



**NEW MEXICO ENVIRONMENT DEPARTMENT
GROUND WATER QUALITY BUREAU**



**PUBLIC INVOLVEMENT PLAN
(PIP)**

Facility Name: Baquera's Chile Products, LLC

Facility Location: 49163 N. Hwy 187, Derry, NM, 87933
Section 30, Township 17S, Range 04W

County: Sierra

Responsible Party: Angel Baquera Sr.
P.O. Box 78
Arrey, NM, 87930

Agency: Ground Water Quality Bureau
Agriculture Compliance Section

GWQB Action: Permitting - Renewal
DP-1750

Bureau Contact: Steven Perez, Geoscientist
(505) 827-2434
Steve.Perez@state.nm.us

EFFECTIVE DATE: September 27, 2018

REVISION DATE: DATE or N/A

/s/ Michelle Hunter

Michelle Hunter
Chief, Ground Water Quality Bureau

Element 1 – Public Involvement Plan (PIP) Overview

The New Mexico Environment Department (NMED or Department), Ground Water Quality Bureau (Bureau) has developed this PIP for the application for discharge permit renewal for Baquera's Chile Products, LLC. The groundwater discharge permit for this facility is referred to as DP-1750.

The purpose of this PIP is to plan for providing public participation opportunities and information that may be needed for the community to participate in the permitting process for this facility. This PIP identifies information about the community and resources needed by the Bureau to incorporate community participation activities into the decision-making process. This PIP is developed in accordance with the Department's *Public Participation Policy* (Policy 07-13 or Policy), and incorporates the requirements of the Policy, as well as applicable regulatory and statutory public participation requirements.

This PIP implements the "elements" set forth in the Policy. Those elements include:

1. An overview of the Public Involvement Plan for the community affected by the activity
2. Bureau contact names and contact information, specifically for Limited English Proficiency (LEP) language assistance services (e.g., translation, interpreters) or for disability accommodations
3. A summary of the regulatory public participation framework associated with discharge permits
4. A description of community/stakeholder groups based on results of a preliminary environmental justice (EJ) screening
5. Details about planned public outreach activities

In developing this PIP, community participation needs were assessed to ensure appropriate public outreach. This was accomplished by identifying whether there is a combination of environmental and demographic factors that may impact public participation (e.g., low income community, minority community, LEP individuals, linguistically isolated households). Because the community located near the Baquera's Chile Products, LLC, facility includes a significant percentage of Spanish speakers, the Bureau will provide appropriate information in both English and Spanish.

Public involvement associated with discharge permits occurs at different stages and in different forms. Public involvement activities required by statute or regulation are mandatory and subject to statutory or regulatory deadlines. Mandatory public involvement activities and associated time requirements relevant to this PIP are noted in the *Table of Mandated Public Involvement Activities* at the end of this PIP.

The Bureau plans to conduct the public involvement activities related to the permitting process outlined in the *Table of Public Involvement Activities* below. The activity timeline and dates are tentative and subject to change.

Table of Public Involvement Activities

Activity	Date
Public Notice One (PN-1) <i>See Table of Mandated Public Involvement Activities at the end of this PIP for details.</i>	July 2018
Placement of a hardcopy of the PIP in the local field office: NMED Las Cruces District Office 2301 Entrada Del Sol Las Cruces, NM, 88001	September 2018
Notice of availability of draft permit (PN-2) <i>See Table of Mandated Public Involvement Activities.</i>	October 2018 (anticipated)

All notices for upcoming meetings or hearings will include a statement that any person who requires assistance, an interpreter, or an auxiliary aid to participate in the process may contact a specifically identified Department person to request those services. Requested interpretation services during the meeting and accommodations or services for persons with disabilities will be arranged to the extent possible.

This PIP is a “living” document that may be amended for numerous reasons, including the consideration of public comments and feedback.

Element 2 – Bureau Contact Information

PIP Specific Contacts

The Bureau contact for this discharge permit is:

Steven Perez
NMED Ground Water Quality Bureau
P.O. Box 5469
Santa Fe, New Mexico 87502-5469
(505) 827-2434
Steve.Perez@state.nm.us

Non-English Language Speaker Assistance

All public notices will contain a statement that non-English speakers may call the Bureau contact listed above and request language assistance in order to learn more about this permit or the permitting process. Arrangements may be made for document translation or interpretation related to the permitting process as necessary and as resources allow.

