



# NMED Public Participation Policy Policy 07-13

## Public Involvement Plan for Notice of a Remediation Plan

Halsell's Grocery  
112 School Street  
Hatch, New Mexico 87937

Facility ID #6053  
Release ID #287

Approved: Dana Bahar Digitally signed by Dana Bahar  
Date: 2021.06.10 07:46:06 -06'00' Date: June 10, 2021  
Dana Bahar  
Chief, Petroleum Storage Tank Bureau

Petroleum Storage Tank Bureau  
June 10, 2021

# 1. Public Involvement Plan (PIP) Overview

The New Mexico Environment Department (“NMED” or “Department”), Petroleum Storage Tank Bureau (“PSTB” or “Bureau”) developed this Public Involvement Plan (“PIP”) for the Remediation Plan review for the Halsell’s Grocery petroleum release state-lead site located at 112 School Street in Hatch, New Mexico 87937.

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.

The Halsell’s Grocery site is in Hatch, New Mexico, in an area that has a relatively large community of Spanish speakers. Therefore, the PSTB will provide information in both English and Spanish.

As deemed necessary based on knowledge of the surrounding community, arrangements may be

made for translation services. At any time during the planning process, the Remediation Plan and relevant documents may be reviewed at either of the repositories listed.

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

<b>Activity</b>	<b>Dates</b>
Posting of PIP (PSTB website and office)	June 10, 2021
Public Comment Period for PIP	Ongoing
PIP Revision	As necessary
Posting of Revised PIP	Within 21 days of receipt of substantial comment
Public Notice of Planned Submission of Draft Final Remediation Plan by PSTB including availability of language assistance services	March 18, 2022
Submittal of Draft Final Remediation Plan	March 24, 2022
Posting of Draft Final Remediation Plan (PSTB website and office)	March 24, 2022
Second Public Notice of Submission of Draft Final Remediation Plan (legal notice in local newspaper and posting of a notice at the site), Public Comment Period Begins	March 25, 2022
Mailing public notice to adjacent property owners by certified mail	March 25, 2022
Post signs at the facility and public notice flyer off-site, mail a public notice flyer to site owner and property owners within 1/3 mile, and place a display ad in local newspaper	February 3, 2022 and March 24, 2022
Public Comment Period for Draft Final Remediation Plan ends	April 15, 2022
Incorporation of Comments and Preparation of Final Remediation Plan	April 19, 2022

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

## 2. Contacts

Bureau contact for this PIP and the Remediation Plan is:

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

Phone: (505) 372-8331

Fax: (505) 476-4374

Email: [Michael.Boulay@state.nm.us](mailto:Michael.Boulay@state.nm.us)

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

The Bureau or the Bureau's contractor 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 and discharges to groundwater. 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 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 contractor will develop and implement the Final Remediation Plan. For this site, the PSTB will carry out the public notice requirements for the Final Remediation Plan.

The Department may provide for public participation in the review process in addition to what is required by law as the Department deems appropriate or 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.

A groundwater discharge permit is required for the remediation of this site. PSTB will carry out the public notice requirements for that permit in accordance with 20.6.2.3108 NMAC of the New Mexico Ground and Surface Water Protection Regulations promulgated pursuant to the Water Quality Act, NMSA 1978, Sections 74-6-1 through 74-6-17.

### ***Facility Background***

The Halsell's Grocery site is located at 112 School Road, Hatch, New Mexico 87937. Halsell's Grocery is no longer an active gasoline station. The site contains one building. In 1990, petroleum contaminated soil was found below West Hall Street during a road improvement project. Petroleum contamination was confirmed at the site in September 1991. In May 1992, three on-site monitoring wells were installed (MW-1, MW-2 and MW-3). Historical groundwater monitoring data indicate that dissolved contaminant concentrations have been decreasing over time, primarily dissolved benzene and total naphthalenes.

