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### **PUBLIC INVOLVEMENT PLAN (PIP)** **Air Quality Bureau Air Permit Application**

Version P8.20.19

Date: May 7, 2020, updated March 18, 2021

Applicant: DLK Black River Midstream LLC

Facility Name: Black River Gas Processing Plant

Air Quality Permit Application Number: 6567M5

Location: This facility is located approximately 2.1 miles southwest of Loving, in Eddy County, New Mexico.

Latitude: 32.264586

Longitude: -104.131983

#### **1. Overview of Air Quality Bureau's plan of action for addressing the community's needs and concerns for processing Air Quality Permit Applications:**

The New Mexico Environment Department (Department), Air Quality Bureau (AQB) developed this Public Involvement Plan (PIP) for the processing of air quality permit applications in accordance with the requirements at 20.2.72 NMAC for this facility. This air quality regulation does require public participation outreach throughout different stages of the permitting process. The AQB will meet the public participation requirements by following this PIP, which includes all applicable policy, regulatory and statutory public participation requirements.

In developing this PIP, community participation needs for this permitting action were assessed to ensure appropriate promotion of public outreach by identifying whether there is a combination of environmental and demographic factors (i.e., low income community, minority community, limited English proficiency individuals, Linguistically Isolated Households, etc.) that may impact public participation. This assessment identifies community outreach needs and provides for public access opportunities above and beyond statutorily mandated requirements, and underscores the provision of adequate public access to information about this permit application.

As much as possible, public participation and informational activities related to this permit application will be held within the regulatory timelines outlined below.

- a. AQB regulations at 20.2.72 NMAC require that the application must be ruled complete or incomplete no more than 30 days after receipt, and that a public notice for this application

must be published in a newspaper of general circulation where the facility is located. See section 4.c below for more information.

The public notice contains a paragraph in Spanish directing Spanish speaking interested parties to call the AQB at (505) 476-5557 to speak to Spanish speaking staff for additional information regarding this permitting action.

- b. Normally the AQB would provide a copy of the public notice, the air quality permit application, and this PIP to the Carlsbad NMED field office, but due to current Covid-19 access restrictions for protection of both public employees and the protection of the general public these materials are instead available on the NMED website (see section 2.a).
- c. AQB regulations require that the public notice be sent to interested parties maintained on a mailing list. See Section 4.b below for more information.
- d. AQB regulations require that the public notice be sent to the “appropriate agency” as defined at 20.2.72 NMAC. See Section 4.e below for more information.
- e. Public notice shall be followed by a 30-day public comment period that starts on the day that the notice is published in the newspaper. See Section 4.g below for details.
- f. AQB regulations require that the permit must be issued, issued subject to conditions, or denied within ninety (90) days after the department deems the application administratively complete.

## **2. Contact list of AQB staff with phone numbers and email addresses:**

### **a. AQB contact for questions about this application or PIP (included in public notices and outreach materials):**

Julia Kuhn  
New Mexico Environment Department  
Air Quality Bureau  
525 Camino de los Marquez, Suite 1  
Santa Fe, New Mexico, 87505  
505-476-4376  
[Julia.Kuhn@state.nm.us](mailto:Julia.Kuhn@state.nm.us)

Electronic copies will be available at the following link, which will be included in public notices and outreach materials as appropriate: <https://www.env.nm.gov/air-quality/aqb-p-current-permitting-activites/>

### **b. Non-English Language Speaker Assistance and Accommodations**

The AQB may hold public meetings, open houses, stakeholder meetings, and/or a formal hearing depending on the interest in the application. Language assistance services may be arranged for translation of documents for meetings, for translators during meetings and for obtaining services for persons with disabilities. A phone-based interpretation service may be available for languages other than English.

**3. Description of the community/stakeholder groups:**

To provide for adequate public participation opportunities and meaningful involvement of persons regarding this permit application and to address potential or existing environmental justice areas, 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 and minority populations that may benefit from a variety of approaches for notification and outreach communication.

Using the 4-mile radius from the facility, the results of the EJScreen ACS Summary Report (attached) are listed in the table below.

<b>Population and Income Data</b>			
Total Population:	1,850	Per capita income of community:	\$28,630
Minority Population, %:	72	US Per Capita Income*:	\$29,829
Total number of households:	704	Total Number (and Percent) of Linguistically Isolated Households:	36 (5.1%)

\*US Per Capita Income 2012-2016; <https://www.census.gov/quickfacts/fact/table/US/HSG030210>

<b>Population by Race, %</b>		<b>Population by Ability to Speak English, %</b>	
White	90	Speak Only English	55
Black	0	Non-English at Home	45
American Indian	8	Speak English "very well"	36
Asian	0	Speak English "well"	3
Pacific Islander	0	Speak English "not well"	3
Other Race	1	Speak English "not at all"	3
Two or More Races	1	Speak English "less than very well"	9

<b>Linguistically Isolated Household Details, %</b>		<b>List other Languages (if applicable)</b>
Speak Spanish	100	////////////////////////////////////
Speak Other Indo-European Languages	0	
Speak Asian Pacific Island Languages	0	
Speak Other Languages	0	

In addition, the following community or stakeholder groups have been identified: None.

