

New Mexico Office of Natural Resources Trustee



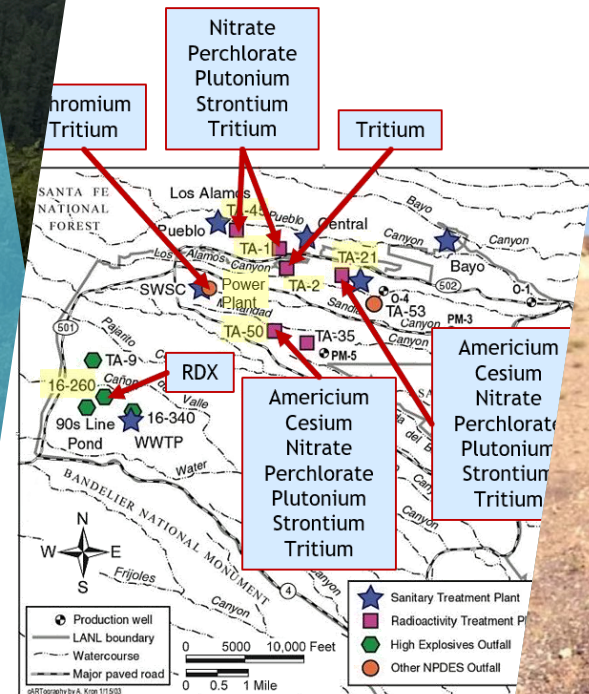
Radioactive and Hazardous Materials
Interim Committee
May 29, 2025



ONRT Mission

- Protect New Mexico's environment and economic well-being
- Ensure that New Mexicans aren't left to bear the costs of environmental injuries they didn't cause.
- Polluters pay for restoration, not taxpayers
- Generate new funding streams specifically dedicated to restoration projects

Groundwater, surface water, drinking water, soil, sediments, fish, wildlife, wildlife habitat, aquatic habitat, biota, and air



Trustee Legal Authority

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION,
AND LIABILITY ACT OF 1980 [CERCLA § _____]

(42 U.S.C.A. §§ 9601 to 9675)

CHAPTER 103—COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY

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SUBCHAPTER I—HAZARDOUS SUBSTANCES RELEASES, LIABILITY, COMPENSATION

§ 9601. Definitions

[CERCLA § 101]

For purpose of this subchapter—

(1) The term "act of God" means an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or fore-

Federal Law

Comprehensive Environmental
Response, Compensation, and
Liability Act of 1980 (CERCLA)
[42 USC §§ 9601 et seq]

Oil Pollution Act of 1990 [33 USC
§§ 2701 et seq]

Federal Water Pollution Control
Act or Clean Water Act of 1972
[33 USC §§1321 et seq]

New Mexico Law

New Mexico Natural Resources
Trustee Act [NMSA 1978, §§ 75-
7-1 et seq]

ARTICLE 7 Natural Resources Trustee

Section

[75-7-1 Short title.](#)

[75-7-2 Natural resources trustee; office of natural resources trustee.](#)

[75-7-3 Natural resources trustee powers and duties.](#)

[75-7-4 Natural resources damage; liability; awards for damages.](#)

[75-7-5 Natural resources trustee fund](#)

75-7-1. Short title.

Chapter [75](#), Article 7 NMSA 1978 may be cited as the "Natural Resources Trustee Act".
History: Laws 1993, ch. 292, § 1; 2007, ch. 249, § 1.

75-7-2. Natural resources trustee; office of natural resources trustee.

A. The "natural resources trustee" is created. The trustee is appointed by and serves at the pleasure of the governor pursuant to the provisions of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the federal Superfund Amendments and Reauthorization Act of 1986, the Federal Water Pollution Control Act and any other applicable federal law. The natural resources trustee shall act on behalf of the public as trustee of natural resources within the state or belonging to, managed by, controlled by or appertaining to the state, including protecting and representing the state's interest under applicable federal laws regarding injury to, destruction of or loss of natural resources in the state.

B. The "office of natural resources trustee" is created. The office shall be administratively attached to the department of environment. The administrative head of the office of natural resources trustee is the natural resources trustee. For purposes of this subsection, the term "administratively attached" means the same as specified in Section [9-1-7](#) NMSA 1978.

History: Laws 1993, ch. 292, § 2; 2007, ch. 2.

75-7-3. Natural resources trustee powers and duties.

A. The natural resources trustee shall take all actions necessary to carry out the responsibilities of the natural resources trustee as provided in the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, the federal Water Pollution Control Act and any other applicable federal law, including the responsibility to:

- (1) act on behalf of the public to protect New Mexico's natural resources by recovering damages for injury to, destruction of or loss of those resources;
- (2) investigate injury to, destruction of or loss of natural resources;
- (3) determine the amount and cause of injury to, destruction of or loss of natural resources;
- (4) determine the liability of any person for injury to, destruction of or loss of natural resources;
- (5) assess and collect damages for injury to, destruction of or loss of natural resources, including bringing legal actions and collecting the costs of assessing and collecting the damages; and
- (6) expend money for the purposes set forth in the Natural Resources Trustee Act [\[75-7-1 NMSA 1978\]](#).

Following a Release of Hazardous Substances Responsibility is Shared:

NMED: Remediation

NMED Requires Responsible Party to:

- (1) Identify and characterize the release(s); and
- (2) Clean up contamination to protect public health and the environment.



ONRT: Restoration

ONRT Requires Responsible Party to:

- 1) Restore injured natural resources to pre-release condition
- 2) When that's not possible in a timely way, replace or acquire the equivalent.
- 3) Compensate affected communities for loss of use from time of release to complete restoration



Natural Resource Damage Assessment and Restoration (NRDAR)

NRDAR is a process that ONRT uses to evaluate and seek compensation for natural resource injuries caused by the release of hazardous substances into the environment.



ONRT Settlements = \$45,341,226



- Gold King Mine Release
 - US EPA Contractors \$2,000,000 (Dec 2022)
 - United States EPA \$10,000,000 (June 2022)
 - Kinross Gold: \$1,000,000 (Jan 2021)
- Ft Wingate Army Depot/DOD \$1,451,069 (March 2022)
- Fronk Oil/Cimarron River: \$150,000 (Dec 2020)
- Freeport-McMoRan Groundwater: Chino, Cobre, and Tyrone Mines (\$12,794,308)
- Freeport-McMoRan Wildlife and Wildlife Habitat: Chino, Cobre, and Tyrone Mines (\$5,500,000)
- AT&SF: Albuquerque's South Valley Tie Treater Facility (\$989,417)
- South Valley Superfund Site: Various Parties in Albuquerque's South Valley (\$4,857,548)
- Sparten Technology: Albuquerque Facility (\$1,000,000)
- SOHIO Western Mining L-Bar: Tailings Facility near Moquino, (\$29,830)
- AT&SF: Clovis Rail Yard (\$404,456)
- Van Waters & Rogers: Albuquerque's South Valley Facility (\$135,000)
- ASARCO (Five Facilities): Blackhawk Mine near Hanover, (\$1,029,598)
- Chevron Moly Mine: Questa, (\$4,000,000)

\$13 million Gold King Mine Restoration 5/29/25 Update



Resource	Project Partner	project	ONRT funding	status
Groundwater/Drinking Water	City of Aztec	North Main Wastewater Management Infrastructure	\$ 480,000	MOA in place
	City of Aztec	City of Aztec, Rehabilitation of Raw Water Reservoir 1	\$ 950,000	complete
	San Juan County	Wastewater Improvements for the Totah Subdivision	\$ 1,000,000	under construction completion expected June 2025
Outdoor Recreation	City of Farmington	Whitewater Wave and Irrigation Diversion Dam at Farmington Gateway Park	\$ 2,000,000	complete - ribbon cutting June 26
	San Juan County	San Juan River Public Boat Ramps and Park Improvements	\$ 681,440	MOA in place- start summer 2025
	San Juan County	Cedar Hill Boat Ramp on Animas River	\$ 160,000	complete
Aquatic Habitat	Navajo Nation Department of Fish and Wildlife	Nenahnezad Chapter San Juan River Boat Ramp	\$ 65,000	complete
	New Mexico State Parks Division	Aquatic Invasive Species Station on San Juan River Quality Waters	\$ 205,225	MOA complete - construction start FY26
	NM Interstate Stream Commission	San Juan River Water Lease Agreement with Jicarilla Nation	\$ 1,803,000	funds transferred for expenditure in 2025
Agriculture	San Juan County	San Juan County Extension Service Office Building	\$ 2,600,000	under construction - completion in Jan 2026
	San Juan Soil and Water Conservation District (\$1,616,600)	Irrigation Ditch Diversion Project	\$ 1,616,600	complete
	Festival and Farmer's Market Pavilion at Gateway Park	City of Farmington	\$ 300,000	under construction
	San Juan County Soil and Water Conservation District	San Juan Valley Soil Health Restoration Project - District	\$ 280,000	ongoing
	Agricultural Irrigation System Upgrade Project	Tse Daa Kaan (Hogback) Navajo Community	\$ 250,000	IGA in progress



