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AN ACT

RELATING TO THE ENVIRONMENT; ENACTING A NEW SECTION OF THE ENVIRONMENTAL IMPROVEMENT ACT TO PROVIDE FOR ASSISTANCE TO INDIGENT PERSONS TO REPLACE SUBSTANDARD LIQUID WASTE DISPOSAL SYSTEMS; CREATING A FUND; PROVIDING FOR DISTRIBUTIONS; MAKING AN APPROPRIATION.

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

Section 1. A new section of the Environmental Improvement Act is enacted to read:

"LIQUID WASTE DISPOSAL SYSTEM ASSISTANCE FUND--
CREATED--PURPOSE.--

A. The "liquid waste disposal system assistance fund" is created in the state treasury. The department shall administer the fund. The fund may be composed of appropriations and transfers of money earned from investment of the fund and otherwise accruing to the fund and transfers of money from the liquid waste fund not to exceed two hundred thousand dollars (\$200,000) from the unexpended balance in the fund. Balances remaining in the fund at the end of a fiscal year shall remain to the credit of the fund.

Disbursements from the fund shall be drawn on warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of environment or the secretary's authorized representative. Money in the fund is appropriated

1 to the department for the sole purpose of assisting indigent
2 individuals or households that qualify for funding to
3 accomplish one of the following purposes where there is a
4 real or potential negative impact to public health or water
5 quality from on-site liquid waste disposal system effluent:

6 (1) to pay for a liquid waste disposal
7 system to replace a cesspool or other failed or improper
8 on-site liquid waste disposal system;

9 (2) to purchase, install or maintain an
10 advanced treatment system as required by the Environmental
11 Improvement Act or regulations issued pursuant to that act;

12 (3) to pay for the decommissioning and
13 removal of a cesspool or other failed or improper on-site
14 liquid waste disposal system; or

15 (4) to pay for all or a portion of the
16 connection fees in order to connect an individual or
17 household to a centralized wastewater collection and
18 treatment system.

19 B. Construction activities sponsored by the fund
20 shall be performed by licensed contractors selected through
21 competitive bid by the department and shall be managed by the
22 department.

23 C. No more than five percent of the fund shall be
24 used by the department on an annual basis to pay for the
25 department costs associated with management and

1 implementation of fund activities.

2 D. As used in this section:

3 (1) "advanced treatment system" means an
4 on-site liquid wastewater treatment system that removes a
5 greater amount of contaminants than is accomplished by a
6 primary treatment system;

7 (2) "connection fee" means the fee paid
8 directly to a public water or wastewater system or other
9 wastewater management organization and does not include other
10 fees, such as legal fees, related to connecting an individual
11 or household to a centralized wastewater collection and
12 treatment system; and

13 (3) "indigent individuals or households"
14 means individuals or households whose annual incomes do not
15 exceed the federal poverty guidelines."

16 Section 2. Section 74-1-15 NMSA 1978 (being Laws 2000,
17 Chapter 96, Section 3) is amended to read:

18 "74-1-15. LIQUID WASTE FUND CREATED.--The "liquid waste
19 fund" is created in the state treasury. On-site liquid waste
20 system fees shall be deposited in the fund. Money in the fund
21 is appropriated to the department for administration of liquid
22 waste regulations, and no more than two hundred thousand
23 dollars (\$200,000) from unexpended money in the fund may be
24 transferred to the liquid waste disposal system assistance
25 fund, if enacted into law by the first session of the

