NEW MEXICO ENVIRONMENT DEPARTMENT
GROUND WATER QUALITY BUREAU

PUBLIC INVOLVEMENT PLAN
(PIP)

Facility Name:	Darby Farms LLC
Facility Location:	357 East Darby Rd Roswell, NM 88202 Sections 12 & 13, Township 12 South, Range 25 East
County:	Chavez
Responsible Party:	Mike Marley Manager PO Box 1658 Roswell, NM 88202
Agency:	Ground Water Quality Bureau Agricultural Compliance Section
GWQB Action:	Permitting - Renewal DP-1003
Bureau Contact:	Keelyn Taylor, Water Resource Professional II 575-762-3728 Keelynl.taylor@env.nm.gov or acs.general@env.nm.gov Main bureau telephone number: (505) 827-2900

EFFECTIVE DATE: November 28, 2023

REVISION DATE: N/A

Jaben Richards

Digitally signed by Jaben Richards
Date: 2023.11.28 12:18:14 -07'00'

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 a modification of the Ground Water Discharge Permit for Darby Farms LLC. The permit for this facility is referred to as DP-1003.

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 Darby Farms LLC 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.	September 2023
Placement of a hardcopy of the PIP in the local NMED office: NMED Roswell Office 1914 West 2nd Street Roswell, NM 88201 575-624-6046	November 2023
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. Date to be determined.
Response to Comments See *Table of Mandated Public Involvement Activities*.	30 days after the administrative record is complete and all required information is available

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:

Keelyn Taylor, Water Resource Professional II
NMED Ground Water Quality Bureau

P.O. Box 5469, Santa Fe, NM 87502-5469
575-762-3728 / keelynl.taylor@state.nm.gov / acs.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 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 geographic area depicted on the attached EJSCREEN document that includes the discharge 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	2,350
Total number of households	900
Percentage People of Color population	63%
Percentage Hispanic population	59%
Percentage of the population by race	Population reporting one race: White: ..... 80% Black: ..... 1% American Indian: ..... 0% Asian: ..... 0% Pacific Islander: ..... 0% Some Other Race: 6%
Percentage of Total Non-English Languages Spoken at Home	45%
Percentage of Limited English households	7%
Languages by percentage in Limited English-Speaking Breakdown	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	$23,368

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).

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.

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., 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): Roswell Daily Record - Chavez

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 Community 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.
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

[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.

ATTACHMENT
Limited English Proficiency (LEP) Assessment

Facility: Darby Farms, LLC, DP-1003

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 percentage of total non-English languages spoken at home is 45%.
2. The percentage of limited English households is 7, which is somewhat greater than the statewide average.
3. Spanish is the predominant non-English language spoken by LEP persons.
4. Historical participation: No one has requested to be placed on a facility-specific mailing list. 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. 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.

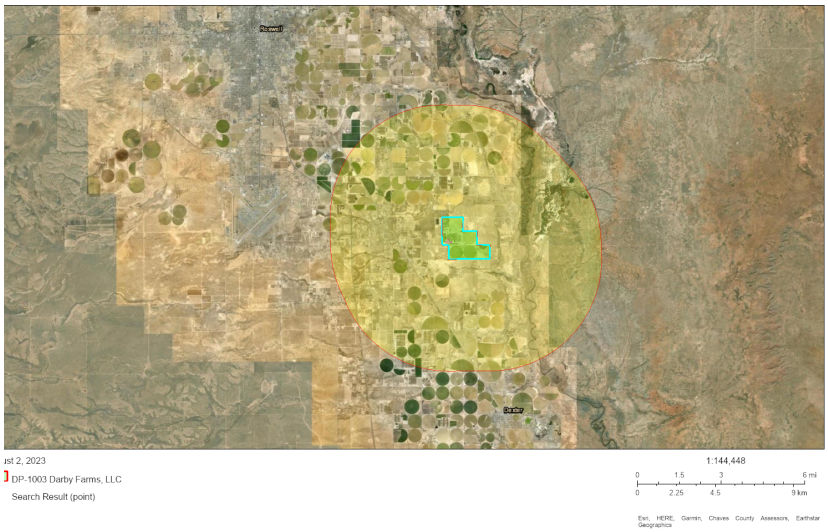
The Bureau will consider requests from members of the affected community for additional LEP services.

