



**State of New Mexico**  
**ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT**  
**and the**  
**ENVIRONMENT DEPARTMENT**

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**Michelle Lujan Grisham**  
Governor

**Howie Morales**  
Lieutenant Governor

**Sarah Cottrell Propst**  
Cabinet Secretary, EMNRD

**James C. Kenney**  
Cabinet Secretary, NMED

June 11, 2020

Mr. Andrew Wheeler  
Administrator  
Environmental Protection Agency  
Office of the Administrator 1101A  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Wheeler,

New Mexico reviewed the April 15, 2020, announcement of the U.S. Environmental Protection Agency's (EPA) Eighth Update to the Administrator's Emphasis List of Superfund Sites Targeted for Immediate, Intense Action (Emphasis List). New Mexico is pleased to see the addition of "Abandoned Uranium Mines Contamination in the Navajo Nation" (Abandoned Uranium Mines) to the Emphasis List to finalize the *Federal Actions to Address Impacts of Uranium Contamination on the Navajo Nation Ten-Year Plan (Ten-Year Plan) by September 30, 2020*. New Mexico looks forward to partnering with EPA and the Navajo Nation in support of achieving this important milestone to addressing legacy contamination.

New Mexico agrees that finalizing the Ten-Year Plan provides a heightened opportunity to build upon the previous two five-year plans and identify the necessary next steps in addressing the risks to human health and the environment related to legacy uranium mining and milling impacts within the Navajo Nation. Similar five-year plans set forth by EPA for the San Mateo Creek Basin have been effective at identifying issues associated with legacy impacts from uranium mining and milling activities, while putting in place clear, concise, and achievable objectives to be accomplished within the time frame of the plan. Finalizing the Ten-Year Plan for abandoned mines on Navajo Nation lands will aid in increased attention and funding, which in turn will expedite implementation of cleanup remedies.

While reviewing the Eighth Update to the Emphasis List, New Mexico reflected on recent progress on addressing legacy mining contamination in the San Mateo Creek Basin. The San Mateo Creek Basin site was removed from the Emphasis List in April as a result of the agreement reached among several potentially responsible parties (PRPs) to conduct remedial investigation work for a portion of the site. After it was added to the Emphasis List in July 2019, EPA increased targeted resources to successfully bring to fruition a complicated agreement after protracted negotiations, which directly advances our shared goal of cleaning up legacy contamination. New Mexico is hopeful that inclusion of the

Abandoned Uranium Mines on the Emphasis List will yield positive forward momentum through a collaborative process.

In recent months, the New Mexico Environment Department and New Mexico Energy, Minerals and Natural Resources Department have been engaged in constructive conversation with EPA Regions 6 and 9 with respect to a variety of environmental concerns, including those related to legacy uranium mining and milling impacts. New Mexico is committed to ongoing, productive discussions with Region 9, Region 6, and the Navajo Nation, as we work together to explore additional alternatives for the remediation of Tronox-related mine wastes in the context of the Ten-Year Plan.

Certainly, there has been a long history of uranium mining and milling in the southwest, which resulted in impacts to public health and the environment throughout the Navajo Nation and other areas of New Mexico. Expanding on the significant work that has been done thus far will further the goal of ensuring these impacts to public health and the environment are addressed in a comprehensive and effective manner. Please contact Water Protection Division Director Rebecca Roose at 505-827-1758 or Mining and Minerals Division Director Jerry Schoeppner at 505-467-9671 if you would like to discuss this matter further. We look forward to continuing to work with EPA and the Navajo Nation to the benefit of all the residents of this region of New Mexico.

Sincerely,



James C. Kenney  
Cabinet Secretary  
New Mexico Environment Department



Sarah Cottrell Propst  
Cabinet Secretary  
Energy, Minerals and Natural Resources Department

Cc:

Jonathan Nez, Navajo Nation President

Peter Wright, Assistant Administrator, EPA Office of Land and Emergency Management

Chad McIntosh, Assistant Administrator, EPA Office of International and Tribal Affairs

Susan Bodine, Assistant Administrator, EPA Office of Enforcement and Compliance Assurance

Ken McQueen, Regional Administrator, EPA Region 6

John Busterud, Regional Administrator, EPA Region 9

Lynn Trujillo, Secretary, New Mexico Indian Affairs Department

Courtney Kerster, Director of Federal Affairs, Office of Governor Michelle Lujan Grisham

Jerry Schoeppner, Mining and Minerals Division Director, EMNRD

Rebecca Roose, Water Protection Division Director, NMED