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## FISCAL IMPACT REPORT

SPONSOR:  Saavedra  DATE TYPED:  02/25/03  HB  931

SHORT TITLE:  Drinking Water Standards  SB

ANALYST:  Valenzuela

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			See Narrative		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Legislative Finance Committee files  
Department of Environment

### SUMMARY

#### Synopsis of Bill

House Bill 931 proposes two amendments to the Environmental Improvement Act that would allow the Environmental Improvement Board to promulgate rules establishing drinking water standards that are at least as stringent as water quality standards, and establishing for radiation control a fee schedule for license, registration and other related fees to be deposited in the radiation protection fund.

#### Significant Issues

The Safe Drinking Water Act (SDWA), passed in 1974 and amended in 1986 and 1996, gives the U.S. Environmental Protection Agency (EPA) the authority to set drinking water standards. The Department of Environment (NMED) Drinking Water Bureau has “primacy”, which gives it the authority to implement the provisions of SDWA within New Mexico. The key to receiving primacy from EPA is that the state must adopt drinking water standards “at least as stringent” as those adopted by EPA. The New Mexico Water Quality Control Commission has promulgated rules for water quality that are not as stringent as drinking water standards.

The provisions of this bill could violate the EPA primacy requirement and the SDWA.

On the second provision of the bill, the Radiation Control Act provides the Environmental Improvement Board the authority to promulgate rules for fees related to licensing and registration of those entities regulated pursuant to the Act. The revision would create consistency between the Environmental Improvement Act and the Radiation Control Act.

**FISCAL IMPLICATIONS**

House Bill 931 does not contain an appropriation. Loss of primacy for implementation of the SDWA could have a fiscal impact for the Drinking Water Bureau if EPA withholds federal funds.

**POSSIBLE QUESTIONS**

What amount of federal funding could be at stake should the state lose primacy over the Safe Drinking Water Act?

**MFV/yr:prr**