

August 2020 GreenFire report

Dear NMELC Supporters,

It is with great excitement and honor that I write this message to you in my capacity as the new Executive Director of the New Mexico Environmental Law Center. It is a position that I will always regard with great respect, humility, and commitment.

My entire professional life has focused on serving communities – as a long-time educator, former faculty member, former executive director, researcher, and community advocate. Dedicating my life and work to the community's well-being, especially communities that continue to face historic oppression, is part of my core.

As a daughter and granddaughter of former field workers, I am deeply connected to land and water. As an individual who is connected to Indigenous ceremonial traditions, I have been taught by elders what it means to hold land, water, and our entire environment as sacred. When it is stated that land and water are sacred, it is not simply a statement or a trend. For Indigenous and Native Peoples, it is a way of life that entails a life-long commitment to being good stewards of Mother Earth.

I am indebted to my elders, mentors, and community for their guidance as I continue my life-long work in protecting Mother Earth. These are teachings and philosophies that I bring with me as I begin my journey with the NMELC and that will continue to guide the work I carry out as the Executive Director.

It is my intent to continue to build upon and expand the powerful work of the NMELC. I am looking forward to working with the dedicated NMELC attorneys and staff in continuing to represent and serve communities across New Mexico, especially those who are most impacted by the long-term effects of environmental racism and injustices.

I am happy to share that the NMELC has already begun an in-depth Diversity, Equity, and Inclusion (DEI) process that will be integrated across the entire organization – from the work we do with clients and community members, advocacy, public education, policy work, and beyond. But most importantly, it is work that will be implemented internally - across our entire team and especially within ourselves. Transformative DEI work is not achieved through a workshop or training, it is a life-long process that we commit to. Focusing on equity is a fundamental part of my work and my belief system and I bring this experience with me to the NMELC.

Another priority area will be in integrating and building authentic community partnerships. As someone who is connected to community organizing and advocacy work, I understand the importance of trust-building and working alongside community members in demanding justice and creating change.

The environmental justice movement must place communities, especially those most impacted by environmental racism, at the forefront and that is something we will fully reflect and integrate in our work.

Many thanks to Eric Jantz for his leadership while serving as Interim Executive Director. We all thank you for your long-time commitment to the NMELC and for ensuring the good work of the center during this transition. I also would like to thank the entire Board of Directors and NMELC Founder Doug Meiklejohn, for entrusting me to lead this powerful organization they have built.

Lastly, I thank everyone – from our members, volunteers, funders, donors, and friends - for their continued support of the NMELC throughout the years. Our work and success is not possible without you and it is my sincere hope that together we can continue to work with New Mexico's communities in protecting their air, land, and water in the fight for environmental justice.

In solidarity,
Dr. Virginia Necochea, Executive Director

WELCOME MASLYN LOCKE, NEW STAFF ATTORNEY

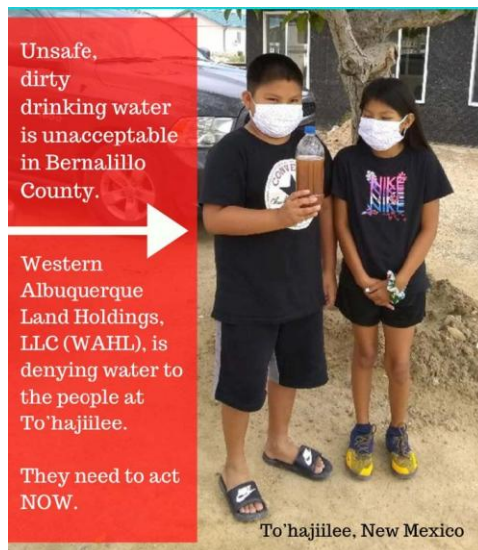


Maslyn Locke grew up in Los Alamos, New Mexico and, after spending the better part of the last decade studying and organizing in Lawrence, Kansas, she returned to New Mexico to work as an environmental and economic justice advocate in her home state.

She joins the Law Center after working as a community organizer with Greenpeace, a policy advocate with the Appleseed Network, and, most recently as a staff attorney with New Mexico Legal Aid, providing free civil legal services to low-income communities. She has organized successful issue campaigns at a national level, worked with the Natural Resources Defense Council in Washington, D.C., to protect endangered species and advocate for clean air and water in low-income communities, and assisted with the defense of activists and organizations with the Civil Liberties Defense Center in Eugene, Oregon.

Maslyn earned a B.A. in Psychology and Global and International Studies, a Master's degree in Social Work Policy Practice and a J.D. from the University of Kansas.

DON'T LET CORPORATE GREED DENY WATER TO A COMMUNITY



Call to Action: Take A Stand to Support To'hajiilee in Accessing Clean Water

“Water is life and without clean water, we are in a serious crisis situation here.”

