

## Yvette Herrell (NM-02) Redbox Backup

*Now that the Supreme Court has overturned Roe v. Wade and eliminated the federal right to an abortion, Herrell wants to ban all abortions nationwide. She says she was “proud” to have co-sponsored legislation that would have made abortion a felony, even in the case of rape or incest, sending rape victims who have an abortion to prison.*

### **Now That The Supreme Court Has Overturned Roe V. Wade And Eliminated The Federal Right To An Abortion, Herrell Wants To Ban All Abortions Nationwide.**

**Herrell Co-Sponsored The “Life At Conception Act.”** Herrell co-sponsored the “Life At Conception Act,” which “declares that the right to life guaranteed by the Constitution is vested in each human being at all stages of life, including the moment of fertilization, cloning, or other moment at which an individual comes into being. Nothing in this bill shall be construed to authorize the prosecution of any woman for the death of her unborn child.” [HR1011, [4/23/21](#)]

- **The Life At Conception Act Would Criminalize All Abortions, Including In Cases Of Rape Or Incest.** “The Life at Conception Act, co-sponsored by Hinson, would outlaw all abortions with no exceptions in cases of rape, incest or risk to the pregnant person. The bill in question does eliminate the possibility for criminal charges for individuals who receive an abortion, but it does not provide the same guarantees for others. [...] But the broad scope of the personhood law does have implications for criminalization of abortion.” [Gazette, [7/11/22](#)]

**Herrell Co-Sponsored The Heartbeat Protection Act, A Bill To Imprison Doctors Who Performed An Abortion Six Weeks Into A Pregnancy, Including In Cases Of Rape Or Incest.** According to a description of the bill, “This bill makes it a crime for a physician to knowingly perform an abortion (1) without determining whether the fetus has a detectable heartbeat, (2) without informing the mother of the results, or (3) after determining that a fetus has a detectable heartbeat. It provides an exception for an abortion that is necessary to save the life of a mother whose life is endangered by a physical (but not psychological or emotional) disorder, illness, or condition. A physician who performs a prohibited abortion is subject to criminal penalties—a fine, up to five years in prison, or both.” [H.R. 705, introduced [2/2/21](#)]

- **“Heartbeat” Bills Ban Abortion At Six Weeks By Falsely Claiming A Fetal Heartbeat Can Be Detected At Six Weeks.** “The political aim of so-called heartbeat bills is pretty clear. Some Americans would like to ban abortion altogether, but the Supreme Court says that’s unconstitutional. So they advocate for increasingly draconian laws that walk up to that line. Less straightforward, though, is the science. What the bills call a heartbeat—it’s not that. These bills generally say that a ‘fetal heartbeat’ helps predict whether a pregnancy will result in a living baby; the model legislation many states use refers to that fetal cardiac activity as a marker of ‘an unborn human individual,’ defining a moment where alive-ness starts. [...] ‘At six weeks, the embryo is forming what will eventually develop into mature systems. There’s an immature neurological system, and there’s a very immature cardiovascular system,” says Jennifer Kerns, an ob-gyn at UC San Francisco and director of research in obstetrics and gynecology at Zuckerberg San Francisco General Hospital. The rhythm specified in the six-week abortion bans, she says, ‘is a group of cells with electrical activity. That’s what the heartbeat is at that stage of gestation ... We are in no way talking about any kind of cardiovascular system.’” [Wired, [5/14/19](#)]

### **She Says She Was “Proud” To Have Co-Sponsored Legislation That Would Have Made Abortion A Felony, Even In The Case Of Rape Or Incest, Sending Rape Victims Who Have An Abortion To Prison.**

**Herrell Co-Sponsored Legislation Calling For Felony Charges For Abortion In Cases Of Rape Or Incest.** “Republican state lawmaker Cathrynn Brown says she's reworking legislation she introduced Wednesday calling for felony charges related to abortion in cases of rape and incest. Her proposal, House Bill 206, created a fire-storm

of hate email and phone calls, she said. The bill reads: ‘Tampering with evidence shall include procuring or facilitating an abortion, or compelling or coercing another to obtain an abortion, of a fetus that is the result of criminal sexual penetration or incest with the intent to destroy evidence of the crime.’ [...] Nine House Republicans, all women, signed on as co-sponsors. They are Jane Powdrell-Culbert of Corrales; Dianne Hamilton of Silver City; Anna Crook of Clovis; Sharon Clahchischilliage of Kirtland; Yvette Herrell of Alamogordo.” The bill was never voted on in the New Mexico House. [Carlsbad Current-Argus, 1/24/13; HB 206, 2013 Regular Session, accessed [6/8/18](#)]

- **HEADLINE: “Proposed New Mexico Law Would Send Rape Victims To Prison For Having Abortions”** [Washington Post, [1/24/13](#)]
- **Herrell Said She Believed The Bill Was “Against The Perpetrator” Who Coerced Or Forced A Woman To Have An Abortion And Did Not Target Women Themselves.** “Herrell said she believed the bill was against the perpetrator and not against the woman. ‘I co-sponsored the bill,’ she said. ‘I had a lot of Alamogordo people tell me that they will run against me and will not have my back. If a woman becomes pregnant through rape or incest and she wants to carry this baby to full term, then that’s fine. There was nothing against the woman. It was only against the perpetrator if the woman was coerced or forced to have an abortion. I just wanted to clear that up.’” [Alamogordo Daily News. 3/30/13]

**Herrell Said She Was Proud She Co-Sponsored The Bill.** “Herrell talked about the fire storm over Carlsbad’s Republican Rep. Cathrynn Brown’s proposed House Bill 206. An attorney, Brown has stated in several articles that the bill was poorly written. The bill read: ‘Tampering with evidence shall include procuring or facilitating an abortion, or compelling or coercing another to obtain an abortion, of a fetus that is the result of criminal sexual penetration or incest with the intent to destroy evidence of the crime.’ Herrell said she believed the bill was against the perpetrator and not against the woman. Herrell said she was proud that she co-sponsored the bill. ‘I think that if it’s wrong for me to stand up for a Christian House member in something that we believe in to protect the unborn, then I don’t want to be a state representative in Santa Fe,’ she said’.” [Alamogordo Daily News. 3/30/13]

