



NEW MEXICO ENVIRONMENT DEPARTMENT
Surface Water Quality Bureau

Limited English Proficiency (LEP) Analysis
for the
Clean Water Act Section 401 Certification of
the federal draft NPDES permit for
Farmington Electric Utility System
Bluffview Power Plant
Permit No. NM0031135

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APPROVAL PAGE

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Limited English Proficiency (LEP) Analysis for NPDES Permit No. NM0031135 Farmington Electric Utility System Bluffview Power Plant

The purpose of this analysis is to determine the extent to which LEP services are necessary and is based on relevant information for the following four factors defined by Department policy:

- Factor 1: The Number and Proportion of LEP Individuals Eligible to be Served or Likely to be Encountered in the Community of Concern.
- Factor 2: The Frequency with Which LEP Individuals Come in Contact with the Program.
- Factor 3: The Nature and Importance of the Activity or Service Provided by the Program.
- Factor 4: The Resources Available to NMED and the Associated Costs.

1. Number and proportion of LEP persons estimated to be served or encountered in the community of concern.

Demographic indicators were obtained from EPA EJSCREEN, an environmental justice screening and mapping tool, available on-line at <https://www.epa.gov/ejscreen>. EJSCREEN is based on nationally consistent data and an approach that combines environmental and demographic indicators in maps and reports. Users choose the geographic area of interest by indicating a point, line or polygon on the map; users may also choose to select a “buffer” area (up to 10 miles) around the point, line or polygon to better capture the affected community. EJSCREEN then provides a report that describes demographic and environmental information for that area, with or without an assigned buffer.

The 2018-2022 American Community Survey (ACS) Report link in EJSCREEN provides a report with U.S. Census Bureau American Community Survey data in PDF format. The U.S. Census Bureau collects data through the ACS to assess language characteristics within a geographic area. These data identify a person’s ability to speak English “very well” or “less than very well” and the language predominately spoken at home for those populations age 5 and older. The 2018-2022 ACS Report, through EJSCREEN, provided quantitative information regarding LEP populations for this analysis.

Summary of Site-Specific EJSCREEN Inputs

- Community of Concern = City of Farmington, San Juan County, New Mexico
- Buffer = 5-mile buffer that encompasses the facility, the outfall, and portions of the community of Farmington, New Mexico

The 2018-2022 ACS Report indicates that the total population of the area-of-interest near the Farmington Electric Utility System Bluffview Power Plant in Farmington, New Mexico is 42,925. Of that, 25 percent of the population age 5 and older, or 9,940 individuals, speaks a language other than English at home. Of these individuals, approximately 9 percent, or 3,410 individuals, speak English “less than very well.” The Farmington, New Mexico area reports 987 linguistically isolated households: 377 linguistically isolated households that speak Spanish, 4 linguistically isolated households that speak other Indo- European

languages, and 605 linguistically isolated households that speak other unspecified languages.

There are 8,850 non-English speakers in the Farmington, New Mexico area. Other non-English languages spoken include 3,807 persons who speak Spanish; 13 persons who speak French, Haitian, or Cajun; 25 persons who speak German or other West Germanic languages; 18 persons who speak Russian, Polish, or other Slavic languages; 38 persons who speak other Indo-European languages; 7 persons who speak Chinese (including Mandarin and Cantonese); 136 persons who speak Tagalog (including Filipino); 57 persons who speak other Asian and Pacific Island languages; and 4,749 persons speak other non-specified languages.

The Bureau reviewed the administrative record and found that, historically, there has been no LEP participation regarding the Farmington Electric Utility System Bluffview Power Plant NPDES permit. It does not appear from the facility's permit file that extensive public participation has been warranted in the past and there is no record of LEP individuals participating in the permit process in the past permit renewal cycle. Interested parties can request a public meeting or public hearing from EPA, but there is no record in NMED's files of EPA conducting public meetings related to this permit. There is no record of individuals needing specific accessibility accommodations.

2. The frequency with which LEP individuals might come in contact with the program.

The Farmington Electric Utility System Bluffview Power Plant provides electrical utilities to the residents and businesses of Farmington, New Mexico, and discharges treated process water to the San Juan River.

An identifier of occasional is being assigned because the San Juan River near the Farmington Electric Utility System Bluffview Power Plant outfall is used for recreational purposes such as angling.