In order to remediate the petroleum hydrocarbon contamination, a state lead request for proposals for professional environmental services from qualified firms will be posted on the PSTB Web page. Services will be provided under a one-year small purchase contract (<\$60,000 excluding NMGRT). The procurement will be for in-situ remediation activities consisting of injection of contaminant reducing chemicals to reduce recalcitrant petroleum hydrocarbon contaminant concentrations in groundwater to below New Mexico Water Quality Control Commission standards and to facilitate a no further action status at the site. Prior to implementation, a public notice will be published for participation in the PSTB review process.

## 4. Affected Communities and Stakeholders

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

Using the results of the EJSCREEN ACS Summary Report for 2013 to 2017 (see Attachment 1), there are 1,020 households within a 4-mile radius of the site (i.e., affected community); the minority percentage for the affected community is 89 percent, with the Hispanic population accounting for 100 percent of the minority population. The percentage of persons that communicate in a language other than English (non-English) at home is 78 percent. The percent of linguistically isolated households is 27 percent. The per capita income for the affected community is \$10,402 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 (76 percent) is considerable (i.e., much greater than the state or national average). Additionally, the EJSCREEN report indicates that of the linguistically isolated households in the affected area, 100 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 Remediation Plans. Based on the EJSCREEN results and the Limited English Proficiency ("LEP") analysis (see Attachment 2), the PSTB will provide the same information in English and Spanish when conducting public outreach and participation activities and when providing public notices and other announcements (brochures, signs, mailings, etc.) for the Halsell's Grocery site. 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 the petroleum release site that also describes public information repositories. Facility ID# 6053 and Release ID# 287.

## 5. Detailed Public Participation and Outreach Activities for Remediation Plan, Halsell's Grocery

The PSTB evaluates all public comments, places the comments in the administrative files for the remedial action, and incorporates public input into the PSTB's comments on Remediation Plans as appropriate.

The PSTB's plans for facilitating public participation in the proposed corrective action activities for the Halsell's Grocery site are detailed below.

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

The Petroleum Storage Tank Regulations, 20.5.119.1923.D (10) NMAC, as detailed below, address notices to be provided by the owner or operator **[for this state-lead site, the PSTB]** to the public regarding the submission of a draft Final Remediation Plan for public comment. This notice is provided prior to or on the day of the submission of the draft Final Remediation Plan and informs the public that PSTB will be reviewing the Plan. The owner or operator **[for this state-lead site, the PSTB]** will provide notice of the submission of a draft Final Remediation Plan in English and Spanish published in the newspaper, on its website, at the site 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 the state-lead site, the PSTB]** is required to provide notice in the following manner:*

*(a) owners and operators **[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 Cruces Sun-News]** in the county in which soil or water has been contaminated by the release; the first notice shall appear within one week of, but not later than, the day of submission of the final remediation plan to the department; the second publication of this notice shall occur no later than seven days after the date the remediation plan is submitted to the department, and owners and operators shall submit two certified affidavits of publication from the newspaper to the department within 21 days after the date the final remediation plan is submitted;*

*(b) the notice shall contain the information specified in this section including the following:*

*(i) a statement that a remediation plan has been submitted to the Department proposing actions to remediate a release of petroleum products;*

*(ii) the name and physical address of the site at which the release occurred and the names and physical addresses of properties where any part of the remediation system will be located, using adequate identification of the properties, including street addresses if applicable **[112 School Street,***



**Hatch, New Mexico 87937];**

*(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 87505] and at the Department's field office for the area in which the release occurred [the NMED District III field office, 2301 Entrada del Sol, Las Cruces, New Mexico 88001]; 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 [Michael Boulay] at the petroleum storage tank bureau, New Mexico environment department, [the PSTB's main office, 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505], 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 [the PSTB] shall also mail by certified mail a copy of the legal notice [in English and Spanish] to adjacent property owners; and*

*(d) owners and operators [the PSTB] shall post a notice [in English and Spanish] of the submission of the remediation plan at the release site within seven days of the submission of the remediation plan; the notice shall contain the information specified in this subsection and shall be at least 8.5 inches by 11 inches in size and prominently displayed in a location where it is likely to be seen by members of the public for a continuous period until the remediation plan is approved and implemented; public comments must be received by the department within 21 days of the date of the second publication of the public notice;*

