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 Sandia Peak Tramway Company Wastewater Treatment Plant Permit No. NM0027863

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APPROVAL PAGE

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Limited English Proficiency (LEP) Analysis for NPDES Permit No. NM0027863
Sandia Peak Tramway Company
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 = Sandia Peak Tramway area, Bernalillo County, New Mexico
- Buffer = 5-mile buffer that includes the facility, the surrounding Pueblo of Sandia and U.S. Forest Service lands, and the residential areas in Sandia Park and northeast Albuquerque

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

EJSCREEN Multisite Report Results for the Affected Community

Total population	14,701
Percentage People of Color population	31%
Percentage of the population by race	Population reporting one race: White: ..... 69% Black: ..... 2% American Indian: ..... 1% Asian: ..... 5% Hawaiian/Pacific Islander: ..... 0% Hispanic: ..... 20% Some Other Race: ..... 1% Population reporting more than one race: Multiracial: 3%
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: ..... 5% Other Indo-European languages: .....2% Asian-Pacific Island languages: .....3% Other languages: 1%
Percentage of Low Income	8%
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 Sandia Peak Tramway Company wastewater treatment plant (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.

Sandia Peak Tramway Company WWTP treats wastewater from the Sandia Peak terminal building and restaurant before discharging treated effluent to Cañon de Domingo Baca, also known as Arroyo de Domingo Baca, and thence to the Rio Grande in Segment 20.6.4.105 NMAC of the Rio Grande Basin.

An identifier of not frequent is being assigned because the Sandia Peak Tramway WWTP is located in an unpopulated area 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 Cañon de Domingo Baca are protected, and water quality criteria are met.

The facility provides an important service by treating sanitary wastewater from the Sandia Peak Tramway terminal building and restaurant before discharging treated effluent to the Cañon de Domingo Baca.

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 Sandia Peak Tramway WWTP, NPDES Permit No. NM0027863

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.