*While proudly working to make abortion a felony and ban it nationwide, even in the case of rape or incest - Yvette Herrell has been out for herself. Herrell got hundreds of thousands of taxpayer dollars for a museum run by her mother, and her real estate company secured a sweetheart deal from the state, earning nearly half a million dollars in state contracts, and she then failed to disclose it.*

## **While Proudly Working To Make Abortion A Felony And Ban It Nationwide, Even In The Case Of Rape Or Incest - Yvette Herrell Has Been Out For Herself.**

### **Herrell Co-Sponsored Legislation Calling For Felony Charges For Abortion In Cases Of Rape Or Incest.**

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## **Herrell Got Hundreds Of Thousands Of Taxpayer Dollars For A Museum Run By Her Mother...**

**In 2013, Yvette Herrell Requested \$750,000 Worth Of Funding For The “Otero Co Tularosa Basin History Museum” To “Plan, Design Renovate And Furnish The Plaza Building To House The Collections, Exhibits, Research Library And Book Shop Of The History Museum Of The Tularosa Basin Historical Society In Alamogordo In Otero County.”** “OTERO CO TULAROSA BASIN HISTORY MUSEUM seven hundred fifty thousand dollars (\$750,000) to plan, design, renovate and furnish the Plaza building to house the collections, exhibits, research library and book shop of the history museum of the Tularosa basin historical society in Alamogordo in Otero county ” [Yvette Herrell, 2013 Capital Outlay Requests, accessed [10/15/18](#)]

- **The President Of TBHS Is Josette Herrell, Yvette Herrell’s Mother.** “TBHS President Josette Herrell said visitors have been pleasantly surprised with the new museum and she has heard nothing but positive feedback.” [Alamogordo Daily News, [1/16/16](#)]

**Alamogordo Daily News: “With The Support Of Local Representatives Yvette Herrell [...] Funding Was Received From The New Mexico State Legislature Of \$525,000 For The Renovation Of The Plaza Building.”** “With the support of local representatives Yvette Herrell, Zach Cook and Bill Gray along with Sen. Bill Burt, funding was received from the New Mexico State Legislature of \$525,000 for the renovation of the Plaza Building. Otero County Commissioners Susan Flores and former County Commissioners Ronny Rardin and Tommie Herrell supported the funding.” [Alamogordo Daily News, [7/27/17](#)]

- **The Plaza Building Was Acquired By The City Of Alamogordo And Later Otero Country, “With The Intent Of Working With TBHS To House The New Museum And Research Center;” The Museum Opened In January 2016.** “In recent years, the building fell into disrepair and sat vacant. The city acquired the building with the intent of working with the TBHS to house the new museum and research center. The project was derailed for many reasons with the city considering selling the property to the CVS Drug Store chain. After many meetings, the city and the TBHS came to an agreement to turn over ownership of the property to Otero County. The agreement was for a two year period, the museum had to be under construction in that period or the property would revert back to the city to dispose of as needed. The Tularosa Basin Museum of History opened to the public in January 2016.” [Alamogordo Daily News, [7/27/17](#)]
- **La Cronica de Nuevo Mexico: “TBHS Once Again With The Help Of State Representative Yvette Herrell, Applied To The 2013 New Mexico State Legislature For Capital Outlay Money And Received \$525,000, \$25,000 More Than They Had Actually Requested.”** “Despite this lack of support from the City of Alamogordo, TBHS pushed ahead, and in early June their application for the Plaza Building to be placed on the New Mexico State Register of Cultural Properties was accepted, opening the door to grant opportunities as an officially registered historic structure. In the meantime, the Otero County Commission had been watching the situation closely. County Commissioner Tommie Herrell, whose wife Josette was on the TBHS board, invited the Society to make a presentation at the County Commission meeting in January 2012. After watching the City of Alamogordo gradually withdraw their support in restoring the Plaza Building, the county commissioners at their June 13, 2012, meeting voted to authorize county staff to negotiate with the city for the county to take over the property. [...] TBHS once again with the help of State Representative Yvette Herrell, applied to the 2013 New Mexico State Legislature for capital outlay money and received \$525,000, \$25,000 more than they had actually requested.” [La Cronica de Nuevo Mexico, [Summer 2015](#)]

## **...And Her Real Estate Company Secured A Sweetheart Deal From The State, Earning Nearly Half A Million Dollars In State Contracts, And She Then Failed To Disclose It.**

**While Herrell Was A State Legislator, Her Company Took In \$440,000 By Renting Property To Two New Mexico Departments.** “The review of documents by the AP found Rep. Yvette Herrell’s company, Herrell

Properties, took in \$440,000 by renting property to the New Mexico Taxation and Revenue Department and New Mexico Environment Department since 2013.” Yvette Herrell was a state legislator from 2011 – 2018. [Associated Press via US News, [4/6/18](#); New Mexico Legislature, Yvette Herrell, accessed [7/20/18](#)]

**Herrell Failed To Disclose Nearly Half-A-Million In Income From Her Real Estate Company On State Financial Disclosure Statements.** “A New Mexico GOP state lawmaker and congressional candidate failed to disclose that her real estate company earned nearly a half-million dollars in contracts with two state agencies over five years, according to an analysis of campaign finance disclosure records by The Associated Press.” [Associated Press via US News, [4/6/18](#)]

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- **Herrell Did Not Disclose That Income, Despite State Law Requiring Lawmakers Who Provide “Goods And Services In Excess Of \$5,000” To Disclose The Income Annually.** “However, Herrell, R-Alamogordo, did not disclose that income on ethics disclosure statements, but listed herself as the company’s owner, according to public documents reviewed by the AP. [...] State law requires lawmakers who provide ‘goods and services in excess of \$5,000’ from state agencies report the income annually to the state secretary of state’s office. Anyone who ‘knowingly and willfully’ violates the state’s financial disclosure act faces a \$1,000 fine or a year in jail. The secretary of state’s office also can impose fines up to \$5,000 and send the case to an independent arbitrator to resolve disclosure disputes.” [Associated Press via US News, [4/6/18](#)]

**Herrell Said She Had Never Personally Been Paid By Or Collected Any Income From The State Of New Mexico.** “In a statement, Herrell said she has always diligently submitted the necessary paperwork required by the secretary of state’s office and other entities since becoming an elected lawmaker in 2011. ‘While I am a partner in a company that has owned real estate in which the state leased, I have never personally been paid by or collected any monies from the state of New Mexico,’ Herrell said. Herrell said the secretary of state’s office has never brought up any irregularities about her disclosures since ‘he’s been a lawmaker.’” [Associated Press via US News, [4/6/18](#)]

