



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



**PUBLIC INVOLVEMENT PLAN
(PIP)**

Facility Name: Chino Mine

Facility Location: 99 Santa Rita Mine Road
Vanadium, NM 88023

Project area of AOC is:
Sections 31 and 32 T17S R11W
Sections 23-26, 33-36, parts of 27, 28, and 29 and 32
Sections 2-5, 7, 18, 19-32, parts of 6 T18S R12W
Sections 12, 13, 24, 25, 36 T18S R13W
Sections 4-9, 16-21, 28-33 T19S R12W
Section 4 T20S R12W

County: Grant County

Responsible Party: Freeport-McMoRan
Freeport-McMoRan NM Operations
110 West 11th St
Silver City, NM 88061

Agency: Ground Water Quality Bureau
Mining Environmental Compliance Section

GWQB Action: Chino Administrative Order on Consent (AOC)

Bureau Contact: David W. Mercer, Chino AOC Project Manager
(575) 956-1550
david.mercer1@state.nm.us

EFFECTIVE DATE: DATE

REVISION DATE: DATE or N/A

/s/ Kurt Vollbrecht

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 Chino AOC. The subject area is regulated by the Groundwater Quality Bureau under the AOC agreement signed by NMED and Chino Mines Company in 1994. This property is currently owned by Freeport McMoRan (FMI) who is the Responsible Party. The GWQB negotiated an Administrative Order on Consent (AOC) to investigate impacts to surface water quality and other media due to past mining operations. Current mining operations and impacts to groundwater are regulated separately under groundwater discharge permits. The AOC states that NMED will “Direct and oversee Chino’s development, design, and implementation...” of remedial plans, considering input from the public throughout the process. This voluntary yet binding agreement with the Responsible Party seeks to investigate and remediate areas within several “Investigation Units” to address historical impacts from mining, milling, and leaching operations to protect the public health, welfare, and environment. Elements under this AOC have been required to be advertised to the public since inception. There has been an active Community Work Group (CWG) involved in the AOC for over twenty years. Group meeting times and information related to the AOC have been advertised in local publications in both English and Spanish.

The Chino AOC consists of five Investigation Units that are subject to site investigations, sampling, reporting, regulatory review, and clean-up action if warranted. The project is anticipated to continue in its current capacity for several more years. Interested parties may refer to documents located at local repositories or online at the Freeport McMoRan website: <https://www.fcx.com/chino/>

In addition, interested parties may contact the Chino AOC Project Manager listed below in this document.

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 various AOC-related activities and processes 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 the Chino AOC
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 project site includes a significant percentage of Spanish speakers, the Bureau will provide or require the Responsible Party to provide appropriate information in both English and Spanish.

Public involvement associated with the Chino AOC 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. However, the AOC process is different from other GWQB processes and is not permit-driven. Therefore, standard public notice requirements and related requirements located in statute and regulations do not apply.

For the Chino AOC, mandatory public involvement activities and associated time requirements do not apply. The Bureau and/or the Responsible Party plan to conduct the public involvement activities related to the project as outlined in Element 3 of the PIP.

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 the Chino AOC is:

David W. Mercer, Chino AOC Project Manager
NMED Ground Water Quality Bureau
3082 32nd Street By-Pass Road, Suite D
Silver City NM 88061
(575) 956-1550; David.mercer1@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/>

In addition, The Responsible Party has a website for Chino AOC documents available for public access:

<https://www.fcx.com/chino/>

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

The public participation regulatory framework associated with the AOC process is identified in the *Table of 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. The AOC process is different than other GWQB-MECS permitted-related sites and the mandatory public involvement requirements for NMED are less rigid.

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 following towns in the area: Silver City, Tyrone, Santa Clara, Bayard, Hurley, Hanover, and Mimbres. 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	23,832
Total number of households	9,661
Percentage minority population	58%
Percentage Hispanic population	55%
Percentage of the population by race	Population reporting one race: White: 88% Black: 1% American Indian: 1% Asian: 0% Pacific Islander: 0% Some Other Race: 6%
Total number of persons greater than the age of five who speak English “less than very well”	1,159
Percentage of persons greater than the age of five who speak English “less than very well”	5%
Total number of linguistically isolated households	374
Percentage of linguistically isolated households (Total number of linguistically isolated households ÷ total number of households X 100)	3.87%
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	\$20,298
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 Public Involvement Activities* at the end of this document.

