



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



**PUBLIC INVOLVEMENT PLAN
(PIP)**

Facility Name: Doña Ana Dairies (DAD)

Location: Southern Plume of DAD (Del Oro Dairy)
1025 E. O'hara Road, Anthony, NM
Section 23, Township 26S, Range 3E

County: Doña Ana

Responsible Party: Ed DeRuyter, Chairman
Doña Ana Dairies
P.O. Box 10
Mesquite, NM 88048

Agency: Ground Water Quality Bureau
Agriculture Compliance Section

GWQB Action: Stage 2 Abatement Plan Modification

Bureau Contact: Matthew Smith, Geoscientist
(505) 827-2797
Matthew.smith3@state.nm.us

Main bureau telephone number:
(505) 827-2900

EFFECTIVE DATE: October 1, 2019

REVISION DATE: N/A

/s/ Nancy McDuffie for

Michelle Hunter
Chief, Ground Water Quality Bureau

Element 1 – Public Involvement Plan (PIP) Overview

The New Mexico Environment Department (NMED or Department), Ground Water Quality Bureau (Bureau) has developed this PIP because Doña Ana Dairies (DAD) was required to modify their Stage 2 Abatement Plan pursuant to 20.6.2.4111(B) NMAC of the New Mexico Ground and Surface Water Regulations (20.6.2 NMAC) to include plans to more effectively remediate the perched aquifer in in the Southern portion of DAD, located the vicinity of Del Oro Dairy, DP-692.

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 Abatement 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 PIP 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 Abatement plans
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 Abatement process 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 3 - Mandated Public Involvement Activities* at the end of this PIP.

The Bureau plans to conduct the public involvement activities related to the Abatement process outlined in the *Table 1 - Public Involvement Activities* below. The activity timeline and dates are tentative and subject to change.

Table 1 - Public Involvement Activities

Activity	Date
Placement of a hardcopy of the PIP in the local NMED office: Las Cruces District Office (District 3) 2301 Entrada Del Sol Las Cruces, NM 88001 (505) 288-2050	October 2019
Public Notice of Abatement Plan Modification as conducted by DAD	September 2019
Public Meeting Notice	Not Applicable ^a
Public Meeting or Hearing	Not Applicable ^b

^a In accordance with 20.6.2.4108.F New Mexico Administrative Code (NMAC), notice will occur at least 30 days prior to the meeting or hearing.

^b In accordance with 20.6.24108.F NMAC, a public meeting or hearing may be held if the Secretary of the Department determines there is significant public interest. Currently, no public meeting or hearing is scheduled.

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 abatement process is:

Matthew Smith, Geoscientist
NMED Ground Water Quality Bureau
P.O. Box 5469
Santa Fe, New Mexico 87502-5469
505-827-2797
Matthew.smith3@state.nm.us

Non-English Language Speaker Assistance

All public notices and news releases 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 Abatement process. Arrangements may be made for document translation or interpretation related to the abatement process as necessary and as resources allow.

Individuals with Disabilities Assistance

All public notices and news releases 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 abatement process.

The following information will be provided in public notices and news releases so that hearing-impaired callers can contact the Bureau and ask questions about the activity or process: 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 – Public Notices and PIPs:
<https://www.env.nm.gov/gwqb/public-notice/>

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

The public participation regulatory framework associated with the Abatement process is identified in the *Table 3 - 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 Abatement 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 (LEP) 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 Southern Portion of DAD. The results of the EJSCREEN American Community Survey (ACS) Summary Report (Attachment 2 to this PIP) are summarized in the *Table 2 - EJSCREEN Results for the Affected Community* below.

Table 2 - EJSCREEN Results for the Affected Community

Total population	22,233
Total number of households	5,796
Percentage minority population	95%
Percentage Hispanic population	94%
Percentage of the population by race	Population reporting one race: White: 87% Black: 1% American Indian: 1% Asian: 0% Pacific Islander: 0% Some Other Race: 10%
Total number of persons greater than the age of five who speak English "less than very well"	7,326
Percentage of persons greater than the age of five who speak English "less than very well"	36%
Total number of linguistically isolated households	1,694
Percentage of linguistically isolated households (Total number of linguistically isolated households ÷ total number of households) X 100	29.2%
Languages by percentage in linguistically isolated households	Spanish:99% Other Indo-European languages:0% Asian-Pacific Island languages: 0% Other languages:0%
Percent linguistically isolated population, New Mexico ^a	5.4%
Per capita income	\$13,638
Per capita income, USA ^b	\$29,979

^a 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).