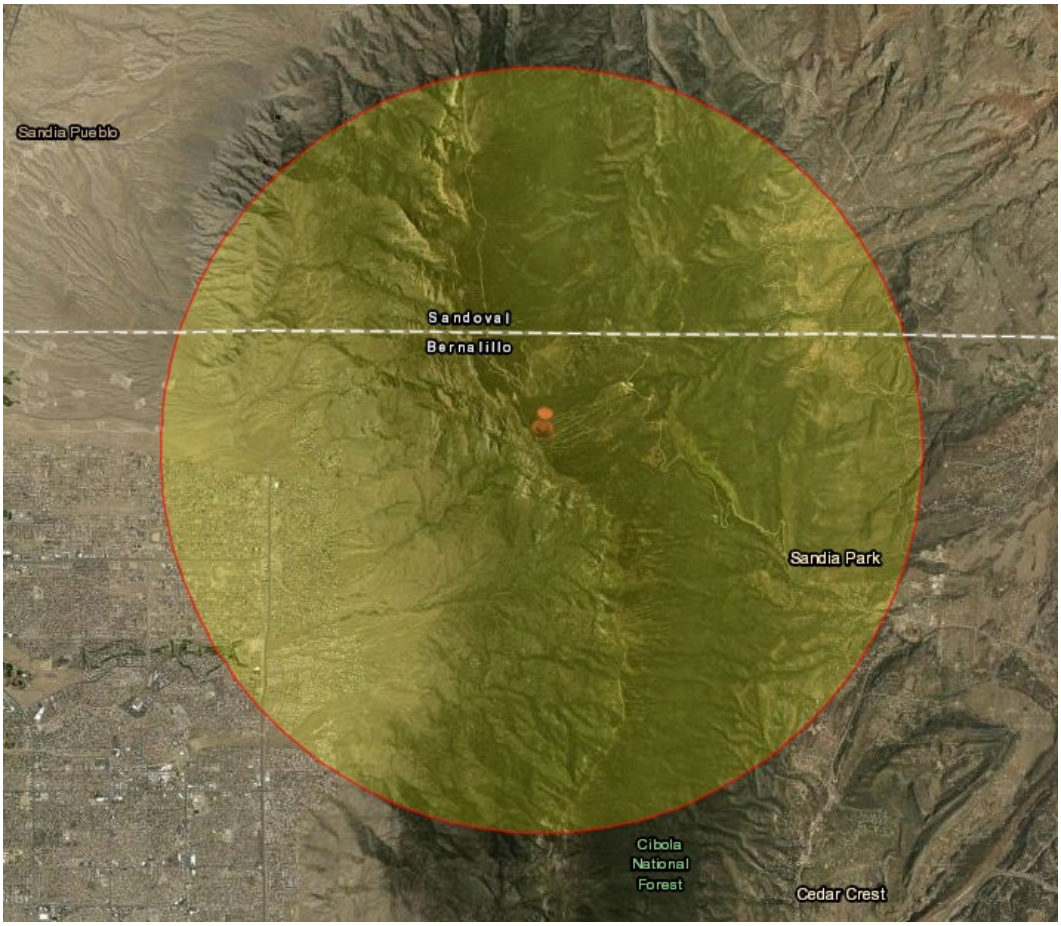
Determination

The area-of-interest near the Sandia Peak Tramway WWTP has a total population of 14,701 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 need contact the Bureau, bureau staff will work with the Department's Non-Discrimination Coordinator to address the request.



EJSCREEN Community Report

This report summarizes environmental and residential population information for user-defined areas, and combines that data into indexes.

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)	6.52	6.11	64	8.45	10	0.8	1.1
Ozone (ppb)	69.1	65.3	97	61.8	83	1.1	1.1
Nitrogen Dioxide (NO2)	7.4	8.1	38	7.8	48	0.9	0.9
Diesel Particulate Matter (ug/m3)	0.107	0.187	48	0.191	31	0.6	0.6
Toxic Releases to Air	23	29	57	4,600	12	0.0	0.8
Traffic Proximity and Volume (daily traffic count/distance to road)	800,000	730,000	72	1,700,000	49	0.5	1.1
Lead Paint Indicator (% pre-1960s housing)	2%	19%	27	30%	18	0.1	0.1
Superfund Proximity (site count/km distance)	0.00	0.34	0	0.39	0	0.0	0.0
RMP Proximity (facility count/km distance)	0.12	0.20	63	0.57	37	0.2	0.6
Hazardous Waste Proximity (facility count/km distance)	2.1	1.2	76	3.5	59	0.6	1.7
Underground Storage Tanks (UST) indicator	0.1	2.8	38	3.6	34	0.0	0.0
Wastewater Discharge Indicator (toxicity-weighted concentration/distance)	83	990,000	54	700,000	54	0.0	0.0
Drinking Water Non-Compliance	0.0	5.58	70	2.2	73	0.0	0.0
RESIDENTIAL POPULATION INDICATORS							
Demographic Index USA	0.67	2.16	5	1.34	24	0.5	0.4
Supplemental Demographic Index USA	0.83	1.62	2	1.64	7	0.5	0.4
% Low Income	8%	39%	7	30%	13	0.3	0.2
% in limited English-speaking Households	0%	6%	42	5%	57	0.1	0.1
% Unemployed (among civilian labor force)	5%	6%	56	6%	61	0.9	0.8
% with Less Than High School Education	2%	14%	16	11%	17	0.1	0.1
% under Age 5	4%	5%	52	5%	45	0.8	0.8
% over Age 64	31%	20%	84	18%	89	1.7	1.6
% People of Color	31%	62%	11	40%	49	0.8	0.5

