NEW MEXICO ENVIRONMENT DEPARTMENT
GROUND WATER QUALITY BUREAU

PUBLIC INVOLVEMENT PLAN
(PIP)

Facility Name:	Waterfleet Mobile Treatment Units
Facility Location:	Various oilfield location in the Permian Basin Lea and Eddy Counties, NM
Counties:	Lea and Eddy
Responsible Party:	Alan Pyle, President & CEO Waterfleet LLC 5110 SE Loop 410 San Antonio, TX 78222
Agency:	Ground Water Quality Bureau Pollution Prevention Section
GWQB Action:	Permitting - New DP-1925
Bureau Contact:	Avery Young, Environmental Scientist (505) 699-8564 avery.young@state.nm.us Main bureau telephone number: (505) 827-2900

EFFECTIVE DATE: May 26, 2021

REVISION DATE: N/A

/s/ Jason Herman for

_____

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 Waterfleet Mobile Treatment Units. The permit for this facility is referred to as DP-1925.

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 Waterfleet Mobile Treatment Units includes a significant percentage of Spanish speakers, the Bureau will provide appropriate information in both English and Spanish.

Public involvement associated with discharge permits occurs at different stages and in different forms. Public involvement activities required by statute or regulation are mandatory and subject to statutory or regulatory deadlines. Mandatory public involvement activities and associated time requirements relevant to this PIP are noted in the *Table of Mandated Public Involvement Activities* at the end of this PIP.

The Bureau plans to conduct the public involvement activities related to the permitting process outlined in the *Table of Public Involvement Activities* below. The activity timeline and dates are tentative and subject to change.

Table of Public Involvement Activities

Activity	Date
Application Notice (PN-1) See *Table of Mandated Public Involvement Activities* at the end of this PIP for details.	June 2021
Placement of a hardcopy of the PIP in the local NMED office: NMED Carlsbad Field Office 406 N. Guadalupe, Suite C Carlsbad, NM 88220 Phone (575) 885-9023 **AND** NMED Hobbs Field Office 2120 N. Alto Hobbs, NM 88240 Phone (575) 397-6910	May 2021
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:

Avery Young, Environmental Scientist
NMED Ground Water Quality Bureau
P.O. Box 5469, Santa Fe, NM 87502-5469
(505) 699-8564 / 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 individuals with disabilities 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 individuals who are deaf, hard of hearing, or have difficulty speaking on the phone can contact the Bureau and ask questions about the activity or proceeding: Telephone conversation assistance is available through Relay New Mexico at no charge for people who are deaf, hard of hearing, or have difficulty speaking on the phone, by calling 1-800-659-1779 (English); 1-800-327-1857 (Spanish); 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 Lea and Eddy Counties. 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	127,563
Total number of households	43,378
Percentage People of Color population	59%
Percentage Hispanic population	54%
Percentage of the population by race	Population reporting one race: White: ..... 90% Black: ..... 3% American Indian: ..... 1% Asian: ..... 0% Pacific Islander: ..... 0% Some Other Race: 4%
Total number of persons greater than the age of five who speak English "less than very well"	11,334
Percentage of persons greater than the age of five who speak English "less than very well"	10%
Total number of linguistically isolated households	1,940
Percentage of linguistically isolated households (Total number of linguistically isolated households ÷ total number of households) X 100	4.5%
Languages by percentage in linguistically isolated households	Spanish: ..... 96% Other Indo-European languages:1% Asian-Pacific Island languages: . 1% Other languages: 1%
Percent linguistically isolated population, New Mexico*:	5.4%
Per capita income	$26,918
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 and Spanish): Albuquerque Journal
- Local circulation (English and Spanish): Hobbs News Sun – Lea County AND Carlsbad Current Argus – Eddy 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:

https://www.iad.state.nm.us/pueblo-tribes-and-nations/pueblos/
https://www.iad.state.nm.us/pueblo-tribes-and-nations/navajo/
https://www.iad.state.nm.us/pueblo-tribes-and-nations/apaches/

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 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.
Fact Sheet (for federal facilities, except those with only domestic waste discharges): To include general information regarding the permittee, the facility, the discharge, procedures to be followed in making a final permit determination, the comment period, procedures for a person to request a hearing, contact information to obtain a copy of the draft permit and fact sheet, and a brief summary of the basis of draft permit conditions – obligation at 20.6.2.3108.I NMAC[2]	With the PN-2
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.	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.

[2] NMED considers the cited regulation to more appropriately reference the information in 20.6.2.3108.K instead distribution methods of 20.6.2.3108.J NMAC.

