

**STATE OF NEW MEXICO  
SECRETARY OF ENVIRONMENT**

<b>NEW MEXICO ENVIRONMENT</b>	)	
<b>DEPARTMENT,</b>	)	
<b>Complainant,</b>	)	<b>ADMINISTRATIVE ORDER</b>
	)	<b>NO. HWB-25-04</b>
<b>v.</b>	)	
	)	
<b>U.S. DEPARTMENT OF ENERGY</b>	)	
<b>&amp; SALADO ISOLATION MINING</b>	)	
<b>CONTRACTORS, LLC,</b>	)	
<b>Waste Isolation Pilot Plant Co-Permittees</b>	)	
<b>EPA ID #: NM4890139088,</b>	)	
<b>Respondents.</b>	)	

**RESPONDENTS’ ORIGINAL ANSWER AND REQUEST FOR HEARING**

The U.S. Department of Energy (DOE) and Salado Isolation Mining Contractors, LLC, (SIMCO) (jointly referred to as Respondents) timely file this Respondents’ Original Answer and Request for Hearing in response to the Administrative Compliance Order No. HWB-25-04 issued by the New Mexico Environment Department (NMED) on July 25, 2025. <sup>1</sup>

**A. REQUEST FOR HEARING**

**DOE AND SIMCO DENY ALL ALLEGATIONS AND REQUEST A HEARING.**

Pursuant to NMSA 1978, Section 74-4-10(H) of the New Mexico Hazardous Waste Act (HWA), and NMED’s Adjudicatory Procedures, 20.1.5.200 NMAC, the Respondents request a hearing be conducted in this matter.

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<sup>1</sup> Pursuant to NMSA 1978, Section 74-4-10(H) the deadline to request a hearing is no later than thirty days after the ACO is served. Thirty days after the date of the ACO is Sunday, August 24, 2025. Pursuant to 20.1.5.100.G.(1), this document is filed timely on Monday, August 25, 2025, the next day which is not a Saturday, Sunday, or legal state holiday.

## **B. GENERAL DENIAL**

**DOE AND SIMCO SAFELY OPERATE THE WASTE ISOLATION PILOT PLANT (“WIPP”) FACILITY, AND TRANSPORT AND DISPOSE OF HAZARDOUS WASTE, IN COMPLIANCE WITH APPLICABLE LAWS, REGULATIONS, AND THE FACILITY PERMIT.**

Respondents deny each and every, all and singular, allegations contained in the Administrative Compliance Order (ACO) issued by the NMED Hazardous Waste Bureau (HWB) to Respondents on or about July 25, 2025, (copy attached) and demand the Complainant provide strict proof thereof.

## **C. SPECIFIC DENIALS**

**THE GAO AND DNFSB DOCUMENTS RELIED ON BY NMED ARE UNENFORCEABLE, NOT EVIDENCE OF NON-COMPLIANCE, AND CANNOT SERVE AS THE SOLE BASIS FOR THE ALLEGED VIOLATIONS.**

1. Respondents specifically deny the allegations contained in Paragraph B.2. of the ACO.

2. Respondents specifically deny the U.S. Government Accountability Office (GAO) report GAO-25-107333 (GAO Report) is an independent federal audit as stated in Paragraph B.2.

3. Respondents specifically deny the GAO Report is evidence of systemic failures in infrastructure maintenance and oversight at WIPP in violation of the WIPP Hazardous Waste Facility Permit (Permit) issued by the Secretary of NMED to Respondents as stated in Paragraph B.2.

4. Respondents specifically deny the letter from the Defense Nuclear Facilities Safety Board (DNFSB) (DNFSB letter) is evidence of failure to maintain critical infrastructure at the WIPP in accordance with Permit requirements as stated in Paragraphs B.3. and B.4.