-To'hajiilee Navajo Chapter President Mark Begay

Access to clean drinking water is a fundamental human right that should never be denied to anyone, especially during this time that our nation is living through a pandemic. The data paints a clear picture of who is being most disproportionately impacted by the pandemic in New Mexico – Native communities, especially the Navajo Nation.

The Village of To'hajiilee, located along the western most boundary of Bernalillo County, is a chapter of the Navajo Nation. Currently, the wells that supply clean water to To'hajiilee have dried up resulting in the shipping in of any and all water for household and community needs, including water needed for schools and clinics. Now more than ever does the community need access to clean drinking water.

We are asking NMELC members and supporters to take a stand with To'hajiilee in demanding their right to clean water during a time when the Navajo Nation and other Native communities are being disproportionately impacted by the pandemic. Without clean water, a community is left to face a deadly virus without one of the most important tools to protect it – water.

**Call the agents for WALH (owners of Santolina),
Garrett Development and Asset Management:**

**Jeff Garrett at Jeff@gdc-az.com AND
Ted Garrett at ted@ggi-nm.com, or at 480-970-4005**

**Tell them that WAHL needs to agree to provide the right of way to the Village of
To'hajiilee immediately, it's the humanitarian thing to do.**



**we are
#stillhere**

REMEMBERING THE ATOMIC BOMBINGS AND URANIUM MINERS

The members of the Multicultural Alliance for a Safe Environment understand the impacts of nuclear weapons and reactor Development. Our communities are survivors of the first link in the Nuclear Fuel Chain. Digging uranium out of the ground exposed our communities to lifetimes of radioactive poison in our bodies, the waters, the land and the air.

At 5:30am on July 16, 1979, a waste dam at the Church Rock Uranium Mine in New Mexico failed, releasing 1,100 tons of uranium waste and 94 million gallons of radioactive water into the Rio Puerco, across the Navajo Nation, and into Arizona.

It is the largest accidental radioactive release in US history. The radioactive waste killed livestock, poisoned the land and drinking water, and sickened the communities in its wake.



THE COMPLICATED HISTORY OF ENVIRONMENTAL RACISM

Many people understand the environment as a force of nature that cannot favor or disfavor different populations. However, similar to all things on Earth, the environment is subject to human influences. Unfortunately, these influences often tend to lower their hands to the worsts of our society including racism and classism. This can ultimately create environmental racism.

Honors College Assistant Professor Myrriah Gómez studies environmental racism and specifically their effects in New Mexico. When introducing the topic, she notes that Dr. Benjamin Chavis initially coined the term “environmental racism,” but a comprehensive definition comes from Robert Bullard in his book *Dumping in Dixie*.

Bullard defines environmental racism as “any policy, practice or directive that differentially affects or disadvantages (where intended or unintended) individuals, groups or communities based on race.”

CASE UPDATE



MT. TAYLOR MINE - ERIC JANTZ, STAFF ATTORNEY

When the Mt. Taylor Mine announced it was closing last December, we and our community partners the Multicultural Alliance for a Safe Environment and Amigos Bravos knew our work wasn't done. Although the global pandemic has slowed the process down, the New Mexico Mining and Minerals Division and New Mexico Environment Department continue to evaluate the Mine's reclamation and groundwater remediation plans.

Along with MASE and Amigos Bravos, we will ensure that reclamation is done right. Already, we and our clients have identified numerous shortcomings with the Mine's proposed plan and are pressing the state regulatory agencies to require changes to the proposed plan.



PRODUCED WATER - DOUG MEIKLEJOHN, STAFF ATTORNEY

The New Mexico Environmental Law Center and a private attorney are representing the Rio Grande Chapter of the Sierra Club in an administrative proceeding conducted by the New Mexico Oil Conservation Commission. The point of the proceeding is to consider the adoption of regulations proposed by the State Oil Conservation Division to implement (within the oil and gas industry) the Produced Water Act that was enacted by the State Legislature during the 2019 legislative session. The proceeding is not finished because the Commission has not made a formal decision to adopt regulations, but two points are already clear. One point is that the Sierra Club's two witnesses presented a forceful case for substantive regulations governing the use of produced water, which is the fluid that comes out of the ground with oil during oil and gas extraction operations.

First, Camilla Feibelman, who is the Director of the Rio Grande Chapter of the Sierra Club, testified that the Rio Grande Chapter of the Club is concerned about the regulation of produced water because of its potential impact on fresh water resources. She pointed out that if produced water comes into contact with fresh water resources, the produced water will contaminate those fresh water resources. She also explained that the oil and gas industry should be encouraged to use produced water in the industry's operations whenever possible so that fresh water resources do not have to be used in those operations.

Second, Norman Gaume, who is a retired licensed professional water engineer with 37 years of experience on water issues in New Mexico, also testified for the Sierra Club. He noted that the Produced Water Act calls for the regulation of produced water "in a manner that protects public health, the environment and fresh water resources." He then explained that the status quo with respect to produced water is unacceptable because of the large number of leaks and spills of produced water, and he urged that more stringent regulations be enacted to prevent those spills and leaks.

