



Public Involvement Plan

for the

WASTE ISOLATION PILOT PLANT

EPA ID#: NM4890139088

Hazardous Waste Management Activities

Prepared by:

Hazardous Waste Bureau
New Mexico Environment Department
Santa Fe, New Mexico
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I. Public Involvement Plan Overview

The New Mexico Environment Department (NMED), Hazardous Waste Bureau (Bureau or HWB) developed this Public Involvement Plan (PIP) for hazardous waste management activities at the Waste Isolation Pilot Plant (WIPP or the Facility) such as Hazardous Waste Facility Permit (Permit) issuance, denial, renewal, and modifications. This PIP was developed to satisfy public participation requirements pursuant to the federal Resource Conservation and Recovery Act (RCRA) regulations at 40 Code of Federal Regulations (CFR) 270.42 and the New Mexico Hazardous Waste Management regulations at 20.4.1.900 and 901 New Mexico Administrative Code (NMAC). The Permittees for WIPP include the U.S. Department of Energy (DOE) and Nuclear Waste Partnership LLC (NWP), (together the Permittees).

The WIPP facility is located 26 miles southeast of Carlsbad, New Mexico in a remote desert area where there exists a 2,000-foot-thick salt bed. Openings have been mined 2,150 feet underground near the middle of the salt formation. WIPP is a geologic repository mined within the bedded salt formation, which receives mixed hazardous and radioactive waste and is subject to permitting under the New Mexico Hazardous Waste Act (HWA), [Chapter 74, Article 4 NMSA 1978], which incorporates the requirements of RCRA.

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

In developing this PIP, community participation needs were assessed to ensure public outreach by identifying whether a combination of environmental and demographic factors (i.e., low income, minority, limited English proficiency individuals, linguistically isolated households) may impact participation actions. This assessment identifies community outreach needs, based on the type of activity and potential effects to the surrounding community, and addresses the provision of public access to information about the activity.

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

Draft documents issued for public comment will generally be made available for a 30 to 60-day period (depending upon regulatory requirements of a specific activity) to allow for formal public review and comments. Based on the demographics of the area, the Bureau will provide pertinent information in both English and Spanish for public notices, public informational meeting notices, and other announcements (e.g., radio broadcasts, newspaper notices, mailings).

The Bureau encourages the public to learn about and get involved in regulatory decision-making opportunities for these activities. The purpose of this PIP is to provide information on public participation opportunities and information that may be needed to participate in this activity.

This PIP was developed by the Bureau and may be periodically amended to address specific actions at WIPP and after considering public comments and feedback. The Bureau will make the final approval of the PIP and any amendments.

II. Contacts

The Bureau contact for WIPP related activities is:

Ricardo Maestas, WIPP Project Manager
New Mexico Environment Department
Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone: (505) 476-6000
Fax: (505) 476-6030
E-mail: ricardo.maestas@state.nm.us

Bureau actions issued for public comment will include specific instruction for submitting comments related to those activities.

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

The Bureau will include information about how individuals may request non-English speaker language assistance, as well as accommodations for persons with disabilities, in public notices, notices for public meetings and/or hearings related to these activities. Public notices will direct public requests for assistance to the Bureau contact, who will notify the Department's Non-Discrimination Coordinator. Arrangements will be made by the Bureau for document translation, interpretation, or disability services related to the activity or proceeding, as necessary. The following information will be provided in public notices so that hearing-impaired callers and persons with a disability can contact the Bureau with questions about the activity or proceeding.

Any person having a disability and requiring assistance or auxiliary aid to participate in this process should contact Kristine Yurdin, Non-Discrimination Coordinator, by phone at (505) 827-2855, or via email at: nd.coordinator@state.nm.us.

Toll-free numbers are available for TDD or TTY users to access the New Mexico Relay Network at 1-800-659-1779 (voice); TTY users: 1-800-659-8331.

IV. Department Website

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

- Hazardous Waste Bureau-WIPP Permit: <https://www.env.nm.gov/hazardous-waste/wipp/>

V. Regulatory Background for Public Participation

The RCRA regulations at 40 CFR 270.42 require the public to be notified regarding permitting activities at hazardous waste facilities. Both the applicant and regulatory agency have public notification responsibilities based on the type of proposed action. The Hazardous Waste Management regulations require that a public notice “shall be given by publication of a notice in a newspaper of general circulation in the area affected, broadcasts over local radio stations, and by mailing a copy of the notice to the permit applicant, those individuals on the department mailing list of persons interested in hazardous waste permit actions, and to any unit of the local, state, and federal government as may be applicable,” as specified by 20.4.1.901(C)(3) NMAC. The Bureau public notice actions for these activities are described in Section X below.