5. Respondents specifically deny allegations contained in Paragraph B.4. of the ACO.
6. Respondents specifically deny the allegation of failure to maintain critical infrastructure in accordance with Permit requirements as stated in Paragraph B.4.
7. Respondents specifically deny factual allegations contained in Paragraph C.1. of the ACO.
8. Respondents specifically deny the allegation contained in Paragraph C.1. that they failed to maintain mission-critical infrastructure in a condition consistent Permit Part 1, Section 1.7.7.
9. Respondents specifically deny a violation of Permit Part 1, Section 1.7.7 has occurred as stated in Paragraph C.1.a.
10. Respondents specifically deny factual allegations contained in Paragraph C.2. of the ACO.
11. Respondents specifically deny the allegation contained in Paragraph C.2. that they have failed to maintain evacuation equipment as required by the Permit.
12. Respondents specifically deny that DOE and/or SIMCO have failed to implement timely corrective actions on escapeway hoists at WIPP as stated in Paragraph C.2.
13. Respondents specifically deny the allegation contained in Paragraph C.2.a. that they have failed to maintain escapeway hoists as required by the Contingency Plan.
14. Respondents specifically deny a violation of Permit Part 2, Section 2.10.1 has occurred as stated in Paragraph C.2.a.
15. Respondents specifically deny factual allegations contained in Paragraph C.3. of the ACO.

16. Respondents specifically deny allegations of failure to initiate timely corrective action to repair degraded equipment as stated in Paragraph C.3.a.

17. Respondents specifically deny allegations of failure to maintain WIPP and its systems in good repair as stated in Paragraph C.3.a.

18. Respondents specifically deny allegations contained in Paragraph C.3.b. that they failed to act on inspection data and address known deficiencies.

19. Respondents specifically deny allegations that violations of Permit Part 1, Section 1.7.7, in conjunction with Permit Attachment E, Section E-1 and Table E-1 have occurred as stated in Paragraph C.3.b.

20. Respondents specifically deny factual allegations contained in Paragraph C.4. of the ACO.

21. Respondents specifically deny allegations of failure to maintain equipment integrity required for design-basis events as stated in Paragraph C.4.

22. Respondents specifically deny the allegation that long-term deterioration of hoist systems has caused the systems to no longer meet the design requirements as stated in Paragraph C.4.

23. Respondents specifically deny the allegation in Paragraph C.4.a. that they have failed to maintain equipment integrity at the WIPP required for design-basis events.

24. Respondents specifically deny the allegations contained in Paragraph C.4.a. that they have failed to ensure continued integrity and qualification of the waste shaft conveyance systems to meet original design standards.

25. Respondents specifically deny a violation of Permit Attachment A2, Section A2-2a(1) as stated in Paragraph C.4.a.

26. Respondents specifically deny the basis for safe operation under seismic and emergency conditions has been undermined as stated in Paragraph C.4.a.

27. Respondents specifically deny factual allegations contained Paragraph C.5. of the ACO.

28. Respondents specifically deny the allegation that condition data entered into the Federal Infrastructure Management System (FIMS) was frequently inaccurate or outdated as stated in Paragraph C.5.

29. Respondents specifically deny that DOE was aware of the discrepancies of condition data entered into FIMS as stated in Paragraph C.5.

30. Respondents specifically deny that DOE did not require its contractor to correct discrepancies in condition data entered into FIMS as stated in Paragraph C.5.

31. Respondents specifically deny the allegation contained in Paragraph C.5.a. that failure to ensure accurate documentation of infrastructure conditions constitutes a violation of Permit Part 1, Section 1.7.7.

32. Respondents specifically deny the allegation they failed to ensure compliance and protect human health and the environment as stated in paragraph C.5.a.

33. Respondents specifically deny that a violation of Permit Part 1, Section 1.7.7. occurred as stated in Paragraph C.5.a.

#### **D. AFFIRMATIVE DEFENSES**

**NMED'S ISSUANCE OF THE ACO EXCEEDS STATE AUTHORITY UNDER RCRA, THE SOVEREIGN IMMUNITY WAIVER UNDER FFCA, AND IS ARBITRARY AND CAPRICIOUS, AND NOT BASED ON SUBSTANTIAL EVIDENCE.**

34. The allegations contained in the ACO are factually inaccurate. CBFO and SIMCO's highly effective infrastructure management approach and system health monitoring protocols have allowed WIPP to increase operational capabilities over the last two years notwithstanding aging infrastructure. WIPP has not experienced a situation where personnel safety has been compromised by aging infrastructure, WIPP has not missed a waste shipment due to critical equipment being out of service and, as the Defense Nuclear Facilities Safety Board acknowledged, WIPP's management systems comply with DOE Order 430.1C, *Real Property Asset Management*, and DOE Order 433.1B, *Maintenance Management Program for DOE Nuclear Facilities*. The strength of the management processes and system health protocols currently in place have enabled WIPP to extend the life of the aging infrastructure without interrupting the waste disposal mission.

