



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



**Facility Name:** American Waste Removal

**Facility Location:** 280 Road 3160  
Aztec, NM  
Section 35, Township 31N, Range 12W

**County:** San Juan

**Responsible Party:** Gregory Jarvies, President  
American Waste Removal  
2569 West Horseshoe Circle  
South Jordan, UT 84095

**Agency:** Ground Water Quality Bureau  
Pollution Prevention Section

**GWQB Action:** Permitting - New  
DP-1879

**Bureau Contact:** Gerald Knutson, Environmental Scientist & Specialist A  
(505) 660-7189  
gerald.knutson@env.nm.gov  
or pps.general@env.nm.gov

Main bureau telephone number:  
(505) 827-2900

**EFFECTIVE DATE:** February 22, 2019

**REVISION DATE:** November 3, 2022

/s/ Jason Herman for

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**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 Ground Water Discharge Permit for American Waste Removal. The permit for this facility is referred to as DP-1879.

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 Maverick Kirtland Car Wash includes a significant percentage of non-English speakers, the Bureau will consider the language and communication needs of this community when conducting public outreach and participation activities.

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**

<b>Activity</b>	<b>Date</b>
<b>Application Notice (PN-1)</b> <i>See Table of Mandated Public Involvement Activities at the end of this PIP for details.</i>	March 2019
<b>Placement of a hardcopy of the PIP in the local NMED office:</b> NMED Farmington Field Office 3400 Messina Drive, Suite 5000 Farmington, NM 87532 (505) 566-9741	March 2019 and November 2022
<b>Notice of availability of draft permit (PN-2)</b> <i>See Table of Mandated Public Involvement Activities.</i>	October 2021
<b>Response to Comments</b> <i>See Table of Mandated Public Involvement Activities.</i>	30 days after the administrative record is complete and all required information is available
<b>Public Hearing Notice</b> <i>See Table of Mandated Public Involvement Activities for details.</i>	October 2022
<b>Public Hearing</b>	December 7, 2022

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:

Gerald Knutson, Environmental Scientist & Specialist A  
NMED Ground Water Quality Bureau  
P.O. Box 5469, Santa Fe, NM 87502-5469  
(505) 660-7189 / gerald.knutson@env.nm.gov / pps.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 discharge site. 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	8,720
Total number of households	3,137
Percentage minority population	41%
Percentage Hispanic population	28%
Percentage of the population by race	Population reporting one race: White: .....73% Black: .....2% American Indian: .....9% Asian: .....0% Pacific Islander: .....0% Some Other Race: .....11%
Total number of persons greater than the age of five who speak English "less than very well"	452
Percentage of persons greater than the age of five who speak English "less than very well"	6%
Total number of linguistically isolated households	121
Percentage of linguistically isolated households (Total number of linguistically isolated households ÷ total number of households) X 100	4%
Languages by percentage in linguistically isolated households	Spanish: .....66% Other Indo-European languages: 0% Asian-Pacific Island languages: ..0%

	Other languages: .....34%
Percent linguistically isolated population, New Mexico*:	5.1%
Per capita income	\$25,649
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).

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 strive to make public participation efforts as inclusive as possible within the Bureau's budget and time limitations. The EJ Screen ACS Summary Report does not specify the languages spoken by the linguistically isolated population but does identify a high percentage of American Indians in the affected community. The Bureau will therefore assume that the majority of the linguistically isolated population is affiliated with the Navajo Nation nearby.

## **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): Farmington Daily Times – San Juan County

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.

### **Public Meeting or Hearing**

The Bureau will hold a public hearing on the draft permit on December 7, 2022, through the WebEx virtual platform or in person at the Commission Chamber of the San Juan County Administrative Building, 100 South Oliver, Aztec, New Mexico 87410. Notice of this hearing will be provided via email to the facility list, posting on the Bureau's website, and newspaper announcement.

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 hearing related to the permitting process, please contact Gerald Knutson, Environmental Scientist & Specialist A, allowing at least 14 days prior to the meeting date, at P.O. Box 5469, Santa Fe, NM 87502-5469, telephone (505) 660-7189 or [gerald.knutson@env.nm.gov](mailto:gerald.knutson@env.nm.gov). 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.

