



NEW MEXICO ENVIRONMENT DEPARTMENT
GROUND WATER QUALITY BUREAU
PUBLIC INVOLVEMENT PLAN
(PIP)



Facility Name: Lot 5B, Venada Plaza
Formerly known as: Price's Valley Gold Dairy

Facility Location: 35°18'54.4"N, 106°34'19.0"W
Section 36, T13N, R03E
Bernalillo, NM

County: Sandoval County

Responsible Party: Vital Consulting Group LLC
PO Box 94778, Albuquerque, New Mexico, 87199

Agency: Ground Water Quality Bureau
Remediation Oversight Section

GWQB Action: Petition for Alternative Abatement Standards

Bureau Contact: Matthew Smith, Geoscientist
(505) 660 8497
ros.general@env.nm.gov

Main bureau telephone number:
(505) 827-2900

EFFECTIVE DATE: December 1, 2022

REVISION DATE: N/A

Karen Menetrey, Program Manager
Remediation Oversight Section
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 Petition for Alternative Abatement Standards (AAS) regarding Lot 5B, Venada Plaza, Bernalillo, New Mexico (Site).

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 regulatory process for an Alternative Abatement Standard Petition 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 AAS Petition.
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).

Public involvement associated with an AAS Petition occurs during the regulatorily required Public Hearing 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 AAS Petition 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
<p>Submission of Petition for Alternative Abatement Standards to the Water Quality Control Commission¹</p> <p>An alternative abatement standard shall only be granted after a public hearing before the Water Quality Control Commission, as required by NMSA 1978, Section 74-6-4(H) of the Water Quality Act.</p>	September 2022
<p>Public Hearing Notice See Table of Mandated Public Involvement Activities for details.</p>	December 2022
<p>Placement of a hardcopy of the PIP in the local NMED office: 4359 Jager Drive NE, Suite B Rio Rancho, NM 87144 Ph: 505-771-5980</p>	December 2022
<p>Public Hearing for Alternative Abatement Standards Petition²</p>	January 2022

¹: Pursuant to Section 4103.F of the New Mexico Ground and Surface Water Protection Regulations (20.6.2 NMAC), a person abating water pollution pursuant to an approved abatement plan, or pursuant to the exemptions of 20.6.2.4105 NMAC, may file a petition with the commission seeking approval of an alternative abatement standard if the person is unable to fully meet an abatement standard set forth in Subsections A and C of 20.6.2.4103 NMAC. This Site has been under abatement with NMED since 1997.

²: The commission shall review petitions for alternative abatement standards in accordance with the procedures for review of variance petitions provided in the commission's adjudicatory procedures, 20.1.3 NMAC.

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 AAS Petition is:

Matthew Smith, Geoscientist
NMED Ground Water Quality Bureau
P.O. Box 5469, Santa Fe, NM 87502-5469
505-660-8497
ros.general@env.nm.gov

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 the AAS Petition and/or regulatory process for a AAS Petition. Arrangements may be made for document translation or interpretation related to the AAS Petition as necessary and as resources allow.

Individuals with Disabilities Assistance

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

The following information will be provided in public notices so that individuals who are deaf, hard of hearing, or have difficulty speaking on the phone can contact the Bureau and ask questions about the activity or proceeding: Telephone conversation assistance is available through Relay New Mexico at no charge for people who are deaf, hard of hearing, or have difficulty speaking on the phone, by calling 1-800-659-1779 (English); 1-800-327-1857 (Spanish); TTY users: 1-800-659-8331.

