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FISCAL IMPACT REPORT

ORIGINAL DATE 02/05/16

SPONSOR Cervantes **LAST UPDATED** _____ **HB** _____

SHORT TITLE Asses Risk of Lead Contamination **SJM** 14

ANALYST Amacher

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		
NFI	NFI	NFI	NFI

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files
New Mexico Environment Department (NMED)

SUMMARY

Synopsis of the Joint Memorial

Senate Joint Memorial 14 requests the department of environment to assess the risk to New Mexicans of lead contamination in drinking water and testify by December 2016 to the New Mexico Water and Natural Resources Legislative Interim Committee.

FISCAL IMPLICATIONS

There is no identified fiscal impact to the state; NMED currently monitors lead contamination, and other contaminant levels, in drinking water pursuant to the purposes and regulations outlined in the federal Safe Drinking Water Act.

SIGNIFICANT ISSUES

The Safe Drinking Water Act (SDWA) was enacted in 1974 by congress to address water quality standards for all public drinking water needs. The law also addresses the possible sources of which the drinking water supply may be from such as ground waters or surface waters. The NMED has primacy in ensuring drinking water standards are implemented and enforced consistent with the SDWA, including the SDWA's Lead and Copper Rule. The NMED drinking water bureau monitors every public water system for compliance and notifies the system's operator of any violations. According to NMED, the bureau also takes protective measures through offers of assistance or enforcement actions when necessary and appropriate, to ensure that systems return to or maintain compliance with applicable rules.

TECHNICAL ISSUES

SJM 14 does not specify if the requested risk assessment should include private domestic wells. NMED reports that private domestic wells do not fall under the purview of the SDWA and New Mexico Drinking Water Regulations, and therefore, only very limited data would be available to assess risk to private domestic well users.

OTHER SUBSTANTIVE ISSUES

NMED notes that individual water system's data and information is available to the public via the Drinking Water Watch website (<https://dww.water.net.env.nm.gov/DWW/>).

NMED's drinking water bureau currently monitors water systems at a statewide level to assess risks to public health and direct activities with the purpose of compliance with the Lead and Copper Rule. NMED recognizes that summaries on these specific activities may not be included in current presentations directed to the Legislature as outlined in SJM 14.

The New Mexico Drinking Water State Revolving Loan Fund Act was enacted by the 1997 Legislature in support of the 1996 amendments to the SDWA. The purpose of this action was to provide local entities low-cost financial assistance for drinking water systems construction, rehabilitation, and compliance of drinking water regulations to protect drinking water quality and public health. The New Mexico finance authority and the NMED share the responsibilities of administering the drinking water revolving loan fund as supported by the annual federal capitalization grants. The capitalization grants allow for set asides to be used in administering the technical aspects by NMED (up to 27 percent) and the financial aspects by the NMFA (up to 4 percent).

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If SJM 14 does not pass, NMED's drinking water bureau continues to monitor public water systems for compliance with regulatory standards.

JMA/al