



NEW MEXICO ENVIRONMENT DEPARTMENT
Surface Water Quality Bureau

Limited English Proficiency (LEP) Analysis
for the Clean Water Act
Section 401 Certification of the draft NPDES
Statewide New Mexico
Municipal Separate Storm Sewer System (MS4)
General Permit,
NPDES permit number NMR04B000.

April 2026

APPROVAL PAGE

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Date

**Limited English Proficiency (LEP) Analysis for the
Clean Water Act Section 401 Certification of the draft NPDES
New Mexico Statewide Municipal Separate Storm Sewer System (MS4),
NPDES permit number NMR04B000**

The purpose of this analysis is to determine the extent to which LEP services are necessary and is based on relevant information for the following four factors defined by Department policy:

- Factor 1: The Number and Proportion of LEP Individuals Eligible to be Served or Likely to be Encountered in the Community of Concern.
- Factor 2: The Frequency with Which LEP Individuals Come in Contact with the Program.
- Factor 3: The Nature and Importance of the Activity or Service Provided by the Program.
- Factor 4: The Resources Available to NMED and the Associated Costs.

1. Number and proportion of LEP persons estimated to be served or encountered in the community of concern.

Demographic indicators were obtained from the U.S. Census Bureau 2020-2024 American Community Survey (ACS) data, available at <https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/>. The 2020-2024, 5-year report, ACS data profile for the state of New Mexico was used for the analysis. The U.S. Census Bureau collects data through the ACS provide quantitative information regarding various demographic indicators and to assess language characteristics within a geographic area. These data identify a person's ability to speak English "very well" or "less than very well" and the language predominately spoken at home for those populations age 5 and older. The U.S. Census Bureau 2020-2024 ACS data provided quantitative information regarding LEP populations for this analysis.

Summary of Site-Specific Inputs

- Area of Concern = State of New Mexico
- Specific Areas of Concern: Albuquerque, Farmington, Las Cruces/El Paso, Los Lunas, Rio Rancho, and Santa Fe urbanized areas; Los Alamos designated area

The 2020-2024 5-Year Report ACS Report indicates that the total population of New Mexico is 2,120,246 (Table DP05). Of that, 31.34% percent of the population age 5 and older, or 629,876 individuals, speaks a language other than English at home (Table B16001). Of these individuals, approximately 28.67% percent, or 180,595 individuals, speak English "less than very well" (Table B16001). The ACS New Mexico data reports 35,141 linguistically isolated households that speak Spanish; 1,449 linguistically isolated households that speak other Indo-European languages; 1,077 linguistically isolated households that speak Asian and Pacific Island languages; and 5,927 linguistically isolated households that speak other languages (Table P020).

There are 180,595 non-English speakers in reported in New Mexico (Table B16001). Other languages spoken include 3,704 persons who speak French; 216 persons who speak Haitian;

1,308 persons who speak Italian; 979 persons who speak Portuguese; 5,557 persons who speak German; 1,077 persons who speak Yiddish, Pennsylvania Dutch or other West Germanic languages; 547 persons who speak Greek; 1,062 persons who speak Russian, 580 persons who speak Polish, 564 persons who speak Serbo-Croatian, 687 persons who speak Slavic languages, 11 persons who speak Armenian; 1,340 persons who speak Persian; 681 persons who speak Gujarati; 1,169 persons who speak Hindi; 459 persons who speak Urdu; 196 persons who speak Punjabi; 759 persons who speak Bengali; 1,201 persons who speak Nepali, Marathi, or other Indic languages; 696 persons who speak other Indo-European languages; 567 persons who speak Telugu; 430 persons who speak Tamil; 562 persons who speak Malayalam, Kannada, or other Dravidian languages; 4,440 persons who speak Chinese; 1,275 persons who speak Japanese; 2,138 persons who speak Korean, 109 persons who speak Hmong; 4,420 persons who speak Vietnamese; 71 persons who speak Khmer; 496 persons who speak Thai, Lao, or other Tai-Kadai languages; 486 persons who speak other Asian languages; 6,185 persons speak Tagalog; 910 who speak Ilocano, Samoan, Hawaiian, or other Austronesian languages; 2,995 persons who speak Arabic, 285 persons who speak Hebrew; 155 persons who speak Amharic, Somali, or other Afro-Asiatic languages; 1,459 persons who speak Yoruba, Twi, Igbo, or other West African languages; 1,437 persons who speak the Swahili and other Central, Eastern, and southern African languages; 57,560 persons who speak Navajo; 29,098 persons who speak other Native American languages; and 5,054 persons speak other non-specified languages. (Table B16001)

The Bureau reviewed the administrative record and found that, historically, there has been no LEP participation regarding past NPDES Municipal Separate Storm Sewer System (MS4) General Permits. It does appear from the facility's permit file that some public participation has been warranted in the past, but there is no record of LEP individuals participating in the permit process in the past permit renewal cycle. There is no record of individuals needing specific accessibility accommodations. EPA has scheduled two (2) virtual public meetings and public hearings on April 23, 2026, virtually via Zoom. Registration for the virtual meeting is available at https://usepa.zoomgov.com/meeting/register/GkRBNiO_T1GIFNcltF0gNA and <https://usepa.zoomgov.com/meeting/register/naoY0pEDSaqAtAV4Jsd4Q>.