Websites

Outreach materials and notices will include a link to the following website, where the Bureau's public notices and PIP information are posted:

Ground Water Quality Bureau – <https://www.env.nm.gov/public-notices/>

Element 3 – Regulatory Framework for Public Participation

The public participation regulatory framework associated with the AAS Petition 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 AAS Petition, 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 a 4-mile radius of Lot 5B, Venada Plaza. 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	34,149
Total number of households	12,124
Percentage minority population	62%
Percentage Hispanic population	50%
Percentage of the population by race	Population reporting one race: White: 73% Black: 2% American Indian: 5% Asian: 1% Pacific Islander: 0% Some Other Race: 10%
Total number of persons greater than the age of five who speak English "less than very well"	2,343
Percentage of persons greater than the age of five who speak English "less than very well"	7%
Total number of linguistically isolated households	498
Percentage of linguistically isolated households	4.11%

(Total number of linguistically isolated households ÷ total number of households) X 100	
Languages by percentage in linguistically isolated households	Spanish: 91% Other languages: 9%
Percent linguistically isolated population, New Mexico*:	5.1%
Per capita income	\$33,673
Per capita income, USA**	\$35,384

* U.S. Census Bureau. 2020 American Community Survey 5-Year Estimates, Table S1602. Limited English-Speaking Households.

<https://data.census.gov/cedsci/table?q=S1602%3A%20LIMITED%20ENGLISH%20SPEAKING%20HOUSEHOLDS&g=0400000US35&tid=ACSST5Y2020.S1602> (date of access: 5/4/2022).

** U.S. Census Bureau. 2020 American Community Survey 5-Year Estimates, Table B19301. Per Capita Income in the Past 12 Months (In 2020 Inflation-Adjusted Dollars).

<https://data.census.gov/cedsci/table?q=per%20capita%20income&tid=ACSDT5Y2020.B19301>. (Date of access: 5/4/2022).

Based on the EJSscreen results regarding language proficiencies, the Bureau plans to conduct public outreach in accordance with the *Table of Mandated Public Involvement Activities* at the end of this PIP.

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

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

Public Participation – Outreach Activities

In accordance with 20.1.3.18(C)(2) NMAC and 20.6.2.4108 NMAC, the following outreach activities associated with the AAS Petition process will be conducted for the Site. To be consistent with Public Noticing requirements for AAS, the Bureau defers public notice outreach to the responsible party:

NMED will:

- Place this PIP on the NMED website and in a nearby NMED field office.

The Responsible Party will:

- The Responsible Party will provide public notice outreach in accordance with 20.1.3.18(C)(2) NMAC and 20.6.2.4108(B) NMAC;
- The Responsible Party will send notices by postal mailing and email;
- The Responsible Party will publish newspaper notices; and
- The Responsible Party will issue a public notice in English to a bilingual radio station serving the area of the Site.

Newspapers utilized in the notification process include:

- Statewide circulation (English): Albuquerque Journal
- Local circulation (English and Spanish): Rio Rancho Observer

Radio stations utilized in the public involvement process include:

- To be determined by responsible party

Local, state, and federal government agencies, tribal entities, land grant officials and colonias will be notified about the AAS process pursuant to 20.6.2.4108(B)(5) NMAC. A list of the agencies and officials notified can be provided upon request.

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

<https://www.iad.state.nm.us/pueblo-tribes-and-nations/pueblos/>
<https://www.iad.state.nm.us/pueblo-tribes-and-nations/navajo/>
<https://www.iad.state.nm.us/pueblo-tribes-and-nations/apaches/>

The Site is located in proximity to the Pueblo of Sandia, Pueblo of Santa Ana, Pueblo of San Felipe, and the Land Grants of Angostura, El Ranchito, Bernalillo or Felipe Gutierrez, and Town of Alameda. Notification shall be made to the City of Rio Rancho and Town of Bernalillo where the identified land grants exist and notification to the Governor or President of each Indian Tribe, Pueblo or Nation within the state of New Mexico shall be completed in accordance with 20.6.2.4108(B)(5) NMAC.

Timelines and methods for submitting public comments are specified in the *Table of Mandated Public Involvement Activities*. Final 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 AAS Petition if they want to be added to the facility specific mailing list.