20.6.2.3108 NMAC of the New Mexico Ground and Surface Water Protection Regulations requires that:

**Within 30 days** of the date when the US Postal Service first makes notice to PSTB of its possession of this letter, PSTB must provide public notice as follows:

**1. Post sign(s) at the facility.**

PSTB must provide and post a sign 2 x 3 feet in size (or multiple signs if required) **at or near the facility for 30 days** in a conspicuous location approved by NMED. The text for the poster and the approved sign posting location will be included in the letter from the Ground Water Quality Bureau (GWQB) notifying PSTB that the ground water discharge permit application is administratively complete.

**2. Post a public notice flyer off-site.**

PSTB must post the public notice flyer **off-site** at a location conspicuous to the public and approved by GWQB. The public notice flyer in English and Spanish and the location GWQB approves for its posting will be included in the GWQB administrative completeness letter.

**3. Mail a public notice flyer to property owners within 1/3 mile.**

PSTB must send a copy of the public notice flyer by 1st class mail to the owners of record of all properties within 1/3 mile from the boundary of the property where the discharge site is located. If there are no properties within 1/3 mile other than properties owned by the applicant, then the flyer

must be mailed to the owners of record of the nearest adjacent properties. The names and addresses of property owners can be obtained from the county tax assessor's office. The list of property owners' names and addresses must be submitted to GWQB.

**4. Mail a public notice flyer to the owner of the discharge site.**

PSTB must send a copy of the public notice flyer via certified mail, return receipt requested, to the owner(s) of the discharge site(s). The list of owners' names and addresses and the certified mail receipts must be submitted to GWQB.

**5. Place a display ad in the newspaper.**

PSTB must publish a display ad 3 x 4 inches for one day in a newspaper of general circulation in the location of the proposed discharge. The ad may **not** be placed in the classified or legal section. The text for the ad and the newspaper GWQB approves for publishing the ad will be included in the GWQB administrative completeness letter.

**PROOF OF NOTICE. Within 15 days** of completing the above requirements, PSTB must submit the following items as proof of notice to GWQB:

- ✓ Affidavit regarding the sign posting and mailing (form will be enclosed in administrative completeness letter).
- ✓ List of names and addresses to whom the public notice flyer was mailed.
- ✓ List of names and addresses of owners of discharge sites.
- ✓ Certified mail receipts for mailing to discharge site owner(s), if required.
- ✓ Copy of newspaper ad.

***Proposed Public Participation and Outreach Activities for the Halsell's Grocery Site***

The PSTB will also perform the following public participation and outreach activities during the review phase of the planning process for Halsell's Grocery remediation

1. **Information Repository:** A copy of the Remediation Plan and the PIP will be made available for public review at the PSTB's main office at **2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505**, and at the NMED District 3 Las Cruces office at **2301 Entrada del Sol, Las Cruces, New Mexico 88001**. In addition, investigation and groundwater monitoring reports for the site Facility ID# 6053 and Release ID# 287 are available at the following link: <https://cloud.env.nm.gov/waste/pages/search.php?search=%21collection3365&k=4f42a801a8>
2. **Electronic Posting of Public Notice:** PSTB will post the public notice and the PIP on the PSTB's portion of the 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)

**Facility:** Halsell's Grocery  
**Location:** Hatch, NM, 32.665458, -107.156736  
**Buffer:** 4-mile radius  
**Date:** 2013 – 2017

