

State of New Mexico  
ENVIRONMENT DEPARTMENT

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## I. Executive Summary

Every day the New Mexico Environment Department (NMED or the Department) works to protect, restore, and foster a healthy and prosperous environment for all New Mexicans. The Department's work is broad and includes the regulation and oversight of air, solid and hazardous waste, surface and groundwater quality, environmental and public health, drinking water, petroleum storage tank systems, radiation sources, public food establishments, and occupational health and safety. Through its statutory and regulatory programs and operations under both state and federal law, NMED has the chief executive function of protecting the environment and human health across the State. NMED's extensive regulatory and enforcement authority over state, federal, and private sector entities impact all New Mexicans, directly and indirectly.

NMED recognizes that Fiscal Year 2021 (FY21) was unlike any other as federal, tribal, state and local officials combatted the COVID-19 pandemic and worked tirelessly to save lives. While overseeing an expanded portfolio, including implementing and enforcing state Public Health Orders and carrying out 28,876 workplace [COVID-19 rapid responses](#), NMED continued to aggressively tackle air, water and waste pollution through our core mission programs. Building on NMED's hard work during FY21 and prior years, NMED enters FY22 with a 21.3% increase in our base budget from the state general fund to provide critical enhancements to programs that protect workers and water quality, provide safe drinking water, and support proper management of solid waste, hazardous waste, and air pollutants from businesses.

During FY21, NMED collaborated with tribes, nations and pueblos across air, water and waste programs. Activities involved technical training, outreach related to grant programs managed by the Department and supporting increased availability of drinking water to communities in Indian Country.

## II. Agency Overview & Background

### A. Mission Statement

NMED's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations. NMED's mission is guided by Secretary James C. Kenney's leadership through four values:

- **Science:** Using the best available science to inform our decision-making.
- **Innovation:** Employing creative engineering and technological solutions to address environmental problems.
- **Collaboration:** Engaging communities and interested stakeholders in decision-making.

- **Compliance:** Ensuring meaningful compliance with state regulations and permits.

## **B. Agency Overview**

NMED was created by the 40th state Legislature in 1991 under the “Department of Environment Act” (NMSA 1978, §9-7A-1 (1991)). As a single, cabinet-level department, NMED is to administer and oversee the State's environmental laws and to exercise the functions relating to environmental protection, natural resources, and public health and safety. At the conclusion of FY21, NMED employed approximately 535 staff across four divisions. The Resource Management Division, which includes the Office of the Secretary, Office of Information Technology, Office of General Counsel and Administrative Services Division, is the backbone of the Department, holding up the mission programs through essential functions and services. NMED’s environmental and public health protection activities are implemented by three divisions: the Water Protection Division (WPD), the Resource Protection Division (RPD), and the Environmental Protection Division (EPD).

The purpose of WPD is to ensure the cleanest and safest water supplies for New Mexicans today and into the future through the protection of surface water and groundwater quality. This includes providing financing for and oversight of drinking water and wastewater infrastructure systems. WPD includes the Construction Programs Bureau, Drinking Water Bureau, Ground Water Quality Bureau and Surface Water Quality Bureau.

RPD is responsible for overseeing hazardous and solid waste throughout the state; providing technical assistance to support these programs; conducting environmental monitoring at U.S. Department of Energy (DOE) facilities for the purposes of supporting other NMED regulatory programs and keeping the public informed; implementing storage tank regulations; and conducting environmental remediation activities to clean-up contaminated sites in a manner that is protective of human health and the environment. RPD includes the DOE Oversight Bureau, Hazardous Waste Bureau, Petroleum Storage Tank Bureau and Solid Waste Bureau.

The purpose of EPD is to protect public health and the environment through programs that regulate air emissions; provide public outreach, education, and regulatory oversight for worker safety; regulate radiation-producing materials and equipment; regulate food service and food processing facilities; regulate liquid waste treatment and disposal; and regulate public swimming pools, baths, and spas. EPD includes the Air Quality Bureau, Environmental Health Bureau, Occupational Health and Safety Bureau and Radiation Control Bureau.

## **C. NMED Tribal Consultation and Collaboration Policy (NMSA 1978, § 11-18-4.C(1))**

NMED’s Tribal Collaboration and Consultation Policy (NMED Policy 07-16) was signed by Secretary Kenney on January 20, 2020 and is available at

<https://www.env.nm.gov/general/wp-content/uploads/sites/10/2016/08/2020-01-27-NMED-Tribal-Policy-2020-final-signed.pdf>.

