



NMED Public Participation Policy Policy 07-13

Public Involvement Plan for Proposed Groundwater Contamination Remedy

City of Las Cruces Foothills Landfill (Closed)
Las Cruces, New Mexico

Approved: *Joan M. Snider* Date: October 17, 2019
Joan M. Snider
Acting Chief, Solid Waste Bureau

Solid Waste Bureau
October 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 selection of a groundwater contamination remedy for the closed City of Las Cruces Foothills Landfill (“LCFLF”). LCFLF is located east of East Lohman Avenue and north of Sonoma Ranch Boulevard in Section 11, Township 23 South, Range 2 East, approximately 2 miles east of Interstate 25.

The Bureau encourages the public to learn about and get involved in regulatory decision-making opportunities for LCFLF. The purpose of this PIP is to provide public participation opportunities and information that may be needed to participate in the remedy selection 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 actions for the remedy selection process. The PIP identifies the Department staff and resources needed to accomplish these activities.

The remedy selection process may require public participation throughout different stages. The Bureau will meet the public participation requirements for the remedy selection 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 remedy selection process.

As much as possible, public participation and informational activities related to the remedy selection 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 remedy selection process, public comments may be submitted to the Bureau prior to the NMED Secretary’s decision regarding a remedy to address groundwater contamination at LCFLF. Upon receipt of a proposed remedy from the owner of the closed landfill (City of Las Cruces), the Department must hold a public hearing prior to a decision on the proposed remedy. As required by the Solid Waste Rules (20.9.9.16.B NMAC), the owner of the landfill (City of Las Cruces) must provide notice of the public hearing on the proposed remedy in accordance with NMSA 1978, Section 74-9-22. Public hearings afford the public the opportunity to participate in the remedy selection 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 proposed remedy. The Secretary may approve, approve with conditions, or deny the proposed remedy; may require submission of an alternative proposed remedy; or may

impose a remedy in accordance with 20.9.9.16.A NMAC.

As deemed necessary based on knowledge of the surrounding community, arrangements may be made for interpretation services during the hearing, and arrangements may be requested for obtaining services for persons with disabilities. At any time during the remedy selection 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.

Activity	Dates
Notice of public meeting held by City of Las Cruces regarding the Assessment of Corrective Measures Report (notice performed by City of Las Cruces as the landfill owner)	May 2019
Distribute PIP (website and repository)	October 2019
Notice of public hearing on proposed remedy to address groundwater contamination at LCFLF (notice performed by City of Las Cruces as landfill owner)	Approximately 30 days prior to hearing date (hearing date 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 remedy selection 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

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 remedy selection 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 remedy selection 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

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, oversight of environmental monitoring at landfills, enforcement, and training of certified solid waste facility operators. The Solid Waste Rules require owners or operators of landfills to monitor groundwater quality and addresses cases of groundwater contamination exceeding regulatory standards. If groundwater contamination attributable to a landfill is confirmed, the landfill owner or operator is required determine the nature and extent of contamination, prepare an Assessment of Corrective Measures report, and implement a remedy to return groundwater quality to compliance with regulatory standards.

After determination of the nature and extent of groundwater contamination and preparation of an Assessment of Corrective Measures report, the landfill owner or operator is required to hold a public meeting to discuss Assessment of Corrective Measures report in accordance with 20.9.9.15.D NMAC. Per 20.9.9.15.D NMAC, public notice of the meeting is provided by the landfill owner or operator in the same manner as required for permit applications and as required by 20.9.9.13.G(4) NMAC. Within 120 days of submission of the Assessment of Corrective Measures Report, the landfill owner or operator is required to submit a proposed remedy to address groundwater contamination to the Department. Prior to making a decision on the proposed remedy, the Department must hold a public hearing on the remedy. Per 20.9.9.16.B NMAC, public notice of the hearing is provided by the landfill owner or operator in accordance with NMSA 1978, Section 74-9-22. Following the hearing, the Secretary may approve, approve with conditions, or deny the proposed remedy; may require submission of an alternative proposed remedy; or may impose a remedy in accordance with 20.9.9.16.A NMAC.

The landfill owner or operator is required to implement the approved remedy in accordance with a schedule approved by the Secretary. Corrective actions to address groundwater contamination must continue until regulatory standards are achieved at all points within the contaminant plume for a period of three consecutive years as required by 20.9.9.17.D NMAC.