Individuals with Disabilities Assistance

All public notices will contain a statement that disabled individuals may call the Bureau contact listed above and request assistance needed to participate in activities associated with the permitting process.

The following numbers will be provided in public notices so that hearing-impaired callers can contact the Bureau and ask questions about the activity or proceeding: Toll-free numbers are available for TDD or TTY users to access the New Mexico Relay network (for deaf or hearing-impaired callers), 1-800-659-1779; TTY users: 1-800-659-8331.

Websites

Outreach materials and notices will include links to the following websites:

Ground Water Quality Bureau – <https://www.env.nm.gov/gwqb/>

New Mexico Environment Department - <https://www.env.nm.gov/>

Element 3 – Regulatory Framework for Public Participation Related to the Permitting Process

The public participation regulatory framework associated with the permitting process is identified in the *Table of Mandated Public Involvement Activities* at the end of this PIP. The Table identifies activities subject to statutory or regulatory deadlines, the associated regulatory requirements, and the associated dates or time periods.

Element 4 – Description of Community/Stakeholder Groups Based on the EJSCREEN

EJSCREEN Summary

To provide for adequate public participation opportunities and meaningful involvement of persons in the permitting process, the affected communities must first be identified, informed about proposed environmental actions affecting the community, and invited to share their comments and concerns. The EJSCREEN tool developed by the U.S. Environmental Protection Agency (EPA) helps identify communities that are low income, have minority populations, and have limited English proficiency that may benefit from a variety of approaches for notification and outreach communication. This information is used to help plan for the community's involvement in the public process for environmental activities or actions. In addition to the EJSCREEN results, the

Bureau may consider additional information such as the U.S. Census Bureau website or NMED's EJ Mapping Tool.

The Bureau considers the affected community to be those persons living within the geographic area depicted on the attached EJSCREEN document that includes the discharge site. The results of the EJSCREEN American Community Survey (ACS) Summary Report (attached to this PIP) are summarized in the table below.

EJSCREEN Results for the Affected Community

Total population	5,201
Total number of households	1,569
Percentage minority population	78%
Percentage Hispanic population	77%
Percentage of the population by race	Population reporting one race: White: 94% Black: 0% American Indian: 1% Asian: 0% Pacific Islander: 0% Some Other Race: 5%
Total number of persons greater than the age of five who speak English "less than very well"	1,521
Percentage of persons greater than the age of five who speak English "less than very well"	32%
Total number of linguistically isolated households	351
Percentage of linguistically isolated households (Total number of linguistically isolated households ÷ total number of households X 100)	22%
Languages by percentage in linguistically isolated households	Spanish: 100% Other Indo-European languages: 0% Asian-Pacific Island languages: 0% Other languages: 0%
Percent linguistically isolated population, New Mexico*:	5.4%
Per capita income	\$
Per capita income, USA**	\$29,979

* U.S. Census Bureau. 2011-2015 American Community Survey 5-Year Estimates, Table S1602. Limited English Speaking Households. https://factfinder.census.gov/bkmk/table/1.0/en/ACS/15_5YR/S1602/0400000US35 (date of access: 7/26/2018).

** U.S. Census Bureau. 2015 American Community Survey 1-Year Estimates, Table S0201. Selected Population Profile in the United States. https://factfinder.census.gov/bkmk/table/1.0/en/ACS/15_1YR/S0201/0100000US (date of access: 7/26/2018).

The EJSCREEN results indicate that for the affected community the proportion of the population with limited English proficiency (LEP) is significant. The Bureau has therefore performed a LEP assessment for the community and attaches that assessment to this PIP.

Because the affected community has a significant percentage of persons with difficulties communicating in English, the Bureau will consider the language and communication needs of this community when conducting public outreach and participation activities. To accomplish this the Bureau will provide the same information in Spanish as in English in public comment notices, public meeting notices, and other announcements (e.g., radio broadcasts, brochures, signs, postcards) and will strive to make public participation efforts as inclusive as possible within the Bureau's budget and time limitations. See Element 5 for more specifics on the public outreach and participation activities.

Element 5 – Detailed Actions and Outreach Activities with the Affected Public

Public involvement activities required by statute or regulation for this permitting action are listed in the *Table of Mandated Public Involvement Activities* at the end of this document.

