

STATE EMERGENCY RESPONSE COMMISSION



FY 2024 ANNUAL REPORT

SERC 2024 ANNUAL REPORT

Michelle Lujan Grisham
Governor of New Mexico

Maj Gen Miguel Aguilar
Interim Cabinet Secretary
New Mexico Department of
Homeland Security and Emergency
Management

For information regarding the State
Emergency Response Commission
for Hazardous Materials or the
Hazardous Materials Planning and
Prevention Program contact:

New Mexico Department of
Homeland Security and Emergency
Management
Hazardous Materials Coordinator
P.O. Box 27111
Santa Fe, New Mexico 87502
HazMat@DHSEM.NM.gov

Or visit our website at:
<https://www.nmdhsem.org/preparedness-bureau/hazmat-program/>

*Photographs used in this report are courtesy
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COMMISSION BUSINESS

Membership

Commissioner Name	Position	Sector Representation	Commission Valid Through
Mr. Johannes (Jos) Antonius Lesscher	Chair	Public Safety	1/1/2025
Ms. Karen Lynn Sanders	Commissioner	Public Safety	1/1/2026
Secretary Jason R. Bowie	Commissioner	Public Safety	1/1/2028
Mr. Jackie Lee Onsurez	Commissioner	Private Industry	1/1/2025
Mr. Ronald James Fitzherbert	Commissioner	Private Industry	1/1/2025
Mr. Jess Lewis	Vice Chair	Public Health	1/1/2026
Mr. Scott Overpeck	Commissioner	Federal Facilities	1/1/2026

Commission By-laws Update

The SERC has amended its bylaws to create a vice-chair position. Additionally, the commission has included provisions for the continuity of government into its bylaws. This will allow the commission to continue to fulfill its legal obligations to the state in the event that a majority of commissioners' commissions expire rendering the commission unable to make quorum as occurred during the pandemic.

Commission Resolutions in 2024

The SERC has made a number of resolutions in 2024. These include resolutions to improve cooperation and coordination between the SERC, the state HazMat Coordinator, and the Radiological and Hazardous Materials Committee (RHMC). The SERC has also provided clarification and policy interpretations concerning the implementation of EPCRA in our state and the duties of Local Emergency Planning Committees (LEPCs).



Local Emergency Planning Committees

LEPC (Local Emergency Planning Committee) is a local organization mandated by the Emergency Planning and Community Right-to-Know Act (EPCRA) in the United States. LEPCs are responsible for developing emergency response plans for their communities, specifically focusing on hazardous chemical emergencies. They work to ensure local governments and the public have the information needed to manage chemical risks and respond effectively to chemical emergencies. LEPCs typically include representatives from various sectors, such as local government, emergency services, industry, and the community. Their activities often include conducting hazard assessments, facilitating training and exercises, and promoting public awareness of chemical safety. The SERC has been working hand in

hand with DHSEM and county governments to increase the number of LEPCs in New Mexico. The SERC has been in contact with county emergency managers and county commissions working to overcome obstacles to implementation. One of the key strategies being implemented is allowing for voluntary association of counties to pool their resources and create regional planning districts. A project is occurring in Northeastern New Mexico to form a regional emergency planning committee. While there is still work to be done in this project, initial feedback is positive.

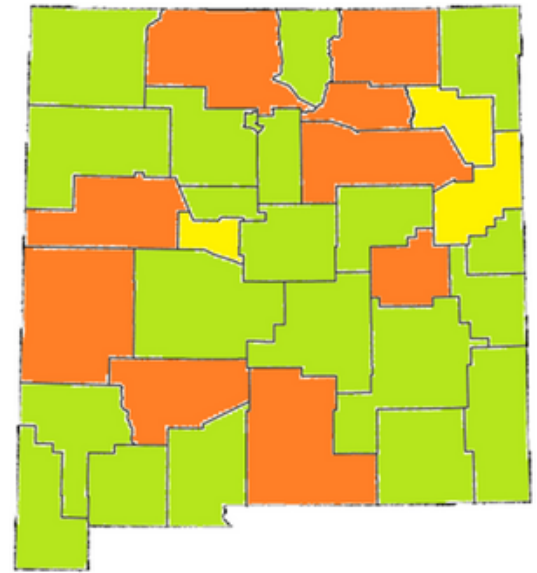


Figure 1 Green shows counties with an active LEPC, Orange do not currently have an LEPC, yellow are actively developing committees.

