



NEW MEXICO ENVIRONMENT DEPARTMENT  
***Surface Water Quality Bureau***

Public Involvement Plan (PIP)  
for the  
Clean Water Act §401 Certification of the  
federal draft NPDES permit for the  
City of Artesia WWTP  
NPDES Permit NM0022268

**September 2019  
APPROVAL PAGE**

*/s/ Shelly Lemon*

Shelly Lemon  
Chief, Surface Water Quality Bureau

9-26-2019

Date

*/s/ Sarah Holcomb*

Sarah Holcomb  
Program Manager, Surface Water Quality Bureau

9-26-2019

Date

Public Notice Date: September 28, 2019

## 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 §401 Certification of the draft federal permit for City of Artesia wastewater treatment plant (WWTP) National Pollutant Discharge Elimination System (NPDES) Permit NM0022268.

The Bureau encourages the public to learn about and get involved in regulatory decision-making opportunities for the NPDES process. The purpose of this PIP is to provide public participation opportunities and information that may be needed to participate in the Clean Water Act Section 401 Certification 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 401 Certification. The PIP identifies the Department staff and resources needed to accomplish these activities.

The Bureau will meet the public participation requirements for the 401 Certification 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. These factors are presented in Section IV: Location and Demographics. This assessment identifies community outreach needs and provides for public access opportunities above and beyond statutorily mandated requirements, and underscores the importance of adequate public access to information about the 401 Certification.

As much as possible, public participation and informational activities related to the 401 Certification will be held 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.

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

Activity	Dates
Notice PIP (invite public input)	September 28, 2018
Joint Public Notice for the draft NPDES permit for Dona Ana County South Central WWTP NM0030490	September 28, 2019 to October 28, 2019
Public Notice/Comment Period for the Department's 401 Certification	September 28, 2019 to October 28, 2019
Bureau sends 401 Certification to EPA Region 6	November 12, 2019

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**

If you have questions about the State of New Mexico 401 Certification Process, the Bureau’s website, or this PIP, please contact:

Sarah Holcomb, Program Manager  
Surface Water Quality Bureau  
1190 St. Francis Dr.  
Santa Fe, NM 87505

Phone: (505) 827-2798  
Fax: (505) 827-0160  
Email: sarah.holcomb@state.nm.us

Barbara Cooney  
Surface Water Quality Bureau  
1190 St. Francis Dr.  
Santa Fe, NM 87505

Phone: 505-490-5649  
Fax: (505) 827-0160  
Email: barbara.cooney@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 401 Certification.

### **B. Department Websites**

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

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

Point Source Regulation Section - <https://www.env.nm.gov/surface-water-quality/point-source-regulation-section/>

NMED SWQB Public Notices - <https://www.env.nm.gov/surface-water-quality/public-notices/>

### **C. 401 Certification Website**

The Bureau maintains a website location for information on 401 Certifications (see website address below). The website will be kept up to date and has information about the process and important documents.

<https://www.env.nm.gov/swqb/WQA/>

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

## **III. Regulatory Framework**

The Environmental Protection Agency (EPA) retains permitting authority for the NPDES Program in New Mexico, and as such, drafts permits for facilities that discharge pollutants into surface waters located in New Mexico. The Department’s role in NPDES permitting is to ensure that federal permits comply with the requirements of state law, including New Mexico’s antidegradation requirements. The Department’s permit certification process is outlined in Section 401 of the Clean Water Act, and New Mexico’s Administrative Code at 20.6.2.2001 NMAC.

The Bureau has three options in a 401 Certification. If there is an existing state law or regulation (such as water quality standards) that requires more stringent limitations than the federal permit, the Bureau can write a condition for that requirement, and EPA must include the condition in the final permit. However, the Bureau cannot condition a permit to make it less stringent. The second option is that the Bureau can comment on the draft permit based on best professional judgement and on-the-ground knowledge of the facility. EPA will consider but may not incorporate suggestions made in comments into the final permit. Thirdly, the Bureau can deny certification of the permit if it will not comply with the applicable sections of the Clean Water Act and appropriate requirements of state law. This would prohibit EPA from issuing the permit.