**Las Cruces Sun News Headline: “Records: Congressional Candidate Yvette Herrell Didn’t Disclose State Contracts”** [Las Cruces Sun News, [4/6/18](#)]

**Albuquerque Journal Editorial Board: Herrell’s Failure To Disclose Income From Her Real Estate Company Was “Pretty Egregious.”** EDITORIAL: “It’s not as outrageous as the scam perpetrated on taxpayers by former Democratic state Sen. Phil Griego – who pushed for the sale of a state-owned building, pocketed a \$50,000 real estate commission and is now serving time in prison. But it is nevertheless pretty egregious. The ‘it’ is \$440,000 in rent state Rep. Yvette Herrell’s real estate company has collected from two state agencies since 2013. There’s no prohibition against that, but here’s the problem: Herrell – who is seeking the Republican nomination for the U.S. Congressional seat in southern New Mexico – didn’t disclose that income on ethics disclosure statements during her tenure in the Legislature.” [Albuquerque Journal, Editorial Board, [4/13/18](#)]

- **Albuquerque Journal Editorial Board: Herrell’s Response To The Claims That She Had Never “Personally Been Paid By Or Collected Any Monies From The State” Was “Disingenuous At Best.”** EDITORIAL: “For her to say she didn’t disclose that income because she has never ‘personally been paid by or collected any monies from the state’ is disingenuous at best. It’s a little like someone trying to make the case that purchasing something online isn’t the same as shopping, because she never went into a bricks and mortar store.” [Albuquerque Journal, Editorial Board, [4/13/18](#)]

*Yvette Herrell has received over \$156,000 from the financial industry, so it's no wonder she wanted payday lenders to write their own laws. She not only voted against bills to cap interest rates on predatory loans, but even voted against blocking payday lenders from charging interest rates up to 299%.*

## **Yvette Herrell Has Received Over \$156,000 From The Financial Industry, So It's No Wonder She Wanted Payday Lenders To Write Their Own Laws.**

**Federal Campaign Total: Herrell Accepted At Least \$156,332 From The Securities & Investment Industry.**  
[OpenSecrets, accessed [8/18/22](#)]

**2015: Herrell Said She Wanted To See Legislation Written By The Payday Lending Industry.** “Storefront lending companies and affiliated associations gave nearly \$140,000 to New Mexico public officials and political action committees in 2013 and 2014, according to an analysis of data from the New Mexico Secretary of State’s office. [...] So far, bills to cap interest rates have stalled in both House and Senate legislative committees. Rep. Yvette Herrell, the Republican chairwoman of the House Regulatory and Public Affairs committee, which rejected two rate-cap bills, said earlier this month she wanted to see legislation written by the industry.” [New Mexico In Depth, [2/16/15](#)]

- **Santa Fe New Mexican: Herrell “Took The Unusual Step Of Announcing That She Was Amenable To Reviving Debate After The Storefront Loan Industry Offers A Bill Of Its Own.”** “Republicans closed ranks Wednesday to block two bills by Democrats that would have capped interest rates on loans at 36 percent a year. Members of the House Regulatory and Public Affairs Committee tabled both measures on 4-3, party-line votes. The committee chairwoman, Rep. Yvette Herrell, R-Alamogordo, then took the unusual step of announcing that she was amenable to reviving debate after the storefront loan industry offers a bill of its own to lessen public concerns about predatory lending. ‘I personally do not think the 36 percent cap is the right fix,’ Herrell said after industry members testified that they could not turn a profit on small loans with that limitation. The other Republicans on the committee, Reps. Jim Smith of Sandia Park and Nora Espinoza and Bob Wooley, both of Roswell, joined Herrell in voting to block the bills.” [Santa Fe New Mexican, [2/4/15](#)]

## **She Not Only Voted Against Bills To Cap Interest Rates On Predatory Loans, But Even Voted Against Blocking Payday Lenders From Charging Interest Rates Up To 299%.**

### **She Not Only Voted Against Bills To Cap Interest Rates On Predatory Loans**

**Herrell, Chair Of The N.M. House Regulatory And Public Affairs Committee, Voted To Block Two Democratic Bills That Would Have Capped Interest Rates On Loans At 36 Percent.** “Republicans closed ranks Wednesday to block two bills by Democrats that would have capped interest rates on loans at 36 percent a year. Members of the House Regulatory and Public Affairs Committee tabled both measures on 4-3, party-line votes.” [Santa Fe New Mexican, [2/4/15](#); House Standing Committees, 52<sup>nd</sup> Legislature First Session, published [2/9/15](#)]

- **Herrell: “I Personally Do Not Think The 36 Percent Cap Is The Right Fix.”** “The committee chairwoman, Rep. Yvette Herrell, R-Alamogordo, then took the unusual step of announcing that she was amenable to reviving debate after the storefront loan industry offers a bill of its own to lessen public concerns about predatory lending. ‘I personally do not think the 36 percent cap is the right fix,’ Herrell said after industry members testified that they could not turn a profit on small loans with that limitation.” [Santa Fe New Mexican, [2/4/15](#)]
- **Herrell Denied That Lobbyists For Payday Lenders Bought Votes For Bills To Cap Interest Rates, Or In General.** “A who's who of lobbyists watched on Wednesday as Republicans on a legislative committee shelved two bills that would cap what storefront lenders can charge people in need of cash for

loans. [...] The powerhouse lobbyists were hired by the lending industry that was targeted by the legislation. And their presence Wednesday afternoon offers a glimpse into the mechanics of how the Roundhouse works, the role of lobbyists and the amount of money that sometimes lubricates the legislative process. [...] ‘Honestly, I don’t ever think, ‘There’s Mr. So-and-So and his company gave me money,’ said Rep. Yvette Herrell, R-Alamogordo. Herrell chairs the House Regulatory and Public Affairs Committee the body that tabled the two interest-cap bills on a party-line vote.” [Farmington Daily Times, 2/6/15]

**HEADLINE: Santa Fe New Mexican: “House GOP Members Block Bills To Cap Lending Rates.”** [Santa Fe New Mexican, [2/4/15](#)]

