



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

Sent via email

July 31, 2023

Secretary Designate James R. Mountain
Indian Affairs Department
James.mountain@iad.gov

Dear Secretary Designate Mountain:

Attached is the New Mexico Environment Department's (NMED) Fiscal Year 2023 State-Tribal Collaboration Act (STCA) Annual Report. In it you will read about all the areas we are working collaboratively with the sovereign pueblos, tribes, and nations in New Mexico. Again this year we organized our Annual Report to demonstrate our commitment to the inclusion of tribal governments in all that we do to collaborate, innovate, make science-based decisions and ensure compliance with environmental laws. We look forward to another year in partnership with the Indian Affairs Department to build trusting relationships in Indian Country.

If you have any questions regarding NMED's STCA Annual Report, please contact Sydney Lienemann, Deputy Secretary, at (505) 827-2855 or our Kathryn Becker, Tribal Liaison, at (505) 231-8933.

Sincerely,

DocuSigned by:

Handwritten signature of James C. Kenney in black ink.

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James C. Kenney
Cabinet Secretary

CC: Sydney Lienemann Deputy Cabinet Secretary
Kathryn S. Becker, Tribal Liaison

State of New Mexico
ENVIRONMENT DEPARTMENT

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NMED and EMNRD staff in the field near Counselor, New Mexico in September 2022 to meet with Navajo Nation Chapter Officials concerning allegations of illegal dumping.

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, edible cannabis and hemp products, 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.

After adopting two major initiatives to reduce New Mexico's greenhouse gas emissions from the oil and gas and transportation sectors last fiscal year, NMED worked to implement those new policies and advance additional climate policies in FY23. NMED's newly created Climate Change Bureau leads the Department's climate change initiatives, including legislative, regulatory, and compliance. The bureau plays a significant role in the Climate Change Task Force, working across state government to coordinate policies and actions to meet the state's ambitious climate goals of reaching net zero emissions by 2050 economy wide and reducing greenhouse gas emissions by at least 45% below 2005 levels by 2030, in accordance with Governor Michelle Lujan Grisham's [Executive Order 2019-003](#).

Throughout the year, NMED collaborated with tribes, nations and pueblos across air, water, waste, health, and energy programs. NMED hosted an Indian Resource Advisory Committee meeting in Albuquerque regarding NMED's climate change efforts, coordination with tribal partners, and funding opportunities.

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 FY23, NMED employed 545 staff across five 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, supporting the mission programs through essential functions and services. NMED’s environmental and public health protection activities are implemented by four divisions: the Environmental Health Division (EHD), the Environmental Protection Division (EPD), the Resource Protection Division (RPD), and the Water Protection Division (WPD).

The purpose of EHD is to provide public outreach, education, and regulatory oversight for worker safety; regulate food service and food processing facilities; regulate liquid waste treatment and disposal; and regulate public swimming pools, baths, and spas. In FY23, EHD included the Environmental Health Bureau, the Occupational Health and Safety Bureau and the new Cannabis and Hemp Bureau.

The purpose of EPD is to protect public health and the environment through programs that regulate air emissions and radiation-producing materials and equipment. In FY23, EPD Included the Air Quality Bureau, the Radiation Control Bureau, and the new Climate Change 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 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.

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 State Tribal Collaboration Act (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, in addition to required notices to leadership, to ensure notice is directed to those most interested and potentially affected by NMED activities.

III. Goals and Accomplishments

NMED's efforts in FY23 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. Successfully advocating for increased funding and 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, a new website, online public participation tools, and continued opportunities to participate in hearings.
5. Recruiting and retaining current staff by creating an empowered and valued workforce through internal communications, policies, and flexibilities that include leave bonuses for new employees.

In addition to FY23 accomplishments described throughout this Annual Report, over the past year NMED worked with a number of partners, including the Navajo Nation, private industry, and neighboring states to develop and submit an application for a \$1.25 billion grant from the U.S. Department of Energy (DOE) to advance the hydrogen economy in Colorado, New Mexico, Utah and Wyoming. This is directly related to New Mexico's climate change efforts. NMED also continued its investment in science and innovation through

partnership with New Mexico State University and the New Mexico Produced Water Research Consortium, which released a Research Plan and Gap Analysis for Produced Water Reuse in New Mexico this year. During FY23, NMED made continued 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, including testing drinking water sources for PFAS contamination. NMED launched a story map providing drought information to public water utilities throughout the state. NMED launched an Environmental Crimes Task Force to meet regularly with members from federal, tribal, and state agencies to disseminate actionable intelligence and coordinate responses to address those individuals and entities who threaten our health and environment by violating such laws. NMED senior staff and leadership closed out the year with a tour of Northwest New Mexico and the Navajo Nation to develop collaborative opportunities on federal climate reduction grants, addressing oil and gas waste, and expanding workforce development opportunities related to environmental reclamation and the energy transition.

