

US EPA ARCHIVE DOCUMENT

Am. Jur. 2d, A.L.R. and C.J.S. references. —
61A Am. Jur. 2d Pollution Control §§ 6, 134.

39A C.J.S. Health and Environment § 133.

74-1-7. Environmental improvement agency; duties.

A. The agency is responsible for environmental management and consumer protection programs. In that respect, the agency shall maintain, develop and enforce regulations and standards in the following areas:

- (1) food protection;
- (2) water supply, including regulations establishing a reasonable system of fees for the provision of services by the agency to public water supply systems, and water pollution as provided in the Water Quality Act [74-6-1 to 74-6-4, 74-6-6 to 74-6-13 NMSA 1978];
- (3) liquid waste;
- (4) air quality management as provided in the Air Quality Control Act [Chapter 74, Article 2 NMSA 1978];
- (5) radiation control as provided in the Radiation Protection Act [74-3-1 to 74-3-16 NMSA 1978];
- (6) noise control;
- (7) nuisance abatement;
- (8) vector control;
- (9) occupational health and safety as provided in the Occupational Health and Safety Act [50-9-1 to 50-9-25 NMSA 1978];
- (10) sanitation of public swimming pools and public baths;
- (11) plumbing, drainage, ventilation and sanitation of public buildings in the interest of public health;
- (12) medical radiation, health and safety certification and standards for radiologic technologists as provided in the Medical Radiation Health and Safety Act [61-14E-1 to 61-14E-12 NMSA 1978];
- (13) hazardous wastes and underground storage tanks as provided in the Hazardous Waste Act [Chapter 74, Article 4 NMSA 1978]; and
- (14) solid waste as provided in the Solid Waste Act.

B. Nothing in Subsection A of this section imposes requirements for the approval of subdivision plats in addition to those required elsewhere by law. Nothing in Subsection A of this section preempts the authority of any political subdivision to approve subdivision plats.

History: 1953 Comp., § 12-19-10, enacted by Laws 1971, ch. 277, § 10; recompiled as 1953 Comp., § 12-12-10 by Laws 1972, ch. 51, § 9; 1973, ch. 340, § 5; 1977, ch. 122, § 5; 1983, ch. 317, § 13; 1989, ch. 223, § 1; 1989, ch. 289, § 2; 1990, ch. 99, § 64.

Cross references. — For definition of "agency," see 74-1-3 NMSA 1978.

Solid Waste Act. — See 74-9-1 NMSA 1978 and notes thereto.

Agency is not given all-encompassing power to abate nuisances. *Gonzalez v. Whitaker*, 97 N.M. 710, 643 P.2d 274 (Ct. App. 1982).

Because that is within jurisdiction of courts. — It readily falls within the traditional jurisdiction of the court to enjoin, abate or impose damages for creation of a nuisance. *Gonzalez v. Whitaker*, 97 N.M. 710, 643 P.2d 274 (Ct. App. 1982).

No authority to deputize local officials. — The environmental improvement division (EID) may seek assistance from city and county law enforcement agencies to enforce asbestos disposal regulations pursuant to the Mutual Aid Act, 29-8-1 to 29-8-3 NMSA 1978, but it cannot deputize city or county law enforcement officials to act as EID agents to enforce the division's asbestos disposal regulations. 1987 Op. Att'y Gen. No. 87-48.

Law reviews. — For note, "On Building Better Laws for New Mexico's Environment," see 4 N.M.L. Rev. 105 (1973).

For note, "State Control of Low-Level Nuclear Waste Disposal," see 17 Nat. Resources J. 683 (1977).

Am. Jur. 2d, A.L.R. and C.J.S. references. —
39A C.J.S. Health and Environment § 133.

74-1-8. Environmental improvement board; duties.

A. The board is responsible for environmental management and consumer protection. In that respect, the board shall promulgate regulations and standards in the following areas:

- (1) food protection;
- (2) water supply, including regulations establishing a reasonable system of fees for the provision of services by the agency to public water supply systems;