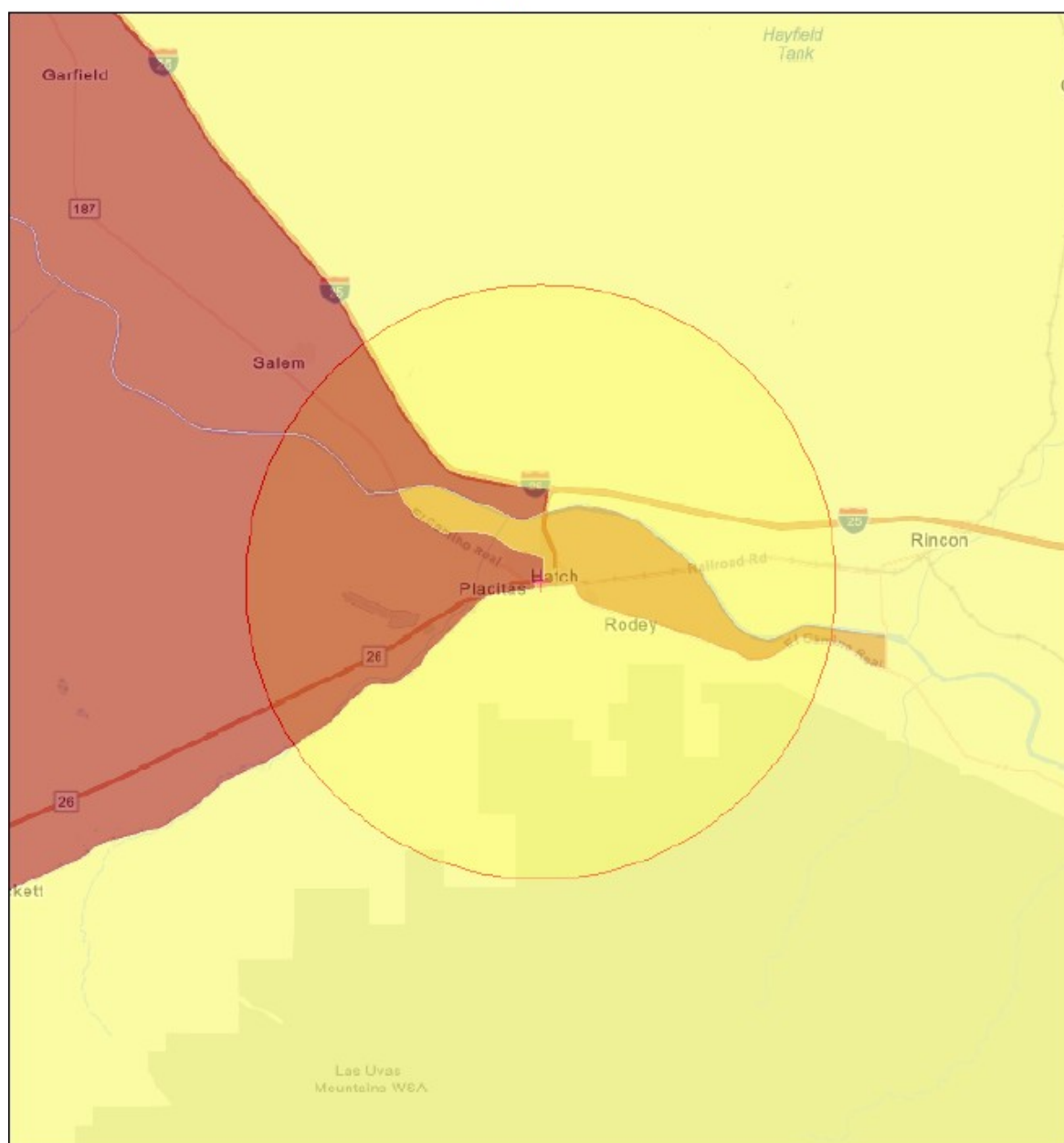
Total population within 4-mile radius*:	3,287
Total population age 5+ years within 4-mile radius*:	2,881
Number of households within 4-mile radius*:	1,020
Per capita income within 4-mile radius*:	\$10,402
Per capita income, USA:	\$31,786
Percent minority population within 4-mile radius*(population reporting one race):	89%
Percent minority population by race within 4-mile radius*:	
Hispanic:	89%
Black Alone:	0%
American Indian Alone:	0%
Non-Hispanic Asian Alone:	0%
Pacific Islander Alone:	0%
Other Race alone:	0%
Two or more races alone:	0%
<i>Sum:</i>	89%
Percent linguistically isolated households within 4-mile radius**:	27%
Percent linguistically isolated households by language within 4-mile radius*:	
Spanish:	100%
Other Indo-European languages:	0%
Other Asian-Pacific Island languages:	0%
Other languages:	0%
<i>Sum:</i>	100%
Population age 5+ yrs. speaking English "less than very well" within 1-mile radius*:	39%

