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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/22/13

SPONSOR HJC LAST UPDATED 03/15/13 HB CS/CS/489/HJCS/aSJC

SHORT TITLE Abq-Bernalillo Water Authority Ordinances SB \_\_\_\_\_

ANALYST Weber/Chabot

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received on Previous Analysis From

Administrative Office of the Courts (AOC)

Attorney General Office (AGO)

Office of the State Engineer (OSE)

### SUMMARY

#### Synopsis of SJC Amendment

The Senate Judiciary Committee amendment to the House Judiciary Committee substitute for the House Health, Government and Indian Affairs Committee substitute for House Bill 489 strikes the provision for violations of any other ordinance but leaves the provision for a fine of not more than \$1,000 a day for violation of the provisions of this bill.

#### Synopsis of Original Bill

The House Judiciary Committee substitute for the House Health and Government Affairs Committee substitute for House Bill 489 changes 3-17-1 NMSA 1978 relating to municipal ordinances to include magistrate courts as an authority to hear cases, clarifies fines imposed are for each violation and makes administrative corrections for numbering and lettering throughout Section 3-17-1A NMSA 1978. It provides “an entity established pursuant to Section 72-1-10 NMSA 1978, (the Albuquerque-Bernalillo County Water Utility Authority) may adopt ordinances not inconsistent with the laws of New Mexico for the purposes of:

- (1) complying with applicable provisions of the federal Clean Water Act and regulations of the United States environmental protection agency; and

(2) enforcing the ordinances by prosecution in the municipal courts, magistrate courts and metropolitan courts and, upon conviction, the imposition of:

(a) for each violation of an industrial user wastewater pretreatment ordinance as required by the United States environmental protection agency, a fine of not more than one thousand dollars (\$1,000) a day; and

(b) for each violation of any other ordinance, a fine of not more than five hundred dollars (\$500) or imprisonment for not more than ninety days or both."

## **FISCAL IMPLICATIONS**

No fiscal implications identified.

## **SIGNIFICANT ISSUES**

The Water Authority reports that it operates the Southside Water Reclamation Plant (SWRP) which treats on average of 55 million gallons per day of wastewater in accordance with an U.S. Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) discharge permit. The permit requires the Water Authority to operate a pretreatment program to regulate industrial discharges to the collection system to prevent pass through or interference with the SWRP treatment processes. The permit requires the Water Authority SWRP, a Publically Owned Treatment Work (POTW) to have adequate legal authority to enforce against industrial users that may violate pretreatment standards or requirements specified in the Water Authority Sewer and Wastewater Control Ordinance. In particular, EPA requires that the "...POTW shall also have authority to seek or assess civil or criminal penalties in at least the amount of \$1,000 per day per violation by industrial users of pretreatment standards and requirements." 40 CFR 403.8(f)(1)(vi)(A).

MW:GAC/blm:svb