



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  
Homestake Mining Company of California  
(formerly LAC Minerals USA LLC)  
Cunningham Hill Mine  
Permit No. NM0028711

**July 2026**

**APPROVAL PAGE**

---

Shelly Lemon  
Chief, Surface Water Quality Bureau

---

Date

## **Limited English Proficiency (LEP) Analysis for NPDES Permit No. NM0028711 Homestake Mining Company of California (formerly LAC Minerals USA LLC) Cunningham Hill Mine**

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 = Village of Cerrillos, Santa Fe County, New Mexico
- Buffer = 5-mile buffer that includes the mine site, the outfalls, and the surrounding area.

The results of the EJScreen Multisite Report (report created by EJAM version 2.32.8.001 on June 11, 2026, attached to this PIP) are summarized in the table below.

| <b>EJSCREEN Multisite Report Results for the Affected Community</b> |                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Total population                                                    | 598                                                                                                                                                                                                                                                                                       |
| Percentage People of Color population                               | 9%                                                                                                                                                                                                                                                                                        |
| Percentage of the population by race                                | Population reporting one race:<br>White: ..... 91%<br>Black: ..... 3%<br>American Indian: ..... 0%<br>Asian: ..... 0%<br>Hawaiian/Pacific Islander: ..... 0%<br>Hispanic: ..... 1%<br>Some Other Race: ..... 0%<br><br>Population reporting more than one race:<br>Multiracial: ..... 5 % |
| Percentage of Limited English households                            | 0%                                                                                                                                                                                                                                                                                        |
| Percentage of Limited English households in New Mexico              | 6%                                                                                                                                                                                                                                                                                        |
| Percentage of Limited English households in the U.S.                | 5%                                                                                                                                                                                                                                                                                        |
| Languages by percentage in Limited English-Speaking Breakdown       | Spanish: ..... 0%<br>Other Indo-European languages: ..... 0%<br>Asian-Pacific Island languages: ..... 0%<br>Other languages: ..... 0%                                                                                                                                                     |
| Percentage of Low Income                                            | 28%                                                                                                                                                                                                                                                                                       |
| Percentage of Low Income in New Mexico                              | 39%                                                                                                                                                                                                                                                                                       |
| Percentage of Low Income in the U.S.                                | 30%                                                                                                                                                                                                                                                                                       |

The Bureau reviewed the administrative record and found that, historically, there has been no LEP participation regarding the Cunningham Hill Mine 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 Homestake Mining Company of California (formerly LAC Minerals USA LLC) Cunningham Hill Mine is a closed gold mine currently undergoing reclamation. The potential discharge is from an open pit which is filled with natural groundwater recharge and stormwater runoff. The open pit has never discharged.

An identifier of not frequent is being assigned because the water level in the mine pit is 200 feet below the discharge outfall and the pit is within a secured facility with limited public access.

**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 Cunningham Gulch (an ephemeral stream), Galisteo Creek (an intermittent stream), and the Rio Grande (a perennial stream) are protected and water quality criteria are met.

The facility provides an important service by collecting potentially polluted groundwater and stormwater from the Cunningham Hill Mine before discharging effluent to the Cunningham Gulch.

**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.

## **LEP Plan for the Homestake Mining Company of California (formerly LAC Minerals USA LLC) Cunningham Hill Mine, NPDES Permit No. NM0028711**

