

STATE PRIORITIES IN GROUND WATER

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It's always a great event to come back to the water conference. This is the 32nd annual meeting since Dr. Stucky invented water conferences 33 or 34 years ago at the Water Resources Research Institute, where I spent a couple of years of my life as an acting director.

The Water Resources Research Institute and its water conference have always been very topical. The institute always manages to anticipate the future of water resources in New Mexico and of course publishes an excellent document as the result of the conference. The proceedings of the conferences, believe it or not, and I have evidence of this, have been used for public policy. Occasionally Steve Reynolds has used them in some of the litigations for which Steve has become famous.

I would suggest to you that the conference theme of underground water resources in the state of New Mexico is once again very topical and that it has been well chosen. It doesn't really hurt to refocus occasionally away from quantity. If Texas would just get off our case, we could really refocus away from quantity and start talking about quality.

We have our own set of problems with ground water quality. It's a little easier to refocus on the question of underground water reserves when the reservoirs are full, and, it's raining, as it is today in Albuquerque. One would begin to believe that perhaps the time is here to look at something else. Unfortunately, when the Water Resources Research Institute's sponsored water conference refocuses, it's oftentimes in anticipation of a major problem. And so I think the conference's theme was chosen well and I commend you for it.

You have anticipated what I believe to be one of the really serious pending problems in the state of New Mexico. I will admit to you that I'm not the kind of water expert that you are. But I do travel the state considerably and have been traveling the state for a number of years, intensively over the last two or three years. I have been serving as governor for these past 10 months, 8 days, 10 hours and 12 minutes. As a consequence of that service, I've discovered an unusual set of complaints about the condition of underground water in New Mexico, and it comes from a variety of places.

Ground water conditions that we sensed at one time would never be a problem in Reserve, New Mexico have now become a problem. I don't think anyone who is familiar

with Reserve, New Mexico would anticipate complaints about contamination of underground water reserves, but that is one of the most serious concerns that the people have in that particular county.

I grew up in San Juan County, and I think we did anticipate what would happen in the San Juan Basin due to too many septic tanks in an area that had very high ground water levels. Many of you live in Albuquerque. I've never heard anything but complaints about the conditions of the ground water reserves in the south valley of Albuquerque. We know that we already have existing problems, rather serious problems in the state of New Mexico. I think you rightfully anticipate that we ought to take corrective actions today, that we are going to take care of the problems.

To get into a proper mental state, we should talk about ground water reserves. Of the 1.4 million New Mexicans, I understand that more than one million rely totally upon aquifers for their water supply and about 200,000 New Mexicans use private wells. In terms of our own health and welfare, the condition of the ground water reserves has to be paramount. Contamination of ground water reserves used essentially for domestic consumption has already been reported in 30 of our 33 counties and we already know that there are 80 public water wells that have been contaminated. That is a serious problem in itself. We have several hundred known point source ground water contamination cases and we have managed to move on only 45 of those cases, so we already have a serious problem.

We know the source of the ground water contamination. We know they are buried and as a consequence, in terms of public policy, law, rules, and regulations, it is going to take a variety of approaches.

I think one area of great concern to those of us who are now in public policy are gasoline and other petroleum products that are stored underground in tanks. They have a cute acronym that comes from the federal level called LUST. LUST stands for Leaking Underground Storage Tank and describes the overall program that attends to this problem. LUST is a rather peculiar acronym to talk about a rather serious problem. It is a serious problem in New Mexico because we have a number of things that we haven't been able to identify; where they are and the extent of the leakage. And more than that, we have some concerns in New Mexico about who really is responsible for cleaning them up. We're going to turn that over to the EPA.

The septic tank problem is probably even a more serious problem. In terms of local government, we're going to have to take more aggressive action than we've taken in the past. We know that in New Mexico, we take great pride in private land and the ability

to do with private land what we want. I protect that right. Private land is very special to Westerners. But in the process of doing that in some counties, they have allowed overdevelopment of some private land. The only possible way of disposing of some wastes was to use septic tanks and as a consequence, we have some serious problems particularly in the San Juan Basin and the lower valley of Albuquerque.

The solution, however, is very expensive. These people do own their land, they live there, and they do have a septic tank. The solution ultimately, in terms of public policy and public programs, will probably require a much more aggressive program in rural sewage systems, much like the rural water system you see today. The impetus for furthering the cost of rural water systems is in part driven by the fact that once the ground water is contaminated, people can no longer use their own well. Part of the solution has been to put in the rural water systems to take people off of their own wells and put them on a safer drinking source. That still ignores the problem doesn't it? The problem still exists and we haven't taken very aggressive steps to alleviate it. With 90 percent of our population depending upon ground water, it seems to me that we ought to take aggressive steps.

