NEW MEXICO ENVIRONMENT DEPARTMENT
GROUND WATER QUALITY BUREAU

PUBLIC INVOLVEMENT PLAN
(PIP)

Facility Name:	Cutter Lateral Water Treatment Plant
Facility Location:	323 Road 7575 Bloomfield, NM 87413 Section 9, Township 25 North, Range 9 West
County:	San Juan
Responsible Party:	U.S. Department of the Interior Bureau of Reclamation 1235 La Plata HWY, Farmington, NM 87401-8754
Agency:	Ground Water Quality Bureau Pollution Prevention Section
GWQB Action:	Permitting - New DP-1892
Bureau Contact:	Avery Young, Geoscientist (505) 827-2909 Avery.Young@state.nm.us Main bureau telephone number: (505) 827-2900

EFFECTIVE DATE: June 26, 2019

REVISION DATE: May 14, 2020

/s/ Jason Herman for Steve Pullen

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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 a Ground Water Discharge Permit for the Cutter Lateral Water Treatment Plant. The permit for this facility is referred to as DP-1892.

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 the Cutter Lateral Water Treatment Plant includes a significant percentage of households with difficulties communicating in English, 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

Activity	Date
Application Notice (PN-1) See *Table of Mandated Public Involvement Activities* at the end of this PIP for details.	June 2019
Placement of a hardcopy of the PIP in the local NMED office: NMED Farmington Office 1800 E. 30th St. Suite B (505) 566-9741	July 2019
Notice of availability of draft permit and fact sheet (PN-2) See *Table of Mandated Public Involvement Activities*.	Within 60 days of determining the application is technically complete. To be determined.

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, Geoscientist
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 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	276
Total number of households	94
Percentage minority population	96%
Percentage Hispanic population	3%
Percentage of the population by race	Population reporting one race: White: .....5% Black: .....0% American Indian: .....93% Asian: .....0% Pacific Islander: .....0% Some Other Race: 0%
Total number of persons greater than the age of five who speak English "less than very well"	61
Percentage of persons greater than the age of five who speak English "less than very well"	24%
Total number of linguistically isolated households	13
Percentage of linguistically isolated households	13.8%
Languages by percentage in linguistically isolated households	Spanish: .....0% Other Indo-European languages:....0% Asian-Pacific Island languages: .....0% Other languages: 100%
Percent linguistically isolated population, New Mexico*:	5.4%
Per capita income	$11,022
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. 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 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 therefore assumes that the majority of the linguistically isolated population is affiliated with the Navajo Nation and the Jicarilla Apache tribe nearby. 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 utilized in the notification process include:

- Statewide circulation: Albuquerque Journal
- Local circulation: Farmington Daily Times – San Juan 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

An email will be sent to the environmental directors or managers of the Navajo Nation Environmental Protection Agency and the Jicarilla Apache Nation because of the proximity of these tribal lands. Emails will also be sent to the following Chapter Governments of the Navajo Nation:

- Huerfano Chapter House

- Nageezi Chapter House

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.

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

- 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) - Applicant obligation • Mailings to owners of nearby properties - Applicant obligation • Newspaper ads (PN-1 synopsis in English)- 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 and fact sheet 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 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: Cutter Lateral Water Treatment Plant, DP-1892

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 61.
2. The percentage of LEP individuals in the affected community is 24%.
3. The percentage of linguistically isolated households is 13.8%, which is significantly greater than the statewide average.
4. The predominant non-English languages spoken by LEP persons are not specified by the EJSCREEN ACS Summary Report results for the affected community. Due to the site's proximity to the Navajo Nation and the Jicarilla Apache Nation and the high percentage of American Indians in the population, the Bureau assumes the predominant non-English languages are Diné and Jicarilla.

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.

Conclusion:

This is a new permit, so there is no record of LEP participation. The Bureau expects 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**

There are no associated costs with emailing Chapter Houses of the Navajo Nation or the Environmental Director of the Jicarilla Apache Nation. The costs of newspaper publication of public notices 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. Notify contacts within the Navajo Nation and Jicarilla Apache tribe in English.
2. Provide interpretive services at any public meeting or public hearing, if requested and feasible.
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 LEP services.

