



**NMED Public Participation Policy  
Policy 07-13**

**Public Involvement Plan for Notice of a  
Final Remediation Plan**

**Atex 394  
615 Grand Avenue  
Las Vegas, New Mexico**

**Pino Fina  
701 Grand Avenue  
Las Vegas, New Mexico**

**Ross Texaco  
700 Grand Avenue  
Las Vegas, New Mexico**

Approved:   
Dana Bahar  
Chief, Petroleum Storage Tank Bureau

Date: 2/7/2020

**Petroleum Storage Tank Bureau  
January 3, 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 Final Remediation Plan review for three petroleum release state-lead sites located at the intersection of Grand and University Avenues in Las Vegas, New Mexico. These state-lead sites are Atex 394, 615 Grand Avenue; Pino Fina, 701 Grand Avenue; and Ross Texaco, 700 Grand Avenue. The releases at these three sites resulted in a commingled plume and are being remediated with a treatment that will address the commingled plume. The remediation equipment will be located at 700 Grand Avenue, currently the site of the Ross One Stop convenience store and gas station.

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 Final 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 Final Remediation Plan is acceptable. Upon a determination that the Final Remediation Plan is acceptable, the PSTB will implement the Final Remediation Plan.

These three petroleum release sites are in Las Vegas, New Mexico, in an area that has a relatively large community of Spanish speakers. Therefore, the PSTB will provide public notice 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 Final Remediation Plan and relevant documents may be reviewed at 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)	TBD
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 and to include availability of language assistance services	December 27, 2019 (Submittal date up to 7 days before Draft Remediation Plan submission)
Submittal of Draft Final Remediation Plan	December 31, 2019
Posting of Draft Final Remediation Plan (PSTB website and office), Public Comment Period Begins	January 7, 2020
Second Public Notice of Submission of Draft Final Remediation Plan and Posting of a Notice at the Site	January 3, 2020 and December 31, 2019
Public Comment Period for Draft Final Remediation Plan Ends	January 31, 2020
Incorporation of Comments and Preparation of Final Remediation Plan	January 31, 2020

The PSTB Bureau Chief 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

Bureau contact for this PIP and the Final Remediation Plan is:

Mr. Curtis Landers  
Project Manager  
NMED Petroleum Storage Tank Bureau  
2905 Rodeo Park Drive E, Building 1  
Santa Fe, New Mexico 87505

Phone: (505) 470-5277

Fax: (505) 476-4374

Email: [curtis.landernm@state.nm.us](mailto:curtis.landernm@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 is 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 users).

### ***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.

Owners and operators (responsible parties) of petroleum storage tanks where a release has occurred which requires a Final Remediation Plan shall develop a Final Remediation Plan including a public notice satisfying 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 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.

#### ***Background of Facilities***

*Atex 394:* The Atex 394 facility operated as a convenience store with retail fuel sales until approximately November 2012. In November 2012, the underground storage tank (UST) system was removed. The Atex 394 store has been closed and the building is currently occupied by a business. Investigation and groundwater monitoring activities have been ongoing at the Atex 394 site since the early 1990s. Reports indicate that an unknown quantity of unleaded gasoline was released at the site.

*Pino Fina:* The former Pino Fina building is currently unoccupied. Investigation and groundwater monitoring activities have been ongoing at the Pino Fina UST site since June 1998. Reports indicate that an unknown quantity of unleaded gasoline was released at the site.

*Ross Texaco:* The former Ross Texaco is currently being operated as a convenience store with retail sale of motor fuel. Investigation and groundwater monitoring activities have been ongoing at the Ross Texaco UST site since the early 1990s. Reports indicate that more than 5,000 gallons of unleaded gasoline were released at the site. A soil vapor extraction (SVE) system was installed in 1995 and operated until early 1996 when it was shut down. The system was put back into operation in early 1997 and operated until early 1998 when it was permanently shut down.

