



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
Las Cruces Utilities Department
Jacob Hands
Wastewater Treatment Facility
Permit No. NM0023311

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APPROVAL PAGE

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Date

Limited English Proficiency (LEP) Analysis for NPDES Permit No. NM0023311 Las Cruces Utilities Jacob Hands Wastewater Treatment Facility [

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 = City of Las Cruces, Doña Ana County, New Mexico
- Buffer = 10-mile buffer that includes the outfall, downstream users, and wastewater treatment plants with outfalls to the Rio Grande.

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

Total population	14,976
Percentage People of Color population	67%
Percentage of the population by race	Population reporting one race: White: 33% Black: 2% American Indian: 1% Asian: 1% Hawaiian/Pacific Islander: 0% Hispanic: 61% Some Other Race: 0% Population reporting more than one race: Multiracial: 2 %
Percentage of Limited English households	5%
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: 79% Other Indo-European languages: 6% Asian-Pacific Island languages: 5% Other languages: 9%
Percentage of Low Income	42%
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 Las Cruces Utilities Department Jacob Hands Wastewater Treatment Facility 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 Las Cruces Utilities Department Jacob Hands Wastewater Treatment Facility provides treatment of sanitary waste for the Las Cruces, NM area. Effluent flows through a short unnamed ditch to the Rio Grande.

An identifier of occasional is being assigned because the Las Cruces Utilities Department Jacob Hands Wastewater Treatment Facility discharges to a perennial stream with designated uses that include primary contact. The most likely contact with the facility and its discharge would be from residents and/or agricultural producers who live downstream from the treatment plant.

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 by treating sanitary and industrial wastewater from the City of Las Cruces 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.

LEP Plan for the Las Cruces Utilities Jacob Hands Wastewater Treatment Facility, NPDES Permit No. NM0023311

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.

