



NEW MEXICO ENVIRONMENT DEPARTMENT

Surface Water Quality Bureau

Public Involvement Plan (PIP)
for the
Rio Chama TMDLs

April 2020

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 Rio Chama TMDL. The Bureau encourages the public to learn about and get involved in regulatory decision-making opportunities for the TMDLs. The purpose of this PIP is to provide public participation opportunities and information that may be needed to participate in the TMDL process. 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 TMDLs. The PIP identifies the Department staff and resources needed to accomplish these activities.

The Bureau will meet the public participation requirements for the TMDLs 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.¹ 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 TMDLs.

As much as possible, public participation and informational activities related to the TMDLs 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)	April 2020
Public Notice	April 2020
Public Review Period	30-day review April-May 2020
Public announcements (radio, brochures, signs, postcards, factsheets, etc.)	As needed
Request approval of draft at WQCC Meeting	June 9, 2020 (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 Rio Chama TMDLs, the public review and approval process, the Bureau’s website, or this PIP, are listed below:

Heidi Henderson
Surface Water Quality Bureau
1190 St. Francis Dr.
Santa Fe, NM 87505

Phone: (505) 827-2901
Fax: (505) 827-0160
Email: heidi.henderson@state.nm.us

¹ See IV. Location and Demographics – Demographic Summary below.

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 Rio Chama TMDLs.

- The Bureau will send a notice in English and Spanish to the Bureau's email listserve announcing the availability of the comment period for consideration of the TMDL.
- The Bureau will publish the public notice of the TMDL which will include a comment period, 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, 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.

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. Total Maximum Daily Load Website

The Bureau maintains a website location for Total Maximum Daily Loads (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/tmdl/>

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 the draft Rio Chama TMDL. The document contains a summary of surface water data and information that quantifies how particular surface waters of the state are currently not meeting their 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). The TMDL further quantifies the maximum pollutant loads that the water bodies can assimilate without exceeding the above-mentioned standards.

IV. Location and Demographics

This TMDL document contains surface water information for the USGS 8-digit Rio Chama Hydrologic Unit Code 13020102. The Bureau collects surface water quality data on a watershed basis via an approximate eight-year rotational schedule as resources allow. The Rio Chama basin was last monitored in 2012.

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 2013-2017 ACS Report link in EJSCREEN provides a report with US Census Bureau American Community Survey (ACS) data in pdf format. The 2013-2017 ACS, through EJSCREEN, provided quantitative information regarding demographic indicators.

Summary of Site-Specific EJSCREEN Inputs for the Rio Chama TMDLs

- Community of Concern = the USGS 8-digit Rio Chama Hydrologic Unit Code 13020102. This area includes the population centers Chama, Tierra Amarilla and Abiquiu.
- Buffer = 5 miles. The buffer zone includes much of the urban area of Espanola.

The project area has an estimated population of 34,142; 63% identify as Hispanic or Latino (which may be of mixed race) and 14% identify as American Indian. The percent of persons that communicate in a language other than English (non-English) at home is 54%, compared to 21.3 % for the United States. The EJSCREEN analysis identified 388 of 11,635 households as linguistically isolated, of which 85% speak Spanish. The per capita income for the project area is \$35,864, compared to the national per capita income of \$31,177. These results indicate that for the project area, the percentage of Spanish-speaking communication is considerable (i.e., substantially greater than the state or 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. Therefore, the Bureau will provide information in Spanish and in 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 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 Rio Chama TMDLs. 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 draft Rio Chama TMDL document 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 must be submitted during the noticed comment periods, and in accordance with the public

notice.

Specific outreach activities related to the draft Rio Chama TMDL document 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 (1762 email addresses as of March 9, 2020), and
- Sending this public notice to NMED's public relations officer for a press release.

Copies of the draft Rio Chama TMDL document may be obtained via download from the Bureau's website at <https://www.env.nm.gov/surface-water-quality/>, or by contacting Heidi Henderson at (505) 827-2901, heidi.henderson@state.nm.us, NMED SWQB, 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 Rio Chama TMDL document. Additionally, the public may request to review document 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 (1762 email addresses as of March 9, 2020) 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 "Subscribe to SWQB News" button on the bottom of the home page. The Bureau's website liaison is Heidi Henderson at 505-827-2901 (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 may post notices on the Department's Events Calendar at: <https://www.env.nm.gov/events/>

D. Informational Pamphlets

The Bureau may develop informational pamphlets for the Rio Chama TMDL document that briefly explain what is happening relative to the TMDLs, the appropriate Bureau contacts, and next steps in the TMDL 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. 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 30-day public comment period on the draft Rio Chama TMDL is planned to start April 27, 2020, and end May 27, 2020, 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 Rio Chama TMDL may be obtained via download from the Bureau's website at <https://www.env.nm.gov/surface-water-quality/> or by contacting Rachel Jankowitz at (505) 827-0417, rjankowitz@state.nm.us, NMED SWQB, P.O. Box 5469, Santa Fe, New Mexico, 87502.

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 draft Rio Chama TMDL. The following is a list of locations where hard copies will be available to the community:

None identified at this time.

H. TMDL Proceedings, Outcomes and Responses to Comments

To address stakeholder and community members submitted comments, the Bureau will prepare the final draft Rio Chama TMDL as amended, which includes a "Response to Comments" section as an Appendix, following the close of the public comment period. The Bureau is required to present the final draft to the New Mexico Water Quality Control Commission (WQCC) for review and approval per requirements in the WQMP/PPP. The final draft will be available to the public via download from the Bureau website, or upon request, 10 days prior to the scheduled WQCC meeting (tentatively set for June 9, 2020). WQCC meetings are open to the public. Their exact schedule and proposed agendas are maintained on the WQCC website². The Bureau will also send a copy of responses to comments directly to the commenter, at least 10 days prior to the WQCC meeting. The Rio Chama TMDL, as approved by the WQCC, will then be submitted to the U.S. Environmental Protection Agency Region 6 for review and approval.

² <https://www.env.nm.gov/water-quality-control-commission/wqcc/>