Public Participation – Outreach Activities

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

- Placement of this PIP on the Bureau website and NMED's Silver City office
- Notice posted on NMED website
- Establish and maintain local AOC repositories, as identified below
- Email notifications to CWG and known interested parties

The Responsible Party will conduct the following Outreach Activities during this AOC process:

- Postal mailing and email notices
- Newspaper notices
- Public meetings
- Radio announcements
- Fact sheets

Newspapers utilized in the notification process include:

Local circulation (English and Spanish):

- Silver City Daily Press-Grant County (Ads are run in both languages)

Radio stations utilized in the public involvement process include:

- KSCQ FM 92.9; KNFT FM 102.9; KPSA FM 97.7; KNFT AM 950

Timelines and methods for submitting public comments are specified in the *Table of Public Involvement Activities*.

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 action if they want to be added to the facility specific mailing list.

In addition, the Responsible Party maintains a list of interested parties and individuals to contact during public outreach efforts.

Document Repositories:

Hard copies of important documents relevant to the Chino AOC, 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):

Chino AOC Repository
Bayard Public Library
1112 Central Ave.
Bayard NM 88023
(575) 537-6244

Chino AOC Repository
J. Cloyd Miller Library
Western New Mexico University
1000 West College Ave
Silver City NM 88061
(575) 538-6359

Chino AOC Repository
New Mexico Environment Department Ground Water Quality Bureau
Harold Runnels Building
1190 Saint Francis Drive
Santa Fe NM 87502
(505) 827-2900

Public Meeting or Hearing

The Responsible Party holds periodic public meetings. The CWG members decide on the frequency of meetings. There are usually between 4 and 6 meetings per year, held on the 2nd Tuesday of the month. Notice of public meetings will be provided by the Responsible Party via email to the facility list, posting on the Bureau's website, posting at locations in the community such as Post Offices

and City Hall, radio announcement, and newspaper announcement in Silver City Daily Press, Silver City Sun News, and Chamber of Commerce newsletter.

Based on the Bureau's evaluation of the community, notices for a public meeting will be translated into Spanish. Notices and outreach materials shall include the following information:

"If any person requires other non-English Language Speaker Assistance, assistance for an interpreter, or auxiliary aid (e.g., accommodations for persons who are disabled) to participate in the public meetings related to the Chino AOC process, please contact David W. Mercer, Chino AOC Project Manager, allowing at least 14 days prior to the meeting date, at 3082 32nd Street Bypass Road, Suite D Silver City, NM 88061, telephone (575) 956-1550 or email David.mercer1@state.nm.us. TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331."

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

Table of Public Involvement Activities

Activity	Dates
<p>Public Involvement: The public is invited to join the Chino AOC Community Work Group, which meets periodically for updates and project information. The meetings are advertised in the Silver City Daily Press in both English and Spanish. Both NMED and FMI staff attend the meetings as well as the project manager from the USEPA.</p>	<p>Meetings are held the 2nd Tuesday of the month. The CWG members decide on the frequency of meetings. There are usually between 4 and 6 meetings per year.</p>
<p>Public Comment Periods: The public is invited and encouraged to review and respond to specific final draft documents related to the AOC periodically as these documents are developed.</p>	<p>Within 30 days of the start of the comment period. The interested public are contacted via email by NMED staff when a public comment period begins and that a document is available for review.</p>
<p>Public Hearing Notice (if required): Upon the Department's determination that there is substantial public interest in the specific AOC activity – 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: Chino Mine AOC

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 1,159.
2. The percentage of LEP individuals in the affected community is 5%.
3. The percentage of linguistically isolated households is 3.87%, 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 approximately 25 persons or entities including local government officials, individual citizens, CWG Members, and the Gila Information Research Project (GRIP). A review of the administrative record for this facility indicates continuous 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 Chino AOC process primarily occurs when a new document is available for public comment and placed in the local repositories. The GWQB provides notice to the public who have requested to be on the AOC email list and encourages participation. Individuals may participate by attending CWG meetings, requesting information, and submitting comments on final draft documents. Some actions could generate considerable public interest, but participation is very low for most AOC activities. Historical participation in AOC activities for this facility is summarized under Factor 1.

Conclusion:

LEP participation and overall public interest in this facility have fluctuated over time but has been more limited in recent years. Still, there remains the possibility of increased public interest, depending on a particular project or activity. Based on this record, the Bureau considers the potential for LEP contact with the AOC process to be “infrequent.”

