

Hanratty Law Firm

A Professional Corporation

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P.O. Box 1330
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Kevin J. Hanratty
— Member —
New Mexico, Louisiana
and Michigan Bars

Practice Primarily
Limited to Trials
Including Wrongful
Death & Injuries

September 21, 2001

Carolyn Vigil
NEW MEXICO ENVIRONMENT DEPARTMENT
1190 St. Francis Drive
Santa Fe, NM 87505

Via-Facsimile &
Mail

RE: In the Matter of the Draft Final Permit for the Triassic
Park Waste Disposal Facility U.S. EPA No. NM 0001002484

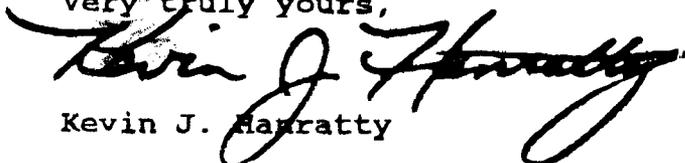
Dear Ms. Vigil:

Enclosed herewith please find our Notice of Intent to Present
Technical Testimony in the above-referenced matter.

An original and a copy will follow under separate cover for filing.

Thank you for your assistance in this matter.

Very truly yours,



Kevin J. Hanratty

KJH:sb

pc: Pete V. Domenici, P.C. w/enc. (Via-Facsimile & Mail)
Clay Clarke, Esq. w/enc. (via-Facsimile & Mail)
Heather Green/Douglas Meiklejohn w/enc. (Via-Facsimile & Mail)
file

Enclosure as indicated

**BEFORE THE ENVIRONMENT DEPARTMENT
STATE OF NEW MEXICO**

**IN THE MATTER OF THE DRAFT
FINAL PERMIT FOR THE TRIASSIC PART
WASTE DISPOSAL FACILITY
U.S. EPA NO. NM0001002484**

No. HRM 01-02(P)

NOTICE OF INTENT TO PRESENT TECHNICAL TESTIMONY

Lee Suzanne and Sean Patrick Hanratty hereby gives notice that they intend to present technical testimony at the hearing scheduled to begin October 15, 2001, on the application by Grand Marley, Inc. for a hazardous waste facility permit for a hazardous waste landfill located approximately 43 miles east of Roswell and 36 miles west of Tatum.

The Hanratty family opposes to the application.

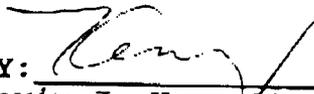
The Hanratty family may present technical evidence through experts previously identified.

The Hanratty family will call and any and all witnesses previously identified by anyone opposing the application and incorporate by reference the documents and proposed testimony pertaining to same.

Jack Madeley, P.E., CSP may also testify as to engineering and safety issues pertaining to the design, training and knowledge of Gandy. See, Curriculum Vitae attached hereto incorporated herein by reference as though set out at length.

Respectfully submitted:

HANRATTY LAW FIRM

BY: 
Kevin J. Hanratty
P.O. Box 1330
Artesia, NM 88211-1330
(505) 748-1329
Attorney for Lee Suzanne
and Sean Patrick Hanratty
PRO BONO PUBLICO

I HEREBY CERTIFY that a true and correct copy of the foregoing was faxed/mailed to opposing counsel of record on this 21st day of September, 2001.



Kevin J. Hanratty

BIOGRAPHICAL DATA

JACK T. MADELEY, P.E., CSP

Madcle Safety Engineering Consultants
2700 Earl Rudder Freeway South, Suite 2700
College Station, Texas 77845
979/693-2041 (Office)
979/693-2043 (Fax)

EDUCATION:

- M.S., Safety Engineering (Workplace Safety Engineering,
Product Safety Engineering, Human Factors Engineering,
Fire Protection Engineering, and Industrial Hygiene)
Texas A&M University, 1996
- B.S., Industrial Engineering (specialty - Safety Engineering)
Texas A&M University, 1975

REGISTRATIONS AND CERTIFICATIONS:

Registered Professional Engineer (P.E.) - Texas, Certificate No. 56529
Board Certified Safety Professional (CSP) - No. 6348

PROFESSIONAL/SOCIETY MEMBERSHIPS:

American Society of Safety Engineers
Society of Fire Protection Engineers
System Safety Society
National Safety Council
National Fire Protection Association

EXPERIENCE:

Owner and Principal Consultant - Madeley Safety Engineering Consultants,
College Station, Texas, 1997-Present.

MADELEY, Jack T., P.E., CSP

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EXPERIENCE: (cont'd)

Consultant and Professional Associate - Nelson & Associates, Bryan, Texas, 1990-1997.
Accident cause analysis. Industrial and consumer product safety engineering. Industrial and consumer product accident reconstruction. Construction safety. Fire protection engineering. Industrial (workplace) and product safety management. Industrial and product safety program development and evaluation. Premises safety (stairs, ramps, level surfaces). Offshore and land-based oilfield safety. Human factors engineering analysis of workplace, premises, and equipment (product) systems. Risk assessment. System safety analysis.

Consultant - BIOTECHNICS INC, College Station, Texas, 1989-1990.
Provide clients with services in Fire Protection Engineering, Risk Assessment and Management, Forensic Engineering (litigation support and expert testimony) and other areas as needed. Major projects: Preliminary Hazard Analysis (PHA) for Superconducting Super Collider, Design and Start-up Review for Food Processing Plant, Development of Emergency Plan for International Oil Operation.

Advanced Safety Engineer - Marathon Oil Company, Gulf Coast Region Onshore Operations, Shreveport, Louisiana, 1986-1989. Provide safety engineering services to onshore operations of the Gulf Coast Region which included Louisiana, Arkansas, and part of Texas. Work with field personnel and supervisors as well as production and construction engineers in areas of operation design and equipment for the oil and gas fields and gas plants. Accident reconstruction and analysis was required.

Advanced Construction Engineer - Marathon Oil Company, Gulf Coast Region Offshore Operations, Lafayette, Louisiana, 1985-1986. Construction project coordination for the Eastern Offshore District, including offshore facility layout, design, process specifications, fabrication inspection, and field installation supervision.

Safety Engineer - Marathon Oil Company, Gulf Coast Offshore District, Lafayette, LA 1978-1985. Personnel safety and accident rate reduction, technical support for litigation including the giving of depositions, offshore platform review, safety systems design review and preparation of design specifications.

Safety Engineer - Marathon Oil Company, Anchorage Division, Anchorage, Alaska, 1975-78. Personnel safety and accident rate reduction, offshore platform review, safety systems review, and working with Alaska Oil and Gas Association in public hearings.

MADELEY, Jack T., P.E., CSP

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SELECT LECTURE PRESENTATIONS:

Guest Lecturer - Texas A&M University, Safety Engineering 312. "Preliminary Hazard Analysis," Spring, 1992.

Guest Lecturer - Texas A&M University, Safety Engineering 321. "Criteria for the Design of Adequate Product Warnings and Instructions," Fall, 1991.

Lecturer - Texas A&M University, Department of Industrial Engineering, Seminar for the Indonesian Government Oil and Gas Ministry - Pertamina, Indonesian. 1991.

Lecturer - "Fire Water System Design", Seminar sponsored by the Louisiana Chapter of the Society of Fire Protection Engineers - 1983.

Guest Instructor - Texas Firemen's Training School, Texas A&M University, Industrial Session - 1979.

Developer and Coordinator - First Petroleum Industry Supervisors Fire Fighting School, Kenai Community College, Alaska, 1977.

Speaker - Alaska Governor's Safety Conference - 1977.

Lecturer - Petroleum Safety Seminar sponsored by the Alaska Oil and Gas Association for Alaska Department of Labor - 1977.

CONFERENCES AND SEMINARS ATTENDED:

Mobile Cranes and Rigging Practice - 1990
Crane Institute of America.

Fire Protection Engineering - 1988
National Institute of Standards and Technology and Society of Fire Protection Engineers.

Industrial Hygiene Measurements - 1988
Occupational Respiratory Protection - 1987
Marathon Oil Company.

Welding Seminar - 1986
American Welding Society.

Surface and Subsurface Safety Devices - 1984. University of Southwestern Louisiana.

MADELEY, Jack T., P.E., CSP
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CONFERENCES AND SEMINARS ATTENDED: (cont'd)

Basic Crane Operator Safety - 1982
Safety Oilfield Services.

Production Equipment - 1982
Gilley and Associates.

Industrial/Marine Firefighting - 1981
International Training Services Corp.

Hydrogen Sulfide Safety and Equipment for Instructors - 1980
Safety International Training Center.

Oil Spill Control Course - 1979
Texas Engineering Extension Service.

Combustion and Explosion Suppression - 1978
Protection Systems Technology and Fenwal, Inc.

Protective Equipment - 1977
University of Washington School of Public Health.

Welding - 1977
University of Washington School of Public Health.

Ventilation - 1977
University of Washington School of Public Health.

Cold Water Survival School - 1977
U.S. Air Force, Life Support Systems Group,
Elmendorf Air Force Base, Alaska.

Industrial Noise Control - 1977
Bruel & Kjaer Instruments, Inc.

Safety Requirements for Gas Pipeline Systems - 1977
U.S. Department of Transportation.

Drill Stem Testing and Special Tools - 1976
Halliburton Services, Co.

MADELEY, Jack T., P.E., CSP
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CONFERENCES AND SEMINARS ATTENDED: (cont'd)

System Safety Techniques - 1975
Professional Conference of the American Society of Safety Engineers
and the American Industrial Hygiene Association.

SPECIFIC TRAINING

Safety Engineering and Related Studies

Safety Engineering I
Safety Engineering II
Safety Management
Fire Protection Engineering
Principles of Radiological Safety

Human Physiology
Organic Chemistry
Industrial Hygiene

General Engineering

Mechanics I - Statics
Mechanics II - Dynamics
Thermodynamics
Electrical Systems
Electrical Machinery

Strength of Materials
Fluid Mechanics and Heat Transfer
Time and Motion Study
Operations Research
Industrial Statistics and Quality Control

Graduate Work

Product Safety Engineering
Safety Engineering in Facilities Design
Human Factors Engineering
Industrial Hygiene

System Safety Engineering
Biological Control System Analysis
Fire Protection Engineering
Research Statistics I & II

BEFORE THE ENVIRONMENT DEPARTMENT
STATE OF NEW MEXICO

IN THE MATTER OF THE DRAFT)
FINAL PERMIT FOR THE TRIASSIC PARK) No. HRM 01-02(P)
WASTE DISPOSAL FACILITY)
U.S. EPA NO. NM0001002484)
)

CONSERVATIVE USE OF RESOURCES'
NOTICE OF INTENT TO PRESENT TECHNICAL AND
ENVIRONMENTAL TESTIMONY,
AND REQUEST FOR AN INTERPRETER

Conservative Use of Resources and Environment, and its individual members including Michael Porter, Victor Blair, and Deborah Petrone (hereinafter "CURE"), hereby give notice that they intend to present technical testimony at the hearing scheduled to begin on October 15, 2001 on the application filed by Gandy Marley, Inc. for a hazardous waste facility permit for a hazardous waste landfill located approximately 43 miles east of Roswell and 36 miles west of Tatum. CURE opposes the application.

CURE is an alliance of individuals, and concerned citizens, allied with local organizations. This organization was formed to oppose hazardous and nuclear waste dumps in the Southwest. Michael Porter, Victor Blair and Deborah Petrone are members of CURE who would be adversely affected by the proposed facility and who are opposed to proposed facility.

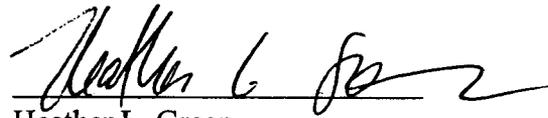
CURE and its members intend to present three technical witnesses: James A. Bailey, George Rice, and William Paul Robinson. A summary of the testimony that will be provided by each of these witnesses, and each witness' resume are attached to this Notice. In addition, CURE reserves the right to call Mr. Bailey, Mr. Rice, and Mr. Robinson as rebuttal witnesses if that is

appropriate.

Finally, CURE and its members also intend to present non-technical testimony from members of CURE and from other members of the community around the proposed hazardous waste landfill site and facility. Because some of these individuals speak only Spanish, CURE and its members request that the Environment Department provide a Spanish to English and English to Spanish interpreter at the hearing.

Dated: September 21, 2001.

NEW MEXICO
ENVIRONMENTAL LAW CENTER



Heather L. Green

Eric D. Jantz

Douglas Meiklejohn

1405 Luisa Street, Suite 5

Santa Fe, N.M. 87505

Telephone: (505) 989-9022

Facsimile: (505) 989-3769

Attorneys for CURE and its members

BEFORE THE ENVIRONMENT DEPARTMENT
STATE OF NEW MEXICO

IN THE MATTER OF THE DRAFT)
FINAL PERMIT FOR THE TRIASSIC PARK)
WASTE DISPOSAL FACILITY)
U.S. EPA NO. NM0001002484)

No. HRM 01-02(P)

CERTIFICATE OF SERVICE

I certify that on September 21, 2001 copies of this Notice of Intent to Present Technical Testimony and attached summaries of testimony and resumes were served upon the following counsel of record in the manner indicated:

Clay Clarke, Esq.
New Mexico Environment Department
Office of General Counsel
1190 St. Francis Drive
Santa Fe, NM 87505

Hand delivery

Pete V. Domenici, Jr. Esq.
Dolan & Domenici, P.C.
6100 Seagull NE, Suite 205
Albuquerque, New Mexico 87109

By Facsimile and First class mail, postage prepaid


Heather Green

Summary of Technical Testimony of James A. Bailey

I. Party presenting technical testimony: CURE and its members

II. Name and qualifications of the witness to be presented: James A. Bailey. Mr. Bailey's qualifications are set forth in his attached resume.

III. Summary of anticipated testimony:

As is indicated in his attached resume, Mr. Bailey is a wildlife biologist. He will testify on the basis of that experience and expertise about the impact of the proposed facility on the Lesser Prairie Chicken.

1. The proposed waste disposal facility is within the historic range of the Lesser Prairie Chicken and will have a negative impact on that bird.

2. The U.S. Fish and Wildlife Service has determined that listing the Lesser Prairie Chicken ("LPC") as a threatened species under the Endangered Species Act is warranted but precluded. Although the bird is not listed, it has disappeared from 92 percent of its historical range in five western states, and the LPC Caprock population west of the proposed facility have declined more than other populations in the surrounding area.

3. LPCs gather annually into groups called leks to display and breed. Lek sites are used year after year, and the Bureau of Land Management ("BLM") has located at least one active lek site about two miles from the proposed facility.

4. Most LPCs nest within two miles of the lek sites where they breed, but some nest up to 8.6 miles from their lek sites. Thus, the proposed hazardous waste facility is within the expected movements of the LPCs.

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5. While the Lesser Prairie Chicken's habitat may not overlap with the proposed hazardous waste facility, its activities may be negatively impacted by the increased noise from the proposed Triassic Park facility. In recognition of these impacts of noise on the Lesser Prairie Chicken, the BLM has restricted noisy oil and gas activities within prairie-chicken habitat from March 5 to June 15 annually.

References:

1. Bailey, J.A. and S.O. Williams, III. 2001. Status of the lesser prairie-chicken in New Mexico, 1999. *The Prairie Naturalist* 32: (in press).
2. Bureau of Land Management. 1997. Roswell and Carlsbad Resource Areas Proposed resource Management Plan/Environmental Impact Statement. Vol. 1
3. Giesen, K.M. 1998. Lesser Prairie-chicken (*Tympanuchus pallidicinctus*). In *The Birds of North America*, No. 364. (A/ Poole and F. Gill, eds.) The Birds of North America, Inc, Philadelphia, PA. 20 pp.
4. Ligon, J.S. 1927. *Wildlife of New Mexico, its conservation and management*. New Mexico State Game Commission, Santa Fe. 212 pp.
5. Smith, H., K. Johnson and L. Delay. 1998. Survey of the lesser prairie chicken on Bureau of Land Management lands, Carlsbad Resource Area, NM, 1998. Unpubl. Report. New Mexico Natural Heritage Program, Dept. Of Biology, Univ. Of NM. 12 pp.
6. Snyder, W.A. 1967. Lesser Prairie Chicken. Pp. 121-129 in *New Mexico Wildlife Management*. New Mexico Dept. Game and Fish, Santa Fe.

7. Taylor, M.A. and F.S. Guthery. 1980. Status, ecology and management of the lesser prairie chicken. U.S. Forest Service, Rocky Mtn. Forest and Rnge. Expt. Sta. Gen. Tech. Rpt. RM-77. 15 pp.

IV. Anticipated duration of direct testimony, excluding cross examination: 1 hour.

V. List of exhibits to be used: Mr. Bailey may present studies, maps, and other figures from the Bureau of Land Management and other associations relating to the Lesser Prairie Chicken.

James A. Bailey
30 Altura Rd
Santa Fe, New Mexico 87505
(505) 466-7702

Education

PhD. Wildlife Biology, State University of New York at Syracuse

Employment History

- Research Biologist, Illinois Natural History Survey
- Instructor, University of Montana
- Professor of Wildlife Biology, Colorado State University
- Endangered Species Program head, New Mexico Department of Game and Fish

Summary of Technical Testimony of George Rice

I. Party presenting technical testimony: CURE and its members

II. Name and qualifications of the witness to be presented: George Rice. Mr. Rice's qualifications are set forth in his attached resume.

III. Summary of anticipated testimony:

As is indicated in his attached resume, Mr. Rice is a Groundwater Hydrologist with experience and expertise in design and installation of vadose zone monitor networks, as well as in design and conducting groundwater sampling programs. He will testify on the basis of that experience and expertise about the following deficiencies in the groundwater monitoring variance and the proposed vadose zone monitoring system. The issues which Mr. Rice will testify on include, but are not necessarily limited to:

1. The proposed hazardous waste landfill will eventually leak.
2. The vadose zone monitoring system the applicant proposes consists of monitor wells and sumps. This system will only detect leachate migrating as saturated flow. Absent other devices used to monitor fluids migrating as unsaturated flow, the applicant's proposed monitoring system is not sufficient to protect human health or the environment.
3. The applicant has not adequately characterized groundwater conditions at and around the proposed landfill site. The distance from the proposed site to the saturated portion of the Upper Dockum Unit is not known. The thickness of the Lower Dockum Unit at the proposed site has not been determined. In addition, the depth to groundwater in the Lower Dockum Unit beneath the site has not been determined, and there are no reliable estimates of the depth to

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groundwater in the Lower Dockum Unit within four miles of the site. There are also differences between water levels reported in the geophysical log and the reports in Draft Permit Attachment H. Based on available information, the applicant has not investigated the possibility that fractures may exist beneath the proposed site.

4. The applicant did not consider that fractures and channels, possibly existing in the Upper and Lower Dockum Units, would act as fast flow paths and has therefore failed to base its predictions on assumptions that maximize the rate of liquid migration. In addition, applicant bases its estimates of hydraulic conductivity in both the Upper and Lower Dockum Units on laboratory measurements of core samples that often underestimate actual field conductivities.

5. The highest measured conductivity for the Upper Dockum is higher than the value used by the applicant and so the leachate migration would be higher.

6. For these reasons, the applicant should use both a vadose zone monitoring system and a groundwater monitoring system.

References:

1. Bouwer, H., 1978; *Groundwater Hydrology*, McGraw-Hill Book Company.
2. Freeze, A., Cherry, J. 1979; *Groundwater*.
3. Freeze, R.A., 2000; *The Environmental Pendulum*, University of California Press.
4. Gandy Marley, Inc., 1999; *Final Report for 1999 Stratigraphic Characterization Program, Triassic Park Waste Disposal Facility*, September 1999.
5. Gandy Marley, Inc. 2000a; *Groundwater Monitoring Waiver Request, Triassic Park Waste Disposal Facility*, January 2000. This document is included as Attachment H

in the Draft Final Permit for the Triassic Park Waste Disposal Facility, U.S. EPA No. 0001002484.

6. Gandy Marley, Inc., 2000b; *Vadose Zone Monitoring System Work Plan, Triassic Park Waste Disposal Facility*, July 2000.
7. Gandy Marley, Inc., 2000; *Revision Section 3 for Permit Application Volume I, Groundwater Protection*, August 2000.
8. Gandy Marley, Permit Application Volumes I to - VI.
9. Linsley, R.K., Kohler, M.A., Paulhus, J.L. H., 1958; *Hydrology for Engineers*, McGraw-Hill Book Company.
10. McGowen, J.H., Granata, G.E., and Seni, S.J., 1979; *Depositional Framework fo the Lower Dockum Group (Triassic), Texas Panhandle*.
11. NMED (New Mexico Environment Department), 2001; *Triassic Park Waste Disposal Facility*, Draft RCRA Permit No. NM0001002484, March 2001; and associated documents.
12. Stoller Corp., date unknown, *Preliminary Geologic Investigation Report*, Gandy Project.

IV. Anticipated duration of direct testimony, excluding cross examination: 3 hours.

V. List of exhibits to be used: Mr. Rice may use documents from the applications and draft permit filed in this matter. He may also present relevant provisions of state and federal regulations as well as figures related to his review of the available related documents.

George Rice
Groundwater Hydrologist

414 East French Place
San Antonio, TX 78212
(210) 737-6180
jorje44@yahoo.com

General

More than 15 years experience in hazardous waste investigations.

Education

M.S. Hydrology, University of Arizona, 1991
B.S. Hydrology, University of Arizona, 1979

Employment History

1993: Consultant
1988 - 1993: The MITRE Corporation, Brooks Air Force Base, Texas
1983 - 1988: SHB Geotechnical Engineers, Inc., Albuquerque, New Mexico
1980 - 1983: University of Arizona, Tucson, Arizona
1979 - 1980: U.S. Forest Service, Gifford Pinchot National Forest, Vancouver,
Washington

Experience

- Design and install monitor well networks and water supply wells.
- Design, perform, and analyze aquifer tests.
- Design and install vadose zone monitor networks.
- Design and conduct groundwater sampling programs.
- Apply groundwater flow and contaminant transport models to predict the fate of groundwater contaminants (MODFLOW, MT3D, MOC3D).
- Participate in multidisciplinary teams to select and design hazardous waste disposal sites.
- Conduct third party reviews of environmental documents and field programs.

Representative Projects

Site Characterization - Principal hydrologist responsible for the hydrologic characterization of low-level radioactive and hazardous waste sites throughout the western United States. The goals of these studies were to determine the extent and intensity of any metals or radionuclide contamination, estimate the rate and direction of contaminant movement, and predict future concentrations at receptor sites. Achievement of these goals required the installation of monitor well networks, installation of vadose zone monitoring instruments, groundwater sampling, the performance and analysis of aquifer tests, and the integration of data into a coherent conceptual model of each site.

Contaminant Transport Modeling - Used two and three-dimensional models to design pump and treat systems and estimate the effects of proposed remedial actions on future water quality. Conducted studies to estimate the time required for contaminants to reach potential receptors and estimate contaminant concentrations after plumes reached receptors.

Waste Repository Design - Principal hydrologist responsible for estimating the effects of remedial designs on future groundwater quality at low-level nuclear waste repositories in Arizona and Colorado. This required working closely with geotechnical and civil engineers to produce designs that incorporated the hydrologic characteristics required to meet water quality standards.

Field Methods Instructor - Member of a team that taught environmental field techniques to Air Force personnel. The four-day course consisted of lectures and field trips. It focused on monitor well design, monitor well construction, sampling program design, and groundwater sampling techniques.

Quality Assurance Manager - Manager of hydrology group responsible for evaluating environmental work performed at Air Force bases throughout the United States. Evaluated reports, hydrologic analyses, and field work related to Preliminary Assessments and Site Inspections (PA/SI), Remedial Investigations and Feasibility Studies (RI/FS), and Remedial Actions (RA). These evaluations usually resulted in recommendations for improving overall program design, analytical techniques, or field procedures.

Rice, G., 2001, *Evaluation of Groundwater Characterization and Modeling at the Pantex Plant*, June 2001. Prepared for Serious Texans Against Nuclear Dumping (STAND).

Bibliography

Rice, G., 1987. *Design of Low Level Radioactive Waste Repositories to Minimize Groundwater Contamination*. Presented to Rocky Mountain Association of Environmental Professionals, Albuquerque, New Mexico.

Rice, G., Brinkman, J., and Muller, D., 1988. *Reliability of Chemical Analyses of Water Samples -- The Experience of the UMTRA Project*. Ground Water Monitoring Review, Vol. VIII, No. 3, pp. 71-75.

Casagrande, D., Price, F., Rice, G., Vogel, G., 1989. *Geochemistry Manual*. MITRE Working Paper WP-89W00180. The MITRE Corporation, Civil Systems Division, 7525 Colshire Drive, McLean, Virginia.

Rice, G., Green, R., Pohle, J., 1993, *Reduction in Uncertainty in the Geologic Setting Performance Measure, 10 CFR 60.113(a)(2): Computer Code Selections, Conceptual Models, and Databases*, Prepared for Nuclear Regulatory Commission Contract NRC-02-88-005, Center for Nuclear Waste Regulatory Analyses, San Antonio, Texas.

Rice, G. 1994, *AGUA Report, Contamination of the Edwards Aquifer in Bexar County*, A presentation of contaminant concentrations and a discussion of the relationship between contamination and development of the Edwards Aquifer Recharge Zone.

Green, R., Meyer, K., Rice, G., 1994, *Hydraulic Characterization of Hydrothermally-Altered Nopal Tuff*, Prepared for Nuclear Regulatory Commission Contract NRC-02-93-005, Center for Nuclear Waste Regulatory Analyses, San Antonio, Texas.

Green, R.T., Dodge, F.T., Svedeman, S.J., Manteufel, R.D., Rice, G., Meyer, K.A., Baca, R.G., 1995, *Thermally Driven Moisture Redistribution in Partially Saturated Porous Media*, Prepared for Nuclear Regulatory Commission Contract NRC-02-93-005, Center for Nuclear Waste Regulatory Analyses, San Antonio, Texas.

Rice, G., 1996, *The BFI Tessman Road Landfill: Hydrologic Issues*, Prepared for Larry R. Daves and Associates, San Antonio, Texas.

Rice, G., 1997, *Groundwater and Groundwater Contamination in the Vicinity of Mr. Quintanilla's House, 710 Price Avenue, San Antonio, Texas*, Prepared for Tinsman & Houser, San Antonio, Texas.

Summary of Technical Testimony of William Paul Robinson

I. Party presenting technical testimony: CURE and its members

II. Name and qualifications of the witness to be presented: William Paul Robinson. Mr. Robinson's qualifications are set forth in his attached resume.

III. Summary of anticipated testimony:

As is indicated in his attached resume, Mr. Robinson is the Research Director for Southwest Research and Information Center and since 1980 he has worked as an environmental assessment consultant. Mr. Robinson will testify on the basis of that experience and expertise about the deficiencies in the applicants financial assurance plan. His testimony will include, but not necessarily be limited to the following.

