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**ENVIRONMENT DEPARTMENT**

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**STATE-TRIBAL COLLABORATION ACT**  
**FY 2016 AGENCY REPORT**

**I. AGENCY OVERVIEW**

The New Mexico Environment Department (“NMED” or the “Department”) was established by the Department of Environment Act, NMSA 1978, §§ 9-7A-1 to -15, and created as a single, cabinet-level department to administer and oversee the State’s environmental laws and to exercise the functions relating to environmental protection and regulation. Through all of its statutory and regulatory programs and operations under both state and federal law, 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 Responsibilities:***

- Inform citizens and businesses on environmental protection and health and safety requirements.
- Monitor air and water quality to assure state and federal standards are met.
- Issue permits to facilities, businesses, and individuals to ensure facilities and operations meet established environmental and health standards.
- Inspect work sites and industrial facilities to ensure they meet environmental laws and protect public and employee health and safety.
- Assist facilities with compliance requirements of environmental laws and regulations through outreach and technical assistance.
- Resolve environmental issues that threaten the health of our state’s residents.

***Assistance Programs***

Specific programs designed to assist businesses and communities with environmental or health-related issues include:

- Office of Nuclear Workers Advocacy;
- Occupational Health and Safety Bureau Compliance Assistance;
- Zia Star Voluntary Protection Program;
- Pollution Prevention assistance and Green Zia Environmental Leadership Program;
- Small Business Assistance Program (Air Quality Bureau); and

- Tribal Liaison.

### ***Cleanups and Remediation***

NMED bureaus work with businesses and communities to restore contaminated sites that threaten human health and the environment.

- Superfund Oversight – Ground Water Quality Bureau
- Mining Environmental Compliance – Ground Water Quality Bureau
- Voluntary Remediation and Brownfields – Ground Water Quality Bureau
- Hazardous Waste, Solid Waste, and Petroleum Storage Tank Bureaus

### ***Protecting Public Health and Safety***

- Air Quality Bureau
- Department of Energy Oversight Bureau
- Food Safety, Swimming Pools, and Liquid Waste (Septic Tanks) Programs – Environmental Health Bureau
- Occupational Health & Safety Bureau
- Radiation Control Bureau

### ***Supporting Water and Wastewater Infrastructure Development and Operations***

- Construction Programs Bureau
- Drinking Water Bureau
- Ground Water Quality Bureau
- Surface Water Quality Bureau

To learn more about NMED, please visit our website: [www.env.nm.gov](http://www.env.nm.gov).

## **II. AGENCY EFFORTS TO IMPLEMENT POLICY AND COMPLY WITH STATE-TRIBAL COLLABORATION ACT**

In compliance with the State-Tribal Collaboration Act, the intent of NMED’s “Promoting and Protecting New Mexico’s Environmental Tribal Collaboration and Communication Policy” (the “Policy”) is to foster, facilitate and strengthen positive government-to-government relations between NMED and New Mexico’s Indian Nations, Tribes and Pueblos. The Policy, in addition to recognizing tribal sovereignty, provides guidance to the Department and tribal governments for working together in a collaborative manner and outlines an approach for communication and consultation. The Policy is posted on the Department’s website. ([www.env.nm.gov](http://www.env.nm.gov)).

NMED has also appointed a new Tribal Liaison, Ms. Kathryn Becker of NMED’s Office of General Counsel.

### III. CURRENT AND PLANNED PROGRAMS AND SERVICES FOR AMERICAN INDIANS/ALASKA NATIVES

#### *Leadership Participation*

In order to meet the obligations and take advantage of the opportunities presented by the State-Tribal Collaboration Act, then Environment Department Secretary Ryan Flynn and then Deputy Secretary, now Secretary, Butch Tongate participated in the Annual New Mexico State-Tribal Leaders Summit held at the Isleta Resort and Casino on June 16 and 17, 2016.

#### *Program Participation by Bureau*

##### *Air Quality Bureau*

###### *Consultations and Meetings*

Several representatives from the Navajo Nation Environmental Protection Agency (“NNEPA”) and the Southern Ute Indian Tribe (“SUIT”) Air Program participated in the November 9<sup>th</sup> and 10<sup>th</sup>, 2015 Four Corners Air Quality Group Meeting in Durango, Colorado. NNEPA and SUIT also presented updates on their tribal programs and participated in the poster session in which agencies highlighted some of their recent important achievements. More information on the Four Corners Air Quality Group is available at <http://www.nmenv.state.nm.us/aqb/4C/> or you may contact Mark Jones at (505) 566-9746, or by email to [mark.jones@state.nm.us](mailto:mark.jones@state.nm.us).

###### *Agreements and Protocols*

A Memorandum of Understanding (“MOU”) including numerous state and federal agencies now includes the Southern Ute Indian Tribe and the Navajo Nation. Signatory parties agree to work in a coordinated and mutually beneficial manner to support the activities of the Four Corners Air Quality Group.

