

PUBLIC INVOLVEMENT PLAN

for

Safety-Kleen Systems, Inc. Farmington Center, New Mexico

EPA ID# NMD980698849

Draft Permit for

Hazardous Waste Container and Tank Storage Unit

4210A Hawkins Road

Farmington, New Mexico 87401

Prepared by:

Hazardous Waste Bureau
New Mexico Environment Department
Santa Fe, New Mexico
August 2019

I. Public Involvement Plan Overview

The New Mexico Environment Department (NMED), Hazardous Waste Bureau (Bureau or HWB) developed this Public Involvement Plan (PIP) , related to the renewal of the Safety-Kleen Systems Inc. (Facility) RCRA Operating Permit for hazardous waste container and tank storage units under the federal Resource Conservation and Recovery Act (RCRA) and the New Mexico Hazardous Waste Act (HWA).

The Safety-Kleen Systems, Inc., Container and Tank Storage Facility is located in the City of Farmington, San Juan County, New Mexico, at the following mailing address: 4210A Hawkins Road, Farmington, New Mexico 87401. The Facility occupies approximately one acre of land, at latitude 36° 44' 20" N, and longitude 108°, 14' 11" W. The Facility has been operating as a storage center since January 1981. Hazardous waste treatment or disposal is not allowed by the Permit. This PIP addresses public involvement for issuance of a draft Permit which would renew the current facility operating permit. The purpose of this PIP is to plan for providing public participation opportunities and information regarding the revised permit as required by statute and regulation, and also as the Bureau determines is needed to facilitate participation by the affected community.

This PIP integrates information about the community and identifies resources needed by the Bureau to successfully incorporate community participation activities into the RCRA permitting and decision-making process. The PIP identifies the NMED staff and resources needed to accomplish these activities.

Both the RCRA regulations at 40 CFR §124.10 through 40 CFR §124.33 and the New Mexico Hazardous Waste Management Regulations (HWMR) at 20.4.1.900 and 901 NMAC require public participation as part of the process for a draft RCRA Permit. The Bureau will meet the public participation requirements for the permitting process at Safety-Kleen Systems, Inc. Farmington by adhering to this PIP, which includes all the applicable policy, regulatory and statutory public 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 (e.g., low income, minority, Limited English Proficient (LEP), linguistically isolated households) that may affect public participation actions. This assessment identifies community outreach needs based on the type of activity and potential effects to the surrounding community and addresses the provision of public access to information about the permitting process.

To the extent possible, public participation and informational activities related to implementation of this PIP will be held within the timelines outlined below. Public notice activities are subject to statutory or regulatory deadlines.

Draft documents issued for public comment will generally be made available for a 60-day period to allow for formal public review and comments and there will be a minimum 30-day notice for public informational meetings, if scheduled. Based on the demographics of the area, the Bureau will provide pertinent information in English, Spanish and Navajo in public notices, public informational meeting notices, and other announcements (e.g., radio broadcasts, newspaper notices, mailings.).

If public informational meetings are held, the Bureau will make arrangements for simultaneous Spanish and Navajo interpretation during the informational meetings, and, to the extent practicable, make arrangements for translating to languages other than Spanish and Navajo, if applicable, and also for obtaining services for persons with disabilities.

This PIP was developed by the Hazardous Waste Bureau and may be amended to address specific actions at the Safety-Kleen Farmington Container and Tank storage Facility, and after considering public comments and feedback. The Bureau will make the final approval of the PIP and amendments.

II. Contacts

The Bureau contact for this proposed permit issuance is:

Dave Cobrain, Program Manager
Hazardous Waste Bureau
Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6313

Phone: (505) 476-6000
Fax: (505) 476-6030
Email: dave.cobrain@state.nm.us

Hazardous Waste Bureau actions issued for public comment will include specific instructions for submitting comments related to the permit action.

III. Assistance for Non-English Language Speakers and Persons with Disabilities

The Bureau will include information about how persons may request non-English speaker language assistance and accommodations for persons with disabilities (e.g., deaf and/or non-English language interpreters) in public notices and notices for informational meetings or hearings, if held, related to the permit renewal request. Public notices will direct public requests for assistance to the Bureau contact, who will notify the Department's Non-Discrimination Coordinator. Arrangements will be made by the Bureau for document translation, interpretation, or disability services related to the activity or proceeding, as necessary. The following information will be provided in public notices so that hearing-impaired

callers and persons with a disability can contact the Bureau and ask questions about the activity or proceeding:

Toll-free numbers are available for TDD or TDY users to access the New Mexico Relay Network at 1-800-659-1779 (voice); TTY users: 1-800-659-8331. HWB public notices will include Bureau contact information for persons with a disability who require assistance or auxiliary aid to participate in this process.