CWA v. Middlesex County and State of New Jersey

While local planning for HAZMAT emergencies is critical for the health and safety of our residents, and the protection of our environment, it also carries with it legal ramifications. In New Jersey, a notable case involved the Communications Workers of America (CWA) union suing Middlesex County and the state of New Jersey for failing to establish a Local Emergency Planning Committee (LEPC) and an adequate emergency plan. The lawsuit, filed in 2021, alleged that both the county and the state violated the Emergency Planning and Community Right-to-Know Act (EPCRA) by not maintaining an LEPC or ensuring proper hazardous materials planning and response protocols. This failure, according to the union, put both workers and the public at risk.

The CWA highlighted that the absence of an LEPC hindered effective emergency planning, particularly in scenarios involving hazardous materials. They argued that this non-compliance



with federal law compromised the safety of communities and first responders.

The case emphasized the importance of LEPCs in facilitating local preparedness and emergency response coordination, as mandated by EPCRA. The lawsuit sought to compel Middlesex County and New Jersey to comply with federal regulations by establishing functional LEPCs and developing comprehensive emergency response plans.

LEPC Success Stories

Despite challenges in maintaining active LEPCs across all counties, several New Mexico LEPCs demonstrated exceptional initiative and effectiveness in 2024 and early 2025.

Los Alamos County LEPC – Wildland Fire Preparedness Outreach

On March 5, 2025, the Los Alamos County LEPC partnered with the Los Alamos Fire Department's Wildland Fire Division to host a Wildland Fire Preparedness presentation that drew over 100 community members. The session emphasized defensible space, family evacuation planning, and the "Ready, Set, Go!" wildfire preparedness framework. This initiative significantly increased community engagement and awareness, empowering residents to take proactive steps to reduce fire hazards and enhancing the county's resilience to wildfire threats. The presentation was recorded and made publicly available to further community education.



Source: Los Alamos County Fire Dept. Facebook

San Juan County LEPC – Operational Integration and Cyber Incident Response

San Juan County's LEPC functions as an all-hazards, multi-agency collaborative focused on planning, information sharing, and responder safety. Its structured subcommittees—ranging from public health to school safety and emergency response—convene regularly to address critical issues. In 2024, the LEPC supported emergency operations during a ransomware attack on San Juan Regional Medical Center (SJRMC). A school district representative on the LEPC board authorized the use of buses equipped with Wi-Fi hotspots to maintain hospital connectivity, demonstrating the value of cross-sector coordination.



Santa Fe County LEPC – Formation, Governance, and Community Engagement

Santa Fe County successfully established its Local Emergency Planning Committee (LEPC) in 2024, marking a significant step forward in countywide hazardous materials preparedness. With leadership from the Santa Fe County Office of Emergency Management, the LEPC held its inaugural meetings, voted to approve bylaws, and formally appointed its committee members. Since its formation, the LEPC has steadily grown its membership, bringing together a diverse range of stakeholders including local government representatives, elected officials, Santa Fe Public Schools, law enforcement (including tribal agencies), and engaged community members and subject matter experts.

One of the LEPC's most important accomplishments to date is the development of a new Hazardous Materials Emergency Response Plan. This plan is currently under internal review and is expected to be brought forward for a full vote and adoption in the coming year. These early successes—forming a legal structure, building a representative membership, and drafting foundational planning documents—underscore the momentum and commitment within Santa Fe County to build a resilient and inclusive approach to hazardous materials response planning.