EJScreen Community Report

This report provides environmental and socioeconomic information for user-defined areas, and combines that data into environmental justice and supplemental indexes.

Chaves County, NM

4 miles Ring around the Area
Population: 2,350
Area in square miles: 74.88



ust 2, 2023
DP-1003 Darby Farms, LLC
Search Result (point)

COMMUNITY INFORMATION

Low income: 43 percent	People of color: 63 percent	Less than high school education: 15 percent	Limited English households: 7 percent
Unemployment: 6 percent	Persons with disabilities: 12 percent	Male: 50 percent	Female: 50 percent
80 years Average life expectancy	$23,368 Per capita income	Number of households: 900	Owner occupied: 73 percent

BREAKDOWN BY RACE

White: 80%	Black: 1%	Asian: 0%	Hispanic: 59%
American Indian: 0%	Hawaiian/Pacific Islander: 0%	Other race: 6%	Two or more races: 12%

BREAKDOWN BY AGE

From Ages 1 to 4	8%
From Ages 1 to 18	32%
From Ages 18 and up	68%
From Ages 65 and up	12%

LIMITED ENGLISH SPEAKING BREAKDOWN

Speak Spanish	100%
Speak Other Indo-European Languages	0%
Speak Asian-Pacific Island Languages	0%
Speak Other Languages	0%

Notes: Numbers may not sum to totals due to rounding. Hispanic popultion can be of any race.
Source: U.S. Census Bureau, American Community Survey (ACS) 2017 -2021. Life expectancy data comes from the Centers for Disease Control.

LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
English	55%
Spanish	43%
Other and Unspecified	2%
Total Non-English	45%

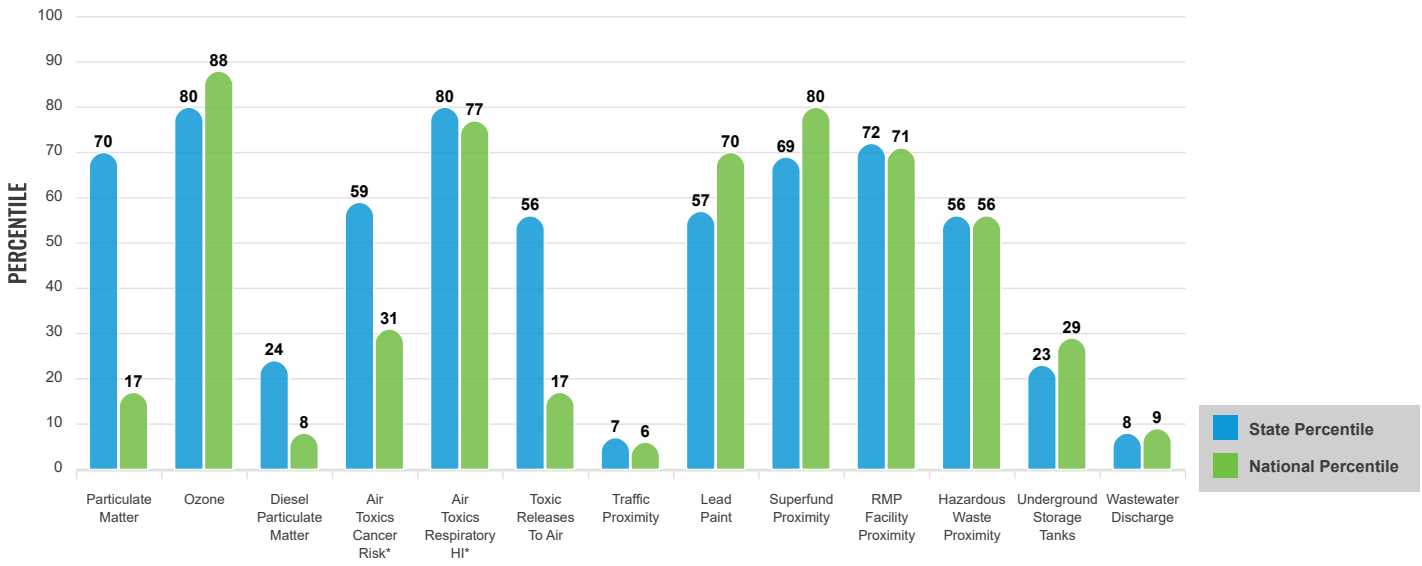
Environmental Justice & Supplemental Indexes