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

The AOC activity is deemed by the GWQB to be “important” to NMED, the impacted community, and the State of New Mexico. The activity is important to NMED because the AOC 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 AOC activity is important to the impacted community because poorly-operated 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 AOC actions ensures that remediation activities 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 AOC 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 AOC 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 or radio broadcasts of public notice in Spanish and of interpretive services for a public meeting or hearing are paid for by the Responsible Party so there is no cost to the Bureau.

The Responsible Party has historically been responsible for facilitating the CWG and public communication. NMED will work with FMI to ensure PIP requirements will be met as deemed appropriate for the non-permit nature of actions under the AOC.

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 or the Responsible Party plans to:

1. Translate public notices into Spanish and publish in local newspapers serving the local community and broadcast on a radio station serving the Spanish-speaking 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): 0-mile radius
 Description:

Summary of ACS Estimates		2011 - 2015	
Population		23,832	
Population Density (per sq. mile)		47	
Minority Population		13,863	
% Minority		58%	
Households		9,661	
Housing Units		11,156	
Housing Units Built Before 1950		1,891	
Per Capita Income		20,298	
Land Area (sq. miles) (Source: SF1)		508.42	
% Land Area		100%	
Water Area (sq. miles) (Source: SF1)		0.82	
% Water Area		0%	
		2011 - 2015 ACS Estimates	Percent MOE (±)
Population by Race			
Total		23,832	100% 579
Population Reporting One Race		23,157	97% 1,185
White		21,074	88% 607
Black		184	1% 120
American Indian		337	1% 174
Asian		25	0% 21
Pacific Islander		4	0% 16
Some Other Race		1,532	6% 247
Population Reporting Two or More Races		675	3% 175
Total Hispanic Population		13,082	55% 477
Total Non-Hispanic Population		10,750	
White Alone		9,968	42% 417
Black Alone		150	1% 120
American Indian Alone		154	1% 65
Non-Hispanic Asian Alone		25	0% 21
Pacific Islander Alone		4	0% 16
Other Race Alone		7	0% 16
Two or More Races Alone		442	2% 172
Population by Sex			
Male		11,681	49% 332
Female		12,151	51% 418
Population by Age			
Age 0-4		1,506	6% 159
Age 0-17		5,295	22% 312
Age 18+		18,537	78% 535
Age 65+		5,408	23% 266

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.

Location: User-specified polygonal location

Ring (buffer): 0-mile radius

Description:

	2011 - 2015 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	16,447	100%	362
Less than 9th Grade	1,082	7%	130
9th - 12th Grade, No Diploma	1,744	11%	213
High School Graduate	4,455	27%	248
Some College, No Degree	4,988	30%	329
Associate Degree	1,130	7%	210
Bachelor's Degree or more	4,178	25%	291
Population Age 5+ Years by Ability to Speak English			
Total	22,325	100%	523
Speak only English	15,505	69%	472
Non-English at Home ¹⁺²⁺³⁺⁴	6,820	31%	330
¹ Speak English "very well"	5,661	25%	302
² Speak English "well"	821	4%	128
³ Speak English "not well"	261	1%	58
⁴ Speak English "not at all"	77	0%	78
³⁺⁴ Speak English "less than well"	338	2%	92
²⁺³⁺⁴ Speak English "less than very well"	1,159	5%	157
Linguistically Isolated Households*			
Total	374	100%	92
Speak Spanish	374	100%	91
Speak Other Indo-European Languages	0	0%	16
Speak Asian-Pacific Island Languages	0	0%	16
Speak Other Languages	0	0%	16
Households by Household Income			
Household Income Base	9,661	100%	208
< \$15,000	1,681	17%	169
\$15,000 - \$25,000	1,712	18%	184
\$25,000 - \$50,000	2,866	30%	216
\$50,000 - \$75,000	1,351	14%	178
\$75,000 +	2,053	21%	222
Occupied Housing Units by Tenure			
Total	9,661	100%	208
Owner Occupied	7,008	73%	205
Renter Occupied	2,653	27%	200
Employed Population Age 16+ Years			
Total	19,155	100%	407
In Labor Force	9,826	51%	362
Civilian Unemployed in Labor Force	960	5%	117
Not In Labor Force	9,328	49%	424