\*: From EJSCREEN ACS Summary Report

\*\* : 271 linguistically isolated households /1,020 total households X 100 = 27% linguistically isolate households

Detail may not sum to total due to rounding.

## Halsell's Grocery, Hatch 4-mile radius



December 18, 2019

Linguistically Isolated  
(National Percentiles)

Data not available

Less than 50 percentile

50 -60 percentile

60 -70 percentile

70 -80 percentile

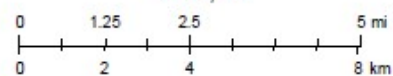
80 - 90 percentile

90 - 95 percentile

95 - 100 percentile

+ Project 2

1:144,448



Location: User-specified point center at 32.665458, -107.156736  
 Ring (buffer): 4-miles radius  
 Description: Halsell

Summary of ACS Estimates		2013 - 2017		
Population		3,287		
Population Density (per sq. mile)		76		
Minority Population		2,927		
% Minority		89%		
Households		1,020		
Housing Units		1,234		
Housing Units Built Before 1950		318		
Per Capita Income		10,402		
Land Area (sq. miles) (Source: SF1)		42.99		
% Land Area		99%		
Water Area (sq. miles) (Source: SF1)		0.40		
% Water Area		1%		

	2013 - 2017 ACS Estimates	Percent	MOE (±)
<b>Population by Race</b>			
Total	3,287	100%	611
Population Reporting One Race	3,287	100%	864
White	3,107	95%	576
Black	4	0%	15
American Indian	4	0%	14
Asian	0	0%	12
Pacific Islander	0	0%	12
Some Other Race	172	5%	235
Population Reporting Two or More Races	0	0%	12
Total Hispanic Population	2,919	89%	589
Total Non-Hispanic Population	369		
White Alone	361	11%	251
Black Alone	4	0%	15
American Indian Alone	4	0%	14
Non-Hispanic Asian Alone	0	0%	12
Pacific Islander Alone	0	0%	12
Other Race Alone	0	0%	12
Two or More Races Alone	0	0%	12
<b>Population by Sex</b>			
Male	1,613	49%	318
Female	1,674	51%	354
<b>Population by Age</b>			
Age 0-4	406	12%	144
Age 0-17	1,112	34%	219
Age 18+	2,175	66%	249
Age 65+	350	11%	122

