



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



Facility Name: Cunningham Station

Facility Location: 986 State Highway 483
Hobbs, NM
Section 16, 21, & 28, Township 18S, Range 36E

County: Lea County

Responsible Party: Xcel Energy
Dean Metcalf
790 South Buchanan St
Amarillo, TX 79101

Agency: Ground Water Quality Bureau
Pollution Prevention Section

GWQB Action: Permitting - Renewal
DP-1429

Bureau Contact: Avery Young, Environmental Scientist
(505) 827-2909
avery.young@state.nm.us

Main bureau telephone number:
(505) 827-2900

EFFECTIVE DATE: November 20, 2019

REVISION DATE: N/A

/s/ Pamela E. Homer for Steve Pullen

Steve Pullen, Manager
Pollution Prevention Section

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 renewal of the Ground Water Discharge Permit for Cunningham Station. The permit for this facility is referred to as DP-1429.

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 Cunningham Station 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
<p>Application Notice (PN-1) See <i>Table of Mandated Public Involvement Activities</i> at the end of this PIP for details.</p>	<p align="center">November 2019</p>
<p>Placement of a hardcopy of the PIP in the local NMED office: NMED Hobbs Field Office 2120 N. Alto Hobbs, NM 88240 Phone (575) 397-6910</p>	<p align="center">November 2019</p>
<p>Notice of availability of draft permit (PN-2) See <i>Table of Mandated Public Involvement Activities</i>.</p>	<p align="center">Within 60 days of determining the application is technically complete. Date to be determined.</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 discharge permit is:
 Avery Young, Environmental Scientist
 NMED Ground Water Quality Bureau
 P.O. Box 5469, Santa Fe, NM 87502-5469
 (505) 827-2909/avery.young@state.nm.us

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 disabled individuals 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 hearing-impaired callers can contact the Bureau and ask questions about the activity or proceeding: Toll-free numbers are available for TDD or TTY users to access the New Mexico Relay network (for deaf or hearing-impaired callers), 1-800-659-1779; 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/gwqb/public-notice/>

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 15-mile radius the discharge site in order to include Hobbs, NM. 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	54,600
Total number of households	16,864
Percentage minority population	65%
Percentage Hispanic population	58%
Percentage of the population by race	Population reporting one race: White:86% Black:4% American Indian:1% Asian:0% Pacific Islander:0% Some Other Race:6%
Total number of persons greater than the age of five who speak English “less than very well”	6,766
Percentage of persons greater than the age of five who speak English “less than very well”	14%
Total number of linguistically isolated households	1,204
Percentage of linguistically isolated households (Total number of linguistically isolated households ÷ total number of households) X 100	7.1%
Languages by percentage in linguistically isolated households	Spanish:98% Other Indo-European languages: 0% Asian-Pacific Island languages:1% Other languages:1%
Percent linguistically isolated population, New Mexico*:	5.4%
Per capita income	\$24,102
Per capita income, USA**	\$29,979

* U.S. Census Bureau. 2011-2015 American Community Survey 5-Year Estimates, Table S1602. Limited English Speaking Households. https://factfinder.census.gov/bkmk/table/1.0/en/ACS/15_5YR/S1602/0400000US35 (date of access: 7/26/2018).

** U.S. Census Bureau. 2015 American Community Survey 1-Year Estimates, Table S0201. Selected Population Profile in the United States. https://factfinder.census.gov/bkmk/table/1.0/en/ACS/15_1YR/S0201/0100000US (date of access: 7/26/2018).

The EJSscreen 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., radio broadcasts, 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): Hobbs News Sun – Lea County

Local, state, and federal government agencies, tribal entities, and land grant officials 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:

<http://www.iad.state.nm.us/apaches.html>

<http://www.iad.state.nm.us/navajo.html>

<http://www.iad.state.nm.us/pueblos.html>

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.

Attachments

- LEP Assessment
- 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"> • Newspaper display ads (PN-1 synopsis¹ in English and Spanish)- Applicant obligation • NMED website https://www.env.nm.gov/qwqb/public-notice/ • Notice to government agencies • Notice to interested parties 	<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"> • NMED website https://www.env.nm.gov/qwqb/public-notice/ • Newspaper legal ads • Notification of interested parties • Notice to government agencies • Notice to Indian Tribes, Pueblos and Nations 	<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"> • NMED website https://www.env.nm.gov/qwqb/public-notice/ • Newspapers • Notice to interested parties • Notice to government agencies • Notice to Indian Tribes, Pueblos and Nations 	<p>Notice of the hearing shall occur at least 30 days prior to the hearing.</p>

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.

