

Proposed Amendments to the New Mexico Drinking Water Regulations

The Drinking Water Bureau (“Bureau”) of the Water and Wastewater Infrastructure Development Division (“Division”) of the New Mexico Environment Department (“Department”) has petitioned the Environmental Improvement Board (“EIB”) to amend 20.7.10 NMAC of the Drinking Water Regulations. The EIB has the authority to amend the Drinking Water Regulations under NMSA 1978, Sections 74-1-8.

A public hearing will be held before the Environmental Improvement Board (“EIB”) on August 4, 2008 regarding this matter. For details regarding the time and location of the hearing please check the EIB website at <http://www.nmenv.state.nm.us/oosts/eib.htm>. The Bureau is required by the U.S. Environmental Protection Agency to make the proposed amendments in order for the State to retain its drinking water primacy. The proposed amendments are as follows:

- 20.7.10.100 NMAC currently incorporates by reference 40 CFR 141 through January 1, 2005. The Bureau is requesting that 40 CFR 141 be incorporated by reference through July 1, 2007. Incorporation of the federal regulations through this date is necessary due to the 2006 federal promulgation and enactment of 40 CFR 141.400 through .407 (“Ground Water Rule”), which aims to increase the protection of public water systems that use ground water sources from microbial pathogens (usually in the form of fecal contamination). Significant provisions of the Ground Water Rule include: sanitary surveys, microbial source water monitoring requirements, treatment technique requirements, and hydrogeologic sensitivity assessments.
- The Bureau is requesting to incorporate by reference the federally mandated Lead and Copper Rule. The final rule was published in the Federal Register on October 10, 2007, but has yet to be codified in the CFR. Therefore, the Bureau is proposing to adopt the Lead and Copper Rule by referencing the Federal Register in revised 20.7.10.100(A)(1).
- The Bureau is proposing to amend the date restriction of 40 CFR 143 (as found within 20.7.10.101 NMAC), which encompasses drinking water secondary standards. Currently, 20.7.10.100.101 NMAC contains a date limitation of January 1, 2005. The Bureau is requesting that the date be changed to July 1, 2007 in order to be consistent with the proposed date restrictions in 20.7.10.100 NMAC. There have been no substantive changes to 40 CFR 143 since 2005.

Click here to view a copy of the 20.7.10 NMAC with the proposed amendments.

The Drinking Water Bureau encourages your involvement in this process and seeks your input. Should you wish to meet with the Drinking Water Bureau to discuss these amendments in person, please submit written comments along with a request for a meeting, or call Darren Padilla at (505) 476-8631. All written comments and requests are to be received by July 1, 2008 and are to be addressed to:

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