



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



**Facility Name:** Cunningham Hill Mine Reclamation Project

**Facility Location:** 582 County Road #55  
Cerrillos, NM 87010  
Unsurveyed Sections of T13N, R8E and T13N, R7E

**County:** Santa Fe

**Responsible Party:** LAC Minerals (USA) LLC  
582 County Road #55

**Agency:** Ground Water Quality Bureau  
Mining Environmental Compliance Section

**GWQB Action:** Permitting - Renewal and Modification  
DP-55

**Bureau Contact:** Jonathan Beyeler, Permit Lead  
(505) 827-2751  
jonathan.beyeler@state.nm.us

Main bureau telephone number:  
(505) 827-2900

**EFFECTIVE DATE:** September 11, 2019

**REVISION DATE:** N/A

/s/ Kurt Vollbrecht

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**Kurt Vollbrecht**  
**Manager, Mining Environmental Compliance Section**

## 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 renewal and modification of the Ground Water Discharge Permit for the Cunningham Hill Mine Reclamation Project. The permit for this facility is referred to as DP-55.

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 Cunningham Hill Mine Reclamation Project 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**

<b>Activity</b>	<b>Date</b>
<b>Application Notice (PN-1)</b> <i>See Table of Mandated Public Involvement Activities at the end of this PIP for details.</i>	August 2019
<b>Placement of a hardcopy of the PIP in the local NMED office:</b> Santa Fe – Harold Runnels Building 1190 S St. Francis Drive 505-827-2900	September 2019
<b>Notice of availability of draft permit (PN-2)</b> <i>See Table of Mandated Public Involvement Activities.</i>	Within 60 days of determining the application is technically complete.

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:

Jonathan Beyeler, Permit Lead  
 NMED Ground Water Quality Bureau  
 P.O. Box 5469, Santa Fe, NM 87502-5469  
 505-827-2751  
[jonathan.beyeler@state.nm.us](mailto:jonathan.beyeler@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 information 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 website, where the Bureau's public notices and PIP information are posted:

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

## **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 towns of Madrid, Cerrillos, Golden, and a small portion of Santo Domingo Pueblo, which are within an eight-mile radius of the 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	1,543
Total number of households	756
Percentage minority population	26%
Percentage Hispanic population	25%
Percentage of the population by race	Population reporting one race: White: ..... 97% Black: ..... 0% American Indian: ..... 0% Asian: ..... 0% Pacific Islander: ..... 0% Some Other Race: ..... 2%
Total number of persons greater than the age of five who speak English "less than very well"	58
Percentage of persons greater than the age of five who speak English "less than very well"	4%
Total number of linguistically isolated households	9
Percentage of linguistically isolated households (Total number of linguistically isolated households ÷ total number of households) X 100	1.2%
Languages by percentage in linguistically isolated households	Spanish: ..... 100%
Percent linguistically isolated population, New Mexico*:	5.4%
Per capita income	\$38,580
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](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](https://factfinder.census.gov/bkmk/table/1.0/en/ACS/15_1YR/S0201/0100000US) (date of access: 7/26/2018).

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.

Although the affected community has a percentage of persons with difficulties communicating in English less than 5%, the Bureau will consider the language and communication needs of this community when conducting public outreach and participation activities. To accomplish this the Bureau, to the extent its budget and time limitations allow, 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. 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 to be utilized in the notification process include:

State-wide circulation (English): Albuquerque Journal

Local circulation (English and Spanish): Santa Fe New Mexican – Santa Fe 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>

Because of the proximity of Santo Domingo Pueblo, a courtesy email has been sent to the environmental director or manager of Santo Domingo Pueblo.

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.

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**

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

**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 and C NMAC – Bureau’s obligations at 20.6.2.3108.E NMAC</p> <ul style="list-style-type: none"> <li>• Signs (PN-1 synopsis<sup>1</sup> in English and Spanish) - Applicant obligation</li> <li>• Mailings to owners of nearby properties - Applicant obligation</li> <li>• Newspaper display ads (PN-1 synopsis in <b>English and Spanish</b>)- <b>Applicant obligation</b></li> <li>• <b>NMED website</b> <a href="https://www.env.nm.gov/gwqb/public-notice/">https://www.env.nm.gov/gwqb/public-notice/</a></li> <li>• Notice to government agencies</li> <li>• Notice to interested parties</li> </ul>	<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 federal facilities, except those with only domestic waste discharges, add and fact sheet] 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 through J NMAC</p> <ul style="list-style-type: none"> <li>• <b>NMED website</b> <a href="https://www.env.nm.gov/gwqb/public-notice/">https://www.env.nm.gov/gwqb/public-notice/</a></li> <li>• Newspaper legal ads</li> <li>• Notification of interested parties</li> <li>• Notice to government agencies</li> <li>• Notice to Indian Tribes, <b>Pueblos and Nations</b></li> </ul>	<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.M 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"> <li>• NMED website <a href="https://www.env.nm.gov/gwqb/public-notice/">https://www.env.nm.gov/gwqb/public-notice/</a></li> <li>• Newspapers</li> <li>• Notice to interested parties</li> <li>• Notice to government agencies</li> <li>• Notice to Indian Tribes, <b>Pueblos and Nations</b></li> </ul>	<p>Notice of the hearing shall occur at least 30 days prior to the hearing.</p>

<sup>1</sup> Suitable for display, the abbreviated format of the PN-1 synopsis does not contain all the information provided by a full public notice, e.g., language assistance or non-discrimination information.

