



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
Albuquerque Bernalillo County
Water Utility Authority
Southside Water Reclamation Plant
Permit No. NM0022250

May 2025

APPROVAL PAGE

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Date

**Limited English Proficiency (LEP) Analysis for NPDES Permit No. NM0022250
Albuquerque Bernalillo County Water Utility Authority
Southside Water Reclamation 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 = Albuquerque, Bernalillo County, New Mexico
- Buffer = 9.5-mile buffer that includes the wastewater treatment facility, its outfall, and surrounding populations potentially exposed to the effluent or runoff. This distance captures residential areas, sensitive populations, and downstream communities who may experience continuous or intermittent environmental exposure and health impacts.

The 2018-2022 ACS Report indicates that the total population of the area-of-interest near the Albuquerque Bernalillo County Water Utility Authority (ABCWUA) Southside Water Reclamation Plant (SWRP) is 390,451. Of that, 34 percent of the population age 5 and older,

or 125,989 individuals, speaks a language other than English at home. Of these individuals, approximately 10 percent, or 37,809 individuals, speak English “less than very well.” The Albuquerque-Bernalillo County area reports 9,091 linguistically isolated households: 7,954 linguistically isolated households speak Spanish, 263 linguistically isolated households speak Other Indo-European languages, 497 linguistically isolated households speak Asian-Pacific Island languages, and 377 linguistically isolated households speak other languages.

There are 125,140 non-English speakers in the Albuquerque-Bernalillo County area. Other languages spoken include 237,997 persons who speak English; 107,493 persons who speak Spanish; 736 persons who speak French, Haitian, or Cajun; 799 persons who speak German or Western Germanic languages; 638 persons who speak Russian, Polish, or other Slavic languages; 1,908 persons who speak other Indo-European languages; 407 persons who speak Korean; 643 persons who speak Chinese (including Mandarin and Cantonese); 1,609 persons who speak Vietnamese; 1,063 persons who speak Tagalog (including Filipino); 932 persons who speak other Asian and Pacific Island languages; 884 persons who speak Arabic; and 8,029 persons speak other non-specified languages.

The Bureau reviewed the administrative record and found that, historically, there has been some LEP participation regarding the ABCWUA SWRP NPDES permit. It does appear from the facility’s permit file that extensive public participation has been warranted in the past and there is record of LEP individuals participating in the permit process in the past permit renewal cycle. NMED’s files indicate EPA conducted public meetings related to this permit in the past. Interested parties can request a public meeting or public hearing from EPA. There is record of individuals needing specific accessibility accommodations. EPA conducted a virtual Early Engagement Meeting for ABCWUA SWRP (NM0022250) on September 26, 2024.

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

The Albuquerque Bernalillo County Water Utility Authority SWRP receives and treats domestic wastewater from the City of Albuquerque and other surrounding communities in Bernalillo County before discharging treated effluent to the Rio Grande.

An identifier of frequent is being assigned to the Albuquerque Bernalillo County Water Utility Authority SWRP due to the downstream location of the Pueblo of Isleta, the presence of significant recreational, agricultural, and irrigation activities downstream, and the populated residential areas downstream of the discharge.

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 Rio Grande are protected and water quality criteria are met.

The facility provides an important service to the Albuquerque-Bernalillo area by treating domestic and industrial wastewater from the City of Albuquerque and surrounding Bernalillo County area before discharging treated effluent to the Rio Grande.

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 Albuquerque Bernalillo County Water Utility Authority Southside Water Reclamation Plant, NPDES Permit No. NM0022250

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.