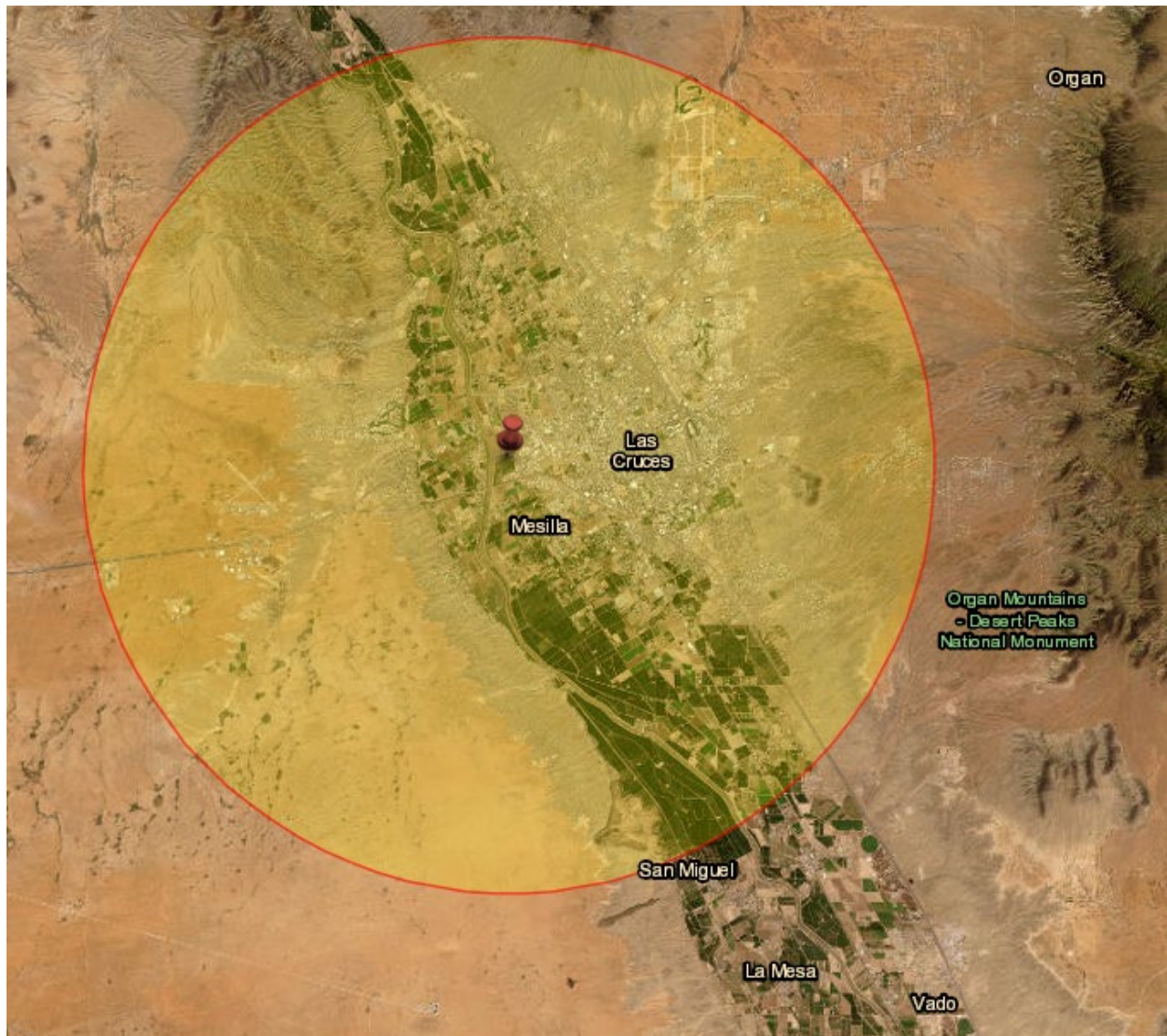
Determination

The area-of-interest near the Las Cruces Utilities Jacob Hands Wastewater Treatment Facility has a total population of 145,976 people within a 10-mile radius. Of that, 6% of individuals live in a limited-English household.

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 not 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.



Summary of Analysis

Residents within 10 miles of this specified point

(Site 1, ejam_uniq_id 1) centered at 32.297508, -106.816463
Area in Square Miles: 314.16



Population: 145,976

Environmental and Residential Population Indicators

	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA	RATIO TO US AVG	RATIO TO STATE AVG
POLLUTION AND SOURCES							
Particulate Matter (PM 2.5 in ug/m3)	6.29	6.11	57	8.45	8	0.7	1.0
Ozone (ppb)	66.1	65.3	54	61.8	75	1.1	1.0
Nitrogen Dioxide (NO2)	11.2	8.1	82	7.8	83	1.4	1.4
Diesel Particulate Matter (ug/m3)	0.230	0.187	69	0.191	72	1.2	1.2
Toxic Releases to Air	0	29	40	4,600	3	0.0	0.0
Traffic Proximity and Volume (daily traffic count/distance to road)	650,000	730,000	69	1,700,000	44	0.4	0.9
Lead Paint Indicator (% pre-1960s housing)	12.53%	0.19	55	0.3	39	0.4	0.7
Superfund Proximity (site count/km distance)	0.91	0.34	92	0.39	90	2.3	2.7
RMP Proximity (facility count/km distance)	0.01	0.20	53	0.57	28	0.0	0.0
Hazardous Waste Proximity (facility count/km distance)	1.1	1.2	65	3.5	46	0.3	0.9
Underground Storage Tanks (UST) indicator	2.4	2.8	69	3.6	65	0.7	0.8
Wastewater Discharge Indicator (toxicity-weighted concentration/distance)	0	990,000	31	700,000	9	0.0	0.0
Drinking Water Non-Compliance	20.0	5.58	89	2.2	98	9.5	3.8
RESIDENTIAL POPULATION INDICATORS							
Demographic Index USA	2.04	2.16	56	1.34	78	1.5	1.1
Supplemental Demographic Index USA	1.79	1.62	48	1.64	64	1.1	0.9
% Low Income	42%	39%	56	30%	73	1.4	1.1
% in limited English-speaking Households	5%	6%	66	5%	76	1.1	0.9
% Unemployed (among civilian labor force)	7%	6%	66	6%	72	1.3	1.1
% with Less Than High School Education	13%	14%	59	11%	68	1.2	1.0
% under Age 5	6%	5%	63	5%	58	1.0	1.1
% over Age 64	17%	20%	47	18%	52	0.9	0.8
% People of Color	67%	62%	55	40%	76	1.7	1.1

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.