• 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	
Response to Comments (if comments received): Upon the Secretary's decision regarding issuance of a discharge permit – obligation at 20.6.2.3109.B NMAC. The Response to Comments shall specify which provisions, if any, in the draft permit were changed and the reasons for the change, and shall briefly describe and respond to all significant comments on the draft permit raised during the public comment period or at any hearing. The Secretary shall notify persons who participated in the permitting action by mail or email of the action taken and the reasons for such action and shall include a copy of the Response to Comments.	Response is issued 30 days after the administrative record is complete and all required information is available

ATTACHMENT
Limited English Proficiency (LEP) Assessment

Facility: Waterfleet Mobile Treatment Units, DP-1925

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 11,334.
2. The percentage of LEP individuals in the affected community is 10%.
3. The percentage of linguistically isolated households is 4.5%, which is less than the statewide average.
4. Spanish is the predominant non-English language spoken by LEP persons.
5. Historical participation: 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. 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:

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 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**

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: Lea County,Eddy County
Ring (buffer): 0-mile radius
Description: Water Fleet Mobile Treatment Unit

Summary of ACS Estimates	2014 - 2018
Population	127,563
Population Density (per sq. mile)	15
People of Color Population	74,935
% People of Color Population	59%
Households	43,378
Housing Units	50,524
Housing Units Built Before 1950	5,389
Per Capita Income	26,918
Land Area (sq. miles) (Source: SF1)	8,567.90
% Land Area	100%
Water Area (sq. miles) (Source: SF1)	24.96
% Water Area	0%

	2014 - 2018 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	127,563	100%	0
Population Reporting One Race	125,286	98%	2,156
White	114,418	90%	834
Black	3,598	3%	315
American Indian	1,497	1%	156
Asian	380	0%	189
Pacific Islander	27	0%	32
Some Other Race	5,366	4%	630
Population Reporting Two or More Races	2,277	2%	422
Total Hispanic Population	68,393	54%	0
Total Non-Hispanic Population	59,170		
White Alone	52,628	41%	149
Black Alone	3,364	3%	265
American Indian Alone	1,272	1%	131
Non-Hispanic Asian Alone	380	0%	189
Pacific Islander Alone	17	0%	28
Other Race Alone	225	0%	148
Two or More Races Alone	1,284	1%	303
Population by Sex			
Male	65,126	51%	186
Female	62,437	49%	186
Population by Age			
Age 0-4	9,671	8%	70
Age 0-17	36,362	29%	683
Age 18+	91,201	71%	977
Age 65+	15,813	12%	554

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) 2014 - 2018 .

EJSCREEN ACS Summary Report

Location: Lea County,Eddy County
Ring (buffer): 0-mile radius
Description: Water Fleet Mobile Treatment Unit

	2014 - 2018 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	78,965	100%	128
Less than 9th Grade	7,478	9%	494
9th - 12th Grade, No Diploma	9,627	12%	566
High School Graduate	27,231	34%	712
Some College, No Degree	23,255	29%	851
Associate Degree	6,197	8%	500
Bachelor's Degree or more	11,374	14%	519
Population Age 5+ Years by Ability to Speak English			
Total	117,892	100%	69
Speak only English	81,138	69%	1,012
Non-English at Home[1+2+3+4]	36,754	31%	1,007
[1]Speak English "very well"	25,420	22%	966
[2]Speak English "well"	5,189	4%	458
[3]Speak English "not well"	4,465	4%	433
[4]Speak English "not at all"	1,680	1%	300
[3+4]Speak English "less than well"	6,145	5%	516
[2+3+4]Speak English "less than very well"	11,334	10%	689
Linguistically Isolated Households*			
Total	1,940	100%	243
Speak Spanish	1,870	96%	239
Speak Other Indo-European Languages	29	1%	38
Speak Asian-Pacific Island Languages	18	1%	34
Speak Other Languages	23	1%	36
Households by Household Income			
Household Income Base	43,378	100%	555
< $15,000	5,011	12%	390
$15,000 - $25,000	4,098	9%	364
$25,000 - $50,000	9,015	21%	510
$50,000 - $75,000	8,514	20%	485
$75,000 +	16,740	39%	686
Occupied Housing Units by Tenure			
Total	43,378	100%	555
Owner Occupied	30,030	69%	576
Renter Occupied	13,348	31%	599
Employed Population Age 16+ Years			
Total	95,027	100%	202
In Labor Force	58,027	61%	664
Civilian Unemployed in Labor Force	3,201	3%	303
Not In Labor Force	37,000	39%	673

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.