IV. Department Websites

Public notices and outreach materials will include links to the following websites:

New Mexico Environment Department - www.env.nm.gov

Hazardous Waste Bureau - www.env.nm.gov/hazardous-waste

V. Regulatory Background for Public Participation

The Resource Conservation and Recovery Act regulations at 40 CFR 124.1 through 40 CFR 124.33 and 40 CFR 270.42 require the public to be notified regarding permit applications, permit modifications and the issuance of draft permits. Both the applicant and the regulatory agency have public notification responsibilities based on the type of proposed action. The Bureau is required to issue public notices for the issuance of draft permits in accordance with 40 CFR 124.10 through 40 CFR 124.33, 40 CFR 270.42, and the New Mexico Hazardous Waste Management Regulations in accordance with 20.4.1.900, 901 and 1102 NMAC. The HWMR require that public notice of issuance of a draft permit or a notice of intent to deny, and of any public hearing scheduled, “shall be given by publication of a notice in a newspaper of general circulation in the area affected, broadcasts over local radio stations and by mailing a copy of the notice to the permit applicant, those individuals on the department mailing list of persons interested in hazardous waste permit actions, and to any unit of local, state and federal government as may be applicable” as specified by 20.4.1.901.C(3). The Bureau public notice activities for this action are described in Section X below.

VI. EJSCREEN Summary

To assess the need to specifically reach and inform Limited English Proficient (LEP) community populations to encourage public participation, three search criteria were utilized (EJSCREEN, American Fact Finder (AFF), and census.gov). The first tool, Environmental Justice Mapping and Screening (EJSCREEN), was developed by the U.S. Environmental Protection Agency (EPA). EJSCREEN provides up to 11 environmental indexes and six demographic indexes. Through EJSCREEN, demographic data is available for 2011-2015 via the American Community Survey (ACS), the 2010 U.S. Census, and the 2000 U.S. Census. The American Community Survey (ACS) 2009-2013 multi-year data are used to list all languages spoken in the United States that were reported during the sample period.

To meet the search criteria specified in NMED policy 07-13 (*Public Participation*), preliminary screenings were conducted using the EPA EJSCREEN tool to generate reports from the American Community Survey (ACS) using a four-mile radius (Buffer) from where the Safety-Kleen Farmington Container and Tank Storage Facility is located (see Attachment A).

This report, which is included as Appendix A (*EJSCREEN Census 2010 Summary Report*) to this PIP, indicated that there are 7,615 households within a four-mile radius and the Households Per Capita Income for the population within a four-mile radius was \$24,036 (Appendix B, *EJSCREEN ACS Summary Report*). All of the households located within a three-mile radius of the Facility were located mostly east of the Facility, and much fewer households north of the Facility.

The percent minority population within a four-mile radius of the Storage Facility was 57% and the percent of population by race within a four-mile radius of the Storage Facility was 43% white Non-Hispanic. Within a four-mile radius of the Storage Facility, 34% of the population was listed as American Indian, 20% of the population is listed as Hispanic, 1% of the population was listed as Black and <1% were listed as Asian and Pacific Islanders (*EJSCREEN Census 2012-2016 ACS Summary Report*).

The percentage of linguistically isolated households within a four-mile radius from the Storage Facility was 100%. The portion of linguistically isolated households within four-miles of the facility who spoke Spanish was 50% and 50% for Non-specified or Other Languages.

The percentage of the population who were age 5+ who spoke only English within a four-mile radius of Storage Facility was 74%, and for those who spoke a language other than English at home, 20% (of the total population) spoke English “very well”. These results indicate that for the affected communities, the percentage of persons who speak English “less than very well” within a four-mile radius of Storage Facility is 6% (*EJSCREEN ACS Summary Report*), which is less than the state average (8.9%) and higher than the national average (8.5%).

The second tool, American Fact Finder, was developed by the United States Census Bureau. The tool presents language data from the ACS for languages spoken at home. This tool was chosen to supplement search criteria to be thorough in our efforts to reach limited English proficiency (LEP) communities. While there were differences in the data when compared to EJSCREEN, the percentages related to LEP and demographic distribution generally corroborated the EJSCREEN data.

Based on the EJSCREEN and American Fact Finder results, along with the history of public involvement at the site and the site background, the Bureau has determined that public notice documents should provide basic information concerning public involvement opportunities in Navajo, English, and Spanish. This information will include how to request materials in English, Spanish, Navajo, or to speak with Hazardous Waste Bureau staff through an interpreter.

VII. Public Participation Activities

The Bureau will conduct the following public participation and outreach activities associated with this permitting process:

- Postal mailings
- Radio announcements
- Newspaper publications

VIII. Postal Mailing or E-Mailing of Notices to Persons on the Facility-Specific Mailing List

The Hazardous Waste Bureau maintains a facility mailing list for Safety-Kleen Systems, Inc. Farmington, that includes individuals and local, state, and federal government and tribal agencies interested in RCRA-related facility activities. The Bureau maintains contact information which is updated or supplemented, if additional information becomes available. Individuals, organizations, and other interested parties are added to the list as requested. If the Bureau receives returned mail subsequent to issuance of a public notice indicating the recipient is no longer at the listed address, the name may be removed from a facility mailing list.