City of Aztec's
Water Reservoir 1 Rehabilitation Project



City of Aztec Reservoir 1 Rehabilitation September 29, 2024

City of Aztec dedicates Reservoir 1



City's primary water storage facility is filling with water

By David Edward Albright Tri-City Record

Friday, Sep 27, 2024 2:35 PM Updated Friday, Sep. 27, 2024 2:35 PM



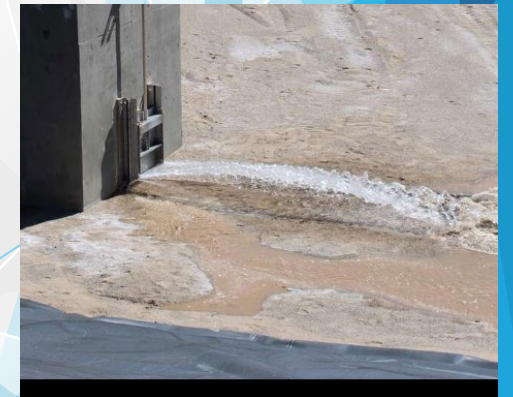
Aztec officials walk on the catwalk to see the water flow into Reservoir 1 on Wednesday. *David Edward Albright/Tri-City Record*



Aztec officials and Natural Resources Trustee Maggie Hart Stebbins on Wednesday celebrated the completion of Reservoir 1, the city's primary water storage facility, by opening a valve to release the water into the reservoir, which that had been out of use since 2020.

Mayor Mike Padilla opened the proceedings at Reservoir 1, east of the Aztec water treatment plant, 201 Navajo Dam Road, about 1:30 p.m. City officials consider the \$4.45 million project a major accomplishment.

"First of all. I'd like to thank everybody for coming today. This is a huge accomplishment for



Nenahnezad Chapter House Boat Ramp on San Juan River





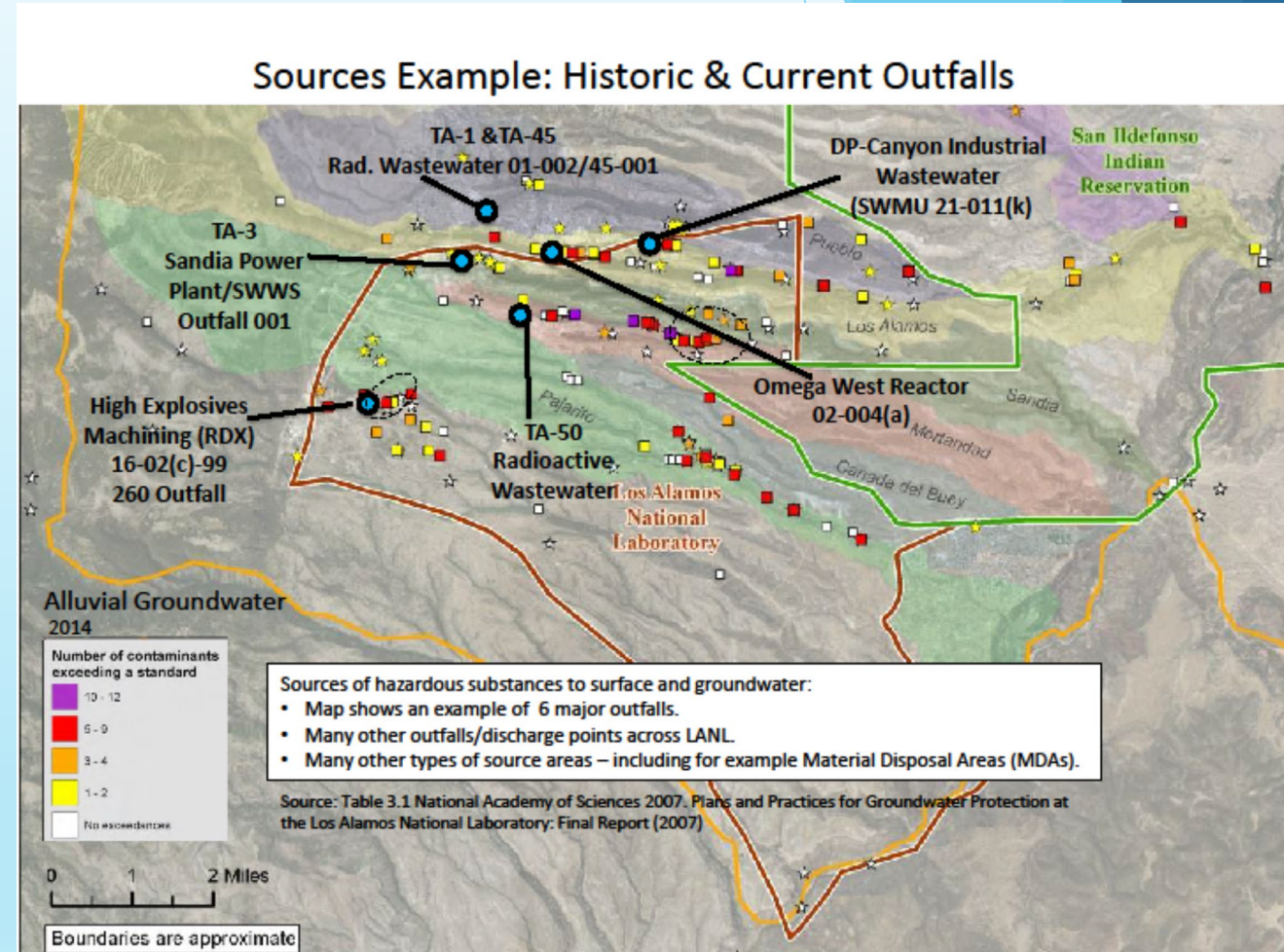
City of Farmington
Festival and Farmers Market Pavilion

