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F I S C A L I M P A C T R E P O R T

SPONSOR: Larranaga	DATE TYPED: 03/15/01	HB 127/aHAGC/aHENRC /aSCONC
SHORT TITLE: Amend Water Quality Act	SB	
	ANALYST: Belmares	

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			\$ 20.0	Non-Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SB99

SOURCES OF INFORMATION

Department of Environment

SUMMARY

Synopsis of SCONC Amendment

The SCONC amendment adds a requirement to maintain a repository of the scientific data required by the act. The Department of Environment has indicated it currently maintains such a database.

Synopsis of HENRC Amendment

House Bill 127a/HENRC strikes previous amendments from the House Energy and Natural Resources Committee, changes the word “evidence” on page 1, line 13 to the word “data,” and strikes the phrase “evidence and subject to” on page 2, line 3 and inserts “data as defined by regulation by the commission and other evidence appropriate under.”

Synopsis of HAGC Amendment

House Bill 127 of House Agriculture and Water Resources Committee amendment inserts the language “as defined by the commission” to clarify the use of the term “evidence.” House Bill 127/aHAGC makes other minor grammatical changes. Finally House Bill 127/aHAGC adds a new subsection. The new subsection (subsection M.) which would give the duty and power to the Water Quality Control Commission to identify the waters of the state for which the effluent limitations required by sections 301 (b) (1) (A) and 301 (b) (1) (B) of the federal Clean Water Act are not stringent enough to implement any water quality standard applicable to the waters and shall establish

a priority ranking for the waters, taking into account the severity of the pollution and the uses to be made of those waters.

The Department of Environment asserts the added subsection included in House Bill 127a\HAGC is a similar to section 303(d) of the federal Clean Water Act which requires states to list impaired waters (the so called 303(d) list). Additionally, the Department indicates House Bill 127a\HAGC may in fact limit the powers and duties of the Water Quality Control Commission by specification of certain authorities, which may be read as limiting authorities, which are not specified. Section 74-6-3 E of the New Mexico Water Quality Act establishes "the commission is the state water pollution control agency for this state for all purposes of the federal act..." The Department of Environment asserts paragraph "M" of the amendment is not necessary.

Synopsis of Original Bill

House Bill 127 amends the Water Quality Act, Section 74-6-4 C. The Water Quality Control Commission "... shall adopt water quality standards for surface and ground waters of the state based on credible scientific evidence and subject to the Water Quality Act."

Significant Issues

Part of the role of the Water Quality Control Commission is to review all water quality standards and the evidence that supports such standards and reach a deliberate and informed decision as to the appropriateness of the standards. The Department of Environment asserts House Bill 127 would explicitly state the process that is already in place.

FISCAL IMPLICATIONS

The Department of Environment has estimated promulgating new regulations would cost approximately \$20.0.

ADMINISTRATIVE IMPLICATIONS

Definition of the term "credible scientific evidence" would be necessary. The Department of Environment asserts that defining the term should be accomplished through regulations of the Water Quality Control Commission. Promulgation of a regulation would require a public hearing which would be preceded by public meetings through which the Department of Environment would seek public discussion and input. The agency has estimated this process would take approximately six months and would incur expenses of approximately \$20.0.

CONFLICT/DUPLICATION/COMPANIONSHIP/RELATIONSHIP

House Bill 127 duplicates Senate Bill 99.

EB/ar/njw