The environmental justice and supplemental indexes are a combination of environmental and socioeconomic information. There are thirteen EJ indexes and supplemental indexes in EJScreen reflecting the 13 environmental indicators. The indexes for a selected area are compared to those for all other locations in the state or nation. For more information and calculation details on the EJ and supplemental indexes, please visit the EJScreen website.

EJ INDEXES

The EJ indexes help users screen for potential EJ concerns. To do this, the EJ index combines data on low income and people of color populations with a single environmental indicator.

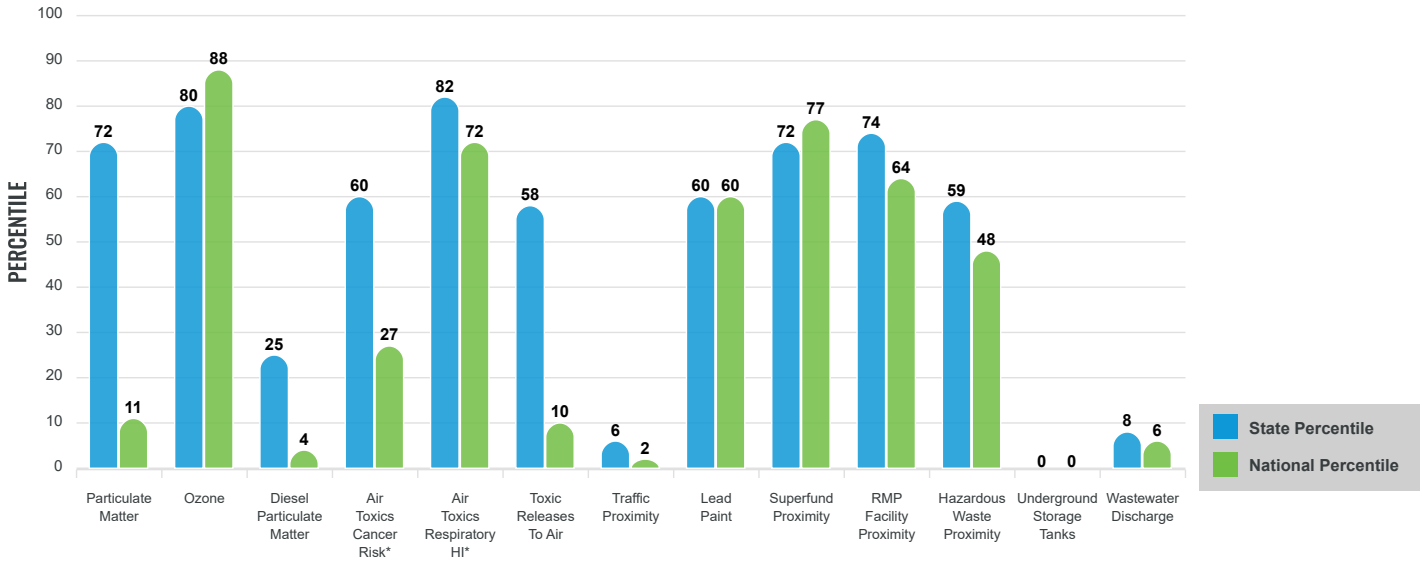
EJ INDEXES FOR THE SELECTED LOCATION



SUPPLEMENTAL INDEXES

The supplemental indexes offer a different perspective on community-level vulnerability. They combine data on percent low-income, percent linguistically isolated, percent less than high school education, percent unemployed, and low life expectancy with a single environmental indicator.

