

A MEMORIAL

REQUESTING THE DEPARTMENT OF ENVIRONMENT TO MAKE  
RECOMMENDATIONS REGARDING THE DEVELOPMENT OF A PROGRAM TO  
ASSESS, MONITOR AND REMEDIATE, AS NECESSARY, LEGACY SOLID  
WASTE LANDFILLS AND UNAUTHORIZED DISPOSAL SITES ON LANDS OWNED  
BY LOCAL GOVERNMENTAL ENTITIES AND SCHOOL DISTRICTS.

WHEREAS, legacy unlined landfills and unauthorized  
buried waste dump sites are located in almost every  
incorporated and unincorporated area of the state; and

WHEREAS, due to historic practices, these sites, if left  
unassessed, unmonitored and unremediated, have a high  
potential to contaminate ground and surface waters in New  
Mexico by migration of leachate from these sites; and

WHEREAS, at least fifty-five legacy unlined landfills  
and an unknown number of legacy dump sites exist in the state;  
and

WHEREAS, ground water monitoring data from old unlined  
landfills and legacy sites indicate that a significant number  
of these sites have volatile organic compounds and heavy  
metals contamination above established ground water protection  
standards; and

WHEREAS, site assessments, site capping, mitigation,  
remediation, waste excavation and removal, use of waste  
isolation measures, implementation of ground water monitoring

plans, installation of monitoring wells and appropriate disposal or management of excavated wastes are expensive and can often exceed one million dollars (\$1,000,000) at a given site; and

WHEREAS, owners of land where old landfills and legacy waste dump sites exist do not generally have the financial resources to undertake environmental evaluations and remediation; and

WHEREAS, parties responsible for the creation of legacy waste dump sites are often unknown or are unable or unwilling to assess, investigate and remediate the sites, or to mitigate potential migration of contaminants; and

WHEREAS, there is currently no funding available from any agency of the federal government, including the environmental protection agency, to address this type of legacy waste; and

WHEREAS, expenditures for the remediation and mitigation of impacts from legacy solid waste facilities and dump sites are not authorized by provisions of the Hazardous Waste Act or the Ground Water Protection Act; and

WHEREAS, potential funding from the solid waste facility grant fund and the recycling and illegal dumping fund is not sufficient to address the remediation of legacy solid waste sites; and

WHEREAS, the types of projects and entities eligible for

funding from the solid waste facility grant fund and the recycling and illegal dumping fund are limited; and

WHEREAS, the state does not have a comprehensive program established to ensure that assessment, monitoring and remediation of legacy solid waste facilities or of unauthorized waste disposal sites, excluding tire dump sites, are conducted; and

WHEREAS, Article 20, Section 21 of the constitution of New Mexico affirms that "The protection of the state's beautiful and healthful environment is hereby declared to be of fundamental importance to the public interest, health, safety and the general welfare." and that "The legislature shall provide for control of pollution and control of despoilment of the air, water and other natural resources of this state, consistent with the use and development of these resources for the maximum benefit of the people.";

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the department of environment be requested to make recommendations regarding the development of a program to assess, monitor and remediate, as necessary, legacy solid waste landfills and unauthorized disposal sites on lands owned by local governmental entities and school districts; and

BE IT FURTHER RESOLVED that such recommendations include options for program funding to assure timely assessment,

environmental monitoring and site remediation by qualified professionals, as necessary; and

BE IT FURTHER RESOLVED that the department of environment be requested to prepare and submit a report of its findings, with recommendations, and an action plan to the interim legislative radioactive and hazardous materials committee, the interim legislative New Mexico finance authority oversight committee, the legislative finance committee and any other appropriate interim legislative committees; and

BE IT FURTHER RESOLVED that the recommendations of the department of environment include proposed amendments to the appropriate statutes; and

BE IT FURTHER RESOLVED that a copy of this memorial be transmitted to the secretary of environment.