### **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.

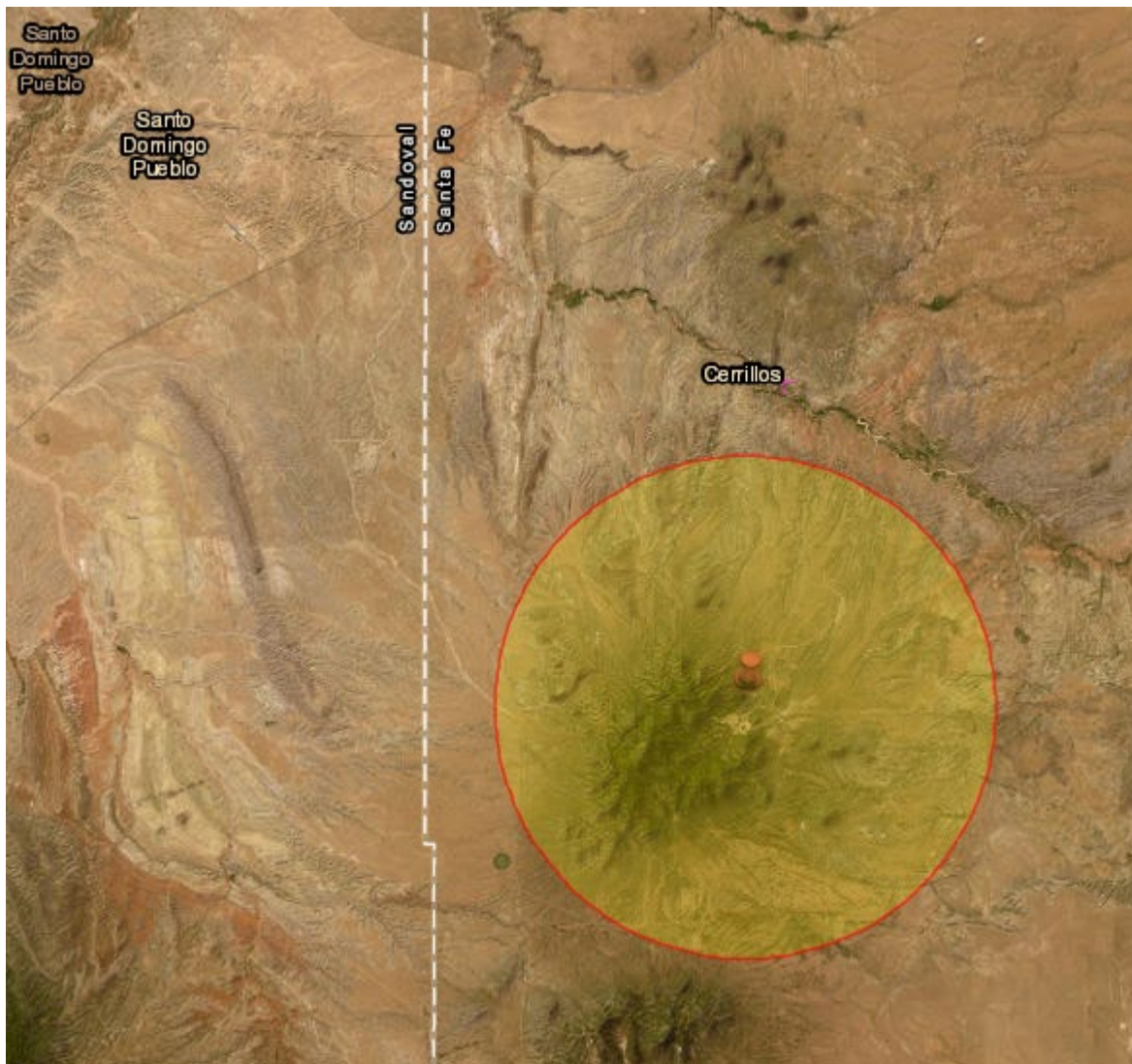
### **Determination**

The area-of-interest near the Cunningham Hill Mine has a total population of 598 people within a 5-mile radius. Of that, 0% of individuals live in a limited-English 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 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.





# Summary of Analysis

Residents within 5 miles of this specified point  
(Site 1, ejam\_uniq\_id 1) centered at 35.343853, -  
106.135577 Area in Square Miles: 78.54  
Population: 598