Fiscal Year 2023 (FY23) was an important year for the Department to build critical capacity to meet the most pressing environmental and public health challenges. As NMED continues to rebuild capacity, as well as retain our talented workforce, we will recruit new employees across a number of positions in high priority programs, including cannabis and hemp, water infrastructure, uranium mine remediation, and emerging contaminants.

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

All NMED employees that have any outreach or opportunity to interface with the public are 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 FY23, 56 NMED employees took the course.

Drawing upon the STCA and NMED’s Tribal Consultation and Collaboration Policy, NMED summarizes its FY23 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 FY23 interactions in Indian Country.

Communication and Outreach

- The Surface Water Quality Bureau (SWQB) notified the Pueblo of Tesuque's Department of Environment and Natural Resources on April 18, 2022, of bentonite dumping that occurred in an arroyo upstream of the Pueblo of Tesuque. Bentonite is a type of clay that is used to mix drilling mud. SWQB provided information regarding the spill, clean-up and associated corrective actions to protect water quality and shared with the Pueblo on July 5, 2022, that the New Mexico Environment Department has received and approved the Final Corrective Action Report from PNM Resources regarding the bentonite slurry dumping and cleanup.
- SWQB funded the "*Restoring the Rio Quemado Riverine Wetland on Los Potreros Open Space, in Chimayo, NM*" project. Goals of this project include raising the channel elevation, improving wetland functionality, and restoring riparian vegetation in the Open Space area of Santa Fe County. A task of this project is to update the Wetland Action Plan (WAP). A WAP is a collaborative and community-based plan that describes voluntary actions that may be taken by public land management agencies or private landowners at their own discretion. In FY 2023 the cooperator (Ecotone Landscape Planning, LLC) kept the five Pueblos located within Santa Fe County updated on the status of WAP development and plans to resume effort on the WAP in earnest in FY 24.
- SWQB received an application from the Village of Ruidoso for a grant to develop a Watershed-Based Plan for the Rio Ruidoso. NMED has conditioned the further approval of the grant on inclusion of the Mescalero Apache Tribe as an active participant in the watershed. The watershed planning process involves a series of cooperative, iterative steps to characterize existing conditions, identify and prioritize problems, define management objectives, develop protection or remediation strategies, and implement and adapt selected actions as necessary. This requires extensive collaboration with local stakeholders and tribal government to produce a successful Plan.
- SWQB Wetlands Program conducted the virtual Southern Wetlands Roundtable on April 19, 2023. Of the many outstanding presentations at the day-long meeting,

Michael Scialdone of the Pueblo of Sandia Environment Department gave an excellent presentation “*Ravenna Grass Identification and Eradication Techniques*”, about the Pueblo’s efforts and techniques for removing the invasive grass species from the Rio Grande Bosque. The meeting was attended by 98 participants that benefited from the excellent presentation.

- SWQB provided draft Total Maximum Daily Load (TMDL) of contaminants in a surface water body for the Upper Rio Grande and public meeting information to environmental staff from the Pueblos of Nambe, Santa Clara, Kewa, and Ohkay Owingeh in June 2022.
- SWQB reviewed and provided a letter of support with comments to the Pueblo of Santa Clara regarding proposed revisions to their Water Quality Code.
- SWQB provided notification to the Mescalero Apache Tribe of the 30-day public comment period on the draft Sacramento Mountains Field Sampling Plan, which includes planned chemical, biological, and physical sampling for the 2023-2024 rotational watershed survey area. SWQB provided notification to the Jicarilla Apache Tribe of the 30-day public comment period on the draft Rio Chama Field Sampling Plan, which includes planned chemical, biological, and physical sampling for the 2023-2024 rotational watershed survey area. SWQB included tribal notification and reporting requirements for exceedances and spills in the State’s Clean Water Act Section 401 certifications of several draft National Pollutant Discharge Elimination System (NPDES) individual permits as detailed below. Notification and reporting requirements for the Jicarilla Apache Nation were included in the NPDES individual permit for the U.S. Bureau of Reclamation (USBOR) El Vado Dam Modification Project. Notification and reporting requirements for Navajo Nation were included in the NPDES individual permit for the USBOR Gallup-Navajo Water Supply Project, San Juan Lateral. Notification and reporting requirements for Ohkay Owingeh were included in the NPDES individual permit for the Village of Abiquiu Wastewater Treatment Plant (WWTP). Notification and reporting requirements for the Pueblo de San Ildefonso were included in the NPDES individual permits for Los Alamos County Wastewater Treatment Facility (WWTF), Los Alamos National Laboratory Stormwater, and Los Alamos National Laboratory Industrial Outfalls. Notification and reporting requirements for the Pueblo de Taos were included in the NPDES individual permit for the Village of Taos Ski Valley WWTP.
- SWQB submitted Downstream User Comments to EPA Region 9 for the tribally owned and operated Navajo Nation Northern Edge Casino. SWQB reviewed the draft NPDES individual permit for the City of Española WWTP, which discharges into Pueblo of Santa Clara Waters. SWQB found no Downstream User Comments were required. SWQB communicated with the Navajo Nation EPA regarding Clean

Water Act Section 401 certification of U.S. Army Corps of Engineers' Regional General Permit 17-01 for emergency activities.

