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HOW WATER QUALITY AFFECTS PLANNING

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Thank you, John. Always when I have an opportunity to speak in front of a group of folks, I like to bring greetings from Governor Bill Richardson. Because, after all, if he hadn't put me here, I wouldn't have the opportunity to bring you his greetings. It is a real pleasure working for Bill Richardson, as some of you in this room can attest to, as Bill Hume certainly can attest to because he works more closely with him on a day-to-day basis than I do. But I have to tell you that it is one of the most exciting things that I have done in my life, and it is probably the most rewarding. So I bring you greetings from the Governor.

One of the things that the Governor always tells us, whether we're a cabinet secretary or whether we're anywhere in his staff, and I think you heard him say this in the paper this morning, he would prefer that we err on the side of being bold rather than err on the side of the status quo. So everyday when I go to work at the Environment Department, where we have over 600 employees in 23 different offices scattered around the state, that is the message that we continually try to get across to our staff. Governor Richardson has spent most of this day busy with President Fox from Mexico. One thing that I can say

about President Fox is that he is a very eloquent speaker and he is very tall, very tall. He was a real pleasure to listen to this morning and I was able to use some of my Spanish ability to understand at least two-thirds of what he said.

I don't have to tell this group how important the issue of water is. What I would like to stress today, and what we stress every day at the Environment Department, is the linkage between water quantity and water quality. It is a linkage that I have been preaching a lot lately but it is particularly important to a group like this that deals with water planning every day.

Most of the time when people think about water in the state of New Mexico, and again my friend Bill Hume would attest to this, we spend a lot of time talking about Las Campañas up in Santa Fe and how they're trading water with the City of Santa Fe, or the silvery minnow case down in the Albuquerque area. People often think that water is all about water quantity, how much water each user or each fish will get. Quantity is an important issue, I grant you that. But we also we have to wonder about how much water the Texans get. Do we have any Texans here today? I was born in Hobbs, New Mexico, which is almost like being born in Texas. My mother used to tell me that for the grace of God and five miles I would have been a Texan today. Whatever the reason, I'm glad to be a New Mexican, a native New Mexican, even though a lot of people say Hobbs is a little Texas. I often wonder about the fact that we have to give Texas so much of our water. Why must we give a state like Texas so much of our water when you look at some of their laws they have on their books in the State of Texas? I will tell you about some of these laws as we go along today. You know, New Mexico has to send Texas a certain amount of water each year. Texas has a law in their state that says when two trains meet each other at a railroad crossing, each shall come to a full stop, and neither shall proceed until the other is gone. And we have to give them water? Why?!

The Environment Department is charged with making sure that our state's water, whether it's in an aquifer, in a river, or in a glass sitting in front of you, is protected. It is a huge job and probably the most fascinating job I have ever held in my life. We literally have the opportunity in the Environment Department to engage in one form or another with every business and every organization in the state of New Mexico and every part of our Department deals with water. And it usually deals with water quality. We do

everything from operating the Groundwater Bureau and Surface Water Bureau all the way to inspecting restaurants and the quality of water that is served to you everywhere in New Mexico, except Albuquerque. Then we're thrown things to make it even a little more interesting given the Department's wide mandate. We even have the Occupational Safety and Health Bureau within our Department. We are concerned with protecting workers safety and also with the water they drink while at work.

We have a Drinking Water Bureau in our Department responsible for monitoring and regulating 1,300 to 1,400 drinking water systems of all sorts whether it is a mutual domestic, the City of Albuquerque, or the City of Santa Fe. We're responsible for regulating the drinking water as it travels into homes throughout the state. It is a huge responsibility. We find we are protecting our natural resources as well as workers on the jobsite, in diners, and in restaurants. In one way or another, everything we do is tied to water. Because of that, we think about things like air quality and limiting acid rain by making sure our air is clean and making sure our landfills are properly lined to prevent seepage. It's a big job, and has gotten even bigger as the drought has deepened.

As water supplies diminish, the water we have becomes that much more valuable and it becomes that much more important that we keep it from becoming polluted. Protecting our water resources has been a high priority for the Bill Richardson administration. To make sure that everyone in the Department shares this priority, we have created unifying themes for the agency. This may sound a little bit philosophical or like we're holding hands all the time trying to make ourselves feel good. But I believe that you need to have a unified theme like water because it runs through everything we do at the New Mexico Environment Department.