Facility Background

The Foothills Landfill operated from 1966 to 1996 and received household and construction waste. The City of Las Cruces has conducted groundwater sampling at the closed Foothills Landfill for approximately 20 years. Dissolved chlorinated solvents including perchloroethylene (“PCE”), trichloroethylene (“TCE”), and methylene chloride have been routinely detected in groundwater at the closed landfill. PCE concentrations in groundwater are typically above the regulatory standard of five micrograms per liter ($\mu\text{g/L}$), therefore, the City of Las Cruces is required to propose a remedy to address the groundwater contamination. It is believed that infiltrating stormwater carried chlorinated solvent vapors downward to the water table. The landfill final cover has been reconfigured to prevent stormwater infiltration, but PCE concentrations remain slightly above the regulatory standard. Migration of chlorinated solvent vapors has been evaluated and has been determined not to pose a threat to nearby residences.

4. Affected Communities and Stakeholders

To provide for adequate public participation opportunities and meaningful involvement of persons in the remedy selection 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 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 proposed remedy to address groundwater contamination for a closed landfill.

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

- Total population: 59,310
- Number of households: 23,685
- Per capita income: \$21,090
- Per capita income, USA (obtained from "2013-2017 American Community Survey 5-Year Estimates"): \$31,177
- Proportion minority population: 63 percent
- Proportion Hispanic population: 54 percent
- Proportion American Indian population: 1 percent
- Proportion Black population: 3 percent
- Proportion non-Hispanic Asian population: 3 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 LCFLF.

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 within four miles of the facility, i.e., households in which no one 14 years or older speaks English "very well" at home or speaks English only, is 4.6 percent. Spanish is the primary non-English language spoken in these households (3.9 percent), followed by "other Asian-Pacific Island" languages at 0.3 percent. The linguistically-isolated population within four miles of the facility is 5 percent, whereas the linguistically isolated populations in New Mexico and the United States are 5 percent and 4 percent, respectively. The proportion of persons five years old or older within four miles of the facility who speak English "less than very well" is 6.6 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 proposed groundwater remedies at landfills. Based on the EJSCREEN results and the LEP assessment (see Attachment 2 of this Plan), the Bureau will request that the City of Las Cruces provide information in Spanish and English when providing public notice for the proposed remedy hearing.

5. Detailed Public Participation and Outreach Activities for Proposed Groundwater Remedy, Las Cruces Foothills Landfill

The Bureau welcomes questions or comments on proposed groundwater remedies at any time during the remedy selection process. The Bureau evaluates all public comments, places the comments in the administrative record for the remedy selection action, and incorporates public input into the Bureau's comments on the proposed remedy as appropriate.

Decisions regarding approval, approval with conditions, or denial of proposed remedies 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 proposed remedy approval, approval with conditions, or denial for the Secretary's consideration.

The Bureau's plans for facilitating public participation in the remedy selection action for LCFLF are detailed below.

Public Notice Requirements per Applicable Laws

As required by 20.9.9.16.B NMAC, the landfill owner or operator is required to provide notice of the hearing on the proposed remedy in accordance with the Solid Waste Act, specifically 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 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 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.

The Notice of Publication Act (NMSA 1978, Section 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, Section 14-11-10.2 requires state agencies to post their notices on agency websites.

The Solid Waste Bureau will require the City of Las Cruces to provide notice in both English and Spanish. The Bureau will require that Spanish-language notices be translated from English into Spanish by a translator certified by the American Translators Association for English to Spanish translation.

Proposed Public Participation and Outreach Activities for Las Cruces Foothills Landfill

The Solid Waste Bureau will perform the following public participation and outreach activities prior to receipt of the proposed groundwater remedy for LCFLF:

1. **Information Repository:** A copy of the Assessment of Corrective Measures Report will be available for review at the NMED Las Cruces field office, 2301 Entrada del Sol, Las Cruces, New Mexico 88001.

The Bureau and the City of Las Cruces will perform the following public participation and outreach activities prior to the public hearing on the proposed groundwater remedy:

1. **Mailing of Hearing Notice:**
 - a. The City will provide notice by certified mail to property owners of record within 100 feet of the facility.
 - b. The City 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 must be notified:
 - Doña Ana County
 - City of Las Cruces
 - Town of Mesilla
 - c. The Bureau will request that the City of Las Cruces provide notice by first class mail or e-mail to all persons who attended the June 2019 public meeting on the Assessment of Corrective Measures Report and persons who informed the City of their interest in the remedy selection process for LCFLF.
 - d. Mailed notices will be provided in English and Spanish.
2. **Publication of Hearing Notice:** The City will publish the hearing notice once in a newspaper of general circulation in the county in which the facility is located. 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 City will post hearing notices at four (4) publicly accessible and conspicuous places in the vicinity of the facility, including the facility entrance. Provided permission is obtained for notice posting, potential notice posting locations include libraries, community centers, senior centers, government offices, and/or post offices. Physically-posted notices will be provided in English and Spanish.
 4. **Electronic Posting of Hearing Notice:** The Bureau will post the hearing notice on the Solid Waste Bureau portion of NMED’s website; the Bureau will require the City of Las Cruces to post the hearing notice on the City’s website. Electronically-posted notices will be provided in English and Spanish.
 5. **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.