History of public involvement in air permitting during the last 10 years: There has not been public involvement from citizens or groups during the last 10 years.

It is important for the AQB to incorporate the linguistic and communication needs of this community when conducting public outreach and participation activities. To help accomplish this, the AQB will provide information in English, in public comment notices, public meeting notices (if applicable), and other announcements (radio broadcasts, brochures, signs, postcards, etc.) and strive to make public participation efforts as inclusive as possible within AQB budget and time limitations. Under normal circumstances the Carlsbad NMED Field Office would

serve as an access area for the AQB to leave hard copies of important documents and information about how to comment on this permit application, but due to Covid-19 restrictions to protect both the general public and public employees, materials will not be available in hard copy, but can be found on the AQB webpage (see Section 2.a above).

#### **4. Detailed actions and outreach activities the AQB Permitting Section will take to reach the affected public:**

##### **a. Overview**

Based on the demographics report discussed in the PIP, the history of public involvement at the facility and the facility background, basic information about public involvement opportunities will be in English. This information will include how to request materials in Spanish or to speak with AQB staff through an interpreter. Further details about public participation for this activity are outlined below.

**The AQB maintains information regarding this air quality permit application at the following locations:**

- i. On the Air Quality Bureau website, see Section 2.a above.**
- ii. At the District Office listed in Section 1.b above.**
- iii. At the main office location:**  
New Mexico Environment Department  
Air Quality Bureau  
525 Camino de los Marquez, Suite 1  
Santa Fe, New Mexico, 87505

##### **b. Postal Mailing or E-Mailing of Notices to Persons on the Facility-Specific Mailing List**

AQB regulations require notification to persons who have expressed interest in applications. The AQB maintains a mailing list that includes individuals interested in permit applications from particular facilities or geographic areas. Notifications may be sent through physical mail and/or an email.

The list also includes addresses within fifty kilometers of the boundary of other states, Bernalillo county, or a Class I area.

##### **c. Notices in the State Newspaper and Local Newspapers**

The public notice for this permit application will be published in English in the Legal Section of the Carlsbad Current Argus newspaper.

Websites for this publication is listed below:

Carlsbad Current Argus:

English: <http://www.currentargus.com/>

**d. Mailing to the Governor or President of Indian Tribes, Pueblos or Nations**

AQB regulations and the evaluation of the facility location and associated demographics, require notification to Tribes, Pueblos or Nations about this permit application for facilities located within a specified distance.

The Department does not do this notification for NSR permits. Notification to Indian Tribes, Pueblos or Nations within 10 miles is required from the applicant for the NSR.

There are no Tribes, Pueblos, or Nations within 50 miles of this facility.

**e. Affected Local, State, or Federal Government Agencies, and Active Land Grants**

AQB regulations require identifying and notifying local, state or federal government agencies about this permit application.

The following affected Local, State, or Federal Government Agencies will be notified by email:

US EPA Region VI.  
State of Texas.

**f. Public Meeting Notices, Public Comment Notices, and Other Notices**

AQB may hold public meetings, open houses, stakeholder meetings, and/or a formal hearing depending on the interest in the application. Based on historical information and the results of the initial screening, there is no public meeting planned at this time for this permit application. If it is determined that a public meeting will be required, notice will be provided to the community as follows:

- 1) Via a newspaper of general circulation in the area closest to the location of the facility.
- 2) Locations commonly frequented by the general public, such as a nearby post office, public library, or city hall.
- 3) All persons and organizations that have expressed interest and are on a list maintained by AQB.
- 4) Via a public service announcement to at least one radio or television station which serves the municipality or county in which the source is or is proposed to be located.
- 5) The notices will be translated for non-English speaking participants, if required.
- 6) The notices will include information for requesting accommodations for those with disabilities as listed in item 2b above.

AQB will locate an appropriate venue based on the availability to the community to access the meeting, and the specific needs of the affected community (e.g. size of community, community locations, impacts, etc.).

AQB may reschedule the meeting due to inclement weather. If rescheduled, AQB will provide as much advance notice as possible and reschedule for an appropriate time and date.

Meetings will be scheduled to make them as accessible and user-friendly as practical, considering work schedules, dinner hours and other community commitments. To the extent possible, the meeting will be held at a location that is local and convenient, and meet American with Disabilities Act (ADA) standards. In addition, whenever practical and appropriate, translators for limited-English speaking communities, or assistance for hearing-impaired

individuals may be available. Information in public notices for a public meeting will adhere to AQB regulations, statutes and policies.