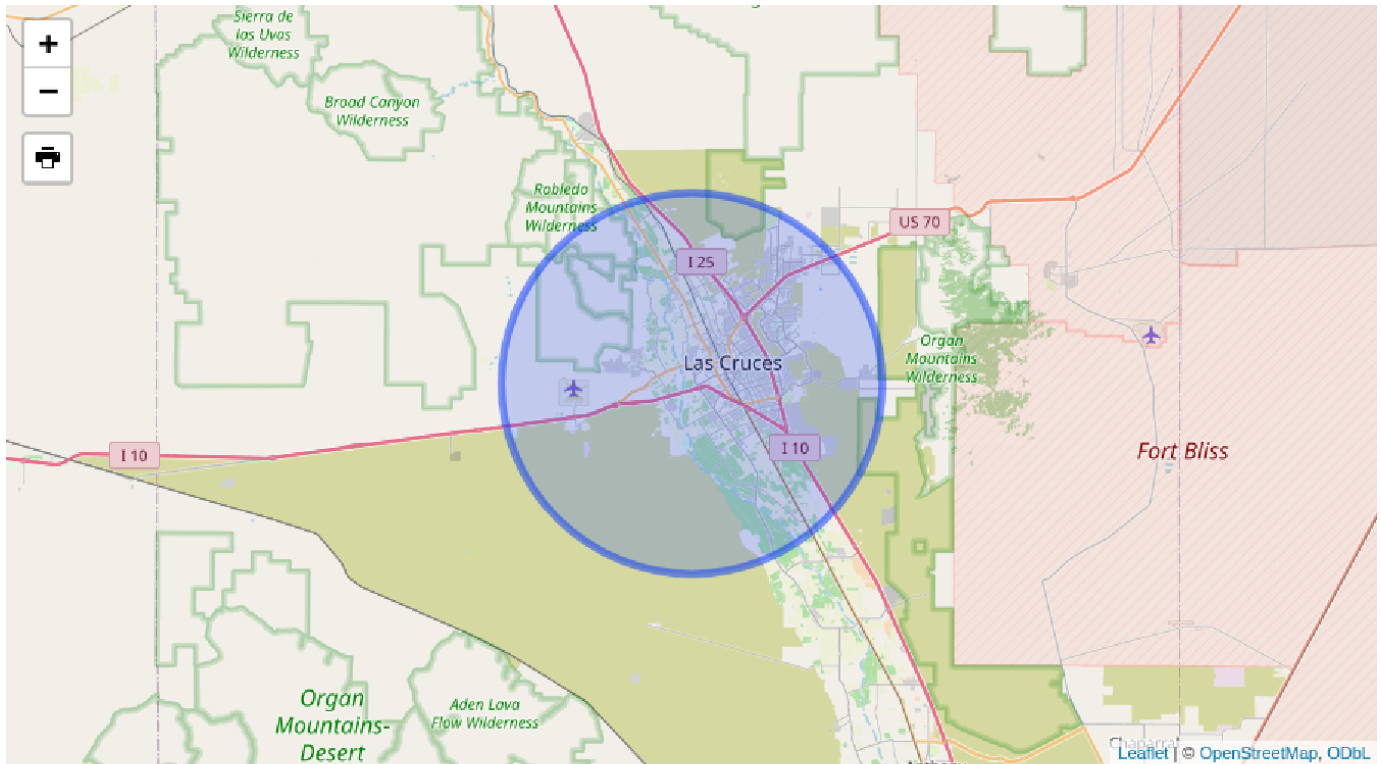
The indexes for a selected area are compared to those for all other locations in the state or nation.

	PERCENTILE IN STATE	PERCENTILE IN USA
EJ INDEXES		
Particulate Matter Summary Index	68	22
Ozone Summary Index	66	87
Nitrogen Dioxide (NO2) Summary Index	81	86
Diesel Particulate Matter Summary Index	76	82
Toxic Releases to Air Summary Index	46	8
Traffic Proximity and Volume Summary Index	76	69
Lead Paint Summary Index	46	59
Superfund Proximity Summary Index	81	88
RMP Proximity Summary Index	53	28
Hazardous Waste Proximity Summary Index	74	70
Underground Storage Tanks Summary Index	59	74
Wastewater Discharge Summary Index	38	24
Drinking Water Non-Compliance Summary Index	84	95
SUPPLEMENTAL EJ INDEXES		
Particulate Matter Supplemental Summary Index	64	11
Ozone Supplemental Summary Index	63	83
Nitrogen Dioxide (NO2) Supplemental Summary Index	77	82
Diesel Particulate Matter Supplemental Summary Index	72	78
Toxic Releases to Air Supplemental Summary Index	40	3
Traffic Proximity and Volume Supplemental Summary Index	71	58
Lead Paint Supplemental Summary Index	42	38
Superfund Proximity Supplemental Summary Index	80	85
RMP Proximity Supplemental Summary Index	53	28
Hazardous Waste Proximity Supplemental Summary Index	71	59
Underground Storage Tanks Supplemental Summary Index	56	61
Wastewater Discharge Supplemental Summary Index	33	12
Drinking Water Non-Compliance Supplemental Summary Index	84	92