### **But Even Voted Against Blocking Payday Lenders From Charging Interest Rates Up To 299%**

**June 2021: Herrell Voted Against Congressional Disapproval Of The Trump Administration’s Third-Party Lending Rule.** In June 2021, Herrell Voted Against: “Passage of the joint resolution that would provide for congressional disapproval of an October 2020 Office of the Comptroller of the Currency rule stating that national banks are considered the ‘true lender’ of a loan if, at the date of the loan’s origination, the bank funds the loan or is named as lender in the loan agreement, including in the case of loans issued in partnerships between banks and third parties, such as online financial firms. The rule went into effect on Dec. 29, 2020, and effectively allows nonbank lenders to offer loans not subject to higher state interest rate caps by originating loans in partnership with a national bank in another state. Under the provisions of the joint resolution, the October 2020 rule would have no force or effect.” The resolution passed, 218-208. [SJ Res 15, [Vote #181](#), 6/24/21; CQ, [6/24/21](#)]

- **Opponents Of The Rule Argued That It Left Consumers Vulnerable To Predatory “Rent-A-Bank” Schemes.** “But Democrats — along with a coalition of consumer protection and faith groups — have fiercely opposed the rule, claiming it leaves customers vulnerable to predatory ‘rent-a-bank’ schemes. ‘States are taking measures to protect their constituents their consumers against these end-runs around their laws designed to prohibit these predatory practices. But last October, in the middle of the pandemic, when many working families were plunged into economic uncertainty and turmoil, the Trump administration gave these rent-a-bank schemes a free pass to exploit these loopholes,’ said Sen. Chris Van Hollen (D-Md.), sponsor of the resolution to repeal the rule.” [The Hill, [5/11/21](#)]
- **“Rent-A-Bank” Schemes Were When “A Lender Temporarily Partners With A Bank To Evade Interest Rate Caps And Then Severs The Partnership After Taking Ownership Of The Loan.”** “The OCC clamped down during the 2000s on rent-a-bank schemes, in which a lender temporarily partners with a bank to evade interest rate caps and then severs the partnership after taking ownership of the loan. Critics of the true lender rule say it will allow such schemes to flourish, particularly as nonbank online lenders make up a larger portion of the financial system.” [The Hill, [5/11/21](#)]
- **The Biden Administration Issued A Statement Of Administration Policy Saying S.J. Res. 15 Would Block The “Proliferation Of Predatory Lending By Unregulated Payday Lenders.”** “The rule that S.J. Res. 15 would nullify undermines state consumer protection laws and would allow the proliferation of predatory lending by unregulated payday lenders using, among other vehicles, “rent-a-bank” schemes to funnel high-interest, predatory loans through national banks to evade state interest rate caps.” [Biden Administration SAP SJRes 15, [5/11/21](#)]

**June 2021: Congressional Disapproval Of Third-Party Lending Was Signed Into Law, Blocking “Rent-A-Bank” Schemes.** “President Joe Biden signed three separate laws Wednesday that dismantle part of the Trump era, blocking payday lenders from avoiding caps on interest rates, restricting climate-warming greenhouse gas emissions from oil and gas drilling and ending rules on how the Equal Employment Opportunity Commission settles claims. ‘Each of these rules reflects a return to common sense and a commitment to the common good,’ Biden said before the signing, surrounded by congressional leaders who joined him as he turned each resolution into law. Under former President Donald Trump, the Office of the Comptroller of the Currency had enabled payday lenders to charge interest rates in excess of what was allowed by the state. Payday lenders were able to partner with a nationally chartered bank to make high-cost loans and avoid state usury laws. [...] The laws were passed by the

House and Senate through the Congressional Review Act, which allows Congress to overturn certain regulations that have been in place for a short time.” [PBS Newshour, [6/30/21](#)]

**The Trump Administration Legislation Clearing The Way For “Rent-A-Bank” Schemes “Completely Bypassed” Protective State Interest Rate Limits.** “Congress on Thursday overturned a set of regulations enacted in the final days of the Trump administration that effectively allowed payday lenders to avoid state laws capping interest rates. The House voted 218-208 to overturn the Office of the Comptroller of the Currency’s payday lending regulations, with one Republican voting with Democrats. [...] By overturning the Trump administration rule enacted in late 2020, Democrats aimed to stem a payday lender practice that critics had dubbed a ‘rent-a-bank’ scheme. While payday lenders are regulated at the state level, the payday lender would partner with a bank with a national banking charter when making high-cost installment loans. Because a national bank is not based in any one state, it is not subject to individual state usury laws. ‘State interest rate limits are the simplest way to stop predatory lending, and the OCC’s rules would have completely bypassed them,’ said Lauren Saunders, associate director at the National Consumer Law Center, a consumer advocacy group.” [Associated Press, [6/24/21](#)]

- **“Rent-A-Bank” Schemes Allowed Payday Lenders To Make Loans With Annual Interest Rates As High As 299%, And As High As 149% In Arizona, Which Had Passed A Law Capping Payday Loans At 36%.** “This isn’t the first time that ‘rent-a-bank’ has been an issue. Federal regulators clamped down on the practice in the 1990s, but with the proliferation of online banking and fintech companies specializing in online-only financial services, the practice is growing once again. An example on how the practice works can be seen in Elevate, a Texas-based fintech company that offers high-cost installment loans like a payday loan. Elevate offers loans in several states, including Arizona, which has a state law capping interest rates on payday loans at 36%. Because Elevate uses banks out of Utah and Kentucky to originate those loans, Elevate is able to make loans in Arizona for as high as 149%. In other states, Elevate makes loans with annual interest rates as high as 299%. In a statement, Biden’s appointee to the Comptroller of the Currency said he would ‘respect’ Congress overturning their regulations. ‘I want to reaffirm the agency’s long-standing position that predatory lending has no place in the federal banking system,’ acting Comptroller of the Currency Michael J. Hsu said in a statement.” [Associated Press, [6/24/21](#)]



*Yvette Herrell introduced legislation to transfer federal public lands to be sold off by the state, voted against protecting New Mexicans from toxic methane gas leaks that harm our health, air, and water quality, and voted against holding polluters accountable even when their toxic waste was linked to causing cancer and liver damage. Herrell even tried to profit off dumping toxic sludge in Otero County.*