The releases from the three sites resulted in a commingled plume. In 2018, a state-lead request for proposals to remediate the petroleum hydrocarbon contamination in the commingled plume to state standards was posted on the PSTB Web page, open to any qualified firm to submit a proposal. The PSTB evaluated the proposals that were submitted through an established procedure. The Department entered into a contract to perform the proposed remedial strategy with the environmental firm that was most responsive based on both technical merit and cost-effectiveness. The proposed cleanup strategy is to remove gasoline contamination in the commingled plume from all three sites through groundwater extraction and treatment. The contaminated groundwater will be pumped out of the shallow water table, treated using air stripping, then discharged to the City of Las Vegas sanitary sewer. The next step at the site is the development of the Final Remediation Plan, which includes public notice for participation in the PSTB review process. The expected deliverable date for the Final Remediation Plan is December 31, 2019.

## 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 Final Remediation Plan for a petroleum storage tank site.

Using the results of the EJSCREEN ACS Summary Report for 2013 to 2017 (see Attachment 1), there are 2,093 households within a 1-mile radius from the facilities (i.e., affected community); the minority percentage for the affected community is 78 percent, with the Hispanic population accounting for 69 percent, Black at 3 percent, American Indian at 2 percent, Asian at 3 percent, and Two or More Races accounting for the other 1 percent of the minority population. The percentage of persons that communicate in a language other than English (non-English) at home is 48 percent. The percent of linguistically isolated households is 12 percent. The per capita income for the affected community is \$18,728 as compared to the national per capita income of \$31,786 for 2017. These results indicate that for the affected community, the percentage of Spanish language communication (44 percent) is considerable. Additionally, the EJSCREEN report indicates that of the linguistically isolated households in the affected area, 90 percent 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 Final Remediation Plans. Based on the EJSCREEN results and the Limited English Proficiency ("LEP") analysis (see Attachment 2), the PSTB will ensure that the responsible party provides the same information in English and Spanish when conducting public outreach and participation activities and when providing public notices and other announcements (brochures, signs, mailings, etc.) for these three petroleum release sites in Las Vegas. The PSTB will strive to make public participation efforts as inclusive as possible within the 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. An informational sign shall be posted at each of the three petroleum release sites that also describes public information repositories.

## 5. Detailed Public Participation and Outreach Activities for Final Remediation Plan, Atex 394, Pino Fina & Ross Texaco

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 Final Remediation Plans as appropriate.

The PSTB strategy for facilitating public participation in the proposed corrective action activities for these three state-lead sites in Las Vegas 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 PSTB to the public regarding the submission of a Final Remediation Plan for public comment. This notice is provided prior to or on the day of the submission of the Final Remediation Plan and informs the public that the PSTB will be reviewing the plan. The PSTB will provide notice of the submission of a draft Final Remediation Plan in English and Spanish on its website and in newspapers as outlined below, to include availability of language assistance services. 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 these state-lead sites, the PSTB] is required to provide notice in the following manner:*

*(a) owners and operators [for these state-lead sites, 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 Las Vegas Optic] 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 [the intersection of*



**Grand and University Avenue, Las Vegas, NM];**

(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] main office [located at 2905 Rodeo Park Drive East, Building 1, Santa Fe, NM] and at the department's field office for the area in which the release occurred [NMED's field office, 2538 Ridge Runner Road, Las Vegas, NM]; 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 [Christopher Holmes] at the petroleum storage tank bureau, [the PSTB's main office, 2905 Rodeo Park Drive East, Building 1, Santa Fe, NM] New Mexico environment department, or a district office 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 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 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 Atex 394, Pino Fina & Ross Texaco sites**

The PSTB will also perform the following public participation and outreach activities during the review phase of the planning process for the Atex 394, Pino Fina and Ross Texaco sites remedial activities:

- 1. Information Repository:** A copy of the Final 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, NM**. In addition, the Final Remediation Plan, the PIP, and all applicable data may be viewed at the following website: [http://dbsa-client-access.com/PSTB/file\\_access.htm](http://dbsa-client-access.com/PSTB/file_access.htm)  
Atex 394: <https://cloud.env.nm.gov/waste/?c=2667&k=549d9cd4fd>  
Pino Fina: <https://cloud.env.nm.gov/waste/?c=3167&k=89863e680a>  
Ross Texaco: <https://cloud.env.nm.gov/waste/?c=3168&k=505e263f53>
- 2. Electronic Posting of Public Notice:** The PSTB will post the public 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 public notices will be provided in English and Spanish.

