



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

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APPROVAL PAGE

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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 List and 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), through application of the Department's Comprehensive Assessment and Listing Methodology (CALM). "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 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 List. The PIP identifies the Department staff and resources needed to accomplish these activities. The Integrated List may require public participation throughout different stages. The Bureau will meet the public participation requirements for the Integrated 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. 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 List within the timelines outlined in the table below. This timeline is tentative and subject to change. 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.

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

Activity	Dates
Notice PIP (invite public input)	December 11, 2023
Public Notice	December 11, 2023
Public Review Period	45-day review December 11, 2023 - January 24, 2024
Public announcements (radio, brochures, signs, postcards, factsheets, etc.)	As needed
Request approval of draft 2024-2026 Integrated List at WQCC Meeting	March 12, 2024 (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 List, the public review and approval process, the Bureau’s website, or this PIP, are listed below:

Meredith Zeigler, Assessment Coordinator
Surface Water Quality Bureau
PO Box 5469
Santa Fe, NM 87502
Phone: (505) 490-5866
Email: meredith.zeigler@env.nm.gov

Heidi Henderson, MASS TAT Supervisor
Surface Water Quality Bureau
PO Box 5469
Santa Fe, NM 87502
Phone: (505) 819-9986
Email: heidi.henderson@env.nm.gov

If you need to contact the Bureau regarding the draft 2024-2026 Integrated List, please call or email the bureau contacts listed above.

A. Non-English Language Speaker Assistance and Accommodations

Non-English speakers may call the Bureau contacts 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 and List (see website address below). The website will be kept up to date and has information about the Integrated List and important associated documents. <https://www.env.nm.gov/surface-water-quality/303d-305b/>

III. Regulatory Framework

In even numbered years, the surface water quality bureau monitoring data and all other readily available surface water data are summarized in the State of New Mexico CWA §303d/§305b Integrated List and Report as required by Sections 303(d) and 305(b) of the Clean Water Act (CWA) and 40 CFR 130.7. 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 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 the draft 2024-2026 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 List 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 2024-2026 Integrated List are the Rio Puerco, Rio San Jose, and Little Colorado, Lower Pecos, and Jemez River basins because the Bureau monitored these basins in 2021-2022.

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 2017-2021 ACS Report link in EJSCREEN provides a report with US Census Bureau American Community Survey (ACS) data in pdf format. The 2017-2021 ACS, through EJSCREEN, provided quantitative information regarding demographic indicators.

Summary of Site-Specific EJSCREEN Inputs for the Integrated List

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

The state of New Mexico has an estimated population of 2,109,366; 50% identify as Hispanic or Latino (which may be of mixed race) and 9% identify as American Indian. The percent of persons that communicate in a language other than English (non-English) at home is 33%, compared to 21.7% for the United States. The EJSCREEN analysis identified 43,594 of 797,596 (5%) households as linguistically isolated, of which 81% speak Spanish and 19% speak various other languages (including Indo-European and Asian-Pacific island languages). The per capita income for the project area is \$29,624, compared to

the national per capita income of \$37,638. These results indicate that for the project area, 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.

V. Public Participation & Outreach Activities

The public may ask questions about 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 2024-2026 Integrated List include:

- Developing a public notice announcing the opening of the 45-day public comment period,
- Posting this notice to the SWQB website,
- 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 2022-2024 Integrated Report and List),
- Emailing this public notice to SWQB's extensive email list through the GovDelivery e-mail delivery service (2,000 email addresses as of November 27, 2023), and
- Posting to NMED's Events Calendar.

Copies of the draft 2024-2026 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@env.nm.gov, NMED Surface Water Quality Bureau, P.O. Box 5469, Santa Fe, New Mexico, 87502. 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 List. Formal comments for inclusion in the public record must be submitted in writing via the NMED Public Comment Portal at: <https://nmed.commentinput.com/comment/search>. 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 (2,000 email addresses as of November 27, 2023) 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 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 "Click here to subscribe to receive email updates!" button on the bottom of the home page. The Bureau's website liaison is Heidi Henderson at 505-819-9986 (or email heidi.henderson@env.nm.gov).

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 Integrated List that briefly explain the Integrated 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 2024-2026 Integrated List is planned to start December 11, 2023, and end January 24, 2024, at 5:00 p.m. MDT.

F. Other Outreach

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 the draft 2024-2026 Integrated 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@env.nm.gov, NMED Surface Water Quality Bureau, P.O. Box 5469, Santa Fe, New Mexico, 87502. Formal comments for inclusion in the public record must be submitted in writing via the NMED Public Comment Portal at: <https://nmed.commentinput.com/comment/search>.

The Bureau will not provide hardcopies and other information at NMED district offices, post offices, community centers, public libraries, or other repositories. The Bureau requests that individuals access the 2024-2026 draft Integrated List and supporting documents and information online at the links noted above. If requested, the Bureau will work with individuals to provide hard copies. If you would like to request hard copies of important documents and information about how to comment on the 2024-2026 draft Integrated List, please contact Meredith Zeigler at (505) 490-5866, meredith.zeigler@env.nm.gov.

H. Integrated List and 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. If a person provides comments in a language other than English, the Bureau will respond to those comments in the preferred language. 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 12, 2024, 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. 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.

Figure 1: EJScreen State of New Mexico (Integrated List and Report demographic area)

