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HOUSE BILL 478

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY
James Roger Madalena

FOR THE WATER AND NATURAL RESOURCES COMMITTEE

AN ACT

RELATING TO THE ENVIRONMENT; PROVIDING FOR ON-SITE LIQUID
WASTE FEES; CREATING THE LIQUID WASTE FUND; AMENDING AND
ENACTING SECTIONS OF THE ENVIRONMENTAL IMPROVEMENT ACT;
MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 74-1-7 NMSA 1978 (being Laws 1971,
Chapter 277, Section 10, as amended) is amended to read:

"74-1-7. DEPARTMENT--DUTIES.--

A. The department is responsible for environmental
management and consumer protection programs. In that
respect, the department shall maintain, develop and enforce
[regulations] rules and standards in the following areas:

(1) food protection;

(2) water supply, including implementing a
capacity development program to assist water systems in

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1 acquiring and maintaining technical, managerial and financial
2 capacity in accordance with Section 1420 of the federal Safe
3 Drinking Water Act and establishing administrative penalties
4 for enforcement;

5 (3) liquid waste, including exclusive
6 authority to collect on-site liquid waste system fees and to
7 implement and administer an inspection and permitting program
8 for on-site liquid waste systems;

9 (4) air quality management as provided in
10 the Air Quality Control Act;

11 (5) radiation control as provided in the
12 Radiation Protection Act;

13 (6) noise control;

14 (7) nuisance abatement;

15 (8) vector control;

16 (9) occupational health and safety as
17 provided in the Occupational Health and Safety Act;

18 (10) sanitation of public swimming pools and
19 public baths;

20 (11) plumbing, drainage, ventilation and
21 sanitation of public buildings in the interest of public
22 health;

23 (12) medical radiation, health and safety
24 certification and standards for radiologic technologists as
25 provided in the Medical Radiation Health and Safety Act;

(13) hazardous wastes and underground
storage tanks as provided in the Hazardous Waste Act; and

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1 (14) solid waste as provided in the Solid
2 Waste Act.

3 B. Nothing in Subsection A of this section imposes
4 requirements for the approval of subdivision plats in
5 addition to those required elsewhere by law. Nothing in
6 Subsection A of this section preempts the authority of any
7 political subdivision to approve subdivision plats."

8 Section 2. Section 74-1-8 NMSA 1978 (being Laws 1971,
9 Chapter 277, Section 11, as amended) is amended to read:

10 "74-1-8. BOARD--DUTIES.--

11 A. The board is responsible for environmental
12 management and consumer protection. In that respect, the
13 board shall promulgate [~~regulations~~] rules and standards in
14 the following areas:

15 (1) food protection;
16 (2) water supply, including a capacity
17 development program to assist water systems in acquiring and
18 maintaining technical, managerial and financial capacity in
19 accordance with Section 1420 of the federal Safe Drinking
20 Water Act and [~~regulations~~] rules authorizing imposition of
21 administrative penalties for enforcement;

22 (3) liquid waste, including exclusive
23 authority to establish on-site liquid waste system fees and
24 to implement and administer an inspection and permitting
25 program for on-site liquid waste systems;

(4) air quality management as provided in
the Air Quality Control Act;

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- 1 (5) radiation control as provided in the
- 2 Radiation Protection Act;
- 3 (6) noise control;
- 4 (7) nuisance abatement;
- 5 (8) vector control;
- 6 (9) occupational health and safety as
- 7 provided in the Occupational Health and Safety Act;
- 8 (10) sanitation of public swimming pools and
- 9 public baths;
- 10 (11) plumbing, drainage, ventilation and
- 11 sanitation of public buildings in the interest of public
- 12 health;
- 13 (12) medical radiation, health and safety
- 14 certification and standards for radiologic technologists as
- 15 provided in the Medical Radiation Health and Safety Act;
- 16 (13) hazardous wastes and underground
- 17 storage tanks as provided in the Hazardous Waste Act; and
- 18 (14) solid waste as provided in the Solid
- 19 Waste Act.

20 B. Nothing in Subsection A of this section imposes

21 requirements for the approval of subdivision plats in

22 addition to those required elsewhere by law. Nothing in

23 Subsection A of this section preempts the authority of any

24 political subdivision to approve subdivision plats.

25 C. Administrative penalties collected pursuant to

Paragraph (2) of Subsection A of this section shall be

deposited in the water conservation fund.

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1 D. On-site liquid waste system fees shall be
2 deposited in the liquid waste fund."

3 Section 3. A new section of the Environmental
4 Improvement Act is enacted to read:

5 "[NEW MATERIAL] LIQUID WASTE FUND CREATED.--The "liquid
6 waste fund" is created in the state treasury. On-site liquid
7 waste system fees shall be deposited in the fund. Money in
8 the fund is appropriated to the department for administration
9 of liquid waste regulations. Disbursements from the fund
10 shall be by warrant drawn by the secretary of finance and
11 administration pursuant to vouchers signed by the secretary
12 of environment or his designee. Any unexpended or
13 unencumbered balance or income earned from the money in the
14 liquid waste fund remaining at the end of any fiscal year
15 shall not revert to the general fund."

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