



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
Flying J / Pilot Travel Center #305
Wastewater Treatment Plant
Permit No. NM0031231

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APPROVAL PAGE

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Date

**Limited English Proficiency (LEP) Analysis for NPDES Permit No. NM0031231
Flying J / Pilot Travel Center #305
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 the Public Environmental Data Partners EJSCREEN, an environmental justice screening and mapping tool, available on-line at <https://experience.arcgis.com/experience/b81cbe0d84844a6191836ddac05669c1/page/Archive-EJ-Screen>. The Public Environmental Data Partners 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. The Public Environmental Data Partners EJSCREEN then provides an EJSCREEN Multisite Report that describes demographic and environmental information for that area, with or without an assigned buffer.

The Public Environmental Data Partners EJSCREEN provides an EJSCREEN Multisite Report based on U.S. Census Bureau American Community Survey (ACS) data, available at (<https://www.census.gov/programs-surveys/acs>). 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 EJSCREEN Multisite Report, provided quantitative information regarding LEP populations for this analysis.

Summary of Site-Specific EJSCREEN Inputs

- Community of Concern = Flying J/Pilot Travel Center near Jamestown, McKinley County, New Mexico
- Buffer = 5-mile buffer includes the travel stop, the outfall, and the nearby community that may come into contact with the effluent

The results of the EJScreen Multisite Report (attached) are summarized in the table below.

EJSCREEN Multisite Report Results for the area near Flying J/Pilot Travel Center, Jamestown, NM

Total population	1,386
Percentage People of Color population	83%
Percentage of the population by race	Population reporting one race: White: 17 % Black: 0 % American Indian: 73 % Asian: 0 % Hawaiian/Pacific Islander: 0 % Hispanic: 8 % Some Other Race: 0 % Population reporting more than one race: Multiracial: 1 %
Percentage of Limited English households	5%
Percentage of Limited English households in New Mexico	6%
Languages by percentage in Limited English-Speaking Breakdown	Spanish: 0 % Other Indo-European languages: 0 % Asian-Pacific Island languages: 0 % Other languages: 100 %
Percentage Low Income	46%
Percentage Low Income, U.S.	30%

This is a proposed NPDES permit for a new facility and there is no administrative record regarding LEP. Interested parties can request a public meeting or public hearing from EPA. 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 Flying J / Pilot Travel Center #305 wastewater treatment plant receives and treats domestic wastewater from a truck stop located near Jamestown, New Mexico before discharging treated effluent to an intermittent river in the Lower Colorado River Basin.

An identifier of not frequent is being assigned because Flying J / Pilot Travel Center #305 is located upstream of small residential community in an area of limited aquatic recreational activities.

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 intermittent streams are protected and water quality criteria are met.

The facility provides an important service to travelers in New Mexico by treating wastewater from the Flying J / Pilot Travel Center #305.

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 Flying J / Pilot Travel Center #305, NPDES Permit No. NM0031231

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.

