



# NMED Public Participation Policy Policy 07-13

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

Fairview Station  
1627 N. Riverside Drive  
Española, New Mexico

Approved: Dana Bahar  
Dana Bahar  
Chief, Petroleum Storage Tank Bureau

Digitally signed by Dana Bahar  
Date: 2021.01.29 08:42:32 -07'00'

Date: \_\_\_\_\_

Petroleum Storage Tank Bureau  
January 27, 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 Final Remediation Plan review for the Fairview Station state-lead site located at 1627 N. Riverside Drive, Española, New Mexico.

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 Fairview Station site is in Española, 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. The Fairview Station site is privately owned but located within the boundary of Ohkay Owingeh lands.

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)	August 20, 2020
Public Comment Period for PIP	Ongoing
PIP Revision	January 27, 2021
Posting of Revised PIP	Within 21 days of receipt of substantial comment
Public Notice of Planned Submission of Draft Final Remediation Plan and to include availability of language assistance services	January 21, 2021
Submittal of Draft Final Remediation Plan	January 11, 2021
Posting of Draft Final Remediation Plan (PSTB website and office) & PSTB Broadcast Email Alert, Public Comment Period Begins	January 29, 2021
Second Public Notice of Submission of Draft Final Remediation Plan and Posting of a Notice at the Site	January 28, 2021
Public Comment Period for Draft Final Remediation Plan	February 18, 2021
Incorporation of Comments and Preparation of Final Remediation Plan	N/A; No comments received

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:

Ms. Susan von Gonten  
Project Manager  
NMED Petroleum Storage Tank Bureau  
2905 Rodeo Park Drive E, Building 1  
Santa Fe, New Mexico 87505

Phone: (505) 372-8153

Fax: (505) 476-4374

Email: [susan.vongonten@state.nm.us](mailto:susan.vongonten@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 requiring 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.

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.

#### ***Facility Background***

The former Fairview Station site, Facility ID #28779, Release ID #4657, is located at 1627 N. Riverside Drive in Española, New Mexico. The petroleum hydrocarbon contamination apparently resulted from releases at two former gas stations, the former Fairview Station facility and the adjacent property to the north, which was also a former gas station. The properties are privately owned and located within the external boundary of Ohkay Owingeh lands. The investigation reports indicate that the soil contamination and non-aqueous phase liquid (NAPL) and dissolved phase plumes are commingled. Both sites were designated as state lead in 2016 to more cost-effectively perform corrective action activities.

In 2017, a state lead request for proposals to remediate petroleum hydrocarbon contamination 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 NMED 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 includes: 1) Installation of a grout barrier wall along the northern boundary of the Fairview Station property to aid in excavation of the site, as well as to provide a hydraulic barrier/collector for remediation of the northern portion of the site; 2) Excavation of contaminated soil and removal of NAPL from the Fairview Station property; 3) Installation of two sets of horizontal wells through the grout barrier – one to collect NAPL/contaminated water and the second for soil vapor extraction (SVE); 4) Operation of NAPL/contaminated water treatment and SVE systems to remediate the area north of the barrier/collector wall; and, 5) Following removal of mobile NAPL from the site, transition of the NAPL/water collector system to passive flow-through conditions with dissolved phase treatment by air sparging and nutrient injection into the collector sump.

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 anticipated submission of the Final Remediation Plan is in the Fall of 2020.

## **4. Affected Communities, Stakeholders and Governments**

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 6,477 households within a 4-mile radius from the facility (i.e., affected community); the minority percentage for the affected community is 90 percent, with the Hispanic population accounting for 75 percent and Black, American Indian, Asian, and Two or More Races accounting for the other 15 percent of the minority population. The percentage of persons that communicate in a language other than English (non-English) at home is 61 percent. The percent of linguistically isolated households is 5 percent. The per capita income for the affected community is \$19,116 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 (51 percent) is considerable. Additionally, the EJSCREEN report indicates that of the linguistically isolated households in the affected area, 97 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 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 Fairview Station 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 site (on the light pole located at 1627 N. Riverside Drive, Española, NM) that also describes public information repositories.

Ohkay Owingeh and the Environmental Protection Agency Region 6 are supplied electronic copies of all workplan approval letters and are provided with electronic copies of documents submitted to PSTB. In addition, the public notice will be sent via electronic mail to Ohkay Owingeh, the Pueblo of Santa Clara, and the Environmental Protection Agency Region 6.

