NEW MEXICO ENVIRONMENT DEPARTMENT
GROUND WATER QUALITY BUREAU

PUBLIC INVOLVEMENT PLAN
(PIP)

Facility Name:	CEHMM Algae Propagation Impoundments
Facility Location:	157 N Lake Road Artesia, NM 88210 Section 16, Township 18S, Range 26E
County:	Eddy
Responsible Party:	Emily Wirth 505 N. Main Street Carlsbad, NM 88220
Agency:	Ground Water Quality Bureau Agriculture Compliance Sections
GWQB Action:	Permitting - Renewal DP-1634
Bureau Contact:	Jaben Richards, Team Leader (505) 660-8376 Jaben.richards@state.nm.us or acs.general@state.nm.us Main bureau telephone number: (505) 827-2900

EFFECTIVE DATE: September 5, 2022

REVISION DATE: N/A

Jaben Richards

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For Justin D. Ball, 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 renewal of the Ground Water Discharge Permit for CEHMM. The permit for this facility is referred to as DP-1634.

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 [name of 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
Application Notice (PN-1) See *Table of Mandated Public Involvement Activities* at the end of this PIP for details.	July 2022
Placement of a hardcopy of the PIP in the local NMED office: NMED Carlsbad Office 406 N. Guadalupe, Suite C Carlsbad, NM 88220 Phone (575) 885-9023 Fax (575) 887-9283	September 2022
Notice of availability of draft permit (PN-2) See *Table of Mandated Public Involvement Activities*.	Within 60 days of determining the application is technically complete. September 2022 (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:

Jaben Richards, Team Leader
NMED Ground Water Quality Bureau
P.O. Box 5469, Santa Fe, NM 87502-5469
505-660-8376 / Jaben.richards@state.nm.us / acs.general@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 individuals with disabilities 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 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 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/public-notices/*

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 a 4-mile radius of 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	1,387
Total number of households	488
Percentage minority population	46%
Percentage Hispanic population	45%
Percentage of the population by race	Population reporting one race: White: .....94% Black: .....1% American Indian: .....0% Asian: .....0% Pacific Islander: .....0% Some Other Race: 4%
Total number of persons greater than the age of five who speak English "less than very well"	238
Percentage of persons greater than the age of five who speak English "less than very well"	18%
Total number of linguistically isolated households	40
Percentage of linguistically isolated households (Total number of linguistically isolated households ÷ total number of households) X 100	8.2%
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*:	5.1%
Per capita income	$37,780
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).

The EJSCREEN results indicate that for the affected community the proportion of the population with limited English proficiency (LEP) is significant, and that the predominant non-English language is Spanish. 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, 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:

- Statewide circulation (English): Albuquerque Journal
- Local circulation (English and Spanish): Carlsbad Current-Argus – Eddy County

Local, state, and federal government agencies, tribal entities, land grant officials and colonias 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:

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/

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.

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 PN-2 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, 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 public 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

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

Table of Mandated Public Involvement Activities

Activity	Dates
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 • Newspaper display ads (PN-1 synopsis[1] in English and Spanish)- Applicant obligation • NMED website *https://www.env.nm.gov/public-notices/* • Notice to government agencies • Notice to interested parties	Within 30 days of the department deeming the application administratively complete
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 through J NMAC • NMED website *https://www.env.nm.gov/public-notices/* • Newspaper legal ads • Notification of interested parties • Notice to government agencies • Notice to Indian Tribes, Pueblos and Nations	Within 60 days of the department determining the application is technically complete and drafting a permit.
Fact Sheet (for federal facilities, except those with only domestic waste discharges): To include general information regarding the permittee, the facility, the discharge, procedures to be followed in making a final permit determination, the comment period, procedures for a person to request a hearing, contact information to obtain a copy of the draft permit and fact sheet, and a brief summary of the basis of draft permit conditions – obligation at 20.6.2.3108.I NMAC[2]	With the PN-2
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. • NMED website *https://www.env.nm.gov/public-notices/* • Newspapers • Notice to interested parties	Notice of the hearing shall occur at least 30 days prior to the hearing.

[1] 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.

[2] NMED considers the cited regulation to more appropriately reference the information in 20.6.2.3108.K instead distribution methods of 20.6.2.3108.J NMAC.