##### *Construction Programs Bureau*

###### *Consultations and Meetings*

NMED Cabinet Secretary, through a designee in the Construction Programs Bureau (“CPB”), continues to take part in regular Tribal Infrastructure Fund (“TIF”) Board meetings and assists Indian Affairs Department (“IAD”) in the development and refinement of existing guidelines, policies and programmatic procedures to streamline and increase the efficiency and effectiveness of the TIF program. The CPB engineering group also reviews the scope of work and budgets of all grantee communities prior to executing the Inter-Governmental Agreement (“IGA”) with IAD.

CPB consulted with the Pueblo of Acoma after completion of a NEPA required Environmental Information Document to hear their concerns regarding effluent reuse for the proposed (new) Grant Wastewater Treatment Facility to be built later in 2016. The Pueblo is concerned that eventual lining of the effluent ponds and limiting use of effluent at the City’s golf course, where the plant resides, will decrease infiltration into the underlying aquifer decreasing flow to Horace Springs, a site of Pueblo historical and cultural significance. After consultation and review by

the Department, it was determined that lining of the ponds was not part of the current (proposed) project, which is strictly limited to upgrades to the wastewater treatment facility. The Pueblo will have opportunity to discuss, and if necessary, contest, this issue when the City of Grants renews their ground water discharge permit application.

#### *Agreements and Protocols*

Candidate communities selected for funding from CPB are provided with guidance and technical support in connection with project oversight and accountability. Currently there are twenty-seven communities receiving funding, totaling just over \$12 million in projects. CPB engineering staff offered support on all aspects of project oversight requirements for these projects. NMED continues to work with IAD through the IGA that is in effect through the end of this fiscal year, providing ongoing assistance, support and oversight to the TIF program through FY 2016.

#### ***Department of Energy Oversight Bureau***

NMED's Department of Energy Oversight Bureau ("DOE-OB" or "Bureau") develops and implements vigorous monitoring and assessment programs at Los Alamos National Laboratory ("LANL"), Sandia National Laboratories/New Mexico ("SNL/NM"), the Waste Isolation Pilot Plant ("WIPP"), and areas surrounding these facilities. These programs include both joint and independent evaluations for environmental and public health protection of all media, including air, soils and sediments, groundwater, and surface water. The focus of these evaluations is on the potential contaminant levels of heavy metals, organic and inorganic compounds, and radionuclides. The DOE-OB is 100% federally funded through non-competitive grants from the U.S. Department of Energy.

#### *Agreements and Protocols*

NMED entered into a Memorandum of Agreement (MOA) with the Pueblo de San Ildefonso governing interactions between NMED and the Pueblo on February 7, 2014. The MOA documents procedures for access to Pueblo de San Ildefonso lands and information, data sharing, sampling, and responses to inadvertent discoveries. The MOA is still in effect. Addendums include:

- Protocol for Inadvertent Discoveries of Native American Human Remains and Cultural Artifacts;
- Protocol for Protecting Confidential Pueblo Information;
- Protocol for Access to Pueblo Lands; and
- Appendix A, Plan for Environmental Sampling at San Ildefonso Pueblo (updated annually).

NMED entered into an MOA with Santa Clara Pueblo on December 20, 2010. The MOA regards the identification and regulation of lands within the exterior boundary of Santa Clara Pueblo. The MOA is still in effect. Specific to the DOE-OB, the MOA details the protocols for sampling environmental media on Santa Clara Pueblo lands and the use of resulting analytical or quantitative data.

#### *Consultations and Meetings*

NMED's Resource Protection Division ("RPD") and DOE-OB participated in multiple meetings with LANL and Pueblo de San Ildefonso representatives, including Governor James Mountain and former Governor Teri Agular, to discuss the use of injection wells during remediation of chromium contamination within the regional aquifer. LANL provided a detailed technical presentation, complete with aquifer model simulations that depicted a no-action, injection with extraction, and extraction-only scenario for the tribal representatives.

Former NMED Secretary Ryan Flynn, RPD Director Kathryn Roberts, and Hazardous Waste Bureau and DOE-OB staff attended a technical meeting with Pueblo de San Ildefonso Governor Mountain and his staff regarding drilling a monitoring well, R-10i, at R-10a/R-10 on Pueblo de San Ildefonso land in the lower Sandia Canyon. The proposed well will be completed in an extensive zone of perched intermediate groundwater. DOE-OB discussed technical aspects of groundwater contaminants measured in screening samples collected from a perched intermediate zone and regular groundwater samples collected from the regional aquifer at R-10a since 2006.

DOE-OB and Surface Water Quality Bureau scientists coordinated with the environmental staff at the Pueblo de San Ildefonso and at Los Alamos County to solicit feedback and input for the Watershed Enhancement Project ("WEP") and Stormwater Monitoring ("SWM") Supplemental Environmental Projects ("SEPs"). Pueblo de San Ildefonso is a participant in the SEP meetings.