Public Participation – Outreach Activities

The Bureau will conduct the following outreach activities during this permitting process:

- Placement of this PIP on the Bureau website and in nearby NMED field office
- Postal mailing and email notices
- Newspaper notices
- Notice posted on NMED website

Newspapers utilized in the notification process include:

- Statewide circulation (English): Albuquerque Journal
- Local circulation (English and Spanish): The Herald – Sierra County

Local, state, and federal government agencies, tribal entities, and land grant officials will be notified about the permitting process. A list of the agencies and officials notified can be provided upon request.

Indian Tribes, Pueblos and Nations will be notified about the permitting action through the contacts maintained by the Indian Affairs Department at the following URLs:

<http://www.iad.state.nm.us/apaches.html>

<http://www.iad.state.nm.us/navajo.html>

<http://www.iad.state.nm.us/pueblos.html>

Document Repository

Hard copies of important documents relevant to this permitting action, and information about how to submit comments and/or participate in any public hearings or meetings that may be held will be made available at the following location(s):

Hatch Public Library
522 E. Hall St.
Hatch, NM 87937
(575) 267-5132

Timelines and methods for submitting public comments are specified in the *Table of Mandated Public Involvement Activities*. Final discharge permit documents will be available from the Bureau's contact identified in Element 2 of this PIP.

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

The Bureau solicits the names and contact information of interested parties with all public notices. The Bureau maintains those names on a Facility-Specific Mailing List and provides the individuals with information about regulatory activities for the facility. Individuals, organizations, and other interested parties are added to the mailing list as requested. All public notices will contain a statement directing interested individuals to contact the Bureau contact for this permit if they want to be added to the facility specific mailing list. The Department also maintains a more comprehensive list of persons requesting copies of all notices issued by the agency. Public notices will also contain a statement informing interested individuals that they can subscribe to this list by visiting <https://www.env.nm.gov/email-update-bulletins/>.

Other means of outreach such as fliers announcing public comment periods and/or public meetings or hearings may be posted in locations throughout the community (e.g., local businesses, schools, libraries) and on the Department's website, at the Bureau's discretion after consideration of public interest and input.

Attachments

- LEP Assessment
- A copy of the EJSCREEN ACS Summary Report, and a map showing the area evaluated
- A copy of the public notice with facility and permit specific information in all published languages

Table of Mandated Public Involvement Activities

Activity	Dates
<p>Application Notice (PN-1): The first notice of the Bureau's receipt of the permit application – applicant's obligations at 20.6.2.3108.B – Bureau's obligations at 20.6.2.3108.E NMAC</p> <ul style="list-style-type: none"> • Newspaper ads (English and Spanish)- Applicant obligation • NMED website https://www.env.nm.gov/gwqb/public-notice/ • Notice to government agencies • Notice to interested parties 	<p>Within 30 days of the department deeming the application administratively complete</p>
<p>Permit Notice (PN-2): Notice to the public of the availability of a draft permit for a 30-day review and comment period – the notice will outline the process for requesting a public hearing – obligation at 20.6.2.3108.H NMAC</p> <ul style="list-style-type: none"> • NMED website https://www.env.nm.gov/gwqb/public-notice/ • Newspaper ads • Notification of interested parties • Notice to government agencies • Notice to Indian Tribes, Pueblos and Nations 	<p>Within 60 days of the department determining the application is technically complete and drafting a permit.</p>
<p>Public Hearing Notice (if required): Upon the Department's determination that there is substantial public interest in the permit – obligation at 20.6.2.3108.L NMAC. Notice includes information on how to participate in the hearing, and how to request an interpreter or auxiliary aid if needed.</p> <ul style="list-style-type: none"> • NMED website https://www.env.nm.gov/gwqb/public-notice/ • Newspapers • Notice to interested parties • Notice to government agencies • Notice to Indian Tribes, Pueblos and Nations 	<p>Notice of the hearing shall occur at least 30 days prior to the hearing.</p>

Limited English Proficiency (LEP) Assessment

Facility: Baquera's Chile Packing, LLC, DP-1750

Factor 1: The Number and Proportion of LEP Individuals Eligible to be Served or Likely to be Encountered in Community of Concern

See Public Involvement Plan (PIP), Table of EJSCREEN Results for the Affected Community.