- GWQB communicated with the Pueblo of Santa Clara about potential tribal Brownfields sites, including Bridges Radiator Shop and Big Rock 66 gas station.
- GWQB Staff continued to invite tribal participation in the ongoing Toxic Pollutants Working Group meetings.
- The Air Quality Bureau (AQB) performed tribal notification outreach in regard to the recent LANL construction permit hearing (Target Fabrication Facility), as required per NMED's construction permit rule, as well as outreach to those tribal governments that are on a mailing list for LANL air permits and implemented the NMED Public Involvement Plan. AQB was contacted by the Pueblo de San Ildefonso regarding a purple-air monitoring project which the pueblo wanted to conduct using federal American Rescue Plan funding. Through our discussions, AQB agreed that the Pueblo could place a purple-air monitor at the Santa Fe Airport site to monitor PM2.5. AQB Control Strategies has participated at an advisor capacity in the WRAP WESTAR Tribal data work group, <https://www.wrapair2.org/tdwg.aspx>, beginning in 2023.
- The Pueblo of Isleta invited the Radiation Control Bureau (RCB) Radon Outreach Program to participate in the 2022 Pueblo of Isleta Environmental Fair. The fair brought together several environmental and health entities from all over the state, including the University of New Mexico, the Pueblo of Laguna, the United States Department of Agriculture, the Pueblo Action Alliance and the Bureau of Indian Affairs, to name a few. It was an excellent opportunity to meet many wonderful people, learn about other environmental programs and how they work toward an improved New Mexico, and educate fair attendees and associations about indoor radon and its hazards. RCB also provided free Radon test kits to individuals interested in testing their homes. It was an enjoyable day to inform the public about Radon and RCB, what we do, and how we focus on making New Mexico a clean and healthy state.



Pictured are Jeanette Maestas and Valerie Ortiz at the Pueblo of Isleta Environmental Fair

- As a routine practice, NMED includes the Pueblos of San Ildefonso and Santa Clara on the carbon copy list on all correspondence related to the hexavalent chromium contamination plume at Los Alamos National Laboratory (LANL) to keep them apprised of NMED’s regulatory decisions and the progress of the project. NMED also includes both pueblos on correspondence related to annual groundwater monitoring performed under the Interim Facility Wide Groundwater Monitoring Plan at LANL. In FY23, after hearing the need for better visual and accessible data about LANL, NMED created and posted online a mapping tool that to identify regulatory activities in the vicinity of LANL. The dashboard allows visitors to search for permits and facilities by entering key information or navigating to a location on the map. Located on NMED’s data website (<https://www.env.nm.gov/data/>), the dashboard is a mapping tool that allows for data gathering and is relevant for all NMED regulatory activities at LANL.
- The Hazardous Waste Bureau (HWB) continues to provide an overview on performance of the hexavalent chromium plume control Interim Measure (IM) at the Los Alamos National Laboratory (LANL). The hexavalent chromium plume is located near the boundary of the Pueblo de San Ildefonso and the potential of transport of chromium contamination on the Pueblo property is of concern to NMED and the Pueblo. With NMED’s leadership, joint meetings between NMED and DOE to discuss the path forward for IM now allow for Pueblo leadership to attend.

Technical and Financial Assistance

- The Surface Water Quality Bureau's (SWQB) River Stewardship Program continues to fund the Torreon Wash Phase 1 and Phase 2 watershed restoration projects 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 the Torreon Wash within the Navajo Nation. The project includes planting between 1,765 and 3,000 cottonwoods, nearly 300 riparian shrubs, and 2,000 willow poles to improve riparian areas and building between 300 and 600 erosion control structures to stabilize gullies in the project area.
- SWQB funded the "*Santa Clara Creek Restoration Project*" under the River Stewardship Program in April 2023. This project will occur on approximately 4.5-miles of Santa Clara Creek and 68 acres of riparian areas within the Santa Clara Pueblo. Project goals include improving stream channel function by reducing bank erosion, increasing floodplain connectivity and productivity, improving aquatic and riparian habitat, and enhancing wetlands by improving and restoring wetland function. Santa Clara Pueblo is working with contractors Natural Channel Design and Keystone Restoration Ecology to complete the work by June 2025.
- SWQB funded the "*Taos Pueblo Ecological Restoration of Buffalo Pasture and the Rio Lucero Project*" under the River Stewardship Program in April 2023. This project will restore approximately 200 acres of slope wetlands and 2-miles of the Rio Lucero within Taos Pueblo. Project goals include improving stream channel function by increasing channel stability and floodplain access, raising the water table through increased meandering and raising the channel grade, and enhancing the Buffalo Pasture Wetland by restoring the wetland hydrology and connection to the Rio Lucero. Taos Pueblo is a project partner working with contractors Keystone Restoration Ecology to complete the work by June 2025.
- SWQB funded the "*Adapting and Improving River Stewardship in the Torreon Wash Watershed in the Face of Climate Change*" project under the River Stewardship Program in April 2023. This project will restore riparian areas by planting in ephemeral and intermittent channels and will construct erosion control structures to mitigate sediment inputs to the Rio Puerco. This project occurs in a 40-square mile area of the Navajo Checkerboard lands near Torreon, New Mexico. The contractors performing the work include the Rio Puerco Alliance, River Source, West Construction, and work with the Navajo Summer Youth Corps.
- SWQB staff taught break-out sessions dedicated to NPDES sampling and reporting requirements at the New Mexico Water and Wastewater Association Northern

School on May 18, 2023, in Española, New Mexico. Both trainings were attended by several tribal Wastewater-Utility Operators.