## **Herrell Introduced Legislation To Transfer Federal Public Lands To Be Sold Off By The State...**

**2013: Herrell Co-Sponsored Legislation Proposing The Transfer Of Millions Of Acres Of Federal Public Lands To New Mexico.** “Federal public lands: In what has to be one of the most ambitious and longest-shot bills introduced so far this session, Rep. Yvette Herrell, R-Alamogordo, and Sen. Richard C. Martinez, D-Espacola, are co-sponsoring HB 292, which proposes transferring millions of acres of federal public lands -- Forest Service and Bureau of Land Management lands -- within New Mexico to the state.” The bill was not voted on in the House. [Las Cruces Sun-News, 1/29/13; HB 292, 2013 Regular Session, accessed [8/25/22](#)]

- **Herrell: “We Can Bring In 100 Percent Of Revenues From Oil, Gas, Timber And Other Industries From This Land Instead Of The Less Than 50 Percent That We Currently Keep.”** “Herrell said the transfer of national forest and BLM lands to the state would also provide revenues to New Mexico's coffers instead of the feds. ‘If we follow suit with other states that have done exactly what I am proposing, we can bring in 100 percent of revenues from oil, gas, timber and other industries from this land instead of the less than 50 percent that we currently keep. Doing so will allow us to put more money into our education system to ensure that the children of New Mexico get the education that they deserve.’” [Ruidoso News via NMFLC Blogspot, [1/31/13](#)]

**Herrell’s Bill Proposed That The Federal Government Transfer Public Lands To New Mexico, Which The State Could Then Sell For Profit.** [HB 292, 2013 Regular Session, accessed [8/25/22](#)]

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SECTION 4. TRANSFER OF PUBLIC LANDS.--
    A. On or before December 31, 2015, the United
States shall:
        (1) extinguish title to public lands; and
        (2) transfer title to public lands to the
state.
    B. If the state transfers title to any public lands
with respect to which the state receives title under Paragraph
(2) of Subsection A of this section, the state shall:
        (1) retain five percent of the net proceeds
the state receives from the transfer of title; and
        (2) pay ninety-five percent of the net
proceeds the state receives from the transfer of title to the
United States.
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## **... Voted Against Protecting New Mexicans From Toxic Methane Gas Leaks That Harm Our Health, Air And Water Quality...**

**Herrell Voted Against Congressional Disapproval Of The Trump Administration’s Methane Rule And Reinstating The Obama Administration’s Methane Emission Standards.** In June 2021, Herrell voted against: “Passage of the joint resolution that would provide for congressional disapproval of a September 2020 Environmental Protection Agency rule that reversed 2012 and 2016 rules establishing emission standards- or new source performance standard-- to limit the amount of methane and volatile organic compounds that can be released in the production, processing, transportation and storage of oil and natural gas. Specifically, the 2020 rule rescinded the methane-specific standards and rescinded the applicability of all standards to transportation and storage

activities. The rule also required the EPA, before promulgating new air pollutant standards, to determine that the pollutant causes or contributes significantly to dangerous air pollution. The rule took effect on September 14, 2020. Under the provisions of the joint resolution, the 2020 rule would have no force or effect, and the Obama-era emission standards would be effectively reinstated.” The resolution passed, 229-191. [SJ Res 14, [Vote #185](#), 6/25/21; CQ, [6/25/21](#)]

- **In 2016, The EPA Adopted A Rule That Required Oil And Gas Companies To Limit Methane Leaks And Emissions Which Was Later Reversed By The Trump Administration.** “‘This is a really encouraging step because methane is such an important greenhouse gas to reduce,’ Drew Shindell, an earth science professor at Duke University, said of Wednesday’s vote. ‘It sends a signal that the administration is serious about this.’ In 2016, the Environmental Protection Agency adopted a rule requiring oil and gas companies to curb methane leaks and emissions from their operations. Late last summer, the Trump administration undid it.” [Washington Post, [4/28/21](#)]
- **The Measure Restored Requirements On Companies To Check Every Six Months For Methane Leaks From Equipment Installed After 2015—And Must Ensure Leaks Are Fixed Within 30 Days Of Being Detected.** “If enacted, the measure would restore requirements on companies to check every six months for methane leaks from pipelines, storage tanks and other equipment installed after 2015 — and plug any leak within 30 days after it is detected.” [Washington Post, [4/28/21](#)]
- **Methane Leaks Degraded Water Quality.** “The actual amount could be as much as three times higher, the EPA says, because of incomplete data. The agency believes most of the methane comes from the more than 2 million abandoned wells it estimates were never properly plugged. [...] The pollution threat goes beyond climate change. Leaks from abandoned wells have been found to contaminate groundwater and soil. In extreme cases, gas from abandoned wells has caused explosions. [...] More recently, in 2018, the U.S. EPA was alerted to the presence of nearly 50 abandoned oil and gas wells on Navajo Nation lands within the borders of Utah and New Mexico that were bubbling water at the surface. Tests showed the way from some of the wells contained potentially dangerous levels of arsenic, sulfate, benzene and chloride.” [Reuters, [6/16/20](#)]

### **... And Voted Against Holding Polluters Accountable Even When Their Toxic Waste Was Linked To Causing Cancer And Liver Damage.**

**July 2021: Herrell Voted Against The PFAS Action Act, Authorizing The EPA To Address The Impacts Of Per- And Polyfluoroalkyl Substances (PFAS) On Drinking Water.** In July 2021, Herrell voted against: “Passage of the bill that would require the Environmental Protection Agency to take a number of regulatory actions and establish grant programs to address the impacts of per- and polyfluoroalkyl substances, or PFAS. Specifically, it would require the EPA to designate certain PFAS -- perfluorooctanoic acid and its salts, as well as perfluorooctane sulfonic acid and its salts -- as hazardous chemicals under the Comprehensive Environmental Response, Compensation and Liability Act and determine whether all PFAS should be designated as such within five years of enactment. It would require the EPA to issue a national primary drinking water regulation for maximum contaminant levels of certain PFAS, within two years of enactment, and issue health advisories for PFAS not subject to the regulation. It would authorize \$500 million annually through fiscal 2026 for an EPA infrastructure assistance grant program for community water systems affected by PFAS to implement water treatment technologies that can remove all detectable amounts of PFAS from drinking water. It would require the EPA to establish effluent limits and pretreatment standards for PFAS in wastewater and authorize \$200 million annually through fiscal 2026 for an EPA grant program to help publicly owned treatment works implement such standards. It would authorize \$100 million annually through 2026 for an EPA grant program to test for and install and maintain water filtration systems to address PFAS in school drinking water. Among other provisions, it would require the EPA to add certain PFAS to lists of hazardous air pollutants under the Clean Air Act; issue rules to require toxicity testing on all PFAS by manufacturers; create a public risk-communication strategy regarding PFAS hazards; update voluntary labeling requirements for certain consumer products, including cooking implements, carpets and clothing, to certify that they do not contain any PFAS; and issue guidance on reducing the use of firefighting foam and