Conclusions:

1. The number of LEP individuals (persons over the age of 5 who speak English "less than very well" in the affected community) is 1,521.
2. The percentage of LEP individuals in the affected community is 32%. (from Table)
3. The percentage of linguistically isolated households is 22, which is significantly greater than the statewide average.
4. Spanish is the predominant non-English language spoken by LEP persons.
5. Historical participation: [No one has requested to be placed on a facility-specific mailing list.. A review of the administrative record for this facility indicates limited public interest/participation overall during the past 10 years. The review found no record of participation by the LEP community.

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

Contact with the discharge permitting process primarily occurs when a permit application is under review. The GWQB provides notice to the public and encourages participation. Individuals may participate by requesting information, submitting comments on draft permits, requesting hearings, and taking part in hearings. Some permits generate considerable public interest, but participation is low for most permits. Historical participation in permitting activities for this facility is summarized under Factor 1.

Conclusion:

LEP participation and overall public interest in this facility have been limited historically. Based on this record, the Bureau considers the potential for LEP contact with the permitting process to be "infrequent."

Factor 3: Nature and Importance of the Activity or Service Provided by the Program

The permitting activity is deemed by the GWQB to be "important" to NMED, the impacted community, and the State of New Mexico. The permitting activity is important to NMED because the permit establishes site-specific requirements that must be met to ensure protection of public health and groundwater quality and provides a means to enforce those requirements. The permitting activity is important to the impacted community because poorly-operated waste treatment facilities have the potential to pose a public nuisance and adversely affect the quality of life of people living in the vicinity of the facility. The permitting activity is important to the State of New Mexico because establishment of effective permits ensures that discharges will not impact the State's limited

groundwater resources and that waste disposal is conducted in a consistent manner throughout the State.

Conclusion:

The GWQB considers the permitting activity “important” to NMED, to the state as a whole, and to the impacted community.

Factor 4: Resources Available to NMED for LEP Services and Associated Costs

For outreach to LEP communities associated with this permit action, NMED employs an in-house Spanish translator/interpreter and utilizes a phone interpretation service to assist during direct communication between LEP individuals and NMED staff. The costs of newspaper publication of public notice in Spanish and of interpretive services for a public meeting or hearing are being incorporated into the Bureau’s budget, to the extent possible. Fees collected from the permittee in accordance with the schedule at 20.6.2.3114 NMAC are not sufficient to cover these costs.

Conclusion:

The Bureau can accommodate the costs of the LEP services identified in this plan. If additional services are requested, the budgetary implications will be reviewed.

LEP Services Plan:

The Bureau plans to:

1. Translate the Public Notice Two and any subsequent public notices into Spanish and publish in a (if available Spanish-language) paper serving the local community.
2. Provide interpretive services at any public meeting or public hearing, if requested.
3. Interact with members of the LEP community using certified interpreters, when needed.

The Bureau will consider requests from members of the affected community for additional LEP services.

Location: User-specified polygonal location
 Ring (buffer): 4-mile radius
 Description: Chile Facility PIP

Summary of ACS Estimates		2011 - 2015	
Population		5,201	
Population Density (per sq. mile)		27	
Minority Population		4,058	
% Minority		78%	
Households		1,569	
Housing Units		2,095	
Housing Units Built Before 1950		479	
Per Capita Income		16,384	
Land Area (sq. miles) (Source: SF1)		194.41	
% Land Area		99%	
Water Area (sq. miles) (Source: SF1)		1.60	
% Water Area		1%	
	2011 - 2015 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	5,201	100%	451
Population Reporting One Race	5,174	99%	772
White	4,904	94%	463
Black	0	0%	11
American Indian	33	1%	55
Asian	3	0%	15
Pacific Islander	0	0%	11
Some Other Race	234	5%	217
Population Reporting Two or More Races	27	1%	126
Total Hispanic Population	4,002	77%	449
Total Non-Hispanic Population	1,199		
White Alone	1,143	22%	326
Black Alone	0	0%	11
American Indian Alone	26	0%	43
Non-Hispanic Asian Alone	3	0%	15
Pacific Islander Alone	0	0%	11
Other Race Alone	0	0%	11
Two or More Races Alone	27	1%	126
Population by Sex			
Male	2,598	50%	254
Female	2,603	50%	300
Population by Age			
Age 0-4	453	9%	117
Age 0-17	1,565	30%	169
Age 18+	3,636	70%	258
Age 65+	751	14%	172

