



NEW MEXICO ENVIRONMENT DEPARTMENT
Surface Water Quality Bureau

Limited English Proficiency (LEP) Analysis
for
NPDES Permit No. NM0028762
City of Aztec Water Treatment Plant

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APPROVAL PAGE

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Limited English Proficiency (LEP) Analysis for NPDES Permit No. NM0028762

City of Aztec – Water Treatment Plant

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 EPA EJSCREEN, an environmental justice screening and mapping tool, available on-line at <https://www.epa.gov/ejscreen>. EJSCREEN is based on nationally consistent data and an approach that combines environmental and demographic indicators in maps and reports. Users choose the geographic area of interest by indicating a point, line or polygon on the map; users may also choose to select a “buffer” area (up to 10 miles) around the point, line or polygon to better capture the affected community. EJSCREEN then provides a report that describes demographic and environmental information for that area, with or without an assigned buffer.

The 2014-2018 ACS Report link in EJSCREEN provides a report with U.S. Census Bureau American Community Survey (ACS) data in PDF format. The U.S. Census Bureau collects data through the ACS 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 2014-2018 ACS, through EJSCREEN, provided quantitative information regarding LEP populations for this analysis.

Summary of Site-Specific EJSCREEN Inputs

- Community of Concern = City of Aztec
- Buffer = 1 -mile radius to include the urban area

The 2014-2018 ACS Report indicates that the total population of the area-of-interest near City of Aztec Water Treatment Plant (WTP) is 1,929. Of that, 14% of the population age 5 and older, or 255 individuals, speaks a language other than English at home. Of these individuals, 23 speak English “less than very well.” Furthermore, the Aztec area reports 4 linguistically isolated households that speak only Spanish.

The Bureau reviewed the administrative record and found that, historically, there has been no LEP participation regarding the City of Aztec WTP NPDES permit NM0028762. It does not appear from the facility’s permit file that extensive public participation has been warranted in the past and there is record of LEP individuals participating in the permit process in the past permit renewal cycle. Interested parties can request a public meeting or public hearing

from EPA, but there is no record in NMED's files of EPA conducting public meetings related to this permit. There is also no record of individuals needing specific accessibility accommodations.

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

The Aztec Water Treatment Plant supplies drinking water for the City of Aztec. An identifier of not frequent is being assigned because Aztec Water Treatment Plant is north of the City and discharges to an irrigation ditch named Lower Animas Ditch; thence to the Animas River in Waterbody Segment No.20.6.4.403 of the San Juan River Basin.

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) §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 Animas River are protected and water quality criteria are met.

Providing water treatment services to the Aztec area is important as the primary source of drinking water.

4. 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.

LEP Plan for Aztec Water Treatment Plant, NPDES Permit No. NM0028762

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 NMED Public Participation Policy 07-13 by NMED's Surface Water Quality Bureau (Bureau), Point Source Regulation Section (PSRS).

This analysis was initiated and conducted after the Bureau received a National Pollutant Discharge Elimination System (NPDES) application to discharge to Waters of the United States that was determined to be administratively complete by the United States Environmental Protection Agency (EPA). The Bureau anticipates that a joint EPA and NMED Public Notice will be published by EPA announcing a public comment period and requirement for State of New Mexico certification or denial of a 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.

Due to the COVID-19 pandemic and health emergency, the Bureau will not provide hardcopies and other information at post offices, community centers, public libraries, or other repositories at this time.

Determination

The area-of-interest near the Aztec Water Treatment Plant has a total population of 1,929 people within a 1-mile radius. Of that, 14 % (255 individuals) speaks a language other than English at home, with approximately 23 speaking English "less than very well." Furthermore, the Aztec Water Treatment Plant area reports 4 linguistically isolated households.

Based on a balanced evaluation of the four factors described above, the assessment does not indicate that additional language assistance (interpretation or translation services) or outreach are needed for this activity, at this time. Outreach materials will include information on how LEP persons or persons with disabilities can obtain assistance. Public participation activities that are provided by the Bureau for all certifications or denials of an NPDES Draft Permit in accordance with federal Clean Water Act Section 401 appear sufficient. If additional information or data are acquired that indicate translation or interpretation services are needed, the Bureau will implement expanded outreach activities described in the PIP and Factor 4 above. The Bureau has determined that there are adequate resources available within the Department to provide LEP services, if requested or determined necessary.

- If LEP individuals call or come into the Bureau to request information about the Program or Permit, the person in contact with the LEP individual will attempt to find appropriate staff (e.g., Department's interpreter, or see table below) to assist the LEP individual, or will take the LEP person's name and number for follow-up communication.
- If the LEP individual speaks a language other than Spanish, the responding staff will coordinate interpretation services with the Department's interpreter. The Bureau may arrange for on-call telephone interpretation services.

