



NEW MEXICO ENVIRONMENT DEPARTMENT

*Surface Water Quality Bureau*

Public Involvement Plan (PIP):  
Nutrient Temporary Standard for the  
Raton WWTP (NPDES Permit No. NM0020273)

**September 2019**

**APPROVAL PAGE**

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Shelly Lemon  
Chief, Surface Water Quality Bureau

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Date

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Kris Barrios  
Program Manager, Surface Water Quality Bureau

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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 discharger-specific nutrient temporary standard proposal developed for the City of Raton Wastewater Treatment Plant (National Pollutant Discharge Elimination System [NPDES] permit no. NM0020273) (hereafter Raton WWTP). The Bureau encourages the public to learn about and get involved in regulatory decision-making opportunities. The purpose of this PIP is to provide public participation opportunities and information that may be needed to participate in the rule-making 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 Raton WWTP Nutrient Temporary Standard 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.<sup>1</sup> This assessment identifies community outreach needs, provides for public access opportunities, and underscores the provision of adequate public access to information about the Raton WWTP Nutrient Temporary Standard.

As much as possible, public participation and informational activities related to the Raton WWTP Nutrient Temporary Standard will be held within the timelines outlined in the table below. This timeline is tentative and subject to change. Per federal requirement, a 30-day public review and comment period is allotted.

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

<b>Activity</b>	<b>Dates**</b>
Notice PIP (invite public input)	October 2019
Public Comment Period	30-day review October 1-31, 2019
Public Meeting (optional <sup>+</sup> )	October 2019
Request WQCC Hearing	November 12, 2019
Hearing Notice in NM Register and one newspaper of general circulation	December 2019
WQCC Hearing	April 2020

+ “Optional” public participation actions are not required by any regulation but may be implemented by the SWQB if considerable public interest is expressed.

\*\* Dates are tentative and subject to change.

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.

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<sup>1</sup> See IV. Location and Demographics – Demographic Summary below.

## II. Bureau Contacts

If you have questions regarding the Raton WWTP Temporary Standard, the public review and approval process, the Bureau's website, or this PIP, please contact:

Shelly Lemon, Bureau Chief  
Surface Water Quality Bureau  
1190 St. Francis Dr.  
Santa Fe, NM 87505

Phone: (505) 827-2819  
Email: Shelly.Lemon@state.nm.us

Jennifer Fullam, WQS Coordinator  
Surface Water Quality Bureau  
1190 St. Francis Dr.  
Santa Fe, NM 87505

Phone: (505) 827-2637  
Email: Jennifer.Fullam@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 Raton Wastewater Treatment Plant nutrient temporary standard proposal.

- The Bureau will send a notice in English and Spanish to the Bureau's email listserv announcing the comment period for the Raton WWTP Nutrient Temporary Standard.
- The Bureau will publish the hearing notice for the Raton WWTP Temporary Standard.
- Notices and outreach materials will be in English and Spanish and will include information on how non-English speaking persons or persons with disabilities can obtain assistance.
- If non-English speaking 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.
- If a non-English speaking individual provides written comment during the public comment period for consideration during the public comment period, the Bureau will communicate the response to the LEP individual in the preferred language.

### 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. Water Quality Standards Website

The Bureau maintains a website location for Water Quality Standards (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/wqs/>

<https://www.env.nm.gov/surface-water-quality/ts-raton/> (specific to the Raton WWTP Temporary Standard)

## III. Regulatory Framework

In 2017, the New Mexico Water Quality Control Commission (Commission or WQCC) approved the New Mexico water quality standards (WQS) regulation creating a framework for adopting temporary standards. In promulgating this regulation, the Commission sought to address situations where water quality-based effluent limits are not achievable by creating a clear path to compliance that is achievable and affordable in the near-term and encourages improvements to water quality. The New Mexico temporary standards

regulation is based on the U.S. Environmental Protection Agency (EPA) regulation on water quality standard variances at 40 *Code of Federal Regulations* (CFR) 131.14. EPA approved the New Mexico regulation as Clean Water Act (CWA) effective on August 11, 2017.

A temporary standard could be an appropriate tool for implementing New Mexico's WQS when a petitioner demonstrates that the underlying designated use and criterion are not attainable now or within a defined period of time but may be attainable in the future. The purpose of this proposal is to apply the State's framework established in 20.6.4 NMAC to the Raton WWTP to request a temporary standard from the underlying water quality standards for plant nutrients (i.e., total phosphorus and total nitrogen). Once a temporary standard has been adopted by the Commission and approved by EPA under CWA section 303(c), it is effective for CWA purposes and serves as the applicable water quality standard from which federal NPDES permits must derive from and comply with as enforceable limits and conditions.