3. **Language Assistance Services:** Non-English speakers or readers will be directed in notices to call, fax or email 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)

**Facilities:** Atex 394  
 Pino Fina  
 Ross Texaco  
**Location:** Las Vegas, 35.596699, -105.213869  
**Buffer:** 1-mile radius  
**Date:** 2013 – 2017

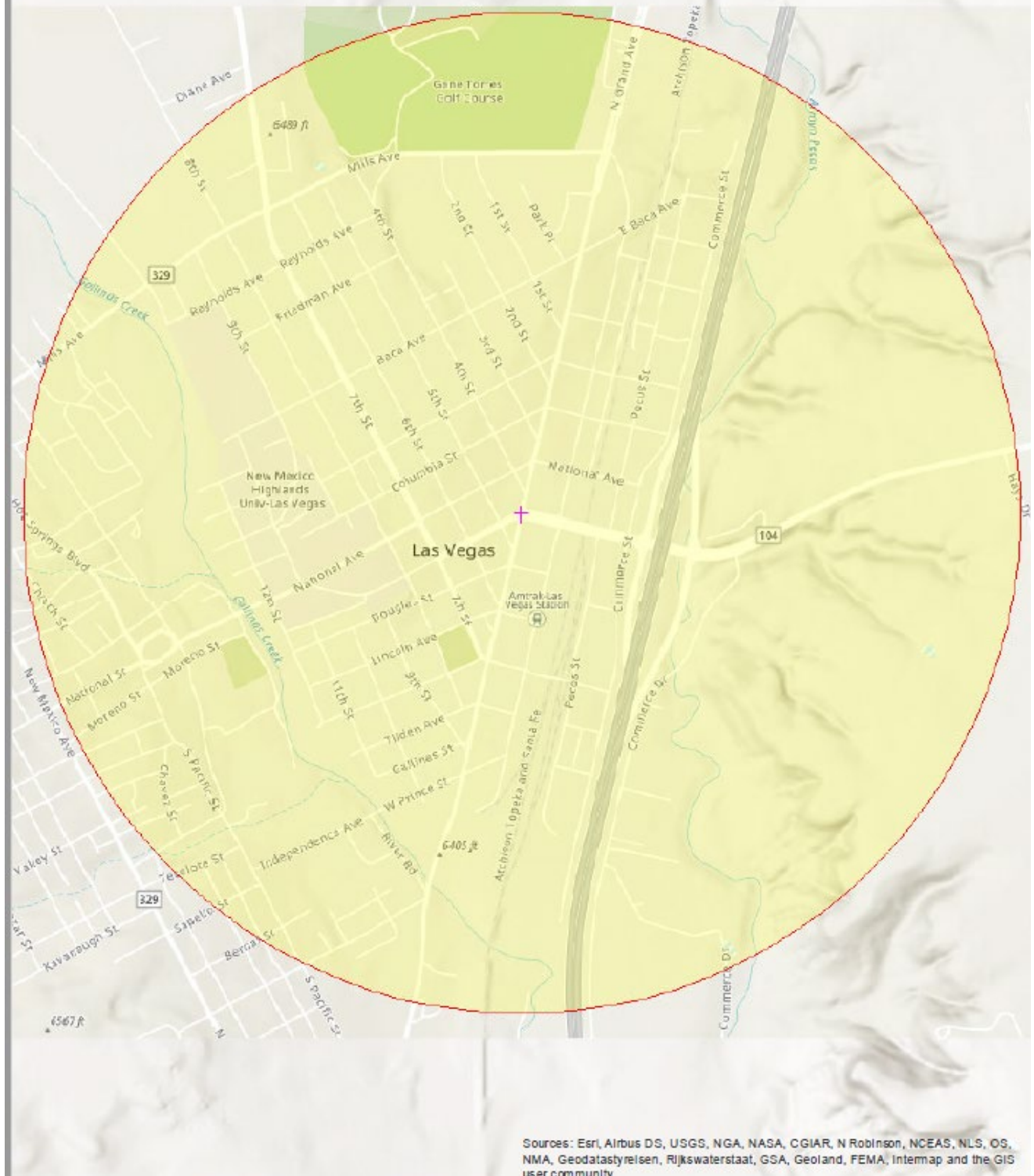
Total population within 1-mile radius*:	5,246
Total population age 5+ years within 1-mile radius*:	4,996
Number of households within 1-mile radius*:	2,093
Per capita income within 1-mile radius*:	\$18,728
Per capita income, USA:	\$31,786
Percent minority population within 1-mile radius* (population reporting one race):	78%
Percent minority population by race within 1-mile radius*:	
Hispanic:	69%
Black Alone:	3%
American Indian Alone:	2%
Non-Hispanic Asian Alone:	3%
Pacific Islander Alone:	0%
Other Race alone:	0%
Two or more races alone:	1%
	<i>Sum:</i>
	78%
Percent linguistically isolated households within 1-mile radius**:	12%
Percent linguistically isolated households by language within 1-mile radius*:	
Spanish:	90%
Other Indo-European languages:	0%
Other Asian-Pacific Island languages:	10%
Other languages:	0%
	<i>Sum:</i>
	100%
Population age 5+ yrs. speaking English "less than very well" within 1-mile radius*:	13%