- SWQB previously funded the “*Restoring Springs and Wetlands on State Trust Lands in the Lower Embudo Valley*” project near Dixon, NM. The project includes restoration work on springs on land managed by the New Mexico State Land Office, near the Pueblo of Picuris. Governor Quanchello authorized NMED staff to work directly with the Environment Department Director Cynthia Naha on project details, and requested future engagements that will involve a field visit with the Boys and Girls Club of the Picuris Pueblo to the project area to present different restoration structures that will improve wetland functionality and restore riparian vegetation. Cynthia Naha left her position in December, and NMED’s sub-grantee began working with the Pueblo’s staff of cultural resources contractors on project coordination, including offers to engage the Pueblo’s youth program in field events. The youth program also recently experienced turnover and did not participate in field events in the reporting period. SWQB continues to reach out and connect.
- SWQB staff assisted the Village of Jemez Springs with their communications and notifications to Jemez Pueblo for the Jemez Springs WWTP bypass and sanitary sewer overflows to the Jemez River in April and May 2023 due to high spring snowmelt and runoff. The Jemez Springs WWTP NPDES permit requires the Village to notify downstream acequias and Pueblo of Jemez of exceedances.
- SWQB permitting staff worked with U.S. EPA Region 6 and the U.S. Bureau of Reclamation (USBOR) on the permit review for the Navajo Gallup Water Supply Project (NGWSP) San Juan Lateral. SWQB completed the State’s antidegradation analysis of the USBOR project and provided the results to the Navajo Nation.
- SWQB permitting staff worked with the US EPA Region 6 and USBOR on the permit review for the El Vado Dam Modification Project. SWQB completes the State’s antidegradation analysis of the USBOR project and provided the results to the Jicarilla Apache Nation.
- SWQB staff accompanied U.S. EPA Region 6 staff on compliance evaluation inspections at the Albuquerque Bernalillo County Water Utility Authority Southside Reclamation Plant sanitary sewer overflow inspection (Pueblo of Isleta downstream user) and the Pojoaque Terrace Mobile Home Park (Pueblo of Pojoaque tribal waters).
- The Ground Water Quality Bureau (GWQB) staff coordinated with U.S. EPA Region 6 staff, Eight Northern Indian Pueblo Council staff, and Santo Domingo Pueblo

leadership for completion of a Phase II Environmental Site Assessment (ESA) at the former CC Housing Site.

- GWQB Brownfield staff met with Santa Clara Pueblo environmental staff and, Santa Clara Development Corporation staff, and Petroleum Storage Tank Bureau (PSTB) staff to discuss the need for an ESA at the Big Rock 66 gas station property in Española that has been replaced by a new travel center. The closed gas station still has buried storage tanks that need to be removed. The buildings at the site are slated for demolition.
- GWQB Brownfields staff worked with ENIPC staff and the Pueblo of Picuris to determine ESA needs and offer assessment assistance for the proposed project at the former Embudo Hospital property.
- The Solid Waste Bureau (SWB) hosted two Recycling Operator Certification Training Courses in FY23, in October 2022 and June 2023. Seven tribal operators attended these three-day courses with the aim of improving operational best management practices for recycling facilities; operators attended from the Pueblo of Isleta, Zia Pueblo, the Navajo Nation and the Pueblo de San Ildefonso. The courses included presentations from SWB Outreach staff, SWB Enforcement staff and the Solid Waste Association of North America (SWANA) Roadrunner Chapter representatives. A site visit was conducted to the Greentree Recycling Facility in Ruidoso for the October class and the Recycle and waste Collection Center in Truth or Consequences for the June class.
- NMED awarded a total of \$73,318.50 in FY23 Recycling and Illegal Dumping (RAID) grant funding to four Tribal Governments: Pueblo of Isleta, Pueblo of Santa Ana, Pueblo of Taos and Pueblo of Zuni. The purpose of the RAID grant is for the prevention and abatement of illegal dumpsites as well as the promotion of environmentally sound methods for reuse and recycling.
- The Pueblo of Isleta was awarded \$18,516.50 in FY23 RAID grant funding to improve recycling infrastructure by purchasing and installing a vertical bailer in order to expand their recycling program and to allow the tribe to bail aluminum, cardboard and plastics. This will allow the tribe to transport captured recyclables to local markets.
- The Pueblo of Santa Ana was awarded \$11,800.00 in FY23 RAID grant funding to partner with local pueblos for removal and recycling of scrap tires in their communities. The project will allow them to conduct outreach and increase the program's capacity for scrap tire management into the future.