We have three themes. The first theme is the one that over arches all of them. We intend to focus our resources at the New Mexico Environment Department with a holistic approach to the protection of human health and environment. This will mean a lot of things and will touch every program and every bureau and affect every decision we make.

I want to tell you briefly something about our approach. As I mentioned, we do a wide variety of things at the Department. We have had the opportunity to move a few people around within our Department to try to get them to more closely communicate with one another. That is part of our holistic approach.

When you first hear the word “holistic” you think, “well they went off on some retreat and they got some consultant to talk and they came up with the word.” Well it’s true, we did. The important thing is that now we are going about taking that holistic theme and putting it into place in every part of the Department. Why is that important to you? When Governor Richardson named me to this post on December 13th of last year, I was confronted by the press that was assembled on that day and they asked me point blank, “Are you going to make fast changes in the organization of the Department?” I said I didn’t think so. At the time I said we won’t get into it. I said that I thought the biggest problem in the Environment Department is that it’s “management challenged.” I still think that. One of the reasons that we came up with the holistic themes was because we thought that the Department was management challenged, and not getting enough leadership from the top-down. Another reason is pretty simple. For those of you who have been in our building, you know that many of our programs are located on the second floor. Our Surface Water Bureau and our Ground Water Bureau are literally a few feet away from one another. As it turns out, because of one thing or another, in the past few years the Surface Water Bureau Chief and the Ground Water Bureau Chief have not communicated with each other, even though they are just down the hall from each other. Yet it so happens that they deal with the same medium and that’s protecting water quality.

As we take a holistic approach, there are other things that we need to think about. One of the things that came to me with this job, also from the Governor, was my Deputy Secretary, Derrith Watchman-Moore. She’s the former head of the Navajo EPA and the former Chief of Staff. Her father was a state legislator for over 20 years and her brother was a state legislator for about four years. Derrith brings an immense amount of talent to the Department, and she also brings a holistic approach about managing and helping people in the Environment Department as well as the people that we affect understand how a holistic approach coming from the Navajo Nation is helping improve New Mexico’s Environment Department. For those of you who have not met Derrith, I encourage you to do so. She is a very, very bright woman. She is 39 years old, has five children, and lives in Rio Rancho and Crystal, New Mexico, which is 60 miles north of Gallup. The thing that she liked when she first met me was that I was from Hobbs and I didn’t have a Hobbs accent. Because of that, we’re going to take a balloon

ride over to Crystal, New Mexico together one day and we are going to fly out near her home. Derrith has brought so much soul to the Environment Department. Having some soul when you are talking about the environment or environmental regulations is important, especially when you are talking about water. We are going to learn so many things from Derrith, about how water is appreciated in the tribal nations in our state and, hopefully, we will be able to transfer some of that understanding into our daily workplace.

Let’s talk about the public perception of the Department – as it’s the NMED that protects the public and the environment and in order to do that we need to work together across programs. One of the things we are going to do is to establish help baselines for communities across the state. This big picture, or holistic approach, will help us inform the public and drive our actions and decisions.

How many of you have bottled water in here today? I saw some in the back of the room. I was reminded recently about what are often unforeseen impacts of the big picture. I was reading an article, I think it was in *E Magazine*, about the bottled water boom. Because bottled water is perceived to be healthier, many people now only drink bottled water. That’s fine. Although, as a guy who makes sure tap water is safe, I’m a little bit offended. The problem comes when it is time to throw all those damn plastic bottles away. Studies indicate that nine out of ten of these bottles either end up as litter or in a landfill, those that aren’t recycled. That equals 30 million bottles a day that have to go somewhere. If that place is in the landfill, then those plastics will take up to 1,000 years to breakdown. And as they do, they can release chemicals into the environment, potentially polluting groundwater. So think about that the next time you go and get a bottle of water. Hopefully none of you are in the bottled-water business. It is an ironic problem; by trying to live healthier and drink bottled water, we can end up polluting our own local resources. It’s kind of a circle: It is a holistic thing going on but not in necessarily a positive way.