**g. Public Comment Periods**

AQB regulations require that all interested persons have thirty (30) days from the date the public notice is published to express an interest in writing in the permit application. If AQB receives written public comment before the end of the thirty (30) day public comment period, the analysis of the application will be made available for review for thirty (30) days on the Air Quality Bureau Website and at the NMED District office (address listed in Section 1.b above).

The PIP has been reviewed and approved by the AQB Bureau Chief.

\_\_\_\_\_  
For Liz Bisbey-Kuehn  
Bureau Chief  
Air Quality Bureau

\_\_\_\_\_  
Date approved

Attachments: EJSCREEN Printout

Location: User-specified point center at 32.264586, -104.131983  
 Ring (buffer): 4-miles radius  
 Description: Black River Gas Processing Plant

Summary of ACS Estimates		2013 - 2017
Population		1,850
Population Density (per sq. mile)		37
Minority Population		1,339
% Minority		72%
Households		704
Housing Units		803
Housing Units Built Before 1950		196
Per Capita Income		28,630
Land Area (sq. miles) (Source: SF1)		50.18
% Land Area		99%
Water Area (sq. miles) (Source: SF1)		0.44
% Water Area		1%

	2013 - 2017 ACS Estimates	Percent	MOE (±)
<b>Population by Race</b>			
Total	1,850	100%	489
Population Reporting One Race	1,834	99%	739
White	1,668	90%	452
Black	1	0%	58
American Indian	144	8%	144
Asian	0	0%	12
Pacific Islander	0	0%	12
Some Other Race	20	1%	61
Population Reporting Two or More Races	16	1%	35
Total Hispanic Population	1,177	64%	329
Total Non-Hispanic Population	672		
White Alone	511	28%	285
Black Alone	1	0%	58
American Indian Alone	144	8%	144
Non-Hispanic Asian Alone	0	0%	12
Pacific Islander Alone	0	0%	12
Other Race Alone	0	0%	22
Two or More Races Alone	16	1%	35
<b>Population by Sex</b>			
Male	963	52%	238
Female	887	48%	281
<b>Population by Age</b>			
Age 0-4	118	6%	58
Age 0-17	422	23%	136
Age 18+	1,428	77%	258
Age 65+	268	14%	98

**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 32.264586, -104.131983

Ring (buffer): 4-miles radius

Description: Black River Gas Processing Plant

	2013 - 2017 ACS Estimates	Percent	MOE (±)
<b>Population 25+ by Educational Attainment</b>			
Total	1,275	100%	349
Less than 9th Grade	108	8%	40
9th - 12th Grade, No Diploma	187	15%	55
High School Graduate	544	43%	168
Some College, No Degree	362	28%	158
Associate Degree	121	10%	71
Bachelor's Degree or more	75	6%	85
<b>Population Age 5+ Years by Ability to Speak English</b>			
Total	1,731	100%	477
Speak only English	952	55%	326
Non-English at Home <sup>1+2+3+4</sup>	780	45%	218
<sup>1</sup> Speak English "very well"	628	36%	213
<sup>2</sup> Speak English "well"	47	3%	28
<sup>3</sup> Speak English "not well"	50	3%	35
<sup>4</sup> Speak English "not at all"	55	3%	42
<sup>3+4</sup> Speak English "less than well"	105	6%	50
<sup>2+3+4</sup> Speak English "less than very well"	152	9%	56
<b>Linguistically Isolated Households*</b>			
Total	36	100%	24
Speak Spanish	36	100%	21
Speak Other Indo-European Languages	0	0%	12
Speak Asian-Pacific Island Languages	0	0%	12
Speak Other Languages	0	0%	12
<b>Households by Household Income</b>			
Household Income Base	704	100%	159
< \$15,000	98	14%	44
\$15,000 - \$25,000	100	14%	41
\$25,000 - \$50,000	193	27%	51
\$50,000 - \$75,000	131	19%	84
\$75,000 +	182	26%	151
<b>Occupied Housing Units by Tenure</b>			
Total	704	100%	159
Owner Occupied	489	69%	125
Renter Occupied	215	31%	115
<b>Employed Population Age 16+ Years</b>			
Total	1,494	100%	370
In Labor Force	860	58%	259
Civilian Unemployed in Labor Force	55	4%	87
Not In Labor Force	633	42%	159

