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NMENV lawyer Tatiana D. Engelmann told me - "To ensure that every member of the public is treated equally during this process, all members of the public shall submit public comments and questions to the dedicated public comment portal". I responded asking: "Do PNM and their contractors also have to use the public comment portal to communicate with NMENV?" Caitlyn Hall of NMENV responded: "As the permittee of DP-1843, DP-1327, and DP-306, PNM is responsible for any contamination resulting from activities under these permits. We work directly with PNM to ensure regulatory compliance and require them to take necessary actions to meet discharge permit regulations. This is protocol for all permittees and responsible parties."

I have read and re-read HB142. There is not a single mention of any permittee. The only related (single) mention states: "To the extent allowed by applicable laws, the energy, minerals and natural resources department and the department of environment are authorized to consider the results of this study in any permitting actions related to the generating facility or mine."

My point is simple - in the case of implementing HB142, PNM is not a permittee but one more member of the public and should be treated the same as everyone else. Any correspondence between NMENV and PNM should go through the same public comment portal.