1. General deficiencies in the draft Permit Part 8, Closure and Post-Closure Care.
2. Permit Attachment O2 does not provide adequate financial assurance sufficient to cover third party completion of closure and post-closure activities.
3. Permit Attachment O2 also does not include indirect costs sufficient to assure third party completion of closure and post-closure activities. Indirect costs may include mobilization-demobilization, insurance, engineering, and profit, or the cost of the New Mexico Environment Department administration of third party closure if necessary in case the permittee is unable or unwilling to conduct such activities.
4. Closure costs for the landfill portion of the proposed facility are not supported by sufficient calculations to demonstrate that proposed financial assurance levels are adequate.
5. The draft permit is missing, and should include, line items identified for revegetation



of post-closure cover for the landfill portion of the proposed facility. The permit should also include methods necessary to assure successful cover establishment or remedial revegetation if initial efforts are unsuccessful.

References:

1. NMED (New Mexico Environment Department), 2001; *Triassic Park Waste Disposal Facility*, Draft RCRA Permit No. NM0001002484, March 2001; and associated available documents.

IV. Anticipated duration of direct testimony, excluding cross examination: 2 hours.

V. List of exhibits to be used: Mr. Robinson may use documents from the applications and draft permit filed in this matter. He may also present relevant provisions of state and federal regulations as well as figures related to his review of the available related documents.

Resume of
WILLIAM PAUL ROBINSON
316 Telesfor Drive, S.W.
Albuquerque, NM 87105
(H) 505-873-2595/(W) 505-262-1862/FAX 505-262-1864
e-mail: work <sricepaul@earthlink.net>

EDUCATION

Master of Community and Regional Planning, University of New Mexico, 1992, "with distinction". Professional Project - "Planning for Reclamation of Uranium Waste Sites in Germany". Course work included analysis of natural and modified water systems, including irrigation diversions, watershed analysis, urban flood reduction, and geology.

Graduate Study in Environmental Engineering, Johns Hopkins University, Baltimore, MD, 1974-5. Course work included water pollution chemistry and water resource engineering.

Bachelor of Arts, Technology and Human Affairs Program, Washington University, St. Louis, MO, 1971-4. Course work included classes from anthropology, geology, and ecology programs.

EMPLOYMENT

RESEARCH DIRECTOR - Southwest Research and Information Center, PO Box, 4524, Albuquerque, NM 87106-4524, USA. Coordinate and prepare research reports and technical analyses of mineral, water and other natural resource development projects for non-profit scientific and educational organization and contract clients. With Southwest Research continuously July 1976 - present.

ADJUNCT PROFESSOR - 1980 - 1997, as appointed. University of New Mexico, Albuquerque, NM. Courses taught have included Natural Resource Planning Methods, Introduction to Environmental Problems, Environmental Evaluation of Water Resource Projects and other undergraduate and graduate courses in the Community and Regional Planning Program.

ENVIRONMENTAL ASSESSMENT CONSULTANT - Since 1980, clients have included:

Western Governors' Association, Okanagon Highlands Alliance, Acoma Pueblo, Zuni Legal Services, DNA (Navajo) Legal Services, Albuquerque District Attorney's Office, Centex American Gypsum Company, United Transportation Union, Local 1181 - Gallup (NM), New Mexico Environmental Law Center, Laguna Pueblo, International Physicians for Prevention of Nuclear War-German Chapter, Asociación Interamericana para la Defensa del Medio Ambiente(AIDA), Colorado Center for Environmental Management, Lower Saxony (Germany) Environment Ministry, Nordhaus Law Firm, La Gente del Rio Pecos (Pecos, New Mexico), Great Lakes Natural Resources Center (MI), Office of Navajo and Hopi Indian Relocation, Innu Nation (Labrador, Canada), Northwatch (Ontario, Canada), Center for Science in Public Participation (MT), Water Information Network (NM), Amigos Bravos (NM), Kensington Coalition (AK), City of Yakutat (AK), Baikalwatch/Earth Island Institute (CA), Pacific Environment and Resources Center (CA), United Steelworkers of America Local 890 (Silver City, NM), Americans for Indian Opportunity, Northern New Mexico Legal Services, Natural Resources Defense Council, Twinings (NM) Water and Sanitation District, National Wildlife Federation, Minnesota Interim Legislative Committee on Uranium Exploration, Wisconsin Center for Alternative Mining Development Policy, Montana Environmental Information Center, Save the Jemez, South Dakota FARM, Black Hills Alliance, Piedmont Environmental Council (VA), Atomic Industrial Forum, National Council of State Legislators, Huerfano Valley Citizen's Alliance, Five Sandoval Pueblos, Inc., Steadman and Hector Attorneys-at-Law, Monticello (subdivision, NM) Residents Committee, Residents of Tucumcari NM, Environmental Defense Fund (CO), Western Nebraska Resource Council, Santa Ana Pueblo, Los Herederos del Pueblo de San Mateo (NM), Board of the Cebolleta Land Grant, Mathis and Reisel, Attorneys-at-Law, Concerned Citizens of Questa (NM).

PROJECT COORDINATOR - CITIZENS' MINING INFORMATION NETWORK - Southwest Research and Information Center. Project provides current technical and policy-related information on mining to citizens and

community organizations across the US. This Project funded by United States Environmental Protection Agency and private donors, 1991 - 1996.

WATER RESOURCE SPECIALIST - NORTHERN NEW MEXICO WATER PROJECT - Southwest Research and Information Center. Project provided technical support for community and governmental organizations in northern New Mexico. This project funded by the Ford Foundation. June 1984 - June 1990.

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- "L-Bar Uranium Mill Tailings Site Review: Analysis of Kennecott's Recent Activities and Current Proposals", prepared under contract to Cebolleta Land Grant Board, August, 1999.
- "Evaluation of Environmental Technology Changes Proposed for La Oroya Smelter Complex in Central Peru: Final Report" February 1, 1999, on behalf of Sociedad Peruana de Derechos Ambientales (SPDA), Lima, Peru and Asociación Interamericana para la Defensa del Medio Ambiente(AIDA), San Francisco CA, February 1999.
- "Groundwater Restoration Long Beyond Closure at the Homestake-Milan and United Nuclear-Church Rock Uranium Mill Tailings Piles, New Mexico, USA: Full-Scale Programs Requiring More Than 20 Years of Active Treatment", in Uranium Mining and Hydrogeology II, Freiberg Mining Academy, Freiberg Saxony, Germany, September 1998.
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- "How Permanent is the Permanent Solution II: Supplemental Comments Regarding the El Molino [mill tailings from Pecos lead-zinc mine and mill sites] Decision Document and Supporting Documents", submitted to New Mexico Environment Department, Santa Fe, NM, July, 1993, prepared on behalf of La Gente del Rio, Pecos, New Mexico.
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- Better Ways to Use Water: A Handbook on Technologies to Improve Rural Water Use in Northern New Mexico, Northern New Mexico Water Project, Albuquerque, NM, October 1985.
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- "Testimony in the Matter of the Application of Molycorp, Inc for a Groundwater Discharge Permit for its Questa Molybdenum Mine (DP-1055)" before New Mexico Environment Department, Questa New Mexico, May - June 2000

- "Testimony in the Matter of the Application of Southwest Landfill, Inc. for a Solid Waste Facility Permit in Bernalillo County" before the New Mexico Environment Department Secretary, Albuquerque, NM, December 1996 and January 1997

- "Testimony in the Matter of the of the Application of Molycorp, Inc. for a Groundwater Discharge Permit for its Molybdenum Mill and Tailings Ponds" before the New Mexico Environment Department Secretary, Questa, NM, December 1996

- "Testimony in the Matter of Regulations Pursuant to the New Mexico Mining Act", Before New Mexico Mining Commission, Santa Fe, NM, May 1994

- "Current Activities in Problem Scoping", in Proceedings of Inactive and Abandoned Mine Waste Cleanup: A Challenge for the 90s, convened by Colorado Center for Environmental Management, Salt Lake City, Utah, November, 1993.

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- "In the Matter of the Groundwater Discharge Plan for Grain Power-Tucumcari Ltd.", Tucumcari, NM, October, 1984.

- "In The Matter of the Permit for Underground Injection and Mineral Production Wells for Wyoming Fuels' Crow Butte Project", before the Nebraska Department of Environmental Quality, Crawford NB, July, 1984

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- "Mineral and Energy Development Projects on New Mexico's National Forests", at Citizen's Workshop on the Future of New Mexico's National Forests, Albuquerque, NM, September, 1983.
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- "In the Matter of NPDES Permit for Ranchers Exploration and Development Corporation, NPDES No. NM0026573", Santa Fe, NM, September, 1978.
- "In the Matter of NPDES Permit for Kerr-McGee Nuclear Corporation, NPDES No. NM0020532", Santa Fe, NM, May, 1978.

Response doc Friday, 7th Sept.



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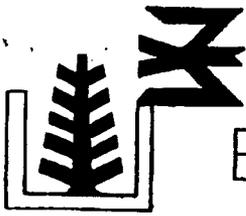
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Comments: CURE/ELC Motion

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NEW MEXICO
ENVIRONMENTAL LAW CENTER

Via: Hand Delivery

August 23, 2001

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1190 St. Francis Drive North 4050
Santa Fe, New Mexico 87505

Re: Request for Public hearing; draft permit for Triassic Park waste disposal facility U.S. EPA
NM0001002484

Dear Ms. Hearing Officer,

Please find enclosed a motion for a hearing no earlier than November 12, 2001 for the
above captioned matter. Feel free to call if you have any questions.

Sincerely,

Heather L. Green
Douglas Meiklejohn

Attorneys for Conservative Use of
Resources and Environment

1405 Luisa Street, Suite 5, Santa Fe, New Mexico 87505
Phone (505) 989-9022 Fax (505) 989-3769 nmelc@nmelc.org

STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT
BEFORE HEARING OFFICER FELICIA ORTH

IN THE MATTER OF THE DRAFT)
FINAL PERMIT FOR THE TRIASSIC PARK) No. HRM 01-02(P)
WASTE DISPOSAL FACILITY)
U.S. EPA NO. NM0001002484)
_____)

OPPOSED MOTION FOR PUBLIC HEARING

Conservative Use of Resources and Environment ("CURE") requests, pursuant to 20.4.1.901 NMAC, that a public hearing be held on the Draft Permit for the Triassic Park Waste Disposal Facility, Chaves County, New Mexico, U.S. EPA No. NM001002484, and that the October 15, 2001 public hearing date be rescheduled no earlier than November 12, 2001 to allow the applicant sufficient time to hold additional public meetings at which information in Spanish, and a Spanish translator would be available and used. In support of this Motion, CURE states as follows:

(1) CURE is a group of concerned citizens and communities opposed to hazardous and nuclear waste dumps in the Southwest.

(2) CURE, through its attorneys New Mexico Environmental Law Center, is requesting that the public hearing scheduled for October 15, 2001 be held no earlier than November 12, 2001 on behalf of its individual members and does not represent the interests of any other parties in this matter.

(3) The applicant did not provide adequate notice for the Public Meetings held in May

and July, 2001.¹ CURE members who received only a one week notice for the meetings in Hagerman, Roswell, Santa Fe, and Tatum had difficulty rearranging their schedules to attend. Many CURE members could not attend the public meetings held in Hagerman, Roswell and Tatum because of inadequate notice. (Deborah Petrone Affidavit ¶ 3.) At least one member was unable to attend because he received notice of the public meeting too late to arrange for someone to work for him. (Judy King Affidavit ¶ 3.) Other members received notice of public meetings by word of mouth and were unable to attend. (Eric Fairfield Affidavit ¶ 2.)

(4) The applicant did not provide a fact sheet in Spanish, and did not provide a Spanish translator.

(5) The applicant's failure to provide adequate notice for the public meetings, its failure to provide a fact sheet in Spanish, and its failure to provide a Spanish translator has hindered CURE members' ability to participate in the permitting process. (Libarado Garza De La O Affidavit ¶¶ 2 to -3, Maria Dolores De La O Affidavit ¶¶ 2 to -3.)

(6) The applicant specifically failed to use a Spanish translator at the July 19, 2001. As a result, CURE members who do not speak English, did not understand any of the speakers. Approximately 70 to 80 people left the meeting because of this. (King Aff. ¶ 4, L. De La O Aff. ¶ 3, M. De La O Aff. ¶ 3.)

(7) The applicant submitted comments regarding the March 15, 2001 version of the draft permit in which the applicant requested the New Mexico Environment Department Hazardous Waste Bureau make nine provisions in that draft permit less stringent.

¹ NMAC 20.4.1.900 adopts 40 CRR Part 270: 40 CFR 270.42, Permit modification at the request of the permittee, requires that the permittee give at least 15 days notice prior to a public notice meeting. Other CFR regulations pertaining to public meetings at the application stage require reasonable notice. See, e.g., 40 CFR 124.31, 40 CFR 124.32.

(8) The applicant is not required to submit their proposed changes to the current draft permit (June 15, 2001 version) until September 21, 2001.

(9) CURE members will not have a chance, absent a public meeting and additional time before the scheduled hearing, to adequately review the proposed changes to the draft permit and prepare for the hearing.

(10) CURE will present technical and non-technical evidence relating to the financial assurance plan, the ground water monitoring variance, emergency preparedness, and other aspects of the draft permit in opposition of the issuance of the Final Permit for the Triassic Park Waste Management Facility.

(11) This testimony will specifically include, but not be limited to, discussion of inadequate coverage in the financial assurance plan of financial assurance covering third party completion of closure and post-closure activities, failure to support closure costs with calculations, the draft permit's failure to describe the facility's capability of handling more than the proposed waste limits, the draft permit's failure to take into account the actual maximum anticipated amounts of waste as related to the rated capacity of the landfill, and the applicant's failure to identify actual local authorities in its contingency plan or to build the capacity of local emergency response authorities to the level necessary.

(11) Counsel for CURE will be unavailable from November 1, 2001 to November 6, 2001.

Wherefore, CURE respectfully requests the following:

- (1) that the public hearing be rescheduled no earlier than November 12, 2001;
- (2) that before the hearing, the applicant holds public meetings with at least 15 days

notice at which a Spanish translator is present in Hagerman, Santa Fe, Roswell and Tatum;

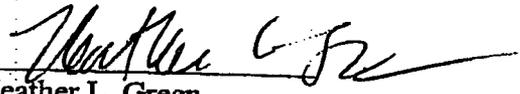
(3) that the applicant discuss its proposed changes to the draft permit at those meetings;

and

(4) that the applicant has a fact sheet in Spanish available for members of the public at those meetings.

Respectfully submitted,

NEW MEXICO ENVIRONMENTAL
LAW CENTER


Heather L. Green

Douglas Meiklejohn
1405 Luisa Street, Suite 5
Santa Fe, NM 87505
(505) 989-9022

Attorneys for the Conservative Use of
Resources and Environment

STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT
BEFORE HEARING OFFICER FELICIA ORTH

IN THE MATTER OF THE DRAFT)
FINAL PERMIT FOR THE TRIASSIC PARK) No. HRM 01-02(P)
WASTE DISPOSAL FACILITY)
U.S. EPA NO. NM0001002484)
_____)

CERTIFICATE OF SERVICE

This is to hereby certify that the undersigned counsel for Conservative Use of Resources and Environment (CURE), in the above-entitled action on this day filed a Notice of Entry of Appearance and served it upon the following counsel of record in the manner indicated:

Clay Clark Hand delivery
New Mexico Environment Department
Office of General Counsel
1190 St. Francis Drive
Santa Fe, NM 87502

Pete V. Domenici, Jr., Esq. Facsimile and First class mail, postage prepaid
Dolan & Domenici, P.C.
6100 Seagull NE, Suite 205
Albuquerque, New Mexico 87109

Dated: August 23, 2001

By: Heather Green
Heather Green

STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT
BEFORE HEARING OFFICER FELICIA ORTH

IN THE MATTER OF THE DRAFT)
FINAL PERMIT FOR THE TRIASSIC PARK) No. HRM 01-02(P)
WASTE DISPOSAL FACILITY)
U.S. EPA NO. NM0001002484)
_____)

AFFIDAVIT OF DEBORAH PETRONE

Deborah Petrone, being duly sworn, deposes and says:

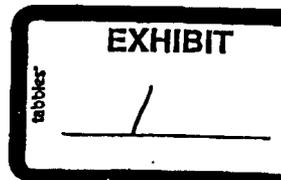
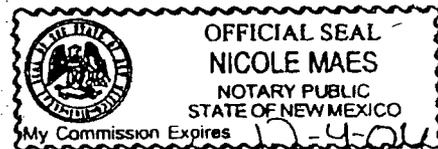
1. I live in Hagerman, New Mexico. I am a member of the Conservative Use of Resources and Environment (CURE) consortium.
2. I am concerned about the proposed Triassic Park hazardous waste dump having adverse long term impact, specifically in the areas of health, economics, cultural, and the environment.
3. Because of the short notice given for the public information meetings in Santa Fe, Roswell, Tatum, and Hagerman in the month of July, I know members in each of these communities who were either unable to attend, or attended in spite of the hardship created by the lack of adequate notice.

Dated: August 21, 2001.
Santa Fe, New Mexico

Deborah Petrone
Deborah Petrone

Sworn to before me this 21
day of August, 2001

[Signature]
Notary Public



STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT
BEFORE HEARING OFFICER FELICIA ORTH

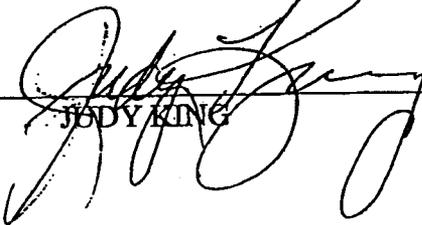
IN THE MATTER OF THE DRAFT)
FINAL PERMIT FOR THE TRIASSIC PARK) NO. HRM 01-02(P)
WASTE DISPOSAL FACILITY)
U.S. EPA NO. NM00010112484)

AFFIDAVIT OF JUDY KING

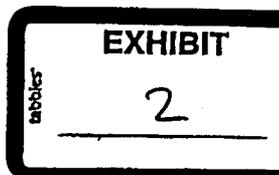
JUDY KING, being duly sworn, deposes and says:

1. I live in Hagerman, New Mexico. I am a member of the Conservative Use of Resources and Environment (CURE) consortium.
2. I am concerned about the proposed Triassic Park hazardous waste dump because of severe health risks and negative socio-economic impacts upon our communities and my family.
3. I received notice of the public information meeting one week ahead of when it was supposed to take place. This caused undue hardship because it meant that either me or my son would not be able to attend since we are the evening operators of the store in the evening hours.
4. I attended the public information put on by GMI and witnessed approximately seventy people walk out because of Spanish translation was promised but not delivered. Most of those people were Hispanic and the few that were not left out respect and sympathy for their neighbors and friends.

Dated: 8-20-01, 2001.
Hagerman, New Mexico



JUDY KING



Sworn to before me this 20
day of August, 2001

Luznia D. L. Lario

Notary Public

STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT
BEFORE HEARING OFFICER FELICIA ORTH

IN THE MATTER OF THE DRAFT)
FINAL PERMIT FOR THE TRIASSIC PARK)
WASTE DISPOSAL FACILITY)
U.S. EPA NO. NM00010112484)

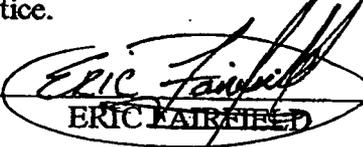
NO. HRM 01-02(P)

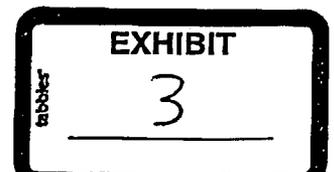
AFFIDAVIT OF ERIC FAIRFIELD

ERIC FAIRFIELD, being duly sworn, deposes and says:

1. I live in Hagerman, New Mexico.
2. I am concerned about the proposed Triassic Park hazardous waste dump. I received notice of the public information meeting by word of mouth about one week before it was scheduled. I was unable to attend because of the short notice.

Dated: 8/20, 2001.
Hagerman, New Mexico


ERIC FAIRFIELD



Sworn to before me this 20
day of August, 2001

Regina D. Levano

Notary Public

STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT
BEFORE HEARING OFFICER FELICIA ORTH

IN THE MATTER OF THE DRAFT)
FINAL PERMIT FOR THE TRIASSIC PARK)
WASTE DISPOSAL FACILITY)
U.S. EPA NO. NM00010112484)

NO. HRM 01-02(P)

AFFIDAVIT OF LIBARADO GARZA DE LA O

LIBARADO GARZA DE LA O, being duly sworn, deposes and says:

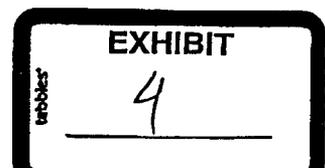
1. Lla Libarado Garza De La O y vivo en la 7812 Shoshoni en Hagerman N M. Yo participo en en la membersa de la organizacion numbrada Conservative Use of Resources and Environment (CURE) consortium.
2. Les pido que no pongan estos desperdisios en este dompe que queiren poner. Por el motibo de que todo eso es para aser a para probocar muchas enfermedades para toda las familias y personas que lla estamos enfermos.
3. Hora les pido que iseran el proposito poner nos un interperte, para todos los que no sabemos ingeles. Para poder entender todo lo que esta pasando en las juntas y por esta misma rason muchas personas se salieron de la junta que tovimos en Hagerman. En total se salereon como unas 70 personas.

Dated: 8-20, 2001.
Hagerman, New Mexico

+
LIBARADO GARZA DE LA O

witness:

Victor Blain



Sworn to before me this 20
day of August, 2001

Eugenia D. Levario

Notary Public

STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT
BEFORE HEARING OFFICER FELICIA ORTH

IN THE MATTER OF THE DRAFT)
FINAL PERMIT FOR THE TRIASSIC PARK)
WASTE DISPOSAL FACILITY)
U.S. EPA NO. NM00010112484)

NO. HRM 01-02(P)

AFFIDAVIT OF MARIA DOLORES DE LA O

MARIA DOLORES DE LA O, being duly sworn, deposes and says:

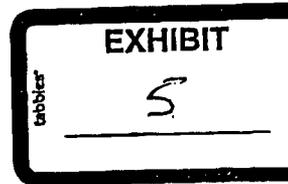
1. Lla Maria Dolores De La O y vivo en la 7812 Shoshoni en Hagerman N M. Yo participo en en la membersa de la organizacion numbrada Conservative Use of Resources and Environment (CURE) consortium.

2. Les pido que no pongan estos desperdisios en este dompe que queiren poner. Por el motibo de que todo eso es para aser a para probocar muchas enfermedades para toda las familias y personas que lla estamos enfermos.

3. Hora les pido que iseran el proposito poner nos un interperte, para todos los que no sabemos ingeles. Para poder entender todo lo que esta pasando en las juntas y por esta misma rason muchas personas se salieron de la junta que tovimos en Hagerman. En total se salereon como unas 70 personas.

Dated: 8-20-01, 2001.
Hagerman, New Mexico

Maria Dolores de la O
MARIA DOLORES DE LA O

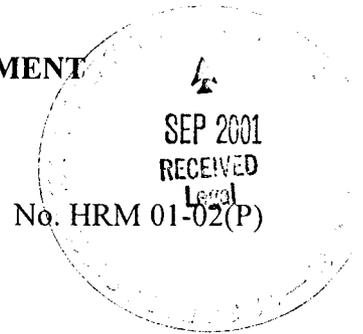


Sworn to before me this 20
day of August, 2001

Eugenia D. Levario

Notary Public

STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT



IN THE MATTER OF THE DRAFT
FINAL PERMIT FOR THE TRIASSIC
PARK WASTE DISPOSAL FACILITY
U.S. EPA NO. NM0001002484

STATEMENT OF INTENT TO PRESENT TECHNICAL TESTIMONY

COMES NOW the applicant, Triassic Park, by and through its attorney of record, Dolan & Domenici, P.C. (Pete V. Domenici, Jr., Esq.) and provides the following statement of intent to present technical testimony. All of the witnesses identified below will be providing statements supporting the draft permit with the changes requested, in comments filed by the applicant.

- A. The persons filing statements are as follows:
 - 1. Pat Corser;
 - 2. Jim Bonner;
 - 3. R.C. Cudney;
 - 4. Bob Spooner;
 - 5. Al Westerman; and
 - 6. Jose Merino

- B. The resume or C.V. for each witness is attached.

- C. The length for direct testimony for each witness is as follows:
 - 1. Pat Corser 2 Hours
 - 2. Jim Bonner 1 ½ Hours
 - 3. Bob Spooner 1/2 Hour
 - 4. Al Westerman 1 Hour

5. R.C. Cudney 1 Hour
6. Jose Merino 1/2 Hour

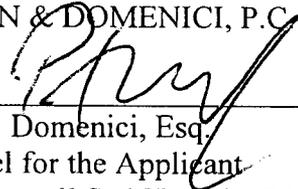
D. Exhibits used by witnesses which are part of the record proper are identified in the attached List of Exhibits in the Record Proper. Exhibits not part of the record proper are attached to the summaries. Applicants may also rely or refer to other parts of the Record Proper. USGS Tatum Quadrangle Map and other demonstrative exhibits may be used.

E. The technical materials relied upon by each witness are listed in the summary and/or attached to the summary.

F. Summary of testimony for each witness is filed with this statement.

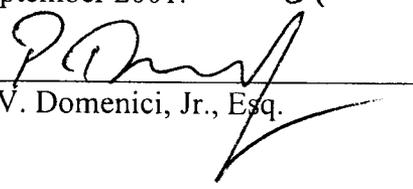
Respectfully Submitted,

DOLAN & DOMENICI, P.C.



Pete V. Domenici, Esq.
Counsel for the Applicant
6100 Seagull St. NE, Suite 205
Albuquerque, New Mexico 87109
(505) 883-6250

I hereby certify that I mailed a true and correct copy of the foregoing pleading to all counsel of record this 19th day of September 2001.

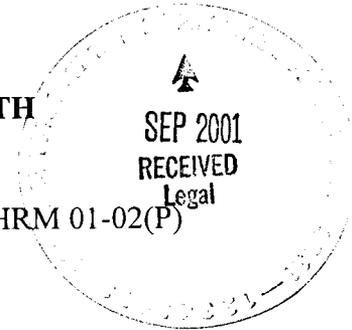


Pete V. Domenici, Jr., Esq.

STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT
BEFORE HEARING OFFICER FELICIA ORTH

IN THE MATTER OF THE DRAFT
FINAL PERMIT FOR THE TRIASSIC
PARK WASTE DISPOSAL FACILITY
U.S. EPA NO. NM0001002484

No. HRM 01-02(P)

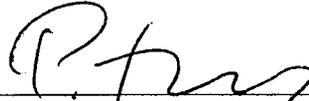


LIST OF EXHIBITS IN RECORD PROPER

COMES NOW the applicant Triassic Park, by and through its counsel of record, Dolan & Domenici, P.C. (Pete V. Domenici, Jr., Esq.), and provides this list of Exhibits in Record Proper which will be relied upon by witnesses identified in applicant's Statement of Intent to Present Technical Testimony:

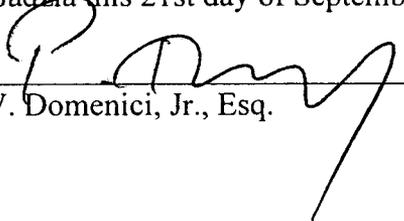
1. Draft Permit of June 2001. This includes all parts, attachments, indexes, tables, references or appendices.
2. Permit application of December 1997. Revised October 2000 and March 2001. This includes all references, tables, figures and appendices.
3. June 13, 2001 letter to Steve Pullen with enclosures and attachments.
4. Comments filed by applicant on September 5, 17, 20, 2001.
5. Groundwater monitor variance application January 24, 2000 and all draft applications, comments, responses, supporting reports, references and appendices.
6. Statements of Intent to file Technical Testimony of Pat Corser, Jim Bonner, R.C. Cudney, Bob Spooner, Al Westerman, and Jose Merino and all documents attached thereto.

DOLAN & DOMENICI, P.C.



Pete V. Domenici, Jr., Esq.
6100 Seagull St. N.E., Suite 205
Albuquerque, New Mexico 87109
(505) 883-6250

I hereby certify that a true copy
of the foregoing was sent mailed
to counsel for CURE, hand-delivered to the
hearing clerk and counsel for NMED, and mailed to
Jimi Gadzia this 21st day of September, 2001.



Pete V. Domenici, Jr., Esq.

La Paz Agreement

**MEXICO
and
UNITED STATES OF AMERICA**

**AGREEMENT ON CO-OPERATION FOR THE PROTECTION AND IMPROVEMENT OF
THE ENVIRONMENT IN THE BORDER AREA. Signed at La Paz, Baja California, on 14
August 1983.**

The United States of America and the United Mexican States,

RECOGNIZING the importance of a healthful environment to the long-term economic and social well-being of present and future generations of each country as well as of the global community;

RECALLING that the Declaration of the United Nations Conference on the Human Environment, proclaimed in Stockholm in 1972, called upon nations to collaborate to resolve environmental problems of common concern;

NOTING previous agreements and programs providing for environmental cooperation between the two countries;

BELIEVING that such cooperation is of mutual benefit in coping with similar environmental problems in each country;

ACKNOWLEDGING the important work of the International Boundary and Water Commission and the contribution of the agreements concluded between the two countries relating to environmental affairs;

REAFFIRMING their political will to further strengthen and demonstrate the importance attached by both Governments to cooperation on environmental protection and in furtherance of the principle of good neighborliness;

Have agreed as follows:

ARTICLE 1

The United States of America and the United Mexican States, hereinafter referred to as the Parties, agree to cooperate in the field of environmental protection in the border area on the basis of equality, reciprocity and mutual benefit. The objectives of the present Agreement are to establish the basis for cooperation between the Parties for the protection, improvement and conservation of the environment and the problems which affect it, as well as to agree on necessary measures to prevent and control pollution in the border area, and to provide the framework for development of a system of notification for emergency situations. Such objectives shall be pursued without prejudice to the cooperation which the Parties may agree to undertake outside the border area.

ARTICLE 2

The Parties undertake, to the fullest extent practical, to adopt the appropriate measures to prevent, reduce and eliminate sources of pollution in their respective territory which affect the border area of the other.

Additionally, the Parties shall cooperate in the solution of the environmental problems of mutual concern in the border area, in accordance with the provisions of this Agreement.

ARTICLE 3

Pursuant to this Agreement, the Parties may conclude specific arrangements for the solution of common problems in the border area, which may be annexed thereto. Similarly, the Parties may also agree upon annexes to this Agreement on technical matters.

ARTICLE 4

For the purposes of this Agreement, it shall be understood that the "border area" refers to the area situated 100 kilometers on either side of the inland and maritime boundaries between the Parties.

ARTICLE 5

The Parties agree to coordinate their efforts, in conformity with their own national legislation and existing bilateral agreements to address problems of air, land and water pollution in the border area.

ARTICLE 6

To implement this Agreement, the Parties shall consider and, as appropriate, pursue in a coordinated manner practical, legal, institutional and technical measures for protecting the quality of the environmental in the border area. Forms of cooperation may include: coordination of national programs; scientific and educational exchanges; environmental monitoring; environmental impact assessment; and periodic exchanges of information and data on likely sources of pollution in their respective territory which may produce environmentally polluting incidents, as defined in an annex to this Agreement.

ARTICLE 7

The Parties shall assess, as appropriate, in accordance with their respective national laws, regulations and policies, projects that may have significant impacts on the environment of the border area, so that appropriate measures may be considered to avoid or mitigate adverse environmental effects.

ARTICLE 8

Each Party designates a national coordinator whose principal functions will be to coordinate and monitor implementation of this Agreement, make recommendations to the Parties, and organize the annual meetings referred to in Article 10, and the meetings of the experts referred to in Article 11. Additional responsibilities of the national coordinators may be agreed to in an annex to this Agreement.

In the case of the United States of America the national coordinator shall be the Environmental Protection Agency, and in the case of Mexico it shall be the Secretaria de Desarrollo Urbano y Ecologia, through the Subsecretaria de Ecologia.

ARTICLE 9

Taking into account the subjects to be examined jointly, the national coordinators may invite, as appropriate, representatives of federal, state and municipal governments to participate in the meetings provided for in this Agreement. By mutual agreement they may also invite representatives of international governmental or non-governmental organizations who may be able to contribute some element of expertise on problems to be solved.

The national coordinators will determine by mutual agreement the form and manner of participation of non-governmental entities.

ARTICLE 10

The Parties shall hold at a minimum an annual high level meeting to review the manner in which this Agreement is being implemented. These meetings shall take place alternately in the border area of Mexico and the United States of America.

The composition of the delegations which represent each Party, both in these annual meetings as well as in the meetings of experts referred to in Article 11, will be communicated to the other Party through diplomatic channels.

ARTICLE 11

The Parties may, as they deem necessary, convoke meetings of experts for the purposes of coordinating their national programs referred to in Article 6, and of preparing the drafts of the specific arrangements and technical annexes referred to in Article 3.

These meetings of experts may review technical subjects. The opinions of the experts in such meetings shall be communicated by them to the national coordinators, and will serve to advise the Parties on technical matters.

ARTICLE 12

Each Party shall ensure that its national coordinator is informed of activities of its cooperating agencies carried out under this Agreement. Each Party shall also ensure that its national coordinator is informed of the implementation of other agreements concluded between the two Governments concerning matters related to this Agreement. The national coordinators of both Parties will present to the annual meetings a report on the environmental aspects of all joint work conducted under this Agreement and on implementation of other relevant agreements between the Parties, both bilateral and multilateral.

Nothing in this Agreement shall prejudice or otherwise affect the functions entrusted to the International Boundary and Water Commission, in accordance with the Water Treaty of 1944.

ARTICLE 13

Each Party shall be responsible for informing its border states and for consulting them in accordance with their respective constitutional systems, in relation to matters covered by this Agreement.

ARTICLE 14

Unless otherwise agreed, each Party shall bear the cost of its participation in the implementation of this Agreement, including the expenses of personnel who participate in any activity undertaken on the basis of it.

For the training of personnel, the transfer of equipment and the construction of installations related to the implementation of this Agreement, the Parties may agree on a special modality of financing, taking into account the objectives defined in this Agreement.

ARTICLE 15

The Parties shall facilitate the entry of equipment and personnel related to this Agreement, subject to the laws and regulations of the receiving country.

In order to undertake the monitoring of polluting activities in the border area, the Parties shall undertake consultations relating to the measurement and analysis of polluting elements in the border area.

ARTICLE 16

All technical information obtained through the implementation of this Agreement will be available to both Parties. Such information may be made available to third parties by the mutual agreement of the Parties to this Agreement.

ARTICLE 17

Nothing in this Agreement shall be construed to prejudice other existing or future agreements concluded between the two Parties, or affect the rights and obligations of the Parties under international agreements to which they are a party.

ARTICLE 18

Activities under this Agreement shall be subject to the availability of funds and other resources to each Party and to the applicable laws and regulations in each country.

ARTICLE 19

The present Agreement shall enter into force upon an exchange of Notes stating that each Party has completed its necessary internal procedures.

ARTICLE 20

The present Agreement shall remain in force indefinitely unless one of the Parties notifies the other, through diplomatic channels, of its desire to denounce it, in which case the Agreement will terminate six months after the date of such written notification. Unless otherwise agreed, such termination shall not affect the validity of any arrangements made under this Agreement.

ARTICLE 21

This Agreement may be amended by the agreement of the Parties.

ARTICLE 22

The adoption of the annexes and of the specific arrangements provided for in Article 3, and the amendments thereto, will be effected by an exchange of Notes.

ARTICLE 23

This Agreement supersedes the exchange of Notes, concluded on June 19, 1978 with the attached Memorandum of Understanding between the Environmental Protection Agency of the United States and the Subsecretariat for Environmental Improvement of Mexico for Cooperation on Environmental Programs and Transboundary Problems.

DONE in duplicate, in the city of La Paz, Baja California, Mexico, on the 14th of August of 1983, in the English and Spanish languages, both texts being equally authentic.

FOR THE UNITED STATES OF AMERICA:

FOR THE UNITED MEXICAN STATES:

[Previous](#)

[Main Menu](#)

DOLAN & DOMENICI, P.C.
ATTORNEYS AT LAW
6100 Seagull NE, Suite 205
Albuquerque, New Mexico 87109
(505) 883-6250

DANIEL R. DOLAN, II^{1,2,3}
PETER V. DOMENICI, JR.²
JEANNE CAMERON WASHBURN²
CHRISTOPHER D. SHAW²
MICHAEL J. DOYLE²
LORRAINE HOLLINGSWORTH² of Counsel
Licensed in ¹ KY; ² NM; ³ TX.

Fax: (505) 884-3424
E-mail: doldom@lobo.net

September 24, 2001



Ms. Carolyn Vigil
Hearing Clerk
New Mexico Environment Department
1190 St. Francis Dr.
Santa Fe, New Mexico 87503

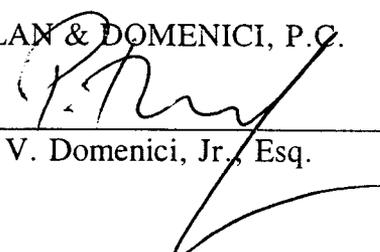
RE: HRM 01-02(P)
Triassic Park Waste Disposal Facility

Dear Ms. Vigil:

Enclosed please find the original and one copy of Gandy Marley, Inc.'s Certificate of Service. Please file and return the endorsed copy to us in the self addressed stamped envelope. Please call me if you have any questions.

Sincerely,

DOLAN & DOMENICI, P.C.



Pete V. Domenici, Jr., Esq.

Encls.

Cc: Heather Green, Esq. attorney for CURE w/enclosures
Clay Clarke, Esq. attorney for NMED w/enclosures
Jimi S. Gadzia w/enclosures
Steve Pullen w/enclosures
Kevin J. Hanratty w/enclosures

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**

IN THE MATTER OF THE DRAFT
FINAL PERMIT FOR THE TRIASSIC
PARK WASTE DISPOSAL FACILITY
U.S. EPA NO. NM0001002484

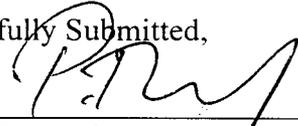
No. HRM 01-02(P)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Gandy Marley, Inc.'s Statement of Intent to Present Technical Testimony was mailed first class mail to the following on September 24, 2001:

Kevin J. Hanratty, Esq.
P.O. Box 1330
Artesia, NM 88211-1330
(505) 748-1329

Respectfully Submitted,



Pete V. Domenici, Jr., Esq.
Michael J. Doyle, Esq.
Attorneys for Gandy Marley, Inc.
6100 Seagull St. NE, Suite 205
Albuquerque, New Mexico 87109
(505) 883-6250

STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT



IN THE MATTER OF THE DRAFT FINAL
PERMIT FOR THE TRIASSIC PARK
WASTE DISPOSAL FACILITY
U.S. EPA NO. NM0001002484

No. HRM 01-02(P)

**NEW MEXICO ENVIRONMENT DEPARTMENT'S
NOTICE OF INTENT TO PRESENT TECHNICAL TESTIMONY**

1. In accordance with the August 15th Public Notice in this matter, the Hazardous Waste Bureau of the New Mexico Environment Department (NMED) hereby submits its Notice of Intent to Present Technical Testimony at the public hearing in this matter scheduled for October 15, 2001.
2. NMED has issued the Draft Permit in this matter and is seeking public comment at this time. Based upon comment from the Applicant and the public, NMED will determine whether to modify and or to approve a Final Permit.
3. A list detailing NMED witnesses is attached.
4. The NMED anticipates the length of its direct testimony at the public hearing to be eight hours.
5. All materials and exhibits relied upon by NMED witnesses will stem from the Administrative Record in this matter and publicly available materials and documents.
6. A summary of the issues to be addressed in NMED witnesses' direct testimony is included in the list detailing NMED witnesses.

Respectfully submitted this 21st day of August, 2001



Clay Clarke

New Mexico Environment Department
Office of General Counsel
1190 St. Francis Dr.
Santa Fe, NM 87502

Certificate of Service

I hereby certify that a true and correct copy of the forgoing Notice of Intent to Present Technical Testimony was mailed via first class mail to:

Pete Domenici, Jr.
Dolan & Domenici
6100 Seagull NE, Suite 205
Albuquerque, NM 87109

Heather Green
Douglas Meiklejohn
New Mexico Environmental Law Center
Attorneys for CURE
1405 Luisa St., Suite 5
Santa Fe, NM 87505

NMED WITNESS LIST



- A. Address: The mailing address for NMED witnesses is:
New Mexico Environment Department
Office of General Counsel
1190 St. Francis Dr.
Santa Fe, NM 87502
- B. Affiliation: NMED witnesses are either full time NMED Hazardous Waste Bureau employees or consultants hired by the NMED Hazardous Waste Bureau to assist in the preparation of the Draft Permit in this matter.
- C. The work background and summary of the issues to be addressed in direct testimony are as follows:

David Cobrain

Mr. Cobrain is currently a Water Resource Specialist with the Permits Management Program of the Hazardous Waste Bureau (HWB) of the New Mexico Environment Department. Mr. Cobrain is the project leader responsible for permitting and corrective action at RCRA-regulated refineries in New Mexico and also assists with technical and financial assurance issues at other RCRA-regulated facilities. Mr. Cobrain is a registered professional geologist with 10 years experience in environmental consulting prior to joining HWB. His clients included major oil industry refining, pipeline, and product distribution facilities, oil field service companies, financial institutions, manufacturing and other industrial facilities, and state and municipal governments. His work as a project manager for environmental consulting firms included proposal and bid specification preparation, project planning and implementation, and budget management on environmental assessment and remediation projects that included closure, demolition and monitoring activities. Mr. Cobrain obtained a bachelor's degree from Utah State University and a master's degree in geology from the University of North Carolina.

Mr. Cobrain will testify regarding financial assurance requirements of the Draft Permit for the proposed Triassic Park facility.

Stephen Pullen

Mr. Stephen Pullen is currently a supervisor within the Permits Management Program of the Hazardous and Waste Bureau of the New Mexico Environment Department. Mr. Pullen supervises subordinates in the regulatory oversight of hazardous waste treatment, storage or disposal, and in the cleanup of associated environmental releases at military and private sector facilities. Mr. Pullen earned a B.S. in Geological Sciences from the University of Texas in 1983. He has worked in the environmental business for fourteen years, the last 8 of which have been related to the regulation of hazardous wastes.

Mr. Pullen will testify regarding regulatory history, ground water monitoring, vadose zone monitoring, closure and post-closure requirements, and the contingency plan requirements under the Draft Permit for the proposed Triassic Park facility.

June Dreith

Ms. June Dreith has more than twenty years of experience in regulatory analyses, RCRA permit reviews and analyses, hazardous waste remediation, hazardous waste QA/QC, Subpart X units, and RCRA compliance and enforcement. Ms. Dreith has worked as NMED's consultant since 1993, including work on both the Test Phase and Disposal Phase permit applications. She has supported EPA ORIA on the WIPP Compliance Certification Application review. Ms. Dreith served as an Enforcement Officer and Permit Writer with the Colorado Department of Health. On behalf of EPA, she has managed and performed technical reviews on numerous Part B permit applications, including applications for land-based units, incinerators, boilers and industrial furnaces (BIFs), storage facilities, and prepared several RCRA Part B permits. She also has managed and performed closure/post-closure plan reviews, facility closure financial assessments, and RCRA Facility Assessments. She has taught training courses in permit writing, closure/post-closure plans, waste minimization, financial assurance, and Subpart CC regulations. Ms. Dreith holds a bachelor's degree in Environmental Health from Colorado State University.

Ms. Dreith will testify regarding general RCRA permit conditions under the Draft Permit for the proposed Triassic Park facility.

Constance Walker

Ms. Constance Walker has more than seventeen years of experience, including the performance and management of numerous RCRA permitting tasks, with an emphasis on groundwater monitoring, waste characterization, and corrective action. On behalf of EPA and other clients, she has reviewed/written RCRA Part B Permit applications, Subpart X permit applications, Closure/Post-Closure Plans, Corrective Measures Studies, Interim Measures Evaluations, RCRA Facility Investigation Work Plans and Reports, RCRA Facility Assessments, and RCRA Sampling Programs. She has conducted training programs for compliance monitoring and compliance evaluation, and developed Quality Assurance Project Plans. She has participated and managed WIPP-related projects for over ten years, including providing support to EPA OSW on both the WIPP Test and Disposal Phase No Migration Variance Petitions, EPA ORIA on the WIPP Compliance Certification Application review, and the NMED on the WIPP Test Phase and Disposal Phase permit applications. Ms. Walker holds a bachelor's degree in Geology from Colorado State University, and a master's degree in Geology, from Colorado School of Mines.

Ms. Walker will testify regarding waste analysis plan, groundwater monitoring, corrective action and waste characterization requirements under the Draft Permit for the proposed Triassic Park facility.

Stephen Druschel, P.E

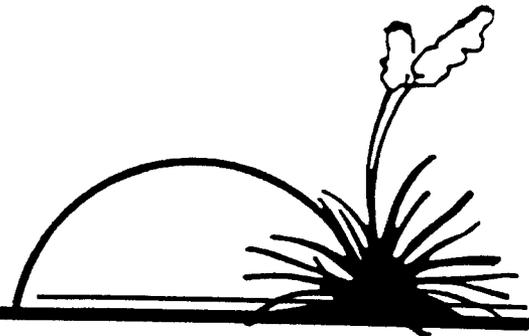
Mr. Stephen Druschel has over twenty years of experience with environmental engineering related issues and is currently a senior consultant on environmental compliance, remediation and industry assistance issues at TechLaw, Entrix and Independent. In these positions he works as a permit reviewer, negotiator and policy evaluator between regulatory agencies, facility owners, engineers and contractors. Mr. Druschel has served as a remediation engineer, supporting U.S. EPA and industry on enforcement and corrective actions and as a compliance manager on RCRA enforcement and permitting issues. Mr. Druschel has taught training courses on RCRA Subparts AA, BB and CC regulations. Mr. Druschel has published several articles in the area of environmental engineering. He is a professional engineer (MA (#38193), NY, VA, ME, CT. Application made in NM and MO), with a Bachelor of Science in Civil Engineering from Clarkson University and a master's degree in Civil Engineering from Cornell University.

Mr. Druschel will testify regarding proper design, construction, and engineering requirements as well as RCRA Subparts AA, BB, and CC regulations under the Draft Permit for the proposed Triassic Park facility.

CARD

Citizens For Alternatives To Radioactive Dumping

144 Harvard SE, Albuquerque, New Mexico 87106
(505) 266-2663



September 21, 2001

Hearing Clerk
New Mexico Environment Department
Room N-4071
1190 St. Francis Drive
Santa Fe, New Mexico



**IN THE MATTER OF THE DRAFT
FINAL PERMIT FOR THE TRIASSIC PARK
WASTE DISPOSAL FACILITY
U.S. WPA NO 0001002484**

No. HRM 01-02(P)

NOTICE OF INTENT TO PRESENT TECHNICAL TESTIMONY

1. Person/Entity:

Citizens for Alternatives to Radioactive Dumping (CARD), represented by Deborah Reade, CARD's Research Director

2. Position:

CARD opposes the revised draft permit

3. Witness:

The only witness will be CARD's representative:

Deborah Reade
117 Duran Street
Santa Fe, New Mexico 87501
(505) 986-9284

Deborah Reade is CARD's Research Director and is appearing in that capacity

Deborah Reade was graduated from the University of California at Berkeley with Great Distinction in General Scholarship and is a member of Phi Beta Kappa. She has created and successfully run a graphics design business since 1978 and currently specializes in map and website design.

Ms. Reade has been an environmental advocate for over 20 years, first becoming involved with the Waste Isolation Pilot Plant (WIPP) issue in 1980. Currently she is Research Director for Citizens for Alternatives to Radioactive Dumping (CARD), a New Mexico organization which pursues public education, research and litigation on WIPP. Her specialty is translating technical information into lay persons' language. She has written the booklet *Everything You Always Wanted to Know About WIPP*, numerous technical and informative papers and articles, and has researched, written and designed a website for CARD about WIPP--www.cardnm.org. In her research on WIPP she has studied Environmental Justice issues as they relate to the *Resource Conservation and Recovery Act* and particularly how they relate to the area of southeastern New Mexico, West Texas and the Border areas including the area where the Triassic Park facility is proposed to be located.

Ms. Reade represented CARD as a Party at the New Mexico Environment Department's hearing on WIPP's Hazardous Waste Operating Permit. During that hearing she testified on various potential problems and deficiencies in the permit as well as wrote CARD's *Findings of Fact* and legal responses.

Ms. Reade is affiliated with several other environmental organizations in the state of New Mexico, but is appearing as Research Director of CARD for this hearing.

4. Length of Testimony:
Approximately 45 minutes

5. Exhibits:

The following exhibits are included here:

1. Map of waste sites and other polluting sites in southeastern New Mexico and West Texas
2. Map of southeastern New Mexico showing approximate location of Triassic Park and nearby towns as well as counties, etc.
3. Relevant portions of the 1996 edition of the *RCRA Public Participation Manual*
4. Relevant portions of the *Model Plan for Public Participation*
5. Relevant portions of the *OSWER Environmental Justice Action Agenda*
6. U.S. Census Bureau, relevant portions of *Table DP-1: Profile of General Demographic Characteristics: 2000*
7. *USEPA OSWER Directive No. 9200, 3-17 (9/21/94)*
8. U.S. Census Bureau, *Census 2000 P.L.94-171 Redistricting Data*
9. U.S. Census Bureau, *Income & Poverty Status in 1989: 35005 - Chaves County*
10. U.S. Census Bureau, *State and County QuickFacts: Chaves County, New Mexico*
11. U.S. Census Bureau, *State and County QuickFacts: Lea County, New Mexico*
12. U. S. Census Bureau, *Small Area Income and Poverty Estimates 1997 School District FTP Files and Description*
13. U.S. Census Bureau, *State Estimates for People of All Ages in Poverty for US: 1998*
14. New Mexico Vital Records & Health Statistics, *Mortality Rates by Selected Diseases - District 4 (1993 - 1995 averages) (already in the Record)*

6. Technical Materials:
See No.5 above

7. Direct Testimony:

Direct testimony will describe how the applicants and the New Mexico Environment Department (NMED) have not considered environmental justice in their siting of the Triassic Park facility in Chaves County, New

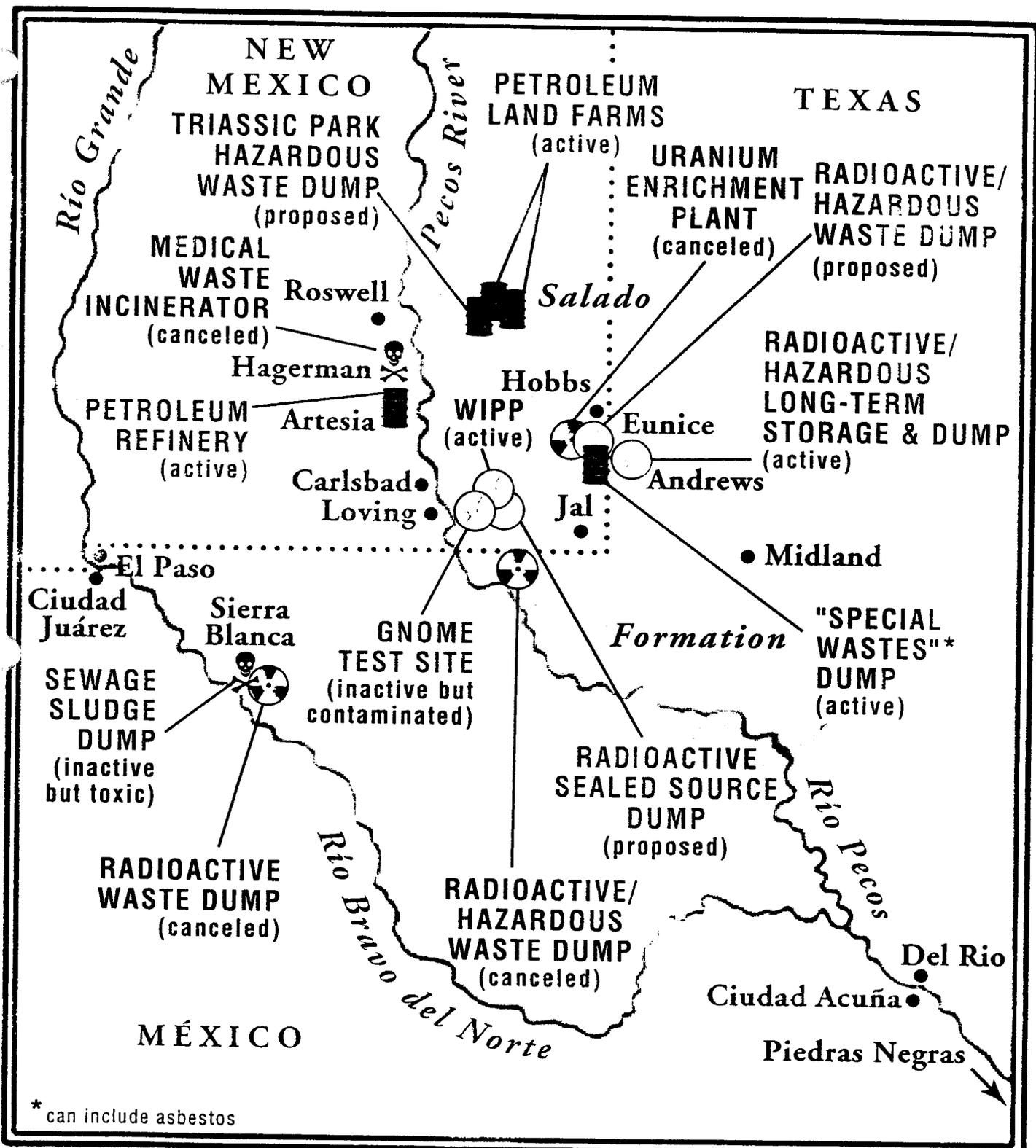
Mexico. Information in the Exhibits will be used to point out that there is clear evidence of the potential for disproportionate and discriminatory impacts on both "minorities" (people of color) and disenfranchised people in the area including communities with high proportions of these two groups which are near the proposed facility. Not only are there high numbers of minority and low-income people in the local area, but their health is already being negatively impacted by the numerous other industrial and waste facilities in the area. Information in the Exhibits will also be used to point out that both the applicants and the NMED are required to consider environmental justice issues when siting waste treatment, storage or disposal facilities including the effects of multiple facilities in an area and various and cumulative effects, both physical and socioeconomic which could negatively impact local populations causing disproportionate impacts on minorities and disenfranchised people. The exhibits and the Record will also be used to show how the applicants and the NMED have not allowed adequate public participation, particularly for minorities and low-income people potentially affected by the Triassic Park facility.