## 5. Detailed Public Participation and Outreach Activities for the Final Remediation Plan, Fairview Station

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 the Fairview Station 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 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 owner or operator **[for this state-lead site, the PSTB]** will provide notice of the submission of a Final Remediation Plan in English and Spanish on its website and will generate a broadcast email alert in English and Spanish, 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 this state-lead sites, the PSTB]** is required to provide notice in the following manner:*

*(a) owners and operators **[for this 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 Rio Grande Sun]** 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 [1627 N. Riverside Drive, Española, 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 [the Española field office, 712 La Joya Street, Española, 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 [Susan von Gonten] 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 [for these state-lead sites, 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 [for these state-lead sites, 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;*

### ***Proposed Public Participation and Outreach Activities for the Fairview Station Site***

The PSTB will also perform the following public participation and outreach activities during the review phase of the planning process for the Fairview Station 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**, and at the NMED District 2 Espanola office at **712 La Joya St, Espanola**. In addition, the Final Remediation Plan, the PIP, and all applicable data may be viewed at the following website:  
<https://cloud.env.nm.gov/waste/pages/search.php?search=%21collection2275&k=e92deba587>
- 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)

**Facility:** Fairview Station  
 1627 N. Riverside Drive, Española, NM  
**Location:** 36.016672, -106064098  
**Buffer:** 4-mile radius  
**Date:** 2013 – 2017

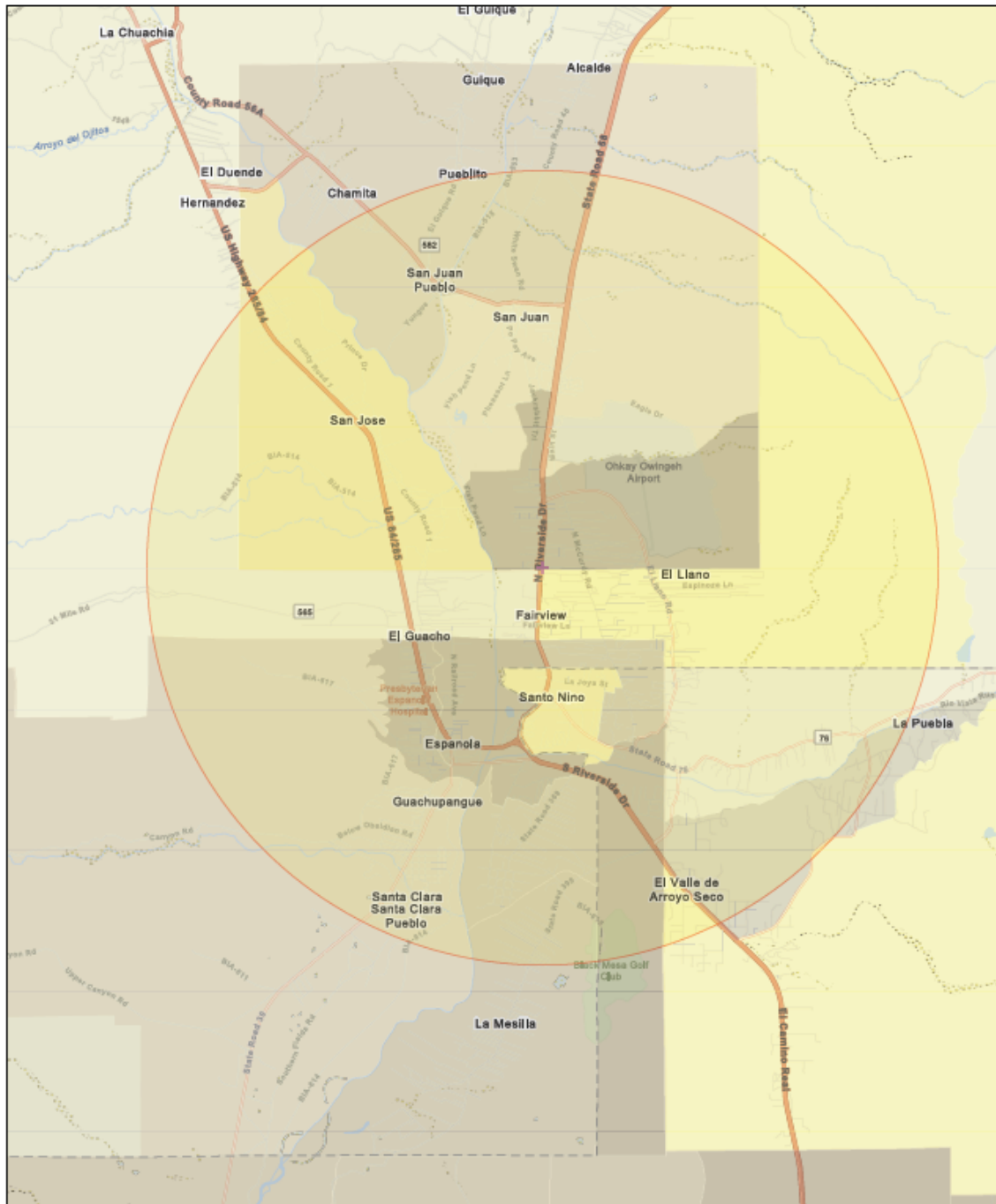
Total population within 4-mile radius*:	19,222
Total population age 5+ years within 4-mile radius*:	17,887
Number of households within 4-mile radius*:	6,477
Per capita income within 4-mile radius*:	\$19,116
Per capita income, USA:	\$31,768
Percent minority population within 4-mile radius*(population reporting one race):	90%
Percent minority population by race within 4-mile radius*:	
Hispanic:	75%
Black Alone:	1%
American Indian Alone:	12%
Non-Hispanic Asian Alone:	1%
Pacific Islander Alone:	0%
Other Race alone:	0%
Two or more races alone:	1%
<i>Sum:</i>	90%
Percent linguistically isolated households within 4-mile radius**:	5%
Percent linguistically isolated households by language within 4-mile radius*:	
Spanish:	97%
Other Indo-European languages:	1%
Other Asian-Pacific Island languages:	1%
Other languages:	1%
<i>Sum:</i>	100%
Population age 5+ yrs. speaking English "less than very well" within 4-mile radius*:	7%

