



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
JC Imperial, LLC
Jim Crow Mine
Permit No. NM0031236

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APPROVAL PAGE

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Date

Limited English Proficiency (LEP) Analysis for NPDES Permit No. NM0031236 JC Imperial, LLC Jim Crow 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 = Steeple Rock Mining District, Grant County, New Mexico
- Buffer = 4-mile buffer that includes mine site, outfall area, and the surrounding area.

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	11
Percentage People of Color population	13 %
Percentage of the population by race	Population reporting one race: White: 87 % Black: 0 % American Indian: 0 % Asian: 0 % Hawaiian/Pacific Islander: 0 % Hispanic: 10 % Some Other Race: 0 % Population reporting more than one race: Multiracial: 3 %
Percentage of Limited English households	6 %
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: 100 % Other Indo-European languages:.....0 % Asian-Pacific Island languages:0 % Other languages: 0 %
Percentage of Low Income	50 %
Percentage of Low Income in New Mexico	39 %
Percentage of Low Income in the U.S.	30 %

This is a new point source discharge; therefore the Bureau does not have an administrative record of past public involvement or requests of individuals needing specific accessibility accommodations the JC Imperial LLC, Jim Crow Mine NPDES permit. Interested parties can request a public meeting or public hearing from the U.S. Environmental Protection Agency (EPA).

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

JC Imperial LLC Jim Crow Mine operates an underground silica mine that includes small amounts of gold and silver ore. Natural groundwater accumulates within the mine. To manage accumulated water and maintain safe and operable underground conditions, the

mine proposes to conduct active dewatering operations. The discharges from Outfall 001 flow into Carlisle Creek (Segment 20.6.4.98 NMAC) of the Upper Gila-Mangas Basin.

An identifier of not frequent is being assigned because JC Imperial LLC Jim Crow Mine is located in an unpopulated area.

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 Carlisle Creek are protected and water quality criteria are met.

The facility provides an important service by collecting and treating potentially polluted groundwater from the Jim Crow Mine before discharging treated effluent to the Carlisle Creek.

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 JC Imperial LLC Jim Crow Mine, NPDES Permit No. NM0031236

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 JC Imperial, LLC Jim Crow Mine has a total population of 11 people within a 4-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 do not 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.

Jim Crow

