



**NEW MEXICO ENVIRONMENT DEPARTMENT
GROUND WATER QUALITY BUREAU**



**PUBLIC INVOLVEMENT PLAN
(PIP)**

Facility Name: Former McCatharn Dairy

Facility Location: 6363 New Mexico State Highway 47
Albuquerque, NM 87105

County: Bernalillo County

Responsible Party: Suertudo Development, LLC
P. O. Box 19306
Albuquerque, New Mexico

Agency: Ground Water Quality Bureau
Remediation Oversight Section

GWQB Action: Abatement

Bureau Contact: Justin Ball, State Cleanup Program Team Leader
(505) 222-9522
justin.ball@state.nm.us

Main bureau telephone number:
(505) 827-2900

EFFECTIVE DATE: October 2019

REVISION DATE: N/A

A handwritten signature in blue ink, appearing to read "Michelle Hunter".

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 a Public Involvement Plan (PIP) for the former McCatharn Dairy (Site) which is owned by Suertudo Development, LLC. NMED regulates the Site through the Abatement process under Subsections 4000 through 4115 of the Ground and Surface Water Protection regulations, 20.6.2 New Mexico Administrative Code (NMAC). This PIP was initiated due to the submission of a Stage 2 Abatement work plan.

The purpose of this PIP is to provide public participation opportunities and information that may be needed for the community to participate in the Abatement 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. It has been 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 which include:

1. An overview of the PIP 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 Abatement Plans;
4. A description of community/stakeholder groups based on results of a preliminary environmental justice (EJ) screening; and
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 using the U.S. Environmental Protection Agency's (EPA) Environmental Justice Screening and Mapping Tool (EJSCREEN) to identify 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 Site includes a significant percentage of Spanish speakers, the Bureau will provide appropriate information in both English and Spanish.

The Bureau plans to conduct public involvement activities related to the Abatement process outlined in *Table 1 - Public Involvement Activities*. The activity timeline and dates are tentative and subject to change.

Table 1 - Public Involvement Activities

| Activity | Date |
|--|-----------------------------|
| News Release | October 2019 ^b |
| Placement of a hardcopy of the PIP in the local NMED office: Harold Runnels Building Room N2250 1190 Saint Francis Drive Santa Fe, NM 87502 | October 2019 |
| Notice of availability of the Stage 2 Abatement Plan and associated PIP | October 2019 ^b |
| Public Meeting Notice | Not Applicable ^b |
| Public Meeting | Not Applicable ^c |
| Public Hearing | Not Applicable ^c |

^a In accordance with 20.6.2.4108.A NMAC, a new release will be issued within 30 days of filing the Stage 1 Abatement Plan.

^b In accordance with 20.6.2.4108.F NMAC, notice will occur at least 30 days prior to the meeting or hearing. This requirement only applies to Stage 2 Abatement Plans.

^c In accordance with 20.6.24108.F NMAC, a public meeting or hearing may be held if the Secretary of the Department determines there is significant public interest. This requirement only applies to Stage 2 Abatement Plans.

In the case of a Stage 2 Abatement Plan, 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 Abatement process is:

Justin Ball, State Cleanup Program Team Leader
NMED Ground Water Quality Bureau
NMED District 1 Office

121 Tijeras Ave. NE
Albuquerque, New Mexico 87102-3400
505-222-9522
justin.ball@state.nm.us

Non-English Language Speaker Assistance

All public notices and news releases 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 the Abatement process for this Site. Arrangements may be made for document translation or interpretation related to the Abatement process as necessary and as resources allow.

Individuals with Disabilities Assistance

All public notices and news releases 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 Abatement process.

The following information will be provided in public notices and news releases so that hearing-impaired callers can contact the Bureau and ask questions about the activity or process: 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:

New Mexico Environment Department – News Releases:
<https://www.env.nm.gov/news-releases/>

Ground Water Quality Bureau – Public Notices and PIPs:
<https://www.env.nm.gov/gwqb/public-notice/>

Element 3 – Regulatory Framework for Public Participation Related to the Abatement Process

Public involvement associated with the Abatement process 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, associated time requirements, and the associated dates or time periods relevant to this PIP are noted in the *Table 2 - Mandated Public Involvement Activities*.