Note: all official notification etc. on this matter should be sent to Deborah Reade at the address below

Sincerely,



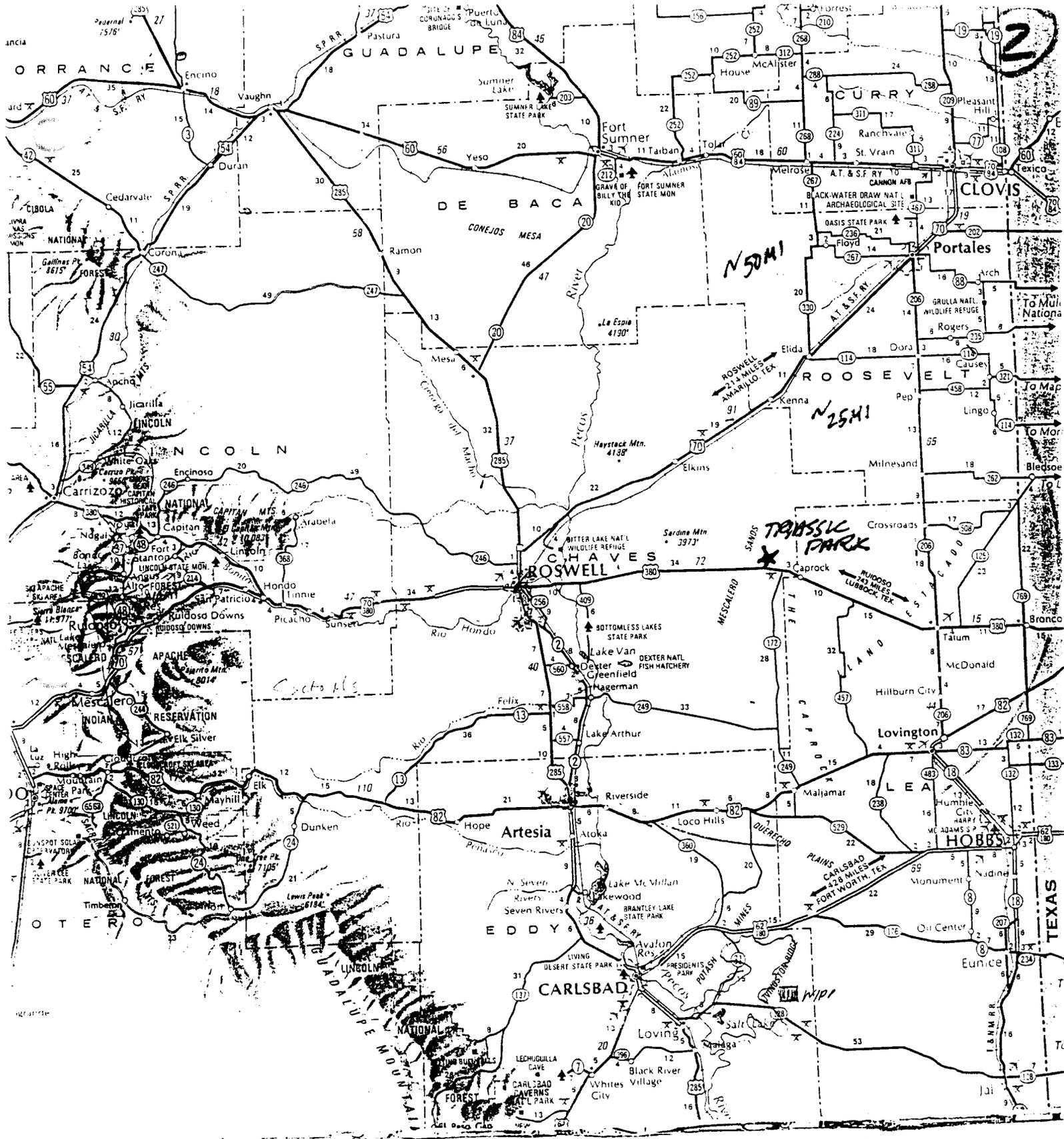
Deborah Reade
Research Director, CARD
117 Duran Street
Santa Fe, NM 87501



* can include asbestos



Reade



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 and Transportation Dept. -
 NM Dept. of Tourism

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 The State of New Mexico

RCRA Public Participation Manual

1996 Edition



United States Environmental Protection Agency
Office of Solid Waste, Permits Branch
Mail Code 5303 W
401 M Street., SW
Washington, DC 20460

APPENDIX D --

ENVIRONMENTAL JUSTICE PUBLIC PARTICIPATION CHECKLIST

Introduction:

The environmental justice movement has sparked a lot of discussion on ways to improve communications and working relations among agencies, industries, and communities. The InterAgency Working Group on Environmental Justice, led by EPA, developed a Public Participation Checklist that lays out ways to identify, inform, and involve stakeholders (e.g., environmental organizations, business and trade associations, civic/public interest groups, grassroots/community-based organizations, tribal governments, and industry). It reflects a combination of: guiding principles for setting up and conducting activities, such as public meetings; specific activities for ensuring widespread and meaningful involvement; and recommendations on how to effectively carry out those activities.

Although the checklist was initially developed in the context of environmental justice, to help federal agencies prepare for the first public meeting to discuss their EJ strategies, it embodies sound principles that apply to public participation for all communities.

ENVIRONMENTAL JUSTICE PUBLIC PARTICIPATION CHECKLIST

1. Ensure that Agency's public participation policies are consistent with the requirements of the Freedom of Information Act, the Emergency Planning and Community Right to Know Act and the National Environmental Policy Act.
2. Obtain Senior Management Support to ensure that the Agency's policies and activities are modified to ensure early, effective and meaningful public participation, especially with regard to Environmental Justice stakeholders. Identify internal stakeholders and establish partnering relationships.
3. Use following Guiding Principles in setting up all public meetings:
 - Maintain honesty and integrity throughout the process.
 - Recognize community\indigenous knowledge.
 - Encourage active community participation.
 - Utilize cross-cultural formats and exchanges.
4. Identify external Environmental Justice stakeholders and provide opportunities to offer input into decisions that may impact their health, property values and lifestyles. Consider at a minimum individuals from the following organization as appropriate:
 - Environmental Organizations
 - Business and Trade Organizations
 - Civic / Public Interest Groups
 - Grassroots \ Community-based Organizations
 - Congress
 - Federal Agencies
 - Homeowner and Resident Organizations
 - International Organizations
 - Labor Unions
 - Local and State Government
 - Media \ Press
 - Indigenous People
 - Tribal Governments
 - Industry
 - White House
 - Religious Groups
 - Universities and Schools
5. Identify key individuals who can represent various stakeholder interests. Learn as much as

- possible about stakeholders and their concerns through personal consultation, phone, or written contacts. Ensure that information gathering techniques include modifications for minority and low-income communities, for example, consider language \ cultural barriers, technical background, literacy, access to respondent, privacy issues and preferred types of communications.
6. Solicit stakeholder involvement early in the policymaking process, beginning in the planning and development stages and continuing through implementation and oversight.
 7. Develop co-sponsoring/co-planning relationships with community organizations, providing resources for their needs.
 8. Establish a central point of contact within the Federal agency to assist in information dissemination, resolve problems and to serve as a visible and accessible advocate of the public's right to know about issues that affect health or environment.
 9. Regionalize materials to insure cultural sensitivity and relevance. Make information readily accessible (handicap access, Braille, etc.) and understandable. Unabridged documents should be placed in repositories. Executive summaries/fact sheets should be prepared in layman's language. Whenever practicable and appropriate, translate targeted documents for limited English-speaking populations.
 10. Make information available in a timely manner. Environmental Justice stakeholders should be viewed as full partners and Agency customers. They should be provided with information at the same time it is submitted for formal review to state, tribal and/or Federal regulatory agencies.
 11. Ensure that personnel at all levels in the Agency clearly understand policies for transmitting information to Environmental Justice stakeholders in a timely, accessible and understandable fashion.
 12. Establish site-specific community advisory boards where there is sufficient and sustained interest. To determine whether there is sufficient and sustained interest, at a minimum, review correspondence files, review media coverage, conduct interviews with local community members and advertise in local newspapers. Ensure that the community representation includes all aspects and diversity of the population. Organize a member selection panel. Solicit nominations from the community. Consider providing administrative and technical support to the community advisory board.
 13. Schedule meetings and/or public hearings to make them accessible and user-friendly for Environmental Justice stakeholders. Consider time frames that don't conflict with work schedules, rush hours, dinner hours and other community commitments that may decrease attendance. Consider locations and facilities that are local, convenient and which represent

neutral turf. Ensure that facility meets American with Disabilities Act Statements for equal access. Provide assistance for hearing impaired individuals. Whenever practical and appropriate provide translators for limited-English speaking communities. Advertise the meeting and its proposed agenda in a timely manner in the print and electronic media. Provide a phone number and/or address for communities to find out about pending meetings, issues, enter concerns or to seek participation or alter meeting agenda.

Create an atmosphere of equal participation (avoid a "panel of experts" or "head table"). A two day meeting is suggested with the first day reserved for community planning and education. Organize meetings to provide an open exchange of ideas and enough time to consider issues of community concern. Consider the use of a neutral facilitator who is sensitive and trained in environmental justice issues. Ensure that minutes of the meetings are publically available. Develop a mechanism to provide communities with feedback after meetings occur on actions being considered.

14. Consider other vehicles to increase participation of Environmental Justice stakeholders including:

- Posters and Exhibits
- Participation in Civic and Community Activities
- Public Database and Bulletin Boards
- Surveys
- Telephone Hotlines
- Training and Education Programs, Workshops and Materials

15. Be sure that trainers have a good understanding of the subject matter both technical and administrative. The trainers are the Ambassadors of this program. If they don't understand - no one will.

16. Diversity in the workplace: whenever practical be sure that those individuals that are the decision makers reflect the intent of the Executive Order and come from diverse backgrounds, especially those of a community the agency will have extensive interaction with.

17. After holding a public forum in a community establish a procedure to follow up with concrete actions to address the communities' concerns. This will help to establish credibility for your agency as having an active role in the federal government.

18. Promote interagency coordination to ensure that the most far reaching aspects of environmental justice are sufficiently addressed in a timely manner. Environmental problems do not occur along departmental lines. Therefore, solutions require many agencies and other stakeholders to work together efficiently and effectively.

Revised 1/13/95

19. Educate stakeholders about all aspects of environmental justice (functions, roles, jurisdiction, structure and enforcement).
20. Ensure that research projects identify environmental justice issues and needs in communities, and how to meet those needs through the responsible agencies.
21. Establish interagency working groups (at all levels) to address and coordinate issues of environmental justice.
22. Provide information to communities about the government's role as it pertains to short term and long term economic and environmental needs and health effects.
23. Train staff to support inter and intra agency coordination, and make them aware of the resources needed for such coordination.
25. Provide agency staff who are trained in cultural, linguistic and community outreach techniques.
26. Provide effective outreach, education and communications. Findings should be shared with community members with an emphasis on being sensitive and respectful to race, ethnicity, gender, language, and culture.
27. Design and implement education efforts tailored to specific communities and problems. Increase the involvement of ethnic caucuses, religious groups, the press, and legislative staff in resolution of Environmental Justice issues.
28. Assure active participation of affected communities in the decisionmaking process for outreach, education, training and communities programs -- including representation on advisory councils and review committees.
29. Encourage federal and state governments to "reinvent government" -- overhaul the bureaucratic in favor of community responsive.
30. Link environmental issues to local economic issues to increase level of interest.
31. Use local businesses for environmental cleanup or other related activities.
32. Utilize, as appropriate, historically Black Colleges and Universities (HBCU) and Minority

Revised 1/13/95

Institutes (MI), Hispanic Serving Colleges and Universities (HSCU) and Indian Centers to network and form community links that they can provide.

33. Utilize, as appropriate, local expertise for technical and science reviews.
34. Previous to conducting the first agency meeting, form an agenda with the assistance of community and agency representatives.
35. Provide "open microphone" format during meetings to allow community members to ask questions and identify issues from the community.

Bibliography:

"Interim report of the Federal Facilities Environmental Restoration Dialogue Committee,"
February 1993, Environmental Protection Agency and the Keystone Center

"Community Relations in Superfund: A Handbook," January 1992, Environmental Protection
Agency, Document # EPA-540-R-92-009 and # PB92-963341

DRAFT "Partnering Guide for DoD Environmental Missions," July 1994, Institute for Water
Resources, U.S.A.C.E

"Improving Dialogue with Communities: A Short Guide for Government Risk
Communications," September 1991, Environmental Communications Research Program,
New Jersey Agriculture Experiment Station, Cook College, Rutgers University

OSD/DUSD/ES/OR/Ann Davlin/703/695-3329/28 September 94

4

Office of Environmental Justice



THE MODEL PLAN FOR PUBLIC PARTICIPATION

(Originally Published as EPA-300-K-96-003)

<http://www.epa.gov/eca/ei/main/nejacpub.html>

*Developed by
The Public Participation and
Accountability Subcommittee
of the
National Environmental Justice Advisory Council
A Federal Advisory Committee to the U.S. EPA*

This report and recommendations have been written as a part of the activities of the National Environmental Justice Advisory Council (NEJAC), a public advisory committee providing extramural policy information and advice to the Administrator and other officials of the United States Environmental Protection Agency (EPA). The Council is structured to provide balanced, expert assessment of matters related to environmental justice. This report has been reviewed by the EPA. Mention of trade names or commercial products does not constitute a recommendation for use.

This report is a revision of EPA-300-K-96-003 published in 1996.

Inside Front Cover

Dear Colleagues and Friends:

The National Environmental Justice Advisory Council (NEJAC) considers public participation crucial in ensuring that decisions affecting human health and the environment embrace environmental justice. To facilitate such public participation, the NEJAC requested that its Public Participation and Accountability Subcommittee develop recommendations for methods by which EPA can institutionalize public participation in its environmental programs. In 1994, the Public Participation and Accountability Subcommittee developed the Model Plan for Public Meetings. The NEJAC adopted the model plan as a living document to be reviewed annually and revised as needed.

We are pleased to send you an updated copy of the Model Plan for Public Participation. We also have enclosed the "Core Values for the Practice of Public Participation," developed by Interact: The Journal of Public Participation, and the "Guiding Principles for Public Participation," developed by the NEJAC Public Participation and Accountability Subcommittee. We invite you to consider the model plan as a tool that will enhance the public participation process. Please share this document with others who may be interested in encouraging broader community participation in the environmental decision-making process.

Please forward any written comments to:

NEJAC Public Participation and Accountability Workgroup
c/o U.S. Environmental Protection Agency
Office of Environmental Justice
1200 Pennsylvania Avenue NW (Mail Code: 2201A)
Washington, DC 20460
Phone: (202) 564-2598
Hotline: (800) 962-6215
Fax: (202) 501-0740
Internet E-mail: environmental-justice-epa@epa.gov
World Wide Web: <http://www.epa.gov/oeca/ei/nejac>

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CRITICAL ELEMENTS FOR CONDUCTING PUBLIC PARTICIPATION

1. PREPARATION

- A. Developing co-sponsoring and co-planning relationships with community organizations is essential to successful community meetings. To ensure a successful meeting, agencies should provide co-sponsors the resources they need and should share all planning roles.

These roles include:

- Decision making
 - Development of the agenda
 - Establishment of clear goals
 - Leadership
 - Outreach
- B. Educating the community to allow equal participation and provide a means to influence decision making.
- C. Regionalizing materials to ensure cultural sensitivity and relevance.
- D. Providing a facilitator who is sensitive and trained in environmental justice issues.

2. PARTICIPANTS

- A. As the NEJAC model demonstrates, the following communities should be involved in environmental justice issues:

- Community and neighborhood groups
- Community service organizations (health, welfare, and others)
- Educational institutions and academia
- Environmental organizations
- Government agencies (federal, state, county, local, and tribal)
- Industry and business
- Medical community
- Non-government organizations
- Religious communities
- Spiritual communities

B. Identify key stakeholders, including:

- Educational institutions
- Affected communities
- Policy and decision makers (for example, representatives of agencies accountable for environmental justice issues, such as health officials, regulatory and enforcement officials, and social agency staff).

3. LOGISTICS

A. Where:

- The meetings should be accessible to all who wish to attend (public transportation, child care, and access for persons with disabilities should be considered).
- The meeting must be held in an adequate facility (size and conditions must be considered).
- Technologies should be used to allow more effective communication (teleconferences, adequate translation, equipment, and other factors).

B. When:

- The time of day and year of the meeting should accommodate the needs of affected communities (evening and weekend meetings accommodate working people, and careful scheduling can avoid conflicts with other community or cultural events).

C. How:

- An atmosphere of equal participation must be created (avoid using a "panel" or "head table").
- A two-day meeting, at a minimum, is suggested. The first day should be reserved for community planning and education.
- The community and the government should share leadership and presentation assignments.

4. MECHANICS

- Maintain clear goals by referring to the agenda; however, do not be bound by it.
- Incorporate cross-cultural exchanges in the presentation of information and the meeting agenda.
- Provide a professional facilitator who is sensitive to, and trained in environmental justice issues.
- Provide a timeline that describes how the meeting fits into the overall agenda of the issues at hand.
- Coordinate follow-up by developing an action plan and determining who is the contact person who will expedite the work products from the meeting.
- Distribute minutes and a list of action items to facilitate follow-up.

CORE VALUES AND GUIDING PRINCIPLES FOR THE PRACTICE OF PUBLIC PARTICIPATION

Items 1-7 were adopted from "Interact: The Journal of Public Participation, Volume 2, Number 1, Spring 1996." Items 8-14 are The Guiding Principles for Public Participation developed by the NEJAC's Public Participation/Accountability Workgroup to ensure the early involvement of the public.

- *1. People should have a say in decisions about actions which affect their lives.
- *2. Public participation includes the promise that the public's contribution will influence the decision.
- *3. The public participation process communicates the interests and meets the process needs of all participants.
- *4. The public participation process seeks out and facilitates the involvement of those potentially affected.
- *5. The public participation process involves participants in defining how they participate.
- *6. The public participation process communicates to participants how their input was, or was not, utilized.
- *7. The public participation process provides participants with the information they need to participate in a meaningful way.
- 8. Involve the public in decisions about actions which affect their lives.
- 9. Maintain honesty and integrity throughout the process.
- 10. Encourage early and active community participation.
- 11. Recognize community knowledge.
- 12. Use cross-cultural methods of communication.
- 13. Institutionalize meaningful public participation by acknowledging and formalizing the process.
- 14. Create mechanisms and measurements to ensure the effectiveness of public participation.

**Interact is published by the International Association of Public Participation Practitioners, a non-profit corporation established in 1990 to serve practitioners throughout the world seeking practical experience designing and conducting public involvement programs.*

ENVIRONMENTAL JUSTICE PUBLIC PARTICIPATION CHECKLIST FOR GOVERNMENT AGENCIES

1. Ensure that the Agency's public participation policies are consistent with the requirements of the Freedom of Information Act, the Emergency Planning and Community Right to Know Act and the National Environmental Policy Act.
2. Obtain the support of senior management to ensure that the Agency's policies and activities are modified to ensure early, effective and meaningful public participation, especially with regard to Environmental Justice stakeholders. Identify internal stakeholders and establish partnering relationships.
3. Use the following Guiding Principles in setting up all Public Meetings:
 - Maintain honesty and integrity throughout the process
 - Recognize community and indigenous knowledge
 - Encourage active community participation
 - Utilize cross-cultural formats and exchanges
4. Identify external Environmental Justice stakeholders and provide opportunities to offer input into decisions that may impact their health, property values and lifestyles. Consider at a minimum individuals from the following organizations as appropriate:
 - Environmental organizations
 - Business and trade organizations
 - Civic/public interest groups
 - Grassroots/community-based organizations
 - Congress
 - Federal agencies
 - Homeowner and resident organizations
 - International organizations
 - Labor unions
 - Local and State government
5. Identify key individuals who can represent various stakeholder interests. Learn as much as possible about stakeholders and their concerns through personal consultation, phone or written contacts. Ensure that information-gathering techniques include modifications for minority and low-income communities (for example, consider language and cultural barriers, technical background, literacy, access to respondents, privacy issues and preferred types of communications).
6. Solicit stakeholder involvement early in the policy-making process, beginning in the planning and development stages and continuing through implementation and oversight.
7. Develop co-sponsoring/co-planning relationships with community organizations, providing resources for their needs.

8. Establish a central point of contact within the Federal agency to assist in information dissemination, resolve problems and to serve as a visible and accessible advocate of the public's right to know about issues that affect health or environment.
9. Regionalize materials to ensure cultural sensitivity and relevance. Make information readily accessible (for example, access for the handicapped and sight- and hearing-impaired) and understandable. Unabridged documents should be placed in repositories. Executive summaries/fact sheets should be prepared in layman's language. Whenever practicable and appropriate, translate targeted documents for limited English-speaking population.
10. Make information available in a timely manner. Environmental Justice stakeholders should be viewed as full partners and Agency customers. They should be provided with information at the same time it is submitted for formal review to State, Tribal and/or Federal regulatory agencies.
11. Ensure that personnel at all levels in the Agency clearly understand policies for transmitting information to Environmental Justice stakeholders in a timely, accessible and understandable fashion.
12. Establish site-specific community advisory boards where there is sufficient and sustained interest. To determine whether there is sufficient and sustained interest, at a minimum, review correspondence files, review media coverage, conduct interviews with local community members and advertise in local newspapers. Ensure that the community representation includes all aspects and diversity of the population. Organize a member selection panel. Solicit nominations from the community. Consider providing administrative and technical support to the community advisory board.
13. Schedule meetings and/or public hearings to make them accessible and user-friendly for Environmental Justice stakeholders. Consider time frames that do not conflict with work schedules, rush hours, dinner hours and other community commitments that may decrease attendance. Consider locations and facilities that are local, convenient and represent neutral turf. Ensure that the facility meets American with Disabilities Act Statements about equal access. Provide assistance for hearing-impaired individuals. Whenever practical and appropriate, provide translators for limited-English speaking communities. Advertise the meeting and its proposed agenda in a timely manner in the print and electronic media. Provide a phone number and/or address for communities to find out about pending meetings, issues, enter concerns or to seek participation or alter meetings agendas.
14. Consider other vehicles to increase participation of Environmental Justice stakeholders including:
 - Posters and Exhibits
 - Participation in Civic and Community Activities
 - Public Database and Bulletin Boards
 - Surveys
 - Telephone Hotlines
 - Training and Education Programs, Workshops and Materials

15. Be sure that trainers have a good understanding of the subject matter both technical and administrative. The trainers are the Ambassadors of this program. If they don't understand - no one will.
16. Diversity in the workplace: whenever practical be sure that those individuals that are the decision makers reflect the intent of the Executive Order and come from diverse backgrounds, especially those of a community with whom the Agency will have extensive interaction.
17. After holding a public forum in a community, establish a procedure to follow up with concrete action to address the communities' concerns. This will help to establish credibility for your Agency as having an active role in the Federal government.
18. Promote interagency coordination to ensure that the most far reaching aspects of environmental justice are sufficiently addressed in a timely manner. Environmental problems do not occur along departmental lines. Therefore, solutions require many agencies and other stakeholders to work together efficiently and effectively.
19. Educate stakeholders about all aspects of environmental justice (functions, roles, jurisdiction, structure and enforcement).
20. Ensure that research projects identify environmental justice issues and needs in communities, and how to meet those needs through the responsible agencies.
21. Establish interagency working groups (at all levels) to address and coordinate issues of environmental justice.
22. Provide information to communities about the government's role as it pertains to short-term and long-term economic and environmental needs and health effects.
23. Train staff to support inter-and intra-Agency coordination, and make them aware of the resources needed for such coordination.
24. Provide Agency staff who are trained in cultural, linguistic and community outreach techniques.
25. Hold workshops, seminars and other meetings to develop partnerships between agencies, workers and community groups. (Ensure mechanisms are in place to ensure that partnerships can be implemented via cooperative agreements, etc.)
26. Provide effective outreach, education and communications. Findings should be shared with community members, with an emphasis on being sensitive and respectful to race, ethnicity, gender, language, and culture.

27. Design and implement educational efforts tailored to specific communities and problems. Increase the involvement of ethnic caucuses, religious groups, the press, and legislative staff in resolution of Environmental Justice issues.
28. Assure active participation of affected communities in the decision-making process for outreach, education, training and community programs – including representation on advisory councils and review committees.
29. Encourage Federal and State governments to "reinvent government" -- overhaul the bureaucratic in favor of community responsiveness.
30. Link environmental issues to local economic issues to increase level of interest.
31. Use local businesses for environmental cleanup or other related activities.
32. Utilize, as appropriate, historically Black Colleges and Universities (HBCU) and Minority Institutes (MI), Hispanic Serving Colleges and Universities (HSCU) and Indian Centers to network and form community links that they can provide.
33. Utilize, as appropriate, local expertise for technical and science reviews.
34. Previous to conducting the first Agency meeting, form an agenda with the assistance of community and Agency representatives.
35. Provide "open microphone" format during meetings to allow community members to ask questions and identify issues from the community.