related products that contain PFAS by first responders.” The bill passed 241 to 183. [HR 2467, [Vote #217](#), 7/21/21; CQ, [7/21/21](#)]

- **The PFAS Action Act Would Direct The EPA To Start Regulating PFAS.** “The legislation would direct EPA to start the regulatory process for regulating per- and polyfluoroalkyl substances, or PFAS, in drinking water and making the decision on whether to set drinking water standards for certain types of PFAS or to regulate the entire class, which ranges from 5,000 to 7,000 substances.” [Wisconsin Examiner, [7/21/21](#)]
- **Scientists Found Links Between PFASs And Kidney And Testicular Cancer, Thyroid Disease, Liver Damage, High Cholesterol, And Other Diseases.** “Because of their widespread use, release and disposal over the decades, PFASs show up virtually everywhere: in soil, surface water, the atmosphere, the deep ocean—and even the human body. The U.S. Centers for Disease Control and Prevention’s Web site says that the agency has found PFASs in the blood of nearly everyone it has tested for them, ‘indicating widespread exposure to these PFAS in the U.S. population.’ Scientists have found links between a number of the chemicals and many health concerns—including kidney and testicular cancer, thyroid disease, liver damage, developmental toxicity, ulcerative colitis, high cholesterol, pregnancy-induced preeclampsia and hypertension, and immune dysfunction.” [Scientific American, [1/22/21](#)]

## Herrell Even Tried To Profit Off Dumping Toxic Sludge In Otero County.

### Herrell Listed Herself As A Partner At 7 Diamond Liquid Waste LLC On Her 2021 And 2020 Financial Disclosure Reports

**Herrell Listed Herself As A Partner At 7 Diamond Liquid Waste LLC On Her 2021 And 2020 Financial Disclosure Reports.** According to Herrell’s 2020 and 2021 financial disclosure reports, Herrell listed herself as a partner at 7 Diamond Liquid Waste LLC. [Herrell Personal Financial Disclosure, filed [8/15/22](#); [7/30/21](#)]

- **Herrell Was A Partner And Had A 51% Stake In 7 Diamond Liquid Waste, LLC.** According to her 2020 and 2021 personal financial disclosure reports, Herrell was a partner in 7 Diamond Liquid Waste, LLC and had a 51% interest in the company. [Herrell Personal Financial Disclosure, filed [8/15/22](#); [7/30/21](#)]

### Herrell Listed 7 Diamond Liquid Waste LLC As An Asset On Her 2021 And 2020 Financial Disclosure Reports

**2021: Herrell Listed 7 Diamond Liquid Waste LLC As An Asset Valued Between \$500,001-\$1,000,000.** [Herrell Personal Financial Disclosure, filed [8/15/22](#)]

#### SCHEDULE A: ASSETS AND "UNEARNED" INCOME

| Asset  | Owner | Value of Asset             | Income Type(s) | Income | Tx. > \$1,000?           |
|--|-------|----------------------------|----------------|--------|--------------------------|
| 7 Diamond Liquid Waste, LLC ⇒<br>7 Diamond Liquid Waste LLC, 51% Interest [OL]   |       | \$500,001 -<br>\$1,000,000 | Dividends      | None   | <input type="checkbox"/> |
| LOCATION: Alamogordo, NM, US   |       |                            |                |        |                          |
| DESCRIPTION: This is a company located in NM with two plant locations, one in Alamogordo and one in Las Cruces. Both are sludge management treatment plants for the purpose of sludge dewatering and disposal. |       |                            |                |        |                          |

**2020: Herrell Listed 7 Diamond Liquid Waste LLC As An Asset Valued Between \$100,001-\$250,000.** [Herrell Personal Financial Disclosure, filed [7/30/21](#)]

## SCHEDULE A: ASSETS AND "UNEARNED" INCOME

| Asset  | Owner | Value of Asset           | Income Type(s) | Income Current Year to Filing | Income Preceding Year |
|--|-------|--------------------------|----------------|-------------------------------|-----------------------|
| 7 Diamond Liquid Waste, LLC ⇒<br>7 Diamond Liquid Waste LLC, 51%<br>Interest [OL]  |       | \$100,001 -<br>\$250,000 | Dividends      | \$5,001 - \$15,000            | None                  |
| LOCATION: Alamogordo, NM, US   |       |                          |                |                               |                       |
| DESCRIPTION: This is a company located in NM with two plant locations, one in Alamogordo and one in Las Cruces. Both are sludge management treatment plants for the purpose of sludge dewatering and disposal. |       |                          |                |                               |                       |

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### Herrell Received Income From 7 Diamond Liquid Waste LLC

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**January 1, 2021-July 30, 2021: Herrell Reported Receiving \$5,001-\$15,000 In Income From 7 Diamond Liquid Waste LLC, Which Had Locations In Alamogordo And Las Cruces.** [Herrell Personal Financial Disclosure, filed [7/30/21](#)]

## SCHEDULE A: ASSETS AND "UNEARNED" INCOME

| Asset  | Owner | Value of Asset           | Income Type(s) | Income Current Year to Filing | Income Preceding Year |
|--|-------|--------------------------|----------------|-------------------------------|-----------------------|
| 7 Diamond Liquid Waste, LLC ⇒<br>7 Diamond Liquid Waste LLC, 51%<br>Interest [OL]  |       | \$100,001 -<br>\$250,000 | Dividends      | \$5,001 - \$15,000            | None                  |
| LOCATION: Alamogordo, NM, US   |       |                          |                |                               |                       |
| DESCRIPTION: This is a company located in NM with two plant locations, one in Alamogordo and one in Las Cruces. Both are sludge management treatment plants for the purpose of sludge dewatering and disposal. |       |                          |                |                               |                       |