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	30	11
Ozone Summary Index	41	57
Nitrogen Dioxide (NO2) Summary Index	20	38
Diesel Particulate Matter Summary Index	23	28
Toxic Releases to Air Summary Index	28	11
Traffic Proximity and Volume Summary Index	33	38
Lead Paint Summary Index	22	16
Superfund Proximity Summary Index	0	0
RMP Proximity Summary Index	54	36
Hazardous Waste Proximity Summary Index	42	44
Underground Storage Tanks Summary Index	28	30
Wastewater Discharge Summary Index	26	36
Drinking Water Non-Compliance Summary Index	70	73
SUPPLEMENTAL EJ INDEXES		
Particulate Matter Supplemental Summary Index	28	6
Ozone Supplemental Summary Index	39	51
Nitrogen Dioxide (NO2) Supplemental Summary Index	17	29
Diesel Particulate Matter Supplemental Summary Index	20	17
Toxic Releases to Air Supplemental Summary Index	26	7
Traffic Proximity and Volume Supplemental Summary Index	29	29
Lead Paint Supplemental Summary Index	22	15
Superfund Proximity Supplemental Summary Index	0	0
RMP Proximity Supplemental Summary Index	53	29
Hazardous Waste Proximity Supplemental Summary Index	40	36
Underground Storage Tanks Supplemental Summary Index	28	27
Wastewater Discharge Supplemental Summary Index	25	28
Drinking Water Non-Compliance Supplemental Summary Index	70	73

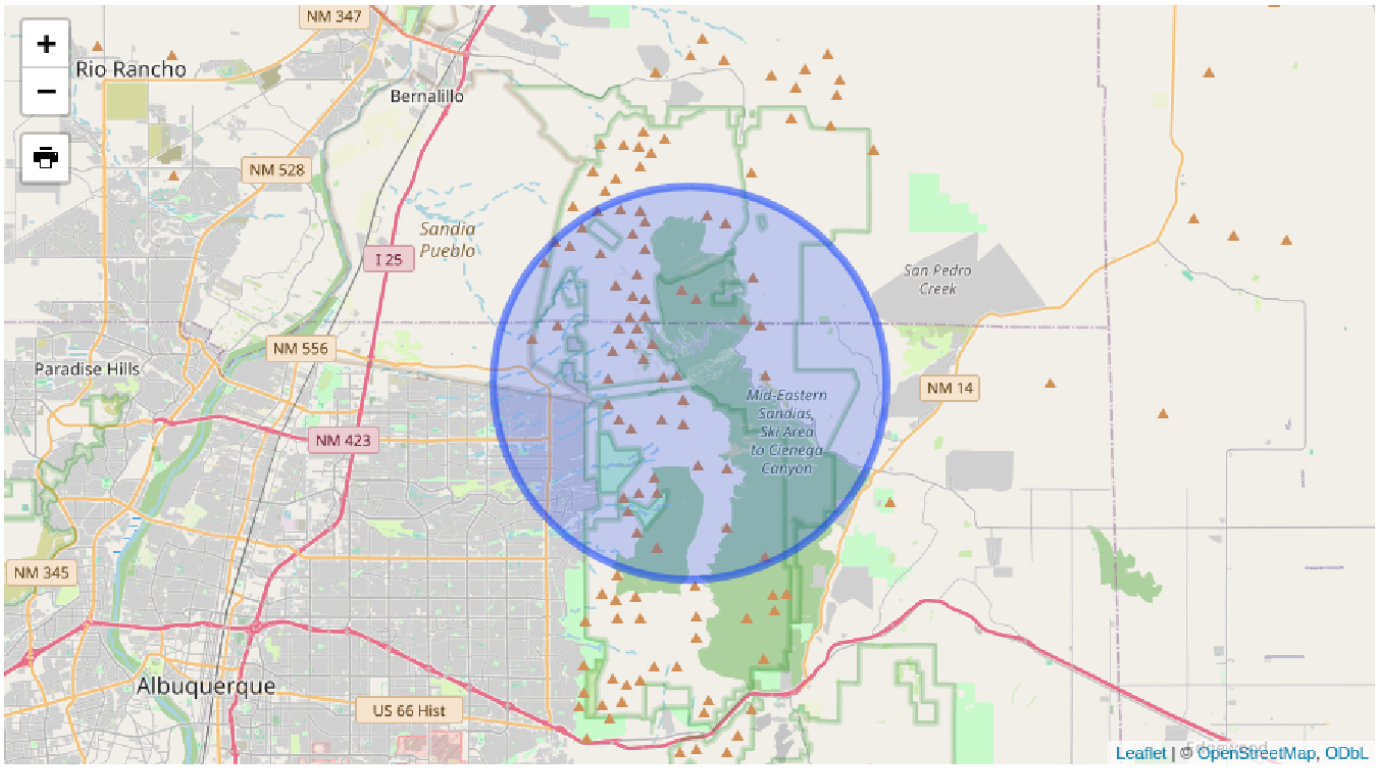
ADDITIONAL INFORMATION	VALUE	RATIO TO US AVG	RATIO TO STATE AVG
BREAKDOWN BY POPULATION GROUP			
% Hispanic or Latino	20%	1.1	0.4
% Black or African American (non-Hispanic, single race)	2%	0.1	1.1
% Asian (non-Hispanic, single race)	5%	0.9	3.3
% American Indian and Alaska Native (non-Hispanic, single race)	1%	1.1	0.1
% Native Hawaiian and Other Pacific Islander (non-Hispanic, single race)	0%	0	0
% Other race (non-Hispanic, single race)	1%	3.7	4.4
% Two or more races (non-Hispanic)	3%	0.9	1.2
% White (non-Hispanic, single race)	69%	1.2	1.9
LANGUAGE SPOKEN AT HOME			
% speaking non-English languages at home	11%	0.5	0.3
% speaking Other Indo-European at home	2%	0.6	2.2
% speaking Asian and Pacific Island languages at home	3%	1	3.1
% speaking Arabic, Other, and unspecified languages at home	1%	0.7	0.1
% speaking English at home	89%	1.1	1.3
% speaking Spanish at home	5%	0.4	0.2
% speaking French at home	0%	0.3	1
% speaking Russian, Polish or Other Slavic at home	0%	0.6	3
% speaking Chinese (including Mandarin, Cantonese) at home	2%	1.8	10
% speaking Korean at home	1%	1.6	5.5
% speaking Other Indo-European languages at home	1%	0.7	3
% speaking Vietnamese at home	0%	0.2	0.3
% speaking Other Asian and Pacific Island languages at home	1%	0.6	2.4
% speaking Arabic at home	0%	0.4	1.2
% speaking German or other West Germanic languages at home	0%	0.8	1.3
% speaking Tagalog (including Filipino) at home	0%	0.1	0.2
% speaking Other and unspecified languages at home	1%	0.8	0.1