## EJSCREEN ACS Summary Report



Location: User-specified point center at 32.665458, -107.156736

Ring (buffer): 4-miles radius

Description: Halsell

	2013 - 2017 ACS Estimates	Percent	MOE (±)
<b>Population 25+ by Educational Attainment</b>			
Total	1,741	100%	270
Less than 9th Grade	496	28%	118
9th - 12th Grade, No Diploma	458	26%	175
High School Graduate	350	20%	137
Some College, No Degree	304	17%	117
Associate Degree	72	4%	57
Bachelor's Degree or more	132	8%	84
<b>Population Age 5+ Years by Ability to Speak English</b>			
Total	2,881	100%	474
Speak only English	638	22%	200
Non-English at Home <sup>1+2+3+4</sup>	2,243	78%	340
<sup>1</sup> Speak English "very well"	1,133	39%	258
<sup>2</sup> Speak English "well"	247	9%	140
<sup>3</sup> Speak English "not well"	546	19%	136
<sup>4</sup> Speak English "not at all"	318	11%	149
<sup>3+4</sup> Speak English "less than well"	864	30%	201
<sup>2+3+4</sup> Speak English "less than very well"	1,111	39%	211
<b>Linguistically Isolated Households*</b>			
Total	271	100%	95
Speak Spanish	271	100%	94
Speak Other Indo-European Languages	0	0%	12
Speak Asian-Pacific Island Languages	0	0%	12
Speak Other Languages	0	0%	12
<b>Households by Household Income</b>			
Household Income Base	1,020	100%	145
< \$15,000	330	32%	97
\$15,000 - \$25,000	254	25%	126
\$25,000 - \$50,000	269	26%	80
\$50,000 - \$75,000	115	11%	84
\$75,000 +	53	5%	76
<b>Occupied Housing Units by Tenure</b>			
Total	1,020	100%	145
Owner Occupied	609	60%	125
Renter Occupied	411	40%	107
<b>Employed Population Age 16+ Years</b>			
Total	2,285	100%	366
In Labor Force	1,544	68%	281
Civilian Unemployed in Labor Force	216	9%	137
Not In Labor Force	741	32%	197



Location: User-specified point center at 32.865458, -107.156736  
 Ring (buffer): 4-miles radius  
 Description: Halsell

	2013 - 2017 ACS Estimates	Percent	MOE (±)
<b>Population by Language Spoken at Home*</b>			
Total (persons age 5 and above)	869	100%	563
English	211	24%	286
Spanish	658	76%	562
French	0	0%	17
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	0	0%	17
Yiddish	N/A	N/A	N/A
Other West Germanic	N/A	N/A	N/A
Scandinavian	N/A	N/A	N/A
Greek	N/A	N/A	N/A
Russian	N/A	N/A	N/A
Polish	N/A	N/A	N/A
Serbo-Croatian	N/A	N/A	N/A
Other Slavic	N/A	N/A	N/A
Armenian	N/A	N/A	N/A
Persian	N/A	N/A	N/A
Gujarathi	N/A	N/A	N/A
Hindi	N/A	N/A	N/A
Urdu	N/A	N/A	N/A
Other Indic	N/A	N/A	N/A
Other Indo-European	0	0%	17
Chinese	0	0%	17
Japanese	N/A	N/A	N/A
Korean	0	0%	17
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%	17
Other Asian	0	0%	17
Tagalog	0	0%	17
Other Pacific Island	N/A	N/A	N/A
Navajo	N/A	N/A	N/A
Other Native American	N/A	N/A	N/A
Hungarian	N/A	N/A	N/A
Arabic	0	0%	17
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	0	0%	17
Total Non-English	658	76%	631

**Data Note:** Detail may not sum to totals due to rounding. Hispanic population can be of any race.  
 N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2013 - 2017.  
 \*Population by Language Spoken at Home is available at the census tract summary level and up.