EJSCREEN ACS Summary Report

Location: User-specified point center at 36.410069, -107.793353
Ring (buffer): 4-mile radius
Description: Cutter Lateral WTP

Summary of ACS Estimates	2012 - 2016
Population	276
Population Density (per sq. mile)	5
Minority Population	265
% Minority	96%
Households	94
Housing Units	144
Housing Units Built Before 1950	0
Per Capita Income	11,022
Land Area (sq. miles) (Source: SF1)	50.38
% Land Area	100%
Water Area (sq. miles) (Source: SF1)	0.01
% Water Area	0%

	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	276	100%	247
Population Reporting One Race	269	97%	336
White	12	5%	58
Black	0	0%	11
American Indian	256	93%	234
Asian	0	0%	11
Pacific Islander	0	0%	11
Some Other Race	0	0%	11
Population Reporting Two or More Races	7	3%	86
Total Hispanic Population	7	3%	28
Total Non-Hispanic Population	269		
White Alone	10	4%	54
Black Alone	0	0%	11
American Indian Alone	253	92%	233
Non-Hispanic Asian Alone	0	0%	11
Pacific Islander Alone	0	0%	11
Other Race Alone	0	0%	11
Two or More Races Alone	5	2%	86
Population by Sex			
Male	144	52%	131
Female	132	48%	145
Population by Age			
Age 0-4	20	7%	51
Age 0-17	58	21%	92
Age 18+	217	79%	112
Age 65+	38	14%	39

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 36.410069, -107.793353
Ring (buffer): 4-mile radius
Description: Cutter Lateral WTP

	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	191	100%	123
Less than 9th Grade	26	14%	34
9th - 12th Grade, No Diploma	38	20%	47
High School Graduate	72	38%	75
Some College, No Degree	49	26%	49
Associate Degree	6	3%	16
Bachelor's Degree or more	6	3%	18
Population Age 5+ Years by Ability to Speak English			
Total	256	100%	223
Speak only English	59	23%	137
Non-English at Home[1+2+3+4]	197	77%	115
[1]Speak English "very well"	136	53%	110
[2]Speak English "well"	37	14%	39
[3]Speak English "not well"	17	7%	25
[4]Speak English "not at all"	7	3%	18
[3+4]Speak English "less than well"	24	10%	27
[2+3+4]Speak English "less than very well"	61	24%	46
Linguistically Isolated Households*			
Total	13	100%	24
Speak Spanish	0	0%	11
Speak Other Indo-European Languages	0	0%	11
Speak Asian-Pacific Island Languages	0	0%	11
Speak Other Languages	13	100%	21
Households by Household Income			
Household Income Base	94	100%	46
< $15,000	31	33%	34
$15,000 - $25,000	18	19%	28
$25,000 - $50,000	27	29%	32
$50,000 - $75,000	11	12%	21
$75,000 +	7	8%	27
Occupied Housing Units by Tenure			
Total	94	100%	46
Owner Occupied	84	90%	44
Renter Occupied	10	10%	29
Employed Population Age 16+ Years			
Total	223	100%	166
In Labor Force	119	53%	109
Civilian Unemployed in Labor Force	32	14%	41
Not In Labor Force	104	47%	95

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.

