NEW MEXICO ENVIRONMENT DEPARTMENT
GROUND WATER QUALITY BUREAU

PUBLIC INVOLVEMENT PLAN
(PIP)

Facility Name:	R-Qubed Energy, Inc
Facility Location:	13805 Stern Drive Mesquite, NM Sections 5 & 6, Township 25S, Range 03E
County:	Doña Ana
Responsible Party:	Ken Foster, Managing Director PO Box 628, Mesquite, NM 88048
Agency:	Ground Water Quality Bureau Agriculture Compliance Section
GWQB Action:	Permitting – Renewal & Modification DP-86
Bureau Contact:	Matthew Smith, Geoscientist (505) 827-2797 Matthew.smith3@state.nm.us Main bureau telephone number: (505) 827-2900

EFFECTIVE DATE: July 17, 2019

REVISION DATE: December 16, 2019

/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 a Ground Water Discharge Permit renewal and modification of the Ground Water Discharge Permit for R-Qubed Energy, Inc. The permit for this facility is referred to as DP-86.

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).

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.	January 2018
Placement of a hardcopy of the PIP in the local NMED office: Las Cruces Field Office 2301 Entrada Del Sol Las Cruces, NM 88001 Phone (575)-288-2050	July 2019
Notice of availability of draft permit (PN-2) See *Table of Mandated Public Involvement Activities*.	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:

Matthew Smith, Geoscientist
NMED Ground Water Quality Bureau
P.O. Box 5469, Santa Fe, NM 87502-5469
Matthew.smith3@state.nm.us
(505) 827-2797

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	6,972
Total number of households	2,404
Percentage minority population	87%
Percentage Hispanic population	86%
Percentage of the population by race	Population reporting one race: White: ..... 92% Black: ..... 0% American Indian: ..... 1% Asian: ..... 0% Pacific Islander: ..... 0% Some Other Race: 5%
Total number of persons greater than the age of five who speak English "less than very well"	1,437
Percentage of persons greater than the age of five who speak English "less than very well"	22%
Total number of linguistically isolated households	408
Percentage of linguistically isolated households (Total number of linguistically isolated households ÷ total number of households X 100)	17%
Languages by percentage in linguistically isolated households	Spanish: .....97% Asian-Pacific Island languages: .....1% Other languages: 2%
Percent linguistically isolated population, New Mexico*:	5.4%
Per capita income	$21,290
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 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): Las Cruces Sun – Doña Ana 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
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 • Signs (PN-1 synopsis[1] in English and Spanish) - Applicant obligation • Mailings to owners of nearby properties - Applicant obligation • Newspaper display ads (PN-1 synopsis 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.

Limited English Proficiency (LEP) Assessment

Facility: R-Qubed Energy, Inc, DP-86

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 1,437.
2. The percentage of LEP individuals in the affected community is 22%. (from Table)
3. The percentage of linguistically isolated households is 17%, which is significantly 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 includes 16 persons or entities. 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:

Although LEP participation has been limited, given the demographics of the area and the considerable overall public interest in this facility, the Bureau considers the potential for LEP contact with the permitting process to be "occasional".

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 Spanish 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 and publish in a paper serving the local community.
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.

EJSCREEN ACS Summary Report

Location: User-specified point center at 32.159701, -106.663730
Ring (buffer): 4-mile radius
Description: DP-86

Summary of ACS Estimates	2012 - 2016
Population	6,972
Population Density (per sq. mile)	139
Minority Population	6,071
% Minority	87%
Households	2,404
Housing Units	2,669
Housing Units Built Before 1950	289
Per Capita Income	21,290
Land Area (sq. miles) (Source: SF1)	50.22
% Land Area	100%
Water Area (sq. miles) (Source: SF1)	0.22
% Water Area	0%

	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	6,972	100%	665
Population Reporting One Race	6,892	99%	1,158
White	6,420	92%	665
Black	27	0%	58
American Indian	77	1%	130
Asian	12	0%	21
Pacific Islander	0	0%	11
Some Other Race	356	5%	273
Population Reporting Two or More Races	80	1%	69
Total Hispanic Population	5,964	86%	700
Total Non-Hispanic Population	1,008		
White Alone	901	13%	288
Black Alone	13	0%	54
American Indian Alone	40	1%	76
Non-Hispanic Asian Alone	6	0%	14
Pacific Islander Alone	0	0%	11
Other Race Alone	0	0%	11
Two or More Races Alone	48	1%	45
Population by Sex			
Male	3,499	50%	433
Female	3,473	50%	365
Population by Age			
Age 0-4	330	5%	121
Age 0-17	1,831	26%	280
Age 18+	5,142	74%	331
Age 65+	1,281	18%	211

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 32.159701, -106.663730
Ring (buffer): 4-mile radius
Description: DP-86