## Environmental and Residential Population Indicators

|                                                                           | VALUE  | STATE AVERAGE | PERCENTILE IN STATE | USA AVERAGE | PERCENTILE IN USA | RATIO TO US AVG | RATIO TO STATE AVG |
|---------------------------------------------------------------------------|--------|---------------|---------------------|-------------|-------------------|-----------------|--------------------|
| <b>POLLUTION AND SOURCES</b>                                              |        |               |                     |             |                   |                 |                    |
| Particulate Matter (PM 2.5 in ug/m3)                                      | 5.10   | 6.11          | 20                  | 8.45        | 1                 | 0.6             | 0.8                |
| Ozone (ppb)                                                               | 66.4   | 65.3          | 60                  | 61.8        | 76                | 1.1             | 1.0                |
| Nitrogen Dioxide (NO2)                                                    | 3.2    | 8.1           | 11                  | 7.8         | 8                 | 0.4             | 0.4                |
| Diesel Particulate Matter (ug/m3)                                         | 0.031  | 0.187         | 15                  | 0.191       | 2                 | 0.2             | 0.2                |
| Toxic Releases to Air                                                     | 3      | 29            | 46                  | 4,600       | 6                 | 0.0             | 0.1                |
| Traffic Proximity and Volume (daily traffic count/distance to road)       | 21,000 | 730,000       | 20                  | 1,700,000   | 7                 | 0.0             | 0.0                |
| Lead Paint Indicator (% pre-1960s housing)                                | 27.57% | 0.19          | 72                  | 0.3         | 56                | 0.9             | 1.5                |
| Superfund Proximity (site count/km distance)                              | 0.00   | 0.34          | 0                   | 0.39        | 0                 | 0.0             | 0.0                |
| RMP Proximity (facility count/km distance)                                | 0.00   | 0.20          | 0                   | 0.57        | 0                 | 0.0             | 0.0                |
| Hazardous Waste Proximity (facility count/km distance)                    | 0.0    | 1.2           | 0                   | 3.5         | 0                 | 0.0             | 0.0                |
| Underground Storage Tanks (UST) indicator                                 | 0.0    | 2.8           | 0                   | 3.6         | 0                 | 0.0             | 0.0                |
| Wastewater Discharge Indicator (toxicity-weighted concentration/distance) | 470    | 990,000       | 69                  | 700,000     | 68                | 0.0             | 0.0                |
| Drinking Water Non-Compliance                                             | 0.9    | 5.58          | 74                  | 2.2         | 77                | 0.4             | 0.2                |
| <b>RESIDENTIAL POPULATION INDICATORS</b>                                  |        |               |                     |             |                   |                 |                    |
| Demographic Index USA                                                     | 0.80   | 2.16          | 5                   | 1.34        | 31                | 0.6             | 0.4                |
| Supplemental Demographic Index USA                                        | 1.33   | 1.62          | 22                  | 1.64        | 37                | 0.8             | 0.7                |
| % Low Income                                                              | 28%    | 39%           | 33                  | 30%         | 52                | 0.9             | 0.7                |
| % in limited English-speaking Households                                  | 0%     | 6%            | 0                   | 5%          | 0                 | 0.0             | 0.0                |
| % Unemployed                                                              | 2%     | 6%            | 37                  | 6%          | 38                | 0.4             | 0.4                |
| % with Less Than High School Education                                    | 1%     | 14%           | 12                  | 11%         | 13                | 0.1             | 0.1                |
| % under Age 5                                                             | 4%     | 5%            | 46                  | 5%          | 39                | 0.7             | 0.7                |
| % over Age 64                                                             | 41%    | 20%           | 93                  | 18%         | 96                | 2.3             | 2.1                |
| % People of Color                                                         | 9%     | 62%           | 1                   | 40%         | 19                | 0.2             | 0.1                |

## EJ Indexes

The summary and supplemental EJ indexes are a combination of environmental and residential population information.

For each of the environmental indicators, 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.