35. WIPP has a robust inspection, testing, and maintenance process for alarms, monitoring systems, life safety equipment, etc. to ensure they are functional to protect human health and the environment. The procedures and records for these have been observed in NMED annual inspection.

36. DOE and SIMCO continue to make investments in critical infrastructure upgrades while simultaneously increasing WIPP's waste disposal capability to 17 shipments of transuranic waste each week. Examples of some of the recent infrastructure projects completed at WIPP include the construction of the Underground Ventilation System (UVS), which is a new, state-of-the-art, large-scale ventilation system designed to safely filter and control airflow within the

underground at WIPP; the Salt Pocket Refurbishment Project; and improvements to the Waste Hoist and Air Intake Shaft.

37. The allegations contained in the ACO are not supported by relevant, admissible evidence.

38. The GAO report and the DNFSB letter are not relevant, admissible evidence that can be used in a regulatory hearing to prove violations of a permit.

39. Concerns about the WIPP's continued compliance with Permit conditions are not evidence of violations of Permit conditions.

40. The NMED conducts annual compliance inspections of the WIPP. The annual compliance inspections do not support the allegations of noncompliance contained in the ACO. The allegations of noncompliance are based solely on the GAO report and the DNFSB letter.

41. To the extent the ACO is based solely on the GAO report and DNFSB letter, the NMED lacks jurisdiction to bring this action.

42. The GAO report and DNFSB letter contain findings and recommendations of non-regulatory organizations, are not enforceable by those organizations, and are not intended to form any part of the basis for State regulatory enforcement.

43. All mission-critical infrastructure at WIPP is properly operated and is maintained to achieve compliance with the conditions of the Permit.

44. Compliance with the conditions of the Permit is verified through the implementation of procedures and inspections.

45. Procedures and inspections are implemented to ensure escapeway hoists are maintained and the underground is operated to comply with 30 CFR 57.11050 and Permit Part 2, Section 2.10.1. ensuring safety of personnel and the public.

46. Inspections of equipment at WIPP are conducted on a routine basis. Procedures are in place and are followed to ensure timely repair and return to service of any equipment in need of repair. Inspection and repair records are maintained and provided to the NMED as part of compliance inspections.

47. The hoist systems at WIPP are routinely inspected, operated, maintained and equipped to ensure continued integrity and safety. Records are maintained and available to the NMED indicating continued compliance.

48. FIMS is not a requirement of the Permit and outside the jurisdiction of NMED.

49. Documentation of requalification or assessment of continued structural integrity to meet original design standards is not a requirement of the Permit.

50. The alleged violations are not within the scope of NMED RCRA regulatory authority.

51. NMED's standards for the enforcement actions set forth in the ACO are more stringent than those imposed on other regulated entities within the State, and are arbitrary and capricious, and an abuse of discretion, in violation of RCRA's limited waiver of sovereign immunity.<sup>2</sup>

52. Sovereign immunity has not been waived with respect to the subject matter of the alleged violations.

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<sup>2</sup> See RCRA §6001(a), 42 U.S.C. §6961(a) (The United States "shall be subject to, and comply with, all Federal, State, interstate, and local requirements, both substantive and procedural (including any requirement for permits or reporting...) to the same extent, as any person is subject to such requirements)." While RCRA §3009, 42 U.S.C. §6926, provides that state programs may contain requirements that are more stringent than the federal RCRA regulations, such more stringent requirements cannot violate applicable federal and state, and cannot be arbitrary and capricious or an abuse of discretion. Furthermore, the standards NMED has applied are more stringent than federal RCRA requirements without complying with procedural requirements under NM Stat. § 74-4-5, and without making requisite finding that the more stringent requirements are "necessary to protect public health and the environment..." Id. § 74-4-4(A).