\*: From EJSCREEN ACS Summary Report

\*\*.:  $335 \text{ linguistically isolated households} / 6,477 \text{ total households} \times 100 = \% \text{ linguistically isolated households}$

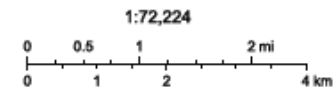
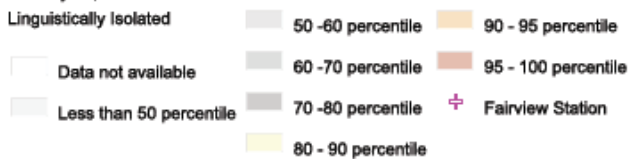
Detail may not sum to total due to rounding.

## Fairview Station - Linguistically Isolated (4-mile radius)



January 24, 2020

Linguistically Isolated



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Location: User-specified point center at 36.016672, -106.064098  
Ring (buffer): 4-miles radius  
Description: Fairview Station

Summary of ACS Estimates		2013 - 2017
Population		19,222
Population Density (per sq. mile)		367
Minority Population		17,242
% Minority		90%
Households		6,477
Housing Units		8,577
Housing Units Built Before 1950		864
Per Capita Income		19,116
Land Area (sq. miles) (Source: SF1)		52.41
% Land Area		99%
Water Area (sq. miles) (Source: SF1)		0.34
% Water Area		1%

	2013 - 2017 ACS Estimates	Percent	MOE (±)
<b>Population by Race</b>			
Total	19,222	100%	680
Population Reporting One Race	18,454	96%	1,382
White	11,141	58%	680
Black	188	1%	38
American Indian	2,520	13%	185
Asian	142	1%	36
Pacific Islander	1	0%	12
Some Other Race	4,462	23%	431
Population Reporting Two or More Races	768	4%	190
Total Hispanic Population	14,506	75%	689
Total Non-Hispanic Population	4,716		
White Alone	1,980	10%	175
Black Alone	171	1%	29
American Indian Alone	2,280	12%	184
Non-Hispanic Asian Alone	140	1%	36
Pacific Islander Alone	1	0%	12
Other Race Alone	40	0%	27
Two or More Races Alone	104	1%	34
<b>Population by Sex</b>			
Male	9,416	49%	448
Female	9,805	51%	335
<b>Population by Age</b>			
Age 0-4	1,335	7%	178
Age 0-17	4,521	24%	296
Age 18+	14,701	76%	378
Age 65+	3,342	17%	184

