



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  
City of Gallup  
Wastewater Treatment Plant  
Permit No. NM0020672

**April 2025**

**APPROVAL PAGE**

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Date

## **Limited English Proficiency (LEP) Analysis for NPDES Permit No. NM0020672 City of Gallup Wastewater Treatment 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, formerly 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 Gallup, McKinley County, New Mexico
- Buffer = 5.5-mile buffer that includes the facility, outfall, and surrounding community

The 2018-2022 ACS Report indicates that the total population of the area of interest near the City of Gallup Wastewater Treatment Plant (WWTP) is 18,843. Of that, 40 percent of the population age 5 and older, or 7,003 individuals, speaks a language other than English at home. Of these individuals, 1,000 individuals speak English “less than very well.” The Gallup area reports 171 linguistically isolated households that speak Spanish, 21 linguistically isolated households that speak other Indo-European languages, 31 linguistically isolated households that speak Asian-Pacific Island languages, and 68 linguistically isolated households that speak other non-specified languages.

There are 5,806 non-English speakers in the Gallup area. Other languages spoken include 7,727 persons who speak English; 2,389 persons who speak Spanish; 9 persons who speak German or other Western Germanic languages; 3 persons who speak Russian, Polish or other Slavic languages; 290 persons who speak Tagalog (including Filipino); 19 persons who speak Arabic; and 2,880 persons speak other non-specified languages.

The Bureau reviewed the administrative record and found that, historically, there has been no LEP participation regarding the City of Gallup 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 Gallup WWTP receives and treats domestic and industrial wastewater from the Gallup area before discharging treated effluent to the Puerco River.

An identifier of occasional is being assigned because the Gallup WWTP is located downstream of the City of Gallup, The Puerco River flows through several small communities downstream of Gallup. The public may come into contact with the treated effluent when using water from the Puerco River recreation, agricultural/irrigation, or ceremonial uses.

**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 the Puerco River are protected and water quality criteria are met.

The facility provides an important service to the City of Gallup by treating domestic and industrial wastewater from the Gallup area before discharging treated effluent to the Puerco River.

#### **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 City of Gallup Wastewater Treatment Plant, NPDES Permit No. NM0020672**

## **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 City of Gallup has a total population of 18,843 people within a 5.5-mile radius. Of that, 40 percent (7,003 individuals) speaks a language other than English at home, and approximately 6 percent (1,000 persons) speaking English "less than very well." Furthermore, the City of Gallup area reports 292 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.

