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THE TWO Q'S: THE CONNECTION BETWEEN WATER QUALITY AND WATER QUANTITY

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It was the jet's fault. John D'Antonio and Esteban are with me, and they will vouch for the fact that it was the jet's fault. The only thing that made me a little later was that I was in the very back of the plane. It's a hell of a lot faster than the balloon that I fly in. Thank you for being patient. I see Matt in the audience. Matt is a very knowledgeable person. We have the opportunity to work together on a lot of different occasions. The Rural Water Association and the Environment Department—I do not know if we have forged a partnership, but we certainly do a lot of things together. I like coming to New Mexico State. The last time I was here I had the chance to visit with Craig

Runyan from the NMSU Cooperative Extension Service, which has 33 offices around the state of New Mexico. Of course, I think the university here is honored by the fact that President Martin is in North Korea with Governor Richardson, Jeff Sterba, and others. I think that is a great accomplishment for New Mexico State University. I think one of the other things that I am always pleased to come down here and visit about is that I did actually fly my balloon down here about three weeks ago over Las Cruces. I am familiar with this town and this part of the state in ways that a lot of people would be surprised, aside from the fact that both of my children are graduates from New

Mexico State. I feel like I have an investment here; in fact, I know I do. In fact, I am still paying for it.

One of the things that I do not know if John will mention when he talks later in the day, is the idea of Q Two, water quantity and water quality, which is

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something that we have pushed very aggressively in this state since the Richardson administration came in. I see Anne Watkins sitting out here, and she knows and has been part of that, working with the State Engineer's office. We have talked a lot about water quantity through the drought task force and things like that. One of the things that is stressed is that if you do not

have good water quality, then the drought is effectively extended. One of the things that the State Engineer's office has done working with the Environment Department, the Environment Department working with the State Engineer's Office is bringing up and continuing to promote the idea of Q Two. We have a nice video that is available for free, narrated by Ally McGraw. John D'Antonio is in it. I am in it. Others, including the governor, are in it. We talk about the concept of Q Two, because people when they think of water in New Mexico often times only think of quantity. You drive past Elephant Butte and see that it is down. You look at the Rio Grande and see that it is down. You hear about the drought, and you hear about the piñons. It is all thinking about water quantity.

In the Richardson administration, the term quality has come to the forefront as often or almost as often as the word quantity. One of the things that we have talked about in New Mexico and in the New Mexico Environment Department is the largest source of groundwater pollution in the state of New Mexico, our septic tanks. We estimate that there are over 220,000 septic tanks in the state of New Mexico. We estimate

also that as many as 110,000 of those septic tanks were put in at midnight or on weekends or at some time when they should not have been. Some of those septic tanks do not even qualify as septic tanks. I am sorry to say that some of them qualify as cesspools. Some of them are as near as ten miles from where we are right now. I could say the same thing if I was standing in Santa Fe, or if I was standing in my home town of Hobbs. When you consider that we get 90% of our drinking water from groundwater, and then you start talking about septic tanks and what needs to be done about them, it becomes a big source of concern in the state of New Mexico.

Think about septic tanks, and then you think about the runoff from the Cerro Grande Fire up in Los Alamos where the largest amount of plutonium in the history of the United States was washed down toward the Buckman well field and toward the Rio Grande. It was still not as large of a contamination as septic tanks. You think about all of the superfund sites throughout all the state of New Mexico, whether they are the Fruit Avenue plume in Albuquerque or whether they are near Griggs Avenue here in Las Cruces or whether they are in Española. All the superfund sites in the state of New Mexico do not equal the amount of groundwater contamination that you find because of septic tanks. You think about the nitrates that you find often times associated with dairies. New Mexico is either the sixth or seventh largest dairy state in the United States. You think about the type of groundwater pollution that is potentially caused by dairies. It is still not as big as septic tanks.

Septic tanks, however, are personal obviously. I would venture to say that there are probably people in this room that have septic tanks that maybe are not permitted. Or maybe they have septic tanks that need to be overhauled and looked at under the new regulations. When we talk about septic tanks and groundwater pollution and water quality, we acted on it in the Environment Department within the last two years. It is a very daunting challenge, but we did it working with a variety of people building a consensus, whether it was the home builders, whether it was the realtors, whether it was some of the people who install septic tanks.