CHAPTER 1 INTRODUCTION AND BACKGROUND ON OSWER ENVIRONMENTAL JUSTICE ACTION AGENDA

A. INTRODUCTION

Over the last decade, attention to the impact of environmental pollution on particular segments of our society has been steadily growing. Community-based groups and other organizations, such as academic and governmental agencies, have raised the issue that minority populations and/or low-income populations bear disproportionately high and adverse human health and environmental effects from pollution. This concern has resulted in a movement to assure environmental justice for all segments of our society.

Several studies, conducted by a variety of organizations (e.g., National Law Journal, United Church of Christ), have concluded that certain communities are at special risk from environmental threats. These studies maintain that the implementation of key environmental laws have not historically provided protection to all citizens and that certain populations are more vulnerable than others to health threats from environmental pollution. Additionally, these studies suggest that vulnerabilities may stem from multiple exposure situations exacerbated by other socio-economic factors, such as poor health care and lack of adequate nutrition. In a 1992 U.S. Environmental Protection Agency (EPA) report, "Environmental Equity: Reducing Risk in all Communities," an EPA workgroup found that, although large gaps in data exist, enough is known with sufficient certainty for EPA to take action.

Whether based on studies or personal experiences, many individuals and groups have concluded that the government must take these issues into account in its decision-making processes, research and data collection. The environmental justice movement has contributed much to our current understanding of the fear of and suffering from environmental pollution by the individuals and families living in low-income communities and minority communities.

B. HISTORY LEADING TO THIS ACTION AGENDA

Executive Order 12898 on Environmental Justice

On February 11, 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," (Executive Order) which focused the attention of Federal agencies on the environmental and human health conditions of minority and low-income communities. The Executive Order directed Federal agencies to develop environmental justice strategies by February 11, 1995 (deadline amended to April 11, 1995), that identify and address disproportionately high exposure and adverse human health or environmental effects of their programs, policies and activities on

B. HISTORY LEADING TO THIS ACTION AGENDA

minority populations and low-income populations. All agency strategies must consider enforcement of statutes in areas with minority populations and low-income populations, greater public participation, improvement of research and identification of differential patterns of subsistence use of natural resources. The Executive Order also requires that agencies conduct activities that substantially effect human health or the environment in a nondiscriminatory manner. In addition, better data collection and research is required by the Executive Order and it declares that whenever practicable and appropriate, future human health research must look at diverse segments of population and must identify multiple and cumulative exposures. The Executive Order applies equally to Native American programs.

Interagency Action Items

Early in her tenure as the EPA's Administrator, Carol Browner designated the pursuit of environmental justice as one of the Agency's top priorities. To follow-up on this commitment, Administrator Browner has taken a leadership role in helping Federal agencies implement the Executive Order and chairs the Interagency Working Group established under the Executive Order. The group's responsibilities include: identifying disproportionately high and adverse health and environmental effects on minority populations and low-income populations; ensuring consistency of Federal implementation of the Executive Order; assisting in research and coordination of research efforts; coordinating data collection; and developing interagency model projects. EPA staff, including representatives from the Office of Solid Waste and Emergency Response (OSWER), serve on several of the Interagency Working Group's task forces. OSWER staff also work directly with the staff of many other Federal agencies to develop interagency solutions to many environmental justice issues that require additional legal authorities than those of EPA.

EPA's Environmental Justice Strategy

EPA released "Environmental Justice Strategy: Executive Order 12898" in May 1995. The strategy describes environmental justice efforts in six cross-cutting mission areas including: health and environmental research; data collection, analysis and stakeholder access to information; enforcement and compliance assurance; partnerships, outreach, and communication with stakeholders; Native American, indigenous, and Tribal programs; and integration of environmental justice into all agency activities.

In EPA's strategy, the Administrator calls on each EPA office and Region to develop a strategy or action plan to address environmental justice concerns. OSWER was the first program office to develop an environmental justice strategy, which was done simultaneously with the Agency-wide effort. OSWER worked to coordinate its efforts with the parallel activities of the overall Agency efforts and, as a result, OSWER's Action Agenda supplements and enhances the Agency's strategy.

B. HISTORY LEADING TO THIS ACTION AGENDA

Formation of OSWER Environmental Justice Task Force

On November 29, 1993, the Assistant Administrator of OSWER, Elliott P. Laws, directed the formation of a task force to analyze environmental justice issues specific to waste programs and to develop recommendations to address these issues. The OSWER Environmental Justice Task Force (Task Force) was composed of more than 60 people and included representatives from each OSWER program area (i.e., Resource Conservation and Recovery Act, Superfund, Chemical Emergency Preparedness and Prevention, Federal Facilities, Technology Innovation, Oil Pollution, and Underground Storage Tanks), EPA Regional offices, and other EPA offices with an interest in waste programs and environmental justice.

Three other Federal agencies, the Department of Justice (DOJ), the Agency for Toxic Substances and Disease Registry (ATSDR), and the National Institute for Environmental Health Sciences (NIEHS) participated on the Task Force. In addition, representatives from two professional associations of EPA employees with site cleanup responsibilities, the National On-Scene Coordinators Association (NOSCA) and the National Association of Regional Program Managers (NARPM) participated. Meetings were conducted on a regular basis to identify and analyze the major OSWER environmental justice issues and to discuss the Task Force's recommendations.

OSWER Environmental Justice Task Force Outreach and Draft Final Report

The Task Force conducted a series of outreach meetings with entities inside and outside the Agency to gain comment from a broad spectrum of affected groups coping with environmental justice issues. Responses were received from 17 stakeholders with suggestions for the Task Force to consider. In addition, meetings were held, on March 15, 1994, with stakeholder groups to explore their comments. The Task Force also met with Congressional staff, State, Tribal and local government representatives, environmental and community group representatives, and labor and industry groups to get their comments on proposed issues and recommendations.

Furthermore, Task Force members traveled to four EPA Regions (3, 4, 6, and 9) to gain insight on Regional experience and activities regarding environmental justice. In addition, the Task Force Chairman met with each Office Director of individual OSWER programs to gain their input. The Task Force determined that environmental justice stakeholders included: community organizations, nonprofit organizations, environmental groups, business, industry, academia, Federal, State and Tribal governments and labor.

These efforts led to the publishing of the "OSWER Environmental Justice Task Force Draft Final Report" (OSWER 9200.3-16 Draft) (Task Force Report) and its separate executive summary document (OSWER 9200.3-16-1 Draft) on April 25, 1994. The Task Force reports were published in draft final form and distributed for comment. This was done

C. GOALS FOR OSWER ENVIRONMENTAL JUSTICE

because EPA wanted to provide the National Environmental Justice Advisory Council (NEJAC), which had not been in existence long enough to provide its comments. The NEJAC was formed, by EPA, under the authority of the Federal Advisory Committee Act (FACA), to provide advise and information on environmental justice policies and issues.

A press conference was held on April 28, 1994, and a stakeholders meeting was held April 29, 1994, focusing on OSWER's key areas of environmental justice activity during 1994 and 1995. Since that time over 1700 copies of both the full draft final report and its executive summary have been distributed. Numerous presentations, briefings and speeches have been made by senior OSWER managers to stakeholder organizations and the public has demonstrated a significant interest in the draft final report.

Implementation Process

In April 1994, Elliott P. Laws, OSWER Assistant Administrator, requested that the EPA Regional offices and the OSWER program offices begin work on implementing the recommendations outlined in the Task Force report. This request also asked the Regions to involve the States, Tribes and other stakeholders in the development of their environmental justice implementation plans. These implementation plans are now considered "living documents" which are updated and improved as new challenges and opportunities in environmental justice arise. A full description of the implementation process is included in Chapter Four of this Action Agenda. A summary of key action items contained in those implementation plans can be viewed in Appendix A of this report. A full report on implementation progress and accomplishments, entitled "Waste Programs Environmental Justice Accomplishments Report", is being released concurrently with this Action Agenda.

OSWER Action Agenda (Action Agenda)

This Action Agenda reflects the incorporation of NEJAC comments and describes an ongoing process of addressing environmental justice. It should be viewed as a "living document" which builds upon the two previously published documents. This Action Agenda provides a concise summary of OSWER's current strategy and describes an implementation process for ensuring that major issues, identified by the NEJAC and others, continue to be recognized and addressed. The "NEJAC Ten Point Endorsement of OSWER Action Agenda" document is contained in Appendix B.

C. GOALS FOR OSWER ENVIRONMENTAL JUSTICE

OSWER examined a variety of goals and focused on the two goals developed by the Agency-wide Environmental Justice Task Force. In EPA's "Environmental Justice Strategy: Executive Order 12898," Administrator Browner wrote that our goals are to ensure that:

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“No segment of the population, regardless of race, color, national origin, or income, as a result of EPA’s policies, programs, and activities, suffers disproportionately from adverse human health or environmental effects, and all people live in clean, healthy, and sustainable communities.

Those who must live with environmental decisions -- community residents, State, Tribal and local governments, environmental groups, businesses -- must have every opportunity for public participation in the making of those decisions. An informed and involved community is a necessary and integral part of the process to protect the environment.”

The OSWER Action Agenda supports the Agency-wide goals. OSWER’s action items also coalesce around five of six environmental justice mission areas contained in Executive Order 12898 and EPA’s Environmental Justice Strategy:

- 1) health and environmental research;
- 2) data collection, analysis, and stakeholder access to information;
- 3) partnerships, outreach and communication with stakeholders;
- 4) Native American, Indigenous and Tribal programs; and
- 5) Integrating of environmental justice into all Agency’s activities.

The sixth environmental justice mission area of enforcement and compliance review is considered outside OSWER’s authority, however, we worked closely with EPA’s Office of Enforcement and Compliance Assurance (OECA) when these issues arise.

D. REPORT CONTENTS

The “OSWER Environmental Justice Action Agenda” report describes the key action items developed by OSWER over the last year and a half. The Action Agenda makes a concerted effort to identify explicit actions, which can be taken by Headquarters and the Regions. In Chapter Two, OSWER-wide environmental justice issues and action items are discussed, while in Chapter Three, the program-specific issues and action items are the focus. In addition to changes in policies or development of new guidance documents, specific projects to be undertaken are also described. The process of implementing these environmental justice action items and the process of reporting progress is the subject of the final Chapter Four.

This Action Agenda is supplemented by several appendices that aid the reader and that serve as reference material. As mentioned above, a summary of key action items

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contained in Headquarters and Regional environmental justice implementation plans can be viewed in Appendix A of this report. The "NEJAC Ten Point Endorsement of OSWER Action Agenda" document is contained in Appendix B. Appendix C contains the names and organizations of the current members of the NEJAC Subcommittee on Waste and Facility siting. This subcommittee will continue to work with OSWER on implementation of this Action Agenda. The OSWER Environmental Task Force members that worked on the Task Force Report, from December 1993 through April 1995, are contained in Appendix D. As OSWER began working on implementation plans, the OSWER Environmental Justice Steering Committee was formed and the current membership of that group is identified in Appendix E. Aiding in implementation of the environmental justice strategies, Appendix F lists EPA's and OSWER's Environmental Justice Coordinators who serve as a single point of contact on and coordination of environmental issues.

The choice of terms in this report deserves some explanation. The Action Agenda, like EPA's "Environmental Justice Strategy: Executive Order 12898", uses the term "minority" rather than "people of color" in order to be consistent with the Executive Order, but EPA is mindful and supportive of many communities' desire to use "people of color." The Action Agenda uses of the term indigenous to refer to all people within the boundaries and territories of the United States regardless of their affiliation with a federally-recognized Tribe. However, the Agency recognizes various terminology preferences among native people and will strive to respect and utilize appropriate language on a case-by-case basis in its interactions with native constituents.

CHAPTER 2

OSWER-WIDE ENVIRONMENTAL JUSTICE ISSUES AND ACTION ITEMS

The OSWER action items form a strategy for addressing the key environmental justice issues raised by the many studies and evaluations conducted over the last decade. The overall strategy makes a concerted effort to identify, in detail, explicit actions, both OSWER-wide and program-specific, which can be taken by Headquarters and the Regions to address environmental justice issues. The full description of these action items can be found in the original Task Force report and in the individual Headquarters and Regional implementation plans.

The issues and action items fall into two main divisions: those which cut across all OSWER waste programs and those which primarily are directed to a specific OSWER administered program. OSWER-wide issues/action items fall into the following categories: guidelines for environmental justice; Title VI of the Civil Rights Act; outreach, communication, and partnerships; economic redevelopment, jobs and worker training; health, cumulative risk, synergistic effects, and multiple pathways; geographic information systems and multiple facility indices; Federal interagency cooperation; international and border issues; contracts and grants; internal training, organization and program implementation; and Tribal and Native Alaskan villages issues. In response to comments received from the NEJAC, the health and cumulative risk area has been expanded and the new category, dealing with international and border issues, has been added.

The following sections briefly summarize the major action items for the OSWER-wide issues. The program-specific issues will be dealt with in more detail in Chapter Three of this Action Agenda.

A. GUIDELINES FOR ENVIRONMENTAL JUSTICE

As a part of Executive Order 12898, the President ordered the designated agencies to address the issue of defining environmental justice issues and the communities that may be impacted. OSWER supports this ongoing effort and will work to communicate and implement the environmental justice definitions that the Interagency Working Group develops.

B. TITLE VI OF THE CIVIL RIGHTS ACT

OSWER is exploring its role in the use of Title VI of the Civil Rights Act of 1964 (Title VI), as amended, to achieve environmental justice. EPA's regulations implementing Title VI, codified at 40 CFR Part 7, require that any program or activity receiving Federal financial assistance be implemented in a manner that does not have the effect of discriminating based on race, color, or national origin. Complaints filed under Title VI are processed by

C. OUTREACH, COMMUNICATIONS AND PARTNERSHIPS

EPA's Office of Civil Rights (OCR). When a Title VI investigation involves the permitting of a waste management facility, OCR, with assistance from OSWER, conducts a careful review of EPA and State standards and procedures to ensure that EPA's Title VI regulations have not been violated. OSWER recommends, consistent with OCR policy, the use of informal means to resolve Title VI complaints.

OSWER will work closely with OCR, the Office of General Counsel, Regional offices, and the Department of Justice to resolve Title VI complaints and conduct compliance reviews. An OSWER staff person has been temporarily reassigned to OCR to familiarize OCR staff with the Resource Conservation and Recovery Act (RCRA) permitting process.

OSWER will also explore other ways to ensure that recipients of EPA assistance comply with Title VI to minimize the need for communities to resort to filing complaints. Examples include: encouraging meaningful participation by all stakeholders at the earliest possible time, as described in OSWER's proposed rule entitled "RCRA Expanded Public Participation and Revisions to Combustion Permitting Procedures" (Federal Register, June 2, 1994); working with stakeholders to examine alternate sites for the facility; and using other dispute resolution techniques to address alleged discriminatory impacts of a proposed action.

C. OUTREACH, COMMUNICATIONS AND PARTNERSHIPS

OSWER is seeking ways to improve communications, develop trust and involve the affected communities. To that end, OSWER worked to establish a subcommittee, of the NEJAC, to specifically provide advice and consultation to OSWER on environmental justice issues. This group is known as the Subcommittee on Waste and Facility Siting (Subcommittee) and in response to their comments, OSWER has committed to working with the Subcommittee to develop an outreach strategy for this Action Agenda and to develop a public participation model for all government agencies to use when they are seeking input from a community. OSWER has also adopted the NEJAC recommendation that Regional managers visit several local communities annually for the purpose of listening to the communities' views on environmental justice issues. A major action item was accomplished by OSWER when a directive was issued by the Assistant Administrator that requires all future OSWER policies and regulations to consider environmental justice implications before they are issued.

OSWER programs have several additional initiatives already under way. In many communities, Local Emergency Planning Committees (LEPCs) have detailed information about chemical hazards. OSWER is examining how to ensure that community environmental justice leaders have access to information from and are represented on LEPCs. In addition, OSWER continues to explore methods to expand public participation in waste programs. Our Superfund strategy includes the use of Community Advisory Groups (CAGs) at Superfund sites with 14 sites having been identified for possible CAG pilots. When finalized (expected in the fall of 1995), the RCRA Public Participation Rule will expand community input in the permitting process. This Public Participation Rule will also apply to State permit processes.

D. ECONOMIC REDEVELOPMENT, JOBS, AND WORKER TRAINING

where the RCRA program has been authorized for State administration. More effective community involvement is also being evaluated in the agency-wide permits improvement process. A more detailed discussion of these initiatives are presented in Chapter Three in the program-specific sections.

Communities have made it clear to EPA that they need proper training of community residents and other tools to fully and effectively participate in the OSWER program processes. OSWER has developed several pilots that respond to this request by providing communities with training and other empowerment tools. Some of these community training initiatives overlap with worker training initiatives (which are more fully described in the next section), such as NIEHS, Department of Energy (DOE), Department of Transportation (DOT), Department of Housing and Urban Development (HUD), Department of Health and Human Services (HHS), Department of Labor (DOL) and Department of Education (DOEd) training efforts. OSWER has also worked with HUD and the United States Department of Agriculture (USDA) community empowerment programs to provide additional tools to communities. OSWER has gone directly to community and non-profit organizations to provide tools and outreach.

Regions are to conduct public forum meetings for outreach on environmental justice issues. OSWER has endorsed a NEJAC recommendation to have Regional senior management periodically visit communities with environmental justice issues. Administrator Carol Browner has set an example for this recommendation by committing to visit 12 such communities over 12 months. OSWER and the Regions are also exploring the creation of business and industry, stakeholder and other types of public/private partnerships to address environmental justice concerns. Finally, OSWER program offices and the Regional offices are proactive in the use of the Agency's computer geographic information systems (GIS) to identify potential geographic areas of environmental justice concern (e.g., define potential patterns of inequity by understanding demographics around sites and facilities).

D. ECONOMIC REDEVELOPMENT, JOBS, AND WORKER TRAINING

OSWER has addressed a number of economic redevelopment action items through "brownfield" and job and worker training initiatives. These are an integral part of environmental justice because there is a concern that communities with minority populations and low-income populations not only bear a disproportionate share of human health and environmental risks but also bear a disproportionate share of economic distress. This may occur because these populations are often concentrated in older urban or rural areas where pollution remains after the industries that caused the pollution have left the area.

I. CONTRACTS AND GRANTS

people living in areas targeted for cleanup. Since training hazardous material workers is an interagency activity, EPA will also coordinate with DOE and DOT training efforts. A fuller description of this program is contained in the Economic Redevelopment, Jobs and Training section of this report.

H. INTERNATIONAL AND BORDER ISSUES

An area of increasing concern, expressed by the NEJAC and many others, involves international issues that have environmental justice implications. Some issues have been generated as a result of the North American Free Trade Agreement (NAFTA) and other border issues with Mexico and Canada. Other international environmental justice issues deal with the international transportation of wastes to developing countries.

Communities, located along the border between the U.S. and Mexico, are among the poorest in the U.S., with more than 20 percent of the border residents living below the poverty level (the comparable national average is twelve percent.) Many new action items have begun addressing issues affecting these communities. With the passage of NAFTA, a number of changes are expected in the movement and generation of hazardous wastes. To work on addressing these issues, NAFTA created the North American Commission on Environmental Cooperation. Also, OSWER and two Regions have members on a multi-nation and multi-agency subgroup, of this commission, working on these border issues.

OSWER programs are also addressing individual components of this problem. OSWER was involved in an aggressive site/facility identification process. A binational database, HAZTRACKS, has been developed that records "cradle to grave" shipment of imported and exported wastes between the U.S. and Mexico. Under the OSWER chemical emergency program, U.S. cities have entered into chemical accident response agreements with several Mexican cities. The cooperation established by these agreements could serve as the basis for environmental justice activities on the Mexican border.

OSWER staff has been working aggressively on the export/import issue. In 1994, EPA sent the Clinton Administration's principles for waste export and import legislation to Congress. If enacted, such legislation would enable the U.S. to ratify the 1989 "Basel Convention" (the first major international agreement on exports and imports of hazardous wastes, municipal wastes, and municipal incineration ash) and ban exports of covered wastes outside of North America, with exceptions in limited circumstances.

I. CONTRACTS AND GRANTS

In exploring the use of contracts and grants to achieve environmental justice objectives, OSWER found many limitations imposed by existing regulations for both grants and procurement linked to existing requirements for the competitive processes for both

[For information on confidentiality protection, nonsampling error, and definitions, see text]



Subject	Number	Percent	Subject	Number	Percent
Total population	1,819,046	100.0	HISPANIC OR LATINO AND RACE		
SEX AND AGE			Total population	1,819,046	100.0
Male.....	894,317	49.2	Hispanic or Latino (of any race).....	765,386	42.1
Female.....	924,729	50.8	Mexican.....	330,049	18.1
Under 5 years.....	130,628	7.2	Puerto Rican.....	4,488	0.2
5 to 9 years.....	141,171	7.8	Cuban.....	2,588	0.1
10 to 14 years.....	147,309	8.1	Other Hispanic or Latino.....	428,261	23.5
15 to 19 years.....	145,751	8.0	Not Hispanic or Latino.....	1,053,660	57.9
20 to 24 years.....	121,291	6.7	White alone.....	813,495	44.7
25 to 34 years.....	234,091	12.9	RELATIONSHIP		
35 to 44 years.....	282,009	15.5	Total population	1,819,046	100.0
45 to 54 years.....	245,819	13.5	In households.....	1,782,739	98.0
55 to 59 years.....	87,140	4.8	Householder.....	677,971	37.3
60 to 64 years.....	71,612	3.9	Spouse.....	341,818	18.8
65 to 74 years.....	117,745	6.5	Child.....	566,934	31.2
75 to 84 years.....	71,174	3.9	Own child under 18 years.....	445,404	24.5
85 years and over.....	23,306	1.3	Other relatives.....	106,021	5.8
Median age (years).....	34.6	(X)	Under 18 years.....	51,657	2.8
18 years and over.....	1,310,472	72.0	Nonrelatives.....	89,995	4.9
Male.....	635,067	34.9	Unmarried partner.....	43,542	2.4
Female.....	675,405	37.1	In group quarters.....	36,307	2.0
21 years and over.....	1,227,546	67.5	Institutionalized population.....	19,178	1.1
62 years and over.....	253,786	14.0	Noninstitutionalized population.....	17,129	0.9
65 years and over.....	212,225	11.7	HOUSEHOLD BY TYPE		
Male.....	93,199	5.1	Total households	677,971	100.0
Female.....	119,026	6.5	Family households (families).....	466,516	68.8
RACE			With own children under 18 years.....	235,030	34.7
One race.....	1,752,719	96.4	Married-couple family.....	341,818	50.4
White.....	1,214,253	66.8	With own children under 18 years.....	157,745	23.3
Black or African American.....	34,343	1.9	Female householder, no husband present.....	89,622	13.2
American Indian and Alaska Native.....	173,483	9.5	With own children under 18 years.....	56,133	8.3
Asian.....	19,255	1.1	Nonfamily households.....	211,456	31.2
Asian Indian.....	3,104	0.2	Householder living alone.....	172,181	25.4
Chinese.....	3,979	0.2	Householder 65 years and over.....	55,852	8.2
Filipino.....	2,888	0.2	Households with individuals under 18 years.....	261,684	38.6
Japanese.....	1,964	0.1	Households with individuals 65 years and over.....	151,722	22.4
Korean.....	1,791	0.1	Average household size.....	2.63	(X)
Vietnamese.....	3,274	0.2	Average family size.....	3.18	(X)
Other Asian ¹	2,255	0.1	HOUSING OCCUPANCY		
Native Hawaiian and Other Pacific Islander.....	1,503	0.1	Total housing units	780,579	100.0
Native Hawaiian.....	498	-	Occupied housing units.....	677,971	86.9
Guamanian or Chamorro.....	363	-	Vacant housing units.....	102,608	13.1
Samoan.....	290	-	For seasonal, recreational, or		
Other Pacific Islander ²	352	-	occasional use.....	31,990	4.1
Some other race.....	309,882	17.0	Homeowner vacancy rate (percent).....	2.2	(X)
Two or more races.....	66,327	3.6	Rental vacancy rate (percent).....	11.6	(X)
Race alone or in combination with one			HOUSING TENURE		
or more other races: ³			Occupied housing units	677,971	100.0
White.....	1,272,116	69.9	Owner-occupied housing units.....	474,445	70.0
Black or African American.....	42,412	2.3	Renter-occupied housing units.....	203,526	30.0
American Indian and Alaska Native.....	191,475	10.5	Average household size of owner-occupied units.....	2.72	(X)
Asian.....	26,619	1.5	Average household size of renter-occupied units.....	2.41	(X)
Native Hawaiian and Other Pacific Islander.....	3,069	0.2			
Some other race.....	352,963	19.4			

- Represents zero or rounds to zero. (X) Not applicable.

¹ Other Asian alone, or two or more Asian categories.

² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

³ In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: J.S. Census Bureau, Census 2000.



