

1 HOUSE BILL 114

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Brian F. Egolf, Jr.

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10 AN ACT

11 RELATING TO THE DEPARTMENT OF ENVIRONMENT; PROHIBITING FALSE
12 STATEMENTS TO THE DEPARTMENT; PROVIDING PENALTIES.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. A new section of the Environmental Improvement
16 Act is enacted to read:

17 "[NEW MATERIAL] FALSE STATEMENTS TO THE DEPARTMENT--
18 PENALTIES.--

19 A. No person regulated by the department shall:

20 (1) make a false written statement or
21 representation to an employee of the department about a
22 material fact that is relevant to the department's
23 determination of compliance with a statute or a rule;

24 (2) make a false statement, representation,
25 certification or omission of material fact in an application,

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underscored material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 record, report, plan or other document filed with or submitted
2 to the department, or required by rule to be maintained by the
3 person regulated by the department;

4 (3) falsify, tamper with or render inaccurate
5 any device, method or record to be relied upon by the
6 department to monitor or track information;

7 (4) falsify to or conceal from the department
8 a material fact; or

9 (5) make or use any document with the
10 knowledge that the document contains material false statements
11 or representations.

12 B. A person who violates or causes or authorizes
13 another person to violate Subsection A of this section may be
14 issued a compliance order pursuant to Section 74-1-10 NMSA 1978
15 with a penalty of up to ten thousand dollars (\$10,000) and may
16 be ordered to take any action the department finds necessary to
17 remediate the consequences of the person's violation. A
18 monetary penalty shall not be assessed under this subsection
19 for a violation that is discovered by the person regulated by
20 the department; provided that the person immediately notifies
21 the department of the violation in writing and agrees in
22 writing to promptly take any action the department finds
23 necessary to remediate the consequences of the violation.

24 C. The department shall include a prominently
25 placed warning on all department forms or documents that are

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1 completed by persons regulated by the department providing that
2 making false statements on the department form or document may
3 subject the person making the false statement to civil
4 penalties. A form that does not include a warning as required
5 by this subsection shall not be admitted into evidence for any
6 purpose in a proceeding brought pursuant to this section.

7 D. For the purposes of this section, "person
8 regulated by the department" means:

9 (1) an applicant for or holder of a liquid
10 waste permit issued or to be issued pursuant to the
11 Environmental Improvement Act and applicable rules;

12 (2) a person who owns a liquid waste system
13 subject to a permit requirement who has failed to obtain the
14 required permit;

15 (3) an owner or operator of a public water
16 system subject to the Environmental Improvement Act and
17 applicable rules; or

18 (4) an agent or other person acting on behalf
19 of any of the persons covered by Paragraphs (1) through (3) of
20 this subsection."