There had been an effort going back to the late 1980s to rewrite the liquid waste rules in the state of New Mexico. When you say you are going to rewrite the liquid waste rules for septic tanks and other forms of liquid waste disposal, you talk to someone in the

middle of Albuquerque, and they just say, "Well, who cares?" It is a subject that a lot of people do not think of, because they take it for granted, quite frankly especially those in the metropolitan area. The people who do care about it are very, very, very passionate about it for a lot of different reasons. I can tell you that a lot of folks who work for the Environment Department—when you go out onto a property and you want to look at someone's septic tank, it is almost like inviting them to come in and look at the medicine cabinet in your bathroom. Most people are not too anxious to do that. The first liquid waste citation that was issued in the state of New Mexico was done on a septic tank just in the last year and a half up near Taos. You stop and think about our state, which has a lot of rural areas, and that becomes an amazing fact to me. When we started to rewrite the liquid waste rules, one of the things that happened is that we found out that there had been about five attempts to do so since the late 1980s. People would just throw their hands up in the air and say, "This is too contentious. This is too nasty. This is too personal. We will never come to any sort of conclusion." Matt has seen some of that through the years. When I talked to our division director in March of 2003 and set a deadline for November of 2003, they were approved and went into effect September 1st of this year, but we got them done. We got them done in a way that I think will intend to improve the water quality as a result of it. It is a uniform regulation that has provisions to fit various parts of New Mexico that are different from one another. That is the best and most outstanding example that I can talk to you about water quality and how it matches up to water quantity.

I know the Office of the State Engineer has been working diligently over the last few years trying to get the legislature to pass certain laws regarding wells and the ability for the State Engineer to permit wells based upon the water quality and the water quantity in the parts of the state. I know John has run into lots of legislative opposition to these areas, but I also know that he is finding ways to get that done, so that the governor can say that water quality will be protected at every level throughout the state of New Mexico. It is a difficult issue. I am fascinated by it, because I have never had a septic tank.

One of the members of the cabinet that John and I sat in with is James Jimenez, the secretary of the Department of Finance and Administration. He used to be city manager at Rio Rancho. Rio Rancho has up

to 40 percent% of its residential homes on septic tanks. Rio Rancho likes to think of itself as a metropolitan area. The problem with the septic tanks is because of the way that particular city was developed, septic tanks were there first, and they are still there today. You will hear us talking about septic tanks a lot as it relates to water quality. It becomes something that I have to admit that I dream about. I do not know if I have a good enough life or not.

I want to emphasize again that in the Richardson administration, if you look back at the State Engineer's Office over time and if you look back at the Environment Department over the years, then you look at the Richardson administration with John D'Antonio as State Engineer, then you look at the Environment Department, I believe, and I think John would agree with me, is that the sort of cooperation we have between

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the two agencies is really benefiting the citizens of New Mexico. That is what we are about. It does not hurt that John acted as interim secretary of the Environment Department from August through December of 2002. I think that is also a benefit to the state of New Mexico. I commit, and John will commit later on, to continue to have this sort of relationship between the State Engineer's Office and the Environment Department, so that the citizens of New Mexico can have the best possible service when it comes to water quantity and water quality.

One of the things that NMED and the Interstate Stream Commission have done is initiate a monitoring program in collaboration with the Elephant Butte Irrigation District in response to concerns about the quality of water in the Lower Rio Grande, especially in regard to salinity. This is another example of how we are working together to improve the service to the citizens of New Mexico. The Lower Rio Grande from the Caballo Reservoir to the international border is an area of heavy agricultural, commercial, and industrial use which is experiencing rapid population growth. It

is a continuing challenge for communities in this region to find a balance that promotes a healthy river, while continuing to provide a sustainable water supply. This project provides an opportunity to develop a regional salinity control forum and the vehicle to evaluate potential mechanisms for mitigating salinity issues in this critical border region.

When we talk about a critical border region, we are talking about as far south as you can get in New

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Mexico on the Rio Grande as it relates to the river. You are talking about Anthony. You are talking about Sunland Park. You are talking about Anapra, when you are talking about the critical border region. This project is an excellent model for the Environment Department and the State Engineer on the collaboration of water quantity and quality issues in the future and an

opportunity for regional collaboration as we look to solutions to protect and restore this critical resource.

Let me ask a question. It becomes of interest for some of us who deal with the environment, like a lot of you do every day. How many of you have ever spent much time in Sunland Park or in Anapra? I have had the opportunity to go door to door in Sunland Park a number of times for different reasons. I think when you look at Sunland Park and you look at Anapra, it calls out for the state of New Mexico to work as closely as we can to improve the environment, the water quality, and the air quality. The people of those two communities often times feel completely ignored. They feel sometimes like they are a step-child to El Paso, and they feel they are ignored by Santa Fe. I spent a number of days and hours since this administration in Sunland Park and in Anapra and on up the Mesilla Valley back toward Las Cruces. We have initiated several colonias meetings, one of which will begin in the middle of November. We are working with some folks down there not only to identify the problems which is easy to do, but also to do something about it, so that

when this administration is over, we at least leave a legacy of trying to change things in some of these most critical areas around the border, whether it is water quality or water quantity or other aspects of the environment. For those of you who have not spent much time in the areas of Sunland Park, Santa Teresa, or Anapra, I encourage you to do so. I know it is one of the most dynamic parts of the state. It is one of the most challenging parts of the state, because it is a border area, not just with Mexico but with Texas. It is one of the fastest growing areas. There are concerns throughout the entire area that encompass water quality on a daily basis.