Location: User-specified polygonal location

Ring (buffer): 4-mile radius

Description: Chile Facility PIP

	2011 - 2015 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	3,089	100%	313
Less than 9th Grade	862	28%	121
9th - 12th Grade, No Diploma	614	20%	156
High School Graduate	582	19%	122
Some College, No Degree	582	19%	157
Associate Degree	151	5%	63
Bachelor's Degree or more	449	15%	171
Population Age 5+ Years by Ability to Speak English			
Total	4,748	100%	415
Speak only English	1,615	34%	322
Non-English at Home ¹⁺²⁺³⁺⁴	3,134	66%	316
¹ Speak English "very well"	1,612	34%	197
² Speak English "well"	414	9%	128
³ Speak English "not well"	628	13%	134
⁴ Speak English "not at all"	479	10%	137
³⁺⁴ Speak English "less than well"	1,107	23%	189
²⁺³⁺⁴ Speak English "less than very well"	1,521	32%	209
Linguistically Isolated Households*			
Total	351	100%	85
Speak Spanish	351	100%	84
Speak Other Indo-European Languages	0	0%	11
Speak Asian-Pacific Island Languages	0	0%	11
Speak Other Languages	0	0%	11
Households by Household Income			
Household Income Base	1,569	100%	147
< \$15,000	395	25%	70
\$15,000 - \$25,000	365	23%	82
\$25,000 - \$50,000	397	25%	114
\$50,000 - \$75,000	249	16%	80
\$75,000 +	163	10%	84
Occupied Housing Units by Tenure			
Total	1,569	100%	147
Owner Occupied	1,158	74%	138
Renter Occupied	411	26%	88
Employed Population Age 16+ Years			
Total	3,807	100%	326
In Labor Force	2,414	63%	259
Civilian Unemployed in Labor Force	367	10%	94
Not In Labor Force	1,393	37%	293

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) 2011 - 2015.

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

Location: User-specified polygonal location

Ring (buffer): 4-mile radius

Description: Chile Facility PIP

	2011 - 2015 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	4,748	100%	415
English	N/A	N/A	N/A
Spanish	N/A	N/A	N/A
French	N/A	N/A	N/A
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	N/A	N/A	N/A
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	N/A	N/A	N/A
Chinese	N/A	N/A	N/A
Japanese	N/A	N/A	N/A
Korean	N/A	N/A	N/A
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	N/A	N/A	N/A
Other Asian	N/A	N/A	N/A
Tagalog	N/A	N/A	N/A
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	N/A	N/A	N/A
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	N/A	N/A	N/A
Total Non-English	N/A	N/A	N/A

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) 2011 - 2015.

