



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



**Facility Name:** Copper Pointe – Unit A-1 and Unit C

**Facility Location:** 10500 Copper Avenue NE  
Unit A-1 and Unit C  
Albuquerque, NM 87123  
Section 21, Township 10 north, Range 4 east

**County:** Bernalillo

**Applicant:** Hugo Hinojosa  
MW Development LLC  
190 Central Park Sq. #301  
Los Alamos, NM 87544

**Agency:** Ground Water Quality Bureau  
Remediation Oversight Section

**GWQB Action:** Voluntary Remediation Program  
VRP No. 53201001

**Bureau Contact:** Savannah Richards, Project Manager  
(505) 827-3253  
Savannah.richards@state.nm.us

Main bureau telephone number:  
(505) 827-2900

**EFFECTIVE DATE:** 8/4/2020

**REVISION DATE:** TBD

Michelle  
Hunter

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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 Voluntary Remediation Program (VRP) site located at 10500 Copper Avenue NE, Albuquerque, NM 87123 (VRP Site No. 53201001).

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 VRP 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 the VRP
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 Copper Pointe – Unit A1 and Unit C site includes a significant percentage of Spanish speakers, the Bureau will provide appropriate information in both English and Spanish.

Public involvement associated with the VRP 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 VRP 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**

<b>Activity</b>	<b>Date</b>
<b>Public Notice</b> <b>See <i>Table of Mandated Public Involvement Activities</i> at the end of this PIP for details.</b>	10/9/2020
<b>Placement of a hardcopy of the PIP in the local NMED office:</b> <b>Albuquerque District I Office</b> <b>121 Tijeras Avenue NE, Suite 1000</b> <b>Albuquerque, NM 87102</b> <b>(505) 222-9500</b>	See PIP Contingency Plan on Page 6
<b>Public Meeting Notice</b> <i>(Only if requested by public as part of initial public notice</i> <b>See <i>Table of Mandated Public Involvement Activities</i> for details.</b>	TBD

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 VRP site is:

Savannah Richards, Project Manager  
 NMED Ground Water Quality Bureau  
 P.O. Box 5469, Santa Fe, NM 87502-5469  
 (505) 827-3253  
 Savannah.richards@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 VRP site or the VRP process. Arrangements may be made for document translation or interpretation related to the VRP 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 VRP 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 VRP Process**

The public participation regulatory framework associated with the VRP 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 VRP 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 VRP site. However, according to NMED Policy 07-13, if an activity or proceeding is related to a facility that is located in an urban area or is proposed to be located in an urban area, it may be more representative of the community to be captured if a one (1) mile radius is applied. VRP site No. 53201001 is located within southeast Albuquerque; therefore, a 1-mile radius was utilized. 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	14,367
Total number of households	5,615
Percentage minority population	63%
Percentage Hispanic population	51%
Percentage of the population by race	Population reporting one race: White: .....69% Black: .....3% American Indian: .....6% Asian: .....3% Pacific Islander: .....0% Some Other Race: .....15%
Total number of persons greater than the age of five who speak English "less than very well"	1,062
Percentage of persons greater than the age of five who speak English "less than very well"	8%
Total number of linguistically isolated households	301
Percentage of linguistically isolated households (Total number of linguistically isolated households ÷ total number of households) X 100	5.36%
Languages by percentage in linguistically isolated households	Spanish: .....92% Other Indo-European languages:0% Asian-Pacific Island languages: .....8% Other languages: .....0%
Percent linguistically isolated population, New Mexico*:	5.4%
Per capita income	\$22,420
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](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](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 the VRP 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 VRP 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
- Document repositories
- Public meetings

Newspapers to be utilized in the notification process include:

- Statewide circulation (English & Spanish): Albuquerque Journal

Local, state, and federal government agencies, tribal entities, and land grant officials will be notified about the VRP process. A list of the agencies and officials notified can be provided upon request.

Indian Tribes, Pueblos and Nations will be notified about the VRP process 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 VRP 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 VRP site 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

### **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 Public Notice 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.



