NEW MEXICO ENVIRONMENT DEPARTMENT
GROUND WATER QUALITY BUREAU

PUBLIC INVOLVEMENT PLAN
(PIP)

Facility Name:	Brand West Dairy
Facility Location:	133 Longview Road Lovington, NM Sections 10, 14, 15, and 23, Township 16S, Range 37E
County:	Lea
Responsible Party:	Frank Brand PO Box 11 Energy, TX 76452
Agency:	Ground Water Quality Bureau Agriculture Compliance Section
GWQB Action:	Permitting - Renewal DP-1323
Bureau Contact:	Sarah Schnell, Geoscientist (505) 222-9520 sarah.schnell@state.nm.us Main bureau telephone number: (505) 827-2900

EFFECTIVE DATE: December 6, 2019

REVISION DATE: N/A

/s/ Nancy McDuffie for

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Michelle Hunter
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 renewal of the Ground Water Discharge Permit for Brand West Dairy. The permit for this facility is referred to as DP-1323.

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 Brand West Dairy 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.	November 2019
Placement of a hardcopy of the PIP in the local NMED office: Hobbs Field Office 2120 N. Alto Hobbs, NM 88240 (575) 397-6910	December 2019
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. December 2019

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:

Sarah Schnell, Geoscientist
NMED Ground Water Quality Bureau
P.O. Box 5469, Santa Fe, NM 87502-5469
505-222-9520 / sarah.schnell@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 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	448
Total number of households	140
Percentage minority population	44%
Percentage Hispanic population	43%
Percentage of the population by race	Population reporting one race: White: ..... 83% Black: ..... 0% American Indian: ..... 0% Asian: ..... 0% Pacific Islander: ..... 0% Some Other Race: 12%
Total number of persons greater than the age of five who speak English "less than very well"	34
Percentage of persons greater than the age of five who speak English "less than very well"	8%
Total number of linguistically isolated households	0
Percentage of linguistically isolated households (Total number of linguistically isolated households ÷ total number of households) X 100	0%
Languages by percentage in linguistically isolated households	Spanish: 0%
Percent linguistically isolated population, New Mexico*:	5.4%
Per capita income	$34,531
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 EJSCREEN results indicate that for the affected community the proportion of the population with limited English proficiency (LEP) is not significant.

Even though the affected community does not have 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,.

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

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

- A copy of the EJSCREEN ACS Summary 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/gwqb/public-notice/* • 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/gwqb/public-notice/* • 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.
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. • NMED website *https://www.env.nm.gov/gwqb/public-notice/* • Newspapers • Notice to interested parties • Notice to government agencies • Notice to Indian Tribes, Pueblos and Nations	Notice of the hearing shall occur at least 30 days prior to the hearing.

[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.

EJSCREEN ACS Summary Report

Location: User-specified point center at 32.924489, -103.235666
Ring (buffer): 4-mile radius
Description: Brand West Dairy 2 DP-1323

Summary of ACS Estimates	2012 - 2016
Population	448
Population Density (per sq. mile)	7
Minority Population	196
% Minority	44%
Households	140
Housing Units	149
Housing Units Built Before 1950	13
Per Capita Income	34,531
Land Area (sq. miles) (Source: SF1)	60.84
% Land Area	100%
Water Area (sq. miles) (Source: SF1)	0.11
% Water Area	0%

	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	448	100%	319
Population Reporting One Race	422	94%	461
White	370	83%	246
Black	0	0%	11
American Indian	0	0%	11
Asian	0	0%	11
Pacific Islander	0	0%	11
Some Other Race	52	12%	171
Population Reporting Two or More Races	25	6%	63
Total Hispanic Population	193	43%	252
Total Non-Hispanic Population	254		
White Alone	252	56%	217
Black Alone	0	0%	11
American Indian Alone	0	0%	11
Non-Hispanic Asian Alone	0	0%	11
Pacific Islander Alone	0	0%	11
Other Race Alone	0	0%	11
Two or More Races Alone	2	1%	9
Population by Sex			
Male	234	52%	171
Female	213	48%	166
Population by Age			
Age 0-4	8	2%	27
Age 0-17	151	34%	127
Age 18+	296	66%	164
Age 65+	35	8%	43

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 .

EJSCREEN ACS Summary Report

Location: User-specified point center at 32.924489, -103.235666
Ring (buffer): 4-mile radius
Description: Brand West Dairy 2 DP-1323

	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	287	100%	181
Less than 9th Grade	10	4%	30
9th - 12th Grade, No Diploma	47	16%	67
High School Graduate	91	32%	89
Some College, No Degree	73	26%	82
Associate Degree	8	3%	32
Bachelor's Degree or more	66	23%	84
Population Age 5+ Years by Ability to Speak English			
Total	440	100%	317
Speak only English	270	61%	181
Non-English at Home[1+2+3+4]	169	39%	177
[1]Speak English "very well"	136	31%	166
[2]Speak English "well"	24	6%	44
[3]Speak English "not well"	9	2%	22
[4]Speak English "not at all"	0	0%	11
[3+4]Speak English "less than well"	9	2%	22
[2+3+4]Speak English "less than very well"	34	8%	48
Linguistically Isolated Households*			
Total	0	0%	11
Speak Spanish	0	0%	11
Speak Other Indo-European Languages	0	0%	11
Speak Asian-Pacific Island Languages	0	0%	11
Speak Other Languages	0	0%	11
Households by Household Income			
Household Income Base	140	100%	82
< $15,000	13	9%	26
$15,000 - $25,000	11	8%	33
$25,000 - $50,000	30	22%	52
$50,000 - $75,000	16	11%	43
$75,000 +	70	50%	84
Occupied Housing Units by Tenure			
Total	140	100%	82
Owner Occupied	96	69%	67
Renter Occupied	43	31%	72
Employed Population Age 16+ Years			
Total	332	100%	214
In Labor Force	226	68%	185
Civilian Unemployed in Labor Force	0	0%	11
Not In Labor Force	106	32%	81

Data Note: Datail 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.