The Solid Waste Bureau and City of Las Cruces will also to provide notice of the 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 ensure that PSAs are distributed to 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 associated with solid waste facilities are held in the general vicinity of the 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 proposed groundwater remedy for LCFLF 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: Las Cruces Foothills Landfill (closed)
Location: East of E. Lohman Ave. and north of Sonoma Ranch Blvd., Las Cruces
Buffer: 4 miles
Date: July 31, 2019

Total population within 4-mile radius*:	59,310
Total population age 5+ years within 4-mile radius*:	55,589
Number of households within 4-mile radius*:	23,685
Per capita income within 4-mile radius*:	\$21,090
Per capita income, USA**:	\$31,177
Percent minority population within 4-mile radius*:	63%
Percent minority population by race within 4-mile radius*:	
Hispanic:	54.0%
Black:	3.0%
American Indian:	1.0%
Non-Hispanic Asian:	3.0%
Pacific Islander:	0.0%
Other race alone:	0.0%
Two or more races alone:	2.0%
<i>Sum:</i>	63.0%
Percent linguistically isolated households within 4-mile radius*:	4.6%
Percent linguistically isolated households by language within 4-mile radius*:	
Spanish:	3.9%
Other Indo-European languages:	0.1%
Other Asian-Pacific Island languages:	0.3%
Other languages:	0.2%
<i>Sum:</i>	4.6%
Percent linguistically isolated <i>population</i> within 4-mile radius***:	5%
Percent linguistically isolated <i>population</i> , New Mexico***:	5%
Percent linguistically isolated <i>population</i> , USA***:	4%
Population age 5+ yrs speaking English "less than very well" within 4-mile radius*:	6.6%

* : From EJSCREEN ACS Summary Report

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

*** : From EJSCREEN Report (Version 2018)

Completed 7-31-19, GS



Location: User-specified point center at 32.326797, -106.712460
 Ring (buffer): 4-mile radius
 Description: Las Cruces Foothills LF

Summary of ACS Estimates	2012 - 2016
Population	59,310
Population Density (per sq. mile)	1,225
Minority Population	37,090
% Minority	63%
Households	23,685
Housing Units	27,073
Housing Units Built Before 1950	1,373
Per Capita Income	21,090
Land Area (sq. miles) (Source: SF1)	48.41
% Land Area	100%
Water Area (sq. miles) (Source: SF1)	0.04
% Water Area	0%

	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	59,310	100%	1,215
Population Reporting One Race	57,264	97%	2,279
White	51,188	86%	1,179
Black	1,707	3%	236
American Indian	857	1%	94
Asian	1,540	3%	207
Pacific Islander	20	0%	17
Some Other Race	1,952	3%	546
Population Reporting Two or More Races	2,046	3%	539
Total Hispanic Population	32,191	54%	1,098
Total Non-Hispanic Population	27,119		
White Alone	22,220	37%	890
Black Alone	1,631	3%	236
American Indian Alone	593	1%	94
Non-Hispanic Asian Alone	1,504	3%	207
Pacific Islander Alone	20	0%	17
Other Race Alone	107	0%	91
Two or More Races Alone	1,043	2%	327
Population by Sex			
Male	28,994	49%	678
Female	30,316	51%	816
Population by Age			
Age 0-4	3,721	6%	347
Age 0-17	12,187	21%	542
Age 18+	47,123	79%	1,087
Age 65+	9,523	16%	511

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.