Public Hearing

Pursuant to 20.6.2.4108(G) NMAC, a petition for alternative abatement standards shall only be granted after a public hearing before the Water Quality Control Commission in Santa Fe, as required by NMSA 1978, Section 74-6-4(H) of the Water Quality Act. Public Notice for hearing shall

be completed in accordance with 20.1.3.18(C)(2) NMAC and 20.6.2.4108(B) NMAC. Notices for a public hearing will be translated into Spanish and shall include the following information:

“If you are a non-English speaker, do not speak English well, or if you have a disability, you may contact the NMED to request assistance, an interpreter, or auxiliary aid to learn more about the S2AP modification proposal, or to participate in activities associated with this regulatory process. To the extent possible, NMED will arrange for requested interpretation services and accommodations or services for persons with disabilities. Telephone conversation assistance is available through Relay New Mexico at no charge for people who are deaf, hard of hearing, or have difficulty speaking on the phone, by calling 1-800-659-1779; TTY users: 1-800-659-8331; Spanish: 1-800-327-1857. Telephone interpretation assistance for persons that are a non-English speaker or do not speak English well is available at no charge when calling NMED.”

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.

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 AAS Petition process. 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 regulatory action. While operating under the PIP Contingency Plan, the public notice 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 AAS Petition in a public location, NMED 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 this notice. 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 Department can ensure the public’s health and safety and this PIP can be fully adhered to.

Attachments

- A copy of the EJSCREEN ACS Summary Report, and a map showing the area evaluated

Table of Mandated Public Involvement Activities

Activity	Dates
<p>Notice of a Public Hearing</p> <p>The Responsible Person's obligations, per 20.1.3.18(C)(2) NMAC and 20.6.2.4108.B NMAC:</p> <ul style="list-style-type: none"> • Publication of a Notice in newspapers • Public service announcement on bilingual radio station • Notification of interested parties • Notice to the New Mexico Trustee for Natural Resources and any other local, state, or federal governmental agency affected • Notice to owners and residents located within one mile of the site • Notice to all Indian Tribe, Pueblo, or Nation within the state of New Mexico <p>The Bureau on behalf of the Responsible party shall place a copy of the Notice on the NMED website: www.env.nm.gov/public-notices/</p>	<p>Notice of the hearing shall occur at least 30 days prior to the event.</p>
<p>Public Hearing – Public Testimony</p> <p>The General Public shall have the opportunity to testify before the commission in accordance with 20.1.3.18(D) NMAC, which may be completed in following ways:</p> <ul style="list-style-type: none"> • Prior to the Hearing members of the public may file an entry of appearance or a statement of intent to present evidence with the commission • Members of the public may provide non-technical oral testimony at the hearing, or may file a written statement in lieu of oral testimony prior to or at the hearing 	<p>Testimony shall be provided at the public hearing</p>

Location: User-specified point center at 35.316804, -106.571892

Ring (buffer): 4-miles radius

Description: Lot 5B

Summary of ACS Estimates		2016 - 2020	
Population		34,149	
Population Density (per sq. mile)		777	
People of Color Population		21,007	
% People of Color Population		62%	
Households		12,124	
Housing Units		12,974	
Housing Units Built Before 1950		293	
Per Capita Income		33,673	
Land Area (sq. miles) (Source: SF1)		43.95	
% Land Area		100%	
Water Area (sq. miles) (Source: SF1)		0.20	
% Water Area		0%	

	2016 - 2020 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	34,149	100%	882
Population Reporting One Race	31,359	92%	2,261
White	24,776	73%	701
Black	747	2%	146
American Indian	1,806	5%	373
Asian	424	1%	206
Pacific Islander	23	0%	134
Some Other Race	3,584	10%	701
Population Reporting Two or More Races	2,790	8%	580
Total Hispanic Population	17,232	50%	778
Total Non-Hispanic Population	16,917		
White Alone	13,142	38%	537
Black Alone	633	2%	146
American Indian Alone	1,698	5%	373
Non-Hispanic Asian Alone	423	1%	206
Pacific Islander Alone	19	0%	46
Other Race Alone	346	1%	174
Two or More Races Alone	656	2%	146
Population by Sex			
Male	16,876	49%	528
Female	17,274	51%	528
Population by Age			
Age 0-4	1,946	6%	229
Age 0-17	7,333	21%	385
Age 18+	26,817	79%	454
Age 65+	5,988	18%	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) 2016 - 2020