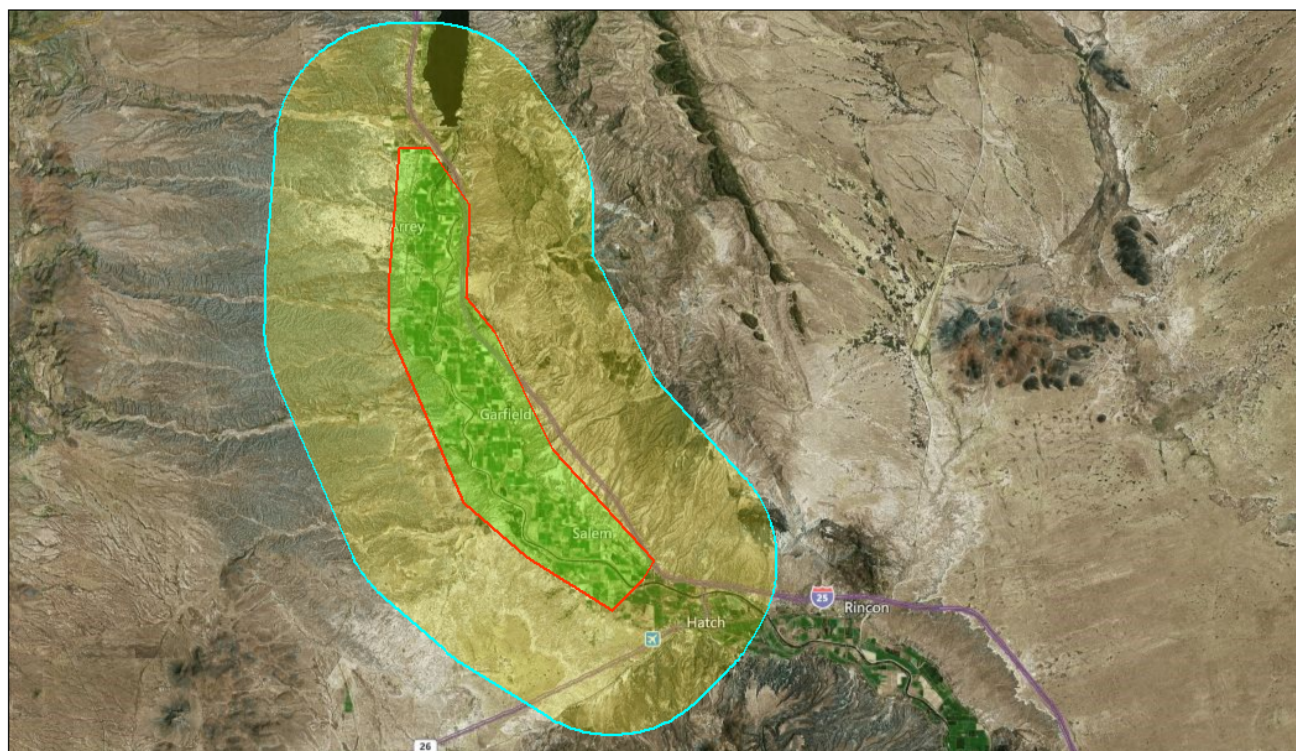
*Population by Language Spoken at Home is available at the census tract summary level and up.

4 mile Ring around the Area, NEW MEXICO, EPA Region 6

Approximate Population: 5,201

Input Area (sq. miles): 241.42

Chile Facility PIP



May 29, 2018

Buffer Area

Digitized Polygon

1:288,895
0 2.5 5 10 mi
0 4 8 16 km
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Sites reporting to EPA

Superfund NPL

0

Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)

0

Public Notice / Noticia Pública

<u>Discharge Permit</u> 1750	<u>Facility</u> Baquera's Chile Products, LLC		<u>Applicant</u> Angel Baquera Sr., President Baquera's Chile Products, LLC PO Box 78 Arrey, NM, 87930	<u>NMED Permit Contact</u> Steve Perez Steve.Perez@state.nm.us 505-827-2434
	<u>Closest City</u> Derry	<u>County</u> Sierra		

Notice: DP-1750: Baquera's Chile Products, LLC proposes to renew the Discharge Permit for the discharge of up to 1,000 gallons per day of wastewater from a chile processing facility. Potential contaminants associated with this type of discharge include nitrogen compounds. The facility is located at 49163 N. Hwy 187, Derry, in Section 30, T17S, R04W, Sierra County. Groundwater most likely to be affected is at a depth of approximately 27 feet below ground surface and had a pre-discharge total dissolved solids concentration of 1709 milligrams per liter.

<u>Permiso de Descarga</u> 1750	<u>Instalaciones</u> Baquera's Chile Products, LLC		<u>Solicitante</u> Angel Baquera Sr., President Baquera's Chile Products, LLC P.O. Box 78 Arrey, NM, 87930	<u>Contacto para el permiso del NMED</u> Steve Perez Steve.Perez@state.nm.us 505-827-2434
	<u>Ciudad más cercana</u> Derry	<u>Condado</u> Sierra		

Aviso: DP-1750: Baquera's Chile Products, LLC propone renovar el Permiso de Descarga para la descarga de hasta 1.000 galones por día de aguas residuales de una instalación de procesamiento de chile. Los posibles contaminantes asociados con este tipo de descarga incluyen compuestos de nitrógeno. La instalación está ubicada en 49163 N. Hwy 187, Derry, en la Sección 30, T17S, R04W, en el condado de Sierra. El agua subterránea que tiene más probabilidad de ser afectada se encuentra a una profundidad de aproximadamente 27 pies bajo la superficie del suelo y tenía una concentración de sólidos disueltos totales antes del vertido de 1709 miligramos por litro.