ADDITIONAL INFORMATION	VALUE	RATIO TO US AVG	RATIO TO STATE AVG
LANGUAGE IN LIMITED ENGLISH SPEAKING HOUSEHOLDS			
% speaking Spanish (as % of limited English households)	72%	3.2	1.6
% speaking Other Indo-European languages (as % of limited English households)	5%	0.6	2.1
% speaking Asian-Pacific Island languages (as % of limited English households)	12%	1.1	3
% speaking Other languages (as % of limited English households)	11%	5.5	1.5
BREAKDOWN BY SEX			
% Males	48%	1	1
% Females	52%	1	1
HEALTH			
% with Disabilities	12%	0.9	0.7
% with Low Life Expectancy	14%	0.7	0.7
% with Heart Diseases	5%	0.9	0.8
% of Adults with Asthma	10%	0.9	0.9
% of Adults with Cancer (excluding skin cancer)	9%	1.3	1.4
AGE			
% under Age 5	4%	0.8	0.8
% under age 18	18%	0.9	0.9
% over Age 64	31%	1.7	1.6
COMMUNITY			
Occupied Housing Units	6,448	N/A	N/A
Per Capita Income	87,139	N/A	N/A
% Owner-occupied housing units	87%	1.3	1.3
POVERTY			
% Households below Poverty Level	6%	0.5	0.3
CLIMATE			
Estimated Fire Risk in 30 Years	1%	0.1	1.4
Estimated Flood Risk in 30 Years	0%	0	1.4