	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	4,440	100%	401
Less than 9th Grade	1,327	30%	209
9th - 12th Grade, No Diploma	400	9%	123
High School Graduate	1,082	24%	163
Some College, No Degree	947	21%	167
Associate Degree	293	7%	107
Bachelor's Degree or more	685	15%	187
Population Age 5+ Years by Ability to Speak English			
Total	6,642	100%	665
Speak only English	1,978	30%	284
Non-English at Home[1+2+3+4]	4,665	70%	509
[1]Speak English "very well"	3,227	49%	458
[2]Speak English "well"	380	6%	223
[3]Speak English "not well"	554	8%	156
[4]Speak English "not at all"	504	8%	221
[3+4]Speak English "less than well"	1,058	16%	246
[2+3+4]Speak English "less than very well"	1,437	22%	258
Linguistically Isolated Households*			
Total	408	100%	108
Speak Spanish	394	97%	107
Speak Other Indo-European Languages	0	0%	11
Speak Asian-Pacific Island Languages	5	1%	14
Speak Other Languages	8	2%	62
Households by Household Income			
Household Income Base	2,404	100%	205
< $15,000	397	16%	89
$15,000 - $25,000	415	17%	119
$25,000 - $50,000	863	36%	147
$50,000 - $75,000	313	13%	89
$75,000 +	415	17%	155
Occupied Housing Units by Tenure			
Total	2,404	100%	205
Owner Occupied	1,985	83%	195
Renter Occupied	419	17%	96
Employed Population Age 16+ Years			
Total	5,356	100%	462
In Labor Force	3,348	63%	424
Civilian Unemployed in Labor Force	214	4%	163
Not In Labor Force	2,007	37%	234

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.

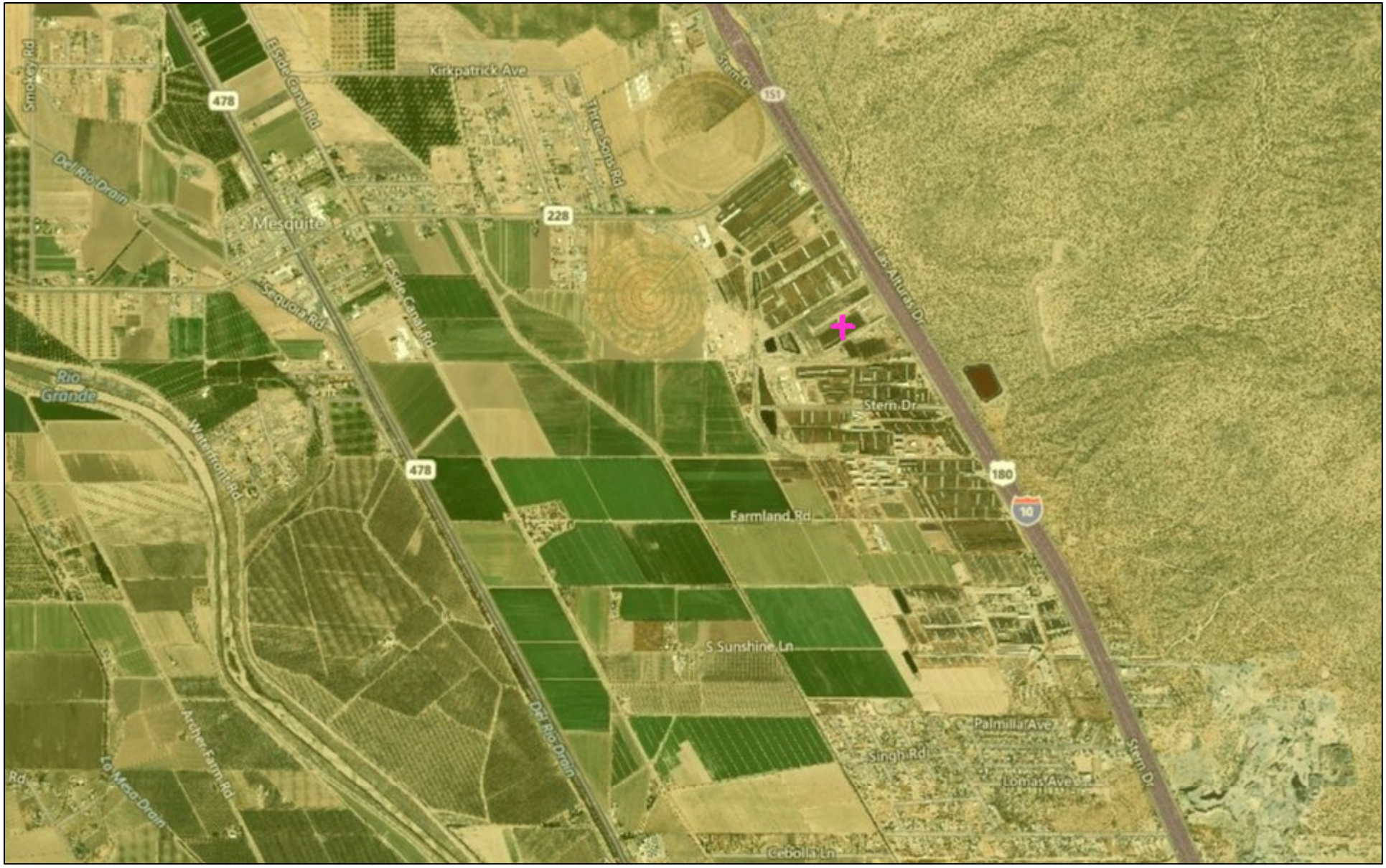
EJSCREEN ACS Summary Report

Location: User-specified point center at 32.159701, -106.663730
Ring (buffer): 4-mile radius
Description: DP-86

	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	7,431	100%	941
English	2,081	28%	516
Spanish	5,218	70%	859
French	0	0%	16
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	9	0%	46
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	1	0%	16
Chinese	5	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	0	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	117	2%	207
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	0	0%	16
Total Non-English	5,349	72%	1,073

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.

DP-86



July 12, 2019

Buffer Area

Digitized Point

1:36,112

0 0.3 0.6 1.2 mi

0 0.5 1 2 km

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