#### *Public Outreach and Training*

- Bureau staff provided multiple trainings on the use of the public environmental database at LANL, Intellus New Mexico. Attendees included Pueblo de San Ildefonso environmental staff and tribal members.
- The Bureau hosted a two-day short course, "Environmental Aqueous Geochemistry," on October 27 and 28, 2015, in Santa Fe, New Mexico. Attendees included staff from the NMED and other organizations; including the Pueblo de San Ildefonso.
- In April 2016, DOE-OB staff continued their decade-long participation in the annual Pueblo of Santa Clara Environmental Day. Bureau scientists discussed the life cycles and identification of macroinvertebrates in local streams using the living stream model and demonstrated how aquatic insect community evaluations could be used to assess stream health and water quality. The benthic macroinvertebrates were collected from the Rio Grande near Santa Clara Pueblo.
- Bureau staff attended the East Jemez Resources Council biannual meetings. Attendees include representatives from the NMED, New Mexico Forestry Division, U.S. Forest Service ("USFS"), U.S. Geological Survey, National Park Service (NPS), LANL, Pueblo de San Ildefonso, and The Nature Conservancy.
- DOE-OB scientists attended multiple technical meetings and workshops with the Pueblo de San Ildefonso. Meeting topics focused on the hydrogeology of the Espanola Basin and Pajarito Plateau, natural and contaminant chemistry of the regional aquifer at the Pueblo and surrounding area, hydrogeology and geochemistry of the existing and proposed monitoring wells, and analytical aqueous geochemical data collected on the Pueblo.

- DOE-OB staff attends the monthly Los Alamos Trails Working Group Meeting. The group is comprised of members from LANL, Santa Clara Pueblo, Pueblo de San Ildefonso, USFS, NPS, Los Alamos County and members of the public.
- Cochiti Pueblo is researching an expansion of their tribal environmental programs. They requested an informal meeting with DOE-OB management and scientists to discuss environmental activities and past interactions.
- Bureau scientists and hydrologists provide in-the-field training and mentoring to Pueblo de San Ildefonso staff regarding site selection, installation, operation, and maintenance of NMED's automated stormwater sampling stations located on Pueblo lands.
- DOE-OB managers and scientists at the Los Alamos and Sandia Oversight offices completed the State of New Mexico Cultural Competency training.

#### *Environmental Monitoring on Tribal lands*

- Working under the MOA between NMED and the Pueblo de San Ildefonso, staff renewed the 3-month Land Access Permits that grant DOE-OB scientists access to Pueblo lands to conduct groundwater, drinking water, and stormwater monitoring. Groundwater monitoring wells are located in Mortandad and Sandia Canyons and springs are located in Sandia and White Rock Canyons. Drinking water supply wells are located throughout the Pueblo. Stormwater sampling on Pueblo lands is conducted in Los Alamos Canyon and along the Rio Grande at Otowi Bridge. Bureau staff maintained close working contact (monthly, weekly, and sometimes daily) with Pueblo de San Ildefonso environmental managers and staff to coordinate escorts and access necessary to properly install and maintain NMED monitoring equipment on Pueblo lands.
- DOE-OB staff observed the development and completion of SIMR-2, a new monitoring well located on Pueblo de San Ildefonso land. SIMR-2 will monitor potential offsite migration of chromate and other chemicals from LANL operations.
- DOE-OB staff provides automatic email notifications to the Pueblo de San Ildefonso whenever stormwater, groundwater, or spring monitoring data from samples originating from a location on Tribal lands is loaded into the Environmental Information Monitoring (EIM) database. The email notifies appropriate Pueblo contacts of the 60-day review period prior to the data being publicly accessible via Intellus New Mexico. The notification email contains an attachment with the uploaded data for review by Pueblo environmental staff. At their discretion, they have the right to request that no data from a particular sampling event or location be released to the public.
- NMED staff from DOE-OB and the Surface Water Quality Bureau accompanied Army Corps of Engineers staff on field visits to some of the watershed scale stormwater controls that have been installed on Santa Clara Pueblo lands.

#### *Drinking Water Bureau*

##### *Consultations and Meetings*

The Drinking Water Bureau ("DWB") participates in bi-monthly design conference calls for the Navajo-Gallup Water Supply Project. The purpose of these regular meetings is to coordinate oversight activities and discuss project progress. Participants include Bureau of Reclamation, Navajo Tribal Utility Authority, Navajo Nation Environmental Protection Agency, Indian Health

Service, United States Environmental Protection Agency, Bureau of Indian Affairs, Jicarilla Apache Nation, and NMED. The DWB has jurisdictional oversight authority for two of the systems affected by this project, City of Gallup and Lybrook Mutual Domestic Water Consumers Association, both of which provide water to tribal citizens. The DWB oversees these water systems to ensure they comply with the Safe Drinking Water Act and New Mexico Drinking Water Regulations.

### ***Environmental Health Bureau***

The Environmental Health Bureau (“EHB”) protects public health and the environment through specific programs that provide public outreach and education and regulatory oversight for food service and food processing facilities, liquid waste treatment and disposal systems, and public swimming pools and baths. The EHB operates from 22 field offices throughout the state and provides consultation services to Indian Pueblos, Tribes, and Nations as requested.