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)<sup>2</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;
- 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 Raton WWTP Nutrient Temporary Standard proposal for consideration and inclusion in the final proposal. 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 temporary standard is a discharger-specific nutrient temporary standard for the Raton WWTP in Colfax County, New Mexico. The WWTP discharges to Doggett Creek which is a tributary to Raton Creek, Chicorica Creek, and the Canadian River. Doggett Creek (AU ID NM-2305.A\_255) is located in the Raton Creek 12-digit hydrologic unit code (HUC) 110800010104 in northeastern 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 (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 2012-2016 ACS Report link in EJSCREEN provides a report with U.S. Census Bureau American Community Survey (ACS) data in PDF

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<sup>2</sup> The specific public outreach requirements for monitoring surveys are contained in Section XIV of the WQMP/CPP (<https://www.env.nm.gov/surface-water-quality/protocols-and-planning/>)

format. The 2012-2016 ACS, through EJSCREEN, provided quantitative information regarding demographic indicators.

### **Summary of Site-Specific EJSCREEN Inputs for Raton WWTP Nutrient Temporary Standard**

- Community of Concern = Raton, New Mexico
- Buffer = 4-mile radius around the discharge for the WWTP

The 2012-2016 ACS Report indicates that the total population of the area of interest is 6,875. The total number of households is 3,057. The per capita income is \$18,916 which is 61% of the U.S. per capita income of \$31,177 (Source: U.S. Census, 2013-2017, Per capita income in past 12 months, April 2018 to April 2019, in 2017 dollars, <https://www.census.gov/quickfacts/fact/table/US/SEX255217>).

The percent minority population and percent of population by race is 60% minority; 85% of the community identifies as white and 11% identify exclusively as some other race. The percent of persons that communicate in a language other than English (non-English) at home is 20% (1,260 individuals), with 5% (326 individuals) speaking English “less than very well.” From the Bureau’s EJScreen analysis, there are 148 Linguistically Isolated Households in this community (116 or 78% of which speak Spanish). 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, for this activity, 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.

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

The public may ask questions about the Raton WWTP Nutrient Temporary Standard 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 hearings, and in accordance with the public notice.

Specific outreach activities related to the Raton WWTP Nutrient Temporary Standard include:

- Developing a public notice announcing the opening of the 30-day public comment period,
- Posting this notice to the Bureau’s website,
- Emailing this public notice to Bureau’s extensive email list through the GovDelivery e-mail delivery service (1,719 email addresses as of September 18, 2019), and

Copies of the Raton WWTP Nutrient Temporary Standard may be obtained via download from the Bureau’s website at <https://www.env.nm.gov/surface-water-quality/ts-raton/> or by contacting Jennifer Fullam at (505) 827-2637, [Jennifer.Fullam@state.nm.us](mailto:Jennifer.Fullam@state.nm.us), NMED SWQB, P.O. Box 5469, Santa Fe, New Mexico, 87502. 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 (1,719 email addresses as of September 18, 2019,) 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](mailto: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 and English. 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 Raton WWTP Nutrient Temporary Standard. 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 Raton WWTP Nutrient Temporary Standard is planned to start October 1, 2019, and end October 31, 2019, 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 Raton WWTP Nutrient Temporary Standard may be obtained via download from the

Bureau's website at <https://www.env.nm.gov/surface-water-quality/ts-raton/>, or by contacting Jennifer Fullam at (505) 827-2637, [Jennifer.Fullam@state.nm.us](mailto:Jennifer.Fullam@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 Raton WWTP Nutrient Temporary Standard. The following is a list of locations where hard copies will be available to the community:

