

SB21 & SB22: Surface & Ground Water Protection



These companion bills empower the New Mexico Environment Department to protect New Mexico waters from existing and future pollution. Contaminated water sources are a threat to public health and limit economic development opportunities.

Why are these bills important?

Protecting New Mexico's Surface Water (SB21 and SB22)

Did you know New Mexico has no control over who discharges into its surface waters? We're the only Western state that allows the federal government to control the permitting program.

The Environment Department wants New Mexicans to take charge of protecting New Mexican waters.

Senate Bill 21 sets the stage for New Mexico to get authority to implement the federal Clean Water Act. But that only covers continuously flowing waters; not many of those in New Mexico.

Senate Bill 22 amends the Water Quality Act to create new state authorities to protect surface water that isn't covered by federal law.

Cleaning up Groundwater Contamination (SB22)

NMED thinks polluters should pay to clean up their own messes, not the people of New Mexico.

But we don't always have the authority to hold polluters responsible. **Senate Bill 22** (SB22) changes that.

Often, we don't discover pollution until after a polluter is long gone. Pollution threatens groundwater at hundreds of locations across the state.

However, if the federal government doesn't decide to help, the state can't do anything to clean it up.

SB22 creates a new program at NMED, letting New Mexico take the lead on legacy contamination cleanup. In addition, it creates a dedicated funding source help fund those efforts.

How will it benefit New Mexico?



Economic Revitalization

- ✓ Clean water supports many industries, like outdoor recreation and agriculture.
- ✓ Protecting surface waters benefits farmers who rely on clean water for irrigation and livestock.
- ✓ Areas with clean water are more attractive for businesses to locate leading to increased investment and job creation.
- ✓ Cleaning up contaminated sites creates redevelopment opportunities
- ✓ Since 2023, NMED has worked through existing programs to clean up 15 sites with groundwater contamination



Protecting Water Sources

- ✓ ¡Agua es vida!
- ✓ Clean water benefits drinking water and supports healthier children and seniors – our most vulnerable New Mexicans.
- ✓ Communities without access to clean water may experience increased disease rates and food insecurity.
- ✓ Protecting water quality protects public health.
- ✓ Reduces the frequency and severity of harmful algal blooms, which pose health risks to humans and pets.



Environmental Health

- ✓ Improves water quality through a practical, protective, and effective regulatory system.
- ✓ Clean water supports multiple uses, including drinking water, aquatic life, recreation, livestock watering, wildlife habitat, and irrigation.
- ✓ Clean and safe water supply for recreation - boating and swimming.
- ✓ Clean water means better wildlife viewing and fishing opportunities.

Sponsors: Sen. Wirth, Rep. Ortiz, and Sen. Gonzales*

**Sen. Gonzales only sponsoring Senate Bill 21*

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30 January 2025

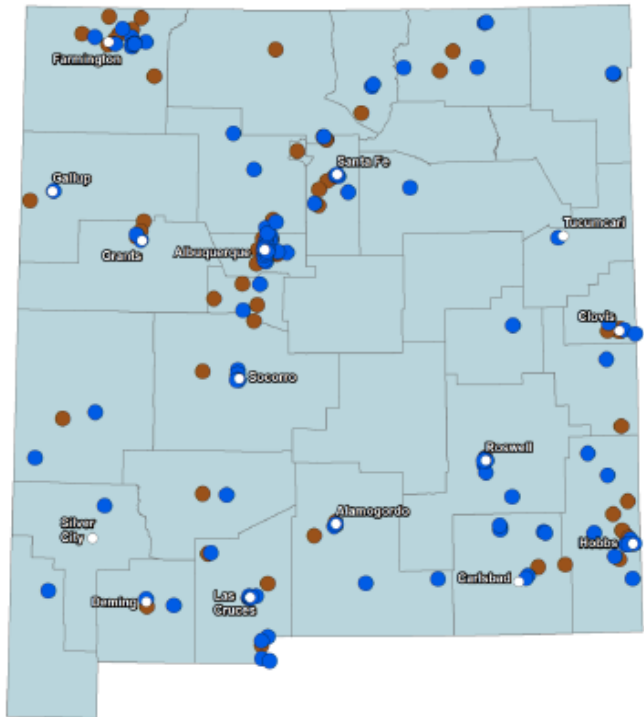
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Sites Where Pollution Threatens Groundwater

Note: approximately 90 sites not shown on map due to lack of precise location information



County	Number of Sites
Bernalillo	51
Catron	2
Chaves	18
Cibola	7
Colfax	8
Curry	16
De Baca	2
Doña Ana	28
Eddy	18
Grant	3
Guadalupe	0
Harding	1
Hidalgo	2
Lea	27
Lincoln	1
Los Alamos	1
Luna	4

County	Number of Sites
McKinley	4
Mora	0
Otero	8
Quay	3
Rio Arriba	14
Roosevelt	3
Sandoval	10
San Juan	25
San Miguel	2
Santa Fe	12
Sierra	2
Socorro	13
Taos	4
Torrance	2
Union	4
Valencia	7
Total Sites	302

Many of New Mexico's surface waters are likely no longer protected by federal law

- ✗ Ephemeral waters
- ✗ Rivers, streams and wetlands without a continuous surface connection to other waters
- ✗ Isolated wetlands (playas, springs)
- ✗ Isolated ponds/lakes
- ✗ Intermittent waters?

THICK blue lines represent perennial waters that flow year-round.

THIN blue lines represent intermittent waters that only flow seasonally.

LIGHT BLUE lines represent ephemeral waters that flow only in response to storms.

You'll notice many perennial waters have breaks in the lines. They do not have a continuous surface connection to other waters and are likely not protected by federal law.