The federal requirement for public notice of draft NPDES permits issued by EPA Region 6 is at least a 30-day public review and comment period (40 CFR Part 124.10(b)), and the state requirement for 401 Certification is at least a 30-day public comment period (20.6.2.2001 NMAC). Typically, this is accomplished via a joint notice issued by EPA, which is posted on EPA's public notice website, accompanying all of the draft permit documents. EPA posts draft permits for New Mexico facilities which are on public notice on their website: <https://www.epa.gov/publicnotices/notices-search/location/New%20Mexico>

Final permits (along with EPA's response to comments) are posted to the Bureau's website at: <https://www.env.nm.gov/surface-water-quality/npdes-permits/>

The Bureau does not prepare a draft 401 Certification for the public to review, but accepts comments for consideration in the certification during this public notice period. The Bureau cannot provide a draft document for public review due to stringent federal timelines for permit issuance – after EPA's comment period is concluded, the Bureau is required to provide or deny 401 Certification within 45 days from the date that the request to grant certification is received by the Bureau unless circumstances require a longer timeframe (20.6.2.2001.G NMAC). Federal regulations also require that the 401 Certification is received by EPA Region 6 no later than 60 days after the draft permit is mailed unless the Regional Administrator finds that unusual circumstances require a longer time frame (40 CFR Part 124.53(c)(3)). A final copy of the 401 Certification will be sent to EPA Region 6, the applicant and those who submitted comments for consideration in the 401 Certification.

Final NMED 401 Certification letters are posted on the Bureau's website: <https://www.env.nm.gov/surface-water-quality/npdes-permits-401-certification/>

The public participation requirements of specific water quality programs are specified in 40 CFR Section 25.4 and described in New Mexico's Statewide Water Quality Management Plan and Continuing Planning Process (WQMP/CPP<sup>1</sup>). 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;

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<sup>1</sup> <https://www.env.nm.gov/swqb/Planning/WQMP-CPP/>

- 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).

The Bureau invites the public to either submit comments on EPA's draft NPDES permit for the City of Artesia WWTP NPDES Permit NM0022268 directly to EPA Region 6 staff in Dallas, Texas [directions on how to do so are documented on this website: <https://www.epa.gov/publicnotices/notices-search/location/New%20Mexico>]. Comments may be submitted to the Bureau for consideration and inclusion in the 401 Certification. If you would like to comment directly to the Bureau, please send written comments to the Bureau contacts listed above in Section II.

## **IV. Location and Demographics**

The City of Artesia WWTP NPDES Permit NM0022268, is located in the city of Artesia, Chavez County, New Mexico.

### **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 indicating a point, line or polygon on the map; users may also choose to select a "buffer" area of 4 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 2012-2016 ACS Report link in EJSCREEN provides a report with U.S. Census Bureau American Community Survey (ACS) data in PDF format. The 2012-2016 ACS, through EJSCREEN, provided quantitative information regarding demographic indicators.

### **Summary of Site-Specific EJSCREEN Inputs**

- Community of Concern = City of Artesia
- Buffer = 4 miles encompasses the most densely populated area around the facility.

The 2012-2016 ACS Report indicates that the total population of the area-of-interest for the City of Artesia WWTP is 9,812; 55% of the community identifies as Hispanic, and 41% identify exclusively as White. The percent of persons that communicate in a language other than English (non-English) at home is 33% (2,886 individuals), with 606 individuals speaking English "less than very well." From the Bureau's EJScreen analysis, there are 99 Linguistically Isolated Households in this community, of which 90% speak Spanish and 10% speak Asian Pacific Island Languages. Further, the per capita income for the City of Artesia area is \$28,661 as compared to the national per capita income of \$31,128. These results indicate that the percentage of non-English-speaking communication in this community is significant and various demographic factors (i.e. low-income community, minority community, limited English proficiency individuals, Linguistically Isolated Households, etc.) will likely 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. To help accomplish this, the Bureau will provide information in English and Spanish for this activity and will strive to make public participation efforts as inclusive as possible within Bureau budget and time limitations.

## **V. Public Participation & Outreach Activities**

The public may ask questions about NPDES permits 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 draft permit must be submitted during the noticed comment periods, and in accordance with the public notice and 20.6.2.2001 NMAC.

Specific outreach activities related to this draft NPDES permit and the Bureau's 401 Certification process include:

- Creating and maintaining a specific public notice web page with attachments and links to EPA's draft permit documents (<https://www.env.nm.gov/surface-water-quality/public-notices/>) and EPA's final permit (see <https://www.env.nm.gov/surface-water-quality/npdes-permits/>),
- Creating and maintaining a specific archive webpage with the final 401 Certification letters sent to EPA Region 6 (<https://www.env.nm.gov/surface-water-quality/npdes-permits-401-certification/>),
- Developing a public notice announcing the opening of the 30-day (or more, if applicable) public comment period (joint notice with EPA Region 6),
- Posting this notice to the Bureau's website, and
- Emailing this public notice to Bureau's email list through the GovDelivery e-mail delivery service (1,633 email addresses as of April 18, 2018).