Amigos Bravos Midnight Meadows



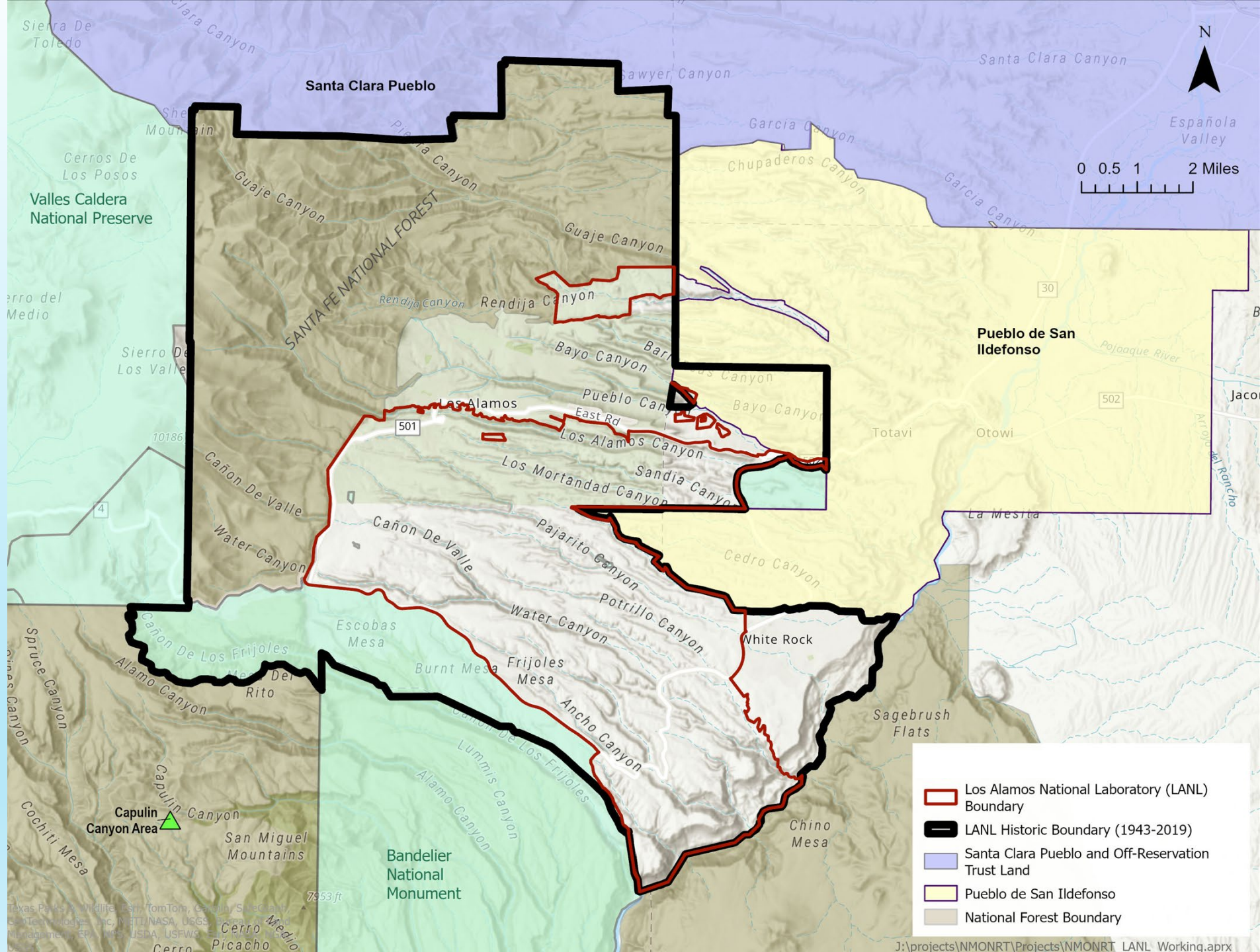
Current Assessment - Los Alamos National Laboratory

- Injuries:
 - groundwater, soils, surface water, and sediments contaminated with radiological substances, metals, and organic compounds
 - cultural service losses
- PRP: DOE
- Co-Trustees
 - ONRT
 - Pueblo de San Ildefonso
 - Pueblo de Cochiti
 - Pueblo of Jemez
 - Santa Clara Pueblo
 - U.S. Forest Service
 - DOE (potentially responsible party)
- Status: Cooperative Damage Assessment
 - Cleanup and decommissioning ongoing
 - Implementing the assessment activities described in 2014 Damage Assessment Plan
 - Early restoration working group
- Next steps
 - Complete injury assessment work and estimate damages
 - LANL TC collaborating to identify early restoration opportunities, contingent upon DOE funding



LANL Historic and Current Boundaries

- Pueblo de San Ildefonso
- Pueblo de Cochiti
- Pueblo of Jemez
- Santa Clara Pueblo
- U.S. Forest Service
- DOE (potentially responsible party)



1956-1972
Power plant
used chromium

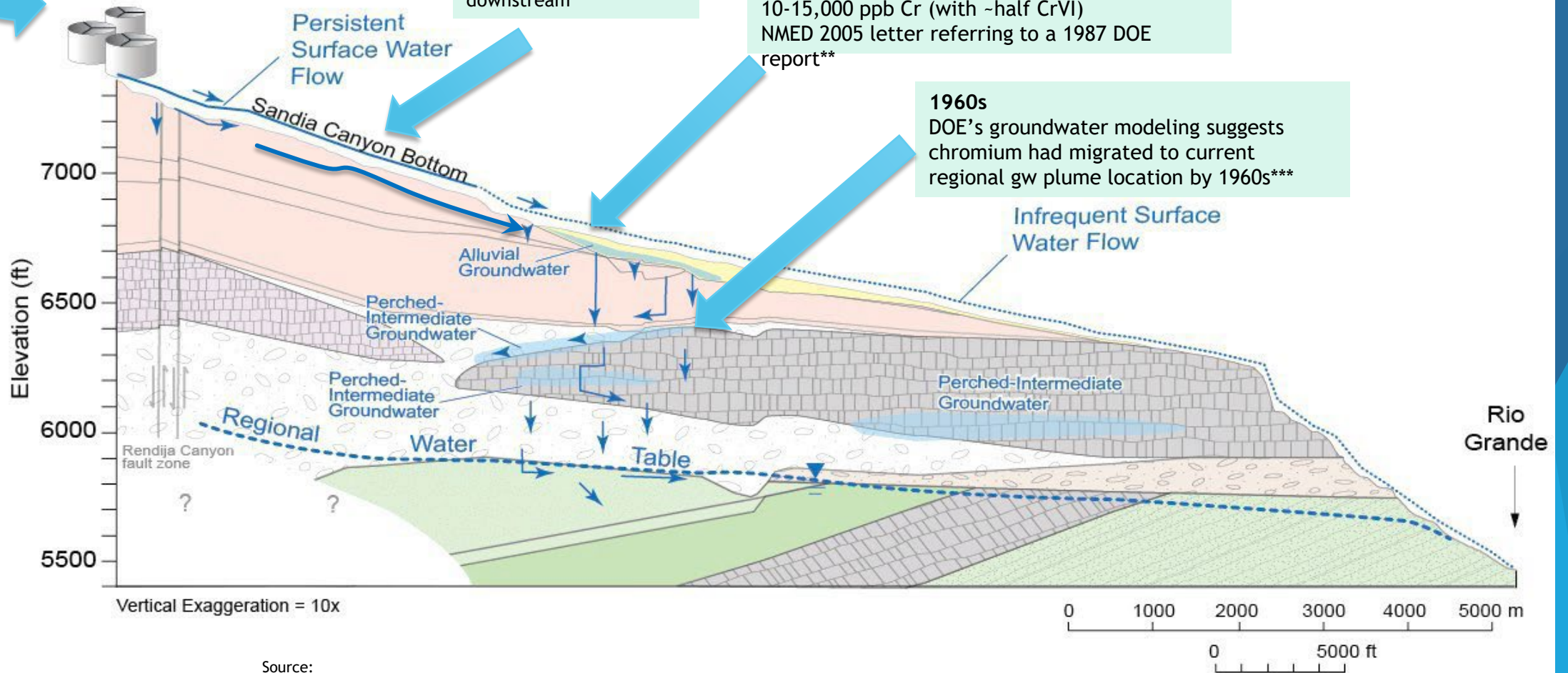
1968-1969
9,600 - 16,300
ppb CrVI
measured in
discharge to
wetland*

Chromium Source:
**Power Plant
Cooling Tower
Outfall**

1969-1971
2,400 - 7,300 ppb CrVI
Measured ~ 1mile
downstream*

1987
10-15,000 ppb Cr (with ~half CrVI)
NMED 2005 letter referring to a 1987 DOE
report**

1960s
DOE's groundwater modeling suggests
chromium had migrated to current
regional gw plume location by 1960s***



Source:

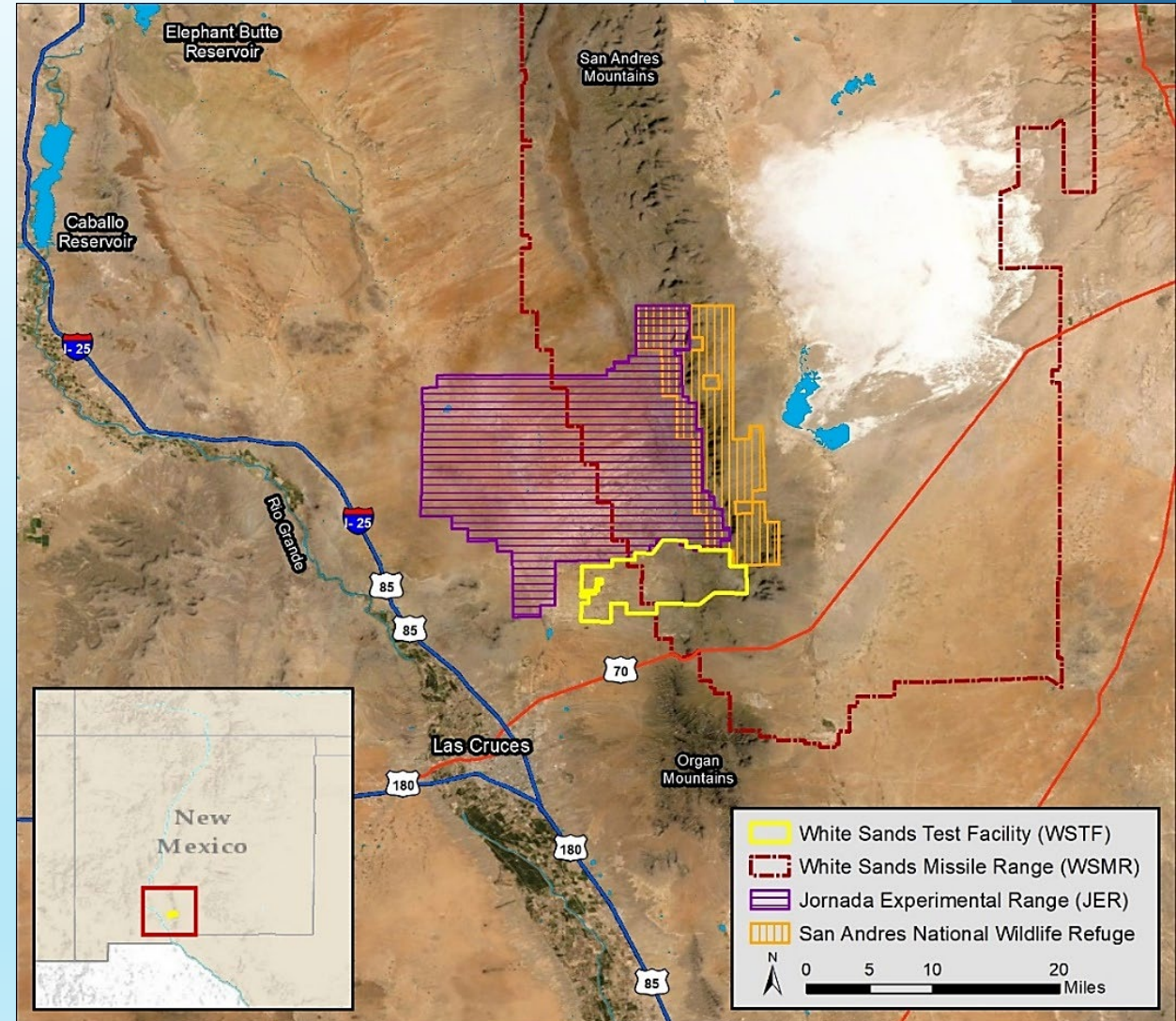
*Investigation Report for Sandia Canyon (LANL 2009);

**NMED 2005 letter to DOE "Interim measures work plan requirement groundwater contaminants detected in the regional aquifer at R-28"

***Chromium Compendium, Attachment 9, GW modeling status report (LA-UR-18-21450)

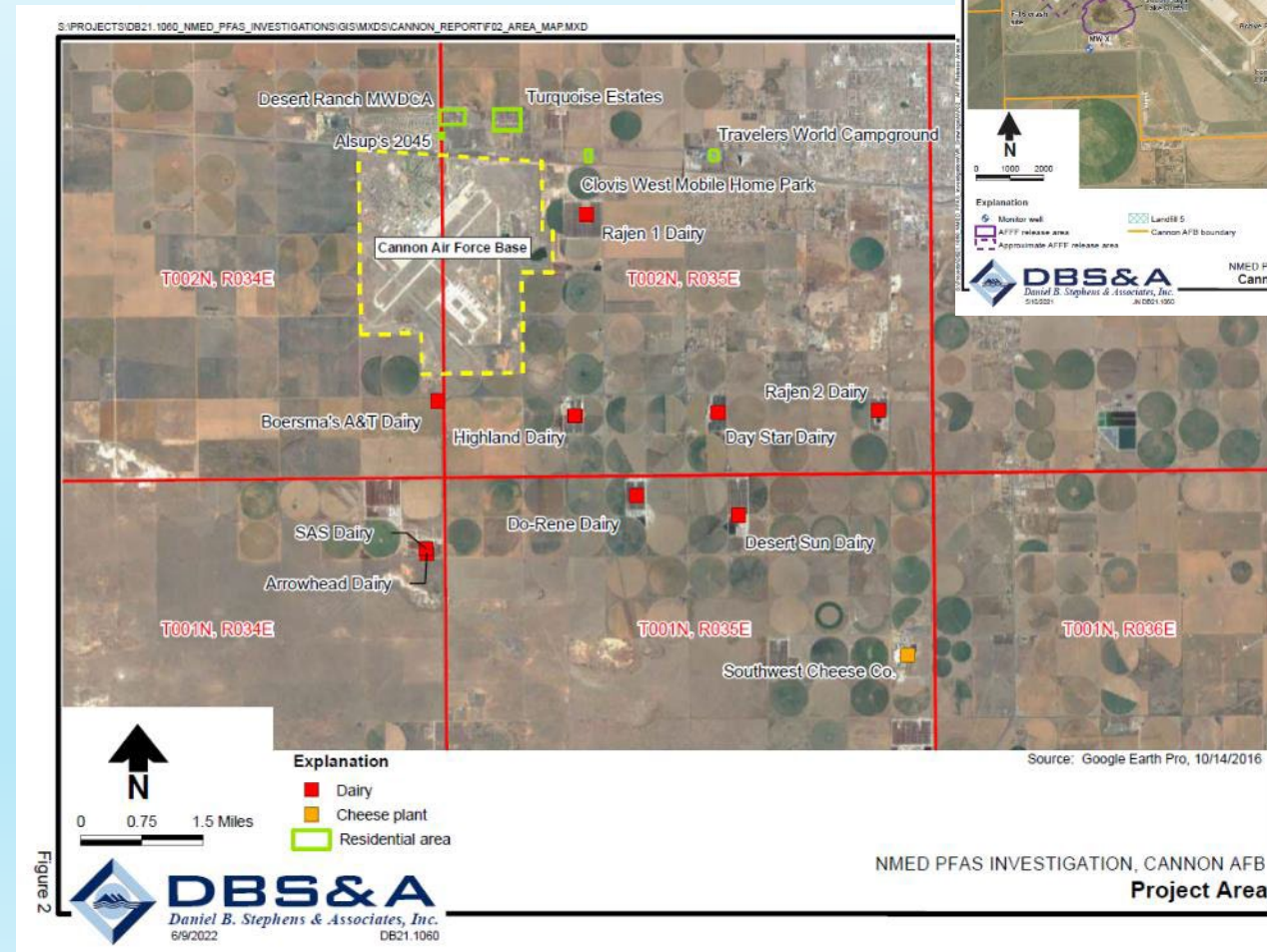
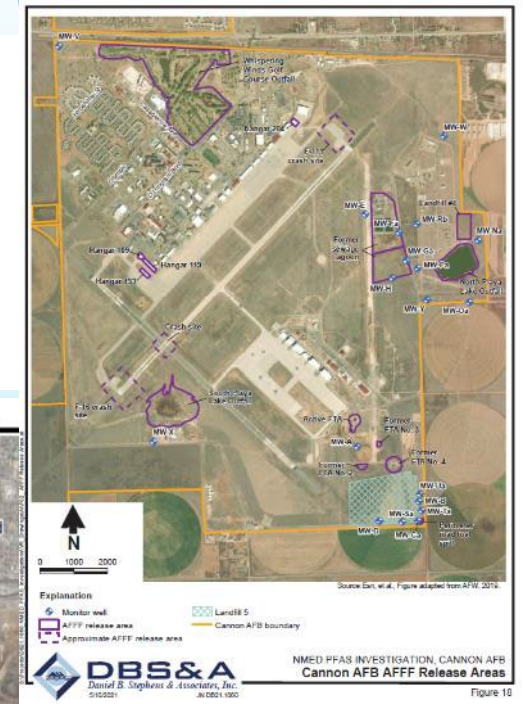
Current Assessment - White Sands Test Facility

- Injuries:
 - groundwater contaminated with trichloroethylene, perchloroethylene, n-nitrosodimethylamine
- PRP: NASA and DOD
- Co-Trustees
 - DOI
 - US Dept of Agriculture
 - DOD
- Status: ONRT conducted the assessment
 - Preassessment Screen was completed in 2016
 - Damage Assessment Plan completed in 2019
 - Restoration and Compensation Determination Plan complete.
- Next steps: Settlement discussions w USDOJ/NASA/DOD