### ***Ground Water Quality Bureau***

#### *General Collaboration and Assistance with Pueblos, Tribes, and Nations*

Ground Water Quality Bureau (“GWQB”) developed internal guidance and procedures, in compliance with the Policy, for technical and administrative staff when initiating communication with Pueblos, Nations and Tribes.

GWQB technical and administrative staff are provided with an updated contact list for each of the Pueblos, Nations, and Tribes.

#### *Pollution Prevention Section*

- Acoma Pueblo representatives, City of Grants representatives, GWQB staff, and CPB staff met to discuss issues the Pueblo had regarding the City of Grants Wastewater Treatment Facility draft Discharge Permit, DP-695.
- Taos Pueblo submitted comments regarding the Town of Taos Wastewater Treatment Plant draft Discharge Permit, DP-232. NMED has scheduled a Tribal Consultation to discuss the permitting actions with the Pueblo.
- Pueblo of Santa Ana submitted comments regarding the City of Santa Fe Wastewater Treatment Facility draft Discharge Permit, DP-289.
- NMED notifies all Pueblos and Tribes of all Discharge Permit applications received by the GWQB during the Public Notice 1 (PN-1) process.

#### *Mining Environmental Compliance Section (“MECS”)*

The MECS Program Manager gave a presentation to the Indian Affairs Committee on August 30, 2016 at Route 66 Casino. The presentation focus was on uranium cleanup and permitting in the Grants Mineral Belt, as well as, the NMED Mining and Minerals Division (Energy Minerals and Natural Resources Department) joint guidance document on uranium cleanup.

#### *Remediation Oversight/Voluntary Remediation Section*

- Taos Pueblo - Health and Community Services Building

NMED performed a Phase I and Phase II Environmental Site Assessments (“ESA”) of the site in 2013 and 2014. The results of the Phase II assessment indicated that the pueblo has some contamination on site, but less than was anticipated. The Taos Pueblo Environment Department has determined the path forward for abatement of the site with funding assistance from NMED’s Revolving Loan Fund (“RLF”) program. NMED, EPA, and the Eight Northern Indian Pueblos Council (“ENIPC”) have worked together to prepare Phase III cleanup planning documents in preparation for the remediation effort. During FY16, NMED staff participated in meetings and planning calls with Taos Pueblo’s planning and environmental programs. The cleanup is expected to take place in Fiscal Year 2017 (“FY17”).

*- Zuni Pueblo - former Malco Station*

NMED funded asbestos abatement at the former Malco gas station on Highway 53 on the Pueblo of Zuni. This property was a gas station and convenience store that provided limited automobile repair services. In 1989, the underground tanks were removed after failing a leak test and the property was abandoned. In 2012, Petroleum Storage Tank Bureau (“PSTB”) issued a No Further Action required status for the site for possible petroleum impacts to ground water. The Northwest NM Council of Government (“NWCOG”) and NMED funded Phase I and Phase II investigations to assess remaining impacts to soils and possible asbestos and lead-based paint in the building. The abatement of asbestos-containing building materials will allow the Pueblo to demolish the building and move forward with redevelopment.

*- Cochiti Pueblo - Peña Blanca Gravel Pit*

Voluntary Remediation Program (“VRP”) staff assisted with soil sampling activities undertaken by EPA at the Peña Blanca gravel pit on Cochiti Pueblo as part of an on-going investigation into illegal dumping and potential impacts to soil and groundwater at the site. VRP staff participated in several meetings with the Cochiti Pueblo Environmental Program and EPA Region 6 to discuss reclamation of the land.

*- Santa Clara - Judicial Complex and Bridges Radiator Shop*

VRP staff has continued to collaborate with Santa Clara Pueblo to complete the asbestos abatement at the former Judicial Complex. Santa Clara recently requested assistance with another site, the former Bridges Radiator Shop. This property has been added to the portfolio of brownfields sites to receive assessment assistance in FY17.

*- Santo Domingo - CC Housing*

The CC Housing site on the Pueblo of Santo Domingo is an abandoned industrial area that was previously used as a lumber mill, a particleboard manufacturing facility, and a modular housing plant. It was abandoned in 1987, and was deeded back to the Santo Domingo Pueblo in 1993. Over the past ten years, several site investigations were conducted in an effort to identify potential soil and ground water contamination present at the site. In 2013, NMED tasked a contractor to prepare an Analysis of Brownfields Cleanup Alternatives (“ABCA”) and Remediation Plan to support an application for an EPA Cleanup Grant. Santo Domingo experienced unforeseen circumstances that delayed the submittal of that application, but has approached NMED for assistance in preparing a grant proposal in FY17. NMED participated in a planning call with Santo Domingo in January 2016.

*Targeted Brownfield Assessments and Community Revitalization**- Community Revitalization and Brownfields Workshop, Española, NM*

NMED collaborated with Siete del Norte, the Eight Northern Indian Pueblos Council Office of Environmental Technical Assistance (“ENIPC-OETA”), Kansas State University’s Technical Assistance to Brownfields Program, and EPA Region 6 to host a brownfields workshop in Española, NM. The event presented information about funding and other resources available to local communities and tribes to assist with environmental assessments and redevelopment of vacant, abandoned, and underused properties. The workshop was very successful, with approximately 55 people in attendance representing Española, Santa Clara Pueblo, and San Ildefonso Pueblo.