- The Pueblo of Taos was awarded \$28,002.00 in FY23 RAID grant funding to increase the recycling capability of the pueblo. This will allow the tribe to foster a successful recycling program in the future and to expand the footprint of their program as they build capacity.
- The Pueblo of Zuni was awarded \$15,000.00 in FY23 RAID grant funding for removal of the tires at their transfer station. The tires will be transported to a regional landfill processed for recycling. The removal of scrap tires from the community will improve solid waste management issues related to scrap tires and also give a foothold on the illegal dumping of these tires in the local landscape.
- The State Indoor Radon Program provided the Pueblo of Isleta with 110 prepaid indoor radon test kits to use in their community testing program.

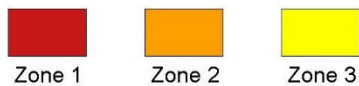
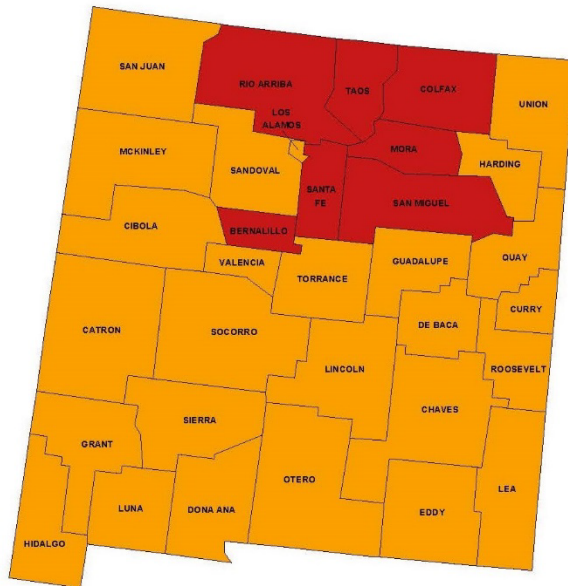
NEW MEXICO - EPA Map of Radon Zones

<http://www.epa.gov/radon/zonemap.html>

The purpose of this map is to assist National, State and local organizations to target their resources and to implement radon-resistant building codes.

This map is not intended to determine if a home in a given zone should be tested for radon. Homes with elevated levels of radon have been found in all three zones.

All homes should be tested, regardless of zone designation.



IMPORTANT: Consult the publication entitled "Preliminary Geologic Radon Potential Assessment of New Mexico" (USGS Open-file Report 93-292-F) before using this map. <http://energy.cr.usgs.gov/radon/grpinfo.html> This document contains information on radon potential variations within counties. EPA also recommends that this map be supplemented with any available local data in order to further understand and predict the radon potential of a specific area.

Collaboration

- The Construction Programs Bureau (CPB) reaches out to tribes through the environmental review process for Clean Water State Revolving 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. The following conversations occurred during FY22.

- CPB staff is provided technical oversight to the Mescalero Apache Tribe who had Water Trust Board funding in the amount of \$223,000 to construct a welded steel water tank. The funding was completely expended during FY23.
 - CPB Staff is providing technical oversight to the Pueblo of Taos for a water meter replacement project that was funded by the Drinking Water State Revolving Loan Fund in the amount of \$400,000. A contractor is in the process of installing the meters.
 - CPB staff sent out requests for comment as part of the tribal consultation process for the Jal wastewater project in Lea County. This project is funded by the Clean Water State Revolving Loan Fund project CWSRF 105. Letters were sent to the following tribes: Apache Tribe of Oklahoma, Comanche Indian Tribe, Pueblo of Isleta, Mescalero Apache Tribe and Kiowa Tribe of Oklahoma.
- The Drinking Water Bureau (DWB) staff has continued to coordinate with the Navajo Nation EPA and the Navajo Tribal Utility Authority (NTUA) on the regulatory aspects of operating the Cutter Lateral of the Navajo-Gallup Water Supply Project (NGWSP). DWB played a leading role over the last ten years to help develop a regulatory framework for all the agencies to regulate water from the Navajo Gallup Water Supply Project (NGWSP) and assist in implementation. The NGWSP is designed to provide water to approximately a quarter million people in the Four Corners of New Mexico within the next 50 years, most of whom live on the Navajo Nation, the Jicarilla Apache Nation, and the City of Gallup. Due to the complex land status in the area of the project, four regulatory agencies have jurisdiction over portions of the project.
 - The Surface Water Quality Bureau (SWQB) staff continues to partner with the Navajo Nation and the Southern Ute Indian Tribe on the water quality monitoring after the Gold King Mine spill for eight sites on the Animas and San Juan Rivers. The tribes collected samples and measured field parameters while NMED provided sampling supplies and laboratory analysis through its interagency agreement with the DOH Scientific Laboratory Division. This collaborative monitoring effort included three sampling events this reporting period (October 2022, April 2023, and June 2023). By collaborating and sharing resources, NM and the tribes can continue collecting vital information on the health of these important waterbodies.
 - SWQB staff collaborated with the Navajo Nation and the Southern Ute Indian Tribe, other San Juan River Multijurisdictional partners, and the New Mexico Water Resources Research Institute to plan and execute the 2023 Animas and San Juan

Watersheds Conference June 21-22, 2023, in a hybrid format at the San Juan College Henderson Fine Arts Center in Farmington, New Mexico.