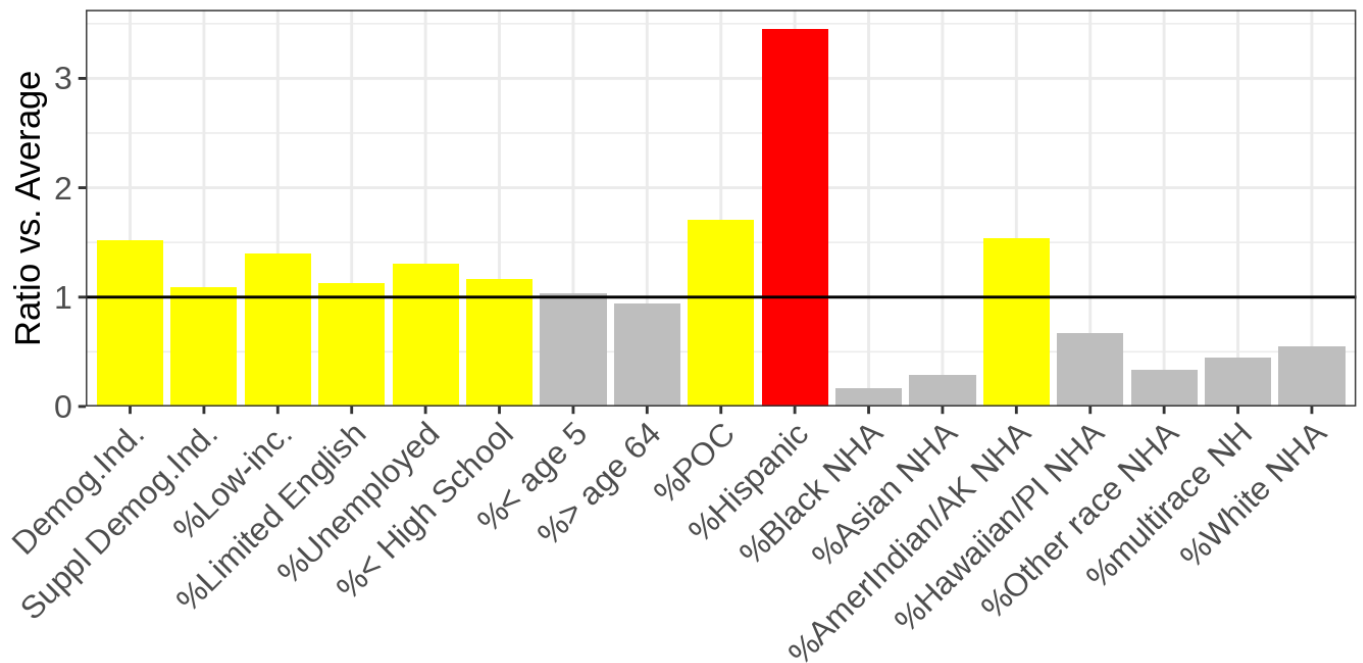
ADDITIONAL INFORMATION	VALUE	RATIO TO US AVG	RATIO TO STATE AVG
BREAKDOWN BY POPULATION GROUP			
% Hispanic or Latino	61%	3.5	1.3
% Black or African American (non-Hispanic, single race)	2%	0.2	1.2
% Asian (non-Hispanic, single race)	1%	0.3	1
% American Indian and Alaska Native (non-Hispanic, single race)	1%	1.5	0.1
% Native Hawaiian and Other Pacific Islander (non-Hispanic, single race)	0%	0.7	2
% Other race (non-Hispanic, single race)	0%	0.3	0.4
% Two or more races (non-Hispanic)	2%	0.4	0.6
% White (non-Hispanic, single race)	33%	0.5	0.9
LANGUAGE SPOKEN AT HOME			
% speaking non-English languages at home	37%	1.8	1.1
% speaking Other Indo-European at home	1%	0.4	1.3
% speaking Asian and Pacific Island languages at home	1%	0.3	1
% speaking Arabic, Other, and unspecified languages at home	1%	0.7	0.2
% speaking English at home	1	0.8	0.9
% speaking Spanish at home	34%	2.6	1.3
% speaking French at home	0	0.4	1.4
% speaking Russian, Polish or Other Slavic at home	0	0.2	1.1
% speaking Chinese (including Mandarin, Cantonese) at home	0	0.2	1.2
% speaking Korean at home	0	0.3	1
% speaking Other Indo-European languages at home	0	0.3	1.3
% speaking Vietnamese at home	0	0.1	0.3
% speaking Other Asian and Pacific Island languages at home	0	0.3	1.1
% speaking Arabic at home	0	1.1	3.6
% speaking German or other West Germanic languages at home	0	0.7	1.2
% speaking Tagalog (including Filipino) at home	0	0.7	1.3
% speaking Other and unspecified languages at home	0	0.6	0.1
LANGUAGE IN LIMITED ENGLISH SPEAKING HOUSEHOLDS			

