point center at 35.013130, -106.876230  
 Ring (buffer): 4-mile radius  
 Description:

Summary of ACS Estimates		2012 - 2016		
Population		3,112		
Population Density (per sq. mile)		74		
Minority Population		2,147		
% Minority		69%		
Households		43		
Housing Units		48		
Housing Units Built Before 1950		0		
Per Capita Income		19,931		
Land Area (sq. miles) (Source: SF1)		42.05		
% Land Area		100%		
Water Area (sq. miles) (Source: SF1)		0.15		
% Water Area		0%		
		2012 - 2016 ACS Estimates	Percent	MOE (±)
<b>Population by Race</b>				
Total		3,112	100%	1,233
Population Reporting One Race		2,912	94%	1,988
White		2,151	69%	1,098
Black		186	6%	233
American Indian		130	4%	109
Asian		151	5%	289
Pacific Islander		0	0%	16
Some Other Race		286	9%	263
Population Reporting Two or More Races		200	6%	254
Total Hispanic Population		1,691	54%	1,111
Total Non-Hispanic Population		1,420		
White Alone		964	31%	416
Black Alone		145	5%	216
American Indian Alone		110	4%	87
Non-Hispanic Asian Alone		149	5%	268
Pacific Islander Alone		0	0%	16
Other Race Alone		4	0%	14
Two or More Races Alone		48	2%	62
<b>Population by Sex</b>				
Male		1,979	64%	1,059
Female		1,133	36%	392
<b>Population by Age</b>				
Age 0-4		151	5%	142
Age 0-17		682	22%	316
Age 18+		2,430	78%	602
Age 65+		173	6%	160

**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.

## EJSCREEN ACS Summary Report



Location: User-specified point center at 35.013130, -108.876230  
 Ring (buffer): 4-mile radius  
 Description:

	2012 - 2016 ACS Estimates	Percent	MOE (±)
<b>Population 25+ by Educational Attainment</b>			
Total	2,047	100%	910
Less than 9th Grade	189	9%	278
9th - 12th Grade, No Diploma	220	11%	192
High School Graduate	407	20%	270
Some College, No Degree	754	37%	295
Associate Degree	193	9%	145
Bachelor's Degree or more	477	23%	238
<b>Population Age 5+ Years by Ability to Speak English</b>			
Total	2,961	100%	1,207
Speak only English	2,022	68%	520
Non-English at Home <sup>1+2+3+4</sup>	938	32%	934
<sup>1</sup> Speak English "very well"	632	21%	384
<sup>2</sup> Speak English "well"	62	2%	90
<sup>3</sup> Speak English "not well"	150	5%	360
<sup>4</sup> Speak English "not at all"	94	3%	279
<sup>3+4</sup> Speak English "less than well"	244	8%	455
<sup>2+3+4</sup> Speak English "less than very well"	306	10%	463
<b>Linguistically Isolated Households*</b>			
Total	0	0%	16
Speak Spanish	0	0%	16
Speak Other Indo-European Languages	0	0%	16
Speak Asian-Pacific Island Languages	0	0%	16
Speak Other Languages	0	0%	16
<b>Households by Household Income</b>			
Household Income Base	43	100%	168
< \$15,000	4	9%	87
\$15,000 - \$25,000	1	2%	45
\$25,000 - \$50,000	11	25%	158
\$50,000 - \$75,000	6	14%	98
\$75,000 +	22	50%	175
<b>Occupied Housing Units by Tenure</b>			
Total	43	100%	168
Owner Occupied	35	81%	160
Renter Occupied	8	19%	127
<b>Employed Population Age 16+ Years</b>			
Total	2,478	100%	1,154
In Labor Force	980	40%	344
Civilian Unemployed in Labor Force	70	3%	94
Not In Labor Force	1,498	60%	1,097

**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 35.013130, -106.876230  
 Ring (buffer): 4-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.