The current policy builds upon the original policy adopted pursuant to the STCA on December 17, 2009. This and other NMED policies aid NMED employees in their determination of whether expanded public outreach is needed, if diverse means of public outreach are warranted, if Limited English Proficiency services are necessary, and how to provide such services. NMED staff are trained to use NMED's online interactive mapping tool to identify tribal lands (checkerboard and exterior boundaries) and use the New Mexico Indian Affairs Department's (IAD) contact information for tribes, pueblos and nations in New Mexico. Additionally, NMED employees are to give courtesy notifications to tribal and pueblo environmental directors and Navajo Nation Chapter Government officials to ensure notice is directed to those most interested and potentially affected by NMED activities.

### III. Goals and Accomplishments

NMED's efforts in FY21 advanced the following strategic goals:

1. Ensuring the safety of the air we breathe, the water we drink, the food we eat, the places we work and our lands.
2. Implementing the Governor's Executive Order on Climate, E.O. 2019-003.
3. Developing increased budgetary flexibility across funds to address community-based public health and environmental issues.
4. Enhancing the public and stakeholders' experience when interacting with the Department and needing information through constituent services, media/social media, improved web clarity and online services (including online payments), and opportunities to participate in hearings, including during a period of increased reliance on virtual meetings to stem the spread of COVID-19.
5. Recruiting and retaining current staff by creating an empowered and valued workforce through internal communications, policies, and flexibilities.

In addition to FY21 accomplishments described throughout this Annual Report, over the past year NMED supported publication of the 2020 New Mexico Climate Change Report (available at [https://www.climateaction.state.nm.us/documents/reports/NMClimateChangeReport\\_2020.pdf](https://www.climateaction.state.nm.us/documents/reports/NMClimateChangeReport_2020.pdf)) and formally launched the rulemaking process to establish nationally leading ozone regulations for the oil and gas industry. NMED also continued its investment in science and innovation through partnership with New Mexico State University and the New Mexico Produced Water Research Consortium. During FY21, NMED made significant investments in

studying and addressing per- and poly-fluoroalkyl substances (PFAS), a class of dangerous chemicals that persist in the environment and are tied to serious human health risks. Specifically, NMED launched a study to map the PFAS contaminated plumes at Cannon and Holloman Air Force Bases and partnered with the U.S. Geological Survey to gather data from water supplies across the state to better understand the scope of PFAS contamination. On the communications front, NMED launched a new public calendar (visit <https://www.env.nm.gov/events-calendar/>) and began building a new user-friendly website that will launch in August 2021.

Looking ahead to FY22, NMED will continue to support cross-cutting efforts to strengthen core mission programs and public access to NMED activities and information. The Department will work aggressively to combat climate change, protect the health and safety of workers, including in the ongoing battle to stem the spread of COVID-19, protect and restore natural resources and hold polluters accountable.

#### IV. Agency Efforts to Implement Policy (NMSA 1978, § 11-18-4.C(3)-(5))

NMED encourages all employees to take the STCA mandated training administered by the State Personnel Office and developed by IAD, titled “Building Cultural Equity with Native Nations” (formerly called “Cultural Competency”). During FY21, 76 NMED employees took the course.

Drawing upon the STCA and NMED’s Tribal Consultation and Collaboration Policy, NMED summarizes its FY21 interactions with tribes, nations, and pueblos into four categories:

- 1. Communication and Outreach** (i.e., verbal or written interactions between governments)
- 2. Technical and Financial Assistance** (i.e., sharing technical expertise, providing training and awarding or allocating available funds)
- 3. Collaboration** (i.e., the process in which two or more parties work together to achieve a common goal)
- 4. Consultation** (i.e., the process of government-to-government dialogue between NMED and tribal governments regarding NMED's programmatic actions or proposed actions that affect or may affect the tribal government's interest, to resolve concerns)

Each category reflects important and purposeful NMED activities related to sharing resources, providing formal or informal notice, working together in partnership to tackle environmental and public health problems, and government to government coordination

about activities that impact or have the potential to impact one another. In this section of the Annual Report we use these four categories to summarize each NMED division's FY21 interactions in Indian Country.