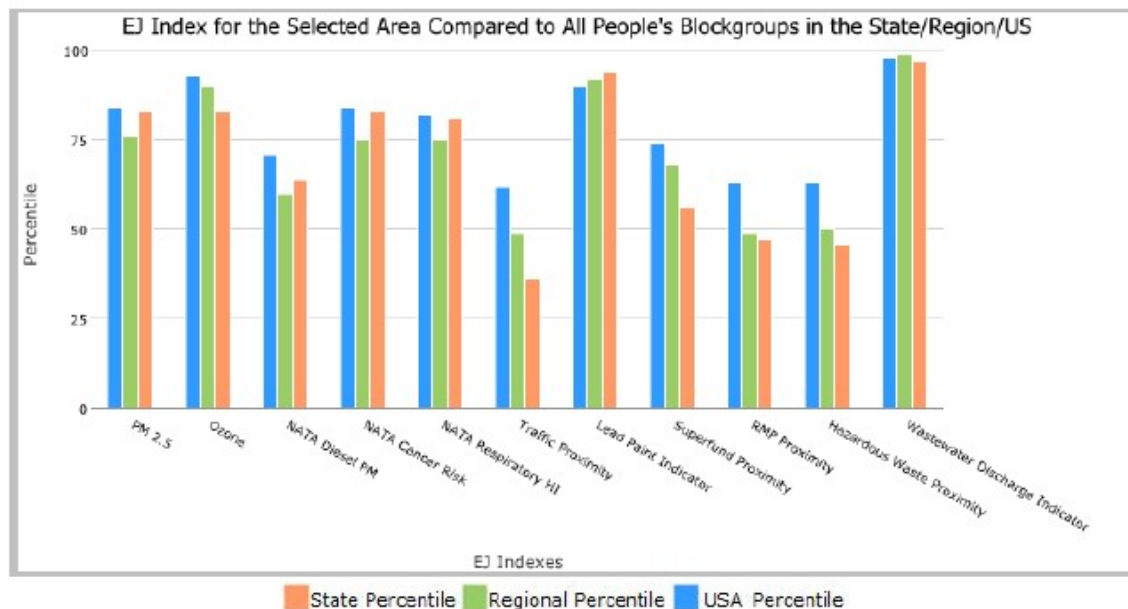
4 miles Ring Centered at 32.665458,-107.156736, NEW MEXICO, EPA Region 6

Approximate Population: 3,287

Input Area (sq. miles): 50.26

Halsell

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
<b>EJ Indexes</b>			
EJ Index for PM2.5	83	76	84
EJ Index for Ozone	83	90	93
EJ Index for NATA* Diesel PM	64	60	71
EJ Index for NATA* Air Toxics Cancer Risk	83	75	84
EJ Index for NATA* Respiratory Hazard Index	81	75	82
EJ Index for Traffic Proximity and Volume	36	49	62
EJ Index for Lead Paint Indicator	94	92	90
EJ Index for Superfund Proximity	56	68	74
EJ Index for RMP Proximity	47	49	63
EJ Index for Hazardous Waste Proximity	46	50	63
EJ Index for Wastewater Discharge Indicator	97	99	98



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.