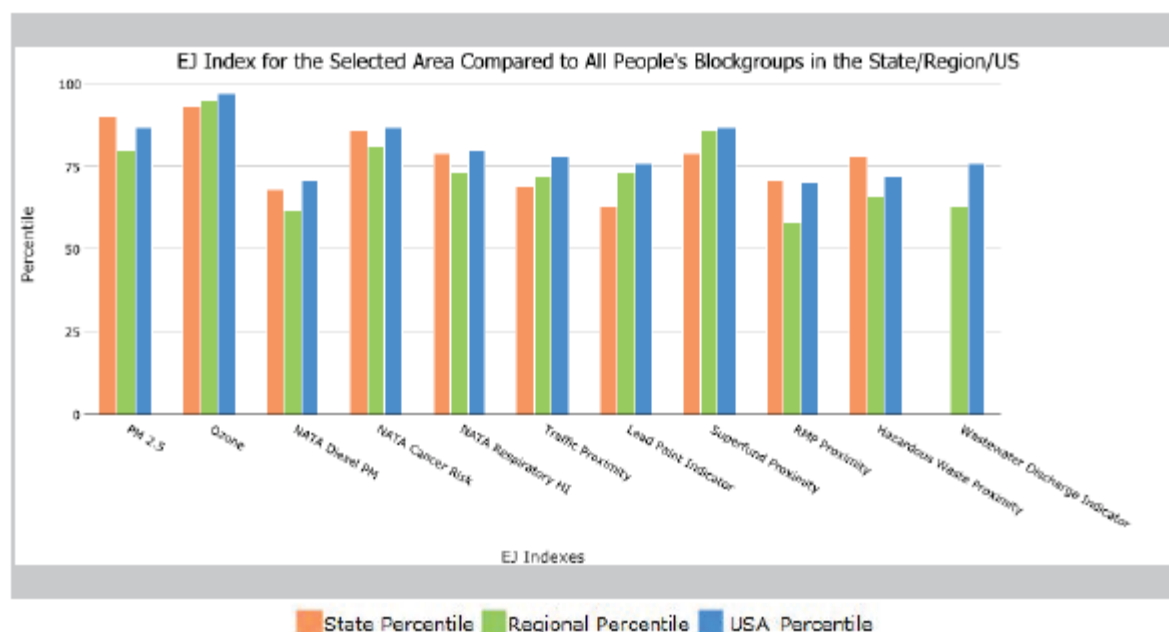
\*Population by Language Spoken at Home is available at the census tract summary level and up.

4 mile Ring Centered at 35.009701,-106.875741, NEW MEXICO, EPA Region 6

Approximate Population: 3,122

Input Area (sq. miles): 50.26

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
<b>EJ Indexes</b>			
EJ Index for PM2.5	90	80	87
EJ Index for Ozone	93	95	97
EJ Index for NATA* Diesel PM	68	62	71
EJ Index for NATA* Air Toxics Cancer Risk	86	81	87
EJ Index for NATA* Respiratory Hazard Index	79	73	80
EJ Index for Traffic Proximity and Volume	69	72	78
EJ Index for Lead Paint Indicator	63	73	76
EJ Index for Superfund Proximity	79	86	87
EJ Index for RMP Proximity	71	58	70
EJ Index for Hazardous Waste Proximity	78	66	72
EJ Index for Wastewater Discharge Indicator	N/A	63	76



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.

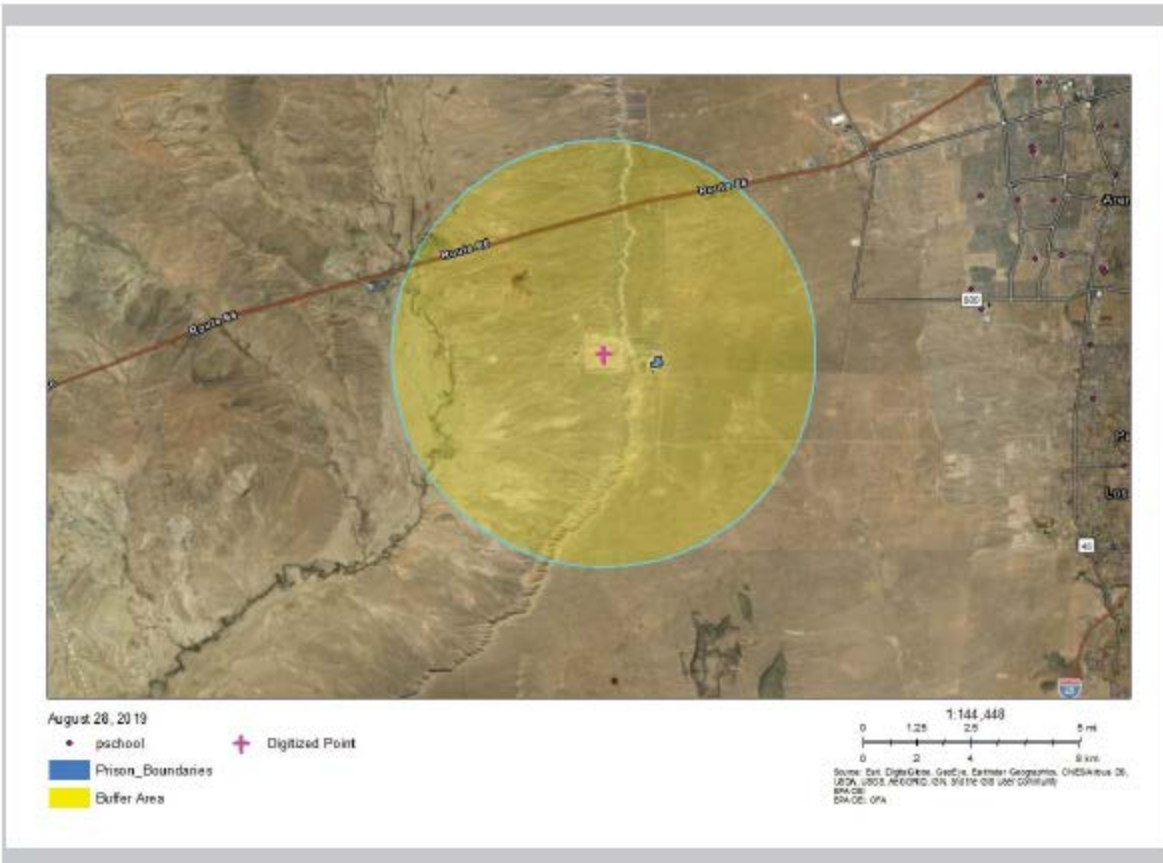
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**4 mile Ring Centered at 35.009701,-106.875741, NEW MEXICO, EPA Region 6**