## **A. Water Protection Division**

### Communication and Outreach

- During Q3 of FY21, WPD participated in a multi-agency meeting with the Pueblo of Acoma to discuss current permitting actions associated with the Mt. Taylor uranium mine and to discuss basin-wide water quality impacts in the San Mateo Creek Mining District and Bluewater Basin. Ground Water Quality Bureau (GWQB) staff shared technical expertise to provide an overview of historical and current activities related to mining in the region.
- The Surface Water Quality Bureau (SWQB) provided notification to all tribes, pueblos, and nations of the public comment period for proposed water quality standard amendments under the State's Triennial Review of the Standards for Interstate and Intrastate Surface Waters (20.6.4 NMAC).
- SWQB staff met with environmental staff from the Pueblo of Jemez to answer questions regarding water quality standards, non-point source water quality improvement projects, and monitoring following an outreach email sent to tribes regarding the Triennial Review.
- As part of the outreach for development of the 2021-2022 Watershed Survey Field Sampling Plans, SWQB contacted pueblos and tribes with reservation or trust lands within the survey watersheds. The Pueblo of Jemez responded with questions regarding the survey and provided an official response during the public comment period, conveying support for the survey efforts and a request for Pueblo staff to accompany NMED during sampling visits to sites near the Pueblo.
- As part of outreach for the Bluewater Lake total maximum daily load (TMDL) and the Jemez River Watershed TMDL, SWQB contacted pueblos and tribes with reservation or trust lands within the TMDL watersheds. Specifically, SWQB contacted tribal environmental staff at Pueblo of Acoma, Pueblo of Laguna, the Navajo Nation, Pueblo of Jemez, Pueblo of Santa Ana, and Pueblo of Zia. SWQB held a public meeting for the Bluewater Lake nutrient TMDL on February 5, 2021. A representative from the Pueblo of Laguna Environment Department was the only attendee at the virtual meeting. SWQB discussed Bluewater Lake TMDL background and development and answered questions regarding monitoring, probable sources of nutrient impairment, and restoration efforts.

- The SWQB Wetlands Program continues to invite tribal representatives to attend and/or present at the New Mexico Southern and Northern Wetlands Roundtables. Three tribal communities were represented at the virtual Southern Wetlands Roundtable on December 10, 2020: Tonkawa Tribes of Oklahoma, Kewa Pueblo, and the Navajo Nation. At the virtual Northern Wetlands Roundtable on March 24, 2021, Kai-t L.V. Blue Sky of the Pueblo of Cochiti gave a presentation, and five tribal communities were represented: Tonkawa Tribes of Oklahoma, the Navajo Nation, Pueblo of Jemez, Pueblo of Tesuque, and the Pueblo of Cochiti. On April 8, 2021, three tribal communities were represented at the Southern Wetlands Roundtable virtual meeting: Pueblo of Jemez, Pueblo of Laguna, and Pueblo of Sandia.
- SWQB communicated with the Navajo Nation EPA regarding sanitary sewer overflows and potential unregulated discharge(s) to surface waters from the City of Gallup Wastewater Treatment Plant (WWTP).
- SWQB staff discussed the Rio Rancho National Pollutant Discharge Elimination System permit renewal, Rio Rancho WWTP inspection, and Construction General Permit inspections with the Pueblo of Sandia Water Quality Manager.

#### Technical and Financial Assistance

- SWQB organized a Data Sharing Network composed of representatives of local, tribal, state, and federal agencies, along with non-profit organizations and a few private consultants, and provided three workshops to this group in January and February 2021. The main purpose of the workshops was to support more frequent and detailed water quality assessment and awareness of local water quality. SWQB's planning phase involved targeted outreach to eight pueblos and the Navajo Nation, along with over 40 other organizations. The workshops focused on assessment of water quality data for water quality standards attainment, and the process by which interested organizations may submit data to NMED for assessment. Related topics included quality assurance methods and resources, effectiveness monitoring (to answer the question, "Has water quality changed?"), and the New Mexico Water Data Initiative. Two local watershed organizations presented on their experiences with volunteer monitoring programs and water quality assessment in their areas. Representatives from the Navajo Nation, Pueblo of Picuris, Pueblo of San Ildefonso, Pueblo of Acoma, and Pueblo of Isleta participated in these workshops and received a set of technical resources that SWQB provided to all participants afterward.
- SWQB provided a letter of support for the Pueblo of Santa Ana's water quality standard amendments during the Pueblo's Triennial Review.
- SWQB provided a letter of support to the Southern Ute Indian Tribe regarding the Tribe's proposed water quality standards.

