



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



**Site Name:** Edible Arrangements

**Site Location:** 825 Cerrillos Rd.  
Santa Fe, NM  
Section 26, Township 17N, Range 9E

**County:** Santa Fe

**VRP Applicant:** FJC, LLC  
c/o Jeffrey and Francie Miles  
2206 Calle Cacique  
Santa Fe, NM 87505

**Agency:** Ground Water Quality Bureau  
Voluntary Remediation Program

**GWQB Action:** VRP Site No. 53211002

**Bureau Contact:** Tim Noger, Project Manager  
(505) 629-8604  
[Tim.noger@env.nm.gov](mailto:Tim.noger@env.nm.gov)

Main bureau telephone number:  
(505) 827-2900

**EFFECTIVE DATE:** April 2024

**REVISION DATE:** DATE or N/A

---

**Tim Noger, Project Manager**  
**Remediation Oversight Section**  
**Ground Water Quality Bureau**

## Element 1 – Public Involvement Plan (PIP) Overview

The New Mexico Environment Department (NMED or Department), Ground Water Quality Bureau (Bureau) has developed this PIP for the Voluntary Remediation Program (VRP) site located at 825 Cerrillos Rd., Santa Fe, NM. This VRP site is referred to as Edible Arrangements or VRP Site No. 53211002.

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 Voluntary Remediation Program process for this site. 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 Voluntary Remediation Program
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 the Voluntary Remediation Program 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 Voluntary Remediation Program outlined in the *Table of Public Involvement Activities* below. The activity timeline and dates are tentative and subject to change.

**Table of Public Involvement Activities**

Activity	Date
<p><b>Placement of a hardcopy of the PIP in the local NMED office:</b>                      NMED - Santa Fe Office                      Harold Runnels Building                      1190 South St. Francis Drive                      Room N2203                      Santa Fe, NM 87502                      Front office: (505) 827-2965</p>	<p>April 2024</p>
<p><b>Public Notice</b>  <i>See Table of Mandated Public Involvement Activities at the end of this PIP for details.</i></p>	<p>April 2024</p>
<p><b>Public Meeting Notice</b>  <i>(Only if requested by public as part of initial public notice</i>  <i>See Table of Mandated Public Involvement Activities for details.</i></p>	<p>TBD</p>

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 Voluntary Remediation Program site is:

Tim Noger, Project Manager  
 NMED Ground Water Quality Bureau  
 P.O. Box 5469, Santa Fe, NM 87502-5469  
 (505) 629-8604 / [tim.noger@env.nm.gov](mailto:tim.noger@env.nm.gov) / [ros.general@env.nm.gov](mailto:ros.general@env.nm.gov)

## **Non-English Language Speaker Assistance**

All public notices will contain a statement that non-English speakers may call the Bureau contact listed above and request language assistance in order to learn more about this site or the Voluntary Remediation Program process. Arrangements may be made for document translation or interpretation related to the Voluntary Remediation Program 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 Voluntary Remediation Program 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 Voluntary Remediation Program Process**

The public participation regulatory framework associated with the Voluntary Remediation Program 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 Voluntary Remediation Program 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 Voluntary Remediation Program site. The results of the EJSCREEN Community Report (attached to this PIP) are summarized in the table below.

**EJSCREEN Results for the Affected Community**

Total population	58,864
Total number of households	29,085
Percentage People of Color population	47%
Percentage Hispanic population	41%
Percentage of the population by race	Population reporting one race: White: ..... 53% Black: ..... 1% American Indian: ..... 1% Asian: ..... 2% Pacific Islander: ..... 0% Some Other Race: ..... 0%
Percentage of Total Non-English Languages Spoken at Home	28%
Percentage of Limited English households	3%
Languages by percentage in Limited English-Speaking Breakdown	Spanish: ..... 93% Other Indo-European languages: .....4% Asian-Pacific Island languages: .....3% Other languages: ..... 0%
Percent linguistically isolated population, New Mexico*:	5.1%
Per capita income	\$52,813
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=ACST5Y2020.S1602> (date of access: 5/4/2022).