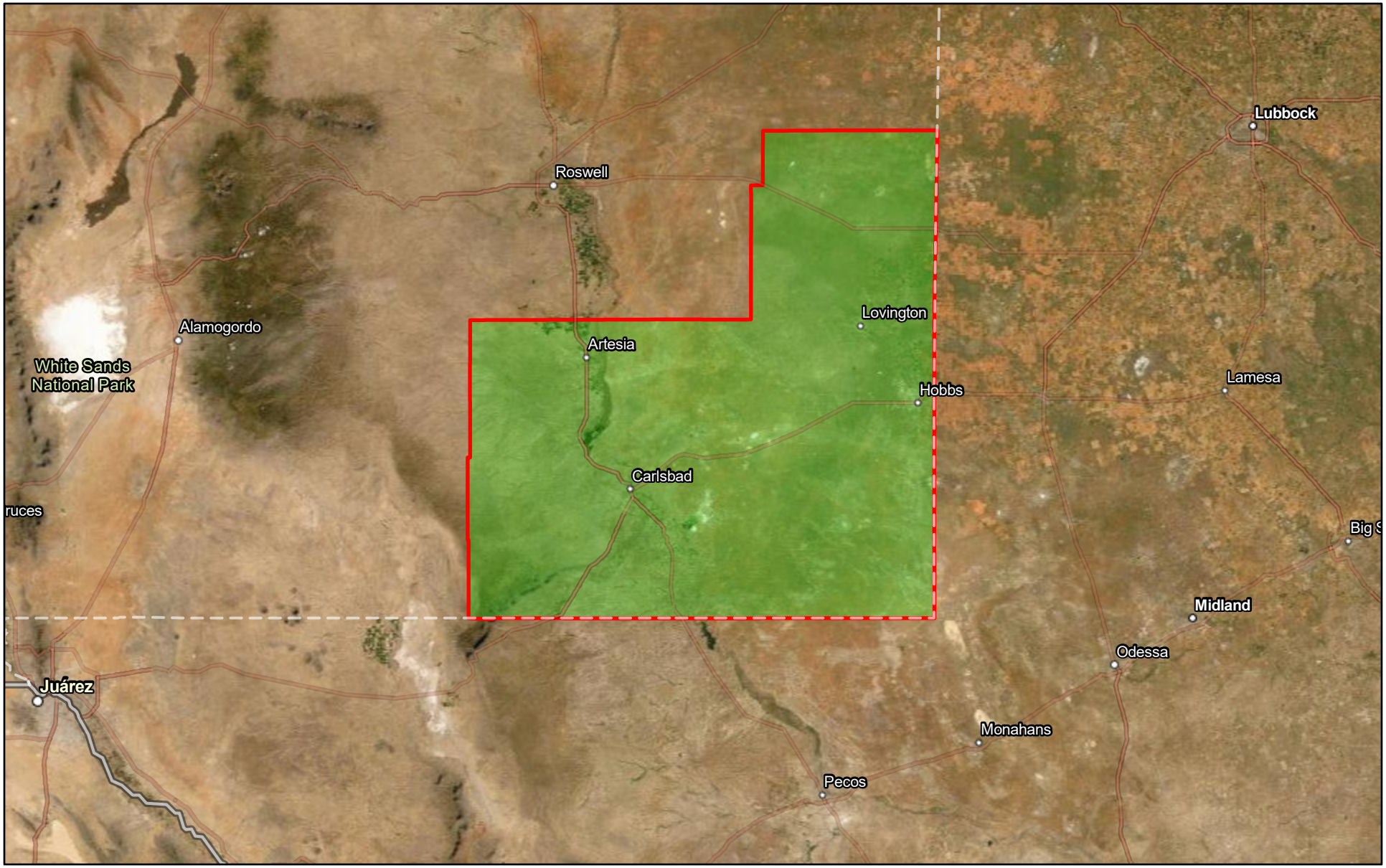
EJSCREEN ACS Summary Report

Location: Lea County,Eddy County
Ring (buffer): 0-mile radius
Description: Water Fleet Mobile Treatment Unit

	2014 - 2018 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	117,892	100%	69
English	81,138	69%	1,229
Spanish	35,702	30%	1,188
French	33	0%	122
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	154	0%	68
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	218	0%	177
Chinese	59	0%	71
Japanese	N/A	N/A	N/A
Korean	34	0%	75
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%	28
Other Asian	50	0%	50
Tagalog	64	0%	50
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	45	0%	70
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	315	0%	100
Total Non-English	36,754	31%	1,230

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) 2014 - 2018.
*Population by Language Spoken at Home is available at the census tract summary level and up.

Water Fleet Mobile Treatment Unit



5/18/2021

Water Fleet Mobile Treatment Unit

1:2,311,162

0 15 30 60 mi

0 25 50 100 km

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