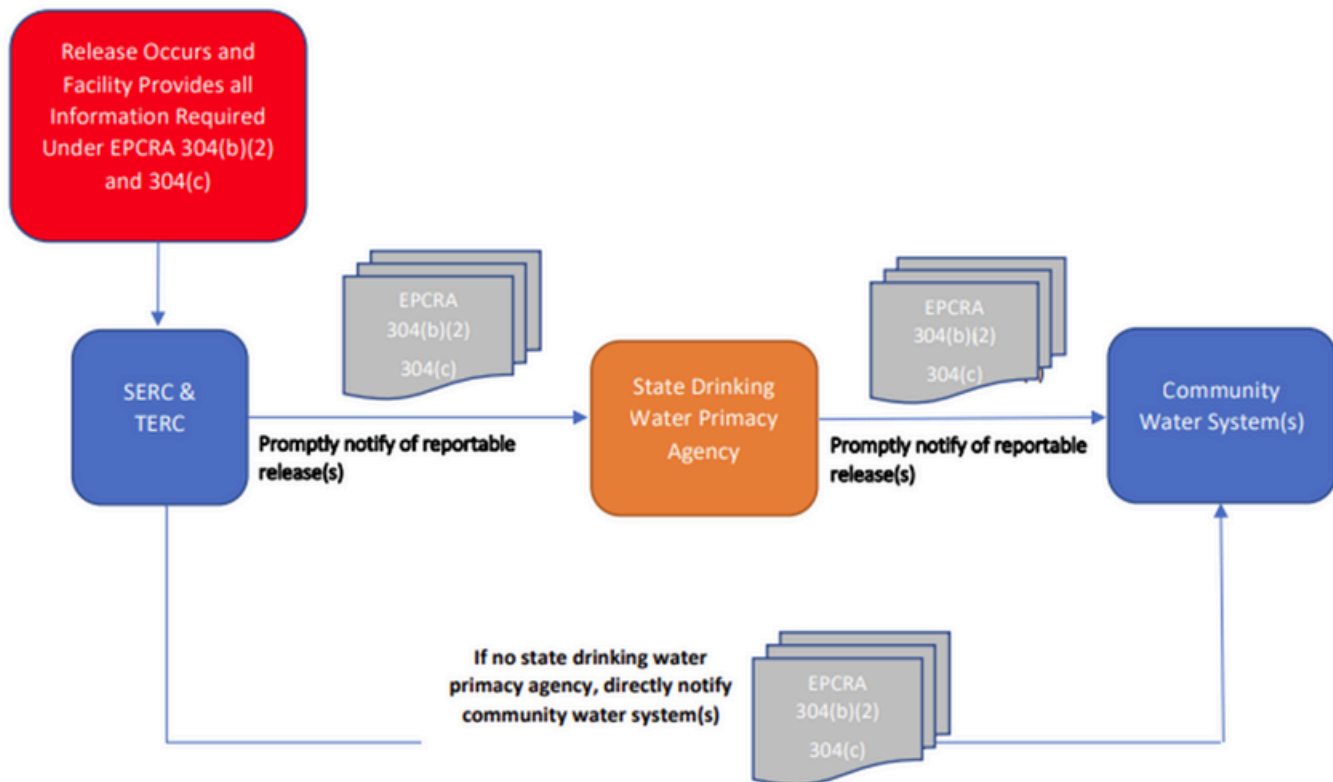


Figure 1. AWIA Section 2018(a) Release Notification Flow

America's Water Infrastructure Act (AWIA)

AWIA section 2018(a) amends EPCRA section 304 to add a new sub-section, section 304(e), Addressing Source Water used for Drinking Water. This new sub-section requires SERCs and Tribal Emergency Response Commissions (TERCs) to promptly notify the state drinking water primacy agency (i.e., applicable state agency) of any reportable release and provide this agency with:

- The information collected under section 304(b)(2) from the initial release notification; and
- The follow-up written report received under section 304(c).