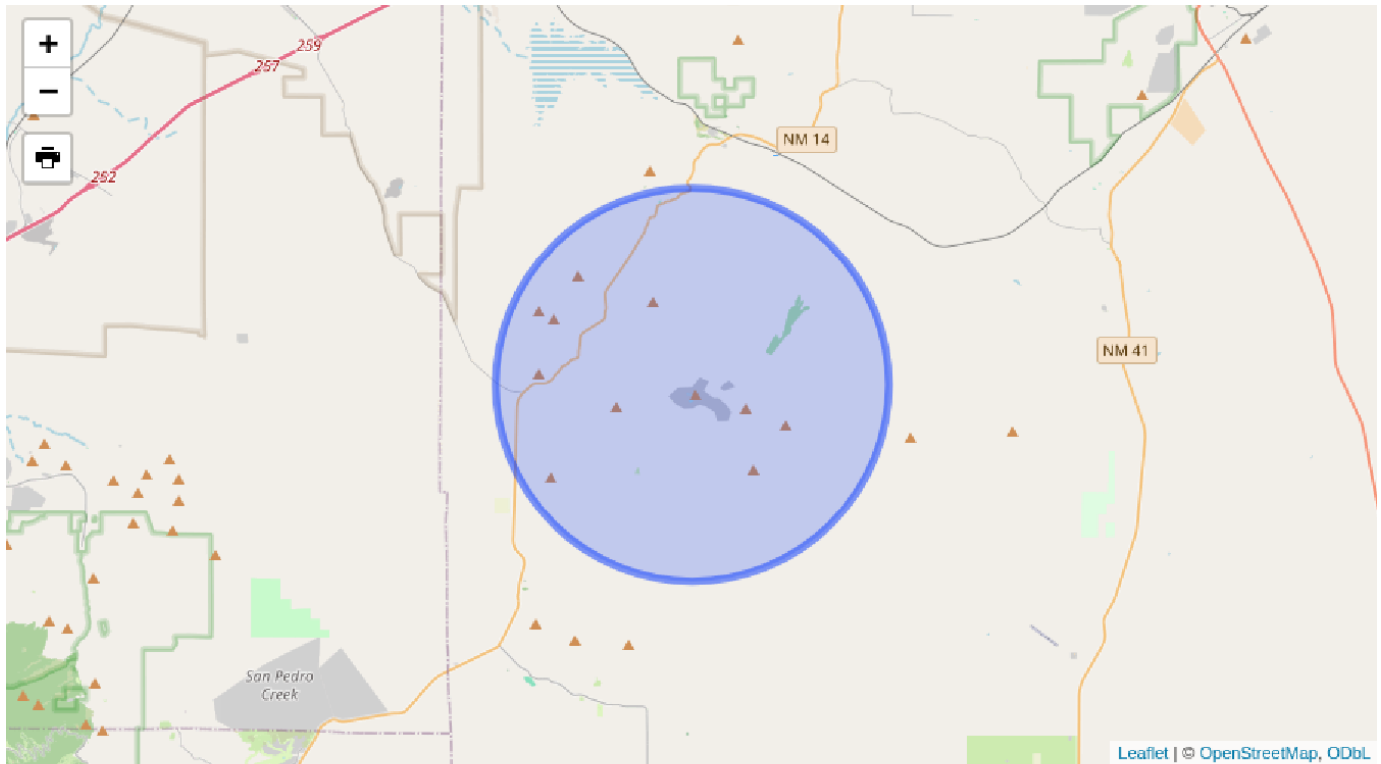
|                                                          | PERCENTILE<br>IN STATE | PERCENTILE<br>IN USA |
|----------------------------------------------------------|------------------------|----------------------|
| <b>EJ INDEXES</b>                                        |                        |                      |
| Particulate Matter Summary Index                         | 10                     | 2                    |
| Ozone Summary Index                                      | 26                     | 59                   |
| Nitrogen Dioxide (NO2) Summary Index                     | 6                      | 10                   |
| Diesel Particulate Matter Summary Index                  | 8                      | 2                    |
| Toxic Releases to Air Summary Index                      | 23                     | 6                    |
| Traffic Proximity and Volume Summary Index               | 10                     | 9                    |
| Lead Paint Summary Index                                 | 34                     | 48                   |
| Superfund Proximity Summary Index                        | 0                      | 0                    |
| RMP Proximity Summary Index                              | 0                      | 0                    |
| Hazardous Waste Proximity Summary Index                  | 0                      | 0                    |
| Underground Storage Tanks Summary Index                  | 0                      | 0                    |
| Wastewater Discharge Summary Index                       | 32                     | 54                   |
| Drinking Water Non-Compliance Summary Index              | 71                     | 80                   |
| <b>SUPPLEMENTAL EJ INDEXES</b>                           |                        |                      |
| Particulate Matter Supplemental Summary Index            | 17                     | 1                    |
| Ozone Supplemental Summary Index                         | 47                     | 71                   |
| Nitrogen Dioxide (NO2) Supplemental Summary Index        | 8                      | 7                    |
| Diesel Particulate Matter Supplemental Summary Index     | 12                     | 2                    |
| Toxic Releases to Air Supplemental Summary Index         | 38                     | 6                    |
| Traffic Proximity and Volume Supplemental Summary Index  | 16                     | 6                    |
| Lead Paint Supplemental Summary Index                    | 50                     | 51                   |
| Superfund Proximity Supplemental Summary Index           | 0                      | 0                    |
| RMP Proximity Supplemental Summary Index                 | 0                      | 0                    |
| Hazardous Waste Proximity Supplemental Summary Index     | 0                      | 0                    |
| Underground Storage Tanks Supplemental Summary Index     | 0                      | 0                    |
| Wastewater Discharge Supplemental Summary Index          | 57                     | 63                   |
| Drinking Water Non-Compliance Supplemental Summary Index | 73                     | 80                   |

