



## Limited English Proficiency (LEP) Services Evaluation

### Air Quality Bureau

**Project:** Operating (Part 71) and Construction (Part 75) Fees Rules Revisions

**Regulatory Significance:** The Air Quality Bureau’s permit fees support the functions of the day-to-day operations for staff to carry out their mission of protecting resident’s health from sources of harmful air pollutants. Title V major sources emit more than 100 tons per year (tpy) of criteria pollutants or belong to certain categories of sources and are subject to 20.2.71 NMAC – *Operating Permit Emission Fees* (Part 71). In addition, new sources and modifications of existing sources with a potential to emit greater than 10 tpy of criteria air pollutants (or 1 ton of lead) are subject to the requirements of 20.2.75 NMAC *Construction Permit Fees* (Part 75). Operating and Construction permit fees must be increased to support programmatic duties the Department is implementing to comply with the federal Clean Air Act and the New Mexico Air Quality Control Act as the regulatory authority carrying out the permit programs for stationary sources of air pollutants located in the State of New Mexico, outside of the City of Albuquerque-Bernalillo County and tribal pueblos.

#### **Factor 1 – The Number and Proportion of Limited-English Proficient Individuals Eligible to be Served or Likely to be Encountered in the Community of Concern.**

Table 1 contains demographic indicators related to language obtained from the US Census Bureau’s American Community Survey (ACS) Five-Year Summary Reports (2019-2023) prepared for the project’s Public Involvement Plan (PIP). The results of the US Census Bureau’s ACS Summary Reports indicate that a larger percentage of the population (64%) of the State of New Mexico are a person of color compared with the population of the United States (42%). Linguistically isolated households in the State of New Mexico (5.2%) are slightly higher than the U.S. average (4.2%). Spanish is the predominant language in these households. The per capita income is \$34,823 in the State of New Mexico; which is 80 percent the average of U.S. per capita income (\$43,289). These results indicate that attention should be paid to additional language assistance, especially Spanish.

**Table 1: Potentially affected communities and their estimated demographics.**

Potentially Affected Communities	Total number of households	Per capita income	Person of Color population (%)	Linguistically Isolated Households* (%)	Predominant Language in Linguistically Isolated Households	LEP Individuals† (%)
USA	127,482,865	\$43,289	41.8%	4.2%	Spanish	8.4%
New Mexico	825,021	\$34,823	63.5%	5.2%	Spanish	8.7%

\* Linguistically Isolated Households are those in which no one 5 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.”

#### **Factor 2 – The Frequency with Which LEP Individuals Come in Contact with the Program.**

There are instances of contact with LEP individuals regarding permit hearings. As a result, all outreach materials will be translated into Spanish, due to the demographics noted in Table 1, above. In addition, due to the sizeable percentage of linguistically isolated households who speak Spanish, interpretation services will be offered for public meetings, including the required Environmental Improvement Board hearing. Through the outreach campaign, the Air Quality Bureau (AQB) intends to monitor the need for additional language services.

**Factor 3 – The Nature and Importance of the Activity or Service Provided by the Program. (Moderately Important, Important, Very Important):**

The Parts 71 and 75 fees rules revisions project is not very important to the public; however, it is very important for the New Mexico Environment Department (NMED or Department) and industry. The Department is required to periodically assess revenue and expenditures to determine whether the Operating and Construction fees are reasonable in sufficiently sustaining the operating budget through the current and future fiscal years to carry out operational and administrative duties.

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


The Department has an in-house translator to assist Spanish speakers. In the event the in-house translation services are not available, the AQB has sufficient funds for the translation of material into Spanish and to provide Spanish interpretation services at meetings. The following are the anticipated costs for various portions of the proceedings:

- Costs associated with translation: \$1,000;
- Costs associated with providing a language interpreter: \$2,500-5,000, depending on the number and length of the proceeding(s) and the language assistance requested;
- Costs for a court reporter: \$2,000.

**Conclusion:** Based on the demographics outlined above, the history of public involvement for related projects, and projected impacts to potentially affected communities, additional language services will be provided. Fact sheets and public notices will be translated and available in Spanish. Spanish interpretation services for meetings, hearings or other procedures will be available upon request. All public notices will include information on how to request other communication assistance through NMED.

Additional information on how the public will be invited to participate in this project can be found in the PIP.

The LEP Services Evaluation has been reviewed and approved by the Air Quality Bureau Chief.

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 Cindy Hollenberg  
 Bureau Chief  
 Air Quality Bureau

1/12/2026  
 Date approved