Table 2 - Mandated Public Involvement Activities

[illegible]

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 Abatement 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 EPA helps identify communities that are low income, have minority populations, and have limited English proficiency (LEP) 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 Site. The results of the EJSCREEN American Community Survey (ACS) Summary Report (Attachment 2 to this PIP) are summarized in *Table 3 - EJSCREEN Results for the Affected Community* which can be found at the end of the section.

Table 3 - EJSscreen Results for the Affected Community

| | |
|---|---|
| Total population | 28,738 |
| Total number of households | 9,046 |
| Percentage minority population | 83% |
| Percentage Hispanic population | 80% |
| Percentage of the population by race | Population reporting one race: White:69% Black:1% American Indian:2% Asian:1% Pacific Islander:0% Some Other Race:25% |
| Total number of persons greater than the age of five who speak English “less than very well” | 4,799 |
| Percentage of persons greater than the age of five who speak English “less than very well” | 18% |
| Total number of linguistically isolated households | 1,019 |
| Percentage of linguistically isolated households (Total number of linguistically isolated households ÷ total number of households) X 100 | 11% |
| Languages by percentage in linguistically isolated households | Spanish:96% Other Indo-European languages:1% Asian-Pacific Island languages: 2% Other languages:0% |
| Percent linguistically isolated population, New Mexico ^a | 5.4% |
| Per capita income | \$18,459 |
| Per capita income, USA ^b | \$29,979 |

^a 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).

^b 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 EJSscreen results indicate that for the affected community, the proportion of the population with LEP is significant. The Bureau has therefore performed a LEP assessment for the community which is Attachment 1 to this PIP.

Because the affected community has a significant percentage of persons with limited English proficiency, 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 provide the same information in Spanish as in English in news releases, 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 within the Bureau's budget and time limitations. 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 associated with the Abatement process are listed in *Table 2 - Mandated Public Involvement Activities*.

Public Participation – Outreach Activities

In accordance with 20.6.2.4108 NMAC the following outreach activities associated with the Abatement process will be conducted as follows:

- NMED will
 - Place this PIP on the Bureau website and in nearby NMED field office;
 - Post a news release on the NMED website (applicable to Stage 1 Abatement Plan proposals only); and
 - Post notice on NMED website
- the Responsible Party will
 - Send notices by postal mailing and email; and
 - Publish newspaper notices

Newspapers utilized in the notification process include:

- Statewide circulation (English and Spanish): *Albuquerque Journal*

Radio stations utilized in the public involvement process include:

- KANW

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

Indian Tribes, Pueblos and Nations will be notified about the Abatement at the site 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 *Table 2 - Mandated Public Involvement Activities*. Final 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, maintains those names on a Facility-Specific Mailing List, and provides these individuals with information about regulatory activities for the facility. Individuals, organizations, and other interested parties are added to the mailing list as requested. All news releases and public notices will contain a statement directing interested individuals to contact the Bureau contact for this site if they want to be added to the facility specific mailing list.

Document Repository

Hard copies of documents relevant to the Abatement process and information about how to submit comments and/or participate in any public meetings or hearings that may be held will be made available at the following location:

NMED Ground Water Quality Bureau
NMED District 1 Office
121 Tijeras Ave. NE
Albuquerque, New Mexico 87102-3400

A hard copy of this PIP will be made available at the following location:

NMED Ground Water Quality Bureau
NMED District 1 Office
121 Tijeras Ave. NE
Albuquerque, New Mexico 87102-3400

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

- Attachment 1 - LEP Assessment
- Attachment 2 - EJSCREEN ACS Summary Report and a map showing the area evaluated

ATTACHMENT 1
Limited English Proficiency (LEP) Assessment

Facility: Former McCatharn Dairy

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 3 - EJSscreen 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 4,799.
2. The percentage of LEP individuals in the affected community is 18%.
3. The percentage of linguistically isolated households is 11%, which is higher than the statewide average.
4. Spanish is the predominant non-English language spoken by LEP persons.
5. Historical participation: A review of the administrative record for this facility indicates limited public interest/participation overall. 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 Ground Water Quality Bureau State Cleanup Program