Copies of the draft permit and any supporting documents may be obtained via download from the EPA Region 6 website during the comment period at <https://www.epa.gov/publicnotices/notices-search/location/New%20Mexico> or by contacting Sarah Holcomb at (505) 827-2798, [sarah.holcomb@state.nm.us](mailto:sarah.holcomb@state.nm.us), NMED SWQB, P.O. Box 5469, Santa Fe, New Mexico, 87502.

The most direct way to learn about and be involved in the decision-making process for draft NPDES permits is to comment on the federal permit directly to EPA. Relevant comments may also be submitted to the Bureau for the 401 Certification. As stated in Section III above, the Bureau can only mandate changes to the draft permit if based on state law; however, EPA does consider the Bureau's comments based on best professional judgement. 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, the Bureau's assessment indicates that additional language assistance (interpretation or translation services) or outreach are needed for this activity, at this time. Basic information about public involvement opportunities will be in English and Spanish and will include information on how to request materials in Spanish or to speak with Bureau staff through an interpreter. The Bureau has determined that there are adequate resources available within the Department to provide LEP services, if requested or determined necessary.

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 email list (1,633 email addresses as of April 18, 2018) 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**

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 "*Subscribe to SWQB News*" button on the bottom of the home page. For help, you can contact the Bureau's website liaison, Heidi Henderson at 505-827-2901 or email [heidi.henderson@state.nm.us](mailto:heidi.henderson@state.nm.us).

### **C. Notices in the State Newspaper and Local Newspapers**

There is a federal and state requirement for public notices related to NMED's 401 Certification to be published in state or local newspapers. This is accomplished by a joint notice with EPA's public notice. EPA publishes notice of draft NPDES permits in a newspaper with local distribution in the permit area.

### **D. 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/>

### **E. Informational Pamphlets**

The Bureau does not develop informational pamphlets for draft permits. Generally, information about how EPA's permit was developed or has changed is documented in the fact sheet or statement of basis accompanying the draft permit, which is located along with the draft permit itself on EPA's public notice website.

### **F. Public Comment Period**

The 30-day public comment period to EPA Region 6 on the draft City of Artesia WWTP NPDES Permit NM0022268 is planned to start September 28, 2019 and end October 28, 2019, at 5:00 p.m. The 30-day comment period to the Bureau for consideration in the Clean Water Act Section 401 Certification of the draft NPDES permit for City of Artesia WWTP NM0022268 is planned to start on September 28, 2019 and end on October 28, 2019, at 5:00 p.m.

### **G. Other Outreach**

Other means of outreach such as flyers announcing public comment periods and meetings 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.

## **H. Information Repositories**

Copies of the draft NPDES permit and any of the above-mentioned supporting documents may be obtained via download from EPA Region 6's website at <https://www.epa.gov/publicnotices/notices-search/location/New%20Mexico> or by contacting Sarah Holcomb at (505) 827-2798, [sarah.holcomb@state.nm.us](mailto:sarah.holcomb@state.nm.us), NMED SWQB, P.O. Box 5469, Santa Fe, New Mexico, 87502.