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

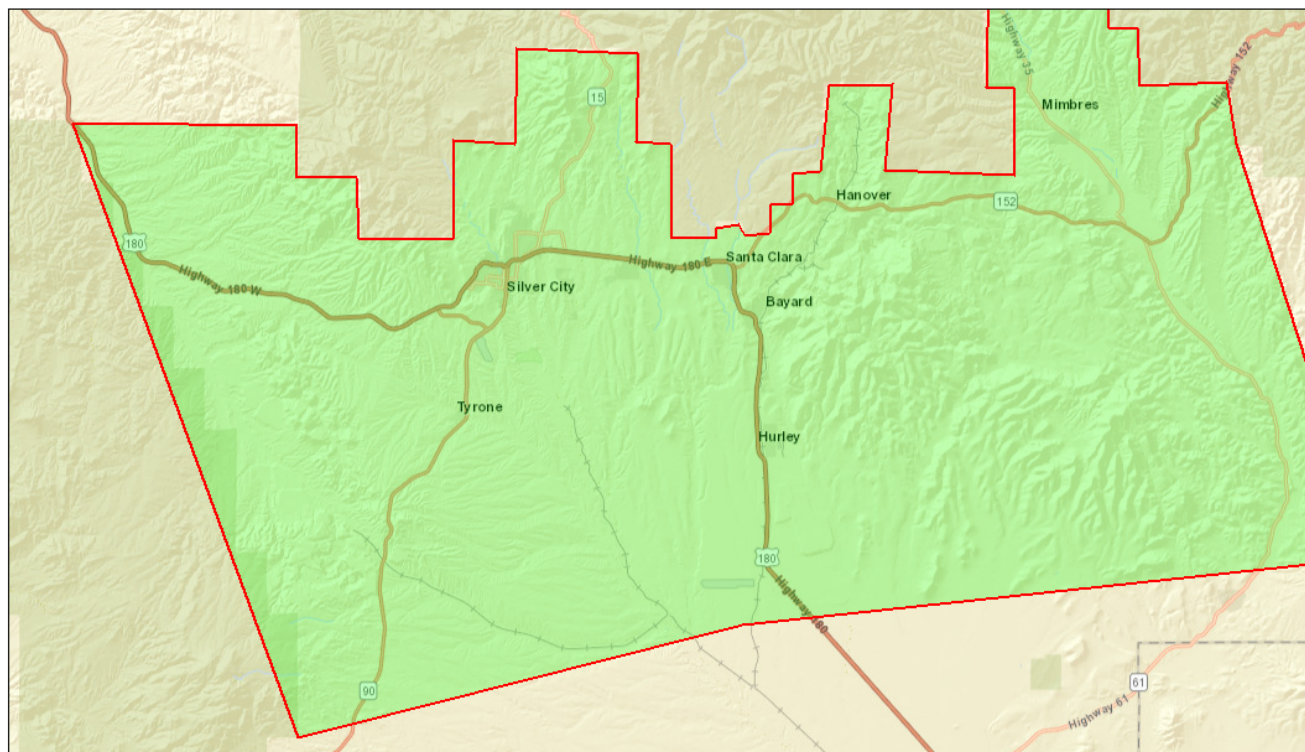
Ring (buffer): 0-mile radius

Description:

	2011 - 2015 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	22,325	100%	523
English	15,505	69%	491
Spanish	6,629	30%	384
French	20	0%	30
French Creole	0	0%	16
Italian	0	0%	16
Portuguese	0	0%	16
German	56	0%	57
Yiddish	0	0%	16
Other West Germanic	0	0%	16
Scandinavian	0	0%	16
Greek	0	0%	16
Russian	3	0%	16
Polish	0	0%	16
Serbo-Croatian	0	0%	16
Other Slavic	13	0%	21
Armenian	0	0%	16
Persian	0	0%	16
Gujarathi	0	0%	16
Hindi	0	0%	16
Urdu	0	0%	16
Other Indic	0	0%	16
Other Indo-European	13	0%	19
Chinese	14	0%	19
Japanese	0	0%	16
Korean	0	0%	16
Mon-Khmer, Cambodian	0	0%	16
Hmong	0	0%	16
Thai	0	0%	16
Laotian	0	0%	16
Vietnamese	0	0%	16
Other Asian	0	0%	16
Tagalog	11	0%	21
Other Pacific Island	4	0%	16
Navajo	47	0%	33
Other Native American	6	0%	16
Hungarian	0	0%	16
Arabic	0	0%	16
Hebrew	0	0%	16
African	4	0%	16
Other and non-specified	0	0%	16
Total Non-English	6,820	31%	717

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.



July 10, 2018

Digitized Polygon

1:288,895

0 2.5 5 10 mi
0 4 8 16 km

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