\*: From EJSCREEN ACS Summary Report

\*\* : 247 linguistically isolated households / 2,093 total households X 100 = % linguistically isolated households

Detail may not sum to total due to rounding.

# LOCATION MAP



Location: User-specified point center at 35.596700, -105.213871  
 Ring (buffer): 1-miles radius  
 Description: Atex 394, Pino Fina & Ross Texaco, Las Vegas

<b>Summary of ACS Estimates</b>		2013 - 2017		
Population				5,246
Population Density (per sq. mile)				1,752
Minority Population				4,102
% Minority				78%
Households				2,093
Housing Units				2,686
Housing Units Built Before 1950				1,214
Per Capita Income				18,728
Land Area (sq. miles) (Source: SF1)				2.99
% Land Area				100%
Water Area (sq. miles) (Source: SF1)				0.00
% Water Area				0%

	2013 - 2017 ACS Estimates	Percent	MOE (±)
<b>Population by Race</b>			
Total	5,246	100%	487
Population Reporting One Race	5,100	97%	938
White	3,026	58%	333
Black	219	4%	60
American Indian	111	2%	70
Asian	132	3%	57
Pacific Islander	0	0%	12
Some Other Race	1,612	31%	406
Population Reporting Two or More Races	146	3%	110
Total Hispanic Population	3,630	69%	500
Total Non-Hispanic Population	1,616		
White Alone	1,144	22%	148
Black Alone	174	3%	58
American Indian Alone	93	2%	70
Non-Hispanic Asian Alone	132	3%	57
Pacific Islander Alone	0	0%	12
Other Race Alone	0	0%	12
Two or More Races Alone	73	1%	60
<b>Population by Sex</b>			
Male	2,474	47%	354
Female	2,772	53%	204
<b>Population by Age</b>			
Age 0-4	250	5%	89
Age 0-17	1,105	21%	129
Age 18+	4,141	79%	325
Age 65+	818	16%	190



Location: User-specified point center at 35.596700, -105.213871  
 Ring (buffer): 1-miles radius  
 Description: Atex 394, Pino Fina & Ross Texaco, Las Vegas

	2013 - 2017 ACS Estimates	Percent	MOE (±)
<b>Population 25+ by Educational Attainment</b>			
Total	3,152	100%	326
Less than 9th Grade	193	6%	80
9th - 12th Grade, No Diploma	403	13%	159
High School Graduate	669	21%	196
Some College, No Degree	1,052	33%	123
Associate Degree	202	6%	62
Bachelor's Degree or more	835	26%	100
<b>Population Age 5+ Years by Ability to Speak English</b>			
Total	4,997	100%	446
Speak only English	2,610	52%	252
Non-English at Home <sup>1+2+3+4</sup>	2,387	48%	354
<sup>1</sup> Speak English "very well"	1,728	35%	336
<sup>2</sup> Speak English "well"	360	7%	93
<sup>3</sup> Speak English "not well"	240	5%	79
<sup>4</sup> Speak English "not at all"	59	1%	45
<sup>3+4</sup> Speak English "less than well"	299	6%	79
<sup>2+3+4</sup> Speak English "less than very well"	659	13%	95
<b>Linguistically Isolated Households*</b>			
Total	247	100%	62
Speak Spanish	222	90%	61
Speak Other Indo-European Languages	0	0%	12
Speak Asian-Pacific Island Languages	25	10%	43
Speak Other Languages	0	0%	12
<b>Households by Household Income</b>			
Household Income Base	2,093	100%	150
< \$15,000	876	42%	107
\$15,000 - \$25,000	258	12%	91
\$25,000 - \$50,000	509	24%	102
\$50,000 - \$75,000	257	12%	77
\$75,000 +	193	9%	75
<b>Occupied Housing Units by Tenure</b>			
Total	2,093	100%	150
Owner Occupied	1,128	54%	132
Renter Occupied	965	46%	106
<b>Employed Population Age 16+ Years</b>			
Total	4,333	100%	410
In Labor Force	1,894	44%	219
Civilian Unemployed in Labor Force	112	3%	77
Not In Labor Force	2,439	56%	308