Location: User-specified point center at 32.326797, -106.712460
 Ring (buffer): 4-mile radius
 Description: Las Cruces Foothills LF

	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	34,794	100%	814
Less than 9th Grade	1,775	5%	128
9th - 12th Grade, No Diploma	2,272	7%	139
High School Graduate	7,090	20%	363
Some College, No Degree	10,937	31%	462
Associate Degree	3,179	9%	332
Bachelor's Degree or more	12,720	37%	634
Population Age 5+ Years by Ability to Speak English			
Total	55,589	100%	1,184
Speak only English	34,964	63%	968
Non-English at Home ¹⁺²⁺³⁺⁴	20,625	37%	772
¹ Speak English "very well"	16,946	30%	735
² Speak English "well"	2,163	4%	253
³ Speak English "not well"	1,227	2%	115
⁴ Speak English "not at all"	288	1%	113
³⁺⁴ Speak English "less than well"	1,515	3%	154
²⁺³⁺⁴ Speak English "less than very well"	3,678	7%	254
Linguistically Isolated Households*			
Total	1,079	100%	105
Speak Spanish	923	86%	98
Speak Other Indo-European Languages	31	3%	39
Speak Asian-Pacific Island Languages	81	7%	40
Speak Other Languages	44	4%	46
Households by Household Income			
Household Income Base	23,685	100%	514
< \$15,000	4,873	21%	307
\$15,000 - \$25,000	3,337	14%	259
\$25,000 - \$50,000	6,032	25%	396
\$50,000 - \$75,000	3,584	15%	282
\$75,000 +	5,859	25%	522
Occupied Housing Units by Tenure			
Total	23,685	100%	514
Owner Occupied	11,531	49%	394
Renter Occupied	12,154	51%	432
Employed Population Age 16+ Years			
Total	48,255	100%	943
In Labor Force	29,684	62%	1,000
Civilian Unemployed in Labor Force	3,201	7%	270
Not In Labor Force	18,571	38%	570

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 32.326797, -106.712480

Ring (buffer): 4-mile radius

Description: Las Cruces Foothills LF

	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	51,385	100%	1,184
English	31,007	60%	1,224
Spanish	18,379	36%	990
French	182	0%	133
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	181	0%	79
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	309	1%	133
Chinese	296	1%	169
Japanese	N/A	N/A	N/A
Korean	65	0%	110
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	74	0%	123
Other Asian	249	0%	174
Tagalog	132	0%	86
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	189	0%	167
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	227	0%	115
Total Non-English	20,378	40%	1,703

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.

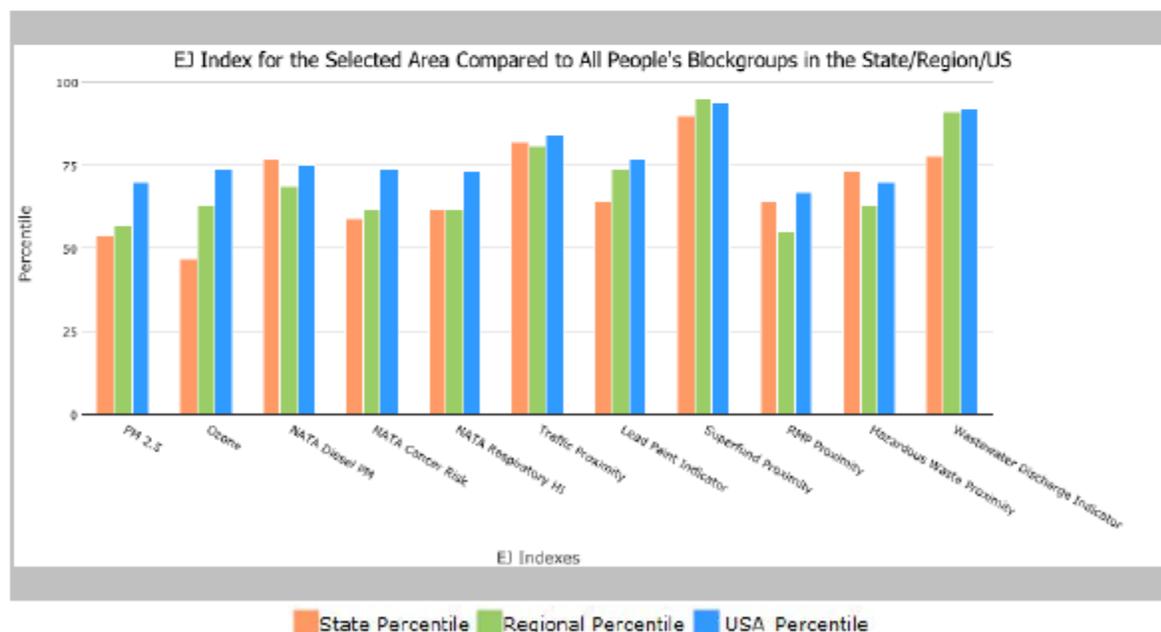
4 mile Ring Centered at 32.326797,-106.712460, NEW MEXICO, EPA Region 6