- SWQB provided technical assistance to the Pueblo of Tesuque regarding nutrient impacts and sources in the Rio Tesuque and discussed potential data collection and best management practices that could be implemented to reduce nutrient impacts in the stream.
- GWQB coordinated with Indian Health Services to sample ten private domestic water supply wells at the Pueblo of San Ildefonso in late FY21. The sampling objective was to assess groundwater for nitrate and aid the Pueblo in its efforts to connect the homes to a public drinking water supply.
- The Pueblo of Acoma requested a Targeted Brownfields Assessment for Acomita Day School. As of the end of FY21, the Brownfields Program in GWQB is working with contractors to conduct a Phase II assessment for asbestos-containing materials and lead-based paint.
- SWQB's River Stewardship Program funded a watershed project that includes working with the Rio Puerco Alliance, River Source, Ojo Encino Farmers and Ranchers Committee, Hasbídító, and the Navajo Summer Youth Program to improve riparian and ecological conditions along Torreon Wash by planting 3,000 cottonwoods, 1,000 riparian shrubs, and 500 willows, and installing approximately 150 erosion control structures and livestock fencing.



*Willow, shrub and cottonwood pole planting will enhance riparian habitat along Torreon Wash and its tributaries. Photos courtesy of Ojo Encino Farmers and Ranchers Committee, Hasbídító, and Navajo Summer Youth Program.*

### Collaboration

- The Construction Programs Bureau (CPB) reaches out to tribes through the environmental review process for Clean Water State Revolving Loan Fund (CWSRF)



projects. The CWSRF funds are federal and, therefore, require compliance with the National Environmental Policy Act (NEPA), including consultation with any tribal entities in the area of the project. Pursuant to Section 106 of the National Historic Preservation Act, to determine whether a proposed project has the potential to disturb areas considered important or culturally significant, NMED offers consultation to all tribes, nations, and pueblos with current land ownership in New Mexico and provides notice to those tribes with historical use and occupancy that request it. Two follow-up conversations occurred during FY21.

- Upon request, CPB provided additional information regarding the Village of Bosque Farms Environmental Assessment (project number CWSRF 073) to the Comanche Indian Tribe, the Hopi Tribe, the Pueblo of Isleta, the Pueblo of Laguna, the Navajo Nation and the White Mountain Apache Tribe Historic Preservation Officer.
- CPB staff and NMED's Tribal Liaison met with the County of Los Alamos, the White Rock Wastewater Treatment staff, and members of Pueblo of San Ildefonso Historic Preservation Council onsite at the White Rock Wastewater Treatment Plant (project number CWSRF 083). The on-site meeting provided a good opportunity for participants to ask and answer questions, walk the land, and build working relationships.



*On March 3, 2021, a project site visit was held with representatives from the San Ildefonso Tribal Historic Preservation Council and Tribal Historic Preservation Officer J. Michael Bremer, Los Alamos County and NMED (Andrea Telmo and NMED Tribal Liaison, Kathryn Becker).*

- A joint press release issued April 7, 2021, marked the momentous signing of a Memorandum of Understanding (MOU) between NMED, the Navajo Nation and the U.S. EPA regarding government coordination and regulatory authority over the extensive Navajo-Gallup Water Supply Project (NGWSP). See the announcement at <https://www.env.nm.gov/wp-content/uploads/2021/04/2021-04-07-Navajo-Gallup->

[Water-Supply-Project-MOU-signed.pdf](#). The NGWSP is designed to provide water to approximately a quarter million people in the Four Corners region of New Mexico within the next 50 years, most of whom live on Tribal lands. The Project will serve 43 Navajo Chapters, the City of Gallup and the Jicarilla Apache Nation. Due to the complex land status in the area of the project, four regulatory agencies have jurisdiction over Safe Drinking Water Act compliance for various portions of the infrastructure project. In the first half of FY21, WPD met multiple times with Navajo Nation EPA to finalize language in the MOU to ensure a consistent regulatory approach to this complex project.