Another thing that comes to play when you start talking about managing water quality from a holistic approach is the 220,000 septic tanks that we have in the state of New Mexico, and that’s a guess as to how many septic tanks exist. The Environment Department is responsible for septic tanks and we became more responsible in 1997 when there was a law change that took some of the responsibility that used to be with the Construction Industries Bureau

back to the Environment Department. We estimate that as many as half of those septic tanks are either illegally installed, which means they were improperly installed at midnight or they are leaking. The problem now becomes, especially in certain parts of our state where you have septic tank on top of septic tank on top of septic tank on top of well water, and if one of those septic tanks starts to leak and effluent gets into your well water or groundwater, you're polluting yourself. That's a holistic problem because not only are we charged with protecting groundwater, we also are charged with protecting drinking water. If your drinking water comes out of a well that's being polluted by you or your neighbor, it's again a holistic situation. Stop and think about those 220,000 septic tanks in the state of New Mexico. We believe that it's not leaking underground storage tanks and gasoline tanks, nor mercury coming from power plants, that are causing most of our problems. Septic tanks in the state of New Mexico are our biggest source of groundwater pollution. We launched a very aggressive program about 90 days ago where we go out and find as many septic tanks as we can and make sure they are in compliance. The Environment Department must be consistent on how they enforce septic tank rights or liquid waste regulations whether it's in Hobbs, Farmington, Belen, or Cordova.

We will continue to take a step back and look at problems like this so that we can see them through a holistic approach. We will be doing a community assessment that will be on-going and regularly updated. The information will be freely shared among programs within the Department and with the public. The Environment Department is great at collecting and analyzing information. It is now time, using the best technology available, to find ways to combine and make information more accessible.

The second of our unified themes is diversity. All qualifications being equal, you will see this department hiring more people of color and promoting more into management positions. Diversity isn't just about gender or race, it's also about geography in our state. I often tell people it is hard to believe when you are standing in downtown Hobbs, New Mexico, my hometown, that there is a place as beautiful as Taos in New Mexico. How many of you have been to Hobbs? Let me say that again. When you're standing in downtown Hobbs, it's hard to believe that there is a place as beautiful as Taos in New Mexico. We have a diversity of geography in New Mexico and as the Environment

Department is implementing and enforcing regulations, we have to be aware of that diversity as well.

Just as a side note, we have 12 operational bureau chiefs in the Department including our district managers. When Derrith and I arrived after our appointment by Governor Richardson, there was one woman bureau chief. Today there are five, and we are very proud of that. I am a white boy, by the way, and I am very proud of that. We are going to continue to move forward in this area.

We recently launched a contract between the University of New Mexico and the State of New Mexico concerning environmental justice. Environmental justice is also an area that comes into play with water quality. I often like to refer to this story, and it's a true story. My children graduated from La Cueva High School in the early 1990s and have since gone on to New Mexico State University and graduated as Aggies. Both of them are very successful in their lives after having gone through college here in New Mexico. But back in the early 1990s, and to a certain extent still today, there was almost a "right of Spring" down in the South Valley of Albuquerque at Pajarito Elementary School where oftentimes you could see raw sewage come right up to the playground level if it had rained very hard. There was a problem down there at Pajarito, and almost every year you would see this happen. When you think about environmental justice I always think, "...you know, if raw sewage had come up on the La Cueva High School campus, I suspect it would only come up there once." But it went on year after year after year because of the location of Pajarito Elementary. Environmental justice issues occur all over the state of New Mexico and they are all different and hard to define. We realize it is a controversial issue, but what we want to do is illuminate the issue so that it becomes something that we think about and talk about in water quality. People should have good water quality no matter who they are or where they live or what they do. We think that by addressing the issue of environmental justice, we'll help alleviate that thought process and come up with some suggestions.

The third theme concerns a high performance and accountable workforce in the Environment Department. The Department, as many of you know, has some incredibly dedicated staff in the bureaus, folks who come to work everyday because they believe that by doing so they have a positive impact on the environment. Our task in this new administration

is to harness the energy of our best employees in order to achieve results that matter to the mission of the Environment Department, and most importantly, to New Mexico's health and environment. We are going to reward high performance workers, and conversely, provide sanctions for workers who aren't accomplishing what we need them to do. This will not be a sink or swim situation. We will provide more training to help people improve their skills, the skills they need to do their job successfully. By doing this, we will increase our productivity, give our employees greater personal responsibility, and most importantly, have more fun.

Now I mentioned earlier that Texas is taking our water and I want to give you another example of the laws they have on their books. In Texas, the state that is taking our water, it is illegal to milk another person's cow. Yes, taking our water...

I am going to talk briefly about some of our accomplishments. I know Governor Richardson is going to come to me and the other cabinet secretaries, and to Bill Hume, sometime soon and say, "What have you done for me lately?" Is that a fair statement, Bill? More importantly, "What have you done in the first year or the first 10 months since you and we have been in office?" "What have you done to be bold?" So I am going to list some things that we have done in the Environment Department that I think are very important in the areas of water.