(For information on confidentiality protection, nonsampling error, and definitions, see text)

Subject	Number	Percent	Subject	Number	Percent
Total population	61,382	100.0	HISPANIC OR LATINO AND RACE		
SEX AND AGE			Total population	61,382	100.0
Male.....	30,055	49.0	Hispanic or Latino (of any race).....	26,904	43.8
Female.....	31,327	51.0	Mexican.....	17,040	27.8
Under 5 years.....	4,407	7.2	Puerto Rican.....	105	0.2
5 to 9 years.....	4,895	8.0	Cuban.....	16	-
10 to 14 years.....	5,114	8.3	Other Hispanic or Latino.....	9,743	15.9
15 to 19 years.....	5,504	9.0	Not Hispanic or Latino.....	34,478	56.2
20 to 24 years.....	3,729	6.1	White alone.....	31,970	52.1
25 to 34 years.....	6,867	11.2	RELATIONSHIP		
35 to 44 years.....	8,652	14.1	Total population	61,382	100.0
45 to 54 years.....	7,819	12.7	In households.....	60,086	97.9
55 to 59 years.....	2,793	4.6	Householder.....	22,561	36.8
60 to 64 years.....	2,577	4.2	Spouse.....	11,895	19.4
65 to 74 years.....	4,643	7.6	Child.....	19,522	31.8
75 to 84 years.....	3,244	5.3	Own child under 18 years.....	15,556	25.3
85 years and over.....	1,133	1.8	Other relatives.....	3,478	5.7
Median age (years).....	35.2	(X)	Under 18 years.....	1,800	2.9
18 years and over.....	43,518	70.9	Nonrelatives.....	2,630	4.3
Male.....	20,803	33.9	Unmarried partner.....	1,290	2.1
Female.....	22,715	37.0	In group quarters.....	1,296	2.1
21 years and over.....	40,564	66.1	Institutionalized population.....	658	1.1
62 years and over.....	10,602	17.3	Noninstitutionalized population.....	638	1.0
65 years and over.....	9,025	14.7	HOUSEHOLD BY TYPE		
Male.....	3,874	6.3	Total households	22,561	100.0
Female.....	5,151	8.4	Family households (families).....	16,077	71.3
RACE			With own children under 18 years.....	8,039	35.6
One race.....	59,469	96.9	Married-couple family.....	11,895	52.7
White.....	44,167	72.0	With own children under 18 years.....	5,350	23.7
Black or African American.....	1,209	2.0	Female householder, no husband present.....	3,080	13.7
American Indian and Alaska Native.....	694	1.1	With own children under 18 years.....	2,001	8.9
Asian.....	323	0.5	Nonfamily households.....	6,484	28.7
Asian Indian.....	47	0.1	Householder living alone.....	5,589	24.8
Chinese.....	51	0.1	Householder 65 years and over.....	2,622	11.6
Filipino.....	74	0.1	Households with individuals under 18 years.....	8,979	39.8
Japanese.....	40	0.1	Households with individuals 65 years and over.....	6,483	28.7
Korean.....	13	-	Average household size.....	2.66	(X)
Vietnamese.....	51	0.1	Average family size.....	3.17	(X)
Other Asian ¹	47	0.1	HOUSING OCCUPANCY		
Native Hawaiian and Other Pacific Islander.....	34	0.1	Total housing units	25,647	100.0
Native Hawaiian.....	9	-	Occupied housing units.....	22,561	88.0
Guamanian or Chamorro.....	9	-	Vacant housing units.....	3,086	12.0
Samoan.....	9	-	For seasonal, recreational, or		
Other Pacific Islander ²	7	-	occasional use.....	260	1.0
Some other race.....	13,042	21.2	Homeowner vacancy rate (percent).....	3.0	(X)
Two or more races.....	1,913	3.1	Rental vacancy rate (percent).....	13.5	(X)
Race alone or in combination with one			HOUSING TENURE		
or more other races: ³			Occupied housing units	22,561	100.0
White.....	45,887	74.8	Owner-occupied housing units.....	16,000	70.9
Black or African American.....	1,426	2.3	Renter-occupied housing units.....	6,561	29.1
American Indian and Alaska Native.....	1,140	1.9	Average household size of owner-occupied units.....	2.71	(X)
Asian.....	506	0.8	Average household size of renter-occupied units.....	2.55	(X)
Native Hawaiian and Other Pacific Islander.....	81	0.1			
Some other race.....	14,369	23.4			

- Represents zero or rounds to zero. (X) Not applicable.

¹ Other Asian alone, or two or more Asian categories.

² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

³ In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.

Table B-1. Profile of General Demographic Characteristics, 2000

Geographic Area: Lea County, New Mexico

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total population	55,511	100.0	HISPANIC OR LATINO AND RACE		
EX AND AGE			Total population	55,511	100.0
Male.....	27,795	50.1	Hispanic or Latino (of any race).....	22,010	39.6
Female.....	27,716	49.9	Mexican.....	15,304	27.6
Under 5 years.....	4,253	7.7	Puerto Rican.....	61	0.1
5 to 9 years.....	4,457	8.0	Cuban.....	11	-
10 to 14 years.....	4,843	8.7	Other Hispanic or Latino.....	6,634	12.0
15 to 19 years.....	5,041	9.1	Not Hispanic or Latino.....	33,501	60.4
20 to 24 years.....	3,710	6.7	White alone.....	29,977	54.0
25 to 34 years.....	6,818	12.3	RELATIONSHIP		
35 to 44 years.....	8,346	15.0	Total population	55,511	100.0
45 to 54 years.....	6,754	12.2	In households.....	53,711	96.8
55 to 59 years.....	2,390	4.3	Householder.....	19,699	35.5
60 to 64 years.....	2,127	3.8	Spouse.....	11,390	20.5
65 to 74 years.....	3,886	7.0	Child.....	18,292	33.0
75 to 84 years.....	2,183	3.9	Own child under 18 years.....	14,969	27.0
85 years and over.....	703	1.3	Other relatives.....	2,652	4.8
Median age (years).....	33.1	(X)	Under 18 years.....	1,406	2.5
18 years and over.....	38,824	69.9	Nonrelatives.....	1,678	3.0
Male.....	19,316	34.8	Unmarried partner.....	901	1.6
Female.....	19,508	35.1	In group quarters.....	1,800	3.2
21 years and over.....	36,089	65.0	Institutionalized population.....	1,545	2.8
62 years and over.....	8,016	14.4	Noninstitutionalized population.....	255	0.5
65 years and over.....	6,772	12.2	HOUSEHOLD BY TYPE		
Male.....	2,913	5.2	Total households	19,699	100.0
Female.....	3,859	7.0	Family households (families).....	14,714	74.7
RACE			With own children under 18 years.....	7,744	39.3
One race.....	53,697	96.7	Married-couple family.....	11,390	57.8
White.....	37,263	67.1	With own children under 18 years.....	5,556	28.2
Black or African American.....	2,426	4.4	Female householder, no husband present.....	2,408	12.2
American Indian and Alaska Native.....	551	1.0	With own children under 18 years.....	1,606	8.2
Asian.....	216	0.4	Nonfamily households.....	4,985	25.3
Asian Indian.....	83	0.1	Householder living alone.....	4,426	22.5
Chinese.....	20	-	Householder 65 years and over.....	1,955	9.9
Filipino.....	32	0.1	Households with individuals under 18 years.....	8,482	43.1
Japanese.....	14	-	Households with individuals 65 years and over ..	4,836	24.5
Korean.....	39	0.1	Average household size.....	2.73	(X)
Vietnamese.....	9	-	Average family size.....	3.20	(X)
Other Asian ¹	19	-	HOUSING OCCUPANCY		
Native Hawaiian and Other Pacific Islander.....	24	-	Total housing units	23,405	100.0
Native Hawaiian.....	9	-	Occupied housing units.....	19,699	84.2
Guamanian or Chamorro.....	6	-	Vacant housing units.....	3,706	15.8
Samoan.....	2	-	For seasonal, recreational, or		
Other Pacific Islander ²	7	-	occasional use.....	120	0.5
Some other race.....	13,217	23.8	Homeowner vacancy rate (percent).....	3.6	(X)
Two or more races.....	1,814	3.3	Rental vacancy rate (percent).....	18.7	(X)
Race alone or in combination with one			HOUSING TENURE		
or more other races: ³			Occupied housing units	19,699	100.0
White.....	38,925	70.1	Owner-occupied housing units.....	14,301	72.6
Black or African American.....	2,647	4.8	Renter-occupied housing units.....	5,398	27.4
American Indian and Alaska Native.....	919	1.7	Average household size of owner-occupied units.....	2.76	(X)
Asian.....	287	0.5	Average household size of renter-occupied units.....	2.65	(X)
Native Hawaiian and Other Pacific Islander.....	51	0.1			
Some other race.....	14,548	26.2			

- Represents zero or rounds to zero. (X) Not applicable.

¹ Other Asian alone, or two or more Asian categories.

² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

³ In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total population	10,692	100.0	HISPANIC OR LATINO AND RACE		
SEX AND AGE			Total population	10,692	100.0
Male.....	5,124	47.9	Hispanic or Latino (of any race).....	4,809	45.0
Female.....	5,568	52.1	Mexican.....	3,106	29.0
Under 5 years.....	858	8.0	Puerto Rican.....	19	0.2
5 to 9 years.....	875	8.2	Cuban.....	-	-
10 to 14 years.....	909	8.5	Other Hispanic or Latino.....	1,684	15.8
15 to 19 years.....	958	9.0	Not Hispanic or Latino.....	5,883	55.0
20 to 24 years.....	597	5.6	White alone.....	5,533	51.7
25 to 34 years.....	1,137	10.6	RELATIONSHIP		
35 to 44 years.....	1,589	14.9	Total population	10,692	100.0
45 to 54 years.....	1,281	12.0	In households.....	10,630	99.4
55 to 59 years.....	471	4.4	Householder.....	4,080	38.2
60 to 64 years.....	401	3.8	Spouse.....	2,154	20.1
65 to 74 years.....	850	7.9	Child.....	3,515	32.9
75 to 84 years.....	534	5.0	Own child under 18 years.....	2,855	26.7
85 years and over.....	232	2.2	Other relatives.....	543	5.1
Median age (years).....	35.1	(X)	Under 18 years.....	310	2.9
18 years and over.....	7,454	69.7	Nonrelatives.....	338	3.2
Male.....	3,481	32.6	Unmarried partner.....	151	1.4
Female.....	3,973	37.2	In group quarters.....	62	0.6
21 years and over.....	6,960	65.1	Institutionalized population.....	62	0.6
62 years and over.....	1,855	17.3	Noninstitutionalized population.....	-	-
65 years and over.....	1,616	15.1	HOUSEHOLD BY TYPE		
Male.....	648	6.1	Total households	4,080	100.0
Female.....	968	9.1	Family households (families).....	2,895	71.0
RACE			With own children under 18 years.....	1,497	36.7
One race.....			Married-couple family.....	2,154	52.8
White.....	10,386	97.1	With own children under 18 years.....	1,004	24.6
Black or African American.....	7,725	72.3	Female householder, no husband present.....	578	14.2
American Indian and Alaska Native.....	154	1.4	With own children under 18 years.....	385	9.4
Asian.....	165	1.5	Nonfamily households.....	1,185	29.0
Asian Indian.....	21	0.2	Householder living alone.....	1,086	26.6
Chinese.....	5	-	Householder 65 years and over.....	529	13.0
Filipino.....	3	-	Households with individuals under 18 years.....	1,652	40.5
Filipino.....	6	0.1	Households with individuals 65 years and over.....	1,177	28.8
Japanese.....	2	-	Average household size.....	2.61	(X)
Korean.....	1	-	Average family size.....	3.15	(X)
Vietnamese.....	4	-	HOUSING OCCUPANCY		
Other Asian ¹	4	-	Total housing units	4,593	100.0
Native Hawaiian and Other Pacific Islander.....	16	0.1	Occupied housing units.....	4,080	88.8
Native Hawaiian.....	2	-	Vacant housing units.....	513	11.2
Guamanian or Chamorro.....	9	0.1	For seasonal, recreational, or	33	0.7
Samoan.....	5	-	occasional use.....	2.3	(X)
Other Pacific Islander ²	5	-	Homeowner vacancy rate (percent).....	15.1	(X)
Some other race.....	2,305	21.6	Rental vacancy rate (percent).....	-	-
Two or more races.....	306	2.9	HOUSING TENURE		
Race alone or in combination with one			Occupied housing units	4,080	100.0
or more other races: ³			Owner-occupied housing units.....	2,835	69.5
White.....	7,984	74.7	Renter-occupied housing units.....	1,245	30.5
Black or African American.....	192	1.8	Average household size of owner-occupied units.....	2.64	(X)
American Indian and Alaska Native.....	227	2.1	Average household size of renter-occupied units.....	2.52	(X)
Asian.....	47	0.4			
Native Hawaiian and Other Pacific Islander.....	20	0.2			
Some other race.....	2,542	23.8			

- Represents zero or rounds to zero. (X) Not applicable.

¹ Other Asian alone, or two or more Asian categories.

² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

³ In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total population	1,235	100.0	HISPANIC OR LATINO AND RACE		
SEX AND AGE			Total population	1,235	100.0
Male.....	601	48.7	Hispanic or Latino (of any race).....	879	71.2
Female.....	634	51.3	Mexican.....	632	51.2
Under 5 years.....	113	9.1	Puerto Rican.....	1	0.1
5 to 9 years.....	121	9.8	Cuban.....	1	0.1
10 to 14 years.....	122	9.9	Other Hispanic or Latino.....	245	19.8
15 to 19 years.....	122	9.9	Not Hispanic or Latino.....	356	28.8
20 to 24 years.....	80	6.5	White alone.....	339	27.4
25 to 34 years.....	154	12.5	RELATIONSHIP		
35 to 44 years.....	185	15.0	Total population	1,235	100.0
45 to 54 years.....	114	9.2	In households.....	1,235	100.0
55 to 59 years.....	47	3.8	Householder.....	390	31.6
60 to 64 years.....	50	4.0	Spouse.....	243	19.7
65 to 74 years.....	78	6.3	Child.....	481	38.9
75 to 84 years.....	39	3.2	Own child under 18 years.....	380	30.8
85 years and over.....	10	0.8	Other relatives.....	71	5.7
Median age (years).....	30.0	(X)	Under 18 years.....	44	3.6
18 years and over.....	799	64.7	Nonrelatives.....	50	4.0
Male.....	371	30.0	Unmarried partner.....	30	2.4
Female.....	428	34.7	In group quarters.....	-	-
21 years and over.....	744	60.2	Institutionalized population.....	-	-
62 years and over.....	158	12.8	Noninstitutionalized population.....	-	-
65 years and over.....	127	10.3	HOUSEHOLD BY TYPE		
Male.....	60	4.9	Total households	390	100.0
Female.....	67	5.4	Family households (families).....	333	85.4
RACE			With own children under 18 years.....	187	47.9
One race.....	1,191	96.4	Married-couple family.....	243	62.3
White.....	741	60.0	With own children under 18 years.....	127	32.6
Black or African American.....	3	0.2	Female householder, no husband present.....	69	17.7
American Indian and Alaska Native.....	9	0.7	With own children under 18 years.....	48	12.3
Asian.....	-	-	Nonfamily households.....	57	14.6
Asian Indian.....	-	-	Householder living alone.....	45	11.5
Chinese.....	-	-	Householder 65 years and over.....	19	4.9
Filipino.....	-	-	Households with individuals under 18 years.....	210	53.8
Japanese.....	-	-	Households with individuals 65 years and over.....	83	21.3
Korean.....	-	-	Average household size.....	3.17	(X)
Vietnamese.....	-	-	Average family size.....	3.39	(X)
Other Asian ¹	-	-	HOUSING OCCUPANCY		
Native Hawaiian and Other Pacific Islander.....	-	-	Total housing units	434	100.0
Native Hawaiian.....	-	-	Occupied housing units.....	390	89.9
Guamanian or Chamorro.....	-	-	Vacant housing units.....	44	10.1
Samoan.....	-	-	For seasonal, recreational, or occasional use.....	4	0.9
Other Pacific Islander ²	-	-	Homeowner vacancy rate (percent).....	1.4	(X)
Some other race.....	438	35.5	Rental vacancy rate (percent).....	12.0	(X)
Two or more races.....	44	3.6	HOUSING TENURE		
Race alone or in combination with one or more other races: ³			Occupied housing units	390	100.0
White.....	785	63.6	Owner-occupied housing units.....	287	73.6
Black or African American.....	3	0.2	Renter-occupied housing units.....	103	26.4
American Indian and Alaska Native.....	18	1.5	Average household size of owner-occupied units.....	3.24	(X)
Asian.....	1	0.1	Average household size of renter-occupied units.....	2.95	(X)
Native Hawaiian and Other Pacific Islander.....	-	-			
Some other race.....	472	38.2			

- Represents zero or rounds to zero. (X) Not applicable.

¹ Other Asian alone, or two or more Asian categories.

² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

³ In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.

Table DP-1. Profile of General Demographic Characteristics: 2000

Geographic Area: Hagerman town, New Mexico

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total population	1,168	100.0	HISPANIC OR LATINO AND RACE		
SEX AND AGE			Total population	1,168	100.0
Male.....	564	48.3	Hispanic or Latino (of any race).....	738	63.2
Female.....	604	51.7	Mexican.....	532	45.5
Under 5 years.....	99	8.5	Puerto Rican.....	-	-
5 to 9 years.....	136	11.6	Cuban.....	-	-
10 to 14 years.....	114	9.8	Other Hispanic or Latino.....	206	17.6
15 to 19 years.....	112	9.6	Not Hispanic or Latino.....	430	36.8
20 to 24 years.....	47	4.0	White alone.....	419	35.9
25 to 34 years.....	143	12.2	RELATIONSHIP		
35 to 44 years.....	148	12.7	Total population	1,168	100.0
45 to 54 years.....	135	11.6	In households.....	1,168	100.0
55 to 59 years.....	40	3.4	Householder.....	397	34.0
60 to 64 years.....	45	3.9	Spouse.....	219	18.8
65 to 74 years.....	80	6.8	Child.....	453	38.8
75 to 84 years.....	55	4.7	Own child under 18 years.....	381	32.6
85 years and over.....	14	1.2	Other relatives.....	63	5.4
Median age (years).....	30.7	(X)	Under 18 years.....	40	3.4
18 years and over.....	745	63.8	Nonrelatives.....	36	3.1
Male.....	351	30.1	Unmarried partner.....	19	1.6
Female.....	394	33.7	In group quarters.....	-	-
21 years and over.....	696	59.6	Institutionalized population.....	-	-
62 years and over.....	176	15.1	Noninstitutionalized population.....	-	-
65 years and over.....	149	12.8	HOUSEHOLD BY TYPE		
Male.....	65	5.6	Total households	397	100.0
Female.....	84	7.2	Family households (families).....	297	74.8
CE			With own children under 18 years.....	166	41.8
White.....	1,136	97.3	Married-couple family.....	219	55.2
Black or African American.....	1	0.1	With own children under 18 years.....	119	30.0
American Indian and Alaska Native.....	1	0.1	Female householder, no husband present.....	55	13.9
Asian.....	1	0.1	With own children under 18 years.....	35	8.8
Asian Indian.....	-	-	Nonfamily households.....	100	25.2
Chinese.....	1	0.1	Householder living alone.....	85	21.4
Filipino.....	-	-	Householder 65 years and over.....	44	11.1
Japanese.....	-	-	Households with individuals under 18 years.....	186	46.9
Korean.....	-	-	Households with individuals 65 years and over.....	115	29.0
Vietnamese.....	-	-	Average household size.....	2.94	(X)
Other Asian ¹	-	-	Average family size.....	3.47	(X)
Native Hawaiian and Other Pacific Islander.....	6	0.5	HOUSING OCCUPANCY		
Native Hawaiian.....	1	0.1	Total housing units	439	100.0
Guamanian or Chamorro.....	-	-	Occupied housing units.....	397	90.4
Samoan.....	5	0.4	Vacant housing units.....	42	9.6
Other Pacific Islander ²	-	-	For seasonal, recreational, or occasional use.....	1	0.2
Some other race.....	338	28.9	Homeowner vacancy rate (percent).....	3.1	(X)
Two or more races.....	32	2.7	Rental vacancy rate (percent).....	5.9	(X)
Race alone or in combination with one or more other races: ³			HOUSING TENURE		
White.....	818	70.0	Occupied housing units	397	100.0
Black or African American.....	5	0.4	Owner-occupied housing units.....	285	71.8
American Indian and Alaska Native.....	2	0.2	Renter-occupied housing units.....	112	28.2
Asian.....	4	0.3	Average household size of owner-occupied units.....	2.96	(X)
Native Hawaiian and Other Pacific Islander.....	6	0.5	Average household size of renter-occupied units.....	2.90	(X)
Some other race.....	365	31.3			

- Represents zero or rounds to zero. (X) Not applicable.

¹ Other Asian alone, or two or more Asian categories.

² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

³ In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.

Table B-1. Profile of General Demographic Characteristics: 2000

Geographic Area: Lake Arthur town, New Mexico

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total population	432	100.0	HISPANIC OR LATINO AND RACE		
SEX AND AGE			Total population	432	100.0
Male.....	231	53.5	Hispanic or Latino (of any race).....	303	70.1
Female.....	201	46.5	Mexican.....	190	44.0
Under 5 years.....	42	9.7	Puerto Rican.....	-	-
5 to 9 years.....	50	11.6	Cuban.....	-	-
10 to 14 years.....	43	10.0	Other Hispanic or Latino.....	113	26.2
15 to 19 years.....	41	9.5	Not Hispanic or Latino.....	129	29.9
20 to 24 years.....	26	6.0	White alone.....	125	28.9
25 to 34 years.....	62	14.4	RELATIONSHIP		
35 to 44 years.....	59	13.7	Total population	432	100.0
45 to 54 years.....	33	7.6	In households.....	432	100.0
55 to 59 years.....	12	2.8	Householder.....	134	31.0
60 to 64 years.....	18	4.2	Spouse.....	76	17.6
65 to 74 years.....	33	7.6	Child.....	177	41.0
75 to 84 years.....	10	2.3	Own child under 18 years.....	144	33.3
85 years and over.....	3	0.7	Other relatives.....	27	6.3
Median age (years).....	28.6	(X)	Under 18 years.....	19	4.4
18 years and over.....	266	61.6	Nonrelatives.....	18	4.2
Male.....	135	31.3	Unmarried partner.....	9	2.1
Female.....	131	30.3	In group quarters.....	-	-
21 years and over.....	252	58.3	Institutionalized population.....	-	-
62 years and over.....	60	13.9	Noninstitutionalized population.....	-	-
65 years and over.....	46	10.6	HOUSEHOLD BY TYPE		
Male.....	24	5.6	Total households	134	100.0
Female.....	22	5.1	Family households (families).....	107	79.9
RACE			With own children under 18 years.....	63	47.0
One race.....	426	98.6	Married-couple family.....	76	56.7
White.....	272	63.0	With own children under 18 years.....	39	29.1
Black or African American.....	-	-	Female householder, no husband present.....	23	17.2
American Indian and Alaska Native.....	2	0.5	With own children under 18 years.....	18	13.4
Asian.....	3	0.7	Nonfamily households.....	27	20.1
Asian Indian.....	-	-	Householder living alone.....	24	17.9
Chinese.....	-	-	Householder 65 years and over.....	11	8.2
Filipino.....	-	-	Households with individuals under 18 years.....	72	53.7
Japanese.....	-	-	Households with individuals 65 years and over.....	33	24.6
Korean.....	-	-	Average household size.....	3.22	(X)
Vietnamese.....	-	-	Average family size.....	3.62	(X)
Other Asian ¹	3	0.7	HOUSING OCCUPANCY		
Native Hawaiian and Other Pacific Islander.....	-	-	Total housing units	149	100.0
Native Hawaiian.....	-	-	Occupied housing units.....	134	89.9
Guamanian or Chamorro.....	-	-	Vacant housing units.....	15	10.1
Samoan.....	-	-	For seasonal, recreational, or		
Other Pacific Islander ²	-	-	occasional use.....	1	0.7
Some other race.....	149	34.5	Homeowner vacancy rate (percent).....	3.4	(X)
Two or more races.....	6	1.4	Rental vacancy rate (percent).....	12.0	(X)
Race alone or in combination with one or more other races:³			HOUSING TENURE		
White.....	278	64.4	Occupied housing units	134	100.0
Black or African American.....	3	0.7	Owner-occupied housing units.....	112	83.6
American Indian and Alaska Native.....	5	1.2	Renter-occupied housing units.....	22	16.4
Asian.....	5	1.2	Average household size of owner-occupied units.....	3.23	(X)
Native Hawaiian and Other Pacific Islander.....	1	0.2	Average household size of renter-occupied units.....	3.18	(X)
Some other race.....	151	35.0			

- Represents zero or rounds to zero. (X) Not applicable.

¹ Other Asian alone, or two or more Asian categories.

² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

³ In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total population	9,471	100.0	HISPANIC OR LATINO AND RACE		
SEX AND AGE			Total population	9,471	100.0
Female.....	4,658	49.2	Hispanic or Latino (of any race).....	4,936	52.1
Under 5 years.....	4,813	50.8	Mexican.....	3,526	37.2
5 to 9 years.....	810	8.6	Puerto Rican.....	11	0.1
10 to 14 years.....	820	8.7	Cuban.....	3	-
15 to 19 years.....	802	8.5	Other Hispanic or Latino.....	1,396	14.7
20 to 24 years.....	924	9.8	Not Hispanic or Latino.....	4,535	47.9
25 to 34 years.....	695	7.3	White alone.....	4,100	43.3
35 to 44 years.....	1,177	12.4	RELATIONSHIP		
45 to 54 years.....	1,266	13.4	Total population	9,471	100.0
55 to 59 years.....	1,081	11.4	In households.....	9,235	97.5
60 to 64 years.....	377	4.0	Householder.....	3,297	34.8
65 to 74 years.....	324	3.4	Spouse.....	1,880	19.9
75 to 84 years.....	665	7.0	Child.....	3,268	34.5
85 years and over.....	388	4.1	Own child under 18 years.....	2,676	28.3
Median age (years).....	142	1.5	Other relatives.....	475	5.0
18 years and over.....	30.6	(X)	Under 18 years.....	274	2.9
Male.....	6,455	68.2	Nonrelatives.....	315	3.3
Female.....	3,133	33.1	Unmarried partner.....	178	1.9
21 years and over.....	3,322	35.1	In group quarters.....	236	2.5
62 years and over.....	5,975	63.1	Institutionalized population.....	236	2.5
65 years and over.....	1,382	14.6	Noninstitutionalized population.....	-	-
Male.....	1,195	12.6	HOUSEHOLD BY TYPE		
Female.....	495	5.2	Total households	3,297	100.0
RACE			Family households (families).....	2,458	74.6
One race.....			With own children under 18 years.....	1,371	41.6
White.....	9,181	96.9	Married-couple family.....	1,880	57.0
Black or African American.....	5,668	59.8	With own children under 18 years.....	986	29.9
American Indian and Alaska Native.....	287	3.0	Female householder, no husband present.....	427	13.0
Asian.....	74	0.8	With own children under 18 years.....	286	8.7
in Indian.....	45	0.5	Nonfamily households.....	839	25.4
Chinese.....	15	0.2	Householder living alone.....	753	22.8
Filipino.....	5	0.1	Householder 65 years and over.....	380	11.5
Japanese.....	2	-	Households with individuals under 18 years.....	1,504	45.6
Korean.....	5	0.1	Households with individuals 65 years and over.....	855	25.9
Vietnamese.....	8	0.1	Average household size.....	2.80	(X)
Other Asian ¹	1	-	Average family size.....	3.29	(X)
Native Hawaiian and Other Pacific Islander.....	9	0.1	HOUSING OCCUPANCY		
Native Hawaiian.....	6	0.1	Total housing units	3,823	100.0
Guamanian or Chamorro.....	4	-	Occupied housing units.....	3,297	86.2
Samoa.....	-	-	Vacant housing units.....	526	13.8
Other Pacific Islander ²	2	-	For seasonal, recreational, or occasional use.....	14	0.4
Some other race.....	2	-	Homeowner vacancy rate (percent).....	3.4	(X)
Two or more races.....	3,101	32.7	Rental vacancy rate (percent).....	18.3	(X)
Race alone or in combination with one or more other races: ³	290	3.1	HOUSING TENURE		
White.....	5,941	62.7	Occupied housing units	3,297	100.0
Black or African American.....	318	3.4	Owner-occupied housing units.....	2,410	73.1
American Indian and Alaska Native.....	128	1.4	Renter-occupied housing units.....	887	26.9
Asian.....	53	0.6	Average household size of owner-occupied units.....	2.81	(X)
Native Hawaiian and Other Pacific Islander.....	8	0.1	Average household size of renter-occupied units.....	2.79	(X)
Some other race.....	3,316	35.0			

- Represents zero or rounds to zero. (X) Not applicable.