Contact with the State Cleanup Program (SCP) would occur when the project is undergoing the public notification process and issuing news releases. The Ground Water Quality Bureau (GWQB) or the Responsible Person provides notice to the public during the Abatement process during which public participation is encouraged. Individuals may participate by requesting information, submitting comments, requesting a public meeting, and taking part in public meetings. Some SCP sites could generate considerable public interest; however, participation is low for most SCP sites. Historical participation in SCP activities for this facility is summarized under Factor 1.

Conclusion:

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

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

The SCP activity is deemed by the GWQB to be “important” to NMED, the impacted community, and the State of New Mexico. The SCP activity is important to NMED because the SCP 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. SCP activities are important to the impacted community because abandoned, blighted, and potentially contaminated property can pose environmental risks to the surrounding community. SCP activity

ATTACHMENT 1
Limited English Proficiency (LEP) Assessment

is important to the State of New Mexico because state-oversight of assessment/cleanup of contaminated sites ensures that the State's limited groundwater resources are not impacted or restored.

Conclusion:

The GWQB considers the SCP 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 SCP 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 translation services for news releases in Spanish and interpretive services for a public meeting or hearing are born by the Responsible Party.

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:

The Bureau plans to:

1. Translate the News Release and all subsequent public notices into Spanish;
2. Require the Responsible Party to provide interpretive services at any public meeting or public hearing, if requested; and
3. Interact with members of the LEP community using certified interpreters, when needed.

The Bureau will consider requests from members of the affected community for additional LEP services.

ATTACHMENT 2
EJSCREEN ACS Summary Report and Map

Location: User-specified polygonal location
Ring (buffer): 4-mile radius
Description: Former McCatharn Dairy

| Summary of ACS Estimates | | 2012 - 2016 |
|--------------------------------------|--|-------------|
| Population | | 28,738 |
| Population Density (per sq. mile) | | 536 |
| Minority Population | | 23,913 |
| % Minority | | 83% |
| Households | | 9,046 |
| Housing Units | | 9,917 |
| Housing Units Built Before 1950 | | 986 |
| Per Capita Income | | 18,459 |
| Land Area (sq. miles) (Source: SF1) | | 53.64 |
| % Land Area | | 97% |
| Water Area (sq. miles) (Source: SF1) | | 1.54 |
| % Water Area | | 3% |

| | 2012 - 2016 ACS Estimates | Percent | MOE (±) |
|--|------------------------------|---------|---------|
| Population by Race | | | |
| Total | 28,738 | 100% | 602 |
| Population Reporting One Race | 28,273 | 98% | 1,823 |
| White | 19,811 | 69% | 565 |
| Black | 297 | 1% | 227 |
| American Indian | 718 | 2% | 274 |
| Asian | 148 | 1% | 200 |
| Pacific Islander | 0 | 0% | 11 |
| Some Other Race | 7,299 | 25% | 546 |
| Population Reporting Two or More Races | 466 | 2% | 129 |
| Total Hispanic Population | 22,946 | 80% | 580 |
| Total Non-Hispanic Population | 5,793 | | |
| White Alone | 4,826 | 17% | 241 |
| Black Alone | 250 | 1% | 219 |
| American Indian Alone | 443 | 2% | 274 |
| Non-Hispanic Asian Alone | 148 | 1% | 200 |
| Pacific Islander Alone | 0 | 0% | 11 |
| Other Race Alone | 28 | 0% | 86 |
| Two or More Races Alone | 98 | 0% | 106 |
| Population by Sex | | | |
| Male | 14,217 | 49% | 372 |
| Female | 14,522 | 51% | 353 |
| Population by Age | | | |
| Age 0-4 | 1,563 | 5% | 145 |
| Age 0-17 | 7,329 | 26% | 270 |
| Age 18+ | 21,409 | 74% | 434 |
| Age 65+ | 3,809 | 13% | 144 |

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.