The Drinking Water Bureau (DWB) played a leading role over the last eight years to develop a regulatory framework for all the agencies to regulate water from the project and assist in implementation and protection of public health, which is set forth in the 2021 MOU. In addition, during FY21, DWB worked on review and final approval of the Cutter Lateral Water Treatment Plant, one of two plants included in the NGWSP, and Reach 21 engineering application package, as well as approval of the Cutter Lateral Water Treatment Plant Domestic UV reactor validation for water used within the plant only. The multi-decade project reached a major milestone in October 2020 when drinking water began flowing to customers in three tribal communities from the Cutter Lateral Water Treatment Plant. The San Juan Lateral, the second pipeline in the project, is under construction and the DWB continues to work with the Bureau of Reclamation, U.S. EPA, the Navajo Nation EPA, and the Navajo Tribal Utility Authority to ensure the project will meet all standards for water quality.

- In the first quarter of FY21, DWB worked in collaboration with Socorro County to expedite review and approval of Socorro County as a water hauler, in accordance with applicable public health protections, to meet an immediate potable water need within the Navajo Alamo Community during the COVID-19 pandemic.



*Water hauling in Socorro County provides for the community.*

- Pueblo of Taos requested additional information regarding the Voluntary Remediation Agreement for a hydrocarbon spill at Taos Ski Valley/Kachina Maintenance Facility. On

May 25, 2021, GWQB staff in the Voluntary Remediation Program met with Pueblo staff to hear their concerns about the draft soil remediation completion report. After the meeting, GWQB revised the project work plan to incorporate the Pueblo's input, including providing for additional groundwater sampling.

### Consultation

- The Superfund Program staff in GWQB continue ongoing coordination with the Pueblo of Santa Clara for access to Pueblo land for sampling and other cleanup activities at the North Railroad Avenue Plume Superfund Site in Española. An FY20 request for consultation by the Pueblo was mutually postponed due to focused efforts by the Pueblo and the state to stem the spread of COVID-19. The consultation meeting is planned for August 19, 2021.

## **B. Resource Protection Division**

### Communication and Outreach

- In October 2020, the Petroleum Storage Tank Bureau (PSTB) red tagged above-ground storage tanks (AST) systems at the Roy Honstein Bulk Plant (FID 48400) in Española and within the exterior boundary of Santa Clara Pueblo. Non-compliant AST systems are red tagged by the PSTB Prevention Inspection Program to reduce the potential for impacts to the environment. The Bureau shares all communications regarding this facility with the Pueblo's Environmental Director.
- On February 19, 2021, Solid Waste Bureau (SWB) outreach staff held a grant writing workshop, via Zoom, to assist potential applicants for FY22 Recycling and Illegal Dumping (RAID) grants. Through tribal government representation on the Recycling and Illegal Dumping Alliance and through advertising by the Eight Northern Indian Pueblo Council there were representatives from the Pueblo of Isleta and Ohkay Owingeh in attendance. The training was provided by NMED staff at no cost to participants with the hopes that more tribal communities will apply for Recycling and Illegal Dumping grant awards. The Hazardous Waste Bureau (HWB) translates public notices for permit actions related to RCRA-permitted facilities issued in accordance with 20.4.1.900 and 901 NMAC in Navajo and Zuni based on demographics. All public notices are translated to Navajo for the Marathon Inc. Gallup Refinery and the closed U.S. Army Fort Wingate Depot Activity. HWB issued a RCRA Hazardous Waste Storage permit to Safety Kleen Systems Inc. in Farmington, New Mexico. The public notice for the draft permit was issued in Navajo in both the Albuquerque Journal and Farmington Times.

### Technical and Financial Assistance

- NMED's FY21 RAID grant awards include three Tribal recipients:

- \$16,000 to the Pueblo of Isleta will be used for an illegal scrap tire eradication project including abatement of illegally dumped tires throughout the pueblo and the purchase of a wheel crusher. The wheel crusher will allow the pueblo to salvage the metal wheels from illegally dumped tires for metal recycling, increasing the amount of materials the pueblo captures for recycling.



*A wheeler crusher purchased by the Pueblo of Isleta recycles tires for other uses.*

- \$32,565 to the Pueblo of Jemez will be used for improvements to the cardboard recycling program and educational outreach about recycling in the community. Pueblo of Jemez has been collecting cardboard for recycling and transporting it to a vendor in Albuquerque. With their RAID grant award, the Pueblo will be able to greatly improve the efficiency of this program with the purchase of a baler and storage shed to store bales of cardboard until they are transported to Albuquerque, preserving the good quality of the material. This will allow the Pueblo to collect more cardboard for recycling and reduce the costs of the recycling program.