Limited English Proficiency (LEP) Assessment

Facility: Cunningham Station, DP-1429

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 number of LEP individuals (persons over the age of 5 who speak English “less than very well” in the affected community) is 6,766.
2. The percentage of LEP individuals in the affected community is 14%.
3. The percentage of linguistically isolated households is 7.1%, which is somewhat greater than the statewide average.
4. Spanish is the predominant non-English language spoken by LEP persons.
5. Historical participation: The Bureau maintains a facility-specific mailing list. The current mailing list for the facility consists of only one entity, the State Land Office. 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 and utilizes a phone interpretation service to assist during direct communication between LEP individuals and NMED staff. The costs of newspaper publication of public notice in languages other than English 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.
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.

Location: User-specified polygonal location
 Ring (buffer): 15-mile radius
 Description: Cunningham Station

Summary of ACS Estimates		2012 - 2016
Population		54,600
Population Density (per sq. mile)		110
Minority Population		35,237
% Minority		65%
Households		16,864
Housing Units		19,716
Housing Units Built Before 1950		1,639
Per Capita Income		24,102
Land Area (sq. miles) (Source: SF1)		498.36
% Land Area		100%
Water Area (sq. miles) (Source: SF1)		0.33
% Water Area		0%

	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	54,600	100%	598
Population Reporting One Race	53,083	97%	1,536
White	47,158	86%	628
Black	2,258	4%	276
American Indian	455	1%	95
Asian	90	0%	68
Pacific Islander	31	0%	32
Some Other Race	3,091	6%	437
Population Reporting Two or More Races	1,517	3%	325
Total Hispanic Population	31,402	58%	695
Total Non-Hispanic Population	23,198		
White Alone	19,363	35%	408
Black Alone	2,161	4%	276
American Indian Alone	398	1%	92
Non-Hispanic Asian Alone	90	0%	68
Pacific Islander Alone	22	0%	32
Other Race Alone	128	0%	82
Two or More Races Alone	1,036	2%	185
Population by Sex			
Male	27,986	51%	485
Female	26,615	49%	464
Population by Age			
Age 0-4	4,749	9%	222
Age 0-17	16,546	30%	428
Age 18+	38,054	70%	524
Age 65+	5,656	10%	215

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) 2012 - 2016.

Location: User-specified polygonal location
 Ring (buffer): 15-mile radius
 Description: Cunningham Station

	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	32,421	100%	396
Less than 9th Grade	4,297	13%	203
9th - 12th Grade, No Diploma	5,016	15%	181
High School Graduate	9,746	30%	325
Some College, No Degree	9,038	28%	335
Associate Degree	2,366	7%	163
Bachelor's Degree or more	4,324	13%	213
Population Age 5+ Years by Ability to Speak English			
Total	49,851	100%	563
Speak only English	28,717	58%	586
Non-English at Home ¹⁺²⁺³⁺⁴	21,134	42%	461
¹ Speak English "very well"	14,368	29%	388
² Speak English "well"	2,956	6%	172
³ Speak English "not well"	2,843	6%	239
⁴ Speak English "not at all"	967	2%	119
³⁺⁴ Speak English "less than well"	3,810	8%	246
²⁺³⁺⁴ Speak English "less than very well"	6,766	14%	290
Linguistically Isolated Households*			
Total	1,204	100%	107
Speak Spanish	1,176	98%	106
Speak Other Indo-European Languages	5	0%	16
Speak Asian-Pacific Island Languages	10	1%	16
Speak Other Languages	13	1%	22
Households by Household Income			
Household Income Base	16,864	100%	209
< \$15,000	2,339	14%	160
\$15,000 - \$25,000	1,633	10%	153
\$25,000 - \$50,000	3,366	20%	146
\$50,000 - \$75,000	3,233	19%	202
\$75,000 +	6,294	37%	224
Occupied Housing Units by Tenure			
Total	16,864	100%	209
Owner Occupied	11,401	68%	207
Renter Occupied	5,464	32%	224
Employed Population Age 16+ Years			
Total	39,548	100%	436
In Labor Force	24,241	61%	395
Civilian Unemployed in Labor Force	1,656	4%	132
Not In Labor Force	15,307	39%	286

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)

*Households in which no one 14 and over speaks English "very well" or speaks English only.