There is a landfill that the Environment Department permits right on the border—the Camino Real Landfill. It is privately owned. On an occasion earlier this year, we sent teams into the landfill unannounced at 4:30 in the morning to inspect the sort of waste that was coming into the landfill. Most of the waste that comes into the Camino Real Landfill comes from El Paso. What we found was a lot of medical waste that was being illegally shipped by hospitals in El Paso. We issued a number of violations and penalties. We ordered a number of the hospitals in El Paso to work with Camino Real to educate one another and the other hospitals in El Paso to make sure that New Mexico was not feeling the brunt of illegal waste coming into the Camino Real landfill. Why is that important when we are talking about water quality and water quantity? Simply because no matter how well you operate a landfill, no matter what kind of liners you have, at some time or another, the landfill will leak. Period. We want to maintain a relationship with the state of Texas that tells them that if New Mexico is going to be here for their use, we expect everyone to be good citizens in the process. That is a message that we want to send also when we are addressing some of the water concerns and environmental concerns in the areas of Sunland Park, Anapra, Santa Theresa, and otherwise. We will continue to make a strong dedicated effort in this part of the state in the critical border region to make sure that water quality and all aspects of the environment are protected. Again, I will emphasize one more time the strong working relationship which we continue to build to provide better service to the citizens of New Mexico between the State Engineer's Office and the New Mexico Environment Department. It is critical to all of us in the state of New Mexico. It is also critical to John and I, because Governor Richardson loves for

all of his cabinet secretaries to work together. So it is very critical for John and I. It is very important.

One last thing that I want to touch on very briefly is something called NPDES. I am sure most of you are aware of that. The state of New Mexico is looking at the possibility of gaining primacy from the Environmental Protection Agency to operate the National Pollution Discharge Elimination System. The New Mexico Environment Department has every other aspect of environmental regulatory issues delegated to it, except for surface water protection, permitting, and enforcement. Surface water includes such things as stormwater runoff, building permits when you are distributing more than an acre if you are a contractor. It also includes things as far as federal facilities, and it also includes things relating to municipalities as far as their wet wastewater permits. New Mexico has been looking at this since last April. It tends to be a controversial subject, and we will continue to look at it.

The thing I want to emphasize today is that we believe New Mexico will eventually have primacy in this area. We believe it will benefit the municipalities. It will benefit the private home builders around the state. It will benefit the environment of New Mexico. We want to continue doing education on it. We want to continue to ensure that everyone understands the program. One of the most important aspects of this primacy issue is that it is good for economic development. New Mexico is in EPA region six, which includes New Mexico, Texas, Oklahoma, Louisiana, and Arkansas. New Mexico is the only state that does not have this primacy of surface water delegation given to it in region six. Out of the 50 states in the United States, we are one of four that does not have this delegation given to us. There are a number of reasons, but it is the long term belief that if New Mexico is going to put its arms around much of its water quality and water quantity concerns that we should have this delegation given to us. We have everything from hazardous waste, to drinking water, to solid waste, to air quality that has been delegated and been run successfully from the EPA. This is an area we will continue to investigate, continue to look at, and try to build a consensus.

The arguments are fun and challenging. There has been a lot of misinformation put out. For some people it is a complex issue. For others, it does not seem to be as complex. There is a lot of legal wrangling at the federal level over standards and over definitions. A lot of people have said that there is just a legal quagmire

out there when it comes to surface water quality throughout the United States. The state of New Mexico through NPDES and through the Water Quality Control Commission strives to continue to protect our surface waters the same way they have been protected for the last three decades. That is the goal of the Environment Department, the Water Quality Control Commission, and eventually if we get primacy, that will be part of it as well.

This is last thing I want to leave you with, and some of you may have heard me tell this story before. I think it is important in organizations like this. It is important to people working hard at the ground level trying to make a difference in whatever they do. It is a true story, and it shows you how responsibility can flow one way or another. It happened back in the early 90s. It had to do with Senator Bill Bradley at the time.

Senator Bradley was from New Jersey and was a former NBA basketball star. He had been called to give a presentation at a luncheon engagement. He got there early for his luncheon speaking engagement, and the people were not there yet. He was sitting at the head table making his notes out and trying to eat a little bite while he was preparing his notes for his presentation. One of the waiters that was preparing the rest of the hall came by. Senator Bradley said, "Sir, could I have some butter? I am going to eat before I speak, and I need some butter for my roll." The gentleman acknowledged his request and went on about his work. About 10 or 15 minutes later, the gentleman came back by and did not have the butter. The Senator was still working, but was a little perplexed. He asked for his butter again. The waiter replied that he had not yet got it. The Senator said, "Do you know who I am?" The waiter said, "No. I don't." The Senator said, "I am Senator Bill Bradley, and I have to give a presentation here shortly." The waiter said, "Senator, do you know who I am?" The Senator said, "No." The waiter replied, "Sir, I am the guy with the butter." I think as we go about our business, it depends on whether you have got the water or you have got the quality. We all have to remember to respect one another.

Thank you all very much.