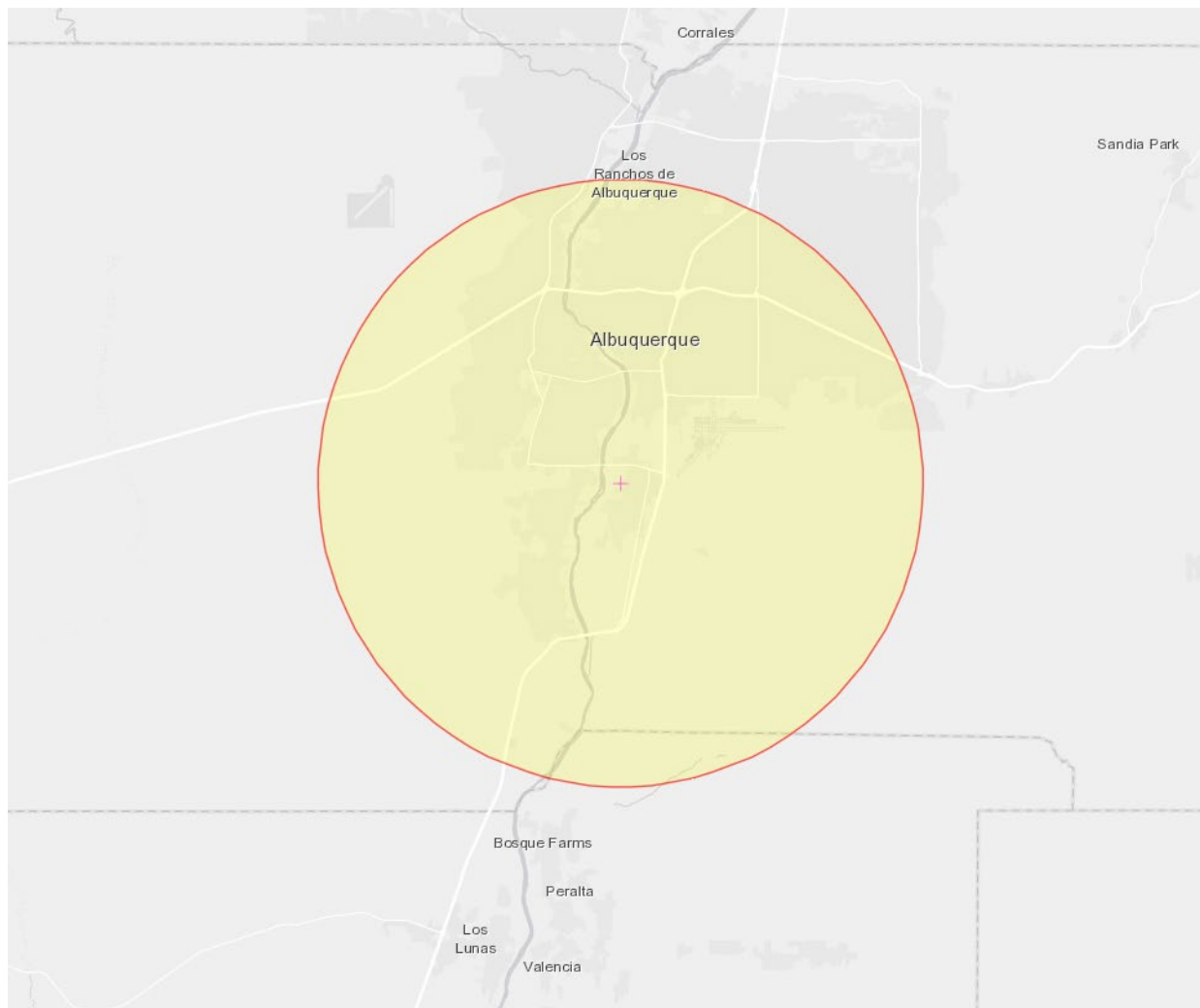
Determination

The area-of-interest near the Albuquerque Bernalillo County Water Utility Authority SWRP has a total population of 390,451 people within a 9.5-mile radius. Of that, 34% (125,989 individuals) speaks a language other than English at home, with approximately 5 % of those individuals (18,225 persons) speaking English "less than very well." Furthermore, the Albuquerque-Bernalillo County area reports 9,091 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.