The state drinking water primacy agency is then required to promptly provide all the information regarding the release to any community water systems whose source water is potentially affected by the release. The source water for a community water system is potentially affected if the release occurs in that system's source water area (also known as a source water protection area) or upstream of the system's water intake. If there is no state drinking water primacy agency, the SERC (or TERC) is required to directly notify the potentially affected community water systems.

The SERC has created and voted to adopt a policy that brings New Mexico into compliance with this requirement.



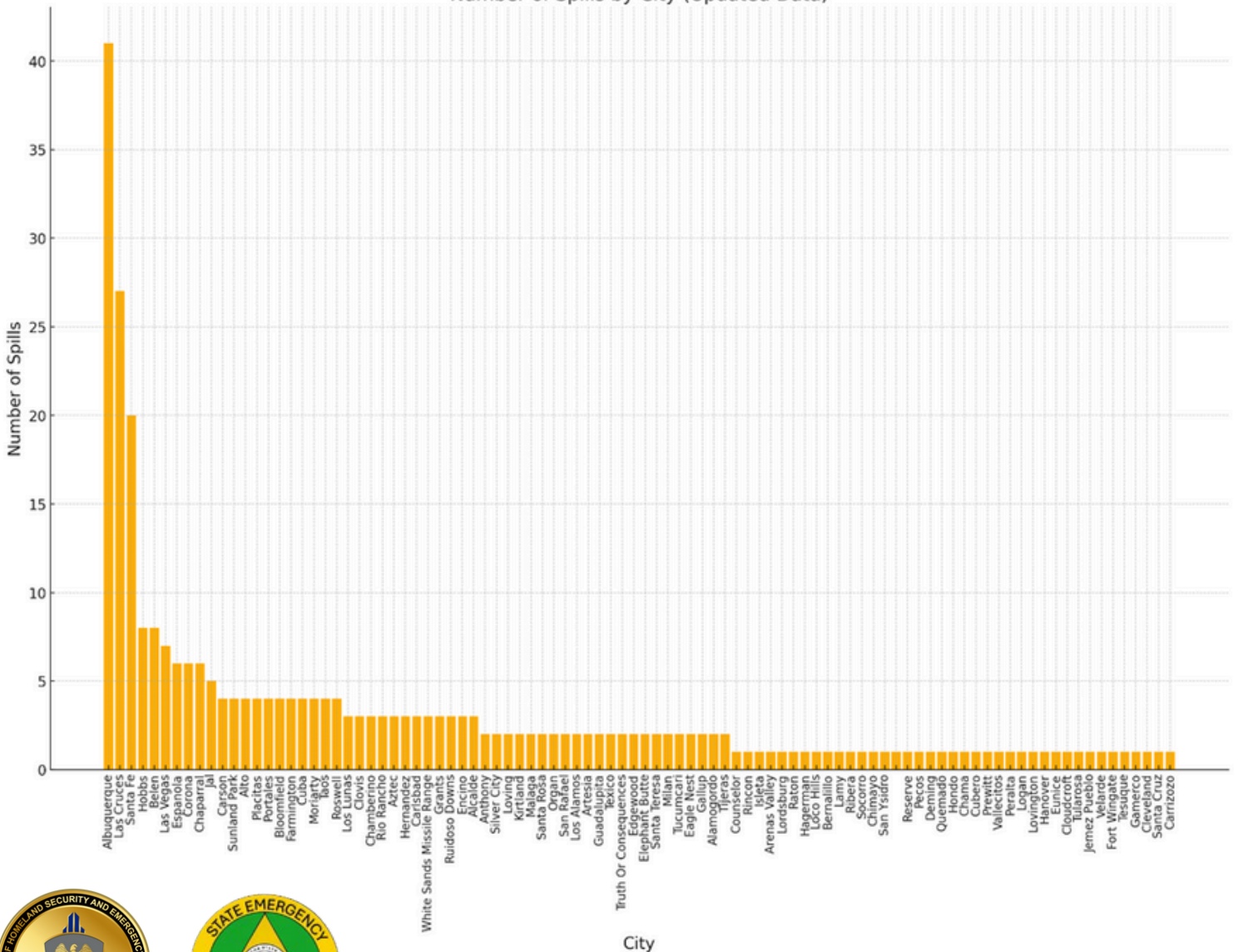
Drinking Water Bureau Emergency Coordinator