Location: User-specified point center at 35.316804, -106.571892

Ring (buffer): 4-miles radius

Description: Lot 5B

	2016 - 2020 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	23,788	100%	535
Less than 9th Grade	860	4%	135
9th - 12th Grade, No Diploma	1,729	7%	192
High School Graduate	6,022	25%	233
Some College, No Degree	5,671	24%	300
Associate Degree	2,707	11%	283
Bachelor's Degree or more	6,799	29%	254
Population Age 5+ Years by Ability to Speak English			
Total	32,203	100%	796
Speak only English	23,809	74%	559
Non-English at Home ¹⁺²⁺³⁺⁴	8,395	26%	438
¹ Speak English "very well"	6,052	19%	340
² Speak English "well"	1,337	4%	145
³ Speak English "not well"	789	2%	159
⁴ Speak English "not at all"	217	1%	39
³⁺⁴ Speak English "less than well"	1,006	3%	159
²⁺³⁺⁴ Speak English "less than very well"	2,343	7%	193
Linguistically Isolated Households*			
Total	498	100%	62
Speak Spanish	452	91%	60
Speak Other Indo-European Languages	0	0%	13
Speak Asian-Pacific Island Languages	0	0%	13
Speak Other Languages	46	9%	26
Households by Household Income			
Household Income Base	12,124	100%	283
< \$15,000	941	8%	93
\$15,000 - \$25,000	881	7%	128
\$25,000 - \$50,000	2,005	17%	150
\$50,000 - \$75,000	2,360	19%	286
\$75,000 +	5,936	49%	247
Occupied Housing Units by Tenure			
Total	12,124	100%	283
Owner Occupied	9,948	82%	278
Renter Occupied	2,176	18%	150
Employed Population Age 16+ Years			
Total	27,829	100%	593
In Labor Force	16,106	58%	496
Civilian Unemployed in Labor Force	1,119	4%	271
Not In Labor Force	11,723	42%	545

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 point center at 35.316804, -106.571892