**Limited English Proficiency (LEP) Assessment**  
**Facility:** Cunningham Hill Mine Reclamation Project, DP-55

**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 58.
2. The percentage of LEP individuals in the affected community is 4%.
3. The percentage of linguistically isolated households is 1.2%, which is less than the statewide average.
4. Spanish is the predominant non-English language spoken by LEP persons.
5. Historical participation: The Bureau maintains a facility-specific mailing list. The current mailing list for the facility includes 1 persons or entities including The Friends of Santa Fe. A review of the administrative record for this facility indicates limited public interest/participation overall during the past 10 years. The review found a limited 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 or if the language needed is not Spanish: NMED contracts with a certified translator and utilizes a phone interpretation service to assist during direct communication between LEP individuals and NMED staff. The costs of newspaper publication or radio broadcasts of public notice in [language] 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:**

To accommodate the needs of the LEP individuals who may be interested in this permitting process, the Bureau plans to:

1. Translate the Public Notice Two (PN-2) 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 and feasible.

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

Location: User-specified point center at 35.365982, -106.154399

Ring (buffer): 8-mile radius

Description:

Summary of ACS Estimates		2012 - 2016	
Population		1,543	
Population Density (per sq. mile)		8	
Minority Population		405	
% Minority		26%	
Households		756	
Housing Units		928	
Housing Units Built Before 1950		169	
Per Capita Income		38,580	
Land Area (sq. miles) (Source: SF1)		192.08	
% Land Area		100%	
Water Area (sq. miles) (Source: SF1)		0.02	
% Water Area		0%	

	2012 - 2016 ACS Estimates	Percent	MOE (±)
<b>Population by Race</b>			
Total	1,543	100%	338
Population Reporting One Race	1,523	99%	573
White	1,493	97%	357
Black	1	0%	17
American Indian	6	0%	41
Asian	0	0%	36
Pacific Islander	0	0%	11
Some Other Race	23	2%	111
Population Reporting Two or More Races	20	1%	59
Total Hispanic Population	384	25%	238
Total Non-Hispanic Population	1,159		
White Alone	1,138	74%	258
Black Alone	0	0%	12
American Indian Alone	6	0%	41
Non-Hispanic Asian Alone	0	0%	26
Pacific Islander Alone	0	0%	11
Other Race Alone	1	0%	16
Two or More Races Alone	14	1%	45
<b>Population by Sex</b>			
Male	815	53%	199
Female	728	47%	242
<b>Population by Age</b>			
Age 0-4	28	2%	52
Age 0-17	246	16%	161
Age 18+	1,297	84%	322
Age 65+	381	25%	139

**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) 2012 - 2016.

Location: User-specified point center at 35.365982, -106.154399

Ring (buffer): 8-mile radius

Description:

	2012 - 2016 ACS Estimates	Percent	MOE (±)
<b>Population 25+ by Educational Attainment</b>			
Total	1,189	100%	227
Less than 9th Grade	43	4%	48
9th - 12th Grade, No Diploma	48	4%	76
High School Graduate	149	13%	97
Some College, No Degree	340	29%	119
Associate Degree	74	6%	58
Bachelor's Degree or more	609	51%	157
<b>Population Age 5+ Years by Ability to Speak English</b>			
Total	1,515	100%	330
Speak only English	1,245	82%	253
Non-English at Home <sup>1+2+3+4</sup>	270	18%	192
<sup>1</sup> Speak English "very well"	213	14%	167
<sup>2</sup> Speak English "well"	40	3%	50
<sup>3</sup> Speak English "not well"	8	1%	88
<sup>4</sup> Speak English "not at all"	10	1%	30
<sup>3+4</sup> Speak English "less than well"	17	1%	88
<sup>2+3+4</sup> Speak English "less than very well"	58	4%	101
<b>Linguistically Isolated Households*</b>			
Total	9	100%	35
Speak Spanish	9	100%	33
Speak Other Indo-European Languages	0	0%	11
Speak Asian-Pacific Island Languages	0	0%	11
Speak Other Languages	0	0%	11
<b>Households by Household Income</b>			
Household Income Base	756	100%	97
< \$15,000	103	14%	48
\$15,000 - \$25,000	77	10%	43
\$25,000 - \$50,000	175	23%	75
\$50,000 - \$75,000	122	16%	65
\$75,000 +	280	37%	134
<b>Occupied Housing Units by Tenure</b>			
Total	756	100%	97
Owner Occupied	622	82%	110
Renter Occupied	134	18%	105
<b>Employed Population Age 16+ Years</b>			
Total	1,338	100%	253
In Labor Force	788	59%	206
Civilian Unemployed in Labor Force	60	4%	42
Not In Labor Force	550	41%	202

