

## RESOLUTION NO. 2009-02

### NON-SUPPORT OF INCREASING LANDFILL PERMIT FEES

**WHEREAS**, the Grant County Economic Development Coalition for Progress is an association of governmental entities ("Coalition") formed under the Joint Powers Act of the State of New Mexico, consisting of Grant County, and the municipalities of Town of Silver City, City of Bayard, Village of Santa Clara and Town of Hurley; and

**WHEREAS**, among the Coalition's purposes is to take actions which preserve, protect, and develop the economic well-being of the public which it serves; and

**WHEREAS**, the South West Solid Waste Authority ("SWSWA") is a permitted regional landfill, established in 1996 under the Joint Powers Act of the State of New Mexico, consisting of Grant County, Hidalgo County, and the municipalities of Town of Silver City, City of Bayard, Village of Santa Clara, Town of Hurley, and City of Lordsburg; and

**WHEREAS**, there exists proposed legislation which would amend the Solid Waste Act of the State of New Mexico to create an annual permit fee of up to \$100,000 which would be assessed upon permitted landfills such as the type operated by SWSWA; and

**WHEREAS**, if such Amendment were made, there would of necessity be a consequential and significant increase in operating costs of SWSWA, and other permitted landfills throughout the State, requiring the increase of dumping fees assessed upon residential and commercial customers within the respective service areas; and

**WHEREAS**, it appears that the proposed "annual fee" will likely be used to subsidize certain responsibilities of the State of New Mexico Solid Waste Bureau which have nothing to do with the inspection and administration of permitted landfills, including the regulation of unpermitted landfills, registered landfills, and illegal dumping; and

**WHEREAS**, the present regulatory system involving the administration and regulation of unpermitted landfills, registered landfills and illegal dumping relies upon funding from the State's

general fund, which is a fair allocation of the costs to the public for activities which directly affect the public at large; and

**WHEREAS**, the proposed Amendment is against the public interest because it unfairly places the burden of funding the Solid Waste Bureau's general administration upon a small group of entities who are in compliance with State requirements at great costs to themselves, as well as having the more profound effect of encouraging illegal dumping by those seeking to avoid the increase in dumping fees that will result as a consequence of the proposed Amendment.

**THEREFORE BE IT RESOLVED, THAT:**

The Town Council of the Town of Silver City does hereby express its opposition to the proposed Amendment to the Solid Waste Act (Section 74-9-8 N.M.S.A. 1978) which seeks to establish an annual permit fee schedule for each holder of a permit for solid waste processing, transformation, and disposal facilities. The Town Council of the Town of Silver City supports the continuation of the funding for inspections and "other activities undertaken by the division" from the State's general fund, as has been the case.

**PASSED, ADOPTED AND APPROVED** this 24<sup>th</sup> day of February, 2009.

(Seal)

/s/

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A. Judith Ward, President Pro Tempore

Attest:

/s/

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Ann L. Mackie, Town Clerk