

<b>LFC Requester:</b>	<b>Montano</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** 01/27/2025 *Check all that apply:*  
**Bill Number:** SB 113 Original  Correction   
 Amendment  Substitute

**Sponsor:** Pete Campos **Agency Name and Code:** New Mexico Environment  
Board & Commission Sunset **Number:** Department 667  
Dates **Person Writing:** Jonas Armstrong  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

##### Synopsis:

Senate Bill 113 extends the termination date for the following boards until July 1, 2032:

- Board of Nursing Administrators;
- Board of Barbers and Cosmetologists;
- Board of Landscape Architects;
- Coal Surface Mining Commission; and
- Water Quality Control Commission

The boards and commissions shall continue to operate according to their provisions until July 1, 2032. The effective date of the provisions is July 1, 2025.

#### **FISCAL IMPLICATIONS**

N/A

#### **SIGNIFICANT ISSUES**

SB113 extends the sunset date for the Water Quality Control Commission (WQCC) to July 1, 2032. The WQCC is essential to the New Mexico Environment Department's implementation of New Mexico's laws relating to protecting water quality. Under Section 74-6-4 NMSA 1978, the Commission's responsibilities include:

- Accepting and supervising the administration of loans and grants from the federal government and other sources;
- Adopting a comprehensive water quality management program and develop a continuing planning process;
- Adopting water quality standards for surface and ground waters of the state based on credible scientific data and other evidence appropriate under the Water Quality Act;
- Establishing regulations to prevent or abate water pollution in the state or in any specific geographic area, aquifer or watershed of the state or in any part thereof, or for any class of waters, and to govern the disposal of septage and sludge and the use of sludge for various beneficial purposes;
- Assigning responsibility for administering its regulations to constituent agencies to assure adequate coverage and prevent duplication of effort;
- Entering into or authorizing constituent agencies to enter into agreements with the federal government or other state governments for purposes consistent with the Water Quality Act;
- Granting an individual variance from any regulation of the commission whenever it is found that compliance with the regulation will impose an unreasonable burden upon any lawful business, occupation or activity;

- Adopting regulations to require the filing with it or a constituent agency of proposed plans and specifications for the construction and operation of new sewer systems, treatment works or sewerage systems or extensions, modifications of or additions to new or existing sewer systems, treatment works or sewerage systems;
- Adopting regulations requiring notice to it or a constituent agency of intent to introduce or allow the introduction of water contaminants into waters of the state;
- Specifying in regulations the measures to be taken to prevent water pollution and to monitor water quality;
- Adopting regulations establishing pretreatment standards that prohibit or control the introduction into publicly owned sewerage systems of water contaminants that are not susceptible to treatment by the treatment works or that would interfere with the operation of the treatment works;
- Coordinating application procedures and funding cycles for loans and grants from the federal government and from other sources, public or private, with the local government division of the department of finance and administration pursuant to the New Mexico Community Assistance Act;
- Adopting regulations to be administered by the department of environment for the discharge, handling, transport, storage, recycling or treatment for the disposition of treated produced water, including disposition in road construction maintenance, roadway ice or dust control or other construction, or in the application of treated produced water to land, for activities unrelated to the exploration, drilling, production, treatment or refinement of oil or gas; and
- Adopting regulations to be administered by the Department of Environment for surface water discharges.

## **PERFORMANCE IMPLICATIONS**

None.

## **ADMINISTRATIVE IMPLICATIONS**

The basic authority for water quality management in New Mexico is provided through the State Water Quality Act (WQA). Pursuant to the WQA, the Water Quality Commission (WQCC) is the state water pollution control agency for the State for all purposes of the federal Clean Water Act and the wellhead protection and sole source aquifer programs of the federal Safe Drinking Water Act. The WQCC's powers and duties include adopting a comprehensive water quality management program, developing a continuing planning process, administering certain loans and grants from the federal government, adopting water quality standards for surface and groundwaters, adopting regulations pursuant to the WQA, such as regulations "to prevent or abate water pollution in the state or in any specific geographic area or watershed of the state...or for any class of waters," granting variances and identifying exemptions, and conducting hearings on petitions for review of permitting and enforcement actions taken by constituent agencies.

The WQCC also has authority under the Utility Operator Certification Act to adopt rules for the administration and enforcement of the Act. This includes classifying public water supply systems and wastewater facilities, establishing standards and criteria for certifying operators and identifying the minimum number of certified operators required to operate systems safely. The WQCC is also responsible for appointing an advisory board to support the administration of the Act. Without the WQCC, these essential functions would need to be reassigned to another state

entity, potentially creating disruptions in certifying and overseeing utility operators statewide.

Furthermore, the protection of New Mexico's water quality and the other duties previously described are ongoing necessities for the State. Without the Water Quality Control Commission, New Mexico's water quality would not be protected, water pollution would not be prevented or abated, federal loans and grants would not be administered, water quality standards would not be updated and adopted, and petitions for review of permitting and enforcement actions would not be acted upon. Additionally, the Utility Operator Certification Act would need to be administered and enforced by another State governmental body.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The noted boards and commissions would terminate. Termination would result in significant uncertainty for both regulators and the regulated community. Both ground and surface water quality would be at risk of contamination and degradation because the WQCC would not be able to conduct public hearings on permitting and enforcement actions taken by constituent agencies.

## **AMENDMENTS**