Ring (buffer): 4-miles radius

Description: Lot 5B

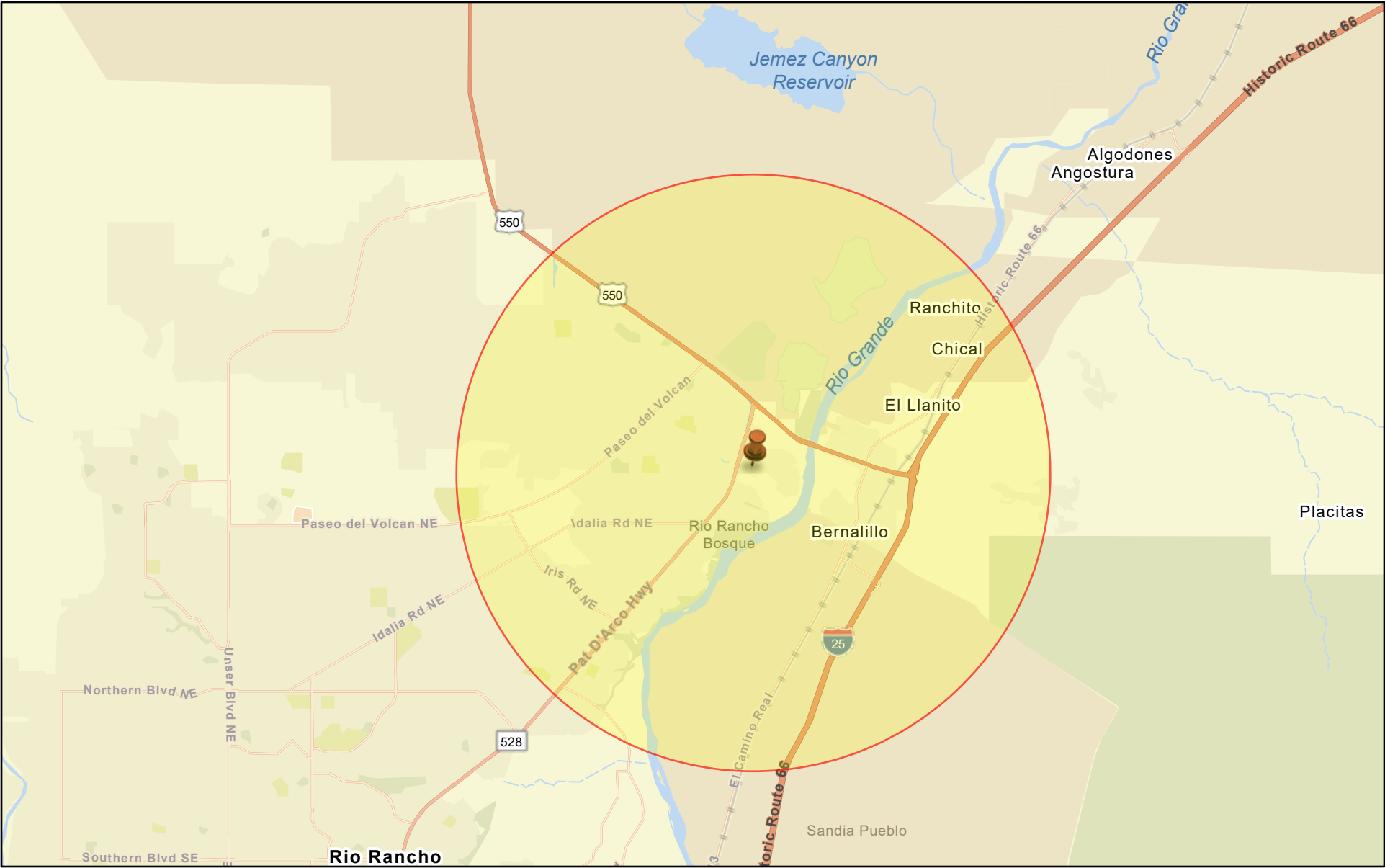
	2016 - 2020 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	28,870	100%	965
English	21,292	74%	892
Spanish	6,519	23%	570
French, Haitian, or Cajun	126	0%	18
German or other West Germanic	116	0%	52
Russian, Polish, or Other Slavic	16	0%	26
Other Indo-European	12	0%	18
Korean	0	0%	18
Chinese (including Mandarin, Cantonese)	61	0%	81
Vietnamese	0	0%	18
Tagalog (including Filipino)	60	0%	58
Other Asian and Pacific Island	115	0%	72
Arabic	0	0%	18
Other and Unspecified	553	2%	269
Total Non-English	7,578	26%	1,272

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) 2016 - 2020.

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

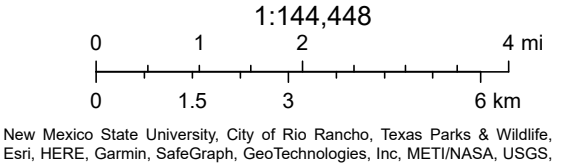
Lot 5B



11/14/2022



Lot 5B



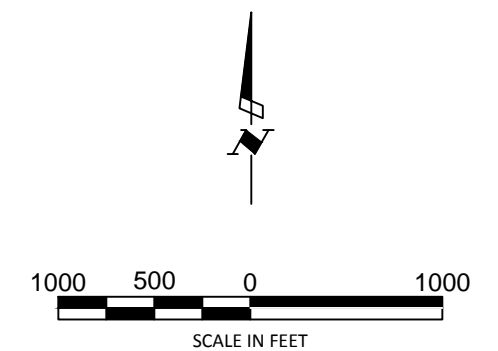


LEGEND:

- ORIGINAL DAIRY BOUNDARY
- REPLATTED BOUNDARY VFA

NOTES:

Replatted lots shown relative to original DP-437 Plat.



PRICE'S DAIRY

FIGURE 1.
SITE LOCATION

PROJECT #: 1463606 PROJECT PHASE: 01 PROJECT MANAGER: JS



EA ENGINEERING, SCIENCE, AND TECHNOLOGY, INC.

320 Gold Avenue, SW Suite 1210
Albuquerque, NM 87102
Phone: (505) 224-9013
Fax: (505) 224-9016