



NEW MEXICO
Environmental Law Center

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2018 DOCKET

Representation by
CASE TYPE



5 cases
Uranium Mining
& Reclamation



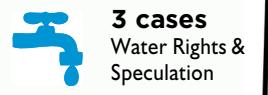
4 cases
Federal Facilities
(LANL / KAFB)



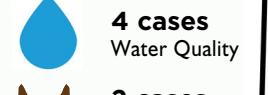
4 cases
Air Quality



4 cases
Hardrock
Mining



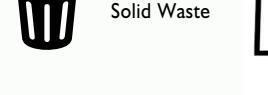
3 cases
Water Rights &
Speculation



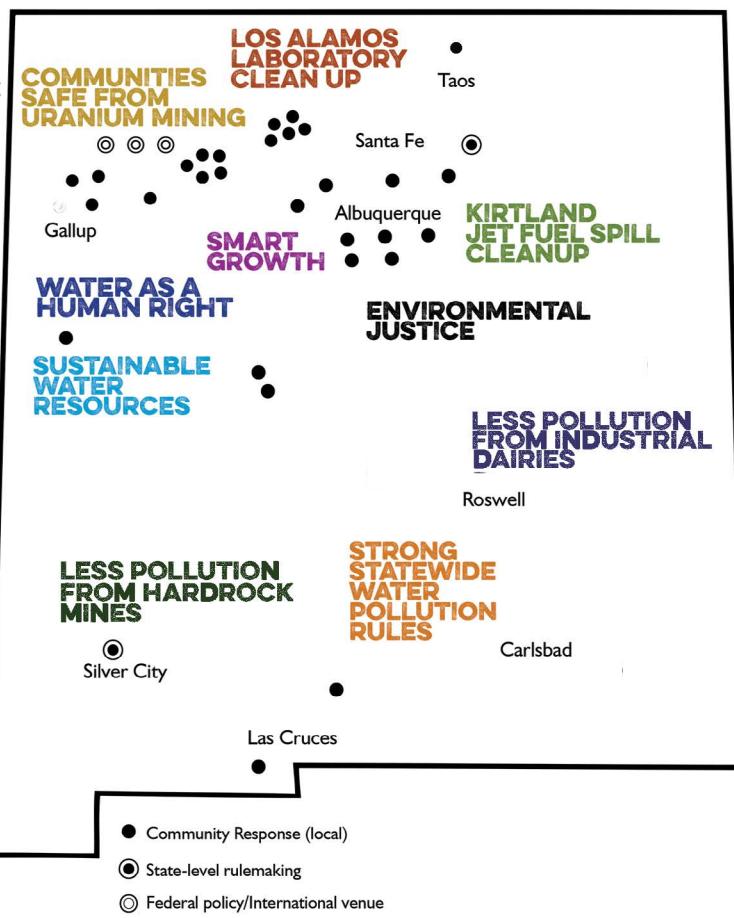
4 cases
Water Quality



2 cases
Industrial
Dairies



2 cases
Solid Waste



2018 Clients

100s of Individuals
Abbe Springs Landowners Association
Amigos Bravos
Center for Biological Diversity
Gila Conservation Coalition
Gila Watershed Alliance
Center for Social Sustainable Systems
Colonia Development Council
Communities for Clean Water
Concerned Citizens for Nuclear Safety (CCNS)
Deep Well Protest
Eastern Navajo Diné Against Uranium Mining (ENDAUM)
Elk Ridge Pass Development Company
Gila Conservation Coalition
Gila Resources Information Project (GRIP)
Conservation Voters New Mexico Education Fund
Hillsboro Mutual Domestic Water Consumers Association
Hillsboro Pitchfork Ranch
Homestead Landowners Association
Honor Our Pueblo Existence (HOPE)
Lea County Concerned Citizens
Mountain View Neighborhood Association
Multicultural Alliance for a Safe Environment (MASE)
New Mexico Acequia Association
New Mexico Health Equity Working Group
New Mexico Voices for Children
Nuclear Watch New Mexico
Pajarito Village Association
Partnership for Earth Spirituality
Red Water Pond Road Community Assoc.
San Pedro Creek Estates
South Valley Coalition of Neighborhood Associations
South Valley Regional Association of Acequias
SouthWest Organizing Project (SWOP)
Tewa Women United
Think New Mexico
Top of the World Land Company
Turner Ranch Properties
Wildwood Highlands Landowners Association