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### September 2019: 7 Diamond Liquid Waste LLC Applied For A Permit To Discharge Up To 7,800 Gallons Of Septage Per Day In Otero County

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**September 2019: 7 Diamond Liquid Waste LLC Submitted An Application To Discharge Up To 7,800 Gallons Per Day Of Septage In Otero County.** “DP-1899, 7Diamond, LLC: Tommie Herrell proposes to discharge up to 7,800 gallons per day of domestic septage to disposal cells and land application area.” [New Mexico Environment Department Ground Water Quality Bureau, [9/26/19](#)]

- **Potential Contaminants Included Nitrogen Compounds.** “Potential contaminants from this type of discharge include nitrogen compounds. The facility is located 0.3 miles west of Lavelle Rd. and 0.5 miles north of Zuni Dr. in Alamogordo, in Section 35, T16S, R09E, Otero County. Groundwater most likely to be affected is at a depth of approximately 30 feet and had a pre-discharge total dissolved solids concentration of 6,312 milligrams per liter.” [New Mexico Environment Department Ground Water Quality Bureau, [9/26/19](#)]
- **Groundwater Most Likely To Be Affected Was At A Depth Of 30 Feet In An Area In Otero County.** “Potential contaminants from this type of discharge include nitrogen compounds. The facility is located 0.3 miles west of Lavelle Rd. and 0.5 miles north of Zuni Dr. in Alamogordo, in Section 35, T16S, R09E, Otero County. Groundwater most likely to be affected is at a depth of approximately 30 feet and had a pre-discharge total dissolved solids concentration of 6,312 milligrams per liter.” [New Mexico Environment Department Ground Water Quality Bureau, [9/26/19](#)]

|  |                                   |  |   |
|--|-----------------------------------|--|---|
| <b>Discharge Permit</b><br><b>1899</b> | <b>Facility</b><br>7Diamond, LLC  | <b>Applicant</b><br>Tommie Herrell, Owner<br>7Diamond, LLC | <b>NMED Permit Contact</b><br>Jason Herman<br>Hydrologist – Supervisor<br>Domestic Team Leader<br><a href="mailto:Jason.Herman@state.nm.us">Jason.Herman@state.nm.us</a><br>Telephone: (505) 827-2713 |
|  | <b>Closest City</b><br>Alamogordo | <b>County</b><br>Otero                                     | PO Box 4338<br>La Luz, NM 88337   |

**Notice:** DP-1899, 7Diamond, LLC: Tommie Herrell proposes to discharge up to 7,800 gallons per day of domestic septage to disposal cells and land application area. Potential contaminants from this type of discharge include nitrogen compounds. The facility is located 0.3 miles west of Lavelle Rd. and 0.5 miles north of Zuni Dr. in Alamogordo, in Section 35, T16S, R09E, Otero County. Groundwater most likely to be affected is at a depth of approximately 30 feet and had a pre-discharge total dissolved solids concentration of 6,312 milligrams per liter.

[New Mexico Environment Department Ground Water Quality Bureau, [9/26/19](#)]

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### **October 4<sup>th</sup>, 2019: The City Of Alamogordo Protested The Discharge Permit Submitted By 7 Diamond, LLC And Said It Violated City Code Ordinances**

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#### **October 2019: The City Of Alamogordo Protested The Discharge Permit Submitted By 7 Diamond, LLC.**

“The City of Alamogordo would like to formally protest discharge permit 1899 for 7Diamond, LLC. According to the location listed on the permit (1.3 miles west of LaVelle Rd. and 0.5 miles North of Zuni Dr. in Alamogordo, in section 35, T16S,R09E, Otero County) This request would be in direct violation of Chapter 28 of the City Code of Ordinances titled: Water, Sewer, and sewage disposal.” [New Mexico Environment Department, Ground Water Quality Bureau, records received 10/26/21]

- **The City Of Alamogordo Claimed The Request Violated A City Code Ordinance Requiring A Lot Or Building Within 150 Feet Of A Sanitary Sewer Main To Connect The Building To The Sewage Collection System.** “This request would be in direct violation of Chapter 28 of the City Code of Ordinances titled: Water, Sewer, and sewage disposal. In section 28-02-010 of the ordinance states; Any person whose building is on a lot or land adjoining a street in which sewage collection system exists and which building is within one hundred fifty (150) feet of a sanitary sewage main shall be required to connect his building to the sewage collection system. Failure to connect the system shall be deemed a misdemeanor. (Code 1960, 8-8-2). For this reason, the City of Alamogordo cannot support this request for permit.” [New Mexico Environment Department, Ground Water Quality Bureau, records received 10/26/21]

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### **October 23<sup>rd</sup>, 2019: The City Of Alamogordo Withdrew Their Letter Of Protest**

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**On October 23<sup>rd</sup>, The City Of Alamogordo Withdrew Their Letter Of Protest After The Location In 7 Diamond, LLC’s Request Was Modified.** “With the new information sent to us via phone message, modifying the location of the property identified in discharge permit 1899 we formally withdraw our letter of protest for this permit. The location as now identified is not in the City limits and does not violate City of Alamogordo Ordinances. Please disregard the protest letter as sent to protest this discharge permit.” [New Mexico Environment Department, Ground Water Quality Bureau, records received 10/26/21]

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### **November 20<sup>th</sup>, 2019: A New Mexico Environment Department Employee Explained To Tommie Herrell That There Was “Increasing Public Interest And Opposition” To The Proposed Discharge**

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**In Memo Detailing A Conversation Between A Environment Department Employee And Tommie Herrell, It Was Noted That There Was “Increasing Public Interest And Opposition” To The Proposed Discharge.** “I called to inform Mr. Herrell of the increasing public interest and opposition to his proposed discharge. I informed him that [sic] during the public comment period, people can request a hearing and submit comment. People are concerned about odor [sic] devaluation of their property and potential to contaminate GW. I explained to him that his application says the depth to shallowest GW is 30 ft, so far the facility he is proposing and the shallow nature

