



NEW MEXICO ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

Public Involvement Plan (PIP)
for the
Comprehensive Assessment and Listing
Methodology (CALM)

June 2021

APPROVAL PAGE

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Date

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Date

I. Public Involvement Plan (PIP) Overview

The New Mexico Environment Department (Department), Surface Water Quality Bureau (SWQB or Bureau) developed this Public Involvement Plan (PIP) for the periodic updates to the Statewide Comprehensive Assessment and Listing Methodology (CALM). The CALM provides a description of the listing methodologies used to apply available, validated and verified water quality sampling data against the New Mexico’s water quality standards (20.6.4 NMAC) to develop the biennial CWA §303(d)/ §305(b) Integrated Report and List. The Bureau encourages the public to learn about and get involved in the decision-making processes that are part of the Statewide CALM. The purpose of this PIP is to provide public participation opportunities and information that may be needed to participate in these updates. This PIP integrates information about the community and identifies resources needed by the Bureau to successfully incorporate community participation activities into the decision-making process for the CALM updates. The PIP identifies the Department staff and resources needed to accomplish these activities. The Bureau will meet the public participation requirements for the updates to the CALM by following this PIP, which includes all applicable policy, regulatory and statutory public participation requirements.

In developing this PIP, community participation needs were assessed to ensure appropriate promotion of public outreach by identifying whether there is a combination of environmental and demographic factors (i.e., low-income community, minority community, limited English proficiency individuals, Linguistically Isolated Households, etc.) that may impact public participation. This assessment identifies community outreach needs and provides for public access opportunities above and beyond statutorily mandated requirements and underscores the provision of adequate public access to information about the updates to the Statewide CALM.

As much as possible, public participation and informational activities related to the CALM will be held within the timelines outlined in the table below. This timeline is tentative and subject to change. Per the federal requirement, a 30-day public review and comment period is allotted.

More detailed information about planned Bureau outreach is available in this PIP.

Activity	Dates
Notice PIP (invite public input)	June 18, 2021
Public Notice	June 18, 2021
Public Review Period	37 -day review June 18-July 26 , 2021
Public announcements (radio, brochures, signs, postcards, factsheets, etc.)	As needed

This PIP is a “living” document that may be amended after considering public comments and feedback. The Bureau Chief provides final approval of the PIP and amendments.

II. Bureau Contacts

Bureau contacts for questions regarding the Statewide Comprehensive Assessment and Listing Methodology (CALM), the public review and approval process, the Bureau’s website, or this PIP, are listed below:

Meredith Zeigler
Surface Water Quality Bureau
PO Box 5469
Santa Fe, NM 87502-5469

Phone: (505) 490-5866
Fax: (505) 827-0160
Email: meredith.zeigler@state.nm.us

The NMED SWQB offices are currently closed due to the COVID-19 pandemic. If you need to contact the Bureau regarding the Statewide CALM, please call or email the bureau contacts listed above.

A. Non-English Language Speaker Assistance and Accommodations

Non-English speakers may call the Bureau contact listed in this PIP and request language assistance services, such as an interpreter, so they can learn more about the CALM.

Based on a four-factor evaluation for limited English proficiency (LEP) accessibility and outreach (NMED Policy and Procedure 07-11), the Bureau determined that additional language assistance (interpretation or translation services) and outreach in Spanish are needed for this activity, at this time. The Bureau will:

- Send a notice in English and Spanish to the Bureau's email listserv announcing the availability of the comment period for consideration of the CALM.
- Publish the public notice of the CALM which will include a comment period, in both English and Spanish.
- Will work with the Department's interpreter to provide language assistance either through immediately available staff or through contracted translation services, if LEP individuals contact the Bureau.
- Will work with the Department's Non-Discrimination Coordinator to address requests from individuals with accessibility needs.

The Bureau has determined that there are adequate resources available within the Department to provide LEP services, if requested or determined necessary. If additional information or data are acquired that indicate additional services are needed, the Bureau will implement expanded outreach activities described in this PIP.

B. Department Websites

New Mexico Environment Department - <https://www.env.nm.gov/>

Surface Water Quality Bureau - <https://www.env.nm.gov/surface-water-quality/>

C. CALM Website

The Bureau maintains a website location for the CALM (see website address below). The website will be kept up to date and has information about the site and important documents.

