NEW MEXICO ENVIRONMENT DEPARTMENT
GROUND WATER QUALITY BUREAU

PUBLIC INVOLVEMENT PLAN
(PIP)

Facility Name:	MGS Custom Cutting
Facility Location:	24 Road 6339 Kirtland, NM 87417 Section 18, T29N, R14W
County:	San Juan
Responsible Party:	Gale Smith, Owner MGS Enterprise Inc. 24 Road 6339 Kirtland, NM 87417
Agency:	Ground Water Quality Bureau Pollution Prevention Section
GWQB Action:	Permitting - New DP-1905
Bureau Contact:	Melanie Sandoval, Environmental Scientist Supervisor (505) 827-2936 melanie.sandoval2@state.nm.us Main bureau telephone number: (505) 827-2900

EFFECTIVE DATE: April 8, 2020

REVISION DATE: June 18, 2020

/s/ Jason Herman for Steve Pullen

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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 for MGS Custom Cutting. The permit for this facility is referred to as DP-1905.

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 2020
Placement of a hardcopy of the PIP in the local NMED office: NMED Farmington Office 1800 E. 30th Street Farmington, NM 87402 (505) 566-9741	April 2020
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. Date 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:

Melanie Sandoval, Environmental Scientist Supervisor
NMED Ground Water Quality Bureau
P.O. Box 5469, Santa Fe, NM 87502-5469
(505) 827-2936 / melanie.sandoval2@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	9,388
Total number of households	2,752
Percentage minority population	77%
Percentage Hispanic population	7%
Percentage of the population by race	Population reporting one race: White: .....26% Black: .....0% American Indian: .....69% Asian: .....1% Pacific Islander: .....0% Some Other Race: 1%
Total number of persons greater than the age of five who speak English "less than very well"	466
Percentage of persons greater than the age of five who speak English "less than very well"	5%
Total number of linguistically isolated households	118
Percentage of linguistically isolated households (Total number of linguistically isolated households ÷ total number of households) X 100	4%
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	$19,320
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).

Based on the EJSCREEN results regarding language proficiencies, the Bureau plans to conduct public outreach in accordance with the *Table of Mandated Public Involvement Activities* at the end of this PIP.

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): 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

Because of the proximity to the Navajo Nation, a courtesy email will be sent to the Navajo Nation Environmental Protection Agency. Emails will also be sent to the following Chapter Governments of the Navajo Nation:

- Nenahnezad: via email at: nenahnezad@navajochapters.org
- Upper Fruitland via email at: upperfruitland@navajochapters.org

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

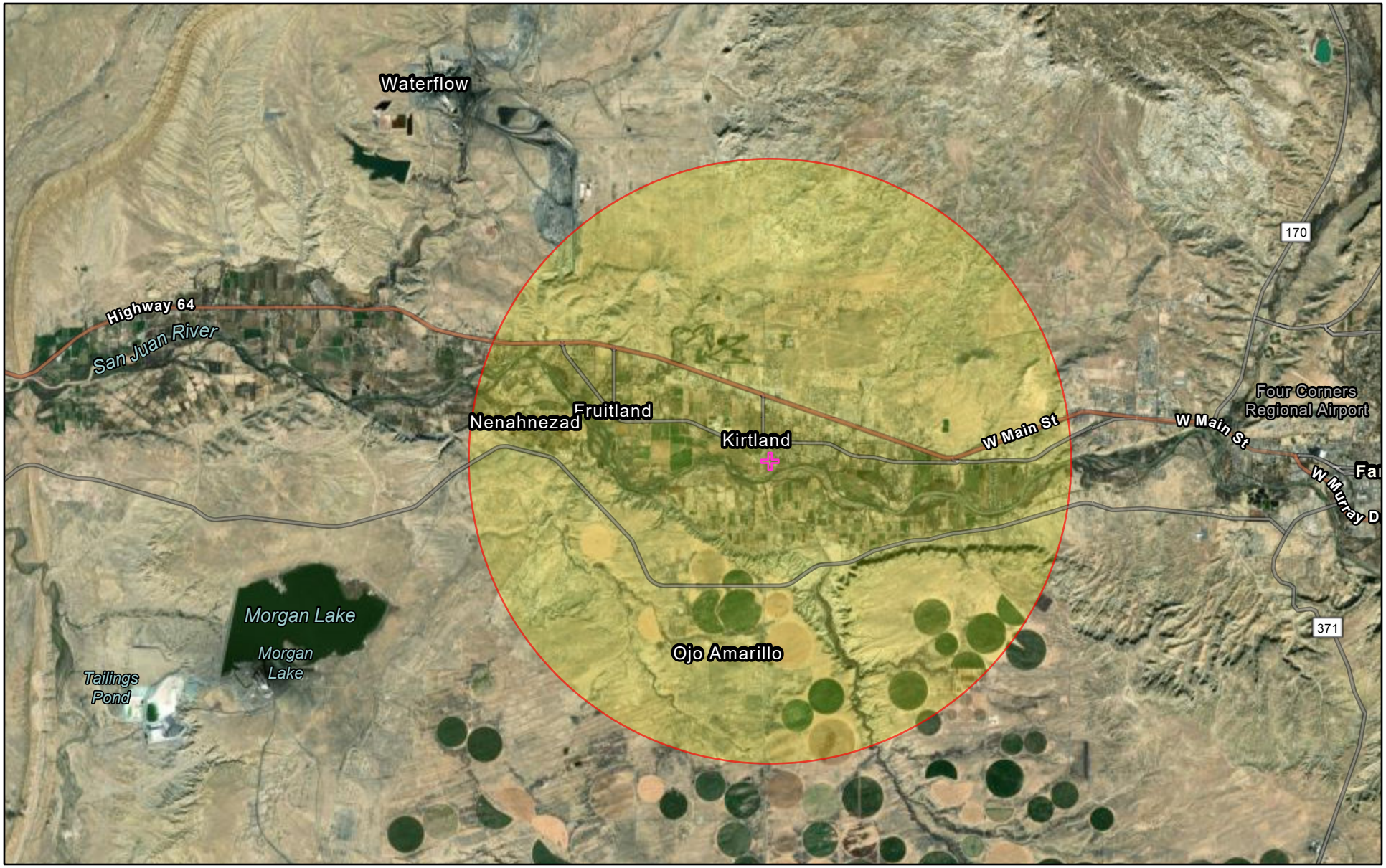
- A copy of the EJSCREEN ACS Summary Report, and a map showing the area evaluated

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.