**Approximate Population: 3,122**

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



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

## EJSCREEN Report (Version 2018)



4 mile Ring Centered at 35.009701, -106.875741, NEW MEXICO, EPA Region 6

Approximate Population: 3,122

Input Area (sq. miles): 50.26

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 $\mu\text{g}/\text{m}^3$ )	5.49	6.25	18	9.55	0	9.53	1
Ozone (ppb)	50.8	49.7	81	40.4	99	42.5	91
NATA* Diesel PM ( $\mu\text{g}/\text{m}^3$ )	0.144	0.473	27	0.721	<50th	0.938	<50th
NATA* Cancer Risk (lifetime risk per million)	26	32	25	42	<50th	40	<50th
NATA* Respiratory Hazard Index	0.74	1.4	24	1.8	<50th	1.8	<50th
Traffic Proximity and Volume (daily traffic count/distance to road)	53	290	40	320	41	600	41
Lead Paint Indicator (% Pre-1960 Housing)	0.038	0.19	34	0.18	39	0.29	23
Superfund Proximity (site count/km distance)	0.051	0.13	53	0.07	68	0.12	51
RMP Proximity (facility count/km distance)	0.045	0.22	34	0.8	8	0.72	9
Hazardous Waste Proximity (facility count/km distance)	0.096	0.39	53	0.86	28	4.3	24
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0	2.1	N/A	0.38	36	30	40
<b>Demographic Indicators</b>							
Demographic Index	50%	52%	48	44%	61	36%	73
Minority Population	69%	61%	61	51%	68	38%	78
Low Income Population	31%	43%	31	38%	41	34%	50
Linguistically Isolated Population	0%	5%	27	6%	35	4%	44
Population With Less Than High School Education	20%	15%	67	17%	66	13%	77
Population Under 5 years of age	5%	6%	38	7%	30	6%	39
Population over 64 years of age	6%	15%	8	13%	18	14%	12

\* 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.

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

## Limited English Proficiency ("LEP") Assessment

**Facility:** Cerro Colorado Landfill  
**Location:** 18000 Cerro Colorado SW, Albuquerque, NM  
**Buffer:** 4 miles  
**Date:** July 19, 2019

### *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*:	0.0%
Percent linguistically isolated households by language within 4-mile radius*:	
Spanish:	0.0%
Other Indo-European languages:	0.0%
Other Asian-Pacific Island languages:	0.0%
Other languages:	0.0%
Sum:	0.0%
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*:	10.3%

\* : From "EJSCREEN ACS Summary Report"

\*\* : From "EJSCREEN Report (Version 2018)"

#### Conclusions:

- 1) Proportion of LEP persons within four miles is greater than the statewide and national proportions.
- 2) EJScreen ACS Summary Report does not identify the non-English language spoken by LEP persons, but it is assumed to be Spanish based on population characteristics.
- 3) Historical participation: Hearing on previous permit application was held in Albuquerque, NM in February 2000. Two members of the public (i.e., persons not associated with Applicant or NMED) questioned technical witnesses and provided comment for the record.

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

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

Not frequent

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



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

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

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

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

In accordance with statutory requirements, the Solid Waste Bureau conducts public notice for permit hearings in both English and Spanish, and utilizes the services of a certified translator for creation of Spanish-language notices. This translation cost is included in the Bureau's annual budget requests. As the need for additional translation/interpretation services has typically been limited, the Bureau has been able to provide these additional services within budgetary constraints.

***LEP Services Plan:***

The Bureau plans to provide notice of the permit application hearing in both English and Spanish, which is consistent with statutory requirements and program practice, and is appropriate given the demographic characteristics of the area within four miles of the landfill. As the program's contact with LEP individuals has not been frequent and the proportion of LEP individuals within four miles of the facility is not substantially greater than the statewide data, the Bureau is not planning to provide further LEP services at this time. However, the Bureau will reconsider this decision if members of the affected community contact the Bureau to request