Impact Report

2018

NEW MEXICO
Environmental Law Center



Year In Review

*Protecting New Mexico's communities
and our air, land and water in the
fight for environmental justice.*

Dear Friends,

Thanks to your support, the Law Center continued to grow in 2018. After successfully meeting a matching grant opportunity, we were able to hire another full-time attorney and hire our first ever paralegal. Our staff now numbers eleven, all working to protect New Mexico's air, land, water and communities.

As you will read in our Top 10 Stories of 2018, we and our clients achieved a significant victory in the Augustin Plains Ranch water grab case, protecting millions of gallons of drinking water from being siphoned off for private gain. On the other hand, there was a hard defeat in the NM Supreme Court on the Copper Rule – allowing pollution of groundwater below any copper mine in the state – and a setback when the Mt. Taylor uranium mine “return to operational” permit was granted. Other cases are progressing.

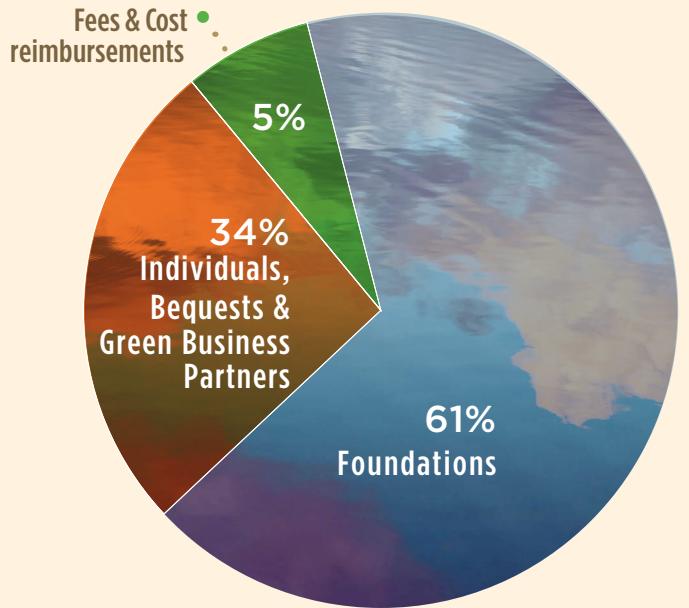
Thank you for your continued support, which makes all this work possible.

Yours truly,

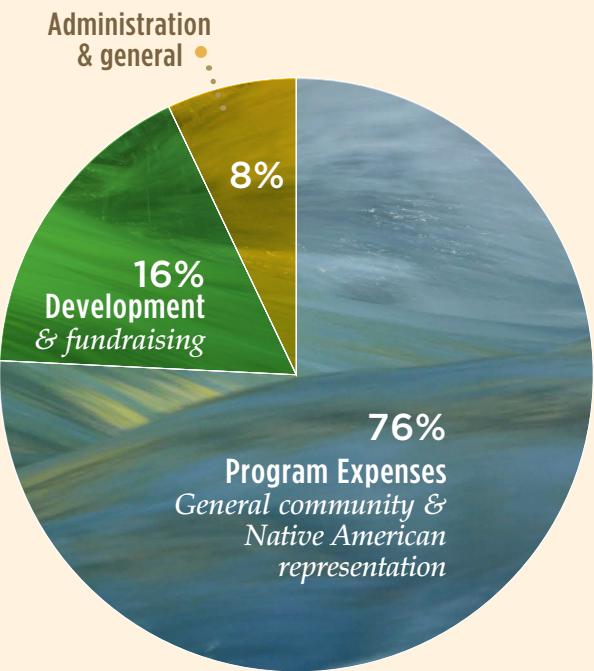
Douglas Meiklejohn
Executive Director



2018 Unaudited Financial Report



Total Income: \$1,103,749



Total Expenses: \$1,069,667

Foundation revenue includes Contributions Receivable and multi-year grants pledged in 2017 though coming in future years. If you have any questions about our accounting, please contact Yana Merrill, Director of Administration and Finance, at ymerrill@nmelc.org or (505) 989-9022.

