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GOVERNOR

**State of New Mexico  
ENVIRONMENT DEPARTMENT**

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RON CURRY  
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November 17, 2006

Scott Anderholm  
U.S. Geological Survey  
Water Resources Division  
4501 Indian School NE  
Suite 200  
Albuquerque, NM 87110



Re: Notification of Contamination

Dear Mr. Anderholm:

You have inquired about notification requirements for situations when samples collected by the U.S. Geological Survey (USGS), from properties owned by third parties, show evidence of anthropogenic contamination. By law, notification must be provided by the owner, operator, or person in charge of any facility where a discharge has occurred. As such, the owners of these properties upon learning of USGS test results that show evidence of contamination have a legal obligation to notify NMED. Notification requirements and procedures are further explained on the New Mexico Environment Department (NMED) website at this location, <http://www.nmenv.state.nm.us/gwb/low.htm>.

As explained on our website, threshold reportable quantities have not been established in New Mexico. What must be reported is "[a]ny amount of any material in such quantity as may with reasonable probability injure or be detrimental to human health, animal or plant life, or property, or may unreasonably interfere with the public welfare or the use of property." This includes chemical, biohazardous, petroleum-product, and sewage spills and incidents. In addition to recent spills, the discovery of evidence of previous unauthorized discharges, such as contaminated soil or ground water, also must be reported.

While USGS has no legal obligation to notify NMED of discharges on properties that are owned, operated, or controlled by a third party, we believe that voluntarily providing such notification would be consistent with the USGS mission statement as it pertains to managing water and protecting our quality of life.

Thank you for any information you can provide us to further protect New Mexico's environment. Additionally, if USGS could inform third-party property owners of their potential notification

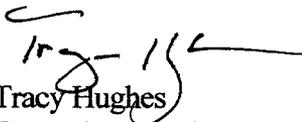
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requirements, and advise them that the test results generated by USGS are public information, we would appreciate your assistance.

Sincerely,

  
Tracy Hughes  
General Counsel

Cc: Cindy Padilla  
Jim Norton  
Ana Marie Ortiz  
James Bearzi  
Bill Olson  
Marcy Leavitt  
Jim Davis  
Dennis McQuillan