EJScreen ACS Summary Report



Location: 9.5 miles Ring Centered at 35.018750,-106.662827

Description: South Valley, NM

Summary of ACS Estimates		2018 - 2022		
Population		390,451		
Population Density (per sq. mile)		1,486		
People of Color Population		280,174		
% People of Color Population		72%		
Households		160,130		
Housing Units		173,077		
Housing Units Built Before 1950		20,702		
Per Capita Income		N/A		
Land Area (sq. miles) (Source: SF1)		262.83		
% Land Area		99%		
Water Area (sq. miles) (Source: SF1)		3.4		
% Water Area		1%		
		2018 - 2022 ACS Estimates	Percent	MOE (±)
Population by Race				
Total		390,451	100%	1,464
Population Reporting One Race		309,308	79%	4,633
White		215,436	55%	1,475
Black		12,118	3%	340
American Indian		20,631	5%	906
Asian		7,592	2%	531
Pacific Islander		374	0%	120
Some Other Race		53,157	14%	1,261
Population Reporting Two or More Races		81,143	21%	1,240
Total Hispanic Population		234,694	60%	1,332
Total Non-Hispanic Population		155,757		
White Alone		110,277	28%	802
Black Alone		10,087	3%	327
American Indian Alone		15,842	4%	887
Non-Hispanic Asian Alone		6,986	2%	531
Pacific Islander Alone		168	0%	54
Other Race Alone		1,692	0%	245
Two or More Races Alone		10,705	3%	331
Population by Sex				
Male		195,803	50%	879
Females		194,648	50%	960
Population by Age				
Age 0-4		22,440	6%	542
Age 0-17		85,802	22%	664
Age 18+		304,649	78%	665
Age 65+		59,043	15%	442

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be any race. N/A means not available. **Source:** U.S. Census Bureau, American Community (ACS) 2018 - 2022.



EJScreen ACS Summary Report



Location: 9.5 miles Ring Centered at 35.018750,-106.662827

Description: South Valley, NM

	2018 - 2022 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	263,447	100%	751
Less than 9th Grade	14,422	5%	345
9th - 12th Grade, No Diploma	21,302	8%	266
High School Graduate	68,729	26%	397
Some College, No Degree	59,092	22%	420
Associate Degree	23,853	9%	438
Bachelor's Degree or more	76,049	29%	528
Population Age 5+ by Ability to Speak English			
Total	368,011	100%	1,263
Speak only English	242,022	66%	795
Non-English at Home ¹⁺²⁺³⁺⁴	125,989	34%	1,096
¹ Speak English "very well"	88,181	24%	859
² Speak English "well"	19,584	5%	525
³ Speak English "not well"	12,172	3%	442
⁴ Speak English "not at all"	6,053	2%	298
³⁺⁴ Speak English "less than well"	18,225	5%	463
²⁺³⁺⁴ Speak English "less than very well"	37,809	10%	700
Limited English Speaking Households*			
Total	9,091	100%	418
Speak Spanish	7,954	87%	417
Speak Other Indo-European Languages	263	3%	88
Speak Asian-Pacific Island Languages	497	5%	120
Speak Other Languages	377	4%	95
Households by Household Income			
Household Income Base	160,130	100%	521
< \$15,000	23,231	15%	400
\$15,000 - \$25,000	16,353	10%	279
\$25,000 - \$50,000	37,321	23%	291
\$50,000 - \$75,000	28,847	18%	458
\$75,000	54,379	34%	512
Occupied Housing Units by Tenure			
Total	160,130	100%	521
Owner Occupied	94,270	59%	515
Renter Occupied	65,860	41%	432
Employed Population Age 16+ Years			
Total	315,114	100%	1,133
In Labor Force	196,937	62%	661
Civilian Unemployed in Labor Force	10,898	6%	278
Not In Labor Force	118,177	38%	553

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be any race.
 N/A means not available. **Source:** U.S. Census Bureau, American Community (ACS) 2018 - 2022.
 *Households in which no one 14 and over speaks English "very well" or speaks English only.



EJScreen ACS Summary Report



Location: 9.5 miles Ring Centered at 35.018750,-106.662827

Description: South Valley, NM

	2018 - 2022 ACS Estimates	Percent	MOE (±)
Population by Languages Spoken at Home*			
Total (persons age 5 and above)	363,137	100%	1,342
English	237,997	66%	1,086
Spanish	107,493	30%	1,410
French, Haitian, or Cajun	736	0%	119
German, or other Western Germanic	799	0%	428
Russian, Polish, or Other Slavic	638	0%	247
Other Indo-European	1,908	1%	239
Korean	407	0%	223
Chinese (including Mandarin, Cantonese)	643	0%	197
Vietnamese	1,609	0%	368
Tagalog (including Filipino)	1,063	0%	519
Other Asian and Pacific Island	932	0%	127
Arabic	884	0%	284
Other and Unspecified	8,029	2%	692
Total Non-English	125,140	34%	1,564

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be any race.
 N/A means not available. **Source:** U.S. Census Bureau, American Community (ACS) 2018 - 2022.
 *Population by Language Spoken at Home is available at the census tract summary level and up.

able as comparable to the US. It is only comparable to the territory itself by using the 'Compare to State' functionality. Likewise, some of the indicators may not be available for territories.