• Notice to government agencies • Notice to Indian Tribes, Pueblos and Nations	
Response to Comments (if comments received): Upon the Secretary's decision regarding issuance of a discharge permit – obligation at 20.6.2.3109.B NMAC. The Response to Comments shall specify which provisions, if any, in the draft permit were changed and the reasons for the change, and shall briefly describe and respond to all significant comments on the draft permit raised during the public comment period or at any hearing. The Secretary shall notify persons who participated in the permitting action by mail or email of the action taken and the reasons for such action and shall include a copy of the Response to Comments.	Response is issued 30 days after the administrative record is complete and all required information is available

ATTACHMENT
Limited English Proficiency (LEP) Assessment
Facility: CEHMM Algae Propagation Ponds, DP-1634

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 238.
2. The percentage of LEP individuals in the affected community is 18%.
3. The percentage of linguistically isolated households is 8.2, which is somewhat greater 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 eight persons or entities. A review of the administrative record for this facility indicates limited public interest/participation overall during the past 10 years. The portion of that public interest attributable to the LEP community cannot be determined from the record.

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:

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.

EJSCREEN ACS Summary Report

Location: User-specified polygonal location
Ring (buffer): 4-miles radius
Description: DP-1634 CEHMM

Summary of ACS Estimates	2015 - 2019
Population	1,387
Population Density (per sq. mile)	28
People of Color Population	643
% People of Color Population	46%
Households	488
Housing Units	565
Housing Units Built Before 1950	62
Per Capita Income	37,780
Land Area (sq. miles) (Source: SF1)	50.27
% Land Area	96%
Water Area (sq. miles) (Source: SF1)	2.35
% Water Area	4%

	2015 - 2019 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	1,387	100%	587
Population Reporting One Race	1,387	100%	820
White	1,311	94%	588
Black	20	1%	41
American Indian	1	0%	72
Asian	0	0%	12
Pacific Islander	0	0%	12
Some Other Race	55	4%	95
Population Reporting Two or More Races	0	0%	23
Total Hispanic Population	622	45%	534
Total Non-Hispanic Population	766		
White Alone	744	54%	310
Black Alone	20	1%	41
American Indian Alone	1	0%	72
Non-Hispanic Asian Alone	0	0%	12
Pacific Islander Alone	0	0%	12
Other Race Alone	0	0%	12
Two or More Races Alone	0	0%	23
Population by Sex			
Male	685	49%	284
Female	702	51%	332
Population by Age			
Age 0-4	72	5%	114
Age 0-17	378	27%	207
Age 18+	1,009	73%	260
Age 65+	187	13%	109

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) 2015 - 2019 .

EJSCREEN ACS Summary Report

Location: User-specified polygonal location
Ring (buffer): 4-miles radius
Description: DP-1634 CEHMM

	2015 - 2019 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	902	100%	269
Less than 9th Grade	68	8%	86
9th - 12th Grade, No Diploma	81	9%	62
High School Graduate	393	44%	165
Some College, No Degree	84	9%	111
Associate Degree	94	10%	97
Bachelor's Degree or more	181	20%	110
Population Age 5+ Years by Ability to Speak English			
Total	1,315	100%	532
Speak only English	800	61%	254
Non-English at Home[1+2+3+4]	515	39%	340
[1]Speak English "very well"	277	21%	224
[2]Speak English "well"	67	5%	109
[3]Speak English "not well"	171	13%	238
[4]Speak English "not at all"	0	0%	27
[3+4]Speak English "less than well"	171	13%	238
[2+3+4]Speak English "less than very well"	238	18%	261
Linguistically Isolated Households*			
Total	40	100%	68
Speak Spanish	40	100%	67
Speak Other Indo-European Languages	0	0%	12
Speak Asian-Pacific Island Languages	0	0%	12
Speak Other Languages	0	0%	12
Households by Household Income			
Household Income Base	488	100%	154
< $15,000	26	5%	49
$15,000 - $25,000	72	15%	84
$25,000 - $50,000	82	17%	84
$50,000 - $75,000	96	20%	95
$75,000 +	212	44%	121
Occupied Housing Units by Tenure			
Total	488	100%	154
Owner Occupied	377	77%	130
Renter Occupied	111	23%	105
Employed Population Age 16+ Years			
Total	1,086	100%	366
In Labor Force	648	60%	258
Civilian Unemployed in Labor Force	48	4%	60
Not In Labor Force	438	40%	179

Data Note: Datail 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.