3. The nature and importance of the activity or service provided by the subject material of the program.

The NPDES program regulates discharges of pollutants to the nation's waters. A state Water Quality Certification is required by the federal Clean Water Act (CWA) Section 401 to ensure that the action (NPDES permit) is consistent with state law and complies with state Water Quality Standards, the Water Quality Management Plan/Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy.

State certification of NPDES permits reasonably ensure that the permitted activities will be conducted in a manner that will comply with applicable State water quality standards, including the antidegradation policy, and applicable statewide water quality management

plans. This is an important activity to ensure that designated uses of San Juan River are protected and water quality criteria are met.

The Bluffview Power Plant provides electrical utilities to the Farmington area.

4. The resources available to NMED and the associated costs.

The Bureau will provide language assistance free of charge. From the Bureau's assessment, there are adequate resources available within the Department to address LEP requirements. NMED has a certified translator who can translate public notices and vital documents for the Department. If it is discovered that additional LEP services are needed, the Bureau may also contract with a translator/interpreter to communicate with those LEP individuals. Other expanded outreach activities that may be utilized, as identified and necessary, include:

- posting translated materials and information on the Bureau's website;
 - contracting with a telephone interpreter service to facilitate phone interpretations with LEP individuals;
 - airing announcements in Spanish or other languages as deemed appropriate on local radio stations;
 - printing translated materials on postcards that are distributed to the affected community; and,
 - working with community leaders (tribal chapter houses, church leaders, community centers, libraries, etc.) to disseminate the information to the affected population.
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LEP Plan for Farmington Electric Utility System Bluffview Power Plant, NPDES Permit No. NM0031135

Policy Overview

This LEP Four Factor Analysis has been prepared in accordance with the New Mexico Environment Department (NMED) Limited English Proficiency Accessibility and Outreach Policy 07-11 and NMED Public Participation Policy 07-13 by NMED's Surface Water Quality Bureau (SWQB or Bureau), Point Source Regulation Section (PSRS).

This analysis was initiated and conducted after the Bureau received a National Pollutant Discharge Elimination System (NPDES) application to discharge to Waters of the United States that was determined to be administratively complete by the United States Environmental Protection Agency (EPA). The Bureau anticipates that a joint EPA and NMED Public Notice will be published by EPA announcing a public comment period and requirement for State of New Mexico certification or denial of a Draft Permit in accordance with federal Clean Water Act Section 401. More information will be provided in the activity's Public Involvement Plan (PIP). This determination will be kept with the administrative record for this activity.

The Bureau is not using other means of outreach such as flyers or other hard copy postings at post offices, community centers, public libraries, or other repositories at this time.

Determination

The area-of-interest near the Farmington Electric Utility System Bluffview Power Plant in Farmington, New Mexico has a total population of 42,925 people within a 5-mile radius. Of that, 25% (9,940 individuals) speaks a language other than English at home, with approximately 9% of those individuals (3,410 persons) speaking English "less than very well." Furthermore, the Farmington area reports 987 linguistically isolated households.

Based on a balanced evaluation of the four factors described above, the assessment indicates that additional language assistance (interpretation or translation services) or outreach are needed for this activity, at this time. Outreach materials will include information on how LEP persons or persons with disabilities can obtain assistance. Public participation activities that are provided by the Bureau for all certifications or denials of an NPDES Draft Permit in accordance with federal Clean Water Act Section 401 appear to need supplementation. If additional information or data are acquired that indicate translation or interpretation services are needed, the Bureau will implement expanded outreach activities described in the PIP and Factor 4 above. The Bureau has determined that there are adequate resources available within the Department to provide LEP services, if requested or determined necessary. (See SWQB SOP 1.5 – Providing Language Access Services.)

Final Actions

- The Bureau will send a notice in English and Spanish to the Bureau's listserv announcing the availability of the comment period for consideration in the state's Section 401 Certification.
- The Bureau will work with USEPA Region 6 to publish the joint notice of the draft permit's comment period and the state's Section 401 Certification in both English and Spanish.
- If LEP individuals contact the Bureau, bureau staff will work with the Department's interpreter to provide language assistance, either through immediately available staff as noted above, or through contracted translation services.
- If individuals with accessibility needs contact the Bureau, bureau staff will work with the Department's Non-Discrimination Coordinator to address the request.

