



NEW MEXICO ENVIRONMENT DEPARTMENT
Surface Water Quality Bureau

Public Involvement Plan (PIP)
for the
State of New Mexico Clean Water Act
§303(d)/§305(b) Integrated Report and List

November 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 (Bureau) developed this Public Involvement Plan (PIP) for the State of New Mexico Clean Water Act §303(d) / §305(b) Integrated Report. The CWA §§303(d)/305(b) Integrated List of Assessed Surface Waters (Integrated List), included as Appendix A of the Integrated Report, contains an assessment of surface water data and information summary that identifies whether a particular surface water of the state is currently meeting its designated uses as detailed in the State of New Mexico Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC)¹, through application of the Department’s Comprehensive Assessment and Listing Methodology (CALM).² “Category 5” waters on the Integrated List specifically constitute the CWA §303(d) List of Impaired Waters, which are those surface waters that do not meet the uses designated in 20.6.4 NMAC. The Bureau encourages the public to learn about and get involved in regulatory decision-making opportunities for the Integrated Report and List.

The purpose of this PIP is to provide public participation opportunities and information that may be needed to participate in the Integrated Report and List. 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 Integrated Report and List. The PIP identifies the Department staff and resources needed to accomplish these activities. The Integrated Report and List may require public participation throughout different stages. The Bureau will meet the public participation requirements for the Integrated Report and List by following this PIP, which includes all applicable policy, regulatory, and statutory public participation requirements.

In developing this PIP, the Bureau assessed state-wide community participation needs to ensure the 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.³ 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 Integrated Report and List.

As much as possible, the Bureau will hold public participation and informational activities related to the Integrated Report and List within the timelines outlined in the table below. This timeline is tentative and subject to change; activities subject to statutory or regulatory deadlines are noted.

Although the federal requirement is a 30-day public review and comment period on the Integrated List, the Bureau is allotting a 45-day public review and comment period. The Integrated Report and List is a state-wide document pertinent to a relatively large community of Spanish speakers, and the Bureau will provide pertinent information in both English and Spanish in public meeting notices, public comment notices, and other announcements (radio broadcasts, brochures, signs, postcards, fact sheets, etc.), as necessary. During public comment periods, the public may review hard copies of relevant documents at the information repositories listed in “Public Participation and Outreach Activities” – Section V.G (p.6) below.

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

¹ <https://www.env.nm.gov/surface-water-quality/wqs/>

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

³ See IV. Location and Demographics – Demographic Summary below.

Activity	Dates
Notice PIP (invite public input)	November 2021
Public Notice for the 2022-2024 CWA §303(d)/§305(b) Integrated List	November 2021
2022-2024 Integrated List Public Review Period	45-day review November 2021 – January 2022
Public announcements (radio, brochures, signs, postcards, factsheets, etc.)	As needed
Request approval of draft 2022-2024 Integrated List at WQCC Meeting	March 8, 2022 (tentative)

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 State of New Mexico Integrated Report and List, the public review and approval process, the Bureau’s website, or this PIP, are listed below:

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

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

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 State of New Mexico Integrated Report and List.

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. Integrated Report and List Website

The Bureau maintains a website location for the Integrated Report (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/303d-305b/>

III. Regulatory Framework

EPA regulations require states to describe in their Continuing Planning Processes (CPP) the procedures for involving the public and other stakeholders in the development of the Clean Water Act (CWA) section 303(d) list of impaired surface waters (40CFR 130.7(a)). 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 CPP (WQMP/ CPP)⁴. 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 the draft 2022-2024 State of New Mexico CWA §303(d)/§305(b) Integrated List. CWA §303(d)(2) requires that each state submit to the EPA a listing of water quality limited segments requiring total maximum daily loads (TMDLs). CWA §305(b)(1) requires that each state submit a biennial report to the United States Congress through the EPA. In accordance with the above stated statutory requirements, this report contains:

- An assessment of surface water quality in the state of New Mexico;
- An analysis of the extent to which the CWA §101(a)(2) goal of surface water quality which provides for protection and propagation of fish, shellfish, and wildlife and recreation in and on the water is being achieved (“fishable/swimmable” goals);
- An overview of progress in water pollution control and recommendations for further action; and
- A description of the nature of nonpoint source pollution and of programs for nonpoint source pollution control for prioritization of restoration activities.

IV. Location and Demographics

The Integrated Report is a state-wide document, and thus contains surface water assessments for the entire state. The Bureau collects surface water quality data on a watershed basis via an approximate ten-year rotational schedule as resources allow. The primary focus areas for the draft 2022-2024 Integrated Report and List are the Upper Pecos River, Lower Rio Grande, and Gila, Mimbres, San Francisco River basins because the Bureau monitored these basins in 2019-2020.

Demographic Summary

Using U.S. Census Bureau 2014-2018 American Community Survey (ACS) Report for the state of New Mexico, New Mexico has an estimated population of 2,092,434; 49% identify as Hispanic or Latino (which may be of mixed race) and 10% 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 States.⁵ The per capita income for New Mexico is \$26,085 as compared to the national per capita income of \$34,103, with 18.2% of New Mexico’s population living in poverty.⁵ 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 communities, minority communities, limited English proficiency individuals, Linguistically Isolated Households, etc.) that may impact public participation.

