

I hope you are well. I am reaching out regarding the information that you shared. OECRC has some follow-up questions on the information that you provided. Would you be available for a 30-minute Microsoft Teams virtual meeting during one of the times below?

Friday, September 20: 11:30 AM – 12:00 PM ET/ 9:30 – 10:00 AM MT
Monday, September 23: 11:30 – 12:00 PM ET / 9:30 – 10:00 AM MT
Tuesday, September 24: 3:00 – 4:00 PM ET / 1:00 – 1:30 PM MT
Tuesday, September 24: 3:30 – 4:00 PM ET/ 1:30 – 2:00 PM MT

If none of these times work for you, please let me know and I can look for other times and dates. Thank you.

Best,
Hayley

From: Cormack, Hayley
Sent: Tuesday, August 13, 2024 1:12 PM
To: (b)(6) Privacy, (b)(7)(C) Enf. Privacy
Cc: Temple, Kurt <Temple.Kurt@epa.gov>; Biffl, Betsy (she/her/hers) <Biffl.Betsy@epa.gov>; Tripathi, Arati <Tripathi.Arati@epa.gov>
Subject: RE: What's going on in New Mexico

Hello, (b)(6) Privacy, (b)(7)(C)

Thank you for sharing this information. Please direct any future correspondence regarding the Informal Resolution Agreement with NMED to me, Hayley Cormack, as the case manager for EPA Complaint No. 09R-02-R6. I will be back in touch after I've had a chance to review the other information you've provided.

Thanks so much,
Hayley

Hayley Cormack
Program Analyst | Office of External Civil Rights Compliance (OECRC)
U.S. Environmental Protection Agency | Office of Environmental Justice and External Civil Rights
Office: (202) 250-8851 | Cormack.Hayley@epa.gov

From: Dorka, Lilian (she/her/hers) <Dorka.Lilian@epa.gov>
Sent: Monday, August 12, 2024 8:56 AM
To: (b)(6) Privacy, (b)(7)(C) Enf. Privacy Wilson, Adam <wilson.adam@epa.gov>; Engelman-Lado, Marianne (she/her/hers) <EngelmanLado.Marianne@epa.gov>
Cc: Cormack, Hayley <Cormack.Hayley@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Biffl, Betsy (she/her/hers) <Biffl.Betsy@epa.gov>
Subject: RE: What's going on in New Mexico

Hello (b)(6) Privacy, (b)(7)(C)

Hope you are doing well and thank you for your email. I am no longer with OEJECD however, I am copying here Adam Wilson, Acting Deputy Director for the Office of External Civil Rights Compliance, and Marianne Engelman- Lado, Deputy Assistant Administrator in OEJECD. They will be able to assist you in this matter.

Warm regards,

Lilian

Lilian Sotolongo Dorka
Senior Advisor for Environmental Justice and External Civil Rights
Office of Land and Emergency Management
U.S. Environmental Protection Agency
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202-695-9888 – Cell
Pronouns: she/her/ella
Hablo español

Translation and Interpretation Services are available. Please let us know if services are needed by visiting <https://www.epa.gov/lep>

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From: (b)(6) Privacy, (b)(7)(C) Enf. Privacy
Sent: Sunday, August 11, 2024 4:08 PM
To: Dorka, Lilian (she/her/hers) <Dorka.Lilian@epa.gov>
Subject: What's going on in New Mexico

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hello Lilian,

It's been quite awhile since I wrote to you last and I just wanted to make sure that this is still the right email and the right way to contact you. This is because we are soon to send a letter to Secretary Kenney of the New Mexico Environment Department (NMED) because of a violation of the *Resolution Agreement*, which I will be copying to you.

A short summary is that as part of the permitting process for WIPP (the Waste Isolation Pilot Project) DOE is required to put on 3 public forums per year. For years now, despite multiple requests for Spanish inclusion, this has been all-English including all noticing about the meetings, the meetings themselves, and all informational PowerPoints and documents from the meetings. The only improvement after these requests has been one ineffective notice in Spanish in the Roswell area only for the last 2 meetings and one notice in Spanish to the all-English email list for WIPP for the last meeting.

Finally, this year we realized that NMED has a responsibility to make sure that LEP Spanish speakers have access to the same information that English speakers have during WIPP's public participation process, which includes these forums. These forums are full of information about WIPP including a chance to speak one-on-one with WIPP's experts at the meeting. I should note that none of the PowerPoints or documents from these meetings posted on the WIPP website are in Spanish. In fact, other than a couple of public notices that NMED requires to be in both Spanish and English, there is not a single thing on the entire WIPP website in Spanish.

General Update

Other than that, NMED has made improvements in Spanish inclusion in the Hazardous Waste Bureau though is not doing as well in the Ground Water Quality Bureau, and in some other bureaus access is also somewhat spotty. As you know, the NMED website is now in Spanish and Vietnamese which is a wonderful upgrade. However two other areas still need improvement.

1. **The Disability Access Policy.** We negotiated with NMED for some years and were able to gain improvements in the *LEP Access Policy* and the *Public Participation Policy* in late 2022. NMED had been negotiating with a state disability organization on the *Disability Access Policy* and though I believe they came to some conclusion, because of changes in administration at NMED and changes in leadership in the disability organization, these changes were never reflected in the *Disability Access Policy* which is unchanged from it's creation in 2018. It is thus less protective and provides fewer rights than the other two policies have.

Perhaps you could inquire into this and see if they can find the changes that were made for the *Disability Access Policy* and implement them, or encourage NMED to upgrade that policy to reflect the changes in the other two policies.

2. The second area is in **training in NMED's federal non-discrimination obligations** and in the *Resolution Agreement* specifically. This training only applies in the policies to NMED employees, not to contractors. However, this is a serious problem for Hearing Officers. Hearing Officers who come from outside NMED need to have at least some minimal training in these areas. Frankly, from my experience in previous hearings for WIPP it's unclear if even Hearing Officers who are employees of the Department have been properly trained. I believe the policies should be upgraded to require this training—possibly specifically created for Hearing Officers—for all Hearing Officers, including those who are contractors and not employees.

I hope you can encourage NMED to add this upgrade to their policies.

Finally, about a year or so ago you had spoken of upgrading our *Informal Resolution Agreement* and I'm wondering if anything has happened with that.

Thank you,

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