*- Isleta – Shooting Range*

The Pueblo of Isleta requested Brownfields assistance from ENIPC-OETA for assessing the environmental impacts at an active shooting range. The Pueblo would like to preserve the shooting range as a resource for the community but would also like to minimize the environmental impact of its continued use. VRP staff provided ENIPC-OETA with guidance on assessing environmental impacts at shooting ranges and will review draft reports.

*- Valmora Hacienda, Alcalde*

VRP staff visited the Valmora Hacienda property in Alcalde with an EPA Region 6 Project Officer and ENIPC-OETA staff. ENIPC owns the 78.5-acre property although it has not been added to the trust lands. EPA Region 6 is providing a Phase I ESA to assist ENIPC with selling the property. NMED may provide a Phase II ESA in FY17.

*Superfund Oversight Section*

- Staff coordinated with Santa Clara Pueblo during work on the North Railroad Avenue Plume Superfund site in Espanola. A portion of the groundwater remediation system and monitoring well network was constructed on Pueblo land. NMED staff coordinated access and sampling events with the Pueblo's Office of Environmental Affairs and provided analytical results and reports to the Pueblo. Staff also participated in a public meeting to discuss the results of EPA's Five Year Review of the Site.
- Staff coordinated with the Navajo Nation on UNC Church Rock Mill and North East Church Rock Uranium Mine.
- Staff participated in development of the Five-Year Plan for the Grants Mineral Belt and activities associated with the Plan in which the Pueblos of Acoma and Laguna are active participants. The Navajo Nation is also a neighboring landowner.

***Hazardous Waste Bureau****Consultations and Meetings**- Fort Wingate*

A state Hazardous Waste Facility Permit was issued to the United States Department of the Army (the “Army”) in 2005 that required the Army to close an inactive Open Burn/Open Detonation hazardous waste treatment unit and implement corrective action where necessary to investigate and clean up releases of contaminants from historic operations at the closed Ft. Wingate Army Depot. The majority of land that comprises Fort Wingate is planned for transfer

to the Bureau of Indian Affairs and ultimately into tribal trust to either the Pueblo of Zuni or Navajo Nation after cleanup is complete. Because land will be transferred into tribal trust, both tribes have significant interest in the cleanup activities. NMED engages in routine tribal consultation with both tribes by travelling to their lands to discuss ongoing cleanup activities with tribal representatives.

- *LANL*

HWB continues to work with Accord Pueblos, particularly the Pueblos of Santa Clara and San Ildefonso, to discuss issues related to groundwater contamination and migration of contamination via storm water from operations at LANL. NMED is working with San Ildefonso to investigate and mitigate chromium contamination in the regional water supply aquifer. The chromium contamination in groundwater has migrated from LANL to beneath a portion of San Ildefonso Pueblo that borders LANL.

### ***Petroleum Storage Tank Bureau***

#### *Consultations and Meetings*

Since October 2006, NMED's Petroleum Storage Tank Bureau ("PSTB") and EPA Region 6 Office of Underground Storage Tank ("OUST") program have coordinated and implemented joint compliance inspections at private facilities on fee lands within the exterior boundaries of pueblos that constitute Indian Country. EPA inspectors and PSTB inspectors coordinate joint inspections at facilities that are privately owned and operated.

EPA and PSTB inspectors perform joint inspections at 20 active facilities within the exterior boundaries of pueblos in New Mexico. Joint inspections are scheduled at least a month in advance and EPA notifies PSTB, affected tank owners and operators, and affected Pueblos, Tribes, and Nations. Five joint inspections were performed in FY16. In addition, PSTB conducts annual compliance inspections for facilities that are leaking storage tank sites and performs inspections for tank closures, repairs and modifications as necessary. EPA conducts inspections on a three-year cycle. PSTB inspectors will complete courtesy inspections, if requested by tribal governments, in consultation with EPA and all inspection results and reports are provided to EPA. PSTB has performed approximately 170 inspections for compliance inspections, modifications, repairs and tank closure for these same facilities from 2006 through June 2016.

NMED entered into a MOU with EPA, the Pueblo of Laguna, and the Grants/Cibola County School Board to establish the exercise of regulatory authority for underground storage tanks at the former Grants/Cibola County Schools Maintenance Yard located within the Pueblo of Laguna at 22 Bay Tree Road, Paraje, New Mexico.

PSTB is coordinating environmental remediation activities with EPA and Tribes, Pueblos, and Nations. In addition, NMED's Secretary, and representatives of PSTB and the GWQB participated in a meeting with the Picuris Pueblo tribal council and representatives of the Eight Northern Indian Pueblos Council – Office of Technical Assistance ("ENIPC-OETA") to discuss the potential acquisition of a registered petroleum storage tank facility by the Pueblo. The

facility is a leaking underground storage tank site that is undergoing corrective action in accordance with the Petroleum Storage Tank Regulations and the oversight of the PSTB.

