**NEW MEXICO**
**ENVIRONMENT DEPARTMENT**

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855
www.env.nm.gov

*Michelle Lujan Grisham*
Governor

*Howie C. Morales*
Lt. Governor

*James C. Kenney*
Cabinet Secretary

*Jennifer J. Pruett*
Deputy Secretary

July 17, 2019

David W. Gray
Acting Regional Administrator
U.S. Environmental Protection Agency Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102
gray.david@epa.gov

RE: Chevron Mining Inc. Questa Mine

Dear Acting Regional Administrator Gray,

The New Mexico Environment Department ("NMED") is in receipt of the June 27, 2019 U.S. Environmental Protection Agency ("EPA") Region 6 correspondence to Chevron Mining Inc. ("CMI") in which EPA states that, in response to CMI's request, EPA is initiating the consolidation of CMI's NPDES permit into the CERCLA process for CMI's Questa Mine. Despite our positive and communicative relationship, EPA's decision to consolidate CMI's NPDES permit into the CERCLA process was made before obtaining input from the NMED.

As a signatory to the Partial Consent Decree, and co-Plaintiff in the associated Complaint filed in U.S. District Court (N.M.) in 2016, NMED expects EPA to consult with the State in a proactive manner prior to amending the Record of Decision ("ROD") and Partial Consent Decree ("PCD"), including the scope of work , for the Questa Mine Superfund Site. Given the consolidation process is likely to take several years, NMED requests EPA Region 6 institute the following interim measures to protect human health and the environment:

1. Publicly notice and issue a revised NPDES permit (NM0022306) for CMI's Questa Mine to ensure continuity of water quality protections for the Red River, and to correct several issues with the current, administratively continued permit;
2. Coordinate with NMED's Surface Water Quality Bureau ("SWQB") to conduct frequent and regular NPDES permit compliance inspections and follow-up promptly on noncompliance consistent with EPA enforcement policies to assure water quality protections until the consolidation is completed; and
3. Concurrence from EPA that costs associated with NMED participation, including SWQB, in the process of amending the ROD and negotiating a revised PCD and scope of work can be covered under the existing Cooperative Agreement.

In addition to consulting with NMED, it is imperative that EPA Region 6 proactively and meaningfully engage with stakeholders, including: the Village of Questa, interested community members, and the State of New Mexico.

EPA Region 6 and NMED share a long-standing and positive relationship in protecting public health and the environment through open and inclusive communication. NMED looks forward to greater collaboration with EPA on this matter prior to EPA making further decisions which impact New Mexico.

Sincerely,

James C. Kenney
Cabinet Secretary

Cc: James Payne, Regional Counsel, EPA Region 6, payne.james@epa.gov
Carl Edlund, Director, Superfund Division, EPA Region 6, Edlund.carl@epa.gov
Sarah Cottrell Propst, Cabinet Secretary, New Mexico Energy, Minerals and Natural Resources Division, sarah.propst@state.nm.us
Jennifer L. Hower, General Counsel, NMED, jennifer.hower@state.nm.us
Rebecca Roose, Director, Water Protection Division, NMED, roose.rebecca@state.nm.us
Jonathan Wallace, Questa Area Manager, Chevron Environmental Management, wallacej@chevron.com