VI. EJSCREEN Summary

To assess public needs, and, specifically, to reach and inform Limited English Proficient (LEP) community populations and encourage public participation, two search criteria were utilized (EJSCREEN and data.census.gov). The first tool, Environmental Justice mapping and screening (EJSCREEN), was developed by the U.S. Environmental Protection Agency (EPA). EJSCREEN provides up to 11 environmental indices and six demographic indices. Through EJSCREEN, demographic data is available for 2013-2017 via the American Community Survey (ACS).

To meet the search criteria specified in NMED Public Participation Policy 07-13, preliminary screening was conducted using EPA’s EJSCREEN tool to generate reports from the ACS using a block of Southeast New Mexico which is approximately 9,452 square miles that includes the WIPP Facility, Carlsbad, Artesia, Roswell, Lovington, Hobbs, Eunice and communities in between. This report, which is included as Appendix A to this PIP, indicated that there are 64,503 households and the per capita income average is \$24,701 within this designated block. The U.S. per capita income averages \$24,459. The percent minority population within the block was 58% and the population percentage by race was 42% white (34% of the population listed as white is Hispanic), 2% Black, 1% American Indian, and 1% listed as Other. The percentage of linguistically isolated households within this block in Southeast New Mexico was approximately 6%. The portion of these households who spoke Spanish was 97%. The percentage of the population who were age 5+ who spoke English only or were able to speak English “very well” was approximately 23%. These results indicate, that for the affected community, the percentage of persons who speak English “less than very well” is 10%, which is more than the state (9.5%) or national (8.6%) percentage, based on 2013-2017 ACS U.S. census data.

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

VII. Public Participation Activities

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

- Postal mailings
- Radio announcements
- Newspaper publications
- Website postings

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

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

IX. Notices in the State Newspaper and Local Newspapers

Public notices that are required to be published in state and local newspapers will be published in English and Spanish in the Albuquerque Journal (statewide circulation) and The Carlsbad Current-Argus. There is no local Spanish language newspaper in southern New Mexico. Websites for these publications are listed below:

- Albuquerque Journal: <https://www.abqjournal.com/>
- Carlsbad Current-Argus: <https://www.currentargus.com/>

X. Public Notices

Public notices are issued for public comment periods related to various hazardous waste management activities, public informational meetings, and selected other public notifications. Public notices are mailed to persons included on the facility mailing list, published in the Albuquerque Journal and the Carlsbad Current-Argus, broadcast as public service announcements on the radio, and posted on the HWB website. The notifications will be issued in Spanish and English. These notices will provide general information about the specific activity, contact information for submitting comments or requesting a public hearing, and if held, the time and location of public informational meetings.

XI. Fact Sheets

The Bureau will develop a fact sheet to accompany certain Permit actions, as required by 20.4.1.901(A)(2) NMAC. The fact sheet provides information regarding public participation, a description of the facility, a description of the proposed Permit action, and next steps in the process. Copies of a fact sheet will be sent to any person upon request in accordance with 20.4.1.901(A)(2) NMAC. Fact sheets will also be made available for viewing at the HWB offices listed in Section XV below, on the Bureau website, and at other locations as specified in Section XV below.

XII. Public Comment Periods

The Bureau generally provides 30-60 days for public review and comment depending on the activity. The Hazardous Waste Bureau may extend the public comment period if a request is received during the public comment period to extend the comment period based on significant interest. The Bureau will provide public notice of any extension to a public comment period as described in Section X above.

XIII. Public Information Meetings

Since WIPP is located in a remote desert area, contact with the public at the site is infrequent. The Facility is inaccessible to the public; access is restricted by fencing and DOE security which prohibits access by unauthorized persons.

The Bureau does not plan to hold a public informational meeting to provide information regarding these activities but will publish the public notice for this action in accordance with 20.4.1.900 and 901 NMAC and as described in Section X above.

XIV. Other Outreach

All public notices will be posted on the NMED HWB website. The Bureau will use commercial radio announcements or informational broadcasts in both Spanish and English.

XV. Site Repositories

During public comment periods, in addition to information being posted on the HWB website, copies of relevant documents will be accessible in print or on-line at the following locations:

NMED - Hazardous Waste Bureau 2905 Rodeo Park Drive East, Building 1 Santa Fe, New Mexico 87505-6303 Phone: (505) 476-6000 Monday – Friday: 8:00 a.m. to 5:00 p.m. Contact: Ricardo Maestas	NMED - DOE Oversight Bureau Field Office 406 N. Guadalupe, Suite C Carlsbad, NM 88220 Phone: (575) 885-9023 Monday – Friday: 8:00 a.m. to 5:00 p.m. Contact: Amber Gellis
Santa Fe Public Library – La Farge Branch 1730 Llano Street Santa Fe, NM 87505 505-955-4860	Carlsbad Public Library 101 S Halagueno Street Carlsbad, NM 88220, (575) 885-6776.