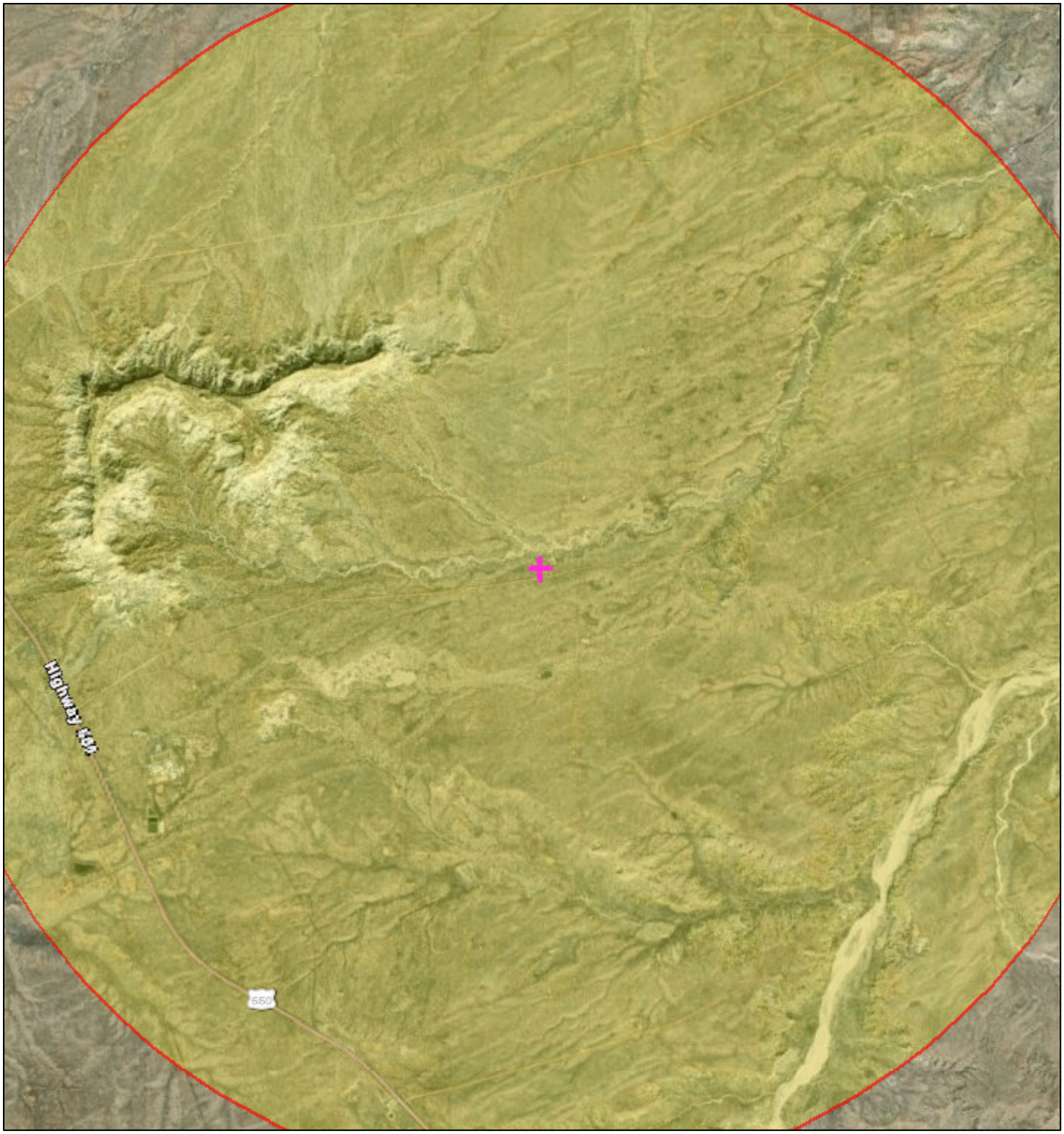
EJSCREEN ACS Summary Report

Location: User-specified point center at 36.410069, -107.793353
Ring (buffer): 4-mile radius
Description: Cutter Lateral WTP

	2012 - 2016 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	737	100%	373
English	323	44%	265
Spanish	20	3%	115
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	7	1%	50
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%	16
Chinese	0	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	2	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	0	0%	16
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	386	52%	257
Total Non-English	414	56%	458

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.

Cutter Lateral WTP, 4 mile



May 30, 2019

1:72,224

0 0.5 1 2 mi

0 1 2 4 km

Buffer Area

Digitized Point

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