



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
Jemez Valley Public Schools
Permit No. NM0028479

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APPROVAL PAGE

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Date

Limited English Proficiency (LEP) Analysis for NPDES Permit No. NM0028479 Jemez Valley Public Schools

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 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 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. EJSCREEN then provides a report that describes demographic and environmental information for that area, with or without an assigned buffer.

The 2018-2022 American Community Survey (ACS) Report link in EJSCREEN provides a report with U.S. Census Bureau American Community Survey data in PDF format. 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 2018-2022 ACS Report, through EJSCREEN, provided quantitative information regarding LEP populations for this analysis.

Summary of Site-Specific EJSCREEN Inputs

- Community of Concern = Pueblo of Jemez, Sandoval County, New Mexico
- Buffer = 4-mile buffer, includes the schools, treatment facility, point of discharge, and neighboring communities.

The 2018-2022 ACS Report indicates that the total population of the area-of-interest near the Jemez Valley Public Schools is 2,492. Of that, 76 percent of the population age 5 and older, or 1,762 individuals, speaks a language other than English at home. Of these individuals, approximately 27 percent, or 622 individuals, speak English “less than very well.” The Jemez Pueblo area reports 4 linguistically isolated households that speak Spanish and 113 linguistically isolated households that speak other languages.

There are 1,722 non-English speakers in the Jemez Pueblo area. Other languages spoken include 7 persons who speak Spanish; 2 persons who speak Russian, Polish, or other Slavic languages; 1 person who speak Vietnamese; and 1,712 persons who speak other non-specified languages.

The Bureau reviewed the administrative record and found that, historically, there has been no LEP participation regarding the Jemez Valley Public Schools 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 also no record of individuals needing specific accessibility accommodations.

2. The frequency with which LEP individuals might come in contact with the program.

The Jemez Valley Public Schools has an onsite wastewater treatment system which treats domestic wastewater before discharging the treated effluent to the Jemez River.

An identifier of occasional is being assigned because Jemez Valley Public Schools is in an area of New Mexico with outdoor recreation uses and potential tribal uses.

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 Jemez River are protected and water quality criteria are met.

Providing sanitary treatment services to the Jemez Valley Public Schools is important to address the domestic waste generated by the schools.

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.
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LEP Plan for Jemez Valley Public Schools, NPDES Permit No. NM0028479

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.

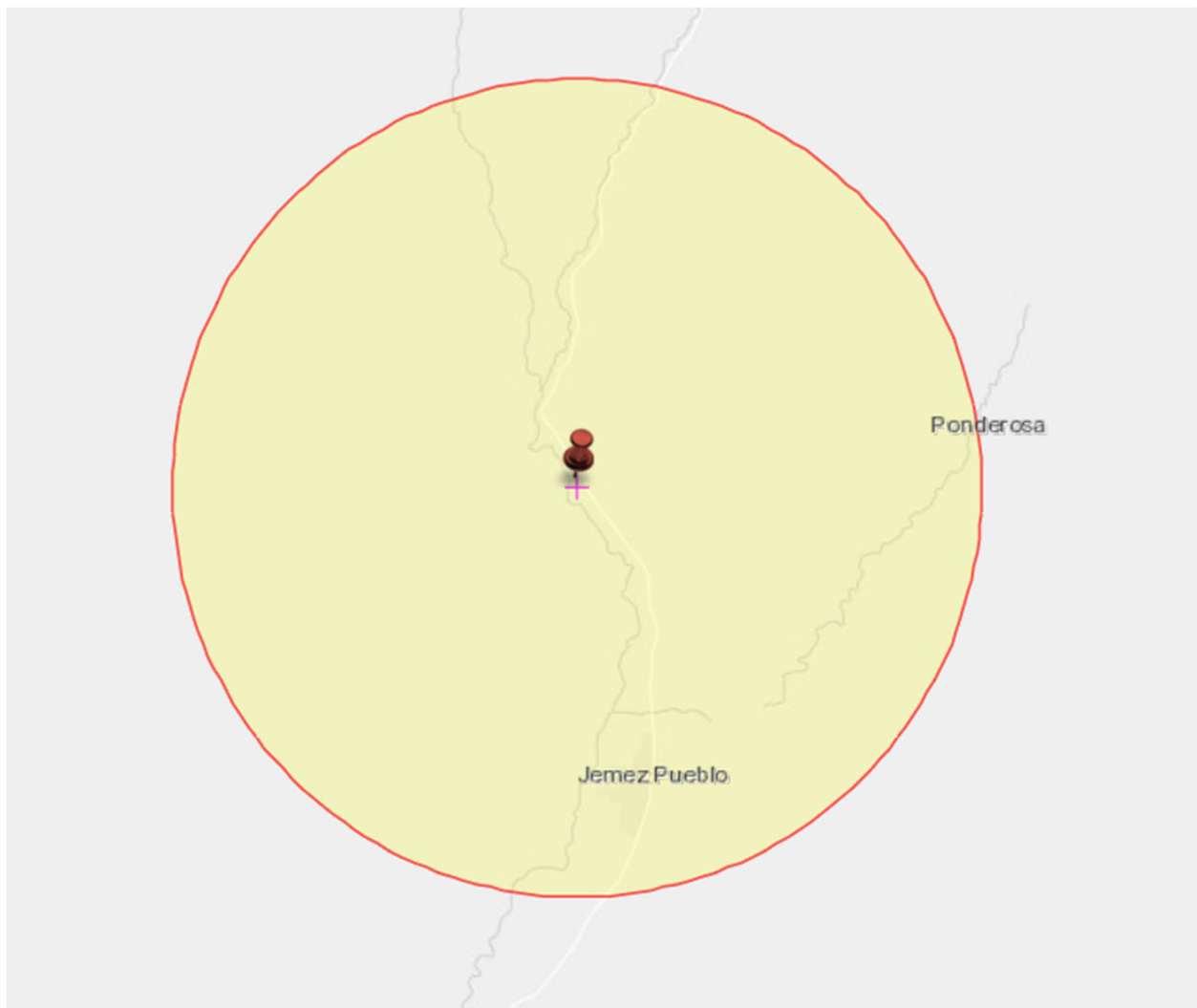
Determination

The area-of-interest near the Jemez Valley Public Schools has a total population of 2,492 people within a 4-mile radius. Of that, 76 % (1,762 individuals) speaks a language other than English at home, with approximately 27 % of those individuals (622 persons) speaking English "less than very well." Furthermore, the Jemez Valley Public Schools area reports 117 linguistically isolated households.