#### *Agreements and Protocols*

PSTB has maintained previously signed cooperative agreements with Zuni Pueblo, Laguna Pueblo and the Jicarilla Apache Tribe for remediation activities. In addition to Department-wide MOA's, PSTB has signed access agreements allowing state oversight of remedial activities within the external boundaries of Picuris Pueblo and Ohkay Owingeh.

#### ***Radiation Control Bureau***

##### *Consultations and Meetings*

The Indoor Radon Program staff of the Radiation Control Bureau ("RCB") attended and participated at the Pueblo of Isleta and Santa Ana Pueblo Environmental Fair. Participation consisted of: 1) staffing an information booth; 2) responding to questions from the public; 3) distributing information on radon and radon health risks; and 4) providing free radon test kits to attendees.

##### *Public Outreach and Training*

RCB Waste Isolation Pilot Project ("WIPP") Emergency Response Program provided hospital training to emergency room personnel of the Gallup Indian Health Hospital.

#### ***Solid Waste Bureau***

##### *Consultations and Meetings*

The Solid Waste Bureau ("SWB") does not have jurisdiction over tribal solid waste management facilities or activities. However, the SWB does provide technical assistance, outreach and education to all pueblos, tribes and nations if requested. The SWB has and will continue to work collaboratively with tribal governments on illegal dumping cases that cross over jurisdictional lines. The Solid Waste Act and Rule classify Tribal Governments as eligible entities that can apply for Recycling and Illegal Dumping Act Grants that can be used to clean up illegal dumpsites, manage scrap tires, purchase recycling equipment and provide educational materials for use in the community.

During FY16, the SWB engaged 59 solid waste professionals from 18 different pueblos, tribes and nations on solid waste management, diversion opportunities, scrap tire management issues, economics of waste and recycling, safety at solid waste facilities, and overall best management practices via the following educational outreach and technical assistance opportunities:

- During FY16, 21 solid waste facility operators attended one of the SWB's three-day Solid Waste Facility Operator Certification Courses.
- During FY16, 33 solid waste professionals attended one-day educational workshops on solid waste management best practices.
- The Navajo Nation requested and received onsite technical assistance at their collection center regarding recommended improvements to their facility design, traffic flow, and public interface to improve safety, as well as assistance on their recycling program.

- In FY16, 6 Recycling and Illegal Dumping (RAID) grants totaling \$169,320 dollars went to the Navajo Nation, Pueblo de Cochiti, Pueblo of Isleta, Pueblo of Zuni, Santa Domingo Pueblo, and the Eight Northern Indian Pueblos Council.
- In FY17, RAID grants totaling \$137,769 went to Picuris Pueblo, Pueblo of Santa Ana, Pueblo of Pojoaque, and San Felipe Pueblo.

*On-site technical assistance, July 2015, Navajo Nation*

In July 2015, SWB staff provided technical assistance to the five solid waste staff of the Navajo Nation - Baahaali Chichitah Chapter Houses Regional Solid Waste Transfer Station and Recycling Center Facility. SWB was invited to assess their current facility layout and design as it related to safety and traffic flow patterns, and to make recommendations of practices that were unsafe or could be improved upon. SWB also provided technical assistance to the facility on their recycling program.

*New Mexico Recycling Coalition Recycling Workshop, May 2016, Pojoaque and Santo Domingo*

SWB staff presented on the full cost accounting practices and how they can help solid waste programs, organics management 101 and how to implement successful illegal dumping campaigns from clean-up best management practices to funding, partnerships, education and deterrence. Among the 17 attendees, were Eight Northern Indian Pueblos Council, Jemez, Navajo Nation (Baca Prewitt Chapter and Baahali Chapter), Pojoaque, San Felipe, San Ildefonso, Santa Clara, Santo Domingo, Taos and Tesuque pueblos, tribes and nations.

*EPA Region 6 Solid Waste Management Workshop, June 2016, Albuquerque*

SWB staff presented about the Recycling and Illegal Dumping Act Grants and scrap tire storage best management practices. Among the 16 attendees, were Cochiti, Eight Northern Indian Pueblos Council, Isleta, Laguna, Picuris, Sandia, San Felipe, San Ildefonso, Santa Clara, Santo Domingo and Zuni pueblos, tribes and nations.

*Grant Funding, Recycling and Illegal Dumping Grants, FY16 - Closed*

During FY16, Recycling and Illegal Dumping Act Grants were awarded to five pueblos, tribes, and nations and one pueblo council for a total of \$169,320.

*Eight Northern Indian Pueblos Council - \$14,300*

- \$11,100 to conduct EPA 608 Certification Training Course regarding the removal of refrigerants; and,
- \$ 3,200 to purchase trailer for recyclables.

*Navajo Nation - \$38,478*

- \$37,978 to abate 20 illegal tire dumpsites; and,
- \$500 to develop outreach material.

*Pueblo of Cochiti - \$41,992*

- \$37,397 to construct recycling collection center; and,
- \$4,595 to purchase recycling bins.