Location: User-specified point center at 35.596700, -105.213871

Ring (buffer): 1-miles radius

Description: Atex 394, Pino Fina & Ross Texaco, Las Vegas

	2013 - 2017 ACS Estimates	Percent	MOE (±)
<b>Population by Language Spoken at Home*</b>			
Total (persons age 5 and above)	2,801	100%	416
English	1,377	49%	379
Spanish	1,220	44%	338
French	1	0%	11
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	11	0%	20
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	5	0%	11
Chinese	23	1%	31
Japanese	N/A	N/A	N/A
Korean	6	0%	16
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	44	2%	48
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	8	0%	12
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	107	4%	86
Total Non-English	1,424	51%	563

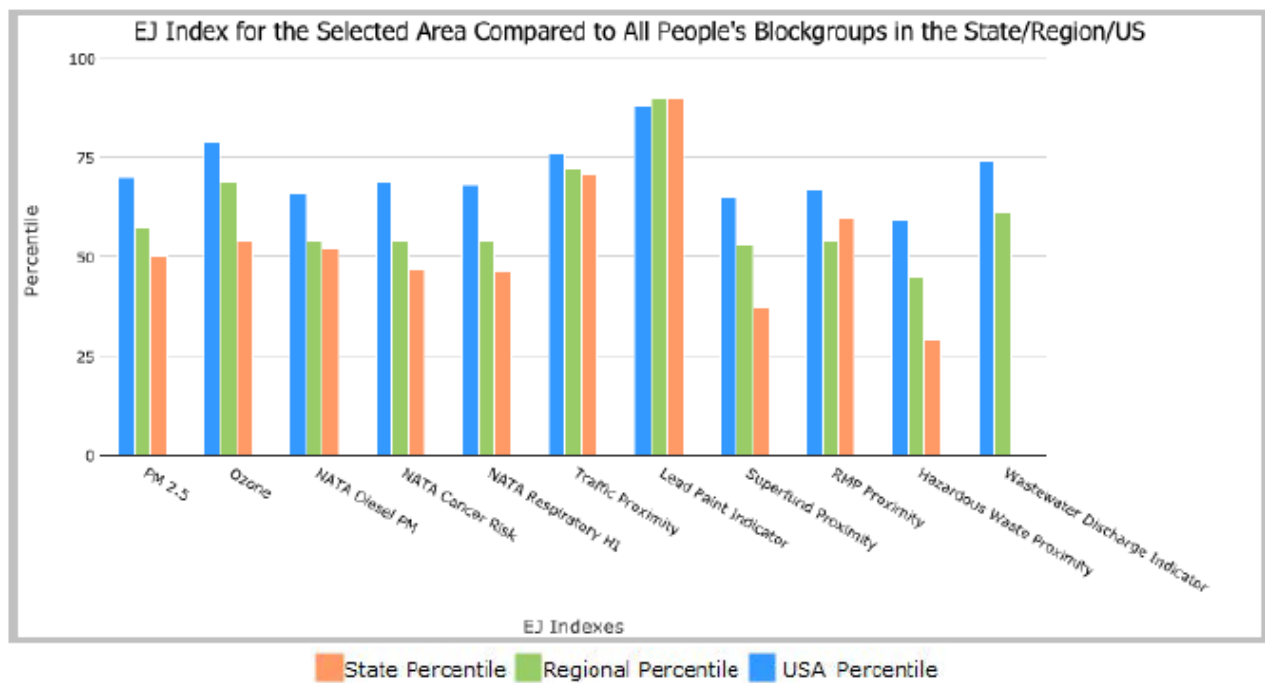
1 miles Ring Centered at 35.596699,-105.213875, NEW MEXICO, EPA Region 6