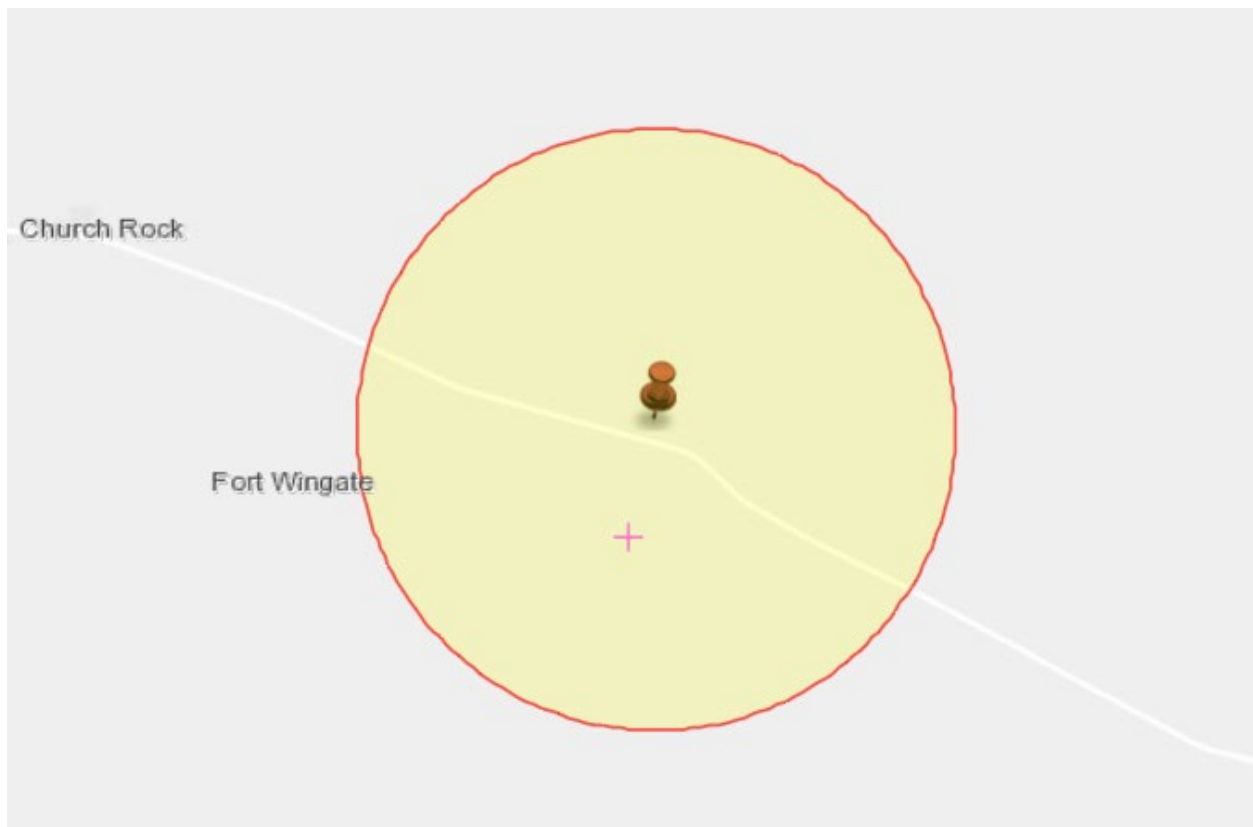
Determination

The area-of-interest near the Pilot Flying J Travel Center #305 has a total population of 1,386 people within a 5-mile radius. Of that, 5 % of individuals live in an English-limited household.

Based on a balanced evaluation of the four factors described above, the assessment does not indicate 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 sufficient. 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 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 English.
- 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 Multisite Report

This report summarizes environmental and socioeconomic information for user-defined areas, and combines that data into environmental justice and supplemental indexes.

EJAM Report

5 Mile Ring Centered at 35.48317, -108.435103
Area in Square Miles: 78.54
Population: 1,386

Environmental and Socioeconomic Indicators Data

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
POLLUTION AND SOURCES					
Particulate Matter (PM 2.5 in ug/m3)	4.69	6.11	7	8.45	0
Ozone (ppb)	64.0	65.3	33	61.8	66
Nitrogen Dioxide (NO2)	3.6	8.1	14	7.8	11
Diesel Particulate Matter (ug/m3)	0.064	0.187	32	0.191	14
Toxic Releases to Air	0	29	15	4,600	0
Traffic Proximity and Volume (daily traffic count/distance to road)	72,000	730,000	33	1,700,000	14
Lead Paint Indicator (% pre-1960s housing)	0.22	0.19	67	0.3	50
Superfund Proximity (site count/km distance)	0.05	0.34	61	0.39	56
RMP Proximity (facility count/km distance)	0.00	0.20	0	0.57	0
Hazardous Waste Proximity (facility count/km distance)	0.2	1.2	43	3.5	22
Underground Storage Tanks (UST) indicator	0.3	2.8	43	3.6	40
Wastewater Discharge Indicator (toxicity-weighted concentration/distance)	0	990,000	0	700,000	0
Drinking Water Non-Compliance	2.0	5.58	82	2.2	84
SOCIOECONOMIC INDICATORS					
Demographic Index USA	2.38	2.16	70	1.34	86
Supplemental Demographic Index USA	2.26	1.62	71	1.64	83
% Low Income	46%	39%	61	30%	77
% in limited English-speaking Households	5%	6%	64	5%	75
% Unemployed	7%	6%	66	6%	72
% with Less Than High School Education	17%	14%	68	11%	77
% under Age 5	6%	5%	68	5%	64
% over Age 64	19%	20%	57	18%	63
% People of Color	83%	62%	76	40%	84