53. The alleged violations and the report and letter upon which they are based are not consistent with the prohibition against disparate regulation of federal facilities.

54. NMED's actions are arbitrary, capricious, an abuse of discretion, not supported by substantial evidence, and otherwise not in accordance with the law.

### **E. PRAYER**

**THE ACO SHOULD BE DISMISSED. DOE AND SIMCO REQUEST A HEARING.**

For the reasons stated above, Respondents request the ACO be dismissed. In the alternative, Respondents request that a hearing be scheduled, noticed and held in accordance with Section 20.1.5.200, NMAC. Nothing herein shall prevent Respondents from seeking legal or equitable relief, either administratively or judicially, against NMED relating to the ACO or other legal or regulatory authority of the NMED.

**Respectfully submitted,**

**ATTORNEY FOR THE UNITED STATES  
DEPARTMENT OF ENERGY**

*//Signatures on File//*

Myles Hall  
Legal Counsel  
Department of Energy,  
Carlsbad Field Office  
4021 National Parks Highway  
Carlsbad, NM 88220  
Telephone: (575) 706-0033  
[Myles.Hall@cbfo.doe.gov](mailto:Myles.Hall@cbfo.doe.gov)

**ATTORNEYS FOR SALADO  
ISOLATION MINING  
CONTRACTORS, LLC**

*//Signatures on File//*

Jennifer L. Hower  
General Counsel  
Morgan D. Greer  
Legal Counsel  
Salado Isolation Mining Contractors, LLC  
4021 National Parks Highway  
Carlsbad, NM 88200  
Telephone: (575) 234-7376  
[Jennifer.Hower@wipp.doe.gov](mailto:Jennifer.Hower@wipp.doe.gov)  
[Morgan.Greer@wipp.doe.gov](mailto:Morgan.Greer@wipp.doe.gov)

Michael L. Woodward  
*Pro Hac Vice ID No. 140982*  
Hance Scarborough, LLP  
203 W. 10th Street, Ste. 600  
Austin, TX 78701  
Telephone: (512)479-8888  
[mwoodward@hslawmail.com](mailto:mwoodward@hslawmail.com)

**State of New Mexico**

**County of Eddy**

**AFFIRMATION STATEMENT**

Mr. Richard Chavez personally appeared before me and being first duly sworn declared that having read and reviewed this Respondents' Original Answer and Request for Hearing in the capacity designated, has indicated by his signature that to the best of his knowledge the information contained therein is believed to be true and correct.

*//Signatures on File//*

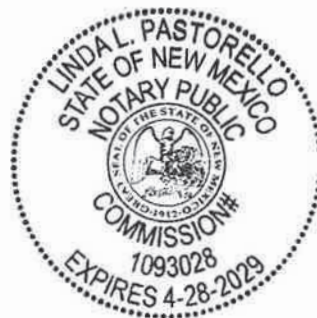
Richard Chavez  
Environmental Program Manager  
Salado Isolation Mining Contractors, LLC

Date: 8/25/25

*//Signatures on File//*

Notary Signature

Date: 8/25/25



## CERTIFICATE OF SERVICE

I hereby certify that, on August 25, 2025, the foregoing Respondents' Original Answer and Request for Hearing was served on the following:

Luis Lopez  
Pamela Jones  
Hearing Clerks  
New Mexico Environment Department  
1190 Saint Francis Drive, S-2103  
P.O. Box 5469  
Santa Fe, New NM 87502  
[luis.lopez@env.nm.gov](mailto:luis.lopez@env.nm.gov)  
[pamela.jones@env.nm.gov](mailto:pamela.jones@env.nm.gov)

Ray Romero  
New Mexico Environment Department  
Office of General Counsel  
1190 S. St. Francis Drive, Suite N-4050  
Santa Fe, NM 87505  
505-490-0063  
[ray.romero@env.nm.gov](mailto:ray.romero@env.nm.gov)

**//Signatures on File//**

Jennifer L. Hower

**STATE OF NEW MEXICO  
ENVIRONMENT DEPARTMENT**

**NEW MEXICO ENVIRONMENT )  
DEPARTMENT, )  
Complainant, )  
 )  
v. )  
 )  
**U.S. DEPARTMENT OF ENERGY )  
& SALADO ISOLATION MINING )  
CONTRACTORS, LLC, Waste Isolation Pilot )  
Pilot Plant Co-permittees, )  
EPA ID #: NM4890139088, )  
Respondent. )**  
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**ADMINISTRATIVE ORDER  
NO. HWB-25-04**