The New Mexico Drinking Water Bureau (DRB) has recently employed an Emergency Response Coordinator to safeguard New Mexico's drinking water infrastructure. The DRB has been working closely with the SERC and other state agencies to increase capability and resiliency in the state. Coordination and input from the DRB's emergency coordinator was crucial to the SERC bringing New Mexico into compliance with the AWIA.

HAZMAT SPILLS

The Hazardous Waste Bureau of the New Mexico Environment Department documented 296 reports of hazmat spills and releases in 2024.

Number of Spills by City (Updated Data)



NMSP HAZMAT Responses

The New Mexico State Police are the lead agency in hazardous materials response in New Mexico. NMSP has reported a decrease in Hazardous Materials response over the last 3 years.



2024 Emergency Response Guidebook



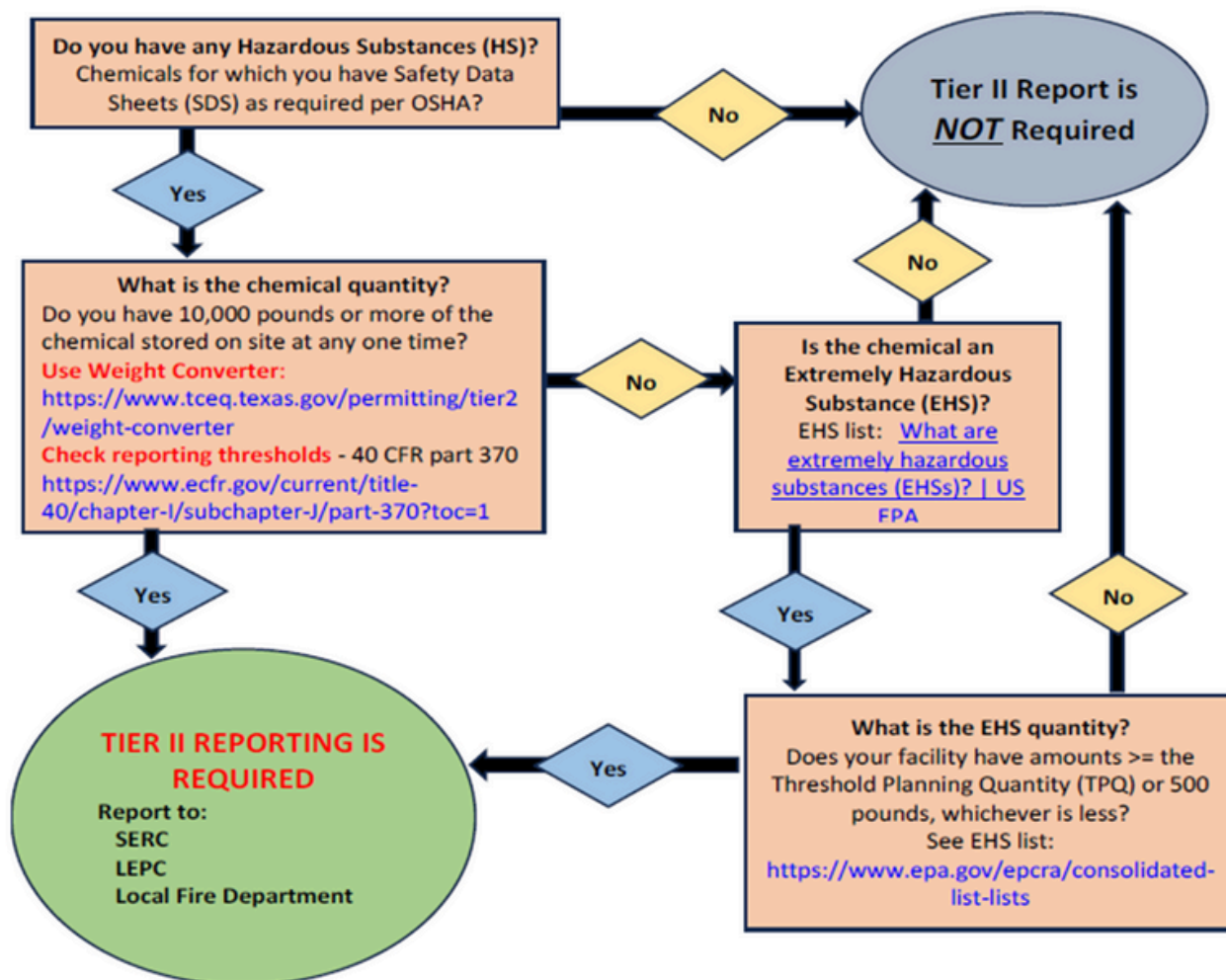
The Emergency Response Guidebook (ERG) is a resource published by the U.S. Department of Transportation (DOT) to help first responders quickly and effectively manage hazardous material incidents during the initial phase of an emergency. It provides information on the potential hazards of chemicals, recommended safety measures, and emergency response actions. The ERG is designed to aid firefighters, law enforcement, and other emergency services personnel in identifying the specific or generic hazards of the materials involved in an incident, protecting themselves and the public, and implementing the appropriate response procedures. The guidebook is updated every 4 years to reflect new information and emerging risks. Over 22,000 books in both English and Spanish have been disseminated across all 33 counties.