IX. Notices in the State Newspaper and Local Newspapers

Public notices that are required to be published in state and local newspapers will be published in English, Navajo, and Spanish in the Farmington Daily Times (city wide circulation) and the Albuquerque Journal. There are no local Spanish, or Navajo Language newspapers in New Mexico.

Farmington Daily Times:

<https://www.farmingtondailytimes.com/>

Albuquerque Journal:

<https://www.abqjournal.com/>

X. Public Notices

Public notices are issued for public comment periods related to the issuance of 1) draft permits, including major permit modifications, 2) public informational meetings, and 3) selected other public notifications. Public notices are mailed to persons included on the facility mailing list, published in the Farmington Daily Times and Albuquerque Journal, broadcast as public service announcements on radio, and posted on the Hazardous Waste Bureau website. The notifications will be issued in English, Navajo, and Spanish. These notices will provide general information about the draft permit, contact information for submitting comments or requesting a public hearing, and, if held, the time and location of public informational meetings.

XI. Factsheet

The Hazardous Waste Bureau will develop a fact sheet to accompany the Draft permit, as required by 20.4.1.901.A(2) NMAC. Fact sheets provide information regarding public participation, a description of the facility, a description of the proposed permit action and next steps in the process. Copies of a fact sheet will be sent to any person upon request in accordance with 20.4.1.901.A(2) NMAC. Fact sheets also will be made available for viewing at the Hazardous Waste Bureau and on the Bureau website.

XII. Public Comment Periods

The Hazardous Waste Bureau is required to provide a minimum of 45 days for public review and comment on a draft permit in accordance with 20.4.1.901.A(3). The Bureau generally provides a 60-day comment for major permit actions to allow the public an opportunity to comment on the draft Permit. The Hazardous Waste Bureau may extend the public comment period, if a request is received during the public comment period to extend the comment period, based on significant public interest. The Hazardous Waste Bureau will provide public notice of any extension to a public comment period as described in Section X above.

XIII. Public Information Meetings

The Facility accepts, manages, stores, and transfers hazardous wastes that are regulated under the federal Resource Conservation and Recovery Act (RCRA), the New Mexico Hazardous Waste Act (HWA) and its implementing regulations, the New Mexico Hazardous Waste Management Regulations at 20.4.1 NMAC. The draft Permit addresses the storage of hazardous wastes in one container storage area, where up to 3,820 gallons of hazardous waste is stored in drums, and one aboveground tank in which up to 12,600 gallons of hazardous waste is stored.

Because contact with the public, and therefore members of the public with limited English proficiency, is infrequent and the Facility does not currently pose a risk to human health or the environment, the Bureau does not plan to hold a public informational meeting to provide information regarding this draft permit, and will publish the public notice for this action in accordance with 20.4.1.900 and 901 NMAC and as described in Section X above.

XIV. Other Outreach

In addition to the public notice procedures described in Section X above, notices in the form of flyers announcing public comment periods and informational meetings, if held, may be posted in locations throughout the community (e.g., local businesses, schools, libraries). All notices will be posted on the NMED Hazardous Waste Bureau website. Depending on the cost and a radio station's public service broadcast availability, the Bureau may use commercial radio announcements or informational broadcasts in Navajo, Spanish and English.

Because the contact with the public, and therefore members of the public with limited English proficiency, is infrequent and the site does not pose a risk to human health or the environment, the Bureau does not plan to provide additional public outreach for this permit action.

XV. Site Repositories

During the public comment period, in addition to information being posted on the Hazardous Waste Bureau website, copies of relevant documents will be accessible in print or on-line at the following location:

NMED Hazardous Waste Bureau
Rodeo Park Drive East, Building 1
Santa Fe, NM 87505
505-476-6000

XVI. Responses to Comments

The Hazardous Waste Bureau must ensure that the approved final permits are consistent with the New Mexico Hazardous Waste Management Regulations and the Hazardous Waste Act. All written comments submitted on the draft permit will become part of the administrative record and will be considered in formulating a final decision before the final permit issuance. The Hazardous Waste Bureau will respond in writing to all significant public comments. The response will specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change. This response will also be posted on the Bureau's website and the Bureau will notify all persons who have provided written comments.

After consideration of all written public comments received, the Bureau will issue, or modify and issue, the permit. If the Bureau modifies and issues the permit, the Permittees shall be provided by mail a copy of the final permit and a detailed written statement of reasons for the modifications. The NMED Secretary will make the final permit issuance decision publicly available. The Secretary's decision shall constitute a final agency decision and may be appealed as provided by the Hazardous Waste Act. All persons that provided written comments, or who requested notification in writing, will be notified of the final decision by mail.

ATTACHMENT A

Safety Kleen Farmington Center 4-Mile Radius Map)

