

**MICHELLE LUJAN GRISHAM, GOVERNOR**

James C. Kenney, Cabinet Secretary

Jennifer J. Pruet, Deputy Secretary

NEWS RELEASE*For Immediate Release***Jan. 27, 2021**

The Environment Department's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.

Contact: Maddy Hayden, Communications Director
New Mexico Environment Department
505.231.8800 | maddy.hayden@state.nm.us

Environment Department files agency priority legislation for 2021 session, emphasizes critical need for increased budget*Bills address solvency, safe drinking water, bad environmental actors*

From Fiscal Year 2010 to Fiscal Year 2019, the New Mexico Environment Department's (NMED) general fund was cut by 42%, resulting in a loss of environmental and public health protections across New Mexico.

The administration of Gov. Michelle Lujan Grisham is making restoring those protections – deserved by all New Mexicans – a priority by recommending \$16.8 million in general fund for NMED, a 28.1% increase over last year.

Meanwhile, the Legislative Finance Committee recommended no increase to the Department's budget.

Without a 28% increase, NMED will continue to struggle to fulfill its mission of protecting and preserving the environment for present and future generations, threatening the safety of public drinking water systems, the ability for NMED to hold polluters accountable, and the safety of New Mexico's workers during a global pandemic.

"Make no mistake – budget is policy," said NMED Cabinet Secretary James Kenney. "The Governor's investment in protecting public health and the environment is only possible through legislative action. It's time to fully fund the New Mexico Environment Department."

In separate efforts to improve the fiscal wellbeing of the Department and to offer additional protections to public health and the environment, the agency filed five pieces of legislation:

Safe Drinking Water Testing Fund Solvency (HB 92)**Sponsors: Rep. Doreen Gallegos, Rep. Susan Herrera, Sen. George Muñoz**

Nearly every one of New Mexico's 2 million residents relies on a public drinking water system. In 1993, the Legislature created the Water Conservation Fund to help public water systems pay for required testing of drinking water that ensures water is safe to consume. The fund relies on contributions from public water systems. Due to increased sampling and laboratory testing costs, this fund is no longer solvent and may run out by June 2022. Without this bill, NMED will cut sampling and testing services, placing a burden especially on New Mexico's 435 community water systems that serve 1,000 people or less.

As a result of insufficient revenue, NMED has already had to shift some sampling and testing payments back onto 500 public water systems that serve approximately 600,000 New Mexicans.

By passing HB 92 and increasing the contribution of public waters systems by 2 cents per thousand gallons of drinking water produced, we can restore the fund to full solvency, providing critical sampling and testing services to all New Mexico water systems.

Updating the Utility Operators Certification Act (HB 103)

Sponsors: Rep. Phelps Anderson, Rep. Willie D. Madrid, Sen. Liz Stefanics

It is critical for the health of the environment and the public that the operators of New Mexico's drinking water and wastewater systems are well-trained. Each of New Mexico's approximately 1,500 utility operators must maintain current certification to ensure these systems are correctly operated.

Prior to a few months ago, these operators had to travel to one of just five testing locations, often after a waiting period of several months due to demand, and take an in-person, pencil-and-paper exam administered by NMED staff.

In October 2020, NMED, the Department of Workforce Solutions and local Workforce Development Boards partnered to roll out on-demand computer-based testing, which will be available at 22 Workforce Connection Centers across the state, saving valuable time and resources for our essential utility operators.

To continue offering this testing option now and into the future, HB 103 proposes an increase in certification fees for the first time in 15 years.

Finished Hemp Product Sales (HB 88)

Sponsors: Rep. Derrick Lente

Hemp production and manufacturing continues to be a growing industry in New Mexico since it was legalized in the 2019 legislative session.

However, while New Mexico-made hemp products undergo a rigorous quality control process through NMED, the current regulations do not provide NMED with the authority to regulate hemp and CBD products coming into New Mexico from out-of-state.

This bill allows the Department to ensure that hemp products sold in New Mexico meet New Mexico standards by prohibiting the sale of fraudulent and possibly unsafe hemp products. It also puts the New Mexico hemp industry on a level playing field by ensuring all hemp products are held to the same standard.

EIB Permit Denial for Poor Compliance (HB 76)

Sponsors: Rep. Christine Chandler, Sen. Peter Wirth

Air pollution in seven New Mexico counties – where more than 580,000 people call home – is nearing unhealthy levels. This puts vulnerable populations at risk – especially the elderly, children, and those suffering from respiratory illnesses, including COVID-19. Put simply: protecting New Mexico's air quality has never been more important.

HB 76 would allow NMED to revoke or deny air quality permits from polluters with significant noncompliance history such as felonies from environmental crimes, submitting false information and having an environmental permit revoked in other states.

This legislation would keep operators without regard for environmental compliance from setting up shop in New Mexico, as well as level the playing field for operators who do the right thing by complying with air quality laws.

Several western states, including Texas, Oklahoma and Arizona, already have versions of this law in place.

Solid Waste Solvency (HB 108)

Sponsors: Rep. Christine Chandler, Sen. Jeff Steinborn

Solid waste operators in New Mexico pay permit application fees once every 20 years. A fee cap written into statute in 1990 was reached in 2007, making it impossible for NMED to adjust these fees for inflation since then. HB 108 would remove the fee cap currently in place.

Without the ability to raise fees, NMED will continue to be limited in services it is able to provide to local communities, including permitting and overseeing facilities, responding to complaints of illegal dumping, training and certifying solid waste operators, providing technical assistance, and administering grants to local communities.

And without properly managed solid waste, our air, land and water are at risk of contamination.

Additional information about the executive budget request and these pieces of legislation is available [here](#).

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Kathryn Becker, Non-Discrimination Coordinator | NMED | 1190 St. Francis Dr., Suite N4050 | P.O. Box 5469 | Santa Fe, NM 87502
(505) 827-2855 or nd.coordinator@state.nm.us

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