*Pueblo of Isleta - \$23,900*

- \$23,900 to purchase commercial recycling carts.

*Pueblo of Zuni - \$38,350*

- \$38,350 to install scale at transfer station, so customers pay for trash disposal, see cost, and are encouraged to recycle.

*Santo Domingo Pueblo - \$12,300*

- \$10,267 to abate six illegal dumpsites;
- \$636 to purchase illegal dumping signs;
- \$887 to develop outreach material; and,
- \$510 to purchase projector for outreach workshop.

*Recycling and Illegal Dumping Grants, FY17 - Open*

Currently in FY17, Recycling and Illegal Dumping Act Grants have been awarded to four pueblos, tribes, and nations for a total of \$137,769.

*San Felipe - \$75,000*

- \$74,380 to pay for the transportation and disposal of scrap tires from seven different pueblos and tribes; and,
- \$620 for printed educational materials on proper scrap tire management.

*Pojoaque - \$2,839*

- \$2,339 to abate one illegal dumpsite; and,
- \$500 to print and install no dumping signs at the cleaned up site.

*Santa Ana - \$36,382*

- \$36,382 to purchase a windrow turner to help in the composting of Bosque thinning project green waste.

*Picuris - \$23,548*

- \$19,557 to purchase four recycling trailers;
- \$2,748 to purchase a metal shed to be used as a re-use area; and,
- \$1,243 to purchase metal signs for the reuse area and recycling trailers.

*Memorandum of Understanding (“MOU”)*

Currently, SWB has an MOU with Santa Clara Pueblo that the Department is working on updating.

***Surface Water Quality Bureau***

NMED does not have jurisdiction over tribal waters under the New Mexico Water Quality Act or federal Clean Water Act. However, because of the applicability of tribal water quality standards and the fact that many surface waters of the state pass through tribal or pueblo lands or form the

boundary between state and tribal lands, the Surface Water Quality Bureau (“SWQB”) undertakes informal collaborations on specific issues in the following three areas:

#### *Consultations and Meetings – NPDES Permits*

NMED certifies National Pollutant Discharge Elimination System (“NPDES”) permits issued by the EPA for those discharges within state jurisdiction to ensure permits are protective of the State’s Water Quality Standards. NMED also comments as a downstream state on those NPDES permitted facilities located within tribal waters.

All NPDES permits within the state’s jurisdiction, as well as most tribal permits within New Mexico, can be found on the SWQB website at: <http://www.nmenv.state.nm.us/swqb/Permits>

SWQB Point Source Regulation Section staff worked with Tribal entities during the development of the Middle Rio Grande (“MRG”) Watershed Based MS4 Permit, and continues to answer questions and provide assistance as needed.

SWQB has been working with the Pueblo de San Ildefonso during the implementation of the components of the NMED Settlement Agreement with DOE in relation to the 2014 WIPP release by incorporating their input on projects selected for engineering structures to slow storm water flow and decrease sediment load to improve water quality. Technical information was also provided to the Four Core Pueblos – San Ildefonso, Santa Clara, Jemez and Cochiti – regarding increased sampling and monitoring of storm water runoff in and around LANL.

SWQB Point Source Regulation Section staff presented information on MS4 permitting during a presentation at the Pueblo of Isleta in January 2016.

#### *Watershed Protection*

Santo Domingo Pueblo completed the “Kewa North Bosque Demonstration Area: Restoring Riparian and Wetland Functions and Diversity” project (\$228,018) to remove non-native vegetation, complete fencing around the bosque and wetland, and excavate and irrigate riverside channels in the bosque to encourage propagation of riparian plants. This project was funded through the River Ecosystem Restoration Initiative. SWQB managed the contract and provided technical oversight for this project.

The Pueblo of Laguna Natural Resources Department wrote a letter of support for the Wetlands Program’s grant application entitled “Mapping and Classification of Wetlands in the Middle Rio Grande Basin.” The grant was awarded to NMED. The Pueblo of Laguna and other tribal entities near the project were invited to participate on the technical advisory committee for the project.

SWQB Staff in the NMED Las Cruces office continue to provide technical support on the Turkey Pen Canyon Watershed Improvement Project on Mescalero Apache Tribal Lands in southeast New Mexico. The Turkey Pen Canyon Watershed Improvement Project involves thinning approximately 500 acres of understory to reduce the risk of wildfire, improve rainwater infiltration to groundwater and improve surface water quality through decreased storm water runoff and subsequent erosion.

SWQB staff has been supporting Santa Clara Pueblo’s efforts to restore the Santa Clara Creek watershed following the Las Conchas Fire. Over 50% of the watershed was severely burned and post-fire flooding has been devastating.

SWQB shared documents and information on the State’s nonpoint source pollution control program and State water planning with the Navajo Nation Department of Water Resources, to help the Nation evaluate options for holistic water management.