| ADDITIONAL INFORMATION                                                         | VALUE | RATIO<br>TO<br>US<br>AVG | RATIO<br>TO<br>STATE<br>AVG |
|--------------------------------------------------------------------------------|-------|--------------------------|-----------------------------|
| <b>BREAKDOWN BY POPULATION GROUP</b>                                           |       |                          |                             |
| % Hispanic or Latino                                                           | 1%    | 0                        | 0                           |
| % Black or African American (non-Hispanic, single race)                        | 3%    | 0.2                      | 1.5                         |
| % Asian (non-Hispanic, single race)                                            | 0%    | 0                        | 0                           |
| % American Indian and Alaska Native (non-Hispanic, single race)                | 0%    | 0                        | 0                           |
| % Native Hawaiian and Other Pacific Islander (non-Hispanic, single race)       | 0%    | 0                        | 0                           |
| % Other race (non-Hispanic, single race)                                       | 0%    | 0                        | 0                           |
| % Two or more races (non-Hispanic)                                             | 5%    | 1.6                      | 2.3                         |
| % White (non-Hispanic, single race)                                            | 91%   | 1.5                      | 2.5                         |
| <b>LANGUAGE SPOKEN AT HOME</b>                                                 |       |                          |                             |
| % speaking Non English languages at home                                       | 4%    | NA                       | NA                          |
| % speaking Other Indo-European at home                                         | 0%    | NA                       | NA                          |
| % speaking Asian and Pacific Island languages at home                          | 0%    | NA                       | NA                          |
| % speaking Other and Unspecified languages at home                             | 0%    | NA                       | NA                          |
| % speaking English at home                                                     | 1     | NA                       | NA                          |
| % speaking Spanish at home                                                     | 4%    | NA                       | NA                          |
| % speaking French at home                                                      | 0     | NA                       | NA                          |
| % speaking Russian, Polish or Other Slavic at home                             | 0     | NA                       | NA                          |
| % speaking Indo-European at home                                               | 0     | NA                       | NA                          |
| % speaking Vietnamese at home                                                  | 0     | NA                       | NA                          |
| % speaking Other Asian and Pacific Island languages at home                    | 0     | NA                       | NA                          |
| % speaking Arabic at home                                                      | 0     | NA                       | NA                          |
| <b>LANGUAGE IN LIMITED ENGLISH SPEAKING HOUSEHOLDS</b>                         |       |                          |                             |
| % speaking Spanish (as % of limited English households)                        | N/A   | NA                       | NA                          |
| % speaking Other Indo-European languages (as % of limited English households)  | N/A   | NA                       | NA                          |
| % speaking Asian-Pacific Island languages (as % of limited English households) | N/A   | NA                       | NA                          |
| % speaking Other languages (as % of limited English households)                | N/A   | NA                       | NA                          |
| <b>BREAKDOWN BY SEX</b>                                                        |       |                          |                             |
| % Males                                                                        | 54%   | NA                       | NA                          |
| % Females                                                                      | 46%   | NA                       | NA                          |