^b 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 LEP is significant. The Bureau has therefore performed a LEP assessment for the community, located in Attachment 1 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 news releases, 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. The Bureau will require the same of the Responsible Party to the extent that it can. 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 associated with the Abatement process are listed in the *Table 3 - Mandated Public Involvement Activities* at the end of this document.

Public Participation – Outreach Activities

The Responsible Party will conduct the following outreach activities associated with the Stage 2 Abatement Plan Modification process in accordance with 20.6.2.4108 (B) NMAC:

- Per 20.6.2.4108.B(1) NMAC: Newspaper notices and public service announcement on Spanish radio station.
- Per 20.6.2.4108.B(2) NMAC: Public Notice to those persons identified by the Secretary.
- Per 20.6.2.4108.B(3) NMAC: Public Notice to the New Mexico Trustee for Natural Resources, and any other local, state or federal governmental agency affected, as identified by the secretary, which shall be notified by certified mail.
- Per 20.6.2.4108.B(4) NMAC Public Notice to residents of surface property in vicinity of the 20.6.2.3103 NMAC exceedances.
- Per 20.6.2.4108.B(5) NMAC: Public Notice to the Governor or President of each Indian Tribe, Pueblo or Nation within the state of New Mexico, as identified by the secretary.

Newspapers utilized in the notification process include:

- Statewide circulation: *Albuquerque Journal*
- Local circulation (English and Spanish): *Las Cruces Sun News* – Doña Ana County

Radio stations utilized in the public involvement process include:

- XHPX – 98.3 fm

Local, state, and federal government agencies, tribal entities, and land grant officials will be notified about the Stage 2 Abatement Plan Modification. A list of the agencies and officials notified can be provided upon request.

As identified by the Secretary in accordance with 20.6.2.4108.B(5) NMAC, the Governor or President of each Indian Tribes, Pueblos and Nations will be notified about the Stage 2 Abatement Plan Modification 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>

Timelines and methods for submitting public comments are specified in the *Table 3 - 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 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

- Attachment 1 - LEP Assessment
- Attachment 2 - EJSCREEN ACS Summary Report and a map showing the area evaluated

Table 3 - Mandated Public Involvement Activities

Activity	Dates
<p>Notice of a Proposed Stage 1 Abatement Plan</p> <p>The Bureau’s obligations, per 20.6.2.4108.A NMAC:</p> <ul style="list-style-type: none"> • News release posted on the NMED website 	<p>Within 30 days of the Department receiving the Proposal</p>
<p>Notice of a Stage 2 Abatement Plan or a Proposed Modification to an existing Stage 2 Abatement Plan</p> <p>The Responsible Person’s obligations, per 20.6.2.4108.E NMAC:</p> <ul style="list-style-type: none"> • Newspaper ads • 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’s obligations, per 20.6.2.4109.B NMAC</p> <ul style="list-style-type: none"> • Approval of the Stage 2 Abatement Plan public notice proposal • Placement on the NMED website 	<p>Within 30 days of approval of the Stage 2 Abatement Plan public notice proposal</p> <p>Within 30 days of the Department receiving the proposal</p>
<p>Notice of a Public Meeting or Hearing, if the Secretary determines there is substantial public interest</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 meeting or hearing shall occur at least 30 days prior to the event.</p>

ATTACHMENT 1
Limited English Proficiency (LEP) Assessment

Facility: Doña Ana Dairies

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 2 - EJSSCREEN 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 7,326.
2. The percentage of LEP individuals in the affected community is 36%.
3. The percentage of linguistically isolated households is 29.2%, which is significantly 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 25 persons or entities. A review of the administrative record for this facility indicates considerable 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 Ground Water Quality Bureau State Cleanup Program

Contact with the Ground Water Quality Bureau (GWQB) would occur when the project is undergoing the public notification process. GWQB provides notice to the public and encourages participation. Individuals may participate by requesting information, submitting comments, requesting a public meeting, and taking part in public meetings. Some sites could generate considerable public interest, but participation is low for most sites. Historical participation in abatement activities for this facility is summarized under Factor 1.

Conclusion:

Although LEP participation has been limited, given the demographics of the area and the considerable overall public interest in this facility, the Bureau considers the potential for LEP contact throughout the Abatement process to be “occasional”.