Approximate Population: 59,310

Input Area (sq. miles): 50.26

Las Cruces Foothills LF

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	54	57	70
EJ Index for Ozone	47	63	74
EJ Index for NATA* Diesel PM	77	69	75
EJ Index for NATA* Air Toxics Cancer Risk	59	62	74
EJ Index for NATA* Respiratory Hazard Index	62	62	73
EJ Index for Traffic Proximity and Volume	82	81	84
EJ Index for Lead Paint Indicator	64	74	77
EJ Index for Superfund Proximity	90	95	94
EJ Index for RMP Proximity	64	55	67
EJ Index for Hazardous Waste Proximity	73	63	70
EJ Index for Wastewater Discharge Indicator	78	91	92



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.

July 29, 2019

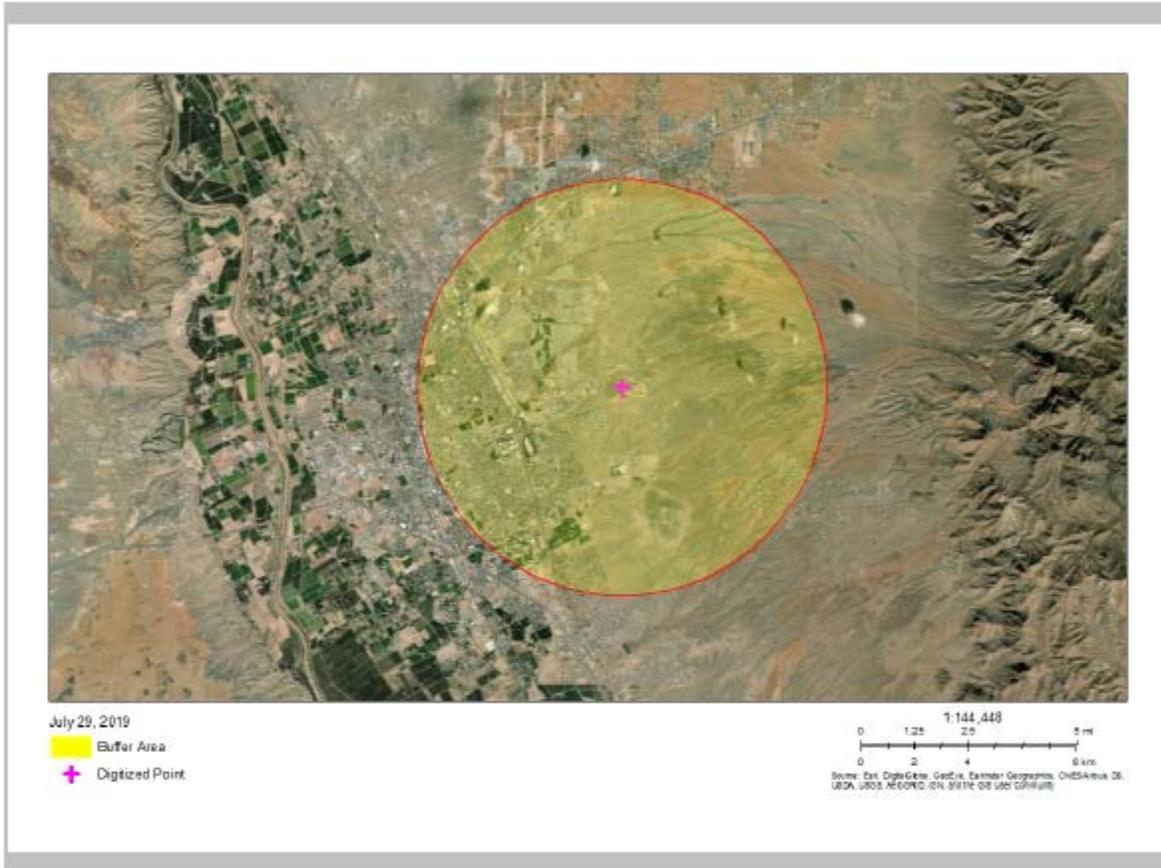
1/3

4 mile Ring Centered at 32.326797,-106.712460, NEW MEXICO, EPA Region 6

Approximate Population: 59,310

Input Area (sq. miles): 50.26

Las Cruces Foothills LF



Sites reporting to EPA	
Superfund NPL	1
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	1



EJSCREEN Report (Version 2018)