*The Pueblo of Jemez's recycling program (existing cardboard transport trailer pictured at left) will be improved through a RAID grant.*

- \$150,000 to the Navajo Nation will be used for the abatement of several illegal tire and trash dump sites within six Navajo Nation chapters in New Mexico. The Chapter governments will also collaborate to conduct an educational campaign to raise awareness about the problem of illegal dumping and advance mechanisms for prevention. NMED amended the grant agreement to extend the term into FY22 due to COVID-19-related delays in executing this project.



*An illegal dumpsite on the Navajo Nation*

- Pursuant to a Department-wide Memorandum of Agreement with the Pueblo of Santa Clara, the Petroleum Storage Tank Bureau (PSTB) continued corrective action activities at three sites with leaking underground storage tanks within the exterior boundary of the Pueblo. For each of the three sites below, the PSTB shares all documents with the Pueblo of Santa Clara and incorporates comments provided by the Pueblo Santa Clara.
  - In November 2020, the PSTB approved corrective actions at the Big Rock 66 release site (RID 4620). The approved actions will provide information on the initial extent of a release at the facility and will allow the Santa Claran Redevelopment Corporation to be able to continue with their construction activities within the parking lot of the Santa Claran Casino.
  - In November 2020, groundwater monitoring was conducted by a contractor at the Big Rock Shopping Center state-lead site (RID 393) located at the Santa Claran Casino parking lot and provided the latest groundwater data on petroleum hydrocarbon contamination in the area.
  - In May 2021, the PSTB approved a workplan for additional site characterization and groundwater monitoring at the Big Rock Shopping Center state lead site (RID 393) located in Española, New Mexico. This characterization will help to delineate non-aqueous phase liquid (NAPL) and soil contamination. In addition, it will provide information for the next stage of corrective action at the release site.
- Pursuant to a Cooperative Agreement between NMED and the Pueblo of Laguna specific to the Laguna Mart within the exterior boundary of the Pueblo of Laguna, the PSTB

approved a continuation of the operation of a soil vapor extraction system at the Laguna Mart release site (RID 3613) in November 2020. This work will continue to remediate the petroleum hydrocarbon release that has impacted soil and groundwater with respect to the property. In April 2021, the PSTB approved continued operation and maintenance work at the Laguna Mart site in Laguna.



*Pictured is a soil vapor extraction system at the Laguna Mart release site*

- Pursuant to a Joint Powers Agreement with the Jicarilla Apache Nation and NMED specific to Gomez Stop N Go facility located within the Jicarilla Apache Nation (RID 3581), PSTB approved a workplan for sampling in April 2021. The sampling results will be included in a request for quotes for a small purchase contract to expedite remediation at the release site.
- Pursuant to a Cooperative Agreement with the Pueblo of Zuni specific to the Thriftway 256R (RID 4049) located within the external boundary of the Pueblo of Zuni, the PSTB approved a workplan for groundwater monitoring and NAPL removal in May 2021. This ongoing monitoring and NAPL removal continue to abate the petroleum hydrocarbon source at this location.

### Collaboration

- NMED is working cooperatively with the Pueblo of Pojoaque to abate 135 truckloads of sludge illegally dumped on tribal lands by a Santa Fe hotel that was renovating its wastewater treatment system. The administrative compliance order NMED issued to Bishop's Lodge in February 2020 requires the hotel to remove the sludge and properly dispose of it at a permitted facility and assume all associated costs. Prior to removal, NMED will require Bishop's Lodge to submit a plan in compliance with all regulatory requirements for testing, hauling and disposal at a permitted solid waste facility.