Tier II Reporting

Tier 2 reporting is a requirement under the Emergency Planning and Community Right-to-Know Act (EPCRA) in the United States. Facilities that store hazardous chemicals above certain thresholds must submit annual reports to state and local emergency planning authorities. These reports provide detailed information on the types, quantities, and locations of hazardous chemicals on-site. The purpose of Tier 2 reporting is to enhance community safety by ensuring that local emergency responders and planners have the necessary information to prepare for and respond to chemical emergencies.

Do You Need to Tier II Report?



Hazardous Materials Safety Board (HMSB)

The New Mexico Hazardous Materials Safety Board (HMSB) is a regulatory body composed of training officers from various state agencies, with a chairman elected by its members. The board's primary responsibility is to establish and implement a comprehensive, accident response training curriculum for response personnel, ensuring effective management of hazardous materials. The HMSB is tasked with meeting every four months to review and address the evolving training needs of hazardous material responders. The HSMB also certifies individuals who complete the required training.

The responsibilities and composition of the HMSB are detailed in NMSA 12-12-25. The HMSB has been unable to execute its charter since at least 2020. This can be attributed to a number of factors, including inconsistent staffing of the state hazardous materials coordinator position, disengagement from state agencies, a breakdown in statutory authority, and a misalignment between the board's statutory duties and operational realities.

CHALLENGES TO HAZARDOUS MATERIALS PREPAREDNESS

State Hazardous Materials Coordinator

DHSEM as the agency designated in statute to support the SERC, has worked hard to support the commissioners despite difficulty resulting from turnover of the State Hazardous Materials Coordinator (HAZMAT Coordinator). The HAZMAT Coordinator position is required to exist by statute and is the primary position responsible for supporting the SERC. In addition, the HAZMAT Coordinator supports EPCRA compliance for the state, processes and tracks annual reports for over 20,000 HAZMAT sites, and administers a hazardous materials grant awarded to New Mexico by the Pipeline and Hazardous Materials Safety Administration (PHMSA). The PHMSA grant is used to pay the salary and benefits of the HazMat coordinator and funds training for hazardous materials responders around the state.

The position is currently vacant and has been undergoing a reclassification with the State Personnel Office with a goal is to better align the position with the responsibilities it entails.