**Table of Mandated Public Involvement Activities**

Activity	Dates
<p><b>Public Notice &amp; Comment Period:</b>  <b>NMAC 20.6.3.300.B(1)</b>  <b>The applicant must post the public notice and make the proposed Voluntary Remediation Agreement available for public review and comment. Interested parties may submit comments to the Department concerning the proposed Agreement. Interested parties may submit a request for public meeting.</b></p> <ul style="list-style-type: none"> <li>• Notice posted on-site</li> <li>• Newspaper ads</li> <li>• Notice to government agencies</li> <li>• Notice to interested parties</li> <li>• NMED website  <a href="https://www.env.nm.gov/gwqb/public-notice/">https://www.env.nm.gov/gwqb/public-notice/</a></li> </ul>	<p>The proposed Voluntary Remediation Agreement shall be made available for public review within ten (10) calendar days of the receipt of the Conditional Eligibility Determination from the Department</p> <p>Public comment period is at least thirty (30) calendar days following the newspaper publication of the Public Notice</p>
<p><b>Public Meeting Notice:</b>  <b>NMAC 20.6.3.300.B(4-5)</b>  <b>If a public meeting is requested during the initial public notice and comment period and if the Secretary determines that there is significant public interest, the applicant shall mail a notice of the time and place of the meeting to all persons who have submitted written comments or a request for public meeting.</b></p> <ul style="list-style-type: none"> <li>• Newspaper ads</li> <li>• Notice to interested parties</li> <li>• NMED website  <a href="https://www.env.nm.gov/gwqb/public-notice/">https://www.env.nm.gov/gwqb/public-notice/</a></li> </ul>	<p>At least ten (10) calendar days before the public meeting</p>
<p><b>Notice of Determination</b>  <b>NMAC 20.6.3.300.E</b>  <b>A notice of determination shall be mailed to the applicant and all persons who presented written and oral comments at public hearing indicating whether the proposed Voluntary Remediation Agreement has been approved, approved with modifications, or disapproved.</b></p>	<p>Within thirty (30) calendar days of the final determination that the applicant is eligible</p>

<b>Additional Public Participation</b> <b>NMAC 20.6.3.300.G</b> <b>If requested, interested parties will be kept informed of the availability of key project submittals related to the voluntary remediation activities. Such submittals will be made available for public review and comment by the Department upon request.</b>	After execution of the Voluntary Remediation Agreement
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### **Limited English Proficiency (LEP) Assessment**

**Facility:** Copper Pointe – Unit A-1 and Unit C, VRP Site No. 53201001

#### **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 1,062.
2. The percentage of LEP individuals in the affected community is 8%.
3. The percentage of linguistically isolated households is 5.36%, which is essentially equal to the statewide average of 5.4%.
4. Spanish is the predominant non-English language spoken by LEP persons.
5. Historical participation: The Bureau maintains a facility-specific mailing list. No one has requested to be placed on a facility-specific mailing list. 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 VRP process primarily occurs when a project is undergoing the public noticing process. The GWQB provides notice to the public and encourages participation. Individuals may participate by requesting information, submitting comments on draft documents, requesting public meetings, and taking part in public meetings. Some VRP sites could generate considerable public interest, but participation is low for most VRP sites. Historical participation in VRP 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 for the VRP process to be “infrequent.”

### **Factor 3: Nature and Importance of the Activity or Service Provided by the Program**

The VRP activity is deemed by the GWQB to be "important" to NMED, the impacted community, and the State of New Mexico. The VRP activity is important to NMED because it 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 VRP activity is important to the impacted community because abandoned, blighted, and potentially contaminated property can pose environmental risks to the surrounding community. The VRP activity is important to the State of New Mexico because state-oversight of voluntary assessment/cleanup of contaminated sites ensures that the State's limited groundwater resources are not impacted.

#### **Conclusion:**

The GWQB considers the VRP 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 VRP 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 VRP applicants 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 VRP process, the Bureau plans to:

1. Translate the Public Notice 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 point center at 35.079317, -106.527075

Ring (buffer): 1-miles radius

Description:

Summary of ACS Estimates		2013 - 2017
Population		14,367
Population Density (per sq. mile)		4,233
Minority Population		8,991
% Minority		63%
Households		5,615
Housing Units		6,340
Housing Units Built Before 1950		195
Per Capita Income		22,420
Land Area (sq. miles) (Source: SF1)		3.39
% Land Area		100%
Water Area (sq. miles) (Source: SF1)		0.01
% Water Area		0%