- The Ground Water Quality Bureau (GWQB) staff collaborated with the Pueblo of Santo Domingo, US EPA – Region 6 and Eight Northern Indian Pueblo Council staff to plan for a Phase II Targeted Brownfields Assessment at the Santo Domingo CC Housing property, a former industrial site. US EPA contractors have completed additional assessments in preparation for property cleanup.
- GWQB staff Superfund Oversight Section staff 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.
- GWQB – Mining Environmental Compliance Section (MECS) virtually attended an Abandoned Uranium Mine Waste Workshop held by the EPA-Office of Mountains, Desert and Plains on October 21, 2022. Numerous participants, including representatives from the Navajo Nation EPA, Pueblo of Laguna, Ute Mountain Ute Tribe, Navajo Nation Abandoned Mine Lands, Bureau of Indian Affairs, EPA Region 6, EPA Region 9, Nuclear Regulatory Commission, Department of Energy – Legacy Management, Department of the Interior- Bureau of Land Management, U.S. Department of Agriculture – U.S. Forest Service, State of Colorado, State of Utah, State of Arizona, and the State of New Mexico, Energy, Minerals and Natural Resources Department, met to discuss approaches to clean up abandoned uranium mines across the west.
- EPA Region 9 virtually held a meeting to discuss alternatives to be evaluated in an Engineering Evaluation/Cost Analysis for the Quivira Mine. The participants included EPA Region 9, EPA Region 6, Navajo Nation EPA and the State of New Mexico – GWQB-MECS and the Energy, Minerals and Natural Resources Department. The purpose of the call was to discuss how to address uranium mine waste at the Quivira Mine and options to cap the waste in place or create a repository on land owned by the Red Rocks Landfill outside of Thoreau, NM.
- GWQB – MECS attended an Abandoned Uranium Mine Waste Workshop held by the EPA-Office of Mountains, Desert and Plains in Albuquerque on June 21st and 22nd, 2023. This was a two-day event that included a meeting at the Bureau of Indian Affairs office and a site tour to various locations within the Grants Mining District. Numerous participants, including representatives from the Navajo Nation EPA, Pueblo of Laguna, Ute Mountain Ute Tribe, Navajo Nation Abandoned Mine Lands, Bureau of Indian Affairs, EPA Region 6, EPA Region 9, Nuclear Regulatory Commission, Department of Energy – Legacy Management, Department of the Interior- Bureau of Land Management, U.S. Department of Agriculture – U.S. Forest Service, State of Colorado, State of Utah, State of Arizona, and the State of New

Mexico, Energy, Minerals and Natural Resources Department, met to discuss approaches to clean up abandoned uranium mines across the west. GWQB-MECS staff sat down with Pueblo of Laguna staff, Navajo Nation EPA staff, and Navajo Nation Abandoned Mine Lands staff.

- GWQB-MECS had a call with the Environmental Program Coordinator from the Pueblo of Acoma and the Department of Energy-Legacy Management on June 27, 2023, to discuss opportunities to provide the Pueblo of Acoma with technical assistance within their Environmental Program including surface water sampling within the Rio San Jose. GWQB-MECS staff is working with the SWQB to determine pathways to provide technical assistance.
- At the request of the Energy, Minerals and Natural Resources Department – Mining and Minerals Division, Uranium Mine Reclamation Coordinator, GWQB-MECS staff attended a site visit at Section 32/33 mine and Quivira mine sites. The sites are primarily overseen by EPA Region 9 as they are on Navajo Nation lands. GWQB-MECS and MMD attended as clean up options located in New Mexico are being considered. Navajo Nation representatives also attended the site visits.
- GWQB-MECS attended a site visit to the UNC Church Rock mine site on April 11, 2023. The site is primarily overseen by EPA Region 9 as the site is location on Navajo Nation lands. GWQB-MECS, NMED-SOS, and EPA Region 9 attended since the approved remedy involves disposal in New Mexico. Navajo Nation representatives also attended the site visit.
- United Nuclear Corporation – General Electric (UNC-GE) public noticed a Modified Stage 2 Abatement Plan for the St. Anthony Mine on November 16, 2022. Certified letters were sent to the surrounding tribes on November 14, 2022. GWQB-MECS staff met with the Pueblo of Laguna technical staff, EMNRD-MMD staff and representatives from the Cebolleta Land Grant on January 10, 2023, to inspect the St. Anthony Mine and discuss the Modified Stage 2 Abatement Plan submittal.
- The Solid Waste Bureau (SWB) outreach staff provided information on the Recycling and Illegal Dumping (RAID) grant program at the IRAC meeting held via Zoom. Staff also reached out to tribal entities during the fall to answer questions and assist interested tribes to prepare applications.
- NMED/SWB 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. Following a hearing, NMED issued a Final Order upholding the requirements of the administrative compliance order on May 31, 2022. The responsible party appealed the decision to the New Mexico Court of Appeals on June 30, 2022, and the case is pending.