MGS Custom Cutting, DP-1905



June 19, 2020

MGS Custom Cutting, DP-1905

1:144,448

0 1 2 4 mi

0 1.5 3 6 km

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

EJSCREEN ACS Summary Report

Location: User-specified point center at 36.730660, -108.358055
Ring (buffer): 4-miles radius
Description: DP-1905 MGS Custom Cutting

Summary of ACS Estimates	2013 - 2017
Population	9,388
Population Density (per sq. mile)	212
Minority Population	7,246
% Minority	77%
Households	2,752
Housing Units	3,481
Housing Units Built Before 1950	213
Per Capita Income	19,320
Land Area (sq. miles) (Source: SF1)	44.33
% Land Area	99%
Water Area (sq. miles) (Source: SF1)	0.46
% Water Area	1%

	2013 - 2017 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	9,388	100%	678
Population Reporting One Race	9,121	97%	1,363
White	2,406	26%	319
Black	17	0%	39
American Indian	6,488	69%	708
Asian	93	1%	121
Pacific Islander	0	0%	12
Some Other Race	117	1%	164
Population Reporting Two or More Races	267	3%	179
Total Hispanic Population	675	7%	258
Total Non-Hispanic Population	8,713		
White Alone	2,142	23%	281
Black Alone	16	0%	39
American Indian Alone	6,214	66%	720
Non-Hispanic Asian Alone	93	1%	121
Pacific Islander Alone	0	0%	12
Other Race Alone	0	0%	12
Two or More Races Alone	247	3%	179
Population by Sex			
Male	4,450	47%	283
Female	4,938	53%	566
Population by Age			
Age 0-4	526	6%	111
Age 0-17	2,726	29%	266
Age 18+	6,662	71%	350
Age 65+	1,075	11%	134

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) 2013 - 2017 .

EJSCREEN ACS Summary Report

Location: User-specified point center at 36.730660, -108.358055
Ring (buffer): 4-miles radius
Description: DP-1905 MGS Custom Cutting

	2013 - 2017 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	5,616	100%	438
Less than 9th Grade	378	7%	140
9th - 12th Grade, No Diploma	326	6%	86
High School Graduate	1,817	32%	243
Some College, No Degree	2,439	43%	301
Associate Degree	633	11%	225
Bachelor's Degree or more	656	12%	91
Population Age 5+ Years by Ability to Speak English			
Total	8,862	100%	661
Speak only English	5,632	64%	397
Non-English at Home[1+2+3+4]	3,230	36%	381
[1]Speak English "very well"	2,764	31%	381
[2]Speak English "well"	240	3%	148
[3]Speak English "not well"	206	2%	139
[4]Speak English "not at all"	21	0%	22
[3+4]Speak English "less than well"	226	3%	139
[2+3+4]Speak English "less than very well"	466	5%	159
Linguistically Isolated Households*			
Total	118	100%	84
Speak Spanish	0	0%	31
Speak Other Indo-European Languages	0	0%	12
Speak Asian-Pacific Island Languages	0	0%	12
Speak Other Languages	117	100%	83
Households by Household Income			
Household Income Base	2,752	100%	169
< $15,000	439	16%	107
$15,000 - $25,000	349	13%	92
$25,000 - $50,000	595	22%	112
$50,000 - $75,000	476	17%	89
$75,000 +	893	32%	147
Occupied Housing Units by Tenure			
Total	2,752	100%	169
Owner Occupied	1,995	72%	148
Renter Occupied	757	28%	137
Employed Population Age 16+ Years			
Total	6,971	100%	504
In Labor Force	4,021	58%	409
Civilian Unemployed in Labor Force	506	7%	119
Not In Labor Force	2,950	42%	285

Data Note: Datail may not sum to totals due to rounding. Hispanic population can be of anyrace.
N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS)
*Households in which no one 14 and over speaks English "very well" or speaks English only.

EJSCREEN ACS Summary Report

Location: User-specified point center at 36.730660, -108.358055
Ring (buffer): 4-miles radius
Description: DP-1905 MGS Custom Cutting

	2013 - 2017 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	7,580	100%	826
English	4,908	65%	699
Spanish	82	1%	113
French	0	0%	17
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	0	0%	17
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%	17
Chinese	0	0%	17
Japanese	N/A	N/A	N/A
Korean	6	0%	12
Mon-Khmer, Cambodian	N/A	N/A	N/A
Hmong	N/A	N/A	N/A
Thai	N/A	N/A	N/A
Laotian	N/A	N/A	N/A
Vietnamese	0	0%	17
Other Asian	1	0%	12
Tagalog	65	1%	91
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%	17
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	2,518	33%	552
Total Non-English	2,673	35%	1,082

Data Note: Detail may not sum to totals due to rounding. Hispanic popultion can be of any race.
N/A meansnot available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2013 - 2017.
*Population by Language Spoken at Home is available at the census tract summary level and up.