"We appreciate very much that such a small and dedicated group does such a great job against such odds and big money and feel that when we give to you we are investing not only in the environmental future of New Mexico, but the entire country."

Stuart Feen and Sunny Sonnenschein –
Santa Fe, NM and Chicago, IL (supporters since 2012)

2018 NMELC Annual Report

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"We could never have been able to stand up for the families in San Jose and Mountain View [neighborhoods in Albuquerque] without the help and support from the staff of NMELC who truly care for the families of New Mexico."

▪ Esther and Steven Abeyta, Albuquerque (clients)

Top 10 Stories of the Year

Your support made work on these important cases possible in 2018

1 Augustin Plains Ranch – Our clients celebrated a big victory in August when the State Engineer denied (again) as speculative Augustin Plains Ranch's most recent application for withdrawal of 17 billion gallons per year of groundwater, threatening agricultural and drinking water wells in the area. The Ranch has appealed the decision. (*Clients: nearly 100 ranchers, farmers, & other property owners; attorneys: Douglas Meiklejohn & Jaimie Park*).

2 Santolina Proposed Development – Our clients have appealed the Level A Master Plan to the Court of Appeals and the Level B1 plan to District Court. The developer, Western Albuquerque Land Holdings, has not met the requirement to show where it will get water for the projected 90,000 residents on the West Mesa. The Albuquerque Bernalillo County Water Utility Authority has not made a commitment to provide water and sewer services and has advised the developers that substantial infrastructure needs to be built to use recycled water for water service. (*Clients: SouthWest Organizing Project, NM Health Equity Working Group, Center for Social Sustainable Systems, neighborhood & acequia associations, several individuals; attorneys: Douglas Meiklejohn & Jaimie Park*).



3 Copper Mine Rule – The New Mexico Supreme Court upheld the Copper Mine Rule. The Rule sets the “point of compliance” with water quality standards outside a mine pit’s area of open hydrologic containment. This “strategic containment” is contrary to the Water Quality Act’s purpose of preventing and abating water pollution. Other industries see the Rule as a model for easing permitting and reducing opportunities for public participation. (*Clients: Amigos Bravos, Gila Resources Information Project; attorneys: Douglas Meiklejohn & Jaimie Park*).

4 Copper Flat Copper Mine – Copper Flat is the first copper mine permit process under the Copper Rule. The state Environment Department (NMED) granted a groundwater discharge permit and our clients petitioned the Water Quality Control Commission (WQCC) for a review. Separately, the Mining & Minerals Division (MMD) held a mine operating permit hearing. Our clients oppose the three regulatory requirements remaining for a mine permit: 1) an NMED Determination that permitted activities will comply with environmental standards; 2) approved financial assurance; and 3) Bureau of Land Management approval of the proposed mining operation. (*Clients: Turner Ladder Ranch, Hillsboro Pitchfork Ranch, Gila Resources Information Project; attorneys: Charles de Saillan & Jaimie Park*).

5 Mt. Taylor Mine – The Mining Commission approved the Mt. Taylor Mine “return to operational” permit. The decision essentially means anything a mining company does that “disturbs” the land is mining and that “mining” does not require ore extraction. The mine was in its 19th year of “standby” status and would have had to begin reclamation in late 2019. The decision allows the mine’s owner, Rio Grande Resources, to avoid mine reclamation. Our clients have appealed the decision to the 1st Judicial District Court. (*Clients: Amigos Bravos, the Multicultural Alliance for a Safe Environment; attorney: Eric Jantz*).



Chino Copper Mine Open Pit
Photo: GRIP

6 Los Alamos National Laboratory (LANL) Consent Order – A US District Court judge ruled that the portion of our client’s lawsuit seeking penalties can go forward. Our clients had sued LANL management and the Department of Energy (DOE) over repeated violations of the 2005 Consent Order on cleanup, accruing \$272 million in possible fines. In allowing the case to proceed, the judge noted that the DOE and LANL management had not proven that violations would not continue. (*Client: Nuclear Watch New Mexico; attorney: Jon Block*).