- NMED/SWB appointed a representative of the Pueblo of Santa Ana to serve a two-year term on the RAID Alliance. The 12-member RAID Alliance sets priorities for RAID grant funding and recommends awards each year.
- The Department of Energy Oversight Bureau (DOE-OB) sampled water and biofilm at two sites on the Pueblo de San Ildefonso property and one site on Santa Clara Pueblo Property. As defined in the Memorandum of Agreement, NMED releases sampling results to Pueblo staff for review then uploads the results to Intellus. Data is publicly available at www.IntellusNM.com. 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 permits.
- DOE-OB continued their ongoing monitoring of stormwater on the Pueblo de San Ildefonso at site E110-Los Alamos Canyon above Otowi Bridge. This is the last monitoring point before potentially contaminated stormwater runoff and sediment from legacy LANL activities in Los Alamos and Pueblo Canyon enter the Rio Grande. The DOE-OB is the only State Government entity monitoring stormwater at this location, which is an important location for both the Pueblo as well as the City of Santa Fe and the Buckman Direct Diversion project. Runoff from four storm events (7/27/22, 7/30/22, 8/6/22 and 8/17/22) was collected and sampled for metals, PCBs dioxins/furans, a full radionuclide suite, and suspended sediment concentration. Data is publicly available at www.IntellusNM.com. Stormwater monitoring is carried out under the Department-wide Memorandum of Agreement with the Pueblo de San Ildefonso.
- DOE-OB conducted their annual Sediment Sampling campaign at three locations on the Pueblo de San Ildefonso. The primary objective of this investigation is to provide an assessment of the potential constituents of concern present in canyon-bottom sediments throughout LANL and the possible migration of such constituents offsite. Sediment samples were collected from the lower Los Alamos Canyon stream channel and the banks of the Rio Grande both up and downstream of the confluence with Los Alamos Canyon. Samples were analyzed for metals, PCBs, dioxins/furans, a full radionuclide suite, and particle size. Data is publicly available at www.IntellusNM.com. Sediment monitoring is carried out under the Department-wide Memorandum of Agreement with the Pueblo de San Ildefonso.

- DOE-OB sampled multiple locations for groundwater analysis within San Ildefonso Pueblo. Monitoring in 2022/2023 included one spring, three production wells, one domestic well, and two monitoring wells in Mortandad and Sandia Canyons situated downgradient from the chromium plume. The groundwater program monitors for metals, PFAS, pharmaceuticals, perchlorate, tritium, and general chemistry. Analytical data is reviewed by the Pueblo then uploaded and made available to the public on <https://www.intellusnm.com>. DOE-OB Environmental monitoring on Pueblo property is performed under the Department-wide Memorandum of Agreement with the Pueblo de San Ildefonso.
- Pursuant to a Department-wide Memorandum of Agreement with the Pueblo of Santa Clara, the Petroleum Storage Tank Bureau (PSTB) collaborated by:
 - Conducting groundwater monitoring in April 2023 at the Big Rock state lead release site and the Big Rock 66 release site. The reports provide the latest groundwater data on petroleum hydrocarbon contamination in the area. PSTB provides all data to the Pueblo of Santa Clara environmental staff.
- Pursuant to a Cooperative Agreement between NMED and the Pueblo of Laguna the Petroleum Storage Tank Bureau (PSTB) collaborated by:
 - Approving semi-annual groundwater monitoring in March 2023 at the School Maintenance Yard in Paraje;
 - Approving an addendum to the Final Remediation Plan of the existing air sparge/soil vapor extraction system at the Laguna Mart release site. This modification includes installation of a horizontal sparge well to target recalcitrant contamination in the deep zone beneath State Road 124. Work has also been approved to decommission the pump and treat system at the site and



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

- AQB has continued to help facilitate the annual Four Corners Air Quality Group (4CAQG), <https://www.env.nm.gov/air-quality/four-corners-air-quality-group/>, and the Interagency Four Corners Policy Oversight Group. The Navajo Nation EPA and Southern Ute Indian Tribe have participated in the 4CAQG since 2008 and have assisted some with coordination for annual meetings. The Ute Mountain Ute Tribe has also participated regularly in the 4CAQB. The Four Corners Air Quality Group is convened by the states of Colorado and New Mexico, with the support of a range of state, tribal and federal agencies.

Consultation

NMED neither received nor requested any government-to-government consultations in FY23.

