

HB 142 - GENERATING FACILITY AND MINE REMEDIATION ACT

Sponsored by:
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Public Service Company of New Mexico ("PNM") has closed its flagship coal plant, San Juan Generating Station (San Juan) and the adjacent San Juan Mine (SJM), after 50 years of operation. PNM and other owners are required by San Juan County Ordinance to decommission the coal plant, but communities need assurance that foreseeable contamination does not occur. New Mexican communities, especially Diné communities, know too well about what happens when industrial polluters are allowed to walk away from projects at the time of closure. This bill:

- Allocates funding and responsibility to the New Mexico Environment Department and the Environment, Minerals and Natural Resources Department to conduct a comprehensive, independent study of the current status and risks posed by existing contamination at the site.
- Requires plant owners to engage stakeholders and San Juan County communities in devising a plan for full decommissioning and cleanup of the plant and mine.
- Requires prioritization of previously employed San Juan plant and mine workers to be hired for cleanup operations.
- Provides for monitoring and enforcement of plan implementation by PNM and other owners.
- Provides for regular reports back to the legislature on progress made.

What are the dangers if action is not taken?

Health risks - The San Juan plant and mine are contaminated with open wastewater pits and at least 59,000,000 tons of Coal Combustion Residuals, aka coal ash, stored in unlined pits, making the likelihood of leaching from these waste contaminants foreseeable.

The Environmental Protection Agency (EPA) identified 21 constituents of concern in CCR leachate, for which they require groundwater monitoring, including boron, calcium, chloride, fluoride, pH, sulfate, total dissolved solids (TDS) and antimony, arsenic, barium, beryllium, cadmium, chromium, cobalt, fluoride, lead, lithium, mercury, molybdenum, selenium, thallium, and radium 226 and 228. **Coal ash is incredibly dangerous. Short-term exposure can bring irritation of the nose and throat, dizziness, nausea, vomiting, and shortness of breath. Long-term exposure can lead to liver damage, kidney damage, cardiac arrhythmia, and a variety of cancers.**

COAL ASH POLLUTANT	HEALTH IMPACTS		
	INGESTION		
As 33 74.92159 ARSENIC	nervous system damage	cardiovascular issues	urinary tract cancers
	lung cancer	skin cancer	
EXPOSURE			
Hg 80 203.59 MERCURY	POSES PARTICULAR RISK TO CHILDREN, INFANTS, AND FETUSES		
	nervous system damage	developmental defects like reduced IQ and mental retardation	
EXPOSURE			
Pb 82 207.2 LEAD	THERE IS NO SAFE LEVEL OF LEAD EXPOSURE, PARTICULARLY FOR CHILDREN		
	brain swelling	kidney disease	cardiovascular problems
	nervous system damage	RIP	death
INGESTION			
Cr 24 51.996 CHROMIUM	stomach ulcers	intestinal ulcers	stomach cancer
			anemia
FREQUENT INHALATION			
	asthma	wheezing	lung cancer

Industry data from more than 548 disposal units at 292 power plants and offsite disposal areas found that 91% of coal plants are contaminating the groundwater with unsafe levels of toxic contaminants from coal ash in ponds and landfills. Contamination may go undetected in nearby private wells for years, because most coal ash pollutants have no telltale taste or color.

"Obtaining a thorough and independent assessment of the threat posed by coal ash is essential to protect the communities that rely on the San Juan River and its tributaries. The San Juan Watershed is jeopardized by the extraordinary volume of toxic coal ash disposed at the San Juan Generating Station and the San Juan Mine. To protect human health and the environment, hazardous substances in the 59 million tons of disposed ash must be prevented from entering groundwater and surface water. In light of the history of toxic substances leaching from coal ash improperly disposed by Public Service New Mexico (PNM) at the San Juan plant and mine, an independent assessment is essential to ensure timely actions are taken to protect the watershed, and the communities that rely on it, in perpetuity." - Lisa Evans, Senior Counsel Earthjustice, author of "Cleaning up Coal Ash for Good"

Economic risks - The economic risks posed by potential contamination of groundwater wells and the San Juan River are enormous. The river is a primary water source for Navajo and Jicarilla Apache people - well over 50 percent of the San Juan River watershed are Native American lands. The impacts of contamination will be much more widespread, with nearly every major population in New Mexico impacted by the river, whose waters are diverted to feed the Rio Grande reaching all the way to Albuquerque. **Two hundred thousand acres of land are irrigated in the San Juan watershed and recreational boating, fishing and rafting bring vital economic dollars to local communities.**

To ensure that toxic chemicals from the San Juan site do not contaminate groundwater and flow into the San Juan River, it is critical to remove coal ash from any risk of contact with groundwater. If coal ash comes in contact with groundwater, hazardous toxins will continue to leach into water in perpetuity. Contamination of the river via careless industry oversight poses an enormous economic risk to our state.

The health of the San Juan watershed and the people who depend on it cannot be left in the hands of corporate executives. It must be independently verifiable, transparent and thorough. Comprehensive cleanup now will prevent an environmental, health and economic disaster later.

An independent assessment and remediation plan will include measurable steps & shall:

- be informed by input from impacted community members;
- ensure that toxic metal contaminants don't leach into the ground and leak into waterways or otherwise harm the public, animals or agriculture and cause negative public health consequences;
- create necessary closure provisions and corrective actions that include safe and appropriate disposal of waste, regular groundwater monitoring and regular reporting available for the public on accessible internet sites.

An independent assessment could PREVENT leaking of toxic contaminants into the San Juan River, a catastrophic intergenerational injustice that must be avoided in New Mexico, where water is already a precious and dwindling resource. Rather than rubberstamp industry plans, an independent comprehensive assessment of the potential dangers and impacts to health and the economy is necessary to protect the San Juan community and those downstream.

Read more at: Poisonous Coverup: The Widespread Failure of the Power Industry to Clean Up Coal Ash Dumps, Environmental Integrity Project, November 2022 & Cleaning up Coal Ash for Good, Earthjustice, July 2021.