- The DOE Oversight Bureau (DOE-OB) monitors well SIMR-2 with the Los Alamos National Laboratory (LANL) on Pueblo de San Ildefonso land just across the LANL boundary. Ongoing monitoring is in response to a large hexavalent chromium plume discovered below Mortandad Canyon on LANL property in 2005. The plume is currently moving east downgradient toward the Pueblo de San Ildefonso. SIMR-2 has been sampled for hexavalent chrome and other LANL-derived contaminants 10 times since August 2020. This assessment helps to assure the hexavalent chromium plume is being suppressed within LANL property by an experimental pump and treatment and injection process. In addition, to evaluate the contamination migration to off-site receptors such as the Pueblo de San Ildefonso, DOE-OB also monitors several springs annually on Pueblo property for known constituents in historic LANL discharges.
- DOE-OB sampled water, biofilm and benthic macroinvertebrates at two sites on the Pueblo de San Ildefonso property, in coordination with the Pueblo's Environmental Programs Manager, Raymond Martinez. As defined in the Memorandum of Agreement, NMED releases sampling results to Pueblo staff for review then upload the results to Intellus. This work provides an independent assessment of contamination impacts from LANL to the Rio Grande. All monitoring is carried out in accordance with the Department-wide Memorandum of Agreement with the Pueblo de San Ildefonso and DOE-OB specific access permit.
- DOE-OB sampled water, biofilm and benthic macroinvertebrates at one site on Ohkay Owingeh, in coordination with the Pueblo's Environmental Programs Manager, Naomi Archuleta and Division Director, Mr. Larry Phillips Jr. Ohkay Owingeh granted one-time access for the sampling location to DOE-OB. As of July 2021, NMED submittal of results to the Pueblo is pending validation and assessment.
- DOE-OB monitored sediment deposition from stormwater runoff in Los Alamos Canyon upstream of the Rio Grande at the Pueblo de San Ildefonso production well LA-5 site. This is the last monitoring point before potentially contaminated sediment from legacy LANL activities in Los Alamos and Pueblo Canyon enter the Rio Grande. DOE-OB sampled for metals, PCBs, dioxins/furans, and a full radionuclide suite at three sampling locations within this reach. Data is publicly available at [www.IntellusNM.com](http://www.IntellusNM.com). Samples were co-located with DOE samples that were collected at the same time. Sediment monitoring is carried out under the Department-wide Memorandum of Agreement with the Pueblo de San Ildefonso.



*NMED staff member Seva Joseph collects biofilm samples in Ohkay Owingeh on the Rio Grande in Summer 2020.*

## C. Environmental Protection Division

### Communication and Outreach

- The Air Quality Bureau (AQB) developed an outreach plan for the Regional Haze State Implementation Plan (RHSIP) revision to notify tribal leaders on upcoming availability of the draft RHSIP and opportunities for early engagement with AQB.
- On April 13, 2021, the Radon Program participated on a webinar panel with U.S. EPA and two federal radon associations titled, “Radon in State Cancer Action Plans: Best Practices for State and Tribal Radon Programs.” During this webinar, leaders from Center for Disease Control, the Comprehensive Cancer Control (CCC) coalitions, and state and tribal radon programs shared guidance and best practices for implementing radon risk reduction activities and highlighting CCC plans in New Mexico.

### Technical and Financial Assistance

- In November 2020, the Occupational Health and Safety Bureau (OHSB) compliance assistance program provided guidance to the Nambe Travel Center to implement COVID-Safe Practices.
- OHSB’s COVID-19 Rapid Response Team assisted multiple tribal employers in responding to notification of positive cases among workers. Although tribal entities are not required to report cases to the Bureau due to lack of state jurisdiction, several employers contacted the Bureau to report positive cases and were provided guidance to prevent virus spread and outbreaks at those workplaces.

### Collaboration

- The Navajo Nation EPA and the Southern Ute Indian Tribe participated in the Four Corners Interagency Policy Oversight Group meeting in March 2021 relating to air quality matters. Representatives from both Tribes are also ongoing participants as part of the logistics team to prepare for the annual Four Corners Air Quality Group meeting to be held in Fall 2021.
- The State Indoor Radon Program provided the Pueblo of Isleta with 100 prepaid indoor radon test kits for use in their community testing program.
- The Radon Program provided prepaid test kits to 21 families in the Gallup area for indoor radon testing and post testing talked with residents by phone or email to discuss mitigation options and vendors as a result of elevated test results in several homes.

### V. [Contacts \(NMSA 1978, § 11-18-4.C\(2\)\)](#)



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## VI. Statutes and Mandates

