CCW and GRIP: Backgrounder about the NM Water Quality Control Commission and the NM Water Quality Standards
Triennial Review Public Hearing Begins on Tuesday, July 13th, 2021
Public Comments Needed

What is the NM Water Quality Control Commission (WQCC)? The WQCC manages water quality and is NM's water pollution control agency. The WQCC will begin the Triennial Review public hearing on July 13th, 2021.

There are 14 members of the WQCC. The NM Water Quality Act requires that membership include:

1) two Secretaries of the Environment Department and the Health Department (or a designated member of either Secretary's staff);

2) four Directors of the Department of Game and Fish, the State Parks Division of the Energy, Minerals and Natural Resources Department, the Department of Agriculture and the Bureau of Geology and Mineral Resources at the New Mexico Institute of Mining and Technology (or a designated member of a Director's staff);

3) the State Engineer (or designated member of State Engineer's staff); and

4) two Chairs, or their designees, of the Oil Conservation Commission and the Soil and Water Conservation Commission.

To these ten individuals are added five others: a municipal or county government representative; and four representatives of the public appointed by the Governor for terms of four years. At least one public member shall be a member of a New Mexico Indian Tribe or Pueblo. https://www.env.nm.gov/water-quality-control-commission/wqcc-legislation/

The WQCC meets monthly. To subscribe to the WQCC list serve: https://www.env.nm.gov/water-quality-control-commission/wqcc-meetings/, scroll down to the bottom of the page.

What is covered by the Surface Water Quality Standards? The 62 pages of the surface water quality standards are found at 20.6.4 NMAC (New Mexico Administrative Code) and are the subject of the Triennial Review. https://www.env.nm.gov/water-quality-control-commission/wqcc-regulations-standards/

Because the standards do not provide a table of contents, we provide the following overview of the standards.

The standards begin with six pages of definitions of terms. 20.6.4.7 NMAC. They continue with the following section headings:

Antidegradation Policy and Implementation Plan, 20.6.4.8 NMAC;
Outstanding National Resource Waters (ONRW), 20.6.4.9 NMAC;
Review of Standards, Need for Additional Studies, 20.6.4.10 NMAC;
Applicability of Water Quality Standards , 20.6.4.11 NMAC;
Compliance with Water Quality Standards, 20.6.4.12 NMAC;
General Criteria, 20.6.4.13 NMAC;
Sampling and Analysis, 20.6.4.14 NMAC;
Use Attainability Analysis, 20.6.4.15 NMAC;
Planned Use of a Piscicide, 20.6.4.16 NMAC;

Basinwide Provisions, 20.6.4.50 NMAC; including
Pecos River Basin, 20.6.4.52 NMAC; and
Colorado River Basin, 20.6.4.54 NMAC.

The regulations then list all the water segments and closed basins with their designated uses, the applicable criteria, and remarks. The terms are technical. Key definitions are provided below:

A **segment** means "a classified water of the state described in 20.6.4.101 through 20.6.4.899 NMAC. The water within a segment should have the same uses, similar hydrologic characteristics or flow regimes, and natural physical, chemical and biological characteristics and exhibit similar reactions to external stresses, such as the discharge of pollutants." 20.6.4.7.S(2) NMAC.

A **designated use** means "a use specified in 20.6.4.97 through 20.6.4.899 NMAC for a surface water of the state whether or not it is being attained." 20.6.4.7.D(3) NMAC.

Criteria are "elements of state water quality standards, expressed as constituent concentrations, levels or narrative statements, representing a quality of water that supports a use. When criteria are met, water quality will protect the designated use." 20.6.4.7.C(10) NMAC.

When the New Mexico Environment Department (NMED) issues a discharge permit, the polluter is required to protect the segment into which the discharge occurs by complying with the designated use and applicable criteria.

The standards continue with:

A listing of Ephemeral Waters, with designated uses and criteria, 20.6.4.97 NMAC;
A listing of Intermittent Waters, with designated uses and criteria, 20.6.4.98 NMAC;
A listing of Perennial Waters, with designated uses and criteria, 20.6.4.99 NMAC;

A listing of segments (with designated uses, criteria and remarks) within the:

Rio Grande Basin, 20.6.4.101 – 140 NMAC;
Pecos River Basin, 20.6.4.201 - 231 NMAC;
Canadian River Basin, 20.6.4.301 – 318 NMAC;
San Juan River Basin, 20.6.4.401 – 410 NMAC;
Little Colorado River Basin, 20.6.4.451 – 453 NMAC;
Gila River Basin, 20.6.4.501 – 505 NMAC;
San Francisco River Basin, 20.6.4.601 – 603 NMAC;
Cimarron River, 20.6.4.701 – 702 NMAC;

Closed Basins:

Rio Tularosa 20.6.4.801 NMAC;
Three Rivers 20.6.4.802 NMAC;
Mimbres 20.6.4.803, 20.6.4.804; and 20.6.4.807 NMAC;
Sacramento river 20.6.4.805 NMAC;
Bear canyon reservoir 20.6.4.806 NMAC;
Chino mines 20.6.4.808; and 20.6.4.809 NMAC; and
Dog Canyon creek, 20.6.4.810 NMAC.

After listing the segments, the standards continue with two more sections. They are:

Criteria Applicable to Existing, Designated or Attainable Uses Unless Otherwise Specified in 20.6.4.97 through 20.6.4.899 NMAC, 20.6.4.900 NMAC; and
Publication References, 20.6.4.901 NMAC.