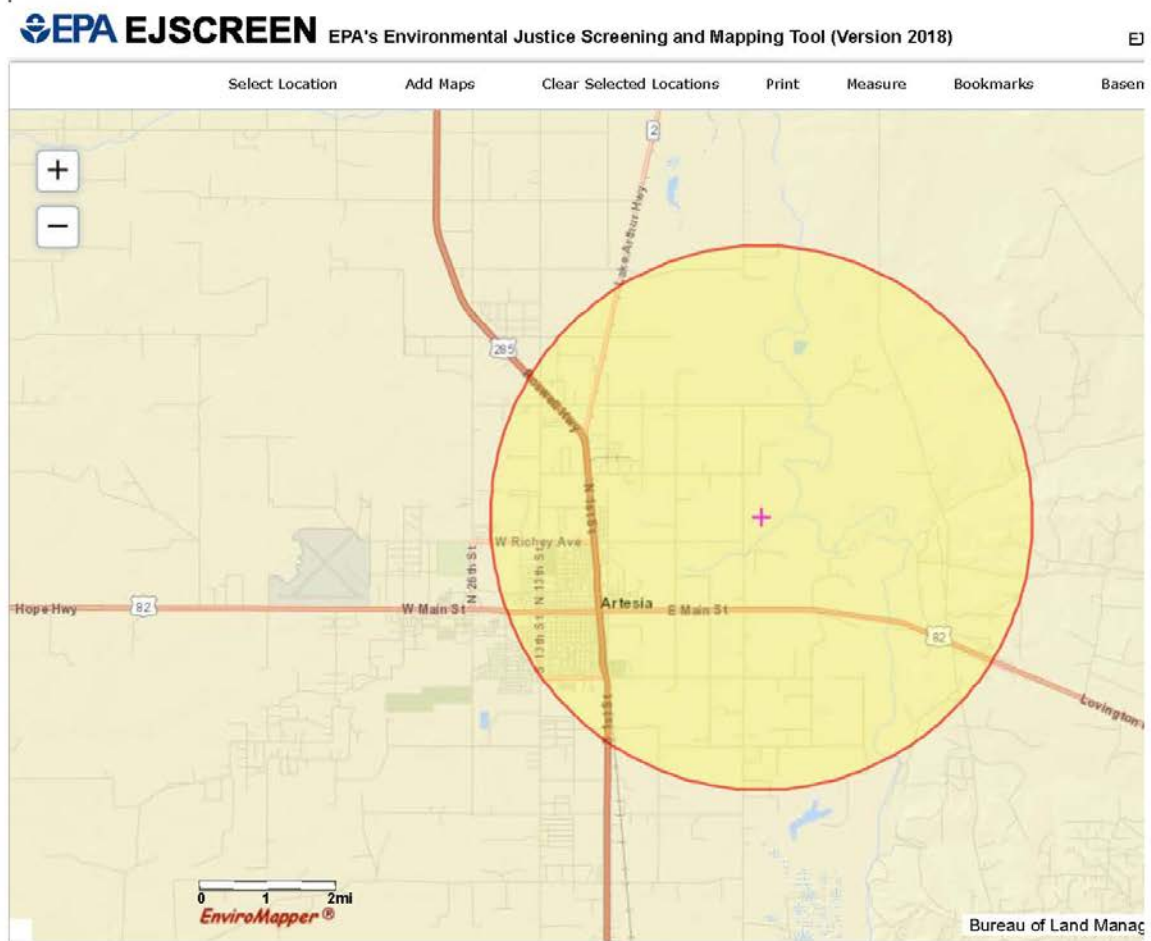
Post offices, community centers and public libraries, at the Bureau's discretion after consideration of public interest and input, may serve as access areas for the Bureau to leave hard copies of important documents and information about how to comment on the draft permit. The following is a list of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

*None identified at this time.*

## **I. 401 Certification Proceedings, Outcomes and Responses to Comments**

To address stakeholder and community members comments, the Bureau will prepare a "Response to Comments" following the close of the public comment period. The final 401 Certification and Response to Comments will be sent to EPA Region 6, the permit applicant and the interested stakeholder and/or community members who commented directly to the Bureau. The final 401 Certification will be available to the public via download from the Bureau's website (<https://www.env.nm.gov/surface-water-quality/npdes-permits-401-certification/>).





Location: User-specified point center at 32.861954, -104.356072  
Ring (buffer): 4-mile radius  
Description: Artesia WWTP

Summary of ACS Estimates		2012 - 2016		
Population			9,812	
Population Density (per sq. mile)			218	
Minority Population			5,826	
% Minority			59%	
Households			3,544	
Housing Units			3,941	
Housing Units Built Before 1950			645	
Per Capita Income			28,661	
Land Area (sq. miles) (Source: SF1)			45.05	
% Land Area			99%	
Water Area (sq. miles) (Source: SF1)			0.35	
% Water Area			1%	
		2012 - 2016 ACS Estimates	Percent	MOE (±)
<b>Population by Race</b>				
Total		9,812	100%	585
Population Reporting One Race		9,788	100%	1,458
White		8,668	88%	595
Black		110	1%	86
American Indian		137	1%	160
Asian		152	2%	173
Pacific Islander		0	0%	11
Some Other Race		721	7%	433
Population Reporting Two or More Races		24	0%	55
Total Hispanic Population		5,427	55%	541
Total Non-Hispanic Population		4,385		
White Alone		3,986	41%	555
Black Alone		110	1%	86
American Indian Alone		137	1%	160
Non-Hispanic Asian Alone		152	2%	173
Pacific Islander Alone		0	0%	11
Other Race Alone		0	0%	11
Two or More Races Alone		0	0%	11
<b>Population by Sex</b>				
Male		4,951	50%	346
Female		4,861	50%	378
<b>Population by Age</b>				
Age 0-4		982	10%	206
Age 0-17		3,053	31%	274
Age 18+		6,759	69%	300
Age 65+		1,286	13%	136