In the event the State of New Mexico Executive Order 2020-004 issued in response to the Coronavirus Disease 2019 (“COVID-2019”) is still in effect or still affects access to the above state offices and/or libraries, please contact Mr. Ricardo Maestas at (505) 476-6000 for more information.

XVI. Responses to Comments

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

After consideration of all written comments received during the comment period, the Bureau will approve or deny the document. If the Bureau disapproves or modifies the document, the Permittees will be provided by mail a copy of the disapproval or modification with a written statement of the Bureau's reasons. The Bureau will make the final agency decision publicly available. All persons that provided written comments during the comment period, or who requested notification in writing, will be notified of the final decision by mail.

XVII. PIP Contingency Plan

During a public health emergency or other unforeseen event outside the control of the Department, the Department will make every effort to ensure the public remains involved in and informed of the decision making and permit processes. The purpose of this PIP Contingency Plan is in part to address circumstances when public spaces are closed because of potential human exposure risks. The Department will attempt to identify and utilize alternate methods of document delivery to the public and public viewing when conventional methods and locations are unavailable. When it is unsafe to utilize the physical PIP and document repositories, the Department will consider utilizing electronic delivery methods deemed appropriate for the permitting action.

While operating under the PIP Contingency Plan, the Bureau WIPP Permit website, <https://www.env.nm.gov/hazardous-waste/wipp/>, will include a statement specifying that the PIP Contingency Plan is in effect and that, instead of placing a copy of the PIP for this permitting action in a public location, the Bureau will make the PIP available to the community by sending the PIP by email or US mail to any community member requesting a copy. An individual may request a copy of the PIP utilizing the Bureau contact information in the public notice and this PIP. When making such a request, please specify how you would like the document delivered. If you request a copy of a PIP, you will receive a revised PIP should the PIP be updated in the future. During the times of potential human exposure risks and the resultant implementation of this PIP Contingency Plan, public meetings and hearings will only be held when or through means by which the Bureau can ensure the public's health and safety and this PIP can be fully adhered to.

XVIII. Attachments

- Attachment A: Limited English Proficiency (LEP) Evaluation
- Attachment B: EJSCREEN ACS Summary Report and Map

ATTACHMENT A

Waste Isolation Pilot Plant (WIPP) Limited English Proficiency (LEP) Evaluation Policy 07-11 Section 3.0

Factor 1: The Number and Proportion of Limited English Proficiency (LEP) Individuals Eligible to be Served or Likely to be Encountered in the Community of Concern

Preliminary screening for the Waste Isolation Pilot Plant (WIPP) was conducted using the Environmental Protection Agency (EPA) EJSCREEN tool to produce reports from the American Community Survey (ACS) using a 9,452 square mile block of Southeastern New Mexico which includes the WIPP Facility and Carlsbad, New Mexico. The number and proportions of LEP individuals eligible to be served or likely to be encountered within this designated block is 10%. The history of public involvement at the site indicates that it is appropriate for public notice documents to provide basic information concerning public involvement opportunities in both English and Spanish.

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

Permit modifications requested by the WIPP Permittees are submitted on a regular basis. Participation by members of the public has consistently occurred for Permit actions and, as such, LEP individuals have been accommodated with Spanish translations for fact sheets, public notices and public service announcements associated with Permit actions.

Factor 3: The Nature and Importance with which LEP Individuals come in Contact with the Program

Specific activities necessitating an LEP evaluation require public notice in accordance with 20.4.1.900 and 901 NMAC. Because contact with the public, and therefore members of the public with limited English proficiency, happens at regular intervals for Permit activities, the New Mexico Environment Department, Hazardous Waste Bureau (HWB) has determined these activities are “important”, given the nature and amount of public participation.

Factor 4: The Resources Available to NMED and Associated Costs

The HWB currently has sufficient funding for fact sheet, public notice, and public service announcement Spanish translation services and to issue notices in Spanish and English in the Albuquerque Journal and the Carlsbad Current-Argus and as public service announcements on public radio stations in Albuquerque and Carlsbad.

