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HOUSE BILL 98

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Thomas A. Garcia

AN ACT

RELATING TO THE ENVIRONMENT; ENACTING A NEW SECTION OF THE AIR
QUALITY CONTROL ACT; PROVIDING FOR THE COLLECTION OF FEES TO
SUPPORT THE REASONABLE COSTS OF A GREENHOUSE GAS EMISSIONS
REPORTING AND REGISTRY PROGRAM; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Air Quality Control Act
is enacted to read:

"[NEW MATERIAL] GREENHOUSE GAS EMISSIONS REPORTING AND
REGISTRY PROGRAM--FEES.--

A. The environmental improvement board or the local
board may adopt a schedule of fees, for industrial,
nonagricultural sources that emit more than one thousand tons
per year of carbon dioxide or carbon dioxide equivalent,
sufficient to cover the reasonable cost of:

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1 (1) preparing and maintaining a greenhouse gas
2 emissions inventory; and

3 (2) developing and maintaining a greenhouse
4 gas emissions reporting and registry program.

5 B. The fees applied to greenhouse gas emissions
6 from combustion shall be calculated using standardized
7 quantification protocols and procedures developed by the
8 department that conform to accepted national and international
9 methodologies and protocols for determination of combustion
10 emissions.

11 C. Fees collected pursuant to this section shall be
12 deposited in:

13 (1) the state air quality permit fund created
14 pursuant to Section 74-2-15 NMSA 1978 if collected by the
15 department; or

16 (2) a fund created pursuant to Section 74-2-16
17 NMSA 1978 if collected by a local agency pursuant to a permit
18 regulation adopted by the local board pursuant to this section.

19 D. The total amount of fees collected annually
20 pursuant to this section shall not exceed two hundred thousand
21 dollars (\$200,000) each to a local agency and the department.
22 No source shall be required to pay more than ten thousand
23 dollars (\$10,000) per year in fees.

24 E. As used in this section:

25 (1) "carbon dioxide equivalent" means the

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1 amount of carbon dioxide by weight that would produce the same
2 global warming impact as a given weight of another greenhouse
3 gas;

4 (2) "greenhouse gas" means carbon dioxide,
5 methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons or
6 sulfur hexafluoride; and

7 (3) "greenhouse gas emissions reporting and
8 registry program" means a system that provides for the annual
9 tracking and verification of greenhouse gas emissions and
10 emission reductions from entities."

11 Section 2. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2009.