**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) 2012 - 2016 .

Location: User-specified point center at 32.861954, -104.356072

Ring (buffer): 4-mile radius

Description: Artesia WWTP

	2012 - 2016 ACS Estimates	Percent	MOE (±)
<b>Population 25+ by Educational Attainment</b>			
Total	5,768	100%	288
Less than 9th Grade	422	7%	95
9th - 12th Grade, No Diploma	752	13%	147
High School Graduate	2,153	37%	163
Some College, No Degree	1,650	29%	178
Associate Degree	373	6%	104
Bachelor's Degree or more	792	14%	173
<b>Population Age 5+ Years by Ability to Speak English</b>			
Total	8,829	100%	505
Speak only English	5,943	67%	398
Non-English at Home <sup>1+2+3+4</sup>	2,886	33%	350
<sup>1</sup> Speak English "very well"	2,280	26%	329
<sup>2</sup> Speak English "well"	280	3%	119
<sup>3</sup> Speak English "not well"	279	3%	195
<sup>4</sup> Speak English "not at all"	47	1%	62
<sup>3+4</sup> Speak English "less than well"	326	4%	204
<sup>2+3+4</sup> Speak English "less than very well"	606	7%	236
<b>Linguistically Isolated Households*</b>			
Total	99	100%	63
Speak Spanish	90	90%	62
Speak Other Indo-European Languages	0	0%	11
Speak Asian-Pacific Island Languages	10	10%	29
Speak Other Languages	0	0%	11
<b>Households by Household Income</b>			
Household Income Base	3,544	100%	199
< \$15,000	416	12%	109
\$15,000 - \$25,000	410	12%	102
\$25,000 - \$50,000	1,074	30%	162
\$50,000 - \$75,000	593	17%	144
\$75,000 +	1,050	30%	175
<b>Occupied Housing Units by Tenure</b>			
Total	3,544	100%	199
Owner Occupied	2,385	67%	147
Renter Occupied	1,159	33%	187
<b>Employed Population Age 16+ Years</b>			
Total	7,184	100%	457
In Labor Force	4,553	63%	375
Civilian Unemployed in Labor Force	274	4%	89
Not In Labor Force	2,632	37%	217

**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)

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

# EJSCREEN ACS Summary Report



Location: User-specified point center at 32.861954, -104.356072

Ring (buffer): 4-mile radius

Description: Artesia WWTP

	2012 - 2016 ACS Estimates	Percent	MOE (±)
<b>Population by Language Spoken at Home*</b>			
Total (persons age 5 and above)	6,852	100%	644
English	4,849	71%	626
Spanish	1,946	28%	517
French	0	0%	16
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	0	0%	16
Yiddish	N/A	N/A	N/A
Other West Germanic	N/A	N/A	N/A
Scandinavian	N/A	N/A	N/A
Greek	N/A	N/A	N/A
Russian	N/A	N/A	N/A
Polish	N/A	N/A	N/A
Serbo-Croatian	N/A	N/A	N/A
Other Slavic	N/A	N/A	N/A
Armenian	N/A	N/A	N/A
Persian	N/A	N/A	N/A
Gujarathi	N/A	N/A	N/A
Hindi	N/A	N/A	N/A
Urdu	N/A	N/A	N/A
Other Indic	N/A	N/A	N/A
Other Indo-European	0	0%	16
Chinese	0	0%	16
Japanese	N/A	N/A	N/A
Korean	0	0%	16
Mon-Khmer, Cambodian	N/A	N/A	N/A
Hmong	N/A	N/A	N/A
Thai	N/A	N/A	N/A
Laotian	N/A	N/A	N/A
Vietnamese	43	1%	98
Other Asian	0	0%	16
Tagalog	0	0%	16
Other Pacific Island	N/A	N/A	N/A
Navajo	N/A	N/A	N/A
Other Native American	N/A	N/A	N/A
Hungarian	N/A	N/A	N/A
Arabic	14	0%	46
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	0	0%	16
Total Non-English	2,003	29%	898

**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) 2012 - 2016.

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