ATTACHMENT B

EJSCREEN ACS Summary Report and Map

Location: User-specified polygonal location
 Ring (buffer): 0-miles radius
 Description: WIPP SE NM

Summary of ACS Estimates		2013 - 2017
Population		186,214
Population Density (per sq. mile)		20
Minority Population		108,660
% Minority		58%
Households		64,503
Housing Units		74,547
Housing Units Built Before 1950		9,778
Per Capita Income		24,701
Land Area (sq. miles) (Source: SF1)		9,451.99
% Land Area		100%
Water Area (sq. miles) (Source: SF1)		26.17
% Water Area		0%

	2013 - 2017 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	186,214	100%	0
Population Reporting One Race	182,391	98%	2,734
White	162,913	87%	1,026
Black	4,468	2%	286
American Indian	2,284	1%	264
Asian	736	0%	196
Pacific Islander	87	0%	41
Some Other Race	11,903	6%	921
Population Reporting Two or More Races	3,823	2%	427
Total Hispanic Population	99,771	54%	0
Total Non-Hispanic Population	86,443		
White Alone	77,554	42%	143
Black Alone	4,242	2%	265
American Indian Alone	1,652	1%	162
Non-Hispanic Asian Alone	661	0%	143
Pacific Islander Alone	78	0%	37
Other Race Alone	256	0%	137
Two or More Races Alone	1,999	1%	290
Population by Sex			
Male	94,379	51%	139
Female	91,835	49%	139
Population by Age			
Age 0-4	13,953	7%	112
Age 0-17	52,083	28%	575
Age 18+	134,131	72%	980
Age 65+	24,599	13%	532

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2013 - 2017

Location: User-specified polygonal location
 Ring (buffer): 0-miles radius
 Description: WIPP SE NM

	2013 - 2017 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	115,996	100%	191
Less than 9th Grade	11,606	10%	487
9th - 12th Grade, No Diploma	13,420	12%	496
High School Graduate	36,732	32%	797
Some College, No Degree	35,677	31%	770
Associate Degree	9,571	8%	436
Bachelor's Degree or more	18,561	16%	579
Population Age 5+ Years by Ability to Speak English			
Total	172,262	100%	98
Speak only English	114,514	66%	950
Non-English at Home ¹⁺²⁺³⁺⁴	57,748	34%	933
¹ Speak English "very well"	39,773	23%	894
² Speak English "well"	8,183	5%	493
³ Speak English "not well"	7,293	4%	453
⁴ Speak English "not at all"	2,499	1%	269
³⁺⁴ Speak English "less than well"	9,792	6%	511
²⁺³⁺⁴ Speak English "less than very well"	17,975	10%	709
Linguistically Isolated Households*			
Total	3,536	100%	280
Speak Spanish	3,423	97%	275
Speak Other Indo-European Languages	57	2%	40
Speak Asian-Pacific Island Languages	22	1%	28
Speak Other Languages	34	1%	37
Households by Household Income			
Household Income Base	64,503	100%	500
< \$15,000	8,254	13%	432
\$15,000 - \$25,000	7,356	11%	395
\$25,000 - \$50,000	15,009	23%	585
\$50,000 - \$75,000	12,145	19%	493
\$75,000 +	21,738	34%	647
Occupied Housing Units by Tenure			
Total	64,503	100%	500
Owner Occupied	44,425	69%	568
Renter Occupied	20,078	31%	553
Employed Population Age 16+ Years			
Total	139,952	100%	206
In Labor Force	84,397	60%	694
Civilian Unemployed in Labor Force	4,929	4%	320
Not In Labor Force	55,556	40%	739

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of anyrace.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS)

*Households in which no one 14 and over speaks English "very well" or speaks English only.

Location: User-specified polygonal location
 Ring (buffer): 0-miles radius
 Description: WIPP SE NM

	2013 - 2017 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	172,262	100%	98
English	114,514	66%	1,124
Spanish	55,852	32%	1,092
French	213	0%	58
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	301	0%	78
Yiddish	N/A	N/A	N/A
Other West Germanic	N/A	N/A	N/A
Scandinavian	N/A	N/A	N/A
Greek	N/A	N/A	N/A
Russian	N/A	N/A	N/A
Polish	N/A	N/A	N/A
Serbo-Croatian	N/A	N/A	N/A
Other Slavic	N/A	N/A	N/A
Armenian	N/A	N/A	N/A
Persian	N/A	N/A	N/A
Gujarathi	N/A	N/A	N/A
Hindi	N/A	N/A	N/A
Urdu	N/A	N/A	N/A
Other Indic	N/A	N/A	N/A
Other Indo-European	118	0%	64
Chinese	101	0%	89
Japanese	N/A	N/A	N/A
Korean	82	0%	102
Mon-Khmer, Cambodian	N/A	N/A	N/A
Hmong	N/A	N/A	N/A
Thai	N/A	N/A	N/A
Laotian	N/A	N/A	N/A
Vietnamese	83	0%	106
Other Asian	282	0%	232
Tagalog	124	0%	118
Other Pacific Island	N/A	N/A	N/A
Navajo	N/A	N/A	N/A
Other Native American	N/A	N/A	N/A
Hungarian	N/A	N/A	N/A
Arabic	53	0%	54
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	418	0%	82
Total Non-English	57,748	34%	1,128

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

Map of the Southeast New Mexico block used for EJSCREEN ACS Summary Report