- If an LEP individual provides written comment during the public comment period for consideration in the permit certification, the Bureau will communicate the Certification action to the LEP individual in the preferred language.

Bureau Employees who may be used to field phone calls and in-person interactions, and languages spoken.

SWQB Employee	Language Spoken	Phone Number
Diana Aranda	Spanish	505-946-8666
Emile Sawyer	French, Spanish, German	505-819-9891

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 §401 Certification.
- The Bureau will work with USEPA Region 6 to publish the joint notice of the draft permit's comment period and the state's §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.

Location: User-specified point center at 36.836801, -107.975710

Ring (buffer): 1-miles radius

Description: Aztec WTP

Summary of ACS Estimates		2014 - 2018	
Population			1,929
Population Density (per sq. mile)			675
People of Color Population			635
% People of Color Population			33%
Households			732
Housing Units			869
Housing Units Built Before 1950			73
Per Capita Income			24,719
Land Area (sq. miles) (Source: SF1)			2.86
% Land Area			99%
Water Area (sq. miles) (Source: SF1)			0.04
% Water Area			1%

	2014 - 2018 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	1,929	100%	498
Population Reporting One Race	1,870	97%	787
White	1,697	88%	377
Black	0	0%	12
American Indian	97	5%	277
Asian	3	0%	15
Pacific Islander	0	0%	12
Some Other Race	73	4%	94
Population Reporting Two or More Races	58	3%	68
Total Hispanic Population	502	26%	235
Total Non-Hispanic Population	1,426		
White Alone	1,294	67%	360
Black Alone	0	0%	12
American Indian Alone	97	5%	277
Non-Hispanic Asian Alone	3	0%	15
Pacific Islander Alone	0	0%	12
Other Race Alone	0	0%	12
Two or More Races Alone	32	2%	57
Population by Sex			
Male	892	46%	243
Female	1,036	54%	362
Population by Age			
Age 0-4	114	6%	79
Age 0-17	501	26%	175
Age 18+	1,428	74%	251
Age 65+	368	19%	114

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) 2014 - 2018

Location: User-specified point center at 36.836801, -107.975710

Ring (buffer): 1-miles radius

Description: Aztec WTP

	2014 - 2018 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	1,303	100%	280
Less than 9th Grade	44	3%	55
9th - 12th Grade, No Diploma	115	9%	84
High School Graduate	425	33%	140
Some College, No Degree	536	41%	168
Associate Degree	130	10%	91
Bachelor's Degree or more	182	14%	87
Population Age 5+ Years by Ability to Speak English			
Total	1,815	100%	487
Speak only English	1,559	86%	314
Non-English at Home ¹⁺²⁺³⁺⁴	255	14%	144
¹ Speak English "very well"	232	13%	143
² Speak English "well"	19	1%	24
³ Speak English "not well"	3	0%	18
⁴ Speak English "not at all"	0	0%	12
³⁺⁴ Speak English "less than well"	3	0%	18
²⁺³⁺⁴ Speak English "less than very well"	23	1%	24
Linguistically Isolated Households*			
Total	4	100%	19
Speak Spanish	4	100%	15
Speak Other Indo-European Languages	0	0%	12
Speak Asian-Pacific Island Languages	0	0%	12
Speak Other Languages	0	0%	12
Households by Household Income			
Household Income Base	732	100%	167
< \$15,000	73	10%	84
\$15,000 - \$25,000	82	11%	82
\$25,000 - \$50,000	192	26%	116
\$50,000 - \$75,000	101	14%	81
\$75,000 +	283	39%	113
Occupied Housing Units by Tenure			
Total	732	100%	167
Owner Occupied	605	83%	124
Renter Occupied	126	17%	115
Employed Population Age 16+ Years			
Total	1,493	100%	331
In Labor Force	911	61%	235
Civilian Unemployed in Labor Force	63	4%	67
Not In Labor Force	582	39%	215

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.

EJSCREEN ACS Summary Report



Location: User-specified point center at 36.836801, -107.975710

Ring (buffer): 1-miles radius

Description: Aztec WTP

	2014 - 2018 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	617	100%	452
English	465	75%	326
Spanish	38	6%	158
French	2	0%	12
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%	12
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	0	0%	12
Chinese	0	0%	12
Japanese	N/A	N/A	N/A
Korean	0	0%	12
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	0	0%	12
Other Asian	1	0%	15
Tagalog	0	0%	12
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%	12
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	110	18%	373
Total Non-English	152	25%	557

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) 2014 - 2018.

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