¹ Other Asian alone, or two or more Asian categories.

² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

³ In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages add to more than 100 percent because individuals may report more than one race.

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total population	45,293	100.0	HISPANIC OR LATINO AND RACE		
SEX AND AGE			Total population	45,293	100.0
Male.....	21,840	48.2	Hispanic or Latino (of any race).....	20,084	44.3
Female.....	23,453	51.8	Mexican.....	12,284	27.1
Under 5 years.....	3,341	7.4	Puerto Rican.....	88	0.2
5 to 9 years.....	3,511	7.8	Cuban.....	13	-
10 to 14 years.....	3,599	7.9	Other Hispanic or Latino.....	7,699	17.0
15 to 19 years.....	4,008	8.8	Not Hispanic or Latino.....	25,209	55.7
20 to 24 years.....	2,931	6.5	White alone.....	23,063	50.9
25 to 34 years.....	5,135	11.3	RELATIONSHIP		
35 to 44 years.....	6,155	13.6	Total population	45,293	100.0
45 to 54 years.....	5,573	12.3	In households.....	44,101	97.4
55 to 59 years.....	1,956	4.3	Householder.....	17,068	37.7
60 to 64 years.....	1,822	4.0	Spouse.....	8,380	18.5
65 to 74 years.....	3,551	7.8	Child.....	14,072	31.1
75 to 84 years.....	2,695	6.0	Own child under 18 years.....	11,186	24.7
85 years and over.....	1,016	2.2	Other relatives.....	2,557	5.6
Median age (years).....	35.2	(X)	Under 18 years.....	1,307	2.9
18 years and over.....	32,407	71.5	Nonrelatives.....	2,024	4.5
Male.....	15,231	33.6	Unmarried partner.....	1,006	2.2
Female.....	17,176	37.9	In group quarters.....	1,192	2.6
21 years and over.....	30,104	66.5	Institutionalized population.....	554	1.2
62 years and over.....	8,381	18.5	Noninstitutionalized population.....	638	1.4
65 years and over.....	7,262	16.0	HOUSEHOLD BY TYPE		
Male.....	2,981	6.6	Total households	17,068	100.0
Female.....	4,281	9.5	Family households (families).....	11,747	68.8
RACE			With own children under 18 years.....	5,886	34.5
One race.....	43,795	96.7	Married-couple family.....	8,380	49.1
White.....	32,141	71.0	With own children under 18 years.....	3,711	21.7
Black or African American.....	1,117	2.5	Female householder, no husband present.....	2,535	14.9
American Indian and Alaska Native.....	578	1.3	With own children under 18 years.....	1,654	9.7
Asian.....	293	0.6	Nonfamily households.....	5,321	31.2
Native Hawaiian and Other Pacific Islander.....	45	0.1	Householder living alone.....	4,623	27.1
Chinese.....	48	0.1	Householder 65 years and over.....	2,279	13.4
Filipino.....	61	0.1	Households with individuals under 18 years.....	6,568	38.5
Japanese.....	37	0.1	Households with individuals 65 years and over.....	5,211	30.5
Korean.....	13	-	Average household size.....	2.58	(X)
Vietnamese.....	49	0.1	Average family size.....	3.13	(X)
Other Asian ¹	40	0.1	HOUSING OCCUPANCY		
Native Hawaiian and Other Pacific Islander.....	23	0.1	Total housing units	19,327	100.0
Native Hawaiian.....	7	-	Occupied housing units.....	17,068	88.3
Guamanian or Chamorro.....	4	-	Vacant housing units.....	2,259	11.7
Samoan.....	6	-	For seasonal, recreational, or occasional use.....	110	0.6
Other Pacific Islander ²	6	-	Homeowner vacancy rate (percent).....	3.3	(X)
Some other race.....	9,643	21.3	Rental vacancy rate (percent).....	14.2	(X)
Two or more races.....	1,498	3.3	HOUSING TENURE		
Race alone or in combination with one or more other races: ³			Occupied housing units	17,068	100.0
White.....	33,478	73.9	Owner-occupied housing units.....	11,683	68.4
Black or African American.....	1,298	2.9	Renter-occupied housing units.....	5,385	31.6
American Indian and Alaska Native.....	931	2.1	Average household size of owner-occupied units.....	2.64	(X)
Asian.....	439	1.0	Average household size of renter-occupied units.....	2.47	(X)
Native Hawaiian and Other Pacific Islander.....	58	0.1			
Some other race.....	10,671	23.6			

- Represents zero or rounds to zero. (X) Not applicable.

¹ Other Asian alone, or two or more Asian categories.

² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

³ In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

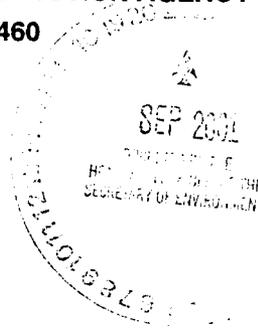
Source: U.S. Census Bureau, Census 2000.

7



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 21 1994



OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

OSWER Directive No. 9200,3-17

SUBJECT: Integration of Environmental Justice Into OSWER Policy,
Guidance, and Regulatory Development

FROM : Elliott P. Laws *EPL*
Assistant Administrator

TO: Addressees

PURPOSE

It is OSWER'S policy that environmental justice be considered as an integral part in the development of all OSWER policies, guidances and regulations. This directive carries out a recommendation in the OSWER Environmental Justice Task Force Draft Final Report. It reflects my firm commitment to achieve the environmental justice goals of the President and the Administrator.

BACKGROUND

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations", directs each Federal Agency to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations. . . ". In response to the Executive Order and to concerns voiced by many groups outside the Agency, the OSWER Environmental Justice Task Force was formed to analyze the array of environmental justice issues specific to waste programs and to develop an overall strategy to identify and address these issues. This is presented in the OSWER Environmental Justice Task Force Draft Final Report, April 25, 1994. One issue identified by the Task Force was the need to ensure that attention is focused on environmental justice in policy, guidance and regulation development. To address this issue, the OSWER Environmental Justice Steering Committee recommended that this directive be issued.

DISCUSSION

Environmental justice issues should be considered at all stages of policy, guidance and regulation development, beginning with preliminary efforts. Staff should first evaluate the subject matter for the-possibility of disproportionately high and adverse impacts on minority and low-income communities. Offices may wish to develop methods for determining which are the most important topics requiring consideration of environmental justice.

Where environmental justice concerns or the potential for concerns are identified, staff should conduct an appropriate analysis of the issue(s). To the extent practicable, staff should evaluate the ecological, human health (taking into account subsistence patterns and sensitive populations) and socio-economic impacts of the proposed decision-document in minority and low-income communities. Examples include how a policy on future land use would impact minority or low-income communities versus non-minority, affluent communities, or how subsistence farming or fishing patterns relate to risk-assessment policies. This could include the development and evaluation of various options, taking into consideration the pros and cons of each option. This analysis should be documented and retained for public availability.

At all critical stages of development, there should be meaningful input from stakeholders, including members of the environmental justice community and *members* of the regulated community. Federal, state or local government agencies may also be stakeholders and should be consulted, as appropriate.

A guideline for identifying communities which may need particular attention regarding environmental justice concerns is being developed and will be issued shortly. This guideline will present a variety of indicators of environmental justice concerns and should be used to facilitate this evaluation process.

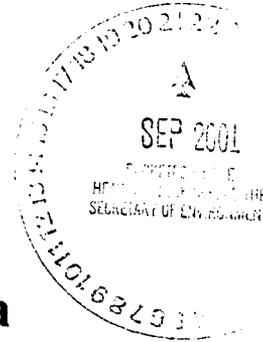
IMPLEMENTATION

When policies, guidances and regulations are sent forward for my signature, that of the Deputy Assistant Administrators, or that of the Administrator or her Deputy, the transmittal memorandum or "action memorandum" that accompanies them should document the actions that have been taken to carry out this directive. Specifically, these memoranda should describe the issues that have been identified, the options that have been developed and analyzed, as well as any consultation that has been conducted. They should describe comments that have been received and how issues were resolved. I have asked the Policy Analysis and Regulatory Management Staff to help assure that OSWER is consistently documenting these efforts.

8



The University of New Mexico



Census 2000 P.L.94-171 Redistricting Data

Population by Race and Hispanic Origin Persons of One Race Only or in Combination with Other Races (Maximum Population) 1/ New Mexico Counties: Census 2000*

% by Race

County	Total Pop. 2/	Black or White	Amer. Indian & Alaska Amer.	Native Hawaiian & Other Native	Percent Some Other Pac. Is.	Percent Hispanic or Latino	Percent Non- Hispanic, 2/3/	White 4/	
W MEXICO	1,819,046	69.9	2.3	10.5	1.5	0.2	19.4	42.1	45.9
Bernalillo	556,678	74.4	3.4	5.2	2.5	0.2	18.7	42.0	49.7
Catron	3,543	91.1	0.5	3.7	0.9	0.1	7.7	19.2	77.7
Chaves	61,382	74.8	2.3	1.9	0.8	0.1	23.4	43.8	53.1
Cibola	25,595	42.2	1.3	41.8	0.5	0.1	17.5	33.4	25.7
Colfax	14,189	84.9	0.4	2.5	0.4	0.1	15.4	47.5	50.9
Curry	45,044	75.5	7.9	1.8	2.5	0.3	16.0	30.4	60.3
De Baca	2,240	86.2	0.1	1.7	0.4	0.0	13.9	35.3	63.8
Dona Ana	174,682	71.0	2.0	2.2	1.1	0.2	27.3	63.4	33.4
Eddy	51,658	78.7	1.9	1.9	0.6	0.1	19.4	38.8	58.6
Grant	31,002	78.5	0.8	2.3	0.5	0.1	21.1	48.8	49.5
Guadalupe	4,680	57.6	1.3	1.5	0.8	0.1	42.6	81.2	16.0
Harding	810	87.3	0.4	3.1	0.0	0.0	13.0	44.9	54.2
Hidalgo	5,932	86.5	0.6	1.2	0.5	0.0	14.2	56.0	43.3
Lea	55,511	70.1	4.8	1.7	0.5	0.1	26.2	39.6	55.0
Lincoln	19,411	85.8	0.6	2.9	0.4	0.1	12.8	25.6	72.0
Los Alamos	18,343	92.4	0.6	1.2	4.4	0.1	3.6	11.7	83.4
Luna	25,016	77.1	1.2	1.9	0.5	0.0	22.4	57.7	40.5
McKinley	74,798	18.2	0.7	76.4	0.6	0.1	6.7	12.4	13.1
Mora	5,180	61.3	0.3	1.6	0.2	0.0	39.3	81.6	17.3
Otero	62,298	76.9	4.5	6.6	1.8	0.3	13.7	32.2	57.5
Quay	10,155	84.4	1.0	2.1	1.0	0.2	14.0	38.0	59.4
Rio Arriba	41,190	59.5	0.5	14.7	0.3	0.2	28.2	72.9	14.3
Roosevelt	18,018	76.5	2.0	1.8	0.8	0.1	21.6	33.3	63.6
Sandoval	89,908	68.1	2.2	17.2	1.5	0.2	14.4	29.4	51.7
San Juan	113,801	55.2	0.7	38.2	0.5	0.1	8.1	15.0	47.8
San Miguel	30,126	60.1	1.1	2.8	0.8	0.2	39.6	78.0	19.7

Santa Fe	129,292	77.1	0.9	4.1	1.3	0.2	20.6	49.0	46.7
Sierra	13,270	89.4	0.6	2.5	0.4	0.2	9.8	26.3	71.7
Sorro	18,078	66.6	1.0	12.2	1.6	0.1	23.2	48.7	38.8
Taos	29,979	67.3	0.6	7.6	0.6	0.2	27.8	57.9	35.1
Torrance	16,911	77.6	2.0	3.4	0.6	0.2	20.3	37.2	58.9
Union	4,174	82.4	0.1	1.8	0.5	0.1	17.3	35.1	63.9
Valencia	66,152	70.6	1.6	4.5	0.7	0.1	27.2	55.0	40.8

* Data not adjusted based on the Accuracy and Coverage Evaluation.

1/ Percent of respondents indicating they were one of the following six races alone or in combination: (1) White, (2) Black or African American, (3) American Indian and Alaska Native, (4) Asian, (5) Native Hawaiian and Other Pacific Islander, and (6) Some Other Race. These percentages represent the maximum populations for each racial category, since they include respondents who indicated they were only of a certain race plus those of that race in combination with other racial categories.

2/ The total population and the Hispanic/Latino population are not affected by whether data on race are for race alone, for race in combination, or for race alone or in combination.

3/ Since the question on Hispanic ethnicity was asked separately from the question regarding racial identification, persons of Hispanic or Latino origin can be of any race. Adding percentages of Hispanic (or non-Hispanic) persons to the sum of percentages by racial category will result in double counting.

4/ Percent of respondents who are non-Hispanic and who identified with the White racial category alone or in combination with other races. Non-Hispanic Whites are often referred to as Anglos in the American Southwest.

Note: Percentages for the six race categories may add to more than 100% because individuals may be of more than one race. For example, a person indicating "White and Asian" is included with White and with Asian.

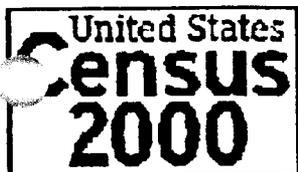
Source: U.S. Census Bureau, Census 2000 Redistricting Data (P.L. 94-171) Summary File, Tables PL1 and PL2.

Table prepared by: Bureau of Business and Economic Research, University of New Mexico.

You can access related redistricting data directly from the Census Bureau's web site at Census Bureau's Redistricting Data Web Site. Other Census data can be accessed via the Census Bureau's American FactFinder (AFF).

If you have questions regarding this redistricting data, or about any Census 2000 issues, please contact Data Bank staff at (505)277-6626 or by e-mailing us at dbinfo@unm.edu.

Take Me To:

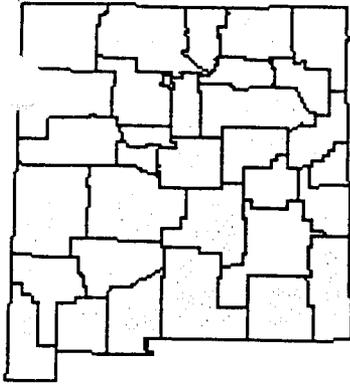


Census Bureau's Census 2000 Web Site



BBER Home Page

*Bureau of Business & Economic Research, UNM / bber@unm.edu
Last Revised: 6/26/01*



Income & Poverty Status in 1989: 35005 - Chaves County

1990 Census of Population and Housing
040 New Mexico
050 Chaves County

Page 1

INCOME IN 1989

Households.....	20,572	
Less than \$5,000.....	1,965	
\$5,000 to \$9,999.....	2,700	
\$10,000 to \$14,999.....	2,539	
\$15,000 to \$24,999.....	4,521	
\$25,000 to \$34,999.....	3,368	
\$35,000 to \$49,999.....	2,818	
\$50,000 to \$74,999.....	1,705	
\$75,000 to \$99,999.....	450	
\$100,000 to \$149,999.....	279	
\$150,000 or more.....	227	
Median household income (dollars).....		21,764
Families.....	15,374	
Less than \$5,000.....	1,111	
\$5,000 to \$9,999.....	1,425	
\$10,000 to \$14,999.....	1,800	
\$15,000 to \$24,999.....	3,392	
\$25,000 to \$34,999.....	2,745	
\$35,000 to \$49,999.....	2,465	
\$50,000 to \$74,999.....	1,571	
\$75,000 to \$99,999.....	417	
\$100,000 to \$149,999.....	237	
\$150,000 or more.....	211	
Median family income (dollars).....		24,889
Nonfamily households.....	5,198	
Less than \$5,000.....	948	
\$5,000 to \$9,999.....	1,294	

\$10,000 to \$14,999.....	766	
\$15,000 to \$24,999.....	1,136	
\$25,000 to \$34,999.....	527	
\$35,000 to \$49,999.....	314	
\$50,000 to \$74,999.....	127	
\$75,000 to \$99,999.....	28	
\$100,000 to \$149,999.....	42	
\$150,000 or more.....	16	
Median nonfamily household income (dollars).....		12,312
Per capita income (dollars).....	10,550	

1990 Census of Population and Housing
040 New Mexico
050 Chaves County

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INCOME TYPE IN 1989

Households.....	20,572	
With wage and salary income.....	14,619	
Mean wage and salary income (dollars).....		27,091
With nonfarm self-employment income.....	2,461	
Mean nonfarm self-employment income (dollars).....		18,815
With farm self-employment income.....	572	
Mean farm self-employment income (dollars).....		17,976
With Social Security income.....	6,523	
Mean Social Security income (dollars).....		7,355
With public assistance income.....	2,104	
Mean public assistance income (dollars).....		3,595
With retirement income.....	3,296	
Mean retirement income (dollars).....		10,085

POVERTY STATUS IN 1989

All persons for whom poverty status is determined.....	56,447
Below poverty level.....	12,621
Persons 18 years and over.....	39,243
Below poverty level.....	7,231
Persons 65 years and over.....	8,034
Below poverty level.....	1,197
Related children under 18 years.....	16,993
Below poverty level.....	5,205
Related children under 5 years.....	4,655
Below poverty level.....	1,668
Related children 5 to 17 years.....	12,338
Below poverty level.....	3,537
Unrelated individuals.....	6,851
Below poverty level.....	2,243

All families..... 15,374

Below poverty level.....	2,820	
With related children under 18 years.....		8,626
Below poverty level.....	2,255	
With related children under 5 years.....		3,643
Below poverty level.....	1,198	
Female householder families.....	2,321	
Below poverty level.....	1,047	
With related children under 18 years.....		1,752
Below poverty level.....	964	
With related children under 5 years.....		748
Below poverty level.....	526	

1990 Census of Population and Housing
040 New Mexico
050 Chaves County

Page 3

Percent below poverty level:

All persons.....	22.4	
Persons 18 years and over.....		18.4
Persons 65 years and over.....		14.9
Related children under 18 years.....		30.6
Related children under 5 years.....		35.8
Related children 5 to 17 years.....		28.7
Unrelated individuals.....	32.7	
All families.....	18.3	
With related children under 18 years.....		26.1
With related children under 5 years.....		32.9
Female householder families.....	45.1	
With related children under 18 years.....		55.0
With related children under 5 years.....		70.3

Note: Data are based on sample and are subject to sampling variability.

See Corresponding File for Selected Definitions

Source:

US Department of Commerce, Bureau of the Census, "1990 Census of Population and Housing," *Summary Tape File 3A: New Mexico*, compact disk.

Return to: Top or List

For more information:

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10

U.S. Census Bureau

State and County QuickFacts

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Chaves County, New Mexico

[New Mexico counties - view map](#)

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Locate a county by place name

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[Browse more data sets for Chaves County, New Mexico](#)

	People QuickFacts	Chaves County	New Mexico
?	Population, 2000	61,382	1,819,046
?	Population, percent change, 1990 to 2000	6.1%	20.1%
?	Persons under 5 years old, percent, 2000	7.2%	7.2%
?	Persons under 18 years old, percent, 2000	29.1%	28.0%
?	Persons 65 years old and over, percent, 2000	14.7%	11.7%
?	White persons, percent, 2000 (a)	72.0%	66.8%
?	Black or African American persons, percent, 2000 (a)	2.0%	1.9%
?	American Indian and Alaska Native persons, percent, 2000 (a)	1.1%	9.5%
?	Asian persons, percent, 2000 (a)	0.5%	1.1%
?	Native Hawaiian and Other Pacific Islander, percent, 2000 (a)	0.1%	0.1%
?	Persons reporting some other race, percent, 2000 (a)	21.2%	17.0%
?	Persons reporting two or more races, percent, 2000	3.1%	3.6%
?	Female population, percent, 2000	51.0%	50.8%
?	Persons of Hispanic or Latino origin, percent, 2000 (b)	43.8%	42.1%
?	White persons, not of Hispanic/Latino origin, percent, 2000	52.1%	44.7%
?	High school graduates, persons 25 years and over, 1990	23,355	692,616
?	College graduates, persons 25 years and over, 1990	4,952	188,336
?	Housing units, 2000	25,647	780,579
?	Homeownership rate, 2000	70.9%	70.0%
?	Households, 2000	22,561	677,971
?	Persons per household, 2000	2.66	2.63

?	Households with persons under 18 years, percent, 2000	39.8%	38.6%
?	Median household money income, 1997 model-based estimate	\$27,531	\$30,836
?	Persons below poverty, percent, 1997 model-based estimate	23.1%	19.3%
?	Children below poverty, percent, 1997 model-based estimate	32.4%	27.5%

	Business QuickFacts	Chaves County	New Mexico
?	Private nonfarm establishments with paid employees, 1998	1,525	42,608
?	Private nonfarm employment, 1998	16,056	540,186
?	Private nonfarm employment, percent change 1990-1998	1.5%	29.2%
?	Nonemployer establishments, 1997	2,781	96,964
?	Manufacturers shipments, 1997 (\$1000)	D	17,906,091
?	Retail sales, 1997 (\$1000)	411,020	14,984,454
?	Retail sales per capita, 1997	\$6,569	\$8,697
?	Minority-owned firms, 1992	696	25,729
?	Women-owned firms, 1992	1,187	40,636
?	Housing units authorized by building permits, 1999	36	9,716 ¹
?	Federal funds and grants, 1999 (\$1000)	263,073	13,580,214
?	Local government employment - full-time equivalent, 1997	2,947	69,941

	Geography QuickFacts	Chaves County	New Mexico
?	Land area, 2000 (square miles)	6,071	121,356
?	Persons per square mile, 2000	10.1	15.0
?	Metropolitan Area	None	

1: Includes data not distributed by county.

(a) Includes persons reporting only one race.

(b) Hispanics may be of any race, so also are included in applicable race categories.

FN: Footnote on this item for this area in place of data

NA: Not available

D: Suppressed to avoid disclosure of confidential information

X: Not applicable

S: Suppressed; does not meet publication standards

Z: Value greater than zero but less than half unit of measure shown

Data Quality Statement

What do you think of our new QuickFacts? Send comments to quickfacts@lists.census.gov

Source U.S. Census Bureau: State and County QuickFacts. Data derived from Population Estimates, 2000 Census of Population and Housing, 1990 Census of Population and Housing, Small Area Income and Poverty Estimates, County Business Patterns, 1997 Economic Census, Minority- and Women-Owned Business, Building Permits, Consolidated Federal Funds Report, 1997 Census of Governments

Last Revised: Friday, 07-Sep-2001 13:28:19 EDT

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Lea County, New Mexico

New Mexico counties - view map

Select a state
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Locate a county by place name

Follow the [?](#) link for
definition and source information.

Browse more data sets for Lea County, New Mexico

	People QuickFacts	Lea County	New Mexico
?	Population, 2000	55,511	1,819,046
?	Population, percent change, 1990 to 2000	-0.5%	20.1%
?	Persons under 5 years old, percent, 2000	7.7%	7.2%
?	Persons under 18 years old, percent, 2000	30.1%	28.0%
?	Persons 65 years old and over, percent, 2000	12.2%	11.7%
?	White persons, percent, 2000 (a)	67.1%	66.8%
?	Black or African American persons, percent, 2000 (a)	4.4%	1.9%
?	American Indian and Alaska Native persons, percent, 2000 (a)	1.0%	9.5%
?	Asian persons, percent, 2000 (a)	0.4%	1.1%
?	Native Hawaiian and Other Pacific Islander, percent, 2000 (a)	Z	0.1%
?	Persons reporting some other race, percent, 2000 (a)	23.8%	17.0%
?	Persons reporting two or more races, percent, 2000	3.3%	3.6%
?	Female population, percent, 2000	49.9%	50.8%
?	Persons of Hispanic or Latino origin, percent, 2000 (b)	39.6%	42.1%
?	White persons, not of Hispanic/Latino origin, percent, 2000	54.0%	44.7%
?	High school graduates, persons 25 years and over, 1990	20,646	692,616
?	College graduates, persons 25 years and over, 1990	3,724	188,336
?	Housing units, 2000	23,405	780,579
?	Homeownership rate, 2000	72.6%	70.0%
?	Households, 2000	19,699	677,971
?	Persons per household, 2000	2.73	2.63

?	Households with persons under 18 years, percent, 2000	43.1%	38.6%
?	Median household money income, 1997 model-based estimate	\$31,337	\$30,836
?	Persons below poverty, percent, 1997 model-based estimate	20.7%	19.3%
?	Children below poverty, percent, 1997 model-based estimate	27.1%	27.5%

Business QuickFacts		Lea County	New Mexico
?	Private nonfarm establishments with paid employees, 1998	1,487	42,608
?	Private nonfarm employment, 1998	16,044	540,186
?	Private nonfarm employment, percent change 1990-1998	10.8%	29.2%
?	Nonemployer establishments, 1997	2,848	96,964
?	Manufacturers shipments, 1997 (\$1000)	379,721	17,306,091
?	Retail sales, 1997 (\$1000)	405,274	14,984,454
?	Retail sales per capita, 1997	\$7,229	\$8,697
?	Minority-owned firms, 1992	568	26,729
?	Women-owned firms, 1992	1,276	40,636
?	Housing units authorized by building permits, 1999	1	9,716 ¹
?	Federal funds and grants, 1999 (\$1000)	200,926	13,580,214
?	Local government employment - full-time equivalent, 1997	2,581	69,941

Geography QuickFacts		Lea County	New Mexico
?	Land area, 2000 (square miles)	4,393	121,356
?	Persons per square mile, 2000	12.6	15.0
?	Metropolitan Area	None	

1: Includes data not distributed by county.

(a) Includes persons reporting only one race.

(b) Hispanics may be of any race, so also are included in applicable race categories.

FN: Footnote on this item for this area in place of data

NA: Not available

D: Suppressed to avoid disclosure of confidential information

X: Not applicable

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Data Quality Statement

What do you think of our new QuickFacts? Send comments to quickfacts@lists.census.gov

Source U.S. Census Bureau: State and County QuickFacts. Data derived from Population Estimates, 2000 Census of Population and Housing, 1990 Census of Population and Housing, Small Area Income and Poverty Estimates, County Business Patterns, 1997 Economic Census, Minority- and Women-Owned Business, Building Permits, Consolidated Federal Funds Report, 1997 Census of Governments

Last Revised: Friday, 07-Sep-2001 13:28:20 EDT

Browse more data sets for Lea County, New Mexico

U.S. Census Bureau



Small Area Income and Poverty Estimates 1997 School District FTP Files and Description

The 1997 school district estimate files only contain data - no labels, no table headers, no titles. A description of the contents of the files can be found below or in the file "README" in the FTP directory.

Go to FTP directory containing 1997 school district data files.