Current Assessment - Cannon Air Force Base

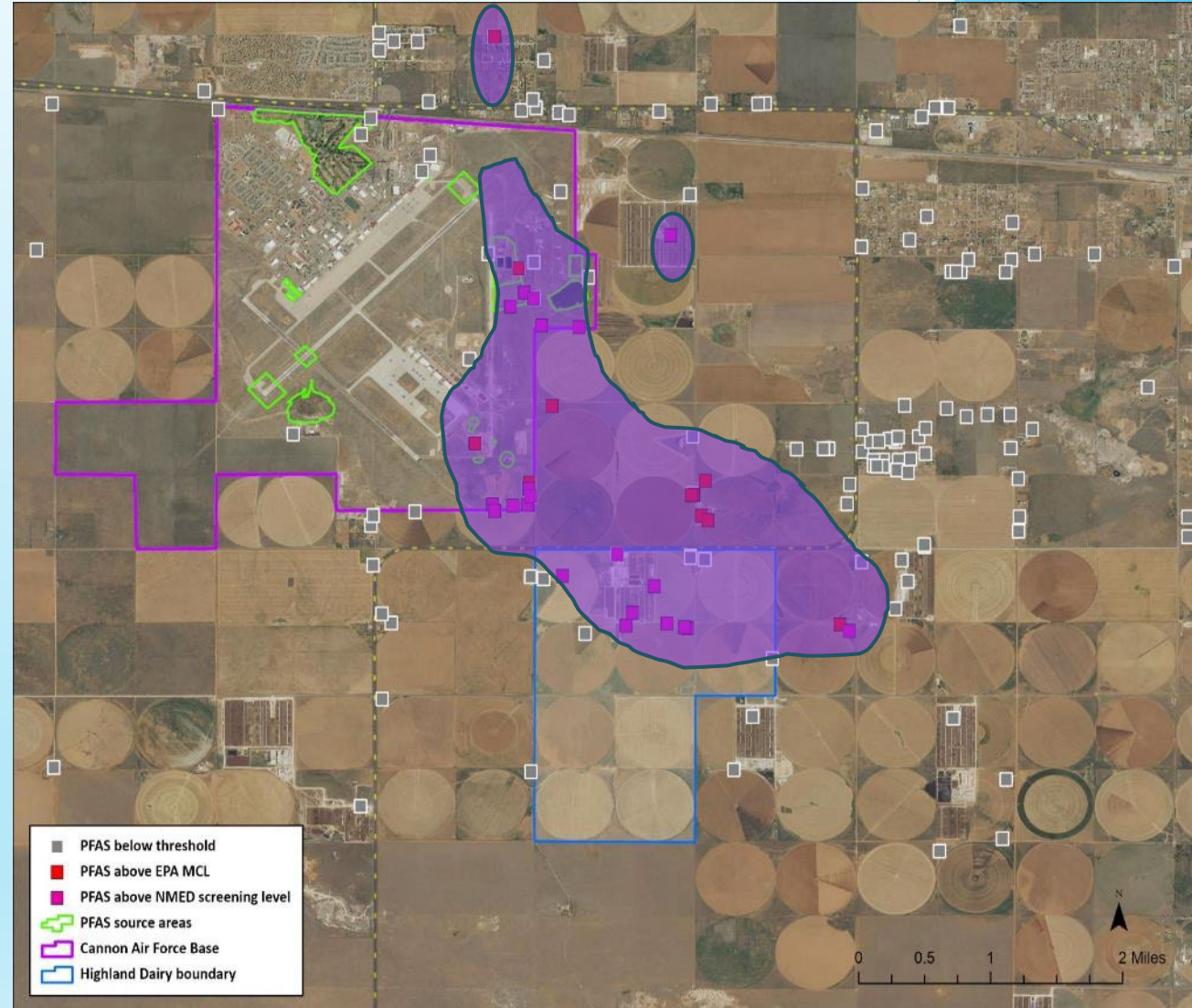
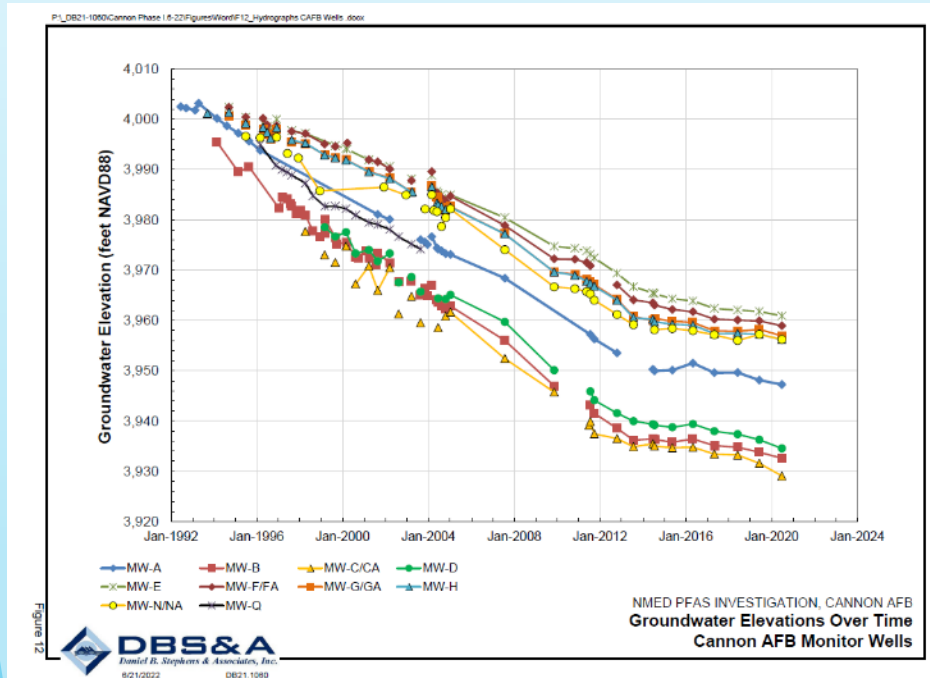
- Use of AFFF has contaminated Ogallala Aquifer with PFAS
- Ogallala is the primary source of water for drinking, agricultural, industrial, military, and domestic uses in the area.
- High Plains region - few alternative water source options
- Aquifer rapidly declining due to over-extraction
 - Water table dropping 2 feet/year
 - Estimated to be depleted in 6-10 years (Rawling 2024)
- Restoration options include conservation measures to prolong life of the aquifer



Current Assessment - Cannon Air Force Base

Plume parameters:

- ~3,360 acres
- 54ft thick (1980 - 140 ft thick)
- 0.148 specific yield



Current Assessment - Holloman Air Force Base

- Holloman Lake is an ecologically important water source in the Tularosa Basin
- Very high PFAS levels in surface water and biological tissues
- Historical biological tissue samples confirm exposure and injury back to 1990s (unique for PFAS)
- *“Extraordinary levels of per- and polyfluoroalkyl substances (PFAS) in vertebrate animals”*

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Environmental Research

journal homepage: www.elsevier.com/locate/enwres

Extraordinary levels of per- and polyfluoroalkyl substances (PFAS) in vertebrate animals at a New Mexico desert oasis: Multiple pathways for wildlife and human exposure

Christopher C. Witt^{a,b,c}, Chauncey R. Gadek^{a,b,c}, Jean-Luc E. Cartron^{a,b,d}, Michael J. Andersen^{a,b}, Mariel L. Campbell^{a,b}, Marialejandra Castro-Farías^{a,b}, Ethan F. Gyllenhaal^{a,b}, Andrew B. Johnson^{a,b}, Jason L. Malaney^{a,e}, Kyana N. Montoya^{a,b}, Andrew Patterson^f, Nicholas T. Vinciguerra^{a,b}, Jessie L. Williamson^{a,b,g}, Joseph A. Cook^{a,b}, Jonathan L. Dunnum^{a,h}