Approximate Population: 5,246

Input Area (sq. miles): 3.14

Atex 394, Pino Fina, Ross Texaco, Las Vegas, New Mexico

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
<b>EJ Indexes</b>			
EJ Index for PM2.5	50	57	70
EJ Index for Ozone	54	69	79
EJ Index for NATA* Diesel PM	52	54	66
EJ Index for NATA* Air Toxics Cancer Risk	47	54	69
EJ Index for NATA* Respiratory Hazard Index	46	54	68
EJ Index for Traffic Proximity and Volume	71	72	76
EJ Index for Lead Paint Indicator	90	90	88
EJ Index for Superfund Proximity	37	53	65
EJ Index for RMP Proximity	60	54	67
EJ Index for Hazardous Waste Proximity	29	45	59
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.





## EJSCREEN Report (Version 2019)

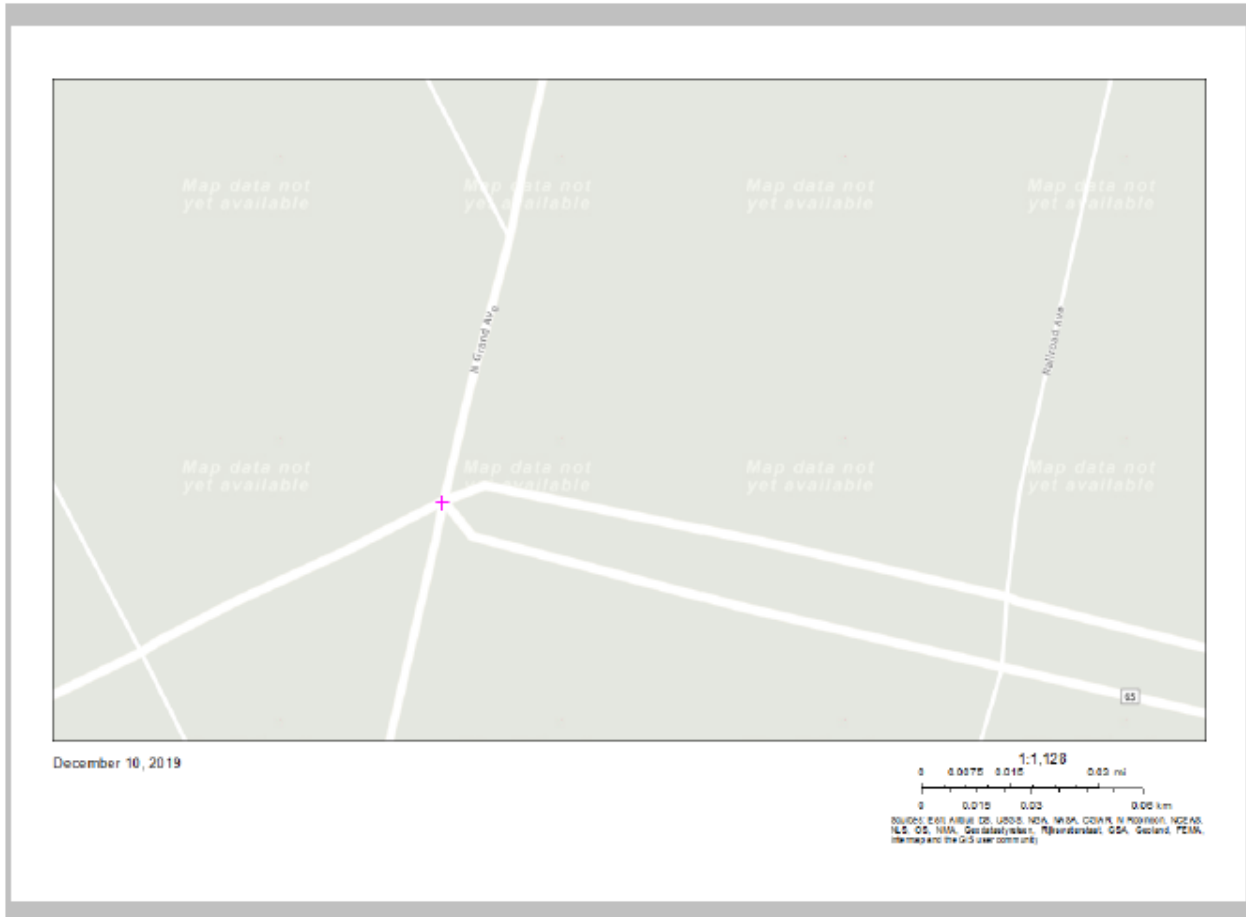


1 miles Ring Centered at 35.596699,-105.213875, NEW MEXICO, EPA Region 6

Approximate Population: 5,246

Input Area (sq. miles): 3.14

Atex 394, Pino Fina, Ross Texaco, Las Vegas, New Mexico



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

## EJSCREEN Report (Version 2019)



1 miles Ring Centered at 35.596699,-105.213875, NEW MEXICO, EPA Region 6

Approximate Population: 5,246

Input Area (sq. miles): 3.14

Atex 394, Pino Fina, Ross Texaco, Las Vegas, New Mexico

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 $\mu\text{g}/\text{m}^3$ )	4.83	6.15	6	8.37	0	8.3	1
Ozone (ppb)	48.1	50.4	16	39.4	93	43	85
NATA* Diesel PM ( $\mu\text{g}/\text{m}^3$ )	0.126	0.281	36	0.401	<50th	0.479	<50th
NATA* Cancer Risk (lifetime risk per million)	16	24	11	36	<50th	32	<50th
NATA* Respiratory Hazard Index	0.19	0.32	11	0.45	<50th	0.44	<50th
Traffic Proximity and Volume (daily traffic count/distance to road)	280	360	64	400	66	750	55
Lead Paint Indicator (% Pre-1960 Housing)	0.53	0.18	90	0.17	90	0.28	78
Superfund Proximity (site count/km distance)	0.011	0.14	13	0.081	7	0.13	5
RMP Proximity (facility count/km distance)	0.11	0.24	46	0.82	16	0.74	18
Hazardous Waste Proximity (facility count/km distance)	0.0096	0.46	0	0.75	0	4	0
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0	130	N/A	9.8	32	14	37
<b>Demographic Indicators</b>							
Demographic Index	72%	52%	80	44%	84	36%	90
Minority Population	78%	62%	71	51%	74	39%	83
Low Income Population	66%	42%	84	37%	87	33%	91
Linguistically Isolated Population	12%	5%	85	6%	81	4%	86
Population With Less Than High School Education	19%	15%	66	16%	65	13%	76
Population Under 5 years of age	5%	6%	37	7%	30	6%	38