7 LANL Discharge Permits – It was a busy year for discharge permits at LANL. Our client, Communities for Clean Water (CCW), received a hearing on groundwater discharge permit (DP) 1793, which regulates disposal of wastewater generated by the monitoring and cleanup of chromium, RDX, and perchlorate in the drinking water aquifer under LANL and the Pueblo of San Ildefonso. The hearing resulted from a 2017 Court of Appeals decision for our clients that NMED and the WQCC violated the Water Quality Act in previously denying a public hearing on the permit. CCW also challenged DP-1132, which regulates the Radioactive Liquid Waste Treatment Facility (RLWTF), arguing that because there is no discharge from the facility, a permit under the Water Quality Act is inappropriate and the facility should be regulated as a hazardous waste site under the more stringent Resource Conservation and Recovery Act (RCRA). The case is on appeal to the WQCC. In a separate case, Concerned Citizens for Nuclear Safety (a member of CCW) asked Region 6 of the EPA to remove the National Pollutant Discharge Elimination System (NPDES) discharge permit for Outfall 051 from the RLWTF because there is no longer a discharge. Region 6 refused, as did the EPA Environmental Appeals Board. The case is now at the federal 10th Circuit Court of Appeals. (*Attorney: Jon Block*).

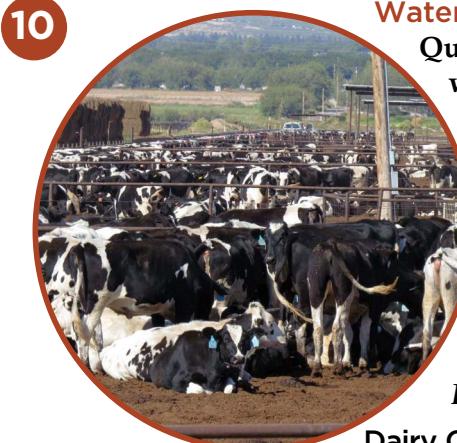


Case File DP-1132

8 Sunport Extension/Woodward Improvements – Mayor Keller withdrew Albuquerque’s support for the Sunport Boulevard Extension west across I-25 down to Broadway. That project and the Woodward project from Broadway to 2nd Street are almost entirely within the City. In July, our clients submitted comments on Bernalillo County’s third Environmental Assessment, arguing the EA did not meet Federal Highway Administration requirements and that the County, which is pushing the projects, failed to address air quality-related health impacts. (*Clients: SouthWest Organizing Project, Steven & Esther Abeyta; attorney: Jon Block*).

9 South Valley Air Quality Issues – Our clients filed a Petition for a hearing with the Albuquerque-Bernalillo Air Quality Control Board on yet another air quality permit in the South Valley, this time for a hot mix asphalt plant. The Board has refused in the past to consider cumulative impacts on air quality when making permit decisions. In 2016, the EPA agreed to investigate a federal Title VI civil rights complaint our clients filed claiming a disproportionate burden on low-income communities and communities of color. The investigation has been on hold pending the Board’s decision on engaging in mediation with our client. (*Clients: SouthWest Organizing Project, Esther & Steven Abeyta, Mountain View Neighborhood Association, Nora Garcia; attorney: Eric Jantz*).

10 Water Quality Rule Changes – NMED filed a petition to amend Water Quality Act regulations with the WQCC, which adopted a new groundwater discharge rule granting variances in perpetuity. Variances allow facilities to avoid compliance with regulations and had been limited to five years. The new rule eliminates the mandatory public notice and public hearing on a variance every five years. Our clients appealed the decision to the Court of Appeals. NMED withdrew another proposed rule change to allow “minor changes” to permits without public notice or a hearing. “Minor” changes could include significant permit information such as change in discharge location, increase in discharge volume, and change in discharge quality. (*Clients: Amigos Bravos, Gila Resources Information Project; attorney: Jaimie Park*).



Dairy CAFO Photo: Dan Lorimier, Sierra Club

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Thank you! Your generous support makes our work possible.

"Thank you for all your effort and support of what is beautiful, essential and good."

▪ James McGrath, Santa Fe (member since 1991)

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"Marched on Sept. 8th. Saw your org. at the event. Read what you are accomplishing. Had to support your work."

▪ Liza White, Albuquerque (new member in 2018)

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