ADDITIONAL INFORMATION	VALUE	RATIO TO US AVG	RATIO TO STATE AVG
% speaking Spanish (as % of limited English households)	79%	3.5	1.8
% speaking Other Indo-European languages (as % of limited English households)	6%	0.7	2.8
% speaking Asian-Pacific Island languages (as % of limited English households)	5%	0.5	1.3
% speaking Other languages (as % of limited English households)	9%	4.6	1.2
BREAKDOWN BY SEX			
% Males	49%	1	1
% Females	51%	1	1
HEALTH			
% with Disabilities	15%	1.1	0.9
% with Low Life Expectancy	19%	1	1
% with Heart Diseases	5	0.9	0.9
% of Adults with Asthma	11.00	1	1
% of Adults with Cancer (excluding skin cancer)	5.64	0.9	0.9
AGE			
% under Age 5	6%	1	1.1
% under age 18	22%	1.1	1.1
% over Age 64	17%	0.9	0.8
COMMUNITY			
Occupied Housing Units	56,908	NA	NA
Per Capita Income	29,592	NA	NA
% Owner-occupied housing units	59%	0.9	0.9
POVERTY			
% Households below Poverty Level	22%	1.6	1.2
FEATURES AND LOCATION INFORMATION			
Number of Sites Nearby (total unique)	1	NA	NA
Distance to Closest Site for Avg Person	4.8	NA	NA
Number of Sites Nearby (avg)	1.0	NA	NA
Number of Sites Nearby (max)	1	NA	NA
Distance to Closest Site	0.1	NA	NA
Count of National Priority List Superfund sites	8	NA	NA
Count of Treatment Storage Disposal Facilities (TSDF)	4	NA	NA
Number of Air Pollution Facilities	77	NA	NA
Number of Toxic Release Facilities	5	NA	NA
Number of Water Discharge Facilities	1,545	NA	NA
Number of Brownfields	7	NA	NA
Number of Schools	46	NA	NA

ADDITIONAL INFORMATION	VALUE	RATIO TO US AVG	RATIO TO STATE AVG
Number of Worship Places	66	NA	NA
Number of Hospitals	4	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	1	NA	NA
Flag for Overlapping with EPA IRA Disadvantaged Communities	1	NA	NA
CLIMATE			
Estimated Fire Risk in 30 Years	1%	0.1	1
Estimated Flood Risk in 30 Years	0%	0	1.2
CRITICAL SERVICES			
Flag for Overlapping with Housing Burden Communities	1	NA	NA
Flag for Overlapping with Food Desert Areas	1	NA	NA
% Households without Broadband Internet	14%	1.2	0.7
% People without Health Insurance	9%	1	0.9
Flag for Overlapping with Transportation Disadvantaged Communities	1	NA	NA
OTHER			
Total Population	145,976	NA	NA
Non-POC resident count	47,577	NA	NA
Count of Population Age 25 up	89,638	NA	NA
Count of Households	56,908	NA	NA
Population 16 years and over	118,120	NA	NA
Civilian labor force	68,173	NA	NA
Count of Housing Units Built Pre 1960	7,795	NA	NA
Built housing units count (denominator for % pre 1960)	62,216	NA	NA
Count of Population for whom Poverty Status is Determined	141,250	NA	NA
Count of Households in B28002 Internet Subscription Universe	56,908	NA	NA



Residential Populations at the Analyzed Locations Compared to US Overall



Ratio vs US Average

- At least 3x US Average
- 1-2x US Average
- 2-3x US Average
- Below US Average

NH = "Non-Hispanic"
NHA = "Non-Hispanic Alone" (alone = single race)

