

# General Community REPRESENTATION PROGRAM



## *The New Mexico Environmental Law Center*

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**More than Two Decades of Victories** -- The New Mexico Environmental Law Center is one of the oldest and most respected independent environmental organizations in New Mexico. During our twenty-one year history, we have tackled some of New Mexico's biggest environmental issues -- water contamination, air pollution, toxic mines, cultural preservation -- and won some of our state's biggest environmental victories.

**When Passion Isn't Enough** -- We represent clients from across the state who are fighting to protect our air, land, water and health. But their passion and commitment isn't always enough to protect New Mexico from interests seeking to exploit our state.

**Leveling the Playing Field** -- As a not-for-profit law firm, we provide free and low-cost legal representation for communities that could not otherwise effectively take on these fights. With some of the most knowledgeable environmental attorneys in the state, the Law Center gives New Mexicans the tools they need to level the playing field -- and protect this beautiful place for us all.

## *Major Victories*

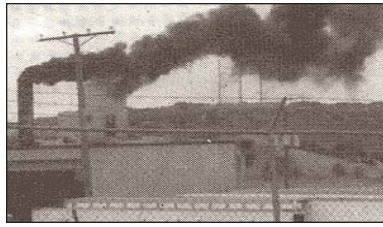
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**NM MINING ACT (1993)** The Law Center was key to the passage of one of the nation's most environmentally-protective mining laws. Since its passage, the Law Center has used the Act to hold some of the biggest mining companies in the world accountable for cleaning up toxic pollution and restoring contaminated water.

**NM SOLID WASTE ACT AND REGULATIONS (1990, 2005)** Without proper regulation, our trash beomes a toxic soup that seeps into our drinking water -- or becomes carcinogenic smoke that chokes the neighbors who live near incinerators. The Law Center was instrumental to the passage of our state's Solid Waste Act, as well as regulations that protect communities from incinerators and from being home to too many facilities. Since the incinerator regulations were adopted in 1995, not one incinerator has operated in New Mexico.

**COMMUNITY INPUT DECISION (2005)** Law Center attorneys helped to argue a case before the NM Supreme Court that resulted in a decision stating --for the first time ever-- that the NM Environment Department must take into account the input of the community residents and their quality of life concerns when it makes decisions about where to allow landfills. Before the decision, non-technical testimony was routinely ignored.

**PROTECTIONS FROM OIL AND GAS CONTAMINATION** Oil and natural gas production can release very nasty chemicals like benzene, tuolene, xylene and ethylbenzene into the environment. These are the chemicals we know about -- we don't know what some compounds are, because they are proprietary -- yet they leak into our streams, rivers and aquifers. The Law Center successfully advocated for the nation's most environmentally-protective Oil Pit Rule in 2008, which mandates that drillers keep their toxics out of our water.



## GENERAL COMMUNITY REPRESENTATION PROGRAM | 2009 REPRESENTATIVE MAJOR CASES

As of February 2009, the Law Center represents clients in 23 matters. The cases below represent some of our General Community Representation cases. For our full docket, please see [nmelc.org](http://nmelc.org).

**“The Law Center is the most important environmental organization in New Mexico today. It has credibility with the legislature, credibility with communities, and it takes on the right issues.”**

—Hon. Antonio Lujan  
former board member and  
NM State Representative

**“The average individual can no longer expect to change the course of a hearing with persuasive emotional statements. Decision-makers listen to attorneys and experts. The company comes armed with multiple attorneys, numbers of credentialed experts, lobbyists in the hallway -- all designed to intimidate, overpower and exhaust the citizens who dare to mount any opposition.”**

—Jeanie Cragin  
Friends of Santa Fe County (client) and  
former board member

**“The work of the Law Center demonstrates the power of combining organizing with legal advocacy to affect change.”**

—*Strengthening Democracy, Increasing Opportunities*  
2008 report by Lisa Ranghelli for the National  
Committee for Responsive Philanthropy

### San Augustin Ranch Water Appropriation

**Clients:** nearly 100 ranchers, farmers and conservation organizations

We seek to prevent a 54,000 acre-foot speculative water rights appropriation in Catron County; if approved, the 2 billion gallon annual appropriation would set a terrible precedent, and would likely impact local landowners as well as the Gila River, which was named one of American Rivers’ Most Endangered Rivers in 2008.

### New Mexico Greenhouse Gas Emission Caps

**Client:** New Energy Economy

We have petitioned for a statewide cap on greenhouse gas emissions at 25% below 1990 levels by 2020. The cap represents the reduction required by science, rather than by political expediency.

### Galisteo Basin Oil and Gas Drilling

**Client:** Drilling Santa Fe

In 2008, we and our allies successfully advocated for the Santa Fe County Oil and Gas Ordinance, the nation’s most environmentally-protective county-level oil and gas ordinance. We will now remain vigilant to ensure that it is implemented, and will work to defend the ordinance against any attempts to weaken or dismantle it.

### Freeport McMoRan copper mines

**Client:** Gila Resources Information Project

The Law Center has been involved in nearly every major hardrock mining case in New Mexico since it successfully advocated for the NM Mining Act in 1993. For nearly a decade, we have worked to ensure that the Chino and Tyrone copper mines (4th and 5th largest open pit mines in the U.S., respectively) are properly cleaned up, and that groundwater is protected. We will work in 2009 to protect significant water protection victories that we won in 2008.

### Chaparral Landfill

**Client:** Colonias Development Council

In this case, we helped win a 2005 NM Supreme Court ruling that directs the NM Environment Dept. to incorporate public input and quality-of-life decisions when deciding where to put landfills and other solid waste facilities. We are now working with the Chaparral community to prevent the siting of a 3rd waste facility in this *colonia* of 6,000 residents.

Photos, from left: Law Center staff and clients stand in front of a tailings pile at the Molycorp molybdenum mine near Questa. Black smoke spews from the Sunland Park medical waste incinerator, which we helped to shut down in 1991. Jeanie Cragin helps christen the Ortiz Mountain Educational Preserve, which resulted from a settlement with LAC Minerals. Fred Sais of the Wells Park Neighborhood Association in Albuquerque points to the Stericycle medical waste facility that sought to expand in his neighborhood; the Law Center negotiated a settlement with the company. Oil waste pits (courtesy of OGAP).