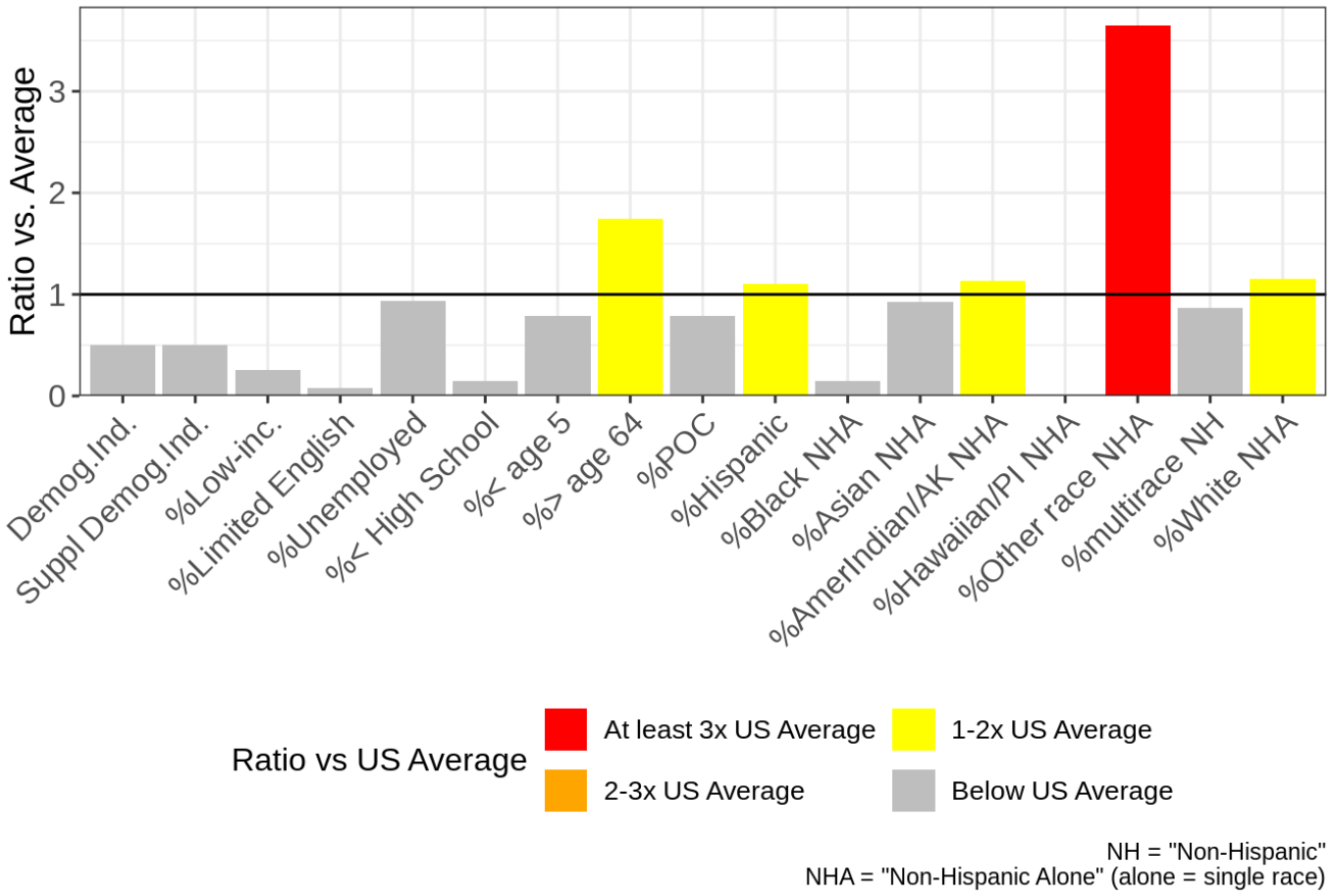
ADDITIONAL INFORMATION	VALUE	RATIO TO US AVG	RATIO TO STATE AVG
% OF THESE RESIDENTS WHO HAVE THIS FEATURE OR AREA TYPE IN (OR OVERLAPPING) THEIR BLOCKGROUP			
Any schools	17%	0.5	0.4
Any places of worship	24%	0.6	1
Any hospitals	0%	0	0
Overlapping with Tribes	34%	21.2	3.4
Overlapping with Impaired Waters	26%	0.5	0.9
Overlapping with Non-Attainment Areas	0%	0	0
Overlapping with CEJST Disadvantaged Communities	0%	0	0
Overlapping with EPA IRA Disadvantaged Communities	34%	0.8	0.6
Overlapping with Housing Burden Communities	0%	0	0
Overlapping with Food Desert Areas	3%	0.1	0.1
Overlapping with Transportation Disadvantaged Communities	11%	0.2	0.2
COUNTS OF FEATURES AND OVERLAP WITH AREA TYPES			
Number of Schools	2	N/A	N/A
Number of Worship Places	4	N/A	N/A
Number of Hospitals	0	N/A	N/A
Flag for Overlapping with Tribes	Yes	N/A	N/A
Flag for Overlapping with Impaired Waters	Yes	N/A	N/A
Flag for Overlapping with Non-Attainment Areas	No	N/A	N/A
Flag for Overlapping with CEJST Disadvantaged Communities	No	N/A	N/A
Flag for Overlapping with EPA IRA Disadvantaged Communities	Yes	N/A	N/A
CRITICAL SERVICES			
Flag for Overlapping with Housing Burden Communities	No	N/A	N/A
Flag for Overlapping with Food Desert Areas	Yes	N/A	N/A
Flag for Overlapping with Transportation Disadvantaged Communities	Yes	N/A	N/A
% Households without Broadband Internet	5%	0.4	0.3
% People without Health Insurance	2%	0.2	0.2