4 mile Ring Centered at 32.326797,-106.712460, NEW MEXICO, EPA Region 6

Approximate Population: 59,310

Input Area (sq. miles): 50.26

Las Cruces Foothills LF

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Environmental Indicators							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$)	7.29	6.25	91	9.55	6	9.53	12
Ozone (ppb)	47.7	49.7	15	40.4	91	42.5	87
NATA* Diesel PM ($\mu\text{g}/\text{m}^3$)	0.703	0.473	77	0.721	50-60th	0.938	<50th
NATA* Cancer Risk (lifetime risk per million)	41	32	83	42	<50th	40	50-60th
NATA* Respiratory Hazard Index	1.5	1.4	64	1.8	<50th	1.8	<50th
Traffic Proximity and Volume (daily traffic count/distance to road)	400	290	78	320	80	600	74
Lead Paint Indicator (% Pre-1960 Housing)	0.14	0.19	59	0.18	63	0.29	44
Superfund Proximity (site count/km distance)	0.49	0.13	93	0.07	98	0.12	94
RMP Proximity (facility count/km distance)	0.1	0.22	57	0.8	22	0.72	24
Hazardous Waste Proximity (facility count/km distance)	0.25	0.39	67	0.86	46	4.3	40
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0.026	2.1	75	0.38	90	30	85
Demographic Indicators							
Demographic Index	55%	52%	56	44%	66	36%	78
Minority Population	63%	61%	51	51%	62	38%	75
Low Income Population	47%	43%	57	38%	65	34%	73
Linguistically Isolated Population	5%	5%	59	6%	61	4%	70
Population With Less Than High School Education	12%	15%	45	17%	44	13%	56
Population Under 5 years of age	6%	6%	54	7%	45	6%	55
Population over 64 years of age	16%	15%	60	13%	72	14%	64

* 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

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.

July 29, 2019

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Attachment 2: Limited English Proficiency Assessment

Limited English Proficiency ("LEP") Assessment

Facility: Las Cruces Foothills Landfill (closed)
Location: East of E. Lohman Ave. and north of Sonoma Ranch Blvd., Las Cruces
Buffer: 4 miles
Date: July 31, 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*:	4.6%
Percent linguistically isolated households by language within 4-mile radius*:	
Spanish:	3.9%
Other Indo-European languages:	0.1%
Other Asian-Pacific Island languages:	0.3%
Other languages:	0.2%
<i>Sum:</i>	4.6%
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*:	6.6%

* : From "EJSCREEN ACS Summary Report"

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

Conclusions:

- 1) Proportion of LEP population within four miles is similar to the statewide and national proportions.
- 2) Spanish is the primary non-English language spoken in LEP households.
- 3) Historical participation: Approximately 30 members of the public attended a public meeting held by the City of Las Cruces on June 20, 2019 regarding the Assessment of Corrective Measures Report on groundwater contamination at the closed landfill. Numerous questions were posed to City staff. Language translation or interpretation services were not requested by anyone in attendance.

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

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

Not frequent

LEP individuals are most likely to come in contact with the Bureau during public hearings on permit applications; therefore, evaluation of this factor is 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. Solid waste facilities are required to implement remedies to remediate contaminated groundwater caused by releases from landfills. Public hearings are held when a landfill owner/operator submits a proposed remedy to the Bureau to address groundwater contamination attributable to contaminant releases from a landfill.

Permit issuance and groundwater remediation are deemed by the Solid Waste Bureau to be "important" to NMED, the impacted community, and the State of New Mexico. Permit issuance 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; and groundwater remediation is important to ensure the regulatory requirement to return groundwater quality to compliance with standards is met. Permit issuance 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; and groundwater remediation ensures that groundwater quality is restored to a condition that is safe for consumption. Permit issuance is important to the State of New Mexico because establishment of effective permits ensures that waste disposal is conducted in a safe and consistent manner throughout the State; and groundwater remediation ensures that the State's groundwater is available for present and potential future use.

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. In accordance with 20.9.9.16.B NMAC, the landfill owner or operator is required to provide notice of the public hearing on the proposed groundwater remedy. Thus, costs associated with translation and interpretation services would be assumed by the owner/operator.

LEP Services Plan:

The Bureau will advise the City of Las Cruces on the performance of notice for the hearing on the proposed groundwater remedy. The Bureau will require provision of notice 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 need for LEP services is not anticipated at this time. However, the Bureau will reconsider this decision if members of the affected community contact the Bureau to request additional LEP services.