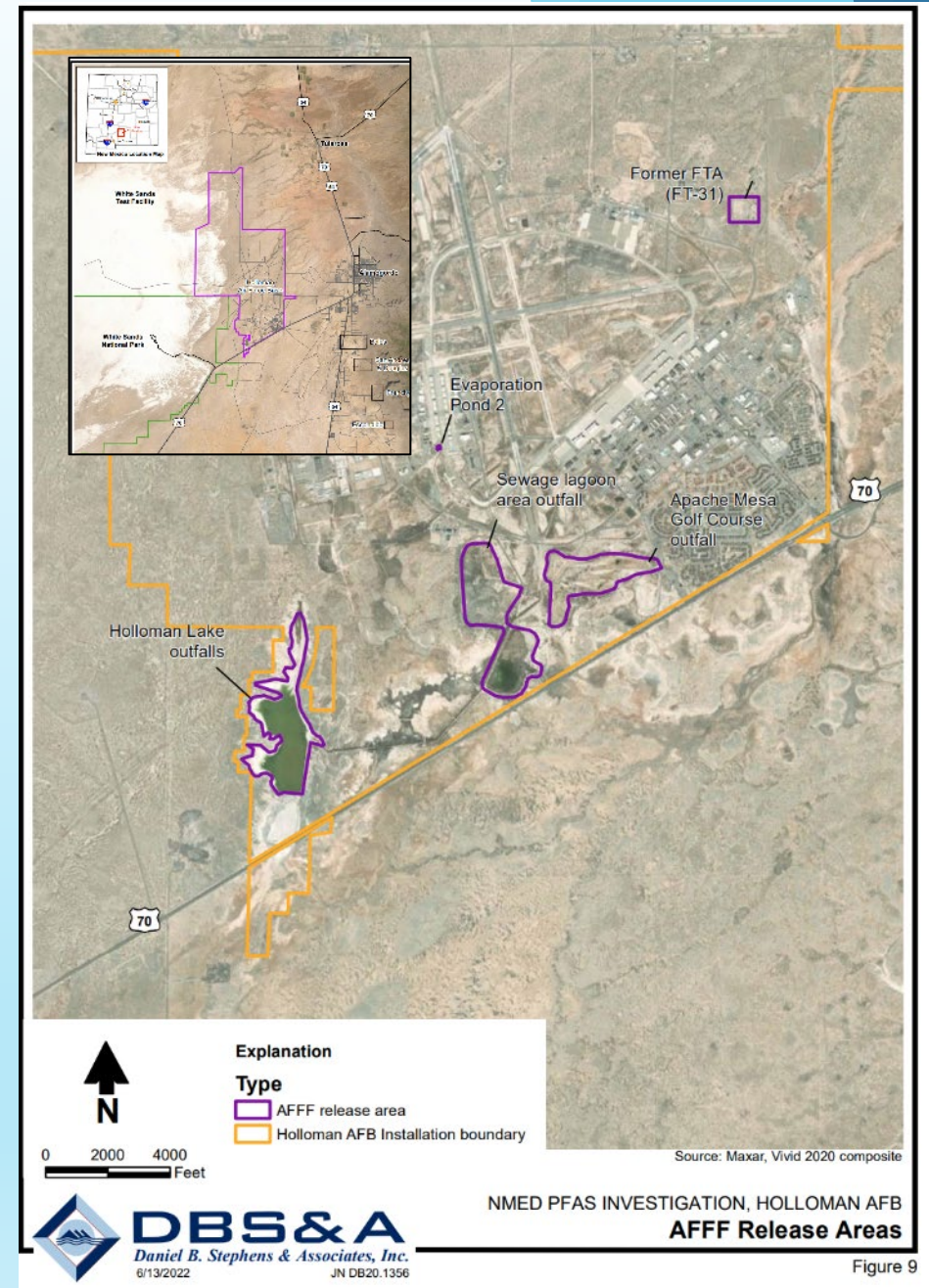
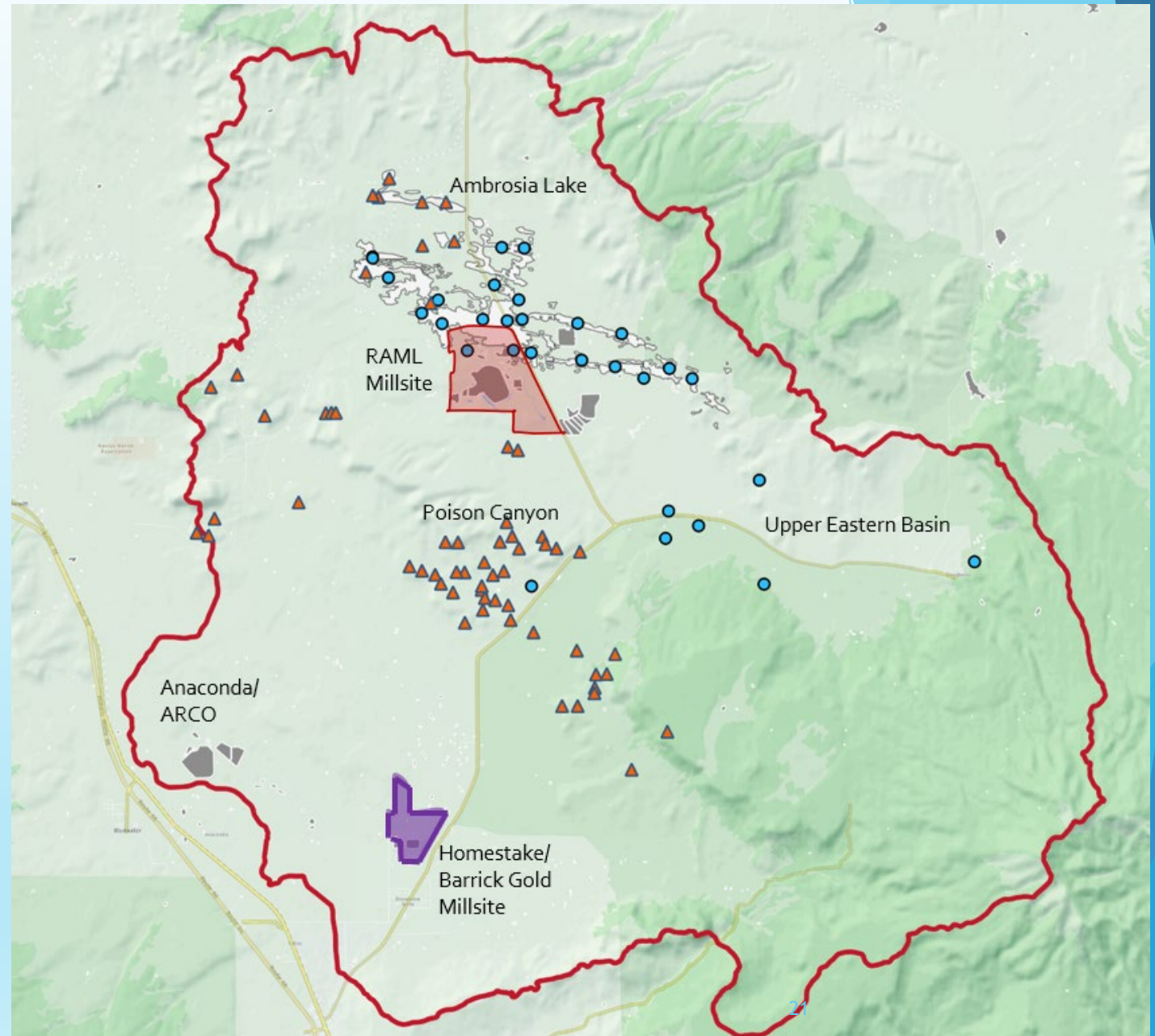