**ADMINISTRATIVE COMPLIANCE ORDER**

Pursuant to the New Mexico Hazardous Waste Act (“HWA”), New Mexico Statutes Annotated (“NMSA”) 1978, §§ 74-4-1 to -14, the Resource Protection Compliance and Enforcement Bureau (“RPCEB”) of the Compliance and Enforcement Division (“Division”) of the New Mexico Environment Department (“NMED”), issues this Administrative Compliance Order (“Order”) to the U.S. Department of Energy (“DOE”) & Salado Isolation Mining Contractors LLC (“SIMCO”), Co-Permittees of the Waste Isolation Pilot Plant (“WIPP”) facility (“Respondent”). This Order requires that Respondent, located at 34 Louis Whitlock Road, Carlsbad, New Mexico, perform corrective actions to comply with the Hazardous Waste Act (“HWA”) and the Hazardous Waste Management Regulations (“HWMR”) in the New Mexico Administrative Code (“NMAC”).

**A. PARTIES AND LAW**

1. Pursuant to the Department of Environment Act, NMSA 1978, §§ 9-7A-1 to -15, NMED is an agency of the executive branch within the government of the State of New Mexico.

2. NMED, through its RPCEB, is charged with administration and enforcement of the HWA and HWMR.

3. The U.S. Environmental Protection Agency (“EPA”) has granted the State of New Mexico delegated authority to implement the federal Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6901 to 6992k, within the state. The HWMR incorporate portions of 40 Code of Federal Regulation (“CFR”) §§ 260 through 270, 40 CFR § 279 and related federal regulations by reference.

4. The State of New Mexico adopted the federal hazardous waste regulations by reference on June 14, 2000. The State of New Mexico subsequently amended the HWMR on March 1, 2009 and on December 1, 2018, to adopt updated federal hazardous waste regulations.

5. Respondent is a “person” within the meaning of NMSA 1978, Section 74-4-3(M) of the HWA.

6. Respondent operates a mixed waste deep geologic repository facility, located at 34 Louis Whitlock Road, Carlsbad, New Mexico (“Facility”).

7. Respondent’s Facility is currently registered as a Large Quantity Generator of hazardous waste as defined in the HWMR, under EPA Identification Number NM4890139088.

8. Pursuant to NMSA 1978, Sections 74-4-10 and 74-4-12 of the HWA, the Respondent is liable for a civil penalty of up to \$10,000.00 per day of noncompliance for each violation of the HWA and HWMR.

9. If Respondent fails to comply in a timely manner with the Schedule of Required Corrective Actions (Section D, below), the Secretary may assess additional civil penalties of up to \$25,000 for each day of continued noncompliance pursuant to NMSA 1978, Section 74-4-10(C) of the HWA.

## **B. HWA INVESTIGATION**

1. On June 24, 2025, the U.S. Government Accountability Office (GAO) published report GAO-25-107333, titled “*Nuclear Waste Cleanup: DOE Needs to Improve Contractor Oversight at the Waste Isolation Pilot Plant,*” the Respondent’s Facility.

2. This independent federal audit presents evidence of systemic failures in infrastructure maintenance and oversight at WIPP that raise concerns about the Facility’s continued compliance with Permit conditions requiring operational maintenance of the Facility.

3. On June 18, 2025, the Defense Nuclear Facilities Safety Board (DNFSB) issued a letter to DOE following a focused review of shaft and escapeway hoists at WIPP.

4. The DNFSB identified significant safety concerns with the physical condition of multiple hoists. These findings further underscore DOE and SIMCO’s failure to maintain critical infrastructure in accordance with Permit requirements.