ADDITIONAL INFORMATION	VALUE	RATIO TO US AVG	RATIO TO STATE AVG
FACILITY COUNTS			
Number of National Priority List Superfund sites	0	N/A	N/A
Number of Treatment Storage Disposal Facilities (TSDF)	1	N/A	N/A
Number of Air Pollution Facilities	7	N/A	N/A
Number of Toxic Release Facilities	1	N/A	N/A
Number of Water Discharge Facilities	33	N/A	N/A
Number of Brownfields	0	N/A	N/A
ANALYZED SITES			
Distance to Closest Site for Avg Person	4.2	N/A	N/A
Distance to Closest Site	1.2	N/A	N/A
Number of Sites Nearby (total unique)	1	N/A	N/A
Number of Sites Nearby (avg)	1.0	N/A	N/A
Number of Sites Nearby (max)	1	N/A	N/A
OTHER TOTALS			
Total Population	14,701	N/A	N/A
Count of Residents Who Are Not People of Color	10,115	N/A	N/A
Count of Population Age 25 up	11,566	N/A	N/A
Count of Households	6,448	N/A	N/A
Population 16 years and over	12,358	N/A	N/A
Civilian labor force	6,487	N/A	N/A
Count of Housing Units Built Pre 1960	122	N/A	N/A
Built housing units count (denominator for % pre 1960)	6,658	N/A	N/A
Count of Population for whom Poverty Status is Determined	14,598	N/A	N/A
Count of Households in Internet Subscription Universe	6,448	N/A	N/A

Note: Feature counts shown (such as the count of schools) are estimated totals -- They use the count of features in each blockgroup and adjust that based on what share of the blockgroup's residents are inside the analyzed area. They estimate the total in the area rather than using exact coordinates of each feature to count inside each mapped area. If present, rows showing what % of these residents have a feature or area type in their block group show what percent of the residents analyzed live in a block group that contains at least one of that type of feature or that overlaps that type of area, and the ratio columns compare that percent to the equivalent percent of all US residents or of all residents of the state(s) analyzed. Where an analysis covers sites in more than one state, the State average here means the average among all the residents at these sites, using the statewide value in each resident's state.



Residential Populations at the Analyzed Locations Compared to US Overall



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