### **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**

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



**Table of Mandated Public Involvement Activities**

Activity	Dates
<p>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</p> <ul style="list-style-type: none"> <li>• Signs (PN-1 synopsis<sup>1</sup> in English and Spanish) - Applicant obligation</li> <li>• Mailings to owners of nearby properties - Applicant obligation</li> <li>• Newspaper display ads (PN-1 synopsis in English and Spanish)- Applicant obligation</li> <li>• NMED website <a href="https://www.env.nm.gov/public-notices/">https://www.env.nm.gov/public-notices/</a></li> <li>• Notice to government agencies</li> <li>• Notice to interested parties</li> </ul>	<p>Within 30 days of the department deeming the application administratively complete</p>
<p>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</p> <ul style="list-style-type: none"> <li>• NMED website <a href="https://www.env.nm.gov/public-notices/">https://www.env.nm.gov/public-notices/</a></li> <li>• Newspaper legal ads</li> <li>• Notification of interested parties</li> <li>• Notice to government agencies</li> <li>• Notice to Indian Tribes, Pueblos and Nations</li> </ul>	<p>Within 60 days of the department determining the application is technically complete and drafting a permit.</p>
<p>Public Hearing Notice (if required): Upon the Department’s determination that there is substantial public interest in the permit – obligation at 20.6.2.3108.M 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"> <li>• NMED website <a href="https://www.env.nm.gov/public-notices/">https://www.env.nm.gov/public-notices/</a></li> <li>• Newspapers</li> <li>• Notice to interested parties</li> <li>• Notice to government agencies</li> <li>• Notice to Indian Tribes, Pueblos and Nations</li> </ul>	<p>Notice of the hearing shall occur at least 30 days prior to the hearing.</p>
<p>Response to Comments (if comments received): Upon the Secretary’s decision regarding issuance of a discharge permit –</p>	<p>Response is issued 30 days after the administrative record is complete and</p>

<sup>1</sup> 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.

<p>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.</p>	<p>all required information is available</p>
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Location: User-specified point center at 36.855337, -108.062955

Ring (buffer): 4-miles radius

Description: DP-1879

Summary of ACS Estimates		2016 - 2020		
Population		8,720		
Population Density (per sq. mile)		176		
People of Color Population		3,604		
% People of Color Population		41%		
Households		3,137		
Housing Units		3,522		
Housing Units Built Before 1950		56		
Per Capita Income		25,649		
Land Area (sq. miles) (Source: SF1)		49.51		
% Land Area		99%		
Water Area (sq. miles) (Source: SF1)		0.36		
% Water Area		1%		
		2016 - 2020 ACS Estimates	Percent	MOE (±)
<b>Population by Race</b>				
Total		8,720	100%	766
Population Reporting One Race		8,406	96%	1,933
White		6,400	73%	641
Black		163	2%	195
American Indian		817	9%	340
Asian		41	0%	243
Pacific Islander		37	0%	60
Some Other Race		948	11%	454
Population Reporting Two or More Races		315	4%	216
Total Hispanic Population		2,423	28%	471
Total Non-Hispanic Population		6,297		
White Alone		5,116	59%	638
Black Alone		17	0%	23
American Indian Alone		781	9%	340
Non-Hispanic Asian Alone		14	0%	46
Pacific Islander Alone		37	0%	60
Other Race Alone		131	1%	134
Two or More Races Alone		200	2%	216
<b>Population by Sex</b>				
Male		3,874	44%	365
Female		4,846	56%	510
<b>Population by Age</b>				
Age 0-4		791	9%	208
Age 0-17		2,365	27%	258
Age 18+		6,355	73%	570
Age 65+		1,062	12%	129

**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) 2016 - 2020

Location: User-specified point center at 36.855337, -108.062955

Ring (buffer): 4-miles radius

Description: DP-1879

	2016 - 2020 ACS Estimates	Percent	MOE (±)
<b>Population 25+ by Educational Attainment</b>			
Total	5,860	100%	667
Less than 9th Grade	110	2%	64
9th - 12th Grade, No Diploma	533	9%	175
High School Graduate	1,931	33%	376
Some College, No Degree	1,988	34%	343
Associate Degree	573	10%	96
Bachelor's Degree or more	724	12%	98
<b>Population Age 5+ Years by Ability to Speak English</b>			
Total	7,929	100%	764
Speak only English	6,691	84%	660
Non-English at Home <sup>1+2+3+4</sup>	1,238	16%	311
<sup>1</sup> Speak English "very well"	786	10%	229
<sup>2</sup> Speak English "well"	431	5%	295
<sup>3</sup> Speak English "not well"	21	0%	26
<sup>4</sup> Speak English "not at all"	0	0%	13
<sup>3+4</sup> Speak English "less than well"	21	0%	26
<sup>2+3+4</sup> Speak English "less than very well"	452	6%	295
<b>Linguistically Isolated Households*</b>			
Total	121	100%	91
Speak Spanish	80	66%	90
Speak Other Indo-European Languages	0	0%	13
Speak Asian-Pacific Island Languages	0	0%	13
Speak Other Languages	41	34%	46
<b>Households by Household Income</b>			
Household Income Base	3,137	100%	327
< \$15,000	177	6%	109
\$15,000 - \$25,000	513	16%	149
\$25,000 - \$50,000	1,063	34%	335
\$50,000 - \$75,000	545	17%	102
\$75,000 +	839	27%	142
<b>Occupied Housing Units by Tenure</b>			
Total	3,137	100%	327
Owner Occupied	2,312	74%	311
Renter Occupied	824	26%	117
<b>Employed Population Age 16+ Years</b>			
Total	6,596	100%	680
In Labor Force	3,550	54%	340
Civilian Unemployed in Labor Force	136	2%	139
Not In Labor Force	3,046	46%	421