Hazardous Materials Emergency Preparedness Grant

The Hazardous Materials Emergency Preparedness (HMEP) Grant is a federal grant program administered by the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA). The HMEP grant is designed to enhance the capabilities of emergency responders and local communities to safely and effectively handle hazardous materials incidents.

New Mexico receives approximately \$227,000 from this grant annually. It is used to fund the State Hazardous Materials Coordinator salary and benefits. The remaining funds are awarded to local jurisdictions to support HAZMAT training and preparedness efforts.

Relying on the HMEP grant to fund the salary and benefits of the State Hazardous Materials Coordinator reduces the amount of funds available to be flowed through to local governments to invest in HazMat response training and preparedness activities. Additionally, the recent Office of Management and Budget Memorandum M-25-13, which placed a pause on federal grants, highlights the fragility of New Mexico's hazardous materials capability in the face of political and policy changes.



Hazardous Chemicals Information Act

The Hazardous Chemicals Information Act, enacted in the late 1980s, established a fee structure for hazardous materials reporting. Under this framework, private industries submitting Tier II reports are required to pay an annual fee ranging from \$25 to \$250, regardless of the scale of their operations. As a result, even multi-million-dollar owner-operators managing thousands of hazardous material sites across New Mexico are subject to a maximum annual fee of just \$250.

Originally, revenue generated from these fees was allocated to a dedicated fund designed to enhance hazardous materials preparedness within the state. However, this fund was repealed just a few years after the law's enactment. Today, any unexpended fee revenues revert to the state's general fund at the close of each fiscal year, rather than being reinvested in critical hazardous materials programs.

Moreover, these fees have never been adjusted for inflation or aligned with the fee structures of neighboring states. If indexed to inflation, the current cap would be approximately \$600, rather than the outdated \$250 limit, ensuring a more equitable and sustainable funding model for hazardous materials preparedness in New Mexico.



Repeal of NMSA 12-12-22

The repeal of NMSA 12-12-22 in 2007 has led to a significant gap in New Mexico's hazardous materials emergency response framework. Previously, NMSA 12-12-22 established the Emergency Management Task Force, which was responsible for creating and monitoring a comprehensive Statewide Hazardous Materials Emergency Response (HMER) plan. The plan included detailed procedures for initial accident assessment, assembling emergency response teams, command post operations, training programs, medical resource identification, and periodic preparedness exercises.

The absence of the Task Force has disrupted the legal and operational mechanism that ensured a coordinated, statewide approach to hazardous materials emergency response. Furthermore, the Hazardous Materials Safety Board (NMSA 12-12-25) depends on the HMER plan developed by the now-defunct Task Force to establish accident response training curricula. Without a functioning Task Force and a current HMER plan, the Safety Board may lack the foundational structure necessary to fulfill its statutory duties effectively. This gap potentially impairs both training standardization and preparedness, impacting state and local agencies' ability to respond to hazardous materials incidents.

The definition of the "plan" (NMSA 12-12-19) as the "statewide hazardous materials emergency response plan" underscores its centrality to the state's hazardous materials response strategy. The Task Force's repeal, therefore, presents a risk of regulatory non-compliance and operational inconsistency across New Mexico in managing hazardous materials incidents.

Intrastate Mutual Aid Act



The Intrastate Mutual Aid Act establishes the Intrastate Mutual Aid System (IMAS) in New Mexico as well as the Intrastate Mutual Aid Committee. Intrastate Mutual Aid enables subdivisions of government within New Mexico to more easily render aid to other subdivisions in times of emergency. The committee was established in law to maintain the IMAS system. Mutual aid and the IMAS are critical to hazardous materials preparedness in New Mexico as only our larger communities have the resources to field hazardous materials emergency response teams, leaving most New Mexico communities dependent on mutual aid. The SERC recommends the state of New Mexico reconvene the IMAC and begin meeting at least annually as required by state law.