V. Contacts (NMSA 1978, § 11-18-4.C(2))

James C. Kenney
Cabinet Secretary
New Mexico Environment Department
1190 St. Francis Drive, Suite N4050
Santa Fe, New Mexico 87505
Phone: (800) 219-6157 or (505) 827-2855
env.nm.gov

Sydney Lienemann
Deputy Cabinet Secretary of Administration
New Mexico Environment Department
1190 St. Francis Drive, Suite N4050
Santa Fe, New Mexico 87505
Phone: (800) 219-6157 or (505) 827-2855
sydney.lienemann@env.nm.gov

Kathryn S. Becker
Acting Deputy General Counsel / Tribal Liaison
New Mexico Environment Department
Office of General Counsel
P.O. Box 5469
Santa Fe, NM 87502-5469
Phone: (505) 231-8933
Kathryn.becker@env.nm.gov



Kathryn Becker and Navajo Nation Vice President Montoya at the Governor’s State Tribal Collaboration Annual Summit.

VI. Statutes and Mandates

Governing statutes generally:

NMSA 1978 §9-7A-1 to -15	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 §§ 26-2C-1 to -42	Cannabis Regulation Act;
NMSA 1978 §§50-9-1 to -25	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 §§74-2-1 to -22	Air Quality Control Act;
NMSA 1978 §§74-3-1 to -16	Radiation Protection Act;
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 §§ 74-4G-1 to -12	Voluntary Remediation 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
Pueblo of Pojoaque Environment Department	NMED	Abatement of soil and water pollution	Cooperative Agreement	In effect, effective since 5-1-01	GWQB Chief (505) 827-2919
Pueblo of Zuni	NMED	Underground Storage Tank Cleanup, at Mustang Store 7256	Cooperative Agreement	In effect, effective since 3-20-02	PSTB Chief (505) 476-4377
Pueblo of Laguna	NMED	Underground Storage Tank Cleanup at Laguna Mart	Cooperative Agreement	In effect, effective since 6-21-00	PSTB Chief (505) 476-4377
Pueblo of Laguna	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
Jicarilla Apache Tribe Environmental Protection Office	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
Pueblo of Picuris	NMED	Underground Storage Tank Cleanup and Petroleum Remediation	Consent for Access to Property	Effective 6-14-07	PSTB Chief (505) 476-4377
Ohkay Owingeh	NMED	Underground Storage Tank Cleanup and Petroleum Remediation	Consent for Access to Property	Effective 9-10-08	PSTB Chief (505) 476-4377
Pueblo de San Ildefonso	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
Navajo Nation and Southern Ute Indian	NMED	Four Corners Air Quality Group Cooperation	MOU	In effect, effective since 12-03-15	Air Quality Bureau, Mark Jones (505) 566-9746
Pueblo of Santa Clara	NMED	Comprehensive description of all regulatory activities w/in exterior boundary	MOA	In effect, effective since 12-20-10, Amended 11-19-19	Kathryn S. Becker (505)231-9983

State Department Name/Mission	Divisions and Programs that Collaborate with Tribes	FY 2023 Top 3 Accomplishments	FY 2024 Top 3 Goals/Objectives
<p>New Mexico Environment Department</p> <p>NMED’s mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.</p>	<p>1. Water Protection Division - Construction Programs Bureau - Drinking Water Bureau - Ground Water Quality Bureau - Surface Water Quality Bureau</p> <p>2. Resource Protection Division - Department of Energy Oversight Bureau - Petroleum Storage Tank Bureau - Hazardous Waste Bureau - Solid Waste Bureau</p> <p>3. Environmental Protection Division - Air Quality Bureau - Climate Change Bureau - Radiation Control Bureau</p> <p>4. Environmental Health Division - Occupational Health and Safety Bureau - Cannabis and Hemp Bureau -Environmental Health Bureau</p>	<p>1. NMED worked with a number of partners, including the Navajo Nation, private industry, and neighboring states to develop and submit an application for a \$1.25 billion grant from the U.S. Department of Energy (DOE) to advance the hydrogen economy in Colorado, New Mexico, Utah and Wyoming. This is directly related to New Mexico’s climate change efforts.</p> <p>2. During FY23, NMED made continued 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, including testing drinking water sources for PFAS contamination.</p> <p>3. NMED awarded a total of \$73,318.50 in FY23 Recycling and Illegal Dumping (RAID) grant funding to four tribal governments: Pueblo of Isleta, Pueblo of Santa Ana, Pueblo of Taos and Pueblo of Zuni. RAID grants are for the prevention and abatement of illegal dumpsites and the promotion of environmentally sound methods for reuse and recycling.</p>	<p>1. Expand and improve online mapping efforts to include in and around the LANL facility, businesses with no PFAS products, drought information for public utilities, and permitted septic tanks in NM.</p> <p>2. Conduct outreach with tribes/nations/pueblos on opportunities to engage with NMED early in permitting and regulatory processes.</p> <p>3. Collaborate with tribal environmental directors on matters of shared interest and concern such as water quality, legacy uranium waste cleanup, and federal and state funding opportunities, including the Climate Pollution Reduction Grant.</p>

For questions or clarification, please contact Kathryn S. Becker, Tribal Liaison, at Kathryn.becker@env.nm.us