Location: User-specified point center at 36.016672, -106.064098

Ring (buffer): 4-miles radius

Description: Fairview Station

	2013 - 2017 ACS Estimates	Percent	MOE (±)
<b>Population 25+ by Educational Attainment</b>			
Total	12,875	100%	399
Less than 9th Grade	1,090	8%	151
9th - 12th Grade, No Diploma	1,490	12%	225
High School Graduate	4,119	32%	191
Some College, No Degree	4,100	32%	243
Associate Degree	979	8%	89
Bachelor's Degree or more	2,076	16%	252
<b>Population Age 5+ Years by Ability to Speak English</b>			
Total	17,887	100%	659
Speak only English	6,704	37%	303
Non-English at Home <sup>1+2+3+4</sup>	11,183	63%	557
<sup>1</sup> Speak English "very well"	9,914	55%	538
<sup>2</sup> Speak English "well"	570	3%	108
<sup>3</sup> Speak English "not well"	391	2%	129
<sup>4</sup> Speak English "not at all"	308	2%	94
<sup>3+4</sup> Speak English "less than well"	698	4%	159
<sup>2+3+4</sup> Speak English "less than very well"	1,269	7%	192
<b>Linguistically Isolated Households*</b>			
Total	335	100%	61
Speak Spanish	323	97%	60
Speak Other Indo-European Languages	5	1%	12
Speak Asian-Pacific Island Languages	3	1%	12
Speak Other Languages	3	1%	12
<b>Households by Household Income</b>			
Household Income Base	6,477	100%	188
< \$15,000	1,978	31%	109
\$15,000 - \$25,000	1,000	15%	104
\$25,000 - \$50,000	1,456	22%	118
\$50,000 - \$75,000	866	13%	97
\$75,000 +	1,177	18%	108
<b>Occupied Housing Units by Tenure</b>			
Total	6,477	100%	188
Owner Occupied	4,295	66%	166
Renter Occupied	2,182	34%	115
<b>Employed Population Age 16+ Years</b>			
Total	15,151	100%	490
In Labor Force	7,490	49%	383
Civilian Unemployed in Labor Force	541	4%	117
Not In Labor Force	7,661	51%	319



## EJSCREEN ACS Summary Report



Location: User-specified point center at 36.016712, -106.064032

Ring (buffer): 3-miles radius

Description: Fairview Station

	2013 - 2017 ACS Estimates	Percent	MOE (±)
<b>Population by Language Spoken at Home*</b>			
Total (persons age 5 and above)	14,198	100%	644
English	5,545	39%	417
Spanish	7,276	51%	626
French	6	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	11	0%	24
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	11	0%	17
Chinese	10	0%	20
Japanese	N/A	N/A	N/A
Korean	2	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	85	1%	36
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	1,247	9%	176
Total Non-English	8,653	61%	767

**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.



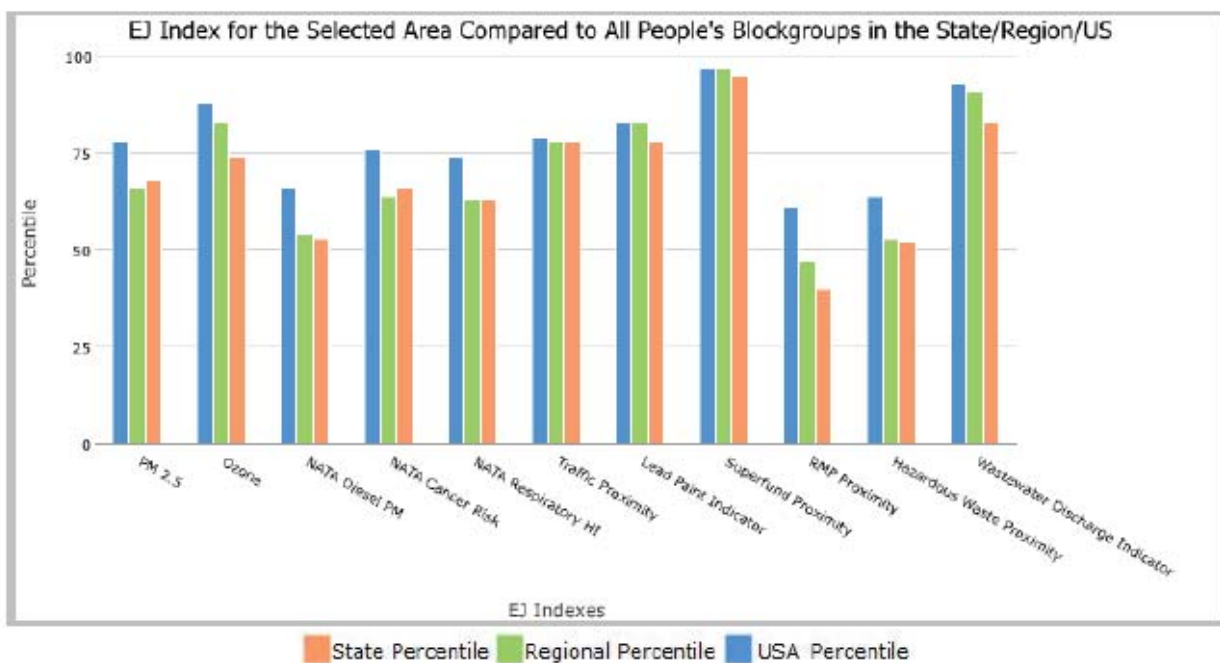
4 miles Ring Centered at 36.016672,-106.064098, NEW MEXICO, EPA Region 6

