

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

AN ACT  
RELATING TO THE ENVIRONMENT; ENACTING THE SAN JUAN GENERATING  
STATION FACILITY AND MINE REMEDIATION AND RESTORATION STUDY  
ACT; REQUIRING THE ENERGY, MINERALS AND NATURAL RESOURCES  
DEPARTMENT AND THE DEPARTMENT OF ENVIRONMENT TO INVESTIGATE  
REMEDICATION AND RESTORATION OPTIONS FOR THE SAN JUAN  
GENERATING STATION FACILITY AND MINE; PROVIDING REPORTING  
REQUIREMENTS; AUTHORIZING THE ENERGY, MINERALS AND NATURAL  
RESOURCES DEPARTMENT AND THE DEPARTMENT OF ENVIRONMENT TO  
CONTRACT WITH OUTSIDE PROFESSIONALS TO ASSIST IN THE STUDY OF  
REMEDICATION AND RESTORATION OPTIONS FOR THE SAN JUAN  
GENERATING STATION FACILITY AND MINE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. SHORT TITLE.--This act may be cited as the  
"San Juan Generating Station Facility and Mine Remediation  
and Restoration Study Act".

SECTION 2. DEFINITIONS.--As used in the San Juan  
Generating Station Facility and Mine Remediation and  
Restoration Study Act:

A. "generating facility" means the abandoned coal-  
fired San Juan generating station in New Mexico;

B. "mine" means the mine associated with the  
generating facility;

C. "reclamation" means the rehabilitation of the

1 generating facility and mine to make the generating facility  
2 and mine acceptable for post-mining purposes that protect the  
3 natural resources and aesthetic value of adjoining areas;

4 D. "remediation" means the process of reversing or  
5 stopping environmental damage;

6 E. "restoration" means the process of restoring  
7 site conditions to the state they were in before generating  
8 facility and mining disturbances; and

9 F. "toxic metal contaminants" means the federal  
10 environmental protection agency's twenty-one identified  
11 constituents of concern in coal ash residue leachate, for  
12 which the federal environmental protection agency requires  
13 ground water monitoring. These constituents include boron,  
14 calcium, chloride, pH, sulfate, total dissolved solids,  
15 antimony, arsenic, barium, beryllium, cadmium, chromium,  
16 cobalt, fluoride, lead, lithium, mercury, molybdenum,  
17 selenium, thallium and radium 226 and 228.

18 SECTION 3. STUDY AND DOCUMENTATION--

19 DISSEMINATION OF STUDY--STUDY CONTENTS--REPORTING  
20 REQUIREMENTS.--

21 A. The energy, minerals and natural resources  
22 department and the department of environment shall coordinate  
23 efforts to:

24 (1) contract for a comprehensive study of  
25 the generating facility and mine to determine if there has

1 been any environmental contamination of the lands and waters  
2 on or adjacent to the generating facility and mine, including  
3 the presence of toxic metal contaminants; and

4 (2) develop an independent reclamation and  
5 restoration plan that addresses protecting the environment  
6 from contamination for human and ecosystem health and ground  
7 and surface water quality and prevents the migration of toxic  
8 metal contaminants and off-site pollution.

9 B. The energy, minerals and natural resources  
10 department and the department of environment shall make the  
11 remediation and restoration study available to the public on  
12 an accessible internet website and shall summarize the  
13 results of any inspections and data analysis in an executive  
14 summary.

15 C. No later than July 1, 2025, the energy,  
16 minerals and natural resources department and the department  
17 of environment shall provide a copy of the remediation and  
18 restoration study to the legislature and present specific  
19 measurable steps, informed by input from impacted  
20 communities, to oversee and enforce full remediation and  
21 restoration plans, including, to the extent possible, the  
22 cleanup of the generating facility and mine and prioritizing  
23 for employment workers who were previously employed at the  
24 generating facility and mine and workers residing in New  
25 Mexico. A presentation of the study shall occur at a meeting

1 of the legislative interim committee dealing with water and  
2 natural resources and shall detail how the energy, minerals  
3 and natural resources department and the department of  
4 environment shall ensure timely environmental compliance with  
5 the owners of the generating facility and mine to protect  
6 public health and welfare.

7 D. The energy, minerals and natural resources  
8 department and the department of environment shall provide  
9 annual updates to the legislature about the progress of  
10 remediation and restoration efforts pursuant to the San Juan  
11 Generating Station Facility and Mine Remediation and  
12 Restoration Study Act.

13 E. To the extent allowed by applicable laws, the  
14 energy, minerals and natural resources department and the  
15 department of environment are authorized to consider the  
16 results of this study in any permitting actions related to  
17 the generating facility or mine.

18 F. The independent restoration and remediation  
19 plan shall not be considered a rule or standard for purposes  
20 of the Water Quality Act but shall be considered a planning  
21 document. Planning documents are not rules or standards  
22 under the Water Quality Act.

23 G. As used in this section, "planning document"  
24 means a document that is used to guide future actions and  
25 strategies to meet water quality rules or standards.

1 Planning documents may include remediation plans, restoration  
2 plans and total maximum daily loads.

3 SECTION 4. AUTHORIZATION TO CONTRACT WITH OUTSIDE  
4 PROFESSIONALS TO ASSIST IN THE REMEDIATION AND RESTORATION  
5 STUDY.--The energy, minerals and natural resources department  
6 and the department of environment are authorized to contract  
7 with environmental engineers, hydrologists, geochemists and  
8 other professionals or consultants as needed to perform a  
9 rigorous study of the generating facility and mine to:

10 A. investigate and determine the extent of any  
11 environmental contamination;

12 B. create an independent restoration and  
13 remediation plan to remediate and prevent environmental  
14 contamination and impacts to ground water with long-term,  
15 measurable cleanup and performance standards; and

16 C. address the probability of adverse effects to  
17 human health and community resilience, particularly resulting  
18 from ground water contamination.

19 SECTION 5. EFFECTIVE DATE.--The effective date of the  
20 provisions of this act is July 1, 2023. \_\_\_\_\_

21  
22  
23  
24  
25