**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)

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

Location: User-specified point center at 35.365982, -106.154399

Ring (buffer): 8-mile radius

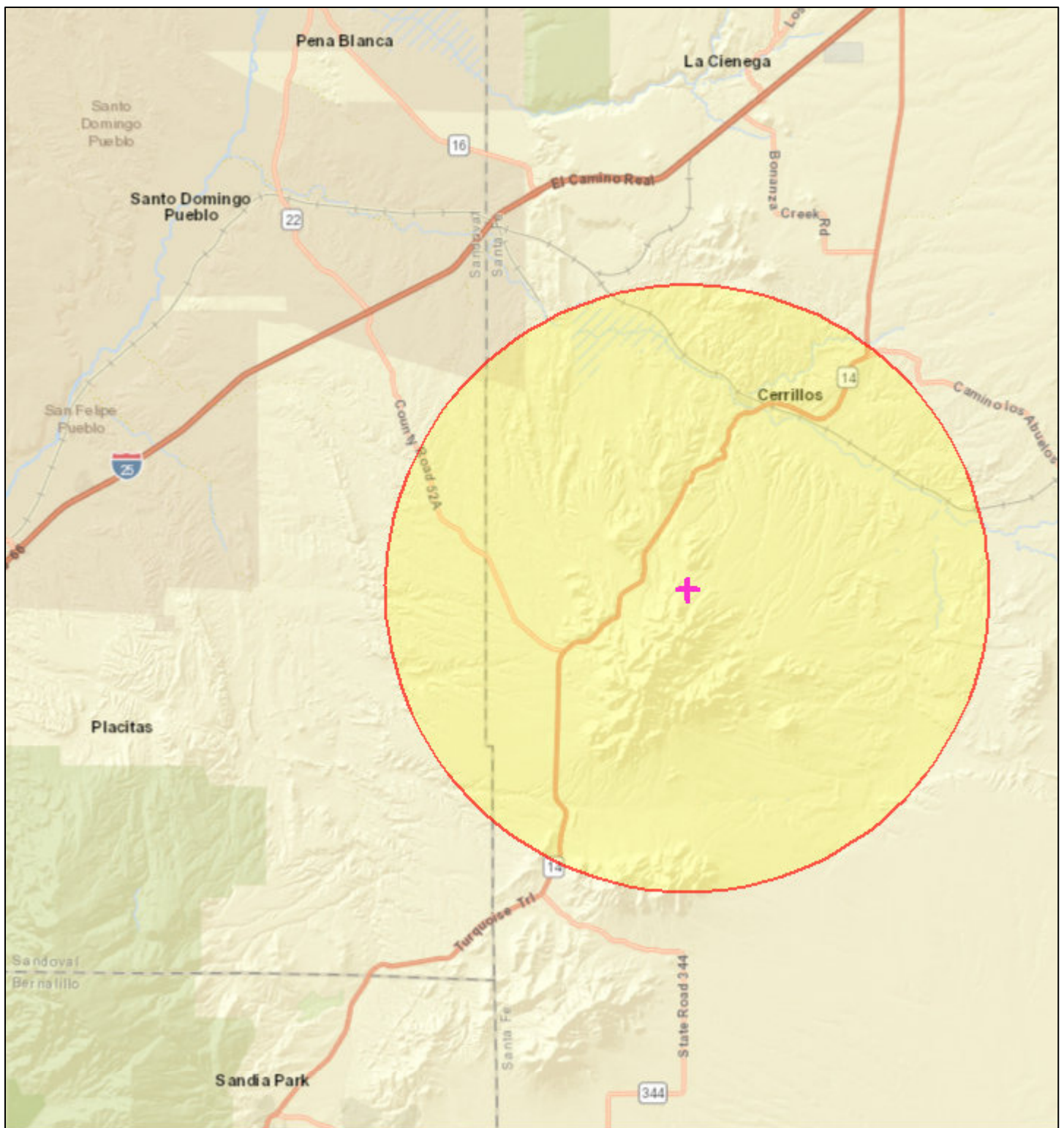
Description:

	2012 - 2016 ACS Estimates	Percent	MOE (±)
<b>Population by Language Spoken at Home*</b>			
Total (persons age 5 and above)	1,353	100%	276
English	995	74%	238
Spanish	311	23%	195
French	15	1%	11
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	15	1%	17
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	0	0%	11
Chinese	0	0%	11
Japanese	N/A	N/A	N/A
Korean	0	0%	11
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	0	0%	11
Other Asian	17	1%	32
Tagalog	0	0%	11
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	0	0%	11
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	0	0%	11
Total Non-English	359	26%	364

**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) 2012 - 2016.

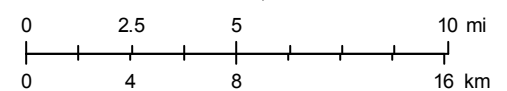
\*Population by Language Spoken at Home is available at the census tract summary level and up.



August 28, 2019

1:288,895

- Buffer Area
- + Digitized Point



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community