Location: User-specified polygonal location

Ring (buffer): 4-mile radius

Description: Former McCatharn Dairy

| | 2012 - 2016 ACS Estimates | Percent | MOE (±) |
|--|------------------------------|---------|---------|
| Population 25+ by Educational Attainment | | | |
| Total | 18,711 | 100% | 362 |
| Less than 9th Grade | 2,540 | 14% | 189 |
| 9th - 12th Grade, No Diploma | 2,223 | 12% | 157 |
| High School Graduate | 6,386 | 34% | 211 |
| Some College, No Degree | 5,311 | 28% | 183 |
| Associate Degree | 1,295 | 7% | 125 |
| Bachelor's Degree or more | 2,250 | 12% | 168 |
| Population Age 5+ Years by Ability to Speak English | | | |
| Total | 27,176 | 100% | 581 |
| Speak only English | 13,523 | 50% | 428 |
| Non-English at Home ¹⁺²⁺³⁺⁴ | 13,652 | 50% | 426 |
| ¹ Speak English "very well" | 8,853 | 33% | 317 |
| ² Speak English "well" | 1,731 | 6% | 189 |
| ³ Speak English "not well" | 1,838 | 7% | 168 |
| ⁴ Speak English "not at all" | 1,230 | 5% | 243 |
| ³⁺⁴ Speak English "less than well" | 3,068 | 11% | 295 |
| ²⁺³⁺⁴ Speak English "less than very well" | 4,799 | 18% | 305 |
| Linguistically Isolated Households* | | | |
| Total | 1,019 | 100% | 129 |
| Speak Spanish | 982 | 96% | 128 |
| Speak Other Indo-European Languages | 15 | 1% | 28 |
| Speak Asian-Pacific Island Languages | 22 | 2% | 29 |
| Speak Other Languages | 0 | 0% | 15 |
| Households by Household Income | | | |
| Household Income Base | 9,046 | 100% | 149 |
| < \$15,000 | 1,405 | 16% | 129 |
| \$15,000 - \$25,000 | 1,437 | 16% | 139 |
| \$25,000 - \$50,000 | 2,510 | 28% | 153 |
| \$50,000 - \$75,000 | 1,668 | 18% | 94 |
| \$75,000 + | 2,025 | 22% | 143 |
| Occupied Housing Units by Tenure | | | |
| Total | 9,046 | 100% | 149 |
| Owner Occupied | 7,134 | 79% | 135 |
| Renter Occupied | 1,911 | 21% | 150 |
| Employed Population Age 16+ Years | | | |
| Total | 22,308 | 100% | 439 |
| In Labor Force | 13,083 | 59% | 344 |
| Civilian Unemployed in Labor Force | 1,425 | 6% | 136 |
| Not In Labor Force | 9,225 | 41% | 275 |

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)

*Households in which no one 14 and over speaks English "very well" or speaks English only.

