

74-1-12. Compliance with the federal Safe Drinking Water Act; purpose.

The purpose of this section and Section 74-1-13 NMSA 1978 is to provide:

- A. an incentive for conservation of water, the state's most precious resource; and
- B. funding for certain locations in the state to comply with the federal Safe Drinking Water Act in which the United States congress mandated that the United States environmental protection agency establish drinking water standards for contaminants, require filtration and disinfection for all public water supply systems, increase enforcement authority, establish public notification requirements, implement a lead ban and implement a capacity development program for existing and newly created water systems.

74-1-13. Water conservation fee; imposition; definitions.

- A. There is imposed on every person who operates a public water supply system a water conservation fee in an amount equal to three cents (\$.03) per thousand gallons of water produced on which the fee imposed by this subsection has not been paid.
- B. The "water conservation fund" is created in the state treasury and shall be administered by the department of environment. The fund shall consist of water conservation fees collected pursuant to this section. Balances in the fund at the end of any fiscal year shall not revert to the general fund but shall accrue to the credit of the fund. Earnings on the fund shall be credited to the fund.
- C. Money in the water conservation fund is appropriated to the department of environment for administration of a public water supply program to:
 - (1) test public water supplies for the contaminants required to be tested pursuant to the provisions of Section 1412 of the federal Safe Drinking Water Act, as finalized through July I, 1992, and collect chemical compliance samples as required by those provisions of the federal act;
 - (2) perform vulnerability assessments which will be used to assess a public water supply's susceptibility to those contaminants; and
 - (3) implement new requirements of the Utility Operators Certification Act [Chapter 61, Article 33 NMSA 1978) and provide training for all public water supply operators.
- D. The taxation and revenue department shall provide by regulation for the manner and form of collection of the water conservation fee. All water conservation fees collected by the taxation and revenue department, less the administrative fee withheld

pursuant to Section 1 [7-1-6.41 NMSA 1978] of this 1997 act, shall be deposited in the water conservation fund.

E. The fee imposed by this section shall be administered in accordance with the provisions of the Tax Administration Act [Chapter 7, Article 1 NMSA 1978) and shall be paid to the taxation and revenue department by each person who operates a public water supply system in the manner required by the department on or before the twenty-fifth day of the month following the month in which the water is produced.

F. Each operator of a public water supply system shall register and comply with the provisions of Section 7-1-12 NMSA 1978 and furnish such information as may be required by the taxation and revenue department.

G. As used in this section:

- (1) "person" means any individual or legal entity and also means, to the extent permitted by law, any federal, state or other governmental unit or subdivision or an agency, department or instrumentality thereof; and
- (2) "public water supply system" means a system that provides piped water to the public for human consumption and that has at least fifteen service connections or regularly services an average of at least twenty-five individuals at least sixty days per year.