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

The abatement activity is deemed by the GWQB to be “important” to NMED, the impacted community, and the State of New Mexico. The abatement activity is important to NMED because the process 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 activity is important to the impacted community because the contaminated property can pose environmental risks to the surrounding community. The activity is important to the State of New

ATTACHMENT 1
Limited English Proficiency (LEP) Assessment

Mexico because state-oversight of abatement of contaminated sites ensures that the State's limited groundwater resources are not impacted.

Conclusion:

The GWQB considers the 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 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 translation services for news releases in Spanish and interpretive services for a public meeting or hearing are being incorporated into the GWQB’s budget, to the extent possible.

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. Costs for translation required for Responsible Party actions will be covered by the Responsible Party.

LEP Services Plan:

The Bureau plans to:

1. Translate the any news release and/or public notices into Spanish.
2. Require the Responsible Party to 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.

ATTACHMENT 2
EJSCREEN ACS Summary Report and Map

Location: User-specified polygonal location
 Ring (buffer): 4-mile radius
 Description: DAD S2 AP Mod

Summary of ACS Estimates		2012 - 2016	
Population		22,233	
Population Density (per sq. mile)		371	
Minority Population		21,232	
% Minority		95%	
Households		5,796	
Housing Units		6,434	
Housing Units Built Before 1950		333	
Per Capita Income		13,638	
Land Area (sq. miles) (Source: SF1)		59.87	
% Land Area		100%	
Water Area (sq. miles) (Source: SF1)		0.24	
% Water Area		0%	

	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	22,233	100%	733
Population Reporting One Race	22,129	100%	1,259
White	19,323	87%	702
Black	238	1%	58
American Indian	214	1%	118
Asian	33	0%	27
Pacific Islander	26	0%	38
Some Other Race	2,295	10%	316
Population Reporting Two or More Races	104	0%	69
Total Hispanic Population	20,861	94%	731
Total Non-Hispanic Population	1,371		
White Alone	1,001	5%	223
Black Alone	218	1%	58
American Indian Alone	61	0%	48
Non-Hispanic Asian Alone	33	0%	27
Pacific Islander Alone	0	0%	13
Other Race Alone	0	0%	13
Two or More Races Alone	59	0%	47
Population by Sex			
Male	11,241	51%	386
Female	10,991	49%	479
Population by Age			
Age 0-4	2,026	9%	258
Age 0-17	6,998	31%	358
Age 18+	15,235	69%	360
Age 65+	2,112	9%	149

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 polygonal location

Ring (buffer): 4-mile radius

Description: DAD S2 AP Mod

	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	12,730	100%	348
Less than 9th Grade	3,121	25%	201
9th - 12th Grade, No Diploma	1,778	14%	132
High School Graduate	3,601	28%	175
Some College, No Degree	3,276	26%	187
Associate Degree	821	6%	166
Bachelor's Degree or more	954	7%	99
Population Age 5+ Years by Ability to Speak English			
Total	20,207	100%	624
Speak only English	2,920	14%	221
Non-English at Home ¹⁺²⁺³⁺⁴	17,287	86%	538
¹ Speak English "very well"	9,961	49%	402
² Speak English "well"	3,300	16%	254
³ Speak English "not well"	2,564	13%	183
⁴ Speak English "not at all"	1,462	7%	144
³⁺⁴ Speak English "less than well"	4,026	20%	218
²⁺³⁺⁴ Speak English "less than very well"	7,326	36%	312
Linguistically Isolated Households*			
Total	1,694	100%	116
Speak Spanish	1,684	99%	115
Speak Other Indo-European Languages	3	0%	15
Speak Asian-Pacific Island Languages	6	0%	13
Speak Other Languages	0	0%	13
Households by Household Income			
Household Income Base	5,796	100%	142
< \$15,000	1,165	20%	134
\$15,000 - \$25,000	1,513	26%	127
\$25,000 - \$50,000	1,743	30%	125
\$50,000 - \$75,000	712	12%	72
\$75,000 +	663	11%	75
Occupied Housing Units by Tenure			
Total	5,796	100%	142
Owner Occupied	3,988	69%	146
Renter Occupied	1,808	31%	130
Employed Population Age 16+ Years			
Total	15,986	100%	485
In Labor Force	8,836	55%	376
Civilian Unemployed in Labor Force	1,011	6%	145
Not In Labor Force	7,150	45%	279