A second point made by the Sierra Club witnesses is the need for more data concerning the use of produced water and fresh water resources by the oil and gas industry. Both Ms. Feibelman and Mr. Gaume noted that large amounts of fluid are used in oil and gas extraction operations (particularly in hydraulic fracturing or "fracking"), and that the use of large amounts of fresh water in those operations has the potential to deplete New Mexico's limited fresh water resources. They therefore urged that the Oil Conservation Commission adopt regulations that require the collection of data showing how much produced water and how much water with various levels of total dissolved solids the oil and gas industry is using. Although the Commission did not accept other changes proposed by the Sierra Club, the Commission indicated that it would adopt this important provision. The Sierra Club was represented by Cara Lynch of the Baake law firm and Douglas Meiklejohn of the Environmental Law Center.



DRAFT METHANE RULE - CHARLES DE SAILLAN, STAFF ATTORNEY

The State of New Mexico is proceeding with the development of regulations to limit methane emissions from oil and gas production facilities. The Law Center is continuing to advocate for strong regulations to protect the health and well-being of all New Mexicans and to help combat the climate crisis.

Methane is a potent greenhouse gas. In the short term, methane is roughly 85 times more effective in trapping solar heat than the more familiar carbon dioxide. Oil and gas production is the primary source of methane emissions in New Mexico.

Methane and volatile organic compounds (VOCs), which are typically associated with methane, are harmful to human health. VOCs also contribute to the formation of ground-level ozone, another harmful pollutant. People living near oil and gas production facilities, which are disproportionately people of color, often suffer adverse health effects from breathing methane, VOCs, and elevated levels of ozone. Adverse health effects can include asthma, cardiovascular disease, and impaired lung development in children. One common VOC, benzene, is a known human carcinogen.

On July 20, 2020, the N.M. Environment Department (NMED) and the N.M. Energy, Minerals & Natural Resources Department, Oil Conservation Division (OCD), each released draft regulations to limit methane emissions from oil and gas production facilities. The NMED regulations would limit emissions of VOCs – and indirectly methane – under the authority of the N.M. Air Quality Control Act. The OCD regulations would limit emissions of methane as waste under the authority of the N.M. Oil Conservation Act, as methane is composed mostly of natural gas. The two sets of draft regulations are designed to be complimentary.

The draft regulations are a mixture of both good and bad. On the positive side, the OCD regulations would set a goal of 98% capture of methane emissions. On the negative side, the draft regulations would, in a number of circumstances, allow methane to be vented into the atmosphere. The NMED regulations would inappropriately exempt so-called “stripper wells,” marginal wells that produce relatively small quantities of oil or gas. The NMED regulations would also inappropriately exempt facilities that emit less than 15 tons per year of VOCs.

These regulations are particularly important because the Trump administration is severely rolling back federal regulation of methane emissions from oil and gas production.

The Agencies plan to propose final regulations to, respectively, the Environmental Improvement Board and the Oil Conservation Commission later this year. Assuming there is significant public interest, the EIB and the OCC will hold public hearings on the regulations before they are adopted.

A copy of the draft OCD regulations is available [here](#).

A copy of the draft NMED regulations is available [here](#).

CALL TO ACTION - METHANE DRAFT RULE

OCD is accepting public comment on the draft regulations until 5:00pm September 16, 2020.

Comments should be sent to: EMNRD.WasteRule@state.nm.us

NMED is accepting public comment on the draft regulations until 5:00pm September 16, 2020.

Comments should be sent to: nm.methanestrategy@state.nm.us

**Mailed to Liz Bisbey-Kuehn, NMED Air Quality Bureau,
525 Camino de los Marquez, Santa Fe, NM 87505**

GREEN BUSINESS PARTNER HIGHLIGHT



Horizons Sustainable Financial Services

Horizons Sustainable Financial Services offers a full range of investment services to further socially conscious values. Whether you're already familiar with Socially Responsible Investment (SRI) principles or looking to learn more about them, we can guide you in both selecting investments that support your personal values and engaging in shareholder advocacy to positively influence corporate behavior.

Kimberly Griego-Kiel, MBA, AIF,
Accredited Investment Fiduciary®
Chief Executive Officer

Listen to Kimberly's podcast **Deep Impact Investing** [here](#).

WE ARE THE CHAMPIONS IN THE FIGHT FOR ENVIRONMENTAL JUSTICE

The news in our newsletter this month underscores why we must never let up. Why we continue to stand strong for our communities and provide legal representation for those who cannot afford representation - for those who don't have a powerful voice - for those who have been exploited in the name of greed - no matter how long it takes in court. And sometimes it takes years. For that reason, we ask for your support!

MAKE IT MONTHLY. A recurring donation of \$10 or more each month will strengthen our resources and ensure our long-term work fighting the anti-environment forces affecting all of us. **THANK YOU!**

THANK YOU TO OUR GREEN BUSINESS PARTNERS





Our Contact Information

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