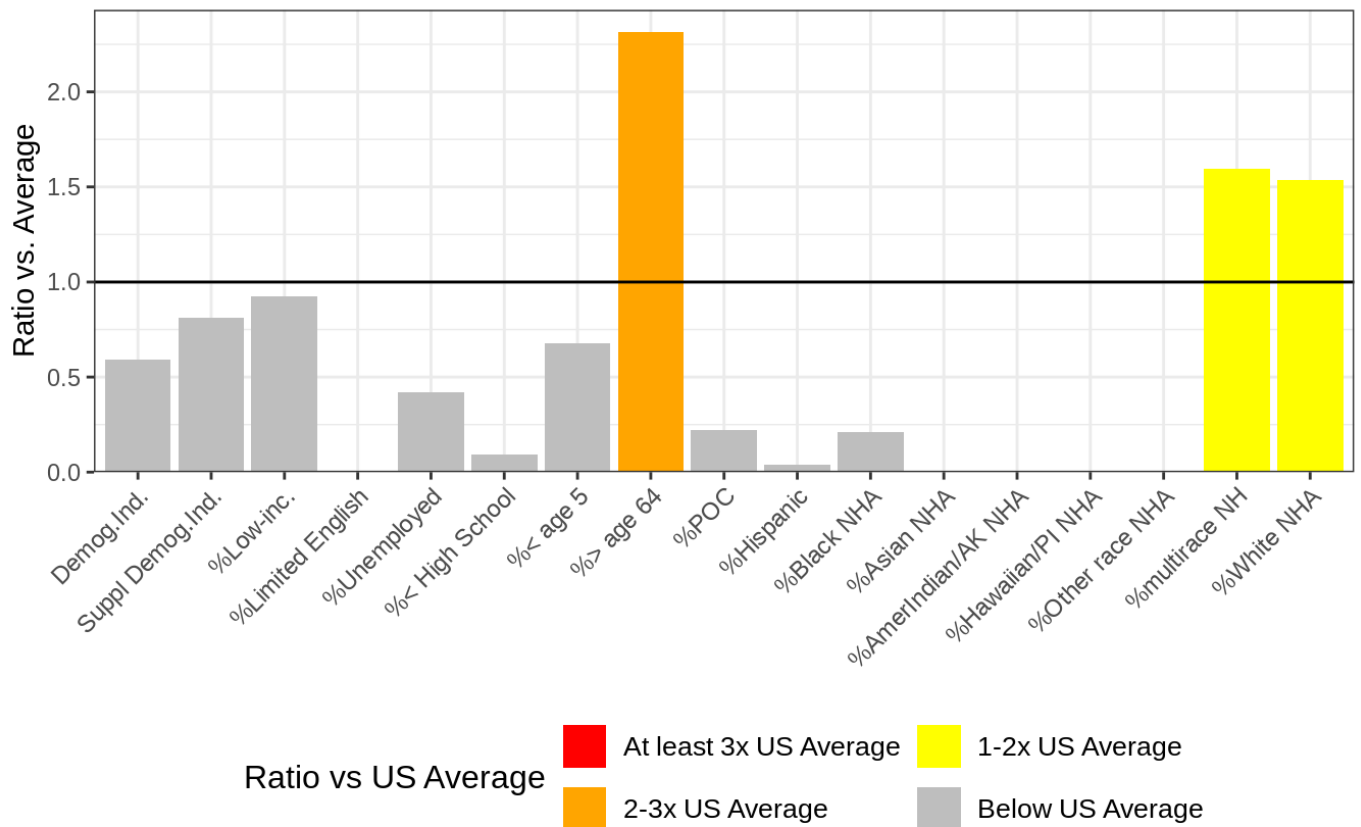
| ADDITIONAL INFORMATION                                      | VALUE  | RATIO<br>TO<br>US<br>AVG | RATIO<br>TO<br>STATE<br>AVG |
|-------------------------------------------------------------|--------|--------------------------|-----------------------------|
| <b>HEALTH</b>                                               |        |                          |                             |
| % with Disabilities                                         | 16%    | 1.2                      | 0.9                         |
| % with Low Life Expectancy                                  | 18%    | 0.9                      | 0.9                         |
| % with Heart Diseases                                       | 6      | NA                       | NA                          |
| % of Adults with Asthma                                     | 10.00  | NA                       | NA                          |
| % of Adults with Cancer (excluding skin cancer)             | 7.70   | NA                       | NA                          |
| <b>AGE</b>                                                  |        |                          |                             |
| % under Age 5                                               | 4%     | 0.7                      | 0.7                         |
| % under age 18                                              | 6%     | NA                       | NA                          |
| % over Age 64                                               | 41%    | 2.3                      | 2.1                         |
| <b>COMMUNITY</b>                                            |        |                          |                             |
| Occupied Housing Units                                      | 376    | NA                       | NA                          |
| Life Expectancy in Years                                    | 80     | NA                       | NA                          |
| Per Capita Income                                           | 28,748 | NA                       | NA                          |
| % Owner Occupied households                                 | 55%    | NA                       | NA                          |
| <b>POVERTY</b>                                              |        |                          |                             |
| % of Households below Poverty Level                         | 26%    | NA                       | NA                          |
| <b>FEATURES AND LOCATION INFORMATION</b>                    |        |                          |                             |
| Number of Sites Nearby (total unique)                       | 1      | NA                       | NA                          |
| Distance to Closest Site for Avg Person                     | 3.9    | NA                       | NA                          |
| Number of Sites Nearby (avg)                                | 1.0    | NA                       | NA                          |
| Number of Sites Nearby (max)                                | 1      | NA                       | NA                          |
| Distance to Closest Site                                    | 1.4    | NA                       | NA                          |
| Count of National Priority List Superfund sites             | 0      | NA                       | NA                          |
| Count of Treatment Storage Disposal Facilities (TSDF)       | 0      | NA                       | NA                          |
| Number of Air Pollution Facilities                          | 3      | NA                       | NA                          |
| Number of Toxic Release Facilities                          | 0      | NA                       | NA                          |
| Number of Water Discharge Facilities                        | 14     | NA                       | NA                          |
| Number of Brownfields                                       | 0      | NA                       | NA                          |
| Number of Schools                                           | 0      | NA                       | NA                          |
| Number of Worship Places                                    | 1      | NA                       | NA                          |
| Number of Hospitals                                         | 0      | NA                       | NA                          |
| Flag for Overlapping with Tribes                            | 0      | NA                       | NA                          |
| Flag for Overlapping with Impaired Waters                   | 1      | NA                       | NA                          |
| Flag for Overlapping with Non-Attainment Areas              | 0      | NA                       | NA                          |
| Flag for Overlapping with CEJST Disadvantaged Communities   | 0      | NA                       | NA                          |
| Flag for Overlapping with EPA IRA Disadvantaged Communities | 0      | NA                       | NA                          |

