



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
Village of Reserve
Wastewater Treatment Plant
Permit No. NM0024163

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APPROVAL PAGE

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Date

Limited English Proficiency (LEP) Analysis for NPDES Permit No. NM0024163
Village of Reserve
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 = Reserve, Catron County, New Mexico
- Buffer = 5-mile buffer that includes the facility, the facility outfall location, and the nearby community downstream of the outfall

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

EJSCREEN Multisite Report Results for the Affected Community near Reserve, NM

Total population	454
Percentage People of Color population	49%
Percentage of the population by race	Population reporting one race: White: 51 % Black: 0 % American Indian: 0 % Asian: 0 % Hawaiian/Pacific Islander: 0 % Hispanic: 47 % Some Other Race: 0 % Population reporting more than one race: Multiracial: 2 %
Percentage of Limited English households	4%
Percentage of Limited English households in New Mexico	6%
Languages by percentage in Limited English-Speaking Breakdown	Spanish: 100 % Other Indo-European languages: 0 % Asian-Pacific Island languages: 0 % Other languages: 0 %
Percentage Low Income	73%
Percentage Low Income, U.S.	30%

The Bureau reviewed the administrative record and found that, historically, there has been no LEP participation regarding the Reserve WWTP 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.

An identifier of occasional is being assigned to this permit renewal because the Reserve WWTP is located in an area popular for recreational activities. The most likely contact with the facility and discharge are from local residents and visiting recreationalists who may interact with the San Francisco River.

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 San Francisco River are protected and water quality criteria are met.

The facility provides an important service by treating domestic wastewater from the Village of Reserve before discharging treated effluent to the San Francisco 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 Village of Reserve WWTP, NPDES Permit No. NM0024163

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.