2. The frequency with which LEP individuals might come in contact with the program.

There are several potential areas where the Surface Water Quality Bureau (Bureau) may interact with LEP individuals. The Bureau monitors and samples surface water quality throughout the state on a rotating basis; certifies NPDES permits for point source dischargers, conducts compliance evaluation inspections for regulated facilities, and responds to citizen complaints; collaborates with other agencies, municipalities, and stakeholders on restoration projects through the Nonpoint Source Program, the Wetlands Program and the River Stewardship Program; and certifies Clean Water Act Section 404 permits for dredge and fill activities. Oftentimes, when staff are in the field, they interact with landowners, anglers, boaters, or just curious individuals to either gain access to a

sampling location, assist with or oversee a restoration project, or describe what we are doing and why we are doing it, and answer general questions. However, these interactions are rare, if ever, with LEP individuals.

An identifier of “**frequent**” is being assigned because of the connection that the people of New Mexico have with surface water stormwater and the potential to interact with stormwater flows from the Albuquerque, Farmington, Las Cruces/El Paso, Los Lunas, Rio Rancho, and Santa Fe urbanized areas and the Los Alamos designated area.

3. The nature and importance of the activity or service provided by the subject material of the program.

The NPDES program regulates discharges of pollutants to the nation’s waters. A state Water Quality Certification is required by the federal Clean Water Act (CWA) Section 401 to ensure that the action (NPDES permit) is consistent with state law and complies with state Water Quality Standards, the Water Quality Management Plan/Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy.

State certification of NPDES permits reasonably ensure that the permitted activities will be conducted in a manner that will comply with applicable State water quality standards, including the antidegradation policy, and applicable statewide water quality management plans. This is an important activity to ensure that designated uses of all surface waters in New Mexico are protected and water quality criteria are met.

The cities, counties and other government agencies covered by the MS4 provide an important service by managing stormwater flows to minimize pollutants such as oil, sediment, and trash from entering waterways.

1. The resources available to NMED and the associated costs.

The Bureau will provide language assistance free of charge. From the Bureau’s assessment, there are adequate resources available within the Department to address LEP requirements. NMED has a certified translator who can translate public notices and vital documents for the Department. If it is discovered that additional LEP services are needed, the Bureau may also contract with a translator/interpreter to communicate with those LEP individuals. Other expanded outreach activities that may be utilized, as identified and necessary, include:

- posting translated materials and information on the Bureau’s website;
- contracting with a telephone interpreter service to facilitate phone interpretations with LEP individuals;
- airing announcements in Spanish or other languages as deemed appropriate on local radio stations;
- printing translated materials on postcards that are distributed to the affected community; and,

- working with community leaders (tribal chapter houses, church leaders, community centers, libraries, etc.) to disseminate the information to the affected population.

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Policy Overview

This LEP Four Factor Analysis has been prepared in accordance with the New Mexico Environment Department (NMED) Limited English Proficiency Accessibility and Outreach Policy 07-11 and the NMED Public Participation Policy 07-13 by NMED's Surface Water Quality Bureau (SWQB or Bureau), Point Source Regulation Section (PSRS).

This analysis was initiated and conducted after the Bureau received a Notice of Permit Renewal and Notice of Public Comment for the proposed 2026 National Pollutant Discharge Elimination System (NPDES) New Mexico Statewide Municipal Separate Storm Sewer System (MS4) issued from the United States Environmental Protection Agency (EPA) Region 6. The NMED public notice will be published, announcing a public comment period and requirement for State of New Mexico certification or denial of the draft permit in accordance with federal Clean Water Act Section 401. More information will be provided in the activity's Public Involvement Plan (PIP). This determination will be kept with the administrative record for this activity.

The Bureau is not using other means of outreach such as flyers or other hard copy postings at post offices, community centers, public libraries, or other repositories at this time.

Determination

The State of New Mexico has a total population of 2,120,246. Of that, 31.34 % (629,876 individuals) speaks a language other than English at home, with approximately 28.67 % of those individuals (180,595 persons) speaking English "less than very well." Furthermore, New Mexico reports 283,630 linguistically isolated households with 79.59% of the linguistically isolated households speaking Spanish.

Based on a balanced evaluation of the four factors described above, the assessment indicates that additional language assistance (interpretation or translation services) or outreach is needed for this activity. Outreach materials will include information on how LEP person or persons with disabilities can obtain assistance. The Bureau has determined that there are adequate resources available within the Department to provide LEP services, if requested or determined necessary. (See SWQB SOP 1.5 – Providing Language Access Services.)

Final Actions

- The Bureau will send a notice in English and Spanish to the Bureau's listserv announcing the availability of the comment period for consideration in the state's Section 401 Certification.
- The Bureau will publish a notice in both English and Spanish. It will be published in the urbanized and designated areas identified in the draft permit: the Albuquerque Journal (Albuquerque, Los Lunas, Rio Rancho), the Santa Fe New Mexican (Santa Fe), the Las Cruces Sun (Las Cruces and El Paso), the Los Alamos Daily Post (Los Alamos) and the

Durango Herald/Tri-City Record (Farmington) announcing the availability of the comment period for consideration in the state's Section 401 Certification.

- If LEP individuals contact the Bureau, bureau staff will work with the Department's interpreter to provide language assistance, either through immediately available staff as noted above, or through contracted translation services.
- If individuals with accessibility needs contact the Bureau, bureau staff will work with the Department's Non-Discrimination Coordinator to address the request.