	2013 - 2017 ACS Estimates	Percent	MOE (±)
<b>Population by Race</b>			
Total	14,367	100%	1,013
Population Reporting One Race	13,738	96%	2,805
White	9,862	69%	1,026
Black	497	3%	554
American Indian	826	6%	330
Asian	369	3%	459
Pacific Islander	0	0%	12
Some Other Race	2,183	15%	424
Population Reporting Two or More Races	629	4%	200
Total Hispanic Population	7,314	51%	1,005
Total Non-Hispanic Population	7,052		
White Alone	5,375	37%	354
Black Alone	400	3%	271
American Indian Alone	589	4%	331
Non-Hispanic Asian Alone	352	2%	459
Pacific Islander Alone	0	0%	12
Other Race Alone	6	0%	83
Two or More Races Alone	330	2%	200
<b>Population by Sex</b>			
Male	7,024	49%	673
Female	7,342	51%	431
<b>Population by Age</b>			
Age 0-4	700	5%	262
Age 0-17	3,432	24%	362
Age 18+	10,934	76%	519
Age 65+	2,041	14%	141

**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

Location: User-specified point center at 35.079317, -106.527075

Ring (buffer): 1-miles radius

Description:

	2013 - 2017 ACS Estimates	Percent	MOE (±)
<b>Population 25+ by Educational Attainment</b>			
Total	9,594	100%	388
Less than 9th Grade	536	6%	189
9th - 12th Grade, No Diploma	619	6%	192
High School Graduate	2,752	29%	258
Some College, No Degree	3,645	38%	223
Associate Degree	802	8%	143
Bachelor's Degree or more	2,042	21%	186
<b>Population Age 5+ Years by Ability to Speak English</b>			
Total	13,667	100%	861
Speak only English	9,859	72%	635
Non-English at Home <sup>1+2+3+4</sup>	3,808	28%	493
<sup>1</sup> Speak English "very well"	2,746	20%	302
<sup>2</sup> Speak English "well"	517	4%	239
<sup>3</sup> Speak English "not well"	358	3%	164
<sup>4</sup> Speak English "not at all"	187	1%	255
<sup>3+4</sup> Speak English "less than well"	545	4%	273
<sup>2+3+4</sup> Speak English "less than very well"	1,062	8%	322
<b>Linguistically Isolated Households*</b>			
Total	301	100%	114
Speak Spanish	278	92%	113
Speak Other Indo-European Languages	0	0%	12
Speak Asian-Pacific Island Languages	23	8%	38
Speak Other Languages	0	0%	12
<b>Households by Household Income</b>			
Household Income Base	5,615	100%	175
< \$15,000	598	11%	112
\$15,000 - \$25,000	1,028	18%	140
\$25,000 - \$50,000	1,649	29%	179
\$50,000 - \$75,000	1,015	18%	121
\$75,000 +	1,326	24%	146
<b>Occupied Housing Units by Tenure</b>			
Total	5,615	100%	175
Owner Occupied	3,699	66%	153
Renter Occupied	1,917	34%	174
<b>Employed Population Age 16+ Years</b>			
Total	11,178	100%	706
In Labor Force	6,616	59%	502
Civilian Unemployed in Labor Force	415	4%	226
Not In Labor Force	4,562	41%	328

**Data Note:** Detail 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 35.079317, -106.527075

Ring (buffer): 1-miles radius

Description:

	2013 - 2017 ACS Estimates	Percent	MOE (±)
<b>Population by Language Spoken at Home*</b>			
Total (persons age 5 and above)	14,995	100%	895
English	10,719	71%	940
Spanish	3,651	24%	689
French	57	0%	38
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	59	0%	59
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	41	0%	38
Chinese	32	0%	21
Japanese	N/A	N/A	N/A
Korean	8	0%	29
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	70	0%	94
Other Asian	15	0%	25
Tagalog	18	0%	40
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	35	0%	26
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	280	2%	185
Total Non-English	4,277	29%	1,298

**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.

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



# 10500 Copper Ave. NE

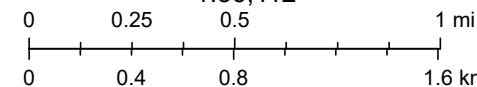


September 9, 2020



10500 Copper Avenue NE

1:36,112



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