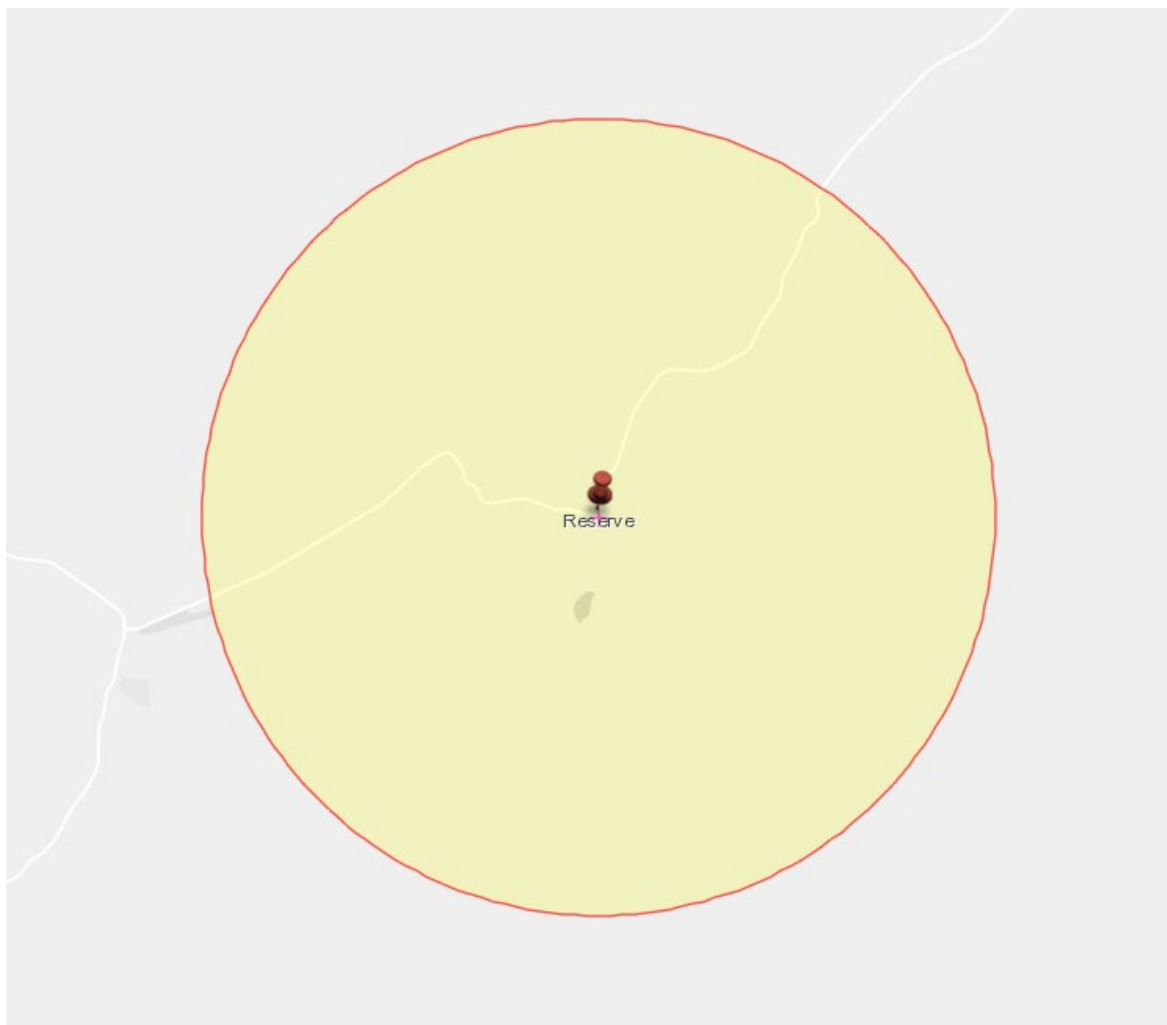
Determination

The area-of-interest near the Village of Reserve WWTP has a total population of 454 people within a 5-mile radius. Of that, 4% 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 indicates 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 need 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 33.71233, -108.757696
Area in Square Miles: 78.54
Population: 454

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)	4.44	6.11	1	8.45	0
Ozone (ppb)	64.4	65.3	36	61.8	68
Nitrogen Dioxide (NO2)	2.8	8.1	8	7.8	5
Diesel Particulate Matter (ug/m3)	0.007	0.187	0	0.191	0
Toxic Releases to Air	1	29	44	4,600	5
Traffic Proximity and Volume (daily traffic count/distance to road)	0	730,000	0	1,700,000	0
Lead Paint Indicator (% pre-1960s housing)	0.33	0.19	76	0.3	61
Superfund Proximity (site count/km distance)	0.00	0.34	0	0.39	0
RMP Proximity (facility count/km distance)	0.00	0.20	0	0.57	0
Hazardous Waste Proximity (facility count/km distance)	0.0	1.2	0	3.5	0
Underground Storage Tanks (UST) indicator	0.0	2.8	32	3.6	28
Wastewater Discharge Indicator (toxicity-weighted concentration/distance)	0	990,000	0	700,000	0
Drinking Water Non-Compliance	0.0	5.58	0	2.2	0
SOCIOECONOMIC INDICATORS					
Demographic Index USA	2.49	2.16	67	1.34	88
Supplemental Demographic Index USA	2.43	1.62	77	1.64	87
% Low Income	73%	39%	91	30%	95
% in limited English-speaking Households	4%	6%	62	5%	73
% Unemployed	14%	6%	87	6%	91
% with Less Than High School Education	1%	14%	14	11%	15
% under Age 5	1%	5%	20	5%	14
% over Age 64	37%	20%	90	18%	94
% People of Color	49%	62%	31	40%	65

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	2	0
Ozone EJ Index	35	96
Nitrogen Dioxide (NO2) EJ Index	14	18
Diesel Particulate Matter EJ Index	0	0
Toxic Releases to Air EJ Index	14	3
Traffic Proximity and Volume EJ Index	0	0
Lead Paint EJ Index	83	87
Superfund Proximity EJ Index	0	0
RMP Proximity EJ Index	0	0
Hazardous Waste Proximity EJ Index	0	0
Underground Storage Tanks EJ Index	47	64
Wastewater Discharge EJ Index	0	0
Drinking Water Non-Compliance EJ Index	0	0
SUPPLEMENTAL EJ INDEXES		
Particulate Matter Supplemental EJ Index	2	0
Ozone Supplemental EJ Index	37	96
Nitrogen Dioxide (NO2) Supplemental EJ Index	13	8
Diesel Particulate Matter Supplemental EJ Index	0	0
Toxic Releases to Air Supplemental EJ Index	13	1
Traffic Proximity and Volume Supplemental EJ Index	0	0
Lead Paint Supplemental EJ Index	86	83
Superfund Proximity Supplemental EJ Index	0	0
RMP Proximity Supplemental EJ Index	0	0
Hazardous Waste Proximity Supplemental EJ Index	0	0
Underground Storage Tanks Supplemental EJ Index	51	50
Wastewater Discharge Supplemental EJ Index	0	0
Drinking Water Non-Compliance Supplemental EJ Index	0	0

SELECTED VARIABLES	VALUE
BREAKDOWN BY RACE	
% Hispanic or Latino	47%
% Black or African American (non-Hispanic, single race)	0%
% Asian (non-Hispanic, single race)	0%
% American Indian and Alaska Native (non-Hispanic, single race)	0%
% Native Hawaiian and Other Pacific Islander (non-Hispanic, single race)	0%
% Other race (non-Hispanic, single race)	0%
% Two or more races (non-Hispanic)	2%
% White (non-Hispanic, single race)	51%

BREAKDOWN BY GENDER	
% Male	44%
% Female	56%
LIMITED ENGLISH SPEAKING BREAKDOWN	
%Spanish lang (as %of limited English hhlds)	100%
%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)	0%

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>