<https://www.env.nm.gov/surface-water-quality/calm/>

III. Regulatory Framework

The public participation requirements of specific water quality programs are specified in 40 CFR Section 25.4 and described in the Water Quality Management Plan and Continuous Planning Process (WQMP/CPP). At a minimum, the public participation process for New Mexico's water quality programs consists of the following:

- Providing the public with the information and assistance necessary for meaningful involvement;
- Providing a central location of reports, studies, plans, and other documents;
- Maintaining a list of affected or interested parties and stakeholders; and
- Notifying stakeholders in a timely fashion prior to consideration of major decisions (generally at least 30 days).

To fulfill this requirement, the Bureau invites the public to comment on significant revisions to the CALM. The Statewide CALM documents a consistent approach for assessing data to determine whether designated uses are attained as detailed in the State of New Mexico Standards for Interstate and

Intrastate Surface Waters (20.6.4 NMAC). The CALM is reviewed biennially to ensure consistency with EPA listing guidance as well as to implement the results of studies that, for example, result in proposed numeric translators for narrative criteria. As stated in the WQMP/PPP, the CALM does not need to be approved by the New Mexico Water Quality Control Commission (WQCC) or the United States Environmental Protection Agency (EPA). Alternatively, the WQCC and the EPA refer to the CALM to better understand how designated use attainment determinations are made.

IV. Location and Demographics

The CALM is a statewide document, and thus contains objectives and strategies for the entire state.

Demographic Summary

Demographic indicators were obtained from EPA EJSCREEN, an environmental justice screening and mapping tool, available on-line at <https://www.epa.gov/ejscreen>. 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 selecting 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. EJSCREEN then provides a report that describes demographic and environmental information for that area. The 2014-2018 ACS Report link in EJSCREEN provides a report with U.S. Census Bureau American Community Survey (ACS) data in pdf format. The 2014-2018 ACS, through EJSCREEN, provided quantitative information regarding demographic indicators. Demographic information not available using EJSCREEN was obtained using the U.S. Census Bureau QuickFacts data¹.

Summary of Site-Specific EJSCREEN Inputs

- Community of Concern = statewide
- Buffer = No buffer was applied, due to the large geographic extent of the project area.

Using the 2014-2018 American Community Survey (ACS) report obtained from EJSCREEN, New Mexico has an estimated population of 2,092,434; 49% who identify as Hispanic or Latino (which may be of mixed race) and 9% identify exclusively as American Indian. The percent of persons that communicate in a language other than English (non-English) at home is 35%, compared to 21.6 % for the United States¹. The EJSCREEN analysis resulted in 41,207 of 775,651 (5.3%) linguistically isolated households, of which 83% speak Spanish. The per capita income for the state is \$26,085, compared to the national per capita income of \$34,103¹. These results indicate that for the state of New Mexico, the percentage of Spanish-speaking communication is considerable (i.e., substantially greater than the national percentage) and there are demographic factors (i.e., low-income community, minority community, limited English proficiency individuals, Linguistically Isolated Households, etc.) that may impact public participation.

It is important for the Bureau to incorporate the linguistic and communication needs of New Mexico communities when conducting public outreach and participation activities for statewide documents. Therefore, the Bureau will provide information in Spanish and English for public comment notices, public meeting notices, and other announcements (radio broadcasts, brochures, signs, postcards, etc.), and strive to make public participation efforts as inclusive as possible within Bureau budget and time limitations. For example, as much as possible, mass communication methods may be used in addition to private postal notices or personal email, as many residents in the New Mexico may not have regular access to the internet, private e-mail accounts or postal service, and may rely on publicly posted notices and radio broadcasts. Informational flyers may be posted at post offices, community centers and public

¹ <https://www.census.gov/quickfacts/fact/table/US/PST045219>

libraries, at the Bureau's discretion after consideration of public interest and input. Community centers and public libraries may serve as access areas for the Bureau to leave hard copies of important documents and information about the draft proposed CALM.

V. Public Participation & Outreach Activities

The public may ask questions about the proposed CALM updates at any time. Interested community members do not need to wait for a formal public comment period to contact the Bureau. However, the Bureau emphasizes that to be included in the administrative record, comments solicited by public notices about the proposed CALM updates must be submitted during the noticed comment periods, and in accordance with the public notice.