\*\* U.S. Census Bureau. 2020 American Community Survey 5-Year Estimates, Table B19301. Per Capita Income in the Past 12 Months (In 2020 Inflation-Adjusted Dollars). <https://data.census.gov/cedsci/table?q=per%20capita%20income&tid=ACSDT5Y2020.B19301>. (Date of access: 5/4/2022).

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

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

Public involvement activities required by statute or regulation for this Voluntary Remediation Program site 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 the Voluntary Remediation Program 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
- Public meetings (if required)

Newspapers to be utilized in the notification process include:

- Statewide circulation (English): Albuquerque Journal or Las Cruces Sun
- Local circulation (English): The New Mexican – Santa Fe County

Local, state, and federal government agencies, tribal entities, land grant officials and colonias will be notified about the Voluntary Remediation Program process. A list of the agencies and officials notified can be provided upon request.

Indian Tribes, Pueblos and Nations will be notified about the Voluntary Remediation Program process 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 Voluntary Remediation Program 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 Site-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 Site-Specific Mailing List and provides the individuals with information about regulatory activities for the site. 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 Voluntary Remediation Program site if they want to be added to the site-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 Voluntary Remediation Program 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 Voluntary Remediation Program action. While operating under the PIP Contingency Plan, the public notice will include a statement specifying that the PIP Contingency Plan is in effect and that, "instead of placing a copy of the PIP for this Voluntary Remediation Program 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**

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

**Table of Mandated Public Involvement Activities**

<b>Activity</b>	<b>Dates</b>
<p><b>Public Notice &amp; Comment Period:</b>  <b>NMAC 20.6.3.300.B(1)</b>                      The applicant must post the public notice and make the proposed Voluntary Remediation Agreement available for public review and comment. Interested parties may submit comments to the Department concerning the proposed Agreement. Interested parties may submit a request for public meeting.</p> <ul style="list-style-type: none"> <li>• Notice posted on-site</li> <li>• Newspaper ads</li> <li>• Notice to government agencies</li> <li>• Notice to interested parties</li> <li>• NMED website: <a href="https://www.env.nm.gov/public-notices/">https://www.env.nm.gov/public-notices/</a></li> </ul>	<p>The proposed Voluntary Remediation Agreement shall be made available for public review within ten (10) calendar days of the receipt of the Conditional Eligibility Determination from the Department</p> <p>Public comment period is at least thirty (30) calendar days following the newspaper publication of the Public Notice</p>
<p><b>Public Meeting Notice:</b>  <b>NMAC 20.6.3.300.B(4-5)</b>                      If a public meeting is requested during the initial public notice and comment period and if the Secretary determines that there is significant public interest, the applicant shall mail a notice of the time and place of the meeting to all persons who have submitted written comments or a request for public meeting.</p> <ul style="list-style-type: none"> <li>• Newspaper ads</li> <li>• Notice to interested parties</li> <li>• NMED website: <a href="https://www.env.nm.gov/public-notices/">https://www.env.nm.gov/public-notices/</a></li> </ul>	<p>At least ten (10) calendar days before the public meeting</p>
<p><b>Notice of Determination</b>  <b>NMAC 20.6.3.300.E</b>                      A notice of determination shall be mailed to the applicant and all persons who presented written and oral comments at public hearing indicating whether the proposed Voluntary Remediation Agreement has been approved, approved with modifications, or disapproved.</p>	<p>Within thirty (30) calendar days of the final determination that the applicant is eligible</p>
<p><b>Additional Public Participation</b>  <b>NMAC 20.6.3.300.G</b>                      If requested, interested parties will be kept informed of the availability of key project submittals related to the voluntary remediation activities. Such submittals will be made available for public review and comment by the Department upon request.</p>	<p>After execution of the Voluntary Remediation Agreement</p>