Approximate Population: 19,222

Input Area (sq. miles): 50.26

Fairview Station

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
<b>EJ Indexes</b>			
EJ Index for PM2.5	68	66	78
EJ Index for Ozone	74	83	88
EJ Index for NATA* Diesel PM	53	54	66
EJ Index for NATA* Air Toxics Cancer Risk	66	64	76
EJ Index for NATA* Respiratory Hazard Index	63	63	74
EJ Index for Traffic Proximity and Volume	78	78	79
EJ Index for Lead Paint Indicator	78	83	83
EJ Index for Superfund Proximity	95	97	97
EJ Index for RMP Proximity	40	47	61
EJ Index for Hazardous Waste Proximity	52	53	64
EJ Index for Wastewater Discharge Indicator	83	91	93



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.

**4 miles Ring Centered at 36.016672, -106.064098, NEW MEXICO, EPA Region 6**

**Approximate Population: 19,222**

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

**Fairview Station**



Sites reporting to EPA	
Superfund NPL	1
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	0

## EJSCREEN Report (Version 2019)



4 miles Ring Centered at 36.016672,-106.064098, NEW MEXICO, EPA Region 6

Approximate Population: 19,222

Input Area (sq. miles): 50.26

Fairview Station

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 $\mu\text{g}/\text{m}^3$ )	5.19	6.15	14	8.37	0	8.3	2
Ozone (ppb)	49.6	50.4	32	39.4	95	43	89
NATA* Diesel PM ( $\mu\text{g}/\text{m}^3$ )	0.0767	0.281	23	0.401	<50th	0.479	<50th
NATA* Cancer Risk (lifetime risk per million)	18	24	19	36	<50th	32	<50th
NATA* Respiratory Hazard Index	0.22	0.32	19	0.45	<50th	0.44	<50th
Traffic Proximity and Volume (daily traffic count/distance to road)	250	360	62	400	64	750	53
Lead Paint Indicator (% Pre-1960 Housing)	0.17	0.18	64	0.17	68	0.28	49
Superfund Proximity (site count/km distance)	0.46	0.14	93	0.081	97	0.13	94
RMP Proximity (facility count/km distance)	0.018	0.24	14	0.82	0	0.74	0
Hazardous Waste Proximity (facility count/km distance)	0.036	0.46	27	0.75	7	4	4
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0.034	130	77	9.8	87	14	85
<b>Demographic Indicators</b>							
Demographic Index	72%	52%	79	44%	84	36%	90
Minority Population	90%	62%	85	51%	84	39%	90
Low Income Population	54%	42%	70	37%	75	33%	82
Linguistically Isolated Population	5%	5%	62	6%	64	4%	72
Population With Less Than High School Education	20%	15%	68	16%	67	13%	78
Population Under 5 years of age	7%	6%	62	7%	52	6%	62
Population over 64 years of age	17%	16%	64	13%	76	15%	68

\* 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>.

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

## Limited English Proficiency ("LEP") Assessment

**Facility:** Fairview Station  
**Location:** 1627 N. Riverside Drive, Española, New Mexico  
**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*:	5%
Percent linguistically isolated households by language within 4-mile radius*:	
Spanish:	97%
Other languages:	3%
Sum:	100%
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*:	7%

\*: From "EJSCREEN ACS Report"

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

#### **Conclusions:**

- 1) Proportion of LEP persons (i.e., speaking English "less than very well") within four miles is same as the statewide and slightly more than 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 a 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. The Final Remediation Plan is 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 the use of further LEP services as requested.