Therefore, the Bureau will provide information in Spanish and in English for public comment notices,

⁴ The specific public outreach requirements for the IR are contained in Section XIV of the WQMP/ CPP (<https://www.env.nm.gov/surface-water-quality/wqmp-cpp/>)

⁵ <https://www.census.gov/quickfacts/fact/table/US/PST045219>

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 will 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 email 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 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 how to comment on the Integrated Report and List. Specific repository addresses that may be used depending on the need, are provided in this PIP on page 6.

V. Public Participation & Outreach Activities

The public may ask questions about the Integrated Report, including the Integrated List, at any time. However, the Bureau emphasizes that to be included in the administrative record, comments solicited by public notices about the Integrated List must be submitted during the noticed comment period, and in accordance with the public notice.

Specific outreach activities related to the draft 2022-2024 Integrated Report and List include:

- Creating and maintaining a specific web page with attachments and links to all pertinent documents (see <https://www.env.nm.gov/surface-water-quality/303d-305b/> for an example of the approved 2020-2022 Integrated Report and List),
- Developing a public notice announcing the opening of the 45-day public comment period on the Integrated List,
- Posting this notice to the SWQB website,
- Emailing this public notice to SWQB's extensive email list through the GovDelivery email delivery service (1,906 email addresses as of November 16, 2021), and
- Sending this public notice to NMED's public relations officer for a press release.

Copies of the draft 2022-2024 Integrated List and any supporting documents may be obtained via download from the Bureau's website at <https://www.env.nm.gov/surface-water-quality/303d-305b/>, or by contacting Meredith Zeigler at (505) 490-5866, Meredith.Zeigler@state.nm.us, 1190 South St. Francis Dr., N2050, Santa Fe, NM 87505. This is the most direct way to learn more about and be involved in the decision-making process for the State of New Mexico Integrated Report.

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 Emailing of Notices to Persons on the Surface Water Quality Bureau's Email List

The Bureau maintains an extensive email list (1,906 email addresses as of November 16, 2021) that includes individuals interested in surface water quality issues and activities. This list is a combination of all previously 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 with additional information. 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

If you would like to be added to the Bureau's email list for information and updates, visit the Bureau's website at: <https://www.env.nm.gov/surface-water-quality/> and click on the "Click here to subscribe to receive email updates!" button on the bottom of the home page. For help, you can contact the Bureau's website liaison, 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, notices will be translated into Spanish. In addition, the Bureau may 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 Integrated Report and List that briefly explain the Integrated Report and List, identify the appropriate Bureau contacts, and describe the next steps in the Integrated Report process. To the extent such informational pamphlets are produced, the Bureau may determine whether they will be available in languages other than English, online (e.g., Bureau website) and in print (hardcopy) at the information repositories listed in this PIP. The Bureau may also distribute these pamphlets via email to interested organizations and individuals, including those who sign up for email notices through the website.

E. Public Comment Period

The 45-day public comment period on the draft 2022-2024 Integrated List is planned to start November 30, 2021, and end January 14, 2022, at 5:00 p.m.

F. Other Outreach

Other means of outreach, such as flyers announcing public comment periods, may be posted in locations throughout the community (e.g., local businesses, schools, libraries) and on the Department's website, at the Bureau's discretion after consideration of public interest and input.

G. Information Repositories

Copies of the draft 2022-2024 Integrated Report and List 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/303d-305b/>, or by contacting Meredith Zeigler at (505) 490-5866, Meredith.Zeigler@state.nm.us, 1190 South St. Francis Dr., N2050, Santa Fe, NM 87505.

Post offices, community centers and public libraries, at the Bureau's discretion after consideration of public interest and input, may serve as access areas for the Bureau to leave hard copies of important documents and information about how to comment on the Integrated List. The following is a list of locations where hard copies of relevant documents will be available to the community:

None identified at this time. Given that the COVID-19 health emergency still exists throughout New Mexico, the Bureau requests that individuals access Integrated Report and List documents online. If absolutely needed, the Bureau will work with individuals to provide safe access to hard copies. Please communicate with the Bureau Contact listed above and in Section II to receive hard copies.

H. Integrated Report Proceedings, Outcomes and Responses to Comments

To address stakeholder and community members' submitted comments, the Bureau will prepare the final draft Integrated List as amended, which includes a "Response to Comments" section as Appendix C, following the close of the public comment period. The Bureau is required to present the final draft Integrated List to the New Mexico Water Quality Control Commission (WQCC) for review and approval. The final draft Integrated List will be available to the public via download from the Bureau website, or upon request, 10 days prior to the regularly scheduled WQCC meeting (tentatively set for March 8, 2022, depending on the extent of public comment). WQCC meetings are open to the public. Their exact schedule and proposed agendas are maintained on their website.⁶ The Bureau will also send a copy of the Bureau's responses to comments directly to the commenter, at least 10 days prior to the WQCC meeting. The Bureau will then submit the Integrated Report and List, as approved by the WQCC, to the U.S. Environmental Protection Agency Region 6 for review and approval.

⁶ <https://www.env.nm.gov/opf/water-quality-control-commission/>