## **C. VIOLATIONS**

### 1. Violation 1. Failure to Maintain Facility Infrastructure in Good Repair

On June 24, 2025, the U.S. Government Accountability Office (GAO) published report GAO-25-107333, identifying over \$37 million in deferred maintenance at the Waste Isolation Pilot Plant (WIPP), with 29 of 56 mission-critical assets rated as “substandard” or “inadequate.” These include critical infrastructure such as hoists, electrical systems, and other operational components necessary for safe facility operation. Permit Part 1, Section 1.7.7 requires the Permittees to maintain the facility and associated equipment and structures in good repair to protect human health and the environment.

a. Respondents’ failure to maintain mission-critical infrastructure in a condition

consistent with Permit Part 1, Section 1.7.7 constitutes a violation of that section.

2. Violation 2. Failure to Maintain Evacuation Equipment as Required by the Permit

On June 18, 2025, the Defense Nuclear Facilities Safety Board (DNFSB) issued a letter to DOE identifying degradation and obsolescence of escapeway hoists at WIPP. The DNFSB noted that, despite awareness of the issues, DOE has failed to implement timely corrective action and that plans remain conceptual. Escapeways and associated hoisting equipment are mission-critical in the event of an underground emergency. Permit Part 2, Section 2.10.1 requires the Permittees to maintain at the facility the equipment specified in the Contingency Plan (Permit Attachment D).

a. Respondents' failure to maintain escapeway hoists as required by the Contingency Plan constitutes a violation of Permit Part 2, Section 2.10.1.

3. Violation 3. Failure to Address Identified Equipment Deficiencies

Permit Attachment E, Section E-1 requires that inspections identify equipment malfunctions or deterioration, and that deficiencies, discrepancies, or needed repairs are documented. Table E-1 outlines detailed inspection criteria for deterioration and operability, including items such as corrosion, structural damage, and mechanical function.

a. While inspections were performed and deficiencies recorded (as noted by GAO), Respondents failed to initiate timely corrective actions to repair degraded equipment. This disconnect between inspection findings and maintenance response violates the overall requirement in Permit Part 1, Section 1.7.7 to maintain the facility and its systems in good repair. This failure also undermines

the intent and purpose of Permit Attachment E, which is to identify issues so they may be corrected to ensure safe operations.

b. Respondents' failure to act on inspection data and address known deficiencies constitutes a violation of Permit Part 1, Section 1.7.7, in conjunction with Permit Attachment E, Section E-1 and Table E-1.

4. Violation 4. Failure to Maintain Equipment Integrity Required for Design-Basis Events

Permit Attachment A2-2a(1) states that WIPP's hoist systems are designed to withstand dynamic forces and a design-basis earthquake of 0.1g peak ground acceleration. Long-term deterioration of hoist systems, as identified by DNFSB and GAO, calls into question their continued ability to meet these design requirements. No requalification or assessment of structural integrity in light of degradation has been documented.

a. Respondents' failure to ensure continued integrity and qualification of the waste shaft conveyance systems to meet original design standards constitutes a violation of the facility's operational commitments under Permit Attachment A2-2a(1) and undermines the basis for safe operation under seismic and emergency conditions.

5. Violation 5. Inaccurate and Outdated Infrastructure Condition Data

The GAO report also found that condition data entered into the Federal Infrastructure Management System (FIMS) were frequently inaccurate or outdated. Despite being aware of these discrepancies, DOE did not require its contractor to correct them or provide a timeline for doing so.

a. Respondents' failure to ensure accurate documentation of infrastructure conditions constitutes a violation of Permit Part 1, Section 1.7.7, as this impairs the ability to ensure compliance and protect human health and the environment.

**D. SCHEDULE OF REQUIRED CORRECTIVE ACTIONS**

1. Based upon the foregoing findings and conclusions, Respondents are hereby ordered to take the following corrective actions, according to the following schedule, to achieve compliance with the HWA and the HWMR.

No later than 60 calendar days from the date of this Order (by September 24, 2025), Respondents shall submit to NMED the following:

a. A corrective action schedule for the repair or replacement of mission-critical infrastructure, including all hoist systems and related components identified as deficient by GAO and DNFSB.

b. The schedule must include milestones, responsible entities, and completion dates presented in a table format.

c. A description of how WIPP will ensure that evacuation and hoisting equipment, as specified in Permit Attachment D, will be maintained in a state consistent with Permit Part 2, Section 2.10.1.

d. A plan to evaluate the structural integrity and compliance of hoist systems with design-basis event requirements under Permit Attachment A2-2a(1), including an engineering assessment if degradation has occurred.

e. Documentation demonstrating that inspection findings (Permit Attachment E) are being used to inform and drive timely corrective maintenance actions. This should include a discussion of how inspection records are integrated into

maintenance tracking systems and how gaps between inspection and action will be closed.

f. A revised process or procedure that ensures infrastructure condition data in FIMS or other relevant tracking systems are accurate, current, and subject to routine verification.