EJSCREEN ACS Summary Report

Location: User-specified point center at 32.924489, -103.235666
Ring (buffer): 4-mile radius
Description: Brand West Dairy 2 DP-1323

	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	1,134	100%	384
English	696	61%	288
Spanish	424	37%	346
French	0	0%	11
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	13	1%	53
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%	11
Chinese	0	0%	11
Japanese	N/A	N/A	N/A
Korean	0	0%	11
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%	11
Other Asian	0	0%	11
Tagalog	0	0%	11
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%	11
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	0	0%	11
Total Non-English	437	39%	480

Data Note: Detail may not sum to totals due to rounding. Hispanic popultion 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.

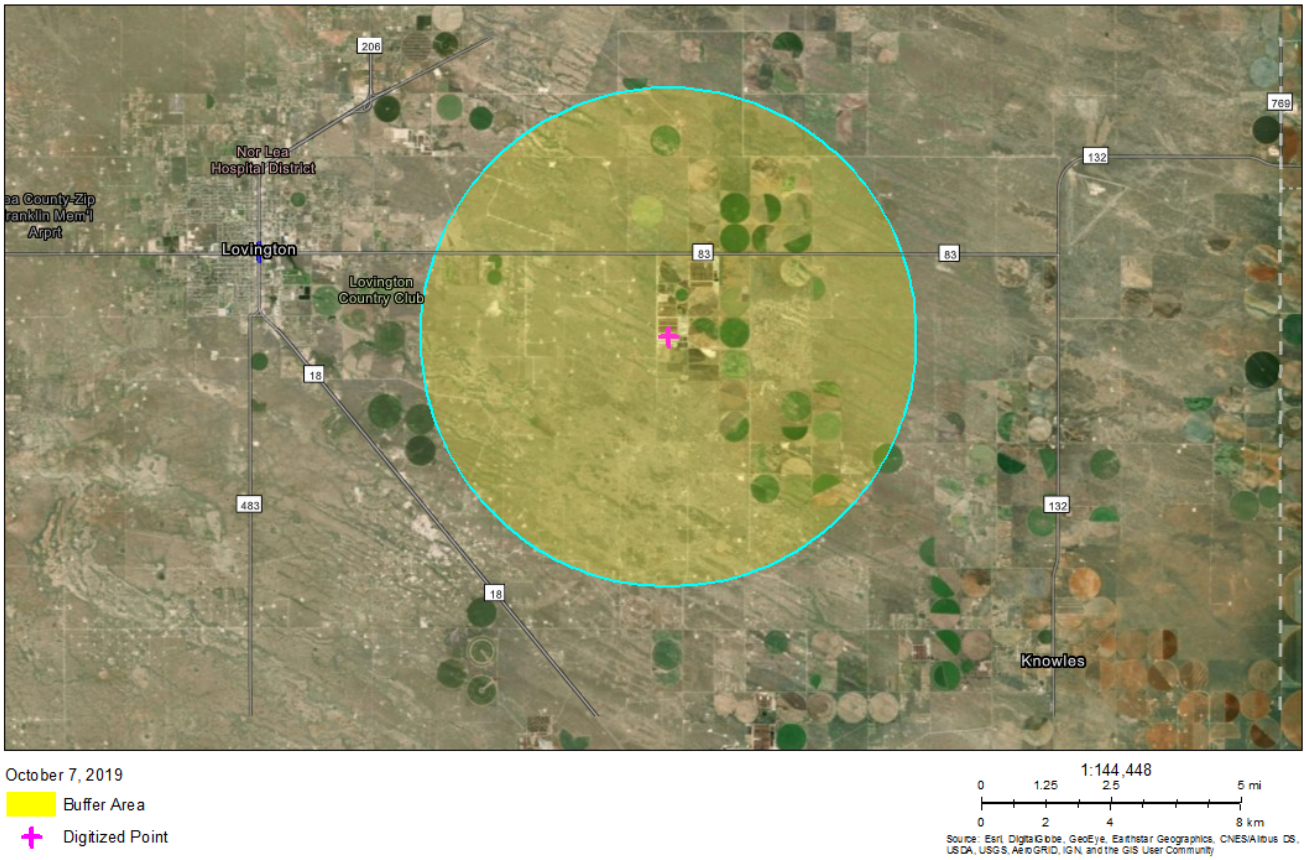
EJSCREEN Report (Version 2018)

4 mile Ring Centered at 32.924570,-103.234871, NEW MEXICO, EPA Region 6

Approximate Population: 448

Input Area (sq. miles): 50.26

Brand West Dairy 2



Sites reporting to EPA	
Superfund NPL	0
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	0