Population over 64 years of age	16%	16%	58	13%	69	15%	60

\* The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <https://www.epa.gov/national-air-toxics-assessment>.

For additional information, see: [www.epa.gov/environmentaljustice](http://www.epa.gov/environmentaljustice)

EJSCREEN is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJSCREEN outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.

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

### **Limited English Proficiency ("LEP") Assessment**

**Facilities:** Atex 394, Pino Fina, Ross Texaco  
**Location:** Las Vegas, 35.596699, -105.213869  
**Buffer:** 1-mile radius  
**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 1-mile radius*:	12%
Percent linguistically isolated households by language within 1-mile radius*:	
Spanish:	90%
Other languages:	10%
<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 1-mile radius*:	13%

\*: From "EJSCREEN ACS Summary Report"

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

#### **Conclusions:**

- 1) Proportion of LEP persons within one mile exceeds statewide and national proportions
- 2) Spanish is the primary non-English language spoken by LEP persons.
- 3) Historical participation: Not applicable (new Final Remediation Plan & public notice).

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

**Frequency Assessment (“frequent” / “occasional” / “not frequent”)**

Not frequent

This determination is based on the lack of response by the public to past notices of submission of final remediation plan.

**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 Final Remediation Plans are reviewed by the PSTB to assess compliance with regulatory requirements and to evaluate their technical adequacy. Final Remediation Plans are approved after the PSTB’s review is complete, any inadequacies are addressed, and the public comments are evaluated and addressed as appropriate.

The Final Remediation Plan review is deemed by the PSTB to be “important” to NMED, the affected community, and the State of New Mexico. Final 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. Final 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. Final 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 Final 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 the majority of the LEP population speaks Spanish. The PSTB will provide further LEP services as requested.