2. Ongoing Requests:

a. NMED requests to be included on the correspondence list for all future responses to the GAO report (GAO-25-107333) and the DNFSB's June 18, 2025 letter.

b. NMED requests periodic status updates on DOE's implementation of the three recommendations outlined in its June 9, 2025 response to GAO (Appendix II), including estimated completion timelines.

**E. RIGHT TO ANSWER AND REQUEST A HEARING**

1. Pursuant to NMSA 1978, Section 74-4-10(H) of the HWA, and NMED's Adjudicatory Procedures, 20.1.5.200 NMAC, Respondent may file a written request for a public hearing with the Hearing Clerk no later than 30 days from the receipt of this Order. An Answer must be filed with the Request for Hearing. The Answer shall:

a. Clearly and directly admit, deny, or explain each of the factual allegations contained in this Order with regard to which Respondent has any knowledge. Where Respondent has no knowledge of a particular factual allegation, Respondent shall so state, and Respondent may deny the allegation on that basis. Any allegation of the Order not specifically denied shall be deemed admitted. 20.1.5.200.A(2)(a) NMAC.

b. Assert any affirmative defenses upon which Respondent intends to rely. Any affirmative defense not asserted in the Answer, except a defense asserting lack of subject

matter jurisdiction, shall be deemed waived. 20.1.5.200.A(2)(b) NMAC.

c. Be signed under oath or affirmation that the information contained therein is, to the best of the signer's knowledge, believed to be true and correct. 20.1.5.200.A(2)(c) NMAC.

d. Include a copy of this Order attached. 20.1.5.200.A(2)(d) NMAC.

2. The Answer and Request for Hearing shall be filed with the Hearing Clerks at the following email addresses:

Hearing Clerks

New Mexico Environment Department

[luis.lopez@env.nm.gov](mailto:luis.lopez@env.nm.gov)

[pamela.jones@env.nm.gov](mailto:pamela.jones@env.nm.gov)

3. Respondent also must serve a copy of the Request for Hearing on Ray Romero, Office Manager and Paralegal, Office of General Counsel, New Mexico Environment Department, [ray.romero@env.nm.gov](mailto:ray.romero@env.nm.gov).

#### **F. FINALITY OF ORDER**

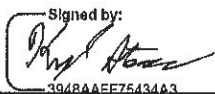
This Order shall become final unless Respondent files a Request for Hearing and Answer with the Hearing Clerk within 30 days after the date of receipt of this Order pursuant to NMSA 1978, § 74-4-10(H).

#### **G. TERMINATION**

This Order shall terminate when Respondent certifies that all requirements of this Order have been met and the Department has approved such certification, or when the Secretary of the Environment approves a settlement agreement and signs a stipulated final order.

**H. COMPLIANCE WITH OTHER LAWS**

Compliance with the requirements of this Order does not remove the obligation to comply with all other applicable laws and regulations.

Signed by:  
  
3948AAEF75434A3

DATE: 7/24/2025

**KYLE STAGGS, CHIEF  
RESOURCE PROTECTION COMPLIANCE AND ENFORCEMENT BUREAU**

**CERTIFICATE OF SERVICE**

I hereby certify that, on 7-25-25, the foregoing Administrative Compliance

Order was mailed, postage prepaid, via Certified Mail, Return Receipt Requested, to the following:

Mark Bollinger, Manager  
Department of Energy - Carlsbad Field Office  
P.O. Box 3090  
Carlsbad, NM 88221-3090

Ken Harrawood, Program Manager  
Salado Isolation Mining Contractors LLC  
P.O. Box 2078  
Carlsbad, NM 88221-2078

  
\_\_\_\_\_  
New Mexico Environment Department