December 18, 201

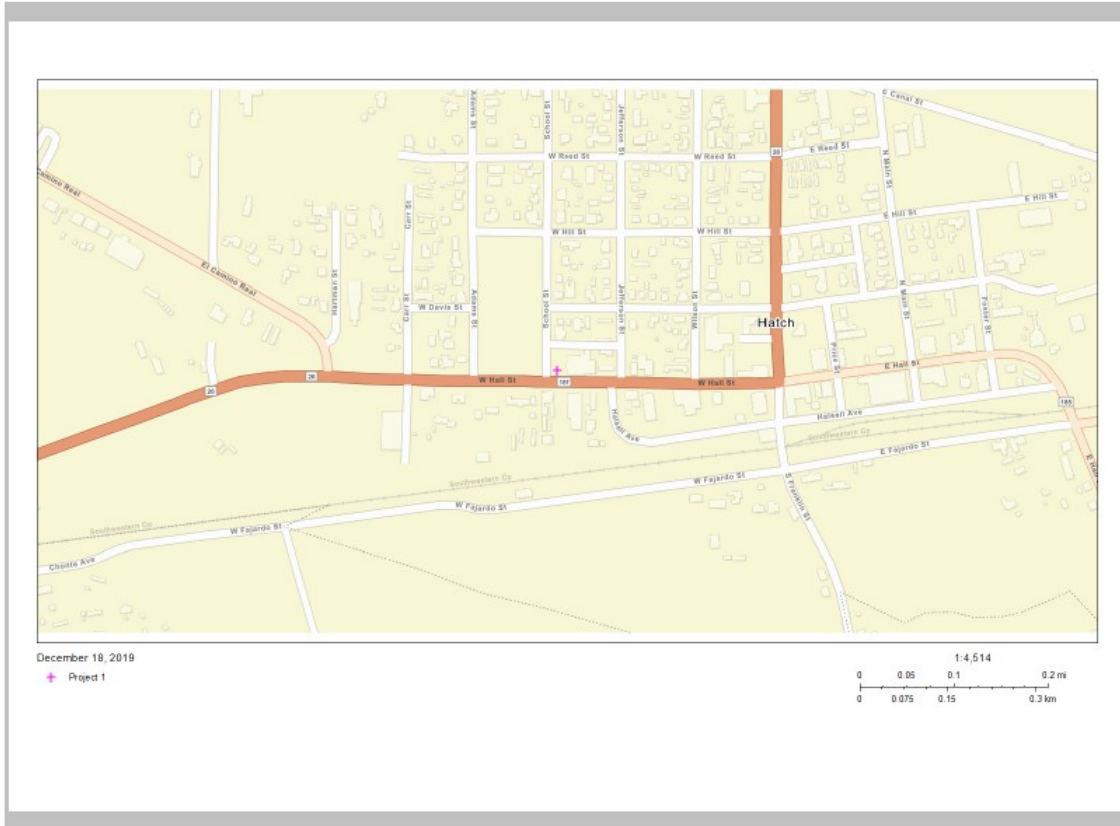
1/3

4 miles Ring Centered at 32.665458,-107.156736, NEW MEXICO, EPA Region 6

Approximate Population: 3,287

Input Area (sq. miles): 50.26

**Halsell**



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



## EJSCREEN Report (Version 2019)



4 miles Ring Centered at 32.665458, -107.156736, NEW MEXICO, EPA Region 6

Approximate Population: 3,287

Input Area (sq. miles): 50.26

Halsell

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 $\mu\text{g}/\text{m}^3$ )	5.82	6.15	29	8.37	1	8.3	5
Ozone (ppb)	49.1	50.4	29	39.4	95	43	88
NATA* Diesel PM ( $\mu\text{g}/\text{m}^3$ )	0.101	0.281	29	0.401	<50th	0.479	<50th
NATA* Cancer Risk (lifetime risk per million)	23	24	46	36	<50th	32	<50th
NATA* Respiratory Hazard Index	0.29	0.32	43	0.45	<50th	0.44	<50th
Traffic Proximity and Volume (daily traffic count/distance to road)	5.2	360	9	400	9	750	9
Lead Paint Indicator (% Pre-1960 Housing)	0.32	0.18	79	0.17	81	0.28	64
Superfund Proximity (site count/km distance)	0.019	0.14	22	0.081	25	0.13	16
RMP Proximity (facility count/km distance)	0.02	0.24	16	0.82	1	0.74	0
Hazardous Waste Proximity (facility count/km distance)	0.019	0.46	9	0.75	1	4	1
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	2.8	130	95	9.8	98	14	96
<b>Demographic Indicators</b>							
Demographic Index	87%	52%	97	44%	97	36%	98
Minority Population	89%	62%	84	51%	84	39%	89
Low Income Population	85%	42%	98	37%	98	33%	98
Linguistically Isolated Population	26%	5%	97	6%	93	4%	96
Population With Less Than High School Education	55%	15%	98	16%	97	13%	98
Population Under 5 years of age	12%	6%	92	7%	90	6%	93
Population over 64 years of age	11%	16%	31	13%	45	15%	35

\* 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)

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



## Limited English Proficiency ("LEP") Assessment

**Facility:** Halsell's Grocery  
**Location:** Hatch, NM, 32.665458, -107.156736  
**Buffer:** 4-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 4-mile radius*:	27%
Percent linguistically isolated households by language within 4-mile radius*:	
Spanish:	100%
Other languages:	0%
<i>Sum: 100%</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*:	39%

\*: From "EJSCREEN ACS Summary Report"

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

#### **Conclusions:**

- 1) Proportion of LEP persons (i.e., speaking English "less than very well") within one mile is greater than 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

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

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

All Final Remediation Plans for PSTB sites are required by the NM Petroleum Storage Tank regulations to be made available for review prior to their finalization and implementation. The 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.

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 Notices of Submission of Final Remediation Plan 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.