



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 the
2026 Multi-Sector General Permit
NMPDES Permit No. NMR050000

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APPROVAL PAGE

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**Limited English Proficiency (LEP) Analysis
for the draft NPDES 2026 Multi-Sector General Permit
NPDES Permit No. NMR050000**

The purpose of this analysis is to determine the extent to which limited English proficiency (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 the U.S. Census Bureau 2019-2023 American Community Survey (ACS) data, available at <https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/>. The 2019-2023 ACS data profile for the state of New Mexico was used for the analysis. The U.S. Census Bureau collects data through the ACS to provide quantitative information regarding various demographic indicators and 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 U.S. Census Bureau 2019-2023 ACS data provided quantitative information regarding LEP populations for this analysis.

Summary of Site-Specific Inputs

- Area of Concern = State of New Mexico

The 2019-2023 ACS data indicates that New Mexico has an estimated total population of 2,114,768. Of that, 29.9% percent of the population age 5 and older, or 632,982 individuals, speaks a language other than English at home. Of these individuals, approximately 9% percent, or 173,410 individuals, speak English "less than very well." The New Mexico area reports 43,594 linguistically isolated households (LIHs): 35,141 LIHs speak Spanish; 1,449 LIHs speak other Indo-European languages; 1,077 LIHs speak Asian and Pacific Island languages; and 5,927 LIHs speak other unspecified languages.

Languages spoken include 491,275 persons who speak Spanish; 3,453 persons who speak French, including Cajun; 301 persons who speak Haitian; 1,584 persons who speak Italian; 820 persons who speak Portuguese; 5,206 persons who speak German; 911 persons who speak Yiddish, Pennsylvania Dutch or other West Germanic languages; 761 persons who speak Greek; 1,035 persons who speak Russian; 581 persons who speak Polish; 500 persons who speak Serbo-Croatian; 717 persons who speak Ukrainian or other Slavic languages; 24

persons who speak Armenian; 1,380 persons who speak Persian; 426 persons who speak Gujarati; 1,128 persons who speak Hindi; 745 persons who speak Urdu; 170 persons who speak Punjabi; 538 persons who speak Bengali; 1,205 persons who speak Nepali, Marathi, or other Indic languages; 878 persons who speak other Indo-European languages; 618 persons who speak Telugu; 313 persons who speak Tamil; 243 persons who speak Malayalam, Kannada, or other Dravidian languages; 4,547 persons who speak Chinese, including Mandarin and Cantonese; 1,441 persons who speak Japanese; 2,090 persons who speak Korean; 95 persons who speak Hmong; 4,976 persons who speak Vietnamese; 617 persons who speak Thai, Lao, or other Tai-Kadai languages; 582 persons who speak other Asian languages; 5,708 persons who speak Tagalog, including Filipino; 849 persons who speak Ilocano, Samoan, Hawaiian, or other Austronesian languages; 2,636 persons who speak Arabic; 287 persons who speak Hebrew; 227 persons who speak Amharic, Somali, or other Afro-Asiatic languages; 1,139 persons who speak Yoruba, Twi, Igbo, or Western Africa languages; 1,698 persons who speak Swahili or other Central, Eastern, and Southern Africa languages; 60,407 persons who speak Navajo; 30,185 persons who speak other North American Native languages; and 662 persons who speak other unspecified languages.

The Bureau reviewed the administrative record and found that, historically, there has been no LEP participation regarding the National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP), NPDES permit number NMR050000. It does not appear from the 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 also no record of individuals needing specific accessibility accommodations.

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

An identifier of frequent is being assigned because the NPDES Multi-Sector General Permit is utilized on a statewide basis. This scope will encompass areas of the state with limited English proficiency.

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 all surface waters in New Mexico are protected and water quality criteria are met.

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 the NPDES Multi-Sector General Permit for stormwater discharges from industrial activities, NPDES Permit No. NMR050000

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 the 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 Notice of Permit Renewal and Notice of Public Comment for the proposed 2026 National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for stormwater discharges from industrial activities issued from the United States Environmental Protection Agency (EPA). The NMED public notice will be published, announcing a public comment period and requirement for State of New Mexico certification or denial of the 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 State of New Mexico has a total population of 2,114,768. Of that, 29.9% (632,982 individuals) speaks a language other than English at home, with approximately 9% of those individuals (173,410 persons) speaking English "less than very well." Furthermore, New Mexico reports 43,594 linguistically isolated households with 81% (35,141) of the linguistically isolated households speaking Spanish.

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 publish a notice in both English and Spanish in a newspaper of general circulation announcing the availability of the comment period for consideration in the state's Section 401 Certification.
- 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.