I. File Organization:

The files in the FTP directory contain estimates of population and poverty for all school districts in the United States as of July 30, 1999. There is one file for each of the states, the District of Columbia, and the entire United States. Each file has geographical identifiers, including the Department of Education's Common Core of Data (CCD) ID and District name, and estimates of the total population, population of school-age children, and number of poor school-age children related to the head of the household.

II. File Names

Two kinds of files are located here:

- 1) USSD97.dat (A large file containing the estimates for every school district in the Nation)
- 2) sd97_[STATE].dat (Smaller files containing estimates for every school district in an individual state)

where [STATE] = standard two-letter postal abbreviations.

III. Record Layout for Files

Position	Variable
1- 2	FIPS State code
4- 8	CCD District ID
10-74	District Name
76-83	Estimated Total Population
85-92	Estimated Population of Children 5 to 17 years of Age
94-101	Estimated Number of Poor Children 5 to 17 years of Age who are Related to the Head of Household
103-123	A tag indicating the file name and date of creation

Return to School District Estimates

*Source: U.S. Census Bureau, Housing and Household Economic Statistics Division,
Small Area Estimates Branch
Last Revised: June 19, 2001*

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35 00030 ALAMOGORDO PUBLIC SCHOOLS	44878	9179	1834	sd97_
35 00060 ALBUQUERQUE PUBLIC SCHOOLS	529704	97576	18949	sd97_
35 00090 ANIMAS PUBLIC SCHOOLS	2139	613	47	sd97_NM.dat
35 00120 ARTESIA PUBLIC SCHOOLS	16575	3860	1000	sd97_NM.c
35 00150 AZTEC MUNICIPAL SCHOOLS	12731	3103	555	sd97_NM.
35 00180 BELEN CONSOLIDATED SCHOOLS	29177	6520	1988	sd97_
35 00210 BERNALILLO PUBLIC SCHOOLS	23090	5689	1539	sd97_N
35 00240 BLOOMFIELD MUNICIPAL SCHOOLS	13312	3836	963	sd97_
35 00270 CAPITAN MUNICIPAL SCHOOLS	3517	643	132	sd97_NM.
35 00300 CARLSBAD MUNICIPAL SCHOOLS	35288	7862	1755	sd97_
35 00330 CARRIZOZO MUNICIPAL SCHOOLS	1864	290	83	sd97_NI
35 00390 CENTRAL CONSOLIDATED SCHOOLS	31476	9586	3362	sd97_
35 00420 CHAMA VALLEY INDEPENDENT SCHOOLS		3058	688	222 sd97_
35 00480 CIMARRON PUBLIC SCHOOLS	2228	418	89	sd97_NM.d
35 00510 CLAYTON PUBLIC SCHOOLS	3395	706	226	sd97_NM.d
35 00540 CLOUDCROFT MUNICIPAL SCHOOLS		2225	446	98 sd97_
35 00570 CLOVIS MUNICIPAL SCHOOLS	41729	9209	2535	sd97_NM
35 00600 COBRE CONSOLIDATED SCHOOLS	10306	2260	779	sd97_
35 00630 CORONA MUNICIPAL SCHOOLS	778	137	39	sd97_NM.c
35 00660 CUBA INDEPENDENT SCHOOLS	6731	1886	1057	sd97_N
35 00690 DEMING PUBLIC SCHOOLS	23985	5375	2136	sd97_NM.c
35 00720 DES MOINES MUNICIPAL SCHOOLS	578	109	12	sd97_NM
35 00750 DEXTER CONSOLIDATED SCHOOLS	2769	739	264	sd97_
35 00790 DORA CONSOLIDATED SCHOOLS	815	202	47	sd97_NM
35 00810 DULCE INDEPENDENT SCHOOLS	3114	897	233	sd97_NI
35 00840 ELIDA MUNICIPAL SCHOOLS	521	137	26	sd97_NM.dat
35 00900 ESPANOLA MUNICIPAL SCHOOLS	34173	7595	2197	sd97_
35 00930 ESTANCIA MUNICIPAL SCHOOLS	4658	1086	392	sd97_NM
35 00960 EUNICE MUNICIPAL SCHOOLS	3071	796	207	sd97_NM.c
35 00990 FARMINGTON MUNICIPAL SCHOOLS	48650	11998	1984	sd97_
35 01020 FLOYD MUNICIPAL SCHOOLS	581	134	35	sd97_NM.da
35 01050 FORT SUMNER MUNICIPAL SCHOOLS	2362	450	141	sd97_
35 01080 GADSDEN INDEPENDENT SCHOOLS	39787	11185	5315	sd97_
35 01110 GALLUP-MCKINLEY COUNTY SCHOOLS	59142	16555	6306	sd97_
35 01140 GRADY MUNICIPAL SCHOOLS	420	86	22	sd97_NM.dat
35 01170 GRANTS-CIBOLA COUNTY SCHOOLS	26437	6291	1904	sd97_
35 01200 HAGERMAN MUNICIPAL SCHOOLS	1786	425	156	sd97_N
35 01230 HATCH VALLEY MUNICIPAL SCHOOLS	4707	1192	654	sd97_
35 01260 HOBBS MUNICIPAL SCHOOLS	37077	8823	2250	sd97_NM
35 01290 HONDO VALLEY PUBLIC SCHOOLS	1081	254	81	sd97_NI
35 01320 HOUSE MUNICIPAL SCHOOLS	317	63	17	sd97_NM.dat
35 01350 JAL PUBLIC SCHOOLS	2338	558	159	sd97_NM.dat 05
35 01380 JEMEZ MOUNTAIN PUBLIC SCHOOLS		1982	502	136 sd97_
35 01410 JEMEZ VALLEY PUBLIC SCHOOLS	6150	1592	432	sd97_N
35 01470 LAKE ARTHUR MUNICIPAL SCHOOLS	651	175	107	sd97_N
35 01500 LAS CRUCES PUBLIC SCHOOLS	124473	24093	6565	sd97_
35 01530 LAS VEGAS CITY PUBLIC SCHOOLS	13696	2910	727	sd97_I
35 01590 LOGAN MUNICIPAL SCHOOLS	1129	205	51	sd97_NM.d
35 01620 LORDSBURG MUNICIPAL SCHOOLS	4035	915	389	sd97_I
35 01650 LOS ALAMOS PUBLIC SCHOOLS	18273	3448	122	sd97_NI
35 01680 LOS LUNAS PUBLIC SCHOOLS	36039	8223	1556	sd97_NM

35 01710 LOVING MUNICIPAL SCHOOLS	1815	447	109	sd97_NM.c
35 01740 LOVINGTON PUBLIC SCHOOLS	12460	3172	813	sd97_NM
01770 MAGDALENA MUNICIPAL SCHOOLS	2687	727	432	sd97_N
35 01800 MAXWELL MUNICIPAL SCHOOLS	452	96	14	sd97_NM.c
35 01830 MELROSE PUBLIC SCHOOLS	1300	261	62	sd97_NM.da
35 01980 MESA VISTA CONSOLIDATED SCHOOLS	2538	559	207	sd97
35 01860 MORA INDEPENDENT SCHOOLS	3875	843	339	sd97_NM
35 01890 MORIARTY MUNICIPAL SCHOOLS	15012	3667	727	sd97_N
35 01920 MOSQUERO MUNICIPAL SCHOOLS	338	70	16	sd97_NM
35 01950 MOUNTAINAIR PUBLIC SCHOOLS	2495	598	291	sd97_NM
35 02010 PECOS INDEPENDENT SCHOOLS	3493	805	290	sd97_Ni
35 02040 PENASCO INDEPENDENT SCHOOLS	3817	871	345	sd97_
35 02070 POJOAQUE VALLEY PUBLIC SCHOOLS	9587	2100	268	sd97
35 02100 PORTALES MUNICIPAL SCHOOLS	15710	3246	1163	sd97_
35 02130 QUEMADO INDEPENDENT SCHOOLS	959	184	71	sd97_I
35 02160 QUESTA INDEPENDENT SCHOOLS	4041	870	170	sd97_N
35 02190 RATON PUBLIC SCHOOLS	8791	1824	548	sd97_NM.da
35 02220 RESERVE INDEPENDENT SCHOOLS	1922	377	134	sd97_
35 00010 RIO RANCHO PUBLIC SCHOOLS	45228	9326	368	sd97_Ni
35 02250 ROSWELL INDEPENDENT SCHOOLS	57152	12818	3646	sd9
35 02280 ROY MUNICIPAL SCHOOLS	513	99	16	sd97_NM.dat 0
35 02310 RUIDOSO MUNICIPAL SCHOOLS	9349	1718	529	sd97_NM
35 02340 SAN JON MUNICIPAL SCHOOLS	581	144	56	sd97_NM.d.
35 02370 SANTA FE PUBLIC SCHOOLS	101526	17699	2863	sd97_Ni
35 02400 SANTA ROSA CONSOLIDATED SCHOOLS	3684	840	347	sd9
02430 SILVER CITY CONSOLIDATED SCHOOLS	21322	4675	1036	sd
35 02460 SOCORRO CONSOLIDATED SCHOOLS	12130	2525	947	sd
35 02490 SPRINGER MUNICIPAL SCHOOLS	2128	536	142	sd97_NM
35 02520 TAOS MUNICIPAL SCHOOLS	18721	3744	1277	sd97_NM.
35 02550 TATUM MUNICIPAL SCHOOLS	1496	353	96	sd97_NM.d.
35 02580 TEXICO MUNICIPAL SCHOOLS	1755	462	157	sd97_NM.c
35 02610 TRUTH OR CONSEQUENCES SCHOOLS	10988	1592	584	sd
35 02640 TUCUMCARI PUBLIC SCHOOLS	7930	1596	603	sd97_NM
35 02670 TULAROSA MUNICIPAL SCHOOLS	7212	1831	967	sd97_N
35 00001 VAUGHN MUNICIPAL SCHOOLS	1175	260	81	sd97_NM.
35 02730 WAGON MOUND PUBLIC SCHOOLS	884	190	75	sd97_N
35 01560 WEST LAS VEGAS PUBLIC SCHOOLS	11281	2428	1190	sd97
35 02800 ZUNI PUBLIC SCHOOLS	8190	2236	989	sd97_NM.dat C

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13

U.S. Census Bureau

State Estimates for People of All Ages in Poverty for US: 1998

Table A98-00. Estimated Number and Percent People of All Ages in Poverty by State: US 1998

(Estimates model 1998 income reported in the March 1999 Current Population Survey.)

State	People of All Ages in Poverty			
	Number		Percent	
	Estimate	90% Confidence Interval	Estimate	90% Confidence Interval
United States	34,475,762	33,555,896 to 35,395,628	12.7	12.4 to 13.1
-Alabama	681,788	639,118 to 724,458	15.7	14.7 to 16.7
-Alaska	65,970	59,011 to 72,929	10.8	9.6 to 11.9
-Arizona	710,652	664,872 to 756,432	14.9	14.0 to 15.9
-Arkansas	417,961	390,240 to 445,681	16.4	15.3 to 17.5
-California	4,917,053	4,685,194 to 5,148,912	14.9	14.2 to 15.6
-Colorado	400,813	365,337 to 436,290	9.9	9.0 to 10.8
-Connecticut	283,772	250,763 to 316,781	8.7	7.7 to 9.7
-Delaware	72,696	65,802 to 79,590	9.7	8.8 to 10.7
-District of Columbia	90,664	84,270 to 97,058	18.2	16.9 to 19.5
-Florida	2,040,634	1,931,101 to 2,150,168	13.6	12.9 to 14.3
-Georgia	1,087,118	1,012,522 to 1,161,714	14.1	13.1 to 15.0
-Hawaii	122,841	110,839 to 134,843	10.5	9.5 to 11.5
-Idaho	157,351	145,362 to 169,341	12.6	11.6 to 13.5
-Illinois	1,281,425	1,186,987 to 1,375,864	10.6	9.8 to 11.4
-Indiana	588,765	535,725 to 641,804	10.0	9.1 to 10.9
-Iowa	270,604	244,108 to 297,100	9.5	8.6 to 10.4
-Kansas	274,974	250,586 to 299,362	10.5	9.5 to 11.4
-Kentucky	603,038	563,434 to 642,643	15.3	14.3 to 16.3
-Louisiana	790,323	744,056 to 836,589	18.2	17.2 to 19.3
-Maine	128,682	116,883 to 140,481	10.3	9.4 to 11.3
-Maryland	454,060	403,675 to 504,445	8.8	7.9 to 9.8
-Massachusetts	551,825	501,063 to 602,586	9.0	8.2 to 9.8
-Michigan	1,118,213	1,038,273 to 1,198,154	11.4	10.6 to 12.2

-Minnesota	423,735	379,238 to 468,233	8.9	8.0 to 9.9
-Mississippi	483,335	451,681 to 514,989	17.6	16.4 to 18.7
-Missouri	633,505	582,436 to 684,573	11.7	10.7 to 12.6
-Montana	138,272	129,185 to 147,359	15.7	14.7 to 16.8
-Nebraska	169,986	153,572 to 186,401	10.3	9.3 to 11.3
-Nevada	188,979	172,839 to 205,119	10.5	9.6 to 11.4
-New Hampshire	89,256	77,249 to 101,263	7.5	6.5 to 8.5
-New Jersey	717,408	654,342 to 780,473	8.8	8.0 to 9.6
-New Mexico	330,325	309,777 to 350,872	19.0	17.8 to 20.2
-New York	2,794,560	2,652,647 to 2,936,473	15.4	14.6 to 16.2
-North Carolina	978,106	911,428 to 1,044,784	13.0	12.1 to 13.8
-North Dakota	80,381	73,667 to 87,095	12.9	11.8 to 13.9
-Ohio	1,202,277	1,120,530 to 1,284,024	10.7	10.0 to 11.5
-Oklahoma	533,108	499,880 to 566,336	16.1	15.1 to 17.1
-Oregon	400,952	367,763 to 434,142	12.1	11.1 to 13.1
-Pennsylvania	1,277,442	1,189,715 to 1,365,169	10.7	10.0 to 11.5
-Rhode Island	103,831	94,733 to 112,930	10.6	9.7 to 11.6
-South Carolina	550,127	512,754 to 587,500	14.3	13.3 to 15.2
-South Dakota	94,379	86,104 to 102,654	13.0	11.9 to 14.1
-Tennessee	715,433	661,403 to 769,463	13.1	12.1 to 14.1
-Texas	3,102,571	2,943,891 to 3,261,252	15.6	14.8 to 16.4
-Utah	213,244	190,363 to 236,125	10.0	8.9 to 11.0
-Vermont	56,547	50,820 to 62,274	9.6	8.6 to 10.6
-Virginia	696,205	632,952 to 759,459	10.2	9.3 to 11.2
-Washington	569,830	516,169 to 623,490	9.9	9.0 to 10.9
-West Virginia	303,649	283,890 to 323,409	16.8	15.7 to 17.9
-Wisconsin	462,809	413,006 to 512,611	8.9	7.9 to 9.8
-Wyoming	54,286	49,480 to 59,092	11.4	10.4 to 12.4

These estimates were released in August 2001.

Return to Tables for States and Counties by Income Year and Statistic

*Source: U.S. Census Bureau, Housing and Household Economic Statistics Division,
Small Area Estimates Branch
Last Revised: August 31, 2001*

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U.S. Census Bureau



Small Area Income and Poverty Estimates Tables for States and Counties by Income Year and Statistic

- NOTES: (1) "National" provides estimates for the nation and each state; any state provides estimates for the state and each of its counties.
(2) County data are not available for 1996 and 1998; all selections in the state column will provide a national table.
(3) No county data are available for the statistic "people under 5 in poverty"; all selections in the state column will provide a national table.

Income Year	State	Statistic
1998 from Model	Nebraska	People of all ages in poverty
1997 from Model	Nevada	People under age 18 in poverty
1996 from Model	New Hampshire	Related children 5-17 in families in poverty
1995 from Model	New Jersey	Median household income
1993 from Model	New Mexico	People under 5 in poverty (National only)

After you have made your selections, then or

Return to State and County Estimates

Source: U.S. Census Bureau, Housing and Household Economic Statistics Division,
Small Area Estimates Branch
Last Revised: August 31, 2001

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http://www.
Census.gov/hhes
/www/saipe/staty
/estimate.html

14

Mortality Rates by Selected Diseases - District 4 (1993 - 1995 averages)

COUNTY	Infant Mortality*	Heart Diseases †		Malignant Neoplasm †		Diabetes Mellitus †	
		Male	Female	Male	Female	Male	Female
Chaves	8.8	228.0	250.1	207.3	177.2	19.6	34.7
Curry	5.0	243.7	239.3	202.9	150.5	10.6	15.1
DeBaca	17.4	272.9	230.7	141.9	50.9	32.3	15.1
Eddy	8.7	277.7	337.2	193.1	148.6	33.2	26.4
Guadalupe	6.9	186.9	255.5	146.3	153.6	45.7	18.7
Lea	6.8	248.7	283.7	260.5	170.7	14.2	83.0
Lincoln	8.8	225.6	161.5	225.4	160.9	22.9	23.1
Roosevelt	3.5	229.3	201.0	175.4	142.6	34.8	41.6
Quay	6.7	267.2	318.0	270.2	168.5	20.3	23.1
Statewide Rates	7.7	225.3	213.3	188.0	160.3	25.8	30.0

* Rates per 1,000 births, '91-'95, Aggregate, (p. 58)
 † Age-adjusted death rates per 100,000 population, 1992-94 Average, (p.47, 48)
 Source: 1995 New Mexico Selected Statistics, NM Vital Records & Health Statistics

RPHCA Funded Clinic Information

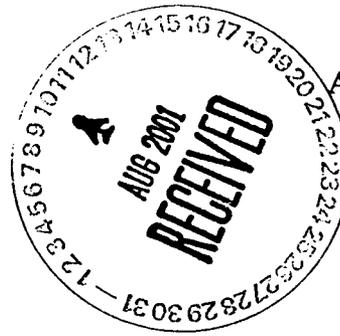
There are 15 RPHCA funded clinics in 11 HCUAs in District 4. The demographic information provided below for the HCUAs includes some duplication because there may be more than one funded clinic in an area. Some HCUAs count their population served as the entire county and others just a portion of a county. The totals calculated take these duplicated numbers into consideration. The "CBPCC Users" column is taken from an HCUA's immediate area and is therefore totaled as is.

HCUA	HCUA Population	Population <100% Poverty	Population > Age 65	CBPCC Users
Artesia (Eddy)	14,689	4,348	2,056	3,000
Carrizozo (Lincoln)	2,305	461	431	2,100
Dan Trigg (Quay)	9,243	2,311	1,664	899
De Baca County	2,371	491	363	3,195
Guadalupe County	4,156	1,596	626	1,605
Jal (Lea)	2,156	505	280	1,395
Clovis (Curry)	42,207	8,104	5,065	3,731
Portales (Roosevelt)	18,465	4,967	2,400	6,530
Roswell (Chaves)	57,849	12,958	8,677	3,356
Livingston/Tatum (Lea)	10,090	2,260	1,160	9,736
Carlsbad (Eddy)	47,729	9,737	7,255	6,317
TOTALS	196,571	43,389	27,922	41,864
% of Population		22.1%	14.2%	21.3%

* Population of entire county (is duplicated by other HCUAs in the county)

Of the 15 clinics in District 4 12 provide medical services alone, none provide only dental services and 3 provide both medical and dental services. For RPHCA purposes such things as counseling and emergency services are not included in the counts.

Mr. Steve Pullen
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303



August 3, 2001

This is my formal request that the Secretary of NMED hold a public hearing on the permit application for the Triassic Park Hazardous Waste Disposal. I am also enclosing my official written comments.

One: Nature and Scope of Request

The nature and scope of my interest in this permit application is two fold. As a local botanist of course I have professional interest in this permit application to make sure that proper biological protocol is followed, and that appropriate state and federal laws are followed. I also live about thirty miles from the proposed site so of course I have a personal need to make sure that this facility is safe for the environment if it does get approved.

Two: People this Request Represents

Holly Harris-Schott
HC 12 Box 1200
Roswell, NM 88201

polypody1@hotmail.com

Three: Objections and References to Permit Condition

Although I object to several areas of the permit on a personal level I only have the technical expertise to testify at a public hearing about Permit Attachment A, Section 1.2. This whole section is completely flawed. Please see the two page document included called "Comments on Permit Attachment A, Section 1.2 Site Environment Triassic Park Waste Disposal Facility". This is a brief summary of the mentioned comments to Permit Attachment A, section 1.2. First, I found after examining the permit application, and other pertinent data put out by the NM Game and Fish Department, US Fish and Wildlife Service, and the Bureau of Land Management that this section was lacking significantly in data, citations, and evidence. I found that if the Bureau of Hazardous Waste approves the permit in this condition that they would be neglecting their legal duties to the Wildlife Conservation Act Section 17-2-37 to 17-2-46 NMSA1978, and possibly the U.S. Endangered Species Act. In specific GMI did not conduct *ANY* studies to define and describe the flora and fauna of the site, specifically for rare, threatened, and endangered species either potentially or definitely located there. GMI also did not conduct *ANY* studies to demonstrate the effects of this project, environmental conditions influenced by

Comments on Permit Attachment A, Section 1.2 Site Environment Triassic Park Waste
Disposal Facility Application
By: Holly Harris-Schott

The following are conclusions I made upon reading the section 1.2 on permit attachment A, including all the information in the application on site environment, and information on the flora and fauna. First, Gandy Marly, Inc. (GMI) covered the biology of a four hundred and eighty-acre site containing a significant amount of rare and state threatened animals in four very short paragraphs that took up less than one half of a page. They wrote opinions and wishful thinking, as biological *facts* yet did not use any citations or references on this information to substantiate their claims. They did not discuss any actual studies or fieldwork done on the site to determine what plants and animals were actually there. GMI also did not state any consultation with New Mexico Game and Fish department or the Ecological Service Branch of U.S. Fish and Wildlife Service. The fact that the New Mexico Environment Department could send this application to the public to view in this manner should at least be considered neglectful of their legal duties in reference to the Wildlife Conservation Act Section 17-2-37 to 17-2-46 NMSA 1978, and the United States Endangered Species Act.

Let me bring up the following points that are based on the section 1.2 of this permit application, and facts that I have gained from reading Bureau of Land Management literature, New Mexico Game and Fish literature, and New Mexico's Bison-M website. First, there have been no adequate survey completed for the plants and animals contained within this project site. There are also no adequate projections on the effects of an accident at this site on these rare and threatened animals. It is my educated opinion that upon further inspection further threatened/endangered species of plants and animals will be found on site. Even if there is not further species GMI must still adequately study and protect the ones known to be there. There are also possible takings mentioned of known threatened species by GMI in way of protective fencing and nets over ponds. There was no mention of studies that establish this fencing or nets as safe for *Scleripurus graciosis arenicolous*, not to mention other species. GMI also did not mention that they will be removing most of the vegetation in the area, or that the removal of shinary oak would constitute a taking of countless numbers of the threatened, *Scleripurus graciosus arenicolous*. If GMI plan to relocate these animals they would need to apply for a special permit from the Game and Fish Department. None of which is mentioned in this document. There are definitely threatened and rare species located inside this project site possibly more then what GMI listed. Whether intentionally or not approval of this permit and the subsequent construction of this facility would be in disagreement with the core principles of the Wildlife Conservation Act section 17-2-37 to 17-2-46 NMSA 1978, and therefore illegal.

The following are excerpts from the Wildlife Conservation Act, section 17-2-37 to 17-2-46 NMSA 1978.

17-2-39

- A. ..threatened species should be managed to maintain and, to the extent possible enhance their numbers.

17-2-40

M. Wherever the director finds that there an emergency posing a significant risk to the well being of any species and that the risk is likely to jeopardize the continued survival or recruitment of the species within the state, the director shall recommend to the commission that the species should be listed as endangered.

17-2-40.1

E. With the assistance of the advisory committee the director shall develop a draft recovery plan to achieve the following objectives;

- (1) restoration and maintenance of a viable population of the threatened or endangered species and its habitat reasonably expected to lead to de-listing of the species;
- (2) avoidance or mitigation of adverse social or economic impacts;
- (3) identification of social or economic benefits and opportunities; and

After review of the permit application the following is what I recommend. First, I recommend that the Environment Department mandate GMI to complete before they continue with the permit application process. First, GMI needs to consult with both New Mexico Game and Fish Department, and Ecological Services Department of U.S. Fish and Wildlife Service. These agencies can help determine what scientific studies need to be done and any specific needs like completion of a NEPA document, or Environmental Impact Assessment. Next, GMI should hire experts with knowledge of the Chaves county area in the fields of Botany, Herpetology, Mammalogy, and Ornithology. These people should be independent experts from semi-local consulting firms or semi-local universities. These professionals should conduct a yearlong study in their respective fields into the flora and fauna of the area. These people should make a complete inventory of what species are located on the site, population density of these species, and determine if these species are threatened, endangered, or rare. These experts should make recommendations on the effects of the project on local biota and how to minimize these effects. Some of the possible effects they should study would be vegetation removal; noise, air and water pollution; fencing and nets over ponds effects on any listed threatened or endangered species. Also they should determine the effect of the increased amount of people, truck traffic, and noise on nesting and courtship behaviors of *Buteo regalis*, *Tympanuchus pallidicinctus*, and *Scleropurus graciosus arenicolus*. These consultants should also recommend proper construction methods and ways to minimize impacts to species during and after construction. These biologists should also make projections covering possible accidents and contamination at this site, and how to minimize effects of an accident on the biota of the site. All this data and any recommendations should be available for public inspection. If Gandy Marley, Inc. refuses to do these studies then the permit should be denied. If they refuse to follow the recommendations of these experts then their permit should be denied. If they can not at least make a token effort to protect the environment before they even get this permit how can we possibly expect them to follow environmental regulations once they are started.

this project, and construction damages on the rare, threatened, and endangered species that are located there. They also did not conduct any studies into the effects of a site "accident" on any of the rare, threatened, and endangered species known to be there and at the neighboring Mescalero Sands National Recreation Area. They also mention possible casualties of the state threatened, *Scleripurus graciosus arenicolous* by way of netting and fencing, and vegetation removal. There was also no documented consultation process on any of these issues with NM Game and Fish Department, U.S. Fish and Wildlife Service, or Mescalero Sands National Recreation Area.

Four: Issues

At the hearing I will raise the issue and provide evidence that GMI has not properly completed site environment studies and provided evidence that this project will not take threatened or endangered species. I will detail what studies they would need to make before a permit could be granted. I would also detail what consultations they need to make with other appropriate state and federal agencies.

CC:Hearing Clerk

CC: John Kieling

CC: NM Ecological Services Field Office, US Fish and Wildlife Service

CC: Bruce Christman, NM Game and Fish Department

CC: Law Enforcement Division, NM Game and Fish Department