First of all, back in April, working through the Environmental Protection Agency, we were the first state in the U.S. to get our impaired waters list submitted. We have 181 segments identified on the list. We also were the first state in the nation to have seven water sources identified on the Department of Energy's property list. They are all on the Parajito Plateau. We had to fight like the dickens to get those listed because the Department of Energy fought against us having that happen. However, the EPA took our side and so now we will be allowed to take measurements up there on dissolved solids. We also might be a little stronger as far as regulating those streams. It's a big deal because DOE started fighting us last year and continued to fight us into the new administration. But the end result is that EPA has listed those seven sources on the Impaired Water List.

Through the work of Mimi Stewart, who was here earlier today, we enacted graywater legislation this past year. The Governor signed the legislation into law in the first 60-day session of his administration. The law will allow New Mexicans to reuse water such as

the water that comes out of the washing machine and not worry about breaking the law anymore. We are still tweaking with this a little bit and some of these issues will go before the Environmental Improvement Board next month. But it was a great accomplishment to get that legislation through and a lot of credit goes to Representative Stewart and Governor Richardson.

We are rewriting our liquid waste regulations. We have a committee that is being led by Anna Marie Ortiz, who is Director of the Field Operations Division in the Environment Department. The liquid waste regulations were all over the map and we couldn't tell whether they had been written for the people who sell liquid waste systems, or they had been written for realtors, or they were just being enforced poorly by the Environment Department. The rewritten regulations will go before the Environmental Improvement Board either in December or January.

The Drinking Water Bureau is charged with drinking water assessments and regulations for 1,300 to 1,400 water systems throughout New Mexico. Had it been a private sector entity on January 1st of this year, the bureau would have been in Chapter 7, it was belly-up financially. It had not met any of its responsibilities to the EPA, and more importantly, it was letting down a lot of the communities. We have turned that around completely, financially, and the EPA likes us again. They're not going to make us pay money back based on what was going on. This is a big accomplishment and it affects almost every New Mexican in the state.

The Governor along with the Attorney General recently joined 11 other states on new source review and opposing some of the changes proposed by the Bush administration. Why is this important to the quality of water? Simply because we have coal burning generating stations in the state of New Mexico that can affect the quality of water. We believe that opposing the Bush rollback of these regulations is important to the quality of water in this state, even though Public Service Company of New Mexico will not be changing any of its operations.

Let me list some of the things we are going to be doing in the future that I think are important. New Mexico is one of four states that does not have primacy for NPDES and over the next 12 to 18 months we are going to start looking at ways to get primacy in this state. The Environment Department has primacy on almost all other programs that we regulate: hazardous waste, solid waste, drinking water, and so on. There is no reason why we shouldn't have it in surface water.

The usual argument has been made that we can't afford to do it, that we can't fund the people. My response is that it is important that we in New Mexico have control over as much as we can without having to rely on the people in Dallas or Washington. We have talented people in the Environment Department to get it done, along with working with a number of you folks.

I am going to close here in just a minute, but I have to tell you one other reason I am upset about the Texans taking our water. You know in Texas, and this is a real concern to me since I am a single guy, but in Texas – remember, the people who are taking our water – you can be legally married by publicly introducing a person as your husband or wife three times. Now that's risky business, that's very risky business.

I would like to ask you as you leave your water conference today to keep in mind the word "holistic" because we keep that in mind everyday at the Environment Department. We are trying to get it ingrained, if you will, in the people who work there and into the people we affect because everything we do is connected to water quality. We have to continue to step back so that we can see if somebody does something in drinking water how it might affect somebody in air quality or vice-versa.

I want to thank you all for allowing me to speak to you today and I want to say again that I am having as much fun in my professional life as I have ever had and I thank the Governor for that. It's really exciting to get up in the morning and look forward to going to work, and I do that everyday, seven days a week, maybe six. It is a pleasure to work for the Governor and it is a pleasure to have the opportunity to affect change and to help things get better in our environment and our health in the state of New Mexico.

One of my favorite quotes that I started telling my kids when they were young children comes from Ralph Waldo Emerson and I think it encapsulates a lot of the things that we talk about holistically in the environment. Ralph Waldo said, "We do not inherit the earth from our ancestors, we only borrow it from our children."

Thank you.