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 polygonal location

Ring (buffer): 4-mile radius

Description: DAD S2 AP Mod

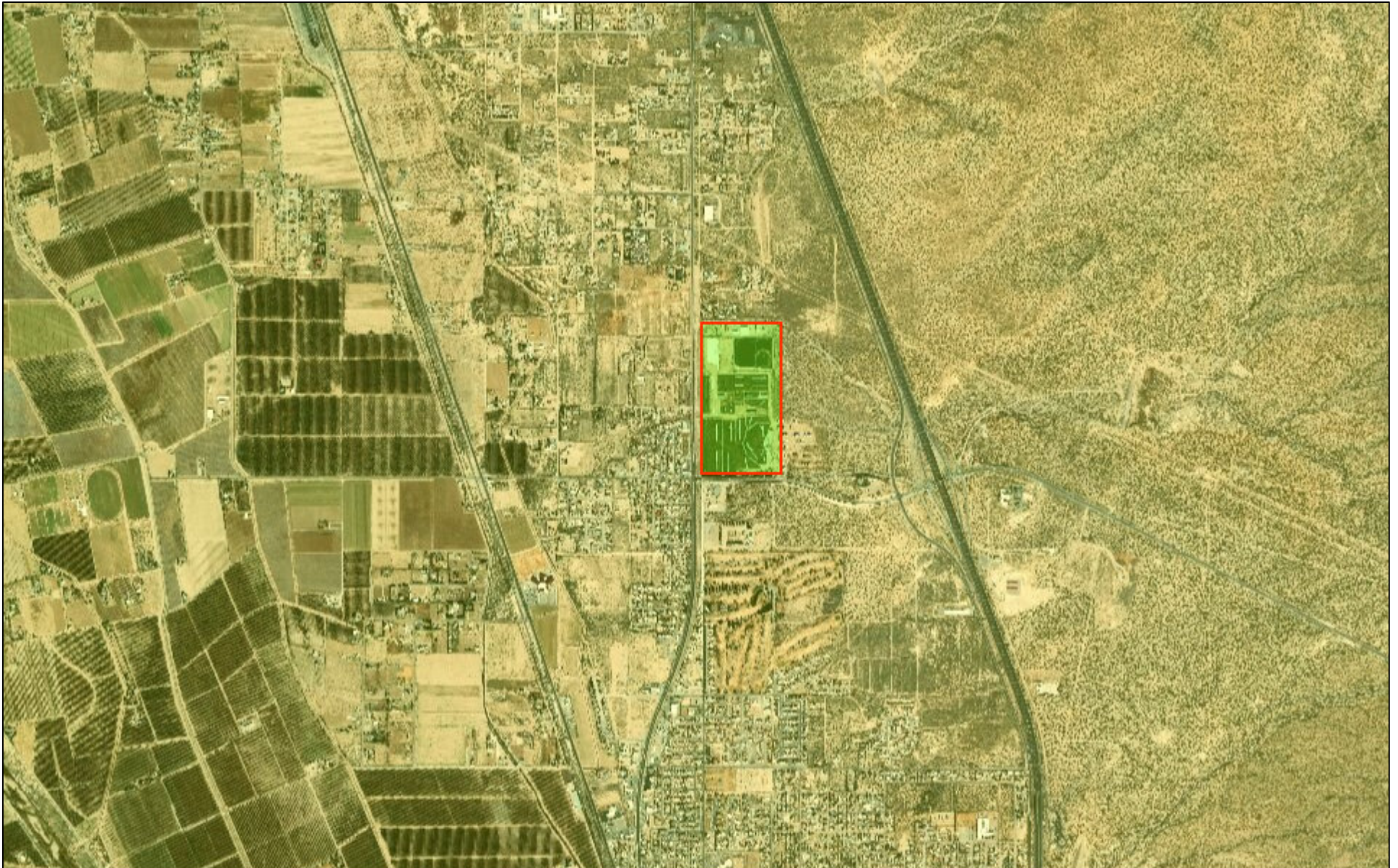
	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	18,856	100%	646
English	2,639	14%	304
Spanish	16,105	85%	612
French	8	0%	16
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	0	0%	16
Yiddish	N/A	N/A	N/A
Other 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	10	0%	16
Chinese	0	0%	16
Japanese	N/A	N/A	N/A
Korean	0	0%	16
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	8	0%	16
Other Asian	6	0%	16
Tagalog	15	0%	27
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%	16
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	65	0%	71
Total Non-English	16,217	86%	714

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.

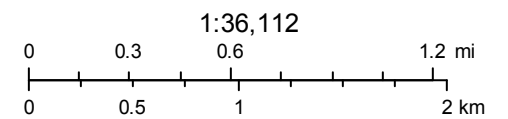
DAD S2 AP Mod



September 9, 2019

Buffer Area

Digitized Polygon



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community