**Data Note:** Detail may not sum to totals due to rounding. Hispanic population can be of anyrace.

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 point center at 36.855337, -108.062955

Ring (buffer): 4-miles radius

Description: DP-1879

	2016 - 2020 ACS Estimates	Percent	MOE (±)
<b>Population by Language Spoken at Home*</b>			
Total (persons age 5 and above)	8,055	100%	864
English	6,865	85%	730
Spanish	912	11%	443
French, Haitian, or Cajun	5	0%	32
German or other West Germanic	0	0%	13
Russian, Polish, or Other Slavic	0	0%	13
Other Indo-European	6	0%	32
Korean	0	0%	13
Chinese (including Mandarin, Cantonese)	0	0%	13
Vietnamese	0	0%	13
Tagalog (including Filipino)	1	0%	13
Other Asian and Pacific Island	18	0%	24
Arabic	0	0%	13
Other and Unspecified	248	3%	278
Total Non-English	1,190	15%	1,131

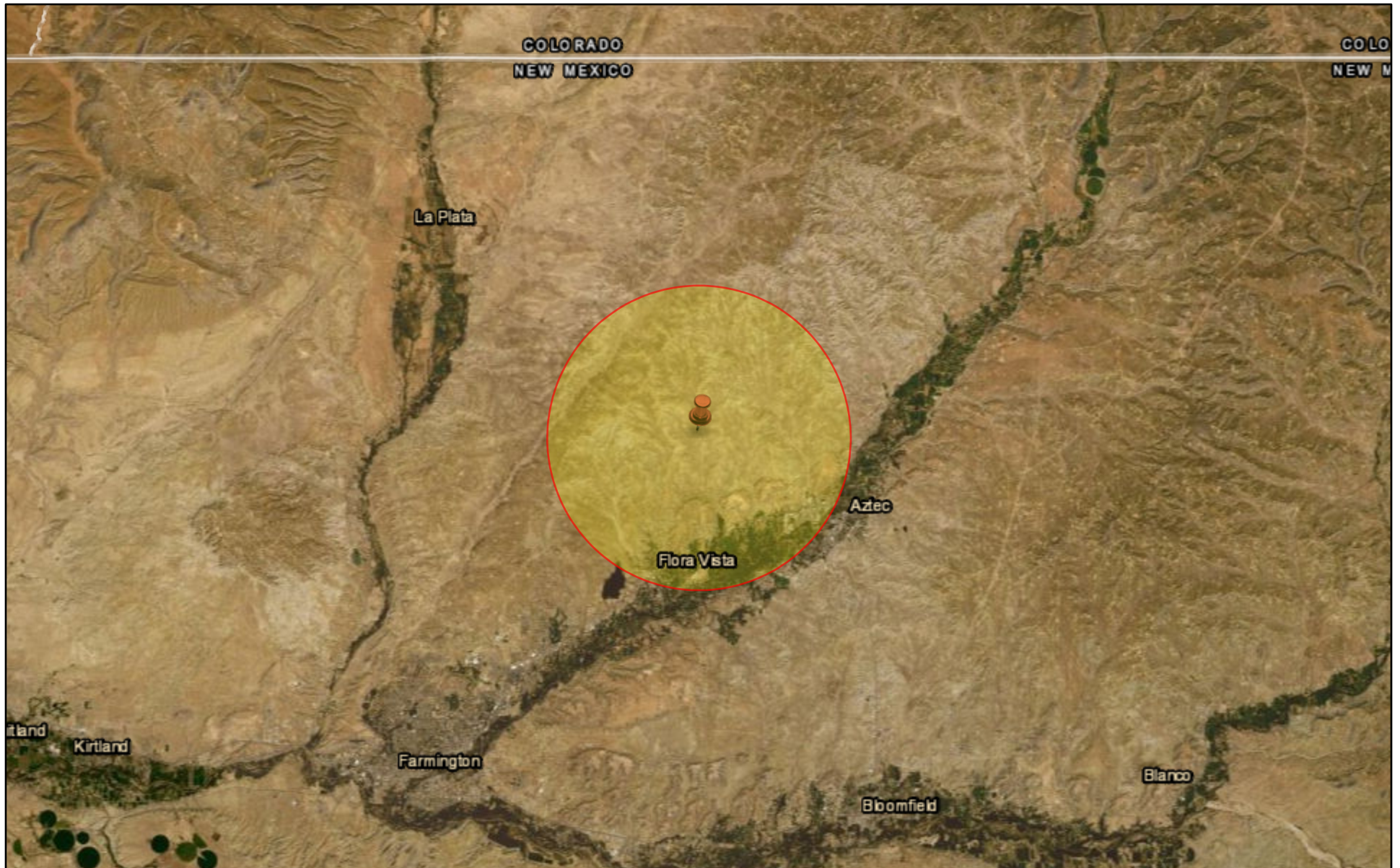
**Data Note:** Detail may not sum to totals due to rounding. Hispanic population can be of any race.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2016 - 2020.

\*Population by Language Spoken at Home is available at the census tract summary level and up.



DP-1879



10/24/2022



DP-1879