*None identified at this time.*

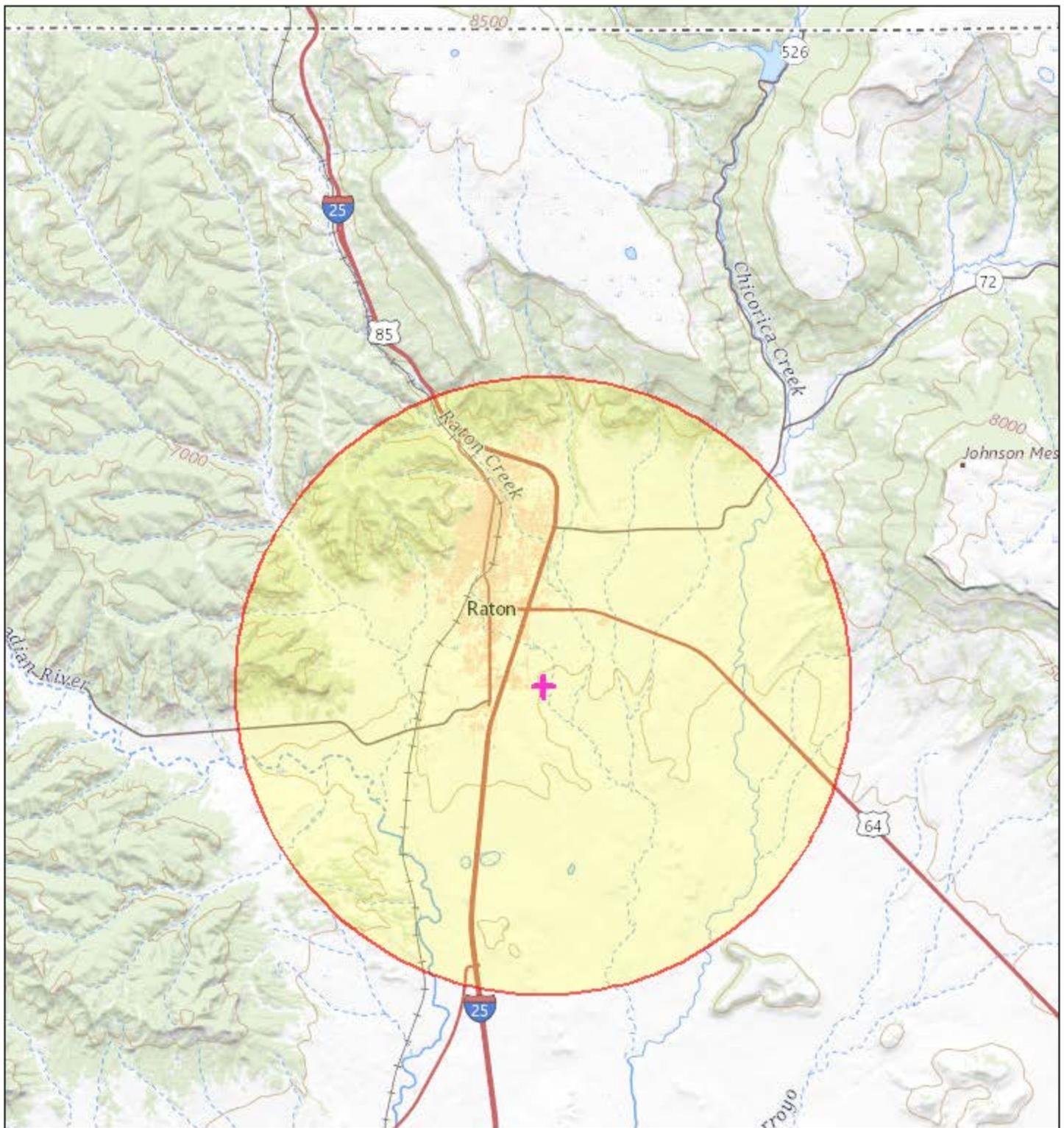
## **H. WQS Proceedings, Outcomes and Responses to Comments**

Following close of the public comment period and prior to the hearing to adopt the proposed language, the Bureau will review the comments and prepare a document entitled "Response to Comments." The "Response to Comments" will be sent to respondents that submitted comment and included as an Exhibit in the hearing for the adoption of the temporary water quality standard under Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC). All filings for the hearing will be available to the public via download from the Commission website, or upon request. The Commission hearing will be open to the public. Their exact schedule and proposed agendas are maintained on the Commission's website<sup>3</sup>. The Standards for Interstate and Intrastate Surface Waters, as approved by the Commission, will then be filed with the States Records and Archives for publication in the New Mexico Register and made effective for State purposes. The effective rule is then submitted to the U.S. Environmental Protection Agency Region 6 for review and approval for purposes of the Clean Water Act.

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<sup>3</sup> <https://www.env.nm.gov/water-quality-control-commission/wqcc/>

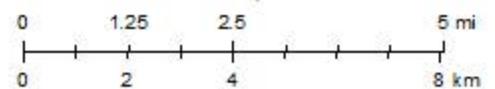
# Raton WWTP with 4-mile Buffer



September 9, 2019

1:144,448

-  Buffer Area
-  Digitized Point



USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S.