Location: User-specified polygonal location

Ring (buffer): 15-mile radius

Description: Cunningham Station

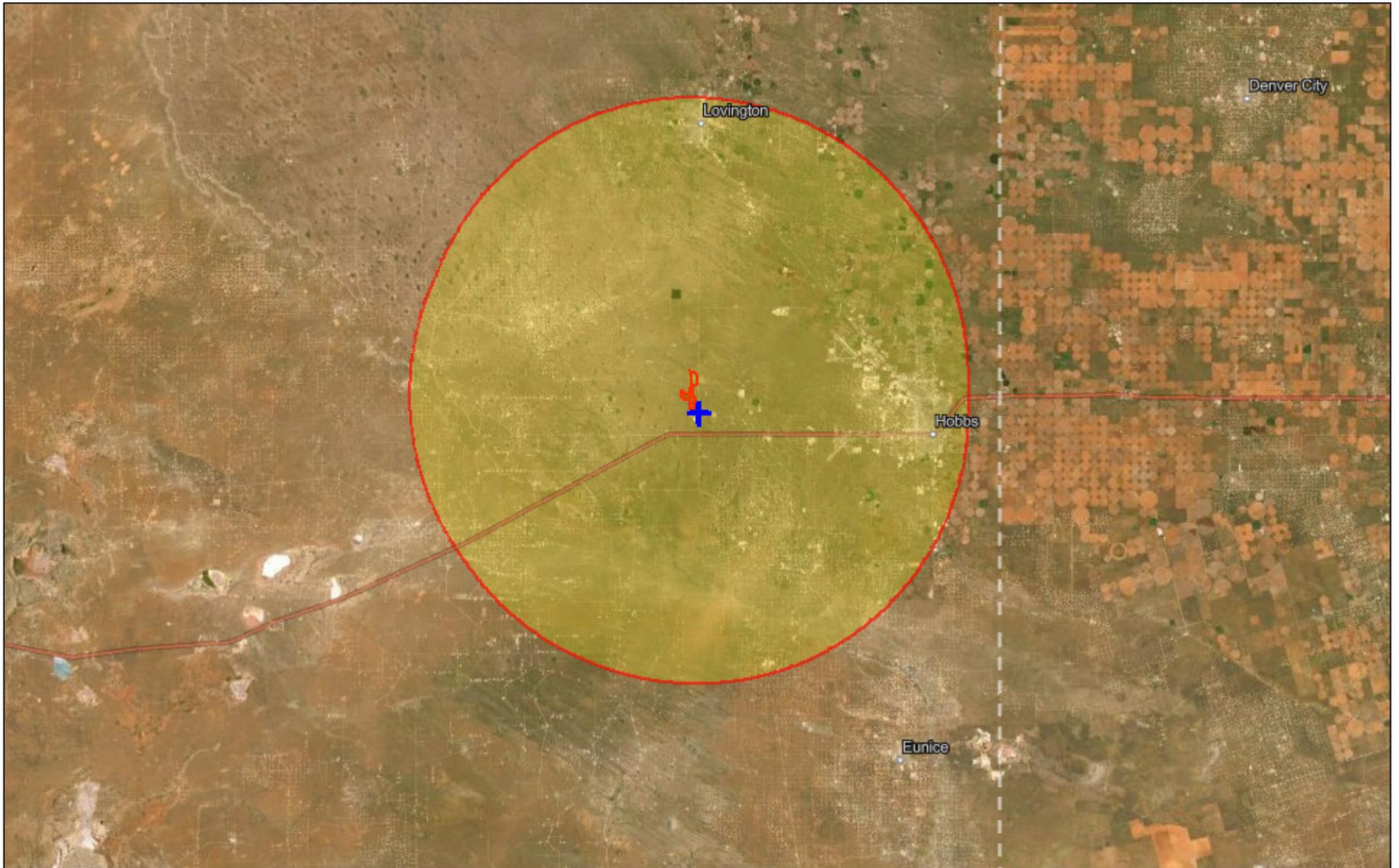
	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	49,851	100%	563
English	28,717	58%	688
Spanish	20,609	41%	553
French	100	0%	68
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	77	0%	48
Yiddish	N/A	N/A	N/A
Other 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	80	0%	68
Chinese	9	0%	16
Japanese	N/A	N/A	N/A
Korean	0	0%	16
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%	16
Other Asian	19	0%	16
Tagalog	0	0%	16
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	31	0%	44
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	209	0%	33
Total Non-English	21,134	42%	889

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) 2012 - 2016.

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

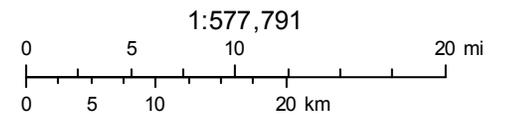
Cunningham Station



November 1, 2019

 Buffer Area

 Digitized Polygon



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community