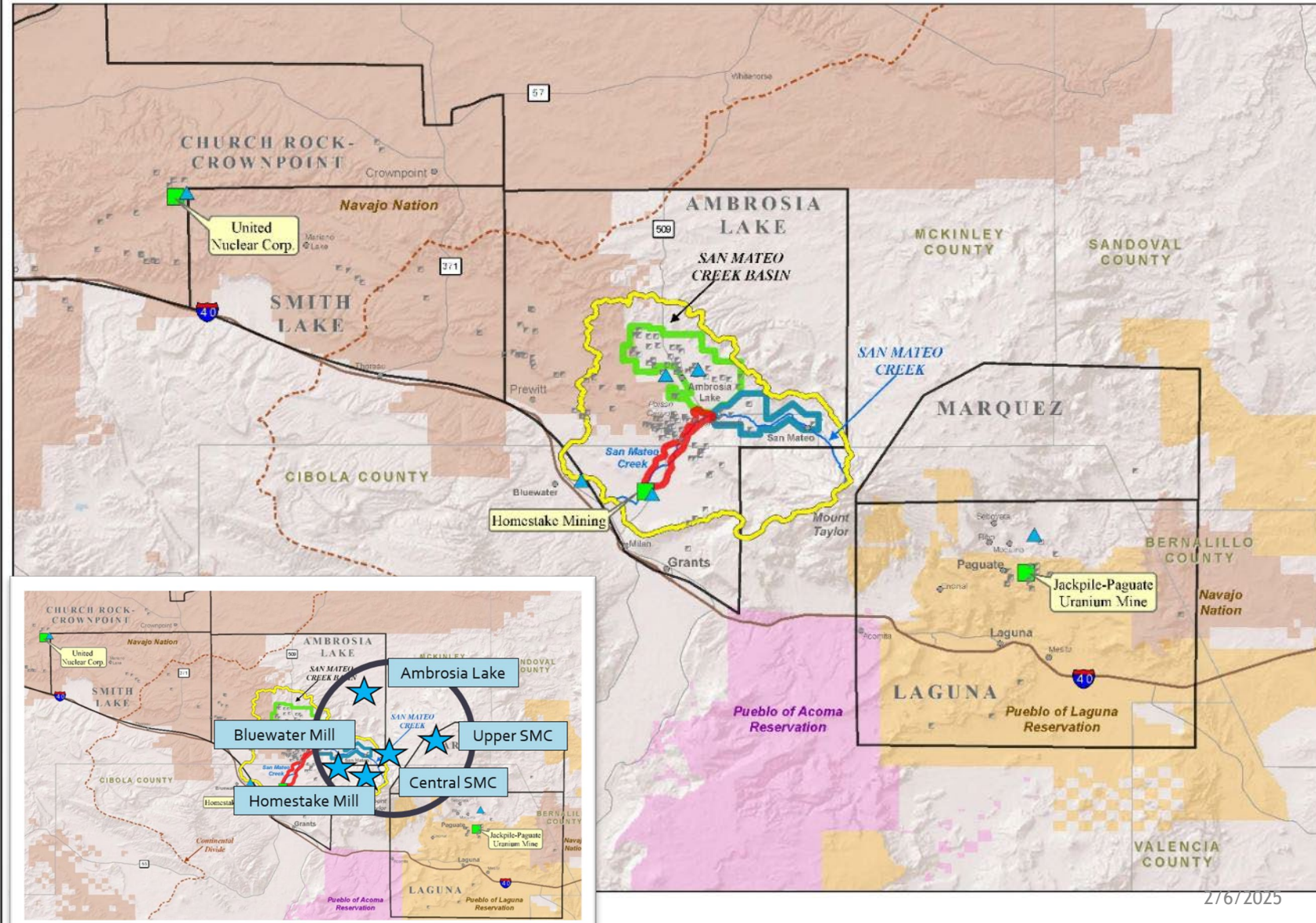
Figure 9

Current Assessment - Rio Algom/BHP Uranium Mines and Mill

- Cooperative Assessment
- Initiated in 2008
- Agreement on assessment approach
- Co-trustees
 - Navajo Nation
 - US Dept of Interior
 - BIA
 - USFWS
 - BLM
 - Maybe others



New Assessments - Grants Mining District



Legacy of Uranium Mining in Northwestern New Mexico

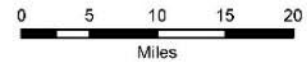


Mining District Features

- Abandoned Uranium Mine
- Uranium Mill
- Uranium Related NPL Site
- San Mateo Creek
- Continental Divide
- San Mateo Creek Basin
- Uranium Sub-District
- Lower San Mateo Creek Study Area
- Upper San Mateo Creek Study Area
- Ambrosia Lake Study Area
- County Boundary
- Pueblo of Acoma
- Pueblo of Laguna
- Navajo Nation Administrative Area

22

Sources:
 MMD Legacy Uranium Mine Inventory, 12/2008.
 EPA Region 6 National Priorities List (NPL), 11/2019.
 EPA Region 6 Superfund Study Areas, 4/2020.
 Navajo Land Department 2016. US Census Bureau
 2010 TIGER Line. Esri World Shaded Relief.



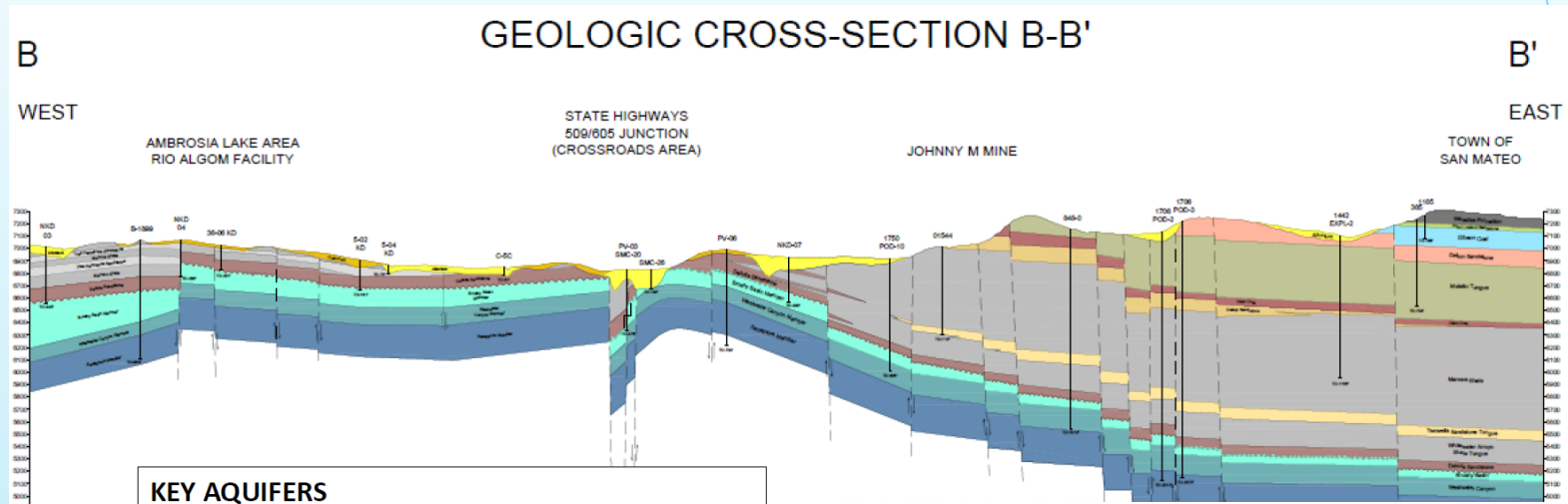
EPA Region 6
 Superfund
 GIS Support
 04/17/2020