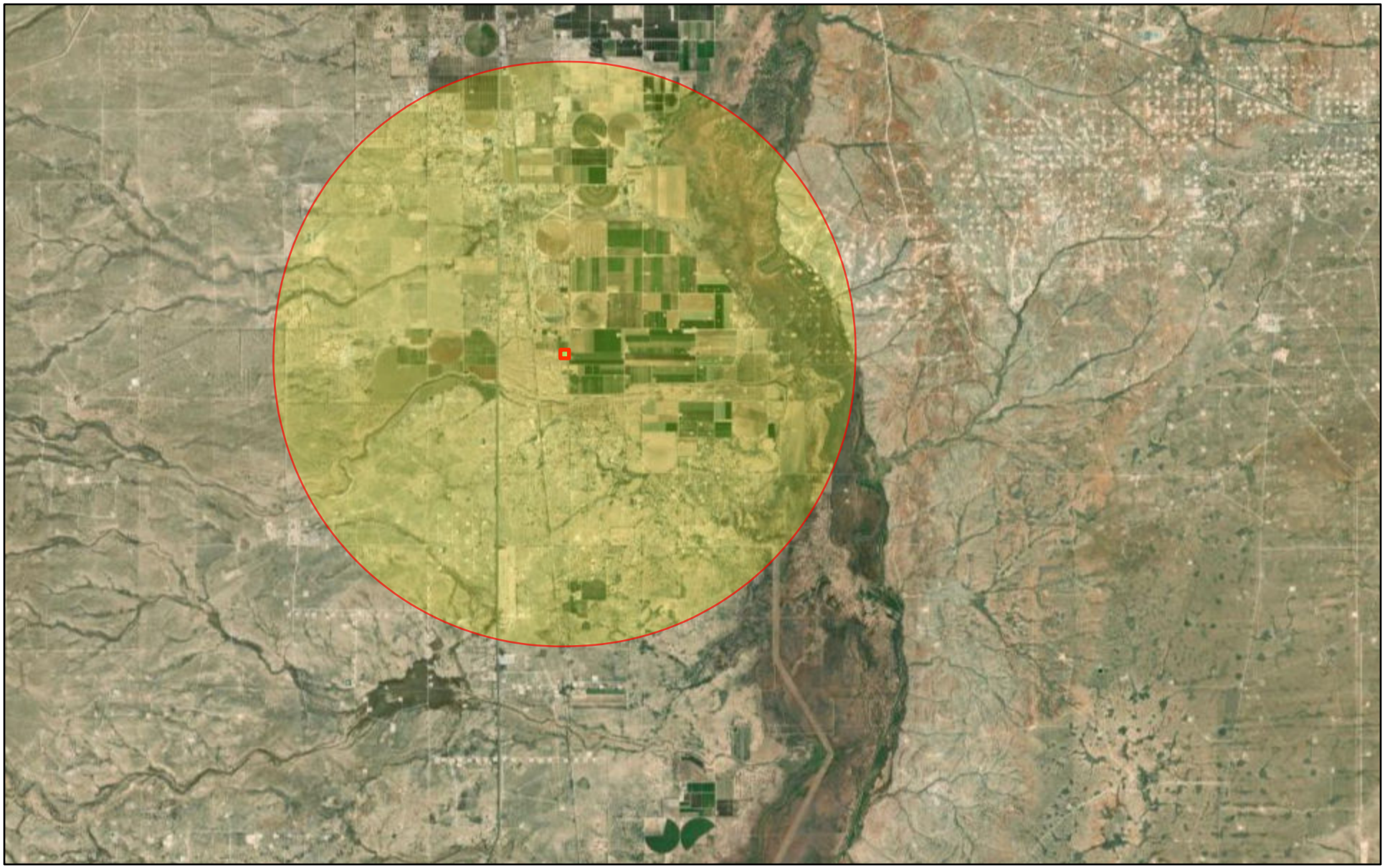
EJSCREEN ACS Summary Report

Location: User-specified polygonal location
Ring (buffer): 4-miles radius
Description: DP-1634 CEHMM

	2015 - 2019 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	1,838	100%	583
English	1,282	70%	426
Spanish	553	30%	497
French	0	0%	17
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	0	0%	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%	17
Chinese	0	0%	17
Japanese	N/A	N/A	N/A
Korean	0	0%	17
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%	17
Other Asian	0	0%	17
Tagalog	3	0%	17
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%	17
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	0	0%	17
Total Non-English	556	30%	722

Data Note: Detail may not sum to totals due to rounding. Hispanic popultion can be of any race.
N/A meansnot available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2015 - 2019.
*Population by Language Spoken at Home is available at the census tract summary level and up.

DP-1634 CEHMM



9/6/2022

DP-1634 CEHMM

1:144,448

0 1 2 4 mi

0 1.5 3 6 km

Esri, HERE, Garmin, Earthstar Geographics