Location: User-specified polygonal location

Ring (buffer): 4-mile radius

Description: Former McCatharn Dairy

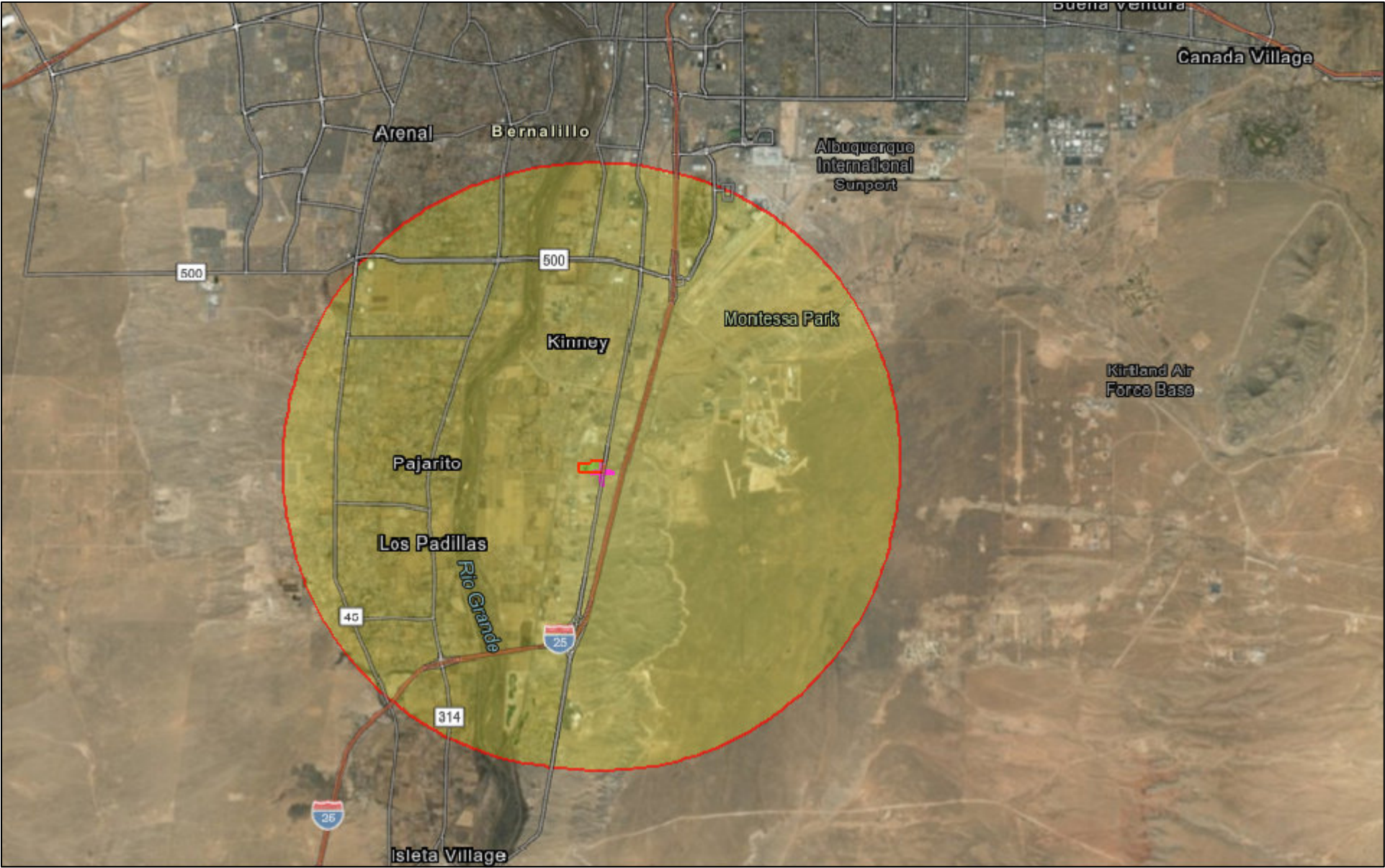
| | 2012 - 2016 ACS Estimates | Percent | MOE (±) |
|---|------------------------------|---------|---------|
| Population by Language Spoken at Home* | | | |
| Total (persons age 5 and above) | 24,558 | 100% | 568 |
| English | 12,514 | 51% | 468 |
| Spanish | 11,726 | 48% | 552 |
| French | 14 | 0% | 16 |
| French Creole | N/A | N/A | N/A |
| Italian | N/A | N/A | N/A |
| Portuguese | N/A | N/A | N/A |
| German | 22 | 0% | 20 |
| 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 | 23 | 0% | 27 |
| Chinese | 34 | 0% | 65 |
| 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 | 33 | 0% | 52 |
| Other Asian | 50 | 0% | 98 |
| Tagalog | 0 | 0% | 16 |
| Other Pacific Island | N/A | N/A | N/A |
| Navajo | N/A | N/A | N/A |
| Other Native American | N/A | N/A | N/A |
| Hungarian | N/A | N/A | N/A |
| Arabic | 0 | 0% | 16 |
| Hebrew | N/A | N/A | N/A |
| African | N/A | N/A | N/A |
| Other and non-specified | 127 | 1% | 75 |
| Total Non-English | 12,044 | 49% | 700 |

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.

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

Former McCatharn Dairy



October 15, 2019

- Buffer Area
- Digitized Polygon
- Digitized Point