**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.



Location: User-specified point center at 32.264586, -104.131983

Ring (buffer): 4-miles radius

Description: Black River Gas Processing Plant

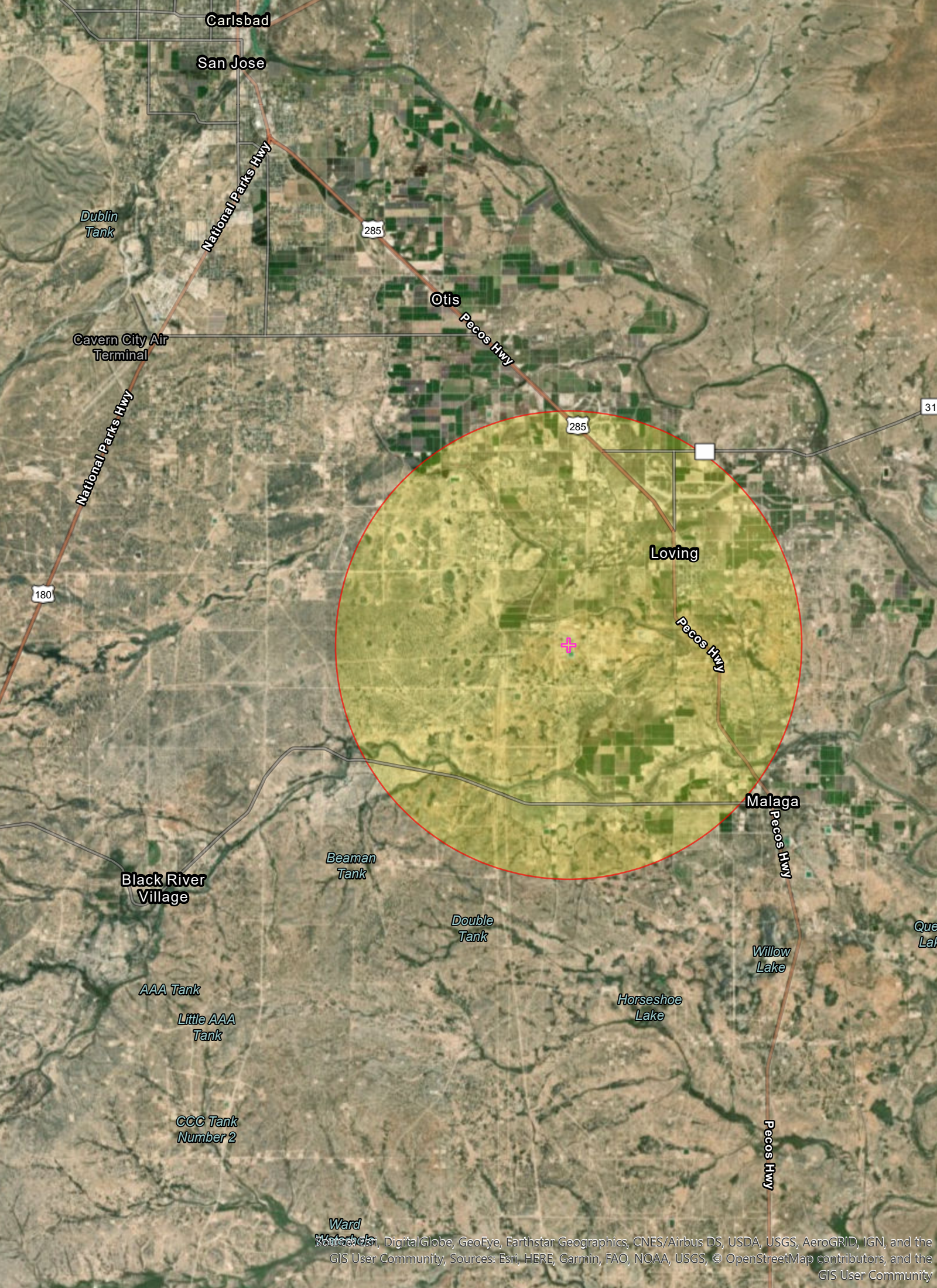
	2013 - 2017 ACS Estimates	Percent	MOE (±)
<b>Population by Language Spoken at Home*</b>			
Total (persons age 5 and above)	1,270	100%	260
English	732	58%	210
Spanish	522	41%	178
French	0	0%	12
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	0	0%	12
Yiddish	N/A	N/A	N/A
Other 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%	12
Chinese	0	0%	12
Japanese	N/A	N/A	N/A
Korean	0	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%	12
Other Asian	3	0%	7
Tagalog	0	0%	12
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%	12
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	14	1%	32
Total Non-English	539	42%	334

**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.





Carlsbad

San Jose

Dublin Tank

National Parks Hwy

285

Otis

Pecos Hwy

Cavern City Air Terminal

285

31

180

National Parks Hwy

Loving

Pecos Hwy

Malaga

Pecos Hwy

Black River Village

Beaman Tank

Double Tank

AAA Tank

Little AAA Tank

Horseshoe Lake

Willow Lake

CCC Tank Number 2

Ward