As governor I speak with great confidence and clarity when I know very little about the subject because when I get more into the subject, it becomes complex and I tend to get confused. I will speak with great confidence and clarity since I have my experts here who can explain some of the things that are going on in state government right now. If you have an interest in the rules and regulations that are being promulgated with respect to the leaking tanks and some of the other things, there are some experts here from the EID who can converse with you. However, I am here to talk with you about priorities in ground water in the state of New Mexico.

The priority, of course, is the cleanup of those identifiable sites. We must go out and clean those that we have been able to identify. The cleanup is quite costly. Once a leak has occurred, it can take, in some circumstances I'm told, 20 years to clean it up and can cost from \$100,000 to millions of dollars depending on the contaminant.

Some of the contamination occurs very simply because people just drive up and dump stuff and they really don't care whether it is in a properly identified, EID and county sanctioned city land fill. They just care about getting rid of it. Some of our problems will always be complicated by attempting to identify who is responsible for the contamination. Thus we want to identify and assign priority to the cleanup of ground water contamination.

An even more important problem is to discover the extent of the problem. We in state government do not have a full appreciation of this in the state of New Mexico. I would ask representatives of the EPA whether we know the full extent of the problem in the United States. As a consequence, taking inventory will be a priority for the EID. It must be a priority for the EID and the inventorying process is just now getting underway.

The EID is taking some steps, particularly with respect to the leaking storage tanks, to promulgate rules and regulations which I understand will be available at the end of 1987. As a consequence of waiting this long to protect the underground environment in New Mexico, we had put many storage tanks in place that were not properly regulated.

There are other activities in state government which are important but I would suggest to you that they are all along the lines of inventory and cleanup. We will seek some support from the EPA and from a special grant to help identify where the underground tanks are. Also, we need to develop and are in the process of developing some additional stringent language with respect to orphaned underground storage tanks, abandoned tanks. We will seek from the EPA somewhere between \$350,000 to \$1.2 million to help us on that issue. Most of all, I think we're going to have to come up with some language to assign responsibility to those people who have, in fact, contaminated the environment.

It would not be out of the question it seems to me, for the New Mexico legislature to discuss the possibility of a superfund in New Mexico which would do essentially what the EPA does with their superfund on a national level. The superfund would require that when we identify a responsible party, even though the public has cleaned it up, we would ask that party to compensate the superfund for the cost of the cleanup. Given the proper, legal leverage, I think we could do some marvelous work in cleanup.

I would make one recommendation to the EPA however, and that is in the area of oil field waste. We understand that the EPA is about to declare oil field waste as hazardous waste. The oil and gas industry has been very responsive to state regulations on this issue and we would really rather continue to have the state of New Mexico regulate this matter than to turn it over to the EPA. We will be lobbying with the EPA to let New Mexico take care of its ground water resources as best as it possibly can. Steve Reynolds and others have been very aggressive and forceful over the years in establishing some of the best water laws, both surface and ground water, that we have in all the United States. We are very proud of them. We think that those laws, plus the rules and regulations that are established, implemented, and monitored by the Oil Conservation Division serve us rather well. It is just a matter of giving us the oppor-

tunity as a state to practice state's rights and to use our own rules and regulations to define the water quality and the methods of making sure we attain that water quality.

In sum, I would suggest to you as you confer here on underground water, that we may have to take those questions both to the legislature and the private sector. We must, through inventory, discover what kind of problems we have, particularly with the deposition of toxic wastes and other wastes that contaminate the ground water supply. We are ultimately going to have to assign some kind of priority to our revolving fund so that we can make some stronger investments in rural sewage systems. We now have some of those investments in water systems and it seems to me that now we need to focus the community development grants and some of our revolving loan funds to sewer systems. This will begin to remedy the problem of septic tank contamination. Finally, we ask you to continue to reflect scientifically as well as in terms of good public policy, how we can best use the rules, laws and regulations that we have in New Mexico to protect our ground water resources.

I would like to ask Bobby Creel, as representative of this conference and the principal organizer, to synopsise the thinking of this crowd. With respect to underground water resources in New Mexico, particularly the water quality aspect, I am interested in receiving your guidance and advice on the steps we ought to take in the near-term and long-term to protect New Mexico's water resources.

Thank you very much.