### *Governing statutes generally:*

NMSA 1978, §9-7A-6;	Executive Department, Department of Environment;
NMSA 1978, §§ 25-1-1 to -15	Food Service Sanitation Act
NMSA 1978, §§ 25-2-1 to -20	Adulterated or Misbranded Food Act
NMSA 1978, §50-9-19;	Occupational Health and Safety Act;
NMSA 1978, §§ 61-33-1 to -10	Utility Operators Act
NMSA 1978, §74-1-1 to -17;	Environmental Improvement Act;
NMSA 1978, §74-1-6;	Department Powers;
NMSA 1978, §74-4-1 to -14;	Hazardous Waste Act;
NMSA 1978, §74-4A-1 to -16;	Radioactive and Hazardous Materials Act;
NMSA 1978, §74-4B-1 to -14;	Emergency Management Act;
NMSA 1978, §74-4C-1 to -4;	Hazardous Waste Feasibility Study Act;
NMSA 1978, §74-4E-1 to -9;	Hazardous Chemicals Information Act;
NMSA 1978, §74-6-1 to -17;	Water Quality Act;
NMSA 1978, §74-6A-1 to -15;	Wastewater Facility Construction Loan Act;

NMSA 1978, §74-6B-1 to -14;	Ground Water Protection Act;
NMSA 1978, §74-6-2 to -17;	Environmental Improvement Act;
NMSA 1978, §74-7-1 to -8;	Environmental Compliance Act;
NMSA 1978, §74-8-1 to -3;	Solid Waste Incineration;
NMSA 1978, §74-9-1 to -43;	Solid Waste Act;
NMSA 1978, §74-10-1 to -100;	Solid Waste Authority Act;
NMSA 1978, §74-13-1 to -20;	Recycling and Illegal Dumping Act;
NMSA 1978, §74-13A-1;	Petroleum Products Loading Fee Act;
NMSA 1978, §75-1-1 to -6;	Rural Infrastructure Act;
NMSA 1978, §§ 70-13-1 to-5;	Produced Water Act;
NMSA 1978, §§ 76, Article 24	Hemp Manufacturing Act;
NMSA 1978, §§ 76-24-1 to -10	Emergency Hemp Rule

VII. Agreements

Tribe/Pueblo/Nation Government	Agency	Activity	Agreement Name	Current Status	Contact/Phone
<b>Pueblo of Pojoaque Environment Department</b>	NMED	Abatement of soil and water pollution	Cooperative Agreement	In effect, effective since 5-1-01	GWQB Chief (505) 827-2919
<b>Pueblo of Zuni</b>	NMED	Underground Storage Tank Cleanup, at Mustang Store 7256	Cooperative Agreement	In effect, effective since 3-20-02	PSTB Chief (505) 476-4377
<b>Pueblo of Laguna</b>	NMED	Underground Storage Tank Cleanup at Laguna Mart	Cooperative Agreement	In effect, effective since 6-21-00	PSTB Chief (505) 476-4377
<b>Pueblo of Laguna</b>	NMED, U.S. EPA, the Grants/Cibola County School Board	Underground Storage Tank Cleanup for a former Grants/Cibola County Schools Maintenance Yard, Paraje	Memorandum of Agreement (MOA)	Effective 5-31-16	PSTB Chief (505) 476-4377
<b>Jicarilla Apache Tribe Environmental Protection Office</b>	NMED	Underground Storage Tank Cleanup at the Lodge at Chama, amended to include the Gomez Stop & Go Site	Cooperative Agreement	In effect signed 6-15-00 Amended 8-16-02	PSTB Chief (505) 476-4377
<b>Picuris Pueblo</b>	NMED	Underground Storage Tank Cleanup and Petroleum Remediation	Consent for Access to Property	Effective 6-14-07	PSTB Chief (505) 476-4377

<b>Tribe/Pueblo/Nation Government</b>	<b>Agency</b>	<b>Activity</b>	<b>Agreement Name</b>	<b>Current Status</b>	<b>Contact/Phone</b>
<b>Ohkay Owingeh</b>	NMED	Underground Storage Tank Cleanup and Petroleum Remediation	Consent for Access to Property	Effective 9-10-08	PSTB Chief (505) 476-4377
<b>Pueblo of San Ildefonso</b>	NMED	Soil, water, air, and plant monitoring as well as sampling to evaluate LANL activities	MOU	In effect, effective since 2-7-14	DOE Oversight Bureau Chief (505) 383-2074
<b>Navajo Nation and Southern Ute Indian</b>	NMED	Four Corners Air Quality Group Cooperation	MOU	In effect, effective since 12-03-15	Air Quality Bureau, Mark Jones (505) 566-9746
<b>Pueblo of Santa Clara</b>	NMED	Comprehensive description of all regulatory activities w/in exterior boundary	MOA	In effect, Effective since 12-20-10	Kathryn S. Becker (505) 231-9983