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HB142 called for an 'independent' study of pollution caused by the Public Service Company of New Mexico (PNM). That independence is exactly what the public expected. As Rep. Rod Montoya, R-Farmington, said "having a third party come in to look at current conditions and help develop a plan is a fair proposal." (New Mexico Political Report February 23, 2023). Montoya went on to say that "people, especially those on Navajo Nation, "from Waterflow to Hogback, Shiprock to Arizona," deserve to have a third-party come in and look at the power plant and mine so that they can feel comfortable that no contamination will be coming from those facilities in the future."

Unfortunately for all of us, NMENV is partnering with the polluter, PNM, to perform this 'independent' study - from having PNM drill monitoring wells while ignoring existing data, to having PNM do the NMENV groundwater study for them. And now we are being told that the public cannot have access to any discussions between PNM and NMENV regarding the implementation of HB142. Not only is there no independence, there is no transparency.

I would like to think that it is not too late to get an 'independent' study. Frankly, I don't see how. How does one extract PNM's bias from the minds of NMENV staff after this much time and collusion?

And this comes on top of the inherent bias of having NMENV involved at all. We all should realize that any pollution NMENV finds is NMENV's fault. While PNM was polluting, NMENV was the regulator who allowed them to pollute.

If the NMENV finds any pollution and recommends clean up, I will be pleasantly surprised. If they don't, as a hydrologist who has worked on this site since about 1980, I can tell you now how they will technically justify their non-findings.