2/6/2025

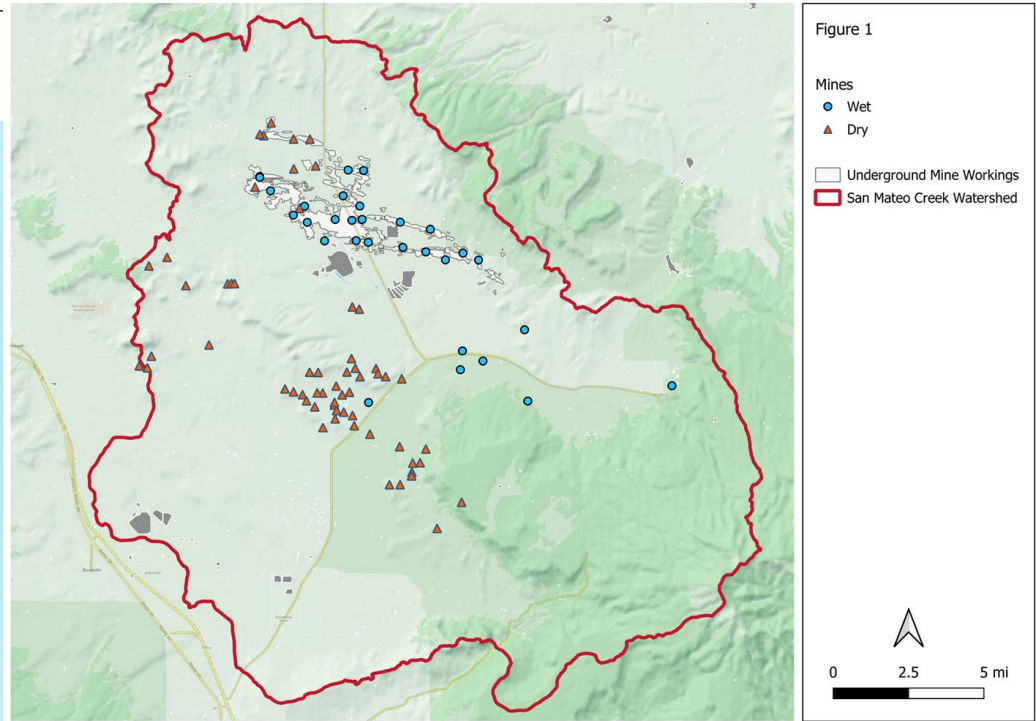
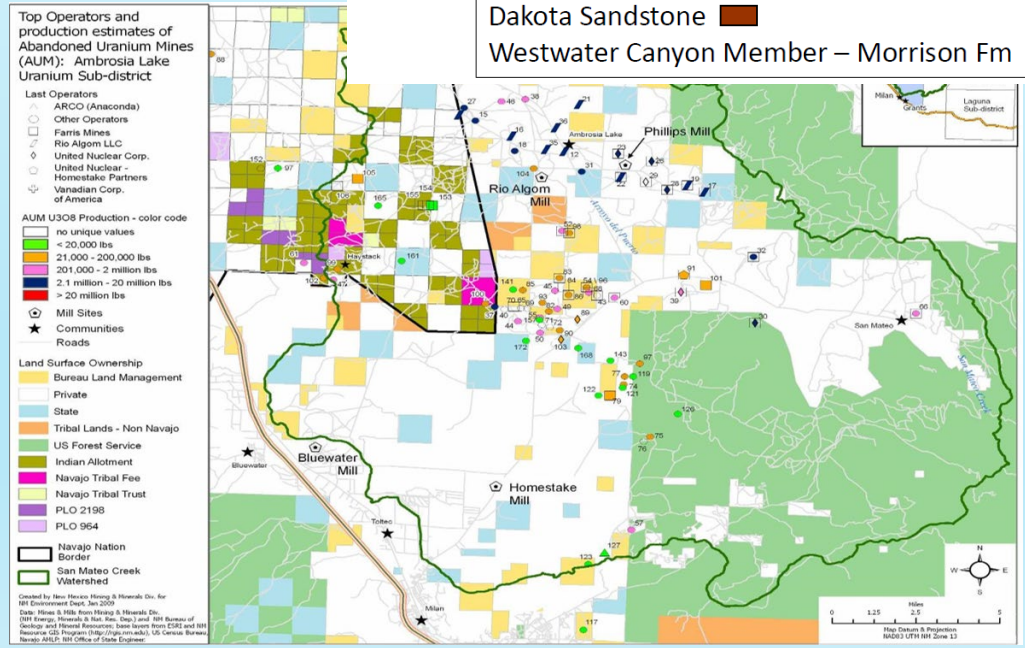
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Grants Mining District - uranium mines and mills



KEY AQUIFERS

- Alluvium
- Dakota Sandstone
- Westwater Canyon Member – Morrison Fm



Compiled by Ben Hayes, Energy & Minerals Div. for
EIS Environmental Doc., Feb 2009
Data: Mine & Mill from Hayes & Minerals Div.
(USE Energy, Minerals & Nat. Sec. Div.) and EIS Bureau of
Ore and Mineral Resources from Hayes from CD&M and MR
Resource GIS Program (http://gis.mnr.mt.gov). US Geologic Bureau
Report 44-B-1, M.I. Office of State Engineer.

Grants Mining District

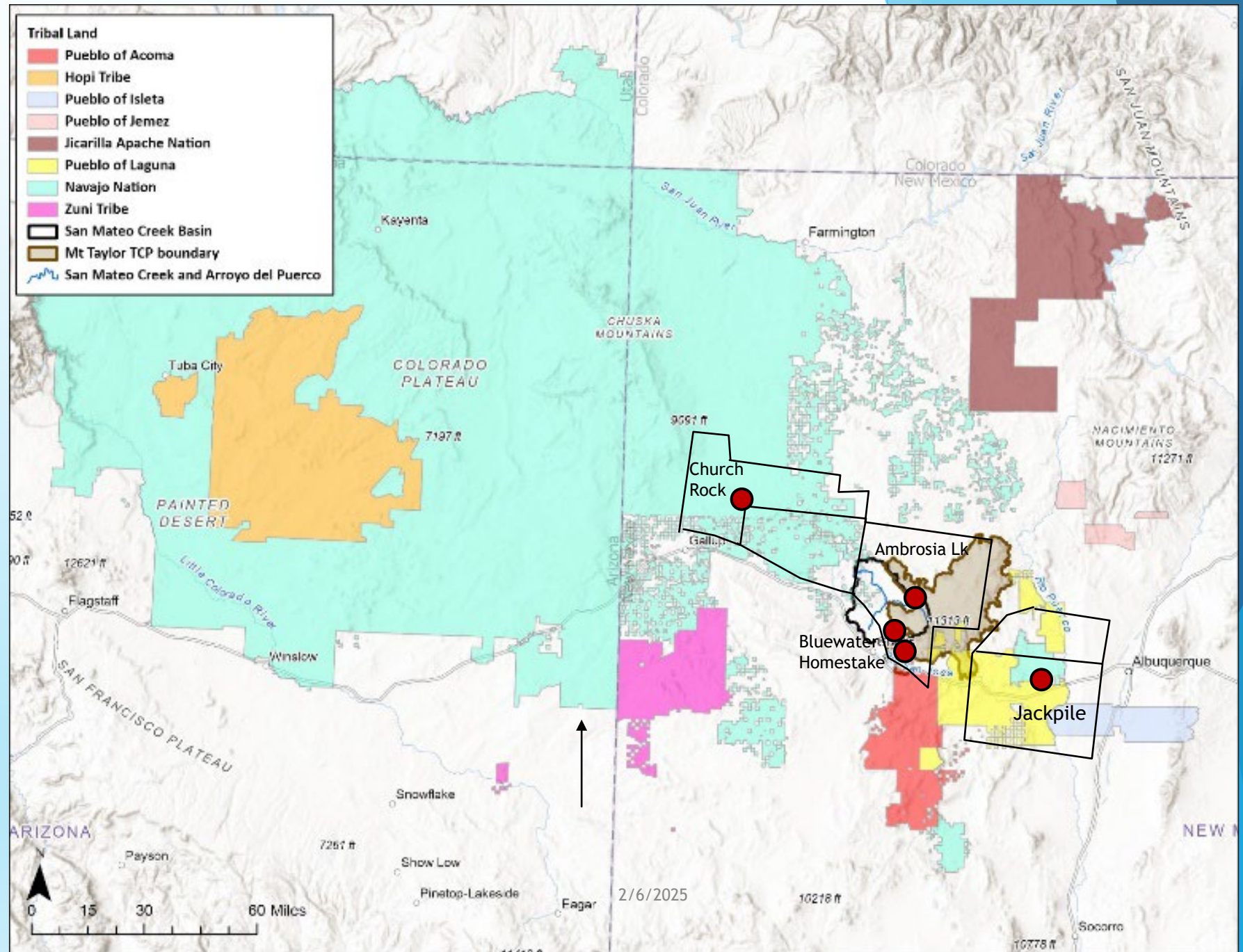
Multiple Sites, Regulatory Agencies and Trustees

Sites:

- 3 NPL sites & 1 Superfund Alternative site
- 6 mill sites
- 97 CERCLA site assessment priority sites
- DOE and BLM Defense Related Uranium Mines (DRUM) sites

Agencies/Trustees:

- Multiple co-trustees - 8+ Tribal Nations/Pueblos; federal trustees - FWS, BLM, BIA
- Multiple regulatory agencies - NMED, EPA, NRC, DOE



Potential Changes in Federal Government

- ONRT receives no federal funding
- ONRT's federal Co-Trustees
 - US Department of Agriculture
 - Forest Service
 - US Department of Interior
 - BIA
 - USFWS
 - BLM
- ONRT current/potential claims
 - US Department of Energy
 - LANL
 - US Department of Defense
 - NASA/White Sands Test Facility
 - Cannon AFB
 - Holloman AFB

Questions?

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