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HOUSE MEMORIAL 49

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

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A MEMORIAL

REQUESTING THE DEPARTMENT OF ENVIRONMENT TO MAKE
RECOMMENDATIONS REGARDING THE DEVELOPMENT OF A PROGRAM TO
ASSESS, MONITOR AND REMEDIATE, AS NECESSARY, LEGACY SOLID WASTE
LANDFILLS AND UNAUTHORIZED DISPOSAL SITES ON LANDS OWNED BY
LOCAL GOVERNMENTAL ENTITIES AND SCHOOL DISTRICTS.

WHEREAS, legacy unlined landfills and unauthorized buried
waste dump sites are located in almost every incorporated and
unincorporated area of the state; and

WHEREAS, due to historic practices, these sites, if left
unassessed, unmonitored and unremediated, have a high potential
to contaminate ground and surface waters in New Mexico by
migration of leachate from these sites; and

WHEREAS, at least fifty-five legacy unlined landfills and
an unknown number of legacy dump sites exist in the state; and

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1 WHEREAS, ground water monitoring data from old unlined
2 landfills and legacy sites indicate that a significant number
3 of these sites have volatile organic compounds and heavy metals
4 contamination above established ground water protection
5 standards; and

6 WHEREAS, site assessments, site capping, mitigation,
7 remediation, waste excavation and removal, use of waste
8 isolation measures, implementation of ground water monitoring
9 plans, installation of monitoring wells and appropriate
10 disposal or management of excavated wastes are expensive and
11 can often exceed one million dollars (\$1,000,000) at a given
12 site; and

13 WHEREAS, owners of land where old landfills and legacy
14 waste dump sites exist do not generally have the financial
15 resources to undertake environmental evaluations and
16 remediation; and

17 WHEREAS, parties responsible for the creation of legacy
18 waste dump sites are often unknown or are unable or unwilling
19 to assess, investigate and remediate the sites, or to mitigate
20 potential migration of contaminants; and

21 WHEREAS, there is currently no funding available from any
22 agency of the federal government, including the environmental
23 protection agency, to address this type of legacy waste; and

24 WHEREAS, expenditures for the remediation and mitigation
25 of impacts from legacy solid waste facilities and dump sites

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1 are not authorized by provisions of the Hazardous Waste Act or
2 the Ground Water Protection Act; and

3 WHEREAS, potential funding from the solid waste facility
4 grant fund and the recycling and illegal dumping fund is not
5 sufficient to address the remediation of legacy solid waste
6 sites; and

7 WHEREAS, the types of projects and entities eligible for
8 funding from the solid waste facility grant fund and the
9 recycling and illegal dumping fund are limited; and

10 WHEREAS, the state does not have a comprehensive program
11 established to ensure that assessment, monitoring and
12 remediation of legacy solid waste facilities or of unauthorized
13 waste disposal sites, excluding tire dump sites, are conducted;
14 and

15 WHEREAS, Article 20, Section 21 of the constitution of New
16 Mexico affirms that "The protection of the state's beautiful
17 and healthful environment is hereby declared to be of
18 fundamental importance to the public interest, health, safety
19 and the general welfare." and that "The legislature shall
20 provide for control of pollution and control of despoilment of
21 the air, water and other natural resources of this state,
22 consistent with the use and development of these resources for
23 the maximum benefit of the people.";

24 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
25 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the department

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1 of environment be requested to make recommendations regarding
2 the development of a program to assess, monitor and remediate,
3 as necessary, legacy solid waste landfills and unauthorized
4 disposal sites on lands owned by local governmental entities
5 and school districts; and

6 BE IT FURTHER RESOLVED that such recommendations include
7 options for program funding to assure timely assessment,
8 environmental monitoring and site remediation by qualified
9 professionals, as necessary; and

10 BE IT FURTHER RESOLVED that the department of environment
11 be requested to prepare and submit a report of its findings,
12 with recommendations, and an action plan to the interim
13 legislative radioactive and hazardous materials committee, the
14 interim legislative New Mexico finance authority oversight
15 committee, the legislative finance committee and any other
16 appropriate interim legislative committees; and

17 BE IT FURTHER RESOLVED that the recommendations of the
18 department of environment include proposed amendments to the
19 appropriate statutes; and

20 BE IT FURTHER RESOLVED that a copy of this memorial be
21 transmitted to the secretary of environment.