Based on a balanced evaluation of the four factors described above, the assessment indicates 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 to need supplementation. 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 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 English.
- 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 needs contact the Bureau, bureau staff will work with the Department's Non-Discrimination Coordinator to address the request.



Location: User-specified point center at 35.656180, -106.737328

Ring (buffer): 4-miles radius

Description:

Summary of ACS Estimates		2018 - 2022	
Population		2,492	
Population Density (per sq. mile)		76	
People of Color Population		2,256	
% People of Color Population		91%	
Households		630	
Housing Units		766	
Housing Units Built Before 1950		98	
Per Capita Income		39,414	
Land Area (sq. miles) (Source: SF1)		32.94	
% Land Area		100%	
Water Area (sq. miles) (Source: SF1)		0.00	
% Water Area		0%	
		2018 - 2022 ACS Estimates	Percent MOE (±)
Population by Race			
Total		2,492	100% 485
Population Reporting One Race		2,335	94% 817
White		258	10% 233
Black		1	0% 13
American Indian		2,015	81% 386
Asian		32	1% 97
Pacific Islander		0	0% 13
Some Other Race		29	1% 75
Population Reporting Two or More Races		156	6% 337
Total Hispanic Population		147	6% 198
Total Non-Hispanic Population		2,345	
White Alone		235	9% 224
Black Alone		1	0% 13
American Indian Alone		2,009	81% 385
Non-Hispanic Asian Alone		32	1% 97
Pacific Islander Alone		0	0% 13
Other Race Alone		1	0% 13
Two or More Races Alone		66	3% 245
Population by Sex			
Male		1,080	43% 312
Female		1,412	57% 300
Population by Age			
Age 0-4		174	7% 84
Age 0-17		784	31% 221
Age 18+		1,708	69% 282
Age 65+		357	14% 110

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2018 - 2022

Location: User-specified point center at 35.656180, -106.737328

Ring (buffer): 4-miles radius

Description:

	2018 - 2022 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	1,588	100%	283
Less than 9th Grade	34	2%	35
9th - 12th Grade, No Diploma	146	9%	62
High School Graduate	594	37%	141
Some College, No Degree	309	19%	113
Associate Degree	167	11%	81
Bachelor's Degree or more	338	21%	229
Population Age 5+ Years by Ability to Speak English			
Total	2,318	100%	447
Speak only English	555	24%	265
Non-English at Home ¹⁺²⁺³⁺⁴	1,762	76%	291
¹ Speak English "very well"	1,140	49%	203
² Speak English "well"	588	25%	270
³ Speak English "not well"	19	1%	48
⁴ Speak English "not at all"	15	1%	45
³⁺⁴ Speak English "less than well"	34	1%	64
²⁺³⁺⁴ Speak English "less than very well"	622	27%	277
Limited English Speaking Households*			
Total	117	100%	67
Speak Spanish	4	3%	26
Speak Other Indo-European Languages	0	0%	13
Speak Asian-Pacific Island Languages	0	0%	13
Speak Other Languages	113	97%	59
Households by Household Income			
Household Income Base	630	100%	176
< \$15,000	57	9%	54
\$15,000 - \$25,000	19	3%	48
\$25,000 - \$50,000	155	25%	78
\$50,000 - \$75,000	105	17%	44
\$75,000 +	295	47%	190
Occupied Housing Units by Tenure			
Total	630	100%	176
Owner Occupied	480	76%	169
Renter Occupied	150	24%	78
Employed Population Age 16+ Years			
Total	1,736	100%	345
In Labor Force	1,112	64%	232
Civilian Unemployed in Labor Force	42	4%	34
Not In Labor Force	624	36%	201

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of anyrace.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS)

*Households in which no one 14 and over speaks English "very well" or speaks English only.

Location: User-specified point center at 35.656180, -106.737328

Ring (buffer): 4-miles radius

Description:

	2018 - 2022 ACS Estimates	Percent	MOE (±)
Population by Language Spoken at Home*			
Total (persons age 5 and above)	1,968	100%	371
English	246	12%	M_ENGLISH
Spanish	7	0%	M_SPANISH
French, Haitian, or Cajun	0	0%	M_FRENCH
German or other West Germanic	0	0%	M_GERMAN
Russian, Polish, or Other Slavic	2	0%	M_RUS_POL_SLAV
Other Indo-European	0	0%	M_OTHER_IE
Korean	0	0%	M_KOREAN
Chinese (including Mandarin, Cantonese)	0	0%	M_CHINESE
Vietnamese	1	0%	M_VIETNAMESE
Tagalog (including Filipino)	0	0%	M_TAGALOG
Other Asian and Pacific Island	0	0%	M_POLISH
Arabic	0	0%	M_ARABIC
Other and Unspecified	1,712	87%	M_OTHER
Total Non-English	1,722	88%	M_NON_ENGLISH

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2018 - 2022.

*Population by Language Spoken at Home is available at the census tract summary level and up.