Environmental Justice & Supplemental Indexes

The environmental justice and supplemental indexes are a combination of environmental and socioeconomic information. For each of the environmental indicators in EJScreen, there is an EJ Index and a Supplemental EJ Index. The indexes for a selected area are

compared to those for all other locations in the state or nation. For more information and calculation details on the EJ and supplemental indexes, please visit the [EJScreen website](#).

EJ INDEXES

The EJ indexes help users screen for potential EJ concerns. To do this, the EJ index combines data on low income and people of color populations with a single environmental indicator.

SELECTED VARIABLES	PERCENTILE IN STATE	PERCENTILE IN USA
EJ INDEXES		
Particulate Matter EJ Index	13	0
Ozone EJ Index	42	95
Nitrogen Dioxide (NO2) EJ Index	25	37
Diesel Particulate Matter EJ Index	48	43
Toxic Releases to Air EJ Index	23	0
Traffic Proximity and Volume EJ Index	47	39
Lead Paint EJ Index	77	80
Superfund Proximity EJ Index	72	0
RMP Proximity EJ Index	0	0
Hazardous Waste Proximity EJ Index	62	53
Underground Storage Tanks EJ Index	57	72
Wastewater Discharge EJ Index	0	0
Drinking Water Non-Compliance EJ Index	85	95
SUPPLEMENTAL EJ INDEXES		
Particulate Matter Supplemental EJ Index	12	0
Ozone Supplemental EJ Index	41	95
Nitrogen Dioxide (NO2) Supplemental EJ Index	23	20
Diesel Particulate Matter Supplemental EJ Index	44	23
Toxic Releases to Air Supplemental EJ Index	23	0
Traffic Proximity and Volume Supplemental EJ Index	48	23
Lead Paint Supplemental EJ Index	73	69
Superfund Proximity Supplemental EJ Index	72	0
RMP Proximity Supplemental EJ Index	0	0
Hazardous Waste Proximity Supplemental EJ Index	65	38
Underground Storage Tanks Supplemental EJ Index	57	61
Wastewater Discharge Supplemental EJ Index	0	0
Drinking Water Non-Compliance Supplemental EJ Index	88	93

SELECTED VARIABLES	VALUE
BREAKDOWN BY RACE	
% Hispanic or Latino	8%
% Black or African American (non-Hispanic, single race)	0%
% Asian (non-Hispanic, single race)	0%
% American Indian and Alaska Native (non-Hispanic, single race)	73%
% Native Hawaiian and Other Pacific Islander (non-Hispanic, single race)	0%
% Other race (non-Hispanic, single race)	0%
% Two or more races (non-Hispanic)	1%
% White (non-Hispanic, single race)	17%

BREAKDOWN BY GENDER	
% Male	49%
% Female	51%
LIMITED ENGLISH SPEAKING BREAKDOWN	
%Spanish lang (as %of limited English hhlds)	0%
%Other Indo-European lang (as %of limited English hhlds)	0%
%Asian-Pacific Island lang (as %of limited English hhlds)	0%
%Other lang (as %of limited English hhlds)	100%

Note: Diesel particulate matter index is from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the Air Toxics Data Update can be found at:

<https://www.epa.gov/haps/air-toxics-data-update>

