

LFC Requester:

Davidson

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](https://www.legis.nm.gov/AgencyAnalysis) and email to billanalysis@dfa.nm.gov*(Analysis must be uploaded as a PDF)***SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*Date Prepared: 02/21/2025

Check all that apply:

Bill Number: HB310 CSOriginal Correction Amendment Substitute Sponsor: Ortez, Romero, Hernandez

Agency Name

New Mexico Environmental

and Code

Department 667

Number:

Short Responsible Electric CarPerson Writing Rick SheanTitle: Battery End of LifePhone: (505) 629- 6494 Email: Rick.shean@env.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	270.0	240.0	240.0	750.0	240.0	HWB Generators

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Relates to HB 140, Changes to the Hazardous Waste Act.
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB 310 relates to EV automobiles and the producer responsibility for end-of-life management of electric car batteries when the propulsion of the battery is no longer suitable for powering a vehicle. This bill sets guidelines to eliminate propulsion batteries from knowingly entering a solid waste facility for the means of landfilling and promotes a tiered approach to remanufacturing or end-of-life recycling. HB 310 also provides criteria to identify a responsible party for spent propulsion batteries, being the initial battery provider, or the entity who last modified the battery.

FISCAL IMPLICATIONS

HB 310 requires the New Mexico Environment Department (NMED) Hazardous Waste Bureau (HWB) and the Solid Waste Bureau (SWB) to propose new rules the first year, which costs approximately \$40,000 per rulemaking. In addition, NMED will need to create two additional FTEs to implement the new rules. Finally, implementation of this bill requires the compilation of data and information of facilities around the state.

SIGNIFICANT ISSUES

HB310 relates to HB291, Recycling and the State's Circular Economy, which aims to promote environmentally sound methods for reuse and recycling and to foster a circular economy. HB 310 has significant overlap with the Hazardous Waste Act (HWA). The types of facilities that would currently meet the definition of "specialized battery recycler" are already regulated by HWB as "Universal Waste Destination Facilities," which is a term that is defined more broadly in the HWA than in this bill. Additionally, HB310 supports the prohibition of disposing of propulsion batteries as solid waste consistent with the Solid Waste Act.

Auto salvage operations are excluded from the definition of a solid waste facility under the current Solid Waste Rules and such operations are not required to apply as a solid waste facility. NMED does not currently have reason to have a complete list of auto recyclers in the State of New Mexico, which would be required if HB 310 is passed. Creation of this list would require a change in the definition of solid waste facilities under the Solid Waste Act and require a change to the state Solid waste rules to include registration of auto salvage operations.

PERFORMANCE IMPLICATIONS

This action would require additional staff to review reporting provided by secondary handlers, users, battery recyclers, and battery providers. It would increase the number of facilities that can/should be inspected on a regular basis by NMED. Without additional funding, this will impact NMED's ability to inspect other facilities in its regulatory purview.

ADMINISTRATIVE IMPLICATIONS

HB 310 would increase the number of rulemakings and facilities regulated by NMED.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to HB291 and HB140.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The reuse/recycling of such batteries may not occur as readily resulting in a difficult to manage waste stream.

AMENDMENTS

None.