

Jos Lesscher  
Chair



Jess Lewis  
Vice Chair

## NEW MEXICO STATE EMERGENCY RESPONSE COMMISSION

### Policy for Compliance with AWIA Release Notification Requirements

**Effective: June 14<sup>th</sup>, 2024**

#### **I. Purpose:**

The purpose of this policy is to establish the procedures for the New Mexico State Emergency Response Commission (SERC) to comply with the release notification requirements as amended by the America's Water Infrastructure Act (AWIA) and the Emergency Planning and Community Right-to-Know Act (EPCRA). This policy ensures timely communication with the New Mexico Drinking Water Bureau regarding any reportable releases of hazardous substances, including those not explicitly defined under EPCRA or CERCLA, that potentially affect community water systems.

#### **II. Scope:**

This policy applies to all reportable releases of hazardous substances, pollutants, or contaminants within the jurisdiction of the New Mexico SERC, expanding beyond just EPCRA Extremely Hazardous Substances (EHSs) and CERCLA hazardous substances.

#### **III. Definitions:**

- **Reportable Release:** A release of any hazardous substance, pollutant, or contaminant that meets or exceeds its reportable quantity or poses a significant threat to public health and the environment, irrespective of its classification under EPCRA, CERCLA, 40 CFR CH 1 § 110.6, 49 CFR CH 1 § 171.15, 49 CFR CH 1 § 191.5, 49 CFR CH 1 § 195.50, or NMAC Title 19 Part 29.
- **EHS (Extremely Hazardous Substance):** Defined under EPCRA section 302.
- **CERCLA Hazardous Substance (HS):** Defined under CERCLA section 102.
- **Pollutant or Contaminant:** Any substance that, when released into the environment, may adversely affect water quality or public health, not necessarily limited to those listed by EPCRA or CERCLA.
- **DHSEM:** The New Mexico Department of Homeland Security and Emergency Management
- **Hazardous Materials Emergency Response Coordinator:** As defined in NMSA 12-12-23.

#### **IV. Policy:**

- **Immediate Notification:**  
DHSEM upon receiving a report of a release that meets the above criteria, shall notify the Drinking Water Bureau, the Environment Department, and the SERC. Notification shall

include all available information regarding the nature, quantity, and potential impact of the released substance.

- **Follow-Up Reporting:**

The SERC shall obtain and forward a detailed written follow-up report of the release to the Drinking Water Bureau. This report shall include information on the actions taken to mitigate the impact of the release and prevent future occurrences.

- **National Response Center (NRC) Coordination:**

In the event of a release occurring upstream or outside of New Mexico's borders that could impact the state's water systems, the National Response Center is required to notify the New Mexico State Emergency Operations Center (EOC). This information shall be immediately relayed to the SERC and the Drinking Water Bureau to assess potential impacts and coordinate appropriate responses.

- **SERC to State Notification:**

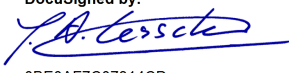
If a commissioner or a member of any committee of the SERC becomes aware of a reportable hazardous materials release that has the potential to impact a community water system, they shall notify the hazardous materials coordinator. The hazardous materials emergency response coordinator shall then notify all other commissioners, the Drinking Water Bureau emergency coordinator, and the State EOC, and the Environment Department.

**V. Implementation:**

Regular drills and communication exercises with the Drinking Water Bureau shall be conducted to ensure preparedness and effective response to reportable releases.

**Revision and Review:**

This policy shall be revised as necessary to remain compliant with federal and state regulations.

DocuSigned by:  
  
0BE0AE7C07314CD  
\_\_\_\_\_  
Jos A. Lesscher  
Chair of the New Mexico SERC

6/20/2024  
\_\_\_\_\_

DocuSigned by:  
  
E699549E88214C6...  
\_\_\_\_\_  
Jess Lewis  
Vice Chair of the New Mexico SERC

6/25/2024  
\_\_\_\_\_