Specific outreach activities related to the draft CALM include:

- Developing a public notice announcing the opening of the 30-day public comment period,
- Posting this notice to the SWQB website,
- Emailing this public notice to SWQB's extensive email list through the GovDelivery e-mail delivery service (1,881 email addresses as of June 7, 2021), and
- Sending this public notice to NMED's public relations officer for a press release.

Copies of the proposed draft CALM and all supporting documents may be obtained via download from the Bureau's website at <https://www.env.nm.gov/surface-water-quality/calm> or by contacting Meredith Zeigler at (505) 490-5866, meredith.zeigler@state.nm.us, NMED Surface Water Quality Bureau, P.O. Box 5469, Santa Fe, New Mexico, 87502-5469.

This public notice is the most direct way to learn more about and be involved in the decision-making process for the State of New Mexico's CALM. Additionally, the public may request to review documents at the Bureau or one of the information repositories listed below.

Based on the demographics report discussed in the PIP, basic information about public involvement opportunities will be in both English and Spanish. This information will include how to request materials in Spanish or to speak with Bureau staff through an interpreter. Further details about public participation for this activity are outlined below.

A. Postal Mailing or E-Mailing of Notices to Persons on the Surface Water Quality Bureau's Email List

The Bureau maintains an extensive email list (1,881 email addresses as of June 7, 2021) that includes individuals interested in surface water quality issues and activities. This list is a combination of all interested persons who requested the Bureau provide them with information about surface water quality in New Mexico. The Bureau regularly maintains contact information, which is updated or supplemented if additional information is found. Interested persons providing both an address and email may receive physical mail and an email. Additional individuals, organizations, and other interested parties are added to the email list as requested.

B. Email Updates

The Bureau's email list is regularly updated and is available on the Bureau's website at: <https://www.env.nm.gov/surface-water-quality/> by clicking on the "Subscribe to SWQB News" button on the bottom of the home page or directly at: https://public.govdelivery.com/accounts/NMED/subscriber/new?topic_id=NMED_4. The Bureau's website liaison is Heidi Henderson at 505-819-9986 (or email heidi.henderson@state.nm.us).

C. Public Meeting Notices, Public Comment Notices, and Other Notices

Based on the Bureau's evaluation of the community, public notices will be translated into Spanish. In addition, the Bureau will post notices on the Department's Events Calendar at: <https://www.env.nm.gov/events-calendar/>

D. Informational Pamphlets

The Bureau may develop informational pamphlets for the CALM that briefly explain what is happening relative to the updates and revisions, the appropriate Bureau contacts, and next steps in the listing methodology revision process. To the extent such informational pamphlets are produced, the Bureau may determine whether they will be available in languages other than English or posted online (e.g., Bureau website). They may also be distributed via email to interested organizations and individuals, including those who sign up for email notices through the website.

E. Public Comment Period

The SWQB received a request to extend the public comment period, therefore the 37-day public comment period on the draft CALM revision is planned to start June 18, 2021, and end July 26, 2021, at 5:00 p.m. MDT.

F. Other Outreach

Due to the COVID-19 pandemic, other means of outreach such as flyers or other hard copy postings will not be used. However, any updates will be posted on the Department's website.

G. Information Repositories

Copies of proposed updates to the CALM and any of the above-mentioned supporting documents may be obtained via download from the Bureau's website at <https://www.env.nm.gov/surface-water-quality/calm/> or by contacting Meredith Zeigler at (505) 490-5866, meredith.zeigler@state.nm.us, NMED SWQB, P.O. Box 5469, Santa Fe, New Mexico, 87502-5469.

Due to the COVID-19 pandemic, the Bureau will not provide hardcopies and other information at post offices, community centers, public libraries, or other repositories. If you would like to request hard copies of important documents and information about how to comment on the draft permit, please contact Meredith Zeigler at (505) 490-5866 or email: meredith.zeigler@state.nm.us.

H. CALM Proceedings, Outcomes and Responses to Comments

To address stakeholder and community members' submitted comments, the Bureau will prepare the final draft CALM as amended, following the close of the public comment period. The Bureau will send a copy of responses to comments directly to the commenters. The Bureau is not required to present the CALM to the WQCC or EPA for review and approval. The CALM is available to the WQCC and EPA Region 6 when they review the subsequent 2022-2024 CWA §303(d)/§305(b) Report and List for approval. The final CALM and all appendices will be available to the public on the Bureau's website², and upon request.

² <https://www.env.nm.gov/surface-water-quality/calm/>