SUPPLEMENTAL INDEXES FOR THE SELECTED LOCATION



These percentiles provide perspective on how the selected block group or buffer area compares to the entire state or nation.

Report for 4 miles Ring around the Area

EJScreen Environmental and Socioeconomic Indicators Data

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
POLLUTION AND SOURCES					
Particulate Matter (µg/m^3)	5.59	5.16	57	8.08	6
Ozone (ppb)	66.3	64.7	81	61.6	82
Diesel Particulate Matter (µg/m^3)	0.0392	0.194	18	0.261	2
Air Toxics Cancer Risk* (lifetime risk per million)	20	20	26	28	3
Air Toxics Respiratory HI*	0.3	0.21	69	0.31	31
Toxic Releases to Air	4.6	29	47	4,600	6
Traffic Proximity (daily traffic count/distance to road)	1.1	84	12	210	4
Lead Paint (% Pre-1960 Housing)	0.16	0.19	59	0.3	43
Superfund Proximity (site count/km distance)	0.092	0.14	65	0.13	64
RMP Facility Proximity (facility count/km distance)	0.17	0.15	73	0.43	51
Hazardous Waste Proximity (facility count/km distance)	0.16	0.73	47	1.9	30
Underground Storage Tanks (count/km^2)	0.038	3.3	30	3.9	24
Wastewater Discharge (toxicity-weighted concentration/m distance)	9.1E-08	0.47	5	22	3
SOCIOECONOMIC INDICATORS					
Demographic Index	53%	51%	53	35%	77
Supplemental Demographic Index	18%	17%	58	14%	72
People of Color	63%	62%	48	39%	74
Low Income	43%	40%	56	31%	73
Unemployment Rate	6%	7%	56	6%	63
Limited English Speaking Households	7%	6%	73	5%	80
Less Than High School Education	15%	14%	64	12%	72
Under Age 5	8%	5%	77	6%	76
Over Age 64	12%	19%	29	17%	34
Low Life Expectancy	18%	19%	36	20%	39

*Diesel particulate matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: https://www.epa.gov/haps/air-toxics-data-update.

Sites reporting to EPA within defined area:

Superfund 0
Hazardous Waste, Treatment, Storage, and Disposal Facilities 0
Water Dischargers 23
Air Pollution 1
Brownfields 0
Toxic Release Inventory 0

Other community features within defined area:

Schools 1
Hospitals 0
Places of Worship 0

Other environmental data:

Air Non-attainment ..... No
Impaired Waters ..... Yes

Selected location contains American Indian Reservation Lands* ..... No
Selected location contains a "Justice40 (CEJST)" disadvantaged community ..... Yes
Selected location contains an EPA IRA disadvantaged community ..... Yes

Report for 4 miles Ring around the Area

EJScreen Environmental and Socioeconomic Indicators Data

HEALTH INDICATORS

INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Low Life Expectancy	18%	19%	36	20%	39
Heart Disease	6.7	6.2	62	6.1	62
Asthma	10.8	10.3	76	10	73
Cancer	4.8	5.7	25	6.1	22
Persons with Disabilities	11.5%	16.6%	22	13.4%	42

CLIMATE INDICATORS

INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Flood Risk	12%	9%	74	12%	71
Wildfire Risk	87%	58%	52	14%	90

CRITICAL SERVICE GAPS

INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Broadband Internet	29%	22%	71	14%	88
Lack of Health Insurance	14%	9%	79	9%	81
Housing Burden	No	N/A	N/A	N/A	N/A
Transportation Access	Yes	N/A	N/A	N/A	N/A
Food Desert	Yes	N/A	N/A	N/A	N/A

Footnotes

Report for 4 miles Ring around the Area