SWQB staff represented NMED as a member of the Rio Puerco Management Committee (“RPMC”) during several meetings held throughout FY16. NMED’s participation in the RPMC is specified, along with “affected tribes and pueblos,” in the federal Rio Puerco Watershed Management Program Reauthorization Act. One of the purposes of the RPMC is to coordinate watershed restoration and management across boundaries. Acoma, Isleta, Laguna, and Jemez Pueblos, the Navajo Nation central government, as well as the Ojo Encino and Torreon chapters of the Navajo Nation, are active RPMC participants.

SWQB staff that review and certify Clean Water Act Section 404 permits and authorizations routinely coordinate with environmental staff from Indian Nations, Pueblos, and Tribes regarding 401 certifications and confirmations for projects located near or crossing onto their lands.

#### *Water Quality Monitoring*

SWQB Monitoring staff provided surface water quality information for streams in the Pojoaque Valley to the Pueblo of Pojoaque.

## **IV. TRAINING AND EMPLOYEE NOTIFICATION**

The New Mexico Indian Affairs Department (“IAD”), in conjunction with the State Personnel Office, facilitates the Cultural Competency Training as prescribed in the State Tribal Collaboration Act. NMED is committed to requiring all managers and field staff to attend the one-day training and will request that more training dates and locations be available from SPO and IAD to aid in this effort.

From 2013 through the present, 123 NMED employees have participated in the Cultural Competency Training.

- 2016 – 16 training attendees
- 2015 – 9 training attendees
- 2014 – 29 training attendees
- 2013 – 69 training attendees

## **V. KEY NAMES AND CONTACT INFORMATION**

Mr. Butch Tongate, Acting Secretary, NMED

Mr. Juan Carlos “JC” Borrego, Acting Deputy Secretary, NMED

Ms. Kathryn Becker, Esq., Tribal Liaison

P.O. Box 5469  
Santa Fe, New Mexico 87502-5469

## **VI. APPENDICIES**

Copy of Agency Tribal Collaboration and Communication Policy located here:

[http://www.nmenv.state.nm.us/OOTS/Tribal\\_Liaison/NMED\\_Tribal\\_Communication\\_and\\_Collaboration\\_Policy.pdf](http://www.nmenv.state.nm.us/OOTS/Tribal_Liaison/NMED_Tribal_Communication_and_Collaboration_Policy.pdf)

Agency-specific and applicable/relevant state or federal statutes or mandates documents located here: [http://www.nmenv.state.nm.us/OOTS/Tribal\\_Liaison/index.htm](http://www.nmenv.state.nm.us/OOTS/Tribal_Liaison/index.htm)

**EXISTING AGREEMENTS**

<b>Tribe</b>	<b>Agency</b>	<b>Broad Activity</b>	<b>Agreement Name</b>	<b>Current Status</b>	<b>Contact/Phone #</b>
Pueblo of Pojoaque Environment Department	NMED	Abatement of soil and water pollution	Cooperative Agreement	In effect, effective since 5-1-01	PSTB Chief (505) 476-4397
Pueblo of Zuni EPA	NMED and Federal EPA	Underground Storage Tank Cleanup, at Malco site	Cooperative Agreement	In effect, effective since 8-5-05	PSTB Chief (505) 476-4397
Pueblo of Zuni	NMED	Underground Storage Tank Cleanup , at Mustang Store #7256	Cooperative Agreement	In effect, effective since 3-20-02	PSTB Chief (505) 476-4397
Pueblo of Laguna	NMED	Underground Storage Tank Cleanup at Laguna Mart	Cooperative Agreement	In effect, effective since 6-21-00	PSTB Chief (505) 476-4397
Pueblo of Laguna	NMED, , U.S. EPA, the Grants/Cibola County School Board	Underground storage tank cleanup for at the former Grants Cibola County Schools Maintenance Yard, Paraje, NM	Memorandum of Agreement (MOA)	Effective 5/31/2016	PSTB Chief (505) 476-4397
Jicarilla Apache Tribe Environmental Protection Office	NMED	Underground Storage Tank Cleanup at the Lodge at Chama, amended to include the Gomez Stop and Go site	Cooperative Agreement	In effect signed 6-15-00. amended 8-16-02	PSTB Chief (505) 476-4397

Picuris Pueblo	NMED	Underground Storage Tank Cleanup and petroleum remediation activities	Cooperative access agreement		PSTB Chief (505) 476-4397
Ohkay Owingeh	NMED	Underground Storage Tank Cleanup and petroleum remediation activities	Cooperative access agreement		PSTB Chief (505) 476-4397
Pueblo of San Ildefonso	NMED	Soil, water, air, and plant monitoring as well as sampling to evaluate LANL activities	Memorandum of Understanding (MOU)	In effect, effective since 3-25-02	DOE Oversight Bureau Chief (505) 383-2074
Navajo Nation and Southern Ute Indian Tribe	NMED	Four Corners Air Quality Group Cooperation	Memorandum of Understanding (MOU)	In effect, effective since 12/03/2015	Air Quality Bureau, Mark Jones, (505) 566-9746
Pueblo of Santa Clara	NMED	Comprehensive description of regulatory activities within exterior boundary by environmental media	Memorandum of Agreement (MOA)	In effect, effective since 12-20-10	Kathryn Becker (505) 827-2054