[sic] at GW, we would most likely require MWS, etc. He understood and requested the interested parties list. I pointed him to the IPRA form.” [New Mexico Environment Department, Ground Water Quality Bureau, records received 10/26/21]

- **Residents Cited Concerns About The Devaluation Of Their Property And The Potential To Contaminate Ground Water.** “I called to inform Mr. Herrell of the increasing public interest and opposition to his proposed discharge. I informed him that [sic] during the public comment period, people can request a hearing and submit comment. People are concerned about odor [sic] devaluation of their property and potential to contaminate GW. I explained to him that his application says the depth to shallowest GW is 30 ft, so far the facility he is proposing and the shallow nature [sic] at GW, we would most likely require MWS, etc. He understood and requested the interested parties list. I pointed him to the IPRA form.” [New Mexico Environment Department, Ground Water Quality Bureau, records received 10/26/21]

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#### **November 25<sup>th</sup>, 2019: 7 Diamond, LLC Withdrew Their Request For A Discharge Permit**

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**November 25<sup>th</sup>, 2019: 7 Diamond, LLC Withdrew Their Request For A Discharge Permit.** “The New Mexico Environmental Department (NMED) acknowledges receipt of a letter dated November 25, 2019, indicating your withdrawal of the above referenced Discharge Permit application. The application, which was submitted September 3, 2019, proposed a surface disposal facility for domestic septage, located in Section 35, Township 16S, Range 9E, Otero County. NMED also acknowledges receipt of payment for one-half of the Discharge Permit fee (\$862.50) as required by Subsection B of 20.6.2.3114 NMAC.” [New Mexico Environment Department, Ground Water Quality Bureau, records received 10/26/21]

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#### **June 2020: Herrell Submitted A Disposal Management Plan To Serve As Dewatering Plant Providing Services For Septic Pumping Throughout Otero County**

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**June 2020: Herrell, As An Agent For 7 Diamond LLC, Submitted A Disposal Management Plan For Dewatered Septage Sludge To The New Mexico Environment Department’s Solid Waste Bureau, Which Approved The Plan.** “Dear Ms. Herrell: The New Mexico Environment Department’s Solid Waste Bureau (“SWB”) has reviewed the Disposal Management Plan (“DMP”), as compiled and reviewed on June 10, 2020, covering disposal of dewatered septage sludge to be generated during operation of the 7 Diamond Dewatering Plant, 2861 Airport Road, Alamogordo, New Mexico.” [New Mexico Environment Department, Solid Waste Bureau, records received 10/27/21]

- **The Disposal Management Plan Was Approved Under The Conditions That The Sludge Will Be Sampled At Least Once For Every 100 Cubic Yards Of Sludge Generated, Or At Least Once Per Calendar Year, Whichever Occurs First.** “In accordance with the specific approval provisions of the New Mexico Solid Waste Rules, 20.9.2.13.A(2) NMAC, the DMP is hereby approved, with the following conditions: 1. In accordance with the terms of the DMP and all applicable requirements of the SWR, the sludge shall be sampled and forwarded for laboratory analyses at least once for every 100 cubic yards of sludge generated, or once per calendar year, whichever occurs first.” [New Mexico Environment Department, Solid Waste Bureau, records received 10/27/21]
- **The Disposal Management Plan Was Approved Under Condition That If Laboratory Analyses Indicated One Or More Test Parameter Exceedances, Sludge Disposal Immediately Ceases.** “In the event laboratory analyses indicates one or more test parameter exceedances, sludge disposal shall immediately cease, the SWB shall be notified within 48 hours, 7 Diamond, LLC shall begin investigation into the cause for the exceeded parameter(s) and take any necessary corrective action, including additional sampling (as necessary), and written SWB approval shall be obtained prior to reinitiating sludge disposal.” [New Mexico Environment Department, Solid Waste Bureau, records received 10/27/21]

**7 Diamond LLC Described Itself As A Dewatering Plant Providing Services For Septic Pumping Throughout Otero County.** “7 Diamond is a dewatering plant providing services for septic pumping

operations throughout Otero County.” [New Mexico Environment Department, Solid Waste Bureau, records received 10/27/21]

- **7 Diamond LLC Planned To Receive Approximately 5,000 Gallons Of Wastewater Per Day.** “7 Diamond is a dewatering plant providing services for septic pumping operations throughout Otero County. The product is transported to the 7 Diamond facility, located at 2861 Airport Road, Alamogordo, for treatment. We anticipate approximately 5000 gallons of wastewater per day.” [New Mexico Environment Department, Solid Waste Bureau, records received 10/27/21]
- **During The Dewatering Process, Septage Storage Would Be Mixed With Polymer Solution And Then Dumped Into Dewatering Boxes For Water And Solid Separation.** “Wastewater will be offloaded into large storage tanks. Once storage has met capacity, the dewatering process will proceed. During the dewatering process, septage storage will be mixed with polymer solution then pumped into dewatering boxes for water/solid separation.” [New Mexico Environment Department, Solid Waste Bureau, records received 10/27/21]
- **7 Diamond LLC Claimed Clean, Sewerable Water Would Be Discharged Into The City Sewer System.** “Clean, sewerable water will be discharged into the city sewer system. Dewatered solids will remain in dewatering box for additional twenty-four (24) hours to achieve “paint test” compliance required by Otero/Greentree Regional Landfill (EPA test method 9095, unless exempt and in accordance with 20.9.4.17 NMAC). The dewatered sludge will be generated at the 7 Diamond facility and will meet all components of NMED regulation. Processed sludge will not be stored or stockpiled.” [New Mexico Environment Department, Solid Waste Bureau, records received 10/27/21]

**7 Diamond Planned To Transport Sludge To The Otero/Greentree Regional Landfill.** “7 Diamond will transport sludge to the Otero/Greentree Regional Landfill, Permit # SWM-109102(SP), 4276 US Hwy 54 South, Alamogordo, NM 88310, Otero County, Landfill Manager, Jim Bramble (575)921-9201. Otero/Greentree Regional Landfill is operated by the City of Alamogordo and is permitted through the Solid Waste Bureau, New Mexico Environment Department, to accept solid waste and sludge material. Dewatered sludge will be disposed of at Otero/Greentree Regional Land fill as per their normal operation procedures for this type of waste.” [New Mexico Environment Department, Solid Waste Bureau, records received 10/27/21]