| ADDITIONAL INFORMATION                                             | VALUE | RATIO<br>TO<br>US<br>AVG | RATIO<br>TO<br>STATE<br>AVG |
|--------------------------------------------------------------------|-------|--------------------------|-----------------------------|
| <b>CLIMATE</b>                                                     |       |                          |                             |
| Estimated Fire Risk in 30 Years                                    | 1%    | NA                       | NA                          |
| Estimated Flood Risk in 30 Years                                   | 0%    | NA                       | NA                          |
| <b>CRITICAL SERVICES</b>                                           |       |                          |                             |
| Flag for Overlapping with Housing Burden Communities               | 0     | NA                       | NA                          |
| Flag for Overlapping with Food Desert Areas                        | 0     | NA                       | NA                          |
| % Households without Broadband Internet                            | 34%   | NA                       | NA                          |
| % Households without Health Insurance                              | 0%    | NA                       | NA                          |
| Flag for Overlapping with Transportation Disadvantaged Communities | 1     | NA                       | NA                          |
| <b>OTHER</b>                                                       |       |                          |                             |
| Total Population                                                   | 598   | NA                       | NA                          |
| Count of Population Age 25 up                                      | 546   | NA                       | NA                          |
| Count of Households                                                | 376   | NA                       | NA                          |
| Universe for % unemployed (denominator, count)                     | 564   | NA                       | NA                          |
| Count of Housing Units Built Pre 1960                              | 128   | NA                       | NA                          |
| Built housing units count (denominator for % pre 1960)             | 464   | NA                       | NA                          |
| Count of Population for whom Poverty Status is Determined          | 598   | NA                       | NA                          |

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



Residential Populations at the Analyzed Locations Compared to US Overall



NH = "non-Hispanic"  
NHA = "non-Hispanic alone, aka single race"